

# Chapter G4: Tree & Vegetation Management

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### **Amendment history**

<b>Version Number</b>	<b>Date Adopted by Council</b>	<b>Commencement Date</b>	<b>Amendment Type</b>
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	6 December 2016	21 December 2016	Amendment
4	11 December 2017	20 December 2017	Amendment
5	5 June 2023	16 August 2023	Amendment
6			Draft

## 1 Purpose

The purpose of this Chapter is to declare **trees** and other **vegetation** under Part 2.3 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity and Conservation SEPP). Where a **tree** or other **vegetation** is declared in this Chapter a person must not **clear vegetation** without a **permit** granted by **Council** (Section 2.10 of the Biodiversity and Conservation SEPP). This is referred to as '**removal or pruning**' in this Chapter and includes:

- Cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise **destroying** the **vegetation**, or
- **Lopping** or otherwise removing a substantial part of the **vegetation**.

**Council** can only issue a **permit** for the **removal or pruning** of native **vegetation** that is below the **biodiversity offsets scheme threshold**.

This Chapter also provides guidance on the process for obtaining a **permit** for the **removal or pruning** of **trees** and other **vegetation** on land in the Shoalhaven Local Government Area (LGA).

**Advisory Note:** In addition to the provisions outlined in this Chapter, you must refer to the Supporting Maps. The Supporting Maps provide further information about which sections of this Chapter apply to your development.

## 2 Application

This Chapter applies to **removal or pruning** of **vegetation** that is under the **biodiversity offsets scheme threshold** on all non-rural land (land in any zone other than RU1-RU4) within the Shoalhaven LGA.

**Note:** The proposed removal or pruning exceeds the **biodiversity offsets scheme threshold** if it is:

- the **clearing** of **native vegetation** of an area that exceeds the threshold (see Table below), **or**
- the **clearing** of native **vegetation** is on land mapped as 'Sensitive Values' on the **Biodiversity Values Map** prepared by the NSW Government and located on their website.

If the proposed removal or pruning exceeds the **biodiversity offsets scheme threshold**, it requires an approval from the **Native Vegetation Panel** (refer to Part 2.4 of the Biodiversity and Conservation SEPP).

**Table: Threshold by minimum lot sizes**

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more

Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The minimum lot size applicable to any land being cleared is as follows:

- (a) the minimum lot size as shown on the Shoalhaven LEP 2014 [Lot Size Map](#), or
- (b) if the [Lot Size Map](#) does not map a minimum lot size for the land, the actual size of the allotment of land on which the proposed development is to be carried out.

### 3 Context

Appropriate management of **trees** and other **vegetation** on public, urban and non-urban land is essential to preserve the attractiveness and natural character of the City. **Trees** are part of the wider **habitat** that supports our native wildlife and birds. Controls also need to allow for the removal of unsafe or unsuitable **trees** and plan for their replacement to ensure the **tree** canopy is maintained into the future. **Council** embraces a whole of life approach to **tree** management in order to prevent exposure to unnecessary risk.

**Note:** There are significant penalties for the illegal removal or pruning of **trees** and other **vegetation**. People who **remove or prune trees** and other **vegetation** without approval can face significant fines under the *Environmental Planning & Assessment Act 1979* (EP&A Act) and the *Local Land Services Act 2013*.

It is also an offence to harm or pick threatened species, populations or **endangered ecological communities (EECs)** under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*. Prosecutions can result in significant penalties including fines and imprisonment.

### 4 Objectives

The objectives are to:

- i. Ensure land owners are aware when **tree** or **vegetation removal or pruning** requires a **permit** and when it can be carried out without a **permit**.
- ii. Provide a consistent framework to assess applications for the **removal or pruning of trees** and other **vegetation**.
- iii. Recognise **trees** and other **vegetation** as a highly valued asset to maintain the visual appeal and amenity of the local area.
- iv. Control inappropriate cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise **destroying** of **vegetation**, or **lopping** or otherwise removing a substantial part of **vegetation**.
- v. Minimise the risk caused by destabilisation of foreshore, riparian or agricultural land.

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- vi. Ensure that high value **trees** or other **vegetation** in environmentally sensitive locations are preserved.
- vii. Recognise the intrinsic value of **trees** and other **vegetation** to support native birds and wildlife.
- viii. Facilitate the removal of undesirable exotics, noxious weeds, and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity and ecological sustainability.
- ix. Avoid inappropriate removal of **trees** or other **vegetation** in paper subdivisions or areas where a **tree** preservation order has historically applied.

## 5 Controls

### 5.1 Declared Trees or Other Vegetation – Part 2.3 of the Biodiversity and Conservation SEPP

This clause declares **trees** and other **vegetation** for the purposes of Part 2.3 of the Biodiversity and Conservation SEPP. In accordance with Section 2.6 of the Biodiversity and Conservation SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise **destroy** the **vegetation**, or **lop** or otherwise remove a substantial part of the **vegetation** without a **permit** granted by **Council**. There are some exemptions to the requirement for a **permit** which are set out in Section 5.2.

The following **trees** or other **vegetation** are declared:

1. All **trees** and other **vegetation** located on an area mapped by this Chapter which includes:
  - a) Land which is mapped as a 'paper subdivision' in the Chapter G4 Supporting Maps;  
or
  - b) **Trees** or other **vegetation** that are:
    - i. less than 50 metres from the bank of a creek or water body deemed Category 1 (large creek/river) as defined by the **SLEP 2014**; or
    - ii. less than 30 metres from the bank of a creek or water body deemed Category 2 as defined by the **SLEP 2014**; or
    - iii. verified as supporting an **endangered ecological community (EEC)**; or
    - iv. mapped as supporting rainforest **vegetation** species; or
    - v. mapped on the **Scenic Protection Area Map** of **SLEP 2014**; or
    - vi. within 30 metres from a non-urban road boundary.

**Note:** The above areas are shown on the Supporting Maps for this Chapter.

2. All **trees** and other **vegetation** located on publicly owned or managed land; or
3. Where the **tree** in question is a *Toona australis* (Red Cedar); or
4. Where the **tree** contains a hollow; or

5. Where the **tree** or other **vegetation** is a **heritage item** or within a **heritage conservation area** under the **SLEP 2014**; or
6. All **trees** in an urban area.
7. All **trees** and **native vegetation** on land in zone C2, C3 or C4.

**Note:** An urban area for the purposes of this Chapter is any mapped area with a residential (excluding R5 Large Lot Residential), employment, mixed use, special use/purpose and RU5 Village zone.

A non-urban area for the purposes of this chapter is any area with R5 Large Lot Residential, a conservation, recreation, or waterway zone.

## 5.2 Exemptions

### 5.2.1 Exclusions from Exemptions – Environmental Heritage including Aboriginal Heritage

None of the exemptions listed in this Section apply to any **trees** or other **vegetation** located on a **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or on land within a **heritage conservation area**.

**Council** can only grant a **permit** for the **removal or pruning** of **vegetation** on land that is, or forms part of a **heritage item**; or is within a **heritage conservation area**; or that is or forms part of an **Aboriginal object**; or is within an **Aboriginal place of heritage significance**, if it is:

- Of a minor nature; or
- Is for the maintenance of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**, and would not adversely affect the **heritage significance** of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**.

Therefore, **Council** requires:

- A **permit** application for any **removal or pruning** of **vegetation** that is minor in nature or is for the maintenance of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**, and
- A **development application** for any other **removal or pruning** of **vegetation**.

Section 2.10(3) of the Biodiversity and Conservation SEPP and Clause 5.10 of the **SLEP 2014** contain specific requirements for **trees** and other **vegetation** located on **heritage items** and **heritage conservation areas** and should be read in conjunction with this Chapter.

### 5.2.2 Exclusion from Exemptions – Consent Conditions and 88B Instruments

None of the exemptions listed in this Section apply to any **trees** or **vegetation** that are required to be retained by the conditions of a development consent or a Section 88B restriction to user instrument. The Biodiversity and Conservation SEPP, and subsequently

this Chapter, do not affect authorisations under other Acts that are required to be obtained in connection with the clearing of vegetation.

**Note:** Applicants may choose to apply to Council for a variation to the conditions of **consent** (for **dwelling** and/or subdivision) or the 88B Instrument.

### 5.2.3 Exemptions

The following **trees** or other **vegetation** are exempt from section 5.1:

- a) **Clearing trees** and **vegetation** that is authorised under Section 60O of the *Local Land Services Act 2013* (LLS Act). This sub-clause does not apply to clearing merely because it is a part of or ancillary to the carrying out of **exempt development**.
- b) **Trees** and **vegetation** that **Council** or the **Native Vegetation Panel** is satisfied is dying or dead and is not required as the **habitat** of native animals.
- c) **Trees** and **vegetation** that **Council** is satisfied are a risk to human life or property.
- d) The 45 Degree Rule.

**Trees** are valued assets in urban areas across the world for their diverse environmental, social, cultural and economic value. **Trees** can provide aesthetic value, shade and urban canopy, wind breaks, shelter and habitat for wildlife, general health and mental health benefits, storm water take up/soil erosion prevention, stabilisation, water pollutant filtration, noise reduction, increases in property values and can play a mitigation role in climate change. Despite the range of values associated with **trees**, it is sometimes necessary to consider the removal of a **tree** where it presents an unmanageable risk.

The 45 Degree Rule provides an opportunity for certain **trees** to be removed without the need for **Council** approval (i.e., no formal development assessment process).

**Note:** If a **tree** poses an imminent threat to human life or significant property, it can be immediately removed without Council approval. You should contact the NSW SES or a qualified arborist for assistance. If the **tree** is heritage listed, you will need to contact **Council** prior to the **tree** being removed.

The 45 Degree Rule can be used where:

- A **tree** is closer than its own height from a lawfully erected **building** (including a **dwelling** or **outbuilding**). This means where any part of a **tree** is above a line 45 degrees from the vertical extension of the wall of any building measured from its base (as shown in Figure 1); and
- A landowner determines that the **tree** poses a potential short-term risk (less than one year) to the lawfully erected **building** that cannot be mitigated by alternative **tree** management approaches (e.g., selective pruning); and
- There are no exclusions under Sections 5.2.1 and 5.2.2 of this Chapter.

**Note:** Whilst not mandatory, it may be helpful to obtain the advice of an arborist to determine the

risk of the **tree** and the opportunities available to make the **tree** safe.

The **tree** must not be:

- Located beyond the lot the lawfully erected **building** is located on (which includes public land).
- Located on land within the Jerberra Estate.
- Located on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry or RU4 Primary Production Small Lots.

**Note:** Land in the RU1, RU2, RU3 and RU4 zones cannot be removed under the 45 Degree Rule. Tree removal in these zones is managed by NSW Local Land Services under the *Local Land Services Act 2013*.

- A **tree** with a hollow and/or nests (for example, stick nests).
- A **tree** on an upward slope greater than 18 degrees from the **building**.

To be considered an exemption from section 5.1, the landowner must:

- ~~Ensure the **tree** removal is undertaken by an AQF Level 3 **arborist** in accordance with relevant Australian Standards.~~
- Ensure the **tree** work is undertaken by a suitably qualified and experienced Arborist in accordance with the following:
  - Relevant Safe Work Australia's Guide/Code of Conduct (as amended from time to time) for complete **tree** removal.
  - Relevant Australian Standards and Safe Work Australia's Guide/Code of Conduct (as amended from time to time) for all other **tree** works.
- Notify all adjoining and adjacent landowners/occupants of the proposed **tree** removal works in writing, at least 5 business days before the **tree** removal is due to commence. The notification is to be dated with the date the notification was given.
- Notify Council of the proposed **tree** removal works in writing, at least 5 business days before the **tree** removal is due to commence. The notification must also be signed by the **arborist** removing the **tree/s**.

**Note:** The advice to **Council** is to include the property address, location of the tree to be removed on the site, the size and species detail of the **tree**, reason for removal, provision of photographs from multiple angles to demonstrate compliance with the 45 Degree Rule criteria, confirmation that there are no exclusions from exemptions (heritage, consent conditions, 88B Instruments), confirmation that the adjoining/adjacent landowners/occupants have been notified, provision of a s138 approval if any works are to be undertaken in the road reserve to enable the removal of a tree on private land, including the verge (e.g., siting of a cherry picker and other plant/machinery),

owner's consent if the removal of the tree requires access to adjoining land, and the name and contact details of the qualified arborist who will be removing the tree.

This information can be provided to Council via mail, email or via this [form](#).

The notification requirement is not a formal community consultation or approval process. This means there is no opportunity to object to a proposed tree removal by way of a submission. If a member of the community is concerned regarding the proposed removal of a tree under the Rule, Council should be contacted directly.

Non-compliance with the aforementioned 45 Degree Rule requirements is considered development without consent. Fines can apply to any person involved in the unlawful removal of trees.

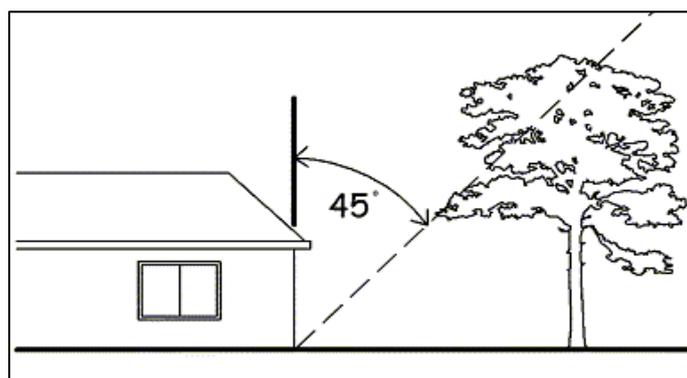


Figure 1: Example of the 45 degrees line from the vertical extension

e) The non-native/invasive tree species listed in Table 1, regardless of size.

Table 1: Non-native and/or Invasive Tree Species

Common Name	Botanical Name
Cootamundra Wattle	<i>Acacia baileyana</i>
Black Wattle	<i>Acacia decurrens</i> and <i>Acacia mearnsii</i>
Cape Leeuwin Wattle	<i>Albizia lophantha</i>
Evergreen Alder	<i>Alnus jorullensis</i>
Tree Lucerne	<i>Chamaecytisus</i> sp
Indian Coral Tree	<i>Erythrina x sykesii</i>
Silky Oak	<i>Grevillea robusta</i>
Privet	<i>Ligustrum species</i>
African Olive	<i>Olea africana</i>

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Canary Island Date Palm	<i>Phoenix canariensis</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Umbrella Trees	<i>Schefflera species</i>
Cocos or Queen Palm	<i>Syagrus romanzoffianum</i>
Rubber Trees	<i>Ficus elastica</i>
Willows	<i>Salix species</i>
Fruit trees being specifically grown for their edible fruit for human consumption	

f) The **tree** species in Table 2 if less than 10m tall.

**Table 2: Non-native trees of amenity value**

<b>Common Name</b>	<b>Botanical Name</b>
Camphor Laurel	<i>Cinnamomum camphora</i>
Liquidambar	<i>Liquidambar styraciflua</i>
Radiata Pine	<i>Pinus radiata</i>
Poplars	<i>Populus species</i>

**Note:** Council Owned & Managed Lands - Private landowners must obtain approval for the **removal or pruning** of **trees** and other **vegetation** on land owned or managed by Council including road reserves to which Council is the roads authority and crown reserves to which Council is the trust manager.

The only exception is where Council (or its agent) carries out the work after it has been assessed in accordance with the 'Tree Management Policy – Council Managed Lands'.

Works to **trees** on public land generally need to go through a review of environmental factors (under Part 5 of the **EP&A Act**) before any works are undertaken. There is a cost associated with this process.

### 5.3 Assessment Criteria for Tree Removal and Pruning

If the **tree** or other **vegetation** proposed for **removal or pruning** is declared under Section 5.1 of this Chapter for the purpose of Part 2.3 of the Biodiversity and Conservation SEPP and is not exempt under Section 5.2.2 of this Chapter, then a **permit** application must be submitted to Council.

### 5.3.1 Destabilisation of Foreshore, Water Courses and Agricultural Land

The objective of this Section is to:

- i. Encourage the retention of **trees** and other **vegetation** along water courses, foreshores and steep land to provide for bank stability, prevent erosion, and maintain amenity.

Performance Criteria	Acceptable Solutions
<p>P1 <b>Trees</b> and other <b>vegetation</b> are maintained to ensure the protection of:</p> <ul style="list-style-type: none"> <li>• Soil and bank stability.</li> <li>• Water quality by filtering sediments, nutrients and pollutants.</li> <li>• Terrestrial <b>habitat</b>.</li> </ul>	<p>A1.1 <b>Removal or pruning of trees</b> and other <b>vegetation</b> only occurs within 20 metres of a bank of a large (category 1) water course is minimised and erosion control measures have been considered; and</p> <p>A1.2 A program of replanting of local native species is proposed to maintain bank stability, water quality and terrestrial <b>habitat</b>. The program should be provided as a written plan with maintenance commitments to ensure long term survivability and</p> <p>A1.3 The application is supported by an <b>Arborist</b> Report prepared by a suitably qualified and practising <b>Arborist</b> to assess the health and condition of the <b>tree/s</b>.</p>
<p>P2 Land with steep slopes is maintained in a stable condition.</p>	<p>A2.1 <b>Removal or pruning of trees</b> and other <b>vegetation</b> on mapped land with a slope in excess of 20% is minimised and erosion control measures have been considered; and</p> <p>A2.2 A program of replanting of local native species is proposed to maintain slope stability.</p> <p>A2.3 Where required, the application is supported by an <b>Arborist</b> Report prepared by a suitably qualified and practising <b>Arborist</b> to assess the health and condition of the <b>tree/s</b>.</p>
<p>P3 <b>Trees</b> and <b>vegetation</b> associated with or adjacent to <i>State Environmental Planning Policy (Resilience and Hazards) 2021 wetland</i> areas is retained to maintain the viability of the <b>wetlands</b>.</p>	<p>A3.1 <b>Tree</b> and other <b>vegetation removal or pruning</b> only occurs:</p> <ol style="list-style-type: none"> <li>a) In an artificial <b>wetland</b>; and</li> <li>b) 100 metres or more away from any natural <b>wetland</b> (including buffers).</li> </ol> <p>A3.2 Where required, the application is supported by an <b>Arborist</b> Report prepared by a suitably qualified and</p>

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practising **Arborist** to assess the health and condition of the **tree/s**.

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### 5.3.2 Character and Scenic Amenity of Non-Urban Roads

The objective of this Section is to:

- i. Encourage the retention of **vegetation** along non-urban road corridors to ensure character and **biodiversity** value is maintained and enhanced.

Performance Criteria	Acceptable Solutions
P4 <b>Trees</b> and other <b>vegetation</b> along non-urban road boundaries are retained for its aesthetic, <b>habitat</b> and water quality value.	<p>A4.1 <b>Tree</b> and other <b>vegetation removal or pruning</b> within 30 metres of a non-urban road boundary is minimised; and</p> <p>A4.2 A program of replanting local native or suitable plant species is proposed to maintain aesthetic, <b>habitat</b> and water quality values of the non-urban area.</p>

### 5.3.3 Amenity Considerations

The objective of this Section is to:

- i. Ensure that the unique character and environmental integrity of towns and villages in the Shoalhaven LGA is retained through the appropriate management of **trees** and other **vegetation**.

Performance Criteria	Acceptable Solutions
P5 Character of towns and villages is maintained and improved by the retention of mature <b>trees</b> .	<p>A5.1 Where mature <b>trees</b> or other <b>vegetation</b> have been removed, they are replaced with <b>trees</b> native to the region in an appropriate location.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> An <b>Arborist</b> Report prepared by a suitably qualified and practicing <b>Arborist</b> to assess the health and condition of the <b>tree/s</b> may be required.</p> </div>
P6 Enable residents to access solar power alternatives.	A6.1 <b>Trees</b> or other <b>vegetation</b> removed or pruned to facilitate solar access for the <b>tree</b> owner or their neighbours are kept to the minimum necessary to ensure solar efficiency.
P7 Retain and value a healthy streetscape.	A7.1 Removal of a <b>tree</b> that is a poor specimen and is in a state of decline that is prolonged and irreversible is supported by an <b>Arborist</b> Report

		prepared by a suitably qualified and practising <b>Arborist</b> in relation to the health and condition of the <b>tree/s</b> .
P8	Protect public and private assets from unnecessary damage.	<p>A8.1 Removal of <b>trees</b> that have caused or are likely to cause significant structural damage and is supported by relevant evidence; and</p> <p>A8.2 The application is supported by written expert advice and other reasonable alternatives are not available.</p>

### 5.3.4 Heritage Considerations

The objective of this Section is to:

- i. Ensure that the heritage values and unique character of towns and villages in the Shoalhaven LGA are retained through the appropriate management of **tree** removal.

Performance Criteria		Acceptable Solutions
P9.1	Heritage values and character of towns and villages is maintained and improved by the retention of heritage <b>trees</b> or <b>trees</b> within the <b>curtilage</b> of a <b>heritage item</b> or <b>heritage conservation area</b>	A9.1 <b>Removal or pruning</b> of <b>trees</b> or <b>vegetation</b> is of a minor nature or is for the maintenance of the <b>heritage item</b> , <b>Aboriginal object</b> , <b>Aboriginal place of heritage significance</b> , or <b>heritage conservation area</b> , and will not adversely affect the <b>heritage significance</b> of the <b>heritage item</b> , <b>Aboriginal object</b> , <b>Aboriginal place of heritage significance</b> , or <b>heritage conservation area</b> ; and
P9.2	The indigenous heritage of Shoalhaven is respected through the retention of <b>trees</b> and <b>vegetation</b> associated with <b>Aboriginal objects</b> or <b>Aboriginal places of heritage significance</b> .	A9.2 A heritage management document prepared by a suitably qualified heritage consultant; and an <b>Arborist</b> Report prepared by a suitably qualified and practising <b>Arborist</b> to assess the health and condition of the <b>tree/s</b> is provided.

**Note:** Prior to any permit application being made under this chapter, the applicant must notify Council of the proposed **tree** and/or **vegetation removal or pruning** in accordance with Clause 5.10(3) of **SLEP 2014**. Council will then advise in writing if it is satisfied that consent under Clause 5.10 of **SLEP 2014** is not required

### 5.3.5 Other Important Vegetation

The objective of this Section is to:

- i. Ensure that sensitive areas of the Shoalhaven are protected.

Performance Criteria	Acceptable Solutions
P10 Verified EECs are protected.	A10.1 The trees to be removed are not part of a listed EEC (mapped in this DCP) in accordance with an assessment by a suitably qualified person.
P11 Removal of trees in mapped paper subdivisions is avoided or minimised.	<p>A11.1 Removal of any trees in Jerberra Estate is in accordance with Chapter N20 Jerberra Estate.</p> <p>A11.2 Removal of any trees in other paper subdivisions within Shoalhaven is limited to removal and pruning that is in conjunction with an approved development or use.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p><b>Note:</b> An Arborist Report prepared by a suitably qualified and practicing Arborist to assess the health and condition of the tree/s may be required.</p> </div>
P12 <i>Toona australis</i> are protected.	A12.1 A report from a suitably qualified Arborist is provided and determines that the <i>Toona australis</i> is obviously severely damaged, decayed or causing structural damage.
P13 Areas recognised for their scenic value are preserved.	<p>A13.1 Removal of trees on land covered by the Scenic Protection Area Map of SLEP 2014 is minimised.</p> <p>A13.2 A program of replanting of local native species is proposed.</p>
P14 Trees and other vegetation with environmental significance are appropriately managed.	<p>A14.1 Submission of an assessment of significance (5 part test) by a suitably qualified person for any tree that contains a hollow, is a threatened species or is a component of an EEC.</p> <p>A14.2 All trees and other vegetation to be removed or pruned to be clearly marked on site for inspection purposes.</p> <p>A14.3 Animal handler to be present on site to rescue any animals, where there is proposed removal of a hollow bearing tree.</p>

## 6 Advisory Information

### 6.1 Approval Process

**Council** is required to determine applications for **permits** within 28 days from the date of application.

**Council** may request further information about the proposed **clearing** if **Council** considers necessary for its proper consideration of the application. Any period between the applicant being requested to provide further information and the information being received by **Council** will not be counted in respect of **Council's** timeframe for determining an application.

**Council** will carry out public notification for any application for a **permit** for the removal or pruning of ten (10) or more **trees**.

An applicant for a **permit** may appeal to the Land and Environment Court against the refusal by **Council** to grant the **permit**. Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after **Council** is taken to have refused the application (whichever is the later).

### 6.2 Application Documents

All **permit** applications must be accompanied by a Tree & Vegetation Plan which is drawn to scale and illustrates:

- Property boundary, existing structures and access roads;
- Location of all **trees** and other **vegetation** on the lot and identification of those **trees** or **vegetation** proposed for **removal or pruning** with approximate heights and widths;
- The total area (in m<sup>2</sup>) of **clearing** being applied for, and total area (in m<sup>2</sup>) of previous **clearing**;
- A description of the **trees** or **vegetation**, including species name, proposed for **removal or pruning**;
- Distance of those **trees** or **vegetation** proposed for **removal or pruning** from the nearest boundary and/or structure;
- If relevant, placement of drainage and sewer mains, and overhead power lines;
- Location of any known **watercourses** on the property;
- Any proposed Exempt & Complying (E&C) development plans, for which the **tree** or **vegetation** removal is a pre-cursor. This must include a plan showing the proposed **development**, the location of the **trees** that are exempt under the E&C Code as well as those to be assessed i.e. subject of this application; and,
- A north arrow.

The **permit** application must be signed by the owner(s) of the property on which the **trees** are growing and accompanied by the relevant fee (refer to **Council's** Fees and Charges).

### 6.3 Other legislation or policies you may need to check

**Note:** This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

Exemption under this Chapter does not equal an exemption under other legislation controlling the **removal or pruning** of **trees** and other **vegetation**. Consideration should be given to the following legislation before carrying out any work:

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<b>Council Policies &amp; Guidelines</b>	<ul style="list-style-type: none"><li>• Tree Management Policy – Council Managed Lands</li></ul>
<b>External Policies &amp; Guidelines</b>	<ul style="list-style-type: none"><li>• Australian Standard Protection of trees on development sites: AS 4970-2009</li><li>• Australian Standard Pruning of Amenity Trees: AS 4373-2007</li><li>• Rural Fire Service Planning for Bushfire Protection 2019</li></ul>
<b>Legislation</b>	<ul style="list-style-type: none"><li>• <i>Biodiversity Conservation Act 2016 and Regulations</i></li><li>• <i>Environmental Protection and Biodiversity Conservation Act 1999</i></li><li>• <i>Fisheries Management Act 1994</i></li><li>• <i>Forestry Act 1916</i></li><li>• <i>Environmental Planning and Assessment Act 1979</i></li><li>• <i>Heritage Act 1977 (Sections 129A and 139)</i></li><li>• <i>Local Land Service Act 2013</i></li><li>• <i>Noxious Weeds Act 1993</i></li><li>• <i>Rivers and Foreshores Improvements Act 1948</i></li><li>• <i>Rural Fires Act 1997</i></li><li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li><li>• <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></li><li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li></ul>

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