

6.17 SIGNIFICANT TREE REGISTER

This document has been prepared under Schedule 2 of the 'Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.

1.0 INTRODUCTION

The City has introduced planning control measures to establish a Significant Tree Register to identify trees within the Scheme Area that are worthy of protection. An example of the Significant Tree Register is contained in Appendix A of this policy. The location of the Registered Trees will be available on the City's website, and be identified in the publicly available geographic information system.

2. PURPOSE

This Policy guides the implementation of the Significant Tree Register of Local Planning Scheme No. 3 and identifies the process for considering nominations for adding trees to the Significant Tree Register. Any tree included in the Tree Register requires development approval for the removal, destruction, and/or interference.

3. DEFINITIONS

Unless otherwise provided for in this policy, definitions have the same meaning as the Local Planning Scheme No. 3 and the *Planning and Development (Local Planning Schemes) Regulations 2015*. The following definitions are identified in Local Planning Scheme No. 3 Schedule A Part 3.

Arboriculturist	Means a person who has obtained a minimum of Australian Qualification Framework Level 5 Certification in Arboriculture (AQF5 Arborist) or equivalent qualification.
Arborist Report	Is an assessment or certification document that is provided by an Arboriculturist and should include information that concerns the health, value and general state of the tree, the structural root zone and tree protection zone, and a Tree Management Plan that outlines the methodology to preserve the tree.
Protected Tree	Means a tree that is included in the Significant Tree Register.
Significant Tree Register	Means a listing of trees identified and approved for protection, established under Local Planning Scheme No. 3 Schedule A clause 13B.
Structural Root Zone	Means an area specified in Australian Standard 4970-2009 Protection of Trees on Development Sites (and its successive Australian Standards updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.
Tree	Means an individual perennial tree.
Tree Protection Zone	Means an area specified in Australian Standard 4970-2009 Protection of Trees on Development sites (and its successive Australian Standards

	updates). This is the area above and below ground for the protection of a tree's roots and crown from development, to provide for the viability of a tree that is to be retained.
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4. CRITERIA FOR ASSESSING NOMINATIONS

4.1 LANDOWNERS OBLIGATION

To be considered for nomination, the nominated tree(s) is:

- a) A woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.
- b) Not a species identified as a weed by the *Biosecurity and Agriculture Management Act 2007*.
- c) Be of good health and form with no obvious signs of decline.
- d) Is of a significant size for the species typically meeting on or more of the following:
 - i. Diameter at Breast Height of at least 250mm, or;
 - ii. Canopy diameter spread of at least 10m, or;
 - iii. Height of at least 4m.

4.2 TREE STANDARDS

Before the City considers a nomination, the owners of all land containing a structural root zone of the tree must agree to:

- a) A section 70A notification being placed on the Certificate of Title for all property that contains the structural root zone of the tree; and
- b) Care for, and limit works to actions in a City issued Arborist Report and Tree Management Plan.

Note: This obligation may apply to an adjoining property where the SRZ encroaches into a property.

4.3 CITY ASSESSMENT

Once the City is satisfied the Tree Standards and Landowners Obligations have been met, an Arborist Report will be commissioned, to ensure the suitability of the tree for protection. A copy of this will be provided to the landowner.

The Arborist Report will determine the health and viability of the nominated tree(s) and is to identify the following:

Consideration	Requirement
Life Expectancy	Trees are to have a life expectancy of greater than 15 years at the time of assessment.
Pest or Disease Free	Trees are not to host significant pests or disease to an untreatable level or a level likely to cause decline.

Structural soundness	Trees are to be of sound form and structure without major faults.
Minor remedial works	The Arborist Report identifying amelioration work required to ensure the trees preservation. As well as any ongoing works that may be necessary over a 5 year maintenance program whilst ensuring the trees viability.

5. TREE ASSESSMENT PANEL

All nominations to add a tree to the Significant Tree Register will be considered by a Tree Assessment Panel. This Tree Assessment Panel will also consider requests to remove a tree from the Significant Tree Register, and works to a preserved tree that is greater than specified as being acceptable in the Arborist Report.

The Tree Assessment Panel will comprise of the Manager of Development Services and the Manager of Parks and Sustainability (or their proxy).

5.1 TREE ASSESSMENT PANEL CONSIDERATIONS

When applications to add, remove or modify a tree on the Register, or to undertake works to a Protected Tree beyond the scope outlined in a City provided Arborist Report, the Tree Assessment Panel will consider the following:

- a) The position of the tree in relation to proposed development/building;
- b) The significance of the tree in terms of physical state, rarity, variety and community value;
- c) Whether the tree presents an unacceptable level of risk'
- d) The potential fire hazard;
- e) The structural soundness of the tree;
- f) Whether the tree forms a part of or is remnant vegetation;
- g) Whether the property where the tree is located, is on the Heritage List (and contributes to the value of the property); and
- h) whether works can retain the natural height, form and character of the tree.

6. ADDING A TREE TO THE REGISTER

Only trees that meet the Criteria of this Policy will be included to the Significant Tree Register.

The City will not add a tree to the Significant Tree Register without the consent of the landowner of any land which contains the tree and its structural root zone.

Where a tree is added to the Significant Tree Register, the landowner is obliged to have a Section 70A notification placed on the Certificate of Title of any property containing the structural root zone of the tree. The owner, occupier or other person in control of land affected by a tree or the tree protection zoned listed or nominated for listing on the Significant Tree Register must preserve the tree from injury or death through neglect or malicious intent.

The Significant Tree Register must set out:

- a) A description of each tree;
- b) the tree protection zone of each tree;
- c) the structural root zone of each tree;
- d) the location of each tree;

- e) the address of all properties that contain the structural root zone of the tree;
- f) special conditions that apply (such as where pruning is expected from Western Power lines etc)

The Significant Tree Register list will be made available for public viewing on the City's website.

7. REMOVING A TREE FROM THE REGISTER

Only Requests to remove a tree from the Significant Tree Register will be considered by the Tree Assessment Panel. Protected Trees that are dead or dying may be considered for removal from the Significant Tree Register.

Withdrawal of support of any owner of the land (or subsequent owner of the land) is not sufficient reason to remove a Protected Tree from the Significant Tree Register. Restrictions to potential development of land is not sufficient reason to remove a Protected Tree from the Significant Tree Register.

Requests must demonstrate that the Protected Tree no longer meets or can not be restored to ensure its health and ongoing viability to meet the Criteria. Costs associated with obtaining evidence that the Protected Tree no longer meets the 'Criteria for Assessing Nominations' are the responsibility of the applicant.

The cost of removing a Section 70A Notification from a Certificate of Title shall be borne by the landowner.

8. WORKS

Development approval of the local government is required prior to the removal, destruction, and/or interference with any tree protected through its inclusion on the Significant Tree Register.

8.1 WORKS TO, OR NEAR, A PROTECTED TREE

A protected tree, its branches and any roots within the tree protection zone are prohibited to have works undertaken, except in the following circumstances:

- a) works on a neighboring property, which contains branches and roots of the Protected Tree, but does not affect the structural root zone of the tree identified in the Arborist Report; or
- b) pruning to the Protected Tree that involves removal of dead wood or treatment of disease; or
- c) works to the Protected Tree identified in a City issued Arborist Report; or
- d) works to the Protected Tree approved by the City's Tree Assessment Panel; or
- e) works to the Protected Tree that are urgently necessary for public safety; or
- f) development approval for building works has been granted, which identifies works (but does not require removal of) the Protected Tree; or
- g) subdivision approval has been granted by the Western Australian Planning Commission which identifies works (including removal of) the Protected Tree; or
- h) approval has been granted for works to the tree following a Commonwealth or State environmental assessment.

Notwithstanding the requirement for development approval refer to the provisions below for emergency works.

8.2 EMERGENCY WORKS

Emergency works to a Protected Tree required for the safety of people and property, or maintenance of essential services can be undertaken without approval from the City. These works must be undertaken by a Arboriculturist to the satisfaction of the City. Owners are to notify the City in writing within five working days following the emergency work having been undertaken and notification must include an Arborist Report by the Arboriculturist who carried out the work.

8.3 ACCOMPANYING MATERIAL

Where works are proposed the following material is to be submitted:

Site Plan identifying Protected Tree(s).
Details of proposed measures to preserve Protected Tree(s) as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.
A Tree Management Plan prepared by an Arboriculturist which states the condition of the tree against the 'Criteria for Assessing Nominations', must be provided during the assessment of an application for development approval where the City is concerned about possible impacts to a tree. The Tree Management Plan is to outline building options that reduce the impact to the tree.
An Arborist Report may be required that specifies the condition of the tree, the proposed work; matters that minimise the impact to the tree to ensure its viability and the methodology to preserve the Tree.

8.4 IMPACTS TO A PROTECTED TREE

A Protected Tree is not to be removed, whilst the tree is listed in the Significant Tree Register.

All efforts are to be taken to avoid impacts, or limit impacts to a Protected Tree, as a result of development. Applicants are encouraged to engage with the City prior to designing a development, for assistance to design around a tree.

Proposed development, strata titling and/or subdivision of private land should be designed to ensure for the ongoing viability of a Protected Tree, with consideration of the potential impacts and growth habits of a tree throughout its life cycle. All works adjacent to Protected Trees are to be undertaken as outlined in the Australian Stand 4970-2009; Protection of Trees on Development Sites.

8.5 VARIATION TO SITE AND DEVELOPMENT REQUIREMENTS

To facilitate the preservation of a tree on the Significant Tree Register, the City may consider varying the development standards for proposed works to prevent or limit the modification to a protected in accordance with Clause 5.5 of LPS 3.

- a) A variation to any development provision (except related to site area)) of the Scheme, Local Planning Policy, State Planning Policy 7.3 – Residential Design Codes, Local Development Plan or Structure Plan is desirable to facilitate the preservation of a tree on the Significant Tree Register.

- b) The local government is not to grant development approval that requires a variation under subclause (1) which might, in the local government's opinion, significantly affect an adjoining property or a property in the locality unless:
- i. The application seeking the variation is advertised to the affected adjoining landowner in accordance with clause 64 of the Deemed Provisions; and
 - ii. Any submissions received in response to the advertising, are duly considered by the local government.

8.6 CONDITION OF DEVELOPMENT APPROVAL

Where works are approved in the vicinity of a Protected Tree, a Tree Management Plan prepared by an Arboriculturist is to be required as a condition of Development Approval. Development works are to be undertaken as outlined in the Australian Standard 4970-2009: Protection of Trees on Development Sites.

9. OTHER RELEVANT DOCUMENTS

- Local Planning Scheme No.3 Scheme Text – Part 7
- Local Planning Policy 6.6 Landscaping
- Local Planning Policy 6.11 Trees and Development
- State Planning Policy 7.3 Residential Design Codes
- Planning and Development (Local Planning Schemes) Regulations 2015

APPENDIX A – SIGNIFICANT TREE REGISTER (AS AT DD MONTH YYYYY)

Tree ID	Property Address			Helliwell Value	
	Type of Tree	Date Added	Tree Location	Structural Root Zone	Tree Protection Zone
	Conditions Related to the Tree				
	Picture of Tree				
X	Suburb, Street, HN x, Lot x			\$x,xxx	
	<i>Species</i>	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				
X	Suburb, Street, HN x, Lot x			\$x,xxx	
	<i>Species</i>	DD Month YYY	Long 0.00 Lat 0.00	x.xm	x.xm
	Conditions Related to the Tree – x				
	Picture				

OFFICE USE ONLY:

Local Planning Scheme No.3 - Local Planning Policy History:

Action Council Date Resolution No. Effective Date

Drafted

Adopted dd/mm/yyyy xxxx/yyy dd/mm/yyyy

Modified - - -