

**9.1 NOTICE OF MOTION - MAYOR ALISON XAMON - PROTECTION AND PROMOTION OF TREES ON PRIVATE LAND**

**TRIM Ref:** D24/18935

**Attachments:** Nil

**That Council:**

- 1. NOTES the critical role that tree canopy plays in making cities liveable, reducing the urban heat island effect and providing a habitat for local flora and fauna; and**
- 2. REQUESTS that the City:**
  - 2.1 Prioritises the progress of planning controls to ensure greater protection of trees and canopy provision on private land; and**
  - 2.2 Advocates to the Western Australian Planning Commission and Minister for Planning for greater protection of trees on private land.**

**REASON**

Perth has the lowest tree canopy coverage in Australia and is continuing to see a loss of existing trees as part of new developments and within the public realm. This tree canopy loss is being accelerated due to the spread of polyphagous shot-hole borer. Currently the planning framework provides limited controls for the retention of existing trees and the provision of new tree canopy.

Through the ongoing review of its local planning framework there is the opportunity for the City to investigate new mechanisms to improve Vincent's urban canopy, and to continue to be a leader in advocating for improved urban greening and environmentally sustainable design through new development.

**ADMINISTRATION COMMENTS**

Supported.

Urban canopy contributes significantly towards local biodiversity, visual amenity in our streetscapes, community wellbeing, and reduces the impact of urban heat island effect.

But development approval is not currently required for removal of trees under the State planning framework. And Local Governments cannot 'override' this in their local planning frameworks.

This means private land can be cleared of its canopy cover prior to lodging a development application or subdivision. This is contributing significantly to the decline of canopy cover.

State planning policies providing for residential development control include the Residential Design Codes Volumes 1 and 2, and soon to be released Medium Density Code. These make provision for the retention of existing trees and tree planting to increase canopy on development sites, although do not go far enough.

Local Governments can prepare local planning frameworks to enhance tree provision and protection on private land, but these require State Government approval.

To date, the City has been proactive and shown leadership with its approach to urban canopy. The City will continue these efforts and its advocacy, with opportunities through various strategies and policies that are currently being reviewed. The work done by the City to date and opportunities moving forward are described further below.

By addressing tree canopy through the City's strategy, scheme and policy review, it would provide for a clear and robust local planning framework. This would ensure development controls and guidance for future decision making of development applications to increase Vincent's canopy coverage.

Administration will ensure this work is prioritised and adequately resourced within its existing operating budget.

The City will advocate to the State Government for greater protection of tree canopy, including as part of the State Government preparing its Perth and Peel Urban Greening Strategy.

There are opportunities also to continue working together in collaboration with the local government sector to advance the urban canopy agenda, including through the Inner City Group and WALGA's Local Government Urban Forest Working Group.

<p><b>Strategic Community Plan 2022-2032</b></p>	<p>The City's <a href="#">Strategic Community Plan</a> (SCP) establishes the community's vision for our future through the following priorities area – Enhanced Environment, Accessible City, Connected and Healthy Community, Thriving Places, Sensitive Design, Innovative and Accountable.</p> <p>The Enhanced Environment priority area seeks to protect and enhance the natural environment, making best use of our natural resources for the benefit of current and future generations.</p>
<p><b>Sustainable Environment Strategy 2019-2024</b></p>	<p>Council adopted the Sustainable Environment Strategy (SES) at its meeting on <a href="#">23 July 2019</a>. The SES sets out operational and community targets across five focus areas: energy, transport, waste, water, and urban greening and biodiversity.</p> <p>In relation to urban greening the SES sets targets which include achieving 23 percent canopy cover on public land and 7.5 percent canopy cover on privately owned land to be achieved by 2023.</p> <p>Data from the State Government's <a href="#">Urban Tree Canopy Dashboard</a> in 2020 identifies that the City has met the target in relation to the private realm by achieving 9 percent canopy coverage. This data identified that 19 percent canopy coverage had been achieved, though this data is four years old. There is no updated State Government data available in relation to tracking these targets.</p> <p>Administration is undertaking a review of the SES as part of a broader review of sustainability which will also include the Greening Plan 2018-2023 (Greening Plan).</p>
<p><b>Greening Plan 2018-2023</b></p>	<p>The City's <a href="#">Greening Plan</a> expands on the Enhanced Environment priority area of the SCP and focuses on opportunities to increase overall tree canopy cover, create more liveable neighbourhoods and foster biodiversity.</p> <p>The Greening Plan includes targets for canopy coverage in the public realm and as part of private developments that reflect those of the SES.</p>
<p><b>Local Planning Scheme No. 2 (LPS2) and Trees of Significance Inventory</b></p>	<p>Development approval is required under LPS2 for the removal of trees listed on the <a href="#">Trees of Significance Inventory (Inventory)</a>.</p> <p>The Inventory provides a document for the City to recognise significant trees and to establish long-term plans for its-conservation, enhancement and maintenance. It currently contains mature trees in the public realm including on the street and in verges, and within the City's reserves and car parks. There are also nine trees which are on private property.</p>
<p><b>Policy No. 7.6.3 – Trees of Significance (Significant Trees Policy)</b></p>	<p>Supporting LPS2, the City's <a href="#">Significant Trees Policy</a> sets out criteria for the nomination of significant trees.</p>

<p><b>Policy No. 7.1.1 – Built Form (Built Form Policy)</b></p>	<p>The City's <a href="#">Built Form Policy</a> was adopted in 2016 and amends development standards contained in the R Codes and also provides standards that apply to commercial developments.</p> <p>Tree planting and landscaping standards in the Policy for residential and mixed use developments are required to be approved by the Western Australian Planning Commission (WAPC) before they have the same weight in decision making as other policy provisions and can be enforced. This is because these standards go over and above the R Codes.</p> <p>To date, the WAPC has yet to approve these standards.</p> <p>Administration assesses development applications against these provisions and works with applicants to maximise canopy cover on development sites as part of the assessment process.</p> <p>These standards prescribe the provision of 12 percent of site area as deep soil areas, three percent as planting areas and 30 percent as tree canopy for new residential developments. These are over and above the standards of the R Codes. Standards are also included which provide for the retention of existing healthy trees.</p>
<p><b>Planning Strategy and Scheme Review</b></p>	<p>The City is currently undertaking a review of its Local Planning Strategy and Local Planning Scheme No. 2 (LPS2).</p> <p>This is listed as a strategic focus area for 2023/24 in the City's Corporate Business Plan 2023/24 – 2026/27 and presents an opportunity to provide for objectives and planning controls that align with the Enhanced Environment priority area of the City's SCP.</p>
<p><b>Residential Design Codes (R Codes)</b></p>	<p>The R Codes consist of two volumes. <a href="#">Volume 1</a> currently applies to single houses and grouped dwellings, while <a href="#">Volume 2</a> applies to apartments and mixed use developments.</p> <p>Both volumes have standards that deal with the provision of landscaping and trees:</p> <ul style="list-style-type: none"> <li>• <a href="#">R Codes Volume 1</a> – Currently includes standards for a minimum of one tree within a landscaped area. Standards set out additional trees for townhouse developments with common property. These standards also outline for landscaping to be provided to grouped dwellings, and retention of trees over 3 metres in height.</li> <li>• <a href="#">R Codes Volume 2</a> – Currently includes standards relating to the provision of on-site deep soil areas, on-structure landscaping, and tree planting. Standards are also provided for the retention of existing trees that are healthy and have a height and average canopy diameter of 4 metres.</li> </ul>
<p><b>Medium Density Housing Code</b></p>	<p>New <a href="#">Medium Density Housing Code</a> provisions are being introduced by the State Government for residential developments and will result in amendments to the R Codes Volume 1. These were originally scheduled for gazettal in September 2023, but were deferred by the Minister for Planning while the Department of Planning, Lands and Heritage (DPLH) undertook a further review.</p> <p>These were recently announced as coming into effect from 8 April 2024 and will apply to single houses in areas coded R50 and above, to grouped dwellings in areas coded R30 and above, and to apartments in areas coded R30 to R60.</p> <p>The exact provisions and the document itself have not been released but are expected in early March 2024. The 2023 version of the Medium Density Housing Code included standards relating to soft landscaping and tree planting.</p>

<p><b>WALGA Tree Protection Planning Policy Template</b></p>	<p>In 2019 WALGA established the <a href="#">Local Government Urban Forest Working Group</a>.</p> <p>Its purpose is to build the capacity, identifying gaps and developing practical planning outcomes and tools for local governments to maintain their urban tree canopy. The City is part of this working group.</p> <p>In 2022 WALGA prepared an issues paper to identify barriers to the retention and enhancement of canopy cover and vegetation in urban areas. This included trees on both public and private land.</p> <p>This issues paper informed the preparation of legal advice on matters including the protection and retention of mature trees on private land as part of developments.</p> <p>This legal advice has informed WALGA in developing a local planning policy template for tree protection for use by local governments. This template is expected to be released shortly and is intended to provide for a consistent approach to tree protection for local governments across the state.</p>
<p><b>Perth and Peel Urban Greening Strategy</b></p>	<p>In February 2024, the State Government announced that it was developing a new <a href="#">Urban Greening Strategy for the Perth and Peel region</a>.</p> <p>The WAPC will lead the development of the strategy and will explore various elements aimed at enhancing tree canopy and creating more green spaces across the Perth and Peel regions.</p> <p>The WAPC is currently undertaking consultation through a high level survey to inform the development of the strategy. The State Government has committed to the finalising the strategy by the end of 2024.</p>