

Local Planning Policy 3.2 – Tree Retention

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). This Policy may be cited as Local Planning Policy 3.2 – Tree Retention.

2. Purpose

To encourage and facilitate the protection of trees and to maintain and enhance tree canopy.

3. Application

This Policy applies to land within the City of South Perth (the City) which is zoned under Local Planning Scheme No.7 (LPS 7) including in the circumstances described below:

- (a) Development applications;
- (b) Subdivision applications;
- (c) Other strategic planning proposals including scheme amendments and structure plans; and
- (d) Any tree damaging activity to a regulated tree.

Tree damaging activity constitutes works under the Regulations and development under the *Planning and Development Act 2005*.

A development application is required for any tree damaging activity to a regulated tree where other works are proposed on a subject site, even if those other works are exempt from development approval under the LPS 7 as per Schedule 2, Part 7 Clause 61 of the Regulations.

4. Objectives

- 4.1 Provide a clear definition of a regulated tree and clarify when a development application is required for tree damaging activity.
- 4.2 Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.
- 4.3 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.

- 4.4 Preserve and enhance neighbourhood amenity, character and sense of place.
- 4.5 Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

5. Exemptions

Tree damaging activity required development approval except in any of the following circumstances:

- (a) The tree does not satisfy the definition of regulated tree;
- (b) The tree damaging activity is carried out in the course of works in accordance with the Regulations Schedule 2 Part 7 Clause 61(b) item 18:

“works that are urgently necessary for any of the following —
 - (i) Public safety;*
 - (ii) The safety or security of plant or equipment;*
 - (iii) The maintenance of essential services; or*
 - (iv) The protection of the environment.”;*
- (c) The tree damaging activity is required as part of an approved Bushfire Management Plan;
- (d) The tree damaging activity is maintenance pruning;
- (e) Tree damaging activity to a species contained on a State or local weed register or a palm tree;
- (f) The tree damaging activity is a public work.

6. General requirements

- 6.1 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 to retain trees;
- (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 *Australian Standard 4970-2009 – Protection of Trees on Development Sites*);
- (k) Tree replacement and/or planting proposed;
- (l) Recommendations of an Arborist Report;
- (m) The objectives of this Policy.

6.2 The following justifications for tree damaging activity to a regulated tree will not be supported:

- (i) Impact on views;
- (ii) The tree variety is disliked;
- (iii) The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like;
- (iv) The tree impacts on private gardens, solar installations, swimming pools or the like;
- (v) Allergies.

7. Development applications

7.1 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.

7.2 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;
- (c) In the opinion of the City, the redesign of the development to accommodate the regulated tree is unfeasible.

8. Subdivision applications

- 8.1 The City may recommend that prior to the determination of an application for subdivision approval, additional information be provided to the Western Australian Planning Commission to allow consideration of the impacts of the subdivision design and layout on any regulated tree, and whether the general requirements of this Policy have been addressed.
- 8.2 Subdivision design, layout and earth working levels, including the positioning of public open space, configuration of the public road network, lot design and densities, shall prioritise the retention of regulated trees.
- 8.3 The subdivision plan shall 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.

9. Strategic planning proposals

- 9.1 Where applicable, Local Planning Scheme 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.
- 9.2 Concept Plans supporting Local Planning Scheme amendment applications and Structure Plans shall prioritise positioning of public open space, configuration of the public road network and lot design and densities to retain regulated trees.
- 9.3 Strategic planning proposals shall be supported by technical information and reports which demonstrate that the protection of regulated trees has been prioritised.

10. 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;*

- (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 Australian Standard 4373-2007 – Pruning of Amenity Trees.*

Public work: *has the same definition as contained within the Planning and Development Act 2005.*

Regulated tree: *means a living tree that:*

- (a) *Is 8.0m or more high; and/or*
- (b) *has an average canopy diameter of at least 6.0m; 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.*

11. Relevant Legislation, Policies, Documents

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Residential Design Codes
City of South Perth Local Planning Scheme No.7
City of South Perth Local Planning Policies
Australian Standards AS 4970—2009 - Protection of trees on development sites
Australian Standards AS 4373-2007 Pruning of Amenity Trees

12. Document Control

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