

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

Section	Modification
<p>1.0 Introduction and Purpose</p>	<ul style="list-style-type: none"> • Renumbered as Section 1.0. • Paragraph 1 modified to add reference to natural ecosystems; copy in portion of paragraph 4 regarding the benefits of trees; and replace 'The City has experienced a general decline' with 'The City has recognised the importance of protecting and enhancing the City's tree canopy and'. • Paragraph 2 modified to copy in portion of modified paragraph 4 regarding 'Best practice design'; move purpose of the policy to new paragraph 3; and move commentary on SPP 7.3 - Residential Design Codes (R-Codes) Volume 1 to new paragraph 4. • Paragraph 3 modified to include modified purpose; and to remove indefinite language such as 'where possible' and 'where practical'; updated to include reference to reducing carbon and greenhouse gases. • New Paragraph 4 modified to include commentary on SPP 7.3 - R-Codes including variation to Deemed-to-comply provisions. • New Paragraph 5 to confirm the Policy also assists achieving the goals of the City's Local Environment Strategy, Environmental Land Use Planning Strategy and draft Climate Change Action Plan.
<p>2.0 Application of Policy</p>	<ul style="list-style-type: none"> • Renumbered as Section 2.0 • Paragraph 3 moved to new Paragraph 2 and amended to read "Table 1 of this Policy provided varied provisions for SPP 7.3 - R-Codes Volume 1 Design Element 5.3.2 Landscaping and Design Element 5.3.4 Design of car parking spaces, relevant only to areas coded R25 or less." • As per WAPC requirements, new paragraph 3 to read "This Policy does not remove the exemptions for development approval under Schedule 2, Part 7, Clause 61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the Regulations) subject to sufficient information being provided at the subdivision, development approval, and building permit stages. This Policy also does not remove the exemptions for development approval for public works under Part 1, Section 6 of the <i>Planning and Development Act 2005</i>." • Paragraph 4 modified and merged with new Paragraph 3 to read "Further exemptions to application of this Policy are detailed under Section 6.0."
<p>3.0 Statutory Authority/ Legal Status</p>	<ul style="list-style-type: none"> • Renumbered as Section 3.0 and clauses renumbered consecutively commencing at Clause 3.1. • Approval for public works under Part 1, Section 6 of the <i>Planning and Development Act 2005</i>. • Renumbered Clause 3.1 clarifying exemption under Schedule 2, Part 7 of the Regulations. • New Clause 3.2 to repeat exemption for public works. • Paragraph 3 renumbered as Clause 3.3 and replacing the word 'Removal' with 'Clearing'.

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • Paragraph 4 renumbered Clause 3.4 modified replacing 'particularly' with 'including'. • Paragraph 5 renumbered Clause 3.5 and modified to read "Commonwealth and State Government Legislation, Regulations, policies, and guidelines should be read where relevant in conjunction with this Policy, including:" with numbered references replaced with bullet points. • Paragraph 5 relating to City's Policy Service 8 Street Tree and Streetscape Management deleted.
4.0 Objectives	<ul style="list-style-type: none"> • Renumbered as Section 4.0 and clause renumbered as Clause 4.1 • Objective e) added to introduce a mitigation hierarchy to decision making.
5.0 Definition of a Tree Worthy of Retention	<ul style="list-style-type: none"> • Renumbered as Section 5.0 • Paragraph 1 renumbered as Clause 5.1 and definition of a tree worthy of retention modified to include black cockatoo breeding trees to account for dead trees with hollows that otherwise would not be considered a tree worthy of retention, and species on a weed register but provides important habitat for threatened bird species. • Definition wording rearranged to put critical tree dimensions first. • New Figure 1: Size criteria used to identify existing trees worthy of retention added, borrowed from Residential Design Codes - Volume 2. • New Clause 5.2 added to require a Preliminary Arborist Report, prepared by a suitably qualified Arborist, to determine if a tree is unhealthy or is unlikely to have ongoing viability. • New Clause 5.3 added to capture a tree worthy of retention includes trees that have been planted that do not yet meet the definition of a tree worthy of retention, planted as a requirement of a subdivision or development approval.
6.0 Exemptions	<ul style="list-style-type: none"> • Renumbered as Section 6.0. • Renumbered Clause 6.1 modified to specify the exemptions apply to private land (i.e., excluding street trees). • Renumbered Clause 6.1(a) modified to specify the exemptions apply to trees impacted by the encroachment of development works that do not require approval, and as directed by the WAPC, deleting the reference to R-Codes Deemed-to-comply requirement for Design Element 5.3.2. • Renumbered Clause 6.1(b) to refer to an approved Bushfire Management Plan (or Statement), correctly name the City of Kalamunda Fuel Hazard Reduction Notice, and refer to new Clause 7.5 of this Policy. • Section 6, Clause 1(c) deleted, with text moved to Clause 5.1 Definition of a Tree Worthy of Retention. • Renumbering of subsequent clauses as 6.1(d) to (j), inserting the words 'The Tree' on five occasions. • Renumbered Clause 6.1(j) modified to clarify to read "The tree is identified to be cleared as part of a subdivision approval, development approval, or building permit granted prior to the adoption of the Policy."

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • New exemption Clause 6.2 added to require evidence to be gathered to support a request for an exemption. • New exemption Clause 6.3 added to read “The exemptions under Clause 6.1 of this policy do not apply to newly planted trees that do not yet meet the definition of a tree worthy of retention, that have been planted as a requirement of a subdivision or development approval, or as a requirement under other legislation such as the <i>Environmental Protection Act 1986</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.”
<p>7.0 Tree Retention and Planting Requirements</p>	<ul style="list-style-type: none"> • Sections 7, 8 and 9 merged as new Section 7.0 Tree Retention and Planting Requirements • For Tree Retention • General Requirements • New Clause 7.1, previously Section 8 Clause 1, modified with the word ‘should’ replaced with ‘shall’ for trees worthy of retention. • New Clause 7.2, previously Section 8 Clause 2, modified to provide clarification that trees worthy of retention shall be retained in perpetuity and protected onsite during development works in accordance AS4970-2009 including establishment of a Tree Protection Zone. • New Clause 7.3, previously Section 8 Clause 3, modified to require a site survey for trees proposed to be removed and retained and Preliminary Arborist report and Arborist Impact Statement prepared by a suitably qualified Arborist, to comply with AS4970-2009. Reference to building permit removed, and reference to subdivision applications removed and addressed in new Clause 7.21. • New Clause 7.4, previously Section 8 Clause 4, modified to delete reference to subdivision and renumber Appendix 1 as Appendix 3 Indicative Tree Retention Plan Example. • New Clause 7.4(a), previously Section 8 Clause 4(a), modified to remove ‘where possible’ and add wording “Unless adequately justified to the satisfaction of the City ...”. • New Clause 7.4(c), previously Section 8 Clause 4(c), modified include “where avoidance and mitigation measures are not possible” where alternative offsetting is being considered. • New Clause 7.4(d), previously Section 8 Clause 4(d), deleting reference to previous Section 0. • New Clause 7.5, previously section 8 Clause 5, modified to clarify where an Asset Protection Zone is required under a Bushfire Management Plan (or Statement), or under the City’s Fuel Hazard Reduction Notice, trees worthy of retention shall be protected and/or trees planted where bushfire risk management measures can be satisfied. • New Clause 7.6, previously Section 8 Clause 6, and simply reference to ‘trees worthy of retention’. • New Clause 7.7 added to reference minimum tree requirements under new Table 1.1, may include retained trees worthy of retention.

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • New Clause 7.8 added to require grouped and multiple dwelling development shall be designed to enable and maximise trees worthy of retention being protected in street setback areas, outdoor living areas, open space areas, communal open spaces, and uncovered car parking areas. • New Clause 7.9 added to require trees worthy of retention shall be retained and protected where located outside an area of exempt works. • New Clause 7.10, previously Section 8 Clause 7, modified to refer to Appendix 3 – Indicative Tree Retention Plan Example. • New Clause 7.11, previously Section 8 Clause 8, modified to refer to ‘ongoing viability’. • Previous Section 8, Clause 9 removed as requirement for arborist report added to Clause 5.2. <p>For Strategic Planning Proposals</p> <ul style="list-style-type: none"> • New Clause 7.12, previously Section 8 Clause 10, modified replace ‘should’ with ‘shall’. • New Clause 7.13, previously Section 8 Clause 11, modified to delete ‘Where possible’, to ‘prioritise positioning of POS, and for configuration include ecological corridors. • Previous Section 8 Clause 12 deleted as establishing lot levels for tree retention too detailed at the strategic planning stage and moved to new Clause 7.17. • New Clause 7.14, previously Section 8 Clause 13, deleting the words ‘where possible’. <p>For Subdivision Proposals</p> <ul style="list-style-type: none"> • For relevant clauses, replace ‘request’ with ‘recommend’ for subdivision referrals, as per WAPC feedback. • New Clause 7.15, previously portion of Section 8 Clause 14, modified adding the City may recommend, instead of request, to the WAPC that a subdivision application be accompanied by an Arborist Report to identify trees worthy of retention that are proposed or may be retained or removed. • New Clause 7.16, stating that the City may recommended to the WAPC, instead of request, reconfiguration of a subdivision layout to accommodate retention of trees, such as meandering or wider road verges or modified lots, with additional comments on assessment at the subdivision referral, engineering design and clearance stages, with applicants to demonstrate adequate space for trees, service alignments and footpaths. • New Clause 7.17, previously Section 8 Clause 12 regarding lot levels sympathetic to tree retention. • New Clause 7.18 added that in relation to Design Principle 5.3.5 Vehicular access of the R-Codes, where there is a net loss in the number trees worthy of retention or where Table 2 targets are not achieved, the City may recommend to the WAPC that the applicant provide shade tree streetscaping as a condition of subdivision approval. • New Clause 7.19 added that the City will provide the WAPC with recommended conditions and advice notes in conjunction with a copy of the proposed site plan identifying trees to be retained or removed if a relevant tree retention condition is applied.
--	--

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • New Clause 7.20, previously portion of Section 8 Clause 14, modified adding the City may recommend, instead of request, that the WAPC condition subdivision works to enable consideration of trees worthy of retention and subdivision works at the development or building application stage. • New Clause 7.2, previously Section 8 Clause 15, modified that where subdivision condition has been applied an Arborist Report and site plan can be requested by the City as part of the subdivision clearance applications. <p>Provisions Varying the R-Codes</p> <ul style="list-style-type: none"> • Section 7 Provisions Varying the R-Codes included as new Clauses 7.22 to • New Clause 7.22, previously Section 7 Clause 1, modified to remove reference to alternative design principles and add reference to Design Principle 5.3.4 Design of car parking spaces, as per instruction from WAPC. • New Clause 7.23 added to specify that the provisions contained in Table 1 are only applicable to areas coded R25 or less, as per WAPC instruction. • New Clause 7.24 confirming this policy to be read in conjunction with the R-Codes, including the relevant definitions. • Noting support from the WAPC, Table 1 modified as follows: <ul style="list-style-type: none"> • Deemed-to-comply provision C2.1 iii) modified to include one medium or large tree as per Table 1.2 and Appendix 2 for car parking shade trees. • Deemed-to-comply provision C2.1 vi. Modified to include trees which meet the definition of a ‘tree worthy of retention’. • Amended Deemed-to-comply provision C2.2 i), (ii) and (iv) deleted and relocated to new Clauses 7.7, 7.8 and 7.9, as per WAPC Instruction. • Amended Deemed-to-comply provision C2.2 i) referencing deep soil areas (DSA) instead of planting areas in Table 1.1 and new Table 1.2. • Exemption Note deleted and added to both Sections 2.0 and 3.0. • Existing Design Principle 5.3.4 Design of car parking spaces added, as per WAPC instruction. • Amended Deemed-to-comply provision C4.3 modified to require one medium or large shade tree as per new Table 1.2. • Table 1.1 Tree requirements significantly amended to include provisions for small, medium and large tree sizes based on lot sizes, including minimum deep soil area percentage requirements and discounted for retained trees. The table has been adapted from R-Codes Volume 2 - Apartments. • New Table 1.2 Tree sizes added to detail small, medium and large tree sizes and planting requirements. The table has also been adapted from R-Codes Volume 2 - Apartments. <p>Tree Planting Requirements (in addition to any R-Code requirements)</p> <ul style="list-style-type: none"> • New Clause 7.25, previously Section 9 Clause 1, modified to replace ‘as well as’ with ‘including’.
--	---

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • Table 2 Minimum tree planting requirements modified as follows: <ul style="list-style-type: none"> ○ For relevant zones, specify the minimum canopy cover requirements are to be achieved based on maximum anticipated growth based on species ‘at maturity’. ○ For the various Residential, Residential Bushland, Urban Development and Private Clubs and Institutions zones, for new sub-category Development Applications, modified to specify that tree planting requirements specified in Table 1.1 apply to both residential and non-residential land uses; the number of replacements trees will not exceed Table 1.1 requirements; clarify ‘proposed’ trees to be removed; and additional trees shall be a species with the same size classification (in Table 1.2) as the removed tree; ○ For the various Residential zones, for new sub-category Subdivision applications, the target may be achieved through tree retention and/or planting within private lots, road verges and/or public open space. For subdivisions creating less than 20 lots, existing surrounding tree canopy cover may be considered by the City in determining overall canopy cover of the development and recommended retention and planting outcomes. ○ For the various Rural zones, for Development Applications only, modified to specify replacement planting for trees proposed to be removed, and trees shall be a species with the same size classification as the tree being removed. <p>Car Parking Areas</p> <ul style="list-style-type: none"> • New Clause 7.26, previously Section 9 Clause 2, requiring a minimum of 1 ‘medium or large’ tree for every 4 uncovered car parking bays ... to achieve requirements of modified Table 1.1 instead of Table 2. • New Table 2.1 Minimum tree planting area requirements for car parks added, specifying required planting area soil volume and minimum widths for Medium and Large trees, based on operational standards borrowed from an adjoining local government. • New Clause 7.27 requiring planting to achieve planting area soil volume and minimum width specified in Table 2.1; and planting areas must be provided as unsurfaced ground or as an engineered tree wells such as structural soil or cellular structures, and free from utility services and other obstructions. • New Clause 7.28, previously Section 9 Clause 3, replacing ‘categories’ with ‘zones’. • New Clause 7.29, previously portion of Section 9 Clause 4 and Section 10 Clause 3, and modified to include requirements minimum 2.0 metre height, minimum age of two years, a species that is approved by the City and acquired from nursery stock as per AS 2303:2018. • New Clause 7.30 added requiring tree planting centrally within the DSA agreed to by the City to ensure sufficient space for growth and to contain the mature tree canopy within the property boundary. • New Clause 7.31 added requiring permeable paving or decking within a DSA shall not exceed 20 per centre of the area and not inhibit the planting and growth of trees. This is aligned with R-Codes Volume 2 - Apartments.
--	---

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

	<ul style="list-style-type: none"> • New Clause 7.32 added requiring planting near existing public assets triggers consultation with the relevant authority/utility provider is required to ensure adequate separation to prevent damage to infrastructure. • New Clause 7.33, previously portion of Section 9 Clause 4, requiring planted trees to be watered for a minimum of two summers or until established, and the trees thereafter maintained. • New Clause 7.34, previously Section 9 Clause 5, modified that the City may consider, and require a \$600 payment. • New Clause 7.35 added requiring trees to be planted within the timeframe specified by the relevant approval condition/s. <p>Street Trees</p> <ul style="list-style-type: none"> • New Clause 7.36, previously Section 10 Clause 2, requiring street trees to retained and protected pursuant to AS 4970-2009 unless approved to be removed. • New Clause 7.37, previously Section 10 Clause 1, modified to require a minimum setback of 1.5m to a crossover/driveway, as per IPWEA Local Government Guidelines for Subdivisional Development. • New Clause 7.38, previously Section 10 Clause 4, and modified to replace ‘removal’ with ‘clearing and reference tree value methodology in new Appendix 5. • New Clause 7.39, previously Section 10 Clause 3, and modified to require tree(s) to be planted to be acquired from nursery stock as per AS2308:2018. • New Clause 7.40, previously Section 10 Clause 5, and modified to clarify street trees removed due to subdivision or development are subject to this policy and do not initiate requirements of the City’s Policy Service 8 City Tree Management, where any inconsistency applies.
<p>8.0 Unauthorised Impacts to Trees Worthy of Retention</p>	<ul style="list-style-type: none"> • Section 11 renumbered as Section 8.0 and amended to “Unauthorised Impacts to Trees Worthy of Retention”. • New Clause 8.1, previously Section 11 Clause 1, and modified to replace ‘removed’ with ‘cleared to reflect definition in new Appendix 1 which includes pruning that impacts the health or viability of a tree. • New Clause 8.2 included to allow the City to provide discretion in determining remediation requirements (offsets), as follows: <ul style="list-style-type: none"> <i>In determining the tree planting requirements (offsets) that will apply for unauthorised impacts to trees worthy of retention, the City will have regard to the following mitigating factors:</i> <ol style="list-style-type: none"> 1. <i>The environmental amenity and character of the area and its enhancement;</i> 2. <i>The future planned amenity of the area;</i> 3. <i>The actions taken in advance of an application; including the outcomes of any related penalties applied for unlawful clearing.</i> • Impacts that compromise the ongoing health and viability of the tree have been added, in addition to clearing.

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications

Appendix 1 – Definitions (previously Appendix 3)	<ul style="list-style-type: none"> • Black cockatoo breeding habitat added. • Commonwealth, State or local weed register added. • Clearing definition updated to reflect the provisions of LPP 33 rather than the definition for native vegetation under the <i>Environmental Protection Act 1986</i>. • Compliance action, including maximum penalties and remediation added to the definitions. • Tree Protection Zone definition been updated to reflect definition in Australian Standard AS4970-2009. Note: methodology cannot be included due to Australian Standard being copyright protected. • Definition of street tree edited. • Definition of ‘suitably qualified Arborist’ added. • Definition of Development modified to correctly read ‘protection order made under the <i>Heritage Act 2018</i>, Part 4, Division 1’. • Minor formatting and corrections.
Appendix 2 - Tree planting requirements (new)	<ul style="list-style-type: none"> • New Appendix with the three following figures as depicted in R-Codes Volume 2 – Apartments. <ul style="list-style-type: none"> • Figure 2a: Tree size definitions when mature for deep soil areas • Figure 2b: Deep soil area and permeable paving • Figure 2c: Rootable soil zone
Appendix 3 – Indicative Tree Retention Plan Example (previously Appendix 1)	<ul style="list-style-type: none"> • Renumbered Figure 3 and for clarity different colours to represent trees approved for removal and offset, and the tree protection zone. • Wording of exempt tree removal modified.
Appendix 4 - Tree Label	<ul style="list-style-type: none"> • Updated label to read “do not remove or damage this tree”. • Body corporate penalty added to tree label.
Appendix 5 - City of Kalamunda Tree Valuation Methodology (previously Appendix 2)	<ul style="list-style-type: none"> • Heading modified to replace ‘Value’ with ‘Valuation’. • City of Melbourne Tree Value Methodology has been adapted and modified as follows: <ul style="list-style-type: none"> • b) ‘basic value plus species, aesthetic, ...’ replaced with ‘base value multiplied by species, aesthetics, ...’; • c) ‘Eco’ added to read “using the I-Tree Eco valuation tool’. • d) Greening added to read ‘Reinstatement greening costs. • URL link to City of Melbourne deleted. • Comment added regarding City of Melbourne modifications and improvements will be assessed by the City of Kalamunda as suitable for implementation.

Draft LPP 33 Tree Retention – Schedule of Recommended Modifications