

Council Policy

Council policy title:	Significant Trees Management Policy 2013
Council policy ref no:	C/POL/INF
Council policy owner:	Director Infrastructure Services
Adopted by:	Bayside City Council
Date adopted:	Ordinary Meeting of Council Monday 2 September 2013
Scheduled review:	2016

1. Policy intent

To apply a consistent and equitable approach to the management of significant trees on private and public land in Bayside.

To protect, promote and improve the highly valued tree canopy in the municipality.

2. Purpose/Objective

The purpose of the Significant Trees Management Policy is to effectively administer the nomination of a tree, the listing of a significant tree onto, and the delisting of a significant tree from the Significant Trees Register. The removal of a significant tree from the Significant Tree Register can only be endorsed by Council at an Ordinary Meeting of Council.

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 significant tree register.

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

3. Scope

The *Significant Trees Management Policy* 2013 is limited in its application to trees that:

- are located on private property and public land that are protected under Bayside City Council's Local Law No. 2 – 'Neighbourhood Amenity';

- are currently listed on Council's Significant Tree Register, and
- in exceptional circumstances do not meet the protection criteria under the Local Law.

This policy does not apply to 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
- Property specific planning permits.

Roles and Responsibilities

Implementing and providing advice on the policy and resolution of disputes or differences that may arise in interpretation of this Policy will be the role of the responsible Manager.

4. Policy statement

Bayside City Council has 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 land, and Council is committed to acknowledging their existence:

6.1 Nominating trees to the register

Who can nominate?

Any person can nominate trees located on any public or private property 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 will delay the assessment process and may limit the accuracy of the assessment of the tree.

Further nominations

Council will not accept a further nomination to list a tree on Council's *Significant Tree 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

There is currently no nomination fee. Fees are set by Council each financial year.

6.2 Assessing nominated trees

Criteria for assessment

As part of the original study in 1996, a set of criteria for assessing trees was created. The criteria used by Bayside City Council replicate those used by the National Trust of Australia (Victoria) for their *Significant Tree Register* (see Appendix 2).

Process for assessment of nominated trees

When a nomination is received a Council Officer will inspect the tree to determine if it has characteristics of a significant tree. If the inspection identifies the tree as 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 and the criteria met to Council Officers. If the report concludes that the tree is significant, the delegated officer prepares a report for Council recommending listing the tree on the Significant Tree Register.

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

6.3 Process for deleting trees from the register

Requesting deletion from the register

Requests to delete trees 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 deleted from the register with an accompanying independent arborist report. All owners of the tree must support the application.

Processing requests for deletion

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 the Delegated Officer prepares a report for full Council recommending the tree be deleted from the register.

The report to Council is to include a copy of the consulting arborist's report.

The owner is notified of Council's decision.

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 appropriate Council officer to prepare a formal response to the 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 Significant Tree Register cannot be removed until it has been deleted from the Register and an appropriate Local Law 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/Council_Plan_200913_adopted_220610.pdf

<http://www.bayside.vic.gov.au/BaysideComPlan2011.pdf>

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

Policies	Management of Tree Protection on Private Property Policy
Plans	Bayside 2020 Community Plan 2011, Bayside Council Plan 2013/2017(revised)
Strategies	Bayside Tree Strategy 2011 (revised)
Procedures	
Guidelines	
Legal	Bayside City Council Consolidated Local Law No 2 – 'Neighbourhood Amenity' Bayside Planning Scheme (VPO) Charter of Human Rights & Responsibilities Act 2006

8. Definitions & Abbreviations

Term	Meaning
Responsible Authority	Bayside City Council VCAT Planning Minister
Private Land	Any land not under the control of Council, State or federal Government.
Delegated Officer	Has the same meaning as a Senior Officer in the Local Government Act 1989.
Exceptional circumstances	A tree that meets either National or State significance.

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 1: Council's *Significant Tree Register* - nomination form

Nomination form

Botanical name: _____

Common name: _____

Address of tree: _____

Position on property: _____

Height: _____ metres

Canopy spread: _____ metres
east-west

_____ metres
north-south

Reason for tree nomination

History of the tree:
(please attach a separate sheet if required)

Nominator name: _____

Nominator address: _____

Contact phone number: _____

Owner's name _____

Owner's Signature –
(consent for nomination) _____

Date: _____

For further information see *Management of Significant Trees Policy 2013* or telephone Council on 9599 4444.

Appendix 2: Registration criteria and significance ratings

The categories used to define significant trees are:

Criteria 1: Horticultural value

Any tree that is of horticultural or genetic value and could be an important source of propagating stock, including specimens that are particularly resistant to disease or exposure.

Criteria 2: Location or context

Any tree that is in a unique location or context and so provides a contribution to the landscape, including remnant indigenous vegetation, important landmarks, and trees that form part of a historic garden, park or town.

- Sub-criteria:**
1. Historic garden or park
 2. Historic cemetery
 3. Important landmark
 4. Remnant indigenous vegetation
 5. End of natural range
 6. Contribution to landscape
 7. Historic town
 8. Historic planting style.

Criteria 3: Rare or localised

Any tree of a species or variety that is rare or of very localised distribution.

- Sub-criteria:**
1. Only known specimen
 2. 1 to 10 known specimens
 3. 10 to 50 known specimens
 4. In the wild
 5. End of natural range
 6. Disjunct community.

Criteria 4: Particularly old

Any tree that is particularly old or venerable.

Criteria 5: Outstanding size

Any tree outstanding for its large height, trunk circumference, or canopy spread.

- Sub-criteria:**
1. Height
 2. Circumference
 3. Canopy spread
 4. Height x circumference
 5. Spread x circumference
 6. Height x circumference x spread.

Criteria 6: Aesthetic value

Any tree of outstanding aesthetic significance.

Criteria 7: Curious growth form

Any tree that exhibits a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage, or unusually pruned forms.

- Sub-criteria:**
1. Abnormal outgrowths
 2. Fusion of branches
 3. Unusually pruned
 4. Unusually damaged.



Criteria 8: Historical value

Any tree commemorating a particular occasion (including plantings by royalty) or with association to an important historical event.

- Sub-criteria:**
1. Cultural group
 2. Public feature
 3. World War I
 4. World War II
 5. British royalty
 6. Non-British royalty
 7. Visiting dignitary
 8. Australian public figure
 9. Victorian public figure.

Criteria 9: Aboriginal culture

Any tree associated with Aboriginal activities.

- Sub-criteria:**
1. Scarred tree
 2. Corroboree tree.

Criteria 10: Outstanding example of species

Any tree that is an outstanding example of the species.

Grading of significance

As well as identifying significant trees and the nature of their significance, Council's *Significant Tree Register* documents the *level* of significance of the trees.

Five grades are used to classify the level of significance. The grades are consistent with those used for the classification of heritage buildings and places. The definition of 'cultural significance' is consistent with the *Burra Charter* (article 1.2). The grades are:

1. National significance (N) - Any tree of major significance and essential to the national heritage.
2. State significance (S) - Any tree of major significance and essential to the state heritage.
3. Regional significance (R) - Any tree of significance and contributing to the Melbourne metropolitan region's heritage.
4. Local significance (L) - Any tree of significance and contributing to the municipality of Bayside City Council.
5. Neighbourhood significance (Nb) - Any tree of significance and contributing to the streetscape or neighbourhood landscape in the municipality of Bayside City Council.

