

21 July 2014

NSW Rural Fire Service  
15 Carter Street  
Lidcombe NSW 2141  
Locked Bag 17 Granville 2142

Dear Submissions Officer,

## **IACA Submission – 10/50 Vegetation Clearing Code of Practice (Draft of Public Exhibition)**

The Institute of Australian Consulting Arboriculturists (IACA) is a not for profit organization representing Consulting Arboriculturists (Arborists) in Australia providing services to, and management within the urban forest. Members have expressed serious concerns about potential, unjustified vegetation clearances which contradict existing tree preservation policies.

Below are some of the comments in relation to the abovementioned Draft CoP.

1. *“3 Links”.*

Australia Standard 4970 – 2009 *Protection of Trees on Development Sites* should be included. This document is the “best practice” guiding document in Australia for works adjacent urban trees. The clearing of vegetation is defined under the definition of “development” in 1.4.2 of AS4970-2009.

2. *“5.3 Determining if your land is mapped as 10/50”.*

How is an interested party able to make an accurate submission to this Draft if the maps defining the affected areas are not available until the “...10/50 Code is finalized.”?

3. *“7.1 Clearing distance. It does not matter whether the residential accommodation or high risk facility is located on the owner’s or adjoining land. The allowable distances apply irrespective of whose land the residential accommodation or high risk facility occurs on.”*

If an owner of an accommodation chooses to accept the risk of bushfire attack in relation to vegetation on an adjoining property that is a risk that owner accepts. The risk should lie with the building / accommodation owner. A neighbour should not be allowed to clear vegetation potentially impacting an adjoining building / accommodation.

4. *“7.8 Protection of vegetation to which a legal obligation exists to preserve that vegetation by agreement or otherwise.*

*Clearing under this 10/50 Code cannot be **inconsistent with** any of the following:*

- *Any property management plan approved by the Director-General of the NSW National Parks and Wildlife Service under section 91 of the Threatened Species Conservation Act 1995”.*

Does this mean that Endangered or Critically Endangered Ecological Communities as defined and mapped can be cleared under the 10/50 Code because a “*property management plan*” is not approved for that particular parcel of land? This section needs further clarification.

Are tree protection policies created under Local Government Councils’ LEPs a “*legal obligation*”?

5. The 10/50 Code is about risk management. Good risk management should consider all risk and not merely transfer from one type of risk to another. On Black Saturday in Victoria, 172 people died in the bushfires but more than double that number, 374 people, died due to heat-related illness. No assessment has been made or consideration given to the impact on urban heat island effect due to the increase in urban forest loss due to the Code.
6. The impact on biodiversity and habitat does not appear to have been assessed.
7. The draft 10/50 Code doesn’t take into account fire resistance of vegetation or fire resistance of targets.
8. The 10/50 Code will permit tree removal when the real reasons relate to other issues such a debris falling into swimming pools, which would not justify tree removal.
9. Bush fire protection of properties should be addressed in a strategic and technical manner, not a broad-brush *ad hoc* manner as will occur with the 10/50 Code. Trees and vegetation should be permitted to be removed for bush fire protection where appropriate but the 10/50 Code will also facilitate inappropriate and unnecessary removal of trees and vegetation.

Yours sincerely,



Catriona Mackenzie  
IACA President