

**HUNTER'S HILL COUNCIL
PART ONE
SIGNIFICANT TREE REGISTER
BACKGROUND PAPER**



Port Jackson Fig – Huntleys Point Road, Huntleys Point

ACKNOWLEDGEMENTS

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PART A: OVERVIEW OF SIGNIFICANT TREE REGISTER

1.0 BACKGROUND

1.1 WHAT IS THE PURPOSE OF A SIGNIFICANT TREE REGISTER?

Past heritage studies have tended to focus on Hunters Hill's social and cultural history, particularly its built environment. This is reflected in the number and diversity of listed heritage sites and relics which tell the story of Hunters Hill's development over time.

A Significant Tree Register (Register) addresses the gap between the frequently well documented built environment of an area and the landscape environment of an area. A Register is a study of the heritage value of individual trees, avenues and stands of trees. Registers have been established by many councils throughout Australia, as well as by non-statutory organisations, including the National Trust.

Contained within the Hunters Hill Consolidated DCP (2013) is the established framework for protecting trees. The Register is an additional tool which draws attention to particularly valuable, outstanding or sometimes old trees, ensuring the unique character of Hunters Hill is maintained.

1.1.1 Objectives

The aims of the Register are to:

- provide Hunter's Hill Council with a framework for the identification and assessment of significant trees;
- enable a consistent approach to significant tree assessment based on accepted heritage assessment criteria;
- provide a centralised database of significant trees for planning, management, conservation and education purposes;
- complement Council's LEP (2012), Consolidated DCP (2013) and other relevant planning instruments to increase the level of protection for significant trees;
- increase community awareness and appreciation of the value of significant trees

1.1.2 Heritage and Trees

The Burra Charter defines heritage as items that are 'worth keeping because they enrich our lives – by helping us understand the past; by contributing to the richness of the present environment; and because we expect them to be of value to future generations'.¹ This definition broadly applies to all items be they cultural or natural. Many historic buildings, streetscapes and landscapes owe much of their character to trees. Trees may be remnants of original landscapes, plantings by early settlers, commemorative plantings, or markers of significant events in Hunters Hill's history. Trees tell the stories of the people of the past and in particular the plant collectors, the botanists, nurserymen, horticulturists, landscape designers and garden makers of the 19th century. Many early trees have reached considerable size and outstanding form, and some species are now rare in cultivation. Beyond cultural and historical interpretations, trees are considered significant for the natural heritage they provide.

¹ The Australia ICOMOS, 1999, *Charter for the Conservation of Places of Cultural Significance*.

1.2 WHAT IS THE SCOPE OF THE SIGNIFICANT TREE REGISTER?

The study area includes all individual trees, stands and avenues of trees on private and public land within Hunter's Hill Council that meet the criteria for inclusion. A tree that is not 'prescribed vegetation' as defined in Chapter 2.3 of Council's Consolidated DCP (2013) will not, in the majority of cases, be included within the Register.

Trees under the control and management of the following organisations are excluded from the Register.

- Sydney Water
- Ausgrid
- Telstra

1.3 HOW IS SIGNIFICANCE ASSESSED?

An assessment of heritage significance endeavours to establish if and why an item is important and requires a methodical and consistent research approach.

All potential listings should be subject to an arboricultural inspection and a determination of relative importance in terms of established criteria. The criteria for assessment contained in a Register are based on general principles outlined in the Burra Charter and on criteria from the Register of the National Estate. Since 2007, the Register of the National Estate ceased being a statutory listing; however, the assessment criteria it established remain valid. The criteria are applicable to all types of heritage places and items, be they natural, cultural or Indigenous. However, the criteria used within a Register are adapted to be more tree-focused.

The terminology used in the Register is as defined in Article 1 of the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 1999,² and the New South Wales Heritage Council's NSW Heritage Manual.³

1.3.1 Criteria

The assessment criterion aim to differentiate between trees that have qualities of significance and those trees of lesser attributes, and considers both natural and cultural qualities. Whilst some criteria may have a particular bias, heritage items, including trees, tend to have multiple 'values'. Generally, for a tree to be considered for listing on the Register, it should satisfy at least two of the criteria, especially if the primary attribute is visual/aesthetic value. This limits the subjectivity of the nomination and assessment process.

Importantly, it should be recognised that the value of those trees not listed on the Register is not diminished. All trees are valued and are subject to the controls of the Council's Consolidated DCP (2013).

Cultural, Social and/or Commemorative Values

- Highly valued by the community for reasons of strong religious, spiritual, cultural, educational, political or other social associations, including Indigenous culture and heritage.

² The Australia ICOMOS, 1999, *Charter for the Conservation of Places of Cultural Significance*.

³ NSW Heritage Office and Department of Planning, 1996, NSW Heritage Manual, Sydney HO/DUAP, Sydney.

Historic Values

- Associated with a well-known public figure or group;
- Reflects a specific era of landscape design;
- Associated with a heritage listed place;
- Forms part of a recognised historic garden or park.

Botanic/ Scientific Values

- High horticultural or genetic research/educational value;
- An important source of propagation stock, including specimens that are particularly resistant to disease or climatic extremes.

Ecological Values

- Important for threatened flora, fauna, ecosystems or natural landscapes;
- Specimens of rare, threatened or locally uncommon species or ecological communities;
- Provides a significant habitat for rare or threatened fauna;
- Indigenous remnant trees that predate urban development. Significant remnant communities are not included in the Register – however, other smaller fragmented elements of natural heritage may be included.

Visual/ Aesthetic Values

- Situated within a very prominent location;
- Outstanding for height, trunk circumference or canopy spread;
- Highly visible and considered a landmark;
- Exhibits an unusual growth form or physical feature, including unusually pruned forms;
- Contributes significantly to the establishment of local character.

1.3.2 Tree Management

The health, structural condition and Useful Life Expectancy (ULE) of the nominated trees should be considered as part of the assessment process. Risk management options should be evaluated prior to trees with a ULE of less than 5 years being included in the Register.

1.4 HOW IS SIGNIFICANCE DOCUMENTED?

1.4.1 Tree Profile Sheets

A Tree Profile Sheet should be prepared for each listing on the Register. This sheet contains a summary of historical information derived from the assessment process. The sheet should include the following information:

- Botanical and common name
- Location
- Photograph
- Historical summary
- Statement of significance - a summary of the identified comparative points of importance.
- Level of significance – local, state, national

1.4.2 Accessibility

It is important that the Register is easily accessible by planners, tree managers, owners, developers and the community generally if it is to achieve its dual aims of protecting trees and raising awareness and appreciation of trees.

Information relating to a tree listed on the Register should be maintained in Council's Land Information System and linked to the relevant property parcel for future DAs or other works that require approval.

Copies of the Register should be made available at Council's Customer Service Centre, Council's Libraries and on Council's website.

Tree Profile Sheets should be made available to owners and the public.

1.5 HOW ARE ITEMS ADDED OR REMOVED FROM THE REGISTER?

1.5.1 Process for including a tree on the Register

Council or a member of the public can nominate a tree for inclusion on the Register. The nomination process should involve:

- Completion of a nomination form by the nominee
- Assessment of significance
- Public consultation
- Review of submissions made from public
- Preparation of the Tree Profile Sheet with recommendations to include/not include a tree on the Register
- Review of recommendations by Council
- Determination made by Council to either include or exclude the tree from the Register

Further information on the process of nominating a tree for inclusion on the Register is included in Volume 2 of this document.

1.5.2 Removing an item from the Significant Tree Register

a. Tree Management

Tree removal is sometimes an inevitable and necessary management strategy, even for significant trees. Tree removal may be required when a tree listed on the Register has reached or is approaching senescence or when it poses a high risk of injury to persons or damage to property.⁴ The process for obtaining approval to remove a tree listed on the Register is the same as that for all 'prescribed vegetation' (refer Chapter 2.3 of Consolidated DCP 2013).

⁴ Fakes, J & Hopwood, A, *University of Sydney Draft Tree Management Policy*, 2008.

b. Review of the Significant Tree Register

Trees are living organisms that grow within a changing environment. These dynamics cannot be captured within a static document and Council should review the STR on a periodic basis to assess factors affecting the health and longevity of the listed trees and to confirm tree management practices.

Recommendations to remove trees from the Register can be made by Council or members of the public and a review undertaken based on accepted heritage assessment guidelines. Further information on the process of recommending a tree for removal from the Register is included in Volume 2 of this document.

1.5.3 Community Consultation

Community consultation is an integral part of the nomination and review process. The Draft Register will also be placed on Public Exhibition for 4 weeks.

1.6 WHAT ARE THE IMPLICATIONS OF A TREE BEING INCLUDED ON THE SIGNIFICANT TREE REGISTER?

Once a tree has been listed on the Register, there are additional protocols that must be followed by Council and the tree owner. These protocols relate to controls for development proposals and tree removal or pruning applications. Council's Tree Management Controls are outlined within the Consolidated DCP (2013).

The Register is concerned with protecting and managing the future of Hunter's Hill Council's significant trees. In some instances, owners do not want publicity regarding their tree. The public must respect their privacy and must not attempt to visit trees which are listed as Privately Owned.

PART B: BACKGROUND INFORMATION

2.0 HISTORICAL CONTEXT

The following review documents the importance of trees to the existing character and heritage value of Hunters Hill. Hunters Hill is regarded as Australia's oldest garden suburb and is a place of national heritage significance. It has an important natural resource in its trees which greatly contribute to the area's heritage and character. Increasing urban consolidation and development means these valuable assets demand greater recognition and protection.

2.1 INDIGENOUS CONTEXT & LANDSCAPE

Aboriginal people have inhabited the greater Sydney region for over 20,000 years. Prior to the appropriation of their lands by Europeans, the Sydney region was made up of the clan estates of over twenty different Aboriginal clan groups. The Hunters Hill area was inhabited by the Wallumedegal clan who may have called the area 'Moco Boula', which meant 'two waters'. Moco Boula would have signified the meeting of the Lane Cove and Parramatta Rivers.⁵

By the time the first settlers came into the area in 1830, the Indigenous inhabitants had been driven away or had died from smallpox. Archeological sites remain in pockets of bushland, with axe-grinding grooves, rock engravings, hand stencils and middens a reminder of the area's Indigenous inhabitants.⁶

Hunters Hill forms part of the southern boundary of the northern portion of the coastal sandstone plateau in the Sydney basin. The topography of the area was typically rugged with the soils derived from Wianamatta shale overlaying Hawkesbury sandstone.⁷

The largest bushland reserve on the peninsula is Kelly's Bush which is located on the southerly aspect of the major ridge line of the peninsula. The area would have once supported tree species including *Eucalyptus piperita* (Sydney Peppermint) and *Eucalyptus gummifera* (Red Bloodwood), open-forest on sandstone slopes, and dense foreshore thickets of *Ficus rubiginosa* (Port Jackson Fig), *Banksia integrifolia* (Coast Banksia), *Elaeocarpus reticulatus* (Blueberry Ash), *Acacia longifolia* (Sydney Golden Wattle) and *Pittosporum undulatum* (Sweet Pittosporum).⁸

Along the edges of the peninsula, amongst the sandstone outcrops, a community of *Banksia integrifolia* (Coast Banksia), *Eucalyptus piperita* (Sydney Peppermint) and *Angophora costata* (Sydney Red Gum) occurred with stands of *Avicennia marina* (Grey Mangrove) along the water's edge.

In the vicinity of St Joseph's College, Turpentine Iron-bark Forest grew on shale, marking the edge of the extensive forest that covered much of the Ryde area.

The sandstone which provides much of the visual appeal of Hunters Hill made it unsuitable for agriculture. Rather than suffering from the wholesale clearing as in other parts of Sydney, the area's bushland was spot cleared in desirable locations to accommodate housing. Whilst the natural environment of the area has undergone massive changes over the past two centuries, the Municipality still retains small areas of vegetation remnant from pre-occupation. This remnant vegetation forms a vital part of Hunters Hill's natural heritage and is indicative of the pre-European landscape. One example of this is the Sydney Turpentine Iron-bark Forest (STIF) at Boronia Park. STIF is listed as an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995.⁹

⁵ Beverley Sherry, 1989, *Hunter's Hill Australia's Oldest Garden Suburb*, David Eil Press, Sydney, pg. 22-23.

⁶ Beverley Sherry, 2009, *Sydney Journal*, Hunters Hill, accessed 14.08.13.

⁷ Meredith Walker, 1984, *Hunters Hill Heritage Study: Heritage & Character Report*, Hunters Hill Council, pg 17.

⁸ Benson, D. & J. Howell, 1995, *Taken for Granted: The Bushland of Sydney and its Suburbs*, Royal Botanic Gardens, Sydney.

⁹ Hunters Hill Council, 2007, *Conserving Our Bushland*, Hunters Hill Council, accessed 24.08.13.

2.2 EARLY GARDENING IDEALS

During the 1820's and 1830's, emancipated and free settlers led to a diversification of Sydney society. Private wealth enabled gardening on a new scale, leading to the creation of complex gardens emulating predecessors and contemporaries in Britain and Europe.¹⁰ As parts of the natural vegetation were cleared, a new cultural landscape began to emerge. The English Landscape School and European Romanticism prompted a fashion for idealised landscapes. Some wealthy landowners developed estates where the gardens were geometric in design, whilst others took inspiration from landscapes popularised by 'Capability' Brown, picturesquely siting their house on slopes above rivers or streams, despite the fact that Sydney bushland was patently ill suited for emulating Britain's pastoral landscapes.

Formal gardens with the popular and fashionable trees of the day surrounded the house whilst the bushland provided a broad-scale setting. The stately *Araucaria heterophylla* (Norfolk Island Pine) appealed to the British taste for conifers and by the 1820's graced the front lawns of many colonial houses and public buildings. These pines and the related *Araucaria cunninghamii* (Hoop Pine) frequently served as navigational beacons and markers on the harbour. The distinctive appearances of these trees with their grand scale and symmetry have been a lasting part of the Sydney landscape and sky-line for almost two hundred years.¹¹ **Image 1** shows 'Passy' C.1850, set amongst stately pines and Eucalypts.



Image 1: Western elevation of Passy, C.1850
(Source: Hunters Hill Trust, photographer unknown)

The European fashion for collecting exotic genera was keenly mirrored in Sydney. The Sydney Botanic Gardens had a significant role as early as 1816 in the exchange of plant specimens. Collections of Australian flora were exported to botanic gardens in Britain and Europe and Sydney became a vital part of trade with other gardens around the globe.¹² Access to the Botanic Gardens was initially only for the 'gentry' of Sydney but in 1831 was changed to include the general public.

http://www.huntershill.nsw.gov.au/Page/Page.aspx?Page_Id=161

¹⁰ Aitken, R. 2010, *The Garden of Ideas Four Centuries of Australian Style*, The Miegunyah Press, pg 91.

¹¹ City of Sydney, 2013, *Register of Significant Trees: Part B, Sydney's Cultural Landscape*, City of Sydney, pg B5.

¹² City of Sydney, 2013, *Register of Significant Trees: Part B, Sydney's Cultural Landscape*, City of Sydney, pg B4.

Charles Moore became Director of Sydney Botanic Gardens in 1848, beginning nearly fifty years of profound influence on garden design in NSW. In his distribution of plants, Moore's preference for rainforest trees, particularly *Ficus macrophylla* (Moreton Bay Fig), left an indelible mark on Sydney. This species continues to be a significant historic and cultural element throughout the Hunters Hill area. Moore was also responsible for introducing a number of exotic plants from the Pacific Islands and further afield into the Botanic Gardens, providing further influence and direction to the gardens and cultural landscape of the Sydney region.¹³

Joseph Maiden, Director of the Botanic Gardens for the early part of the 20th century, continued the Botanic Garden's strong influence on the wider Sydney landscape. Maiden's signature plants became *Phoenix canariensis* (Canary Island Date Palm) and *Araucaria heterophylla* (Norfolk Island Pine).¹⁴

Suburban gardens of the inter-war period (1918–1939) were influenced by a number of fashions, with no one style predominant. Economic boom and depression, the growth of the nursery trade and the availability of plant material all impacted on garden style. Broadleaf evergreens, including *Lophostemon confertus* (Brush Box), *Jacaranda mimosifolia* (Jacaranda), *Grevillia robusta* (Silky Oak), *Magnolia grandiflora* (Bull Bay Magnolia) and *Melia azedarach* (White Cedar) were all popular tree species throughout this period.¹⁵

2.3 THE EMERGENCE OF THE GARDEN SUBURB

From the time of early development, Hunters Hill was different from the terrace-house suburbs found elsewhere in Sydney. The restricted early transportation routes linking the peninsula to Sydney created a pattern of land use characterised by detached houses in a garden setting. Even with the opening of Gladesville Bridge in 1871, establishing a road linking the peninsula with Sydney and leading to an increase in population, terrace housing did not flourish.

The Garden Suburb Movement began in Britain in 1875 and gathered momentum towards the end of the century. Hunters Hill was not a comprehensively planned garden suburb, such as Haberfield.¹⁶ The pattern of land use we see today 'evolved' from the 1840's onwards due to the pioneering influences of early speculative builders such as the Joubert brothers, who placed value in the landscape setting of their houses.

Image 2 depicts 'Passy' built by the Joubert brothers in 1855-56, on an elevated position above Lane Cove River, set within a landscape of existing bushland and planted trees.

As early as 1870, Council introduced a policy on trees. Mayor Jeanneret proposed an avenue of thirty trees, including twenty-six Port Jackson Figs, be planted along Ferry Street.

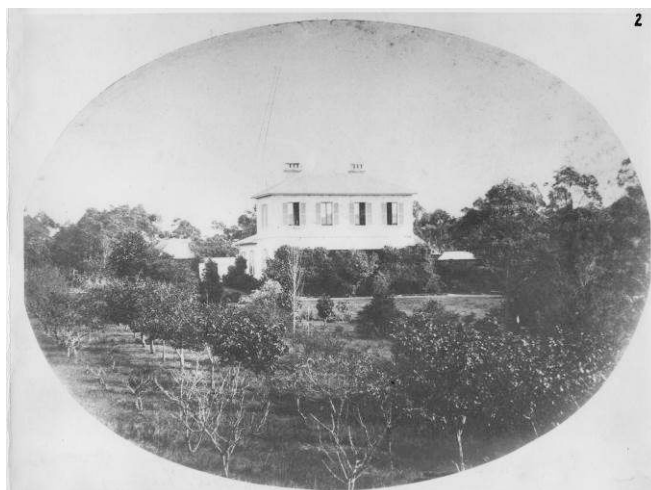


Image 2: Eastern elevation and garden of Passy c. 1850 (Source: Hunters Hill Trust, photographer unknown)

¹³ Aitken, R. & Looker, M. *The Oxford Companion to Australian Gardens*, Oxford University Press, pg 438.

¹⁴ Aitken, R. & Looker, M. *The Oxford Companion to Australian Gardens*, Oxford University Press, pg 439.

¹⁵ Read, S. *Interwar Gardens*, NSW Heritage Office, http://www.heritage.nsw.gov.au/heritagensw/mar00/4_art.htm, accessed 01/09/13.

¹⁶ Beverley Sherry, 1989, *Hunter's Hill Australia's Oldest Garden Suburb*, David Ell Press, Sydney, pg. 12

In addition, he proposed that Council purchase one hundred trees and give them to residents on the proviso that they maintain them and plant them near the street frontages; this at a time when, elsewhere in the colonies, tree removal was the norm. Residents responded enthusiastically with some requesting specific species. The tradition of tree planting that started with Jeanneret continued, and trees were frequently planted for significant occasions, for example when soldiers went to World War I or for births or marriages.¹⁷ The image depicted in **Image 3** shows the area around Ryde Road, Hunters Hill C.1893, with early street planting.



Image 3: Photograph of Hunters Hill taken from St Joseph's College Roof c.1893. Ryde Road is in the foreground and Riverview College, Lane Cove, visible in the background.
(Source: State Library NSW, photographer Charles Bayliss)

By 1900, the remote and rocky peninsula covered in Turpentine, Ironbark and other Eucalypts had been transformed into a suburb of detached houses. Much of the bushland still remained, especially on the steep sides of the peninsula, but gardens were laid out around the dwellings, and planted trees lined the main streets.¹⁸

While most of the grand estate gardens of the area have been lost to subdivision, vestiges of them remain in the form of mature significant trees that would have once delineated the grounds of early Victorian mansions.

In 1981 the Register of the National Estate classified Hunters Hill as a Conservation Area for its importance as 'an exceptional low-density garden suburb, which includes many historic buildings and structures'.

¹⁷ Beverley Sherry, 1989, *Hunter's Hill Australia's Oldest Garden Suburb*, David Ell Press, Sydney, pg. 14.

¹⁸ Beverley Sherry, 1989, *Hunter's Hill Australia's Oldest Garden Suburb*, David Ell Press, Sydney, pg. 37.

2.4 LEGISLATIVE FRAMEWORK

Statutory and non-statutory listings and registers provide a framework to help ensure significant items are not diminished by development or inappropriate management practices.

2.4.1 Acts

Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* provides Council with the power and obligation to protect heritage items and vegetation through LEPs and DCPs. These Plans must be considered by Council when assessing Development Applications. Development consent must be obtained from Council for work that may impact on vegetation protected under the provision of Council's DCP or heritage items scheduled within Council's LEP.

Heritage Act 1977

Natural, cultural and built heritage is protected in NSW under the *Heritage Act 1977*. This Act established the State Heritage Register and clarified the roles of state and local government in heritage management.¹⁹

The *Heritage Act 1977* outlines that the owner of a heritage item listed within the State Heritage Register, must ensure the item is maintained and repaired to the minimum standards imposed by the regulations. Approval must also be obtained from the Heritage Council and Local Council before work can be done that might damage an item listed on the State Heritage Register.²⁰

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* is the Commonwealth Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the *Environment Protection and Biodiversity Conservation Act 1999* as matters of national environmental significance.²¹

2.4.2 State Environmental Planning Policy (SEPPs)

State Environmental Planning Policy (Exempt & Complying Codes)

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) allows for exempt and complying development subject to compliance with appropriate standards. The Codes SEPP has been amended to significantly expand the range of exempt and complying development across the State and increase the number of properties to which the Codes SEPP applies. A Complying Development Certificate cannot be used for the removal of a tree if the tree is a heritage item or listed on a Significant Tree Register.

2.4.3 Consolidated Development Control Policy (2013)

Council's Consolidated Development Control Policy (2013) outlines Tree Management Controls relating to development proposals and tree removal or pruning applications.

¹⁹ NSW Heritage Office, 2002, *Local Government Heritage Guidelines*, NSW Heritage Office, accessed 02.08.13, www.heritage.nsw.gov.au/guidelines/index.htm

²⁰ NSW Heritage Office, 2002, *Local Government Heritage Guidelines*, Sydney.

²¹ NSW Heritage Office, 2002, *Local Government Heritage Guidelines*, Sydney.

2.4.4 Statutory Registers

State Heritage Register

The State Heritage Register is a list of items of particular importance to the people of NSW. Listing protects and conserves the items and places because approval for alteration, damage, demolition and development must be obtained from the Heritage Council under section 60 or section 140 of the *Heritage Act 1977* before the commencement of any work.²²

State Heritage Inventory

The State Heritage Inventory is an electronic database that includes all items listed on the State Heritage Register and heritage schedules of LEP's.

Heritage Schedules in LEP's

Heritage items including buildings, trees or places, which meet the NSW Heritage office threshold for listing, are identified in Council's Local Environmental Plan (2012).

2.4.5 Non-Statutory

The Australia ICOMOS Charter-Burra Charter (1979)

The Burra Charter defines the basic principles and procedures to be followed in the conservation of heritage places. The Burra Charter has been adopted as the standard for best practice in the conservation of heritage places in Australia.

The criteria for assessment contained in a Register are based on general principles outlined in the Burra Charter and on criteria from the Register of the National Estate.

The National Trust of Australia (NSW) Register

The National Trust is an independent community organisation that identifies buildings and sites, including trees and landscapes, it considers worthy of conservation. Whilst inclusion of an item on this Register does not have any statutory force, it has been the basis for listing items on the State Heritage Register and local lists.²³

The National Trusts of Australia are currently collaborating to create a national register of significant trees in accordance with Burra Charter principles and against criteria from the Register of the National Estate.

Significant Tree Registers

A Significant Tree Register recognises trees with historical, cultural or botanical importance. Listing within a Register increases the potential for scheduling the item within Council's LEP; therefore facilitating improved protection, particularly with regards to development.

²² NSW Heritage Office, 2002, Local Government Heritage Guidelines, Sydney.

²³ NSW Heritage Office, 2002, Local Government Heritage Guidelines, Sydney.

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