

Policy Number: Local Planning Policy No. 13
Policy Title: Tree Retention and Provision

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 13 – Tree Retention and Provision.

2. Policy Statement

The Town recognises the increasing importance of retaining trees due to their amenity, environmental and health benefits. Trees assist in mitigating the impacts of the urban heat effect, reduce air pollution, improve groundwater quality and provide important habitats for wildlife.

Whilst Local Planning Scheme No. 10 provides statutory provisions relating to the retention of significant trees, this Policy seeks to encourage the retention of existing trees on development sites and increase the urban canopy cover as infill development occurs.

3. Policy Objectives

- (a) To retain existing trees to maintain a local sense of place.
- (b) To increase canopy coverage and shade to provide amenity, environmental and health benefits.
- (c) To provide a framework for assessing whether a tree should be subject to a Tree Preservation Order.
- (d) To provide for the retention and planting of trees associated with development on privately owned land.
- (e) To outline the requirements for additional tree planting on privately owned land.

4. Application

This Policy applies to:

- any assessment of whether a tree(s) should be subject to a Tree Preservation Order.
- all applications for subdivision involving residential-zoned land and/or residential development.
- all applications for development approval involving Single Houses and Grouped Dwellings, where the estimated cost of development is \$100,000 or more.

Note: The requirements do not extend to applications for multiple dwellings as such development is assessed against State Planning Policy 7.3 – Residential Design Codes – Volume 2 – Apartments.

5. Definitions

Large Tree: *means a species of tree that has the potential to have a canopy diameter of greater than 9m.*

Medium Tree *means a species of tree that has the potential to have a canopy diameter of between 6m and 9m.*

Tree Growth Zone: *is an area provided to support healthy growth of a tree and is free from development or structures, including areas of hardstand.*

6. Policy Requirements

6.1 Tree Preservation Orders

Clause 4.7.7.2(i) of Local Planning Scheme No. 10 (LPS 10) provides the local government the ability to order the preservation and maintenance of a tree via a Tree Preservation Order.

In assessing whether a tree meets the characteristics prescribed by Clause 4.7.7.2(i) of the Scheme, Council will not support the establishment of a Tree Preservation Order unless the tree(s) meets at least one of the following criteria:

(a) Historical Association

Those trees that are of importance to the Aboriginal community, European significance, association with a significant heritage site, or commemorative plantings.

(b) Aesthetic Quality

Those trees that due to their context in and contribution to the landscape, are considered to be of aesthetic, location and/or landmark significance.

(c) Rarity

(i) Those trees that are of an outstanding size or age, horticultural significance, or contain curious growth forms.

(ii) Rarity is to be considered from a state-wide and Town of Bassendean context.

(iii) Outstanding size or age and horticultural significance is based on the size and age of the tree relative to normal mature size and age of trees for that species in the Town.

(iv) Curious growth forms include abnormal outgrowths, fused branches or unusual root structures.

(d) Other Significance

Other significance includes, but is not limited to, habitat significance. Although all trees have some habitat value, in undertaking assessments under this policy the habitat value of a tree is only deemed significant if it provides a breeding, feeding or roosting site regularly used by fauna protected under state or federal legislation.

6.2 Subdivision and Development

- (a) All applicable residential development will be required to incorporate at least one medium tree (or equivalent) for every 350m² of site area (rounded to the nearest whole number), with a minimum of one tree per lot. In this regard, a large tree is worth two medium trees.
- (b) Any required trees are to be provided prior to the occupation of the development and must be at a minimum 2m high and 100-litre pot size.
- (c) The number of trees required by Clause (a) may be reduced by two where a tree subject to a Tree Preservation Order or a medium or large tree is retained on site and protected by a Tree Growth Zone, subject to the submission of details of the proposed measures to protect the tree(s) identified on the site plan as outlined in *Australian Standard – AS4970-2009 - Protection of trees on development sites*.
- (d) Where an existing tree is retained **and/or new trees are provided** under Clause (e), the Town will impose conditions on the relevant approval requiring:
- (i) the retention of the tree in perpetuity; and
 - (ii) a notification to be registered on the Certificate of Title under Section 70A of the Transfer of Land Act 1893 advising prospective purchasers that the site contains a tree which is required to be retained and protected from development works.
- (e) The relocation of existing trees to elsewhere on the same site will only be considered where:
- (i) a report by a suitably qualified arborist is provided to the satisfaction of the Town, demonstrating that the new location of the tree is suitable, and how the tree will be maintained in good health during and after relocation; and
 - (ii) a legal agreement has been prepared and executed at the landowner/applicant's cost to the satisfaction of Town, confirming maintenance arrangements and replacement of the tree in the event the tree does not survive.
- (f) The relocation of existing tree(s) into the Town's reserves (including within the road reserve) is not supported.
- (g) The trunks of all new and retained tree(s) are to be located in their own Tree Growth Zone that is free of development, structures and hardstand and meets the follows parameters:

Requirement	Large Tree	Medium Tree
Minimum horizontal area	64m ²	36m ²
Minimum horizontal dimension	6m	3m
Minimum depth (if on structure)	1,200mm	800mm

- (h) In supporting any subdivision that will create additional residential lots, the Town will recommend the imposition of a condition requiring satisfactory arrangements being made to inform prospective purchasers of the requirements prescribed by this Policy.

~~(j) Council will accept the flexible application of development standards, where that flexibility is required to facilitate the retention of an existing, mature tree.~~

~~6.3 Protection of Street Trees as part of Subdivision/Development processes~~

~~(a) Street trees will not be permitted to be removed to accommodate proposed crossovers and driveways unless otherwise approved by the Town, which will only be considered favourably where a report by a suitably qualified arborist is provided to the satisfaction of the Town, demonstrating that the tree is:~~

~~(i) Dead, having less than 10% photosynthetic material or live tissue present in the canopy mass;~~

~~(ii) Diseased and unlikely to respond to treatment;~~

~~(iii) Structurally unsound to the extent it presents a danger to the community; or~~

~~(iv) A species declared as a noxious weed by the Department of Primary Industries and Regional Development.~~

~~(b) Where removal of a street tree is approved by the Town, the landowner/applicant is responsible for the full cost of the pruning, removing and replacing any street tree in accordance with the Town's Amenity Tree Evaluation Policy.~~

Document Control

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Business Unit	Development and Place
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