

6.11 TREES AND DEVELOPMENT

1.0 Introduction

There has been considerable depletion of tree canopy cover in the Scheme area due to development. The purpose of this Policy is to minimise this situation through the retention of significant trees or planting of new trees on privately-owned zoned land and abutting road verges as part of the development approval process under Local Planning Scheme No.3.

Where this Policy is inconsistent with the provisions of a specific Local Planning Policy, Local Development Plan, Activity Centre Plan or Structure Plan applying to a particular site or area, the provisions of that specific planning instrument shall prevail.

2.0 Objectives

2.1 Objectives for all Development

- a) To promote and facilitate development that enables existing significant trees to be retained;
- b) To minimise the removal of significant trees on zoned land as a consequence of development;
- c) To protect significant trees which are to be retained on zoned land and existing street trees during the demolition and construction phase of development;
- d) To ensure appropriate advanced trees are planted which are suited to their environment and location where significant trees have been removed or do not exist on zoned land;
- e) To ensure suitable advanced trees are planted on verges forming part of the road reserves abutting a development site where street trees have been removed;
- f) To protect and increase the long term viability of City trees on verges adjacent to development sites; and
- g) To preserve the existing streetscapes within the City.

2.2 Additional Objectives for Multiple Dwellings

- a) Site planning maximises retention of existing healthy and appropriate trees and protects the viability of adjoining trees;
- b) Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition; and
- c) Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.

3.0 Applications Subject of this Policy

This Policy applies to all development valued over \$100,000 on land zoned under the City's Local Planning Scheme No.3.

This Policy must also be read in conjunction with:

- Local Planning Policy 6.6 Landscaping;
- Street and Reserve Trees Policy; and
- Crossover Policy.

4.0 Definitions

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

‘Advanced Tree’ - means a tree which requires planting in at least a 90 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.

‘Significant Tree’ - means a woody plant at a height of at least four (4) metres above ground level and meets one of the following criteria:

- a) for a single trunk species, a trunk circumference of at least 500mm at a height of one (1.0) metre above ground level; or
- b) for a multi trunk species, a trunk circumference of at least 250mm at a height of one (1.0) metre above ground level.

‘Street Tree’ - means a tree that is located within a road reserve.

5.0 Development Provisions

5.1 Trees on Development Sites

The following provisions apply to all development and are in addition (supplementary) to the requirements specified under State Planning Policy 7.3 Residential Design Codes (for Apartments).

- a) The retention of significant trees may be imposed as a condition of development approval in accordance with Clause 68(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 10.3 of the Local Planning Scheme No.3 (refer to Appendix 1 for further information).
- b) Where the Council approves development on a site which, at the time of subdivision or demolition does not contain a significant tree or involves the removal of a significant tree from the land, the Council may, as a condition of development approval, require advanced trees approved by the Council to be planted by the applicant in particular locations on the site in accordance with:
 - In the case of Multiple Dwellings: Design Element 3.3 Table 3.3a of State Planning Policy 7.3 Residential Design Codes Volumes 2 – Apartments; or
 - For all other development: Table 1 below:

Table 1 – Maximum Ratio of Advanced Trees (excluding Multiple Dwellings)

SITE AREA	NUMBER OF ADVANCED TREES TO BE PLANTED
1m ² - 500m ²	1
501m ² - 1,000m ²	2
1,001m ² - 1,500m ²	3
1,501m ² - 2,000m ²	4
Over 2,000m ²	1 for every 500m ² (or part thereof)

- c) Where the maximum ratio specified in Table 1 is inconsistent with the maximum ratio specified by a Local Planning Policy, Structure Plan, Activity Centre Plan Local Development Plan or State Planning Policy 7.3 Residential Design Codes which applies to the particular site or the area in which the site is located, the maximum ratio of that specific planning instrument shall apply and the Council may as a condition of development approval, require advanced trees approved by the Council to be planted in particular locations on the site in accordance with that maximum ratio.

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- d) Where the Council approves development on a site with a condition of development approval requiring the retention of a significant tree or the planting of an advanced tree, the following minimum soil space (at ground level free of intrusions) is required around each tree:
- In the case of Multiple Dwellings: in accordance with Design Element 3.3 Table 3.3b of the Residential Design Codes – Volume 2; or
 - For all other development: 9m².

(Note: Details of the tree species, location and surrounding soil space are to be shown on the approved development plans).

- e) Significant trees being retained as part of a proposed development are to be protected during the demolition and construction phase of development.

5.2 Street Trees

- a) The Council may impose a condition of development approval to require the planting of an advanced tree, at the applicant's cost, on an abutting road reserve. All new developments that do not have a street tree on the verge will have a tree planted in the next available planting season, as deemed appropriate by the City, and included as a condition of development along with a contribution payment by the applicant towards the cost of the tree/s planted as per Council's Fees and Charges.
- b) Street and reserve trees need to be protected at development sites in order to preserve the amenity of streetscapes and neighbourhoods.
- c) A minimum setback of a crossover/driveway from any street tree on the verge is required. The setback distance will be in direct relation to the Diameter at Breast Height (DBH) of the street tree:
- DBH of up to 200mm requires a minimum setback of one metre;
 - DBH of 201mm to 400mm requires a minimum setback of two metres;
 - DBH of 401mm or greater requires a minimum setback of three metres.

Should the distances required need to be less than the above specifications, a site inspection will need to be conducted to determine if the distance can be reduced on a tree by tree basis. Council inspection fees and charges may apply.

- d) To keep retained trees in a sound condition and to reduce the impact on its root system, no setback requests less than 1.0 metre will be accepted.
- e) The City prioritises tree retention on City managed land adjacent to development sites, and will only consider removal when no other reasonable design alternative exists. Where a tree is to be removed/pruned, the landowner/applicant will be required to meet the contributory costs associated with the removal and replacement of the tree and will be required to compensate the City for the costs associated with the loss of the tree asset (as outlined in Section 5 'Bonds and Payments' of the City's Street and Reserve Trees Policy).
- f) Replacement street trees that are required as a result of being removed through the development process will be in line with the following:

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- A minimum of one replacement tree will be planted on the verge adjacent to the development;
- Where a number of frontages are created due to subdivision, then a minimum of one tree shall be planted on each frontage, space permitting;
- Where there is room for more than one tree on each frontage/lot, then multiple trees will be planted in relation to the available space;
- Any additional replacement trees that are not able to be planted on the verge adjacent to the development will be planted elsewhere in the City and at the City's discretion;
- All replacement trees will be of a species and size that is acceptable to the City; and
- The replacement cost will be met by the developer/applicant (as outlined in Section 5 'Bonds and Payments' in the City's Street and Reserve Trees Policy).

5.3 Council Discretion

Council will consider the exercise of discretion under Clause 5.5.5 of the Scheme in its application of the standards and requirements of the Scheme and adopted local planning policies where such a variation would allow for the retention of existing significant trees. (Note: Variations cannot apply to non-discretionary provisions, such as residential density).

6.0 Variations to Policy Requirements

Any variations to this Policy will be assessed by the City against the objectives of this Policy and the relevant objectives of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

APPENDIX 1

Assessing Significant Trees for Retention

When assessing whether an existing significant tree has high retention value, the following points will be considered by the City:

- a) the condition (shape, health and structure) and life expectancy of the tree;
- b) any community, cultural or heritage value;
- c) the amenity value of the tree;
- d) the proximity to conservation areas and its biodiversity value;
- e) the amount of auxiliary works required for retention and protection of the tree;
- f) the location of the tree on the development site;
- g) the possibility of safety risks;
- h) does the tree have any pests, diseases or is an undesirable or an invasive species; and
- i) the number of existing trees on site.

OFFICE USE ONLY:

Local Planning Scheme No.3 – Local Planning Policy History:

Action	Resolution Number	Effective Date
Adopted	1016/009	24 Oct 2017
Modified	119/004	19 Dec 2019