

8.1 NOM NO. 12 - PROTECTING TREES IN MONASH

Submitting Councillor/s:	Dr Josh Fergeus, Angelee de Silva & Rebecca Paterson
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MOTION

That Council:

1. Notes that Officers have been in discussions and worked closely with State Government planners about improving tree removal controls in Monash since mid-2019, and residents are still no closer to realising the benefits that would stem from their implementation four years later.
2. Notes that the City of Maroondah has had permanent Significant Landscape Overlay tree controls in place since July 2004.
3. Notes that the neighbouring City of Whitehorse has had interim tree removal controls in place across the municipality since 2017 and the “permanent controls” were approved in 2020. These originally had a sunset clause of 12 months but have been extended three times.
4. Notes that Council’s similar proposals for interim and permanent tree removal controls have either been refused or remain on hold with the State government.
5. Notes that canopy vegetation across Monash continues to decline in the absence of appropriate tree removal and replacement controls, and this absence is also accelerating increases in urban heat.
6. Notes that the State Government blueprint for Melbourne, Plan Melbourne, identified the need for improved tree controls and planning mechanisms for greening Melbourne through Cooling and Greening – Action 91, in 2017, with a short-term delivery time frame of 0-5 years and that despite the 5 years elapsing, nothing has happened.
7. Notes that Officers have dedicated many hours to participation in numerous workshops, planning sessions and to providing examples of and comprehensive feedback on potential tree controls with representatives of the Department of Transport and Planning, including offering Monash as a potential pilot area for planning controls, and to date nothing has happened.
8. Notes that an August 17, 2023, article in The Age newspaper on tree loss across eastern Melbourne reported that a “Victorian government spokesman said councils had the responsibility for protection of sensitive landscapes and a “suite” of controls to use to protect trees.” (Refer Attachment 1.)
9. Advises the Minister for Planning of Council’s extreme and growing frustration with:
 - a. The Department of Transport and Planning failing to consider Monash Councils strategically justified and repeated requests for tree controls properly and equitably, despite these controls already applying in the Cities of Maroondah and Whitehorse;
 - b. Lengthy and ongoing delays in implementing consistent state-wide tree removal and greening controls; and
 - c. The absence of any outcomes on Action 91 – Cooling and Greening of Plan Melbourne.
10. Requests that the Minister for Planning either:
 - a. Approve Councils request for interim tree removal controls across Monash through the Significant Landscape Overlay; or

- b. **Implement the proposed state-wide tree removal controls; as a matter of urgency (i.e. within 2 months).**
11. **Writes to local members of parliament advising of the above and requesting their support in the introduction of improved tree removal controls in Monash.**

INTRODUCTION

Council will be aware that one of the key issues consistently raised in our community is the concern of the loss of gardens and canopy trees and more recently the increase in urban heat that results from this reduction in greenery.

On 23 February 2021, Council resolved to note the various actions being undertaken by officers since 2019 to liaise with the Department of Environment Land Water and Planning (DELWP) and to implement the Monash Urban Landscape and Canopy Vegetation Strategy (MULCVS) to improve and increase the application of tree removal controls across Monash.

Council also resolved to:

- *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.*
- *Write to local members of parliament advising of the above and requesting their support in the introduction of improved tree removal controls.*

Following these actions, on 23 June 2021, the Minister for Planning formally decided to refuse to authorise Amendment C153 to the Monash Planning Scheme. The principal reason cited for the refusal was the DELWP were undertaking work on consistent state-wide tree removal controls and other cooling and greening provisions.

ISSUES AND DISCUSSION

It has now been more than two years since the Minister's decision to refuse our request for tree controls and we appear no closer today to having the same level of tree removal controls that Whitehorse residents have enjoyed since 2017 and Maroondah residents for more than 20 years.

Officers have been working with the State government continuously through a series of draft controls, workshops and other meetings. Despite this and consistent follow up on this issue by officers of Monash and the City of Bayside, there has been no progress on the controls, with the State government representatives giving no clear indication of either the form of any potential tree controls or a timeline on when any such control may be considered and implemented.

These delays are doubly frustrating given the recent State government comments in The Age on tree controls being the responsibility of local Councils and at a time when the benefits to urban amenity and human health of canopy vegetation are well known and promoted in State Government policy such as Plan Melbourne, and in legislation such as the *Climate Change Act 2017*.

CONCLUSION

It is extremely disappointing that since we last wrote to the Minister for Planning, we appear no closer to having the controls in place. Had the Minister approved our interim amendment or allowed us to exhibit an amendment for permanent controls, our community and neighbourhoods would have had at least the same level of protection as the communities of Maroondah and Whitehorse and temporary controls in place while they resolve the state-wide provisions. These lost opportunities are undermining the current and future liveability of Monash.

Given that officers of DoTP 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 either the immediate introduction of these provisions or the interim controls as currently requested by Council.

In support of this action Council should also write to local members of parliament outlining our concerns and frustrations with the lengthy process, lack of action and requesting support for the new planning controls.

ATTACHMENT LIST

1. Officers Response to NOM [8.1.1 - 2 pages]
2. Why Trees in the East Melbourne Suburb are Disappearing at Night - Age Article 17/08/2023 [8.1.2 - 5 pages]

OFFICERS REPORT

PROTECTING TREES IN MONASH

Submitting Councillor: Cr Fergeus

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4. *Notes that Council’s similar proposals for interim and permanent tree removal controls have either been refused or remain on hold with the State government.*
5. *Notes that canopy vegetation across Monash continues to decline in the absence of appropriate tree removal and replacement controls, and this absence is also accelerating increases in urban heat.*
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11. *Writes to local members of parliament advising of the above and requesting their support in the introduction of improved tree removal controls in Monash.*

BUDGET IMPLICATIONS

There are no budget implications from this Motion. The actions called for are part of Councils ongoing strategic work program for the enhancement of the environment and amenity of Monash.

IMPACT ON INTERNAL RESOURCES

There are no internal resourcing implications from this Notice of Motion. The actions called for are part of Council's ongoing strategic work program for the enhancement of the environment and amenity of Monash.

COUNCIL PLAN AND COUNCIL POLICIES

The Motion is supported by the Council Plan – A Liveable and Sustainable City. The Motion is consistent with the objectives of the Monash Sustainability Strategy, Monash Urban Landscape and Canopy Vegetation Strategy and A Healthy and Resilient Monash: Integrated Plan 2017-2021.

RELEVANCE TO WORK ALREADY UNDERTAKEN BY OFFICERS OR COMMITTEES

The Motion proposes advocacy to facilitate the introduction of appropriate tree controls across Monash. This is consistent with and builds upon the work already undertaken as part of the Monash Urban Landscape and Canopy Vegetation Strategy.

FURTHER CONSIDERATIONS

The merits of enhanced tree controls have previously been considered and resolved on by Council as part of planning scheme amendment requests.

National Victoria City life

Why trees in this east Melbourne suburb are disappearing at night



Najma Sambul

Updated August 16, 2023 – 4.31pm, first published at 3.45pm

KEY POINTS

- Illegal tree removal has increased in Melbourne's east and councils have issued fines worth hundreds of thousands of dollars to curb it.
- Residents, experts, and councils are urging the state government to increase the maximum fine of \$3800 for an illegal tree removal to deter developers and homeowners from cutting down trees.
- Arboriculture expert Greg Moore said Melbourne's eastern suburbs had lost about 10 per cent canopy in the past decade, which would have detrimental environmental impacts.

Under the cover of darkness, a small truck moves along the quiet streets of Balwyn North. It arrives at a home, the men get out, and the sound of a chainsaw rips through the air. Then, a wood chipper grinds to life. Bit by bit, the evidence is fed through it.

The noisy scene neighbours in the eastern Melbourne suburb are hearing isn't that of a murder – it's an illegal tree-removal operation, and business is booming.

9/4/23, 1:09 PM

Boroondara, Stonnington and Whitehorse councils wrestle illegal tree removals



Illegal tree removals in Balwyn North. EDDIE JIM

Over the past year, the City of Boroondara has issued more than \$100,000 in fines to homeowners and developers for 200 illegal tree removals.

Next door in the City of Stonnington, 22 fines totalling \$44,000 have been issued for illegal tree works over the past year. Over five years, 113 fines worth \$226,000 were issued. The illegal activity comes after *The Age* reported last year on an increase in tree-felling in the [City of Whitehorse, where canopy coverage dropped 2.3 per cent in four years.](#)

Ian Hundley, a resident from Balwyn North, which falls under the Boroondara council area, has watched closely over the years as decades-old giant gum trees and oaks in private properties have been cut down, fed into chippers, never to be seen again.

‘We see it often, developers who flatten homes built in the ’50s and ’60s, and remove all the trees in their way to build these McMansions.’

Greg Paul, Balwyn North resident

He said he has rejected several offers from “fly-by-night” tree removalists who have knocked on his door looking for clients.

“It is pretty widespread in Boroondara,” Hundley said of the illegal operations.

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Boroondara, Stonnington and Whitehorse councils wrestle illegal tree removals

City of Boroondara confirmed it had taken contractors “promoting and engaging in illegal tree works” to court, where they have won some cases. City of Whitehorse, next door to Boroondara, has also instigated court proceedings in the past three years over illegal tree removals.

According to City of Boroondara, homeowners were motivated to cut down trees to extend their properties, install pools, decks, carports, and in some instances trees were poisoned to achieve the plans.



Boroondara council has issued \$100,000 in fines for illegal tree removals in the past year. EDDIE JIM

Now Hundley and dozens of other long-term residents in Boroondara are calling for more to be done, including increasing the maximum fine for illegally removing trees, currently \$3800. They say the amount, set by the state government, is “a joke”.

Greg Paul, who has lived in Balwyn North since his family moved there in 1949, said fines should increase to \$100,000 or planning permits should be removed to deter people from cutting down their trees.

“We see it often, developers who flatten homes built in the '50s and '60s, and remove all the trees in their way to build these McMansions,” Paul said.

“They always advertise the area as the leafy eastern suburbs, but the only ones left are the street trees,” Paul said.

City of Boroondara director of urban living Scott Walker said the council had requested the state government increase the maximum fine to \$20,000.

He said the environmental impact and financial value of the trees removed ranged between \$30,000 and more than \$100,000, depending on the canopy size, far exceeding the maximum penalty for chopping them down.

<https://www.theage.com.au/national/victoria/why-trees-in-this-east-melbourne-suburb-are-disappearing-at-night-20230814-p5dwd2.html>

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9/4/23, 1:09 PM

Boroondara, Stonnington and Whitehorse councils wrestle illegal tree removals

“Boroondara, along with several other councils, petitioned the state government on several occasions to increase the penalties, but insufficient change has occurred to deter illegal acts of environmental vandalism, tree removal and damage,” Walker said.

“The cost of \$3800 for some homeowners and developers in Boroondara is just another operating expense.”

Half of Melbourne’s urban canopy cover is on private land, said Associate Professor Joe Hurley, from RMIT University’s Centre for Urban Research.



Ian Hundley (centre) and other residents outside a property where a tree was illegally removed in Balwyn North. EDDIE JIM

“Boroondara is the heart of the leafy suburbs and the contest for the development uptick. If every individual property owner in Melbourne would be allowed to remove their trees, it would destroy the essential green infrastructure in our city,” Hurley said. “We can have increased housing and maintain canopy cover, it just takes good planning and design.”

University of Melbourne arboriculture expert Greg Moore said Melbourne’s eastern suburbs have lost about 10 per cent of their canopy cover over the past decade.

“Many developers consider the fines just a cost of doing business. The state government planning laws are the real problem; they offer little protection for trees and fail to place any real value on them,” he said.

“The tree removals will have a huge impact on health costs as climate warms and during heatwaves in particular. Loss of canopy cover will add millions of dollars to health costs – it really is a matter of life and death,” Moore said.

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Boroondara, Stonnington and Whitehorse councils wrestle illegal tree removals

Urban Development Institute of Australia president Maxwell Shifman said the vast majority of developers were following the rules when it came to tree removals.

“Some councils have adopted onerous rules for tree retention on private property, which can be a major impediment to the competing goals of urban greening and renewing housing stock, but that does not justify breaking the law,” said Shifman, who is also the chief executive of developer group Intrapac.

“Development needs to strike a balance between protection of significant vegetation, and the need to allow some removal or replacement for practical reasons.”

A Victorian government spokesman said councils had the responsibility for protection of sensitive landscapes and a “suite” of controls to use to protect trees.

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Najma Sambul is a reporter at The Age. Connect via [Twitter](#) or [email](#).
