

**CAMPBELLTOWN CITY COUNCIL
DEVELOPMENT CONTROL PLAN NO. 114**

TREES

What is the plan called?

1. This plan is called "Campbelltown Development Control Plan No. 114 - Trees."

Where does the plan apply?

2. This plan applies to the whole of the Campbelltown Local Government Area.

What are the aims of the plan?

3. This plan aims to:
 - (a) protect trees within the Campbelltown Local Government Area
 - (b) provide guidance to property owners when wanting to remove or prune trees
 - (c) establish a register of significant trees.

When did the plan come into force?

4. This plan has been prepared in accordance with the provisions of section 72 of the Environmental Planning and Assessment Act, 1979 and the accompanying regulations and may be varied in accordance with the provisions of that Act and those Regulations.

The plan came into force on 29/3/2000 in accordance with clause 20(2) of the *Environmental Planning and Assessment Regulation, 1994*.

How does the plan relate to other plans?

5. This plan is to be read together with the provisions of any Environmental Planning Instrument that applies to the land. If there is an inconsistency between this plan and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument take priority. An environmental planning instrument includes a State Environmental Planning Policy, a Regional Environmental Plan, a Local Environmental Plan or a deemed environmental planning instrument.

Why is approval required?

6. All of Council's Environmental Planning Instruments require that a person who wants to remove or prune a tree must first obtain written approval from Council. This Development Control Plan provides guidance on the procedure necessary to comply with the Environmental Planning Instruments.

What is a tree?

Development Control Plan No. 114	Adopted	7/12/1999
	Exhibited	2/2/2000 to 1/3/2000
	Effective	29/3/2000

7. A tree is a perennial plant with self supporting stem(s) which:

- (a) is more than 3 metres high or
- (b) has a spread of more than 3 metres or
- (c) has a trunk diameter of more than 150 mm measured 1 metre above ground level;

but; excludes any tree declared under the Noxious Weeds Act (NSW) as amended, any tree on Council controlled land or any tree growing in an orchard or nursery.

Note: The removal or pruning of trees growing on Council controlled land require permission from Councils Property Parks and Recreation department.

What trees are listed in Council's significant tree register?

8. Schedule 1 of this Development Control Plan lists the trees in Council's Significant Tree Register.

When is approval needed?

9. Written approval is needed from Council's Planning & Development Department before a tree, as defined in Clause 7 or described in Schedule 1, is:

- (a) ringbarked
- (b) cut down
- (c) lopped
- (d) pruned (including crown thinning, crown reduction, crown lifting or cleaning out)
- (e) root pruned
- (f) removed
- (g) wilfully injured
- (h) destroyed

What reasons are valid for requesting a tree to be removed or pruned?

10.(1). Valid reasons for Council to approve the removal of a tree are where the tree is:

- (a) less than 3m from the dwelling
- (b) dead
- (c) dangerous to life or property
- (d) causing structural damage to a structure or sewer
- (e) stressed or diseased or suffering insect damage which cannot be rectified
- (f) too large for its location.

(2) Valid reasons for Council to approve the pruning of a tree are where the branches are:

- (a) dangerous and overhanging a dwelling or an adjoining property
- (b) dead or diseased.

How do I apply for approval to remove or prune a tree?

11. (1) An application to remove a tree must be made in writing or by phone by the owner of the property on which the tree is located, or in writing by a person with the owner's written consent.
- (2) An application to prune a tree must be made in writing or by phone by the owner of the property on which the tree is located, or in writing by a person with the owner's written consent. If the branches of a tree overhang property boundaries, an application to prune overhanging branches may also be made by the owner of the property which the branches overhang. See Clause 13.
- (3) An application to remove or prune a tree on a property in a Strata Plan must be made by the Secretary of the Body Corporate.

Do I need to provide any information with my application?

12. All applications must state the reason why the tree needs to be removed or pruned. Additional supporting information must be provided in the following circumstances.
- (a) If damage to the sewer caused by a tree cannot be easily observed, the applicant must include written evidence from a licensed plumber outlining the extent of the problem. This can be a letter/quote/invoice/receipt from the plumber.
- (b) Applications to remove or prune a tree higher than 10 metres must include written evidence from a tree surgeon or arborist which states why the tree needs to be removed or pruned. This can be a quote which includes the reasons and the qualifications of the surgeon or arborist. The minimum qualification of a tree surgeon or arborist is a Tree Surgery Certificate from NSW TAFE.
- (c) Applications to remove trees which were planted as part of the landscaping requirement for a development consent must include an amended landscape plan.

What can be done about branches which overhang property boundaries?

13. (1) The owner of a property affected by overhanging branches from a tree on a neighbouring property may apply to Council to have the overhanging branches removed. If approval is granted, Council will send the approval to the applicant and a letter to the owner of the property on which the tree is growing advising that approval has been granted to prune the overhanging branches.
- (2) It is best for the tree if the overhanging branches are pruned at the branch collar with the trunk and neighbours are encouraged to cooperate to ensure this happens.

What can be done about dangerous trees?

14. (1) Council has the authority, under the Local Government Act, to issue an order on the owner of a property to remove a tree which may be dangerous to life or property. If the owner of the property does not comply with Council's order, the matter will taken to Court.

What happens after I make an application to remove or prune a tree?

15. (1) Council staff will inspect the tree and then you will receive a letter either approving or refusing your application.

(2) If the tree is listed in Council's Significant Tree Register, a report will be prepared and your applications will be considered at a Council meeting.

(3) If you are not satisfied with Council's decision, you can submit a report from an arborist or tree surgeon. Two Council staff members, one of whom will be Council's Horticulturist, will then do a further inspection. If they confirm the original decision and you are still not satisfied with this you can ask for the matter to be considered at a Council meeting.

What conditions may apply to an approval?

16. (1) An approval may include any or all of the following conditions.

(a).A tree must be pruned in accordance with AS 4373-1996 Pruning of Amenity Trees so as not to prejudice its life or stability.

(b) A more suitable tree must be planted within 1 month to replace the tree removed. There is a list of suitable trees on the back of the approval.

(c) The approval is valid for 6 months from the date of approval.

(d) Any tree more than 10 metres high must be pruned/removed by a qualified tree surgeon/arborist. The minimum qualification is a Tree Surgery Certificate from NSW TAFE.

(2) All costs involved must be met by the applicant.

What can happen if I do not get approval before I prune or remove a tree?

17. (1) If a tree is pruned or removed without written approval from Council, legal action may be taken against the person(s) responsible.

(2) The Environmental Planning and Assessment Model Provisions 1980 contains specific reasons in defence of a prosecution relating to the ring barking, cutting down, topping, lopping, removal, injury or wilful destruction of a tree.

SIGNIFICANT TREE REGISTER

PROPERTY DESCRIPTION	COMMON NAME	SCIENTIFIC NAME	DATE OF ADOPTION
Allman St, Campbelltown, Wesleyan Chapel.	Italian Cypress Arizona Cypress	<i>Cupressus sempervirens</i> <i>Cupressus glabra</i>	30.8.83
Allman St, Campbelltown, Hurley Park.	Canary Island Pine Italian Stone Pine Bunya Bunya Pine Hoop Pine Moreton Bay Fig Lemon Scented Gum	<i>Pinus canariensis</i> <i>Pinus pinea</i> <i>Aravcaria bidwilli</i> <i>Aravcaria cunninghamii</i> <i>Ficus macrophylla</i> <i>E. citridora</i>	5.4.88
Allman St, Lot 5, Campbelltown.	Pencil Pine	<i>Juniperus virginiana</i>	30.8.83
Athel Tree Cr, No. 9, Bradbury.	Moreton Bay Fig	<i>Ficus macrophylla</i>	21.5.85
Badgally Rd, Campbelltown, Utilux P/L.	All mature trees		7.6.83
Bird Pl, No. 4, St Helens Park.	Canary Island Pine	<i>Pinus canariensis</i>	7.6.83
Bradbury Ave Bradbury (footpath adjacent to 81).	Bunya Bunya Pine (2)	<i>Araucaria bidwilli</i>	5.4.88 Removed 4.5.99
Broughton St, Campbelltown, Presbyterian Cemetery.	Mourning Cypress	<i>Cupressus Funebriis</i>	2.12.86
Cochrane St, Minto John Rider Reserve.	Prickly Paperbark (All)	<i>Melaleuca styphelioides</i>	30.8.83
Collier Pl, No. 8, St Helens Park.	Hoop Pine	<i>Araucaria cunninghamii</i>	7.6.83
Cordeaux St, Campbelltown, St Peters Anglican Church.			
Lot 500	Nepal Cypress	<i>Cupressus torulosa</i>	7.6.83 & 2.12.86
	Hoop Pine	<i>Araucaria cunninghamii</i>	
	Canary Island Palm	<i>Phoenix canariensis</i>	
	Forest Red Gum (All)	<i>Eucalyptus tereticornis</i>	
	Grey Gum (All)	<i>E. punctata</i>	
	Coastal Grey Box (All)	<i>E. moluccana</i>	
	Narrow Leaf Iron Bark (All)	<i>E. crebra</i>	
Lot 501	Forest Red Gum (All)	<i>E. tereticornis</i>	
	Grey Gum (All)	<i>E. punctata</i>	
	Coastal Grey Box (All)	<i>E. moluccana</i>	
Lot 52	English Oak (2)	<i>Quercus robur</i>	
Cordeaux St, Campbelltown, Multideck Car park.	Canary Island Palm (3)	<i>Phoenix canariensis</i>	7.6.83
Cordeaux St,	Jacaranda (All)	<i>Jacaranda mimosaeifolia</i>	30.8.83

PROPERTY DESCRIPTION	COMMON NAME	SCIENTIFIC NAME	DATE OF ADOPTION
Campbelltown.			
Cumberland Rd, Ingleburn, Hallinan Park.	Cedar of Lebanon Cockscomb Coral Tree (2) Camphor Laurel Prickly Paperbark	<i>Cedrus libani</i> <i>Erythrina cristagalli</i> <i>Cinnamomum camphora</i> <i>Melaleuca styphelioides</i>	19.6.90
Dumaresq & Lithgow St's, Campbelltown, Car park.	Swamp Oak Forest She Oak	<i>Casuarina clauca</i> <i>C. torulosa</i>	7.6.83
Fawcett St, No. 47, Glenfield, Uniting Church.	Radiata Pine	<i>Pinus radiata</i>	7.6.83
Hansens Rd, No. 32, Minto Heights.	Camphor Laurel (2)	<i>Cinnamomum camphora</i>	7.6.83
Hurley St, Campbelltown, Campbelltown Railway Station.	Pencil Pine	<i>Juniperus virginiana</i>	7.6.83
Ingleburn Rd, Ingleburn, Ingleburn Railway Station.	Bunya Bunya Pine	<i>Araucaria bidwilli</i>	29.11.83
Kenny Cl, St Helens Park. (footpath adjacent to 24).	Bunya Bunya Pine	<i>Araucaria bidwilli</i>	7.6.83
Lincoln St, No. 22, Minto.	Cabbage Tree Palm Hoop Pine	<i>Livistona australis</i> <i>Araucaria cunninghamii</i>	29.11.81
Lincoln St, No. 28, Minto.	Forest Red Gum	<i>E. tereticornis</i>	29.11.83
Lincoln St, No. 37, Minto.	Nepal Cypress (6)	<i>Cupressus torulosa</i>	19.6.90
Lincoln St, No's. 18-20, Minto.	Cabbage Tree Palm	<i>Livistona australis</i>	29.11.87
Lindesay St, Campbelltown, Campbelltown Central Public School.	Sugar Gum (All) Lemon Scented Gum (All) Coastal Grey Box (All) Mugga Ironbark (All)	<i>E. cladocalyx</i> <i>E. citridora</i> <i>E. Moluccana</i> <i>E. sideroxylon rosea</i>	7.6.83
Lithgow St, Campbelltown Seventh Day Adventist Church.	Kauri Pine	<i>Agathis robusta</i>	2.12.86
Lithgow St, No 21, Campbelltown.	Bunya Bunya Pine	<i>Araucaria bidwilli</i>	7.6.83
Lithgow St, No. 4, Campbelltown, Glen Alvon.	Peppercorn Tree Cabbage Tree Palm Cook Pine	<i>Schinus molle</i> <i>Livistona australis</i> <i>Araucaria columnaris</i>	7.6.83
Lithgow St, No. 40, Campbelltown St David's Presbyterian Church.	Coastal Grey Box (All)	<i>E. moluccana</i>	7.6.83
Menangle Rd, No. 121, Menangle Park, Riverview.	Kurrajong Tree Peppercorn Tree	<i>Brachychiton populneus</i> <i>Schinus molle</i>	7.6.83
Moore-Oxley Bypass Campbelltown.	Tallowwood (All)	<i>Eucalyptus microcorys</i>	7.6.83
Oxley St, No. 24,	Hoop Pine	<i>Araucaria cunninghamii</i>	7.6.83

PROPERTY DESCRIPTION	COMMON NAME	SCIENTIFIC NAME	DATE OF ADOPTION
Campbelltown.			
Patrick St, Campbelltown, Car park.	Cabbage Tree Palm	<i>Livistona australis</i>	30.8.83
Queen St, Campbelltown, Mawson Park.	Trees outlined in brochure "Mawson Park Campbelltown, NSW - Trees, Shrubs and Memorials 1989"		7.6.83
Queen St, Campbelltown, Campbelltown Mall.	Lemon Scented Gum (3)	<i>E. citridora</i>	7.6.83
Queen St, No. 91, Campbelltown, Campbelltown City Council.	Mugga Ironbark	<i>E. sideroxylon rosea</i>	7.6.83
Queen St, No. 95, Campbelltown, Campbelltown Court House.	Mourning Cypress	<i>Cupressus funebris</i>	7.6.83
Roy Watts Rd, Glenfield.	Lemon Scented Gum (All)	<i>E. citridora</i>	5.4.88
St Helens Park Dr, No. 81, St Helens Park.	Bunya Bunya Pine	<i>Araucaria bidwilli</i>	7.6.83
St John's Rd, Campbelltown, St Patrick's Ladies College.	Coral Tree (2)	<i>Erythrina xsykesii</i>	5.4.88
Stanley Rd, No. 101, Ingleburn.	Prickly Paperbark	<i>Melaleuca styphelioides</i>	19.6.90
Stanley Rd, No. 89, Ingleburn.	Prickly Paperbark	<i>Melaleuca styphelioides</i>	19.6.90
Stennett Rd, Ingleburn, Bunbury Curran Creek.	Broad Leafed Apple Gum	<i>Angophora subvelutina</i>	19.6.90
Sturt St, No. 34, Campbelltown, St John's Church.	Coral Tree (2)	<i>Erythrina xsykesii</i>	2.12.86
Traminer Pl, No. 27, Eschol Park, Fig Tree Park.	Port Jackson Fig	<i>Ficus rubiginosa</i>	7.6.83
Woodhouse Dr, Ambarvale, Ambarvale Sports Complex.	Prickly Paperbark	<i>Melaleuca styphelioides</i>	5.4.88