



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

Nature Reserves Preservation Group of Kalamunda, Inc.

20 Dec 2021

TO: Rhonda Hardy, CEO
CC: enquiries@kalamunda.wa.gov.au

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

Dear Rhonda,

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

Section 1. Introduction and purpose:

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

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

Section 2. Application of policy.

NRPG requests confirmation that this policy will apply to contractors or utilities (such as Western Power, Telstra etc.) infrastructure works.

Section 3. Statutory Authority / Legal Status

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

Section 4. Objectives:

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

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

Section 5. Definition of a tree worthy of retention.

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

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

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

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

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

Section 6. Exemptions.

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

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

Section 7. Provisions Varying the R-Codes.

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

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

Section 8 Tree Retention. General Requirements.

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

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

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

Section 9. Tree Planting Requirements. Table 2.

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

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

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

Section 10. Street Trees.

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

Section 11. Unauthorised Clearing of Trees Worthy of Retention.

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

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

Kind regards,
Steve Gates
President, NRPG Inc.