

# Trees on Private Land and Street Verges



Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	-
Affected Business Unit/s	-

## PURPOSE:

To outline the requirements for providing, maintaining and protecting trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater.

## OBJECTIVES

To:

1. Assist with achieving the City of Bayswater's objective to increase tree canopy coverage to 20% by the year 2025 by increasing tree canopy coverage on private and public land.
2. Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to wildlife habitats, biodiversity and ecological corridors.
3. Assist with community comfort through shade and the reduction of glare, provide neighbourhood amenity, character and sense of place, and provide visual screening and privacy.
4. Provide a diverse range of tree sizes and species to enhance visual interest and to assist with providing a more resilient urban forest.
5. Prevent tree diseases and excessive shade through the adequate separation of trees, facilitate diversity in the age, size and species of trees throughout the City of Bayswater, and to encourage the retention of 'trees worthy of retention' and the planting of 'large trees'.

## INTRODUCTION

The City of Bayswater's Urban Forestry Strategy indicates that canopy tree coverage is approximately 13.2%. The City has made an aspirational commitment to increase canopy coverage to 20% by the year 2025 in order to increase the level of benefits derived from having trees within the urban environment.

A significant proportion of trees in the urban area are being lost due to infill development, which if no intervention is undertaken will have significant impacts on the community and urban areas.

## POLICY STATEMENT:

### Definitions

**Tree growth zone** - An exclusion zone around a tree, which assists in the protection, growth and ongoing health of a tree.

At and below ground level, the tree growth zone is to comprise soil and other water permeable materials that aid in the health and growth of the tree.

A trafficable water permeable surface can encroach within the tree growth 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 growth zone a report by a 'suitably qualified landscape architect' or suitably qualified currently practising arborist, at the expense of the applicant, is required detailing requirements to ensure tree roots will not be compacted or damaged.

**Tree worthy of retention** - Existing trees on private property that:

- (a) are considered by the City of Bayswater to be healthy specimens with ongoing viability; and
- (b) are considered by the City of Bayswater to be species that are not included on an applicable weed register or are an unsuitable tree species; and
- (c) are at least 3m in height; and/or
- (d) have a trunk with a diameter of at least 100mm at 1m from the ground; and/or
- (e) have two or more trunks and the aggregate of their individual diameter at 1m above ground is at least 200mm; and/or
- (f) have a canopy with a diameter of at least 3m.

The City of Bayswater may require an arborist report to be prepared by a suitably qualified currently practising arborist, at the expense of the applicant, to verify if a tree is considered worthy of retention.

**Standard tree** - A species of tree that has the potential to grow to at least 4m in height and has a minimum size of at least 35 litres when planted.

**Large tree** - A species of tree that has the potential to grow to at least 12m in height and has a minimum size of at least 35 litres when planted.

**Hard surface** - Any surface that does not readily allow for drainage and the penetration and attaching of anchoring tree roots.

**Suitably qualified landscape architect** - A landscape architect currently registered with the Australian Institute of Landscape Architects or a similar association.

### **Scope**

1. The requirements in this policy apply to all development where the approximate cost of the proposed development is:
  - (a) \$100,000 or more for residential developments; and
  - (b) \$200,000 or more for non-residential and mixed use developments, excluding those involving only a change of use or internal works.
2. Any development that does not meet the thresholds specified in Clause 1 is to still have consideration for the objectives and some provisions contained in this policy, at the discretion of the City of Bayswater.
3. In relation to all residential subdivisions, the requirements for trees on private property in this policy apply where additional lots are proposed and an existing dwelling is proposed to be retained.

### **Requirements for Trees on Private Property**

1. 'Standard trees' are to be provided at a rate of one tree for every 350m<sup>2</sup> of site area (rounded to the nearest whole number). At least one 'standard tree' is to be provided on each site.

2. The total number of trees required in Clause 1 may be reduced by one, for each 'tree worthy of retention' that is retained or relocated elsewhere on the site, or 'large tree' that is provided. Where a 'tree worthy of retention' is proposed to be retained or relocated on the site and it is a 'large tree', the total number of trees required in Clause 1 may be reduced by two.
3. A 'tree growth zone' is required around the entire base of all new trees or existing trees that are to be retained on the site, measured at:
  - (a) a minimum radius of 2m for a 'standard tree'; and
  - (b) a minimum radius of 3.5m for a 'large tree'.
4. No structure is to encroach within the 'tree growth zone', above or below ground level. The 'tree growth zone' is to be contained completely on the site, except for 'trees worthy of retention'.
5. If the 'tree growth zone' is situated on top of a 'hard surface', a report by a suitably qualified currently practicing consulting arborist is required, at the expense of the applicant, confirming that the design of the 'tree growth zone' is appropriate to allow the tree to grow to maturity, to the satisfaction of the City of Bayswater.
6. The trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.
7. The trunks of all trees are to be located outside of any required minimum outdoor living area dimensions required in the Residential Design Codes, except for the trunks of 'trees worthy of retention' when they are retained.
8. In relation to open air car parking areas in non-residential developments, 'standard trees' that provide shade cover are to be provided at a minimum rate of 1 tree per 4 bays. The number of trees required in Clause 1 can be used to provide the shade trees.
9. A 'tree worthy of retention' may only be relocated elsewhere on the site or on the adjacent street verge, where a report by a suitably qualified currently practicing consulting arborist is provided detailing the new location of the tree and how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.

### **Requirements for Trees on Street Verges**

1. Trees on the street verge are to be retained, unless in the opinion of the City of Bayswater:
  - (a) The tree is dead;
  - (b) Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify;
  - (c) The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;
  - (d) The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a suitably qualified currently practising arborist, at the expense of the applicant; and/or
  - (e) To facilitate the placement of a permanent vehicle access crossing as a last resort, where there is no other viable option.

2. In the event that the removal of a tree on the street verge is warranted and has been approved by the City of Bayswater in accordance with Clause 1, the land owner or developer may be responsible for:
  - (a) The removal of the tree, including engaging a qualified contractor and any costs or claims that may arise from the removal of the tree; and
  - (b) The payment of a fee for the loss of amenity value of the tree in accordance with the City of Bayswater's fees and charges, to the satisfaction of the City of Bayswater.
3. If no street trees exist or a street tree is to be removed with regard to Clause 1, at least one new 'standard tree' is to be provided, by the land owner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.
4. In addition to Clause 3, the City of Bayswater may require additional trees to be provided, where space is available, to the satisfaction of the City of Bayswater.
5. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway and the trunks of all proposed new trees are to be adequately separated from the trunks of other trees, to the satisfaction of the City of Bayswater.

### **Alternative Design Solution**

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

### **Tree Maintenance and Replacement**

1. All new trees on the site and on the street verge are to be planted and watered (via reticulation or other similar method) for the first two summers by the land owner or developer, to the satisfaction of the City of Bayswater.
2. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health. In the event that 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, to the satisfaction of the City of Bayswater.

### **Information to be Submitted with a Development and Subdivision Applications**

Plans for all development and subdivision applications that are subject to this policy are to indicate:

1. The location and species of all trees proposed to be retained that are 'trees worthy of retention' on the site and all existing trees within the street verge that may be impacted by the proposed development or subdivision;
2. The location of all proposed new trees on the site and on the street verge;
3. The location of all proposed 'tree growth zones'; and
4. Additional elevations may be required, to the satisfaction of the City of Bayswater, indicating the potential size and canopy spread of all retained or proposed trees on the site and on the street verge at maturity in relation to any existing or proposed structures or any retained or proposed trees.

**RELATED LEGISLATION:**

Policy is adopted under the City of Bayswater's town planning schemes, in accordance with Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**RELATED DOCUMENTATION:**

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	12 June 2018
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	