

MARRICKVILLE TREE PRESERVATION ORDER 2007

camperdown dulwich hill enmore lewisham marrickville newtown petersham st peters stanmore sydenham tempe

Marrickville
a diverse, vibrant and innovative community

ADOPTED AT THE COUNCIL MEETING

HELD ON 20 FEBRUARY 2007

MEETING NO. 01/07, ITEM PR 1

1. Purpose

The purposes of this order are:

- (a) to provide a regulatory framework for the preservation of trees in order to maintain the integrity of Marrickville's natural environment and visual amenity for both residents and visitors; and
- (b) to ensure that all development within the area is carried out with sensitivity to the environment and to any trees in the vicinity.

2. Land to which this order applies

This order shall apply to all land within the Marrickville Council local government area, regardless of whether that land is publicly or privately owned.

3. Trees to which this order applies

- (a) A person must not, without the written consent of Marrickville Council, carry out a "restricted act", as defined clause 4 of this order, in relation to a "designated tree", as defined in this clause.
- (b) For the purposes of this order, a "designated tree" is:
 - (i) a tree, other than a palm tree, the highest point of which is **five (5) metres or more** above ground level;
 - (ii) a palm tree with a clean stem length of **five (5) metres or more**;
 - (iii) a tree, other than a tree with more than one trunk, with a trunk diameter of **200 millimetres** as measured **one and a half (1.5) metres** above ground level; or
 - (iv) a tree with more than one trunk, where one or more of the trunks has a diameter exceeding **100 millimetres** at a height of **one (1) metre** above ground level.
- (c) For the purposes of this order, a "designated tree" is not a tree that is:
 - (i) a noxious weed species as gazetted by the NSW Department of Agriculture for the Marrickville Council local government area; or
 - (ii) a tree of the following species;

Alianthus altissima	Tree Of Heaven
Nerium oleander	Oleander
Rhus succadanea	Rhus
Ficus elastica	Rubber Tree
Ficus benjamina	Weeping Ficus
Ligustrum Sp.	Small and large leafed Privet
Schefflera actinophylla	Queensland Umbrella Tree
Cocos romanzoffianum	Queen Palm
Morus Sp.	Mulberry

4. Restricted acts

For the purposes of this order, a "restricted act" in relation to a tree means;

- (a) pruning a tree;
- (b) removing a tree;
- (c) topping a tree;
- (d) lopping a tree;
- (e) ringbarking a tree;
- (f) thinning a tree;
- (g) mechanically damaging a tree;
- (h) poisoning a tree;
- (i) carrying on any soil work, including digging, trenching, damaging, cutting or compacting, where such work is carried out in the area within the dripline of the crown of a tree or within 4 metres of the trunk of a tree, whichever is the greater;
- (j) altering soil levels by more than **150 millimetres** below the dripline of the crown of a tree; or
- (k) any other method of wilful destruction or defacement of a tree.

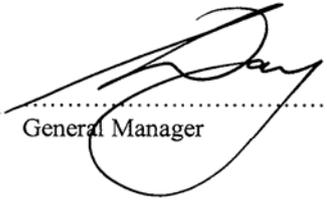
5. Applications

- (a) A written application to carry out a "restricted act" in relation to a "designated tree" can only be made by the owner of the land on which the tree is located, and must be made on the application form provided, (see attached).
- (b) There is an inspection fee for all applications (pensioners exempt) regardless of the number of trees to be inspected.
- (c) The following information must be provided in relation to any application;
 - (i) the name and address of the owner of the property on which the tree is located;
 - (ii) the location(s) of the tree(s),(shown accurately in map form where possible);
 - (iii) the tree species, (where known);
 - (iv) the extent of and type of works requested;
 - (v) reasons as to why the restricted works should be permitted;
 - (vi) whether the property has been or is to be the subject of a building or development application that would impact upon the relevant tree(s) (the tree location and the action to be taken in relation to the tree must also be specified in the development or building application); and
 - (vii) where property damage or termites are the reason for application, relevant technical evidence to support such claims.

Note:

1. Following inspection by an Authorised Council Officer a notice of determination will be issued which will describe the extent of works permitted and any conditions to be attached. Should the applicant wish to appeal the decision a review will be undertaken by Council's Tree Management Officer, the tree will be reinspected and written technical verification of claims may be requested. Applicants whose applications are refused or are approved subject to unsatisfactory conditions have a right of appeal to the Land & Environment Court in accordance with the provisions of the Environmental Planning and Assessment Act.
2. Persons who contravene the provisions of this order will be liable to prosecution and penalties in accordance with The Environmental Planning and Assessment Act, 1979.

This order was made by resolution of the Council at its meeting held on 20 February 2007.



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General Manager