

## Tree protection and removal requirements

This information sheet explains the requirements for tree removal and protection which apply to buildings approved as complying development.

### Important note

This information sheet is for guidance only and may not contain all the information relevant to every property in NSW. Applicants should refer to the [relevant planning controls](#)<sup>1</sup> before beginning work, or seek professional advice on how the planning controls apply to their property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State wide exempt and complying development policy (the policy). View the policy at the [Exempt and Complying Development Policy website](#)<sup>2</sup>.

**Complying development** is a joint planning and construction approval that can be granted by council or a private certifier. [Information sheet 1.2](#)<sup>3</sup> provides more information about complying development.

Note: As identified in Information Sheet 1.2 complying development cannot be carried out on certain land.

### Tree protection and removal

Tree removal can be a necessary part of construction, particularly in new undeveloped subdivisions.

The policy allows the removal of specific trees to permit development on a site. Trees that are being kept will need specific protection measures to ensure they are not inadvertently damaged during construction.

Tree removal can involve the complete removal of a tree and its roots in order to prepare a lot for development or partial removal of a tree or vegetation in order to locate a building or foundation in a certain location.

### What is a “protected tree” ?

Amendments to the policy introduce the term “protected tree” for specific trees on a development site and introduce protection measures for all trees that are to be retained during a development.

A protected tree is defined in the policy as a tree that requires a separate permit or development consent for pruning or removal. Protected trees cannot be removed as part of a CDC and will require some form of protection during construction.

Trees that are on a council’s significant tree register cannot be removed as part of a complying development.

### What requirements apply to tree removal?

Trees or vegetation may be removed as part of a complying development for residential development if it is:

<sup>1</sup> <https://maps.planningportal.nsw.gov.au/Terms>

<sup>2</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>3</sup> [www.planning.nsw.gov.au/exemptandcomplyingoverview](http://www.planning.nsw.gov.au/exemptandcomplyingoverview)

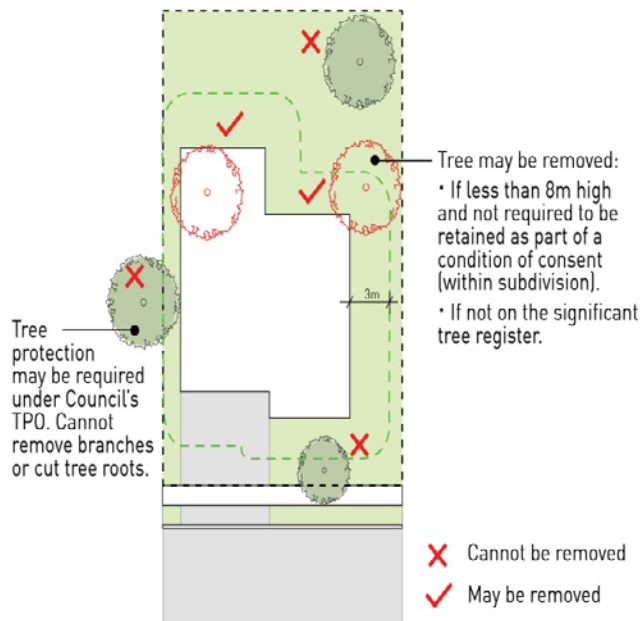
- within 3m of a building or structure bigger than 25m<sup>2</sup>,
- not on council's register of significant trees,
- not higher than 8m if the development is for a new house, as long as the tree is not required to be retained as a condition of consent for the subdivision, and
- not higher than 6m for alterations and additions to a house.

Trees or vegetation may be removed as part of a complying development for new or additions to existing commercial and industrial buildings if it is:

- within 3m of the development, and
- not on council's register of significant trees,
- or
- not higher than 8m.

Refer to **Figure 1**.

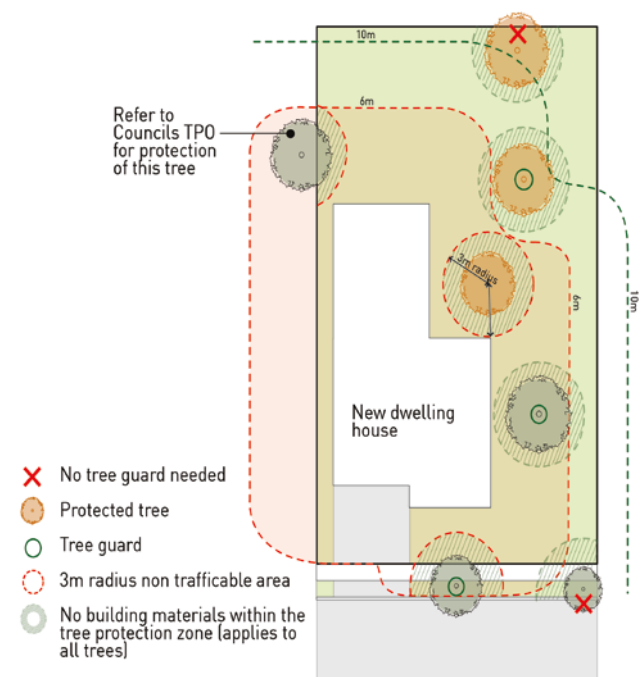
**Figure 1: Trees that can be removed and trees that must be retained**



measures will apply to every tree that is retained on the site and reflect best practice in accordance with Australian Standard (AS) 4970 – 2009 *Protection of trees on development sites*.

Tree protection measures must be in place before work commences, be in good condition and remain in place for the duration of the construction works.

**Figure 2: Protection zones for retained trees during construction**



## What requirements apply?

### Separation from protected trees

A minimum setback of development (including any associated excavation) of at least 3m from any protected tree is required. Development that requires less than 150mm of excavation and will have little impact on a protected tree such as pathways, paving, awnings or fences may be located within 3m of a protected tree.

### Tree guards

A tree guard is a barrier that is made up of hardwood timber panels that are at least 2m long, 75mm wide and 25mm thick, are secured but not permanently fixed or nailed to a tree with a maximum gap of 80mm between each panels. During construction, tree guards must be secured to:

## How retained trees must be protected?

Changes to the policy have introduced extensive measures to protect trees without overly restricting the development potential of a site.

This ensures that where trees are kept, strict conditions during construction will ensure they are not damaged or removed. Tree protection

- any tree within 6m of a house or ancillary development to be constructed, and
- any protected tree within 10m of a house or any ancillary development to be constructed.

#### Tree protection zones – fencing

Any protected tree within 6m of a house or ancillary development requires a protective fence or barrier to be erected around its tree protection zone (TPZ). Australian Standard (AS) 4970 – defines how to calculate a TPZ and the type of fencing required.

#### Tree protection zones – materials and access

Section 4.2 of AS 4970 lists activities that should not occur in the vicinity of trees on a development site. The person issued with the CDC must ensure that these activities do not occur within the tree protection zone of any trees on the development site, as well as any tree on adjoining lots.

Activities that are restricted in a TPZ include the dumping of waste, parking of vehicles and the washing down and cleaning of equipment.

Any temporary access or required scaffolding in the TPZ of a tree must be undertaken using measures listed in sections 4.5.3 and 4.5.6 of AS 4970. Figure 2 outlines the tree protection measures required.

### What else do I need to consider?

If your proposal doesn't meet the required standards for complying development, you may still be able to do the work, but you must get development approval first. In this case, you should contact your local council to discuss your options.

### Further Information

For more information visit the [Exempt and Complying Development Policy website](#)<sup>4</sup> or contact the Department's Exempt and Complying Development Team on 1300 305 695 or by [email](#)<sup>5</sup>.

### Electronic Housing Code

The Electronic Housing Code website helps applicants determine whether the proposed development qualifies as exempt or complying development and the standards that must be met.

Applications for complying development can also be lodged and tracked online for those council areas which are using the Electronic Housing Code. Visit the [Electronic Housing Code website](#)<sup>6</sup> to find out if it is used by your local council or for more details.

<sup>4</sup> [www.planning.nsw.gov.au/exemptandcomplying](http://www.planning.nsw.gov.au/exemptandcomplying)

<sup>5</sup> [codes@planning.nsw.gov.au](mailto:codes@planning.nsw.gov.au)

<sup>6</sup> [www.electronichousingcode.com.au/](http://www.electronichousingcode.com.au/)