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BirdLife Shoalhaven is a branch of BirdLife Australia Limited ABN 75 149 124 774

To:
General Manager
Mr Russ Pigg
Shoalhaven City Council

From:
Birdlife Shoalhaven
C/o Chris Grounds
Conservation Officer

**SUBMISSION CONCERNING THE EXHIBITED
Shoalhaven Development Control Plan 2014
DRAFT Chapter G4: Tree & Vegetation Management
from
BirdLife Shoalhaven
SEPTEMBER 5 2016**

BirdLife Shoalhaven (BLS) advocates for the conservation of birds and their habitats and promotes the appreciation and understanding of birds across the Shoalhaven and beyond. BLS is a branch of BirdLife Australia Limited, an independent, not-for-profit organisation, which was established in 1901 and currently has over 12,000 members and 70,000 supporters.

A handwritten signature in black ink, appearing to read "Rob Dunn", is placed over a light grey grid background.

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1.0 GENERAL RECOMMENDATION

BLS recognizes and supports the spirit and intent of the document and in general supports the proposals contained within the document but would highlight areas for reconsideration and improvement the areas addressed in the following submission points.

2.0 SPECIFIC RECOMMENDATIONS AND COMMENT

2.1

1 PURPOSE

'A person must not ring bark, cut down, top, lop, remove, injure or wilfully destroy any tree to which this development control plan applies without development consent or council permit except as otherwise stated in clause 5.9 Preservation of Trees or Vegetation of the SLEP 2014',

2.1.1 BLS supports this key notion conditional upon other advice offered in submission.

2.1.2 The importance of safety as a prime consideration is recognized and accepted.

2.1.3 BLS submits that illegal removal of trees remains a serious problem in the SLGA in both urban and non-urban contexts. On this basis BLS contends that habitat damage and decline is thus a serious problem. It is common for trees to be removed illegally without the possibility of dealing with offenders as the community is unable or unwilling to provide the detail and/or proof of the offence required, which can be quite considerable and thus too onerous for private individuals. It then becomes difficult for council to follow-up the offences of “Tree Vandalism”, which accumulate to make such vandalism the norm rather than the exception. This also creates a great deal of community conflict.

2.1.4 Community education is needed regarding the importance and value of trees in SLGA, particularly in the urban context and the responsibility of residents and visitors to this ethos.

2.1.5 BLS notes there is no Community Engagement Plan, as would be indicated by Council’s Community Engagement Policy, associated with this document

2.2

3 CONTEXT and

4 vii : OBJECTIVES

“Trees are part of the wider habitat that supports our native wildlife and birds”

“vii. Recognize the intrinsic value of trees to support native birds and wildlife.”

2.2.1 BLS supports these notions but recommends that some detailing and qualification is required. The statements as they exist tend to be tokenistic.

2.2.2 More specific and precise statements need to be made in relation to the importance of trees and bird habitat especially in urban situations. The importance of the urban habitat for birds is underestimated and underappreciated and thus the impact of tree management and tree removal avoids a more thorough assessment.

2.2.3 Public parks and private gardens can be important habitats, including as nesting precincts and require recognition.

2.2.4 The nature of Shoalhaven urban areas demonstrates it is common to have adjoining or adjacent bushland of various tenures such as Crown Land reserves, foreshore, dunes, etc. and **the role that urban areas can play as ‘corridors’ and habitats requires recognition through statement.** Some close continuity of trees in urban areas can be a major contribution to habitat and corridor. The damage, destruction or failure to restore a particular section of tree and vegetation community in an urban area adjacent to non-urban areas, e.g. village adjacent to Crown land reserves can seriously impact corridors and habitat value for fauna / birds.

2.2.5 The degree to which trees as habitat encourage birds into an urban community does significantly improve the amenity of that residential area through the enjoyment of birds.

This is a very common resident reaction, both adult and children, which is, as people report it, a very enjoyable part of their residential and recreational living. It also makes an important contribution to the enjoyment of places by tourists.

2.3

5 CONTROLS

“5.1 Prescribed Trees or Vegetation for the Purpose of Clause 5.9 of the SLEP 2014 as it includes the reference e) Where the tree contains a hollow;”

2.3.1 Requires the inclusion, as in Section 5.2.3, of the phrase ‘hollow or hollows’ and the inclusion a specific reference to “old growth trees” as a distinctive element of the tree community. These trees are invariably critical nesting habitat trees for a variety of bird species. An ‘old growth tree’ is not simply a tree with a hollow and are not replaceable, like for like. Where these trees exist they are critical elements of the vegetation, park or garden. Removal of an old growth eucalypt is removal of centuries of growth.

2.3.2 Old growth trees are recognized [OEH] as having very high aesthetic, cultural and nature conservation values. Their protection and management is extremely important in maintaining biodiversity. Old growth forests are extremely important in the maintenance of biodiversity (fauna, flora and insect diversity) and ecological functions (nutrient and water cycles).

2.4

5.2. EXEMPTIONS

*5.2.2 b The following trees or other vegetation are exempt from section 5.1:
b) The non-native/invasive tree species listed in Table 1, regardless of size.*

Table 1: Non-native and/or Invasive Tree Species

*Black Wattle *Acacia decurrens* and *Acacia mearnsii*;*

*Sweet Pittosporum *Pittosporum undulatum**

2.4.1 BLS questions the listing of the native, endemic species named in Table 1 as above. The listing of these trees, particularly the *Acacia* sp., is not supported. These are endemic native species in the SLGA and there is a contradiction that these species would be automatically considered as invasive weeds in all situations. The seeds of all these species also provides food for native birds. *Acacia* seed pods are a food source for Gang Gang Cockatoos in particular. BirdLife Australia reports declining numbers of the Yellow-tailed Black Cockatoo in areas such as the SLGA, which relates to habitat factors such as loss of nesting sites and food.

2.4.2 The list of recommended amenity plantings should be removed and rethought after further research. Camphor Laurel is not listed in weed species but as a suitable amenity tree yet “in all its parts is toxic and is extremely invasive on the NSW north coast with seeds spread by birds.” Likewise Radiata Pine and Poplar species, which are similarly suggested are not a recommended plantings for an area such as the SLGA. Neither are they species that contribute to the broader bird habitat, especially in urban settings.

[www.kiama.nsw.gov.au Grow me instead - A guide for gardeners on the NSW South Coast]

2.4.3 It is a known experience that the naming of such species can and will lead to destruction of these species in neighbouring reserves with a collateral destruction of other plant species associated with the vegetation community. That reduces the habitat value of the community and in the case of birdlife, reduces the bird species range and numbers that provide part of the adjacent urban amenity and interest.

2.4.4 It is also a known experience that Pittosporum is badly regarded by many landowners as a view impediment and is vandalized on Crown Land reserves.

2.4.5 The descriptions provided in this section need to be more cautious and recognize these situations.

2.5

5.3 APPROVAL PROCESS

5.3.2 Application Documents

• *A description of the trees (species name if known) proposed for removal;*

2.5.1 The tree species must be determined before approval or exemption. The species may be important to particular bird species feeding and to seasonal and/or migratory species. The tree species may have particular significance as flora.

No work should be allowed to proceed without the identification of species and an assessment made of the threat to this species and its importance to fauna and birdlife. The known history of the tree to nesting can be sought from local residents and community groups will often have a sound knowledge in relation to particular trees.

2.5.2 Councils assessment should include a list of threatened birds within 10km of the subject site - available on the public domain at:

http://www.environment.nsw.gov.au/atlaspublicapp/UI_Modules/ATLAS /AtlasSearch.aspx

2.6

5.4 ASSESSMENT CRITERIA FOR TREE REMOVAL AND PRUNING

5.4.1 Destabilization of Foreshore, Water Courses and Agricultural Land, Trees and vegetation associated with or adjacent to State Environmental Planning Policy No 14 – Coastal Wetlands (SEPP 14) wetland areas is retained to maintain the viability of the wetlands.

2.6.1 BLS supports the restrictions but recommends the survey and inclusion of all SEPP14 type non-listed wetlands.

The SEPP14 recognition of wetlands is known to be inadequate and the mapping often dated or inaccurate with a number of SLGA examples, e.g. The Bherwerre Wetland [Sanctuary Point] and adjacent areas of the Sanctuary Point Road Crown Land Foreshore, which are being managed as wetland/ saltmarsh. Neither of these areas are SEPP 14 wetlands but are equivalent to mapped SEPP14 wetlands in the same geographical area, i.e. St Georges Basin. Both areas are classified as EECs with Saltmarsh, Swamp Sclerophyll and Sand Bangalay EECs.

2.6.2 Wetlands are critical and important bird areas within the SLGA and the appropriate conservation of local and migratory bird species is linked to sustainable management of wetlands, both current SEPP14 and non-listed wetlands such as those named.

2.6.3 Tree communities in known wetland areas have often been adversely affected and there has been some degree of clearing in these areas, especially where private property adjoins reserves and associated Crown Land. This continues to some degree today. The habitat offered by such communities has thus been adversely affected. Where management and recovery have been effective improvement in birdlife both as species and numbers has occurred, e.g. Paradise Beach-Sanctuary Point, Black Swan, Great Egret, Chestnut Teal.

2.7

5.4 ASSESSMENT CRITERIA

5.4.3 Amenity Considerations

P5 Character of towns and villages is maintained and improved by the retention of mature trees.

Acceptable Solution - A5.1 Where mature trees or other vegetation have been removed, they are replaced with trees endemic to the region in an appropriate to the region in an appropriate to the region in an appropriate location.

2.7.1 BLS supports this particular proposal as it supports habitat in these contexts. For this intent to be achieved there needs to be effective community information and education, which may be specific to a tree, park or garden, reserve, village or town.