



Tuggeranong Community Council Inc submission on the Draft Urban Forest Bill, 2022

“Urban forests are important for a range of reasons, including community cohesion and wellbeing, urban biodiversity, and liveability, as well as cleaner agricultural and industrial production, climate mitigation and cooling – just to name a few.” *Dr Scott Hawken, Director Landscape Architecture at the University of Adelaide.* We at the Tuggeranong Community Council agree with this and we value greatly the amenity provided by Canberra’s Urban forests.

Approximately two thirds of Tuggeranong has 20% to 30% tree cover. However we are most concerned that the newer suburbs of Tuggeranong that only have about 10% to 20% tree cover and are very, very concerned that the newer areas currently being developed in places like Molonglo, look like they would be lucky to have even 10% tree cover as they are small blocks, with big houses and very narrow verges. This latter point is of great concern as it will be hard to make space for services (water and electricity) as well as trees.

While support the principles of the draft Urban Forest Bill, we would make the following points:

- (a) to contribute towards having a tree canopy covering 30% of the Territory’s existing and future urban areas by 2045;
 - should consider setting medium term targets for increasing canopy cover, for example a target for 2030. The aim would be to avoid a big decline in mature tree canopy in the next decade associated with urban infill before a later increase in canopy cover by 2045.
- (b) to support an urban forest that is resilient and sustainable in a changing climate;
 - should include supporting “resilient and sustainable suburbs in a changing climate”, in addition to the resilience and sustainability of the urban forest itself.
- (c) to protect and enhance the urban forest by protecting individual trees of significance or value, and trees on public unleased land;
- (d) to enhance and contribute to community wellbeing by encouraging community members to interact with the urban forest;
- (e) to recognise that the urban forest has inherent value and should exist and flourish;
- (f) to uphold the vitality of the urban forest ecosystem, including maintaining and enhancing biodiversity, habitat and resources for wildlife;
- (g) to promote the incorporation of the value of trees and their protection requirements into the design and planning of development, and during periods of construction activity;

(h) to promote a broad appreciation of the role of trees in the urban environment and the benefits of good tree management and sound arboricultural practices.

However, we have some concerns over certain provisions in the Bill:

1. Regarding public land and circumstances in which the conservator's advice can be overturned, with insufficient requirements for scrutiny by the Legislative Assembly and many risks of decisions being overturned under the urban planning legislation
 - Any grounds for rejection of the Conservator's advice must be objective, transparent, and publicly available.
2. Concern that residents should be able to get approval for tree work in a reasonable time when evidence is presented that a tree is threatening lives or property.
 - This is critical as safety for people and property needs to be safeguarded.
3. Concern about transparency and public notification of decisions
 - all decisions should be transparent and require public notification.
4. Importance of 'granular' measurement and setting targets for tree canopy coverage
 - canopy targets must be determined at a suburb and district level to allow meaningful reporting of progress towards the 30% canopy goal.
5. Need for mandatory provisions for developer contributions to funding of the canopy to ensure consistency and enforceability:
 - It is unclear whether the contribution fund will be sufficient to encourage developers to retain trees.
6. Further clarity is needed for requirements for replacement of trees that are removed and about the tree bond:
 - Could result in trees being replanted in unsuitable places just to avoid penalties. Legislation might be costly and complex to manage.
 - In established blocks if a tree is removed for safety reasons, it is often not possible to replace (two trees to replace for the one removed) there might not be enough space in an established block which might already have a number of trees. Residents should not have to pay a penalty for this.
7. General support for the Loss of Mature Native Tree action plan:
 - We agree there needs to be a tree management plan to ensure native trees are managed to support wildlife habitat and biodiversity.
8. Need for enforcement and adequate penalties, especially regarding parking under protected trees:
 - increased information on penalties provided in the bill is needed. The penalties need to be appropriate to deter some developers especially for properties where the profits will greatly exceed the penalties.
9. Support for 'declared site' s69 requirements:
 - This is a strong deterrent to damaging or removing a tree for the purpose of achieving better financial benefit.
10. While we agree that *'where possible, seek to widen road verges in areas where densification is occurring and along key active travel routes to accommodate additional*

tree planting” (5.2.3) it is also critical that in new developments eg Molonglo that the verges need to be made wider to allow for planting of street trees as well as provide space for services (water and electricity).

To be effective this Urban Forest Bill needs to be easily understood, meet its objectives, easy to administer and enforce, and to have a good balance between “carrot” and “stick” approaches, but is it so? It contains many penalties, but it is hard to get speedy action on tree protection matters with the current system. We will need more resources to administer the system, with a well-resourced administrative framework and the will and ability to follow up with the hard decisions e.g. if a developer chops down a tree ensure they pay an appropriate penalty or ensure supervisory staff are on hand when development occurs to make sure trees are not cut down when not approved to be cut down.

We also need to start now with interim goals set along the way, to ensure that by 2045 we have the canopy cover we want. We also need to ensure it is consistent with Action Plan to Prevent the Loss of Mature Native Trees and the new Planning Bill.



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