

**1.3 314 LAWRENCE ROAD, MOUNT WAVERLEY
REMOVE TWO (2) TREES IN THE VEGETATION PROTECTION OVERLAY (VPO1)
(TPA/49132)**

EXECUTIVE SUMMARY:

This application proposes the removal of two trees on the subject site.

The application is exempt from public notice.

Key issues to be considered relate to the health of the tree and its contribution to the wider site and area.

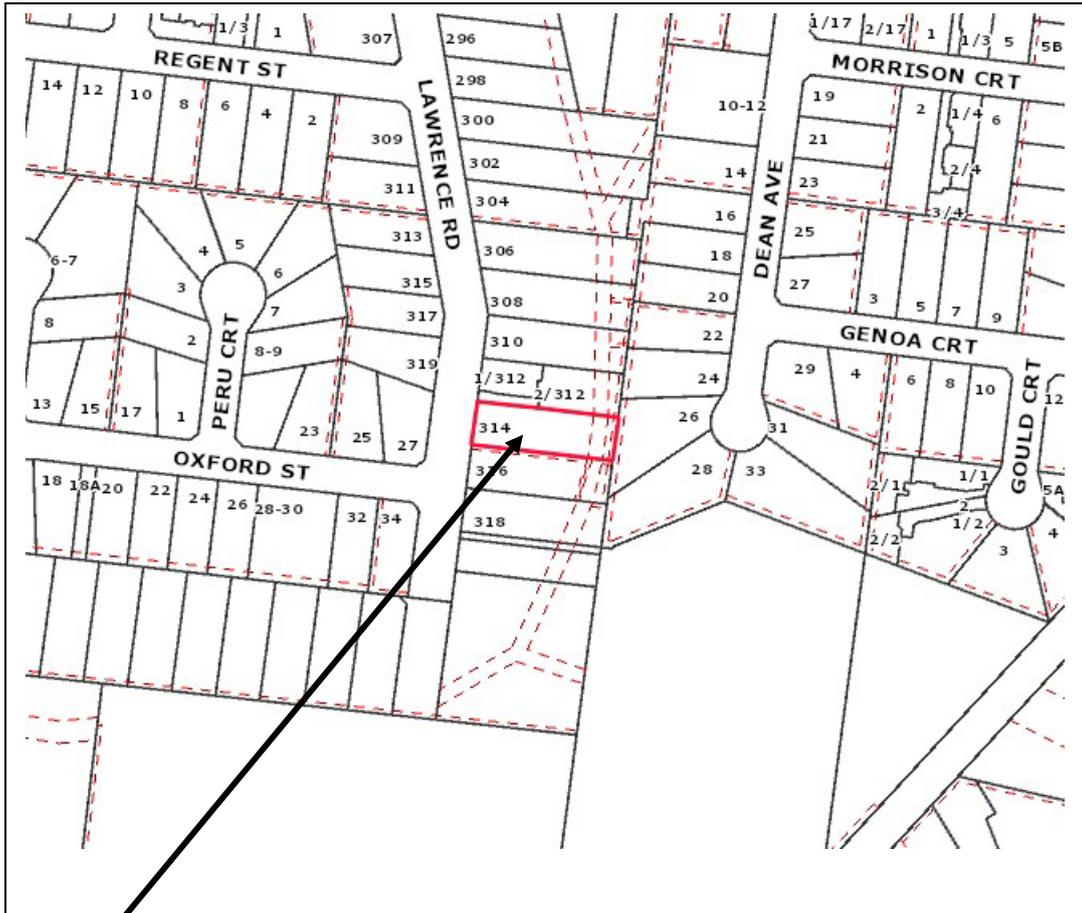
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework.

The reason for presenting this report to Council is officers do not support the proposed removal of the trees.

The proposed removal of the two trees is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

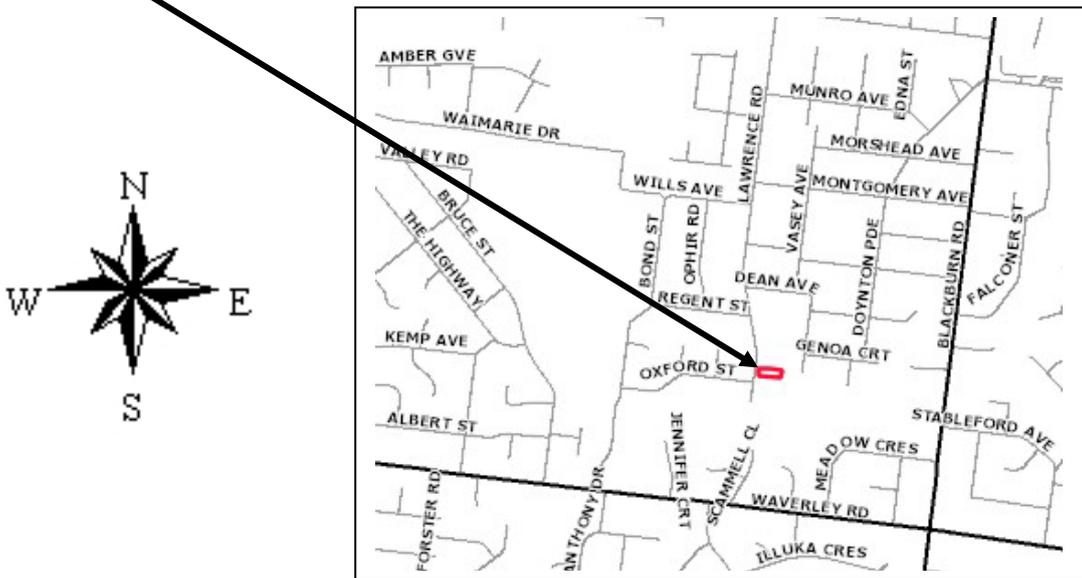
RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Veronica Parisi
WARD:	Mount Waverley
PROPERTY ADDRESS:	314 Lawrence Road, Mount Waverley
EXISTING LAND USE:	One dwelling
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	N/A
ZONING:	Neighbourhood Residential Zone 3
OVERLAY:	Vegetation Protection Overlay 1
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 15 – Built Environment and Heritage	<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 Clause 22.05 – Tree Conservation Policy
STATUTORY PROCESSING DATE:	12 August 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/49132)** for the removal of (2) trees in the Vegetation Protection Overlay (VPO1) at 314 Lawrence Road, Mount Waverley subject to the following grounds:
1. 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 applicant advising that Tree 2 and Tree 4 are to be retained and that the owner should:
1. Arrange for the removal of Tree 2's defective primary branch identified in the arborist's report by a suitably qualified tree removal specialist.
 2. Engage a professional arborist to monitor Tree 4 at regular intervals to assess whether the lean is progressive.

BACKGROUND:**History**

On 17 May 2018 an application was lodged for the removal of four trees from the subject site. The assessment resulted in the applicant being informed verbally and via email on 11 July 2018 that only two of the trees required planning permission for removal as the remaining two trees are under 10 metres in height. The applicant was also informed that the removal of the two trees requiring a permit would not be supported as the arborist report submitted with the application recommended that these two trees be retained.

There are no previous planning permissions associated with this site.

The Site and Surrounds

The subject site is regular in shape and is located on the east side of Lawrence Road, approximately 20 metres north of Oxford Street. The site is approximately 1083 square metres and currently contains a double storey dwelling and a double carport. The site has a gentle slope to the east.

The subject site is well vegetated with canopy trees, shrubbery, palms and herbaceous perennials situated throughout the lot. The site is affected by a drainage and sewerage easement at the rear of the site. There is an existing vehicle crossing located to the north side of the front boundary.

Surrounding land is occupied by dwellings in a prominent garden setting. Significant trees of various species form the foundation of the garden character in this area.

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

PROPOSAL:

The application proposes the removal of two (2) trees:

- A *Eucalyptus camaldulensis* (River Red Gum) tree located to the rear of the dwelling; and
- A *Eucalyptus macrorhyncha* (Red Stringybark) tree located in the rear of the lot (north east corner).

In support of this application the applicant has provided an arborist report prepared by Daryl Costin (Diploma in Horticulture (Arboriculture)) dated 29 March 2018. In this report the *Eucalyptus camaldulensis* is identified as Tree 2 and the *Eucalyptus macrorhyncha* is identified as Tree 4.

Tree 2: Eucalyptus camaldulensis – Red River Gum

This tree has grown to a height of approximately 15 metres and the trunk circumference at 1400mm above ground level has been calculated as 2450mm. The tree is located to the rear of the dwelling, adjacent to both the dwelling's decking area and the northern boundary fence shared with 2/312 Lawrence Road. The reported height and trunk girth of this tree means a permit is required for this tree to be removed.

The arborist has stated that Tree 2 is a locally endemic tree that has good health and fair structure, and has recommended that it be retained due to being assessed as having a moderate retention value and 15-30 years of Safe Useful Life Expectancy.

The arborist observed a lean of approximately 10 degrees with no abnormalities at the base, and that the pavers around the base do not show upward distortion. The arborist assessed that a primary branch is suspected to have contributed to a previous secondary branch failure as the primary branch has an extensive area of bark cracking, wound wood and rot. The arborist recommended that this tree be retained but that the defective primary branch should be removed at a point adjacent to the branch bark and swollen ridge collar area. The arborist stated that *Eucalyptus camaldulensis* is often recommended to be removed due to anecdotal evidence of the species being an unpredictable branch dropper as a result of stress caused by drought conditions. The arborist stated that there is currently no empirical scientific evidence as to the causes of branch failures in this species.

The applicant is seeking to remove Tree 2 as it is in close proximity to the deck at the rear of the dwelling and has been dropping branches for a long period of time.

The applicant has stated that the tenant at the property has asked for the tree to be removed as they have concerns for the safety of their children.

Tree 4: *Eucalyptus macrorhyncha* – Red Stringybark

This tree has grown to a height of approximately 19 metres and the trunk circumference at 1400 mm above ground level has been calculated as 1916mm. The tree is located 7.85m from the rear boundary and 0.96m from the northern boundary. The reported height and trunk girth of this tree means a permit is required for this tree to be removed.

The arborist has stated that Tree 4 is locally endemic tree that has good health and fair structure, and has recommended that the tree be retained due to being assessed as having a moderate retention value and 15-30 years of Safe Useful Life Expectancy.

The arborist noted that Tree 4 is in a sloping confined garden bed bounded by a dry scoria boulder wall. The arborist observed that the tree leans approximately 12 degrees to the south with a cylindrical trunk with one counterbalancing secondary branch at 6m above ground level. The tree was assessed as having a symmetrical compact crown and being free of any observed defects in the trunk or branch structure. The arborist recommended that this tree be retained and monitored in the future to ensure that the lean is not progressive.

The applicant is seeking to remove Tree 4 as they have concerns that the sloping garden bed may not be strong enough to hold the tree as the trunk is growing, especially during windy weather. The applicant also has concerns that Tree 4 has the potential to damage the fence between the subject site and 2/312 Lawrence Road, Mount Waverley. The applicant states that although the tree requires monitoring to ensure the lean is not progressive, they would like to apply to remove the tree to “save trouble in the future”.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Pursuant to Clause 42.02 (Vegetation Protection Overlay) of the Monash Planning Scheme a planning permit is required to remove vegetation.

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 13 June 2018 to assist in the consideration of the proposed removal of this tree.

The applicant was advised verbally and by email on 11 July 2018 that the application to remove the two trees is recommended for refusal and that the matter would go to a Council meeting for consideration.

Public Notice

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

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 21.01 - 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 22.05 – 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.

Assessment under Clause 42 – Vegetation Protection Overlay

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.

The following decision guidelines 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.*
- *The practicality and benefits of relocating significant vegetation.*
- *The condition and quality of the vegetation.*

The arborist's report states that Tree 2's branch failures are due to a defective primary branch, and that this primary branch should be removed at a point adjacent to the branch bark and ridge collar. The arborist does not recommend for Tree 2 to be removed as it has moderate retention value due to good health, fair structure, and 15-30 years of Safe Useful Life Expectancy. Therefore, it is recommended that Council write to the owner advising that Tree 2 is to be

retained and that Council has granted approval for the lopping of the defective primary branch identified in the arborist's report.

The arborist's report states that Tree 4 be retained and monitored in the future to ensure that the 12 degree lean is not progressive. The arborist does not recommend for Tree 4 to be removed as it has moderate retention value due to good health, fair structure, and 15-30 years of Safe Useful Life Expectancy. Therefore, it is recommended that Council write to the owner advising that Tree 4 is to be retained and monitored as the arborist has assessed the tree to have 15-30 years of Safe Useful Life Expectancy.

The retention of the two trees is also important in maintaining canopy coverage due to the removal of two other trees on the site, which are identified as Tree 1 and Tree 3 in the arborist report. These trees do not require planning permission for removal as they are less than 10 metres in height.

Whilst there are a moderate number of canopy trees in the vicinity and surrounding area, the two locally endemic 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 two subject trees contribute more broadly to the garden city character of the area and fulfil the purpose of the VPO.

In terms of the applicant's concerns regarding the likelihood of branches dropping from Tree 2, the lopping of the defective primary branch would reduce this likelihood.

The applicant's concerns regarding Tree 4's lean can be addressed through regular monitoring by an arborist to ensure that the lean is not progressive. If the tree's structure and/or health declines in the future and an arborist recommends the tree should be removed, a further planning application would be required for its removal.

CONCLUSION:

Based on the above assessment, it is recommended that a Refusal Notice be issued for the removal of two (2) trees, identified as Tree 2 and Tree 4 in the arborist's report.

The proposed removal of the two trees 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 fair structure. Practical options which do not require the removal of the two trees have been proposed by an arborist to address the applicant's concerns regarding the trees. 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.