



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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: 65

Date Authorised for Publication: 8 August 2018

Submission to the ACT Assembly's Standing Committee on Environment and Transport and City Services Inquiry into Nature in the City

Introduction

I welcome this inquiry which provides an opportunity to focus attention on the declining state of our urban forest, the misdirection of funding to protect it and the need for a new paradigm in the future landscape of Canberra. My submission focusses on the need to manage public landscapes on a more cost effective basis and the need to ensure management and resources work towards protecting and developing an urban forest rather than the costly practice of maintaining single trees.

Decline in Urban Forest

Much of Canberra's urban forest is declining through age and lack of maintenance. Sufficient funds are not available to maintain this ageing forest let alone expand to maintain newly planted streetscapes in newer areas.

Our urban forest was established as a foundation of the Garden City concept so loved by most Canberrans. At that time there was little consideration of the impact of Climate Change and the now urgent need to protect our trees to enable them to contribute to mitigation of some effects of climate change on our Urban environment. The objectives of landscape planting in the early part of Canberra's development were primarily aesthetics and windbreaks, changing a barren landscape into a place worthy of the National Capital. Other objectives included soil erosion mitigation and provision of locally grown resources.

Prior to Self Government in the ACT, the National Capital Commission, charged with planning and developing Canberra, had a one line appropriation from the Federal Budget to fund its local development priorities. The Department of Territories (the forerunner of local Government functions undertaken today by the ACT Government) had maintenance responsibilities of the works undertaken by the NCC. It also was funded by Federal Budget appropriations. Canberra was much smaller and funds were available for high level maintenance of the urban forest.

Today many of the trees planted in earlier days are dying, poorly maintained and in a state of degradation. Many beautiful streetscapes and parks were planted over 50 years ago and, like people, need special care as they age. Earlier younger trees did not need much maintenance. Older trees do. Attachment 1 shows some photo examples of the effects of little or no maintenance on mainly street trees in Canberra.

The public landscaped areas managed by the Government have extended enormously in those 50 years and resources for the urban forest, now allocated as part of the ACT Budget competing with priorities such as health, education, housing and tramways, are spread very thinly. Some of the previous funding for tree maintenance is now diverted to other priorities such as the annual Floriade festival. I understand that landscape maintenance budgets are not extended on a pro rata basis as further land is added to the public maintenance holdings.

Much effort and expenditure on trees in Canberra is focussed on single trees, whereas it is the landscape which is important not the single tree. This practice is evidenced by Government responses to requests re street tree maintenance on a single basis rather than planning and maintenance on a priority basis for a landscape need. Urban forest is a forestry exercise. It is far cheaper and more effective to manage an area of trees than address the single tree needs. Young trees planted by, and handed over from developers, require specific pruning to enable them to grow appropriately in their urban setting. It costs around \$300 to properly maintain a tree in its first 12 months after planting. Roughly 30% are not there 5 years later.

As claimed by others, we need now to plan for the next 50 years in our Urban Forests. Issues which are important now are, climate change, water availability, solar access, heat reduction, wildlife habitat and tree protection.

Instead of isolated trees on nature strips, we need to plan for different suburbs. Suburbs with mini parks dotted across them as far as possible with the aggregated areas being equal to the foregone large nature strips. These pocket parks can allow for larger better maintained trees not competing with the requirements of individual leases. These areas can serve as recreation areas for people, especially children, living in high rise dwellings and residential densified areas.

We also need to skill our tree maintenance management and work force to more effectively manage our restricted funding for urban forests. Allocating work to the lowest tenderer is not an effective way to maintain the urban forest. Attachment 1 illustrates some of the results of such practice.

Maintaining the urban forest as a climate change mitigation program could harness funding sources aimed at climate change mitigation and also attract support from the community.

The ACT Tree Preservation Act 2005

The very costly and often distressful application of the provisions of the ACT Tree Protection Act in relation to Regulated Trees on leased land, is an example of public funds being directed into saving one tree, often past its use by value, at the expense of saving or developing the more valuable landscapes. The Act's provisions for Regulated Trees focusses on maintaining old single trees which often inhibit, safety, solar and development densification of existing leases.

While I do not have the budget information, the very process under the Act currently ties up huge resources to protect often one tree which often does not add significantly to the Urban Forest. Often the tree may be impeding the implementation of Climate Change objectives such as densification. There are countless instances where the preservation of one or more insignificant (ie not remnant and not important in the landscape) regulated tree has stopped dual occupancies, house extensions, and reduced the number of multi unit development on an urban block. This practice inhibits the achievement of one of the ACT's Climate Change Strategies the densification of Urban areas. Under such a scenario, it is essential to have a healthy, solar appropriate, streetscape forest.

Government Agencies, lessees and developers have from time to time complained about the application of the Act and sought to have its provisions in relation to regulated trees softened. The current practice of the Tree Protection Unit (TPU) in assessing applications under the Act by looking at precedent, is not in keeping with the Act's intent. The Criteria for assessing if the tree can be trimmed or removed were

developed in the Act to look at if that particular tree meets the criteria, not to consider that there are many other trees also meeting such criteria and thereby refusing the application.

The processes under the Act could involve huge expense if taken all the way to the ACT Administrative Appeals Tribunal. My understanding of the possible steps involved are:

- Initial survey by tree surgeon (applicant cost)
- Application for Tree Damaging Activity (applicant cost)
- Inspection and Consideration by Tree Protection Unit (Government Cost)
- Advice to Applicant and liaison with applicant (usually) if application refused (Government Cost)
- Request to Tree Protection Unit (TPU) for Reconsideration by applicant which usually involves more detailed assessment and documentation by tree surgeon (applicant Cost plus Fee \$100 plus to Government)
- Referral by TPU to Tree Advisory Panel (TAP) (Cost to Government)
- Representative of TAP conducts site inspection of tree (Cost to Government)
- Recommendation to TAP from representative and consideration by TAP (Cost to Government)
- TAP provides report and recommendation to the Conservator of Flora and Fauna
- Conservator makes decision and advised TPU which advises applicant (Government Cost)
- If application refused, applicant can request statement of reasons etc form TPU (Cost to Government)
- Applicant can then lodge an Appeal to ACAT which unless a whole new range of costs (Initial cost to Applicant possibly more expert advice to address Statement of reasons plus \$300 plus Fee to lodge Appeal)
- ACAT process to hearing including costs for both Government and Applicant in preparing and attending Directions Hearing and subsequent preparation of submissions on both sides (Costs to all)
- ACAT Hearing and consideration. It seems Conservator usually has legal representation at such hearings. The applicant may or may not acquire a legal

representative. The cost of legal representation alone would be high without the time of the Tribunal and the Government and Applicant.

- The decision of the Tribunal (Cost to Government).

All this often to save one tree, frequently an exotic tree planted by the lessee. The current restrictions under the Act has also resulted in lessees planting smaller growth trees to ensure they are not later unable to remove the tree due to height.

A far more effective way of enhancing and conserving our urban forest would be to direct resources from such costly practice to maintaining the public landscape. There are many instances instances where the Act has been applied with very little consideration to the contribution of the tree its contribution to the overall urban landscape.

Many lessees live in fear of falling branches from some large trees on their blocks. Some of these trees have been recommended as not suitable for suburban blocks and some are now 50 or so years old. Often such trees were planted for their fast growth attributes with a view to removing when they have exceed their suitability.

The application of the Act needs to be reviewed. While the Criteria for approval of a tree or a damaging act, may be appropriate, the application of that criteria is in my opinion not appropriate. Advice given by the TPU that an application does not meet the criteria, when obviously it did, has been met with "If that tree was approved then we would have to approve many more in Canberra". The criteria should apply to the application, not all other trees in Canberra. The Criteria were developed to assess a particular tree against. There is provision in the Act for the Conservator to consider the role of the tree in the landscape and as a wildlife habitat.

There is also a provision in the Tree Advisory Panel (TAP) assessment sheet to rate on precedent. ie if the tree was approved then what level of precedent would that allow. My point is that the criteria were enacted to enable a particular tree to be assessed against. The Act does not refer at all to assessing trees not applied for.

It is timely to evaluate to the effect of the Act introduced in 2005 in the context of effect on the Urban landscape, costs, application and alternative options. While Canberra's urban landscape is unique, lessons can be learnt from best practice models elsewhere.

A far more effective way to maintain our Urban Forest in areas where there are older trees on residential leases, could be to charge a levy for approval of removal (excluding Registered Trees). Criteria for removal could be much more flexible, ensuring the preserved tree is actually contributing to the landscape via habitat or unique significance. There would be a significant charge which would go to funding landscape maintenance and development on trees in public areas. Charges could be based on a scale with the lowest for concession holders and the highest for a multi unit development. This would be a far more effective way of protecting our urban forests than the current huge resources involved in managing one tree on an urban lease. Where approval is sought to remove a tree on a leased block, permission could be granted for non registered trees on payment of a tree management fee. The amount set to be paid would be based on size of the development, remnant or planted tree, common or uncommon species to the ACT and size category.

Summary

Canberra's older Urban Forest is dying through lack of adequate maintenance whilst continuing urban growth adds further demands on inadequate resources. It is not possible to do it all. We have to use our limited funds to the best effect. We are currently treating all street trees equally. We may have to keep to main streets and more heavily used areas and those areas significant in the landscape.

We cannot manage our Urban forest effectively under current strategies. We have far more trees than in say Melbourne with far less people to pay for their maintenance.

Priority plans must be drawn up and implemented for maintaining whole landscapes rather than a more costly one tree basis. It is far cheaper to manage a whole area tree plan than on a single tree by tree basis.

The administration and provision of the ACT Tree Protection Act is costly and directing resources ineffectively to often preserving a single tree. After 13 years in operation, Its cost effectiveness should be evaluated by an independent source.

Recommendations

1. That Government's urban forest programs prioritise maintenance on a wholistic rather than individual tree maintenance focus, ensuring the landscape is managed as an integrated prioritised plan not the more costly ad hoc responding to individual tree issues.
2. That plantings focus on filling gaps in the landscape and remove and replace declining trees
3. That plantings focus on mini parks across suburbs instead on isolated individual street trees, thereby enabling larger trees to be planted, more effective climate change mitigation, more cost effective maintenance and recreation areas for people living in denser areas.
4. That the provisions of the Tree Protection Act are independently in relation to regulated trees by:
 - evaluating the effect of the Act on achieving protection for the urban forest in terms of cost effectiveness, landscape management, climate change and residential densification
 - considering more cost effective way to protect our urban forest, taking into account the large number of resources taken from tree maintenance into assessment of tree removal applications for development and the costly processes involved in assessments and appeals

5. based on that assessment introduce a tree removal levy be for development or safety on private leases; and

6. Funds from the levy be allocated to the Urban forest renewal program

Georgina Pinkas

[REDACTED]

[REDACTED]

[REDACTED]















