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Community Engagement Team  
Transport Canberra and City Services  
ACT Government

Dear Community Engagement Team

**Draft Urban Forest Bill**

Forestry Australia is the professional body representing over 1000 members who are forest scientists, professionals and managers operating in all aspects of forest and natural resource management, across Australia and internationally. We appreciate the opportunity to comment on the Draft Urban Forest Bill.

Forestry Australia strongly supports the Objects of the Bill as stated in the Exposure Draft, noting that achieving these objectives requires sustained commitment from Government, and action on both public and leasehold land. We support the general direction of the Bill in seeking to achieve these objectives, whilst noting below some specific matters for further consideration.

The "30% tree canopy by 2045" goal is low by comparison with the 40% targets in Melbourne and Sydney, and already exceeded in many established Canberra suburbs. It would be a perverse outcome, inconsistent with the intent of the *ACT Climate Change Strategy* and *Living Infrastructure Plan*, if an outcome of the Bill were to allow any significant reduction in canopy cover in suburbs with canopy cover >30%. Rather, the Bill should seek to increase the cover in suburbs currently of <30% canopy cover to that minimum.

The retention and resilience of existing safe and healthy urban trees on both public and leasehold land should be the foundation of realising these objectives, The Bill does not seem to contemplate incentives for the retention of these trees as a complement to disincentives for their removal. Maintenance of mature trees on leasehold land is a cost currently borne entirely by lessees; some cost sharing by Government may assist in fostering a positive rather than a negative attitude by lessees to this commitment. Such a mechanism might be trialled for mature or maturing eucalypts, which have particular biodiversity value, as recognised in the current *Draft Action Plan to Prevent the Loss of Mature Native Trees*.

Replacement of declining, unsafe or unsuitable trees by others better suited to the site and future climate conditions, or replacement of trees removed for development, is the second strand of realising the objectives of the Bill. These measures, directed at maintaining canopy cover, are complementary to the tree planting that is necessary in areas of low canopy cover, and to the maintenance required to keep standing healthy trees in a safe and resilient condition.

The protection of trees sought by the Bill is not a substitute for investment in tree planting or maintenance, In Forestry Australia's view, the current level of investment in tree maintenance on public land is seriously inadequate, and risks prejudicing the positive community attitude that is required to reach and sustain Canberra's canopy target. In our view, addressing the current maintenance deficit is a necessary corollary to measures proposed in the Urban Forest Bill.

Forestry Australia endorses the principle of both lessees and developers having responsibility for maintaining or replacing trees, and incurring financial costs if they are not able to do so. We agree with the principle of a differentiated cost structure between homeowners and developers, and between Territory Plan zones, but the basis of the cost contribution in lieu of replanting is unclear. We suggest it would be helpful, in terms of community acceptance, for there to be more transparency in the basis of the costs. It is important that the costs are set at levels that foster the desired outcome of maintaining, and ultimately increasing, canopy cover. Costs that are either too low or too high may have perverse outcomes; it will be important to monitor outcomes and adapt the cost contribution regime if intended outcomes are not being realised. Our comments above about the lack of incentives are also relevant here. An incentive that might be trialled is the provision of suitable replacement trees to lessees at a discounted cost, or for free.

We also note that the number of trees required to be replanted to compensate for canopy loss associated with tree removal will depend on the timeframe over which canopy replacement is to be achieved, on the species planted and, in many cases, on maintenance expenditure in the formative years of tree growth. Greater transparency about these elements, at least in the communication about the Bill and its implementation, would be helpful.

Forestry Australia welcomes changes introduced under Variation 369 to increase the requirements for tree coverage in urban (re)development, whilst noting with some concern that its provisions do not apply to the majority of blocks in greenfield developments,

Efficient implementation of the Bill would appear to require substantial administrative resources. For the reasons noted above, it is important these resources not be diverted from those required for investment in tree planting and maintenance, which themselves need to be increased.

Forestry Australia would be pleased to discuss this submission in the context of further refinement of the draft Bill.

Yours sincerely



Peter Kanowski  
Co-Chair, Forestry Australia, ACT & Region