

AN 27.2.03

How does Council's Tree Preservation Order apply to you?

Byron Shire Council introduced a new Tree Preservation Order on 12 December 2002.

Why Preserve Trees?

Trees are of vital importance and improve the aesthetic and ecological quality of an area. The prevalent tree cover in both bushland and urban areas forms an integral part of the character of Byron Shire. This natural character is considered worthy of preservation and attracts people to the shire and adds to the value of property. Trees play a fundamental role in maintaining the health of our lands and our living environment.

What vegetation does the Byron Shire Council TPO apply to?

- * Any species of tree, palm or fern exceeding three (3) metres in height;
- * Any species of plant within a community described as heath, mangrove, saltmarsh or sedgeland of any height.

Where does it not apply?

- * any tree grown for its edible fruit (other than species listed in the

Threatened Species Conservation Act, 1995);

- * minor pruning or lopping associated with regular garden maintenance;
- * trees planted as part of a windbreak to an orchard;
- * trees planted for commercial woodlots or farm forestry;
- * trees within two (2) metres of the footprint of an existing building;
- * trees under and within two (2) metres of the footprint of a building for which a construction certificate has been issued;
- * trees listed as Undesirable Trees (check Council's web site for the list of 45 species);
- * trees in Council caravan parks where removal or lopping is consistent with an adopted vegetation management plan;
- * up to six (6) regrowth trees of less than ten (10) years of age per holding in a twelve (12) month period on any rural zoned land.

Council consent IS required to:

Ringbark, cut down, top, lop, remove, injure or wilfully destroy

any tree or other vegetation covered by the Tree Preservation Order.

Council consent IS NOT required if:

- * The Council has confirmed in writing that it is satisfied that the tree or other vegetation is dying or dead or has become dangerous; or
- * The action taken with respect to the tree or other vegetation was authorised or required by or under any Act; or
- * The trees or other vegetation are within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916; or
- * The plants are declared to be noxious weeds under the Noxious Weeds Act 1993.

Who can apply?

The consent of the owner of the tree will be required to make an application.

How do I apply?

Obtain a development application from Council and ensure you include a diagram showing the trees

that will be affected and the reason/s for making the application. A fee will be charged. A breach of the Tree Preservation Order is serious and prosecution or on-the-spot fines may apply.

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