



Liverpoolcity council
creating our future together

Tree Preservation Policy

**Structure Planning
March 2004**

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Tree Preservation Policy

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Definitions

For the purposes of this policy:

Arborist	A person who is qualified in arboriculture or tree surgery.
Bushland	Land on which there is vegetation which is either a remainder of the native plants of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.
Canopy	That part of the tree above the main stem comprising primarily branches and foliage.
Drip Line	The area directly beneath the outer canopy of the tree.
LLEP 1997	Liverpool Local Environmental Plan 1997.
Lopping	The incomplete removal of branches leaving stumps attached to the tree.
Mulching	To apply a layer of suitable mulch material on top of the soil for the purpose of moisture retention, weed control and temperature stabilisation.
Prune	To remove some of the branches or roots of a tree.
Remnant Vegetation	Any patch of native vegetation around which most or all of the native vegetation has been removed. Remnant vegetation can range in size from a few plants to a very large group of plants.
Ringbarking	Cutting through the bark and sapwood of the tree so as to stop the flow of water and nutrients between roots and leaves.
Riparian Vegetation	Any vegetation which is adjacent to a waterbody and is reliant upon and contributes to the hydrological regime and ecology of that waterbody.
Topping	The removal of the top portion of a tree including a section of trunk.
Tree	A living perennial plant not less than 2 metres high which, if permitted to grow to maturity, would have a height in excess of 3 metres.
TSCA 1995	Threatened Species Conservation Act 1995.

Introduction

Trees play a very important role and add many benefits to our environment by helping to enhance streetscapes, reduce climatic extremes, improve air quality and provide habitat for wildlife. Council is committed to minimising tree loss in Liverpool. The enforcement of this Tree Preservation Policy, and a flexible approach to assessing applications to remove or prune trees, will ensure that trees of high aesthetic and environmental value are removed only when deemed necessary.

Land to which this Policy applies:

This policy applies to all land being publicly or privately owned within the Liverpool Local Government Area.

Trees to which this Policy applies:

This Policy applies to any perennial plant not less than two (2) metres high which if permitted to grow to maturity would have a height in excess of three (3) metres, whether locally indigenous or introduced species.

This policy does not apply to:

- a) trees in a state forest; and
- b) trees on land reserved as a timber reserve as defined by the Forestry Act 1916; and
- c) trees required to be pruned for the purpose of erection or maintenance of overhead electricity and telecommunication cables, and associated poles and towers; and
- d) trees required to be pruned or removed by Council to ensure safety for pedestrians; and
- e) any tree species listed in LLEP 1997 Schedule 5A Exempt Trees (see Appendix 1); and
- f) any species or communities listed under the provisions of the TSCA 1995 (the removal of this type of vegetation requires an application to the National Parks and Wildlife Service for a Section 91 licence under the provisions of the TSCA 1995 to remove the tree), and
- g) proposals to clear bushland; (the removal of this type of vegetation requires Development Application approval from Council), and
- h) proposals to remove vegetation to enable development, consideration of this type of vegetation removal will be undertaken as part of the development application.

Relationship to other plans.

This Policy should be read in conjunction with the LLEP 1997, Clause 15 and Schedule 5A Exempt Trees.

The provisions of this policy are overridden by any deemed environmental planning instrument to the extent of any inconsistency.

This Policy repeals the Strategy for the Protection of Trees 1995.

Prohibition

Clause 15 of the LLEP 1997 states that:

The ringbarking, cutting down, pruning, topping, lopping, removing, injuring, or destruction of any tree may be carried out only with the consent of Council unless the species is listed in Schedule 5A of the LLEP (as included in Appendix 1 of this policy).

Any person who contravenes, or who causes or permits to be contravened, any of the requirements of this Tree Preservation Policy shall be guilty of an offence.

Action can be taken against any person who commits an offence under this Tree Preservation Policy, in either the Local Court or the Land and Environment Court.

Applications to remove trees on private property

Anyone wishing to prune or remove a tree that is located on private property must first obtain approval from Council. Applications to prune or remove trees should be made on the appropriate form (available at the Central Business District Office at 193 Macquarie Street Liverpool or at the Council's Administration Centre at 1 Hoxton Park Road Liverpool).

If you are applying to prune or remove tree(s) on neighbouring property, you must obtain the consent of the property owner prior to lodging the application.

Should you wish to plant a replacement tree on your property a list of preferred tree species is included in Appendix 2 of this policy.

Fee

An administration fee of \$35.00 is payable at the time the application is lodged. To ensure that tree loss is off set by tree planting, an additional fee of \$15.00 per tree to be removed is payable. This tree removal fee will go toward purchasing plants for an annual tree planting day. The money collected per tree removed equates to approximately 10 tube stock plants, which will be bulk planted within the Liverpool Local Government Area annually. The site and nature of the works will be defined through Council's environmental planning program to optimise the environmental benefit.

Should an application to remove a tree(s) be refused, no refunds will be payable.

Council will waive the Administration fee for applicants who present their pensioner card (Seniors Card) or Health Care Card at the time of lodging the application. Please note that the tree removal fee is still payable.

The following table sets out how the fee will be applied:

Number of trees to be removed	Administration fee	Tree removal fee	Total fee
1	\$35.00	\$15.00	\$50.00
2	\$35.00	\$30.00	\$65.00
3	\$35.00	\$45.00	\$80.00
4	\$35.00	\$60.00	\$95.00
5	\$35.00	\$75.00	\$110.00
6	\$35.00	\$90.00	\$125.00
7	\$35.00	\$105.00	\$140.00
8	\$35.00	\$120.00	\$155.00
9	\$35.00	\$135.00	\$170.00
10	\$35.00	\$150.00	\$185.00

- Each additional tree removed will incur an additional fee of \$15.00 per tree.

Applications to remove trees on Council owned land

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, trees or bushland located on Council owned land. Council will only prune or remove trees where essential. Where Council is the applicant a formal application and approval is not required.

Expiration of consents

Any approval issued under this policy, other than an approval which may have been granted in conjunction with a Development Application, shall expire if the works in the approval have not been carried out within six months of the date of approval.

Any approvals to remove or prune trees issued in conjunction with development consents shall lapse if the development consent lapses or becomes invalid or void.

Standard of work

Any pruning is required to be carried out in accordance with Australian Standard AS 4373.

Where Council approval is not required:

- A tree can be removed if the tree species is listed in Schedule 5A of LLEP 1997 (see Appendix 1).
- A tree can be pruned to remove branches which are dead or overhanging a dwelling.

How Council shall assess the application

Council shall consider the following matters when assessing applications for the removal or pruning of trees:

(a) Grounds for Council to refuse an application to prune or remove a tree:

- ❑ Council may refuse an application to remove a tree if it:
 - form(s) a prominent part of the streetscape;
 - stands alone and is thus of more significant than if it were part of a group of trees;
 - is of historic or cultural significance or is/are registered on any Council register of significant trees;
 - is prominent due to its height, size, position or age;
 - is a locally indigenous, rare or endangered species;
 - provide(s) a significant visual screen;
 - is part of an important habitat for wildlife;
 - is part of remnant vegetation;
 - is part of riparian vegetation;
 - can be effectively treated by applying appropriate remedial treatment such as pruning of branches, pruning of roots and removal of deadwood or by other appropriate action as recommended by an arborist; and
 - is listed under the provisions of the Threatened Species Conservation Act 1995. (listed as a threatened species, is habitat to a threatened species or is part of an endangered ecological community).

(b) Grounds for Council to give approval to prune or remove a tree(s):

- ❑ Council may give consent to remove a tree if it:
 - has sustained severe damage, eg from wind, lightning, flood or impact from a vehicle, and cannot respond to remedial treatment;
 - causes or is likely to cause structural damage to property including any building or pipeline, but only if the damage cannot be contained by appropriate pruning of the tree's roots and installation of a root barrier;
 - is causing an allergic reaction in any local resident, but only if the reaction as certified in writing by a medical allergy specialist;
 - causes considerable overshadowing to dwellings (restricts potential sunlight penetration to habitable rooms to under three hours per day);
 - obstructs the line-of-sight for motorists so as to present dangerous conditions for traffic;
 - is essential to mitigate fire hazard; and
 - is dead, dying, or has become dangerous.

Generally Council will favourably consider the removal of trees within three metres of an existing building.

Council shall grant consent to an application for the removal or pruning of a tree only if the provisions of this policy are met.

Council may at its discretion grant consent for appropriate remedial treatment even though tree removal may have been refused.

Trees of Aboriginal Significance

Upon inspection of a tree to be removed, should it be determined that the tree may have Aboriginal markings and constitute an item of Aboriginal significance, the application will be referred to the National Parks and Wildlife Service and the appropriate Local Aboriginal Land Council.

Appeals

An applicant has the right of appeal in the event that he/she believes:

- Council has erred in its judgment; or
- Council's decision is harsh or unreasonable; or
- new or additional information has become available since Council's inspection.

An appeal must be lodged within six months of the date of Council's decision and must be justified with an arborists report before Council reconsiders its position.

The Council officer reviewing the application shall have had no previous involvement in that assessment. This person will review Council's files and all relevant information and then make a site inspection. Following the site inspection the reviewing officer will undertake one of the following actions:

1. Seek further information prior to making a decision, or
2. Grant consent for removal or remedial treatment of the tree or trees, or
3. If refusal is proposed, refer the case with all relevant documentation to a Committee of Senior Staff selected by the General Manager for their decision.

Disputes between neighbours

Council will not become involved in any dispute between neighbours. Where any dispute arises it is recommended that independent legal advice be obtained. Alternatively, free legal advice can be obtained through the South Western Legal Centre on 9601 7777 or the Legal Aid Commission on 9601 1200.

Guidelines for protecting trees on construction sites

Root damage during construction is a common cause of tree decline and death on construction sites.

Wherever possible the area under the foliage or a radius of half the height of the tree (whichever is greater) must be protected by a barrier. This area must not be used for pedestrian or vehicular activity, nor should it be used for the storage or transfer of excavation materials.

It is desirable to mulch this area with 50 – 100mm of well-composted leaf mulch, except immediately around the base of a tree. Any root that is severed should be cleanly cut. Roots greater than 50mm in diameter should be cleanly severed prior to using an excavator. Soil levels wherever possible, should not be changed.

Healthy foliage is essential during time of stress on a tree. Removal of foliage should be limited as much as possible and be performed in accordance with Australian Standard 4373 for tree pruning. It is beneficial to remove all deadwood or diseased branches as early as possible, preferably before construction begins.

APPENDIX 1 – Extract from Liverpool Local Environmental Plan 1997

Schedule 5A Exempt trees

Botanical Name	Common Name
<i>Salix</i> species	Willow
<i>Populus</i> species	Poplar
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus elastica</i> and hybrids	Ornamental Rubber Tree
<i>Cupressus macrocarpa Brunniana</i>	Golden Cypress
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum</i> species	Large Leafed Privet
<i>Ligustrum</i> species	Small Leafed Privet
<i>Olea africana</i>	African Olive
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus ramanzoffiana</i>	Cocos Palm
<i>Toxicodendron succedaneum</i>	Rhus Tree
<i>Robinia pseudoacacia</i>	Honey Locust

APPENDIX 2 – Preferred tree planting list

Large trees, Native

Angophora floribunda 'Rough Barked Apple' – Evergreen, Height: 20m, Spread: 6m
Angophora subvelutina – Evergreen, Height: 30m, Spread: 4m
Eucalyptus baueriana 'Blue Box' – Evergreen, Height: 20-30m
Eucalyptus benthamii 'Camden White Gum' – Evergreen Height: 30m
Eucalyptus crebra 'Narrow Leaved Ironbark' – Evergreen, Height: 30m
Eucalyptus fibrosa 'Broad Leaved Ironbark' – Evergreen, Height: 35m
Eucalyptus maculata 'Spotted Gum' – Evergreen, Height: to 30m
Eucalyptus moluccana 'Coastal Grey Box' – Evergreen, Height: 15-25m, Spread: to 20m

Large trees, Exotic

Platanus x hybrida 'Plane Tree' – Deciduous, Height: 27m, Spread: 30-35m
Lophostemon confertus 'Brush Box' – Evergreen, Height: 15-30m, Spread: 15-30m

Medium Trees, Native

Eucalyptus sideroxylon 'Red Ironbark' – Evergreen, Height: 10-30m, Spread: 10-20m
Acacia binervia – Evergreen, Height: 10m, Spread: 5m
Allocasuarina torulosa – Evergreen, Height: 12-15, Spread: 5m
Brachychiton populneus 'Kurrajong' – Summer Deciduous, Height: 15-20m, Spread: 15-20m
Syncarpia Glomulifera "Turpentine" – Evergreen, Height: 18m, Spread: 8m

Medium Trees, Exotic

Acacia decurrens 'SydneyGreen Wattle' – Evergreen, Height: 15m
Acacia parramattensis 'Parramatta Green Wattle' – Evergreen, Height: 8m
Fraxinus raywoodii 'Claret Ash' – Deciduous, Height: 18m, Spread: 15m
Melaleuca decora 'White Feather Honey Myrtle' – Evergreen, Height: 15m
Melaleuca linarifolia 'Snow in Summer' – Evergreen, Height: 8m
Melaleuca stypheloides 'Prickly Paperbark' – Evergreen, Height: 10m
Pistacia chinensis 'Chinese Pistacia' – Deciduous, Height: 15m, Spread: 7m
Sapium sebiferum 'Chinese Tallow-Tree' - Evergreen
Syzigium paniculatum 'Brush Cherry' – Evergreen, Height: 15m, Spread: 8m

Small Trees, Native

Banksia integrifolia 'Coast Banksia' – Evergreen, Height: 12m, Spread: 8m
Allocasuarina littoralis 'Black She Oak' – Evergreen, Height: 10m, Spread: 5m
Callistemon citrinus 'Lana' – Evergreen, Height: 4m, Spread: 2m
Callistemon linearis – Evergreen, Height: 2.5m, Spread: 2.5m
Angophora bakeri 'Narrow-Leaved Apple' Evergreen, Height: 2-10m

Cassine Australis 'Red Fruited Olive Plum' Evergreen, Height: 6-10m

Callistemon linearifolius – Evergreen, Height: 2.5m

Small trees, Exotic

Tristania laurina 'Water Gum' – Evergreen, Height: 12m, Spread: 5m

Callistemon hannah ray 'Hannah Ray Bottlebrush' – Evergreen, Height: 4m, Spread: 3m