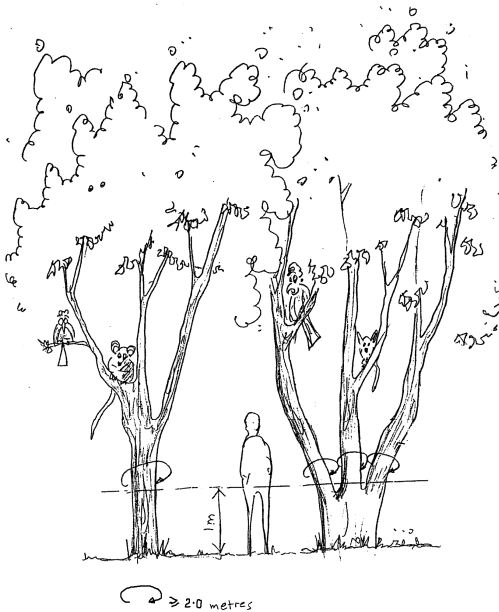


Regulated and Significant Trees

Information Sheet 09

Why are there differences between regulated trees and significant trees?

Changes to legislation and Development Plan policy were made to strike a balance between the protection of substantial trees and an identified need to remove inappropriately located trees or inappropriate tree species. These changes mean that there are now two different assessment approaches for regulated trees and significant trees.



What is a regulated tree?

A regulated tree is defined by legislation as:

- Any tree with a trunk circumference of 2.0m or more measured at a point 1.0m above the natural ground level.
- In the case of trees with multiple trunks, it is those with trunks with a total circumference of 2.0m or more and an average circumference of 625mm or more measured at a point 1.0m above natural ground level.

A number of tree species are exempt from regulated tree controls, either due to their location or their species.

What is a significant tree?

A significant tree is defined by legislation as:

- Any tree with a trunk circumference of 3.0m or more measured at a point 1.0m above natural ground level.
- In the case of trees with multiple trunks, it is those with trunks with a total circumference of 3.0m or more and an average circumference of 625mm or more measured at a point 1.0m above natural ground level).
- Any tree identified as a significant tree in the Development Plan.

If a tree is listed in Council's Development Plan, then development approval is required for any tree-damaging activity, even if the tree is exempt from classification as a regulated tree due to species or location.

Is my tree exempt from regulated tree controls?

If your tree is dead, even if it is a regulated tree or significant tree based on its circumference, it is exempt from development controls.

Except if listed in Council's Development Plan as a significant tree, all trees located within 10 metres of an existing dwelling or an existing in-ground swimming pool (that existed prior to November 2011) are exempt from development controls, unless it is one of the two following species of trees:

- *Agonis flexuosa* (Willow Myrtle)
- *Eucalyptus* (any tree of the species)

In the case of the removal of a *Ficus macrophylla* (Moreton Bay fig), it must be located within 15 metres from a dwelling or pool to be exempt from development controls.

A number of tree species are also identified by legislation as exempt from development controls. The trees listed are generally exotic species or trees commonly planted in urban areas, or those that are considered to have a medium-high or high risk for limb failure and infrastructure damage.

What does it mean if my tree is exempt?

If your tree is exempt from classification as a regulated tree or a significant tree, then no development approval is required prior to pruning or removing the tree.

It is recommended that you notify Council of your intention to undertake works, so that it can be confirmed that no development approval is required. It is an offence to undertake a tree-damaging activity affecting a regulated or significant tree without prior approval.

Which tree species are exempt?

The following tree species are also exempt from the development controls:

- *Acer negundo* (Box Elder)
- *Acer saccharinum* (Silver Maple)
- *Ailanthus altissima* (Tree of heaven)
- *Alnus acuminata* subsp. *Glabrata* (Evergreen Alder)
- *Celtis australis* (European Nettle Tree)
- *Celtis sinensis* (Chinese Nettle Tree)
- *Cinnamomum camphora* (Camphor Laurel)
- *Cupressus macrocarpa* (Monterey Cypress)
- *Ficus* spp. (Figs), other than *Ficus macrophylla* (Moreton bay fig).
- *Fraxinus angustifolia* (Narrow-leaved Ash)
- *Fraxinus angustifolia* ssp. *Oxycarpa* (desert ash)
- *Lagunaria patersonia* (Norfolk Island Hibiscus)
- *Melaleuca styphelioides* (Prickly-leaved Paperbark)
- *Pinus Radiata* (Radiata Pine / Monterey Pine)
- *Platanus x acerifolia* (London Plane)
- *Populus alba* (White poplar)
- *Populus nigra* var. *italica* (Lombardy Poplar)
- *Robinia pseudoacacia* (Black Locust)
- *Salix babylonica* (Weeping Willow)
- *Salix chilensis* 'Fastigiata' (Chilean Willow, Evergreen Willow, Pencil Willow)
- *Salix fragilis* (Crack Willow)
- *Salix X rubens* (White Crack Willow, Basket Willow)
- *Salix X sepulcralis* var. *chrysocoma* (Golden Weeping Willow)
- *Schinus areira* (Peppercorn Tree)

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Regulated and Significant Trees

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What activities affecting regulated and significant trees are controlled?

Development approval is required for works that would result in the removal, killing or destruction, branch or limb lopping, ringbarking or topping, or any other substantial damage to a regulated or significant tree, including to its root system, other than maintenance pruning.

This can include development that involves undertaking building or demolition works that would occur in close proximity to a regulated or significant tree.

What is maintenance pruning?

Maintenance pruning of less than 30% of a tree crown is not controlled, but only where the pruning is required to remove dead or diseased wood or to remove branches that pose a material risk to buildings or areas frequently used by people.

It is recommended that details of proposed maintenance pruning be provided to Council prior to works being undertaken, so that it can be confirmed that no development approval is required.

When is approval required for pruning?

Approval for pruning would be required in the following cases:

- Where the pruning would remove more than 30% of the tree crown
- Where the pruning is to remove branches that are not dead or diseased.
- Where the pruning of roots would likely affect the health and appearance of the tree.

What if my neighbour's regulated or significant tree is encroaching on my land?

You are able to prune tree branches back to the property boundary without development approval, but only if the extent of work is considered maintenance pruning. Pruning beyond the property boundary is not permitted without the permission of the tree owner.

Where cutting back the tree would exceed the definition of maintenance pruning, or would result in root damage likely to affect the health and appearance of the tree you will need to apply for development approval from Council.

No development application fees are charged for such applications. The owner of the tree is also notified of the application. It should be noted that the permission of the tree owner would still be required prior to undertaking any works within their property.



Do I need expert advice when applying to prune or remove a regulated or significant tree?

For a regulated tree, you do not need to supply expert or technical reports as part of your application. You will need to provide a description of the proposed works.

It is recommended that you submit information in support of your proposal from an arborist and/or structural engineer as relevant. Council may seek independent advice to assess the application.

For the pruning or removal of a significant tree, you will most likely need to supply an arborist report and/or an engineer's report (as applicable). Council may also seek independent advice to assist in the assessment of the application.

How are applications assessed?

A development application involving a regulated or significant tree is assessed against the relevant provisions of the Prospect (City) Development Plan, with due regard to information provided as part of the application as well as independent advice sought by Council.

Public notification is not required for applications involving the removal or pruning of a regulated or significant tree, unless the tree is located on Council land, in which case Category 2 public notification may be required.

Generally, applications that involve the removal of a significant tree listed in the Significant Tree Register will be presented to Council's Development Assessment Panel for a decision.

Do I need to plant replacement trees once I get approval?

Council is required to place a condition that replacement trees are planted on your property if you are granted approval to remove a regulated or significant tree. Two replacement trees must be planted for each regulated tree removed. Three replacement trees must be planted for each significant tree removed.

Alternatively, a monetary contribution may be made to the State's Planning and Development Fund.

What if urgent work is needed to make a tree safe?

In an emergency situation, work involving a regulated or significant tree can be undertaken without first having received a development approval. In most cases, this work will be undertaken by the State Emergency Service.

As soon as practicable after the emergency work is undertaken, the owner of the regulated or significant tree must lodge a development application with Council for the work undertaken.

What if I undertake work without approval?

Breaches of the provisions relating to regulated trees will be enforced using existing provisions under the Development Act 1993 that apply to all other types of development. Under the existing provisions, the person who undertakes the work to the regulated tree will be the person responsible for the breach.

Fines of up to \$120,000 per offence may be imposed by the Court.

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Regulated and Significant Trees

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Is my tree listed in the Development Plan?

There are approximately 300 trees listed under Table Pr/4 in Council's Development Plan as significant trees. Some properties feature more than one listed tree.

● 48	Alabama Ave	Cotton Palm	● 37	Braund Rd	White Cedar
● 27	Albert St	Jacaranda	● 54A	Braund Rd	River Red Gum
● 52	Albert St	River Red Gum	● 86	Braund Rd	Canary Island Date Palm
● 66	Albert St	Cotton Palm	● 86	Braund Rd	Canary Island Date Palm
● 68	Albert St	River Red Gum	● 86	Braund Rd	Cotton Palm
● 72	Albert St	Norfolk Island Pine	● 9	Braund Rd	Corymbia ficifolia
● 6	Alpha Rd	Jacaranda	● 14	Braund Rd	Jacaranda
● 23	Angwin Ave	Blue Cedar	● 4A	Braund Rd	Cape Chestnut
● 16	Asquith Rd	Marri	● 119	Braund Rd	Norfolk Island Pine
● 13	Asquith St	Cotton Palm	● 7	Bridges St	Norfolk Island Pine
● 13	Asquith St	Cotton Palm	● 1	Brooke St	Golden Elm
● 19	Asquith St	Deodar	● 2	Brooke St	Strawberry Tree
● 48	Asquith St	Kurrajong	● 39	Buchanan St	Jacaranda
● 19	Athol Ave	Claret Ash	● 9	Buchanan St	Flame Tree
● 24	Athol Ave	Jacaranda	● 13	Burwood Ave	River Red Gum
● 2	Audley Ave	Weeping Myrtle	● 13	Burwood Ave	River Red Gum
● 5	Avenue Rd	Pepper Tree	● 13	Burwood Ave	Sugar Gum
● 14	Azalea St	Red Cedar	● 13	Burwood Ave	Sugar Gum
● 14	Azalea St	Pepper Tree	● 32	California St	White Cedar
● 23	Azalea St	Norfolk Island Pine	● 33	California St	Lemon Scented Gum
● 27	Azalea St	South Australian Blue Gum	● 25	Camroc Ave	Norfolk Island Pine
● 48	Balfour St	Blue Cedar	● 25	Camroc Ave	Norfolk Island Pine
● 28	Balfour St	Jacaranda	● 18	Camroc Ave	Norfolk Island Pine
● 53	Ballville St	Pepper Tree	● 4	Carter St	Jacaranda
● 1	Ballville St	Lemon Scented Gum	● 5	Carter St	Jacaranda
● 17	Barker Rd	Box Elder	● 11	Carter St	Cotton Palm
● 37	Barker Rd	Jacaranda	● 27	Cassie St	Jacaranda
● 37	Barker Rd	Jacaranda	● 27	Charles St	Jacaranda
● 24	Barker Rd	Pepper Tree	● 12	Churcher St	Poplar
● 53	Boyle St	Weeping Myrtle	● 11	Churchill Rd	Claret Ash
● 71	Boyle St	River Red Gum	● 181	Churchill Rd	Pepper Tree
● 55	Braund Rd	Holm Oak	● 181	Churchill Rd	Pepper Tree
● 1A	Braund Rd	Pepper Tree	● 196	Churchill Rd	Pepper Tree
			● 61	Churchill Rd	Canary Island Date Palm
			● 95	Churchill Rd	Pepper Tree
			● 25	Clifford St	Jacaranda
			● 28	Clifford St	Pepper Tree
			● 21	Clifton St	Spotted Gum



● 45	Clifton St	Weeping Myrtle	● 66	First Ave	Lemon Scented Gum
● 52	Clifton St	Jacaranda	● 75	First Ave	Jacaranda
● 53	Clifton St	Jacaranda	● 26	First Ave	Cotton Palm
● 47	Clifton St	Kaffir Plum	● 14B	First Ave	Puerto Rican Hat Palm
● 21	Cochrane Tce	Pepper Tree	● 14B	First Ave	Puerto Rican Hat Palm
● 23	Cochrane Tce	Norfolk Island Pine	● 18	Fitzroy Tce	Puerto Rican Hat Palm
● 8	Cochrane Tce	Mexican Fan Palm	● 18	Fitzroy Tce	Date Palm
● 5	College St	Cotton Palm	● 7	Fitzroy Tce	Norfolk Island Pine
● 21	Collingrove Ave	Jacaranda	● 7	Fitzroy Tce	Norfolk Island Pine
● 4	Collingrove Ave	Lemon Scented Gum	● 18	Fitzroy Tce	Date Palm
● 9	Collins St	Golden Elm	● 18	Fitzroy Tce	Ombu
● 13	Daphne St	Jacaranda	● 18	Fitzroy Tce	Cotton Palm
● 2	Daphne St	Pepper Tree	● 20	Fitzroy Tce	Cotton Palm
● 2	Daphne St	Pepper Tree	● 19	Fitzroy Tce	Senegal Date Palm or African Wild Date
● 3	Daphne St	Jacaranda	● 20	Fitzroy Tce	Canary Island Date Palm
● 41	Derlanger Ave	Pecan	● 10	Flora Tce	Cotton Palm
● 237	Devonport Tce	Black Butt or Mugga	● 14	Flora Tce	Norfolk Island Pine
● 19	Dudley Ave	South Australian Blue Gum	● 30	Flora Tce	English Oak
● 9	Dudley Ave	Jacaranda	● 39	Flora Tce	Weeping Bottle Brush
● 3	East Tce	Kurrajong	● 16	Flora Tce	Puerto Rican Hat Palm
● 21	Edwin Ave	Camphor Laurel	● 57	Galway Ave	Golden Elm
● 15	Elderslie Ave	Silky Oak	● 57	Galway Ave	Blue Cedar
● 15	Elderslie Ave	Weeping Myrtle	● 52	Galway Ave	River Red Gum
● 2	Elderslie Ave	Cotton Palm	● 6	Galway Ave	Jacaranda
● 26	Elderslie Ave	Norfolk Island Pine	● 86	Galway Ave	Blue Cedar
● 31	Elderslie Ave	Jacaranda	● 40	Gladstone Rd	Norfolk Island Pine
● 33	Elderslie Ave	Jacaranda	● 13	Gloucester St	Jacaranda
● 8	Elderslie Ave	Deodar	● 50	Gordon Rd	Olive
● 17	Elizabeth St	Norfolk Island Pine	● 5	Graham Pl	Lemon Scented Gum
● 9	Elizabeth St	Coral Tree	● 26	Guilford Ave	Cotton Palm
● 45	Ellen St	Ulmus glabra 'Aurea'	● 15	Halstead St	Cotton Palm
● 10	Emile St	South Australian Blue Gum	● 6	Halstead St	Cotton Palm
● 61	Farrant St	Norfolk Island Pine	● 36	Hampstead Rd	Jacaranda
● 72	Farrant St	Kurrajong	● 50	Hampstead Rd	Norfolk Island Pine
● 14B	First Ave	Puerto Rican Hat Palm	● 6	Hampstead Rd	Lemon Scented Gum
● 14B	First Ave	Puerto Rican Hat Palm	● 2	Hardy Tce	Flame Tree
● 14B	First Ave	Canary Island Date Palm	● 27	Harrington St	White Cedar
● 24	First Ave	Box Elder	● 29	Harrington St	Jacaranda
● 26	First Ave	Cotton Palm	● 29	Harrington St	White Cedar

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● 29	Harrington St	Pepper Tree	● 90-92	Main North Rd	Mexican Fan Palm
● 78	Harvey St	Port Jackson Fig	● 102	Main North Rd	Swamp Oak
● 38	Harvey St	Cotton Palm	● 44	Marian Pl	Pepper Tree
● 53	Harvey St	Cotton Palm	● 50	Marian Pl	Norfolk Island Pine
● 17	Henrietta St	Weeping Bottle Brush	● 1	Martin Ave	Jacaranda
● 30	Henrietta St	Sugar Gum	● 19	Martin Ave	Pepper Tree
● 30	Henrietta St	Sugar Gum	● 21	Martin Ave	Camphor Laurel
● 27-29	Hepburn St	Pepper Tree	● 5	Martin Ave	Deodar
● 27-29	Hepburn St	Pepper Tree	● 22	McInnes Ave	Claret Ash
● 11	Highbury St	Pecan	● 10	Milner St	Jacaranda
● 5A	Highbury St	River Red Gum	● 11	Milner St	Deodar
● 33	Highbury St	Pepper Tree	● 5	Milner St	Deodar
● 4	Hillsdale St	River Red Gum	● 61	Milner St	Cotton Palm
● 6	Hudson St	Norfolk Island Pine	● 65	Milner St	Hills fig
● 3	Iona St	Lemon Scented Gum	● 65	Milner St	Hills fig
● 28	James St	Port Jackson Fig	● 14	Moore St	Kurrajong
● 16	Johns Rd	Silky Oak	● 15	Myponga Tce	Liquidambar
● 47	Johns Rd	Pepper Tree	● 7	Myponga Tce	Norfolk Island Pine
● 11A	Jones St	Variiegated New Zealand Christmas Bush	● 7	Myponga Tce	Norfolk Island Pine
● 6	Jones St	Jacaranda	● 17	Newbon St	Ash
● 2A	Jones St	River Red Gum	● 47	Newbon St	Blue Cedar
● 18	Kintore Ave	Blue Cedar	● 57	Newbon St	Cotton Palm
● 58	Kintore Ave	River Red Gum	● 109	North East Rd	Jacaranda
● 58	Kintore Ave	Cotton Palm	● 109	North East Rd	English Elm
● 66	Kintore Ave	Jacaranda	● 109	North East Rd	English Elm
● 86	Kintore Ave	Cotton Palm	● 109	North East Rd	English Elm
● 19	Koonga Ave	Pepper Tree	● 109	North East Rd	English Elm
● 46	Labrina St	Jacaranda	● 111	North East Rd	English Elm
● 2	Le Hunte Ave	Norfolk Island Pine	● 111	North East Rd	English Elm
● 65	Le Hunte Ave	Lemon Scented Gum	● 111	North East Rd	Puerto Rican Hat Palm
● 57	Le Hunte Ave	Cotton Palm	● 111	North East Rd	English Elm
● 61	Le Hunte Ave	Cotton Palm	● 111	North East Rd	English Elm
● 11	Linley Ave	Sydney Blue Gum	● 11	North East Rd	Puerto Rican Hat Palm
● 4	Livingstone Ave	River Red Gum	● 111	North East Rd	Norfolk Island Pine
● 290	Main North Rd	Golden Elm	● 24	Nottage Tce	Silky Oak
● 12	Main North Rd	Date Palm	● 6	Nottage Tce	Lombardy Poplar
● 203-211	Main North Rd	Pepper Tree	● 49	Olive St	Cotton Palm
			● 74	Percy St	River Red Gum



● 12	Poltawa Tce	Golden Elm	● 2A	Rosetta St	Norfolk Island Hibiscus
● 29	Princes St	Eucalyptus cineria	● 8	Rosetta St	Jacaranda
● 34	Princes St	Lemon Scented Gum	● 18	Salisbury Tce	Black Locust
● 23	Prospect Rd	Jacaranda	● 18	Salisbury Tce	Honey Locust
● 145	Prospect Rd	Norfolk Island Pine	● 18	Salisbury Tce	English Oak
● 53	Prospect Rd	River Red Gum	● 19	Salisbury Tce	River Red Gum
● 24	Prospect Rd	Blue Cedar	● 22	Salisbury Tce	Pepper Tree
● 24	Prospect Rd	Jacaranda	● 22	Salisbury Tce	Norfolk Island Pine
● 171	Prospect Rd	Cotton Palm	● 22	Salisbury Tce	Norfolk Island Pine
● 149	Prospect Rd	Norfolk Island Pine	● 22	Salisbury Tce	Jacaranda
● 49	Prospect Rd		● 22	Salisbury Tce	Cliff Date Palm
● 23	Prospect Rd	Senegal Date Palm or African Wild Date	● 22	Salisbury Tce	Cliff Date Palm
● 23	Prospect Rd	Senegal Date Palm or African Wild Date	● 62	Second Av	Golden Elm
● 23	Prospect Rd	Senegal Date Palm or African Wild Date	● 7	Second Ave	Pepper Tree
● 23	Prospect Rd	Senegal Date Palm or African Wild Date	● 14	Sherbourne Rd	Norfolk Island Pine
● 23	Prospect Rd	Senegal Date Palm or African Wild Date	● 35	Sherbourne Rd	Claret Ash
● 23	Prospect Rd	Cabbage Tree Palm	● 7	Sherbourne Rd	Golden Elm
● 23	Prospect Rd	Cape Chestnut	● 9	Sherbourne Rd	Weeping Myrtle
● 23	Prospect Rd	Hoop Pine	● 10	Stevenson St	Weeping Myrtle
● 23	Prospect Rd	Norfolk Island Pine	● 34	Stevenson St	Norfolk Island Pine
● 23	Prospect Rd	Bunya Bunya	● 8	Stuart Rd	Norfolk Island Pine
● 74	Prospect Rd	Canary Island Date Palm	● 28	Third Ave	Golden Elm
● 74	Prospect Rd	Canary Island Date Palm	● 40	Third Ave	Jacaranda
● 74	Prospect Rd	Canary Island Date Palm	● 15	Toronto St	Pepper Tree
● 32	Prospect Rd	Jacaranda	● 19	Verco St	Jacaranda
● 17	Prospect Tce	Jacaranda	● 37	Victoria St	Cotton Palm
● 78	Redin St	Hackberry	● 34	Vine St	Cotton Palm
● 11	Redmond St	Jacaranda	● 37	Vine St	Norfolk Island Pine
● 466	Regency Rd	Jacaranda	● 60	Vine St	River Red Gum
● 440	Regency Rd	Bottle Tree	● 7	Vine St	Jacaranda
● 21	Richman Ave	Cotton Palm	● 26	Warren Ave	South Australian Blue Gum
● 21	Richman Ave	Cotton Palm	● 16	Warren Ave	Jacaranda
● 15	Rose St	Pepper Tree	● 32	Warren Ave	Deodar
● 35	Rose St	Norfolk Island Pine	● 52	Wilcox Ave	Lemon Scented Gum
● 63	Rose St	Pepper Tree	● 15	William St	Hills fig
● 67	Rose St	Jacaranda	● 19	William St	Norfolk Island Pine
● 83	Rose St	Silky Oak	● 22	William St	River Red Gum
● 24	Rosetta St	River Red Gum	● 44	Wilson St	Dragons Blood
● 2A	Rosetta St	Norfolk Island Hibiscus	● 44	Wilson St	Dragons Blood

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