

# Officer Presentation

**UP26/114 Proposed Draft Local Planning Policy - Regulated Trees on Private Land**

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- A series of Council resolutions and actions since 2022 have progressed responses to the management of trees on private land
- Council's resolution of **December 2025 provided clear direction to prepare a draft Local Planning Policy:**

*That the Council:*

1. *Notes the community feedback indicating **strong interest in improved management of tree loss on private land.***
  2. *Requests the CEO **prepare a draft Local Planning Policy relating to trees on private land, with an overarching objective of encouraging the retention of mature trees, while allowing reasonable development to proceed, and ensuring any necessary removal is appropriately managed to support long term urban tree canopy growth.***
  3. *Requests that the content of the draft Local Planning Policy be workshopped with Elected Members, prior to being presented to Council for consent to advertise.*
- Workshops and EMES's through 2026 have informed preparation of a draft Local Planning Policy

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## Key informing observations:

- Support for WALGA model policy format
- Objective to retain trees, while allowing removal where necessary , practical or reasonable
- Long term canopy enhancement through replacing trees that are removed
- Clear exemptions to tree regulation
- Recognition of the additional significance of larger trees
- Understanding of resource implications

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## Policy features:

- Emphasis on encouraging retention
- Medium trees – between 8m and 12m height, average canopy diameter between 6 metres and 10 metres, trunk circ between 1.5m and 1.7m
- Large trees – 12m height, average canopy diameter 10m, trunk circ 1.7m  
Practical exemptions to regulation
- Replacement trees required (with additional planting where larger trees removed)
- Financial contribution option where replacement on site is not practical

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## **State Administrative Tribunal – Statutory need for a Local Planning Policy**

- Legal context: SAT (Zorzi v Town of Cambridge [2025]) confirms removing a mature tree can be considered “development”
- Implication: Councils can require approval and must clearly define when this applies
- Current gap: No local definition of “regulated trees” or approval triggers
- Council decision required:
- Option 1 – Regulate (Recommended – Consistent with Council’s December 2025 Resolution):
  - Defines tree thresholds (size, canopy, etc.)
  - Guides consistent decisions and supports enforcement
- Option 2 – Do not regulate (Alternative Motion)
  - Formally exempt tree removal via Local Planning Policy 1.17 – Additional Development Exemptions
  - Clarifies no approval required
  - Responds to concerns about complexity, proportionality, and resourcing

*Key message:*

*Council must adopt a clear policy position, either to regulate or formally exempt tree removal*

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## Public and Private Land Urban Forest Statistics

	2016 Canopy Cover	2022 Canopy Cover	2026 Canopy Cover
Public	336Ha - 17.1%	368.4Ha – 18.8%	381.3Ha – 19.5%
Private	403.4Ha – 12.2%	287.9Ha – 8.7%	286.9Ha – 8.7%
<b>Total</b>	739.5Ha – 14%	656.3Ha – 12.5%	668.2Ha – 12.7%

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## Recommendation / next steps:

- Endorse draft Local Planning Policy for purposes of advertising
- Present further item to Council to consider community feedback and final adoption
- Note staff resource requirements
- Note that draft Policy content would not be implemented prior to final decision by Council after advertising
- Should the Alternative Motion proceed, public advertising would also be required.