

**1.5 15 DRIFTWOOD DRIVE GLEN WAVERLEY VIC 3150
REMOVE ONE (1) TREE IN THE VEGETATION PROTECTION OVERLAY
(TPA/48764)**

EXECUTIVE SUMMARY:

This application proposes to remove (1) one tree in the Vegetation Protection Overlay 1 (VPO1).

This application is exempt from public notice.

Key issues to be considered relate to the health and retention value of the tree and the contribution of the tree to the site and the surrounding neighbourhood.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 93 –remove, destroy or lop a tree and Clause 42 – Vegetation Protection Overlay.

The reason for presenting this report to Council is because officers do not support the removal of the subject tree, identified as Tree 3 in the Arborist’s report; a *Eucalyptus robusta* – Swap Mahogany

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE ACTING MANAGER:	Sean McNamee
RESPONSIBLE PLANNER:	Di Stanley
WARD:	Glen Waverley
PROPERTY ADDRESS:	15 Driftwood Drive, Glen Waverley
EXISTING LAND USE:	One dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	N/A
ZONING:	Neighbourhood Residential Zone 4 (NRZ4)
OVERLAY:	Vegetation Protection Overlay 1
AMENDMENT C125	Neighbourhood Residential Zone 4 (NRZ4) Part 1 approved 19 April 2018
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 15 – Built Environment and Heritage	<u>Local Planning Policy Framework</u> Clause 21.01 – Municipal Strategic Statement

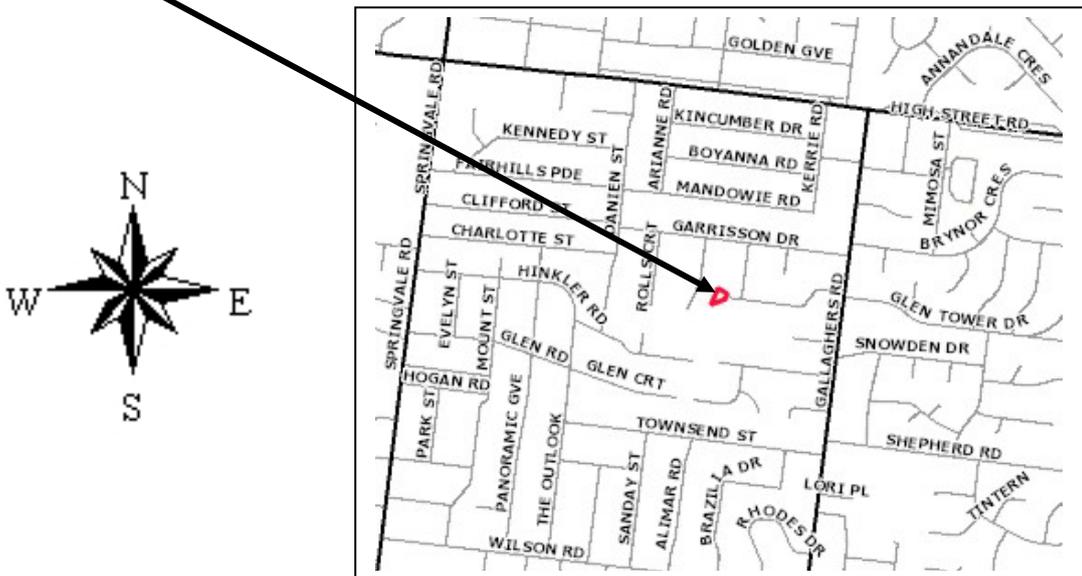
	Clause 21.13 – Sustainability and Environment Clause 22.01 – Local Planning Policies – Residential Development and Character Policy Clause 22.05 – Tree Conservation Policy Clause 22.13 Environmentally Sustainable Development Policy
STATUTORY PROCESSING DATE:	9 June 2018
DEVELOPMENT COST:	N/A

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

- A. That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/48764)** for the removal of one (1) tree in the Vegetation Protection Overlay (VPO) at 15 Driftwood Drive, Glen Waverley subject to the following grounds:
1. The tree makes a significant contribution to the landscape character of the area and its removal does not accord with the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme.
- B. That Council write to the owner advising that the tree is to be retained, and that the owner should:
1. Remove deadwood and undertake routine crown maintenance pruning works as recommended by Council's Arborist, John Faulkner. All pruning must be in accordance with the Australian Standard - AS4373 Pruning of Amenity Trees

BACKGROUND:**History**

The owner requested an inspection under Council's free tree service and Council's Contract Arborist, John Faulkner assessed three (3) trees at the subject site on 5 February 2018 and provided the following;

Tree 1: *Eucalyptus nicholii* – Narrow-leaved Peppermint

This tree had grown to a height of approximately 13 metres and the trunk circumference at 1200mm above ground level was calculated as 780mm. This tree was located in the centre of the front garden of this property.

The tree was identified to be in poor health and in decline and there was a concerning amount of deadwood in approximately 50% of the canopy, which posed a risk to this property and to pedestrians. The tree had suffered a number of large branch failures over time and the remaining live canopy made a small contribution to the surrounding streetscape. The structure of the tree was compromised on the northern side due to the close proximity of another tree.

The Arborist recommended the removal of this tree and the Owner has since removed the tree.

Tree 2: *Grevillea robusta* - Silky Oak

This tree had grown to a height of approximately 14 metres and the trunk circumference at 1200 mm above ground level was calculated as 400 mm. This

tree was located towards the south eastern corner of the site adjacent to 17 Driftwood Drive.

The reported trunk girth of 400mm for this tree resulted in it being exempt from a requirement for a Planning Permit under the Vegetation Protection Overlay. The Arborist has reported that some branches of this tree were situated approximately 20 to 30 cm from power lines and that the thin canopy contained a large amount of deadwood.

The Arborist recommended the removal of this tree and the Owner has since removed the tree.

Tree 3: Eucalyptus robusta – Swap Mahogany

This tree has grown to a height of approximately 15 metres and the trunk circumference at 1200 mm above ground level has been calculated as 520 mm. This tree is located at the north eastern corner of this site, adjacent to No. 13 Driftwood Drive. The reported height and trunk girth of this tree means a permit is required for this tree to be removed.

The Arborist has confirmed that the tree is in a healthy condition and consists of a sound, upright structure, although the canopy does contain a small amount of deadwood. Additionally, there is evidence of two (2) old wounds to the trunk from previous branch failures.

The Arborist does not recommend the removal of this tree given the significant contribution this tree makes to the streetscape and leafy character of the surrounding neighbourhood.

There are no other planning permissions associated with this site.

The Site and Surrounds

The subject site is irregular in shape and is located on the western side of Driftwood Drive in Glen Waverley.

The site is currently occupied by a single storey dwelling that has a 9 metre, well landscaped front setback from the street. The tree proposed for removal is located within the front setback and there is no front fence at this property.

The surrounding residential properties have well landscaped front gardens and there are a few small to medium street trees in the vicinity of the subject site.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:

The applicant proposes to remove a *Eucalyptus robusta* – Swap Mahogany, identified as Tree 3 in the Council Arborist's report.

The height of the tree is approximately 15 metres and the trunk circumference at 1200mm above ground level has been calculated as 520 mm. This tree is located at the north eastern corner of this site, adjacent to No. 13 Driftwood Drive.

The Applicant has indicated that in the past, due to some decay present in the tree canopy, this tree has dropped limbs in heavy winds and he is concerned that this could potentially damage cars parked nearby. The Owner has also indicated that the size of the tree reduces the opportunity to install solar panels to the roof of the dwelling.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGER:

Pursuant to Clause 42.02-2 - Vegetation Protection Overlay, a permit is required to remove or destroy or any vegetation that has a trunk circumference greater than 500 mm at 1200 mm above ground level and has a minimum height of 10 metres.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Further information was requested of the Permit Applicant on 9 March 2018 to assist in the consideration of the proposed removal of this tree.

The application is supported by an assessment prepared by Council's Arborist, John Faulkner addressing the health, structure and retention value of the tree.

The *Eucalyptus robusta* – Swap Mahogany is designated Tree 3 in the report and the Arborist has confirmed that the tree is in a healthy condition and recommends that the tree should be retained.

The Applicant was verbally advised on 3 May 2018 that this application was coming to the May Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for refusal.

Public Notice

Tree removal is exempt from public notice requirements of Section 52 of the Planning and Environment Act 1987.

DISCUSSION:**Consistency with State and Local Planning Policies**

State planning policies provide guidance with regard to the development of urban areas. In particular, the importance of landscaping and vegetation is considered to contribute positively to the local urban character, which is characterised by leafy suburbs throughout the City of Monash.

The Clause 21.01 - Municipal Strategic Statement makes reference to the Garden City Character in the City of Monash which is represented by extensive treed residential areas that create leafy suburbs.

Clause 22.05 – Tree Conservation Policy. The objective of this policy is to promote the retention of mature trees to maintain, extend the Garden City character throughout the Monash municipality, as well as meet criteria in the schedule to the VPO.

Assessment under Clause 42 - Vegetation Protection Overlay

The VPO provides a clear objective and decision guidelines for the removal and protection of significant vegetation, to preserve existing trees and enhance the character of neighbourhoods;

To conserve significant treed environments and ensure that new development complements the Garden City Character of the neighbourhood.

In response to the decision guidelines for tree removal in the Vegetation Protection Overlay, this tree is identified as having a high site significance, due to its prominent location, healthy condition and sound structure. Given the above points, this tree provides high quality vegetation to the surrounding neighbourhood.

The Arborist's report prepared by Tree Logic dated 5 February 2018 concludes that tree 3 is in a healthy condition and consists of a sound, upright structure, although the canopy does contain a small amount of deadwood.

The Arborist does not recommend the removal of the tree, given its good health and sound structure and the significant contribution the tree makes to the streetscape and leafy character of the surrounding neighbourhood.

In addition to the above points, the retention of this tree is also important due to the recent removal of two (2) other trees within the front setback and should be retained to maintain a contribution to the streetscape and broader neighbourhood.

In terms of the Applicant's concerns regarding the likelihood of limbs dropping from the tree, routine maintenance of the tree crown would reduce the likelihood of limbs dropping from this tree. Such routine maintenance should be undertaken throughout the remaining life of a tree.

CONCLUSION:

Based on the above assessment, it is recommended that a Refusal Notice be issued for the removal of one (1) tree, identified as Tree 3 in the Arborist's report; a *Eucalyptus robusta* – Swap Mahogany

Removal of the tree would be inconsistent with the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay) and would have detrimental impact on the landscape character of the area.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.