

# TREE MANAGEMENT APPLICATION

For the removal or pruning of trees on private property

**Important:** To find out whether you require a Tree Management Application or Development Application, please read *Kiama Development Control Plan 2020 - Chapter 2 - Topic 2.4 - Tree Preservation and Vegetation Management*.

## PART 1 - APPLICANT DETAILS

Applicant name:	
Business/Company name:	
Residential address:	
Postal address:	
Phone number(s):	
Email:	

## PART 2 - SITE DETAILS

Address where tree is located:	
Lot & DP No. (if known):	
Do you own this property?	<input type="checkbox"/> Yes <input type="checkbox"/> No (if <b>No</b> you must obtain owner's consent at Part 4 of this form)

## PART 3 - LAND ENTRY DETAILS

Council Officers may require access to your property in order to process and determine your application. In accordance with section 118 of the *Environmental Planning and Assessment Act 1979*, submission of this application authorises Council Officers to enter your premises for the purpose of an inspection.

Do Council Officers require your attendance to access the site?  Yes  No  
(delays may result if your presence is required)

Are there any dogs or security measures Council needs to know about?  
 Yes (please specify)  No

Please specify:

#### PART 4 - OWNER DETAILS

If the applicant is **NOT** the property owner, the owner/secretary of the Body Corporate must consent to the lodging of this application by completing this section **OR** see notes on overhanging neighbouring trees.

Owner name:	
Body Corporate/Company:	Please ensure common seal is stamped on this form.
Address:	
Email:	
Phone number(s):	
<b>SIGNATURE:</b>	

#### PART 5 - DEVELOPMENT INFORMATION

- a) Has an application for tree pruning or removal been submitted for the tree(s) previously?  Yes  
 No
- b) Is there a development application or complying development application applying to this property?  Yes  
 No
- If so, please supply the application number: \_\_\_\_\_
- c) Do the conditions of consent require the retention of any trees?  Yes  
 No
- d) Do you intend to submit a development application which would affect the tree(s)  Yes  
 No

#### PART 6 - PROPOSED WORKS

Tree Number	Tree species or common names (if known)	Location within property	Work proposed (prune, remove or remove & replace)	Reason for works
<i>Example</i>	<i>Not sure—some type of Eucalyptus tree</i>	<i>front yard near water feature</i>	<i>remove &amp; replace</i>	<i>There is a split in the trunk and a large branch fell off last week.</i>
1				

2				
3				
4				
5				

Has any additional information (e.g: arborist report, engineers report) been submitted to support the above requests?

Yes  No

**PART 7 - SITE DIAGRAM**

Indicate the distance of the tree/s in relation to buildings, property boundaries and the street. Please mark "north" with an arrow.

#### **PART 8 - APPLICANT DECLARATION**

I declare that the information provided in this application is true and correct at the time of signing. I have read and understand Part 3 of this form and authorise Council Officers to access my land to carry out inspections for the purposes of determining this application.

Applicant signature:

Date:

#### **PART 9 – HOW TO SUBMIT YOUR APPLICATION**

Submit your Tree Management Application along with the required fee by mail, email, fax or in person at Council's Administration Centre.

**Payment details**

Payment can be made in person with credit card, cash or cheque (made payable to “Kiama Municipal Council”) or by phone (02) 4232 0444 with your credit card. If you require Council to phone you for your credit card details, please provide the name and contact number of the cardholder.

<b>Contact name:</b>		<b>Phone number:</b>	
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**Fees:**

Inspection of up to 2 trees on the same site	\$82.00
Inspection of 3-5 trees on the same site	\$113.00
Inspection of 6-10 trees on the same site	\$165.00
More than 10 trees requires a second tree management application plus applicable fees	
Review of application	\$75.00

**Tree inspection identification**

Tree(s) to be inspected should be identified on site with a ribbon, tape, or non-permanent marker.

**Application process times**

Council has **21 days** from the date of receipt of the application, to process a Tree Management Application. This is subject to the applicant providing all necessary documentation.

**Determination**

Council will advise the applicant of its determination (and any applicable conditions) in writing. If you are engaging the services of a Consulting Arborist, approval documentation will need to be provided to them prior to work being undertaken.

Where an application is refused, reasons for refusal will be detailed in a letter to the applicant; however, fees will not be refunded. Please refer to Council’s fact sheet: Tree Management Review and the process outlined below.

**Approval timeframes**

An approved Tree Management Application is valid for one (1) year from the date of approval.

**Work quality and method**

- (a) All pruning is to be in accordance with the Australian Standard ‘Pruning Amenity Trees’ (AS4373 – 2007).
- (b) Failure to comply is considered a breach of the Kiama Municipal Council’s Development Control Plan 2020, Chapter 2, Topic 2.4, Tree Preservation and Vegetation Management.
- (c) Approved works should be executed to comply with the NSW Work Cover Code of Practice Amenity of Tree Industry 2007 No.034.

**Additional information**

Council reserves the right to request additional reports, prepared by a suitably qualified person, in order to verify any application. This includes, but is not limited to; arborist report, structure report, geotechnical report, plumber report, or any technical information required in undertaking an assessment.

**Compliance**

Any person who breaches, causes or permits a breach of Kiama Municipal Council’s Development Control Plan 2020, Chapter 2, Topic 2.4, Tree Preservation and Vegetation Management; is guilty of an offence under the *Environmental Planning and Assessment Act 1979*.

**Neighbouring tree(s)**

Depending on the situation, Council may give consent to prune a tree encroaching upon your property from a neighbouring property.

A tree management application must be submitted to Council, with the neighbour's signature, to give authority for Council Officers to enter your neighbour's property to assess the tree. If you are not able to obtain the neighbour's signature you can still submit the tree management application however the assessment of the neighbour's tree will be limited to inspection from your side of the property.

Council will not consent to pruning beyond the neighbouring property boundary **without** mediation with the property owner or agent.

Nor will Council authorise the applicant (or engaged contractor) to enter the neighbour's property to carry out any approved tree works without that property owner's consent.

**Disputes between neighbours**

Council will not become involved in neighbourhood disputes pertaining to trees. Parties involved can contact an appropriate mediation service – Community Justice Centre on 1800 650 987, [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au) or refer to the Tree (Dispute Between Neighbours) Act 2006.

**Rights of appeal against council decisions**

Where a Tree Management Application for the removal or pruning of a tree is refused, applicants who are dissatisfied with the outcome of a Council decision are able to make an 'Application for Appeal'. The following information is required in order for Council to assess an Application for Appeal:

- I. Applications for appeal must be lodged within three (3) months from the original date of the:
  - a. refusal letter being issued;
  - b. consent being granted subject to conditions.
- II. Additional information will be prepared by an expert in the relevant field and provide appropriate reasons for Council to reconsider the decision.
- III. A fee of **\$75** is payable to Council with any application for appeal.

In the instance you have submitted an 'Application for Appeal' and you are still dissatisfied with Council's review and determination, applicants may apply to the Land and Environment Court. Applications for Appeal can be lodged at the Land and Environment Court directly by the applicant.

Please refer to Council's fact sheet: Tree Management Review and the Land and Environment Court's website for further information.

**OFFICE USE ONLY**

Payment: \$	Receipt no.:	Date:
Tree Register no.:	PR no.:	Record no.:

## PART 10 - DO NOT COMPLETE AN APPLICATION FORM FOR:

### **Street/Park & reserve trees:**

DO NOT complete the application form if the tree in question is a street/nature strip tree or located on public land (parks/reserves). A request for assessment of these trees can be made online at [www.kiama.nsw.gov.au](http://www.kiama.nsw.gov.au), by phoning Council on (02) 4232 0444 or by writing your concerns to The General Manager, Kiama Municipal Council, PO BOX 75 Kiama NSW 2533.

### **Electricity/Power lines:**

For trees affecting electrical service wires within your property contact Endeavour Energy on 131 081. Consent is not required from Kiama Municipal Council; however, if you are pruning more than the minimal amount required by Endeavour Energy, Council approval may be required.

### **PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE**

**Purpose of collection:** We are collecting your personal information so that Council can assess your application for a work authority tree permit.

**Intended recipients:** The intended recipient of the information is Kiama Municipal Council.

**Supply:** The supply of this information is compulsory under the Environmental Planning & Assessment Act 1979 and the personal information you provide will enable Council to assess your application for a work authority tree permit.

**Access/Correction:** You can access the personal information and it may be available to third parties in accordance with the Government Information (Public) Access Act and Council's Privacy Management Plan. Your personal information may be disclosed to third parties for the purpose of an assessment by an independent or consulting arborist. You may make an application for access or amendment to personal information held by Council. We will consider any such application in accordance with the *Privacy and Personal Information Protection Act 1998*.

**Storage:** Kiama Council is the agency that holds the personal information. Council may be contacted on (02) 4232 0444, or by email to: [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) or at 11 Manning Street Kiama, NSW 2533. **Your contact details may be used to update Council's Name and Address Register that we may use to contact you regarding any other Council matter.** Kiama Council's Privacy Policy can be viewed at [www.kiama.nsw.gov.au/your-council/policies](http://www.kiama.nsw.gov.au/your-council/policies)

# IS A TREE MANAGEMENT APPLICATION REQUIRED?

I wish to remove a tree or vegetation?

Have you obtained land owners consent for the proposed works?

NO

YES

Obtain  
Owners  
Consent

Is the tree located within the urban area?

YES

NO

Is the proposed  
activity for the  
purpose of  
Bushfire Hazard  
Reduction works?

Is the tree a Prescribed Tree?

YES

NO

NO

YES

Is the tree within the curtilage of a  
heritage item or a cultural planting  
associated with a heritage item?

Is the land the tree(s) is  
located on:

✗ Zoned – RU1, RU2, R5, E2  
or E3 and not approved or  
exempt under provisions of  
the Native Vegetation Act  
2003

NO

YES

Is the tree/vegetation  
proposed to be removed  
listed on the **Exempt  
Tree Species List?**  
See Appendix 1.

YES

Approval **NOT**  
required however  
you must notify  
Council

Approval **IS** required by way  
of:

**1. Tree Management  
Application**

Approval **IS** required by way  
of:

**Approval from relevant  
State Legislation**

Contact  
Rural Fire  
Services