

8.1 NOTICE OF MOTION: VPO TREE REMOVAL DECISIONS

Submitting Councillor/s:	Dr Josh Fergeus
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NOTICE OF MOTION

That Council affirms that officers exercise the appropriate delegate decision making powers afforded to them under Councils Instrument of Delegation for all tree removal applications unless an application is called in by a Councillor for consideration at a Council meeting.

INTRODUCTION

The issue of trees and canopy loss across the Municipality, has been long debated by Council. Over the years, Council has reviewed and consulted on its Vegetation Protection Overlay which remains in place and has instigated planning scheme amendments to introduce additional tree protections across the Municipality that have not been supported by the State Government. The State Government has recently introduced their own state wide tree protection controls.

For a number of years, Council has had a practice where applications for tree removal that were not proposed to be supported by officers (and were able to be considered by Councillors) were referred to a Council meeting for determination. This Notice of Motion (NOM) proposes that these applications are not distinguished from any other type of application in how they are determined.

ISSUES AND DISCUSSION

Over the years (and notably in more recent times) the State Government has introduced a wide range of changes aimed at streamlining decision making in the planning process. This has included the introduction of applications (including for a significant number of tree removal applications) being decided under the Vic Smart process where the Responsible Authority is the CEO and not Council. For these applications, there is no ability for Councillor intervention in the decision making process. Applications for the removal of more than one tree on a site within the Vegetation Protection Overlay remain outside the Vic Smart process and are able to be considered and determined by Council at a Council meeting.

Most planning applications, including the majority of tree removal applications, are determined under officer delegation. Prior to the raft of changes made by the State Government with the most fundamental being the Vic Smart process all tree removal applications were able to be considered and determined at a Council meeting. Today, there are very few applications where Council remains able to consider a tree removal application and even less where officers have not recommended approval for the removal of the trees. Notably, since June 2021 there have only been 7 applications that have been referred to Council for consideration and determination.

Understanding that Councillors retain the ability to call these applications in for consideration, and having regard to the minimal number of tree removal applications that can be dealt with by Councillors (with the majority being dealt with by officers under their delegations), it is the appropriate time to determine that these applications be considered in the same way as every other application that Council receives.



There is no need or benefit for these applications to be delayed for consideration at a Council meeting which also means that by virtue of the Council meeting cycle and reporting deadlines the decisions are likely not being made within the timeframes for decision making within the *Planning and Environment Act*.

CONCLUSION

The significant changes to decision making on planning applications aimed at streamlining and making decisions faster have meant that Council's ability to consider and determine a range of applications has diminished. These changes have significantly reduced Councils consideration of applications for tree removal to a very small number of applications where more than one tree within a VPO is proposed, noting that only those that are not supported by officers have been referred for consideration by Council. Given the Stage Government changes and circumstances, this NOM seeks to affirm that officers exercise the appropriate delegated decision making powers afforded to them under Councils Instrument of Delegation for all tree removal applications unless an application is called in by a Councillor for consideration at a Council meeting.

RESPONSE TO 8.1 VPO TREE REMOVAL DECISIONS

Responsible Manager:	Kaitlyn Zeeck, Manager City Planning
Responsible Director:	Peter Panagakos, Director City Development

BUDGET IMPLICATIONS

There are no budget implications associated with the Notice of Motion.

IMPACT ON INTERNAL RESOURCES

There are no internal resourcing implications associated with the Notice of Motion.

COUNCIL PLAN AND COUNCIL POLICIES

The Notice of Motion aligns with Monash City Council's plan and policies for a well-planned and future ready city.

RELEVANCE TO WORK ALREADY UNDERTAKEN BY OFFICERS OR COMMITTEES

N/A

FURTHER CONSIDERATIONS

Council officers exercise a wide range of decision making powers in accordance with Council's Instrument of Delegation. The majority of applications Council receives are considered and determined by officers under these delegations.

Since June 2021, there have been seven (7) applications for the removal of multiple trees in the Vegetation Protection Overlay which have all been reported to Council for a decision. All other tree removal applications have been determined by officers under delegation.

Of these seven (7) applications that were considered by Council, there has been one occasion where the officers recommendation was not fully supported and an amended recommendation was proposed and supported. This application proposed the removal of seven (7) trees and officers recommended the removal of only three (3) with Council ultimately determining that five (5) trees should be permitted to be removed.

If the NOM is supported by Council, Councillors retain the ability to call these applications in for consideration at a Council meeting should they choose to do so.