

City of Ryde Development Control Plan 2010

Part: 9.6
Tree Preservation



City of Ryde

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا تعذر عليك فهم محتويات هذه الوثيقة، نرجو للحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222. نيابة عنك.

ARMENIAN

Եթե այս գրությունը չէք հասկնար, խնդրեմ եկե՛ք Րայդ Կիվիկ Սենթրը, 1 Տելվին սթրիթ, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիէն Ուրբաթ կառ. ժամը 8.30 – կե. ժամը 4.30, կամ հեռաձայնեցե՛ք հեռաձայնի եւ Թարգմանության Սպասարկության՝ 131 450, եւ խնդրեցե՛ք ուր թարգմանիչ մը Րայդ Թողարկակարանին հետ կապ հաստատել: ձեզի համար, հեռաձայնելով՝ 9952 8222 թիւին:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接聽後你可以要求一位傳譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد، شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여러번 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁드립니다.

Amend. No.	Date approved	Effective date	Subject of amendment

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1.0 INTRODUCTION

1.1 Preservation of the Urban Forest

Individually and collectively, trees have environmental, economic and social value. The benefits of trees include amenity, visual quality, enhanced streetscape, native fauna habitat, soil conservation, enhanced microclimatic conditions, solar access control and improved air quality. Collectively all the individual trees form the Urban Forest canopy of the City of Ryde. This Urban Forest is a combination of street trees, park trees (including bushland) and trees on private property.

Effective management of trees as a natural resource and as part of the urban infrastructure of the City of Ryde depends upon the long term retention of existing trees, appropriate tree maintenance, protection of trees on development sites, and in relation to replacement trees, suitable tree location and considered species selection.

1.2 Commencement of this Part

The DCP was adopted by Council on 21 August 2012 and came into effect on the 1 October 2012.

1.3 Land to which this Part applies

This Plan applies to all land within the City of Ryde.

1.4 Objectives of this Part

The objectives of this Part are:

1. To maximise a sustainable Urban Forest canopy across the City of Ryde.
2. To conserve trees of ecological, heritage, aesthetic and cultural significance.
3. To protect and manage individual trees as an important community asset.
4. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City of Ryde.
5. To ensure all new development considers existing trees on the development site and provides opportunity for the healthy growth of large trees.

1.5 How to use this Part

1. This Part is to be read in conjunction with:
 - The City of Ryde Urban Forest Technical Manual (Technical Manual) and Application Guide (Guide) which provide instructions on:
 - i. requirements for arboriculture and other technical reports;
 - ii. technical arboricultural information;
 - iii. requirements as to the protection of trees on development sites;
 - iv. how to make an application under this Part; and
 - v. dealing with trees on adjoining properties.

Both documents can be viewed at www.ryde.nsw.gov.au

- Clause 5.9 Preservation of Trees or Vegetation of the City of Ryde Local Environment Plan 2010 (LEP 2010).
2. The controls in this Part, to the extent of any inconsistency in relation to trees, take precedence over the controls in other Parts of the City of Ryde Development Control Plan 2010 (DCP 2010).
 3. All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended from time to time.
 4. This Part has 4 sections:
 - Section 1 Introduction
 - Section 2 Exempt Works - Explains which Tree Works do not require a permit or Development Application approval.
 - Section 3 Tree Permits - Explains which Tree Works require a Tree Permit and sets out the controls for these works.
 - Section 4 Development Applications - Explains when a Development Application must be submitted and approved under this Part and sets out the controls for these Development Applications.

1.6 Meaning of Words

1. In this Part:

Crown means the portion of the tree consisting of branches and leaves and any part of the stem from which branches arise.

Deadwood means dead branches within the crown of a tree.

Stem means the part of the tree which supports branches, leaves, flowers and fruit and is also called “the trunk”.

Tree means:

- a. trees as defined in Part 10 Dictionary of DCP 2010 where the tree has a height of 5 metres or a stem circumference of 450mm at a height of 1.4 metres above ground level. This includes palm trees; and
- b. trees described as “major”, “substantial” and “significant” in other Parts of DCP 2010.

Tree Protection Zone means a specified area above and below ground calculated in accordance with AS 4970 - 2009 Protection of trees on development sites and is a radial distance from the centre of the stem set aside for the protection of a tree’s roots and crown to provide for the viability and stability of the tree. Refer to section 3 of the Technical Manual for TPZ calculation guidelines.

Tree Works means:

- a. Any pruning of the crown of a Tree (except for deadwood in accordance with Section 2 of this Part);
- b. any removal of a Tree;

- c. any pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone; and/or
- d. any alteration (excavation or fill) to the soil level within the Tree Protection Zone of a Tree on the land or on adjoining land.

Urban Forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

2. Where the meaning of a term is not set out in Section 1.6 (1) above, the term will have the same meaning as set out (in order of precedence) in Part 10 Dictionary, LEP 2010, and the Environmental Planning and Assessment Act 1979 (EP&A Act) and Regulations.

1.7 Application of Australian Standards

All pruning work must be carried out in accordance with Australian Standard 4373 - 2007 Pruning of amenity trees.

The provisions of Australian Standard 4970 – 2009 Protection of trees on development sites must be fully complied with on all development sites upon which trees are located.

The Technical Manual sets out how these Australian Standards must be applied

1.8 Enforcement

1. The following activities are prohibited: ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying any Tree without a Tree Permit or Development Application approval issued by Council in accordance with this Part.

Note: A person will “injure” a tree if they damage the tree including (but not limited to) by:

- poisoning, applying herbicides or other toxic chemicals to a tree, spilling chemicals, washing off or directing water contaminated by chemicals (eg. oil, petroleum, paint, cement or mortar) within the Tree Protection Zone;
 - tearing, breaking or snapping off the stem, branches and roots;
 - damaging the root zone by compaction, excavation, filling and stockpiling materials within the Tree Protection Zone;
 - wounding the stem with machinery (eg lawn mowers), fixing objects (eg. signs) to the stem or branches by nails, staples or wire, using tree climbing spikes in healthy trees to be retained (except for access to an injured tree worker), fastening materials around the stem or branches that circle and restrict the normal vascular function of the stem or branches.
2. Failure to comply with this Part is a breach of section 126 of the EP&A Act for which pecuniary penalties apply. The court dealing with the offence may, in addition to or in substitution for any pecuniary penalty, direct a person to plant new trees and vegetation, maintain those trees and vegetation to mature growth, and provide security for the performance of that obligation.

2.0 EXEMPT WORKS

Introduction

This section explains when approval from Council (either by Tree Permit or by Development Application) is not required to carry out Tree Works including the removal or pruning of a Tree.

This section does not apply to any Tree which:

- is listed on the City of Ryde Significant Tree Register;
- is or is located on a site classified as being part of a vulnerable, threatened or endangered ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the Threatened Species Conservation Act 1995 (NSW) or the Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- is or forms part of a heritage item; or
- is within one of the five heritage conservation areas within the City of Ryde.

Trees classified as being part of a vulnerable, threatened or endangered ecological community within the City of Ryde include the following tree species: Turpentine (*Syncarpia glomulifera*), Grey Gum (*Eucalyptus punctata*), Grey Ironbark (*Eucalyptus paniculata*), Thin-leaved Stringybark (*Eucalyptus eugenioides*), Sydney Blue Gum (*Eucalyptus saligna*), Blackbutt (*Eucalyptus pilularis*), Forest Oak (*Allocasuarina torulosa*) and Sydney Red Gum (*Angophora costata*). To identify if any of these classifications apply to your Tree please view www.ryde.nsw.gov.au/Environment/Bushland+and+Wildlife/Native+Vegetation

To identify if your Tree or land has heritage significance please view: www.ryde.nsw.gov.au/Development/Heritage

Controls

- a. The following are exempt works:
 - i. Removal of deadwood provided the work is carried out in accordance with Australian Standard 4373 – 2007 Pruning of amenity trees and NSW WorkCover Code of Practice: Amenity Tree Industry 1998.
 - ii. Tree Works on a Tree where the stem of the Tree at ground level is within 3 metres of:
 - the outside enclosing wall of a legally constructed dwelling or outbuilding of over 20 square metres;
 - the outside edge of the footings of a carport; and/or
 - the outside edge of the coping of a legally constructed swimming pool.

This exemption does not apply to a Tree on adjoining land. The Tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.

Note: The term “legally constructed” means built in compliance with environmental and planning legislation and instruments in force within the City of Ryde at the time of construction.

- iii. Tree Works on a Tree on land owned or under the care, control and management of Council where the Tree Works are carried out by Council.
- iv. Tree Works carried out on a Tree by the State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
- v. Tree Works on a Tree on land owned by the Macquarie University or the State Government.
- vi. Tree Works required under the provisions of Section 48 of the Electricity Supply Act 1995.
- vii. Tree Works on any Tree on the following list:

Botanical Name	Common Name
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorulensis</i>	Evergreen Alder
<i>Arecastrum romanzoffianum</i> (syn. <i>Syagrus romanzoffianum</i>)	Cocos Palm
<i>Bambusa</i> spp.	Rhizomatous Bamboo
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Erythrina crista-galli</i>	Cockscomb Coral Tree
<i>Erythrina x sykesii</i>	Indian Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Rubber tree
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad leaf Privet
<i>Ligustrum sinense</i>	Narrow leaf Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europaea africana</i>	African Olive
<i>Populus</i> spp.	Poplars
<i>Salix</i> spp.	Willows
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Tamarix aphylla</i>	Athel tree
<i>Toxicodendron</i> spp.	Rhus tree
All edible fruit and nut trees except <i>Acmena</i> spp. (Lilly Pilly), <i>Syzygium</i> spp. (Lilly Pilly), <i>Elaeocarpus</i> spp. (Blueberry Ash) or <i>Macadamia</i> spp. (Macadamia Tree).	

3.0 TREE PERMITS

Introduction

This section explains when a Tree Permit is required to carry out Tree Works. Trees on private land are critical to the Urban Forest within the City of Ryde and accordingly Council wishes to preserve and protect these trees.

If you are applying for a Complying Development Certificate under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 you need to obtain a Tree Permit to carry out any Tree Works to a Tree on your land.

If a Development Application has been approved for the removal of a Tree, a Tree Permit is not required for that Tree.

Controls

- a. A Tree Permit must be obtained before any Tree Works are carried out on a Tree other than works requiring a Development Application under Section 4 of this Part. An arboricultural report, and other reports and information may be required to be submitted as part of the Tree Permit assessment process. Requirements for arboricultural reports are set out in section 4 of the Technical Manual.
- b. A Tree Permit must be obtained for any pruning: a) of the crown of a Tree, (including deadwood) and / or b) pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone that is or forms part of a heritage item or is within one of the five heritage conservations areas within the City of Ryde.
- c. All Tree Works must be carried out in accordance with the NSW WorkCover Code of Practice: Amenity Tree Industry 1998 and, in relation to pruning, Section 5 of the Technical Manual.
- d. Trees removed as a consequence of approval by a Tree Permit must be replaced, in accordance with section 6 of the Technical Manual, to effectively maintain the Urban Forest canopy.

Note: If a Tree is considered to be:

- dead;
- dying; or
- posing an imminent risk to human life or property,

a Tree Permit Application is required to be submitted to Council for the removal of that Tree.

If Council is satisfied that the tree is dead, dying or posing an imminent risk to human life or property, it will issue a letter confirming that the Tree is exempt from the requirement for a Tree Permit and Tree Works may be undertaken.

Note: If you want to remove a Tree which is or forms part of a heritage item or is within one of the five heritage conservations areas within the City of Ryde you must apply for a Development Application under Section 4 of this Part.

4.0 DEVELOPMENT APPLICATIONS

Introduction

The City of Ryde contains a number of areas with heritage significance. On land within these areas, Development Application approval must be obtained before carrying out Tree Works on any Tree regardless of whether any other development is proposed for that land. This section explains when Development Application approval under this Part must be obtained.

Requirements relating to Trees on development sites are set out in section 2 of the Technical Manual.

Controls

- a. A Development Application approval must be obtained before any removal of a Tree if either the Tree or the site upon which the Tree is located:
 - is or forms part of a heritage item. Heritage items are identified in Schedule 5 of LEP 2010 and are shown on the Heritage Map www.ryde.nsw.gov.au/Development/Heritage
 - is within one of the five heritage conservation areas within the City of Ryde. You can check whether your property is within one of these areas by looking at the Heritage Map www.ryde.nsw.gov.au/Development/Heritage
- b. Trees removed as a consequence of Development Application approval must be replaced, in accordance with section 6 of the Technical Manual, to effectively maintain the Urban Forest canopy.

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