



Inquiry into DPA-04: Missing Middle Housing reform

Answer to question on notice

Asked by: JO CLAY

Addressed to: Minister for Planning and Sustainable Development

Reference: CED - Planning

Hearing: 12 February 2026

In relation to: LOSS OF PRIVATE OPEN SPACE

Question received: 18 February 2026

Answer Due: 25 February 2026

JO CLAY MLA: To ask the Minister for Planning and Sustainable Development -

The Missing Middle Reforms proposes a reduction of 10 per cent in private open space for multi-unit housing developments - from 40% to 30%. The new planning system is outcomes based. The requirements and assessment outcomes are set out in the Territory Plan. The technical specifications provide guidance on the achievement of those outcomes, but do not need to be complied with provided the development comprehensively addresses its outcomes.

(1) In these circumstances, can you confirm that the level of private open space provided for multi-unit housing developments has reduced?

(2) Could a development be approved with less than 30%?

(3) Noting that LIDAR information shows tree canopy has reduced across Canberra, will assessing officers:

a) consider the % amount of canopy coverage on the block and in that suburb when making a decision?

b) if not, is there any operational reason why they could not consider it?

c) is there any operation reason why rezoning could not be done, or approvals be granted only in, areas that do not have decreasing tree canopy coverage?

d) what sources of contemporary information will assessing officers use to assess tree canopy coverage outside the once-in-five-year LIDAR data?

e) what sources of contemporary information will assessing officers use to assess urban heat on a block or in a suburb, noting the last heat mapping exercise was conducted in 2017?

(4) How will assessing officers determine the cumulative impact of reducing private open space on block-by-block decisions from

- a) an amenity/access to green space basis?
- b) habitat basis?
- c) urban heat and tree canopy basis?

CHRIS STEEL MLA: The answer to the Member's question is as follows:

- 1) The proposed amendments to the Residential Zones Technical Specifications include a reduction in the percentage of private and/or communal open space in multi-unit housing developments located in the RZ1 and RZ2 zones from 40% to 30% of the site area. Importantly, this is not a mandatory requirement and remains a guide on how to meet the relevant assessment outcomes contained in the Residential Zone Policy, including Assessment Outcome 11. Noting this, the amount of open space could vary from development to development – the proposed amendment does not guarantee a net-reduction. This is one of the items that has been carefully considered for a reduction to support a greater number of homes to be delivered in our existing residential areas.
- 2) For development approval to be given, Assessment Outcome 11 needs to be met. This requires developments to demonstrate that private and/or communal open space provides sufficient space and facilities for residents and visitors to recreate and relax, as well as providing area for service functions. Spaces are also required to be readily accessible for a range of activities. As outlined above, Technical Specifications remain as a guide on how an Assessment Outcome can be met. In this instance, a multi-unit housing development with open space areas that are greater or less than 30% of the site area may be approved, provided it demonstrates it has met the requirements of Assessment Outcome 11.
- 3)
 - a) Development applications (DAs) are assessed by the independent Territory Planning Authority (the Authority) against the requirements of the Territory Plan and *Planning Act 2023*. Under the Territory Plan, amongst other things, consideration must be given to the resulting planting and canopy coverage on the site. These requirements were implemented to assist with the development's adaptation to climate change and strengthening ACT living infrastructure resources.

Each development will need to demonstrate adequate existing and proposed trees are provided on the site as part of their DA which could include information such as tree surveys and LIDAR information. Aerial photography (from ACTMAPi) and street photography can be utilised by assessing officers to assist in determining existing vegetation and trees on a site.

- b) The purpose of the requirements relating to planting area and tree canopy coverage is to reduce the impact of the proposed development and support living infrastructure. These include impacts such as water run-off, increasing the amenity for residents and providing shade for the development.

LIDAR information and aerial photography are useful resources that can be considered with a suite of other information during development assessment. Other critical information includes detailed landscape plans and tree surveys.

- c) Amending the Territory Plan (such as to rezone land) is a strategic planning decision that needs to consider a variety of things – such as whether the range of land uses that are proposed to be permitted are appropriate based on location, access to services and transport, and a range of other elements which could include tree canopy coverage. Importantly, for the Territory Plan to be amended, it cannot be inconsistent with the Planning Strategy 2018 or the relevant district strategy. A decision to amend (or not amend) the Territory Plan based solely on current tree canopy coverage, which can evolve in shorter time periods, would not be a comprehensive strategic planning decision.

During development assessment, there are a range of relevant assessment outcomes contained in the Residential Zones Policy that ensure tree canopy coverage is considered as part of outcomes-based assessments. Proposed developments are required to demonstrate that sufficient planting area, canopy trees, deep soil zones and water sensitive urban design measures have been provided to enhance living infrastructure, support healthy tree growth and minimise stormwater runoff. Proponents are also required to demonstrate that urban heat island effects are reduced through limiting impervious surfaces and through provision of canopy trees and plants. Where trees are removed, replacement trees must be planted, or a contribution to the canopy contribution scheme made, to support the urban forest. Development application decisions will consider all these elements, not just be limited to the current or proposed canopy coverage.

- d) LIDAR information is the one of many ways tree canopy coverage is determined. Assessing officers will consider matters such as information submitted as part of the DA, e.g. surveys and tree assessments, and also refer to aerial photographs, seek advice from entities and undertake site inspections. Once the Authority is satisfied the requirements of the Territory Plan have been addressed, the Authority will determine the application.
- e) The planning specifications applicable to a residential development, such as planting area and tree canopy requirements, aim to address matters such as the urban heat island effect. During an assessment, the Authority will consider whether a development proposal reduces the urban heat island effect through their proposed design and mitigation measures. Where a development proposes to not meet the specifications but to respond to the desired outcome through an alternate way, the applicant is responsible for demonstrating how the urban heat island effect will be addressed. The assessment of this information could include review of the alternate method by climate change officers within the City and Environment Directorate.

4)

- a) If a development proposes a reduction in the required private open space, the DA must justify the reduction. For example, a DA may provide a combination of measures to cater for the reduction such as demonstrating that areas on the site are available for different outdoor recreation activities, as well as adequate area of open space that is easily accessible for the residents. For larger developments, such as multi-units, consideration is given to communal open space (shared areas) that can be utilised by the residents. Although each development is assessed on a case-by-case basis, consideration will be given to the size, functionality and accessibility of the public space or communal area.
- b) Within the DA process, the Authority will consider the impacts from any proposed tree removal. The Authority will consider the proponent's supporting material, such as tree assessments, and also seek advice from relevant agencies, such as the Conservator of Flora and Fauna. Considerations include the health and size of the tree, the species and whether the trees provide crucial habitat for any protected or native species.
- c) As outlined above, the Authority will consider whether a development proposal reduces the urban heat island effect and provides adequate tree canopy cover in relation to the subject site, as per the requirements of the Territory Plan. The Authority must consider the impacts from the development proposed. Wider investigations and monitoring in relation to urban heat impacts and overall tree coverage will inform future policy reviews. It is noted that there are other initiatives that are currently in place to contribute to living infrastructure. More information is available at www.climatechoices.act.gov.au/_data/assets/pdf_file/0005/1413770/Canberras-Living-Infrastructure-Plan.pdf.

Approved for circulation to the Standing Committee on Environment and Planning

Signature:



Date:

25/2/26

By the Minister for Planning and Sustainable Development, Mr Chris Steel MLA