



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES

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Ms Tara Cheyne MLA, Ms Nicole Lawder MLA

## Submission Cover Sheet

### Nature in Our City

**Submission Number: 8**

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### **SUBMISSION TO THE INQUIRY INTO THE VALUE OF THE NATURAL ENVIRONMENT TO AN URBANISING CANBERRA**

The Griffith Narrabundah Community Association (GNCA) welcomes the opportunity to make a submission to the inquiry into the value of the natural environment to an urbanising Canberra.

The GNCA has approximately 300 members and services an area with about 2,000 dwellings.

The GNCA is particularly concerned about the negative shift in the balance between the urban and natural environment in our older suburbs.

The GNCA is a strong supporter of ongoing local community activity to promote a flourishing urban forest including supporting action to weed, water, prune and protect the assets in our local parks. We currently sponsor one community group in La Perouse Park and are engaged in establishing another group in Blaxland Park.

We are however concerned about the impact on our natural environment of

- the failure to protect our street trees and verges from damage, and
- the loss of permeable open space during the re-development of blocks in our area.

### **Recommendations**

GNCA recommends

1. the Government work with the community and make better use of local contributions to protect our urban trees and verges,
2. developers and builders in Canberra be required to lodge bank-guaranteed bonds and be held accountable by government agencies for their building practices, particularly the protection of verges and trees, as well as compliance with any other conditions that may be imposed,

3. legislation to permit Rangers to impose on-the-spot fines (or deductions from bonds) for non-compliance with rules for protection of verges and street trees, and
4. increasing the number of Rangers employed by the ACT and deploying more Rangers to protect street trees against misuse and damage by builders and developers.
5. The development codes for residential housing be amended so that at least 35 per cent of all blocks are covered by permeable surfaces and that this Rule be mandatory.
6. Policies (including a fee regime for DAs that reduce the extent of permeable land) that support the retention of permeable land during redevelopment in older suburbs.

### **Street trees and verges are part of the urban forest**

In October 2017 the GNCA submission to the ACT Government on Budget priorities addressed in detail the issue of the importance of protecting our urban trees and verges. Our submission argued that Canberra's urban forest is a community asset that generates benefits in the form of positive aesthetics, reduction of summer temperatures and a carbon sink. Damage to trees reduces the well-being of residents and imposes a financial burden on the ACT Government when dead or damaged street trees need to be replaced.

Builders in the ACT are required to fence off the verge and street trees while undertaking construction. This requirement is being increasingly ignored. Builders and developers effectively have immunity from requirements that prohibit parking on verges. Heavy machinery and trucks are invariably parked next to street trees particularly where inadequate protection is erected to protect the trees. This leads to adverse affects on the growth of street trees through soil compaction by limiting access to water, nutrients and oxygen. Suppressed growth can also make trees more susceptible to disease and insect pests.

In response, the GNCA has for some years provided biannual reports to TAMS (and its successor, Transport Canberra & City Services) about non-compliant and tree damaging building activity in Griffith and Narrabundah. Despite this community driven initiative little or no effective action has been taken to address the problems identified.

We understand that the number of Rangers available to monitor builders' compliance is insufficient, and that they lack the necessary powers to require immediate compliance. Legislation does not permit immediate enforcement because notices to rectify are required, so that builders are able to play for time before complying. We also understand that the Planning Directorate had its own compliance officers in the past who responded to breaches of building and other issues, but believe that this function has been transferred to ACCESS Canberra. Parking inspectors routinely refuse to respond to illegal parking on verges.

We have been asking for more Rangers and appropriate enforcement of tree protection for many years but the situation has worsened, particularly with the number of DA-exempt Mr Fluffy rebuilds in our area. We can provide examples and photographs of egregious tree damaging activity for the committee if desired.

One possible approach to this problem is modelled in the private sector. The Building and Siting Guidelines for the new Molonglo Valley residential development of Denman Prospect appears to be imposing more stringent conditions on builders than the ACT Government, including bonds on all purchasers of land. The bond is returned only after building is complete, and only if all conditions have been observed. For instance, owners must ensure

that 'the Public Domain adjoining the Block is protected by way of appropriate 1.8 metre high fencing', and a 'waste enclosure or waste containment area' must be maintained on the block during construction.

We understand that the success of the Denman Prospect system is due to strict enforcement of the rules by the developer, combined with intensive monitoring. We believe developers and builders elsewhere in Canberra could and should be required to lodge bonds and be held strictly accountable by government agencies for their building practices, and protection of verges and trees, as well as compliance with any other conditions that may be imposed.

Unfortunately, failure to take action against builders who do not comply with the Government's rules on protection of verges and trees will encourage a self-reinforcing snowball effect. When action is not taken immediately, other builders become aware that the rules are not enforced, so they will also ignore them.

### **Permeable open space in our suburbs**

Concern is expressed regularly by Griffith-Narrabundah residents about the construction of new residences that cover much of a block, allowing little or no space for vegetation. These larger dwellings have led to a loss of green space and the degrading of the urban forest that has characterised backyards across the Inner South of Canberra.

Older suburbs like Griffith and Narrabundah are losing their tree canopy and the opportunity for the planting of more deep-rooted trees. This puts at risk our reputation as a garden city. It also undermines other objectives such as reduction in urban heat, zero emissions by 2045 and runoff and flooding in residential areas.

As the owner of all land, the government and its agencies have sought to maintain the verdant character of the city through a policy of so-called 'plot ratios' and 'private open space' regulations under the *Single Dwelling Housing Development Code*. In Canberra, the plot ratio is set at 50 per cent of block area for single dwellings in the 'suburban' RZ1 Planning Zone. A plot ratio is intended to limit the size and bulk of a dwelling but because of its Byzantine characteristics it fails in this purpose.

The formula for calculating the plot ratio is complex and is subject to numerous exceptions and exclusions. Impermeable concrete courtyards and swimming pools, for example, do not count, even if they cover a large portion of the block. From the perspective of green space and the urban forest, 'private open space' is the more relevant and flexible concept because it can define the area of the block which cannot be covered by buildings and non-permeable surfaces.

A major issue in older suburbs is the risk of flash flooding because roads and drains were designed to standards that assumed sufficient surrounding permeable land. Construction of buildings that occupy the whole block and dual occupancies are gradually reducing the proportion of permeable land. This development is likely to cause damage to other properties in the area, not necessarily to immediate neighbours alone.

One means of taking into account the loss of permeable land is to make legislative Rules regarding Private Open Space mandatory. At present, legislative Criteria are used to avoid the purpose of these Rules. Another avenue would be to impose a significant fee on DAs in older suburbs that reduce the amount of permeable land: the principle is well established in both

law and economics that the polluter should pay, and is equally true for the production of negative externalities like loss of visual amenity, flooding, loss to the community of the cooling effect of vegetation, etc.

GNCA supports the exploration of policies (including a fee regime) that support the retention of permeable land during redevelopment in older suburbs. By limiting the size of a building's footprint on a property, some land can be left free for deep-rooted and larger plants, and water can seep into the soil. Greenery reduces suburban temperatures in summer, an important consideration in adapting to predicted global warming. Permeable soil also reduces the run-off from rain, allowing drains to carry away stormwater without flooding residential areas.

Yours sincerely,

A solid black rectangular box redacting the signature of Leo Dobes.

Leo Dobes  
President  
5 June 2018