



Legislative Assembly for the
Australian Capital Territory

Standing Committee on Environment
and Planning

Submission Cover Sheet

Inquiry into Inquiry into DPA-04 – Missing Middle Housing Reforms

Submission number: 002

Submitter: Inner South Canberra Community Council (ISCCC)

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Inner South Canberra Community Council

To: LACommitteeEnvironment@parliament.act.gov.au

SUBMISSION TO COMMITTEE INQUIRY – DRAFT PLAN MAJOR AMENDMENT (DPA-04) ‘MISSING MIDDLE HOUSING REFORM’

• Introduction

The ISCCC is pleased that the Committee has decided to inquire into this matter and appreciates the opportunity to provide further comment on the ACT Government’s “missing middle” proposals. As we said in our submission on this matter to the City and Environment Directorate (CED) we believe that the proposed changes, particularly with a focus on individual block redevelopments, are unlikely to meet the government’s aims and will have major impacts on the liveability and amenity of many established residential areas.

Our greatest concern is that, in the rush to ‘upzone’ everything, particularly the whole of the RZ1 zone (approximately 80% of all residential zoned areas in the ACT), the highly valued character and desirable qualities of the Inner South will be lost. Extensive areas (particularly in Forrest and Red Hill) have very large blocks and excellent tree cover, contributing greatly to Canberra’s ‘Garden City’ character, as recognised in the Inner South District Strategy.

Attachment 3 – Extracts from the *Inner South District Strategy 2023* (Volume 2) - highlights the existing “excellent tree canopy cover”, “larger residential blocks and a lower density housing character”. It identifies three categories of ‘**Change areas and key sites**’, all of which are already within or subject to higher-density zonings. The District Strategy also notes that: “To support future growth in the district, a range of infrastructure initiatives and upgrades will need to be provided, including in the road and path network, WSUD, stormwater, sewer, water supply and electricity.” The District is **not infrastructure-ready** for significant redevelopment.

In our previous submission we proposed that, rather than a “**one size fits all**” planning policy for RZ1 zones, a more sensitive and nuanced planned approach should include:

- **Special Character Zones** to protect particular high-quality residential areas, including Heritage housing precincts, similar to the *Auckland Unitary Plan ‘Single House Zone’*
- **Block “consolidation”** to encourage more efficient redevelopment [in suitable locations], with more dwellings in higher amenity settings including open space and trees

We also raised a number of reasonable questions about aspects of the proposed Missing Middle Housing Reform package, including the draft *Missing Middle Housing Design Guide* which we understand will not be referred to the Assembly for scrutiny.

Unfortunately these constructive suggestions and reasonable questions have been ignored, or rejected by the 'Authority' on spurious grounds. The Authority has also taken opportunities from some of the public commentary (usually misinterpreting the points made) to introduce further deleterious and unjustified changes to DPA-04 (see our detailed analysis below). For these reasons we make the following recommendation to the Assembly Committee.

- **Recommendation**

The Committee should recommend that DPA-04 be NOT approved by the Assembly, because the proposed changes, at least for Inner South Canberra:

1. **focus on single block redevelopment and are unlikely to produce large numbers of additional, well-located, diverse, affordable new dwellings;**
2. **will fail to maintain and enhance the amenity values of established residential neighbourhoods and ensure the protection of heritage precincts;**
3. **are likely to result in degradation of the “excellent tree canopy cover” and create more urban heat ‘hotspots’** [see Inner South District Strategy p.10];
4. **are likely to result in poor quality development outcomes through reduced standards and more ‘exempt’ development** [see pp.6&7 of this submission];
5. **include arbitrary and unjustified increases to building heights in RZ4 & RZ5** [see p.5 this submission];
6. **ignore that “CED is currently undertaking further work, which includes locational suitability which may inform future rezoning opportunities for well-located blocks, such as those in close proximity to commercial centres”** [see p.6 of this submission];
7. **ignore the ‘change areas and key sites’ identified in the District Strategy as the main focus for future development in the Inner South over the next 15 years** [District Strategy pp.15,16];
8. **ignore the need for infrastructure upgrades and “infrastructure capacity studies being undertaken across the ACT”** [District Strategy p.47];
9. **ignore the intentions of the District Strategy set out in ‘Potential urban regeneration areas’** [p.20]: *“In the future, there will be need to undertake further investigations into potential urban regeneration areas that may be suited to redevelopment for housing. Investigations would include consideration of a range of matters such as existing character, heritage and environmental values, natural hazards, the practicalities of redevelopment and available infrastructure.”* This should happen before DPA-04 proceeds.

- **‘Summary’ from previous ISCCC submission**

Learning from history

As we said in our June 2025 submission on this matter to the City and Environment Directorate (CED) it has been shown from elsewhere that in single block redevelopment: *“Net housing yields and density gains...are small. Small-lot infill subdivision of single properties typically results in loss of private green space due to more area dedicated to buildings and car space. Loss of green space has multiple negative impacts.”* [*‘Greening the Greyfields – New Models for Regenerating the Middle Suburbs of Low-Density Cities’* – Prof. Peter Newton et al].

Likely outcomes also include excessively large single houses, which can avoid the need for a DA and lease variation.

The proposed changes are intended to deliver “Dual or tri-occupancies, townhouses and terrace homes and low-rise apartments”. As the ‘Snapshot’ says: *“This isn’t a new concept for Canberra—we already have some examples of this type of housing in some of our oldest (as well as newest) suburbs”*. There are indeed many examples in Inner South Canberra. However, it is necessary to understand the factors which led to these good outcomes before considering whether to reduce planning requirements for the RZ1 zone in particular and, to some extent, the other Residential Zones.

An important factor in these successful earlier redevelopments was that they were on sites of sufficiently large scale to allow for the provision of diverse housing types and generous communal open spaces with good tree cover. As the book quoted above says: *“land assembly is a prerequisite. This...is a step that planning systems need to recognise as being the **missing step in creating the missing middle.**”* Larger scale projects also allow comprehensive negotiation with all stakeholders (including neighbours), and early agreement on concept development plans. This, together with other DA system improvements implemented in good faith, could provide justification for ‘fast-tracked’ approvals.

Dwelling density ‘targets’

The proposed Territory Plan changes take no account of differences in location, existing character and suitability for redevelopment, simply setting “dwelling density targets” which are 5 to 7 times the average density of the older suburban areas, and more if basement parking is provided. The related “outcome” provision is: *“**Appropriate number of dwellings is guided by site context and dwelling density targets in the Residential Zones Technical Specifications**”*. There appears to be no description of ‘**site context**’ in the proposed Plan Amendments and no useful ‘*Design Guidance*’ about this in the (non-statutory, non-mandatory) Draft *Missing Middle Housing Design Guide*.

[There is also no guarantee the extensive Heritage Precincts in the Inner South will be protected, given the general relaxation of density controls in RZ1. DA 202544502 for 3 units on a large block in Forrest, next door to Manning Clark House, shows the dangers. In this case ACT Heritage did not insist on compliance with its own Guidelines, with the result that the new development would have significant impact on the visual character of the block and the streetscape and would remove many established ‘protected’ trees.]

If such higher-density redevelopment occurs, this must have enormous impacts on older suburbs in particular, with loss of their long established streetscape character and many mature trees, the intrusion of much more traffic and parking overspill, neighbourhood conflicts and infrastructure supply issues. Heritage housing precincts may not be adequately protected – heritage controls only affect advice from the ACT Heritage Council, which can be ignored by the planning authority. [See **Attachment 4 – ISCCC sub. on DA 202544502**]

NZ experience

There have been media reports claiming great success for residential ‘upzoning’ in Auckland in support of the ACT Government’s proposed changes. The available literature, however, is contradictory on whether the new policies in Auckland have had much impact on the rate of ‘dwelling consents’ and even less on dwelling completions. It is also notable that most new residential development in Auckland has been occurring in outer, rather than inner areas, contrary to intentions and expectations [see Attachment 1 to this submission].

A better approach to reform

We proposed that, rather than a “**one size fits all**” planning policy for RZ1 zones, a more sensitive and nuanced planned approach should be applied, including:

- **Special Character Zones** to protect particular high-quality residential areas, including Heritage housing precincts, similar to the Auckland *“Single House Zone—to maintain and enhance the amenity values of established residential neighbourhoods in a number of locations...based on special character informed from the past, spacious sites with some large trees”* (etc.)
- **Block “consolidation”** to encourage more efficient redevelopment, with more dwellings in higher amenity settings including open space and trees—for example, a minimum of four adjoining existing house blocks, with a development plan to be negotiated with stakeholders and potentially subject to a ‘fast-tracked’ approval process. Block consolidation could be achieved in a number of ways: through a “collaborative housing” model involving the existing owners directly; by private developers; or by a government redevelopment agency charged with assembling and packaging projects in appropriate locations for on-sale to developers.

We also raised several more detailed issues with the proposed DPA-04, discussed below.

- **Significant changes for RZ1 zone (from previous submission)**

We posed the following **questions** and **comments** [in bold] on the Government’s proposals:

Policy Outcomes:

The Proposed Territory Plan provision refers (para. 1.) to a “*suburban setting which is primarily low density...*”

Q1: What does this mean? Are only some higher density redevelopments going to be permitted in particular areas?

The Proposed para. 4: *“Development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties”* is generally the same as the *Current Territory Plan* provision.

Q2: But this ‘Policy Outcome’ is not given effect to in the Territory Plan policies or the Residential Zones Specifications, which actually reduce “standards” in a number of areas (see below). Presumably, complete reliance is therefore being placed on the non-statutory, non-mandatory “*Missing Middle Housing Design Guide*” and on the faithful consideration and design response to it by developers and assessment officers? How likely is this?

Assessment Outcomes:

No changes are proposed to these. So, the following will continue to apply:

*“The proposed use and scale of development are **appropriate** to the site and its zone.”*

Q3: How will this be assessed and what weight will be given to this “outcome”, given the hugely increased ‘dwelling density target’ of 54-67 dwellings per hectare - 5 to 7 times the average density of the older suburban areas, depending on dwelling type), plus some unspecified amount more “if parking is contained within a basement” in the Residential Zones Technical Specifications?

*“14. The height, bulk and scale of development is **appropriate**, noting the desired zone policy outcomes and the streetscape.”*

The *Residential Zones Technical Specifications* 14.2 say that the building envelope plane is proposed to be set 500mm higher. Also, in 15.1, the slope of the “solar building envelope” for multi-unit housing is increased from 31 degrees to 45 degrees, with potential serious effects on neighbouring properties. In *Table 4: ‘Multi-unit housing front boundary setbacks’* are proposed to be reduced for *Secondary street frontages*. The minimum ‘side boundary setback’ is also proposed to be reduced to ZERO (*Table 9*).

Q4: How do these detrimental changes satisfy the intended ‘outcomes’ ?

*“19. **Sufficient** planting area, canopy trees, deep soil zones and water sensitive urban design measures are provided to enhance living infrastructure, support healthy tree growth and minimise stormwater runoff.”*

Q5: How is “sufficient” to be assessed for a particular project?

“20. Urban heat island effects are reduced through limiting impervious surfaces and provision of canopy trees and plants.” ‘Tree canopy cover’ is proposed to be marginally increased, from 15% to 20% (19.3), but this is not necessarily additional to ‘Planting area’ [which is proposed to be reduced from 35% to 30% of block area] and no additional specific tree planting requirements are proposed. Note that the Auckland Unitary Plan has a limit of 60% ‘impervious area’ in most residential zones.

Q6: How will the *heat island effect* reduction be achieved, given the hugely increased ‘dwelling density target’ and the proposed reduction in ‘Planting Area’, as well as the lack of any limit on ‘impervious area’?

*“27. Vehicle and bicycle parking sufficiently caters for the development while **minimising visual impacts** from the street or public space”. And yet Parking provision rates are proposed to be reduced and Visitor spaces to be eliminated altogether (Table 13).*

Q7: What *impacts* are the likely result, in established areas which may have relatively narrow streets and where parking is already at a premium?

The *Subdivision Policy* and *Specifications* are also proposed to change:

- minimum block area for unit titling reduced to 600m²;
- block subdivision to be permitted with minimum block size of 350m² (RZ1);
- limits imposed on consolidation of blocks. The ‘Comparison Table explains: “*Limits on consolidation outcomes for RZ1 blocks are provided to limit over-development and maintain the low-rise, lower density character of RZ1 areas compared to RZ2 outcomes*”.

Comment: Larger, consolidated sites are more likely to yield satisfactory outcomes than focusing on single-block redevelopment. To be serious about maintaining “lower density character of RZ1 areas” the Government would not be proposing all the changes referred to above. Furthermore, the *Design Guide* contains contradictory statements on ‘consolidation’.

- **Significant changes for RZ2-RZ5 zones** (from previous submission)

Comment: in general, these appear supportable, apart from arbitrary increases in maximum building height [in RZ4 this goes from 12.5m (about 3.5 storeys) to 6 storeys!] However new, single detached houses should be discouraged in these zones and the ‘Site Coverage’ and ‘Impervious Area’ controls should be at least as good as the Auckland Unitary Plan [AUP – see [Attachment 2](#) to this submission, Table 1].

As proposed in the above – a better approach to reform we recommend is that there should be a ‘Special Character Zone’ “to protect particular high-quality residential areas, including Heritage housing precincts, similar to the Auckland *Single House Zone*”. This could be very similar to the current RZ1 zone. Either RZ4 or RZ5 zones may become redundant with the changes, so renumbering will need to be considered. [There are only four existing, scattered, RZ4 sites in the Inner South and these would be more appropriately zoned as the ‘new’ RZ3. There is currently no RZ3 in the Inner South.]

[A further change now proposed by the Authority is to remove the “transitional height provisions articulated for RZ5”, which apply where RZ5 abuts a lower density residential zone – see page 8 issue 2.5. The ‘comment/issue asked why a similar height restriction does not also apply to RZ4. The Authority says “appropriate transitions between zones” will be handled as a “DA consideration”. Their response ignores the second part of the comment: “*Changes from 12.5m to 21m in RZ4 may not be appropriate in all areas*”. We ask what is the justification for this radical height change?]

- **DPA-04 as referred to the Minister and Committee:**

The Territory Planning Authority gave a large number of documents to the Minister, which we assume have all been passed on to the Committee. Of these, probably the most interesting one is the last and the largest by far – the Consultation Report and appendices [103.2 MB] – 1,114 pages. Of this, we suggest particular attention needs to be paid to ‘**Appendix 1 Consultation comments and Authority response**’, which is (only!) 27 pages and is a “summary of public feedback provided in the public written submissions, survey entries, ‘quick comments’, pop-ups and workshops.” These are “grouped within various relevant themes” together with the ‘Authority response’.

There are around **100 specific issues** raised (some more complex than others). We have summarised these into the 27 of greatest relevance to our concerns, numbered for convenience of reference, in Attachment 1. The Authority response in almost all of these is either ‘**Noted**’ or ‘**No change**’ [sometimes both]. **Most of the responses fail to deal with the issues raised in any meaningful way.** There are at least four cases where the Authority response uses similar wording in response to different issues raised, eg. 2.4 (about RZ1 & RZ2 zones): *“The Authority are currently considering the appropriateness of current land use zones in well-located areas, such as around commercial centres. This is considering opportunities to rezone sites from RZ1 to RZ2.”* **Much of these well-located areas in the Inner South is of course already zoned RZ2 – RZ5 or in Heritage Precincts, but there may be some opportunities, eg. along Canberra Avenue. We ask, why wasn’t this work done BEFORE the poorly conceived and unjustified proposals to ‘upzone’ ALL land in RZ1 were put out? This sort of Authority response is, generally inappropriately, also used in issue 5.2 (about the need for more consolidation of blocks to provide better outcomes), 6.4 (about the preservation of Canberra’s character) and 6.6 (about no comprehensive forward-planning).**

Other important issues raised, but dismissed in Authority responses, include:

- Issue 2.1 (Policy outcome for RZ1) - **what does ‘primarily low density’ mean?**
- Issue 2.2 (**proposed density targets take no account of location, character and suitability**) – the response is: “Development proposals are required to demonstrate comprehensive responses to the Planning Act 2023 and the Territory Plan, including the Residential Zones Policy which **may** limit the development potential of individual blocks” **[We have no confidence that this complex process will provide appropriate outcomes]**
- Issue 3.1 (**reduced carparking rates**) – ‘**Noted. No change**’ response includes: “The reduced car parking rates will provide greater flexibility in designing and proposing useable and high amenity dwellings.” **[No mention of impacts on established residential areas]**
- Issue 3.2 (**private open space requirements are reduced**) – ‘**No change**’ response includes: “While the reforms propose a **reduction** in total site area allocated to communal and private open space for multi-unit developments, **from 40% of the site area to 30% of the site area**, what constitutes private open space is **proposed to change.**” **[This is unjustified and entirely undesirable]**
- Issue 3.4 (**tree canopy cover**) – ‘**No change**’ response includes: The **20% canopy cover** balances an increase in housing stock, with the need to reduce associated urban heat. “

[The Government's *Living Infrastructure Plan* target is at least 30% tree cover]

- Issue 3.5 (*proposed changes to solar access, solar fence and envelope*) – ‘Noted’ response includes: “The proposed change in solar envelope from 31o ...to a 45o angle...to **increase opportunity for greater building density to support the delivery of multi-unit development.**” **[No apparent concern about increased overshadowing]**
- Issue 5.1 (request to allow *sale of subdivided blocks without requiring construction first*) – response is ‘Noted’, but goes on to say: “Specifications are proposed to be modified to remove the requirement to construct a dwelling prior to subdivision. It is noted that this will create further single dwelling blocks, where single dwellings are able to be DA exempt.” **[This is a particularly problematic late change which does not appear to have been adequately considered for its potential consequences including poor quality single house developments without any public consultation]**
- Issues 6.4 & 6.5 (concerns that the *existing Heritage policy is not strong enough to ensure protection of heritage*) – response to 6.5 says: “Amendments will be made to the MMHDG to incorporate additional guidance regarding heritage considerations.” **[What is the community and the Assembly Committee supposed to make of this?]**
- Issues 6.8 & 6.9 (concerns that *increased housing density will place additional pressure on existing utilities and infrastructure, highlighting the need for strategic government planning*) – response to 6.8 says: “The Government acknowledges that investing in infrastructure capacity to support increased density is crucial” **[However, surely the planning for this needs to be done BEFORE the introduction of zoning changes which will increase the likelihood of haphazardly located redevelopment right throughout the RZ1 zone]**

Also of great concern are the four instances where the Authority response is ‘Agreed’. In each case the Authority has apparently misinterpreted the concern raised and taken the opportunity to introduce further undesirable and unjustified changes. Eg., in regard to:

- Issue 2.5 (*Technical issue identified - apparent typo in Specification 14.1 limiting RZ5 to 14m height if close to other zones but RZ4 has no similar restrictions. Changes from 12.5m to 21m in RZ4 may not be appropriate in all areas*) – **the Authority response is to remove transitional height provisions articulated for RZ5, which was an important protection for residents in adjoining lower density residential zones. The second part of the issue has been ignored altogether by the Authority.**
- Issue 2.6 (*Recommendation to increase the allowable height of attic roofs from 36 degrees to provide useable floor space*) **The Authority agrees with this, despite this adding to apparent building height and potential overshadowing.**
- Issues 5.3 & 5.6 (Comments on subdivision requirements) - **the Authority has taken the opportunity to propose changing long-standing good subdivision practice.**

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26 November 2025

ATTACHMENT 1 – SUMMARY OF CONSULTATION REPORT APPENDIX 1

The following summary table uses the same format as the Consultation Report Appendix 1, with paragraph numbering for ease of reference and comments by ISCCC in bold. It only lists the major issues of concern to ISCCC.

1.COMMENTS/FEEDBACK RELATING TO DRAFT MISSING MIDDLE HOUSING DESIGN GUIDE	
[Note: the Design Guide is not included in the documents given to the Minister – consider later]	
2.COMMENTS/FEEDBACK RELATING TO RESIDENTIAL ZONES POLICY	
COMMENTS/ ISSUES RAISED	AUTHORITY RESPONSE
2.1 Policy outcomes Alignment <i>There is potential for lack of certainty regarding how proposed changes allowing density can be consistent with desired 'low density' character for RZ1 areas. Provide clearer, objective guidance on what “primarily low density” means.</i>	No change. While the provisions provide opportunity for change in RZ1, the policy outcomes highlight that it is anticipated that change will be incremental in nature and will occur over a long timeframe. [ISCCC – this does not respond to the issue]
2.2 Some feedback that proposed density targets take no account of location, character and suitability, with higher-density redevelopment having potential significant impacts on older suburbs. [ISCCC – this reflects our concerns that the proposed changes for RZ1 are a ‘one size fits all’ approach devoid of planning]	Noted. - density maximums, being technical specifications, do not provide an 'as of right' to develop up to the specified density...development proposals are required to demonstrate comprehensive responses to the Planning Act 2023 and the Territory Plan, including the Residential Zones Policy which may limit the development capacity of individual blocks.
2.3 Some concerns that draft documents don't adequately promote design for climate resilience and reducing urban heat island effect, particularly given the reduction in planted area.	Noted. Through the actions outlined in its 2019-2025 ACT Climate Change Strategy, the ACT Government continues to build the Territory's climate resilience capacity. [ISCCC – this is alarmingly off-handed]
2.4 Recommendations to merge RZ1 and RZ2 zones outcomes into one Suburban Low-Mid Density Zone as reforms make them very similar. Alternative recommendations are to: • expand the extent of RZ2 zones (effectively rezoning some RZ1 areas) and discourage single detached houses in RZ2-RZ5 zones. • restrict the development of new single dwelling houses in RZ2	Noted. The Authority are currently considering the appropriateness of current land use zones in well-located areas, such as around commercial centres. This is considering opportunities to rezone sites from RZ1 to RZ2. Should rezoning be proposed, it will be subject to further public consultation. [ISCCC – why didn't they do this before putting out these unjustified ‘upzonings’?]
2.5 Technical issue identified - apparent typo in Specification 14.1 limiting RZ5 to 14m height if close to other zones but RZ4 has no similar restrictions. Changes from 12.5m to 21m in RZ4 may not be appropriate in all areas. [ISCCC – this is used as an excuse to further reduce very desirable existing controls, and ignores the second part of this issue.	Agreed. Technical specification to be amended. The Authority proposes to remove transitional height provisions articulated for RZ5. This is appropriately controlled through other means, such as a general consideration where developments must achieve appropriate transitions between zones, which is established as a DA consideration under section 186 of the Planning Act 2023.
2.6 Recommendation to increase the allowable height of attic roofs from 36 degrees to provide useable floor space.	Agreed. Definition to be amended. [ISCCC – this will add to the apparent height of attics and potential overshadowing]

3. COMMENTS/FEEDBACK RELATING TO THE RESIDENTIAL ZONES SPECIFICATIONS	
COMMENTS/ ISSUES RAISED	AUTHORITY RESPONSE
3.1 Some submissions raised concerns with proposed reduced carparking rates: • has potential to lead to excessive on-street and verge parking, with negative impacts on cycle / pedestrian safety, access issues for emergency vehicles and waste trucks, and general traffic safety or car security • will lead to negative streetscape outcomes • narrower / quiet streets and cul-de-sacs have limited capacity for on-street parking • existing controls for verge parking and driveways are inadequate. Verge parking that disrupts footpaths / cycleways should not be permitted. Multiple verge crossings (driveways) should be avoided. • lack of footpaths in some areas suggests difficulty for residents to access public transport and active travel networks • if no parking is available this may negatively impact older residents or people with a disability requiring services and carers' visits.	Noted. No change. The reduced car parking rates are proposed to be retained as this recognises the limited space available on blocks to balance living areas, living infrastructure, parking and associated services. The reduced car parking rates will provide greater flexibility in designing and proposing useable and high amenity dwellings. The reforms also incentivise consolidation and larger-scale developments closer to the active travel network. [ISCCC – so why don't these reduced standards only apply to those areas?] It is noted that there may be additional demand for on street and other local parking areas, which often have ample capacity. The City and Environment Directorate (CED) is responsible for the management and regulation of the Territory's verges and nature strips. It recognises these spaces are an important part of Canberra's urban streetscape and that they help create the 'garden city' character. [ISCCC - They're not protecting those even now!]
3.2 If private open space requirements are reduced, requirements for communal open space should be quantified and enforced to ensure adequate resident access to green spaces (and with associated design guidance on good design outcomes).	No change. While the reforms propose a reduction in total site area allocated to communal and private open space for multi-unit developments, from 40% of the site area to 30% of the site area, what constitutes private open space is proposed to change. [ISCCC – this misses the point altogether!]
3.3 Some concerns that reduction in planting area will reduce green garden space impacting resident mental health and losing supporting garden space around canopy trees, making it hard to combat heat island effect.	No change. Planting area has been carefully balanced against a variety of other provisions, including site coverage, principal private open space, private open space and canopy cover. [ISCCC – only the last has been increased]
3.4 General acknowledgement of the importance of tree canopy cover to help reduce urban heat island effects and submissions largely welcomed the proposed increase. Examples of other comments include: • suggested that the increase to 20% is not enough, recommending an increase to 30% to 40% site cover for tree canopy	No change. The reforms propose an increase in canopy cover from 15% to 20% for multi-unit development. The 20% canopy cover balances an increase in housing stock, with the need to reduce associated urban heat. [ISCCC – this is not good enough – ACT target is 30%!]
3.5 There was some variation in feedback on the proposed changes to solar access, solar fence and envelope. While some submissions welcomed the increased flexibility of the changes and potential for responsive design outcomes, others did not support the proposed changes.	Noted. The proposed change in solar envelope from 31o, which represents the sun angle on the winter solstice, to a 45o angle, which represents the sun angle on the equinox, is proposed to increase opportunity for greater building density to support the delivery of multi-unit development. [ISCCC – and more overshadowing!]

4. COMMENTS/FEEDBACK RELATING TO THE SUBDIVISION POLICY- [no new issues]-	
5. COMMENTS/FEEDBACK RELATING TO THE SUBDIVISION SPECIFICATIONS	
COMMENTS/ ISSUES RAISED	AUTHORITY RESPONSE
5.1 Current requirements that prohibit sale of subdivided blocks without built new dwellings are seen as reducing feasibility for new developments (particularly for ‘mum and dad’ investors) and restricting potential for future purchasers to design and build a home to meet their needs. Submissions request allowing sale of subdivided blocks without requiring construction first.	Noted. To increase development opportunity within RZ1, the Subdivision Policy and Subdivision Specifications are proposed to be modified to remove the requirement to construct a dwelling prior to subdivision. It is noted that this will create further single dwelling blocks, where single dwellings are able to be DA exempt. [ISCCC – likely to lead to exploitation & poor outcomes]
5.2 Current consolidation rules restrict good medium density outcomes and options for better site planning. Consolidation can be a preferable way to achieve quality missing middle housing – with some submissions suggesting that single block redevelopment results in small net housing yields and loss of private green space. A number of submissions called for removal of arbitrary block consolidation limits (2,000-3,000m ²) and expanded flexibility for consolidation of larger or more blocks to unlock better design outcomes. Larger developments over 3,000m ² could be subject to DA assessment and referral to a design review panel. Some submissions recommended incentives for block amalgamations near urban amenities. Others recommended that larger consolidations should occur in consultation with the local community (including potential for development control plans or similar).	No change. The block consolidation limits proposed under the reforms provide context for the level of change deemed appropriate for RZ1 areas. As currently proposed, mid-section consolidations are limited to approximately 2-3 blocks, with larger consolidations permissible for suitable end of section sites or sites fronting urban open space where there is a less perceivable disturbance to the established subdivision pattern. Precinct-scale redevelopment, that would result in a significant change to established suburbs are not intended to be captured by these reforms. The Authority is currently considering the appropriateness of existing land use zones in well-located areas, such as around commercial centres. This will examine opportunities to rezone sites from RZ1 to RZ2. [ISCCC – they should have done this first!]
5.3 The requirement for subdivided blocks to have street frontage or public pathway frontage discourages retention of existing dwellings and contradicts the design guide’s layouts for mid-section blocks. There should be no design limitation on how blocks are subdivided provided suitable amenity and accessibility is delivered. [ISCCC – this defies long-established good subdivision practice!]	Agreed. The Subdivision Specifications as proposed via DPA-04 will be amended to delete the following specification from the document; “Currently leased blocks – frontage of RZ1 block 2.4. RZ1 blocks created through the subdivision or consolidation of a currently leased block have one of the following: a) A street frontage. b) A frontage on to an urban open space or the community path system.”
5.4 Some submissions requested that specifications should prescribe allowable minimum sizes for blocks created by subdivision to provide certainty. [ISCCC – the response is a major departure from established policy, pretending to respond to public comment]	Agreed. The Subdivision Policy has been amended to incorporate a minimum block size of 350m ² for residential subdivision undertaken without the construction of a dwelling. Smaller blocks can be considered where dwellings are proposed or developments are undertaken in an integrated manner.

6. GENERAL COMMENTS ON THE PROPOSED MISSING MIDDLE HOUSING REFORMS	
COMMENTS/ ISSUES RAISED	AUTHORITY RESPONSE
6.1 Some submissions noted that there is no evidence presented that missing middle housing provides affordable housing. Reforms will further diminish detached housing stock and will drive up housing and rental prices. The new homes will likely not be affordable. [ISCCC – agree!]	Noted. While the missing middle reforms are anticipated to enable greater housing supply and diversity, it is acknowledged that elements outside of the planning system’s control, such as construction labour, skills and supply market constraints will continue to influence the affordability of dwellings.
6.2 How has Government confirmed that there is a 'missing' middle? Call for evidence base for the claim that the current supply of medium density is not sufficient or already located across Canberra. [ISCCC – agree!]	It is acknowledged that Canberra features examples of missing middle housing, however, this highlights that increasing the distribution and availability of these housing typologies will provide substantial benefits to the community.
6.3 At the moment there are no specific targets for homes suitable for older Canberrans looking to downsize or ‘age in place’, with a risk that missing middle housing delivered by industry will not be a product to suit this demographic.	No change. The MMHDG includes design element 6.3 "Diverse Housing Choice and Occupant Amenity" that includes discussion of universal design principles, supporting ageing in place outcomes. [ISCCC – whatever that means!]
6.4 A number of submissions raised preservation of Canberra’s character as a concern about the proposed reforms. The following range of comments were made: • new medium density housing will result in the loss of character of Canberra’s older suburbs and the Garden City heritage. In other suburbs, the lack of clear criteria regarding typologies, mix and character will lead to homogenous and poor design outcomes. The draft MMHDG provides no guidance in assessing and responding to the design context including “existing local character and amenity”. • calls for better protection of heritage precincts and clearer guidance of how ‘character’ will be considered in assessing applications. • Some submissions supported the creation of a ‘Special Character Zone’ to protect particular ‘high quality residential areas’ (similar to Auckland’s Single House Zone).	Not agreed. No change. RZ1 and RZ2 will be maintained as each of these zones are intended to achieve the Policy Outcomes unique to each respective zone. Future phases of the reforms will consider the suitability of land across Canberra for potential rezoning to higher order zoning (e.g. RZ1 to RZ2 in well-located, suitable areas). Block consolidations in RZ1 zones are generally limited to maximum sizes varying by location within a section, as detailed in the Subdivision Specification. These maximum consolidation size limitations are intended to provide a balance of consolidation opportunities with maintenance of suburban character in keeping with the RZ1 Policy Outcomes. It is noted that provisions of the Heritage Act 2004 continue to apply to objects and places with formal heritage listings. [ISCCC – this is an essentially meaningless ‘response’]
6.5 Concern that the existing Heritage policy is not strong enough to ensure protection of heritage buildings / registered heritage character in Canberra’s older suburbs (including the Radburn Precinct in Curtin). [ISCCC – we can have no confidence heritage will win out!]	Noted. Heritage provisions will continue to apply to development proposals involving heritage objects and places. Amendments will be made to the MMHDG to incorporate additional guidance regarding heritage considerations.
6.6 Some submissions argued there has been no comprehensive forward-planning involving communities to identify appropriate areas for increased density: • The proposed reforms will allow ‘uncontrolled’ urban intensification in high quality residential areas with no consideration of character or suitability. • .. a ‘set and forget’, market driven approach.	Noted. CED is currently undertaking further work, which includes locational suitability which may inform future rezoning opportunities for well-located blocks, such as those in close proximity to commercial centres. [ISCCC – so they agree this work should have been carried out first?]

COMMENTS/ ISSUES RAISED	AUTHORITY RESPONSE
6.7 Where RZ1 blocks are not located within walking distance of local shops and services, the positive impact of walkable suburbs are reduced. The reforms should ideally first focus on those blocks located closer to local amenities.	Noted. CED is currently undertaking further work, which includes locational suitability which may inform future rezoning opportunities for well-located blocks, such as those in close proximity to commercial centres. [ISCCC – see above]
6.8 A number of submissions noted that increased housing density will place additional pressure on existing utilities and infrastructure, highlighting the need for strategic government planning and coordination with the development sector:	Noted. The sufficiency and capacity of utility infrastructure continues to be considered during the DA assessment process. The Government acknowledges that investing in infrastructure capacity to support increased density is crucial [ISCCC – haphazard planning won't help!]
6.9 Strategic forward planning is needed for community infrastructure appropriate to meet increased demand caused by higher density, including for example local schools, shops, and community / sporting facilities, with associated connections to public transport / active transit networks and sufficient parking.	Noted. The ACT Government carefully monitors the need for city services and facility upgrades through existing programs and will consider the need for new investment as suburbs are regenerated through redevelopment. [ISCCC – of course! What could possibly go wrong?]
7. COMMENTS RELATED TO IMPLEMENTATION	
7.1 Amend the Residential Development Outcome Report template with clear instructions for applicants to outline the valued neighbourhood and landscape character in which the new development is located and to demonstrate design attributes that respect those characteristics and avoid adverse impact to them.	Noted. This will be considered through the implementation phase. [ISCCC – this is a major failing in the current approach, with vaguely worded ‘outcomes’ and totally inadequate MM Housing Design Guide. The proposals should be rejected or sent back for (much) more work!]
7.2 Mixed views on third-party appeals - some argue that the right to appeal proposals is an important safeguard against poor design outcomes and were concerned that missing middle proposals might be approved without rigorous assessment (with no right of appeal by local community)	Noted. CED is currently undertaking work to investigate a possible exempt development or accelerated assessment pathway for missing middle housing developments.. exempt development is not subject to development approval and therefore third-party appeals. [ISCCC – no justification for this!]
7.3 Concerns that the planning authority does not have capacity to manage an increase in demand for approvals, nor is there a good track record of working in partnership with other government agencies. [ISCCC – or even in handling current DAs in timely and competent ways!]	Noted. The ACT Government continually monitors resourcing requirements for administering the planning system to ensure it can operate efficiently and in response to demand. Staff are provided with regular training opportunities to ensure their capacity to undertake rigorous assessments.
8. CONCERNS RELATED TO PERCEIVED BARRIERS TO IMPLEMENTATION OF THE REFORMS	
8.1 Concerns that changes in allowable developments will lead to rates increases for all landholders even if they don't wish to redevelop. [ISCCC – the Authority ‘response’ sounds implausibly hopeful. Where are these ‘most feasible’ areas?]	Noted. It is acknowledged that land values in areas which are most likely to see missing middle redevelopment may see a modest increase over time. However, any rates increases are expected to be gradual and to be limited to areas where missing middle development is the most feasible.

ATTACHMENT 2 - “AUCKLAND UNITARY PLAN” (AUP)

The AUP, introduced in 2016, allowed urban “intensification” across “many established suburbs and some greenfields areas” (‘Auckland Unitary Plan Operative in part 15 Nov. 2016 – Chapter H Zones - H4. Residential - Mixed Housing Suburban Zone’).

This appeared to lead to a substantial increase in “dwellings consented”. However, according to the ‘Auckland Future Development Strategy 2023-2053 Monitoring report December 2024’ covering the five years 2019/20 to 2023/24, the ‘dwellings consented’ per year went from 14,776 at the beginning of the period, to a high of 21,609 in 2021/22, declining to 13,855 in 2023/24 (lower than the beginning).

Interestingly, that report noted re 2023/24 that: “compared with the previous reporting year, there was a similar pattern with consenting activity continuing to concentrate in the outer suburbs ...with less occurring in the city centre and inner suburbs”.

Note that the AUP retained an ‘H3. Residential – Single House Zone’. Its purpose “is to maintain and enhance the amenity values of established residential neighbourhoods in a number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character...To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.”

The AUP has six Residential zones – two below the ‘Single House Zone’ (the ‘Large Lot Zone’ and the ‘Rural and Coastal Settlement Zone’) and three higher density – see table below {from “The Impact of Upzoning on Housing Construction in Auckland – Economic Policy Centre May 2023”. Note the ‘Site Coverage’ and ‘Impervious Area’ controls, as well as the ‘Max. dwellings’, are all much more rigorous than is proposed in the ACT.

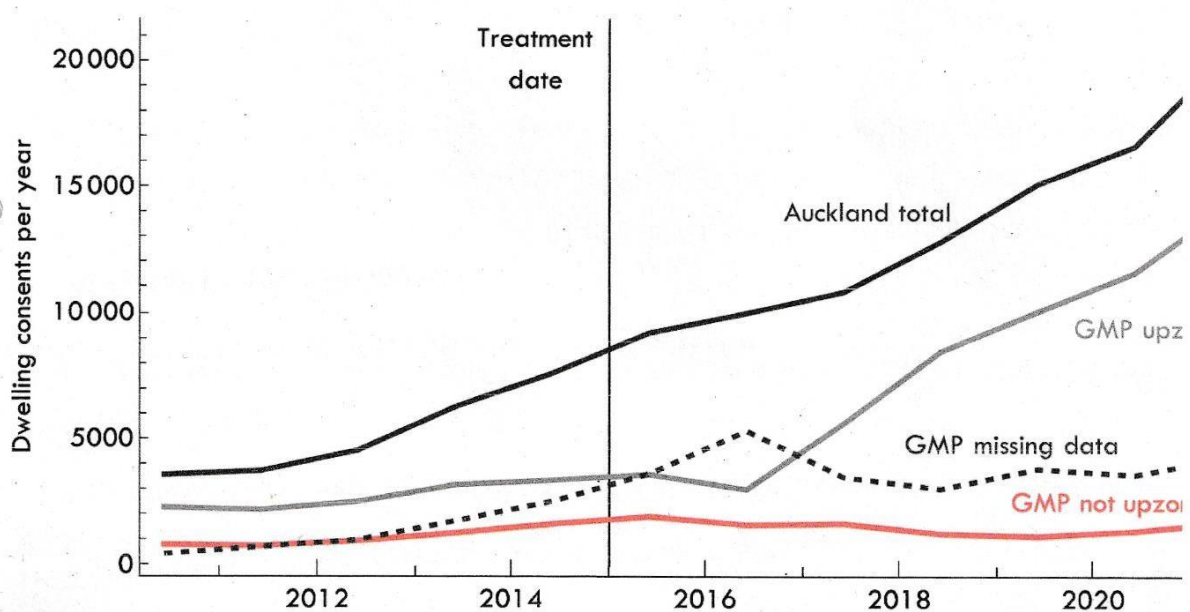
Table 1: Summary of Land Use Regulations by Residential Zone under the Auckland Unitary Plan

Regulation	Terrace Housing and Apartments Zone	Mixed Housing Urban Zone	Mixed Housing Suburban Zone	Single House Zone
Max. height	16m (five to seven storeys)	11 to 12m (three storeys)	8 to 9m (two storeys)	8 to 9m (two storeys)
Height in relation to boundary	3m vertical + 45° recession plane	3m vertical + 45° recession plane	2.5m vertical + 45° recession plane	2.5m vertical + 45° recession plane
Setback	0m	1m	1m	1m
Site Coverage	50%	45%	40%	35%
Impervious Area	70%	60%	60%	60%
Min. dwelling size (1 bedroom)	45m ²	45m ²	45m ²	n/a
Max. dwellings (on existing parcels)	does not apply	3	3	1
Min. Lot Size (subdivision)	1200m ²	300m ²	400m ²	600m ²

Has Auckland's 'upzoning' of a large part of its residential areas been successful?

The paper by Greenaway-McGrevy & Phillips [GMP] for the 'Economic Policy Centre' May 2023: *The Impact of Upzoning on Housing Construction in Auckland*," found strong evidence that upzoning (by the 2016 *Auckland Unitary Plan*) stimulated construction". However, a later paper: *The Auckland myth: There is no evidence that upzoning increased housing construction* by Murray & Helm [M&H] in 'Fresh Economic Thinking' 4 June 2023 criticised GMP's paper. The graph below illustrates that there was actually no real change in the upward trend of total dwelling consents in Auckland (black line) from about 2012/13 to 2020/21.

What this table does not show is that total dwelling consents per year for Auckland actually went DOWN again, from 21,609 in 2021/22 to 13,855 in 2023/24 (*Auckland Future Development Strategy 2023-2053 Monitoring report December 2024*).



Further, the M&H paper noted that net additional dwellings completed and connected to electricity two years after approvals were only 69% of consents since 2020.

M&H say: ***"We agree that more homes are better than fewer, but good planning matters too. Organising the location and types of dwellings can reduce total infrastructure costs and avoid social costs that cause a net loss of utility. The disorderly nature of where post-AUP development occurred is hated even by the most strident supporters of the policy now living through it."***

"Auckland's consent trend, like Wellington's, looks a lot like a growth cycle spurred by an uptick in migration around 2014, and a normal cyclical boom, one also seen in Australia's major cities following the post-GFC recovery period." (Murray & Helm)

ATTACHMENT 3 – EXTRACTS FROM THE INNER SOUTH DISTRICT STRATEGY 2023 (VOLUME 2)

Opportunities and challenges for gradual transformation [P. 10]

The challenge: to find ways to accommodate more people, from all walks and stages of life, while improving the already good liveability of our suburbs.

Larger residential blocks in the district contribute to the green network and the Garden City character and features.

Most of the district has excellent tree canopy cover providing a cooling effect in hot weather. However, Kingston and Fyshwick had relatively low tree canopy when measured in 2020, contributing to their status as urban heat ‘hotspots’.

Housing and affordability [P.12]

As one of Canberra’s oldest districts, many parts of the Inner South are characterised by larger residential blocks and a lower density housing character, particularly in suburbs such as Forrest and Red Hill. While density is to remain low in heritage precincts, the number of higher density dwelling types in the district has increased substantially in recent years. The development of precincts like the Kingston Foreshore have changed the district’s overall housing character. The Inner South has one of the highest shares of apartment dwellings (48% in 2021), with an increase since the previous Census. The share of detached dwelling types has reduced.

New housing will predominantly be medium and high-density, with major urban renewal precincts including East Lake, the Kingston Arts Precinct, Yarralumla Brickworks and Dairy Road. The light rail corridor from the City Centre to Woden presents the opportunity for public transport focussed development, with new dwellings located close to the corridor to benefit from the accessibility and amenity provided by this infrastructure. **The areas showing the greatest overall suitability for new housing in the district are along Adelaide Avenue, in and around Barton, Kingston and Griffith, and around the local and group centres [but most of these are already zoned R22-R25 or are in heritage precincts.]**

Change areas and key sites [p.15,16]

Category 1 – Change areas where detailed planning can proceed, consultation needs to occur, and change could happen within 0–5 years. In the Inner South the category 1 change areas include two sites for Territory Plan amendments at Deakin and Fyshwick, an estate development plan for Yarralumla **[Canberra Brickworks]**, a site in Fyshwick on the Indicative Land Release Program and the East Lake Place Plan. **The one ‘key site’ is East Lake [p.45]. [The first stage of East Lake – the Causeway Housing area – has already been the subject of a Major Plan Amendment**

Category 2 – Change areas where detailed planning can proceed, consultation needs to occur, and change could happen within 0–10 years. In the Inner South category 2 change areas include ACT Government projects mostly associated with the proposed light rail corridor from the City Centre to Woden and at Fyshwick East. **‘Key sites’ [pp.42-44] include: Section 19 Forrest, Deakin local centre and West Deakin. [Section 19 Forrest is already the subject of a Draft Major Plan Amendment proposing CZ5 (Mixed Uses) zoning]**

Category 3 – Change areas where detailed planning can be considered, consultation needs to occur, and change could happen within 0–15 years. In the Inner South category 3 change areas include an ACT Government project along the heavy rail corridor in Fyshwick and a National Capital Authority project under the National Capital Plan at the former CSIRO Forestry site at Yarralumla.

Potential urban regeneration areas [p.20]

In the future, there will be need to undertake further investigations into potential urban regeneration areas that may be suited to redevelopment for housing. Investigations would include consideration of a range of matters such as existing character, heritage and environmental values, natural hazards, the practicalities of redevelopment and available infrastructure.

Additional housing, employment and community services **should be located in places of high amenity and accessibility.** This includes increased housing choice, including ‘missing middle’ types in well-designed low- to medium-rise buildings, that respect the city’s character and heritage.

Supporting infrastructure required [p.47]

To support future growth in the district, a range of infrastructure initiatives and upgrades will need to be provided, including in the road and path network, WSUD, stormwater, sewer, water supply and electricity. Several projects are already planned or underway, as shown in Table 8. Further infrastructure capacity and augmentation feasibility studies will be required for the district to identify where existing infrastructure networks require extension or upgrading to support the delivery of this strategy and the district strategy plan. There are infrastructure capacity studies being undertaken across the ACT to provide comprehensive capacity analysis of urban renewal opportunities guided by the ACT Planning Strategy 2018.

ATTACHMENT 4 – ISCCC REPRESENTATION ON DA 202544502



Inner South Canberra Community Council

[To: acepdcustomerservices@act.gov.au](mailto:acepdcustomerservices@act.gov.au)

DA 202544502 – TASMANIA CIRCLE, EMPIRE CIRCUIT, [BLOCK 5 SECTION 44] FORREST

The ISCCC makes the following representation on this DA together with the Forrest Residents Group (FRG) and because of its significance as a proposal for a 'Demonstration Housing Project' with three new two-storey houses on a single house block on a prominent site in the ACT Heritage-registered '*Blandfordia 4 Precinct Forrest*'. It's a pity the planning authority did not think to advise us about this and we only learned about it through a contact from the media.

We are grateful to TT Architecture for the quality of their documentation, including their comprehensive 'Development Outcomes Report'. From that we see that this site is specifically called up in the *Inner South District Policy* to be a Demonstration Housing project limited to **three** dwellings. [This was apparently a change made to the *Territory Plan 2023* during its development and we are unaware that it was ever subject to any specific community consultation.] We are also rather surprised to see that ACT Heritage has approved the proposal, despite its apparent lack of compliance with aspects of the Heritage Guidelines for this precinct.

The block is subject to the '**Heritage (Blandfordia 4 Precinct Forrest) Guidelines 2007 (No 1)**'. We note that the site does not contain an 'identified significant building' under the Guidelines. The proposal marginally exceeds '**Mandatory Requirement**' 2.1c - "Site coverage....shall not exceed **30%** of the area of the block" (the proposal is 30.41%). There does not appear to be any justification for not meeting this **Mandatory Requirement**. Planting Area, on the other hand, is marginally more than the minimum 40% (2.1d), at 40.47%.

We believe the proposal fails to comply with the Heritage Guideline Requirement "**Objective 2.1 - Siting, setbacks and garden settings for all houses:** *To conserve the historical pattern of houses across the precinct and the provision of a generous garden setting for each house*", in particular: "2.1a (**Mandatory**): ...**construction of new houses...shall not be permitted closer to the front boundary than the original building line...**" The Survey Plan shows the existing building being set back a minimum of about 8 metres from the Empire Circuit frontage (and angled away from it) and about 10 metres from Tasmania Circle (also angling away). The **proposed** Site & Landscaping plan shows buildings with minimum set back of '8176' (or 8.176m) from Empire Circuit but generally parallel to it, and '5570' (5.57m) from Tasmania Circle – not much more than **half the minimum setback**.

The appearance of the proposal would be of a much greater amount of building to both street frontages and including to the rear (adjacent to Manning Clark House).

We also don't believe the proposal meets the intention of Heritage Guideline Requirement **"Objective 2.2 - Trees on Private Land:** To perpetuate the long term retention of trees on private land to complement tree management on public land within the precinct."

The 'Tree Management Plan' in the documents notes that **12 'protected site trees'** are to be removed for this building proposal. At least 8 of these trees are very visible from the street frontages, and we think greater efforts should have been made to retain them.

Given this is supposed to be a 'Demonstration Housing Project' we would have thought more attention should have been given to achieving a superior development outcome.

We also note that the total gross floor area of the proposal is quite high, at **42.85%**, and would be greatly in excess of other established houses in this area. The proposed individual, partly two-storey, houses vary in size from 218 to 231 square metres plus very large garages (47 up to 69 square metres). There is also a new driveway for almost the entire side boundary with 36 Empire Circuit, close to that boundary and in place of a largely open, landscaped existing yard. Two registered trees will be lost due to the new driveway and another three 'protected trees' from in front of the existing house. No significant replacement landscape appears to be proposed to the side boundary with No. 36.

In all, we wonder what desirable outcomes is this 'Demonstration Housing Project' seeking to exemplify? It proposes three very large new homes (net gain of two), each with four bedrooms, on this very large block, will have detrimental effects on the streetscape and neighbours' amenity and will result in the loss of a large number of established trees. It fails to demonstrate how multi-unit development, including substantially increased densities of diverse, affordable housing with minimal environmental impacts, can be achieved in these sorts of long-established 'Garden City' character residential areas. The proliferation of such redevelopments as anticipated by the government will inevitably lead to a rise in summer temperatures, substantially increasing urban heating in these localities.

It also demonstrates well that the Heritage Guidelines will not be enough to ensure desirable outcomes in comparable situations when (if?) the proposed 'Missing Middle Housing' changes are approved by the Legislative Assembly. We will be seeking to bring this proposal to the attention of the Assembly Committee when it undertakes its Inquiry next year.

Colin Walters
Chair ISCCC

23 November 2025