



Application to Remove or Prune Trees on Private Property

This form is valid until 30 June 2013

Note: 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.

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="checkbox"/> Yes <input type="checkbox"/> No		Is there a dog on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Owners Details

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

Applicant Details:

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

Tree Description:

Total Number of Trees			
Tree Type	Prune	Remove	Reason
1.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	<input type="checkbox"/>	<input type="checkbox"/>	
3.	<input type="checkbox"/>	<input type="checkbox"/>	
4.	<input type="checkbox"/>	<input type="checkbox"/>	
5.	<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 hornsby.nsw.gov.au
- Please see attached information on how Council's Tree Preservation Order applies to you. Council's consent is not required to prune or remove trees that are not indigenous to Hornsby Shire provided they are not growing within a Heritage Conservation Area or listed as heritage items or located on a heritage listed property.

Hornsby Shire Council

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

Phone 02 9847 6666

Fax 02 9847 6999

Email hsc@hornsby.nsw.gov.au

Web hornsby.nsw.gov.au



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Site Plan

Site Map 	Please show the position of the trees, building, boundaries and streets. Please number relevant trees.
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Fees

Tree Inspection Fees	Standard	Pensioner Discount *
1 – 3 trees	\$126	\$63
4 – 10 trees	\$158	\$79
11 – 100 trees	\$315	\$158
More than 100 trees	\$420	\$210

* 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. If submitting this form in person, please pay the fee at the Cashier's Desk on the ground floor.
4. The processing time from the date of receipt of this form is 21 working days.
5. Fees paid are not refundable if permission is not granted.
6. Tree permit is valid for 12 months.
7. Applications to remove a tree will NOT be processed without the owner / agent's written consent.
8. Tree applications will not be accepted for any property that is simultaneously subject to a development application.

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.

OFFICE USE ONLY		
DAs	Heritage conditions	Previous T/As

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Credit Card Payments

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

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

Attached is information on how Council's Tree Preservation Order applies to you.

Tree Preservation Order (TPO) Effective from 6 September 2011

Why preserve trees?

Council's Tree Preservation Order aims 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 are protected?

A tree is protected if:

- The species is indigenous to the Shire of Hornsby and more than three metres in height and is more than three metres (measured at the nearest point at the base of the tree trunk) from an ['approved foundation'](#) or inground swimming pool (measured at the waters edge)
- If it is located in [Heritage Conservation Areas, listed as a heritage item](#) or located on a heritage listed property and is more than 3 metres in height and is more than three metres (measured at the nearest point at the base of the tree trunk) from an ['approved foundation'](#) or inground swimming pool.(measured at the waters edge).

Any trees identified to be retained as a condition of development consent are protected.

All trees located within an endangered ecological community are protected regardless of size.

Other trees

The following trees on private property can be removed or pruned by more than 10 percent of the trees total foliage area per annum without consent from Council:

- Trees that are less than three metres tall
- Trees that are less than three metres (measured at the nearest point at the base of the tree trunk) from an 'approved foundation' or inground swimming pool (measured at the water's edge).
- Trees that are not indigenous to Hornsby Shire provided they are not growing in Heritage Conservation Areas or listed as heritage items.
- Dead trees (provided they are not located within endangered or critically endangered ecological communities).

All pruning must be carried out in accordance with Australian Standard AS4373 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/tpo.

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 or pad footings/supports which support any of the above structures.

For the purposes of the order, 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.

Where are the Heritage Conservation Areas and heritage items located?

The Shire's six 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

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

Special protections for trees in Endangered and Critically Endangered Ecological Communities

All trees (including dead trees) within endangered ecological communities are subject to protection. The NSW Office of the Environment and Heritage (OEH) has special rules for threatened species and trees (including dead trees) located in Endangered and Critically Endangered Ecological Communities. For further information, please contact the OEH on 9995 5555 or visit www.environment.nsw.gov.au.

Who can apply?

Generally, the owner of the tree will apply to Council to prune or remove a tree. In all cases, Council will require the owner's endorsement of an application to remove a tree. **The results of the application and any decision issued will be sent to the owner of the tree, ie the owner of the property.**

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.

You can prune an overhanging branch up to the branch junction nearest to your side of the property boundary without Council consent (provided you don't prune the total foliage area of the tree by more than 10 percent). It's best to notify the neighbour before you prune the tree. All pruning is to be done in accordance with Australian Standards AS4373. See the guidelines at hornsby.nsw.gov.au/tpo.

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 eg 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 matter will be considered by a different suitably qualified Council staff member.

Penalties for a breach of the Tree Preservation Order

It is the responsibility of the property owner to comply with the Tree Preservation Order.

If you remove, damage, top or lop a tree or change the soil levels around the base of a tree, you may be liable to a fine of up to \$1.1 million 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.