

**1.2 12 CALDERWOOD AVENUE, WHEELERS HILL
REMOVAL OF TWO (2) TREES
(TPA/51636)**

EXECUTIVE SUMMARY:

This application proposes to remove two (2) trees on the subject site.

The application is exempt from public notification.

Key issues to be considered relate to the health of the trees and their contribution to the landscape characteristics of 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.

The reason for presenting this report to Council is because Officers do not support all trees to be removed.

The proposed removal of both trees is not adequately justified. A permit should be granted to allow the removal of the Lemon Scented Gum and require the retention of the Spotted Gum Tree.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Moulisa Sahai
WARD:	Mulgrave
PROPERTY ADDRESS:	12 Calderwood Avenue, Wheelers Hill
EXISTING LAND USE:	Single Storey dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	N/A
ZONING:	Neighbourhood Residential Zone – Schedule 4
OVERLAY:	Vegetation Protection Overlay 1
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 15.01-2S – Building Design	<u>Local Planning Policy Framework</u> Clause 21.01 – Municipal Strategic Statement Clause 21.13 – Sustainability and Environment Clause 22.01 – Residential Development and Character Policy

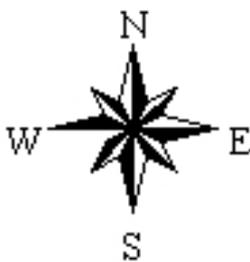
	Clause 22.05 - Tree Conservation Policy
STATUTORY PROCESSING DATE:	28 August 2020
DEVELOPMENT COST:	Nil

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

- A. That Council resolves to issue a **Planning Permit (TPA/51636)** to remove vegetation in a Vegetation Protection Overlay at 12 Calderwood Avenue, Wheelers Hill subject to the following conditions:

Amended Plan

1. Prior to the removal of Tree 2, a plan is to be submitted detailing:
 - a) Retention of Tree 1 – Spotted Gum tree located at the front of dwelling
 - b) Removal of Tree 2 – Lemon Scented Gum located at the rear of the dwelling
 - c) Location of one (1) replacement tree within the rear setback of the site, including details of the species, height of the tree at planting and expected height at maturity (minimum 7 metres).
2. The tree removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The replacement tree must be planted, and in a healthy state, within six (6) months of the removal of the tree.
4. This permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if the tree is not removed before two (2) years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

- B. That Council write to the Owner advising that for the tree to be retained, that maintenance pruning be under taken by a qualified Arborist with light weight reduction and re-inspected at 2-3 year intervals as recommended by Baxter Ecology and Associates; and
That all pruning must be in accordance with the Australian Standard – AS4373 Pruning of Amenity trees.

BACKGROUND

History

Council records show no planning permits have been applied for or issued to the land.

The Site and Surrounds

The site is located on the south side of Calderwood Avenue, approximately 75 metres west of Belandra Drive, Wheelers Hill

The subject site is regular in shape with an approximate area of 640 square metres, a street frontage width of approximately 17.4 metres and a depth of 40 metres. An approximately 2.44 metre wide drainage and sewerage easement is located along the rear (southern) boundary of the site.

The site is currently occupied by a single brick dwelling with an attached carport.

The site and surrounding land is zoned Neighbourhood Residential 4 and is subject to the Vegetation Protection Overlay (VPO1).

The front setback area contains generous landscaping including two large trees, one of which is a 17 metre high Spotted Gum tree proposed for removal and other medium sized shrubs.

The primary secluded private open space to the rear of dwelling area contains at least 2 canopy trees which includes a 19 metre high lemon scented gum located at the rear south eastern corner of the dwelling which is also proposed for removal.

Surrounding land is occupied by predominantly single dwellings in a prominent garden setting. Significant trees of various species form the foundation of the garden character in this area. The front setback areas of surrounding properties mostly contain generous landscaping, including medium to large trees and shrubs.

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

PROPOSAL:

This application proposes the removal two trees. – A 17m high Spotted Gum tree within the front setback and a 19m high Lemon Scented Gum behind the existing dwelling.

The applicant seeks removal of the trees due to recent limb failure activity and considers the trees to be a risk to the safety of the occupants and the neighbours to the east.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

The land is zoned Neighbourhood Residential Zone Schedule -4 and is affected by Vegetation Protection Overlay - Schedule 1.

- Pursuant to the Vegetation Protection Overlay, a permit is required to remove or destroy any vegetation that:
 - Has a trunk circumference greater than 500mm (160mm diameter) at 1200mm above ground level; and
 - Is higher than 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 2 July 2020 to assist in the consideration of the removal of the trees. Information requested included:

- A Site Plan identifying the trees to be removed and the location of two replacement trees.
- Additional information to justify the removal of vegetation which could include an arborist report

The Permit Applicant responded to this letter on 24 July 2020 by providing the requested information which included an arborist assessment.

Following consideration by Council's Arborist, the applicant was contacted advising removal of the trees was not supported.

The Applicant has been formally advised that this application is to be presented to the September Council meeting and a letter has been sent advising them of the details of the Council meeting.

Public Notice

Tree removal is exempt from public notification requirements of Section 52 of the *Planning and Environment Act 1987* pursuant to clause 3.0 of the Vegetation Protection Overlay controls.

Referrals

Council's Arborist reviewed the submitted arborist assessment by Baxter Ecology and Associates. Following this review, they advised that they consider both trees are in good condition and major failure is unlikely. Additionally, the applicant sought advice about the trees through Council's free Tree Assessment Service,

conducted by Tree Logic. This advice included the following observations which were shared with the land owner:

Tree 1: *Corymbia Maculata*- Spotted Gum located within the front setback

- Tree was healthy.
- Tree had experienced multiple branch failures up to approximately 70 mm diameter over an extended period of time but didn't appear to have suffered branch failures of any larger size.
- Tree's canopy contained some deadwood and a large number of stubs.
- Branches in the lower canopy particularly appeared to be end-weighted, which could be contributing to failures.
- Tree's canopy overhung the dwelling roof.
- Crown maintenance pruning to remove deadwood and crown modification pruning to reduce the canopy overhanging the dwelling roof by a qualified arborist in accordance with AS 4373 – 2007 *Pruning of amenity trees*, the appropriate management action.

Tree 2: *Corymbia Citriodora*- Lemon Scented Gum growing in the back garden adjacent to the eastern boundary.

- Tree was healthy.
- Tree had experienced two large branch failures recently of approximately 100 mm diameter on its eastern side over the neighbouring property. There also appeared to have been a further recent branch failure of approx. 80 mm on its northern side towards the applicant's dwelling.
- Tree's canopy contained a small amount of deadwood and stubs.
- Tree had end-weighted branching and an open canopy, which is typical for the species.
- Tree's canopy just reached the roofline of the dwelling.
- Crown maintenance pruning to remove deadwood and crown modification pruning to reduce the canopy and reduce weight loading on branches by a qualified arborist in accordance with AS 4373 – 2007 *Pruning of amenity trees*, the appropriate management action.

Overall, Council's Arborist considers that both trees make a contribution to the landscape amenity of the area however it is noted that Tree No 2 has a history of branch failures and deadwood which would require regular pruning and maintenance.

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.

Clause 21.13 – Sustainability and Environment needs to be considered, ensuring that conservation, landscape, or recreational values, are maintained and managed in response to pressures from development.

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 22.01 – Residential Development and Character Policy makes reference to the Garden City and streetscape character of the neighbourhood, being maintained and enhanced where possible.

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.

Vegetation Protection Overlay (VPO)

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 assessing an application, the Responsible Authority is to consider as appropriate:

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

The application was assessed against the relevant State and Local Planning policies with particular regards to the Clause 22.05 - Tree Conservation Policy and Clause 42.02 - Vegetation Protection Overlay of the Monash Planning Scheme. As stated in Clause 22.05, Planning should promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.

The owner has concerns that the trees are growing too close to the dwelling and the neighbouring dwelling to the east, and will pose an unacceptable risk to the occupants of the dwellings.

An Arboricultural Assessment Report undertaken by Baxter Ecology and Associates dated 13 July 2020 has been submitted in respect of the application. The report assesses the trees located within the subject property and concludes the following:

Tree 1 Spotted Gum (Summarised observation) - Tree 1 is located in the front setback of the allotment providing amenity for both the dwelling and locally within the streetscape. It has been well pruned with good form and structure. The tree compliments the species diversity of Monash. The trunk has a sway. There is no observed ground heave or other signs of instability of the root plate. Minor deadwood was observed throughout the inner and upper crown and minor limb failure is evident in the crown. The tree is a healthy specimen and presents a Low Risk within the context of its location. It is recommended that the tree be maintenance pruned with light weight reduction in re-inspection at 2-3 year intervals.

Tree 2 Lemon-scented Gum (Summarised observation) - Tree 2 is located in the rear yard 2m off the east title boundary. Tree 2 is a healthy specimen with an asymmetrical crown evidenced by a sub dominant leader growing towards the dwelling. The tree is free of defects and exhibited good cambial healing at old pruning points. Some branch failure was evident in the crown consistent with reports from the property owner and neighbours.

Minor deadwood was observed throughout the crown. The tree presents a Moderate-Low Risk within the context of its location however the proximity to the east title boundary and history of limb failure supports consideration for removal. Pruning and on-going assessments of the tree may result in reducing the risk to an acceptable level however the tree is early mature and likely to double in bio mass continuing to require a higher than reasonable level of maintenance.

The overall health of both trees is good and the trees make a significant contribution to the landscape character of the area. The occasional failure of branches alone does not justify the removal of both trees and does not respond to the objectives of Clause 22.05 (Tree Conservation Policy) and Clause 42.02 (Vegetation Protection Overlay).

Tree 1 is described in the applicant's arborist report as "*a magnificent specimen with excellent form*". No justification or concern has been raised regarding the retention of the tree to warrant its removal. The owner will need to undertake pruning of Tree 1 by a qualified Arborist to ensure that the tree is maintained in the long term, however this is only likely to be every 2-3 years.

Tree 2 is noted as also being healthy, however the combination of historical limb failure and its location raises some concern. The tree is located in the rear yard 2m from the side boundary, a main limb is growing towards the dwelling, and the tree is early in its maturity with the potential to double in bio-mass. A much higher level of maintenance would be required to keep the tree and this is not considered

an appropriate solution. Therefore it is considered reasonable that this tree be removed and a more suitable replacement tree be planted.

It is considered appropriate to recommend that the owner undertake pruning of Tree 1 by a qualified Arborist to ensure that the tree is maintained in the long term.

CONCLUSION:

The purpose of the Vegetation Protection Overlay is to ensure minimal loss of vegetation and to preserve existing significant trees.

Based on the above assessment, it is recommended that Council grant permission for the removal of the Lemon Scented Gum within the rear of the site and require the retention of the Spotted Gum within the front setback.

The Spotted Gum makes a significant contribution to the landscape character of the area. Its removal is not consistent with the purposes of the Vegetation Protection Overlay or the Tree Conservation Policy and there is insufficient justification for the removal of this tree. It is considered that the removal of this tree would have a detrimental impact on the landscape character of the area.

An amended plan is required to show the retention of the Spotted Gum tree and provision of replacement planting of the Lemon-scented Gum with an appropriate canopy tree is recommended.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans and Arboricultural Report.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.