

## BACKGROUND

The management of our city's trees is important. Trees play a vital role in enhancing our lifestyle in Wollongong. Trees have many benefits to offer people. Trees serve many purposes to the owner, wider community and native fauna. These functions must be considered when buying, planting and maintaining a tree. Effective management of trees as a natural resource recognises that the long-term retention of trees depends upon appropriate tree location, species selection and maintenance.

The Wollongong City Tree Management Permit process allows for a proper assessment to be made of the environmental importance and viability of trees before they are pruned, removed or wilfully damaged in any way.

## OBJECTIVE

The objectives of this policy are:

1. To maximise the preservation of existing trees which contribute to the amenity, visual quality and healthy environment of the City of Wollongong; and
2. To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees located on private property within the City of Wollongong.

## POLICY STATEMENT

This policy is to be read in conjunction with Chapter E17: Management of Trees and Vegetation of the Wollongong Development Control Plan 2009. Two application processes have been established to deal with the assessment and approval for tree pruning/removal:

1. Tree Management Permit (generally for individual/small scale tree removal and pruning in urban areas);
2. Development consent via either Complying Development or Development application (for the removal or pruning of trees on a site that is subject of a proposed development). Refer to Chapter E17: Management of Trees and Vegetation of the Wollongong Development Control Plan 2009.

Table E17.01 provides a guide for Applicants on the appropriate form of application consent required. Applicant's should consult with Council's Customer Service for further advice.

## DEFINITIONS

**Arborist** means a specialist in the care of trees and vegetation with relevant qualifications and training. Minimum AQF Level 3 equivalent or above.

**Bushfire hazard reduction works** – refer to Local Environment Plan.

**Crown** means the portion of the tree consisting of branches and leaves and any part of the stem/trunk from which branches arise.

**Deadwood** means dead branches within the crown of a tree.

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

**Habitat tree** means a tree occupied, or periodically or occasionally occupied, by native fauna species. Examples could include significant food source trees (such as fig trees), roost trees, nest trees or hollow-bearing trees which are suitable for native fauna species.

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

**Heritage Conservation Area** – refer to Local Environment Plan.

**Heritage Item** – refer to Local Environment Plan.

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

- Lopping and topping;
- Poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar and the like onto the root zone;
- Cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices;
- Ringbarking, 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;
- Damaging a tree root zone by compaction or excavation, asphyxiation including unauthorised land filling or stockpiling of materials around the tree trunks, and/ or
- Underscrubbing, unless carried out by hand tools such as brushcutters and the like.

**Legally Constructed** means built in compliance with environmental and planning legislation and instruments in force within the City of Wollongong at the time of construction.

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

**Prescribed Tree** – described within this policy will be defined in the Procedure Statement below.

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

**Pruning/Crown Maintenance Pruning** – as defined in Australian Standard AS 4373–2007 Pruning of Amenity Trees and generally involves a reduction in tree foliage and branches by up to 10 per cent in any one (1) year with no reduction in the height of the main trunk.

**Remnant Tree** means a native tree which remains in the landscape after removal of the majority of all of the native vegetation in the locality.

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

**Stem** means the part of the tree which supports branches, leaves, flowers and fruit and is also called “the trunk”.

**Tree dripline or zone** means the area defined under a tree by the outer edge of the tree canopy projected to ground level.

**Table E17.01 Tree and Vegetation Management Application Guide**

Location	Extent of Works	Form of Application	Required Supporting Documentation
Residential Areas	Pruning/Removal works to any tree prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009	Tree Management Application	
	Pruning/Removal works to any tree as prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009 <b>that is part of a proposed development</b>	Development Application	<ul style="list-style-type: none"> <li>• Arborist Report<sup>#</sup></li> </ul>
Business and Industrial Areas	Pruning/Removal works to any tree prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009	Tree Management Application	
	Pruning/Removal works to any tree as prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009 <b>that is part of a proposed development</b>	Development Application	<ul style="list-style-type: none"> <li>• Arborist Report<sup>#</sup></li> </ul>
Rural Areas	Pruning/Removal works to any tree prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009	Tree Management Application	
	Pruning/Removal works to any tree as prescribed in Clause 1 of Chapter E17 Wollongong DCP 2009 <b>that is part of a proposed development</b>	Development Application	<ul style="list-style-type: none"> <li>• Arborist Report<sup>#</sup></li> </ul>
Land within E2 Environmental Conservation zone or identified as natural resources sensitive land	Works to any indigenous tree or vegetation prescribed in Chapter E18 Threatened Species of the Wollongong LEP 2009.	Development Application	<ul style="list-style-type: none"> <li>• Flora and Fauna Assessment Report including a 7-Part Test. <sup>#</sup></li> <li>• Species Impact Statement - <i>If Council determines that the works are likely to have a significant effect on any threatened species, population or ecological community or its habitat.</i></li> </ul>
Heritage item of local significance or forms part of a heritage conservation area	Works to any tree or vegetation prescribed in Schedule 5 Part 1 of Wollongong LEP 2009.	Development Application	<ul style="list-style-type: none"> <li>• Heritage Impact Statement<sup>#</sup></li> <li>• Arborist Report<sup>#</sup></li> </ul>

**Notes:** <sup>#</sup> For some works, Council may require a report from a suitably qualified and experienced person.

## PENALTIES

Wollongong Local Environmental Plan 2009 prohibits the ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree prescribed under a development control plan, except with a prior Development Consent or a permit from Council.

Any person acting on a permit issued by Council must comply with all conditions of that permit.

Any person who contravenes, or causes or permits the contravention of clause 5.9 of the Wollongong Local Environmental Plan 2009 is guilty of an offence under s.125 and s.126 of the *Environmental Planning and Assessment Act 1979*, and a penalty notice or court proceedings may apply.

## STATEMENT OF PROCEDURES

Together with the Wollongong Local Environmental Plan 2009 and Chapter E17: Management of Trees and Vegetation of the Wollongong Development Control Plan 2009, this Policy outlines Council's requirements for the preservation and management of certain trees. It includes the requirements for the submission, assessment and determination of applications for the pruning and removal of a tree(s) within private property.

Council requires a Tree Management Permit to be lodged for the pruning or removal of:

1. Any tree on private land which is defined as:
  - being three (3) metres or more in height, or
  - has a trunk diameter of 200mm or more at a height of one (1) metre from the ground, or
  - has a branch spread of three (3) metres or more;
2. Dead or dying trees;
3. Pruning of major structural or anchor roots.

## TREE MANAGEMENT PERMIT APPLICATION REQUIREMENTS

The submission of a Tree Management Permit application is required for the pruning or removal of a tree identified above. There are two options to apply for a Tree Management Permit:

Option 1 - [Lodge an application online](#). Online applications require payment of the prescribed application fee (as per Council's adopted Fees and Charges) at time of lodgement via a credit card for the application to be accepted.

Option 2 – Complete a hard copy application form. Applications must be made using the current prescribed form (application forms can be obtained from Council's website via the following link

<http://www.wollongong.nsw.gov.au/services/household/trees/Pages/lodgeatmp.aspx>), and must contain the following information in relation to the proposed pruning or removal work on trees on private property:

- The written consent of the land owner unless the application is for pruning a tree over the applicant's property from a tree on the neighbouring property.
- Full written details as to the reasons for the proposed pruning or removal of the tree(s).
- Completion of a plan of the site showing location of trees in relation to built structures.
- Tree species type – common and full scientific names, if known.
- Payment of the prescribed application fee, as per Council's adopted Fees and Charges.

Land owner's consent is required for a Tree Management Permit. This means that all property owners on the land that the tree(s) are situated must sign the application form. Alternatively, supporting documentation which authorises the lodgement of the application must be included with the application when signing on behalf of the owner such as Power of Attorney, directors of companies, trustees, executors, etc.

A maximum of three (3) Tree Management Permit Applications may be lodged with Council at any one time.

Each Tree Management Permit Application is limited to a maximum of five (5) trees per application.

If a tree is growing near a common property boundary, ownership will be determined by identifying which side of the boundary the majority of the trunk's diameter exists at ground level.

Where a property is in a Strata Plan under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, the written consent and Body Corporate seal is generally required from the Owner's Corporation which authorises the lodgement of the application for the specific type of works to be undertaken.

Applications will be processed within ten (10) working days of the date of payment of the prescribed fee (as per Council's adopted fees and charges).

## NOTIFICATION OF COMPLETED APPLICATIONS

All applications will be responded to in writing with a uniquely numbered determination letter authorising certain works, or in the case of refusals the reasons why consent has not been granted.

All completed applications can be viewed online. Applications listed online are those which have been completed within the previous 30 days. The permit should always be reviewed prior to undertaking any approved works to ensure any determination conditions including any tree replacement requirements are adhered to. A general condition of consent is that the permit must be kept on site at all times whilst undertaking the approved works.

## APPROVAL VALIDITY PERIOD

A Tree Management Permit will be valid for a period of up to two (2) years from the date of issue on the determination letter.

## EXEMPTIONS FROM THE NEED FOR COUNCIL CONSENT

Council consent is not required for the removal or pruning of trees on private property outlined below:

- a. *Where a tree is included in Council's Exempt Tree Species List, see **Table E17.02** (excluding trees within the curtilage of the heritage item or heritage conservation area).*
- b. *Where a tree is declared a noxious weed in the Wollongong local government area under the Noxious Weeds Act 1993, or any management plan published by the Illawarra District Noxious Weeds Authority.*
- c. *Where a tree has been approved for removal or management action under a development consent.*
- d. *Bushfire hazard reduction work, authorised by the NSW Rural Fire Service under the Rural Fires Act 1997.*
- e. *Where action is required or authorised in accordance with the Electricity Supply Act 1995, the Roads Act 1993, the Surveying and Spatial Information Act 2002, the Telecommunications Act 1997 or the Sydney Water Act 1994, or any other NSW Statutory Authority.*
- f. *Where action is carried out by Council, State Emergency Service, Rural Fire Service, or another infrastructure authority/emergency service authority in response to an emergency (i.e. where there is an immediate threat of injury to persons or damage to property).*
- g. *Any works to make safe a tree where there is an immediate threat of injury to persons or damage to property, either during or within 48 hours following a severe weather event. Refer to Dangerous Trees Procedure as defined below.*
- h. *Where the works are undertaken by Council or a contractor acting on behalf of Council on Council owned or controlled public land, including but not limited to lands within a sportsground, park, reserve, road reserve, or riparian corridor.*

## DANGEROUS TREE PROCEDURE

In situations where a tree poses an immediate and obvious threat of injury to persons or damage to property, the following procedure should be followed:

Remedial action can be carried out to make safe a tree by Council, State Emergency Service, Rural Fire Service, or other infrastructure authority/emergency service authority in response to an emergency. In such instances the property owner is required to be able to support the immediacy of the danger by the tree, such as witnessed by

Council, State Emergency Service, Rural Fire Service or other infrastructure authority/emergency service authority. Alternatively a report by a person qualified in arboriculture including photographic evidence, or a Statutory Declaration from third parties should be obtained.

A Tree Management Permit Application (Refer to Tree Management Permit Applications within this policy for how to apply for a permit) must be lodged with Council for the removal or further pruning of a tree within 72 hours from the date of the emergency pruning works for any tree upon private land, including the submission of documentary evidence as described above which proves that a tree is dangerous to human life or property.

**Table E17.02 - EXEMPT TREE SPECIES LIST**

Common Name	Botanical Name
African fern pine, Yellowwood	<i>Afrocarpus falcatus</i> (Syn. <i>Nageia falcatus</i> )
African Olive	<i>Olea europaea</i> subsp. <i>cuspidata</i>
Alder	<i>Alnus</i> species
Black Locust	<i>Robinia pseudoacacia</i>
Box Elder	<i>Acer negundo</i>
Camphor Laurel	<i>Cinnamomum camphora</i>
Canary Island Date Palm	<i>Phoenix canariensis</i>
China Doll	<i>Radermachera sinica</i>
Chinese Tallow	<i>Triadica sebifera</i> [ <i>Sapium sebiferum</i> ]
Cocos or Queen Palm	<i>Syagrus romanzoffiana</i>
Common Hackberry	<i>Celtis occidentalis</i>
Coral Tree	<i>Erythrina x sykesii</i>
Cotoneaster	<i>Cotoneaster</i> species
Domestic Fruit Trees	
Golden Cypress Pine	<i>Cupressus macrocarpa</i> 'Brunniana'
Goldenrain Tree	<i>Koelreutaria paniculata</i>
Honey Locust	<i>Gleditsia triacanthos</i>
Kaffir Plum	<i>Harpephyllum caffrum</i>
Liquidambar	<i>Liquidambar</i> species
Norfolk Island Hibiscus/Itchy Pod Tree	<i>Lagunaria patersonii</i>
Oleander	<i>Nerium oleander</i>
Peppercorn, Pepper Tree	<i>Schinus areira</i>
Poplar	<i>Populus</i> species
Privet	<i>Ligustrum</i> species
Radiata Pine	<i>Pinus radiata</i>
Rubber Tree	<i>Ficus elastica</i>
Silky Oak	<i>Grevillea robusta</i>
Umbrella Tree	<i>Schefflera actinophylla</i>
Willow	<i>Salix</i> species

**Notes:**

- 1 A maximum of five (5) trees only may be removed at any one time under this exemption clause, to avoid adverse effects of possible land clearing activities.
- 2 It is recommended that a photograph of the exempt tree be kept by the tree owner to confirm the exempt tree species.
- 3 The exemption does not apply to any of the above tree species where the tree is within the curtilage of an item of environmental heritage or upon land within a Heritage Conservation Area as identified in the Wollongong Local Environmental Plan 2009. In such cases, the lodgement of a Development Application is required.

## MATTERS COUNCIL TAKES INTO CONSIDERATION WHEN DETERMINING AN APPLICATION

Council will take into consideration any one or more of the following criteria when assessing an application. In all instances, public safety will be the highest priority. If a tree cannot be safely managed using industry accepted practices as detailed in AS 4373, then approval will be granted for the tree to be removed.

The Australian Standard for Pruning of Amenity Trees (AS 4373) will be considered the minimum criteria for all tree management practices.

- a. Whether a tree species is appropriate in terms of its proximity to an existing habitable dwelling, adjoining dwellings or other buildings;
- b. Where the trunk/stem of the tree at ground level is within three (3) metres of:
  - The outside enclosing wall of a legally constructed dwelling or outbuilding of over 20 square metres;
  - The outside edge of the coping of a legally constructed swimming pool.
- c. Whole of life tree management – the Safe Useful Life Expectancy (SULE) of the tree and whether the tree is dead or dying;
- d. Whether the tree is causing structural damage to a building, structure, water main or sewer. Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident demonstrating that the tree, its trunk, or its root system is causing damage and the damage cannot be controlled by measures such as the installation of a root barricade;
- e. Whether the tree is severely stressed, diseased or is suffering insect damage and whether the health of the tree can be improved;
- f. Whether the growth habit or mature size of a trees is undesirable in a given situation (e.g. powerlines, root interference with service, infrastructure or building);
- g. Whether the tree is too large for its location or is interfering or likely to interfere with public infrastructure or private utilities;
- h. Whether the tree shows poor form and shape and/or vigour typical to the species;
- i. Whether the branches of the tree are dead or diseased;
- j. 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;
- 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) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality;
- n. Whether the applicant has provided a medical certificate from a Medical Practitioner which proves the pruning or removal of a tree is necessary for maintaining quality of life.
- o. Whether any previous condition of development consent required the retention of the tree(s).

## MATTERS THAT ARE UNLIKELY TO CONSTITUTE GROUNDS FOR THE GRANTING OF A TREE MANAGEMENT PERMIT FOR PRUNING AND/OR REMOVAL

Should a request for pruning or removal of a tree or other vegetation be received based on one or a combination of any of the following reasons, these reasons will likely be given little weight in determining the request:

- a. Removal or significant pruning of tree(s) to improve views.
- b. Removal or significant pruning of tree(s) to minimise leaves falling within a swimming pool.
- c. Removal or pruning of a tree, due to the shedding of leaves, bark, fruit, flowers, sticks and animal and bird droppings etc, which is part of the normal life cycle of the tree. These issues will not generally constitute

justification for tree removal, generally in these instances Council will promote remedial actions rather than tree removal.

- d. Removal or significant pruning of tree(s) situated within land owned or managed by Council to allow for the parking or storage of a car, truck, mini-van, bus, boat, caravan or other registered/unregistered vehicle and the like upon the adjoining property or the land owned or managed by Council.
- e. Tree removal for the sole purpose of enhanced solar access to solar photovoltaic systems, however Council may consider applications for pruning in accordance with AS 4373. In these situations, Council's assessing officer will determine the amount of pruning permitted to address performance concerns relating to the solar photovoltaic system.

A formal determination letter will be issued to the applicant after the inspection of the subject tree(s). The determination letter will outline the reasons for refusal which will be based on the assessment criteria.

## ENVIRONMENTAL MATTERS THAT MAY REQUIRE ASSESSMENT UNDER DEVELOPMENT APPLICATION PROCESS

- a. Where the removal of the tree(s) has the potential to directly or indirectly affect an endangered ecological community, endangered population or threatened species (except where the tree(s) is a *Eucalyptus nicholii* (Narrow-leaved Black Peppermint) or *E. scoparia* (Wallangarra White Gum) – in the Wollongong LGA these two listed threatened species have been planted well outside their natural range or their habitat). Further details can be obtained in Chapter E18: Threatened Species of the Wollongong Development Control Plan 2009 <http://www.wollongong.nsw.gov.au/development/regulations/Pages/default.aspx> – Development Application required.
- b. Where the tree is identified as a heritage item of local significance or forms part of a heritage item of local significance in Schedule 5 Part 1 of Wollongong Local Environmental Plan 2009. For further information see Wollongong City Council's website <http://www.wollongong.nsw.gov.au/development/regulations/Pages/default.aspx> – Development Application required.
- c. Where the removal of the tree(s) is a habitat tree (e.g. nesting, roosting or breeding tree) for any native fauna species. Further details can be obtained in Chapter E18: Threatened Species of the Wollongong Development Control Plan 2009 <http://www.wollongong.nsw.gov.au/development/regulations/Pages/default.aspx> – Development Application required.
- d. Where the tree is part of an endangered ecological community, endangered population or is habitat for any threatened fauna species. Further details can be obtained in Chapter E18: Threatened Species of the Wollongong Development Control Plan 2009 <http://www.wollongong.nsw.gov.au/development/regulations/Pages/default.aspx> – Development Application required.

In the situation where the application has been refused due to one of the above environmental assessment criteria, a full refund of the Tree Management Permit application fee will occur.

## FURTHER INFORMATION/CLARIFICATION FOR PERMIT AMENDMENT

Council may request additional supporting information to enable an amendment of a Tree Management Permit. This information may be required from a suitably qualified, licensed, or experience consultant<sup>#</sup> See Notes below). In all instances, the cost associated with providing any required additional information shall be borne by the applicant. Examples of additional supporting information that may be requested include:

- a. Arborist reports(See **Note** <sup>1</sup>) to Council's standard reporting format including Safe Useful Life Expectancy (SULE) rating
- b. Geotechnical or Structural Engineers Reports
- c. Plumbers Reports (See **Note** <sup>2</sup>)
- d. Details for proposed root barriers
- e. Medical certificate from a Medical Practitioner in cases where the removal or pruning of a tree is requested due to quality of life issues, e.g. allergies
- f. Survey of property boundary to determine ownership of the tree(s).



### Notes

A suitably qualified and experienced consultant is a person possessing appropriate licences or approvals under relevant legislation.

**Note**<sup>1</sup> An Arborist who can prepare reports is a person who is eligible for membership as a 'Consulting Arborist' with the National Arborists Association of Australia or the Institute of Australian Consulting Arboriculturists and who has obtained a Level 5 Certificate in Horticulture/Arboriculture or equivalent.

**Note**<sup>2</sup> In cases where a tree has caused damage to a sewer, the application must include written evidence from a suitably licensed plumber demonstrating that the tree, its trunk, or its root system is causing damage, including the extent of the problem. This is necessary given that damage to a sewer is often unidentifiable from the natural ground surface level.

No fee is applicable when submitting the additional information in support of an amendment to a permit when this was requested by Council.

## RIGHT OF REVIEW AGAINST COUNCIL'S DECISION

An applicant who is dissatisfied with Council's decision has the following right of review:

Lodge a Review of Determination Application on the prescribed form with Council within twelve (12) months from the date of issue on the original determination letter. Any review of a determination must be supported by relevant documentation from an appropriately qualified consultant such as an Arborist and/or Structural Engineer depending on the reasons for this request, and include any additional reasons as to why the application should be approved. The review of determination application must be accompanied by the prescribed fee as per Council's adopted Fees and Charges.

Any review of determination will be undertaken by a different Council officer under delegated authority or may be reported to Council for its determination.

Where Council has refused to grant a permit, the applicant may have the right to appeal to the Land and Environment Court.

## COMPLIANCE AND MONITORING

The carrying out of works pursuant to a Tree Management Permit may be monitored by Council for compliance. Any 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 (this may include the resident, property owner, anyone ordering the work or contractors employed to undertake the works) involved in any breach of the NSW *Environmental Planning and Assessment Act 1979* or conditions of approval.

A Tree Management Permit authorising removal will generally include replacement conditions with an appropriate species (preferably a local native tree species). **Table E17.03** Tree Selection Guide provides a list of suggested local native replacement tree species.

## NOTIFICATION OF IMPENDING TREE REMOVAL

If in the opinion of Council Officers an impending tree removal specimen is of prominence and may cause some community concern, a notification stating the reasons for removal will be sent to the relevant Ward Councillors and Customer Service Staff for information. Adjoining residents will be notified where removal consent has been granted for mature trees of over 20 metres in height due to the potential effect on the local amenity and environment. The necessity for any such notification will be at the sole discretion of Council Staff.

No notification process will occur in the case of any urgent emergency tree removal work, where in the opinion of Council Staff, there is an imminent risk to human life or property.

## TREES ON NEIGHBOURING PROPERTY

The owner of a neighbouring property may lodge a Tree Management Permit Application to prune a neighbour's tree, if it overhangs their property. Approval will be dependent on the ability of the tree to be pruned in accordance

with AS 4373–2007 Pruning of Amenity Trees and any root pruning will be subject to maintaining the tree's stability. All approved pruning shall be restricted to the applicant's side of the common property boundary only, where the tree owner's consent has not been obtained.

Property owners are encouraged to cooperate where a branch overhangs a property boundary. However, legal advice may need to be sought regarding any liability arising from damage caused by the subject tree(s).

Any dispute arising from the removal of a tree or damage from a tree may be resolved through the Community Justice Centre or private civil action, including action in the Land and Environment Court.

Council has no direct legal role in dealing with neighbourhood disputes regarding trees on property boundaries or damage caused by trees. The *Trees (Disputes Between Neighbours) Act 2006* allows the owner of an adjoining property to apply to the Land and Environment Court for an order to remedy, restrain or to prevent damage to their property or persons as a consequence of a tree situated on the neighbouring property. An individual must make a reasonable attempt to resolve the situation before an approach is made to the Court. Further information is available on the NSW Land and Environment Court's website

([http://www.lec.lawlink.nsw.gov.au/lec/your\\_legal\\_problem/tress\\_and\\_hedges.html](http://www.lec.lawlink.nsw.gov.au/lec/your_legal_problem/tress_and_hedges.html)).

Table E17.03 - TREE SELECTION GUIDE

Wollongong LGA - Local Native Trees Guide for Private Property Tree Management Permit Application Replacement Tree Plantings		Use		Urban Zone			Plant Form	
		Shade Tolerant	Wet Areas	Screening	Coastal frontline	Coastal Plain	Escarpment/Foothill	Plateau
Botanical Name	Common Name							
<b>Shrubs</b>								
<i>Myoporum boninense</i> subsp. <i>australis</i>	Boobialla				X	X		3m
<i>Pittosporum revolutum</i>	Brisbane Laurel	X			X	X	X	3m
<i>Hakea dactyloides</i>	Broad-leaved Hakea	X				X	X	4m
<i>Leptospermum laevigatum</i>	Coast Tea Tree				X	X		3m
<i>Callistemon citrinus</i>	Crimson Bottlebrush				X	X	X	3m
<i>Viminaria juncea</i>	Native Broom		X			X	X	3m
<i>Melaleuca hypericifolia</i>	Red-flowered Paperbark			X	X	X	X	3m
<i>Dodonaea viscosa</i> subsp. <i>angustifolia</i>	Sticky Hop-bush			X	X	X	X	3m
<i>Acacia longifolia</i> subsp. <i>longifolia</i>	Sydney Golden Wattle					X	X	3m
<i>Streblus brunonianus</i>	Whalebone Tree				X	X	X	6m
<i>Hakea salicifolia</i>	Willow Hakea			X		X	X	8m
<i>Sambucus australasica</i>	Yellow Elderberry	X				X	X	4m
<b>Small Trees</b>								
<i>Acronychia oblongifolia</i>	Acronychia					X	X	8m
<i>Diospyros australis</i>	Black Plum	X			X	X	X	10m
<i>Allocasuarina littoralis</i>	Black She-oak					X	X	6m
<i>Callicoma serratifolia</i>	Black Wattle	X				X	X	8m
<i>Elaeocarpus reticulatus</i>	Blueberry Ash			X		X	X	4m
<i>Myoporum acuminatum</i>	Boobialla				X	X		4m
<i>Syzygium australe</i>	Brush Cherry			X		X	X	8m
<i>Myrsine howittiana</i> [Rapanea]	Brush Muttonwood	X			X	X	X	8m
<i>Glochidion ferdinandi</i>	Cheese Tree				X	X	X	8m
<i>Banksia integrifolia</i>	Coast Banksia				X	X	X	8m
<i>Backhousia myrtifolia</i>	Grey Myrtle	X		X		X	X	8m
<i>Guioa semiglauca</i>	Guioa	X			X	X		8m
<i>Acmena smithii</i>	Lilly Pilly	X		X	X	X	X	8m
<i>Alectryon subcinereus</i>	Native Quince					X	X	8m
<i>Ceratopetalum gummiferum</i>	Christmas Bush					X	X	4m
<i>Banksia serrata</i>	Old Man Banksia				X	X	X	6m
<i>Elaeodendron australe</i> [Cassine <i>australis</i> ]	Red Olive Plum	X			X	X	X	6m
<i>Cyathea australis</i>	Rough Tree Fern	X				X	X	8m
<i>Ficus coronata</i>	Sandpaper Fig				X	X	X	6m
<i>Melaleuca linariifolia</i>	Snow-in-Summer		X			X		8m
<i>Tristaniopsis laurina</i>	Water Gum				X	X	X	6m
<i>Callistemon salignus</i>	Willow Bottlebrush					X	X	8m
<b>Trees</b>								
<i>Eucalyptus botryoides</i>	Bangalay				X	X		12m
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	X	X		X	X	X	10m
<i>Acacia melanoxylon</i>	Blackwood					X	X	10m
<i>Livistona australis</i>	Cabbage Tree Palm	X	X		X	X	X	10m
<i>Polyscias elegans</i>	Celery Wood				X	X	X	8m
<i>Ceratopetalum apetalum</i>	Coachwood	X				X	X	10m
<i>Allocasuarina torulosa</i>	Forest Oak					X	X	10m

Wollongong LGA - Local Native Trees Guide for Private Property Tree Management Permit Application Replacement Tree Plantings		Use						Plant Form
		Shade Tolerant	Wet Areas	Screening	Coastal frontline	Coastal Plain	Escarpment/Foothill	Average Height (approx)
<i>Brachychiton acerifolius</i>	Illawarra Flame Tree				X	X	12m	
<i>Acacia maidenii</i>	Maiden's Wattle			X	X	X	8m	
<i>Polyscias murrayi</i>	Pencil Cedar				X	X	12m	
<i>Podocarpus elatus</i>	Plum Pine				X	X	12m	
<i>Melaleuca styphelioides</i>	Prickly Paperbark		X	X	X	X	12m	
<i>Alphitonia excelsa</i>	Red Ash				X	X	10m	
<i>Toona ciliata [Toona australis]</i>	Red Cedar	X		X	X	X	15m	
<i>Doryphora sassafras</i>	Sassafras				X	X	12m	
<i>Stenocarpus salignus</i>	Scrub Beefwood	X			X	X	8m	
<i>Eucalyptus robusta</i>	Swamp Mahogany	X	X	X	X		12m	
<i>Casuarina glauca</i>	Swamp Oak		X	X	X		12m	
<i>Acacia binervata</i>	Two-veined Hickory				X	X	10m	
<i>Eucalyptus longifolia</i>	Woollybutt				X		15m	

**Notes**

- For more details on the individual species listed above, please refer to Wollongong City Council's *Grow Local: Illawarra Native Garden Guide*.
- A list of large trees (generally with average heights of 20 metres or greater) suitable for the Wollongong LGA can be found within Wollongong City Council's *Grow Local: Illawarra Native Garden Guide*, and are recommended for large or rural properties only where they can be planted away from any structures or property boundaries.
- A general guideline for planting a tree species is that they are not planted within 3 metres of any legally constructed dwelling or outbuilding and not within 1.5 metres from any property boundary.

## SUMMARY SHEET

Responsible Division	Environmental Strategy and Planning
Date adopted by Council	26 August 2013
Date of previous adoptions	
Date of next review	July 2016
Prepared by	Administration Officer Environment and Conservation Services
Authorised by	Manager Environmental Strategy and Planning