

## **Protection of Trees on Private Land**

Good evening Mayor, Councillors, and Officers. Thank you for the opportunity to speak.

My name is Esther Cole. I am a resident of the City of Melville and convenor of the Melville Tree Canopy Advocates, now followed by 1,000 residents. I am also a committee member of the Western Australian Tree Canopy Advocates, a group that works closely with residents, community organisations, local governments and lobbies that state government on urban canopy issues.

In this role, we have gained extensive experience supporting councils to introduce or strengthen tree protection measures on private land. We see firsthand what works, what doesn't, and the practical steps needed to bring a framework like this to life.

I have appeared before Council a number of times the past four years championing sensible protection of trees on private land so I am pleased that this motion has some potential to encourage tree retention, however I also request that the City consider adopting the WALGA Template Local Law: Protection of Trees on Private Land.

### **Why this matter is beyond urgent**

Across Perth, most urban tree loss occurs on private land — and Melville is no exception. The City's own data shows:

- Around 45% of Melville's total canopy sits on private land.
- This represents 5–6% of total citywide canopy that is currently unprotected and vulnerable.

When combined with identified planting opportunities on public land, Melville could achieve over 20% canopy cover — without additional land or programs. But such an improvement relies on protecting the private-land canopy we already have. Without a mechanism to retain mature trees, the city will need to direct significant funding to just to maintain or slightly improve current levels of canopy, which is woefully below the World Health Organisation 30%

### **Children, Wellbeing, and Community Support**

Each time I come here, I furnish you with a new statistic or piece of research. Urban trees aren't just nice to have — contemporary research from WA, including the long-term PLAYCE study (Kids Research Institute & UWA, 2025), shows they play a vital role in children's health, wellbeing, and development. Children with access to backyards or green spaces with trees show better physical, social, emotional, and cognitive outcomes. Protecting our canopy is therefore not just an environmental priority — it is a direct investment in the health and development of Melville's children. Please think of the children in your family now and for those to come.

Local evidence also shows strong community backing for tree protection, especially among younger demographics with younger children. When the Shire of Peppermint Grove adopted the WALGA Tree Retention Policy, surveys indicated residents under 45 were the strongest supporters — a demographic profile like Melville's where the median age is 42.

## **WALGA has already done the groundwork**

Last year, WALGA released a legally sound, sector-supported template local law specifically designed to protect significant trees on private land. It provides:

- Clear definitions of “significant” trees
- Transparent assessment and exemption processes
- Rights of appeal
- Balanced enforcement
- Flexibility for councils to tailor thresholds and species

This framework exists so local governments can adopt a consistent, fair, and workable approach.

## **Addressing common myths**

**Myth 1:** “People will rush to cut down their trees.”

- This has not happened. Since July 2024, seven WA councils have adopted private-land tree protection and three are well into their pipeline of reform. None experienced pre-emptive clearing.

**Myth 2:** “This is just one person making noise.”

- All seven councils conducted formal consultation and received majority community support. Residents across Perth consistently express concern about tree loss, and in response the Cook Government during its election campaign committed to 30% canopy by 2040, which will eventually have to include private-land protection. Don’t believe me? Just listen to talk back radio to see what I am

talking about on both ABC- more left leaning and 6PR- more right leaning

**Myth 3:** “The State Government should do this, not local government.”

- Well actually I agree, however we also know almost every major environmental reform started with local government — plastic bag bans, foreshore protections, verge planting, food-waste recycling, cat laws. Local councils do the early heavy lifting and demonstrate the appetite. State Government then follows with stronger legislative alignment.

**Myth 4:** “You can’t tell me what to do on my land.”

- Both State and local governments already regulate private property in many ways, for health, safety, amenity, protection of neighbour’s rights and heritage. Significant trees underpin all of these factors, and the law is clear that, with the right framework, trees are a legitimate planning matter — specifically mature, high-value trees that deliver tangible public benefit.

### **Case studies**

There are many across Australia, Sydney councils have had private-tree protection in place for decades. Development has continued, and property values remain high. Tree protection and development coexist successfully.

### **Consistency, Business Confidence, and Compliance**

Adopting the WALGA template ensures consistency across local governments:

- Residents get clear, predictable rules.
- Tree contractors and arborists follow one set of guidelines instead of navigating different rules in each LGA.
- The City benefits from simpler administration and fewer disputes.

The seven councils that have implemented the template show that when rules are clear, compliance is high.. People follow rules that make sense and are enforceable — and the WALGA template delivers exactly that. City of Bassendean has recently published their first case study plus committed to 30% canopy by 2040.

### **Community expectation is clear**

Melville residents consistently express strong support for retaining mature trees and strengthening protection. Education and incentives alone cannot prevent ongoing loss of private-land canopy. Without a regulatory tool, the City will continue to fall behind.

### **What I am asking Council to do**

I respectfully request that Council:

1. Don't make the decision on what you believe you know, commit to full community consultation on the draft local law.
2. Align with other councils and adopt the WALGA Template Local Law for consideration.
3. Include incentives and education as part of the package.

4. With other councils, actively lobby the State Government for supportive legislation and resources to strengthen tree canopy protection across WA.

## Closing

Mature trees are critical infrastructure — as vital as roads, drainage, and footpaths. They cool our neighbourhoods, increase property values, support biodiversity, and keep our City liveable.

Melville could have a clear pathway to exceed 20% canopy, but only if we retain the as many as possible on private land. Seven councils have already acted, including neighbouring LGAs South Perth and Fremantle. Further Nedlands, which was the first LGA to take this step, originally took a cautious approach, is now extending its implementation.

Tree canopy was an election issue in the 2025 State Election and again in the October Melville elections.

WALGA has provided a practical, equitable, ready-to-implement solution. I urge Council to show leadership, align with other councils and begin this important process while advocating to the State for broader legislative support.

Thank you for your time.

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ArbWest. (2025, November). *Local Government Policies Register* — List of WA local governments that have adopted or progressed WALGA-based Tree Retention policies.

City of Fremantle. (2025, March). *Local Planning Policy 2.26 – Tree Retention*.

City of Melville. (2024, December). *Trees on your Land* education program.

City of Nedlands. (2024, July 23). *Local Planning Policy 3.3 – Tree Retention*.

Cook Government. (2025). *WA State Election 2025 environmental commitments — 30% canopy by 2040, support for private-land tree retention.*

HHG Legal. (2025). *Zorzi v Town of Cambridge: A Wake-Up Call for WA Planners [Analysis of **Zorzi v Town of Cambridge [2025] WASAT 77**].*

Kids Research Institute & University of Western Australia. (2025). *PLAYCE Study — Long-term WA research on children's access to backyards and green spaces.*

Shire of Peppermint Grove. (2024). *Community Survey on WALGA Tree Retention Policy Adoption.*

Town of Bassendean. (2025, November). *Bassendean marks first year of sector-leading tree retention policy.*

Town of Victoria Park. (2024, November 19). *Council minutes (Reference to adopting WALGA Model Local Planning Policy).*

WALGA. (2024, March 5). *Letter to Minister for Planning, Lands, Housing and Homelessness — Model Local Planning Policy Tree Retention.*

WALGA. (2024, March 5). *Local Governments taking the lead to protect mature trees on private land [Media release].*

## Sensible Protection of Trees on Private Land Handout

Re: Adoption of WALGA's Template Local Law – Protection of Trees on Private Land

**Presenter:** Esther Cole

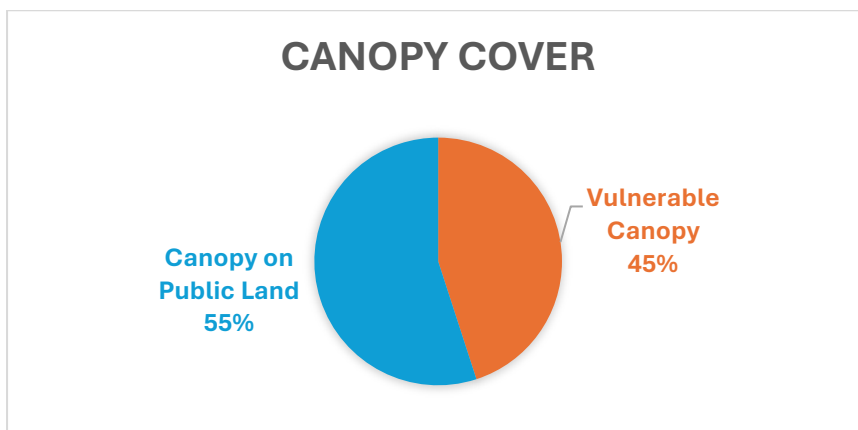
**Roles:** Resident, Convenor, Melville Tree Canopy Advocates; Committee Member, Western Australian Tree Canopy Advocates

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### Why This Matters

- ~45% of Melville's tree canopy is on private land.
- 5–6% of total canopy is currently unprotected.
- Protecting private-land trees + public planting could achieve 20%+ canopy cover.
- Without protection, ongoing tree planting costs will rise.

### City of Melville Canopy Cover



### Children, Wellbeing & Community Support

- WA research (PLAYCE Study, 2025) shows green spaces with trees improve:
  - Physical health 🏃
  - Social & emotional wellbeing 😊
  - Cognitive development 🧠
- Community surveys show strong support, especially under-45 residents.

### WALGA Template Local Law

Provides councils with:

- Clear definitions of “significant” trees 🌳
- Transparent assessment & exemption processes 📄
- Rights of appeal ⚖️
- Balanced enforcement ✅
- Flexibility for thresholds & species 🌿

**Outcome:** Consistent, fair, and workable local tree protection policies.

### Addressing Myths

1. **People will cut trees pre-emptively** – Not observed in 10 WA councils.
2. **It’s just one person making noise** – Majority community support confirmed in seven LGAs as well as City of Melville December 24 survey; State target 30% canopy by 2040.
3. **State Government should do it** – Local councils lead reforms and lobby the State 🏛️.
4. **You can’t tell me what to do** – Applies only to mature, significant trees; property is already regulated

### Evidence from Other Cities

- Sydney councils: private-tree protection for decades.
- Development continued, property values remained strong.

### Consistency & Compliance

- One set of rules benefits residents, contractors, and the City.
- High compliance observed in councils implementing the template and is enforceable (see Town of Bassendean)

### Community Expectation

- Strong resident support for retaining mature trees 🌳.
- Education & incentives alone cannot prevent ongoing loss.
- Regulatory tools are needed to avoid falling behind.

### What Council Can Do

1. Adopt WALGA Template Local Law.

2. Include incentives & education.
3. Commit to full community consultation.
4. **Lobby State Government** for legislation & resources 🏛️.

## Closing

- Mature trees = critical infrastructure 🌳.
- Cool neighbourhoods, increase property values, support biodiversity, keep City liveable.
- Seven WA councils already acting; three on their way.
- WALGA provides a practical, equitable, ready-to-implement solution.

## References

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