

Trees in Maitland Local Government Area are protected under the provisions of Clause 5.10 of the Maitland Local Environmental Plan, 2011 published on 16 December 2011, and Chapter 2 of SEPP (Biodiversity and Conservation) 2021.

DEFINITIONS

Tree	Long lived woody perennial plant greater than 3m in height (or will be at maturity), with one or relatively few main stems or trunks.
Shrub	A woody perennial plant, multistemmed at the base (or within 750mm from ground level). Usually, less than 6m tall when mature.
Pruning	Pruning for the purpose of this document refers to more than 10% of foliage or approximately 12 months growth.

VEGETATION CLEARING WITHIN RURAL ZONES

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 approval for clearance on non-urban land. Local Land Services administers the removal of vegetation where clearing exceeds the Biodiversity Offset Scheme Threshold (BOST). Approval is required from the Native Vegetation Panel in this instance. Council cannot issue consent in this circumstance.

VEGETATION CLEARING WITHIN NON-RURAL ZONES

Council can issue development consent for the clearance of land, which is below the Biodiversity Offset Scheme Threshold (see Part 7.2 of the Biodiversity Conservation Regulation 2017). For clearance of land above the threshold please contact Council for further information.

VEGETATION CLEARING WITHIN HERITAGE CONSERVATION AREAS AND ON HERITAGE ITEMS

Development consent is also required for clearing any vegetation to which Clause 5.10 of the Maitland Local Environmental Plan 2011 applies.

WHERE COUNCIL CONSENT IS REQUIRED

All vegetation within a Heritage Conservation Area or vegetation on land which contains a Heritage Item

All vegetation which forms part of a threatened ecological community or is recognised as threatened plant species by a government authority.

A tree which is required to be retained or planted as a condition of consent (Including approved landscape plans and trees which were required to be planted to replace a tree which was removed).

All native vegetation (including understorey plants and ground covers) within a defined wetland which is less than the biodiversity offsets scheme threshold identified under the Biodiversity Conservation Act 2016

All other trees which are 3m or greater in height or has a diameter of 100mm or more at 1.3m above ground, and shrubs which are 5m or greater in height require consent for removal unless any one of the following applies:

A tree or shrub may be removed without consent that is located within 3m to a principal building (excludes carports, garages, pergolas, fences and the like) Note: measured trunk to outer wall *****.

A tree which is used to grow fruit or nuts may be removed without consent.

Trees which is dying or dead and not required as habitat for native animals may be removed without consent******.

The tree or shrub is an exotic species which is considered to be an invasive species by the NSW Government may be removed without consent.

URGENT REMOVALS

With the exception of trees in Heritage Conservation Areas or vegetation on land which is a Heritage Item. Council consent is not required for the removal of trees in circumstances where there is a significant risk to risk to life or property where Council is provided with a Tree Removal Notification 10 days prior to removal. If a tree requires urgent removal on account of immediate failure it may be removed without consent provided that Council is provided with a Tree Removal Notification within 48 hours of removal.

***** - The onus of providing evidence, when requested by Council staff, is on the landowner. Landowners are encouraged to submit photos to Council, for record-keeping purposes, showing before and after removal.

****** - Council is to receive a tree removal notification 10 days prior to removal.