

**10.2 LATE NOTICE OF MOTION: Councillor Joshua Topelberg – Request to investigate the requirements, conditions and associated compliance for development applications involving tree retention on private land**

That Council requests the Chief Executive Officer to:

1. Investigate and prepare Local Planning Policy provisions that will guide the application of conditions on development approvals where mature trees are required to be retained as part of a development through measures such as:
  - 1.1 Requiring an arboriculturist's report to be submitted to the City prior to commencement of development on the site;
  - 1.2 Ensuring that the recommendations of that report are required to be implemented by the developer/owner(s); and
  - 1.3 Including any other requirements the City believes will strengthen the planning and compliance framework to prevent wilful damage, neglect or removal of trees that are conditioned to be retained; and
2. Present a report to Council by February 2017 to examine the legal and operational mechanisms to require the City's approval for the removal of trees on private property and the introduction of subsequent penalties similar to those relating to the unauthorised removal of street trees.

**REASON:**

The City's current planning framework is silent on the enforcement procedure where existing mature trees are required to be retained as part of a development approval. A policy position should be established by Council to clarify and require developers to comply with a range of measures that will protect the integrity and condition of any tree proposed to be retained.

**ADMINISTRATION COMMENTS:**

Administration supports Item 1 of this motion.

Administration also supports the principle of Item 2 of this motion but notes that contemplating a pathway to legally mandate the retention of trees on private property will require investigation, benchmarking and legal advice. This is not an insignificant body of work and does not currently form part of the City's Corporate Business Plan (CBP). Undertaking this work to meet the stated timeframe will divert resources from other CBP projects and priorities, such as finalisation of the Built Form Policy, the North Perth and Mount Hawthorn Car Parking Surveys, additional Character Retention Areas and Axford Park redesign consultation. A more achievable timeframe for undertaking this work would be to report back to Council by May 2017.