

**AUSTRALIAN CAPITAL TERRITORY**  
***TREE PROTECTION (INTERIM SCHEME) ACT 2001***

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

**EXPLANATORY STATEMENT**

**DI2003-5**

This Determination is made under section 12(1) of the *Tree Protection (Interim Scheme) Act 2001* (the Act).

The purpose of the criteria listed in schedule 1 are to:

- establish the circumstances in which an application to undertake a tree damaging activity may be approved by the Conservator;
- guide the Conservator of Flora and Fauna in deciding an application to undertake a tree damaging activity; and
- guide the Advisor to the Conservator in providing advice to the Conservator on applications to undertake a tree damaging activity.

This Instrument supersedes Instrument 60 of 2001 following amendments to several of the criteria in Schedule 1. Additional changes to Schedule 1 have been made to improve the assessment of development options (section 4) and enable the Conservator to consider the landscape relative importance of a tree in the landscape. Reference to Schedule 2 has also been added. Schedule 2 is a list of trees species that are problematic when grown on residential blocks. This list is derived from the experience of the past 18 months of administering the *Tree Protection (Interim Scheme) Act 2001*. Examples of species and why included on the list are:

- the Blue Gum (*Eucalyptus bicostata*). This tree is problematic given its rapid growth, large mature size and has a propensity to develop internal decay, and
- the Narrow leaf Peppermint (*Eucalyptus nicholii*) is fast growing and develops poor structure becoming hazardous at a relatively young age. .

The changes are intended to improve the effectiveness of the *Tree Protection (Interim Scheme) Act 200*, provide greater certainty to leaseholders and improve the efficiency of administering the Act.

The determination is a disallowable instrument within the meaning of section 9 of the *Legislation Act 2001*.