

2.2 - PROPOSED AMENDMENTS TO LOCAL PLANNING POLICY PLN 2.9 & POLICY ENG 6 - STREET TREE

WARD : ALL
FILE No. : - M/791/21
DATE : 7 April 2022
REF : SW
RESPONSIBLE MANAGER : EDDS

In Brief:

- A number of modifications are proposed to the City's Streetscape process/requirements in response to two key actions in the City's Corporate Business Plan.
- Recommend that Council:
 - Amend Local Planning Policy PLN 2.9 and advertise that proposal to the public in accordance with the procedure required by the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - Amend Policy ENG 6 – Street Tree and concurrently advertise that proposal to the public.

Tabled Items

Nil.

Decision Type

- Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- Executive** The decision relates to the direction setting and oversight role of Council.
- Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil.

Strategic Implications

- 2.2.1.1 Develop and implement a Local Planning Policy for Streetscapes and associated amendments to the City's engineering guidelines for new subdivisions and landscape guidelines.
- 2.5.1.5 Minimise the creation of long verges within new subdivisions and, where their creation is unavoidable, consider the installation of embayments along their length (with consideration to existing strategies - i.e. integration of the Urban Forest Strategy which has the objective of planting of street trees in urban areas).

Legal Implications

Local Government Act 1995
Road Traffic Act 1974
Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015
Town Planning Scheme No.4

Council Policy/Local Law Implications

PLN 2.9 – Landscaping

Budget/Financial Implications

Some of the recommended actions would require the allocation of additional resources.

Consultation

Internal consultation.

BACKGROUND

Street Trees

The following key action is in the City’s Corporate Business Plan:

“2.2.1.1 - Develop and implement a Local Planning Policy for Streetscapes and associated amendments to the City’s engineering guidelines for new subdivisions and landscape guidelines.”

It is understood that the intent of this key action is to establish more street trees throughout new suburbs as part of the subdivision process. That key action would more quickly and thoroughly establish the urban tree canopy and bolster the existing strategies which include retaining existing trees during subdivision and planting street trees in established areas via the City’s Urban Forest Strategy.

A cross-directorate working group was formed to investigate the key action as the outcome is impacted by a number of multi-disciplinary tasks and processes from structure planning through to subdivision and the planting/maintenance of trees. The working group undertook the following steps in order to prepare and present the proposal below to Council:

1. Identification of impediments to achieving ‘complete’ street tree coverage including:
 - Lot design, particularly narrow lot frontages where unprotected street tree locations can be compromised by crossovers;
 - Verge design, where provision of street trees can be restricted by their sharing an alignment with other services or having insufficient offsets to other services;
 - Statutory requirements for subdividers to provide street trees;
 - Loopholes/gaps in the existing documents or processes; and
 - Damage to street trees during house construction.
2. Mapping out a new process which can achieve the desired outcome.
3. Listing changes that would need to be made to the relevant standards in support of the new process.
4. Identify the scope of any additional resources that might be required to administer the process, particularly around any new steps that are proposed.

During this process the cross-directorate working group also examined the processes/standards which some other Local Governments are using, in order to determine best practice.

Long Verges

The following key action is also in the City's Corporate Business Plan:

"2.5.1.5 - Minimise the creation of long verges within new subdivisions and, where their creation is unavoidable, consider the installation of embayments along their length (with consideration to existing strategies - i.e. integration of the Urban Forest Strategy which has the objective of planting of street trees in urban areas)."

It is understood that the intent of this key action is to minimise, where possible, the long verges (to corner lots) and provision of additional parking through the inclusion of parking embayments. The inclusion of those embayments would reduce the area of landscape maintenance required of residents along their long side verges.

It is noted that long side verges fronting corner lots have always occurred in Perth, with the main issue being whether residents are prepared to maintain the landscaped portion of their side boundaries and/or use them for lot side access.

Western Australian Planning Commission's Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy of the Western Australian Planning Commission (WAPC) which guides the structure planning and subdivision for greenfield and large brownfield (urban infill) sites. The street tree requirements contained within the most recent (2015 Draft) version of Liveable Neighbourhoods include:

"3.4 Provide street trees in all local streets (except laneways) for pedestrian shade and shelter, streetscape amenity and traffic management. Remnant trees to be retained as street trees in accordance in AS4970, 2009."

Liveable Neighbourhoods 2015 also sets out a road hierarchy including standard cross sections and a section that deals with lot size and shape, which states that,

"Frontage to depth ratios of between 1:1.5 and 1:2 have been common practice and are proven effective."

It isn't stated but can reasonably be assumed that this desirable ratio is not applicable to rear laneway lots which are typically narrower and longer, in order to accommodate a garage at the rear of the property.

Subdivision Condition

The Department of Planning, Lands and Heritage's Model Subdivision Conditions Schedule does not contain a standard condition requiring the provision of street trees however the City has had some success when requesting that the WAPC apply the following conditions to larger residential subdivisions:

"A Landscaping Master Plan and Management Strategy is to be prepared and implemented to the satisfaction of the Western Australian Planning Commission."

OR

A landscaping master plan and management strategy is to be prepared and implemented to the satisfaction of the Western Australian Planning Commission. Landscaping to include revegetation of watercourses, public open space areas and all street verges / medians.”

PLN 2.9 – Landscaping

This local planning policy applies to all Structure Plan, Subdivision and Development proposals, where the provision of landscaping and revegetation plans are required in accordance with Town Planning Scheme No.4 or any other Development approval. The objectives of the policy are:

- “1) To conserve and enhance the natural environmental and biodiversity attributes of the district by incorporating environmental principles into public and private decision making.*
- 2) To provide applicants with guidance and requirements on landscaping design and appropriate tree/plant selection in accordance with the City’s Urban Forest Strategy.*
- 3) To provide a common theme for landscaping throughout the City that encourages the enhancement of biodiversity in accordance with the City’s Urban Forest and Biodiversity Strategies.*
- 4) To provide for climate change adaption by using native plants that use less water and which provide cooler microclimates.”*

Policy ENG 6 – Street Tree

Policy ENG 6 refers to the development and management of trees on street verges including their promotion, valuation, retention, protection, planting, maintenance, pruning, removal and mapping.

Subdivision Development Guidelines and Verge Landscape Guidelines

The City’s Subdivision Development Guidelines are a detailed document outlining the minimum standard for design and construction of subdivisional development.

DETAILS OF PROPOSAL

One of the key findings of the working group’s review was that there is a statutory basis for requiring subdividers to provide street trees, via the preparation and implementation of a Landscaping Master Plan and Management Strategy where that requirement is imposed as a condition of subdivision by the WAPC. The proposed modifications to the City’s streetscape process and requirements therefore focus on:

- gaining the WAPC’s support to apply the relevant condition to its subdivision approvals;
- having all of the subdivision’s planning and design documentation be both internally consistent and consistent with the Landscaping Master Plan and Management Strategy, with the street tree locations being shown at each stage of documentation and development;
- securing the provision of street trees by having the developer either pay a contribution to the City for their installation after subdivision (preferred), or install/maintain the trees themselves as per the approved plans with a bond paid prior to subdivision clearance.

The following section of the report details the changes that are proposed to the City's documents in order to facilitate the 'early' provision of street trees, at subdivision stage, and long verges that are more efficiently and effectively used.

New Processes

The proposed requirement that subdividers pay a contribution to the City for installation of street trees or install/maintain the trees themselves would add new processes, two of which would require resourcing. Under both scenarios all street trees within the stage of subdivision would be installed in their nominated locations and at the same time, rather than individually where possible.

With regard to the installation of subdivider funded street trees it is proposed that the subdivider would pay a street tree contribution when seeking a subdivision clearance, and those funds would be placed in a reserve account. A City officer would then be required to:

- monitor development within that stage of subdivision, in order to determine when the majority of lots in that stage of subdivision have been built out and the street tree planting process can therefore be initiated;
- initiate and coordinate the street tree planting process that would involve planning, issuing and administering contracts for tree supply, installation, watering and maintenance, letters to landowners; and
- organising the mapping of the trees and loading that information into the City's database.

With regard to the installation of street trees by subdividers, a City officer would be required to:

- do a practical completion inspection of the street trees to verify their installation, and obtain a bond covering their watering and maintenance for two years;
- organising the mapping of the trees and loading that information into the City's database.
- undertake a 2 year handover inspection and then resolve any outstanding issues with the subdivider, before organising for the bond to be released.

These two new processes would need to be resourced. Where the subdivider chose to install the street trees themselves, the proposed contribution would cover the cost of tree supply (to the City's specifications), staff time, installation, 2 years watering and contingency.

The recommended value per tree for both contribution and bonding purposes is \$520 (excl. GST), which would be subject to annual review by the City's Parks Service.

PLN 2.9 – Landscaping

It is proposed that Council amend Local Planning Policy 2.9 to improve some aspects of the subdivision process and take the following actions with regard to design:

- seek modified road cross-sections and/or reservation widths at structure planning and subdivision stages in order to provide a less constrained 'corridor' for the planting of street trees, especially where on-street parking is required to be accommodated; and

- require that a Local Development Plan (LDP) be prepared to identify street tree locations for lots with a frontage of less than 12 metres, in order to preserve those locations from potential conflicts with the house and crossover design.

Modified Road Cross-Section Proposals

Three modifications are proposed to the standard road cross-sections shown in Liveable Neighbourhoods 2015 via PLN 2.9 – Landscaping (refer also to Attachment):

- Minimum 16.6m road reserve width for Access Street D with no on-street parking, in lieu of 15.5m in Liveable Neighbourhoods. A minimum 16.6m (5.3/6/5.3) wide reservation is required to accommodate placement of street trees and a 1.5m footpath at back of kerb.
- Use of a modified version of the cross section shown in Liveable Neighbourhoods for a 17.2m wide Access Street C, where there is on-street parking. This modified cross section would put the footpath at back of kerb and the street trees on an alignment further from the road pavement;
- Minimum 17.8m road reserve width for Access Street C with on-street parking and dual use path, in lieu of 17.2m in Liveable Neighbourhoods. The 5.3m verge shown within that cross section is necessary where both a dual use path and street tree are required to be contained in the same verge. That duplication of pedestrian facilities in having both a footpath in one verge and a dual use path in the other will not be commonplace but may be necessary in certain circumstances.

Some elements of these three cross-sections are discussed below:

- It should be noted that the 6m road pavement width is an existing variation to the 5.5m required by Liveable Neighbourhoods. The City adopted that variation previously because it facilitates safer traffic movements and on-street parking, and is more forgiving to errant vehicle movements than a 5.5m wide road pavement. The heat island effect from the additional 0.5m of road pavement is considered negligible in terms of the overall streetscape generated heat island effect, and the safety benefits of the 6m pavement are considered to outweigh any additional maintenance costs.
- Higher density housing, narrow lot frontages and reduced front setbacks have resulted in vehicles being parked in the driveway more often, and overhanging or obstructing footpaths where they are located adjacent to the lot boundary. That is a safety concern for pedestrians and a violation of the *Road Traffic Act 1974*, and placing footpaths at back of kerb is proposed as a response which would separate the footpath from parked cars and also encourage people to maintain their verge as an extension of their private front garden.
- The Public Utilities Code of Practice (2021) is a standardised document which defines the service alignments and depths for water, sewer, power, gas, telecommunication, street lighting, street trees and trunk services within the verge. The Code of Practice states that street trees must be located within a 2.4m to 3m wide corridor running parallel to the property boundary, which is also used for street lighting and underground power.
- A 0.8m separation is proposed between street trees and the footpath as that allows sufficient room for growth as the tree matures and also minimises disturbance to the footpath by the spread of tree roots, which would result in safety and maintenance issues.

Long Verges Proposal

The long verges proposal is to modify PLN 2.9 – Landscaping by adding two requirements that would be applicable to subdivision:

- Formally apply the requirement from Liveable Neighbourhoods 2015 for (non-rear laneway) lots to have frontage to depth ratios of between 1:1.5 and 1:2, as that places a reasonable upper limit to the length of corner lots; and
- Require subdividers to install parallel car parking bays where appropriate within the long verge, without compromising the requirement for two (2) street trees per side lot as standard practice.

In addition to the abovementioned amendments it is also proposed that the subdivision condition that requires a Landscaping Master Plan & Management Strategy be cross-referenced in PLN 2.9, as that will lend weight to its application by the WAPC.

It was considered a more efficient use of resources to modify PLN 2.9 – Landscaping to reference these requirements rather than create a new local planning policy. The modified version of PLN 2.9 is contained in an Attachment to the report.

Policy ENG 6 – Street Tree

An Attachment to this report contains recommended modifications to Policy ENG 6 – Street Tree that can be summarized as follows:

Modify references to Street Tree Masterplan to refer to Landscaping Master Plan & Management Strategy instead
Update Section 5.10 to suit new street tree process

Subdivision Development Guidelines

The proposed modifications to the Subdivision Development Guidelines can be summarized as follows:

List Landscaping Master Plan & Management Strategy documentation as being required, in Section 5 - Reports/Information
Update Landscape Drawings in Section 5 to reference street trees
Insert street tree bonding/payment requirements into Section 10 Requirements for Clearance
Modify Section 16 to reflect new arrangements
Update Appendix A checklists, etc

These proposed changes will be made administratively if Council resolves (after advertising) to proceed with the corresponding Policy modifications.

ANALYSIS

Long verges have the ability to accommodate a substantial amount of street trees, therefore it is possible that the two objectives of maximizing the provision of street trees and installing parking embayments on long verges could be in conflict. In those circumstances it would be preferable to prioritise the street trees as car parking can often be accommodated on-street where bays are not provided.

In addition to the current proposals, the City will continue advocating for future revisions of Liveable Neighbourhoods to expand its current street tree requirements beyond the one quoted above.

Amendment of Fees and Charges

Because the City would potentially start imposing the street tree contribution before adoption of its 2022/2023 annual budget s. 6.19 of the *Local Government Act 1995* would make it necessary to give local public notice of the proposed fee before introducing it. That notice should be undertaken after the Policies are adopted by Council or as part of the notification period for the setting of Fees and Charges in the Budget.

Procedure for Amending a Local Planning Policy

The procedure for amending a Local Planning Policy is covered by Schedule 2 Part 2 cl.5 of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Not being a minor amendment, the proposal would have to be advertised to the public for a period of not less than 21 days. Following the advertising period a further report will be presented to Council which details the outcome and seeks a determination about proceeding with the policy amendment.

Procedure for Amending a Council Planning Policy

There is no obligation to advertise the proposed amendments to Policy ENG 6 – Street Tree. It is nevertheless recommended that Policy ENG 6 be advertised concurrently with PLN 2.9, given that advertising of the amendments to PLN 2.9 and the fees and charges schedules is already necessary. Any submissions on the proposals will be reported back to Council.

Reserve Account

The requirement to establish a reserve account for receiving street tree contributions can be addressed in the report to Council which will be prepared following the public advertising process.

OPTIONS

1. Council could resolve to advertise the amendments to Local Planning Policy PLN 2.9 and Policy ENG 6 – Street Tree, and the proposed street tree contribution.
2. Council could resolve not to initiate the amendments to Local Planning Policy PLN 2.9 and Policy ENG 6 – Street Tree, and the proposed street tree contribution.

CONCLUSION

A suite of changes are proposed to the City's Streetscape process/requirements in order to implement key actions from the Corporate Business Plan. The changes, which relate to street trees and long verges to corner lots, would require some resourcing but more quickly and thoroughly establish the urban tree canopy within new subdivisions.

In this regard, Option 1 is recommended.

ATTACHMENTS

1. ↓ Policy PLN 2.9 - Landscaping (with modifications)
2. ↓ Policy PLN 2.9 - Landscaping (final version)
3. ↓ Policy ENG 6 - Street Trees (with modifications)
4. ↓ Policy ENG 6 - Street Trees (final version)
5. ↓ Modified Road Cross-Section Proposals

Committee Discussion

Committee discussed proposed PLN 2.9 & Policy ENG 6 - Street Tree, the protection of street trees near car bays, best practice for tree watering periods (currently proposed for 2 years) and the potential for additional street trees to be installed in situations of infill housing/existing suburbs where single lots are developed/subdivided into several dwellings.

Committee requested that officers further review policies and any modifications that could better accommodate the above and that the additional information be provided via memo to all Councillors prior to Council's determination on this proposal.

RECOMMEND

D14/4/22

That Council:

1. **Amend Local Planning Policy PLN 2.9 as shown in the Attachment to this report and advertise that proposal to the public in accordance with the procedure required by the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Amend Policy ENG 6 - Street Tree as shown in the amended Attachment to this report and advertise that proposal to the public.**

**Moved Cr R Butterfield
MOTION CARRIED**

(6/0)

Council resolved at its Ordinary Meeting on 26th April 2022 that Part 2 of Recommendation D14/4/22 be amended to read "Amend Policy ENG 6 - Street Tree as shown in the amended Attachment to this report and advertise that proposal to the public".