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15 August 2011

Manager,
Development Policy Section
ACT Planning and Land Authority
GPO Box 1908
CANBERRA ACT 2601

Via e-mail: terrplan@act.gov.au.

Dear Sir/Madam,

Draft Variation 306 to the Territory Plan

Thank you for the opportunity to provide comment on Draft Variation 306 (DV 306) to the Territory Plan.

The Housing Industry Association (HIA) is Australia's peak residential building industry association. It represents over 40,000 members nationally, with 1,500 members in the ACT and Southern NSW region alone. HIA members include building and development companies, large and small, who together construct over 85 per cent of the nation's new housing stock in all its forms.

HIA members are involved in all facets of the residential building industry including land development, detached housing, multi-unit construction, the various trade areas, architects and building professionals along with manufacturers and suppliers of building materials.

Consequently, HIA is well positioned to comment on the draft variation on behalf of the residential construction industry.

Firstly HIA reiterates the comments made in previous submissions on DV301 and DV303. Most notably, that HIA continues to support the codification of planning rules and requirements where this leads to greater certainty, both for the housing industry and for the community. However, the pursuit of certainty through codification should not be seen as an invitation to introduce an additional layer of requirements that are not policy neutral and that come at the expense of housing affordability and innovation. Codification should produce simplification and streamlining of rules, in combination with creating greater certainty.

HIA generally supported the introduction of the previous codes collectively under draft variation DV306 as the business of land (estate) development has serious implications for housing development. There are a number of positive changes that will arise from the draft variation. This includes the reduction in minimum block size in RZ2 (800m² – 700m²) for dual occupancies in keeping with the approach of one dwelling for each 350m². However we are disappointed that a minimum block size has been retained in RZ1 (800m²) for dual occupancies.

There are certain aspects of the draft variation that are of concern to HIA and these matters are outlined below:

Structure and understanding

The modified structure of the new draft code is supported, however as previously requested it is considered necessary that ACTPLA develop a 'Development Application Guide' to further assist industry in understanding the application of the Territory Plan and to overcome any ambiguity and uncertainty (particularly in relation to the administration of rules and criteria). Such a guide is already entertained and referenced in the introduction to various Codes but the only document which comes close to this is the "Quick Guide to the Territory Plan" on the ACTPLA website. This document is not comprehensive enough when it comes to outlining the application of the Territory Plan to allow ease of use by both applicants and the community.

Solar Access

HIA emphasises the importance that solar orientation of land development plays in meeting the solar access requirements for new housing development.

However the introduction of the territory solar set back envelopes has resulted in a further layer of design complexity and consumer uncertainty. This can be best illustrated by the disappointment of purchasers regarding the limitations and constraints that now apply to pre-purchased vacant land sites. These subdivisions which were previously designed, approved and constructed with no reference to the proposed solar requirements and hence reflect no ability to achieve an acceptable market return based on achievable building footprint should not be penalised by the proposed changes to solar access.

This will require an ongoing element of scrutiny with the control and containment of housing affordability a key issue for government.

In addition, there is a fear that solar access will constrain house design and impinge on the rights of owners to enjoy and utilise sections of their land. It may also generate unintended consequences. For example, the solar setback in most cases requires the larger blocks to have the south side set back 3 metres. This creates more living area to the south rather than the north which is not an accepted passive solar design outcome.

There may also be a major impact on proposed infill block developments where solar access cannot be achieved due to existing surrounding developments, rendering them unviable and hence undevelopable.

Secondary residences

The draft variation has nominated a maximum floor area of 75m² for secondary residences. HIA considers that this should be increased to 90m² or satisfy the single dwelling plot ratio across the whole site.

Building height

HIA recommends that the overall height criteria be adopted in favour of any limit on the number of storey limitation as this will encompass the overall desired plan of densification.

I would be pleased to meet with you in relation to this issue and can be contacted on 6285 7300 or n.evans@hia.com.au. Also you can contact Stephen Smith 6285 7300 or stephen.smith@hia.com.au.

Yours sincerely
HOUSING INDUSTRY ASSOCIATION LIMITED

A handwritten signature in blue ink, appearing to read 'Neil Evans', with a stylized flourish at the end.

Neil Evans
Executive Director