



Australian Institute of Architects

ACT Chapter

28 August 2015

Legislative Assembly for ACT
Standing Committee on
Planning, Environment, and
Territory & Municipal Services

Draft Variation to the Territory Plan No. 343

**Residential blocks surrendered
under the loose fill asbestos
insulation eradication scheme**

SUBMISSION BY

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PURPOSE

- This submission is made by the ACT Chapter of the Australian Institute of Architects (the Institute) to the National Capital Authority.
- Comments have been prepared by the Australian Institute of Architects ACT Chapter Planning Committee.
- At the time of this submission the ACT Chapter President of the Institute is Andrew Wilson.
- The ACT Chapter Manager is Melanie Croaker.

INFORMATION

Who is making this submission?

The Australian Institute of Architects (the Institute) is an independent, national member organisation with over 12,000 members across Australia and overseas. The Institute exists to: advance the interests of its members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our community, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.



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1.0 INTRODUCTION

The Australian Institute of Architects (hereinafter the Institute) welcomes this opportunity to make a submission to Legislative Assembly for ACT, Standing Committee on Planning, Environment, and Territory & Municipal Services. This submission is in response to the **Draft Variation to the Territory Plan No. 343**, regarding residential blocks surrendered under the loose fill asbestos insulation eradication scheme (hereinafter DV343).

The Institute is a National peak body with 12000 member architects residing in all Australian states and territories, including 360+ members in the ACT.

The following submission is from the viewpoint of the architectural profession locally, a profession whose members have everyday dealings with planning authorities and whose members have made major contributions to the planning and design of the ACT.

The Institute's members are concerned to preserve the special significance of Canberra as a high quality urban centre, but also acknowledge the need for a rational and sustainable change to the City as it continues to grow and develop.

2.0 BACKGROUND

DV 343 arises out of the misuse of loose fill asbestos to insulate 1021 houses across the ACT and the need to defray costs to the community of the Government decision to demolish these residences.

The circumstances that have brought about this review of planning controls have been traumatic for the households involved. However, the resulting planning review has highlighted again the potential for improved land utilisation through dual occupancy development on sites meeting specific criteria with regard to context, size and access within RZ1 areas.

While removing harmful asbestos, DV343 is an opportunity to reinvigorate suburban areas with high quality design and built outcomes.

A growing concern for many Architects over the past years has been the limited opportunity in the ACT to fully address urban change and offer a range of alternative housing typologies for the increasingly diverse and steadily ageing population. To constrain unsustainable urban sprawl, residents expect more than just the same limited choices. Planning policies for established areas in Canberra, currently only offer a housing choice between the extremes of high-density apartments in the town centres and low- density of single houses on single blocks. The houses are either original, often with poor thermal performance and accessibility for ageing residents, or new and very large replacements of the original. The important housing choices to meeting a broad range of demographic needs, increased usage of existing services and infrastructure in the suburbs, and provision of more diverse and vital neighbourhoods that result from increase in density, cannot be met by relying only on the existing town houses, garden flats, walk-up flats and a small number of dual occupancies. More development using these medium density typologies are required.

There are a range of suitable and supportive planning policies that ACT Government should adopt and improve in order to redevelop the City more sustainably. Therefore, the re-establishment of unit-titled dual occupancies in RZ1 should not be limited to the sites impacted by the presence of Mr Fluffy insulation.

A City that wants to meet the challenges of inevitable urban change and provide alternatives to the unremitting urge to sprawl, with a long-term sustainable infill policies that allow the city to evolve naturally, needs a more rigorous and robust programme than is currently in place.

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DV343 may have broader benefits by allowing for increased housing provision in established areas. However, the Institute believes that limiting expanded dual occupancy planning policies to the Mr Fluffy sites:

- ignores the long-term benefit to the City of an expanded dual occupancy program; and,
- signals Government willingness to waive planning requirements for fiscal gain while ignoring the consequent inequity that all other residential leaseholders do not have the same right of redevelopment.

From the mid 1970's, the National Capital Development Commission (hereinafter NCDC) anticipated the need for progressive urban change. As people grew older, their children moved out and the City matured. Alternative types and more housing and services would be required. Amongst the number of suggestions for change that were considered to have minimal disturbance to existing neighbourhoods were dual occupancies. The first developments were designed and built in inner Canberra as affordable housing for public housing tenants. Unfortunately, from the establishment of ACT self-government, the provisions of dual occupancies have been regularly and regressively weakened, to a point of near extinction.

Dual occupancies can be regarded as a sensible and benign way of responding to the natural demographic changes in Canberra's suburbs while retaining a low to low-medium scale of building. By not recognising the need for developing for demographic diversity and offering housing choice, Canberra risks losing the opportunity to make the City more sustainable and liveable. To resurrect and retain dual occupancies, as one of a number of suitable planning strategies, will demonstrate that Canberra is being developed for the future and better utilisation of infrastructure and services.

3.0 RESPONSE TO DRAFT VARIATION

In principle, the Institute welcomes the resurrection of a form of the dual occupancy policy. In particular, the re-introduction of unit titling for RZ1 sites and the reduction of the minimum block applicable block size to 700 sqm is supported. However, some of the specific and mandatory requirements are not supported and should be modified in order to ensure a higher quality built outcome.

The Institute wishes to make two recommendations, as follows;

3.1 To ensure that dual occupancy planning policy is resurrected, not just for the surrendered Mr Fluffy site, but is able to continue as a long-term and beneficial planning policy.

The Institute is fully aware of the potential for negative responses to new dual occupancies by neighbours. If the new dual occupancies are not of a high quality of design, then future neighbour criticism may be justified. There is a need to improve the acceptance and the support for the dual occupancies. Such recognition of the benefits, for example, may even see some older neighbourhood residents deciding to buy and continue to age in place. The ability of this increasingly large demographic cohort to remain and age in their existing neighbourhood but in a new house with improved thermal performance and accessibility could be very attractive. The resulting churn of house ownership, with an enlarged and diverse residential profile, will result in a revitalisation of a suburb's facilities and services.

The Institute believes that Canberra's current planning rules, based on the premise of one (tick-a-box) control that suits all situations, are inflexible and offer very little incentive for innovative design. This constrained system has failed to deliver both the necessary number and quality of infill redevelopments for Canberra - a city that needs substantially to improve its environmental footprint. The application of high quality design processes and outcomes may gain more community acceptance of urban change.

The Institute understands that of the 1021 identified Mr Fluffy dwellings, about 770 are on blocks larger than 700 sqm and to which possible unit titling DV343 will apply. The merit of solutions to access, orientation, privacy and overshadowing requires evaluation before unit titling proceeds. Not only is this a large number in itself, but reflecting Mr Fluffy's sales processes, many are clustered together, being on the same street or section, and some 10% share a common boundary. As they are

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in established suburbs, they can be expected to have irregular boundary shapes, some have steeply sloping topography, possessing all possible solar orientations and many variable impacts upon or from neighbouring blocks. This situation across some 56 suburbs requires sensitive, responsible and imaginative design.

To introduce such a substantial impact on these parts of a neighbourhood without a carefully prepared and responsible precinct plan, could result in a very disappointing suburban environment and again see objections to further dual occupancy. The opportunity for long-term beneficial infill will be lost because of neighbourhood complaints.

A design process that involves early neighbour consultation, could allow the introduction of design concepts currently restricted by the Territory Plan. Innovative approaches may include block amalgamations, even including blocks not being surrendered, and housing types such as duplexes and co-operatives.

High quality design responds to and reflects specific site and surrounding conditions. It involves the thorough analysis of the sites, addressing such opportunities and constraints as solar access, overshadowing from neighbouring properties, opinions of affected neighbours and topographical features. Once analysed, concept and preliminary level sketch plans can be then confidently prepared. The process will then result in an acceptable master and/or precinct plan, which can be applied as a development control to the amended lease for sale.

Architects with experience and knowledge of small-scale infill housing are the most suitably qualified to deliver this initial planning stage. The Institute believes that the engagement of such qualified consultants by ACT Government would notably improve the value of the land sale, and thus further defray the cost of the Mr Fluffy buyback programme.

Last year the Institute, with support from ACT Government ran a housing design competition, called New Experimental Architectural Typologies (NEAT hereinafter). It was an opportunity for many Architects to successfully demonstrate a range of compact housing types suitable for infill sites that were not constrained by current planning controls. Many of the successful proposals challenged car parking numbers, setbacks, plot ratios and the number and definition of stories. The ACT Government, in conjunction with Defence Housing Authority are now considering how a selected design can be built to demonstrate the benefits of quality, innovative and challenging design.

The Institute recommends, before implementing a broadened DV343 policy that, a demonstration project is constructed along the following lines:

- Two or three blocks are amalgamated
- A precinct plan is prepared (including few rules, lots of criteria and design principles) – this could be done as a competition
- The block is privately sold and developed with architects retained to provide design services throughout design and construction to assure the quality of built outcome
- Display period follows demonstrating value of good design

3.2 To improve the conditions of the current DV343, so that dual occupancy planning policy can provide high-quality and long-term housing outcomes.

a) Minimum block size reduced to 700 sqm only for surrendered blocks

The reduction is supported, but it is discriminatory if only applied to Mr Fluffy's surrendered blocks. If the reduction is acceptable for the hundreds of blocks resumed by Government in sensitive and established neighbourhoods, they should be made available to all private leaseholders who want to undertake dual occupancies and have suitable sites.

b) Plot Ratio

The proposed mandatory maximum 35% PR is not supported as it is a disincentive to the aim of increased densification and too inflexible in delivering housing choice in established residential areas. The application of a maximum 35% on the minimum 700 sqm block will result in 245 sqm of total building area, 122.5 sqm on each of two unit title blocks. Applying only single car accommodation and some secure storage space (say 22.5sqm) for each of the dwellings, the habitable living space for each dwelling would be a maximum of 100.0 sqm.

We recommend that DV343 be applied to all suburban RZ1 areas. These smaller dwellings entering the suburban market will provide greater range of alternative dwelling types; 120 sqm 2- 3 bed townhouse; plus 80 sqm 1-2 bed townhouse with garages on 700 minimum size block at 35%. Where performance and merit assessment proves context suitability and amenity, a 50% plot ratio could be permitted, yielding on minimum lots of 350 sqm, 175 sqm per dwelling or 290 sqm plus 60 sqm plus garages, 350 sqm total on two unit titles resulting from a 700 sqm block.

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The addition of the suggested criteria to allow an increased plot ratio would support and encourage a diversity of demographic cohorts to live in small-scale infill redevelopments. The Institute supports an increased plot ratio only when combined with definition of building envelopes and usable open space requirements and where higher plot ratio would further enhance the potential of all sites.

The mandatory rule is discriminatory and will invite challenge. On blocks in an established RZ1 area, neighbouring a Mr Fluffy block, a maximum 32.5% plot ratio applies (on an 800sqm block which is the minimum size allowed for dual occupancy), regardless of whether one or both dwellings front a public road. On a Mr Fluffy block, where both residences face a public road, a 50% plot ratio is proposed. Assessment of the site context and the amenity of the permissible residence/s, on a location by location - or precinct - basis, and resolution of the equity of a 50% plot ratio next to a 32.5% plot ratio is required.

c) Solar Fence

The Government has been made well aware of the adverse impacts of the solar fence provisions in the residential planning code. Although well-intentioned the numeric aspects of the solar fence legislation has resulted in;

1. House designs having much lower relative levels resulting in whole streets of sunken houses and unworkable driveways.
2. Designers having to configure plans that sacrifice northern private open spaces in favour of southern spaces. This is often manifested as a domino effect in new suburb where everybody loses out.
3. A negative influence on the implementation of estate development code compliance tables resulting in a deleterious effect of block layouts in new suburbs. An unacceptable proportion of house blocks have configurations were the houses are required to face either east or west. This promises unacceptable long-term consequences for sustainable outcomes for whole lifecycle of dwellings on these blocks. Demand for higher yield and profit is producing an endemic long-term cost to the community both in energy and lifestyle.

The Institute also believes that the application of these provisions to any dual occupancy developments on existing suburban blocks in the established areas of Canberra will very likely result in new housing of low amenity and in extremely unattractive streetscapes. Therefore, such provisions should not be applied in the application of DV343.

d) Basements and Attics

To broaden the household typologies allowable with these new houses, the restriction of basements and attics should be deleted. The Institute believes that the greatest impact on the existing neighbourhood will not come from the additional car traffic and parking requirements, which will be minor, but will be in the scale and bulk of the new dwellings. With the application of a maximum plot ratio, minimum setbacks and maximum height controls to address the bulk and scale issues, and usable open space / landscape requirements, the restriction on basements and attics is completely unnecessary. The application of such restrictive rules only detracts from opportunities for innovation. Contemporary and innovative designs should be encouraged as part of this refreshing policy reversal. So long as bulk and scale is controlled carefully addressing the restrictive basement and attic prohibitions in the Territory Plan is an easy and obvious way to move towards increased density in a city that is currently one of the least dense in the world.

e) Single Storey

This control may be reasonable in a neighbourhood of predominantly single storey houses on “flat” blocks, but where neighbours on steeply sloping blocks are double storey, or greater emphasis on creating usable garden surrounds is preferred, then the single storey new dual occupancy undermines the opportunity to design appropriately in response to the site and setting.

The Institute believes that this discriminatory and restrictive control should be deleted.

e) Appeal Rights

The removal of appeal rights does not lead to, nor detracts from, improvements in design and built outcome quality. Design skill is what is required. For Mr Fluffy blocks in clustered proximity, the Institute recommends that precinct and master plans are prepared by a qualified designer. Their preparation which involves the immediate neighbours in a consultative design process, then the need for appeal rights may be un-necessary.

4.0 CONCLUSION

The Institute supports the re-introduction of dual occupancy polices for single residential blocks but on the proviso that the decision is not to merely use a planning policy to defray the cost of the Mr Fluffy buyback scheme. The DV343 should be improved and used as an opportunity to promote high quality design which reinvigorates suburban change by infill, and offers Canberra a more sustainable future by delivering alternative housing choice with better utilisation of infrastructure and services.

Dual occupancy, if well designed, is a very benign method for achieving small scale and low-density infill. By allowing a range of housing typologies, and encouraging innovative design, a dual occupancy policy is eminently suitable to many of Canberra's established suburban areas.

High quality design from the very beginning of the redevelopment programme, which is delivered by experienced and knowledgeable architects, can give better immediate return to Government on the Mr Fluffy buybacks, as well as set a better standard for the long-term and sustainable development of Canberra.