



Hon. John Carey MLA
Minister for Planning
Government of Western Australia
11th Floor Dumas House
2 Havelock Street
WEST PERTH WA 6005



Belmont Community
**ENVIRONMENTAL
CHAMPIONS**

Delivered via email: Minister.Carey@dpc.wa.gov.au

Cc: Mr John Christie, Chief Executive Officer, City of Belmont

25 June 2025

Dear Minister Carey,

On behalf of the Belmont Community Environmental Champions Incorporated, I am writing to urge the State Government to introduce statutory protections for mature trees located on private property. These protections are critical to ensuring sound planning outcomes, ecological sustainability, and community resilience in a changing climate.

We begin by acknowledging and commending the City of Belmont for its introduction of Tree Preservation Orders (TPOs) through Local Planning Scheme No. 15. This initiative represents a forward-thinking and commendable first step towards protecting urban tree canopy within the local government area. The Belmont Council has demonstrated leadership by recognising the vital role that mature trees play in community wellbeing, environmental health, and climate mitigation.

However, as welcome as the City of Belmont's initiative is, such local measures are inherently limited in their capacity to deliver consistent and defensible protections across Western Australia. TPOs implemented at the local level – particularly where they rely on local planning policies or scheme amendments – are potentially subject to appeal at the State Administrative Tribunal (SAT) or challenge through the courts. Without a consistent legislative mandate from the State Government, there is a risk that these protections could be undermined or applied unevenly across different jurisdictions.



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Why Mature Trees Matter

There is overwhelming evidence on the value of retaining mature trees in urban areas:

- **Climate Resilience:** Studies indicate increasing urban vegetation, especially large canopy trees, can reduce urban heat by 2-8°C, helping communities adapt to extreme heat events and tackle the urban heat island effect.
- **Carbon Storage and Air Quality:** Mature trees store significantly more carbon and intercept greater volumes of air pollutants than newly planted trees. Their removal represents an irreversible loss in ecological value.
- **Biodiversity:** Large, established trees serve as critical habitat for native birds, insects, and mammals, especially in urban environments with shrinking green space.
- **Public Health:** Numerous peer-reviewed studies confirm a strong correlation between mature tree canopy and improved physical and mental health outcomes in urban populations.

Interstate Legislative Precedent

New South Wales has long demonstrated how such protections can be implemented effectively at the state level. Under the Environmental Planning and Assessment Act 1979 (EP&A Act), local governments in NSW have applied Tree Preservation Orders (TPOs) since the 1980s to prevent the removal or pruning of trees of environmental or cultural significance, which often requires a Development Application (DA) under the Act.

The removal of significant or protected trees in NSW is regulated through a combination of local council TPOs and state-level State Environmental Planning Policies, all under the umbrella of the EP&A Act. Obtaining a DA is a critical step in this process, ensuring that tree removal is carefully considered and balanced against environmental and community values.

The process for submitting a DA for tree removal is guided by the Environmental Planning and Assessment Regulation 2021, which outlines the necessary documentation and assessment criteria. Applicants must provide detailed information about the tree(s) in question, the reasons for removal, and any proposed mitigation measures, such as replanting. Councils assess these applications considering factors like the tree's contribution to biodiversity, its structural condition, and the feasibility of retaining it within the proposed development.

Such frameworks have contributed to more stable and enforceable protections than those that rely on local planning policy alone. Given a populous and highly urbanised state such as NSW being capable of leadership in this realm for 45 years, Western Australia ought to consider similar planning frameworks to balance the needs of tree retention and quality development.

Leading Local Government Action in WA

Western Australia is seeing a growing upsurge of local government action in this space:

- City of Fremantle – has adopted Local Planning Policy 2.26 to protect mature canopy trees on private land.
- City of Vincent – has introduced controls to enhance canopy retention, including financial incentives for retaining significant trees.
- City of Stirling – has implemented a Protected Tree Register through Amendment 113 to its Local Planning Scheme.
- City of Cockburn – has taken significant steps to protect trees on private property through a combination of planning scheme amendments and local planning policies.

A case study on the City of Cockburn model:

Tree Preservation Orders (TPOs) and Significant Tree Register

In July 2023, the City of Cockburn sought approval from your good self, as the Minister for Planning, to amend its Town Planning Scheme No. 3 to include TPOs. These orders aim to provide extra protection for trees listed on the City's Significant Tree List, which comprises 27 individual trees and stands of multiple trees recognised for their historical, cultural, social, aesthetic, or ecological value. The proposed amendment would establish a clear framework for creating, amending, or revoking TPOs and allow for emergency orders where there is an imminent risk to a specified tree.

Draft Local Planning Policy 5.26 – Tree Protection

Complementing the scheme amendment, the City has developed a draft Local Planning Policy 5.26 – Tree Protection. This policy introduces requirements for development approval to remove or significantly prune 'regulated trees' on private land. Regulated trees are defined as those 8 metres or taller (excluding palms and specific pest species), trees listed on the City's Significant Tree Register, or trees identified for retention or replacement through subdivision or development approvals. The policy aims to encourage tree preservation early in the planning and development stages, maintain and improve neighbourhood aesthetics, and mitigate urban heat island effects.

These initiatives by the City of Cockburn demonstrate a proactive approach to urban tree canopy preservation, aligning with broader environmental and planning objectives.

Despite these efforts, inconsistencies across jurisdictions remain a concern, and protections can vary depending on location.



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Call to Action: State Government Leadership Needed

To ensure effective and uniform protection of mature trees on private land, we respectfully call on the State Government to:

1. **Legislate Tree Protection Measures:**
Introduce a state-wide statutory framework requiring development approval for the removal or interference with regulated mature trees on private property.
2. **Adopt the WALGA Model or similar policy:**
Elevate this or similar model into a state planning instrument to ensure uniform application across all local governments in a consistent manner.
3. **Provide Legal Certainty:**
Empower local governments with the backing of State Government legislation to implement and enforce tree protection measures that can withstand SAT review and legal scrutiny.
4. **Support Education and Incentives:**
Fund community engagement programs and consider financial incentives to support private landowners in retaining and caring for mature trees.

We believe this is a critical moment to act decisively. A state-led approach will reduce legal ambiguity, promote consistency, and demonstrate the Government's commitment to sustainable urban planning and environmental leadership.

We welcome the opportunity to collaborate with the Department on this issue and would be pleased to meet with you or your staff to further discuss how these reforms might be advanced.

Yours sincerely,

DR KEITH MCNAUGHT
Chairman