3 March 2023
2210931

Mr B Ponton
The Director-General
Environment, Planning and Sustainable Development Directorate
ACT Government
GPO Box 158, Canberra
ACT 2601

By email: EPSDDComms@act.gov.au

Dear Mr Ponton,

ACT Planning System Review and Reform Project – Submission on behalf of Riverview Projects

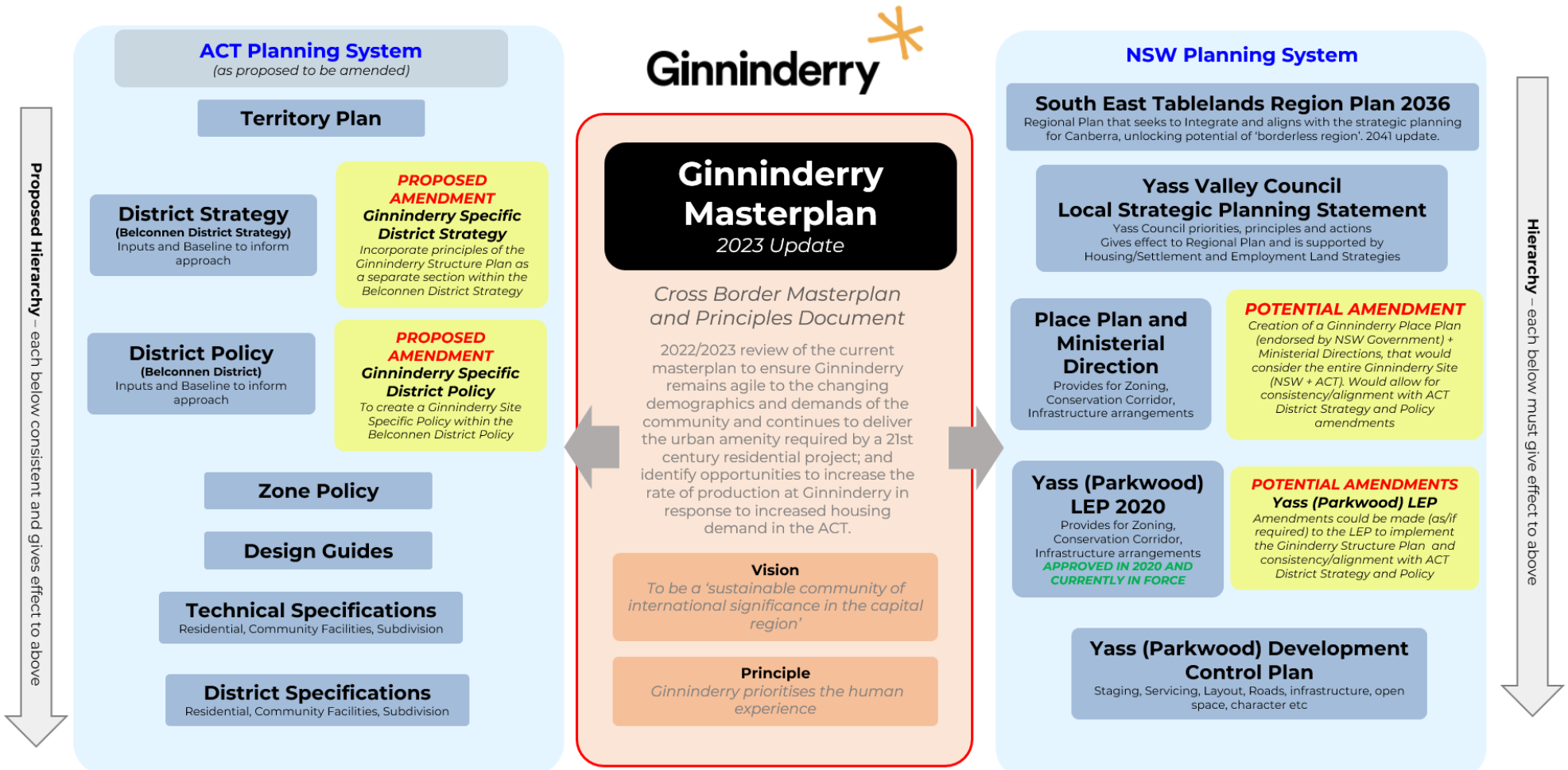
I refer to the current public consultation period, and various documents released for public comment by the ACT Government that are proposed to form a new planning system for the ACT. The package of draft documents includes new District Strategies that are intended to provide clearer strategic direction to support the ACT Planning Strategy, and a new structure, content and amended provisions of the Territory Plan. This submission has been prepared by Ethos Urban Pty Ltd on behalf of Riverview Projects (Riverview), the project managers representing the two joint venture parties of Ginninderry, the Territory represented by the Suburban Land Agency and Riverview Development, a significant new growth area in west Belconnen and extending into NSW. The new suburbs of Strathnairn and MacNamara include currently developing neighbourhoods along Pro Hart Drive and represent the first stages in delivery of a new community that is and will continue to be at the forefront of sustainability, innovation, inclusion and amenity.

The intent of the ACT Government to create a New ACT Planning System is supported by the Ginninderry Project. The proposed structural changes to the ACT Planning System to give greater weight and effect to strategic plans, focus on planning at the District level through the District Strategies and District Planning Policies, and to shift towards more outcome focused planning and assessment mechanisms, are applauded and we strongly encourage and support the ACT Government progressing these reforms. The proposed New ACT Planning System will, over time, lead to a more productive, adaptable and resilient, and people focused Canberra.

Riverview looks forward to constructive engagement with the ACT Government to progress key new elements of the planning system that will apply to Ginninderry. We are particularly focused on coordinated and consistent approaches to strategic and statutory planning across the NSW and ACT border, so that Ginninderry is designed and delivered holistically as a new community that meets many of the growth pressures facing the Belconnen District. We have considered how elements of the proposed New ACT Planning System could align with elements of the strategic and statutory planning system in NSW, and can see the potential for the Ginninderry Masterplan to be given effect through:

- The Belconnen District Strategy, and Yass Valley Local Strategic Planning Statement, at the strategic planning level
- Zoning plans under the Territory Plan and the Yass Valley (Parkwood) Local Environmental Plan (the LEP), as the key statutory planning documents
- A specific Ginninderry District Planning Policy (under the Belconnen District Policies in the Territory Plan) and Parkwood Development Control Plan (under the Yass Valley DCP, and as required under clause 6.4 of the LEP) to provide specific guidance and direction on design and development standards for Ginninderry

The flow chart below outlines how the ACT and NSW planning systems could be aligned for Ginninderry under the New ACT Planning System is provided below.


ACT Planning System
(as proposed to be amended)
Territory Plan
District Strategy
(Belconnen District Strategy)
Inputs and Baseline to inform approach
PROPOSED AMENDMENT
Ginninderry Specific District Strategy
Incorporate principles of the Ginninderry Structure Plan as a separate section within the Belconnen District Strategy
District Policy
(Belconnen District)
Inputs and Baseline to inform approach
PROPOSED AMENDMENT
Ginninderry Specific District Policy
To create a Ginninderry Site Specific Policy within the Belconnen District Policy
Zone Policy
Design Guides
Technical Specifications
Residential, Community Facilities, Subdivision
District Specifications
Residential, Community Facilities, Subdivision
Proposed Hierarchy – each below consistent and gives effect to above
Ginninderry
Ginninderry Masterplan
2023 Update
Cross Border Masterplan and Principles Document
2022/2023 review of the current masterplan to ensure Ginninderry remains agile to the changing demographics and demands of the community and continues to deliver the urban amenity required by a 21st century residential project; and identify opportunities to increase the rate of production at Ginninderry in response to increased housing demand in the ACT.
Vision
To be a 'sustainable community of international significance in the capital region'
Principle
Ginninderry prioritises the human experience
NSW Planning System
South East Tablelands Region Plan 2036
Regional Plan that seeks to Integrate and aligns with the strategic planning for Canberra, unlocking potential of 'borderless region'. 2041 update.
Yass Valley Council Local Strategic Planning Statement
Yass Council priorities, principles and actions
Gives effect to Regional Plan and is supported by Housing/Settlement and Employment Land Strategies
Place Plan and Ministerial Direction
Provides for Zoning, Conservation Corridor, Infrastructure arrangements
POTENTIAL AMENDMENT
Creation of a Ginninderry Place Plan (endorsed by NSW Government) + Ministerial Directions, that would consider the entire Ginninderry Site (NSW + ACT). Would allow for consistency/alignment with ACT District Strategy and Policy amendments
Yass (Parkwood) LEP 2020
Provides for Zoning, Conservation Corridor, Infrastructure arrangements
APPROVED IN 2020 AND CURRENTLY IN FORCE
POTENTIAL AMENDMENTS
Yass (Parkwood) LEP
Amendments could be made (as/if required) to the LEP to implement the Gininderry Structure Plan and consistency/alignment with ACT District Strategy and Policy
Yass (Parkwood) Development Control Plan
Staging, Servicing, Layout, Roads, infrastructure, open space, character etc
Hierarchy – each below must give effect to above

The timing of the ACT Planning System Review and Reform project is well aligned with the review of the Ginninderry Masterplan. The Masterplan review is focused on addressing key strategic outcomes in the ACT Planning Strategy, that will be reflected in the Belconnen District Strategy, and, as proposed in this submission, a District Planning Policy for Ginninderry. The Ginninderry team is also required to prepare a DCP for adoption by Yass Valley Council to enable development to proceed within NSW. Ensuring the revised Masterplan is appropriately embedded in both the NSW and ACT planning systems is critical to the continued success of Ginninderry as an internationally recognised exemplar of sustainable, community focused urban development. We look forward to progressing these reforms at Ginninderry.

Key Points

Riverview intends to make separate submissions that address detail in the proposed Territory Plan amendments and related to Estate Development transitional arrangements, form-based codes and affordability. This submission is focused on the more strategic elements of the proposed new ACT Planning System that will provide direction and a longer-term vision for the Belconnen District, the District Strategies and District Planning Policies. In summary, the following key actions are expanded on below to initiate constructive engagement with the ACT Government to implement key aspects of the New ACT Planning System:

1. Shifting the focus of the Territory Plan, as it applies to Ginninderry, towards performance and outcome-based planning and development controls that are place-specific and with a clear line of sight between strategic planning and development assessment
2. Refining the draft Belconnen District Strategy to ensure it embodies key structural elements, development, community and environmental outcomes of the revised Ginninderry Masterplan
3. Implementing the Ginninderry Masterplan through a specific Belconnen District Planning Policy that applies to Ginninderry, and has similar functions and provisions to a Ginninderry DCP to be prepared for those parts in NSW

Support for the Strategic Direction of the New ACT Planning System

The proposed structural changes to the ACT Planning System as set out in the exhibition draft material, and the intent behind the changes, are generally consistent with the Ginninderry project. In particular, strengthening the mechanisms for strategic planning through the introduction of District Strategies is a significant opportunity to align strategic outcomes with measures to address challenges and make the most of opportunities that are unique to each District. The Belconnen District Strategy is an opportunity to clearly translate targets in the ACT Planning Strategy into meaningful outcomes for each District. For example, the District Strategy can clearly articulate how the ACT Planning Strategy outcomes of a more compact, efficient, and sustainable city will be achieved in Belconnen, while recognising the characteristics that distinguish Belconnen from other Districts, and the challenges to be addressed and opportunities to leverage that are particular to Belconnen.

The exhibition material states that one of the key reasons for proposing a new ACT Planning System is to shift the focus from prescriptive control to more outcomes-based approaches. Improving the clarity of connections through the hierarchy of the planning system, from ACT-wide strategy to locality or place-specific (and then site specific) controls is an ambition of the New ACT Planning Strategy that is supported by the Ginninderry team. The proposed structural changes to the planning system will facilitate the task of aligning strategic outcomes with detailed implementation mechanisms, and we look forward to further progressing this aspect of the reforms for Ginninderry with the ACT Government.

Outcomes-based approaches provides a framework for design solutions to innovate and respond to other considerations while retaining a clear focus on consistency with strategic intent. Some of the current Territory Plan controls are mis-aligned with policy and strategy intent and outcomes, and some standards and provisions in the Territory Plan significantly constrain feasibly delivering new housing that meets the needs of a growing and changing community. More affordable housing, housing that is of a size and type that is suitable to diverse household needs, and housing that is well located relative to jobs, shops, schools and other services, are outcomes that are articulated in the ACT Planning Strategy, but which are difficult to implement because of specific Territory Plan provisions that limit the ability to deliver lots and housing typologies that are affordable.

Delivering affordable housing that meets the diverse needs of people who want to live in Ginninderry requires planning controls that facilitate a diversity of housing at affordable prices. While we recognise that some provisions in the existing and proposed Codes are intended to address issues with the quality and environmental sustainability of new housing in some areas of the ACT, the masterplanned approach to designing new neighbourhoods at Ginninderry means that innovative and affordable housing typologies can be designed in, and that impacts on amenity can be designed out. As an example provisions that allow zero side setbacks and smaller lots can

significantly reduce costs and enable delivery of single dwellings that are affordable and meet the needs of smaller households. There are lessons from development in Ginninderry, and in greenfield suburbs in NSW, that demonstrate how housing diversity can be considered at the lot subdivision stage with approval pathways established that provide certainty that new homes will be attractive, have high amenity, good environmental performance and are affordable. Applying these approaches through a Ginninderry District Planning Policy that provides all relevant subdivision and housing design controls for Ginninderry in one part of the Territory Plan will enable Ginninderry to meet affordable housing targets through a range of dwelling types that meet a broad spectrum of community needs.

The role of District Strategies and District Planning Policies

These elements of the proposed planning system present significant opportunities to effect positive change as they sit within the ACT Planning System at the intersection between strategy and delivery. The draft Belconnen District Strategy states that District policies will be a new part of the statutory planning system to implement the District Strategies, replacing structure plans, concept plans and precinct codes. We strongly support the intended functions of the District Strategies and District Planning Policies. However, we also note that, in the draft package released for public comment, the ACT Government needs to effectively transition from the existing planning system to the New ACT Planning System. That translation will take time, and to start the process:

- the draft District Strategies have been prepared based on existing information and that further refinement is required based on new investigations and analysis
- the draft District Policies in the Territory Plan are a compilation of elements from the existing Territory Plan, and are not consistent in their application to land (scale or significance of sites that are covered), or the issues they address, which range from site specific exceptions to other Territory Plan provisions, to more strategic precinct scale structure plans.

We appreciate the challenge faced by the ACT Government in transitioning to a new system that is structurally and functionally different to the current ACT Planning System. This submission expresses Riverview's strong support for these changes, in particular the initiatives to move towards District Strategies and District Planning Policies that are functionally integrated and tie strategic planning outcomes to provisions in the Territory Plan.

The District Strategies and District Planning Policies haves the potential to establish lines of site from broader strategic planning outcomes to statutory planning controls that will be the basis of the design, assessment and approval of stages of development at Ginninderry and other key locations of growth and change in Belconnen. Clear links between strategic objectives and planning controls will be crucial to successfully deliver on the drivers of District Planning articulated in the draft District Strategies and to address some of the key challenges already recognised in the ACT Planning Strategy.

Similarly, the district policies have the potential to be an effective implementation tool for the District Strategies, at a district or precinct scale. A District Planning Policy for Ginninderry is a necessary part of the New ACT Planning System to give effect to the ACT Planning Strategy and Belconnen District Strategy. The Ginninderry District Policy should sit within the Belconnen District Policies section of the Territory Plan and would perform the following functions within the broader planning system:

- Specify provisions that are to be applied in the design, assessment and approval of development proposals to give effect to the outcomes in the District Strategies and ACT Planning Strategy.
- Providing thematically based approaches to address specific issues that require a common approach across a District, that may differ from the required approach in other Districts.
- Establishing a precinct-scale and precinct-specific statutory planning framework for areas of significant growth and change and which have a role and function that is significant to the District or Canberra.
- Specifying form based codes for development that facilitate diverse, affordable and sustainable housing

The Planning Strategy acknowledges the need for structural shifts in the delivery of new housing, employment, educational opportunities and connecting infrastructure to make Canberra a place that meets the needs of a growing and changing community. Ginninderry is the most significant opportunity in the Belconnen District (and perhaps the ACT) to demonstrate how a precinct-scale district policy can facilitate delivery of strategic outcomes in a newly planned, high growth and large scale precinct.

Actions to implement the New ACT Planning System at Ginninderry

Riverview is excited at the opportunity to work with the ACT Government to plan for the future growth of Belconnen District. In reiterating our support for the reforms, we would welcome constructive engagement with EPSDD to:

a. ensure the Belconnen District Strategy appropriately reflects strategic outcomes for Ginninderry,
b. prepare a Belconnen District Planning Policy that gives effect to and integrates the Ginninderry Masterplan into the Territory Plan and is a consistent basis for planning and delivery of development across both the NSW and ACT portions of Ginninderry.

Finalising the Belconnen District Strategy

The draft Belconnen District Strategy is broadly consistent with the current Ginninderry Masterplan in relation to key elements including the location of a new group centre, major transport connections and dwelling/population yields. We support the inclusion of key structural elements on the structure plan. Given that the Ginninderry Masterplan requires periodic reviews, it is important that the District Strategy is not so detailed and prescriptive that it would require amendments to reflect changes to detail in the masterplan that may arise from these reviews. The District Strategy could specify targets for Ginninderry that give effect to ACT Planning Strategy outcomes. For example:

- to achieve a more compact city, the District Strategy could specify that residential areas in Ginninderry achieve minimum dwelling densities, while retaining flexibility in the dwelling typologies and built form to be responsive to market needs and the unique environment of Ginninderry.
- to ensure the supply of new housing will meet community needs now and into the future, the District Plan could set targets for the proportion of dwellings that are different sizes (number of bedrooms) to accommodate a range of household types and sizes that facilitates ageing in place, extended family households, non-family households.

Riverview looks forward to sharing the outcomes of the current masterplan review with the ACT Government, and ensuring that key elements of the revised structure plan are appropriately incorporated into the Belconnen District Strategy. While we understand the District Strategy will not apply in NSW, it is important that the District Strategy shows at least indicatively how development will be aligned and integrated across the border.

Prepare a District Policy for Ginninderry

The Ginninderry District Policy is an opportunity to embed the Ginninderry Masterplan in the Territory Plan. While the ACT Government (through the Suburban Land Agency) and Riverview are committed to delivering the Masterplan, it currently does not have any clear status within the Planning System. A District Policy that includes a revised version of the masterplan, presented as a structure plan that illustrates key elements of the masterplan would be effective in defining development outcomes against which specific development applications could be assessed. The Ginninderry District Policy could, through collaboration and agreement with EPSDD, address:

- the transport network and hierarchy
- open space, conservation areas and other areas of environmental value and amenity
- the role, function and hierarchy of centres, employment and innovation zones and criteria for their location, function and design so they are viable in the long term, contribute to social wellbeing and economic sustainability, and impact positively on the environment
- target population densities per hectare of urban land that align the proportion of population growth with the rate of conversion of land from non-urban to urban use, to demonstrate that new urban land is being sustainably used
- spatial distribution of population or dwelling density and dwelling size/mix outcomes across Ginninderry
- general built form and building typology outcomes and how these are distributed across Ginninderry
- A target for affordable housing across Ginninderry, and precinct-specific mechanisms (through form-based codes) including diverse permissible dwelling types, development standards (for example lot sizes/dimensions, setbacks and site coverage controls) that enable diverse typologies and sizes of affordable dwellings to be feasibly delivered
- integration of development within the ACT and NSW to ensure strategic outcomes are aligned and operational considerations (such as servicing, utilities and social infrastructure provision) are addressed.
- Staging of development and infrastructure delivery across Ginninderry to ensure housing supply is maintained and development is cost effective and sustainable.

- Areas where more flexible planning controls are appropriate to enable investment to deliver jobs, services and economic growth to maximise self sufficiency and a sustainable efficient urban ecosystem
- Areas where specific character outcomes are important, such as preservation and activation of heritage precincts, and ensuring connections to Country are embedded in the plan

The equivalent component of the NSW planning framework to this proposed District Planning Policy would be a precinct specific Development Control Plan (DCP). The provisions of the LEP require a DCP to be prepared before development can proceed, and specify matters to be addressed in that DCP that are generally consistent with the matters outlined above. There are numerous precedents from growth areas in NSW that have a similar structure, content and functions to the Ginninderry District Policy outlined above. The opportunity to integrate the masterplanning and development assessment framework across the NSW/ACT border through an aligned District Planning Policy and DCP would facilitate better outcomes for the Ginninderry project as a whole. There are also opportunities to align form-based codes in the ACT with equivalent planning instruments in NSW including the Greenfield Complying Development Code and Low Rise Medium Density Housing Code, both of which specify design standards and approval pathways to facilitate diverse and affordable housing that will be need to meet the needs of a growing and changing community

Priority Actions

The Ginninderry team is in the process of reviewing the Ginninderry Masterplan in line with commitments under agreements with the ACT Government. The temporal alignment of the masterplan review with the ACT Planning System Review and Reform project is a significant opportunity to collaboratively integrate planning for Ginninderry with the key strategic elements of the proposed new planning system. The conclusion of this submission is an offer to work with the ACT Government to progress application of the new planning system at Ginninderry, through the following key actions:

- Revising and finalising the Belconnen District Strategy to indicatively show the major structural elements of the revised Ginninderry Masterplan and incorporate targets and outcomes to guide implementation of the Masterplan over the long term, and across the NSW/ACT border
- Preparing a Ginninderry District Planning Policy to sit within the Belconnen District Policies section of the new Territory Plan, that is aligned with a Ginninderry DCP to apply in NSW, and which provides a single source of planning and development controls for Ginninderry

Ethos Urban and the Ginninderry team would welcome ongoing dialogue with EPSDD to ensure the success of these important reforms.

Yours Sincerely,

