

Information Pack

Tree Retention

BACKGROUND

Tree-lined streets and green, leafy gardens form a vital component of the character of the City of Nedlands. The City's Council Plan includes the following vision: "We aspire to live sustainably within the natural environment, clean and green with a healthy, growing urban forest." The plan also includes a specific objective to grow the urban forest.

Protecting the urban tree canopy provides a range of environmental and community benefits, including:

- Mitigating the urban heat island effect;
- Mitigating and adapting to the effects of climate change;
- Enhancing and supporting biodiversity; and
- Maintaining the City's 'leafy green' character.

The City of Nedlands [Local Planning Policy 3.3: Tree Retention](#) protects large canopy trees, on residential land codes R20 and below, by requiring that a development application be submitted for any tree damaging activity (including removal, and with exemptions for common pruning) to a regulated tree.

What trees are covered by the Policy?

LPP 3.3 defines a regulated tree as one that meets any of the following criteria:

An existing tree which has:

- 1) An average canopy diameter of 6m or greater; or
- 2) A height of 8m or greater; or
- 3) A circumference in the case of a tree with a single trunk, a trunk circumference of 1.5m or greater, measured 1.4m above the ground; or
- 4) A circumference in the case of a tree with multiple trunks, a total trunk circumference of 1.5m or greater, with an average trunk circumference of 625 millimetres or greater, measured 1.4m above the ground.

Excludes trees of a species that is on State or local weed register, or shown in Appendix 1 of the LPP.

Information Pack

Tree Retention

FREQUENTLY ASKED QUESTIONS

Where would the Policy apply?

The Policy applies to properties zoned Residential, with a density code of R20 or below. You can check the density coding of your property using the City's [Intramaps](#).

What is 'tree damaging activity' and 'maintenance pruning' under the Policy?

The Policy outlines that development approval is required for any tree damaging activity that is not exempt elsewhere in the policy. Tree damaging activity is defined in the Policy as:

- 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.

The Policy includes the following exemptions from the requirement to obtain development approval:

- The tree is identified in the Policy as an unwanted species;
- General maintenance pruning, defined as
 - Pruning that:
 - a) involves removing dead or diseased wood only; or
 - b) is of a fruit tree and done 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.
- Tree damaging activity required for bushfire management purposes, in accordance with the Bush Fires Act 1954;
- Tree damaging activity to achieve necessary clearances from utilities;
- The Department of Primary Regional Industries and Regional Development has issued a direction to carry out tree damaging activity (eg: removing a tree to slow the spread of the shot hole borer).

What if my neighbour's tree is encroaching on my land?

Pruning a neighbouring tree branch or root back to the shared property boundary could occur without seeking approval, provided the branch is dead, or the pruning is done to balance the tree or thin the crown in a way that does not harm the overall health of the tree. In some cases, you may wish to seek the advice of a qualified arborist.

Information Pack

Tree Retention

Is approval required for pruning?

General maintenance pruning of a regulated tree does not require approval and is defined as:

"Pruning that:

- a) involves removing dead or diseased wood only; or
- b) is of a fruit tree and done 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."

How do I apply for approval for tree damaging activity?

This can be achieved by submitting a stand-alone development application, or by the inclusion of the tree(s) within an application for a larger development of the site. For further information on submitting a development application, visit [here](#).

How are applications assessed?

The draft Policy contains a list of criteria against which the City will assess tree damaging activity. There is a general presumption in favour of tree retention, with the following assessment criteria considered by the City:

1. Health, maturity, species, and location of the tree;
2. Ecological, biodiversity and environmental values of the tree;
3. Contribution of the tree to the streetscape;
4. The preservation of any other **regulated tree** on the subject site;
5. The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;
6. Interference with utility services;
7. Any existing development on the site;
8. Design and location of proposed crossovers;
9. Topography and the potential impact from excavation/fill;
10. Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree;
11. **Tree Protection Zone(s)** (as per AS4970);
12. Tree replacement and/or planting proposed;
13. Recommendations of an **Arborist Report**; and
14. The objectives of this Policy.

What are the fees?

Development application fees in accordance with the [City of Nedlands Schedule of Fees and Charges](#) is applicable. If no development is proposed, and the application is only for tree damaging activity, the development application fee would be \$147.

Information Pack

Tree Retention

What if a landowner objects to a decision?

An applicant has the right to appeal to the State Administrative Tribunal against a decision made, or a condition attached to an approval, by the City of Nedlands. Such an appeal must be lodged within 28 days of the decision being made.

What is the penalty for tree damaging activity without approval?

Tree damaging activity of a regulated tree without planning approval is an offence under the Planning and Development Act 2005. The Act allows a penalty of up to \$200,000.