

Local Planning Policy 211 – Tree Retention on Private Land

Background

At its Ordinary Council Meeting on 25 August 2026, Council adopted Local Planning Policy 211 – Tree Retention on Private Land (Policy) following community consultation and a subsequent review of the Policy.

The Policy seeks to support the retention and enhancement of tree canopy within the Town while balancing appropriate built form and land use outcomes.

The policy is now in effect and applies to all zoned land within the Town of Claremont Local Planning Scheme No. 3.

Local Planning Policy 211 – Tree Retention on Private Land

Key Policy Information

1. What is a Regulated Tree?

A **Regulated Tree** is a living tree that meets one or more of the following criteria:

- a) is 8m or more high; and/or
- b) Has an average canopy diameter of at least 6m; and/or
- c) Has a trunk circumference of at least 1.5m, measured 1.4m above the ground.

2. What is tree-damaging activity?

Tree-damaging activity includes activities such as:

- a) The killing or destroying a tree; and/or
- b) The removal of a tree; and/or
- c) The severing of branches, limbs, stems or the 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.

3. Where does the Policy apply?

The Policy applies to all zoned land within the Town of Claremont Local Planning Scheme No. 3. The Policy is relevant to:

- development applications;
- subdivision applications;
- strategic planning proposals, including scheme amendments and structure plans; and
- tree-damaging activity to a Regulated Tree where no other development or subdivision is proposed.

Frequently Asked Questions

The following information provides general guidance only. Applicants and landowners should refer to the Policy and the applicable planning framework to determine the requirements relevant to their property or proposal.

1. Does the Policy apply to every tree on my property?

Under LPP 211, tree-damaging activity to a tree that does not meet the definition of a Regulated Tree is exempt from development approval, unless another planning control applies.

2. Can I still prune trees on my property?

The Policy does not prevent maintenance pruning.

Maintenance pruning means pruning that does not harm, or is not likely to harm, the health, stability or long-term viability of the tree. This can include:

- removal of dead or diseased wood; or
- pruning of a fruit tree for fruit production; or
- minor maintenance or thinning of the crown that does not adversely affect the health or general appearance of the tree, or pruning undertaken to balance the tree.

More substantial pruning may constitute tree-damaging activity and require development approval. It is encouraged however, to speak to Town Officers prior to any works occurring to confirm if approval is required.

3. Does every activity affecting a Regulated Tree require development approval?

The Policy provides a number of exemptions from requiring development approval, including:

- the tree-damaging activity is carried out in the course of works that are urgently necessary for (amongst other things):
 - public safety;
 - the safety or security of plant or equipment;

- the maintenance of essential services; or
- the protection of the environment, in accordance with clause 61(b), item 18 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- the Regulated Tree is identified as an Unwanted Species in Appendix 1 of the Policy;
- the Regulated Tree is identified as a weed by the Town or a relevant State or Commonwealth Government authority;
- the tree-damaging activity is a public work, or is carried out by the local government in the exercise of its statutory functions;

It is encouraged to speak to Town Officers prior to any works occurring to confirm if the relevant exemptions apply.

4. What if my development is otherwise exempt from development approval under clause 61 of the deemed provisions?

An exemption applying to other development on a property does not generally mean that tree-damaging activity to a Regulated Tree is exempt.

For example, a Single House may not require development approval where it satisfies the applicable deemed-to-comply requirements of the Residential Design Codes. However, if construction involves the impact of a Regulated Tree, a separate development approval for that activity is required before the work occurs.

It is encouraged to speak to Town Officers prior to any works occurring to confirm if the relevant exemptions apply.

5. What if a tree is unhealthy or dangerous?

The Policy contains an exemption for works that are urgently necessary for matters including public safety.

Where tree-damaging activity is proposed because a Regulated Tree is unhealthy or presents a safety risk, appropriate technical evidence may be required.

This may include an Arborist Report and/or a Structural Engineering Report, depending on the circumstances.

If you are unsure whether development approval is required under the Policy, please contact the Town before commencing works.

6. What if I want to develop my property?

The Policy seeks to ensure that tree retention is considered at the earliest possible stage of the planning and development process, not to prevent a property from being developed.

Development should, where reasonably possible, avoid impacts to a Regulated Trees or minimise tree-damaging activity. Where a Regulated Tree may be affected, the Town will consider the location and condition of the tree, the proposed development and whether the design can reasonably be modified to maximise tree retention while achieving an appropriate built form and land use outcome.

7. What information do I need to provide with an application?

Development applications, subdivision applications and strategic planning proposals subject to the Policy are required to provide a site survey and/or site plan identifying:

- the location, height, canopy diameter and trunk circumference of all Regulated Trees;
- information about the Regulated Trees, including species, height and relative health, which may require the input of a qualified arborist;
- whether any Regulated Tree is proposed to be retained or affected by tree-damaging activity;
- Tree Protection Zones in accordance with AS 4970; and
- trees proposed to be planted on the site.

Applicants are also required to provide:

- written justification for proposed tree-damaging activity against the objectives and requirements of the Policy; and
- information identifying whether a Regulated Tree was previously required to be retained at an earlier planning stage.
- An Arborist Report may be required where tree health or safety is relied upon, or where mitigation measures are required to protect a tree.

Additional technical reports may be required for Structure Plans and large-scale subdivision applications.

8. How will the Town assess an application to remove or damage a Regulated Tree?

The Town will have regard to the following matters:

- a) Health, maturity, species and location of the tree;
- b) Amenity Impacts;
- c) Ecological, biodiversity and environmental values of the tree;
- d) Contribution of the tree to the streetscape;
- e) The preservation of any other Regulated Tree on the subject site;

- f) The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;
- g) Any existing development on the site;
- h) Design and location of proposed crossovers;
- i) Topography and the potential impact from excavation/fill;
- j) Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining of the tree;
- k) Tree Protection Zone(s) (as per AS4970);
- l) Tree replacement and/or planting proposed;
- m) Recommendations of an arborist report; and
- n) The objectives of this Policy

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

From a planning perspective, pruning of an overhanging branch or root of a neighbouring Regulated Tree may be undertaken without development approval where the works constitute maintenance pruning under the Policy.

Maintenance pruning must not harm, or be likely to harm, the health, stability or long-term viability of the tree. More substantial pruning that constitutes tree-damaging activity may require development approval.

Separate legal rights and responsibilities may apply to trees growing across property boundaries. Residents are encouraged to discuss proposed works with their neighbour and seek independent advice where necessary.

It is encouraged to speak to Town Officers prior to any works occurring to confirm if the relevant exemptions apply.

10. How do I apply for development approval?

Where development approval is required, an application can be lodged through the Town's standard development application process.

The application should include the applicable development application form together with the plans, supporting information and technical reports required by LPP 211.

Applicable application fees are set by the Town's current Schedule of Fees and Charges. Further information, application forms and lodgement requirements are available from the Planning section of the Town's website or by contacting the Planning Team.

11. What happens if a Regulated Tree is removed or damaged without the required approval?

Where development approval is required, tree-damaging activity should not occur before approval has been obtained.

Unauthorised tree-damaging activity may result in compliance and enforcement action under applicable planning legislation. This includes the issuing of a fine, Direction Notice or in some instances the Town can initiate a prosecution for the unlawful activity.

Where can I find out more information?

Residents can view Local Planning Policy 211 – Tree Retention on the Town’s website or contact the Town’s Planning Team on [9285 4300](tel:92854300) or toc@claremont.wa.gov.au.