

## TREE AND VEGETATION PRESERVATION CLAUSE 5.9(2) UNDER THE WLEP 2012 AND WDCP C9

### C.9 PRESERVATION OF TREES OR VEGETATION

This Section is made under clause 5.9(2) of WLEP 2012 Preservation of Trees or Vegetation.

#### 1. 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.

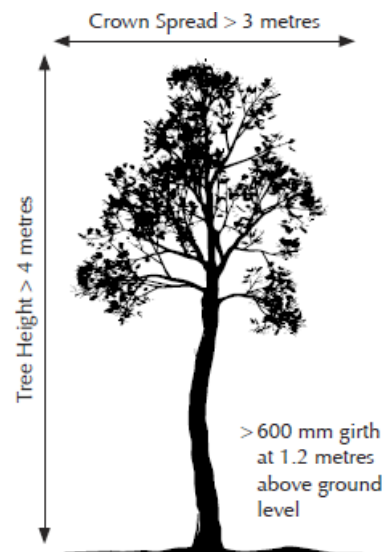
#### 2. OBJECTIVES

- 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.

#### 3. TREES AND VEGETATION TO WHICH THIS PLAN APPLIES

This Plan applies to (except where exempted under Clause 5):

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
  - exceeding 3 metres;
2. All trees, regardless of dimensions, listed as Vulnerable or Threatened or a component of a Threatened Ecological Community or the removal of which would constitute a key threatening process 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 native bushland vegetation on private property.



#### 4. PROHIBITIONS

**Except as otherwise provided in this Plan, a person shall not poison, ringbark, cut down, remove, transplant, lop, prune, injure or willfully destroy any tree or vegetation defined in Clause 3 except with the consent of Council under this Plan and in accordance with any conditions imposed as a condition of consent.**

## 5. EXEMPTIONS

The following exemptions to clause 4 apply:

1. The pruning or removal of dead trees where hazard to life and/or property exists.
2. On properties zoned Low Density Residential R2 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 Environmental Living E4. Pruning works must comply with Australian Standard AS 4373-2007: 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

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 5 Part 1 or to trees located in a conservation area listed in Schedule 5 Part 2 of Willoughby Local Environmental Plan 2012; trees identified as an item of natural heritage in the Willoughby Natural Heritage Register; and trees listed as Vulnerable or Threatened Species, a component of a Threatened Ecological Community, or the removal of which would constitute a Key Threatening Process, under the *NSW 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 Clause 5.9 of the Willoughby Local Environmental Plan 2012;
6. 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*;
7. 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>Acer negundo</i>	Box Elder Maple	None
<i>Ailanthus altissima</i>	Tree of Heaven	None
<i>Alnus jorullensis</i>	Evergreen Alder	None
<i>Celtis sinensis</i>	Nettle Berry	None
<i>Cinnamon camphora</i>	Camphor Laurel	Only if less than 10 metres in height
<i>Cotoneaster spp.</i>	Cotoneaster (all species)	None
<i>Cupressocyparis leylandii</i> "Leighton Green"	Leighton Cypress	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>Gleditsia triacanthos</i>	Honey Locust	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</i> var. <i>africana</i>	African Olive	None
<i>Phoenix canariensis</i>	Canary Island Date Palm	Only if trunk is less than 7 metres in height
<i>Populus</i> spp.	Poplar (all species)	None
<i>Salix</i> spp.	Willow (all species)	None
<i>Syagrus romanzoffianum</i>	Cocos Palm	None
<i>Robinia pseudoacacia</i>	Robinia	None

## 6. MATTERS FOR CONSIDERATION

In determining an application under this Plan, 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.

## 7. CONSENTS

1. An application for consent for works under this Plan 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 or Development Consent issued under this Plan is valid for a period of 12 months from the date of issue.
3. Works consented to under this Plan 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 Plan 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.

## 8. PENALTIES

Any person who contravenes or causes or permits this Plan 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 Plan 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.

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

Note: Definitions for Tree, Council, Bushland, Injure, Owner, Vulnerable or Threatened Species, Threatened Ecological Community and Undesirable Trees are contained within the Dictionary of Terms.