

Tree Preservation Order (TPO) Application

Prune or Remove a Tree Growing on Private Property

Under the *Environmental Planning Assessment Act 1979* and the *Woollahra Municipal Council Tree Preservation Order 2006*

Fees are valid until 30 June 2013

About this form

Use this form to apply for a permit to prune or remove a tree or trees protected by the Woollahra Municipal Council Tree Preservation Order. We will only consider this application if you are the owner or have obtained the consent of the owner of the property in which the tree/s stand.

This form is not to be used when requesting removal or pruning of trees located on Council land such as footpaths, laneways or parks.

Exempt Works

Under certain circumstances species such as Camphor Laurel, Celtis, Leyland Cypress and African Olive trees may be removed without the consent of Council. For further information regarding exempt pruning and removal works please read Council's Tree Preservation Order 2006, in particular section 6, on pages 9 and 10 of this form.

If you are seeking removal of a tree that has been conditioned to be retained on an approved development consent, you may need to apply for a Section 96 amendment to your development consent. For further information, please contact the Duty Planner on 9391 7096 or our Customer Service Centre on 9391 7000.

Lodgement & fees

Please follow the instructions on pages 5, 6 and 7

Any questions?

Please telephone Customer Service on (02) 9391 7000 or visit our Customer Service Centre or website: www.woollahra.nsw.gov.au (further details, see page 5)

▼ Site details (one property per application only)

Location and title description of the property on which the tree stands (trunk is growing).

Unit or shop: Street No: Street:
..... Suburb:

Has the retention of the tree/s been the subject of a condition of a Development Consent issued by Council within the last 5 years? Yes / No

If yes, you may need to lodge a Section 96 amendment to the original Development Consent. Further information can be obtained by contacting Council's Duty Planner on 9391 7096.

▼ Applicant details

Name, address and contact details of applicant

Title: Mr Mrs Miss Ms Other:

Family name:

Applicant should be a person not a company or owner's corporation.

Given name:

Company name:

All correspondence including the final determination will be forwarded to the listed applicant.

Postal address: Post Code:

Phone (B) (....) Fax (....)

Phone (H) (....) Mobile:

E-mail:

▼ Access details

Accessing property

Delays may be experienced where Council needs to make an appointment or make special arrangements to undertake a site inspection. Council will not make appointments with multiple parties.

Do you need the inspecting officer to contact you for an appointment or to make special arrangements for access into your property eg. locked gate, dogs, you wish to be present?

- No** – a Council officer will inspect the tree works once the completed form has been registered.
- Yes** – please provide details of the person we need to contact to make an appointment.

Contact Person:Phone:

▼ Proposal (this section must be completed)

Please complete the following information

- You must complete this section by identifying the location of subject tree/s, the works that are proposed and the reasons you are seeking these works.
- Council will not normally approve pruning of trees to control natural processes such as leaf or fruit drop.
- Council will not normally approve removal of trees due to roots blocking sewer or drain pipes.
- You may attach any relevant additional information to this application eg. arborist's, engineer's or plumber's report.
- All tree works must be carried out in accordance with Australian Standard (AS4373–2007) - Pruning of Amenity Trees and WorkCover NSW Code of Practice 'Amenity Tree Industry' - 1998.
- Any approved pruning works will be conditioned to be undertaken by a qualified arborist.
- View pruning – specific criteria must be met before Council will approve a request to prune a tree to restore a view. Please read the "Additional Information" section for more details.

| Tree number | Tree species or common names (if known) | Location within property (eg. rear next to garage) | Work proposed (prune, remove or remove and replace) | Reason for works |
|-------------|--|--|---|---|
| <i>Eg</i> | <i>Not sure - some type of Eucalyptus tree</i> | <i>Front yard near water feature</i> | <i>Remove and replace</i> | <i>There is a split in the trunk and a large branch fell off last week.</i> |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
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| 9 | | | | |
| 10 | | | | |



Block Plan (this section must be completed)

Please provide sufficient details to locate tree/s within the site. Label tree/s numerically, locate property boundaries, main dwelling, driveway and include street names.

To assist in identification of tree/s to be assessed, where possible please mark the tree/s with ribbon/rope or some form of non-permanent marking. This will assist the tree officer when undertaking the site inspection.

▼ Owner's details and consent

Owner's consent

This section must be signed by the owner of the property. If there is more than one owner, every owner must sign.

If the property is owned by **company title**, this section must be signed by a director under common seal.

If the property is owned by **strata plan**, this section must be signed by an authorised officer under common seal and minutes from a meeting of the body corporate or executive committee meeting at which the listed works were approved **must** be submitted with the completed application.

If you have recently purchased the property, please include a copy of the contract of sale (it may take several months before Council is notified by the Lands Title Office of the change of ownership).

NB: Council WILL NOT process this application without the appropriate owner's consent.

Under the *Environmental Planning Assessment Act 1979* and the *Woollahra Municipal Council Tree Preservation Order 2006* Council is required to obtain the legal consent of the owner of the property on which the tree/s are growing.

As owner of the land to which this application relates, I consent to the proposed tree works and the lodging of this application with Woollahra Municipal Council. I also give consent for authorised Council officers to enter the land to carry out inspections. I understand that the final determination will be sent to the applicant and I will receive a copy sent to my postal address (where I am not the applicant). I agree to abide by any conditions, including conditions to undertake replanting, imposed as part of Council's determination of this application.

Family name:

Given names:

Company name:

Signature: Date:

Postal address:

..... Post Code:

Family name:

Given names:

Signature: Date:

Postal address:

..... Post Code:

If you are signing on the owner's behalf, please state the nature of your legal authority and attach full documentary evidence eg Power Of Attorney.

.....

NOTE: if you are managing a residential tenancy property you must provide the written consent of the owner of the property. A residential tenancy agreement is not acceptable delegated authority.

Attached: Additional consent Power of Attorney Minutes of meeting

▼ Appointment of Tree Surgeon or Arborist (optional)

Nominated tree surgeon or arborist

If you have appointed an Arborist to carry out any approved works please provide contact details:

Company Name:

Contact Person: Phone:

In the interest of long-term and cost-effective tree management, Council requires only qualified and experienced Arborists carry out works on protected trees.

▼ Applicant's declaration and check list

| | | |
|--|------------------------------|-----------------------------|
| Have you included your name in the 'Applicant details' section of the form (pg 1)? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Have you attached the written consent of the owner/s of the property on which the tree/s stand? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Where the tree stands on property owned by company title or strata plan, have you attached the common seal with the owner's consent? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Where the tree stands on property owned by strata plan, have you attached the minutes of the meeting at which the listed works were approved? PLEASE NOTE: Council will not accept your application without this information | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| If you are signing on the owner's behalf as the owner's legal representative, have you attached a full copy of your power of attorney? PLEASE NOTE: a residential tenancy agreement or strata management contract will not be accepted as alternate owners' consent | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Have you completed the section headed 'Proposal' listing all the trees and the proposed works you are applying to undertake? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| Have you attached the necessary payment for this application? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

Applicant's declaration

I apply for a permit to carry out the works described in this application. I declare that all the information given is true and correct. I understand that, if incomplete, the application may be delayed or rejected and more information may be requested.

Name:.....(please print)

✉ Signature:Date:

▼ Additional Information

The processing period for applications is approximately four weeks. During this period Council will inspect the site and in most cases notify adjoining properties of the proposed works. At the conclusion of the assessment process a written determination will be forwarded to the applicant. Council will prioritise applications accompanied by a qualified Arborist's report detailing an elevated risk or potential danger associated with a protected tree.

If you are unhappy with the outcome of your application, you may apply for a review of the decision. Additional information must be supplied to support any request for review. It would be expected that additional information would be in the form of a report from a qualified and experienced arborist, structural engineer or similar. Please note: a fee of 50% of the original fee is required. Applications for Review of Determination can be obtained from our website: <http://www.woollahra.nsw.gov.au/woollahra/forms#trees>

View Pruning

Council will not normally approve the pruning of a tree for the sole purpose of restoring a view; however, where one of the following criteria applies, Council will give due and proper consideration to a request to prune a tree to restore a view.

1. The subject tree has a history of being pruned to maintain your views and the last time the tree was pruned to restore your view is not more than 2 years ago.
2. A tree has just begun to encroach on your established view and the tree is centrally located within the view corridor of your main living area and the distance from the main viewing area to the tree is less than 50 metres. In this circumstance, you will be required to provide documentary evidence such as photographs to show that the present owner (not a previous owner) had a view which has been recently encroached upon.

Owner's Consent

Applications that do not have the appropriate owner's consent will be returned. If you are unsure if you have appropriate consent please contact a member of staff in the Tree Department for advice.

Property owned by public or private/independent schools – For applications to undertake work to trees located on school grounds, Council will require the written consent of the school principal (or their nominee). This consent should be provided on school letterhead.

Property owned by company title – The President or a Director of the Board must sign the application and attach the common seal. If the company does not have a common seal (specifically relevant to sole traders) Council will require a letter of consent on company letterhead.

Property owned by an owners' corporation

- Where the trunk of the tree is located/growing on common property the secretary/chairperson or an authorised officer of the body corporate must sign the application and attach the common seal. The application must be accompanied by the minutes from a meeting of the Body Corporate or Executive Committee at which it was agreed to undertake the listed works.
- Where the trunk of the tree is located/growing fully within the boundary of a private garden or courtyard owned by a single lot within the owners' corporation and the garden or courtyard is included on the title of that lot, Council requires all the owner/s of that lot to provide written consent to the proposed works. Please indicate clearly in the owners' consent section that the tree is not on common property.

The Applicant

An individual person is required to be nominated as the applicant. The applicant can be a representative of a company or strata plan, an employee of real estate or strata management company, a neighbour, relative or friend of the property owner. The applicant will be the person contacted if Council requires any additional information or needs to clarify any of the details on the application. Where an individual has not been nominated as the applicant the owner of the property will automatically become the applicant.

▼ How to lodge this application

Address the application to: The General Manager
Woollahra Municipal Council

You can send it to us by any of the following methods:

Post: PO Box 61
Double Bay 1360

DX: DX 3607 Double Bay

Courier or personal delivery: Council Chambers
536 New South Head Rd
Double Bay NSW 2028

Contact us by phone, fax or electronically:
Phone: (02) 9391 7000
Fax: (02) 9391 7044
E-mail: Records@woollahra.nsw.gov.au
Web: www.woollahra.nsw.gov.au

Who to contact: The Tree Officer handling your application in the Public Open Space Department.

Fees
The appropriate fee must accompany the application. This is a processing fee and is not refundable. This fee is GST inclusive.

- \$70.00 1 tree
- \$25.00 per additional tree

Council will not refund all or part of the processing fee if it is found that some or all of the requested work is exempt work under Council's TPO.

Payment methods
In Person:
Payment can be made at our Customer Service Centre by the following methods: cash, EFTPOS, cheque or Money Order (make payable to Woollahra Council) or by credit card — American Express, Bankcard, Diners Club, MasterCard or Visa. Credit card payment will incur a processing fee.
By Mail:
- For credit card payments, please complete the attached "Credit Card Payment" form.
- For cheque payments, please make payable to Woollahra Council

Acknowledgement
You will receive a receipt specifying the amount of fees paid. We will acknowledge that we have received your application and provide you with the registered number of the application and the name of the officer who will be dealing with your application.

Making a personal visit
Woollahra Council is located at 536 New South Head Road, Double Bay. We look forward to seeing you.

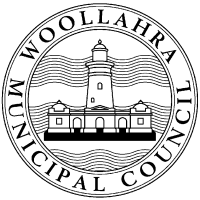
Parking
Short-term customer parking spaces are available on site. On street parking in nearby streets is also available.

Bus or Rail
Take a train to Edgecliff station, then take the bus or walk from the interchange at the Edgecliff Centre.

| To be completed by Council's Cashier and Customer Service Officer. GST may be applicable (<i>refer receipt for details</i>) Retain your receipt as proof of lodgement of the application. <input checked="" type="checkbox"/> Receiving Officer: Date:..... <input checked="" type="checkbox"/> Cashier: Date:..... TPO No..... | OFFICE USE ONLY | | |
|--|------------------------|--------------|--------|
| | Fee Type | Receipt Code | Fee \$ |
| | | T44 | |
| | | | |
| | Total: | | |

▼ Privacy notification

The personal details requested on this form are required under the *Environmental Planning & Assessment Act 1979* and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Woollahra Municipal Council officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.



Credit Card Payment Form

All credit card payment will incur a processing fee currently 1%

Payments should be sent to: **Woollahra Council**
536 New South Head Road
DOUBLE BAY NSW 2028

OR

PO Box 61
DOUBLE BAY NSW 1360

OR

DX 3607 DOUBLE BAY

Credit card payment

This matter will not be processed until the credit card payment has been authorised

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|-----------------------------|---|--------------------------------------|-------------------------------------|-------------------------------|--|-------------------|----|--|--|--|--|--|--|--|--|--|--|--|--|
| Tick Applicable Credit Card | <input type="checkbox"/> AMERICAN EXPRESS | <input type="checkbox"/> DINERS CLUB | <input type="checkbox"/> MASTERCARD | <input type="checkbox"/> VISA | | | | | | | | | | | | | | | |
| Full Name on Credit Card | | | | | | | | | | | | | | | | | | | |
| Credit Card No. | | | | -- | | | | | | | | | | | | | | | |
| Card Expiry Date | | | -- | | | Total Amount Paid | \$ | | | | | | | | | | | | |
| Cardholder's Signature | | | | | | | | | | | | | | | | | | | |
| Date | | | | | | Contact Phone No. | | | | | | | | | | | | | |

Reason for payment

Please indicate in this section the reason for the payment and any other applicable information.

Payment For TPO Application

Council Reference Eg. DA No.etc T44

Address (where applicable) _____

PRIVACY NOTIFICATION

The personal details requested on this form are being collected, and will only be used for, the purpose of processing your payment. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council will not be able to process your payment. Access to the information is restricted to Council officers. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council.

| | | | |
|-----------------|-------------------|------------------------------|-----------------------------|
| OFFICE USE ONLY | Payment Processed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | Cashier | _____ | |
| | Date | _____ | |



Tree Preservation Order 2006

NOTICE is given that, on 30 January 2006, Woollahra Council resolved to rescind all tree preservation orders presently in force and to make a new Tree Preservation Order, to be known as the Woollahra Council Tree Preservation Order 2006.

(1) **Aim**
To secure tree amenity and preserve the existing urban forest amenity within the Woollahra Council area.

(2) **Land to which this Order applies**
This Order applies to all land within the Woollahra Council Local Government Area.

(3) **Trees to which the Order applies**
For the purpose of this Order "tree" or "trees" means any tree or palm, whether of indigenous, endemic, exotic or introduced species, with a diameter spread of branches greater than 3m or with a height greater than 5m irrespective of the spread of branches.

The Order applies to:

- (a) any tree with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches,
- (b) any bushland vegetation irrespective of size,
- (c) any tree or plant, irrespective of size, listed in a register of significant or heritage trees adopted by Council at any time, and
- (d) any pruning of roots greater than 50mm diameter.

For exemptions to the Tree Preservation Order, refer to Clause (6) of this order.

(4) **Prohibition**
Except as otherwise provided in this Order, a person shall not injure a tree, or prune, remove, ringbark, cut down, top, lop or transplant any tree except with the consent of Council under this Order and in accordance with any consent and any conditions thereof.

(5) **Consents**

(5.1) **Council owned, controlled or managed land**
Council, or its duly authorised servants or agents, may carry out the pruning or removal of a tree or trees including bushland vegetation from Council controlled land.

(5.2) **Private property**
An application for tree works must be made on Council's Application form and must have the consent of the owner of the land on which the tree is growing.

(5.2.1) A Tree Preservation Order consent is only valid for 12 months from the date of issue except where an exemption is referred to in Clause (6) of this order or except where an approval has been issued for a longer period for maintaining a hedge.

(5.2.2) A Tree Preservation Order consent, issued in conjunction with a subdivision approval or development consent, shall lapse if the subdivision approval or development consent lapses, becomes invalid or void or is surrendered.

(5.2.3) Consent for pruning or removal of trees associated with development may, if granted, be issued concurrently with the development application consent, subject also to any landscaping and streetscaping requirements of any relevant LEP, DCP or Council Policy.

(5.2.4) Consent for removal of a tree may not be granted unless it complies with the relevant LEP, DCP or Council Policy.

(5.2.5) A copy of the consent must be kept on site and produced on demand to Council's duly authorised officers, servants or agents.

(6) **Exemptions**
Where the exemption provisions contained in this clause are applicable for trees greater than 10m in height, written notification to Council of intention to carry out tree works is required seven days prior to the work being undertaken.

Notwithstanding the exemptions, Council will require the planting of replacement trees as a condition under this Order unless sufficient existing trees remain on the property.

(6.1) **Removal**

This clause only allows removal of a tree if it is carried out in accordance with WorkCover NSW Code of Practice 'Amenity Tree Industry' - 1998.

If a tree meets the following conditions, Tree Preservation Order consent is not required where:

- (a) The tree is "Dead"; (Ensure the tree is not leafless because it is a deciduous tree).
- (b) The tree is "Dangerous", posing an imminent danger to property or life. Documentary evidence from an Australian Qualification Framework certified level 5 Arborist to the satisfaction of Council, must be produced prior to removal.
- (c) Removal or pruning of trees is to be carried out in association with approved road works under sections 88,107,138 and 139 of the Roads Act 1993 and in accordance with AS4373 – Pruning of Amenity Trees.
- (d) The tree is of a species that has been declared a noxious plant under the Noxious Weeds Act 1993 as prescribed for Woollahra Local Government area.
- (e) The tree is required to be removed by a NSW Fire Brigade because it poses or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire.
- (f) The immediate removal of trees is essential for emergency access or emergency works by Council or the State Emergency Services.
- (g) The tree is of a species referred to in the lists of trees below, (except on sites identified as heritage items).

Group A

| Botanical Name | Common Name |
|-----------------------------------|----------------------|
| <i>Ailanthus altissima</i> | Tree of Heaven |
| <i>Cupressocyparis leylandii</i> | Leyland Cypress |
| <i>Ficus elastica</i> | Rubber Tree |
| <i>Gleditsia triacanthos</i> | Honey Locust |
| <i>Lagunana patersonii</i> | Norfolk Is. Hibiscus |
| <i>Ligustrum lucidum and cvs.</i> | Large Leaf Privet |
| <i>Ligustrum sinense</i> | Small Leaf Privet |
| <i>Olea europea var. africana</i> | African Olive |
| <i>Salix spp</i> | Willow |
| <i>Schefflera actinophylla</i> | Umbrella Tree |
| <i>Syagrus romanzoffianum</i> | Cocos Palm |

Group B

The following species listed, being less than 10m in height:

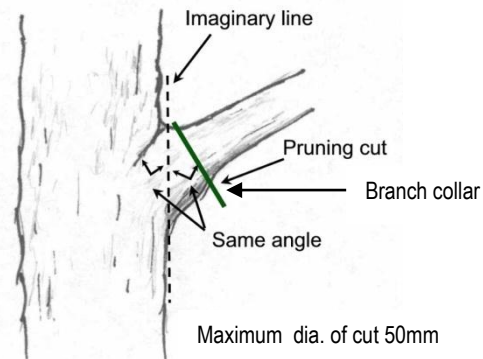
| Botanical Name | Common Name |
|----------------------------|----------------|
| <i>Cinnamomum camphora</i> | Camphor Laurel |
| <i>Celtis spp.</i> | Hackberry |
| <i>Erythrina spp.</i> | Coral Trees |
| <i>Populus spp</i> | Poplar |

(6.2) Pruning

This clause only allows pruning of a tree if it is carried out in accordance with Australian Standard AS4373 – 1996, 'Pruning of Amenity trees' and WorkCover NSW Code of Practice 'Amenity Tree Industry' - 1998.

If a tree meets the following conditions, Tree Preservation Order consent is not required for:

- The removal of dead branches from a tree.
- Selective pruning, being only pruning to remove branches no larger than 50mm diameter at the nearest branch collar or junction to clear:
 - a roof;
 - an external face of a building;where branch encroachment is within 2m of such and where the owner of the land where the centre of the tree originates or where the majority of the trunk of the tree is growing, provides written consent.
- Pruning of trees to remove branches no larger than 50mm diameter at the nearest branch collar to maintain distance clearances to powerlines as set out under section 48 of the Electricity Supply Act 1995.



- The seasonal pruning of a fruit tree or tree grown for the purpose of citrus and stone fruit. Excluding *Acmena spp* – Lilly Pilly, *Syzygium spp* – Lilly Pilly, *Elaeocarpus spp* – Blueberry Ash, *Ficus spp* – Figs, *Podocarpus spp* – Plum Pine, *Macadamia spp* – Macadamia nut, *Harpephyllum spp* – African Wild Plum and *Phoenix spp* – Date Palms;
- The pruning of any species of parasitic mistletoe or parasitic plant being removed from any part of a tree, only as is necessary, to ameliorate the effects upon the tree of such a parasite.

(7) Penalties

A person found guilty of an offence for a contravention of this Order may be fined up to 10,000 Penalty Units if dealt with in the Land and Environment Court or up to 1,000 Penalty Units if dealt with in the Local Court.

In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a removed or damaged tree and impose an order to maintain such replacement to maturity.

(8) Definitions –

"Bushland" means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

"Bushland Vegetation" includes trees of any size, shrubs and all herbaceous species such as groundcovers.

"Controlled Land" means all land that Council owns or has the responsibility for care and management.

"Council" means the Woollahra Municipal Council or any officer with delegated authority authorised to act on behalf of the Council.

"Dangerous Tree" means a tree that is capable of inflicting imminent liability or harm to a person's life or property.

"Dead Tree" means a tree that no longer has the capacity to produce or sustain life.

"Deciduous" means a tree that has an annual periodic season of shedding its leaves

"Destroy" means any immediate or ongoing process or activity leading to the death of a tree.

"Height" means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

"Heritage Item" means the Council's listed heritage items contained in the local environment plan or heritage items listed in the State's heritage lists.

"Injury" includes the administering of a chemical or artificial substance to a tree or part of a tree or, the alteration of ground level or water table, which causes damage to the tree, or any part of the tree. This includes any physical injury especially by machinery on construction sites.

"LGA" means Local Government Area.

"Lop" or "Lopping" means cutting between branch unions or at internodes on a young tree, with the final cut leaving a stub.

"Owner" has the meaning ascribed to it in the Local Government Act, 1993.

"Penalty Unit" a value utilised by the court to establish a monetary penalty to be imposed for an offence.

"Pruning" means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree including roots, so as to cause reduction of the space occupied by the roots, branches and foliage of a tree. All pruning is to conform to Australian Standard AS4373 – 1996 'Pruning of amenity trees'.

"Removal" and "Cutting Down" means the cutting down or dismantling 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.

"Topping" or "Top Lopping" means any act or acts of severing any part of a tree's crown foliage so as to cause the reduction of the height of a tree, leaving a trunk and stubbed main branches.

"Transplant" or "Transplanting" is the removal of a tree that is excavated from its place of origin from within the ground and is relocated within the ground of the same property or re-establishment within the ground or a container within another property.

"Urban Forest" is defined as the totality of Trees and Shrubs on all land in and around urban areas and is measured as a canopy cover percentage of the total urban area.

(9) Warning

Council may impose or seek to impose a prominent banner, shroud or other form of notice where a tree has been wilfully damaged or removed on public land or land managed by Woollahra Council