



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON ENVIRONMENT AND TRANSPORT AND CITY SERVICES

Ms Suzanne Orr MLA (Chair), Miss Candice Burch MLA (Deputy Chair)

Ms Tara Cheyne MLA, Ms Nicole Lawder MLA

## Submission Cover Sheet

### Nature in Our City

**Submission Number: 19**

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<b>Company</b>	Standing Committee on Environment and Transport and City Services	<b>Date</b>	22 May 2018
<b>Attention</b>	Suzanne Orr	<b>This Page +</b>	
<b>From</b>	Michael Reeves	<b>Project No.</b>	-
<b>Project</b>	Nature in our City		
<b>Subject</b>	Submission		

dsb Landscape Architects

www.dsbla.com.au

### **Terms of reference**

*Noting the importance of the natural environment to Canberra, including the level of public support for nature and the natural environment, the growing importance of urban open spaces and bushland reserves and the benefits they bring to Canberra and opportunities for development of Blue – through water – and Green – through natural form – infrastructure in Canberra resolved to inquire into and report on the matters affecting the value of the natural environment to an urbanising Canberra, including:*

1. *The level of public support for and satisfaction with amount and quality nature and natural environment areas in Canberra, particularly in urban areas.*
2. *The types of nature and natural environmental areas within Canberra e.g. urban open spaces or bushland reserves and the existing or potential benefits and challenges they bring to Canberra's:*
  - a) *Social amenity;*
  - b) *Economic development;*
  - c) *Biodiversity; and/or*
  - d) *Climate resilience.*
3. *Opportunities for Blue (water) and or Green (natural) Infrastructure in Canberra including:*
  - a) *Functional requirements of proposed infrastructure;*
  - b) *Cost and Maintenance considerations;*
  - c) *Amenity benefits; and*
  - d) *Conservation and biodiversity benefits.*
4. *Managing the interface between the natural environment and urban areas particularly in regards to conserved environmental areas.*
5. *Current policy or regulatory settings that impede the integration of the natural environment within optimal urban development and design.*
6. *Any other relevant matter.*

**dsb Landscape Architects** is a Canberra based Landscape Architectural practice of 39 years with a solid understanding and experience in all facets of Landscape Architecture, Urban Design and Horticultural Consulting.

The Practice offers a full range of landscape architectural, urban design and horticultural services with expertise in landscape master planning, site planning, urban design, landscape design documentation and development, horticulture, irrigation design and contract management. During the past thirty nine years the Practice has been involved with numerous clients and projects in the ACT, regional New South Wales and Victoria, in both the public and private sectors.

**dsb** provides innovative and high quality landscape design, urban planning and horticultural consulting services based on a sound knowledge of site conditions, project requirements, and environmentally sustainable design principles.

We are an **Australian Institute of Landscape Architects (AILA)** registered consultant for landscape architectural services with Paul Bombardier, Michael Reeves, David Pearce and Adam Barker practising Registered Landscape



Architects. Founding Director Paul Scholtens is a Senior Arborist and (Fellow, Australian Institute of Horticulture).

We bring to this submission over 150 years of landscape architecture and arborist professional services to Canberra and the region.

We present here our submission regarding Item 5 of the Terms of Reference.

*5. Current policy or regulatory settings that impede the integration of the natural environment within optimal urban development and design.*

Response 1 Tree Protection Act 2005 Amendment

The Tree Protection Act 2005 requires modification to enable management, removal and replacement of the trees located on leased land within the urban area.

At present, the legislation provides for removal of trees under strict criteria, which normally does not assist Canberra residents in the management of their trees. No provision is provided within the Act for removal and replacement of a tree.

At present, the Tree Protection Act merely limits tree removal, regulates the diminishment of the urban forest and provides no opportunity for management and removal and no responsibility or obligation for replacement.

**I commend the Standing Committee to consider amending the Criteria for Removal to**

Tree Protection (Approval Criteria) Determination 2006 (No 2) Disallowable instrument DI2006-60 to include in Schedule 1 Clause 1 Approval to damage a regulated tree, at (1) (h) a new clause

*' where a tree is to be replaced with a new tree planting of a similar tree or a tree species that shall make a positive contribution to the neighbourhood landscape and the Canberra Urban Forest. Applications under Clause H shall be required to present evidence from a Landscape Architect substantiating the removal and replacement effect.'*

Response 2 Landscape Plan Submissions for Development Applications

Landscape Plans are required to be submitted for Development Applications, but there are no criteria on the qualifications necessary for the person preparing the landscape plan and there are limited criteria governing the content or quality of the design included in the landscape plan.

The Zone Objectives for High Density Residential Zone from the Territory Plan seeks

*Ensure development and redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties*

The Multi Unit Development Code at 4.4 Landscape Design has 'No Applicable Rule' and the following criteria

C40

*Landscape and site design achieves all of the following:*

- a) planting of trees of semi-mature stock*
- b) planting of trees with a minimum mature height of 4m*



- c) a contribution to energy efficiency by providing substantial shade in summer, especially to west-facing windows and open car-parking areas, and admitting winter sunlight to outdoor and indoor living areas, especially to the north*
- d) reasonable residential amenity*
- e) reasonable visibility along paths and driveways*
- f) visual interest in pavement materials and finishes*
- g) species with appropriate growth habits and mature height in relation to site conditions.*

It is possible that a developer may submit a landscape plan with a range of plant species that grow no taller than 4m set back from paths of two types of concrete (broom finish and exposed aggregate). The shrubs adjacent to the car park, and on the northern side of the development are deciduous species to provide winter sun and summer shade.

I would contend that this 'landscape plan' would qualify as compliant by an ACTPLA assessing officer. I would contend also that if multi unit developments landscape contribution to the Urban Forest is totally reliant on application of this Code Clause, then we are not ensuring the continuation of Canberra as an Urban Forest. This is not optimal urban design.

Following ACT self government, public and private development was assessed against the Canberra Landscape Guidelines. It was first published in 1991 and last updated in 1993. It has been superceded by the current planning legislation which has diminished the requirements for landscape.

It proclaims on the front cover,

'The Guidelines have been prepared by ACT Landscape to encourage and promote quality landscape development throughout Canberra and the ACT, consistent with requirements for efficiency and economy.'

It provides landscape guidelines for development within private leases and public land. The Guidelines come in a full two inch ring binder and are exhaustive. **I have a full copy of the Canberra Landscape Guidelines which I can make available to the committee.**

It provides also a Landscape Policy that goes beyond the bland motherhood statement of the current Territory Zone Objectives

The Landscape Policy and Purpose of the Guidelines is reproduced below.

It is the application of the Policy and these guidelines, and the contribution of Canberra's landscape architects, that has contributed to the Canberra Urban Forest as we know it today. ACT Government has proceeded to water down the requirements for landscaping in Development Applications and the Canberra Community and the Canberra Urban Forest is impoverished as a result.

**I commend to the Standing Committee that the current planning requirements be reviewed with a view to reintroducing both a landscape policy, more extensive and detailed landscape requirements and the requirement for qualified professionals (landscape Architects) to prepare landscape plans for development applications.**

# ACT Landscape Policy

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Policy

LG 3

## 1.0 Preamble

Most assessments of Canberra refer to its landscaping. The beauty of its natural setting, the integration of landscaping and planning, and the continued commitment to comprehensive landscape planting programs throughout the urban area, have resulted in a 'Landscape Capital' which is unique by Australian and overseas standards. Contemporary evolution of town planning throughout the world this century, has confirmed both the wisdom of the comprehensive integration of landscape achieved in Canberra and also the birth of an international trend to achieve sustainable living environments for all urban dwellers.

This statement of ACT Landscape Policy confirms Canberra's continuing commitment to comprehensive urban landscaping programs, but in addition it responds to contemporary demands for cities to be more responsive in their design to environmental, social and economic considerations.

This landscape policy underlies the more detailed planning guidelines that the ACT Planning Authority will have regard to when considering development proposals. The policy should be seen as complementing and supplementing the policies contained in the Territory Plan for Predominant Land Use Zones (PLUZ). Those policies identify the objectives for each PLUZ and are the basis, together with this landscape policy, for land use development control.

## 2.0 Overall Goal for Landscaping in the ACT

In recognition of international, national and local goals for the achievement in the 21st century of sustainable cities which meet contemporary needs of communities for satisfactory urban living conditions, the overall goal for landscaping in the ACT is:

***To ensure that, consistent with a commitment to achieve sustainable living environments in the Australian Capital Territory, high quality landscape development, enhancement and protection are pursued as an integral part of the development of Canberra and its environs.***

## 3.0 Objectives for Landscaping in the ACT

High quality landscape development, enhancement, and protection shall be designed and established within the framework of the above goal, and so as to achieve the following objectives:

- achieve integration of buildings and engineering infrastructure with the natural landscape features to create a unified and visually appealing design;
- achieve desirable community living environments through microclimate modification, air quality improvement, and noise attenuation;
- achieve, through creation of aesthetically pleasing landscape environments, increased community enjoyment of everyday life and a greater sense of meaningful connection between people and the natural environment;
- maximise energy and carbon dioxide conservation;
- contribute to cost efficient urban stormwater systems and improved stormwater quality;
- achieve ecological benefits including improved wildlife habitat, soil conservation and enhanced biodiversity;
- achieve heritage benefits through protection of landscape of recognised special significance;
- improve physical and mental health in the community;
- contribute to improved real estate values in the ACT;
- contribute to economic vitality of urban Canberra and its environs and its attraction for ecologically sound economic development, particularly tourism;
- contribute to a stronger sense of community commitment to improvement and promotion of community environmental responsibility and ethics.

LANDSCAPE DESIGN AND CONSTRUCTION GUIDELINES

JUNE 1992



***Achieve heritage benefits through protection of landscape of recognised special significance;***

Explanation: contemporary communities are concerned that landscapes of particular natural or heritage significance are protected against development activity. In Canberra landscapes of particular natural or heritage significance are recorded in official publications including:

- Sites of Significance in the ACT
- Register of the National Estate; and
- Canberra Streetscape Study.

***Improve physical and mental health in the community;***

Explanation: while research in this area is very limited still, there are indications that urban landscape can offset stress in humans. Some studies in the US have shown for example that hospital patients with window views of trees recovered significantly faster and with fewer complications than comparable patients without access to such views.

***Contribute to improved real estate values in the ACT;***

Explanation: limited research both in Australia and overseas indicates that real estate values for residential and commercial properties are increased where landscape on and near a particular property has been established. A conservative estimate is of the order of 5%. The Real Estate Institute of the ACT has stated in relation to adjacent streetscapes as follows:

"Streetscape is an important factor in the value of a house and its appeal in the market place. It helps to create the ambience, makes the property far easier to market and adds to its value. We estimate that it could contribute up to 10% of the value of a particular property, where there are well established street tree plantings."

***Contribute to economic vitality of urban Canberra and its environs and its attraction for ecologically sound economic development, particularly tourism;***

Explanation: while it is difficult to quantify, it is generally accepted that well designed, established and maintained urban landscapes contribute to the economic vitality of a town or neighbourhood. This is most likely in Canberra where some 75 years of continuing commitment to urban landscaping has had a substantial impact on the nature of Canberra and its reputation as a place to live or to visit as a tourist. Given the importance of the tourism industry to Canberra, the value of the comprehensive urban landscape to the city's economic future should not be underestimated.

***Contribute to a stronger sense of community commitment to improvement and promotion of community environmental responsibility and ethics.***

Explanation: recent success nationally to tackle land degradation in rural Australia through major community commitment to tree planting programs has demonstrated the larger societal benefits flowing from joint community activities on tree planting projects. The benefits to urban Australia as a whole and to Canberra from such activities in urban areas have proved to be similar.

## Introduction

Sheet 1 of 2

Purpose of the guidelines - How to use the guidelines

LG 2

### Why have landscape guidelines?

These guidelines have been prepared in recognition of the continuing importance of comprehensive urban landscaping in Canberra, and so as to assist those in both the public and private sector to pursue development activities consistent with ACT Landscape Policy.

The guidelines are important, not only to ensure that appropriate landscape standards are achieved, but also to eliminate uncertainty about minimum landscape requirements and to avoid possible delays in the development process and in particular in approvals for landscape proposals.

Adherence to guidelines will help to achieve an acceptable minimum standard for landscape development. They should not, however, be regarded as a definitive set of requirements that restrict change or limit innovation.

### Should a landscape architect be employed by developers?

As the ACT Landscape Policy indicates, the need to achieve comprehensive urban landscape programs acceptable to contemporary communities is becoming more and more demanding. In addition it should be noted that the guidelines which follow, do not cover every detailed aspect of landscape design and construction.

For these reasons developers are encouraged to employ a fully qualified landscape architect who can sensitively interpret ACT Landscape Policy and Guidelines in relation to the proposed development. The landscape architect should be engaged for the duration of the project, up to the point where the Certificate of Compliance is issued, or even beyond, to oversee the initial maintenance and establishment of the landscape.

### To whom do the guidelines apply?

These guidelines apply to all public and private sector developers in the ACT operating on private leases (Category A) and/or publicly managed land (Category B)

The guidelines have been prepared in two sections that correspond to these two broad categories of development.

### Category A

This category essentially applies to development within private leases or to the development of verges or minor landscape buffers.

Examples of Category A include:

- a group of two or more dwellings; and
- industrial, retailing and commercial developments that are not deemed to be Category B.

In the case of this category the engagement of a landscape architect for the duration of the project is strongly recommended.

Design guidelines for Category A development, are contained in the first part of the manual.

### Category B

This category applies to broad scale developments that include:

- residential, commercial, and industrial land sub-divisions;
- schools, Housing Trust projects and other public buildings;
- public infrastructure developments such as roads, floodways and parks; and
- any development with 'off-site' works valued in excess of \$5000 that are required to be handed over to a public authority for ongoing maintenance.

In the case of this category the engagement of a landscape architect for the duration of the project is strongly recommended, and will generally be made mandatory in Deed of Agreements for private enterprise projects that contain landscape works that are required to be handed over to a public maintenance authority.

Design guidelines for category B developments, that outline the requirements of the maintenance authorities are contained in the second part of this manual.

The construction of category B developments shall be in accordance with the ACTPWS Basic Specification and any other additional requirements advised by the maintenance authorities.

LANDSCAPE DESIGN AND CONSTRUCTION GUIDELINES

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**Exceptions to guidelines**

These guidelines apply to all controlled activities. Single detached dwellings are generally exempt from them because of their small scale and the ability of the builders and owners to carry out any landscape works within the lease.

**Availability of guidelines**

These guidelines have been developed by ACT Landscape in consultation with the Departments of Environment, Land, and Planning, and Urban Services. Modifications and additions will be issued from time to time.

The guidelines are available from ACT Government shopfronts or from:

General Manager,  
ACT Landscape,  
John Overall Offices  
220 Northbourne Ave  
BRADDON, ACT 2601

If we can be of any further assistance to you in regard to the Standing Committee please do not hesitate to contact me.

Regards,

  


Michael Reeves

Director

Registered Landscape Architect AILA #486



## 1. QUALITY ASSURANCE

### Contact information:

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