

CP64 - Tree Preservation Orders

Policy Objective

To provide for the protection of significant trees through Tree Preservation Orders.

Policy Detail

1. Eligibility Criteria for Application and Serving of a Tree Preservation Order

- a) A landowner may apply for a Tree Preservation Order to protect a tree on their land.
- b) A neighbouring landowner may apply for a Tree Preservation Order to protect a tree on the adjacent property if the canopy of that tree overhangs into their property.
- c) The City may serve a Tree Preservation Order upon a landowner for the protection of a tree on their land or a tree that overhangs their land.

2. Assessment Criteria for Significant Trees

2.1. For a tree to be considered significant and worthy of protection through a Tree Preservation Order, it must meet one or more of the following criteria:

- a) Scientific, Environmental or Biological Significance
 - i) is remnant native vegetation, was not planted or propagated and is of a local native species, or
 - ii) is recognised by relevant State or Federal legislation as rare or endangered but may be exempt from requiring a clearing permit,
 - iii) is connected with native fauna assemblages that are recognised as at risk by relevant State or Federal legislation, or
 - iv) has significant horticultural value.
- b) Cultural or Historical Significance
 - i) is located on the City of Belmont Local Heritage Survey or Local Heritage List,
 - ii) is associated with or attached to a listed heritage site and directly relates to the heritage value of the site, or
 - iii) is connected to or within an Aboriginal Heritage Site but is not protected under law.
- c) Landscape or Amenity Significance
 - i) represents a curious growth form that significantly contributes to the landscape and has become a unique and widely renowned specimen, or
 - ii) occurs in a unique and prominent location and acts as a landmark to the local area.

3. Tree condition, impacts and locational attributes

- a) The tree's condition and locational attributes will also be assessed to determine whether a Tree Preservation Order may be supported.
- b) The following information will be taken into consideration as part of this assessment:
 - i) The tree's current useful life expectancy (in years) and age class (maturity/life cycle).
 - ii) Description of current and future growth habit, including root structure, and any existing or future risk of structural damage or encroachment to buildings, property boundaries, or other structures.
 - iii) Existing health and structural integrity or known risks associated with the tree (i.e. presence of any growth or physical defects, pest or disease).
 - iv) Current and expected (at maturity) height, canopy and crown width (in metres) and trunk diameter at 1m above ground level (in millimetres).
 - v) Works required and ongoing management requirements if evident.
 - vi) Assessment of potential risk of harm as assessed using a Quantified Tree Risk Assessment (QTRA) or International Society of Arboriculture Hazard Rating.

4. Review of Trees Protected by a Tree Preservation Order

- a) A tree protected through a Tree Preservation Order will be reviewed by the City's certified arborist at the City's cost:
 - i) a minimum of every year, against this policy,
 - ii) where emergency works have been undertaken, or
 - iii) where the tree may result in damage to property or personal injury.
 - b) A Tree Preservation Order shall include requirements for:
 - i) The owner/occupant of the property on which the tree is situated providing City officers with reasonable and adequate access to the property to undertake an inspection of a tree.
 - ii) A landowner/occupant notifying the City of any issues associated with a tree which may result in damage to property or injury to persons.
 - iii) The applicant/landowner/occupant bearing all costs associated with maintenance.
 - c) A review of the tree may result in the modification or revocation of a Tree Preservation Order as per Clause 4 of this policy.
- a) The City's Parks section will maintain a publicly available register for inspection.

5. Modifying or Revoking of a Tree Preservation Order

- 5.1. The City can determine to modify or revoke a Tree Preservation Order and request that the Registrar of Titles remove or amend the memorandum from a property title(s).

- a) The City will consider modifying a Tree Preservation Order where:
 - i) natural changes in the trees structure results in the Tree Preservation Order needing to be added or removed from property titles, or
 - ii) a boundary line and property title, through subdivision, amalgamation or otherwise, has changed requiring the addition or removal of the Tree Preservation Order to property titles.
- b) The City will consider revoking a Tree Preservation Order where the tree:
 - i) is or will be deemed dangerous and requires removal,
 - ii) is deceased and requires removal,
 - iii) may result in damage to property or personal injury, or
 - iv) no longer meets the criteria for which it was originally protected (Clause 1 and 2 of this policy).

6. Instances where Tree Preservation Orders may not be considered

6.1. A Tree Preservation Order may not be applied to trees in the following instances:

- a) Trees that are currently protected or subject to management requirements under local, state or federal legislation, may not be considered. This includes, but is not limited to:
 - i) *Energy Operators (Powers) Act 1979 (WA)*,
 - ii) *Bush Fires Act 1954 (WA)*,
 - iii) *Environmental Protection (Environmentally Sensitive Areas) Notice 2005 (WA)*, or
 - iv) *Main Roads Act 1930 (WA)*.
- b) Trees which are:
 - i) dead or considered non-viable,
 - ii) structurally unsound and present an unacceptable risk to property or life that cannot be mitigated without removing the tree, or
 - iii) a noxious or declared weed.

Reference/Associated Documents

City of Belmont Local Planning Scheme No. 15

Adopted Fees and Charges

Tree Preservation Order Nomination Form

Reference to Internal Procedure

Process Map – Tree Preservation Orders

Definitions

'**certified arborist**' means an arborist who is certified by a professional organization like the International Society of Arboriculture (ISA).

'**owner**' has the same meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*.

'**tree**' means a woody plant inclusive of its roots, canopy, stems and trunk(s) that is capable of growing taller than 4m in height at maturity.

'**trees structure**' means its physical stature, including trunk, branches, roots, and foliage and growth habit, including direction of growth.

This Policy is supported by:		
Policy No:	CP64	
Strategic Community Plan:	Key Performance Area: Planet Outcome: 4. Healthy and sustainable ecosystems.	
Register of Delegations:	n/a	
Service Area:	Development and Communities & Infrastructure Services	
Policy Owner:	Manager Planning Services & Manager Parks, Leisure and Environment	
Policy Stakeholder:	Coordinator Planning Services & Coordinator Environment	
Amendment Status:		
Date of Amendment	Status of Amendment	Minute Item Reference
26/04/24	New Policy	12.1
26/05/26	Review – Minor	12.5