



Hawkesbury City Council

tree preservation order



your guide



The Order

A person shall not ring-bark, cut down, top, lop, remove, injure or wilfully destroy any tree within the Hawkesbury City Council area except with prior development consent of Hawkesbury City Council.

Exceptions to the Order

Development consent is not required for works described in the Clause 1 if:

- (a) the works are exempt as specified in Clause 3 of this Order, or
- (b) the works fulfil the requirements for pruning as specified in Clause 5 of this Order, or
- (c) the works fulfil the requirements for transplanting as specified in Clause 6 of this Order, or
- (d) the works are on land managed by the Crown.

Exemptions

Development consent is not required in relation to:

- (a) any tree that is not a heritage item and if documented evidence can be produced that is satisfactory to Council to prove that:
 - i) the owner of the tree has agreed; and
 - ii) the tree was dying or dead or had become dangerous. In this case such evidence is to be provided to Council prior to its ring-barking, cutting down, topping, lopping, removal, injuring or wilful destruction or where a tree poses imminent danger, immediately after; or
 - iii) that taking action was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated; or
 - iv) that written notice about the proposed action was given to Council, before the action was taken, confirmed in writing:
 - that the tree was in a fuel free zone within the meaning of the document entitled "Planning for Bush Fire Protection" published by the Department of Bush Fire Services; and
 - that, if Council has classified species of trees as being likely to present a significant fire hazard, the tree was of such a species; or
 - v) that written notice about the proposed action was given to Council, a period of not less than 14 days occurred after the notice was given (and before the action was taken) and Council did not advise the person during that period that it opposed the action being taken.

In this subclause, "notice" means a notice that includes the name and address of the person who gives it and that explains that a tree of a named species situated in a specified position on land described in the notice is intended to be ring-barked, cut down, topped, lopped, removed, injured or wilfully destroyed for the purpose of bush fire hazard reduction,

- (b) any tree with a height less than 4 metres, or a branch spread of less than 3 metres, or the diameter of the trunk 1 metre above ground level is less than 15cm. Note this does not apply to the clearing of native vegetation,
- (c) any tree which is identified for removal on a development consent authorising a land use,



- (d) the removal or clearing of trees in association with the construction or use of a building or work for which development consent has been granted, including the removal of vegetation and ongoing maintenance of fuel load limits within identified and approved asset protection zones, but only in accordance with the terms and conditions of that consent,
- (e) all trees that are located within the pathway or roadway, sewerage or drainage works or other works, including bush regeneration works, authorised to be carried out by an approval issued under Part 5 of the Environmental Planning and Assessment Act 1979, as amended,
- (f) trees of any of the following species:
 - i. *Salix spp.* (all Willow species)
 - ii. *Populus spp.* (all Poplar species)
 - iii. *Ligustrum lucidum* (Broad - leaf privet)
 - iv. *Ligustrum sinense* (Small - leaf privet)
 - v. *Ricinus communis* (Castor Oil plant)
 - vi. *Gleditzia tricanthos* (Honey Locust)
 - vii. *Albanthia Altissima* (Tree of Heaven)
 - viii. *Cortaderia Selloana* (Pampas Grass)
 - ix. *Olea europaea* (African Olive)
 - x. *Acer Negundo* (Box Elder)
 - xi. *Toxicodendron succedaneum* (Rhus Tree)
 - xii. *Cinnamomun camphora* (Camphor Laurel)
 - xiii. *Pinus radiata* (Radiata Pine)
 - xiv. *Cocos Palm*,
 - xv. *A species that has been declared a noxious plant under the Noxious Weeds Act 1993*
- (g) any trees which are:
 - i. in an area which the council or the Rural Fire Service has authorised their removal as part of a hazard reduction program, where that removal is necessary in order to manage risk,
 - ii. required to be removed under the Rural Fires Act 1997, or
 - iii. removed by a Rural Fire Brigade because they pose or will pose a significant threat to access along required fire trails or to human life, building or other property during a bushfire,
- (h) any tree the immediate removal of which is essential for emergency access, or emergency works by Council, the State Emergency Service or a public authority,
- (i) the removal or clearing of vegetation in accordance with an order issued by Council under the provisions of the Act or the Local Government Act 1993,
- (j) the removal or clearing of any vegetation, in accordance with the Surveying Act 2000 or any regulation made under that Act, between properties for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor where no alternative survey method is feasible,
- (k) the removal or clearing of any vegetation on land zoned for Housing with an area of 1,000 square metres or less, except for land located in Kurrajong or Kurrajong Heights.

Approved Landscaping, Heritage Items, Environmental Protection Zones and Environmental Constraint Areas

Nothing in subclauses (3) (b, f, h, j, k) permits without development consent:

- (a) the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree that is part of landscape planting required by a development consent, or
- (b) the damaging or despoiling of a tree that is a heritage item / the damaging or despoiling of any tree on land which a heritage building, work or relic is situated or comprised of, or



- (c) the felling of trees on land that is zoned 7(a), 7(d) or 7(d1), or
- (d) the removal of trees on land covered by an Environmental Constraint Area.

Pruning

A development consent is not required for the following:

- (a) pruning of a hedge,
- (b) the seasonal pruning of fruit trees for the purpose of maintaining fruit production,
- (c) “deadwooding”, being the removal of dead wood from a tree, if the branches removed are not branches with hollows on a *likely habitat tree* specified in an order made under Clause 7,
- (d) selective pruning, being only pruning to remove branches back to the nearest branch collar or junction to clear a roof, where trees directly overhang the roof of a dwelling, garage or commercial building, and only if the owner of the land where the centre of the tree originated or where the majority of the trunk of the tree is growing, is in agreement,
- (e) to remove any species of parasitic mistletoe or parasitic plant from any part of a tree to ameliorate the effects on the tree from such a parasite,
- (f) pruning for the purposes of seed collection where less than 10% of the seed resource is removed.

This clause does not allow the pruning of a tree unless it is carried out in accordance with Australian Standard AS 4373-1996, Pruning of amenity trees.

Transplanting

The following may be transplanted without development consent:

- (a) specimens that have originated in and have grown continuously in a container which is not permanently fixed to a structure,
- (b) a tree that has remained continuously confined within a container, but not a tree in a planter box where the box is part of a building,
- (c) a field-grown tree propagated as part of a commercial horticultural or agricultural enterprise for the purposes of harvesting and selling it as an advanced specimen for relocation and re-establishment.

Likely Habitat Trees

The Council may, by its order, specify particular trees, or trees of a species or other class, to be *likely habitat trees* for the purposes of this clause.

For further enquiries please phone Hawkesbury City Council on 4560 4444.

Address all correspondence to:

The General Manager
Hawkesbury City Council
P O Box 146
WINDSOR NSW 2756

Email: council@hawkesbury.nsw.gov.au

This document contains important information. If you do not understand it,
contact the Telephone Interpreter Service on 131 450