

## Local Planning Policy 33 – Tree Retention

Local Planning Policy

Relevant Delegation

Development Services

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## 1. Introduction and Purpose

Trees are an important element of the City of Kalamunda's (City's) diverse environment, providing a variety of social, economic, and environmental benefits to the community and natural ecosystems. The benefits of trees include but are not limited to reducing the impact of heatwaves, providing biodiversity and habitat, air purification, reducing carbon and greenhouse gases in the atmosphere, community sustainability, public health, mental health, and providing for neighbourhood amenity. The City has recognised the importance of protecting and enhancing the City's tree canopy and is therefore developing strategies and policies aimed at reducing the loss of trees and associated negative impacts.

Subdivision and development can result in the clearing of established trees. Best practice design should recognise the importance and value of retaining and enhancing trees as an integral part of the design and subsequent subdivision and development process. This Policy recognises that there should be an appropriate balance between the need to facilitate development and retain established trees worthy of retention.

The purpose of this Policy is to carefully consider the need for the clearing of trees of a particular size and to ensure avoidance and mitigation measures are implemented through the planning approval process. The Policy also seeks to enhance canopy cover through replacement tree planting where unavoidable tree removal is granted approval.

The objectives of this Policy are consistent with the Design Principles of State Planning Policy 7.3 - Residential Design Codes (R-Codes) Volume 1 which seek to retain existing trees and/or provide new trees to maintain and enhance the tree canopy and local sense of place. It is noted that the Policy varies the Deemed-to-comply requirements of the R-Codes to best achieve the objectives of the Policy.

The application of this Policy will assist with achieving the goals of the City's Local Environment Strategy, Environmental Land Use Planning Strategy, draft Urban Forest Strategy and draft Climate Action Plan.

## 2. Application of Policy

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

Table 1 of this Policy provides 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. This Policy does not apply to development assessed under State Planning Policy 7.3 – R-Codes Volume 2 – Apartments.

This Policy does not remove the exemptions for development approval under Schedule 2, Part 7, Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015, 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 *Planning and Development Act 2005*. Further exemptions to application of this Policy are detailed under Section 6.0.

### 3. Statutory Authority / Legal Status

- 3.1 This Policy is prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Schedule 2, Part 7 and does not remove the exemptions for development approval under Clause 61 of the Regulations, subject to sufficient information being provided at the subdivision, development approval, and building permit stage.
- 3.2 This Policy does not remove the exemptions for development approval for public works under Part 1, Section 6 of the *Planning and Development Act 2005*.
- 3.3 Clearing of a tree worthy of retention constitutes works under the *Planning and Development Act 2005* and due regard should be given to the provisions of this Policy when considering strategic planning, subdivision and development proposals.
- 3.4 This Policy supplements and should be read in conjunction with Local Planning Scheme No. 3 (LPS3).
- 3.5 Commonwealth and State Government Legislation, Regulations, policies, and guidelines should be read where relevant in conjunction with this Policy, including:
- *Environment Protection and Biodiversity Conservation Act 1999*
  - *Environmental Protection Act 1986*
  - *Environmental Protection (clearing of native vegetation) Regulations 2004*
  - *Biodiversity Conservation Act 2016*
  - State Planning Policy 3.7 - Planning in Bushfire Prone Areas
  - State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes)
  - Development Control Policy 2.2 – Residential Subdivision
  - Local Government Guidelines for Subdivisional Development (in particular, Part 8.3.1.3 Clearing).

## 4. Objectives

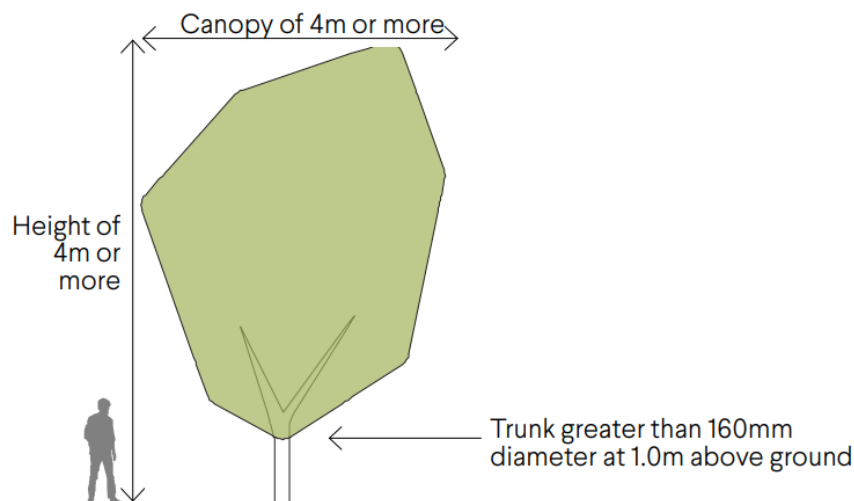
- 4.1 The objectives of this Policy are to encourage and facilitate the protection and growth of trees worthy of retention, to maintain and enhance canopy cover on land subject to strategic planning, subdivision, and development by:
- a) Encouraging holistic design and development that facilitates the protection and growth of trees worthy of retention;
  - b) Balancing the protection of trees worthy of retention and desired built form and land use outcomes at the earliest possible stage in the planning and development process;
  - c) Maintaining and, where appropriate, increasing canopy cover to assist with mitigation of the urban heat island effect, reducing air pollution and facilitating carbon sequestration, improving groundwater quality and contributing to habitat for wildlife (including ecological corridors) and native biodiversity;
  - d) Maintaining and enhancing neighbourhood amenity, character and sense of place through the provision of tree canopy cover; and
  - e) Applying a “mitigation hierarchy” to decision making:
    - i. Avoid - avoid clearing of established trees worthy of retention;
    - ii. Minimise - minimise harm to retained trees worthy of retention;
    - iii. Rehabilitate - plant trees on site; and
    - iv. Offset - where avoidance and rehabilitation cannot be achieved, consider funding contributions for planting within the locality.

## Policy Statement

### 5. Definition of a Tree Worthy of Retention

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

- a) Trees which have:
  - i. a height of at least 4m; and/or
  - ii. a trunk diameter of at least 160mm, measured 1m from the ground, and/or
  - iii. an average canopy diameter of at least 4m; and are,
- b) Healthy specimens with ongoing viability if not disturbed; or
- c) Trees containing hollows that may provide black cockatoo breeding habitat (including dead trees); and
- d) Species which are;
  - i) not included on a Commonwealth, State or local weed register; or,
  - ii) are included on a Commonwealth, State or local weed register but provide important habitat for threatened bird species (e.g., Pinus species).



*Figure 1: Size criteria used to identify existing trees worthy of retention (as depicted in Residential Design Codes Volume 2).*

5.2 A Preliminary Arborist Report, prepared by a suitably qualified Arborist, is required to determine if a tree is unhealthy or is unlikely to have ongoing viability.

- 5.3 A tree worthy of retention includes newly planted trees that do not yet meet the definition of a tree worthy of retention, which have been planted as a requirement of a subdivision or development approval.

## 6. Exemptions

- 6.1 Clearing of one or more trees on private land that meet the definition of a tree worthy of retention, may be exempt from development approval if the City is satisfied that:
- a) The tree is impacted by the encroachment of development works that do not require approval under Schedule 2, Part 7, Clause 61 of the Regulations, and the tree removal occurs after a building permit has been granted for the relevant works;
  - b) The tree is required to be removed to adhere to an approved Bushfire Management Plan (or Statement), or in accordance with the City of Kalamunda Fuel Hazard Reduction Notice and Clause 7.5 of this Policy has been applied;
  - c) The tree constitutes an immediate danger to life or property;
  - d) The tree is causing structural damage to a dwelling, external fixture, or incidental development;
  - e) The Tree Protection Zone is within the area required to install a City approved effluent disposal system;
  - f) The Tree Protection Zone is within 0.5m of existing piped infrastructure such as a sewer, water main, or stormwater drainage pipe, or 2m of an effluent disposal system and where the tree has caused, or is likely to cause, damage or blockage to that system;
  - g) The tree is within the required clearance distance from a power line or other power infrastructure as specified in Western Power guidelines or requirements and tree pruning and management is deemed by the City not reasonably practicable;
  - h) The tree is a palm tree or fruit tree;
  - i) The tree is part of an approved orchard, vineyard, or timber plantation; or
  - j) The tree is identified to be cleared as part of a subdivision approval, development approval, or building permit granted prior to the adoption of this Policy.

- 6.2 Prior to clearing a tree that may be exempt under Clause 6.1, evidence must be provided to support the request for an exemption. This may include but is not limited to:
- a) Photographs of the tree and tree dimensions, including trunk diameter measured 1m from the ground, estimated height and canopy diameter.
  - b) Evidence of any structural damage being caused by the tree and distance from tree to damaged infrastructure.
  - c) 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.

Failure to provide evidence supporting the application of an exemption may result in an application being refused, and tree clearing has occurred without approval, compliance action being undertaken.

- 6.3 The exemptions listed 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 *Environmental Protection Act 1986* or the *Environment Protection and Biodiversity Conservation Act 1999*.

## Tree Retention and Planting Requirements

### 7. General Requirements

- 7.1 Where there is no relevant development, works or change of land use proposed, trees worthy of retention shall be retained and protected.
- 7.2 Unless approved to be removed as part of a subdivision or development approval, or exempt under the provisions of this Policy, trees worthy of retention shall be retained in perpetuity, and protected onsite during development works in accordance with AS4970-2009, including establishment of a Tree Protection Zone.
- 7.3 An application for development approval shall include information detailing existing trees worthy of retention proposed to be retained and/or removed. Subject to the nature of the application, the City may require a plan or site survey identifying existing trees worthy of retention including those to be impacted by development and subdivision works and those proposed for retention. The site survey shall include a Preliminary Arborist report and Arborist Impact Statement prepared by a suitably qualified Arborist, to comply with AS4970-2009.

- 7.4 An application for development approval or a building permit shall include a plan showing proposed clearing areas, as well as areas of retention, relocation, and/ or replacement of trees worthy of retention (refer Appendix 3 – Plan example) to demonstrate that the objectives and requirements of this Policy have been addressed.

An application should include supporting information to demonstrate:

- a) Adequate justification, to the satisfaction of the City, that the siting and design of development has avoided impacts on trees worthy of retention onsite (including consideration of the location and scale of the proposed road network, open space, and drainage design), on the verge, and on neighbouring lots;
  - b) The identification of management measures to protect trees worthy of retention during development and subdivision works, including but not limited to the identification of Tree Protection Zones;
  - c) The identification of measures to improve tree canopy, or alternatively to offset a reduction of tree canopy from pre-development site condition where avoidance and mitigation measures are not possible;
  - d) Tree planting requirements under the provisions of this Policy have been addressed; and
  - e) The provision of adequate deep soil areas (DSA) of sufficient volume to sustain healthy plant and tree growth.
- 7.5 Where an Asset Protection Zone is required under an approved Bushfire Management Plan (or Statement), or under the City of Kalamunda Fuel Hazard Reduction Notice, trees worthy of retention shall be protected and/or trees planted where bushfire risk management measures can be satisfied. Asset Protection Zones should achieve a canopy cover of 15% (at maturity) where compliance with Schedule 1 of the Guidelines for Planning in Bushfire Prone Areas can be achieved.
- 7.6 The City may request development and/ or lot reconfiguration, to facilitate retention of a trees worthy of retention and may impose development conditions requiring the protection of trees worthy of retention in accordance with Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 7.7 The minimum number of trees required under Table 1.1 may include retained trees worthy of retention that existed prior to the commencement of development.



- 7.8 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.
- 7.9 Trees worthy of retention shall be retained and protected where 10% or more of the tree protection zone is located outside any area of exempt works.
- 7.10 Any trees worthy of retention, identified to be retained as part of an approved plan or as a condition of approval shall be clearly tagged (see Appendix 4 – Tree Label) prior to commencement of works and a physical barrier maintained throughout construction to prevent damage to the tree in accordance with AS4970-2009, including trees on neighbouring properties (noting that neighbour consent needs to be obtained) that may be affected by works (see Appendix 3 – Plan Example).
- 7.11 Any proposed relocation of an existing tree worthy of retention to a separate location on the same site may be supported and may replace additional replanting requirements, where the ongoing viability of the tree is not compromised. The City may request a report, prepared by a suitably qualified Arborist, to support the relocation of a tree worthy of retention.

## 8. Strategic Planning Proposals

- 8.1 Local Planning Scheme (LPS) amendments and Structure Plan proposals shall identify environmental features, including trees worthy of retention and shall outline mechanisms and measures to protect environmental features during subsequent stages of the planning process, in accordance with this Policy.
- 8.2 Concept Plans supporting LPS amendment applications and Structure Plans shall prioritise positioning of public open space (POS) and configuration of the public road network to retain key environmental values, including ecological linkages and trees worthy of retention.
- 8.3 Strategic planning proposals shall be supported by technical information<sup>1</sup> which demonstrates that the protection of trees worthy of retention has been prioritised.

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<sup>1</sup> Environmental Assessments, District and Local Water Management Strategies, Landscaping Strategies and Arborist reports.

## 9. Subdivision Proposal

- 9.1 The City may recommend that the WAPC require applications for subdivision to be accompanied by an Arborist report prepared by a suitably qualified Arborist to identify all trees worthy of retention, including those that are proposed to be retained and protected and, additionally, those that may be able to be retained and protected.
- 9.2 The City may recommend to the WAPC, the reconfiguration of the proposed subdivision layout to accommodate the retention of trees worthy of retention, such as meandering or wider road verges and/or modified lot configuration and dimensions. The City will assess the adequacy of road reserve widths and verges for tree retention and planting at the subdivision referral stage.  
 At the engineering design and clearance stages, applicants must demonstrate adequate space for trees, service alignments and footpaths, for planting of trees on both sides of the road at regular intervals.
- 9.3 Lot levels shall be sympathetic to the retention of established trees worthy of retention.
- 9.4 In accordance with Design Principle 5.3.5 Vehicular access P5.2 of SPP 7.3 R-Codes Volume 1, or where there is a net loss in the number of trees worthy of retention, or where the targets outlined in Table 2 are not achieved, the City may recommend that the WAPC include a requirement for the applicant to provide streetscaping with shade trees, as a condition of the subdivision approval.
- 9.5 The City will provide the WAPC with recommended conditions and advice notes, in conjunction with a copy of the proposed site plan identifying which trees are recommended to be retained or removed, to be used for reference if a relevant tree retention condition is applied.
- 9.6 The City may recommend that the WAPC condition subdivision works (such as fill or retaining) under the subdivision approval to enable consideration of trees worthy of retention and subdivision works at the development or building application stage.
- 9.7 Where a subdivision condition has been applied by the WAPC requiring the identification of vegetation worthy of retention to be identified prior to subdivision works, applications for subdivision clearance to the City shall include an Arborist report prepared by a suitably qualified Arborist, at the City's request. A site plan showing the existing trees worthy of retention proposed to be retained, removed, or planted shall also be provided, to inform the City's assessment.

## 10. Provisions Varying the R-Codes

- 10.1 The provisions contained in Table 1 of this Policy are varied Deemed-to-comply requirements for SPP 7.3 Volume 1 - R-Codes Design Principles 5.3.2 Landscaping and 5.3.4 Design of car parking spaces.
- 10.2 The provisions contained in Table 1 of this Policy are applicable only to areas coded R25 or less.
- 10.3 This Policy should be read in conjunction with the R-Codes, including the relevant definitions.

Table 1. R-Codes Design Element 5.3.2 Landscaping & 5.4.3 Design of car parking spaces

Design Principles Development demonstrates compliance with the following design principles	Deemed-to-comply Development satisfies the following deemed-to-comply requirements
<p><b>5.3.2 Landscaping</b></p> <p>P2 Landscaping of open spaces that:</p> <ul style="list-style-type: none"> <li>• Contribute to the appearance and amenity of the development for the residents;</li> <li>• Contribute to the streetscape;</li> <li>• Enhance security and safety for residents;</li> <li>• Contribute to positive local microclimates, including provision of shade and solar access as appropriate; and</li> <li>• Retains existing trees and/or provides new trees to maintain and enhance the tree canopy and local sense of place.</li> </ul>	<p>C2.1 Landscaping of grouped and multiple dwelling common property and communal open spaces in accordance with the following:</p> <ul style="list-style-type: none"> <li>• The street setback area developed without car parking, except for visitors’ bays;</li> <li>• Pedestrian access providing wheelchair accessibility connecting entries to all ground floor buildings with the public footpath and car parking spaces;</li> <li>• One <i>medium or large tree (refer Table 1.2 and Appendix 2)</i> to provide shade for every four uncovered car parking spaces (in addition to the trees required in C2.2), with the total number of trees to be rounded up to the nearest whole number;</li> <li>• Lighting to pathways, and communal open space and car parking areas;</li> <li>• Bin storage areas conveniently located and screened from view;</li> <li>• Trees which <i>meet the definition of a “tree worthy of retention”</i> shall be retained, in communal open space which is provided for the development;</li> <li>• Adequate sight lines for pedestrians and vehicles;</li> </ul>

<b>Design Principles</b> Development demonstrates compliance with the following design principles	<b>Deemed-to-comply</b> Development satisfies the following deemed-to-comply requirements
	<ul style="list-style-type: none"> <li>• Clear line of sight between areas designated as communal open space and at least two habitable room windows; and</li> <li>• Clothes drying areas which are secure and screened from view.</li> </ul> <p>C2.2 Landscaping of single houses, grouped dwellings and multiple dwellings to include the following:</p> <ol style="list-style-type: none"> <li>i. The minimum number of trees and associated <i>deep soil areas (DSA) in Table 1.1 and Table 1.2</i> below; and</li> <li>ii. Landscaping of the street setback area, with not more than 50 per cent of this area to consist of impervious surfaces.</li> </ol>
<b>5.3.4 Design of car parking spaces</b>  P4 Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with the streetscape and appropriately manage stormwater to protect the environment.	<p>C4.1 Car parking spaces and manoeuvring areas designed and provided in accordance with AS2890.1 (as amended).</p> <p>C4.2 Visitor car parking spaces:</p> <ul style="list-style-type: none"> <li>• marked and clearly signposted as dedicated for visitor use only, and located close to, or visible from, the point of entry to the development and outside any security barrier; and</li> <li>• provide an accessible path of travel for people with disabilities.</li> </ul> <p><i>C4.3 Car parking areas provided with one medium or large (refer Table 1.2) shade tree between each four external car parking spaces.</i></p>

*\*Bold italic text indicates varied provisions to the R-Codes Volume 1*

Table 1.1 – Tree requirements

Lot size	Minimum DSA	Minimum Requirement for Trees <sup>1</sup>
<i>Less than 350m<sup>2</sup></i>	<i>10% of site or 7% if existing tree(s) retained on site</i>	<i>Small trees to occupy minimum DSA.</i>
<i>350m<sup>2</sup> – 700m<sup>2</sup></i>		<i>1 medium tree, and small trees to occupy the remaining minimum DSA.</i>
<i>700m<sup>2</sup> – 1000m<sup>2</sup></i>		<i>2 medium trees; or 1 large tree, and small trees to occupy the remaining minimum DSA.</i>
<i>Greater than 1000m<sup>2</sup></i>		<i>1 large tree, and 1 large tree for each additional 1000m<sup>2</sup> in excess of 1000m<sup>2</sup> of lot size; or 1 medium tree for each 500m<sup>2</sup> in excess of 1000m<sup>2</sup> of lot size and small trees to occupy the remaining minimum DSA.</i>
<p><sup>1</sup> Minimum requirement for trees includes retained or new trees. Refer to Table 1.2 and Appendix 2 for tree sizes.</p> <p><b>Note:</b> The minimum DSA and tree planting requirements are to be shown on the site plan that is submitted with the application.</p>		

Table 1.2 – Tree sizes

<i>Tree size</i>	<i>Indicative canopy diameter at maturity</i>	<i>Nominal height at maturity</i>	<i>Required DSA per tree</i>	<i>Recommended minimum DSA width</i>	<i>Minimum DSA width where additional rootable soil zone (RSZ) width provided<sup>1</sup> (min 1m depth)</i>
<i>Small</i>	<i>4-6m</i>	<i>4-8m</i>	<i>9m<sup>2</sup></i>	<i>2m</i>	<i>1m (DSA) + 1m (RSZ)</i>
<i>Medium</i>	<i>6-9m</i>	<i>8-12m</i>	<i>36m<sup>2</sup></i>	<i>3m</i>	<i>2m (DSA) + 1m (RSZ)</i>
<i>Large</i>	<i>&gt;9m</i>	<i>&gt;12m</i>	<i>64m<sup>2</sup></i>	<i>6m</i>	<i>4.5m (DSA) + 1.5m (RSZ)</i>
<p><sup>1</sup>Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.</p>					

*\*Bold italic text indicates varied provisions to the R-Codes Volume 1*

## 11. Tree Planting Requirements (in addition to R-Code requirements)

11.1 The minimum tree planting requirements in Table 2 apply to the various LPS 3 Zones, as well as strategic planning proposals.

Table 2. Minimum tree planting requirements

LPS 3 Zone	Minimum tree planting requirements
Residential, Residential Bushland, Urban Development & Private Clubs and Institutions	<p><b>Development Applications:</b> Tree planting requirements specified in Table 1.1 of this Policy are to apply to both residential and non-residential land uses. The number of replacement trees to be planted, will not exceed the requirements of Table 1.1.</p> <p>In addition to the planting requirements in Table 1.1 of this Policy, a minimum of two additional trees are required to be planted for every tree worthy of retention proposed to be removed, that is not exempt under the provisions of this Policy. The additional trees to be planted shall be a species with the same size classification as the tree being removed as per Table 1.2.</p> <hr/> <p><b>Subdivision applications (greater than two lots being created):</b> A minimum 20% tree canopy cover, at maturity. This 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, the City may consider the existing surrounding tree canopy cover (external to the development) in determining the overall canopy cover of the development and the recommended retention and planting outcomes.</p>
Special Rural, Rural Composite, Rural Agriculture, Rural Landscape Interest and Rural Conservation	<p><b>Development Applications:</b> A minimum of two trees shall be planted for every tree worthy of retention proposed to be removed, that is not exempt under the provisions of this Policy. The trees to be planted shall be a species with the same size classification as the tree being removed, and shall be compliant with deep soil areas, as per Table 1.2.</p>

LPS 3 Zone	Minimum tree planting requirements
Light Industry, General Industry, Industrial Development and Service Station	<p><b>Development and Subdivision Applications:</b> A minimum 10% tree canopy cover, at maturity. The planting area(s) shall be compliant with deep soil areas as per Table 1.2.</p>
Centre, District Centre, Mixed Use and Commercial	<p><b>Development and Subdivision Applications:</b> Unless otherwise provided in an approved Activity Centre Plan or design guidelines, a minimum of 20% canopy cover, at maturity. The planting area(s) shall be compliant with deep soil areas as per Table 1.2.</p>

## 12. Car Parking Areas

- 12.1 A minimum of 1 medium or large tree for every 4 uncovered car parking bays shall be provided, noting that trees retained or planted in car parking areas can contribute to achieving the requirements outlined in Table 1.1. Note: The deep soil area requirements outlined in Tables 1.1 and 1.2 do not apply to car parking areas.
- 12.2 Trees planted in car parking areas must achieve the planting area soil volume and width specified in Table 2.1, unless otherwise approved by the City, where justified by an Arborist Report submitted by the applicant. Tree planting areas should be provided as unsurfaced ground or as an engineered tree well comprising structural soil or cellular structures beneath hard surface. Engineered tree wells should be fit for purpose providing ventilation and drainage, as necessary. The planting area should be free from utility services and other obstructions and take advantage of drip lines to maximise viability.

Table 2.1 Minimum tree planting area requirements for car parks

Tree size	Tree height at maturity	Planting area required soil volume	Planting area required width
Medium	8-12m	25m <sup>3</sup>	4 x projected mature DBH (Diameter at Breast Height)
Large	>12m	40m <sup>3</sup>	

- 12.3 Applications in other zones that are not described in Table 2 will be assessed against the criteria considered most applicable to the land use.
- 12.4 Tree planting on private land must incorporate a minimum 90L pot size, at least 2.0 metres in height, at least two years of age, of a species that is supported by the City and acquired from nursery stock that meet the criteria of AS2303:2018 Tree Stock For Landscape Use.
- 12.5 Trees shall be planted centrally within the DSA agreed to by the City, to ensure sufficient space for the tree to grow and to contain the mature tree canopy within the property boundary.
- 12.6 Permeable paving or decking within a deep soil area shall not exceed 20% of its area and not inhibit the planting and growth of trees (refer Appendix 2).
- 12.7 Where trees are proposed to be planted near existing public assets, consultation with the relevant authority/ utility provider is recommended to guide adequate separation to prevent damage to public infrastructure.
- 12.8 Planted trees are required to be watered by the owner or occupant for a minimum of two summers or longer if needed until established, and thereafter maintained.
- 12.9 Where it can be demonstrated there are insufficient suitable locations for retention or planting onsite to achieve the requirements of this Policy, the City may consider, and require a \$600 payment per tree worthy of retention (required to be planted), to go to a reserve fund for planting an offset tree either on the immediately adjacent verge or within the locality of the development.
- 12.10 Trees are to be planted within the timeframe specified by the relevant approval condition/s.



## **13. Street Trees**

- 13.1 Street trees worthy of retention must be retained and protected onsite in accordance with AS 4970-2009, unless approved to be removed in accordance with Clause 7.7.3.
- 13.2 A minimum setback of 1.5m to a crossover/driveway from any street tree on the verge is required, to keep trees in a sound condition and reduce the impact on the root system. Excavation for any new crossover should not exceed more than 150mm below natural ground level to protect the tree roots.
- 13.3 Where unavoidable subdivision or development circumstances apply, and consequently the City agrees in writing to the clearing of a street tree worthy of retention, the applicant will be responsible for the cost of clearing and shall provide an offset payment to the City. The offset payment shall be calculated using the City's adopted tree value methodology (Appendix 5). Offset payments for street trees will be used to fund street tree planting within the same locality as the development.
- 13.4 Street tree plantings must be a minimum 90L pot size, at least 2 metres in height, at least 2 years of age, of a species that is approved by the City and acquired from nursery stock that meet the criteria of AS2303:2018 Tree Stock For Landscape Use.
- 13.5 Street trees required to be removed due to subdivision or development approvals are subject to the requirements of this Policy and do not initiate the requirements of the City's Policy Service 8 – City Tree Management, to the extent that any inconsistency applies between the two policies.

## **14. Unauthorised Impacts to Trees Worthy of Retention**

- 14.1 Where a tree worthy of retention, that does not qualify for an exemption under the LPS 3 and the provisions of this Policy, is cleared or impacted in a way that compromises the ongoing health and viability of the tree, without a valid development approval, or in breach of an existing development approval, these actions will constitute a contravention of LPS 3, and compliance action may be taken where such a contravention has occurred.
- 14.2 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:
- a) The environmental amenity and character of the area and its enhancement;
  - b) The future planned amenity of the area;
  - c) The actions taken in advance of an application; including the outcomes of any related penalties applied for unlawful clearing.

## Appendix 1 - Definitions

**Black cockatoo breeding habitat** - Trees of species known to support breeding within the range of the species which have a suitable nest hollow or are of a suitable diameter at breast height (DBH) to develop a nest hollow. For most tree species, suitable DBH is 500mm. For Salmon Gum and Wandoo, suitable DBH is 300mm.

**Canopy cover** – The area covered by trees over 3.0m in height measured from natural ground level. For calculating proposed canopy cover, the size of the tree at maturity will be considered. e.g., if a tree over 3.0m in height and has a canopy of 1.5m length x 1.5m width at maturity then the canopy cover would be 2.25m<sup>2</sup> at maturity.

**Clearing** - The removal of a tree or pruning in such a way that causes detrimental impacts to the health or viability of that tree. Includes but is not limited to ringbarking, cutting down, topping, removal, injuring or wilful destruction.

**Commonwealth, State or local weed register** - Includes but is not limited to weeds of national significance, Declared Pests listed under the *Biosecurity and Agriculture Management Act 2007*, or a weed listed on the Swan Weeds Database.

**Compliance action** - Action that may be taken by the City in the event of clearing or impacting a tree worthy of retention in a way that compromises its ongoing health and viability. This may include prosecution under the *Planning and Development Act 2005* and the *Sentencing Act 1995* (WA) (penalties of up to \$200,000 plus daily penalties of \$25,000 per day for individuals or five times this maximum penalty for a body corporate). Compliance action may also include the City requiring a retrospective development application and remediation, such as replacement planting.

**Deep soil area** - Soft landscaping area on lot with no impeding building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Used primarily for landscaping and open to the sky, deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

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

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) The carrying out on the land of any excavation or other works;
- (c) In the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that –
  - (i) is likely to change the character of that place or the external appearance of any building; or
  - (ii) would constitute an irreversible alteration to the fabric of any building.

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

**Exempt works** - Exempt works are works that do not require development approval under, and subject to meeting the applicable conditions contained in Schedule 2, Part 7, Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015. The exemptions include but not limited to:

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

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

**Tree protection zone (TPZ)** - A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development. The TPZ should be calculated using the methodology outlined in AS4970-2009.

**Tree worthy of retention** – Refer to Clause 5.1 of this Policy.

**Rootable Soil Zone** - Areas beyond the primary deep soil area under adjacent pavements that are engineered and constructed to support tree root penetration. This can be achieved by using structural soil and structural cells which are materials for creation of rootable soil zone beneath pavements and other structures. Structural soil involves using structural materials such as rock that interlock under specified compaction loads while leaving macro spaces that provide rootable soil zone for tree roots. Structural cells are similar but utilise a plastic cell structure to meet the required compaction and loading.

**Street tree** – Any tree worthy of retention within a road reserve.

**Suitably qualified arborist** – A competent consulting arborist with a Diploma in Arboriculture and/or a Level 5 Arborist under the Australian Qualification Framework (AQF). AQF Level 5 is recognised by the industry as the appropriate qualification for a person preparing arborist reports and providing advice. A tree lopper that has not obtained the above qualifications is not considered a suitably qualified Arborist for the purpose of this Policy.

## Appendix 2 – Tree Planting Requirements

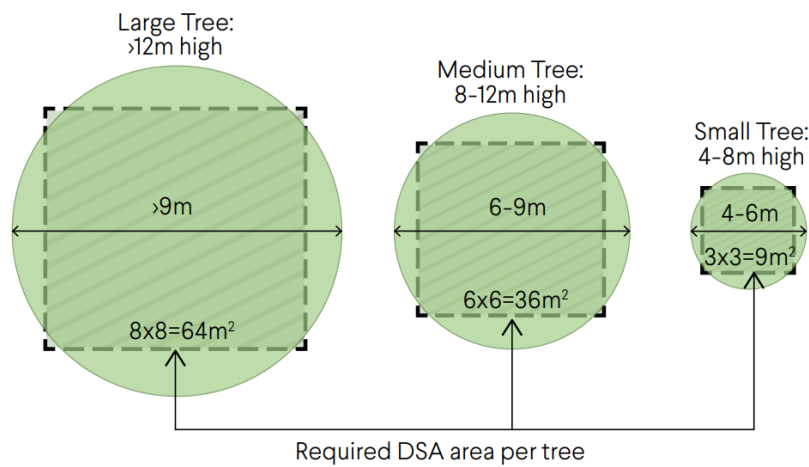


Figure 2a: Tree size definitions when mature for deep soil areas (as depicted in Residential Design Codes Volume 2)

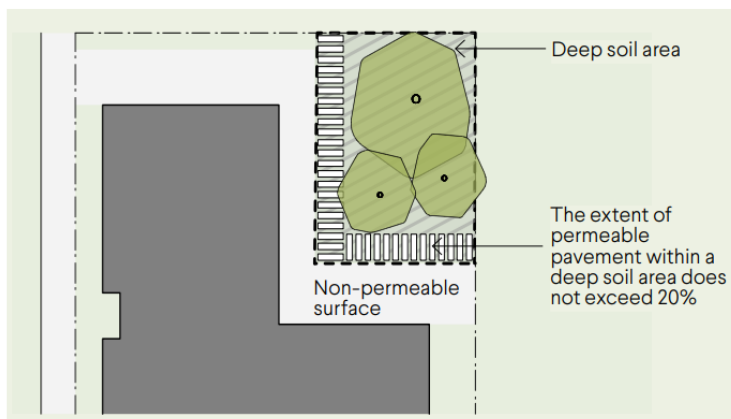


Figure 2b: Deep soil area and permeable paving (as depicted in Residential Design Codes Volume 2)

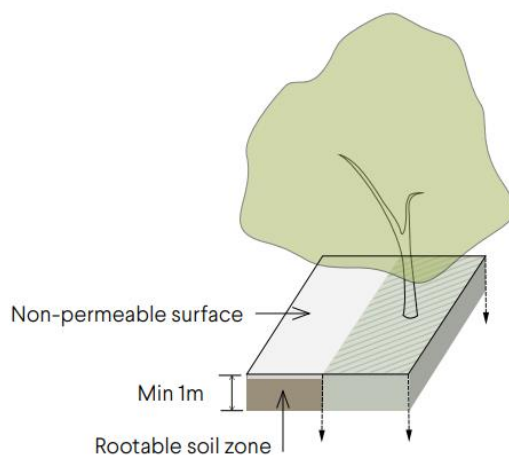


Figure 2c: Rootable soil zone (as depicted in Residential Design Codes Volume 2)

## Appendix 3 – Indicative Tree Retention Plan Example

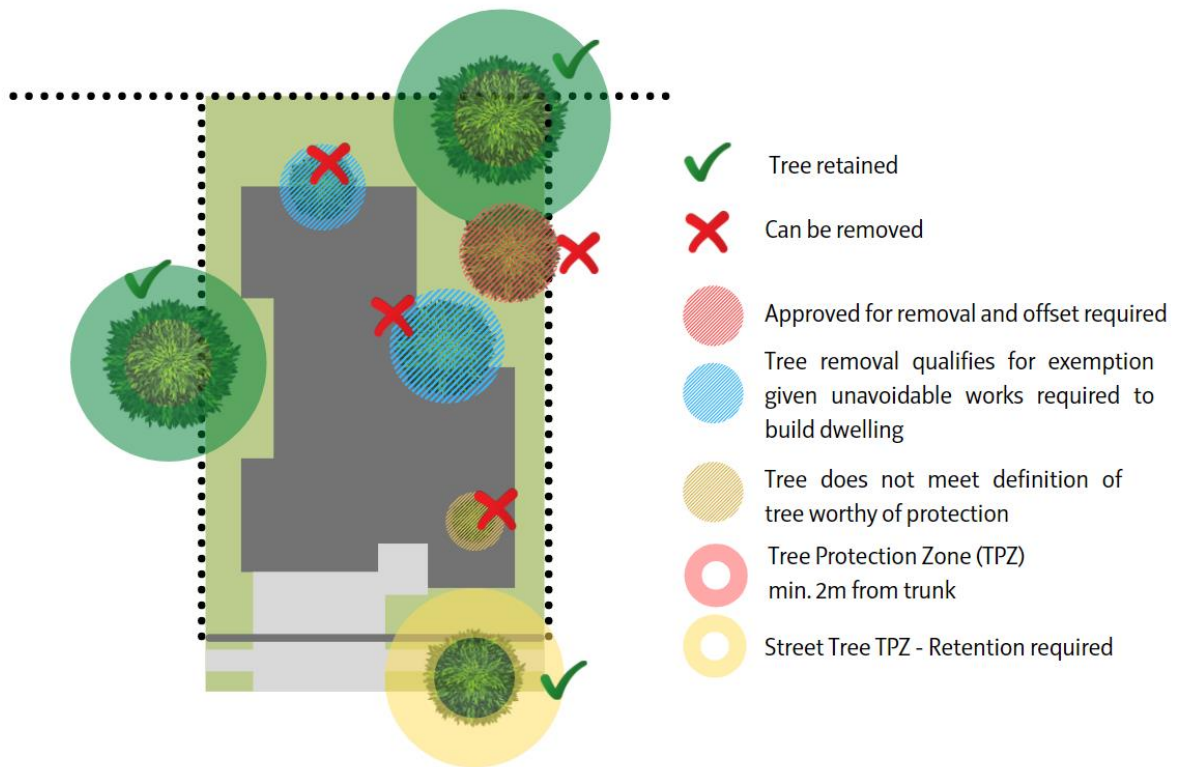
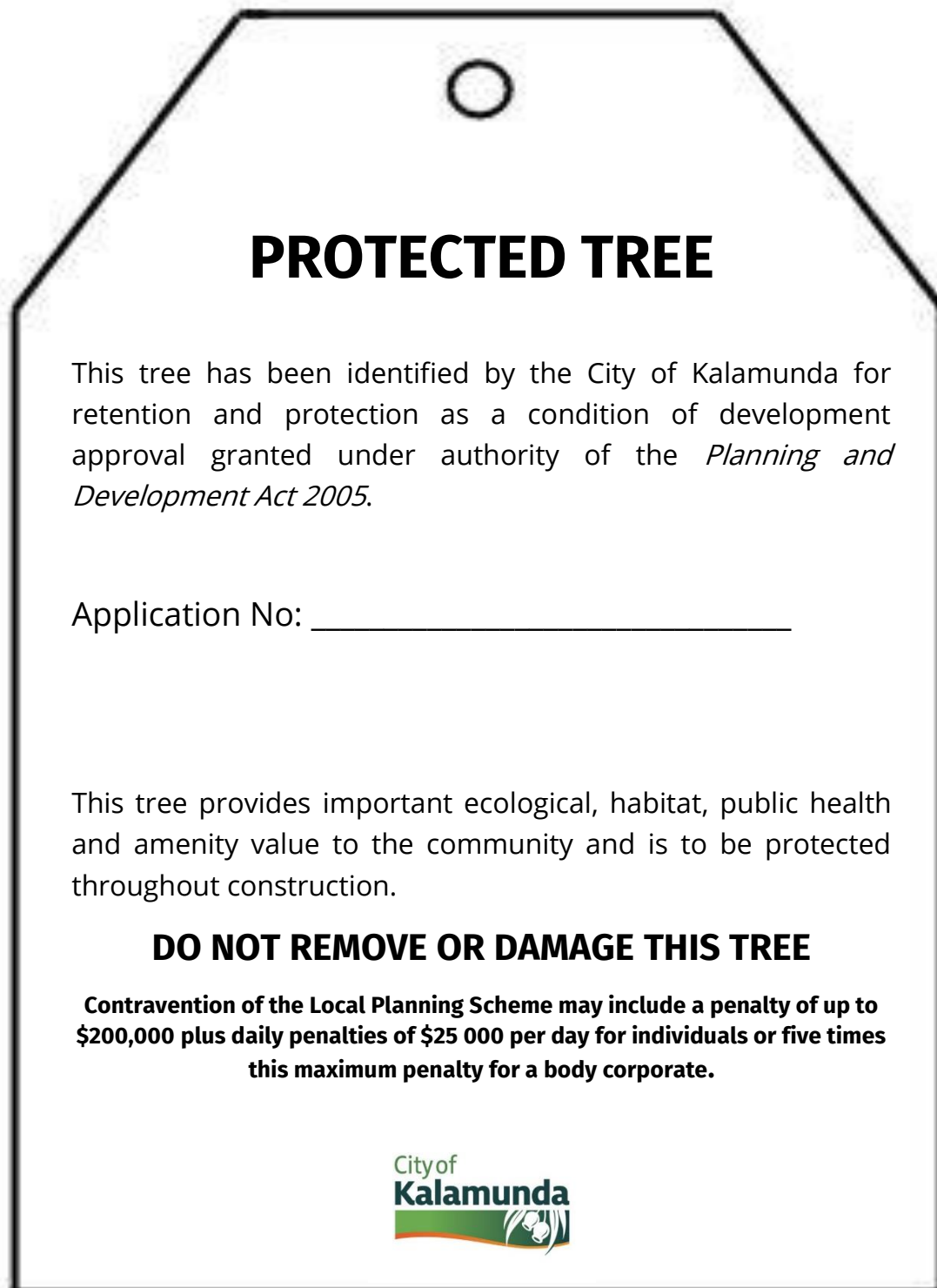


Figure 3: Tree Protection Zones for retained trees during construction

## Appendix 4 – Tree Label

A template for a tree label, shaped like a tag with a hole at the top. The text is centered within the tag.

**PROTECTED TREE**


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

Application No: \_\_\_\_\_

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

**DO NOT REMOVE OR DAMAGE THIS TREE**

**Contravention of the Local Planning Scheme may include a penalty of up to \$200,000 plus daily penalties of \$25 000 per day for individuals or five times this maximum penalty for a body corporate.**

A smaller version of the City of Kalamunda logo, located at the bottom center of the label template.

## Appendix 5 - Street Tree Valuation Methodology

The City of Kalamunda Tree Valuation Methodology is consistent with the approach utilised by the City of Melbourne. This includes a fee calculation with consideration of the following factors:

- a) Removal cost.
- b) Amenity values (base value multiplied by species, aesthetics, locality, and condition values).
- c) Ecological services value (using the i-Tree Eco valuation tool).
- d) Reinstatement greening costs.

The City of Melbourne may make continue to make modifications and improvements to their methodology, at which time the City of Kalamunda will assess the suitability of the changes and whether they are appropriate for the City to implement.

Legislation	Local Planning Scheme No. 3
Adopted	December 2022; OCM 177/2022
Reviewed	N/A
Next Review Date	2024