



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 also act as extensions and 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.

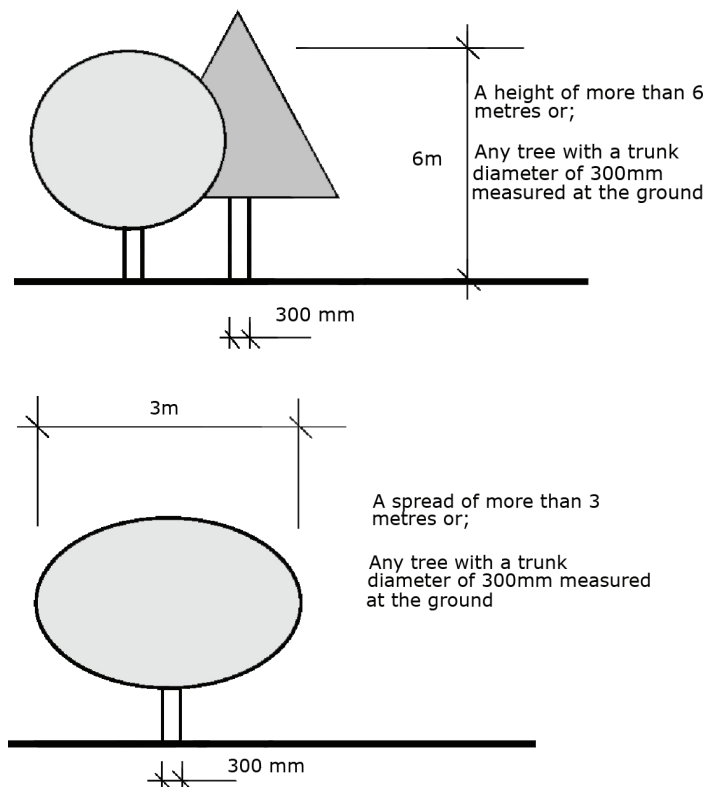
PRESERVATION OF TREES OR VEGETATION

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 is a perennial plant with a self-supporting woody stem that has any of the following characteristics described and illustrated below.

1. A spread of more than 3 metres or;
2. A height of more than 6 metres or;
3. A trunk diameter of more than 300mm measured at the base.



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 toward their surrounds. The following species can be removed without Council consent:

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| 1. | <i>Acer negundo</i> | Box Elder |
| 2. | <i>Ailanthus altissima</i> | Tree of Heaven |
| 3. | <i>Albizia lophantha</i> syn. <i>Paraserianthes lophantha</i> | Cape Leeuwin Wattle |
| 4. | <i>Alnus jorullensis</i> | Evergreen Alder |
| 5. | <i>Archontophoenix alexandrae</i> | Alexandra Palm |
| 6. | <i>Archontophoenix cunninghamiana</i> | Bangalow Palm |
| 7. | <i>Celtis australis</i> | Hackberry |
| 8. | <i>Citharexylum spinosum</i> | Fiddlewood |
| 9. | <i>Cotoneaster spp.</i> | Cotoneaster |
| 10. | <i>Cupressus sempervirens</i> 'Stricta' | Pencil Pine |
| 11. | x <i>Cupressocyparis Leylandii</i> | Leyland Cypress |
| 12. | <i>Erythrina X sykesii</i> | Coral Tree |
| 13. | <i>Ficus benjamina</i> | Weeping Fig |
| 14. | <i>Ficus elastica</i> | Indian Rubber Tree |
| 15. | <i>Gleditsia triacanthos</i> | Honey Locust |
| 16. | <i>Grevillea robusta</i> | Silky Oak |
| 17. | <i>Harpephyllum caffrum</i> | Kaffir Plum |
| 18. | <i>Lagunaria patersonia</i> | Norfolk Island Hibiscus |
| 19. | <i>Ligustrum lucidum</i> | Broad Leaved Privet |
| 20. | <i>Ligustrum sinense</i> | Small Leaved Privet |
| 21. | <i>Liquidambar styraciflua</i> | Liquidambar |
| 22. | <i>Nerium oleander</i> | Oleander |
| 23. | <i>Olea europaea var. africana</i> | Wild Olive/African Olive |
| 24. | <i>Pinus radiata</i> | Monterey Pine/ Radiata Pine |
| 25. | <i>Pittosporum undulatum</i> | Sweet Pittosporum |
| 26. | <i>Populus nigra "Italica"</i> | Lombardy Poplar |

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| 27. | <i>Robinia pseudoacacia</i> | False Acacia/Black Locust |
| 28. | <i>Salix babylonica</i> | Weeping Willow |
| 29. | <i>Schefflera actinophylla</i> | Queensland Umbrella Tree |
| 30. | <i>Schinus molle</i> | Peppercorn Tree |
| 31. | <i>Schinus terebinthifolius</i> | Brazilian Mastic, Broadleaf Pepper Tree |
| 32. | <i>Syagrus romanzoffiana</i> | Cocos Palm |
| 33. | <i>Tamarix aphylla</i> | Athel Tree |
| 34. | <i>Toxicodendron succedaneum</i> | Rhus Tree |
| 35. | <i>Triadica sebifera</i> | Chinese Tallow |
| 36. | <i>Washingtonia robusta</i> | Mexican Fan Palm |
| 37. | 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**.

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| 1. | <i>Araucaria bidwillii</i> | Bunya Bunya Pine |
| 2. | <i>Araucaria cunninghamii</i> | Hoop Pine |
| 3. | <i>Araucaria heterophylla</i> | Norfolk Island Pine |
| 4. | <i>Cinnamomum camphora</i> | Camphor Laurel |
| 5. | <i>Cupressus macrocarpa</i> | Monterey Cypress |
| 6. | <i>Melia azedarach</i> | 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.

WHEN DO THESE EXEMPTIONS NOT APPLY?

The exemptions do not apply if:

- The removal of the tree/vegetation is contrary to conditions of a Development Consent or other approval under the Environmental Planning and Assessment Act 1979. For example, if a Development Consent for the property requires the retention of trees or other vegetation including that within a Restricted Development Area (RDA) and/or requires the planting of trees or any other vegetation for landscaping or screening purposes.
- The removal of the tree/vegetation is contrary to a restriction or positive covenant listed on the property title (e.g. 88B Instrument) that requires the tree/vegetation to be retained.
- The removal of the tree/vegetation is contrary to the Biodiversity Conservation Act (2016). For example, where the vegetation is a threatened ecological community, plant and/or habitat for a threatened animal species and where the proposed removal of tree/vegetation exceeds the Biodiversity Offsets Scheme thresholds an approval from the Native Vegetation Panel may be required. This includes where proposed tree/vegetation removal is located on an area mapped on the NSW 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-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply>

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.
- There are fears about healthy trees falling.
- 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. 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-tenure, 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 unacceptable 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 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 allows a neighbor to prune overhanging branches provided you don't cause harm to the overall health or unbalance the tree. Any pruning is required to be less than 10% of the overall canopy of the tree and must be in accordance with the Australian Standard for Pruning Amenity Trees AS 4373-2007. All pruning works must be undertaken from within your own property unless you have the property owner's consent to enter onto their property.

Although the tree owner's permission is not required to prune branches that are overhanging your property, 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 herbaceous species.

DO I NEED APPROVAL TO CLEAR BUSHLAND?

Clearing of bushland requires Development Consent in various zones. 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

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

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.