



# TREE PRESERVATION ORDER

## INFORMATION SHEET No. TP 6 – DEAD DYING OR DANGEROUS TREES

<p><b>CAN I REMOVE A DEAD TREE WITHOUT THE CONSENT OF COUNCIL?</b></p>	<p>Yes. Clauses 4.4 of the Tree Preservation Order allows for the removal of dead trees without development consent of Council.</p>
<p><b>CAN I REMOVE DYING OR DANGEROUS TREES WITHOUT THE CONSENT OF COUNCIL?</b></p>	<p>No, although the following options may be applicable;</p> <ul style="list-style-type: none"> <li>• Firstly is the tree exempt – please refer to clauses 4.4 of the Tree Preservation Order.</li> <li>• Rural zones need to contact the Hawkesbury Nepean Catchment Management Authority as it is recommended to see if the tree removal is within a Routine Agricultural Management Activity as defined by them.</li> <li>• If you believe the tree to be Dead or dying or dangerous you can complete the <i>Request for Permission to Remove Dead Dying or Dangerous</i> tree application form. This has no fee and a Council Officer will assess the application and provide feedback as to whether the tree is exempt or a formal application is required.</li> </ul> <p>If you are unsatisfied with the outcome, Council recommends engaging an independent Arborist (tree specialist) to assess the tree/s. Pending the outcome of this, you may wish to lodge an Application for Tree Clearance (less than 10 trees), which is accompanied by a copy of the Arborist's Report and owner's consent to assess the report.</p> <p><b>Please note:</b> A Council Officer has to right to ask for an accompanying Arborists report with an application if it is determined that the tree does not satisfy the dead, dying or dangerous exemption.</p>
<p><b>WHAT ABOUT IN THE EVENT OF AN EMERGENCY?</b></p>	<p>In the event of an emergency, an arborist report is not required for tree removal to reduce a direct risk to life or property. In such circumstances, the tree can be removed.</p> <p>An emergency can include:</p> <ul style="list-style-type: none"> <li>(i) A bushfire event (as described in Clause 4.2 of the Tree Preservation Order); or</li> <li>(ii) A fire or flood; or</li> <li>(iii) When the functions of the State Emergency Service are required (in the event of a fire, flood or storms as described in Clause 4.13 of the Tree Preservation Order) that necessitates tree removal.</li> </ul>
<p><b>IS APPROVAL UNDER THE NATIVE VEGETATION ACT REQUIRED FOR DEAD DYING OR DANGEROUS TREES?</b></p>	<p>No.</p>
<p><b>NOTE: THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE.</b></p>	
<p><b>WHAT IS DANGEROUS</b></p>	<p>Dangerous is a term used to define the physical and structural state of the tree with regards to it posing any immanent risk or danger to lives or major assets such as houses.</p> <p>It does not refer to dropping of leaves, fruit, bark, sap, lifting of fences and trees will not be given approval based on these complaints.</p>

TRIM 260#99



Further Information:  
**Wollondilly Shire Council** | 62-64 Menangle Street, Picton.  
 Phone: (02) 4677 1100  
 Fax: (02) 4677 2339  
 Email: [Council@wollondilly.nsw.gov.au](mailto:Council@wollondilly.nsw.gov.au)  
 Web: [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au)

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