

# Tree Preservation

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## **1.0 Introduction**

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### **1.1 The land to which this Part applies**

This Part applies to all land within the Auburn local government area where Council is the consent authority.

### **1.2 Purpose of this Part**

The tree preservation Part aims to manage and enhance significant trees by requiring consent for actions which are likely to adversely affect the health of trees or the landscape character of the area.

### **1.3 Objectives of this Part**

- a. To preserve and protect the ecological and aesthetic values of trees in the Auburn LGA, for the present and future benefit of residents, visitors and the natural environment.
- b. To preserve significant trees in the public and private domain and prevent harm or damage.
- c. To ensure appropriate protection measures are in place during construction.
- d. To protect native fauna habitats.

### **1.4 Structure of this Part**

- Section 2.0 addresses the application of this Part.
- Section 3.0 contains controls for tree preservation.

## **2.0 Application of this Part**

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This Part applies to the following trees:

- a. Any trees (including palms) whether indigenous, endemic or exotic which have a height of 3.5 metres or greater; or a canopy spread of four (4) metres or greater; or a trunk diameter of 400mm or greater, measured at 1.5 metres from the base of the tree;
- b. Mangroves;
- c. Bushland; and
- d. Trees identified in Schedule 5 Environmental heritage (Clause 5.10) of *Auburn LEP 2010*.

This Part does not apply to particular tree works where:

- a. The tree is listed as an environmental or noxious weed in the Auburn LGA, as per Table 1;
- b. The tree is a fruit tree or tree grown for the purposes of fruit, or is harbouring fruit fly, except Australian trees i.e. Lilly Pilly (*Acmena* spp, *Syzygium* spp) and Blueberry Ash (*Eleocarpus* spp);
- c. The work involves the removal of any species of mistletoe or parasitic plant being removed from a tree by a qualified arborist; or

- d. Any pruning of a tree by less than 10% of the foliage volume, carried out by a qualified arborist within any twelve (12) month period.

**Note:** All pruning work shall be carried out by a qualified arborist in accordance with the relevant Australian Standards.

**Note:** Any species, populations or communities listed under the provisions of the *Threatened Species Conservation Act 1995*, require approval from other government authorities.

**Table 1** - Noxious and environmental tree weeds in the Auburn LGA

Botanical name	Common name
<i>Acacia karoo</i>	Karoo Thorn
<i>Acer negundo</i>	Box Elder
<i>Bambusa spp.</i>	Bamboo
<i>Cestrum parqui</i>	Green Cestrum
<i>Cinnamomum camphora</i>	Camphor Laurel. Except those with a height of 10 metres or more
<i>Cotoneaster spp.</i>	Cotoneaster
<i>Erythrina x sykesii</i>	Common Coral Tree
<i>Ficus elastica</i>	Rubber Tree
<i>Ligustrum spp.</i>	Small & Large Leaf Privet
<i>Pyracantha spp.</i>	Pyracantha
<i>Salix spp.</i>	Willows
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus roamzoffianum</i>	Coco Palms
<i>Toxicodendron succedaneum</i>	Rhus Tree

### 3.0 Development controls

- D1** Alternative management strategies shall be considered before removal such as pruning of branches, roots and removal of deadwood or other appropriate remedial treatment as recommended by an arborist.
- D2** The tree shall not be considered for removal if the tree:
- is of significance due to its height, size, position or age;
  - forms a prominent part of the streetscape;
  - forms part of a wildlife habitat;
  - is locally indigenous, rare or endangered species;
  - provides important visual screening; or
  - is part of remnant or riparian vegetation.
- D3** Documented evidence, such as that by a qualified arborist, shall accompany any application for removal or partial removal of a tree and shall be justified as:
- the tree was dead;
  - causing or potentially causing structural damage and supporting documentation is provided such as structural engineer's report;
  - having sustained severe damage from vehicle impact or natural hazards such as lightning, wind or flood and no other course of action will rectify the problem;

- being diseased or has structural defects and remedial pruning (see AS 4373/2007) will improve the health of the tree; or
  - a potential hazard to the amenity of the development due to tree form or structural integrity, species characteristics or history, the size of any tree part that is likely to fail or other reasons where the tree may be injurious to health.
- D4** A Tree Management Plan may be required with the development application for any development that will impact on trees on the site or adjoining sites. This plan shall be prepared by a qualified arborist to survey and assess existing vegetation both on the site and surrounding the site (within at least 5m of all boundaries i.e. inclusive of off-site areas).
- D5** Where an existing tree limits the size of an addition or new residential dwelling, Council shall give consideration to its removal or pruning. Council shall give consideration to the level of pruning proposed, suitable tree replacement, retained trees and extent of the development. Development proposals shall endeavour to retain trees on their site and any trees to be removed shall be clearly shown on plans.
- D6** Pruning of branches overhanging from a neighbouring property shall be approved by Council prior to any works being carried out and will be assessed at Council's discretion. This work shall also be discussed with the owner of the tree prior to commencement.

**Note:** Council may suspend the tree preservation conditions during a declared emergency for works carried out by authorised emergency workers.

Council reserves the right to impose conditions of consent relating to tree protection, hours of work, disposal of waste and replacement plantings.