

# TREE PRESERVATION ORDER POLICY



City of Canada Bay Council

This order is made by the City of Canada Bay under authority conferred by the *Environmental Planning and Assessment Act 1979* and pursuant to Clause 8 of the *Environmental Planning and Assessment Model Provisions 1980*, which is adopted by the environmental planning instruments in the City of Canada Bay.

This order was adopted by the City of Canada Bay Council on 31<sup>ST</sup> January 2006.

## 1. Aim of The Order

The aim of the Tree Preservation Order is to conserve and enhance the tree scape and environmental amenity of the City of Canada Bay.

## 2. The Order

This Tree Preservation Order applies throughout the local government area of the City of Canada Bay.

By this order, the Council prohibits the ring barking, cutting down, lopping, removing, injuring or wilful destruction of any tree, or any part of the tree, if:

- (a) The tree has a height of, or greater than, four (4) metres;
- (b) The tree has a trunk girth of, or greater than, 500mm at any point; or
- (c) The tree is a cycad or mangrove, irrespective of its dimensions

except with the express written consent of the Council.

## 3. Exemptions

A person will be exempt from the prohibition with respect to particular tree works if the person establishes that:

- (a) The tree was dead or that the works were limited to the removal of dead branches;
- (b) The tree was one of the following exempt species (provided the tree is not listed as a Heritage Item in an environmental planning instrument – in which case the prohibition applies):

▪ <i>Alnus jorullensis</i>	Evergreen Alder
▪ <i>Bambusa spp</i>	Bamboo
▪ <i>Celtris occidentalis</i>	Sugarberry
▪ <i>Erythrina x sykesii</i>	Indian Coral
▪ <i>Erythrina crista-galli</i>	Coral Tree
▪ <i>Ficus elastica</i>	Rubber Tree
▪ <i>Ligustrum spp</i>	Privet
▪ <i>Nerium oleander</i>	Oleander
▪ <i>Olea Africana</i>	African olive
▪ <i>Populus spp</i>	Poplar
▪ <i>Salix spp</i>	Willow
▪ <i>Schefflera spp</i>	Umbrella Trees
▪ <i>Syagrus romanzoffianum</i>	Queen/Cocos Palm
▪ <i>Toxicodendron spp</i>	Rhus Tree

- *Cinnamomum camphora* (Camphor Laurel) or *Liquidamber spp* (Liquidamber) where the outside edge of the trunk of such tree is located within 3 metres of any single storey dwelling (not being an out building eg. Garage, carport, shed, etc).
  - *A fruit tree grown for the purposes of fruit or fodder production except Acmena spp (Lilly Pilly), Syzygium spp (Lilly Pilly) or Elaeocarpus spp (Blueberry Ash).*
- (c) The tree is a declared noxious weed in the local government area of the City of Canada Bay under the Noxious Weed Act 1993.
- (d) The tree works were limited to the maintenance of a minimum clearance of five hundred (500) millimetres from domestic service leads as specified by Energy Australia, provided that the works were carried out by a qualified or experienced Arborist or Tree surgeon, in accordance with the Australian Standards for the Pruning of Amenity Trees AS 4373-1996.

**4. The prohibition does not apply to with respect to the following works:**

- (a) Emergency Works- any works carried out by Council, the State Emergency Services, the Rural Fire Service of NSW, or a public authority in response to an emergency;
- (b) Works carried out by State and Federal Government departments or Authorities under current legislative requirements;
- (c) Tree works carried out by Council or its agents on land owned or under the care and control of Council, provided that assessment of the tree work has been carried out in accordance with the City of Canada Bay Council Tree Preservation Order Policy;

**5. Definitions**

- “Council” means the City of Canada Bay Council or any officer or delegated authority authorised to act on behalf of Council.
- “Injuring” includes the administration to any part of a tree of any chemical or compound or substance which has the potential to harm the tree, irrespective of whether it actually harms the tree; “injuring” also includes altering the ground level in the near vicinity of the tree; “injuring” also includes changing the level of the water table so as to adversely affect the tree.
- “Removal” and “Cutting down” means the cutting down 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. “Transplanting” is “Removal” when a tree is relocated from one property to another.
- “Tree” means a perennial plant with at least one self-supporting woody or fibrous stem.