



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
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Submission Cover Sheet

Inquiry into Urban Forest Bill 2022

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Inquiry into Urban Forest Bill 2022

The following comments are offered for your consideration in respect of the Inquiry into Urban Forest Bill 2022.

The comments are largely based on our recent experience with the Tree Protection Act and were largely provided to the ACT Government in their Consultation process on the draft replacement for that Act. Their report on the consultation process was very superficial and ignored all the issues raised below. I doubt my comments were the only ones to be so ignored.

Firstly, we support the intent of the legislation in protecting and enhancing the Tree Canopy in the ACT. We note the legislation appears to target directly or indirectly individual leaseholders and seems to provide a 'free pass' to largescale developers, individual builders and the like of Evo Energy. A quick drive around our newer suburbs and passing individual building sites in established suburbs clearly demonstrate some citizens can seemingly engage in clear felling of every tree on their site(s). Similarly, the like of Evo Energy appears immune from the intent and impact of this legislation in their wholesale 'massacre' of our suburban street scape. **The rules for one should apply to all.**

Secondly, the legislation, to minimise the impact on individuals and the public service, should exempt any potential protected or regulated tree if it is located within a specified distance of a residential property. I understand this is provided for in other states and, for example, trees within 10 metres of a residential property are exempt from regulation in South Australia. This would appear to be appropriate in the ACT.

Third, decisions by the Conservator or equivalent should be accompanied by a Statement of Reasons for the decision. At present the mere assertion that "it has not been established that any of the criteria ...for removal has been satisfied" is particularly galling when the proponent obviously believes the criteria has been met. (and has demonstrated such)

Finally, when the Conservator decides a tree should be retained contrary to the wishes of the owner(Leaseholder) the Conservator, and therefore the Government, has effectively taken over the ownership rights of the tree. Consequently, the Conservator, and the Government ,should subsume the full ongoing legal and financial responsibilities associated with the tree, such as

- The repair and maintenance of retaining wall and surrounding garden paths etc
- The repair of sewage and wastewater systems impacted by the tree
- The cost of any tree work demanded by the likes of Evo Energy
- The repair to any buildings damaged which is directly attributable to the tree
- The cost of any legal action arising from the tree including claims made by individuals.