

# Significant Tree Policy

## 1. POLICY STATEMENTS

- 1.1 The aim of this policy is to outline the process and the criteria to be considered for the listing or delisting of significant trees in the Planning Scheme.

## 2. DEFINITIONS

- 2.1 “Arborist” – a person with a qualification of Certificate 4 in Arboriculture or equivalent
- 2.2 “Significant tree” – a tree deemed significant in accordance with the categories of significance defined in this policy.
- 2.3 “Threatened native vegetation community” – a vegetation community listed under Schedule 3A of the *Tasmanian Nature Conservation Act 2002*.
- 2.4 “Tree” – any woody plants with a height or potential height of 5m or more.
- 2.5 “Planning Scheme” – Kingborough Planning Scheme 2015 or any subsequent planning scheme.
- 2.6 “LUPAA” – *Land Use Planning Assessment and Approvals Act 1993*.

## 3. OBJECTIVE

- 3.1 To provide a process to recognise and protect trees in Kingborough that have the highest aesthetic, cultural, heritage and/or environmental values, compared with other trees in the municipal area.

## 4. SCOPE

- 4.1 The policy may be applied to any tree that meets one or more of the categories of significance, to a highly significant or exceptional degree.
- 4.2 The policy is primarily aimed at conserving individual or groups of trees, rather than large areas of bushland. These are already protected under the *Nature Conservation Act 2002* as threatened vegetation communities or other provisions in the planning scheme.
- 4.3 This policy applies to all land in the Kingborough area, whether publicly or privately owned.
- 4.4 Development applications that may impact or include the removal of a tree listed in Table E24.1 are required to be assessed against the Significant Trees Code of the Kingborough Interim Planning Scheme 2015.
- 4.5 The Significant Trees Code will cease to exist under the Tasmanian Planning Scheme, however similar protection will be afforded for Significant Trees in the Local Historic Heritage Code of the Tasmanian Planning Scheme.

## 4. PROCEDURE (POLICY DETAIL)

- 5.1 Council’s website and the Planning Scheme will provide details of all current significant tree listings.
- 5.2 Nominations by the public or Council for listing or delisting will be able to be received at any time. An educational program will be provided annually to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 5.3 Nominations for listing or delisting must be received in writing by completing the significant tree nomination form.

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- 5.4 A tree group of trees may be nominated for listing based on one or more of the categories of significance detailed below.
- Aesthetic significance
  - Size (height, circumference, canopy)
  - Age
  - Landscape significance
  - Historical significance
  - Rarity of species, variety or genome
  - Unusual physical features
- 5.5 An assessment as to whether a tree is to be listed or delisted from the significant tree list (as appropriate in relation to the categories of significance In Clause 5.4 above and the guidelines provided in Section 6 below) is to be undertaken by at least three Council officers with appropriate skills in two or more of the following fields: arboriculture, cultural heritage, environmental management and urban and/or landscape design.
- 5.6 Where resources are not available, Council officers may also need to call on the advice of an expert regarding specific values.
- 5.7 Additional information may be required from a nominee to assess a nomination.
- 5.8 Nominations for delisting must outline the reasons and may include supporting information for the request. Council may request an Arborist report to support a nomination for delisting.
- 5.9 All trees recommended for listing must be assessed by a qualified arborist to determine the tree's health and viability. Council will cover this cost.
- 5.10 Where a nomination for listing or delisting is supported by Council staff and it is located on private land, the landowner will be contacted to inform them of Council's intention to list or delist a tree in the planning scheme. Landowners will have the opportunity to make a submission, in support or against a proposed listing or delisting, as part of the public consultation process described in 5.12 below.
- 5.11 A report will be presented to Council to inform them of the nominations received and to seek initiation of a planning scheme amendment as the Planning Authority. Advertising and notification will be undertaken in accordance with LUPAA which is broadly as follows:
- Notification to landowners and adjoining landowners;
  - A site notice;
  - Advertisement in The Mercury;
  - Exhibition in Council's administrative building; and
  - Exhibition on Council's website.
  - Kingborough Chronicle.
- 5.12 After the public exhibition period has closed, a report addressing each submission will be presented to Council, as the Planning Authority, to determine whether to proceed with the planning scheme amendment and (if proceeding) certify the amendment and forward a report to the Tasmanian Planning Commission in accordance with requirements of LUPAA.

- 5.13 The standard procedure for planning scheme amendments and determination by the Tasmanian Planning Commission will apply and this will include the opportunity for people who have made submissions during the exhibition period to attend a hearing at the Tasmanian Planning Commission. An overview of the planning scheme process and a flow chart illustrating the various steps in the process is available on the [Tasmanian Planning Commission's website](#).
- 5.14 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
  - The landowner, when the tree is on land other than that owned or leased by Council. The notification will outline the responsibilities in relation to the planning scheme provisions.
  - Any owners of land adjoining the property on which the tree is situated.
- 5.15 Once a tree is listed, it will not be physically sign-posted, but details of the listing will be publicised in the Planning Scheme and on Council's website.
- 5.16 Any person wanting to cut, remove or otherwise alter the state of a significant tree must contact Council as a permit may be required.
- 5.17 In situations where an immediate risk to public safety from a significant tree is identified, Council approval must still be obtained; and Council reserves the right to require an arborist's assessment to be undertaken. In these circumstances the decision may be determined by the General Manager under delegated authority.

## **6. GUIDELINES**

- 6.1 Each nomination is assessed on its merits against the categories of significance.
- 6.2 The presence of a tree in an urban setting does not make it automatically significant; there must be a particularly special attribute or attributes consistent with the categories of significance to make a tree appropriate for listing.
- 6.3 The proposed categories of significance are described in more detail as follows:
- a) Trees whose form, seasonal beauty and/or placement are such that they are a significant aesthetic component of the streetscape, park, garden or natural landscape in which they grow.
  - b) Trees of outstanding dimensions in height, trunk circumference or canopy spread for their species or for the area.
  - c) Trees that are particularly old either for their species or for the area.
  - d) Trees which occur in a unique location or context and so provide a key contribution to the environmental, cultural and/or historical landscape.
  - e) Trees commemorating a particular broader community interest associated with an historical significance or event.
  - f) Trees of a species or variety that is rare or of very localised distribution or has known genetic values.
  - g) Trees which exhibit a curious growth form or physical feature such as abnormal outgrowths, natural fusion of branches, severe lightning damage or unusually pruned forms.

#### 6.4 Mitigating factors and exceptions:

In addition to assessing the significance of the tree(s), the following must be considered:

- The health of the tree – whether the tree is likely to survive for at least ten years from the time of assessment.
- Whether the tree is likely to pose an unacceptable risk.
- Submissions from affected landowners.

### 7. COMMUNICATION

- 7.1 The policy will be perpetually available on Council's website. It will include the details of nomination received and also indicate the status of each nomination (i.e. received, assessed, approved etc).
- 7.2 An educational program will be undertaken at least once annually, to draw attention to the benefits of significant tree listing in the planning scheme, the associated process involved and ultimately to encourage nominations during the year.
- 7.3 Proposed listing/delisting of trees will be notified and advertised as part of a Planning Scheme Amendment under LUPAA.
- 7.4 When the planning scheme amendment has been determined by the Tasmanian Planning Commission, Council will notify:
- The person/group who has nominated the tree.
  - The landowner and occupier when the tree is on land other than that owned or leased by Council (the notification will outline the responsibilities in relation to the planning scheme provisions)
  - Any owners of land adjoining the property on which the tree is situated.

### 8. LEGISLATION

- 8.1 *Land Use Planning and Approvals Act 1993.*

### 9. RELATED DOCUMENTS

- 9.1 Kingborough Interim Planning Scheme 2015 or subsequent scheme.

### 10. AUDIENCE

- 10.1 Kingborough landowners
- 10.2 General public
- 10.3 Tasmanian Planning Commission