

**INTRODUCTION**

This policy outlines the requirements for the provision of planting and retention of trees on private land and the street verge associated with the development of land in the Town. This policy aims to deliver outcomes consistent with the Town's Urban Forest Strategy and Strategic Community Plan (Strategic Outcome EN7 – Increased vegetation and tree canopy). The fundamental intent of the policy is to increase tree density and canopy cover to benefit residents and the Town's urban ecosystems.

The Urban Forest Strategy identifies a number of benefits of trees including:

- Providing shade and cooling the Town;
- Reducing air pollution and airborne particles;
- Reducing stormwater and nutrient loads;
- Increasing property values;
- Reduced energy costs;
- Providing a sense of place

The Town's adopted Urban Forestry Strategy (2018) indicates that tree canopy coverage is currently at approximately 10%. The Town has adopted a number of key strategies, including a commitment to increase canopy coverage to 20%.

**OBJECTIVES**

- (a) To encourage the preservation of **'trees worthy of retention'**;
- (b) To ensure appropriate **'medium'** or **'large'** trees are planted which are suited to their environment and location where **'trees worthy of retention'** have been removed or do not exist on private land;
- (c) To promote and facilitate development that enables existing trees to be preserved;
- (d) Provide a diverse range of tree sizes and species to enhance visual interest and to assist with providing a more resilient urban forest; and
- (e) To assist with achieving the Town of Victoria Park's objective to increase tree canopy coverage to 20% by increasing tree canopy coverage on public and private land.

## POLICY SCOPE

This Policy is applicable to applications for development approval. The provisions of this Policy do not and cannot be applied where a development application is not required.

Unless specified otherwise:

1. Clause 1 of this Policy 'Retention of trees on private properties' applies to all applications for development approval where there is a **'tree worthy of retention'** that exists on the subject site.
2. Clause 2 of this Policy 'Rate of trees to be provided' applies to applications for development approval as follows :
  - 2.1 An application involving a new Single House or Grouped Dwelling(s); or
  - 2.2 An application for a new non-residential development, or additions to a non-residential development which increase the existing net floor area and with a value exceeding \$200,000, but excluding those only involving a change of use or internal works; or
  - 2.3 An application proposing the removal of a **'tree worthy of retention'**.
3. All other provisions of this policy apply to any development requiring Development Approval.

Where a provision of this Local Planning Policy is inconsistent with the landscaping or tree planting requirements of the Local Planning Scheme, a Structure Plan or an adopted Local Development Plan, the Local Planning Scheme, Structure Plan or Local Development Plan's requirements shall prevail to the extent of the inconsistency.

*Note 1: This Policy does not apply to Multiple Dwellings in areas coded R40 or above, or Mixed Use Developments, which are addressed by State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.*



## DEFINITIONS

For the purpose of this policy, the following definitions apply:

**'Large Tree'** - a species of tree that has the potential at maturity to be a minimum height of 12m and a minimum canopy width of 7m and is a minimum size of at least 35 litres when planted.

**'Medium Tree'** – a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted.

**'Street Tree'** - means a tree that is located within a verge or road reserve.

**'Suitably qualified landscape architect'** – means a landscape architect currently registered with the Australian Institute of Landscape Architects or a similar association.

**'Tree'** – a plant at least 5m high at maturity, having secondary woody branches supported on a single main stem or trunk with clear apical dominance.

**'Tree Protection Zone' (TPZ)** – means a designated zone around an existing tree, with its radius determined under AS 4970-2009 *Protection of trees on development sites*.

*Note 2: See clause 2.4 for minimum dimension and depth of TPZ.*

**'Tree Growth Zone' (TGZ)** - means a designated exclusion zone located around a new tree, which assist in the protection, growth and ongoing health of a tree. At and below ground level, the tree growth zone is to comprise of soil and other water permeable materials that aid in the health and growth of the tree.

*Note 3: A trafficable water permeable surface can encroach within the **'tree protection zone'** of new trees; provided that suitable provision is made to prevent ground compaction and tree root damage. If trafficable water permeable surfaces are proposed within the **'tree protection zone'** a report by a **'suitably qualified landscape architect'** or suitably qualified currently practising arborist, at the expense of the applicant, may be required detailing requirements to ensure tree roots will not be compacted or damaged.*

*An impermeable surface includes any hard surface, such as concrete, liquid limestone or brick paving that does not readily allow for drainage and the penetration and attaching of anchoring tree roots.*

**'Tree worthy of retention'**— means existing trees on private lots which demonstrate the following:

1. Are considered by the Town to be healthy specimens with ongoing viability; and
2. Are considered by the Town to be species that are not included on an applicable weed register or are an unsuitable tree species for that location; and
3. Have a canopy width of at least 3m; and/or
4. Have a trunk diameter of at least 100mm (single trunk) or 200mm aggregate (two or more trunks), measured 1.0m above ground level.

The Town may require an arborist report to be prepared by a suitably qualified currently



practicing arborist, at the expense of the applicant, in support of a development application which proposes the removal of a **'tree worthy of retention'**.



## POLICY REQUIREMENTS

### 1. Retention of trees on private properties

- 1.1 The Council encourages the retention of existing trees on private properties in all instances, however this Policy does not mandate the retention of existing trees, nor is a development application required for the removal of a tree(s) on private property.
- 1.2 In the case of **'trees worthy of retention'**:
- (a) Where it is proposed to retain a **'tree worthy of retention'**, then the rate of required new tree planting outlined in clauses 2.1(a) or 2.2(a) can be reduced in accordance with clauses 2.1(b) and 2.2(b).
  - (b) Variations to development standards may be supported at the discretion of the Town, in order to facilitate the retention of a **'tree worthy of retention'**.
  - (c) **'Trees worthy of retention'** being retained as part of the proposed development are to be protected during the demolition and/or construction phase of the development. The Town recommends referring to AS 4970-2009 *Protection of trees on development sites* for further guidance.
  - (d) Development is to comply with the General Provisions in Clause 2.4 (where relevant).
  - (e) As part of any subdivision application the Town will recommend to the Western Australian Planning Commission that any **'trees worthy of retention'** be retained so as to provide opportunity for the landowner to consider retention of the trees as part of a development application.

### 2. Rate of trees to be provided for development subject to this policy

#### 2.1 Applications involving a new Single House(s) or Grouped Dwelling(s):

- (a) **'Medium Trees'** are to be provided and maintained at a minimum rate of whichever of the following (i or ii) is the greater :
  - (i) One (1) tree for each new dwelling in addition to one (1) tree for any existing dwelling that is retained, planted on the lot of each dwelling, unless otherwise approved; or
  - (ii) One (1) tree per **'tree worthy of retention'** that is removed unless otherwise approved; or

*Example (i): Existing house retained and one (1) new dwelling constructed behind – one (1) medium tree is to be planted on the lot of the existing house, and one (1) medium tree is to be planted on the lot of the new dwelling at the rear.*

*Example (ii): Four 'trees worthy of retention' are proposed to be removed as*



*part of a development application for two (2) dwellings. In this instance, four (4) medium trees are required to be planted.*

*Example (iii): Three (3) new dwellings on a site – one (1) medium tree is to be planted on the lot of each dwelling i.e. Three (3) medium trees required.*

- (b) The total number of trees required in Clause (a) may be reduced by one, for each **'tree worthy of retention'** that is retained on the site, or each new **'large tree'** that is provided and maintained.

*Example 1: Three (3) new dwellings on a site – if one (1) tree worthy of retention is retained, then only one (1) new medium tree required ie. Total of two (2) trees across the site.*

*Example 2: Three (3) new dwellings on a site – the planting of one (1) large tree and one (1) medium tree would be acceptable.*

- (c) Development to comply with the General Provisions in Clause 2.4.

*Note 4 - In instances where site constraints, may prevent the planting of a tree on each lot at the above rates ((a) and (b)), having regard to Design Principle 5.3.2 P2 of the R-Codes, the Town will consider approving the planting of the trees in an alternative location, preferably on the private property, or in some instances within the Council verge or in close proximity to the site (at the cost of the property owner). However, the total amount of trees to be provided is unchanged.*

*Site constraints are typically classified as:*

- *Heavily vegetated lots demonstrating a high number of **'trees worthy of retention'**,*
- *Irregular shaped lots;*
- *Sites with extensive service utility easements; and/or*
- *Constraints which severely hinder the proposed development must be demonstrated by the applicant and accepted by the Town.*

2.2 An application for a new non-residential development or additions to a non-residential development which increase the existing net floor area and with a value exceeding \$200,000:

- (a) **'Medium Trees'** are to be provided at a rate of one (1) tree for every 300m<sup>2</sup> of lot area (rounded to the nearest whole number), or 1 per **'tree worthy of retention'** that is removed (whichever is the greater).

*Example 3: A new Office building on a lot of 1000m<sup>2</sup> – three (3) medium trees required.*

*Example 4: Six (6) 'trees worthy of retention' are to be removed as part of an*



*application for an Office building on a lot of 1000m<sup>2</sup> – minimum six (6) medium trees required.*

- (b) The total number of trees required in Clause (a) may be reduced to a rate of one (1) tree for every 500m<sup>2</sup> (rounded to the nearest whole number) for each **'tree worthy of retention'** that is retained on the site, or **'large tree'** that is provided.

*Example 5: A new Office building on a lot of 1000m<sup>2</sup> - if one (1) tree worthy of retention is retained, then only one (1) new medium tree required ie. Total of two (2) trees across the site.*

- (c) All non-residential parking areas are to contain **'medium'** or **'large'** trees (species and planting details to be approved by the Town) at a minimum rate of one (1) tree for every four (4) bays. The provision of trees within a car parking area as per this clause (c) is credited towards satisfying the tree planting requirement of clause (a) and/or (b). Trees planted within car parking areas are to be planted within soil of a size and depth to the satisfaction of the Town.
- (d) In instances where site constraints may prevent the planting of a tree on each lot at the above rates ((a) to (c)), the Town will consider approving the planting of the trees in an alternative location, preferably on the private property, or in some instances within the Council verge or in close proximity to the site (at the cost of the property owner). However, the total amount of trees to be provided is unchanged.

*Note 5: Site constraints are typically classified as:*

- *Heavily vegetated lots demonstrating a high number of **'trees worthy of retention'**,*
- *Irregular shaped lots,*
- *Sites with extensive service utility easements; and/or*
- *Constraints which severely hinder the proposed development as demonstrated by the applicant and accepted by the Town.*

- (e) Development is to comply with the General Provisions in clause 2.4.

### 2.3 A development application proposing the removal of a **'tree worthy of retention'**.

- (a) For development types addressed by Clause 2.1 or 2.2, new tree planting is required in accordance with their associated clauses.
- (b) For residential development types not covered by Clause 2.1, which propose the removal of a **'tree worthy of retention'**, new tree planting is to be provided at a minimum rate of one (1) **'Medium Tree'** for each tree removed.
- (c) For non-residential development types not covered by Clause 2.2, which propose the removal of a **'tree worthy of retention'**, new tree planting is

to be provided at a minimum rate of two (2) '**large trees**' for each tree removed.

*Note 6: Development Applications for works involving a change of use or internal works exclusively are not subject to this policy.*

#### 2.4 General provisions:

##### **Tree Growth Zone (TGZ)** – relating to a new tree

- (a) A '**Tree Growth Zone**' (**TGZ**) is required around the entire base of all new trees, measured at:
  - i. A minimum size of 2m x 2m and a minimum depth of 1m for a '**medium tree**'; or
  - ii. A minimum size of 2m x 2m and a minimum depth of 2m for a '**large tree**'.
- (b) a **TGZ**, it is to not encroach into an adjoining lot.
- (c) No structure, unless water permeable, is to encroach within the **TGZ**, above or below ground level. The **TGZ** is to be contained completely on the site.
- (d) If the **TGZ** is situated on top of an impermeable surface, specialist supporting documentation in the form of a report prepared by a suitably qualified landscape architect or arborist may be required, at the expense of the applicant, confirming that the design of the **TGZ** is appropriate to allow the tree to grow to maturity, to the satisfaction of the Town.
- (e) The trunks of all trees are to be located outside of any required minimum outdoor living area dimensions required in the Residential Design Codes.

*Note 7 - The trunks of all proposed new trees should be adequately separated from the trunks of other trees.*

##### **Tree Protection Zone' (TPZ)**

- (a) A '**Tree Protection Zone**' (**TPZ**) is required around the entire base of all existing trees that are to be retained on the site, measured at:
  - i. A minimum radius of 2m and a minimum depth of 1m for a '**medium tree**'; or
  - ii. A minimum radius of 3.5m and a minimum depth of 2m for a '**large tree**'.

A **TPZ** can encroach into an adjoining lot.

*Note 8 - The radius of a TPZ may vary, applicants are advised to refer to the associated Australian Standard AS 4970-2009 Protection of trees on development sites (as amended).*

- (b) No structure, unless water permeable, is to encroach within the **TPZ**, above





or below ground level.

- (c) If the **TPZ** is situated on top of an impermeable surface, specialist supporting documentation in the form of a report prepared by a suitably qualified landscape architect or arborist may be required, at the expense of the applicant, confirming that the design of the **TPZ** is appropriate to allow the tree to grow to maturity, to the satisfaction of the Town.
- (d) The trunks of any **'trees worthy of retention'** retained on site may be located inside the required minimum outdoor living area dimensions required in the Residential Design Codes.

### **3. Development application considerations regarding street trees on council verges**

- 3.1 The location and design of crossovers and driveways is to give priority to the retention of existing street trees located within the Council verge.
- 3.2 Any proposed removal of a street tree as part of a development proposal is to be approved by the Town's Parks Service Area, prior to a DA being submitted, having regard to Council Policy 255 'Street Trees'.
- 3.3 A minimum 1.5m setback is to be provided from the closest outside edge of any street tree trunk and any crossover.

### **4. Alternative Design Solutions**

An alternative design solution that varies any of the requirements contained in this policy will only be considered in circumstances where the alternative is consistent with the objectives of the policy and may need to be justified in a report prepared by a **'suitably qualified landscape architect'**, to the satisfaction of the Town.

### **5. Tree Maintenance and Replacement**

In approving development applications involving the retention of trees or new tree planting, Council will impose conditions of approval relating to:

- 5.1 The planting and watering (via automated irrigation system or other similar method) for the first two summers by the land owner or developer); and
- 5.2 Adequately maintaining and keeping the tree(s) in good health, and that if a tree is in poor health and needs to be removed, it is to be replaced with an adequate replacement tree by the owner or developer.

### **6. Information to be submitted with a Development Application**

For all development applications that are subject to this policy, a plan(s) is to be submitted indicating the following:

- 6.1 The location and height of all existing trees on the site, in particular identifying those trees that meet the definition of **'trees worthy of retention'** (details to be provided of canopy width, trunk diameter and species).



- 6.2 The location of all existing trees within the street verge, including the distance of the closest outside edge of the street tree trunk from an existing or proposed crossover;
- 6.3 The location and species of all proposed new trees on the site and on the street verge; and
- 6.4 The location and size of all proposed **TGZ or TPZ**.

**7. Preferred Species**

Choosing a ‘**Medium tree**’ or ‘**Large tree**’ species is recognised as a critical aspect to increasing the Town’s tree canopy cover. A tree species list is to be developed by the Town, identifying suitable tree species as guidance to landowners and developers.

The following tree species are considered to have little benefit or value and will not be supported :

- Cape Lilac tree;
- Brazilian Pepper tree; and
- Robinia Mop tops.

**VERSION CONTROL**

Date Initially Adopted :	Adopted as Local Planning Policy 39 at Ordinary Council Meeting 18 February 2020. Effective from 1 July 2020.
Date(s) Amended :	Amended at OCM 15 February 2022

