

# GREAT LAKES COUNCIL – Engineering Department

## \$35 Application Fee

(inspections will only be carried out once fee is paid)

## TREE PRESERVATION ORDER APPLICATION

Environmental Planning & Assessment Act, 1979  
Section 77(3)

### APPLICANT TO COMPLETE

Applicant : .....  
Address : .....  
Phone : .....  
Owner : .....

Application is requested for consent to carry out the following:

*Please tick* REMOVE  PRUNE   
*If known* DIRECTIONAL PRUNING  CANOPY THINNING  CANOPY UPLIFT  ROOT PRUNING

### Description of the land to which the application applies:

House No:..... Street: ..... Locality:.....  
Lot No: ..... Section: ..... Portion: ..... DP .....

### Plan of proposal (if applicable)

Reason for wanting removal/pruning, etc:.....  
.....  
.....

Dated: ..... Signature of Applicant:.....

### CONSENT OF OWNER

Required: • where the land to which the application relates does not comprise Crown Lands and the applicant is not the owner of the land; or  
• where the land comprises Crown Lands and the applicant is not the lawful occupier or owner of the lands

I .....  
of ..... being the owner/one of the owners of the land

Dated: ..... Signature of Applicant:.....

### OFFICE USE ONLY

Fee paid: ..... Receipt No..... Date Paid: .....

Date of Lodgement: ..... Applic. No ..... Date of Inspection .....

Inspection Details: .....  
.....

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## Explanatory Notes

### Purpose of the Order

The Tree Preservation Order has been adopted by Council for the purposes of *protecting and preserving* trees in certain areas identified throughout the Great Lakes area.

### Effect of the Order

The Tree Preservation Order has been prepared in accordance with *the Environmental Planning and Assessment Model Provisions 1980, Clause 8: Tree Preservation Order*.

The Tree Preservation Order became effective as of 28 July 1998, when it was re-adopted by Council. The Order has the effect of prohibiting, except with the consent of Council, the following activities on any trees specified in this Order:

- ringbarking
- cutting down
- topping
- lopping
- removing
- poisoning
- burning
- injuring
- any other method of injuring or wilful destruction.

Any person(s) found guilty of disobeying this order (i.e. carrying out any of the above activities without prior consent from Council) will be liable to prosecution by Council under Part 6, Division 4 - Offences, of the Environmental Planning and Assessment Act, 1979.

### Definitions

For the purpose of this Order 'lopping' is the reduction of, or the pollarding (trimming branch spread) of a tree by more than 10%.

For the purpose of the Order a 'tree' is defined as vegetation:

- (a) that exceeds a height of three (3) metres above ground, or in the case of cabbage palm trees that exceed 0.5 metres in height as measured from the top to the base of the tree; or
- (b) with a girth (circumference) exceeding 0.3 metres at 1 metre above the ground.
- (c) identified as a species of mangroves, which are protected regardless of their size.

### Exemptions from the Order

The Tree Preservation Order does not apply to or in any respect of:

- (a) any species of tree declared as a noxious plant under the provisions of the Noxious Weeds Act 1993; or
- (b) trees within a State Forest, or within a timber or forest reserve, within the meaning of the Forestry Act 1916; or
- (c) trees within a National Park within the meaning of the National Parks and Wildlife Act 1974; or
- (d) action required by clause 23 or 24 of the Electricity (Overhead Line Safety) Regulation 1991; or
- (e) trees within a fuel free zone within the meaning of the document entitled 'Planning for Bush Fire Protection', published by the Department of Bush Fire Services and as approved by the Council; or
- (f) the destruction or removal of trees for the purpose of erecting or maintaining a fence on the property, but with only the necessary minimum number of trees to be removed.

### Areas affected by the Order

The Tree Preservation Order applies to both public and privately owned land within the following areas described below. The maps held in Council's office indicate the boundaries of these areas affected by the Order. These maps, and the written document of the Order should be checked where any doubt exists as to the application of the Order.

1. Land within the Tuncurry urban area; Nabiac village and surrounds; Failford zone 1(d); and North Tuncurry as bound by Chapmans Road, Wallamba River and Main Road 111.
2. The township of Forster and environs, including Wallis Island and land adjoining the ocean, Wallis Lake and Booti Booti National Park.
3. The township of Tea Gardens and Hawks Nest, and surrounds between Hawks Nest and the boundary of the National Park to the east of the Myall River and to the west and north-west of Tea Gardens up to the land surrounding Viney Creek Road.
4. The area of Mungo Brush as bound by Bombah Broadwater, Mungo Beach, and south along the eastern shores of the Myall River and the village of Nerong.
5. The villages of North Arm Cove, Carrington and Tahlee; and surrounds to the north-west and west as bound by the shoreline, the Pacific Highway and Karuah on the eastern side of Karuah River.
6. The villages of Green Point, Smiths Lake, Coomba Park, Tarbuck Bay, the wider area of Pacific Palms (including the Pacific Palms Urban Investigation Area), and the western side of Wallis Lake zoned 1(d).
7. The village of Bungwahl and the surrounding area of Neranie to the south between Smiths Lake and Myall Lake and the village of Seal Rocks and its surrounds.
8. The villages of Bundabah and Pindimar (both sections) and all land on the peninsula from Pindimar Bay to the eastern shores of North Arm Cove including Farm Cove.
9. The northern surrounds of Bulahdelah, being land north of the intersection of Markwell Road and Markwell Back Road, and bound by the Pacific Highway and Myall River.
10. Small rural lots or Rural Residential land, including, but not limited to land zoned 1(d) - Small Holdings.

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