

**AUSTRALIAN CAPITAL TERRITORY**

***TREE PROTECTION (INTERIM SCHEME) ACT 2001***

**DETERMINATION OF CRITERIA FOR APPROVAL TO UNDERTAKE A  
TREE DAMAGING ACTIVITY**

**INSTRUMENT NO. 60 OF 2001**

Pursuant to subsection 12 (2) of the *Tree Protection (Interim Scheme) Act 2001* (the Act) I determine that the criteria for approval of a tree damaging activity are as set out in Schedule 1.

Dated this 2 day of April 2001

***Brendan Smyth*** MLA  
Minister for Urban Services

## Schedule 1

### Determination of Criteria for the Purposes of Subsection 12(1) of the *Tree Protection (Interim Scheme) Act 2001*.

- 1) The Conservator of Flora and Fauna (the Conservator) may give an approval to undertake a tree damaging activity under subsection 12(1) of the *Tree Protection (Interim Scheme) Act 2001* when:
  - a) in the case of tree removal;
    - (I)
      - (i) the tree is diseased or termite infested and its life expectancy is short;  
or
      - (ii) the tree represents an unacceptable risk to public or private safety; or
      - (iii) the tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service; or
      - (iv) the tree is an inappropriate species in potential size or growth habit for its location or proximity to buildings (excluding remnant eucalypts).
      - (v) the tree represents a serious plant disease threat; or
      - (vi) the tree is blocking solar access to a living area of a dwelling during Winter between the hours of 9am to 3pm and pruning is not sufficient to remedy this; or
      - (vii) the tree is causing an allergic reaction to an occupant of the block and the claim can be supported by certification from a medical specialist; or
      - (viii) where the tree is part of a close planting of a number of trees, the removal of the tree will allow the other trees to develop fully; and  
all other reasonable remedial treatments and measures have been determined to be ineffective, or
    - (II) It is demonstrated that all reasonable alternative development options and design solutions have been considered to avoid the necessity for tree removal.  
(Note: This criterion allows the Conservator to approve the removal of a tree but requires the applicant to first consider development options that would allow the tree to be saved).

- b) in the case of all other tree damaging activities;
  - (i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree; or
  - (ii) the work is required due to an unacceptable risk to public or private safety; or
  - (iii) the tree is shown to be causing or threatening to cause damage to a substantial building, structure or service; or
  - (iv) the tree is an inappropriate species in potential size or growth habit for its location or proximity to buildings (excluding remnant eucalypts).
  - (v) the tree is blocking solar access to a dwelling during Winter between the hours of 9am to 3pm; or
  - (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.

2) Examples of the kinds of activities for which an approval to undertake a tree damaging activity may be given are:

- a) Removal of unsuitable or hazardous trees subject to replacement plantings being undertaken where necessary.
- b) Thinning, selective pruning or reduction pruning of trees to lessen wind resistance, to reduce weight of limbs, to reduce competition, to increase light penetration and air circulation through the crown.
- c) General pruning to remove dead, diseased, dying, defective and conflicting branches or foreign matter deemed to be detrimental to the tree.
- d) Selective or formative pruning to remove identified branches that are causing a problem or to reduce encroachment on utilities or buildings.
- e) Crown lifting for pedestrian or vehicular access.
- f) Pollarding on deciduous trees grown for horticultural amenity.
- g) Remedial pruning to prolong the useful life expectancy of damaged trees.
- h) Root pruning to ameliorate damage to built or natural structures.

- i) Thinning, selective pruning or reduction pruning on trees to provide solar access and property alignment to private dwellings.
  
- 3) The lists of examples set out in paragraph 2 do not limit the circumstances in which an approval may be given.