



Ms Jo Clay MLA            Chair, Standing Committee on Planning, Transport and City Services

Ms Suzanne Orr MLA    Deputy Chair, Standing Committee on Planning, Transport and City Services

Mr Mark Parton MLA    Member, Standing Committee on Planning, Transport and City Services

Cc:     Mr Andrew Barr MLA            Minister for Climate Action  
       Ms Rebecca Vassarotti MLA    Minister for the Environment  
       Mr Mick Gentleman MLA        Minister for Planning and Land Management  
       Ms Elizabeth Lee MLA            Shadow Minister for Climate Action  
       Ms Leanne Castley MLA         Shadow Minister for the Environment and Heritage  
       Mr Peter Cain MLA                Shadow Minister for Planning and Land Management

### **'RECOMMENDED' DRAFT TERRITORY PLAN VARIATION NO. 369**

We, the two Inner Canberra Community Councils, were very surprised and concerned to hear that the PTCS Committee has decided not to inquire into this 'Recommended' Draft Variation despite the large number of negative comments on the original draft and the efforts of some of our member groups to point out to the Committee deficiencies in the 'Recommended' draft variation.

After more than two years of deliberation by EPSDD we had hoped the result would be a much improved document contributing strongly to the aim of achieving tree canopy cover of 30% over the urban area by 2045. Unfortunately, this 'Recommended' version is unnecessarily complex and little improved, indeed in some respects worse, than the original DV.

#### **1. Need for Greater Simplicity**

The first key theme to be incorporated in the new Territory Plan is that it must be **Easy To Use**. In its present form DV369 fails.

#### **2. Better address 30 % canopy cover target**

We note from EPSDD's 'Report on Consultation' (October 2021) that about 55% of all submissions received on the original draft said: *'DV369 is not consistent with the 30% tree canopy cover target in the Living Infrastructure Plan'*. The EPSDD response was: *'Noted. This draft variation is the first step*

*in strengthening canopy cover requirements on private land...* It is not at all clear what further actions will be taken and when, however.

The attached table shows that the complicated provisions for numbers of individual trees of various sizes on different sized blocks will only yield Tree Canopy Cover of, at best, **5%** to **10%** of total block area.

### **3. An Assembly inquiry is needed**

We note your Committee's intention to 'conduct a self-referred inquiry in 12-18 months.' It seems to us this would only be useful if based on a well-crafted DV and supported by rigorous, independent evaluation of actual development outcomes.

**We recommend** that your Committee urgently reconsiders its decision not to inquire into this DV now and instead holds a public hearing on the matter to give us and other concerned community groups the opportunity to present to the Committee. To do any less would seriously call into question the ACT Government and the ACT Greens' commitment to work closely with community groups on all aspects of ACT planning system review and reform, which surely should include this important issue.



Gary Kent      Chair, Inner South Canberra Community Council

16/12/2021



Jochen Zeil      Chair, North Canberra Community Council

13/12/2021

TABLE OF PROVISIONS RELATED TO TREE CANOPY COVER IN 'RECOMMENDED' DV 369

RULES:	DV 369 SINGLE DWELLING CODE	DV 369 MULTI-UNIT HOUSING CODE	
		RZ1, RZ2 ZONES	RZ3, RZ4, RZ5 ZONES
<b>PLANTING AREA:</b> (min. % of block – <b>note this does not require tree planting</b> )	Large blocks – <b>30%</b> Mid-sized bks. – <b>20%</b> Compact blocks – <b>15%</b>	ALL development – <b>35% [inconsistent with the Single Dwelling Code]</b>	ALL development – <b>25%</b> [Note that for <b>Commercial Zones</b> (incl. Kingston Fore-shore etc) the Rule is <b>10%!]</b>
<b>CANOPY COVER:</b> (min. % of block)	<b>NO REQUIREMENT</b>	<b>15%</b> “at maturity. Trees are to be planted in <b>deep soil zones.</b> ”	<b>20%</b> “at maturity. Trees are to be planted in <b>deep soil zones</b> in <i>communal areas.</i> ”
<b>CANOPY TREES:</b> (min. number of various sized trees on different sized blocks)	All blocks – equivalent to <b>5% to 10%</b> of block area (based on min. canopy diameter of required Small, Med. or Large Trees)	As per Single Dwelling Code, but LARGE blocks only	As per Single Dwelling Code, but LARGE blocks only

**DEFINITIONS:**

'CANOPY COVER' **NOT** defined

'CANOPY TREES' **NOT** defined

**Deep soil zone:** an area of soil within a *development* that is unimpeded by *buildings or structures* above and below ground, and which has adequate dimensions to allow for the growth of healthy trees. Deep soil zones exclude **basements**, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways, podium and roof areas.

[The total exclusion of **basements** is inappropriate and unnecessary, as long as they are roofed and covered with topsoil to a reasonable depth, eg. a minimum of 1.2 metres as per R39C, or preferably more. Several large early developments in the Kingston Foreshore achieve very desirable tree-filled courtyards over basement parking.]

**Planting area** means an area of land within a block that is **available for landscape planting [what does this mean?]** and that is not covered by buildings, structures, vehicle parking and manoeuvring areas or any other form of impermeable element that impacts permeability of the ground surface (i.e. terraces, pergolas, patios, decks or pools).

[Note that Criteria C39(f), C39B(c), C39C(d) and C39D(f) of the Multi-Unit Code all say: “if the minimum required planting area can’t be provided on site, an equivalent area should be achieved through planting on structures.” This is far too open-ended and directly conflicts with the definition of *Planting area*.]