



## MAITLAND CITY COUNCIL POLICY STATEMENT

<b>Policy Name:</b>	<b>TREE PRESERVATION AND CONTROL</b>
<b>File Number:</b>	103/14
<b>Council Reference:</b>	Planning Committee - Page 1942, Item (A) Council - Page 1973
<b>Date Approved:</b>	9 September 1986
<b>Policy Review Date:</b>	As required
<b>Business Group:</b>	Service Planning & Regulation
<b>Responsible Officer:</b>	Group Manager Service Planning & Regulation
<b>OBJECTIVE</b>	<ol style="list-style-type: none"><li>1. To actively promote an awareness of the value and benefit of trees to both the natural and urban environments;</li><li>2. To encourage care and consideration in the removal, lopping and general maintenance of mature trees;</li><li>3. To encourage care and consideration in the planting of trees so as to minimize future maintenance and need for removal of trees;</li></ol> To exercise statutory control over the removal, lopping and general maintenance of mature trees through to use of a tree preservation order.

### GENERAL TREE PRESERVATION ORDER

#### 1. Objective

The objective of this order is to provide the Council with the statutory means necessary to protect trees in natural and urban environments within the boundaries of the City of Maitland.

#### 2 Application

This order applies to all land to which Maitland Local Environmental Plan 1986 applies being all lands within the City of Maitland.

#### 3 Details of the Order

3.1 This Order is made in accordance with Clause 8 of the Environmental Planning and Assessment Model Provisions, 1980, and operates from 1986.

3.2 This Order prohibits a person from carrying out, or causing to be carried out, the ring-barking, cutting down, lopping, topping, removing, injuring, or wilful destruction of any tree with a height of 3 metres or more, or having a branch spread of 3 metres or more in diameter, growing on land to which this order applies, except with the written consent of the Council.

3.3 Any consent given by Council in accordance with this Order may be given subject to such conditions as the Council thinks fit.

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

## **IMPLEMENTATION POLICY**

- 1 Council prepare and maintain, for public distribution, advisory brochures and hand outs on selecting suitable locations for the planting of trees and shrubs, and on tree and shrub species best suited to growth within the City of Maitland and its environment.
- 2 Council prepare and maintain a list of suitable references for advice on the planting, lopping and maintenance of trees.
- 3 Council promote its tree preservation policy and associated General Tree Preservation Order as opportunity may arise, from time to time, through advertising and public display/exhibition.
- 4 Notice of Council's tree preservation policy and General Tree Preservation Order be included with the issue of development consents, building permits and Section 149 Certificates and, in addition, in Council's annual report to ratepayers.
- 5 The General Tree Preservation Order be administered by the City Engineer's Department in respect of all lands under the care, control and management of Council.
- 6 The General Tree Preservation Order be administered by the Council's Town Planning Department in respect of all lands within the City of Maitland, other than those lands under the care, control and management of Council.
- 7 Where application is made for the removal of trees on the basis that the tree or trees are dying, diseased or dangerous, such applications be referred as necessary for comment by the Council's Parks Supervisor.
- 8 Approvals granted under the General Tree Preservation Order be generally subject to the replacement of trees removed using a suitable number and selection of species in more appropriate locations.
- 9 Approvals granted under the General Tree Preservation Order be valid for a period of ninety (90) days only and lapse on the expiration of this time.
- 10 Where application is made for consent to the removal lopping or maintenance of trees significant to the landscape of a conservation area, advice be sought from a person with expertise in tree preservation.
- 11 Council establish and maintain a liaison with service authorities with regard to the Council's tree preservation policy and General Tree Preservation Order. In this regard,

when tree lopping *en masse* in a particular street is to occur, an advance notice be given to adjacent residents and the comment of the Council's Park Supervisor be sought prior to lopping commencing.

## **DELEGATIONS OF AUTHORITY**

The Chief Town Planner, Mr David Evan, be delegated authority of Council to approve conditionally or refuse applications under the Council's General Tree Preservation Order in respect of all lands within the City of Maitland other than those lands under the care, control and management of Council. Provided THAT any application which, in the opinion of the Chief Town Planner, may generate significant public controversy, and any application refused and submitted for reconsideration shall be determined by the Council.

The City Engineer, Mr Robert Lee, be delegated authority of Council to approve the following matters relating to trees on land under the care, control and management of Council:

- a. The removal of dead, diseased or dying trees;
- b. The removal of trees that are considered to be a hazard to public safety;
- c. The lopping of trees to enable construction plant to work around the trunk and obviate the need to remove the entire tree;
- d. The lopping of trees to provide clearance for overhead power or telephone lines at the request of, or in conjunction with the relevant authority;
- e. The lopping or removal of trees to provide sight clearance for traffic usually at the request of the Local Traffic Committee;
- f. The removal of trees of the *ficus* species, where damage is being or is likely to be occasioned to kerb and gutter, drainage, footpath paving or any adjacent private property or any adjacent private property or improvements; and
- g. The removal of street trees which interfere with and cannot be avoided by the access or other essential requirements of new developments but that any trees so removed be replaced with the same or suitable advanced specimens at the developer's cost.