

City of Ryde Development Control Plan 2014

Part: 9.5 Tree Preservation

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إننا نعتذر عليك فهم محتويات هذه الوثيقة، نرجو للحضور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى للجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد، على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթե այս գրությունը չէք հասկնար, խնդրեմ եկե՛ք՝ Րայդ Սիվիկ Սենթըր, 1 Տեվլին փողոց, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիէն Ուրբաթ կ.ա. ժամը 8.30 – կ.ե. ժամը 4.30, կամ հեռաձայնեցե՛ք Հեռաձայնի եւ Թարգմանության Սպասարկության՝ 131 450, եւ խնդրեցե՛ք որ թարգմանիչ մը Րայդ Քաղաքապետարանին հետ կապ հաստատել ձեզի համար, հեռաձայնելով՝ 9952 8222 թիվին:

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後你可以要求一位傳譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی، شماره 131 450 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد، شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 여러분 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁드립니다.

Amend. No.	Date approved	Effective date	Subject of amendment
1	28 June 2016	10 August 2016	<p>Key amendments including:</p> <ul style="list-style-type: none"> - Allowing pruning of up to 10% of the canopy of a tree within each calendar year without approval; - Increasing the distance where tree works can be conducted without approval from 3 to 4 metres; - Addition of further exempt species; - Introducing assessment criteria for consideration of Tree Management Applications; and - Insertion of additional provisions relating to the protection of trees during construction.

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1.0 INTRODUCTION

1.1 Preservation of the Urban Forest

Individually and collectively, trees have environmental, economic and social value. The benefits of trees include amenity, visual quality, enhanced streetscape, native fauna habitat, soil conservation, enhanced microclimatic conditions, solar access control and improved air quality. Collectively all the individual trees form the Urban Forest canopy of the City of Ryde. This Urban Forest is a combination of street trees, park trees (including bushland) and trees on private property.

Effective management of trees as a natural resource and as part of the urban infrastructure of the City of Ryde depends upon the long term retention of existing trees, appropriate tree maintenance, protection of trees on development sites, and in relation to replacement trees, suitable tree location and considered species selection.

1.2 Objectives of this Part

Objectives

The objectives of this part are:

1. To maximise a sustainable Urban Forest canopy across the City of Ryde.
2. To conserve trees of ecological, heritage, aesthetic and cultural significance.
3. To protect and manage individual trees as an important community asset.
4. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City of Ryde.
5. To ensure all new development considers existing trees on the development site and provides opportunity for the healthy growth of large trees.

1.3 How to use this Part

1. This Part is to be read in conjunction with:
 - The City of Ryde Urban Forest Technical Manual (Technical Manual) and Application Guide (Guide) which provide instructions on:
 - i. requirements for arboriculture and other technical reports;
 - ii. technical arboricultural information;
 - iii. requirements as to the protection of trees on development sites;
 - iv. how to make an application under this Part; and
 - v. dealing with trees on adjoining properties.

Both documents can be viewed at www.ryde.nsw.gov.au

- Clause 5.9 Preservation of Trees or Vegetation of the City of Ryde Local Environment Plan 2014 (LEP 2014).
2. The controls in this Part, to the extent of any inconsistency in relation to trees, take precedence over the controls in other Parts of the City of Ryde Development Control Plan 2014 (DCP 2014).

3. All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended from time to time.
4. This Part has 4 sections:
 - Section 1 Introduction
 - Section 2 Exempt Works - Explains which Tree Works do not require a permit or Development Application approval.
 - Section 3 Tree Permits - Explains which Tree Works require a Tree Permit and sets out the controls for these works.
 - Section 4 Development Applications - Explains when a Development Application must be submitted and approved under this Part and sets out the controls for these Development Applications.

1.4 Meaning of Words

1. In this Part:

Crown means the portion of the tree consisting of branches and leaves and any part of the stem from which branches arise.

Deadwood means dead branches within the crown of a tree.

Stem means the part of the tree which supports branches, leaves, flowers and fruit and is also called "the trunk".

Structural Root Zone (SRZ) means the following area:

Diameter of trunk at ground level (mm)	0-150	300	500	1000	1500	2000
SRZ radius from trunk at ground level (mm)	1500	2200	2500	3600	4200	5000

Note: This does not apply to trees that have already been pruned. An advice from a Level 5 Arborist is required to determine where tree roots can be pruned. Please also refer to Figure 1.4.1 below:

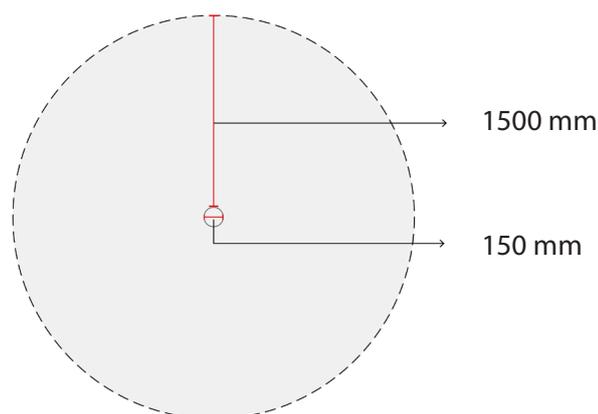


Figure 1.4.1 Structural Root Zone Example

Tree means:

- a. trees as defined in Part 10 Dictionary of DCP 2014 where the tree has a height of 5 metres or a stem circumference of 450mm at a height of 1.4 metres above ground level and
- b. trees described as "major", "substantial" and "significant" in other Parts of DCP 2014.

Tree Protection Zone means a specified area above and below ground calculated in accordance with AS 4970 - 2009 Protection of trees on development sites and is a radial distance from the centre of the stem set aside for the protection of a tree's roots and crown to provide for the viability and stability of the tree. Refer to section 3 of the Technical Manual for TPZ calculation guidelines.

Tree Works means:

- a. Pruning of more than 10 per cent of the crown of a Tree in a 12-month period (except for deadwood in accordance with Section 2 of this Part);
- b. any removal of a Tree; and/or
- c. any works within the Structural Root Zone.

Urban Forest means all trees and vegetation (both naturally occurring and planted) that occur within or near urban areas.

2. Where the meaning of a term is not set out in Section 1.6 (1) above, the term will have the same meaning as set out (in order of precedence) in Part 10 Dictionary, LEP 2014, and the Environmental Planning and Assessment Act 1979 (EP&A Act) and Regulations.

1.5 Application of Australian Standards

All pruning work must be carried out in accordance with Australian Standard 4373 - 2007 Pruning of amenity trees.

The provisions of Australian Standard 4970 – 2009 Protection of trees on development sites must be fully complied with on all development sites upon which trees are located.

The Technical Manual sets out how these Australian Standards must be applied.

1.6 Enforcement

1. The following activities are prohibited: ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying any Tree without a Tree Permit or Development Application approval issued by Council in accordance with this Part.

Note: A person will "injure" a tree if they damage the tree including (but not limited to) by:

- poisoning, applying herbicides or other toxic chemicals to a tree, spilling chemicals, washing off or directing water contaminated by chemicals (eg. oil, petroleum, paint, cement or mortar) within the Tree Protection Zone;
 - tearing, breaking or snapping off the stem, branches and roots;
 - damaging the root zone by compaction, excavation, filling and stockpiling materials within the Tree Protection Zone;
 - wounding the stem with machinery (eg lawn mowers), fixing objects (eg. signs) to the stem or branches by nails, staples or wire, using tree climbing spikes in healthy trees to be retained (except for access to an injured tree worker), fastening materials around the stem or branches that circle and restrict the normal vascular function of the stem or branches.
2. Failure to comply with this Part is a breach of section 126 of the EP&A Act for which pecuniary penalties apply. The court dealing with the offence may, in addition to or in substitution for any pecuniary penalty, direct a person to plant new trees and vegetation, maintain those trees and vegetation to mature growth, and provide security for the performance of that obligation.

2.0 EXEMPT WORKS

Introduction

This section explains when approval from Council (either by Tree Permit or by Development Application) is not required to carry out Tree Works including the removal or pruning of a Tree.

This section does not apply to any Tree which:

- is listed on the City of Ryde Significant Tree Register;
- is or is located on a site classified as being part of a vulnerable, threatened or endangered ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the Threatened Species Conservation Act 1995 (NSW) or the Environmental Protection and Biodiversity Conservation Act 1999 (Cth);
- is or forms part of a heritage item; or
- is within one of the five heritage conservation areas within the City of Ryde.

Trees classified as being part of a vulnerable, threatened or endangered ecological community within the City of Ryde include the following tree species: *Syncarpia glomulifera* (Turpentine), *Eucalyptus punctata* (Grey Gum), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus eugenioides* (Thin-leaved Stringybark), *Eucalyptus saligna* (Sydney Blue Gum), *Eucalyptus pilularis* (Blackbutt), *Allocasuarina torulosa* (Forest Oak) and *Angophora costata* (Sydney Red Gum). To identify if any of these classifications apply to your Tree please view www.ryde.nsw.gov.au/Environment/Bushland+and+Wildlife/Native+Vegetation

To identify if your Tree or land has heritage significance please view: www.ryde.nsw.gov.au/Development/Heritage

Controls

- a. The following are exempt works:
 - i. Removal of deadwood provided the work is carried out in accordance with Australian Standard 4373 – 2007 Pruning of amenity trees and NSW WorkCover Code of Practice: Amenity Tree Industry 1998.
 - ii. Tree Works on a Tree where the stem of the Tree at ground level is within 4 metres of:
 - the outside enclosing wall of a legally constructed dwelling or outbuilding of over 20 square metres;
 - the outside edge of the footings of a carport; and/or
 - the outside edge of the coping of a legally constructed swimming pool.

This exemption does not apply to a Tree on adjoining land. The Tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.

Note: The term “legally constructed” means built in compliance with environmental and planning legislation and instruments in force within the City of Ryde at the time of construction.

- iii. Pruning of less than 10 per cent of the crown of a tree in a 12-month period.

Note: All work must be carried out in accordance with the Australian Standards 4373-2007 “Pruning of Amenity Trees” and in accordance with the current NSW Workcover Code of Practice - Amenity Tree Industry.

- iv. Tree Works on a Tree on land owned or under the care, control and management of Council where the Tree Works are carried out by Council.

- v. Tree Works carried out on a Tree by the State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
- vi. Tree Works on a Tree on land owned by private schools, the Macquarie University, or the State Government and carried out by the agency or their contractor.
- vii. Tree Works required under the provisions of Section 48 of the Electricity Supply Act 1995.
- viii. Tree Works on any Tree on the following list:

BOTANICAL NAME	COMMON NAME
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorulensis</i>	Evergreen Alder
<i>Arecastrum romanzoffianum</i> (syn. <i>Syagrus romanzoffianum</i>)	Cocos Palm
<i>Bambusa</i> spp.	Rhizomatous Bamboo
<i>Celtis sinensis</i>	Hackberry
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster</i> sp.	Cotoneaster
<i>Erythrina crista-galli</i>	Cockscomb Coral Tree
<i>Erythrina x sykesii</i>	Indian Coral Tree
<i>Ficus benjamina</i>	Weeping Fig
<i>Ficus elastica</i>	Rubber tree
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Broad leaf Privet
<i>Ligustrum sinense</i>	Narrow leaf Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europaea africana</i>	African Olive
<i>Populus</i> spp.	Poplars
<i>Robinia pseudoacacia</i>	Golden Robinia or Golden Locust
<i>Salix</i> spp.	Willows
<i>Schefflera actinophylla</i>	Umbrella tree
<i>Tamarix aphylla</i>	Athel tree
<i>Toxicodendron</i> spp.	Rhus tree
All edible fruit and nut trees except <i>Acmena</i> spp. (Lilly Pilly), <i>Syzygium</i> spp. (Lilly Pilly), <i>Elaeocarpus</i> spp. (Blueberry Ash) or <i>Macadamia</i> spp. (Macadamia Tree).	

3.0 TREE PERMITS

Introduction

This section explains when a Tree Permit is required to carry out Tree Works. Trees on private land are critical to the Urban Forest within the City of Ryde and accordingly Council wishes to preserve and protect these trees.

If you are applying for a Complying Development Certificate under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 you need to obtain a Tree Permit to carry out any Tree Works to a Tree on your land.

If a Development Application has been approved for the removal of a Tree, a Tree Permit is not required for that Tree.

Controls

- a. A Tree Permit must be obtained before any Tree Works are carried out on a Tree other than works requiring a Development Application under Section 4 of this Part. An arboricultural report, and other reports and information may be required to be submitted as part of the Tree Permit assessment process. Requirements for arboricultural reports are set out in section 4 of the Technical Manual.
- b. A Tree Permit must be obtained for any pruning:
 - i. of the crown of a Tree, (including deadwood) and / or
 - ii. pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone that is or forms part of a heritage item or is within one of the five heritage conservation areas within the City of Ryde.
- c. All Tree Works must be carried out in accordance with the NSW Work Cover Code of Practice: Amenity Tree Industry 1998 and, in relation to pruning, Section 5 of the Urban Forest Technical Manual.
- d. Trees removed as a consequence of approval by a Tree Permit must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.

Note: If a Tree is considered to be:

- dead;
- dying; or
- posing an imminent risk to human life or property,

a Tree Permit Application is required to be submitted to Council for the removal of that Tree. If Council is satisfied that the tree is dead, dying or posing an imminent risk to human life or property, it will issue a letter confirming that the Tree is exempt from the requirement for a Tree Permit and Tree Works may be undertaken.

Note: If you want to remove a Tree which is or forms part of a heritage item or is within one of the five heritage conservations areas within the City of Ryde you must also apply for an exemption from lodging a Development Application in accordance with Clause 5.10.3 When Consent Not Required of the Ryde LEP 2014. Details are available on City of Ryde website:

(<http://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/heritage-exemption-form.pdf>)

- e. The applicant must outline the justification for conducting the tree works with regard to the following assessment criteria:
 - i. The tree's species, age, health, vigour, structural condition, stability, and growth habit and surrounding environment
 - ii. Existing and potential habitat value of the tree or section of the tree being considered for pruning

Note: Trees with hollows or other potential habitat may need to be assessed by an ecologist or wildlife specialist.

- iii. The tree's ecological value, including whether the tree is located within a threatened ecological community
- iv. Risk of spreading disease from the tree to other trees
- v. Potential structural damage to property and/or risk to human life
- vi. The likely effect of the proposed tree works (e.g. root pruning) on the stability of the tree
- vii. The tree's amenity value including visual amenity and canopy coverage

Note: The following are not considered valid reasons for removing or pruning a tree:

- To improve solar access or views
- Impact to minor structures
- To reduce leaf, fruit, resin, or bird droppings into gutters, downpipes, and pools
- To construct a fence
- Damage to buildings or structures which have not been built in accordance with the relevant planning controls and legislation in force at the time of construction
- Damage to buildings or structures where alternative tree sensitive construction measures could be undertaken
- Root damage to a water, drainage, or sewer system that is old (e.g. terracotta pipes) or in a poor condition
- Bushfire Hazard control works not undertaken by the NSW Rural Fire Service (in the instance of an emergency)

4.0 DEVELOPMENT APPLICATIONS

Introduction

The City of Ryde contains a number of areas with heritage significance. On land within these areas, Development Application approval must be obtained before carrying out Tree Works on any Tree regardless of whether any other development is proposed for that land. This section explains when Development Application approval under this Part must be obtained.

Requirements relating to Trees on development sites are set out in section 2 of the Technical Manual.

Controls

- a. Development Application approval must be obtained before any removal of a Tree if either the Tree or the site upon which the Tree is located:
 - i. is or forms part of a heritage item.
 - ii. is within one of the five heritage conservation areas within the City of Ryde.

Note: Heritage items are identified in Schedule 5 of LEP 2014 and are shown on the Heritage Map www.ryde.nsw.gov.au/Development/Heritage

- b. If a Tree forms part of a heritage item and/or is within a conservation area and is considered to be:
 - i. dead;
 - ii. dying; or
 - iii. posing an imminent risk to human life or property,

Note: An application for exemption from lodging a Development Application may be submitted in accordance with Clause 5.10.3 When Consent Not Required of the Ryde LEP 2014. Details are available on City of Ryde Website:

(<http://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/heritage-exemption-form.pdf>)

- c. Trees removed as a consequence of Development Application approval must be replaced, in accordance with Section 6 of the Urban Forest Technical Manual, to effectively maintain the Urban Forest canopy.

5.0 CONSTRUCTION ACTIVITIES

Introduction

This section details the preservation and protection measures that must be undertaken to ensure that trees are protected against damage during construction upon obtaining development approval.

Controls

- a. All reasonable efforts are to be taken to protect trees from damage during construction. Such measures should include:
 - i. clearly marking trees to remain;
 - ii. avoiding compaction of ground around these trees (generally caused by vehicles driving through these areas); and
 - iii. avoiding stockpiling of material within the dripline of these trees.
- b. Tree protection zones are to be fenced off to ensure that they are not disturbed and to prevent vehicles, building materials, and refuse being placed in those locations.
- c. Fences for tree protection zones are to be erected prior to any demolition or construction work being undertaken. Areas on the building site that are affected by tree roots on an adjoining private or public property should be similarly fenced off.
- d. Trees that are to remain on the site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a 1.8-metre high chainwire fence attached to 50 mm steel posts erected around their dripline or a minimum of 4 metres from the trunk where a structure is to be constructed under the canopy. A qualified arborist shall inspect the tree protection measures and issue a Compliance Certificate to indicate that if maintained, the tree protection measures will provide sufficient protection during normal construction activities.
- e. Installation of Services:

Trenches for services shall be located outside the dripline of all trees that must be retained on the property and all trees on adjoining public and private lands. If this is not possible, the services, including stormwater pipelines, shall be hand dug under the trees roots. At any time where a pipe is being laid within the dripline of a tree that is to be retained, or the dripline of a tree on an adjoining property, a qualified arborist must be on-site to oversee the operation.
- f. Cutting of Roots:

All roots in excess of 25 mm that shall be severed, cleanly cut (not with a backhoe bucket), be kept moist at all times, and not be left exposed to the air.

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City of Ryde
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1 Devlin Street
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www.ryde.nsw.gov.au