

**1.6 1 MAREEBA COURT, GLEN WAVERLEY
REMOVAL OF TWO (2) TREES IN A VEGETATION PROTECTION OVERLAY 1 (VPO1)
(TPA/48843)**

EXECUTIVE SUMMARY:

This application proposes to remove (2) two trees in the Vegetation Protection Overlay (VPO1)

This application is exempt from public notice.

Key issues to be considered relate to the health of the trees and their contribution to conservation of significant treed environments and Garden City Character.

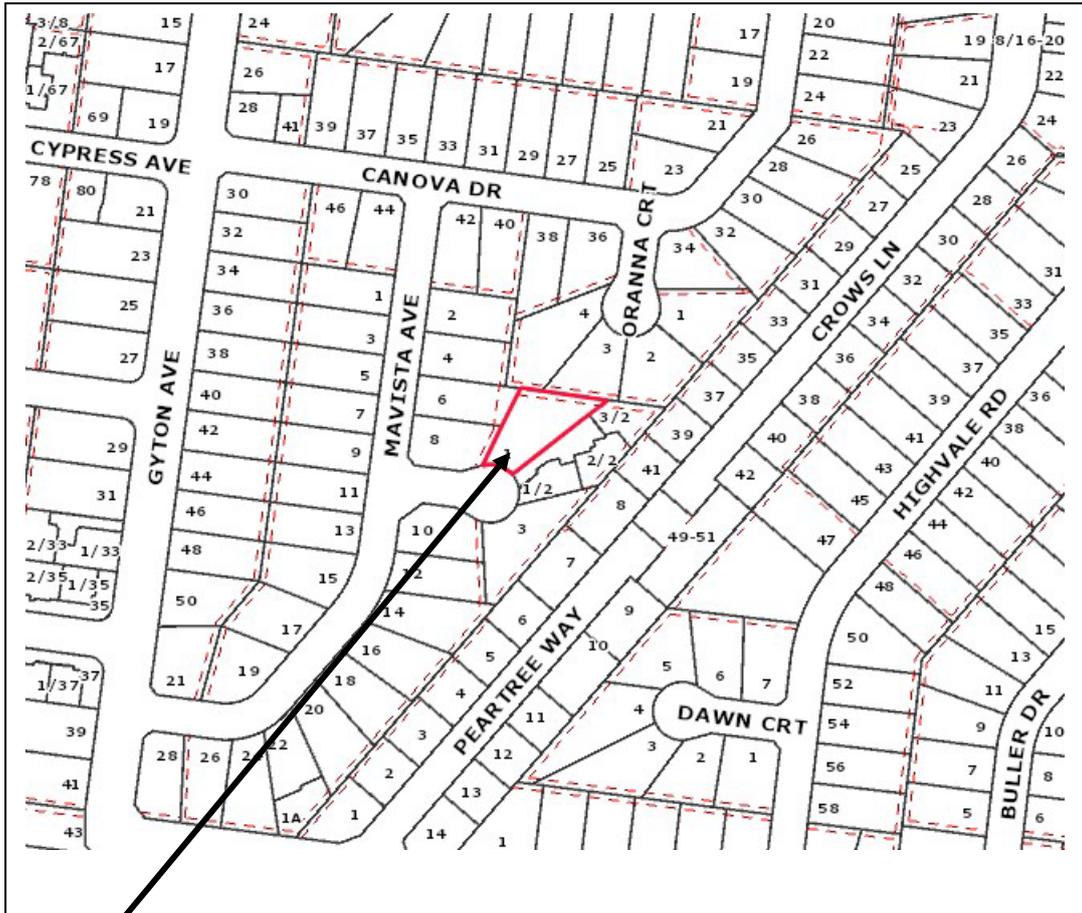
The reason for reporting this application is because officers do not support the removal of the two trees.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and Clause 42 – Vegetation Protection Overlay. It is recommended that this application be refused.

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| RESPONSIBLE DIRECTOR: | Peter Panagakos |
| RESPONSIBLE ACTING MANAGER: | Sean McNamee |
| RESPONSIBLE PLANNER: | Luisa Canales |
| WARD: | Glen Waverley |
| PROPERTY ADDRESS: | 1 Mareeba Court, Glen Waverley |
| EXISTING LAND USE: | Single dwelling |
| PRE-APPLICATION MEETING: | Yes |
| NUMBER OF OBJECTIONS: | N/A |
| ZONING: | General Residential Zone 2 |
| OVERLAY: | Vegetation Protection Overlay 1 |
| AMENDMENT C125 | General Residential Zone 3 (Part 2) |
| RELEVANT CLAUSES: <u>State Planning Policy Framework</u> | <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 |

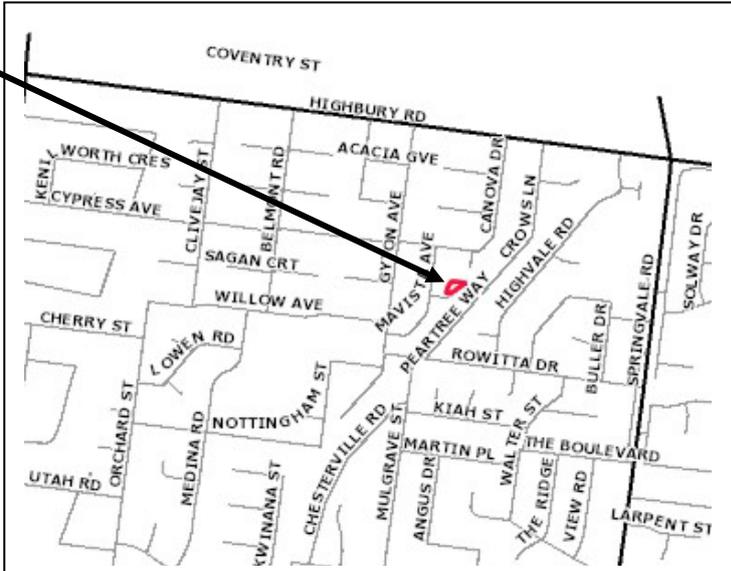
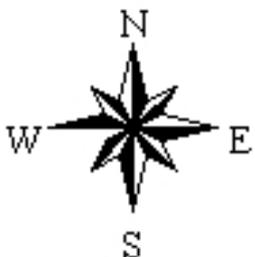
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| | Clause 22.05 – Tree Conservation Policy Clause 22.13 Environmentally Sustainable Development Policy |
| STATUTORY PROCESSING DATE: | 27 April 2018 |
| DEVELOPMENT COST: | N/A |

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/48843)** for the removal of two (2) trees in a Vegetation Protection Overlay 1 (VPO1) at 1 Mareeba Court, Glen Waverley subject to the following grounds:
- i. The trees make a significant contribution to the landscape character of the area and their 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 area of impervious site cover, including synthetic grass shown on the landscape plan exceeds the amount allowable under ResCode and should be reduced to comply with Clause 54.03-4 - Permeability objectives of the Monash Planning Scheme. As the trees are to be retained, construction should include tree protection measures and design techniques sympathetic to root development, in accordance with the Arboricultural Assessment and Tree Issues Resolution Plan prepared by McLeod Trees Consulting, dated 16th January 2018.

BACKGROUND:**History****Vegetation**

A pre-application meeting was held on 21 December 2017 with one of the owners of the land, to request advice and information regarding the provision of a landscape plan (which included vegetation removal) associated with the construction of a new single dwelling on the subject site. Officers provided the following advice:

- Explanation of the process of tree removal, and the permit trigger requirements, in accordance with Clause 42.02, Vegetation Protection Overlay of the Monash Planning Scheme.
- Requirements and supplementary information to enable an application for tree removal was provided to the applicant.

Other matters

Planning permit TPA 48465 was granted for the variation of Covenant E092600 to allow construction of a dwelling using Hebel as the material for the external walls with render on 5 April 2018.

The Site and Surrounds

The subject land is located on the northern side of Mareeba Court in Glen Waverley. The land is an irregular shaped allotment, with a wider property boundary towards the rear of the site. A drainage and sewerage easement is located on the northern (rear) property boundary. The land is relatively flat across

the whole site. The subject site currently contains a double storey dwelling and has established vegetation, located at both the front and rear of the site. The surrounding area was developed in the 1970's, with some newer dwellings contributing to the built form character of the area.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2). Street view imaging can also be found attached to this report (Attachment 4).

PROPOSAL:

The applicant proposes to remove two (2) *Grevillea robusta* (Silky Oak) trees. One is located at the front of the property and the other at the rear. In support of this application, the applicant has provided:

- An Arboricultural Assessment, prepared by McLeod Trees
- A proposed landscape plan containing a schedule of proposed trees and all trees that are proposed to be removed.

Note: As part of the construction of a replacement dwelling, the applicant proposes removing all vegetation on the site.

The trees proposed to be removed as part of this application are identified in the Arboricultural Assessment, prepared by McLeod Trees dated 16 January 2018 as Tree 2 and Tree 12.

Tree 2 is a large, mature, Silky Oak (native species), located within the front setback of the subject site, 1.1 metres from the western property boundary. The tree has a height of 15 metres and a diameter at breast height (DBH) of 560 mm and is in good health.

Tree 12 (also a Silky Oak) is submitted as being a significant tree in good health and fair structure and fair overall condition. The tree has a height of 14 metres and a DBH of 490 mm and the extent of the TPZ for this tree is 5.8 metres.

The applicant is seeking to remove the trees to facilitate the construction of a new and modern low maintenance formal garden around the perimeter of the subject site, with extensive use of paving and synthetic grass.

The removal and replacement of the existing driveway will occur within the TPZ of Tree 2. A section of the north-eastern wall of the new single dwelling is proposed to be located within the TPZ of Tree 12.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS: VEGETATION PROTECTION OVERLAY – SCHEDULE 1 (VPO1)

Pursuant to Clause 42.02-2, 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.

The applicant was advised by email on Wednesday, 18 April 2018 that the application would be going to the May Council meeting. The applicant is aware that the application is to be recommended for refusal.

CONSULTATION:

No further information was needed from the Applicant to undertake the assessment of the application.

Public Notice

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

Referrals

No referrals were required as part of this planning application.

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. Development is to respond to its context in terms of urban character, natural features and surrounding landscape. This is particularly notable within the City of Monash, which is characterised by its leafy suburbs. The leafy areas also seek to create a network of green spaces that support biodiversity conservation, which in turn seeks to make Melbourne a sustainable and resilient city.

Providing open space for the purposes of landscaping and conservation of treed areas is re-emphasised in the Neighbourhood Residential Zone, under Clause 32.09-4, by way of a minimum garden area requirement.

Clause 21.01 of the Monash Planning Scheme – Municipal Strategic Statement provides guidance in relation to the development of urban areas, and in particular emphasises the importance of the garden city character that is represented by the extensive treed residential areas that create leafy suburbs. Further guidance is embedded into Clause 22.05 of the Monash Planning Scheme – Tree Conservation Policy. The objective of this policy is to promote retention of mature trees to

maintain and extend the Garden City character and encourage the planting of new canopy trees with spreading crowns throughout Monash.

Assessment under Clause 42.02 – Vegetation Protection Overlay (VPO)

The VPO provides clear objectives and decision guidelines for the removal, relocation and vegetation of significant vegetation, to preserve existing trees and enhance the character of neighbourhoods.

Purpose

The purpose of the VPO is:

- *“To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *To encourage the regeneration of native vegetation.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.”*

The following decision guideline for vegetation removal must be considered:

- The reason for removing or destroying the vegetation and the practicality of alternative options which do not require removal or destruction of vegetation.

Although the owner proposes the removal of all vegetation for the site, only Trees 2 and 12 (at 15 metres and 14 metres respectively), require a planning permit for their removal. Both of the trees are assessed by the owner’s arborist as being of good health, and fair condition with a Useful Life Expectancy (ULE) of at least 15-20 years.

Tree 2 is identified as having a high site significance, due to its prominent location in the front setback and a high retention value, with a fair structure.

Tree 12 is identified as having good structure, but with low site significance (being at the rear of the site) and low retention value. Both trees are also identified as native trees.

Removal of the two trees is sought as the landscape designer feels that the existing trees conflicts with the intended style of the landscape design, it should be noted that the design proposes new trees of a smaller height, in similar locations to the current trees and that the existing trees are not impeding the construction of the new dwelling.

Whilst there are a moderate number of canopy trees in the vicinity and surrounding area, the trees are considered to contribute to the landscape character of the area. This is generally characterised by a blend of both larger, prominent native vegetation on private land and smaller, moderate sized canopy trees along roads and in public

areas of open space. The subject trees contribute more broadly to the garden city character of the area and fulfil the purpose of the VPO.

The trees are therefore not considered appropriate specimens for removal, due to the reasons stated above as well as the characteristics of the trees submitted in the accompanying arboricultural assessment.

Given the existing conditions of the two trees proposed to be removed and the reason for their removal, it is considered that there is insufficient reason to justify the removal of the trees. It is recommended that appropriate management actions be undertaken, to seek to retain the two trees and ensure that modifications to the proposed landscape plan are made, as appropriate, to reduce conflict with the nominated species proposed on this site.

Note: Although a permit is not required for the new dwelling, the proposed landscape plan shows extensive areas of paving and synthetic grassed areas. The effect of this is a site that is in the order of 95% impervious area. This exceeds the area permissible under ResCode. It is recommended that Council advise the applicant of the need to increase the pervious area to comply with the ResCode Standard.

CONCLUSION:

The proposal removal of the two *Grevillea robusta* (Silky Oak) is not consistent with the purposes of the Vegetation Protection Overlay or the Tree Conservation Policy. The two trees have been assessed by an arborist as being of good health and structure. The trees make a positive and significant contribution to the garden character of this area, and the good health of the trees and useful life expectancy mean that they can contribute to the amenity of the area well into the future.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans and Arboricultural Report.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Street view photography of the subject site.