

Model Local Planning Policy 211: Tree Retention

Title	<u>Policy Name</u> Tree Retention	Council Logo
Policy Number	LPP #.##2.11	

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 #.##211 - ~~**Insert Policy Name**~~Tree Retention.

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.~~

~~The purpose of this pLocal Planning Policy (this Policy) is to encourage and facilitate the protection of trees and to maintain and enhance 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 within the Town of Claremont. cover is considered at all stages of development.~~

This Policy should be read in conjunction with:

- ~~• The Town's Local Planning Scheme No. 3Any relevant scheme provisions including significant tree register or Tree Preservation Orders;~~
- ~~•~~
- State Planning Policy 7.3 Residential Design Codes Volume 1 and Volume 2;
- State Planning Policy 3.7 - Planning in Bushfire Prone AreasBushfire;
- Council Street Tree Policy LV136 Tree Canopy;
- Council Crossover Policy LV106 Crossovers;
- ~~• Urban Forest Strategy/Plan;~~
- Australian Standards AS 4970—202509 - Protection of trees on development sites; and
- Australian Standards AS 4373-2007 Pruning of Amenity Trees.

~~Tree damaging activity constitutes works under the Planning and Development (Local Planning Scheme) Regulations 2015 and development under the Planning and Development Act 2005. The policy clarifies the circumstances in which a development application and approval is required for any tree damaging activity and guides the assessment of these applications and other planning proposals.~~

3.0 Objectives

~~Theis pPolicy seeks aims to encourage and facilitate the protection of trees and to maintain and enhance tree canopy. The objectives of the policy are to:~~

- ~~• Maintain a presumption in favour of retaining significant trees on privately-owned land, with landowners and applicants demonstrating that removal or other tree damaging activity is unavoidable and that all reasonable design alternatives to enable retention have been explored.~~
- ~~• Prioritise the retention and ,protection, and the provisions of significant trees on~~

~~privately-owned land and adjacent reserves in the planning process through the strategic planning, subdivision and development application processes.;~~

- ~~Clarify Provide a clear definition of a **regulated tree** and clarify when a development application is required for the removal, destruction, lopping or other tree damaging activity affecting a significant tree on privately-owned land.;~~
- ~~Provide clear decision-making guidance for development, subdivision and strategic planning proposals involving significant trees on privately-owned land.~~
- ~~Ensure that where removal of a significant tree is approved, appropriate replacement planting is provided to maintain or enhance local amenity, urban character and tree canopy cover.~~
- ~~Encourage tree pruning and management practices that comply with the relevant Australian Standards to support tree health and longevity.~~
- ~~Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process;~~

4.0 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:~~

- ~~a) involves removing dead or diseased wood only; or~~
- ~~b) is the first pruning of the tree in the calendar year and affects less than 10% of the canopy, not altering the overall shape of the canopy; or~~
- ~~c) is of a fruit tree and done for fruit production; or~~
- ~~d) does not include removing limbs with a diameter of 100mm or more; or~~
- ~~e) is otherwise minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree; and~~
- ~~f) is undertaken in accordance with the standard for Pruning Amenity Trees ASNZ4373;~~

~~**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; and~~
- ~~d) is of a species that is not included on State or local area weed register;~~

~~**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;~~

5.0 Policy Application of this Policy

This Policy applies to ~~the all~~ zoned land ~~[insert zones]~~ within the Town of Claremont Local Planning Scheme No. 3. ~~[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.~~

6.0 Policy Provisions

~~Requirement for~~5.1 Development Applications~~Approval and Exemptions~~

a) ~~A development application is~~ Tree damaging activity required for any **tree-damaging activity** to a **regulated tree**, ~~s development approval except where the activity is in any of the following circumstances:~~

~~b)a)~~ 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]~~
of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

"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."*

~~b)~~ the **tree damaging activity** is required as part of ~~under~~ an approved Bushfire Management Plan;

c) carried out under the direction or authorization of the Department of Primary Industries and Regional Development or other relevant biosecurity authority to manage the Polyphagous Shot-Hole Borer;

~~d)~~ the **tree damaging activity** is maintenance pruning; or

~~e)~~ **Tree damaging activity** to a **regulated tree** that is on the ~~[insert Local Government Unwanted Species List]~~

~~e)~~ the **tree damaging activity** is carried out by the local government on a street tree and/or the tree damaging activity is a public work as defined in section 2 of the *Public Works Act 1902*:-

All applications must demonstrate, to the Town's satisfaction, that:

- a) The tree-damaging activity is unavoidable
- b) All reasonable alternatives to retain the tree have been explored
- ~~a)c)~~ Potential impacts have been minimised.

All applications Where **tree damaging activity** is proposed to a **regulated tree** the following will then be assessed be having given due regard in the assessment processto the following:

- a) The hHealth, structural integrity, and life expectancy of the tree, supported by an Arborist Report (where relevant)
- b) The tree's maturity, size (height, canopy spread, trunk circumference), species (native or exotic)

- ~~a)c) Safety risks to people, buildings, or infrastructure, supported by a Structural Engineering Report (where relevant), and location of the tree;~~
- ~~b)d) Ecological, biodiversity and environmental values/benefits (shade, carbon sequestration, habitat) of the tree;~~
- ~~e)e) Contribution of the tree to neighbourhood character, the streetscape, and sense of place;~~
- ~~f) If a native species, its role in conserving local flora and fauna~~
- ~~g) Location of the tree within the site and potential for alternative design or siting to enable retention~~
- ~~h) Relationship to other significant trees on the site~~
- ~~d) Impact of works, including excavation or fill, on tree viability~~~~The preservation of any other regulated tree on the subject site;~~
- ~~i)~~
- ~~e) Conflicts with services or infrastructure that cannot reasonably be resolved through design modification~~~~The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;~~
- ~~j)~~
- ~~k) Whether retention would contribute to soil stability, water quality, or avoidance of erosion and salinisation~~
- ~~f) Proposed measures for tree protection in 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)l) accordance with Tree Protection Zone(s) (as per Australian Standards AS4970); 2025 Protection of trees on development sites during works;~~
- ~~m) Tree rReplacement and/or planting (species, size, location) to offset canopy loss on site proposed~~
- ~~k) ;~~
- ~~l) Recommendations of an Arborist Report; and~~
- ~~m)n) Consistency with Tthe objectives of this Policy.~~

Applications~~The following justifications for **tree damaging activity** to a **regulated tree** will not be supported solely for any of the following reasons:~~

- ~~a) Impact on views;~~
- ~~b) The tree variety is Personal dislike of the tree;~~
- ~~c) The tree variety causes Routine nuisance by way of leaf, fruit or bark drop/shedding or the like; or~~
- ~~d) The tree impacts on Shading of private gardens, solar installationspanels, swimming pools or the like similar.~~
 - ~~b) 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 Council Street Tree Policy}.~~

5.2 Development Application

- ~~a) The City/Town/Shire will assess any development application in accordance with the general requirements above.~~
- ~~b) 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**.~~
- ~~c) **Tree damaging activity** to a **regulated tree** may be considered if the following relevant information and/or technical reports are provided to demonstrate:~~

- i. ~~The **regulated tree** is unhealthy, based on the recommendations of an **Arborist report**;~~
- ii. ~~The **regulated tree** causes safety risks to people, infrastructure or buildings based on recommendations on an **Arborist report** and/or Structural Engineering Report; or~~
- iii. ~~The redesign of the development to accommodate the **regulated tree** is unfeasible.~~

5.2 Development Approval Conditions

~~If a regulated tree is proposed to be retained as part of an approved development, the City/Town/Shire may include the following condition on the development approval:~~

~~"1. The existing tree identified on the site plan must:
be retained and subsequently maintained in a healthy state;~~

~~be protected during the construction of the development in accordance with Australian Standard AS4970; and~~

~~only be maintenance pruned in accordance with Australian Standard AS 4373.~~

~~If, notwithstanding paragraph (i) the existing tree dies or becomes unhealthy and requires replacement, the landowner must notify and make suitable arrangements with the City/Town/Shire for a replacement tree(s). Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.~~

~~2. The tree protection zone(s) shown on the site plan must be retained."~~

~~If tree planting or tree replacement is required as part of an approved development, the City/Town/Shire may include the following condition on the development approval:~~

~~"1. The tree(s) shown on the approved site plan / landscaping plan must:
be planted before the development is occupied;~~

~~be maintained during the life of the development; and
only be maintenance pruned in accordance with Australian Standard AS 4373.~~

Subdivision applications

~~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) require additional information to address allow consideration of the impacts of the subdivision design and layout on any **regulated tree** and whether the general requirements above have been addressed.~~

~~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**.~~

~~The subdivision plans should identify **regulated trees**, indicate and note if whether they are to be retained or removed, and include protection the applicant is to demonstrate how the measures for retained **regulated trees** will be protected as part of the subdivision process.~~

~~The City/Town/Shire may recommend subdivision conditions to will request the WAPC to include the following condition on the subdivision approval to ensure requiring the~~

retention and protection of **regulated trees** identified by the City/Town/Shire are protected:

~~“The regulated tree(s) identified on the approved plan of subdivision dated [INSERT VALUE] shall be retained and protection measures implemented to ensure such trees are not impacted by during~~ subdivisional works. ~~These trees must not be removed when clearing the conditions of this approval unless development approval for their removal is obtained from the local government.”~~

5.3 Strategic Planning Proposals ~~(Local Planning Scheme amendments and Structure Plan Stage)~~

~~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 consistent with the provisions of this Policy.~~

Concept Plans supporting LPS amendment applications and Structure Plans ~~shall~~ should prioritise positioning of public open space (**POS**), configuration of the public road network and lot design and densities to retain **regulated trees**.

Strategic planning proposals ~~shall~~ should be supported by technical information and reports which demonstrate that the protection of **regulated trees** has been prioritised and considered.

6.97.0 Document Control Box

Responsible Business Unit	
LPP Category	
Public Consultation	Yes/No
Adoption Date	##/##/####
Next Review Date	##/##/####
Reference Number (Internal purposes)	

8.0 Appendices

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