

What is the Tree Protection Local Law?

Tree Protection Local Law No 22 came into effect on 8 April 2016. In applying the Tree Protection Local Law, Council intends to:

- protect our community forest by maintaining tree canopy on private land
- require a minimum standard of tree pruning for the protection of trees and public safety
- protect
- and enhance the amenity and environment of Frankston

Why do I need Council permission to remove a tree on my own property?

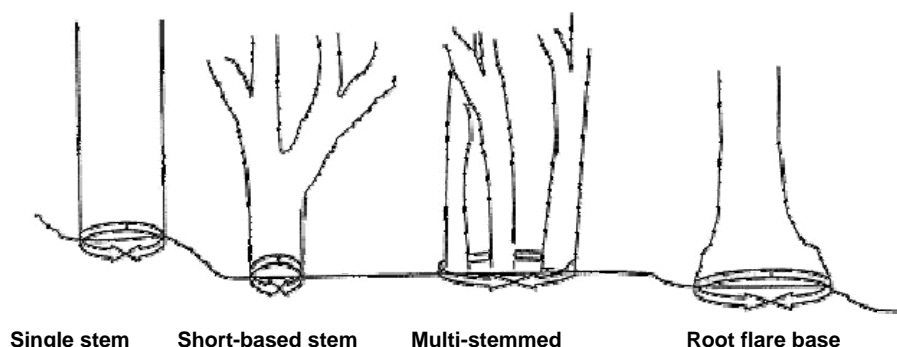
Council wants to protect the canopy trees that contribute to the treed-character of the municipality. While Council understands that at times trees will need to be pruned or removed, we want to ensure this is done properly and only when necessary.

In determining whether to grant a permit, Council will take the following into consideration:

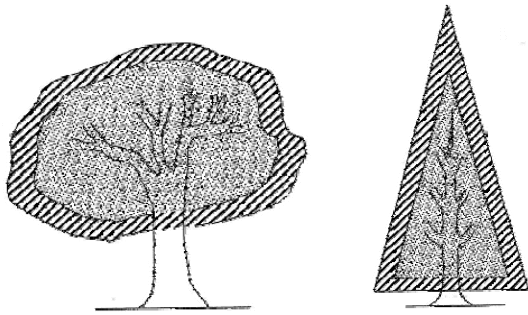
- a) The type of tree;
- b) The effect on the aesthetics of the neighbouring area;
- c) The health, condition and hazard status of the tree; and
- d) The reason for the request to remove the tree.

When is a Local Law permit required?

The Tree Protection Local Law applies to any tree with a trunk circumference equal to or greater than 110 cm (centimetres) measured at the base. See diagram below.




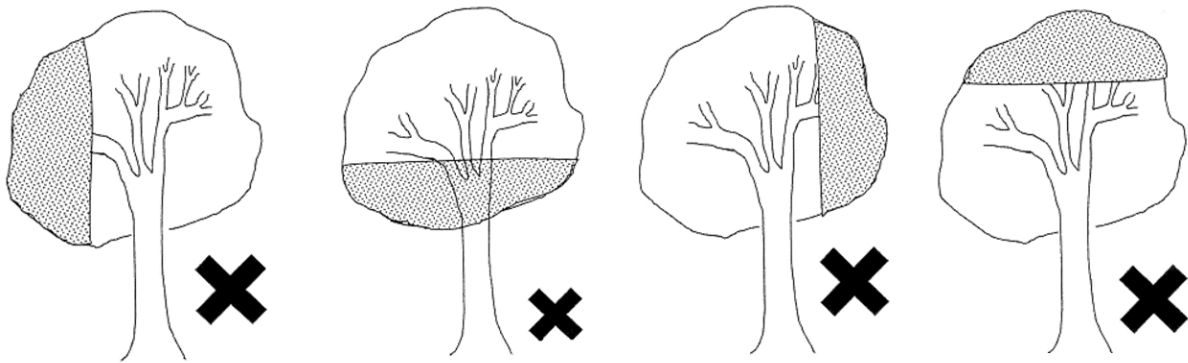
A permit is required to:




- remove, damage, kill or destroy;
- prune, cut, trim, top more than one-third (1/3) of the outer-edge of the canopy;
- undertake any works that encroach within more than 10 per cent of the **Tree Protection Zone***

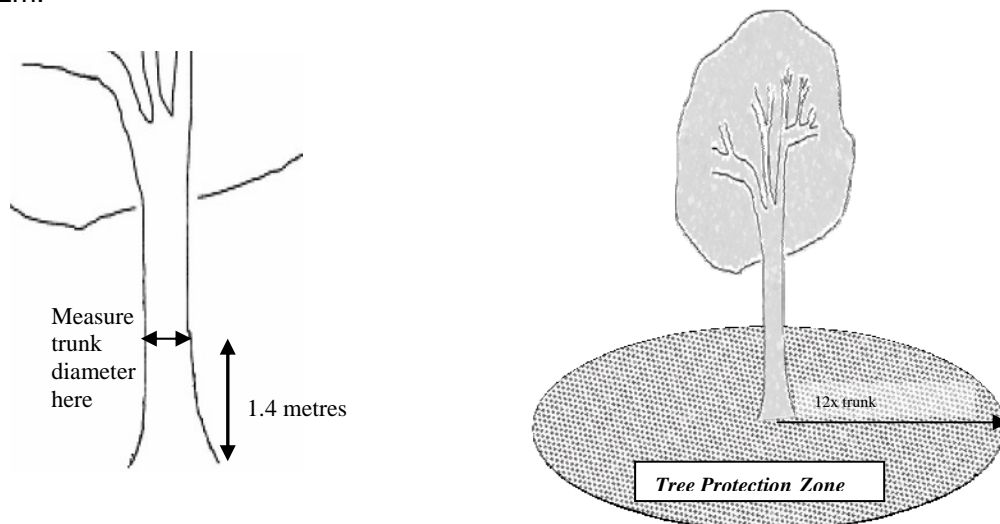
One third (1/3rd) of the **Crown** of a tree is measured from the outer edge of the **Crown**. It includes foliage and smaller branches but does not include larger branches, stems or the truck.

 Represents 1/3rd of the **Crown**. Pruning is allowed in this section **without** a Permit.



Pruning the shaded areas as shown above () is considered to be removing *more* than one third (1/3rd) of the **Crown** and a Permit *is* required.

The Tree Protection Zone is the circular area with a radius from the centre of the trunk equal to 12 times the diameter of the trunk (measured at 1.4m from the base of the tree). The minimum distance is 2m.



When is a Local Law permit not required?

A permit is **not** required if:

- the tree has a trunk circumference of less than 110cm measured at the base
- a permit for tree removal is required under the Frankston Planning Scheme
- there is an exemption from the need for any planning permit under clause 52.48 of the Frankston Planning Scheme
- the tree species is considered a weed species and listed in the Local Law No. 22 – Schedule 2 “Major Environmental Weed Species”

Council is available to assist in determining whether a permit, or which permit, is required to remove a tree. Please contact the Planning & Environment department on 9784 1733 prior to lodging and application or undertaking works if you are unsure.

How do I apply for a permit?

To apply for a Local Law permit, a completed Tree Protection Local Law application form must be submitted with the required supporting information and the prescribed fee in person at any Customer Service Centre, via email or mail.

Tree Protection Local Law application forms can be obtained from any Frankston City Council Customer Service Centre, downloaded from www.frankston.vic.gov.au or via the post by telephoning Frankston City Council on 1300 322 322.

Incomplete applications will not be processed until all required information is provided. Details are provided on the following page.

Supporting information to be included with your application

Required

- ✓ Completed application form
- ✓ Payment to cover the application fee
- ✓ Plan of the property indicating the location of the tree(s) to assist during the site inspection. The tree(s) should be labeled stating if the request is to prune, remove or undertake works near the tree. A sketch plan with measurements and showing major features is usually adequate
- ✓ Details of new trees to be planted to replace the existing trees

Optional

(items that may assist the assessment and verification of the application)

- Arborist report (must be in accordance with Council's Arboricultural Report Writing Guide)
- Engineer report
- Development plans
- Copy of Title
- Photographs
- Planning Permit Number
- Building Permit Number
- Other supporting information

What happens if I remove, damage, kill or destroy a tree without a permit?

If a tree is removed, damaged, killed or destroyed without a permit, the property owner and/or person who undertook the work may be liable to a fine of up to \$2,000 per offence.

Alternatively, Council may seek a conviction and more substantial fine at the Magistrate's Court.

This also extends to the unauthorised pruning of more than one third of the canopy or the undertaking of works within the Tree protection zone.

Please contact the Planning & Environment department on 1300 322 322 prior to undertaking works if you are unsure.

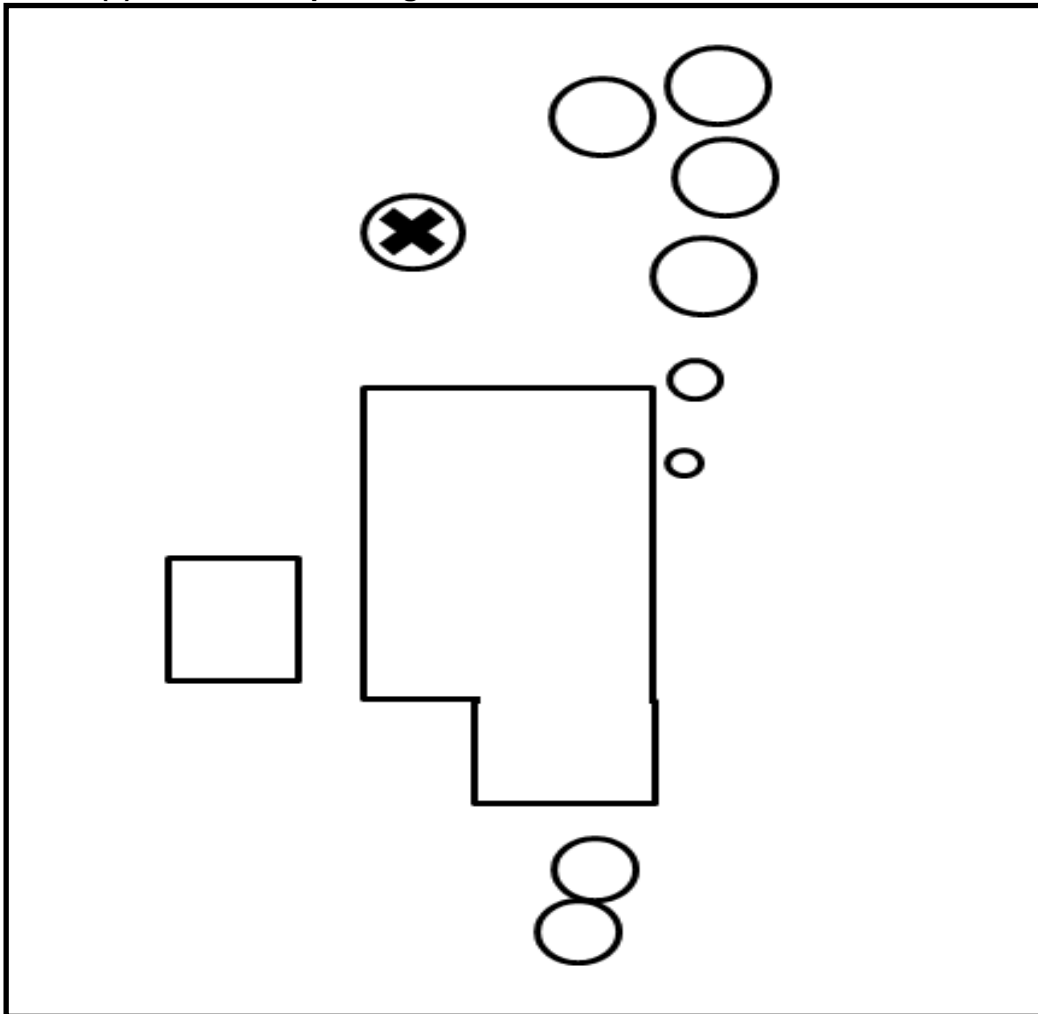
Example Plan of Property

Sketch layout of the site indicating the following:

- a) Location of trees proposed for removal/pruning/works within TPZ
- b) Location of replacement trees
- c) Key features including road, house, garage, driveway etc.

Legend

⊗ Tree(s) for removal/pruning/root excavation



Please note Council may require replacement tree as a permit condition

Disclaimer: Please note this checklist is for standard information required for lodgement. Additional information may be request to assist in the assessment of your application. Although the information contained in this fact sheet has been researched and presented with due care and attention, Frankston City Council accepts no responsibility for any errors or omissions which may have accidentally occurred within the publication.

Frankston City Council

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