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29 January 2009

Mr Mark Dickson  
Manager Smart Growth  
City of Wanneroo  
22 Dundebur Road  
WANNEROO WA 6065

Dear Mark

## REVIEW OF CITY OF WANNEROO TREE PRESERVATION POLICY

The Urban Development Institute of Australia (UDIA WA) is pleased to provide feedback on the review of the City's Tree Preservation Policy. UDIA (WA) is the peak body representing the property industry in Western Australia with members engaged in a range of disciplines including land development, planning, architecture, urban design, infrastructure and engineering.

One of UDIA's principal objectives is the efficient and affordable supply of land and housing to the community. The Institute therefore aims to ensure that government policies meet these objectives without placing additional pressure on housing affordability, particularly in the current economic climate. UDIA supports and promotes sustainability and considers as a priority the triple bottom line of environment, economy and society. In keeping with this philosophy we therefore support the introduction of measures to protect the environment, where the implementation of those measures is equitable, feasible, and does not place an unreasonable cost burden on the consumer.

We have provided a summary of our position against those items that impact on industry's capacity to deliver land to the market in the most economically favourable way. We anticipate that our response to the policy review will be given due consideration as it reflects developers' experiences working with the current policy and provides recommendations on how it could have greater practical application for the industry.

### **A Clearer more Workable Definition of Significant Trees**

UDIA welcomes a clearer more workable definition of significant trees as this will assist both applicants and the City's assessment officers and provide surety that assessments are made in a objective manner with the definition of 'significant' well understood by all parties.

It is unacceptable that under the existing policy any of the criteria listed in the policy may be applied, at the City's discretion, to deem a tree or group of trees significant. The criteria are not sufficiently descriptive for a judgement to be made that could not be contested. A more objective definition would refer significant vegetation to an established state or federal government listing or protection status.

While the applicant for planning approval is required to provide an accurate site plan and/or aerial photograph highlighting significant trees and groups of trees, the actual determination of significance is made by the City without any pre-existing documentation for the applicant to refer to. This lack of certainty is not helpful for developers during the planning stages of a development. The current criteria are unworkable and provide no guidance for planners preparing structure plans and detailed subdivision plans. UDIA queries what the appeal process is where the applicant's view of significance differs from that of the City.

Further to the point above, we make the following general comments on the criteria for determining tree significance:

- Girth / height / spread should be considered in the context of the species. A two year old tree of one species could be bigger than a 10 year old tree of a different species; and
- A tree that may be considered significant because of its age or size may also be in poor condition. Tree condition should be recorded on the City's property information system as well as the date that the tree's condition was assessed.

UDIA suggests that the City audit and document significant vegetation throughout the City of Wanneroo, to identify, justify and map trees or groups of trees of significance so that these are clearly identified prior to future development, land purchase, or planning being undertaken. In the absence of such an audit, developers have no understanding of the impact of the policy on their project's viability until well into the development process and changes incur significant additional cost (consultants, time, bank interest etc) which ultimately impacts on housing affordability. We would also welcome more comment on how the City will manage identified trees that impact on land currently held.

### **Design Guidelines to Inform Engineering Design and Construction**

It is imperative that design guidelines to inform engineering design and construction developed to support this policy recognise the constraints the local topography places on development. Much of the future urban development zones within the City of Wanneroo is undulating and requires extensive bulk earthworks to meet engineering design standards, the requirements of the City and objectives for drainage, road safety and design. Retention of native vegetation at existing natural surface levels often presents a major constraint to the development potential of a site and overall planning objectives. By focusing only on the retention of vegetation, the policy will fail to recognise the practicalities of land development and the engineering behind it. Unless there is an understanding of how a site might be ultimately earthworked or recontoured it is probably not possible to identify if, where and how many trees can be retained at the Outline Development Plan and Structure Plan stage of a project.

In September 2008, UDIA participated in a workshop on the use of retaining walls with the City's engineers and the IPWEA Committee. It was discussed that bulk earth working and retaining walls undertaken at subdivision stage result in an overall lower whole of dwelling cost and higher standard of construction and appearance than if these works were left for individual home builders to complete. It is critical that design guidelines address the imperative of housing affordability and do not result in the provision of lots to the market that require costly additional earthworks or split- or multi-level housing design that is expensive to produce.

### **Development of a significant tree register for public land**

UDIA supports the development of a significant tree register for public land where retained vegetation is maintained by the City. If the City of Wanneroo requires more than the required 10% POS for tree preservation, the Policy should indicate to whom the land and maintenance costs are to fall. Should the cost of preserving vegetation fall to the developer, this will add an additional cost burden that will be passed onto the consumer and therefore impact on affordability. UDIA would welcome more detail on how the City plans on dealing with overprovision of POS as a result of tree preservation and how they will be maintained.

### **Recognition of the constraints of engineering requirements and market demand for level lots and the need to consider significant trees early in the design process to enable their retention**

UDIA supports greater recognition of the market demand for level lots and the constraints this presents for tree retention efforts. It is our view that the emphasis of the policy should be on the retention of significant trees within road reserves, POS and lots greater than 1,000m<sup>2</sup> in area, where there is scope for retaining existing ground levels and therefore trees.

There should be no onus on developers to demonstrate the retention of trees on lots that are less than 1,000m<sup>2</sup>. Furthermore, experience has shown that providing for the long term retention of trees on suburban lots can be problematic and difficult to manage. Owners will often remove trees as they see fit, so there is no guarantee that the trees will survive beyond the developer's endeavours to retain them in the subdivisional works.

UDIA also supports the statement that the policy needs to afford greater recognition of the constraints presented by engineering. Often the City's engineering requirements are not in accord with the objectives set by the City's Smart Growth policies. If the City's position is to afford priority to the retention of existing trees, then there will be circumstances whereby the City's engineering standards will need to be relaxed or applied with greater flexibility in order to retain trees. For example:

- Reduce / forego super-elevation in more areas to allow roads to be drained towards kerbside swales that contain existing trees;
- Allow flush kerbs in more areas to facilitate kerbside drainage;
- Allow kinks / curves so that roads can wind their way through existing trees;
- Allow road pavement and road reserve widths to be narrower than standard in some areas, so that roads can go between existing trees; and
- Vary engineering standards defining vertical slopes of roads so that natural levels and in turn existing vegetation can be retained.

*The current policy states that "The removal of significant trees shall be regarded as a last resort...where approval is given under this Policy for a tree or trees to be removed, the City may require a suitable replacement endemic tree or trees to be planted elsewhere on a site."*

This requirement should be considered in the overall context of the development. For example, a developer may be able to save all the trees in one location, but not be able to save many in another. Alternatively a developer may exceed the 10% minimum POS allocation in order to

retain as many trees as possible and provide an offset for the loss of trees in other areas. Therefore decisions by the City regarding the proposed removal of a tree or group of trees should not be considered in isolation – rather the overall conservation outcomes being achieved within a development and the efforts being made by a developer to retain trees in other locations should be weighed into balance.

## **Conclusion**

Key points for consideration are:

- There needs to be greater certainty provided regarding the criteria for establishing trees of significance.
- The method of assessment and right of appeal needs to be defined.
- An audit of significant vegetation needs to be done for future development areas.
- The emphasis of the policy should be on tree retention within road reserves, POS and lots greater than 1,000 square metres in area.
- The policy must consider the engineering requirements of development and these must accord with planning and smart growth policy.
- The policy must take into account other existing local and state planning policies.
- The policy must acknowledge that market demand for level lots eliminates additional costs of terracing or split level construction flowing on to households.
- The policy must consider its impact on housing affordability.
- The policy must consider overall conservation outcomes within a development.

Finally we make the point that the process for administering this policy needs to be straightforward and timely. The City also needs to be sure that it has the human resources to administer it, particularly in light of the suggestion to introduce a significant tree register.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey  
**Chief Executive Officer**