

SPECIAL REPORT— DRAFT VARIATION TO THE TERRITORY
PLAN No. 308—COOYONG STREET URBAN RENEWAL AREA

STANDING COMMITTEE ON PLANNING, ENVIRONMENT AND TERRITORY
AND MUNICIPAL SERVICES

OCTOBER 2013

REPORT 3

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| Mr Alistair Coe MLA | Deputy Chair |
| Dr Chris Bourke MLA | Member |
| Mr Andrew Wall MLA | Member |

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RESOLUTION OF APPOINTMENT

On 27 November 2012 the ACT Legislative Assembly agreed by resolution to establish legislative and general purpose standing committees 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, including:

- (e) a Standing Committee on Planning, Environment and Territory and Municipal Services to examine matters related to planning, public works, land management, municipal and transport services, heritage and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.

The Assembly agreed that each committee shall have power to consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

TERMS OF REFERENCE

In relation to a draft plan variation to the Territory Plan, section 73 (2) of the *Planning and Development Act 2007* states:

The Minister may, not later than 20 working days after the day the Minister receives the draft plan variation, refer the draft plan variation documents to an appropriate Committee of the Legislative Assembly together with a request that the Committee report on the draft plan variation to the Legislative Assembly.

The Minister for the Environment and Sustainable Development, Mr Simon Corbell MLA, referred draft variation to the Territory Plan No 308: Cooyong Street Urban Renewal Area to the Standing Committee on Planning, Environment and Territory and Municipal Services on 8 February 2013.

¹ Legislative Assembly for the ACT, Minutes of Proceedings No. 2, 27 November 2012, pp. 24-27, accessible at <http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/MoP%202.pdf>

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1 SPECIAL REPORT

SUMMARY OF THE INQUIRY

- 1.1 On 8 February 2013, pursuant to section 73 of the *Planning and Development Act 2007* (the Act), the Minister for the Environment and Sustainable Development, Mr Simon Corbell MLA, referred draft variation to the Territory Plan No 308 – Cooyong Street Urban Renewal Area, to the Standing Committee on Planning, Environment and Territory and Municipal Services (the Committee) for consideration and report to the Legislative Assembly (the Assembly).
- 1.2 The Committee advertised for submissions in *The Canberra Times* on Saturday, 9 March 2013 and *The Chronicle* on Tuesday, 12 March 2013, as well as directly emailing those who had provided submissions to the Environment and Sustainable Development Directorate public consultation process. The Committee received 32 submissions which are available at: http://www.parliament.act.gov.au/in-committees/standing_committees/Planning,-Environment-and-Territory-and-Municipal-Services/DV308/submissions?inquiry=434966.
- 1.3 Officials from the Environment and Sustainable Development Directorate provided the Committee with a briefing on 6 March 2013. On the same day, the Committee undertook a site visit and received additional information from officials from ESDD and the Community Services Directorate.
- 1.4 At the invitation of the Executive Committee, Body Corporate, Argyle Square Stage 1, the Committee undertook a site visit around the Argyle Square complex in Reid on 22 May 2013.
- 1.5 The Committee held six public hearings and heard from 16 witnesses. The transcripts of proceedings are accessible at: <http://www.hansard.act.gov.au/hansard/2013/comms/default.htm#planning>. There were three questions taken on notice at public hearings. Answers to these questions are available on the inquiry webpage: http://www.parliament.act.gov.au/in-committees/standing_committees/Planning,-Environment-and-Territory-and-Municipal-Services/DV308?inquiry=434966.
- 1.6 The Committee has been unable to agree upon a report for this inquiry. Therefore, in accordance with *House of Representatives Practice*², the Committee presents this Special Report to advise it has been unable to agree upon a report, and to present a summary of its proceedings.

² Commonwealth of Australia, 2001, *House of Representatives Practice*, 4th edn, pp. 667-668.

Mick Gentleman MLA

Chair

16 October 2013

DISSENTING REPORT—MR GENTLEMAN MLA AND DR BOURKE MLA

DISSENTING REPORT TO PETAMS COMMITTEE SPECIAL REPORT

DRAFT VARIATION TO THE TERRITORY PLAN No. 308
COOYONG STREET URBAN RENEWAL AREA

STANDING COMMITTEE ON PLANNING, ENVIRONMENT AND TERRITORY
AND MUNICIPAL SERVICES

OCTOBER 2013

REPORT AUTHORS

Mr Mick Gentleman MLA Chair

Dr Chris Bourke MLA Member

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ACRONYMS

| | |
|-------|---|
| ACAT | ACT Civil and Administrative Appeals Tribunal |
| ACPLA | ACT Planning and Land Authority |
| CSD | Community Services Directorate |
| DV | Draft Variation |
| ESDD | Environment and Sustainable Development Directorate |
| HSR | High Speed Rail |
| MUP | Multi Unit Properties |

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RECOMMENDATIONS

RECOMMENDATION 1

1.20 Mr Gentleman and Dr Bourke recommend that Draft Variation to the Territory Plan No 308 proceed subject to the recommendations set out in this report.

RECOMMENDATION 2

5.22 Mr Gentleman and Dr Bourke recommend that land be rezoned to allow high density residential development and mixed-use development.

RECOMMENDATION 3

5.25 Mr Gentleman and Dr Bourke recommend that the Community Services Directorate conduct a Community Facilities Needs Assessment.

RECOMMENDATION 4

5.57 Mr Gentleman and Dr Bourke recommend that the proponent works with ESDD to undertake further analysis of the likely traffic and parking impact and that the outcomes of the study are included in any future Development Application.

RECOMMENDATION 5

5.63 Mr Gentleman and Dr Bourke recommend that the proponent investigate options to facilitate greater use of sustainable transport options.

RECOMMENDATION 6

5.87 Mr Gentleman and Dr Bourke recommend that the height of the buildings be reduced.

RECOMMENDATION 7

5.88 Mr Gentleman and Dr Bourke recommend that the development ensure compliance with the requirements of RL617.

RECOMMENDATION 8

5.111 Mr Gentleman and Dr Bourke recommend that the Conservator of Flora and Fauna conduct a further review of the trees to be included in the redevelopment.

RECOMMENDATION 9

5.124 Mr Gentleman and Dr Bourke recommend that the proponent investigate the impact on the proposed development of the non-sale of the Catholic Church site.

RECOMMENDATION 10

- 7.17 Mr Gentleman and Dr Bourke recommend that the Community Services Directorate develop a communication and consultation strategy to inform and advise current public housing residents on the site.**

RECOMMENDATION 11

- 7.18 Mr Gentleman and Dr Bourke recommend that a high level of public housing continue to be supported in the new development.**

1 INTRODUCTION

CONDUCT OF THE INQUIRY

- 1.1 On 8 February 2013, pursuant to section 73 of the *Planning and Development Act 2007* (the Act), the Minister for the Environment and Sustainable Development, Mr Simon Corbell MLA, referred draft variation to the Territory Plan No 308 – Cooyong Street Urban Renewal Area, to the Standing Committee on Planning, Environment and Territory and Municipal Services (the Committee) for consideration and report to the Legislative Assembly (the Assembly).
- 1.2 The Committee advertised for submissions in *The Canberra Times* on Saturday, 9 March 2013 and *The Chronicle* on Tuesday, 12 March 2013, as well as directly emailing those who had provided submissions to the Environment and Sustainable Development Directorate public consultation process. The Committee received 31 submissions and a list of these is provided at Appendix A.
- 1.3 Officials from the Environment and Sustainable Development Directorate provided the Committee with a briefing on 6 March 2013. On the same day, the Committee undertook a site visit and received additional information from officials from ESDD and the Community Services Directorate.
- 1.4 The Committee held six public hearings and heard from 16 witnesses. A list of witnesses who appeared before the Committee is provided at Appendix B. The transcripts of proceedings are accessible at: <http://www.hansard.act.gov.au/hansard/2013/comms/default.htm#planning>. There were three questions taken on notice at public hearings. Answers to these questions are available on the inquiry webpage: http://www.parliament.act.gov.au/in-committees/standing_committees/Planning,-Environment-and-Territory-and-Municipal-Services/DV308?inquiry=434966.
- 1.5 At the invitation of the Executive Committee, Body Corporate, Argyle Square Stage 1, the Committee undertook a site visit around the Argyle Square complex in Reid on 22 May 2013.
- 1.6 On 8 August 2013, pursuant to Standing Order 246A, the Chair of the Committee made a statement to the Assembly to advise that the Committee would present its report by 6 September 2013.²

² Legislative Assembly for the ACT, Minutes of Proceedings No. 28, 8 August 2013, p. 276, accessible at http://www.parliament.act.gov.au/data/assets/pdf_file/0008/480473/MoP028F.pdf.

ACKNOWLEDGEMENTS

- 1.7 Mr Gentleman and Dr Bourke would like to thank officials from the Environment and Sustainable Development Directorate for their time in briefing the Committee, for providing the opportunity to discuss the draft variation and for conducting the site visit. Mr Gentleman and Dr Bourke extend this thanks to officials from the Community Services Directorate for also providing information at the site visit.
- 1.8 Mr Gentleman and Dr Bourke would also like to thank the Executive Committee, Body Corporate, Argyle Square Stage 1 for their time and willingness to provide the Committee with a site visit around the Argyle Square complex in Reid.
- 1.9 Mr Gentleman and Dr Bourke would especially like to extend its thanks to everyone who provided information and evidence to this inquiry, including directorate officials, interested organisations and members of the community.

SCOPE OF THE REPORT

- 1.10 Mr Gentleman and Dr Bourke acknowledge the high level of community interest in this inquiry. Given the extensive range of issues included in DV308, Mr Gentleman and Dr Bourke sought to focus their attention on a limited number of key areas.
- 1.11 The structure of this report is as follows:
- Chapter 1: Introduction;
 - Chapter 2: Planning in the Australian Capital Territory;
 - Chapter 3: The Draft Planning Variation;
 - Chapter 4: Precinct Codes;
 - Chapter 5: Issues (including rezoning, parking and traffic, height and scale, amenity, heritage, and city and residential boundaries);
 - Chapter 6: Consultation; and
 - Chapter 7: Other Issues (including public housing, Government Directorate as proponent and high speed rail).
- 1.12 The majority of evidence provided to the Committee indicated support for development taking place on the site of the Allawah, Bega and Currong Flats in Braddon and Reid. It was observed

that the area proposed for redevelopment is in a poor state of repair and would benefit from development and upgrade.³

- 1.13 The Committee was advised about a number of benefits that would result from development in the area, such as improving amenity and increasing access to the city centre. It was also noted that the proposed redevelopment would allow approximately 2,500 people easy walking and cycling access to the city centre.⁴
- 1.14 The Committee also heard evidence from witnesses who supported redevelopment of the site in-principle but were concerned about a number of components of the draft variation.
- 1.15 One submission noted that the majority of respondents to the consultation accepted that redevelopment in the nominated area is required, however the scale of the development is excessive.⁵ Similarly, Mr Peter Strang in a submission to the Committee, stated, 'I would like to see re-development of this area, with a moderate increase in density, but not at the expense of the amenity of existing residents'.⁶
- 1.16 Ms Claire Bickmore acknowledged that redevelopment of the ABC flats was necessary and it provided 'an excellent place for people with fewer resources on which to live' in particular the proximity to transport and shops.⁷ Another submission indicated that they were not opposed to the redevelopment but questioned the lack of public housing in the new development.⁸
- 1.17 These matters are discussed in further detail throughout this report.

COMMITTEE COMMENTS

- 1.18 Mr Gentleman and Dr Bourke note the broad support for redevelopment of the area. However, Mr Gentleman and Dr Bourke also note the range of issues raised by members of the community and that some of these require additional assessment and attention before determining the final form of the variation.
- 1.19 Mr Gentleman and Dr Bourke are of the view that, on balance, DV308 provides a positive plan for redevelopment of the area.

³ Submission No. 8, p. 1.

⁴ Submission No. 3, p. 1.

⁵ Submission No. 26, p. 1.

⁶ Submission No. 27, p. 1.

⁷ Submission No. 18, p. 1.

⁸ Submission No. 12, p. 1.

Recommendation 1

- 1.20 Mr Gentleman and Dr Bourke recommend that Draft Variation to the Territory Plan No 308 proceed subject to the recommendations set out in this report.**

2 PLANNING IN THE AUSTRALIAN CAPITAL TERRITORY

- 2.1 This chapter outlines the planning framework in the Australian Capital Territory (ACT) and briefly outlines the evolution of the Territory Plan from its inception, through early reviews and restructures, to the present day review of the policy content of the Plan.
- 2.2 The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) sets out the overarching legal framework for the planning of, and management of the land in, the Australian Capital Territory.⁹ It establishes the National Capital Authority, one of the functions of which is to prepare and administer a National Capital Plan.¹⁰ The objective of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.¹¹
- 2.3 The *Australian Capital Territory (Planning and Land Management) Act 1988* also provided for the ACT Legislative Assembly to make laws to establish a Territory planning authority, and to confer on that authority the function of preparing and administering a Territory Plan.¹² These requirements were incorporated into the *Interim Planning Act 1990* (ACT)¹³ and subsequently, with expanded environmental assessment and heritage provisions, into the *Land (Planning and Environment) Act 1991* (ACT).¹⁴
- 2.4 In 2008, as part of the reform of the ACT planning system, the *Land (Planning and Environment) Act 1991* was replaced by the *Planning and Development Act 2007* (the Act),¹⁵ which includes the provision for the Planning and Land Authority (the Authority)¹⁶ and the Territory Plan.¹⁷
- 2.5 The object of the Territory Plan is to ensure that, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.¹⁸

⁹ Accessible at http://www.comlaw.gov.au/Details/C2012C00035/Html/Text#_Toc310442932.

¹⁰ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 5.

¹¹ *Australian Capital Territory (Planning and Land Management) Act 1988*, section 6.

¹² *Australian Capital Territory (Planning and Land Management) Act 1988*, section 25.

¹³ Accessible at <http://www.legislation.act.gov.au/a/1990-59/19910312-4997/pdf/1990-59.pdf>.

¹⁴ Accessible at <http://www.legislation.act.gov.au/a/1991-100/default.asp>.

¹⁵ Accessible at <http://www.legislation.act.gov.au/a/2007-24/current/pdf/2007-24.pdf>.

¹⁶ *Planning and Development Act 2007*, section 10.

¹⁷ *Planning and Development Act 2007*, section 46.

¹⁸ *Planning and Development Act 2007*, section 48.

- 2.6 Under section 50 of the Act, the ‘Territory, the Executive, a Minister or a territory authority must not do any act, or approve the doing of an act, that is inconsistent with the territory plan’.
- 2.7 The Act requires the Territory Plan to set out the planning principles and policies for achieving its objective in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.¹⁹
- 2.8 The Territory Plan includes:
- a statement of strategic directions;
 - a map;
 - objectives and development tables applying to each zone;
 - a series of general, development and precinct codes; and
 - structure plans and concept plans for the development of future urban areas.²⁰
- 2.9 The Territory Plan graphically represents the applicable land use zones under the following categories:
- Residential;
 - Commercial;
 - Industrial;
 - Community Facility;
 - Urban Parks and Recreation;
 - Transport and Services; and
 - Non-Urban.²¹
- 2.10 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan, prepared by the Authority for stakeholder comment.²² There can be a number of versions of a draft plan variation depending on the consultation program.
- 2.11 Under the Act the Minister²³ has the discretion to refer a draft plan variation, within 20 working days of receiving it,²⁴ to an appropriate committee of the ACT Legislative Assembly (the Assembly) for consideration and reporting.²⁵

¹⁹ *Planning and Development Act 2007*, section 49.

²⁰ *Planning and Development Act 2007*, section 51.

²¹ See NI2008-27, accessible at <http://www.legislation.act.gov.au/ni/2008-27/current/default.asp>.

²² *Planning and Development Act 2007*, section 60.

²³ The minister responsible for administering the provisions of the *Planning and Development Act 2007*, currently the Minister for the Environment and Sustainable Development – see section 162 of the *Legislation Act 2001 (ACT)*.

²⁴ Under section 70 of the *Planning and Development Act 2007*, the planning and land authority must prepare a public availability notice advising that draft variation documents, which have been provided to the minister, are available for

public inspection. This notice, which is a notifiable instrument, may be accessed via the ACT Legislation Register website at <http://www.legislation.act.gov.au/>.

²⁵ *Planning and Development Act 2007*, section 73. The Standing Committee on Planning, Environment and Territory and Municipal Services is currently the appropriate committee.

3 THE DRAFT PLANNING VARIATION

3.1 Draft variation to the Territory Plan No. 308 proposes to:

- rezone Braddon Section 52 from RZ4 (medium density residential) to a combination of RZ5 (high density residential) and PRZ1 (urban open space), on part of the land fronting Currong Street, and CZ5 (mixed use commercial) on part of the land fronting Cooyong Street;
- rezone Reid section 7 from RZ4 to CZ5; and
- rezone Braddon section 57 from CFZ (community facility zone) to a combination of RZ5 (high density residential), on part of the site fronting Cooyong Street, and CZ5 (mixed use commercial) on part of the site fronting Currong Street.²⁶

3.2 The draft variation does not have interim effect.²⁷

3.3 Sections 52 & 57 Braddon and Section 7 Reid (the site) are two discreet parcels of land comprising an area of 5.03 hectares located close to the city centre. The Braddon component of the site is bounded by Cooyong Street, Donaldson Street and Currong Street, with the Reid component bounded by Kogarah Lane and Boolee Street. The two components of the site are separated by Ainslie Avenue.²⁸

3.4 Section 57 Braddon is leased by various organisations within the Catholic Church. In establishing the planning context of Section 52 Braddon and Section 7 Reid, the impact on Section 57 needed to be considered. It is noted that ACTPLA has been reviewing the planning policies for land to the north of Section 57 Braddon, including the Braddon Service Trade Area.²⁹

3.5 With respect to Section 57, it is a matter for each lessee to decide whether to proceed with the development to the site, consistent with the Territory Plan, if it is varied, and any other provisions that apply to development of the site. The Catholic Church is proposing to develop the Cathedral precinct in Griffith (Manuka). The Planning Report notes that the Catholic Church and CSD are negotiating a possible sale of Block 7 (on which St. Patrick's Church and Favier House are located).³⁰

²⁶ Draft Variation 308 – recommended version, February 2013, p. 5. See also Figures 2 and 3, p.3 and p. 7 respectively.

²⁷ Draft Variation 308 – recommended version, February 2013, p. 6.

²⁸ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. ii.

²⁹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 3.

³⁰ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 3.

- 3.6 The Catholic Church has also indicated that it supports a Catholic worship space within the site (Section 57 Braddon) should the redevelopment of Section 57 proceed.³¹
- 3.7 Additional information about the current land use and leasing arrangements is provided in the Planning Report.³²

OBJECTIVE OF THE PROPOSED REDEVELOPMENT

- 3.8 The Planning Report states that the objective of the proposed redevelopment is 'to achieve a new benchmark for residential accommodation that:
- Highlights environmentally sustainable development;
 - Promotes an inclusive community in inner city living, including public housing and community facilities;
 - Responds to changing market demands, including an ageing community through adaptable housing and universal design principles; and
 - Optimises the financial return from the development of the site'.³³
- 3.9 The Planning Report states that the proposed redevelopment would contain the following key elements:
- Increased residential density in the inner city to achieve ACT Government objectives for sustainable inner city living. Sustainable mixed use residential development that showcases a wide range of practical environmental initiatives including energy and water conservation, residential amenity, heritage, landscape, and transport;
 - Consistency with broader strategic planning objectives;
 - Retention of social housing in the city centre with improved housing outcomes;
 - Source of revenue through to the Territory land sales and development;
 - A development opportunity staged to meet market demand;
 - Increase site permeability by extending the existing street grid through the site to Currong Street;
 - Provision for enhanced community uses on-site including continued provision of a place of worship on its current site;
 - A major redevelopment that will have minimal disruption to adjacent land uses; and

³¹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 3.

³² Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 4 (Table 1-1).

³³ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. ii.

- Protection of Registered Trees.³⁴

3.10 The residential buildings on the site are part of a number of dwellings, located within multi-unit properties (MUPs), which are owned by the Commissioner for Social Housing. While located near public transport, employment and community facilities, and public transport, many MUPS, including those on the site, have many problems including age, non-compliance with current building codes and standards, and the inability to cater for people with special needs or a variety of household types.³⁵

3.11 It is intended to retain at least 10 per cent of the units as public housing as part of the proposed redevelopment of section 52 Braddon and section 7 Reid.³⁶

CONSULTATION ON THE DRAFT VARIATION

3.12 The Environment and Sustainable Development Directorate (ESDD) public consultation process on Draft variation No 308 was as follows:

- the draft variation, relevant background documents (Planning Report) and a fact sheet were publicly available for 50 working days between 28 November 2011 and 20 February 2012;
- notice of the consultation was published in the *Canberra Times* on Wednesday, 30 November 2011, in the community notice board in the *Canberra Times* on Saturday, 3 December 2011, and in the *Chronicle* on Tuesday 6 December 2011;
- a notice of the consultation was placed on the ESDD web site along with a copy of the draft variation and supporting documents between 30 November 2011 and 20 February 2012 (a copy of the draft variation was also placed on the ACT Government community engagement website and the Community Services Directorate (CSD) website during this period);
- a consultation notice in the form of a notifiable instrument – NI2011-727 – was placed on the ACT legislation website;
- pamphlets were delivered to the area bounded by Cooyong St, Donaldson St, Elimatta St and Coranderrk St during December 2011 and early January 2012;
- four A1 size posters were displayed at the Boomerang Room, Gorman House and Griffin Centre around the site between 7 February 2012 and 16 February 2012;

³⁴ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. viii.

³⁵ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 2.

³⁶ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 20.

- drop in session was held from 4:30pm to 6:00pm on 9 February 2012 at the Boomerang Room, Currong Apartments in Braddon, with a notice about the session placed on the *Canberra Times* in 8 February 2012;
 - a meeting between ESDD and the residents of the Argyle Square was held on 1 February 2012 at the Dame Pattie Menzies House, 16 Challis Street in Dickson.
 - a further information session was held by CSD from 6.30pm to 8.30pm on 16 February 2012 at the National Convention Centre, Constitution Avenue, Canberra, with notices of the information session placed on the ESDD and CSD web sites, the ACT Government community engagement website and in the *Canberra Times*.³⁷
- 3.13 ESDD received 129 submissions during the formal public notification period with a further eight late submissions accepted. Of these, the majority were from individuals with submissions also received from the North Canberra Community Council, the Walter Burley Griffin Society, the National Trust of Australia, ACT Shelter, Reid Residents Association and the ACT Greens.
- 3.14 Approximately 55 per cent of submissions were received from residents of Reid and around 15 per cent from Braddon residents. Four of the 137 submissions supported the draft variation.³⁸
- 3.15 In response to public comments, changes were made to the exhibited version of the draft variation:
- inclusion of a statement of desired character;
 - Rule 1 – rule, which was superfluous, removed but criterion remains;
 - Rule R3 a) - Increase of on-street parking from 180 to 222 spaces;
 - Figure 2–
 - identification of areas used for calculating plot ratios; and
 - identification of a road stub on Reid section 7 at the intersection of Akuna and Cooyong Streets;
 - Figure 3–
 - identification of a landscape corridor on Reid section 7; and
 - identification of a building setback to Kogarah Lane
 - R10 - clarification that R10 replaces rule and criterion R1 and C1 of the mixed use zone development code;
 - Rule R11 – clarification that the rule applies to parcel *Ab* in Figure 2;

³⁷ Environment and Sustainable Development Directorate, Report on Consultation. Draft Variation to the Territory Plan No 308 Cooyong Street Urban Renewal Precinct [Consultation Report], January 2013, pp. 4-5.

³⁸ Consultation Report, January 2013, p. 5.

- Figure 4 –
 - simplification of the height provisions;
 - amendment of the height provisions to reflect changes to building heights in Rule R13; and
 - removal of the convenience retailing which is now identified in Figure 2 and per amendments to Rule R11;
- Rule R13–
 - changes to the height of buildings: in area B - fronting Kogarah Lane to a maximum of 16 metres above datum ground level and in area C – fronting the proposed service lane and on its intersection with Ainslie Avenue to a maximum of 22metres above datum ground level; and
 - inclusion of a note, clarifying that the provisions of the heritage register prevail;
- inclusion of rule R15 and criterion C15 – provisions for plot ratios for each of the eight proposed land parcels;
- Rule R16 – clarification that the setback to Cooyong Street does not include parcel *Ab*;
- inclusion of rule R21 and criterion C21 for a setback of buildings and basements to Kogarah Lane of 9 and 6 metres respectively;
- inclusion of rule R22 and criterion C22 for a landscape corridor on Reid section 7; and
- Criterion C23 – inclusion of a new item b) requiring modulation in building heights across the site and along Cooyong Street.³⁹

3.16 While the final design for the proposed redevelopment will not be available until the development application stage, in addition to the changes made to the draft variation, the Community Services Directorate made changes to its proposal in the light of public comments:

- the following additional reports and investigations were submitted by CSD:
 - a view analysis between the city centre and Mt Ainslie along Ainslie Avenue; and
 - a Traffic and Parking Assessment;
- revisions to the concept master plan including–
 - reduced building heights at the southern end of Section 52 (at the intersection of Cooyong Street and Ainslie Avenue and along Ainslie Avenue) except the 15 storey element which is retained;
 - reduced building heights at the northern end of Section 7 Reid and along Kogarah Lane except the 15 storey element which is retained;
 - increased building heights along the southern end of Section 7 Reid along Cooyong Street;

³⁹ Consultation Report, January 2013, pp. 6-7.

- improved traffic access and egress from Reid Section 7 onto Cooyong Street;
 - additional access from Reid section 7 onto Boolee Street; and
 - reduced the number of buildings that will use Kogarah Lane for traffic access and egress;
- revised parking plan;
 - revised overshadowing diagram; and
 - revised perspective and yield diagram.⁴⁰

3.17 Mr Gentleman and Dr Bourke note that advice about the drop in session was placed in the Canberra Times the day before it was to take place. Mr Gentleman and Dr Bourke consider that the timeline including dates for information and other consultation sessions should be advised well in advance as part of initial material distributed or notified for a draft variation, particularly when the relevant events take place over a holiday period.

⁴⁰ Consultation Report, January 2013, p. 8.

4 PRECINCT CODES

BACKGROUND

- 4.1 As outlined in the Territory Plan, Suburb Precinct Codes provide additional planning, design and environmental controls for individual blocks and may also contain references to provisions in other codes.⁴¹
- 4.2 Precinct codes contain additional rules and/or criteria for particular blocks or parcels identified on the precinct map, to be read in conjunction with the relevant development code. Each element has one or more rules and, unless the respective rule is mandatory, each rule has an associated criterion. Rules provide quantitative, or definitive, controls whereas criteria are chiefly qualitative in nature.⁴²
- 4.3 Draft variation 308 would make changes to the existing Braddon and Reid precinct codes.
- 4.4 Under the draft variation, it is proposed that the Braddon Precinct Map be amended to impose additional rules and criteria to Section 57, Braddon. This will insert RC2 –Cooyong Street urban renewal area into the existing Braddon Precinct Map and Code.⁴³
- 4.5 It is also proposed that the Reid Precinct Map be amended to impose additional rules and criteria to Section 7, Reid. This will insert RC2 –Cooyong Street urban renewal area into the existing Reid Precinct Map and Code.⁴⁴
- 4.6 The Committee sought additional information about the precinct codes from the Minister for the Environment and Sustainable Development and was advised that:

So what is proposed here for variation 308 for the Cooyong Street area is that the precinct code will set the building heights. It will set the plot ratio requirements around those sorts of things—how the buildings interface with Cooyong Street and probably setbacks to Kogarah Lane. This is what the variation has proposed. It was put on exhibition and then obviously some amendments were made in response to the community feedback we got to draft a precinct code to control—if the Assembly

⁴¹ Suburb Precinct Codes, Introduction, p. 1.

⁴² Reid Precinct Map and Code, p. 4; Braddon Precinct Map and Code, p. 5.

⁴³ Draft Variation 308 – recommended version, February 2013, p. 8. See also Appendix 1, p. 1; Appendix 2, pp. 1-13.

⁴⁴ Draft Variation 308 – recommended version, February 2013, p. 8. See also Appendix 3, p. 1; Appendix 4, pp. 1-11.

ultimately passes the variation—the outcome on the site. That is what the precinct code is designed to do.⁴⁵

ISSUES RELATED TO PRECINCT CODES

- 4.7 Mr Chris Emery, a resident from Reid submitted that the proposed Precinct Code will ‘bypass most of the sensible provisions and protections of the Code for Multi-Unit Housing and RZ5 Zoning by allowing heights of 6 and 5 storeys adjacent to existing RZ4 (3 and single storey) low and medium-density developments’.⁴⁶
- 4.8 Further to this, Mr Emery recommended that ‘the DV308 Precinct Code should be scrapped and the development proceed in accordance with the full protections provided by the Code for Multi-Unit Housing Development and RZ5 High Density zoning’.⁴⁷
- 4.9 Another submission from a Braddon resident noted that ‘a distinct precinct code that would override almost all other controls is not warranted’.⁴⁸
- 4.10 The Executive Committee of the Body Corporate of Argyle Square observed that the amendments to the Reid Precinct Code proposed under DV308 ‘specifies many constraints on the proposed Commercial Mixed Use’. It is suggested by the Executive Committee that this ‘is because Commercial Mixed Use zoning potentially allows such deleterious impacts that a Precinct Code is needed to *qualify it* [emphasis in submission] in regard to building height, plot ratios, setbacks and tree preservation’.⁴⁹
- 4.11 The need for a revised Precinct Code to articulate specific controls on development in the proposed commercial mixed use zone ‘highlights the enormity of the problem’, according to Bob and Valerie Calvert.⁵⁰
- 4.12 The Body Corporate Executive Committee submitted that if the existing RZ4 zoning alone were not retained, an alternative would be to utilise the Precinct Code in addition to the RZ4 zone to allow for four to six storeys, with four storeys facing Kogarah Lane and six storeys facing Kooyong Street.⁵¹

⁴⁵ *Transcript of Evidence*, 29 May 2013, p. 73.

⁴⁶ Submission No. 21, p. 1.

⁴⁷ Submission No. 21, p. 1.

⁴⁸ Submission No. 29, p. 2.

⁴⁹ Submission No. 7, p. 2.

⁵⁰ Submission No. 1, p. 4.

⁵¹ Submission No. 7, p. 3.

SETBACK TO COOYONG STREET (R40 – R42 AND C40-C42)

- 4.13 Pedal Power ACT submitted that the proposed minimum setback for Cooyong Street is too narrow, arguing that the pavement width would need to be between 10 and 15 metres to allow for shop awnings, display stands, cafe outdoor seating and sufficient space for pedestrians and cyclists. It noted that the Territory and Municipal Services design standard DS13 requires a 3 metre width for a trunk cycle path shared with pedestrians in a high-use area with shoulder clearances of 500 millimetres on each side.⁵²
- 4.14 Pedal Power ACT submitted that at a minimum, R40 of the Braddon Precinct Code should be made mandatory and that an additional set back at ground level only be provided for pedestrians and other functions.⁵³ Pedal Power ACT noted that their identified issues with the setback to Cooyong Street also apply to the Reid Precinct Code.⁵⁴

⁵² Submission No. 3, p. 2. See also Territory and Municipal Services Directorate, *Design Standards for Urban Infrastructure: 13 Pedestrian and Cycle Facilities*, p. 11 (Table 13-1) for a description of off-road path types and p. 22 for 'shoulder' widths (http://www.tams.act.gov.au/__data/assets/pdf_file/0009/396891/DS13_Pedestrian_and_Cycle_Facilities.pdf)

⁵³ Submission No. 3, p. 2.

⁵⁴ Submission No. 3, p. 23

5 ISSUES

5.1 When inviting public submissions, the Committee noted the following areas of particular interest:

- whether the rezoning is necessary to meet the redevelopment's objectives;
- implications for parking and traffic in the area;
- the height, scale and associated impacts of the proposed redevelopment;
- the impact on amenity and character of the surrounding area;
- heritage considerations; and
- city/residential boundaries.

5.2 This section summarises the evidence provided to the Committee on each of these key areas.

REZONING

BACKGROUND

5.3 The Planning Report outlines the existing land uses on the site and suggests that rezoning would support additional uses including:

- commercial offices;
- retail;
- aged care facilities and older persons housing;
- medical and personal services;
- child care;
- other community facilities; and
- hotel/serviced apartments.⁵⁵

5.4 Under the draft variation, 'it is proposed to rezone the land to allow high density residential development and mixed-use development with some convenience retailing and office accommodation on part of the site'.⁵⁶

⁵⁵ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 22.

⁵⁶ Draft Variation 308 – recommended version, February 2013, p. 1.

- 5.5 Currently, section 52 Braddon and section 7 Reid are designated RZ4 zone – Medium Density Residential. The key planning controls for the RZ4 zone which applies to section 52 Braddon and section 7 Reid are:
- '3 storeys height limit, plus attic/basement;
 - where an existing building exceeds two storeys in height, new buildings up to the height of the existing building may be permitted, subject to DA;
 - a plot ratio of 80%;
 - where an existing building exceeds the maximum plot ratio, new buildings up to the same plot ratio may be permitted if, and only if, the development does not involve an increase in the number of dwellings on the land, subject to DA; and
 - various building envelopes apply (boundary setbacks).⁵⁷
- 5.6 The key planning controls for CZ1 Community Facilities Zone that applies to section 57 Braddon are:
- office; business agency; public agency are only permitted where these are small-scale and not-for-profit organisations;
 - multi unit dwelling developments (e.g. supportive housing) must comply with Residential Codes;
 - there is a maximum two storey building height within 30m of a Residential Zone
 - a setback of 6m to boundaries of blocks in a Residential Zone.⁵⁸
- 5.7 The Planning Report notes that the proposed site does not currently comply with the planning controls for RZ4 or CZ1 and considered that CZ5 Mixed Use zoning would be most appropriate for the majority of the site, with zoning for section 7 Reid being either Community Facility with residential use permitted, or remain as Residential Use with community use included.⁵⁹
- 5.8 In response to public concerns raised about the proposed rezoning during the public consultation process on the exhibited version of DV308, the ESDD stated:

The land is currently mostly included in the RZ4 medium density residential zone. In this regard, development on the site is already substantially beyond the scope of the RZ4 zoning. In particular, there is a three (3) storey height limit for development in the existing RZ4 zone under the residential multi unit housing development code of the Territory Plan. While provision is made in this code for attics and basements, the existing Allawah and Bega complexes exceed these height controls because they each

⁵⁷ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 13.

⁵⁸ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 14.

⁵⁹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 14.

involve three storeys with undercroft parking. At eight (8) storeys the Currong apartments are well beyond the scale of development currently anticipated in existing RZ4 zoning.

Given the current level of development on the site, its proximity to the city centre and its location on a major transport corridor, it is considered that the RZ5 is a more appropriate zoning for the site.⁶⁰

IMPACT OF THE PROPOSED REZONING

- 5.9 The Committee received submissions and heard evidence expressing a range of views about the proposal to rezone the areas identified in the draft variation.

BENEFITS OF REZONING

- 5.10 When asked about the benefits to the community of the change in zoning for Reid and Braddon, Minister Corbell told the Committee that:

the broad strategic planning objective is one to provide more opportunities for people to live close to the city centre and, more broadly at a territory-wide level, our town centres and close to existing public transport corridors. Having more people living close to these facilities and services improves amenity in terms of people's easy access to a range of retail, social or commercial opportunities and, indeed, cultural opportunities.⁶¹

- 5.11 The Minister also drew the Committee's attention to urban design principles that 'state very clearly that building in nodes of activity that occur not just during nine to five, as you might have if it was just a commercial office building, for example, contribute to broader considerations about safety'.⁶²

- 5.12 Further to this, the Committee was advised that, when compared with medium or high-density residential zones such as RZ4 or RZ5, the 'mixed-use zone gives that flexibility that is good for certain locations of the city, where a residential zone is obviously limited to residential uses and higher density around those. It is a flexibility question'.⁶³

- 5.13 Referring specifically to the proposed change from RZ to CZ on Cooyong Street, officials from CSD observed:

One of the key advantages of changing to that rating is not only to give us the flexibility to develop the height where it is best located on Cooyong Street rather than on

⁶⁰ Report on Consultation, January 2013, p. 10.

⁶¹ *Transcript of Evidence*, 29 May 2013, p. 68.

⁶² *Transcript of Evidence*, 29 May 2013, p. 69.

⁶³ *Transcript of Evidence*, 29 May 2013, p. 73.

suburban streets facing onto Braddon and Gorman House but also allows us to mix commercial space and community facility space in with residential in a way that we can determine progressively as we bring those blocks forward. We have got no intention of, and we do not see any advantage at all in, competing with the retail functions that are in the city centre.⁶⁴

SUPPORT FOR REZONING

- 5.14 A Braddon resident expressed his support to incorporate 'some commercial development in mixed-use buildings along Cooyong Street, which I think will encourage greater pedestrian activity and amenity in this area'. It was noted that creating 'an active, more people friendly street frontage' may encourage greater pedestrian use in that area of the city.⁶⁵
- 5.15 The Committee heard from witnesses who were supportive of the proposal for mixed use. A Reid resident stated, 'I think it would be good to have a small amount of retail and commercial, so that there can be a café, so that the residents of Reid in the new development can have somewhere to meet, somewhere to mix, some casual social infrastructure'.⁶⁶ It was noted that 'in this sort of area you could have some of that [e.g. shops, offices] without compromising residential amenity'.⁶⁷

CONCERNS ABOUT REZONING

- 5.16 The Committee received submissions that considered the proposed rezoning from residential to commercial mixed use to be inappropriate, with particular reference to Reid Section 7.⁶⁸ Bob and Valerie Calvert argued that 'zoning should be Residential, without shops, commercial tenancies, or restaurants, permitting 4 to 6 storeys' and 'city boundaries should not be extended into residential Reid; the city should remain on the south side of Cooyong St'.⁶⁹
- 5.17 The appropriateness of a mixed-use commercial zone fronting Cooyong Street was also questioned. Dr David Teather remarked:

... I do not quite know how it is going to work when you are looking from that ground-floor level, which is the only level that the commercial activity will be allowed in on Cooyong Street, when you are looking to a six-lane highway which is very busy a lot of the time and very noisy, and then you look across that at back entrances to car parks and goods entrances to big department stores and so on. That does not seem to me to

⁶⁴ *Transcript of Evidence*, 27 May 2013, p. 56.

⁶⁵ *Transcript of Evidence*, 21 May 2013, p. 32.

⁶⁶ *Transcript of Evidence*, 2 May 2013, p. 22.

⁶⁷ *Transcript of Evidence*, 2 May 2013, p. 23.

⁶⁸ See for example Submission No. 7, p. 2.

⁶⁹ Submission No. 1, p. 2.

be a particularly promising location for commercial activities. Certainly, for the first time, it intrudes commercial activities into Reid.⁷⁰

5.18 Representatives from the Reid Residents Association stated that:

As far as the rezoning exercise is concerned, we do not think that that is necessary. It could go ahead under the existing framework, from our lay perspective at least. We are concerned that this is going to create a whole new precinct which then straddles two suburbs.⁷¹

5.19 On a similar matter, some witnesses questioned the viability of commercial opportunities in the proposal given its proximity to the Canberra Centre.⁷²

5.20 The need for additional commercial activity as part of the development was also questioned by submitters including Bob and Valerie Calvert, who observed:

The Canberra Centre is an excellent shopping mall which offers many services ... The rationale set out in the report on Consultation that additional commercial activity to service local needs is required and be 'convenient for shopping' is nonsense. Residents in the new complex just need to cross the road for their purchases!⁷³

COMMITTEE COMMENT

5.21 Mr Gentleman and Dr Bourke note the diversity of views on the proposal to rezone the land to allow high density residential development and mixed-use development.

Recommendation 2

5.22 Mr Gentleman and Dr Bourke recommend that land be rezoned to allow high density residential development and mixed-use development.

COMMUNITY FACILITIES

5.23 The Committee received evidence that community facilities are insufficient for the area and level of population. It was suggested that a needs assessment of community facilities in the northern suburbs of Canberra was required to assist Government agencies and the community plan for social infrastructure in the future.⁷⁴ The Committee was advised that this sort of

⁷⁰ *Transcript of Evidence*, 2 May 2013, p. 6.

⁷¹ *Transcript of Evidence*, 22 May 2013, p. 43.

⁷² Submission No. 1, p. 4.

⁷³ Submission No. 1, p. 4.

⁷⁴ Submission No. 28, p. 8.

assessment has been conducted with respect to community facilities on the south side of Canberra.

- 5.24 The North Canberra Community Council noted that affordable community facility space for smaller and mid-sized groups is very limited and it is important that the proposal include provision of community facility space which would be available and affordable for smaller individual service providers.⁷⁵ Similarly, another submission expressed concern that the population of the area is being increased but with no additional community amenities.⁷⁶

Recommendation 3

- 5.25 Mr Gentleman and Dr Bourke recommend that the Community Services Directorate conduct a Community Facilities Needs Assessment.**

IMPLICATIONS FOR PARKING AND TRAFFIC

BACKGROUND

- 5.26 The Planning Report states that transport targets for the proposed redevelopment include:

- providing 1 secure cycle parking space per dwelling;
- providing 300 (car parking) spaces for visitors and 100 (car parking) spaces for a shared scheme;
- providing car charging infrastructure that can be used to charge vehicles powered by electricity;
- improving paths for pedestrians and cyclists; and
- allocating commercial space for a bike hire business.⁷⁷

- 5.27 The Planning Report states that:

There are over 15,500 parking spaces within the general locality of the site ... although, most of these spaces would not be used by visitors to the site. However, this total includes over 5,000 spaces in five separate parking structures in the Canberra Centre

⁷⁵ Submission No. 23, p. 1.

⁷⁶ Submission No. 16, p. 1.

⁷⁷ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. iii.

immediately adjacent to the site. At present there is excess capacity in the Canberra Centre parking structures.⁷⁸

- 5.28 The Planning Report also notes that the 'site currently provides approximately 430 surface parking spaces on-site and along adjacent road verges (e.g. Currong Street; Kogarah Lane)'.⁷⁹
- 5.29 The Planning Report notes that the Concept Master Plan provides for a maximum of 1,700 spaces in basement and on-grade parking.⁸⁰
- 5.30 The Planning Report also notes that 'the proposed development will provide on-site parking for residents and visitors and commercial tenants, but there is also access to adjacent parking in the Canberra Centre which is currently underutilised'.⁸¹
- 5.31 In relation to public transport accessibility, the Planning Report stated:

The proximity of the Canberra Centre bus stop and the City Bus Interchange provides easy access to the metropolitan bus network, creating opportunities for increased patronage of bus services.⁸²

- 5.32 While there are a number of footpaths within and near the site which are well-patronised, some areas are difficult and unattractive to use at night. In relation to cycle paths, the Planning Report advised:

Currently, the volume of car traffic at peak times in Cooyong Street creates difficulties for on-road cycling, and the footpaths are virtually impassable for bicycles because they are very narrow and heavily obstructed. There is no capacity to widen the road within the existing road reserve in order to improve cycling conditions.⁸³

TRAFFIC ISSUES

- 5.33 The Committee heard from witnesses who were concerned about the increased volume of traffic that would be accessing the area proposed for development.
- 5.34 Judith and Bruce Lane were sceptical about the ability of the roads to cope with the additional cars likely to accompany the proposed redevelopment:

⁷⁸ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 34.

⁷⁹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 34.

⁸⁰ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. iv.

⁸¹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 14.

⁸² Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 36.

⁸³ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 36.

If the existing road system is only just managing to cope with its present use, it will be chaotic if it is expected to cope with the proposed DV308 Plan.⁸⁴

- 5.35 John and Jan Powell expressed concern that traffic on Batman Street will increase as motorists look for alternatives to busier streets. The submission included traffic calming suggestions to reduce or eliminate traffic on Batman Street and the Petrie Street extension.⁸⁵
- 5.36 Similarly, another submission noted that appropriate traffic calming measures should be in place on the extension of Petrie Street into Batman Street 'to discourage excessive traffic using this as an alternative to Ainslie Avenue'.⁸⁶
- 5.37 The Committee sought information from CSD on traffic management and was advised that access is a very important part of the discussion. Furthermore, it was noted that Cooyong Street is a busy area.

It is about keeping as much traffic out of Braddon and Reid as possible. We do not want car parking funnelling in behind, to the north of the site, to access that, because of amenity issues for the residents of Reid and Braddon. The requirements here are for access into the sites off Cooyong Street where possible and around from Ainslie Avenue and Kogarah street.⁸⁷

KOGARAH LANE

- 5.38 Kogarah Lane is a local road providing street parking and two-way access to some residential properties in Argyle Square on the site adjacent to Section 7.⁸⁸
- 5.39 A number of submissions were critical of the proponent's response to the potential implications on traffic flows, particularly along Kogarah Lane.⁸⁹
- 5.40 Bruce and Judith Lane submitted that 'Kogarah Lane, the proposed entrance for all 188 units, is *inadequate for the purpose* [emphasis in submission] as it was designed as a service lane'.⁹⁰
- 5.41 The Executive Committee of the Body Corporate for Argyle Square Stage 1 also expressed concern that under the revised proposal, the only in/out access for the potentially 268 cars from Precinct IV would be via Kogarah Lane; and in relation to the 352 car park in Precinct V, in/out access will be via Boolee Street. The Body Corporate Executive Committee argued that

⁸⁴ Submission No. 11, p. 1.

⁸⁵ Submission No. 19, p. 1.

⁸⁶ Submission No. 8, p. 1.

⁸⁷ *Transcript of Evidence*, 29 May 2013, p. 74.

⁸⁸ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 33.

⁸⁹ See for example, Submission No. 7, p. 4; Submission No. 12, p. 1; Submission No. 13, p. 1; Submission No. 16, pp. 2-3.

⁹⁰ Submission No. 11, p. 1.

‘unless traffic lights are installed at the junction of Boolee and Cooyong Streets the only sensible access to Cooyong Street during peak periods is via Kogarah Lane.’⁹¹

- 5.42 Officials from ESDD acknowledged that there would be an increase in traffic on Kogarah Lane, ‘but [that] the proposal being put forward is to make sure that any entrance to any proposed basements would not all be off Kogarah Lane and would not come from there, to keep it off the busier roads such as Cooyong Street, quite deliberately’.⁹²
- 5.43 Noting that the width of Kogarah Lane is, at 13 metres, less than one third that of Currong Street across Ainslie Avenue, Dr Elizabeth Teather argued that, if the redevelopment were to go ahead in its current form, Kogarah Lane would have to be made substantially wider.⁹³
- 5.44 The suggestion that Kogarah Lane be widened was also supported in other evidence provided to the Committee.⁹⁴ Another option put forward was that Kogarah Lane be made one way.⁹⁵
- 5.45 On the matter of widening Kogarah Lane, the Committee was advised by officials from ESDD that ‘there is no proposal to widen the actual gazetted laneway, but the draft variation to the precinct code is introducing a nine-metre setback to the site’. This will ‘create a wider interface between Argyle apartments and the site and also to allow room for deep-rooted landscaping...’.⁹⁶
- 5.46 In a submission to the Committee, David Teather also considered it important to provide a buffer between a redeveloped Section 7 Reid with the existing medium density residential area by widening Kogarah Lane and increasing the setback for buildings along the SW of Kogarah lane.⁹⁷

PARKING

- 5.47 Pedal Power ACT expressed concern at the level of car parking proposed and noted that there appeared to be no provision in the draft variation for a departure from the requirements set out in the parking code.⁹⁸ It submitted:

The construction cost and ongoing running costs of providing underground basement car parking in residential developments in Canberra accounts for a very significant

⁹¹ Submission No. 7, p. 4.

⁹² *Transcript of Evidence*, 29 May 2013, p. 74.

⁹³ Submission No. 5, pp. 3-4.

⁹⁴ See for example, Submission No. 4, p. 1; Submission No. 7, p. 4; Submission No. 13, p. 1; Submission No. 21, p. 2; Submission 28, p. 9.

⁹⁵ Submission No. 7, p. 4.

⁹⁶ *Transcript of Evidence*, 29 May 2013, p. 75.

⁹⁷ Submission No 9, p. 5.

⁹⁸ Submission No. 3, p. 3. See also *Parking and Vehicular Access General Code*, NI2008-27, p. 17 for parking provision rates for residential zones (<http://www.legislation.act.gov.au/ni/2008-27/copy/82878/pdf/2008-27.pdf>)

proportion of the retail price of apartments, which has negative implications for housing affordability. Given the convenient location, residents seeking a non car-based lifestyle will undoubtedly be attracted to this development, and so a good case could be made to reduce the mandatory amount of car parking...The cost savings would further encourage adoption of non car-based lifestyles and alternative modes of transport such as cycling and walking...⁹⁹

5.48 In contrast, Ernst Willheim argued that:

...a significantly higher ratio of car and bicycle parking should be provided within the proposed redevelopment. Many apartments will undoubtedly be rented by groups of single people each of whom owns a car.¹⁰⁰

5.49 The Committee received a number of submissions that noted that parking is insufficient under current conditions and that this will worsen should the population of the area increase to the level proposed under the development.¹⁰¹

5.50 Mr Peter Strang noted that traffic and parking impacts could be minimised through increased patronage of active transport options. This could be encouraged by providing high quality bike parking facilities and promoting shared car initiatives.¹⁰² Mr Strang also noted the importance of adequate visitor parking on site.¹⁰³

5.51 The Committee discussed the issue of parking with officials from ESDD who advised that 'the car parking requirements for this zone have to meet the car parking code. There is no special provision'.¹⁰⁴

5.52 The Committee was advised that following consideration of community feedback in relation to traffic impacts on the Reid site, a traffic and parking assessment was undertaken which concluded 'that there was sufficient access and capacity within the road framework to accommodate the proposal as enunciated in the concept plan'.¹⁰⁵

5.53 Witnesses to the Committee noted that the traffic and parking assessment undertaken was insufficient and additional information and analysis was required.¹⁰⁶

⁹⁹ Submission No. 3, p. 3.

¹⁰⁰ Submission No. 4, p. 1.

¹⁰¹ See for example, Submission No. 13, p. 1; Submission No. 14, p. 1, Submission No. 17, p. 2.

¹⁰² *Transcript of Evidence*, 2 May 2013, p. 23.

¹⁰³ *Transcript of Evidence*, 2 May 2013, p. 24.

¹⁰⁴ *Transcript of Evidence* 29 May 2013, p. 73.

¹⁰⁵ *Transcript of Evidence*, 29 May 2013, p. 75.

¹⁰⁶ See for example, Submission No. 4, p. 4; Submission No. 7, p. 4; Submission No. 19, p. 1; Submission No. 20, p. 1.

COMMITTEE COMMENTS

- 5.54 Mr Gentleman and Dr Bourke acknowledge the traffic impact assessment that was undertaken by AECOM in 2009 and the subsequent review undertaken by Hughes Trueman in June 2010. As outlined in the Planning Report 'the analysis undertaken...confirms that the CMP for Braddon Sections 52 and 57 and Reid Section 7 is feasible from a transport perspective, and will not generate unacceptable traffic volumes during peak hour conditions'.¹⁰⁷
- 5.55 Notwithstanding this, Mr Gentleman and Dr Bourke note concerns raised throughout the inquiry about the increased traffic and subsequent parking issues that may be experienced as a result of the development.
- 5.56 In light of concerns from local residents and other members of the community, and the fact that the traffic impact assessment was conducted in 2009 and 2010, Mr Gentleman and Dr Bourke feel it would be prudent for additional analysis of the likely traffic and parking impacts to be undertaken.

Recommendation 4

- 5.57 Mr Gentleman and Dr Bourke recommend that the proponent works with ESDD to undertake further analysis of the likely traffic and parking impact and that the outcomes of the study are included in any future Development Application.**

OTHER TRANSPORT ISSUES

- 5.58 Pedal Power ACT noted the existing difficulties for cyclists along Cooyong Street and observed:
- It has been constructed to maximise space for motor vehicles and is nevertheless choked with traffic beyond its capacity at peak times. There is no viable alternative route onto which traffic could be redirected, and so it would seem highly improbable that on-road cycle lanes could be constructed in the foreseeable future as this would involve closing motor vehicle lanes...¹⁰⁸
- 5.59 However, Pedal Power ACT also noted that Cooyong Street was the missing link for those people cycling along Barry Drive from Turner, O'Connor or Belconnen, or from the ANU to Braddon, Reid CIT, Constitution Avenue or on to Russell. It stated:
- At the moment Cooyong Street is a highly unpleasant on-road riding environment during peak times, enough to discourage all but the most committed road riders, and

¹⁰⁷ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 72.

¹⁰⁸ Submission No. 3, p. 2.

the footpaths are virtually impassable for bicycles, being very narrow and heavily obstructed. There is no capacity whatsoever to widen the road within the existing road reserve in order to improve the cycling experience.¹⁰⁹

5.60 Pedal Power ACT also noted that the 'Perspective with Yield' document showed courtyard walls obstructing the 6 metre setback along Cooyong Street between Ainslie Avenue and Akuna Street and stated that this was incompatible with trunk cycle path and pedestrian access requirements for that frontage.¹¹⁰

5.61 Pedal Power ACT supported the 'broad principles' of the proposed redevelopment noting that approximately 2,500 people would have easy walking and cycling access to the city centre and added:

This is a step towards a more sustainable transport future, and a more people-friendly urban environment. It offers an alternative to the almost obligatory car-dependent lifestyle available throughout most of Canberra. It is important to offer those who choose not to drive, or cannot drive, such an alternative¹¹¹.

COMMITTEE COMMENTS

5.62 Mr Gentleman and Dr Bourke acknowledge that one of the underlying rationales for the development is to 'achieve greater levels of urban sustainability through...changed transport patterns (through more people using buses, cycling and walking) and by a variety of lifestyle opportunities'.¹¹² In order to achieve this, it is important that adequate infrastructure is available and supported into the future.

Recommendation 5

5.63 Mr Gentleman and Dr Bourke recommend that the proponent investigate options to facilitate greater use of sustainable transport options.

¹⁰⁹ Submission No. 3, p. 2.

¹¹⁰ Submission No. 3, p. 3.

¹¹¹ Submission No. 3, p. 1.

¹¹² Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. ii.

HEIGHT, SCALE AND ASSOCIATED IMPACTS

BACKGROUND

- 5.64 The Planning Report advises that there are several benefits of redeveloping the site into eight separate parcels of land with building heights ranging from three to fifteen levels, including:
- making the site more permeable and transparent;
 - allowing a variety of development opportunities and the ability to stage development over time in accordance with market needs;
 - providing scope for an increase in development yield;
 - reinforcing the inner city locational advantages of the site; and
 - creating a strong built form edge to Cooyong Street and Ainslie Avenue.¹¹³
- 5.65 The Planning Report also notes that the proposed height of buildings facing Currong Street will be lower than the existing Currong Apartments.¹¹⁴
- 5.66 Cooyong Street is envisaged to have ‘higher “gateway” buildings interspersed with lower buildings for variation to reinforce the urban city character and create a clearly articulated public domain’ with ‘taller building elements’ located on either side of Ainslie Avenue to ‘create a portal to the city centre’.¹¹⁵
- 5.67 The Planning Report states that the proposed redevelopment of the site will ‘reinforce the city centre in built form and density terms and will provide a net increase of about 800 dwellings for a wide cross-section of the community close to shops, public transport, community facilities and places of employment.’¹¹⁶ The Planning Report also states that the proposed development is considered to meet the sustainable development, spatial planning and urban design principles of the Territory Plan’s Statement of Strategic Directions.¹¹⁷

HEIGHT AND SCALE

- 5.68 The Committee heard evidence relating to the height, scale and associated impact of the proposed development.
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¹¹³ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 6.

¹¹⁴ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 6.

¹¹⁵ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 6.

¹¹⁶ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 12.

¹¹⁷ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 12.

- 5.69 Several submissions expressed concern that the proposed height and scale of the redevelopment is inconsistent with other residential dwellings in the surrounding area.¹¹⁸
- 5.70 For example, Mrs Sandra Whichelo submitted that ‘the extreme height and scale of the apartment blocks will result in the utter defilement of beautiful open vistas linking City Hill and the city centre with the heritage garden suburbs and Mt Ainslie’.¹¹⁹
- 5.71 The height and scale of the proposed redevelopment was described as the *Great Wall of Canberra* in submissions and at public hearings.¹²⁰ In particular, the Committee heard evidence about the 15 storey landmark buildings which will be built on either corner of Ainslie Avenue and Cooyong Street.
- 5.72 Bob and Valerie Calvert argued that:
- Landmark does not mean tall. A landmark building should be creative, visually arresting from the outside, and perhaps have sculptural qualities or sculptural decoration. There are many possibilities...¹²¹
- 5.73 The Executive Committee of the Body Corporate for Argyle Square Stage 1 reinforced the point:
- We feel that planners are confusing ‘landmark’ with ‘extremely tall’. A landmark building does not need to be high-rise; creative architects should be able to design lower-rise, impressive landmark buildings for these corners. In Canberra’s centenary year, the idea of a 15-storey residential tower being regarded as a landmark building is so contrary to the existing character of the city that it verges on the ridiculous.¹²²

OPTIONS FOR THE HEIGHT OF THE DEVELOPMENT

- 5.74 The Committee heard a range of views about the ideal height of the redevelopment. For example, the Executive Committee of Body Corporate of Argyle Square Stage 1 submitted that the development should be four storeys facing Kogorah Lane and six storeys facing Cooyong Street.¹²³ Similarly, Imme Hambly expressed support that the number of storeys be limited to six.¹²⁴

¹¹⁸ See for example, Submission No. 5, p. 2; Submission No. 11, p. 2; Submission No. 12, p. 1; Submission No. 13, p. 1; Submission No. 16, pp. 1-2; Submission No. 24, p. 2.

¹¹⁹ Submission No. 10, p. 1.

¹²⁰ See for example, Submission No. 1, p.2; Submission No. 7, p. 1; *Transcript of Evidence*, 2 May 2013, p. 12.

¹²¹ Submission No. 1, p. 7.

¹²² Submission No. 7, p. 3.

¹²³ Submission No. 7, p. 3.

¹²⁴ Submission No. 29, p. 2.

- 5.75 Ernst Willheim similarly considered the proposed redevelopment as ‘entirely out of keeping with the area’ and ‘unsympathetic to the Argyle Street complex’. He concurred with other submitters in proposing that the height of the buildings facing Kogarah Lane be three stories.¹²⁵
- 5.76 Two submissions noted that the tower height of 15 floors on the corners is too high and that a height of 10 floors would be more appropriate. Furthermore, it was also suggested that the current height of residences in Bega Court is an appropriate height for the redevelopment.¹²⁶
- 5.77 In a submission, Mr Peter Strang observed that the ‘heights should be reduced from 10 to 15 storeys, to a more human scale of 4 to 6 storeys (plus basement parking). Too much is being crammed into this site, in particular, the tiny Reid section’.¹²⁷
- 5.78 Alternatively, the Reid Resident’s Association recommended that ‘the site should be developed on the basis of replacing the tallest buildings like for like ie 8 storeys which is the level of the current Currong Flats – with step downs to the adjacent residential areas’.¹²⁸
- 5.79 While welcoming a redevelopment of the Bega, Allawah and Currong Flats, Anne Prendergast opposed their replacement with high rise buildings, arguing for two to a maximum of four-storied buildings.¹²⁹
- 5.80 David Teather questioned the disparity in the relative height of buildings between Precincts IV and V (Reid) and VII and VIII (Braddon) despite their comparable area and orientation. Noting that the Braddon Precincts adjoin the single-storey heritage-listed residential area while the Reid Precincts adjoin a non heritage-listed 2-3 storey town houses and 3-4 storey apartments, Dr Teather submitted:
- ...irrespective of their heritage-listing status, both these areas of existing housing adjacent to the proposed redevelopment are currently occupied by citizens of Canberra who, like residents elsewhere in this city, are entitled to a reasonable expectation that their homes will not be overlooked and overwhelmed by grossly over-scale residential or commercial development out of keeping with their neighbourhoods.¹³⁰
- 5.81 Judith and Bruce Lane noted that the original plan for the proposed redevelopment that was displayed at the Canberra Centre had eight storied buildings fronting Currong Street, similar to the existing Currong Apartments. Noting that approval had been granted for the additional

¹²⁵ Submission No. 4, p. 1.

¹²⁶ Submission No. 20, p. 1; Submission No. 22, p. 1.

¹²⁷ Submission No. 27, p. 2.

¹²⁸ Submission No. 28, p. 4.

¹²⁹ Submission No. 6, p. 1.

¹³⁰ Submission No. 9, p. 2.

height of these apartments, they stated that the proposed height of the redevelopment was 'not unexpected', however they considered the proposed 15 storey buildings as 'cocooned planning'.¹³¹

5.82 In evidence to the Committee, the Minister for Housing noted that one of the areas of concern for the community with regards to the development is the height. The Minister went on to say:

I would like to be quite clear to the Committee that I do not support a 15-storey development at the site...I think it is too high and I think it is inconsistent with the city centre precinct code, which has a general limit of 12 storeys—the RL617 parameter'.¹³²

5.83 The Committee also discussed the issue of height and RL617 with the Minister for the Environment and Sustainable Development.

5.84 Minister Corbell advised the Committee that the maximum building height permitted in the city centre under the national capital plan is a level known as RL617 —617 metres above sea level which 'is the maximum building height permitted in the city centre under the national capital plan, and this draft variation is consistent with that'. Further to this the Minister stated that:

I think there may be some confusion about how RL617 is interpreted or what it means in practice. Commercial buildings, to reach RL617 generally, only have 12 storeys. The reason for that is that commercial buildings have higher ceiling heights than residential buildings. A residential building will have a lower ceiling height—generally less than four metres. Therefore, you can achieve more storeys in a residential building and still sit within RL617. For example, for a commercial building to achieve RL617, it will probably have approximately 12 storeys. A residential building, again, to sit within RL617 would have around 15 storeys.¹³³

COMMITTEE COMMENT

5.85 Mr Gentleman and Dr Bourke note the concerns raised throughout the inquiry that the proposed height of the development and that this may place the development out of character with the surrounding area. In particular, Mr Gentleman and Dr Bourke note the concerns about the 15 storey landmark buildings proposed for the corners of Cooyong Street and Ainslie Avenue.

5.86 In light of this, Mr Gentleman and Dr Bourke are of the view that further consideration should be given to the height of the development to ensure greater consistency with surrounding areas.

¹³¹ Submission No. 11, p. 2.

¹³² *Transcript of Evidence*, 27 May 2013, p. 59.

¹³³ *Transcript of Evidence*, 29 May 2013, p. 67.

Recommendation 6

5.87 Mr Gentleman and Dr Bourke recommend that the height of the buildings be reduced.

Recommendation 7

5.88 Mr Gentleman and Dr Bourke recommend that the development ensure compliance with the requirements of RL617.

OVERSHADOWING

5.89 The Committee heard evidence about the overshadowing effects on Glebe Park.¹³⁴ Dr David Teather observed that the buildings proposed for Section 7 Reid would 'cast shade into Glebe Park, shortening the time in winter days when the area is free of frost'.¹³⁵ Dr Elizabeth Teather also noted that 'Glebe Park is going to be overshadowed in any case by this proposal in the morning...There will be even less sunlight in Glebe Park with these buildings'.¹³⁶

5.90 The Committee also heard evidence related to the impact of overshadowing on Argyle Square. Doreen Wapshere noted that 'the tower blocks will overshadow the whole of Argyle Square in winter, when there will be no sunlight in the afternoon at all'.¹³⁷

5.91 Nancy Cheetham drew attention to the potential overshadowing of, and consequential solar deprivation to, Argyle Square resulting from the proposed 15-storey buildings 'In Canberra's winter this is a serious loss and will mean increased electricity [sic] for heating for those in the shadow and limitation of natural drying and washing'.¹³⁸

5.92 On the issue of overshadowing, officials from ESDD advised the Committee that:

The other advantage with this site is that because it is to the south of the existing residential areas, with taller buildings, overshadowing is the biggest amenity impact. Obviously in this case the overshadowing is to the south. It overshadows itself or to Cooyong Street and to the city. So those sorts of things lend themselves to a consideration of what we think are reasonable building heights in the location.¹³⁹

¹³⁴ Submission No. 11, p. 3; Submission No 16, p. 3; Submission No. 17, p. 1.

¹³⁵ Submission No. 9, p. 5; *Transcript of Evidence*, 2 May 2013, p. 8.

¹³⁶ *Transcript of Evidence*, 2 May 2013, pp. 5-6.

¹³⁷ Submission No. 17, p. 1.

¹³⁸ Submission No. 14, p. 1.

¹³⁹ *Transcript of Evidence*, 29 May 2013, p. 78.

PRIVACY

- 5.93 Another issue raised with the Committee associated with the height of the proposed redevelopment is the impact on the privacy of adjoining residents. The Committee heard evidence on this matter with particular reference to the residents of Argyle Square.¹⁴⁰
- 5.94 For example, Judith and Bruce Lane expressed concern about the impact on the privacy of residents of the Argyle Square complex:

Apart from the shadow, DV308 also infringes the privacy of many of the Argyle Square residents in almost every way. Curtains will have to be kept permanently drawn on some windows. This intrusion into privacy is not allowed when suburban houses are being extended. Developers have to provide guarantees that privacy will not be overly infringed. Why does this not apply for the DV308 plan?¹⁴¹

AMENITY AND CHARACTER OF THE SURROUNDING AREA

- 5.95 The Committee heard a wide range of evidence about the impact of the proposed development on the amenity and character of the surrounding area.

IMPACTS ON AMENITY

- 5.96 The Committee was advised that the design ideas behind the proposal 'go a long way to improve the amenity of the surrounding development and of the development within the site'. It is envisaged that current concerns about the lack of security, lack of lighting and poor pedestrian amenity will be remedied by the provision of clear, wide footpaths and connecting streets throughout the city. This will 'provide not only a much better quality in terms of the urban realm for the site that we are developing but also much better connections into the city and, potentially, the enlivenment of that part of the city'.¹⁴²
- 5.97 The Committee was further advised about the advantages of 'increasing densities in areas that are well serviced by amenities such as health, retail services, employment...'¹⁴³

¹⁴⁰ Submission No. 1, p. 2; Submission 11, p. 2; *Transcript of Evidence*, 2 May 2013, p. 13; *Transcript of Evidence* 22 May 2013, p. 38.

¹⁴¹ Submission No. 11, p. 2.

¹⁴² *Transcript of Evidence*, 27 May 2013, p. 55.

¹⁴³ *Transcript of Evidence*, 27 May 2013, p. 55.

5.98 The Committee heard evidence from witnesses who were concerned about the impact that the composition of the development would have on the amenity and character of the area.

5.99 The Executive Committee of Body Corporate of Argyle Square Stage 1 submitted that:

As configured, Section 7 Reid will have tower blocks dominated by studio & study, 1 bedroom & study, and 2 bedroom apartments. The result will be a transient population living in short-term rentals and serviced apartments, with consequent management headaches.¹⁴⁴

5.100 Representatives from the Reid Residents' Association observed that approximately 40% of the new apartments will be one-bedroom and bedsitter-type units and 'you do not have to look too far into the future to see that that is likely to cause the sorts of social problems that we have already got over here at the moment'.¹⁴⁵

5.101 Similarly, Dr Elizabeth Teather told the Committee that

Fewer one- and two-bedroom units would mean that a more stable population could be attracted. Retirees, middle-aged couples whose kids have left home, young married couples starting a family—these would fit the existing character of Reid. And they are just as appropriate inner-city residents as the transient young singles who are likely to occupy the proposed small apartments.¹⁴⁶

5.102 Mr Adam Kirk, a Braddon resident offered another viewpoint on this matter:

As someone who has lived in my Braddon apartment for nearly seven years, I resent this characterisation. Just because I live in a relatively small apartment does not mean I do not value my community or its amenity. However, even "transients" want a pleasant and safe urban environment to work and live in. Who knows—if, as a city, we develop a more exciting urban environment, we might even encourage some of these transients to remain in our community and become proud Canberra citizens.¹⁴⁷

5.103 Mr Kirk also observed that 'according to the ABS, lone-person households are projected to increase to 3.1 million, 30.2 per cent of all households, in 2026' which represents the fastest projected increase of all household types over the period 2001 to 2026.¹⁴⁸

5.104 On this issue of the composition of the development, the Committee heard alternate suggestions. For example, one submission suggested 'some townhouses [be included] throughout the site for families who would also like to live near the city and public

¹⁴⁴ Submission No. 7, p. 1.

¹⁴⁵ *Transcript of Evidence*, 22 May 2013, p. 44.

¹⁴⁶ *Transcript of Evidence*, 2 May 2013, p. 3.

¹⁴⁷ *Transcript of Evidence*, 21 May 2013, p. 32.

¹⁴⁸ *Transcript of Evidence*, 21 May 2013, p. 32.

transport'.¹⁴⁹ Another witness recommended that at least 10% of the apartments should have three or more bedrooms.¹⁵⁰

TREES AND PUBLIC OPEN SPACE

5.105 The Planning Report notes that the Concept Landscape Plan makes provisions for:

- retention on-site of at least 7 trees that have been identified for registration under ACT legislation; and
- retention of other significant trees on-site being mainly street trees.¹⁵¹

5.106 The Conservator of Flora and Fauna (the Conservator) decided to list seven trees on-site, as well as one adjacent to the site in Cooyong Street, on the Tree Register under the *Tree Protection Act 2005*.¹⁵²

5.107 Further, the Planning Report states that the Conservator considered that additional trees should be retained:

The Conservator has confirmed that it would be desirable to keep all the trees rated exceptional to high. In addition “the trees of most value appear on the eastern side of the development and soften the landscape for the residents of private houses and units on the other side of Currong Street. Every effort should be made to keep these trees. Trees in the courtyards of the flats are of a size that soften the bulk of the tall, large buildings, and create an area where residents can congregate and socialise. It would take another fifty years to create another landscape of this calibre”.¹⁵³

5.108 Several submissions provided to the Committee expressed concern about the number of trees that would be lost as a result of the proposed development,¹⁵⁴ with particular reference to the trees that would be lost on Cooyong Street as a result of the new cycleway.¹⁵⁵

5.109 However, Pedal Power ACT is a strong supporter of the inclusion of the trunk cycle path and setback along the whole Cooyong Street frontage.¹⁵⁶

¹⁴⁹ Submission No. 29, p. 2;

¹⁵⁰ *Transcript of Evidence*, 21 May 2013, p. 28.

¹⁵¹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. v.

¹⁵² Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 15.

¹⁵³ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 31.

¹⁵⁴ See for example, Submission No. 1, p. 11; Submission No. 17, p. 2; Submission No. 18, p. 2; Submission No. 28, p. 7; *Transcript of Evidence*, 2 May 2013, p. 20, p. 22.

¹⁵⁵ Submission No. 27, p. 3.

¹⁵⁶ Submission No. 3, p. 1.

5.110 One approach proposed to the Committee was that the matter of tree retention on the Reid site be referred to the Conservator of Flora and Fauna ‘who should work with TAMS with the objective of identifying further trees that must be spared’.¹⁵⁷

Recommendation 8

5.111 Mr Gentleman and Dr Bourke recommend that the Conservator of Flora and Fauna conduct a further review of the trees to be included in the redevelopment.

LINKS WITH OTHER AREAS AND PLANS

5.112 The Committee also heard from witnesses who were concerned that DV308 had been developed without due consideration of the surrounding area, other developments and planning documents.

5.113 In her submission, a resident of an inner city suburb, Ms Jean Gifford commented that ‘too many ad hoc developments have already proceeded in the city without consideration of how they might fit within a broader scheme’.¹⁵⁸

5.114 Minister Corbell advised the Committee that:

The proposal is consistent with the ACT’s key strategic planning documents—the ACT planning strategy 2012 and transport for Canberra 2012-2031—by providing greater residential development in close proximity to transport, jobs and services. It is also consistent with the key directions in the city plan project. This proposal has been a key consideration in the government’s development of options in relation to the city plan.¹⁵⁹

HERITAGE CONSIDERATIONS

5.115 The evidence provided to the Committee related to heritage considerations focused on two main areas: the heritage listing of St Patrick’s Church in Braddon and the heritage and historical value of the suburb of Reid.

¹⁵⁷ Submission No. 7, p. 6; Submission No. 27, p. 3.

¹⁵⁸ Submission 2, p. 1.

¹⁵⁹ *Transcript of Evidence*, 29 May 2013, p. 66.

ST PATRICK'S CHURCH

- 5.116 The ACT Heritage Council (the Council) registered St Patrick's Church (the Church) on the ACT Heritage Register on 7 July 2011. The Archdiocese of Canberra and Goulburn subsequently sought an administrative review of the decision in the ACT Civil and Administrative Tribunal (ACAT). While ACAT set aside the final registration by consent orders agreed between the parties, the Council decided to provisionally re-register the church on 23 February 2012.¹⁶⁰
- 5.117 Mr Gentleman and Dr Bourke note that the decision of the ACT Heritage Council to list St Patrick's church on the ACT heritage list is subject to appeal in the ACAT. The Planning Report noted that, should the appeal be successful, the development would include a provision that a place of worship for the Catholic Church be made available on the existing corner site as part of a mixed use development.¹⁶¹
- 5.118 Mr Gentleman and Dr Bourke are aware that the appeal hearings were held in ACAT in May and July 2013. Mr Gentleman and Dr Bourke understand that there are no further days of hearings listed for this matter and the Tribunal is now preparing its written decision. No date for the handing down of the decision has yet been given.
- 5.119 The Committee questioned the CSD about the implications of the heritage listing of the Church and was informed that the matter under consideration by ACAT is peripheral. Furthermore:
- The only thing I would say in terms of its relationship to the territory plan variation that we have got coming forward is that the territory plan sets the framework within which individual developments can occur. The heritage citation of the conservation management plan would provide the blueprint for how buildings were developed within that broad framework.
- It would not be unusual at all for a heritage citation and a conservation management plan to limit the development capacity of a block below what was provided for in the territory plan variation or was provided for in even the lease conditions of a block. So we do not see the thing is necessarily in conflict. There may be an outcome from the Administrative Appeals Tribunal that looks at changing the setback requirements or the curtilage requirements. We have a robust planning framework within which that can be accommodated. Certainly, there is no suggestion that the territory plan variation would override or be in conflict with the heritage citation or the conservation management plan. As in any other site in the ACT, that would take pre-eminence.¹⁶²

¹⁶⁰ ACT Heritage Council annexed report to the Environment and Sustainable Development Annual Report 2011-12, p. 295.

¹⁶¹ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. iv.

¹⁶² *Transcript of Evidence*, 27 May 2013, p. 58.

5.120 On the matter of the possible heritage listing of St Patrick's Church and the potential sale of the church site, Minister Corbell advised the Committee:

It does not have any substantive impact on the draft variation. The government has always been cognisant of the fact that the Catholic Church may or may not wish to redevelop its site. The proponent, the Community Services Directorate, has put forward a proposal that anticipates redevelopment of the church site, but it is not a necessary requirement when it comes to issues around the rezoning of the site. So that will be a matter for the Catholic Church as to what they choose to do with their property.¹⁶³

5.121 Further to this, the Minister reiterated that the sale or otherwise of the Catholic Church land is 'not relevant to the planning process; those are issues around delivery of development should the variation be implemented, and those are matters for the proponent, in this case CSD, to consider'.¹⁶⁴

5.122 Mr Gentleman and Dr Bourke note the announcement by the Catholic Archdiocese of Canberra and Goulburn on 29 May 2013 that the Archdiocese had decided to retain the Braddon properties for the foreseeable future.¹⁶⁵

COMMITTEE COMMENTS

5.123 Mr Gentleman and Dr Bourke note that there is some uncertainty about the impact that issues relating to Section 57 Braddon may have on the overall development of the areas and feels it would be advantageous for this to be clarified before the final variation is considered.

Recommendation 9

5.124 Mr Gentleman and Dr Bourke recommend that the proponent investigate the impact on the proposed development of the non-sale of the Catholic Church site.

HERITAGE VALUE OF REID

5.125 The Committee also heard evidence from several witnesses who noted the heritage and historical value of the suburb of Reid and expressed concern that this has not been taken into consideration in the proposal.¹⁶⁶

¹⁶³ *Transcript of Evidence*, 29 May 2013, p. 68.

¹⁶⁴ *Transcript of Evidence*, 29 May 2013, p. 71.

¹⁶⁵ Canberra Times article: <http://www.canberratimes.com.au/act-news/church-backs-away-from-redevelopment-20130528-2n9z2.html>

¹⁶⁶ See for example, Submission No. 1, p. 2; Submission 7, p. 5; Submission No. 16, p. 2; Submission No. 21, p. 3.

5.126 The Reid Residents' Association submitted that 'the project only considers heritage from a perspective internal to the site itself. There is no consideration to the external impacts the development will have on the surrounding heritage precincts'.¹⁶⁷

5.127 Furthermore, Bob and Valerie Calvert submitted that public concerns about the impact on heritage-listed Reid had gone unheeded, notwithstanding the Heritage Council's having raised 'no specific objections or issues' in relation to the potential impacts on the heritage values or character of the surrounding area. Noting that Argyle Square is not heritage-listed, they queried whether the Heritage Council may have considered that to be a sufficient buffer for the rest of the suburb, arguing instead:

...this proposition does not hold. The absolute enormity of the development will visually overshadow low-rise Reid. There will be significant spill-over and flow-on effects. Ironically, this fragile precinct is facing one of the most, if not the most, intensive urban redevelopment project in the ACT's history values so valiantly defended by planning over the years, will be eroded. The buildings will loom over heritage sites. The 'buffer' zone of Section 8, Argyle Square is quite narrow and so the development's scale will be immediately apparent. Reid will be hemmed in by tower blocks.¹⁶⁸

CITY/RESIDENTIAL BOUNDARIES

5.128 A number of witnesses expressed concern that the proposed development seeks to extend the city centre into areas which are residential suburbs.¹⁶⁹

5.129 With particular reference to the residential suburb of Reid, Bob and Valerie Calvert disputed the 'false assumption' that Reid is part of the city centre 'because it sits on its edge'.¹⁷⁰ They noted that almost the entire Reid suburb is single-storey residential, with much of it heritage-listed.¹⁷¹

5.130 In addition, they submit that currently the city centre is bounded by the southern side of Cooyong Street, and that to extend the edge into Reid would 'adversely affect the residential character of Argyle Square and the wider suburb of Reid'.¹⁷²

¹⁶⁷ Submission No. 28, p. 7.

¹⁶⁸ Submission No. 1, p. 8.

¹⁶⁹ See for example, Submission No. 5, p. 3; Submission No. 7, p. 2; Submission No. 11, p. 1; Submission No. 16, p. 1; Submission No. 20, p. 1; Submission No. 21, p. 4; Submission No. 22, p. 1; Submission 27, p. 2;

¹⁷⁰ Submission No. 1, p. 3.

¹⁷¹ Submission No. 1, p. 3.

¹⁷² Submission No. 1, p. 3.

5.131 Similarly, the Reid Residents' Association submitted that 'Cooyong Street should remain the clear boundary between the commercial and residential areas of Braddon and Reid'.¹⁷³

5.132 Dr Elizabeth Teather observed:

The proposal for blocks of high rise right next door to a suburb known as a garden city heritage suburb and to a complex as well designed and appreciated as Argyle Square is crass and, in terms of Canberra as a whole, is tragic.¹⁷⁴

5.133 Bruce and Judith Lane expressed a similar view:

We do not need to expand the designated CBD by rezoning residential areas. There is more than enough space, much unoccupied, available for a city the size of Canberra. The City boundary stops on the south side of Cooyong Street and should remain there. Canberra is a planned city and the CBD was planned to accommodate a future expanded population. If this infringement goes ahead it sets a precedent. What next?¹⁷⁵

5.134 Elizabeth Teather also submitted that it was now 'impossible to integrate Section 7, Reid, into Civic' due to the existing built infrastructure in place:

Although designated part of Canberra Central in the National Capital Plan, this area should not be regarded as part of Civic. It is separated from Civic by a major six-lane traffic artery, Cooyong St. During the working day, pedestrians and cyclists can only cross this highway safely at traffic lights. Furthermore, it faces service areas of Civic i.e. unsightly multi-storey car parks and goods vehicle delivery entrances.¹⁷⁶

5.135 This view was reiterated by the Executive Committee of the Body Corporate of Argyle Square Stage 1 which argued against creating a 'strong urban edge' on the Reid side of Cooyong Street:

Not only will the proximity of these commercial land uses intrude into the residential character of Argyle Square, but there is already a 'strong urban edge' across Cooyong St from Reid. It will be possible to integrate the proposed new tower blocks with Civic because of the multi-storey car park barrier.¹⁷⁷

¹⁷³ Submission No. 28, p. 8.

¹⁷⁴ *Transcript of Evidence*, 2 May 2013, p. 3.

¹⁷⁵ Submission No. 11, p. 1.

¹⁷⁶ Submission No. 5, p. 3.

¹⁷⁷ Submission No. 7, p. 2.

5.136 Bruce and Judith Lane reiterated the view that there was insufficient capacity within the CBD to accommodate an increased population:

The designated CBD has more than enough room for present and future needs. The City boundary ends at the south side of Cooyong Street and it should stay there. A good city has high-rise in its CBD, medium density housing on the CBD fringes and low density housing in its suburbs. Canberra was planned to accommodate these features and we should make use of the land still available without altering boundaries for expediency. ... The original plan for the area had a maximum of 8 storeys, still too high but less intrusive and overshadowing if only fronting the Cooyong St. Boundary between Reid and the CBD. Why do we have to depart from this original plan?¹⁷⁸

5.137 The Committee heard evidence from Minister Corbell that 'the broad strategic planning objective is one to provide more opportunities for people to live close to the city centre and, more broadly at a territory-wide level, our town centres and close to existing public transport corridors'.¹⁷⁹

¹⁷⁸ Submission No. 11, p. 3.

¹⁷⁹ *Transcript of Evidence*, 29 May 2013, p. 68.

6 CONSULTATION

BACKGROUND

- 6.1 The following consultation processes took place in relation to the proposed redevelopment of the site:
- three information sessions for residents of Bega and Allawah Court and two information sessions for residents of the surrounding area, City/Braddon traders and lessees, other stakeholders and those with general interest in the precinct were held in April 2010, at which the draft concept plan for the area was presented; and
 - in June 2010, two public meetings were held to present the revised concept plan and to advise of additional action that had been undertaken in response to community and other stakeholder concerns and issues raised during the initial information sessions.
- 6.2 The information sessions and public meetings were advertised in *The Canberra Times* and *The Chronicle*; newsletters were distributed to households in Braddon and Reid and businesses in City and the Braddon Service Trades Area; letters were sent to the tenants of Bega and Allawah Court; community organisations that support the Bega and Allawah Court tenants, and other peak community organisations, were advised of the study and the information sessions; and information presented at the information sessions and meetings was placed on the *Time to Talk Canberra* community engagement website along with an online survey form.¹⁸⁰

COMMENTS ON CONSULTATION

- 6.3 The Committee heard evidence from a number of witnesses about the level and nature of community consultation undertaken in relation to the draft variation.
- 6.4 At a public hearing, Dr Elizabeth Teather expressed concern that ‘close neighbours’ of the site of the proposed redevelopment were not consulted, and that they were advised by the land and planning authority officials that ‘such consultation was not required’.¹⁸¹ Furthermore, The Committee was advised:

¹⁸⁰ Community Services Directorate, Planning Report Volume One, Urban Renewal Project – Sections 52 and 57 Braddon & Section 7 Reid, September 2011, p. 2.

¹⁸¹ *Transcript of Evidence*, 2 May 2013, p. 2.

Firstly, public concerns have been all but ignored, in fact flouted. Secondly, the proposal that you are now considering is so ludicrously out of scale with its context that it is shocking. It is out of scale with its close neighbour, Argyle Square, and out of scale with the low-rise suburbs of Reid and Braddon. Thirdly, the deep alienation and hostility of those who live next door to this proposal in Reid could have been avoided with a more sensitive design and a much more effective consultation process, one that in fact took the word “consultation” seriously.¹⁸²

6.5 The Reid Residents’ Association submitted that given the large amount of planning reports, codes, plans and strategies, it is becoming increasingly difficult for individuals and community organisations to participate meaningfully in public consultation. In light of this, the Association suggested that assistance and support should be provided to enable community organisations to participate fully.¹⁸³

6.6 Concern was expressed about the manner in which nearby residents were informed about the proposed draft variation, with one submitter suggesting that there be a statutory requirement for residents and owners of properties likely to be affected by a draft variation to be notified along the same lines as notifications about development applications.¹⁸⁴

6.7 Submissions provided to the Committee’s inquiry expressed concern at the changes to the initial proposal made in response to community concerns.¹⁸⁵ Valerie and Bob Calvert submitted:

Each of the 3 versions of what is proposed has actually increased the density of apartments in the narrow, tiny Reid parcel that is section 7. The original proposal, the Indicative Master Plan has progressed from a hypothetically acceptable height and layout (ie, 3-4 storeys facing Argyle Square) to this monstrosity.

... a set-back facing Argyle Square has been traded-off by increasing the density of apartments into taller towers on the small Reid block. Indeed, underground parking in Reid Section 7 will now have the highest number of car spaces by Precinct in the whole development – again in a tiny space.¹⁸⁶

6.8 The view was reinforced by the Executive Committee of the Body Corporate of Argyle Square which noted that despite the ESDD’s report on Consultation stating that the ‘overwhelming majority’ of submissions did not support the proposed building heights particularly within Reid, the revised redevelopment proposal reflected greater intensification:

¹⁸² *Transcript of Evidence*, 2 May 2013, p. 3.

¹⁸³ Submission No. 28, p. 9.

¹⁸⁴ Submission No. 9, pp. 6-7.

¹⁸⁵ See for example, Submission No. 5, p. 1, 3; Submission No. 12, p. 1; Submission No. 16, p. 1; Submission No. 27, p. 1

¹⁸⁶ Submission No 1, p. 1. See also Submission No. 5, p. 3.

In the revised DV308, buildings have become higher: up to 10 storeys in the narrow Reid Section 7. Although there has been a reduction to 6 storeys in the buildings immediately facing Kogarah Lane and Argyle Square, a new building rising precipitously from 6 to 10 storeys replaces the formerly retained block of Bega flats (3 storeys plus undercroft). Thus Argyle Square residents will look across narrow Kogarah Lane into a high wall of units, up to 15 storeys on the corner of Ainslie Avenue.¹⁸⁷

- 6.9 The Committee questioned the Community Services Directorate about the consultation process and was advised that the Directorate ‘engaged in a fulsome process of consultation with the local residents and the tenants of the flats in the early development of the Planning Report...’. Consultation included on-site meetings, letterbox drops and the provision of information on a website.¹⁸⁸
- 6.10 The Committee was further advised that, at the request of participants in the consultation process, CSD continued to make themselves available to provide information and explanations after the responsibility for the [consultation] process passed from the proponent to the planning authority’.¹⁸⁹

¹⁸⁷ Submission No. 7, p. 3.

¹⁸⁸ *Transcript of Evidence*, 27 May 2013, p. 51.

¹⁸⁹ *Transcript of Evidence*, 27 May 2013, p. 52.

7 OTHER ISSUES

- 7.1 The Committee also heard evidence on a range of other issues relating to Draft Variation to the Territory Plan No 308 which are covered in more detail in this chapter.

LAND VALUE AND MAXIMISING YIELD

- 7.2 The Committee received submissions that questioned the motives of the scale of the proposed redevelopment and suggested that a primary motivation for the redevelopment was to maximise project yield.¹⁹⁰ Citing CSD's advice that maximising revenue from the proposed redevelopment would benefit public housing tenants by increasing funding for and improvements to public housing, Bob and Valerie Calvert submitted:

The crude pursuit of a single objective – profit maximisation – reflects an extreme view of CSD's charter: that of penalising and burdening nearby residents with a terrible redevelopment under the auspices of a Commercial rezoning so that CSD can 'maximise' monies for public housing. This is outrageous and the wrong approach.¹⁹¹

- 7.3 Chris Himonas also questioned the objective of the proposed redevelopment:

The significant change in the proposed development plans especially the height as represented from up to 5 levels to 15 levels seems to be driven by monetary factors (such as return on funds) rather than the desire to provide public housing and the provision of a housing development which integrates in a cohesive way and provides good design and one which is acceptable and compatible level whilst minimising the impact on neighbourhood and the compliance and adherence to the existing planning laws themselves. Why can't we have a redevelopment that complies with the ACT's own excellent codes?¹⁹²

- 7.4 In response to questions from the Committee, Dr David Teather submitted that the motivation for the increases in density over the three iterations of the proposed redevelopment was partly driven by the projected financial return from the proposal.¹⁹³ Further to this, he observed:

I would have thought that a greater mix of types of apartments in the proposed development would appeal to a wider range of owners and tenants and would provide

¹⁹⁰ See for example Submission No 1, p. 5; Submission No. 7, p. 1.

¹⁹¹ Submission No 1, p. 5.

¹⁹² Submission No. 16, p. 2.

¹⁹³ *Transcript of Evidence*, 2 May 2013, p. 5.

a more mixed population, which would mean a more longstanding community which is not subject to some of the degeneration one sometimes sees in a large number of very small apartments which are likely to be occupied by a very transient population. I think the motivation is driven by financial return to the government and to the directorate concerned, but how well based that is is a more open question.¹⁹⁴

- 7.5 The Committee discussed the matter of yield with the Minister for the Environment and Sustainable Development. The Minister told the Committee that 'Yield is always a reasonable consideration. It is not the only consideration but it is always a reasonable consideration, because yield comes down to the economic viability of a project'. The Minister also advised that:

Good planning outcomes in terms of good urban design outcomes, in terms of the appropriateness of the location consistent with broader planning objectives, are also considerations.¹⁹⁵

PUBLIC HOUSING

- 7.6 The Committee was advised that there are currently 228 public housing units in the Allawah and Bega flats on the site proposed for redevelopment. There are 212 units in the Currong apartments which is solely student accommodation, although not all Currong apartments are occupied.¹⁹⁶
- 7.7 Under the proposed redevelopment, Housing ACT will retain 10% of the units for public housing.¹⁹⁷
- 7.8 David and Alison Sloper observed that 'one of the great benefits of having public housing in this location is the proximity to services for people who might otherwise have difficulty accessing them'. Furthermore, 'by all means include some apartments for sale to the general public, but they should be intermingled with the publicly owned units...'¹⁹⁸
- 7.9 Similarly, Mrs Maree Oddey submitted that the 'public housing culture of ABC flats will be lost in the City area as this proposal only proposes 10% for Public Housing. There are many public housing tenants who gain economic and social and community benefit from living on the fringe of the city centre'.¹⁹⁹

¹⁹⁴ *Transcript of Evidence*, 2 May 2013, p. 5.

¹⁹⁵ *Transcript of Evidence* 29 May 2013, p. 77.

¹⁹⁶ *Transcript of Evidence*, 27 May 2013, p. 52.

¹⁹⁷ *Transcript of Evidence*, 27 May 2013, p. 54.

¹⁹⁸ Submission No. 12, p. 1.

¹⁹⁹ Submission No. 24, p. 2.

- 7.10 The Minister for Housing, told the Committee that Housing ACT has ‘an absolute responsibility to rehouse any tenants that are displaced as a result of the redevelopment’. Discussions with tenants undertaken to date is that some will want to stay on the redeveloped site and others will want to move’. It was observed that the site may be developed progressively and ‘it is quite a detailed piece of work to work with each individual tenant and come up with a plan that suits them’.²⁰⁰
- 7.11 On the matter of relocation of the public housing residents, the Committee was further advised that ‘this is an exercise that Housing and Community Services have been through quite a number of times before within the site’ and also other public housing sites across the ACT.²⁰¹
- 7.12 When responding to questions about the mix of public and private housing in the redevelopment, Mr Collett advised the Committee:
- Whether the tenants are “salt and peppered”, as we say, through the whole of the development or whether we build accommodation for public housing tenants is something that we will need to do as we get down to the next stage. There is a lot more work to do before we bring a proposal forward. This is just the very first stage, as I am sure the Committee understands.²⁰²
- 7.13 Furthermore, Mr Collett observed that the ‘territory plan variation affects the development potential of the site’ and that it is the territory plan variation process that will establish the height controls, setbacks and view lines among other things. Until these details have been finalised, it is difficult to determine what the final composition of the development will be. It was also noted that the Directorate is ‘yet to do the sorts of detailed discussions that we need to do with our tenants to find out what their aspirations are’.²⁰³
- 7.14 The Committee heard evidence in support of the ‘pepper and salting’ of the public housing residents in the new development.²⁰⁴

COMMITTEE COMMENTS

- 7.15 Mr Gentleman and Dr Bourke acknowledge that details about the number of location of public housing residences in the redevelopment are still under consideration and are incumbent on decisions related to the final form that variation 308 will take.
- 7.16 However, Mr Gentleman and Dr Bourke note that decisions relating to the development should not adversely impact residents currently living on the site. With this in mind, it is
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²⁰⁰ *Transcript of Evidence*, 27 May 2013, p. 56.

²⁰¹ *Transcript of Evidence*, 27 May 2013, p. 57.

²⁰² *Transcript of Evidence*, 27 May 2013, p. 57.

²⁰³ *Transcript of Evidence*, 27 May 2013, p. 59.

²⁰⁴ See for example, Submission No. 21, p. 4; Submission No. 23, p. 1; Submission No. 29, p. 2.

important that current public housing residents are kept well informed of the development of the proposal.

Recommendation 10

- 7.17 Mr Gentleman and Dr Bourke recommend that the Community Services Directorate develop a communication and consultation strategy to inform and advise current public housing residents on the site.**

Recommendation 11

- 7.18 Mr Gentleman and Dr Bourke recommend that a high level of public housing continue to be supported in the new development.**

GOVERNMENT DIRECTORATE AS PROPONENT

- 7.19 The Committee heard evidence about the preparation of the Draft Variation, with particular reference to the fact that an ACT Government Directorate is the proponent for the development.
- 7.20 The Committee questioned the Community Services Directorate on this matter and was advised that:

It was CSD who initiated it, which is a common process, I would guess, where the proponent, the owner of the land, or the developer, comes forward with a planning study, has a series of discussions, often over a number of years, with the planning authority, and gets feedback not only from the planning authority but through meetings from the various agencies that are responsible for the infrastructure that supports the development.²⁰⁵

- 7.21 Further to this, Mr Collett, Senior Director, CSD advised:

So in terms of an open and transparent process, I think we are following a path that is the same as any other proponent in the territory would need to go through in order to change a planning variation. Of course there are early conversations with the planning authority to see whether this is consistent with the objectives of the territory plan, to see whether this is consistent with their strategy for development of the city, and to test whether they believe that they will be able to support a territory plan variation. So

²⁰⁵ *Transcript of Evidence*, 27 May 2013, pp. 52-53.

those conversations do occur, but they would occur for any developer, whether it was the government or a private individual.²⁰⁶

7.22 In response to a question by the Committee about the option for the Directorate to sell the land to a private developer, Mr Collett advised that 'we did take it to the market eight years ago and we did not receive a bid for the development which matched the valuation that we received'.²⁰⁷

7.23 The Minister for Housing, told the Committee that Housing ACT has a responsibility to provide better quality housing:

Housing ACT owns the land. It is in our interests. Our tenants are living in circumstances which we think need to be upgraded. Those apartments are getting old, they are getting run down, they are not well insulated. We have a responsibility, as the provider of housing, to provide a better quality of housing. It is a site where the cost of building a unit is more expensive than it is in some other parts of town for housing, the cost per square metre.²⁰⁸

DEVELOPMENT OF THE DRAFT VARIATION

7.24 The Committee was advised that the development of the draft variation was an 'iterative process' whereby CSD are looking for opportunities to redevelop their estate and would engage in conversation with and receive advice from the planning authority. 'But, ultimately, it is the planning authority that prepares draft variations, and the planning authority does that in response, also, to the policy settings of the government'.²⁰⁹

7.25 Minister Corbell confirmed that 'CSD are the proponent in the same way that a private landowner would be a proponent'.²¹⁰

7.26 The Committee sought information about other examples of a government directorate or agency participating as the sole proponent for a draft variation and was provided with the following examples: Variation 316, Variation 315, Variation 288, Variation 296 and Variation 305. Further to this, the Committee was advised that draft variation 288 was the last time that the Government was the sole proponent for a draft variation for residential use.²¹¹

²⁰⁶ *Transcript of Evidence*, 27 May 2013, p. 53.

²⁰⁷ *Transcript of Evidence*, 27 May 2013, p. 54.

²⁰⁸ *Transcript of Evidence*, 27 May 2013, p. 63.

²⁰⁹ *Transcript of Evidence*, 29 May 2013, p. 70.

²¹⁰ *Transcript of Evidence*, 29 May 2013, p. 70.

²¹¹ *Transcript of Evidence*, 29 May 2013, p. 70.

ISSUES

7.27 The Reid Residents' Association submitted that they believe:

the Government is placing itself in an invidious position. On the one hand the Government is adopting the role of owner and developer and is seeking to change the zoning to maximise financial return. As a consequence, the Government (ACTPLA) is in a compromised situation as it is under political pressure to recommend and approve the rezoning and thus increase Government revenue from the development fees and the land sale.²¹²

7.28 Alternatively, when asked by the Committee whether residents are concerned that the proposed development is being undertaken by the Government rather than a private developer, one witness responded 'I do not think so, no. It is just that our concern is about what is going to be there. That is the real concern, and that it fits in with the rest of the area'.²¹³

7.29 The potential for a possible conflict of interest associated with a government directorate being the proponent of the proposed redevelopment was also raised. Dr David Teather queried:

There is a potential for a conflict of interest there in the sense that you have got two departments of the same organisation and a possibility that a proposal from another branch of the organisation may be looked at differently, less critically perhaps, than a proposal from another organisation. I do not know, but that sort of question was raised in our minds by that process.²¹⁴

SITE SPECIFIC ISSUES

7.30 The Committee heard a large amount of evidence specific to the Reid components of the proposed development. Of the 31 submissions received, the majority were from Reid residents wishing to make comments on the Reid site. Similarly, 55 percent of submissions received by ESDD during their consultation process were from residents of Reid and around 15 per cent from Braddon residents.²¹⁵

7.31 Mr Adam Kirk, a Braddon resident explained that his rationale for providing evidence was to ensure that 'a Braddon perspective' was on the record. Mr Kirk noted his concern 'that the

²¹² Submission No. 28, p. 4.

²¹³ *Transcript of Evidence*, 21 May 2013, p. 30.

²¹⁴ Transcript, 2 May 2013, p. 10.

²¹⁵ Consultation Report, January 2013, p. 5.

issues with the Reid development, which is the small aspect of the development, are overshadowing the positives that would come to Braddon through this development'.²¹⁶

7.32 On this matter, the Committee was presented with a case for treating the Braddon and Reid components of the site separately. David Teather cited several differences:

- the depth of the block facing Cooyong Street in Reid is half the depth of the block in Braddon;
- Section 7 Reid is bounded on the NE by medium density housing, while Braddon Sections 52 and 57 is separated from the existing medium density housing along Ainslie Avenue by Gorman House;
- the NE boundary to Section 7, Reid is 13 metre Kogarah Lane (building line to building line) while the NE boundary of section 52 and section 57, Braddon is Currong Street, a suburban street approximately 41 metres building line to building line;
- to the SW much of Section 7 Reid overlooks Glebe Park, while Sections 52 and 57 Braddon overlook multistorey car parks and other commercial buildings of the Canberra Centre; and
- Section 7 is part of the suburb of Reid which has a residential nature and most of which is designated as 'Garden City Heritage precinct', while sections 52 and 57 are part of Braddon which already has extensive commercial development, including the area north of Donaldson Street which is adjacent to section 52.²¹⁷

7.33 David Teather further submitted:

It is as though those who devised the Concept Master Plan Layout...first decided on a solution for the larger Braddon site and, having done so, then tried to shoehorn this solution into the much smaller Reid site.²¹⁸

7.34 He suggested that a more appropriate scale of development for Section 7 Reid would be what is presently proposed for Precincts VII and VIII on Section 57 Braddon, namely three storied buildings fronting Kogarah Lane and 5/6 storied buildings facing Cooyong Street.²¹⁹

HIGH SPEED RAIL

7.35 Mr Gentleman and Dr Bourke are aware that on 11 April 2013, the federal Minister for Infrastructure and Transport, the Hon Anthony Albanese MP, released the second and final report into the feasibility of high speed rail network on the east coast of Australia.²²⁰

²¹⁶ *Transcript of Evidence*, 21 May 2013, p. 35.

²¹⁷ Submission No. 9, p. 4.

²¹⁸ Submission No. 9, p. 4.

²¹⁹ Submission No. 9, p. 5.

7.36 The Canberra station comprising three platforms totalling 315 metres in length to service trains between Sydney, Canberra and Melbourne, is proposed to be located along the median of Ainslie Avenue.

7.37 The High Speed Rail (HSR) Phase 2 report also notes that some of the roads that cross Ainslie Avenue would need to be closed during the construction period, with construction estimated to start in 2027.²²¹ According to the station location plan in the report, the streets likely to be affected would be Cooyong Street, Currong Street, Kogarah Lane and Doonkuna Street, and possibly Elimatta Street.²²²

7.38 The HSR report also proposes a mixed-use development with a multi-level car park to the north of the proposed station between Cooyong and Currong streets, it notes is currently multi-storey social housing identified for renewal.²²³

7.39 The Committee received submissions that raised the issue of high speed rail in the context of the proposed redevelopment:

It may not be a reality for many years but this is now another factor for the Assembly to consider. Should they be approving such huge residential buildings on a site that may well be needed for important infrastructure in the future?²²⁴

7.40 In their submission Bruce and Judith Lane noted that presently, the existing public housing buildings have a single owner, the ACT Government, but that post-redevelopment there will be 188 strata titles on the Section 7 Reid site alone. The implications for any subsequent land purchase for a project such as the proposed high-speed rail would be 'very expensive'.²²⁵

7.41 Mrs Oddey submitted that with the recent nomination of Ainslie Avenue as the preferred Canberra City train station, one must question the entire integrity of the proposal'.²²⁶

7.42 Another submission questioned the viability of DV308 given that the 'recently announced plans for a High Speed Train station in Ainslie Avenue shows much of the Allarah and Currong flats site used for the station and associated car-parking'.²²⁷

²²⁰ Hon Anthony Albanese MP, Minister for Infrastructure and Transport, Media Release AA069/2013 *Final High Speed Rail Study Released*, 11 April 2013.

²²¹ High Speed Rail Study Phase 2 Report, April 2013, pp. x, 272-273, accessible at: http://www.infrastructure.gov.au/rail/trains/high_speed/files/HSR_Phase_2-Main_Report_Low_Res.pdf

²²² High Speed Rail Study Phase 2 Report, April 2013, p. 273, accessible at: http://www.infrastructure.gov.au/rail/trains/high_speed/files/HSR_Phase_2-Main_Report_Low_Res.pdf.

²²³ High Speed Rail Study Phase 2 Report, April 2013, p. 273, accessible at: http://www.infrastructure.gov.au/rail/trains/high_speed/files/HSR_Phase_2-Main_Report_Low_Res.pdf.

²²⁴ Submission No. 12, p. 1.

²²⁵ Submission No. 11, p. 1.

²²⁶ Submission No. 24, p. 2.

²²⁷ Submission No. 21, p. 4.

8 CONCLUDING REMARKS

- 8.1 Mr Gentleman and Dr Bourke would like to reiterate their thanks and appreciation to everyone that contributed and assisted with its inquiry, including all submitters, witnesses and Government officials.

Mr Mick Gentleman MLA

Dr Chris Bourke MLA

16 October 2013

Appendix A Submissions

List of Submissions

| No. | Name | Type |
|-----|--|----------------|
| 1 | Bob & Valerie Calvert | Individual |
| 2 | Jean Gifford | Individual |
| 3 | Pedal Power ACT | Organisation |
| 4 | Ernst Willheim | Individual |
| 5 | Elizabeth Teather | Individual |
| 6 | Anne Prendergast | Individual |
| 7 | Executive Committee of Body Corporate of Argyle Square Stage 1 | Body Corporate |
| 8 | Adam Kirk | Individual |
| 9 | David CB Teather | Individual |
| 10 | Sandra Wichelo | Individual |
| 11 | Bruce and Judith Lane | Individual |
| 12 | David and Alison Sloper | Individual |
| 13 | Nancy Cheetham | Individual |
| 14 | Mary R McKenzie | Individual |
| 15 | Frank Mines | Individual |
| 16 | Con Himonas | Individual |
| 17 | Doreen Wapshire | Individual |
| 18 | Claire Bickmore | Individual |
| 19 | John and Jan Powell | Individual |

60 STANDING COMMITTEE ON PLANNING, ENVIRONMENT AND TERRITORY
AND MUNICIPAL SERVICES

| No. | Name | Type |
|-----|----------------------------------|--------------|
| 20 | Jac Kotek | Individual |
| 21 | Chris Emery | Individual |
| 22 | Jason Ferla | Individual |
| 23 | North Canberra Community Council | Organisation |
| 24 | Maree Oddy | Individual |
| 25 | Sue and John Brudenall | Individual |
| 26 | Sue Byrne | Individual |
| 27 | Peter Strang | Individual |
| 28 | Reid Residents' Association Inc | Organisation |
| 29 | Imme Hambly | Individual |
| 30 | David Teather | Individual |
| 31 | David and Elizabeth Teather | Individual |
| 32 | Owen Maguire | Individual |

Appendix B Public Hearings and Witnesses

Thursday 2 May 2013

- Dr Elizabeth Teather, private capacity
- Dr David Teather, private capacity
- Ms Valerie Calvert, private capacity
- Mr Christopher Emery, private capacity
- Mr Peter Strang, private capacity

Tuesday 21 May 2013

- Mrs Sue Brudenall, private capacity
- Mr Adam Kirk, private capacity

Wednesday 22 May 2013

Executive Committee, Body Corporate, Argyle Square Stage 1

- Professor John Warhurst, Chair

Reid Residents' Association

- Mr Graham Carter, Secretary
- Ms Marianne Albury-Colless, Member

Thursday 23 May 2013

- In camera hearing

Monday 27 May 2013

Mr Shane Rattenbury MLA, Minister for Housing

Community Services Directorate

- Mr David Collett, Senior Director, Asset Management Branch, Housing and Community Services ACT

Wednesday 29 May 2013

Mr Simon Corbell MLA, Minister for the Environment and Sustainable Development

- Jim Corrigan, Executive Director, Planning Delivery
- Justin McEvoy, Acting Manager, Territory Plan Variations Unit

DRAFT VARIATION TO THE TERRITORY PLAN NO. 308 63
COOYONG STREET URBAN RENEWAL AREA
