

Policy P350.05 Trees on Development Sites and Street Verges

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services
Affected Business Unit/s	Development Services

Rationale

Trees provide environmental, health and amenity benefits in relation to solar screening, microclimate, carbon absorption, bird and animal habitat, air quality and visual attractiveness. Due to these benefits, trees can also enhance the monetary value of individual properties and the enjoyment of residing in a green, leafy neighbourhood.

Town Planning Scheme No. 6 (TPS6) promotes urban infill which contributes to the City's sustainability commitment. However, while the City of South Perth is presently characterised by mature trees, an inevitable consequence of urban infill development is that only a very limited number of trees can be retained on development sites. While sharing the community concern about the loss of trees as a result of development, the City takes a balanced approach to both urban infill development and tree preservation, as reflected in this Policy. The Policy requires every development site with a sufficient street frontage to have at least one mature tree, being either a 'retained' tree or a newly planted tree.

Trees in road reserves are an essential part of the streetscape providing aesthetic appeal as well as the environmental benefits. Street trees are a valuable community and City asset. The amenity value of these trees is progressively increasing as the number of mature trees on development sites declines. The City therefore seeks to preserve most existing street trees. The City's 'Street Tree Management Plan' provides more detailed provisions relating to street trees.

Policy

1. Status

- (a) This Policy is a planning policy prepared, advertised and adopted pursuant to clause 9.6 of TPS6. Under clause 1.5 of TPS6 all planning policies are documents supporting the Scheme.
- (b) This Policy has also been prepared pursuant to clause 5.3 of the Residential Design Codes (R-Codes) that expressly permits Local Planning Policies which address streetscape and building design.

2. Objectives

- (a) To promote the designing of residential development in a manner that enables trees to be retained.

- (b) To ensure that new trees are planted to preserve or enhance the City's desirable 'green' character.
- (c) To preserve street trees.

3. Scope

This Policy applies to any site where new dwellings or additions to an existing dwelling are proposed.

4. Definitions

existing tree

A tree situated on a development site at the time of submission of a development application.

street tree

A tree located within any part of a road reserve.

5. Method of measurement of distance from a tree

For the purpose of this Policy, a specified distance from a tree is to be measured from the centre of the tree trunk at ground level.

6. Development site plan to show all trees

The site plan submitted as part of a development application is to accurately show:

- (a) any existing tree 3.0 metres or more in height;
- (b) which existing trees 3.0 metres or more in height the applicant intends to retain and which are proposed to be removed;
- (c) any trees to be planted on the development site; and
- (d) all trees on the street verge adjoining the development site.

7. Trees on development sites

(a) Existing trees to be retained wherever possible

Unless the applicant satisfies the City under clause 7(c) that certain trees should be removed, all existing trees 3.0 metres or more in height are to be retained, provided that the trees are situated at least 3.0 metres from a side or rear boundary of a survey strata lot or a 'green title' lot. In the case of trees situated less than 3.0 metres from such a boundary, the applicant has the option as to whether to retain or remove those trees. Retention of trees situated less than 3.0 metres from such a boundary is not mandatory having regard to the potential safety hazard for a neighbour's property, or structural damage to the tree where roots and branches protruding beyond the lot boundary are pruned by the neighbour.

(b) Development design is to accommodate existing trees

(i) Distance between buildings and existing trees within communal open space

Acceptable Development clause 6.4.5 A5(vi) of the R-Codes requires any existing tree 3.0 metres or more in height to be retained if it is situated within communal open space for Grouped or Multiple Dwellings. Having regard to this requirement, any proposed building is to be situated not less than 3.0 metres from a tree being retained within a communal open space.

(ii) Design to retain existing trees not within communal open space

On any part of a development site that is not proposed to be communal open space, where an existing tree is to be retained, any proposed building is to be situated at least 3.0 metres from the tree.

(c) Requirements where applicant seeks approval to remove an existing tree

In the case of an existing tree 3.0 metres or more in height which is situated 3.0 metres or more from a side or rear boundary of a survey strata lot or a 'green title' lot, where the site plan indicates the proposed removal of the tree:

- (i) in respect of each such tree, the applicant is to pay a fee, calculated in accordance with the City's Schedule of Fees and Charges, for the cost of a replacement tree which is to be planted within a road reserve or recreation reserve. The fee includes the cost of the supply, planting and maintenance of a suitable tree. The maintenance period is to be two years. (Note: Where the applicant pays a fee for a replacement tree, the City will plant a tree in a location and of a species to be determined by the City. The replacement tree will be planted as close to the development site as the City considers practicable.)

or

- (ii) the applicant is to submit one of the following for consideration by the City:
- (A) documentation demonstrating why it is not feasible to redesign the development in a manner that would ensure that the tree can flourish to maturity without detriment to the tree or structural damage to any adjacent building; or
- (B) an arboriculturalist's report justifying why the tree ought to be removed having regard to its health, life expectancy, or structural stability.

In the case of either (ii)(A) or (ii)(B), the applicant is required to plant a replacement tree. In this regard, a plan is to be submitted detailing the location, type and height of another tree to be planted in a designated position elsewhere on the development site. The replacement tree is to be of a species approved by the City and not less than 3.0 metres in height at the time of planting. Each tree that is removed is to be replaced by one tree, but in no case are more than two replacement trees required.

(d) City to decide which trees are to be retained

When assessing the development application, after having considered the proposed design and any submission made by the applicant under clause 7(c), the City will decide which trees are required to be retained. Where the City does not support the applicant's request for removal of any tree, the development proposal is to be redesigned to preserve that tree.

(e) Planting of trees on development site

- (i) In the case of a development site:
- (A) not containing any trees at the time of submission of the development application or where no existing trees are to be retained; and
- (B) having a frontage of at least 10.0 metres onto a public street; at least one tree is to be planted within the street setback area or elsewhere on the site.
- (ii) Local species trees with broad canopies providing maximum shade and bird habitat are encouraged. Palms are not suitable for new planting on development sites.

(f) Dwelling density entitlement preserved

Subject to clause 7(g), the City does not seek to reduce the number of dwellings on a development site below the normal entitlement, and will permit the removal of trees which would prevent the construction of a dwelling which could otherwise be built.

(g) Registered trees not to be removed

Notwithstanding clause 7(f), where a development site contains a tree which is included in the City's Register of Tree Preservation Orders pursuant to clause 6.13 of TPS6, any proposed development is to be designed to ensure that the tree will be preserved without detriment to the tree or structural damage to any adjacent building.

8. Street trees

(a) Retention of street trees

The City requires the retention of all street trees unless:

- (i) the tree is dead;
- (ii) the tree is diseased and remedial treatment would not be effective;
- (iii) the tree is hazardous or is causing damage to public or private property where repair and specific treatment options are not appropriate;
- (iv) the tree has a limited life expectancy;
- (v) the City considers the tree to be of an unsuitable species;
- (vi) retention of the tree would:
 - (A) restrict the number of dwellings on the development site to less than the permissible number;
 - (B) result in a visually unacceptable development; or
 - (C) unreasonably restrict vehicular access to the development site.

(b) Street tree removal or replacement

The City will replace any removed street tree with another tree on the street verge adjoining the development site, where there is sufficient space to do so. The replacement species will be selected in accordance with the City's 'Street Tree Management Plan'.

(c) Street tree relocation

If a street tree would adversely affect a proposed development in relation to the matters referred to in clause 8(a)(vi), the City may decide to relocate that tree.

(d) Street tree pruning

Where a crossover is proposed to be within 3.0 metres of a street tree, the City will determine the impact on the tree. The City may decide to approve the proposed location of the crossover, subject to the tree being pruned to avoid damage to either the tree or vehicles using the crossover.

(e) New or Extended Crossovers

The distance between an existing street tree which is to be retained and a new or extended crossover, is to comply with the provisions of clause 6(a) of Policy P350.3 'Car Parking Access, Siting, and Design'.

(f) Development design to retain existing street trees

Where a proposed crossover is required to be relocated in order to retain a tree, the City may require modifications to the site plan or building design or both, in accordance with the provisions of clause 6(a)(ii) of Policy P350.3 'Car Parking Access, Siting, and Design'.

(g) Applicant to meet costs associated with disturbance of a street tree

Where a street tree is to be removed, replaced, relocated or pruned as a result of a development, the applicant is to pay a fee, calculated in accordance with the City's Schedule of Fees and Charges. The fee includes the following:

- (i) the amenity value of the tree calculated according to the City of South Perth Amenity Valuation Method;
- (ii) the cost of removal and stump grinding;
- (iii) the cost of pruning;
- (iv) the cost of supply and planting of a replacement '100 litre container' sized tree;
- (v) cost of maintenance for a period of two years; and
- (vi) administration costs.

9. Protection of trees which are to be retained

During construction of a development, every tree which is to be retained on a development site or within a road reserve must be protected from root, trunk and canopy damage.

Legislation / Local Law Requirements

Nil.

Other Relevant Policies / Key Documents

City of South Perth Town Planning Scheme No. 6
Residential Design Codes
Policy P305 'Tree Preservation Orders'
Policy P308 'Street Trees'
Policy P350.3 'Car Parking Access, Siting, and Design'
Other Policies within Policy P350 'Residential Design Policy Manual: City-Wide Policies'
City of South Perth 'Street Tree Management Plan'
City of South Perth Information Sheet: 'Encroaching Roots and Branches'
(www.southperth.wa.gov.au/docs/infosheets/EncroachingRootsAndBranchesRef145.doc)