

## Significant Tree Register Policy

<b>POLICY STATEMENT:</b>	<p>1.1 Individual trees and groups of trees in Kingborough that are considered worthy of conservation will be included on a Significant Tree Register.</p> <p>1.2 Registered trees are protected by the Health and Environmental Services By-Law No.3 of 2011 and are to be conserved and managed to optimise their health and longevity in the landscape.</p> <p>1.3 Pending the inclusion of new provisions, the Planning Scheme will also enable protection of significant trees where proposed removal or other impacts may occur as part of a development application.</p> <p>1.4 A tree may only be added or removed from the Register with Council approval, based on the procedures outlined in this Policy.</p>
<b>DEFINITIONS:</b>	<p>2.1 “Arborist” – a person with a qualification of Certificate 4 in Arboriculture or equivalent</p> <p>2.2 “Significant tree” – a tree deemed significant in accordance with the categories of significance defined in this policy.</p> <p>2.3 “Threatened native vegetation community” – a vegetation community listed under Schedule 3A of the <i>Tasmanian Nature Conservation Act 2002</i>.</p> <p>2.4 “Tree” – any woody plants with a height or potential height of 5m or more</p>
<b>OBJECTIVE:</b>	<p>3.1 To recognise and protect trees in Kingborough that have the highest aesthetic, cultural and/or environmental values, compared with other trees in the municipal area.</p>
<b>SCOPE:</b>	<p>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.</p> <p>4.2 The policy is primarily aimed at conserving individual or small groups of trees, rather than large areas of trees that are already protected under the <i>Nature Conservation Act 2002</i> as threatened vegetation communities.</p> <p>4.3 This policy applies to all land in the Kingborough area, whether publicly or privately owned.</p>
<b>PROCEDURE (POLICY DETAIL):</b>	<p>5.1 A Register is to be created to document the trees adopted as significant by Council. The document will be known as the ‘Significant Tree Register’.</p> <p>5.2 The Register will be publicised and an annual public call for nominations made. Nominations must be received in writing. Council is also able to nominate trees for listing. A tree can be nominated for inclusion on the Register outside the public nomination timeframe.</p> <p>5.3 A tree or small group of trees may be considered for inclusion on the register on the basis of one or more of the categories of significance detailed below.</p> <p>5.4 Trees to be considered for inclusion in the Register may be located on private or public land.</p>

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- 5.5 The categories of significance include:
- a) Aesthetic significance
  - b) Size (height, circumference, canopy)
  - c) Age
  - d) Landscape significance
  - e) Historical significance (European, Aboriginal or other)
  - f) Rarity of species, variety or genome
  - g) Unusual physical features
- 5.6 The assessment as to whether a tree is to be included on or removed from the Register is to be undertaken by an Assessment Panel. Council staff may be required to gather information or to conduct a preliminary assessment.
- 5.7 The Assessment Panel shall consist of three members drawn from either Council staff or a mix of staff and external expertise with skills in one or more of the following: arboriculture, cultural heritage, environmental management, urban and/or landscape design. The membership of the Panel will be determined by the General Manager. The Panel shall be governed by a Terms of Reference approved by the General Manager. From time to time the Panel may need to call on the independent advice of an expert in regard to specific values.
- 5.8 When a nomination for listing or delisting is received it will be made publically available for at least fourteen calendar days, prior to the meeting of the Assessment Panel, including notification in writing to owners of adjoining land where that land is within 50 metres of the nominated tree. The general public will be able to make submissions on the proposed listing during this period.
- 5.9 If a tree located on private land is nominated for listing or delisting, the landowner is to be notified in writing of the nomination and given the opportunity to make a submission within four weeks of the date of notification as to whether the tree should be listed / delisted. All submissions must be considered by the Assessment Panel in making their recommendation. If the tree is recommended for listing by the Panel, despite landowner concerns, the landowner is to be invited to meet with staff to discuss the significance of the tree, the arborist's assessment, roles and responsibilities of both parties and any concerns of the landowner. If, following the meeting, the landowner reiterates in writing their objection to the nomination, Council will not proceed with the listing.
- 5.10 The Assessment Panel will assess nominations for listing with consideration of categories of significance, any received submissions and mitigating factors. All trees recommended for listing by the Panel must also be assessed by a qualified arborist to determine the tree's health and viability.
- 5.11 Determination of listing or delisting will be by Council, although Council may delegate this responsibility to the General Manager where no objections have been received. In determining a listing/delisting of a significant tree, Council must consider the recommendations of the Assessment Panel and any submissions from the public.
- 5.12 Trees nominated for listing should not be removed or lopped until the listing is determined.
- 5.13 Council may consider an interim listing of a significant tree where a tree is at risk of removal, based on an assessment and recommendation by Council staff without public notification, although the landowner must be notified at the time of interim listing. A full assessment of the tree for the Register by the Assessment Panel, including public notification, must occur within four months of the interim listing.
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	<p>5.14 When a nomination for listing or delisting a tree on the Register has been determined, Council will notify:</p> <ul style="list-style-type: none"> <li>• The person/group who has nominated the tree.</li> <li>• The landowner when the tree is on land other than that owned or leased by Council.</li> <li>• Any owners of land adjoining the property on which the tree is situated, where that land is within 50m of the tree.</li> </ul> <p>5.15 Trees approved for listing will be included in the Register, which will document tree location, species, health and general condition, and reasons for listing.</p> <p>5.16 Once a tree is listed, it will not be physically sign-posted but a copy of the Register will be publicised in print, including in the Planning Scheme and on Council’s website.</p> <p>5.17 Any person desiring to cut, remove or otherwise alter the state of a tree listed on the Register shall require the written approval of Council under By-Law 3 of 2011, unless the proposed works consist of minor pruning in order to improve the tree’s health and are undertaken in accordance with the recommendations of an arborist’s report endorsed by Council.</p> <p>5.18 In situations where an immediate risk to public safety from the tree is demonstrated, 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 will be determined by the General Manager within one business day.</p> <p>5.19 In situations where an immediate risk to public safety is not perceived, applications to cut, remove or otherwise alter the state of a tree listed on the Register must be accompanied by an arborist’s report and will be determined on the basis of:</p> <ul style="list-style-type: none"> <li>• The health of the tree;</li> <li>• Whether the tree is likely to pose a significant public health and safety risk;</li> <li>• Whether the tree is likely to cause damage to any nearby existing built structures;</li> <li>• The reasons for listing and the impacts of the proposed works on the significance of the tree.</li> </ul> <p>5.20 An application for removal of a tree listed on the Register must be accompanied by a nomination for delisting.</p> <p>5.21 A tree may be nominated for delisting by anyone with a demonstrated interest, including Council. Nominations for delisting must be accompanied by an arborist report and sufficient information to address the matters listed in 4.19. Nominations for delisting will be publicised, assessed and determined under the same process as a nomination for listing, including assessment by the Assessment Panel with a resulting recommendation to Council.</p> <p>5.22 Where a tree listed on the Register is approved for removal, Council may require a financial contribution or other offset commensurate with the value of the tree to compensate for the loss.</p> <p>5.23 Council will undertake a review of this Policy every 5 years to ensure continued relevance. Reviews may also be undertaken in the interim if deemed necessary by Council or the General Manager. Councillors will receive an annual report on the status of the Register.</p>
<p><b>GUIDELINES:</b></p>	<p>6.1 The categories of significance are generally qualitative rather than quantitative and specific criteria for assessment under each category have not been proposed. Each nomination is assessed on its merits against the categories of significance by the Assessment Panel and any received submissions.</p>

	<p>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.</p> <p>6.3 The proposed categories of significance are described in more detail as follows:</p> <ol style="list-style-type: none"> <li>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.</li> <li>b) Trees of outstanding dimensions in height, trunk circumference or canopy spread for their species or for the area.</li> <li>c) Trees that are particularly old either for their species or for the area.</li> <li>d) Trees which occur in a unique location or context and so provide a key contribution to the environmental, cultural and/or historical landscape.</li> <li>e) Trees commemorating a particular occasion of broader community interest associated with an historical event or associated with historical activities.</li> <li>f) Trees of a species or variety that is rare or of very localised distribution or has known genetic values.</li> <li>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.</li> </ol> <p>6.4 Mitigating factors and exceptions:</p> <p>In addition to assessing the significance of the tree(s), the Assessment Panel shall consider the following:</p> <ul style="list-style-type: none"> <li>• The health of the tree – whether the tree is likely to survive for at least ten years from the time of assessment.</li> <li>• Whether the tree is likely to pose a significant public health and safety risk e.g. through falling limbs.</li> <li>• Whether the tree is likely to cause damage to any nearby existing built structures.</li> <li>• Submissions from affected land owners and the general public.</li> </ul> <p>Where the Assessment Panel deems an external report to be necessary for assessment of significance or mitigating factors , this report shall be paid for by Council if approved by the General Manager or delegate.</p>	
<b>COMMUNICATION:</b>	<p>7.1 The policy will be introduced to the public in an edition of the Kingborough News.</p> <p>7.2 The policy will be perpetually available on the Council website.</p> <p>7.3 Council will issue one public call for nominations per year.</p>	
<b>LEGISLATION:</b>	<p>8.1 Health and Environmental Services By-Law (By-Law 3 of 2011)</p> <p>8.2 Kingborough Interim Planning Scheme 2015 or subsequent scheme.</p>	
<b>RELATED DOCUMENTS:</b>	<p>9.1 Health and Environmental Services By-Law 2011</p> <p>9.2 Significant Tree Register Policy Council Reports: September 2011, October 2012, February 2014.</p> <p>9.3 Significant Tree Register listing template</p>	
<b>AUDIENCE:</b>	<p>10.1 Councillors</p> <p>10.2 Council staff</p>	<p>10.3 Kingborough landowners</p> <p>10.4 General public</p>