

Trees on Private Land and Street Verges Policy

Responsible Division	Community and Development
Responsible Business Unit/s	Development and Place
Responsible Officer	Manager Development and Place
Affected Business Unit/s	Development and Place

Purpose

To outline the requirements for providing, maintaining, protecting and removing trees on private land and within the street verge. These requirements outline obligations applicable to the landowner associated with the development of land in the City of Bayswater.

To increase the tree canopy and improve the neighbourhood amenity, character and sense of place.

Objectives

To:

1. Assist with achieving the City of Bayswater's objective to increase the tree canopy coverage by implementing controls that will promote the protection of trees 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 the provision of shade, reduction of glare, improved 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 tree canopy coverage is approximately 14.5% based on the light detection and ranging calculation undertaken in 2021. The City has made a commitment to increase canopy coverage to 20% by the year 2030, with middle-term specific targets of 16% by 2025 and 18% by 2027 in order to increase the level of benefits derived from having trees within the urban environment.

Trees in urban areas are being lost due to infill development and this can have significant impacts on the community and the respective urban areas.

Definitions

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

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.

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.

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

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 a suitably qualified and 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 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 and currently practising arborist, at the expense of the applicant, to verify if a tree is considered worthy of retention.

Scope

1. The requirements in this policy apply to all development applications where the approximate cost of the development is:
 - (a) \$100,000 or more for residential development; and
 - (b) \$200,000 or more for non-residential and mixed use development, excluding those involving only a change of use or internal works.
2. Any development that does not meet the thresholds specified in Clause 1, including State Government major projects and subdivision applications, is to have consideration of the objectives and provisions contained in this policy, at the discretion of the City of Bayswater.

Requirements

Requirements for Trees on Private Property

1. 'Standard trees' are to be provided at a rate of one tree for every 350m² of site area (rounded to the nearest whole number), with a minimum of one 'standard tree' to be provided on each site which is less than 350m² in area.
2. The total number of 'standard 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 for each '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 which is being retained is to be protected while development occurs in accordance with AS4970.2009 'Protection of Trees on Development Sites'.
4. 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, as follows:
 - (a) a minimum radius of 2m for a 'standard tree'; and
 - (b) a minimum radius of 3.5m for a 'large tree'.
5. 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'.
6. If the 'tree growth zone' is situated on top of a 'hard surface', a report by a suitably qualified and currently practising consulting arborist is required, at the expense of the applicant. The arborist report is to demonstrate that the design of the 'tree growth zone' will provide sufficient space for the tree to grow to maturity, to the satisfaction of the City of Bayswater.
7. 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.
8. The trunks of all trees are to be located outside of any required minimum outdoor living area dimensions required under the Residential Design Codes, except for the trunks of 'trees worthy of retention' when they are retained.
9. In relation to open air car parking areas in non-residential and mixed use 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.
10. 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 and currently practising consulting arborist is provided, at the expense of the applicant. The arborist report is to detail the new location of the tree and demonstrate how the tree will be kept in good health prior to, during and after the relocation, to the satisfaction of the City of Bayswater.

If a 'tree worthy of retention' dies as a direct consequence of development works, within one year of the development being completed, or the tree being relocated, the landowner will be liable to replace the tree, to the satisfaction of the City.

Requirements for Trees for State Government Major Projects and Subdivision Applications

1. State Government major projects involving the removal of a tree worthy of retention on City controlled land will be subject to a tree replacement ratio of 5 replacement trees per tree removed.

2. In relation to all residential subdivisions, the City of Bayswater in its referral response will request condition(s) for trees worthy of retention to be retained on any decision made by the determining authority.
3. Clauses 3 to 10 under 'Requirement for Trees on Private Property' are applicable to all State Government major projects and subdivision applications.

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) There is an unacceptable level of risk that 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 modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a suitably qualified and currently practising arborist;
 - (e) There is an imminent safety risk to people, property and/or infrastructure; and/or
 - (f) The removal is approved under a crossover approval granted by the City of Bayswater. Such removal may be subject to conditions of the crossover approval granted in accordance with the City of Bayswater crossovers policy.
 - (g) The removal is approved under a subdivision approval granted by the Western Australian Planning Commission. Such removal may be subject to conditions in accordance with those approvals.
2. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken for a utility provider or other authority which requires development approval, excluding State Government major projects. When this occurs the City of Bayswater will seek compensation from the utility provider or other authority for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the utility provider or other authority must pay such amounts to the City of Bayswater as directed by the City of Bayswater.
3. A tree may be removed in accordance with Clause 1 for development and/or for works undertaken by a landowner or developer which requires development approval, excluding State Government major projects. When this occurs, the City of Bayswater will seek compensation from the landowner for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree and the landowner must pay such amounts to the City of Bayswater as directed by the City of Bayswater.
4. 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 landowner or developer, on the verge adjacent to the site, where space is available, to the satisfaction of the City of Bayswater.
5. Additional trees may be required to be provided, where space is available, to the satisfaction of the City of Bayswater.
6. A minimum 2m setback is to be provided from the edge of any street tree trunk, and any crossover/driveway. 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

An alternative design solution that varies any of the requirements contained in this policy will only be considered in exceptional circumstances. Written justification is to be provided by a 'suitably qualified landscape architect' or 'consulting arborist', demonstrating that the alternative design is consistent with the objectives of the policy, to the satisfaction of the City of Bayswater.

Tree Maintenance and Replacement

1. All new trees on a 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, to the satisfaction of the City of Bayswater.
2. 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.
3. All retained and new trees on the site and on the street verge are to be adequately maintained and kept in good health in accordance with AS4970.2009 'Protection of Trees on Development Sites'.

Information to be Submitted with 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 Documentation

- Urban Forest Strategy
- Significant Tree Register for Private Land Policy
- Urban Tree Planting and Maintenance Policy
- Crossover Policy
- Tree Planting Guidelines

Related legislation

This policy is adopted under all Local Planning Schemes in force within the City of Bayswater, in accordance with Schedule 2, Part 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Relevant Delegations	
Council Adoption	12 June 2018
Reviewed / Modified	22 September 2020
Reviewed / Modified	22 November 2022
Reviewed / Modified	