From: Peter Tzanetos
To: LA Committee - PUR
Subject: Inquiry into Engagement with Development Application Processes in the ACT
Date: Monday, 8 October 2018 9:31:58 PM
Attachments: [redacted]

Dear Committee Secretary for the Standing Committee on Planning and Urban Renewal,

Excuse my late response on the matter of engagement in the development application process in the ACT. I wish to bring to the committee attention a couple specific areas of concern. Namely in the area of Territory Plan rules, precinct codes, the rights of appeal, ACAT and the imbalance in housing choices.

I have been reading submissions from concerned residents, people who are not involved in the property or construction industry who lack the knowledge on the commercial and logistical processes yet feel that they can fix what is a very complex system with many differing agendas. As such I felt compelled to write a submission from the view of some one that works in the system regularly.

I've been involved in the Canberra construction and development industry for the last 15 years. I run a small two man operation with my brother where by we purchase land with the intent to getting a development approval for a building and then manage its construction for the purpose of either on selling or keeping as an investment. This is my job, my business, my families lively hood and I enjoy it immensely.

However in recent years I have been finding the development process overly cumbersome and decisions going beyond the statutory time frame which ultimately holds my business back.

Furthermore, the threat of residents taking the Authority to ACAT leads to excessive delays in the DA process.
Public consultation phase of the DA process results in submissions being made to the Authority. From that community response the authority will ascertain how sensitive the DA is and if so. ultimately results in procrastination on the part of the Authority as it goes through the DA with a fine tooth comb making sure it assesses the application to its utmost ability knowing all too well that no matter what conditions are imposed on the DA, an approval will end up with the application being appealed.

Too often my inner north developments have ended up with an ACAT application being made against the Authority's decision. Generally its a 50:50 ratio. Even with the mutli layered planning codes (Territory Plan, Mulkti unit houseing code, presinct code) the prescriptive nature of what is allowed to be built in these areas,

some one always thinks they have found the Authority in error. Maybe its the sheer complexity of the rules and criteria that gives rise to the opportunity to question the Authority's decision or maybe its just too difficult for a designer to meet all the rules while trying to meet their clients needs.

I personally have a gripe with the inner north precinct code. Its out dated and heavily restrictive. The restrictive nature of reducing the building footprint with the 30% rear site coverage rule is case in point. An east-west orientated block in an RZ1 zone would enable the design of a home with excellent northern solar access and exposure. However in the RZ3 and 4 zoned areas of Turner with its predominately east-west orientated blocks thanks to North bourne avenue, designers are restricted heavily in maximising this northern out look. As long as privacy and solar access to neighbouring properties is accounted for why do we need this rule? The green belt deep root zone concept is out of date, sustainability and solar access should be given priority over this.

This rule has an additional negative outcome. developers who wish to build the "missing middle" i.e. townhouses will generally find the restrictive allowable building foot print too small to fit townhouses and are there fore being forced to build apartments. At a time when North bourne aveneue has plenty of potential for apartments, why is the missing middle not being accommodated for in the quieter streets of the inner north.

Instead of forcing developers to build basements with three stories of living for townhouses to be viable, the suburb of Downer which doesn't have a precinct code allows for building into the rear with the only restriction being typical setbacks and solar envelopes. This has resulted in outcomes that are impossible in other inner north suburbs. I call it the Unicorn - single level 3 bedroom townhouse with parking on grade. This is the sort of product Canberra's ageing population is asking for. NO stairs, No basement, No worries. But in Turner, Braddon, O'cconor's Rz3 and 4 zoned blocks this will never happen.

I think even a marginal increase in the allowable rear zone rule to 50% would help facilitate better design outcomes and maybe even less appeals against the authority. Alternatively embrace the apartment idea so amored by the government and allow for 5 to 6 storeys in the rz3 and 4 zoned areas.

I some times wonder if its the developer and his design that residents have an issue with or is it when you take a closer look, the real cause - the planning laws themselves and there restrictive nature that stifles good design.

Case in point. One of my developments at Section 63 Turner as shown on attached

time line shows the time it took for the Authority to make a decision once it knew it was in for a fight with the neighbours. 18 months is an extremely long time for a small developer to wait and to be given a refusal on top of that. It also high lights the plight of the developer in dealing with massive holding costs when he is up against people with malicious intent - this example high lighting that even when more than the required number of 3 bedroom units were introduced as well as a major break in the street scape form, the neighbours still chose to go down the apeals route.

In many cases I have been involved in, mediation can work with some acceptable loss to the developer and some minor gain to the applicant being negotiated. The high opportunity cost of going all the way with the appeal through to a hearing generally acts as a good incentive. In the grand scheme of things the outcome is generally negligible, a token gesture so that the applicant can walk away with a pyrhic victory. But when closely analysed, the amount of peoples time and resources from both sides when getting to this point let a lone a full hearing does no way represent good value for the community. At the end of the day its the territory plan and zoning that dictates what can be built and no amount of appeals will change that fact by much.

Once again I apologise for the lateness in this submission and understand if it doesn't get given much consideration this late in the process, but I felt I had to have my say on the matter that affects me on a daily basis.

Regards

Peter Tzanetos