

**2012**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE  
COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT'S  
REPORT ON THE INVESTIGATION INTO THE GOVERNMENT'S  
TREE MANAGEMENT PRACTICES AND THE RENEWAL OF  
CANBERRA'S URBAN FOREST**

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## Introduction

On 3 December 2009 Mr Simon Corbell MLA, then Minister for the Environment, Climate Change and Water directed the Commissioner for Sustainability and the Environment investigate the Government's tree management practices and the renewal of Canberra's urban forest.

The Commissioner's report was publically released on 30 March 2011, tabled in the Assembly on 7 April 2011, and made 12 Recommendations, the majority of which consisted of a number of sub-recommendations. Of the 44 (sub-)recommendations, 40 were agreed or agreed in principle.

The Government has agreed in-principle to a large number of recommendations presented in the Commissioner's report. The Government, in-principle, accepts these recommendations but for reasons outlined in this response is not positioned to implement the recommendation. A key factor that affects implementation of these recommendations is that they are not currently funded. Decisions on deferral or potential phased implementation of unfunded initiatives will be considered in the context of Budget taking into account broader government priorities.

## Response to Commissioner's Recommendations

### Recommendation 1 (High Priority)

***Replace the proposed Urban Forest Renewal Program with comprehensive and integrated urban tree protection and management focus on the care and maintenance of Canberra's treed landscape.***

Government Response \_\_\_\_\_ Agreed

Managing ageing and dead urban trees need particular consideration in any future policies and programs, including safety hazard to the public and to overhead utility cables and wires.

Replacing the Urban Forest Renewal Program should ensure that opportunities for a cooperative approach to replacing overhead electricity assets with underground cables is not compromised.

### Recommendation 2

***Strengthen recognition of the treed landscape as part of the city's green infrastructure in the ministerial Statement of Planning Intent and the strategic planning frame work, which includes:***

- ***the National Capital Plan***
- ***the Territory Plan***
- ***the Canberra Plan and its components***
  - ***Canberra Spatial Plan***
  - ***Capital development***
  - ***Canberra social plan***
  - ***Transport for Canberra***
  - ***Weathering the change and it supporting Action Plan***

Government Response \_\_\_\_\_ Agreed-in-principle

The NCA will explore the possibility of modifying the National Capital Plan, with due consideration to this recommendation, in conjunction with a review of the National Capital Open Space System (NCOSS).

Trees as ‘green infrastructure’ will: (a) be considered alongside Government priorities for achieving social, economic and other environmental objectives; (b) only be reflected in statutory documents where there are clear policies that can be enforced; and (c) recognise tree planting in new Greenfield/estate developments.

**Recommendation 3**

*Improve legal protection of urban trees by:*

**3A) Developing new tree legislation (incorporating provisions in the Tree Protection Act 2005) or amending the Tree Protection Act 2005 to protect urban trees on leased lands and unleased land.**

Government Response Agreed-in-principle

Urban trees on leased land are currently protected under the Tree Protection Act 2005. However, the Tree Protection Act 2005 and related Acts would benefit from minor amendments to address any deficiencies and/or inconsistencies in processes, definitions and terms.

Urban trees on unleased land are currently managed by the Government as part of the open space network. Where necessary, these trees can be given additional protection through registration under the current provisions of the Tree Protection Act 2005.

**3B) Reviewing existing legislation to ensure common definitions and terms for consideration and protection of trees, consistency in exceptions, and one definition for ‘built-up area’ in all ACT legislation or different terms used in the various pieces of legislation.**

Government Response Agreed-in-principle

The definition of ‘built-up area’ requires clarification (e.g. relationship to fire zones). It is noted that using the definition of ‘built-up area’ under the Emergencies Act 2004 would bring significant areas of rural land under the provisions of the Tree Protection Act 2005 and have significant resource implications. As such, the use of common terms will have to be carefully considered and may not be implemented.

**Recommendation 4**

*Improve decision-making processes and practices for tree protection and management by:*

**4A) establish an ACT Tree Curator responsible for: (High Priority)**

- ***The statutory decision-making role of the existing Conservator under the Tree Protection Act 2005. This role should replace the Conservator’s role regarding urban trees. The Conservator would retain all powers under the Nature Conservation Act 1980 and any other legislation related to conservation matters***
- ***Leading TAMS in its management of urban street and park trees***
- ***Coordinating urban tree management practices and work activities across ACT Government and the National Capital Authority, and communication (especially consultation and notification processes)***
- ***Ensuring tree assessments and risk analyses are consistent across all ACT Government agencies***
- ***Reviewing (if requested) proposed non-urgent urban tree removals undertaken by TAMS tree assessors, be it internal staff or contractors, and for all other ACT Government agencies***

Government Response Agreed-in-principle

TAMS has restructured its management of urban trees by combining the Open Space Businesses unit (responsible for tree maintenance programs), Tree Protection Unit and the Urban Forest Renewal Program into a single section. The Curator’s responsibilities as described are presently allocated across three positions (i.e. the Conservator, the manager of open space planning, and the manager of the tree unit). Both managers have formal qualifications in horticulture/arboriculture.

If the position of Tree Curator is created, having primary qualifications in horticulture/arboriculture is not considered essential as existing team members have these skills. Candidate selection based on professional experience and objectivity is considered more important.

The Curator’s role should focus on street trees and trees on leased land. The Conservator’s role should not be diminished with regard to Greenfield planning, including the retention of current powers with respect to habitat values.

It is essential that no additional assessment processes add to current due diligence requirements for new land release.

The position is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***4B) expanding ACTPLA’s Major Projects Review Group to include representatives of the Conservator and the proposed ACT Tree Curator when there is the possibility that a decision to be made by the Chief Planning Executive is inconsistent with the Conservator’s or proposed ACT Tree Curator’s advice***

Government Response Agreed-in-principle

The Major Projects Group provides advice to the Chief Planning Executive in accordance with the legislation. In doing so, the Major Projects Group takes into account the decisions of the Conservator and seeks clarification or further advice. The Chief Planning Executive takes into account the Conservator’s decision in determining an application and will only differ when there is no prudent alternative.

This is possible to consider as part of the ACT Public Service Structure and the commencement of the Environment and Sustainable Development Directorate, taking care to ensure expansion does not create delays or confuse decision-making.

***4C) developing guidelines that outline the decision-making process and include criteria used by the Chief Planning Executive when making a decision that is inconsistent with the Conservator or proposed ACT Tree Curator’s advice***

Government Response Agreed-in-principle

For consideration in the context of ‘agree’ response to Rec. 4D (statement of reason) and the objects of the *Planning and Development Act 2007*, together with actioning of Rec. 5B (developing policies and procedures guide), Rec. 9A (developing a communication policy).

***4D) proving a statement of reasons for the recommendations and/or decisions made by the Conservator, proposed ACT Tree Curator and the Chief Planning Executive with respect to tree removal, if requested.***

Government Response Agreed

ACTPLA prepares a statement of reasons for any decision on a Development Application.

TAMS existing tree assessment procedures address the reasons for tree removal. Tree assessments and risk assessments need to be consistent across the ACT Government agencies.

**4E) identifying trees worthy of inclusion on the ACT Tree Register in greenfield sites as part of the structure and concept design processes and registering them before any detailed designs are prepared.**

Government Response Agreed-in-principle

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This recommendation is already put into practice through informal collaborative arrangements between TAMS and ACTPLA. After conducting an assessment of trees in greenfield sites, TAMS works with ACTPLA during the concept design phase to negotiate the recording of trees of excellent quality (healthy, high habitat value, etc) on the Tree Register.

Trees may be reassessed if the period between registration and detailed design is lengthy. The Tree Protection Act 2005 makes provision for removing a tree from the Register if it has significantly declined (e.g. due to drought or fire) and no longer satisfies the criteria.

While the registration process puts restrictions on developers in order to protect trees and their broad range of values, it also creates clarity and certainty for their operations. TAMS works closely with developers during the process of preparing their detailed designs.

The Conservator strongly advocates the retention of trees, particularly remnant trees, in greenfield sites through the Tree Register process and does not consider the terms of the Tree Protection Act 2005 to be onerous on developers. The Conservator notes that the high habitat value of these trees is scientifically supported in soon-to-be-completed PhD research through the ANU’s Fenner School.

TAMS and the Conservator support this recommendation and consider that the Tree Protection Act 2005 is an effective mechanism for achieving the desired outcomes. However, some agencies support the intent of the recommendation to broaden protection of significant trees and habitat, but not solely the Tree Protection Act 2005 and the tree registration process as the most effective mechanism.

**4F) strategically populating the ACT Tree Register and removing the blanket coverage in selected areas**

Government Response Agreed in part

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The first part of this recommendation has been actioned. The Government does not agree with the second part of this recommendation as, in general, removal of the blanket coverage has the potential to put trees at risk of removal in the future. Should the Tree Protection Act 2005 be amended in the future, it is theoretically possible to remove the Tree Management Precincts from suburbs where a detailed assessment has found no or very few registrable trees. However, the assessment process is prohibitively resource intense and does not account for change in circumstances in the suburbs development ie young trees mature over time.

**4G) providing financial assistance or relief to residents on leased lands with registered trees to assist them manage (or remove) a registered tree**

Government Response Agreed-in-principle

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Advice and technical assistance is currently provided by TAMS Tree Protection Unit to residents with registered trees. The possibility to deliver financial assistance is not currently funded and may

not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***4H) the Conservator and proposed ACT Tree Curator monitoring and auditing compliance with their recommendations and decisions about trees, including the cumulative effects on the treed landscape of the Chief Planning Executive's decisions***

Government Response

Agreed-in-principle

This recommendation should not be limited to decisions made by the Chief Planning Executive.

Decisions and recommendations are randomly audited by the TAMS Tree Protection Unit.

Monitoring should be conducted by the Conservator and the Tree Curator, while the ombudsman and audit office should take the lead in compliance auditing.

The Tree Curator – not the developer – should undertake any monitoring requirements.

Resources for additional monitoring and compliance auditing needs are not currently funded which will affect its implementation. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***4I) developing principles for managing a site where a registered or regulated tree has died***

Government Response

Agreed-in-principle

This should be the responsibility of the proposed Tree Curator (subject to the outcomes of Rec. 4A).

The powers of the Conservator under current legislation need consideration, including lack of jurisdiction over leased land or provisions to force lessees to comply.

Principles and procedures for managing dead trees are in place, and may be revisited and strengthened in the process of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

***4J) preparing standard tree and risk assessment criteria for ACT government agencies (or their contractors) with provision made for additional criteria to respect an agencies circumstances***

Government Response

Agreed-in-principle

This should be the responsibility of the proposed Tree Curator (subject to the outcomes of Rec. 4A).

Risk assessments conducted by the TAMS Tree Protection Unit have been accepted by the ACT Civil and Administrative Appeals Tribunal.

It is essential that student and community safety on school sites are highlighted as an additional criteria.

Existing tree risk assessment criteria can be reassessed and updated as part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

The Economic Development Directorate uses assessment criteria to identify those trees not captured by the *Tree Protection Act 2005* that, if retained, would contribute positively to the future amenity of urban development.

***4K) authorising a qualified person to enter private leased land to undertake a tree assessment using standard criteria and, when a tree presents an unacceptable safety risk, the lessee is***

***directed to remove the tree—and if this is not done, it is removed by TAMS with costs recovered from the lessee***

Government Response

Not agreed

The Tree Protection Act 2005 does not allow for the forceful removal of a tree (dead or alive) on leased land. It is solely a matter at the discretion of the lessee. Urgent Circumstances provisions in the Tree Protection Act 2005 allow for immediate removal of tree with the lessee's verbal approval at the lessee's expense. A lessee may be advised that failure to remove a dangerous tree may result in legal action if the tree causes damage or injury.

This recommendation presents significant regulatory risks, including liability issues, and costs to the ACT Government.

***4L) having powers to issue on-the-spot fines to people who knowingly and wilfully damage a tree on public unleased lands.***

Government Response

Agreed-in-principle

Government is considering amending the Roads and Public Places Act 1937 to allow infringement notices to be issued, including for this offence.

Further, the regulations in Magistrates Court Act 1930 could also be amended to enable the issue of infringement notices under the Trespass on Territory Lands Act 1932.

Greater elaboration would be needed about the scope of responsibilities for regulation and enforcement before implementation could be progressed.

## **Recommendation 5 (High Priority)**

***Guide Canberra's tree management by developing:***

***5A) a National capital—Canberra tree protection and management strategy***

Government Response

Agreed-in-principle

The NCA welcomes exploring the notion of jointly developing with TAMS such a strategy given the joint responsibilities of both governments for shaping the treed landscape of the national capital.

Responsibilities for building and maintaining related data require clear articulation.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***5B) an ACT Government tree protection and management policies and procedures guide***

Government Response

Agreed-in-principle

Concise, plain-English guidelines consistent with current (or amended) legislation would be most effective.

Whole-of-government policies and directions are required in the planning of existing and new estates and suburbs including social, economic and environmental aspects.

Implementation of this recommendation should be overseen by the Tree Network Committee or equivalent body (Rec. 5C).

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

**5C) an across-agency Tree Network Committee to provide advice and coordination between agencies on tree management and community communication.**

Government Response Agreed-in-principle

It will be necessary to assess and rationalise existing within and across-agency committee structures before implementation, as there may be mechanisms currently in place that already achieve this.

The scope, roles and responsibilities of such a committee require further clarification.

The Tree Network Committee (or equivalent) would act as a peak advisory and consultative body with primary responsibility for overseeing implementation of Rec. 5B (developing an ACT Government tree protection and management policies and procedures guide), Rec. 9 (strengthening communication and community engagement) and Rec. 3B (reviewing existing legislation).

The Committee would operate within the context of whole-of-government policies and directions and not separate trees from broader land management issues.

A two-tier committee structure of core (e.g. TAMS, ACTPLA and ActewAGL) and secondary (e.g. ETD, ACT Housing, ACT Health) members may be needed to ensure efficient and effective across-agency engagement and decision-making.

**Recommendation 6**

***Update existing standards and codes and address emerging issues related to habitat protection, canopy cover, solar access and protection, sustainable reuse of timber, tree irrigation, vehicular parking and information management by:***

***6A) reviewing design standards (Design standards for urban infrastructure 4—road verges; Design standards for urban infrastructure 22—soft landscape design; Design standards for urban infrastructure 23—plant species for urban landscape projects; Standard specification for urban infrastructure works 09 landscape) to include provisions which:***

- ***promote large trees in verges***
- ***guide the location of street tree easements based on road hierarchy***
- ***specify distances between tree centres, especially for native species***
- ***provide greater guidance on managing trees and solar access/protection***
- ***better reflect all benefits of the treed landscape and ensure that green and non-green infrastructure is integrated***
- ***promote green infrastructure technologies (for example, water sensitive urban design)***
- ***provide guidance on tree species and promote approved species being made publicly available on a website as a searchable database***

Government Response Agreed-in-principle

This work should be incorporated into the reviews of standards and policies (Rec. 5B). This would also ensure that the proposals were placed in context for further community consultation.

It should be recognised that implementing this recommendation will be time intensive and require significant additional resources.

ActewAGL have no objection to the review of standards and the concept of bundling of services as the preferred approach. However, bundling should not be mandatory as site-specific factors (e.g. natural fall for stormwater drains) that may affect the safety of persons or property need to be adequately accounted for.

In addition to safety issues, tree management policies (e.g. for street verges) must adequately account for other co-located public-benefit assets. The efficiencies of installation plans and management practices for other infrastructure should not be adversely affected by vegetation master plans.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***6B) aligning the TAMS Reference document 4—landscape management and protection plans with the standards in the Australian Standard 4970—protection of trees on development sites; defining key terms and methods; and imposing sanctions if mandatory requirements under the Tree Management Plans are not met***

Government Response

Agreed-in-principle

This recommendation forms part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide, as well as Rec. 3B: Reviewing existing legislation to ensure common definitions and terms.

The *Tree Protection Act 2005* and the *Planning and Development Act 2007* specify sanctions for work that fails to comply with a Tree Management Plan.

The regulation and imposing of sanctions requires further elaboration on process and responsibilities.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***6C) expanding the code of practice between the Department of Territory and Municipal Services and ActewAGL beyond inspection and maintenance activities to cover all aspects of urban tree management***

Government Response

Agreed-in-principle

The Code of Practice was specifically designed to exclude any works requiring a development application or works of an urgent nature. The Code of Practice is a living document that can be updated and modified through the combined Code of Practice working group.

This recommendation forms part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

**6D) improving habitat protection by:**

- **protecting important (remnant) trees in subdivision designs for greenfield sites based on the following principles:**
  - **important (remnant) trees with ecological values that form corridors being given priority for retention and protection by being included in a park**
  - **private leased residential lots for single detached housing not having important (remnant) trees located on them**
  - **off-sets being used if important (remnant) trees are removed**
  - **seeds from important (remnant) trees being collected from a greenfield site and used to enhance plantings in this area in accordance with the approved estate design**

*(Refer to Recommendation 4E regarding the protection of all important (remnant) trees in new subdivisions.)*

Government Response

Agreed-in-principle

This recommendation forms part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

Greenfield urban development is subject to the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 and ACT Government policy.

Remnant and habitat trees need to be considered in relation to the delivery of other government priorities and policy directions (e.g. provision of affordable housing, overall design intentions of a new suburb/estate and biodiversity conservation).

The retention of trees is subject to the constraints and opportunities that the site provides (e.g. topography, drainage and location of existing and proposed infrastructure/services).

Provenance seed is collected and used on a regular basis, but not specified in all planting work. Clarification is needed about the costs of and responsibilities for collecting, storing and allocating seeds for Greenfield sites.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

**6E) consider retaining dead trees on existing verges and in public parks that have habitat value if they can be made safe; consulting abutting residents**

Government Response

Not agreed

Retention of dead (habitat) trees is only suitable in the context of large, relatively undisturbed open space such as in Canberra Nature Park and other areas managed as nature reserve or national park. Dead trees in unleased urban land can pose a significant safety risk and will continue to be prioritised for removal. Not managing those trees in this way exposes the Government to significant safety and liability issues, which would significantly outweigh any benefits accrued by retaining dead trees.

**6F) increasing urban tree canopy cover by using heat island mapping to strategically guide plantings and setting canopy coverage targets for new urban and existing urban areas**

Government Response

Agreed-in-principle

A scoping study is needed to more clearly demonstrate the costs and benefits of applying this approach in the ACT context.

**6G) better managing solar access and protection by developing:**

- **a policy based on principles that include:**
  - **tree shading providing solar protection**
  - **solar systems being installed to avoid shading from existing trees**
  - **solar systems that are installed after a tree is planted not having priority; if the systems are relocated, this should be at the expense of the owner**
  - **solar systems that are installed before a tree is planted having priority; if needed a tree could be pruned or removed at the expense of the tree owner**
  - **trees on the ACT Tree Register under the Tree Protection Act 2005 having priority for retention regardless of solar access issues**
  - **tree species selection and location respecting solar access and protection**
  - **applications, based on solar access, to remove a street or park tree being considered by TAMS if adjoining residents are consulted, and if the treed landscape can be effectively managed and the applicant is willing to cover all removal, replanting and establishment costs of a replanting**
- **solar energy infrastructure guidelines for installers and the public**

Government Response

Agreed-in-principle

This recommendation forms part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

Solar issues are identified in the Tree Protection Act 2005.

Further research and testing may be needed to better understand all the complex relationships and trade-offs.

**6H) developing a sustainable reuse of timber policy based on principles that include:**

- **re-use of material from local urban trees, including for management and community purposes (see Recommendation 10E)**
- **improving the ecological condition of nature reserves and other areas of open space**
- **minimising carbon footprint**
- **maximising long-term use of suitable timber**
- **maintaining visual amenity when considering the re-use of urban trees**
- **recovering financial cost of tree management where possible.**

Government Response

Agreed-in-principle

TAMS has used timber from Greenfield estates, most notably from Crace sub-divisions, to retain habitat material to nature reserves. This arrangement has depended on the goodwill of the developer. TAMS will work with EDD to investigate formalising a requirement for developers to identify opportunities for re-use with TAMS.

The reuse of material will be reconsidered as part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

**6I) developing a tree irrigation policy with the condition, location and importance of a tree determining its priority for watering. Trees on the ACT Tree Register should be given priority**

Government Response

Agreed

This forms part of the ACT Tree Management Strategy. Costs are an important factor to consider in policy development.

This recommendation forms part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

**6J) better control of parking to protect urban trees by:**

- **raising community awareness of the importance of not parking under trees on verges and in parks; and highlighting where parking is permitted**
- **targeting priority areas to ensure enforcement using on-the-spot fines**
- **legislative changes to issue on-the-spot fines for parking on public open spaces**
- **developing a system for all government or government agency staff and contractors to ensure that only vehicles associated with essential maintenance operations park on verges and enter parks; vehicles on a verge or in a park could have an authorisation displayed (see Recommendation 8)**

Government Response

Agreed-in-principle

Government is considering amending the Roads and Public Places Act 1937 to allow infringement notices to be issued, including for this purpose.

Parking issues will be considered as part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide, as well as through education and awareness raising activities (Rec. 9).

Greater elaboration needed about the scope of responsibilities for regulation and enforcement.

**6K) developing principles to guide the use of IAMS—Integrated Asset Management System for recording and accessing tree data by all ACT Government agencies and corporations.**

Government Response

Agreed-in-principle

IAMS is licensed for use as an ACT Government system but is currently utilised only by TAMS. More analysis is required to establish whether it is necessary and cost-effective for other agencies to have direct access to IAMS rather than accessing (or providing) particular data/information via TAMS.

TAMS is investigating a range of options to improve management and monitoring of tree maintenance activities.

## **Recommendation 7**

**Develop a policy for guiding the integration of tree removal, replacement and establishment based on principles that include:**

- **tree removal, replacement and establishment being an integrated process**
- **all tree assessments being undertaken:**
  - **using the same basic criteria and risk assessment method with allowance for some agencies to use additional criteria**

- *by a person with an Australian Qualifications Framework (AQF) Level 5 or Certificate 5 in Arboriculture or Horticulture, or high level of training with a minimum of five years' experience*
- *independently so that the tree assessor/contractor is not the same person/contractor who performs tree surgery, unless urgent circumstances exist*
- *tree removal being avoided wherever possible with all other tree management options considered before a decision to remove is made*
- *a replacement tree being planted unless circumstances prohibit it*
- *trees being planted under a three-year establishment program with trees being monitored to allow adaptive management according to a tree's performance and local conditions*
- *the community being informed using standard notification procedures before any tree removal, unless it is done under urgent circumstances. A period will be allowed for a community member to seek reconsideration. All reconsiderations should be undertaken by the proposed ACT Tree Curator*
- *reasons for tree removals being made public to anyone who requests*
- *all tree removals being undertaken in an environmentally responsible manner.*

Government Response

Agreed-in-principle

These procedures are already in place, and will be revisited as part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide, as well as Rec. 9 (education and awareness raising activities).

Clarification required as to whether the intent of the policy proposed solely relates to street/urban trees.

It is noted that safety for students should be paramount when developing and applying policies at school sites.

It is suggested that the assessor (2nd dot point) should either hold such qualifications or is supervised by another person with a minimum of both Level 5/Certificate 5 and 5 years experience.

This recommendation depends in part on instituting the position of Tree Curator.

## **Recommendation 8**

***Provide greater protection for urban trees affected by ACT Government contract procurement processes by amending the Guideline for production of tenders and contracts for construction projects using AS2124–1992 general conditions of contract to include:***

- *provisions to control contractors' parking so that trees on verges and in parks are protected when undertaking work for the ACT Government (see Recommendation 6J)*
- *financial penalties if trees are damaged*
- *specifying that the contractor undertaking a tree assessment should not undertake tree surgery or removal of any trees they assess*
- *as a supporting document, the TAMS reference document 4—landscape management and protection plans (LMPP) and the proposed ACT Government tree protection and management policies and procedures guide (when written).*

Government Response

Agreed

These procedures will be revisited and strengthened as part of actioning Rec. 5B: Developing an ACT Government tree protection and management policies and procedures guide.

## Recommendation 9 (High Priority)

*Strengthen communication and community engagement in relation to the treed landscape by:*

**9A) developing a communication policy which:**

- **includes principles to guide all ACT Government agencies and corporations in:**
  - *undertaking consultations and routine maintenance notifications for trees*
  - *providing adequate information to the community—for example, assessments involving a potential or actual tree removal should be made available to a resident or member of the community on request*
- **includes the recommendations made in the interim tree report for minimal tree removal notification for urban street and park trees managed by TAMS:**
  - **Tree removal (urgent circumstances)—street tree**  
*A standard notification letter delivered to the closest three residences on both sides of the street before or soon after the removal—that is, the property adjacent to the verge where the tree will be removed, the two properties either side of this one and the three properties opposite (six properties in total).*
  - **Tree removal (urgent circumstances)—park tree**  
*A sign should be erected in the park before or soon after the removal.*
  - **Tree removal—street tree**  
*To allow for public inquiries a standard notification letter should be delivered three weeks before the removal date to the closest three residences on both sides of the street—that is, the property adjacent to the verge where the tree will be removed, the two properties either side of this one and the three properties opposite.*  
*If the street tree (or group of trees) has a high profile (for example, a large tree that makes a major contribution to the landscape) or if there will be a substantial change because of the removal of several trees, a sign should also be placed on a tree (or group of trees), at the same time as the notification letter is sent.*
  - **Tree removal—park tree**  
*The sign should be placed on the tree in a position where it will be obvious to park users three weeks before the tree is removed to allow for public inquiries. If several trees are to be removed in a park it might be necessary to place a sign at the entrance as well as at the location where the trees will be removed.*
- **guides information in notification letters or on signs for trees removed or to be removed, including:**
  - *making it obvious that the letter or sign is official*
  - *stating that the tree assessment was undertaken by a qualified tree assessor*
  - *giving reasons why the tree will be or was removed*
  - *stating that there is a re-planting policy unless circumstances prohibit it*
  - *providing a contact number for further information*
  - *giving the direct website address outlining the policy and procedures for tree activities.*
- **includes a consultation program for preparation of tree-scape designs - civic, town centres and selected local centres, major gateways and avenues (refer to Recommendation 10A)**
- **includes principles for draft guidelines for street and park plantings (refer to Recommendation 10A) to be made available publicly for comment before being finalised.**

Government Response

Agreed-in-principle

The scope of this recommendation is interpreted as confined to urban landscapes and street trees within the context of existing legislation, and with particular consideration of communication policy in the context of Greenfield sites.

Development of a communication policy should be overseen by the proposed Tree Network Committee (or equivalent) (Rec. 5C), with opportunities to strengthen and standardise processes embodied in any guides to policies and procedures (Rec. 5B).

It is noted that some of these recommendations have already been adopted in response to the Commissioner's interim report (2010) into the removal and replacement of trees.

A process to review and assess any community objections to tree removal should be addressed by the Tree Management Plan.

The notification process outlined have incurred additional resources and costs to manage, including for regular maintenance works undertaken at ACT public school sites. The notification process have been well received by the public.

Alignment opportunities and existing practices across the ACT Government will need to be considered before implementation of this recommendation.

**9B) developing a notification procedure for ESA to inform TAMS when emergency service officers undertake works on urban trees on public land. (This could be extended to other agencies once developed.)**

Government Response Agreed

The existing agreement can be reviewed and strengthened, under the direction of the Tree Network Committee.

**9C) developing a community engagement tree program that involves**

- **an annual community tree forum**
- **the Arboretum being the centre for public tree educational information and programs in Canberra**
- **a tree care outreach program developed under a partnership between the Arboretum, the proposed ACT Tree Curator, TAMS, NCA, Botanic Gardens, other bodies and the community.**

Government Response Agreed-in-principle

TAMS will initiate dialogue with the parties identified in the Report, and establish their willingness and capacity to engage in the activities and processes outlined.

## **Recommendation 10**

**Strategically enhance and celebrate Canberra's treed landscape by:**

**10A) future tree planning being guided by:**

- **tree-scape designs for Civic, town centres and selected local centres, major gateways and avenues**
- **guidelines for all other streets**
- **guidelines for parks**

Government Response Agreed-in-principle

Urban tree management replanting programs in town and local shopping centres, major parks high use road corridors (e.g. Northbourne Avenue) to link with masterplanning projects to ensure that replanted trees do not require removal within a short period of time (3-5 yrs).

The ACT Tree Management Strategy (Rec. 5A) and annual Operational Plan will prioritise tree planting and list sites for the year ahead.

Other factors would need to be also considered for tree planting including environmental conditions and government priorities. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

**10B) programmed maintenance work increasing to achieve TAMS's goal of 65 per cent (currently 15 per cent) with the addition of two field crews (or equivalent in contractors): one on an ongoing basis and one for one year to ensure all high priority works are undertaken (funding for this is covered under Recommendation 11B). A time for achieving the 65 per cent target should be specified.**

Government Response Agreed

**10C) planting to fill existing 'gaps' and replacing existing removed trees**

Government Response Agreed

This program has commenced and will continue through the autumn and winter on an annual basis.

**10D) the Arboretum being a focus for scientific research to inform tree management across Canberra**

Government Response Agreed-in-principle

Consultation with the management committee of the Arboretum about its strategic directions and budgets is needed in actioning this recommendation.

It is noted that other ACT arboreta (e.g. the Lindsay Pryor Arboretum) and the existing population of street trees (and related data) provide a significant platform for research.

**10E) creating a 2013 tree legacy**

- **at gateways, on avenues and site plantings**
- **through landmark school–community projects**
- **using carvings of suitable dead trees, including in situ if appropriate, to reflect an aspect of the tree's location, to commemorate a person, place or event (see Recommendation 6H).**

Government Response Agreed-in-principle

Opportunities exist to make links to existing programs (e.g. Arts, Centenary trail).

Dedicated funds are required to implement this recommendation.

It is noted that landscape masterplans are under development for ACT public schools, including adjoining school/community ovals. Improvements at four pilot schools are to be completed in 2011. A Business Case was submitted for capital funding in the 2011-12 ACT Budget for further landscape improvement works at ACT public schools.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

## **Recommendation 11**

***Fund the protection and management of Canberra's street and park trees:***

***11A) from dedicated tree management budgets with tree plantings associated with climate change initiatives being funded separately***

Government Response

Agreed-in-principle

It is noted that additional resources identified in the Report relate to TAMS. However, there will be additional resource requirements for ETD in terms of base funding to manage existing trees, to implement new landscapes at ACT public schools and to implement the Report recommendations.

The initiative is not currently funded and may not necessarily be implemented. A decision on implementation will be considered in the context of Budget taking into account broader government priorities.

***11B) with an additional approximate \$4 million per year on an ongoing basis and an additional one-year funding of approximately \$1 million to accelerate programmed maintenance for high priority tree maintenance (High Priority).***

Government Response

Agreed-in-principle

It is noted that an additional budget of \$1.15 million has been allocated to TAMS for this purpose in 2011-12, additional funding will be considered in the context of budget considerations and broader government priorities.

**Recommendation 12**

***ActewAGL fully fund all vegetation clearing under its powerlines on unleased lands. The Department of Territory and Municipal Services use the resources currently deployed on this to manage its urban street and park trees. Specifications for pruning of urban trees to be approved by the proposed ACT Tree Curator.***

Government Response

Agreed-in-principle

ActewAGL fully fund powerline inspection and clearance for all non-urban unleased land (this includes both Bushfire Abatement Zone and bushfire prone rural land) but not in the built up urban areas of Canberra. TAMS has initiated dialogue with ActewAGL to work to an agreement over powerline clearance.

It is noted that ActewAGL would be obligated under legislation (*Utility Networks (Public Safety) Regulations 2001* and *Management of Electricity Networks Assets Code 2000*) to trim vegetation in accordance with these requirements. Additional clearing will be undertaken to allow for regrowth between inspection periods. In complying with this regulation and Code, ActewAGL would need to significantly increase tree removals and pruning.