

APPENDIX A

Yarra City Council Environment Local Law, No. 3 of 2002

Part AB – Tree Protection

7A Significant Trees

7A.1 A person must not, without a permit, remove, damage, destroy or lop a significant tree.

Penalty: twenty (20) penalty units

7A.2 In deciding whether to grant a permit under sub-clause 7A.1, the Council must have regard to the **Procedures and Protocols Manual**

(Part 2 – Significant Trees).

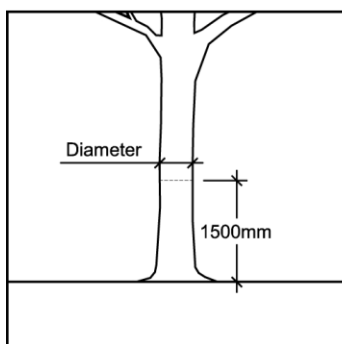
7A.3 The requirement to obtain a permit under sub-clause 7A.1 does not apply:
(As made by Council, 11 March 2003 and amended 15 May 2007, 21 July 2009 and 22 September 2009)

7A.3.1 where a person cuts, trims or prunes a tree to ensure compliance with any other provision of this or any other Local Law; or

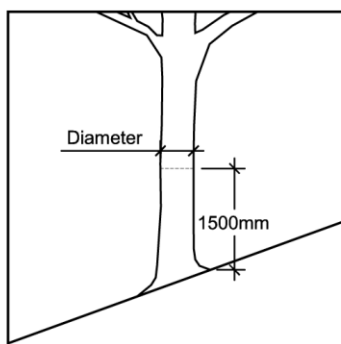
7A.3.2 where an adjacent landowner removes branches which are overhanging that adjacent land."

Determination of Significant Trees

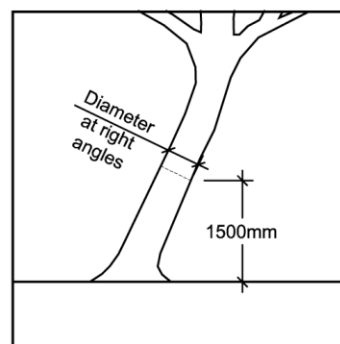
For the purpose of determining a significant tree, the trunk diameter of the tree is to be measured as per the following diagram:



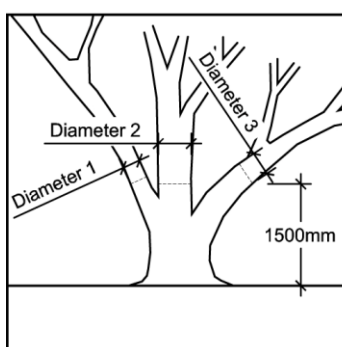
1. Standard tree



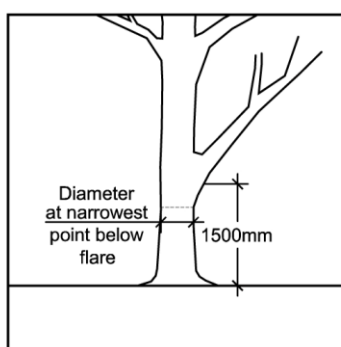
2. Tree on sloping ground



3. Leaning tree



4. Multi-trunked tree



5. Tree flared at 1.5m

Combined trunk diameter: The individual trunk diameters of a multi-trunked tree expressed as an equivalent single stem diameter. This is calculated using the following formula:

$$\text{Combined trunk diameter} = \sqrt{(\text{Diameter 1})^2 + (\text{Diameter 2})^2 + (\text{Diameter 3})^2 \text{ etc...}}$$

Matters to be considered when assessing applications

In considering whether to grant a permit for the removal of a significant tree or cutting, trimming, pruning or taking any other action which may endanger the health of the tree the Council may consider:

- a) whether it is necessary to obtain an arborist's report;
- b) whether the tree is included on any register;
- c) has planning approval been provided or is required
- d) the reason for the request;
- e) impact on the amenity and safety of the area;
- f) impact on any nearby buildings or structures
- g) any proposed replacement planting; and
- h) any other relevant matter.

APPENDIX B

BAYSIDE CITY COUNCIL

LOCAL LAW NO. 6

ENVIRONMENT LOCAL LAW (AMENDMENT) LOCAL LAW

PART 1 – PRELIMINARY

TITLE

This Local Law is the BAYSIDE CITY COUNCIL Local Law No. 6 - Environment Local Law (Amendment) Local Law, and is referred to below as 'this Local Law'.

OBJECTIVES OF THIS LOCAL LAW

The objectives of the Local Law are to –

- (a) amend the Council's Local Law No. 2;
- (b) provide a safe and healthy environment in which the residents of the Municipal District enjoy a quality of life that meets the general expectations of the community;
- (c) prohibit, regulate and control activities which may endanger identified significant trees and to protect existing tree canopies on private properties within the Municipal District, ensuring that they are maintained in accordance with the urban character and local amenity;
- (d) to regulate the destruction, damage, removal, cutting, trimming, lopping and pruning of identified significant trees and other tree canopies on private property within the Municipal District, ensuring that they are maintained in accordance with the urban character and local amenity; and
- (e) provide for the peace, order and good government in the Municipal District.

AUTHORISING PROVISION

The Council's authority to make this Local Law is contained in section 111 of the *Local Government Act 1989*.

COMMENCEMENT

This Local Law operates from the day following its making.

DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the same day on which the Council's Local Law No. 2 ceases to operate.

SCOPE OF THIS LOCAL LAW

This Local Law applies throughout the whole of the Municipal District except where it is apparent from its wording that a clause or schedule applies to a specific area or areas. Its provisions apply to the extent that they are not inconsistent with any Act, Regulation or Planning Scheme applicable to the Council or its Municipal District.

DEFINITIONS

In this Local Law unless the context or subject-matter indicates otherwise the following words and phrases have the respective meanings assigned:

WORDS AND PHRASES	MEANING OR EXTENDED MEANING
Council	Means the BAYSIDE CITY COUNCIL
Municipal District	Means the Council's municipal district
Principal Local Law	Means the Council's Local Law No. 2 – Environment

PART 2 – AMENDMENTS TO PRINCIPAL LOCAL LAW

AMENDMENT TO CLAUSE 36

- (1) Delete clause 36(1) of the Principal Local Law and substitute:

"A person must not, except in accordance with a Permit,

- (a) destroy, damage or remove or allow to be destroyed, damaged or removed on any Private Property; or
- (b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned on any Private Property:
 - (i) an Identified Significant Tree; or
 - (ii) any Tree with a single Trunk Circumference or Combined Trunk Circumference greater than one hundred and fifty five (155) centimetres, measured at one metre above Ground Level."

- (2) Delete clause 36(4) of the Principal Local Law and substitute:

"Notwithstanding anything contained elsewhere in this Local Law, any Permit granted may contain a condition stipulating that upon removal of a Tree another Tree (whether or not of a specified type) must be planted (whether or not in a specified location), and sub-clause (1) does not apply when a person:

- (a) destroys, damages or removes or allows to be destroyed, damaged or removed; or
- (b) cuts, trims, lops or prunes or allows to be cut, trimmed, lopped or pruned,

on the Private Property an Identified Significant Tree or a Tree with a single Trunk Circumference or Combined Trunk Circumference greater than one hundred and fifty

five (155) centimetres, measured at one metre above Ground Level, solely for the purpose of complying with sub-clause (1)."

(3) Delete clause 36(5)(b) of the Principal Local Law and substitute:

"cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned,"

(4) Delete clause 36(6)(b) of the Principal Local Law and substitute:

"cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned,"

AMENDMENT TO CLAUSE 40

Clause 40(2) of the Principal Local Law is amended by adding "other than for the purpose of directly accessing that Private Property" after "Property".

Resolution for the making of this Local Law was agreed to by the Council on 2007.

The Common Seal of **BAYSIDE CITY**)
COUNCIL was affixed this day)
of..... 2007 in the presence of:)

..... Mayor / Councillor

..... Councillor

..... Chief Executive Officer