



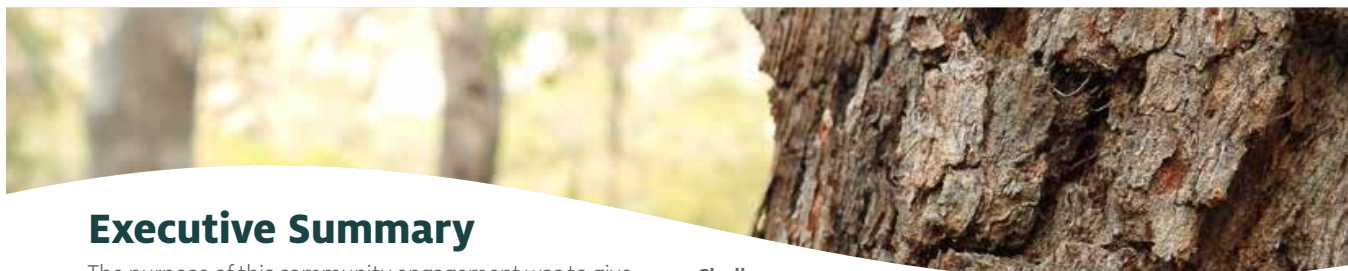
Local Planning Policy 33 | Tree Retention Community Engagement Report | 2021





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Executive Summary

The purpose of this community engagement was to give notice and invite written submissions on the draft *Local Planning Policy 33 – Tree Retention (LPP 33)* in accordance with the *Planning and Development (Local Planning Schemes) Regulations*, and *Local Planning Policy 11 – Public Notification of Planning Proposals*. The contribution from submissions received will assist the City in finalising the draft LPP 33 for final adoption.

Background

The preparation of LPP 33 has been identified as a key initiative throughout the City's strategic environmental framework, including the *Kalamunda Clean and Green: Local Environment Strategy 2019 – 2029* and the *Environmental Land Use Planning Strategy*.

The purpose of LPP 33 is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees of a particular size and maturity through the planning and development process. LPP 33 also seeks, where practical, to increase canopy cover with replanting provisions.

Community Engagement

Targeted consultation ran from 21 October 2021 to 20 December 2021

Community Consultation for the project was delivered via a *Communications and Engagement Plan* prepared in line with IAP2 best practice principles.

The Plan progressed to IAP2 spectrum level 'involve' to work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

It was supported by an integrated marketing campaign.

Key Engagement findings:

The Survey received 43 responses, and 22 formal written submissions.

The overarching sentiment was in strong favour of the Policy. 58% rated the draft Policy positively; 25.5% rated it negatively.

Positives:

- » Most felt it was a good starting point and provided environmental and aesthetic benefits.
- » The City is to be commended.
- » Thorough and well considered.
- » Recognises significant trees.

Challenges:

- » A complex policy.
- » Consider including protection for tree root systems and under-storey ecosystem/plants.
- » Emphasise protection for native species.
- » Insufficient penalties for non-compliance?
- » Perception of eroding private property owners rights.
- » Balancing with property damage from fallen trees and leaf litter (incl blocked house gutters and drains).
- » Balancing risk of fire danger - may conflict with need for cleared fire access ways and around buildings.
- » Perceived reduction in house values due to expenses associated with maintaining vegetation on property.
- » Providing support for (older) residents who may have increasing difficulty maintaining properties.
- » Too many "get out clauses" - Suggest using more affirmative language.
- » Will require additional resources to manage the Policy.
- » Unnecessary red tape.
- » Focused on administrative processes rather than outcomes.
- » Use incentives to (re) establish an urban tree canopy, rather than penalties for removing it.

Communications included website pages; a media release; posters; letters to stakeholders (including 38 Local Government, State Government and community groups; and 400 randomly selected residences); a community survey; and a newspaper advertisement (Echo Newspapers: 3 December 2021).

An eNewsletters promoting the project was sent to 1688 individual eNewsletter subscribers.

WALGA promoted the project in their November Planning and Building Newsletter (opening article).

Pop-up Pop-in Booths: Opportunities to engage in Face-to-face discussion on the project were provided at three Pop-up Pop-in Booths:

- » 10 November 2021 - Outside the Kalamunda Library
- » 22 November 2021 - Hawaiian's Forrestfield
- » 14 December 2021 - Kalamunda Central Shopping Centre (With the Strategic Planning Project expert in attendance and giveaway trees).

Social Media raised a broader awareness of the Policy with the key post receiving over 1,399 impressions, 6 comments and 5 shares. The Pop-up Pop-in events were also promoted on the City's Facebook page.

Communications and Engagement Objectives

- » Increase stakeholder awareness of the draft *Local Planning Policy 33 - Tree Retention (LPP 33)*
- » Seek and receive meaningful feedback from the community – including identified stakeholder groups.
- » Promote a positive consultation experience among stakeholders with the City in obtaining equitable levels of feedback from community and residents across the City.

Communications and Engagement tools

The city engaged with key stakeholders and the broader community via:

Engagement Tools	Objectives
Media Release (MR)	Targeting media outlets for a broader community reach.
Website: Linking to contributing nodes	Accessible, translatable, transparent. Single point reference. Links to Engagement Portal and Social Media.
Engagement Portal	FAQs, Online Survey, additional reading
Printed Survey	Print is tangible, tactile, is viewed as trustworthy and reaches stakeholders who are not online. The survey was distributed across all the City's buildings. eg. Libraries, Rec Centre.
Mail out	Directly targeting stakeholders
Social Media Campaign	Targeted posts can reach stakeholders 24/7: Facebook posts, LinkedIn, Twitter, Instagram.
Face-to-Face	One-on-one meetings as required to address stakeholder enquiries.
Email Direct Marketing	Reach City of Kalamunda Subscribers
Newspaper Advert	Reach broader community who do not have online access
Posters	Visual campaign

Strategic Planning Alignment

[Kalamunda Advancing Strategic Community Plan to 2027](#)

Priority 2: Kalamunda Clean and Green

Objective 2.1 - To protect and enhance the environmental values of the City.

- » Strategy 2.1.4 Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes, policies and strategies.

Objective 2.2 - To improve environmental sustainability through effective natural resource management

- » Strategy 2.2.1 - Manage the forecast impacts of a changed climate upon the environment

Priority 3: Kalamunda Develops

Objective 3.1 To plan for sustainable population growth

- » Strategy 3.1.1 Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

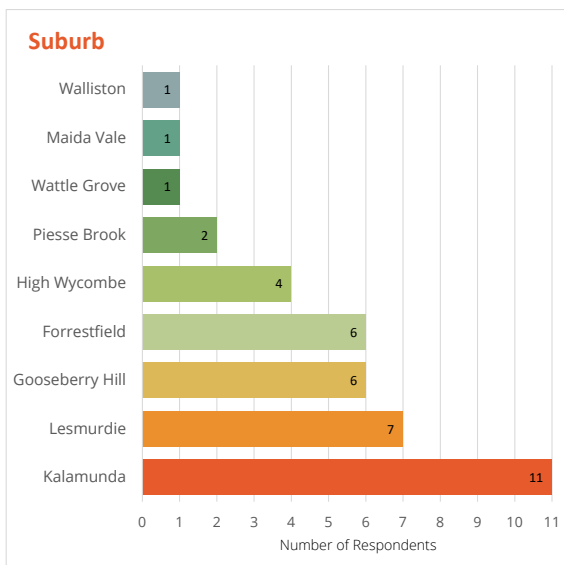
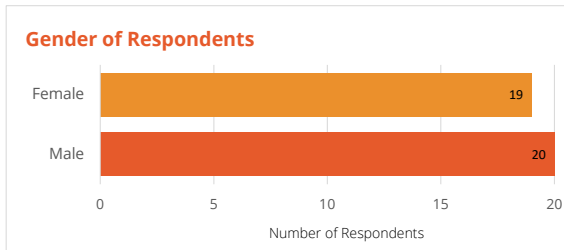
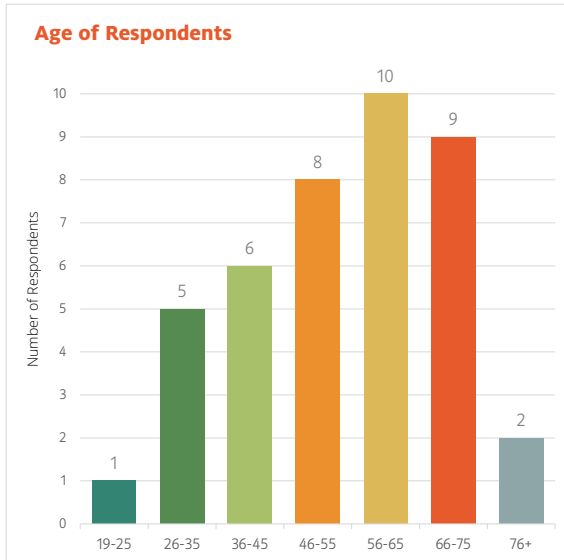
Priority 4: Kalamunda Leads

Objective 4.1 To provide leadership through transparent governance

- » Strategy 4.1.1 Provide good governance

EngageHQ (Survey)

Demographics



The Survey received 43 responses
 In addition, 22 written submissions were received from Stakeholders, including community member, government agencies and interest groups.

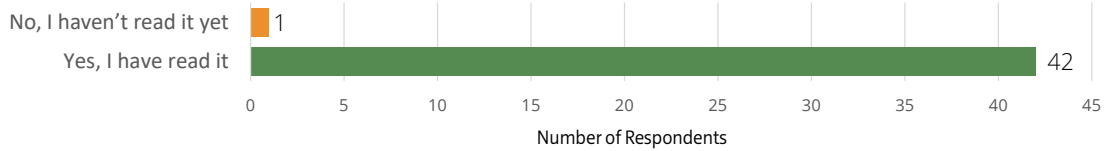
The survey was a mixture of rating style questions and open comment questions.

- Engage Traffic**
- 458** Total visits
 - 52** Maximum visits per day
 - 30** Informed Visitors
An informed visitor has taken the 'next step' from being aware and clicked to access more information.
 - 194** Aware Visitors
Aware visitors will have visited at least one page.
 - 161** participants downloaded a copy of the *Draft Local Planning Policy 33 - Tree Retention*

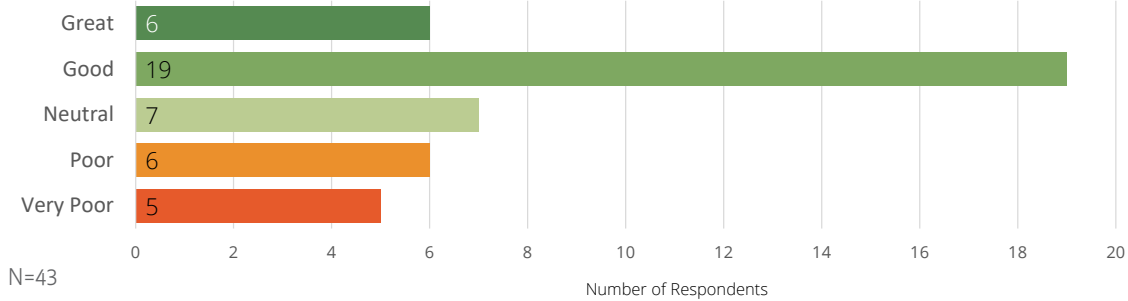
Profile
100% Local residents

Rating the draft policy

I have read the draft Local Planning Policy 33 - Tree Retention



How would you rate the draft Policy?



Why?

Overview of Responses

- » 58% rated the draft Policy positively; 25.5% rated it negatively.

Positives:

- » Most felt it was a good starting point and provided environmental and aesthetic benefits.
- » The City is to be commended.
- » Thorough and well considered.
- » Recognises significant trees.

Challenges:

- » A complex policy.
- » Consider including protection for tree root systems and under-storey ecosystem/plants.
- » Emphasise protection for native species.
- » Insufficient penalties for non-compliance?
- » Perception of eroding private property owners rights.
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- » Balancing risk of fire danger - may conflict with need for cleared fire access ways and around buildings.
- » Perceived reduction in house values due to expenses associated with maintaining vegetation on property.
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- » Too many "get out clauses" - Suggest using more affirmative language.
- » Will require additional resources to manage the Policy.
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- » Focused on administrative processes rather than outcomes.
- » Use incentives to (re) establish an urban tree canopy, rather than penalties for removing it.

Why?

Respondent	Why*
	*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
1	Maintaining tree canopy and the "feel" of being close to nature is important to me and my family. We support the environmental benefits of the policy
2	Extremely thorough
3	Adding to already complex policies. It's a good start.
4	Not sufficient penalties for non-compliance. More than 2 trees need to replace those removed. What about the understorey, needed by smaller birds, reptiles and mammals. Trees alone cannot provide for these. It is a good starting point and better than nothing that the City has no for protection of trees.
5	Need for carrot and stick - penalties and incentives to not cut down and replant. Has to include understorey - needs a whole ecosystem. But a good start need a significant tree register or similar - have seen removal of Nucifora (WA Xmas trees from private land 100-200 years old
6	Much better to inform people before they chop down our precious mature trees.
7	Great protections for trees, they are so important!
8	Clear & concise strategies.
12	Probably too much detail for most people. Too many "get out clauses" especially for clearing of blocks for subdivision. No mention of a trees root system and the requirement to protect it for tree health and stability.
13	The LPP33 is a long overdue Policy
14	Well presented
15	Far too restrictive for land owners in Kalamunda who should be able to manage their own land and trees on the property. We have plenty of trees in the Shire already, especially highly flammable Native trees. Adding difficulties to the removal of trees will only increase bushfire risk and cause deaths in the event of bushfires. It's not an issue that needs addressing anyway as there are not trees getting cut down left right and centre - there is an increase in trees growing around Kalamunda. Maybe around high density housing areas there should be some requirements to plant more trees where there are none already but threatening landowners with huge fines for cutting down their own trees if they deem them a risk or requiring removal is ridiculous and should be supported in no way.
16	Not enough detail regarding size of trees
17	Well and truly required and unfortunately too late. The amount of tree loss on private property within the city is embarrassing.
18	I believe that all trees should be retained if at all possible and only allowing removal for the reasons you have stated in the policy is good. We're on acreage in a Water Authority water catchment area, have roosting and feeding endangered Black Cockatoo and have had neighbours remove dozens of huge, old native trees on their property boundary that were a great distance to any dwelling on their or neighbour property. Loss of these trees was tragic to the area and stopping landowners and developers from removing all trees, or most large trees (as has been seen in so many areas) is long term catastrophic for ambient warming, ground water, other flora and native fauna, particularly birds.

Respondent	Why*
19	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>This policy will lead to increased damage and fire danger to many properties and reduce house values in Kalamunda.</p> <p>The tree that damaged a house on Lyndhurst road is a good example - homeowners should be able to manage the trees on their property as they see fit. Also the tree at the History village that fell over - valuable buildings could have been saved if proper tree management was done.</p> <p>Fire danger is another key issue - if someone buys a property and can't make it safe from bushfires, then the shire should be liable for any damage or deaths caused from house fires due to native trees being too large and too close to the house.</p> <p>It will also scare away potential home buyers and lower property values as people will not want to buy a house/block that has a lot of native trees, because they can't cut them down.</p> <p>This is a terrible policy that the shire should not implement.</p> <p>We trust it will be rejected.</p> <p>Thank you.</p>
20	It recognises significant trees.
21	<p>This policy is long overdue and the City is to be commended for at last acting on the issue. The City is publically recognised as losing the second largest canopy cover of any Local Government in Australia, even if fire may have had a role. This is hardly a badge of honour for Kalamunda.</p> <p>A much improved policy would adopt the perspective of saying no to any removal first and then having clear guidelines where removal is absolutely essential.</p> <p>Communities need public areas that are cool, pleasant and attractive to residents. Smart developers will use trees as value-adders to any development rather than developing 1950s style sand deserts that then require costly revegetating.</p> <p>This draft is weak in certain areas; full of equivocating words and clauses like 'where possible' and 'minimise', which undermine the impact of taking a firm position on tree retention. THIS APPROACH IS LIKE HAVING A POLICY IN NAME ONLY, ONE THAT LACKS ANY CLEAR MESSAGE FOR STAFF, DEVELOPERS AND THE COMMUNITY.</p> <p>Take this example: 'The purpose of LPP 33 is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees through the planning and development process.'</p> <p>Contrast this with the firm and affirmative words of the City of Bayswater. "To emphasize that the removal of trees is to be avoided unless absolutely necessary."</p> <p>Bayswater's whole statement is as follows:</p> <p>"Purpose: To outline the requirements for providing, maintaining, protecting and removing trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater. To emphasize that the removal of trees is to be avoided unless absolutely necessary."</p> <p>The City of Kalamunda should be more straightforward in its wording. For example, under 8. Tree Retention General requirements reads:</p> <p>"1) Where there is no relevant development, works or change of land use proposed, trees worthy of retention should be retained and protected."</p> <p>It should in fact read: 1) Where there is no relevant development, works or change of land use proposed, trees worthy of retention MUST be retained and protected.</p>

Respondent	Why*
21 Continued	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>One clause in the City of Kalamunda's tree retention policy would in fact seem to give an open ended 'out' to any developer. The questionable clause is as follows:</p> <p>"Clearing of one or more trees that meet the definition of a tree worthy of retention, is exempt from development approval if the City is satisfied that:</p> <p>k) Is identified for removal as part of a subdivision or development approval, or building permit granted prior to the adoption of this Policy."</p> <p>The final sentence should presumably read k) is identified for removal as part of a subdivision, road realignment or development approval GIVEN PRIOR TO THE ADOPTION OF THIS POLICY, or building permit granted prior to the adoption of this Policy.</p> <p>Once again, under 9. Tree Planting Requirements, a weak set of words saps the policy of any real impact. As it currently reads, it says:</p> <p>"5) Where it can be demonstrated there are insufficient suitable locations for retention or planting onsite to achieve the requirements of this Policy, the City may consider a \$600 payment per tree worthy of retention (required to be planted), to go to a reserve fund for planting an offset tree either on the immediately adjacent verge or within the locality of the development."</p> <p>I would argue that the wording should be: ...the City WILL EXERCISE THE RIGHT TO REQUEST A \$600 payment per tree worthy of retention (required to be planted), to go to a reserve fund for planting an offset tree either on the immediately adjacent verge or within the locality of the development.</p> <p>There are many trees in the City that are A hundred or more years old, in good health and adding actual value to a property, public space and community. These ancient trees are worth much more than \$600 and saving them will save the waiting for more than one hundred years of growth, or around five generations of Kalamunda residents.</p>
22	<p>Tree to be retained must be 4m: tree of 2m in size is valuable as well, would have taken years to grow to that size.</p> <p>Draft policy seems to be only for private land, what are the rules for the Shire itself?</p>
23	<p>trees worthy of retention should emphasise NATIVE trees which extend the natural ecosystem as corridors as vital canopy for understory and native flora and fauna.</p>
24	<p>Clear and easy to follow. Contributes to the ambience of the City</p>
25	<p>Fair for developers but an imposition on existing landowners not considering development, many of whom have planted the trees on their land to now find they are subject to the City's overreach into private property.</p>
26	<p>We need to retain existing trees, especially the bigger older native trees. I have read the proposal and I find it thorough and well considered.</p>
27	<p>I have seen many new residents move into their new leafy Hills homes then commence to knock down every tree in sight. Homeowners should have more accountability when unnecessarily tearing down established trees on their property.</p>
28	<p>I have noticed the decline in native Jarrah and Marri trees in the suburbs of Kalamunda and Lesmurdie and am very concerned for the changing landscape which would be detrimental for the hills way of life not to mention the climate change and species extinction crisis we are currently facing.</p>
29	<p>It's a great idea. Pity it doesn't already exist (?). My neighbour recently cleared multiple marri trees from native bushland within their property (but not in close proximity to the house), some of which were very old and huge trees. Environmental vandalism and ridiculous that they can do this without any repercussions.</p>

Respondent	Why*
	*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
30	It recognises the mini-disaster that has happened elsewhere in Perth through loss of tree cover from subdivision and other causes, resulting in soaring temperatures and disappearance of biodiversity. Hopefully it isn't too late to avoid this in Kalamunda.
31	At least the various intrinsic value of trees is to being recognised which is a good start
32	It's a good start as retaining tree cover is essential to ensuring a positive future for the city of Kalamunda, however there are some policies that seem ambiguous or questionable.
33	The focus is on tree retention protection and not understory and bushes.
34	It is encouraging to see that the City of Kalamunda is finally doing something to protect our trees, but I don't think the policy goes far enough. Loopholes will be found and trees will continue to be removed with impunity.
35	It has a balance of positives and negative, with impacts on personal choice on my land, yet the city clear areas "like ray owen" because of a car park.
36	Why make removing trees difficult for people. This is a fire hazard and makes it very difficult for people to maintain their property.
37	<p>Whilst I generally support the voluntary retention of native vegetation, established trees and re-forestation of urban areas, I do not support the City of Kalamunda's proposed Local Planning Policy Number 33 and provide the following comments (in no particular order):</p> <p>(1) Deadline for comments uncertain and the process inconsistent. The Shire's websites states 3 December - see https://www.kalamunda.wa.gov.au/news-details/2021/10/21/have-your-say-draft-local-planning-policy-33---tree-retention, whilst the engagement website states 20 December - https://engage.kalamunda.wa.gov.au/draft-lpp33-tree-retention.</p> <p>This discrepancy may have skewed the consultation process, discouraging submissions. Due the flawed consultation process (conflicting submission dates advertised), valuable submissions may have potentially been missed.</p> <p>(2) The proposed Local Planning Policy 33 (LPP 33) will have significant impact on the value of the City's residents most important asset.</p> <p>(3) Landowners may not be able to continue to use the land (i.e. for urban residential purposes) or develop the land to a higher and better use, as might be expected in the future; hence the proposed policy provisions could constitute a deprivation of a right to the continued use of the land and/or the right to develop.</p> <p>(4) Policy provisions have the potential to impact on the value of private property, the ability to use and enjoy private property, or both, thus private property may be adversely affected by planning decisions. In this manner, LPP 33 seeks to erode private property rights. I do not support this.</p> <p>(5) Land could be 'sterilised' by the proposed LPP 33.</p> <p>(6) LPP 33 should have more refined approach, focused on voluntary rather than regulatory approaches.</p> <p>(7) The City should in the first instance take a soft rather than hard approach, focussed on voluntary standards and guidelines, education and awareness raising, promotion, private stewardship as well as public participation and engagement surrounding urban tree retention and the City's draft urban forest strategy.</p> <p>(8) For example, the City's "Plants for Residents" program has been a very successful program, to my knowledge oversubscribed on an annual basis, and this program should be expanded.</p> <p>(9) A heavy handed and blanket-based / one-size fits all approach, as proposed by LPP 33 is not considered contemporary best practice or progressive approach.</p>



Respondent	<p>Why*</p> <p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p>
37 Continued	<p>(10) The policy seeks to define a tree worthy of retention. However, I consider LPP 33 as being ill-defined in that regard (arbitrary 160mm diameter / 4m height and canopy diameter), does not differentiate protected, rare or large specimens, is not specific to local areas (e.g. foothills need more re-forestation). For example, grass trees will rarely meet the desired qualifying criteria.</p> <p>(11) Considering this, LPP 33 has the potential to result in significant understory loss, as clearing of trees not meeting the "worthy of retention" requirements will potentially be cleared prior to reaching the qualifying criteria.</p> <p>(12) The policy seeks to specify removal of a tree worthy of retention as "works" under the Planning and Development Act 2005. Given the definition of what constitutes such a tree, I consider this as over-regulation.</p> <p>(13) I appreciate private property rights are not absolute and the City has the right to make provisions under the planning scheme that impact on private property rights in order to achieve a wider public benefit. However, the City of Kalamunda should be acting only when there is a clear and compelling public interest, should be imposing only the smallest necessary burden, and should be prepared to bear the cost of doing so.</p> <p>(14) I also recognise environmental protection is widely considered to be in the public interest. However, the cost and impact of environmental protection is often disproportionately borne by individual landowners rather than the community.</p> <p>(15) In all cases where public benefits are created by government legislation or policy decisions at the expense of private benefits, a local government should pay compensation to the owners of private land for lost earnings arising from the decisions of government.</p> <p>(16) The City should take responsibility for their policies and provide adequate compensation to property owners who have had their property rights diminished. No such mechanism seems to exist or seem to have been considered.</p> <p>(17) Section 173 of the Planning and Development Act 2005 provides: Subject to this Part any person whose land is injuriously affected by the making or amendment of a planning scheme is entitled to obtain compensation in respect of the injurious affection from the responsible authority. The term "injurious affection" has been adopted in WA to represent the concept of a diminution of value of land due to certain restrictions on the use of land arising out of the imposition of planning rules. If the City's environmental legislation inflicts a loss in the value of private property, (for the benefit of the community), then the community, not the property owner should bear the cost. For example, these costs may include any decrease in value resulting from restrictions on the use of the property and any permit application fees required associated with the new policy requirements.</p> <p>(18) LPP 33 applies across the entire City of Kalamunda LGA area and makes no differentiation as to property size or where canopy cover is at greatest risk or needs to be re-established. Residents in the Kalamunda Hills have, over many years, largely embraced the protection of native vegetation and tree clearing and thus prevented canopy loss. I content the majority of the City's canopy loss has been the result of extensive broad acre clearing in the Foothills area to provide for business-as-usual small lot land development.</p> <p>(19) LPP 33 is contrary to the State Government continuing implementation of legislative, regulation and policy reforms aimed at providing greater consistency across local planning schemes and cutting unnecessary red tape from the planning system to help facilitate delivery of small projects and support small businesses.</p> <p>(20) LPP 33 seems to be in conflict with and undermine the small project exemptions provided for in The Planning and Development (Local Planning Scheme) Regulations 2015, which currently provide exemptions from planning approval for small residential and non-residential projects.</p>



Respondent	Why*
37 Continued	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>(21) The Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes Schedule 2 Procedure for dealing with applications for development approval Part 9 cl. 67 (p) already provide mechanisms for the Local Government to have due regard for tree protection, i.e. to ascertain whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;</p> <p>(22) Beyond this, tree protection, including exemptions and regulations for clearing of native vegetation, is sufficiently covered under part V of the Environmental Protection Act 1986.</p> <p>(23) This gives further rise to my belief, the proposed LPP seeks to significantly extend beyond the current statutory and regulatory framework and constitutes public interference with the rights of private ownership, affecting the use, enjoyment or value of land, thereby bringing to rise the potential for injurious affection compensation.</p> <p>(24) This City may need to give consideration to this circumstance, as there may be claims to pay landowners impacted by the LPP 33 restrictions fair compensation, if the value of the property is diminished by the proposed LPP 33 due to the landowner being unable to use the land subject of the LPP 33 provisions in accordance with its zoning use.</p> <p>(25) Administration of the proposed LPP 33 will require additional resources. These resources have not been defined and the material provided for public consultation purposes does not provide adequate transparency on the process and financial policy implications.</p> <p>(26) In the interest of good governance, a quadruple bottom line assessment and business case should be publicly released to allow the public to holistically ascertain policy implications.</p> <p>(27) The proposed LPP 33 seems to be focussed on administrative processes rather than outcomes. Outcomes or key performance indicators allowing ongoing performance monitoring, reporting and measurement mechanisms to ascertain effectiveness of the policy remain unclear.</p> <p>(28) Before any tree can be removed, a site inspection and arboricultural assessment of the tree would likely need to be conducted to determine the validity of the removal request. Typically, permit application fees would be used to fund the application and assessment process, including increasing staff numbers, developing and updating guidance documents, improving systems and payment of contractors for tree assessment. Therefore the costs could impose a significant burden on landowners, in addition to tree removal costs, which often are substantial (in the \$1,000s).</p> <p>(29) In addition, it appears the City is seeking reimbursement of amenity value, ecological services value and reinstatement costs.</p> <p>(30) Whilst the proposed LPP makes reference to a third party website. LPP 33 is therefore uncertain. The tree valuation methodology refers to the City of Melbourne, currently, the fees associated with LPP 33 are unclear, both in terms of administrative fees as well as fees for removal of trees. However, fees associated with street tree removal in the City of Melbourne may not be appropriate for application in the City of Kalamunda, as environmental circumstances in the City of Melbourne CBD would be vastly different from circumstances that apply in the City of Kalamunda.</p> <p>(31) LPP 33 presents a regulatory business-as-usual response, introducing further bureaucracy and unnecessary red tape.</p>



Respondent	Why*
37 Continued	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>(32) With penalties for noncompliance LPP 33 effectiveness is limited by the capacity and resourcing of the regulatory/compliance enforcement arm of the City of Kalamunda, both on how and when permits are given, and in the enforcement of penalties for breaches (non-compliance) of regulations.</p> <p>(33) Consistent enforcement of the provisions of LPP 33 will be a key factor in ensuring policy effectiveness. Political will, which is related to the willingness of elected officials and other local government officials to apply regulations and penalties, will be a key part and this will be influenced by their perceptions of the regulation and the level of public support for enforcing that regulation.</p> <p>(34) An aversion to risky, unpopular decisions related to tree retentions or tree removals is a common aspect of many local governments. However, if regulations are rarely enforced, the public perception of these regulations will be weakened.</p> <p>(35) The City should assess the potential costs of implementing recommendations, both on potential compensation for injurious affection, and on landowners in terms of application fees and tree removal costs, so that the potential financial implications can be better understood. This should be publish a public report, detailing the findings of the assessment.</p> <p>(36) The City could consider an alternative approach and utilised funds and resources in a better way. Energy should be invested and focused on re-establishing an urban tree canopy, by pro-actively taking measures to re-forest urban development areas and by providing incentives to rather than penalising landowners doing the right thing and protecting native vegetation or re-establishing an urban tree canopy.</p> <p>(37) Incentives may be in the form of grants, rebates, awards and other recognition, or in-kind support such as provision of information or free of charge professional arboricultural advice, encouraging greater green developments through incentives, promoting the establishment and retention of trees on private land, building support and empowering residents, businesses and communities, has been central to the success of many of these initiatives. Example: https://www.portland.gov/bes/grants-incentives/about-treebate</p> <p>(38) The City should carefully investigate and clearly demonstrate the legislative authority for imposing the new LPP process, understand requirements to achieve compliance with the new process, consider the required mechanisms to determine the effectiveness of the process in achieving the desired outcomes, ensure monitoring and audit processes can be implemented to provide transparency on whether the process will and has been consistently applied, and have revision mechanism in place to ensure landowners concerns with the process can be responded to. Finally, if policy or statutory changes are needed to give statutory effect to the process, the City should have due regard to procedural fairness and a right of review by an independent body. Principles of the rule of law require that the law must be certain and clear, particularly when it prescribes offences and penalties. This should also apply to this policy.</p> <p>(39) it may be appropriate to impose environmental restrictions on areas of high conservation value, it is difficult to seriously support the claim that each and every one parcel of land within the City of Kalamunda that includes a qualifying tree worthy of retention deserves this level of environmental protection.</p> <p>(40) When making decisions or taking actions that impact on the use of a landowner’s property, as in the case of LPP 33, the City should notify each individual landowner impacted in writing before the decision is made or action taken, and advise how this will impact the landowners use of the land. Further, impacted landowners should be personally and individually invited and provided with an opportunity to make submissions before the decision is made and/or action taken.</p>



Respondent	Why*
37 Continued	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>(41) Currently, many property owners may simply not be aware that their property is affected, and it may be difficult for them to find out. As a result, many current landowners may unknowingly be committing a criminal offence when removing a tree on their property, once the policy comes into effect.</p> <p>(42) Proposed penalties are heavy handed, significant and appear unrealistic (a penalty up to \$200,000 and a daily penalty of \$25,000) for the removal of a tagged tree. Also, a tag could be removed without authority, how then can a person know that the tree is protected? What register will be established and made publicly available? Related to this, it is unclear how a daily penalty will be dealt with - once a tree has been removed. This does not seem to make sense.</p> <p>(43) Tree removal of the nature prescribed by the policy typically involve significant costs. Hence, it is unlikely that broad scale canopy loss will result on residential property. Policy should remain focused on subdivisional development and be scaled to individual circumstances.</p>
38	Overregulation on private property - erodes private property rights - significant administrative burden on the City of Kalamunda - financial implications for residents - uncertain policy provision. enforcement mechanisms, financial implications, monitoring of effectiveness - review mechanisms - process focus, not focused outcomes - additional red tape - poorly written - blanket approach - major additional cost on development
39	Specific tree requirements per square meter is clear
40	Although this is a good policy, how much time and money do we need to waste on something like saving trees that have been growing for many years and are integral to all life on earth? This is a no brainer, save all trees possible, especially those of significant age and size. Reject developers and designers that have not allowed for their retention.
41	A draft made public shouldn't have obvious errors in it (e.g. reference couldn't be found). A lot of good information on the why - and not so much on the what (the bottom line). e.g. "can private residences remove trees on their properties?" Pg 31 refers to Section 8.3.2 but there isn't that detail in the document and thus the details are not known and thus comment is difficult
42	Couldn't find the policy on the city website



Respondent	Why*
43	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>To the City of Kalamunda Local Planning Policy 33 : Tree Retention survey My wife and I are the owners of a half-acre lot in Lesmurdie where we live with our two children. I brought this property as our home. The house was built in the eighties and there are many large trees on this lot. I would consider it to have well above the average number of trees compared to properties in Kalamunda and many other properties in the Hills. My Family have grown in this house and we enjoy living here and do not take to removing a tree lightly. I feel I need to retain the right to remove a tree on my property as I see fit. I am very concerned with the local Planning Policy 33 - Tree Retention. I am concerned for several reasons.</p> <p>WORKLOAD</p> <p>The trees on this property produce a lot of leaf and bark litter that end up in the pool and gutters and yard. As my wife and I get older and as we have some health issues that make clearing the leaf litter and pruning more of a challenge. I clean the pool one day and the next cannot use it until I have spent an hour removing the leaves. Many times, thru winter, I end up on the roof clearing my gutters and down pipes of leaves to reduce the chance of flooding. If a tree is continually losing its leaves and day after day filling the pool and gutters. What am I to do if I cannot remove this tree when I cannot maintain this workload?</p> <p>I have maintained this for many years as we enjoy living here. But if I arrive at a point in my life where I simply cannot maintain this workload. I want the right to remove the tree that is making our lives too much of a challenge.</p> <p>I need to point out that there are many older residents in the older parts of the hills area who battle as I do with this workload. My neighbours for one. They are both late seventies and I have witnessed their distress from continually clearing leaves. You cannot take away their rights or choices.</p> <p>FINANCES</p> <p>I do not have the finances to have a gardener or pool cleaner.</p> <p>We have no wish and we do not have the finances to sell up and move to a lot without the workload and lose \$40k plus in stamp duty and fees.</p> <p>I have real concerns that if this policy comes in. That my property, with a lot of trees on, will be devalued as potential buyers realise that they will be burdened with a life of gardening, and that they will not be allowed to remove the trees.</p> <p>The removal of any tree on my property is done as an absolute last resort. Not only because the cost to have them removed, which is around the \$3k mark, but because we love the hills feel.</p> <p>If I do remove a tree, I can not afford the \$25k Fine.</p> <p>I do not have the finances to pay an arborist to produce a report for the shire on the viability of retaining a tree.</p> <p>The idea that I would need to plant 2 if I removed one and that if I didn't have room, I would need to pay for the shire to plant them elsewhere is of huge concern. I feel all my rights have been completely removed. And where would I find these finances??</p>



Respondent	Why*
43 Continued	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p> <p>SURVEY RESPONDANTS</p> <p>If the number of 500 residents that received this survey is correct. Then I am very concerned that the result will not reflect the true wishes of the residents on larger and older properties on the fringes of Kalamunda. E.g. Lesmurdie, Walliston and Gooseberry Hill.</p> <p>It was by chance that I was made aware of this policy proposal and I am very concerned that many older residents may not be aware of what rights that may be taken from them. And what fines they may face by removing a tree that the shire deems needs to be retained. I feel the timing of this proposal also needs to be reviewed. I feel the lead up to Christmas and holiday period is not appropriate. Everyone has little time and energy to concern themselves with this. This needs more discussion with a larger survey group.</p> <p>SUBDIVISIONS IN THE HILLS AREA</p> <p>After a short drive around Kalamunda and down Brooks street. I can see another large development that has been stripped bare of any trees. Nothing remains. Ready for the construction of houses on small lots. This is one of many, many areas stripped of canopy cover in the Kalamunda hills area. I understand that these new home owners want the feel of the hills and the canopy cover retained!!</p> <p>Without full understanding of this Policy. I hope that the onus is put back onto the buyers and developers in these new subdivisions to create the tree cover. Not pre policy home owners.</p> <p>I feel our family and neighbours in the older and large properties are being burdened to maintain this canopy cover for all these new developments and I feel this is absolutely unfair.</p> <p>OPTIONS</p> <p>We shifted to the hills because we love the trees and community feel and believe the shire needs to discourage the complete removal of trees from large areas.</p> <p>I think the option to require a certain type and number of trees over 160mm diameter with a 4 metre canopy per block size is a great idea on new developments. This should not be pushed onto residents of houses pre this policy rollout. It should not be a requirement of property owners that purchased their properties in good faith before the inception of this policy.</p> <p>I hope making the likes of my family maintain this tree canopy is not just an easy option.</p> <p>CONCLUSION</p> <p>Our family loves the life in the hills and the trees.</p> <p>Please do not remove the right of people on larger, older and tree dense properties, and are possibly getting older, to remove trees that are making life a lot of hard work.</p> <p>By not modifying this new policy, you will make a lot of work and possibly financial hardship to many residents.</p> <p>A revision that reduces the stripping of trees (in central Kalamunda especially) but allows the management of trees would prove a better outcome. Please review the Local Planning Policy 33 and provide some further options for consideration.</p>

Rating the Four (4) Objectives

Please rate the four (4) objectives listed in the draft Policy



Tell us what you like about the draft Policy:

Overview of Responses

- » That it exists.
- » Robust and comprehensive.
- » It is an important environmental issue.
- » Trees provide shade, reduce urban heat sink and keep the ambient temperature cooler.
- » Trees complement developments.
- » A chance to retain the unique environment we have in the hills.
- » Developers will need to plan to retain significant trees.
- » Well considered and thorough.

Respondent	What do you like about the Policy*
	*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
4	It is a starting point
5	re: Maintaining and enhancing neighbourhood amenity, character and sense of place through the provision of tree canopy cover. - Must be multi purpose trees (shade, food for birds, not weeds) At least there is some though given the Cities ranking of 2nd worst clearing local Govt in Australia.
6	Its a very good start. Perhaps we can return to being a home in the forest.
7	Good protection of trees Good requirements for trees on properties.
8	Shows City is not caving into developers needs & ensuring a "balance" is upheld to ensure trees are preserved or replaced.
9	While I agree with the aims of the policy it comes down to 2 items. 1. Stop developers clearing to a barren landscape before they start housing estates. 2. The fire dept FESA want all trees on boundaries and around buildings etc removed so FESA controls tree retention and FESA demands tree removal. even if I put water jets onto trees so they cannot burn in the event of a fire coming my way. FESA want them removed and will fire me if I do not comply so the trees are cut down. If you want a tree canopy sort out FESA
12	The fact that you have actually gone out to public consultation. But, I suspect that because of all your "get out clauses" it will be ineffectual. This council need to be very proactive to ensure the identification and protection of trees worthy of retention. Survey by council inspectors prior to ANY clearing.
13	See separate submission #21 [REDACTED]
14	The recommendations for replanting
16	The fact that it exists
17	It seems to be fairly robust and comprehensive.
18	Tree retention is on of the most important environmental issues and with growing high density housing areas, developers and individuals often remove ALL trees and greenery. It is fact that having a tree canopy, in high density particularly, but also in any suburb or area keeps the ambient temperature cooler. Shade IS required and very necessary and I believe it is remiss (and catastrophic) in planning in new housing developments to not leave green corridors, and a bush block area for the native flora and fauna, for the public and to bring the temperatures down in the area.
19	Keeping large suitable trees to complement developments and provide shade is a good idea.
20	The chance for the community to retain the unique environment we have in the hills, also to ensure the continued benefits we gain from having mature trees to sustain us.
21	as above [Refer to Respondent No 21s answer to "Why?" question- Ed]

Respondent	What do you like about the Policy*
	*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
22	A start to increase the canopy cover in the shire. But more important is the increase, retention and protection of trees and canopy cover in areas that are under shire control.
23	Consideration of the importance of trees at last with legal control over development
25	At long last the developer will need to plan with the view to retaining significant trees on their development area. This is an area the City has long been complicit with - allowing the clearing of the development area completely.
26	It is well considered and thorough.
27	It's a good start but needs to go further to protect trees and more trees need to be worthy of retention
28	I like that the Kalamunda council has identified the problem and will enforce the protection of valuable trees.
29	More trees = better. Animals, shade, temperature, etc.
30	That developers need to identify significant trees in the area they are developing, and find ways to include them in their designs.
31	See above comment [Refer to Respondent #31's answer to Why? - Ed]
32	I like that it exists! As the demand for subdivision and development grows, our city's tree cover is at risk and we need to act now before we lose too many trees. It has become all too common in Perth to see housing developments that are just a sea of brick and tile, devoid of any vegetation.
33	Protected Tree Labels
34	I like the fact that something is finally being done to protect our trees. Kalamunda is rapidly losing its special 'home in the forest' character and I find this very upsetting, not least of all for the wildlife whose habitat is being destroyed.
35	recognition of the importance to reduce heat sinks
36	Nothing,
37	I don't support the policy.
38	Nothing. This is wrong. I do not support the policy
40	Formalises the obvious.
41	The why
43	That the shire is looking to reduce the removal of trees from sub divisions.

Is there anything in the draft Policy you would change?

Overview of Responses

- » The number of trees required to replace those removed.
- » Replacement trees to reflect the significance/size/species of tree removed (eg. 100 year old vs tube stock).
- » Include under-storey
- » Needs teeth - legally enforceable
- » Voluntary tree protection on residential property
- » Plan for/encourage verge gardens
- » Provision for protection of trees root systems
- » Scrap the lot - replace with lower height/fire resilient vegetation
- » Name Jarrah, Marri and Tuart as priority species
- » Add poisoning a tree to the list of criminal damage
- » Include shrubbery in policy

Respondent	What would you would change?*
	<p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p>
4	<p>More trees (2 is not enough) to replace those removed. Increases penalties for non-compliance It should be stronger than a policy - which is not legally enforceable. Include the understorey.</p>
5	<p>Needs to have teeth - and be legally enforceable. Tendency in the City - cut down trees first and ask forgiveness (Plead ignorance after) Private ownership does not confer the right to do as you please.</p>
6	<p>I would like to expand on it. We are wasting precious resources of corner block verges which are largely neglected. With forward thinking and imagination every one of them could be transformed from a weed infested eyesore to a welcome respite for our wildlife. Note to mention the mitigation of heat generated by all our hard surfaces.</p>
7	No
8	<p>(Learn from past mistakes) Ensure Kalamunda City avoids a repeat of the disastrous action allowed by Main Rds Dept removing 8-15 metre high trees alongside the Roe Highway [xxx?] under Kalamunda Rd intersection.</p>
12	<p>1. Yes. More discussion about and provision for protection of a trees root system. 2. Clearing of blocks for subdivision: the council itself should assess each block and identify trees worthy of retention. 2. Developers removing a tree worthy of retention or damaging it's root system so that its removal becomes a necessity should be fined very heavily > \$10,000 a tree.</p>
13	See separate submission #21
14	Not really
15	<p>Yes, scrap the lot. Introduce requirements for low bushfire and low falling risk street trees in areas that don't have many trees like High Wycombe or where there are few trees and lots of houses. Do not penalise landowners for removing trees on their own property if they decide they need to.</p>
16	Be more specific about size, location and species
17	<p>Is there any discussion on how to police the policy? Rogue tree loppers? etc. I would like to see Jarrah, Marri and Tuart named as priority species.</p>
18	<p>Add 'poisoning a tree' to the list of criminal damage. People in other areas that are subject to these Tree fell restrictions often take the matter into their own hands by stealth..... drilling holes at the base of a tree and injecting round up so it looks like trees have died. (as seen all along the river areas where a tree may block views from housing to the river including in older housing areas like South Perth.).</p>
19	The rule about 160mm trees covering all property owners.
20	<p>I would like included that shrubbery be included in the policy, although trees give us shade, so do shrubs when it is not practical to plant trees. If trees are removed on small blocks and trees are not an option for replanting, some sort of shrubbery should be considered. The consideration of the wildlife should also be taken into consideration.</p>

Respondent	<p>What would you would change?*</p> <p>*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.</p>	
21	<p>I would like to see a written commitment to increasing tree canopy in the City's policy, and a stronger wording of the need to address heat sinks, a danger that threatens an increasingly tree-denuded suburban and townsite landscape in Kalamunda.</p> <p>Note that Bayswater has addressed both these things, in wording as follows:</p> <ol style="list-style-type: none"> 1. Assist with achieving the City of Bayswater's objective to increase tree canopy coverage to 20% by the year 2025 by increasing tree canopy coverage on private and public land. 2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors. <p>I believe that the City should INCREASE FROM 10% TO 15% the required amount of tree cover in industrial sites. We have seen the tragic loss of large trees at the Wattle Grove end of the City and the creation of heat sink industrial parks.</p> <p>Currently the wording is:</p> <p>"Light Industry, General Industry, Industrial Development and Service Station: A minimum 10% tree canopy cover."</p>	<p>25 5.1.b.11 Trunk diameter increased to 200 mm</p> <p>6.1.g TPZ needs to be at least 3 m from effluent disposal system</p> <p>7 table 1.1 1 tree per 350 m2 of lot area. A site area of 350 m2 will not support a tree that will grow to retention specifications without impacting on the building through the root structure and falling branches.</p> <p>9.1 table 2 LPS 3 Zone. The requirement of planting two additional trees to replace one tree removed is extreme. One additional for one removed is ample.</p> <p>9.5 \$600 payments are onerous. This should be reduced to \$400.</p>
22	<p>More trees to be planted on verges; verge gardens allowed and encouraged; should be part of the policy as well.</p>	<p>26 I would like the the City to at least require the already approved developments to retain worthy trees where possible and not just clear the entire area.</p>
23	<p>no</p>	<p>28 Not that I can easily see.</p>
24	<p>YES. I believe like in some Shires in the eastern states, property owners must be compelled to apply for a permit/license to remove ANY trees from their property EXCEPT to the following three conditions.....</p> <ol style="list-style-type: none"> 1. introduced species such as conifers, palm trees, introduced wattles etc. OR 2. being less than a specified diameter/girth. 3. trees representing direct risk of physical damage to the principal home (photographs can be provided with the application to validate the claim). <p>The City must of course make allowance for safety factors. While on the face of it this represents extra demands, the requirement will slow down/create awareness that trees add to the ambience and quality of the region.</p>	<p>29 Not sure. Should there be specifics about what maturity of tree should be planted if one is removed? i.e. if someone removes a 100 year old tree, they shouldn't be able to replace it with a couple of saplings or tube stocks that will take decades to grow.</p>
		<p>30 I think there is a lot of wiggle room left to still get rid of the trees ie can you even point to a tree on a block of land that is the requisite distance from water, sewer lines and power? I think the null should be to keep the tree, or give the tree the benefit of the doubt. I like the idea of planners needing to plant trees to compensate for loss of trees.</p>
		<p>31 This Policy does not apply to development assessed under State Planning Policy 7.3 - R-Codes Volume 2 - Apartments.</p> <p>Seeing as infill housing is becoming more prevalent (and I don't object to that) it seems inconsistent to exclude them from the draft policy especially as they are frequently clumps of barren concrete.</p>

Respondent	What would you would change?* *Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
32	<p>I don't think trees worthy of retention should be removed for exempt works, such a cubby houses If consideration of tree retention is conducted early in the planning process, there shouldn't be any instances where a developer can "demonstrate there are insufficient suitable locations for retention or planting onsite" and pay a \$600 fee instead of retaining the tree. Once developers/builders become aware of how to demonstrate there is insufficient locations, they will just pay the money rather than retaining the trees, undermining the objectives of this policy. I recommend removing this loophole from the policy.</p>
33	160mm trunk size. What about saplings?
34	<p>1) I would add in some real deterrents to people who want to buy a bush block in Kalamunda, only with the intention of then destroying most or all of the trees on that block. This has happened several times in our neighbourhood and it is very upsetting to see. People like that should be discouraged from settling here. For instance, make it compulsory for real estate agents who operate in the area to hand out information about our tree protection policies to prospective buyers.</p> <p>2) I would put more emphasis on the protection and creation of wildlife corridors. Some land may have to be appropriated for that. There has been little or no planning around this topic and too many native animals are being killed on our roads.</p> <p>3) I would give it real teeth!</p> <p>4) I would embark on a campaign to fit as many trees as possible with the type of label that appears at the end of your policy. I am sure you will find many volunteers who are happy to help with that.</p> <p>5) I would actively encourage the removal of palm trees (and replacement with more suitable ones) as they attract rainbow lorikeets which are a declared pest in WA and a grave danger to the continued wellbeing of many of our native birds.</p> <p>6) I would especially encourage the planting and protection of food trees for our cockatoos who are having it tough due to continuous destruction of habitat.</p>
35	table 1.1 indicates a number of trees per lot. from my experience on lesmurdie rock , i would be concerned for a planted tree of height having sufficient stability.
36	Almost everything. if I own a property in Kalamunda and I want to remove trees on it I should be allowed to do it...regardless of the size.
37	Voluntary tree protection on residential property. Regulatory only for large scale subdivisional development and street tree removal.
38	Turning it into a guideline. Policy should apply to big developers. Local residents should not be penalised. They should be given incentives to protect trees. Most of us are already doing the right thing. It is big developers whom are destroying large parts of Kalamunda bush.
40	Make it harder for developers to not consider retention. Stricter rules and approval for tree removal. Developers must plant a certain amount of semi mature, native trees.
41	Detail explained on the how... Note the call for comments isn't linked to the document - so I assume I found the right one online.
43	as per answer survey question 3

Do you have any additional comments that are important to finalising the draft Policy?

Overview of Responses

- » Removal of trees cause wind tunnels and increased traffic noise (an issue along Roe Hwy)
- » Telephone and power lines should be below ground to reduce the need to prune trees.
- » Biophilia and green living walls should be considered in areas where trees are not practical.
- » Who provides and pays for the (replacement) trees?
- » Include trees on a significant tree register.

Respondent	Other comments?*
	*Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.
6	Could you please give thought to the proposal raised on [the previous point re vegetating corner verges] You have the resources - all you need is the will to make Kalamunda and its surrounds a beautiful and desirable place to live.
7	Please do not make any concessions to this policy, it looks great as it is.
8	What's your Plan to replace trees removed along Roe Highway close to our property. We now have a significant wind tunnel and traffic noise has increased!!
9	Not all trees provide good canopy cover. Some trees drop branches without warning and kill people.
10	The planting of two trees for every tree worthy of retention to replace its loss, will never compensate for a magnificent tree that maybe over 100 years or more old. Query: Local Planning Policy number 6(b) where a tree or trees are to be removed according to a City firebreak notice, does that include trees on reserves planted by friends groups in the past with former approval by the Environmental Dept?
12	Developers do not care about the local environment, only money. They probably never live in any of their subdivisions yet the rest of the community must live with the loss of tree cover, mostly forever. Not to mention wildlife loss of habitat. the city has one of the worst records of tree canopy loss in Australia ... Do something positive.
13	See separate submission #21 [REDACTED]
14	No
15	Concentrate on real problems like the third world crumbling road infrastructure throughout the shire and stop wasting our money on death causing obstructions (unnecessary islands and sharp kerbs and speed bumps
16	It may be beneficial to permit (with approval) the removal mature trees in the centre of a lot on condition that they are replaced with productive plants (food producing) and or fruit trees, also to reduce fuel loads. But trees to the perimeter of properties should remain and the power, telephone lines buried so we don't have to keep trimming back our beautiful large native trees just to avoid a power line. Also, all new developments must have a % of retained or new trees to provide shade to all parking and open areas.
17	Please ensure this is passed as soon as possible. A homeowner on the corner of Ronneby and Orange Valley Roads cut down around 30 mature Jarrah/Marri. When confronted by neighbours they simply said they don't like them. This is widespread vandalism is occurring regularly. Please pass it ASAP.
18	I am pleased that the City of Kalamunda is addressing this environmental issue now.... we are "A HOME IN THE FORREST" and we choose to live here BECAUSE OF THE TREES. We need to retain trees, look after trees, and plant trees for us, for our children, for native animals and birds, to reduce heating of our residential areas, for human enjoyment and because of how magnificent our city is because of it's beautiful forest and trees throughout our residential area. Thank you for addressing this very concerning issue of global and residential warming and the protection of trees for this and native habitat and birds/wildlife. Thank you!
19	The overarching 160mm rule is restricting and irresponsible.
20	Biophilia should be considered in areas where trees are not practical. The introduction of green walls, living walls could assist in decreasing hot spots in the community.

Respondent	Other comments?* *Note: Text has been included without edits as provided. Where no response has been provided the entry has been deleted.	
21	<p>In order to convince those residents and developers who are primarily concerned about property values, and need to be convinced of the merits of tree retention against removal, it is important that the City include a sentence or two about the monetary value of large trees and shade shrubs. They are a sales asset in the hands of the right real estate agent and there surely must be some factual supporting evidence from the property sector that could be quoted.</p>	<p>30 I would like the City Council to be proactive in identifying the significant trees in Kalamunda, and adding them to a Significant Tree register. Invite residents to add trees to the register. One of my fears is that when it comes time for us to downsize, we will make the mistake of selling our house to someone who just comes along and cuts down all the trees before they've even moved in - it happens all the time. I would like to add some measure of protection for our trees by adding them to the register if possible.</p>
22	<p>This is a much more important issue than what to do with the Kalamunda water park. Please use ratepayers \$\$\$ for issues that impact the environment, liveability and long term impact instead of a swimming pool used by a minority of residents.</p>	<p>31 no</p> <p>32 I would like information of how this policy will be enforced? Does the City have resources and authority to police and enforce these policies, or will they just be empty promises. I'd also support this policy with an effective communication and engagement campaign that highlights the value of trees and the importance to the hills lifestyle - if we want to change people's behaviour in regards to retaining trees, we need to change their attitudes and beliefs too.</p>
23	<p>I would like to see verge planting with Native plants as a condition of living in the City of Kalamunda.</p>	<p>33 Who provides new trees and at what cost?</p>
25	<p>The City has the opportunity to increase the planting of street trees by a substantial number. There is little evidence the City is leading by example. A tour of the streets of Forrestfield show the lack of street trees and this policy appears to be driving the responsibility of tree coverage onto the private landowner. More suitable species and better quality stock are required. Instead of the City's overreach into the private properties of ratepayers using a 'stick' approach, the 'carrot' approach of planting street trees and working with the homeowner to water and care for the new planting would be a better option. One street tree outside every residence would make a complete change to the City's environment. City of Kalamunda - LEAD BY EXAMPLE</p>	<p>34 Only to offer my encouragement to proceed with this policy before Kalamunda becomes just another drab, overcrowded suburb with no trees!</p> <p>37 Review policy to be more locally relevant. Do not refer to 3rd party tree valuation mechanisms.</p> <p>38 Please review. I don't support the finalisation of the policy. City of Kalamunda should write individually to all affected landowners and inform them on the impact this will have on the removal of trees on their property. Tree management on residential property in the Hills is already a costly exercise and we don't just remove them for the sake of it. The City should not get unnecessarily involved or interfere with private property rights.</p>
26	<p>Would you please clarify section 10 Street Trees, paragraph 5. It is not clear what "City's Police Service 8 - City Tree Management" is referring to.</p>	<p>40 Get it done, save more tress, plant more trees.</p>
28	<p>No, but I would recommend replanting of native species along road verges should happen without delay.</p>	<p>41 My neighbour just removed 12+ Marri trees 'just because' and this shouldn't be allowed. I hope the policy prevents this issue of new/residential people removing valuable habitat in the area. Another neighbour moved in, removed 100+ year old trees to build a shed and left 3 years later. I'd like to see quick growing black cockatoo food trees (such as pecans) be added to street trees, and not things such as English Plane trees that add nothing to the wildlife.</p>
29	<p>No.</p>	<p>43 as per answer survey question 3</p>

Submissions

Text has been included without edits as provided.

Submission 1: Department of Biodiversity, Conservation and Attractions

Ref: [Redacted]

From [Redacted]

Date Tue Nov 30 04:14:50 PM AWST 2021

Subject FW: Comment sought on the City of Kalamunda's Draft Local Planning Policy 33 - Tree Retention

To whom it may concern,

Please find attached DBCA's response to the referred draft Local Planning Policy 33- Tree Retention.

Regards

[Redacted]
[Redacted]
[Redacted]

Parks and Wildlife Service

Department of Biodiversity, Conservation and Attractions

[Redacted]
[Redacted]

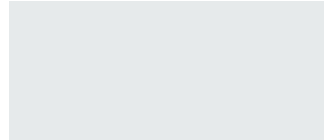
[See over for attached letter]



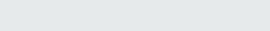
Department of Biodiversity,
Conservation and Attractions



We're working for
Western Australia.



City of Kalamunda
Strategic Planning Services
PO Box 42
KALAMUNDA WA 6926

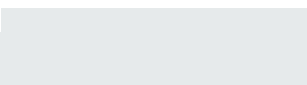
Att: 

City of Kalamunda's Draft Local Planning Policy 33 – Tree Retention

I refer to your correspondence of 1 November 2021 requesting comments on the draft Local Planning Policy 33 - Tree Retention (LPP 33) The Department of Biodiversity, Conservation and Attractions' (DBCA) Parks and Wildlife Service has reviewed the referred information and provides the following advice.

DBCA supports the City's initiative to identify strategies that could be implemented to ensure the retention and enhancement of the urban tree canopy during strategic and statutory planning processes. It is recognised that mature native trees provide important breeding, roosting and foraging habitat for threatened species such as Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*) and Forest Red-tailed Black Cockatoo (*Calyptorhynchus banksii naso*). Reference throughout LPP33 to a preference for retaining and planting native endemic tree species will further assist in the retention and creation of native fauna habitat.

DBCA considers the application of LPP 33, will assist in retaining and improving the urban tree canopy which provides important fauna habitat and creates/ maintains ecological corridors. Many native tree canopy remnants within the City of Kalamunda occur within private urban lots and the City therefore has an important role in the ongoing protection and persistence of these remnants in a developing landscape.

Thank you for the opportunity to comment on this draft policy. 

Yours faithfully,



Swan Region
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Corner Australia II and Hackett Drive, Crawley WA 6009
dbca.wa.gov.au

201720

Submission 2: Department of Communities

Date: Thu 6/01/2022 4:39 PM

From: [Redacted]

Thank you for the opportunity to comment on the above draft local planning policy and the extension of time allowed to accommodate this response.

The Department of Communities (Communities) has an interest in LPP33 in terms of the physical and mental health benefits and the essential environmental benefits provided to communities by retention and planting of trees. Communities' primary interest in LPP33 as a landowner/developer is within the residential areas of the City.

Communities supports the City of Kalamunda in its stated intentions of minimising the removal of trees and increasing tree canopy cover. A flexible approach to design and planning of housing to accommodate tree retention is supported.

In regard to the draft local planning policy (LPP33), the following comments are provided for the City's consideration:

Application of the LPP - LPP33 is noted as not applicable to developments assessed under the R Codes volume 2.

Consideration of the City's objectives for tree protection in areas/sites where Volume 2 applies is recommended in LPP33.

The wording of the LPP33 is heavily caveated with terms such as 'where possible/practical' which erodes the effectiveness of the policy. The nature of a LPP is flexible without these caveats and it is recommended that the language is moderated to allow LPP33 to clearly state the City's intended outcomes.

In part ii of the proposed variation to the R Codes deemed-to-comply standard it is considered unclear whether trees are intended to be protected only where they are within the street setback areas..., etc. or whether these areas are to be located to accommodate significant trees. Proposed part iv is already addressed in the design principles P2 of the R Codes.

LPP33 could include a statement of the City's position on varying development standards based on tree-retention (e.g. on-site car parking, setbacks).

Where replacement trees are to be planted, the City's requirements for size, species and ongoing management of the replacement trees could be included in LPP33.

The City's means of ensuring continuity of tree retention between the various stages of planning and development (e.g. Structure planning, LDPs, subdivision, DA, building permit) could be included in LPP33.

Existing/established tree valuation methodologies are used by other local governments. The Helliwell system is possibly the most widely recognised and could be considered instead of a separate system for the City of Kalamunda.

Overall, Communities supports the intention of draft LPP33 and would encourage the City of Kalamunda to review the draft to provide a clear approach to increasing tree retention and tree canopy.

Please contact me with any queries or for clarification of the above.

Regards

[Redacted]
[Redacted]
[Redacted]
Department of Communities
[Redacted]
[Redacted]

Submission 3: Department of Education | Land Planning | Asset Planning and Services

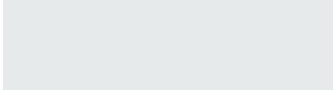
Ref [Redacted]

From [Redacted]

Date Wed Dec 08 03:48:09 PM AWST 2021



Department of Education



Chief Executive Officer
City of Swan
PO Box 196
MIDLAND WA 6936

Attention: [Redacted]

Dear Sir / Madam

**Draft Local Planning Policy 33 – Tree Retention
City of Kalamunda**

Thank you for your letter dated 21 October 2021 providing the Department of Education (Department) with the opportunity to comment on the City of Kalamunda's draft Local Planning Policy 33- Tree Retention.

The Department notes that public works are exempt from requiring planning approval in accordance with Part 1, Section 6 of the Planning and Development Act (2005). As such, the policy would not apply to any works undertaken by the Department. Notwithstanding this, every effort will be made by the Department to retain existing trees which are deemed to be 'worthy of retention' where possible as part of the school site planning subject to factors including, but not limited to; health of the trees, bushfire risks and topography of the school site.

The Department therefore offers no in principle objections to the draft policy. However, the Department requests that the policy is amended to note that all public works are exempt from the provisions of the policy to avoid any confusion following its future gazettal.

Should you have any questions in relation to the above, please do not hesitate to contact [Redacted]

Yours sincerely
[Redacted Signature]

7 December 2021

Submission 4: DFES Land Use Planning

Date: Wed Dec 08 10:40:50 AM AWST 2021
Subject: Draft Local Planning Policy 33 - Tree Retention - DFES Response
Our Ref: [REDACTED]
Your Ref: Draft LPP 33 [REDACTED]

Dear Sir/Madam,

RE: DRAFT LOCAL PLANNING POLICY 33 – TREE RETENTION

I refer to your email dated 21 October 2021 regarding the advertising of Draft Local Planning Policy 33 – Tree Retention.

Given the proposal seeks to introduce a local planning policy to respond to the loss of tree canopy in the urban and industrial environment as per your correspondence, which may not be considered an intensification of land use, the application of State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) may not be required, in this instance.

Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.

Thank you for providing us with the opportunity to make a submission, DFES has no further comments.

Should you require clarification of any of the matters raised please do not hesitate to contact me on the number below.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[End]

Submission 5: Main Roads WA

Ref [Redacted]
 From [Redacted]
 Date Mon Dec 20 03:07:56 PM AWST 2021
 Subject [Email Response to Council] LPP 33 - Draft Local Planning Policy 33 - Tree Retention - City of Kalamunda
 [Redacted]

Please find attached Main Roads Comments for the above proposal.




[Redacted]

17 December 2021

Chief Executive Officer
 City of Kalamunda
 PO Box 42
 KALAMUNDA WA 6926

Email: enquiries@kalamunda.wa.gov.au

Dear Sir/Madam,

PROPOSED DRAFT LOCAL PLANNING POLICY – LPP33 TREE RETENTION - CITY OF KALAMUNDA

In response to your correspondence received on 27 October 2021, Main Roads requires the following to be inserted into Section 6 - Exemptions - of the proposed Local Planning Policy:

“This policy does not apply to State Government undertaking clearing under an approved clearing permit or exemption.”

Advice:

Environmental approvals and mechanisms to assess environmental values and facilitate appropriate offsets are already controlled by statutory and regulatory processes at state and federal level. This exemption is required to permit public works and other State Government processes to proceed once environmental approvals for clearing have been issued or where an exemption applies.

Main Roads requests a copy of the City's final determination on this proposal to be sent to [Redacted]

Yours sincerely

[Redacted Signature]

Main Roads Western Australia
 Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
 PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
 138 138

Version 1 July 2019

Submission 6: Water Corporation: Land Planning | Development Services

Ref [REDACTED]

Subject FW: Water Corporation Response - City of Kalamunda's Draft Local Planning Policy 33 - Tree Retention

Please find attached the Corporations response in regard to the above mentioned.



Submission 7: Shire of Serpentine Jarrahdale

Hi [REDACTED]

Your draft policy looks like it will be useful in the retention of trees. We have similar provisions in TPS2 clause 7.12, although enforcement never goes further than retrospective approval with replanting conditions. I have the following specific comments:

- 5. Definition of a tree worthy of retention – you may find the criteria of health and ongoing viability problematic. In my experience people who want to remove a tree often argue that it is unhealthy, and to many eyes any eucalypt looks unhealthy due to their “messy” habits. I note that this can be resolved by an arborist’s report (section 8, clause 9), but this may lead to a lot of extra work resolving arguments about health and viability.
- The inclusion of a criterion of canopy diameter is an improvement to the usual height/trunk diameter criteria, and will allow the retention of some trees that would otherwise be removed.
- I also support the use of the term “tree worthy of retention”, as many LGs have a Significant Tree Register, and the conflicting definitions of Significant Tree can lead to confusion.
- 6. Exemptions – seems quite thorough. Our exemptions include clearance (3m from structures, 1m from fences) which can lead to the removal of trees which are not causing any problems.
- Section 7 table 1.1 Tree requirements – support the tree per area provision, this is better than one tree per dwelling which is insufficient where lots are larger. Could be improved by a clause requiring additional trees for corner lots. The minimum planting area won’t be sufficient for medium or large trees, or for retained trees, only for the planting of new small trees.
- Section 8 clause 3 – the requirement for a site survey of existing trees is essential. Too often we get applications to remove trees where the information provided is insufficient to determine which trees are proposed for removal.
- Section 8 clause 7 – tagging of trees to be retained is also essential. We find that (particularly in subdivisions) that areas of trees that are agreed to be retained are then removed when site works start because this has not been communicated to the workers.
- Table 2 – minimum tree planting requirements – two for one replacement may not be sufficient if canopy cover or mature size is not specified.
- Section 9 clause 5 – support the offset fund, we are trying to develop a policy with the same effect.
- Section 10 – street trees – it may be useful to include a clause that trees are to be planted once construction is complete. We find that developers often plant street trees in subdivisions before houses are constructed, which are then trashed in the building phase. Newly planted trees will not trigger the “worthy of retention” criteria and won’t require protection.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong, WA, 6123
www.sjshire.wa.gov.au

Submission 8: Town of Bassendean

Hi [REDACTED]

Thanks again for the chance to comment on this. We support the intent of the Policy of course, but I've provided some specific comments you may like to consider below:

Section	Comments
3. Statutory Authority/ Legal Status	<p>In respect to 3(1), the Town advises that in accordance with Schedule 2, Part 2, Clause 4(1)(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, in making a local planning policy, if in the opinion of the local government, the policy is inconsistent with any State planning policy, the local government must give notice of the proposed policy to the Western Australian Planning Commission (WAPC).</p> <p>The proposed policy provisions are inconsistent with the current version of Volume 1 of State Planning Policy 7.3 - Residential Design Codes (R-Codes) by virtue of variations to the landscaping provisions contained within 5.3.2 of the R-Codes.</p> <p>In accordance with Clause 3A(A) of the Regulations, the local government must not resolve to proceed with a policy if the Commission has not approved the policy. Further, landscaping provisions cannot be varied in accordance with Part 7.3.1 of the R-Codes and as such, the approval of the WAPC is required consistent with the requirements provided in the Regulations and Part 7.3 of the R-Codes for the Policy to become operational.</p> <p>In respect to 3(2), the Town disagrees that removal of a tree worthy of retention constitutes development under the <i>Planning and Development Act 2005</i>. Whilst you could theoretically interpret the definition of the Act in this manner, it has not been established in case law and in the absence of an appropriate Scheme provision, it would be an arbitrary interpretation. The create of appropriate Scheme provisions to support this assertion is recommended.</p>
5. Definition of a Tree Worthy of Retention	<p>In respect to the operation of Policy, further clarification should be provided as to how a tree will be determined as a healthy specimen (i.e. if an arboricultural assessment is required). Whilst an arborist report is noted under provision 8(9), this clause relates to viability of the tree (i.e. lifespan), which differs to the health of a tree (i.e. structural condition).</p>
6. Exemptions	<p>Provision 6(1)(a) should be varied to clearly outline that design element 5.3.2 is as varied by the Policy.</p> <p>In regards to 6(1)(d), what constitutes immediate danger to life or property and how will this be determined? Similarly, the Town considers that reports could be used stating structural damage is occurring to justify removal of a tree. Is it the intent of the City to undertake peer reviews of structural reports to determine accuracy?</p> <p>For 6(1)(g), some trees are likely to cause damage to piped infrastructure greater than 0.5m from the pipe (i.e. roots of <i>Ficus microscapra hillii</i> (Hill's Weeping Fig Trees)). Would pruning of roots and removal from piped infrastructure be considered in the first instance instead of removal of the significant tree?</p>
Table 1.1	<p>Additional provisions should be considered that designate where the tree is to be planted within, or the location of the planting area for an existing retained tree. This will ensure that trees are centrally located within the protection zone to ensure sufficient space for the tree to grow.</p>
8. General Requirements	<p>8(1) should be amended to replace the word 'should' to 'must' to provide certainty that the tree is to be retained. Use of the word 'should' should be reconsidered elsewhere in the Policy where the intent is to be certain and final.</p> <p>The Town questions the relationship between the Policy and the requirement of the <i>Building Act 2011</i>. In regards to 8(3), how will the Policy mandate that trees be shown on a site survey for a privately certified Building Permit? In the absence of a development condition requiring certain things, there is no mechanism under the <i>Building Act 2011</i> that would require such information that the Town is aware of. Similarly, it is unclear how the City will mandate the provision for such information at the subdivision application stage, as the information requirements are determined by the WAPC on lodgement of such an application.</p>

	<p>Under 8(4)(d), this refers to Section 0 which does not exist. Provision (e) in this section also refers to deep soil areas, but does not define what a sufficient volume of such an area is. If this is instead referring to the minimum planting area in Table 1.1, the terminology should be consistent and consideration should be given to included minimum depths. Deep soil areas could be defined in the definitions contained within the Policy.</p> <p>Certainty for Provision 8(8) should be provided as to where the tree can be relocated? Can a tree be moved to the verge area and still meet the requirements of the Policy of 1 tree per lot, as the tree has been retained?</p>
9. Tree Planting Requirements	<p>In respect to industrial areas and Service Stations and for Centre zones etc., is the minimum canopy cover required to be achieved the canopy cover once trees are at maximum anticipated growth based on species, or this required to be achieved at the time of planting?</p> <p>Consideration should be given to expanding provision 9(2) to include minimum size of tree wells within car parking areas, to ensure adequate space for tree growth.</p> <p>Whilst the Town understands the intent behind 9(5), it is recommended that this provision be deleted for a number of reasons, including the ability for the City to adequately track and monitor where funds are collected and the location of their required expenditure, the ability of the City to plant and maintain trees in the verge, and the ability of space within the verge to plant the required number of trees where the number of trees otherwise required is greater than sufficient verge space for those trees. This provision is also considered contrary to the requirements of Table 1.1, which seeks one tree per 350m² with a minimum of 1 per dwelling, if trees can otherwise simply be provided in the verge at the expense of the applicant.</p>
10. Street Trees	<p>Provisions 10(4) and 10(5) should be reconsidered, as in one instance it is suggested that payment is made where street trees are required to be removed to facilitate subdivision and development, but in the other, trees removed for subdivision or development do not initiate the City Tree Management Policy (or payment).</p>
Appendix 1	<p>Consideration should be given to using a different colour to represent trees approved for removal and offset and the tree protection zone, and the diagram indicates trees with a tick indicated retention appear to also be approved for removal and offset requirements.</p>
Appendix 4	<p>The tree label is noted however, the materiality of the label and where it is to be provided on the tree should also be considered. The Town questions how the label will be maintained in perpetuity.</p>
Other matters	<p>The Town considers that other matters should be considered in this Policy, such as the ongoing requirement for landowners to maintain trees required to be planted, the mechanisms to require them to be planted (i.e. via conditions of approval - with wording to be included in the Policy), and how future landowners will be aware of the need to retain the trees required to be planted by this Policy (other than via a tree label which may be unclear, such as Section 70A notifications under the <i>Transfer of Land Act 1893</i>.)</p>

If you have any further questions in regards to the above, please do not hesitate to contact me.

Kind regards

[Redacted signature]

Town of Bassendean

[Redacted contact information]

Web: www.bassendean.wa.gov.au


Submission 9: Nature Reserves Preservation Group of Kalamunda Inc.

Ref [REDACTED]

On behalf of the NRPG's please see the attached submission on the Draft Tree Retention Policy 33.

We look forward to seeing this Policy progress.

[REDACTED]



NRPG

P.O. Box 656
Kalamunda
W.A. 6926
<http://nrpg.org.au/>
<https://www.facebook.com/KalamundaNRPG>
<https://www.facebook.com/nrpg.bushcare>

20 Dec 2021

[REDACTED]

SUBJECT: CITY OF KALAMUNDA DRAFT LOCAL PLANNING POLICY 33 – NRPG SUBMISSION

[REDACTED]

The NRPG is very pleased to see the draft Local Planning Policy 33 for Tree Retention, and submits the following comments.

Section 1. Introduction and purpose:

While recognition of the need for tree retention is welcomed, the importance of associated understorey vegetation, which contains the vast amount of biodiversity and is almost impossible to replace once lost, should also be addressed. As such, there is a need for a similar '**vegetation retention policy**'. Complex though this project may be, NRPG requests that such a proposal be examined, or integrated into this document throughout.

- para. 2. Delete all the '**indefinite words**'. For example, relevant sections should read: "The purpose of this policy is to carefully consider the need for the removal of trees and minimise the removal of trees of a particular size and maturity. The policy also seeks to increase canopy cover." It should be taken as read that, if an action is not "possible" nor "practicable", it will not take place. Deleting such qualifiers increases the impact of such statements of intent/purpose.
- Para 3. The term "*appropriate balance*" usually results in a loss to the environment, rather than to the proposed development.
- Para 4. The NRPG compliments the City on the Draft Urban Forest Strategy, and would like to reiterate the importance and biodiversity values of understorey vegetation.

Section 2. Application of policy.
NPRG requests confirmation that this policy will apply to contractors or utilities (such as Western Power, Telstra etc.) infrastructure works.

Section 3. Statutory Authority / Legal Status

- Item 3a: This should also include: to reduce carbon and Greenhouse Gas (GHG) emissions, and reference the CoK Climate Change Action Plan presently in development.
- Item 3d: NRPG is pleased to see reference to "Tree **and Vegetation** Preservation".
- Item 4: NRPG suggests including reference to a WA SERS roadmap for a low-carbon future: <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/12/SERS-roadmap-for-a-low-carbon-future-for-Western-Australia.aspx>

Section 4. Objectives:

NRPG is pleased to see virtually all the beneficial properties of retaining trees listed here, significantly, the following:

- b) Consideration of the policy "**at the earliest possible stage in the planning process.**"
- c) Acknowledging the **many environmental values** of tree retention.
- d) Acknowledging the **importance of the human appreciation** of the presence of trees.

Section 5. Definition of a tree worthy of retention.

It is essential this section defines **ALL** trees so designated.

- i and ii) The size criteria is a concern because these limits effectively allow for all smaller trees to be cleared, which means that there will be no net gain in canopy cover by smaller trees as they grow in size. It seems another/alternative condition should be to maintain a certain percentage of area of a development under tree cover, preferably distributed fairly evenly to avoid localised 'heat islands'.

The current list is incomplete and the following should be added:

- iv) Trees having a diameter > 50cm at Breast Height (DBH) as used by DWER for 'habitat tree' definition for black cockatoos. These should be seen as significant trees and assigned the **highest** priority rating.
- v). **DEAD** trees having or likely to have hollows suitable for habitation. Provided retention poses no threat will exist to human life or proposed structures. Retention may involve pruning of suspect limbs. Given the increasing scarcity of such trees, all should be retained.

The above should be added to Appendix 3 (p. 15).

Section 6. Exemptions.

If this policy is to be effective, in **all** instances, removal of a tree should be carried out **only** after alternatives have been thoroughly explored.

- b) With the typical fire risk mitigation requirements for cleared areas of 20m radius, this will result in a vast number trees being removed. Other methods of dealing with the fire risk should be investigated or required, such as fire-resistant materials or water or other heat-blocking/absorbing deluge systems. Likewise, 'management' of native understorey should not allow clearing, disturbance or other degradation as this leads to increased weed growth which further feeds the 'fire-weed cycle'. Instead the native vegetation should be fenced off or otherwise protected from degradation. With new developments only required to have small setbacks of a few metres from waterways this will limit what native trees and vegetation can be preserved, and therefore threatens the viability of the Wildlife Corridor Strategy. As such the setbacks of developments should be increased significantly (ie. 20m or more) as was the case in the past.
- d) "Constitutes an immediate danger to life or property." The City must be certain such a risk exists. The onus should be on the proponent/developer/landholder to produce a cogent argument, and to provide evidence that other options to mitigate risk (such as water deluge or fire blocking techniques) are not viable.

Section 7. Provisions Varying the R-Codes.

NRPG is encouraged to see the very brief **Design element 5.3.2 Landscaping** and **5.3.4 Design of car parking spaces**, expanded in this way.

It may be useful to introduce an alternative canopy cover area ratio, ie. The area of tree canopy cover must exceed X% of the area of development. This ensures a shading factor which is reliable, rather than relying only on the indefinite canopy size of trees.

Section 8 Tree Retention. General Requirements.

All these requirements are welcomed and supported, with the following comments:

- **3.** It is essential this requirement is adhered to and carefully policed by City staff. In the past, the lack of such a requirement has resulted in wholesale clearing of a block or a subdivision. In such clearing, significant tree and vegetation cover has been lost. In this case, there should be a requirement to replant/restore the unapproved cleared area, rather than a financial penalty as this is often simply considered the 'cost of doing business'.
- **4.** Placing the onus on the applicant to demonstrate compliance, is commended and should be vigorously applied.
 - **c)** in referring to "**offset**" use- this requires more information on how and in what circumstances, such a process may be applied. Offset should not be used as an initial 'escape play' for developers unwilling to look at avoidance and mitigation measures.
 - **e)** care must be taken to ensure developer costs are not reduced by use of unsuitable soil.
- **5.** NRPG agrees with the protection of trees under bushfire risk management. Reword to "... trees worthy of retention **shall** be protected and/or trees planted."

- 6. If trees are deemed worthy of retention, then reword as the City **“shall request”** and **“shall impose”** rather than **“may”**.
- 7. ‘Penalties’ for removal of tagged trees should be outlined somewhere in this draft and should be strictly applied by the City. As noted above, financial penalties are often ineffective and a better option is to require remediation to the original tree/vegetation condition and permanent protection thereafter.
- 8. In case of a relocation, the City **“shall request a report”**. The use of “may” in this instance, is inappropriate.
- 9. Once again, the City **“shall request”**, rather than “may request”.
- 10. This is a welcome initiative. NRPG has long advocated recognising environmental values first, then structuring development proposals around those values. Employed at the District Structure Plan level, this goes some way to addressing environmental failings of a development proposal.
- 11. Add “...including trees worthy of retention, **and to avoid crossing linkages of wildlife corridors.**”

Section 9. Tree Planting Requirements. Table 2.

“Light industry, General Industry, Industrial Development, Service Station.”

Given that such developments are mainly in the foothills/coastal plain areas of the City, a meagre 10% tree canopy cover is far too low, being ineffective. These are the areas of the City under greatest pressure for infill residential developments. Ignoring the ability of such industrial activities to raise the ambient temperatures of nearby existing, or proposed residential developments, is unwise. Massive heat-islands already exist in such areas. Far more canopy cover is required for industrial developments, if consequences of the changing climate are to be countered.

4. Plantings should be audited periodically (possibly annually) indefinitely to ensure that trees/vegetation are surviving and not dying or being removed in the short and long-term.

Section 10. Street Trees.

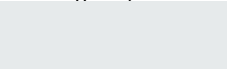
1. This is the type of direct statement NRPG would like to see more of in future policies. Despite the qualifying *“wherever possible”*, it is unequivocal in nature. Protection of street trees during infrastructure projects should be carefully monitored. Utilities and contractors employed by the City should be comprehensively briefed prior to any work commencing.

Section 11. Unauthorised Clearing of Trees Worthy of Retention.

1. It is essential that when unauthorised clearing has taken place, contravening LPS 3, action is taken to impose the appropriate penalty. Using the term *“...action may be taken...”* is inappropriate and should be replaced by **“action will/shall be taken...”**. Leaving the draft unchanged weakens the intent of this policy. As mentioned above, the term ‘penalty’ should refer to remediation of the damage rather than simply a financial penalty.

In summary, the NRPG supports this progressive policy draft and reiterates the importance of introducing the need for protection of native understorey vegetation to be either integrated, or the subject of a separate policy.

Kind regards,



Submission 10: Community member

Ref [REDACTED]
From [REDACTED]
Date Fri Dec 03 04:21:20 PM AWST 2021
Subject Tree retention

I live in [REDACTED] Kalamunda.

Recent redevelopment of housing blocks has resulted in the removal of every mature tree, mostly Marri.

I have read the new policy which apparently requires mature trees to be retained but there seem to be numerous escape clauses.

It would be more effective for the public to be able to understand the policy if it could be reduced to a readable document with very clear reasons allowing removal of trees.

I am not satisfied that retention of mature trees is possible when quarter and half acre blocks are redeveloped to smaller size blocks.

It seems obvious that developers will do anything to make full use of the space.

Thank you for the opportunity to comment on the policy.

[REDACTED]

[End]

Submission 11: Community member

Ref [REDACTED]
From [REDACTED]
Date Thu Dec 02 11:50:30 AM AWST 2021
Subject Tree preservation

Hi,

Is it possible to get a list of all trees protected by Tree Preservation Orders, heritage listings or other regulations within the Shire of Kalamunda. Also any tree policies that the shire has to require permission prior to tree pruning or removal. As an ethical arborist, I want to comply with all tree preservation initiatives.

Thanks in advance.

Kind regards

[REDACTED]

[REDACTED]

[End]

Submissions 12 A & B: Community member

Two emails submissions sent with the same attached document - One to Councillors and one to the City Enquiries email address.

Ref [redacted]
From: [redacted]
Sent: Tuesday, 30 November 2021 9:45 PM

Ref [redacted]
Subject: City of Kalamunda Draft Policy on Tree Retention
Date Mon Dec 20 12:48:48 PM AWST 2021
Subject Submission Draft Kalamunda Local Planning Policy 33- Tree Retention

Please find attached herewith a Submission Ref. Draft Local Kalamunda Local Planning Policy 33- Tree Retention Submission – Kalamunda Draft Local Planning Policy 33-Tree Retention.

The general intentions of this Draft policy are strongly supported, but the heroic attempt at legal enforcement is exceptionally complex and likely to be extremely costly for this Local Authority to both administer and defend at Law.

This Submission, intended for discussion, is therefore offered to City Staff and Councillors as an alternative approach, that may in the long term prove less costly, but more effective in achieving the intended results.

The complexity and anticipated high cost is a result of definitions being weakened by an impression of excessive subjectivity in both wording and intended actions.

For instance, copious repetition of the words 'Worthy of retention' is defined in the FAQs in predominantly dimensional, and locational terms. -

Whereas for instance a determined building development proponent could argue that the form, dimensions and general utility of a building intended to be placed on a site are more important than an existing eucalyptus tree that has characteristically long narrow leaves or a Jacaranda tree that does not produce much shade.

Although the cooling effect of shade may appear to be self-evident; it is not simply quantifiable, since Trees and associated vegetation vary, not only by species, but also by the pre-existing local microclimate and sub-surface hydrology of their location over an unspecifiable time-span.

.....

An alternative to attempting enforcement by legal means would be to 'educate and persuade' based on known climate change. Explaining and comparing the effect of historical practices locally with widely anticipated change in future.

The introductory paragraphs could usefully be more persuasive. - Rather than inviting criticism of past practices by stating "The City has experienced decline in tree canopy" for instance. -

"The region of Kalamunda has traditionally been highly valued for its intense biodiverse tree and bushland cover on a distinctive hills Escarpment. However, intense competition for living in this attractive environment has led to over-development and an excessive decline in tree shade canopy, that is not now sustainable in an era of pronounced climatic warming and reduced rainfall.

The City is determined that this decline should be halted and is now intent upon reversing this decline by a suite of actions that switch priority from giving free rein to new urbanising development, to priority for ground surface cooling by increasing vegetative and shade tree cover.

This change in priority will also halt the decline in sustainability of its unique native wildlife, that can also have a beneficial effect on tourism and the local economy."

.....



If the City is prepared to consider modifying the presentation to be more 'educational and persuasive' as suggested above, that could usefully include seeking much more proactive collaboration of State Government Departments and Agencies. In modifying the massive swathes of vegetation destruction and intense heat-island creation in the Foothills region of City of Kalamunda, wrought by for instance the Tonkin and Roe Highways and the massive areas of Industrial development associated with them and with Perth Airport.

While this draft Policy is specifically directed to "any person proposing removal of any tree worthy of retention." This Community are surely entitled to expect that Policy if supported to pass into Law by WAPC, to be universally applied throughout with no exceptions within the boundaries of City of Kalamunda, including all parks and sports-grounds under the direct supervision of the Local Authority.

.....

Although given some passing mention in this Draft, trees are of course multi-functional in conserving natural biodiversity in the face of known human-induced climate change (now formally acknowledged by this Local Authority).

In association with bushland shrub species, they support a wide variety of native animal, bird and plant life; providing nesting and roosting shelter, food from seeds and fruit, also connected flight paths for small birds that have a vital role in cross-pollination of lower-level plant life. Trees should therefore not be considered for retention only individually but as climax species, in combination with other vegetation.

.....

In developing this Draft Tree Retention Policy for City of Kalamunda based on legislation developed by City of Melbourne, it must be noted that the climatic conditions and range of local microclimatic conditions there, are more widely variable and in general very different to that of the Perth and Peel Region. – Typically, that region has a much higher diurnal temperature range, higher average summer rainfall and much less predictable off shore/ onshore air movement. Detailed comparative research into relative applicability is therefore suggested.

.....

Other suggestions.

a). This policy may be more likely to be taken seriously in the case of new development proposals that involve a transfer of property title, by insisting on the inclusion of a carefully worded 'caveat' indicating that any existing trees on that property are legally subject to protection at the buyer's expense.

(For instance, the City of Mandurah in all cases of property transfer requires all buyers to read and sign a memorandum of understanding that the locality is subject to serious health infection by prevalence of salt- marsh mosquitoes')

b) Furthermore, since there is no certainty that the Local Authority would become aware of any likely future change of ownership, trees could easily be removed without notice. It is therefore suggested that the City deliberately embark upon a regular and comprehensive programme of City-wide low level ariel photography capable of mapping all Tree locations.

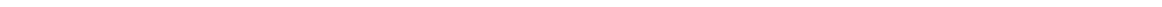
.....

From. [Redacted]

[Redacted]

(17th December 2021)

[End]



Submission 13: Community member

Ref [REDACTED]
 From [REDACTED]
 Date Wed Nov 24 01:36:08 PM AWST 2021
 Subject Draft LPP 33 Tree Retention Submission

Hello

Please find attached our submission to the draft LPP 33 Tree Retention.

Kind regards

[REDACTED]
 [REDACTED]

Submission

Proposed Tree retention policy

In considering the Officer recommendation in relation to the proposed Tree Retention policy it must be kept in mind that no local Planning Policy, no matter how worthy or laudable its aims and/or content is binding on the City or on developers. Unless the provisions of the policy form part of the Local Planning Scheme Text, then whatever is written in the policy may warm the heart ...but it is of absolutely no legal or binding consequence.

The wording of the City's current Local Planning Scheme (at Clause 5.18) merely recognises that the destruction of native vegetation must comply with the Environmental Protection Act which, of course, is the case because it is part of environmental law in this state.

However, as Councillors are aware, the Act only requires permission to clear native vegetation on rural zoned land . So the City's current- but very out of date- Local Planning Scheme offers no protection whatsoever for trees on land zoned for urban use and neither, will this proposed policy if it is not incorporated into the Scheme Text .

Much of the wording of this policy is concerned with creating the illusion that somehow developers of urban zoned land have to give ' due regard' to this policy and that somehow Council can enforce or make a developer comply with this policy. This is quite incorrect. As stated in the Scheme itself, if a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails...and the City's scheme only protects vegetation on rural zoned lands.

A council can certainly reject a Development Application(D/A) that in its opinion does not give due regard to this policy. However, the developer can then appeal and the only lawful consideration that will be given by the appeal decision-maker is whether the D/A complies with the provisions of the Local Planning Scheme. In most cases of course, the answer would be yes and the development will then be given the go ahead despite any prior -but hollow- 'sabre rattling' on the part of the City

Councillors must take on board that developers cannot be held accountable for any commitments they may give in relation to tree and vegetation protection, unless these protection provisions are incorporated in the Local Planning Scheme itself...

So while the provisions of this laudable policy may have the appearance of protecting what little is left of the City's diminishing tree canopy, unless its provisions are incorporated into the text of the Local Planning Scheme, then the policy is not worth the paper it is written on and, more importantly, it is misleading to the community to imply otherwise.

While we realise that the draft policy has been forwarded for public it would make far more administrative sense for Councillors to direct officers to amend the wording of the Scheme itself to incorporate and integrate the provisions of the draft policy into the text of the Scheme which is currently being reviewed . A review of a Local Planning Scheme requires community consultation, so this would be the best time for consultation to occur in a coherent & contextual manner.



In our view, if Councillors choose not to take any steps to incorporate the detail and intent of this policy into the Local Planning Scheme you will be simply adding to the list of the many local policies and strategies that City staff, Councillors and developers alike can just choose to ignore when it suits.

Most reasonable persons would be of the view that knowingly developing policies that have 'no teeth' is an exercise in futility and utterly wasteful of officer and community time and resources.

Yours sincerely

[Redacted signature]

[End]

Submission 14: Community member

Ref [Redacted]

From [Redacted]

Date Thu Nov 11 09:43:55 AM AWST 2021

Subject Draft Local Planning Policy 33-Tree Retention

To Whom It May Concern.

I have read the associated document and wish to make the following observations:

In Table 2 under 'Minimum tree planting requirements', the grammar is odd and doesn't seem to make sense.

I have an ongoing interest in a particular marri tree on the verge outside 21 Brooks Street, Kalamunda, a rental property I own. While it doesn't quite fit the criterion under 6. Exemptions 1 d 'Constitutes an immediate danger to life or property', I do worry about it, because it is a big tree, frequently drops branches and presents a potential danger to the house, occupants and vehicles. I was reflecting on that possibility just yesterday when I walked past. I have been in correspondence with Kalamunda City over a number of years regarding this situation.

We reside in a bigger block fronting both Boonooloo Road and Tom Millar Close. Here there are also big marris, but there is a lot more room for them. With the Brooks Street scenario, the tree might be considered an asset, but I feel it is not appropriate in that location, with residential dwellings very close.

With R ratings in Kalamunda now allowing closer developments, it is obviously difficult to retain existing native vegetation. Two or so years ago an investor proposed a 10 dwelling development on the vacant block at the end of Gunbar Way, adjacent to our property. An extensive vegetation survey was undertaken, which to me seemed unnecessary, since if the proposal was agreed to, all the trees would go! Nearby residents protested and the development appears to be on hold.

Thank you.

[Redacted signature]

[End]

Submission 15: Community member

Ref [redacted]
From [redacted]
Date Fri Oct 01 08:26:47 AM AWST 2021
Subject Retention Policy for Trees on Private Property

Hello,

Once again on Kalamunda and surrounds Facebook group, we have tree loppers proudly displaying mature native trees being cut down. This time, a very mature and large Marri tree in Lesmurdie.



Hills mini digger hire/Stump grinding service 23 September at 16:45 - 📎

No more honkey nut. Lesmurdie

The fact that the 'home in the forest' allows residents to remove mature native trees without any application to the City is terrible. We are losing tree canopy cover at a rate faster than any locality in the country. People moving to the hills, not used to trees, cannot be allowed to do what is shown above and remove healthy and mature Jarrah and Marri. By the post, it seems the residents just didn't like honkey nuts, what a joke!

These trees are essential for Black Cockatoos and provide other habitat, and public amenity. Even if it is just the Marri and Jarrah protected it would be a start, but what is occurring in the suburbs of the city is disgraceful and cannot continue. Please investigate a tree retention policy for trees on private property.

Regards,

[redacted]

[End]

Submission 16: Community member

Ref [REDACTED]
From [REDACTED]
Date Fri Dec 10 09:17:51 AM AWST 2021
Subject Tree retention "draft" policy feedback [REDACTED]

Hi

Main roads Dept did get back to me Re my previous concerns, however, they failed to acknowledge we have more wind & noise since trees were removed. I have decibel reads to prove noise has increased.

I will be collating my neighbour's feedback as further supporting evidence that the removal of trees has had a negative impact for our comfort on our properties.

Whilst this issue was caused by Main Roads

Dept, we are disappointed City of Kalamunda allowed the excessive removal of trees.

Pleasingly, your draft policy is now taking ownership to ensure there is a balance in retention of trees v development overkill.

Let's keep the balance in Kalamunda City

[REDACTED], loyal resident since 1982

[End]

Submission 17: Community member

Ref [REDACTED]
 From [REDACTED]
 Date Mon Dec 20 03:09:00 PM AWST 2021

[REDACTED]
 KALAMUNDA WA 6076
 20 December 2021

Development Services City of Kalamunda
 2 Railway Road
 KALAMUNDA WA 6076

Dear Sir

DRAFT LOCAL PLANNING POLICY 33 – TREE RETENTION

The City's request for submissions on the above subject matter refers. In the introduction to the draft policy, it states that the:

"City has experienced a general decline in tree canopy and is therefore developing strategies and policies aimed at reducing the loss of trees and associated negative impacts."

The introduction then states that the purpose of the proposed policy is to, inter alia:

- consider the need for the removal of trees;
- minimise the removal of trees; and
- to increase canopy cover.

While the foregoing are worthy ideals, the proposed policy fails to address the fundamental cause of the loss of trees. That is, the past and continuing amendments to the City's Local Planning Scheme No. 3, rezoning land uses that then permit development resulting in the consequent loss of vegetation including trees and associated canopy.

Examples of past rezoning include, but are not limited to:

- Forrestfield / High Wycombe Industrial Area DA1;
- Milner Road, High Wycombe, DA2;
- High Wycombe South Residential Precinct;
- Hales Estate Residential development;
- Conti Estate Residential development.

An example of a proposed rezoning that will lead to re-development and the loss of existing trees is in the locality of Wattle Grove, south of Welshpool Road.

Section 4, Objectives, states that the policy objective is to:

"encourage and facilitate the protection and growth of trees worthy of retention to maintain and enhance canopy cover on land subject to strategic planning, subdivision, and development by:

- a) Encouraging holistic design and development that facilitates the protection and growth of trees worthy of retention;
- b) Balancing the protection of trees worthy of retention and desired built form and land use outcomes at the

earliest possible stage in the planning process;

- c) Maintaining and, where appropriate, increasing canopy cover to assist with mitigation of the urban heat island effect, reducing air pollution and facilitating carbon sequestration, improving groundwater quality and contributing to habitat for wildlife (including ecological corridors) and native biodiversity;
- d) Maintaining and enhancing neighbourhood amenity, character and sense of place through the provision of tree canopy cover."

The above quoted extract purports to facilitate the growth and retention of canopy cover, and by extension, trees. This however overlooks the pragmatic reality that the rezoning of land uses that permit higher density residential and industrial developments are not complimentary to the stated objectives.

Furthermore, the definition of a tree worthy of retention is limited to dimensional aspects of a tree. The proposed policy fails to address other trees that may not satisfy the proposed definition but are worthy of retention. For example, the *Nuytsia floribunda* (WA Christmas tree), which is found in remnant *Banksia* bushland, has suffered a drastic drop in numbers due to the clearing and development of its habitat. The proposed policy with its dimensional emphasis does not recognise the need to preserve native plant species.

Whilst section 8 is more specific as to the requirements of the proposed policy it is subject to numerous indefinite qualifications. Additionally, subdivisions are subject to approval by the WAPC which further conditions the effectiveness of the proposed policy.

By the very nature of the re-development that occurs when land is rezoned, it will be extremely unlikely that a negative net shortfall in canopy cover will not occur.

The draft policy also proposes to vary the deemed-to-comply provisions of the Residential Design Codes (R-Codes). However, the proposed amendments place an impost on existing and future residential landowners should they wish to undertake a development of their land yet fails to address the past planning failures that have led to the current situation.


No rationale has been provided as to how the proposed amendments have been developed. In the absence of anything to the contrary the proposed amendments have the hallmarks of being arbitrary. Likewise, no explanation is provided as to how the proposed amendments are consistent with the objectives and design principles of the R-Codes.

Apart from the broad contention about the loss of canopy, which it is submitted is a consequence of past poor planning practices by the City, the draft policy contains no specificity identifying why the R- Codes deemed-to-comply provisions warrant amendment.

This is then exacerbated by the minimum tree planting requirements set out in Table 2. No justification is provided for the stipulated requirements in Table 2.

In Residential et al and Rural et al zones the requirement for a minimum of two additional trees in addition to the tree planting requirements proposed in Table 1.1 is, in the absence of any evidence to the contrary, arbitrary. Should the landowner have insufficient suitable locations on site for these excess planting requirements then the landowner will be subject to an impost of \$600.00 per tree to be paid to the City.

Appendix 2 states that this valuation is consistent with the method utilised by the City of Melbourne. Firstly, the City of Melbourne policy is directed to trees owned and managed by that authority. The mischief that the City of Melbourne policy is intended to address is different to the stated intent of the City's draft policy. The City of Melbourne policy does not have application to privately owned or managed trees. Secondly, the tree valuation calculation, within the four sub-headings, require consideration of numerous factors which allocate varying weightings to the said factors. In addition, the i-Tree algorithms underlying the City of Melbourne valuation are Victorian specific and hence are not applicable to Western Australia, far less the City. Whilst the City states that its calculation is consistent with this valuation calculation, apart from the broad contention, the draft policy contains no details as to the factors and weightings applied.



Given the foregoing, there is a lack of transparency which, in the absence of any evidence to the contrary, has the hallmark of the proposed valuation of \$600.00 per tree being arbitrary.

In setting the draft policy no recognition has been made of site topography and the relationship between the topography and the practicalities of tree placement notwithstanding that the City is in the area known as the 'Perth Hills'. That is, the terrain of a property may cause a tension between the siting of the proposed development and the retention of trees. This also extends to available areas in which to sow replacement plantings.

The example in Figure 1 of Appendix 1 is suggestive of a relatively flat site however a significant number of properties within the City do not fall within the ambit of being a 'flat site'. The draft policy is taking a "one size fits all" approach that is not reflective of the varying landforms that exist within the City.

Table 1 also designates a minimum percentage canopy cover for various planning scheme zones. For example, in the Centre and District Centre planning zones a minimum 20% canopy cover is required. LPS No. 3 permits developments in the Kalamunda District Centre to have zero metre setbacks with 100% site coverage. Under the draft policy the landowner is required to have a tree planting requirement to achieve a minimum 20% canopy cover notwithstanding that LPS No. 3 permits full site coverage. While a development may fully accord with LPS No. 3, the draft policy places a further requirement in excess of the LPS. The draft policy and LPS No. 3 are not compatible.

The draft policy then attempts to overcome this shortcoming by imposing on the landowner an impost by requiring the landowner to pay to the City, at a cost of \$600.00 per tree, to set-off the equivalent of the minimum percentage canopy cover.

While the area of canopy cover can be calculated there is no calculation, deemed or otherwise, to determine how many trees will be required to achieve the minimum canopy cover. Not only is this subjective and likely to lead to disputation, it also penalises the landowner who, in this example, under LPS No. 3 is permitted to undertake a development with 100% site coverage.

The draft policy minimum tree planting requirements and off-set requirements are arbitrary and capricious, penalising existing and future landowners who wish, within the existing LPS No. 3 zoning, to undertake permitted development of their land.

When the draft policy is considered as a whole and in context, recognising the language used, which in many instances is non-specific and subject to interpretation, it does not aid or assist good planning outcomes.

Furthermore, the draft policy fails to adequately address the fundamental cause of the loss of trees and canopy, namely the past and continuing re-zoning of existing permitted land uses to uses that are not conducive to the retention of trees.

Consequently, the draft policy is not supported and submit that the policy not be adopted by the City.

Yours faithfully,



[End]

Submission 18: Community member

Ref [REDACTED]
 From [REDACTED]
 Date Mon Dec 20 02:13:19 PM AWST 2021
 Subject Submission: Tree Retention Policy 33

Dear Sir/Madam/Person,

Please find the attached submission relating to the City of Kalamunda Local Planning Policy 33.

Regards,

[REDACTED]

Submission

Local Planning Policy 33 – Tree Retention.

1. Though this policy may have a noble intension, it is subjecting landowners and developers to extremely onerous requirements as a result of the failure of others.
2. State government policy is to infill established suburbs and increase density in new sub-divisions. The State Government has dictated a target of increases to the number of new dwellings in each local government area in line with its Towards Perth and Peel @ 3.5 and Directions 2031 policies.
3. The City of Kalamunda continues to aim to comply with these targets by initiating Scheme Amendments such as The Hales, High Wycombe South, Forrestfield / High Wycombe Industrial Area, progressing the Wattle Grove Urban Investigation area, and dual zoning to allow higher densities in the established areas of Forrestfield and High Wycombe.
4. Blind Freddie can see that this infill and new development must lead to a reduction of tree numbers and canopy. Nasty developers and land owners are not to blame for merely implementing Government and City policy while complying with the current regulations.
5. It should be noted that a government department, Main Roads WA, have recently cleared thousands of mature trees within projects such as the Gateway project, Berkshire Rd interchange, Roe Hwy widening at Welshpool Rd and Kalamunda Rd interchange, all within or close to the City of Kalamunda.
 Not one single, mature tree has been planted within the massive areas of road reserve at the completion of these projects. Planting consists only of low scrub and some ground cover.
 This massive loss of mature trees and associated canopy, now somehow, becomes a problem to be rectified by landowners in the adjoining suburbs having to replace any mature trees on their property with two more to increase the tree canopy.
6. This Tree Retention Policy is largely impractical. A snapshot of The Hales estate shows many properties of 375m². Overhead photos show most houses having a 2m front setback and 2 to 4m rear setback. This leaves no room on the private land for any trees. The verges are only 3 and 4m wide and one side of streets have a 2m wide footpath. Again, no space for a 4m diameter tree.
 As a 375m² property will, according to this policy, require the planting of 2 trees, they will have to be planted in the public open space.
 For every 100 properties, 200 trees with a 4m wide canopy, equates to 2,500m².

Minimum public open space requirements for these 100 properties are 5,625m² (15% of the area). Aerial photos show that areas set aside for public open space were specifically chosen as they already had a high density of large trees. There simply is not room for adding a further 200 trees.

There would be no space for grassed playing areas. Grass will not grow under dense tree canopy.

7. The Draft does not indicate where, or how, the City plans in any practical manner to spend the cash-in-lieu funds. As seen by the example above, before this Policy is implemented there must be an appreciation of the number of trees that may be involved and the amount of land that is actually required.
8. Governments have heavily subsidised and encouraged solar equipment mounted on roof tops. These smaller blocks have houses jam packed together. There is nothing in this policy to suggest how disputes between neighbours about overshadowing of solar equipment will be resolved.
9. Will the City carry the liability for damage caused to a neighbour's house by tree roots encroaching onto an adjoining property, or of branches falling onto roofs? Branches don't just fall directly under the tree in the extreme winds of the foothills.

It is impossible to accurately predict the development of roots and canopy in a confined area.

10. It is a very simple matter to depict the outline of a house built around a tree. Not so simple is the ability to design a liveable interior to go inside that perimeter, together with compliance of a suitable Building Energy Rating.
11. The draft policy lists an array of policies, acts, regulations and guidelines that it should be read in conjunction with. Because there are so many conflicting interpretations across all these documents combined, it will result in much disagreement through the planning application process. This will add considerable time and complexity, along with significant addition cost to every planning application.
12. By creating this Policy, the City is choosing the simplest solution to the problem of a diminishing tree canopy by merely passing the problem on to someone further down the food chain.

This problem has been created by the planning policies of State and Local Governments' making and should be addressed by them.

It is not a problem brought about exclusively by land owners and developers in the City of Kalamunda. It is a problem that exists across the entire metropolitan area.

As Governments are major land owners, they should first set an example of tree retention and replacement on their own developments and reconsider infill and density regulations to reduce the loss of tree canopy.

There is no quick fix for this problem.

13. The Tree Retention Policy should not proceed as it is an unfair impost on land owners and developers. It has been written with such complexity that it will be totally unachievable.

High Wycombe.

19 December 2021

[End]

Submissions 19 A&B: Community member

Two emails sent:

Ref [REDACTED]
 From [REDACTED]
 Date Thu Dec 09 04:09:18 PM AWST 2021

Subject Wood and Fire

Dear Sirs,

The City of Kalamunda has adopted a Draft Local Planning Policy 33 – Tree Retention and is encouraging public comments. While I strongly agree with this in general, I also consider that increased urban afforestation also increases fire risks, especially on properties where there are limited water supplies and constraints in leaving an area because of restrictions such as when access to driveways is blocked by fallen trees.

Many of the 800+ species of Australian eucalypts are well known for their use as fuel woods – the wood has high calorific value, they burn easily and the leaves have high oil content. This brings about the question I have for you – which species of tree(s) are noted for having poor flammability while being suitable for urban propagation, in this case, in the hills and lower lying areas around Kalamunda. Data on publications which cover this subject would be most welcome.

Kind regards,

[REDACTED]

Ref [REDACTED]
 Date: Fri Dec 10 09:17:50 AM AWST 2021

Subject: A response to local planning Policy 33|Tree Retention.

According to the Australian Academy of Science in Australia and internationally, Eucalyptus species are known for use as a fuel wood.

With more than 800 species eucalyptus dominates the Australian landscape, forming forests, woodland and shrublands in all environments except the most arid deserts. I believe that Kalamunda was once covered in Jarrah (*Eucalyptus marginata*) but reforestation requires planning that takes into account forest fires, the propensity for certain trees to catch and spread fire, the potential to encourage propagation of tree covers

with lower fire risks and the potential to encourage the growth for trees that (unlike jarrah) are less liable to disease. Plus, of course, the capital costs.

The most popular large trees in Kalamunda seem to be eucalyptus which, with the high calorific value of the wood coupled with the tendency to spread fire very rapidly, are a potential danger to homes and similar properties. There are a number of areas which have high fire risks and, where existing as well as proposed enhanced tree propagation would simply increase the fire risks.

No matter how one looks at it, dealing with climate change will not be easy, cheap or agreeable to many. On a global scale the City of Kalamunda has severely limited potential to make a major difference - although if we accept that, failure is all that will be guaranteed.

The questions of increased foliage and afforestation are linked to life-styles that are not easily changed. Even so, it would make sense to encourage people living in forested areas to move closer to the urban sectors of the City and to then look at where substantial afforestation could be developed. This may seem as impossible as the City of Kalamunda making a difference on a global scale but there could be merit in considering the opportunities. Enhanced afforestation may be used as an investment as it is a negative carbon emitter. Given the size of the City and the potential to plan/implement afforestation there may well be opportunities to punch above our weight. Certainly, it seems to be worth looking at.

Kind regards,

[REDACTED]

[End]

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Submission 20: Community member

Ref [redacted]

RE: Draft Local Planning Policy no 33, Tree Retention Policy / public comment submission.

Please refer to the attached letter dated 12 December 2021 regarding the above draft tree retention policy No 33 / public comment phase.

Please confirm by return email that the attached letter has been received.

Regards,

[redacted]
[redacted] Kalamunda 6076
[redacted]
[redacted]

[redacted]
[redacted]
Kalamunda WA 6076
Mobile [redacted]
Email [redacted]

12 December 2021

Hello City of Kalamunda [redacted]

RE: Submission in relation to Draft Local Planning Policy 33 Tree Retention / public comment.

On 9 November 2021, in the immediate vicinity of private land between Kalamunda Primary School, and private properties along Boonooloo Road, Kalamunda, tree felling activities took place under the management of Kalamunda Primary School, for the purpose of providing access to a large semi trailer, which delivered a demountable building onto the school grounds for installation.

The tree felling and tree pruning took place with no notice to immediately affected private landholders, including myself, at [redacted], Kalamunda.

The issues of concern have been raised directly with both Principal [redacted] (Kalamunda Primary School) and Principal [redacted] (Kalamunda Primary Education Support Centre), regarding the removal and damage to the trees during the recent installation of the buildings on the school grounds.


[redacted] noted that the Kalamunda Primary School actively manages to protect and retain trees on the school grounds with consideration to safety and bushfire management obligations. That intent to retain the mature trees and bushland vegetation within the school reserve is supported.

Regarding the removal and damage to trees during the installation of the buildings on the school grounds:

It was unfortunate that as an immediately affected land owner in relation to the tree removal, that we ([redacted], Kalamunda) were not advised prior to those works being undertaken.

I have requested the Kalamunda Primary School to inform us, as neighbours, that in the event of any future similar works, that we should be advised at least one week prior to any such works.

In the specific circumstance of the tree felling and tree pruning on 9 November 2021 at Kalamunda Primary School, the situation was very concerning, as no notice had been provided regarding these works, despite the works occurring immediately adjacent to my property at [redacted]



Truck vehicle access was made via the private property on land owned by the Anglican Diocese Trust (the "accessway") between the primary school and private properties along Boonooloo Road.

On 9 November, I was provided assurance by the Kalamunda Primary School that no-one was going to touch the remaining trees. Barely 1 ½ hours later, trees were then being chain-sawed pruned, and I had not received any update that that work was actually validly authorised.

I contacted the City of Kalamunda (front reception) for advice regarding the role of the City to protect the trees. I received contradictory information, initially claiming that the City had no role to play in relation to the tree clearing at the Kalamunda Primary School. It was also initially uncertain as to who owned the "access-way" land being used by the semi-trailor truck.

The Local Government staff member who gave the "authorisation" for tree pruning, has subsequently been found to have not had jurisdiction regarding the private land (the "accessway", owned by the Anglican Diocese Trust) running between the school and the private properties along Boonooloo Road. As indicated in the advice (attachment 1) by City of Kalamunda Manager of Approvals Services, [REDACTED], the city recognised that the authorisation that was given to the school was in fact not valid.

When Principal [REDACTED] indicated the school had a valid authorisation, this misunderstanding was immediately corrected. It is essential that whatever management action is taken by the school, that it is properly authorised with valid authorisations. The invalid authorisation made by City of Kalamunda is inexcusable and should never have occurred.

I also note the claim made by the Kalamunda Primary Education Support Centre that it was only dead trees that were being removed. That claim was clearly completely wrong and false. Then it was claimed that, not being a tree expert, that Jarna Wright could not tell the difference between a dead and living tree. This is very poor communication and misleading. There should not be false or misleading information provided to me, or anyone else, in relation to these matters. I remain very concerned that this misleading information and conduct took place in relation to the urgent matter of the tree removal.

I had a meeting with City of Kalamunda Manager of Approvals Services, [REDACTED], on 9 November 2021. I also requested a meeting with yourself, CEO, Rhonda Hardy, and I received no further response regarding that meeting request, which still has not happened.

In summary, in relation to tree protection measures and the draft tree policy by City of Kalamunda,

1. It is essential that City of Kalamunda knows whether it does, or does not have, jurisdiction over specific parcels of land in relation to any approvals for the management of vegetation.
2. Any authorisation in relation to vegetation management made by City of Kalamunda staff, under any circumstance, must be valid, and must not step beyond valid authority.
3. The meeting request with yourself, City of Kalamunda CEO Rhonda Hardy stands. Please contact me to arrange that meeting.

Yours sincerely,

[REDACTED]

Kalamunda WA 6076

[End]

Submission 21: Community member

Ref [REDACTED]
[REDACTED] 14.12 letter accompanying survey

City of Kalamunda
PO Box 42, Kalamunda. WA 6926
13 December 2021

City of Kalamunda - LPP 33 - Tree Retention

Dear Sir, Madam,

The City needs to be commended for the LPP 33 Tree retention Policy. It is a policy that is well overdue. Unfortunately the policy is too late for certain locations. Developments such as those along Boonooloo Road/ Brook Street, Kalamunda (and many others) are clear examples of where a tree retention policy such as LPP33 was sadly not in place.

As much as the policy is to be commended, I believe there are a couple of issues that need to be addressed and/ or tightened in the policy document.

I refer to Section 6 - Exemptions, Section 8 - Tree Retention and Section 9 Tree Planting Requirements of the Policy document.

Section 6 - Exemptions

I believe the 'exemptions' should be somewhat 'tightened' as currently there are too many issues that could be exploited by developers and landowners. The issue of a BMP is a case in point with BM P's being used as grounds to undertake a scorched earth policy with respect to the removal of all vegetation.

The statement that an exemption re the City approved effluent disposal system being within the TPZ should not be seen as a mechanism to remove established trees. The City should be applying an effluent disposal policy that sees the traditional and antiquated septic tanks and leach drains systems being phased out in favour of a strict ATU Effluent Management policy being applied. This would then see the retention of trees that under the current exemptions would be unnecessarily removed. Further, Item (g) is somewhat loose in that it states "or is likely to cause, damage ...". The onus should be on the landowner to establish and verify that the tree 'is' causing damage to infrastructure.

Item (k) of Section 6 has the potential to be exploited pending the time frame in which the LPP 33 is to be enacted. Item (k) should be time barred such that exemptions are applicable only to development applications lodged at the time of the LPP 33 DRAFT policy being issued.

Section 8 - Tree Retention

Item 3. The City should be enforcing a position where any landowner/ developer MUST provide a site feature survey undertaken by a licensed surveyor that identifies ALL trees with a diameter of 120mm or more and that the survey identifies location, tree species and canopy diameter. The survey should be undertaken to the entire proposed building location on a site.

This requirement should be established PRIOR to any work on site taking place. This includes prior to any demolition of existing structures, i.e. the site including all existing buildings and existing trees should be surveyed before any work takes place.

The landowner/ developer must then justify why a proposed building planning/ footprint arrangement and site orientation etc cannot be varied to ensure that significant and worthy trees cannot be protected.

Item 4. The inclusion of '... relocation and/ or replacement of trees worthy of retention ...' is a statement that I believe landowners/ developers will exploit and should be changed. It is very easy to take the easy route by not considering building planning layouts, sewerage treatment infrastructure, orientation etc and simply providing a plan that denotes that removed established trees will be addressed via a proposed 'relocation



and/ or replacement tree' strategy. It is a known fact that established native trees do not take well to being 'relocated' and as such the easy route will be to simply provide a 90 l pot size tree in lieu with the landowner / developers hoping that it doesn't survive.

Item 8. This is a follow on to the above item 4. The relocation of an established existing tree worthy of retention should not be an option. As stated above, the majority of existing trees worthy of retention are native species (eg: Jarrah). These trees CANNOT be relocated and as such the landowner/ developer should not be given the avenue of exploiting the LPP 33 by simply stating that they will relocate a tree or 'replace' a tree. The critical issue here is in the preliminary design resolution of a building within its site context. The building should be planned around non-negotiable trees that MUST be retained - unless of course there is absolutely no other planning outcome that can retain the tree.

As stated under Item 3 above, all sites should be surveyed and all planning submissions should show the mechanisms used to plan around significant and retention worthy trees.

Section 9 - Tree planting Requirement

Item 5 is of concern. As much as the statement says 'Where it can be demonstrated ...', the issue here is whether the landowner/ developer is actually 'trying' to retain the trees or simply presenting hurdles to justify an inferior planning outcome with a simple cash contribution of \$600 per tree. This cost to a developer of \$600 per tree is insignificant when viewed against the overall cost of a built development.

As stated, I believe the LPP 33 is a hugely important policy document and the City should be commended for its preparation. Hopefully the feedback process is beneficial and I look forward to the release of the final document.

Should any issued raised above require clarification, please do not hesitate to call and discuss.

Regards,

[Redacted signature]

Kalamunda .

M: [Redacted phone number]


[End]

Submission 22: Local Business

From: [REDACTED]

Date: 19 December 2021

Ordinary Council Meeting - 28 September 2021 Attachments Attachment 10.1.2.1



Local Planning Policy 33 – Tree Retention	
Local Planning Policy	Relevant Delegation Development Services

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1. Introduction and Purpose

Trees are an important element of the City of Kalamunda's (City's) diverse urban and rural environment, providing a variety of social, economic, and environmental benefits to the community. The City has experienced a general decline in tree canopy and is therefore developing strategies and policies aimed at reducing the loss of trees and associated negative impacts.

Subdivision and development can result in the clearing of established trees. The purpose of this Policy is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees of a particular size and maturity. The Policy also seeks, where practical, to increase canopy cover. The objectives of this Policy are consistent with the Design Principles of State Planning Policy 7.3 Residential Design Codes Volume 1 which seek to retain existing trees and/ or provide new trees to maintain and enhance the tree canopy and local sense of place.

The benefits of trees include, but are not limited to, reducing the impact of heatwaves, providing biodiversity and habitat, air purification, community sustainability, public health, mental health, and providing for neighbourhood amenity. Good design should recognise the importance and value of retaining and enhancing trees as an integral part of the design and subsequent subdivision and development process. This Policy recognises that there should be an appropriate balance between the need to facilitate development and retain established trees worthy of retention.

The application of this Policy will assist with achieving the goals of the Draft Urban Forest Strategy.

2. Application of Policy

This Policy applies to all strategic planning, subdivision and development proposals, including associated impacts on verges (street trees). **This Policy also applies to any works impacting trees worthy of retention where no other development, subdivision or change of use is proposed.**

This Policy does not apply to development assessed under State Planning Policy 7.3 – R-Codes Volume 2 – Apartments.

Table 1 of this Policy provides alternate provisions for SPP 7.3 Volume 1 - R-Codes Design Element 5.3.2 Landscaping.

Exemptions to the application of this Policy are detailed in Section 6.

3. Statutory Authority / Legal Status

- This Policy is prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 and does not remove the exemptions for development approval under Clause 61 subject to sufficient

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Page 2: highlighted text



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information being provided at the subdivision, development approval, and building permit stage.

2. Removal of a tree worthy of retention constitutes works under the *Planning and Development Act 2005* and due regard should be given to the provisions of this Policy when considering strategic planning, subdivision and development proposals.
3. This Policy supplements, and should be read in conjunction with, the Local Planning Scheme No. 3 (LPS3), particularly:
 - a) Part 1.6 - Aims of the Scheme, particularly:
 - (b) To secure the amenity, health and convenience of the Scheme area and the residents thereof; and
 - (d) To preserve and enhance the natural environment whilst managing further development.
 - b) Part 4.2 - Objectives of the Zones.
 - c) Part 5 - General Development Requirements
 - d) Part 5.18 - Tree & Vegetation Preservation.
4. The following Commonwealth and State Government Legislation, Regulations, policies, and guidelines are also a relevant consideration and should be read, where relevant, in conjunction with this Policy.
 - 1) *Environment Protection and Biodiversity Conservation Act 1999*
 - 2) *Environmental Protection Act 1986*
 - 3) *Environmental Protection (clearing of native vegetation) Regulations 2004*
 - 4) *Biodiversity Conservation Act 2016*
 - 5) State Planning Policy 3.7 - Planning in Bushfire Prone Areas
 - 6) State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes)
 - 7) Development Control Policy 2.2 - Residential Subdivision
 - 8) Local Government Guidelines for Subdivisional Development (in particular, Part 8.3.1.3 Clearing).
5. In relation to Street trees, this Policy should be read in conjunction with the City's policy, Service 8: Street Tree and Streetscape Management.

4. Objectives

1. The objectives of this Policy are to encourage and facilitate the protection and growth of trees worthy of retention to maintain and enhance canopy cover on land subject to strategic planning, subdivision, and development by:
 - a) Encouraging holistic design and development that facilitates the protection and growth of trees worthy of retention;
 - b) Balancing the protection of trees worthy of retention and desired built form and land use outcomes at the earliest possible stage in the planning process;
 - c) Maintaining and, where appropriate, increasing canopy cover to assist with mitigation of the urban heat island effect, reducing air pollution and facilitating

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Local Planning Policy 33 - Tree Retention (LPP 33)

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Page 3: Thats a lot of reading!

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carbon sequestration, improving groundwater quality and contributing to habitat for wildlife (including ecological corridors) and native biodiversity;

- d) Maintaining and enhancing neighbourhood amenity, character and sense of place through the provision of tree canopy cover.

Policy Statement

5. Definition of a Tree Worthy of Retention

1. Trees which meet the following criteria are defined under this Policy as a tree worthy of retention:

- a) Healthy specimens with ongoing viability if not disturbed; **and**
- b) Species is not included on a Commonwealth, State or local weed register¹; **and**
 - i. Height of at least 4m; and/or
 - ii. Trunk diameter of at least 160mm, measured 1m from the ground, and/or
 - iii. have an average canopy diameter of at least 4m.

6. Exemptions

1. Clearing of one or more trees that meet the definition of a tree worthy of retention, is exempt from development approval if the City is satisfied that:
 - a) The removal of a tree is to satisfy the deemed-to-comply requirements under design element 5.3.2 Landscaping (refer Section 7 in this Policy), after a building permit has been granted for the relevant works;
 - b) Is required to be removed to adhere to an approved Bushfire Management Statement or Plan²; or in accordance with a City Firebreak and Fuel Load Notice;
 - c) The tree is included on a Commonwealth, State, or local weed register¹;
 - d) Constitutes an immediate danger to life or property;
 - e) Is causing structural damage to a dwelling, external fixture, or incidental development;
 - f) The Tree Protection Zone is within the area required to install a City approved effluent disposal system;
 - g) The Tree Protection Zone is within 0.5m of existing piped infrastructure such as a sewer, water main, or stormwater drainage pipe, or 2m of an effluent disposal system and where the tree has caused, or is likely to cause, damage or blockage to that system;

² Note that this Policy includes measures for Asset Protection Zones that must be complied with (refer Section 8).

³ Such as weeds of national significance or Declared Pests listed under the *Biosecurity and Agriculture Management Act 2007*; or a weed listed on the Swan Weeds Database.

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h) Is within the required clearance distance from a power line or other power infrastructure as specified in Western Power guidelines or requirements and tree pruning and management is deemed by the City not reasonably practicable;

i) Is a palm tree or fruit tree;

j) Is part of an approved orchard, vineyard, or timber plantation;

k) Is identified for removal as part of a subdivision or development approval, or building permit granted prior to the adoption of this Policy.

7. Provisions Varying the R-Codes


1. The provisions contained in Table 1 of this Policy are alternative design principles and deemed-to-comply requirements for SPP 7.3 Volume 1 - R-Codes design element 5.3.2 Landscaping. This Policy should be read in conjunction with the R-Codes, including the relevant definitions.

Table 1. R-Codes Design element 5.3.2 Landscaping

Design Principles	Deemed-to-comply
Development demonstrates compliance with the following design principles	Development satisfies the following deemed-to-comply requirements
<p>5.3.2 Landscaping</p> <p>P2 Landscaping of open spaces that:</p> <ul style="list-style-type: none"> Contribute to the appearance and amenity of the development for the residents; Contribute to the streetscape; Enhance security and safety for residents; Contribute to positive local microclimates, including provision of shade and solar access as appropriate; and Retains existing trees and/or provides new trees to maintain and enhance the tree canopy and local sense of place. 	<p>C2.1 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:</p> <ul style="list-style-type: none"> The street setback area developed without car parking, except for visitors' bays; Pedestrian access providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking spaces; One tree to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number; Lighting to pathways, and communal open space and car parking areas; Bin storage areas conveniently located and screened from view; Trees which are greater than 3m in height shall be retained, in communal open space which is provided for the development; Adequate sight lines for pedestrians and vehicles;

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	<ul style="list-style-type: none"> viii. Clear line of sight between areas designated as communal open space and at least two habitable room windows; and ix. Clothes drying areas which are secure and screened from view.
	<p>C2.2 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following:</p> <ul style="list-style-type: none"> Grouped and multiple dwelling development being designed to enable trees worthy of retention being protected in street setback areas, outdoor living areas, open space areas, communal open spaces, and uncovered car parking areas; Trees worthy of retention being retained and protected where any part of a tree protection zone is located greater than 2 metres from any exempt works*; The minimum number of trees and associated planting areas in Table 1.1 below; The minimum number of trees may include retained trees worthy of retention that existed prior to the commencement of development; and Landscaping of the street setback area, with not more than 50 per cent of this area to consist of impervious surfaces. <p>* Note: Exempt works are works that do not require development approval under C161 of the Planning and Development (Local Planning Schemes) Regulations 2015. See appendix 3 for list of exempt works.</p>
<p>5.3.4 Design of car parking spaces</p>	<p>C4.1 Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).</p> <p>C4.2 Visitor car parking spaces:</p> <ul style="list-style-type: none"> marked and clearly signposted as dedicated for visitor use only, and located close to, or visible from, the point of entry to the

Local Planning Policy 33 - Tree Retention (LPP 33) 6 | Page

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	<ul style="list-style-type: none"> development and outside any security barrier; and provide an accessible path of travel for people with disabilities. <p>C4.3 Car parking areas provided with one shade tree between each four external car parking spaces.</p>
--	--

***Bold italic text indicates varied provisions to the existing R-Codes**

Table 1.1 - Tree requirements

Dwelling type	Minimum tree requirement	Minimum planting area requirement
Single houses and grouped dwellings	1 tree per 350m ² of lot area, or where the site area per dwelling is less than 350m ² , 1 tree per dwelling.	2m x 2m
Multiple dwellings (trees per site)	Less than 700m ²	2 trees
	700m ² - 1,000m ²	3 trees
	Greater than 1,000m ²	4 trees

***Bold italic text indicates varied provisions to the existing R-Codes**

8. Tree Retention

General requirements

- Where there is no relevant development, works or change of land use proposed, trees worthy of retention **should** be retained and protected.
- Trees worthy of retention **should** be retained and protected onsite in accordance with AS4970-2009, including establishment of a Tree Protection Zone (TPZ) unless approved to be removed as part of an approved landscaping plan or exempt under the provisions of this Policy.
- An application for subdivision, development, or a building permit **shall** include information detailing existing trees worthy of retention proposed to be retained and removed. This should include a site survey of existing trees worthy of retention impacted by development and subdivision works, and plans detailing works necessary to enable the subdivision and development of land.
- An application for subdivision, development or a building permit shall include a plan showing proposed clearing areas, as well as areas of retention, relocation, and/or replacement of trees worthy of retention (refer Appendix 1 - Plan example) to

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Page 5 & 6: No comments

Page 7:

- Highlighted text
- "Should" is not binding and provides scope for tree removal.
- Highlighted text
- Highlighted text
- If there is no development, then why should AS4970-2009 be stated?
- Highlighted text
- Might be best to stipulate that a competent Consulting Arborist with Diploma in Arboriculture be engaged to provide Preliminary Arb report and Arb Impact statement to comply with AS4970-2009.

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demonstrate that the objectives and requirements of this Policy have been addressed. An application should include supporting information to demonstrate:

- The siting and design of development has, **where possible, avoided impacts on trees worthy of retention onsite** (including consideration of the location and scale of the proposed road network, open space, and drainage design), on the verge and on neighbouring lots;
- The identification of management measures to protect trees worthy of retention during development and subdivision works, including but not limited to the identification of Tree Protection Zones;
- The identification of measures to improve tree canopy or to offset reduction of tree canopy from pre-development site conditions;
- Tree planting requirements (refer Section 9) under the provisions of this Policy have been addressed; and
- The provision of adequate deep soil areas of sufficient volume to sustain healthy plant and tree growth.

- Where an Asset Protection Zone is required for bushfire risk management under an approved Bushfire Management Statement or Plan, or under the City Firebreak and Fuel Load Notice, trees worthy of retention should be protected and/or trees planted. The Asset Protection Zone should achieve a canopy cover of 15% **maturity** where compliance with Schedule 1 of the Guidelines for Planning in Bushfire Prone Areas can be achieved.
- The City may request development, and/or lot reconfiguration, to facilitate retention of a tree, or trees, worthy of retention and may impose development conditions requiring the protection of trees worthy of retention in accordance with Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
- Any tree, or areas of trees worthy of retention, identified to be retained as part of an approved plan or as a condition of approval shall be clearly tagged (see Appendix 4 – Tree Label) prior to commencement of works and a physical barrier maintained throughout construction to prevent damage to the tree in accordance with AS4970-2009, including trees on neighbouring properties that may be affected by works (see Appendix 1 – Plan example).
- Any proposed relocation of an existing tree worthy of retention to a separate location on the same site may be supported and may replace additional replanting requirements, **where the viability of the tree is not compromised**. The City may request a report, prepared by a suitably qualified Arborist, to support the relocation of a tree worthy of retention.
- Arborist Report - Where there is disagreement or uncertainty regarding the viability of a tree worthy of retention, and the City is unable to verify the viability of retaining

Local Planning Policy 33 – Tree Retention (LPP 33) 8 | Page

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Page 9:


- Highlighted text
- This is usually included in the Arb Impact Assessment so compliance to AS4970-2009 is compulsory. "technical information" is a vague reference to the AS and to promote clarity, the AS should just be stated.
- Highlighted text
- This is included in the Preliminary Arb report which is the first step in compliance with AS4970-2009. This is another vague reference to the AS.

Page 59

Page 8:

- Trees worthy of retention must not be impacted upon. That is the purpose of AS4970-2009
- Highlighted text
- Highlighted text
- What age is maturity defined as?
- Highlighted text
- Highlighted text
- It is recommended to impose a time frame on the viability of the tree as it is pointless if the tree dies a year after transplant.

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a tree, the City may request the preparation of an arborist report, at the cost of the applicant, to substantiate the health of one or more trees worthy of retention;

Strategic Planning Proposals

- Local Planning Scheme (LPS) amendments and Structure Plan proposals shall identify environmental features, including trees worthy of retention and should outline mechanisms and measures to protect environmental features during subsequent stages of the planning framework, in accordance with this policy.
- Where possible, Concept Plans supporting LPS amendment applications and Structure Plans shall position public open space (POS) and configure the public road network to retain key environmental values, including trees worthy of retention.
- Lot levels shall be sympathetic to the retention of established trees worthy of retention, where possible.
- Strategic planning proposals shall be supported by **technical information** which demonstrates that the protection of trees worthy of retention has been prioritised where possible.

Subdivision

- The City will provide the WAPC with recommended conditions and advice notes, in conjunction with a copy of the proposed site plan identifying which trees are recommended to be retained or removed, to be used for reference if a relevant tree retention condition is applied. The City may request that the WAPC not exempt subdivision works (such as fill or retaining) under the subdivision approval to enable consideration of trees worthy of retention and subdivision works at the development or building application stage.
- Where a relevant tree retention subdivision condition has been applied by the WAPC, all applications for subdivision clearance to the City must include **site plan showing the existing trees on-site required to be retained, removed, or planted in accordance with Table 2 of this Policy, as applicable.**

9. Tree Planting Requirements

- The minimum tree planting requirements in Table 2 apply to the various LPS 3 Zones, including strategic planning proposals:

Table 2. Minimum tree planting requirements


LPS 3 Zone	Minimum tree planting requirements

⁴ Environmental Assessments, District and Local Water Management Strategies and Landscaping Strategies

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Residential, Residential Bushland and Urban Development, Private Clubs and Institutions	In addition to the tree planting requirements in Table 1.1 of this Policy, a minimum of two additional trees are required to be planted for every tree worthy of retention removed that is not exempt under the provisions of this Policy.
Special Rural, Rural Composite, Rural Agriculture, Rural Landscape Interest and Rural Conservation	A minimum of two trees shall be planted for every tree worthy of retention removed that is not exempt under the provisions of this Policy.
Light Industry, General Industry, Industrial Development and Service Station	A minimum 10% tree canopy cover.
Centre, District Centre, Mixed Use	Unless otherwise provided in an approved Activity Centre Plan or design guidelines, a minimum of 20% canopy cover.

- A minimum of 1 tree for every 4 uncovered car parking bays shall be provided, noting that trees retained or planted in car parking areas can contribute to achieving the requirements outlined in Table 2.
- Applications in other categories that are not described in Table 2 will be assessed against the criteria considered most applicable to the land use.
- Tree planting on private land should incorporate a minimum 90 litre advanced pot size and is required to be reticulated and maintained by the owner or occupant for a minimum of two summers until established.
- Where it can be demonstrated there are insufficient suitable locations for retention or planting onsite to achieve the requirements of this Policy, the City may consider a \$600 payment per tree worthy of retention (required to be planted), to go to a fund for planting an offset tree either on the immediately adjacent verge or within the locality of the development.

10. Street Trees

- Street Trees - Street Trees are to be retained at all times, wherever possible. A minimum setback of 1m to a crossover/driveway from any street tree on the verge is required, to keep trees in a sound condition and reduce the impact on the root


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Page 10:

1. Highlighted text
2. Highlighted text
3. Tree planting is a futile tick box exercise if there is no time frame imposed to permit trees to establish.
4. 7 years is commonly cited on the east coast for a criteria for ongoing viability.
5. Highlighted text
6. Highlighted text
7. Somewhat contradictory.

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Stem excavation for any new crossover should not exceed more than 150mm below natural ground level to protect the tree roots.

- Street trees worthy of retention should be retained and protected onsite in accordance with AS4970:2009, unless approved to be removed.
- Street tree plantings should be a minimum 90L pot size, at least 2 metres in height, at least 2 years of age, and of a species that is approved by the City.
- Where unavoidable subdivision or development circumstances apply, and the City agrees in writing to the removal of a street tree, the applicant will be responsible for the cost of removal and shall provide an offset payment to the City. The offset payment shall be calculated using the City's adopted tree value methodology. Offset payments for street trees will be used to fund street tree planting within the same locality as the development.
- Street trees required to be removed due to subdivision or development approvals do not initiate the requirements of the City's Police Service 8 - City Tree Management.

11. Unauthorised Clearing of Trees Worthy of Retention

- Where a tree worthy of retention, that does not qualify for an exemption under the LPS 3 and the provisions of this Policy, is removed without a valid development approval, or in breach of an existing development approval, these actions will constitute a contravention of LPS 3 and compliance action may be taken where such a contravention has occurred.

Legislation	
Adopted	
Reviewed	
Next Review Date	

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Page 11:

1. Highlighted text
2. Highlighted text
3. Highlighted text
4. Specify AS for nursery trees as a criteria.

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City of Kalamunda

Appendix 1 - Indicative Tree Retention Plan Example

Figure 1. Tree Protection Zones for retained trees during construction.

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Page 12:

1. Should this be a different colour to the TPZ shading?
2. A double exempt is confusing. Can this be reworded?
3. Would it be easier to say that it is not worthy of retention?
4. Ticks and crosses can be confusing as it depends on the perspective of the reader.

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Appendix 2 - City of Kalamunda Tree Value Methodology

The City's tree valuation methodology is consistent with the approach utilised by the City of Melbourne. This includes a fee calculation with consideration of the following factors:

- a) Removal cost.
- b) Amenity values (basic value plus species, aesthetic, locality, and condition values).
- c) Ecological services value (using the i-Tree valuation tool).
- d) Reinstatement costs.

Further details on the calculation methodology are outlined at the below URL: <https://www.melbourne.vic.gov.au/community/greening-the-city/tree-protection-management/Pages/tree-protection-policy.aspx>


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Page 13: No comments

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Appendix 3 - Definitions

Canopy Cover - refers to the area covered by trees over 3m in height measured from natural ground level. For the purpose of calculating proposed canopy cover the size of the tree at maturity will be considered eg: if a tree grows over 3m in height and has a canopy of 1.5m length x 1.5m width then the canopy cover would be 2.25m² at maturity.

Clearing - the removal of a significant tree or vegetation. Includes ringbarking, cutting down, topping, removal, injuring or wilful destruction of native vegetation. It can also include keeping of horses or livestock in native vegetation without prior approval and includes excessive or unnecessary clearing for fire mitigation.

Development - As per *Planning and Development Act 2005* development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration or addition to any building or structure on the land;
- (b) The carrying out on the land of any excavation or other works;
- (c) In the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that —
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration to the fabric of any building.

Tree removal is considered works and therefore development as it irreversibly alters the land and may affect the land use or future land use potential. Development may include but is not limited to built structures, subdivision, land use, change of use, and clearing.

Exempt works - Exempt works are works that do not require development approval under, and subject to meeting the applicable conditions contained in, Cl 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This includes:

- The erection of, or alterations or additions to, a single house on a lot (R-Codes apply),
- The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or grouped dwelling (R-Codes apply): an ancillary dwelling; an outbuilding; an external fixture; a boundary wall or fence; a patio; a pergola; a verandah; a deck; a garage; a carport; a swimming pool; shade sails,
- The erection or installation of signage/ advertisements; a cubbyhouse; a flagpole,
- The installation of a water tank; solar panels.

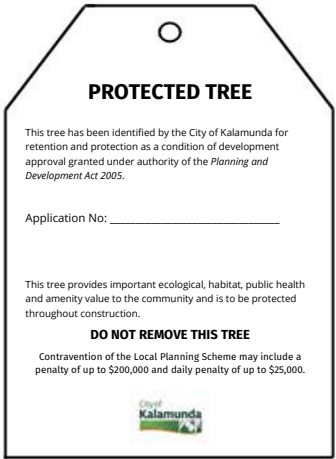
Refer to Clause 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the complete list of exempt works and associated conditions.

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Local Planning Policy 33 - Tree Retention (LPP 33)

City of Kalamunda logo

Appendix 4 - Tree Label



PROTECTED TREE


This tree has been identified by the City of Kalamunda for retention and protection as a condition of development approval granted under authority of the *Planning and Development Act 2005*.

Application No: _____


This tree provides important ecological, habitat, public health and amenity value to the community and is to be protected throughout construction.

DO NOT REMOVE THIS TREE


Contravention of the Local Planning Scheme may include a penalty of up to \$200,000 and daily penalty of up to \$25,000.



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Incidental Development - development which is associated with or attached to an existing dwelling and incidental to its main residential functions as defined in the R-Codes eg: outbuilding, swimming pool, patio or carport.

Tree Protection Zone (TPZ) -  area calculated by a combination of the root area and crown area to remain free of construction disturbance to retain the health and viability of a tree. The TPZ is calculated by multiplying the diameter at breast height by twelve (DBH x 12 = TPZ). A TPZ should be a minimum 2m and no more than 15m.

Tree Worthy of Retention -
Trees which meet the following criteria are considered a tree worthy of retention:

- a) Healthy specimens with ongoing viability AND;
- b) Species is not included on a State or local weed register AND;
- c) Height of at least 4m AND/OR;
- d) Trunk diameter of at least 160mm, measured 1m from the ground AND/OR;
- e) Average canopy diameter of at least 4m.

Street tree - any tree or vegetation intentionally planted or approved by the City on the verge within a road reserve. Street tree plantings should be a minimum 90L or greater pot size.

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Local Planning Policy 33 - Tree Retention (LPP 33)

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Pages 13 & 14: No comments

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1. Highlighted text
2. The TPZ is not calculated by combining root and crown areas.

Example of Communications

Communications included:

- » Community Surveys
- » Social Media Awareness Campaign
- » Websites: Linking to contributing nodes
 - » <https://www.kalamunda.wa.gov.au/news-details/2021/10/21/have-your-say-draft-local-planning-policy-33-tree-retention> - received 119 page views.
 - » <https://engage.kalamunda.wa.gov.au/draft-lpp33-tree-retention> - received 458 Total visits
- » Media Release
- » eNewsletters
 - » WALGA Planning and Building Newsletter - November 2021 (See top right)
 - » City of Kalamunda eNewsletter - December 2021
- » Newspaper advertisement - 3 December 2021 (See below)
- » Posters/flyers and eNewsletters
- » Letters to Stakeholders, including community members
- » FAQs
- » Face-to-Face

Content was posted across the City's buildings and shared with Stakeholders.

An eNewsletters promoting the project was sent to 1688 individual eNewsletter subscribers:

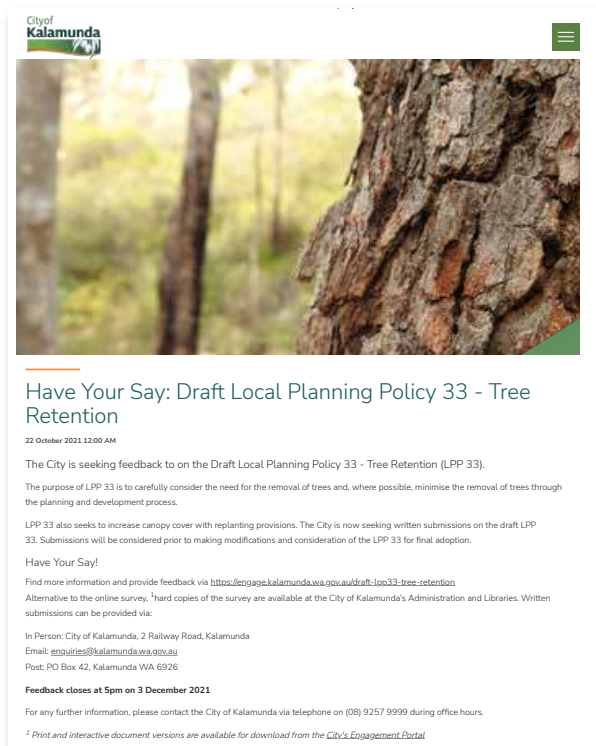
eNews and Happenings in the City of Kalamunda - December 2021

Audience · City of Kalamunda Newsletter
Sent Wed, 01 Dec 2021 4:57 pm

- » 1688 Recipients
- » 837 (49.8%) Opens
- » 8 Clicks to the Project page



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Social media

The project was promoted on the City's Facebook page.



15 November 2021

Have you seen the draft local planning policy for tree retention- It's new and out for comment.... We would love your feedback!

KALAMUNDA.WA.GOV.AU

News Details | City of Kalamunda

The purpose of LPP 33 is to carefully consider the need for the removal of trees and, where possible, minimise the removal of trees through the planning and development process.

Impressions	Reach	Post Engagement	Reactions	Comments	Link clicks	Shares	Other clicks
1,399	1,256	101	3 👍	6	36	5	51

<https://www.facebook.com/CityofKalamunda/posts/have-you-seen-the-draft-local-planning-policy-for-tree-retention-its-new-and-out/257376839762878/>

Pop-up Pop-in Booths

Opportunities to engage in Face-to-face discussion on the project were provided at Pop-up Pop-in Booths:

- » 10 November 2021 - Outside the Kalamunda Library
- » 22 November 2021 - Hawaiian's Forrestfield
- » 14 December 2021 - Kalamunda Central Shopping Centre
(With the Strategic Planning Project expert in attendance and giveaway trees).

These events were also promoted on the City's Facebook page.

The image shows two overlapping promotional posters for the City of Kalamunda. Both posters feature a header with 'OPEN PROJECTS' and a QR code with the text 'Scan here' and 'Have your say'. The main headline on both is 'Your Voice. Our Community. One Future'. The posters list various projects with their respective feedback dates and times. The bottom poster also includes the City of Kalamunda logo and the website 'engage.kalamunda.wa.gov.au'.

Project Name	Feedback Dates/Time
Pensioner Discounts For Waste or Waste not?	28 December 2021, 5.00pm
Draft Local Planning Policy 33 - Tree Retention	28 December 2021, 5.00pm
Name the New Community Reuse Shop	28 December 2021, 5.00pm
Notice of Proposed Amendment to High Wycombe South Local Structure Plan	4 January 2022, 10.00am
Climate Change Action Survey	2 December 2021, 9.00pm
Big Ideas Climate Change Forum	22 October 2021, 10.00am - 10.00pm
Draft Local Planning Policy 33 - Tree Retention	Non-interactive: 20 December 2021, 5.00pm
Youth Plan 2023-2028: Generation Alpha (Ages 0-8)	Feedback closes: 24 January 2022, 8.00pm
Youth Plan 2023-2028: Generation Z (Ages 9-25)	Feedback closes: 24 January 2022, 8.00pm
Youth Plan 2023-2028: Not You! (Parents/Caregivers/PTC)	Feedback closes: 28 January 2022, 8.00pm
Who are our Local Heroes?	Non-interactive monthly
Generation Alpha (Ages 0-8)	Feedback closes: 24 January 2022, 8.00pm
Generation Z (Ages 9-25)	Feedback closes: 24 January 2022, 8.00pm
Not You! (Parents/Caregivers/PTC)	Feedback closes: 28 January 2022, 8.00pm
Road Safety Awareness	Feedback closes: 24 January 2022, 8.00pm