

The Hills Shire Council is committed to preserving the amenity of the Shire and the high quality of life that residents enjoy.

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 breathe, grow and reproduce, protect soil and water supplies, and provide habitat for wildlife. Indigenous trees (and also many introduced species) provide food, shelter and protection from predators for many birds, animals and insect species. Many of these rely on trees for their continued breeding and survival.

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. Trees act as the lungs of the earth, taking in carbon dioxide and producing oxygen, thus filtering the air and significantly reducing airborne pollution.

A Tree and Bushland Management Provision applies to all land within the Hills Shire local government area and is detailed in Clauses 27 and 28 of Baulkham Hills Local Environment Plan 2005.

## Tree and Bushland Management

The aim of the Tree and Bushland Management Provision is to maintain and enhance the visual amenity of the local government area of Baulkham Hills through the effective control and management of actions likely to affect the health of trees and bushland.

The Tree and Bushland Management Provisions apply to any tree (including a habitat tree) or bushland, except as otherwise indicated by these guidelines.

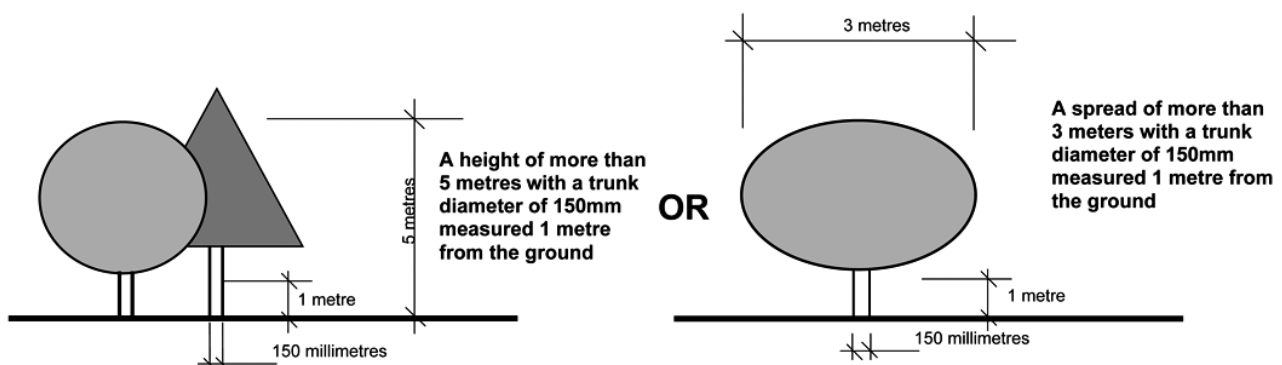
It should be noted that a habitat tree includes dead trees with hollows that provide, or could provide, habitat for wildlife.

Clause 27 of Baulkham Hills Local Environment Plan 2005 states that except in accordance with a development consent or Permit granted by the Council, a person must not ring-bark, cut down, top lop, remove, injure or wilfully destroy any tree or bushland.

Except in accordance with a development consent, the carrying out of any filling or excavating (excluding top dressing, gardening, paving on a sand base and the like) within the area vertically beneath the foliage of a tree or bushland is prohibited.

## Definition of a Tree

A tree for the purpose of the Tree and Bushland Management Provision is a plant with any of the following characteristics.



## Which trees do I require a Permit to remove?

All trees, whether native or exotic, as per the definition, require a Permit for removal or pruning.

## 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:

Alnus jorrullensis (Evergreen Alder)	Gleditsia triacanthus (Honey Locust)
Populus nigra "Italica" (Lombardy Poplar)	Ligustrum lucidum (Broad Leaved Privet)
Pittosporum undulatum (Sweet Pittosporum)	Ligustrum sinense (Small Leaved Privet)
Schefflera actinophylla (Umbrella Tree)	Olea europaea var. africana (Wild Olive)
Ficus elastica (Indian Rubber Tree)	Robinia pseudoacacia (False Acacia/Black Locust)
Acer negundo (Box Elder)	Syagrus romanzoffianum (Cocos Palm)
Salix babylonica (Weeping Willow)	Toxicodendron ouccedaneum (Rhus Tree)

In a breach of the Permit provisions, it shall not be sufficient defence that the species was not appropriately identified, by a qualified person, prior to the removal of the tree.

## 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.

## Can I prune my tree without obtaining a Permit?

Yes. Pruning up to 10% of foliage per growing season is permitted without acquiring a Council Permit.

## Is a Permit required for removing Noxious Weeds?

No, any declared noxious weed may be removed at any time without a Permit. This includes:

- Broad leaf Privet
- Small leaf Privet
- Weeping Willow

Council encourages the removal of the above species.

## Who can apply for a Permit?

A property owner or agent makes 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 permit the removal of a tree located within an adjoining property without the written consent of the owner. For 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 owners 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.

When an application is lodged at Council an inspection fee must also be paid.

## Tree Management Application Fees

For inspection of 1 - 5 trees	\$ 65.50
For inspection of 6 - 10 trees	\$ 92.70
For inspection of each additional tree	\$ 13.00

\* 1% surcharge on credit card payments

Council's recommendation is valid for twelve (12) months.

## Can I prune overhanging branches from a neighbour's tree?

10% of the total canopy may be pruned without a Permit. The owner of the tree must be notified prior to undertaking any pruning works on their tree.

## 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 in accordance with LEP 2005. It is also prohibited in some zones. A Flora and Fauna Assessment and justification for the bushland clearing must accompany the application.

## Is there a penalty for breaching Council's Guidelines?

A breach of the Tree and Bushland Management Provision can incur a penalty under the *Environmental Planning and Assessment Act 1979*.

## 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 that for every tree removed, a replacement tree from the following list is planted elsewhere within the property.

Acmena smithii (Lilly Pilly)	Hymenosporum flavum (Native Frangipani)
Tristaniopsis laurina (Water Gum)	Eucalyptus sideroxylon (Red Ironbark)
Corymbia eximia (Yellow Bloodwood)	Eucalyptus microcorys (Tallowwood)
Backhousia citriodora (Lemon Scented Myrtle)	Eucalyptus leucoxydon (Yellow Gum)
Elaeocarpus reticulatus (Blueberry Ash)	Eucalyptus crebra (Narrow Leaved Ironbark)
Waterhousia floribunda (Weeping Lilly Pilly)	Syncarpia glomulifera (Turpentine)
Syzygium leuhmannii (Riberry)	Lophostemon confertus (Brush Box)

## What can I do if I am unhappy with Council's assessment of my tree?

Submit a letter, accompanied by a report from a suitably qualified Arborist, plumber or structural engineer, requesting a re-inspection of the tree.

## 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 Tree Management Staff for immediate assistance.

## What if I think a Tree is dangerous?

In the event of an emergency, the landowner needs to contact Council in the first instance. If a Council Tree Management Officer is not available then a photo of the tree is to be taken illustrating the imminent danger. The tree should then be removed and the photo and letter outlining the circumstances submitted to Council.

**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.

## Further Information

If you are unsure, please ask- Time spent early may avoid delays later

Customer Service Centre: 129 Showground Road, Castle Hill NSW 2154

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)

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## 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 Customer Service Centre should be undertaken. This document is subject to change without notice.*