

Tree Protection (Tree Management Precincts) Declaration 2009 (No 1)

Notifiable instrument NI2009–213

made under the

Tree Protection Act 2005 s39 (Tree Management Precincts Declaration)

1 Name of instrument

This instrument is the *Tree Protection (Tree Management Precincts) Declaration 2009 (No 1)*

2 Commencement

This instrument commences on the day after notification.

3 Revocation of previous instrument

I revoke the *Tree Protection (Tree Management Precincts) Determination 2008 (No 1)* (Notifiable Instrument NI2008—330).

4 Declaration of tree management precinct

- (1) I declare leased land, within the built up urban areas as declared from time to time under Section 7 (2) of the *Tree Protection Act 2005*, to be a Tree Management Precinct.
- (2) However, land within an existing school campus is not taken to be part of a tree management precinct for the purpose of determining whether a funded activity will affect, is affecting or has affected a regulated tree.
- (3) Subsection (2), this subsection and section 5 expire on 31 March 2013.

Note The provisions of the *Planning and Development Regulation 2008* to which section 4 (2) relates also expire on 31 March 2013.

5 Definitions

In this declaration:

commencement day means the day the *Planning and Development Amendment Regulation 2009 (No 2)* commenced.

Note The *Planning and Development Amendment Regulation 2009 (No 2)* commenced on 24 March 2009.

declared funding program—see the *Planning and Development Regulation 2008*, section 405.

existing school means 1 of the following that existed on the commencement day:

- (a) a government school within the meaning of the *Education Act 2004*;
- (b) a non-government school within the meaning of the *Education Act 2004*;
- (c) a childcare centre, licensed under the *Children and Young People Act 2008*, section 747, primarily for the education of young children.

Examples—education of young children

preschool, early learning centre

Note An example is part of the declaration, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

existing school campus means the grounds, including the boundary, of an existing school on the commencement day.

funding activity means development, or another activity, that is funded completely or partly by 1 or more declared funding programs.

regulated tree—see the Act, dictionary.

young child—see the *Children and Young People Act 2008*, section 733 (3).

Jon Stanhope MLA
Minister for Territory and Municipal Services

6 May 2009