

New planning rules: Canopy trees

Effective 15 September 2025



The Victorian Government has introduced *Clause 52.37 – Canopy Trees*, applying to all Victorian councils. These changes aim to protect and expand canopy tree cover to reduce the effects of urban heat.

Council was not consulted in the development of these rules but is legally required to implement them. This introduces new planning permit requirements for many East Gippsland properties.

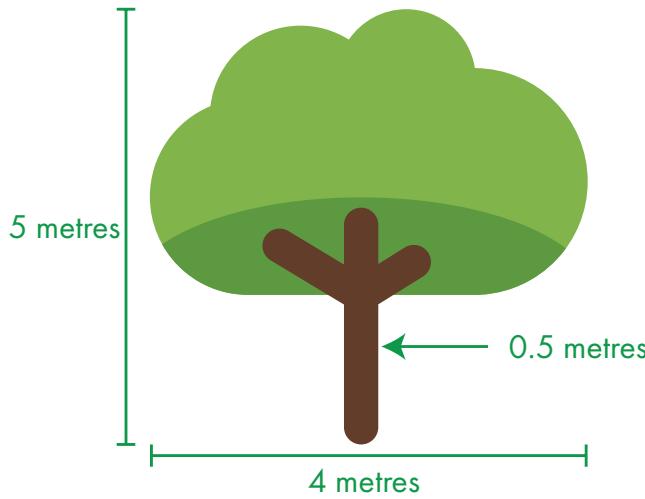
Council's Planning and Development team is working to apply these requirements fairly. Thank you for your patience as we adjust to these new rules.

What is a canopy tree?

A canopy tree is one that meets all of the following:

- » Height over 5 metres
- » Trunk circumference over 0.5 metres (measured 1.4 m above ground)
- » Canopy diameter of at least 4 metres
- » A planning permit is required to remove, destroy, or lop a canopy tree in some circumstances.

A canopy tree is defined as:



Learn more:

[Clause 52.37 – Canopy Trees](#)

[Plan for Victoria](#)

Does this affect you?

You may need a planning permit if your land is in a:

- » General Residential Zone
- » Mixed Use Zone
- » Township Zone

Check your zoning via the Planning Property Report or by calling Council on (03) 5153 9500.

Removing a canopy tree

Vacant land:

- » A permit is always required.

If you have a house on your property, a permit is required only if the tree is:

- » Within 6 metres of the front boundary, or
- » Within 4.5 metres of the rear boundary.

Exemptions apply if:

- » The tree is dead.
- » It poses an immediate risk to safety or property.
- » You are pruning or maintaining it (subject to limits).
- » It is required to meet bushfire protection standards.

If unsure, contact Council on (03) 5153 9500.



FACT SHEET

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Applying for a Planning Permit

Provide:

- » Completed Planning Permit Application Form
- » Site plan and photos showing existing and proposed trees
- » Explanation for removal or pruning
- » Details of any related building works
- » Arborist assessment (if relevant)

Assessment process

- » Applications under Clause 52.37 are assessed within 10 business days under **VicSmart**.
- » There is no public notice or third-party review.
- » Other planning overlays (Vegetation, Environmental, Bushfire, etc.) may also apply.

Assessment criteria

Council considers:

- » Tree contribution to canopy and heat reduction
- » Development design and site conditions
- » Health, species, and safety of trees
- » Infrastructure and solar access impacts
- » Bushfire risk
- » Cumulative canopy loss

Replacement requirements

If a canopy tree is removed, it will usually need to be **replaced**.

Permit conditions will specify replacement tree numbers and planting standards.

Existing permits

Permits issued before 15 September 2025 are generally not affected by the new rules.

Contact Council for confirmation on (03) 5153 9500.

For more information

East Gippsland Shire Council – Planning and Development

Phone: (03) 5153 9500

Email: feedback@egipps.vic.gov.au

Website: eastgippsland.vic.gov.au

