



Tree Protection Act Review  
Via [communityengagement@act.gov.au](mailto:communityengagement@act.gov.au)

## **NPA ACT Submission on the Review of Tree Protection Act 2005: Discussion Paper October 2019**

Thank you for the opportunity to comment on the Review of Tree Protection Act (the Act) 2005 Discussion Paper October 2019 (the Review). As you may be aware, the National Parks Association of the ACT (NPA ACT) is a community-based conservation organisation with fifty-nine years of working to protect our natural environment. The NPA ACT was a key player in the creation of Namadgi National Park and maintains a strong on-going interest in Canberra Nature Park that surrounds the urban area that is the subject of this review.

### **Summary**

The NPA ACT congratulates to the ACT Government for setting a target of 30% canopy cover by 2045 in the *Climate Change Strategy* and the *Living Infrastructure Plan*, and supports this Review as one measure to reach that target. However, the scope of the any revised Act must include public and greenfield development sites.

The program of planting 17,000 trees on public land from 2019 to 2023 is to be applauded. However, given the potential impacts of climate change, the choice of trees to be planted, and their ongoing care will be critical to success.

The NPA ACT is primarily interested in conservation reserves. And connectivity between the reserves is essential, and restoration of habitats and tree planting on leased and public land should take into account the need for connectivity through corridors and other linkages between reserves.

The NPA ACT supports the use of offsets for the removal trees covered under a revised Act,

The NPA ACT supports the idea that there are equivalents to trees canopy cover, such as in wetlands, dense shrub plantings, roof gardens and green walls.

The NPA ACT notes that Registered trees (potentially exceptional trees under revised Act) are a minor component of the urban tree canopy, but they are critical to the retention of trees with high cultural and aesthetic values.

While the canopy cover target of 30% is a target for the whole urban area, this should not mean that any suburban area is allowed to have a very small canopy cover, with the average achieved by a much greater canopy cover in other areas.

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While the NPA ACT accepts the broad direction of the Review, it is the details of the revisions to the Act that will determine the overall worth of the Review and these should also be subject to public scrutiny.

It is also important given the length of time required to achieve a 30% canopy, to note that bipartisan support is essential to the success of any revision of the Act.

Should you require any further information regarding the NPA ACT's input, please do not hesitate to contact the NPA ACT office, attention of Mr Rod Griffiths, Convener, NPA ACT Environment Sub-committee.

Yours sincerely



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President  
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## **Attachment A**

### **Detailed Commentary**

The program of planting 17,000 trees on public land from 2019 to 2023 is supported. However, the choice of trees to be planted, and their ongoing care will be critical to success. The NPA ACT suggests that given long term climate change projections, there should be careful consideration of planting species that will survive in the long term with a lower rainfall than is the current average rainfall.

It is vital that the Act be revised to include public as well as private land. Applicability of the Act to public land creates a much greater area in which to manage the drive to a 30% canopy. It is also important for the Act to be applicable to greenfield development sites

The NPA ACT supports the idea that there are equivalents to trees canopy cover, such as in wetlands, dense shrub plantings, roof gardens and green walls. However, watered grass is not supported: in times of a drying climate, watered grass is costly in terms of water supply and maintenance requirements.

The NPA ACT is primarily interested in conservation reserves and connectivity between these reserves is essential, therefore restoration of habitats and tree planting on leased and public land should take into account the need for connectivity through corridors and other linkages between reserves. The location of key restoration and linkage protection areas is illustrated in Figure 2.2 page 31 of the Canberra Nature Park Draft Reserve Management Plan 2019. As part of achieving connectivity goals it is important that priority be given to the planting of local indigenous species in areas next to and connecting ACT conservation reserves, particularly those that protect woodland ecosystems.

While the canopy cover target of 30% is a target for the whole urban area, this should not mean that any suburban area is allowed to have a very small canopy, with the average achieved by a much greater canopy cover in other areas. The management of Regulated trees (or their equivalent under a revised Act) is key to retaining trees in the denser urban areas. The NPA ACT suggests that the criteria covering Regulated trees should be amended to include smaller trees. This would enhance the chance of improving the 30% canopy target.

The assessment of harm to Regulated trees should not be divided into two pathways i.e. by application to the Conservator, or by Development Applications. This can lead to differences in assessments of Regulated trees, and unequal treatment by each process.

The use of offsets in managing trees under a revised Act will be a key factor in achieving and maintaining a 30% canopy coverage. In determining the offset the full ecological and social value of a removed tree must be included.

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## **Attachment B**

### **Commentary on Review Questions**

Q1 In light of the ACT's new 30% canopy target, do you think we should amend the focus or priority of the Tree Protection Act? - The revised Act should also apply to public lands referred to at the beginning of 1st para on page 7 of the Review document. In 2015, Canberra's urban area, the private and public lands including the reserves in our inner hills, ridges, buffer spaces (woodlands, waterways and grasslands), was estimated as having an average 21% tree canopy cover. A key goal of the recently released Living Infrastructure Plan is to adopt and progress towards a target of 30% of Canberra's urban environment covered by a tree canopy or a tree canopy equivalent (such as green roofs, shrub beds, wetlands and rain gardens etc). Implementation of this plan is a key action in the recently released Climate Change Strategy. In addition, greenfield development sites should also be covered by the revised Act.

Q2: Should the criteria for tree removal at Appendix B be changed? - The Review should result in the identification of amendments to the criteria for tree removal only where these contribute to the achievement and maintenance of a 30% canopy,

Q3. What criteria, if any, do you think should apply in addition to the current criteria at Appendix B? (For example, providing greater solar access) - Additional criteria could include backyard solar access to enable a productive food garden and a more usable private space in winter.

Q4 Should these criteria be more outcomes focused? - The criteria are already outcomes focused but improvements may be possible.

Q5. Would you support more outcome focused criteria in exceptional circumstances? – The NPA ACT would support a more streamlined and outcomes focussed approach in line with the ultimate aim of achieving and maintaining a 30% canopy,

Q6. Do you support the establishment of a tree fund which would be used to fund more trees being planted in Canberra? – The tree fund is a good idea but should not be the sole source of funding to meet the 30% tree canopy target. Funds in the tree fund must be used only for the development and maintenance of the 30% canopy.

Q7. Would you support the establishment of a no net loss offset scheme? (Whereby when a tree has to be removed, it is replaced by another tree/s or funds are provided into a tree fund). – The NPA ACT would support a no net loss scheme provided fees collected from approved tree removal were hypothecated into the replacement programme. This would be seen as fair process/charge by a majority of the community - rather than a "tax" grab.

Q8. Would you support replacement trees planted on (a) the same block? (b) public land in the area? (c) any area in Canberra? – The NPA ACT would support tree planting on same block if it was from a list of recommended species /cultivars of native and deciduous trees. It would also support local and across Canberra plantings as part of an offset programme. The NPA ACT believes there is a strong

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case for planting local native species within and surrounding suburbs to increase the habitat and food sources for native wildlife and improve the connectivity between nature reserves.

Q9. Would you support more flexible criteria for removing a tree on leased land, if it had to be replaced with new tree/s with no net loss to the urban canopy? – The bar for the removal of remnant native woodland trees should be set very high but the removal of tree species regarded as problematic could receive a more flexible approach.

Q10. Do you support the establishment of an ACT tree curator? What role could they play in enhancing the canopy on leased land? - The Commissioner for Sustainability and the Environment recommended the creation of an ACT Tree Curator (to replace the existing Conservator in the *Tree Protection Act 2005*) in the 2011 Report on the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest (pp14) and the NPA ACT would support this and the concept of the role they would play.

11. How could the overall process of applying to manage trees on leased land be improved? – With the densification in pre 1980s Canberra and new suburbs having smaller blocks and larger houses plus more apartments there is a strong potential for resistance to planting any trees that may grow to a regulatable size or even any trees at all. Advice and guidance should be available to developers and home owners on where and what to plant and this could be a role for the Tree Curator's office.

Q12. Are there opportunities to reduce regulatory burden on leaseholders whilst maintaining the tree canopy? - Reducing the regulatory burden of tree protection is a worthy objective but how to achieve this equitably is difficult.

Q13. Should the removal process be allowed through the planning system? - A tree removal application through the planning system often involves a house extension/knockdown rebuild or block redevelopment. This is probably the process leading to the largest number of successful applications for tree removal or significant damage. Those leaseholders/developers making development applications should be made aware at the beginning of the plan approval/rejection process that the ACT community values its urban trees and that compromise and/or a significant offset payment may be required.