

Appendix E: Additional comments by Ms Jo Clay MLA (Chair)

Set city limits and upzone for the missing middle

- 1.1. Recommendation 12 is that the ACT Government should consider amending the Territory Plan to allow more zoning changes than are currently permitted. Evidence presented to the Committee suggests that the existing RZ1 changes are likely to have a limited impact on meeting the housing targets for the expected population growth. This four-year Planning Review represents a missed opportunity.
- 1.2. Smart density represents good planning and ensures we do not sprawl endlessly. Sprawl provides poor outcomes for people. It leaves them stuck with long commutes, far away from the services they need. It is expensive for Government to build new suburbs and provide the roads, power and water to service them. It destroys more and more habitat for our wildlife. It increases our risks of bushfire for people, property and the environment. The 2011 Report of the Independent Review of the National Capital Authority, "Canberra A Capital Place" recognised that Canberra's geographic area is "broadly equivalent to the area of Sydney bounded by the coast to the East, Hornsby to the North, Cronulla to the South, and Strathfield to the West..." and "...the spread of Canberra is comparable with Greater London which has a population of more than seven million." It is time for Canberra to set firm city limits. This is what mature cities do.
- 1.3. We need to set city limits and then we need to upzone to ensure our existing suburban areas can provide the ACT with the density we need to provide homes for our people. We need to do this in a climate and environmentally-sensible way. ACT Government is committed to transit-oriented development. Organisations from the IPCC to smart city planners all over the world are telling us we need to do it. Transport represents over 60% of the ACT's tracked climate emissions. We are in an extinction crisis. We are facing increasing threats from the bushfires that accompanies climate change. Endless sprawl on our outskirts will only make these issues worse. High-quality density with ample green spaces is the only sensible way forward.
- 1.4. Expanding on Recommendation 12, we need further changes in our RZ1 areas. We should upzone RZ1 to the RZ2 standard and we should make further zoning changes in RZ2, RZ3 and RZ4. In particular, corner blocks and transit corridors will offer good development opportunities. We should allow consolidation of existing blocks to provide two to four-storey town houses, terraces and low-rise apartments with shared green spaces in and around them. We should develop further in RZ2 zones due to their proximity to shops, public transport and other community facilities. We must do all this while retaining green infrastructure to keep us cool in a changing climate, and making sure we get the right homes in the right place. That is what this Planning Review should have delivered.

- 1.5. Developments should continue to recognise the special character of each of the individual district and come from engagement with the community to make sure they reflect the local setting and context. We should recognise and build on the efforts of past planners who introduced new housing typologies, such as Urambi Village, Wybalena Grove, Swinger Hill and the Grayson Street (Hackett) townhouses. These were new and different at the time and are now valued by the community.

Sell land to Housing ACT and community housing organisations at prices they can afford

- 1.6. ACT Housing and community housing organisations have to pay market rates to buy land before they can build public housing and community housing. They cannot afford to do this. This is one of the key reasons we do not have enough public and community housing. This has been the case for some time. The new Planning Act 2023 at section 274(1) repeats this problem. The Act provides the general rule that ‘the territory planning authority must not grant a lease other than for the payment of an amount that is not less than the market value of a lease’.
- 1.7. The Committee heard this problem and in recommendation 17 said that Government should provide an explanation as to why they sell land at market rates to their own agency, ACT Housing, and to community housing organisations. I do not think this recommendation goes far enough. I have heard this problem explained in multiple hearings and fora over the past three years. I think it is time to address it.
- 1.8. There are already circumstances where Government does not have to sell land at market value. These includes ‘a land rent lease’ and ‘the grant of a lease prescribed by regulation for which the amount prescribed by regulation has been paid’ and ‘the grant of a lease of land prescribed by regulation to the University of NSW’. The Planning Act allows the Government to consider granting land at less than market value in some situations, but not for public housing or community housing.
- 1.9. Reducing the cost of land would enable community housing providers and Housing ACT with the opportunity to better leverage funding from the Commonwealth through the Housing Assistance Future Fund. It would result in the construction of more public and community housing across Canberra. It would result in more public and community housing in areas that are close to services, transport and jobs and in areas where people want to live.

Facilitate affordable, public and community housing on blocks which are being redeveloped

- 1.10. Since 2017-2018 the ACT Government has imposed requirements for the delivery of affordable, community and public housing on land sales of unleased Territory land. There are no such requirements for redevelopments within established areas. The committee

heard that community housing and public housing should be encouraged on community facility land and made a recommendation (No 14) which I think does not go far enough.

- 1.11. The District Strategies identify sites which are close to shops, public transport, community and recreation facilities and employment opportunities, with greater opportunities for active travel. Many of these sites are owned by private entities.
- 1.12. While community, social and public housing is permitted in all residential zones, most development will focus on selling the land for private use. While the policy outcomes in the Residential Zones Policy support the provision of housing choices Government should be more directive on leased land to play a role in meeting affordable, community and public housing needs.
- 1.13. Not all land will be considered appropriate for such housing – some form of assessment will be required. The leasing system provides the opportunity to require the provision of public, community and affordable housing when sites are being redeveloped.

Holistically protect native areas upfront – not in a piecemeal way

- 1.14. The Committee heard that we need to protect our nature areas and green spaces up front, and in a holistic way, not in a piecemeal way led by developers. The Committee made a recommendation (no 20) to ensure the protection of biodiversity and conservation areas in the Territory Plan using the Building a Biodiversity Network Across the ACT as a framework. I do not think this goes far enough given the pace of development in Canberra. We need to put an overlay on Canberra now of what areas of habitat we will protect, both within our footprint and on our edge. And when we identify areas that have environment values, especially with high environmental values, we should not look to develop such areas, even if environmental offset areas have been identified.

Ample green spaces in areas subject to densification

- 1.15. Much of the commentary about increasing housing density suggests that the problem of housing affordability will be addressed. However, measures to infill the city should also be driven by sustainability and liveability principles, not just housing supply and affordability. We need homes people can actually live in a changing climate with increasing heat. These homes need access to essential services like schools, parks, public and active transport.
- 1.16. Recommendation No 24 is that the ACT Government take steps to ensure there are opportunities for ample green spaces in areas subject to densification, I do not think this goes far enough.
- 1.17. Increasing densities will bring more people, including children, with increased demands for recreation and community facilities. At a minimum there must be protection of living infrastructure plus the enhancement of urban green spaces. The Biodiversity Sensitive Urban Design Guide as well as the Blue-Green Network in the District Strategies recognises

the inherent environmental, ecological, recreational, health and community values of such greenspace areas.

- 1.18. As the city becomes more compact, pressure will be placed on green spaces, including urban parks and streets. These spaces are used on a daily basis and with more people moving through them improvements should be made so that people can congregate, get to mingle, talk and create connections. This leads to better health, recreation, environmental and economic and wellbeing outcomes while also improving property values.
- 1.19. While recognising the Blue and Green Drivers in the District Strategies, consideration of the broader landscape and greenspace issues raised by development proposals is critical to ensuring that those elements which make Canberra such an attractive and inclusive place are retained and enhanced.

Align Territory Plan with The Biodiversity Sensitive Urban Design Guide

- 1.20. The Committee heard concerns raised about whether the new Territory Plan will be implemented in a way that safeguards the environment, and how following due process, could still have poor outcomes for the environment and sustainability. The Committee recommended (No 24) that the ACT Government should consider making the Biodiversity Sensitive Urban Design Guide apply to areas smaller than one hectare, as does the Nature Conservation Act 2014 and Environment, Protection and Biodiversity Conservation Act 1999. I think we should do this and more.
- 1.21. The language of the Biodiversity Sensitive Urban Design Guide recognises biodiversity as an opportunity. I remain concerned that the BSUDG and the Territory Plan do not match up. The recent decision to call in a development which allows around 51 units on an environmentally sensitive area, despite Conservator advice not to build there, in the area on or near Bluetts Block, shows how difficult it is to integrate biodiversity considerations. We need our Territory Plan to line up with the BSUDG.

Improved District Strategies

- 1.22. Consultation on District Strategies highlighted strong community interest in the value of local character in shaping development and redevelopment, as districts respond to population growth. The District Strategies were seen as providing a start but that further work was required, with future changes intended to focus on potential urban regeneration areas particularly in strategic locations with proximity to local, group and town centres.
- 1.23. The Committee is proposing changes to the Territory Plan that could lead to greater intensity of use in RZ1 zones and higher densities in the other RZ zones. It recognised that if changes to the RZ1 zone were proposed that it was necessary to amend the District Strategies (Rec 12). I have recommended further upzoning than this. This upzoning could include, through block consolidation, the creation of precincts. In such instances, the Housing Design Guide and Urban Design Guide establishes a framework which will assist

proponents achieve high-quality design and place-based developments that are framed around green spaces.

- 1.24. If the Committee's recommendations are adopted, the District Strategies will need to be upgraded to better reflect what the communities believe is important about their neighbourhood and how this should guide future developments in their area. The Principles of Good Planning highlight that development needs to reflect local setting and context and respond to the existing character of the locality.
- 1.25. Such developments should be subject to consultation with the community on the climate and densification benefits of changes to allow block consolidation/amalgamations and low-rise densification up to certain limits (such as apartment and town house developments up to 3 or 4 storeys with shared green spaces in the middle). Based on community consultation, zoning amendments to the Territory Plan may be required. These should be implemented as a priority to allow higher density development in these areas.

<Recommendations>

Recommendation 1

- Review the Territory Plan to permit residential development in RZ1 zones consistent with the requirements for multi-unit housing in RZ2 zones with a maximum height limit of 2 storeys;
- Review the block consolidation policy to promote residential development in RZ1 zones consistent with the RZ2 settings.

Recommendation 2

Sell land to Housing ACT and community housing organisations at less than market value.

Recommendation 3

Ensure that native areas are protected upfront, not in a piecemeal way, and that areas with high environmental values not develop them, even if environmental offsets are available.

Recommendation 4

Review zoning in the Territory Plan to facilitate affordable, public and community housing on existing blocks which are being redeveloped.

Recommendation 5

Ensure that there are opportunities for ample greenspaces in areas subject to densification and those areas are refurbished to meet the needs of the local

community so they provide opportunities for recreation, meeting and creating connections.

Recommendation 6

Amend the Territory Plan so it is in line with the Biodiversity Sensitive Urban Design Guide so that both documents aim to improve, restore and enhance biodiversity.

Recommendation 7

Review the District Strategies so that they establish a vision of what is important about the character of each District which can be used when developing, and assessing, future development and planning proposals

A handwritten signature in dark ink, appearing to be 'Jo Clay', with a long horizontal flourish extending to the right.

Ms Jo Clay MLA

7.03.2024