

## **TREE PRESERVATION ORDER**

(Clause 72)

**NOTICE** is hereby given that under the provisions of Clause 8 of the Environmental Planning and Assessment Model Provisions 1980, as adopted by Bega Valley Local Environmental Plan 2002, the Council of the Shire of Bega Valley has by resolution at its meeting held on 8 August 2006, made this Tree Preservation Order and repealed the previous Order dated 14 November, 1995.

### **Citation**

1. This Order may be cited as “Shire of Bega Valley Tree Preservation Order”.

### **Aims and Objectives of the Tree Preservation Order**

2. This Order aims to:
  - (a) promote the retention of trees and tree cover and to conserve as far as practical the existing pattern of vegetation;
  - (b) to maintain landscape quality and remaining natural ecosystems; and
  - (c) to encourage the planting of trees to provide integration of trees into existing land uses.

### **Definitions**

3. For the purposes of this Order: “Tree” – includes a tree, sapling or shrub which meets each of the following standards:
  - (a) is five (5) metres or more in height;
  - (b) has a trunk diameter of 100mm or more at a height of 1.3 metres above natural ground surface;
  - (c) has a branch span diameter of three (3) metres or more.

### **Land to Which the Order Applies**

4. This Tree Preservation Order applies to all land within the Shire of Bega Valley zone 2(a), 2(b), 2(c), 2(e), 2(f) 2(v), 3(a), 3(b), 4(a), 5(a). Note: This Tree Preservation Order also applies to all land within the Shire of Bega Valley zoned 6(a), 6(c), 7(f1), and 7(f2) except where the removal of any tree is required or expressly authorised by or in pursuance of the provisions of the Native Vegetation Act 2003.

This Order does not apply where tree removal is part of an activity that requires development consent under Bega Valley LEP, 2002.

### **Land Uses to Which the Order Applies**

5. This Order requires the obtaining of a Tree Preservation Order consent to remove a tree or undertake works on a tree except where those works are identified as exempt in Schedule 1 of Council’s Local Development Code No. 2 – Tree Management.

### **Applications**

6. An application made pursuant to this Order shall be on the Tree Action Request Form in Schedule 2 of the Council’s Local Development Code No. 2 – Tree Management, and be accompanied by the prescribed fee.

**General Provisions**

7. This Tree Preservation Order prohibits work on any tree, on any land or for any purpose to which this Order applies except where those works are identified as exempt in Schedule 1 of Council's Local Development Code No.2 – Tree Management or the works have the prior written consent of Council.
8. Nothing in this Order prevents the Council or any other authority from removing or undertaking works on trees necessary on the grounds of public safety or the reasonable carrying out of the function of that authority (subject to the provisions of Part 5, Environmental Planning and Assessment Act and Council's Local Development Code No. 2 – Tree Management).
9. Nothing in this Order prevents a person from removing a tree which is within four (4) metres measured from the closest point of the trunk at 1.3 metres to the eave and guttering of an existing residential building or proposed residential building in respect to which Council has issued an approval under the Environmental Planning and Assessment Act 1979 or a Building Approval under the Local Government Act, 1993.

**Considerations**

10. In assessing whether or not to approve an application for the removal or pruning of a tree, Council will give consideration to the matters identified in its Local Development Code No. 2 – Tree Management.
11. Council will maintain a register of permits issued under this Order.