



FREQUENTLY ASKED QUESTIONS ABOUT TREE PRESERVATION

What is Tree Preservation?

In 2010 Auburn city Council adopted Tree Preservation as a Part of the Development and Control Plan for the City. This is directly linked to [Auburns Local Environment Plan 2010](#) which comes under the [Environmental Planning and Assessment Act 1979](#).

What trees are included?

Any trees (including palms) whether indigenous, endemic or exotic which have a height of 3.5 m or greater; or a canopy spread of 4m or greater; or a trunk diameter measured at 1.3 m above ground level of 0.4m or greater.

Do I have to apply for Councils permission to remove or prune a tree?

Yes, there is a requirement under council's Development and Control Plan for a Tree Permit application to be lodged in relation to having a tree pruned or removed.

How do I apply for Councils permission to remove or prune a tree?

You can obtain a Council [Tree Permit Application](#) form from this website or you can go to the council Chambers directly. The application has to be completed for any works which relate to the [Tree Preservation](#) Part of the [Development Control Plan](#) for the City. Council will not inspect a tree until this form is completed and signed by the owner of the property or an authorised agent of the owner.

Where the application is for approval to prune overhanging branches from a neighbouring property, the form must be co-signed by the owner of the tree. Application forms may be collected from Council's customer service counter or downloaded from our trees section of the website.

Does Council charge an application or inspection fee?

Yes, Fees and Charges - valid until 30 June 2012:

- Application fee - 1 tree \$52.00 per initial tree
- Application fee - additional tree(s) \$9.00 per additional tree
- Application fee Pensioners - 1 tree \$35.00 per initial tree
- Application fee Pensioners - additional tree(s) \$6.00 per additional tree



Are there any situations where I don't need Council approval?

There are a number of tree species that are exempt from tree preservation. These include trees that are recognised weed species, fruit trees or trees grown for the purposes of fruit (except Australian native trees).

There is a complete list of these species available on the [Tree Preservation](#) Section of the [Development Control Plan](#) for the City which is provided. Permission is not required to remove a dead tree or to remove dead branches from a living tree.

Exemptions also include formative pruning of no more than 10 percent of the canopy of a tree in a 2 year period. It should be noted though, that any pruning work must be carried out by a qualified arborist with a minimum Australian Qualification Framework of Certificate 3.

What if I am unsure about exempt species?

If you are not able to correctly identify a species, you should take a sample to your local nursery or have it identified by a qualified arborist. You can also take specimens to the National Herbarium at the Royal Botanic Gardens Sydney.

Will a Council Officer inspect the tree on site and can I make an appointment?

A Council Arborist will always do a site inspection for any works related to Tree Preservation. Please indicate on the application form, should you wish to be present for the inspection. .

Will Council officers give me general advice on trees?

Council will only inspect trees in relation to applications under the [Tree Preservation](#). For any other advice relating to trees you should contact a s Australian Frame Work Level 5 qualified consultant Arborist.

How long will it take to get approval?

Once the application is complete and correct the process can take up to 2 weeks based on demand. If the tree is considered significant in some way this time frame may be extended.

What if a tree on a neighbour's tree is inconveniencing me or causing damage to my property?

In some cases council does not have the authority to get involved with disputes between neighbours regarding trees, especially when maintenance of trees in neighbouring properties is in dispute.

Conflict over the management of private trees in neighbouring properties is the responsibility of both neighbours to resolve.

If council is approached regarding failed mediation between the two parties, advice will be given that the opportunity available to them is to apply to the NSW Land and Environment Court, under the provision of the [Trees \(Dispute between Neighbours\) Act 2006-amended 2010](#).

Where the court is satisfied that the tree which is the subject of the application has caused, is causing, or is likely to cause damage in the near future or poses a risk of injury to a person, the court has jurisdiction to make a range of orders. These orders are designed to remedy or prevent damage, or prevent injury to a person, and may involve the trimming or removal of the tree, installation of root barriers and other such action.

Am I able to prune roots or branches from a neighbour's tree if they are encroaching on my property?

No, though Common law gives you the right to prune the branches or roots of a tree which is encroaching on your property you may only do so with written permission the owner of the tree and the owner has applied to Council, or has co-signed your application form.

If your neighbour is not willing to cooperate, then you may wish to take your case to NSW Land and Environment Court, under the provision of the [Trees \(Dispute between Neighbours\) Act 2006-amended 2010](#).

How will I know when a decision is made?

Council's inspecting arborist will issue a written determination which will be posted to your residence. Where further consideration is required an acknowledgement letter notifying you that further investigation is being made and a determination will be provided as soon as possible.



How will the tree be assessed and what works are generally approved?

Trees will be assessed taking into consideration the species, the amenity value, the concern of the applicant, the health, and any property damage caused by the tree. Council will usually only consider supporting the removal a healthy tree as a last resort. Where a tree is causing damage to property, Council will only consider removal if the damage is substantial and remedial work to stop further damage is not possible. Minor damage such as cracked driveways or damaged pipes will generally not result in approval to remove the tree.

Pruning will be approved where it can be demonstrated that formative pruning would benefit the tree. Pruning to improve the stability or reduce risks of trees would also generally be approved. Lopping, topping, pollarding or other forms of drastic pruning would generally not be approved. All approved pruning works must be carried out by a qualified arborist and be undertaken according to the Australian Standard© AS 4373-2007 'Pruning of Amenity Trees'.

What if a tree is dangerous or damaged in a storm and requires immediate removal?

In an emergency situation it may be possible for Council's Arborist to give approval immediately. If a Council Arborist is unable to attend the site then the arborist on site must contact the Council Arborist for possible approval over the phone. A written report must be submitted to Council by the arborist within seven days of the work.

What if my tree is not an Australian Native?

While Council does prefer that locally occurring species are planted, the species or origin of the tree will not determine the outcome of the application. Unless the tree is listed as exempt in the Auburn [Development Control Plan](#).

Does Council have a list of preferred arborists?

Council does not have a list of preferred Arboricultural contractors and is not able to recommend anyone. Council recommends getting 2-3 quotes and checking the Arborist's qualifications (minimum certificate III) and insurances. There are, however, two professional bodies which may be able to offer a list of suitably qualified Arborists. These are:

- The National Arborists Association of Australia; and
- Tree Contractors Association of Australia.



Will I have to replace any trees which are approved for removal?

A standard condition of consent states that at least one tree must be planted to replace any tree which Council has approved for removal. Replacement trees must be able to attain a height of at least 12m. This excludes palms, succulents and any tree which is listed as a noxious or environmental weed in the Auburn LGA, Council encourages the use of [Locally Occurring Plants to the Auburn LGA](#).

What if my application is refused and I do not agree?

If you do not agree with Council's determination you may write to Council asking for further information regarding the outcome of your application.

Who can provide advice on which trees and shrubs to plant?

Local nurseries are usually able to provide advice on suitable species to plant on your property. Council can also provide you with the [Local Occurring Plants to the Auburn LGA](#) list.

What do I do if I think my tree has been poisoned?

If you think your tree has been poisoned you should contact Council on 97351222.

What do I do if I think the tree is dangerous?

Council's Arborist will not perform a risk assessment on a privately owned tree. If you are concerned as to the safety of a tree you should engage a qualified arborist to provide a report which should accompany your application for removal. The report should conform to Council's [Guidelines for the Preparation of an Arborist's Report](#).