

APPLICATIONS FOR TREE WORKS

When applying for Council permission for works to trees, be aware that State legislation also applies, such as the State Environmental Planning Policy 2017 (Vegetation in Non Rural Areas) and Rural Fires Act 1997 (RFS Act).

Council's Tree Management Policy applies overarching guidance for tree works over provisions in Local Environment Plans (LEP's) and Development Control Plans (DCP's).

1. When is an Application for Tree Works Needed?

- a) Work to any part of a tree, above or below ground, needs approval. A tree is defined as having a;
 - i) Height of 3m or more; or
 - j) Circumference of 300mm or greater when measured at 450mm from the ground; or
 - k) Branch spread of 3m or more.

2. Is a Permit Application or Development Consent Needed?

- a) A DA is needed for heritage listed trees or trees located on heritage listed properties, trees classified as threatened species under the Biodiversity Conservation Act 2016 (BC Act), or trees associated with development activities that aren't exempt development.

- b) In any other case, a tree permit application is required.

3. Trees and Views

- a) Council aims to ensure public views are maintained for all of the community. Council considers trees as forming or framing a public view and that no one person owns a view.
- b) Council may not prune or approve the pruning of a tree to create a new view. View pruning will only be considered where it is requested to retain a previously established view and there is a history of the identified tree(s) being pruned to restore the pre-existing view.
- c) Where a private view is likely to be affected by the planting or replacing of trees in a street or park, Council will continue its policy that no individual exclusively owns a view, but rather that the amenity provided by trees outweighs the amenity of views.

4. Does the tree need pruning or removing?

- a) Structural pruning in immaturity can prevent damage from falling trees or branches. Council qualified arborists conduct inspections following assessment criteria before providing a rejection or recommendation for pruning or removal. It is recommended to consult an AQF5 qualified arborist prior to submitting a tree permit application.

5. Requests for Works to a Street Tree

- a) The pruning of street trees can be instigated by Council or can be requested by the community. Requests for removal of a street tree are to be lodged by the resident whose property adjoins the tree (i.e. the tree is located on the verge adjoining the residents property).

6. Trees and Pipes

Tree roots can sometimes impact sewer and stormwater pipes. It is important to first establish the cause of the problem and who is responsible for rectifying it.

- a) Property owners are responsible for services to and from their property. This includes sewer and stormwater pipes that run under public land.
- b) Most commonly, cracking in old terracotta pipes is the cause of failing pipes. Before approaching Council, it is advised to obtain a report from a **licensed plumber**. The report must be a balanced and objective assessment of the problem and is to include:
 - i. Exact site of suspected blockages in relation to location of the tree
 - ii. Documented history of previous blockages together with photographic evidence of roots retrieved
 - iii. Objective assessment as to the age and condition of the affected pipes
 - iv. Details of the alleged damage and point of entry of tree roots. CCTV drain camera evidence must be included to show damage and presence of tree roots within pipes or drain. The evidence must conclusively show the significant damage has initially occurred as a direct result of the tree.

v. Balanced and objective discussion of practical methods of preventing further blockages, e.g. replacing affected section of pipeline; re-lining of pipe.

7. Trees on Neighbouring Properties

Council does not have power to resolve tree disputes between neighbours, nor does it mediate in disputes. It is the responsibility of both neighbours to find a resolution. There are several options available to find a resolution. These include; discussing the matter directly with your neighbor, applying to council to prune branches (only over the boundary line of your property), seeking mediation and/or obtaining legal advice. Community Justice Centres can assist in mediation of tree disputes.

- a) Applications to prune or remove trees beyond the boundary line of your property need written consent of the tree owner as a signatory on the tree permit application.
- b) If mediation through a Community Justice Centre is unsuccessful, an application can be made to the Land and Environment Court under the *Trees (Disputes between Neighbours) Act 2006*.

8. Is an Arborist Report or Structural Engineer's Report Needed?

An arborist report can assist a tree permit application. A comprehensive report prepared by an AQF5 qualified arborist will enable Council's assessment process to be expedited.

Guidelines on what is needed in an Arborist or Structural Engineer's Report can be found in Appendix 2 of Council's Tree Management Policy.