

## **Pittwater Tree Preservation and Management Order**

NOTICE is hereby given that the Tree Preservation and Management Order resolved by Pittwater Council on 21<sup>st</sup> June 1993, amended by Pittwater Council on 14<sup>th</sup> October 1996, is amended on the following terms on 7 September 2009: alteration of Clause 3 (trees to which this Order applies); alteration to Clause 4 (definitions); alteration to Clause 5 (prohibition); alteration to Clause 6.3 (consents); alteration to clause 7 (exemptions); alteration to clause 8.1 (list of undesirable plants in the Pittwater Council Area)

### **1. Citation**

Council considers it expedient for the purpose of securing amenity and preserving existing amenity to rescind all Tree Preservation Orders presently in force in the Pittwater Council area and to make a new Tree Preservation Order to be known as the Pittwater Tree Preservation and Management Order 1996, to apply to the whole area.

Tree Preservation Orders presently in force in the area are hereby rescinded.

This Order shall apply to all land being publicly or privately owned within the Pittwater Council area.

### **2. Land to which this Order applies**

This Order applies to all land within the Pittwater Council area to which Pittwater Local Environmental Plan 1993 applies.

### **3. Trees to which the Order applies**

This Order applies to:

- (a) any tree or shrub, whether endemic, exotic or introduced species, not being a cycad or mangrove which has
  - (i) a height exceeding three (3) metres, or
  - (ii) a trunk, bole or branch girth exceeding 0.5 metres or which has a combined girth or each of two or more trunks or boles exceeding 0.5 metres, or
  - (iii) a branch canopy width exceeding five (5) metres;
- (b) any mangrove irrespective of dimensions

### **4. Definitions**

In this order:

“**Council**” means the Council of the Pittwater area or any officer authorised to act on the behalf of Council.

“**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 plan of the uppermost point of the tree.

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



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

“**Poison**” includes the administering of a chemical or artificial substance to a tree or any part of a tree.

“**Pruning**” means any act or acts of severing any part of a tree so as to cause its reduction by more than 10% of the crown of a tree over a period of less than twelve (12) calendar months.

## 5. Prohibition

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

## 6. Consents

### 6.1 Public owned land including Council reserves/road reserves.

An application for a consent to poison, ringbark, cut down, remove, injure, prune or wilfully destroy a tree or trees shall be made on Council's Tree Preservation and Management Order Application. Only Council or its duly authorised servants or agents are permitted to carry out the poisoning, ringbarking, cutting down, removing, injuring, pruning or destroying of a tree or trees including bushland from the said public land. Council will only prune or remove trees for essential tree maintenance. Council will not consider applications for the removal of trees including bushland on public land solely for the purpose of improving views from properties in the locality. Any pruning for additional solar access will be required to be approved with the cost of these works being incurred by the applicant.

### 6.2 Private Property

An application for consent to poison, ringbark, cut down, remove, injure, prune or wilfully destroy a tree or trees on private property shall be made on Council's Tree Preservation and Management Order Application by the owner of the land or by any person with the consent in writing of that owner. A fee applies for such applications. The amount of the fee is varied by Council from time to time.

### 6.3 Any consent issued under this Order will require the described replanting or restoration to be carried out within 2months of the works in the consent being carried out.

### 6.4 Any consent issued under this Order in conjunction with a subdivision approval or building approval granted under the Local Government Act 1993, or a development consent granted under the Environmental Planning and Assessment Act 1979, will lapse if the subdivision approval, building approval or development consent lapses or becomes invalid or void.

### 6.5 Any consent granted under this Order can not be carried out unless the consent or a copy of the consent:

- (a) is displayed on the subject land, in a position so that it is readable from a public road which has a common boundary to the land, prior to the commencement of and during the carrying out of the works; and
- (b) shall be produced by the person or persons carrying out the work forthwith on demand by Council's duly authorised officers, servants or agents.

## 7. Exemptions

- 7.1 The owner of the land being private property or any person with the consent in writing of that owner may, without the consent of Council, under this Order, poison, ringbark, cut down, remove, injure, prune or wilfully destroy a tree where the tree:
- (a) Tree works of which an order or permit has been issued under the Rural Fires Act 1997. Tree works required under the Electricity Supply Act 1995 the Electrical Supply(General) Regulation 2001, The electricity Safety Act 1945 and the Roads Act 1993.
  - (b) is a species that has been declared a noxious plant under the Noxious Weeds Act 1993;
  - (c) is a species referred to in the list of Undesirable Plants in Clause 8 of this Order;
  - (d) is a Poplar (*Populus spp*) or Willow (*Salix spp*);
  - (e) is growing within the area of a public work approved by Council;
  - (f) is a fruit tree or tree grown for the purpose of fruit production except *Acmena*, *Syzygium* and *Elaeocarpus* species.

## 8. List of Undesirable Plans in the Pittwater Council Area

- 8.1 The plants listed below are identified by the botanical name. The common name is provided for reference only.
- 8.2 Undesirable Trees

BOTANICAL NAME	COMMON NAME
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Araucaria bidwillii</i>	Bunya Bunya Pine
<i>Arecastrum romanzoffianum</i>	Cocos Palm
<i>Brachychiton acerifolium</i>	Illawara Flame
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Coprosma repens</i>	Mirror Plant
<i>Cupressus spp</i>	Cypress Pine
<i>Cupressocyparis leyandii</i>	Leighton's Green Cypress
<i>Erythrina spp</i>	Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Rubber Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Harpephyllum caffrum</i>	Kaffir Plum
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Nerium oleander</i>	Oleander
<i>Olea europaea Africana</i>	African Olive



Palms other than <i>Livistona australis</i>	Palms
<i>Paraserianthes lophantha</i>	Crested Wattle
<i>Robinia pseudoacacia</i>	False Acacia
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Schinus terebinthifolius</i>	Brazilian Mastic

### 8.3 Undesirable Aquatic Plants

BOTANICAL NAME	COMMON NAME
<i>Cyperus eragrostic</i>	Umbrella Sedge
<i>Egeria desa</i>	Oxygen Weed
<i>Elodea Canadensis</i>	Canadian Pond Weed
<i>Myriophyllum crispatum</i>	Watermilfoil
<i>Rorippa nasturtium-aquaticum</i>	Water Cress
<i>Sagittaria montevidensis</i>	Arrow Head
<i>Tetrapanax papyrifer</i>	Rice Paper Plant

### 8.4 Undesirable Shrubs and Plants

BOTANICAL NAME	COMMON NAME
<i>Agave Americana</i>	Century Plant
<i>Ageratina adenophora</i>	Crofton Weed
<i>Ageratina riparia</i>	Mist Flower
<i>Ageratum houstonianum</i>	Ageratum
<i>Alocasia macrorrhizos</i>	Elephant Ears
<i>Alstroemeria psittacina</i>	New Zealand Christmas Bells
<i>Bryophyllum tubiflora</i>	Kalanchoe – 2 varieties
<i>Canna indica</i>	Canna Lily
<i>Cardiospermum grandiflorum</i>	Balloon Vine
<i>Cestrum aurantiacum</i>	Orange Cestrum
<i>Chamaecytisus palmensis</i>	Tree Lucerne
<i>Chlorophytum comosum</i>	Variegated Spider Lily
<i>Conyza spp</i>	Canadian Fleabane
<i>Coreopsis lanceolata</i>	Coreopsis
<i>Cotoneaster glaucophyllus</i>	Coreopsis
<i>Cotoneaster glaucophyllus</i>	Cotoneaster
<i>Crocasmia auera</i>	Crocasmia
<i>Crocasmia x crocosmiiflora</i>	Crocasmia/Montbretia
<i>Cynodon dactylon</i>	Common Couch
<i>Delairea mikaniodes</i>	Cape Ivy
<i>Dipogon lignosus</i>	Pink Coral Pea Creeper
<i>Foeniculum vulgare</i>	Fennel
<i>Fressia refracta var odorata</i>	Freesia
<i>Genista monspessulana</i>	Cape Broom
<i>Genista x linifolia</i>	Flax Leaf Broom
<i>Hedera helix</i>	English Ivy
<i>Hedychium gardneranum</i>	Ginger Lily, Wild Ginger
<i>Homeria flaccida</i>	One-Leaf Cape Tulip
<i>Homeria miniata</i>	Two-Leaf Cape Tulip
<i>Hydrocotyle bonariensis</i>	Pennywort
<i>Ipomoea purpurea</i>	Morning Glory



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<i>Lantana montevidensis</i>	Lantana
<i>Leonotus leonurus</i>	Leonotus
<i>Lilium formosanum</i>	Formora Lily
<i>Macfadyena unguis-cati</i>	Cats Claw Creeper
<i>Mentha x piperita var piperita</i>	Mint
<i>Mentha x piperita</i>	Mint
<i>Menta pulegium</i>	Penny Royal
<i>Mentha x spicata</i>	Mint
<i>Myrsiphyllum asparagoides</i>	Bridal Veil Creeper
<i>Narcissus spp</i>	Daffodil
<i>Nephrolepis cordifolia</i>	Fishbone Fern
<i>Nothoscordum gracile</i>	Onion Weed
<i>Opuntia spp</i>	Prickly Pear
<i>Passiflora edulis</i>	Passionfruit
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Persicaria capitata</i>	Japanese Knotweed
<i>Polygala myrtifolia</i>	Polygala
<i>Psoralea pinnata</i>	Psoralea
<i>Pyracantha angustifolia</i>	Orange Fire Thorn
<i>Ranunculus repens</i>	Creeping Buttercup
<i>Raphiolepis indica</i>	Indian Hawthorn
<i>Sansevieria trifasciata</i>	Mother-In-Laws Tongue
<i>Senna x floribunda</i>	Smooth Cassia, Arsenic Bush
<i>Senna pendula var glabrata</i>	Cassia
<i>Solanum pseudocapsicum</i>	Maderia, Winter Cherry
<i>Solidago Canadensis var scabra</i>	Golden Rod
<i>Stenotaphrum seccundatum</i>	Buffalo Grass
<i>Thunbergia olata</i>	Black-eye Susan
<i>Tradescantia albiflora</i>	Wandering Jew
<i>Tropaeolum majus</i>	Nasturtium
<i>Verbena bonariensis</i>	Purpletop, Verbena
<i>Vinca major</i>	Periwinkle
<i>Watsonia bulbifera</i>	Wild Watsonia
<i>Zantedeschia aethiopica</i>	Arum Lily

## 9. List of Desirable Trees in the Pittwater Council Area

- 9.1 The trees listed below are habitat trees for threatened species. The common name is provided as a reference only. For additional species see Council's booklet *Native Plants for Your Garden*.

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>
<i>Angophora costata</i>	Sydney Red Gum
<i>Banksia integrifolia</i>	Coast Banksia
<i>Banksia serrata</i>	Old Man Banksia
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus haestoma</i>	Scribbly Gum
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus robusta</i>	Swamp Mahogany