



STRATHFIELD MUNICIPAL COUNCIL

**PART O
of the
STRATHFIELD
CONSOLIDATED DEVELOPMENT
CONTROL PLAN 2005**

Tree Management

Reviewed by Council August 2022

Table of Contents

1.0	INTRODUCTION.....	441
1.1	Purpose of Part O.....	441
1.2	Preface.....	441
1.3	Name of the Plan.....	441
1.4	Aims & Objectives of Part O.....	441
1.5	Glossary of Terms.....	442
1.6	List of Abbreviations.....	443
2.0	CONTROLS.....	444
a.	This DCP applies to.....	444
b.	A person must not.....	444
3.0	EXEMPTIONS.....	445
4.0	PROCEDURES.....	446
4.1	Tree Management Permit.....	447
a.	Application Form.....	447
b.	Access.....	447
c.	Fee.....	447
d.	Additional Information.....	447
e.	Matters for Consideration.....	448
f.	Trees & Infrastructure Damage.....	448
g.	Trees & Pipes.....	449
h.	Expiry Date.....	449
i.	Appeals.....	449
j.	Sighting of Permits.....	449
4.2	Development Application.....	450
a.	Arboricultural Impact Assessment Report & Tree Protection Plan.....	450
b.	Australian Standard 4970—2009: Protection of Trees on Development Sites.....	450
c.	New Vehicular Crossings & Street Trees.....	451
d.	New Development Planting.....	448
5.0	CONSENTS.....	451
a.	Tree Removal and Pruning.....	451
b.	Replacement Tree Planting.....	452
c.	Tree Bonds.....	452
d.	Inspections.....	452Error! Bookmark not defined.
6.0	APPENDICES.....	453
	APPENDIX 1: TREES & NEIGHBOURS.....	453
	APPENDIX 2: EXEMPT SPECIES.....	454
	APPENDIX 3: ARBORICULTURAL GUIDE.....	455
	APPENDIX 4: GUIDE FOR PREPARING ARBORICULTURAL REPORTS.....	456

1.0 INTRODUCTION

Refer to “**General Introduction**” at page 6 of this Consolidated Plan.

Part O ‘Tree Management’ sets out the requirements for managing trees on private land and/or Council-managed trees that may be affected by a proposed development. It also outlines Council’s policies and processes, taking into account the *Environmental Planning and Assessment Act 1979* and provides a regulatory framework to secure and enhance the local government area’s urban forest.

1.1 Purpose of Part O

Part O complements statutory requirements in the Strathfield Local Environmental Plan 2012, the *Local Government Act 1993*, the *Environmental Planning and Assessment Act 1979* and Regulations 2000, and relevant council policies such as the *Tree Vandalism Policy*, clarifying approval requirements and setting detailed criteria for assessment.

1.2 Preface

Strathfield is historically defined by its high quality landscape character and has a reputation of a ‘garden suburb’. Trees enhance the status of the Strathfield local government area as a desirable place to live. Not only do they beautify the landscape and enhance the environment, they also deliver economic benefits and improve our health. For these reasons, Strathfield Council is committed to managing and protecting a thriving urban forest for the amenity of our residents.

Part O ‘Tree Management’ of the Strathfield Consolidated Development Control Plan (DCP) 2005, which applies to all land within the Local Government Area. Serious penalties apply for a person/s found guilty of breaching these controls, with a maximum fine in the Land and Environment Court of 1,000 penalty units (\$1 100 000.00 - one penalty unit is currently \$110).

1.3 Name of the Plan

Part O is Part O – ‘Tree Management’. Part O constitutes a Development Control Plan as provided for by Section 74 (C) of the *Environmental Planning and Assessment Act 1979*. It has been prepared in accordance with the regulations made thereunder. In pursuance of Council’s resolution on 17 February 2015, Part O is in force from 10 March 2015. Part O may only be varied in the manner provided in the *Environmental Planning and Assessment Act 1979*.

1.4 Aims & Objectives of Part O

This Plan aims to provide strategic direction in the planning, development and management of trees. More specifically the objectives of this Plan are to:

- consider matters of human life and minimisation of possibility of personal injury above all else
- maintain and enhance Strathfield’s high quality landscape character and amenity
- promote the maintenance and preservation of Strathfield’s tree canopy areas
- increase awareness and educate the community and developers on the value of trees in the urban landscape and the constraints they place on proposed developments.
- encourage an integrated approach to urban development which promotes tree retention and protection at the early planning stage of a development proposal
- document Council’s policies and procedures for managing trees on private land and/or Council-managed trees that may be affected by a proposed development
- promote the use of qualified and experienced professionals to provide advice and guidance on tree management.

1.5 Glossary of Terms

Applicant means the person or body who applies to Council for Consent.

Australian Qualification Framework (AQF) means a national framework for all educational and training purposes in Australia.

Branch means a lateral shoot on a main axis such as a trunk or another branch.

Consent means a written authority from the Council to remove, prune or do other work on trees.

Council means Strathfield Council or any officer or delegated authority authorised to act on behalf of Council.

Cutting down means the removal of a tree.

DCP means this Development Control Plan.

Dangerous tree means a tree that is capable of inflicting imminent liability or harm to a person's life or property.

Dead tree means a tree that no longer has the capacity to produce or sustain life.

Destroy means any immediate or ongoing process or activity leading to the death of a tree.

Height means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

Hedge means a row of two (2) or more closely planted perennial plants of the same species and age which form a screen, fence or boundary.

Heritage Conservation Area means an area of land of heritage significance as described in Schedule 5 of the *Strathfield Local Environment Plan 2012* and includes any heritage items situated on or within that area.

Heritage Item means a building, work, place, relic, tree, object, or archaeological site of heritage significance as described in Schedule 5 of the *Strathfield Local Environment Plan 2012* or listed in the State's heritage lists.

Injure means damage caused to a tree. This includes any physical injury either by hand, chemicals or machinery.

LEP means Local Environmental Plan.

Lop means cutting branches or stems between branch unions or internodes with the final cut leaving a stub.

Municipality means the local government area of Strathfield.

Owner has the same meaning as in the *Local Government Act, 1993*.

Poison means the application of substances that has a detrimental impact on tree health.

Pollard means the specialized pruning of a tree to establish branches ending in a pollard head of buds and vigorous shoots. Pollarding is not synonymous with lopping and topping.

Private land means land the fee-simple of which is not vested in the Crown, and land that the Crown has lawfully contracted to sell (*Local Government Act, 1993*).

Prune means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree so as to cause reduction of the air space occupied by the branches and foliage of a tree.

Remove means the cutting down or dismantling of a tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth.

Top means the reduction in height of a tree through the practice of lopping.

Transplant means the removal of a tree that is excavated from its place of origin from within the ground and is relocated.

Tree means a perennial plant (single or multi-stemmed) with a height equal to or exceeding four (4) metres

Tree Protection Zone means the combination of the root area and crown area which is used to protect trees on development sites. It is an area isolated from construction disturbance so that the tree remains viable (AS 4970, 2009).

Urban Forest means the totality of trees and shrubs on all land in and around urban areas and is measured as a canopy cover percentage of the total urban area.

1.6 List of Abbreviations

AS 4970: Australian Standard® 4970—2009 (Protection of Trees on Development Sites)

AS 4373: Australian Standard® 4373—2007 (Pruning of Amenity Trees)

DA: Development

Application **DCP:**

Development Control

Plan **LEP:** Local

Environmental Plan

LGA Local Government

Area **TPZ:** Tree

Protection Zone **SRZ:**

Structural Root Zone

2.0 CONTROLS

a. This DCP applies to:

- all land within the of Strathfield Local Government Area for which Strathfield Council is the relevant consent authority under the *Environmental Planning and Assessment Act 1979*
- any perennial plant (single or multi-stemmed) with a height equal to or exceeding four (4.0) metres or a girth greater than half (0.5) metre measured at a point (1.0) metre above ground
- trees located on a proposed development site are to be considered as non-negotiable assets or constraints in the designing stage before submitting plans to Council.

NOTE: The administration of trees on private property does not include resolution of disputes with neighbours. In addition, Council's policies and legislative controls do not give the Council authority to direct a neighbour to remove and/or prune a tree that is growing in their property. This matter is considered a civil dispute and must be resolved between neighbours. Refer to **Appendix 1: Trees & Neighbours** for further information.

b. A person must not:

- cut down, remove, destroy, lop, top, pollard, transplant, tear, prune, ringbark, injure or poison any part of a tree above or below ground, without the prior written consent of Council
- use climbing spikes/spurs on a tree, unless the tree is dead or written consent for tree removal has been issued by Council
- undertake works (including but not limited to root damage/severance, soil compaction/contamination or grade alteration) within 5m (radial measurement, measured from the tree's base) of a tree, without the prior written consent of Council
- fail to plant, protect or care for a tree, which is required to be planted, protected or cared for as a Condition of Consent, or fail to carry out any other activities required as a Condition of Consent.

3.0 EXEMPTIONS

Consent from Council is not required where work is carried out for the following:

- a. **Emergency Works:** Tree removal or pruning works carried out under the *Fire Brigade Act 1989*, *State Emergency Service Act 1989* or *State Emergency & Resource Management Act 1989* or works carried out by Council, the State Emergency Services, or a person authorised by either of them for safety reasons in response to an emergency.
- b. **Electricity Supply:** Tree removal or pruning works (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) carried out under the *Electricity Supply Act 1995*, the *Electrical Supply (General) Regulation 2001*.
- c. **Exempt and Complying Development:** Tree removal or pruning works (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) if permitted under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- d. **Rural Fire Act:** Tree removal or pruning works (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) carried out under the *Rural Fires Act 1997*.
- e. **Roads Act 1993:** Tree removal or pruning works (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) carried out under the *Roads Act 1993*.
- f. **Council Works:** Tree removal, pruning, maintenance and replacement by Council, on land owned by, or under the care, control and management of Council.
- g. **Noxious Weeds:** Tree removal, pruning, control and eradication of a species declared a noxious plant within the Municipality under the *Noxious Weeds Act, 1993*. For an up to date list of plants that are declared noxious in the Strathfield Municipality, visit the Department of Primary Industries website: www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/noxweed.
- h. **Exempt Species:** Tree removal or pruning (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) of a species which is listed in Appendix 1. Exempt species do not apply to trees that are or form part of a heritage item and/or a contributory element to the heritage significance of a conservation area, or where the tree is listed on Council's Significant Tree Register. Refer to **Appendix 2: Exempt Species**. Note: The species listed within the Appendix 2 are identified by Botanical Name. The Common Name is provided for reference only.

- i. **Hedges:** The annual (one (1) year) maintenance of a hedge where the pruning works are less than 500mm of hedge height, width or depth and where the branches to be pruned are less than 20mm in diameter.
- j. **Deadwood:** Removal of dead branches from a tree (in accordance with AS 4373—2007 *Pruning of Amenity Trees*). Ensure the tree is not leafless because it is a deciduous tree.
- k. **Clearance Pruning:** Any pruning works (in accordance with AS 4373—2007 *Pruning of Amenity Trees*) that provides clearances consistent with the guidelines for tree pruning, and where the branch size is less than the diameter size detailed in the below table;

Locations	Height to which pruning is permitted	Maximum diameter of branch which may be pruned
Major Arterial Roads	4.5m above the kerb.	100mm
Local Roads	2.5m over a parking lane. 4.5m above the kerb.	100mm
Council Pedestrian Footpaths	2.5m above the footpath	100mm
Buildings	2.0 metres above the roofline and 1.0 metres from the walls windows balcony and gutters of from your own, or your adjacent neighbor's roof and habitable structure).	50mm
Domestic power or Telecommunication lines	0.5m minimum and 1m maximum clearance from the service line.	50mm

4.0 PROCEDURES

Council has adopted two (2) mechanisms in which an Applicant can apply to Council to undertake works on or near trees. These are:

- **Tree Management Permit:** This process should be used when proposing to remove or prune tree/s, where the property is not the subject of a DA. Refer to Section 4.1 of this DCP.
- **Development Application:** This process should be used when proposing to remove or prune tree/s as part of a DA, if the tree is part of a heritage item, the tree falls within a heritage conservation area or is listed on Council Significant Tree Register. This process should also consider any potential impacts of the proposed development on trees located within the property and/or adjacent sites including street and park trees. Refer to Section 4.2 of this DCP

4.1 Tree Management Permit

A Tree Management Permit needs to be issued by Council prior to removing or pruning tree/s, where the property is not the subject of a DA.

a. Application Form

A Tree Management Application Form is required to be submitted to Council when proposing to remove or prune tree/s located on private property. The Tree Management Application Form must have the written consent of the property owner or the body corporate. If the property owners are a Company, the signature of the Directors, the ABN and /or company seal should be provided.

b. Access

Access to the property may be required by Council to facilitate the application process or to determine compliance with consent. By the submission of the Tree Removal and Pruning Permit Application Form, or by authorising its submission by another person/s, the property owner has given Council approval of entry to the property for the purposes of the assessment.

c. Fee

The administration fee charged for inspection of trees is detailed on the Tree Removal and Pruning Permit Application Form. The fee is intended to cover the costs of administration, site visit and determination, and is non-refundable.

d. Additional Information

Whilst it is not mandatory to provide supporting information with the Tree Management Permit Application, it is the Applicant's responsibility to provide sufficient information to support the reasons for the proposed tree removal and/or pruning. Council may also identify the necessity for the submission of additional information following a preliminary assessment of the application. This information may include:

- an Arboricultural Assessment Report/Pruning Specification (Refer to **Appendix 3**: Arboricultural Guide and **Appendix 4**: Guide for Preparing Arboricultural Reports)
- a report from a qualified practicing Structural Engineer **Appendix 4**
- a report from a Licensed Plumber as well as the inclusion of a diagram indicating the location of the tree in relation to the service **Appendix 4**
- a report from any other consultant or expert necessary to assess and determine the application.

An Arboricultural Assessment Report/Pruning Specification will be required:

- for applications for the removal or pruning of a tree listed on Council's Significant Tree Register or where the tree is located within a property that is Heritage listed or within a Heritage Conservation Area
- for the appeal of a judgement of a Tree Removal and Pruning Permit Application
- When applying to have more than 15% live canopy removed from a tree
- when additional information is requested by Council.

e. Matters for Consideration

Council will determine if the proposed works are justified and the circumstances for tree removal and/or pruning are considered significant. In determining an application for works relating to trees, Council will have regard to:

Assessment Criteria

- Whether the tree is causing or is likely to cause structural damage to a dwelling house or garage (not ancillary structures) in the near future or damage to Council infrastructure. Council may require the application be accompanied by a Structural Engineer report.
- The trunk of a tree is growing within one (1) metre (distance measured horizontally from closest point of the trunk at one (1) metre from ground level to the closest point of the vertical alignment of the building structural wall) of a dwelling house or 0.5 metres from a boundary fence.
- Whether the tree presents a risk to human life or its structural condition is compromised resulting in potential future failures that may lead to personal injury.
- The health of the tree is declining or the tree is dead and is providing habitat for native fauna.
- Amenity value of the tree/s including visual amenity, ecological value, heritage significance, and whether the tree/s provide habitat for fauna and/or canopy connectivity
- The number of healthy trees that a given area of land can support.
- The number of trees in the subject area and the impact of the proposed work on the amenity of that area and its surrounds
- Tree Pruning is necessary as the tree crown
 - i. Overhangs and is likely to cause damage a roof of a building or swimming pool
 - ii. Interferes with overhead power lines
 - iii. Impedes safe access for pedestrians

Criteria Not Considered

- The dropping of leaves, fruit, flowers, sap, seeds or deadwood (or other natural processes)
- Insect or animal nuisance
- Minor shading or increasing natural light
- Solar access to solar panels or data receivers
- Enhance view corridors
- Minor lifting of driveways, paths and paving or minor damage to outbuildings, garden structures, retaining walls, fences or landscape structures.
- Damage to underground services (such as sewer lines, water services) and where there are feasible alternatives to mitigate or solve issues and retain the tree.
- Any pruning works that's in contradiction of AS 4373—2007 *Pruning of Amenity Trees* including to reduce height.

f. Trees & Infrastructure Damage

Due to the limited space in the urban environment, tree roots can come into conflict with structures. Whilst some situations can be prevented by choosing the right tree for the right location, the reality is that trees are living organisms which cannot be designed. Considering the advances in engineering, in some cases it may be preferable to design the built structure around the tree. Therefore, tree removal will only be considered after alternative solutions, that reduce conflict and accommodate tree growth, have been explored.

g. Trees & Pipes

Many older properties may still have original terracotta pipes. These pipes are prone to leakage from joints caused by ground movement over time. These pipes are also non-flexible and may be more prone to breakage than modern PVC alternatives.

Where a pipe of any type is leaking, plant roots (trees, shrubs or herbaceous plants) in the vicinity of the leak will tend to grow towards the increasing concentration of water emanating from the pipe.

The removal of a tree may only provide a short term solution to leaking pipes which have become blocked with root growth. It follows then, that replacing pipes is more effective than removing trees and this solution needs to be investigated before tree removal is considered.

h. Expiry Date

A one (1) year expiry date applies to consent subject to a Tree Management Permit.

i. Appeals

Where Council has not granted approval for works requested by the Applicant, the decision can be appealed. The Applicant must lodge a Tree Management Appeal Application Form including an Arboricultural Assessment Report prepared by an AQF Level 5 Consultant Arborist, or any additional information not provided in the original application as requested by Council. The appeal must be lodged within six (6) months from the date of the initial determination. The relevant Council Officer will then make the final determination based on the Arboricultural Assessment Report and notify the Applicant.

j. Sighting of Permits

No work is to be undertaken prior to obtaining consent from Council through a Tree Management Permit. The Consent should be available for sighting at all times while the work is being undertaken.

4.2 Development Application

A Development Application is required to be submitted to Council when proposing to remove trees that fall under a heritage item, are located within a Heritage Conservation Area or are on Councils Significant tree register.

Trees either on the site subject to a development or on adjoining properties (including street and park trees), need to be considered when preparing a DA. Council encourages an integrated landscape approach to urban development and supports the retention of trees on development sites. Therefore, tree preservation and additional tree planting should be an integral consideration at the planning and building design stage of a development proposal.

NOTE: You must advise Council if the property is subject to a current DA or Development Consent that affects the tree. If you are seeking to have work carried out which is not permitted under a current Development Consent, you will need to lodge a Section 54.55 application form, (with the relevant fee) requesting a modification of the Conditions of Consent to permit the work, which will then be assessed by Council.

a. **Arboricultural Impact Assessment Report & Tree Protection Plan**

An Arboricultural Impact Assessment Report and Tree Protection Plan needs to be submitted to Council where trees (either on the site subject to the DA or on adjoining properties including street and park trees) may be affected by a development. The report should ascertain which trees are suitable for retention or removal, determine the impact of the proposed development on existing trees, and outline specific tree protection measures for the trees to be retained. Refer to **Appendix 3: Arboricultural Guide** and **Appendix 4 (c): Guide for Preparing Arboricultural Reports**.

b. **Australian Standard 4970—2009: Protection of Trees on Development Sites**

In August 2009, AS 4970 (2009) was released. This document describes the best practices for the planning and protection of trees on development sites. The procedures described are based on plant biology and current best practices as covered in recently published literature. Council will assess the impact of the proposed development on existing trees and the provided tree protection measures based on methods outlined in this Standard (AS4970—2009).

c. New Vehicular Crossings & Street Trees

Street trees represent one of the larger asset classes managed by Council. In this regard, Council has a duty of care in the management of its street trees and this entails taking reasonable precautions to protect the public from injury or damage. Although there are a number of factors that will determine a tree's failure potential, soil excavations that sever large roots often create hazardous situations.

Therefore, where a new vehicular crossing including layback is to be installed closer than 4m (radial measurement, measured from the tree's base) from a street tree, additional tree protection and /or alternative construction methods may be required by Council. These methods may include undertaking exploratory root investigations and retaining large roots within a specified sub-base material, or constructing a raised pavement level. These additional tree protection and /or alternative construction methods should be addressed within the submitted Arboricultural Impact Assessment Report and Tree Protection Plan. Refer to **Appendix 4 (c):** Guide for Preparing Arboricultural Reports.

Council will not give Consent for a new vehicular crossing including layback to be installed closer than 2m (radial measurement, measured from the tree's base) from a street tree.

d. New Development Plantings

The following minimum tree planting requirements are required for any new development sites:

Property size:	Number of trees to be planted
Less than 300m²	Minimum of one (1) tree
Exceeds 300m²	Minimum of two (2) trees
Exceeds 600m²	Minimum of three (3) trees

Tree container size and mature tree heights will be determined by Council and will be assessed on available land space. A preference is placed on advanced container sizes.

5.0 CONSENTS

a. Tree Removal and Pruning

Consent to remove and/or prune a tree will generally be subject to conditions as outlined below:

- Tree pruning work shall be undertaken in accordance with AS 4373—2007 *Pruning of Amenity Trees* (2007).
- No more than 15% live canopy will be permitted for removal unless the applicant has submitted a detailed Pruning Specification prepared by an AQF Level 5 Arborist.
- Tree work shall be undertaken in accordance with the *Workcover Code of Practice for the Amenity Tree Industry* (1998) and the *Work Health and Safety Act and Regulations* (2011).
- Tree ground work shall be undertaken by a minimum of one person holding the qualification of Certificate II in Horticulture (Arboriculture).
- Tree climbing work shall be carried out by a person who holds a minimum Certificate II in Horticulture (Arboriculture) and be directly supervised by a person with a minimum qualification of Certificate III in Horticulture (Arboriculture).
- Tree work shall be undertaken in a manner to prevent damage to trees to be retained.

b. Replacement Tree Planting

Tree removal consent will include a condition requiring replacement tree planting. The condition may specify the size and species of tree to be planted. The number of replacement trees required for a property will be determined by the total site area and the size of proposed tree(s) species at maturity. If one (1) tree has been removed, Council requires its replacement with two (2) new trees. The larger the mature size of the proposed tree species, the fewer the number of trees will be required per site area.

The size of the replacement trees will be specified by Council in accordance with the *NATSPEC - Guide for assessing the quality of and purchasing of landscape trees, 2003*.

When planted, the replacement tree is automatically protected under the controls outlined within this document.

In a small number of cases where replacement tree planting is considered inappropriate by Council, the establishment of a Voluntary Planning Agreement may be considered. Section 93F of the *Environmental Planning and Assessment Act 1979* enables Council and the applicant to enter a planning agreement under which the applicant pays a monetary contribution to cover the cost of new tree planting and establishment within a public space such as street or park.

Replacement plantings are to be installed within one (1) month after the tree removal has been undertaken. The applicant will then contact council and provide evidence of planting including photos of newly installed tree.

c. Tree Bonds

Trees can be damaged during development and it is important that trees to be retained as part of a Development Consent are fully protected. For this reason, the applicant may be required to provide a Tree Protection Bond for public trees. In the case that the trees are damaged, the Tree Protection Bond will be used to cover the costs of remedial treatments and/or tree removal, replacement and establishment.

Applicants may also be required to provide a Tree Maintenance Bond to maintain each new street tree until they are successfully established.

Tree Bonds will be calculated as outlined within Council's published Schedule of Charges.

d. Inspections

Council's officers will routinely inspect development sites to ensure tree protection and planting is being carried out in accordance with Conditions of Consent.

6.0 APPENDICES

APPENDIX 1: TREES & NEIGHBOURS

The administration of trees on private property does not include resolution of disputes with neighbours. In addition, Council's policies and legislative controls do not give the Council authority to direct a neighbour to prune or remove a tree/s that is growing in their property. Council will not give Consent to remove and/or prune a tree without the permission of the property owner or the body corporate. This matter is considered a civil dispute and must be resolved between neighbours.

Tree (Disputes Between Neighbours) Act 2006

The Tree (Disputes Between Neighbours) Act 2006 commenced on February 2007 and was intended to assist with the management and resolution of disputes in relation to trees occurring between neighbours. The new laws allow tree disputes between neighbours to be referred to the NSW Land & Environment Court, which has the power to achieve cost effective solutions to these disputes. The purposes of the Act is to enable the Court to make orders to remedy, restrain or prevent damage to property or to prevent injury to any person when a tree that is situated on adjoining land might cause that damage or injury. The Act also permits the Court to order compensation for or rectification of damage caused by a tree.

The Court cannot make an order unless it is satisfied that you have made a reasonable effort to resolve the matter with the owner of the land on which the tree is situated.

In addition, The Trees (Disputes Between Neighbours) Amendment Bill 2010 amends the Act by giving the Court new jurisdiction to hear disputes regarding high hedges that severely block sunlight to a window of a dwelling on adjoining land, or views from such dwelling. The Court will also be able to hear disputes regarding a tree that has caused, is causing or is likely to cause damage to a dividing fence or a tree that forms part of a dividing fence and has caused, is causing or is likely to cause damage to the applicant's property or is likely to cause injury to a person.

NOTE: This information is general in nature and is not intended as legal advice.

APPENDIX 2: EXEMPT SPECIES

Botanical Name	Common Name
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Carica papaya</i>	Papaya Tree
<i>Casuarina cunninghamiana</i>	River She-Oak
<i>Celtis</i> spp.	Celtis/Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Citrus</i> spp.	All Varieties
<i>Cotoneaster</i> spp.	Cotoneaster
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina x sykesii</i>	Coral Tree
<i>Ficus carica</i>	Edible Fig
<i>Ficus elastica</i>	Rubber Tree
<i>Grevillea robusta</i>	Silky Oak
<i>Ligustrum</i> spp.	Privet
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Malus domestica</i>	Apple Tree
<i>Mangifera indica</i>	Mango
<i>Melaleuca quinquenervia</i>	Broad-Leaf Paper Bark
<i>Morus</i> spp.	Mulberry
<i>Musa</i> spp.	Banana
<i>Nerium oleander</i>	Oleander
<i>Olea europaea</i> subsp. <i>Cuspidate</i>	African Olive
<i>Prunus</i> spp.	Stone Fruit Tree
<i>Robinia pseudoacacia</i> (not cvs)	Black Locust
<i>Salix</i> spp.	Willows
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Toxicodendron succedaneum</i>	Rhus Tree

NOTES:

- Exempt species do not apply to trees that are located within Heritage Conservation areas and properties listed by Council as Heritage Items or where the tree is listed on Council's Significant Tree Register.
- The species listed within the Appendix 2 are identified by Botanical Name. The Common Name is provided for reference only.

APPENDIX 3: ARBORICULTURAL GUIDE

Every year there are deaths and serious injuries from commercial tree pruning and felling work. The NSW WorkCover Authority describes the NSW commercial tree sector as the second-most dangerous industry in NSW.

When employing a commercial tree service or seeking consultant opinion on your trees, there is no requirement for a commercial Tree Worker/Consultant Arborist to be qualified or even insured in order to operate a tree service in NSW. In addition, work practices are not standardised across the tree care and consulting sectors. For these reasons it is important that the person contracted to prune or remove trees, or to diagnose and report on tree management issues is suitably qualified, experienced and adequately insured.

Further, Council's Tree/Landscape Team can provide general information regarding trees, but cannot provide specific advice or inspections for private trees.

Qualifications: There is a difference in the qualification and expertise between an Arborist who undertakes tree pruning and removal works (Tree Worker) compared to an Arborist who diagnoses and reports on tree management issues (Consultant Arborist).

Qualifications awarded by TAFE NSW range from a Statement of Attainment, Certificates II, III and IV to Diploma Level. They may also be referred to as AQF Levels 1-5. Qualifications up to Level III describe 'Tree Workers' and Levels IV and V describe 'Consultant Arborists'. Occasionally people without formal qualifications or AQF Levels will claim the status of Tree Worker, Arborist or Consulting Arborist.

WorkCover NSW recommends and Strathfield Council requires that tree **ground work** be carried out by at least one person with a minimum qualification of Certificate II in Horticulture (Arboriculture) and tree **climbing work** be carried out by a person with a minimum qualification of Certificate II in Horticulture (Arboriculture). Tree **climbing work** also needs to be directly supervised by a person with a minimum qualification of Certificate III in Horticulture (Arboriculture). These qualifications are consistent with the requirements of the Australian Standard AS 4373—2007 *Pruning Amenity Trees*.

Tree work should be carried out in accordance with the requirements of the WorkCover *Code of Practice: Amenity Tree Industry* 1998.

Industry Associations: Some industry associations do exist but they exercise varying degrees of control over member qualifications, methods of work and business practice. Some may not even require any formal qualification for membership. Just because a person adopts a title such as 'Consultant' or 'Tree Surgeon' does not necessarily mean they are appropriately qualified or experienced.

For more information contact:

Institute of Australian Consulting Arboriculturists

www.iaca.org.au

Arboriculture Australia

<http://arboriculture.org.au/>

Insurances: It is the property owner's responsibility to ensure that all insurances are current and correct. Both Tree Workers and Consultant Arborists should have current Public Liability Insurance and have an appropriate Worker's Compensation Policy to cover all their staff and subcontractors. Consultant Arborists should also hold current Professional Indemnity Insurance.

APPENDIX 4: GUIDE FOR PREPARING ARBORICULTURAL REPORTS

a. Arboricultural Assessment Report

When should an Arboricultural Assessment Report be prepared?

Whilst it is not mandatory to provide an Arboricultural Assessment Report with the Tree Removal and Pruning Permit Application, it is the applicant's responsibility to provide sufficient information to support the reasons for the proposed tree removal and/or pruning. Council may also identify the necessity for the submission of additional information following a preliminary assessment of the application.

An Arboricultural Assessment Report/Pruning Specification should be submitted with a Tree Removal and Pruning Permit Application if the subject tree is listed on Council's Significant Tree Register or with an appeal of a judgement of the Tree Removal and Pruning Permit Application.

Who should prepare an Arboricultural Assessment Report?

Strathfield Council will only accept Arboricultural Reports from Consultant Arborists with a minimum qualification equivalent of AQF Certificate 5 or above in Arboriculture. In some cases, Council may request that an author with no connection or association with a tree-contracting firm prepare the Arboricultural Report.

What information is required?

- ✓ Site address
- ✓ Author of the report, contact details & qualification
- ✓ Who the report was prepared for
- ✓ Inspection date
- ✓ Site Plan showing the location of the trees
- ✓ Tree numbers which correspond to the text of the report
- ✓ Scope of the report
- ✓ Methods used in the site and tree inspection
- ✓ What the report examines
- ✓ For each tree the following should be provided:
 - i. Botanical & Common Name
 - ii. Height, Canopy Spread & DBH (Diameter at Breast Height)
 - v. Health
 - vi. Structure
 - vii. Overall Retention Value
 - viii. TRAQ of QTRA risk assessment
- ✓ Discussion of the data collected and management options available in the circumstances
- ✓ Recommendation of the preferred option and the reasons thereof
- ✓ Resource material referenced using the Harvard system
- ✓ Where reference is made to other arboricultural reports, full copies of those reports should be included.

When **Internal Diagnostic Testing** is carried out, the following information should be provided:

- ✓ Copies of the test results
- ✓ Interpretation of the test results with reference to a recognised methodology (such as Mattheck & Breloer's (1994) t/R Ratio) indicating sound wall thickness. Testing method should follow a recognised methodology and arboriculture best practice which should be outlined in the report

When **Root Mapping** is carried out, the following information should be provided:

- ✓ Relevant Structural Root Zone (AS 4970) calculations
- ✓ Trench location in relation to trees indicated on a plan
- ✓ Trench length, depth (reason for depth i.e. impermeable layer), width and orientation
- ✓ Location, size, number and orientation of roots greater than 20mm in diameter exposed within the trench

This list is not definitive and in some circumstances Council may require further information.

b. Pruning Specification

When should a Pruning Specification be prepared?

Whilst it is not mandatory to provide a Pruning Specification with the Tree Removal and Pruning Permit Application, it is the applicant's responsibility to provide sufficient information to support the reasons for the proposed tree pruning. Council may also identify the necessity for the submission of additional information following a preliminary assessment of the application.

A Pruning Specification should be submitted with a Tree Removal and Pruning Permit Application if the subject tree is listed on Council's Significant Tree Register or with an appeal of a judgement of the Tree Removal and Pruning Application.

Who should prepare a Pruning Specification?

Strathfield Council will only accept Arboricultural Reports from Consultant Arborists with a minimum qualification equivalent of AQF Certificate 5 or above in Arboriculture. In some cases, Council may request that an author with no connection or association with a tree-contracting firm prepare the Arboricultural Report.

What information is required?

- ✓ Site address
- ✓ Author of the report, contact details & qualification
- ✓ Who the report was prepared for
- ✓ Inspection date
- ✓ Site Plan showing the location of the trees
- ✓ Tree numbers which correspond to the text of the report
- ✓ Scope of the report
- ✓ Methods used in the site and tree inspection
- ✓ What the report examines
- ✓ For each tree the following should be provided:
 - i. Botanical Name
 - ii. Common Name
 - iii. Height
 - ix. Canopy Spread
 - x. DBH (Diameter at Breast Height)
 - xi. Health
 - xii. Structure
 - xiii. Overall Retention Value
- ✓ Reason for pruning
- ✓ Pruning Class in accordance with AS 4373—2007
- ✓ Location of the branches to be pruned
- ✓ Branch size/canopy percentage to be pruned in accordance with the relative Pruning Class as outlined in AS 4373—2007
- ✓ Potential impacts of the proposed pruning on the trees' health, structure and amenity
- ✓ Resource material referenced using the Harvard system

This list is not definitive and in some circumstances Council may require further information.

c. **Arboricultural Impact Assessment Report & Tree Protection Plan**

When should an Arboricultural Impact Assessment & Tree Protection Plan be prepared?

An Arboricultural Impact Assessment Report & Tree Protection Plan needs to be submitted to Council where trees (either on the site subject to the development application or on adjoining properties including street and park trees) may be affected by a proposed development.

Who should prepare an Arboricultural Impact Assessment & Tree Protection Plan?

Strathfield Council will only accept Arboricultural Reports from Consultant Arborists with a minimum qualification equivalent of AQF Certificate 5 or above in Arboriculture. In some cases, Council may request that an author with no connection or association with a tree-contracting firm prepare the Arboricultural Report.

What information is required?

- ✓ Site address
- ✓ Author of the report, contact details & qualification
- ✓ Who the report was prepared for
- ✓ Inspection date
- ✓ Site Plan showing:
 - i. the location of trees on the site subject to the development application
 - ii. the location of street and park trees adjacent to the site subject to the development application
 - iii. the location of trees on adjoining properties where proposed works are within their TPZ.
- ✓ Tree numbers which correspond to the text of the report
- ✓ Scope of the report
- ✓ Methods used in the site and tree inspection
- ✓ What the report examines
- ✓ For each tree the following should be provided:
 - i. Botanical Name
 - ii. Common Name
 - iii. Height, Canopy Spread & DBH (Diameter at Breast Height)
 - xv. Health
 - xvi. Structure
 - xvii. Overall Retention Value
 - xviii. Tree Protection Zone (AS 4970) calculations
- ✓ Evaluation of trees suitable for retention and/or removal
- ✓ Impact of proposed development based on methods outlined in AS 4970—2009
- ✓ Where appropriate, details of alternative construction methods to minimise the impact on trees to be retained (including street and park trees)
- ✓ Where a new Vehicular Crossing including layback is to be installed closer than 4m (radial measurement, measured from the tree's base) from a street tree, details of tree protection and/or appropriate construction methods to be used
- ✓ When pruning is proposed, a Pruning Specification (refer to Appendix 5[b]) should be included
- ✓ Tree Protection Measures for trees to be retained (including street and park trees) based on methods outlined in AS 4970—2009
- ✓ Resource material referenced using the Harvard system

When **Root Mapping** is carried out, the following information should be provided:

- ✓ Relevant Tree Protection Zone and Structural Root Zone (AS 4970) calculations
- ✓ Trench location in relation to trees indicated on a plan
- ✓ Trench length, depth (reason for depth i.e. impermeable layer), width and orientation
- ✓ Location, size, number and orientation of roots greater than 20mm in diameter exposed within the trench

This list is not definitive and in some circumstances Council may require further information.

d. Structural Engineers Report

When should a Structural Engineers Report be submitted?

Council may approve the removal of a tree where it is clearly demonstrated that the tree is directly causing or is contributing significantly to damage a significant structure on a site.

Where structural damage is alleged, a comprehensive and conclusive report from a certified structural engineer must be provided. The report must clearly show that the tree is the direct cause of existing identified damage to a significant structure.

If damage is claimed to be as a result of direct root contact, exploratory digging must be carried out to confirm the presence of roots. All excavation shall be undertaken using minimally destructive methods (e.g. digging using small hand tools or AirSpades) or non-destructive techniques (e.g. a ground penetrating radar). Potentially destructive machinery or tools such as mattocks and crow bars must not be used.

Reports that do not contain the minimum information specified below will not be accepted.

All Structural Engineer's reports must be objective and include the following information:

- ✓ A site address;
- ✓ Author's contact details and qualifications;
- ✓ Statement detailing who (person/s, organisation, company) commissioned the report;
- ✓ Date of inspection;
- ✓ Methodology of investigation techniques used in the preparation of the report (e.g. details of consultation with other specialists such as arborists);
- ✓ A description of the damage;
- ✓ A discussion of findings including supporting evidence (e.g. photographs and findings made from exploratory digging). The alleged damage being caused by the tree must be substantiated based on technical and scientific evidence. Generic statements about damage that may be caused by trees will not be accepted. The report must identify the mechanism of damage to the structure and consider all factors contributing or likely to contribute to the condition of the structure including:
 - i. structural design;
 - ii. construction materials;
 - iii. the age and condition of the structure;
 - iv. soil classification and qualities;
 - v. quality of drainage and the presence of leaking pipes;
 - vi. maintenance of the structure;
 - vii. the size of the tree;
 - viii. the distance of the tree to the damage; and
 - ix. any other contributing factors.
- ✓ A discussion of the available abatement strategies and viable solutions to allow for the retention of the tree based on the findings;
- ✓ Site specific recommendations. An explanation of why options are recommended or not recommended must be included;
- ✓ Where appropriate the structural engineer should liaise with a consulting arborist to assist in developing a strategy to retain or protect the tree; and
- ✓ References used in the preparation of the report.

e. Plumbers Report

When should a Plumbers Report be submitted?

Where it is claimed that damage to a plumbing system has occurred due to tree roots, Council recommends that closed circuit television (CCTV) “drain camera” investigation to be carried out by a licensed plumber. Plumber’s reports must be prepared by plumbers who hold current license issued by the NSW Office of Fair Trading. Reports prepared by an unlicensed plumber or reports that do not contain the minimum content specified below will not be accepted. Plumber’s Reports should include the following information:

- ✓ A site address;
- ✓ Author’s contact details and qualifications;
- ✓ Statement detailing who (person/s, organisation, company) commissioned the plumber to prepare the report;
- ✓ Date of inspection;
- ✓ Methodology of investigation techniques used in the preparation of the report;
- ✓ A copy of the property’s drainage diagram;
- ✓ Details of age, type and depth of the existing pipes or drainage system;
- ✓ Details of the damage alleged and point of entry of the tree roots. CCTV drain camera evidence must be included to show the damage and presence of tree roots within the pipes or drain. The evidence must conclusively show that significant damage has initially occurred as a direct result of the tree;
- ✓ A discussion of alternative repair methods (including pipe modification, line redirection and relining or resleeving). Options for reparation that may permit retention of the tree/s must be discussed in the report; and
- ✓ Site specific recommendations based on the observations made. An explanation of why options are recommended or not recommended must be included.