

Submission to the Consideration of Draft Variation 306 to the Territory Plan 2008

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Draft variation 306 (the Draft) goes some way to implement recommendations arising from the *Inquiry into RZ3 and RZ4 Residential Redevelopment Policies – Inner North Canberra* (February 2011). This enquiry was conducted by the *Standing Committee on Planning, Public Works and Territory and Municipal Services*. It is disappointing that the Committee has been asked to again consider the same issues in reviewing the Draft as it did two years ago during the inquiry.

In particular our concern is that recommendation 6 of the Inquiry addressing housing diversity has not been implemented, while other recommendations to remove some development restrictions have been.

Below is a table of comments on specific rules and criteria in the Draft. We note that some minor changes were made to address drafting errors in the previous draft variation 306 which we had noted in our submission (September 2011) on that draft.

As we live in an RZ3 area we have primarily focussed our comments to aspects of the draft variation relevant to RZ3. Many issues will also be relevant to corresponding rules and criteria applying to other zones.

Reference	Issue	Comment
Appendix A: Draft Residential Zones Objectives and Development Tables		
RZ3 Objectives	<i>"Residential zone objectives, as found in section 3 of the Territory Plan, are revised to better differentiate between zones, to more fully describe the "desired character" of urban development in each zone, and to recognise the importance of good solar access."</i>	Not clear if any part of the RZ3 objectives acknowledges and seeks to protect existing character in <u>older established areas</u> . Some of these areas are long-established with a distinctive character and with long-term residents. Much of the development in these areas does not respect these factors. Commend the emphasis on solar access.
Appendix D: Draft Multi Unit Housing Development Code		
R5	Dwelling replacement	R5 is a good addition to the Code. This may not be enough by itself to achieve housing and community diversity, for example, there are no townhouses being built in the Turner School area.

Reference	Issue	Comment
R20 & C 20 (RZ3)	Rule defines the number of storeys <i>ie</i> RZ3 = 2 storeys etc. New C20 states: <i>"Buildings achieve all of the following:</i> <i>a) consistency with the desired character</i> <i>b) the appearance of not more than two storeys for that part of the building facing the street</i> <i>c) reasonable solar access to dwellings on adjoining residential blocks and their associated private open space."</i>	The policy basis for the inclusion of C20 is not clear or evidenced through previous consultation. C20, part (b) is inconsistent with the description provided at the explanatory document to the draft Variation 306 (page 15). Here it is noted that <i>"additional storeys will be approved only if any additional storey is not apparent from the street"</i>. C20 is not specific enough; it only refers to that part of the building facing the street, not to other parts of the building which may still be visible from the street. If C20 is kept, the extra storey needs to have mandatory front, side and rear set backs from lower storeys. C20, part (c) <i>"reasonable solar access"</i> is not specific enough and open to broad interpretation. It would be expected that developers are more likely to choose the Criterion route, which will be a source of dispute. Possible alternatives for C20 part (c) are: • it is mandatory that the additional storey does not encroach outside the building envelope; and/or • remove the C20.
R21 & C21 (RZ4) R22 & C22 (RZ5)	Number of storeys	See above discussion on R20 & C20.
R29 & C29	Front Setbacks	The impact of C29 is the reduction of front setbacks in established areas as builders are no longer required to have regard to the characteristics of the streetscape and neighbouring dwellings. The Rule should be mandatory.
R34	Encroachments	Possible editing error? Repeats content of Rules 31 to 33. Looks like previous version of R31.
R38	Site Open Space	Not clear if 10% planting area is part of or additional to 20% communal open space. There is a formatting error in clause numbering – sub clauses of paragraph a) should be: i) <i>communal open space</i> that complies with all of the following a) a minimum dimension of 2.5m b) is directly accessible from common entries and pathways ii) <i>private open space</i> that complies with all of the following a) a minimum dimension of 2.5m b) is associated with <i>dwellings</i> at the <i>lower floor level</i>

Reference	Issue	Comment
R52	R52 states: <i>"Minimum dwelling floor areas are as follows:</i> <i>a) studio dwellings-40 m²</i> <i>b) one-bedroom dwellings-50 m²</i> <i>c) 2-bedroom dwellings-70 m²</i> <i>d) dwellings with 3 or more bedrooms - 95m²</i> <i>The minimum dwelling floor area excludes balconies and car parking facilities. Storage within dwellings is included in the area calculation."</i>	95m² is too small for dwellings of 3 or more bedrooms for long-term occupants including families. Provision of such family accommodation was a key recommendation of the ACT Legislative Assembly Standing Committee on Planning, Public Works and Territory and Municipal Services <i>Inquiry into RZ3 and RZ4 Residential Redevelopment Policies – Inner North</i>. Therefore the minimum size should be increased (eg to 110m²). This could be done here for all 3+ bedroom dwellings, or at R5 (dwelling replacement) where it would relate specifically to any 3+ bedroom dwellings required by R5.
C61	Principle private open space	Should C61 allow service functions to be separate from principle POS for upper level units, as per R61?
R62	R62 states: <i>"The minimum separation between an unscreened element and an external wall on the same block or an adjoining block, is 3m."</i>	Should the separation be specified in relation to external walls 'at or above the same height' to the unscreened element? The current wording would seem to also include external walls at a lower level, which would not have the same degree of impact on outlook.
C69 & C70	Driveways and verge crossings	Forward entry to busy roads will always be desirable. These criteria should be about deciding if more than one driveway is an efficient and acceptable way to achieve this.
R72	Driveways and verge crossings	Could driveway widths be reduced if separate entry and exit driveways have been provided (ie one-way traffic)?
R73	Internal driveways	As for R72 regarding driveway widths. Separation from bedroom windows should be specified, and be greater than separation from other habitable rooms (eg 3m). Note that 'setback' is a defined term and its use in this Rule is not consistent with the definition.

Reference	Issue	Comment
R77	R70 states: <i>“Car-parking spaces on the site for residents comply with all of the following:</i> <i>a) located behind the front zone (except for apartment car parking)</i> <i>b) can be in tandem where they belong to the same dwelling</i> <i>c) do not encroach any property boundaries</i> <i>d) one car space per dwelling is roofed and located behind the front zone</i> <i>e) are separated by not less than 1.5m from windows or doors to habitable rooms of dwellings that are not associated with the parking space.”</i>	Not clear what part b) achieves. As drafted this clause does not exclude anything. If it is intended to exclude tandem parking spaces in other cases (ie spaces for different dwellings) then it needs to be redrafted. Distance from bedroom windows should be specified, as noted above for R73 above.
R82, C82	Visitor parking	R82 - Separation from bedroom windows should be specified, and be greater than separation from other habitable rooms (eg 3m). C82 - Does not address the same issues as the rule – there is not mention of separation from openings to habitable rooms (let alone bedrooms) to protect resident amenity.