

Draft Territory Plan 2022 submission

As a Building Designer working exclusively on residential remodels and extensions, I have the following observations to make regarding the application of the Draft Territory Plan, most notably in relation to Existing Developments on large RZ1 blocks.

My take is that the new system will create the need for more DAs in relation to developments on existing blocks. Whether this will be offset by reducing the DAs needed for other types of development, I am not experienced to say.

Whilst increasing the need for DAs is good for my business, I'm not sure that it is the best outcome for the community.

Finally, I hope that in addressing some of the points I raise below, the transition to the new Territory Plan may be smoother than it is currently looking to be.

Part E1 Residential Zones Policy

Neither Site Coverage nor Plot Ratio should be Assessment Requirements – both should be retained in the Technical Specifications, and designers and lease holders, given the discretion to balance the two elements through the DA process.

Maximum deviations to these controls could be added (say 10%), to ensure a measure of restraint is maintained by proponents submitting DA Proposals.

Assessment Outcomes

These are clearly aimed at addressing multi-unit development. I have attempted to apply them to Single Dwelling Housing particularly when undertaking extensions and renovations and see no clear way to address them when preparing a *STATEMENT AGAINST RELEVANT ASSESSMENT OUTCOMES* that presumably will be required to support a Development Application.

General

The current system of Rules and Criteria is better suited to **Single Dwelling Housing** than the Assessment Outcomes currently proposed in the draft plan.

Without a HDG for Single Dwellings – the assessment process is totally opaque and subjective. Every DA submitted, in the eyes of the proponents, is a great design outcome. Without public guidance or more restrained controls, who is to say it isn't!

Technical Specification 1 – Residential

General

Combining both Single Dwelling and Multi-Unit Specifications into a single document, reduces its readability and accessibility, particularly for the general public. Much of the value of the *simplification work* that has been undertaken has been lost in combining the two documents into one.

It would be preferable to retain a two-document system, similar to that which we currently have with the SDHDC and MUHDC.

Front Boundary Setbacks

The wording of the definitions in relation to corner blocks creates ambiguity. Whilst clearly not intended that way, the use of the wording *apply only to one street frontage* could be interpreted as negating secondary street frontage setbacks.

Side Boundary Setback Changes

The removal of the nil setback on side boundary 2 is likely to push any proposed carport, garage or deck on an established block into the Merit DA track.

The ***Upper Floor Level*** definition change will push many extensions and decks into the Merit DA Track. This may be substantially mitigated if the revised definition was **1.5m**. This coupled with the maximum building height of 8.5m and building envelopes help control the bulk and scale of any dwellings.

If ESPDD analysis shows that privacy concerns remain at 1.5m then I'd encourage the Directorate to adopt the 1.5m control in the interim and seek specific advice through a separate round of consultation prior to adopting a 1.0m limit.

TS18 requires clarification, it has a reference to solar building envelope (rather than northern boundary) and then contains a differing definition for Northern Boundary to that found in the dictionary. It is also unclear as to which blocks it applies to. Does it apply to all Large Blocks, or only large blocks approved after 5 July 2013?

TS19 Building Envelope on mid-sized block developed prior to 5 July 2013

Is it necessary to retain the provisions of TS19, when all other provisions relating to development dates of Single Dwelling blocks have been removed?

Proponents can use the DA process if a particular site proves challenging whilst redeveloping it.

TS20 Solar Building Envelope Angle is no longer based on the bearing of the associated boundary. It would be preferable to retain the existing values in Table 1 of the SDHDC or change the value from 31° to 34°, to find a compromise between those facing due north and those at a significant angle.

Privacy

TS52, 53 & 54 appear to be completely unworkable.

It is impossible to avoid overlooking or overlapping windows between residences when line of sight is defined as 12m distant.

The rule as written requires **all** windows to be opaque or have a 1.7m sill height.

These rules should be removed entirely until they can be better considered and referred back to industry for further comment.

Accessibility of Secondary Residences – is it necessary to include these in TS64, now that we have liveable housing provisions in the National Construction Code?

Removing the adaptability provisions associated with AS4299 in favour of the new NCC Provision would allow more Secondary Residences to be built, assisting with providing affordable, in-fill housing.

Carparking

The current exception allowing the 2nd carparking 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 this deliberate? How will it be implemented for extensions and renovations where this is the current arrangement? Is it intended that this will push them into the Merit Track DA pathway?

The current allowance should remain in the new Territory Plan.

Bicycle Parking

The structure of the document and use of the wording – *all residential housing development types* implies that bicycle parking is needed for Single Dwelling Residences.

Is this the intent?

Part G1 Dictionary

Primary Building Zone

The draft definition needs to be reverted to the current definition. The draft definition sets the PBZ as 6m as it incorrectly references the front boundary.

primary building zone means the area between the *front zone* and a line projected 12m distant away from the front boundary in a perpendicular line.

Primary building zone means the area between the *front zone* and a line projected 12m distant.

Site Coverage, the definition of site coverage as implemented with DV369 needs additional clarification.

Currently its intent remains vague, decks and patios are included but driveways are not.

- Do all paved areas including garden paths count toward site coverage?
- Does a pool and it's surrounding paving/hardscaping count toward site coverage?

Also during the consultation phase it was clarified that the definition as found in the current Territory Plan will remain, as the draft definition changed to include eaves.

Omissions from the current Territory Plans

Allowable Encroachments

There is no mention of allowable encroachments in the new Territory Plan. By not transferring this information across to the new Territory Plan it means that the new setback requirements now relate to the gutter line?

At no time, in any of the many presentations that I attended was this highlighted as the major change as such I hope that it is an oversight.

Allowable encroachments should be retained in the new Territory Plan

Final Observations

It is obvious that a huge amount of effort has gone into the preparation of the Draft Plan, this leaves the Public with the impression that the process is done and dusted, with potential for only small tweaks at the edges. Furthermore, and of significant concern, is that the missing elements (*HDG, UDG, HDG for Single Dwellings*) are the critical elements that allow Industry Participants like myself to assess and prepare for the impact these changes will have on our businesses.

To finish on a positive note though – the webinars that have been held, have been exceptional at informing and conveying that change is coming.