

**INVESTIGATION INTO THE GOVERNMENT'S TREE MANAGEMENT  
PRACTICES AND THE RENEWAL OF CANBERRA'S URBAN FOREST**  
**Submission from the Committee of the Yarralumla Residents' Association  
on behalf of the Association**

**12 March 2010**

We thank you for the opportunity to respond to the Investigation on behalf of our Association.

This submission responds below to each of the specified terms of reference:

***1. The scope and efficiency of any enhancement that may be required to the Government's existing tree management programs***

Existing government tree management programs appear limited by lack of a cohesive and collaborative approach between several different 'tree' programs within TAMS itself.

We believe that for any efficiency to be increased or enhanced in these programs, there needs to be

- \* an agreed, articulated strategy between all sections of TAMS, for the present and future management of the trees
- \* designation of responsibility to an overarching body within government to ensure that the agreed common strategy is carried forward and documented
- \* vastly improved efforts by government agencies to be inclusive in the development of short and long term management plans by regular two-way communication and consultation with the Canberra public
- \* a transparent process available for resolution of possible conflicts/appeals
- \* an assessment of the costs of the present programs involving tender system to private contractors in order to ascertain if there is scope for more government in-house work to be done at less cost and more efficiency

***2. The benefits and drawbacks of considering funding for urban tree programs separately to climate change initiatives***

Funding should be considered for each in their own right. Each has a role and should be part of the process, but planning needs to be coordinated one with the other, and differences respected but resolved.

For example, climate change requirements may want to maximise the number of trees, but residential requirements may need/want more open space, bike paths etc; urban tree programs may wish to replace trees earlier for safety or cost reasons, while climate change concerns may be to have older trees remain as long as possible.

There should be scope for separate funding and planning but an agreed plan for a coordinated and mutually supportive approach in delivery of service.

***3. Improved notification and consultation processes to support greater community involvement in urban tree planning and management, including risk mitigation, tree removal and planting***

This is the area in which the community has previously felt most disenfranchised or ignored. A true two-way consultation process involving both government and communities in decision-making is vital.

If one tree is listed for removal, then there should be notification to residents in that street several weeks before planned commencement of work re:

- \* the proposed removal/major pruning of a tree, the reasons for this, timescale, and opportunity to respond. Concerns need to be taken seriously and responded to adequately—not dismissed or glossed over. If safety is the reason for removal, clear explanations of risk should be made, and the causes of this risk.
- \* the replacement program: what? when? If change of species or no replacement planned, the reasons for this (e.g. species now designated as weed, area already overplanted, etc.)

Notification could be done by

- \* clear signage on the tree itself (not just red marks)
- \* letterboxing nearby residents

However, if a stand or area of trees in an area is designated for removal/ major pruning, then the notification/consultation needs to be as above, but on a much wider scale, involving community groups, newspaper ads, public notices at local shops, and at government shopfronts, and possibly a mailing list/ website to which people could subscribe. Additionally,

- \* give even more information as to ‘why’ and the scheduling, noting that some community members have been skeptical of the need for removal and/or the qualifications of those making the assessment e.g. how many assessors have input into a decision for removal? is it the decision of just one person? what if other ‘experts’ disagree? what are the criteria for assessment on private land as against public land? are there different assessors for private land as against public land?
- \* allow additional time for responses
- \* if the replacement species is to be changed, suggest several suitable alternative species in order for community to have input and to be involved in decision making, and to increase ‘ownership’
- \* be aware that some community members are concerned that species change could lead to undesirable outcomes, especially if deciduous is replaced with non-deciduous or vice versa
- \*investigate ways of involving the community in the actual replacement, and after-care of young trees (see also 7 below)

Once a general strategy for consultation has been agreed between government agencies and communities, this needs to be documented and publicised, so that everyone has the opportunity to understand how to be part of the process and what the outcomes will be. This would perhaps alleviate the present skepticism and even anger felt by many residents as to the management program of the immediate past. This agreed strategy should then not be altered at the whim of any government officer, agency, or political party.

#### ***4. The priority given in tree management decisions to environmental values, solar access and the retention of communities of trees in parks***

Priority must be given to safety, but retention of trees should be paramount wherever possible for

- \* shade considerations
- \* providing a canopy to reduce heat effects
- \* carbon storage
- \* retaining the very nature of Canberra as a bush capital

Selective minor pruning and/or additional care should be considered to prolong the life of a tree or group of trees in a park. New trees should be planted in parks and allowed to become established where it is envisaged that communities of trees are in decline.

While we agree that solar access is important, it seems unlikely that there would be many situations where trees would need to be felled or severely pruned for this access. Where this situation holds, then each case would need to be considered on its merits in consultation with affected residents and their neighbours.

We would expect that all decisions would respect the Environmental Protection Act of 1997, republished 2009.

### ***5. The sustainable reuse of timber from felled trees***

Wherever possible, we support the reuse of timber, whether for use as firewood, chipped as garden mulch, woodworking, etc. However, we do not think that reuse of timber should 'drive' any replacement program.

### ***6. When replanting should occur following the removal of trees, the scope for pre-planting, and principles for the number and species of trees that should be replanted***

There is strong community feeling that any wholesale replacement of all trees in a street is highly undesirable. While it may be cheaper to remove all the trees and replace them at the one time, there is a deeply-felt preference to keep mature, healthy trees as long as possible. An uneven streetscape is much preferred to the removal and replacement of all trees at one time.

As already stated above, the community at various levels (individual, directly affected local residents and community groups) should all be involved in these decisions in such a way as to have an effective voice, not just being informed of decisions made without reference to them.

See also the responses to 3, above.

We would see it as preferable that when it is agreed that a tree is to be removed, that the plan for replacement has already also been agreed, and the scheduling understood.

See also 'proactive planting' under 7.

### ***7. The need for enhanced management to maintain the survival and good health of trees***

Government agencies need to

- \* have adequate funding to monitor the ongoing care of trees, especially formative pruning, and the watering of trees in drought, or periods of increased water restrictions
- \* document the planting of new trees, their care, noting those that survive, and the reasons for those that do not (e.g. vandalism, unsuitable species for area, damage from mowing, etc.)

\* include proactive planting where possible, so that a growing tree can be established before a neighbouring tree is removed

Government agencies also need to actively arrange to

- \* have useful information on website, government shopfronts, public notices at local shops, re how best to care for trees, both established and new (presently difficult to find on TAMS website)
- \* arrange for local radio to publicise this information
- \* involve community groups, e.g. street groups, residents and community associations, schools, churches, in the preparation, planting and caring process of replacement trees, such as a proposed tree-keeper program
- \* address the problem of how residents can look after nearby trees in high levels of water restrictions, and if somehow exceptions should or could be made.

#### ***8. Appropriate safeguards to ensure contractors follow best practice and adhere to Government tree policies***

The following is suggested:

- \* there should be agreed Australian standards for contractors as to adequate training and certification
- \* contractors' work should be monitored at the time of work by TAMS officers, and this process documented
- \* work scheduled should absolutely follow the process and timetable as agreed between community members and TAMS
- \* contractors employed by government in other capacities, such as garbage collection, should adhere to regulations as to driving/ parking access at a proper distance from trees in order to avoid soil compaction
- \* developers of leased land (and their contractors) should be made responsible for the care of street trees adjacent to blocks being developed (see point above as to parking, and ref. in 10 below)

See also comment in 1 on the use of private contractors.

#### ***9. Principles for the decision-making process where it is proposed that a tree is removed or is retained***

The principles for the decision-making process should include:

- \* evidence of a danger to safety (by more than one qualified assessor)
- \* evidence of poor health of tree ( as above)
- \* consider options for pruning and additional care where the tree can be retained
- \* informing the community of above, and entering into consultation as to an agreed plan.

We realise that a tree assessed as very dangerous to public safety has to be removed quickly.

#### ***10. Improvements to the Tree Protection Act or other relevant Acts in light of the above matters***

Most Canberra residents are unaware of the relevant Acts, so it would be helpful to make them more publicly available, especially in the light of community disquiet about tree management in the past few years.

With regard to the Tree Register, most Canberrans would be unaware of its existence, role, or how trees can be nominated for listing on the Register. If this Register fulfils a useful function, then people need to know about it. The information on the TAMS website seems limited.

With regard to the Tree Protection Act 2005, last amended December 2009, we would note that

\* Under Section 82 of the Act, the Conservator provides advice re the protection of trees on land subject to development where such development may ‘damage a protected tree’ or be prohibited groundwork in the protection zone for a protected tree...’. As we understand, this advice can be accepted or amended by the Planning Authority. If this allows removal of otherwise healthy protected trees for development purposes, then we would urge that the powers of the Conservator be considerably strengthened.

\* Under part 1, 3(d) of the Act, it states that one of the objects of the Act is ‘to ensure that trees of value are protected during periods of construction activity’. With regard to this, Part 3, Division 3.1:16–19 of the Act gives explicit listing of what constitutes an offence where work done as part of business damages a protected tree or does prohibited groundwork in the protection zone for a protected tree’.

Thus it is important that

i) the term ‘tree of value’ be clearly defined and quantified in some way

ii) that any development that breaches these requirements as outlined in Part 3, should be prosecuted to the full extent of the law

It is not clear to us if the Tree Protection Act, especially with regard to Part 3, Division 3.1:16–19 as mentioned above, can apply also in regard to street trees where a development is underway on the adjacent leased block. If not, the Act should be amended to ensure that the trees in the nature strip and their relevant protection zone become part of the area of responsibility for the development on the leased land. With considerable rebuilding occurring in the older parts of Canberra, there are frequent instances of the nature strip and the street trees being severely damaged by building contractors.

It is also of concern that the Tree Protection Act which applies to trees on leased (private) land has no capacity, as we understand it, to take action on trees on private land that may pose a threat to public safety, if the home owner does not allow action on that tree. If this is so, then the Act should be amended to allow access to private land on public safety grounds.

### ***11. Resource implications associated with an enhanced program.***

An enhanced program would, of course, benefit from additional funds. It is regrettable that more funding is not forthcoming from the Commonwealth Government for the National Capital but we would see it as unlikely.

Also, we are not in a position to know if other funding can be found from other ACT government programs, but would reiterate that the good health of Canberra’s trees are very important to Canberrans, and perhaps some budget trimming elsewhere could be considered.

Nevertheless, we believe that an enhanced program could occur to some extent without additional cost if there was better management in the following:

\* reorganisation of some sections of TAMS so that there was one 'tree program' and not several as presently exists (see points made in 1)

\* reassessment of the costs of tender system used at present (see 1)

\* non-expensive care of trees by increased community involvement, as suggested in 3 and 7 above.

\* much improved people skills with those government officers involved in public consultation (as proposed in 3), ultimately leading to a more efficient and streamlined process

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