

STANDING COMMITTEE ON PLANNING, PUBLIC  
WORKS AND TERRITORY AND MUNICIPAL SERVICES

**Inquiry into the RZ3 and RZ4 residential  
redevelopment policies in inner north Canberra**

**DISCUSSION PAPER**

**February 2010**

STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND  
TERRITORY AND MUNICIPAL SERVICES

The ACT Legislative Assembly's Standing Committee on Planning, Public Works and Territory and Municipal Services invites feedback on the matters raised in this Discussion Paper.

If you are interested in responding, please send your comments by email or post to the Committee no later than **26 February 2010**.

Electronic lodgement is preferred.

The e-mail address is [committees@parliament.act.gov.au](mailto:committees@parliament.act.gov.au)

The address for correspondence is:

**The Secretary  
Standing Committee on Planning, Public Works and Territory  
and Municipal Services  
Legislative Assembly for the ACT  
GPO Box 1020, CANBERRA ACT 2601**

Submissions must include your full name, postal address, telephone number and email address where possible.

Further information about making submissions is available from the Committee Office by telephone on 02 6205 0435 or visit the Committee Office web page [www.parliament.act.gov.au](http://www.parliament.act.gov.au)

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## **Resolution of Appointment**

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into, and report on, matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

(e) a Standing Committee on Planning, Public Works and Territory and Municipal Services to examine matters related to planning, public works, land management and municipal transport services, sport and recreation and heritage<sup>1</sup>

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.<sup>2</sup>

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, 9 December 2008, p13.

<sup>2</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, 9 December 2008, p14.

## Inquiry Terms of Reference

On 25 June 2009, the ACT Legislative Assembly resolved that:

The Standing Committee on Planning, Public Works and Territory and Municipal Services undertake an inquiry to evaluate the RZ3 and RZ4 residential redevelopment policies applying in north Canberra along the major transport corridor of Northbourne Avenue, with particular attention being given to the following:

- (1) the merits of maintaining:
  - (a) the policies applying to the RZ4 areas north of Macarthur and Wakefield Avenues which limit development to a maximum two storey building height limit and a maximum plot ratio of 0.65 until 23.5 hectares of the 25.9 hectares of residential blocks in the RZ4 areas south of Macarthur and Wakefield Avenues and north of Cooyong Street and Donaldson Street have been developed for multi-dwelling housing; and
  - (b) the moratorium on redevelopment in Turner Section 47 and Section 63;
- (2) whether similar redevelopment policies should be extended to other areas surrounding Northbourne Avenue in north Canberra and, if so, where and at what density;
- (3) the Committee's view on higher density development along major transport corridors;
- (4) the inquiry should consider factors such as the demand for higher density development, the infrastructure capacity of transport and hydraulic networks to absorb additional development, the implications for housing affordability, the extent to which redevelopment policies reduce overall travel, the potential impacts of the policies on the amenity enjoyed by residents of the areas affected and how such impacts could be ameliorated; and
- (5) any other relevant matter.<sup>3</sup>

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<sup>3</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, 25 June 2009, p273.

## Definitions

Amenity	means those qualities or conditions associated with a site or locality that are conducive to its better enjoyment for any permitted use <sup>4</sup>
Moratorium	means a temporary cessation of activity <sup>5</sup>
Plot Ratio	means the gross floor area in a building divided by the area of the site <sup>6</sup>
Residential redevelopment	means development that involves: <ul style="list-style-type: none"><li>a) substantial or total demolition of an existing dwelling on land previously used for residential purposes and replacement with one or more new dwellings;</li><li>b) establishment of one or more new dwellings on land previously used for residential purposes in addition to an existing dwelling; or</li><li>c) substantial alterations to an existing dwelling that would result in a significant change to the scale and/ or character of the dwelling<sup>7</sup></li></ul>
Transport corridor	A transport corridor is a linear tract of land dedicated to at least one main line for transport. Transport corridors can be road, rail, or canal and are generally high capacity routes. Transport corridors typically connect two major 'anchor' destinations, with many destinations in between <sup>8</sup>

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<sup>4</sup> National Capital Authority, *Consolidated National Capital Plan, Incorporated Amendments*, September 2009, Appendices, p127.

<sup>5</sup> Macquarie Dictionary, Third Edition.

<sup>6</sup> Territory Plan, Part 13, *Definitions*, p35.

<sup>7</sup> Territory Plan, Part 13, *Definitions*, p35.

<sup>8</sup> City of Sydney Council, *Sustainable Sydney 2030, 'The Vision'*, 2008, p214.

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STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND  
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# 1 INTRODUCTION

1.1 This inquiry was referred to the Committee by the ACT Legislative Assembly on 25 June 2009 for inquiry and report. It was proposed by the Minister for Planning, Mr Andrew Barr MLA, as a result of the ACT Government's recognition that issues such as climate change and population growth are resulting in the need to consider whether current planning policies remain appropriate. The Minister for Planning, in his motion of 25 June 2009 to refer the Inquiry, said:

Cities of the future have to be more sustainable. They need to have a smaller carbon footprint. They need fewer cars, more cyclists and more pedestrians. People will need to live closer together with more, or better, open spaces.<sup>9</sup>

1.2 As part of the inquiry process, the Committee decided to release a Discussion Paper to provide information on the current residential redevelopment policies that apply in inner north Canberra including an overview of how, and why, they were implemented. This Discussion Paper also provides some discussion of the key issues of interest surrounding high density development along public transport corridors. The Committee considered that such an approach would enhance and support the public submission and hearings phase of the inquiry.

1.3 The Committee invites interested parties to submit comments on any of the issues raised in this paper or any other issue they consider relevant to the terms of reference of this inquiry.

1.4 The Committee would be happy to receive broad ideas and concerns on residential redevelopment in the inner north. This Discussion Paper is for information only, to provide you with a more detailed background to some of the existing policies and it is therefore not necessary for submissions to directly refer to the planning policies or specifics of the Territory Plan.

1.5 Public hearings will be held in early 2010.

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<sup>9</sup> Legislative Assembly for the ACT, *25 June 2009 Week 8 Hansard*, p 2934.

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## 2 PLANNING IN THE ACT

### The Territory Plan

- 2.1 Both Federal and ACT law and policy govern planning in the ACT. The Australian Constitution provides that:

The Seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth...<sup>10</sup>

Under this Constitutional provision, the Commonwealth remains the owner of land in the Territory, even after the granting of self-government. The *ACT (Planning and Land Management) Act 1988* (Cwth) provides that land used by or on behalf of the Commonwealth may be declared National Land, and managed by the Commonwealth. The remaining lands of the Territory are Territory Land and these lands are managed by the ACT Government on behalf of the Commonwealth.<sup>11</sup>

- 2.2 The National Capital Plan ensures that Canberra and the Territory are planned and developed in accordance with their national significance.<sup>12</sup>
- 2.3 The object of the Territory Plan is to ensure that, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT to provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.<sup>13</sup>

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<sup>10</sup> National Capital Authority, *Consolidated National Capital Plan*, Incorporating Amendments, Updated September 2009, p1.

<sup>11</sup> National Capital Authority, *Consolidated National Capital Plan*, Incorporating Amendments, Updated September 2009, p1.

<sup>12</sup> National Capital Authority, *National Capital Plan* webpage <[http://www.natcap.gov.au/index.php?option=com\\_content&view=article&id=372&Itemid=260](http://www.natcap.gov.au/index.php?option=com_content&view=article&id=372&Itemid=260)> at 25 January 2010.

<sup>13</sup> National Capital Authority, *Consolidated National Capital Plan*, Incorporating Amendments, Updated September 2009, p4.

- 2.4 The Territory Plan is administered by the ACT Planning and Land Authority (ACTPLA) and provides a policy framework for the administration of planning in the ACT and includes broad principles and policies that guide development through land use specific objectives and policies.
- 2.5 The fundamental purpose of the Territory Plan is to manage land use change and development within the ACT in a manner that is consistent with the strategic directions set by the ACT Government, the ACT Legislative Assembly and the community. Together with the *ACT (Planning and Land Management) Act 1988* (Cwth) and National Capital Plan, it provides a framework for consideration of development proposals.<sup>14</sup>
- 2.6 The Territory Plan includes a statement of strategic directions, a map, objectives and development tables applying to each zone as well as a series of general, development and precinct codes. It also includes structure plans and concept plans for the development of future urban areas.

## Land Division

- 2.7 Land in the ACT is divided into sections and blocks. The blocks are zoned and the zoning determines what kind of development is allowed on a block. The Territory Plan Map graphically represents the applicable land use zones, precincts and overlays and shows these zones as different colours.<sup>15</sup> There are 7 broad zoning categories:

1. Residential Zone (RZ)
2. Commercial Zone (CZ)
3. Industrial Zone (IZ)
4. Community Facilities Zone (CFZ)
5. Parks and Recreation (PRZ)
6. Transport and Services (TSZ)
7. Non-Urban (NUZ)<sup>16</sup>

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<sup>14</sup> ACTPLA, *Territory Plan Overview* webpage

<[http://www.actpla.act.gov.au/tools\\_resources/legislation\\_plans\\_registers/plans/territory\\_plan/territory\\_plan\\_master\\_page](http://www.actpla.act.gov.au/tools_resources/legislation_plans_registers/plans/territory_plan/territory_plan_master_page)> 25 January 2010.

<sup>15</sup> ACTPLA, *Quick Guide to the Territory Plan*, September 2009, p1.

<sup>16</sup> ACTPLA, *Quick Guide to the Territory Plan*, September 2009, p1.

- 2.8 Some blocks of land may also be governed by additional development tables and assessment codes.
- 2.9 By looking at the development table for a relevant zone, you can determine:
- whether a development is exempt – this means you can undertake the development without lodging plans
  - whether development is prohibited – this means the development is banned and can not be undertaken
  - which assessment track the development will be assessed in – there are three different assessment tracks; code, merit and impact
  - the assessment codes that apply – assessment codes identify planning, design and environmental controls for land uses, development types, zones, and precincts.
- 2.10 There are three types of assessment codes in the Territory Plan:
- precinct codes – these apply to geographical areas (i.e. the Inner North Precinct Code or Local Centres Precinct Code) and where the precinct code applies is usually shown as an overlay on the Territory Plan map
  - development codes – these apply to specific zones or development types (i.e. Residential Zones—Single Dwelling Housing Development Code)
  - general codes – these may apply to defined development types and/or Planning and design issues (e.g. Parking and Vehicular Access General Code or Access and Mobility General Code)

If there are any inconsistencies between the provisions of the different codes that apply to a development, precinct codes take precedence over development codes that in turn take precedence over general codes.<sup>17</sup>

- 2.11 Some blocks of land also have overlays. These indicate that the land may be sensitive to the effects of development or be located in an area with special requirements. The overlays, which may constrain development of land, are also used to indicate where precinct codes exist.

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<sup>17</sup> ACTPLA, *Quick Guide to the Territory Plan*, September 2009, p2.

- 2.12 The Committee notes that, despite any changes that this Committee may recommend to the redevelopment policies, those policies do not guarantee which blocks and sections of the affected areas developers and/or residents may wish to develop, and in what order. The policies do not determine which owners may wish to sell their properties for redevelopment. Some section, streets and blocks may therefore not change for a long time regardless of any policy change.
- 2.13 It should also be noted that the redevelopment policies do not guarantee what the final look or design of any redevelopment will be. Potential redevelopment must simply comply with the policies set out in the Territory Plan assessment codes including rules and criteria such as height limit and plot ratio requirements. Whether affected blocks are developed as townhouses, dual occupancies or apartments, or at all, will be determined by the development codes, the limitations of the block and the developer or owner's preference.

## Residential Zones

- 2.14 As the Standing Committee on Planning, Public Works and Territory and Municipal Services (the Committee) is inquiring into the residential redevelopment policies in inner north Canberra, only the Residential Zones have been expanded on in this paper.
- 2.15 Residential Zones fall into five categories. These are:
- RZ 1 – Suburban Zone  
(max 2 storeys/max plot ratio 0.50 unless subdivided)
  - RZ2 – Suburban Core Zone  
(max 2 storeys + attic or basement/max plot ratio 0.50)
  - RZ3 – Urban Residential Zone  
(max 2 storeys + attic or basement/max plot ratio of 0.65)
  - RZ4 – Medium Density Residential Zone  
(max 3 storeys + attic or basement/max plot ratio of 0.8)

- RZ5 – High Density Residential Zone  
(max 6 storeys/flexible plot ratio)<sup>18</sup>

Please note that the above is only a very brief summary of the five sub-zones and additional codes, rules conditions and exemptions may apply depending on the circumstances for particular blocks and/or sections. Further details can be obtained from the Territory Plan.

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<sup>18</sup> Territory Plan, Part 3.3, *Residential Zones Multi Unit Housing Development Code*, Part A(5), p17.

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### 3 MAJOR THEMES

3.1 The Terms of Reference for this inquiry define the major issues being considered. These include:

- the RZ3 and RZ4 redevelopment policies in inner north Canberra
- the staging of multi-dwelling housing in the RZ4 areas north of Macarthur and Wakefield Avenues (Rule 21)
- the moratorium on Section 63, Blocks 12-21, Turner (Rule 44)
- the moratorium on Section 47, Turner (Rule 44) and whether similar policies should be implemented elsewhere
- the key issues relating to higher density development along major transport corridors
- the demand for higher density development
- the infrastructure and service capacity to cope with higher density development
- any other relevant matter<sup>19</sup>

#### **RZ3 and RZ4 Redevelopment Policies**

3.2 Over the years, policy reviews have resulted in variations and amendments to the Territory Plan. The RZ3 and RZ4 redevelopment policies are within a section that was formerly known as B1 (B1 Area Specific Policy). The following section explains the transition.

#### **B1 Area Specific Policy**

3.3 In 1993, the Territory Plan made provision for higher density redevelopment of some residential areas through the B1 Area Specific Policy. This policy allowed for 3 storey developments in Braddon and Turner as well as parts of O'Connor, Lyneham and Dickson.<sup>20</sup>

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<sup>19</sup> Legislative Assembly for the ACT, *Minutes of Proceedings*, 25 June 2009, p273.

<sup>20</sup> ACTPLA, *North Canberra RZ3 and RZ4, Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p5.

- 3.4 The ACTPLA Monitoring and Evaluation study of the North Canberra RZ3 and RZ4 Residential Development Policy states that the B1 Area Specific Policy was intended to:

...encourage housing diversity, contain urban expansion, conserve energy and resources, and provide opportunities for increased dwelling densities to reduce population losses in established areas. The North Canberra area was identified in the metropolitan context as an area suitable for higher density redevelopment because of its central location and good access to facilities and employment.<sup>21</sup>

An article in *The Canberra Times* on 28 July 1992 quoted the then Chief Minister of the ACT, Ms Rosemary Follett MLA, as stating that:

In the past 20 years, the population of North Canberra has declined by about 12,000 people. This means that much of the area infrastructure is under-utilised – and the whole of the community is paying the cost of supporting these under-utilised roads, sewers, schools and shops.<sup>22</sup>

## **B11 and B12**

- 3.5 In May 1999, the Territory Plan Variation Number 109 was gazetted creating B11 and B12 within the former B1.<sup>23</sup> It also required Section Master Plans to inform development applications.<sup>24</sup>

- 3.6 Area B11 (Urban Housing) allowed generally a maximum of three storeys, a maximum plot ratio of 0.8 and was intended to:

a) provide opportunities for significantly increased dwelling densities in residential areas with immediate proximity to transport corridors, commercial areas and employment centres; and

b) provide certainty for the staging of redevelopment in inner North Canberra and promote orderly and integrated development<sup>25</sup>

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<sup>21</sup> ACTPLA, *North Canberra RZ3 and RZ4, Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p5.

<sup>22</sup> *The Canberra Times*, 28 July 1992.

<sup>23</sup> ACTPLA, *North Canberra RZ3 and RZ4, Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p5.

<sup>24</sup> Advice provided by ACTPLA to the Committee Secretary, 11 December 2009.

<sup>25</sup> Territory Plan 1999, *Written Statement, Residential Land Use Policies, Part B1*, p22.

- 3.7 Area B12 (Increased Density Development) allowed a maximum two storeys, a maximum plot ratio of 0.65 and was intended to provide opportunities for increased dwelling densities in residential areas close to transport corridors, commercial areas and employment centres.<sup>26</sup>

### **The creation of the RZ3 and RZ4 policies**

- 3.8 Following a restructure of the Territory Plan in 2007, B11 areas were renamed the *RZ4 Medium Density Residential Zone* and the B12 areas were renamed the *RZ3 Urban Residential Zone*.

### **RZ3 Developments**

- 3.9 An RZ3 Urban Residential Zone allows for the development of the following:

- |                      |                                  |
|----------------------|----------------------------------|
| - Ancillary use      | - Boarding house                 |
| - Child care centre  | - Community activity centre      |
| - Habitable suite    | - Guest house                    |
| - Health facility    | - Home business                  |
| - Multi-unit housing | - Parkland                       |
| - Relocatable unit   | - Residential care accommodation |
| - Retirement complex | - Single dwelling housing        |
| - Special dwelling   | - Subdivision                    |
| - Supportive housing | - Temporary use                  |

### **RZ3 Zone Objectives**

- 3.10 The RZ3 zone objectives are to:
- a) Create a wide range of affordable and sustainable housing choices to accommodate population growth and meet changing household and community needs in locations that create a transition area between low and higher density housing areas;

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<sup>26</sup> Territory Plan 1999, *Written Statement, Residential Land Use Policies, Part B1*, p23.

- b) Ensure development respects and contributes to the neighbourhood and landscape character of residential areas whilst carefully managing change in suitable locations;
- c) Provide increased opportunities for medium density residential development, particularly in areas close to commercial and employment centres;
- d) Achieve developments with a high standard of residential amenity
- e) Provide opportunities for home based employment consistent with residential amenity;
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity; and
- g) Promote energy efficiency, conservation and sustainable water use<sup>27</sup>

## **RZ4 Developments**

3.11 An RZ4 Medium Density Residential Zone also allows for the above developments but, subject to assessment, the following may also be developed in specific areas:

- Business agency
- Office
- Restaurant
- Shop
- Take-away food shop

## **RZ4 Zone Objectives**

3.12 The RZ4 zone objectives are to:

- a) Create a wide range of affordable and sustainable housing choices within a medium density residential environment to accommodate population growth and meet changing household and community needs;

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<sup>27</sup> Territory Plan, Part 3.1, RZ3 Urban Residential Zone Objectives and Development Tables, p1.

- b) Ensure development respects and contributes to the neighbourhood and landscape character of residential areas whilst carefully managing change in suitable locations;
- c) Provide increased opportunities for medium density residential development, particularly in areas close to commercial and employment centres and along major transport corridors;
- d) Achieve developments with a high standard of residential amenity in medium-density areas;
- e) Provide opportunities for home based employment consistent with residential amenity;
- f) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity; and
- g) Promote energy efficiency, conservation and sustainable water use<sup>28</sup>

## Residential Policy Reviews

### The Lansdown Inquiry

3.13 On 21 August 1994, the then Minister for the Environment, Land and Planning, Mr Bill Wood MLA, established a review of residential redevelopment activity and its impact on the amenity of neighbourhoods and the city's living areas.<sup>29</sup> The review was conducted because,

...In talking with the community, various issues have been raised about some individual redevelopment proposals, about the extent of redevelopment and the perceived rate of change in particular parts of Canberra.<sup>30</sup>

3.14 Mr Robert Lansdown AO CBE was engaged to lead the review with the subsequent report, released in November 1994, being known as the

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<sup>28</sup> Territory Plan, Part 3.1, *RZ4 Medium Density Residential Zone Objectives and Development Tables*, p1.

<sup>29</sup> Robert Lansdown, *ACT Residential Redevelopment Review, Report to the Minister for the Environment, Land and Planning*, November 1994, p1.

<sup>30</sup> Robert Lansdown, *ACT Residential Redevelopment Review, Report to the Minister for the Environment, Land and Planning*, November 1994, Attachment A, pI.

Lansdown Review or the Lansdown Report.

- 3.15 Following the Lansdown Review, additional policy reviews were also carried out between 1996 and 1999.<sup>31</sup> In 1999 the ACT Government issued a response to the Lansdown report agreeing to a vast majority of the recommendations with several of the recommendations having already been implemented.<sup>32</sup>

## Section Planning and Community Consultation

### Local Area Planning Advisory Committees

- 3.16 One of the recommendations of the Lansdown Review was:

To provide regular input to the early planning and consultative stage, consideration should be given to the formation of locally based community advisory committees to the Authority which are representative of specific local areas, with independent resource support being provided by the Authority.<sup>33</sup>

- 3.17 In July 1995 the ACT Government responded to this recommendation by establishing six Local Area Planning Advisory Committees (LAPAC).<sup>34</sup> The Guide for LAPACs, produced by the former Department of Planning and Land Management (PALM), described their functions and included:

To develop and maintain Community Value Statements and Community Plans (which establish planning principles and guidelines for the area) against which proposals can be assessed.<sup>35</sup>

- 3.18 The Community Value Statements were also designed to:

- assist Planners to make day to day decisions
- identify what the role of 'the area' is to Canberra and what that

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<sup>31</sup> ACTPLA, *North Canberra, RZ3 and RZ4 Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p5.

<sup>32</sup> *ACT Government Response to Lansdown Residential Redevelopment Review*, 21 November 1994.

<sup>33</sup> Robert Lansdown, *ACT Residential Redevelopment Review, Report to the Minister for the Environment, Land and Planning*, November 1994, pp11-12.

<sup>34</sup> National Institute for Governance, *Review of Stakeholder Engagement in ACT Planning*, April 2004, p41. The role of LAPAC's is now performed by local community councils.

<sup>35</sup> National Institute for Governance, *Review of Stakeholder Engagement in ACT Planning*, April 2004, p42.

role will be during the next 20 years; and

- be consistent with the objectives of the Territory Plan<sup>36</sup>

3.19 LAPACs no longer exist but are relevant to understand the evolution of the current residential redevelopment policies. Some of the roles LAPACs performed have been taken on by local community councils. The ACT Planning and Land Authority, for example, encourages proponents of significant developments to consult with the community through the relevant Community Councils before lodging a development application.

## Rule 21 - Staged Development

3.20 Rule 21 of the Residential Zones Multi Unit Housing Development Code states that:

Rule 21 - Development of land in the RZ4 zones of O'Connor, Dickson and Lyneham, north of Macarthur Avenue and Wakefield Avenue, is restricted in height to 2 storeys and a maximum plot ratio of 65%, until 23.5 hectares of residential blocks in the RZ4 zones of O'Connor, Turner and Braddon north of Cooyong Street and Donaldson Streets has been developed for multi-unit housing.<sup>37</sup>

### Intention

3.21 This rule was implemented as the Government of the day wanted to encourage redevelopment closer to Canberra City, given the employment and other opportunities in that area<sup>38</sup>, before expanding into the inner north suburbs.

3.22 Articles in The Canberra Times newspaper during this period reported on the policy. For example, on Wednesday 5 March 1997 the Canberra Times published:

The review...proposes splitting the zone into areas north and south of Wakefield avenues with a moratorium on northern development until 85% of

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<sup>36</sup> National Institute for Governance, *Review of Stakeholder Engagement in ACT Planning*, April 2004, p42.

<sup>37</sup> Territory Plan, Part 3.3, *Residential Zones Multi Unit Housing Development Code*, p 15

<sup>38</sup> Advice provided by ACTPLA to the Committee Secretary, 17 December 2009

building opportunities in the southern sector have been realised.<sup>39</sup>

3.23 An article in *The Canberra Times* on 1 November 1997 also stated:

The ACT Government is set to introduce new height and density rules for residential buildings on either side of Northbourne Avenue in a move designed to concentrate development closer to the city and restrict development further north.<sup>40</sup>

## Current Considerations

3.24 The *ACTPLA North Canberra, RZ3 and RZ4 Residential Redevelopment Policy (Monitoring and Evaluation)* report suggests that the:

The objective of this restriction needs to be re-assessed and consideration given to the implications of the removal of this control.

3.25 Rule 21 has resulted in an average of 100 additional dwellings per year since its inception. If the stage development policy remains and development continues at the same rate, it would potentially 'take another ten to fifteen years before RZ4 policy can be implemented in Lyneham, Dickson and O'Connor'<sup>41</sup> and redevelopment of the area would take around twenty-five years to complete.<sup>42</sup>

3.26 As of November 2008, 51% of the RZ4 zones of O'Connor, Turner and Braddon, south of Macarthur and Wakefield Avenues, and north of Cooyong Street and Donaldson Streets, had been redeveloped for multi units.<sup>43</sup>

3.27 If all the existing single dwellings were redeveloped into multi-units, there would be a net increase of about 4000 dwellings in the area.<sup>44</sup>

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<sup>39</sup> *The Canberra Times*, Wednesday 5 March 1997, p7.

<sup>40</sup> *The Canberra Times*, 1 November 1991, p2.

<sup>41</sup> ACTPLA, *North Canberra, RZ3 and RZ4, Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p4.

<sup>42</sup> Minister for Planning, Legislative Assembly for the ACT, *Minutes of Proceedings*, 25 June 2009, p2935.

<sup>43</sup> ACTPLA, *North Canberra, RZ3 and RZ4 Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p24.

<sup>44</sup> ACTPLA, *North Canberra, RZ3 and RZ4, Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p4

- 3.28 If Rule 21 was removed, developments in these RZ4 areas would still need to comply with the RZ4 zone objectives and development table, the *Inner North Precinct Code* and, if not a single dwelling, the *Multi Unit Housing Development Code*.

## **Rule 44 – Moratorium on Section 63, Blocks 12-21, Turner**

- 3.29 Rule 44 is set out in Part C(4) Turner of the Inner North Precinct Code. It states:

Rule 44 - Redevelopment is not permitted on Turner Section 47 and Section 63 Blocks 12-21.<sup>45</sup>

- 3.30 As mentioned earlier, the 1993 Territory Plan introduced the B1 Area Specific Policy to encourage housing diversity, contain urban expansion, conserve energy and resources, and provide opportunities for increased dwelling densities to reduce population losses in established areas.<sup>46</sup>
- 3.31 Following the implementation of the B1 Area Specific Policy in 1993, there were numerous objections by Turner residents who were concerned about the potential rush of prospective developments in the area.<sup>47</sup>
- 3.32 In 1996, the first Community Value Statement for Turner was put in place.<sup>48</sup>
- 3.33 Following a series of public meetings, in December 1996 the President of the Turner Residents' Association at the time, Dr Mac Dickins, presented the ACT Legislative Assembly with a petition comprising around 1000 signatures of residents objecting to the B1 policy. Dr Dickins was quoted in *The Canberra Chronicle* on 16 December 1996 as saying:

We are not opposed to redevelopment. But B1 style development is reprehensible. We support development which improves the amenity of the

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<sup>45</sup> Territory Plan, Part 10.3, *Inner North Precinct Code, Part C(4)*, p21.

<sup>46</sup> ACTPLA, *North Canberra, RZ3 and RZ4 Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p5.

<sup>47</sup> *The Canberra Times*, Thursday 3 November 1994, p3.

<sup>48</sup> Advice provided by ACTPLA to the Committee Secretary, 11 December 2009.

North Canberra area and retains the features of beautiful gardens suburbs.

- 3.34 In 1999 the residents of Turner continued to express an overwhelming objection to further higher density redevelopment in the area and, as a result, a moratorium on redevelopment was implemented on Section 63, Blocks 12-21.<sup>49</sup>
- 3.35 In 2002, the Turner Section Master Plan was developed based on the LAPAC Community Value Statements and noting the moratorium on Section 63, Blocks 12-21. The Section Master Plans were apparently to include measures to reinforce streetscapes and the character of existing areas as well as identify those residents who did not wish to redevelop and sought to ensure their amenity was protected through controls to prevent over-shadowing and overlooking.<sup>50</sup>
- 3.36 In 2003, ACTPLA produced the Turner Neighbourhood Plan, designed to contain the objectives, principles and recommendations that set out how to achieve the vision of the area. and stating that one of the strategies for the vision of Turner is that:

There is to be no redevelopment of the western blocks of Section 63 for seven (7) years following the endorsement of the Turner Neighbourhood Plan by the Minister for Planning.<sup>51</sup>

The moratorium therefore is due for review in 2010.<sup>52</sup>

- 3.37 As mentioned earlier, in 2007, Section Master Plans were incorporated into the Territory Plan and Neighbourhood Plans were abolished and the moratorium, as it was outlined in the Turner Section Master Plan and the Turner Neighbourhood Plan is reflected into the Territory Plan.<sup>53</sup>
- 3.38 The following table shows the timeline of the moratorium on Section 63.

YEAR	ACTION
1993	B1 Area Specific Policy introduced

<sup>49</sup> *The Canberra Times*, 28 June 1999, p5.

<sup>50</sup> *The Canberra Times*, Monday 28 June 1999, p 5

<sup>51</sup> ACTPLA, *Turner Neighbourhood Plan*, 2003, p39.

<sup>52</sup> Advice provided by ACTPLA to the Committee Secretary, 17 December 2009.

<sup>53</sup> Territory Plan, Part 10.3, *Inner North Precinct Code, Part C(4) Turner*.

1995	The Lansdown Review of Residential Policies
1996	Turner Community Value Statement produced
10 December 1996	The Turner Residents' Association presents a 1000 signature petition, objecting to the B1 Area Specific Policy, to the ACT Legislative Assembly
1999	Turner residents in Section 63, Blocks 12-21, clearly state that they do not wish to redevelop resulting in half the area being identified as unsuitable for multi unit redevelopment (the moratorium)
2002	Turner Section Master Plan developed noting the moratorium
April 2003	Turner Neighbourhood Plan developed seeking that the moratorium remain for a further 7 years
2007	Section Master Plans incorporated into the Territory Plan and Neighbourhood Plans abolished
April 2010	Moratorium due for review

## Rule 44 -Moratorium on Section 47, Turner

3.39 In 2001, a moratorium was also placed on Section 47 in Turner. It too is set out in Part C(4) Turner of the *Inner North Precinct Code* which forms part of the Territory Plan. Its intention is:

To protect the existing residential amenity of neighbouring lessees redevelopment is not permitted on Turner Section 47 and Section 63 Blocks 12-21. Minor additions or alterations, which do not result in a significant change to the scale and/or character of the dwelling, may be permitted.<sup>54</sup>

3.40 The moratorium came into effect following a 2001 inquiry by the Standing Committee on Planning and Urban Services of the Fourth Assembly into Section Master Planning Turner Sections 46, 47, 48 and 62 (report No. 75).

3.41 That committee heard from local residents' that:

The only certainty (Section Master Plans) provide is that the entire area covered by the B11 and B12 zones will be redeveloped into multi-storey blocks of apartments. There is very little short-term, and absolutely no long-

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<sup>54</sup> Territory Plan, Part 10.3, *Inner North Precinct Code, Part C(4) Turner*, p 21

term protection of the amenity of those residents who wish to stay in their current dwellings.<sup>55</sup>

One resident also commented that:

There are areas within the B11 and B12 zones where people are happy to redevelop, so why not concentrate on those areas first and leave other areas alone?<sup>56</sup>

3.42 There was a strong response from lessees in Section 47 indicating that they had no interest in selling or redeveloping their property in the foreseeable future and that they sought some assurances on the future of their neighbourhood. On 9 October 2000, 20 of the 24 lessees in Section 47 signed a letter stating 'we are not in favour of redevelopment in our section'. Of the four who did not sign, one was the ACT Government (Housing Trust) and the remaining three did not indicate their intentions either way.<sup>57</sup>

3.43 The Standing Committee on Planning and Urban Services recommended in report No. 75:

That Section 47 Turner be treated in the same manner as Section 63 Turner, and that a Section Master Plan be developed which reflects the fact that there is no redevelopment intention for the section.<sup>58</sup>

3.44 The ACT Government in its response to the report in June 2002 agreed to the recommendation:

The Government accepts this recommendation and commits that, as part of the Neighbourhood Planning process, a Section Master Plan will be prepared that shows no redevelopment intention for Section 47 Turner. The Government nonetheless believes that the applicable Territory Plan policy remains appropriate. It is expected that a periodic review process would enable the future intentions of lessees to be accommodated.<sup>59</sup>

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<sup>55</sup> *Standing Committee on Planning and Urban Services, Report No. 75, August 2001*, p 1 referring to the Transcript of the public hearing of 6 April 2001

<sup>56</sup> *Standing Committee on Planning and Urban Services, Report No. 75, August 2001*, p 1 referring to the Transcript of the public hearing of 6 April 2001

<sup>57</sup> *Standing Committee on Planning and Urban Services, Report No. 75, August 2001*, p 1 referring to the Transcript of the public hearing of 6 April 2001

<sup>58</sup> *Standing Committee on Planning and Urban Services, Report No. 75, August 2001, Recommendation 2*, p 14

<sup>59</sup> *Government Response to the Standing Committee on Planning and Urban Services, Report No 75, 'Section Master Plans for Turner Section 46, 47, 48 and 62'*, p 3

3.45 The Turner Section Master Plan was subsequently updated to reflect the moratorium on Section 47 in Turner. The updated version took effect in April 2003.

3.46 The following table shows the timeline of the moratorium on Section 47.

YEAR	ACTION
2001	Former Standing Committee on Planning and Urban Services issues Report No. 75 - Recommendation 2 advises that Section 47 should be treated the same as Section 63 and that a Section Master Plan be developed.
2002	Turner Section Master Plan developed.
June 2002	Government responds agreeing to the moratorium on Section 47, Turner.
April 2003	The Section Master Plan for Turner is amended to reflect the moratorium on Section 47.
2003	Turner Neighbourhood Plan developed reiterating the desire for the moratorium and seeking it remain for 7 years.
2007	Section Master Plans incorporated into the Territory Plan and Neighbourhood Plan abolished.
2010	Moratorium due for review.

### Current Considerations

3.47 If the moratorium was lifted, redevelopment in Section 47 and Section 63 (Blocks 12-21) in Turner including multi unit redevelopment would be permitted, however redevelopments would still be limited to two storeys (plus an attic and/or basement) and a maximum plot ratio of 65% as they have RZ3 zoning.

3.48 Future redevelopments in this area would also still need to comply with the zone objectives and development table for an RZ3 zone, as well as the relevant sections of the *Inner North Precinct Code* and, depending on the type of dwelling, the *Multi Unit Housing Development Code* or the *Single Dwelling Housing Development Code*.

3.49 Any re-zoning of a block in the Territory requires a Variation to the Territory Plan. Territory Plan Variations are subject to a public consultation process conducted by ACTPLA as required by the *Planning and Land Development Act 2007* and may be referred to the Standing Committee on

Planning, Public Works and Territory and Municipal Services for separate inquiry and report.

### **Similar policies**

- 3.50 This inquiry will consider whether similar redevelopment policies should be implemented elsewhere in the ACT, particularly around the inner north.
- 3.51 The Committee notes that there are currently no other areas in the ACT with similar multi-staged or moratorium policies in place.<sup>60</sup>

## **High Density Development Along Transport Corridors**

### **Overview**

- 3.52 The Canberra Plan 'Towards Our Second Century', released in August 2008, outlines the ACT Government's future direction for Canberra and aims to initiate:
- ...conversations about future urban form and sustainable transport, conversations about reducing our ecological footprint, and conversations about the implications of our shifting demographic.<sup>61</sup>
- 3.53 The ACT's changing demographics and aging population has had flow on effects including the closing of schools and a possible change in housing preferences, as well as a growing need for aged care and assisted living facilities.
- 3.54 The effects of global warming are also creating a greater focus on sustainable living including consideration of building footprints, energy use and transportation options. Attention is being given to minimising environmental impact by containing urban sprawl.

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<sup>60</sup> Advice provided by ACTPLA to the Committee Secretary, 17 December 2009.

<sup>61</sup> Chief Minister's Department, *The Canberra Plan: Towards our Second Century*, 2008, p1.

## Demographics

- 3.55 According to the report *Canberra at the 2006 Consensus, Population and Housing*, between 2001 and 2006 there was an increase in the number of people aged over 55 years and a decline in those aged under 15 years.<sup>62</sup>
- 3.56 The census also discovered that dwelling occupancy rates fell from 2.69 persons per dwelling in 1996 to 2.55 persons per dwelling in 2006.<sup>63</sup>
- 3.57 It also noted that between 1996 and 2006, there were appreciable increases in couple households without children and lone person households and no growth in households consisting of a couple with children.<sup>64</sup>
- 3.58 Projections by the Australian Bureau of Statistics indicate that there will be no increase in couple/children households between 1996 and 2021 but there will be substantial growth in couple without children, single parent and lone person households.<sup>65</sup>
- 3.59 The ACTPLA RZ3 and RZ4 *Redevelopment Monitoring, Policy Evaluation* paper states that 'parts of RZ4 have been developed for two storey town houses rather than the permissible three storey apartments indicating a market demand for dwellings that provide higher levels of privacy'.<sup>66</sup> The shift in market demand may be due in part to changing demographics and housing preferences.

## Climate change

- 3.60 Climate change is an acknowledged issue for all cities when planning for future growth.
- 3.61 In 2004 the ACT Government published an ecological footprint for Canberra which suggested that:

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<sup>62</sup> ACTPLA, *Canberra at the 2006 Consensus, Population and Housing*, December 2007, p5.

<sup>63</sup> ACTPLA, *Canberra at the 2006 Consensus, Population and Housing*, December 2007, p 7

<sup>64</sup> ACTPLA, *Canberra at the 2006 Consensus, Population and Housing*, December 2007, p 14

<sup>65</sup> ACTPLA, *Canberra at the 2006 Consensus, Population and Housing*, December 2007, p 15

<sup>66</sup> ACTPLA, *North Canberra, RZ3 and RZ4 Residential Redevelopment Policy, Monitoring and Evaluation*, November 2008, p24

...because of our affluence, the density of our city, and our location, we are consuming at levels which are slightly higher than nationally and that the land required to maintain our lifestyle is greater than the area of the ACT.<sup>67</sup>

- 3.62 The ACT's emission profile is different to the national profile. There is almost no heavy industry or intensive agriculture in the Territory; instead our emissions are primarily (72.2%) due to heavy consumption of electricity (and gas) to heat, cool and light our buildings followed (distantly but significantly) by our use of motor vehicles (22.8%).
- 3.63 Due to the ACT's unique emissions profile, it is important that our building energy efficiency, urban planning and transport planning and practices are addressed.<sup>68</sup>
- 3.64 Further reading on this issue can be found in the evidence provided to the Standing Committee on Climate Change, Environment and Water and its 2009 interim report on ACT Greenhouse Gas Reduction Targets.<sup>69</sup>

### **Sustainable transport**

- 3.65 *The Sustainable Transport Plan for the ACT* is part of the ACT Government Spatial Plan and encourages development within the existing urban area and close to existing town centres.<sup>70</sup> It states:

Current costs of the car-based transport system include costs of road construction, maintenance and land take, parking infrastructure and management, accidents and environmental impacts, including air pollutions, greenhouse gas emissions, health costs and reduced levels of urban amenity (through the intrusion of noise and speed). In addition, road congestion can be expected to increase at a faster rate than population, with consequential additional costs for lost time and increasing demand for more roads. Evidence

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<sup>67</sup> ACTPLA website, *Sustainability Issues in Canberra – background* webpage <[http://www.actpla.act.gov.au/topics/significant\\_projects/change/sustainable\\_future/sustainability\\_issues\\_in\\_canberra\\_\\_background](http://www.actpla.act.gov.au/topics/significant_projects/change/sustainable_future/sustainability_issues_in_canberra__background)> at 25 January 2010

<sup>68</sup> ACTPLA website, *Sustainability Issues in Canberra – background* webpage <[http://www.actpla.act.gov.au/topics/significant\\_projects/change/sustainable\\_future/sustainability\\_issues\\_in\\_canberra\\_\\_background](http://www.actpla.act.gov.au/topics/significant_projects/change/sustainable_future/sustainability_issues_in_canberra__background)> at 25 January 2010

<sup>69</sup> <http://www.parliament.act.gov.au/downloads/reports/CCEW02%20Green%20Gas%20revised%20inclu%20errata.pdf>

<sup>70</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p ii

shows that more roads lead to more traffic and more reliance on cars.<sup>71</sup>

3.66 A transport analysis, as part of *The Canberra Spatial Plan*, indicates that the land use/transport strategies that best support sustainable transport in Canberra are:

- ensuring the development of a more compact city structure;
- increasing population densities in and around town centres and local centres; and
- increasing population densities and locating other activities at key nodes along the main transport corridors.<sup>72</sup>

3.67 The 2006 Journey to Work census indicated that 40% of workers living in Turner and Braddon walked, cycled or caught public transport to work. This compares to the Canberra average of 12%.<sup>73</sup>

3.68 Transport corridors are a key to proximity and ease of movement. A transport corridor is a linear tract of land dedicated to at least one main line for transport. Transport corridors can be road, rail, or canal and are generally high capacity routes. Transport corridors typically connect two major 'anchor' destinations, with many destinations in between.<sup>74</sup>

3.69 Much of metropolitan Canberra was designed in the 1960s around a car-based transport and land use system.<sup>75</sup> *The Public Transport Futures Feasibility Study* concluded that a corridor system with public transport services operating on a fully or partly dedicated right-of-way that serves all core trunk routes is justified for Canberra.<sup>76</sup>

## Accessibility

3.70 A sustainable transport system seeks to meet the access and mobility needs of the community while balancing environmental, economic and social

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<sup>71</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 8

<sup>72</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 28

<sup>73</sup> Legislative Assembly for the ACT: 25 June 2009 Week 8 Hansard, p 2933

<sup>74</sup> City of Sydney Council, *Sustainable Sydney 2030, The Vision*, 2008, p 214

<sup>75</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 7

<sup>76</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 24

goals.<sup>77</sup> An effective public transport system also addresses some equity and access issues. Movement in a community is enhanced by:

- density highest where access to public transport is best
- roads, footpaths and public spaces connected into well-used routes
- easy accessibility
- direct routes that lead to where people want to go
- a choice of safe, high quality routes.<sup>78</sup>

3.71 Increased population density and employment at town centres and nodes along transport corridors may improve public transport viability.<sup>79</sup>

### Urban sprawl

3.72 Urban sprawl refers to how far a city expands geographically. High density developments at key nodes potentially reduces urban sprawl. Reducing urban sprawl may also reduce the cost to the taxpayer by concentrating use within existing taxpayer funded infrastructure (such as roads, sewers, gas lines and buses) and subsequently reduces the demand on the taxpayer.<sup>80</sup>

3.73 Reducing urban sprawl is an issue for most major cities with cities such as Adelaide<sup>81</sup> and Melbourne<sup>82</sup> drawing growth boundaries as a way of protecting the hinterland and factoring in environmental sustainability issues.

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<sup>77</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 2

<sup>78</sup> ACTPLA, *Urban Design and Cultural Facility Planning Principles, Urban Design Principles Metropolitan*, 2005, Appendix 1, p 1

<sup>79</sup> ACTPLA, *The Sustainable Transport Plan for the ACT*, April 2004, p 13

<sup>80</sup> Legislative Assembly for the ACT: *25 June 2009 Week 8 Hansard*, p 2933

<sup>81</sup> Government of South Australia website, Department of Land and Local Government, *New Urban Boundary for Adelaide*, 2007 <<http://www.planning.sa.gov.au/index.cfm?objectid=F53C3D63-F203-0D46-A5D082459B93B31D>> at 25 January 2010

<sup>82</sup> Government of Victoria website, Department of Sustainability and the Environment, *Urban Growth Boundary*, <[http://www.dse.vic.gov.au/melbourne2030online/content/implementation\\_plans/02a\\_about.html](http://www.dse.vic.gov.au/melbourne2030online/content/implementation_plans/02a_about.html)> at 25 January 2009

## Infrastructure capacity

- 3.74 The *Canberra Public Transport Futures Feasibility Study* discusses studies which suggest that the costs of amending existing infrastructure to accommodate urban infill is still considerably cheaper than building new infrastructure for fringe developments. One study, which was undertaken in Sydney 1991, indicated a cost saving of over \$200,000 per hectare.<sup>83</sup>
- 3.75 The study goes on to state that in Canberra 'a study outlined in *Sydney - the urban sustainability challenge* reveals how the ACT Government examined the comparative costs of two options for accommodating growth. One option was greenfield development in Gungahlin of 2500 households per year with only 500 infill households per year. The second option balanced the development with infill of eventually 1500 households for both new development and infill per year. The study concluded that with greater urban consolidation, the ACT Government could defer over \$58 million in capital expenditure over five years and also save \$6 million in recurrent costs'.<sup>84</sup>

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<sup>83</sup> Kellogg Brown and Root Pty Ltd, *Canberra Public Transport Futures Feasibility Study*, January 2004, pp 5-12

<sup>84</sup> Kellogg Brown and Root Pty Ltd, *Canberra Public Transport Futures Feasibility Study*, January 2004, pp 5-13



## 4 COMMITTEE CONSIDERATIONS

- 4.1 The Standing invites feedback from stakeholders on the Terms of Reference to this inquiry, matters raised in this Discussion Paper and the 'Major Issues for Comment' highlighted in the following section.

### Major Issues for Comment

- How do these policies affect you and how would you like to see them changed (if at all)?
- What other considerations would you like taken into account to ensure redevelopment in the affected areas creates a liveable neighbourhood character?
- What are the merits of maintaining Rule 21 on staged development?
- What are the merits of maintaining the moratorium in Section 63, Blocks 12-21 in Turner?
- What are the merits of maintaining the moratorium in Section 47 in Turner?
- Do these policies still serve a purpose?
- Should they be removed or kept? If so, why?
- Should similar redevelopment policies be implemented elsewhere in the ACT?  
If so: a) Where?
  - b) What density (height limit and plot ratio) should apply?
  - c) What type of policy is appropriate (code, moratorium, etc)?
  - d) What would be the purpose and/or intended outcome of the change?
  - e) What would be the impacts on the amenity enjoyed by the residents of the affected areas?
  - f) How could the impacts on affected residents be ameliorated?
- What are the merits/disadvantages of encouraging higher density development along major transport corridors? Please give consideration to factors such as:
  - a) The demand for high density development and housing preference

- b) The capacity for existing infrastructure and services to absorb additional development**
- c) The implications on housing affordability and provision of public housing**
- d) The extent to which such developments might reduce overall travel**
- e) The impacts on the amenity of surrounding residents and how best to ameliorate those impacts**
- f) The effect on housing type and mix**
- g) What sort of open space allowance would you like to see in inner north suburbs?**
- h) What heritage issues may arise from residential redevelopment?**
- i) What would be the impact of redevelopment on community infrastructure, including services and facilities?**
- j) What are the likely impacts on existing house prices in the area, if any?**
- k) Environmental sustainability issues**
- Should high density development be extended to other major transport corridors?**

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**All webpage addresses current as at 25 January 2010.**