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Dear Minister

### **RULES FOR COURTYARD WALLS FOR RZ2 IN VARIATION 306**

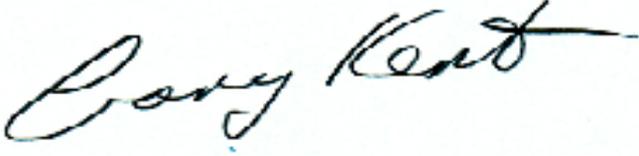
The issue of Courtyard Walls raised by the Griffith Narrabundah Community Association last year, and your letter of 25 November 2014 (attached), raises issues of concern to all seven of the community associations represented on our Council. We are therefore providing a consolidated response as input to the 'monitoring' process of the V 306 changes mentioned in your letter of 25 November 2014. To this end we requested that the issue be raised at the next Planning and Development Forum (PDF).

As they stand, the changes to the rules for courtyard walls and front fences appear to be at odds with the Residential Boundary Fences General Code and have significant detrimental implications on established residential streetscapes in RZ2 Suburban areas Canberra wide. We consider that both the wording of the new rules, and the reasons behind the changes, are flawed; and because the changes were not highlighted or explained in documents associated with Draft Variation 306, this issue has slipped under the radar.

The community has not had a proper opportunity to consider the reasons for the changes and provide feedback. From our perspective R42/C42 is an example of an undesirable outcome.

We understand that our proposal for this matter to be discussed at the PDF has not been accepted but we will take up the opportunity to meet with Jim Corrigan from the planning authority to discuss our concerns in more detail. We have attached a policy document which provides a more detailed analysis of the current situation from our perspective.

Yours sincerely

A handwritten signature in black ink that reads "Gary Kent". The signature is written in a cursive style with a long horizontal stroke at the end.

Gary Kent  
Chair  
Inner South Canberra Community Council

18 February 2015

## **RULES FOR COURTYARD WALLS FOR RZ2 IN VARIATION 306**

### ***Background***

Variation 306 contained a complex set of changes to the Territory's Planning Legislation and we understand the government's desire to concentrate on the major changes. However, we are surprised that the changes relating to courtyard walls were not considered to be major because the change from 3.0 m to 0.7 m for front setbacks has a potentially significant effect in all RZ2 areas. This change represents a major policy shift in relation to long standing policy (since the 1920s) on boundary fences in Canberra.

Surprisingly none of our seven associations were aware that this change was planned and neither were the Woden Valley Community Council or North Canberra Community Council. It seems likely that other community councils and residents' associations were also unaware of the change.

Courtyard setbacks are not mentioned at all in the report by the Standing Committee on Planning into DV 306 and we understand that the Committee was also not aware of this issue. We therefore conclude that the consultation and consideration in relation to these particular changes was inadequate.

We are now starting to see Development Applications based on the new regulations and the results so far are unsatisfactory.

### ***A result from a current Development Application***

The changes allow "Courtyard Walls" to be constructed within 700 mm of the front boundary for multi-unit development. This is a drastic reduction from the previous minimum setback of 50% of the building line (normally 3.0 m).

The effects of the significantly reduced new setback regulations are compounded by the fact that there is now no restriction on the length of the walls. Previously the length of a wall was limited to 50% of the width of the block.

In a recent DA lodged in Narrabundah for multi-units on four combined blocks facing Boolimba Crescent, front courtyard walls/fences 1.5 or 1.8 m high are proposed very close to the front boundary, as allowed by Rule 42. The wording of the new rules also allows not just brick or stone courtyard walls but "panels" of any other material, including metal slated fences and/or timber picket fences. The construction of a 1.5 m to 1.8 m high "courtyard wall", 700 mm from the front boundary, comprised of brick or stone, timber palings or aluminium slats, that will have the appearance of a front fence, is fundamentally at odds with the very longstanding No Front Fence Policy and the Residential Boundary Fences General Code. The outcome of the changes will be a series of front fences, in the guise of courtyard walls, which will dominate the street frontage of the development.

### ***A Major change to front fence policy and what this means***

There has been a longstanding "No Front Fence Policy" for Canberra's suburbs, intended to maintain pleasant, open streetscapes and support Canberra's Garden City character. We understand that the policy dates back to the 1920s when John Sulman

was Chairman of the Federal Capital Advisory Committee. This policy is clearly articulated in The Residential Boundary Fences General Code, which stipulates that fences facing the street in standard residential areas are not allowed forward of the building line. This policy is also echoed in R41 of the new Multi-Unit Code.

Annabelle Pegrum, who headed the National Capital Authority from 1998 to 2008, said in a Canberra Times article "Canberra's streetscape tradition, which places the totality of the landscape above individual houses, deserves to be respected and protected as it could be all too easy to lose". "Traditionally there has been a strong emphasis on keeping the front of residential blocks clean and open rather than enclosed and private. That is why we have the no-front fence policy." The article goes on to say; "Front fences, that is any fence between the building line and the front of the block, are banned in the Territory under Planning and Development Regulation 2008".

The previous minimum of 3.0 m setback for courtyard walls ensured space for hedges to screen the wall, space for a good size tree or a reasonable area of low shrubs or lawn between the wall and footpath. This in turn ensured that the courtyard wall was reasonably setback and in keeping with the established open landscape dominated by the front yard character that Canberra suburbs are famous for. The reduction of the setback to just 0.7 m and the removal of the requirement to restrict the extent of the walls to 50% of the width of block represent significant policy changes that were neither canvassed nor justified in the DV306 documents. Courtyard walls as close as 700 mm to the front boundary for the full width of a block for a new multi-unit development represent a dramatic departure from the previous Territory Plans rules for Courtyard walls in Core Suburban areas. The case for this change needs to be made.

This outcome is totally at odds with the intentions of Canberra's No Front Fence Policy and The Residential Boundary Fences General Code. The Fences General Code states in Objective a) "To encourage development that reflects the Territory's valued streetscape amenity." In addition to being inconsistent with the Boundary Fences General Code, we believe the rule changes to courtyard walls are also inconsistent with the Objectives of RZ2 part e), which talk about "Ensuring redevelopment is carefully managed so that it makes a positive contribution to the neighbourhood and landscape character of the area". The new courtyard walls/front fences introduce a substantial change to the amenity provided by front yards with the open and friendly character that defines of the existing suburban streetscape. The extent of this new street frontage comprised of front fences will have a significant detrimental impact to the neighbourhood's valued suburban streetscape amenity.

### ***Current setback rules appear defective***

In your letter, it is suggested that relaxing the setback for courtyard walls to 700 mm "allows for better built outcomes for multi-units to achieve more useable private open space with good solar orientations while at the same time providing enough space between the courtyard wall and the public realm to provide landscaping".

Even if it were to be conceded that this assertion is true, we question the assumption that the Private Open Space (POS) requirements of a few new developments should come at the expense of the long established amenity and character of the suburban streetscape. However, the proposition that 700 mm provides adequate space to provide good landscaping outcomes is clearly not correct. Adequate landscaping is usually

taken to mean space for a mature hedge that will be of sufficient height and width to screen the wall and provide the necessary privacy for the occupants of the POS beyond. A courtyard wall 1.5 m high and 0.7 m from the front boundary is not high enough to prevent overlooking by anyone over 1.7 m (tall on the footpath, so without a hedge screen in front, it is simply not going to provide the required POS, as many people are taller than this.

700 mm is insufficient space for a good size hedge or small tree to be established. Hedges or small trees planted too close to the footpath will eventually overhang the pedestrian zone. Brick or stone walls 1.5 or 1.8 m high require substantial ground excavations and concrete footings, often wider than the wall itself, which means ground excavations/footings will be somewhat less than 700 mm to the front boundary. Furthermore, where there are established street trees, the footings and excavations for masonry walls 700 mm from the front boundary could encroach on the drip line of significant street trees.

Without an appropriate setback and adequate space for hedges to be established, the courtyard walls will remain largely unscreened and end up looking like a "front fence" dominating existing streetscapes. From a community perspective, the idea of 1.5 to 1.8 m high courtyard walls of different materials and colours, so close to the footpath, stretching side by side almost the full width of a new block or combined blocks of new development, is a largely alien and inappropriate characteristic to introduce into Canberra's older suburban RZ2 streetscapes. Courtyard walls within 0.7 m may be satisfactory for higher density areas such as RZ3, RZ4 or RZ5, which are not Suburban areas, but they are not appropriate for RZ2, which is essentially to remain a Suburban area in character.