

# Application Guide For Tree Removal And Pruning

Either a Tree Permit or Development Application should be lodged with Council to remove or prune tree(s) and vegetation. Some exemptions may apply. This Guide should be used to determine the appropriate pathway. If you require assistance, please contact the duty planner on 02 4934 9700 during business hours or email [ask@maitland.nsw.gov.au](mailto:ask@maitland.nsw.gov.au).

## TREE AND VEGETATION REMOVAL PATHWAY SUMMARY FLOW-CHART

1. Is the proposed tree and vegetation removal occurring on land in either RU1 Primary Production or RU2 Rural Landscape zone?

Yes

Council manages approval for clearing of vegetation on all non-rural zoned land. Clearing of vegetation in the RU1 Primary Production and RU2 Rural Landscape zone is administered through Local Land Services: Hunter under the *Local Land Services Act 2013*.

No

Refer to the next question.

2. Is the proposed tree and vegetation removal to exceed the Biodiversity Offset Scheme Threshold (BOST) provided under the Biodiversity Conservation Act 2016?

Yes

For clearance of land above this threshold, please contact Council's Environment & Sustainability Team, for further information.

No

Council can issue consent for the clearance of land, **which is below** the Biodiversity Offset Scheme Threshold (see Part 7.2 of the Biodiversity Conservation Regulation 2017).

Refer to the next question.

3. Is the proposed removal or pruning of a tree or vegetation ancillary to other development proposed? Or is, or is, or is a part of any of the following:

- a. a heritage item,
- b. a heritage conservation area,
- c. an Aboriginal object,
- d. an Aboriginal place of significance, or

Yes

Council consent is required in the form of a Development Application (DA) via the NSW Planning Portal.

**Unless any of the below apply:**

Where Council is satisfied that:

- the removal or pruning is of a minor nature or is for the maintenance of that item, area, object or place, AND
- will not have an adverse impact on the heritage significance of that item, area, object

No

Refer to the next question.

<p>or place.</p> <p>In which case, a Tree Permit will be required to be lodged via the NSW Planning Portal. To determine whether your proposal fits within this scope, please contact Councils Duty Officer on 02 4934 9700.</p> <p style="text-align: center;"><b>OR</b></p>	
<p>The tree or vegetation poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a direct result of a severe storm or wind events.</p> <p>In which case, Council is to be notified <b>within 10 days of removal</b>,</p> <p>Notification is processed through email to ask@maitland.nsw.gov.au</p> <p>For clearing undertaken exempt with notification to Council, the onus of proof is on the landowner to take and retain photos of the condition of the tree or vegetation pre- and post-removal. Landowners are encouraged to seek the advice of a qualified arborist to determine condition and risk of any tree.</p>	
<p>4. Is the proposed removal or pruning of the tree or vegetation subject to any of the following statements?</p> <ol style="list-style-type: none"> <li>a) the clearing is authorised to occur under other legislation, such as the Rural Fires Act 1997, OR</li> <li>b) the tree trunk or shrub is located within 3m of the wall of an existing principal building (excluding carports, detached garages, pergolas, fences, retaining walls and the like), and is not: <ul style="list-style-type: none"> <li>• on land that is a heritage item, or</li> <li>• in a heritage conservation area and visible from the street or other public areas (other than a lane), or part of an Aboriginal object, or within an Aboriginal place of heritage significance, OR</li> </ul> </li> <li>c) the tree or shrub is less than 3m in height, and/or is less than 100mm in diameter at 1.3m above ground level, OR</li> <li>d) pruning is proposed, being maintenance of recent (past 12 months) growth or 10% of foliage, undertaken in accordance with AS 4373 – Pruning of amenity trees, OR</li> <li>e) the tree or vegetation is listed as a Priority Weed for the Hunter Region, Weed of National Significance, OR</li> <li>f) the tree or vegetation is listed under the Undesirable Tree and Vegetation Register in Table 2-2.</li> </ol>	
<p style="text-align: center;">Yes</p> <p>No permit, development consent, or approval is required, granted that it is on private land and landowners' consent has been obtained.</p> <p>For clearing undertaken as exempt, the onus of proof is on the landowner to take and retain photos of the condition of the tree or vegetation</p>	<p style="text-align: center;">No</p> <p>Refer to the next question.</p>

pre- and post-removal. Landowners are encouraged to seek the advice of a qualified arborist to determine condition and risk of any tree.

5. Is the proposed removal or pruning of the tree or vegetation subject to any of the following statements?

- a) The tree or vegetation poses an immediate risk to life or property due to a demonstrated sudden change to its structure as a direct result of a severe storm or wind events, OR
- b) Where the tree or vegetation is dead or storm damaged and is not:
  - an immediate threat to life, or
  - a habitat tree, or
  - on land that is a heritage item, or (refer to Question 3 above)
  - in a heritage conservation area and visible from the street or other public areas (other than a lane), (refer to Question 3 above) or
  - part of an Aboriginal object, or within an Aboriginal place of heritage significance (refer to Question 3 above).

Yes

For a) Council is to be notified **within 10 days of removal**,

For b) Council is to be notified **10 days before removal occurs**.

Notification is processed through email to [ask@maitland.nsw.gov.au](mailto:ask@maitland.nsw.gov.au)

For clearing undertaken exempt with notification to Council, the onus of proof is on the landowner to take and retain photos of the condition of the tree or vegetation pre- and post-removal. Landowners are encouraged to seek the advice of a qualified arborist to determine condition and risk of any tree.

No

A Council issued 'Tree Permit' is required. This is to be lodged via the NSW Planning Portal.

If consent is required, either in the form of a Development Application (DA) or a Council issued Tree Permit, the application must address all relevant provisions under Chapter 2, Part 2.3 of the Maitland Development Control Plan (DCP) 2026. The DCP may be viewed via the following link [Planning strategies | Maitland City Council](#).

Please refer to the Permit for Tree and Vegetation Pruning or Removal Application Form to assist in the preparation of your lodgment documents. Lodgement is via the [NSW Planning Portal](#).

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.

## Neighbouring trees and trees over boundaries

Where a tree on an adjoining property overhangs your boundary and the written 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 Trees (Disputes Between Neighbours) Act 2006 contains provisions which may help to resolve the matter.

**NOTE: Owners Consent is required to be provided with each application. Council cannot approve the removal or pruning of trees on a neighbor’s property without the relevant owner’s consent, should the owner wish for an application to be lodged on their behalf.**

*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).*

DEFINITIONS	
Trees	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, multi-stemmed 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 the pruning of 10% or greater of foliage.
Native vegetation	Native Vegetation means any of the following types of plants native to New South Wales: <ul style="list-style-type: none"> <li>• Trees (including any sapling or shrub or any scrub),</li> <li>• Understorey plants,</li> <li>• Groundcover (being any type of herbaceous vegetation), or</li> <li>• Plants occurring in a wetland.</li> </ul>