

### Draft Local Planning Policy 33 Tree Retention – Schedule of Submissions

Submitter	Submission	Officer Comments
1. Department of Biodiversity, Conservation and Attractions	<b>Support (Suggested Modification)</b> 1. 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 ( <i>Calyptorhynchus latirostris</i> ) and Forest Red-tailed Black Cockatoo ( <i>Calyptorhynchus banksii naso</i> ). 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.	1. Noted. Replacement trees are to be a species with the same size classification however planting of native endemic tree species is not a requirement of this policy. A suggested Tree Species List currently being developed as a guide for landowners and developers, with separate categories for native endemic, Western Australian native, Australian native and exotic trees.
	2. 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.	2. Noted.
2. Department of Communities	<b>Support (Suggested Modifications)</b> 1. 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.	1. Noted.
	2. 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.	2. Noted.
	3. In regard to the draft local planning policy (LPP33), the following comments are provided for the City's consideration:	3. Noted.

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	4. 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.	4. R-Codes Volume 2 – Apartments is applicable to residential apartments in areas coded R40 and above. Noting approval from the WAPC, LPP 33 will only apply to development zoned R25 or less. Some referenced provisions/images have been borrowed from R-Codes Volume 2.
	5. 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.	5. Agreed. Recommended modifications to remove 'where possible' and 'where practical' as necessary and replaced with 'unless adequately justified to the satisfaction of the City.'
	6. 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.	6. Noting WAPC correspondence, as advertised cl. 2.2 (i), (ii) and (iv) to be moved to new Section 7.0. Recommended new cl. 2.2 (i) sets minimum tree numbers and deep soil areas as per new Tables 1.1 and 1.2. Design Principle P2 is only applicable for a performance based assessment of a development application when the Deemed-to-comply provisions, including proposed amended provisions, is not satisfied.
	7. 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).	7. LPP 33 does not specifically enable varied development standards in exchange for tree protection. However, discretion can be applied during development assessment based on planning merits. Subject to future reviews based on the implementation of LPP 33, there may be merit in targeting specific incentives.
	8. 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.	8. Agreed. Recommended modifications in new Section 7.0 include requirements for replacement trees to meet minimum 90L pot size, 2.0 metre height, two year age, approved species and size, and ongoing maintenance.
	9. 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.	9. Agreed. Modified Section 7.0, formerly Section 8, addresses tree retention for all stages of development including strategic planning and subdivision proposals. Recommended modifications to new Section 7.0 improve clarity and application. Importantly, the WAPC is not to be fettered by provisions of LPP 33 when determining subdivision applications.

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	10. 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.	10. Noted. The City undertook a comparative assessment of four available street tree valuation methodologies however has settled on an adapted version of the City of Melbourne methodology, which considers tree characteristics that add value to the community and the environment being amenity, ecological services, size, growth rate, life span and condition of the tree. The methodology also includes removal and replanting costs.
	11. 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.	11. Agreed. Recommended modifications will improve application of LPP 33.
3. Department of Education	<b>No Objection (Suggested Modification)</b> 1. 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.	1. Noted.
	2. 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.	2. Agreed. Recommended modification in Section 2.0 Application of Policy to include statement that the Policy does not remove the exemptions for development approval for public works.
4. Department of Fire and Emergency Services	<b>No Objection (Comment)</b> 1. 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.	1. Noted.

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5. Main Roads Western Australia	<p><b>No Objection (Recommended Modifications)</b></p> <p>1. 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."</p>	1. Noted. LPP 33 does not apply to public works with vegetation clearing regulated by the Department of Water and Environmental Regulation.
	<p>2. 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 <a href="mailto:planninginfo@mainroads.wa.gov.au">planninginfo@mainroads.wa.gov.au</a>.</p>	2. Noted. Subject to Council adoption of LPP 33, a digital copy will be forwarded to all submitters and published on the City's website.
6. Water Corporation	<p><b>Support (Suggested Modifications)</b></p> <p>1. It is noted in Section 6 'Exemptions' that development approval exemption for tree clearing is acceptable in scenarios where public infrastructure may be impacted. We recommend a proactive approach be reflected in Planning Policy to prevent the planting of trees within proximities of existing public assets.</p>	1. Noted.
	<p>2. For example, an additional point in the text detailing the requirement for approval from the relevant utility agency when proposing the planting of trees near existing assets. This is largely specific to Street trees however should be considered for development sites too.</p>	2. Agreed. Recommended modification to Section 7.0, formerly Section 9, with a new requiring consultation with the relevant authority / utility provider for planting of trees near existing public assets.
	<p>3. It is also noted in Section 10 'Street Trees' point 3, that street trees are to be of a species approved by the City. We recommend that the City promotes the use of waterwise species and includes such terminology and requirements in the Policy.</p>	3. Noted.
	<p>4. The Corporation has been involved in a multi-agency Urban Canopy Program in response to the Waterwise Perth Action Plan and has developed a comprehensive list of Waterwise trees (attached), of which the City can utilise for approval considerations.</p>	4. Noted.

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	5. The Corporation has a range of other resources regarding Trees available to Local Governments and the public on our website, we encourage the City to review the available information <a href="https://www.watercorporation.com.au/Help-and-advice/Waterwise/Garden/Selecting-the-right-tree">https://www.watercorporation.com.au/Help-and-advice/Waterwise/Garden/Selecting-the-right-tree</a> .	5. Noted.
7. Shire of Serpentine- Jarrahdale	<b>Support (Suggested Modifications)</b> 1. 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:	1. Noted.
	2. [Section] 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.	2. Noted. Recommended modification for new Clause 5.2 provides for the City to request a report prepared by a suitably qualified Arborist to determine if a tree is unhealthy or is unlikely to have ongoing viability. Case-by-case decisions ultimately rest with the City of Kalamunda.
	3. 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.	3. Noted.
	4. 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.	4. Noted.
	5. [Section] 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.	5. Noted.
	6. Section 7 [T]able 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	6. Additional trees for corner lots not contemplated in LPP 33 at this time. Recommended modifications for Table 1.1 requires minimum tree planting and deep soil areas based on variable lot size, including retained trees.
	7. 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.	7. Noted.

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	8. 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.	8. Noted. Recommended modifications to modified Section 7.0, formerly Section 8 Subdivision, including new Clauses 7.15 to 7.21 addressing WAPC requirements for protection of trees worthy of retention.
	9. Table 2 – minimum tree planting requirements – two for one replacement may not be sufficient if canopy cover or mature size is not specified.	9. Noted. Recommended modifications to Table 2 requiring two additional trees for each removed tree and of the same size classification, with criteria for canopy, height, deep soil areas, and rootable soil zone.
	10. Section 9 clause 5 – support the offset fund, we are trying to develop a policy with the same effect.	10. Noted.
	11. 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.	11. Street tree planting is necessary prior to clearance of development approval or subdivision condition clearance. New Clause 7.36 addresses retention and protection of street trees in accordance with Australian Standard AS 4970-2009.
8. Town of Bassendean	<b>Support (Suggested Modifications)</b> 1. We support the intent of the Policy of course, but I've provided some specific comments you may like to consider below:	1. Noted.
	2. Section 3. Statutory Authority/Legal Status - 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 [WAPC].	2. Preliminary consultation was undertaken with the DPLH, then draft LPP 33 was formally referred to the WAPC for consideration. WAPC correspondence was received on 6 September 2022 supporting variations to SPP 7.3 R-Codes Volume 1 Deemed-to-comply provisions of Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces.
	3. 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.	3. Noted. See Submitter 8, Comment 2 above.

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	4. 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.	4. Noted. See Submitter 8, Comment 2 above.
	5. 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 [creation] of appropriate Scheme provisions to support this assertion is recommended.	5. Disagree. The City is satisfied that the removal of a tree worthy of retention constitutes 'works' under the <i>Planning and Development Act 2005</i> and triggers development approval unless exempted. The City of Kalamunda Local Planning Scheme No. 3 including relevant general and specific clauses, and the Deemed Provisions pursuant to Clause 67 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> providing sufficient criteria to consider trees worthy of retention when determining a development application.
	6. Section 5. Definition of a Tree Worthy of Retention - 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).	6. Noted. See Submitter 7, Comment 2 above.
	7. Provision 6(1)(a) should be varied to clearly outline that design element 5.3.2 is as varied by the Policy.	7. Disagree. Recommended modifications to new Clause 6.1(a) clarify exemptions for tree removal impacted by encroaching development, and reference to Design Element 5.3.2 removed.
	8. Section 6. Exemptions - 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?	8. Noted. Recommended modifications for new Clause 6.2 require evidence to be provided to support the request for an exemption including photographs of the tree(s), photographs of any structural damage, and an Arborist Report prepared by a suitably qualified Arborist to determine any safety or property risk posed by the tree and whether pruning of limbs/roots or other techniques can mitigate these risks, prior to considering removing the tree in its entirety.

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	<p>9. 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>	<p>9. Agreed. See Submitter 8, Comment 8 above in relation to a required Arborist Report and pruning of limbs/roots.</p>
	<p>10. Table 1.1 - 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>	<p>10. See Submitter 2, Comment 6 above. Recommended modification for new Clause 7.30 requiring planting centrally with a deep soil area to ensure sufficient space for the tree to grow and to contain the mature tree canopy within the property boundary, and supported by new Appendix 2 – Tree Planting Requirements showing images borrowed from R-Codes Volume 2 – Apartments showing tree sizes, deep soil area and permeable paving, and rootable soil zones.</p>
	<p>11. Section 8. General Requirements - 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>11. Agreed. Recommended modification for new Clause 7.1 replacing 'should' with 'shall.'</p>
	<p>12. 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>12. Noted. A site survey should be provided with building permit applications including significant features such as trees to be removed. Noting correspondence from the WAPC, recommended modifications to new Clause 7.15 to 7.21 provide guidance to protecting trees worthy of retention through subdivision process by recommending to the WAPC submission of an Arborist Report, reconfiguring proposed layout, streetscaping with shade trees, nomination of trees to be retained or removed, not to exempt subdivision bulk earthworks, and application of relevant conditions for subdivision approval.</p>
	<p>13. 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>13. Noted. Recommended modifications to new Clause 7.4 removing reference to 'Section 0' and instead referring to the Policy. Also see Submitter 2, Comment 6 above regarding deep soil areas.</p>



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	14. 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?	14. Noted. Relocation of a tree worthy of retention to the verge area not contemplated. Recommended modifications to new Clause 7.11 with 'ongoing' added to viability.
	15. Section 9. Tree Planting Requirements - 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?	15. Agreed. Recommended modification to Table 2 for the industrial use category for a minimum 10% tree canopy cover 'at maturity'.
	16. 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.	16. Agreed. Recommended modifications to new Clause 7.26 and Clause 7.27 requiring trees planted in car parking areas to satisfy planting area (soil volume and width) specified in Table 2.1, provided as unsurfaced ground or as an engineered tree well fit for purpose providing ventilation and drainage, free from utility services and other obstructions, and taking advantage of tree drip lines. New Table 2.1 Minimum tree planting area requirements for car parks added.
	17. 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 350m <sup>2</sup> with a minimum of 1 per dwelling if trees can otherwise simply be provided in the verge at the expense of the applicant.	17. Disagree. The City of Kalamunda has an active street tree planting program and will appropriately manage payments for street tree planting, etc. The minimum tree planting requirements includes retained or new trees Recommended modifications to new Clause 7.38 adding 'and require' the \$600 payment.
	18. Section 10. Street Trees - 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).	18. Noted. Recommended modifications to new Clause 7.38 replacing 'removal' with 'clearing' of street trees, and reference to the City of Kalamunda Tree Valuation Methodology in Appendix 5. New Clause 7.40 corrected to confirm that street trees to be removed are subject to LPP 33 and not the City's operational Policy Service 8 – Tree Management where any inconsistency applies.

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	19. Appendix 1. 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.	19. Agreed. Recommended modifications to change Appendix 1 to Appendix 3, and to avoid confusion different colours to represent trees approved for removal and wording of exempt tree removal updated in renumbered Figure 3a.
	20. Appendix 4 - The tree label is noted however, the materiality of the label and where it is to be provided on the trees should also be considered. The Town questions how the label will be maintained in perpetuity.	20. Noted. The City will further consider appropriate materiality in application of the policy.
	21. Other Matters - 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> .)	21. Noted. Recommended modifications to new Clause 7.33 for owners and occupiers to water planted trees for a minimum of two summers or longer if needed until establishment, with the trees thereafter maintained. The City will further investigate appropriate notification mechanisms in application of the Policy. Also see Submitter 12, Comment 10 below.
9. Nature Reserves Preservation Group of Kalamunda Inc.	<b>Support (Suggested Modifications)</b>	
	1. The NRPG is very pleased to see the draft Local Planning Policy 33 for Tree Retention, and submits the following comments.	1. Noted.
	2. 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.	2. Disagree. Protection of understorey vegetation is beyond the scope of this Policy and therefore not contemplated. Further consideration of the recognition of native understorey vegetation is underway as part of the preparation of a new Local Planning Strategy and Scheme, and Local Biodiversity Strategy.
	3. [P]ara. 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.	3. Agreed. See Submitter 2, Comment 5 above.

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	4. Para 3. The term “appropriate balance” usually results in a loss to the environment, rather than to the proposed development.	4. Noted.
	5. 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.	5. Noted.
	6. 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.	6. Disagree. The Policy does not remove the exemptions from development approval for public works nor is the Policy binding on State government agencies or public utility providers.
	7. 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.	7. Agree in part. Section 3.0 is not the appropriate section for address this issue. Recommended modification to final paragraph of Section 1 to reference the City of Kalamunda draft Climate Change Action Plan.
	8. Item 3d: NRPG is pleased to see reference to “Tree and Vegetation Preservation”.	8. Noted.
	9. Item 4: NRPG suggests including reference to a WA SERS roadmap for a low-carbon future: <a href="https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/12/SERS-roadmap-for-a-low-carbon-future-for-Western-Australia.aspx">https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/12/SERS-roadmap-for-a-low-carbon-future-for-Western-Australia.aspx</a>	9. Noted. Additional references better suited in other City of Kalamunda documents such as draft Climate Change Action Plan.
	10. 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.	10. Noted.
	11. 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	11. Agreed in part. Recommended modifications to add new Clause 5.3 for newly planted trees that do not yet meet the definition of a tree worthy of retention. Also recommended modifications to Table 2 separating development applications and subdivision requirements, noting 2:1 ratio for tree replacement planting is not to apply to subdivisions on advice from WAPC; and

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	percentage of area of a development under tree cover, preferably distributed fairly evenly to avoid localised 'heat islands.'	20% canopy target included for subdivisions greater than two lots and the Centre, District Centre and Mixed Use zones.
	<p>12. The current list is incomplete and the following should be added:</p> <p>iv) Trees having a diameter &gt; 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.</p> <p>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.</p> <p>The above should be added to Appendix 3 (p. 15).</p>	12. Agreed in part. A 500mm or 50cm diameter is substantially more than the 160mm or 16cm diameter contained in the definition of a tree worthy of retention. Recommended modification to new Clause 5.1 to include trees containing hollows that may provide black cockatoo breeding habitat (including dead trees) that would otherwise not be considered a tree worthy of retention. Also recommended modifications to renumbered Appendix 1 to include definitions of Black cockatoo breeding habitat.
	13. 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.	13. Noted.
	14. 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.	14. Noted. See Submitter 9, Comment 2 above in relation to understorey vegetation. Detailed vegetation management for asset protection zones specified in the City's Fuel Hazard Reduction Notice, in the Guidelines for Planning in Bushfire Prone Areas Appendix Four, or specific Bushfire Management Plans. The planning and building regulatory frameworks provide a myriad of methods to address bushfire risk ranging from strategic vehicular access, site specific asset protection zones, to building material specifications.
	15. 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.	15. Agreed in part. The City is progressing a draft Wetlands and Waterways Policy, which is currently awaiting review of State Planning Policy 2.9 – Water Resources. Foreshore setbacks are a key consideration of the draft policy and will be reported to the Council separately having regard for NRPGs submission.
	16. 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.	16. Agreed. See Submitter 8, Comment 8 above.

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	17. 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.	17. Noted. See Submitter 7, Comment 9 above.
	18. 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.'	18. Noted. The Policy provides criteria and guidance for all stakeholders and compliance action may be taken by the City on a case-by-case basis. Also see Submitter 2, Comment 9 above in relation to subdivisions. Recommended modification to new Clause 8.0 to replace 'removed' with expanded wording 'cleared or impacted in a way that compromises the ongoing health and viability of the tree' without a valid development approval ...."
	19. [Clause] 4. Placing the onus on the applicant to demonstrate compliance, is commended and should be vigorously applied.	19. Noted.
	20. 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 ploy' for developers unwilling to look at avoidance and mitigation measures.	20. Noted. The onus is on the applicant to investigate suitable tree retention or planting location(s) onsite to achieve the requirements of the Policy, or present information to justify an offset payment for consideration by the City.
	21. e) care must be taken to ensure developer costs are not reduced by use of unsuitable soil.	21. Noted.
	22. [Clause] 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."	22. Agreed. Recommended modification for new Clause 7.5 to replace 'should' with 'shall.'
	23. [Clause] 6. If trees are deemed worthy of retention, then reword as the City "shall request" and "shall impose" rather than "may."	23. Disagree. Developments and tree retention to be assessed on a case-by-case basis.
	24. [Clause] 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.	24. Noted. Recommended modification to renumbered Appendix 4 - Tree Label to modify warning and clarify the head of power for prescribed penalties. Recommended modification to new Clause 7.9 to protect trees worthy of retention where 10% or more of the tree protection zone is located outside any area of exempt works.

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	25. [Clause] 8. In case of a relocation, the City “shall request a report.” The use of “may” in this instance, is inappropriate.	25. Disagree. The need for an Arborist Report and the findings can be determined on a case-by-case basis.
	26. [Clause 9]. Once again, the City “shall request,” rather than “may request.”	26. Disagree. Recommended modification removing Section 8, Clause 9 with new Clause 5.2 requiring a Preliminary Arborist Report.
	27. [Clause 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.	27. Noted.
	28. [Clause] 11. Add “...including trees worthy of retention, and to avoid crossing linkages of wildlife corridors.”	28. Agreed. Recommended modification for new Clause 7.13 to include ecological linkages.
	29. 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.	29. Disagree. A 10% tree canopy target for new developments is considered reasonable and achievable, and is a significant improvement to current canopy levels in industrial zones across the City of Kalamunda and other industrial areas in the Region.
	30. [Clause] 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.	30. Disagree. The City will continue to monitor development compliance however periodic/annual auditing of all development sites across the municipality is not necessary or practical.
	31. 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.	31. Noted.

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	<p>32. Section 11. Unauthorised Clearing of Trees Worthy of Retention [Clause] 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.</p>	<p>32. Disagree. See Submitter 9, Comment 18 above.</p>
10.	<p><b>Comment (Suggested Modification)</b> 1. I live in Recreation Road 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.</p>	<p>1. Noted. The objectives of the Policy are to encourage and facilitate the protection and growth of trees worthy of retention. The subject matter is complex so the Policy must provide relevant information and guidance, with recommended modifications to improve formatting and flow. A summary guide can also be prepared to assist community members.</p>
	<p>2. 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.</p>	<p>2. Noted.</p>
11.	<p><b>Comment (Request for Information)</b> 1. 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.</p>	<p>1. Noted. Relevant information can be provided for specific properties upon request. See Submitter 5, Comment 2 above.</p>



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12.	<p><b>Support/Comment (Suggested Modifications)</b></p> <p>1. 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.</p>	1. Noted.
	<p>2. 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.</p>	2. Noted.
	<p>3. 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.</p>	30. The City undertakes extensive community engagement, shares and promotes their regulatory and policy framework, assesses development proposals, and undertakes compliance action when necessary. Community engagement and education on environmental issues continues to be an important part of the City's actions adopted under Clean and Green.
	<p>4. 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.</p>	4. Noted.
	<p>5. "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.</p>	5. Noted.

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	<p style="text-align: right;">...Continued</p> <p>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.</p> <p>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.”</p>	
	<p>6. 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.</p>	<p>6. LPP 33 will not be applicable to public works undertaken by State Government Departments such as Main Roads WA, or development within the grounds of Perth Airport, regulated by Federal and State environmental regulations.</p>
	<p>7. 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.</p>	<p>7. A policy is a ‘due regard’ planning instrument adopted under a local planning scheme however would not have the status of Law. The WAPC has granted approval for variations to Deemed-to-comply provisions of SPP 3.7 R-Codes Volume 1 in supporting more detailed tree retention and planting controls. LPP 33 is not applicable to management of local reserves however the City of Kalamunda has robust operational policies for tree protection and enhancement of natural areas of parklands, sportsgrounds and bushland reserves.</p>
	<p>8. 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</p>	<p>8. Noted.</p>

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	considered for retention only individually but as climax species, in combination with other vegetation.	
	9. 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.	9. Disagree. LPP 33 has not been drafted based on legislation developed by the City of Melbourne, although the City of Melbourne Tree Valuation Methodology has been identified as an appropriate way to value trees on public land.
	10. 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’)	10. The City could impose conditions on development approval requiring lodgement of a notification on the Certificate of Title alerting purchasers to trees worthy of retention on a property. Development approval runs with the land and enforceable under the operative local planning scheme. The assertion that the City of Mandurah requires all land purchasers to sign a memorandum of understanding regarding mosquito risk is questioned. It is likely though that a hazard notification is attached to the Certificate of Title advising of nearby mosquito breeding areas as normally imposed by the WAPC through the subdivision process.
	11. 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.	The City of Kalamunda is aware of all land transactions involving changes of ownership. The City already has current aerial photography however undertaking aerial mapping of all trees throughout the municipality is considered unnecessary and impractical.
13.	<b>Objection</b> 1. 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.	1. Disagree. A local planning policy is a ‘due regard’ planning instrument to guide assessment of development applications and relevant matters. State Administrative Tribunal case law shows ‘due regard’ given to a Local Planning Policy based on sounds principles, extensive community engagement, and sound and


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		proven use. Conditions of development approval are binding and enforceable.
	2. 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.	2. Disagree. See Submitter 8, Comment 5 above. Adopted and drafted environmental strategies will inform preparation of a Local Planning Strategy and Local Planning Scheme No. 4 currently being drafted, to introduce more stringent tree protection controls.
	3. 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.	3. Disagree. See Submitter 13, Comments 1 and 2 above.
	4. 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.	4. See Submitter 13. Comment 1 above.
	5. 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.	5. Disagree. See Submitter 13, Comments 1 and 2 above.

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	6. 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.	6. Disagree. See Submitter 13, Comments 1 and 2 above.
	7. 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.	7. Disagree.
14.	<b>Support</b> 1. I have read the associated document and wish to make the following observations:	1. Noted.
	2. In Table 2 under 'Minimum tree planting requirements', the grammar is odd and doesn't seem to make sense.	2. Noted. Substantial modifications are recommended to improve Table 2 to address feedback from submitters and the WAPC.
	3. 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.	3. Noted.
	4. 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.	4. Noted.

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	<p>5. 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.</p>	<p>5. Noted.</p>
<p>15.</p>	<p><b>Support</b>                  1. 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.</p>  <p><small>Hills mini digger hire/Stump grinding service 23 September at 16:45 - 4</small>                  No more honkey nut. Lesmurdie</p>	<p>1. Noted.</p>
	<p>2. 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 Harrah and Marri. By the post, it seems the residents just didn't like honey nuts, what a joke!</p>	<p>2. The City is already taking a strong stance on tree protection, compliance and successful prosecution of unauthorised clearing. The statement about the rate of tree canopy loss in the locality being the fastest in the country is not correct, with canopy figures distorted by vegetation lost through bushfire and major infrastructure which the City has no control over.</p>

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	<p>3. 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.</p>	3. Noted.
16.	<p><b>Support</b> 1. Main [R]oads Dept did get back to me Re my previous concerns, however, they failed to acknowledge we have more wind &amp; noise since [trees] were removed. I have decibel resides 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.</p>	1. Noted.
	<p>2. 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.</p>	2. The clearing of vegetation by Main Roads WA for interchange works is regulated by the Department of Water and Environmental Regulation. LPP 33 will not be applicable to public works by Government agencies. The City does provide Main Roads with
17.	<p><b>Objection (Suggested Modifications)</b> 1. 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:</p> <ul style="list-style-type: none"> <li>• consider the need for the removal of trees;</li> <li>• minimise the removal of trees; and</li> <li>• to increase canopy cover.</li> </ul>	1. Noted.
	<p>2. 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.</p>	2. Noted.

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	<p>3. Examples of past rezoning include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Forrestfield / High Wycombe Industrial Area DA1;</li> <li>• Milner Road, High Wycombe, DA2;</li> <li>• High Wycombe South Residential Precinct;</li> <li>• Hales Estate Residential development;</li> <li>• Conti Estate Residential development.</li> </ul> <p>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.</p>	3. Noted.
	<p>4. 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:</p> <ol style="list-style-type: none"> <li>a) Encouraging holistic design and development that facilitates the protection and growth of trees worthy of retention;</li> <li>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;</li> <li>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;</li> <li>d) Maintaining and enhancing neighbourhood amenity, character and sense of place through the provision of tree canopy cover.”</li> </ol>	4. Noted.
	<p>5. 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.</p>	5. Noted.



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	6. 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 <i>Nuytsia floribunda</i> (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.	6. Noted. Clearing of native vegetation is regulated by Federal, State and local legislation. Subject to recommended modifications discussed above, the definition of a tree worthy of retention does not emphasise native plant species over non-native, except for clearing of some exempted weed species.
	7. 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.	7. Noted.
	8. 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.	8. The Introduction and Purpose of LPP33 provides a sound rationale to assist achieving the goals of the City's draft Urban Forest Strategy. As presented at the Ordinary Council Meeting on 28 September 2021, LPP 33 proposes variations to relevant Deemed-to-comply provisions of the R-Codes to prioritise retention of trees over replacement, establish planting requirements based on lot size, and increase planting requirements for car parking areas. The variations adequately satisfy the criteria under Clause 7.3.2 of the R-Codes, with the WAPC supporting the proposed variations subject to modifications to LPP 33.
	9. 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.	9. Noted. See Submitter 17, Comment 7 above.

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	10. 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.	10. Noted. See Submitter 17, Comment 7 above. The \$600 offset payment per tree worthy of retention (required to be planted) is fair and reasonable to meet the cost of the tree, planting labour and ongoing maintenance by the City.
	11. 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 of the proposed valuation of being arbitrary.	11. Noted. See Submitter 1, Comment 10 and Submitter 12, Comment 9 above.
	12. 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'. This 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.	12. Noted. See Submitter 17, Comment 9 above. The Policy recognises the need for discretion and the City is cognisant of topographical challenges across the municipality.
	13. 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 existing within the City.	13. Figure 1 is an example of an Indicative Tree Retention Plan to assist landowners providing information to the City for consideration, and topographical information can be added/required as needed. The policy recognises the need for retention or planting of new trees relative to the subject lot size and zoning.

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	14. 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 requirements 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.	14. LPS3 and supporting planning framework permits substantial development with the Centre and District Centre zones however also relies on building setbacks, car parking and landscaping requirements, and tree retention provisions established in the instruments such as the R-Codes Volume 2.
	15. The draft policy then attempts to overcome this shortcoming by imposing on the landowner an impost by requiring the landowner to pay the City, at a cost of \$600.00 per tree, to set-off the equivalent of the minimum percentage canopy cover.	15. Noted.
	16. 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.	16. Noted. Tree canopy cover is to be measured at maturity and relative to the number and species of retained or planted trees. Retention, planting or offset payments are reasonable measures to achieve the objective of the policy and the City's broader environmental goals.
	17. 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.	17. Disagree. The Policy strikes a balance between development and land use and tree retention / replacement objectives.
	18. 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.	18. Noted.
	19. Consequently, the draft policy is not supported and submit that the policy not be adopted by the City.	19. Noted.

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18.	<p><b>Objection</b></p> <p>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.</p>	1. Noted.
	<p>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.</p>	2. Noted.
	<p>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.</p>	3. The City's Local Housing Strategy identifies need to provide additional housing for a growing population using infill development, greenfield development, and investigating redevelopment of existing areas.
	<p>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.</p>	4. Noted.
	<p>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.</p>	5. Noted. See Submitter 12, Comment 6, Submitter 16, Comment 2, and Submitter 17, Comment 8 above.
	<p>6. This Tree Retention Policy is largely impractical. A snapshot of The Hales estate shows many properties of 375m<sup>2</sup>. 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.</p> <p align="right">Continued ...</p>	6. Disagree. Planting of a small tree within a 2m x 2m planting area is a current requirement of the R-Codes. Recommended modifications to Table 1.1 in LPP 33 requiring achievable planting of one small tree for a lot less than 350m <sup>2</sup> , and planting of one medium and one small tree for lots between 350m <sup>2</sup> and 700m <sup>2</sup> , with possible planting on the verge or nearby POS area.

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	For every 100 properties, 200 trees with a 4m wide canopy, equates to 2,500m <sup>2</sup> . Minimum public open space requirements for these 100 properties are 5,625m <sup>2</sup> (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.	Additional or offset planting made offsite is not limited to nearby public open space area and deemed appropriate within the broader locality to improve streamlining of waterways or enhancing bushland reserves.
	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.	7. Noted. See Submitter 8, Comment 17 above.
	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.	8. Noted. Overshadowing of solar collectors by trees is not contemplated in this Policy.
	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.	9. New Table 1.2 specifies required deep soil areas for tree sizes, and maximum permeable coverage to give best opportunity for tree health and stability. Landowners are ultimately responsible for approved development and any retained or planted trees.
	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.	10. Noted.
	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[a] cost to every planning application.	11. Noted.

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	<p>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.</p>	<p>12. Noted. Should the policy not be adopted by Council there will be limited planning guidance to assist assessment of tree clearing through the planning system, and will undermine the actions and goals of the City's environmental framework. The proposed policy is a positive step to address the decline of the urban forest canopy.</p>
	<p>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.</p>	<p>13. Noted.</p>
19.	<p><b>Support</b> 1. 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.</p>	<p>1. Noted.</p>
	<p>2. 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.</p>	<p>2. Noted. The policy recognises the need to address bushfire risk management however does not specify suitability of species to address bushfire risk.</p>
	<p>3. 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.</p>	<p>3. Noted.</p>

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	4. I believe that Kalamunda was once covered in Jarrah ( <i>Eucalyptus marginata</i> ) 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.	4. Noted.
	5. 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.	5. Noted.
	6. 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.	6. Noted.
20.	<b>Comment</b> 1. 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.	1. Noted.

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	2. The tree felling and tree pruning took place with no notice to immediately affected private landholders, including myself, at XX Boonooloo Road, Kalamunda. The issues of concern have been raised directly with both Principal Lee Bates (Kalamunda Primary School) and Principal Jarna Wright (Kalamunda Primary Education Support Centre), regarding the removal and damage to the trees during the recent installation of the buildings on the school grounds. Lee Bates 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.	3. Noted.
	3. 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 (XX Boonooloo Road, 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.	3. Noted.
	4. 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 XX Boonooloo Road. 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.	Noted. The Department of Education is exempt from development approval from City of Kalamunda for public works on the Kalamunda Primary School site.
	5. 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.	5. Noted.
	6. 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-[trailer] truck.	6. Noted.



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	7. 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, Andrew Fowler-Tutt, the city recognised that the authorisation that was given to the school was in fact not valid. When Principal Jarna Wright indicated the school had a valid authorisation, this misunderstanding was immediately corrected.	7. The accessway between the Kalamunda Primary School and properties fronting Boonooloo Road appears to be a right-of-way (ROW) created for original subdivision and therefore provide right of access for adjoining properties. The ROW is not owned or under the care and control of the City of Kalamunda.
	8. 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.	8. Noted.
	9. I had a meeting with City of Kalamunda Manager of Approvals Services, Andrew Fowler-Tutt, 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.	9. Noted.
	10. 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.	10. Agreed.
	11. 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.	11. Agreed.

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	12. 3. The meeting request with yourself, City of Kalamunda CEO Rhonda Hardy stands. Please contact me to arrange that meeting.	12. Noted. The tree clearing incident occurred over 12 months ago, with the submitter meeting with the Manager Approval Services at the time.
21.	<b>Support (Suggested Modifications)</b> 1. 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.	1. Noted.
	2. 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.	2. Noted.
	3. 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 BMP’s being used as grounds to undertake a scorched earth policy with respect to the removal of all vegetation.	3. Noted. See Submitter 8, Comment 7 above. Management of vegetation within an Asset Protection Zone specified in an approved Bushfire Management Plan is suitably exempt, however the BMP does not give approval for removal of all vegetation.
	4. 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.	4. Noted. Possible phasing out of effluent disposal systems is not relevant to this policy and separately regulated under State legislation and policies.
	5. 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.	5. Noted. See Submitter 8, Comment 8 above.
	6. 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.	6. Disagree. The exemption clause recognises that trees in an orchard, vineyard and timber plantations, previously approved or approve in the future, are not trees worthy of retention so application of the policy is not necessary.

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	<p>7. 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 licenced 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.</p>	<p>7. Agreed. See Submitter 2, Comment 9 and Submitter 8, Comment 8 above.</p>
	<p>8. 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.</p>	<p>8. Noted. Approved trees for retention or planting must be retained in perpetuity and enforceable through conditions of development approval.</p>
	<p>9. 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.</p>	<p>9. Noted.</p>

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	<p>10. 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.</p>	<p>10. Noted.</p>
	<p>11. 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.</p>	<p>11. Noted.</p>
	<p>12. 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.</p>	<p>12. Noted.</p>