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## **DRAFT VARIATION TO THE TERRITORY PLAN NO 369 LIVING INFRASTRUCTURE IN RESIDENTIAL ZONES**

This Draft Variation is a welcome step towards protecting and enhancing the environment in which we live. Friends of Hawker Village (FoHV) are very supportive of initiatives to ‘soften’ landscaping, especially in residential areas. The importance of tree canopy cover to the liveability and sustainability of Canberra cannot be overstated. FoHV have seen that re-developments (Mr Fluffy blocks in RZ1 and RZ2 zones and multi-unit development in RZ2) have led to blocks with large areas of concrete and other hard surfaces which cannot accommodate trees and other vegetation to enhance the character and liveability of our long-established suburbs. Such developments increase the heat island effect as they preclude shade trees. The fragmented nature of open space on these blocks often discourages any plantings, including grass, resulting in loss of surface permeability.

### **Rules and Criteria**

Our main issue with this Draft Variation is that the Criteria associated with Rules in the Codes are often too subjective to support the intent of the rule (e.g. words like ‘sufficient’, ‘adequate’, ‘substantial’ and ‘reasonable’). In many cases, FoHV believe criteria should be removed so that what is required in a Development Application is absolutely unambiguous. In this context, we note the comment by the National Capital Authority, in DV 369 at 2.6 *Consultation with Government Agencies*, that “meeting the rule however does not necessarily mean that the intent of the criteria will be achieved, given the rule is based purely on quantitative dimensions”. This indicates how important it is, in some instances, that there be an accompanying explanation within the rule to explain its purpose. At the very least, Criteria should be read and assessed in conjunction with the Rules, and vice versa, in all instances.

## **Long-term effectiveness**

FoHV share the concerns of the National Capital Authority with regard to ensuring that the intended outcomes are not diminished over time. We are aware of situations where required landscaping is necessary to obtain Development Application approval and Certificate of Occupancy but changes are made later to reduce the requirements for 'gardening' or water expense, or plantings are just left to die. An example is located at 1 Petterd St, Page (Block 12 Section 37) in an RZ2 area where approval was granted for a wire fence at the front of the property adjacent to the public footpath as long as it was concealed by hedging plants. All these plants have now died and the wire fence is prominent in an environment where front fences are prohibited. New plants have been installed but there is no guarantee they will survive into the future, especially since future residents are not necessarily aware of the requirement to maintain such vegetation. As long-term monitoring is not feasible, the only solution we can see to this situation is to cease providing this excuse for failing to meet standard planning requirements.

## **Car parking**

FoHV notes that private open space plus site coverage total 100% of the block. This means that driveways, paths and car parking areas are included in private open space. The only reference to these is in the definitions of 'deep-soil zone' and 'planting area', and in C38A and C39A. There does not seem to be any control over car parking on grassed areas which can be detrimental to the roots of some trees. FoHV suggest that a Rule is required to limit parking and vehicle manoeuvring space. This is a serious concern as prescribing minimum-sized planting areas is a means to limiting on-site parking and vehicle manoeuvring space (usually concrete).

The recent announcement re enforcing penalties for parking on nature strips is most welcome, along with the "rescue package" for the city's urban trees, which includes increasing the number that are hand-watered. Minimising parking on nature strips does, however, exacerbate the parking problem in many areas, especially given many Canberrans' reluctance to park on the road at the kerbside. It is not only trees that suffer when vehicles park half on the road and half off, thus, damaging kerbside footpaths.

## **RZ1 and RZ2**

The changes to R38 & C38 are generally supported.

R38A, R38B and R38E are steps in the right direction but the criteria, potentially, will undermine the rules. Rule 38A is a way of ensuring that the footprint of buildings in RZ1 and RZ2 zones is appropriately limited. This Rule should not have any criteria associated with it as any appropriate development will meet this requirement. Rule 38B provides a welcomed minimum planting area of 35% of the block. Again, we believe there should be no criteria associated with this Rule.

The very low requirement for only one dimension to be 2.5 metres has long been a concern to us. We have seen multi-unit developments approved where much of the open space comprises

narrow strips of planting area alongside boundaries or adjacent to driveways, parking areas etc. They make a positive contribution to the individual developments but narrow strips of plantings do not achieve the type of planting areas which contribute to the character of long-established suburbs. There needs to be two dimensions prescribed – say minimum 5m x 2.5m in order to make a positive contribution to the environment generally.

We are concerned that a 2.5m dimension cited in several Rules is not large enough to accommodate the root system of adequately-sized trees without potentially causing damage to paths, driveways or building foundations. This gives a negative impression of trees to many people who then avoid planting trees on their property.

FoHV cannot identify a provision in R38 or C38 that will limit vehicle parking and manoeuvring areas. Concrete driveways to provide access to garages and parking spaces have always been problematic, in our experience. There is a tension between the desire for on-site parking to eliminate regular street parking and the large areas of concrete. This issue usually occurs as a result of several small units being located on blocks that were created for single dwelling homes. The obvious and likely effective way to ‘limit’ driveways and parking areas is to limit redevelopment of RZ2 blocks to two dwellings and to remove the provision to permit block consolidation.

FoHV note that new suburban developments have such small blocks that canopy cover is non-existent. Street trees are small and purely decoration. Planting areas on blocks are so small as to be ineffective and often paved over time. These residents are entitled to benefit from the cooling effect of trees and the wildlife that is attracted by them.

### **RZ3 - RZ5**

Our experience and concerns have mainly related to RZ1 and RZ2 developments; however, we believe that site coverage in all zones should be mandated and have no associated criteria and that there need to be provisions which limit concreted areas. Again, we believe that the minimum dimension of 2.5m does not meet expectations in Rule 39B, 39C and 39D; C40 should be incorporated into R40 with the sentiments of C40 included as requirements.

In regard to C39B, FoHV are concerned that plantings on buildings will suffer from problems related to inadequate water-proofing of buildings. Inevitably, such vegetation will suffer the same fate as described above, where plants decline and are not replaced. Without continual monitoring, the effectiveness of such provisions is nil.

FoHV suggests that Rule 40 should be expanded to include:

- d) provides on-site infiltration of stormwater run-off.

Site coverage should be mandated in Rule 40A and there should be no applicable criteria – words such as ‘adequate’ are too subjective and likely to be interpreted in different ways by developers, assessors and local residents. These are generous maximum levels for site coverage which should easily be met by any appropriate design proposal. Further, Rule 40B sets a minimum

level of tree planting in *deep soil zones*. Anything less than that minimum level is inappropriate, therefore, we suggest that C40B should be removed.

## **Conclusion**

The experience of FoHV, over many years, is that developers endeavour, and feel entitled, to fit as many dwellings onto a block as the maximum prescribed, regardless of block characteristics. The development industry will inevitably resist the proposed changes because of the reduced area available for building. This is particularly so in established areas where the original subdivision of land created blocks for single dwellings which do not easily accommodate additional dwellings. It is unfortunate that the effect of new rules and criteria for renewal areas was not considered in the light of climate change and the need for maintaining our tree cover at the beginning. No doubt developer interests overrode any such considerations at the time.

We trust that the situation will be remedied effectively now.

28 February 2020