

# TREE MANAGEMENT FACT SHEET

The Hills Shire Council is committed to preserving the amenity of the Shire. Trees are of vital importance in improving the visual quality of an area. The predominance of tree cover both in bushland and urban areas forms an integral part of the character of the Hills Shire.

Trees play an important part in maintaining the health of our lands and our living environment.

Trees in urban areas act as extensions and habitat links between core bushland, as bushland corridors. Trees also reduce the effects of sunlight, summer heat, reflection, pollution, humidity, wind, glare, refraction and noise.

Tree management preservation provisions apply to all land within the Hills Shire local government area.

## PRESERVATION OF TREES OR VEGETATION

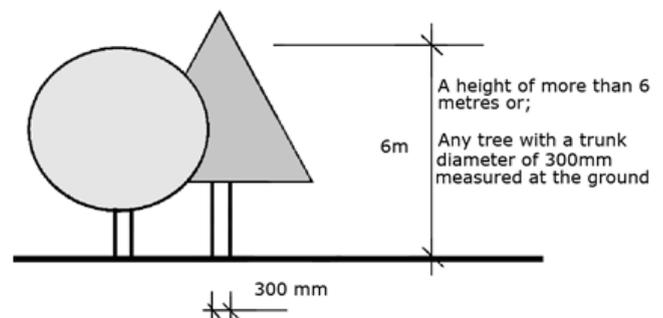
The objective of the Tree Management Provision is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 states that except in accordance with a development consent or permit granted by the Council, a person must not clear vegetation without a permit. It applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council. It should be noted that a habitat tree includes dead trees with hollows that provide, or could provide, habitat for wildlife.

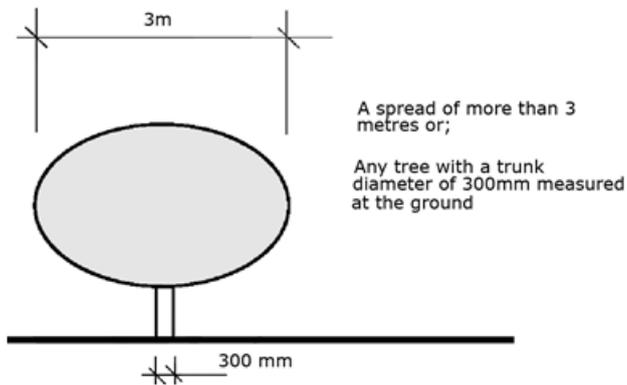
## DEFINITION OF A TREE

A tree for the purpose of the Tree Management Provision is a plant with any of the characteristics pictured in the diagram below.

## WHICH TREES DO I REQUIRE A PERMIT TO REMOVE?

All trees, whether native or exotic, as per the above definition, require a Tree Management Permit for removal or pruning more than 10% of the overall canopy of a tree. If you are unsure, it is recommended that you first contact Council's Contact Centre on 02 9843 0555 for advice as to whether a formal application is required.





## ARE THERE ANY EXEMPTIONS?

Some tree species are considered to be inappropriate based upon their adverse affect towards their surrounds. The following species can be removed without Council consent:

*Acer negundo* (Box Elder)  
*Ailanthus altissima* (Tree of Heaven)  
*Albizia lophantha* (Cape Wattle)  
*Alnus jorrullensis* (Evergreen Alder)  
*Arcontophoenix alexandrae* (Alexandara Palm)  
*Arcontophoenix cunninghamiana* (Bangalow Palm)  
*Celtis australis* (Hackberry)  
*Citharexylum spinosum* (Fiddlewood)  
*Cotoneaster spp.* (Cotoneaster)  
*Cupressus sempervirens 'Stricta'* (Pencil Pine)  
*x Cupressocyparis Leylandii* (Leyland Cypress)  
*Erythrina X sykesii* (Coral Tree)  
*Ficus benjamina* (Weeping Fig)  
*Ficus elastica* (Indian Rubber Tree)  
*Gleditsia triacanthos* (Honey Locust)  
*Grevillea robusta* (Silky Oak)  
*Harpephyllum caffrum* (Kaffir Plum)  
*Lagunaria patersonia* (Norfolk Island Hibiscus)  
*Ligustrum lucidum* (Broad Leaved Privet)  
*Ligustrum sinense* (Small Leaved Privet)  
*Liquidambar styraciflua* (Liquidambar)  
*Nerium oleander* (Oleander)  
*Olea europaea var. africana* (Wild Olive/African Olive)

*Pinus radiata* (Monterey Pine/ Radiata Pine)  
*Pittosporum undulatum* (Sweet Pittosporum)  
*Populus nigra "Italica"* (Lombardy Poplar)  
*Robinia pseudoacacia* (False Acacia/Black Locust)  
*Salix babylonica* (Weeping Willow)  
*Schefflera actinophylla* (Umbrella Tree)  
*Schinus molle* (Peppercorn Tree)  
*Schinus terebinthifolius* (Brazilian Mastic, Broadleaf Pepper Tree)  
*Syagrus romanzoffianum* (Cocos Palm)  
*Tamarix aphylla* (Athel Tree)  
*Toxicodendrum succedaneum* (Rhus Tree)  
*Triadica sebifera* (Chinese Tallow)  
*Washingtonia robusta* (Mexican Fan Palm)

- A fruit tree or tree grown for the purposes of fruit production, excluding naturally growing native fruiting species.

Trees of the following species may be pruned or removed without development consent if the height of the tree is **less than 10m**.

*Araucaria bidwillii* (Bunya Bunya Pine)  
*Araucaria cunninghamii* (Hoop Pine)  
*Araucaria heterophylla* (Norfolk Island Pine)  
*Cinnamomum camphora* (Camphor Laurel)  
*Cupressus marocarpa* (Monterey Cypress)  
*Erythrina X sykesii* (Coral Tree)  
*Melia azedarach* (White Cedar)

### Trees within 5m of an existing Approved Dwelling or Ancillary Structure.

Council approval is not required to prune or remove trees within 5m of an existing dwelling or ancillary structure, which has been approved through a Development Application or Complying Development Certificate, within the same lot as the tree. The distance is to be measured from the face of the tree trunk closest to the dwelling or structure to the external wall or roof line of the dwelling or structure, the definition of which may include a garage, carport, studio, shed, workshop, swimming pool, spa or retaining walls with a height greater than 600mm. The removal and/or pruning of any other trees without approval from Council is a breach of the Environmental Planning and Assessment Act 1979. An offence against the Act attracts a penalty of up to \$1,100,000. Misidentifying a tree is not a defence against prosecution.

## WHY WOULD A PERMIT NOT BE GRANTED TO REMOVE A TREE?

Permission will generally not be granted to remove trees because:

- A tree is shedding leaves, fruit, bark, cones or twigs.
- The applicant seeks to improve views.
- A tree is causing overshadowing.
- Minor lifting of driveways and paths by tree roots has occurred.

## IS A PERMIT REQUIRED FOR REMOVING WEEDS?

No, any priority weed may be removed at any time without a Permit and Council encourages the removal of these weeds.

For further information, please refer to Hawkesbury River County Council's website [www.hrcc.nsw.gov.au](http://www.hrcc.nsw.gov.au). The Hawkesbury River County Council administers the Biosecurity Act (2015) across the regions of Hawkesbury, Penrith, Blacktown and The Hills Shire. This involves taking a nil-tolerance, landscape approach to weed management with the focus being early detection of new weed incursions and containment of high-risk plant species that impact on biodiversity, agriculture, and property. .

## WHO CAN APPLY FOR A PERMIT?

The legal property owner or authorised agent can make application to Council for removal of a tree. In the case of strata titled property, consent of the body corporate must be obtained prior to application lodgement.

Council cannot issue a permit for the removal a tree located within an adjoining property. In the first instance, residents are advised to consult their neighbours about the problem. For ongoing concerns regarding trees on a neighbouring property, it is more appropriate to use the Tree (Disputes Between Neighbours) Act 2006 as it provides residents an opportunity to take action directly against an adjoining property owner's tree on grounds including danger, property damage and nuisance. Council's powers to compel a landowner to remove a tree are limited to circumstances where it is demonstrated by suitable expert evidence that the tree represents an imminent danger.

## TREE MANAGEMENT APPLICATION FEES

When a Tree Management Application form is lodged with Council, an inspection fee must also be paid.

For application fees, please refer to Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) for current fees and charges.

## WHAT ARE THE PRUNING REQUIREMENTS OF A TREE

Up to 10% of the overall canopy of a tree may be pruned without a permit. Any pruning works of a canopy tree must be carried out in accordance with the Australian Standard for the Pruning of Amenity Trees (AS 4373-2007) and be undertaken by a professional AQF Level 3 Arborist.

## CAN I PRUNE OVERHANGING BRANCHES FROM A NEIGHBOUR'S TREE?

The common law of nuisance allows you to prune overhanging vegetation from a neighbour's tree back to the boundary line. The pruning of branches from a canopy tree requires the pruning to comply with AS 4373-2007 which requires pruning the branch back to the trunk of the tree. All pruning works must be undertaken from within your own property unless you have the property owner's consent to enter onto their property.

The property owner's permission is not required for the pruning of vegetation such as shrubs that are overhanging your property, however, it is advisable that in the interest of good neighbourly relations, you contact your neighbour to notify them prior to undertaking any pruning works.

## WHAT IS BUSHLAND?

Bushland means vegetation that is either a remainder of the natural vegetation on the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation. Bushland vegetation includes trees of any size, shrubs and all native grasses and herbaceous species.

## DO I NEED APPROVAL TO CLEAR BUSHLAND?

Clearing of bushland requires Development Consent. It is also prohibited in some zones. A Flora and Fauna Assessment and justification for the bushland clearing must accompany the application. For additional information please refer to Tree and Vegetation Management information available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

## ARE THERE ANY CIRCUMSTANCES WHERE EXEMPTIONS UNDER COUNCIL'S TREE MANAGEMENT GUIDELINES DO NOT APPLY?

Despite any Council exemption the removal of trees and clearing of native vegetation that exceeds the Biodiversity Offsets Scheme thresholds will require approval from the Native Vegetation Panel. This includes if the tree removal works occur on an area mapped on the Biodiversity Values (BV) map. Information on the Biodiversity Offset Scheme thresholds including the Biodiversity Values map can be found at

[\[https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements\]](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements).

If you are planning to undertake tree removal that is exempt under Council's Tree Management provisions you also need to consider your obligations under the Biodiversity Conservation Act 2016. It is an offence to harm threatened ecological communities, plant and animal species and their habitat. Pruning or removal of trees and vegetation authorised by a permit issued by Council provides a defence to offences under the Biodiversity Conservation Act.

## DO I NEED TO REPLACE A TREE I HAVE A PERMIT TO REMOVE?

Yes. In the interests of maintaining the natural environment of the Shire, it is a condition of approval as part of a Tree Management Permit that for every tree removed a replacement tree is planted elsewhere within the property.

## WHAT CAN I DO IF I AM NOT SATISFIED WITH COUNCIL'S ASSESSMENT OF MY TREE?

Submit a written request to Council for a re-inspection. This request should be accompanied by supporting information such as a report prepared by a suitably qualified AQF Level 5 Arborist, plumber or structural engineer. There is no fee charged when requesting a re-inspection within 12 months of the date of the original application.

## WHAT DO I DO IF MY TREE IS DAMAGED IN A STORM?

Council has made special Provisions in the event of storms or severe weather events. Should your tree be damaged during such an event, please contact Council's Contact Centre on 02 9843 0555 for immediate assistance.

## WHAT DO I DO IF I BELIEVE MY TREE IS DEAD OR DYING OR IS A RISK TO HUMAN LIFE OR PROPERTY?

Please contact Council's Contact Centre on 02 9843 0555 to discuss what evidence is required to be submitted to Council's Tree Management Team to substantiate an exemption.

## IS THERE A PENALTY FOR BREACHING COUNCIL'S GUIDELINES?

A breach of the Tree Management Provision can incur a penalty under the Environmental Planning and Assessment Act 1979, which is an offence that can carry a fine of up to \$1,100,000. To avoid a breach of Council's Tree management provisions if you are unsure, it is recommended that you first contact Council's Contact Centre on 02 9843 0555 for advice as to whether a formal application is required prior to any tree works being undertaken.

**Important** - Please also refer to NSW Rural Fire Service's Guidelines for Asset Protection Zones when considering removal of trees or bushland clearing. Please note that although such work completed by or under the Rural Fires Act 1997 may be carried out without Council consent, a Hazard Reduction Certificate is required from the Rural Fire Service and if fire is included as part of the works a Fire Permit may also be required from the RFS.

### **Customer Service Centre:**

3 Columbia Court, Norwest NSW 2153

**Phone:** 9843 0555

**Duty Town Planner:** 9843 0469

**Hours:** 8:30 am to 4:30 pm, Monday to Friday

**Website:** [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

## DISCLAIMER

This fact sheet provides a summary of the major issues concerning tree and bushland management. The requirements contained within this fact sheet relate to all applications lodged with Council's Environment and Planning Services department for which they are applicable. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with the relevant staff at Council's Contact Centre should be undertaken. This document is subject to change without notice.