

**6.2 PROPOSED IMPROVEMENTS TO TREE REMOVAL CONTROLS IN MONASH**

(SMC: File)

Submitting Councillors: Stuart James &amp; Rebecca Paterson

**NOTICE OF MOTION***That Council:*

1. *Notes that officers have been in discussions with staff at the Department of Planning about improving tree removal controls in Monash since mid-2019.*
2. *Notes that in 2017 the neighbouring City of Whitehorse was granted interim tree protection controls across the entire municipality whilst it undertook strategic work for permanent tree controls.*
3. *Notes that the neighbouring City of Whitehorse has since had permanent tree protection controls applied through the planning scheme.*
4. *Notes that Council requested the application of interim tree removal controls in July 2019 whilst the formal permanent controls were being considered.*
5. *Notes that the request for interim controls was refused in October 2019.*
6. *Notes that after several months of discussion with officers at the Department of Planning, a formal amendment authorisation request was lodged with the Minister for Planning in April 2020.*
7. *Notes that despite more than 18 months of discussion with the Department of Planning no clear direction has been provided by the Department on the request for authorisation to prepare and exhibit improved tree controls.*
8. *Notes that canopy vegetation across Monash continues to decline in the absence of appropriate tree removal controls.*
9. *Advises the Minister for Planning of Councils frustration with the delays in the consideration of these requests and the apparent inconsistency in the process and application of tree controls between Monash and Whitehorse.*
10. *Requests that the Minister for Planning introduce interim tree removal controls and provide authorisation for the exhibition of permanent tree removal controls in Monash as a matter of urgency.*
11. *Writes to local members of parliament advising of the above and requesting their support in the introduction of improve tree removal controls.*

**INTRODUCTION**

Council will be aware that one of the issues consistently raised in our community is the concern of the loss of canopy trees and vegetation.

In an effort to address these concerns Council has adopted the Monash Urban Landscape and Canopy Vegetation Strategy and, as part of this, proposes to improve and increase the application of tree removal controls across Monash.

### ***ISSUES AND DISCUSSION***

The loss of trees as Melbourne grows is not an issue that is unique to Monash, it is a concern amongst many of the municipalities in the eastern region of Melbourne. Consequently, there are a variety of planning controls on the removal of trees across the region. The most recent of these are the controls recently introduced across the City of Whitehorse, firstly as interim controls in 2017 and finally as permanent controls in July 2020.

In the case of Monash, following extensive consultation, the Monash Urban Landscape and Canopy Vegetation Strategy (MULCVS) was endorsed by Monash Council in 2018. Council has been working towards implementing the strategy through a number of projects, including, importantly, an amendment to the Monash Planning Scheme to introduce Significant Landscape Overlay (SLO) controls over the majority of the municipality.

As part of the implementation of the Strategy officers prepared improved tree removal controls for application across the majority of Monash. In a similar situation to the City of Whitehorse, Council sought interim controls, in a basic form to minimise the possibility of large scale tree removal ahead of introduction of new planning controls. This request was lodged in July 2019 and was refused by the Department of Environment, Water, Land and Planning (DELWP) in October 2019.

Following extensive discussions with a range of officers at DELWP about the form and content of proposed permanent controls since July 2019, officers submitted the amendment request for permanent controls in April 2020. To date, despite even more discussions, no decision has been made on the amendment request.

In some discussions officers at DELWP have advised that they have some concerns with the Significant Landscape Overlay being applied as they don't consider it to be the "right planning tool". This is despite the City of Whitehorse having recently introduced just such a control and other Councils including the City of Maroondah having used this planning overlay since 1999. DELWP officers also state that another section of the DELWP is currently working on a potential 'urban greening' control. No such control exists and it is unknown when it may be developed. In the meantime, Monash continues to lose tree canopy without the ability to require replacement planting.

The delay with a decision on the proposed improved controls are concerning as our municipality continues to lose tree canopy as vegetation is removed for mainly residential development. The absence of planning permit requirements for removal of trees in particular is very concerning to the community as many large trees and important vegetation is lost. Secondly, you may be aware that Whitehorse City Council have recently undergone an amendment process and in June 2020 had a very similar

amendment that applied the SLO across all of their residential areas approved by the Minister for Planning for a 12 month period. Whitehorse have also had the benefit of having interim controls in place whilst their main amendment ran its course, resulting in greater protection for vegetation in that municipality.

These delays are doubly frustrating at a time when the benefits to urban amenity and human health of canopy vegetation are well known and even promoted in State Government policy such as Plan Melbourne.

### ***CONCLUSION***

It is extremely frustrating that such an important amendment request, that has a solid strategic basis in the Monash Urban Landscape and Canopy Vegetation Strategy, Plan Melbourne and State policy, cannot be considered and resolved in 19 months with DELWP. It becomes totally unacceptable when the adjoining City of Whitehorse has had the same canopy vegetation issues but is granted interim planning controls (twice) and then given approval for permanent controls, within a similar time period.

As each month passes we appear no closer to resolution of this issue with DELWP and Monash continues to lose tree cover and space for future plantings. These lost opportunities are undermining the current and future liveability of Monash.

Given that officers of DELWP have not progressed this matter it is appropriate the Council write directly to the Minister for Planning expressing our concerns with the lack of progress to date and requesting the immediate introduction of interim controls and authorisation for the formal exhibition of permanent controls. In support of this action Council should also write to local members of parliament outlining our concerns and frustrations with the process and requesting support for the new planning controls.