

NORFOLK



ISLAND

Trees Regulations 1999

No. 1, 1999

Compilation No. 1

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Includes amendments up to: Norfolk Island Continued Laws Ordinance 2015 (No. 2, 2015) as amended up to Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019 (F2019L01048)

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TREES REGULATIONS 1999

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Trees Regulations 1999

Short title

1. These Regulations may be cited as the *Trees Regulations 1999*.

Interpretation

2. In these Regulations —
“the Act” means the *Trees Act 1997*.

Protected Trees

3. (1) Subject to subregulation 3(2), each tree of a species specified in column 1 of the Schedule is a protected tree for the purposes of the definition of “protected tree” in section 5 of the Act.

(2) If a height is specified in column 2 of the Schedule opposite a species of tree specified in column 1 of the Schedule, a tree of that species is not a protected tree until it reaches that height, measured in accordance with Regulation 4.

Measuring height of tree

4. The height of a tree is to be measured from the highest point of the ground surrounding the base of its trunk.

Prescribed information - application for registration of plantation

6. For the purposes of paragraph 10(2)(g) of the Act, an application for registration of an area of land as a plantation must contain the following additional information —

- (a) a map specifying —
 - (i) the outer boundary of that area; and
 - (ii) in respect of each protected tree within that area planted on or after 1 January 1973 for forestry purposes, its location and the date on which it was planted; and
 - (iii) in respect of each other protected tree within the outer boundary of that area, its location, height and the diameter of its trunk measured at a height of 1.5 metres from the highest point of the ground surrounding the base of its trunk; and
- (b) in respect of each protected tree within that area planted on or after 1 January 1973 for forestry purposes, evidence substantiating the date on which the tree was planted and the purpose for which it was planted; and
- (d) a statement that the outer boundary of that area does not come within 3 metres of the trunk of any protected tree, other than a protected tree planted after 1 January 1973 for forestry purposes.

Prescribed rate - imposition of royalty

8. (1) For the purposes of subsection 19(1) of the Act, the prescribed royalty rate is the sum of —

- (a) \$.85 for each centimetre of diameter of the trunk of the tree; and
- (b) an additional \$1.75 for each centimetre of diameter of the trunk of the tree that exceeds 50 centimetres of diameter.

(2) For the purposes of subregulation 8(1), the diameter of the trunk of a tree is to be measured at a height of 1.5 metres from the highest point of the ground surrounding the base of its trunk.

SCHEDULE OF PROTECTED TREES AND THE HEIGHT ABOVE WHICH A TREE OF A PROTECTED TREE SPECIES BECOMES PROTECTED

Column 1	Column 2
Whitewood (<i>Celtis paniculata</i>)	3m
Sia's Backbone (<i>Streblus pendulinus</i>)	2m
Nettletree (<i>Boehmeria australis</i>)	
Birdcatcher (<i>Pisonia brunoniana</i>)	
Chaff-tree (<i>Achyranthes arborescens</i>)	
Bastard Oak (<i>Ungeria floribunda</i>)	
Norfolk Hibiscus (<i>Hibiscus tiliaceus</i>)	2m
White Oak (<i>Lagunaria patersonia</i> subsp. <i>patersonia</i>)	4m
Norfolk Island Mahoe (<i>Melicytus latifolius</i>)	
Whiteywood (<i>Melicytus ramiflorus</i> subsp. <i>oblongifolius</i>)	
Bastard Ironwood (<i>Pouteria costata</i>)	
Beech (<i>Rapanea ralstoniae</i>)	2m
Oleander (<i>Pittosporum bracteolatum</i>)	2m
Kurrajong (<i>Wickstroemia australis</i>)	
Isaacwood (<i>Exocarpos phyllanthoides</i> var. <i>phyllanthoides</i>)	2m
Maple (<i>Elaeodendron curtispiculum</i>)	3m
Pennantia (<i>Pennantia endlicheri</i>)	
Bloodwood (<i>Baloghia inophylla</i>)	3m
Kava Tree (<i>Homalanthus populifolius</i>)	
Melky Tree (<i>Excoecaria agallocha</i>)	
Tea-Tree (<i>Dodonaea viscosa</i> subsp. <i>viscosa</i>)	3.5m
Sharkwood (<i>Dysoxylum bijugum</i>)	
Shade Tree (<i>Melicope littoralis</i>)	
Little Yellow Wood (<i>Zanthoxylum pinnatum</i>)	
Big Yellow Wood (<i>Sarcomelicope simplicifolia</i>)	
Narrow-leaved Meryta (<i>Meryta angustifolia</i>)	
Broad-leaved Meryta (<i>Meryta latifolia</i>)	
Ironwood (<i>Nestegis apetala</i>)	3m
Popwood, Bastard Ironwood (<i>Myoporum obscurum</i>)	
Coastal Coprosma (<i>Coprosma baueri</i>)	
Mountain Coprosma (<i>Coprosma pilosa</i>)	
Norfolk Island Palm (<i>Rhopalostylis baueri</i> var. <i>baueri</i>)	
Column 1	Column 2
Ti (<i>Cordyline obtecta</i>)	2m
Norfolk Island Pine (<i>Araucaria heterophylla</i>)	4.5m
Rough Tree Fern (<i>Cyathea australis</i> subsp. <i>norfolkensis</i>)	
Norfolk Tree Fern (<i>Cyathea brownii</i>)	3m

NOTES

The *Trees Regulations 1999* as shown in this compilation comprises Regulations No. 1 of 1999 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Trees Regulations 1999</i>	1, 1999	29.4.99	
<i>Trees Amendment Regulations 2004</i>	4, 2004	27.2.04	

Ordinance	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015) (now cited as Norfolk Island Continued Laws Ordinance 2015 (see F2015L01491))	17 June 2015 (F2015L00835)	18 June 2015 (s 2(1) item 1)	Sch 1 (items 344, 345, 391–396)
as amended by			
Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019	12 Aug 2019 (F2019L01048)	Sch 1 (item 104): 13 Aug 2019 (s 2(1) item 1)	—

Table of Amendments

ad = added or inserted

am = amended

rep = repealed

rs = repealed and substituted

Provision affected	How affected
5	rep Ord No 2, 2015 (as am by F2019L01048)
7	rep Ord No 2, 2015 (as am by F2019L01048)
8	am 4, 2004
9	rep Ord No 2, 2015 (as am by F2019L01048)