

# 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 1 من الاثنين إلى الجمعة 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

Եթէ այս գրութիւնը չէք հասկնար, խնդրեմ եկէ՛ք Րայդ Բիւրոյ Սիւվիլ Ենթոյր, 1 Տելվին փողոց, Րայդ, (Ryde Civic Centre, 1 Devlin Street, Ryde) Երկուշաբթիէն Ուրբաթ կ.ա. ժամը 8.30 – կ.ե. ժամը 4.30, կամ հեռաձայնեցէ՛ք Հեռաձայնի եւ Թարգմանութեան Սպասարկութեան՝ 131 450, եւ խնդրեցէ՛ք որ թարգմանիչ մը Րայդ Քաղաքապետարանին հետ կապ հաստատուէ ձեզի համար, հեռաձայնելով՝ 9952 8222 թիւին:

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

## Table of Contents

<b>1.0</b>	<b>INTRODUCTION</b>	<b>4</b>
1.1	Preservation of the Urban Forest	4
1.2	Objectives of this Part	4
1.3	How to use this Part	4
1.4	Meaning of Words	5
1.5	Application of Australian Standards	6
1.6	Enforcement	6
<b>2.0</b>	<b>EXEMPT WORKS</b>	<b>7</b>
<b>3.0</b>	<b>TREE PERMITS</b>	<b>9</b>
<b>4.0</b>	<b>DEVELOPMENT APPLICATIONS</b>	<b>10</b>

## 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](http://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:

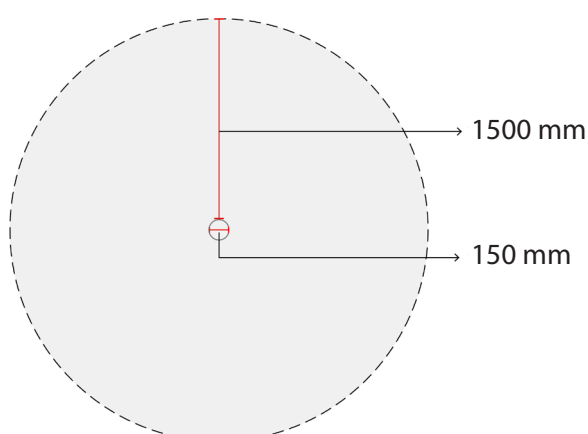


Figure 1.4.1 Structural Root Zone Example

**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. This includes palm trees; 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:

- c. Any 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);
- d. any removal of a Tree; **and/or**
- e. **any pruning or removal of roots (greater than 40mm in diameter) from a Tree inside its Tree Protection Zone; and/or any works within the Structural Root Zone.**
- f. **any alteration (excavation or fill) to the soil level within the Tree Protection Zone of a Tree on the land or on adjoining land.**

**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](http://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](http://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 3 **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.

v.iii. Tree Works on any Tree on the following list:

BOTANICAL NAME	COMMON NAME
<b>Acacia saligna</b>	<b>Golden Wattle</b>
Ailanthus altissima	Tree of Heaven
Alnus jorulensis	Evergreen Alder
Arecastrum romanzoffianum (syn. Syagrus romanzoffianum)	Cocos Palm
Bambusa spp.	Rhizomatous Bamboo
<b>Celtis sinensis</b>	<b>Hackberry</b>
Cinnamomum camphora	Camphor Laurel
<b>Cotoneaster sp.</b>	<b>Cotoneaster</b>
Erythrina crista-galli	Cockscomb Coral Tree
Erythrina x sykesii	Indian Coral Tree
Ficus benjamina	Weeping Fig
Ficus elastica	Rubber tree
Lagunaria patersonii	Norfolk Island Hibiscus
Ligustrum lucidum	Broad leaf Privet
Ligustrum sinense	Narrow leaf Privet
Nerium oleander	Oleander
Olea europaea africana	African Olive
Populus spp.	Poplars
<b>Robinia pseudoacacia</b>	<b>Golden Robinia</b>
Salix spp.	Willows
Schefflera actinophylla	Umbrella tree
Tamarix aphylla	Athel tree
Toxicodendron spp.	Rhus tree
All edible fruit and nut trees except Acmena spp. (Lilly Pilly), Syzygium spp. (Lilly Pilly), Elaeocarpus spp. (Blueberry Ash) or Macadamia 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: a) of the crown of a Tree, (including deadwood) and / or b) 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 conservations areas within the City of Ryde.
- c. All Tree Works must be carried out in accordance with the NSW WorkCover Code of Practice: Amenity Tree Industry 1998 and, in relation to pruning, Section 5 of the Technical Manual.
- d. Trees removed as a consequence of approval by a Tree Permit must be replaced, in accordance with section 6 of the 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 apply for a Development Application under Section 4 of this Part.

- 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:** Tree 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. 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:
  - is or forms part of a heritage item. Heritage items are identified in Schedule 5 of LEP 2014 and are shown on the Heritage Map [www.ryde.nsw.gov.au/Development/Heritage](http://www.ryde.nsw.gov.au/Development/Heritage)
  - is within one of the five heritage conservation areas within the City of Ryde. You can check whether your property is within one of these areas by looking at the Heritage Map [www.ryde.nsw.gov.au/Development/Heritage](http://www.ryde.nsw.gov.au/Development/Heritage)
- b. Trees removed as a consequence of Development Application approval must be replaced, in accordance with section 6 of the Technical Manual, to effectively maintain the Urban Forest canopy.

THIS PAGE HAS BEEN  
INTENTIONALLY LEFT BLANK



City of Ryde  
Civic Centre  
1 Devlin Street  
Ryde NSW 2112

**[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)**