



TREE PRESERVATION ORDER

INFORMATION SHEET No. TP 4 - EXEMPTIONS

WHAT ARE EXEMPTIONS?

Consent is not required for tree clearance that meets the exemptions specified in Section 4 of the Tree Preservation Order. There are 16 clauses specifying exemptions from the Tree Preservation Order.

WHAT TREE CLEARANCE DO THE EXEMPTIONS COVER?

Tree Preservation Order - tree clearance exemptions:

1. **Branches and trees near electrical wires**

Works consistent with the provisions of section 48 of the [Electricity Supply Act 1995](#). For electrical service lines to properties, this would apply to branches within 0.5m of these lines. This exemption applies to tree branches not trunks.

2. **Bushfire Events**

Trees removed to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree is situated are exempt from this Order.

3. **Crown Lands Act 1989**

Trees on crown lands, within the meaning of the [Crown Lands Act 1989](#) or on crown public roads, within the meaning of the [Roads Act 1993](#), where the removal is being undertaken by the Department of Lands or the Department of Lands authorised agents.

4. **Dead, dangerous or dying trees and branches**

This exemption does not apply where trees provide habitat for endangered or vulnerable species listed in Schedule 1 and 2 of the [Threatened Species Conservation Act 1995](#).

Note: Conditions apply for dying and dangerous trees. Contact Council and refer to Information Sheet No. TP 6 – Dead dying or dangerous trees.

5. **Exempt Tree Species**

Common Name	Scientific Name
African Olive	Olea europaea
Box Elder	Acer negundo
Broad-leaved Privet	Ligustrum lusidum
Camphor Laurel	Cinnamomum camphora
Cootamundra wattle	Acacia Baileyana
Coral Tree	Erythrina x sykesii
Cotoneaster	Cotoneaster spp.
Evergreen Alder	Alnus jorulensis
Honey Locust	Gleditsia triacanthos
Narrow-leaved Privet	Ligustrum sinense
Peppercorn	Schinus molle
Pine Trees	Pinus spp.
Poplar	Populus spp.
Rhus	Toxicodendron succedaneum
Rubber Tree	Ficus elastica
Silky Oak	Grevillea Robusta
Sweet Pittosporum	Pittosporum undulatum
Tree of Heaven	Ailanthus altissima
Wild Tobacco Tree	Solanum mauritanium
Willow	Salix spp.

Note: The above exemptions do not apply to Camphor Laurel, Pine Trees, Poplar Trees and Silky Oaks taller than 20 metres in height or on heritage listed properties or heritage conservation areas.



Further Information:
Wollondilly Shire Council | 62-64 Menangle Street, Picton.
 Phone: (02) 4677 1100
 Fax: (02) 4677 2339
 Email: Council@wollondilly.nsw.gov.au
 Web: www.wollondilly.nsw.gov.au

Vision 2025 - "Rural Living"



TREE PRESERVATION ORDER INFORMATION SHEET No. TP 4 - EXEMPTIONS

WHAT TREE CLEARANCE DO THE EXEMPTIONS COVER? CONT'D.

6. **Forestry Act 1916**

Trees in a State Forest or on land reserved as a timber reserve within the meaning of the [Forestry Act 1916](#) are exempt from this Order.

7. **Native Vegetation Act 2003**

Vegetation approved for clearing under the [Native Vegetation Act 2003](#) is exempt from this Order.

Note: Vegetation approved for clearing under the [Native Vegetation Act 2003](#) means **Development Consent for tree clearance** or a **Property Vegetation Plan** issued by the Hawkesbury-Nepean Catchment Management Authority.

8. **Native Vegetation Regulation 2005 – Routine Agricultural Management Activities**

Routine agricultural management activities (RAMA) as defined by the [Native Vegetation Regulation 2005](#) are exempt from this Order. (RAMA – see Information Sheet No. TP 3)

9. **Noxious Weeds Act 1993**

Trees/plants Declared Noxious under the [Noxious Weeds Act 1993](#) are exempt from this Order.

10. **Pruning**

Pruning of any tree for the purpose of its regeneration or ornamental shaping is exempt from this Order.

Note: Pruning must be consistent with the relevant Australian Standard for Pruning of Amenity Trees (see AS4373-1996), and must not result in a detrimental impact to the future health or stability of the tree or compromise the form of the tree.

11. **Roads Act 1993**

The removal or trimming of trees in accordance with the [Roads Act 1993](#), when undertaken by Council or Council's authorised agents, providing these works are consistent with Council's policies and internal guidelines.

12. **Rural Fires Act 1997**

Tree works for which an order or permit has been issued under the [Rural Fires Act 1997](#) are exempt from this Order.

13. **State Emergency Service Act 1989**

Functions as required to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods and storms.

14. **Tree branches directly over rooflines**

Removal of tree branches which directly overhang the roof of a building may be pruned back to the nearest branch junction or collar to clear the roofline, provided the owner of the tree is in agreement.

15. **Trees within 3.0 metres of an existing dwelling**

This distance is measured from the centre of the trunk of the tree at ground level to the external wall of the building. The trunk of the tree must be located on the same property. Verandas, all carports, detached garages, and ancillary buildings, cantilevered and pier supported structures such as balconies and decks are not included within this exemption.

16. **Trees on Council Land**

Tree works undertaken by Council or Council's authorised agents, on Council owned land, Council owned or managed parks or bushland providing these works are consistent with Council's policies and internal guidelines.

**NOTE: THIS INFORMATION DOES
NOT CONSTITUTE LEGAL ADVICE.**

TRIM 260#78