

NORTH SYDNEY COUNCIL TREE PRESERVATION ORDER  
2006

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This Order shall be made with the aim of retaining in healthy condition and in natural shape and form, those trees which are currently or which will become visually, historically, horticulturally or environmentally valuable to the community of North Sydney. The Order is also to serve as a platform for educating the community on the importance of trees in the urban environment and the arboriculturally correct techniques for managing them.

This Order shall apply to all land being publicly or privately owned throughout the North Sydney Council area.

Authority to issue tree pruning or removal permits or to commence prosecutions for any breach of this Order has been delegated to the Environmental Services Manager.

Pursuant to the provisions of Part IV, clause 8 of the Environmental Planning and Assessment Model Provisions 1980, the North Sydney Council Tree Preservation Order 2006 shall be in the following terms:

- A. North Sydney Council hereby makes an Order to be known as the North Sydney Council Tree Preservation Order 2006, which shall apply to the whole Council area.
- B. In this Order a tree includes a living perennial plant with a single, woody self-supporting stem or trunk, unbranched from some distance from the ground.
- C. This Order prohibits the lopping, topping, pruning, ringbarking, removing, injuring or wilful destruction of any of the following trees unless prior written consent is sought and obtained from Council.
  - Any tree on public land regardless of size
  - Any tree listed on the North Sydney Council Significant Tree Register
  - Any vegetation more than 5 metres tall on the site of a heritage item (as indicated in the North Sydney Council Local Environment Plan 1989)
  - Any of the following species if more than 5 metres tall or having a crown width greater than 5 metres;
    - Port Jackson Fig (*Ficus rubiginosa*)
    - Moreton Bay Fig (*Ficus macrophylla*)
    - Sydney Red Gum (*Angophora costata*)
  - Any other tree having a height of 10 metres, a crown width of 10 metres or a trunk circumference of 1.5 metres measured 1 metre above ground level.

- D. Any consent given by Council will be valid for the described work to be carried out once within a period of 12 months from the date of issue and may be made subject to such conditions as the Council deems fit.
- E. A Development Application must be lodged with Council to apply for the removal of any tree on private property listed on North Sydney Council's Significant Tree Register.
- F. Where a Development Application is lodged after a Tree Preservation Order permit has been issued, but prior to the approved tree works taking place, that permit becomes null and void and application for the pruning/removal of the tree(s) must be made through Council's Planning and Development Services Division in conjunction with the Development Application.
- G. A qualified Arborist must do all work in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4373-96).
- H. The Arborist undertaking the approved works must have the Council Tree Preservation Order permit with them at the time of the pruning/removal and displayed either on the front fence or vehicle window and show the permit to a North Sydney Council officer if requested.
- I. Any person who contravenes, or causes or allows to be contravened, the provisions of the Tree Preservation Order 2006, shall be guilty of an offence and liable to prosecution with maximum penalties of \$1.1million.

Such consent or permission is not required in relation to the following:

- Removal of trees that are declared dead by a qualified Arborist
- Pruning deadwood from a tree
- Noxious Weeds in the North Sydney Council area (except on heritage sites as indicated in the North Sydney Local Environment Plan 2001, where significant Privet or other Noxious specimens may be required to be retained and managed in accordance with the Noxious Weeds Act)
- Trees that are being maintained or removed by North Sydney Council staff on land under Council's care and control
- Trees that have been authorised for pruning or removal by a development consent, but only after a construction certificate has been issued for that property
- Cocos Palms (*Syagrus romanzoffiana*)  
African Olive trees (*Olea africana*)

Consent will not be granted for the pruning of trees in areas zoned Bushland (as indicated on North Sydney Council's Local Environment Plan 1989) for the purpose of views or solar access.

That the issue of leaf, fruit, flower, bark, cone or twig drop will not generally constitute justification for tree removal and nor will issues such as cracking of driveways, footpaths, paving or fences.

In instances of blocked sewer or drainage pipes, approval to remove a tree will generally only be granted where there are no permanent repair alternatives (ie where tunnelling or re-sleeving is not feasible).

That where any application is refused and the applicant seeks a review, the matter be referred back to the next available Council meeting for further assessment.

That the Council shall forthwith cause notice of the making of this Order to be published in the Gazette and in a newspaper circulating in Council's area.