

1. Overview

Under the Long Term Lease, being a lease of fifteen (15) years or more commencing on or after 1 January 2018, or any lease forming part of the Social Housing Management Transfer Program (the Long Term Lease), the New Build Lease, being a lease of typically 20-49 years for properties that were new at the commencement of the lease (the New Build Lease), and the Short Term Lease being a lease of three (3) years or less (Short Term Lease)) Community Housing Providers (CHPs) are required to keep all trees, plants and lawns (collectively referred to as vegetation) in LAHC owned properties in good and substantial condition.

CHPs are responsible under section 4.12 of the Asset Management Framework for NSW Land and Housing Corporation Properties Managed by Community Housing Providers (General Property AMF) and under section 5 of the Asset Management Framework for New NSW Land and Housing Corporation Properties Managed by Community Housing Providers (New Build AMF) for regularly pruning/ trimming trees and shrubs to the maximum allowable by the local council to allow light into windows, allow air to circulate around buildings, minimise leaves building up in gutters and ensuring branches are away from buildings/ roofs, prevent damage to buildings, structures and services.

Where a permit or development consent for tree removal or pruning is required by the local council under a tree preservation order (TPO)¹, the CHP must first seek owner's consent from the NSW Land and Housing Corporation (LAHC) to facilitate the application lodgment. The CHP will be responsible for any costs associated with obtaining the Council's permit/approval - in accordance with the relevant clauses of the Long Term Lease, and the Short Term Lease.

2. Procedure

2.1 Development consent

In compliance with the AMF or otherwise if notified by the local council to prune or remove a tree or shrub - and if a permit or development consent is required under a tree preservation order for that work, CHPs must:

- Contact the local authority and obtain the relevant documentation to enable the application for the TPO permit or development consent
- Employ best endeavours to complete all relevant sections of the documentation in full prior to submission to LAHC. This may include photographic evidence and/or an arborist report as required by the Council
- Submit the completed documentation to LAHC and request owner's consent for the lodgment of the application. Submission is via the LAHC dedicated mailbox (the mailbox) LAHC-CHPenquiries@facsnsw.gov.au.

¹ Tree removal or pruning permits were and still are commonly known as TPOs. From August 2017 a new State Environmental Planning Policy was introduced (see section 3 overleaf) which contains general provisions relating to clearing of vegetation in non-rural areas to be contained in local Council development control plans (DCPs).

2.2 Owner's consent

Where LAHC owner's consent is provided, CHPs are to submit the documents cited by LAHC to the Council in a timely manner, at their cost.

2.3 Council consent receipt

Upon receipt of the Council consent or permit for the TPO work, CHPs must complete all work in strict adherence with the TPO and its conditions (including the planting and maintenance of replacement trees where specified); in accordance with all relevant Work Health and Safety (WHS) requirements; and at their own cost.

2.4 Authorisation letter

CHPs may apply to LAHC for an authorisation letter granting approval for the CHP to lodge with Council a tree pruning and removal application on behalf of LAHC:

- If granted, the authorisation letter will be valid from 1 July until 30 June, and a new application will need to be submitted to LAHC each year.
- Applications for an authorisation letter should be sent to the LAHC mailbox: LAHC-CHPenquiries@fac.s.nsw.gov.au.

3. Legislative requirements

Vegetation management is to be managed in accordance with (but not limited to):

- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Local Environmental Plan (LEP) of the local Council, particularly the exempt development provisions in clause 3.1 (5) (b)*
- Development Control Plan of the local Council, in respect of clearing vegetation in non-rural areas and tree preservation order matters.

4. Enquiries

CHPs are welcome to direct any queries regarding the provision of LAHC owner's consent for vegetation management, to the LAHC mailbox: LAHC-CHPenquiries@fac.s.nsw.gov.au. In general terms the CHP should manage vegetation on LAHC owned properties without the specific involvement of LAHC.

Vegetation Management Operational Procedure

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING
PROVIDERS



State of New South Wales through Department of Planning, Industry and Environment 2019 The information contained in this publication is based on knowledge and understanding at the time of writing (November 2019) However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.