

CITY OF GOSFORD - TREE PRESERVATION ORDER

Pursuant to its powers under the Environmental Planning and Assessment Act, the Regulations under that Act, clause 44 of the Gosford Planning Scheme Ordinance, clause 35 of Interim Development Order No 122 and clause 8 of the Environmental Planning and Assessment Model Provisions 1980 (adopted by clause 6 of Gosford Local Environmental Plan No 22), Council at its meeting held on 8 March 2005 (Minute No 211/2005) resolved to make a Tree Preservation Order that:-

- 1 No person shall ringbark, cut down, top, lop, remove, injure or destroy any tree without the consent of Council.
- 2 This Order applies to:
 - 2.1 All trees in the city having a height exceeding three (3) metres from the ground.
 - 2.2 Trees and categories of trees listed in Council's Significant Tree Register, irrespective of height.
 - 2.3 Species listed in Schedule 1 of this Order irrespective of height.
 - 2.4 Underscrubbing of vegetation irrespective of height (except trees referred to in Schedule 2) on land which is situated within a Rural Conservation 7(a) zone, Proposed Open Space 6(e) zone, Regional Open Space 6(d) zone, Coastal Lands Protection 7(d) zone or Coastal Lands Acquisition 7(e) zone under these planning instruments:
 - 2.4.1 Gosford Planning Scheme Ordinance
 - 2.4.2 Interim Development Order No 122
 - 2.4.3 Gosford Local Environmental Plan No 22

Note: Development consent is required to underscrub in the zones referred to in this clause except for underscrubbing ancillary to agricultural uses in 6(d) and 7(e) zones.

- 3 This Order does not apply to:-
 - 3.1 Tree species listed in Schedule 2 of this Order.
 - 3.2 Trees within three (3) metres of an approved building.
 - 3.2.1 This distance is to be measured one (1) metre above ground level and between the face of the wall and the part of the trunk nearest the building.
 - 3.2.2 Definition: "approved building" means:-

A building or part of a building which:-

 - has been approved by Council under the Environmental Planning And Assessment Act or Local Government Act, or
 - has otherwise been lawfully constructed

but does not include:-

 - a) A manufactured home, a moveable dwelling or associated structure or part of a manufactured home, a moveable dwelling or associated structure within the meaning of the Local Government Act; or

- b) A temporary structure within the meaning of the Local Government Act;
- c) A structure included in the list of "exempt development" in the Gosford Planning Scheme Ordinance or Interim Development Order 122.

4 All previous Tree Preservation Orders are revoked.

5 A consent issued by Council that applies to trees remains effective.

Peter Wilson
GENERAL MANAGER

Date:

SCHEDULE 1

BOTANICAL NAME

Acacia bynoeana Benth
Ancistrachne maidenii (A.A. Ham.) Vickery
Astrotricha crassifolia Blackely
Caladenia tessellata Fitzg.
Callistemon linearifolius (Link) DC
Chamaesyce psammogeton (P.S. Green) P.I. Foster & R.J. Henderson
Darwinia glaucophylla
Dendrobium melaleucaphilum M.A. Clem. & D.L. Jones
Epacris purpurascens var. *purpurascens*
Eucalyptus camfieldii Maiden
Grevillea shiressii Blackely
Hibbertia procumbens (Labill.) DC.
Hibbertia puberula Toelken
Melaleuca biconvexa Byrnes
Oleaia cordata Lander
Persoonia hirsute Pers.
Prostantera askania BJ Conn (= Strickland SF)
Prostantera junonis (= sp. Somersby)
Syzygium paniculatum Gaertner
Tetratheca glandulosa Smith
Wilsonia backhousei Hook. F.

SCHEDULE 2

BOTANICAL NAME

COMMON NAME

<i>Arecastrum romanzofianum</i>	Cocos palm
<i>Cinnamomom camphora</i>	Camphor laurel
<i>Cupressus macrocarpa</i> Brunnianan Aurea	Golden Cypruss
<i>Erythrina species</i>	Coral tree
<i>Ficus elastica</i>	Rubber tree
<i>Pinus radiata</i>	Radiata pine
<i>Salix species</i>	Willow tree
<i>Schefflera actinophylla</i>	Umbrella tree
Non native fruit trees.	