



# Willoughby Tree and Bushland Preservation Order

Notice is hereby given that on the 27 March 2006, Willoughby City Council resolved to make a Tree and Bushland Preservation Order in the following terms:

## 1 Citation

Council considers it expedient for the purpose of preserving and enhancing environmental amenity to rescind all existing Tree Preservation Orders presently in force in the Willoughby City Council area, and to make a new Tree and Bushland Preservation Order pursuant to the Willoughby Local Environmental Plan 1995 and Sydney Regional Environmental Plan No 5 to be known as Willoughby Tree and Bushland Preservation Order.

## 2 Land to which this order applies

This Order applies to all land within the City of Willoughby covered by the Willoughby Local Environmental Plan 1995 and Sydney Regional Environmental Plan No. 5 – Chatswood Town Centre.

## 3 Aims

- To promote sustainable vegetation management and conserve and enhance the tree resources, natural systems including bushland, and landscape quality of Willoughby City;
- To encourage the use of professional best practice in tree management.

## 4 Objectives

- To minimise unnecessary damage to or removal of trees and bushland;
- To conserve trees and bushland of ecological, heritage, aesthetic, botanic and cultural significance;
- To encourage the planting of trees that are appropriate for site conditions;
- To encourage the planting of local native species where appropriate;
- To facilitate the removal of noxious weeds, undesirable trees and inappropriate plantings;
- To provide for no net loss over time of tree cover and bushland in Willoughby City.

## 5 Definitions

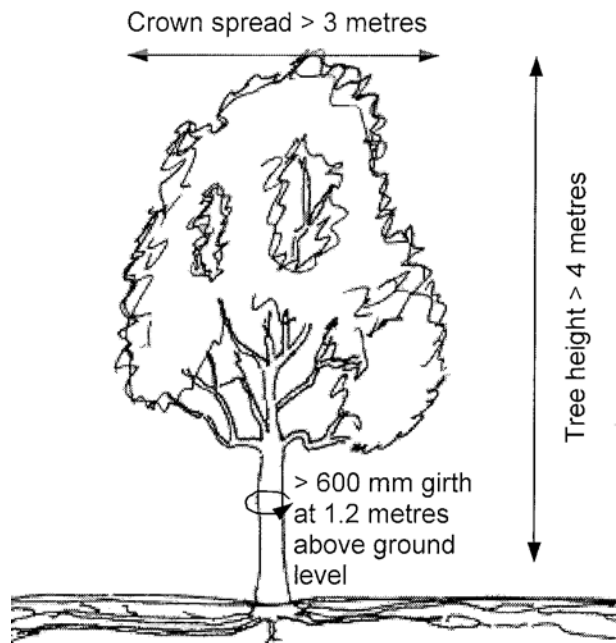
- **Tree:** "A perennial plant having a permanent, woody, self-supporting main stem or trunk, usually growing to a considerable height, and usually developing branches at some distance from the ground" (*Macquarie Dictionary, 2<sup>nd</sup> Revision*).
- **Council:** The Council of the City of Willoughby or any officer authorised to act on behalf of the Council.
- **Bushland:** Land on which there is vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

- **Injure:** Includes mechanical or physical wounding of the above or below ground components of a tree or bushland; the application of toxic materials to any part of a tree or bushland including the root system; excavation, soil compaction, paving, alteration to the soil level beneath the crown spread area of a tree or bushland; changes to the water table or soil properties that causes harm to any part of a tree or bushland.
- **Owner:** Has the meaning ascribed to it in the Local Government Act 1993.
- **Rare or Threatened Species, Threatened Ecological Community, and Critical Habitat:** Has the meaning ascribed to them in the Threatened Species Conservation Act 1995.
- **Undesirable Trees:** Trees that have characteristics that may make them unsuitable for use in the urban environment. This includes the potential for weed infestation, excessive root system activity, and weak or brittle wood.

## 6 Trees and Vegetation to which this order applies

This Order applies to (except where exempted under Clause 8):

1. All trees that have the following dimensions:
  - a height exceeding 4 metres, or
  - a trunk girth (circumference) exceeding 600 millimetres measured at 1.2 metres above ground level, or
  - a crown spread exceeding 3 metres;
2. All trees, regardless of dimensions, listed as rare or threatened or a component of a Threatened Ecological Community or Critical Habitat listed under the Threatened Species Conservation Act 1995;
3. All trees, regardless of dimensions, listed as items under the Willoughby Natural Heritage Register;
4. All locally occurring native vegetation in Bushland.



## 7 Prohibitions

**Except as otherwise provided in this Order, a person shall not poison, ringbark, cut down, remove, transplant, lop, prune, injure or wilfully destroy any tree or vegetation defined in Clause 6 except with the consent of Council under this Order and in accordance with any conditions imposed as a condition of consent.**

## 8 Exemptions

The following exemptions to the Willoughby Tree and Bushland Preservation Order apply:

1. The pruning or removal of dead trees;
2. On properties zoned Residential 2(a) selective pruning of up to a total of 33% of an individual tree's crown over a 5-year period. This exemption does not apply to land zoned Residential 2(a2).  
Pruning works must comply with Australian Standard AS 4373-1996: Pruning of amenity trees, and shall consist of the following pruning classes only:

- General pruning;
- Crown thinning;
- Deadwooding;
- Selective pruning;
- Formative pruning;
- Reduction pruning;
- Crown lifting
- Pollarding;
- Remedial pruning;  
and
- Powerline clearance.

For further explanation of these terms refer to Australian Standard AS 4373  
or  
Willoughby City Council Tree Pruning Fact Sheet

**NOTE: This exemption does not apply to trees located on properties listed as a Heritage Item in Schedule 6 and 7 of the Willoughby Local Environmental Plan 1995; trees on properties located in a Conservation Area identified in Development Control Plan 19 Heritage and Conservation; trees identified as an item of natural heritage in the Willoughby Natural Heritage Register; and trees listed as Rare or Threatened Species, a component of a Threatened Ecological Community, or a component of a Critical Habitat under the Threatened Species Conservation Act 1995.**

3. Removal, pruning or control of plants declared a Noxious Plant under the Noxious Weeds Act 1993;
4. Pruning or removal of recognised horticultural varieties of fruit trees grown for fruit production;
5. Pruning or removal in accordance with Section 8 Clause (6) of the Environmental Planning and Assessment Model Provision 1980;
6. Pruning or removal in accordance with Clause 13C (9) of the Willoughby Local Environmental Plan 1995;
7. The pruning or removal of trees and bushland lawfully conducted in accordance with the Telecommunications Act 1997 of the Commonwealth, the Roads Act 1993, the Rural Fires Act 1997, the Local Government Act 1993, the Environmental Planning and Assessment Act 1979, State Emergency and Rescue Management Act 1989, and the Electricity Supply Act 1995;
8. Pruning or removal of the following undesirable trees;

Botanical Name	Common Name	Restrictions
<i>Acacia baileyana</i>	Cootamundra Wattle	None
<i>Acacia saligna</i>	Golden Wattle	None
<i>Alnus jorullensis</i>	Evergreen Alder	None
<i>Cinnamomum camphora</i>	Camphor Laurel	Only if less than 10 metres in height.
<i>Cotoneaster spp.</i>	Cotoneaster (all species)	None
<i>Eriobotrya japonica</i>	Loquat Tree	None
<i>Erythrina x sykesii</i>	Coral Tree	None
<i>Ficus elastica and cvs.</i>	Rubber Tree	None
<i>Grevillea robusta</i>	Silky Oak	None
<i>Ligustrum spp.</i>	Privet (all species)	None
<i>Liquidambar styraciflua</i>	Liquidambar	Only if less than 10 metres in height.
<i>Olea europaea var. africana</i>	African Olive	None
<i>Phoenix canariensis</i>	Canary Island Date Palm	Only if trunk less than 7 metres in height.
<i>Populus spp.</i>	Poplar (all species)	None

<i>Salix spp.</i>	Willow (all species)	None
<i>Syagrus romanzoffianum</i>	Cocos Palm	None
<i>Robinia pseudoacacia</i>	Robinia	None

## 9 Matters for consideration

In determining an application under this Order, Council shall take into consideration, but not be limited to, the following matters relevant to the application:

1. The health, safety and amenity of the occupants of the property;
2. The contribution of the tree to the existing and possible future amenity of the property and surrounding area;
3. The health and structural condition of the tree;
4. Whether the tree is suitable for the location given potential size, soil type and other site conditions;
5. Whether the tree has caused or will be likely to cause damage to property, and the potential extent of that damage;
6. The viability of replacement tree planting;
7. Whether reasonable alternative options are available to avoid the necessity for tree removal;
8. The existence and suitability of other trees on the property;
9. Relevant Environmental Planning Legislation, Instruments and Policies.

## 10 Consents

1. An application for consent for works under this Order shall be made on Councils Application for Tree and Bushland Pruning/Removal Form by the owner of the property on which the tree or bushland is located or by a person with the written consent of that owner. An application fee is applicable.
2. The Approval Permit issued under this Order is valid for a period of 12 months from the date of issue.
3. Works consented to under this Order cannot be carried out unless a copy of the Approval Permit is held on site during the course of the works, and shall be produced by persons carrying out the works on demand by a Council Officer.
4. Consent issued under this Order will be subject to the requirement to plant appropriate replacement trees or vegetation on site, or other conditions deemed appropriate by Council. The size and species of replacement trees or vegetation may be specified on the Approval Permit. Replacement planting shall be completed within 28 days of the tree or vegetation removal works, or as otherwise specified by Council.

## 11 Penalties

Any person who contravenes or causes or permits this Order to be contravened shall be guilty of an offence and liable for prosecution.

A person found guilty of contravening or causing or permitting the contravention of this Order shall be liable for a fine of up to 10,000 Penalty Units\*. In addition, the Court may also require the person to replace the damaged or destroyed tree/s and maintain such tree/s until maturity.

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\* 1 penalty Unit = \$110 as at 1 June 2002