



Tree Preservation Order 2006

NOTICE is given that on 30 January 2006 **Woollahra Council** resolved to rescind all tree preservation orders presently in force and to make a new Tree Preservation Order to be known as the Woollahra Council Tree Preservation Order 2006.

(1) Aim

To secure tree amenity and preserve the existing urban forest amenity within the Woollahra Council area.

(2) Land to which this Order applies

This Order applies to all land within the Woollahra Council Local Government Area.

(3) Trees to which the Order applies

For the purpose of this Order "tree" or "trees" means any tree or palm, whether of indigenous, endemic, exotic or introduced species, with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches.

The Order applies to:

- (a) Any tree with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches.
- (b) Any bushland vegetation irrespective of size.
- (c) Any tree or plant, irrespective of size, listed in a register of significant or heritage trees adopted by Council at any time.
- (d) Any pruning of roots greater than 50mm diameter.

For exemptions to the Tree Preservation Order, refer to Clause (6) of this order.

(4) Prohibition

Except as otherwise provided in this Order, a person shall not injure a tree, or prune, remove, ringbark, cut down, top, lop or transplant any tree except with the consent of Council under this Order and in accordance with any consent and any conditions thereof.

(5) Consents

(5.1) Council owned, controlled or managed land

Council, or its duly authorised servants or agents, may carry out the pruning or removal of a tree or trees including bushland vegetation from Council controlled land.

(5.2) Private property

An application for tree works must be made on Council's Application form and must have the consent of the owner of the land on which the tree is growing.

(5.2.1) A Tree Preservation Order consent is only valid for 12 months from the date of issue except where an exemption is referred to in Clause (6) of this order, or except where an approval has been issued for a longer period for maintaining a hedge.

(5.2.2) A Tree Preservation Order consent issued in conjunction with a subdivision approval or development consent shall lapse if the subdivision approval or development consent lapses, becomes invalid, or void, or is surrendered.

(5.2.3) Consent for pruning or removal of trees associated with development may, if granted, be issued concurrently with the development application consent subject also to any landscaping and streetscaping requirements of any relevant LEP, DCP or Council Policy.

(5.2.4) Consent for removal of a tree may not be granted unless it complies with the relevant LEP, DCP or Council Policy.

(5.2.5) A copy of the consent must be kept on site and produced on demand to Council's duly authorised officers, servants or agents.

(6) Exemptions

Where the exemption provisions contained in this clause are applicable for trees greater than 10m in height, written notification to Council of intention to carry out tree works is required seven days prior to the work being undertaken.

Notwithstanding the exemptions, Council will require the planting of replacement trees as a condition under this Order unless sufficient existing trees remain on the property.

(6.1) Removal

This clause only allows removal of a tree if it is carried out in accordance with WorkCover NSW Code of Practice 'Amenity Tree Industry' - 1998.

If a tree meets the following conditions, Tree Preservation Order consent is not required where:

- (a) The tree is "Dead"; (Ensure the tree is not leafless because it is a deciduous tree).
- (b) The tree is "Dangerous", posing an imminent danger to property or life. Documentary evidence from an Australian Qualification Framework certified level 5 Arborist to the satisfaction of Council, must be produced prior to removal.
- (c) Removal or pruning of trees is to be carried out in association with approved road works under sections 88,107,138 and 139 of the Roads Act 1993 and in accordance with AS4373 -Pruning of Amenity Trees.
- (d) The tree is of a species that has been declared a noxious plant under the Noxious Weeds Act 1993 as prescribed for Woollahra Local Government area.
- (e) The tree is required to be removed by a NSW Fire Brigade because it poses or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire.
- (f) The immediate removal of trees is essential for emergency access or emergency works by Council or the State Emergency Services.
- (g) The tree is of a species referred to in the lists of trees below; **(Except on sites identified as heritage items)**

Group A

Botanical Name	Common Name
Ailanthus altissima	Tree of Heaven
Cupressocyparis leylandii	Leyland Cypress
Ficus elastica	Rubber Tree
Gleditsia triacanthos	Honey Locust
Lagunaria patersonii	Norfolk Is. Hibiscus
Ligustrum lucidum and cvs.	Large Leaf Privet
Ligustrum sinense	Small Leaf Privet
Olea europea var. africana	African Olive
Salix spp	Willow
Schefflera actinophylla	Umbrella Tree
Syagrus romanzoffianum	Cocos Palm

Group B

The following species listed being less than 10m in height:

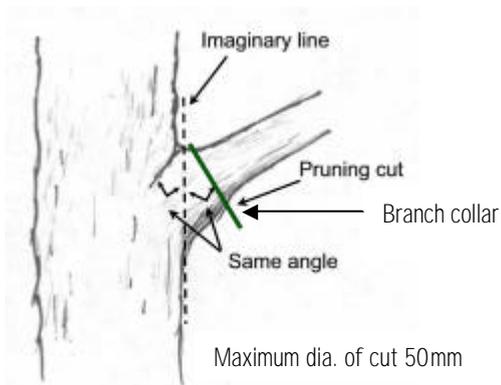
Botanical Name	Common Name
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Celtis spp.</i>	Hackberry
<i>Erythrina spp.</i>	Coral Trees
<i>Populus spp.</i>	Poplar

(6.2) Pruning

This clause only allows pruning of a tree if it is carried out in accordance with Australian Standard AS4373 – 1996, 'Pruning of Amenity trees' and WorkCover NSW Code of Practice 'Amenity Tree Industry' - 1998.

If a tree meets the following conditions, Tree Preservation Order consent is not required for:

- (a) The removal of dead branches from a tree.
- (b) Selective pruning, being only pruning to remove branches no larger than 50mm diameter at the nearest branch collar or junction to clear:
 1. a roof;
 2. an external face of a building;
 where branch encroachment is within 2m of such and where the owner of the land where the centre of the tree originates or where the majority of the trunk of the tree is growing, provides written consent.
- (c) Pruning of trees to remove branches no larger than 50mm diameter at the nearest branch collar to maintain distance clearances to powerlines as set out under section 48 of the Electricity Supply Act 1995.



- (d) The seasonal pruning of a fruit tree or tree grown for the purpose of citrus and stone fruit. **Excluding** *Acmena spp* – Lilly Pilly, *Syzygium spp* – Lilly Pilly *Elaeocarpus spp* – Blueberry Ash and *Ficus spp* – Figs, *Podocarpus spp* – Plum Pine, *Macadamia spp* – Macadamia nut, *Harpephyllum spp* – African Wild Plum, *Phoenix spp* – Date Palms;
- (e) The pruning of any species of parasitic mistletoe or parasitic plant being removed from any part of a tree, only as is necessary, to ameliorate the effects upon the tree of such a parasite.

(7) Penalties

A person found guilty of an offence for a contravention of this Order may be fined up to 10,000 Penalty Units if dealt with in the Land and Environment Court or up to 1,000 Penalty Units if dealt with in the Local Court.

In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a removed or damaged tree and impose an order to maintain such replacement to maturity.

(8) Definitions –

“**Bushland**” means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

“**Bushland Vegetation**” includes trees of any size, shrubs and all herbaceous species such as groundcovers.

“**Controlled Land**” means all land that Council owns or has the responsibility for care and management.

“**Council**” means the Woollahra Municipal Council or any officer with delegated authority authorised to act on behalf of the Council.

“**Dangerous Tree**” means a tree that is capable of inflicting imminent liability or harm to a person’s life or property.

“**Dead Tree**” means a tree that no longer has the capacity to produce or sustain life.

“**Deciduous**” means a tree that has an annual periodic season of shedding its leaves

“**Destroy**” means any immediate or ongoing process or activity leading to the death of a tree.

“**Height**” means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

“**Heritage Item**” means the Council’s listed heritage items contained in the local environment plan or heritage items listed in the State’s heritage lists.

“**Injury**” includes the administering of a chemical or artificial substance to a tree or part of a tree or, the alteration of ground level or water table, which causes damage to the tree, or any part of the tree. This includes any physical injury especially by machinery on construction sites.

“**LGA**” means Local Government Area.

“**Lop**” or “**Lopping**” means cutting between branch unions or at internodes on a young tree, with the final cut leaving a stub.

“**Owner**” has the meaning ascribed to it in the Local Government Act, 1993.

“**Penalty Unit**” a value utilised by the court to establish a monetary penalty to be imposed for an offence.

“**Pruning**” means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree including roots, so as to cause reduction of the space occupied by the roots, branches and foliage of a tree. All pruning is to conform to Australian Standard AS 4373 – 1996 ‘Pruning of amenity trees’.

“**Removal**” and “**Cutting Down**” means the cutting down or dismantling of a tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth.

“**Topping**” or “**Top Lopping**” means any act or acts of severing any part of a tree’s crown foliage so as to cause the reduction of the height of a tree, leaving a trunk and stubbed main branches.

“**Transplant**” or “**Transplanting**” is the removal of a tree that is excavated from its place of origin from within the ground and is relocated within the ground of the same property or re-establishment within the ground or a container within another property.

“**Urban Forest**” is defined as the totality of Trees and Shrubs on all land in and around urban areas and is measured as a canopy cover percentage of the total urban area.

(9) Warning

Council may impose or seek to impose a prominent banner, shroud or other form of notice where a tree has been wilfully damaged or removed on public land or land managed by Woollahra Council.