



SUBMISSION ON DRAFT TERRITORY PLAN AND INNER SOUTH DISTRICT STRATEGY

1. OVERVIEW AND KEY RECOMMENDATIONS

DRAFT TERRITORY PLAN

Must be simpler and easier to use

- The Government's stated purpose for the planning reform is: "To deliver a planning system that is clear, easy to use and that facilitates the realisation of long-term aspirations for the growth and development of Canberra while maintaining its valued character".
- The draft Territory Plan and supporting documents do not meet the stated purpose of a clear and easy to use planning system. The multiplicity of documents and their complexity will make them difficult to understand, to administer and to evaluate. Major surgery is needed to fix the problems.

Must demonstrate genuine commitment to an outcomes-based approach based on evidence

1. If the Government is transforming the planning system by moving to an outcomes based approach, it should demonstrate its genuine commitment to that approach by showing that it is informed by evidence. This will contribute to confidence that as Canberra grows and develops, its valued character will be maintained.
2. The Government must show it evaluates and learns from the outcomes of past initiatives, including by:
 - A. Evaluating the Mr Fluffy program which allowed for dual occupancies to be built on Mr Fluffy blocks bigger than 700 sq metres to learn lessons before any expansion of this model across Canberra.
 - B. Evaluating the success of RZ2 zoning in providing medium density housing. The ISCCC notes that the Draft Inner South District Strategy's City-wide Implementation Pathways refer to such an evaluation being undertaken in the short term.

Must provide greater clarity and certainty in decision-making on Development Applications (DAs)

- It is proposed to drop most current rules, and replace them with vague outcome measures. The draft Territory Plan relies too much on subjective assessment. Desired outcomes in the Territory Plan can mean very different and frequently conflicting things to different members of the community.
3. The Territory Plan must incorporate tighter definitions of desired outcomes, based on verifiable evidence and objective measures of compliance.
 4. Appeal and review rights will be crucial under the new arrangements. The appeal rights of third-party 'interested entities' should be made explicit in the new Planning Bill. Where decisions are based on outcome measures, then internal review arrangements should be available, to improve consistency in decision-making.
 - The proposed arrangements not only give ACTPLA wide discretion to decide on DAs, but also to change, as they see fit, the specifications for 'deemed to satisfy' assessments, and other assessment requirements. This ignores the Legislative Assembly's oversight role.
 5. All mandatory DA assessment requirements must be included in the Territory Plan, to enable Assembly and community oversight. This includes the Technical Specifications, and any mandatory elements of the Design Guides and other supporting material.
 6. Additional key mandatory 'Assessment Requirements' must be adopted covering the current Living Infrastructure provisions, and measures that protect the amenity of existing (and future) residents, including providing solar access, privacy and protection of the character of heritage precincts.
 7. The Living Infrastructure provisions must not be watered down in the new arrangements and must include the current requirement for single dwelling large blocks of 30% minimum planting area, rather than the proposed, without any explanation, of 24%.
 8. The proposed development assessment system should comply with nationally agreed benchmarks, such as the 'Development Assessment Forum' (DAF)'s 'A Leading Practice Model for Development Assessment in Australia'. Currently, it does not.
 9. Any proposed changes to mandatory requirements in the Territory Plan are to be treated as a major amendment, with appropriate notification to the Legislative Assembly and provision for the amendment to be disallowed if the Assembly considers that to be the appropriate action.

10. The ISCCC recommends that the government seek advice on the risks of moving to discretionary decision-making, as inevitably there will be merits and judicial review. The likely monetary and social risks have not been discussed.
11. As the Design Guides are not yet available, a period of at least four weeks for public comment should be allowed when they become available.
12. The assessment requirements where a DA is not required are not yet available. A period of at least four weeks for public comment should be allowed when they become available. As these requirements will be mandatory, they must be included in the Territory Plan.
13. If DA exempt knockdown/rebuild developments do continue, notification of the development to adjoining leaseholders should take place, without conferring objection rights, indicating how the development meets the requirements residents identified in our 2019-20 survey that are important to them (see Introduction of this Submission).
14. An explicit requirement that DAs involving protected trees are to be referred to the Conservator is to be included as a mandatory Assessment Requirement in the Territory Plan (or as an amendment to the Planning Bill). Decision makers who decline to follow the Conservator's recommendation(s) should be required to give reasons for their decision.
15. An explicit requirement that DAs involving heritage matters are to be referred to the Heritage Unit and Heritage Council is to be included as a mandatory Assessment Requirement in the Territory Plan (or as an amendment to the Planning Bill).
16. The process of referral and scrutiny of development proposals involving heritage matters requires urgent review.
17. The current Heritage rules must be maintained, and all development must respect the built heritage, streetscape and character of heritage precincts.
18. Property-buyers should be asked to sign a declaration that they are aware of heritage rules and will respect them.
19. It is also very important that traditional custodians of the land be consulted about cultural heritage that needs to be taken into account in the Draft Territory Plan and Inner South District Strategy.

DRAFT INNER SOUTH DISTRICT STRATEGY

20. There must be a more rigorous methodology for projecting population increases in the ACT and hence the number of additional dwellings required annually, and where.

21. It is not clear how specific areas for future consideration or significant increases in density have been selected. The rationale for the selection of specific areas for potential higher density should be spelt out, either in the Strategy or supporting documentation.

- Given the lack of clear explanation and rationale for the identified 'Investigation Areas' and 'Urban Character Types', the ISCCC cannot endorse the Inner South District Strategy in its current form.

22. Instead of random upzoning in a district, it is preferable to have structured community engagement to ensure co-design of precinct scale developments, and then improvement of processes between participating Government agencies, the private sector and the community to deliver the redevelopment of precincts in a timely way to meet the needs of current and future generations.

23. The ACT Government must use a genuine and well-structured, rather than "rubber stamp", community engagement and co-design approach on the district strategies, including by promoting the community engagement processes widely, at accessible times and places, with reasonable timeframes for comment, and by providing good quality, high resolution maps and other information to support the community in providing better informed feedback. This is especially important in view of current community feelings of disempowerment and that residents are not going to be listened to.

24. The Strategy should aim to achieve the goals, and follow the principles set out by the Planning Institute of Australia to serve as a guide for the preparation of Local Strategic Plans. In the ISCCC's view, the current Draft strategy does not achieve this.

Inner South District Strategy-Specific Comments

25. The Inner South Canberra Community Council's "Inner South Canberra District Planning Strategy - Future Directions for our District - 2021" is a comprehensive, locally-sensitive District Strategy. This should be drawn on more comprehensively in revising the Draft Strategy for the Inner South.

26. A clearer evidence base is needed for the proposed Transect approach to Urban Character Types (eg General Urban, Urban Centre, Urban Core), and how it informs the building heights proposed in the Sustainable Neighbourhoods maps, how it would interact with the zoning provisions in the Territory Plan, and how it will ensure resilience in the face of a warming climate, including through the provision of adequate green space and tree canopy cover to prevent heat islands. A regularly updated heat-map is required to provide evidence that developments do not lead to temperatures harmful to health.

27. The proposed District Strategy needs to better acknowledge and manage heritage. Currently it seems to address heritage mainly under the Blue-Green Network under Conservation Connectivity. It is important to acknowledge and maintain built and cultural heritage, not just natural heritage. The Sustainable Neighbourhoods Section and map at Fig 36 need to clarify this.

- The ISCCC supports the proposed initiative in the Blue Green network to protect and enhance the Jerrabomberra Wetlands Reserve, and the Jerrabomberra Creek corridor.

28. The identified primary and secondary liveable blue-green network does not fully capture the biodiversity network in the Inner South, and needs more work.

29. The need for public housing to be included in new developments is important in the Inner South. For example, this should be included in the list of principles for planning East Lake.

30. Oaks Estate must be included in the Inner South District Strategy, not in the East Canberra District Strategy as currently proposed.

31. Greater consideration needs to be given to the future of the Canberra Railway Station in Kingston (the Strategy states in error on page 88 that it is in Fyshwick).

32. More work needs to be done to identify ways of improving transport access by either making it easier for people to get around by car, by public transport or by active travel¹.

The Process from here

33. Once comments received have been incorporated, the next version of the Planning Act and Territory Plan and associated documents should, as a package, be released for final public comment before they are finalised.

34. The process of developing the Inner South, and other, District Strategies should provide for a further period of community engagement after the Planning Act and Territory Plan are finalised.

35. A structured, ongoing forum to address strategic planning issues on a whole of A.C.T. basis would provide community, industry and expert input into the ACT Planning Strategy, and provide a framework for the development of District Strategies. The current Environment and Planning Forum does not meet this need.

¹ The Discussion Paper is misleading when it says on page 88 that “The Inner South is currently serviced by rapid bus routes...” They just serve some inner south suburbs. No rapid buses serve Yarralumla, Deakin, Forrest or Red Hill. Oaks Estate has been trying to secure a direct bus service to Canberra for many decades.

2. INTRODUCTION

The Inner South Canberra Community Council is the peak body of inner south residents' groups, and its Objects are:

- To protect and enhance the amenity and environmental well-being of Inner South Canberra residents and the broader community.
- To engage, inform, listen to, and represent Inner South Canberra residents, including the vulnerable.
- To actively promote communication and cooperation among residents, local community groups and other stakeholders.
- To contribute to high quality, sustainable planning and design of Inner South Canberra.

The ISCCC's online survey of 555 residents in 2019/20 found that what they value most about their Inner South suburbs is:

- Streetscape (street trees, vegetation, gardens, width of streets) - 71%
- Open spaces (parks, ovals and bushland for recreation) – 69%
- Character (well planned, peaceful, safe, community feeling) – 62%
- Environment (reserves, trees, vegetation, wildlife, flora and fauna) – 60%.

Also, 85% of respondents said that they wanted to have a say on what is built next door or nearby. In particular, they wanted a say on impacts on their access to sunlight and natural light (83%), building height (75%), zoning changes (70%), the amount of green space on the block (64%), and protection of the character of the heritage precincts (59%)².

The Government's aims for the new planning system are to deliver a planning system that is clear, easy to use and that facilitates the long-term growth and development of Canberra while maintaining its valued character.

Based on information now available, the ISCCC's view is that the new planning system will not achieve that aim, and will not provide certainty in relation to what inner south residents most value about where they live. It is not clear; it is not easy to use, it removes both Assembly and community oversight of key decision making rules and, based on the experience to date with the Inner South District Strategy, the Government has simply not demonstrated interest in genuine collaborative community engagement.

To be implemented successfully, the government's urban infill policies will require a high quality, open, and consistent planning architecture to navigate and respond to the often conflicting views on appropriate development. This is particularly important in the context of climate change, and where a 'business as usual

² <https://www.isccc.org.au/final-report-on-isccc-online-community-survey-2019-20> accessed 2 March 2023

' approach to development is no longer viable. Trust in the system will be crucial. The new planning system as currently proposed is not fit for purpose.

3. TERRITORY PLAN

Deregulation of Residential Development

The key change in the move to an 'outcomes focussed' approach is to drop most current rules from the Territory Plan.

A few rules remain. For example, for RZ1 and RZ2, site coverage, density and minimum block sizes and number of storeys are retained. Other rules have been removed to a document titled 'Technical Specifications, November 2022'. These cover, for example, setbacks, private open space, solar access, heritage, tree planting, privacy, parking.

The Technical Specifications document does not form part of the Territory Plan, and, to be approved, a development does not have to be assessed against them. Rather *'Where a proposed development complies with a relevant provision in the technical specifications and the technical specification comprehensively addresses the outcome, further assessment regarding those specific provisions will not be required'* (TP partD4)

A problem with this 'deemed to satisfy' approach is that the Technical Specifications document is not part of the Territory Plan. It can be amended by ACTPLA without reference to the Assembly (or indeed anyone.)

This means that ACTPLA can change the basis by which a DA is deemed to comply, and will certainly be under pressure from industry to water down the specifications.

The Planning Bill 2022 provides that:

the Territory Plan may be supported by background material, guides, advisory notes or anything else (the supporting material) that the territory planning authority considers will help readers to understand and apply the Territory Plan.

Planning Bill S49 (2)

To use 'supporting material' as a basis for decision making on Development Applications is dubious, and may raise 'error of law' issues. To remove any doubt, if it is desired to have the Technical Specifications operate on a deemed to satisfy basis, then they should be included in the Territory Plan, to ensure Assembly oversight. Also, the Planning Bill must explicitly allow for this use.

Case study: Variation 369 Living Infrastructure

Variation 369 to the existing Territory Plan came into effect on 1 September 2022, and introduced new rules covering minimum levels of private open space and planting areas, and minimum levels of tree plantings across developments in residential RZ zones. These rules have been incorporated into the relevant codes (Single Dwelling, Multi Unit) in the current Territory Plan.

Other than an unexplained reduction in the minimum planting area for single dwelling large blocks (from 30% under V369 to 24% in the document) the private open space, planting area, number of trees and tree sizes specified in V369 have been carried over into the Technical Specifications.

(It is not clear why the reduction for single dwelling large blocks was made; no justification has been provided, and given the level of consultation around V369, this measure should be pushed back up to 30%).

However, there is a fundamental difference between current V369 arrangements and the equivalent provisions in the Technical Specifications, irrespective of the above marginal change:

- Current arrangements require developments be consistent with the relevant code in the Territory Plan, and assessment against the code's rules and criteria. Under the proposed arrangements, assessment will be against broad outcome criteria
- The Technical Specifications will not form part of the Territory Plan, and, to be approved, a development will not have to be assessed against them. Rather, it is proposed that the Technical Specifications can be used on a 'deemed to satisfy' basis if a proponent chooses to do so.

Basically, a development will not have to comply with the content of V369 unless the developer chooses to do so. As a consequence, it is not clear how the Government will succeed in delivering the promised 30 percent tree canopy cover and other vegetation needed to prevent the heat island effect and ensure the resilience of people and other species in the face of climate change.

Decision Making

Under the Planning Bill, a decision on a DA must consider, inter alia, 'any applicable desired outcome in the territory plan.'

As supporting documentation indicates

the focus for development assessment is clearly on the impacts and outcomes of a development, rather than a compliance approach.

On the face of it, focussing on desired policy outcomes has logic, by bringing broader considerations to bear.

However under this approach, the quality of the outcome measures is crucial. Unfortunately, all of the many 'outcome statements' are qualitative, broad in nature and not measurable. Their interpretation when applied to decision making on a specific DA therefore involves subjective judgement.

For example, desired outcomes for the RZ1 zone include:

- 1. Provide for a range of housing choices that meet changing household and community needs.*
- 2. Limit the extent of change that can occur particularly with regard to the residential density and original pattern of subdivision.*
- 3. Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties.*

Statements such as these are not a good basis for consistent, transparent decision-making. The use of broader, qualitative outcome criteria gives ACTPLA enormous discretion in assessing development applications.

It may be hard to win an appeal against approvals, as this will involve assessing competing subjective judgements regarding these diffuse concepts, rather than more specific assessment of whether a rule has been complied with or not.

Over time, court rulings may provide some clarification, but court appeals are only likely from proponents appealing against rejection of a DA.

It would appear that the Government realises that there is a problem with using such vague, subjective criteria as a basis for assessing DAs. It is proposed to introduce Design Guides to provide clarity:

The new design guides are fundamental instruments to support an outcome-based approach to the assessment of development proposals.

It is not clear what this means. It does not help that the Design Guides are currently not available. However, if the Guides do move from simple guidance to imposing mandatory conditions this is a significant step, as the Guides are not part of the Territory Plan and can be written by ACTPLA as they see fit.

Any such mandatory conditions must be in the Territory Plan, to provide Assembly oversight. Again, any use of guidance materials as assessment requirements raises probable 'error of law' issues.

The Development Assessment Forum's 'A Leading Practice Model for Development Assessment in Australia', is a nationally agreed benchmark document. It indicates, regarding assessment criteria:

Converting policies into clear assessment criteria ensures that decisions consistently achieve policy objectives and that development applications are assessed against relevant criteria. Technically excellent criteria are based on appropriate, relevant, verifiable evidence and lead to objective tests of compliance.

(A leading practice model for Development Assessment in Australia, Development Assessment Forum, 2005)

This approach needs to be adopted in the proposed Territory Plan; desired outcomes need to be objective and measurable. This will require a reworking of many of the currently proposed subjective outcome measures.

A simple example of an objective, measurable 'desired outcome' would be that any development has to preserve the solar access of neighbouring properties. 'Solar access' is easily defined (certain hours of access in midwinter, etc). How the proposed development achieved this would be up to the proponent, rather than, as currently, conforming to rules about setback, building bulk. Such an approach would provide flexibility for innovation, while preserving a desired outcome of solar access.

Unless the currently proposed outcome measures are reworked, the new arrangements will fail their stated objectives to deliver a planning system that is clear, easy to use and that facilitates the long-term growth and development of Canberra while maintaining its valued character. Instead, it will generate complexity, conflict between new developments and existing residents, greater use of appeals and the courts, and uncertainty for both the community and industry.

Appeal and review rights will be crucial under the new arrangements. The appeal rights of third-party 'interested entities' should be made explicit in the new Planning Act. Where decisions are based on outcome measures, then internal review arrangements should be available, to improve consistency in decision-making.

In some instances it may not be possible to articulate an objective outcome measure. For example, the current Living Infrastructure measures have outcomes relating to canopy cover after 20 years. Due to this time lag, it is impossible to articulate as an outcome that can be assessed at the time of application, and so such measures need to be expressed as rules governing tree planting and open space. In the current context, this would mean adding these rules to the mandatory 'Assessment Requirements' in the proposed Territory Plan.

Also, some measures, such as privacy, solar access and protection of the character of heritage precincts may be seen as so sensitive and likely to generate conflict that they should be made mandatory Assessment Requirements.

If the outcome measures are not reworked to be made more objective and measurable, then it would be necessary to incorporate additional Assessment Requirements into the Territory Plan.

DA exempt developments

The assessment requirements where a DA is not required are not yet available. A period of at least four weeks for public comment should be allowed when they become available. As these requirements will be mandatory, they must be included in the Territory Plan. Given their significance, they cannot be left to ACTPLA to draft as they see fit.

There is little confidence now that private certifiers are applying the appropriate rules. If it is proposed that outcome measures are used as criteria for DA exempt developments, then this would be unworkable, with a likely total lack of consistency between private certifiers. If such criteria are used, DAs should be required.

Nearby development without notification is a major source of disquiet among residents. Residents have demanded a say on neighbouring knockdown rebuilds (in response to the ISCCC's online survey in 2019/20). The proposed Territory Plan does not provide residents with an opportunity to comment on knockdown rebuilds next door or nearby.

If DA exempt knockdown/rebuild developments do continue, notification of the development to adjoining leaseholders should take place, without conferring objection rights, indicating how the development meets the requirements residents identified in our 2019-20 survey that are important to them (see Section 2, Introduction, of this Submission)

Heritage

The definition of heritage covers built, cultural and natural heritage.

It is very important that traditional custodians of the land be consulted about cultural heritage. Cultural heritage, in this context, must be taken into account in the Draft Territory Plan and Inner South District Strategy.

The challenge is to protect heritage, in its widest sense, in the context of the government's wish to intensify urban consolidation.

The preservation of the streetscape and character of identified heritage precincts is highly valued by the community.

The current Heritage rules must be maintained, and all development must preserve the built heritage, streetscape and character of heritage precincts.

Property-buyers should be asked to sign a declaration that they are aware of heritage rules and will respect them.

An explicit requirement that DAs involving heritage matters are to be referred to the Heritage Council, via the Heritage Unit, is to be included as a mandatory Assessment Requirement in the Territory Plan (or as an amendment in the Planning Bill).

The Heritage Act, which is to be reviewed, must not be subordinate to the proposed Planning Act. The future of the ACT's heritage is dependent on the interaction of these two Acts in particular.

4. DRAFT INNER SOUTH DISTRICT STRATEGY

4. DRAFT INNER SOUTH DISTRICT STRATEGY

The current Draft Strategy

The ISCCC supports the concept of District Strategies.

However, the way the draft Inner South District Strategy was developed, that is, by ACTPLA following often haphazard consultation, has generated considerable community disquiet. It is not clear how specific areas for future consideration or significant increases in density have been selected. It seems as though this has been mainly a 'desk top' process with little 'on the ground' understanding of what exists currently in many of the highlighted areas. Given the lack of clear explanation and rationale many residents feel that the 'Investigation Areas' and 'Urban Character Types' shown on the related maps are a fait accompli. This has not been helpful, and hardly generated confidence in the district planning process.

By way of example, a stretch of Adelaide Avenue occupied by Embassies is marked as a possible change area. There are apparently random proposed high-density locations dotted around Red Hill, and in particular one above Nelson Park in the middle of The Parks development. There was extensive community and developer negotiation over several years to come up with the final product in The Parks development and now it appears that the agreed position may be reviewed.

Further community examination of the Strategy was made difficult by the lack of high resolution versions of key maps, (Fig 31 and Fig 36), with these only being made available on 15 February, after the ISCCC and Yarralumla/Deakin public forums, even though they were requested by the ISCCC in late November 2022³. There is a concern that, down the track, the contents of the Draft Strategy will be used as a justification for specific approvals, with assumed community acquiescence.

³ <https://the-riotact.com/community-being-kept-in-dark-on-district-strategies-says-council-chair/633085>, accessed 3 March 2023

There is also concern about the proposed outer boundaries of the Inner South District. Oaks Estate residents have expressed the view that their suburb is already a forgotten part of Canberra, that it has significant heritage sites and value to wider Canberra, and that it should come under the Inner South District Strategy rather than the East Canberra District Strategy.

The identified primary and secondary liveable blue-green network needs more work. For example, a “secondary” blue-green network between Newman and Gunn Streets in Yarralumla, where a breeding pair of endangered Gang Gang cockatoos was sighted recently, stops abruptly at Adelaide Avenue. The only secondary “blue-green” connections shown on the map at Fig 32 through Deakin to Red Hill Reserve are Adelaide Avenue and Hopetoun Circuit, both main roads.

Given all of the above, the ISCCC cannot endorse the Inner South District Strategy in its current form.

The ISCCC’s *“Inner South Canberra District Planning Strategy - Future Directions for our District - 2021”*⁴ is a locally-sensitive District Strategy and should be drawn on more comprehensively in revising the Draft Strategy for the Inner South.

The ACT Government must use a genuine and well-structured, rather than “rubber stamp”, community engagement and co-design approach on the district strategies, including by promoting the community engagement processes widely, at accessible times and places, with reasonable timeframes for comment, and by providing good quality, high resolution maps and other information to support the community in providing better informed feedback. This is especially important in view of current community feelings of disempowerment and that residents are not going to be listened to.

District Strategy-Community Forum Comments

The ISCCC and member community organizations conducted a series of community forums and meetings on the Strategy that were attended by over 300 people. For example, the record of issues raised at the ISCCC ‘s public forum on 7 February is attached. It is also available at <https://www.isccc.org.au/record-of-public-forum-7-february-2023>. The record of the Yarralumla and Deakin Residents’ Association public forum on 14 February is at: <https://www.yarralumlaresidents.org.au/latest-news/show/79>.

The key recommendations arising from these meetings and other feedback from residents, informed by detailed analysis of the draft Territory Plan and District Strategy, are set out in the Overview section of this Submission.

⁴ <https://www.isccc.org.au/isccc/wp-content/uploads/Inner-South-Canberra-District-Planning-Strategy-ISCCC-2021.pdf> accessed 2 March 2022.

Strategic Planning-Best Practice

The Planning Institute of Australia has established goals and principles of local strategic planning. These are set out below; these should be adopted to guide further development of the Strategy.

‘the goals of local strategic planning are to protect significant aspects of the local natural and built environment, guide the efficient and effective use and distribution of scarce resources at a local level and also guide the delivery of key infrastructure for the benefit of the local communities.

[Planning Institute of Australia NSW Policy Statement July 2012 Local Strategic Planning’].

In the ISCCC’s view, the current Draft strategy does not achieve these goals. Its development should reflect the following, drawn from the Planning Institute of Australia’s principles to serve as a guide for the preparation of Local Strategic Plans:

- a) Must be evidence based;
- b) Must take into consideration the views of all stakeholders and those likely to be affected;
- c) Must identify the criteria for making decisions that involve choosing between different strategy outcomes and reconciling the choices;
- d) Must take into account higher order policies or strategies such as International and Federal planning policies;
- e) Must acknowledge that circumstances may change and strategies need to adapt over time;
- f) Must be explicit about responsibilities and accountability for implementation;
- g) Must be holistic rather than focused on one issue;
- h) Must identify how the strategy will be delivered, funded and monitored;
- i) Must address sustainability, equity and feasibility.

5. THE PROCESS FROM HERE

Next Steps

Once comments received have been incorporated, the next version of the Planning Act and Territory Plan and associated documents should, as a package, be released for final public comment before they are finalised.

The process of developing the Inner South and other District Strategies should provide for a further period of community engagement after the Planning Act and Territory Plan are finalised, and before the Strategy is itself finalised.

ACT Planning Strategy

There are many competing views on how to best approach development across Canberra in the years ahead, taking into account the Government's policies on urban consolidation, Living Infrastructure, Climate Change, housing access and affordability, transport and other infrastructure.

These views range from rejection of the need for further infill, to proposals to 'upzone' existing zones across Canberra. Meanwhile, Canberra is building the largest houses in the world (265 square meters), which would appear even more wasteful on a per occupant basis.

A structured, ongoing forum to address these issues on a whole of A.C.T. basis would provide community, industry and expert input into the ACT Planning Strategy, and provide a framework for the development of District Strategies. The current Environment and Planning Forum does not meet this need, as it often spends too much time providing information and not enough on collaboration to consider and come up with options for dealing with strategic planning issues.

ATTACHMENT 1

RECORD OF ISCCC PUBLIC FORUM 7 FEBRUARY 2023:

KEY CONCLUSIONS

Overall attendees were dissatisfied with the current Territory Plan, proposed Territory Plan and district strategy and with the process of consultation. The Chair summarised the following key conclusions:

- There is a lack of information provided by the ACT Government including good quality maps to help the community provide feedback.
- Community groups can't be expected to have meaningful input into policy when they don't have accurate and detailed information that informs them of the impact of what's being proposed. The ISCCC can say this isn't acceptable and argue that the date for submissions should start from when we are given proper information.
- There is no evidence of putting the Community first.
- Ask for the rationale underpinning the proposed zoning (eg General Urban, Urban Centre, Urban Core)
- If we are to have an outcomes-based system, it needs to be measurable. What is proposed isn't. There is a need to have compliance irrespective of the system.
- The need for a right of appeal was emphasised.
- There needs to be more focus on heritage and how that is dealt with in the Territory Plan and district strategy. The importance of maintaining heritage, including built heritage and cultural heritage and not just environmental heritage was emphasised.
- There is the need to design for climate change and at the moment it doesn't seem to be designed that way, both in terms of things like green space on blocks and EV charging in apartment buildings etc.
- The need for public housing to be included in new developments is important in the Inner South.
- People expect certainty about what can be built next to them or nearby. Clear rules are needed for knock down, rebuilds.
- People want clear guidance so that they know that they are not going to lose their solar access and that there's going to be adequate green space on residential blocks and near urban intensification areas.
- The future of the Canberra Railway station needs to be examined.
- The need to protect the Jerrabomberra Wetlands is critical.
- Improve transport access by either making it easier for people to get around by car or by public transport.
- Advocate for the inclusion of Oaks Estate as part of the Inner South District strategy.
- Advocate for maintaining the requirement for green space on residential blocks at 30%. We should advocate to ensure that we have the protection of the streetscape

and the look and feel as people move around the heritage areas of the Inner South generally.

- Residents feel disempowered and that they're not going to be listened to. The process seems to be being done in such a way that the Government is ticking the box that it has carried out community consultation, but the Government knows what it wants to do.
- It is important to work cooperatively with the Heritage Unit, in consultation with the Heritage Council, in order to uphold the current clear heritage rules. Proactive steps to improve property buyers' awareness of heritage areas and the guidance provided by the ACT Heritage Register would assist in this regard.
- Send the government the ISCCC's draft District Strategy again.
- When approvals are done, they need to be done in a reasonable time frame. Explore what can be done to address other barriers within the system to speed up appropriate precinct scale development to meet the needs of current and future generations.

Reports from Breakout Groups

Griffith and Narrabundah – Group 1

- The rapid transit bus routes need to go through all the shopping centres, but especially Red Hill and they need to have greater consultation with the community and bus users in developing timetables and plotting routes.
- Further development is increasing the heat island.
- The new territory plan must be objective, must be measurable. There needs to be a right of appeal, it needs to be transparent, evidence based, it needs to have a level of compliance, it needs to be assessable, it needs to have a community focus and it has to be designed for the change in climate.
- There is a need to ensure that heritage is maintained across the Inner South.
- The group does not want to see further expansion of RZ 2 areas and wants RZ 1 to remain in its current form with its current definitions.
- The group doesn't want any 'yellow' urban infill in Griffith. It is considered that Griffith has already given a lot of urban infill.
- Old Narrabundah urban infill needs to comply with urban design for climate change.
- New developments must include public housing.
- The group raises the questions "How will the ACT government transparently measure community consultation? How will we know that we have been heard? What weight will be given to the government's draft legislation and how will this occur? How will they give feedback to the community?"
- The ACT government needs to use the ISCCC's Inner South District plan for planning matters and neighbours must be able to have a say on knock down rebuilds.
- Non complying certifiers must be held accountable.

Griffith and Narrabundah-Group 2

- If the government wants comments on this, they need to produce maps which people can read and understand. The diagrams are very vague.

- The new plan seems to totally ignore concerns that people have about the existing plan, for example about knock down/ rebuilds.
- If there are no planning rules that are incorporated in the plan and legally enforceable, it's just a waste of time. It will be a free-for-all creating planning free zones.
- The question was raised “How do we influence the government?” It seems to be that there is no way to genuinely influence the government.
- The new plan seems to ignore climate change. There's no requirement for passive solar orientation in any new developments. There is weak support for more trees, but less than hoped and less than was in the draft legislation. There are no requirements for solar panels, or electric car recharging points etc.

Kingston and Barton

- Focused on particular issues in Kingston and Barton.
- The future of the Canberra Railway Station is very critical to sensible planning in the whole East Lake urban renewal area. It is not something that seems to be given any priority at the moment.
- Another specific issue is planning for EV charging, particularly for apartment buildings. It is understood that the government is going to give some subsidies, possibly starting this year, for individual apartment buildings to provide charging facilities. But there are all sorts of questions about this in practice. Is there enough electricity supply to the area to satisfy what could be a pretty major increasing demand? Where are the charging facilities to be placed? The apartment buildings aren't designed to cope with these for general use.
- Open Space is an issue of concern. If Kingston and Barton are to grow substantially in population, there is going to be a need for more open space.
- There is a need to protect Jerrabomberra Wetlands as a major metropolitan scale resource.
- Improving vehicle access to the area is necessary if there is going to be more development in the area. Roads are already under much strain. There are no specific provisions in the draft strategy. What is planned, for example, for the intersection of Canberra Avenue and Majura Parkway, which is a complete mess at the moment?
- There will be a substantial need for new and improved access roads for East Lake. There is nothing in the draft strategy about that.
- There are questions around the removal of the causeway substation. This is related to the broader issues around the East Lake development. There is concern about where the new underground cables are going to go and what impact that will have on the Jerrabomberra Wetlands.
- The government is reducing the number of car spaces available in buildings. There is a need for improved public transport in the urban renewal areas.

Red Hill

- There is difficulty with the time allowed to provide comments. The 3 March deadline is very early given the community was only asked in November 2022.

- The government is not providing full information for consultation. The maps are tiny. How can they be used and interpreted? Ministers should be upfront explaining these things and addressing community needs.
 - If the overriding guidance is community, it has been overlooked.
 - The community includes the future community who would perhaps be the younger generation who would like more residences and the group is respectful of that.
 - At the same time, liveable suburbs require good quality built environment and green open space. We need to be respectful of nature and heritage. The government has not addressed community concerns on this matter.
- There is a need for genuine First Nations consultation.
- The public green space and the private green spaces all contribute to that green space. The dual occupancies reduce that private green space opportunity. Could we rethink the Government's proposed reduction from 30% to 24% planting area on residential blocks and argue that that's not compatible with the climate change issues that we're facing?
 - Car park requirements in Red Hill are an issue. The Red Hill shops are already full.
 - There are random proposed high density hot spots in the Government's Sustainable Neighbourhoods map (Fig 36 in Draft District Strategy). There is a high-density blob above Nelson Park.
 - The setback 'promises' were not kept in the Parks development.
 - The community is the whole of Canberra. How can these blocks be randomly selected? What is the formula? Who is making decisions?
 - The group wants an "evening out" (balancing out) of areas/blocks for high density.
 - It appears that developers can now make their own rules.
 - There is a concern about the infill increasing noise levels.
 - The Parks Development comprises 3% land with 20% residences. The colours on the Government's available maps spread the high-density opportunities.

Oaks Estate

- Oaks Estate residents want to be part of the Inner South District.
- Oaks Estate is already a forgotten part of Canberra.
- Oaks Estate has significant heritage sites and should be valued as part of the wider Canberra community.
 - There was no consultation at the consultation workshop RMC. It was a sales pitch only.
- Residents of Oaks Estate call for access to free bulk billing medical practices and walk-ins.

Deakin, Forrest and Yarralumla

- The hallmark of this process is that it is developer driven and to increase income for the ACT Government, it's not community driven.
- There is a total lack of readable maps to be used to make reasonable comment. The maps are not sufficiently detailed at the street level. People can't understand what these maps mean for them and can't have a sensible debate.
- There is no rationale for the areas identified as urban core, urban centre and general urban. What are the criteria?

- What does investigation area mean in practice and when are we likely to get clarity on this.
- The community has no faith in ACTPLA to make decisions in the interests of the community.
- There is a need for more detailed requirements for development to reduce the level of discretion for ACTPLA.
- Technical requirements should not be outside the plan. They need to go into the legislation and be measurable and transparent especially on the controversial area of knock down and rebuilds.
- Solar access is critical to a liveable house.
- When approvals are done, they need to be done in a reasonable time frame.
- The maps don't show what is already happening in all the various zones and where there is already overdevelopment or existing facilities.
- It was noted that in heritage areas a residence cannot be varied but can be pulled down.
- There is a real concern that government is acting as if the new plan is already in place with the current decisions being taken on developments outside the rules.
- There is a great demand for townhouses rather than high-rise. Preference was expressed that developments outside RZ 1, should be for townhouses and not high-rise developments.
- Residents feel that the government is not listening.

Heritage

- The challenge is to protect heritage in the context of the government's wish to intensify.
- The definition of heritage does cover the built environment. Heritage is not solely environmental. However, the view is that the documentation relates principally to environmental heritage. The group feels very strongly that built heritage is an extremely important part of heritage.
- The heritage register and its future needs to be carefully considered, in light of recent developments in heritage precincts.
- The current heritage rules, in the group's opinion, are excellent. They're clear, professional, and comprehensive. The current rules, elucidated in the individual entries in the ACT Heritage Register, should be maintained.
- In addition to proper oversight of the current heritage rules, the group favours the preservation of the streetscape and character of the heritage precincts. The most important element of heritage areas is the streetscape and the character of these precincts as one moves around them.
- Retaining a proper permeable surface minimum ratio is an essential part of the character of these precincts.
- Improving buyer awareness of heritage areas amicably is a high priority.
- There is a plea for a helpful, sympathetic heritage unit, with the oversight of the Heritage Council, to work amicably and promptly with buyers.