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# Tree Preservation Order

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## 1. The purpose of this policy is

- To retain the character and identity of the Council area by maintaining and, where possible, enhancing the soft landscape qualities of the area.
- To ensure that proposed changes to the soft landscape through removal or maintenance of trees are fully justified.

## 2. Policy statement

### 2.1 Environment/Landscape

- To preserve the existing environmental amenity by preventing unnecessary damage to limbs and roots, pruning and removal of trees.
- To encourage new tree planting and tree replacement to achieve an adequate tree canopy density.
- To maintain a continuous tree canopy consistent with native vegetation characteristics.
  - To protect the habitat of fauna.
  - To maintain the endemic floristic diversity of the area.

### 2.2 Administration

- To administer the Warringah Tree Preservation Order through clear and effective guidelines.
- To implement the Warringah Tree Preservation Order which provides for a control over tree felling and pruning, while recognising the need to exclude certain types and categories of trees from the Order.

- To introduce administrative procedures whereby arboricultural advice is obtained from Council staff or consultants prior to the determination of subdivision and development applications or approval granted for public works. Should Council receive advice prior to any works being carried out on the site that a tree is considered dangerous to persons or property or is likely to cause problems and the Council Officer is not convinced this is the case, then the applicant is required to submit an appropriate report from a suitably qualified practising arboriculturalist. If the Council Officer is still not convinced the tree is dangerous the matter will be referred to the General Manager or his nominee for determination.
- To implement replanting schemes where trees have been or are to be removed.
- To ensure the trees are adequately described in applications to Council.
- To provide a thorough information base comprising information on trees endemic to various parts of Warringah for the benefit of the public.
- To provide guidelines for pruning or removal arising from alleged encroachments or effects on neighbouring properties whereby the owners or occupants of those properties are to be contacted to verify in writing the complaints and concerns.
- To enforce the provisions of the Warringah Tree Preservation Order through replanting and prosecutions where appropriate.

### **2.3 Education**

- To encourage community awareness of the importance of trees particularly those forming a canopy.
- To develop and provide an education program for Warringah residents demonstrating the benefits of an enhanced tree cover for shade, reduced soil erosion, fauna and aesthetic value.
- To provide information and guidelines to prospective developers in order to encourage the provision of an appropriate standard of landscaping and tree protection on all projects.

- To encourage individuals to plant and nurture trees and to replace trees which have been removed.
- To promote community awareness of the individuals' role in preserving the natural soft landscape and habitat of Warringah.
- To encourage appropriate tree care particularly in relation to pruning. This must be carried out to the Australian Standard 4373 – 1996 “Pruning of Amenity Trees”.

### **3. Principles**

#### **3.1 Warringah Tree Presentation Order**

The trees to which the Warringah Tree Preservation Order applies and the works that may be carried out with or without the consent of Council are set out in the Warringah Tree Preservation Order adopted by Council.

Approval is not required for any works on exempted trees as detailed in the Warringah Tree Preservation Order.

Those trees which appear on the list of undesirable plants under Section 8 of the Tree Preservation Order, for one or more of the following reasons, are exempt from application under the Warringah Tree Preservation Order:

1. Capable of naturalising in urban and natural bushland in and around Sydney.
2. Capable of competing aggressively against native species.
3. Allergenic (asthma, allergic rhinitis, dermatitis, etc).
4. Poisonous to people and animals.
5. Taints water.
6. Smells offensive.
7. Possesses thorns, spikes, spines or prickles, etc.
8. Allelopathic (inhibits growth of nearby plants through release of chemicals through the root system).
9. Forms thickets of dense growth.
10. Harbours disease organisms.
11. Alters soil chemistry and structure.

12. Shades other plants considerably.
13. Aggressively absorbs water.
14. Expensive to control colonisation.

### **3.2 Assessment Criteria for the Warringah Tree Preservation Order**

#### **1. Considerations**

Any proposed works on a tree must be justified. In determining whether the proposed works should be permitted, Council may have regard to the following considerations:-

- Whether a tree is dying, diseased or dangerous. The onus for establishing whether the tree is dying, diseased or dangerous and that it will not recover lies with the owner or nominated applicant (where not the owner).
- Whether a tree is interfering or likely to interfere with the provision of a public utility or road construction, provided that in the design and location of these works all reasonable effort is made and demonstrated to avoid the destruction of trees.
- Whether a tree interferes with or prevents the construction of a building, provided all reasonable effort is made and demonstrated in the location and design of the building to avoid the unnecessary destruction of trees.
- Whether a tree would interfere with the construction of roads or drainage in a subdivision, provided all reasonable effort is made and demonstrated in the subdivision layout to avoid the unnecessary damage or destruction of trees.
- Whether a tree is within 3m of existing buildings, causing or is likely to cause, damage to the buildings, structures or utility services.
- Whether a tree is, in the opinion of Council, out of character with the area by virtue of its species, location and existing number of trees.
- Whether the works to the tree are likely to have an adverse effect on the local soft landscape.

- Whether a tree has significant value to the floristic and faunal diversity of the area.
- Whether the proposed works to the tree will adversely affect any other part of the tree located on other land.
- Whether a tree enhances soft landscape qualities of the natural topography and vegetation of the area.
- Whether a tree or group of trees has significant value by virtue of it being a rare or endangered species, or forms part of an endangered ecological system (as defined in the Threatened Species Conservation Act 1995), has cultural, historical, botanical or Aboriginal significance, contributes to soft landscape quality or serves a functional purpose.
- Whether the removal of a tree will affect soil stability, run off, fauna habitats and scenic and aesthetic qualities of the environment.

## **2. Replacement Trees**

Replacement trees are to be endemic to the area, preferably sourced with local native stock. List of suitable trees are available from Council.

## **4. Amendments**

This policy was last amended on 30.8.2000.

## **5. Authorisation**

Government Gazette.

## **6. Who is responsible for implementing this policy?**

Service Unit Manager, Environmental Management

## **7. Document owner**

Director, Services

## **8. File number**

170.002.003  
170.003.001



## **9. Legislation and references**

Government Gazette.

### **9.1 Definitions**

None.