





Tree Preservation Regulatory Controls

-  [Pruning or Removing Trees](#)
-  [Application Form to Prune or Remove a Tree](#)

Regulatory controls in the Lane Cove Local Government Area with respect to the Preservation of Trees and Vegetation

Annotated Copy of Clause 5.9 of Lane Cove Local Environmental Plan 2009 (NSW). See also J(2.2) of Lane Cove Development Control Plan

5.9 Preservation of trees or vegetation

1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note: A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

Note from Council:

The following kinds of trees have been prescribed for the purposes of clause 5.9 by a development control plan made by Council:

- any tree, whether indigenous or exotic, which has BOTH a height exceeding 4 metres AND a trunk diameter greater than 150mm (measured at 1 metre above the ground); and
- trees in bushland which are not subject to an approved plan of management.

A Fast Track permit is required in respect of any of the following exempt trees and/or acts:

- Any tree having a height not exceeding 4 metres and a trunk diameter not greater than 150mm (measured at 1 metre above the ground)
- Pruning of dead branches. Council encourages that such pruning works are undertaken by a qualified Arborist necessary and in accordance with Australian Standard AS4373-2007 – Pruning of Amenity Trees
- Pruning of tree branches that are within 2 metres of electric powerlines as required by State Legislation (Council encourages that such pruning works are undertaken by a qualified Arborist where necessary and in accordance with AS4373-2007)
- Pruning or removal of fruit trees and flowering fruit trees (*Prunus* sp, *Malus* sp, *Citrus* sp)
- Pruning and reshaping of Cypress Pines (*Cupressus* sp, *Chamaecyparis* sp) not greater than 10 % of whole canopy
- Pruning or removal of Crepe Myrtle (*Lagerstroemia* sp) with a height less than 6 metres

- Pruning or removal of any tree of a tree species that has been declared a noxious plant in the Lane Cove local government area under the Noxious Weeds Act 1993
- Pruning or removal of any trees belonging to any of the following species of trees:

Tree Name *Common Name*

Ailanthus altissima - **Tree of Heaven**

Cotoneaster spp - **Cotoneaster**

Cinnamomum camphora - **Camphor Laurel (less than 6 metres in height only)**

Ficus elastica - **Rubber Tree**

Lagerstroemia indica - **Crepe Myrtle (less than 6 metres in height only)**

Schefflera actinophylla - **Umbrella Tree**

Syagrus romanzoffianum - **Cocos Palm**

Olea africana - **African Olive**

3) A person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- a) development consent, or
- b) a permit granted by the Council.

4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:-

- a) that is or forms part of a heritage item, or
- b) that is within a heritage conservation area.

Note: As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

8) This clause does not apply to or in respect of:-

a) the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003 or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or

b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or

c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or

d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or

the Surveying Act 2002, or

e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

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