

# Trees on Private Land



Trees have an important role in our community. They provide shade, habitat for wildlife and purify our air. Trees on private land are vital for the scenic amenity and health of urban areas and it is important that we foster their survival for the well being and enjoyment of future generations.

## What you need to consider if you want to prune or remove a tree on private land

If you are not the owner of the land, the first step is to approach the relevant owner for consent for removal or pruning of the tree. Even if Council approval is not required, it should not be assumed that the owner will automatically agree to the proposed works.

## Is approval required?

### Council Approval

Certain trees and locations require special consideration before tree removal or pruning occurs. Prior approval is required from Council if a tree is protected under the Tree Preservation Order 2004, Shoalhaven Local Environmental Plan or certain State Policies as described below. Therefore, you need to answer the questions below to see if one of these applies.

### Other Approval

If approval is not required under one of these then the tree may be protected under State or Federal legislation and you may need approval from one of the following Government agencies:

- Department of Environment and Conservation – matters relating to rare or threatened species or vegetation communities.
- Department of Infrastructure, Planning and Natural Resources – matters relating to removal of native vegetation.
- Environment Australia – matters relating to Commonwealth protected flora and fauna.

## Tree Preservation Order 2004

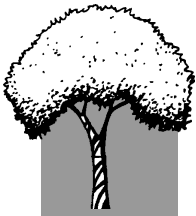
The Tree Preservation Order is designed to protect trees that are perennial plants with at least one self supporting woody or fibrous stem and more than –

- 5 metres tall; or
- 5 metres wide across the foliage crown; or
- having a trunk circumference more than 500mm measures at 1 metre above ground level.

If your tree does not meet the above description, please go to LEP section of this brochure to check if the tree is protected under another piece of legislation.

If the tree fits the definition above, the following questions must be answered to determine if an application is required under the Tree Preservation Order before the tree is pruned or removed.

- 1) Is the tree covered by a restriction applying to the land such as a restriction to user on the title or a condition of development consent that requires approval before the tree is removed?
- 2) Is the tree or the land it is on, a heritage item or in a heritage conservation area?
- 3) Is the tree on land within 20m of a creek, river, lake or other waterway?
- 4) Is the tree within 30m of a rural road boundary?
- 5) Is the land covered by Development Control Plan No. 62 (Residential Development in Foreshore Areas)?
- 6) Lands in the following Deposited Plans:  
8362, 8399 (zoned Rural only), 8590, 8591, 8592, 8769, 8770, 8771, 8772, 9063 (zoned 1(g) only), 9699, (zoned Rural only), 9897, 11629, 11388, 14958, 14959, 15559, 27575 (north of Woollamia Road), 27814, 29970 (Lots 76-106 only), 877898, 877899, 877900.
- 7) Is the tree a *Toona australis* (Red Cedar)? also known as *Toona ciliata*.



- 8) Is the tree on land supporting rainforest species as identified in the Illawarra Regional Environmental Plan 1986?

### LEP– Local Environmental Plan

- 9) Is the tree on land zoned Environment Protection?  
10) Is the tree on land zoned Rural 1(c)?  
11) Is the tree on land identified as Land of Ecological Sensitivity?  
12) Is the tree on land identified as a Scenic Preservation area?  
13) Is the land zoned rural and the tree located within 50m of the centreline of a watercourse or within 50m of the edge of a watercourse that is greater than 20m wide?  
14) Is the land zoned rural and the slope of the land more than 20% or 11°?  
15) Is the land affected by acid sulphate soils?  
16) Is the tree or the land it is on, a heritage item or in a heritage conservation area?

### State Environmental Planning Policies

- 17) Is the land classified as a SEPP 14 Wetland?  
18) Is the land identified as a SEPP 26 Littoral rainforest?  
19) Is the land identified as Critical Habitat under the Threatened Species Conservation Act 1995?

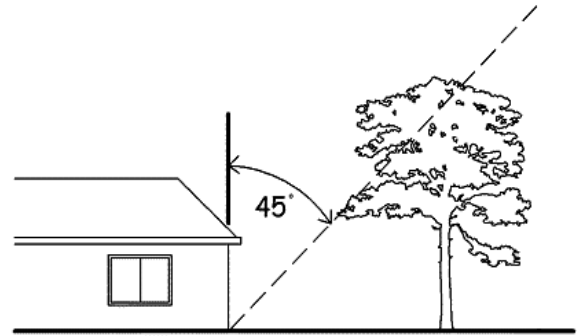
If you answered **YES** to **ANY** of the above questions then an approval is always required before tree works are undertaken.

If you have answered **NO** to **ALL** of the above questions, approval is still required unless one of the EXEMPTIONS listed below apply.

**If you have problems answering these questions please contact Council on telephone – 4429 3431.**

### When is Council approval not required?

Council approval is NOT required if you answered NO to ALL of the above questions (1-19) and the work meets one of the following EXEMPTIONS:



- Tree works on private land where any part of the tree is above a line 45° from the vertical extension of the wall of any building measured from its base.
- Tree works within 6 metres of an approved dwelling or 3 metres of an approved garage or outbuilding on residential land.
- Tree works within 12 metres of an approved dwelling or 6 metres from an approved garage or outbuilding or 6 metres of a rural fence on rural land.
- Tree works on land zoned Rural 1(a), 1(b) and 1(d) under Shoalhaven Local Environmental Plan 1985.

- Is the tree listed on the attached Exempt Species list?

If the tree does not meet one of these exemptions, and is not described below, then it will require approval from Council before pruning or removal.

- Crown Maintenance in accordance with Australian Standards – ie. up to 10 % in any year.
- Tree works carried out by Council or a public authority,
- Tree works covered by a Council approval.
- Tree works undertaken to prune or remove a dangerous tree posing an immediate risk to persons or property, where the Council has been notified within 14 days of the works, eg. after a severe weather event or wind storm.

Works that do not require Council approval may still require approval or assessment in accordance with State or Federal legislation.

**For more information please contact Council on telephone – 4429 3431 or the relevant State Government Agency**