



Australia's property industry
Creating for Generations

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Standing Committee on Planning
Transport and City Services
ACT Legislative Assembly
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Canberra ACT 2601

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Inquiry into the Urban Forest Bill 2022

The Property Council of Australia (ACT Division) welcomes the opportunity to make a submission to the Inquiry into the Urban Forest Bill 2022 (the Bill).

The Property Council of Australia champions an industry that employs 1.4 million Australians and shapes the future of our communities and cities. Property Council members invest in, design, build and manage places that matter to Australians: our homes, retirement villages, shopping centres, office buildings, industrial areas, education, research and health precincts, tourism and hospitality venues and more.

On behalf of our members, we provide the research and thought leadership to help decision-makers create vibrant communities, great cities and strong economies. We support smarter planning, better infrastructure, social and environmental sustainability, and globally competitive investment and tax settings which underpin the contribution our members make to the economic prosperity and social well-being of Australians.

The ACT Property sector is the second biggest industry in Canberra behind public and health services, employing 1 in 7 Canberrans – equating to nearly 40,000 direct and indirect jobs – which drives diversified economic growth and renewal across our city. Furthermore, our sector keeps the budget in the black, contributing more than 60 percent of government revenue, more than any other industry, funding our schools, hospitals, municipal, community and government services.

As significant contributors to the economy and leaders in developing the Canberra of tomorrow, we seek to contribute to the Committee's inquiry into the Urban Forest Bill 2022.

Our questions, comments and suggestions are summarised directly below:

- We seek removal of the double CCA charge
- We suggest an amendment to remove the CCA in situations where relocating or replacing a public tree has no impact on the tree canopy opportunity

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- We would like to confirm if all trees that meet the definition of remnant tree are protected under Section 9 1)a)iii) and b)
- We ask what additional resources will be made available to the Tree Protection Unit
- We seek clarification if the Director-General referred to in Section 13 b) of the Bill is from TCCS
- We seek clarification around whether power to declare certain areas is granted to the Planning Minister or the Minister for TCCS, or to another party

Further details on these points can be found in the below sections.

General Comment

Whilst we support the broad intent of the Bill in protecting and enhancing Canberra's urban forest to achieve important environmental and social outcomes, we have fundamental concerns as to whether this is the best way to go about achieving this goal. We also have some clarifying questions and suggested changes which we would seek to outline at the forthcoming inquiry. Moreover, we have broad concerns about provisions in the Bill that could have unforeseen negative impacts on both Government and Private Sector development by providing additional barriers to approvals and construction and increasing administrative requirements.

This in turn can have negative impacts on the feasibility and timing of projects, including the delivery of affordable housing and could contribute to unintended and increased urban sprawl where infill land cannot be developed to their fullest potential, noting the ACT Government's policy of 70% Urban Infill and 30% Greenfields development.

We welcome changes to the process for nomination of registered trees, particularly the addition that the Conservator may refuse to consider any nomination if satisfied the nomination is frivolous or vexatious. This will assist with preventing delays in the approval process.

Canopy Contribution Agreements (CCA)

Potential double financial contribution

The Canopy Contribution Agreements (CCA) appear to apply a fixed rate contribution for the removal of trees across land use zones. When making a CCA it appears that the agreement may include a requirement for a number of tree replacements to be made on affected land as well as the fixed rate financial settlement payable for tree removal. This appears to be a double financial contribution for seeking to remove trees for development purposes.

The impact of the CCA would impose additional costs on land suitable for redevelopment across development typologies. This land can be utilised to address supply issues relating to housing provision. Residentially zoned sites are subject to the provisions of incoming Territory Plan Variation 369: Living Infrastructure for which the planting of trees according to block zoning and size is now controlled. We are concerned that the CCA will increase the difficulty and cost of providing new and affordable housing stock.

For the above reasons, we seek removal of the double charge.

Trees on unleased land (public trees)

Trees on unleased land (e.g. public trees) are now classed as a protected tree in Section 9. We see potential problems with this new definition, as trees included in an Estate Development Plan will be protected, possibly causing problems for updates to designs. Often, these young estate trees can be successfully relocated or replaced without any loss of amenity to the current and future streetscape and district. Applying the CCA in instances of improved designs would impose an additional and unnecessary cost on development and could in some cases lead to unintended consequences that prevent efficient development outcomes.

We suggest an amendment to remove the CCA in situations where relocating or replacing a public tree has no impact on the tree canopy opportunity.

Definition

The definition of 'remnant' tree appears broad-based and could apply to a number of trees regardless of their ecological value, which could lead to a significant increase of referrals to the Director General for tree removals.

We have a clarification, and would like to confirm if all trees that meet the definition of remnant tree are protected under Section 9 1)a)iii) and b).

Resources of the Conservator for Flora and Fauna

Given the greater proportion of development proposals that will need to be referred to the Conservator (due to expanded definitions of what constitutes a protected tree), we echo previous submissions that asked about what additional resources will be made available to the Tree Protection Unit to assess these proposals.

Responsibilities

- It is not clear if the Director-General referred to in Section 13 b) of the Bill is from TCCS. If yes, this needs to be clarified.
- Section 8 2) of the Bill permits the Minister to declare an area in nature reserves, an area in the hills, ridges and buffer zone (NUZ3) or rural leases to be a built-up urban area. Clarification is needed around whether these powers are granted to the Planning Minister or the Minister for TCCS, or to another party.

We are happy to expand on the above points should you have any questions. I can be reached on 0415 225 638 or by email alausberg@propertycouncil.com.au.

Yours sincerely,



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