

Yarralumla Residents' Association Inc.

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The Manager
Development Policy Section
ACTPLA
GPO Box 1908
Canberra ACT 2601

Dear Sir/Madam

Re: Draft Variation to the Territory Plan No 306

The Yarralumla Residents' Association (YRA) is pleased to provide this submission in relation to Draft Variation 306 to the ACT Territory Plan.

The Association considers that other residents' groups, in particular the Griffith/Narrabundah Community Association, have provided very comprehensive submissions that cover key issues that are also of concern to Yarralumla residents. This submission does not seek to duplicate those submissions but rather makes recommendations on issues that are of particular interest to the YRA.

Recommendation 1: Systematically review Territory Plan provisions to ensure consistency with the Plan's Statement of Strategic Directions

As proposed by the Griffith/Narrabundah Community Association, the YRA also calls for the specific provisions of the Territory Plan to accord with the Plan's Statement of Strategic Directions to ensure that:

- Heritage areas and their surrounds have adequate protection
- The garden city character of the older suburbs, which gives Canberra much of its distinctive character, is preserved
- The provision of adequate space for trees and other vegetation is actively encouraged as part of residential development and redevelopment, not only to maintain Canberra's character as a garden city but especially for environmental reasons (reduction of heat island effects) and other reasons of residential amenity
- Greater regard is given to differences in the needs and character of different parts of Canberra and this is reflected in the incorporation in the Plan of appropriate neighbourhood plans and/or precinct codes
- Areas set aside for recreational and open space purposes are protected and enhanced for use by future generations.

Recommendation 2: Make Territory Plan documentation more easily accessible to the general public

The YRA calls for the draft variations to the Territory Plan to be written in plain English and organised in separate sections for each zone so that the requirements for each zone are clear to the average Canberra resident. These plain English explanations should be part of the Territory Plan from the statutory viewpoint.

Recommendation 3: Retain reference in the Territory Plan to Neighbourhood Plans until such time as they are superseded by precinct plans

The YRA is strongly of the view that reference to Neighbourhood Plans should remain in the Territory Plan as the primary source of descriptions of “desired character” for particular neighbourhoods, until such time as they can be superseded by Precinct Plans developed in consultation with those neighbourhoods.

Recommendation 4: Review plot ratio provisions to ensure consistency with garden city principles and to increase resilience in the face of climate change

There should be a review of current plot ratio definitions and requirements to ensure consistency with Garden City planning principles and with efforts to make the ACT more resilient in the face of more extreme weather events associated with climate change. Plot ratios should provide sufficient space for permeable surfaces that can help reduce water run off, and for the growth of shade trees to reduce the heat island effect.

Recommendation 5: Ensure that setbacks are not reduced further and that they are consistent with the surrounding streetscape

Setbacks should not be reduced further, and they should be consistent with the surrounding streetscape. The inadequate front setback at the Ambassador Apartments in Hopetoun Circuit in Deakin is an example of what should be avoided. The front setback of that apartment complex is significantly less than the adjacent Deakin shopping centre, leading to the building’s domination of the streetscape, and inadequate room for the growth of deep-rooted trees on the adjacent Hopetoun Circuit verge. It is interesting to see the inconsistency between the actual setback and what one may have anticipated from reading the relevant NCA Development Control Plan No. 171/06/0003 which states that “...footpath areas should be wide enough to cater for pedestrians and allow for seating areas, outdoor cafes, planting and urban art.”

Recommendation 6: Ensure consistency between solar access requirements for housing in new estates and in existing suburbs, such that daytime living areas face north

The YRA applauds the provision in DV306 requiring that overshadowing be limited to not more than the shadow cast by a 1.8 metre fence on the boundary at noon on the winter solstice.

However, the YRA would also like to see consistency between the requirements for new estates and for rebuilds in existing residential areas such that in both cases there is a requirement for daytime living areas to face north and for sunlit private open space. We are not confident that the requirement for an energy rating equivalent to 6 stars will deliver that outcome.

Recommendation 7: Strengthen provisions relating to removal of concessional status under the Lease Variation General Code

The YRA, together with other residents' associations, has observed what appears to be an increase in the number of concessional leaseholders seeking to change their lease purpose clause to enable commercial and other uses of the land. In the YRA's own case, we are particularly concerned to ensure that community use of the Lake Burley Griffin foreshores and the Yarralumla Bay recreation hub is protected. We propose the following wording for Rule 6 of the Lease Variation General Code:

"R6

A variation to a lease that removes its concessional status is supported by a social impact assessment prepared by a suitably qualified person that demonstrates that:

- (a) continued use of the land for the purpose stated in the current lease would not be feasible by the current lessee or by another community organisation; and
- (b) the variation would yield significant net social and economic benefits to the community."

Recommendation 8: Ensure greater consistency between ACTPLA and NCA approaches

The YRA understands that the NCA has responsibility for Commonwealth-owned land and that ACTPLA interprets NCA requirements in considering development applications for land that interfaces with Commonwealth land. We also understand that TAMS decides on tree species to be planted on those sites. Given the significant amount of Commonwealth owned land in Yarralumla, our suburb is more likely than most others to experience the impact if anything "falls in the cracks" between these two planning regimes.

The overview for the Territory Plan states that "It must not be inconsistent with the [National Capital Plan](#)". However, it is not clear how this is operationalised so that on a day-to-day basis this consistency can be assured. For example, does ACTPLA itself certify that a particular development adjacent to Commonwealth land has complied with NCA requirements or is this left to a certifier engaged by the developer? If not already done so, the NCA should be asked to comment specifically on any concerns regarding such proposals.

Recommendation 9: Develop a better and more user-friendly format for development applications and their assessment so that breaches of the rules will be clearer

Significant differences in the quality and size of development applications can make it very time consuming for residents' groups to assess the proposals properly before deciding whether to lodge objections. The YRA would like to see a better format for development applications and for their assessment so that breaches of the planning rules will be clearer.

The YRA would be happy to elaborate on any of these comments if needed.

Yours faithfully,



Robin Brown
President