



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

QToN No. 1

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair), Mr Mark Parton MLA

Inquiry into Urban Forest Bill

ANSWER TO QUESTION TAKEN ON NOTICE

6 October 2022

Asked by Ms Suzanne Orr MLA on 6 October 2022: Mr Bren Burkevics, Conservator of Flora and Fauna took on notice the following question(s):

[Ref: Uncorrected Proof Transcript [6 October 2022] [PAGE 45-46]

In relation to:

MR PARTON: Thanks, Chair. There was concern aired over the fact that the change in the definition for a regulated tree in the bill would generate a significant increase in the number of applications to remove trees and that that would add pressure on development approvals. What do you have to say, minister, in response to that concern? Certainly, industry suggested that there was nothing from government to suggest that that had been considered.

Mr Steel: No, it has been very strongly considered because it directly relates to the resourcing that is required to help manage the number of applications coming through. And of course, we have provided extra resourcing to EPSDD to do an assessment team in recent years. But we will be looking closely at the level of resourcing that is required for TCCS to be able to undertake the work that is required under this bill in relation to any tree removals that come through.

Of course, we already have a lot of tree damage applications that come through from the Tree Protection Act, we expect that to increase because we are expanding the scope of trees that are going to be protected under the legislation. So and we have some numbers around that but I will hand over to Kirra to talk a little bit—yes.

Ms Cox: I do not have the exact numbers with me but I would comment that part of the purpose of this bill is to recognise there is a bit of a hierarchy in what we would like people to do and the first preference is to keep the tree. And if you keep the tree, you do not need to apply for anything.

So while more trees are going to be protected, we are hoping that the requirement to either replant trees on site or make a financial contribution will actually start to go towards changing behaviour and starting to think a bit more creatively about how to keep the tree on site, rather than automatically defaulting to, I can lodge an application in, you know, six weeks, have an answer and get rid of my tree all together.

So that behaviour change element is really hard for us to quantify at the moment and that is why the two year review point is really important in this bill.

Mr Steel: There is—I think the numbers that we have on is that there is going to be 63,000 additional trees on leased land that will be protected, so it is a reasonably significant increase in the number of trees and we will be very closely examining exactly how many applications come through once the bill is implemented, to understand what level of resourcing is required to manage any tree damaging activity applications.

THE CHAIR: Thank you very much.

MS ORR: Can I just ask that a question be taken on notice?

THE CHAIR: Yes, certainly.

MS ORR: Yes, just because I know that time is running out. Sorry, can I ask Mr Burkevics, can you just have a look at page 7 of the HIA response in 4.2 and just provide a response to the HIA's interpretation of that directive? Just so that—it is still not clear in my head and I just want to clarify a bit better.

THE CHAIR: Yes, yes. I think we have just heard two different things. Yes, no that is fine, I am with you.

CONSERVATOR OF FLORA AND FAUNA: The answer to the Member's question is as follows:—

The Urban Forest Bill introduces a Canopy Contribution Framework (section 35) whereby applicants who have a tree approved for removal will be required to enter into a canopy contribution agreement outlining how the removed tree will be replaced via on-site canopy contribution, an equivalent financial settlement, or a combination of these.

The Urban Forest Regulation (the Regulation) and Urban Forest (Canopy Contribution Agreements Financial Settlement) Determination (the Determination) will specify the detail of contribution calculation factors. This will provide flexibility for this detail to be updated over time as required. These documents are available in draft form on the YourSay webpage. These specify that:

Homeowners will be required to replant two trees for every one tree they remove on their primary residence. Where there is not suitable available planting space, they will be required to contribute \$600 per replacement tree.

Non-homeowners will be required to replant sufficient trees to replace the lost canopy area in 20 years. Where there is not suitable available planting space, they will be required to pay an equivalent financial settlement comprising the loss of benefits to the community, the replanting cost, and a zone modifier. The calculation factors for this are outlined in the Regulation and the Determination.

The nature of each canopy contribution (i.e. an on-site canopy contribution, a financial settlement or a combination of both) will be determined on an individual application basis that takes into account the space availability and suitability to tree planting. On-site canopy contribution (replanting) is the preferred option however financial settlement will be accepted. This will maximise the benefits by encouraging that the environmental services provided by trees are maintained, replaced in proximity to where they were lost, or finally replaced elsewhere in the ACT as the financial settlements will fund the expansion and renewal of the urban forest. Where replanting is required, applicants will be able to select a species of their choice from a wide size category.

In practice, as part of tree removal applications, applicants will be asked to indicate how many trees they estimate could be replanted on site. This estimate will be confirmed at the time of the application assessment site visit by tree protection officers who will inspect the available space in consideration of the proximity of other trees, structures and services. The Conservator will have the authority to negotiate with applicants about possible onsite replacements versus financial contributions.

Approved for circulation to the Standing Committee on Planning, Transport and City Services

Signature:  .

Date: 12/10/2022

By the Bren Burkevics, Conservator of Flora and Fauna