

5 June 2012

Ms Mary Porter AM MLA
Chair
Standing Committee on Planning, Public Works and Territory and Municipal Services
ACT Legislative Assembly
Civic Square, London Circuit, Canberra ACT 2601

Dear Ms Porter

We are writing to you as the representatives of the ACT Chapter of the Australian Institute of Landscape Architects to seek your re-examination of Draft Variation 306 (DV306).

Recognising your strong interest in sustainable development policy and development of policy and planning frameworks to position Canberra as a sustainable city, we are concerned, despite some positive initiatives such as the allowance for an additional habitable suite and integrated housing development, that DV306 falls far short of meeting objectives that you and AILA ACT hold as important for the future development of our city.

The preparation of DV306 represented an opportunity for the Planning Authority and other government agencies to create a transparent and flexible regulatory framework for the delivery of key government policies in housing affordability, sustainability of future city, social equity and economic stability.

Lack of Clarity of Intended Outcomes

DV306 does not clearly define the outcomes that would achieve the Government's intentions either in terms of a description of the desired characteristic of each residential zone or the presentation of an effective and simple set of rules that represent an integrated approach to built form, streetscapes, public realm and civic infrastructure

The proposed rules, such as the controls on RZ2, effectively prevent progressive infill to this transitional zone that would improve the population numbers within inner city areas. Nor will they improve sustainability of both individual development within the city or indeed affordability for lower paid workers, first home buyers or people who wish to downsize while remaining in their own area.

These changes are likely to lead to the dominance of single dwelling redevelopment in RZ2 which will inhibit opportunities for consolidation for at least a generation. Given the declining household sizes this will continue the trend to an increased cost for the provision of social and government services in an environment of declining income base due to our ageing population and the mismatch between dwelling and household size.

The proposed controls on the landscape within the public realm set the conditions for decline in quality of our green infrastructure and resultant reductions in the environmental benefits.

Lack of Rigour in Drafting

The lack of rigour in defining the desired outcomes before seeking to draft the controls that would deliver them is a fundamental flaw.

The documents contain an extensive use of terms that will create an environment of uncertainty continuing the culture of decision by appeal. Terms such as 'reasonable' invite referral to the AAT and make decisions by that body highly subjective in nature. The DAF guidelines for writing rules expressly highlights the example of 'reasonable' stating that it is unclear as to how the reader could comply with the requirement. Likewise the lack of clarity of the 'desired character' as set out in the Zone Objectives makes it open to diverse interpretations.

Section D of the Estate Development Code consists almost entirely of rules where requirements are not codified but require proponents to obtain endorsement by a range of agencies against separate documents and standards prior to lodging.

Communication

While ACTPLA has carried out a number of consultative processes in developing this draft variation it remains evident that the result does not effectively convey the policy and evidence basis of the review, clearly present the intended outcomes or demonstrate by example the effect of the proposed controls.

Recommended Action

AILA ACT recommend that DV 306 be revised. It is suggested a third party be engaged to develop the revisions, in particular to define the intent and objectives of the zones. Once these are confirmed, they can become the basis for drafting a simplified set of controls where intent and effect can be clearly illustrated.

The concerns raised by AILA ACT with regard to DV301 and DV 303 have not been addressed in the drafting of DV306.

While it is recognized this is a resource intensive and costly process we believe the investment is justified. Territory Plan controls that do not set the framework for achieving key policy goals for sustainability and affordability, or achieve a reduction in uncertainty or delays in the development process, will prove to be a long term cost to the community.

We also request a meeting with you to discuss our concerns in more detail.

AILA ACT will be providing a supplementary submission outlining landscape specific measures that may inform a revised DV306.

Yours sincerely



Michael Reeves
President AILA (ACT)