



**CONSERVATION
COUNCIL** ACT REGION

Submission to the City and Environment Directorate

Draft Guide for Tree Removals on Design Grounds and the Urban Forest (Approval Criteria)

6 August 2026

The Conservation Council ACT Region is the peak body for environment and climate groups in the ACT Region. We represent close to 50 member groups, bringing together a united voice on environment and climate issues to Government, business and community.

Since 1981 we have been at the centre of the region's most important wins for wildlife, bushland, climate and communities. As a hub for the ACT Region's environment and climate movement and a not-for-profit, non government organisation, we run campaigns, promote and upskill local groups, undertake research, advocate passionately, and engage and inform our community.

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Executive Summary

The Conservation Council of the ACT Region (the Council) welcomes the opportunity to provide a submission to the City and Environment Directorate on the the [draft Guide for Tree Removals on Design Grounds](#) (the Guide) and the [draft Urban Forest Approval Criteria](#) (the Approval Criteria), which support the changes proposed in the *Urban Forest and Planning Legislation Amendment Bill 2026* (the Bill), currently before the ACT Legislative Assembly. We note that the Guide is proposed to be made under the *Planning Act 2023*, and the Approval Criteria is proposed to be made under section 20 of the *Urban Forest Act 2023*.

The Council recognises that the implementation of the Guide and the Approval Criteria is intended to contribute, in part, to increasing the rate of infill development in existing suburbs by reducing regulatory burden, thus supporting the Missing Middle Housing reforms. For instance, the Guide introduces a new pathway for the removal of regulated and public trees on design grounds outside of the development approval (DA) process, with the Territory Planning Authority (TPA) as the decision maker. As such, developments involving tree removal that would otherwise be exempt from a DA will no longer have to submit one.

We commend the ACT Government on its target of constructing 70% of new housing development within Canberra's existing urban footprint; as outlined in our [submission](#) on the Missing Middle Housing reforms. Well-designed, biodiversity-sensitive infill development, coupled with integrated transport systems, can help avoid urban sprawl into ecologically sensitive areas such as the Western Edge of the ACT, which the Conservation Council has been [campaigning to protect from future urban development](#).

Making early and upfront decisions on development site design, including on tree removal, may have potential community benefits, however, it must be done with a clear view to firstly avoiding, mitigating and managing the impacts of development on biodiversity. The Council strongly urges the Government to apply the precautionary principle and to ensure the retention of mature native trees within our urban forest is prioritised wherever possible. Mature native trees are keystone ecological structures which are disproportionately valuable to ecosystems.¹ The Guide and Approval Criteria must not become instruments for fast-tracking tree removal for aesthetic purposes and without proper regard to the adverse environmental impacts.

This concern is made more urgent by recent canopy cover data for the ACT. Canberra's total tree canopy cover has fallen from 22.7% in 2020 to 21.8% in 2025, with 92 of 121 suburbs recording a decline over this period.² The ACT Government's ambitious target of 30% canopy cover by 2045 is welcomed by the Council, however it will require sustained, coordinated effort across Government to achieve. In a rapidly warming climate, trees in our urban areas are more

¹ ACT Government (2023) *Loss of Mature Native Trees Key Threatening Process Action Plan*, Disallowable Instrument DI2023–230. Canberra: Environment, Planning and Sustainable Development Directorate, ACT Government, p.11. Available at: https://www.act.gov.au/_data/assets/pdf_file/0005/2545943/loss-of-mature-native-trees-key-threatening-process-action-plan-2023.pdf

² ABC News (2025) 'Decline in tree coverage in Canberra's bush capital', *ABC News*, 14 December. Available at: <https://www.abc.net.au/news/2025-12-14/decline-tree-coverage-bush-capital-canberra/106139714>

important than ever for sustaining community health, wellbeing, and recreation; and providing habitat, shelter and food resources for native species, and supporting ecological connectivity.

Under Section 27C of the *Human Rights Act 2004* (ACT), everyone has the right to a clean, healthy and sustainable environment. Undoubtedly, urban trees, through the provision of clean air, shade, and the reduction of urban temperatures have a significant role to play in realising all Canberran's right to a healthy environment. Moreover, public officials in the ACT, including Ministers and directorate employees, are legally obligated to act compatibly with human rights; and to give due consideration to a relevant human right when making a decision, including the right to a healthy environment. Decision makers on urban tree removal, damage, and management, including the Territory Planning Authority and the Conservator of Flora and Fauna, must have regard to the right to a healthy environment when making such decisions under the Guide and Approval Criteria.

The Council encourages the Government to explicitly outline alignment between the Guide and the Approval Criteria with the targets and principles of existing conservation strategies and legislation, including the *Urban Forest Strategy 2021-2045*, the *Action Plan to Prevent the Loss of Mature Trees*, the *Nature Conservation Act 2014* and the new draft *Nature Conservation Strategy 2026-2036*, particularly Target 10a, which outlines that conservation goals should be embedded across all relevant governance frameworks. To realise the ACT Government's vision of becoming a genuinely nature-positive city, planning and urban forest legislation and policy must actively support, rather than merely accommodate, the conservation of biodiversity and ecological values.

The Council also understands that consultation on the Guide and Approval Criteria has occurred with relevant Directorate environment officials, including the Conservator of Flora and Fauna. We recommend the details of this consultation are clearly highlighted in both documents to provide assurance to the community that those with relevant ecological expertise have provided input.

Lastly, we encourage the City and Environment Directorate to communicate the proposed changes outlined in the Guide and Approval Criteria (if implemented) in a clear and accessible format, noting that the complexity of the reforms have proved difficult for many of our community members to fully engage with, reducing the potential for genuine community input to this consultation process.

The Council has made the following submissions on the protection and management of Canberra's urban forest, of which a number of recommendations remain relevant to this consultation process:

- [Submission to the Standing Committee on Planning, Transport and City Services: Inquiry into Urban Forest Bill \(2022\)](#)
- [Submission to the Conservator of Flora and Fauna: Draft Action Plan to Prevent the Loss of Mature Native Tree \(2022\)](#)
- [Submission on the Review of the Tree Protection Act 2005 \(2019\)](#)

Summary of Recommendations

Recommendation 1 – Favour the retention of mature native trees

Maintain a strong presumption in favour of retaining mature native trees.

- a) Require applicants to demonstrate that they have exhausted all other options before proposing tree removal
- b) Require decision makers to have explicit regard to the ecological values and ecosystems services provided by mature native trees, including dead and decaying trees.
- c) Explicitly demonstrate alignment of the Guide and Approval Criteria with conservation legislation and strategies, including the *Urban Forest Strategy 2021-2045* and the *Action Plan to Prevent the Loss of Mature Trees*

Recommendation 2 – Strengthen and clarify key terms

- a) Include a definition of 'desired planning outcome' in the Bill
- b) Explicitly require the decision-maker to have regard to a tree's ecological values in the definition of 'desired planning outcome'
- c) Demonstrate alignment between 'desired planning outcomes' and conservation legislation in the Guide
- d) Clarify how Approval Criteria Schedule 3 'Local ecologically beneficial tree species' were selected, and confirm consistency with Municipal Infrastructure Standard 25

Recommendation 3 – Ensure Indigenous knowledge is incorporated into urban forest decision making

The ACT Government should work with Traditional Custodians and relevant Aboriginal knowledge holders to ensure cultural values, seasonal knowledge, habitat relationships and the principle of caring for Country are considered in all urban forest decisions.

Recommendation 3 – Avoid overreliance on Canopy Contribution Agreements (CCA)

The ACT Government should ensure all other options for tree retention are exhausted before proponents apply for tree removal and enter into a CCA. CCAs should be a 'last resort' for proponents, rather than a predictable cost of development.

Recommendation 4 – Properly resource compliance and enforcement

As the reforms will reduce legislated processing timeframes and introduce new pathways for tree removal assessment (the Guide), the ACT Government should publicly confirm the resourcing commitments that will support the implementation of the reforms.

Recommendation 5 – Provide clear and transparent public communication

If passed, the reforms should be communicated to the public by the ACT Government in a clear, accessible and transparent manner, with a particular emphasis on communicating consistency with core protections for urban trees outlined in the *Urban Forest Strategy 2021-2045*.

1. Favour the retention of mature native trees

Individual mature trees are disproportionately valuable to ecosystems. They provide habitat for a range of fauna species, including hollow-dependent species such as superb parrots, sugar gliders and gang-gang cockatoos, support ecological connectivity across increasingly fragmented urban landscapes, retain water, and stabilise soils. In addition, mature urban trees provide valuable sources of shade and reduce urban temperatures, mitigating the impacts of a rapidly warming and drying climate and making our city more liveable and resilient.

‘The loss of mature native trees (including hollow-bearing trees) and a lack of recruitment’ is a Key Threatening Process listed on the *Nature Conservation Key Threatening Processes List 2019* made under s 87 of the *Nature Conservation Act 2014* (ACT)³, resulting in the development of an *Action Plan to Prevent the Loss of Mature Native Trees*.⁴

It is unclear whether the Guide and Approval Criteria are consistent with the objectives of this Action Plan, noting they are not referenced in either document. We recommend that alignment between these strategies be explicitly demonstrated in the Guide and Approval Criteria. The Guide and Approval Criteria should emphasise to proponents the importance of retaining mature trees unless there are specific, defined, exceptional, circumstances that require their removal, for instance, a clear and evidence based risk to human health and safety. Proponents should be required to demonstrate that they have exhausted all other options for tree retention before they apply for removal.

The Guide (Table 2) provides examples of characteristics that *may* be considered in an assessment of a tree being proposed for removal, including habitat value for protected fauna, heritage or cultural value, and tree health, with a clear preference to retain trees in good health. The Council recommends that the decision maker *must* have explicit regard to these characteristics in addition to consideration of ecological connectivity value, when assessing a tree being proposed for removal on design grounds. We also recommend that the Guide explicitly confirm what internal Government consultation will occur on applications (i.e. consultation with the Conservator of Flora and Fauna), to provide certainty and transparency that environmental impacts are being considered.

The Council notes that both the Guide and Approval Criteria, as currently drafted, do not explicitly recognise the ecological values of decaying or dead mature remnant trees. For instance, in the Approval Criteria 3, Section 3(b) allows for the decision maker to give an approval to ‘damage a Remnant Tree located on land in a future urban area or an area that is the subject of a subdivision design application and outside the built-up urban area including if the tree is in decline and its life expectancy is short.’ This is inconsistent with the *Action Plan to Prevent the Loss of Mature Native Trees*, which recognises that ‘dead trees retain significant

³ ACT Legislative Assembly (2019) *Nature Conservation Key Threatening Processes List 2019*, Notifiable Instrument NI2019-822. Available at:

<https://www.legislation.act.gov.au/View/ni/2019-822/current/html/2019-822.html>

⁴ ACT Government (2023) *Loss of Mature Native Trees Key Threatening Process Action Plan*, Disallowable Instrument DI2023-230. Canberra: Environment, Planning and Sustainable Development Directorate, ACT Government. Available at:

https://www.act.gov.au/_data/assets/pdf_file/0005/2545943/loss-of-mature-native-trees-key-threatening-process-action-plan-2023.pdf

habitat value in the urban context⁵ and includes actions such as Action 9a, ‘to continue and expand policy of retaining dead trees in situ as ‘habitat’ trees on Parks and Conservation Service-managed and other appropriate urban open space areas.’⁶ The Council recommends the Guide and Approval Criteria require the decision maker to have regard to the habitat values also provided by dead or decaying mature trees, noting they provide nesting and denning sites for many native species, and that suitable nesting hollows can take more than a century to develop in most species of eucalypts.⁷

2. Strengthen and clarify key terms

Desired Planning Outcome

The Guide proposes that a proponent of a development proposal may apply to the Territory Planning Authority (TPA) for approval to remove a regulated tree or a public tree on design grounds, if it will facilitate the achievement of a ‘desired planning outcome’ that is consistent with the Territory Plan. The Council understands that The TPA may consult with the Conservator of Flora and Fauna on such proposals.

A ‘desired planning outcome’ is subsequently defined in the Guide as a ‘development that responds to government’s planning priorities such as those outlined in the Planning Strategy, the District Strategies, or the Minister’s Statement of Planning Priorities, and is consistent with the Territory Plan.’⁸

The Guide continues that, to determine if the development will facilitate a desired planning outcome, each of the following criteria will be considered:

- The location of the tree and the availability of developable area within the block (area not covered by approved structures).
- Tree species, quality and estimated life expectancy.
- Planning outcomes and design impacts⁹

The Council considers these are vague and potentially conflicting criteria, and recommends that the definition of desired planning outcome be defined in the Bill, and strengthened to explicitly include recognition of a tree’s ecological values.

Using clearly defined and legislated criteria will provide greater certainty and transparency for proponents seeking to remove a tree on design grounds, providing a ‘faster yes’, or a ‘faster no,’ upfront. We recommend that the Guide demonstrate that desired planning outcomes are consistent with existing conservation policies and legislation, including the *Urban Forest*

⁵ Ibid, pg 19

⁶ Ibid, pg 41

⁷ ANU Sustainable Farms (2026) *Protect Remnant Vegetation*. Available at: <https://www.sustainablefarms.org.au/on-the-farm/protect-remnant-vegetation/>

⁸ ACT Government City and Environment Directorate (no date) *Draft Guide for Tree Removals on Design Grounds*. Canberra: Territory Planning Authority, ACT Government, p. 3. Available at: https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/8517/8122/0516/Draft_Guide_for_Tree_Removals_on_Design_Grounds.pdf

⁹ Ibid, pg 8

Strategy 2021-2045, the Action Plan to Prevent the Loss of Mature Trees and the Nature Conservation Act 2014.

Approval Criteria - Schedule 3: Local ecologically beneficial tree species

Schedule 3 of the Approval Criteria includes a list of local ecologically beneficial tree species for the purposes of Schedule 1 and 2. For instance, under the Approval Criteria, when deciding whether a public or regulated tree can be pruned, damaged or removed, or whether a public tree can be pruned or removed, the decision maker must consider whether the tree is listed under Schedule 3 as an ecologically beneficial species. The Council recommends clarifying how these species were selected and why they are ecologically beneficial (for instance, whether they are key indicator species of Box-Gum Grassy Woodland). We also recommend clarifying whether they are consistent with the preferred species listed in the *Municipal Infrastructure Standards 25: Plant Species for Urban Landscape Projects*.

3. Ensure Indigenous knowledge is incorporated into urban forest decision making

The Council recommends that the ACT Government work with Traditional Custodians and relevant Aboriginal knowledge holders to ensure cultural values, seasonal knowledge, habitat relationships and the principle of caring for Country are considered in urban forest decisions. This could also extend beyond formally registered Aboriginal cultural trees, noting native trees also form part of broader living cultural and ecological systems and can have important cultural and kinship values, despite not being formally registered. To this end, the Council supports the recommendations of the submission by Lyrebird Dreaming.

3. Avoid overreliance on Canopy Contribution Agreements

The Council is concerned that the ACT Government is significantly reliant on Canopy Contribution Agreements (CCAs) as the primary means of maintaining or increasing the ACT's urban tree canopy.

Like other offsetting or crediting schemes, CCAs have inherent weaknesses. A key challenge is that replacing larger, more established trees with small saplings removes ecological and urban amenity benefits that take considerable time to return. These losses include the reduction of shade and cooling, carbon storage, and habitat for biodiversity. Furthermore, replacement plantings require specific management to address problems such as pests, seasonal water shortages, and vandalism. While the Council recognises that CCAs are preferable to large scale tree removal at any development site, the issues noted above require systematic attention to ensure CCAs make genuine contributions to canopy cover. Removing a tree and subsequently entering into a CCA should be a 'last resort' for proponents, rather than a predictable cost of development.

We consider that new ministerial powers proposed in the Bill that will allow the Minister for City Services (the Minister) to determine certain conditions for CCAs, including for Territory Priority Projects; alongside existing powers that allow the Minister to exempt certain projects from CCAs, give the Minister considerable discretion and could expose decision-making to political pressure and ultimately lead to weaker environmental protections. We consider this power undermines the purpose and integrity of the CCA system and is inconsistent with the *Action Plan to Prevent the Loss of Mature Native Trees* and with the nature-positive approach outlined

in the draft *ACT Nature Conservation Strategy 2026-2036* and the new *ACT Climate Change Strategy*.

4. Properly resource compliance and enforcement

The Council notes that the reforms proposed in the Bill reduce legislated processing times for decision-making, changes to the Approval Criteria, and the introduction of a new category of tree removal applications to be assessed and administered under the Guide. These changes may collectively place additional demand on assessment, compliance, and enforcement functions within the City and Environment Directorate.

We recommend ensuring that the amendments proposed in the Bill, and the Guide and Approval Criteria are supported by sufficient resourcing for compliance and enforcement, to ensure each tree removal application is assessed comprehensively and with proper regard to potential environmental impacts. The Government should publicly confirm the resourcing commitments that will support the implementation of these reforms.

5. Clear and transparent public communication

The Approval Criteria and the Guide are complex documents that require a significant level of regulatory and legislative expertise to interpret. The Council considers there has been considerable public confusion over the reforms proposed and the potentially adverse environmental implications these changes will have on the extent and management of the ACT's urban forest. We also note there has been significant confusion regarding opportunities for community feedback, noting there are two public submission processes occurring simultaneously - the YourSay Conversations Consultation on the Guide and Approval Criteria, and the submission process by the Inquiry into the Bill by the Standing Committee on Transport and City Services.

The ACT Government has a responsibility to ensure the changes, if implemented, are supported by clear, simple and transparent public communication, particularly to emphasise how the Guide and Approval Criteria are consistent with core protections for urban trees outlined in the *Urban Forest Strategy 2021-2045*, and the *Action Plan to Prevent the Loss of Mature Trees*.