

POLICY			
TITLE:	RECOGNITION AND PROTECTION OF SIGNIFICANT TREES	ET	545
PURPOSE or OBJECTIVE:	<p>The purpose of the Recognition and Protection of Significant Trees Policy is to provide for the formal recognition of trees on both private and public land that have particular value, and enable significant trees on private land to be afforded a greater level of protection than was previously available.</p> <p>The Policy sets out the requirements for the nomination of a tree, or group of trees, the entry of a significant tree or group of trees onto, and deletion of a significant tree or group of trees from the Significant Tree Register.</p>		
REFERENCE DOCUMENTS:	<p>Metropolitan Region Scheme Planning and Development (Local Planning Schemes) Regulations 2015 <i>Local Government Act 1995 s 2.7.(2)(b)</i> Local Planning Scheme No. 42 City of Canning Consolidated Local Laws (1995) Policy ET525 Trees in Streets, Thoroughfares and Parks (2016)</p>		

POLICY STATEMENT
<p>Local Planning Scheme 42 makes provision for a Significant Tree Register. This policy outlines the conditions for the assessment of trees on private and public land for entry in the City’s Significant Tree Register.</p> <p>The entry of a tree on the Register will only be made where the tree is determined to meet one or more of the criteria for significance set out in the policy and its inclusion on the Register is approved by Council.</p> <p>The deletion from the Register and the physical removal of a significant tree will require Council approval by lodging a Development Application under the City’s Planning and Development (Local Planning Schemes) Regulations 2015 Clause 61(1)(22) and the Metropolitan Region Scheme.</p>

1. Scope

This policy applies to trees on both private and public land and includes mechanisms that can be used to protect trees which are entered on to the Significant Tree Register. Significant trees that are located on some public land including Road Reserves and land zoned for Parks and Recreation or Conservation are also protected under Local Laws and City policies.

2. Definitions

<i>Assessment criteria</i>	The categories under which the significance of a tree can be considered, as set out in Part 3 below.
<i>Private land</i>	Any private freehold land
<i>State or Federal Government controlled land</i>	Any freehold or Crown land including Reserves, Road Reserves, land under the control of State or Federal Government or Government owned entities (eg Water Corporation).

<i>Local Government controlled land</i>	Freehold or Crown land including Reserves and Road Reserves under the control of Local Government.
<i>Significant Tree</i>	A tree that is considered to be an outstanding example in regard to one or more of the assessment criteria.
<i>Significant Tree Register</i>	A document which records the details of all trees that have been determined by Council Resolution to be significant trees.
<i>Suitably Qualified Arboriculturalist</i>	An experienced arboriculturalist with a Diploma in Arboriculture (Australian Qualifications Framework AQF Level 5) or higher relevant qualification and a minimum of three years demonstrated tree assessment and report writing experience.
<i>Tree</i>	A long-lived woody perennial plant, greater than three metres in height at maturity, with one or few stems.

3. Criteria for assessing significance

The categories of significance and criteria for assessing the potential for a tree to be classified as significant and qualify for entry in the Significant Tree Register are set out in the table below:

Category	Criteria
1. Scientific Significance	1.1 Particular horticultural or genetic value 1.2 Important source of seed or propagating stock 1.3 Particularly resistant to disease or exposure 1.4 Particularly old or venerable 1.5 Notable remnant indigenous vegetation 1.6 Outstanding for its height, trunk circumference or canopy spread 1.7 An outstanding example of the species 1.8 Species or variety that is rare or of a very localised distribution (refer to the WA Threatened Species List) 1.9 Critical element of a wildlife corridor 1.10 Important habitat for breeding / roosting / foraging particularly for endangered indigenous wildlife
2. Historical Significance	2.1 Forms part of an historic park or garden 2.2 Historic planting style (e.g. Avenue) 2.3 Associated with an important event 2.4 Commemorative plantings, including an Avenue of Honour 2.5 Associated with an important person, group or institution
3. Social Significance	3.1 Unique location or context 3.2 Important landmark 3.3 Commemorates a particular occasion or association 3.4 Contemporary association with the community
4. Aesthetic Significance	4.1 Important contribution to landscape 4.2 Unique location or context 4.3 Is an outstanding visual example of its species, or a tree in its location 4.4 Exhibits curious growth form or unusual physical features whether naturally occurring, resulting from natural events or human intervention
5. Spiritual Significance	5.1 Strong connection to Wadjuk Noongar culture or is valued for recognising and continuing cultural traditions 5.2 Important spiritual and religious association

4. Nominating trees for the Register

- (1) Any person may nominate a tree or a group of trees located on any public or private land located in the City of Canning for entry in the Significant Tree Register.
- (2) Nominations for a tree or group of trees must be made on the Significant Tree Register nomination form. If nomination of a group of trees is made, the nomination must include the number of trees that comprise the group.
- (3) Nominations of trees on private land that is not Government controlled must include the written support of the land owner/s where the tree is located. It is the nominator's responsibility to obtain the written support of all owners of the tree. However, should a nominator be unable to contact the land owner(s), the nominator must demonstrate the steps they have taken to attempt to contact the owner(s) and if necessary the City will contact the owner(s) on the nominator's behalf.
- (4) The nominator is not required to obtain the consent of the land owner/s for nominations of trees that are on public land or on Government controlled private land.
- (5) The City will not accept any nomination to enter a tree or a group of trees in the Significant Tree Register within three years of an unsuccessful nomination for the same tree or group of trees. An unsuccessful nomination is where the assessment in accordance with Part 3 of this policy did not consider the tree or group of trees to be significant.
- (6) The City may advertise for new nominations every three years, however nominations can be accepted at any time.
- (7) Nominations assessed by the City that qualify for registration will be referred to Council for determination on whether they are to be included on the register.

5. Deletion of an entry from the Significant Tree Register

- (1) Applications for deletion of a tree or group of trees from the Register may be made:
 - (a) because of concerns regarding the tree's or group's structural stability or
 - (b) because of concerns regarding the tree's or group's health or
 - (c) in conjunction with a subdivision application or
 - (d) in conjunction with a development application to develop the property on which the tree or group of trees is located or
 - (e) because the applicant believes the tree or group does not meet any of the criteria for significance.
- (2) The owner/s of the tree or group of trees must submit a development application which includes the justification for deleting an entry from the register in order to remove the tree/s and supply, at their cost, a report prepared by a suitably qualified arboriculturalist as part of the application.
- (3) If the arboriculturalist's report determines that the tree requires removal due to structural issues or declining health, the City may, at its cost, arrange for a second accredited arboriculturalist's report on the tree.
- (4) Except for applications made under 5 (1) (a) above, all owners of a tree or group of trees on private land must provide written support to an application to delete a tree or group of trees from the Significant Tree Register.
- (5) If Council resolves to delete a tree or group of trees from the Significant Tree Register, the City will undertake the advertising and notification requirements set out in Local Planning Scheme 42 Schedule A, following which the tree is removed from the Register.
- (6) The City will not consider a further request to delete a tree from the Significant Tree Register under Part 5 (1) (e) of this policy within three years of an unsuccessful request.

6. Physical removal of trees entered in the Significant Tree Register

- (1) A tree entered in the Significant Tree Register cannot be physically removed until at least the day after Council has approved an application to remove a tree or group of trees from the Register. The exception to this is where it has been determined by an independent, suitably qualified arboriculturalist's report that the tree represents a definite threat of imminent harm to persons or 'catastrophic' damage to property. The City may, at its cost, arrange for a second accredited arboriculturalist's report on the tree.
- (2) In the event that the City receives an arboriculturalist's report confirming that the tree represents a definite threat of imminent harm to persons or 'catastrophic' damage to property, the CEO may approve the tree/s physical removal and deletion from the Register

7. Costs

- (1) An application fee does not apply to nominate a tree.
- (2) A Development Application fee as shown in the Schedule of Fees and Charges will be required for the removal of trees on the Significant Tree Register.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Planning Scheme No. 42</i>
Process Links	<i>Nomination Form Significant trees (D21/279516)</i> <i>Procedures - Recognition and Protection of Significant Trees (D20/84697)</i> <i>Guidelines - Significant Tree Register (D21/252129)</i> <i>Policy ET525 Trees in Streets, Thoroughfares and Parks (2016) (D16/124432)</i> <i>Policy ET528 Dangerous Trees on Private Property (D13/27571)</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 61(1)(22)</i> <i>LP.09 - Local Planning Policy - Tree Retention and Planting - Development (2017) (D18/6727)</i> <i>Australian Standard AS 4373-2007 Pruning of Amenity Trees</i> <i>Australian Standard AS 4970-2009 Protection of trees on development sites.</i>

POLICY ADMINISTRATION

Program responsible		Officer Title	
<i>Canning Environment</i>		<i>Director, Canning Environment</i>	
Version	Decision Reference	Meeting type and date	Delegation No. (or N/A)
1	Policy adopted (D20/84303)	OCM 19/10/2021	N/A