



Local Planning Policy No 13

Trees on Development Sites

Background

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.

Local Planning Scheme No. 10 (LPS10) promotes urban infill which contributes to the Town's sustainability commitment. However, while the Town of Bassendean 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 Town takes a balanced approach to both urban infill development and tree preservation, as reflected in this Policy.

1.1 Citation

This Policy is adopted by the Town of Bassendean as a Planning Policy pursuant to Section 2.4 of Local Planning Scheme No .10.

1.2 Purpose

The purpose of this policy is to State Council's position on the retention of trees on development sites.

1.3 Application of this Policy

This policy applies to all applications that require planning consent under the Local Planning Scheme.

1.4 **Relationship to the Local Planning Scheme No 10, the Residential Design Codes of Western Australia and other Council policies**

This policy compliments the Local Planning Scheme No 10, the Residential Design Codes of Western Australia. This policy should be read in connection with Council's Street Tree Removal and Replacement Policy and Amenity Tree Evaluation Policy which controls trees within the verge area adjoining development sites.

Under the Local Planning Scheme No. 10, each application for planning approval is to be accompanied by:

1. The existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing structures, and structures **and vegetation proposed to be removed**; and
2. The nature and extent of any open space and landscaping proposed for the site.

Under the Residential Design Codes each application for planning approval is required to be accompanied by an existing site analysis plan showing:

1. The position, type and size of any tree exceeding 3.0m in height; and
2. The street verge, including footpaths, **street trees**, crossovers, power poles and any service such as telephone, gas, water and sewerage in the verge.

Note: Any development that proposes the removal of a street tree requires the planning approval of the Town of Bassendean.

1.5 **Additional requirements for Grouped and Multiple Dwelling Developments**

The Residential Design Codes require the retention of existing trees which are greater than 3,0m in height in areas of open space associated with the development.

Where it is not possible to retain existing trees, due to the size of the trees, or their invasive nature and the development cannot be designed to retain those trees, Council will require the planting of suitable replacement advance specimen trees.

1.6 Tree Retention and Planting.

Care should be taken with tree retention and planting to ensure that the existing trees, or new trees when reaching maturity will not affect building structures, driveways and infrastructure. As a general principle buildings should not be placed within the drip zone of the tree.

1.7 Variation to Local Planning Scheme and Residential Design Codes Standards

Council will actively consider varying Scheme and Residential Design Code standards to assist with the retention of significant trees, providing the variation will not adversely affect the amenity of adjoining properties or streetscape character.

1.8 Tree Preservation Orders

The Local Planning Scheme No. 10 gives Council the power to make tree preservation orders, having regard to a tree's aesthetic quality, historical association, rarity or other characteristics, which in the opinion of the local government, makes the tree worthy of preservation.

Any land owner or developer who allows a tree, the subject of a tree preservation order, to be cut or removed without the local government's consent, commits an offence under the Scheme and is liable for prosecution.

The Scheme also gives the power for Council to make a tree preservation order where there is a risk of imminent damage to a tree requiring an order to be made or amended as a matter of urgency, without consultation with the owner in advance.

1.9 Environmental Protection Act 1986

Under the Environmental Protection Act 1986, which is administered by the Department of the Environment, a permit may be required to remove native vegetation or a person wishing to remove a tree must qualify to clear under an exemption.

An exemption is a kind of clearing activity that does not require a permit. These exemptions are often referred to as the Schedule 6 exemptions and a set of regulations known as the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Some of the exemptions are listed below:

Clearing under the Planning and Development Act 2005

This exemption allows clearing in accordance with a subdivision approved by the responsible authority under the *Planning and Development Act 2005*.

This includes clearing native vegetation for the purposes of:

- constructing roads to provide access to or within the subdivision;
- providing water services to the satisfaction of the Water Corporation;
- filling or draining the land in accordance with the specifications of the approval; and
- clearing within any building envelope described in the approved plan or diagram.

Most subdivision approvals do not explicitly authorise the clearing of native vegetation other than for the purposes outlined above.

Environmentally Sensitive areas

The exemptions to obtain a permit do not apply if the site is within a gazetted environmentally sensitive area or is within a buffer zone of a conservation category wetland.