

1995—No. 19

## ELECTRICITY ACT 1945—REGULATION

(Electricity (Tree Preservation) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 5 of 20 January 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Electricity Act 1945, has been pleased to make the Regulation set forth hereunder.

E. P. PICKERING  
Minister for Energy.

### **Citation**

1. This Regulation may be cited as the Electricity (Tree Preservation) Regulation 1995.

### **Commencement**

2. This Regulation commences on 1 February 1995.

### **Object of Regulation**

3. (1) The object of this Regulation 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 Regulation applies only to the extent to which an electricity distributor may lawfully remove or trim trees apart from this Regulation (which it may do, for example, on behalf of a council) and does not itself authorise the removal or trimming of trees.

### **Definitions**

4. In this Regulation:

“**council**” means the council of a local government area;

“**electricity distributor**” includes Sydney Electricity;

**“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 6.

### **Preservation of trees**

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

- (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).

### **Tree management plans**

6. (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.

(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.

### **Consultation with councils and the public**

7. 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.

### **Savings**

8. A plan prepared by an electricity distributor before the commencement of this Regulation that deals with the trimming, or the staged removal and replacement, of those species of trees that have a propensity to interfere with powerlines is taken to be a tree management plan for the purposes of this Regulation.

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### **NOTES**

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**EXPLANATORY NOTE**

The object of this Regulation is to 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 Regulation enables 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. Tree management plans already prepared by electricity distributors are taken to be made in accordance with the Regulation.

This Regulation is made under the Electricity Act 1945, including section 37 (2) (qq).

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