



Tree Preservation Order

1. Land to which this order applies

This order applies to all land within the Auburn Local Government Area

2. Purpose of the Order

The tree preservation order aims to manage and enhance the valuable trees within Auburn by requiring consent for actions which are likely to adversely affect the health of trees or the landscape character of the area.

3. Objective

To preserve and protect trees in the Auburn Local Government area, for the present and future benefit of residents, visitors and the natural environment.

4. Definition of Terms

For the purposes of this order:

'Injure' and 'wilfully destroy' refers to damaging a tree by the administering of chemicals or by mechanical means, compaction or the alteration of ground level (by filling or excavation) within the drip line of a tree, especially by machinery on construction sites.

'Bushland' refers to any vegetation which is either remnant, or if altered, is still representative of the natural vegetation that existed prior to settlement of Sydney in 1788. This includes:

1. All trees, regardless of dimensions, shrubs and all herbaceous species.
2. Any tree or riparian vegetation, regardless of species or dimensions, growing within 4m of a creek or watercourse including mangroves.

'Significant tree' is any tree of historical or horticultural value; this also includes any bushland or remnant tree. A number of trees have also be identified in Schedule 2 Heritage items and heritage groups (Clause 39) of Council's Local Environment Plan (2000).

A 'Dangerous Tree' is a tree capable of inflicting immediate liability or harm to a persons life or property, as judged by a suitably qualified arborist.

5. This Order applies to the following trees:

1. Mangroves;
2. bushland as defined in Clause 4;
3. trees located on public land;
4. significant trees as defined in Clause 4; and
5. any other trees (including palms) whether indigenous, endemic or exotic which have a height of five (5) metres or greater or a canopy spread of four (4) metres or greater, or a trunk diameter of 400mm or greater, measured at 1.5 metres from the base of the tree.

6. Works that require Councils consent

Except as otherwise provided in this Order, a person **shall not**;

1. cut down or remove;
2. ring bark, prune (which includes pruning of branches or roots which are more than 30mm in diameter);
3. top, lop;
4. Injure by poisoning or mechanical means;
5. Damage tree roots by compaction or changing the ground level (by fill or excavation) beneath the drip line; or
6. Wilfully destroy

trees the subject of this Order (as referred to in Clause 5 hereof), except with the consent of the Council under this Order and in accordance with such consent and conditions thereof.

7. Consents

1. An application for consent to undertake any work as stated in Clause 6 shall be made by the owner of the land or by any person with the consent in writing of the owner.
2. Any consent granted under this Order can not be undertaken unless the copy of the consent is carried by the person or persons carrying out the work.
3. Any consent issued under this Order shall lapse if the works referred to in the consent have not been carried out within 12 months of the date of issue of the consent.
4. All pruning work must be carried out in accordance with the guidelines of the Australian Standard® AS 4373-1996 "Pruning of Amenity Trees" by a qualified arborist.
5. Pruning of branches overhanging from a neighbouring property must be approved by Council prior to any works being carried out. This work should also be discussed with the owner of the tree prior to commencement.
6. Council may suspend the Tree Preservation Order during a declared emergency for works carried out by authorised emergency workers.
7. Any trees approved by Council for removal under this Order shall be replaced by at least one [1] other tree which shall be maintained until it attains a height of 5 metres and is therefore protected under the Tree Preservation Order. This shall be any woody plant, which will attain a minimum height of 12 metres, This **excludes** any tree which is listed as a noxious or environmental weed in the Auburn LGA. This also excludes Palms and Succulents, unless replacing a Palm or Succulent. Refer to **Locally Occurring Plants in the Auburn LGA** for a list of suitable locally occurring species.
8. Council may request a refundable bond as a condition of consent. This bond will be refunded after a period of not less than 18 months after replacement trees are planted, or until council is satisfied the conditions of consent are met.
9. Council reserves the right to impose conditions of consent relating to tree protection, hours of work, disposal of waste and replacement plantings.

8. Exemptions from Council's Tree Preservation Order

The owner of land being private property or person with the consent in writing of that owner, may without the consent of Council on such property (only for the purposes of this order) carry out the work of pruning, removal, ringbarking, cutting down, topping, lopping or wilfully destroying of a tree where:

1. The tree is dead;
2. It involves the removal of dead branches on a living tree;
3. The tree is listed as a noxious weed in the Auburn Local Government Area;
4. The tree is listed as an environmental weed in the Auburn Local Government Area, as per Table 1 (Noxious and Environmental Tree Weeds in the Auburn Local Government Area), with the exception of any Camphor Laurel with a height of 10m or more;
5. The tree is a fruit tree or tree grown for the purposes of fruit, or is harbouring fruit fly, except Australian trees i.e. *Acmena* spp, *Syzigium* spp, *Eleocarpus* spp;
6. The work involves the removal of any species of mistletoe or parasitic plant being removed from a tree by a qualified arborist; or
7. Any pruning of a tree by less than 10% of the foliage volume, carried out by a qualified arborist within any twelve (12) month period.

Table 1. Noxious and Environmental Tree Weeds in the Auburn Local Government Area.

| | |
|---------------------------|--|
| Acacia karoo | Karoo Thorn |
| Acer negundo | Box Elder |
| Bambusa spp. | Bamboo |
| Cestrum parqui | Green Cestrum |
| Cinnamomum camphora | Camphor Laurel. Except those with a height of 10 metres or more |
| Cotoneaster spp. | Cotoneaster |
| Erythrina x sykesii | Common Coral Tree |
| Ficus elastica | Rubber Tree |
| Ligustrum spp. | Small & Large Leaf Privet |
| Pyracantha spp. | Pyracantha |
| Salix spp. | Willows |
| Schefflera actinophylla | Umbrella Tree |
| Toxicodendron succedaneum | Rhus Tree |

9. Penalties

Any person who contravenes or causes or permits to be contravened the provisions of this Tree Preservation Order under the provisions of the Auburn Local Environmental Plan 2000 shall be guilty of an offence and liable to prosecution.