

DNAA /AMC REVIEW OF THE DRAFT TERRITORY PLAN

Issue: 3

Date: 27th Feb 2023

1. BROAD RESPONSE

- We support the principles of the Planning Reforms and a performance-based planning system
- We applaud key aspirations such as:
 - Sustainable neighbourhoods
 - Ageing in community
 - Urban Consolidation
 - Affordable Housing / Housing Choice / Housing innovation
 - Encouraging development along transport corridors or in and around Local Group and Town Centres
- We see potential in District Strategies as long term “masterplan’s” specific to that location and implore this to be a sustained effort by EPSDD into the future
- We see the opportunity to improve the many frustrating provisions / oddities with the current TP through this process
- The Residential sector is a primary focus of these reforms and the key to a range of interconnecting principles of environment and social sustainability, housing affordability, ageing in community, intergenerational housing, social housing, new housing typologies and appropriate urban infill
- Some improvements from the current TP which we have been advocating for now for many years
- Lacks long term vision to be bold or innovative and support a policy of densification. It appears to be more of a rehash of the existing with more complication and risk.

2. BROAD CONCERNS

- The ultimate impact of ACAT and its ability/capacity to review planning decisions in a performance-based planning system
- The Residential and Urban Design Guidelines are not yet available to better / more fully understand the proposed TP reforms
- There is no allusion to transitional provisions / arrangements as to how the new TP will be applied
- The referral entities, TCCS, Environment ACT, Icon Water and Evoenergy need to align with this structure. Currently there is no room for flexibility or innovation or putting the wholistic outcome ahead of their narrow focus.
- Significant information has been transferred from the current TP (precinct codes) into the new TP however quite often specific associated references are omitted for no apparent reason
- The information informing the proposed TP reforms appear to be reliant on 2016 Census Data
- Technical Specifications are nominated as possible solutions within the new planning framework. However this seems to be counter-intuitive and suggests a definitive rule. Could the name change to, for example, *acceptable solutions* or something similar

- Having taken then time to read all documents, the new TP broadly seems to be a rehash of all of the old TP rules with very little change at a micro-level
- At this early stage, changes mostly make development harder and more expensive – It adds significant risk and time delays to pursue innovation which will discourage proponents who cant afford the associated costs to get projects over the line.
- The parameters outlined to promote the missing middle don't support viable or innovative applications to achieve the infill development that is being sought
- We acknowledge the potential freedom to explore innovation but can't see a way that we could have confidence in the system to take the professional or financial risks that it might deliver to us or our clients
- We are concerned at the number of / depth of EPSDD and other authorities staff to undertake development assessment
- We are concerned that the new Coordinator General for Housing ([REDACTED]) has not been able to play a meaningful part in the review of the draft TP
- There is no clarity / information about what an accept DA submission should be either for compliant development or something more adventurous
- A holistic electricity network review and masterplan about how proposed changes to electricity requirements within developments has been addressed. The current system of a substation for each block (usually on grade) is a wasteful use of land given the shortage of it in the areas being developed when a cohesive solution is not being adapted to deal with the city's power requirement in the next 50-80 years.
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3. BROAD QUESTIONS

- What will a DA submission look like? We are assuming it could be a lot more work to support an application that pushes the rules but there is no clarity / explanation to this end
- Will the use of the Design Guidelines to lodge a DA prompt the Planning Authority to start having a conversation with the applicant to work through the specifics of a project. The current DA process seems to shut the door on communication in this regards.
- How will the Territory Plan or process support an innovative / non-confirming application from being caught up in consultation with the community, DRP or other groups wanting to challenge the idea / frustrate the process? There doesn't seem to be any formal mechanism for supporting an innovative response
- How will this process be resourced with experienced assessment offices.
- What is required with a DA submission
- What will a NOD look like
- What will the process now be to lodge a DA – process, consultation, entities
- What level of skills and what level of interaction is assumed in a performance based approvals process
- Day 1 how does this document enable missing middle without much risk or uncertainty

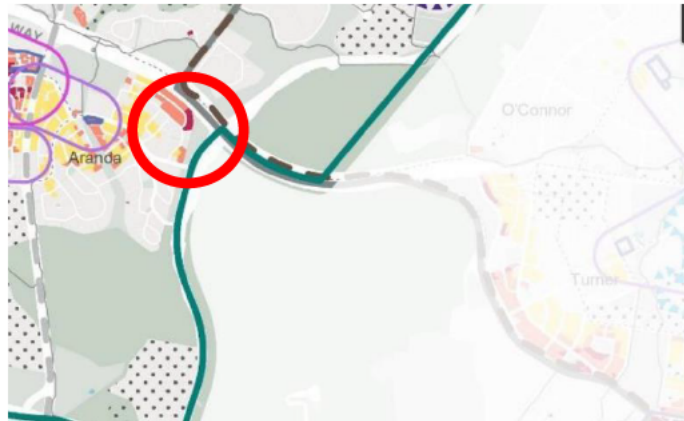
4. BROAD REVIEW DISTRICT STRATEGIES

GENERAL

- The canvas is so big that we need more time to analyse each district strategy and identify opportunities for rezoning, oddities or limitations – eg RZ2 – CFZ to facilitate retirement living
- How was each District Strategy arrived at accepting they are a long-term and indeed iterative project and noting that previous precinct codes / masterplans would have informed each in part
- *Party in too many rooms* - How does the ACT Government balance the opportunity implied in the new TP but also control such that each builds on its strengths and such that each retains its character or point of difference
- How do the district strategies identify / celebrate the individual character of each area – Reid with its heritage while Aranda is in a bush setting or for example what differentiates Belconnen from Woden Town Centre
- There still seems to be little to support Civic as the pre-eminent Town Centre
- How are key attributes of Canberra and its development to date, for example retention of landscape buffers between different Districts, preserved
- What stops new fronts opening up that cannibalise existing enterprises
- Disbursement of employment and does this work against Civic and Town Centres being pre-eminent supporting a logical city hierarchy and, for example, efficient public transport networks
- Not a sophisticated approach to the missing middle – eg block consolidation, better use of public realm (verges)
- Some things that are significant don't appear in the maps – Yowani Grounds

BELCONNEN (AS AN EXAMPLE)

- No links made to history of place – indigenous, natural or colonial
- Some poor cousins that are not afforded density and intersecting experiences – eg Charwood
- Time frames are so broad development is not really encouraged buy in or iterative development – it's still “plonkism”
- Diagrams in strategy don't reflect the Key Directions identified in words
- Key infrastructure such as UC, Calvary and UC Public, AIS, CIT get very little mention in terms of their place / potential contribution / future growth
- Why was the Strathnairn Suburb the only suburb identified in the Belconnen district specification?
- Using this excerpt from the Belconnen District Strategy, there are some areas of potential redevelopment which appear to be examples of “plonkism” where a high density development is suddenly a possibility in Aranda without a broader argument or logic over and above the light rail. There is a similar situation in Turner as below. I guess its trying to understand the depth of the thinking behind the plans and therefore industry / community needing more time to scrutinize each district strategy



CIVIC (AS AN EXAMPLE)

Pending

5. DISTRICT POLICIES AND TECHNICAL SPECIFICATIONS

- Still too many specific requirements that are simply uplifted from previous codes – little seems to have been further refined through this process
- Too many specific numerical standards in the Policies
- Both the Policies and Technical Specifications have numerical standards – why. Is there more scope to vary these in the Technical Specifications

PART A: ADMINISTRATION AND GOVERNANCE

No comment at this stage

PART B THE TERRITORY PLAN

Lacks long term vision to be bold or innovative and support a policy of densification. It appears to be more of a rehash of the existing with more complication and risk.

PART C PLANNING PRINCIPLES AND STRATEGIES

No comment at this stage

PARTS D1 – D8

No comment at this stage

PART E1: RESIDENTIAL ZONES POLICY

Technical Specifications TS1 Residential

- 1.1.15 Dictating the mix of dwelling types for developments of 40 or more should be left to the market requirements for each specific development and its context and desired planning outcomes.
- 1.2 Generally confusing envelope requirements.
- 1.4 Amenity
- 52 A person standing 1m above DGL with an eye level of 1.5m has general visibility over a boundary fence to well over half of a neighbouring block. This increases with sloping blocks. Windows are generally higher than ground level so would be in full sight. Any room except a bathroom with a single window would be designated a primary window so this would drive all housing back from the boundary. If the neighbouring house is set 1.5m off the boundary, the proposed house would need to be 10.5m off the boundary in question. For an average 15m wide block this would leave a strip of developable land that could have a window or terrace of 3m. Who determines the primary window? This requires internal knowledge of the neighbouring properties which is unlikely to be available to the applicant. It also requires increased documentation to include all surrounding houses external detail. On greenfield blocks neighbours details might not be known. This control is not practically achievable and should be deleted
- 53 A person standing 1m above DGL with an eye level of 1.5m has general visibility over a boundary fence to well over half of a neighbouring block. This increases with sloping blocks. What is designated private open space required calculations and detailed knowledge of a neighbouring property. This is unlikely to be available to the applicant. It also requires increased documentation to include all surrounding houses external detail. On greenfield blocks neighbours details might not be known. This control is not practically achievable and should be deleted
- **1.5 transport parking and movement**
- 86 This is confusing with reference to co-located parking location and distances.
- 90 End of trip facilities. This is applied as a blanket over all development without consideration of likely need for servicing. It is most likely well over what is required to meet demand.

Part D4: Inner South District Policy

- Land Use Table for Deakin mentions CZ2 but doesn't seem to show up on Figure 10. Many of the prohibited uses would seem to be appropriate for Deakin. It then also mentions prohibiting all uses except health also in CZ2. This table needs reworking
- Land Use Table for Fyshwick. The prohibited table seems to be uses that belong in Fyshwick. The IZ2 notes seem to be repeated three times. This table needs reworking
- Land Use Table for Kingston. The CZ5 additional development seems to be repeated and Figure 14 doesn't show CZ5

Part D9: East Canberra District Policy

- The district boundary should be realigned to include Hume South so that all of Hume has the same policy.
- Land Use Table Beard. This allows for Restaurant and Take-Away but the reality is that the approval requirements from EPA preclude this from happening. The result is that an employment centre has no food outlets to service the area.
- Land Use Table Pialligo. The Figure 7 doesn't show NUZ1 with all of the prohibited development.

PART E2 : COMMERCIAL ZONES POLICY

- Many empirical absolutes in the Policy – why. For example Zone CZ4 – how was 50% arrived at as a max reduction in commercial / retail purposes in lifted straight from the current TP

Technical Specification TS2 : COMMERCIAL

- Many of the controls are highly specific once again and lifted straight from the current TP

PART E3: INDUSTRIAL ZONES POLICY

- 1.5 Assessment outcomes d) Reference to seeking advice from DRP. What is the trigger for this? Takes too long to get and gets in the way of simple assessment.

Technical Specification TS3: Industrial

- 42 EV ready. How is this defined? What infrastructure needs to be in place to be EV ready. We are having trouble getting enough power out of the network to have the capacity to add the additional load for EV chargers. This could possibly see every block having its own or multiple sub-stations.
- Who owns the charging infrastructure and how is the charging to be invoiced?
- How do we deal with designated car parks that belong to individual sub-leases. Is there a priority for visitors or staff parking?
- 52 End of trip facilities. The calculations for use seem to be well over the reality of possible take up for these areas. We have tried for many years to include a shower with each industrial unit as part of the accessible toilet. Not one of them is used as a shower and it is extremely rare to have riders as employees. In our own building in Braddon where we encourage riding, out of 22 employees, we have 3 riders and they share a single shower with the rest of the building, probably another 30 employees, some with riders. Our shower gets used regularly but the rules would require us to have 6 showers where 1 is more than enough and never has a wait even at peak arrival time. We agree with having these facilities but suggest that the usage generator

needs to be adjusted much lower, particularly for industrial areas where the usage will be much lower again.

PART E4: COMMUNITY FACILITY ZONE POLICY

- Broader opportunity for development type – eg Community Housing
- Is it critical that all dwellings comply with Class C AS 4299 – Adaptable Housing
- Again many numerical constraints that undermine the notion of performance based
- Sites over 10,000m² (or a few other factors) need to have “Sufficient consideration of and response to the Urban Design Guide”.
 - Who determines what is sufficient?
 - Does this exclude other projects on sites less than 10,000m²

Technical Specification TS4 : Community

- Is it critical that all dwellings comply with Class C AS 4299 – Adaptable Housing
- 20% carparks EV ready seems difficult at the moment
- Should we need to allow a RACF to be subdivided from ILU’s for adaptive reuse noting subdivision is prohibited
- Should we be factoring in future subdivision as the aging population decline

PART E7 : NON-URBAN ZONES POLICY

Technical Specification TS 7: Non-Urban

- 1.2 building height. Restricted to two storey. This should be just a height control of 10m or 12m. Buildings in these areas can have multiple basement storeys or due to their height can be deemed three storeys even though they are two. If a building can fit multiple storeys within the allowable bulk and scale limits then why should they be restricted?
- 52 End of trip facilities. The calculations for use seem to be well over the reality of possible take up for these areas. We have tried for many years to include a shower with each industrial unit as part of the accessible toilet. Not one of them is used as a shower and it is extremely rare to have riders as employees. In our own building in Braddon where we encourage riding, out of 22 employees, we have 3 riders and they share a single shower with the rest of the building, probably another 30 employees, some with riders. Our shower gets used regularly but the rules would require us to have 6 showers where 1 is more than enough and never has a wait even at peak arrival time. We agree with having these facilities but suggest that the usage generator needs to be adjusted much lower, particularly for industrial areas where the usage will be much lower again.

Technical Specification TS8: Subdivision

- 1.1.2 Multi Unit Blocks enable all dwellings to front a road or public open space. This might be hard for larger blocks or for multilevel apartments that are not at ground level.

- 1.3.15 30% tree coverage for off street parking could be hard to achieve. Will make parking areas larger to meet requirements wasting usable area.

PART F1: SUBDIVISION POLICY

- 3. Should we not be building in the opportunity to subdivide community housing or retirement living in CFZ to future proof these assets for future sale if required
- 7. Should there be an opportunity for a secondary residence to be subdivided in the future
- 9. Should there be an opportunity for RZ1 to be subdivided and do points 10,11, 12 and 12 build on Point 9

PART F2: LEASE VARIATION POLICY

No comment at this stage

PART G1 - DICTIONARY

Lower Floor Level

- Lower Floor level 1m or less above DGL
- It is reasonable to suggest that most blocks in the ACT have some level of slope and there is some level of cut and fill. This will have a significant negative impact on the reasonable ability for a purchaser to develop their block.
- Increasing setbacks for floor levels above 1m will severely limit the usable area of blocks. It will result in increased excavation to keep houses lower than 1m. This will result in a significant increase to the build cost with more extensive retaining walls and increased excavation costs. This will also increase the extent of overshadowing from within the block and impact from neighbouring buildings.
- Increasing setbacks for sloping sites will push buildings in further off the boundary. For the southern side of the block this will result in increased wasted open space on the cold shaded side of the block and reduced usable private open space on the sunny side of the block. This was a point that we stressed when consulting on the Solar Envelope. It is a bad outcome.
- On a 15m wide block it would leave a 3m wide strip of developable land for a single storey house.

Primary Window

- The main window in a habitable room
- Perhaps this should refer to a primary daytime living room.
- Bedrooms typically have single windows so would by default become the Primary Window.
- If a living room has multiple windows the largest or northern would become the primary window even though the secondary window might be the privacy issue.
- Who determines the primary window? This requires internal knowledge of the neighbouring properties which is unlikely to be available to the applicant. It also requires increased documentation to include all surrounding houses external detail.
- On greenfield blocks neighbours details might not be known.

SPECIFIC INITIATIVES / OPPORTUNITIES NEEDING FURTHER CLARIFICATION

- Achieving Affordable / Community Housing in CFZ. A specific definition that does not draw from Supportive Housing
- Greater clarity on Retirement Living's place within Community Facility Zones
- CZ6 remains quite undefined and its opportunity unrealised
- Incentives to amalgamate RZ1 and RZ2 blocks to achieve appropriate medium density / missing middle
- Planning incentives for adaptive reuse of old office buildings which will need to be electrified in the future at great expense and therefore prime candidates for new housing options in Group Centres and Civic

INNOVATIONS & INCENTIVES

- A full restructure of the names of Zones to help the public dis-associate existing rules in that zone with proposed changes.
- RZ1 - to allow dual occupancies on all blocks over 700sqm
- RZ2 – to allow unit titling or subdivision of blocks 500sqm and larger. This still allows for two compact blocks which can have a high level of impact on the missing middle we are in desperate need of.
- RZ3&RZ4 – There needs to be a much higher level of density allowable in these zones if we're going to address our population growth and densification which has been forecast. There may be some innovative ways to address this through the five key principals outlined by international powerhouse WOHA Architects of Singapore:
 - Green Plot ratio – The amount of landscaped surfaces compared to development site area
 - Community Plot ratio – The amount of community space allocated within a development's site area
 - Civic Generosity index – The extent to which a development encourages and facilitates the public life of a city
 - Ecosystem contribution index – The degree to which a development supplements a city's ecosystem
 - Self sufficiency index – A development's capacity to provide its own energy, food & water

These indexes could somehow offset the density & height of a development in these zones to create living 7 breathing precincts which contribute positively to their neighbours, street & suburb.



Design driven. People focused.

- Removal of overall height restrictions so that other metrics such as solar access, privacy, site coverage etc... could dictate what the overall height may be on a block based on the amenity it provides to its surrounding
- Removal of all building envelope diagrams for Commercial Zones. The outcomes in Braddon should be a clear indication of the harm such envelopes can do to the fabric of the built environment. It highlights the lack of trust put in design professionals to address the amenity concerns that the envelopes are trying to resolve. Ideally this can be done without the negative visual impact such planning policy decisions are having on the streetscape for generations to come.
- Promote articulation vertically and not just on the face of a façade. The typical requirements to 'articulate' a façade by 2-3m only seems to add awkward construction details and dated design outcomes. Vertical articulation will help the city achieve more organic skyline which has been considered against amenity and aesthetic.