

INQUIRY INTO THE TERRITORY PLAN AND OTHER ASSOCIATED DOCUMENTS

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40 Years in Architectural practice in the ACT.

Over 400 articles on design and planning issues over a 10 year period (2012-2022) as a Canberra Times Columnist.

(background documents/articles are as PDF attachments to the various topics)

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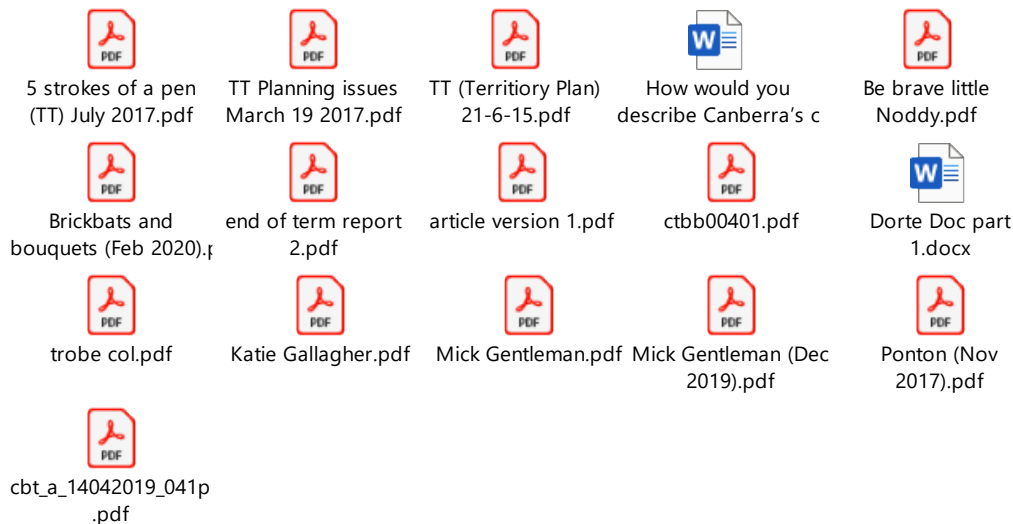
Topic 1 - General comments on new interim TP

- The previous Territory Plan was an unwieldy document, and this is not an improvement.
- The hotline doesn't appear to be manned as multiple calls made to the number ring out (02 6205 0580).
- The RZ1 provisions are largely the same as previous with a few mandatory rules removed and other ones introduced. Also there are no design guides for what is the bulk of Canberra residences.
- Despite the intention for a performance-based code it is not clear who makes assessments and decisions on about any departures from the quantitative standards. For the RZ1 area it seems pretty much the same as previous with more restrictive rules introduced.(Trees, living infrastructure rules, footprint, solar fence, story definitions et cetera.

It is not obvious how the new TP will address the issues of

- affordable housing
- Urban infill
- ageing in place
- despite comments about the TP been simplified and turned into an easily navigated document the opposite seems to have happened.

Background article published in the Canberra Times bearing on the issues.



Topic 2 - General comments. Missing middle

- The ACT Parliamentary Governing Agreement commits to a minimum 70 per cent of Canberra's urban development occurring within our existing footprint.
- Analysis of the types of dwellings in Canberra Region in 2021 shows that **83.5% of all dwellings were separate houses**; 12.9% were medium density dwellings, and 1.8% were in high density dwellings, compared with 80.6%, 14.6%, and 2.9% in the Regional NSW respectively.
- Despite the preponderance of separate houses within the ACT the new Interim Territory Plan almost exclusively focuses on multiunit residences. (ie not dwellings in RZ1)
- There is no design guide for RZ1. I assume this is largely because nothing much has changed.

- I instituted the national NEAT housing competition (2013, ie 10 years ago) which brought into focus the issue of the *Missing Middle* in Canberra. The debate had largely been forgotten since the Lansdowne report (2003) which sought to remove the dual occupancy provision from the suburbs.
- The NEAT competition was devised to look at the option of re-purpose in large individual suburban blocks to allow additional dwellings and increased density. This initiative was supported by the ACT Government who offered substantial prizes to the winners. The outcomes of this competition have not been followed through on, The new TP is an extremely timid approach to issue of allowing dual or multiple occupancies in RZ1.

Topic 3.- The specific provisions in the Interim Territory Plan regarding dual occupancies.

- The intent is understood to be to address the Urban infill quotas and higher density for Canberra.
- The maximum 120 m² size, single storey restrictions, and LVC charges make the additional dwelling proposition largely unworkable and will not produce the desired outcome. Very few will take this up.
- The size allowance needs to be completely rethought and perhaps calibrated pro-rata for the size of the block in RZ1.
- The 40% footprint max further restricts options.
- Why restrict the options to dual occupancies? (see next section on demonstration housing)



If good enough for
the government (2).pc



secondary
residences.pdf

Topic 4 - Demonstration Housing (and aging in place)

- The key point in regard to the Demonstration Housing is that the government is intending to demonstrate things that are not going to be allowed to be built.
- What is the point of demonstrating something that can't be achieved.
- The 2 triple occupancies that are being demonstrated in RZ1 are intended to be good examples of what can be done on large blocks in RZ1 but the initiative and concept has not been followed through into the interim Territory Plan.
- Due to the extended length of time the ACT Government taken to prosecute this agenda (seven years to date and at least another two to go).
- The demonstration exercise will not inform the Territory Plan but follow-on behind it.
- The key driving agenda of the demonstration housing exercise is focused on the 'missing middle'/medium density intensification, particularly the lack of townhouse development in the ACT.
- Aging in place is a key consideration of the missing middle agenda and the '**missing middle**' **product** relates almost exclusively to the RZ1 zone. Multi-unit and aging in place are simply not an available housing choice to the majority of land holders in Canberra. This appears to remain so.

Mick Gentleman (Minister for Planning and Land Management) November 2017 statement stated in relation to the missing middle;

'This includes town houses, terrace houses, secondary dwellings and apartments as well as a continuing demand for detached homes. While this is being driven to an extent by the younger generation, it is also being sought by older residents who do not want to leave the suburb they may have lived in for 50 years, but no longer want—or are able—to live in a big house'

- There are very few high quality and sustainable developments in RZ1 zones as they have been effectively removed from housing choices due to the changes to the Territory Plan over recent past decades.
- Quality and sustainability outcomes would be much more heavily protected in an RZ1 owner driven model. Part of the aging in place model is that lessees remain in location, occupying one of the dwellings. **'Equity injected from mums and dads who are going to be occupiers' results in proponents being more concerned with quality and environmental sustainability than typical developer models'**.
- Since 2013 I have personally been working on the increased housing density agenda with particular reference to ageing in place.
- As the Minister points out many people wish to downsize.
- **'Housing Choices: Housing choices is the ability to meet the housing needs and preferences of the community, both now and into the future. Housing choices requires consideration of a range of factors, including but not limited to: changing demographics and household structures; housing design, quality and safety standards; range of housing options and types; lifestyle aspirations'**
- The core agenda of the demonstration housing exercise is focused on the **'missing middle'/medium density intensification**. This attempt to reimagine the missing typologies is a successor to the NEAT Housing competition. Aging in place is the keystone of this agenda.
- Mick Gentleman (Minister for Planning and Land Management) has made repeated statements emphasising the need the requirements sought by older residents **who do not want to leave the suburb they may have lived in for most of their lives but have no appropriate housing choice options;**



Sue Ranford (Aging in place article Oct 20



Spira Sept 2016.pdf



Rodney Moss.pdf



Neat housing.pdf



Morschel (density) 7-8-16.pdf



Melissa Coggan (29-5-16).pdf



Melissa Coggan (22-5-16).pdf



Greg Hartung (aging in place) 21-8-16.pdf



Daid Fogg.pdf



catherine.pdf



Alan Spira 19-4-15.pdf



Tony Trobe (re typologies).pdf



Kris Campbell (Nov 2017).pdf



Melinda.pdf

Topic 5 Solar fence

- The provisions in the interim Territory Plan have been increasingly become more restrictive over time with disastrous consequence in the new suburbs.
- Prior to the introduction of the solar fence rule the rules for solar protection were already probably some of the most, comprehensive nationally if not in the rest of the world.

- The angle of the solar fence has been decreased to making it more difficult to achieve good solar outcomes by pushing dwellings to the north side of the block at the expense of more open space on the south.
- Despite previous months of input into industry consultation and extensive deliberation the Government still decided to persist with very Draconian solar fence rules.
- At the rear of a block the solar fence commences at 1.8 m.
- You are allowed to build a garage on the boundary but fit a car and to the garage you would need at least 2.7 m high. (Even higher if the block has some slope).
- It's hard to imagine that anybody has become upset by the shadow cast by a fence on the black yard.



Solar rules cast a shadow over sensible



solar fence issue.pdf

Topic 6 Suburban block layouts (the unintended consequences of the solar fence legislation)

- This is a piece of legislation that was introduced by the Greens.
- It is producing dire consequences in the new suburbs.
- A large preponderance of all blocks of facing the wrong way round with garages at the front houses permanently facing either East or West due to developers and urban planners seeking to avoid the unintended consequences of the solar fence legislation. (see attachments and image below)
- The houses on these blocks will forever be complete failures in regard to orientation for good solar access.
- The block layouts are completely counterintuitive from the point of view of anybody that understands any basic principles of passive solar design and go completely against the sustainable principles behind global warming.
- They are organised this way to avoid the solar fence rule.
- Attached articles written on the subject over the last 10 years.
- Issues raised have been ignored and the suburbs continue to be rolled out in disastrous fashion.



Bonner



Casey



Coombes

Sample views showing multiple houses with poor long N/S axes (ie all facing east or West and garages facing North.)

No P.O.S. to North



Solar rules cast a shadow over sensible



suburbs (sundry images).pdf



solar fence issue.pdf



the solar slot (july 2020).pdf

Topic 7 The 40% footprint rule and the definition of upper-level.

- The new mandatory 40% footprint rule will have the effect to force people to design two storey dwellings.
- This becomes problematic for ageing in place.
- Given the new comprehensive new *Living Infrastructure* rules why is this 40 % rule necessary to be mandatory?
- The whole point of the new Territory Plan was that it was intended to be performance based. Mandatory rule have the opposite effect.
- The definition of upper-level has been changed from max 1.8 to 1.5m. This has significant effect on increasing setbacks at the rear of the block from 3m and 1.5 m to 6 m for an upper level again forcing more two storey development and towards the middle of the block. The question is has this been thought through properly and what is the rationale for it?
- For new houses in the existing areas there will be requirement for two surveys to be done rather than just one. There is now a requirement for the survivor to make an assessment of what natural ground level was previously was before a house was demolished whereas previously this was an assessment that could be done by the architect or building designer.

Topic 8 The two-storey rule.

- Why stick to the two storey limit for houses when we already have height envelopes and allow basements?
- Other jurisdictions have rules allowing more storeys and they work satisfactorily.
- Surely this will assist with increasing urban density

Topic 9 Attics

- Previously the TP allowed attics which didn't count as a storey.
- I fail understand why this was deleted from the provisions in the code.
- The previous definition of an attic was largely arbitrary and the angle of the roof or an attic should be 45° not 36°.
- Allowing attics would increase density and reduce footprints.

Topic 10 Subdivision of existing dwellings

- As Canberra moves to being a more mature city and might be worth considering allowing existing houses to be subdivided into two dwellings so as to provide more housing choices. (see article attached with Alan Spira - Architect)
- I originally lived in London and this model is very common there and provides a whole range of different housing typologies for different portions of the population particularly those with limited budgets looking for **affordable housing**.



Topic 11 Assessing the performance-based code and Government resourcing.

- Given we moving towards performance based code it is assumed that the staff within the planning authority will be the ones that make judgement calls on what is acceptable not acceptable.
- Quote in an email from planning assessment officer (Brad) as part of the training presentation for a new interim TP
 - *It has been practice **not** to undertake pre-application meetings for single dwelling proposals (as most issues can be discussed through other methods), but noting a new planning system is commencing where the Territory Plan has changed quite a bit, we will be making them available for at least the short to immediate term.*
- I'm sure many practitioners will be interested in the detail of how the DA's are assessed particular for RZ1 (no Design Guides) and will request Pre-Apps.
- We understand that the new TP is now intended to be much more of a *performance based* code. Apart from the exemption declaration process (1N) which only covers a few items how are any departures from the quantitative standards going to be assessed? Ie say building height, living infrastructure provisions etc. Who makes a call on these?
- Will the Certifiers have some capacity to make a judgement call or will everything have to go through a formal DA process? Will applicants have to risk a judgement call *themselves* as to whether a departure from the numeric aspects of the code is likely to be approved or not? (Particularly if pre-apps are to be abandoned in the near future).
- In this regard what will be the availability of pre-application meetings to discuss any departures from the code in the short term? This requirement will no doubt greatly increase the workload within the Authority, will they have enough staff to deal with an increase in pre-admission device?
- My assumption with performance-based options *on the table* is that there will be a much larger number of projects that will need to go through a full DA process rather than the current situation where they are mostly assessed by Certifiers/1N process?
- Is the role of the certifier going to change?

Topic 12 Tree protection

- Although I support the greening of Canberra initiative is not clear to me why the already fairly strict definitions of regulated trees are being dramatically increased.
- At the seminar dealing with the topic the presenter said that there are many jurisdictions that have more strict tree protection measures than Canberra. I worked in multiple jurisdictions around the country and have failed to come across a single piece of legislation that is in close to the restrictive nature of the rule we will have in the ACT.
- A definition of related trees moving from 12h x 12dia canopy x 1.4m circumference diameter to 8h x 8dia canopy x 1m. This seems fairly arbitrary.
- This is going to significantly increase the requirements for advice from the TPU. Do they have the resources?
- This is particularly relevant in the case of what is considered a regulated tree or not a regulated tree. If you have the multiple branches under 1.4m on small trees (or even bushes) these examples quickly become regulated and subject to approval.
- There is no definition of this multi-stem issue calculation within the Tree Protection Act

- The Government continues to use their own definition of the tree protection zone (TPZ) rather than the Australian standard.
- Do the TPU have the resourcing to deal with a potential 'tsunami' of enquiries?

Topic 13 Bushfire rules/standards.

- The requirements for bushfire protection in the documents are difficult to find and assess.
- Clause 22.3 is confusing and it is difficult to work out what and where the standards are.
- Contacting emergency services often produces an annoyed response as they don't seem to understand the bushfire rules themselves. (This is a limited comment based on a couple of phone calls from our office)
- The standard seem to apply for houses within two or three blocks from potentially dangerous reserves but it is difficult to ascertain what are adequate provisions to meet the code allowed engaging a local bushfire consultants of which are virtually none.

Topic 14 Local shopping centres

- Perhaps some further some consideration could be given to encouraging local shopping centres to develop additional choices for housing. Currently some local centres are restricted to 2 stories by virtue of the distance to residential development i.e. say Pearce 17m. Issacs 21m.
- Others over at over 30M from residential developments allow four stories but there seems little incentives or appetite for redevelopment.
- Creating additional affordable housing and shopping centres would not only revivify the centre themselves but also provide potential additional housing choices and increase overall density.



Reclaim your own
local shops.docx

Topic 15 Suburb's character *(Panel question; Do the District Strategies establish a clear statement of the urban character in each suburb? (If not, how do you change it?)*

- My opinion is that the character that people most closely associated is that of the street rather than the suburb. See articles attached.



Tony Sex and the
Surburbs.pdf



Liz Barfoed
(3-12-20).pdf



Barr July 2109.pdf



Zoning or
neighbourhood; neve

Tony Trobe CV



Tony CV 2.pdf