



New South Wales

Electricity Supply (General) Amendment (Tree Preservation) Regulation 2000

under the

Electricity Supply Act 1995

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electricity Supply Act 1995*.

KIM YEADON, M.P.,
Minister for Energy

Explanatory note

The object of this Regulation is to repeal the *Electricity (Tree Preservation) Regulation 1995* and to remake the provisions of that repealed Regulation, without any changes in substance, as part of the *Electricity Supply (General) Regulation 1996*.

The remade provisions prevent an electricity distributor from removing trees or trimming trees in a way that substantially damages them unless there is no feasible alternative to taking that action. The provisions also enable an electricity distributor to develop a tree management plan in consultation with relevant councils and the community. Such a plan will provide for the trimming, and the removal and replacement, of certain species of trees.

This Regulation is made under the *Electricity Supply Act 1995*, including section 106 (1) (h).

This Regulation is made in connection with the staged repeal of statutory rules under Part 3 of the *Subordinate Legislation Act 1989*.

2000 No 136

Clause 1 Electricity Supply (General) Amendment (Tree Preservation) Regulation
2000

Electricity Supply (General) Amendment (Tree Preservation) Regulation 2000

1 Name of Regulation

This Regulation is the *Electricity Supply (General) Amendment (Tree Preservation) Regulation 2000*.

2 Amendment of Electricity Supply (General) Regulation 1996

The *Electricity Supply (General) Regulation 1996* is amended as set out in Schedule 1.

3 Repeal

The *Electricity (Tree Preservation) Regulation 1995* is repealed.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Part 9

Insert after Part 8:

Part 9 Tree preservation

45 Object and application of Part

- (1) The object of this Part is to regulate the removal and trimming of trees by electricity distributors so as to minimise damage to or destruction of trees growing under or near powerlines.
- (2) This Part applies only to the extent to which an electricity distributor may lawfully remove or trim trees apart from this Part (which it may do, for example, on behalf of a council) and does not itself authorise the removal or trimming of trees.

46 Definitions

In this Part:

powerlines includes structures and equipment used for or in connection with the supply of electricity by an electricity distributor.

tree means a tree taller than 3 metres, or having a canopy more than 3 metres in maximum diameter or having a trunk with a circumference at a height of 1 metre from the ground of more than 0.3 metres.

tree management plan means a tree management plan referred to in clause 48.

47 Preservation of trees

- (1) An electricity distributor must not remove any tree, or trim any tree in a way that substantially damages the tree, unless:

2000 No 136

Electricity Supply (General) Amendment (Tree Preservation) Regulation 2000

Schedule 1 Amendment

- (a) it is of the opinion that it is necessary to do so to protect its powerlines or the safety of persons or property under or near its powerlines, and
- (b) it has considered alternative methods and is of the opinion that none of those methods are feasible in the circumstances (including economically feasible), and
- (c) the distributor is acting in accordance with a tree management plan.

(2) Alternative methods include, but are not limited to, the use of aerial bundled cables, the controlled trimming of trees and the appropriate location or relocation of powerlines (including placing them underground).

48 Tree management plans

- (1) An electricity distributor may establish a tree management plan for the trimming, or for the staged removal and replacement, of those species of trees that have a propensity to interfere with powerlines.
- (2) A tree management plan may contain (but need not be limited to) the following matters:
 - (a) lists of suitable species of trees for planting under or near powerlines in different localities or situations,
 - (b) plans for trimming or removing and replacing existing trees and for controlling future planting of suitable species of trees,
 - (c) trimming or removing trees in an emergency,
 - (d) methods for trimming trees,
 - (e) the use of accredited contractors for trimming trees,
 - (f) the intended allocation of costs between the electricity distributor and the relevant council or councils for the district in which the plan is to operate,
 - (g) the environmental factors to be considered in trimming trees,
 - (h) the development of public education and publicity programs encouraging the selection of appropriate species of trees for planting under or near powerlines.

2000 No 136

Electricity Supply (General) Amendment (Tree Preservation) Regulation
2000

Amendment

Schedule 1

- (3) A tree management plan may make different provision with respect to public land, private land, urban land and rural land.
- (4) A tree management plan may be amended by a subsequent tree management plan.

49 Consultation with councils and the public

A tree management plan is to be prepared in a way that gives an opportunity to comment on the proposed plan to the relevant council or councils for the district in which it is to operate, to the residents of the district and to local community groups.

BY AUTHORITY