

Tree Retention Model Local Planning Policy

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy #.## - ****Insert Policy Name****.

2.0 Introduction

Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The greatest environmental, aesthetic and cooling benefits of trees are provided by large, mature trees which typically have the largest canopy cover.

This policy outlines that the *City/Town/Shire's* recognises the increasing importance of retaining trees and ensures that retention and enhancement of the *City/Town/Shire's* tree canopy cover is considered at all stages of development.

Tree damaging activity may constitute works under the *Planning and Development (Local Planning Schemes) Regulations 2015* and development under the *Planning and Development Act 2005*.

The purpose of this policy is to clarify the circumstances in which a development application and approval is required for any **tree damaging activity** and to guide the assessment of these applications and other planning proposals to encourage and facilitate the protection of trees and to maintain and enhance tree canopy.

This Policy should be read in conjunction with:

- Any relevant scheme provisions including significant tree register or Tree Preservation Orders;
- Clause 61 of the deemed provisions;
- Residential Design Codes Volume 1 and Volume 2;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas;
- Council Street Tree Policy;
- Council Crossover Policy;
- Urban Forest Strategy/Plan;
- Australian Standards AS 4970—2025 - Protection of trees on development sites; and
- Australian Standards AS 4373-2007 Pruning of Amenity Trees.

3.0 Objectives

The policy aims to encourage and facilitate the protection of significant trees and to maintain and enhance tree canopy. The objectives of the policy are to:

- Provide a clear definition of a **regulated tree** and clarify when a development application is required for **tree damaging activity**;
- Prioritise the retention, protection, and provision of trees on private land in the planning process;
- Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes;
- Preserve and enhance neighbourhood amenity, character and sense of place; and
- Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

4.0 Application of this policy

This Policy applies to the [insert zones] within the [insert *City/Town/Shire's Local Planning Scheme No.x*] including in the circumstances described below:

- development applications;
- subdivision applications;
- other strategic planning proposals including scheme amendments and structure plans; and
- any **tree damaging activity** to a **regulated tree** where no other development or subdivision is proposed.

4.1 Development Application Exemptions

Clause 61(i) of the deemed provisions allows a local planning policy to specify works that do not require development approval.

Tree damaging activity does not require development approval in any of the following circumstances:

- 4.1.1 the tree does not satisfy the definition of **regulated tree**; or
- 4.1.2 the **tree damaging activity** is carried out in the course of works in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61 (b) item 18:
“works that are urgently necessary for any of the following —
 - (a) public safety;
 - (b) the safety or security of plant or equipment;
 - (c) the maintenance of essential services; or
 - (d) the protection of the environment.” or
- 4.1.3 the **tree damaging activity** is required as part of an approved Bushfire Management Plan; or
- 4.1.4 the **tree damaging activity** is **maintenance pruning**; or
- 4.1.5 **Tree damaging activity** to a **regulated tree** that is on the [insert *Local Government Unwanted Species List*]; or
- 4.1.6 **Tree damaging activity** to a **regulated tree** that is a weed as identified by the *City/Town/Shire* or relevant government department; or
- 4.1.7 the **tree damaging activity** is a public work or is carried out by the local government in the exercise of its statutory functions; or
- 4.1.8 the Department of Primary Industries and Regional Development has issued a direction under the *Biosecurity and Agriculture Management Act 2007* to carry out tree damaging activity on a tree.

NOTE A development application is required for any **tree damaging activity** that is not exempt under this policy where other works are proposed on the same site, even if those other works are exempt from development approval under the local planning scheme as per clause 61 of the deemed provisions (e.g. the erection of a Single House that meets the deemed-to-comply requirements of the *Residential Design Codes*).

4.2 Application Requirements

- 4.2.1 Development applications, subdivision applications and strategic planning proposals that are subject to this Policy are to provide the following applicable information:
 - a. Site survey and/or site plan indicating:
 - i. The location, height, canopy diameter, and trunk circumference of all **regulated trees**,
 - ii. Information about the **regulated trees** (including species, height and relative health), which may require the input of a qualified arborist;
 - iii. whether any **regulated tree** is proposed to be retained or affected by any **tree damaging activity**;
 - iv. Tree Protection Zone(s) in accordance with AS4970; and
 - v. any trees proposed to be planted on the development site.

- b. Written justification for any proposed tree damaging activity against the objectives and requirements of this Policy; and
 - c. Whether any **regulated tree** was identified to be retained at a previous planning stage (e.g. structure plan or subdivision approval).
- 4.2.2 An **arborist report** may be required in the following instances:
- a. To justify tree damaging activity to a regulated tree specifically considering the health of the tree and/or any safety risk it may pose to people or property;
 - b. To explain any mitigation measures proposed to protect a regulated tree including works proposed within the Tree Protection Zone (refer to AS4970 for details to identify the Tree Protection Zone).
- 4.2.3 Additional technical reports (i.e., environmental reports, tree retention strategy, structural engineering reports) may be required for Structure Plans and large-scale subdivision applications.

5.0 Policy provisions

5.1 General Requirements

- 5.1.1 Unless its removal is approved as part of a subdivision or development approval, or is exempt under the provisions of this Policy, a **regulated tree** should be retained in perpetuity and protected.
- 5.1.2 Development works, structure plan and subdivision design should preferably avoid or as a minimum minimise harm to regulated trees.
- 5.1.3 Where **tree damaging activity** is proposed to a **regulated tree** the following will be given due regard in the assessment process:
- a. Health, maturity, species, and location of the *tree*;
 - b. Ecological, biodiversity and environmental values of the *tree*;
 - c. Contribution of the *tree* to the streetscape;
 - d. The preservation of any other **regulated tree** on the subject site;
 - e. The location of the *tree* within the development site and capacity for a modified building design or subdivision to maximise tree retention;
 - f. Any existing development on the site;
 - g. Design and location of proposed crossovers;
 - h. Topography and the potential impact from excavation/fill;
 - i. Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the *tree*;
 - j. Tree Protection Zone(s) (as per AS4970);
 - k. Tree replacement and/or planting proposed;
 - l. Recommendations of an **arborist report**; and
 - m. The objectives of this Policy.
- 5.1.4 The following justifications for **tree damaging activity** to a **regulated tree** will not be supported:
- a. Impact on views;
 - b. The tree variety is disliked;
 - c. The tree variety causes nuisance by way of leaf, fruit or bark shedding; or
 - d. The tree impacts on private gardens, solar installations, swimming pools or the like.
- 5.1.5 Any proposed **tree damaging activity** to a street tree is to be referred to *{insert relevant Local Government Department}*, for consideration, having regard to *[insert Local Government Street Tree Policy]*.

5.2 Development Application

- 5.2.1 There is a general presumption against **tree damaging activity** (other than **maintenance pruning**) to any **regulated tree**, and the siting and design of the development should, where possible, avoid impacting any **regulated tree**.

5.2.2 **Tree damaging activity** to a **regulated tree** may be considered if the following relevant information and/or technical reports are provided to demonstrate:

- a. The **regulated tree** is unhealthy, based on the recommendations of an **arborist report**;
- b. The **regulated tree** causes safety risks to people, infrastructure or buildings based on recommendations on an **arborist report** and/or Structural Engineering Report; or
- c. The redesign of the development to accommodate the **regulated tree** is unfeasible.

5.3 Tree Planting

Any tree planting requirements that vary the deemed to comply provisions of the Residential Design Codes Volume 1 and 2 require approval from the Western Australian Planning Commission. Refer to Appendix 1A - Modifications to the Residential Design Codes in WA Planning Manual - Draft Local Planning Policies Chapter for guidance and structure.

Tree provisions for planting or replacements for regulated trees where non-residential development is proposed.

5.4 Subdivision Application

- 5.4.1 The *City/Town/Shire* may recommend that prior to the determination of an application for subdivision approval additional information be provided to the Western Australian Planning Commission (WAPC) to allow consideration of the impacts of the subdivision design and layout on any **regulated tree** and whether the general requirements above have been addressed.
- 5.4.2 Subdivision design, layout and earth working levels, including the positioning of public open space (POS), configuration of the public road network, lot design and densities, should prioritise the retention of **regulated trees**.
- 5.4.3 The subdivision plan should identify **regulated trees** and note if they are to be retained or removed, and the applicant is to demonstrate how the retained **regulated trees** will be protected as part of the subdivision process.
- 5.4.4 The *City/Town/Shire* may request the WAPC to include a condition on the subdivision approval to ensure identification and/or protection of regulated trees on site.

5.5 Strategic Planning Proposals

- 5.5.1 Where applicable, Local Planning Scheme (LPS) amendments and Structure Plan proposals should identify **regulated trees** and shall outline mechanisms and measures to protect **regulated trees** at subsequent stages of the planning process.
- 5.5.2 Concept Plans supporting LPS amendment applications and Structure Plans shall prioritise positioning of public open space (POS), configuration of the public road network and lot design and densities to retain **regulated trees**.
- 5.5.3 Strategic planning proposals shall be supported by technical information and reports which demonstrate that the protection of **regulated trees** has been prioritised.

6.0 Document Control Table

Document Control Table		
Responsible Business Unit and/or Officer	Previous Policy Title (if applicable)	Next Review Date
Version	Decision to Adopt/Amend	Brief Details of Modification
1		
2		
WAPC Approval Required (Yes or No)	If yes, include a brief reason (refer to clause 4(3A) of the Regulations)	Date approved by the WAPC
Document reference		For internal use

Appendices

Definitions

Arborist report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Maintenance pruning means pruning that does not harm, or is not likely to harm, the health, stability, or long-term viability of a tree, such as:

- a) removing dead or diseased wood; or
- b) activity done to a fruit tree for fruit production; or
- c) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree or is to balance the tree

Regulated tree means a living tree that —

- a) is 8m or more high; and/or
- b) has an average canopy diameter of at least 6m; and/or
- c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground.

Tree-damaging activity means —

- a) the killing or destruction of a tree; and/or
- b) the removal of a tree; and/or
- c) the severing of branches, limbs, stems or trunk of a tree; and/or
- d) the ringbarking, topping or lopping of a tree; and/or
- e) any other substantial damage to a tree.