

TREE PRESERVATION POLICY

Policy Number:	
Type:	Built and Natural Environment – Land Use Planning
Legislation:	Planning and Development Act 2005
Delegation:	N/A
Other Related Document:	ToEF Town Planning Scheme No 3

Objective

- a) To promote the designing of residential development in a manner that enables trees to be retained.
- b) To ensure that new/replacement trees are planted to preserve or enhance the Town's existing streetscape character.
- c) To preserve street trees.
- d) To address the impacts of climate change by promoting the retention and expansion of the urban tree canopy wherever practical.

Policy Scope

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

Policy

Trees provide environmental, health and amenity benefits in relation to solar and privacy 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. 3 (TPS 3) provides for a variety of development to meet community needs while aiming to conserve and enhance the natural environment. However, while the Town of East Fremantle is presently characterised by established trees, an inevitable consequence of urban infill development is the impact upon the extent of tree cover in the Town.

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. The Policy requires every development site to either retain existing trees, or to plant replacement advanced trees either on site or as an environmental offset on a site prescribed by the Town.

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 asset and the amenity value of these trees is progressively increasing as the number of mature trees on development sites declines. The Town therefore seeks to preserve most existing street trees and to facilitate additional plantings where appropriate.

Status

- (a) This Policy is a planning policy prepared, advertised and adopted pursuant to clause 2.2 of TPS 3. Under clause 2.3 of TPS 3 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.

Definitions

'tree' – A woody plant usually over 5m high and with an unbranched lower axis.

'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.

'shrub' – A woody plant usually less than 5m high and many-branched without a distinct main stem except at ground level.

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.

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 5.0 metres or more in height;
- (b) which existing trees 5.0 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.

Trees on development sites

- (a) *Existing trees to be retained wherever possible*

Unless the applicant satisfies the Town that certain trees should be removed, all existing trees 5.0 metres or more in height are to be retained. Unless the Town has granted approval for their relocation or replacement as a condition of planning approval.

- (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 grouped or multiple dwelling 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 5.0 metres or more in height, where the site plan indicates the proposed removal of the tree:

- (i) In respect of each such tree, if it is not proposed to relocate or replace it onsite, the applicant is to pay a fee, as determined by the Town, 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 Town will plant a tree of 5.0 metres height or more in a location and of a species to be determined by the Town.

- (ii) In respect of each such tree, if it is proposed to replace or relocate it on site, a plan is to be submitted detailing the location, type and height of another tree to be planted, or an arborist's report on the practicality of its relocation, in a designated position elsewhere on the development site. The replacement tree is to be of a species approved by the Town and not less than 5.0 metres in height at the time of planting.

(d) *Town 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 this Policy, the Town will decide which trees are required to be retained. Where the Town does not support the applicant's request for removal of any tree, the development proposal is to be redesigned to preserve that tree(s).

Where a site is well treed, less emphasis may be placed on shrub/tree retention and replacement.

(e) *Planting of trees on development sites:*

- (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.

Street trees

(a) *Retention of street trees*

The Town 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 Town 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 Town 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 Town's relevant Urban Style Guide or street tree planting program.

(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 Town 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 Town will determine the impact on the tree. The Town 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 be 3 metres or as otherwise determined by the Town.

(f) Development design to retain existing street trees

Where a proposed crossover is required to be relocated in order to retain a tree, the Town may require modifications to the site plan or building design or both

(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 by the Town to include the following:

- (i) the cost of removal and stump grinding;
- (ii) the cost of pruning;
- (iii) the cost of supply and planting of a replacement '100 litre container' sized tree;
- (iv) cost of maintenance for a period of two years; and
- (v) administration costs.

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. All trees to be retained are to be clearly marked prior to construction and shall be maintained in a healthy condition for a period of not less than 2 years post construction or replaced by a tree of similar size. (This will be stipulated as a condition of planning approval.)

Responsible Directorate:	Planning Services
Reviewing Officer:	Manager Planning Services
Decision making Authority:	Council
Policy Adopted:	
Policy Amended/Reviewed:	
Next Review Date:	