

Why have a Tree Management Development Control Plan?

The Wollongong City Tree Management Control Plan allows for a proper assessment to be made of the environmental importance and viability of trees before they are pruned, removed or damaged in any way. The management of our city's public and private trees is important to preserve those trees that play a vital role in enhancing our lifestyle in Wollongong. There are many benefits trees have to offer people.

The benefits of our City's trees

Have you ever considered your tree to be a manageable asset? There is more to a tree than its beauty. Trees serve many purposes to the owner, wider community and native fauna. These functions must be considered when buying, planting and maintaining a tree.

The benefits of trees can be grouped into social, community, environmental and economic categories. Amenity is one such aspect that is most important when managing a tree and its position in time and space and can be placed in all four categories below. A tree's ability to produce shade, climate control, wind and dust barriers, screening, privacy, a sense of well being and aesthetics all contributes to the amenity of an area.

Social benefits: Generally we like trees around because they make us feel more pleasant. A tree or a group of trees often produce a feeling of serenity, peacefulness, tranquillity, privacy and offer a natural environment in which children can play. Because of the potential for long life, trees are often planted as living memorials to commemorate a significant event or occasion.

Community benefits: Even though trees may be growing on a private property, their size and nature often makes them a part of the community as well. Since trees occupy considerable space, planning is required if both you and your neighbours are to benefit. With proper species selection and maintenance, trees can enhance and function on one property without infringing on the rights and privileges of neighbours.

Environmental benefits: Trees bring natural elements and wildlife habitats into urban surroundings; all of which increase the quality of life for residents of the community. In the greater context of the community, trees form wildlife or "green corridors". A row of backyards all with a few trees each have the potential to form a linkage of greenery that can support the movement and residence of native fauna. Remnant areas of bushland are an important component of our natural heritage and important for the biodiversity of the region. Wildlife corridors, rare and endangered species, habitat and remnants are a few of the environmental concepts that must be considered in tree management.

Economic benefits: Established, well-managed trees in a maintained garden can add to increased property values. Contributions by trees to land stability, erosion control and regulation of the watertable are often values overlooked by tree owners.

What is protected under Wollongong City's Tree Management Control Plan?

The Control Plan prohibits, without the written consent of Wollongong City Council, the ringbarking, cutting down, topping, lopping removing, injuring or wilful destruction of any tree to which this Permit applies, if it:

- (i) is 3 metres or more in height
- (ii) has a diameter of 200mm or more at a height of 1 metre from the ground, or
- (iii) has a branch spread of 3 metres or more.

Certain trees are exempt from the Tree Management Control Plan depending on their size and location. Please refer to the Tree Management Control Plan for the details.

How do I make an application for tree pruning and/or removal?

Applications for consent under the Wollongong City Council Tree Management Control Plan must be made on the form approved by Council, contain the information required and be accompanied by the application fee specified on that form.

Application for Tree Management Permit forms are available on Council's website and can be accessed via <http://wcc.wollongong.nsw.gov.au/FormLibrary/Application%20for%20Tree%20Management%20Permit.pdf> or in person from Council's Administration Building. A maximum of five (5) trees per application will be considered by Council.

How will Council consider your application?

When processing applications to prune or remove a tree, Council's officers will consider a broad range of issues including:

- Safety and risk management
- Environmental considerations
- Amenity conditions

Applications will be processed within 10 working days of the date of payment of the relevant fee. All applications will be responded to in writing with a uniquely numbered permit authorising certain works, or in the case of refusals the reasons why consent has not been granted. Council may request additional expert information as it deems fit eg, arborist's, engineer's, plumber's, medical report, etc. In all instances the cost of such additional information must be borne by the applicant.

Do I have the right to appeal against a decision made by Council?

The following process should be followed if you are not satisfied with Council's determination:

- Lodge a review of determination on the prescribed form to Council, accessible on the website <http://wcc.wollongong.nsw.gov.au/FormLibrary/Determination%20of%20Tree%20Management%20Permit%20-%20Application%20for%20Appeal.pdf> within 12 months from the original date of determination. Any review of determination application must be supported by relevant documentation including any reasons as to why the application should be approved. The application must be accompanied by the prescribed fee as per Council's adopted fees and charges.
- Any such request will be reviewed by the Environment and Conservation Services Manager. The Manager may determine the review under delegated authority or may report the application to Council for its determination.

It should be noted that at any time during the application or appeal process you may have the right to elect to have the matter heard before the Land and Environment Court.

Compliance and Monitoring

Approvals and permit conditions for tree works will be randomly monitored by Council for compliance. Tree works carried out without approval or not in accordance with an approval will be dealt with in accordance with relevant legislation. This may result in a Penalty Notice or legal action through either the Local Court or the Land and Environment Court against all parties involved.

What are my options if I wish to make alterations to a tree located on my neighbour's property?

The owner of a neighbouring property may seek council consent, on the appropriate application form (inspection fee applies), to prune a neighbour's tree if it overhangs their property. Consent will be dependant on the ability of the tree to be pruned in accordance with AS 4373 "Pruning of Amenity Trees" and root pruning is subject to tree stability. All pruning consented to must occur on the applicant's side of the property boundary. Legal advice should be sought regarding liability for any damage caused by trees. It is not the role of Council to intervene in neighbourhood disputes regarding trees. Conflicts may be resolved through the Community Justice Centre or private civil action.

Disclaimers

This information was believed to be correct at the date of publication.

This fact sheet is for general information purposes only and should not be relied upon as legal advice.