



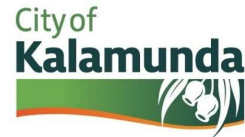
Local Planning Policy 33 – Future Forest

Local Planning Policy

Relevant Delegation
Development Services

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1. Introduction and Purpose

The purpose of this Policy is to facilitate the City's future forest by balancing the retention and replanting of trees in a manner consistent with community expectations. To achieve balance, enhanced canopy cover is facilitated through replacement tree planting where tree removal is granted approval.

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

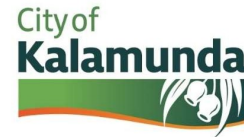
2. Application of Policy

This Policy applies to all strategic planning, subdivision, and development proposals, including associated impacts on verges (street trees). This Policy applies to all works impacting trees worthy of retention such as development, subdivision, and changes of land use.

This Policy does not remove any exemptions that exist elsewhere in the planning framework or wider relevant legislative framework. Exemptions to the application of this Policy are detailed in Clause 6.

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 must be given to the provisions of this Policy when considering strategic planning, subdivision, and development proposals – unless specifically exempt.
- 3.4 This Policy supplements and must be read in conjunction with Local Planning Scheme No. 3 (Scheme).
- 3.5 Commonwealth and State Government Legislation, Regulations, policies, and guidelines must 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 (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:

- a) encourage and facilitate the protection of trees worthy of retention when it is reasonable to do so.
- b) enhance the urban tree canopy through development approvals.
- c) guide landowners on the normal maintenance of their land; and
- d) provide methodologies to inform landowners and developers that aspire to go beyond the minimum standards for environmental management.

5. Definition of a Tree Worthy of Retention

5.1 Trees which meet the following criteria are 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) included on a Commonwealth, State or local weed register but provide important habitat for threatened bird species (e.g., Pinus species).

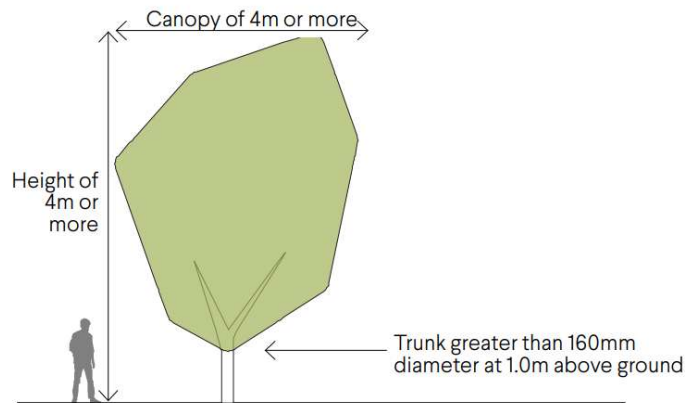
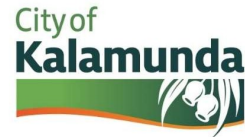
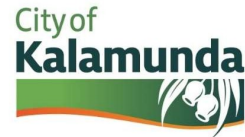


Figure 1: Size criteria used to identify existing trees worthy of retention

- 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. This is not a report from a tree removal contractor, unless they are suitably qualified.
- 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, and trees specifically retained through subdivision which are reflected on a planning document such as a Local Development Plan.

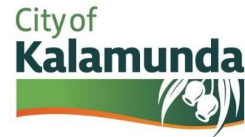
6. Exemptions

- 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:
- The tree removal is proposed on land being used for residential purposes only;
 - The tree constitutes an immediate danger to life or property in the opinion of the landowner;
 - 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;
 - The tree is required to be removed to adhere to an approved Bushfire Management Plan (or Statement, or BAL), or in accordance with the City of Kalamunda Fuel Hazard Reduction Notice and Clause 7.5 of this Policy has been applied;



- e) The Tree Protection Zone is within the area required to install a City or Department of Health 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 Landowners applying an exemption under Clause 6.1(a-b) do not need to provide evidence proving the applicable exemption; however for land not used only for residential purposes, 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 must take the form of Written Planning Advice which, with evidence including but 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.

Requests with insufficient evidence of an exemption will result in an exemption not being applied, and advice being provided for the landowner to submit a development application to remove the tree/s. If tree clearing occurs after advice to submit a development application has been provided, a landowner risks being prosecuted for breaching the Scheme.



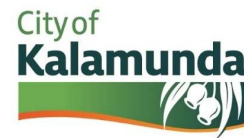
- 6.3 The exemptions listed under Clause 6.1 of this policy do not apply to newly planted trees that do not yet meet the definition of a tree worthy of retention, that have been planted or retained as a requirement of a subdivision or development approval, or as a requirement under other legislation such as the *Environmental Protection Act 1986* or the *Environment Protection and Biodiversity Conservation Act 1999*.

7. General Requirements

- 7.1 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 must be retained in perpetuity, and protected onsite during development works in accordance with AS4970-2009, including establishment of a Tree Protection Zone.
- 7.2 Applications for development approval must include a site survey identifying existing trees worthy of retention, including those impacted by development and subdivision works and those proposed for retention. The site survey must include a Preliminary Arborist report and Arborist Impact Statement prepared by a suitably qualified Arborist, to comply with AS4970-2009.
- 7.3 Applications for development approval or a building permit must include a 'tree balance' plan showing proposed clearing areas, as well as areas of retention, relocation, and/ or replacement of trees worthy of retention (refer Appendix 2 – Plan example) to demonstrate that the objectives of this Policy have been addressed.

Applications must demonstrate:

- a) the siting and design of development has avoided impacts on trees worthy of retention (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) management measures to protect trees worthy of retention during development and subdivision works, including but not limited to the identification of Tree Protection Zones; and
 - c) identification of measures to improve tree canopy through onsite replanting at a ratio of 2 new trees for every tree worthy of retention proposed to be removed, or a commitment to be bound by a condition requiring a tree replacement payment for every tree worthy of retention proposed to be removed, up to \$10,000.
- 7.4 Development applications for additions to existing single houses are exempt from Clause 7.2 and 7.3.



- 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 must 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 may include retained trees worthy of retention that existed prior to the commencement of development.
- 7.8 Any trees worthy of retention, identified to be retained as part of an approved plan or as a condition of approval must be clearly tagged (see Appendix 3 – 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 street trees and trees on neighbouring properties (noting that neighbour consent needs to be obtained) that may be affected by works (see Appendix 2 – Plan Example).

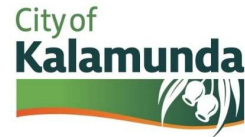
8. Strategic Planning Proposals

- 8.1 Scheme amendments and Structure Plan proposals must identify environmental features, including trees worthy of retention and must 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 Scheme amendment applications and Structure Plans must have regard to positioning public open space (POS) and configuration of the public road network, and future underground infrastructure to retain key environmental values, including ecological linkages and trees worthy of retention.
- 8.3 Strategic planning proposals must be supported by technical information¹ which demonstrates that the protection of trees worthy of retention has been prioritised.

9. Subdivision Proposals

- 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

¹ Environmental Assessments, District and Local Water Management Strategies, Landscaping Strategies and Arborist reports.



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.

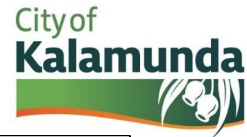
- 9.2 The City may recommend to the WAPC the reconfiguration of the proposed subdivision layout to accommodate the retention of trees worthy of retention, such as meandering or wider road verges and/or modified lot configuration and dimensions. The City will assess the adequacy of road reserve widths 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 Proposed lot levels must have regard to facilitating the retention of trees worthy of retention. The City notes that in achieving desired lot density, infill subdivision may benefit from replanting – rather than retention – to achieve the intended balance of the Policy.
- 9.4 The City will recommend that the WAPC require a streetscaping plan as a condition of subdivision approval to ensure canopy cover is established in new subdivisions.
- 9.5 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 must include an Arborist report prepared by a suitably qualified Arborist. A site plan showing the existing trees worthy of retention proposed to be retained, removed, or planted must also be provided as part of the request for subdivision clearance.

10. Tree Planting Requirements

- 10.1 The minimum tree planting requirements in Table 1 apply to the various LPS Zones, as well as strategic planning proposals.

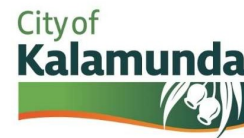
Table 1. Minimum tree planting requirements

LPS Zone	Minimum tree planting requirements
Residential, Residential Bushland, Urban Development & Private Clubs and Institutions	<p>Development Applications: 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.</p> <p>The number of replacement trees to be planted, will not exceed the requirements of Table 1, except where unauthorised clearing has occurred (refer Clause 13).</p>



LPS Zone	Minimum tree planting requirements
	Subdivision applications (greater than two lots being created): 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.
Special Rural, Rural Composite, Rural Agriculture, Rural Landscape Interest and Rural Conservation	Development Applications: A minimum of two trees must be planted for every tree worthy of retention proposed to be removed, that is not exempt under the provisions of this Policy.
Light Industry, General Industry, Industrial Development and Service Station	Development and Subdivision Applications: A minimum 10% tree canopy cover, at maturity.
Centre, District Centre, Mixed Use and Commercial	Development and Subdivision Applications: Unless otherwise provided in an approved Activity Centre Plan or design guidelines, a minimum of 20% canopy cover, at maturity.

- 10.2 Applications in other zones that are not described in Table 1 will be assessed against the criteria considered most applicable to the land use.
- 10.3 Tree planting on private land must incorporate a minimum 90L pot size (unless otherwise agreed by the City), 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.
- 10.4 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).
- 10.5 Planted trees are required to be maintained by the landowner for the duration of the development.



- 10.6 If the City assesses there to be insufficient suitable locations for retention or planting onsite to achieve the requirements of this Policy, or it is not reasonable to implement, the City will recommend a payment per tree worthy of retention (required to be planted), for planting an offset tree either on the immediately adjacent verge or within the locality of the development. The payment fee will be specified in the City's Fees and Charges.

11. Car Parking Areas

- 11.1 A minimum of 1 medium or large tree must be provided for every 4 uncovered car parking bays.
- 11.2 Trees planted in car parking areas must achieve the planting area soil volume and width specified in Table 2, 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 must be fit for purpose providing ventilation and drainage. The planting area must be free from utility services and other obstructions and take advantage of drip lines to maximise viability.

Table 2 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 ³	4 x projected mature DBH (Diameter at Breast Height)
Large	>12m	40m ³	

12. Street Trees

- 12.1 Trees with any part within the verge that meet the definition of a tree worthy of retention must be retained and protected in accordance with AS 4970-2009, unless approved to be removed through a development or demolition application, or exempt by this Policy. Refer to Clause 7.2-7.4.
- 12.2 The following minimum setbacks apply to crossover/driveways from any street tree on the verge, to keep trees in a sound condition and reduce the impact on the root system:
- DBH of up to 200mm requires a minimum setback of 1.5m
 - DBH of 201mm to 300mm requires a minimum setback of 2m
 - DBH of 301mm to 500mm requires a minimum setback of 2.5m
 - DBH greater than 500mm requires 3m.

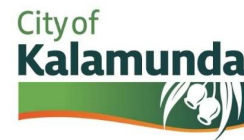


Should the minimum setbacks be unachievable, the City may consider a reduced setback if it can be demonstrated that the tree will be adequately protected, on a case-by-case basis.

- 12.3 The City may request a bond for the protection of street trees worthy of retention, where development works pose a risk to the health and viability of street trees.
- 12.4 If damage or clearing of a street tree worthy of retention occurs, or the City approves the removal of a street tree worthy of retention, the applicant must provide an offset payment to the City. The offset payment is calculated using the City's Schedule of fees.
- 12.5 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.

13. Unauthorised Impacts to Trees Worthy of Retention

- 13.1 If a tree worthy of retention that does not qualify for an exemption under the planning framework or the provisions of this Policy is cleared or impacted in a way that compromises its ongoing health and viability without a valid development approval or in breach of an existing development approval, is considered a breach of the Scheme and compliance action may be initiated.
- 13.2 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.
- 13.3 If trees are suspected to be unlawfully damaged or removed within verge or reserve areas in a manner that would benefit nearby landowners, such as obtaining City views, the City will consider installing sea containers to block the gained views, until replacement vegetation grows to replace the lost amenity.



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 2.25m² 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.

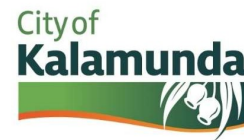
Commonwealth, State or local weed register - Includes but is not limited to weeds of national significance, Declared Pests listed under the *Biosecurity and Agriculture Management Act 2007*, or a weed listed on the Swan Weeds Database.

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.

Ongoing viability – A tree with a life expectation exceeding 15 years, in the opinion of a suitably qualified arborist.

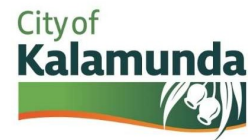
Tree protection zone (TPZ) - A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development. The TPZ should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

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

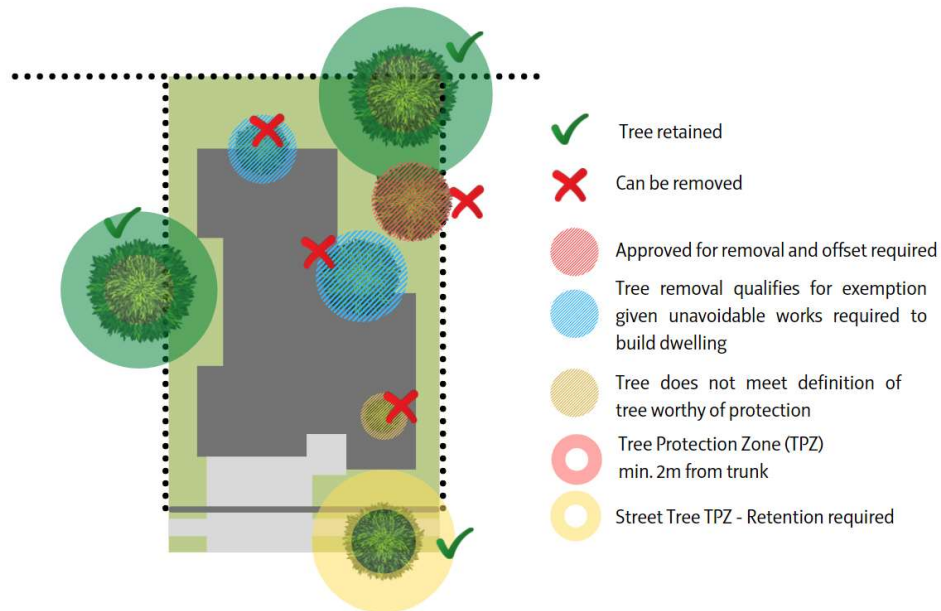
Rootable Soil Zone - Areas beyond the primary deep soil area under adjacent pavements that are engineered and constructed to support tree root penetration. This can be achieved by using structural soil and structural cells which are materials for creation of rootable soil zone beneath pavements and other 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.

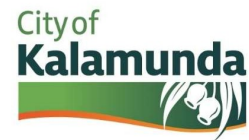
Street tree – Any tree worthy of retention within a road reserve.

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 – Indicative Tree Retention Plan Example





Appendix 3 – Tree Label

A template for a tree protection label, shaped like a tag with a hole at the top. It contains text explaining the tree's protected status and the consequences of removal or damage.

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*.

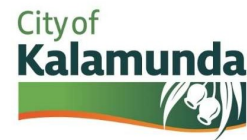
Application No: _____

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.

The logo for the City of Kalamunda, featuring the text "City of Kalamunda" in a green sans-serif font above a stylized graphic of a tree and a sun/moon in green and orange.



Appendix 4 - Street Tree Valuation Guide

The City of Kalamunda Tree Valuation guide is intended to demonstrate the theoretical value of street trees in a City of Kalamunda context. This Policy does not require street tree valuations to be undertaken. The City's methodology is based on the widely-used City of Melbourne methodology . This includes a valuation calculation considering:

- 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 valuation guide provides the community a methodology to put a dollar-value to the typically difficult to measure benefits of the urban forest, bespoke to the City of Kalamunda. As the City of Melbourne may make continue to make modifications and improvements to its methodology, the City will assess the suitability of the changes and whether they are appropriate for implementation.

Legislation	Local Planning Scheme No. 3
Adopted	Nil
Reviewed	Nil
Revision	Nil
Next Review Date	Nil