

Local Planning Policy No.1 Landscape Feature and Tree Retention

Adopted:	28 September 2016 (Resolution 331)
Last reviewed:	
Legal Authority	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 - Part 2 - Division 2

1 POLICY OBJECTIVES

To ensure that:

- a) an appropriate level of information concerning *significant trees and landscape features* is provided at each stage of the planning framework;
- b) retention of *significant trees and landscape features* are optimised through the strategic and statutory planning framework to retain the character of the area.

2 POLICY APPLICATION

This policy applies to all land within the City of Kwinana (City) *Town Planning Schemes No. 2 and 3* (TPS 2 and TPS 3) and is to be implemented during the preparation and assessment of:

- a) District structure plans
- b) Local structure plans
- c) Local development plans
- d) Subdivision applications for 10 lots or more (where there is no adopted structure plan or where the adopted structure plan was approved prior to the commencement of this policy);
- e) Subdivision applications in areas of *Landscape Protection* as designated by TPS 2
- f) Development applications on sites 1 hectare or greater.

This policy must be read in conjunction with *Town Planning Schemes No. 2 and 3* and other relevant City strategies and policies and is intended to complement and be used in conjunction with relevant State Government legislation, policies and guidelines.

This policy is not intended to be applied retrospectively in areas where local structure plans and subdivisions have been approved prior to the adoption of the policy.

3 DEFINITIONS

The terms used in this policy are defined as follows:

Culturally significant

A tree which has special significance because of its aesthetic, historic, scientific or social significance.

Landscape feature

A unique or identifiable feature of the landscape including ridgelines, rocky outcrops, vegetation, creek lines and wetlands.

Significant tree

A tree with diameter at breast height (DBH) of 0.5 metres or greater.

AS 4979-2009

Australian Standard 4979-2009 *Protection of Trees on Development Sites* (as amended)

4 INFORMATION REQUIRED BY THE CITY FOR ASSESSMENT

This section sets out the City's expectations and minimum requirements for investigation and management of *significant trees* and *landscape features* that must be addressed in an orderly and proper manner at each stage of the planning framework including district and local structure planning stages, and subdivision applications.

The City may, at its discretion, waive or modify any of the requirements where it is satisfied that the information provided by the applicant is appropriate for the City to consider the *landscape features* and *significant trees*.

The City's requirements in relation to *significant tree* and *landscape feature* retention at each stage of the planning framework are as follows:

a) DISTRICT STRUCTURE PLANNING**District Landscape Feature and Tree Retention Strategy**

A *District Landscape Feature and Tree Retention Strategy* is to be submitted to the City as part of the *District Structure Plan* in accordance with schedule 2 clause 16(1)(c)(i) of the *Planning and Development Regulations 2015*. A *District Landscape Feature and Tree Retention Strategy* should be prepared in consultation with the City and include the following:

- i. identification of all *landscape features* and *significant trees* (or groups of significant trees where appropriate) overlain on the district structure plan and a recent aerial image; and
- ii. description of the process for retaining *significant trees* and *landscape features* during subsequent stages of the planning framework in accordance with this policy.

b) LOCAL STRUCTURE PLANNING**Local Landscape Feature and Tree Retention Strategy**

A *Local Landscape Feature and Tree Retention Strategy* is to be submitted to City as part of a *local structure plan* in accordance with schedule 2 clause 16(1)(c)(i) of the *Planning and Development Regulations 2015* and the relevant requirements of *Liveable Neighbourhoods*.

A *Local Landscape Feature and Tree Retention Strategy* should be prepared in consultation with the City and include the following:

- i. a map prepared by a suitable qualified professional showing the location, species, size and structural health of *significant trees* on site;
- ii. a map showing which *significant trees* are proposed to be retained and which *significant trees* are to be removed;
- iii. a description of methods to avoid impact on trees that are to be retained;
- iv. a description of ongoing management and maintenance;
- v. a map and description of all *landscape features* on site; and
- vi. a map of the *landscape features* that are proposed to be retained, modified or removed.

c) SUBDIVISION & DEVELOPMENT APPROVAL

Landscape Feature and Tree Retention Plan

A *Landscape Feature and Tree Retention Plan* is to be prepared in consultation with the City prior to the submission of a development application to the City, or, subdivision application to the Western Australian Planning Commission with the intention of resolving conflicts between:

- i. the retention of the *significant trees* and *landscape features* and the location of services, driveways, garage locations and retaining walls; and
- ii. preliminary engineering designs and the retention of *significant trees* and *landscape features* to be retained.

The *Landscape Feature and Tree Retention Plan* should be consistent with the *Local Landscape Strategy* and/or approved *Local Structure Plan* and should identify:

- i. a map prepared by a suitable qualified professional showing the location, species, size and structural health of *significant trees* to be retained;
- ii. a description of methods to avoid impact on *significant trees* that are to be retained;
- iii. cut and fill levels where *significant trees* are to be retained;
- iv. buffer distances around *significant trees* in accordance with AS4970-2009 - Protection of Trees on Development Sites (or as amended)
- v. a description of ongoing management and maintenance of *landscape features* and *significant trees*;
- vi. a map of the *landscape features* that are proposed to be retained;

When subdivision applications are assessed under this policy, the City may recommend conditions to the Western Australian Planning Commission requiring *landscape features* and/or *significant trees* to be retained in accordance with a *Landscape and Tree Retention Plan* that has been approved by the City.

Development application approvals may also be conditioned requiring *landscape features* and/or *significant trees* to be retained in accordance with a *Landscape Feature and Tree Retention Plan* that has been approved by the City.

5 ASSESSMENT CRITERIA

The following criteria will be considered by the City when assessing whether the City's objective to optimise the retention of *landscape features* and *significant trees* has been achieved.

- a) Clusters or corridors of *significant trees* are to be situated within streetscapes or public open space.

Design options that may be negotiated with the City to retain trees, include road widening and meandering carriageways.

- b) The retention of *significant trees* with the following characteristics will be prioritised by the City:
 - i. characteristic of the area
 - ii. located in a prominent position
 - iii. provides habitat or support to a threatened or endangered species
 - iv. identified as *culturally significant*

- c) Service alignments, drainage, retaining walls, management of acid sulphate soils, clearance to groundwater and geotechnical matters will be considered by the City to ensure that an optimal outcome is achieved.
- d) Residential densities, built form (including factors such as driveways, garage locations) will be considered by the City to ensure an optimal outcome.
- e) Provision of other forms of public open space where the retention of trees would be inconsistent with the intended function of the open space (eg. sports ovals).
- f) Ground disturbance (cut and fill) should be avoided in areas where *significant trees* are to be retained.
- g) Ensure suitable separation between *significant trees* and residential lots to prevent lots being created under the canopy of *significant trees*. This may require the applicant to demonstrate how the design has achieved compliance with AS4970-2009.
- h) Public safety and the on-going maintenance and life of cycle costs associated with retention of *landscape features* and *significant trees* will be considered by City in determining an optimal outcome.
- i) Any other relevant consideration

The applicant should consult with the City during the preparation of structure plans, subdivision applications and development applications to agree on the identification of *landscape features* and *significant trees* to ensure that there is an optimal outcome for tree and landscape retention.

The City encourages the retention of trees that are not defined as significant under this policy (a diameter of less than 0.5m at breast height) in areas where there will be minimal earthworks.

6 POST SUBDIVISION OR DEVELOPMENT APPROVAL

The following actions and requirements should be undertaken to the City's satisfaction consistent with the approved *Landscape Feature and Tree Retention Plan* and any applicable conditions of development or subdivision:

a) Civil Design

The following actions and requirements should be undertaken to the City's satisfaction prior to civil design approval:

Civil drawings submitted to the City (including for retaining walls; drainage and POS; roads; services; and footpaths) shall be consistent with the *Landscape Feature and Tree Retention Plan* adopted by the City and demonstrate how the requirements of the *Landscape Feature and Tree Retention Plan* have been incorporated into civil design.

Plans of the location, approximate height, diameter at breast height, canopy diameter, species and condition of *significant trees* shall be provided to the City with the civil drawings.

b) Prior to Earthworks Approval

The following actions and requirements should be undertaken to the City's satisfaction prior to earthworks approval:

- i. Construction drawings are to be provided in PDF and Autocad format and show the location, species, approximate height, DBH, canopy of all retained trees.
- ii. Ground truth public open space and road reserves prior to clearing, with a representative from the City, to ensure that all *significant trees* that are to be protected are surveyed and clearly identified on site.

- iii. If a *significant tree* is identified by the City, prior to earthworks, which has not been previously identified in the *Local Landscape Strategy* or the *Landscape Feature and Tree Retention Plan*, the proponent and the City will negotiate to retain the *significant tree* where practicable.
- iv. Service installation in the proximity of retained trees shall be undertaken using methods other than excavation which comply with AS 4970-2009.
- v. Where services conflict unacceptably with a retained and protected tree, the City may require service alignments to be altered to minimise impact on the retained tree, in agreement with the service provider.

c) Removal of a significant tree identified for retention without appropriate authorisation

The City should be contacted immediately upon the proponent, contractor or engineer becoming aware that a *significant tree* meant to be retained, has been removed without appropriate authorisation or damaged to a point where removal is necessary.

The removal or damage of a *significant tree* identified for retention in the *Landscape Feature and Tree Retention Plan* may:

- i. result in the City not clearing the relevant subdivision condition;
result in the City taking action under the *Planning and Development Act 2005* against unauthorised development or not complying with a condition of development approval;

d) Requirements at Practical Completion of Subdivision Works

- i. Once all civil and landscape works are completed in a stage of subdivision a representative from the City will undertake an inspection to determine if *significant trees* have been retained in accordance with the *Landscape Feature and Tree Retention Plan*.
- ii. All retained trees should be suitably pruned to remove dead branches.
- iii. Tree limbs overhanging properties should be pruned by the proponent as advised by the City in consultation with the proponent's arborist.
- iv. Any retained trees with significant damage may require review by an independent arborist to determine if the tree remains viable.
- v. Retained trees that are not viable will be removed (including the stump) and replaced with a semi mature tree of the same species by the proponent.
- vi. Feral beehives in trees to be retained or cleared shall be removed and relocated out of the subdivision and that native bees in trees to be cleared are relocated within the development. Native beehives in trees that are to be retained will not be removed.

e) Local Development Plans

All retained trees are to be shown on the *Local Development Plan* for approval by the City in accordance with the *Landscape Feature and Tree Retention Plan*.