

1 September 2022

Standing Committee on Planning, Transport, and City Services
via email: LcommitteePTCS@parliament.act.gov.au

Dear Committee Secretary,

Submission to Inquiry into the Urban Forest Bill 2022

Thank you for the opportunity to provide a submission to the inquiry into the Urban Forest Bill 2022.

In summary, our submission has the following key messages:

- The Bill establishes a highly administrative process to protect trees which could be more efficiently and effectively incorporated into the current review of the ACT planning framework, rather than through stand-alone laws.
- The change in definition of a 'regulated tree' in the Bill will generate a significant increase in the number of applications to remove trees which will add pressure on a development approvals system already failing to keep pace the demand to assess development applications. No additional government resources appear to have been allocated to deal with the increase in applications.
- The Bill has the potential to impact the achievement of other government planning policies, specifically the aim of accommodating 70% of new dwellings within the existing urban footprint.

About Master Builders ACT

Master Builders ACT is the peak industry association for the building and construction industry in the ACT. Our members are predominantly small to medium businesses, and work across the commercial, residential, and civil construction sectors, including subcontractors, suppliers, and professionals.

The draft Bill, if passed, will directly impact our residential and commercial builders and their clients, as well as our professional members who include architects, designers and planners.

Inconsistency with ACT Planning Review Framework

The ACT is currently undergoing a significant review of its Planning System. The ACT Planning Review presents an ideal opportunity to develop an integrated development assessment system which incorporates all of the ACT Government's planning policies, development codes and standards into a new ACT Territory Plan, which would regulate new development.

To finalise the Urban Forest Bill now, while the Planning Bill is still in draft form and before the draft Territory Plan has been released for public comment, makes it impossible to fully assess the impacts of the Urban Forest Bill, Planning Bill and Territory Plan in a coordinated manner.

Ideally, this Bill would be paused and incorporated into the ACT Planning Review. Any provisions of the Bill which would impact the design of new development should be incorporated into the Territory Plan as a development code, and not sit outside of the planning framework in separate legislation.

An integrated assessment approach which assesses the impact of removing existing trees, together with all other aspects of a new development, would allow the opportunities and constraints of a potential development site to be assessed in a coordinated way. The Urban Forest Bill sets up an approval process outside of the planning framework, which prevents an integrated assessment approach.

'Regulated Tree' definition

The Bill seeks to protect more trees by changing the definition of a regulated tree. Significantly, the amended definition of Regulated Tree will change from one which is at least 12m high, to at least 8m high. This change will have the impact of triggering significantly more applications to remove a tree.

This simple change is based on a flawed assumption, that without regulation, trees will not be adequately protected. With appropriate strategic planning, master planning, subdivision design, zoning, and appropriate development codes, then the contrary is true. In fact, if the tree canopy objective was incorporated into the new Territory Plan, then the achievement of this objective could be considered in a holistic manner, weighing a range of other ACT Government policy objectives, and considered as part of an integrated development assessment process.

Without an integrated approach, reducing the height limit for a Regulated Tree will do nothing more than generate significantly more applications to Government, clogging up an already strained development approval system.

Further, there has been no evidence provided with the consultation material to substantiate that 8 metres is a significant threshold, that if used, would achieve the objective of at least 30% tree canopy cover.

The 2020/23 ACT budget does not appear to provide additional government resources to assess the additional applications triggered by the Bill.

Impact on Other Government Policies

The Policy Overview Paper released with the consultation material on the new Planning Bill states that the ACT Government's policy is to accommodate *70% of new residential development within the urban footprint*. This objective is also stated in the 2018 Planning Strategy 2018.

Many of the opportunities to develop or redevelop sites within the existing urban footprint for new residential development contain regulated trees.

The Urban Forest Bill establishes a significant administrative and cost barrier to develop or redevelop these sites. This will put greater pressure on greenfield sites outside of the urban footprint to accommodate this growth, which is in direct conflict with the stated ACT Government policy.

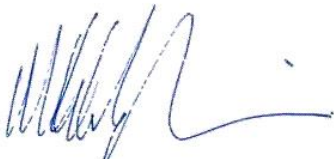
A more reasonable approach to manage the impact of removing regulated trees would be to incorporate a development code in the new Territory Plan. New development applications would then be assessed against all relevant development codes, allowing proponents and ACT Government planning officers to assess development proposals in a wholistic manner and weight competing site constraints and opportunities.

Conclusion

We approve our submission being publicly available on the Committee web site.

If you would like to discuss any matter raised above, you can contact me on (02) 6175 5900.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Hopkins', with a long horizontal flourish extending to the right.

Michael Hopkins
Chief Executive Officer