

Friday 27/1/12

Spence Denny, Roving Reporter (891ABC 9.05-9.10) Significant trees legislation

Henschke: *Perhaps you were driving down Payneham Road heading towards work ... and you noticed something looks different. I rode along there this morning past The Avenues shopping centre ... a dozen trees were taken down on Australia Day ... it's got a lot of people upset. It's also been discovered that on the public holiday a woman narrowly missed a serious injury when a gumtree came crashing down in an Unley Park, the witnesses said that children had been playing around the tree moments before when they heard a sound like firecrackers and a woman ran to avoid falling braches. In the hot weather branches do often fall down ... so what is a significant tree, are they dangerous ... Spence Denny has been out and about ... looking at some of the tree issues ... are you worried about falling branches from trees this morning?*

Spence Denny: Not where I am at the moment ... I am in the eastern suburbs and I am surrounded by a lot of trees but I can honestly say that I'm not concerned that I'm going to be dinged on the head by a branch ... it's actually something that I have done a fair bit on ... Adelaide's trees ... one of the immediate conclusions you can draw about Adelaide and its trees is that the residents of Adelaide love them and they're passionate about their trees ... yesterday we spoke with some of the people who were concerned about the imminent removal of those pepper trees at The Avenues shopping centre ... I too have been there this morning, I sent you a photograph of the area where the trees formerly were that were cut down yesterday, yesterday was speculation they were going to come down and indeed that did come to fruition with protestors there yesterday expressing their concern at the loss of trees to allow more cars to be parked there. I've also made my way up through the eastern suburbs ... there's a lot of development going on in the eastern suburbs at the moment ... I've also sent you a photograph of a development where there are a number of very large gumtrees which are very close to homes that are being built ... the closest would probably be two metres from the foundations ... these are big significant trees ... we know that gumtrees do drop limbs so ... that's a challenge for developers whether or not they go ahead with a development given that there's a restriction on the removal of those trees because of their heritage value, in fact whether or not a development should be approved in the first place ... is another question ... something that Malcolm Campbell has often said to me, our Sunday talkback gardener when it comes to gumtrees and being close to foundations is that you have to bear in mind that the roots on a gumtree can go down as far as the height and spread out as far as the height of the tree ... those roots would also be an issue as far as foundations are concerned for development ... yesterday as you say at Haywood Park ... a large tree came down ... I have witnessed that myself at Belair National Park when an enormous limb just came cracking off a tree ... it does sort of pose the question, that balance between maintain the heritage value of the trees and the potential hazard that they can pose ... while the legislative requirements determine the dimensions I guess that's a question you can explore this morning as whether dimensions is the right way to determine whether or not a tree should be there ... whether its potential affect on things around it are a consideration.

Henschke: ... the SES says that they were called to more than 15 fallen trees yesterday as a result of hot weather and some afternoon winds ... not too far from where you are there was the very tragic incident in January 2009 where a 20 year old girl was killed by a gumtree on Greenhill Road ... the lady yesterday had a lucky escape at Haywood Park ... the question that has to be asked about all of these events is that arborists are out there to assess trees, to work out what trees are safe and what trees are not safe and ultimately it's their reports that decide whether a tree stays or goes.

Kym Knight, Arborist, Tree Environs (891ABC 9.10-9.23) Significant trees legislation

Henschke: Kym Knight ... we're hearing more and more discussion now about what a significant tree is and isn't and the area seems to be quite confusing, we're seeing trees being chopped down, people worried about trees, what's your take on it?

Kym Knight: ... the new regulations are relatively confusing ... the regulations are more difficult to follow for the average person now than they were before they were changed ... there seem to be many cases where you need contact an arborist to be certain about the status of your tree.

Henschke: You, I understand, went to a legal briefing run by one of the top law firms in the state to try and get your head around it ... when you get to the stage where you have to get lawyers involved to understand the legislation it's saying that it isn't simple isn't it?

Kym Knight: Well it certainly is ... many of the questions posed to those lawyers didn't get answers ... when the lawyers can't answer you know that there's a problem.

Henschke: ... what about a person who says ... my gumtree is dangerous because it could drop a branch because I've just seen one drop a branch over in Haywood Park and we've seen other instances so I'd like to cut it down. Can you just go ahead and do it now if they've got one in the backyard?

Kym Knight: Well no they can't ... depending on the circumstances a tree may well be protected so they do need to be careful ... it pays to get a professional opinion about your tree as to whether or not the tree does pose any risk ... the thing I would stress is that all trees are individuals and they need to be assessed as individuals.

Henschke: But is it true that gumtrees are more likely to drop a branch and cause damage?

Kym Knight: Some species of eucalypt do drop more branches than others ... that comes down to ... determining what species it is but I would emphasise that the individual nature of trees means that if you don't assess the tree's characteristics specifically to determine whether or not it's likely to drop branches then you're effectively tarring all trees with the same brush and you can't do that. Some trees do drop more limbs than others but other trees of the same species don't drop any limbs at all so it is important to make sure that the tree is assessed to determine whether or not it poses a risk.

Caller Beth: ... in the light of the shopping centre trees being cut down what is going to happen at Glenside, there's been a lot of development at Glenside and now there are some very

significant gumtrees possibly at risk, we don't know ... also the huge pine trees that are the cockies' houses?

Michelle Lensink, Deputy Opposition Leader, Upper House (891ABC 9.13-9.15) Significant trees legislation

Henschke: *Michelle Lensink ...*

Michelle Lensink: ... if they're pine trees, they're unfortunately on the what they call the hit list of species that the Government says have no protection of all regardless of girth size ... there's a couple of lists, one which is exempt from being able to be cut down and those include all eucalypts which there's a delegation who went to see Minister John Rau who said ... you ought to limit this a little bit because you've got things like Tasmanian blue gums which probably aren't really suitable to be planted in South Australia at all so we think that the list of species ought to be done by local councils because there might be things like Norfolk Island pines, which councils might want to keep for character reasons in certain areas and we don't think that all eucalypts should be on the ... list of exempt species ...

Henschke: *Where can you go and see this list because ... if people are confused do you think there should be some, I mean, we get a lot of Government material telling us about all sorts of things like Water for Good ... do you think that the public should receive some brochure which says ... these are the changes ... because there seems to be enormous confusion in the public ... you heard an arborist there, Kym Knight, saying he doesn't understand it?*

Michelle Lensink: Yeah ... we've been trying to work through them because I think the regulations were put together in isolation of the arborists or Tree Net or anybody that actually understands these issues really well. So the Government's made a rod for its own back ... this is the unfortunate consequence ... there is an information sheet on the Planning SA website which might help to clarify things. If I could just go back to the hit list which was a very unfortunate consequence yesterday that pepper trees, which have a lot of historic association with places in South Australia are also on the hit list, that's one of the ones that we've sought to have taken off that because we think they should have a special place.

Henschke: *So do you think that there are people out there who are saying ... we had better do it quickly and do it now because the laws might change again?*

Michelle Lensink: Absolutely, that is certainly happening.

Back to Kym Knight

Henschke: *Kym Knight ... do you think there is a bit of a rush on at the moment for people to get in while the laws appear to be a bit easier?*

Kym Knight: Well there certainly would seem to be a lot of activity in the tree removal area at the moment ... that's a great shame. Not only tree removal ... also pruning because the laws on pruning have been relaxed but those laws again are very unclear as to the ... exact nature of the pruning that's legal or not ... it just reinforces the fact that these new regulations are very difficult to work out and it's almost certain that there will be some legal cases associated with this legislation. One of the things I would like to point out also with regard to ... the exempt species list ... the South Australian Society of Arboriculture believes that there shouldn't be a

species list. All trees should be assessed on their merits and if there has to be a list of any kind then it ought to be a list of woody weed species that are exempt from the ... regulations because to have it any other way unfortunately ignores the fact that many trees of ... whatever species still provide a great deal of amenity and value in certain locations and to have them on a list such as ... peppercorn trees, to have them on a list that just gives a blanket approval for the removal of the trees in any circumstances is just absolutely ridiculous.

Caller Glen: ... gumtrees, yes they can be dangerous, so can sharks in the sea. There are certain gum species which are dangerous and that's thing that I think nurseries should be more aware of when people go in to buy shrubs and trees for their gardens but more importantly and I saw this example in Coromandel Valley, often people buy land with beautiful gums on, they then build their house, then they apply to councils to be able to remove trees once the home is built ... why were they sold the land in the first place if those significant gums, and I'm talking ... gums of 400 years old have been removed in certain places in Coromandel Valley ... simply because people and councils and I think the wrong people sometimes are giving the decisions, people who should be giving them on trees should be people that know trees and live in the Hills and live with them ... I have lived with them most of my life and I have no fear of them ... I want greenery and I want trees and I think most people do.

Caller John: ... National Parks has just recently in the last couple of weeks cut down three beautiful historic trees up in Belair National Park which is a State Heritage area ... they've done at least two of those without any proper approval ... we think oak, National Parks are saying otherwise but the closest tree that looks exactly the same by way of the stump is a beautiful oak tree. Where it's happened primarily is on the ... Joseph Fisher picnic ground ... maybe some questions could be asked about how this is allowed to happen in this State Heritage area ... I'm very upset about it ...

Henschke: ... Kym Knight ... I suppose those trees are now off the list are they if they were not gums, the park's had the right to do it?

Kym Knight: Well no they're not specifically, depending on the species, only those species on the list are exempt ... many other species are that are not on that list still needs to comply with the regulations before it could be removed.

Henschke: ... there was a simple solution ... I think it was if you were standing up and literally hugged the tree you could work out whether you could cut it down or not, can you just tell us that one?

Kym Knight: ... previously it was any tree that was over two metres in circumference was declared to be a significant tree ... the regulations have changed ... now any tree over two metres in circumference is deemed to be a regulated tree and once the tree gets to three metres in circumference it becomes a significant tree ... the change in the rules has actually made the legislation more complicated and more difficult to deal with ... I struggle with why that would be, it just doesn't make sense to me.

Henschke: *Well it does seem thought that people ... are out there taking their chainsaws to the trees at the moment but it certainly is worth ... checking the legislation ... go to the website and have a look ...*

Kym Knight: ... there was also comments made about the number of branches and trees that are falling around Adelaide at the moment ... some people are expressing their concern about whether or not ... eucalypts in general are posing an unacceptable level of risk to our urban communities. The reality of that is that arborists and other tree managers are responsible for assessing and maintaining trees in the urban environment ... we take that responsibility fairly seriously and whenever we get to assess a tree we certainly will take risk factors into account and look at all of the relevant factors ... most trees in the urban environment have been assessed by somebody somewhere along the line and so it's not as though the tree population in Adelaide is just left to do its own thing.

Henschke: *... what should councils do in parks ... should they tell people not to sit under trees?*

Kym Knight: ... it is common sense not to place yourself or groups of people under trees in hot weather particularly under large eucalypts in hot weather because some trees can drop branches, you're far better off to sit in the shade of the tree that's away from the tree or not under a big branch if you can ... these sorts of things are commonly understood. Similarly if the weather is up, if it's windy, particularly strong winds then you certainly shouldn't be under any kind of tree really.

Henschke: *... thanks.*