

Proposed Tree Protection Local Law Frequently Asked Questions

Question:

Why is this Local Law required?

Answer:

This Local Law is aimed at protecting and enhancing the urban character of the City of Darebin by regulating tree removal and the pruning of trees on private property. It also introduces the requirement for replacement planting when a tree is removed, using species that are suitable to the local vegetation character of the area and site constraints.

With the increasing density of urban development occurring in Darebin we are seeing a reduction in the number of large trees on private land, therefore Council believes that the health and sustainability of our remaining trees is becoming increasingly important.

Question:

Does this new Local Law apply to all trees?

Answer:

No. It only applies to trees that are protected under the Tree Protection Local Law that meet the criteria.

The only trees exempt are the ones that are proclaimed noxious weeds and trees smaller than 8m in height.

Question:

How do I know which trees are protected?

Answer:

A protected tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

Question:

Why does it matter if tree numbers are decreasing?

Answer:

Darebin City Council is committed to protecting and enhancing our overall tree canopy cover. We see this as being integral to the municipality's identity and the underlying land values in our area.

Darebin's trees make an important contribution to our local amenity, sense of place, neighbourhood character, landscape values and cultural heritage. Trees improve the local climatic conditions by providing shade, wind protection and relief from the urban heat island effect. In some locations, our trees also contribute to native fauna habitat and local biodiversity.

Question:

What will the Local Law require me to do?

Answer:

You will require a permit from Council if you want to do any of the following:

- Remove a protected tree
- Prune a protected tree
- Do anything that could result in you damaging or destroying a protected tree if that tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

Question:

Is Darebin the only council that requires land owners to obtain a permit to remove or prune protected trees?

Answer:

No. Most councils in the metropolitan area have Local Laws that require land owners to obtain a permit prior to removing or pruning trees of a certain size or type. These councils include Bayside, Boroondara, Frankston, Hobsons Bay, Kingston, Port Phillip, Stonnington and Yarra.

Other councils require planning permits for tree pruning/removal and some councils require both a Local Law permit and planning permit.

Question:

What are the penalties for not obtaining a permit?

Answer:

If you breach the proposed Local Law, you would most likely receive a summons to attend court, where if found guilty, you could be fined up to \$2,000, plus be ordered to pay Council's legal costs in prosecuting the matter. Additionally, the court may also order that a conviction is recorded against you.

Question:

How much does the permit cost?

Answer:

\$200

Question:

Will there be more than one permit required? For example, will there be separate permits for tree removal and pruning?

Answer:

No, only one permit is required.

Question:

Is a permit always required for pruning?

Answer:

A permit is only required for pruning a protected tree i.e. when the tree has a single or combined trunk circumference greater than 125 centimetres when measured at 1.5 metres above ground level and the tree is taller than 8 metres high.

A permit is NOT required in the following cases:

- Where pruning is carried out by a qualified arborist in accordance with the relevant Australian Standard (AS4373:2007), who certifies their work, both before and after work.
- In an emergency where any part of a tree that is an immediate threat to life and/or property may be removed.

Question:

Why is Darebin Council bringing in this new law?

Answer:

In order to protect and enhance the urban character, including tree canopy cover, by regulating tree removal and pruning of significant trees on private property.

Question:

Does Darebin Council currently have a problem with excessive/and or random tree removal?

Answer:

There have been many requests from the community to protect significant trees on private property and the need to maintain and enhance local tree canopy and character.

With the increasing density of urban development occurring in Darebin we are seeing a reduction in the number of large trees on private land, therefore Council believes that the health and sustainability of our remaining trees is becoming increasingly important.

Question:

When will the local law come into effect?

Answer:

This process takes at least five weeks consultation followed by Council meetings and is as follows:

- Public consultation takes a minimum of 28 days. The public consultation process is undertaken in accordance with Section 223 of the Local Government Act 1989.
- Public Notice with intention to make Local Law is given in the Government Gazette and placed in The Age, with a copy of the advertisement also placed in the Preston and Northcote Leader newspapers.
- Hearing of Submissions (if required) will be scheduled no less than 7 days after the close of the public submission process.
- Councillor Briefing – if required.
- Council Meeting.
- Council adopts the Local Law.
- Public notice will be given in the Government Gazette and public notice as specified under Section 119(3) of the Local Government Act 1989.
- Local Law comes into effect from the date it is published in the Government Gazette.
- A copy of the Local Law will be submitted to the Minister for Local Government in accordance with Section 119(4) of the Local Government Act 1989.

Question:

How do I apply for a permit?

Answer:

You can apply for a permit online or by completing the application form available from Council's website or customer service.