
11.5 32 Laburnum Street, Blackburn (Lot 48 LP 6632) Tree removal in the Significant Landscape Overlay - Schedule 2

City Planning and Development, City Development
File Number: WH/2021/978
Attachment

SUMMARY

This application proposes removal of seven (7) indigenous trees located within the front setback of the site under the Significant Landscape Overlay (SLO2). Of these, Tree 1 is a Lemon-scented Gum (*Corymbia citriodora*) and Trees 2-7 are Sugar Gums (*Eucalyptus cladocalyx*) species. The trees are located along the front site boundary and the side of the existing carport. Tree 1 was found to be dead during the inspection by Council's consulting arborist and does not require a planning permit to remove but is referenced in this report for context.

The submitted arborist report found that all trees suffer from wounds or structural defects in their trunks which could not be resolved with maintenance. Trees 2 and 3 lean towards the street and Tree 3 has deadwood currently over the footpath. Trees 4, 5, 6 and 7 lean towards the neighbouring property or power lines. As relocating the structures/infrastructure at risk or isolating the fall area which is mostly in a public thoroughfare is not possible, remediation is not considered possible and so removal is recommended.

If approved, the applicant proposes to plant seven (7) replacement trees, with four (4) to be located in the front setback and three (3) within the rear open space. These would be either Yellow Box (*Eucalyptus melliodora*) or Narrow Leafed Peppermint Gums (*Eucalyptus radiata*).

The application was advertised, and a total of 25 objections and one letter of support were received. The objections raised issues with proposed removal of vegetation. A Consultation Forum was held online via Zoom on 1 March 2022 chaired by Councillor Munroe, at which the issues were explored, however no resolution was reached between the parties.

This report assesses the application against the relevant provisions of the Whitehorse Planning Scheme, as well as the objector concerns. After assessment by Council's consulting arborist and council officers the proposal is recommended for support as the age and structure of the trees are poor, and they cannot be remediated. Removal will allow conditioning of a complete landscaping response to replace the lost landscape contribution. It is recommended that the application be supported, subject to conditions.

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RECOMMENDATION

That Council being the Responsible Authority, having caused Application WH/2021/978 for 32 Laburnum Street, Blackburn (Lot 48 LP 6632) to be advertised and having received and noted the objections is of the opinion that the granting of a Planning Permit for the Tree removal in the Significant Landscape Overlay - Schedule 2 is acceptable and should not unreasonably impact the amenity of adjacent properties and therefore issue a Notice of Decision to Grant a Permit under the Whitehorse Planning Scheme to the land described as 32 Laburnum Street, Blackburn (Lot 48 LP 6632) for the Tree removal in the Significant Landscape Overlay - Schedule 2, subject to the following conditions:

1. Before trees or vegetation are removed, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to 1:100 scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Tree 1 (Lemon-scented Gum - *Corymbia citriodora*) as being dead and not requiring a Planning Permit to remove.
 - b) A Landscape Plan in accordance with Condition 3.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans become the endorsed plans of this permit:

2. No vegetation, apart from trees 1 (Lemon-scented Gum - *Corymbia citriodora*); 2; 3; 4; 5; 6 and 7 (Sugar Gums – *Eucalyptus cladocalyx*) as detailed within the Arborist Report prepared by Treetec dated 26 March 2021, as shown on the approved plan as vegetation to be removed may be felled, destroyed or lopped without the written consent of the Responsible Authority.
3. No trees or vegetation shall be removed until a landscape plan prepared by a suitably qualified and experienced landscape architect firm or person has been submitted to and endorsed by the Responsible Authority. This plan (when endorsed) must form part of this permit. This plan must show:
 - a) Any changes required by Condition 1.
 - b) The front open space of the site contain provision for a complete landscape response preferring native species including ground covers, low to mid-height shrubs and canopy plantings which can contribute to the surrounding 'bush' character of the landscape and objectives of the bush environment character statement.

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- c) Replacement planting of a minimum of at least seven (7) trees from the below list:
- Blackwood (*Acacia melanoxylon*)
 - Smooth-barked Apple (*Angophora costata*)
 - Rough-barked Apple (*Angophora floribunda*)
 - Yellow Gum (*Eucalyptus leucoxyton*)
 - Yellow Box (*Eucalyptus melliodora*)
 - Red Box (*Eucalyptus polyanthemos*)

All new trees must be planted at a minimum height of 1.5 metres:

- a) Four (4) of the replacement trees required under condition 3b must be planted within the Laburnum Street front setback of the site.
 - b) Three (3) of the replacement trees required under condition 3b must be planted within the open space to the rear of the dwelling on the site.
 - c) The stumps of trees approved for removal being retained;
 - d) Any recommendations to ensure the retained stumps do not pose a constraint to the proposed replanting must be clearly noted/detailed on the drawings
 - e) To note that the roots of the trees retained will not be 'bored out'.
 - f) All replacement trees must be planted in accordance with the performance standards of Clause 22.04-4 (Tree Conservation).
 - g) The capacity to replace any plantings damaged during the tree removal works
 - h) Replacement canopy trees are to be located a minimum of three (3) metres from buildings and one (1) metre from any boundary fencing.
 - i) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - j) A schedule of the botanical name of all trees and shrubs proposed to be retained and those to be removed incorporating any relevant requirements of condition No. 1.
 - k) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
Once approved these plans become the endorsed plans of this permit.
4. Replacement planting as required by this permit must be completed within six (6) months of the permitted tree removal.

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5. The applicant/property owner is required to contact Council's Statutory Planning Enforcement team in writing after the completion of both tree removal and replacement planting to arrange for an inspection.
6. The replacement planting must be of good quality, correctly maintained and planted within loose native soil mix and mulch in a location that supports its long-term retention and growth.
7. The ongoing maintenance of the replacement trees must be undertaken to the satisfaction of the Responsible Authority. If the planted tree dies or is removed, they must be replaced within two months and maintained to the satisfaction of the Responsible Authority.
8. No other trees on site that are protected by the Planning Scheme may be destroyed, felled, lopped or uprooted without the written consent of the Responsible Authority. All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the Responsible Authority.
9. This permit will expire if the tree removal is not completed within 12 months from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing pursuant to the provisions of Section 69 of the Planning and Environment Act 1987.

Permit Notes:

- A. This application was not assessed against ResCode.
- B. The granting of this permit does not obviate the necessity from compliance with the requirements of any other authority under any act, regulation or local law.
- C. Has made this decision having particular regard to the requirements of Sections 58, 59, 60 and 61 of the Planning and Environment Act 1987.

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MELWAYS REFERENCE 47 J10

Applicant:	Wildwood Nord Pty Ltd
Zoning:	Neighbourhood Residential Zone Schedule 1
Overlays:	Significant Landscape Overlay – Schedule 2
Relevant Clauses:	
Clause 11	Settlement
Clause 12	Environment and Landscape Values
Clause 12.01-2S	Native Vegetation Management
Clause 12.05-2S	Landscapes
Clause 15	Built Environment and Heritage
Clause 21.05	Environment
Clause 21.06	Housing
Clause 22.03	Residential Development
Clause 22.04	Tree Conservation
Clause 32.09	Neighbourhood Residential Zone Schedule 1
Clause 42.03	Significant Landscape Overlay Schedule 2
Clause 65	Decision Guidelines
Ward:	Cootamundra



Aerial image of subject site

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BACKGROUND

History

The permits on file for the subject site are as follows:

WH/2004/14636 - Removal of 1 tree issued 22 July 2004. This permit approved the removal of a 7 metre high Hinoki False Cypress that was behind the dwelling with a native, replacement tree that would grow to 15 metres high at maturity.

WH/2004/15207 - Removal of four (4) protected trees and pruning of six (6) protected trees issued 10 November 2005. This permit approved removal of four (4) trees in the front setback. The permit required two (2) indigenous replacement plantings along the western boundary adjacent to the driveway and another two (2) indigenous replacement trees in the rear open space.

WH/2021/1076 - Lop one (1) *Eucalyptus cladocalyx* – Sugar Gum Tree was issued on 8 November 2021. The works have been undertaken and the lopped tree is identified as Tree 7 in this report.

The Site and Surrounds

The subject site is located on the southern side of Laburnum Street, between the intersections of Myrtle Grove, and Laurel Grove North in Blackburn. The northern side of Laburnum Street is zoned General Residential Zone 2 (GRZ2) and included in a 'Bush Suburban' Character Area, while the southern side is zoned Neighbourhood Residential Zone – Schedule 1 (NRZ1) and located within in a 'Bush Environment' Character Area.

The southern side of the street is typically developed to a lower density, with the majority of lots containing detached dwellings in generous, landscape/tree dominated settings while the northern side sees a presence of multi-unit and townhouse developments in more modest/compact garden settings.

Laburnum Street presents as an avenue as it is lined with developed street trees and a number of tall gum trees along the southern side, this fits with the Bush Suburban character of the north side of the street while also beginning the transition to the more bushland-like character of the areas to the south.

The subject site has a 20.14 metre frontage to Laburnum Street, a depth of 51.82m and a total site area of 1044m². No easements are located on the site which contains a single storey, weatherboard dwelling. The site is heavily vegetated and contains a number of canopy trees, seven (7) of these trees being identified under this application as proposed for removal.

The site is 30 metres west of the southern exit to the Elmore Walk Reserve which runs north-to-south between South Parade and Laburnum Street and contains a number of large gum trees and understorey plantings.

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Planning Controls

Significant Landscape Overlay – Schedule 2 (SLO2)

In accordance with Clause 42.03 of the Significant Landscape Overlay – Schedule 2, a planning permit is required to destroy, remove or lop a tree.

This does not apply to (inter alia):

- A tree having a single trunk circumference of 0.5 metre or less at a height of one metre above ground level.
- The pruning of a tree for regeneration or ornamental shaping.
- A tree which is dead or dying to the satisfaction of the responsible authority.

PROPOSAL

It is proposed to remove seven (7) indigenous trees located within the front setback of the site from the front boundary and the side of the carport.

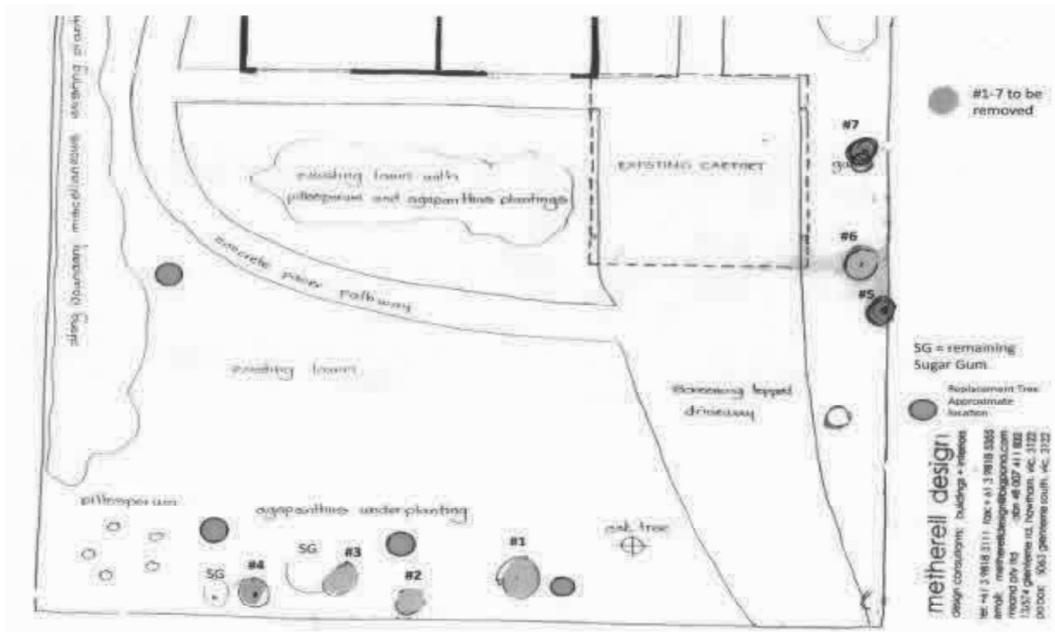
Tree 1 is a Lemon-scented Gum (*Corymbia citriodora*) the remaining six trees are Sugar Gums (*Eucalyptus cladocalyx*) species.

Council's arborist has inspected the trees and confirmed that Tree 1 is dead and therefore does not require a permit for its removal. Its details are included in the table below for reference.

The proposal includes seven (7) replacement plantings on the site, with four (4) to be located in the front setback and three (3) within the rear open space. The proposed replanting species are listed as either Yellow Box (*Eucalyptus melliodora*) or Narrow Leafed Peppermint Gums (*Eucalyptus radiata*).

The plans below combine the submitted drawings to outline the trees proposed for removal.

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Close up of front setback plan. Source – Metherell design, October 2004.
Note: pink circles represent proposed tree removal, green circles represent proposed replanting see full plan for all replantings.

The size of the protected trees as depicted in the Arborist Report dated 26 March 2021 are set out below as follows:

Arborist Report dated 26 March 2021

Tree No.	Name	Species	Trunk Circumference (m)	Risk	Structure	Recommendation / Permit Required?
1	Lemon-scented Gum	<i>Corymbia citriodora</i>	1.25	Moderate	Fair	Removal. Triggers the need for a permit.*
2	Sugar Gum	<i>Eucalyptus cladocalyx</i>	1.85	Moderate	Poor	Removal. Triggers the need for a permit.
3	Sugar Gum	<i>Eucalyptus cladocalyx</i>	1.53	Moderate	Poor	Removal. Triggers the need for a permit.
4	Sugar Gum	<i>Eucalyptus cladocalyx</i>	1.53	High	Poor	Removal. Triggers the need for a permit.
5	Sugar Gum	<i>Eucalyptus cladocalyx</i>	2.38	Moderate	Poor	Removal. Triggers the need for a permit.
6	Sugar Gum	<i>Eucalyptus cladocalyx</i>	2.8	Moderate	Unknown	Removal. Triggers the need for a permit.

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Tree No.	Name	Species	Trunk Circumference (m)	Risk	Structure	Recommendation / Permit Required?
7	Sugar Gum	<i>Eucalyptus cladocalyx</i>	2.1	High	Poor	Removal. Triggers the need for a permit.

Source – TreeTec Arborist Report dated 26 March 2021

** Council's consulting arborist has confirmed Tree 1 is dead and does not require a planning permit to remove.*

According to the Arborist Report and Cover Letter prepared by the applicant on 3 October 2021 a total of seven (7) trees were proposed for removal as listed above.

CONSULTATION

Public Notice

The application was advertised by mail to the adjacent and nearby property owners and occupiers and by erecting notices to the Laburnum Street frontage. Following the advertising period 25 objections (25 objector properties) and one letter of support were received.

The issues raised are summarised as follows:

- Contravenes the provisions of the Whitehorse Planning Scheme, in particular the Significant Landscape Overlay 2 and Local Planning Policy Framework.
- Tree removal is a loss of character and habitat for the area.
- Replanting is insufficient to offset impacts to character and/or habitat.
- Removal of some trees may harm others on site due to enmeshed roots.
- Alternatives to removal have not been considered by the applicant.
- Reduction in amenity for pedestrians and adjoining properties.
- The proposal appears to be to facilitating an undisclosed development that will impact assessment.
- The risk to the occupants and pedestrians is overstated and without context.
 - QTRA Assessment method is not used, so only risks are considered in the assessment.
 - The trees proximity to the carport are due to the carport being constructed near the trees.
- The submitted arborist report is incomplete or inaccurate and only some and not all large trees on site are assessed and heights overstated.

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Consultation Forum

A Consultation Forum was held online via Zoom on 1 March 2022. Approximately 10 objectors, the applicant and Council officers attended the meeting. The meeting was chaired by the Ward Councillor - Councillor Munroe.

Key points discussed during the forum meeting related to the removal of vegetation, the sufficiency of replacement planting and the accuracy and merits of the applicant's arborist report. The applicant expressed a clear position to objectors that there was not an intention to develop the site.

An action item from the Forum was for Council officers to await further comments from Council's consulting arborist to investigate remedial measures as an alternative to removing the trees. This further discussion is addressed in detail later in this report. No resolution was reached between the parties during the meeting.

Referrals

External

No external referral authorities were required as part of the application.

Internal

Planning Arborist

The application was referred to and reviewed by Council's consulting arborist, who was generally supportive of the application and provided the following comments (in summary):

Tree 1:

This tree is dying to the satisfaction of the responsible authority. As such, it is exempt from requiring a permit for its removal.

Permit Triggered Under SLO2 – (for removal)

A permit is triggered under SLO2 for the following trees:

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Trees 2 – 7:

Remove – I have assessed these trees and matched the applicant’s arborist comments in relation to their health and structure against what I observed on site. I found the comments in relation to the applicant’s arborist assessment of the trees to be accurate and correct in relation to their wounds and overall health and condition.

Based on what I observed, I agree with the recommendations in the arborist report, in that the trees should be removed. All the species (apart from tree 1) are Eucalyptus cladocalyx – Sugar Gum. This species has a propensity for failure, which is evident in relation to these trees.

The removal of the trees will have a significant and adverse impact on the landscape character. As such, replanting will need to be undertaken. Therefore, before the trees are removed it is recommended landscape plans be provided to Council.

Landscape plans must meet with the neighbourhood character, landscape objectives, planning zone planting requirements and Council’s Landscape guidelines and must show the following:

- *The tree species proposed for replanting.*
- *The heights and widths at maturity of the tree species proposed for replanting.*
- *The locations of the tree species proposed for replanting.*

The above could be provided by way of condition. However, given the significance of the area and the impacts the removal of these trees will have on the landscape character of the area, a landscape plan is necessary in my view.

DISCUSSION

The key considerations in this application include the extent of the tree removal proposed and whether it is an acceptable outcome in the context of the planning scheme provisions.

The primary planning control, being the Significant Landscape Overlay – Schedule 2 (SLO2) requires protection of landscape character attributed to the quality of the environment, which includes vegetation notable for its height, density, maturity, and high proportion of Australian native trees, which in turn contributes to valuable bird and wildlife habitat.

The landscape character objectives to be achieved under this Overlay are to retain the dominance of vegetation cover, retention and regeneration of native vegetation or wildlife habitat and to ensure a reasonable proportion of the lot is free for tall trees in a natural garden setting.

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In this context, the key considerations to be given weight in this assessment are:

- What is the policy framework for the vegetation removal?
- Can the extent of vegetation removal be justified?
- What is the role of replacement planting?

State and Local Planning Policy Framework

Objectives under Clause 12.05-2S (Landscapes) seek to protect and enhance significant landscapes that contribute to character, identity and sustainability of environments identified as significant. To achieve this objective, the policy provides strategies which seek to ensure that development does not detract from the natural qualities of significant landscape areas and recognise the natural landscape for its aesthetic and environmental value.

The retention of existing trees contributes to the identified landscape value of the site and surrounds as recognised under Clause 12.05-2S and the Significant Landscape Overlay – Schedule 2.

Policy under Clause 21.05 (Environment), makes the connection between natural, visual and built environment. This connection influences neighbourhood character, landscape qualities, climate and health and wellbeing for individuals in the area. The landscape qualities are identified as contributing factors towards improving open space areas for passive and active recreation and the conservation and enhancement of trees and their canopy coverage is identified as integral to maintaining and achieving the above-mentioned elements.

The Tree Conservation Policy at Clause 22.04 (Tree Conservation) in its objectives refer to minimising the loss of significant trees and promoting the regeneration of established trees as a valued resource in the Whitehorse area. Policy and performance standards in respect of tree retention and regeneration are provided within this clause and will be discussed within the assessment section of this report.

Significant Landscape Overlay, Schedule 2

The subject site falls within the Significant Landscape Overlay - Schedule 2 (SLO2) which seeks to ensure the key objectives of retaining the dominance of vegetation cover, retention and regeneration of vegetation to protect habitat, ensuring sufficient space is provided and kept free of buildings for tall trees to be planted, and encouraging a tree-dominated landscape are achieved.

The Significant Landscape Overlay is recognised as an important part of the Whitehorse Planning Scheme, and as such considerable weight is placed upon an application's ability to meet the objectives and decision guidelines of this overlay.

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Tree Removal

The application seeks permission to remove six trees protected under the SLO2 (an additional tree included in the application was confirmed dead by council's arborist and therefore exempt from planning permission). The applicant seeks to remove the trees due to safety and risk concerns should the trees fail.

The main consideration in this element of the assessment relates to the proposed tree removal meeting the objectives of the SLO2 provisions, most relevant to this consideration include *'to retain the dominance of vegetation cover in keeping with the bush character environment'* and *'to encourage the retention and regeneration of native vegetation for the protection of wildlife habitat.'*

The trees proposed for removal have been assessed as being of fair health, but with poor structure and form. This is based on an arboricultural assessment of the trees which is consistent between both the applicant's report and the review undertaken by council's independent consulting arborist of the application material and his own inspection of the subject trees.

The submitted arborist report found that all six (6) trees suffer from wounds in their trunks which could not be resolved with maintenance. The risks associated with the trees were as follows. All trees suffer from wounds or structural defects in their trunks. Trees 2 and 3 lean towards the street or with the latter having deadwood currently over the footpath. Trees 4, 5, 6 and 7 leans toward the neighbouring property or power lines. As relocating the structures (dwellings and power lines) at risk or isolating the fall area which is mostly in a public thoroughfare is not possible, remediation is not considered possible and so removal is recommended.

Council's Arborist has confirmed the finding in the applicant's arborist report that all six Sugar Gums would be unlikely to respond/recover through remediation works (i.e. pruning, watering or other care) based on their age and existing structural defaults. The applicant's arborist report notes that while pruning and proper maintenance can significantly reduce risk of tree failure, but due to the location of defects it would be a short term solution and would be unlikely to extend the life to the trees or prevent further failures.

Both arborists concur that the removal of these trees will have a significant landscape impact for the surrounding area but that the trees have come to the end of their useful life.

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Given this context, the trees which are currently in a decline which is expected to continue and is likely to result in their death over the next few years. Significantly, once a tree is assessed as 'dead or dying' by the Responsible Authority, pursuant to the SLO2 provisions, it is exempt from requiring a planning permit for its removal. Capturing the opportunity at this time for replacement planting within the subject site as a condition of permit, ensures replacement planting can be managed and protected into the future, to provide a positive, long term outcome for the landscape character of the area.

Maintenance of Trees, Tree Canopy and Replacement Planting

The removal of six trees would result in a cumulative loss to the landscape given the existing canopy cover within the front of the site. Therefore, it is the officer opinion that any replacement landscaping must provide a full, native landscaping outcome including ground covers, shrubs, low and mid height canopy plantings so that faster growing species may grow to contribute to the landscape and Laburnum Street in the short and midterm while the taller canopy plantings establish themselves over a longer timeframe.

The proposed locations for replacement trees, four in the front setback and three in the rear, maintains a consistent tree canopy spread for the site and would allow the trees sufficient space to reach their mature height. By having seven replacement trees of a height of 15 metres at maturity this is consistent with the decision guidelines of the SLO2 which seeks to have at least 7 trees for a lot of 1044 square metres.

The subject site can accommodate this number and size of canopy trees with sufficient space for the trees to mature over time within the site. Pursuant to the policy at Clause 22.04 of the Scheme, the standards for new tree replanting is to be in a 35 square metre area with a minimum dimension of 5 metres clear of any buildings or impervious surfaces and not within an easement. The front and rear open spaces on site generally meet this description. As the 'service drop' for electricity is located across the road on the north side of Laburnum Street, any new trees within the subject site would not be in direct conflict with infrastructure (i.e. overhead wires), or be at risk of future lopping from power line clearance.

Given the vegetation proposed to be removed, it is considered appropriate to require additional indigenous planting demonstrated through a professionally drawn landscape plan. Such a plan would need to account the potential damage of existing plantings in the front setback which might be damaged during the tree removal process and so a capacity for replacement or additional planting near retained trees will be needed in the plan.

A nominated list of appropriate species, similar to the trees proposed for removal, would be required to fit the 'Bush Environs' Neighbourhood Character Guidelines of the Whitehorse Planning Scheme. This has been included as a condition of permit, should one be granted.

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Through supporting the tree removal as proposed, the replanting, over time, would ensure the re-establishment of canopy trees that provide a presence of vegetation within the subject site and wider streetscape. It is considered the property can accommodate appropriate replacement trees which meet decision guidelines of the overlay.

A condition would require the replacement planting to occur within six (6) months of the removal being undertaken, or as otherwise agreed by the Responsible Authority to accommodate seasonal changes and the like.

Response to objections

Tree Removal and Whitehorse Planning Scheme

In response to the concern around tree removal, conditions would be included within any planning permit requiring the planting of a native themed landscaping outcome including 7 replacement trees (canopy) with Council's Arborist recommendations.

As assessed earlier in this report, all trees proposed for removal are supported due to their low useful life expectancy and potential risk of failure.

Conditions would be included within the planning permit for offset planting to occur within six (6) months of removal (or as otherwise agreed to in writing by the Responsible Authority). This will mitigate the impact to the landscape character by allowing for replacement planting within the front setback of the site to become more established over time while retaining an acceptable level of tree canopy throughout the subject site.

The trees proposed to be planted would ensure the subject site would continue to make a significant contribution to the existing and preferred landscape character of the subject site and surrounds over time.

The assessment above demonstrates that the proposal, with conditions, meets the landscape character objectives within the Whitehorse Planning Scheme to retain and regenerate the established tree canopy in significant landscape areas.

Impacts to amenity, character and landscape from tree removal and replanting

Concerns were raised by the objectors during the Consultation Forum regarding the loss of highly visible trees in the streetscape.

The decision guidelines under the SLO2 suggest to have one canopy tree capable of growing to at least fifteen metres high at maturity, for every 150 metres of site area. Using this calculation, the size of the subject site would equate seven such trees being suggested. As the application has proposed the replacement of seven canopy trees and previous planning permit have already had similar replanting undertaken on site, the resulting replacement planting would be in excess of the plantings expected under the overlay.

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In addition to the seven Yellow box and Narrow Leafed Peppermint gums which are proposed to be planted by the applicant on the site, a condition would require a comprehensive landscaping response of indigenous species that will include species that will quickly grow to recover character and habitat contributions lost from the removal of the trees. This landscaping outcome will also enable a recovery of amenity for pedestrians from the shrubs and lower height plantings while the canopy trees grow.

Removal of some trees may harm others on site due to enmeshed roots.

The approval of this application would result in the retention of one established tree in the front setback, which the applicant's arborist report notes may be weakened by the loss of the surrounding trees. This retained tree is not included for removal in the application.

The health and structure of the trees to be removed has been the focus of this assessment and supported by the applicants and council's arborists. Based on these assessments the trees may fail undermining the retained tree and so an orderly removal of trees and their replacement is preferred. If approved the replacement plantings may grow to provide some stabilisation for the retained tree.

The applicant stated in the forum that they are not intending to 'bore out' the roots of the trees to be removed. As such, the recommended condition includes reference to not boring out the roots. After discussion with council's Tree Education Officer it is also recommended the stumps be addressed in the landscaping plan to avoid issues with termites and nitrogen draw down for the replacement scheme.

Alternatives to removal have not been considered in the report.

The applicant's arborist considered remediation and pruning measure but did not consider them a viable long term solution to retain the trees due to the location of the structural failures. Council's consulting arborist has confirmed that given the trees' ages it is unlikely they would recover and so pruning is not considered a viable solution.

The proposal appears to be to facilitate an undisclosed development that will impact assessment.

In the Consultation Forum it was stated by the applicant that the tree removal has been proposed due to the risk posed by the trees and not to facilitate a development.

The potential for development does not form part of this assessment, it is noted that permit triggers for 'buildings and works' are set under the SLO-2 and any future application would be subject to those controls.

Furthermore, the assessment of a planning application cannot pre-judge future action, it must be based on the application documents provided during the assessment process.

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Tree retention measures and Arborist Report credibility

A request was received from objectors attending the Forum to investigate alternative tree management methods in an attempt to retain and remediate the six protected trees proposed for removal. Concerns were also raised regarding the quality of the arborist reports submitted with the application.

Through the council arborist's assessment, it was concluded that the overall poor condition and age of the trees results in these trees to be no longer viable. Replanting new trees was found to be the best option to satisfy the relevant planning controls and require further replacement planting.

The risk to the occupants and pedestrians is overstated and without context.

The assessment of the trees is verified by council's planning arborist and focuses on the health and structure of the trees. Given the trees' ages and structure failure has been confirmed as likely and so removal with replacement at the present time is the favoured outcome by council's arborist.

The submitted arborist report is incomplete or inaccurate only some and not all large trees on site are assessed and heights overstated.

Not all trees on site were assessed as part of the submitted arborist report as the proposal impacts the trees in the front setback of the dwelling. The proposal includes replacement planting of enough canopy trees to meet the replanting guidelines of the SLO2 of seven (7) 15m high canopy trees by itself. As such, the details of existing trees are not needed to confirm sufficient canopy trees plantings will be retained on the site to meet this guideline. The assessment of the applicant's arborist has been confirmed by Council's consulting arborist who generally agreed with the findings of the report.

CONCLUSION

The proposal is considered to be an acceptable response that satisfies the relevant provisions contained within the Whitehorse Planning Scheme, including the State and Local Planning Policies, the SLO2.

The proposal is consistent with the Whitehorse Planning Scheme as the trees have a minimal useful life expectancy (ULE) that remediation works would not extend. Their removal will enable replacement planting and landscaping to offset the loss of amenity, landscape contribution and habitat for the site through conditions to the permit.

A total of 25 objections were received as a result of public notice and all of the issues raised have been discussed as required.

It is considered that the application should be approved

ATTACHMENT

1 WH/2021/978 - Plans