

Australian Capital Territory

Tree Protection (Criteria for Tree Protection Directions) Determination 2006 (No 1)

Notifiable instrument NI2006—268

made under the

***Tree Protection Act 2005*, s75 (Tree Protection Directions)**

1 Name of instrument

This instrument is the *Tree Protection (Criteria for Tree Protection Directions) Determination 2006 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Determination

I determine that the criteria for tree protection directions are as set out in Schedule 1.

Mr Hamish McNulty
Conservator of Flora and Fauna

21 July 2006

Schedule 1

Criteria for Tree Protection Directions for the purposes of the *Tree Protection Act 2005*.

1 Criteria for Making a Tree Protection Direction

The Conservator of Flora and Fauna (the Conservator) may make a tree protection direction if satisfied that:

- (a) an activity is occurring that is causing or may cause damage to a protected tree or a tree that is being considered for provisional registration;
- (b) a failure to undertake an activity or to prevent an activity from occurring may result in damage to a protected tree or a tree that is being considered for provisional registration; or
- (c) remedial treatment or treatments are required to address damage to a protected tree.

2 Examples of directions that may be made under paragraph 1

Examples of tree protection directions that the Conservator may make include:

- (a) To stop work or other activity on a site in order to prevent damage to a protected tree or a tree that is being considered for provisional registration;
- (b) To stop work in order to protect a protected tree where an activity or activities have occurred that is causing damage to the tree and ongoing activity may result in further damage;
- (c) To direct that fences be erected and maintained to prevent damage to a protected tree;
- (d) To direct that a site be drained where flooding is likely to cause damage to a protected tree; or
- (e) To direct that pruning is undertaken to address damage to a protected tree.

The list of examples set out in paragraph 2 does not limit the circumstances in which a direction may be made.