

SCHEDULE 5 TO CLAUSE 42.02 VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO5.

SUBSTANTIAL TREE PROTECTION AREA**1.0**15/05/2014
C80**Statement of nature and significance of vegetation to be protected**

Banyule's vegetation and treed streetscapes are one of the most valued characteristics that contribute to the City's neighbourhood character. Whilst the vegetation cover in much of Banyule's Garden Suburban and Garden Court neighbourhoods is noticeably less than other areas of the City, these neighbourhoods do include a significant number of large indigenous, native and exotic trees (Substantial Trees) that are prominent above and around existing dwellings. These Substantial Trees beautify and add natural interest to these residential areas.

Banyule's Garden Court and Garden Suburban neighbourhoods are located between important waterway corridors, natural features and sites of botanical significance. Indigenous, native and exotic Substantial Trees in these neighbourhoods therefore assist in wildlife movement across the City, provide important faunal habitat and assist in the protection of waterways.

Substantial Trees feature in the remnant overstorey of Garden Court and Garden Suburban neighbourhoods. These areas contain one or a number of indigenous species, remnant exotic trees, and areas of dense remnant overstorey all with a high degree of naturalness. This overstorey is tall vegetation that represents Banyule's natural heritage, and includes species that are rare, threatened or of local, regional or State significance.

The generally wider canopy spread and larger structure of Substantial Trees in Garden Court and Garden Suburban neighbourhoods help to build local identity and make a visual contribution to the urban character of a street, surrounding neighbourhood, and landscape including contributing to Banyule's ridgelines which are visible in backdrops and vistas. They also assist in stabilising the local environment through processes including; reducing the severity of temperature increases associated with the 'urban heat island' effect, sequestering harmful pollutants and managing storm water.

The significance of Substantial Trees and their incremental removal affects the City in a number of ways. Tree protection and management, together with new and replacement tree planting on properties in Garden Court and Garden Suburban neighbourhoods, can help to safeguard and offset any incremental loss and improve the range of benefits Substantial Trees provide.

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To retain and protect existing trees, and to promote further planting of new trees as a significant component of local identity and neighbourhood character.

To protect vegetation of special significance, natural beauty, interest and importance.

To retain vegetation that represents the cultural and/or natural history of the City.

To retain and protect existing trees, and to promote further planting of new trees to enhance streetscapes, ridgelines and backdrops in residential areas.

To ensure that, where tree removal is permitted, appropriate replacement planting is provided and located appropriately on site.

To retain, protect and promote further planting of trees in residential areas to provide habitat links and movement corridors for fauna.

To retain trees which contain hollows as habitat for local fauna.

To retain trees that buffer waterways.

To maintain remnant and/or indigenous overstorey vegetation to provide biodiversity and a source of genetic material for the re-establishment of the natural heritage of the City.

To retain indigenous native vegetation which is rare, threatened or of local, regional or State significance.

To retain exotic trees and non-indigenous native trees, unless identified as an environmental weed.

To manage the long term viability of significant avenue plantings and heritage trees.

To retain, protect and promote further planting of trees for their contribution to stabilising local environmental processes including shading and cooling effects, sequestration of pollutants and management of storm water.

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Permit requirement

A permit is required to remove, destroy or lop those trees which meet either of the following:

- Has a height of 12 metres or more, or
- Has a trunk or stems that collectively are more than 400mm in diameter, measured at 1400mm above the base of the tree.

A permit is not required:

- To remove, destroy or lop the minimum extent of vegetation necessary to continue the activity on land within the formation of a railway line which has previously been cleared.
- To remove, destroy or lop the minimum extent of vegetation necessary to maintain public utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like.
- To remove, destroy or lop vegetation that presents an immediate risk of personal injury or damage to property, if only that part of vegetation which presents the immediate risk is removed, destroyed or lopped.
- To prune vegetation to remove any branch that overhangs an existing dwelling or is within 2 metres of an existing dwelling.
- To prune vegetation to maintain or improve its health, structure or appearance including regeneration..
- To remove, destroy or lop vegetation that is dead to the satisfaction of the responsible authority, unless the dead vegetation is a habitat tree containing hollows.
- To remove, destroy or lop vegetation that is being maintained in accordance with a management program developed by a suitably qualified arborist and approved by the responsible authority.
- To remove, destroy or lop vegetation identified as environmental weed species in the *Banyule Weed Management Strategy* 2006.
- To remove, destroy or lop street trees in accordance with the *Banyule Street Tree Strategy*.

*Note: Pruning of a tree is defined as removing branches (or occasionally roots) from a tree or plant using approved practices, to achieve a specified objective such as maintaining the health and appearance of the tree.
Lopping is defined as the practice of cutting branches or stems between branch unions or internodes.
Environmental weed species listed in Schedule 4 to the Environmental Significance Overlay will require a permit under that provision.*

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Application requirements

None specified.

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.02, in addition to those specified in Clause 42.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The need to retain vegetation that is significant due to its species age, health and/or growth characteristics.
- The need to retain vegetation that contributes to neighbourhood character.
- Where the vegetation is located, its relationship to existing vegetation and its role in providing habitat and corridors for fauna and its contribution to local environmental processes.
- The compatibility of any buildings and works with existing vegetation proposed to be retained.
- The effect of any proposed lopping on the significance or appearance of the tree.
- Whether there is a valid reason for removing the vegetation and whether alternative options to removal have been fully explored.
- Whether the removal of vegetation is required to deliver a development outcome that makes a substantial and positive contribution to the planning outcomes for the site and surrounding area. The applications response to relevant objectives and design responses of Clause 22.02 *Residential Neighbourhood Character Policy* should be considered.
- If retention cannot be achieved, or a tree is considered appropriate for removal, consider whether the site provides adequate space for offset planting of indigenous or native trees that can grow to a mature height similar to the mature height of the tree to be removed. If it is not appropriate to select an indigenous or native tree species, the selected species should be drought tolerant.
- Whether the planting location of the replacement vegetation will enable the future growth of the canopy and root system of the tree to maturity, in accordance with the *Banyule City Council Tree Planting Zone Guidelines*.
- Whether the replacement tree species and planting locations conflict with existing or proposed overhead wires, buildings, easements and existing trees.

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Background documents

Banyule City Council Tree Planting Zone Guidelines, 2011

Banyule City Council Strategy for Substantial Tree's in Banyule's Garden Court and Garden Suburban Neighbourhoods, 2013

Banyule City Council Neighbourhood Character Strategy, 2012

Banyule Weed Management Strategy 2006