

FIRST PRINT

## WESTERN SYDNEY (TREE PRESERVATION) BILL 1993

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to prevent the Prospect County Council from destroying trees to protect powerlines when other means of protection are feasible.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act is to commence on the date of assent.

Clause 3 defines "the Council" to mean the Prospect County Council and "powerlines" to include associated electricity supply equipment and apparatus and defines "noxious" and "tree".

Clause 4 requires the Council to preserve trees wherever feasible.

Clause 5 requires the Council to develop and use alternative means to protect powerlines.

Clause 6 permits the controlled pruning of trees.

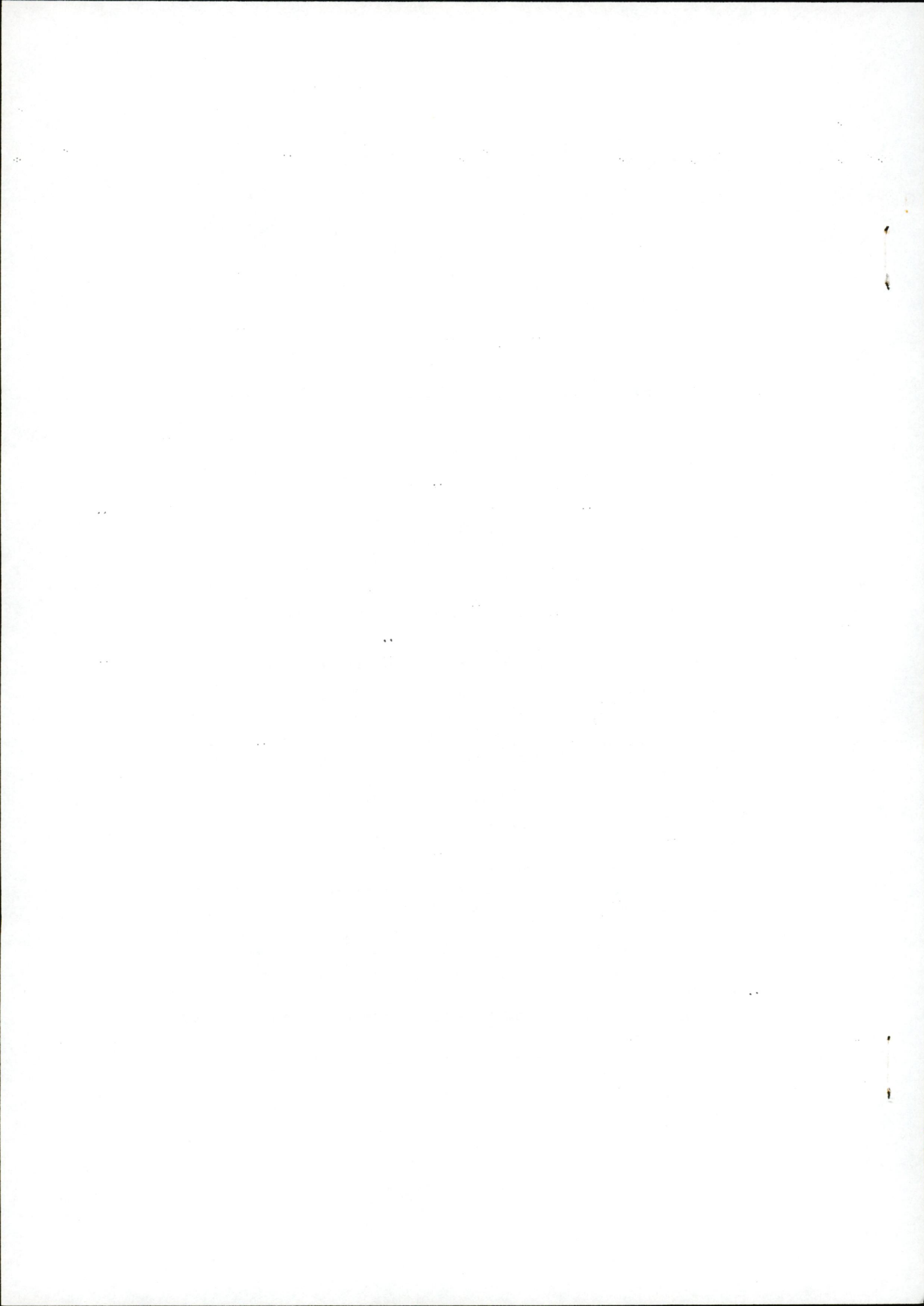
Clause 7 provides that the proposed Act does not protect trees that are noxious, dead, dying or a threat to persons or property.

Clause 8 prevents the Council from increasing its charges or imposing new charges to recoup the cost of alternative measures for the protection of powerlines.

Clause 9 states that the proposed Act applies despite any law or agreement to the contrary.

Clause 10 is a standard provision requiring a review of the proposed Act to be carried out after 5 years.

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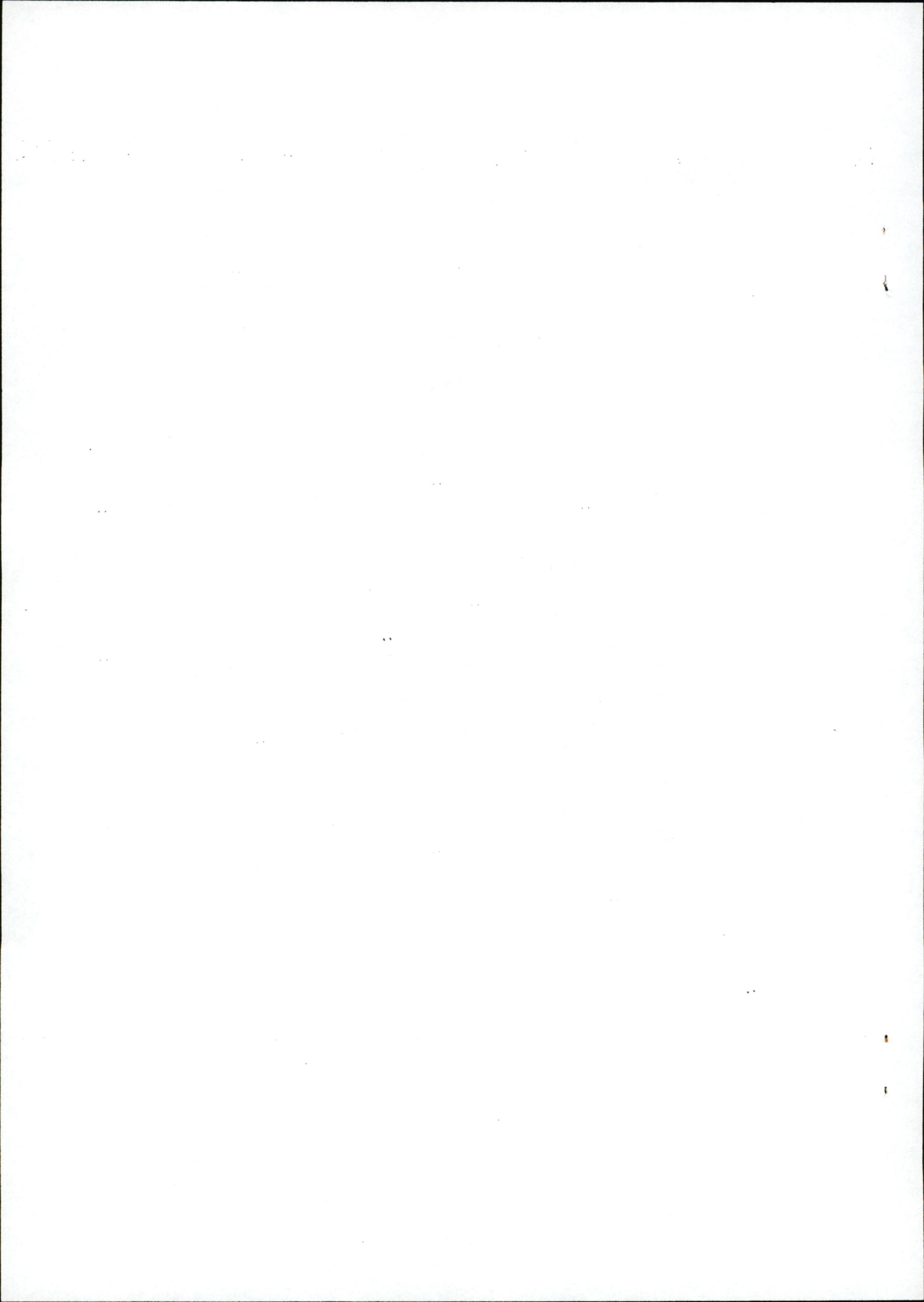
**WESTERN SYDNEY (TREE PRESERVATION) BILL 1993**

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**WESTERN SYDNEY (TREE PRESERVATION) BILL 1993**

NEW SOUTH WALES



No. , 1993

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**A BILL FOR**

An Act to provide for the preservation of trees near powerlines in the Western Sydney area.

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*Western Sydney (Tree Preservation) 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Western Sydney (Tree Preservation) Act 1993.

**5 Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. In this Act:

“noxious” means declared to be noxious by or under any law;

10 “powerlines” includes structures and equipment used for or in connection with the supply of electricity by the Council;

“the Council” means the Prospect County Council;

15 “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.

**Council must preserve trees**

4. The Council has a duty to ensure that no tree is killed, cut down, damaged or destroyed for the purpose of protecting the Council's powerlines from damage or other interference by trees, unless there is no feasible alternative to that action.

**Council to develop and use alternative means to protect powerlines**

5. The Council has a duty to develop and use alternative means of protecting its powerlines from damage or other interference by trees, including means such as the use of aerial bundled cables, the controlled pruning of trees and the appropriate location or relocation of powerlines (including placing them underground).

**Controlled pruning not prevented**

6. This Act does not prevent the Council from pruning trees to the extent that is reasonably necessary for the protection of its powerlines from damage or other interference by trees, and consistent with a policy of preserving trees to the maximum extent possible.

*Western Sydney (Tree Preservation) 1993*

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**Trees that are noxious, dead, dying or dangerous**

7. This Act does not prevent the Council from killing, cutting down, damaging or destroying a tree that is noxious, dead or dying or that is a danger to persons or property (other than powerlines).

**Council not to increase charges**

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8. The Council must not impose any additional charge or rate or increase existing charges or rates in order to finance alternative methods for the protection of its powerlines.

**Application of Act**

9. This Act applies despite any other Act or law or any agreement.

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**Review of Act**

10. (1) The Minister is to review this Act to determine whether the policy objectives of this Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

(2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.

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(3) A report of the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

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