



KU-RING-GAI COUNCIL Tree Preservation Order

Introduction

This Tree Preservation Order, made under the provisions of the Environmental Planning and Assessment Act 1979, establishes a framework for the submission and assessment of applications for tree works in Ku-ring-gai, to ensure the proper management, replenishment, and long term survival of Ku-ring-gai's tree resource both native and exotic. The order defines Council's responsibilities and requirements with respect to the protection, retention and replacement of trees in Ku-ring-gai.

On what legislative basis has this Order been made?

This order is made pursuant to section 26(e) of the Environmental Planning and Assessment Act 1979, and in accordance with Clause 42(4) of the Ku-ring-gai Planning Scheme Ordinance. This Tree Preservation Order was adopted by Council resolution of 12 December 2006, and advertised in the Government Gazette of 25 January 2007.

Aims of the Order

*To manage Ku-ring-gai's tree resources in a sustainable manner.
To protect, and enhance biodiversity values and identify replenishment opportunities.
To recognise, protect and enhance aesthetic and heritage values.
To secure and maintain amenity.
To sustain and enhance the tree canopy.
To prohibit unnecessary injury or destruction of trees.
To encourage responsible management of trees within an urban environment*

To what land does this Tree Preservation Order apply?

This order applies to the whole of the local government area of Ku-ring-gai with the exception of those lands dedicated as National Park.

What is a tree under this Order?

A Tree under this Order means a plant with any one or all of the following criteria: A perennial plant with at least one self supporting woody, fibrous stem, whether native or exotic, which is 5 metres or more in height or has a trunk diameter of 150mm or more measured at ground level.

What tree works are prohibited?

*This Order prohibits the injury of any tree protected under this Order without the written consent of Council. Injury under this Order means damage to a tree and includes: removal of a tree
pruning, damaging/tearing of live branches lopping (height reduction) topping of a tree
poisoning, including but not limited to, the application of substances damaging to trees such as herbicides, other chemicals toxic to trees, spilling and/or directing contaminants such as oil, petroleum, paint, cement and similar to the root zone.*

What tree works are prohibited contd.

Ringbarking, or otherwise damaging the bark including the attachment of objects using invasive fastenings, tree climbing spikes, and the fastening of materials around the trunk of trees which may result in a detrimental impact on tree health.

The growing of vines to the trunk and branches of trees which is or will result in a detrimental impact on tree health.

Damaging the root zone of a tree by way of compaction, including storage and stockpiling of materials,

Changes to ground levels within the root zone of a tree by way of excavation, trenching, or filling.

When is Council's consent required?

Consent from Council will be required to undertake works to trees protected under this Order.

What is an offence under this Order?

A person who contravenes or causes or permits to be contravened the provisions of this order shall be guilty of an offence.

What are the penalties for an offence under this Order?

A person who contravenes the provisions of this order will be liable to prosecution and penalties in accordance with the Environmental Planning and Assessment Act, 1979.

When is Council's consent not required?

Works that do not require consent are called exemptions. The following exemptions to the order apply:

1. Dead trees and branches

Removal of completely dead trees and dead branches.

2. Tree branches directly over roof lines

Removal of tree branches which directly overhang the roof of a residence or commercial building, may be pruned back to the nearest branch junction or collar to clear the roofline, provided the owner of the tree is in agreement. Pruning must be consistent with the relevant Australian Standard for Pruning of Amenity Trees, and must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree. Detached Garages, all carports and ancillary buildings are not included in this exemption.

3. Trees within 3.0 metres of an existing dwelling.

Removal of trees within 3.0m of an approved, existing residential building. This distance is measured from the centre of the trunk of the tree at ground level to the external wall of the building. The trunk of the tree must be located on the same property. Verandas, all carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption.

4. Branches and trees near electrical wires.

Works consistent with the provisions of section 48 of the Electricity Supply Act 1995. For electrical service lines to properties, this would apply to branches within 0.5m of these lines. This exemption applies to tree branches not trunks.

5. Trees on Council land

Tree works undertaken by Council or Council's authorised agents, on Council owned land, providing these works are consistent with Council's policies and internal guidelines. The removal or trimming of trees in accordance with the Roads Act 1993, when undertaken by Council or Council's authorised agents, Council owned or managed parks or bushland, providing these works are consistent with Council's policies and internal guidelines.

6. Trees approved for removal under development consent

Trees works for which consent has been granted in accordance with a valid development consent upon release of a Construction Certificate.

7. Minor Pruning

Pruning of trees where:

- i) Branches pruned are not more than 50mm in diameter*
- ii) Roots pruned are not more than 30mm in diameter*
- iii) Pruning is consistent with the Australian Standard for Pruning of Amenity Trees (AS 4373-2007)*

8. Exempt tree species

All of the following species are exempt:

Acacia saligna, Golden Wreath Wattle

Acer negundo, Box Elder

Ailanthus altissima, Tree of Heaven

Alnus jorullensis, Evergreen Alder

Cinnamomum camphora, Camphor Laurel except where 15m in height or greater,

Celtis sp. Celtis, Nettle tree

Aracatum romanzoffianum, Cocos Palm

Eriobotrya japonica, Loquat

Erythrina x sykesii, Coral Tree

Erythrina crista - galli, Cockscomb Coral Tree

Ficus elastica, Rubber Tree

Ligustrum species, Small and large Leaved Privet

Liquidambar styracifolia, Liquidambar (with a height less than 12m)

Olea europa subsp. "Africana", African Olive

Populus nigra italica, Lombardy Poplar

Robinia pseudoacacia, Black Locust

Salix sp, Willows

Schefflera sp, Umbrella Tree

Toxicodendron succedaneum, Rhus

Other tree species listed from time to time in Council's Weed Management Policy as Urban Environmental Weeds.

Other tree species listed from time to time as noxious for Ku-ring-gai under the Noxious Weeds Act (1993).

9. Rural Fires Act 1997

Tree works for which an order or permit has been issued under the Rural Fires Act 1997.

Do the exemptions apply on heritage properties?

The exemptions under this order do not apply to trees which are or form part of a heritage item.

Who can apply?

Only the owner of the trunk of the tree or their authorised agent (proof of authority required) can apply for consent for tree works under this order.

How do I apply?

An application is required to be completed and forwarded to Council for all works on trees where an exemption does not apply. The application must be accompanied by the prescribed fee.

Can the permit lapse?

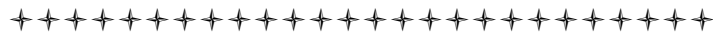
The Tree works permit is valid for 12 months from the date of issue unless otherwise specified. Upon application Council may allow an extension of time.

Can I appeal Council's decision?

An application for review of Council's decision, under section 82A of the EP&A Act, may be lodged with Council on Council's Tree Review Application form where Council has refused an application, or an appeal may be lodged with the Land & Environment Court of NSW.

Will Council require replacement trees?

Council will require the planting of replacement trees and may specify the number, species, location and stock size.



For Further Information

- Tree assessment Guidelines
- Tree Replenishment Guidelines
- Advice on Choosing an Arborist
- Guidelines for Arborist Reports
- Weed Management Policy

See www.kmc.nsw.gov.au or phone 94240888