

Draft Urban Forest Bill

Canberra's trees are part of what makes our city one of the most liveable in Australia.

As our city continues to grow the ACT Government is implementing a new framework to preserve and protect Canberra's trees for future generations.

Underpinning this legislation is an ambitious target to achieve 30 per cent tree canopy cover or equivalent by 2045.

The proposed new *Urban Forest Bill 2022* will repeal and replace the *Tree Protection Act 2005* to improve tree protection on both public and private land.

Protecting and renewing Canberra's trees will protect our community from climate change risks, promote biodiversity, improve air quality and reduce the urban heat island effect.

Trees will be protected

All trees on public land will be protected, regardless of their size or location.

Trees on private land will be protected if they are 8m or taller; have a canopy 8m or wider; or have a trunk circumference of 1m or more at 1.4m above natural ground level.

When trees are removed

Canberrans will be encouraged to keep existing trees when building new structures or consider alternative tree maintenance options that retain trees.

When trees are approved for removal on private property, they will need to be replaced through new planting.

Where planting new trees is not possible on the property, a contribution must be made to the canopy contribution fund to support tree planting, maintenance and renewal activities.

A fixed requirement for homeowners seeking to remove regulated trees

For homeowners (seeking to remove a tree from their primary residence), a fixed replanting requirement will mean two new trees must be planted for every one tree removed. Where tree planting is not suitable, they will need to contribute \$600 per tree they cannot replant (\$1,200 if they do not replant any).

Developers and property investors asked to consider sustainable design options

Developers will need to plant more trees to make up for lost canopy cover. Where replanting is not possible or partially possible, they will have to pay a financial contribution.

The replanting requirement for developers will vary depending on the size and location of the tree they are seeking to remove. A simple online calculator will determine the number of trees to be planted in order to replace the canopy and benefits lost by removing the tree.

The replanting requirement or financial contribution for property developers will be calculated based on a tree valuation formula which takes into account the cost of replanting new trees, as well as the number of trees required to restore the tree canopy over a period of 20 years.

The contribution will also vary based on the Territory Plan zone of the block from which the tree is being removed. Tree removal from higher density zones will require higher financial contributions. This encourages high density developments to consider the inclusion of trees in their design, in order to minimise the urban heat island effect and ensure residents in these areas enjoy the benefits trees provide.

For example –

Zone	Average financial contribution per tree (\$)
PRZ1, CFZ	2,140
PRZ2, TSZ1, TSZ2	4,280
RZ1, CZ6	6,420
RZ2, IZ1, IZ2	8,560
RZ3, CZ4	10,700
RZ4, CZ2, CZ3	12,840
RZ5, CZ1, CZ5	14,980

Tree bonds

A bond system will be introduced to ensure that trees are valued and protected from nearby works. Payment of the bond will be provided back to developers once the tree's health has been evaluated.

Bonds will apply if a Tree Management Plan (TMP) or a public land permit is submitted and approved. They apply to both public and private trees.

Unless a breach has been identified, the bond would be returned at a minimum of 1 year from the completion of nearby works following an inspection from a tree protection officer (to confirm there is no evidence of breaches). The maximum bond term will be 3 years from the end of construction.

The minimum bond amount will be the value of the tree (TCV) or \$3,000 (whichever is greater). The maximum amount will be 3 times the tree value (for exceptional trees and trees at high risk of damage).

Case studies

Developer – large new apartment complex on an RZ4 block

Kerry is developing a new apartment complex in Weston. The block is zoned as RZ4 and has 50 protected trees. Kerry has never incorporated trees into designs before. Kerry's staff use the online tree value calculator to approximate the replanting requirements or canopy contribution cost of not replanting and provide this to her at the design stage.

- **Option A:** Kerry gets her design team to retain and replant as many trees as possible. This reduces the canopy contribution amount significantly and gives her team sustainable design experience which they apply to future projects. Kerry promotes the mature landscape and climate-proof lifestyle to buyers, building a reputation as a future-thinking best design developer.



- **Option B:** Kerry decides to retain 10 trees and replant 20 trees, reducing the canopy contribution cost. She factors in the replanting and financial contributions as project costs. This improves liveability of the apartments for future residents.
- **Option C:** Kerry applies to remove all the trees and not replant any. She engages with the ACT Government and learns there is space to replant 10 trees within her existing design. Kerry agrees to replant these and pay the remaining financial contribution, which is used to treat trees across the city for pests and diseases and extend their life and health.

Homeowner – removal of a protected tree

Bronte is renovating her existing home by adding an extension. She has a protected tree in her backyard close to where the extension is planned. She consults her builder who recommends a design using tree sensitive construction methods such as a pier and beam footings.

- **Option A:** Bronte decides to follow this advice and designs her renovation so she can retain the tree and continue to enjoy the shade, beauty and fresh air from her large tree.
- **Option B:** Bronte proceeds with her original design and receives approval to remove the tree as part of her Development Application. For her approval to be valid, Bronte would need to sign a canopy contribution agreement to plant two new trees elsewhere on her property or pay \$1200 if this were not possible.

