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COMMENTS ON 77 CAPTAINS COOK CRESCENT GRIFFITH DA202139231

Dear Planners

The Griffith Narrabundah Community Association (GNCA) welcomes the opportunity to comment on this issue. We have over 400 members and many more supporters in the area the GNCA represents.

Housing ACT proposes to demolish the existing dwelling on 77 Captain Cook Crescent and replace it with three 3 new single storey Adaptable dwellings. Presumably, the intent is to allow local public housing tenants to stay in the area as they grow older, so called “Ageing in Place”. The GNCA supports this concept and welcomes the redevelopment of older dwellings as Adaptable Housing.

As will be discussed further below, the proposal does not comply with the front, side, and rear set back rules (R29 and R30 of the Multi Unit Housing Development Code (MUHDC)), and the Principal Private Open Space provided for each dwelling does not meet the requirements of R61 of the MUHDC. While it is understandable that a private developer might seek to extract the widest possible interpretation of qualitative criteria from ACTPLA, such considerations should not apply to Housing ACT. Government tenants in Government-owned Adaptable Housing or Supportive Housing dwellings should not be asked, or expected, to endure sub-standard conditions.

We would expect the government would set the standards and lead by example. Unfortunately, this does not appear to be happening.

The GNCA notes that the Territory Plan has specifically addressed the need for such housing, limiting the number of **such dwellings per block to two within RZ1**. A redevelopment

involving three or more Adaptable dwellings **can only be built in an RZ2 zone**. The reasons for such a provision are clear.

Three of the Objectives for the RZ1 zone are:

- *Provide for the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character*
- *Protect the character of established single dwelling housing areas by limiting the extent of change that can occur particularly with regard to the original pattern of subdivision and the density of dwellings*
- *Ensure development respects valued features of the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties*

The restriction of only two Adaptable dwellings per block in RZ1 is aimed at ensuring that these Government Planning Objectives are met. An additional extra Objective was recently added:

- *Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs*

However, it seems that this was intended to complement the existing Objectives rather than repeal or override them, so this must be read in conjunction with the other objectives rather than on its own. Hence the requirement that large groups of Adaptable housing may only be developed in RZ2 areas.

The proposed redevelopment of 77 Captain Cook Crescent is not consistent with the first three Zone Objectives listed above, and consequently must not be proceeded with. The GNCA would welcome a new proposal that only proposed two dwellings for the site.

Housing ACT appears to recognise the difficulty, because it asserts in the Statement Against Relevant Criteria that the re-development is a Supportive Housing development. Supportive Housing is defined as being for tenants that need support services such as counselling, domestic assistance, and personal care for residents. Housing ACT nowhere indicates, in the voluminous DA papers, what Support Services are to be provided, and during pre-DA consultation advised that the new dwellings would be available for all eligible tenants. Clearly, it is not intended that the new occupants would be restricted to those with severe handicaps, because it is over a kilometre from the nearest shops, and the occupants are expected to own and drive cars. The DA should not be approved until Housing ACT provides more convincing and substantial evidence that the occupants will be those that need Supportive, rather than Adaptable, Housing.

The proposed development was designed as Adaptable Housing, and the DA papers include a letter from Eric Martin and Associates certifying that the design complies with the Adaptable Housing requirements. While this might be the case, the public, and possibly ACTPLA, will just have to take this on trust, as Adaptable Housing is required to comply with Appendix A of Australian Standard 4299 (available from SAI Global for \$104.35). Even if the Standard were publicly available, we would not be able to comment on this issue as the DA papers fail to give any measurements related to the proposed dwellings, either external or internal. If ACTPLA is

prepared to accept this “*Mark Your Own Homework*” approach we may as well abandon the DA approval process. The Government is failing to adhere to its own planning rules.

The DA should not be approved unless and until the proponents make Standard 4299 publicly available and provides drawings showing all relevant dimensions so that it can be determined whether the proposal complies with the relevant rules.

If the DA were for Adaptable Housing rather than the claimed “Supportive” Housing it could not be approved because it would fail the Replacement Housing Rule. R5 of the MUHDC requires that at least one of the dwellings in a multi-unit development have at least as many bedrooms as the demolished dwelling. The current house at 77 Captain Cook Cr has three bedrooms while the three proposed dwellings have only two bedrooms each.

The permitted Plot Ratio for Supportive Housing in RZ1 zones is set at 35% by R5 of the Residential Codes Development Code. The proponent asserts that the total Gross Floor Area (GFA) of the three proposed dwellings would be 400.5 m², some 30.1% of the 1,297 m² block. As no measurements for any of the proposed dwellings have been provided it is impossible to tell if the proposal does comply with the Plot Ratio. Approval should not be given until drawings with the relevant measurements have been made public.

The proponent concedes that the proposal is non-compliant with the front, side, and rear setback rules. Again, in the absence of relevant measurements it is impossible to confirm the magnitude of these breaches. The proponent, consistent with its *Mark Your Own Homework* approach, asks us to believe that these are trivial enough to be ignored. There are two issues here, firstly, why should we be asked to take the proponent’s word on the issue, and secondly, this attitude that near enough is good enough for Government tenants who can only expect a little less than the rest of us should not be entertained. As the breach in the setbacks is admitted the proposal should not be approved.

While the proponent asserts that the proposal complies with the solar access rules (All proposed Dwellings achieve over 3 hours of solar access between 9 and 3pm on June 21st), no shadow diagrams have been included in the DA papers to demonstrate that this is the case. Also, the plans do not show the interior design of the dwellings, so it would be impossible to determine if sunshine is reaching a non-bedroom rather than a bedroom during the prescribed times.

None of the proposed dwellings complies with the Principal Private Open Space requirements (R61 of the MUHDC) which require that any two-or-three-bedroom dwelling have attached Principal Private Open Space (PPOS) of 36m², and a minimum dimension of 6m. Dwelling 1 has a minimum PPOS dimension of 5.7m, dwelling 2 has a minimum PPOS dimension of 4.53m, and Dwelling 3 has a minimum PPOS dimension of 5.5m. The proponent asserts that there is “*ample space for clothes drying and mechanical services*” but seemingly ignores the requirement that PPOS be sufficient to permit relaxation, dining, entertainment, and recreation. This failure should be **sufficient to reject this DA**.

As a final point, Draft Variation 369 Living Infrastructure in Residential Zones, which will require a 30% tree canopy cover (or equivalent) and 30% permeable surfaces in urban areas by 2045 as well as make changes related to site coverage permeability and planting area requirements on private land in all residential zones, has not yet taken effect, but we understand that the Government (and especially the Greens) intend to proceed with it. Consequently, one would expect a government body to take pains to ensure that any proposal brought forward was compliant with this Draft Variation. However, this appears to not be the case, as it seems unlikely that the current proposal would meet with all the requirements of the Draft Variation. At present approximately 67% of the block is covered by planting area, but the new proposal only provides at most 22%. These numbers confirm that the proposal should not be approved.

In summary the DA should not be approved for the following reasons:

- It is a Supportive Housing proposal in name only, which from the evidence seems likely to be used for Adaptable Housing, a different category of housing already specifically provided for in the Territory Plan.
- While suitable for RZ2 it is not suitable for RZ1 and should consequently be refused.
- The proposal does not meet the Replacement Housing Rule applicable to Adaptable Housing.
- The proposal is short of critical information in a number of areas, so that its compliance with the Adaptable Housing Rules and the Plot Ratio requirements cannot be determined. The DA should be refused, and the proponent invited to resubmit the application with all the necessary information provided.
- The DA is in breach of the front, side and rear set back rules and should consequently be refused unless ACTPLA holds the view that public tenants are second class.
- There is no evidence that the DA complies with the Solar Access rules.
- The DA is in breach of the Principal Private Open Space rules and the draft planting area rules should be refused.

We are both disturbed and disappointed that the Government has proposed a development that does not, in so many ways, appear to comply with its own rules. We are disturbed because the integrity of the planning system in the ACT is under threat, when those who make the rules break them.

Thank you again for the opportunity to comment.

Yours sincerely



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