

Council Policy

Council policy title:	Significant Tree Management Policy 2020
Council policy ref no:	DOC/20/245848
Council policy owner:	Director City Planning and Amenity
Adopted by:	Bayside City Council
Date adopted:	18 August 2020
Scheduled review:	2024

1. Policy intent

To protect, promote and improve the highly valued tree canopy in the municipality.
To encourage tree owners to nominate significant trees on their property.

2. Purpose/Objective

The purpose of the Significant Tree Management Policy is to set out the criteria used to consider inclusion or removal of significant trees on the significant tree register (the register) and to ensure these processes are effectively administered.

The Bayside Planning Scheme (VPO) and Local Law No. 2 “Neighbourhood Amenity” assist Council to protect and expand the tree canopy of the entire municipality. Clause 36 (1) (a) and (b) of Council’s Local Law No. 2 ‘Neighbourhood Amenity’ protects significant trees and a Local Law permit is required to destroy, damage, remove, cut, trim, lop, prune any tree listed on the register.

It is recognised that trees are an integral part of neighbourhood amenity, provide natural beauty and a sustainable environment.

3. Scope

This Policy is limited in its application to trees that:

- are currently listed on Council’s Significant Tree Register; and
- are located on private property and Council Land and are protected under Bayside City Council’s Local Law No. 2 – ‘Neighbourhood Amenity’; or
- in rare circumstances, do not meet the protection criteria under the Local Law.

This policy does not intend to duplicate or impact on the exemptions and determinations made by the responsible authority regarding trees protected by the Bayside Planning Scheme. This includes but is not limited to:

- Heritage Overlay;
- Native vegetation (Clause 52.17 Planning Scheme);
- Vegetation Protection Overlay; and
- Property specific planning permits.

Roles and Responsibilities

The delegated officer at management level is responsible for ensuring the implementing of the policy and advice on interpretation and application of the policy, including any issues of dispute. This includes:

- Receiving nominations and assessment of trees on private property.
- Receiving requests for the removal and deletion of a tree from the significant tree register.

Only Council by resolution at an ordinary meeting can approve the removal of the tree from the significant tree register and approval it's removal under the local law.

4. Policy statement

Bayside City Council is committed to providing high-quality living environments for residents, ratepayers and visitors. The significance of trees in the Bayside community is reflected in the existing planning policy and local law controls covering Bayside.

Some trees, through age, size, and rarity of planting or association with historical events achieve a higher level of importance than others on private or Council Land, and Council is committed to recognising their importance.

6.1 Nominating trees to the register

Who can nominate?

Any person can nominate trees located on any private or Council Land anywhere in the municipality.

Nomination form

Nominations must be made on the approved nomination form (see Appendix 1) and should include the written support of the tree owner. It is the nominator's responsibility to obtain the tree owner's written support.

Nomination forms received without written owner's consent may delay the assessment process and limit the accuracy of the assessment of the tree.

Further nominations

Council will not accept a further nomination to list a tree onto the register within two years of an unsuccessful nomination. An unsuccessful nomination is where the assessment did not consider the tree to be significant.

Nomination fee

Currently, there is no fee and the policy does not prescribe one. Fees are set by Council each financial year.

6.2 Assessing nominated trees

Criteria for assessment

To assess the significance of trees Bayside Council replicates the criteria used by the National Trust of Australia (Victoria) for their *Significant Tree Register* (see Appendix 2).

Process for assessment of nominated trees

Council's Arborist will inspect the tree on receipt of an application to determine if it has the characteristics of a significant tree. If the inspection identifies the tree is potentially significant, a consulting arborist will be engaged at Council's cost to conduct an assessment.

The consulting arborist will forward a report detailing the assessment against the policy criteria to Council Officers. If the report concludes that the tree is significant, the delegated officer will prepare a report for Council recommending listing the tree on the register.

Council notifies the nominator and the tree owner of the outcome.

All significant trees will include:

- A photo of each tree on Council's website.
- An identification plaque at the base of each tree.

6.3 Process for removing trees from the Significant Tree Register

Requests to remove a significant tree from the register will only be accepted from the owner/s of the tree. The owner/s of the tree should make a written submission including the reasons why the tree should be removed from the register, including an accompanying independent arborist report. All owners of the tree must support the application.

Council will arrange for a consulting arborist to undertake an inspection of the tree at Council's cost. If the consulting arborist determines that the tree is no longer significant and meets the relevant policy for removal the Delegated Officer will prepare a report to Council recommending:

1. the tree be removed from the register and
2. The issuance of a local law tree removal permit. (if applicable)

The report to Council is to include a copy of the consulting arborist's report. Council notifies the tree owner of the outcome.

If the consulting arborist recommends that the tree is retained on the register, the arborist's report is to detail the reasons that lead to this conclusion. The report is then to be forwarded to the Delegated Officer to formally respond to the tree owner.

Council will not process a further request to delete a tree from the register within two years of a failed request, unless there are exceptional circumstances relating specifically to the condition of the tree.

6.4 Appeals

In accordance with Council's meeting procedure and Local Law, any person has a right to be heard at a Council meeting.

6.5 Removal of trees included in the Council's Significant Tree Register

A tree listed on the register cannot be physically removed until it has been removed from the register and a local law tree removal permit issued. This does not apply if a tree is removed under the exemption provisions in the Local Law.

7. Related documents

http://www.bayside.vic.gov.au/Bayside_Tree_Strategy.pdf

https://www.bayside.vic.gov.au/sites/default/files/community/0513_bayside_community_plan_2025_-_building_a_better_bayside_v29_web.pdf

https://www.bayside.vic.gov.au/sites/default/files/council/council_plan_2017_2021_review_2018_internet_0.pdf

https://www.bayside.vic.gov.au/sites/default/files/council/doc_15_199077_management_of_tree_protection_on_private_property_policy_2015.pdf

https://www.bayside.vic.gov.au/sites/default/files/bcc_local_laws_no_2_neighbourhood_amenity_2015.pdf

Policies	Management of Tree Protection on Private Property Policy
Plans	Bayside Community Plan 2025
Strategies	Bayside Tree Strategy 2011 (revised)
Legal	Local Law No 2 - Neighbourhood Amenity Bayside Planning Scheme (VPO) Charter of Human Rights & Responsibilities Act 2006

8. Definitions & Abbreviations

Term	Meaning
Delegated Officer	Has the same meaning as a Senior Officer in the <i>Local Government Act 1989</i> .
Exceptional circumstances	In an emergency, any tree that is an immediate threat to life and or property.
Private Land	Any land not under the control of Council, State or federal Government.
Council Land	Means the same as Council land as defined in Local Law no 2 (Neighbourhood Amenity)
Tree Owner	Is the owner(s) of the property where the tree is located

Please note: This policy is current as at the date of approval. Refer to Council's website (www.bayside.vic.gov.au) or staff intranet to ensure this is the latest version.

Appendix 2: Registration criteria and significance ratings

The categories used to define significant trees are:

<p>1 Scientific</p> <ul style="list-style-type: none"> • Horticultural or genetic value • Important source of seed or propagating stock • Particularly resistant to disease or exposure • Species or variety that is rare or of a very localised distribution • Remnant native vegetation • Outstanding for its size • An outstanding example of the species
<p>2 Social</p> <ul style="list-style-type: none"> • Unique location or context • Contribution to landscape • Associated with Aboriginal activities • Important landmark • Spiritual and religious associations • Contemporary association with the community
<p>3 Historic</p> <ul style="list-style-type: none"> • Forms part of an historic park, garden or town • Commemorative plantings • Associated with an important event • Associated with an important person, group or institution
<p>4 Aesthetic</p> <ul style="list-style-type: none"> • A really great looking tree • Exhibits curious growth form or unusual physical features • Is a better than average example of its species, or a tree in its location

