

Canberra Ornithologists Group
PO Box 301
CIVIC SQUARE ACT 2608
ABN 72 534 628 789



submitted through

<https://yoursayconversations.act.gov.au/urban-forest-bill/upload-submission>

Draft Urban Forest Bill

The Canberra Ornithologists Group (COG) wishes to make comments on the Draft Urban Forest Bill released by the ACT Government for public comment.

COG is a volunteer-based community group with around 400 members, with a mission that includes the conservation of native birds and their habitats. COG undertakes long-term surveys and monitoring of birds in ACT woodlands, and analyses data for trends. COG plays an active role in advocating for protection of native vegetation as bird habitat, and for the mitigation of threats to and impacts on native birds.

COG has made a significant submission to consultation on the Loss of Mature Native Trees Action Plan, and much of the argument and content of that submission on the ecological significance of mature native trees, especially for birds, also applies to the draft Urban Forest Bill. Here we summarise that submission and offer additional comments specific to the draft Urban Forest Bill.

1. The ecological significance of mature native trees

Mature native trees are a key structural element of ecosystem biodiversity, but to date their protection has not been well addressed in ACT planning systems. As a consequence, too many mature native trees are being lost. Mature trees are routinely removed for greenfield development, and those that are retained are often subsequently declared unsafe. This direct loss combines with loss due to climate change, drought, fire and old age, and modelling suggests that these keystone structures could be lost within 120 years if current, unsustainable practices continue.

Moreover, mature native trees cannot be replaced directly by planting large numbers of young trees. It can take 100 years before the unique features of mature native trees are produced, and their contribution continues to increase with age. While efforts are being made to plant thousands of trees across the ACT, there is an unavoidable time lag while the trees grow to maturity. The ecological value of mature native trees cannot meaningfully be offset.

The value of mature native trees, particularly those with hollows, is significant generally for biodiversity, but especially for birds. A large number of bird species are reliant on hollow-bearing trees for nesting and refuge. Further, in the ACT, a number of bird species are listed as threatened under the Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* and/or the *ACT Nature Conservation Act 2014*, including the Swift Parrot, Superb Parrot, Brown Treecreeper, Gang-gang Cockatoo and Glossy Black-Cockatoo. Mature trees are also embedded in their ecological communities, many of which are listed as threatened in their own right, such as Box-Gum Grassy Woodland.

2. Intersection of instruments

A number of ACT instruments relate to the protection of trees and forests, principally the Urban Forest Strategy, the Loss of Mature Native Trees Draft Action Plan, and the *Tree Protection Act 2005* (which is to be replaced by the Urban Forest Bill). Effective implementation of these instruments will require integrations with the Urban Forest Bill. It is however unclear how the intersection of the Urban Forest Bill with the other relevant legislation will operate.

COG welcomes that the Urban Forest Bill covers both leased and private land, and that the definition of a regulated tree now includes slightly smaller trees to fit with ecological advice.

3. Measures to protect the biodiversity value of mature trees

The Urban Forest Strategy has a focus on new plantings, but this is not a substitute for retaining mature native trees. Likewise, the *Tree Protection Act 2005* provides a reasonable basis for managing existing mature trees in urban settings, however it has an overarching focus on amenity and risk in the urban setting rather than on the biodiversity values of these trees. There is therefore a need for **a strong instrument designed to results in the retention of mature native trees both within and outside the urban setting for biodiversity benefits.**

The proposed Urban Forest Bill 2022 has essentially the same provisions as the *Tree Protection Act 2005* relating to registering and regulating trees, and to approval to remove trees. These provisions are however weak in regard to protection of mature native trees at greenfield development sites. The lack of mandatory requirements to retain significant mature native trees is a major gap. The new requirement to replant more trees or pay a levy when a mature tree is removed will be ineffective unless the fee structure creates a significant financial incentive to retain mature native trees.

4. Recommendations

COG therefore has two related recommendations in regard to the Draft Urban Forest Bill.

Recommendation 1

As part of relevant legislation to effectively implement some actions of the Loss of Mature Native Trees Action Plan, the Urban Forest Bill should include **mandatory minimum targets in regard to retention of mature native trees at development sites.**

Recommendation 2

As part of relevant legislation to effectively implement some actions of the Loss of Mature Native Trees Action Plan, the Urban Forest Bill should include **strengthened provisions and measures to protect mature native trees at development sites.**

These stronger and targeted measures should be designed to ensure that no mature native trees are approved for removal in greenfield sites without stringent requirements being met, and would include:

- Early scoping and assessment of mature native trees before urban planning.
- Enhanced criteria for determining significance of trees.
- Mandatory requirement for tree retention plans for all new estates.
- Minimum targets for mature native tree retention at greenfield sites.

Full details of the proposed content of these measures are given in the COG submission to the Loss of Mature Native Trees Draft Action Plan

5. Conclusion

Whether the Urban Forest Bill will make a meaningful difference to the retention of mature trees in the ACT will depend on a number of factors, but most crucially the commitment to tree retention in relation to new urban greenfield development by planning authorities. This will in turn require appropriate levels of resourcing to fully implement actions.

COG is willing to discuss these matters further in a collaborative approach, to find the right processes and mechanisms to achieve the outcomes needed to protect as many mature native trees in the landscape as possible, to build up tree recruitment in the right locations, and effectively implement best-practice ongoing management. All these are crucial to assist in restoring biodiversity in the ACT landscape, including threatened and declining bird species, especially species such as the Brown Treecreeper which have disappeared from urban and peri-urban reserves.

COG can be contacted on cogoffice@canberrabirds.org.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil Hermes', with a long horizontal flourish extending to the right.

Neil Hermes
President
Canberra Ornithologists Group
02 June 2022