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SUBMISSION

A.C.T TREE PROTECTION LEGISLATION REVIEW 2019

1) The Australian Native Plants Society – Canberra Region (ANPS)

The ANPS was established in 1962. ANPS is a non-profit, voluntary community organisation dedicated to the growing, conservation, preservation, promotion and appreciation of Australian native plants. ANPS has over 270 members, including many working in a professional capacity in many spheres related to native plants (e.g. ecology, botany, horticulture and entomology) as well as other closely related scientific disciplines.

The ANPS constitution prominently advocates activity in conservation through the promotion of the conservation of Australian plants and their habitats, and observing and support for laws related to the preservation of Australian native plants.

The ANPS supports the ACT Tree Protection Act 2005 (TPA 2005), but after some 14 years of operation recognises that a review is warranted. Some of our members have had experience with the TPA 2005, and agree that a review will assist in “streamlining” some aspects of the legislation. ANPS supports the proposal to establish over 17,000 new trees on public unleased land across the city between 2019 and 2023, though a greater consideration should be given to the species of trees that are used on public lands, with a focus on native (indigenous and regional) trees.

2) Documents reviewed

The documents utilised in preparation of this submission include:

- *ACT Tree Protection Act 2005*
- *Review of the ACT Tree Protection Act 2005 Discussion Paper* October 2019.
- *Tree Protection (Built-up Urban Areas) Declaration 2010* (No 1) Notifiable Instrument NI2010—187 dated 9 April 2010
- *Report on the investigation into the governments tree management practices and the renewal of Canberra’s urban forest* - Office of the Commissioner for Sustainability and Environment 2011.

Where possible we have also drawn on members’ experiences under the TPA 2005 for additional comments provided.

For ease of reading this submission, ANPS comments and advice are **presented in bold text**.

3) Discussion Paper Questions

The Discussion Paper posed a number of questions. Following are the ANPS answers to those questions, which in some cases are elaborated on later in this submission.

Discussion Paper Question 1: *In light of the ACT’s new 30% canopy target, do you think we should amend the focus or priority of the Tree Protection Act?*

The TPA 2005 applies to trees in the “built-up urban area” (Ref 1). The built-up urban area is defined under the Tree Protection (Built-up Urban Areas) Declaration 2010 (Ref 2). The ANPS agrees with the areas defined as built-up urban area as it includes leasehold blocks and public lands within that zoning. However, the TPA 2005 currently does not equally apply to public lands, with individual trees protected only if they are registered as

having special significance. In fairness, the TPA 2005 should apply to public lands as there is a more secure future for trees in such areas.

Part 1 Section 3 (Objects of Act) appears to be the focus/priority of the TPA 2005. These objects state:

Objects of Act

(1) *The objects of this Act are—*

- (a) *to protect individual trees in the urban area that have exceptional qualities because of their natural and cultural heritage values or their contribution to the urban landscape; and*

ANPS agrees with Object (a), provided that in future it includes public lands and public lands adjacent to urban areas.

- (b) *to protect urban forest values that may be at risk because of unnecessary loss or degradation; and*

ANPS agrees with Object (b). However, we also recognise that the built-up area is currently changing of necessity, in part to make the city somewhat more sustainable, and this will sometimes involve the removal of regulated trees. There will be occasions where individual or groups of trees as defined in Object (a) above will be identified for removal, but this should not lessen any appropriate and thorough examination of these trees to assess the potential for them being saved within development sites. We are aware of sites where attempts have been made to retain regulated trees within development sites, where protective curtilages have been inadequate, and which have then led to deterioration over time until removal becomes necessary. Given these trees sometimes govern the footprint of the proposed development, there may be times where the development may have to take precedence over these trees. In such cases, there must be a mechanism within the revised TPA 2005 to ensure that developers do not utilise this solely to their advantage. The proposed tree replacement fund could provide a means of ensuring an appropriate level of fee(s) to ensure that developers will seriously consider the need for removal. Unfortunately, there is no indication of the level of fees that may be applied, and until some idea of the scale of fees is provided, considered answers to this dilemma cannot be made.

Within the discussion paper, an image of driveway damage was provided. ANPS is not necessarily of the opinion that this form of infrastructure damage warrants a tree removal. Lifting of house foundations would be another matter. Trees in front yards add significantly to streetscapes, and there are other means of remedying the driveway uplift. However, we do acknowledge a resident's concern about the possibility of this being an on-going problem.

There will be a great variety of examples of varying degrees of infrastructure damage given as reasons for tree removals and or damaging activities, and this is good reason to have people with practical knowledge of ways to remediate damage as well as horticulture/arboriculture in both the proposed Tree Curator and Tree Assessment positions.

- (c) *to protect urban forest values that contribute to the heritage significance of an area; and*

ANPS agrees with Object (c), and that every means possible should be brought to bear to retain the planted heritage of designated heritage areas in the ACT.

- (d) *to ensure that trees of value are protected during periods of construction activity; and*

ANPS agrees with Object (d). As indicated under Object (b), ANPS is aware of sites where attempts have been made to retain regulated trees within development sites where the area of protective curtilages have been inadequate, and which have then led to deterioration of a tree over time until removal becomes necessary. All too often, curtilage requirements are not maintained during construction works, and penalties need to be at a level that will ensure curtilage(s) are respected, and should be used wherever due care is neglected. Penalties for offences should also be hypothecated for tree planting and maintenance activities, rather than being absorbed into consolidated revenue.

There are also times when non-construction activities are damaging trees on public lands. The *Roads and Public Place Act 1937* forbids parking on nature strips on the basis it could harm street trees, or cause a visual or physical impediment to pedestrians and road users (Ref 3). ANPS understands the difficulty in monitoring nature strip parking, particularly as car ownership has changed dramatically upwards over the 82 years since this Act was enacted. Even so, it is obvious that nature strip parking does cause damage to trees in public areas. The current TPA 2005 itself does not currently regulate trees on urban public land, unless they have been registered on the basis of their special significance. Most nature strip trees, especially in older suburbs, contribute in a very significant way to streetscapes and the overall urban forest, and need to be protected from any damaging activity. Vehicle parking usually is the most significant and widespread damaging activity on road verges/naturestrips, and needs to be addressed.

The *Public Unleased Land Act 2013* does provide for some protection measures for Territory property/public assets on public land. Trees on public land are both Territory property and significant public assets. Damage to trees on verges/nature strips could be covered by damage to public assets under this Act.

Even though both the *Roads and Public Place Act 1937* and the *Public Unleased Land Act 2013* offer some protection for individual components of the urban forest, ANPS is not aware that they have ever been used where problems have occurred, other than the occasional blitz at public events where parking is at a premium, and verges are used for temporary parking.

(e) *to promote the incorporation of the value of trees and their protection requirements into the design and planning of development; and*

ANPS agrees with clause (e), and it is an essential part of tree protection. We think that the value of trees is (or should be) obvious to everyone. As indicated in 1(b) above, tree protection and retention has not always been a high priority of developers or the ACT Planning agency(s), nor for subcontractors and some individual residents. This clause does need to be retained. ANPS suggests the deletion of “to promote...” at the beginning of this clause.

(f) *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.*

ANPS agrees with clause (f), and it should be retained. Part of this appreciation starts with having adequate management funding to maintain the asset, as we did before the days of self-government, where there were specialised government tree maintenance crews working full time.

Discussion Paper Question 2: *Should the criteria for tree removal at Appendix B be changed?*

ANPS comments on the criteria are provided under each clause of Appendix B below.

Appendix B – criteria for removal

Approval to damage a regulated tree

1. *The Conservator of Flora and Fauna (the Conservator) may give an approval to damage a regulated tree under section 25 when:*

This assumes the Conservator remains as the arbiter under this review. The *Report on the Investigation into the Government’s tree management practices and the renewal of Canberra’s urban forest* (Ref 4) prepared by the Commissioner for Sustainability and the Environment in 2011 recommended the creation of an ACT Tree Curator (see recommendation 4), leaving the Conservator to manage the Nature Conservation Act 1980 (since reviewed in 2014). ANPS strongly supports the Commissioner’s recommendation in its entirety (from 4A to 4L). The Tree Curator should retain any powers previously under the control of the Conservator.

a. the tree is in decline and its life expectancy is short; or

This is a reasonable expectation with regards to community/residential safety, but consideration should be given to habitat values as well. In some cases, original woodland trees are conserved within individual blocks and in urban open spaces. Some of these trees have been noted as declining and dying, usually because of root damage and/or due to altered environmental conditions and other disturbances during construction work(s), but with judicious pruning they may well stand for many more decades. In such cases complete removal may not be the best option, and the tree should be left standing to continue to provide nesting/shelter habitat for a long time to come. This is complimentary to the listing of the Conservation of Mature and Hollow-bearing Trees being listed as a Key Threatening Process in the ACT.

b. the tree represents an unacceptable risk to public or private safety; or

ANPS accepts removal in these circumstances, but again, other options for retaining the value of remnant or originally planted hollow trees should be a prime consideration before removal. If removal is the only option, and the tree has values such as hollow trunks and branches, they could be removed and placed in areas of Canberra Nature Park where they will continue to provide habitat for ground dwelling wildlife.

A means of salvaging timber from urban tree removals, whether native or exotic origin, should be investigated where the timber is in good condition.

c. the tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service; or

ANPS accepts removal in these circumstances as for (b) above, but only where the damage is likely to continue. Consideration as to other means of resolving the damage should be a first consideration.

d. the location of the tree is inappropriate given its potential size and growth habit (excluding remnant eucalypts); or
ANPS accepts removal in these circumstances, but in such cases the replacement of the tree by another more suitable species should be required.

e. the tree is substantially affecting solar access to the lessees lease, or neighbouring lease, during winter between the hours of 9am to 3pm and pruning is not sufficient to remedy this (excluding remnant eucalypts); or
ANPS recognises the benefits of solar access, both for photo-voltaics and passive access to residences, but this clause has created some consternation with regard to requests for tree removals, and could continue to do so in the future. A regulated or significant tree should not be removed because someone has placed panels on a roof, or a tree grows to obstruct panels if the tree was there first. The same applies to passive heating in neighbouring residences. The best that can be hoped for in such circumstances is amicable agreements between neighbours. If this clause was taken to its extreme, it could lead to a massive diminishing of the urban forest in some locations, which may become worse with increasing use of solar panels. ANPS agrees with the principle of an exception for remnant trees, especially for environmental/habitat reasons.

f. the tree is causing an allergic reaction to an occupant of the lease, or neighbouring lease, and the claim can be supported by certification from a relevant medical specialist; or
ANPS has some sympathy with this clause, but draws attention to the possibility that it may be mis-used, especially where non-cordial neighbour relationships exist. The need for verifiable medical certification is essential, but another suitable tree should replace any removal.

g. where the tree is part of a close planting of a number of trees, the removal of the tree will allow the other trees to develop; and
ANPS accepts this clause, especially in stands of native trees, or where trees have been overplanted for quick effect. This is dealt with in more detail below under *Tree planting and selection*. It is hoped that in planted circumstances, trees will be established at appropriate distances at the planting stage because in the longer-term, trees will establish more quickly without unsuitable growing conditions (and incidentally costs) caused by over-planting.

h. all other reasonable remedial treatments and risk mitigation measures have been determined to be ineffective.
Accepted by ANPS.

2. *The Conservator may also give an approval under section 25 of the Tree Protection Act 2005 to remove a tree if the tree is located on a block of less than or equal to 1200m and is a species listed in Schedule 2.*

Schedule 2 covers trees that may be problematic such as:

- *rapid rate of growth of a large growing species;*
- *propensity to structural decay;*
- *propensity for developing structural defects or weaknesses; or*
- *propensity for prolific root suckering.*

**ANPS supports this clause other than in the case of conserved remnant native trees, though a tree replacement, using a species with better qualities, should be required when removal takes place. Fees should be minimal if a replacement is undertaken, with the fee rising when no tree is replaced, to ensure a tree is planted elsewhere. A further dot point should be added to this clause reading:
“propensity to naturalise or a known invasive species”.**

3. *When deciding whether the criteria in paragraph 1 are met, the Conservator may consider:*

a. any exceptional circumstances that have been raised by the applicant, taking into account advice from the Tree Advisory Panel.

ANPS agrees with this clause, but some effort must be applied to prove the exceptional circumstances.

b. the importance of the tree in the surrounding landscape; and
ANPS agrees.

c. if the tree is a species listed on schedule 3, whether the tree has ecological importance to the local environment.

Schedule 3 apparently provides a list of species that grow naturally in the immediate region. A copy of Schedule 3 could not be located. If the schedule is referring to indigenous trees, ANPS supports this. It should not be interpreted as “naturalised” trees, many exotic species of which are invasive, but not yet declared as an invasive species.

4. In considering whether criteria 1(1)(b) and (c) are met the Conservator must assess whether the removal of the tree is urgently required in accordance with section 29 of the Act.

ANPS agrees with this clause.

5. The Conservator may give an approval under section 25 of the Act to undertake major pruning on a regulated tree when:

a. the work is required:

i. as a remedial treatment; or in the general interests of the health of the tree; or

ii. to reduce an unacceptable risk to public or private safety; or

iii. to reduce the risk of damage or prevent further damage to a substantial building, structure or service.

ANPS agrees with this clause, except in circumstances of trees on public land, where ANPS makes the assumption that tree maintenance is governed by contract and will be performed by qualified arborists/horticulturalists. If the “major pruning” is such that the morphology and character of the tree is greatly affected, when removal and replacement may be a more appropriate response.

b. the tree is substantially affecting solar access to the lessees’ lease, or neighbouring lease, during winter between the hours of 9am to 3pm and minor pruning is not sufficient to remedy this (excluding remnant eucalypts).

See 1(c) and 5 above.

6. The approval of lopping should only be considered when the criteria in clause 1 are met and the retention of the tree is considered necessary. Example, where the retention of the tree is necessary to maintain habitat or heritage values.

ANPS agrees in part. Our concern would be when extensive lopping is required which greatly detracts from the “usual” morphology of the species. In some cases, removal and replacement may be a more appropriate option (see 1(c) and 5 above).

In all the above cases, proportionate fees should apply that are hypothecated specifically for new plantings within the urban forest, and specifically not to the costs of operating the tree protection process. The latter must be operated through consolidated revenue.

Discussion Paper Question 3: What criteria, if any, do you think should apply in addition to the current criteria at Appendix B? (For example, providing greater solar access)

Some comments on the criteria are provided above. It would be difficult to try and define every possible criterion that may arise in tree assessment processes. After the years of TPA 2005 operations, only the tree protection staff and Tree Advisory Panel have a more complete understanding of its operations and the dilemmas they may have had to solve. Case studies of these should be prepared with reasons supporting or denying removal, and the reasons why the decision was made. Existing case studies could offer opportunities for this review, or case studies can be compiled during tree assessment processes, which may be considered for future legislative decisions and reviews.

Members of ANPS have heard some questioning about tree protection governance involvement in backyards. There have been examples of backyard trees only just meeting regulated tree criteria, and/or being full of rot with open cavities. These trees will fail in time. Because the trees were still relatively stable, removal was denied, and in one case prevented a much-needed extension to a growing family in a small residence. Backyards, where they still exist in Canberra, may have substantial trees which do contribute to the urban forest. However, reasonable requests for removal of backyard trees should acknowledge the “private” space and usage of any lease, especially when there is good reason for the removal. However, this should not prevent a fee being imposed to replant a tree(s) in the nearby local area.

Discussion Paper Question 4: Should these criteria be more outcomes focused?

ANPS feels the original criteria are primarily outcome focused, and with some of the proposed tweaking, will be more so.

Discussion Paper Question 5: Would you support more outcome focused criteria in exceptional circumstances?

It is somewhat difficult to answer this question without some examples of “...exceptional circumstances”. Yes, where there is a positive outcome for the urban forest.

Discussion Paper Question 6: Do you support the establishment of a tree fund which would be used to fund more trees being planted in Canberra?

ANPS fully agrees with the proposal to establish a tree fund. As far as overall funding is concerned, the TPA 2005 needs to consider the cost to the territory for the replenishment of the urban forest. However, this fund is proposed to be established through fees, probably of a varying scale. It would have been of greater assistance if some

indication of the fees proposed were provided. ANPS is not confident that hypothecated fees alone will be sufficient to replant/enhance the urban forest. Funding should also be available from consolidated revenue each year to ensure urban forest management targets are met. Fees will not be popular with everyone. “Fees” is just another term for “levy” or “tax”, which usually meets strong opposition, but ANPS supports the proposal, no matter which term is used. The ACT government should aim for a politically bipartisan approach to gaining support for the development and management of the urban forest which, like invasive species management, requires regular and ongoing funding to be successful. The electoral cycle is too short, and with bipartisan support, progress and management of the urban forest is better assured.

Residents wishing to remove trees, when faced with an appropriate fee, will probably give some thought to whether a tree should be removed or not. The fees should vary based on size, significance (landscape or cultural), remnant trees providing food, shelter and habitat, and invasiveness at very least. Remnant and planted native trees may attract a higher fee, simply due to their extra significance. If removal proceeds, the fee will permit further planting(s), and with no net loss to the urban forest.

***Discussion Paper Question 7:** Would you support the establishment of a no net loss offset scheme? (Whereby when a tree has to be removed, it is replaced by another tree/s or funds are provided into a tree fund).*

Yes, provided the funds are clearly hypothecated to tree replanting in that local area, as various reasons may rule out replacing a tree on the same site because it is not possible or desirable. On-going management/maintenance must be provided from consolidated revenue.

***Discussion paper Question 8:** Would you support replacement trees planted on (a) the same block? (b) public land in the area? (c) any area in Canberra?*

ANPS strongly supports the proposed system whereby when a tree is removed, a replacement tree or trees are planted on the same block or in the local area. Where for any reason this is not possible, a fee should be paid into an offset fund which would be used to plant trees on public land.

ANPS is strongly in favour of increasing the quality of native habitat within and surrounding the urban area. and in particular the potential connective nature of native plantings on public lands throughout the urban area of Canberra. Unless in special circumstances, we believe the objective for public lands should native plantings, especially given the potential effects on climate change over coming decades. This would include native shrub landscaping in some circumstances (see “identifying areas for planting” below).

***Discussion paper Question 9:** Would you support more flexible criteria for removing a tree on leased land, if it had to be replaced with new tree/s with no net loss to the urban canopy?*

ANPS would like some case studies/examples which would better define the term “flexible”, but yes, especially if consideration of other comments in this submission are taken into account.

***Discussion Paper Question 10:** Do you support the establishment of an ACT tree curator? What role could they play in enhancing the canopy on leased land?*

The appointment of a Tree Curator is strongly supported, as indicated previously. The Tree Curator should be independent of government, in a similar way to the Commissioner for Environment & Sustainability (Ref 4). The position should be responsible for trees on **leased and un-leased land**, and general tree management throughout the urban area. The government (public) lands should be subject to the same scrutiny as leased lands. As more public land and its wildlife habitat is lost to development of increased density and infill, the current TPA 2005 is inconsistent by only covering leased lands. Public resentment arises when residents see trees removed en-masse when it suits the government, but they are subject to greater scrutiny. The reason for removal of trees on public lands must be available if requested.

The Tree Curator should have wide powers and be responsible for the efficient use of all funding sources. The position should not be prone to the political sphere. The Tree Curator should work in conjunction with the Conservator and planning agencies but should be the arbiter on applications for damage/removal applications.

***Discussion Paper Question 11:** How could the overall process of applying to manage trees on leased land be improved?*

Further higher density and infill urban development is inevitable. This will impact on the fundamental nature of the urban forest in certain locations, especially on leased land. People will not plant trees on their land if they can't remove them when they wish to do so. Tree protection legislation sometimes has the perverse effect of reducing private plantings. The proposals mentioned in the discussion paper may assist with improvements, not least with the sometimes antagonistic public attitudes to the current process.

Discussion Paper Question 12: *Are there opportunities to reduce regulatory burden on leaseholders whilst maintaining the tree canopy?*

Pre the TPA 2005, tree planting, sometimes over exuberant, occurred. This sometimes resulted in very inappropriate species being established. ANPS is now aware of some discussion that the TPA 2005 has contributed to residents developing a view that trees are now seen to be an encumbrance on their land, and they are reluctant to plant any trees that have the potential to become prone to regulated tree dimensions. We are also aware that these new development directions result in very small blocks or high density living, and in some instances both these issues are factors in the need to remove trees, and not planting new trees. Therefore, easing the regulatory burden may induce a least some urban forest renewal.

ANPS is not convinced that any changes to reduce regulatory tree dimensions will be of any great assistance. While such changes may help conserve smaller tree species and younger trees, it may worsen public attitudes to tree protection, and may even discourage plantings of smaller tree species.

Discussion Paper Question 13: *Should the removal process be allowed through the planning system?*

Any ACT planning agency should be able to input/comment on proposed tree removal processes. However, the ultimate decision should rest with the proposed new independent Tree Curator.

4) Other comments

Report on the investigation into the Government's tree management practices and the renewal of Canberra's urban forest. – Office of the Commissioner for Sustainability & the Environment 2011

A great deal of effort went into the 12 recommendations in this report. ANPS reviewed this document, and agrees with all of the recommendations. The review of the TPA 2005 should incorporate these recommendations in relevant parts of the legislation. We acknowledge some of the questions above are framed around some of the report's recommendations.

Tree Curator

The Tree Curator should be independent, in a similar fashion to the independence of the OCSE. ANPS believes that the tree assessment staff should perhaps be located within the Office of the Tree Curator, rather than remaining within the department.

Bipartisan agreement on the Management of the Urban Forest

ANPS emphasises that for any rejuvenation and ongoing management of the urban forest, it is critical that there is bipartisan agreement on future ongoing funding and resources for it to be successful. Electoral cycles are too short, and the sometimes fickle decisions on budgetary allocations may affect future progress. ANPS strongly urges all ACT political representatives to work together and provide some surety for the urban forest. The maintenance and expansion of the urban forest in the face of urban densification and climate change is daunting enough, without the added insecurity of political whims.

Re-use of urban forest resource

The urban forest will change over time due to removals/replacements that will need to be done over time. Many trees that are removed would contain timber that has the potential to be re-used, thus keeping the carbon locked up. ANPS encourages the Tree Curator to look at this issue, rather than the usable sections being mulched. Hobbyists, timber recyclers and some groups such as Men's Sheds may be able to utilise this timber if appropriately milled and seasoned. This has been considered in the past, but ANPS is not aware of any success in re-utilisation.

Tree protection, management policies and procedures guide

ANPS agrees it is important that any Urban Forest Strategy is undertaken in close collaboration with other agencies that have the potential to impact the urban forest that occurs on public land. This is the only way the management and improvement of the urban forest will be successful. There is no doubt that the urban forest should be more secure over large areas of public land(s).

The urban forest on leased land will be subject to changes for a variety of reasons. Trees are ever-changing, not static, and will never be so, and management policies need to recognise this fact. As an example, new developments are sometimes compromised for a regulated tree, and despite all efforts to conserve it within the development area, it is adversely affected by factors such as root damage, and changes to the hydrology, soil profile, and aspect. They often start a decline over many years, or die rapidly. This is a false economy. In such cases it would be better to ensure that the development is obliged to provide appropriate open spaces (especially in high density

developments) to establish new plantings of tree species which will more suited to the changed environmental circumstances. At the same time, trees of significant (registered) status should be conserved at all costs, and this may well govern what can be done within an appropriate curtilage of such trees.

Tree protection and management policies need to revitalize the protection of verge (nature strip) trees. While there is already legislation in place in this regard, it is basically ignored. ANPS is aware that parking officers have taken action where parking on verges has occurred in temporary circumstances (e.g. public events which attract many attendees). These short-lived events are, without doubt, less damaging than the “permanent” parking occurring on public urban verges (nature strips). Because of the rise in vehicle ownership, multiple vehicles at each residence leads to parking lots being established on verges. If this is to be permitted to continue, the very least that government agencies can do is to ensure that weight-supporting/spreading water permeable surfaces are installed where vehicles are parked. Such permits should be monitored by tree protection staff, installed by appropriately horticulturally qualified people, and at the cost of the resident. Ideally, parking should not be permitted on nature strips and similar public land verges, but the policing of this will raise public sensitivities due to lack of monitoring and enforcement of existing legislation over past years.

Identifying areas for planting

There are considerable areas of open space within the urban area that could be utilized as extensions to the urban forest. Inter-urban public spaces are well-used, but could accommodate further tree and “island” plantings of smaller species with a focus on biodiversity. Such areas, except where reserved native grasslands exist, could be planted with an open woodland formation. This is especially so where the ground cover is significantly disturbed or exotic in nature. Establishing a canopy may also diminish the number of times that mowing is required on some sites. While unplanned fire considerations are ever present, ANPS believes with appropriate species selection, these areas could be better utilized, creating habitat and movement corridors throughout the urban area.

A number of offset sites have been created as a result of development proposals in other areas of the ACT. It is our experience that these offset sites, created in perpetuity, are often not the same quality as that destroyed in the name of development. Some of these are adjacent to, or in nearby urban developments. There are often, if not always, a requirement to re-invigorate these areas to improve their environmental quality(s). Often such improvements are not occurring, or happening slowly. The areas are often used for recreational activities and could be regarded as part of the urban forest. ANPS has no hesitation in recommending these offset areas as subjects for extending the urban forest, thus hastening their environmental improvement in areas that are more secure in the longer-term than leasehold allotments.

Tree planting on these sites will greatly improve connectivity through the urban area.

Tree spacing and selection

There are occasions where trees, especially native trees, are overplanted for quicker effect. The intention is that as they develop, the plantings will be thinned. This rarely happens, with all the trees growing (slowly) to a point where if the plantation is thinned, public sensitivity is raised. Overplanting stifles the growth of the individual trees in plantations. It is more cost effective to plant trees with adequate growing spaces, and at distances required for ultimate performance. This should be the case in all tree planting projects.

Tree species selection is also critical. As an example, the selection of Brittle Gum (*Eucalyptus mannifera*) alongside the light rail on Northbourne Avenue was a very dubious choice. These were grown to advanced size at considerable cost. The establishment maintenance was also dubious. ANPS can make a confident prediction that these trees will likely be removed in the not too distant future because of their tendency for limb drop, with the high possibility of bringing down the light rail power supply. ANPS is aware of the National Capital Authority requirement for native trees as part of the landscape in the avenue, but this selection was not well thought out. There are smaller tree-like species that may have been better choices for this area (e.g. *Hakea*, *Callistemon*, *Melaleuca* and smaller *Eucalyptus* sp.). These latter suggestions may also be options for the narrow verges present in newer suburban areas where street & verge width is diminished under new planning design standards. If climate change runs its expected course for our region, there is also scope to look at tree species (either non-indigenous to our region or provenances of local species) from areas such as the central and western slopes.

5) References

Ref 1

Clause 7 Application of Act – built-up urban areas (1) TPA 2005

Ref 2

Tree Protection (Built-up Urban Areas) Declaration 2010 (No 1) Notifiable Instrument NI2010—187 dated 9 April 2010

Ref 3

“ACT nature strip crime unenforced.” Article by Frances Stewart, *The Canberra Times*, 11 March 2012.

Ref 4

Report on the Investigation into the Government’s tree management practices and the renewal of Canberra’s urban forest. Office of the Commissioner for Sustainability and the Environment 2011.