

Council adopted the following Tree Preservation Order (TPO) at its meeting on the 17 July 2001:

1. This order applies to the whole of the Ashfield Municipal Council.
2. Reference to a "tree" means any tree having a height greater than 5 metres, but does not include the following category 1 trees:-

Category A (Not included in TPO).

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|----------------|---|
| - Privet       | - Stone fruits  |
| - Rubber tree  | - Cocos Palms   |
| - Rhus         | - Coral trees   |
| - Cottoneaster | - Golden Cypress Conifer  |
| - Citrus       | - Umbrella trees  |
| - Olive        | - Leighton and Leyland Cypress<br>(X Cupressocyparis leylandii) |

Category B (Not included in TPO subject to conditions-see below)

Where the trunk of the following trees at a point measured 1.5m from ground level are within 3 metres of the wall of a dwelling (measured from the centre of the trunk to the footings of the dwelling, excluding carports and pergolas) or a sewer line, provided that the owner of the dwelling/sewer line is also the owner of the tree.

Camphor laurel  
Liquidambar  
Poplar  
Willow

Excluding those having a height of over 10m or a trunk diameter equal or exceeding 450mm, when measured 1.5m from the ground.

Category C (Pruning exemptions)

The following pruning as specified below are exempt and consent is given conditional that all work is carried out according to the Australian Standard – Pruning of Amenity Trees (AS4373-2007) and Workcover Code of Practice – Amenity tree industry

- Maintenance of minimum clearance of 500mm from domestic power lines (as specified by Energy Australia);
  - Pruning to remove dead wood/dead branches;
  - Minor pruning of branches directly overhanging the roof of any building to a height of 2 metres only with the agreement of the owner of the tree;
  - Trees overhanging public road reserves including footpaths for the purpose of removal of a hazard to a height of 2.4m above ground level.
3. Reference to a "person" includes the owner of any premises upon which a breach of this order is committed where that person

## **TREE PRESEVATION ORDER**

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authorised acquiesced to or ratified any such breach whether that person actually participated in the breach or not.

4. No person shall ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree without first obtaining written consent of the Council.
5. Any person wishing to so ringbark, cut down, top, lop, remove, injure or destroy any tree shall make written application to the Council on the prescribed form describing tree or trees to be affected and setting out the reasons for the application.
6. Upon receipt of a written application the Council shall consider the application and may refuse the application or give its consent to such application generally or upon such terms and conditions as Council thinks fit.

In determining an application for tree removal or pruning Council will have regard to:-

- i) the condition of the tree(s) with respect to disease, danger of falling, proximity to existing or proposed structures, interference with utility services and amenity of neighbours.
  - ii) Necessity for removal or pruning in order to construct improvements to the property subject of the application.
  - iii) The number of trees existing in the neighbourhood and the effect of tree removal/pruning on the amenity of the area.
  - iv) The number of healthy trees that a given parcel of land will support.
7. No person shall remove or prune any tree until written consent as provided above is first obtained and any action to remove/prune shall be performed in accordance with the written terms of the approval as granted.

### **PENALTIES**

The Environmental Planning and Assessment Act provides significant penalties for any person who breaches any of the terms of the above Tree Preservation Order.