

IGPA Canberra Conversation Public Lecture Series
 CHANGES IN CANBERRA'S URBAN FORM:
 PLANNING FOR THE FUTURE
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CANBERRA 2014-2018
SEQUENTIAL DESTRUCTION OF TOWN PLANNING ADMINISTRATION
An Address by Tony Powell

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Introduction

Jon Stanhope has written that the chosen subject of the Lecture is very important because the city seems to be changing so quickly in ways that are not being explained (by the Barr Government) or that we are not talking about, as follows:

- (a) The ACT Government is engaged in discussions with the NSW Government about moving the ACT/NSW border to accommodate the Ginninderry housing development project to enable it to extend seamlessly across the border in its later stages, after it has already entered into a contract with the developer/land owner.
- (b) The impact of the light rail (tram) project on adjoining land along its Stage One and Two routes has not been evaluated. For example, what will be the economic, social and environmental impacts of greater development density, such as high-rise buildings?
- (c) Urban Intensification is having an irreversible negative impact on housing affordability, at a time when Canberra has the worst amount of homelessness nationally on a per-capita basis.

The purpose of my Address is to respond to these issues by highlighting the manner in which there has been a series of malpractices by the Barr Government throughout the whole of its four-year term of office that have been fundamentally destructive, not only in terms of meeting designated social and economic needs but also in terms of respecting and maintaining the planned 'garden city' character for which Canberra is famous. However, there is also another chain of activity that needs to be repaired, namely the electoral inertia that is peculiar to Canberra and which I think has to be overcome before better public administration becomes possible.

1. Town Planning Genesis - Future Needs

Town Planning commences when somebody raises the question as to 'future needs', such as the need for housing, education, health, employment, public transport, urban infrastructure,

protection of the natural environment, and so on and so forth. The Barr Government has established a number of land development agencies with implied ‘town planning’ obligations, however, none of which seem to base their planning and development operations on explicit or published needs assessments.

The determinative factor in this regard is that, from the outset in 1988 the first Legislative Assembly evaded the statutory obligation contained in the Commonwealth legislation to the effect that ‘there will be a statutory town planning system and a responsible statutory planning and development authority’. It managed to do so by enacting Territory legislation that established an ACT Planning and Land Authority (ACTPLA) as a “corporation sole”, but without any resources, in other words, with no funding and no staff. The deep-seated objection underlying this stance has been, and continues to be, incompetent town planning, which will continue as long as there is not an independent, expert, statutory planning authority rather the sole prerogative of Territory Governments.

The fundamental underlying problem of this attitude is that both Chief Ministers and Assembly Members are prone to undermine statutory town planning procedures in order to achieve personal or political party benefits and objectives, to the detriment of, in Canberra’s case, the ‘garden city’ character for which the city is famous.

2. Planning Administration - A Remarkable Confusion

The ACT now has a multiplicity of town planning agencies, following the dramatic failure of the Land Development Agency because of its suspect land acquisition practices that the Barr Government has declined to investigate or justify, that may be summarised as follows:

- (a) Environment, Planning and Sustainable Development Directorate, which reports to three ministers (Berry, Gentleman, Rattenbury).
- (b) ACT Planning and Land Authority (ACTPLA).
- (c) ACT Chief Planner – The 1988 statutory position responsible for the administration of the Territory Plan, including the assessment of development applications.
- (d) City Renewal Authority, responsible for the redevelopment of the Northbourne Avenue corridor
- (e) Suburban Land Agency, responsible for the delivery of ‘greenfield’ residential estates and with a focus on urban renewal projects in town centres and suburbs.
- (f) Chief Minister’s Department, affordable land and housing provision.

A key individual in this regard is Ben Ponton, Director General, Environment, Planning and Sustainable Development. Since he was elevated to Director in April last year and as the senior town planner in ACTPLA beforehand, both ACTPLA and the Directorate have increasingly favoured development approvals that are contentious, and which tend to undermine the principles and objectives of the Territory Plan. Although frequently objected to by inner area community groups, mostly to no avail and without explanation from the responsible authorities.

A typical example of this process of ‘watering down’ is the subject of a letter published in **THEEASTLAKER** (May 2018), written by Leon Arundell, stating that in 2016 ACTPLA had created a series of ‘precinct codes’ that do not include rules or criteria that statutory codes are required to have. Director Ponton has dealt with this problem by a variation to the

Territory Plan that has authorised more than 100 precinct maps to over-ride provisions in development tables and claimed that these were simply administrative amendments, even though they are not listed as such, and in so doing has avoided informing the Minister and the appropriate Assembly committee. The significance of this is that developers are now being granted 'laissez faire' treatment by ACTPLA that are not in accordance with the objectives and development conditions of the Territory Plan.

Another example in March 2016 was when Minister Gentleman was given a recommendation that Capital Recycling Solutions Pty Ltd should be permitted to purchase by Direct Sale a lease over Block 11, Section 8, Fyshwick, in order to facilitate the development of a Materials Recovery Facility (MRF), which is a well-known major concern of South Canberra residents, the documentary recommendation is so flawed that the decision is likely to be invalid and that the Minister has probably been misled. A significant flaw is that the only copy of the direct sale application was unsigned. Also, there is no mention of an MRF but simply a vague reference to the need for a rail freight transfer hub, which would in fact be transporting putrescible material if it was ever approved. The Development Sale Panel was not able to assess the development against the statutory criteria, including the fact that Block 11 Section 8 is forbidden by Territory law to be used for rail purposes and there was no examination that the Direct Sale might 'lead to a detracting of amenity' in the surrounding area'. Despite this sloppy administration a Development Approval has been granted to CRS to acquire and develop the subject land.

3. Urban Intensification – A National Plague

The Chief Minister is regularly banging on about the need for high-rise residential development, on the grounds that the availability of urban land is diminishing at a significant rate which, generally speaking, his planning department, if there was one that was adequately funded, would be able to demonstrate, is simply not true. The ultimate urban capacity of the ACT was considered by the NCDC to be somewhere in the range of 800,000 to one million population, including the Kowen Plateau. The truth is that Andrew Barr thinks that higher densities will be cheaper for the Government to fund from an infrastructure and land bank viewpoint, as do both the NSW and Victorian premiers, however, nationally there is already a growing shortage of metropolitan open space and sports facilities in Australian cities and, even more pressing, is the need for greater Commonwealth/State investment nationally in rapid commuter rail networks which, at a rough guess, could have a price tag of the order of \$500 billion spread over the next 30 years.

In the last few weeks, two typical intensification projects have been announced. The development company Geocon has lodged a development application for a 16-storey hotel in the CBD between Garema Place and Bunda Street, which will rise above 50 metres and will dwarf the Canberra Centre and block sunlight over a significant area of Garema Place. There are three other development projects for hotel and apartment projects in Civic already in the pipeline that collectively will raise difficult car and public transport and overshadowing issues beyond the professional capacity of ACTPLA to assess and evaluate.

Further afield in Manuka a seven-storey hotel, modelled on the LeGrand Hotel in Paris, is the subject of a development application in the business area that unfortunately has a two-storey building height limit specified in the Territory Plan partly for heritage reasons, a development that would significantly block sunlight over cherished footpath eating areas in Franklin Street

and Canberra Avenue, also a project that ACTPLA does not have funding or the knowhow to reliably evaluate.

There is very little information or understanding in Australia about the needs of people who are being forced to live in high-rise, high-density, residential areas, particularly with regard to such things as sport and outdoor recreation spaces and facilities, or even the extent to which in other respects they have a significantly different lifestyle to that which traditionally Australians are used to as a matter of course.

4. Light Rail Project – Incompetent Secrecy

A key issue of the moment in Canberra is the rapid increase in rates and taxes being levied by the Barr Government. Collectively these have increased by 63% during the period of the Barr Government to a point where, this budget year, more than a third of the city's households and businesses are having serious difficulties in coping. Significantly the Territory now has the highest per capita rate of homelessness in Australia which, for a Labor Government, should be a matter of concern, although not evidently on the part of The Chief Minister.

From this standpoint the issue of the Light Rail project is significant. The original contract price in 2016 for stage one was \$710 million for the first 12-kilometre line from Gungahlin to the City. It is now \$939 million and will continue to inflate throughout the 20-year 'construct and operate' contract. The second stage from Civic to the Woden Centre has just been reported to the Parliamentary Committee Inquiry as \$1.6 billion.

The key issue, however, is the manner in which the overall project has been conducted in secrecy with regard to critical financial and performance factors, such as the fiscal rate of return for both stages is negative. Bus services will be curtailed along the Northbourne Avenue corridor and in the Central Parliamentary Area, to the detriment of commuters who will be forced to change from bus to train.

The indications are that the same electoral preemption is going to happen with regard to Stage Two (Civic to Woden), namely, a prior commitment before the 2020 election without knowing the budget cost or the operational feasibility. There are ominous signs in which the ACT Government is saying that "it will look beyond simple benefit cost ratio modelling and will take into account matters such as its overall vision for Canberra, community sentiment, urban realm benefits and other factors".

Minister Fitzharris has this week announced changes to the bus system that will come into effect next January following completion of the Gungahlin to Civic leg of the light rail in December. Passengers will have to walk further (800 metres average) and change buses more often but services will be more rapid. However, dedicated school bus services will be significantly reduced, which has aroused concerns on the part of parents and student associations.

Canberra doesn't 'need' a tram system, but it does 'need' a much better bus system, which is where the \$2.6 billion and rising, should be spent.

5. Land Administration – Gaming the System

With regard to the issue of housing I prefer to take a different tack. It is clear that the Barr Government has not made available a sufficient amount of residential land as a quantum of lot types and at affordable prices, also that it has ‘gamed’ the selling of land by auction so as to maximise budget profitability. It is a ridiculous fact that the Canberra, 200kms away from the Pacific coast in the NSW hinterland, has the second most expensive land and housing in Australia.

In this particular context, today’s Canberra Times (June 19th) raises the prospect that house seekers will begin to depart or not choose the ACT in favour of adjoining housing market opportunities in NSW, which in turn could lead to ‘tax leakage’. The Chief Minister has brushed such thoughts aside along the lines of “serve them right if they do”. On the other hand, such an exodus could also damage the ACT’s economy “according to the Pegasus Economics review of the 2018 Budget”.

Of more concern for residents however, is the ever-rising cost of general rates levies that will have increased from \$200 million in 2011 to \$700 million by 2020. This is a matter that the Government cannot lightly brush aside and that looks like it will increasingly become an election issue in the lead up to the next election in 2020. New figures from the Australian Bureau of Statistics show that ACT homes paid more each week on average than in the states and received less in return, although other factors do make Canberra living better.

It is notable that four of the above listed Territory administrations have a responsibility to achieve affordable housing, including the Chief Minister’s Department, all of which is a ‘pious hope’ if the Barr Government’s history is any indication. My earlier reference to ‘taking a different tack’ means that, speaking personally, I cannot see how the gap between housing needs and the profit-making focus of the Government, can ever be reconciled for the greater good.

6. Electoral Inertia – An Abnormal Society

In my address to last year’s IGPA public lecture program (25 May 2017), I referred to the fact that ACT governments generally are not subjected to the persuasive pressures that state and local governments are subjected to by their electorates and which accordingly tends to make governance more aware of needs priorities and, as a result, to be more efficient and effective, and more honest and more accountable.

I also expressed the view this tends to allow a ‘corruption of due processes’ on the part of the ACT Government, which I now believe in the intervening 12 months has been getting worse. Two Legislative Assembly inquiries are currently being held at this moment in relation to land exchange deals by the Government and trade unions, however, these show signs of being just ‘the tip of the iceberg’ and which accordingly might be better left for another day

Tony Powell