

About this Form:

- An application must be submitted for each property on which you require a tree assessment.
- The application form must be signed by the property owner.
- The results of this application and any decision issued will be sent to the property owner only.
- Tree applications will not be accepted for any property that is simultaneously subject to a development application or for a complying development certificate.

A homeowner may have access to the NSW 10/50 entitlement, which permits removal of any tree on your property within 10 metres of a residence if the property is deemed to be in a 'clearing entitlement area'. There is no need to apply to Council to remove trees on your property within 10 metres of a residence in a clearing entitlement area which meet the 10/50 Code of Practice. It is your responsibility to find out if the 10/50 entitlement applies to trees within 10 metres of a home by visiting rfs.nsw.gov.au/news-and-media/general-news/1050-vegetation-clearing.

Where applications are submitted for trees that are exempt from requiring permission **due to the NSW 10/50 entitlement**, the application fee may be refunded, however Council will retain a \$30 processing fee.

Property Details

I seek Council consent to prune / remove tree/s on my property at:			
House or Lot No.:		Street:	
Suburb:		Postcode:	
Is access prevented by locked gate? <input type="radio"/> Yes <input type="radio"/> No		Is there a dog on the property? <input type="radio"/> Yes <input type="radio"/> No	
Where is access to the tree located?			

You are NOT required to be at the property when the inspection is carried out, however access to the site should be available and clear markings placed on the tree/s. By submitting this application, you are granting permission to the inspecting officer to enter the property for the purpose of tree assessment, without the applicant being present.

Owners Details

Name of Owner:
Signature of Owner:
Pensioner Card Number (if applicable):

Applicant Details

Title: <input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Other		
Family Name:		Given Name/s:
Postal Address:		
Suburb:		Postcode:
Email Address:		Mobile:
Home Phone:	Business Phone:	Fax:

OFFICE USE ONLY

DAs	Heritage conditions	Yes <input type="checkbox"/>	Previous T/As
	EEC	Yes <input type="checkbox"/>	
	Threatened Communities	Yes <input type="checkbox"/>	
	10/50 Entitlement	Yes <input type="checkbox"/>	Rebate Applicable <input type="checkbox"/>

Tree Description: (This section must be completed) – Please attach additional information for more than 3 trees.

Total Number of Trees			
Tree Type/Species	Prune	Remove	Reason
1.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	<input type="checkbox"/>	<input type="checkbox"/>	
3.	<input type="checkbox"/>	<input type="checkbox"/>	

Are the tree/s: Indigenous to Hornsby Shire Within a Heritage Conservation Area Heritage Listed Property

- Indigenous trees are species that are native to Hornsby Shire. A full list of indigenous species, including photographs, is available at Council's website at hornsby.nsw.gov.au.
- Please see attached information on how Council's Tree Protection Measures apply to you or visit Council's website.

Site Plan: (This section must be completed) - Please attach additional site map for more than 3 trees.

Site Map	<p>Please show the position of the trees, building, boundaries and streets.</p> <p>Trees must be numbered and correspond with the table above.</p>
<p>Where is the tree located on the property <input type="checkbox"/> Front garden <input type="checkbox"/> Side garden <input type="checkbox"/> Back garden</p>	

Credit Card Payments

Full Name on Card:	
Cardholder's Address	
Card Type: <input type="radio"/> Mastercard <input type="radio"/> Visa	
Credit Card Number:	
Expiry Date:	Amount: \$
Signature:	

Fees

Tree Inspection Fees	Standard	Pensioner Discount *
1 – 3 trees	\$163	\$75
4 – 10 trees	\$205	\$93
More than 10 trees	Please view Council's website at hornsby.nsw.gov.au for fee schedule	
Please Note: A Development Application is required for the removal or pruning of 10 or more protected trees.		
* Pensioner concession card number must be supplied with application		
Notes:		
1. These fees are GST exempt.		
2. Payment must accompany this form in order for the application to be processed.		
3. The processing time from the date of receipt of this form is 28 working days.		
4. Fees paid are not refundable if permission is not granted.		
5. Tree permit is valid for 12 months.		
6. Applications to remove a tree will NOT be processed without the owner / agent's written consent.		
7. Tree applications will not be accepted for any property that is simultaneously subject to a development application.		

This completes the Application to Remove or Prune Trees on Private Property

Attached is information on how Council's Tree Protection Measures apply to you.

The Tree and Vegetation Preservation Chapter of the Hornsby Development Control Plan (HDPC) is in effect for the entire Shire of Hornsby. Effective 11 October 2013.

Why protect trees?

Council's tree protection measures aim to conserve and maintain the bushland character of Hornsby Shire.

Trees are an important part of the character of our area, attracting people and adding to property values. Vegetation also plays an essential role in maintaining the environmental health of our region by protecting soil and water supplies, storing carbon and providing habitat for wildlife. Indigenous trees (and also many introduced species) provide food, shelter and protection from predators for birds, animals and insects.

Which trees species are protected?

Trees that are protected by Clause 5.9 and/or Clause 5.10 of the HLEP and the HDPC Tree and Vegetation Chapter include:

- Tree species indigenous to Hornsby Shire, as listed in Tree Species Indigenous to Hornsby Shire Table (Table 1B.6 (b))
- Any tree on land within a heritage conservation area described within the HLEP, and
- Any tree on land comprising heritage items listed within the HLEP.

Other trees that are protected are:

- All trees (including dead trees) located within a regionally significant, endangered or critically endangered ecological community (EEC) regardless of size, location or species.
- Any trees identified to be retained as a condition of development consent.

NSW 10/50 Entitlement Vegetation Rule

A homeowner may have access to the NSW 10/50 entitlements, which permits removal of any tree on your property within 10 metres of a residence (in most circumstances) if the property is deemed to be in a 'clearing entitlement area' which meet the 10/50 Code of Practice. It is the homeowner's responsibility to find out if the 10/50 entitlement applies to trees within 10 metres of a home by visiting www.rfs.nsw.gov.au/news-and-media/general-news/1050-vegetation-clearing. There is no need to apply to Council to remove trees within 10 metres of a residence in a clearing entitlement area.

It is the owner's responsibility to ensure compliance with the 10/50 Code of Practice.

Industrial/Commercial/Manufacturing Sites are not covered by the NSW 10/50 entitlement rules.

Refunds

Where applications are submitted for trees that are exempt from requiring permission due to the 10/50 entitlements, the application fee may be refunded, however Council will retain a \$30 processing fee.

What tree work is exempt?

Information about what exemptions apply under the Tree Preservation Chapter of the HDPC is available on our website at hornsby.nsw.gov.au.

Please note that any tree work including pruning must be carried out in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees.

What is an 'indigenous tree'?

Indigenous trees are species that are native to Hornsby Shire. A full list of indigenous species, including photographs, is available at hornsby.nsw.gov.au/tree-preservation-measures. A list of the most common species native to Hornsby Shire, including descriptions and photographs is also available.

What is an 'approved foundation'?

An 'approved foundation' is a concrete slab which supports any approved residential building, garage, commercial premises or community building with walls; or **brick supports located on strip footings** which support any of the above structures.

For the purposes of the HDCP, the visible wall immediately above the buried foundation is taken to be the foundation.

Please note; this definition does not include buildings on pole frames or pier and beam footings or carports.

What is 'substantial damage' caused by a tree?

Substantial damage refers to damage to an approved building built on approved foundations, in-ground swimming pool or slab driveway; where tree roots have caused damage that may only be remedied by the removal of the tree. It may include damage caused by falling branches to the roof of a building requiring replacement of the framework of the roof. Substantial damage does not include damage to these structures that may be remedied by pruning the tree and carrying out minor repairs to the damaged structure. It does not include damage to footpaths, twin-strip driveways, retaining walls, above ground pools, car ports or buildings on stump, pillar or pole foundations.

Where are the Heritage Conservation Areas and heritage items located?

If the property is located in a Heritage Conservation Area (HCA) or has heritage conditions or the property is heritage listed then a tree application is required.

The Shire's nine Heritage Conservation Areas (HCAs) are:

- Beecroft/Cheltenham Heritage Conservation Area (includes some parts of Pennant Hills)
- Barker College Heritage Conservation Area
- Hornsby West Side Heritage Conservation Area (Mt Errington Precinct, Peats Ferry Rd Precinct, Pretoria Pde Precinct)
- The Crescent, Pennant Hills Heritage Conservation Area
- Wahroonga Heritage Conservation Area
- Wahroonga (North) Heritage Conservation Area
- East Epping Heritage Conservation Area
- Essex Street (Epping) Heritage Conservation Area
- Rosebank Avenue (Epping) Heritage Conservation Area

The Hornsby Local Environment Plan (HLEP) (available at hornsby.nsw.gov.au) has a full list and details of the Shire's heritage items and HCAs

Protection for trees assessed to be Locally Significant, Threatened Species, Endangered or Critically Endangered Ecological Communities (EEC or CEEC).

Please note there are special protections for trees in Locally Significant, Threatened Species, Endangered Ecological Communities and Critically Endangered Ecological Communities as follows:

- All trees (including dead trees), regardless of size or proximity to an approved dwelling, that are characteristic of or form part of Locally Significant or Endangered Ecological Communities (EECs or CEECs) are subject to protection and require consent for works.
- Tree protection measures also apply to trees that provide habitat for threatened species.
- Council administers legislative obligations to ensure the protection of threatened species, populations and EECs listed under the NSW Threatened Species Conservation Act 1995, NSW National Parks and Wildlife Act 1975 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- The provisions of the Hornsby Local Environment Plan and Development Control Plan that exempt many tree species do not apply to trees characteristic of or forming part of locally significant or endangered ecological communities or threatened species and populations or trees providing habitat for threatened species.
- The [Terrestrial Biodiversity Map](#) identifies some of these communities however protected species may also occur outside of the mapped areas.
- The removal of EEC or CEEC trees may still require a licence or approval from the NSW Office of Environment and Heritage or Commonwealth Department of Environment. Severe penalties or imprisonment may apply for breaches of these Acts.

For further enquiries regarding these matters please contact Council's Natural Resources Unit on 9847 6832 or the Office of Environment and Heritage on 131 555 (for NSW Callers) or Commonwealth Department of the Environment on 1800 803 772.

Who can apply to remove a tree?

Only the owner of the property, or their agent, on which the tree is located may apply to Council to prune or remove a tree. The application form must be endorsed by either the owner or their agent.

An application **MUST** be submitted for each property.

The results of the application and any decision issued will be sent to the owner of the tree.

What should you do if you'd like a neighbour to prune a tree on an adjoining property?

Council has no power to compel a neighbour to prune or remove a tree, including recently planted trees. If you have a concern about a neighbour's tree, it is best to resolve the issue by having a friendly discussion with them. Most neighbours will be helpful and understanding.

Residents can only prune a branch overhanging from their neighbour's property with consent from the tree owner. Any pruning undertaken **must not** be greater than 10 percent of the tree's total foliage area. If consent is granted by the tree owner all work must be performed without encroaching on your neighbour's property or climbing the tree.

Please ensure you prune the tree in accordance with Australian Standard AS S4373-2007.

Council cannot arbitrate in disputes relating to neighbours and trees. Legal advice may need to be obtained in such disputes from a solicitor or the Community Justice Centre. The NSW Land and Environment Court has the power to settle tree disputes.

For more information about trees and neighbours, please visit www.lec.lawlink.nsw.gov.au.

How can you appeal against a Council decision on your application?

If you wish to appeal against Council's decision on a tree application you must do so in writing, by completing an application form for a first appeal of Council's determination (fees apply). The appeal application must include any fresh or additional information not initially included such as documentation of damage caused by a tree or a report on the condition of the tree from an appropriately qualified arborist, a building report from a structural engineer or a pest inspection report. The additional information should demonstrate that the removal of the tree is the only means to mitigate the damage or problem. The matter will be considered by a different suitably qualified Council staff member. The appeal is lodged within 1 year of the date of lodgement of the original application.

Penalties for a breach of Council's Tree Protection Measures

It is the responsibility of the property owner to comply with the provisions of the Tree and Vegetation Chapter of the HDCP.

If you remove, damage, top or lop a tree or change the soil levels around the base of a tree, you may be issued with a substantial fine if prosecuted in the Land and Environment Court, or on the spot fines may be issued. In addition, the Court may direct you to plant new trees and vegetation and maintain them in a healthy state until mature, as well as providing a monetary security for the performance of this obligation. You may also be liable to a penalty for engaging a contractor to do the work on your behalf.