

Preface

We are a family construction business that builds secondary residences.

Our clientele are elderly, disabled, families or investors. We have clients who wish to have their parents close to the family while maintaining their independence and privacy. We take pride in being able to deliver for those communities and contributors of Canberra's "aging-in-place" policy.

We are writing to you to lodge our representation regarding the draft new territory plan and amendments that are required to be made in order to comply with existing policies such as the secondary residence policy.

Areas of Concern

1. Site coverage requirement

Our main concern is the site coverage requirement.

This should be read in the context of the numerous constraints which are currently regulating secondary residences for a better understanding. These types of developments are allowed only in large blocks i.e., blocks that are more than 500 sq.m. in area. As per the new territory plan and Variation 369, the maximum site coverage allowed in those blocks are 40%. So, for a block of 500 sq.m. only 200 sq.m. can be built considering the existing dwelling is a single storey one (which usually are, in the context of Canberra).

As per the CommSec House size Trends report 2020², the average floor area of an ACT dwelling is 256.3 sq.m in the year 2019/20. It was around 215 sq.m. in the year 2000 to provide a historical perspective. In short, we have larger houses in the ACT. If we are to implement the site coverage area requirement of 40% we believe the option of having a secondary residence which has a minimum area requirement of 40 sq.m. as per the territory plan will not be achievable for most residents in the blocks with area ranging from 500 sq.m. to 700 sq.m.

The definition of site coverage given in the Part G1:Dictionary reads as follows:

Site coverage means the proportion of actual site covered by buildings, **including roofed terraces, awnings, eaves, pergolas, patios, decks and balconies and the like.**

This is different to what has been implemented by the variation 369 which **excluded** the area of awnings, eaves, and open pergolas. Considering most of the existing houses have 450mm-600mm wide eaves all around, a significant area will be added on top of the actual building footprint towards the site coverage.

The inclusion of eaves and awnings to the site coverage area is an unnecessary one. The rain doesn't stop at the eaves line and the water can get up to the external wall if there is natural ground below it. The eaves really do not affect the available permeable area. Same goes with the decking- most of the timber decks are porous and will let water seep in. Hence, counted areas of site coverage should not include eaves and decking.

While removing plot ratio as a mandatory requirement and introducing site coverage area as one, merely adding a definition of site coverage area in the dictionary is not adequate, as there are other construction elements such as pools, temporary sheds, garden sheds, open to sky decks etc. which are commonly found in Canberra blocks are not specified to be included or not. Hence we suggest you elaborate on the definition of the site coverage to bring some clarity.

2. Community Housing Policy

With the community housing policy as a use in residential zones, it is possible for the leaseholders to extend their homes with additional bedrooms, baths and kitchen on blocks over 600 sq.m. in area (subject to site coverage requirements). This will enable people to extend their homes without the requirement of it to be accessible or wheelchair friendly.

This will significantly reduce the demand for secondary residences. This new territory plan is against the policy of aging in place and active travel.

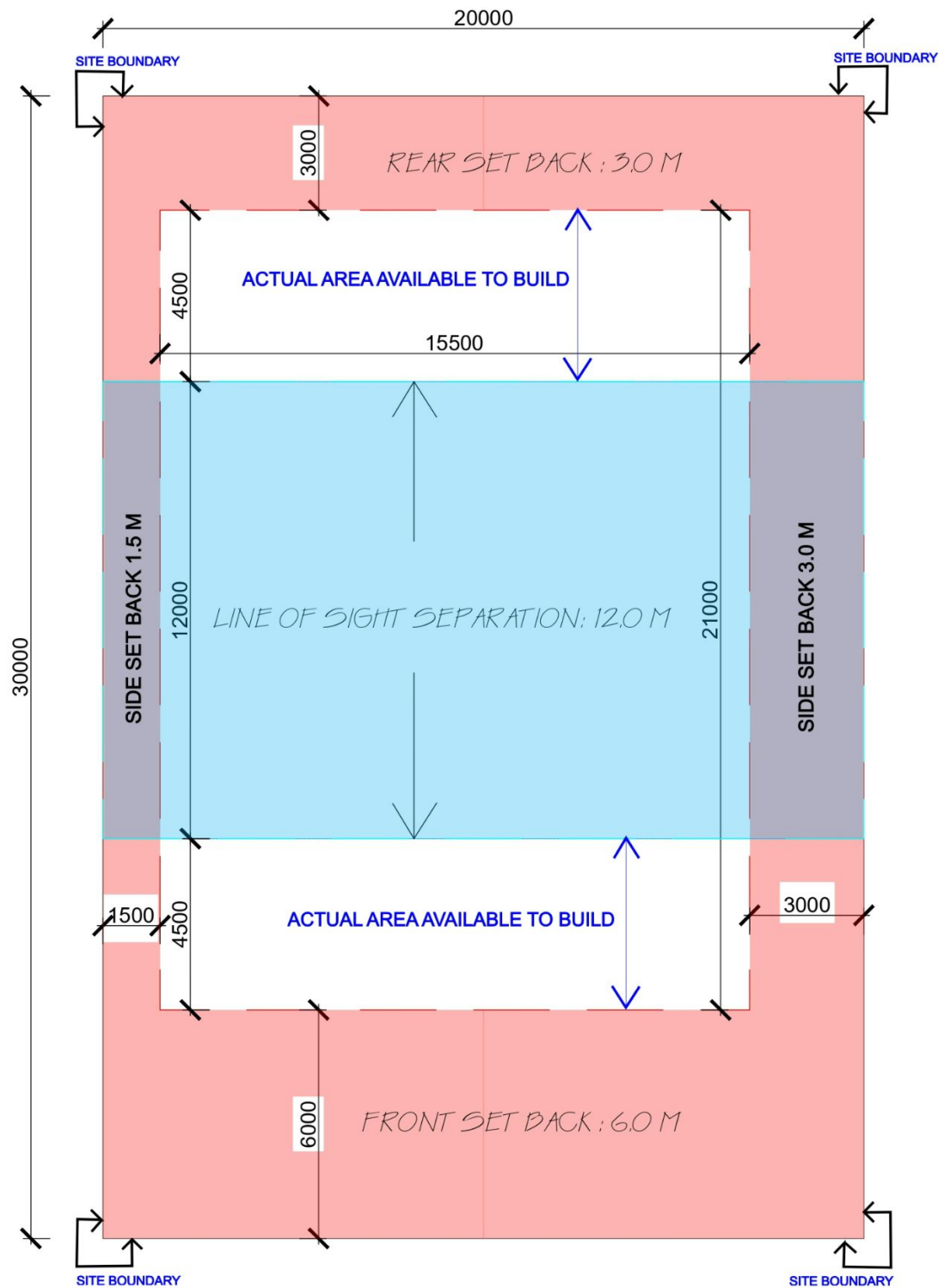
It is of our opinion that this territory plan would promote more rental units in Canberra, but might not cater to the growing elderly population in the area. EDPDD/ACTPLA created the aging in place policy to reduce the pressure on nursing homes which, because of the distance and privacy rules, must be segregated/ adapted for secondary residences.

3. Control: Privacy

Rule 52 states: "A person with an eye height of 1.5m standing at any point on the extremity of an unscreened element of one dwelling does not have a direct line of sight into a primary window of any other dwelling on the same block or an adjacent block. The direct line of sight is a minimum distance of 12m."

Most of the large blocks in Canberra have an average side boundary of approximately 30m and out of which we have a 6m front boundary setback and 3m rear setback. This gives us approximately 21m to build. If we have to provide a 12m minimum line of sight, we are left with a width of merely 8m along the block, which then leaves an area for just 4m wide primary and secondary residences. There are possibilities to address it through design such as building a two story structure, but this means that an aging in place policy of minimal adaptations to become fully accessible won't be possible.

Please see the illustration below:



People who build a secondary residence wish to have a passive surveillance on the secondary residence as it is mostly their parents or children living in those residences.

Therefore this rule is unnecessary and it will create disquiet as it is still possible to work around this rule by providing a 1.6m high privacy fence between the two residences.

To evaluate whether there is a minimum 12.0m direct line of sight between the adjacent block, the register floor plans of all the houses should be made available in the public domain at all times. Which is by itself will be a privacy/ security issue as well.

4. Definition of upper floor level

In Part G1: Dictionary, the definition of upper floor level is changed to “upper floor level (UFL) means a finished floor level, which is greater than 1.0m above datum ground level at any point. It is 1.80m in the current territory plan. It goes without saying that the geography for Canberra is hilly and for any given block, there is a natural slope to the ground even if it looks flat.

Since most of the secondary residences are built in a limited space of a backyard with a steep slope and we use steel posts to support the elevated floor frame, the lower floor level is usually set at 1.0m above the ground level. The crawl space under the floor frame is handy for the service technicians to go under the building and sort issues like blockage or conduct normal repairs. If we have a block with a significant slope, then the corners of the secondary residence is normally more than 1.0m.

Reduction of upper floor level from 1.8m to 1.0m is a significant drop and would invite larger setbacks and leave us with literally no space to build.

Clarification required:

We would like to seek clarification regarding the points listed from **TS1: Technical Specifications- Residential**.

1. Control: Side and rear boundary setbacks for single dwellings on large blocks- Carports/Garages

The requirement of garages or carports to have a 1.5m setback from the side boundary

Secondary residences have a requirement for them to have a separate parking space 3.8m wide and to be accessible for the wheelchair. This is in accordance with the aging in place policy with the objective of promoting active travel.

Secondary residences are built in the backyards. For it to be accessible and compliant, we provide a carport near or next to the secondary residence. Since the area available for the secondary residence is usually narrow and there are additional requirements to provide impeded access to the easements at the rear of the block, carports are usually built on the boundary. This new rule would mean we would have to leave more space for the amenities and a little or no

space for the secondary residence, which will make it nearly impossible for us to build a secondary residence on blocks which are around 500-800 sq.m. in area.

Please update the territory plan to allow for secondary residences carports to be along the boundary to allow for clear and easy access.

2. Specification 73: Car parking spaces- Tandem

It appears that the current exception allowing the second car parking space to be provided on the driveway in tandem with another car parking space that is located behind the front building line has been removed. Is tandem parking allowed on single dwellings? There is no mention of tandem parking on the single dwelling part but it is mentioned in the multi-unit housing. It would be helpful if it said whether tandem parking is allowed for single dwellings or not.

Also, as per schedule 1 which is applicable for multi-unit developments, a minimum average provision of 1.5 spaces per two-bedroom dwelling is required for attached/ detached housing. And as per regulation 80 for multi-unit developments, one car space per dwelling is required to be roofed. It is unclear whether this regulation will be applied to secondary dwellings as it is technically a multi-unit development. Hence, it is necessary to class secondary dwellings and make it clear which all regulations we will have to follow.

Please update the territory plan to allow tandem parking spaces for minimum 1 car when there is a secondary residence.

3. Control: Private open space for single dwellings

Specification 6, Planting area requirement: At least 40% of the Private Open Space (which is 60% of the block area) is a planting area.

In Control: Planting area and tree canopy cover- for multi-unit housing in RZ1 and specification 24, it says, Planting area is a minimum of 35% of the block area.

Since we are unsure whether the secondary residence is a single dwelling or a multi-unit housing as per the new territory plan, we are unable to understand which rule to comply with.

Please update the territory plan

4. Control : Landscaping- for single dwellings

Specification 35 (d) "For large blocks more than 800m² , at least one medium tree and one large tree; and one additional large tree or two additional medium trees for each additional 800m² block area."

The wordings are a bit vague. If the area of the block is 801 sq.m. there are chances that it can be interpreted as the planting requirement is two large trees and two medium trees or one large tree and three medium trees with the current terminology. It would be helpful to have an explanatory note regarding this.

Please update the territory plan

5. Secondary Residence: Which Category?

Another area of concern is the lack of clarity about the secondary residences category in the new territory plan. Currently, secondary residences are part of "Residential Zones Development Code" and have a consolidated list of requirements under "Part B, Element 4: Secondary Residences". The new territory plan doesn't classify secondary residence and it is unclear whether it is under the single dwelling category or multi-unit housing which creates a lot of ambiguity while calculating various requirements, for example: the number of parking required.

Please update the territory plan to add a stipulation in the territory plan clarifying secondary residences.

6. Ancillary Codes

Further to that, there is no indication on the new territory plan about the ancillary codes such as Fencing or Swimming Pool General Codes which are the most commonly used codes for any residential development in Canberra. It would be helpful if the territory plan absorbs the current ancillary codes as well.

The Solutions

We propose that the territory plan gets adapted and updated to suit the already existing aging-in-place policy having a separate section in the territory plan that is only applicable to secondary residences.

Our detailed solutions are :

1. Secondary residences be given a relaxation in site coverage, to 50% for blocks between 500 sq.m. to 900 sq.m.
2. Redefine what is classed as site coverage- Eaves, decking, and temporary structures shouldn't be inclusive. Reduction of the site coverage will make the secondary residence policy very limited/difficult to comply with.
3. Recent rules regarding planting large and medium trees (of specific species) also need to be added to the block where a new building is involved, and therefore limiting the available building space. Hence, landscaping requirements should be limited to one tree per 500m²
4. Clarification must be given whether the area of swimming pools or temporary sheds are calculated towards site coverage area.
5. Carports for secondary residences should be allowed on the boundary.
6. Parking spaces limited to 1 not 1.5 spaces per two bedrooms.
7. Clearly defining & creating a new category which the secondary residences fit in.

8. Private open space must remain at 50% for secondary residences.

9. Either a) Privacy of a separate dwelling should be maximum of 4m from the main residence or 6m to the neighboring residence. Or B) The 12m Privacy setback rule should not be applicable for the secondary residences that face the existing dwellings as they are primarily for the members of the same family and they can achieve privacy using a fence/ internal blind.

(j) Reconsider the decision to allow community housing in residential zones that will allow the construction of rentable units as it might phase out the need for wheelchair friendly secondary residences.

Conclusion

Please consider the aging in place policy when adapting the territory plan or make certain allowances with a separate section for secondary residences.

According to the 2016 census data, 12.5% canberrans are aged 65 and over. As per the rental affordability index 2022¹ findings, a single person on Jobseeker payment has to spend 117% of their income on rent in the ACT. For a single pensioner, it is 70% and for a pensioner couple, it is 53%. It is in this context that the secondary residences become an affordable housing option for the families.

The draft new territory plan could put us out of business by limiting what blocks we can build on when it is already difficult to comply with the disability rules and regulations that the ACT government requires under the secondary residence policy.

Without the adaption of the above proposals, we see the requirement to meet the secondary residence aging in place policy highly difficult. The aging in place policy will slowly fade out and a new crisis will incur of housing aging canberrans.

Our business is solely based on the aging in place policy and working with families to solve their housing needs.

Kind regards,

On Behalf of the team at the Pod Canberra.

[Redacted Signature]

The Directors,

The Pod Canberra- Luxury Secondary Residences By VRD Developments

[Redacted Signature]

www.thepodcanberra.com.au

References

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