



LOCAL PLANNING POLICY 3.4: TREE RETENTION – R25 to R80

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1 PURPOSE

1.1 The purposes of this Policy are to:

- a) Provide a clear definition of a **regulated tree** and clarify when a development application is required for **tree damaging activity**.
- b) Define where **tree damaging activity** is considered to require development approval.
- c) Guide the assessment of development applications received for a **tree damaging activity**.
- d) Specify which tree species do not require approval for a **tree damaging activity**.
- e) Guide the provision of new trees on development sites within medium and high density Residential areas.

2 APPLICATION OF POLICY

2.1 This Policy applies to all lots zoned Residential under the City of Nedlands Local Planning Scheme No. 3, and with a density code of R25 to R80, inclusive.

2.2 This Policy applies to:

- development applications;
- subdivision applications; and/or
- any **tree damaging activity** to a **regulated tree** where no other development or subdivision is proposed.

2.3 A development application is required for any **tree damaging activity** to a **regulated tree** even where other works on a subject site are exempt from development approval under *Schedule 2 Part 7 Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015* (e.g., the erection of a Single House that meets the deemed-to-comply requirements of the Residential Design Codes Volume 1).

3 RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

3.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3.2 This Policy should be read in conjunction with the following legislative instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *City of Nedlands Local Planning Scheme No. 3*
- *Residential Design Codes Volume 1*
- *Residential Design Codes Volume 2*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*
- *Australian Standards AS4970-2009 – Protection of trees on development sites*
- *City of Nedlands Local Planning Policy 1.1: Residential Development*
- *City of Nedlands Local Planning Policy 5.14: Precincts*

3.3 **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.



4 OBJECTIVES

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

- 4.1** 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.
- 4.2** Prioritise the retention, protection, and the provision of trees on private land in the planning process.
- 4.3** Preserve and enhance neighbourhood amenity, character and sense of place.
- 4.4** Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.

5 REQUIREMENT FOR DEVELOPMENT APPLICATIONS AND EXEMPTIONS

5.1 All **tree damaging activity** requires development approval except in any of the following circumstances:

- a) the **tree damaging activity** of a **regulated tree** is on land zoned anything other than Residential R25 to R80, inclusive;
- b) the tree does not satisfy the definition of a **regulated tree**;
- c) 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.” ;
- d) the **tree damaging activity** is required as part of an approved Bushfire Management Plan;
- e) the **tree damaging activity** is **maintenance pruning**;
- f) the **tree damaging activity** to a **regulated tree** that is on the City's unwanted species list (**Appendix 1**); or
- g) the Department of Primary Industries and Regional Development or relevant authority has issued a direction to carry out **tree damaging activity** on a tree. A copy of this direction is to be provided to the local government prior to works occurring.

Note: *Local Planning Policy 3.3 Tree Retention R20 and Below* applies to Residential zoned lots R20 and below.



6 DEVELOPMENT APPLICATION REQUIREMENTS

- 6.1** Development and subdivision applications that are subject to this Policy are to provide the following applicable information:
- a) Site survey and/or site plan indicating:
 - i. location of all **regulated trees**, including street trees;
 - ii. whether any **regulated tree** is proposed to be retained or affected by any **tree damaging activity**;
 - iii. **Tree Protection Zone(s)** in accordance with AS4970; and
 - iv. any trees proposed to be planted on the development site.
 - b) Where practicable, identification of all **regulated trees** on neighbouring properties within 5m of the development.
 - c) For any **regulated trees** within 5 metres of proposed development, a demonstration that the root zones will not be impacted in a manner that would detrimentally affect the tree.
 - d) Written justification for any proposed **tree damaging activity** against the objectives and requirements of the Policy.
 - e) Whether any **regulated tree** was identified to be retained at a previous planning stage (e.g. subdivision approval).
 - f) An **Arborist Report** may be required in the following instances:
 - i. 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; or
 - ii. 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**).
 - g) Where removal of a **regulated tree** is proposed, discussion of all options available, including why they are or are not recommended.
 - h) Additional technical reports (i.e., Environmental reports, Tree Retention Strategy, Structural Engineering Reports) may be required for large-scale development or subdivision applications.



7 POLICY MEASURES
7.1 General Requirements
7.1.1 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 shall be retained and protected. 7.1.2 Retention and protection of regulated trees shall be prioritised, and development works and subdivision design shall avoid or, as a minimum, minimise harm to regulated trees. 7.1.3 Where tree damaging activity is proposed to a regulated tree the following will be given due regard in the assessment process: i. health, maturity, species, and location of the tree; ii. ecological, biodiversity and environmental values of the tree; iii. contribution of the tree to the streetscape; iv. the preservation of any other regulated tree on the subject site; v. the location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention; vi. interference with utility services; vii. any existing development on the site; viii. design and location of proposed crossovers; ix. topography and the potential impact from excavation/fill; x. possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree; xi. Tree Protection Zone(s) (as per AS4970); xii. tree replacement and/or planting proposed (at minimum 2:1 ratio); xiii. recommendations of an Arborist Report; and xiv. the objectives of this Policy. 7.1.4 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; or iv. the tree impacts on private gardens, solar installations, swimming pools or the like. 7.1.5 Any proposed tree damaging activity to a street tree is to be referred to the City's Technical Services Department for consideration, having regard to the City's Council Street Tree Policy.
7.2 Assessment of Development Applications
7.2.1 The City will assess any development in accordance with the general requirements above. 7.2.2 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 shall, as much as possible, avoid impacting any regulated tree. 7.2.3 Tree damaging activity to 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 in an Arborist Report and/or Structural Engineering Report; or iii. the redesign of the development to accommodate the regulated tree is unfeasible.



7.2.4 Tree relocation shall not be used as the primary means of tree retention except in exceptional circumstances and where it is demonstrated:

- i. relocation is undertaken on the subject site;
- ii. works will not compromise ongoing viability of the tree;
- iii. works are carried out in accordance with a report and under instruction of a suitably qualified arborist; and
- iv. the tree will be replaced with a similar sized tree should it die within two years of relocation.

7.3 Development Approval Conditions

7.3.1 If a **regulated tree** is proposed to be retained as part of an approved development, the City may include a condition on the development approval.

7.4 New Trees on Development Sites

*The following criteria applies to all new trees required by the City as replacements for **regulated trees** and are considered to be local housing objectives for trees under the Residential Design Codes Volume 1.*

7.4.1 New trees are to have at least a 30-litre pot size.

7.4.2 The local government's preference is for planting of tree species from the City of Nedlands Sustainable Landscaping Advice information sheet.

7.4.3 The minimum **tree protection zone** for a tree is to be free from impervious surfaces and roof cover.

7.4.4 Trees are to be centrally located within the **tree protection zone**.

7.4.5 New trees shall be maintained by the owner or occupant as part of the development approval.

7.5 Subdivision

7.5.1 Where an application for subdivision proposes the creation of additional residential lots and there are existing **regulated trees** onsite, the local government may recommend the imposition of a model subdivision condition relating to identification and protection of vegetation onsite worthy of retention.

7.5.2 The local government will take measures to notify prospective purchasers of the requirements of this Policy via Orders and Requisitions Notices.

8 DEFINITIONS

8.1 For this policy, the following definitions apply:

Definition	Meaning
Arborist report	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. A tree lopper that has not obtained these qualifications is not considered to meet the definition.
Maintenance pruning	Pruning that: a) involves removing dead or diseased wood only; 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.
Regulated Tree	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.
Tree damaging activity	Means: a) the killing or destruction of a tree; b) the removal of a tree; c) the severing of branches, limbs, stems or trunk of a tree; d) the ringbarking, topping or lopping of a tree; and/or e) any other substantial damage to a tree.
Tree protection zone	The area sufficient to preserve the small diameter roots a tree needs for the uptake of water and nutrients. This is the minimum area needed for a tree's health and is usually recommended to be protected with a barrier during construction. Tree Protection Zone(s) are to be in accordance with AS4970.
Tree	A long-lived woody perennial plant, typically having a single woody stem or trunk formed by secondary growth and that is at least 75 millimetres in diameter at a point 1.4 metres from the ground, growing to a mature height of at least 4 metres and bearing lateral branches with a definitively formed crown of foliage. <i>Note: Palm varieties do not meet the definition of tree and therefore are not subject to the requirements of this Policy.</i>

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**9 APPENDIX****9.1 Appendix 1 – Unwanted Tree Species**

Species Name		Criteria for Listing on Unwanted Tree Species List	
Botanical Name	Common Name	Potential Environmental Weed Species	Susceptible to Pest and Disease Attack
<i>Acacia baileyana</i>	Cootamundra Wattle	X	
<i>Acacia dealbata</i>	Silver Wattle	X	
<i>Acacia decurrens</i>	Early Black Wattle	X	
<i>Acacia elata</i>	Cedar Wattle	X	
<i>Acacia floribunda</i>	White Sally Wattle	X	
<i>Acacia iteaphylla</i>	Flinders Range Wattle	X	
<i>Acacia longifolia</i>	Sydney Golden Wattle	X	
<i>Acacia melanoxylon</i>	Blackwood	X	
<i>Acacia microbotrya</i>	Manna Wattle	X	
<i>Acacia podalyriifolia</i>	Queensland Silver Wattle	X	
<i>Acacia pycnantha</i>	Golden Wattle	X	
<i>Acer negundo</i>	Box Elder		X
<i>Acer saccharinum</i>	Silver Maple	X	X
<i>Ailanthus altissima</i>	Tree of Heaven	X	
<i>Alnus acuminata subsp. Glabrata</i>	Evergreen Alder	X	
<i>Casuarina glauca</i>	Swamp She-Oak	X	
<i>Celtis sinensis</i>	Chinese Nettle Tree	X	
<i>Eriobotrya japonica</i>	Loquat	X	
<i>Lagunaria patersonia</i>	Norfolk Island Hibiscus	X	X
<i>Leptospermum laevigatum</i>	Coastal Tea Tree	X	
<i>Olea europaea</i>	Olive	X	
<i>Robinia pseudoacacia</i>	Black Locust	X	
<i>Salix babylonica</i>	Weeping Willow; Willow	X	
<i>Schinus terebinthifolia</i>	Brazilian Pepper; Japanese Pepper	X	



	<i>Tamarix aphylla</i>	Tamarisk	X		
	<i>Ulmus procera</i>	English Elm	X		