

Penalties, including fines, may be issued to a person found guilty of contravening these controls. In addition to a penalty, the Court may also order the repair, remedial pruning or replacement of a damaged, destroyed, poisoned or severely pruned or removed tree and impose an order to maintain such replacement to maturity.

Exempt tree and vegetation works

C.04 Tree works on a tree on land under the care, control or management of Council are exempt works and do not require a tree permit, provided the works are undertaken by Council or Council authorised agents.

C.05 The following are exempt tree and vegetation works and do not require approval from Council, subject to the criteria at C.06:

- a) The tree is of a species *Populus* spp. - (Poplar), *Salix* spp. - (Willow), *Cinnamomum camphora* - (Camphor Laurel) and *Liquidambar styraciflua* - (Sweetgum), where the trunk of such tree is located within 5 metres of any sewer pipe or:
 - the outside enclosing wall of a legally constructed building; or
 - the outside edge of the coping of a legally constructed in-ground swimming pool.
- b) Neighbour's trees - This exemption does not apply to a tree on adjoining land. The tree and the building or other structure referred to above must both be on the same land for the exemption to apply.
- c) Tree works on any tree listed in Table 5.3.4.2.

Table 5.3.4.2 – Exempt tree species in City of Parramatta LGA

Botanical Name	Common Name
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Celtis sinensis</i>	Hackberry
<i>Cotoneaster</i> spp.	Cotoneaster
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina</i> spp.	Coral Trees
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Ligustrum lucidum</i> & cvs	Large Leafed Privet
<i>Ligustrum sinense</i>	Small Leafed Privet
<i>Nerium oleander</i>	Oleander
<i>Olea europaea</i> var. <i>africana</i>	African Olive
<i>Populus nigra</i> Italica	Lombardy Poplar
<i>Pyracantha</i> spp.	Firethorn
<i>Rhus toxicodendron</i>	Rhus/Sumac Tree
<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Syagrus romanzoffianum</i>	Cocos Island/Queen Palm

Note: The trees listed above are identified by their botanical name (common names are provided as reference only). Cultivated varieties (cvs.) of the trees listed are not included for exemption except where specified.

C.06 The exemptions above listed in C.05(a) do not apply to:

- Any work to a tree that is or forms part of a heritage item, heritage conservation area, Aboriginal object or Aboriginal place of heritage significance, or

The exemptions listed at C.05(a) and C.05(b) above do not apply to:

- All lands mapped as 'Biodiversity' on the *Parramatta Local Environmental Plan 2023* Natural Resources Map; or
- Threatened ecological communities or land that provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the *Biodiversity Conservation Act 2016* or the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth); or
- Work that is contrary to a development consent that requires trees to be retained, or
- A tree and vegetation on public land.

Note: Certain legislation allows trees to be removed under certain circumstances without the need for a Tree Permit. This includes:

- 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,
- Tree works required under the provisions of the *Electricity Supply Act 1995*.
- Trees that are required to be removed as part of a Section 66 Directive under the *Rural Fires Act 1997* or the provisions provided under the *10/50 Vegetation Clearance Code of Practice for New South Wales*.

Exemptions apply to trees which are considered to be dangerous.

C.07 A tree permit application is not required to be submitted to Council for removal of a tree if Council is satisfied a tree is considered to be:

- Dead or dying, and is not required as the habitat of native animals and/or not located on land mapped as 'Biodiversity' under *Parramatta Local Environmental Plan 2023*; or
- Posing an imminent risk to human life or property as per *Clause 2.7 Clearing that does not require permit or approval of the Biodiversity and Vegetation SEPP*.

C.08 Before any tree works are undertaken, Council will issue a letter to the owner of the tree confirming that the tree is exempt from the requirement for a tree permit and tree works may be undertaken. Council may require a replacement tree to be planted to ensure that in time this tree is replaced.

C.09 Trees removed under this clause are required to be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with *Safe Work NSW Code of Practice 'Amenity Tree Industry' – 1998* to manage the risk of tree removal and pruning work.

In determining if the tree is posing an imminent risk to human life or property, a tree risk assessment will be undertaken that will consider:

- likelihood of failure
- likelihood of impacting a target
- consequences of impact

Exempt Pruning Works