

ADELAIDE'S URBAN TREE CONFLICT

THE SIGNIFICANT TREE LEGISLATION, IS IT SUSTAINABLE? A CITY OF BURNSIDE PERSPECTIVE

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Abstract

It wasn't too long ago (and more importantly it wasn't the first time) that many Council officers like myself were asking whether the current 'Significant Tree' legislation has been an effective piece of state law in reducing the frequency of uncontrolled removal of trees within our urban environment. Answers were varied, with many issues still unresolved and requiring urgent revision and clarification. I believe there are many deficiencies and areas of interpretation that need to be clarified, however one important issue kept raising its head; will the current legislation be effective in the longer term and will it be a piece of legislative control that is sustainable? Unfortunately I do not believe it is.

It has to be asked why this legislation was implemented in the first place to fully understand the issues that have arisen over the 5 years the controls have been in place. Ultimately and sadly, monetary gain through the removal of trees is having a detrimental influence on the retention of trees, whether 'significant' or not, within our suburbs. It isn't hard to believe that the future of our urban forest is under serious threat.

How can the retention of 'significant trees' within Adelaide's urban environment be sustainable when both State and Federal Government agencies promote by strategy a series of acts that demand a consolidation of the urban sprawl, leading to higher density housing. Where will our urban 'significant trees' sit within an urban environment that promotes the reduction of the very essence of their existence – open space?

Is it an indication of what the community as a whole may think of tree retention when in the last review of the 'Significant tree' legislation (Hutchings 2003) it was stated that downgrading the term 'significant' tree to 'regulated' tree is more appropriate and *“will better reflect the intention of the controls to provide for a balanced assessment of proposals to remove trees against the Development Plan policies applicable to these development applications”*.

I think in anyone's language dropping any association to the word 'significant' may reduce the assessment of a tree to a mere statistic of regulation, similar to building setbacks or the open space plot ratio. Secondly and more worrying for Council authorities like Burnside is *“Council authorities should not be allowed to list individual trees or groups of trees within their own Development Plans”*. I do not get a sense of appreciation for the role trees play within our society when considering those two statements.

Having said all that, one cannot diminish the obvious benefits of public awareness, either good or bad, that the legislation has brought through raising tree removal/retention away from a 'tree huggers' perspective. Unfortunately the very nature of protecting individual specimen trees within a piece of legislation that refers

to them as an assessable activity seems quite insular to the function they play in our urban society.

Introduction

The history behind the ‘Significant’ tree legislation is convoluted however I believe, without prejudice to any one in particular, that the intent of the legislation was driven by community anger at the removal of magnificent remnant trees from a number of development sites in the eastern suburbs of the city, particularly within the City Of Burnside in the late 1990’s. This does not diminish in any way the efforts and concerns raised over the decades by individuals within the community about the plight of urban trees in general.

Active participation of prominent residents within the eastern suburbs, led by people such as Landscape Architect Ian Barwick, forced local members of Parliament to canvas government in preventing the uncontrolled removal of large remnant trees from development sites. Unfortunately therein lies a fundamental flaw that exists today; has the burden of controlled tree removal been directed to the wrong people?

The motivation was to create a law to retain large trees within a development site where the trees did not need to be removed to allow for appropriate development to occur. I believe that somewhere this basic philosophy has been lost with the introduction of the legislation in April 2000. At that time, amendments to the Development Act 1993 and Development Regulations gave Councils control over an activity for the removal of, or damage to, any significant tree in metropolitan Adelaide.

The State Government, by amendments to the act, declared that a significant tree is

- *Any tree in Metropolitan Adelaide and townships in the Adelaide Hills Council with a trunk circumference of 2.5m or more. In the case of trees with multiple trunks, those with trunks with a total circumference of 2.5m or more and an average circumference of 675mm or more, measured at a point 1.0m above natural ground level.*

Activity that was considered to be development in relation to a ‘Significant’ tree was stated as

- a) the killing or destruction of a tree; or*
- b) the removal of a tree; or*
- c) the severing of branches, limbs, stems or trunk of a tree; or*
- d) the ring barking, topping or lopping of a tree; or*
- e) any other substantial damage to a tree,*

and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

Any development covered within this provision was considered to be ‘tree damaging activity’ and therefore undertaking it required development approval by the relevant planning authority.

As well, a significant tree can be declared a significant tree by a Council within their Development Plan if —

- (i) *it makes an important contribution to the character or amenity of the local area; or*
- (ii) *it is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species; or*
- (iii) *it represents an important habitat for native fauna; or*
- (iv) *it is part of a wildlife corridor or a remnant area of native vegetation; or*
- (v) *it is important to the maintenance of biodiversity in the local environment; or*
- (vi) *it is a notable visual element to the landscape of a local area;*

If an application is made to the relevant planning authority within a Council, a “Significant Tree” can be assessed on the following principles within the Development Plan and in the case of ‘tree damaging activity’ whether -

- (1)
 - (i) *the tree is diseased and its life expectancy is short; or*
 - (ii) *the tree represents an unacceptable risk to public or private safety; or*
 - (iii) *the tree is within 20 metres of a residential, tourist accommodation or otherwise habitable building and is a bushfire hazard within the Bushfire Prone Area; or*
 - (iv) *the tree is shown to be causing or threatening to cause, substantial damage to a substantial building or structure of value; and all other reasonable remedial treatments and measures have been determined to be ineffective.*
- (2) *it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

After a series of changes and modifications to the regulations regarding trunk circumference, the Minister confirmed in May 2003 that a ‘Significant tree’ is

- *“Any tree in Metropolitan Adelaide and townships in the Adelaide Hills Council with a trunk circumference of 2m or more. In the case of trees with multiple trunks, those with trunks with a total circumference of 2m or more and an average circumference of 625mm or more, measured at a point 1.0m above natural ground level. or*
- *Any tree identified as a significant tree in the City of Adelaide, City of Burnside, City of Prospect or City of Unley Development Plans.*

Discussion:

Fundamental Issues Arising with the Implementation and Interpretation of the Act- Is the Legislation an Effective Tree Management Tool?

A snap shot survey (7 Councils) of the total number of Development Applications for tree related issues over the past 5 years indicates that 2500 trees with a trunk circumference of 2m or more (includes 2.5m prior to 2003 in some Councils) have been assessed under the provision of the Development Regulations.

Of that total number, 80% have been approved for removal and/or pruning (other than maintenance pruning!). Of the remaining total, 50% were refused but reached compromise that did not include tree-damaging activity. Of those remaining, 30% were subsequently withdrawn or went to appeal to the Environment Resources and Development (ERD) court. Of those that went to appeal 90% were upheld.

I think it needs to be emphasised that this is the total number of trees applied for (within those Council areas) under the provisions of the Act, which only means trees with a trunk circumference greater than 2m (2.5m prior 2003). Consider the number of trees removed when the legislation was 2.5m – it's bad enough now with the legislation at 2m. As an example of this, Burnside listed approximately 1200 trees in preparation for a second Plan Amendment Report (PAR) in early 2004 for trees less than 2m in trunk circumference (yet to be confirmed by Minister). Of those 1200, over 40 have since been removed. Is that an indication of the rate of removal that one would expect throughout metropolitan Adelaide? I think not - I believe that the number of trees removed is much greater.

One has to question just on those statistics alone whether the legislation has actually prevented the uncontrolled removal of 'significant trees'. One may be cynical and suggest that although it is a tool that could promote an agenda of action and enforcement, it in fact does little to prevent the loss of large trees from development sites.

An analysis of applications before Burnside Council indicates that over 60% of tree applications are from owner/occupiers applying to have trees removed due to tree related health and safety issues, or from owner/occupiers developing their own land.

Is the legislation then an effective consultative tool that promotes through education and greater awareness, a harmonious transition towards the renewal of the urban forest? The impost on the average owner/occupier seems to be onerous, when we should be introducing these individuals to the benefits of urban forest renewal rather than regulating control of a resource that they themselves have created or nurtured. The issue of maintenance pruning in some respects has been even more arduous for residents and will be discussed later.

I question whether our profession has created an environment of fear through publication of the dangers a tree can present if it's not managed or pruned appropriately. We say all the right things, provide as much information as we have available and then through our assessment of a tree, proceed to list a series of attributes that are based on the ideal or one that typifies the species. We promote through education 'the right tree in the right location' and when it isn't we look for reasons for its removal. We assess trees on parameters of failure and knowledge of what can happen if management is not undertaken correctly, but have we then by default fostered a community expectation that all trees retained should be of such a standard that this in itself breeds an unsustainable urban forest?

It is peculiar that within the Development Act, local authorities are so precise about the interpretation of the regulations when it comes to trees. I understand that there are principles within the act for all aspects of development and that an interpretation of those principles is fundamental to provide flexibility with design, function and form of the built environment. I do not believe this is the case with the Significant Tree Act. We subscribe to the highest standards of tree management (as we should) however I do not believe our urban forest (with the inadequate tree protection methods in place) can evolve to a point of maturity where we can be precise about the tree that we approve for removal. The appeals process seems to interpret the principles of the act based on removal, not retention. In other words, the system looks for justification to retain the tree rather than examining and analysing reasons for its removal.

The discouraging part for me is having to justify the retention of the tree in relation to the appropriate development of the site. We administer provisions under the act that by their lack of definition make it almost impossible to retain a tree if it can be shown that the tree isn't in perfect shape or form, or is not a particular species of tree that promotes biological sustainability; being indigenous, rare or endangered.

On that point, how many trees growing within the metropolitan area are considered to be indigenous AND listed under the NP&W Act 1972 as rare or endangered - none? What evidence do we have that states beyond doubt that a particular tree is part of a wildlife corridor or a remnant area of native vegetation. I can see the obvious benefits of assessing a tree in this way but let's look at it in the opposite light - if it isn't, why does it have any less intrinsic value to the **urban** forest. When considering a tree on this merit it has to be remembered that there are very few areas within Metropolitan Adelaide that contain remnant vegetation. These trees should not be assessed as individuals at all, they should be listed and assessed as an individual within a group of trees within that area.

We then assess whether the tree has a life expectancy that exceeds the potential benefits of removal and renewal. We assess on the basis of perfection with little understanding of the benefits the tree has made to the character and amenity of the area before the application was made to develop the site. Look at the tree in context of its contribution before, now and in the future if the conditions around the tree do not change.

There is little wonder we find retained trees confined to small parcels of land within a paved area, where we as Council tree officers have to compromise on the true area required to accommodate a tree in any meaningful way for a further 20/30 years. We compromise with the hope that the tree can be retained and the development proceeds in balance, without the threat of the decision being appealed to the courts where it has been shown there is little chance that tree retention will ever be at the expense of development.

It's cynical to think that the long term retention of the tree within a site of infill development can be possible at all when it will be subjected to ongoing demands to have it pruned so that the limbs don't overhang the dwelling, or questions are raised as to the affects that its expanding root system may have on a dwelling as it struggles to grow under a sealed landscape.

Trunk Measurement - Missing the Woods for the Trees:

Where is the sustainability of retaining a single stand alone specimen within a field of concrete and brick paving; what really is the point of fighting to retain one tree when we haven't assessed the other 'non significant' trees with the same scrutiny or objectivity? We have determined by measurement that this type of tree, irrespective of its species or biological significance, needs to be retained or assessed as another provision of the Development Act.

Why is a tree >2m in trunk circumference the measure of significance. To classify a tree by this alone, just as you would a building setback, relegates other vegetation within an allotment as secondary and possibly 'insignificant' and therefore not worthy of further consideration. Is there any hope of retaining the next generation of trees within an allotment that has no legislative control against their removal? There is no sustainability for trees within our urban society if we continue to promote through

legislation the retention of the individual in preference to the mass of the 'insignificant'.

I ask why a stand of healthy 'non significant' (individually <2m circ) Grey Box Gums (*Eucalyptus microcarpa*) contributes less to the amenity, character and biological diversity of a site than does a single, healthy 2.8m circ Lemon Scented Gum (*Corymbia citriodora*) in the front of a foothills property. How can we expect this species of tree (Grey Box) to attain >2m circ in less than 50/60 years within a suburb that hasn't been under substantial development for any more than 50 years. Why does the Lemon Scented Gum have any more impact on the character and amenity of the area than a group of Grey Box Gums?

For that matter why do we believe there is more sustainable value to a suburb or allotment by retaining a senescent River Red Gum within a highly developed allotment in preference to the progeny of that senescent tree growing within a garden bed alongside. Have we in some cases become so focused on indigenous remnant vegetation to the point of losing the potential biological mass of the urban forest? Where is the next generation of urban forest going to come from if we segregate trees by trunk size initially and then analyze attributes of amenity/character/notable visual element to the locality.

Significant Tree Retention on Development Sites:

Development approval involving the conditional retention of a 'Significant Tree' will be the insidious death of many of our trees in the future. Planning authorities should enforce through action and compliance appropriate tree protection and management of a 'Significant' tree within the context of a development, just like they do when enforcing building codes and practices. There are too many cases where authorities have conditioned the retention of a significant tree but fail to include conditions that effectively protect the tree during the ongoing construction stage. There are far too many examples of poor tree retention/protection even within the Burnside area. Do not underestimate the incredible diversity of tree eradication methods utilized by some unscrupulous sections of the building industry.

In the future, planning authorities will be held liable for issues arising through the failure to monitor and police appropriate development within the subject land. Compliance to building codes and practices is now mandatory for planning authorities. Compliance on tree protection methods and actions related to the retention and proper management of a significant tree through conditions of 'development' are a requirement under the Local Government Act. I would suggest that there are not many planning authorities that fully recognize their obligation under the Act.

Maintenance Pruning? – Is there such a thing under the Act?

I think we all have an idea of what Maintenance Pruning infers? Is the implication of maintenance pruning that a tree will be pruned on an ongoing basis or is under a program of management where issues of health and safety through appropriate care negate the potential of tree failure or death in the future? I have frequently encountered the comment that 10%-15% canopy pruning is considered to be maintenance pruning. I cannot find it stated anywhere within the legislation that the removal of 10% of a canopy is considered to be maintenance pruning and anything more than that is tree damaging activity. Not that I disagree with the concept of

canopy management, however after reading the regulations I could not find any reference to the fact that removing up to 10% of a canopy doesn't adversely affect the health or appearance of a tree.

I understand that the removal of epicormic re-growth on selected species is difficult. I believe that we as arborists have to show a degree of flexibility and interpretation of what is considered to be unstable or poorly attached regrowth. I think by over-emphasizing the stability or instability of this re-growth we can box ourselves into a final recommendation that dismisses any form of pruning, which includes re-pollarding based on our knowledge of the inherent dangers of re-growth. By doing so this can lead to a conclusion that there are no appropriate alternatives available as re-pollarding is considered to be 'tree damaging activity'. I also believe we, as Council officers need to be flexible in providing peace of mind to applicants who have a perceived concern for safety that is not necessarily confirmed by assessment. I do not believe that we should be so purist to insist that a further 5% canopy removal will make a dramatic difference to the ultimate retention of a tree.

Please explain to me why this piece of regulation is so vague? Have we left it vague on purpose? Have we hedged our understanding of the practical implications of proper tree management so that the public does not become disillusioned to the point of anger? Is it better left to the interpretation of the relevant planning authority? I am aware that some Councils believe that maintenance pruning is only the removal of dead wood and anything else is considered to be tree damaging activity, but at times I have condoned the pollarding of a tree, given the management of the tree in that form had occurred from the start. Have we become so particular about methodology that we are trapped into inadvertently promoting the removal of a tree?

The stats don't lie:

A breakdown of Development Applications (Burnside) since 2000 indicates that urban renewal through land division has had a detrimental affect on the percentage of the retained biomass compared with the retention of stand alone individual trees within those developed allotments.

Over 70% of the applications related to infill development removed over 80% of the original biomass (including the mass created by a retained 'Significant Tree'). An analysis of those infill developments indicates that the new biomass will only restore 40% of the original biomass (lost) over the next 20 years.

I do not believe that planning authorities have any real sense of the effects that urban renewal will have on the very nature of maintaining or revitalizing the character and amenity of inner Adelaide. We believe that urban renewal is necessary for environmental sustainability, but at what expense to the urban forest.

These same authorities appear to get bogged down in refining the built form and character of the new development at the expense of retaining or enhancing the urban forest that we have now. There has to be a greater emphasis on Councils to develop provisions within their own Development Plans to maximize the retention of all vegetation (other than just 'Significant Trees'), which can then be assessed under many of the same provisions that apply to a Significant tree.

I question whether there is in fact any real potential to replenish our diminishing urban forest in the foreseeable future. One area of concern is the disparate lack of regulation and specificity in the percentage of open space to built form. I understand

that a greater than 50% open space plot ratio is fairly standard within most Council Development plans. This sounds quite impressive and you may ask why there is any concern for the capacity of urban forest regeneration within the context of urban renewal - however don't be fooled. That 50% can include tennis courts, swimming pools, spa baths and even open sided verandahs. The Development Plan makes no reference to the type of material or surface finish within that open space plot ratio. In other words as long as a new building development meets those provisions, there is no regulation stating that the open space has to contain an area of usable garden area that would be suitable for the planting of meaningful vegetation. I am unable to determine how open space under those provisions could contribute to the urban forest.

The balance of proportional burden of one's expectations to appropriately develop a site needs to be considered if we expect the community as a whole to appreciate that the urban forest has an important role to play within society. To this end, Development Assessment of an allotment has to occur at the start. There is no point assessing an allotment that is proposed for land division or reconstruction after demolition of the dwelling within the site has occurred. What is the point of inspecting and then discussing development potential of a site after everything besides the significant trees has been removed?

Authorities have to be given the powers within the Act to balance vegetation retention with significant tree retention or in a greater sense, create new developments that maintain a sustainable landscape for the future. Local planning authorities rarely have an opportunity to negotiate the retention of lesser vegetation on a site in preference to the maintenance of a 'significant tree'. The community has to be educated to the long-term benefits of retaining 'non significant trees', even perhaps in exceptional circumstances at the expense of larger trees.

This does not in any way diminish a local planning authority's duty to maximize significant tree retention. If we work on the scenario that planning strategies will not change, where then will society's next generation of urban forest come from?

Historical Allotment Development, Proportional to Urban Forest Development:

It is appropriate to consider our urban environment as an evolving canvas of urban forestry development. There are very few areas of the state, let alone the city, where we are blessed with a reasonably intact population of remnant vegetation dominating the area. Burnside may be considered in this light however it's an illusion to believe that the visual character that we see today has always been that way. The urban environment is contrived by the will and fortitude of individuals within the community.

There is a correlation between the legacy of large allotment size to the diminishing urban forest of today. Through the foresight of others comes an expectation and therefore a burden to the next generation that this 'leafy green' suburb must be retained to maintain the character of the area. It is sad that high property values within areas of large allotments and lush gardens leads to a greater level of desirability resulting in higher infill development pressure. Most of these large allotments can be sub-divided into numerous single allotments resulting in a degradation of the urban forest.

Of note is the lack of remnant trees within the more established areas of the city such as Toorak Gardens, Tusmore, Dulwich, and Beulah Park. This is one of many areas of

the city where urban development was consistently dense and rapid. Even by 1936 housing stock and landscapes were well established. There are quite a number of allotments within Toorak Gardens and Tusmore where allotment size has dictated the style and extent of the landscape, which we see today (contrived or not).

The character and amenity created by these well-maintained gardens has increased the property values leading to an expectation of greater potential land sale value. This in turn leads to an expectation of unhindered development potential where property values can be maximized. Retention of established trees or vegetation on an allotment is more often than not considered an impediment to realizing that potential.

Allotment Size to Potential Urban Forest Expansion:

There is an obvious link between infill development/reduced allotment size and the reduction in the sustainability of our urban forest. A breakdown of allotment size within Burnside indicates that most suburbs are capable of withstanding a higher rate of infill development. Figure 4 indicates the rate of new development available within that suburb. If you compare that with the actual potential allotment sizes available under Council's current Development Plan (Figure 5) then it's not hard to see that the percentage of urban forest retained will be seriously compromised and worse still the availability of open space capable of sustaining an urban forest for the future significantly reduced. (Figure 6) Is an indication of potential implications of infill development within large allotments?

I would suggest that Councils similar to Burnside would be confronted with an increasing level of conflict driven by allotment size to development potential. I do not see how local authorities will be able to manage an appropriate balance between meeting state planning strategies and maintaining the character of a local area without some innovative controls created within their Development Plans, or the investigation of alternative approaches to expanding the urban forest to other areas. This will be discussed further and goes to the heart of whether the current tree controls are sustainable.

Figure 4

DWELLING INCREASE POTENTIAL BY SUBURB ALL SUITABLE PARCELS

| SUBURB | TOTAL PARCELS | CURRENT DWELLINGS | DEVELOPABLE PARCELS | POTENTIAL DWELLING INCREASE | POTENTIAL TOTAL DWELLINGS |
|--------------------|---------------|-------------------|---------------------|-----------------------------|---------------------------|
| AULDANA | 270 | 226 | 21 | 24 | 250 |
| BEAUMONT | 1008 | 986 | 245 | 384 | 1370 |
| BEULAH PARK | 704 | 742 | 172 | 188 | 930 |
| BURNSIDE | 1142 | 1194 | 178 | 316 | 1510 |
| DULWICH | 631 | 742 | 67 | 81 | 823 |
| EASTWOOD | 339 | 365 | 29 | 32 | 397 |
| ERINDALE | 455 | 453 | 112 | 142 | 595 |
| FREWVILLE | 317 | 350 | 58 | 61 | 411 |
| GLEN OSMOND | 775 | 878 | 201 | 306 | 1184 |
| GLENSIDE | 643 | 1701 | 102 | 133 | 1834 |
| GLENUNGA | 721 | 829 | 132 | 191 | 1020 |
| HAZELWOOD PARK | 733 | 812 | 103 | 122 | 934 |
| KENSINGTON GARDENS | 775 | 1227 | 219 | 265 | 1492 |
| KENSINGTON PARK | 977 | 1193 | 175 | 231 | 1424 |
| LEABROOK | 457 | 886 | 102 | 153 | 1039 |
| LEAWOOD GARDENS | 22 | 7 | 0 | 0 | 7 |
| LINDEN PARK | 732 | 1010 | 253 | 295 | 1305 |
| MAGILL | 892 | 1125 | 288 | 388 | 1513 |
| MOUNT OSMOND | 256 | 160 | 2 | 4 | 164 |
| ROSE PARK | 512 | 734 | 45 | 45 | 779 |
| ROSSLYN PARK | 573 | 596 | 121 | 148 | 744 |
| SKYE | 145 | 113 | 0 | 0 | 113 |
| ST GEORGES | 616 | 618 | 181 | 227 | 845 |
| STONYFELL | 468 | 427 | 49 | 86 | 513 |
| TOORAK GARDENS | 882 | 1157 | 156 | 202 | 1359 |
| TUSMORE | 505 | 633 | 83 | 96 | 729 |
| WATERFALL GULLY | 72 | 55 | 1 | 11 | 66 |
| WATTLE PARK | 742 | 733 | 50 | 102 | 835 |
| TOTAL | 16364 | 19952 | 3145 | 4233 | 24185 |

Figure 5:

| Area (Ha) | Population Density/Hectare | Detached Dwelling % | Semi-Detached Dwelling % | Flat/Unit % | Other/Not Stated % | Current Average Allotment Size | Development Plan (minimum allotment size) |
|--|----------------------------|---------------------|--------------------------|-------------|--------------------|--------------------------------|---|
| City of Burnside | 2,752.61 | 14.66 | 68.40 | 15.80 | 15.10 | 0.70 | |
| Beaumont | 158.39 | 14.33 | 90.60 | 7.10 | 2.20 | 0.00 | 1270.64 |
| Burnside & Stonyfell | 299.61 | 12.05 | 78.00 | 16.20 | 5.60 | 0.20 | 1769.80 |
| Dulwich & Rose Park | 112.23 | 23.73 | 64.40 | 9.60 | 24.90 | 1.10 | 718.85 |
| Glen Osmond, Mount Osmond, Waterfall Gully & Leawood Gardens | 608.11 | 4.11 | 85.60 | 10.40 | 2.90 | 1.10 | 19367.42 |
| Glenide & Eastwood | 139.62 | 21.38 | 33.70 | 27.90 | 38.10 | 0.30 | 1017.41 |
| Glenunga & Frewville | 116.89 | 21.72 | 63.80 | 27.20 | 8.30 | 0.80 | 813.31 |
| Hazelwood Park & Tusmore | 159.07 | 19.92 | 72.10 | 7.40 | 20.30 | 0.20 | 1003.67 |
| Kensington Gardens | 110.43 | 20.25 | 45.00 | 35.70 | 19.30 | 0.00 | 1149.86 |
| Kensington Park & Beulah Park | 166.48 | 23.47 | 72.80 | 11.90 | 14.70 | 0.60 | 727.68 |
| Leabrook/Erindale | 118.2 | 19.96 | 63.50 | 15.40 | 16.30 | 4.80 | 985.43 |
| Linden Park & St Georges | 152.95 | 20.69 | 70.50 | 17.90 | 11.40 | 0.30 | 869.89 |
| Magill & Rosslyn Park | 188.16 | 19.7 | 72.30 | 17.70 | 9.10 | 0.90 | 1021.00 |
| Toorak Gardens | 111.27 | 23.32 | 64.70 | 6.10 | 28.40 | 0.80 | 1357.39 |
| Wattle Park, Auldana & Skye | 311.22 | 8.46 | 91.80 | 7.90 | 0.30 | 0.00 | 3516.22 |

Figure 6



2002 Large double allotment of >3000m², pre development

Post Development 5 New allotments each <550m²

Total tree mass removed compared to retained and developed, vegetation is less than 40% of the original. Percentage of paved area to natural ground reduced by 60%

Our Future Urban Forest: Fundamental Shift in Burden / Benefit

I believe that the retention of the single as opposed to the mass will be to the detriment of our urban forest. If this is the case, where will the next generation of urban forest come from and where are there opportunities to maintain and expand our declining ‘urban forest’?

Even though Council authorities have some ability to direct the style and character of development within private land they are ultimately powerless to dictate the level of development occurring. If the market place dictates the architecture of the day, then that’s what will be built; if a planning authority through their development plans allows for infill development to proceed within the those guidelines, then that will occur. When planning regulations state the percentage of open space should comprise more than 50% of the plot ratio, then that will occur as well.

However no planning authorities within the state have the authority to dictate what type of vegetation is restored to a site as part of the development. We assess landscape plans attached to developments and sometimes condition particular species of trees within the renewed site, but in fact this is an invalid form of conditional approval. Why can’t we condition the retention of non significant trees on sites where the development is not infill development, but renewed development, such as home extensions or tree removals based on tree health and safety alone.

If it's a given that the total available area considered as open space within an allotment will decrease as expected, then, is there any real opportunity available to renew a vegetation type other than upright small to medium sized trees within courtyard gardens.

It seems from the number of applications that I have assessed that landscape architects can be very narrow-minded and conservative in their recommendation of replacement species. This is supported and driven to some extent by a nursery industry that promotes tree species of little biological importance. I believe that the nursery industry as a whole have been complacent in providing the community with good alternatives to the stereotypical exotic monoculture. For that matter I hear people cry out for the promotion of indigenous species as an alternative to this stereotypic vegetation, but where are these indigenous alternatives? Where does consistency of form and variation within the species help the cause of indigenous tree use, when compared to a tree that has been under intensive cultivation in one form or another for hundreds of years? Is it enough to hang your hat on a particular species of tree just because it is indigenous to an area and then expect property owners to accept it on those merits alone? I am a strong advocate of indigenous vegetation, but it has to be in context with the realistic constraints of the urban environment. There is an answer.

The Future of our Urban Forest:

Isn't it amazing that the current tree regulations impose upon Council authorities a requirement that Significant Tree Removal on Council owned land is a Category 2 Development and therefore requires the authority to consult with the community within 60metres of the development? Where else does the community have a right to voice their concerns for or against the removal of a tree? Isn't it peculiar that those same residents don't have a right to speak against the removal of a tree located within private land adjacent to their own property? Only when the legislation admits that this type of development does have an impact on the whole community, will we understand the community's attitude towards the destruction of the urban forest.

There are numerous programs and initiatives available to Council authorities and private citizens to participate in educational tree planting initiatives, however the availability of additional funds through grants to purchase open space through programs such as the Metropolitan Open Space Scheme (MOSS), the Regional Open Space Enhancement Program (ROSES) or even in some cases the Urban Forest Biodiversity Program (UFBP) has been non existent in the City of Burnside case. Is that because there is an assumption that we in the City of Burnside have enough open space already? I would suggest that we have more urban forest to loose than some areas. I have not heard of any schemes in relation to the purchase of new open space on public land associated with the degradation of private open space due to infill development.

I question the state government's commitment to maintaining our urban forest when they promote through state strategies urban renewal leading to higher density housing which by its nature significantly reduces the availability of open space within a private allotment, but do nothing to replenish the lost open space and therefore the urban forest.

Is there a possibility to impose on particular developments a nominal subsidy within the approval process towards the purchase of open space, whether as private

allotments within the immediate suburb or crown owned land that enhances and expands existing open space utilized by the community?

Having said that there does seem to be an obvious area where our urban forest can be sustainable in the immediate future. A break down of the total area of land directly administered by local government within the City of Burnside is approximately half that of the total amount under private ownership/control. This land comprises parks, reserves, hills face zone reserves, road reserve and verge mediums.

These areas present the greatest opportunities for the retention and renewal of our urban forest in the future. I believe that the only true area of land available to the community and for the community is on land governed by the community.

Opportunities to create and restore lost indigenous vegetation in any meaningful and sustainable way can only occur on land owned by the community and therefore managed by the community. It is a very difficult process to sell off community land even with the best intentions; I would defy a private citizen to go through the same process endured by Council. If the community truly believes that the very integrity of their suburb is created by the urban forest, then change will be fostered through this belief rather than by legislative control imposed upon the individuals who fund the administration of the Council through rates.

The provision of open space in the future will not be the responsibility of the individuals within their allotment as state planning strategies are forcing individuals to look to community open space for recreation and enjoyment. They have by default deferred upon council the role of protecting an urban forest that is being removed by strategies that they promote.

Conclusion:

Whilst it is hard to fault the intention of the significant tree legislation it seems that as a sustainable piece of law the impetus to retain and develop our urban forest for the next generation will not be left to individuals but the community as a whole.

The basic intent of the legislation to prevent the wholesale removal of trees within development sites has not been effective. We have instead lost the next generation of trees within the urban environment because we have placed so much attention on the retention of the individual to the detriment of the whole. Of particular concern is the removal of all trees (other than Significant), which have nothing to do with the development of the land. In some respects we have created a legislation that is onerous to the very people that have maintained our urban forest in the past.

We do nothing for those people within the community that support the concept of the urban forest. There is no point in forcing the retention of particular species of trees when in the process of assessment and conditioning we instil within those individuals a feeling of personal responsibility, a responsibility that should be shared by the community as a whole.

I believe that public land under the management of the local authority will be more important than ever. Community expectations through the abdication of their own responsibility will fall upon Council. In the end this will be the best outcome available, for there, we will see a true reflection of the community's attitude towards the urban forest as an integral part of our society.