



Strathfield Municipal Council

Tree Preservation Order

Trees are a significant natural resource and contribute to the amenity and character of Strathfield Municipality. Trees provide oxygen, shade and privacy. Trees contribute to reduced costs in cooling for buildings, reduce air and stormwater pollution and run off, and extract and store carbon from the atmosphere.

Work on and around trees needs to be regulated so that the future risks associated with trees are minimised and so that their life expectancy is not shortened. Poor pruning practices or root damage may affect a tree's stability or result in branch shedding, injury, and property damage or in an increase in property maintenance costs for property owners.

When is Council approval required?

The Tree Preservation Order, which is contained in the Strathfield Planning Scheme Ordinance, prohibits ringbarking, cutting down, lopping, removing, pruning, injuring or wilful destruction of any tree having a height greater than four (4.0) metres or a girth greater than half (0.5) metre measured at a point one (1.0) metres above ground level, except by written consent of the Council.

Council consent is **not** required for:

- removal of trees less than the height and width specified in the Strathfield Planning Scheme Ordinance
- removal of trees which are listed as noxious weeds by the Department of Primary Industries for the Strathfield Local Government Area
- the following trees - Ficus elastica (Rubber Tree), Privet (large and small leaf), Umbrella Trees, Rhus Trees, dead trees and commercial fruit tree varieties.

Council recommends that photos be taken by property owners, prior to the removal of the above, to confirm the identity of trees should the need arise.

Camphor laurel is not listed by the Department of Primary Industries as a noxious weed for the Strathfield Municipality. All Palm tree species also require Council approval.

How to apply for approval

Property owners or agent can make application to Council for removal of a tree by completing an Application to Remove or Prune a Tree form. In the case of multi-unit dwellings, consent of the body corporate must be obtained prior to making an application to Council to remove the tree.

Owners must notify their neighbours of any proposed tree removal or pruning prior to commencement of work.

Property owners or agents/body corporates may only apply to remove a tree wholly located within a property.

Trees affected by proposed building work are not subject to this process, but must be included with development application plans for assessment.

What if the tree is on my neighbour's property?

If the tree is on your neighbour's property please refer to the Trees on Neighbouring Property section of this website for further information.

How are applications assessed?

Upon receiving your application, Council will review the circumstances of the case, inspect the tree and make a determination within 10-15 working days.

Access to the property is required to carry out inspections. Property owners do not have to be present during tree assessment inspections unless the owner specifically requests to do so, due to access or other reasons.

Trees are assessed in accordance with the following criteria:

- Landscape/amenity values
- Arboricultural factors
- Existing and potential site problems
- Additional written information may be required to confirm a cause of property damage if the applicant thinks the tree is responsible

Permits or denial notices

Permits or denial notices are issued by mail when assessment is completed. Conditions regarding replacement planting or use of qualified arborist/tree contractors generally apply. Site specific conditions may also be applied.

Is there a right of appeal?

If you wish to appeal the decision made on your application, you will need to do so in writing and include a report from a qualified consultant arborist (AQF Level 5) or a structural engineer. The matter will be considered by a senior Council staff member and you will be notified of the decision.

Who is responsible for works?

If written consent has been issued for tree work the applicant may carry out the work described. Property owners may negotiate responsibility for costs where boundary trees are concerned.

Property owners are recommended to engage qualified arborists to carry out works safely and using correct horticultural techniques (Australian Standard 4373). Council recommends tree arborists approved by the National Arborist Association of Australia and Tree Contractors Association to aid property owners to locate qualified contractors. Membership directory is available on the National Arborist Association website. Contractors should have current public liability

insurance of not less than \$10 million. You should sight their certificate of currency prior to commencing work.

Penalties for Breaches of Tree Preservation Order

Substantial penalties and legal costs have been awarded to the Council for offences under the Order. Where breaches of the Order are evident the general policy of the Council is to prosecute.

If you remove, damage, or lop a tree without Council's consent, you may be liable to a significant fine.

Maximum penalties under law are provided in excess of \$100 000 in the Land and Environment Court. A recent case resulted in a fine of \$25 000 in a Local Court.

Please be aware that trees on public land, including nature strips are Council property.

You may also be liable to a penalty for engaging or allowing another person to remove, prune or lop a tree without Council's consent.

If you are unsure if you need Council consent or for further information please contact Council's Tree Coordinator on 9748 9951.

Today's date 01 Nov 10

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