



3rd March 2023

EPSDD
Territory Plan Submissions

Submission on draft Territory Plan and District Strategies

Dear Planning Reform team,

Introduction

We applaud the work that the ACT Government have undertaken to review the planning system with the aim to simplify it, improve the balance between certainty and flexibility and incorporate character, context and design as key elements of the system, detailed strategic planning for each district and an outcomes focussed Territory Plan. We appreciate the huge scale of the task and work that has been undertaken, it has also been a large task to review and understand these documents and the implications that they have for planning and development across the Territory.

The documentation supporting the Territory plan review process states:

The aim of the Project is to deliver a clear, easy-to-use planning system that encourages improved spatial and built outcomes across the Territory and continues to build on Canberra's strong reputation as a great place to live and work.

As planning practitioners in the ACT, we support planning reform and the implementation of an outcomes focussed planning system that encourages improved spatial and built outcomes across the Territory. However, we are concerned that the proposed new system as drafted, is not providing clarity or ease of use and may be equally or more complicated to understand and implement.

The sections below provide a summary of comments and notes that we have made as we have reviewed the various documents. We have reviewed some in more detail than others. They are not completely comprehensive, and are somewhat ad hoc, but we trust that these are taken into consideration and provide some constructive feedback as the planning documents are updated and finalised.

General District Strategies

1. The whole front end of each District Strategy should become the updated ACT Planning Strategy, then each District Strategy will only include what is relevant to the District and wouldn't be as overwhelming.
2. The District Strategies identify (Table 8) ACT wide targets for planning under each of the 5 'big drivers' these targets or similar should be reflected in the assessment outcomes in the new Territory Plan.
3. It is confusing that the Planning Strategy has 5 Themes and the District Strategies have 5 Big Drivers. These should be amalgamated to remove a level of complexity.
4. Each strategy relies on a whole lot more additional planning work to be undertaken by EPSDD or others. Everything in the future is identified as 'potential' and subject to further consideration. Is EPSDD adequately resourced and funded to deliver it all in a timely manner.
5. The strategies note that much planning work relies on close collaboration with various other ACT Government agencies and entities, such as SLA, CRA, TCCS etc. The district strategies and the new Territory Plan and associated outcomes need the clear support and endorsement of these stakeholders so that the visions and outcomes can be realised.
6. The Blue Green network is very confusing. It seems to be an amalgamation of active travel and wildlife corridors, but not a clear map of either.
7. Cycleways and active travel routes often follow blue/green infrastructure, but that does not make them blue/green infrastructure.
8. The District Strategies identify targets for infill housing in each of the districts in alignment with ACT treasury's population projections (pg 32), but then says "note-this is not necessarily where new housing should go" if the purpose of the district strategy is planning for new housing population and jobs, shouldn't they be identifying where these things should go and why is this the basis for the distribution of planned housing?
9. Figure 10 also notes "More detailed planning will determine where future development will be allocated". This is likely to depart from the future dwelling distributions shown in the figure and therefore makes this map of housing demand irrelevant.
10. Figure 11 - Future jobs by district; jobs growth is modelled on current shares and past trends. Surely if we are planning for the future our city it shouldn't just be reflecting the current trends, but what we expect and the change we are planning for into the future?
11. One of the key intentions includes focusing new higher density residential development in a future light rail corridor, examples include Turner or, Aranda. This should be reworded to focus new development around future rapid transit nodes – there is no point living near a rail corridor, people need to live near the stations.
12. Inclusive centres and communities; it notes that all residents should be able to walk to a group or local centre, but the sustainable neighbourhoods plans in each strategy don't demonstrate whether this is the case or not, and whether there are areas that aren't served by a local or group centre within walking distance. All centres should be afforded opportunities for growth and change not just select ones.
13. Planning on Ngannawal county, while the District Strategies reference this, we cant see how the principles of caring for Country have been applied in the District Strategies and the TP? There is reference in the Blue-Green network, but it would be good to follow this through into actions or outcomes in the Territory Plan. Are there songlines or locations that should be identified for special recognition?
14. The blue-green mapping should identify the key corridors for protection of ecological and habitat values so that these can be reflected in zoning or planning controls in the Territory Plan so they can be protected from development and clearly communicated to the community.
15. One of the objectives is to develop movement corridors for all modes of transport (pg 55). Strategic decisions need to be made about whether places are being designed to prioritise movement of vehicles, or if they are streets designed with a focus on places for people, they can't successfully be both. Perhaps this could work if transport corridors

were only for light rail and people (eg. George St, Sydney) But experiments at creating urban boulevards in Canberra have not yet been successful. Flemington Road and John Gorton Drive are examples that try to be both arterial roads and urban places, but succeed at neither. They are too wide and busy to be a place and have too many traffic lights and speed restrictions to be efficient arterial roads. We shouldn't create more places like these.

16. The district strategy should identify what and where new community facilities are needed across each district.
17. The town centres should be identified as 'urban core' in the sustainable neighbourhood mapping.
18. Appendix 2: 'Urban improvement' approach. Support this, for example we think a major catalyst for change at all the group and local centres would be policy change that allows 4-5 storeys at local centres and taller at group centres. Places like John Gorton Drive have 8 storeys, but no centre. All the local and group centres should have opportunities for more dense development which will mean more people are there to support and activate the local centre and economy.

Belconnen District Strategy

19. If the ACT Government is planning for a new hospital in Belconnen it should be considering an appropriate policy change if needed, to facilitate this, or else it may substantially delay this critical infrastructure through a TPV process.

Gungahlin District Strategy

20. Kenny is identified as a "proposed" change area in the Gungahlin District Strategy but does not have any specific policy requirements or detail about the planning for this area. Other key sites and change areas have some principles identified.

Tuggeranong District Strategy

21. People in the southern end of this District don't have great access to Community Facilities.
22. The fact that the age cohort is older now means that we need to start planning for the next wave of children in about 10-15 years.
23. On page 87 it says "The Tuggeranong town centre is the only centre providing more than local retail and service functions". What about Erindale?
24. On page 88 it states: "The dispersed and suburban street layout of Tuggeranong and wide road corridors mean that enhancing connectivity for active travel can be difficult and that the district is generally more car dependent." This is true, but it should also acknowledge that there is an existing network of off road paths linked by underpasses that allow bikes to travel throughout Tuggeranong without interacting with motor vehicles – it's just that the paths are not well maintained and the distances seem daunting for some people.
25. The long term future of 'service and trades' uses in the Tuggeranong town centre seems tenuous. At Belconnen and Phillip there are areas of CZ3 zoned land that prohibit residential development to protect the lower value uses from being displaced. To the best of our knowledge there is no equivalent policy at Greenway. A functional town centre needs both high value and low value uses.
26. In some areas, like the Wanniassa Group Centre (Figure 39), it seems to have prioritised proximity to an arterial road over proximity to the group centre for possible planning policy change. This doesn't seem logical.

Molonglo District Strategy

27. There are competing goals in this area due to the proximity of ecological values, but planning and approvals for new urban development have been in place for many years. These matters should be identified in the strategy so that there are clear expectations around this.
28. The District Strategy should acknowledge the existing EPBC Strategic Assessment Approval for the Molonglo Valley the NES Plan and the existing Section 211 Exemptions that are in place and reference any applicable requirements under these approvals.
29. The future Blue Green Connections do not appear to clearly incorporate requirements in the National Capital Plan, or the NES Plan and s211 Exemption which were included in the Molonglo Valley Stage 3 Planning and Design Framework such as:
 - Section 3.3.3 of the NCP (Section 6.9 of the Molonglo Valley Stage 3 Planning and Design Framework):
 - g. Planning of urban areas in Molonglo should make provision for a distinct, accessible and legible link, of a minimum width of 70 metres between Stromlo Forest Park and the National Arboretum Canberra.
 - Molonglo River Reserve interface – consistency with the Molonglo River Reserve Management Plan (refer Section 6.18 of Molonglo Valley Stage 3 Planning and Design Framework)
 - Patch GG and Patch N interface (refer section 6.19 Molonglo Valley Stage 3 Planning and Design Framework).
30. Molonglo has less potential for future urban infill so needs to have a higher proportion of quality open spaces, community facilities and amenity to serve its already anticipated higher density.
31. The Strategy defers the detailed planning for locations and types of community facilities to later or other documents, this is important planning that should be included here.
32. Molonglo has a young population. Need to plan for capacity in schools and colleges early, but the strategy does not discuss planning for schools in any detail.
33. Infrastructure delivery needs to be happen more quickly and efficiently, the community has been impacted by slow delivery of infrastructure in this District.
34. Planning for the size of Molonglo's main commercial centre needs to happen now, not in the long term as indicated in the strategy's initiatives (for either a Group centre or Town centre).
35. Development to date has been impacted by slow delivery of infrastructure such as the Molonglo River Bridge, planning for future infrastructure throughout the district needs to be brought forward so that it is delivered in a timelier manner.
36. Priority should be made to delivery of key active travel and public transport routes in the district to encourage uptake of these modes rather than private vehicles.
37. Much of the 800m catchment from the Molonglo Group centre will be within the river corridor. Maybe the Whitlam Group centre should become the new Town centre where there is a larger potential development area within the 800m radius from the centre. The Molonglo Centre is quite constrained by the river corridor.
38. There are always competing demands on land and uses. To realise opportunities the District Strategy should be specific about the desire to generate a certain type of outcome, to make future planning pathways more streamlined.
39. Molonglo certainly could leverage from its characteristics to create a focus for mountain biking and outdoor tourism, but concessions might have to be made to other recreational users. Planning for this should be considered at this strategic level.

Woden District Strategy

40. In Figure 40, it seems contrary to the established retail hierarchy to place a new retail destination just to the north of the Woden Town centre.

Territory Plan

General Territory Plan

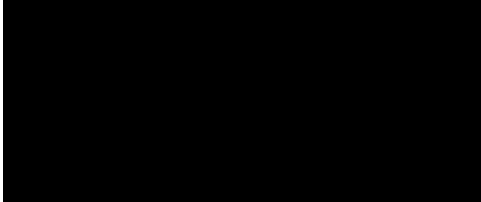
1. Some of the assessment outcomes are not written as outcomes, they are considerations, they should be reworded as outcomes.
2. An outcomes focussed plan should remove many of the site specific requirements and inconsistencies from the current Territory Plan, if the move is to focus on planning and design outcomes. The draft has inconsistently adopted controls from some precinct codes but not others depending on the district or suburb. For example, height controls in Woden Town centre are not mandatory, but in Belconnen, Tuggeranong and Gungahlin they are.
3. The new draft TP does not provide location based planning policies for areas outside the Urban districts.
 - a. Plantation forestry is currently permitted by non-urban zone precinct codes. These codes don't appear to be captured in the new plan, so it is unclear whether plantation forestry remains permissible.
 - b. Similarly to Plantation Forestry, there are precinct code controls in locations like Uriarra Village, or other non-urban areas that do not appear to have been carried through to the new plan.
4. The relationship between outcomes in policies and possibly relevant Specifications is not clear. i.e. which specifications relate to which outcomes. There are a number of questions that flow from this:
 - a. Can Specifications in a Zone Technical Specification be used to demonstrate achievement of an outcome in a District Policy?
 - b. If multiple specifications potentially relate to an outcome, how do we know which ones must be met?
 - c. If a District Policy and a Zone Policy identify the same Assessment Outcome, does addressing one, automatically mean the other is addressed.
 - d. There seems to be some specifications that do not relate to outcomes and will therefore never be addressed (i.e. some of the light roof specifications that would help with urban heat, but the urban heat outcome references green infrastructure, not building colours).
5. Transition Timing – it seems likely that there will be some substantial changes to the plan and policies between now and when they are introduced with interim effect. Industry and the community needs to have the opportunity to view the updated system prior to it taking effect, otherwise no-one will be able to prepare development applications in anticipation.
6. eDevelopment – it is understood that eDevelopment will need to be replaced. Will the new system be ready and available for people to use on day one or prior so that people will know how it works?
7. Statements of Environmental Effects are identified in Assessment Outcomes in some policies (i.e. commercial zones), but there is nothing that calls up the requirement to produce a Statement of Environmental Effects (eg. nothing in commercial specification).
8. The draft misses opportunities to make changes to facilitate key policy outcomes such as the creation of a compact and efficient city. It has not sought to rezone land and therefore any proposed rezonings to implement changes that support a more compact city may still have to go through a TPV process. Which doesn't seem to be helped in any way by the relevant district strategy, it's just not prevented.
9. The hierarchy of policies is unclear. The subdivision and lease variation policies identify the precedence of policies where these are relevant, but other policies don't specify the hierarchy. Presumably the district policy takes precedence to the zone policy, unless the subdivision or lease variation policy applies.
10. The subdivision policy states that particular matters may be given more weight. Depending on the context of a development this is very opaque for a proponent. What matters will be given more weight in an assessment? This information needs to be provided.

11. We need to see the minimum document requirements for DA's with sufficient time for proponents to be ready for the transition.
12. Need to see the new Urban Design Guide and Housing Design guidelines ASAP as these will play a key role in supporting design and assessment to achieve the expected high quality development outcomes, and developments are currently being designed which will be assessed under this new system, and we don't yet know what these will include.
13. It would be useful to see some model development applications, and examples of how they would be assessed under the new TP.
14. Special Requirements under the National Capital Plan
 - Part 12 of the current TP says that the Map identifies particular land where the overlay provisions apply, these include 12.1 Special Requirements of the National Capital Plan.
 - The new TP would not change these requirements to be met under the NCP, but there is no reference in the new TP to all the areas where these apply, as the overlay has been removed and therefore it is highly possible these could be forgotten for areas where DCPs under the NCP apply.
 - The zones codes in the current TP each have a paragraph in the introduction about the National Capital Plan and special requirements.
 - The new Inner North and City District Policy includes mandatory requirements for Northbourne Ave that require development to be consistent with requirements of the NCP.
 - Other District policies, such as the Inner South and East Canberra District Policy do not reference the National Capital Plan or any areas where special requirements apply.
15. The Belconnen District Policy has made changes to mandatory heights in the Lathlain Street and Circus Site Precincts (increasing these) from what is in the current TP refer to Figure 3. Is this intentional?
16. While the addition of Emergency services facility as a permissible use in NUZ2 Rural zone, is considered appropriate, it is not necessarily appropriate or consistent with the objectives of the NUZ3 Hills Ridges and Buffers zone and no justification for this change seems to be provided.
17. Contrary to broader policy on transport and parking it seems that some of the parking requirements in the Technical specifications such as for CZ1 in town centres (for office, restaurant and residential) have increased for a development to be deemed to comply, and these will be used as a benchmark for the expectations regarding parking. The basis should be fewer or at least the same as the current plan, not more.
18. The effective implementation of the new system will require a substantial shift in the way development is assessed and increased training and resources will be required to ensure a smooth transition and efficient assessment timeframes to support new investment.
19. The new system will also rely on the skill of experienced practitioners to assess development and training of both assessment staff and ACT Government entities to provide for innovation and consistency to achieve the desired outcomes.
20. It is not yet clear what the document requirements will be required to support a development application, and it seems likely that there would be a substantial increase in the documentation required to support an application.
21. Unless there are restrictions on third party appeals, there is potential that a greater number of decisions will go to ACAT given the outcomes focus and subjectivity of assessments.
22. We are not yet confident that we fully understand the complete system and whether it will provide for a simplified and streamlined development assessment process that provides confidence for a range of proponents who both wish to propose bold and innovative developments, or just want certainty and a timely decision.

Closing

Thank you for this opportunity to comment on the new planning system we look forward to reviewing the design guides and other components of the new system in the coming months to further understand the implications and intentions of the new system to achieve the desired improved outcomes. We would be happy to discuss or clarify any of these points in more detail with EPSDD staff.

Sincerely



3 March 2023

Environment, Planning and Sustainable Development Directorate

Via Email: EPSDDComms@act.gov.au

SUBMISSION TO DRAFT ACT TERRITORY PLAN

Thank you for the opportunity to make this submission to the draft Territory Plan (**the draft Plan**).

The draft Plan is being developed as part of a broader review of the ACT Planning System including a new Planning Bill and District Strategies. The ACT Planning Review and Reform Project is arguably the most important reform impacting the local building and construction industry proposed in this term of the Legislative Assembly. All members of the Master Builders Association are impacted by the reform project, in particular the details of the Plan and its implementation.

The operation of the ACT planning system directly impacts approximately 20,000 people working in the local industry and helps deliver \$4.5 billion worth of building and construction work completed each year. In turn, this helps generate approximately \$1 billion in taxes paid to the ACT Government alone.

Unfortunately, key components of the reform project have been released separately with all components not yet publicly released. This approach makes it extremely difficult to assess the combined impact of each document. As we stated in our submission to the draft Planning Bill, we believe it is important that all aspects of the planning review (the Bill, the Territory Plan, Technical Specifications, and the operational arrangements) be considered in a wholistic way before the planning review is finalised.

We expect the time required to review the draft Technical Specifications and Guidelines will be much greater than the draft Bill and draft Plan.

We request consideration be given to extending the consultation period for the draft Territory Plan until all components of the Reform project are available for review. It is particularly important to consider the Technical Specifications in the context of the broader Reform project. As we have suggested in various consultation forums, it is important that Directorate staff run workshops to the industry, demonstrating how common forms of development would progress through the new planning system and any differences between the current standards and proposed new standards be highlighted.

Areas of Support

We support the principles of the Reform project and introduction of an outcomes-focused planning system. We support a number of changes from the existing planning rules, namely:

- Allowing a block in RZ2 to RZ5 zones to be subdivided without being required to construct the new dwellings first (as long as it can be demonstrated that the blocks created can accommodate dwellings that meet the planning requirements).
- Increasing the number of dwellings permitted in a multi-unit development in the RZ2 zone.
- Allowing multi unit developments in RZ2 dwellings to be in the form of an apartment (which would enable a dwelling to be on a single level and easier for the resident to age in place).
- Amending vehicle parking requirements to encourage and support active travel.

The concept of District Strategies is supported, provided that the district strategy policy is incorporated into the draft Plan to provide statutory effect. The District Strategies should be expanded over time, as follows:

- Incorporating new infrastructure plans that form part of the ACT's long-term infrastructure plan (when developed).
- Include information about growth staging, showing how infrastructure will be provided to support growth, and by when.
- Updated to reflect the latest population estimates.

Key Issues

There are three key areas for improvements we would like to highlight below.

We believe it is important that each of these issues are addressed fully and a wholistic response be provided to industry and community for review before the Reform project is finalised.

Issue #1: Lack of Housing to Meet Future Need

There is a lack of housing analysis prepared by Government to support the housing policies contained in the draft Plan.

The ACT has been undersupplied for land and housing for several years, leading to price increases for ACT housing higher than almost every other capital city.

According to the Missing Middle Canberra's Statement on the draft Territory Plan, *Canberra is in a housing crisis*. The Statement says:

Over the past five years, Canberra rents have increased by 17%, faster than any other capital city besides Hobart, and Canberra is now tied with Sydney as Australia's most expensive city for renters. Low rental vacancy rates and a persistent housing shortage have pushed up rents and housing costs, while reducing Canberrans discretionary incomes and the competitiveness of local businesses.

Such a fundamental reform of the ACT planning system, faced with such a failing of past housing policy, should have provided evidence of how the draft Plan will address this important policy issue.

No such analysis has been provided.

According to analysis by MBA Australia, the ACT is likely to fall short of delivering its share of the National Housing Accord's 1 million homes over five years.

This national target will be harder to achieve given the impact of rising interest rates on the ACT market, past housing shortfall, slow land release policies, and the ACT's additional population growth between 2016 and 2021.

Master Builders ACT believes the most effective way to accelerate our supply of new housing is through a combination of accelerating new land release and amendments to the Territory Plan to allow additional housing options in the residential zones, specifically the RZ1 zone.

The proposed changes to residential policies as outlined in the draft Plan are vastly insufficient to increase the supply of affordable and appropriate housing to serve the needs of the current and future ACT community.

We call for the following policies to be adopted in the draft Plan:

- Legalise more private, public, and community-owned duplexes, terrace-houses, and townhouses by upzoning current RZ1 areas to the RZ2 standard and allowing this low-impact housing to be subject to similar streamlined development approval requirements as existing detached homes.
- Rejuvenate local centres and allow for more terrace-housing and low-rise apartment buildings, by upzoning current RZ2 areas to the RZ3 standard.
- Reform the CZ4 local centre zone to more easily allow for apartments above local shops, increasing the height limit to allow at least three storey buildings, while reserving ground floor space for commercial use.
- Enable more sustainable housing designs and reduced housing costs for the increasing number of Canberra families who don't own a car, or only own one car, by reducing mandatory parking requirements to 1 car space per home, across all residential zones.
- Remove the number of storeys limitation for residential uses and replace this limit with an overall height limit (in metres). Note, that this change would alleviate the need to regulate the height of basements.
- Remove all third-party appeal rights for residential uses proposed in residential zones.
- Increase the proposed 50% plot ratio limitation in the RZ1 and RZ2 zones to allow scarce land with this zoning to achieve optimal residential yield.

Issue #2: Lack of Supporting Infrastructure Plan

If the ACT is to accommodate close to 800,000 people and 100,000 new dwellings by 2050, as forecast by the ACT Government, then a substantial investment in infrastructure will be needed to support this growth.

Investment in new major infrastructure, such as light rail, the stadium, and other major transport infrastructure, presents an opportunity to accommodate additional growth in proximity to this

infrastructure.

Similarly, new planned growth, such as in town centres and the city centre, will require new infrastructure to support it.

There is a strong nexus between land use planning and infrastructure.

However, despite the long-term land use planning proposed in the draft Plan, no such long-term infrastructure plan is presented to the ACT community. Such a long-term infrastructure plan would demonstrate to the community how new growth will be supported by new infrastructure.

Without a long-term infrastructure plan it is understandable that there will be local opposition to new growth until an infrastructure plan is prepared.

While the draft Planning Bill does not explicitly require an accompanying infrastructure plan, the ACT Government has an existing high level infrastructure plan and has announced a commitment to review the current plan (despite an earlier commitment to an annual review).

As part of the broader ACT Planning Reform project, a long-term infrastructure plan should be developed and released for public comment. We recommend the Government release such a plan as part of the wholistic planning reform project and release the infrastructure plan together with the finalised Planning Bill, draft Plan, Technical Specifications and District Strategies, so that all documents can be considered together before these plans are finalised.

Issue #3: Lack of an Implementation Plan

The draft Plan proposes a significant shift in approach from a prescriptive 'rules based' planning system to an 'outcomes-focused approach. According to the consultation material provided by Government *this is a contemporary approach to planning that encourages better design solutions and innovation while ensuring compliance.*

Master Builders ACT strongly supports the outcomes-focused approach.

However, this approach is unlikely to be successful without development of an implementation plan to support such a fundamental shift in approach.

At the very minimum, additional resources will be needed to be provided within the Directorate (and Design Review Panel and referral agencies) to support the implementation of a new planning system.

However, much more will be needed to be considered in an implementation plan, including:

- Providing design expertise within the Planning Authority who can assess and analyse outcomes-based development proposals, and discuss and negotiate outcomes with development proponents.
- Supporting reforms to the ACT Design Review Panel so that the Panel can assess outcomes-based proposals and provide comments to the Planning Authority.
- Training for ACT Government staff, community and industry members on the new outcomes-based approach.
- Modified administrative arrangements between the Planning Authority and referral agencies, utility providers, the National Capital Authority, and the Design Review Panel

to support the new planning system.

There is also no assessment of the capacity of the ACT's Civil and Administrative Tribunal (ACAT) to assess appeals in an outcomes-focused planning system. Consultation with ACAT about training and resourcing should occur prior to implementation of the new planning system.

Comment on Dual Occupancy Developments

Government has specifically requested comment on whether more single residential homes should be built within our existing suburbs through increasing dual occupancy developments.

As discussed above, we believe far more ambitious housing policies should be pursued through the draft Plan to allow more housing to be built in our established suburbs, especially in the RZ1 zone.

To achieve this, at the very minimum the dual occupancy arrangements implemented for blocks purchased through the Asbestos Buyback Scheme should be implemented, noting that these reforms allowed dual occupancies to be constructed without paying additional Lease Variation Charges.

We support dual occupancies in RZ1 zones being separately titled.

Comment on Zone Policies & Technical Specifications

Various amendments are proposed in the Zone Policies and Technical Specifications which impact a wide range of uses, especially residential uses. These changes include:

- Changes to plot ratio and site cover
- Removing restrictions on a basement under two storeys
- Solar envelope changes
- Reducing the maximum height of a lower floor level from 1.8m to 1.0m
- New buffer requirements
- Living infrastructure and urban heat provisions (for commercial and community facility zoned land)
- Bushfire and floor risk mitigation provisions
- Electric vehicle requirements
- End of trip facilities
- Subdivision requirements

It is impossible to provide meaningful feedback on these changes without more information and analysis being provided by the Government, and without all Technical Specifications and Guidelines being available.

The proposed changes have the potential to have great impact on new development proposals. As such, Government should provide a detailed analysis explaining how these changes will impact development design, including providing examples and comparisons of how development would be impacted by the current and proposed changes.

Transition

We note the draft Planning Bill contains transitional provisions to address the change over from the current to new planning system, allowing development applications lodged before the commencement of the new Act to be assessed under the current regime. We also note that an application to amend a development approval issued under the current system can only be made within 6 months after the commencement of the new regime. Given that amendments to development approvals are sometime triggered during the construction phase, or in fact any time before the completion of the project, the six month timeframe is too short.

The two key dates, being the commencement of the new regime and the expiration of the 6 month date for making amendments to development approvals, have the potential to trigger a spike in applications being made just prior to these dates. Consideration should be given to the following measures to aid the transition process:

- Extending the six month development approval amendment transition arrangements,
- Risk assessing current applications in the system for potential issues, early engagement with proponents to discuss areas of potential concern,
- Adding additional resources in the development assessment team to cover any additional workload triggered by the transition arrangements, and
- Clear communication with industry about the key transition dates and transition arrangements.

Recommendations

We recommend the following recommendations:

1. That a Regulatory Impact Statement be prepared for the draft Plan and entire Reform Project.
2. The additional development assessment resources be provided to manage the transition from the current to new planning systems.
3. That clear communication occur with industry about the transition arrangements and impact on current projects (both being assessed and in the construction phase).
4. That a long-term Infrastructure Plan be prepared and released which supports the growth plans contained in the draft Territory Plan.
5. The District Strategies are updated based on 2021 ABS statistics and the latest ACT Government population projections. Critically, the District Strategies should demonstrate compliance with the new National Housing Accord showing how the ACT will accommodate its share of 1 million homes over five years.
6. That a detailed housing analysis be prepared and released demonstrate how, where and when new housing will be provided to meet the needs of the current and future ACT community.

7. That an Implementation Plan be developed to support the implementation of the new planning system. Such a Plan should include a review of the operational requirements to implement the new planning system, including:
 - a. The administrative and operational arrangements between the Planning Authority, referral agencies, the National Capital Authority and Design Review panel be reviewed.
 - b. That sufficient resources be provided within the Planning Authority and all agencies responsible for implementing the planning system.
 - c. That government funded training be provided for ACT Government staff, industry and community members on the new planning system.
8. That Government commit to review the draft Plan after submissions to the draft Technical Specifications are reviewed in case submissions identify issues which require addressing in the Bill.

Conclusion

If you would like to discuss any element of our submission, please contact our office on [REDACTED]

Yours sincerely,

[REDACTED]



ACT PLANNING REFORM - TERRITORY PLAN SPACELAB STUDIO SUBMISSION

ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
GPO BOX 158
CANBERRA CITY

03 MARCH 2023

Dear Sir/Madam,

SPACELAB Studio is a Canberra based multidisciplinary planning business specialising in urban design, landscape architecture, and statutory planning.

We have a broad and detailed understanding of the ACT planning system, and have core team members who have worked within every version of the Territory Plan over the past 30 years. Our interface with the planning system is constant and ongoing. We actively advocate for an improved system that produces better urban design outcomes. In this regard, we do support the principal of an outcomes based system. Our submission is a critical assessment highlighting what we see as design faults within the new plan.

Our comment and responses are purposefully worded to be relevant to non-planners, and those who may not ever have any personal interface with the planning system.

Our submission should be considered as open IP, and we welcome any person or party to review it, comment as they see fit, and to reference any or all of this submission within their own views or opinions.

Regards,

ACT PLANNING REFORM

TERRITORY PLAN

SPACELAB STUDIO RESPONSE



SPACELAB
CREATING TIMELESS PLACES



ACT
Government

ACT PLANNING REFORM - TERRITORY PLAN

SPACELAB STUDIO RESPONSE

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We acknowledge, and pay respect, to the Traditional Owners and ongoing custodians of the land- the Aboriginal and Torres Strait Islander people

REVIEW OF DRAFT TERRITORY PLAN

SPACELAB understands that the intention of the New Territory Plan is to replace the existent “rules based” plan with a merit-based planning system, where alternative, performance solutions are able to be proposed. The following section of this report is written in review of the various sections of the Draft Territory Plan, as well as the overall structure. It outlines the potential issues which we have identified, which may create confusion within DA assessment and lead to unintended consequences.

OVERALL STRUCTURE

The Draft New Territory Plan is outlined into several different sections of varying hierarchies:

1. District Policy – Assessment Requirements
2. Zone Policy – Assessment Requirements
3. Other Policy – Assessment Requirements
4. Assessment Outcomes – across all policies, with dynamic weighting depending on a range of circumstances.

Beyond this, there are District and Technical specifications, which are to provide “possible solutions” to the Assessment Outcomes. As drafted, there is insufficient clarity as to how these District and Technical Specifications will be applied. With the Specifications providing “possible solutions” to the Assessment Outcomes, **SPACELAB** submits that there should be clear linkages between which particular Assessment Outcome the individual “possible solution” is responding to.

The disjointed hierarchy within the proposed Territory Plan is likely to cause substantial confusion for both applicants and assessment officers. The as notified structure presents a hierarchy which jumps between different policies, rather than flowing directly from one policy to another. This will lead to confusion surrounding what codes have preference over other codes, and is likely to be particularly problematic within assessment of development applications.

DISTRICT POLICIES

The proposed district policies are highest form of policy within the new Territory Plan, grouping sections of Canberra into nine districts. Within each District Policy, a set of assessment requirements and assessment outcomes are set out for the applicant to respond to. The District Policies control development whereas the District Strategies (are intended to) inform Strategic direction. We have commented separately regarding the District Strategy Plans.

POLICY OUTCOMES

The policy outcomes outline the outcomes EPSDD wishes to achieve as a result of the assessment requirements and outcomes of the district policy. Considering the concurrent notification of the District Strategies, **SPACELAB** submits that there should be higher linkages with the relevant District Strategies. Otherwise, there is ample potential for conflict between these documents.

ASSESSMENT REQUIREMENTS

The assessment requirements are the mandatory rules which must be followed by all developments within a particular zone, and appear to simply be the collation of the mandatory rules in the previous Precinct Codes. We note that mandatory rules are generally inconsistent with a merit based system and inadvertently targeted mandatory rules have a track record of being problematic. There will always be circumstances where a better outcome will fall foul of a well-intended mandatory rule, that simply cannot work in that situation. The inclusion of mandatory rules in the current Territory Plan was supposed to provide surety for applicants that compliance with a mandatory rule placed a development application beyond a 3rd party appeal to ACAT. The tribunal however has determined it will review the entirety of EPSDD planning decisions, effectively nullifying any real benefit of a mandatory rule.

ASSESSMENT OUTCOMES

SPACELAB understands that the Assessment Outcomes are intended to provide applicants with opportunity for “flexibility, creativity and innovation” when designing a proposed development. The assessment of items that fall under this are guided by the Design Guidelines, which are discussed below.

As noted above, the Assessment Outcomes are considered to be met if a development complies with the relevant District/Technical Specifications. However, there are no clear linkages between individual specifications, and district policy assessment outcomes, while it is unclear how EPSDD will assess an application which chooses to depart from the District/Technical Specification. This makes it unclear how the relationship between assessment outcomes and district specifications will work, as well as creating doubt regarding if any departures from the district specifications will be able to be considered in reality. Without a clear link, we submit that assessment is not moving to a outcomes-based approach. Rather, in practice, it will see the Plan becoming a prescribed based approach, where any departures from the Technical Specifications are unlikely to be supported.

Assessment practice may put us back in a rules based system- just by a different pathway .

Another requirement for responding to the assessment outcomes is consistency with the design guides. We note that the Urban Design Guide (UDG) and the Housing Design Guide (HDG) are to act as supporting material to the New Territory Plan, intending to promote what EPSDD determine are “good design outcomes”. However, these guidelines have not been provided in draft form to the public or industry for review and response at the time of writing this submission. It is unclear how stakeholders and community is able to respond accurately to the New Territory Plan without these documents. The Design Guidelines are documents which lie outside of the Bill, it suggests that they can be updated at any time without notification.

The UDG and HDG, although outside the Bill, are critical components of the new Territory Plan and should have been available for review within the public notification process.

RESIDENTIAL ZONES POLICY

The Draft Territory Plan proposes to implement seven zone policies that include assessment requirements, assessment outcomes and provisions for compliance in each zone.

POLICY OUTCOMES

The proposed Residential Zones Policy contains several overarching objectives which provide context as to what EPSDD wishes to achieve within the Assessment Requirements and Assessment Outcomes. There are both general outcomes and specific outcomes. Upon review, **SPACELAB** submits the following:

- We note that overarching policy outcome 3 details EPSDD’s wishes to see developments that are resilient to climate change etc. However, there is no further mention of this within the Policy Assessments which are driven by the policy outcomes.
- The desired outcomes listed for RZ1 are contradictory as EPSDD wants to promote the development of a range of housing choices but at the same time, EPSDD aims to limit change in RZ1 and maintain the zone in its current state. EPSDD’s desires for RZ1 are therefore in conflict. With RZ1 being the dominant land use in Canberra, the heavy restrictions on redevelopment in the zone creates significant issues towards meeting housing shortages, for “age in place” housing that can so suitably be accommodated with low density , single level redevelopment as available in the RZ1 areas prior to 2002.
- While RZ2 claims that the zone intends to facilitate development and redevelopment of sites, policy outcomes continue to restrict development opportunity to low rise developments. EPSDD aims to use RZ2 to connect residents to local services. This cannot be well achieved if the development of this zone is to remain so limited.
- EPSDD promotes RZ3 as a medium density residential zone facilitating development or redevelopment of sites. We note that outcome 3 is poorly written and provides no context as to what “change” EPSDD is proposing or will be open to within the zone. How is an applicant going to respond to this outcome if no detail of a clear goal is provided?

- The listed policy outcomes for RZ4 are the same as RZ3. If the outcomes for this zone are the same as a previous zone, how does EPSDD expect to assess an application? The RZ4 policy outcomes need to be re-written to provide more detail of EPSDD's intentions for the zone whilst promoting development opportunities that open sites up for higher density living.
- EPSDD desires RZ5 to be that of high density living. We note that currently a very small portion of Canberra is zoned as RZ5 and none of which are located along main approaches and are mainly surrounded by RZ1 areas. Policy outcomes for RZ5 focus on development providing the resident with a mix of housing options with good access to facilities and services. If EPSDD wishes to achieve these outcomes and meet housing demand, more areas located within close proximity to the city centre, need to be zoned as RZ5.

The District Strategy mapping could have clarified change areas that are suitable for change to RZ3, RZ4 or RZ5, however no strategic view is provided at all.

ASSESSMENT REQUIREMENTS

The assessment requirements are the mandatory rules which must be followed by all developments within a particular zone.

SPACELAB has reviewed the assessment requirements and has the following comments:

- Assessment requirements 5 and 6 state that a block on RZ1 must be at least 800m² or 700m² in size to contain a maximum of two dwellings. More than two dwellings can comfortably fit on blocks of this size, as seen in a large portion RZ3 sites. This requirement greatly limits redevelopment opportunities on a large number of blocks throughout Canberra. This is in direct contradiction to the zone's policy outcome which aims to provide range of housing choices as household and community needs change.
- We question the reason for requirement 10 as it puts a clear limit of development opportunity on RZ2 sites with a street frontage of less than 20m irrespective of the block layout and area. We note this street frontage requirement was driven originally by a misinterpreted AAT decision regarding the amount of kerb space available for bin collection. This is the tail wagging the dog. Waste collection design is an applicant and TCCS design issue, street frontage is not so relevant.
- Requirement 15 limits the opportunity for the development of Co-housing across Canberra to blocks of a certain size. Co-housing developments have the ability to provide the community with affordable housing which is desperately needed. Why the block size limit?
- The prohibition of new apartment buildings on blocks in RZ1 goes against the policy outcome listed in RZ1 as it does not allow the provision of a range of different housing choices. As previously mentioned, RZ1 blocks take up a large portion of land in Canberra, many of which are over 1000m². This severely hinders development opportunity in much of Canberra and the provision of a suitable variety of dwellings styles and sizes is lost.
- **SPACELAB** notes the removal of Plot Ratio as a requirement. We support this change in planning approach, as the requirements of site coverage, setbacks, height limits, and building envelopes provide a sufficient controls for bulk and scale of built development

ASSESSMENT OUTCOMES

As with district policies, if a proposed development meets the relevant provision in the technical specifications, the assessment outcomes are deemed to be met. **SPACELAB** has reviewed the assessment requirements and has the following comments:

- Assessment outcome 2 is a poorly written rule as it uses the same lettering system to identify what the rule applies to (a-d), and what the rule is (e). This needs to be rewritten to provide a clear distinction as to what the rule requires of applicants.
- Assessment Outcomes 3 and 4 rely heavily on the Urban Design Guide and the Housing Design Guide. However, these design guides are not provided to the public to review alongside with the draft Territory Plan. How does EPSDD expect the public to fully understand the new Territory Plan and its supporting documents if they are not provided with all of the details?
- The Assessment Outcomes in the Residential Zones Policy do not provide any acceptable solutions in which an applicant can respond to. It is unclear how EPSDD will assess a proposed development that has departed from the technical specifications as the lack of detail and direction of the listed assessment outcomes will prove difficult to assess departed aspects of the development. We note that EPSDD has prepared the outcomes assessment in this way with the aim of facilitating merit based assessment,

however, in practice, the lack of direction will place potentially a higher level of design assessment with EPSDD than assessors are qualified or comfortable to make effectively making the policy potentially more prescriptive than the current Territory Plan.

SUBDIVISION POLICY

The proposed Subdivision Policy is to be read and used in conjunction with applicable district and zone policies, and is a combination of the existing subdivision requirements, and the requirements for new estate developments. The proposed Subdivision Policy includes that of assessment requirements, assessment outcomes and provisions for compliance.

POLICY OUTCOMES

The proposed Subdivision Policy contains several overarching objectives which provide context as to what EPSDD wishes to achieve with the Assessment Requirements and Assessment Outcomes. There are both general outcomes and specific outcomes. Upon review, **SPACELAB** submits that the proposed policy outcomes in this policy are acceptable as they are high level outcomes that drive the assessment of requirements and outcomes detailed further in the policy.

ASSESSMENT REQUIREMENTS

The assessment requirements are the mandatory rules which must be followed by all developments proposing a subdivision or new estate. These are to be read in conjunction with applicable policies. **SPACELAB** has reviewed the assessment requirements and has the following comments:

- Assessment requirement 9 does not permit the subdivision of blocks in RZ1. This is in direct conflict with policy outcome 4 which states, “land that offers excellent future development opportunities suitable for the existing or proposed zone”. Furthermore, this is in conflict with the policy outcome for RZ1 in the proposed Residential Zones Policy where it states, “Provide for a range of housing choices that meet changing household and community needs”. If a 1000m² block located within close proximity to transport and facilities is limited in regards to the number of dwellings it can hold and cannot be subdivided into two large blocks (as defined by the Territory Plan), how does EPSDD expect to meet projected housing targets or even meet current housing demands?
- Assessment Requirements 10-13 are poorly written, as they are, in essence, a single requirement. Requirements 11-13 should be subcategorized within requirement 10, as otherwise, there is the potential that “separate” requirements which all rely on the requirements around them to work, will act in conflict with one another, leading to an inconsistent application of development standards (i.e., these rules should be rewritten in the format of Assessment Requirement 4).

ASSESSMENT OUTCOMES

- Assessment of outcome 5 relies on the Housing Design Guide. We note that the Housing Design Guide has not been provided to the public in at least a draft format. How does EPSDD expect the public to properly assess the draft Territory Plan without being provided with all of the necessary documents?
- Similar to the proposed Zones Policy, the assessment outcomes have been listed with very little detail and do not provide the applicant with acceptable solutions to meet when preparing a DA. It is therefore unclear how **subdivision will** be assessed as such a large portion of its assessment will be left to the Technical Specifications. As stated previously, we note that EPSDD has prepared the outcomes assessment in this way with the aim of facilitating merit-based assessment. However, in practice, assessment outcomes are too vague and will be overly difficult to respond to, effectively making the proposed Subdivision Policy more prescriptive than its current counterpart.

LEASE VARIATION POLICY

The proposed Lease Variation Policy is to be used where variation of a lease is proposed as part of a Development Application. This Policy contains assessment requirements and assessment outcomes. We have no comments of the Lease Variation Policy Outcomes or Assessment Outcomes.

ASSESSMENT OUTCOMES

The assessment requirements are the mandatory rules which must be followed by all developments proposing a lease variation. These are to be read in conjunction with applicable policies. The assessment requirements for the *Circumstances for lease variation*, *Additional rights*, and *Additional uses* utilise numbering systems with no clear hierarchy.

Example: These requirements should follow the same numbering hierarchy as assessment requirement 18.

TECHNICAL/DISTRICT SPECIFICATIONS

The Technical Specifications have been written to provide “possible solutions” to the zone and district policy, assessment outcomes. It appears that they consist of the majority rules and criteria located in the current Territory Plan, which have not made their way into the current policies. This presents a number of issues:

- The Specifications are not intended to be prescriptive rules and criteria. However, as they have been directly copied from the current Territory Plan, they read as though they are rules which must be followed, rather than “possible solutions”. In order for the specifications to function as intended, all controls should be rewritten in the context of the future Territory Plan structure.
- As the Specifications are intended to provide “possible solutions” to the assessment outcomes, there needs to be clear linkages between which assessment outcome each specification is achieving. As it is written, it is unclear which outcomes are being achieved by each specification.
- With the specifications simply being copied from rules and criteria in the current Territory Plan, it is likely that this will lead to some confusion as to what extent they will be applied. Despite these being intended to be “possible solutions”, they were previously rules which all developments had to follow. ACAT has already formed opinions and based tribunal decisions around the particular wording of those rules in the current Territory Plan. Consequently, we believe the wording of the rule (that now has become a specification), and its implied weight, will carry through no differently than a rule.

CONCLUSION

SPACELAB understands the desire for the planning system in the ACT to head to a more outcomes focussed, merit-based assessment. However, as the New Territory Plan is currently drafted, it does not appear to provide clarity or certainty for applicants to pursue an (arguably better) design over a rule. We expect ACAT applicants will have a field day, and the effect of ACAT decisions will be to seek the legal safety of the wording of rules previously reviewed and determined, which will effectively nullify or curtail design that relies on merit-based assessment. ACAT will fall back to rules, that’s what the Tribunal does.

The biggest challenge we see with a merit based system is the reliance upon architectural or design merit, when the community, much of EPSDD’s assessment team, and ultimately, the Appeals Tribunal are not qualified to make a design based assessment.

If you have any questions regarding this submission, please do not hesitate to contact the writers on [REDACTED].

Yours sincerely,

[REDACTED]





ACT PLANNING REFORM - DISTRICT STRATEGIES SPACELAB STUDIO SUBMISSION

ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
GPO BOX 158
CANBERRA CITY

03 MARCH 2023

Dear Sir/Madam,

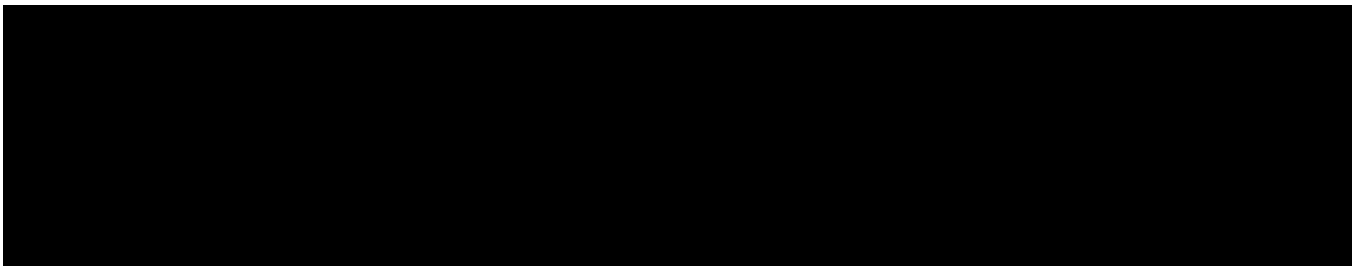
SPACELAB Studio is a Canberra based multidisciplinary planning business specialising in urban design, landscape architecture, and statutory planning.

We have a broad and detailed understanding of the ACT planning system, and have core team members who have worked within every version of the Territory Plan over the past 30 years. Our interface with the planning system is constant and ongoing. We actively advocate for an improved system that produces better urban design outcomes. In this regard, we do support the principal of an outcomes based system. Our submission is a critical assessment highlighting what we see as shortfalls or mistargeted messaging within the *"District Strategy"* process.

Our comment and responses are purposefully worded to be relevant to non-planners, and those who may not ever have any personal interface with the planning system, except to wonder how something objectionable or apparently out of place got approved and built.

Our submission should be considered as open IP, and we welcome any person or party to review it, comment as they see fit, and to reference any or all of this submission within their own views or opinions.

Regards,



ACT PLANNING REFORM

DISTRICT STRATEGIES

SPACELAB STUDIO RESPONSE

PREPARED FOR | EPSDD
SUBMITTED | MARCH 2023

SPACELAB
CREATING TIMELESS PLACES



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SPACELAB STUDIO RESPONSE

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SPACELAB Studio Pty Ltd hold Quality Management System AS/NZS ISO 9001:2015 certification. This submission has been prepared and reviewed in accordance with that system.

REVISION	ISSUE DATE	AUTHOR	APPROVED
A	03.03.23		

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OVERVIEW - DISTRICT STRATEGIES - WHERE IS THE STRATEGY?

QUESTION: *Do the District Strategies clearly identify a strategic direction or mapping for Canberra's future urban development?*

ANSWER: *No.*

The District Strategies as made available for public comment fail to provide relevant detail to formalise a strategic outlook or foundation for Canberra's continual urban development and redevelopment. Nothing of substance is shown on the various maps, all of which are also in such low resolution and detail, that it is very difficult to identify what particular sites or locations are actually being noted for change.

WHERE IS THE STRATEGIC PLANNING?

The District Strategy mapping highlights or identifies existent areas already under re-development, existent "Territory Plan variations" and a handful of other long established potential projects, like the high-speed rail link or future extensions to the light rail network.

Nothing of any strategic value or benefit is noted on this mapping or within the wider reports that apparently have informed the mapping. As such, we believe the mapping as circulated, is "undercooked" and provides a misleading view to the community that more or less – nothing much is intended to change.

IN REALITY EVERYTHING WILL CHANGE. IT IS THE ONLY CONSTANT IN A GROWING CITY

There are numerous current government policies and strategic documents that are placing a requirement on the planning system to enable a process of much increased urban renewal and densification. This need for a large change in what Canberran's may consider as the norm for the urban environment, has been omitted in entirety from the District Strategy Plan mapping or reporting.

The mapping defines 3 levels for "change" areas as:

PROPOSED, POSSIBLE AND POTENTIAL

The choice of using synonyms to define or differentiate between "change" areas is unfortunate. What is the real difference between *possible* and *potential*, when the words mean exactly the same thing?

By our interpretation of Canberra's urban development, literally every area or land use zone under the planning system has the real potential for change in the years ahead.

Proposed "change" areas - are limited in the District Strategy Plan to those locations with development proposals already well through DA or TPV processes. These areas will be developed regardless of the New Territory Plan, with many already well underway. Noting these areas as "proposed change areas" is redundant. There is nothing strategic about a proposed change that has more or less, already occurred. A "rear view mirror" by definition cannot provide a strategic view.

Possible and potential "change" areas - highlight already approved redevelopment area, (example: the Inner North Precinct Zone) or areas within an existent TPV process.

How does this mapping explain to the wider community the broad range of change coming to the urban environment? The change coming is well defined within current government policy and a raft of strategic planning documents. These obvious areas of change are in need of being displayed on the District Strategy Plans to enable long term decision making by community and stakeholders so that functional redevelopment can reasonably occur as policy dictates, without creating community angst as each new redevelopment requires the District Strategy mapping to be updated.

It is this “surprise” of a development being proposed “out of the blue” that is the most infuriating to the communities interfacing with such re-development.

The Planning Authority by definition has the core purpose and responsibility to enable the strategic and statutory process to create the environment by which future development potential is presented with transparency to the community that will grow up within and around it.

The complete lack of any detail on the District Strategy mapping that represents a strategic and desired “change” outcome suggests;

- EPSDD has not yet planned or designed for “change” and therefore has nothing to add, or;
- EPSDD is not communicating it’s planned “change” in any level of detail at all.

Either of these outcomes is concerning, particularly in an environment where the only significant “change” areas within Canberra’s existent urban environment are long established precinct plans, the majority having been in place for 15 -25 years.

EXAMPLES OF VERY LIKELY CHANGES COMING TO CANBERRA’S URBAN ENVIRONMENT

LOCAL CENTRES & GROUP CENTRES

The local shopping centre in most established suburban areas of Canberra is more or less a “strip mall” of small shops, possibly a local supermarket and a handful of other services. It’s a dead zone after 8pm, yet it’s also the ideal place within a community for “age in place” housing and other forms of medium to high density housing. This change could be as significant as shops on ground level with multi-level apartment housing above, or a less significant level of densification. Each Local Centre will be subject to different design outcomes to make the most of its place in community, however, change is coming. The role of the local centre to be enshrined as the hub of the local community it serves will require more people living in and around these sites.

Group Centres provide a far greater potential for urban densification. Adding residential components to local and group centres can meet local demand for those who wish to age in the social environment they live in, and will take a degree of re-development pressure off RZ1 zoned areas.

All Local Centres, all Group Centres and their interfacing surrounding streets should be noted as “change” areas.

SERVICE STATION SITES AND SERVICE TRADE AREAS

With the ACT Government committing to an aggressive strategy of vehicular electrification, there will be continuing and declining need for petrol stations generally. These sites will undergo significant change either as electric charging stations, or a more locationally beneficial land use. Many of these sites are within residential areas and adjacent to local shops. Although there has already been a significant reduction in service stations within residential areas, there are still many that will become redundant and require active policy levers to enable the transition to new uses. There have been policies in the past to encourage redevelopment of these sites, although none are in place now.

The Service trade areas of Mitchell, Phillip and the western edge of Belconnen Town Centre are all ideally located for future “change”, with Braddon as the example of what can happen to revitalise and repopulate an area, with a defined policy and framework in place.

Including service trade areas and service station sites as “change” areas provides the statutory framework to enable policy development over time to encourage higher end re-use of these sites.

SPORTING AND COMMUNITY CLUB SITES

Licensed clubs across the ACT are home to over 300,000 members and are the largest community-based organisations in the ACT. These clubs are well engaged within an ongoing government policy to diversify their income sources away from gaming revenue. Within these policy settings are the defined goal that clubs seek alternative income streams, with LVC credits on offer for clubs who take advantage of this incentive. To take advantage of LVC credits, means lodging a Lease Variation to add higher uses to these sites. The pursuit of alternative income streams will see most clubs seek to add higher use outcomes to their land. Such proposals are likely to gain government support where the community or sporting use the club provides is not diminished by result of such changes. This transition from gaming revenue to other income sources takes many years of planning and almost always will require a variation to the Territory Plan to enable residential and increased commercial uses.

Consequently the community will experience a growing and sustained change as Clubs seek planning approval to meet the expected outcomes of government policy whilst also creating income to manage and grow their community facilities. This change is underway and will affect every club in various ways.

All licenced club land (generally CZ6 / PRZ2 zoned land) should be noted as a “change” area. This informs the community that change is likely and clarifies that the levers producing this change are based in ACT Government policy.

MAIN ARTERIAL ROADS, MAJOR COLLECTORS AND TRANSPORT ROUTES

Contemporary urban design practice and current ACT Government policy increases densification on major transport routes and collectors. This policy is evident along Northbourne Avenue, Flemington Road and John Gorton Drive.

Canberra has many arterial roads, major collectors and transport routes that would be ideal for increased density of housing. Urban densification along such corridors will also reduce pressure on the minor collectors, local access streets and cul-de-sac within the suburban areas behind these busy traffic routes. Ideal candidates include sections of Belconnen Way, Southern Cross Drive, Kingsford Smith Drive, Jerrabomberra Avenue and Limestone Avenue, all of which have single dwelling housing accessed directly off these major arterial roads.

Senior planners within the Planning Directorate have been talking of these changes as sensible and likely for many years.

Noting these roads (and other such roads) on the District Strategy mapping will inform residents along such roads of the potential future re-development of their immediate neighbourhood and assist longer term investment decisions.

We have noted these examples as ones that should reasonably be noted on the District Strategy mapping and within the supporting documentation.

The omission of any noted “change” areas that looks beyond those already in process is unfortunate. Maybe we have missed the mark entirely and the ACT Government has a well-developed strategic planning policy to accommodate the 70% urban infill target it has promoted consistently for many years, and the increase of 100,000 new dwellings the ACT Governments modelling suggests will be required in the next 30 years.

The District Strategy Plans as publicly notified are not strategic in presentation or content. These plans are integral to the rollout of the new planning system and consequently we question?

Has the Planning Authority got a well-developed Strategic Plan? and if so;

- Where is the detail?
- What will the “change” be?

We detail below our assessment of the District Strategies and particularly that of the Inner North and City District. This area is our backyard and we have worked on redevelopment planning proposals for a large number of apartments and townhouses across projects produced through ongoing redevelopment predominately within the Inner North Precinct, the Northbourne Avenue Precinct, Dickson Group Centre and the City.

The District Strategies are intended to provide a strategic direction for future urban development in Canberra.

The strategies are based on five distinct “drivers”, including creating blue-green networks, access to economic interests, movement in and around a district, sustainability, and inclusivity of amenities.

SPACELAB acknowledges these five principles are a sound foundation to build a strategic plan upon

The District Strategies then use these drivers to determine a list of criteria which identifies areas of Canberra which are suitable for future development. The criteria which have been identified all have a level of merit, and **SPACELAB** supports the criteria as listed. For reference, there are a number of sites within the Inner North that meet the majority of the 17 criteria for site suitability, yet are not identified as being suitable for new housing. This apparent inconsistency is problematic when you consider that this suitability study then is meant to guide the future investigation areas, or key change areas, which determine where development “change” may occur.

The five principles to inform change areas don’t appear to have influenced the implementation of a single “change” area in the mapping as notified, with every single “change” area either “changed” already or well on its way.

The Inner North and City District Strategy is broken down into two sections. The first section of the strategy is broken down into parts 1-4. This section of the report provides context and reasoning behind the overall District Strategy process, and is repeated across all District Strategies. The district specific information in all District Strategies begins in the second section of the report, which begins at Part 5 of the Inner North and City District Strategy.

The District Strategies as notified provide insufficient detail to reasonably inform the community. The low resolution of the imagery which has been made publicly available only reinforces this perception.

EFFECT OF DISTRICT STRATEGY

The effect of the change area identification is that any new variations to the New Territory Plan will only be able to occur in areas which are currently identified as a change area. Any sites outside of the identified change areas will not be eligible for a Major Amendment to the Territory Plan, unless the Planning Authority determines to amend the District Strategies to implement new change areas.

The change areas identify a number of locations which have been the subject of recent Territory Plan Variations (such as Northbourne Avenue with Variation 368). As these sites are still located on the “change area” mapping, this may be misleading even if unintended.

DRAFT INNER NORTH AND CITY DISTRICT CHANGE AREAS

The “change” areas are broken down into three different categories which have been provided (proposed change areas, possible change areas, and potential future change areas). These distinctions have been designated to reflect the current status of the sites, rather than distinguish them from one another as it relates to how development may occur in the future. We have noted that “possible” and “potential” are direct synonyms of one another, and it may be problematic to have direct synonyms of words having different meanings within a statutory document.

The Inner North and City District mapping nominates “change” areas which have already been changed, or are currently proposed for change, being identified as change areas.

Given that the only areas which have been identified as change areas are those which are currently in the system, we submit that all the identified sites are “proposed” change areas. There is no land identified on the District Strategy mapping which is “potential” or “possible”. Although the various reports and other mapping associated highlight large areas that would be suitable for “change”, these are not reflected in the mapping.

STRATEGIC PLANNING OUTLOOK

With only current applications for change being identified as “change” areas, it raises the question of where is the “strategic” component of this strategic plan? How can something be a strategic plan, if it only takes today’s known proposals into account?

Although we acknowledge EPSDD will be able to add in “change” areas in the future, much as per the process to vary the Territory Plan now, this practice will produce community angst no differently to variations to the plan do now. The District Strategy Plans were promoted to encompass a strategic view of future change. The District Strategy mapping as presented fails miserably in this regard.

This by definition, is not strategic planning, particularly if ineffective pursuit of change by the Planning Authority results in a high proportion of proponent-initiated requests to vary the “change” mapping.

RESPONSE POINTS - THE INNER NORTH AND CITY DISTRICT STRATEGY

- The identification of land as *proposed*, *possible*, and *potential* “change area” may need to be reviewed. As noted elsewhere, all the land areas identified for change are all currently in the system. These areas, from a planning perspective- are already “changed” areas
- The (rebranded?) “change” area classifications should be used to provide clarity to the community about how Canberra may actually change in the future. “Change” areas should include all areas where it is likely that development would or could reasonably occur in the future based on existent policy or strategic documents already in circulation.

SPACELAB submits that the following areas should all be considered as “change” areas for the purpose of the Inner North and District District Strategy Map:

- All local centres, and their interfacing streets
- All arterial roads (Limestone Avenue, Phillip Avenue, Macathur Avenue, Antil Street)
- Selected major collectors (Majura Avenue, Wattle Street)
- Braddon- Sections 23, 24 and 25 (non-heritage – largest sites adjacent City – ideal RZ5 area)
- Braddon – ex-Bowling Club site in Elder Street
- Turner- McKay Gardens Precinct (height /density)
- Dickson- Section 72 (stalled TPV?)
- Braddon Precinct (opportunity to address massing and create cross section links – particularly along Torrens street)

In addition:

- **Ainslie Section 26** - The Ainslie Football Club, is 4 years into a TPV process and is incorrectly noted on the “change” mapping with only a small section of the site highlighted with polygons. This site should be marked as *probable* given the site has already gained strategic planning support for the proposed redevelopment.

We also note:

The mapping on page 58 of the Inner North and City District Strategy (which is a Canberra wide map) looks like it was driven by a misdirected algorithm, not by a human with local knowledge. As an example, Ainslie’s Heritage Precincts are noted as “high” potential suitability for new housing, whilst the remainder of its housing stock is noted as “low”. Equally, the same “high” suitability is applied to Reid’s Heritage Precinct whilst the area immediately around the Macarthur village hub is a midrange suitability.

We suggest this map is considerably flawed, with no logical basis for such discrepancies.

CONCLUSION

Our comments throughout this report are based on our review of the District Strategies per-se and in more detail of the Draft Inner North and City District Strategy.

We look forward to revised mapping that details with more respect to the community, how this increased density will be accommodated.

If you have any questions regarding this submission, please do not hesitate to contact the writers on [REDACTED]

Yours sincerely,

[REDACTED]





ACT PLANNING REFORM - DISTRICT STRATEGIES SPACELAB STUDIO SUBMISSION

ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
GPO BOX 158
CANBERRA CITY

03 MARCH 2023

RE: ACT Planning Reform Project - District Strategy Mapping

Dear Sir/Madam,

We are responding to the Draft District Strategy mapping, which as we have noted in discussion with EPSDD senior staff, appears to lack detail of any strategic nature to qualify as a strategic planning document. This is particularly troubling as the New Territory Plan will rely upon areas noted as “change” areas to then progress to TPV’s in the new plan. Furthermore the District Strategy mapping is intended to inform the wider community of areas that will possibly, potentially or probably change.

We submit the mapping as in circulation and as publicly notified, does not formalise the Planning Authority’s strategic goals for particular districts, or note any “change” areas that are not already underway or within a TPV process.

Consequently, we feel the District Strategy mapping is misleading and requires correction.

SPACELAB has been engaged by the Ainslie Football and Social Club as urban designers and statutory planners for two (2) Territory Plan Variations (TPV) for different sites in Canberra. The changes proposed for each site are different, however, both are in direct response to ACT Government Policy to minimise club reliance upon gaming income.

We note, these areas will be undergoing change to accommodate the proposed redevelopment and therefore should be identified as such as “change” areas on their relevant District Strategy Plan mapping, as this clarifies to the community the possible, potential or probable change in their community.

AINSLIE FOOTBALL AND SOCIAL CLUB, AINSLIE

The Ainslie Football and Social Club, located on Wakefield Avenue, is currently in process for a TPV Assessment under the current Territory Plan. So far, this has been a four year long process where EPSDD has already circulated the proposal widely within entities and EPSDD. The local community and stakeholders have been engaged within a long running consultation process.

We note that the site suitability for density intensification has already been reviewed and supported by Strategic Planning within EPSDD, amongst other entities, and that the next stage of the TPV process will be for EPSDD to formally draft the Precinct Code changes, for public notification.

As a result of the work to date, we submit that the polygon mapping on the Draft “Inner North and City District Strategy Plan” should be amended to highlight Section 26 Ainslie as “probable”.



ACT PLANNING REFORM - DISTRICT STRATEGIES SPACELAB STUDIO SUBMISSION

GUNGAHLIN LAKES GOLF AND COMMUNITY CLUB, GUNGAHLIN

The club is located on the intersection of Gundaroo Drive and Gungahlin Drive, directly adjacent to the Gungahlin Town Centre

SPACELAB has spent the past 2 years master-planning a TPV. We have discussed the concept with the Gungahlin Community Council, and will re-engage with Council as we formalise continuation of community consultation. We are well progressed with the design blueprint and TPV proposed for the Gungahlin Lakes Golf and Community Club. This TPV will propose rezoning and a masterplan to allow densification on the site. The masterplan looks to re-develop existent at grade carparking areas, and has no adverse impact on the sporting facility (the Gungahlin Lakes Golf Course).

No changes are proposed to the size or function of the golf course. The lodgement of this TPV with the Planning Authority was delayed based on advice from the Territory Plan Unit within EPSDD that no new TPV’s will be accepted until the rollout of the New Territory Plan.

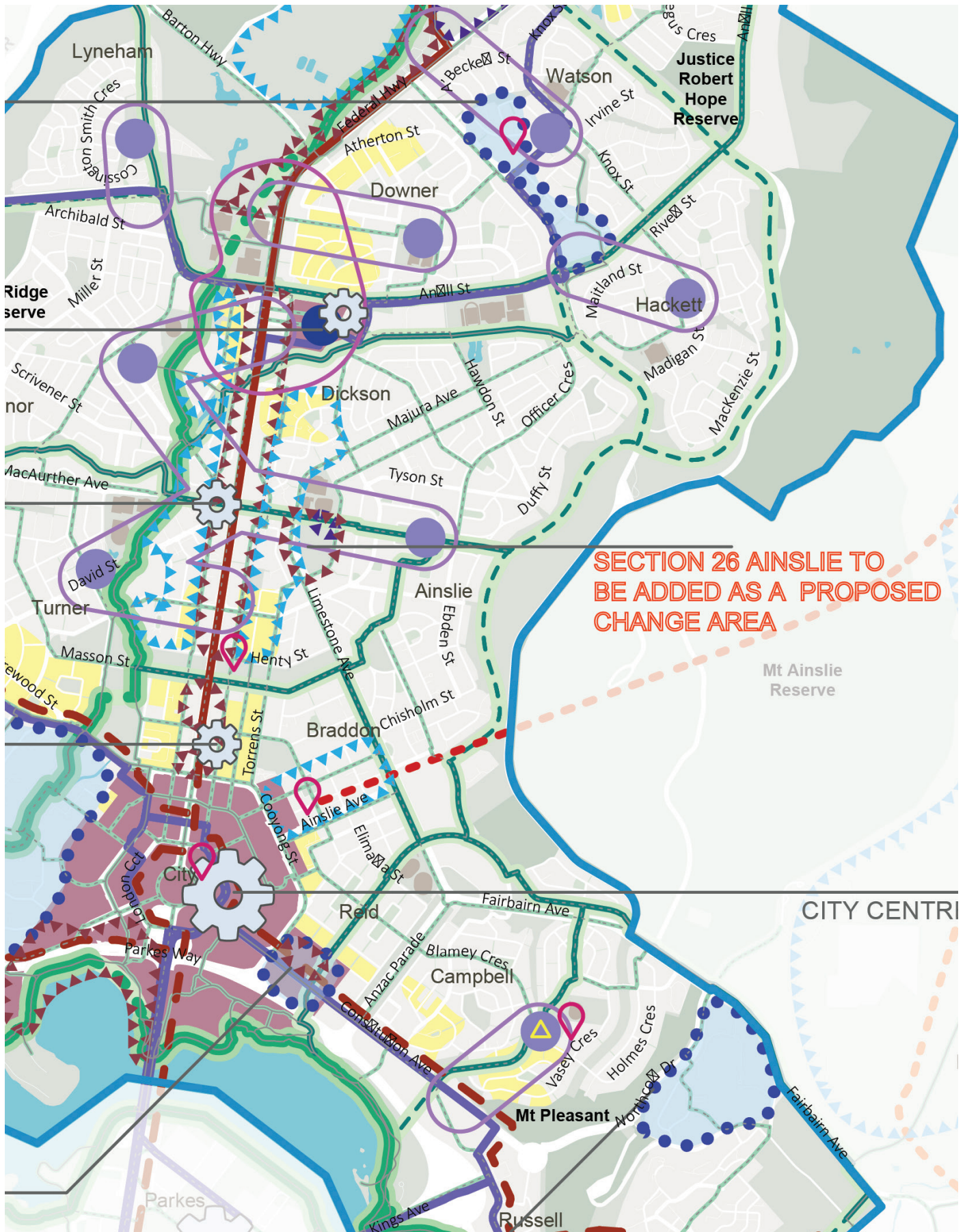
Although we accept that the formal TPV process will now progress with the New Territory Plan and we acknowledge that process may see changes to proposed massing and built form, ultimately, we believe it is in the best interest of the Gungahlin community that the intention for “change” on the club site is notified on the Draft Gungahlin District Strategy Plan.

Notifying the community of possible, potential or probable change is a key requirement within the role the District Strategy Plans play within the New Territory Plan.

Consequently we submit that EPSDD should update the Draft District Strategy Plan for Gungahlin to note Block 2 Section 84 Nicholls as a “change” area.

Regards,



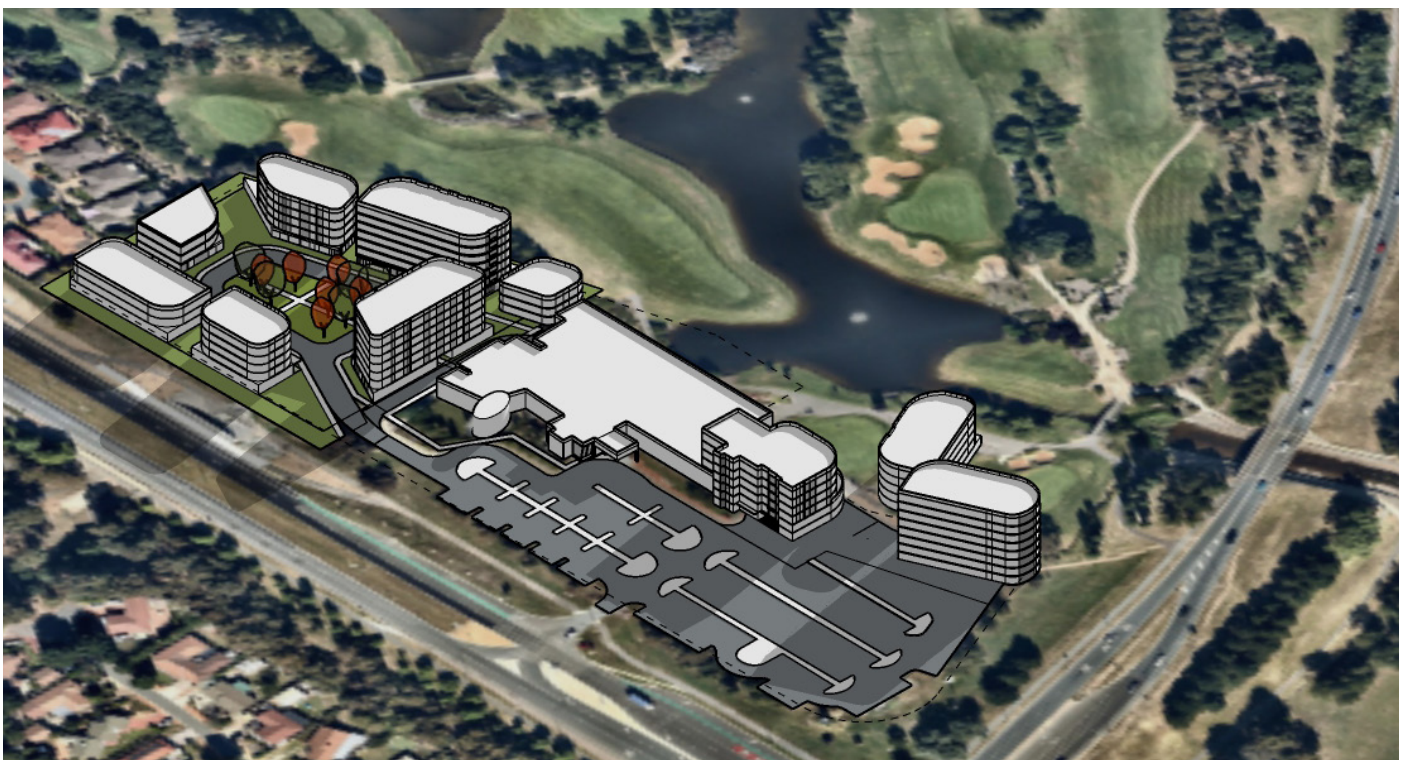


Proposed amendment to Draft Inner North and City District Strategy Plan





Current Ainslie Football Club TPV modelling



Gungahlin Lakes Concept Master Plan 2021





MEETING NOTES

TERRITORY PLAN TEAM MEETING WITH CLUBS ACT

Clubs ACT met with representatives from the ACT Planning Authority on 2nd March 2023 at Eastlakes Griffith. The following dot points were noted during the meeting and this letter is intended to act as a representation to the ACT Planning Authority in regard to specific issues discussed with treatment of Territory Plan Variations being undertaken by clubs within the role out of the New Territory Plan.

- Consider that the District Strategies should provide longer term information about changed land use that is relevant to club diversification efforts. For example, where there is a known future build-up of density along major corridors and around local centres, this should be clear from the documents.
- Suggest that rather than listing all club sites in the relevant District Strategies, consider a statement in each strategy document that identifies that club sites are change sites. This would give an express recognition of clubs as subject to priority for changed land use in the Territory Plan and District Strategies.
- Seek a closer connection between planning and gaming policy so that government policy about a reduced reliance on gambling revenue through diversification is coordinated.
- Regard the definition of 'club' in planning instruments and its effect on land use and zoning to require revision.
- Suggest a change to the uses permitted on club land be considered. For example, most club land is CZ6 (or PRZ2). CZ6 permits short stay accommodation but not residential uses. Clubs ACT suggest that allowing residential use of this land is necessary to support their diversification efforts.
- Propose the government consider a 'class' treatment of club land to allow planning controls to match government gaming policy expectations regarding diversification (similar to SEPPs in the NSW planning system).
- Is concerned that the District Strategies will become an obstacle to club diversification through land redevelopment if this means that land use changes outside a 5-yearly review of the District Strategies are more difficult.
- Seek further draft circulation of the District Strategies prior to consideration by government.
- Seek a consolidated strategy for club diversification, and support to navigate government processes such as through a 'clubs executive sponsor'.

8 March 2023

Mr Matthew Kamarul
Executive Branch Manager
Planning System Review and Reform Project
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601



Level 4, 21 Terminal Avenue
Plaza Offices - West
Canberra Airport ACT 2609
Phone: 02 6275 2222
www.canberraairport.com.au

Dear Mr Kamarul

Canberra Airport - Submission on Draft District Strategy: East Canberra 2022

Canberra Airport provides the following comments as the basis for future consultation noting that, although lodged after the closing date, the Airport would appreciate consideration of the comments it has provided in this submission by officers of the Planning System Review and Reform Project in finalising the District Strategies.

The Airport believes that the concept of District Strategies is a step forward in the planning process for Canberra.

Introduction

The Canberra Airport Lease was purchased from the Commonwealth Government in May 1998 by a local Canberra family headed by Terry Snow. The development of the Airport over the past 25 years has created a renowned Global and Domestic Gateway to the National Capital, Canberra and the Region.

The Airport is acknowledged by the ACT, NSW and Commonwealth Governments and Local Government (the Canberra Region Joint Organisation), as key and enabling infrastructure providing ongoing social and economic benefits to the broader community. The significant travel, employment and retail hubs on Airport provide opportunities for others to leverage off this critical mass of investment and activity.

The Airport is aware of the ACT Government's vision/s for the Majura Valley Eastern Broadacre employment lands to expand the Aerotropolis, complementing Defence and Aerospace industries, education and training infrastructure at the RMC, ADFA, the Majura Military Training Area, the AFP and the Airport. The Airport notes the IKEA development on ACT land as stage one of Area C of the Eastern Broadacre leveraging off the Airport's retail hub, Majura Park.

1. Population Growth Forecast

ACT Treasury has recently released ACT Population Projections for the period 2022 to 2060 with an average compound forecast population growth of 1.4 percent per annum with an outcome population of 784,443 in 2060; an increase of 327,791 (71.8%) compared to the current population provided by ACT Treasury Economic Indicator Summary, 2 March 2023, of 456,652. This is compared to the District Strategy forecast, assuming an average 1 percent per annum population increase forecast by 2046, of 135,000.

It would be useful for the final District Strategies to align with the population growth of 1.4 percent per annum, consistent with the ACT Treasury's population projections. The higher growth rate will facilitate priority outcomes for land release, timely policies and rezoning of existing suburbs to achieve the 2018 ACT Planning Strategy focus that 70% of future new housing is to be within existing ACT suburbs and assist in providing social and affordable housing for sale and/or rent.

2. *Jobs Forecast*

The District Strategies adopt a 2016 Canberra jobs baseline of 220,000 (page 30) with an increase in jobs by 2046 of 85,000 and a further increase between 2046 and 2061 of 57,000, i.e. a total of 142,000 (page 34).

3. *Rationale of Canberra Forecasted Population to Jobs*

In broad terms, in the ACT one job equals two people in the population. The jobs growth forecast in the District Strategies by 2061 of 142,000 over 2016 jobs of 220,000 (page 30) is a second pointer that the population is forecast to grow at approximately 1.4 percent per annum on average, i.e. 362,000 times two is some 724,000 in population.

4. *Majura Valley Working Population*

The East Canberra District Strategy Plan at page 10 and 11 suggests that by 2046 there will be 21,500 jobs and by 2061, 25,000 jobs in this District. Canberra Airport notes at Figure 11 (page 35) that the expected jobs growth in East Canberra to 2046 is +4,400 and between 2046 and 2063 an extra 7,800.

Canberra Airport is surprised, given the suburb of Hume, Amtech Park and the Majura Valley employment nodes of Defence, Campbell Park, the AFP, IKEA and the Airport, that the current employment numbers, as stated, are so low.

Currently the Airport has a working population in the order of 22,000 and is projected in the Airport's Master Plan to grow to 36,000 by 2040.

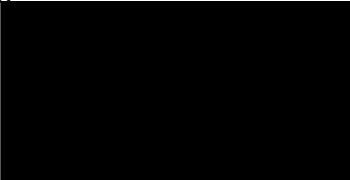
Taking into account the current employment by IKEA, the AFP, the Majura Military Training Area, Campbell Park offices, Pialligo Village and the developments at the northern end of the Majura Valley, the current existing jobs within the Valley would likely exceed 30,000.

It is disappointing that the Eastern Broadacre future employment land does not appear to have been addressed in the draft East Canberra District Strategy, nor the proposals to expand the AFP Campus or ADFA north of Fairbairn Avenue.

5. *Blue-Green Network*

Having perused Figure 13 (page 40), Canberra Airport is confused by the overlays on and around the Airport in regard to the blue-green network. For example, the IKEA site does appear to be within the green shading and parts of the Airport appear to be misdescribed.

Canberra Airport is currently in discussions with the Deputy Director-General of ACT Environment, Geoffrey Rutledge, and it would be useful if a consultation meeting could be arranged to refine the blue-green network mapping, not only of the Airport but also the surrounding Eastern Broadacre lands.



6. High Speed Rail

Canberra Airport has reviewed Figure 30: East Canberra District Strategy Plan (page 93) in regard to the proposed alignment of the High Speed Rail (HSR). One proposal is to the Airport and the other is through Mount Ainslie to Canberra City.

The Airport acknowledges that the HSR connection between Canberra and Sydney is important for Canberra and the Region and has a preference that Canberra Airport is the station. As set-out in the draft District Strategy, the Airport is acknowledged as a Significant Travel Hub and the connection of HSR and Light Rail would enhance the Airport's Travel Hub status.

Canberra Airport has recently submitted comments on the Draft South East and Tablelands Regional Transport Plan. In these comments, the Airport noted that *"The Transport Plan has no High-Speed Rail alignment corridor in NSW to link with the ACT proposed Majura Valley alignment – a long term 'Life of Plan' strategy would be useful to preserve the corridor"*.

It would be useful if both the ACT and NSW Governments were to collaborate to reserve the corridor between Sydney and Canberra within NSW linking with the Majura Valley corridor as proposed and set-out in Figure 30.

Summary

Canberra Airport supports in principle the proposals set out in:

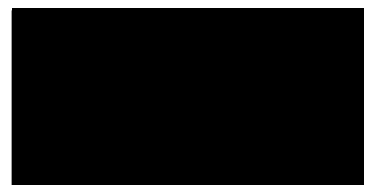
- Figure 25: East Canberra District
- Figure 30: East Canberra District Strategy Plan
- Figure 32: East Canberra – Economic access and opportunity across the city
- Figure 33: East Canberra – Strategic movement to support city growth

It would be useful to work through in a collaborative way with ACT Planning to achieve a clearer understanding of what and when the land uses are proposed within the Majura Valley Eastern Broadacre. For information, attached is the Airport's draft concept dated March 2021 for the expansion of the Canberra Aerotropolis, including Area C of the Eastern Broadacre.

Canberra Airport is aware and has been in consultation with the Department of Defence regarding its proposals for the expansion of ADFA, north of Fairbairn Avenue.

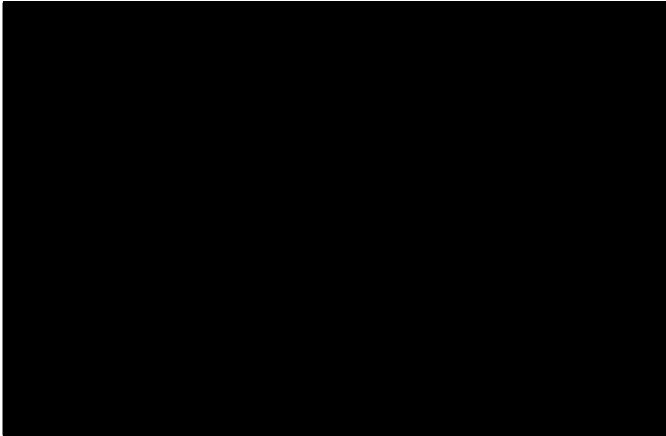
The Airport is also aware of the ACT Government's proposal for the RSPCA to be relocated to the north side of Fairbairn Avenue, adjacent the Majura Parkway. The Airport has previously advised the ACT Government that it does not support the RSPCA in this location for two reasons:

- Housing domestic pets under the low flying cross-runway flightpaths would be an irritation to dogs in particular.
- The expansion proposals by Defence for ADFA are in the interest of Canberra's economy and status as a tertiary education centre, and therefore the RSPCA or any other land use, should not be finalised until Defence is in a position to confirm its land development area requirements.



Canberra Airport looks forward to meeting with the relevant officers responsible for the draft District Strategy for East Canberra to further discuss the comments it has provided in this submission.

Yours sincerely



CANBERRA AEROTROPOLIS – A CONCEPT

March 2021

1. The Proposal

Canberra, as the National Capital, is the home of Federal Government, is a University City, a leading Centre of Arts and Culture and the Headquarters of Government Departments, including Defence and National Security agencies.

The Canberra Region has leading universities including ANU, UC, RMC and ADFA, together with above average metropolitan infrastructure, recreation, national parks, urban open spaces and is widely acknowledged as a leading liveable City and Region.

This proposal recommends that the ACT Government finalise the planning and take the initiative to identify a *Canberra Aerotropolis* precinct formed by the Majura Valley B and C Areas of the Eastern Broadacre and to target market the precinct to defence, national security, cyber, logistic and related industries.

An Aerotropolis can be defined as a metropolitan sub-region where the layout, infrastructure and economic areas are centred on and around an airport which serves as a multi-modal *airport city commercial core*. The development of Canberra Airport and the adjacent Defence facilities of Majura Valley provides the *commercial core* for the future development of a *Canberra Aerotropolis*.

This proposal can be achieved in a similar way to Brisbane's successful "*Australia Trade Coast*" identified and marketed worldwide since the late 1990's as a logistic, industrial and related uses precinct on the Gateway Corridor adjacent the Brisbane sea and air ports and the more recently identified and promoted *Western Sydney Aerotropolis* adjacent the under construction Western Sydney Airport.

This proposal supports and also builds on the IKEA site, Stage 1 of Area C of the Eastern Broadacre. Further, the rezoning and marketing of Area C in 2021/2022 as the *Canberra Aerotropolis* is well supported by the following location inherent and external factors:

- The location is flanked by the existing military universities knowledge cluster of the Royal Military College (RMC) and the Australian Defence Force Academy (ADFA) to the West, the Pialligo commercial Broadacre Area D to the South, and core commercial hubs of IKEA and Canberra Airport to the East, providing the critical mass for future growth.
- Majura Parkway is identified as a Key Orbital and Pialligo Avenue as a Central Road Link in the Canberra Transport Strategy 2020. These corridor roads can be augmented to manage the growth impacts of the *Canberra Aerotropolis*.
- The precinct is readily able to connect to, and augment, existing services to manage the growth impacts of the *Canberra Aerotropolis*.

The clear opportunity is to focus on additional aerospace, defence, cyber and national security, tourism and logistic industries to consolidate the core of the business activities in this *Aerotropolis*. The existing successful operations provide the attraction for additional investment when Broadacre land is available.

2. Why a *Canberra Aerotropolis*?

Cities, States, Territories and Regions are in competition for economic growth industries and to attract, educate and retain a skilled multi-functional workforce to generate and harvest collaborative innovation and ongoing job creation capital investment.

Over the past 20 years investment in the Majura Valley has developed the International Airport, defence, cyber and national security industries predominantly for, or by, Australian Government agencies and by Canberra Airport. These operations provide a solid economically successful key industry base as follows;

- a) Defence education, research and training at ADFA, RMC, Majura Range and Canberra Airport's Fairbairn precinct.
- b) Health education, research and training infrastructure at the AFP campus and soon (2022) at Canberra Airport's Fairbairn precinct.
- c) Cyber age technology, aerospace, defence and national security operations at Canberra Airport's Brindabella Park, Majura Park and Fairbairn precincts.

Fundamentally, a successful *Canberra Aerotropolis* as proposed will provide a competitive advantage for the Canberra Region over time as the 'go to place' for aviation, defence, cyber, national security and tourism related industries. This successful outcome will consolidate and help build the business reputation and the economic growth of the Canberra Region and the prosperity of the communities.

3. Background

Canberra, as Australia's National Capital, has emerged over the past ten years as a Global City core to the Region, fuelled most recently by the start-up of Singapore Airlines' international services in September 2016 and Qatar Airways in February 2018. The greater Canberra Region population capture is near to one million. Canberra is the key economic centre with a population of 431,000 (ACT Treasury, 14 January 2021).

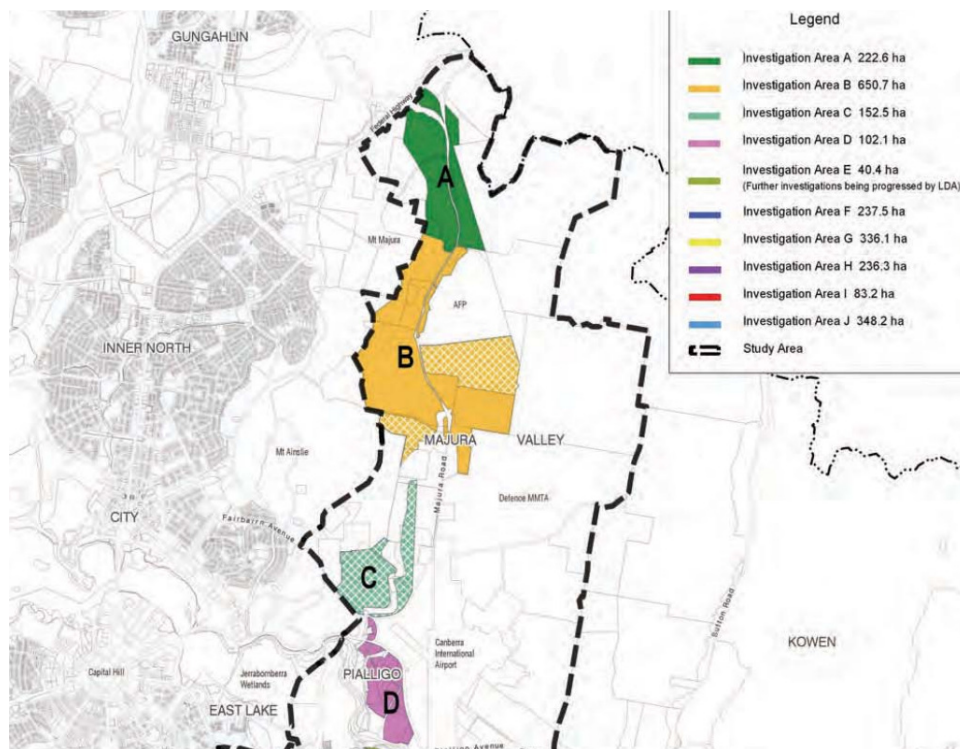
The ACT Government has for two decades undertaken planning and environment studies of the eastern side of Central Canberra now known as the Eastern Broadacre, comprising the Majura and Jerrabomberra Valleys. The Canberra Spatial Plan process of 2002 -2004 identified this Eastern Broadacre area as suitable future employment land based on industrial and related uses already in the Monaro Highway corridor at Fyshwick and Hume.

4. Eastern Broadacre - Status of Planning

This proposal has regard to the Majura Valley Areas B, C and D of the Eastern Broadacre planning as shown on Figure 1 below:

- **Area C** - of up to 152.5 ha in area is generally located between Majura Road and the Majura Parkway opposite the Majura Park precinct of Canberra Airport. IKEA is the first Stage of Area C and further land supply development as Stage 2 would likely meet with market demand over the next 1-5 years.
- **Area D** - the Pialligo Village already emerging commercial precinct of up to 102.1 ha in area is located opposite the Airport's Terminal and Brindabella Business Park precincts. These airport precincts have helped stimulate the commercial development trends in Pialligo. Over the past ten years this Area has been transformed to tourism, food and beverage and local services to the broader Canberra Region. This trend is likely to continue with growth over the next ten years.
- **Area B** - of up to 650.7 ha located in the North of the Majura Valley, nearby the AFP and the Defence Training Range precincts. This Area should be targeted for staged development over the next 5-20 years following on the success of Area C.

Figure 1: Extract from Planning the Eastern Broadacre Area – A Discussion Paper - Figure 5 – Eastern Broadacre Investigation Areas



The National Capital Plan (NCP) was updated in May 2016. Amendments to the NCP facilitate this proposal for the *Canberra Aerotropolis* by the inclusion of an overlay of the Eastern Broadacre land as displayed at Figure 2: General Policy Plan – Metropolitan Canberra – as “Potential Future Urban (subject to detailed investigation).” Variations to the Territory Plan are now required to realise this opportunity.

The ACT Planning Strategy 2018 notes:

“The continued supply of industrial land in strategic locations is necessary to support key growth industries, new investment and economic diversity. The east of the City, including parts of the Majura Valley and Jerrabomberra Valley and around Fyshwick and the Airport, has been identified for the growth of employment-generating land uses such as industrial and related uses. This area, known as the Eastern Broadacre, is unsuitable for housing because of aircraft noise and the presence of critically endangered flora and fauna. However, it is ideally suited to less sensitive uses such as light industrial and warehousing distribution stations and freight support facilities given its proximity to national freight routes, the Airport and existing industrial areas at Fyshwick, Symonston and Hume.”

The Planning Strategy also sets out three actions:

- i) 2.5.1 Investigate the changing nature of employment and its spatial distribution implications in the ACT in order to inform planning and infrastructure decisions.
- ii) 2.5.2 Continue investigations into the establishment of new employment areas and other land uses including the Eastern Broadacre area and other potential areas.
- iii) 2.5.3 Undertake district level investigations to consider how planning can support the growth of our knowledge clusters including: education and research, health and sport science, information and communications technology, space industry, defence and security.

Action 2.5.3 sets the focus for the *Canberra Aerotropolis* as Areas B and C of the Eastern Broadacre.

5. Roads

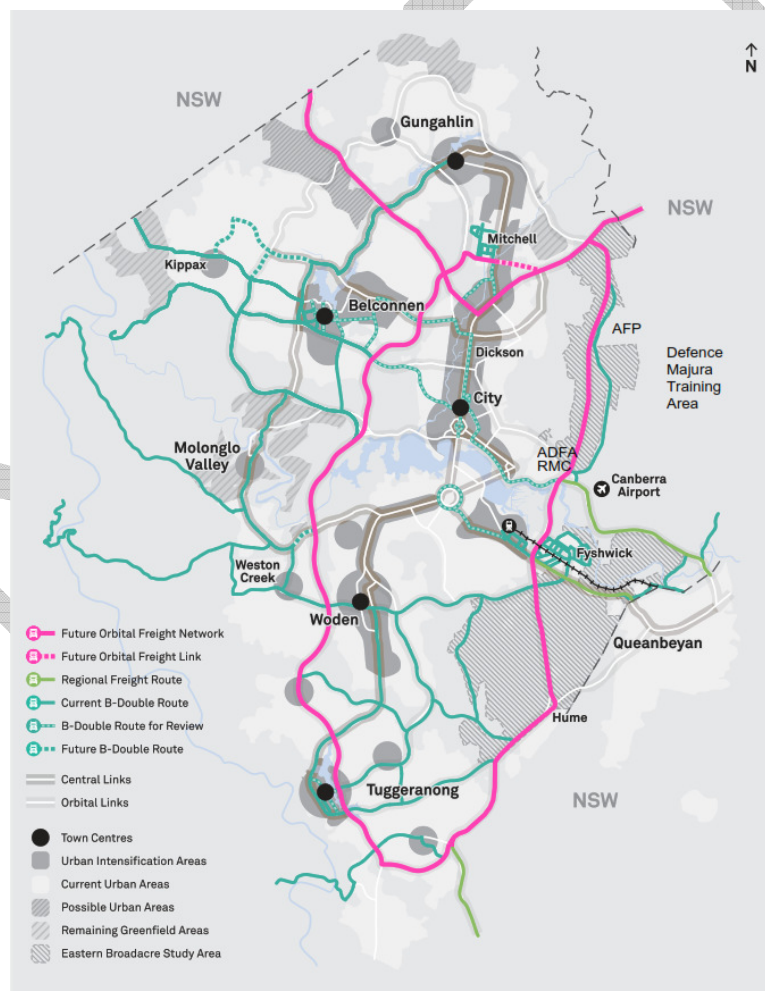
The historical Canberra Y-Plan (1960s) provided for a rapid transport eastern parkway which is now formed by the Majura Parkway in the Majura Valley and the Monaro Highway in the Jerrabomberra Valley.

The ACT Transport Strategy Map 5 at page 35 - *Orbital links and freight network* (refer Figure 2 below) - notes the location of the Eastern Broadacre study area and the concept of a future orbital freight network, including the Majura Parkway and the Monaro Highway as the Eastern Corridor connector to the Federal Highway at the North.

The ACT Transport Policy Plan Map 1 at page 23 – *Conceptual transport network 2045* – also notes that the Majura Parkway and Pialligo Avenue to the East of the Airport are Key Orbital Links.

Fundamentally, the Majura Valley is well serviced by major ground transport road corridors and the Airport's international and domestic air links for commuters, passengers and freight. Further augmentation of existing roadways can be undertaken to manage the future growth impacts of the *Canberra Aerotropolis* while the Airport's 2020 Master Plan forecasts aviation growth to 2040.

Figure 2: Extract from the ACT Transport Strategy 2020 – Map 5 p35



6. Services

The Majura Valley, particularly at the South end adjoining Area C, has existing water, sewer, communications, and energy reticulation that can facilitate the start-up and be augmented to service the growth of the *Canberra Aerotropolis*.



HOUSING INDUSTRY ASSOCIATION



Submission to the
Environment, Planning and Sustainable Development Directorate

ACT Planning System Review and Reform Project
Proposed new Territory Plan and draft District Strategies

6 March 2023

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ABOUT THE HOUSING INDUSTRY ASSOCIATION

The Housing Industry Association (HIA) is Australia's only national industry association exclusively representing the interests of the residential building industry, including new home builders, renovators, trade contractors, land developers, related building professionals, suppliers and manufacturers of building products.

As the voice of the industry, HIA represents some 30,000 member businesses throughout Australia.

The residential building industry includes land development, detached home construction, home renovations, low/medium-density housing, high-rise apartment buildings and building product manufacturing.

HIA exists to service the businesses it represents, lobby for the best possible business environment for the building industry and to encourage a responsible and quality driven, affordable residential building development industry. HIA's mission is to:

"Promote policies and provide services which enhance our members' business practices, products and profitability, consistent with the highest standards of professional and commercial conduct."

The residential building industry is one of Australia's most dynamic, innovative, and efficient service industries and is a key driver of the Australian economy. The residential building industry has a wide reach into manufacturing, supply, and retail sectors.

The aggregate residential industry contribution to the Australian economy is over \$150 billion per annum, with over one million employees in building and construction, tens of thousands of small businesses, and over 200,000 sub-contractors reliant on the industry for their livelihood.

HIA develops and advocates policy on behalf of members to further advance new home building and renovating, enabling members to provide affordable and appropriate housing to the growing Australian population. New policy is generated through a grassroots process that starts with local and regional committees before progressing to the National Policy Congress.

Policy development is supported by an ongoing process of collecting and analysing data, forecasting, and providing industry data and insights for members, the general public and on a contract basis.

The association operates offices in 22 centres around the nation providing a wide range of advocacy, business support including services and products to members, technical and compliance advice, training services, contracts and stationery, industry awards for excellence, and member only discounts on goods and services.

1. INTRODUCTION

The Housing Industry Association (HIA) is pleased to provide comments on the *ACT Planning System Review and Reform Project - proposed new Territory Plan 2022* (new Territory Plan). In June 2022, HIA made a submission to the ACT Planning Bill, and we are pleased to be able to continue our engagement on the planning policy reform being undertaken by the ACT Government. We have focussed on the main matters of interest to the housing industry and would be pleased to discuss any of the matters raised in more detail with the EPSDD.

As a general principle, any changes to planning policy should embrace streamlined and efficient approval pathways for industry, and improved housing affordability for buyers. While excellent design outcomes and environmental protection measures are integral measures of a good planning system, the economic situation of industry who build new homes, and the community who purchase them must be considered. Some background data on the current state of the housing industry and on housing affordability follows.

HIA's comments on the new Territory Plan reflect our advocacy position for efficient approval pathways for the housing industry and the community. Streamlined and efficient approval pathways will help builders deliver a more affordable product for the new homebuyer. Our comments in this regard are provided below, and broadly following the report structure of the new Territory Plan.

An 'outcomes-focused' planning system

HIA recognises that a key objective of the reform project is to deliver a new 'outcomes-focussed' Territory Plan to enable greater emphasis on merit-based assessment of development proposals, rather than the stricter compliance with prescribed technical rules. It is recognised that the change in assessment process should allow for greater flexibility in more complex building design, leading to improved built outcomes for the ACT.

HIA is generally supportive of the move to an 'outcomes-focused' system for development assessment, as this should provide greater scope for innovative project design, rather than the limitations that are projected from a 'rules-based' system. The key concern for HIA however, is that the changes proposed could present significant challenges for all ACT planning and design practitioners, both those within government and ones in private practice. The challenges will arise as practitioners will need to learn and adapt to a new system very quickly to avoid delays arising in project development and assessment timeframes.

HIA has reviewed the documents on exhibition for comment and note that the proposed changes to the development assessment process will require planners to check and reference a number of new policies, plans and technical specifications, including:

- District policies
- Zone policies
- Other policies (including Subdivision Policy and Lease Variation Policy)
- Technical specifications
- Design Guides

Therefore, there will need to be a transition period for the introduction of the new Territory Plan to allow for upskilling and training of planning and design practitioners for a seamless change in assessment methods. It is recommended that the ACT Government consider developing a training program to deliver to both government and non-government planning and design practitioners for upskilling before the new Territory Plan commences.

Finally, it is important that the delivery of a 'merit-based' assessment process does not become a vehicle for 'overly subjective' assessment by a planner's own design preference. The benefit of a 'rules-based' system is the certainty that it affords all applicants certainty and transparency.

2. HOUSING AFFORDABILITY

Housing affordability continues to be a serious problem in the ACT. The most recent HIA Economics Affordability Report (December 2022 Quarter), shows that over recent years affordability has declined significantly in the capital.

Since the end of 2019, affordability in Canberra has deteriorated primarily on the back of dwelling prices – which has been driven by trade shortages, and delays and cost escalations in materials. Ten consecutive interest rate rises is also impacting the housing market. This steep increase in dwelling prices and deterioration in affordability represents a continuation of the tightening housing market. Canberra is now less affordable than at any point in the last decade.

Any delays in the planning and building process, can have a significant impact on project delivery timeframes, adding to costs and impacting affordability. It is essential that the ACT reform process includes and promotes affordability as a key tenet of the planning system.

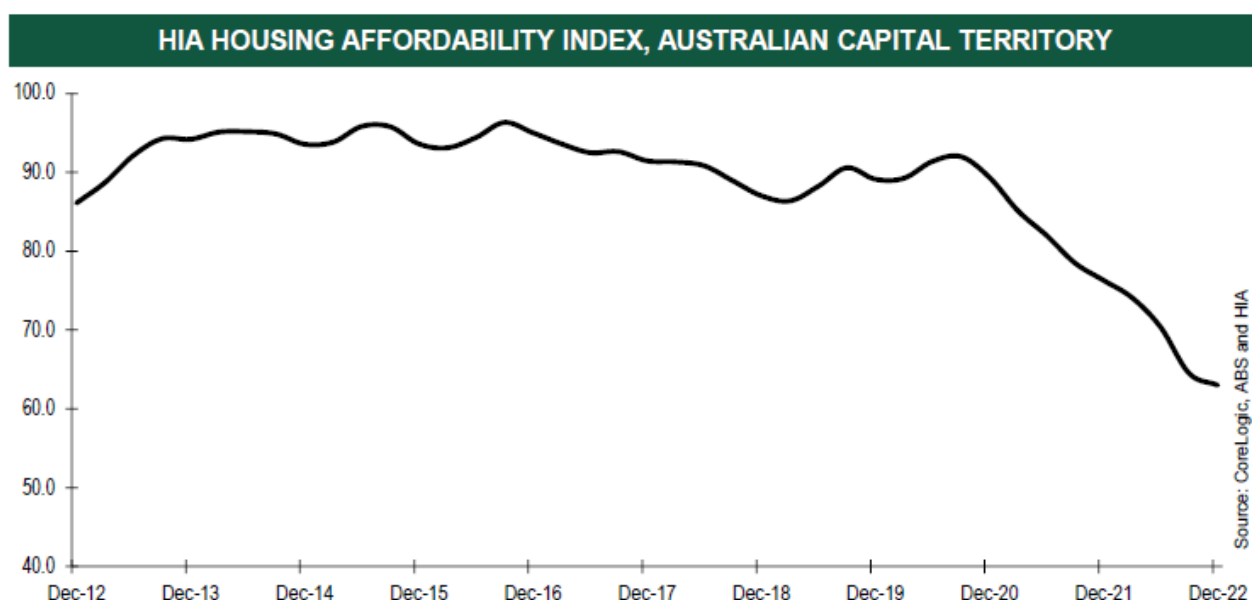


Figure 1 - HIA Affordability Report, December 2022 Quarter

3. PART E 1: RESIDENTIAL ZONES POLICY

3.1 ASSESSMENT REQUIREMENTS (1.4)

HIA continues to have concerns about the site coverage requirements, consistent with many of the views expressed during consultation for Draft Variation 369.

Canberran's who need or choose a larger home will be forced to compete for larger blocks, inevitably putting upward price pressure on what is already some of the most expensive land in the nation. If the demand for larger blocks is to be met then greenfield suburbs will need to be larger, the yield decreased or newer areas developed – either scenario leads

to less housing sites, or a greater environmental footprint. Due to the high costs of land in the ACT, there is already a division being created between those that can afford a detached home, versus those being compelled to live in multi-residential housing, whether this is their first preference or not.

With such stringent requirements on open space and limits on the size of homes, it can be expected that a far greater portion of dwellings will be multi-level to compensate. A corollary of this is that there will be an increase in the cost of building per square metre for these homes, along with a reduction in the capacity to build homes that are accessible. There is also the potential for a detrimental outcome from a streetscape perspective, with the resulting increased bulk of dwellings.

As the site coverage control currently stands, the sliding scale goes from 60% for mid-sized blocks to 40% for large blocks. HIA considers this to be too much of a step, creating a perverse outcome where many blocks just above 500m² will have a significantly lower coverage (on a square metre basis) than smaller blocks just below 500m². This does not 'catch-up' until a block is 750 square metres. We have concerns about unintended consequences in the design of blocks, skewing towards either large or small, with less diversity in between. HIA continues to hold the view that a 'step-down' of 50% could improve this situation without causing a significant change to the policy outcome.

HIA also notes that after extensive discussions between industry and government last year, a transition period was agreed on for Variation 369, which reflects site coverage requirements. The implementation applied to -

- Development applications lodged on or after 1 September 2022; and
- Building applications determined on or after 1 September 2022.

Importantly, Variation 369 did not apply to blocks that were approved under an estate development plan (EDP) after 1 January 2020, and before 1 September 2022.

It does not appear that this transition period has been honoured in the new draft of the Territory Plan.

It is important to note that the basis of the transition period was not an issue of allowing industry and community to 'prepare' for the change, but to not adversely impact blocks that had been designed, approved and purchased without knowledge of the changes.

With this policy representing a significant 'shifting of the goal posts' – problems which are not changed regardless of the length of the transition period - it is our view that this exemption introduced in 2022 should still be the case.

4. TECHNICAL SPECIFICATIONS TS1: RESIDENTIAL

4.1 1.1 DEVELOPMENT AND SITE CONTROLS (PART 15.)

It should not be the role of the Technical Specifications document to dictate the mix of dwellings in a multi-unit residence. This should be for the developer to determine based on the demands from potential buyers. This seems particularly incongruous with an 'outcomes based' system, to mandate the mix of dwellings. The above control should be deleted.

4.2 1.1 DEVELOPMENT AND SITE CONTROLS (PART 52.)

This control is completely impractical and should be removed. It is likely that a person with an eye height of 1.5 metres, who could already be 1 metre above DGL will probably have a view of much of the neighbouring block and residence. This will be exacerbated on sloping blocks, which characterises most of the newer suburbs. A line of sight distance of 12 metres is completely impractical and would create too many design challenges for the new dwelling.

There has been no evidence presented that this significant change represents a considered solution to a particular problem that has been previously identified within the existing system.

Given this requirement is written for a new home being built - relative to an existing property - it will mean that different houses are being governed by different controls. That is, the first house in a development will not have this restriction (nor will subsequent dwellings that are built amongst vacant blocks). However, latter dwellings must be designed to protect the privacy of the earlier dwelling, while it is not benefiting from the same privacy control. Thus making this an inequitable control across a development or suburb.

4.2 1.1 DEVELOPMENT AND SITE CONTROLS (PART 53.)

As per the previous comments, there has not been a case put forward as to why this addition should be made, or what problem is trying to solve. As such, it should be removed on the same grounds its impracticality and inequity.

5. SUBDIVISION POLICY

4.1 SUBDIVISION IN RZ2 TO RZ5

HIA supports the proposed policy for subdivision in RZ2 to RZ5 allowing for subdivision to proceed before the new dwellings are constructed. While the new blocks will need to demonstrate ability for compliant dwellings to be built, there will not be a requirement to have a constructed dwelling on the block for subdivision approval.

4.2 SUBDIVISION IN RZ1

The 'Your Say' webpage explains that as Canberra grows, the ACT Government is committed to providing a diversity of different housing types. As part of this, the government wants to hear from the community on whether more single residential homes should be built within existing suburbs by increasing dual-occupancy developments.

The paper notes that views are being sought on the development provisions that could form part of a dual-occupancy policy, including minimum block size, living infrastructure, setbacks and design requirements. Protections and provisions may also include location of blocks (including proximity to centres and transport), heritage, environmental and character considerations of existing suburbs.

HIA notes that three of the Demonstration Housing Projects proposed in the new Territory Plan will allow for multi-unit housing on blocks within RZ1.

First and foremost, HIA is disappointed that an actual proposal for a dual occupancy regime has not been included in the draft papers, rather, it has been only referenced on the consultation website for further discussion. It had been hoped that the ACT Government and authors of the draft policies would exhibit more leadership on this issue, rather than again take a non-committal approach to this important means of increasing diversity and volume in the ACT housing market.

HIA holds the view that there already adequate evidence to proceed with this policy and notes the following:

- Under the 'special provisions' for surrendered Mr Fluffy blocks, blocks over 700m² were entitled to be developed as a separately titled dual-occupancy dwellings. To date there has been no unintended consequences of this process.

- In 2018 the ACT Housing Choices Collaboration Hub undertook a substantial process to ascertain the views of the Canberra community of various housing and planning issues, independent of government, community groups or industry. The final report of the group was to support separate titling in RZ1, within the boundaries of maintaining appropriate controls on plot size.

Given the 'Mr Fluffy' experience, and the intent of the new Territory Plan to focus more on design outcomes, HIA recommends the following with respect to dual occupancy in RZ1:

- blocks of 700m² and above, be considered suitable for subdivision; and
- blocks up to 700m², which have a character/shape that is otherwise suitable for subdivision, can be assessed for potential subdivision with, among other things, reference to relevant design guides.

6. PART G1 - DICTIONARY

Page 23 – Lower Floor Level

HIA notes the change in the lower floor level to 1.0 metre or less above datum ground level (DGL).

It is unclear as to why this decision was made, with no industry or public discussion identifying a problem that needed to be addressed. It is also unclear as to why this was the outcome, with no investigation or data that would suggest this was appropriate – making the decision to change the LFL and the quantum appear arbitrary rather than based on evidence.

It is anticipated that this change will result in increased excavation and larger retaining walls on sloping sites, which will add to the cost of dwellings for no additional benefit. This will also increase the extent of overshadowing from within the block and impact from neighbouring buildings. HIA recommends that this amendment be reversed.

7. OTHER

7.1 TRANSITION PERIOD

The documents provided so far do not outline a process for transition. With changes of such magnitude, it is essential that a reasonable period is allowed for education of the community and industry. With the cost of housing and affordability pressures already a problem in the Territory, it is important that the delivery of new housing is hindered by the introduction of a planning new system.

7.2 EXEMPT DEVELOPMENT

HIA acknowledges that during the consultation period there has been a consistent message from the Directorate that the exempt development pathway will continue, which is welcomed. Should the new system result in an increase in development applications, this would not be a good outcome.

However, for clarity of practitioners, perhaps this could be expressed more clearly within the Technical Specifications, along with the relationship with *Part E1: Residential Zones Policy*.

HIA also notes that the *Planning (Exempt Development) Regulation 2022*, under 1.102 Compliant single dwellings does not reference the Technical Specifications or Residential Zones Policy, which should be reviewed and amended.

7.3 RESOURCING

The ACT continues to perform below expectations with regard to assessment times for development applications. The 2022-23 Budget Statements for the Environment, Planning and Sustainable Development Directorate indicate that the

estimated outcome in 2021/22 for percentage of development application decisions made within statutory deadlines is 61%, against a modest target of 75%.

The budget papers point to a larger than expected number of applications having taken longer to assess due to the complexity of the proposal. On this point HIA is concerned that an entirely new approach to the development and assessment of proposals could see this problem exacerbated. Industry has expressed some concerns about the outcomes focussed strategy potentially creating more uncertainty for both proponents and those making the assessment – particularly whether directorate staff will immediately have the skills to navigate the a new system, and also if they feel empowered to support innovative and potentially controversial solutions.

As noted in comments with respect to a transition period, these changes will be significant to not only industry but also to the Planning Authority. AS noted earlier, HIA is urging the ACT Government to ensure that both training of existing assessment staff, and the overall level of resourcing, is adequate to ensure a smooth transition to the new regime.