



STANDING COMMITTEE
ON
LANDS, PLANNING
AND
ENVIRONMENT

REPORT NO. 38

FURTHER REPORT

REDEVELOPMENT OF TORRENS STREET
BRADDON

Background

At the meeting of the Assembly on 7 February this Committee brought up its Report No. 34 relating to the redevelopment of Torrens Street, Braddon. Members will recall that this Report recommended:

- "(1) That the lease purpose clauses of the Blocks 1-9, Section 29, and Blocks 1-12, Section 21, Braddon be amended to permit redevelopment; such redevelopment to consist of 2-storey walk-up office space built on one or more blocks with off-street parking behind the buildings;
- (2) That the existing street trees on Torrens Street be protected from damage or removal, and
- (3) That the recommendations and the report be transmitted by Message to the Minister."

The debate was adjourned and the resumption made an order of the day for the next sitting.

2. At the meeting of 28 February the debate was resumed, and Mr Vallee moved an amendment to omit all words after "That" and substitute:

"any redevelopment of Torrens Street should:

- (a) be based firmly on informed judgments of what is needed in the area;
- (b) follow consultation with residents;
- (c) make available to resident leaseholders the opportunity to have remitted the inevitable increase in rates associated with change of use in adjoining leases, and
- (d) ensure that the increased costs incurred by the community, for example by increased use of urban services, will be recovered from developers, and

(2) That the recommendations and the report be transmitted by message to the Minister."

3. Subsequently, the debate once again adjourned and its resumption made an order of the day for the next sitting.

4. The matter has not been debated since that adjournment.

Subsequent Action by the Committee

5. Because of uncertainties expressed both in the Assembly and in the community, the Committee decided to further investigate the issue.

6. To assist in this, the Committee, after a series of press advertisements, met with residents of the street, with a Committee member of the Torrens Street Community Group and with representatives of the ACT Council of Social Services. Members will recall that this latter organisation had previously circulated a paper to all members expressing some opposition to the proposals of the Committee.

Deliberations of Committee

7. After further considering the complexities of the issues surrounding redevelopment of Torrens Street, the Committee remains convinced that its original proposals as embodied in the recommendations in Report No. 34 remain practical, and a suitable course of action for the street.

8. The Committee has, however, given further consideration to some aspects of the proposal. These include questions of rating, the rights of both resident leaseholders and tenants, the need for a more rigorous application of the provisions of the City Area Leases Ordinance, the need for the NCDC as the planning authority to provide a detailed response to proposals and the merits of permitting residential redevelopment to be included in the street.

Rates and Rights of Existing Resident Leaseholders

9. The Committee concluded that these issues were intertwined and needed to be considered together. Working from the fundamental position that resident leaseholders desirous of staying in their dwellings should not be forced out, and the fact that any adjacent redevelopment would tend to force up the rates of all blocks, it became evident that the right of those residents to remain could only be guaranteed if the already considerable rates on each of the blocks could be prevented from reflecting the redevelopment potential. The Committee is satisfied that the provisions agreed to for the Kingston redevelopment area as incorporated in the Land Rent and Rates (Deferment and Remission) Ordinance 1976 apply to Torrens Street. Although this measure may not be the ideal in the long term, it does afford protection to leaseholders from large increases in rates.

Rights of Tenants

10. The Committee was particularly concerned for the long-term tenants who, although they may have lived in the area for a great number of years had continued to rent the property. The Committee considers that a long period of warning of notice to move would be required.

11. The short-term tenants of other properties in the street are generally of a more "transient" nature. Since such are party to short-term leases they are afforded protection by the Landlord and Tenant Ordinance. The Committee is of the opinion that this is adequate.

Enforcement of City Area Leases Ordinance

12. It became evident to the Committee that many of the problems being experienced by residents of Torrens Street are a direct result of the lack of enforcement by the

Department of the Capital Territory of the provisions of the City Area Leases Ordinance. These provisions are designed to ensure that the provisions of the lease purpose clauses be adhered to, but it is obvious that a number of the blocks in Torrens Street are being used for purposes other than purely residential. These transgressions include the moving of the rear boundary fences to permit inclusion of part of the block into properties on Lonsdale Street, and the storage of cars in the rear of properties.

13. The Committee is aware that until recently, convictions were difficult under the Ordinance, but no such problems should be experienced since amendments were introduced in 1976. Initiative in this matter rests with the Department of the Capital Territory.

The Planning Authority

14. The Committee is not a planning body and therefore would find expert advice from the NCDC useful in its deliberations. For the future, the Committee would appreciate the NCDC providing detailed information concerning any proposals which they might envisage for Torrens Street. This information should include a detailed assessment of the implications on the provision of essential services and on traffic flow.

Residential Option

15. After further consideration of the evidence before the Committee, including the evidence of the residents of the Street, the Committee can now see merit in permitting some high quality residential redevelopment. In the opinion of the Committee this could be in the form of additions to existing buildings or the redevelopment of a block (or amalgamated blocks). An assessment of this proposal by the NCDC would also be of value to the Committee and the Assembly.

16. The Committee is of the view that all of the foregoing largely cover the matters raised by Mr Vallee in his amendment.

RECOMMENDATIONS

17. The Committee recommends;

- (1) That the recommendations in Report No. 34 be adopted by the Assembly.
- (2) That existing resident leaseholders in Torrens Street be given every encouragement to remain in their dwellings for as long as they wish. (The Committee notes that the provisions of the Land Rent and Rates (Deferment and Remission) Ordinance 1976 apply to the redevelopment blocks in Torrens Street).
- (3) That long-term tenants in Torrens Street be given a long period of notice of the need to vacate the dwellings.
- (4) That the Department of the Capital Territory actively enforce the provisions of the City Area Leases Ordinance in Torrens Street.
- (5) That the NCDC provide detailed planning information on the proposed form of redevelopment, including an assessment of the effect on traffic and services.
- (6) That an option of some high quality residential redevelopment be included in the proposals for the street.

RECOMMENDATIONS (Continued)

- (7) That the recommendations and the report
be transmitted by message to the Minister.

4 April 1977

(W.W. LENNON)
Chairman

DISSENTING REPORT BY PETER VALLEE OF REPORT NO. 38
OF THE STANDING COMMITTEE ON LANDS, PLANNING & ENVIRONMENT -
FURTHER REPORT ON REDEVELOPMENT OF TORRENS STREET, BRADDON

My principal concern with both this report and the first report on the Torrens Street redevelopment proposal by the Committee is that it demonstrates the wrong approach to planning decision-making, whether referring to redevelopment or planning in general.

2. The Committee's advice is not based on adequate investigation and the recommendations can only be described as a gamble. The measures proposed in the recommendations might well be a good guess as to what is best for Torrens Street, but I am convinced that in planning, in Canberra at least, guesswork is simply not good enough.

3. Kingston is an example of decisions which are not consistent with feasibility. Whilst it is true that ratepayers can be insulated to a degree, it is not possible to entirely protect them from increases in rates caused by the speculative increase in property values nor can they be defended from other undesirable aspects. I am concerned here with two specific effects: the creation of speculative values which simultaneously make development less feasible. If the speculation is created by opening a particular area up for redevelopment, but if the form of redevelopment prescribed is not in fact in high demand, or is not feasible for other reasons such as interest rates, then a situation is created which brings benefits to no-one. An area is blighted, residential amenity is lost to residents and there is no guarantee that the area will be completed in a form as envisaged at the commencement of the project. This is the situation that has resulted in Kingston and nothing in the Committee's report appears to me to prevent the possibility of a recurrence in Torrens Street.

4. I said above that the Committee's recommendations were a gamble. Such a gamble should not be necessary in the planning

of this city. I am convinced that neither the Committee nor the NCDC is approaching the Torrens Street exercise with a clear mind as to what is feasible. I, therefore, feel that the only proper course of action in determining what sort of redevelopment is to be allowed is for a full planning exercise to be undertaken. This would need to look at the forms of land uses which are in demand and the effect on further provision of land for certain types of land use would have on the overall demand. Clearly, the Assembly, in its present situation, is not equipped to handle such an investigation. Indeed, I would query whether we should try. Rather, I feel the matter should be passed back to the NCDC for that body to undertake the detailed investigation required and then inform the Assembly. Before the Assembly could consider a decision it would need to have before it the detailed advice of these experts and information on feasibility of various options including the willingness of the parties present using premises in Torrens Street for illegal uses to use such premises if rates and charges were pitched at the appropriate level for such uses.

5. My further concern is that in the Canberra situation, which at least aims at the integration of planning and development, the interests of long-term residents and tenants should get more consideration than given them by the Committee in its report. The recommendations of the Committee on this matter, particularly Recommendation (2), are hardly more than expressions of wishful thinking. Should the redevelopment of Torrens Street proceed, the NCDC and other authorities should make every effort to accommodate those people currently housed in Torrens Street in the projects being undertaken flanking Ainslie Avenue. This move would not only house the displaced persons in close proximity to their familiar neighbourhood, but would also demonstrate the extent to which under a planned redevelopment as well as homes taken away, alternatives are provided.

RECOMMENDATIONS

6. I, therefore, recommend that:

- (1) That no redevelopment of Torrens Street be permitted to proceed at this time and that the Department of the Capital Territory actively enforce the provisions of the City Area Leases Ordinance in the area.
- (2) The National Capital Development Commission be requested to conduct a comprehensive planning exercise in consultation with the Assembly's Standing Committee on Lands, Planning & Environment on the redevelopment of Torrens Street.
- (3) That when the planning exercise is completed the results be forwarded to the Assembly for further consideration.

15 April 1977

(PETER VALLEE)