

Draft Variation No. 303 to the Territory Plan

Comments to
Manager, Development Policy Section.

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This significant draft variation (i.e. DV 303) to the Territory Plan was publicly notified at almost the same time as draft variations 301 and 302. At a glance, all three draft variations appear to have far reaching implications for the future of this city. Yet, to my knowledge, there have been no public forums of any substance to inform the community of the consequences of these proposed changes. Neither does there appear to be any in depth analysis of the implications of these changes on the older suburbs of Canberra, in particular.

The negative impact of unfettered redevelopment on Canberra's older suburbs became apparent some years ago. And, after a long period of consultation the Garden City Variation (Variation 200) was introduced into the Territory Plan in August 2003. Variation 200 afforded a level of protection for Areas of Territorial Significance, including several identified Heritage Precincts, by limiting the size of dual occupancies on larger suburban blocks and by prohibiting unit title. The maximum size of dual occupancies in suburban areas was set at 35 percent. One of the anomalies of Variation 200 was the establishment of a single dwelling plot ratio in suburban areas of 50 percent without applying a sliding scale in the case of larger blocks.

A 2007 ACTPLA publication titled Refinements to Garden City Provisions of the Territory Plan stated that:

"the evaluation process has identified that the Garden City provisions are achieving their primary intent to protect the suburbs from residential redevelopment and moderate intensification, by focusing such development into Residential Core Areas."

The explanatory material accompanying DV 303 states that the draft variation proposes:

- revising the residential zones objectives and development tables,
- replacing the single dwelling housing development code
- replacing the multi unit housing development code,
- introducing a new residential zones development code
- introducing a new lease variation general code,
- making changes to the definitions.

The document makes reference to Zone Objectives as follows:

In some zones, notably RZ1, the desired character will ordinarily be a continuation of the current pattern of development.

However, there is an expressed intent to emphasise the "desired character" instead of the "existing character" of the suburban area (RZ1). And, this intent appears to be borne out by the proposal to allow reduced setbacks, increased building bulk and reduction of private open space requirements.

DV 303 maintains the upper limit for single dwellings in suburban areas of 50 percent, despite mounting evidence concerning the adverse impacts of large homes on the environment. (Note: "The maximum plot ratio for a diplomatic residence is 35%." See page 13 R39) Furthermore, **DV 303 proposes to allow dual occupancy developments to increase to 50 percent plot ratio in suburban areas (RZ1)**. Yet, a proportion of recent dual occupancy developments which purportedly adhere to the 35 percent plot ratio as required by the Territory Plan are clearly identified by the appearance of overdevelopment of the block, built form which bears no relationship to the character of the established neighbourhood, encroachment on the privacy of neighbouring properties and degradation of the public realm. An increase in the allowable plot ratio for dual occupancies in older suburban areas will further degrade the character of these suburbs.

This 50 percent plot ratio is a blunt instrument which ignores the size of blocks in the older suburbs and reduces the options for urban intensification along major avenues and other, as yet, unidentified locations.

Variation 200 prohibited unit title in suburban areas and heritage precincts. And, although a window of opportunity was afforded to some developers, this prohibition was backed by legislation. Now, it appears that there has been an about turn without any public consultation. DV 303 states as follows:

Heritage precinct unit title This rule applies to *single dwelling blocks* in RZ1 that are registered or provisionally registered under the *Heritage Act 2004*. *Subdivision* (including subdivision under the *Unit Titles Act 2001*) is permitted only where all *dwellings* on the *block* comply with one of the following:

- a) were lawfully constructed on or before 1 September 2002
- b) were subject to *development approval* issued on or before 1 September 2002
- c) were the subject of a *development application* lodged on or before 1 September 2002 that was subsequently approved.

In recognition of the negative impacts of subdivision of standard blocks in suburban areas and Heritage Precincts unit title was specifically prohibited when Territory Plan V 200 came into effect. Subsequently, when the Heritage Register was lifted from the Territory Plan, the prohibition on unit title was reinforced. **Can ACTPLA explain what is intended by DV 303 section headed..... " Heritage precinct unit title"?**

All these proposed changes fly in the face of the Garden City character of the older established suburbs of Canberra which are so valued by the wider community. The residents of these suburbs must be given the opportunity to engage in constructive dialogue with the planners who are charged with the responsibility of protecting what is valued in our suburbs whilst planning for a sustainable city of the future. These two goals are not mutually exclusive.

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