

TOWN PLANNING SCHEME NO 3

LOCAL PLANNING POLICY

LPP14 SIGNIFICANT TREE REGISTER



SUSTAINABLE DEVELOPMENT

NOVEMBER 2009

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FINAL

Background to Local Planning Policy No 14 – Significant Tree Register

In June 2009, Council commenced a major review of its existing Local Planning Policies. LPP14 *Significant Tree Register* replaces Local Planning Policy No 17 *Significant Tree Register* adopted in February 2008.

Record of Adoption of Local Planning Policy No 14 – Significant Tree Register

<i>Revision No & Date</i>	<i>Description</i>	<i>Endorsed by Council</i>
0 (06.09)	<i>draft (for internal review)</i>	N/A
1 (06.09)	<i>draft for Council adoption to advertise</i>	PCDS.13/6/09 G.37/6/09 16 June 2009
2 (11.09)	<i>final for Council adoption</i>	PCDS.31/11/09 G.51/11/09 24 November 2009

Record of Modifications to the approved Local Planning Policy No 14 – Significant Tree Register

<i>Amendment No</i>	<i>Description</i>	<i>Endorsed by Council</i>

1. INTRODUCTION

Council recognises that its community considers trees to be major community assets and form part of its local natural heritage.

The purpose of this policy is to outline the planning process with relation to clause 6.5 Tree and Bushland Preservation of Scheme 3.

1.1 OBJECTIVE

The objective of this policy is to provide guidance to Council on its obligations and requirements for creating and maintaining a Significant Tree Register pursuant to the provisions of Scheme 3.

1.2 RELATIONSHIP TO TOWN PLANNING SCHEME NO 3

A Local Planning Policy is adopted under clause 9.6 of Town Planning Scheme No 3.

A Local Planning Policy is not part of Scheme 3 and does not bind the Council in respect of any application for planning approval but the Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Local Planning Policies are guidelines used to assist Council in making decisions under Scheme 3. Although Local Planning Policies are not part of Scheme 3, they must be consistent with, and cannot vary, the intent of Scheme 3 provisions, including the Residential Design Codes.

In considering an application for planning approval, the Council must have due regard to relevant Local Planning Policies as required under clause 7.5.

If a provision of a Local Planning Policy is inconsistent with Scheme 3, Scheme 3 prevails.

1.3 INTERPRETATIONS

'Scheme 3' means the City of Mandurah Town Planning Scheme No. 3. For the purpose of this policy, definitions and interpretations shall be applied in accordance with Scheme 3.

1.4 POLICY CONTEXT

This policy is applicable to the municipal district of the City of Mandurah as per the provisions of Scheme 3.

This policy is consistent with Council Policy SD-07 *Significant Tree Register*.

All applications for planning approval on land on which a significant tree is nominated or registered is to have regard to the provisions of this policy when submitted for assessment and determination by the Council.

2. POLICY PROVISIONS

2.1A Significant Tree Register

Council will develop and maintain a 'Significant Tree Register' and:

- (a) have regard to clause 6.5.1 of Scheme 3;
- (b) utilise the nomination process and assessment criteria for Significant Trees as set out in the 'Significant Tree Register';
- (c) maintain a copy of the 'Significant Tree Register' available via the Council's Intranets system and the Council website; and
- (d) advise landowners of their obligations under Scheme 3 in relation to the protection and maintenance of trees listed in, or nominated for, the 'Significant Tree Register'.

2.1B Assessment of Applications for Planning Approval

Applications for Planning Approval received by Council will be assessed against the Significant Tree Register and Council Policy SD-07 *Significant Tree Register*.

3. ASSESSMENT CRITERIA

In assessing Applications for Planning Approval lodged within the district, Council shall have regards to the objective and provisions of this policy pursuant to clause 7.5.1 (e) of Scheme 3.

4. ADMINISTRATION

4.1 IMPLEMENTATION

This policy has effect on publication of a notice under clause 9.6.3.3 (a) of Scheme 3.

Modifications to its content may be undertaken in accordance with the provisions of clause 9.6 of Scheme 3 and at Council's discretion.

4.2 CONSULTATION PROCEDURE

Consultation procedures within the *Planning and Development Act 2005*, its subsidiary legislation, or the Scheme cannot be circumvented by this policy.

4.3 DELEGATION

The Council delegates authority to Director Sustainable Development and Manager Planning and Projects pursuant to clause 9.2 of the Scheme and sections 5.42 and 5.44 of the *Local Government Act 1995*: refer to DA – SD 1.1.