

2011

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE
STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES - REPORT NO. 9 of 2011

**INQUIRY INTO RZ3 AND RZ4 RESIDENTIAL REDEVELOPMENT
POLICIES – INNER NORTH CANBERRA**

Tabled on 21 June 2011

Circulated by the authority of
Minister for Environment and Sustainable Development
Mr Simon Corbell MLA

Recommendation 1

The Committee recommends that Rule 21, restricting development in RZ4 zones north of Macarthur Avenue and Wakefield Avenue, be removed from the Residential Zones – Multi Unit Housing Development Code.

Response

Agreed.

ACTPLA is currently progressing the implementation of those Standing Committee's recommendations which pertain directly to the provisions of the *Territory Plan*. A variation (Number 310) has been drafted that will provide for the removal of Rule 21, Rule 44 as well as other provisions cited within the Committee's recommendations for removal.

Recommendation 2

The Committee recommends that Rule 44, restricting use on Blocks 12-21, Section 63 Turner should be removed from the Inner North Precinct Code.

Response

Agreed.

(See response to Recommendation 1).

Recommendation 3

The Committee recommends that Rule 44, restricting use on Section 47 Turner should be removed from the Inner North Precinct Code.

Response

Agreed.

(See response to Recommendation 1).

Recommendation 4

The Committee recommends that existing street trees in good condition and verge widths should be maintained.

Response

Agreed.

The maximum number of street trees should be retained to maintain the character of the existing streetscape in accordance the Territory Plan, Urban Design Guidelines and recommendations outlined in the Commissioner for Sustainability and Environment's draft 2011 *Report on the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest*.

There are no Government proposals to reduce verge widths. However, a case-by-case review of verge widths in school zones and high traffic volume areas – such as Hartley Street Turner - may arise. Ultimately pedestrian and cyclist safety must take precedence in the management of urban areas.

Recommendation 5

The Committee recommends that, in the current reviews of the Spatial Plan and Territory Plan, ACT Planning and Land Authority includes an appraisal of all zone objectives and development codes in order to clarify the distinction between, and intent of each residential zone and the mixed use zone.

Response

Agreed.

Canberra 2030: Time to Talk engagement has reinforced the *Canberra Spatial Plan* (2004) goal for a more compact and sustainable city and the community's support for these broad goals. However, it has also highlighted the community's desire that infill occurs around strategic locations that will support other objectives, such as improving public transport.

ACTPLA is currently revising the *ACT Planning Strategy* which will consider locations, quality and character of infill development. Revising and clarifying zone objectives is being undertaken as part of the review of the Territory Plan's residential zones.

Zone objectives will be further clarified through a range of additional non-statutory explanatory material that will be made available with the release of Draft Variation 306 – Residential development, estate development and leasing codes.

Recommendation 6

The Committee recommends that the ACT Planning and Land Authority review the development codes, particularly where they apply to multi-unit developments in RZ3 and RZ4 residential redevelopment areas, and ensure that new developments are encouraged, where appropriate, to include a mix of one, two and three bedroom dwellings.

Response

Agreed.

ACTPLA has been undertaking a review of those codes within the *Territory Plan* applying to the RZ3 and RZ4 residential zones for this purpose along with its review of those applying to other residential zones. The results of this review will be included within a draft variation (Number 306).

To address the under-provision of new dwellings of a larger bedroom number within the redevelopment process a ‘large dwelling’ replacement provision will be proposed. This will require any redevelopment to provide one new dwelling of 3 or more bedroom configuration for each single detached dwelling (house) removed (in the course of realising the redevelopment).

Recommendation 7

The Committee recommends that the ACT Planning and Land Authority investigate models of design and construction quality assessment in Australia and internationally, undertaken with a view to whether a similar body could be established in the ACT. The review should consider how such bodies operate without overstepping the bounds of individual taste and choice in building design.

Response

Agreed in part.

It is agreed that quality of *design* can be improved and this is currently being addressed by ACTPLA. In doing this ACTPLA has investigated models of design quality assessment in Australia and overseas.

ACTPLA is developing a ‘Design Guide’ to promote good residential design and amenity outcomes across a range of building types within the residential and commercial zones. It

is intended this guide will showcase an appropriate balance of the objectives of the Territory Plan resulting in a quality site specific design response.

The Minister for Planning convened a ACT Building Quality Forum in July 2010 for the purpose of identifying how and where the quality of *construction* and in the ACT can be improved to achieve international best practice. The Forum is an ongoing round-table of peak industry and home owner representatives.

Recommendation 8

The Committee recommends that multi-unit dwellings be designed to optimise energy efficiency.

Response

Noted.

The Government recognises that it is desirable to maximise the energy efficiency of all dwellings, regardless of type. However, energy efficiency must not be allowed to ‘shut out’ proper consideration of other housing considerations including access, safety, residential amenity and cost effectiveness.

The Building Code of Australia (‘BCA’) currently contains energy efficiency provisions. Performance requirements were further enhanced in 2010 to recognise that a key goal includes the reduction of greenhouse gas emissions as well as improving energy efficiency, and in doing so give further credit for renewable energy sources.

The BCA now requires all new multi unit housing projects to achieve, on average, at least the equivalent of a 6 star energy rating, with no dwelling achieving an energy efficiency of less than the equivalent of 5 stars. This will strongly encourage passive solar design because direct access to sunlight is a cost effective pathway to achieving this level of energy efficiency.

Solar access provisions are also proposed to be incorporated in the draft residential codes that are the subject of the current review. These provisions will limit the overshadowing of residential blocks and will also facilitate passive solar design.

Recommendation 9

The Committee recommends that the ACT Government report on the progress it has made in relation to its commitment to universal design principles and the relevant Australian Standards for Adaptable Housing.

Response

Agreed.

As part of Phase II of the *Affordable Housing Action Plan*, the Government has committed to developing universal housing design guidelines for new, single detached dwellings. It is intended that these guidelines will be mandatory for at least 20 per cent of housing in new estates. The Government is in the process of consulting with the building industry and disability sector in the development of the guidelines. It is likely that these will be consistent with the recently announced Commonwealth Liveable Housing Design Guidelines.

The Government has also committed to developing a checklist for voluntary disclosure of universal design and sustainability features on sale or rent of properties as a method of increasing public appreciation of these features.

Recommendation 10

The Committee recommends that existing public open space networks be retained to provide for the recreational needs of residents in higher density residential developments.

Response

Agreed.

There are no proposals to remove any open space networks within the redevelopment areas of Inner North Canberra.

Recommendation 11

The Committee recommends that existing public open spaces be maintained and enhanced to provide safe green space which is useable for a wide variety of recreational and active pursuits.

Response

Agreed.

This is supported by appropriate maintenance funding to maintain safe and accessible facilities. The concept developed by TAMS for Community Recreational Irrigated Parks (CRIPS) integrated facilities will be further explored. The community will also be encouraged to take lead and responsibility for specialist activities such as community organic gardens schemes or BMX bike club facilities.

Recommendation 12

The Committee recommends that the ACT Government work with developers to achieve the desired zoning outcomes.

Response

Agreed.

With reference to the Standing Committee's recommendations Nos. 1, 2, 3 and 6 – the implementation for which is agreed to – the Government will continue its practice of liaising closely with industry, the community and special interest groups to ensure that the ongoing creation and implementation of land use planning policy meets best practice.

Recommendation 13

The Committee recommends that the ACT Government conduct in-depth consultation with the Canberra community regarding densification opportunities along transport corridors and along specific avenues and approach routes.

Response

Agreed.

The Time to Talk community engagement program demonstrated the effectiveness of an interactive web site in performing a crucial role as for the dissemination of information. The website was also played a critical role promoting 'social learning' as well as capturing of community views on planning related issues at a range of scales – from the metropolitan to the neighbourhood.

It is proposed to re-activate the Time to Talk web site and other tools in the second quarter of 2011, as part of the community consultation process for the draft *ACT Planning Strategy*. The goal of this strategy will be to achieve a more compact and sustainable city such as through a master planning program for specific transport corridors, group centres and some rural villages.

Recommendation 14

The Committee recommends that the ACT Government publish a plan for the provision of public transport in new suburbs that can be made available to residents.

Response

Agreed.

The ACT Government has developed a strategic public transport network plan. Consistent with the strategic network plan, the public transport for the new suburbs is identified at various level of planning stages (concept plans and estate development plans).

Whilst actual provision of bus services is an operational decision for ACTION, forecast public transport routes are typically incorporated into the suburb concept plans that are available through the Territory Plan website. ACTION also publishes maps of its bus routes in new suburbs and makes these available on its website.

Recommendation 15

The Committee recommends that the Heritage Council expedite the assessment of the Northbourne Housing Precinct and finalise a conservation management plan for the precinct.

Response

Noted.

The Department of Disability, Housing and Community Services is working with the ACT Heritage Council to expedite the assessment of the heritage values of the Northbourne Housing Precinct so that the nomination of the Northbourne Housing Precinct for listing on the ACT heritage Register can be finalised.

2011

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO ASSEMBLY COMMITTEE
INQUIRY INTO RZ3 AND RZ4 RESIDENTIAL
REDEVELOPMENT POLICIES – INNER NORTH CANBERRA**

TABLING STATEMENT

Presented by:
Simon Corbell MLA
Minister for Environment and Sustainable Development

Mr Speaker,

On 25 June 2009 the Assembly resolved that the Standing Committee on Planning, Public Works and Territory and Municipal Services be invited to undertake an inquiry into the RZ3 and RZ4 residential redevelopment policies applying in north Canberra.

The Committee held a public hearing in August 2010 and heard from the Minister for Planning as well as a variety of Government officers, community representatives, resident groups, industry practitioners as well as peak industry bodies.

The Standing Committee tabled its findings in the Assembly on 17 February 2011.

The Report made 15 recommendations in total. These recommendations broadly reflect the input the Government tendered to the inquiry, specifically, the lifting of certain infill development moratoriums that currently apply to Turner as well as areas north of Macarthur and Wakefield Avenues.

The Government supports all of the Committee's recommendations in substance with implementation having already progressed, or about to, on a number of them.

Mr Speaker,

I will now provide an outline of the Government's response to Report Number 9 of the Standing Committee.

Recommendation 1

The Committee's first recommendation is the removal of Territory Plan Rule 21 that restricts development within RZ4 zones north of Macarthur Avenue and Wakefield Avenue.

The Government agrees with the recommendation.

A Draft Variation to the Territory Plan ('Number 310') was released for public consultation on 6 May. This variation provides for the removal of Rule 21 as well as other provisions cited within the Committee's recommendations for removal.

Recommendations 2 and 3

The Committee's second and third recommendations seek the removal of Rule 44 from the Territory Plan. This rule placed a moratorium on the type of residential development permissible within Turner Sections 63 and 47.

The Government agrees with recommendations two and three. Draft Variation 310 also provides for the removal of Rule 44 from the Territory Plan.

Recommendation 4

The Committee's fourth recommendation seeks the maintenance of existing verge widths as well as street trees in good condition.

The Government certainly agrees with the recommendation in principal – as it also does with the recommendations outlined within the Commissioner for Sustainability and Environment’s 2011 *Report on the Investigation into the Government’s tree management practices*.

I can advise there is no current Government policy to reduce verge widths. I will note though that a case-by-case review of verge widths in school zones and high traffic volume areas – such as Hartley Street Turner - may arise.

Ultimately pedestrian and cyclist safety must take precedence in the management of urban areas – particularly where higher residential densities are evolving.

Recommendation 5

The Committee’s fifth recommendation seeks an ‘integrated’ appraisal of all zone objectives and development codes.

The Government agrees with the recommendation. The *ACT Planning Strategy* is currently being reviewed in consideration of the most appropriate location, quality and character for infill development.

A revision and clarification of zone objectives is also being undertaken as part of the review of the Territory Plan’s residential zones. Zone objectives will be further clarified through a range of additional non-statutory explanatory material that has been made available through Draft Variation 306, which was placed on public exhibition on 3 June.

Recommendation 6

The Committee's sixth recommendation seeks a greater mix of dwelling sizes per bedroom number within new multi-unit developments.

The Government agrees and I am aware ACTPLA has been undertaking a review of those *Territory Plan* codes applying to the RZ3 and RZ4 residential zones for this purpose.

To address the potential under-provision of new dwellings suitable for families with children a dwelling replacement provision is proposed. This will require any redevelopment to provide one new dwelling with 3 or more bedrooms for each single block involved in the redevelopment.

This provision is included within Draft Variation 306 currently on public exhibition until 2 August 2011.

Recommendation 7

The Committee's seventh recommendation seeks the investigation of new models of assessing design and construction quality.

The Government agrees with the recommendation in principle.

The quality of design can and should be improved, particularly as Canberra is relatively new to the age of infill development where the 'urban manners' of what is built matters much more than in the past.

ACTPLA has investigated models of design quality assessment in Australia and overseas. A 'Design Guide' to promote good residential

design and amenity outcomes across a range of building types within the residential and commercial zones is currently being developed.

With regards to the quality of construction, the former Minister for Planning launched an ACT Building Quality Forum in July 2010 for the purpose of identifying how and where the quality of *construction* in the ACT can achieve international best practice. The Forum is an ongoing round-table comprising peak industry and home owner representatives.

Recommendation 8

The Committee's eighth recommendation advises that multi-unit dwellings should be designed to optimise energy efficiency.

The Government notes the recommendation. The Building Code of Australia ('BCA') currently contains energy efficiency provisions.

BCA performance requirements were further enhanced in 2010 to recognise that a key goal includes the reduction of greenhouse gas emissions as well as improving energy efficiency, and in doing so give further credit for renewable energy sources.

The BCA now requires all new multi-unit housing projects to achieve, on average, the equivalent of a 6 star energy rating, with no dwelling achieving an energy efficiency of less than the equivalent of 5 stars.

Whilst the Government recognises that it is desirable to maximise the energy performance of all dwellings, energy efficiency must not be allowed to 'shut out' proper consideration of other considerations including access, safety, residential amenity and cost effectiveness.

These all deserve equal footing to ensure the buildings of tomorrow are embraced and enjoyed by Canberrans.

The greatest single means to lessen our City's carbon emissions will be a better use of its existing settlement footprint – and that means a range of denser living options that are as enjoyable and attractive to live in as they are environmentally responsible.

Recommendation 9

The Committee's ninth recommendation seeks a Government report on the progress it has made in relation to its commitment to universal design principles and the relevant Australian Standards for Adaptable Housing.

As part of Phase 2 of the *Affordable Housing Action Plan*, the Government has committed itself to developing universal housing design guidelines for new, single detached dwellings. It is intended that these guidelines will be mandatory for at least 20 per cent of housing in new estates. The Government is in the process of consulting with the building industry and disability sector in the development of the guidelines.

The Government has also committed to developing a checklist for voluntary disclosure of universal design and sustainability features on the sale or rent of properties as a method of increasing public appreciation of these features.

Recommendation 10

The Committee has recommended that existing public open space networks be retained to provide for the recreation needs of residents in higher density residential developments.

The Government certainly agrees – both in principle and detail. There are no Government proposals to alienate public open space in those areas of Canberra where higher residential densities are occurring.

Recommendation 11

Flowing on from the previous recommendation, the Committee has further recommended existing public open spaces be maintained and enhanced to provide safe green space which is useable for a wide variety of recreational and active pursuits.

The Government supports the recommendation. I am advised that TAMS is pursuing the integrated facilities concept in the form of Community Recreational Irrigated Parks (or ‘CRIPS’). Furthermore, the community is being encouraged to take the lead and responsibility for specialist activities such as community organic gardens schemes or BMX bike club facilities.

Recommendation 12

The Committee’s twelfth recommendation urges the ACT Government to work with developers to achieve desired ‘zoning’ outcomes.

The Government certainly agrees with this recommendation as its current practice is to consult with industry, the community and special interest groups to ensure that the ongoing creation and implementation of land use planning policy meets best practice.

Recommendation 13

The Committee's thirteenth recommendation was that the ACT Government conduct in-depth consultation with the Canberra community regarding urban densification opportunities.

The Government is already committed to this recommendation. The Time to Talk community engagement program undertaken last year demonstrated the effectiveness of an interactive web site in performing a crucial role for the dissemination of information.

The website also played a critical role in promoting 'social learning' as well as capturing community views on planning related issues at a range of scales – from the metropolitan to the neighbourhood.

It is proposed to re-activate the Time to Talk web site and other tools as part of the community consultation process for the draft *ACT Planning Strategy*.

Recommendation 14

The Committee's second-last recommendation is for the ACT Government to publish a plan for the provision of public transport in new suburbs that can be made available to residents.

The ACT Government agrees to the recommendation and has developed a strategic public transport network plan. Consistent with the strategic network plan, the public transport for new suburbs is identified at the concept plan and estate development plan stages.

I note that ACTION also publishes maps of its bus routes in new suburbs and makes these available on its website.

Recommendation 15

The Committee's final recommendation is for the Heritage Council to expedite the assessment of the Northbourne Housing Precinct and finalise a conservation management plan for the precinct.

The recommendation is noted.

I can advise the Assembly that the Department of Disability, Housing and Community Services has been working with the ACT Heritage Council to expedite the assessment of the heritage values of the Northbourne Housing Precinct.

Mr Speaker,

On behalf of the Government, I thank the Committee for its work in this important matter.**Ends**