

# Significant Tree Register for Private Land Guidelines

<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Responsible Business Unit</b>	Property and Economic Development
<b>Responsible Officer</b>	Manager Property and Economic Development
<b>Affected Business Units</b>	Property and Economic Development Statutory Planning and Compliance Parks and Gardens
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## Introduction

These guidelines provide guidance including incentives for people wanting to include or remove a tree from the City of Bayswater Significant Tree Register on private land in accordance with the Significant Trees Register for Private Land Policy.

In addition, these guidelines provide information about the removal, destruction, interference and/or maintenance of a tree, which is registered on the City of Bayswater Significant Tree Register.

## Nominations

1. The significant tree register application form is required to be filled out and signed.
2. Any person can apply for a Significant Tree(s) on private land for inclusion on the Significant Tree Register, provided all landowner(s) consent to the application.
3. Any person who nominates a tree and landowner(s) who consent will bear no cost for an application to the City to consider registering the tree.

## Definitions

**Tree Protection Zone (TPZ)** – A protection zone that protects all parts of a tree from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

**Structural Root Zone (SRZ)** – A protection zone that protects tree roots from accidental or wilful damage, as calculated by a qualified arborist based on the appropriate Australian Standards.

**Suitably Qualified Arborist** – An arborist that has a current and valid minimum qualification of an Australian Qualification Framework - Level 5 (Diploma) in Arboriculture.

**Affected neighbouring landowner(s)** – owners of properties that have branches, canopy, roots, or located within the TPZ, of a significant tree(s) encroaching into their property.

## Significant Tree Assessment

1. Consent from the landowner(s) and any applicable strata body or similar is required prior to the City engaging a suitably qualified arborist to prepare the Significant Tree Assessment for inclusion on the Significant Tree Register.
2. Consent from the landowner(s) and any applicable strata body or similar can be provided by the nominee or be requested by the City.
3. If landowner(s) and any applicable strata body or similar consent has not been obtained, the City will not progress with the nomination.
4. Costs associated with the Significant Tree Assessment are to be borne by the City.
5. The applicant can provide the City a copy of a Significant Tree Assessment undertaken by a suitably qualified arborist and be reimbursed for the cost, up to a maximum of \$1,000.
6. The Significant Tree Assessment is to provide justification that the tree satisfies the Significant Tree Assessment Criteria.

## Significant Tree Assessment Criteria

To be considered worthy of inclusion on the Significant Tree Register, trees must:

- Satisfy all the criteria from the General Category, to the satisfaction of the City; and
- Satisfy Optional Category 1 to the satisfaction of the City; or
- Satisfy at least two different Optional Categories (Categories 2 to 5), to the satisfaction of the City.
- Where a tree only meets one criteria from one optional category, the City may consider the nomination on it's merits.

The City will engage a suitably qualified arborist where required to prepare the Significant Tree Assessment.

## Policy Statement

### General Category

The Significant Tree Assessment is to include:

1. Address of the site containing the tree(s).
2. Botanical name of the tree(s).
3. Measurements of the tree(s), including: height, diameter at breast height (1.4m) and width of canopy.
4. A Tree Risk Assessment using either the Quantified Tree Risk Assessment (QTRA) or Tree Risk Assessment Qualification (TRAQ) system, including distance to targets identified in the risk assessment such as buildings, sheds, etc. on both the subject site and neighbouring properties.
5. Age classification of the tree(s).
6. Observations of the tree(s) health and condition.
7. Supporting photographs of the tree(s).

8. An aerial photograph showing the location of the tree(s).
9. Identification of a Tree Protection Zone and any affected properties.

### **Optional Category 1 – Growth/Size Significance**

1. A tree(s) that is outstanding for its height or trunk circumference - 500mm diameter measured 1.4m above the ground and/or over 7m high.

### **Optional Category 2 – Outstanding Visual/Aesthetic Significance**

1. A tree(s) that occurs in a prominent location or context;
2. A tree(s) that contributes significantly to the landscape in which it grows in comparison to other trees within a 100m radius - including streetscapes, parks, gardens or natural landscapes;
3. A tree(s) that exhibits an unusual growth form or physical feature; and/or
4. A tree(s) that is of a significant age - 100 years or older.

### **Optional Category 3 – Botanic/Scientific Significance**

1. A tree(s) that is of an important genetic value that could provide important and valuable propagating stock. This could include specimens that are particularly resistant to disease or climatic extremes or have a particular growth form; and/or
2. A tree(s) that demonstrates a likelihood for producing information that will help the wider understanding of natural or cultural history by virtue of its use as a research site, teaching site, type locality or benchmark site.

### **Optional Category 4 – Significant Ecological Value**

1. A priority, rare, threatened or locally uncommon species or ecological community;
2. An indigenous/endemic remnant tree(s) that predates the urban development in its immediate proximity;
3. A tree(s) that makes a significant contribution to the integrity of an ecological community, including its role as a seed source or specialised habitat;
4. A remnant endemic specimen(s) now reduced in range or abundance, which indicates the former extent of the species, particularly range limits;
5. A tree(s) that is part of a significant habitat element for rare, threatened, priority or locally uncommon or common native species; and/or
6. A tree(s) proximity to recognised ecological linkages or biodiversity corridors.

### Optional Category 5 – Historical, Commemorative, Cultural or Social Significance

1. A tree(s) that is associated with public significance or important historical event for the City; and/or
2. A tree(s) that is highly valued by the community or cultural groups for reasons of strong religious, spiritual, cultural or other social associations, including trees associated with Aboriginal heritage and culture.

## Tree Nomination Assessment and Decision Making Process

### Stage 1

1. Applications will be checked to ensure that all the information has been provided.
2. The City will undertake a Significant Tree Assessment using a qualified arborist, or the applicant may provide a copy Significant Tree Assessment undertaken by a qualified arborist.
3. Affected neighbours will be consulted during the assessment process.
4. Further advice may be drawn upon from internal or external personnel as the need arises to ensure a thorough assessment is undertaken.

### Stage 2

1. The City will make a decision on the tree's worthiness for inclusion on the Significant Tree Register based on the assessment criteria and qualified arborist assessment.
2. The nominee, landowner(s) and any affected neighbouring landowner(s) will be informed of the decision in writing.
3. Prior to formally listing the tree on the Significant Tree Register a Notification under S.70A of the Transfer of Land Act 1893 must be registered on the title of the property containing the significant tree at the cost of the property owner. This for the purpose of informing future landowners.
4. If the landowner is dissatisfied by the decision, they can request for it to be referred to Council to make a decision.

### Stage 3

1. Trees approved will be formally listed on the Significant Tree Register, which will include details about the tree, a photograph and a statement detailing its significance. The location of the other information will be included on the City's Geographic Information System.

## Tree Maintenance Grants

Landowner(s) and /or affected neighbouring landowner(s) with a tree(s) registered on the significant tree register may be eligible to apply for a tree maintenance grant subject to the following.

1. Funding up to \$2,000 per property but not exceeding 50% of the total cost of the approved maintenance is available from the City, and is exclusive of any applicable GST.
2. Each property is entitled to one grant per five year period.

3. The application is for one or more of the following works:
  - Remedial pruning;
  - Crown thinning;
  - Pest control or the like;
  - To seek the advice of a qualified arborist; or
  - For other works specified by a qualified arborist.
4. Payment will be in the form of reimbursement to the previously agreed amount upon presentation of proof of payment and certification by the arborist of approved works. The City may inspect and photograph trees before and after the approved works.

## **Incentives**

The following incentives are applicable where a significant tree exists on private land:

1. Landowner(s) and affected neighbouring landowner(s) written planning advice and approval relating to significant tree(s) fees waived.
2. Landowner(s) development application fees waived for development on the property.
3. Landowner(s) can apply for a variation to the site cover and open space provisions applicable to development on the site, as follows:
  - (a) Where one significant tree exists on the property a variation of 5% can be considered;
  - (b) Where two or more significant trees exist on the property a variation of 10% can be considered.
4. Landowner(s) can apply a variation to the plot ratio provisions applicable to development on the site, as follows:
  - (a) Where one significant tree exists on the property a variation of 5% can be considered;
  - (b) Where two or more significant trees exist on the property a variation of 10% can be considered.
5. Landowner(s) can apply for a variation to building height of up to 3m.

Landowner(s) will be made aware of the incentives for retaining trees on private land at the demolition permit, subdivision application and development application stage. The City will recommend an advice note be placed on the subdivision determination where trees over 7m in height are located on the property.

## **What requires the City's Development Approval**

1. Development approval from the City of Bayswater is required prior to the removal, destruction and/or interference with any tree included on the City's Significant Tree Register, this includes:
  - (a) The severing of branches, limbs, stems, trunk or roots of a tree that are greater than 50mm in diameter;
  - (b) Any excavation resulting in removal of roots greater than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ);
  - (c) Any excavation within the trees Structural Root Zone (SRZ) that requires the removal of any root;
  - (d) Pruning for aesthetic appearance; and/or

- (e) Any other act that has the potential to cause damage to a tree, as determined by the City.
- 2. If a landowner(s) or neighbouring landowner(s) is in any doubt about what requires development approval, they are advised to liaise with the City prior to undertaking any pruning or other works.
- 3. Landowner(s) or neighbouring landowner(s) are advised to discuss with City officers what information is to be submitted with an application for development approval. Applications are to be accompanied by an assessment of the tree undertaken by a qualified arborist, with all associated costs being borne by the landowner(s) or relevant neighbouring landowner(s).
- 4. Approved works must be undertaken by a qualified arborist, to the satisfaction of the City.
- 5. Applications for removal, destruction and interference are to be supplemented with an suitably qualified Arboriculturist Report, including development of adjoining land.

## **What does not require the City's Development Approval**

### **Pruning**

Pruning of a significant tree is permitted to be undertaken by a qualified arborist (with all associated costs being borne by the landowner), without the need for development approval from the City, in the following circumstances:

- 1. The removal of dead wood or the treatment of disease where it is in the general interests of improving or maintaining the health of the tree;
- 2. Any excavation resulting in removal of roots less than 50mm in diameter within the trees calculated Tree Protection Zone (TPZ); and/or
- 3. Works required to maintain the legislated clearance requirements for utility services providers, such as Western Power or the Water Corporation.

It is noted that the severing of any branches, limbs, stems or roots of a tree that are less than 50mm in diameter do not require development approval or for the works to be undertaken by a qualified arborist.

### **Emergency Works**

- 1. The following exemption for obtaining Development Approval prior to the removal of a significant tree apply:
  - (a) The removal is deemed as works that are urgently necessary for the safety of people and property, public safety, safety or security of plant or equipment, maintenance of essential services, or protection of the environment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18.
- 2. Landowner(s) or neighbouring landowner(s) are required to notify the City in writing within five working days following the emergency work having been undertaken. Notification must include a report by the qualified arborist who carried out the work.

## **Implications and Responsibilities**

### **Implications and Responsibilities for Landowners**

Landowners are advised to think carefully before nominating or consenting to a tree for inclusion on the Significant Tree Register. A significant tree has the following implications for landowners:

1. Landowners are responsible for the ongoing health and maintenance of a significant tree within their property boundary. All associated costs are to be borne by the landowner.
2. All maintenance and other works are required to be undertaken by a qualified arborist. All associated costs are to be borne by the landowner.
3. While some works can be undertaken to a significant tree without development approval, landowners will need to apply for and obtain development approval to undertake certain works associated with a significant tree.
4. A significant tree has the potential to constrain the future development potential of the property.
5. A significant tree may only be removed from the Significant Tree Register under certain circumstances.
6. A significant tree will remain on the Significant Tree Register if/when land ownership changes.
7. A significant tree may impact insurance policies. Landowners are advised to check with their insurance provider in this regard.
8. All future landowner(s) will be made aware of any significant tree which impacts their property.

### **Implications and Responsibilities for Neighbouring Properties**

The inclusion of a tree on the Significant Tree Register may have the following implications for neighbouring properties:

1. Neighbouring landowners are responsible for the ongoing health and maintenance of any part of a significant tree that overhangs their property up to the boundary line. All associated costs are to be borne by the impacted landowner.
2. Where part of a significant tree overhangs a neighbouring property, all maintenance and other works up to the property boundary is required to be undertaken by a qualified arborist. All associated costs are to be borne by the impacted landowner.
3. While some pruning and other works can be undertaken to a significant tree without development written approval, neighbouring landowners will need to apply for and obtain development written approval to undertake certain works associated with any part of a significant tree that overhangs their property up to the boundary line.
4. All associated costs relating to clause 1, 2 and 3 above are to be borne by the impacted landowner.
5. Where part of a significant tree overhangs a neighbouring property, it may constrain the development potential of the property.
6. All future affected neighbouring landowner(s), which have or are likely to have branches, canopy or roots of a significant tree(s) encroaching into their property, will be made aware of any significant tree which impacts their property. The City will advise future affected neighbouring landowner(s) of this when issuing a Certificate of Information Relating to Land in response to a land information enquiry.



## **Removal from Register**

Subject to obtaining development approval from the City, a tree may be removed from the Significant Tree Register if:

1. The tree is dead;
2. The tree poses an unacceptable level of risk within its structure and remedial techniques cannot rectify it;
3. The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it; and/or
4. The tree is causing significant damage to infrastructure and/or the property, and suitable documented evidence is provided by a qualified arborist, at the expense of the applicant.

The following reasons will not be considered sufficient for removal:

1. Withdrawal of the support from the landowner (or new landowner).
2. To facilitate the placement of a permanent vehicle access crossing; unless it is to facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

To remove a tree from the Significant Tree Register, landowners are required to provide an assessment from a qualified arborist detailing evidence and reasons why the tree should be removed from the Register. All associated costs are to be borne by the landowner.