

Clearing a declared tree can be **exempt**, **require a permit** or **require a development consent**.

“Clearing” includes pruning trees.

## **Exemptions**

Tree clearing will be exempt (and not require approval) if:

1. It is approved by a development consent

Contact Council’s duty planner or the Council officer who assessed the Development Application if you are not sure that the development consent authorises clearing.

2. Council has declared the tree to be a risk to life or property

To apply for a Council declaration that a tree is a risk to life or property please use Council’s Dead, Dying and Dangerous Tree Declaration Application Form. Upon payment of the applicable fee, Council aims to make a decision within three days.

3. Council has declared the tree to be dead or dying and not required for habitat,

To apply for a Council declaration that a tree is dead or dying and not required for habitat please use Council’s Dead, Dying and Dangerous Tree Declaration Application Form. Upon payment of the applicable fee, Council aims to make a decision within 14 days.

4. The pruning or removal is authorised by an emergency services organisation,

**In case of a life-threatening emergency please dial 000.** This emergency number may be used to report trees blocking traffic.

For non-life threatening emergencies involving trees in storms or flood, please contact the NSW State Emergency Service (SES) on 132500. The SES are exempted from requiring a permit for emergency management works.

For non-life threatening emergencies involving trees and bushfire, please contact the NSW Rural Fire Service (RFS) on 1800 NSW RFS (1800 679 737). The RFS are exempted from requiring a permit for emergency management works.

5. Limited pruning,

Pruning of a tree is exempt if:

- a) It does not remove a substantial part of the vegetation; or
- b) For trees and shrubs greater than 5m in height:
  - a. Pruning is undertaken by a suitably qualified arborist in accordance with Australian Standard AS4373-2007 Pruning of amenity trees and no more than 10 percent of the canopy cover is pruned annually, and
  - b. The pruning specification prepared under Australian Standard AS4373-2007 is held by the landholder for a period of two years, or
- c) For pruning of individual branches from any other tree less than 5m in height that overhangs a dwelling, formal driveway or path, where:
  - a. The pruning is to remove the overhanging branches,
  - b. The pruning does not alter the overall shape of the tree,
  - c. The branches removed are less than 100mm in diameter at the final cut, and
  - d. The final cut is at branch collar or appropriate growth point.

6. A permit from the NSW Rural Fire Service has been obtained or the clearing is exempt under the Rural Fires Act, 1997.

The NSW Rural Fire Service (RFS) can provide advice on clearing trees for bushfire protection purposes.

7. Exempt Species

A permit is not required to clear of any of the species listed on Council's Exempt Species List (attached) subject to the following conditions:

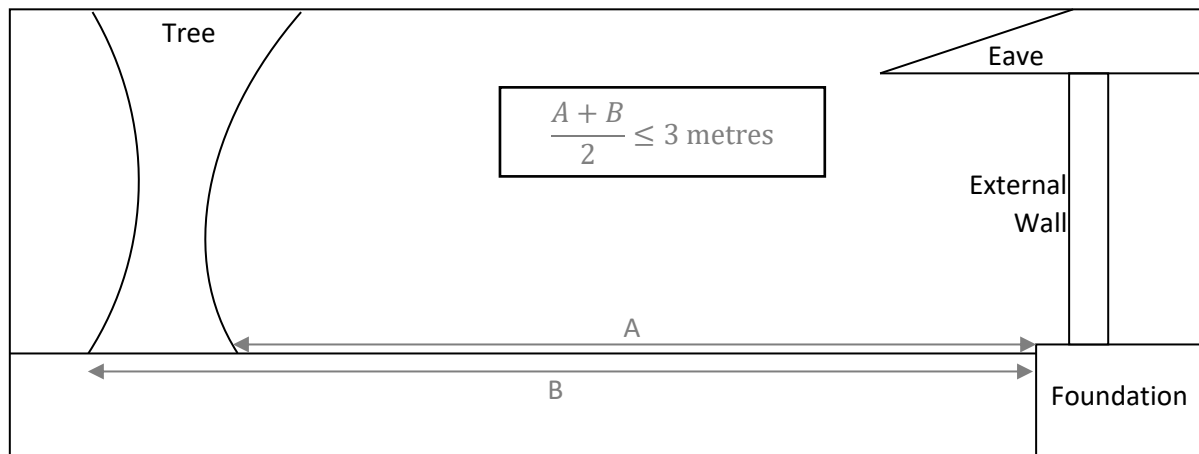
- a) Council being provided with a report from a suitably qualified arborist identifying the species of the tree(s) at least five business days prior to its removal, and
- b) The clearing does not disturb the soil profile and leaves roots intact in the ground.

8. Within 3m of certain buildings

A permit is not required to prune or remove a declared tree if the tree is located within 3m of a building that is Class 1 to 9 under the Building Code of Australia. This includes all types of dwellings as well as commercial, educational and industrial buildings. It does not include sheds, swimming pools, retaining walls, driveways and garden structures such as gazebos and cabanas.

For further information, please contact please contact Council's City Development Team on (02) 4645 4608.

This distance is measured from the foundation wall of the building to the centre of the trunk (see diagram below).



### Part of Another Development

Clearing that is part of another development, requires lodgement of a development application to Council. Council does not issue vegetation permits to allow other development to proceed under Part 4 of the Environmental Planning and Assessment Act 1979.

### Tree Permit

Clearing of up to 4 declared trees that are not exempt will require a tree permit. An application for a tree permit must include:

- a) Council's application form
- b) The fees for the application
- c) The written consent of all land owners
- d) A site plan, drawn to scale, showing the proposed clearing
- e) An arborist's report
- f) A report justifying the reason for removal (see below)
  - a. Damage to buildings → Structural Engineer's Report
  - b. Damage to pipes → Plumber's Report
  - c. Risk to powerlines → Advice from Endeavour Energy

Clearing of more than 4 trees that are not exempt will require a vegetation permit.

An application for a vegetation permit must include:

- a) Council's application form
- b) The fees for the application
- c) The written consent of all land owners
- d) A site plan, drawn to scale, showing the proposed clearing
- e) An arborist's report
- f) A report justifying the reason for removal (see below)
  - a. Damage to buildings → Structural Engineer's Report
  - b. Damage to pipes → Plumber's Report
  - c. Risk to powerlines → Advice from Endeavour Energy

### Further information

For more information please contact Council's duty planner.