

APPLICATION GUIDE FOR TREE REMOVAL AND PRUNING

INTRODUCTION

Trees in Maitland Local Government Area are protected under the provisions of 5.10 of the Maitland Local Environmental Plan, 2011 published on 16 December 2011, and Clause 7 of the vegetation State Environmental Planning Policy 2017.

Approval is required for the removal or pruning (e.g. crown thinning) of some trees which are over three (3) metres in height, or which have a branch spread of three (3) metres or more, and a trunk diameter of 100mm or more measured at 1.0m.

TREES WITHIN RURAL LANDS

Removal of trees or clearing vegetation on land within **RU1 Primary Production** or **RU2 Rural Landscape** zones is administered through Local Land Services (Hunter). Council cannot issue an approval for these works on non-urban land.

IS CONSENT REQUIRED?

Trees on all privately owned urban land may be removed or pruned without development consent unless:

- Land is zoned R5 Large Lot Residential, RE1 Public Recreation, RE2 Private Recreation, E4 Environmental Living; E3 Environmental Management, or
- Land is zoned R1 General Residential, and is located within an Urban Release Area, and has an area greater than 1000m²; or
- Clause 5.10 – Heritage Conservation in the Maitland LEP 2011 is applicable (Heritage Conservation Area or Heritage item), or
- The tree is to be retained as a condition of development consent to the land, 88B Restriction or landscape buffer or the like; or
- The tree is listed in Table 1 (Significant Tree Register) of Part B5 of the DCP.

If Consent is required, applications must address all relevant provisions under Part B5 of the Maitland Development Control Plan (DCP) 2011. The DCP may be viewed at maitland.nsw.gov.au/PlanningDevel/DCPs.

Where a Complying Development Certificate has been issued, Consent may not be required under some circumstances. Refer to Clauses 3.6A, 5A.2(3) and 5A.3 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

**As of 31st December 2020, all Development Applications must be lodged via the [NSW Planning Portal](#).*

NEIGHBOURING TREES AND TREES OVER BOUNDARIES

Where a tree on an adjoining property overhangs your boundary and the consent of the owner cannot be obtained for pruning works, Council may approve pruning of the tree to the common property boundary only. Where the consent of an owner cannot be obtained to remove a tree that is causing a nuisance on an adjoining property, the Tree (Disputes Between Neighbours) Act 2006 contains provisions which may help to resolve the matter.

PRIVACY STATEMENT: Maitland City Council complies with the Privacy Code of Practice for Local Government in dealing with all personal information that is required to be supplied when an applicant completes this application. However, some of the personal information which is set out in this form will become part of the public record which Council is required to keep pursuant to the Local Government and Environmental Planning and Assessment Acts. This information may be divulged to others in accordance with the provisions of those Acts. Furthermore, Council may be required to divulge some personal information pursuant to the Government Information (Public Access) Act 2009 (NSW).

