



New Tree Protection Legislation for Canberra

Issued: 27 September 2005

The Legislative Assembly passed the *Tree Protection Act 2005* in September 2005 to replace the *Tree Protection (Interim Scheme) Act 2001*.

This new legislation will commence on 22 March 2006.

WHAT IS THE NEW LEGISLATION?

- An **ACT Tree Register** across leased and unleased urban land protects trees of exceptional value.
- Comprehensive tree protection may be retained in areas with high levels of development and construction activity or areas of particular heritage importance. These areas are called **Tree Management Precincts**.

HOW WILL THIS AFFECT LEASEHOLDERS?

The transition to permanent tree protection will see each suburb declared as a Tree Management Precinct where all trees will continue to be protected until the Tree Register is established. As such, in the short term there will be minimal change for a majority of leaseholders during the transition period.

The transitional arrangements are to be lifted from an area once the survey for the Tree Register has been completed for that area. Tree Management Precinct status may be retained in areas with high levels of development and construction activity or listed as heritage precincts.

In the long-term, the legislation will only affect those leaseholders with **Protected Trees** on their lease.

WHAT TREES ARE PROTECTED?

The new legislation has two types of Protected Tree. These are **Regulated Trees** and **Registered Trees**.

What is a Registered Tree?

A Registered Tree is a tree that has been identified as being exceptional for its:

- natural or cultural heritage value;
- landscape and aesthetic value; and
- scientific value.

What is a Regulated Tree?

A Regulated Tree is a tree that is located on leased Territory land in an area declared as a **Tree Management Precinct** and is either:

- 12 m or more in height; or
- greater than 1.5 m in circumference (approx. 0.5 m in diameter) or more at 1 m above ground level; or
- with two or more trunks and the total circumference of all the trunks, 1 m above ground level, is 1.5 m or more; or
- 12 m in crown width or more.

This definition is similar to a significant tree under the *Tree Protection (Interim Scheme) Act 2001*. Protection requirements for a regulated tree include activities in the Tree Protection Zone.

How Do Trees Get on the ACT Tree Register?

An initial survey of the city will be undertaken to identify suitable trees for the Register. Once established, anyone may nominate a tree to the Register. The tree is assessed against formal criteria. Those affected by the possible registration of the tree will be consulted.

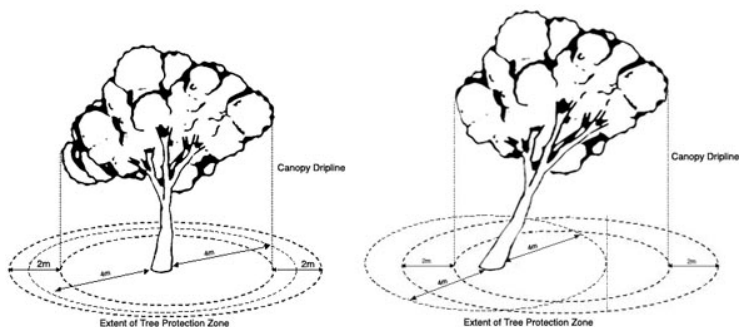
TREE PROTECTION ZONES

The Tree Protection Zone is defined as:

- the area under the canopy of the tree;
- the 2 m wide area surrounding the vertical projection of the canopy; and



- the 4 m wide area surrounding the trunk as measured at 1 m above natural ground level.



Any groundwork activities, other than minor excavation, within this area will require approval from the Conservator.

WHAT ACTIVITIES ARE PROHIBITED?

Any activity that is likely to cause damage to a **Protected Tree** is prohibited under the new legislation. These include killing or removing a tree, or activities that are likely to cause the death or decline of the tree. Undertaking groundwork within the Tree Protection Zone of a protected tree also requires approval.

Pruning in accordance with the standard for Pruning Amenity Trees (AS4373) may be undertaken on a Regulated Tree without approval from the Conservator. Pruning, other than minor pruning, on a Registered Tree will require approval.

The fine for undertaking a prohibited activity without approval is between \$5,000 to \$40,000 for an individual, or \$25,000 to \$200,000 for a company.

REMOVING A PROTECTED TREE

Approval from the Conservator is required to remove a **Protected Tree**.

Applications for removal of a regulated tree would be considered against formal criteria similar to those currently in use.

Approval to remove a **Registered Tree** will only be provided on the grounds of safety or damage to property.

Removing a Tree Under Urgent Circumstances

The urgent removal of a **Protected Tree** due to immediate safety concerns will require approval from the Conservator. This approval may be attained quickly at any time of the day or night. This approval may be provided within a day or immediately over the phone depending on the urgency of the situation.

TREE MANAGEMENT PLANS

A Tree Management Plan may be proposed for Protected Trees as a mechanism for undertaking a range of activities that may affect the tree.

Tree Management Plans would describe the status of the **Protected Trees** on a lease, their protection requirements and what activities may be undertaken. Activities undertaken in accordance with an approved Tree Management Plan do not require any further approval from the Conservator.

Tree Management Plans will become a formal requirement for any Development Application that involves a **Protected Tree**. A Tree Management Plan may be approved prior to lodging a Development Application or as part of the development approval process.

Environment ACT will prepare Tree Management Plans for each **Registered Tree** that will provide information about the tree as well as list the activities that may be undertaken without requiring approval.

HOW WILL THIS AFFECT MY PROPOSED DEVELOPMENT?

Development proposals that do not involve a registered tree or are not located in a Tree Management Precinct will no longer be affected by tree protection legislation.

Tree Management Plans will streamline assessment process for Development Applications that involve activities within the Tree Protection Zone, or removal, of a **Regulated Tree**.

A Tree Management Plan included as part of a Development Application may be approved prior to lodgement or as part of the development process.

HOW CAN I GET MORE INFORMATION?

- Contact the Tree Protection Unit of Environment ACT by calling Canberra Connect on 13 22 81.
- Visit the Arts, Heritage and Environment web page at: www.cmd.act.gov.au