



Amended Tree Preservation Order

This page provides information regarding the amended Tree Preservation Order that takes effect from Friday 9 October 2009. The *Tree Preservation Order* specifies the requirements of Council for tree clearance and applies to all land across the Shire.

Tree Preservation Order

Council adopted a *Tree Preservation Order* on 23 September 1991. At its Ordinary Meeting of 15 December 2008, Wollondilly Shire Council resolved to adopt an amended *Tree Preservation Order* and passed the following resolution (No. 341/2008):

1. That the Draft Tree Preservation Order be adopted and placed in the NSW Government Gazette.
2. That the existing Tree Preservation Order be repealed *as of the date when the new order is published in the Government Gazette*.
3. That a Communication/Education Strategy be developed and implemented.
4. That the Tree Preservation Order becomes effective on Gazettal.

The *Tree Preservation Order* is made pursuant to the provisions of the Clause 8 of the Environmental Planning & Assessment Models Provisions 1980, as adopted by the Wollondilly Local Environmental Plan 1991. The *Tree Preservation Order* specifies the requirements of Council for tree clearance and applies to all land across the Shire.

Why has the Tree Preservation Order been amended?

Council identified the need to amend the *Tree Preservation Order* following the introduction of two new zones into the Wollondilly Local Environmental Plan 1991 and to reflect threatened species and native vegetation legislation in NSW which affected the validity of Council's *Tree Preservation Order*.

The introduction of the residential comprehensive development 2(e) zone and environmental protection biodiversity conservation 7(f) zone meant that land within these zones were not covered by Council's *Tree Preservation Order*.

In addition, the introduction of the *Native Vegetation Act 2003* and in *Native Vegetation Regulation 2005* meant that the *Tree Preservation Order* contradicted the requirements for native vegetation management across broader NSW. For example, the former *Tree Preservation Order* allowed clearing in of up to 1 acre (4000m²) in rural areas of the Shire without consent, when approval is needed under the *Native Vegetation Act 2003* and it did not reflect the requirements of the *Threatened Species Conservation Act 1995*.

A recent spate of clearing of vegetation also indicated to Council that the current *Tree Preservation Order* was either ineffective in rural zones or at best creating uncertainty in the community regarding vegetation removal. The *Tree Preservation Order* has been updated to reflect changes in State legislation and to tighten the controls for tree and vegetation clearance in the Shire.

When did Council endorse the amended Tree Preservation Order?

A report on the amended *Tree Preservation Order* was tabled at the December 15 2008 Ordinary Meeting of Council, following the public exhibition of the document and review by Government agencies and Council committees. Council resolved to adopt the amended Order and repeal the former Order, effective of the date when published in the NSW Government Gazette.

When does the amended Tree Preservation Order come into force?

The amended *Tree Preservation Order* was published in the NSW Government Gazette on Friday 9 October 2009, thereby making it effective. A notice shall appear in the Wollondilly Advertiser on Tuesday 6 October 2009 to this effect.

What is tree clearance?

The *Tree Preservation Order* defines 'tree clearance' as the ringbarking, cutting down, topping, lopping or wilful destruction of any tree, its understorey and associated plant community, by any method.

What tree clearance requires approval?

The *Tree Preservation Order* requires development consent for tree clearance in residential, industrial, and commercial zones. Tree clearance in environmental protection, open space, and rural small holdings zones requires development consent under the *Tree Preservation Order* and the *Native Vegetation Act 2003*. Tree clearance in agriculture, rural and water catchment zones requires development consent under the *Native Vegetation Act 2003*. Information on how to obtain development consent for tree clearance is outlined in *Information Sheet No. TP 5 - Obtaining Development Consent for Tree Clearance*, which can be downloaded below.

Are there any exemptions from the Tree Preservation Order?

Refer to Section 4 of the *Tree Preservation Order* or *Information Sheet No. TP 4 - Exemptions* below for a full list of exemptions. Tree clearance that meets the exemptions does not require development consent.

