

# FACT SHEET



- What tree removals do the exemptions cover?

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- 1. Trees and buildings.** Removal of a tree or other form of native vegetation that is located within **3 metres** of an existing lawfully constructed dwelling or primary access driveway. (In this case distance is to be measured from the external part of the trunk of the tree to the building).
- 2. Trees and consented buildings.** Removal of a tree or other form of native vegetation that is located within 3 metres of a building or access driveway authorised by development consent. (In this control a tree is to be measured from the external part of the trunk of the tree to the building). For the purposes of this exemption a complying development certificate is **NOT** a development consent.
- 3. Dying or dead trees.** Removal of any tree or other form of native vegetation that Council is satisfied is dying or dead and is **not required as the habitat of native fauna**. The owner of the land (or persons acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including photographs from an arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation is dying or dead.
- 4. Dangerous trees.** Removal of a tree or other form of native vegetation that Council is satisfied is a significant, imminent risk to human life or property. The owner of the land (or persons acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including photographs, from an arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation poses an immediate danger to people or property.
- 5. Legislative approvals.** Removal of a tree or other form of native vegetation being carried out under the following legislation:
  - a. Action required, or authorised to be carried out under the *Electricity Supply Act 1995*, the *Roads Act, 1993* or the *Surveying and Spatial Information Act 2002*.
  - b. The Clearing of Native Vegetation that is authorised by a development consent or a Property Vegetation Plan under the *Native Vegetation Act, 2003*.
  - c. Functions as required to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods and storms under the *State Emergency Services Act, 1989*.
  - d. Tree works for which an order or permit has been issued by the NSW Rural Fire Services under the *Rural Fires Act, 1997*.
  - e. Any tree removal authorised for removal from the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice for NSW.
  - f. Trees on Crown Lands within the meaning of the *Crown Lands Act, 1993* or on crown public roads within the meaning of the *Roads Act, 1993*, where removal is being undertaken or authorised by the Department of Lands.
  - g. Any clearing carried out in accordance with an order under the *Trees (Disputes between Neighbours) Act, 2006* or other like neighbourhood dispute legislation.
- 6. Pruning.** Trees or other form of vegetation to be pruned as part of routine pruning of fruit trees, or commercial horticulture or forestry operations.
- 7. Amenity Pruning** within Australian Standards AS4373-2007 Does not require Council approval, unless the tree is located on a heritage property, in a Heritage Conservation Area or the tree is an identified Significant Tree