



Trial amendment to the 45 Degree Rule

When can I use the 45 Degree Rule?

You can use the rule if:

- The tree is closer than its own height from a lawfully erected building (including a dwelling or outbuilding) on the lot that the tree is located.
- The landowner determines that the tree poses a potential short-term risk that cannot be mitigated any other way.
- The tree works is undertaken by an AQF Level 3 arborist.
- All occupants, adjoining and adjacent neighbours and Council are notified of the proposed tree works in writing 5 days before the pruning or removal is intended to be done.

What size tree can be removed or substantially pruned under the 45 Degree Rule?

It's important to understand what falls under the definition of a 'tree' when considering the 45 Degree Rule for removal or substantial pruning. When using the 45 Degree Rule exemption, the tree needs to be:

- more than 5 metres tall, or
- more than 5 metres wide across the foliage crown, or
- having a trunk circumference of more than 500mm measured one metre above ground level.

How do I let the neighbours know?

You can use our online form if you like, or you can simply write them a letter and drop it in their letterbox at least 5 days prior to the works being done.

How do I notify Council?

The property owner, occupant and tree removal contractor can notify Council in a variety of ways. It needs to be signed by both the owner and the tree removal contractor.



Online: Trees on Private Land | Shoalhaven City Council (nsw.gov.au)

Email: council@shoalhaven.nsw.gov.au

Paper forms: Print PDF online or request a copy.

Call us, we're here to help: 1300 293 111 – to speak to the Environmental Health Officer.

How much pruning is considered to be 'substantial'?

Substantial pruning refers to the removal of a significant portion of a tree or vegetation, such as cutting off more than 10% of a tree's canopy within one calendar year or any pruning that significantly alters the tree's appearance and structure.

How can I remove a tree that is not within 45 Degree or does not meet the criteria?

If you have a tree that is not within 45 degrees or does not meet the criteria for removal, there are several options to consider. Not all these options require the services of an AQF Level 3 Arborist. Some to consider could be:

- Trees under 5 metres can be removed without consent, as can certain exempt tree species that are considered non-native or invasive. Refer to the [Exempt Tree Species List](#).
- Tree Removal Permit - Cost is \$170 for removal of up to 2 trees and \$280 for up to 10 trees.
- Development Application along with other works can be submitted to Council via the [NSW Planning Portal](#). Instructions on how to submit an application via the NSW Planning Portal can be found [here](#).
- NSW Rural Fire Service [10/50 Vegetation Clearing Entitlement](#) - you will need to check if this applies to the property with RFS.
- NSW Local Land Services under the Local Land Services Act 2013 for properties located on RU1, RU2, RU3 and RU4 zoned land.

NOTE: Some properties have conditions placed on the property as part of a development approval or Section 88b restrictions applying to tree or vegetation removal. If you are unsure please contact the Environmental Health team who can advise on 1300 293 111.

NSW Planning
Portal



SCC private tree
permit application
instructions



SCC exempt
tree species
list



RFS 10/50
Vegetation Clearing
Entitlement



Helpful information for arborists

How long does it take to get the Level 3 qualification?

The TAFE NSW course is currently offered part-time for one year or 18 months and those eligible for recognition of prior learning could be eligible for exemptions from particular units. TAFE NSW is investigating options based on the need of local arborists and the availability of training resources. Some experienced arborists could be considered for a statement of attainment under a range of assessment methods.

How much does it cost to get my Level 3 qualification?

The course cost at TAFE NSW varies based on the specific training requirements but fee free training options may be available to eligible enrolments.

How to get Level 3 qualifications

Under the trial changes, a Level 3 qualified arborist needs to be involved in the removal of the tree. Many highly skilled arborists may not have these qualifications but may hold relevant skills that could assist them to attain them using different training methodologies. These may include Recognition of Prior Learning (RPL) and Statement of Attainment training options, where people may be assessed against their skills in a practical setting.

Courses can be generated based on interest, so if you can complete this survey, local training providers can investigate options for courses, individual training and potential funding sources. ([Link to survey](#))

Survey

