

Natural Landscape in Urban Areas Local Planning Policy

Background

The Shire's natural landscape character helps to provide and strengthen its unique identity and sense of place.

The Shire of Murray is expected to experience significant growth and development pressure over time. Making provision for the protection of existing trees and native vegetation in urban areas, together with the planting of trees as part of new subdivision and development is critical to retaining and enhancing the highly valued natural landscape character of the Shire and in contributing to a range of social, economic and environmental benefits.

Some of the major benefits of trees and native vegetation in urban areas are:

- reduction of air pollution through carbon storage;
- reduction in stormwater runoff;
- mitigation of wind and noise;
- provision of habitat and support for local biodiversity;
- reduction in UV exposure;
- air cooling through evapotranspiration;
- reduced demand for energy (lower GHG emissions);
- enhanced character, identity and visual amenity
- traffic calming; and
- encouraging outdoor activity which supports an active and healthy community.

This Policy is intended to provide a framework for the retention and enhancement of natural landscape features as early as possible within the planning and development process.

Application/Definition

The Policy seeks to discourage the removal of trees and native vegetation as a result of development. The Policy applies to areas already zoned for urban purposes or are subject to an application to rezone for urban purposes (eg. zoned or proposed to be rezoned to 'Town Centre', 'Commercial', 'Service Commercial', 'Urban Development', 'Industry Development', 'Light and Service Industry', 'Special Industry' and 'Residential' under the local planning scheme), with the exception of residential lots where the proposal relates to development for the purposes of a 'single' or 'ancillary' dwelling.

The Policy does not apply to land zoned 'Rural' under the Peel Region Scheme (eg. zoned 'Rural', 'Special Rural', 'Special Residential', 'Hills Landscape Protection' or 'Farmlet' under the local planning scheme).

The Policy should be considered and applied in the preparation of:

- Rezoning Applications;
- Structure Plans (including district and local plans);
- Land Development Plans (LDP's);
- Subdivision Applications; and
- Development Applications.

For the purpose of this Policy the following definitions apply:

- **Advanced Tree** - means a tree which requires planting in a 90 litre or larger container and is of a minimum 2 m height and 2 years age at the time of planting. Tree stock is to be selected in accordance with Australian Standard – Tree Stock for Landscape Use
- **Clearing** - means the ring-barking, cutting down, topping, lopping, removing, pruning, transplanting, filling or excavating around, injuring, (whether by injecting anything or otherwise) or wilful destruction of any bushland or tree.
- **Deep Soil Zone** – soft landscaping area with good quality soil and no impeding building structure, features or impervious surfaces above or below.
- **Native Vegetation** - means land that contains remnant vegetation or is of a similar structure and includes plant species found in natural bushland, including trees.
- **Significant Tree** - means any tree (including native and introduced species) deemed worthy of retention for its values based on the following criteria:
 - if the tree has a DBH above 300mm or is a rare or important species (e.g. Tuart);
 - is considered to have heritage or social value to the community as determined by an endorsed Significant Tree Register and/or as confirmed as a result of feedback received from the community as part of any consultation process;.
 - is considered to contribute to the visual amenity and/or character of the locality.
- **Significant Pruning** – means removal of more than one-third of a tree's canopy; or the pruning of significant branches or roots that would affect the health and/or stability of the tree
- **Tree** - means a long-lived woody perennial plant greater than three metres in height or three metres in canopy width with one or relatively few stems.

Objectives:

The objectives of this policy are to:

- a) protect and enhance the highly valued natural landscape and character of urban areas within the Shire, particularly within areas subject to development;
- b) facilitate the retention and enhancement of trees and native vegetation throughout the planning and development process;

- c) avoid the clearing of trees and/or native vegetation without a planning approval which demonstrates consideration, and where achievable, the retention of the natural environmental features as part of the design of approved buildings and other associated infrastructure;
- d) maximise opportunities for street tree retention and planting;
- e) maximise opportunities for retention and the planting of trees on development sites where practically achievable;
- f) prioritise the retention of existing trees over removal and replacement options; and
- g) support the 'greening' of urban areas within the Shire.

Requirements:

The following provisions outline key considerations for each stage of the planning and development process.

Rezoning Stage

- 1) There is a general presumption against the rezoning of a lot for urban related purposes in circumstances where the lot, or a portion of the lot, contains trees and native vegetation, unless it can be adequately demonstrated to the satisfaction of Council that due regard has been given to protecting the natural feature(s) either through reservation of the relevant portion of land, or as part of future development (ie. through inclusion of the landscape features within road reserves, areas of open space or landscape areas.
- 2) Where land contains tree(s) and/or native vegetation, an application to rezone land should be informed by a tree or vegetation survey (whichever is applicable).
- 3) The rezoning application should be supported by an indicative structure or development plan which demonstrates the manner in which tree(s) and/or bushland may be protected as part of subsequent planning and development processes.

Structure Plan Stage

- 3) Where land contains tree(s) and/or bushland, preparation of the structure plan should be informed by a tree or vegetation survey (whichever is applicable).
- 4) The survey should identify all natural features and define those which are proposed to be protected within public open space, road reserves or in development lots as part of future landscape features (ie. lots subject to local development plans, which may include, but not be limited to, activity centres).
- 5) The proposed structure plan should include a plan of the survey overlaid onto the structure plan, reflecting the features identified for retention.

- 6) In circumstances where tree(s) and/or native vegetation is to be protected in development lots as part of a future landscape feature, a provision under Part 1 of the structure plan should be included stating that future development is to be designed to ensure the long term protection of the tree(s) and/or vegetation.

Subdivision Stage:

- 7) Where land contains tree(s) and/or native vegetation, preparation of the proposed plan of subdivision should be informed by a tree or vegetation survey (whichever is applicable).
- 8) Where relevant, subdivision applications should include the survey overlaid onto the proposed plan of subdivision to demonstrate which trees and/or vegetation is/are to be retained within areas of public open space, road reserves or where applicable, in areas subject to further detailed planning (ie. within local development plans).
- 9) In the case of proposed residential zoned subdivision, lots **less than** 10 metres wide should be rear-loaded to maximise opportunities for the planting of street trees and the provision of on-street parking to enhance the local streetscape.
- 10) If tree retention is likely to affect lot yield as part of residential subdivision, Council may consider support for a higher lot density in other parts of the subdivision area as an offset, subject to the relevant approvals.
- 11) It is preferable that trees earmarked for retention be kept outside the lot boundary.

Development Stage:

- 12) There is a general presumption against any 'clearing' of development sites without a development approval in place which demonstrates the manner in which environmental feature(s) are to be retained or are identified for removal as part of development.
- 13) In considering an application for development approval, the Shire may require the retention of any tree(s) on site, pursuant to Schedule 2, Part 9, Clause 67 (p) of the Planning and Development (Local Planning Schemes) Regulations 2015:

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application — whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

- 14) If a significant tree(s) is/are located on a lot, then the proposed development should be designed and undertaken in a way which ensures their integrity and survival.
- 15) In order to achieve provision 14 (refer above), buildings and associated infrastructure should be designed to ensure an adequate separation distance, as determined by a suitably qualified arboriculturalist, prepared at the applicant's expense.
- 16) In relation to provisions 13, 14 and 15 above, development design is to accommodate deep soil zones (DSZ) (*refer to Table 1 for guidance in relation to deep soil zone requirements).

- 17) In determining a development proposal which is likely to result in the removal or

'significant pruning' of a 'significant tree(s)', the Shire will assess the retention value based on the following criteria:

- The number of trees on the site and the ability to achieve the minimum tree provision rates identified in Table 1;
 - The heritage, scientific, social, cultural and/or aesthetic significance of the tree;
 - Environmental benefits and landscape amenity;
 - The location of the tree on the development site and the potential to retain the tree on the periphery of the site, within the front setback areas, private open space or common property areas;
 - Tree species and habitat values;
 - The location of the tree in relation to any conservation areas or ecological corridors;
 - Potential safety risks associated with tree retention;
 - Tree condition including health, structure and life expectancy; and
 - The amount of works required to retain and protect the tree.
- 18) Prior to approval of development which may result in the removal of a street tree, all reasonable design alternatives must be examined.
- 19) The Shire may require amendments to development design to facilitate the retention of a 'significant tree(s)'.
- 20) The Shire may vary other Scheme or Policy provisions (where these provisions may lawfully be varied and such variation is considered to be acceptable on planning grounds) to facilitate the retention of a 'Significant Tree'.
- 21) Trees being retained are to be protected throughout all stages of the construction phase to the satisfaction of council.

Tree Planting at Subdivision and Development Stages

- 22) All subdivision and development relating to lots that have not previously been subject to street tree planting are to provide 'advanced trees' at a minimum of one for every 10 m of road frontage.
- 23) Developments are to be designed to maximise opportunities for new street tree planting. To achieve this, the Shire may require 'reasonable design alternatives'. For the purpose of this Policy, a 'reasonable design alternative' may involve:
- Deletion of proposed second/additional crossovers to the development site;
 - The altering of development design to relocate proposed crossovers which are in conflict with street trees;
 - The tapering of driveway and/or crossovers to the satisfaction of the Shire in order to provide the required clearance from street trees;
 - The provision of shared crossovers for adjoining sites and/or shared driveways with reciprocal right of access easements; and
 - Allowing for planning variations, including setback variations, to facilitate tree preservation.
- 24) Where achievable, crossovers are to be set back from street trees 3 metres.
- 25) All development should provide for the on-site planting of a tree(s) in accordance with **Table 1 - Tree Provision Rates**.

Table 1 - Tree Provision Rates

Type of Development	Tree Provision Rate	Planning Guidance
All development (other than grouped dwellings)	<p>Trees are to be provided at a minimum rate of:</p> <ul style="list-style-type: none"> - one large tree for each 36m² of deep soil zone; or - one medium tree for each 16m² of deep soil zone; or - one small tree for each 9m² of deep soil zone; or - a combination of the above; <p>Furthermore:</p> <ul style="list-style-type: none"> - within open car parking areas, advanced trees are to be provided at a minimum rate of one tree for every four parking bays. 	<p>A minimum 12% of the site area should be provided as Deep Soil Zone (DSZ). The 12% DSZ should be suitably located to enhance the character and amenity of the development.</p> <p>Minimum DSZ Dimensions: Small Trees: 3m x 3m Medium Trees: 4m x 4m Large Trees: 6m x 6m</p> <p>Trees are to be planted within car parking areas to mitigate the urban heat island effect.</p> <p>Tree species that cast adequate shade should be selected.</p>
Group Dwellings	<p>Minimum one advanced tree for each 450m² of site area.</p>	<p>Preferred location for existing and new trees in common property areas or private open spaces immediately adjacent to common property; and</p> <p>The size and location of new trees should have regard to neighbouring properties in particular to minimise overshadowing of solar panels.</p> <p>Small tree species are preferred where there are concerns about the impact on neighbouring properties.</p>

- 26) Tree planting is to be in accordance with an approved landscape plan, or where no landscape plan is required, in locations agreed to by Council and marked on the approved plans.
- 27) Where no deep soil zone is required, a minimum 1.5m x 1.5m clear surface area is required for each new tree.
- 28) If the site falls within any ecological corridors identified under the Shire's *Local Biodiversity Strategy*, the tree species are to be selected in accordance with any applicable requirements within the ecological corridor. Where constraints exist, for example where siting of open car parking within an ecological corridor is inevitable and where shade tree species are preferred, a variation from the species may be considered, provided that the overall ecological linkage within the corridor is not compromised.
- 29) Driveway design is to maximise opportunities for tree preservation and planting within the front setback area. The number and width of driveways is to be minimised and the use of pervious material and ribbon driveways is encouraged.

- 30) If the site is located within a designated Bushfire Prone Area where fire assessment is required under *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*, any BMP needs to reflect the tree planting requirements, post planting and any relevant provisions of the WAPC's *Guidelines for Planning in Bushfire Prone Areas* need to reflect any implications of revegetation.
- 31) Tree planting on roofs, balconies and other structures and the provision of biophilic features may be considered for the purpose of compliance with this Policy, in circumstances where adequate canopy and soil space is provided, the objectives of this Policy are met and ongoing maintenance of these features can be achieved.

Subdivision and Development Conditions

- 32) Conditions and footnotes may be recommended or imposed on subdivision applications or development approvals in accordance with the provisions of this Policy. These include but are not limited to conditions regarding tree retention, planting and maintenance thereafter.

Administration

Directorate		Officer Title	
Planning and Development		Director Planning & Development Services	
Version	Decision to Advertise	Decision to Adopt/Amend	Current Status
1	OCM12/106 – 31 May 2012	OCM12/xxx – 26 July 2012	Adopted