



## Manly Council

Council Offices 1 Belgrave Street Manly  
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Phone 02 9976 1500 Fax 02 9976 1400 DX 9205 Manly  
records@manly.nsw.gov.au [www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)

Manly Council's policy is to maintain attractiveness, appeal and amenity of the Manly Local Government Area by preserving healthy trees in recognition of the value and importance of trees held by the community. This applies to all privately owned land within the Manly LGA.

The Tree Preservation Order prevents and prohibits:

- ringbarking
- chopping
- topping
- lopping
- soil build up around trunk
- removal
- injuring, and
- wilful destruction of any tree or trees within the Manly LGA.

### Why protect trees?

Trees are an important part of the character and amenity of Manly Council. Trees serve many purposes to the owner, the wider community and native fauna. They play an important part in maintaining the health of our environment. They help protect soil and water supplies, provide habitat, food, shelter and protection from predators for wildlife.

This wildlife also relies on trees for their continued reproduction and survival. Trees in urban areas also act as extensions of, and links between core bushland, as bushland corridors. Trees reduce the effects of sunlight, reflection, pollution, humidity, wind, glare and noise.

### Are there penalties for breach of the Tree Preservation Order?

If you remove, damage or prune a tree without Council's consent, you may be liable for considerable fines up to \$20,000. In addition a Court may direct an offender to plant new trees and vegetation and maintain them to mature growth, as well as providing security for the performance of this obligation. You may also be liable to a penalty for engaging or allowing another person to remove, prune or lop a tree without Council consent. If you have any doubt about the work you want to undertake contact Council's Tree Preservation Officer.

# Fact Sheet No. 25

## TREE PRESERVATION ORDER 2001

### How does Council's Tree Preservation Order apply to me?

**Note:** *It is illegal to remove or prune trees on public land, parks or foreshore areas, or any tree other than your own tree.*

### Who can apply to remove a tree?

A property owner or managing agent must complete an application to Council for removal/or pruning of more than 10% of a tree. Permission for removal of a tree will only be issued to the owner of the property or suitable authorised representative. In the case of a block of units, the consent of the owners' corporation must be obtained prior to making an application to Council to remove or prune the tree.

### Are there things which don't usually warrant removal/pruning of trees?

- a tree is shedding leaves, fruit, bark, cones or twigs
- a tree is causing minor structural damage, such as footpaths or driveways (permission will not be granted for these reasons)
- there are fears about healthy trees failing
- a tree is causing minor shading
- a tree is causing blockage to pipes, unless the damage is serious and recurring, root pruning and replacing old dilapidated pipes, use of root barriers may solve the problem (evidence in any case would need to be provided if the problem is serious)
- pruning for amenity views.

### Disclaimer

The information contained here is a guide only. It is recommended that the advice of the Customer Service or Land Use Management staff be sought in conjunction with any enquiries and Development Applications concerning the use of land within the Manly Council area. Applicants are advised to seek the services of a suitably qualified arborist where they still have concerns about trees on their property.

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### What will Council consider when assessing applications to remove or prune trees?

- condition of the tree with respect to health and age
- necessity for removal or pruning in order to construct improvements to the property, the subject of a development application (this would be viewed in line with your development application)
- effect of erosion – soil retention and diversion or increased flow of surface water
- number of trees and effect on the amenity of the area
- number of healthy trees an area of land will support
- habitat for fauna.

### What is pruning of trees?

Crown thinning is the recommended method of pruning trees. This involves the reshaping of the tree, retaining the original height and width, by the pruning of selected branches only, in order to ultimately obtain a structurally sound, aesthetically shaped tree. You should remember that indiscriminate lopping/pruning can be a danger to your safety and the health of a tree. For this reason, all pruning should conform to the Australian Standard (AS 4373-1996, Pruning of Amenity Trees) and be undertaken by a qualified Arborist.

### Pruning for view

The following procedure is followed:

- if the tree is on private land other than your own, the property owners written consent will be required before arranging an appointment with a Council officer for inspection – Council cannot force an owner to allow a tree to be pruned or removed
- pruning will only be approved if it will not be detrimental to the health of a tree
- evidence must be provided to show that the present owner (not the previous owner) had a view of the harbour or ocean, lagoon or other water body
- approval will be granted only if 75% of a view has been lost from a single location selected by the owner, i.e. balcony, living room etc.
- a maximum of 10% of a tree's foliage can be pruned

### Pruning for view of public trees on Council land

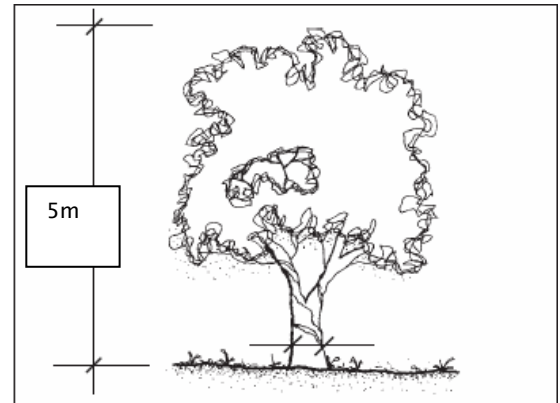
- all tree pruning for view on Council land must have suitable **photographic evidence** of the original view; pruning will only be carried out for the original owner and is paid for by the applicant, before work is undertaken. Council will not carry out pruning of trees on public land if the pruning

will be detrimental to the tree. Council reserves the right to refuse pruning in this situation.

### Trees/plants not requiring Council's consent for removal or pruning:

Trees with a height **less than 5m**, on private property only.

See the exemption list below for other trees that do not require permission for removal.



- all vegetation on the Manly Council noxious weeds list
- dead trees where technical evidence can be provided to show they are dead
- the following species:

*Alianthus altissima* - Tree of Heaven  
*Alnus acuminata* - Evergreen Alders  
*Arecastrum romanzoffianum* - Cocos palms  
*Carica papaya* - Paw Paw  
*Cinnamomum camphora* - Camphor laurel  
(under 10m in height)  
*Citrus* sp. - All Citrus  
*Eriobotrya* sp. - Loquat  
*Erythrina x sykesii* - Coral tree  
*Ficus elastica* - Rubber tree  
*Gleditsia triacanthos* - Honey locust  
*Lagerstroemia* - Crepe myrtle  
*Liquidambar styraciflua* - Liquidambar  
(under 10m in height)  
*Morus* sp. - Mulberry tree  
*Nerium oleander* - Oleander  
*Olea africana* - African Olive  
*Populus* sp. - Poplars  
*Pittosporum* sp. - Pittosporum (up to 8m in height)  
*Prunus* sp. - Prunus  
*Robinia psuedoacacia* - False Acacia  
*Schefflera* sp. - Umbrella tree

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### Tree pruning of trees on private land not requiring Council consent

Up to 10% of a tree's foliage can be pruned without Council consent in one year. This allows residents to undertake maintenance pruning of their own trees for the purposes of removing deadwood or roof / gutter / window clearance. Neighbours can only prune 10% of what is overhanging the boundary. This could be described as pruning of only up to 1m of the branches that overhang. This does not mean pruning to the boundary, if the branch overhang exceeds 1m.

### Council consent for removal MAY be granted when:

- the tree is growing within 3m of and causing damage to:
  - building or structure
  - sewer or drainage line
  - inground pool
  - retaining wall over 1m in height
  - double brick wall over 1m in height - where there is evidence that such trees have damaged or are likely to damage these structures or services). Council may require further evidence from a qualified source to justify the removal.
- the tree is causing illness or allergic reaction and a claim can be supported by a (specialist doctor) medical certificate and Council is satisfied that the specific tree is the primary cause of the problem
- a property has been over planted - removal of the tree / trees will be to the benefit of the remaining trees
- a tree has been damaged in heavy storms by lightning or wind etc and could cause future problems if not removed
- a tree is in danger of falling or causing danger to people, buildings or services.

Council consent will not be given for removal of trees for fences, general driveways and footpaths (this may be considered where evidence has been supplied to support structural problems).

### Council consent for additional pruning MAY be granted when:

- the tree, in the opinion of Council, is causing overshadowing and supporting evidence is supplied
- the tree has been subject to storm damage, or repeated branch shedding
- limbs are overhanging dwellings or home entertainment areas, judicious reduction of those limbs may be allowed after inspection

- limbs overhang boundaries or fences (and the tree is yours) judicious pruning will be allowed if it is not detrimental to the overall health of the tree
- limbs obstruct access by pedestrians or vehicles
- limbs cause vision obstruction or other traffic hazards.

### What do I do if I want a neighbour to prune a tree on their property?

Council has no power to compel a property owner to prune or remove a tree from their own property (Noxious weeds should be notified to Council's noxious weeds officer). Residents are advised to consult their neighbour about the problem. Where cooperation of your neighbour is not obtained and you believe a neighbouring tree is damaging your property, you may wish to make application to Council for permission to prune the tree.

Where such permission is granted, the tree may be pruned to the closest branch collar to the common boundary line. The owner of the tree must be notified of the intention to apply to Council for a permit and notification to the neighbour of the permit received prior to work commencing. Where the closest branch collar to the common boundary line cannot be accessed from your own property, the neighbour's consent must be obtained prior to any person entering the property to undertake the work. You or your contractor cannot enter someone else's property without permission, this is trespassing and is a legality between the property owners. Council's role is tree preservation and the issue of permits for the appropriate work..

Sometimes a dispute may arise between neighbours about removal or pruning of a tree on or near the common boundary. Council has no role to play in resolving such disputes and this is a matter between the residents concerned.

### Removal of trees on development sites

Trees must be shown on your D/A plans:

- 1.If the trees on your site are over 5 metres tall.
- 2.Where trees will have building or site works carried out within 5 metres of the trunk or within the area of the canopy.
- 3.Where trees are on your boundary, but are your neighbours or Council trees and will be affected as in point (2) above, these must be noted on your plans.

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4. Where trees are in the 'footprint' of the building, deck areas, proposed driveway, proposed swimming pool or garage, these affected trees must be marked on the plans submitted:
- a tree preservation inspection is not required for trees on Development Approval (DA) sites (trees are assessed at the DA and/ or subdivision stage)
  - a tree removal permit will not be issued prior to application for a DA or subdivision, or for trees that are not included on your Plans
  - clearing a property of trees prior to approval of a DA (development application), is a breach of the Tree Preservation Order & Soil Conservation Act.
5. Landscape plans are to be submitted with a DA and should indicate proposed planting and replacement planting if a tree is required to be removed.

### Will I be expected to plant replacement trees ?

Where Council allows the removal of trees it is generally on the condition that a replacement tree be planted. Replacement trees must be planted within 28 days of the removal of the old tree. In selecting replacement trees care should be taken to select species appropriate to your circumstances.

### Where to plant trees?

Most tree problems are caused by incorrect species selection and poor location. When choosing plants **consider**:

- expected height, width and shadowing effect
- services such as sewer, drainage and overhead power lines
- It is recommended (**only**) planting trees at least 3m from the building line
- It is recommended (**only**) any plant over 5m in height, should be planted 2.5m from the boundary fence to avoid future problems for neighbours from overshading and blocking views etc.
- local indigenous species or multifunctional exotic species to enhance building comfort and contribution to ecological sustainable development – consult your landscape architect / designer for further advice.

### Why does Council charge fees to assess TPO applications?

The fees were introduced by Council to assist in covering the costs of administering the Tree Preservation Order.

The current fee is available from Customer Service and is listed in Council's Fees & Charges.

### Bushland areas

Urban bushland is protected by State Environmental Planning Policy No. 19 (SEPP 19). Manly Council recognises the importance of maintaining bushland for biodiversity, habitat, heritage, education and scientific purposes and **does not allow view pruning in urban bushland areas**.

Residents are advised to contact:

- Parks Department on 9976 1500 prior to booking an appointment for view pruning, to confirm if a tree is located in a bushland reserve protected by SEPP 19.

### Need help pruning or removing trees?

The National Arborists Association of Australia and the Tree Contractors Association NSW Inc. both have extensive lists of qualified & insured tree removal/ pruning companies and can be located in your telephone directory.

### When will Council come out to inspect my tree?

Council's Tree Preservation officer carries out inspections every Wednesday between 9:30am and 2pm. If you would like to be onsite at the time of the inspection **please nominate a time** that you will be available on the front of your form. If your time coincides with some one else's time the Tree Preservation Officer will ring you to re schedule a time with you.

### When will I get my permit?

Your permit will be entered onto Council's system and a written response will be sent to you within ten (10) working days of the date of the tree inspection. If you have pending information that you have to supply this will of course be forwarded once the information has been received.

### Need more information?

Please contact Council's Customer Service Centre on 9976 1500.

### Note:

Fees will not be refunded for inspections arranged for trees that are exempt species from the Tree Preservation Order.

All applications are valid for 12 months. The permit will need to be renewed after this time and the administration fee will apply.

***DON'T FORGET TO PUT THE REASON FOR THE REMOVAL OR PRUNING OF THE TREE ON THE APPLICATION.***