



## Guidance

The 45 Degree Rule allows for the removal or substantial pruning of a tree if it is within 45 degrees of a building that has been lawfully erected on the same lot as the tree. For a tree to be removed or substantially pruned, it must meet the criteria under the 45 Degree Rule.

Before submission of the notification, please review the criteria for removal in Chapter G4: Tree & Vegetation Management of Shoalhaven DCP 2014:

Select the link to be taken directly to the DCP Chapter

[Link to the DCP Chapter](#)

OR scan the QR code:



Alternatively, visit the Council website and search for "Development Control Plan"

This notification is required to be **submitted to Council 5 days prior to any tree removal works** being undertaken under the 45 Degree Rule as outlined in Chapter G4: Tree and Vegetation Management of Shoalhaven Development Control Plan 2014. Adjoining and adjacent landowners must also be notified and the notification is required to be signed by the Arborist. A fillable form for an Owner and Arborist is available below for download as well as a Neighbour Notification for all adjoining and adjacent neighbours that can be provided to your neighbours.

**If the tree/s do not meet the criteria for removal under the 45 Degree Rule an application 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](#).

Select the link to be taken directly to the Planning Portal

[Link to the Planning Portal](#)

OR scan the QR code:



Alternatively, visit the Council website and search for "Planning Portal"

## Attachment Guidance

Please ensure the following are attached:

- Attach photographs of tree/s to be removed – please ensure they clearly show proximity to the lawfully erected building
- Owner's and Arborist Declaration form – click below to download
- A Section 138 approval if works will be undertaken in road reserve

Select the link to be taken directly to the Declaration Form

[Link to the Declaration Form](#)

OR scan the QR code:



Alternatively, visit the Council website and search for "Arborist Declaration Form"

## Check any of the following that apply:

Consent conditions include:

88B (Instruments for the property) states:

Is the tree/s at IMMINENT RISK of falling?\*

*If checked, see Action 1*

Is not within 45 degrees of a lawfully erected building on your property

*If checked, see Action 2*

Does not pose a risk to the lawfully erected building in less than a year

*If checked, see Action 2*

Is located on a slope greater than 18 degrees

*If checked, see Action 2*

Is located in the Jerberra Estate

*If checked, see Action 2*

Has evidence of tree hollows or nests

*If checked, see Action 2*

Is heritage listed or in a heritage conservation area

*If checked, see Action 3*

Is on a property that is heritage listed or zoned as rural

*If checked, see Action 3*

Is protected as part of consent conditions

*If checked, see Action 2*

Is protected as part of 88B (instruments for the property)

*If checked, see Action 2*

If no boxes are checked, proceed to the [location details](#) on page 4.

# Actions

## Action 1

Contact the State Emergency Service (SES) immediately on 132 500

If a tree poses an imminent risk to human life or significant property, it can be immediately removed without Council approval. You should contact the NSW SES or a qualified arborist for assistance. If the tree is heritage listed, you will need to contact Council prior to the tree being removed.

## Action 2

If the tree:

- is not within 45 degrees of a lawfully erected building on your lot
- does not pose a short term risk to the building
- is located on the Jeberra estate
- has evidence of hollows or nests
- is protected as part of consent conditions
- is protected as part of 88B instruments for the property

An application must be submitted to Council via the [NSW Planning Portal](#).

## Action 3

If the tree:

- is heritage listed
- is located in a heritage conservation area
- is located on heritage listed property
- is located on rural zoned property

An application must be submitted to Council, please contact the **Environmental Services Team** for more information on **1300 293 111**.

Select the link to be taken directly to the Environmental Services Team

[Link to the Environmental Services Team](#)

OR scan the QR code:



Alternatively, visit the Council website and search for "Environmental Services Team"

## Location Details

Please provide the address / location of the tree which is proposed for removal under the 45 degree rule

## Request Details

What is the proposed date of removal / pruning?\*    How many trees are proposed for removal / pruning?\*

What is the reason for removal / pruning?\*

Specify size and species of tree/s proposed to be removed / pruned\*

## Arborist Details

Is the work going to be supervised or undertaken by an arborist with level 3 qualifications?

Yes

No

What is the arborist/company name?

What is the arborist/company contact number?

Do you require access to any neighbouring property to remove the tree?

Yes

No

Have you provided a Neighbour Notification (with a written date) five (5) days prior to the tree works being undertaken?

Yes

No

Please attach the Owner's and Arborist Declaration form

## Notifier Details

Are you an individual or an organisation

Individual

Organisation

Given Names

Last name

Organisation Name (if applicable)

Email address

Phone number

Postal address

Do you wish to be notified about this submission?

Yes

No

Notification method preference





Email

SMS

# PRIVACY STATEMENT

## Privacy & Public Access to Information

Information supplied on this form will be managed in accordance with Council's Privacy Management Plan, Public Access to Council Information Policy and relevant legislation. Certain information supplied to, and held by, Council may be made available to the public pursuant to the provisions of the Government Information (Public Access) Act 2009 (GIPA Act). Further information on privacy and public access to information can be found on Council's website.

Select the link to be taken directly to Council's Privacy Management Plan	<a href="#">Privacy Management Plan</a>	OR scan the QR code:		Alternatively, visit the Council website and search for "Privacy Management Plan"
Select the link to be taken directly to Public Access to Council Information Policy	<a href="#">Public Access to Council Information Policy</a>	OR scan the QR code:		Alternatively, visit the Council website and search for "Public Access to Council Information Policy"
Select the link to be taken directly to GIPA Act.	<a href="#">GIPA Act</a>	OR scan the QR code:		Alternatively, visit the Council website and search for "Government Information (Public Access) Act 2009"
Select the link to be taken directly to Shoalhaven City Council	<a href="#">SCC Council</a>	OR scan the QR code:		Alternatively, visit the Council website and search for "Trees on Private Land"

## Agreement declaration

I confirm the information provided and attached is true and correct.