

Explanatory Document

45 Degree Rule Exemption Amendment (No. 54)

Chapter G4: Tree & Vegetation

ManagementShoalhaven Development Control Plan 2014

Affected Land

The draft Amendment applies to all land within the Shoalhaven Local Government Area, except for land zoned: RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU4 Primary Production Small Lots.

[Chapter G4: Tree & Vegetation Management](#) (Chapter G4) of Shoalhaven Development Control Plan (DCP) 2014 **does not** apply to land in the above zones.

Overview & Proposed Changes

On 16 August 2023, Council commenced a 12-month trial amendment to the 45 Degree Rule exemption (the Rule) in Chapter G4 of Shoalhaven DCP 2014. The Rule allows for the removal or substantial pruning of trees in urban areas without development consent from Council, subject to certain criteria and a mandatory Council and neighbour notification process.

On 23 October 2023, Council endorsed the refinement of the Rule for public exhibition (MIN23.613). The proposed amendments include changing the qualification in the Rule from AQF Level 3 arborist to a 'suitably qualified and experienced arborist'. Changes to the relevant standards for tree works are also proposed.

These changes are shown below, and for convenience, are also highlighted yellow in the exhibited Chapter G4.

Current Wording	<i>Ensure the tree removal is undertaken by an AQF Level 3 arborist in accordance with relevant Australian Standards.</i>
Proposed Replacement Wording (subject of Public Exhibition)	<i>Ensure the tree work is undertaken by a suitably qualified and experienced Arborist in accordance with the following:</i> <ul style="list-style-type: none"><i>Relevant Safe Work Australia's Guide/Code of Conduct (as amended from time to time) for complete tree removal.</i>

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| | <ul style="list-style-type: none">• <i>Relevant Australian Standards and Safe Work Australia's Guide/Code of Conduct (as amended from time to time) for all other tree works.</i> |
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Exhibition Documents

The draft Amendment is on public exhibition from **Wednesday 1 November to Wednesday 29 November 2023** (inclusive) via the [Documents on Exhibition](#) page on Council's website: www.shoalhaven.nsw.gov.au. The Amendment can also be viewed at the Nowra Administrative Building (Bridge Road, Nowra) and the Southern District Office (Deering Street, Ulladulla).

The exhibition package includes:

1. Explanatory Document
2. Draft Chapter G4: Tree & Vegetation Management.
3. Public Notice

Request For Comment

Submissions relating to the scope of the draft Amendment are invited during the exhibition period and should be made in writing, and addressed to:

Post: The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541

E-mail: council@shoalhaven.nsw.gov.au

Website: via the form on the Exhibition page at:
<https://www.shoalhaven.nsw.gov.au/Council/Access-to-Information/Documents-on-Exhibition>

Submissions will be accepted until **5pm Wednesday 29 November 2023**, quoting Council's reference **75067E**.

Please note that correspondence submitted to Council on this matter may be open to public inspection without notifying the correspondents. Pre-printed form letters or submissions with identical content, which have been individually signed, will be considered but not formally acknowledged or counted as individual submissions. All persons who lodge a submission are required to declare any relevant political, donations and/or gifts in accordance with Section 10.4(5) of the *Environmental Planning and Assessment Act 1979*.

Enquiries should be directed to Jenna Tague on 4429 3553.