

TREE REPORTS AND PLANNING

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Issues include:

THE DAWN OF TREE REPORTS

Planners with tree reports demonstrating big is not best.

Tree assessment is a relatively new boom industry due to changing trends and legislation around the country. The tree report is a very important document. The planner uses recommendations from the report to determine conditions of development approval. The developer requires a simple set of instructions for implementation of thorough and achievable tree protection on the development site.

Aesthetics are a consideration but forget the lavender and cerise cover. In order for a tree report to achieve its purpose it needs to be simple and user friendly. It is beneficial to consolidate and sharpen the information we present in our tree reports. They should provide clear specifications exclusively relevant to the subject site and the desired development.

As professionals we have a responsibility before we print, to find out what exactly the customer wants to achieve. Discuss any issues and explore any options with them prior to printing. The printed tree report will be an agreed set of facts, it will tell the developer 'how they are going to do it' without any surprises and give their planner a set of conditions to issue with the development approval.

99% of the time we will be preparing a report for a planning submission, not for a committee to decide on any options we may offer. Planners don't do options. Publishing options can turn an otherwise good report into a total fizzer. Most of the time this will require the planner to send out an additional information request to confirm what exactly will be occurring. In the planning world everything has to be confirmed in writing by external professionals, approved by internal professionals then stamped, signed and stored as a permanent record.

TREE PROTECTION ZONES

There....It wasn't that hard was it? Property developers turning from 'What tree report?' to 'How much mulch do I need?'

The concept of tree protection zones and the recent appearance of chain mesh fencing on development sites is a journey of improvement in Adelaide. With the tree protection zone placed as a condition of approval, most developers within Charles Sturt are only trying to get away without it once. After reasonable chance has been given to make good and there is persisting non compliance with conditions of development approval, the site is shut down and a stop work notice is issued.

Watch how fast the shiniest chain mesh tree protection fencing is installed to allow reopening of the work site.

CSI TREES

How to catch a crook and make them pay, prosecution requirements you must endure.

In South Australia many significant trees still go missing illegally one way or another. However, there is still a chance to intercept some of them and send a message out to the 'Significant Trees Are Us' crowd. Although burdensome and not always successful, prosecution is a reality

under the current provisions of the significant tree legislation. A methodical approach to collating evidence is necessary to secure a conviction. The significant tree legislation is tested in the ERD Court (Environment Resource and Development Court). Evidence required by the court includes trunk circumference, impact the tree had on the landscape, statements from an arborist and a landscape architect, witness statements, interviews with suspects and an investigation diary.

DEATH BY DEVELOPMENT APPROVAL

Legislation pit falls, the flexibility of the significant tree legislation mistaken for inconsistency.

Political pressure has influence over the administration of the legislation. Elected members can disregard expert advice from staff and external professionals and order the removal of significant trees without accountability. The legislation often includes the wrong trees, it is difficult to enforce when tree damaging activity occurs and it offers many avenues for legal removal.

In some council areas community interest in tree preservation steers the current legislation with greater effect. Elected members and senior planners seek to defend their development plans by offering as much resistance to tree damaging activity as the legislation offers.

Applicants of tree damaging activity soon get the picture and may give up easily in this environment and either learn to live with their significant tree or comply with development conditions associated with including trees within development.

ENLIGHTENMENT AND EVANGELISM

Where to next? Thinking ahead.

It is becoming increasingly evident that trees are about everybody within society not just arborists and landscape architects. We all enjoy attending tree conferences and over recent years friendships and understanding between other professionals has been initiated. Even the term 'engineer' is becoming less of an eyebrow raiser these days.

Certainly arborists can be self-reliant in the near future as there are still plenty of 'significant' eastern forest trees to be removed from infill development sites. However, in some regards the future of arboriculture relies on our relationship with engineers, architects, town planners and politicians. In 50 years time all of the above professionals will be tree literate to some degree. Trees are cool and not only do we need to take the good news to our customers but also to other professionals who will be our future allies.

Planners have a lot of power over the future shape of our cities. They are the people contributing to policy changes and stamping the plans which then become a reality out in the suburbs. At the moment planners are rarely thinking trees and golden diosmas are still in. For most development, landscape plans are getting approved without allowing for a sizeable canopy but we must forgive them, for they know not what they do. Trees are not a real consideration within the planning curriculum in South Australia.

Give a planner, engineer, architect or politician a tree and they will be cool for a day, teach them some basic arboriculture and they will be cool for a lifetime.

APPENDIX 1 SIGNIFICANT TREE PLAN & INDEPENDENT PROFESSIONAL REPORT CITY OF CHARLES STURT

This development information guide outlines the minimum standard of information that must be provided to Council so that your development application can be assessed for planning approval.

Definition: A significant tree is any tree which:

- Has a trunk with a circumference of 2m or more (measured at 1m above natural ground level); or
- In the case of trees with multiple trunks: has trunks with a total circumference of 2m or more and an average trunk circumference of 625mm or more, measured at a point 1m above natural ground level.

Requirements: If there is a significant tree on the development site or within 10m of the site, you will be required to provide a plan showing the location of the trees. This can be incorporated into the site plan.

You will also be required to provide an independent report from a professional (in most cases this will be an arborist – see ‘independent professionals’, page 3). The report should detail the proposed work and reason for undertaking it and including:

- Identification of the tree species.
- Circumference of the tree measured at 1m above ground level
- Observations of the tree’s location, height, spread, and relevant site usage.
- Observations of the tree’s health and structure.
- Photographs of the tree.

In addition, the report must address the intended works involving the tree and should meet the requirements below related to sub-division / construction, pruning or removal.

Note: An independent report is not required for trees which are dead or for screening trees such as hedges which have obtained a significant trunk measurement, however a development application is still required in these cases.

SUB-DIVISION / CONSTRUCTION AFFECTING SIGNIFICANT TREES

- Define a tree protection zone (TPZ) based on accepted arboricultural methods.
- Detail an appropriate TPZ management plan to ensure development activity is feasible without having to move the protective fence. If the fence requires movement during any development on the site describe what protective controls will be put in place to enable this to take place.
- Detail methods of site access in relation to the TPZ, this will include a plan for delivery and storage of materials which provides assurances no materials will be received or stored within the TPZ.
- If footings or open trenching activities are proposed within the TPZ an air-spade report will be required as proof that the exact location of the activity will not adversely affect the health and stability of the tree.
- Determine whether placing the structure under or adjacent to the tree can be done with an acceptable level of risk. The applicant must be made aware of any risk potential that may be created as a result of the development proposal. A relevant risk management plan must be presented.

- Provide assurance that the proposed development can be undertaken with minimal adverse affect to the health and appearance of the significant tree.
- Provide assurance that activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) will only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.

PRUNING OF SIGNIFICANT TREES (OTHER THAN MAINTENANCE PRUNING)

Identify which part of the tree is proposed to be pruned and for what reason.

- Provide assurance the proposed pruning can be undertaken with minimal adverse affect to the health and appearance of the significant tree.
- Provide specification for the proposed pruning work.

Note: Maintenance pruning that is not likely to adversely affect the health or appearance of the significant tree does not require Development Approval.

REMOVAL OF SIGNIFICANT TREES

- Identify why the tree needs to be removed.
- Provide evidence there are no reasonable actions that can be taken to prevent the removal of the tree.

Development approval is not required for the removal of a tree which has obtained a significant trunk measurement, but is a declared weed of national significance:

- a. *Tamarix aphylla* (Tamarisk).
- b. *Salix* species (Willows) of all species excluding: *Salix babylonica* (Weeping Willow); *Salix calodendron* (Wimmer); and, *Salix reichardii* (Pussy Willow).

THE APPROPRIATE INDEPENDENT PROFESSIONAL FOR YOUR APPLICATION

It is in your interest to seek quality information from an appropriately qualified professional, as a high standard of information will ensure efficient processing of the application. In most cases the appropriate professional will be an arborist to comment on the health and structure of the tree however, there maybe other reasons for the legitimate removal of a significant tree and the applicable professional should be selected.

Arborist

In the case of development adjacent to a significant tree a report from an arborist demonstrating there is an acceptable level of risk to the proposed development and assurances no tree damaging activity is necessary to achieve the development proposal. In the case of removal of a significant tree based on concern that it is diseased or potentially hazardous a report from an arborist must demonstrate this and that all reasonable remedial treatments and measures have been determined to be ineffective to prevent the removal of the tree.

Structural Engineer

In the case of removal of a significant tree based on concern that it is causing or threatening to cause damage to a substantial building or structure - a report from a structural engineer must demonstrate the type and extent of structural concerns.

Architect or Building Designer

In the case of removal of a significant tree to allow for a new development: a report from an architect or building designer with supporting documentation must demonstrate that all reasonable alternative development options and design solutions have been considered to avoid removal.

Landscape Architect

In the case of removal of a significant tree based on the potential that it does not make an important contribution to the character and amenity of the local area and/or that it does not form a notable visual element to the landscape of the local area: a report from a landscape architect must demonstrate this to be the case.

