



Australian Institute of Architects

ACT Chapter

DV306

ACT Legislative
Assembly.
The Standing
Committee on Planning,
Public Works and
Territory and Municipal
Services

SUBMISSION BY

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PURPOSE

This submission is made by the Australian Institute of Architects (the Institute) to the ACT Legislative Assembly, The Standing Committee on Planning, Public Works and Territory and Municipal Services, in May 2012.

- This submission has been prepared with the assistance of the ACT Chapter Planning and Sustainability Committees.
- At the time of this submission the ACT Chapter President of the Institute is Tony Trobe.
- The ACT Chapter Manager is Robyn Stone

INFORMATION

Who is making this submission?

- The Australian Institute of Architects (the Institute) is an independent voluntary subscription-based member organisation with over 10,000 members. Members are bound by a Code of Conduct and Disciplinary Procedures.
- The Institute, incorporated in 1929, is one of the 96 member associations of the International Union of Architects (UIA) and is represented on the International Practice Commission.

Where does the Institute rank as a professional association?

The Institute represents the largest group of non-engineer design professionals in Australia

Introduction

The Australian Institute of Architects ACT Chapter (the Institute) welcomes the opportunity to comment on the proposed draft variation to the Territory Plan DV306.

Background

As noted in our submission on DV303 and DV301, the review of the codes relating to residential development and estate development plans is the first opportunity since the restructuring of the planning controls, in line with the model proposed under the Development Assessment Forum, to comprehensively review the planning controls for the residential areas of the city to ensure that they are delivering outcomes that support the long term sustainability and desirability of living in Canberra.

The Institute requested DV301 and DV303 be withdrawn because there had been no comprehensive review of how the stated policies of the ACT Government regarding housing affordability, sustainability or achieving 50% urban infill could be delivered in modifying the Territory Plan codes nor had any systematic simplification of the planning regulations been achieved. Our review of DV306 indicates this draft variation has not addressed fundamental concerns raised regarding DV301 and DV303.

Submission

The act of city making requires imagination, boldness and innovation and the creation of an environment that is robust and enabling of change over time. From the review undertaken above, DV306 fails the test of proposing changes to our planning regulations that either create a simple, faster, more effective planning regime or create conditions that demonstrably support high quality sustainable development of the city.

Despite the extensive consultation on the changes to the residential codes and estate development codes going back to 2007 when the Territory Plan changes were being introduced, neither the consultation process nor the documents produced have achieved the following;

- Evidence based assessment of development outcomes demonstrating the ability of proposed controls to deliver on key government policies (economic social and environmental)
- Identification of alternative strategies and their implications for the urban character and number of the city development zones where issues have been identified either in community acceptance or capacity for implementation sustainably within our economic and social structures
- Resultant clarity of objectives for the zones in terms of desired physical character and stated targets for density, community facility and service levels , public realm interface , character and performance requirements , and contribution to sustainability targets, against which code controls can be assessed,
- Fundamental simplification of the codes
- Clarity of communication of either the issues or demonstration of the integrated effect of proposed controls

Instead, consultation has been focussed on asking for responses to complex technical control documents that do not present any clarity of intent. Likewise the drafting seems to have focussed on “physical problem solving” by detailed controls rather than setting clear principles against which the performance of a proposed development can be assessed and then minimising actual controls required.

Consequently the Institute is of the view that despite the fact some improvements have occurred, such as provisions for secondary dwellings in the residential codes, the flaws that will impact adversely both on the operation of the planning system and the resulting development of the city remain, and that further detailed revision is required.

For example in Suburban Core Zone RZ2 the new numerical control represents a substantial reduction in the opportunity to increase population density in this critical transitional zone. Based on some simple case studies these revisions appear to further undermine the capacity to achieve the provision of diverse and affordable housing in the inner city areas and to support sustainable development objectives. Despite this, no evidence has been provided as to the likely impact of the change or how other changes within the codes will offset changes of policy outcomes in these areas.

As noted above, the core concerns that AIA raised in the submission on DV301 and DV 303 remain current. Modest improvements in some areas of the code do not address some fundamental problems with the current Territory Plan and we conclude that DV306 has not yet delivered on the key objectives of the reform program. The drafting has not made the development process simpler, quicker, or given more certainty to either development proponents or the general public.

It is worth noting that improving the quality of built outcomes was not an objective of the reforms, but this should be a central concern of the government and has been a prominent public concern about recent development proposals in established areas.

Planning policies need to set the framework for future development and need to be based on evidence so that assumptions and outcomes can be monitored over time and codes adjusted if unwanted outcomes result.

With this background the Institute expected that in undertaking the review of the Territory Plan codes, the ACT Government would go back to the fundamental assessment of planning objectives and the required planning controls. It was expected the review would address the following;

- Key Government policies of sustainability and affordability
- Based on analysis of evidence and identification of preferred strategies for urban development, and the detailed objectives and desired character in each code and zone required to implement those policies
- A fundamental review of what NEEDS to be controlled
- Development of the MINIMUM set of simple interrelated rules and criteria that could be used to control all issues identified
- Clarity and consistency of drafting so that the intent of the controls in terms of INTEGRATED OUTCOMES would achieve physical, social, economic and environmental policy objectives.

- Simplification of the system to enable simpler, faster and more effective administration by ACTPLA and particularly applicants in preparing and making their submissions.

Since the closure of the DV 306 consultation process, ACT Government released the draft ACT Planning Strategy. The Institute generally welcomed the objectives and targets of the draft strategy, and it clearly showed that the release of DV306 was pre-emptive. As a detail planning code document, DV306 should be directed by and support the agreed directions of ACT's Planning Strategy for a sustainable city. As there are contradictions in DV 306 to the draft Planning Strategy, especially in regards to infill housing, the Institute believes that DV306 and its interim effect items should be withdrawn until when the Planning Strategy has been agreed and finalised. Whilst recognising the extensive effort put into the drafting of this document, the Institute recommends further revision be undertaken in both the key areas identified in the body of the submission to ACTPLA last year and the directions set by the Planning Strategy.

Summary and Recommendations

DV 306 has not adequately addressed fundamental concerns raised by both industry and the community regarding DV301 and DV303.

In the absence of a fundamental review of the codes the result represents a:

- **Failure to define a strategic approach** that is demonstrably based on relevant government policy,
- **Lack of any evidence of how distinctive attributes of the city**, such as the green infrastructure **will be maintained and enhanced**,
- **Lack of clarity in definition of zone** objectives or desired character
- **Lack of demonstration for evidence based assessment** and the effect of the application on specific controls or groups of controls
- **Retention of a number of controls on development** which relate to the development history and past controls of a site, rather than current policies or objectives
- **Retention and addition of overly prescriptive and contradictory rules and criteria** that are dependent on subjective assessment of performance and are poorly defined.
- **Failure to reflect and fully support the targets of ACT Planning for a sustainable city.**

Regretfully, given the investment in the process to date by all parties including ACTPLA, the Institute recommends DV306 should be withdrawn and the interim effect removed. Notwithstanding changes made in response to issues raised by various groups, we do not think it should proceed without further significant revision to address the issues raised.

If there are fundamental concerns with the implementation of the zones as defined, as the changes to RZ2 Suburban Core Zone indicate, then the Institute recommends the definition of zones and their extent may need to be reviewed and their overall impact in achieving policy outcomes assessed.

The Institute commends the importance of the reform of the Territory Plan to address our emerging challenges to all parties and recommends the development of a strategy through the Legislative Assembly that enables a commitment to tri partisan support to fundamental review of planning codes.

To have value, the withdrawal of DV306 need to lead to a different approach to the revision process as while the current consultation process has been extensive, it has not managed to resolve key issues.

We believe the next step may be to introduce an external advisor who can take a fresh approach to both the consultation on desired/required outcomes from a community values and policy perspective, and the redrafting of the codes within the structure as defined by the reform process. This should be set up to enable the external advisor to draw on ACTPLA's and other approving agencies' corporate depth of knowledge, skills and data effectively without being hindered by a reluctance to revise the codes due investment of effort in the current document(s).

We commend the consultation on DV 306 for reaching a broad demographic and believe a similar process, using evidence based options on urban form and desired character outcomes for the zones, might be usefully considered to achieve more acceptance of the purpose each zone has in setting the framework for a more sustainable city which could then form a basis for far more simply controls.