

Agenda Item 6.1**SIGNIFICANT TREE REGISTER**

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PURPOSE

To present a draft policy for a Significant Tree Register and to propose a public process, seeking nominations of significant trees for Council's consideration.

ISSUES SUMMARY

- Protecting significant trees is an important part of safeguarding a city's natural and cultural heritage and preserving the many benefits of trees in the urban landscape.
- Ongoing growth and development make it timely to investigate ways to protect significant trees in Maribyrnong.
- Trees can be significant for a number of reasons, including scientific, social, historical, environmental or aesthetic significance. The criteria used to assess a tree's significance is based on the National Trust's Significant Tree Register which has been developed and tested over many years and forms the basis of other tree registers across Victoria and Australia.
- The criteria includes Horticultural value, rare or localised, location or context, particularly old, outstanding example of the species, historical value, outstanding habitat value, religious, symbolic or cultural associations.
- Engaging the community on the value of significant trees is proactive and an opportunity to raise awareness of our urban forest and its benefits. Requesting nominations from the community creates buy-in and is likely to result in further support of tree protection measures beyond that of a regulatory compliance framework.
- A draft policy has been prepared to guide the establishment of the Significant Tree Register. (Attachment 1)
- It is proposed to call for the nomination of significant trees from the community (Attachment 2 Nomination Form) and have them assessed by an independent arborist to determine those which meet the criteria and be included in the Register.
- A draft Register would then be presented to Council for consideration and a subsequent Amendment to the Maribyrnong Planning Scheme undertaken.
- Adopting a register through the Maribyrnong Planning Scheme via an appropriate overlay would provide the highest level of protection for significant trees by triggering a planning permit for their removal or nearby building work.

ATTACHMENTS

1. Draft Significant Tree Register Policy - February 2018 [↓](#)
2. Significant Tree Register - Draft Nomination Form - February 2018 [↓](#)

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OFFICER RECOMMENDATION

That the City Development Special Committee:

- 1. Adopt the draft Significant Tree Register Policy and the criteria to be used for the establishment of a Significant Tree Register.**
 - 2. Commence public consultation seeking nominations for trees to be considered for inclusion on the register.**
 - 3. Following extensive consultation, receive a further report with an independent assessment of all nominations and a draft Significant Tree Register.**
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Agenda Item 6.1**BACKGROUND**

Protecting significant trees is an important part of safeguarding a city's natural and cultural heritage, and preserving the many benefits of trees.

Trees can be significant for a number of reasons, including scientific, social, historical, environmental or aesthetic significance.

Most Melbourne metropolitan councils and all other IMAP Councils have some form of tree register.

In Maribyrnong a number of significant trees on public land are protected by Heritage Overlays. Trees may also be protected by State planning provisions, such as the Aboriginal Heritage Regulations 2007 which cover areas of cultural heritage sensitivity (such as land within 200m of a waterway), and the native vegetation removal regulations. There is also the opportunity to identify and retain significant trees through development when the rezoning of a site is sought.

Some recent tree removals on private property have raised community interest around this topic. Ongoing growth and development in the City makes it timely to further consider the protection of significant trees on private land in Maribyrnong.

Trees on public land are not included in the nominations. Trees in road reserves and parks within the City of Maribyrnong are subject to rigorous regulation, planning and arboricultural management in line with Council policies and procedures. This register has been created for the purpose of recognising and protecting those trees that are not managed by the City of Maribyrnong but are controlled by the Maribyrnong Planning Scheme.

DISCUSSION/KEY ISSUES**1. Key Issues**

The purpose of a significant tree register is to identify and protect trees on private property which are of significance to the local area. It is also an opportunity to raise awareness of the value of the City's trees and to promote their retention.

A draft policy has been prepared to guide the establishment of the Significant Tree Register (attachment 1). The purpose of the policy is to:

- Establish Maribyrnong City Council's strategic direction for protecting significant trees.
- Provide a technical framework for decision making and documentation to ensure consistency in the identification of significant trees.
- Outline an effective community engagement process for seeking nominations to the Significant Tree Register.

The criteria to assess a tree's significance is based on those developed and tested over many years by the National Trust's Significant Tree Register, which is the underlying basis of almost all significant tree registers in Victoria, if not Australia. These have been adjusted to suit a local nomination process and are listed below.

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Criteria	Description
Horticultural Value	Of horticultural or genetic value; an important source of seed or propagating stock.
Rare or Localised	Any tree of a species or variety that is rare or of a very localised distribution.
Location or context (contribution to landscape)	Unique location or contribution to the landscape; a landmark; outstanding aesthetic value
Particularly old	A particularly old specimen (not in rapid or advanced decline)
Outstanding size	Outstanding height, circumference, canopy spread, or combination of these
Aesthetic Value	Any tree of outstanding aesthetic significance.
Curious Growth Form	Any tree which exhibits a curious growth form or physical feature such as abnormal outgrowths or natural fusion of branches
Historical value	Trees commemorating a particular occasion or event; associated with an historical figure
Outstanding examples of species	A tree considered an outstanding example of its species
Religious, symbolic or cultural association	A tree with recognised association with Aboriginal people and their traditions (e.g. scarred tree, canoe tree, corroboree tree) and other recognised cultural associations
Environmental value	Any tree that provides outstanding environmental benefits including greenhouse savings in nearby buildings, reduced stormwater flows, habitat benefits for biodiversity, shading and reduction in air pollution.

Trees must fulfil one or more of the criteria in order to be considered significant.

Protection

A Significant Tree Register can be administered through the Planning Scheme or via a Local Law approach. Adopting the Register into the Maribyrnong Planning Scheme through an amendment process is considered to provide a higher level and most effective form of protection.

The National Trust states that:

'it may be better if the planning controls can be applied to specific trees which are marked on local planning maps, rather than a blanket controls over all trees of a certain size. Often landowners are not aware of blanket controls, and penalties for damage or removal fail to be a deterrent for wilful damage.'

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In the Planning Scheme Amendment, an Environmental Significance Overlay (ESO), a Significant Landscape Overlay (SLO), a Vegetation Protection Overlay (VPO) would be considered to determine the most appropriate overlay control. Any Amendment process would be considered by an independent review panel and community input.

An overlay on a significant tree would subsequently trigger a planning permit for the removal of trees as well as a planning permit for buildings and works within each tree's Tree Protection Zone.

Methodology

To identify significant trees and raise community awareness of significant trees, it is proposed to call for nominations of trees from the community (draft Nomination Form provided in Attachment 2). Anyone can nominate a tree and it does not have to be on their own property. Nominations can be for individual, groups and avenues of trees.

Once nominations are received, the trees would be assessed against the criteria by a qualified independent arborist to determine if they should be included in the register. The assessment would also include:

- the health and structure of the tree and its useful life expectancy
- any risks the tree presents in the landscape
- recommendations for the management of the tree.

A draft Register would be presented to Council for consideration prior to going through a future Amendment to the Maribyrnong Planning Scheme.

It is recommended that interim controls be sought for trees identified on the draft Register to ensure their protection during any amendment process. Recommendations for interim controls will be presented in the Council report outlining the draft Significant Tree Register.

2. Council Policy/Legislation

Council Plan 2017-2021/Municipal Public Health and Wellbeing Plan

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021:

- Quality Places and Spaces
- Clean and Green.

Legislation

The report proposes an Amendment to the Maribyrnong Planning Scheme in accordance with Section 4 of *Planning and Environment Act 1987*

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Agenda Item 6.1**Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

The nomination process is a proactive opportunity to engage with the community on the value of significant trees. Nomination forms would be available online and at key locations such as Town Hall and libraries. The nomination process is proposed to run for 6 months. Communications about the nomination process would include:

- Notices on Council website and social media platforms
- Article in Maribyrnong News
- Advertisement in local paper
- Information at Town Hall, libraries and neighbourhood centres.

Once the Draft Register is developed it is proposed to undertake further public exhibition to inform those potentially affected by any proposed overlay. Public exhibition would run for five weeks and include:

- Letters to all land owners and occupiers of properties containing trees proposed to be included on the Register
- Letters to those who nominated trees to advise them of the outcome
- Community information / drop in sessions
- Notices and promotional materials in key locations and online.

The registration process may have some unintended or undesirable consequences. Some land owners may be concerned about being responsible for a potentially significant tree or not want restrictions on the development potential of their land, and hence pre-emptively remove trees from their land. Others may also use the process to nominate non-significant trees in an attempt to prevent development occurring in their neighbourhood.

While these actions can't be fully prevented, it will be important to broadly promote the purpose of the register and encourage positive communication within the community about the benefits of trees in the urban environment.

4. Resources

Preparation of the draft Significant Tree Register including the nomination process and arborist evaluation of nominations is estimated to cost approximately \$80,000 and will be subject to the 2018/19 budget.

A future Amendment to the Maribyrnong Planning Scheme is expected to cost an additional \$20,000.

5. Environment

The development of a Significant Tree Register will contribute to ensuring the benefits of trees and the City's urban forest are widely promoted.

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Trees, and in particular large mature trees provide many benefits to the community and environment, including shading of spaces and cooling of buildings, stormwater mitigation, lowering air pollution, increasing carbon storage, habitat, and biodiversity.

Their protection through the Significant Tree Register will preserve these environmental values.

CONCLUSION

This report provides a draft policy to guide the establishment of a Significant Tree Register in order to protect important aspects of Maribyrnong's natural heritage. It proposes a public nomination process, followed by an Amendment to the Maribyrnong Planning Scheme in order to achieve the highest level of protection and in keeping with the recommendations of the National Trust Significant Tree Register.

Once nominations have been received and assessed a draft Register and Planning Scheme Amendment process will be presented to Council for consideration.

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Significant Tree Register (Nomination) Policy

Records number:	Endorsed by:
Date Endorsed:	Policy Author: Manager City Design
Policy Owner:	Review date
Policy Status:	Policy type

REVISION RECORD

Date	Version	Revision Description
23 / 02/ 18	1	Council Briefing March 2018

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Introduction

Maribyrnong City Council is committed to protecting its significant trees, safeguarding its natural and cultural heritage and preserving the many benefits of trees in the urban landscape. Ongoing growth and development is resulting in the removal of some large trees in private open space which has the potential to change the character of the landscape and reduce the aesthetic, social and environmental benefits that trees provide.

Growth and development in the City makes it timely to further consider the protection of significant trees on private land in Maribyrnong.

A register to protect significant trees and tree canopy in the city for future generations is vital to safeguard the city's natural and cultural heritage and preserve the many benefits of trees in the urban landscape.

Purpose

The purpose of this policy is to:

- Establish Maribyrnong City Council's strategic direction for protecting significant trees.
- Provide a technical framework for decision making and documentation to ensure consistency in the identification of significant trees.
- Outline an effective community engagement process for seeking nominations to the Significant Tree Register.

Scope

This policy applies to all trees on private land within the City that meet the National Trust's Significant Tree Criteria (Detailed in Table 1).

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Definitions

Term	Definition
Private land	Any land not under the control of Council, State or Federal Government
Tree Protection Zone	A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

Responsibilities

Responsibility for this policy belongs to:

- Director Planning Services and the
- Manager City Design
- Manager Urban Planning
- Manager Operations and Maintenance (Arborists)

Policy

Maribyrnong City Council is committed to providing a high-quality living environment for ratepayers, residents and visitors. A significant tree register will protect trees, preserving canopy cover on private land and maintaining the character, heritage, environmental and landscape characteristic of the neighborhood.

Some trees, through age, size, and rarity of planting or association with aboriginal, cultural and historical events achieve a higher level of importance than others on private land, and Council is committed to acknowledging their significance.

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Key Stakeholders

- Residents/Property Owners
- Developers and Planning Consultants
- Urban Planning and City Strategy Units
- Operations and Maintenance Unit

Related Legislation

Maribyrnong Planning Scheme – Heritage Overlay

Maribyrnong Planning Scheme Clause 55.03 Site Layout and Massing
(Landscaping Objectives)

Related Documents and Procedures

Significant Tree Register

Street Planting Strategy 2013

Policy Procedure

The policy will support the Significant Tree Register. The Register will list significant trees on private land that have been assessed against the National Trust's Significant Tree Criteria.

Any person can nominate a tree located on private land within the municipality. Trees on public land cannot be nominated.

Nominated trees will be assessed by an independent arborist who will determine whether the tree meets the specified criteria (Table 1).

The independent arborist will determine whether the tree is worthy of inclusion; assessing condition, risk and useful life expectancy of the tree within the landscape.

A draft Significant Tree Register will be presented for consideration where interim tree controls will be sought for trees on the draft register to ensure their protection during any future amendment process. The controls will apply to the tree and the tree protection zone.

The Significant Tree Register will be reviewed every 4 years to put forward any new nominations, and to remove trees from the Significant Tree Register, if required.

No further review will be conducted on nominations until they are resubmitted at the 4 year review.

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Table 1: Significance Criteria – based on National Trust Significant Tree Criteria

Criteria	Description
Horticultural Value	Of horticultural or genetic value; an important source of seed or propagating stock.
Rare or Localised	Any tree of a species or variety that is rare or of a very localised distribution.
Location or context (contribution to landscape)	Unique location or contribution to the landscape; a landmark; outstanding aesthetic value
Particularly old	A particularly old specimen (not in rapid or advanced decline)
Outstanding size	Outstanding height, circumference, canopy spread, or combination of these
Aesthetic Value	Any tree of outstanding aesthetic significance.
Curious Growth Form	Any tree which exhibits a curious growth form or physical feature such as abnormal outgrowths or natural fusion of branches
Historical value	Trees commemorating a particular occasion or event; associated with an historical figure
Outstanding examples of species	A tree considered an outstanding example of its species
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Environmental value	Any tree that provides outstanding environmental benefits including greenhouse savings in nearby buildings, reduced stormwater flows, habitat benefits for biodiversity, shading and reduction in air pollution.

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Review of Policy

The Significant Tree Policy shall be reviewed every 4 years in line with a review of the Significant Tree Register.

Significant Tree Register Nomination Form



To assist in the nomination and assessment process, please provide as much information about the tree(s) and be as specific in your descriptions as possible.

TREE DETAILS

Essential information

Please complete all components in this section

Number of trees:

You can nominate a group of trees in the one form if the nomination is for the group (e.g three adjacent trees of the same species). Please complete a separate nomination form if the trees are unrelated.

Location of tree(s)

Please provide the street address of the nominated tree(s), and a description of where on the block it is located. Please provide aerial image or map if available.

Photographic evidence

Please attach a photograph/s of the nominated tree(s) in full.

Common Name: (eg, River Red Gum) _____

Botanical Name: _____

Estimated Height: _____ metres

Estimated Width: _____ metres

Estimated Age: _____ years

Trunk diameter: _____ cms

General Condition: Very Good
 Good
 Fair
 Poor

Significant Tree Register Nomination Form



REASONS FOR NOMINATION

Criteria for significant trees

Please refer to 'Significant Tree Register Criteria' in the attached documentation for a detailed description and examples of the criteria. Tick boxes next to all criteria that you believe the nominated tree(s) may fulfill.

- Horticultural value
- Rare or localised
- Location or context
- Particularly old
- Outstanding size
- Aesthetic value
- Curious growth form
- Historical value
- Outstanding example of species
- Religious, symbolic of cultural value
- Environmental value

Supporting information

Please provide a detailed description of the reason for the nomination relating to criteria ticked above, and/or any additional reasons that you believe the tree to be significant. You may also attach any supporting documentation to illustrate the significance of the tree(s), for example, local history information linked to the tree(s), photographs etc.

Significant Tree Register Nomination Form



Nominator Details

Name: _____

Telephone number: _____

Email address: _____

Postal address: _____

Owner/Authority of the property

Are you the owner/authority of the property the tree(s) are on?

Yes No

Name of owner/controlling authority (if known):

Have you advised the owner of the property about this nomination?

Yes No

Privacy statement and liability disclaimer (required)

I (Printed name) _____ declare that the information that I have provided to the Maribyrnong City Council is, to the best of my knowledge, truthful and correct, and is intended for the purpose of protecting a tree(s) I believe to be eligible for the *Significant Tree Register*.

Signature: _____

Date: _____

Thank you for taking the time to make this nomination. We will be in touch to inform you of the progress of your nomination.

For any further queries regarding the Significant Tree Register, please go to www.maribyrnong.vic.gov.au/significanttrees