

## Tree Management – Frequently Asked Questions

### Can I prune or remove a tree on my property?

In Georges River Council, a tree is defined as having a:

- Height of 3 metres or more, or
- Circumference of 300mm (or greater) when measured at 450mm above the ground or
- Branch spread of 3 metres or more.

Works to any part of a tree, including tree roots, will require approval.

There are two types of applications to gain approval:

- [Tree Removal or Pruning Application](#)
- [Development Application](#)

A [Tree Removal or Pruning Application](#) is the most common form of approval. It involves filling out an application form and paying the associated fees. A Council arborist will inspect the tree and make a determination.

A [Development Application](#) is only required when trees are:

- Located on a heritage listed property or significant tree register
- Classified as being part of a vulnerable, threatened or endangered ecological community or has the potential to provide habitat for native fauna under the [Biodiversity Conservation Act 2016](#)
- Associated with development/building activities. This does not apply to exempt development. In these cases a [Tree Removal or Pruning Application](#) is required.

**Please note:** there are some exemptions to this.

### What are the exemptions?

Works to trees that **do not** require approval include:

- Any tree that is under 3 metres in height and has a branch a branch spread of less than 3 metres.
- Works to [undesirable species](#); Bamboo, Cocos Palm, Coral Tree, Rubber Tree, Silky Oak,

Oleander, Lombardy Poplar, Common Willow, Umbrella Tree, Privet, Tree of Heaven, Wild Olive/African Olive, Leighton Green, Honey Locust, Black Mulberry, Rhus Tree and Cootamundra Wattle.

- Fruit trees (except for native species such as Macadamia).
- Trees recognised as weeds under the Biosecurity Act 2015
- Dead trees – evidence must be kept and provided on request. Evidence would include arborist report, photos etc.

For further information please refer to [Council's Tree Management Policy](#).

**Note:** Persons that carry out works to trees (that are exempt) are encouraged to keep suitable evidence to prove the size, condition and species of the tree and the works undertaken in the event of a subsequent inspection by Council.

### How do I get a permit to prune or remove a tree?

- Fill out a [Tree Pruning and Removal Application Form](#). All property owners need to sign the form.
- Pay the associated [fees](#).

### How long does it take to get a permit?

Typically within 28 days.

When Council receives an application to prune or remove a tree, a Council arborist will assess the application. A tree assessment will be undertaken which will include an onsite visual tree assessment.

If permission is granted, a written permit will be issued by Council. This permit will include clear instructions about exactly what type of work can be completed and regulations you need to comply with.

Once your permit is received, you can organise the works to be done. Council will not recommend any companies to carry out tree works.

It is your responsibility to ensure the works are completed safely and to engage appropriately qualified contractors where necessary.

### **My application was denied. What can I do now?**

You can request a review of a tree application. The review process has 2 stages.

- **Stage 1 Review** is performed by an alternate Council Officer.
- **Stage 2 Review** is performed by an Internal Review Panel.

**Note:**

- The review must be lodged within 6 months of the date of determination.
- The review must be accompanied by additional information or report(s), not already provided, in support of the application. This may include reports from an appropriately qualified arborist, plumber or structural engineer.
- A fee applies to reviews on previous tree determinations.

### **My neighbour's tree overhangs my property. Can I prune it?**

It is always best to approach your neighbour and speak to them about any issues you may have with their tree.

Under Common Law, neighbours have the right to prune the branches of a tree overhanging their property.

If the tree is less than 3 metres high and has a branch spread of less than 3 metres you do not need Council permission but you can only prune to your property boundary, no further.

If the tree is 3 metres high or has a branch spread of 3 metres or more, Council permission is required. You must lodge an [Application to Prune or Remove a Tree](#) and get this signed by your neighbor.

To prune larger trees correctly, it is often necessary to prune branches back to the trunk, on your neighbour's property. This is why your neighbour's signature is required on the application.

If your neighbour does not sign your application, you can still submit the form to Council and an

assessment will be made for pruning of overhanging branches only, where this is possible.

Any costs associated with the tree works or waste removal is a civil matter and must be resolved between neighbours.

### **What happens if my neighbor refuses to sign the Tree Removal or Pruning Application Form?**

Council does not have the authority to direct a neighbour to prune or remove a tree that is growing onto your property. This is a civil matter and must be resolved between neighbours. Council does not mediate in disputes.

If your neighbour does not sign your [Tree Removal or Pruning Application form](#), you can still submit the form to Council. The associated fees will need to be paid and Council will send a letter to your neighbour regarding your application.

Without an owner's signature, Council is only permitted to assess the tree for pruning works. Applications to remove a tree must be signed by the owner of the tree.

### **How can I resolve a tree dispute with my neighbour?**

There are several options available to find a resolution for tree disputes. These include; discussing the matter directly with your neighbour, seeking mediation and/or obtaining legal advice.

Seeking mediation - if your neighbour does not agree with your proposal, or you cannot agree on who is responsible for paying pruning or removal costs, you can seek mediation. Trained mediators can help neighbours achieve an outcome that is satisfactory to all parties. This service can be provided by the [Community Justice Centre](#).

The [NSW Tree Disputes Act 2006](#) applies to trees and hedges that are located on private land. The Tree Disputes Act seeks to provide a clear system for the resolution of certain commonplace disputes about trees and hedges. You may wish to obtain independent legal advice if you believe the tree is creating a legal nuisance.

### **How can I find out who owns the property next door so that I can arrange an application to remove a tree?**

In accordance with privacy laws, Council can provide this information for this purpose.

You will be required to fill out an [Informal Access Application](#) (GIPA form). Proof of your identity is required.

### **Can I remove or prune a tree on the nature strip?**

No. Nature strips are part of the road reserve and are public land. Only Council can remove or prune public trees, pick up fallen branches and plant trees on the nature strip.

If trees on the nature need pruning or removal, please lodge [a service request](#) through our website.

### **Can I request a tree to be planted on the nature strip?**

We welcome requests to plant new street trees. New street tree requests can be lodged by the resident whose property adjoins the proposed tree. Please lodge [a service request](#) through our website.

Council manages over 26,000 street trees throughout the local government area. Our street trees are valuable assets which create habitat, help manage air pollution, enhance the public domain and create canopy cover which offers shade and beautifies our urban environment.

Council undertakes an annual street tree planting program to increase and enhance our urban tree canopy. New street trees are typically planted between March and September to allow establishment in the cooler months.

### **What can I do if a Council tree is causing damage to my property or pipes?**

Roots or branches from Council trees may cause damage to your property and to your underground pipes. Council's ownership of the tree does not create an automatic liability in the event of a tree causing damage.

General maintenance and replacement of sewer and stormwater lines due to age, ground settlement, natural 'wear and tear' and other factors are the responsibility of the landowner. This includes maintaining the flow of stormwater from the property to the street.

Trees roots are opportunistic in their search for water and nutrients and do not typically damage and enter well maintained and sealed pipes.

To make a claim, please lodge an [Incident Report Form](#) and provide supporting evidence of the damage to your property. Supporting evidence may include; a report from a licensed plumber, arborist or engineer, sewerage diagram, photographs and quotations or invoices for repair works. Your claim will be processed by our claims staff and may be provided to Council's insurer for assessment.

### **Who is responsible for private trees overhanging Council land?**

Where private trees overhang Council property, footpaths or roadways, the maintenance of the tree is regarded as the private land owner's responsibility and the owner should undertake pruning when requested by Council.

If the owner does not comply with a request, an order for the pruning of overhanging branches can be issued by Council – especially if there is threat to life or property. Council may also undertake the necessary tree works and then recover the cost of the works from the tree owner.

## **Why won't Council allow a tree to be pruned or removed?**

Council may not grant approval to remove or prune trees for the following reasons:

- Improve a view
- Solar access
- Minor damage to driveways and paths
- Shedding of leaves, fruit, bark and small branches as part of the normal living function of the tree.
- Reduce litter from fauna naturally inhabiting the tree.
- Reduce blockage to pipes, sewer or drainage lines – where the roots of trees have entered the drainage or sewer systems that is found to be in poor condition or disrepair.

The NSW Land & Environment Court has established that the dropping of leaves, flowers, fruit, seeds or small elements of deadwood by trees will not ordinarily provide grounds for tree removal.

The benefits of having trees in an urban environment outweighs the issues caused by keeping surrounding residents homes and streets clean.

## **What action does Council take if a tree is removed, pruned or damaged without consent?**

Council places a strong emphasis on protecting trees within the local government area, and we have Tree Management Processes in place, which are designed to protect and enhance the urban tree canopy.

Council regularly prosecutes offenders for activities that remove or damage trees without authority.

Penalty infringement notices may be issued by Council for minor offences, while more serious acts of vandalism may result in further action being taken through the Local Court or the Land and Environment Court.

The [Environmental Planning and Assessment Act 1979](#) provides that the maximum offence in the Court is \$500,000 for an individual and \$2 million for a corporation.

## **What can I do if I suspect a tree is being removed, pruned or damaged without Council' consent?**

Please contact Council's Customer service call centre or lodge a service request. Staff will advise if a permit has been issued for the works to be carried out.

Council will accept, and act upon, information provided anonymously, however, if a Penalty Infringement Notice is challenged, the chances of a successful prosecution are very low in the absence of a witness who is prepared to give evidence.

For this reason Council must dedicate resources to those cases that will provide the highest likelihood of a successful prosecution.

Council encourages customers to leave contact information when reporting suspected tree offences.

The following supporting information is also useful to assist the investigating officers:

- Location and address
- Photos and videos, including clear photos of the tree to allow the species to be identified
- Accurate account of dates and times of activities.

You must exercise discretion when obtaining information to support your request. You must not trespass or act in any manner that is unlawful.

