



Inner South Canberra Community Council

LACommitteePTCS@parliament.act.gov.au

PTCS Inquiry into the Territory Plan and other associated documents ISCCC Expression of Interest

The Inner South Canberra Community Council (ISCCC) is the peak body of Inner South residents' groups. The ISCCC provided a comprehensive submission on the draft planning arrangements, consulted with Inner South residents through our member groups, and held several public forums on the new arrangements. It has been able to draw on considerable expertise in analysing the new Planning Act and Territory Plan.

Brief comments against the Terms of Reference are provided below.

Terms of Reference (a) What the policy goals are for the new system and whether the new system is able to meet these goals

The Government's aims for the new planning system are to deliver a planning system that is clear, easy to use and that facilitates the long-term growth and development of Canberra while maintaining its valued character. The ISCCC's view is that the new planning system will not achieve that aim.

The ISCCC has advocated strongly for key mandatory rules, especially to ensure sufficient planting/green space on residential blocks, solar access and protection of private open space from overlooking/overshadowing. This approach has been adopted for single dwelling developments; it should be extended to multi unit developments, while allowing flexibility.

Best practice indicates: *Converting policies into clear assessment criteria ensures that decisions consistently achieve policy objectives and that development applications are assessed against relevant criteria. Technically excellent criteria are based on appropriate, relevant, verifiable evidence and lead to objective tests of compliance (Development Assessment Forum's 'A Leading Practice Model for Development Assessment in Australia')*

This approach needs to be adopted in the proposed Territory Plan; the proposed model, relying on vague non-measurable assessment criteria, gives disproportionate discretion to ACTPLA, reduces Assembly oversight and will not generate the trust and confidence needed to successfully implement the government's urban infill policies.

The *Housing Design Guide* is an excellent compendium of approaches that would result, if followed, in quality outcomes. The fact that the Guide has to be considered does not mean a DA can be rejected if it does not comply with the Guide. There is a world of difference between 'must be considered' and 'must be complied with'.

The *Residential Zones Technical Specifications* incorporate numeric quantifiable measures. However, nothing in the Act indicates that the Technical Specifications have to be considered in assessing developments. They cannot operate as a set of rules imposing a 'requirement'.

The Government needs to conduct the planning governance review as soon as possible. It must also establish a robust monitoring and evaluation framework, especially to monitor the new dual occupancy policy for RZ1, the increased densities in RZ2, compliance of exempt developments and compliance with the Territory Plan objectives.

The Government's 'responses' to issues raised in the Consultation Response Report are superficial, unclear and fail to deal with many of the substantive points raised. Similarly, the District Strategies have been developed 'top down'. There should be a commitment to more genuine consultation.

Specific concerns include:

- Neighbours of knockdown/rebuilds of new single dwellings should have a say about those developments, particularly in heritage precincts.
- Compliance with national standards for supportive housing must be mandatory; if not such housing will not be suitable for intended residents.
- Development in the RZ1 zone is leading to the (unintended) loss of original fabric in heritage precincts.
- As a residential suburb, Oaks Estate should be included in the Inner South District Strategy, rather than in the East Canberra District Strategy.

Terms of Reference (b) *Variation 369: Living Infrastructure*

The ISCCC is particularly concerned with the lack of mandatory controls at a time when it is imperative that our city responds appropriately to climate change. The Government has dropped V369 of the current Plan, and has not replaced it. The Housing Design Guide and Technical Specifications are supporting documents and cannot be used to impose requirements in this area; to do this is not supported by the Planning Act or Territory Plan.

Increased allowable densities increase financial incentives to build the number of dwellings up to the allowed maximum. Living Infrastructure and solar access will become residual items.

These items are too important to be left to chance; as a priority they should be covered by mandatory specifications, mirroring the approach for single dwelling developments. **Specifically, provisions for solar access in section 14 and planting area in section 18 of the Residential Zones Technical Specifications should be made mandatory Assessment Requirements.**

This should occur now, before the increased financial incentives make change difficult.

Marea Fatseas
Chair
26 October 2023