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DV 306

DV 306 PRESENTATION TO ACT LEGISLATIVE ASSEMBLY JULY 2012



Introduction

- RAIA Personel
 - Tony Trobe (President RAIA)
 - Alan Morschel (Chair Planning Committee)
 - Brendan Baxter (Planning Committee)
 - Natalie Coyles (Planning Committee)

Slide 2

NC2

Is the R to be removed from RAIA?

Natalie Coyles, 18/07/2012



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General comments in relation to DV 306 and planning in the wider context are addressed in the following slides.



- RAlA membership (who do we represent)
- Our mission statement “to make the world a better place through Architecture” (a different agenda to other Industry groups)
- Refer to promise made with the revisions to Territory Plan in 2008
 - Simpler
 - Better
 - Faster
 - More effective
- We believe DV 306 has the ability to contradict these objectives



- Role of Architects
- The Architects code of professional standards and conduct states that architects have '*a fundamental and overriding obligation to serve and promote public interest*' and '*....where possible, to contribute to the quality and sustainability of the natural and built environment....*'
- We all want the best outcomes for our community



Current planning system is letting us down

- There has been a drift away from a 'performance based' system
- It no longer a bench mark document.
- Does NSW actually has a better planning system? (reference to NSW SEPP 65)
- The Territory Plan is a large and unwieldy document (compare with other jurisdictions and previous version of ACT Planning documents)
- Land sales driving design
- Undermines innovation and the role of Architects



Does DV 306 offer a real solution?

- Lacks clarity - a vision of what sort of city we want and how we can achieve it
- Lacks compatibility with draft Strategic Plan (poor timing)
- It is a continuation of existing trend away for a performance based system
- It does not have the capacity to allow assessment based on outcomes
- Piecemeal, tick box approach
- Does not cohesively address basic principles to achieve positive developed outcomes - seems to be plugging holes in a knee jerk manner rather than
- MBA, HIA agree



Quantitative vs Qualitative

- Old planning system vs new
- Not policy neutral ?? Making policy without bigger picture being resolved.
- Direction not clear.
- Mandatory 'rules' with no criteria often lead unexpected results – creating risk and uncertainty
- Quantitative parameters stifle innovative responses



Nature of the document

- It is large and unwieldy (compare with other jurisdictions and previous documents)
- Items are rarely removed
- Too many controls for single issues i.e. to control bulk and scale;
 - Height, storey, building envelopes, setbacks, solar fence all control similar things.
- L&D's often contradictory.
- Difficult to navigate as a practitioner.



Unintended consequences

- DV306 leading to overall loss of 'density'
- Death of RZ2 has left gap in scale, ie all high rise or cottages.
- Local centres decline as local population declines
- "McMansions" will increase in RZ2.
- Green agenda defeated...not a contribution to the sustainability agenda.



Affordability

- The following case study analysis below suggests that only by significantly underutilising the GFA permitted could houses be provided that are “affordable” and that is unlikely to be feasible for any private developer and will significantly compromise the return to the community, in many senses, for land held by the government.



Affordability and CUC

Item	Value
Site Size (3 x 800 m ²)	2,400
Dwellings permitted under DV306 MU Code Table A2	6
GFA permitted under DV306 for an amalgamated single dwelling block site @ 50% of site area	1200
Area per dwelling (including mandatory car park zone)	200
Construction cost per dwelling @ \$1500.00/sqm	\$300,000.00
Land cost based on a an estimated average detached house price; \$500,000 x 3 blocks	\$1,500,000.00
Land cost per dwelling	\$300,000.00
Cost to construct (land + dwelling + CUC)	\$622,500.00
15% profit (margin required by financiers to finance)	\$93,375.00
10% fees and charges	\$62,250.00
Average total cost per dwelling	\$778,125.00



Affordability

- Cost of dwelling still unaffordable (so why do it?)

Hypothetical Development with 50% GFA Utilisation excluding LVC

Item	Value
Site Size (3 x 800m ²)	2,400
Dwellings permitted under DV306 MU Code Table A2	6
GFA permitted under DV306 for an amalgamated single dwelling block site @ 50% of site area	1200
Area per dwelling (including mandatory car park zone)/2	100
Construction cost per dwelling @ \$1500.00/sqm	\$150,000.00
Land cost based on an estimated average detached house price; \$500,000 x 3 blocks	\$1,500,000.00
Land cost per dwelling	\$300,000.00
Cost to construct (land + dwelling + CUC)	\$472,500.00
15% profit (margin required by financiers to finance)	\$70,875.00
10% fees and charges	\$47,250.00
Average total cost per dwelling	\$590,625.00



The influence of TAMS

- TAMPLA? (unaccountable)
- Planning dominated by utilities rather than concepts of liveability.
- Proscriptive
- Codification – rules are unclear and difficult understand their position
- Verges, trees, garbage trucks, access
- Not “one government” See diagrams ie no formal connection.
- Departments operate as ‘Silo’s’
- Assessment based on risk mitigation as opposed to improvement and outcomes



Tree legislation

- Different Acts administering trees and controlled by different parts of Govt.
- Street trees handled separately to 'private' trees.
- ACPLA and TPU not co-ordinated.
- Assessment of trees not consistent with Australian standard
- Blunt instrument.
- All aspects badly need reviewing.



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ACAT

- Is making planning policy
- Not Planners
- Enormous consumption of resources that could be better used elsewhere.



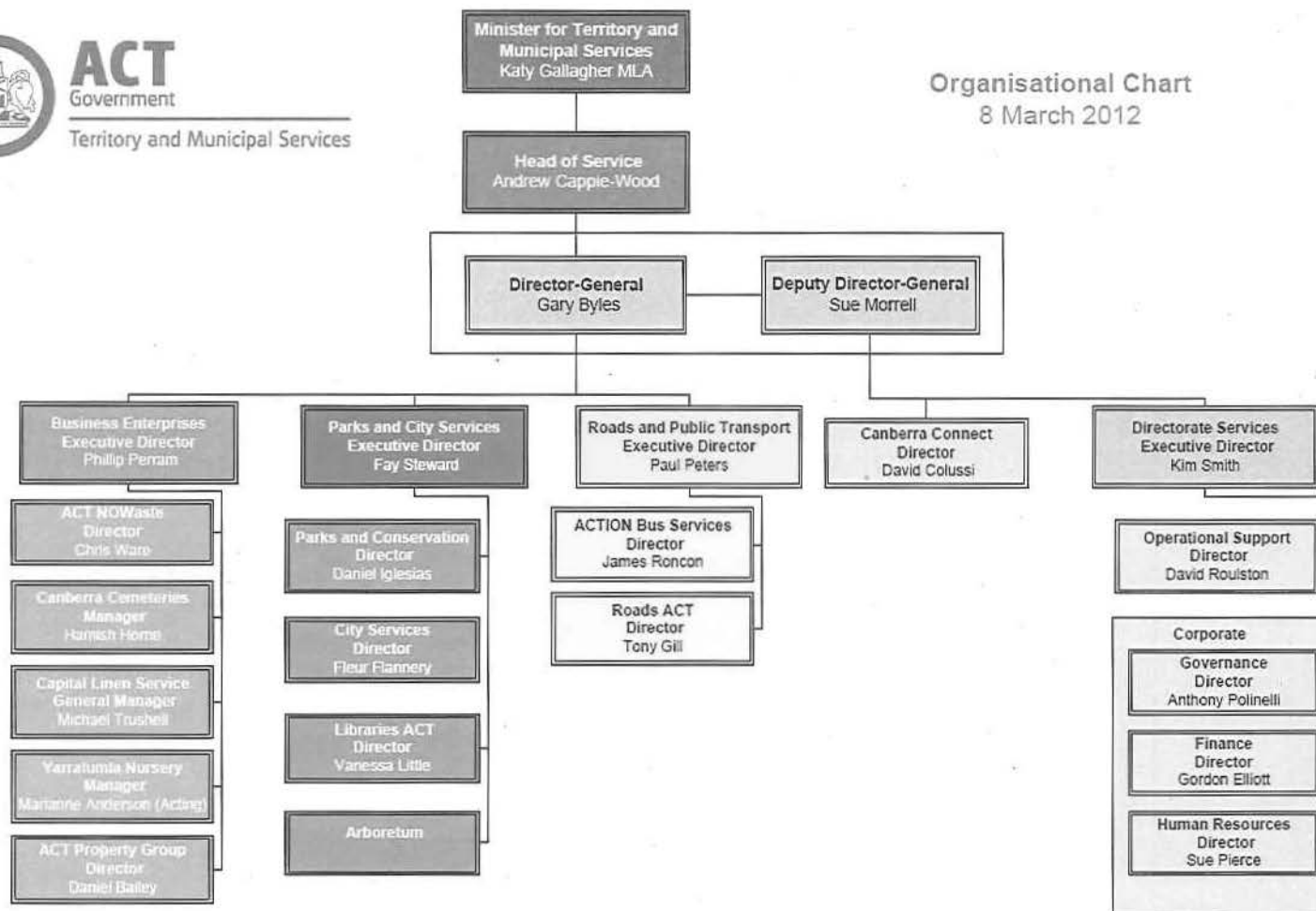
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ACT
Government

Territory and Municipal Services

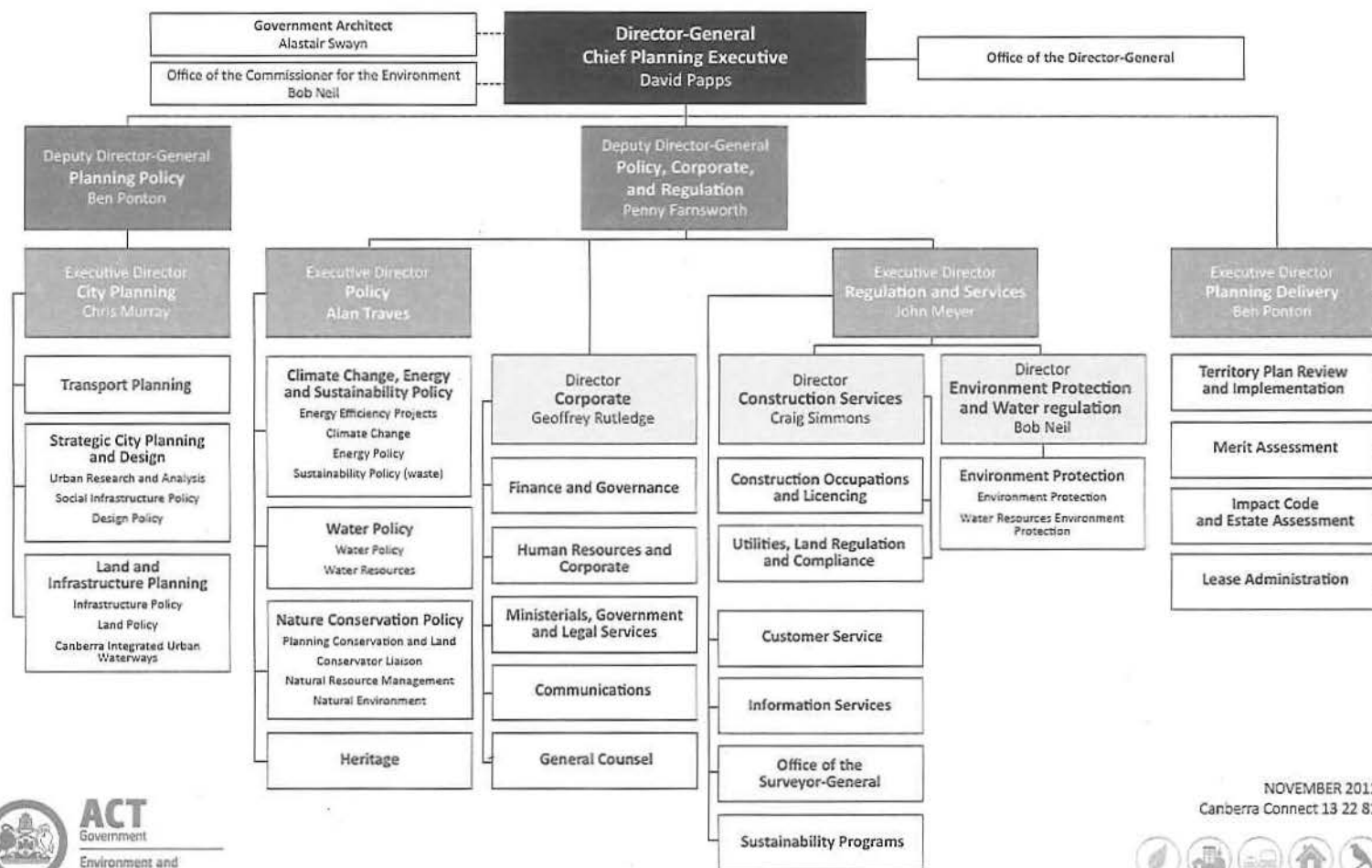
Organisational Chart 8 March 2012





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Organisation Chart Environment and Sustainable Development Directorate





Summary of Effects of DV 306

- interim effects have caused confusion
- Impact on cost
- RZ 2 even less useful than previous in increasing density
- Government has acquiesced to minority interest groups at the expense of the city making and a sustainability agenda.



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The following slides deal with more Specific issues relating to DV 306.



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Neighbourhood Character

- New term 'Desired Character' is very poorly defined
- Increased uncertainty = more ACAT appeals



Is this 1930 Garden City housing next to Manuka shops, a mix of duplexes and apartments, consistent with the 'desired character' of RZ1, RZ2 or RZ3? DV306 keeps us guessing.



Second residence

- Supported in principle
- Should be no lease variation charge
- A more site appropriate assessment the size the second unit would be more appropriate, ie a contextual response.
- Should be allowed to do with knockdown/rebuild as well with existing residence.
- Perhaps use a plot ratio control rather than the 75m² suggested.



Basements

- Not addressed in this variation and should be.
- Should be allowed in addition to 2 storeys
- No affect on streetscape.
- Area of basement not associated with GFA where does not contribute to bulk and scale.



Attics

- 45 not 36 degrees should define roof pitch.
- Origin of 36 degrees rule ill conceived.
- Not counted as storey as does not add to bulk and scale
- Increases density
- ..but no 3 storey façade



Solar Fence Rule

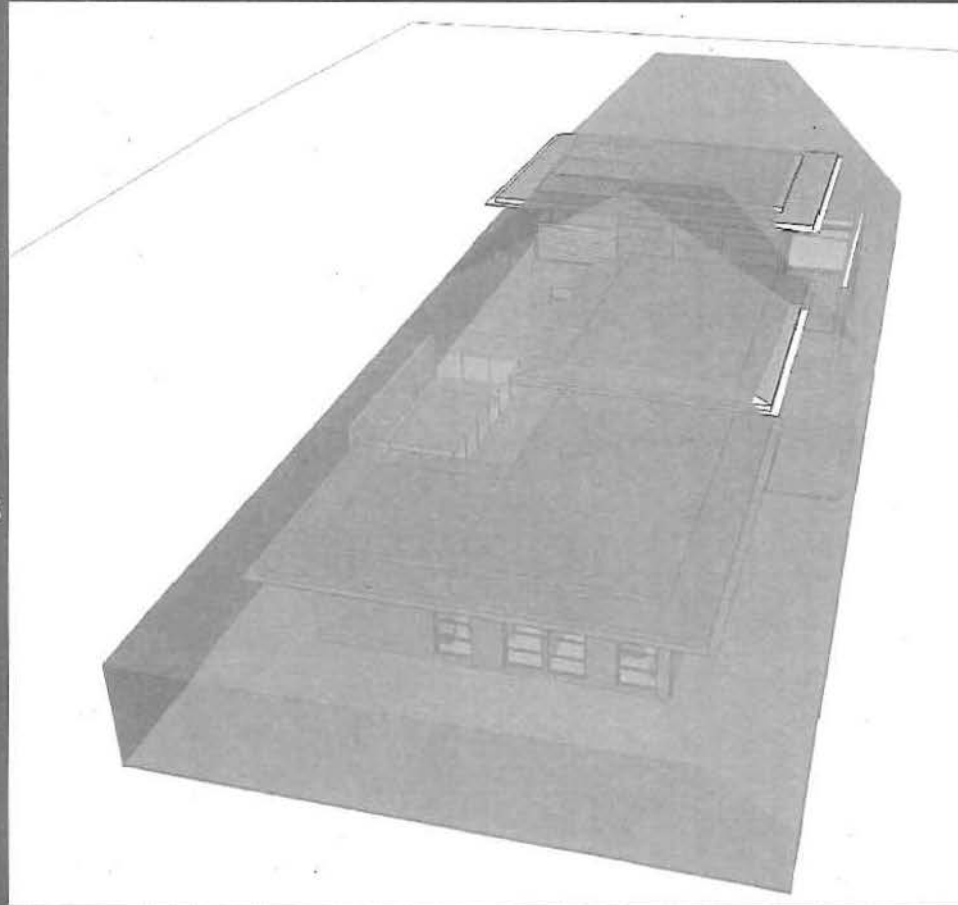
- Not working
- 2.3 m fence exempt
- Forcing buildings to the middle of block
- No achieving desired outcomes
- Too many bulk and scale controls
- Rights of neighbours vs proponents



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Consequences of Solar fence rules

Envelopes prior
to solar fence
Solar fence rules

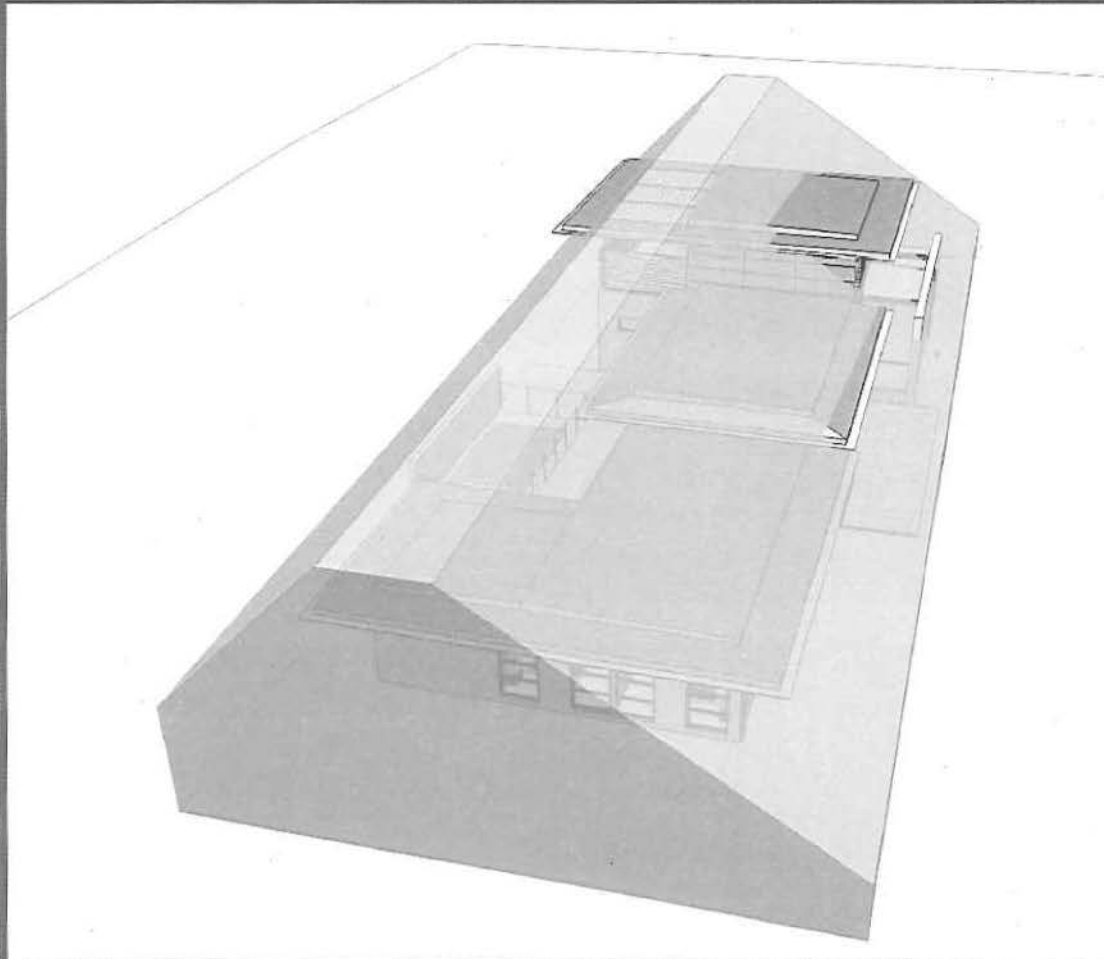




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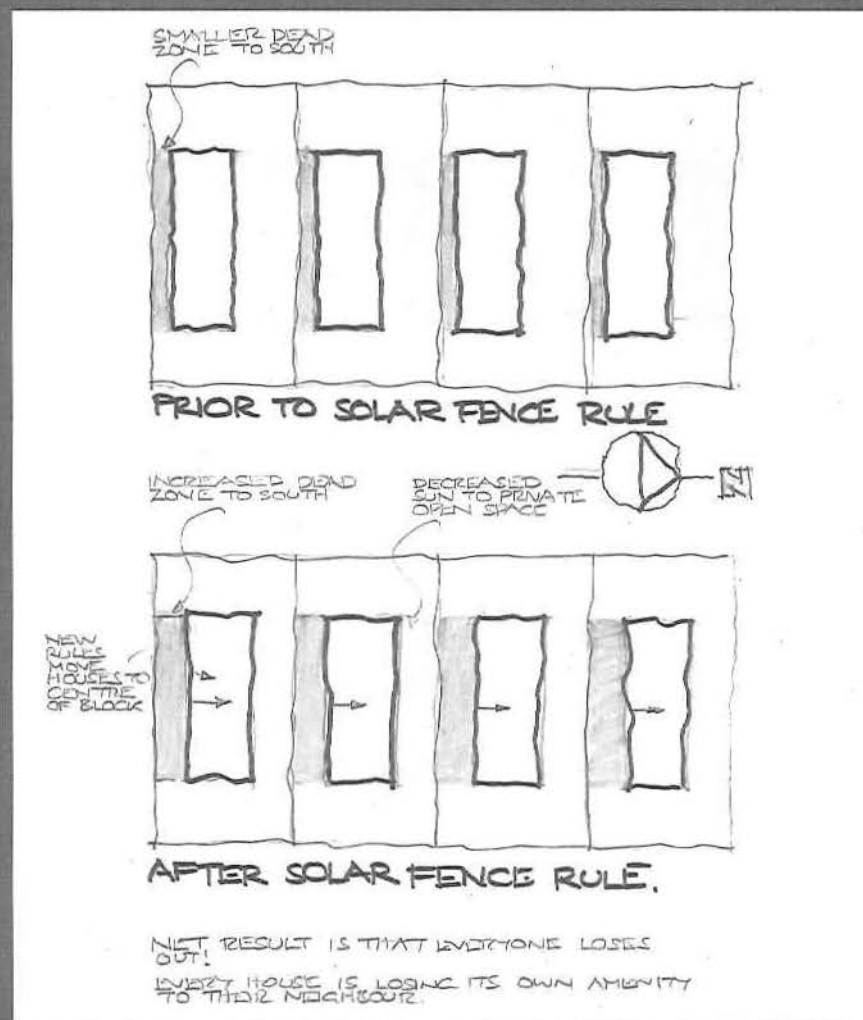
Consequences of Solar fence rules

Solar fence
envelope





Consequences of Solar fence rules





Dwelling replacement policy

- Not supported
- Not supported by market
- Do not engage in social engineering without good research and evidence for it.
- MBA and HIA have commented on this in detail and we support their position.



Decreasing Density

- new plot ratio controls restrict reasonable outcomes



Cox Humphries Moss Moorehouse Street Terraces Photo Ben Wrigley

The successful precedent of City Edge could not be repeated under DV306 in the medium density residential zones of RZ2, RZ3 and RZ4 because of new mandatory plot ratio restrictions.



Decreasing Density – in RZ2

- RZ2 provisions restrict density and dwelling diversity in multiple ways



Colliers Caddys Bentham Street Yarralumla Housing

ACTPLA included images of this successful housing development in its RZ2 Zones Fact Sheet even though this design outcome would not be possible under the proposed rules.



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Articulation

- 4 dwelling max is ineffective & inappropriate articulation control



This housing in Forrest was cited as a positive example in ACTPLA's 2008 publication on *Garden City Values and Principles* but could not be repeated under DV306 building separation rules.



Building Height

- Attempts to increase flexibility is supported
- However rules remain too proscriptive & inflexible



This successful precedent at Kingston Foreshore, where 4 to 6 storey buildings overlook parkland, could not be repeated under DV306 for RZ5 sites because building heights adjoining parkland are restricted to a maximum of 3 storeys.



Increase in Mandatory Rules

- mandatory rules for many relatively insignificant issues prohibits good design and planning outcomes
- increase in risk of ACAT appeal



Summary of Recommendations

- Scrap DV306
- Concentrate on criteria (outcomes based approvals)
- ...or independent external review
- Assess against strategic plan and agreed vision
- Codify TAMS
- Make changes to Plan in structured manner, not ad hoc.
- Support 2nd residence but allow bigger
- Consolidate and minimise bulk/scale/solar controls