



New South Wales

Gunnedah Local Environmental Plan 1998 (Amendment No 8)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(S00/00995/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Urban Affairs and Planning

Sydney, 19th March 2001.

2001 No 226

Clause 1 Gunnedah Local Environmental Plan 1998 (Amendment No 8)

**Gunnedah Local Environmental Plan 1998
(Amendment No 8)**

1 Name of plan

This plan is the *Gunnedah Local Environmental Plan 1998 (Amendment No 8)*.

2 Aims of plan

The aim of this plan is to clarify the provisions relating to the removal of trees in the local government area of Gunnedah.

3 Land to which plan applies

This plan applies to all land within the Gunnedah local government area.

4 Amendment of Gunnedah Local Environmental Plan 1998

The *Gunnedah Local Environmental Plan 1998* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 4)

Clause 28

Omit the clause. Insert instead:

28 What controls apply to the preservation of trees within the Gunnedah area?

(1) Objectives

The objectives of the tree preservation controls set out in this clause are:

- (a) to preserve trees as important elements of streetscapes and landscapes, and
 - (b) to protect trees as habitat value for wildlife, and
 - (c) to promote replacement tree planting.
- (2) This clause applies to all land within the Gunnedah local government area.
- (3) Except as provided by subclause (4), development consent is required before a person ringbarks, cuts down, tops, lops, removes, injures, poisons or wilfully destroys any tree that:
- (a) has an overall height of 3 metres or more above the ground, or
 - (b) has a trunk girth exceeding 0.5 metre at a height of 1 metre above the ground, or
 - (c) has a branch spread exceeding 3 metres in diameter, or
 - (d) in the case of land in Zone No 1 (d), 2 (a), 2 (b), 3 (a), 3 (b), 4 (a), 4 (b) or 5 (a), is located between the main building allotment and the street alignment or, if there is no such building, between the street alignment and the setback, or
 - (e) is in Zone No 7 (d) (the Environmental Protection—Scenic Zone).

2001 No 226

Gunnedah Local Environmental Plan 1998 (Amendment No 8)

Schedule 1 Amendment

- (4) Development consent is not required where:
- (a) the tree is dead, or
 - (b) the tree's condition constitutes an immediate threat to life or property, or
 - (c) the work is reasonably necessary to protect human life, buildings or property from imminent danger from a bush fire burning in the vicinity of the land on which the tree is situated, or
 - (d) the tree is in a fuel free zone (within the meaning of the document entitled "Planning for Bushfire Protection" published by the Department of Rural Fire Services) and, if the Council has classified any species of trees as being likely to present a significant fire hazard, the tree is such a species, but only if written notice about the proposed work is given to the Council, before the work is started, confirming in writing that this paragraph applies to the tree, or
 - (e) the tree is included in any current list of noxious weeds applicable to the Gunnedah local government area, or
 - (f) the trunk of the tree is located no more than 3 metres from any part of any habitable building or no more than 3 metres from any underground utility service main, or
 - (g) the work involves only minor pruning which is necessary to promote growth or fruit production, or to improve the shape of the tree's canopy, and is not likely to jeopardise the tree's existence, or
 - (h) the tree is part of an agroforestry plantation for commercial purposes which has been registered with the Council and the tree removal is part of the regular harvesting operation within the plantation, or
 - (i) the tree is in a State forest within the meaning of the *Forestry Act 1916*, or is trimmed or otherwise dealt with in accordance with the *Electricity Supply (Safety Plans) Regulation 1997* or the *Electricity Supply (General) Regulation 1996*, or

-
- (j) the tree is removed or lopped in accordance with the *Roads Act 1993*, or
 - (k) the tree is located on land in Zone No 1 (a) or 1 (b), or

Note. The clearing of native vegetation on rural land may require development consent under the provisions of the *Native Vegetation Conservation Act 1997* and should otherwise be carried out in accordance with that Act and any regional vegetation management plan in force under that Act.
 - (l) written notice about the proposed work is given to the Council, not less than 14 days before the work is started, and the Council does not advise the person within 14 days after the notice is given that it opposes the action being taken.
- (5) A written notice referred to in subclause (4) (d) or (l) must include the name and address of the person who gives it, the number and species of trees affected and the location of the tree or trees affected on the land to which the notice applies.
- (6) Consent required by this clause must not be granted unless the consent authority has considered the following matters:
- (a) the reason for the proposed work, and
 - (b) the contribution of the tree to the local landscape or streetscape, and
 - (c) the type and rarity of the species, and
 - (d) the number of trees in the vicinity, and
 - (e) whether the tree may become dangerous or damage property or utility services, and
 - (f) whether new plantings are proposed or are desirable, and
 - (g) the effect of the proposed work on local views, on solar access to properties and on local amenity, and
 - (h) any heritage or ecological habitat significance of the tree, and
 - (i) the effect of the proposed work on soil conservation and erosion, and
 - (j) the effect of the tree on fauna specified in Schedule 1 or 2 of the *Threatened Species Conservation Act 1995*.

BY AUTHORITY