

<b>POLICY:</b>	TREE PRESERVATION AND MANAGEMENT POLICY
<b>DATE ADOPTED:</b>	Director Environmental Planning & Building Services Meeting Report#1, Council 16 December 2013 Minute Book No. 11690-11691
<b>ORIGINAL ADOPTION:</b>	Director Environmental Planning & Building Services Report#10, Council 30 March 2005 Minute Book No. 9495
<b>FILE REFERENCE:</b>	10.00004
<b>OBJECTIVE:</b>	To protect, preserve, manage and enhance the environmental amenity, special landscape characteristics and the ecological values of trees within Heritage Conservation areas of the Bathurst Regional Local Government Area (LGA).

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## 1. OBJECTIVES OF THE POLICY

The objectives of this Policy are to:

- To define Council's responsibilities and requirements with respect to the protection, retention and enhancement of trees covered by this Policy.
- Protect trees within Heritage Conservation areas of the Bathurst Regional Local Government Area as identified in Schedule 5 of the Bathurst Regional Local Environmental Plan (LEP) 2014.
- Identify trees that may be pruned or removed without a Tree Permit.
- Protect and enhance native vegetation, habitat for native fauna and biodiversity within the Bathurst region.
- Conserve trees of ecological, heritage, aesthetic, cultural and local significance.
- Detail requirements for the submission of sufficient and relevant information by applicants, and rights of appeal against Council's decisions.

## 2. DEFINITIONS

The following definitions apply to the Tree Preservation and Management Policy:

**Arboriculture** means cultivating and managing trees as individuals and in small groups for amenity purposes.

**Arborist** means a qualified person who has attained a minimum of a Certificate (**Level 3**) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework, and is specifically employed to prune and remove trees.

**Authorised Officer** means a Council Officer responsible for assessing and administering Tree Preservation Permits, or the Manager Recreation.

**Bushfire hazard reduction work** has the same meaning as in the Rural Fires Act 1997.

**Consulting Arborist** means a qualified Arborist who has attained a Diploma (**Level 5**) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework.

**Crown** means that part of any single tree containing the branches, leaves, flowers and fruit that is the entire area of the foliage supported by the branches.

**Dead tree** means any tree that is no longer capable of performing any one of the following processes:

- a) Photosynthesis;
- b) Take up of water through the root system;
- c) Hold moisture in its cells; or
- d) Produce new shoots.

**Destroy** means any activity leading to the death, disfigurement or mutilation of a tree.

**Dripline** means a line formed around the outer perimeter of the crown.

**Exempt tree** means a tree (excluding a tree within the curtilage of a Heritage Item) which is any of the following:

- a) The following table provides a list of trees which are exempt:

<b>Exempt Tree List</b>	
<b>Botanical name</b>	<b>Common name</b>
Eucalyptus nicholii	Narrow Leaved Black Peppermint
Acacia Spp	Wattles
xCupressocyparis leylandii	Leylandii Pines (all varieties)
Salix Spp	Willow
Ligustrum lucidum	Privet
Robinia pseudoacacia	Robinia
Gleditsia triacanthus	Locust
Populus Spp	Poplars

- b) A noxious weed under the Noxious Weeds Act 1993.
- c) A dead tree.

**Habitat tree** means any tree which is a nectar feeding tree, roost and nest tree or a hollow-bearing tree which is suitable for nesting birds, arboreal marsupials (possums), micro-bats or which support the growth of locally indigenous epiphytic plants such as orchids.

**Height** means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

**Injury** means damage to a tree and includes:

- a) lopping and topping;
- b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar, etc onto the root zone or parts of the tree;
- c) cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism;
- d) ring-barking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches;
- e) damaging a tree's root zone by compaction or excavation, asphyxiation including unauthorised land filling or stockpiling of materials around the tree trunk;
- f) underscrubbing, unless carried out by hand tools such as brushcutters and the like.

**Noxious weed** means a plant declared noxious under the Noxious Weeds Act 1993.

**Prescribed tree** means any woody plant which is:

- a) greater than nine (9) metres in height; or
- b) has a stem diameter of one (1) metre or more at a height of one (1) metre from the ground; or
- c) has a branch spread of fifteen (15) metres or more; or
- d) is not an exempt tree.

and to which clause 5.9 of the Bathurst Regional Local Environmental Plan 2014 applies.

**Private land** means any land in private ownership by individuals or companies but excludes land owned or in the care, control or management of Council, a Crown Authority, government department or statutory authority.

**Pruning** means the removal of any branch or root, dead or alive, from a tree which conforms to the pruning types defined within the Australian Standard AS4373 Pruning of Amenity Trees. The pruning types are: dead wooding, crown thinning, selective pruning, formative pruning, reduction pruning, crown lifting, remedial pruning and line clearance, but excludes lopping or topping.

**Remnant tree or vegetation** means a native tree or any stand of native vegetation which remains in the landscape after removal of the majority of the native vegetation in the locality.

**Remove** means to cut down, take away or transplant a tree from its place of origin.

**Tree** means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

### 3. APPROVALS

Clause 5.9 of the Bathurst Regional Local Environmental Plan 2014 states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree to which section 13.2 of the Bathurst Regional Development Control Plan 2014 applies, without development consent or a permit being granted by Council.

Any work where root severance or grade changes within the root zone of a prescribed tree is likely, then an application for a Tree Permit must also be submitted.

In accordance with section 13.2 of the Bathurst Regional Development Control Plan 2014, the Tree Preservation and Management Policy covers the following sites/locations:

- a) all heritage items as listed under schedule 5 of the Bathurst Regional Local Environmental Plan 2014, and
- b) all Heritage Conservation areas within the Bathurst Regional Local Government Area, being:
  - Bathurst Heritage Conservation Area
  - Evans Plains Heritage Conservation Area
  - Hill End Heritage Conservation Area
  - Kelso Heritage Conservation Area
  - Peel Heritage Conservation Area
  - Perthville Heritage Conservation Area
  - Rockley Heritage Conservation Area
  - Sofala Heritage Conservation Area
  - Trunkey Creek Heritage Conservation Area
  - Wattle Flat Heritage Conservation Area
  - West Bathurst Heritage Conservation Area

Outside the identified Heritage Conservation areas, a tree permit is not required to remove, lop or prune a tree.

Three processes have been established to deal with the assessment and determination of applications for the removal, lopping and pruning of trees:

- a) Prescribed Tree Permit Application; or
- b) Exempt Tree Notification Form; or
- c) Development consent as part of a development application.

### 4. PRESCRIBED TREE PERMIT APPLICATION

A prescribed tree permit application **must** be lodged with Council to ringbark, cut down, top, lop, remove, injure or wilfully destroy any **prescribed tree** located in a heritage conservation area (not a listed Heritage Item).

A Prescribed Tree Permit Application Form, signed by the owner of the land where the tree is located and any other relevant property owner(s), is to be lodged with Council prior to the removal of the prescribed tree.

**Note 1:** A copy of your drainage diagram may be obtained from Council and used as the site plan for your prescribed tree permit application.

**Note 2:** Where a property forms part of a Strata Plan under the Strata Schemes (Freehold Development) Act 1973, or the Strata Schemes (Leasehold Development) Act 1986, or a Community Title Scheme (under the Community Land Development Act 1989), the written consent of the Body Corporate and their common seal is required. This authorises the lodgement of the application for the specific type of works to be undertaken.

**Note 3:** Where a tree is growing on a common property boundary the ownership will need to be determined by the relevant parties, for example by survey.

**Note 4:** Removal of the tree is not permitted until a permit or Development Application has been issued by Council.

## 5. EXEMPT TREE NOTIFICATION FORM

An exempt tree notification form is to be lodged with Council to remove, lop, top or cut down an **exempt tree** that:

- a) is greater than nine (9) metres in height; or
- b) has a stem circumference of one (1) metre or more at a height of one (1) metre from the ground; or
- c) has a branch spread of fifteen (15) metres or more.

**Note 1:** A copy of your drainage diagram may be obtained from Council and used as the site plan for your prescribed tree permit application or exempt tree notification form.

**Note 2:** Where a property forms part of a Strata Plan under the Strata Schemes (Freehold Development) Act 1973, or the Strata Schemes (Leasehold Development) Act 1986, or a Community Title Scheme (under the Community Land Development Act 1989), the written consent of the Body Corporate and their common seal is required. This authorises the lodgement of the application for the specific type of works to be undertaken.

**Note 3:** Where a tree is growing on a common property boundary the ownership will need to be determined by the relevant parties, for example by survey.

**Note 4:** Removal of the tree is permitted upon lodgement of the Exempt Tree Notification Form with Council. A permit is not issued by Council for exempt trees.

**Note 5:** It is the property owners' responsibility to:

- a) ensure that the species of tree that is to be removed is the species identified in the definition of an exempt tree.
- b) seek the advice of a qualified arborist or horticulturalist to confirm the species, and
- c) provide evidence of the species by photograph attached to the document; "Exempt Tree Notification Application" form, prior to the removal of the tree.

## 6. DEVELOPMENT CONSENT

An application for the removal of a **prescribed tree** may be lodged concurrently with a development application. A Development Application is also required for the removal of **any tree (prescribed or exempt)** within the curtilage of a Heritage Item listed on either Schedule 5 of the Bathurst Regional LEP 2014 or the State Heritage Register.

Accompanying a Development Application, the following information is required:

- a) A site plan of the site showing the location of the tree(s) to be removed or pruned, include location of any building(s).
- b) An Arborist's report, where in the opinion of Council, such a report is warranted.
- c) A Statement of Heritage Impact, where in the opinion of Council, the tree's removal is likely to have a significant impact on the Heritage Item or the Heritage Conservation Area.

**NOTE:** Removal of the tree is not permitted until the Notice of Determination for the Development Application has been issued by Council.

## 7. EXCLUSIONS

The following list defines works that do not require a Prescribed Tree Permit, an Exempt Tree Notification or development consent for their removal, lopping or pruning:

- a) Tree(s) that are less than nine (9) metres in height, have a trunk circumference of less than one (1) metre when measured at a height of one (1) metre from the ground and has a branch spread of fifteen (15) metres or less.
- b) Any works to a Prescribed Tree carried out by, or on behalf of, Bathurst Regional Council.
- c) Prescribed Tree(s) that require pruning in accordance with the provisions of Section 48 of the Electricity Supply Act 1995 and the Electricity Supply (General) Regulation 2001. This exclusion does not apply to tree trunks, only to branches up to 50mm in diameter and within 1 metre of private service lines.
- d) Where bushfire hazard reduction work is undertaken as authorised by the NSW Rural Fire Service under the Rural Fires Act 1997.
- e) Any works to make safe a Prescribed Tree where there is an immediate threat of injury to persons or damage to property provided that contact has been made with Council's Authorised Officer and verbal approval has been provided, or to comply with a direction from an Emergency Service directive. Evidence must be provided by an Arborist at the earliest possible time following the elimination of the threat.

Note: This does not negate the need for an application to be submitted at the earliest opportunity upon the elimination of the threat of injury or damage.

- f) The pruning and deadwood removal of a prescribed tree that is undertaken in accordance with AS4373 Pruning of Amenity Trees, and undertaken for the purpose of preserving the tree structure, health and amenity.

## 8. ADDITIONAL INFORMATION REQUIREMENTS

Council may require additional supporting information (at the applicant's cost) for a Prescribed Tree Permit Application or for a Development Application, which may include, but not be limited to, the following:

- (a) Arborist's report;
- (b) Tree survey;
- (c) Flora and fauna impact assessment
- (d) Geotechnical or structural engineer's report;
- (e) Plumber's report;
- (f) Details of proposed root barriers;
- (g) Medical certificate from a clinical immunologist/allergy specialist in cases where the removal or pruning of a tree is requested due to quality of life health issues (e.g. allergies);
- (h) Survey of property boundary to determine ownership of the tree(s);
- (i) Statement of Heritage Impact.

Sewerage pipe damage - Any roots causing damage to a pipe must be retrieved and identified, and documented evidence offered relative to the specific identification of the culprit tree from where the roots originated. In cases where a tree has caused damage to a sewer, the application must include written evidence from a licensed plumber stating the extent of the problem. This is necessary given that damage to a sewer is often unidentifiable from the natural ground surface level.

Structural damage by roots (heave, matrix suction) – any roots causing structural damage to a driveway, foundation, slab etc must have supporting evidence provided relative to the identification of the culprit tree responsible for the damage. Evidence may include, but not be limited to, root mapping (ground penetrating radar, air spade), or laboratory root identification (microscopy, DNA).

## 9. INSTALLATION OF SOLAR PHOTO VOLTAIC PANELS & HOT WATER SYSTEMS

Where a Prescribed Tree Permit Application or Development Application is lodged requesting removal or pruning of tree(s) for the installation of solar PV panels or solar hot water systems, Council will require a preliminary assessment from the installers outlining the extent that the tree(s) will impact upon the PV panels, taking into account summer and winter sun elevations.

Further evidence in the form of shadow diagrams prepared by an architect/draftsman who is unrelated to the installation process may be required.

Council will then make an assessment of the tree(s) taking into consideration the health, structure, and significance of the tree(s) e.g. outstanding specimen tree, locally significant species.

If the tree(s) are considered to be of local or regional significance to the area by Council's arborist, an alternative location for the installation of solar panels may need to be investigated.

If the tree(s) are considered to be healthy and structurally sound but of little significance to the local amenity and environment, Council may allow the removal of the tree(s) upon receipt of documentation that the solar panels have been installed. The significance of a tree should be determined by lodging a Prescribed Tree Permit or Development Application prior to the installation of any solar PV panels or solar hot water system.

## **10. ARBORIST REPORTS**

An arborist report may be required in the following circumstances to support a Prescribed Tree Permit application or Development Application:

- (a) Any proposed removal of trees considered by Council to be locally significant species.
- (b) Any proposed removal of trees or vegetation which constitutes a threatened flora species, endangered population, endangered ecological community under the Threatened Species Conservation Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999; or
- (c) Where, in the opinion of Council, the proposed works may result in adverse impacts upon the scenic environmental quality or amenity of the locality; or
- (d) Where a Development Application under the Environmental Planning and Assessment Act 1979 involves more than five (5) trees and/or other vegetation or where proposed works may impact upon a neighbouring tree or trees located outside of the area proposed for works.

An arborist report is to be prepared by an arborist and contain the following information in accordance with AS 4373 Pruning of trees and AS4970 Protection of trees on development sites:

- a) Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting.
- b) Who the report was prepared for, the date of the report, property address and the aims of the report.
- c) Methods and/or techniques used in the inspection.
- d) A scaled plan accurately showing:
  - i). Location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered. Any arborist report provided for the purpose of supporting a development application must include a tree plan (site plan) which has been drawn by a registered surveyor.
  - ii). Lot boundaries, dimensions and north point



- iii. Proposed development including services, driveways and any alteration to existing levels and drainage.
- e) For each tree to be injured, a table showing:
  - i) The number of the tree as indicated in the plan.
  - ii) Tree name, botanical and common name.
  - iii) Age class.
  - iv) Height.
  - v) Trunk diameter at one (1) metre above ground level.
  - vi) Crown spread.
  - vii) Health and condition, and estimated useful life expectancy.
  - viii) Photograph of the tree.
  - ix) A recognised tree rating system such as SRIV, TREE-AZ or SULE.
- f) A discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and tree hazard assessment.
- g) Proposed replacement plantings, landscaping and soil remediation.
- h) Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved.

A consulting arborist report is required to be provided to Council in the following circumstances:

- (a) To support an appeal of the determination or the conditions imposed on a Prescribed Tree Permit application or
- (b) A request for a review of a determination of a Development Application made in accordance with section 82A of the Environmental Planning and Assessment Act 1979.

A consulting arborist report is to be prepared by a consulting arborist and contain the following information in accordance with AS 4373 Pruning of trees and AS4970 Protection of trees on development sites:

The consulting arborist report is to be in the following format:

- a) Name, address, telephone number, qualifications and experience of the arborist carrying out the inspection and reporting.
- b) Who the report was prepared for, the date of the report, property address and the aims of the report.
- c) Methods and/or techniques used in the inspection.

- d) A scaled plan accurately showing:
- i) Location of trees on the subject site and any adjoining trees which may be affected by the development. Trees identified on this plan should be numbered. Any consulting arborist report provided for the purpose of supporting a development application must include a tree plan (site plan) which has been drawn by a registered surveyor.
  - ii) Lot boundaries, dimensions and north point.
  - iii) Proposed development including services, driveways and any alteration to existing levels and drainage.
  - iv) The Tree Protection Zone and Structural Root Zone as determined by the consulting arborist.
- e) For each tree to be injured, a table showing:
- i) The number of the tree as indicated in the plan.
  - ii) Tree name, botanical and common name.
  - iii) Age class.
  - iv) Height.
  - v) Trunk diameter at one (1) metre above ground level.
  - vi) Crown spread.
  - vii) Health and condition, and estimated useful life expectancy.
  - viii) Photograph of the tree.
  - ix) A recognised tree rating system such as SRIV, TREE-AZ or SULE..
- f) A discussion of other relevant information, including details of tree hollows for wildlife, tree structure/weaknesses, root form and distribution, pests and diseases and tree hazard assessment.
- g) Proposed replacement plantings, landscaping and soil remediation.
- h) Tree protection measures and a post-construction tree maintenance program which can be used as conditions, should the application be approved.
- i) Sources of information referred to in the report.
- j) Any other relevant matters.

## NOTE:

With respect of either an arborist report or a consulting arborist report, any tree or part of a tree recommended for removal which contains a hollow that is likely to house arboreal wildlife (such as possums, sugar gliders, etc.) or is likely to be a potential nesting site for birds, will require an experienced wildlife handler (for example, a member of the Native Animal Network Association or WIRES) to be present at the time of pruning/removal to re-accommodate any displaced wildlife. Nesting boxes are recommended to be installed within the closest retained trees for any animals removed. At least one nest box is recommended for installation for each hollow removed that has been considered to have accommodated wildlife (irrespective of whether the hollow had an animal in it at the time of removal/assessment).

**A letter signed by the wildlife handler is required by Council after the removal/pruning exercise as confirmation that the handler was present at the time of removal/pruning.**

## **11. PROCESSING OF APPLICATIONS**

A prescribed tree permit application will generally be processed within twenty-one (21) working days from the date of receipt of the application form together with all supporting documentation, including the application fee. The application fee will be determined in accordance with Council's adopted fees and charges.

A written permit will be provided for all approved prescribed tree permit applications authorising the scope and nature of permitted works. In the case of an application being refused the reasons for refusal will be detailed in a letter to the applicant.

For each tree that is granted approval for removal, a minimum of one (1) replacement tree will be required to be planted within the property, unless Council's authorised officer determines otherwise.

## **12. ASSESSMENT CRITERIA USED TO DETERMINE APPLICATIONS**

Council may take into consideration any or all of the following criteria when assessing an application for the removal of a prescribed tree:

- (a) Potential life of the tree – whether the tree is senescing or declining.
- (b) Whether the tree is causing structural damage to a building, structure, pipe or sewer.  
Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident.
- (c) Whether the tree is severely stressed, diseased or is suffering insect damage and without the opportunity for mitigation.
- (d) Whether the growth habit or mature size of a tree is undesirable in a given situation (e.g. power lines, root interference with service, infrastructure or building).
- (e) Whether the tree shows poor form, shape and/or vigour typical to the species.
- (f) Where the branches are dangerous and overhanging a building or an adjoining property. In this case, the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.

- (g) Whether the tree species is appropriate in terms of its proximity to dwellings, adjoining dwellings or other buildings.
- (h) Whether the clearing or removal of the tree or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitats (Threatened Species Conservation Act 1995).
- (i) Whether the tree species is of regional significance (i.e. identified regionally as a rare species due to heavily cleared or under-represented vegetation community).
- (j) Whether the tree is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species.
- (k) Whether the removal of the tree(s) will pose any adverse impact upon the amenity or scenic environmental quality of the locality.
- (l) Whether the removal of the tree(s) is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997.
- (m) Whether the removal of the tree(s) involves a habitat tree (e.g. nesting tree or roosting tree) for any threatened fauna species.
- (n) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality.
- (o) Whether the removal of the tree (s) is part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species.
- (p) Whether the applicant has provided a medical certificate from a clinical immunologist/allergy specialist which states that the pruning or removal of a tree is necessary for maintaining quality of life.
- (q) Whether any previous condition of development consent required the retention of the tree(s).

### **13. REASONS NOT CONSIDERED AS JUSTIFICATION FOR TREE WORK**

These are common requests for tree removal/works which generally provide insufficient reason for a permit or approval to be issued:

- (a) Shedding of flowers, leaves, bark, twigs, fruit, and sap causing nuisance.
- (b) Animals (insect, bird, bat, possum etc.) that inhabit trees causing nuisance.
- (c) To enhance amenity views.
- (d) Damage to underground services (such as sewer lines, water services and the like), where there are alternatives to mitigate and retain the tree.
- (e) Construction of fences.
- (f) Minor heave (lifting) of paths, paving, fences and minor structures where mitigation is not appropriate.

- (g) Tree does not suit the existing or proposed landscape.
- (h) Unsubstantiated fear of tree failure.
- (i) Tree removal for fire hazard reduction, where the property is not within a bushfire prone area as defined by the Rural Bush Fire Service.
- (j) Tree is considered to be too large or high.
- (k) Pruning to reduce height.
- (l) To increase solar access unless sufficient evidence is provided.
- (m) To allow for a proposed development.

**NOTE:**

For trees that would be affected under a Development Application Process, tree removal or other work requests that have been presented and documented as part the development application will be considered within the development assessment process. For trees that require works / removal due to a Development Application approval, but the tree (s) have not been specifically assessed in the DA, the Development approval will not be regarded as a valid reason for removal / works to trees under a prescribed tree permit application.

**14. APPROVAL VALIDITY PERIOD**

A prescribed tree permit is valid for five (5) years from the issue date.

**15. RIGHTS OF APPEAL AGAINST A COUNCIL DECISION**

An applicant who is dissatisfied with Council's decision has a right to appeal the decision of the prescribed tree permit or the conditions imposed on the prescribed tree permit.

An application to appeal the decision of Council or the conditions imposed on a permit must be lodged within 3 months of the determination and supported by a consulting arborist's report prepared in accordance with this Policy.

Additional information is to be provided by an expert in the relevant field, for example, a consulting arborist or structural engineer.

An appeal will be reviewed by another qualified Council assessment officer and may be determined either under delegated authority or may be reported to Council for its determination.

**16. COMPLIANCE AND MONITORING**

A prescribed tree permit or development consent may be monitored by Council for compliance with the tree permit issued.

Any works carried out without approval or not in accordance with a prescribed tree permit or development consent will be dealt with in accordance with relevant legislation. This may result in a Penalty Infringement Notice or legal action through either the Local Court or the Land and Environment Court against all parties involved in any breach of Bathurst Regional Local Environmental Plan 2014 or conditions of approval.

## **17. REQUESTS FOR WORK / REMOVAL OF TREES ON COUNCIL OWNED OR MANAGED LAND**

Correspondence may be sent by adjoining property owners or occupants requesting that Council carry out the pruning or removal of a tree(s) within any public reserve, road reserve (street trees) or other property owned or managed by Council. Verbal requests may also be made directly with Council's Engineering Department for registration in Council's Customer Request Management System.

All requests for pruning or removal of trees or other vegetation within Council owned or managed land will be forwarded to Council's Recreation Section for assessment.

The result of the assessment will determine whether approval will be granted for the pruning or removal of the subject tree(s) and this will be based upon the assessment criteria contained in this Policy. Requests for tree work which are not deemed appropriate for action are outlined within this Plan. All approved works will be carried out as and when resources permit.

## **18. THREATENED SPECIES CONSERVATION ACT 1995**

Any action such as clearing or removal of trees or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitat. Therefore, an assessment may be required pursuant to Part 5A of the Environmental Planning and Assessment Act 1979 or Part 6 of the Threatened Species Conservation Act 1995.

The clearing or removal of any threatened flora species, endangered population, endangered ecological community or critical habitat under the Threatened Species Conservation Act 1995 requires separate approval from the Office of Environment and Heritage.

## **19. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

The clearing or removal of remnant trees or other native vegetation which is listed as a "matter of national significance" under the Environment Protection and Biodiversity Conservation Act 1999 requires the separate approval from the Commonwealth Minister for the Environment.

## **20. TREE DISPUTES ARISING BETWEEN NEIGHBOURS**

It is not the role of Council to intervene in neighbourhood disputes regarding trees. Conflicts may be resolved through legal avenues. The Trees (Disputes Between Neighbours) Act 2006 allows tree disputes to be heard by the NSW Land and Environment Court in certain circumstances. You should seek your own independent legal advice in relation to this matter.