

DRAFT NEW TERRITORY PLAN



ACT PLANNING SYSTEM REVIEW AND REFORM PROJECT



Australian
Institute of
Architects

INFORMATION ABOUT THE INSTITUTE

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with more than 13,000 members across Australia and overseas.

The Institute's vision is: *Everyone benefits from good architecture.*

The Institute's purpose is: *To demonstrate the value of architecture and support the profession.*

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1 INTRODUCTION

The Australian Institute of Architects (the Institute) welcomes the ACT Government's significant planning reforms, and we appreciate the opportunity to be an active participant in the reform process.

Overall, the Institute supports much needed reform of the Territory Plan. Particularly given that the planning regulations constitute the social contract with the community that Territory land used for development will provide the future viability and amenity of the city, which is the focus of our collective activities.

There are some issues we would like to raise that if addressed, would improve the legibility, and understanding of the Plan and associated documents, improve approval times and improve overall outcomes for the community.

Our key areas of focus include:

- Legibility of the documents
- Design vision
- Planning for a climate resilient city
- Compact city and delivering on the missing middle
- Translating a vision into planning regulations
- Affordable housing
- National Capital Design Review Panel & design quality

2 LEGIBILITY

In principle, the proposed revised structure of the Territory Plan is supported, particularly the inclusion of the following elements:

- District Policies – to set out precinct goals and desired character statements and future development patterns
- District Specifications – to set out site specific requirements
- Urban Design Guide – to set parameters for contribution to the quality of the urban setting expected from each development
- Housing Guide – to set minimum standards of design quality and amenity in residential development

These elements could be used to communicate clear requirements for the future shape of the city that would improve design quality and amenity as well as including express requirements for contribution to climate change mitigation and adaption measures. However, the effectiveness of this suite of documents is very hard to assess given their largely incomplete state.

The major problem of the legibility of the documents at present is the lack of clarity as to what the vision for the city is in terms of future character and quality and what currently constitutes the basis for regulation of development. It is unclear what relationship the District Strategy Plans have to the Territory Plan and how the goals and objectives developed through community consultation are carried across.

It is also unclear what the Urban Design and Housing Guides mean in practice and how they will interact with the Technical Specifications in their current form.

It is noted that a draft new zoning map is not provided for comment at all which limits legibility of currently proposed changes.

All documents including the design guides, which are still under development will need to be concise, legible, and easily understood by its intended users. Given that one of the original objectives was to simplify the planning system.

At a minimum, the following needs to occur:

- The duplication across the document set needs to be removed
- The desired character of development across for zones / development types and in specific precincts needs to be articulated within the Territory Plan.
- Cross referencing to other documents should be minimised unless they are within the planning suite of documents.
- Technical specifications and referral agency requirements should be integrated in the concise document and set in a way that demonstrates the objectives are achievable eg engineering infrastructure and tree canopy, reduced heat island effect and car parking.

3 DESIGN VISION

The Territory Plan and accompanying District plans would be vastly improved if they contained a vision for the future of Canberra, represented in a way that provides a picture to the community of what the Territory or district might look like in the future. The vision would show members of the community what the changes to their district would look like over time. In this way, the concepts of green corridors, transport corridors and the like would be clearly visible. This has been looked at in the District Strategy documents but is piecemeal in application and not brought through into the district policies or specifications.

It is vital the government takes a strong leadership position on providing a sustainable future for all Canberrans, not only those with the loudest voices. A strong vision that is articulated visually will provide assurance to the community about the intent. Leadership around good design must also be demonstrated by other entities. For instance, Treasury should be valuing good planning when funding the building of the city. This includes ensuring that there is adequate, well trained planning staff.

We have a once in a generation opportunity for a better planning system that facilitates certainty, equity, affordability, sustainability, housing choice, active transport, and design quality for a compact city. We need the planning system to not only set the minimum standard but provide the bigger picture design and sustainability aspirations for our city.

The concept of district strategies is supported; however, the documents lack information on how they will be used by government and industry to reach the stated outcomes through the Territory Plan. The intent to use material from the strategies in the plan is set out in the documents, but without clear pathways to achieve the intent, it will not materialise.

4 DESIGNING FOR A RESILIENT CITY

In our submission to the Parliamentary inquiry into the Planning Bill, we recommended that all new residences and adapted or extended residences should meet appropriate environmental standards, increasing towards 2030 and 2050 low carbon goal, to facilitate a transition to a climate-resilient future and lower operating costs

Importantly, we need to ensure the planning system facilitates a fast and economical transition to net-zero emissions and builds our resilience in the face of worsening climate-change impacts. It is our view that there needs to be greater emphasis in the plan to environment, sustainability, and climate change mitigation.

The Institute believes that the planning system reform project should clearly define how it intends to support the construction industry to become carbon neutral by 2030 through investment in, and expansion of, the Trajectory for Low Carbon Buildings including increased stringency in planning requirements and the National Construction Code.

The Plan should encompass the following targets:

- All new buildings and major renovations having net zero operational carbon emissions by 2030.ⁱ
- All existing buildings having net zero operational carbon emissions by 2040ⁱⁱ.
- Nationally consistent methodology for mandatory embodied emissions measurement and reporting in state and territory legislation by 2025ⁱⁱⁱ.
- All new buildings have a 40% reduction in embodied carbon by 2030^{iv}.
- All new buildings and major renovations have net zero embodied carbon by 2040^v.

The move to net zero carbon emissions in Canberra is especially important given the Australian Public Service (APS) net zero policy 18 January 2023. This policy provides that the APS is to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions from the latter half of 2023.

The Federal Government intends that by 2030 the broadest range of government agencies, activities, and emissions as is feasible will be subject to the net zero target. Each entity will be responsible for reducing its own emissions to net zero, supported by the APS Net Zero Unit in the Department of Finance.

Similarly, the ACT government has net zero targets, however it is not apparent in the planning documents how the metrics might be tracked to ensure the targets are met.

5 TRANSLATING A VISION INTO PLANNING REGULATION

The District Strategy documents indicate that government planners and the community are aware of the challenges of densifying development in the city in a climate challenged future and understand the principles of what will be needed to make the city liveable and viable based on a largely centralised model of development.

Poly centric development opportunities seem to continue to be based on the anticipated population growth distribution, thereby limiting the capacity to substantially shift the inequities inherent in the current model over time.

It would be useful to articulate what are the inhibitors to utilising the town centres infrastructure more effectively and considering if there are changes in character or usage that would support that shift. Current and future intended character should be defined.

The key planning documents that seem to be the intended vehicle for translating the understanding expressed in the district strategies into the Territory Plan are the District policies and specifications and the Housing and Urban Design guides. At this stage, these documents fall well short of what is promised by the district strategic plans.

Given the number of district strategies, we have focussed on one where significant growth in population is intended – the Inner North and City – to illustrate where we see significant gaps in the material presented to the community for consultation.

As illustrated by District Specification DS3 Inner North and City the district specification currently comprises geographically relevant controls specifically facilitating development proposals that are entrain but contains no guiding desired character statements for areas in the inner north including guidance on objectives for areas flagged for investigation.

There is no District Policy document for the Inner North and City which in Belconnen partially addresses precinct specific goals but still has no desired character statements. These are critical given the wording of controls elsewhere in the Territory Plan, such as the Technical Specification for Residential Zone, cross reference desired character statements for assessment purposes. “Desired character”, “reasonable amenity” become loopholes against requiring or enforcing compliance where they are undefined, and this fails to give predictability to the community or proponents.

There are some desired character statements and maps in the District Strategy and associated plans, but they are absent in the district policy, specification or design guides so appear to have no force in the regulation of development. Locality specific controls are useful but are reduced to technical detail and do not fulfil the stated intention to reflect the district strategies in Territory Plan district policies.

The DS3 also fails to provide convincing evidence we are planning for a climate challenged urban fabric that will need respite areas and green sinks for cooling, especially in higher density urban places. The Dickson group centre plan indicates that no thought has gone into the need for additional public open green gathering and recreation space in the future group centre despite increasing its resident and worker population.

No protection of the green space at the pool is mandated despite that being a clear community objective from past consultations. There are no requirements that illustrate how roads and parking will be managed to provide access whilst mitigating heat island impacts of extensive paved areas. The city plan likewise does not include any new green spaces or greening strategy. Nor are there any plan provisions for enhancing and expanding existing parks to meet new needs in the district more broadly.

In the District Strategy for the Inner North and City, there are no new schools or childcare centres flagged along the urban densification corridor on Northbourne Avenue. The population is intended to grow and simply loading existing full schools is not viable without loss of green space to buildings as is already occurring piecemeal. Neither the District Strategy nor the Territory Plan address this or provision of other community facilities. There is only one site flagged in the district specification, the northwest corner site at the Macarthur Avenue node, for community use. It is an excellent location adjacent to the tram stop but in the absence of an updated Zone and Overlay map or statement of intended character that includes scale of community facility provision the intent is opaque at best.

It could be a minimal provision like a room for a scout hall within a development or a dedicated community use site intended to provide something like a vertical school and associated community use spaces. The district's desired character statements as formulated do not reflect district needs for additional community infrastructure provision with changing populations or how this is to be allowed for either through provision of dedicated sites or flagging areas for future amalgamation that would be protected from constraining usage such as strata titled residences in the Territory Plan for example. Lack of provision may lead to existing green spaces, which will be under greatly increased usage pressure, being reduced to provide for necessary community buildings. That would not be consistent with the community expectations as recorded in the District Strategy or good city planning where the urban forest is seen as a core sustainability initiative.

Clearly the district policies / specifications are two of three documents that have to deliver the design quality viability, amenity and climate change mitigation/adaptation objectives. They will also be supported by the Technical specifications, but the latter need the reference documents to support interpretation, especially where development proposals are not delivering the desired outcomes. The urban design and housing guidelines as provided for consultation have many words that show an intent to drive improved outcomes however, they are not yet comprehensive, nor do they illustrate ways and means to achieve sought outcomes that will be supported through regulation. Once the final drafts of these documents are prepared, they should be put out again for community consultation, along with any technical specifications that have been modified to avoid duplication.

The minimum standards required for housing, including serviced apartments and build to rent, must apply to all zones. In a sustainable city serviced apartments need to be able to transition into the general housing pool over time and to do that the residences must meet the standards of design and amenity set for equivalent housing typologies as should Build to Rent housing notwithstanding, they may be commercial investments. The Territory Plan should be worded to ensure this is the case.

For example, the lack of any material in the urban design guide or housing guide or technical specifications addressing material selection to mitigate heat island impacts, such as requirements for high albedo materials as used for many years in other cities. While the Technical specifications for the commercial, industrial and community facilities have requirements for cool roofs facades and pavements, the vast majority of the city area that is used for residential development has no equivalent set of requirements. This suggests the follow through on climate change mitigation is to date limited in scope particularly in what we ask of residential developments in contributing to the improved amenity of the city. We need to use all tools available to address issues such as keeping the city cool at low energy cost.

6 COMPACT CITY AND MISSING MIDDLE

In our submission on the Draft Planning Bill, the Institute asked for the new planning system to deliver on the housing 'missing middle' to enable better access to affordable appropriate housing typologies, enable aging in place, and increase densification in older suburbs. The Territory Plan and associated documents will not deliver this outcome.

The District Strategy documents acknowledge that alternate medium housing forms are not being delivered through the RZ2 zones as hoped. The lack of opportunity for more diverse housing forms limits the city's capacity to undertake innovation yet the plan at present does not seem to provide any guidance beyond site specific controls as to how innovation may be supported whilst reflecting community expectations for the future character of their areas.

The planning system can facilitate a compact city with housing choice and affordability (especially in older areas with relatively large block sizes) by expanding exempt developments to include multi-dwelling developments where the multiple dwellings inclusive of carparking are designed as a cohesive single residential form (Eg duplex, manor house, multigenerational residential typology) that would otherwise comply with the exempt development criteria.

While the District Strategies incorporate areas identified for future increased densities, these will not be implemented in the revised Territory Plan. Instead, proponents will have to submit territory plan variations which take a long time and are expensive. The aims of the Demonstration Housing Project which are part of the Government's Housing Choices Policy are supported by the Australian Institute of Architects. However, our members' on-the-ground experience with the Demonstration Housing Project has been that this process has taken 5 years, delivered limited outcomes, and involved harassment of residents and architects. Further government support is needed to deliver policy outcomes including 70% of new housing to be within Canberra's existing footprint.

Planning reform should facilitate fast and efficient approvals for projects that deliver good design and planning outcomes aligned with government policy, including District Strategies.

Areas identified for future/ potential development in the District Strategies should not require unduly lengthy approvals processes to achieve government policy outcomes (ie a more compact city). It does not appear that the proposed system will improve timeliness of approvals.

7 AFFORDABLE HOUSING

Limiting the 15% loading to residential housing lots for community and social housing provision does not seem to have the potential to deliver social and affordable housing in key growth areas such as the Northbourne Avenue corridor where sites are CZ5 mixed use. Yet if the employment and population is intended to grow in these areas of densification, provision of housing for workers on limited wages is essential to both provided employees to the city for lower waged work and to provide low waged workers and others on social support payments access to places to live in the inner city.

Northbourne Avenue was an area of significant social housing, and the new development needs to make reasonable provision – up to 15% of all residences – for that purpose or the government needs to identify how this need will be met in the inner north and inner south where there are limited new residential land releases. With 24% of households already in rental crisis in the Inner North for example, a more robust response to including long term affordable and social housing in the areas of densification is needed.

8 NATIONAL CAPITAL DESIGN REVIEW PANEL

The district policies and design guides should be such that they can be used by the NCDRP to comment on development applications with regard to the quality of outcome achieved in support of the Authority using the reformed plan to require improved outcomes to be delivered by proponents.

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- ⁱ UNSW (2021). Race to Net Zero Carbon: A climate emergency guide for new and existing buildings in Australia: Retrieved from: [Race to Net Zero Carbon: A Climate Emergency Guide for New and Existing Buildings in Australia \(unsw.edu.au\)](https://www.unsw.edu.au) and GBCA (2021). Climate Positive Buildings & our Net Zero Ambitions: Guidance for Green Star on the use of offsets and renewables. Retrieved from: www.new.gbca.org.au
- ⁱⁱ IEA (2021). Net Zero by 2050: A roadmap for the global energy sector. Retrieved from: www.iea.org/reports/net-zero-by-2050 and GBCA (2021). Climate Positive Pathway for Existing Buildings. Retrieved from: [PowerPoint Presentation \(gbca-web.s3.amazonaws.com\)](https://www.gbca.org.au)
- ⁱⁱⁱ UNSW (2021). Race to Net Zero Carbon: A climate emergency guide for new and existing buildings in Australia: Retrieved from: [Race to Net Zero Carbon: A Climate Emergency Guide for New and Existing Buildings in Australia \(unsw.edu.au\)](https://www.unsw.edu.au)
- ^{iv} GBCA (2021). Climate Positive Buildings & our Net Zero Ambitions: Guidance for Green Star on the use of offsets and renewables. Retrieved from: www.new.gbca.org.au
- ^v UNSW (2021). Race to Net Zero Carbon: A climate emergency guide for new and existing buildings in Australia: Retrieved from: [Race to Net Zero Carbon: A Climate Emergency Guide for New and Existing Buildings in Australia \(unsw.edu.au\)](https://www.unsw.edu.au)