

ACT Government's Conservator of Flora and Fauna rebuts ACTPLA's advice

# Conservator finds in favour of tree

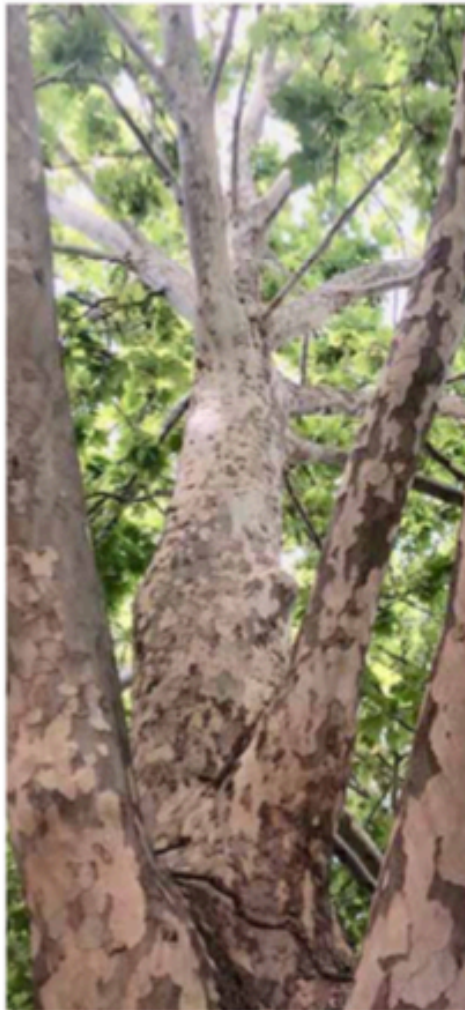
By Richard Johnston

The ACT Government's Conservator of Flora and Fauna, Mr Ian Walker, has refused an application to cancel registration on the ACT Tree Register of a splendid London Plane tree located on the old Manuka Post Office site.

The tree was registered in 2012 and the site is subject to development approval for a large hotel project by Liangis Investments Pty Ltd, which was conditional on the registration of the tree being cancelled by the Conservator.

In the reasons for his decision, made on the last day permitted for a decision under the Tree Protection Act 2005, Mr Walker referred to a wide range of material he considered including:

- Advice from the ACT Chief Planner that, in his view, retention of the tree would significantly compromise the broader strategic planning objectives of the Territory Plan, would be inconsistent with the Manuka Circle Precinct Development Control Plan (DCP) and there was no realistic design alternative for the site that would allow the tree to be retained.
  - Submissions from 'people with planning experience' in particular, that there are a number of strategic directions in the Territory Plan and rules in the DCP that support a conclusion that registration of the tree should not be cancelled.
  - Advice from the National Capital Design Review Panel (NCDRP) that the tree makes a positive contribution to the Franklin Street streetscape and the broader landscape setting of the area and its recommendation that the developer's design team explore and demonstrate comprehensive design options for the whole of section 96, including the Capitol Cinema which the developer also owns and plans to redevelop.
  - Mr Walker formed the opinion that the community views and the view of the Design Review Panel point to compelling reasons for refusing the proposal to cancel the registration of the tree. "In my view, those compelling reasons rebut the advice of ACTPLA," he said.
- He went on to make a number of other pertinent comments including:
- ACTPLA had advised there were no alternative designs that would allow for retention of the tree but had not provided a basis for this conclusion
  - Contrary to the view expressed by ACTPLA, trees in urban settings have been found to encourage retail development and spend. Maintaining/creating an environment that includes nature/trees increases peoples use of these areas, provides improved sense of wellbeing and greater social connection and subsequently patronage.
  - He had not been provided with any



Tree before the 'drilling' incident/ die back of some limbs after the 'drilling'/ the drill site

information to indicate the viability of an alternative design that includes a setback on the Franklin Street side that would allow the tree to be retained.

- There appeared to have been no assessment of the economic and social values provided by the tree, noting that large mature trees provide 75% more environmental benefits than smaller trees.
- Tree canopy coverage is one of the most effective and cheapest ways of safeguarding cities against global warming, and
- Trees increase the value of a property by up to 12%.

Mr Walker noted and accepted the advice of the Tree Advisory Panel that the tree is approximately 40 to 50 years old, provides landscape and aesthetic value recognised by the community, is in excellent condition, is the largest plane tree in the vicinity, forms an important landscape link with the street plantings, is highly attractive and of considerable landscape value.

He also noted that on 8 January 2018 he was notified by the Tree Protection Unit that the tree may have been tampered with or poisoned. While investigation revealed drill

holes in the trunk of the tree, testing for poisoning was inconclusive. "In my view, even if (the tree) has been poisoned, the fact that it remains in a healthy condition is evidence of its overall health," he said

"I am of the view that, based on the advice of the Tree Advisory Panel and the community response, [the tree] contributes significantly to the surrounding landscape based on its overall form, structure, vigour and aesthetic values and represents an outstanding example of the species, including age, size or habit. Accordingly, I am of the view that [the tree] meets the criteria for registration in relation to landscape and aesthetic value, and so the registration should not be cancelled," Mr Walker concluded.

A spokesman for Liangis Investments blasted the decision (Canberra Times 22 May 2019) and said that the tree is a "weed." He rejected completely the views of the Conservator, the Tree Advisory Panel, the NCDRP and other 'people with planning experience' and said the future of the development on the block was now "up in the air."