



# Kingborough

## THE KINGBOROUGH INTERIM PLANNING SCHEME

*Fact Sheet No. E24.0*

### SIGNIFICANT TREE REGISTER CODE

#### *Purpose of the Code*

The purpose of this code is to recognise and protect trees that are considered to be significant within Kingborough due to aesthetics, size, age, contribution to landscape, historical value, rarity of species or unusual physical features.

#### *How does the Code apply to use or development in Kingborough?*

This code applies to all use or development which results in the lopping, pruning, removal or destruction of trees listed in the Register, which forms part of the Code (Table E24.1).

#### *Are there any exemptions from the Code?*

Use or development that is exempt from this code is:

- (a) Works outside the Tree Protection Zone of a listed tree, with no physical impact on any part of the tree;
- (b) The removal, destruction or lopping of a listed tree if necessary for emergency works by a public authority or the tree poses an immediate danger to persons or property as authorised by a public authority or by a qualified arborist;
- (c) The pruning of a listed tree or other works to improve its health in accordance with the written instructions of a qualified arborist.

#### *What issues does the Code relate to?*

The code deals with issues across all zones in relation to impact of development on the health, structural stability and appearance of trees listed in the Register.

#### *What are the application requirements for this Code?*

Any application requirements that are in addition to the general application requirements for a planning permit, that are specific to this code, are listed in the code where applicable. An application submitted to Council that triggers this code should therefore also include:

- (a) Information demonstrating there are no feasible alternative proposal designs which could be implemented to avoid impact on the tree;
- (b) Information from a qualified arborist demonstrating that the proposed works incorporates measures to minimise and mitigate any damage to the tree;



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- (c) Information demonstrating that there are environmental, social, economic or safety reasons of greater value to the community than the cultural significance of the tree; or
- (d) Information from a qualified arborist that the tree is dead or dying.

### ***How does the Code work?***

Works in the vicinity of a listed tree are either exempt from the Code or must comply with the Performance Criteria. There is no Acceptable Solution. Therefore if works are proposed which may damage a tree but are not by a public authority for emergency hazard mitigation, a rigorous set of criteria apply which must be met if the works are to be approved. This ensures that development is carefully planned to avoid impact on a listed tree if possible or otherwise minimise potential damage.

### ***Qualified Reports required by the Code?***

In order to demonstrate exemption in some cases, and in order to meet the Performance Criteria, a report from a qualified arborist (defined as a person with a qualification of a Certificate 4 in Arboriculture or equivalent) is required.

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