



National Parks Association of the ACT Inc.

conservation education protection

Submission on the *Urban Forest Bill 2022*

The National Parks Association of the ACT (“NPA ACT”) welcomes the opportunity to comment on the exposure draft of the *Urban Forest Bill 2022* (“the Bill”)

The NPA ACT is a community-based conservation organisation with more than 400 members and has more than 60 years of experience in helping to protect our natural environment, particularly in the ACT and surrounding regions.

Comments

The NPA ACT supports the replacement of the *Tree Protection Act 2005* to improve the tree protection on both public and private land in the ACT. Protection of trees is essential for improving the density of trees and maintaining an urban forest.

The setting of a target of 30% canopy cover by 2045 is admirable, and the target is a benchmark from which progress can be measured. The objects of the Bill, in protecting existing trees is a first step towards reducing the loss of trees, but the bill does not ensure any extra trees will be planted. While there is a specified target of 30% canopy cover, the Bill has no mechanism to measure progress towards that target. How much of the target will be reached by planting more trees, rather than the growth of existing trees will be difficult to forecast.

Trees are the basis of a forest, and are the large elements of living material that give Canberra and the ACT the reputation of being *the bush capital*. However, an urban forest can and should contain much more than trees, as shrubs, ground layer and leaf litter are essential parts of a forest ecosystem. The ACT Urban Forest Strategy (2020) gives comprehensive guidance on the practical methods of enhancing the urban forest, but is not supported by the Urban Forest Bill.

The Bill, also, concentrates solely on the legal protection of existing individual trees and their treatment when threatened by development, but does nothing to encourage the growth of additional trees.

The Bill could include requirements in Part 2 section 6 (page 4) that an Urban Forest Strategy be updated at regular intervals from 2023 onwards.

Similarly, the recently published Draft Action Plan for The Loss of Mature Native Trees Key Threatening Process is neither recognised nor supported in the Bill. If the loss of mature native trees is considered a key threatening process, then the Bill should include requirements in Section 6 that an Action Plan for the Loss of Mature Native Trees Key Threatening Process be completed and reviewed regularly.

Mature native trees are obviously of concern, because their loss is considered a Key Threatening Process under the *Nature Conservation Act 2014*. Therefore, the Bill

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should identify and protect the special values of mature native trees, rather than ignoring them, or treating them in the same way as any other protected tree. Mature native trees should be given a much greater value in the calculation of canopy contributions, and the imposition of tree bonds.

The Bill attempts to protect and enhance the urban forest by the protection of individual trees. Apart from Registered trees, this means that every individual tree appears to have similar protective legislation. However, when trees are in groups, their combined ecological and aesthetic value is greater than the total value of each of the individuals. This is because groups (groves or clumps) of trees can support more individuals and more species than multiple individual trees. For example, a small bird nesting in a tree may need the food resources of 10 trees to supply food for nestlings. The adult birds can only collect these resources if the other trees are in close proximity to the nesting tree, and it could not support those nestlings if it had to expend the time and energy flying to widely spaced trees. Thus the Bill could attempt to place a higher value on each individual that occurs in a group (say of 10 trees or more) than any individual tree. This greater value could be accommodated in the valuation calculator and the Canopy Contribution Fund. If trees in groups are not assigned a greater value, then groups can be slowly reduced by individual protected trees being removed over time.

The regulation of damage to trees or to the ground they stand on will require well educated staff in ACT government agencies who have the knowledge to assess all trees, whether they appear whole and healthy or slightly diseased, deformed or having hollows. It is no longer acceptable for trees to be removed because that may hold some defective wood, or are poorly shaped. While the Bill defines the 'decision-maker' to be the conservator or the director-general, those positions will require good advice from staff well educated in tree management. The employment of arborists and horticulturalists with specialised knowledge, especially of native trees, is recommended.

The NPA ACT is particularly concerned about the high rate of approvals for the removal of trees under the current legislation¹. In light of this the Bill could also include provisions requiring a quality assurance program for tree assessors and assessments, prior to them being finalised. This would facilitate consistency in decision making, and should emphasise the need to exhaust all other options before a tree is removed.

In addition, the NPA ACT queries whether the proposed financial contributions for tree removal are high enough to provide sufficient incentive for landholders and, particularly, developers, to seek alternatives to tree removal. The NPA ACT believes that mature native trees have a particular conservation value and the charge/fee for removing these should reflect this and be set at a level which is a true disincentive to removal or significant damage.

¹ The draft Action Plan for the Protection of Mature Native Trees provides a figure of 88% of tree removal applications having been approved over three years (2001–04)

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Specific Comments

Page 4 Section 6 Objects of the Act

The objects of the Act are wide ranging and cover not only the protection of trees on public and private land, but also encourage the appreciation and education of the value of trees and the urban forest. However, there is a concentration on treating individual trees, as a method of protecting the urban forest, and little attention is given to trees that are a part of a stand of trees.

Pages 5-6 Section 8 Meaning of 'built up urban area'

It is a positive move to use this definition of the urban area, to include all parts of the built up area. The exclusion the areas covered by nature reserves and the existing open spaces on hills and buffer zones is useful as it prevents those opposed to the objects of the Bill using the canopy cover existing in those areas to justify less plantings in urban areas.

Page 7 Section 11 Meaning of regulated tree

The NPA ACT welcomes the modification of the meaning of a regulated tree from those with a height of 12 m to include all those with a height of 8 m, (and similar descriptions of measurements of canopy width trunk, size, multiple trunks etc). This will mean the retention of many more trees that provide valuable shade and ecosystem benefits on leased and unleased lands.

Page 8 The NPA ACT also welcomes the inclusion of large dead trees within the definition of regulated trees.

Page 9 Section 12

The NPA ACT welcomes the inclusion of protection zones for protected trees in the Bill.

Pages 14-15 Sections 16, 17

These sections on damaging trees and damages to the ground in the protection zone are welcomed in the Bill. It is useful to have accidental damage by machinery included.

Page 30, Section 34

The NPA ACT welcomes the use of canopy contributions as financial incentive to protect existing trees, or to provide for the planting and maintenance of new trees.

Page 35, Section 40

The NPA ACT does not support the condition of Section 40 (c) that allows for canopy contributions to be used for the removal of a tree to allow for the planting of more trees, unless the tree to be removed is non-native or a species that is recognised as a weed, and the number of trees to be planted is at least 10 times the number of trees removed.

Page 67 Section 92

The NPA ACT welcomes the imposition of tree bonds as a part of a tree management plan, and these bonds applying for a period of up to 3 years. In too

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many cases, trees are damaged 'accidentally' and developers are not penalised for such loss of trees.

Page 73 Section 98

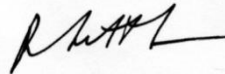
The NPA ACT welcomes the creation of a tree advisory panel whose members have specialised knowledge of forestry, arboriculture and horticulture and seeks to have an ecologist included too. This will mean that there is some community input to decisions concerning the urban forest and some ecological knowledge brought to bear.

Should you require any further information on our comments or our organisation, please do not hesitate to contact the NPA ACT office, attention of Mr Rod Griffiths, convener, NPA ACT Environment Sub-committee.

Yours sincerely



Esther Gallant
President



Rod Griffiths
Convener, Environment Sub-committee

National Parks Association of the ACT

1 June 2022