



BYRON SHIRE COUNCIL
Dead/Dying or Dangerous Tree Assessment Request
 Please Note: *The lodgement of this request is not an approval.*

Customer Request No. 30.20.....

**Return completed form to Byron Shire Council, PO Box 219, MULLUMBIMBY NSW 2482
 or Email: pes@byron.nsw.gov.au**

1. Address/Location of tree/s (MUST BE ON YOUR LAND)		Submission Date: / / Allow 7 working days for processing
2. Does the applicant have a copy of Council's Tree Preservation controls (Clause 5.9 of LEP & Chapter B2 of DCP)	<input type="checkbox"/> Yes <input type="checkbox"/> No	3. Check undesirable species list from Chapter B2 of DCP 2014.
4. Details of applicant Name: Telephone:..... Email Address: Address: Signature (s):		
5. Description of site e.g. tree species, size, reasons why the tree is dangerous Photographs (mandatory) <input type="checkbox"/> Yes <input type="checkbox"/> No If trees have been inspected, provide arborist's report <input type="checkbox"/> Yes <input type="checkbox"/> No		
6. Comments from applicant		
COUNCIL USE ONLY		
7. Council comment and recommendation (must include any discretion applied)		
8. Council Inspected <input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Inspection
9. Council Determination <input type="checkbox"/> Approved <input type="checkbox"/> Refused		
10. Reason for Determination		
Council Officer		Title Position
Signature		Date

Dead, dying or dangerous trees

The tree should present an imminent threat to safety, not an alleged threat.

Although works to trees covered by Council's Tree Preservation controls require Council's formal approval, there are certain operations which are exempt from obtaining consent and Council can agree on an informal basis.

Anyone who proposes to fell a dead, dying or dangerous tree should apply to Council using the approved form, giving notice of their intention to do the works. This enables the Council to check the condition of the tree and agree if the works are necessary.

Failure to give the Council notice of the intended works could result in enforcement action being instigated.

A dead, dying, dangerous tree approval is not development consent for the purposes of any Local Environmental Plan adopted under the terms of the *Environmental Planning and Assessment Act 1979*.

A dead, dying, dangerous tree approval is merely a declaration from Council confirming that the trees in question are not subject to the protections provided by Council's Local Environmental Plan. The onus remains upon the applicant to obtain any other approvals or development consent that may be required to remove the trees, including but not limited to National Parks and Wildlife Act 1974, Threatened Species Conservation Act 1995, Native Vegetation Act 2003 and any other environmental planning instrument adopted under the terms of the Environmental Planning and Assessment Act 1979.

Date

Date of application made to Council

Address

The address at which the tree is located.

Does the owner of the land consent to the removal of the tree

If the applicant is not the owner of the land, then land owners consent is required before Council can consent to the tree removal.

Arborists Report Provided

If the applicant is not a qualified arborist, then the applicant should check with Council's compliance division as to whether an arborists report is needed before lodging the application. Council may require an arborists report in circumstances where the tree is a significant tree, such as a large Morton Bay Fig Tree or a large NorthFolk Island Pine.

Does the applicant have a copy of Council's Tree Preservation controls

The applicant is responsible for ensuring the species of tree, proposed to be removed is not on the list of undesirable trees under Chapter B2 of Byron DCP 2014. This application form is not required for the removal of a tree listed as undesirable under this DCP Chapter.

Details of the applicant

Name, address and telephone contact details of the applicant must be provided to Council. In most cases Council may wish to arrange an inspection of the tree(s) prior to determination of the application.

Description of the site

You must provide Council with the details of the species and size of the tree(s) proposed to be removed. Explain the reasons why the tree(s) is dead, dying or dangerous. It may be helpful if you attach a diagram of the site and tree(s) proposed to be removed.

Photographs

Photographs of the tree(s) must be provided with the application form.

Comments from the applicant

This is an opportunity to provide further information or circumstances to Council that may be helpful. You may request Council to apply discretion in its decision, particularly where the Tree Preservation controls are not practical to the circumstances of the matter.