

Draft Variation 369

Q&A

What is DV369 and what does it contain?

Draft Variation 369 is a proposed variation to the territory plan that makes changes to future developments in residential zones in the ACT. The territory plan governs what kind and size of buildings can be put in different areas across Canberra.

DV369 requires:

- “maximum site coverage” for buildings on residential blocks. This means how much space a house or apartment block is allowed to take up. The effect of this will be that residential buildings will be built with more space around them, and will not take up entire blocks;
- that “private open space” (outdoor areas) has to be substantial - either as a fixed percentage of the block or in the way it can be used. The effect of this will be that all blocks need space for outdoor activities.
- minimum planting areas on residential blocks. The effect of this will be that there will now be sufficient room to plant trees, and other kinds of plants, on blocks. There is less ability for blocks to simply be paved or concreted over;
- some minimum tree canopy coverage on particular residential blocks.

This is REALLY important. Our current rules and regulations do not allow for this, and what we have seen are houses being built that take up entire blocks, without any trees or green spaces. This has had the effect of making our suburbs less liveable, increasing heat island effects and deterring nature from our suburbs.

The Living Infrastructure Plan sets out targets of 30% tree canopy coverage and 30% permeable surfaces across Canberra. DV369 is less than this on some block types. Why?

This is a very good question: one reason is that DV369 is one of a number of important steps on a long road to 30%. Compromises were made between what architects and planners said was feasible and desirable on particular block sizes, and what a lot of the community was asking for in aiming for 30% across the board. The result is that DV369 does require 30% planting area on the large residential blocks across Canberra, which make up about 80% of all these blocks. It requires less for smaller blocks.

The 30% tree canopy coverage and 30% permeable surfaces targets are targets across our urban footprint. We cannot get to 30% by putting the responsibility on residents alone. Public land such as verges, alleyways and parks have a really important role to play. Trees on public land are a public resource, and can be taken care of by the government. Public land is a big piece of the puzzle to get to 30%.

Not all Canberrans want trees planted near them. DV369, plus the ACT Government's commitment to plant more trees in public spaces, is a big change and we need to bring the whole community with us.

Trees are not the only important use of outdoor space on blocks. We also want to encourage planting lower, denser shrubs for birds and bees, and vegetables, for example. Having lower targets for tree canopy, but higher targets for "private open space" means that lots of different environmentally friendly outdoor designs are possible. Ultimately, DV369 gives us a "floor" for what percentage of trees we need on private residential blocks. It may be over time, with monitoring, it becomes clear that we need more tree canopy required on some of these block types and adjust accordingly.

What are other cities doing to protect and grow their urban forest? Is Canberra a laggard or a leader?

Across the world, governments are trying to 'green' their cities, often with limited success. Public land is usually the focus of urban forest strategies, as it has been in Canberra to date. DV369 is a really significant step for urban forest management because it is a serious attempt to manage trees on private land. Not many places have tackled this area in such a comprehensive way.

Globally, local governments have reported that the community, policy frameworks and government leadership has not supported tree management on private land: DV369 is an attempt to change this in Canberra

DV369 also goes beyond just 'counting trees' - the provisions for deep soil, and the emphasis on water retention and permeability are about thinking holistically about what our urban forest needs to thrive and survive in a changing climate. Human health and wellbeing are also an innovative focus, with the criteria emphasising reducing the urban heat island effect, and the amenity that trees provide neighbourhoods.

However, the proof will be in the pudding. How DV369 is implemented, monitored and enforced will be critical to its success. For this we need the support and help of Canberrans to spread the good word about trees.

Only one rule in DV369 is mandatory - the rest of the rules are optional, where criteria can be relied upon. What does this mean in practice?

Rules in development codes are generally quantitative (e.g. “For large blocks, private open space complies with a minimum area equal to 60% of the block area”). Criteria is generally qualitative (e.g. “private open space achieves the following... provides substantial outdoor areas that are readily accessible by residents for a range of uses and activities”).

Proposals in the merit track have the option to comply with the rules or the criteria, unless the rule is mandatory. There is one mandatory rule in DV369.

Where it is proposed to meet the criteria rather than rule, the onus is on the applicant (that is, the developer), to demonstrate by supporting plans and written documentation that the proposed development satisfies the criteria. This is similar for proposals in the impact track.

As there is only one mandatory rule in DV369, we sought to strengthen the criteria to ensure that in plans for any new development, where a developer chooses to comply with criteria rather than the rule, compliance with criteria must be compatible with overarching goals, including reducing urban heat island effects, retaining water and maintaining ecosystem services.

What are the next steps in ensuring that the 30% tree canopy and permeable surfaces targets are met?

We will need to:

- Look at amendments to the estate development code in the future, to ensure that the responsibility for meeting this target is shared with the ACT Government and Canberrans.
- Look at amendments for commercial zoned land and other zones not covered through DV369.
- Work really hard in our tree planting programs to plant trees in the right places for the community to enjoy.
- Work to overcome some community concerns, so that trees are appreciated and looked after where they already are, and welcomed when new plantings are done.
- Strengthen the laws around protecting existing trees. This work has already started, and we look forward to consulting about what is proposed.
- Strengthen monitoring, compliance and enforcement. We have these rules, so how do we ensure that they are respected? We are actively looking for community contributions in this space.

What about biodiversity in our urban forest?

As well as creating an urban forest to shade and cool our city, the ACT Greens are working hard to create urban ecosystems that support our wildlife and biodiversity. On the ground, this means that mature trees with hollows are protected for birds to nest in; we plant and protect trees that provide food and habitat for native animals; and that we create biodiversity corridors so that creatures can thrive in our neighbourhoods.

We have a specific commitment in the Parliamentary and Governing Agreement to change the Tree Protection Act and planning system to protect our safe mature trees. This is something that your Greens in Government are working on right now, with biodiversity a key focus. Another important piece of the puzzle, which is close to finalisation, is the Mature Trees Action Plan.

And finally, building on our commitment in the Parliamentary and Governing Agreement to establish a wildlife corridors program, we are progressing work to embed urban biodiversity connectivity in decision making to better protect the habitats of native creatures across our city.

Will DV369 impact the price of houses?

There is no evidence to suggest requiring new houses to allow more private open space and build to a site footprint will cost more. Fundamentally, these new requirements will drive better home design.

Houses with more trees close by and soft surfaces stay cooler, lowering electricity bills in summer. Generally, houses with private open space, gardens and trees are valued highly.