

Attachment 1 - Amendment C219 Summary of Submissions

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
1	Concerned about the amendment	Concerned about tall trees encroaching on power lines and private yard. The leaves drop everywhere and make it hard to clean	Safety	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The proposed tree controls do not prevent property owners from undertaking 'pruning' to maintain trees and clear around power lines, provided this isn't lopping.	No change. Refer to a planning panel.
2	Seeks changes to the amendment	Poplar trees should be listed as a weed	Changes to the controls	Poplars can be problematic due to suckering behaviour and their root system can be very extensive. However, seeding is not a problem so their capacity to be an threatening plant to the broader municipality is low compared to the 'environmental weeds' proposed as exempt species. On private land they may form an important part of the canopy and landscape. Council wants the opportunity to consider an application for tree removal on a site by site basis, depending on the context of the tree. It is not recommended that poplar trees be included on the weed list.	No change. Refer to a planning panel.
3	Seeks changes to the amendment	Bay tree (laurus nobilis) should be listed as a weed Non native trees along fence lines should be case by case More flexibility needed; the system is too onerous Consider requirement for replacement trees to be native Should be signed off by a council arborist on site	Changes to the controls	Council does not consider bay trees to be invasive in the same way as an environmental weed. Whilst they can sucker, this is mostly due to the stumps being left in the ground after the tree has been removed rather than the seeds being an issue. It is not recommended that the Bay tree be added to the weed list. Non-native trees provide benefit, but if the intention was to plant a native tree/s in place of an exotic, the planning permit process may support that process while providing checks and balances to ensure that appropriate planting or replacement planting occurs. Council cannot provide an arborist to sign off on site as they need to independently assess any planning permit application that may be submitted. The proposed controls offer more exemptions from the need for a planning permit than the interim controls, which provide more flexibility for landowners in how they manage their properties.	No change. Refer to a planning panel.
4	Seeks changes to the amendment	Modify exemption from 3m from house to 4-5 m from house to protect foundations	Changes to the controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. It is not recommended that this exemption be modified.	No change. Refer to a planning panel.
5	Supports with changes to the amendment	Object to need for a permit for routine maintenance/lopping - should be an exemption for minor lopping	Imposition on private property rights Definition of lopping and pruning	The proposed permanent controls allow the pruning of a tree for regeneration or ornamental purposes without needing a planning permit. Pruning is the removal of limbs or roots to a branch junction. It is not harmful to the tree if done correctly. Lopping is defined as the removal of branches without consideration of the branch junctions or union with the trunk and can be detrimental to the tree. Therefore a permit is proposed to be required. This is consistent with the SLO header clause in the Victoria Planning Provisions (VPPs) which provide the structure and primary content for Planning Schemes across Victoria.	No change. Refer to a planning panel.
6	Does not support the amendment	Gum trees drop branches and are dangerous. They cause damage, affect quality of life and economic impacts Wrong trees in wrong locations can affect properties / damage to infrastructure and proximity to dwellings Council doesn't take accountability in managing the costs caused by trees	Safety Council responsibility	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Council agrees with the submitter that the right tree for a location is important. Consideration of this can be given through replanting that may be required via the planning permit application process. Further, Amendment C219 proposes an exemption from the need for a permit for trees within 3 metres of a house.	No change. Refer to a planning panel.
7	I may support the amendment if changes are made	Cost of process to obtain arborist report and permit; further, the outcome of a permit application is uncertain. Developers are allowed to moonscape. Tree work companies can be dishonest. The system needs to be easier for residents trying to manage / enjoy their properties. Consider other aspects of sustainability as well as vegetation. The overshadowing of solar systems, vegetable gardens and loss of light are values that council should be supporting. Concerned that owners are unable to have a tree removed or lopped on these grounds because it is healthy. In addition to drains, tree removal for sustainability reasons deserves to have consideration in the decision guidelines. A burden is created on longstanding gardens to supply the vegetation for all, as new house developments can call on the rules about closeness of trees to a proposed house. Those sites are razed, while well-treed neighbours blocks are required to provide all the vegetation for an area, and cannot appeal on the reasonable grounds. <i>Submission 7 and Submission 125 were from the same submitter and combined.</i>	Costs incurred by controls	The proposed controls will apply all residentially zoned properties. The temporary controls came into effect on 8 February 2018. Permits may have been issued before this date however they may not have been acted on until recently. If a development is located within a commercial zone or mixed, industrial zone or use zone the proposed controls won't apply. The Panel for Amendment C51 to introduce neighbourhood character controls considered that it would be reasonable to ask a proponent to provide an arborist report at their cost where it is unclear if a tree meets an exemption or if the tree is healthy and is proposed for removal for other reasons (page 41 of the Panel Report). If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90. Council could investigate undertaking arborist assessments for single trees. Unfortunately Council cannot control how private contractors manage their businesses. Greater awareness of the planning controls in the community may bring with it more accurate advice by contractors. The benefits of trees in the urban landscape bring many benefits to our communities including lowering air temperatures during heat waves. In particular trees planted on the north side of houses provide shading and cooling thus reducing air-conditioning usage and saving energy. It is recognised that factors such as tree type, height and density may affect the extent of overshadowing to a rooftop solar energy facility whereby efficiency and performance is affected. The effects to solar facilities could be mitigated by a range of considerations including the siting of the system, whether a tree can be trimmed, the extent to which the system can be located to protect from overshadowing and the type of solar facility. Whether to grant a permit for tree removal should draw reference to the existing documentation and guidelines that DELWP have prepared as well as other considerations and supporting evidence that emerges on a case by case basis.	No change. Refer to a planning panel.
8	I do not support the amendment	Large gum on adjoining property is causing issues - needing to clean gutters etc.	Safety	The tree on the adjoining property is currently covered by VPO2 - a blanket wide VPO that is proposed to be removed under Amendment C219, as it will be duplicated by SLO9. Trees on private property are the responsibility of the private landowners (not Council) and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. All large trees require maintenance to ensure they are not dangerous. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Otherwise, a permit to remove it can be applied for and considered by Council. Council encourages landowners to talk to their neighbours if there are concerns about trees on adjoining properties.	No change. Refer to a planning panel.

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9	Concerned about the amendment	Cost of a permit is unreasonable Dead, dying and dangerous is subjective - would Council be held responsible? Should be a transition time for residents to receive a free permit and Council should not place time and monetary obstacles in the way of residents safety.	Costs incurred by controls	If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. The Panel for Amendment C51 to introduce neighbourhood character controls considered that it would be reasonable to ask a proponent to provide an arborist report to Council at their cost where it is unclear if a tree meets an exemption or if the tree is healthy and is proposed for removal for other reasons (page 41 of the Panel Report). If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90. Council could investigate undertaking arborist assessments for single trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Part 20 of the Regulations outlines where Council may wholly or in part waive the payment of a fee. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Given this, and the resources required to record every instance of a fee waiver, it is unlikely that Council would waive the fees. Case law demonstrates that Council would only be liable if it failed to properly consider a request to remove trees that were dangerous.	No change. Refer to a planning panel.
10	I do not support the amendment	This is unnecessary red tape. It will reduce development. Whilst you can apply for a permit to remove tree, council may not approve it.	Imposition on private property rights Impact on development	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees that contribute to the landscape and neighbourhood character. This provides numerous benefits to the community beyond the private property on which trees sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. It is correct that application for a planning permit does not mean that a planning permit will necessarily be granted. All applications need to be thoroughly assessed against the requirements of the Whitehorse Planning Scheme and the <i>Planning and Environment Act 1987</i> . The <i>Municipal Tree Study</i> further analysis indicates that tree retention can be achieved within the development context by, for example, utilising the Garden Area Requirement. Council's Housing Strategy indicates there is sufficient capacity in Whitehorse to accommodate housing growth.	No change. Refer to a planning panel.
11	I support the amendment	All trees particularly the old established English trees must be protected. Trees should only be pruned where there are power lines; they were pruned far too harshly this year. Each property to have at least one fruit tree for our birds and wildlife. Parkwide needs to oversee Block pruning of trees on nature strips. Contractors are just hacking, whether advised by council to save on further pruning. It is devastating to see our beautiful suburb lose its charm.	Support	Support noted. Additional comments about block pruning referred to Council's ParksWide department.	No change. Refer to a planning panel.
12	I do not support the amendment	The proposed amendment does not prevent the removal of trees as part of subdivision or development works as is suggested. It will have no tangible impact on developers. The amendment imposes a blanket rule against everyone. It will be an administrative / financial burden on all residents, including private home owners who wish to conduct landscaping works on their property. Consider having different rules with greater restrictions for those applying for tree removal as part of subdivision works (when moonscaping occurs) as opposed to private home owners. The proposal will disproportionately impact private home owners who do not have the resources nor access to professional consultants to manage the permit process. The amendment will deter planting of trees on private property.	Costs incurred by controls Imposition on private property rights Inequity between 'developers' and non-developer 'residents' Contrary to intent of controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character. There is no ability for the planning system (in either the planning controls or the application fee structure) to differentiate between the average home owner and a developer as every site has the potential to be a development site into the future. The tree protection controls are not proposed to apply to trees under 5m and with a trunk circumference of less than 1 metre; the removal of a tree under 5m. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90 which reduces the cost and administrative burden. Council could consider allowing VicSmart applications for more than one tree. Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations. Incentives to plant trees are also delivered by the ecosystem benefits provided by trees and the increase in property value that can be generated by well cared for and well-chosen trees.	No change. Refer to a planning panel.
13	I do not support the amendment	Opposes stronger restrictions on protecting trees. The controls will make it difficult to remove a tree. I will consider purchasing my next house in a different council area to avoid the tree controls	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity.	No change. Refer to a planning panel.
14	I support the amendment	Support the amendment as long as it does not stand in the way of development of our land.	Support	Support noted. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
15	I do not support the amendment	Dislikes leaves from trees dropping in front their house. Wishes to change the tree species if we do need to protect trees.	Other comments	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property. Depending on the size of the tree, a permit may be required to remove the tree and replant a different species.	No change. Refer to a planning panel.
16	I do not support the amendment	It is my property, I pay my land tax, rates and have paid stamp duty and anything else required to attain my property. If you want the right to tell me what to do or can't do on my property then the government should not be selling the land!	Imposition on private property rights	The Whitehorse Planning Scheme applies to all land in Whitehorse. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
17	I do not support the amendment	Box Hill area will be the second CBD, aligning with State gov's strategy and Whitehorse council's MAC planning. Enforcing tree protection contradicts these strategy and will prevent the growth of Box Hill in terms of development investment and new migration to Box Hill. Council should consider other methods to balance environment protection and population growth. The proposed controls will also reduce the value of land and discourage the current land owner.	Impact on development Impact on property values	It is unclear if this submission intended for Amendment C219. A similar submission was received for the Box Hill Vision project which was on consultation at a similar time. The impact, or otherwise, on property values is not a valid planning consideration. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity.	No change. Refer to a planning panel.

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18	I do not support the amendment	This new amendment will discourage people from planting trees. People will remove trees before they reach the permit trigger threshold size. Council should require residents to have a plan to replace trees when they remove or lop a big tree instead banning them from removing/lopping the tree.	Intent of control Changes to the controls	Concerns about the impact on future tree planting are noted. The tree protection controls are not proposed to apply to trees under 5m and with a trunk circumference of less than 1 metre. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The planning permit process will consider the replanting of an appropriate tree if removal of a tree is authorised. Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations. Incentives to plant trees are also delivered by the ecosystem benefits provided by trees and the increase in property value that can be generated by well cared for and well-chosen trees.	No change. Refer to a planning panel.
19	I do not support the amendment	Consider other methods to protect the environment. Simply applying the SLO is not a good idea. Some trees are too big for the residents to look after. It is costly to fix pipes damaged by the tree roots.	Imposition on private property rights	Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility. If removal of a tree is sought (through a planning permit application process), damage caused by tree roots can be considered in assessing the application. Often there are other solutions to removal of a tree that can be considered to address the potential impact of trees on underground services.	No change. Refer to a planning panel.
20	I do not support the amendment	I pay my rates and maintain my property so if I want to cut or lop a tree I should be able to do so. The proposed controls are a Council revenue raising strategy.	Imposition on private property rights	The Whitehorse Planning Scheme applies to all land in Whitehorse. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
21	I support the amendment	I agree with the trees restrictions given safety concerns to all properties nearby that will be affected.	Support	Support noted. Whilst the safety reference is unclear, the existing interim and proposed permanent SLO9 controls exempt the need for a planning permit to remove a tree that is dead, dying or dangerous, subject to Council's satisfaction.	No change. Refer to a planning panel.
22	I do not support the amendment	The proposed controls are a Council revenue raising strategy to get more money out of residents. If it was about trees and the environment it would be enforced on all properties, including those recently redeveloped. Council needs to listen to the responses and be transparent through the process.	Costs incurred by controls Imposition on private property rights Consultation process	The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The Amendment proposes to introduce permanent tree controls to protect existing and future trees that contribute to the landscape character of the municipality. The planning controls are proposed to apply all land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone and Low Density Residential Zone that is not already covered by Significant Landscape Overlay Schedules 1 to 8. It is therefore being enforced on a large number of properties across the municipality, including recently developed sites. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. As per the Know your Council website, the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Council is required to undertake the Amendment process according to the Planning and Environment Act 1987, which includes a statutory exhibition process and possible independent planning panel. This provides a transparent process through which property owners can contribute.	No change. Refer to a planning panel.
23	I do not support the amendment	Vegetation of significance on private property should be assessed on a case by case basis and put on a register, and not have a permanent [blanket] overlay. This is an unnecessary overreach of council powers into privately-held land. Focus on advocating for better public transport, roads and economic development in our municipality.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Council has already applied the Vegetation Protection Overlay (VPO) to individually significant trees assessed as part of earlier studies across the municipality. These trees constitute the "Significant Tree Register". However, the further work completed by Council as part of this amendment demonstrates that the Significant Landscape Overlay is the stronger control as it has a buildings and works requirement for a planning permit for buildings and works within 4 metres of a protected tree. The VPO does not have this requirement and the SLO is the only tool within the Victorian Planning Provisions that can protect canopy trees for their collective aesthetic value and relate to their contribution to neighbourhood character. If a planning permit application is lodged with Council, it would be assessed on its merits against the decision guidelines in the Schedule to the SLO. Comments about issues for Council to focus on are noted. It is acknowledged that Councils perform many functions, including management and implementation of the Whitehorse Planning Scheme.	No change. Refer to a planning panel.
24	I do not support the amendment	Council focus on trees that are in public land and not on private land; my land my rights!	Imposition on private property rights	The Whitehorse Planning Scheme applies to all land in Whitehorse. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
25	I support the amendment	The controls are too little, too late. For land bordering ours, 4 blocks and one opposite have completely cleared all their trees and built either 4 units or monolith houses. There are no trees left to protect. It has taken Council too long to do anything about this.	Support	Supported noted. The temporary controls came into effect on 8 February 2018. A permit may have been issued before this date however they may not have acted on the permit until recently. The proposed controls will support better outcomes for future development across residential areas in the municipality.	No change. Refer to a planning panel.
26	I do not support the amendment	It is the responsibility of the property owner to manage the vegetation on their property. Council should focus solely on areas like rubbish collection and road maintenance. It is our property that we have paid a significant price to purchase and we should have complete say on what vegetation we should have.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Comments about issues for Council to focus on are noted. It is acknowledged that Councils perform many functions, including management and implementation of the Whitehorse Planning Scheme.	No change. Refer to a planning panel.

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27	I may support the amendment if changes are made	<p>The proposed controls are unacceptable in their current form:</p> <ul style="list-style-type: none"> - Unfair to those who have a modest family income - Frequent branches falling, uneven ground, risk of root damage - Ineffective solar collection on the roof - Constant leaf and branch matter falling on the roof. <p>Request the following changes :</p> <ol style="list-style-type: none"> 1.Financial means testing for arborist reports to remove trees, permit requirements, and pruning. 2.Free service to cover pruning and ongoing maintenance. To be assessed based on risk factors such as: <ol style="list-style-type: none"> a.Family inhabitants, location of tree(s) and potential consequences. 3.Upkeep maintenance costs provided (costs removed from rates) to support ongoing tree maintenance and to cover insurance cost and increased burden in case of tree(s) falling and creating property damage. 4.Supply of additional green bin to account for additional demand on green waste created by this 'community' asset. 5.Plant more nature strip trees and permit property owners to make their own minds up about their property. 6.Improve governance around property sub-divisions and provide greater incentives to retain trees on properties. 	<p>Safety</p> <p>Costs incurred by controls</p> <p>Other comments/Assistance to land owners</p> <p>Impacts <u>of</u> development</p> <p>Imposition on private property rights</p>	<p>Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. Pruning to Australian Standards also does not require a permit. The Panel for Amendment C51 considered that it would be reasonable to ask a proponent to provide an arborist report to Council at their cost where it is unclear if a tree meets an exemption or if the tree is healthy and is proposed for removal for other reasons. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application for one tree is currently \$199.90. Council could consider allowing VicSmart applications for more than one tree. It is recognised that factors such as tree type, height and density may affect the extent of overshadowing to a rooftop solar energy facility whereby efficiency and performance is affected. The effects to solar facilities could be mitigated by a range of considerations including the siting of the system, whether a tree can be pruned, the extent to which the system can be located to protect from overshadowing and the type of solar facility. Council has an ongoing program for street tree and park planting and is committed to additional planting on Council managed land as per the Urban Forest Strategy. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The supply of green bins is for the maintenance of properties and is not intended to promote the removal of canopy trees. The other forms of assistance mentioned are also beyond the scope of the amendment. However, Council could consider other relevant programs for land owners into the future. Council's current focus in parallel with the proposed controls is the tree education program which provides incentives and advice on planting trees .</p>	No change. Refer to a planning panel.
28	I support the amendment	Preserves and improves the amenity of Whitehorse	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
29	I support the amendment	I support the amendment as long as we are still permitted to trim the branches annually to keep them off the house and out of the electrical and communication wires.	Support	Supported noted. The proposed controls allow pruning of a tree without the need to obtain a permit.	No change. Refer to a planning panel.
30	I do not support the amendment	<p>Concerned about the impact of trees in backyard on living space.</p> <p>Simplify the law or regulation to make it more practical and easier to car out, without the red tape.</p>	Imposition on private property rights	<p>The proposed controls allow pruning of a tree to Australian Standards without the need to obtain a permit. Council also advocates through its tree education program and planning permit advice, for the right tree species for the right location. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity.</p>	No change. Refer to a planning panel.
31	I may support the amendment if changes are made	<p>The tree conditions need to be considered such as:</p> <ol style="list-style-type: none"> 1. How much is the root of the tree exposed to the ground? - the tree from front yard is planted very shallow. 2. branch of the tree root and touch the house. These two reasons that lead tree felling in the future alternatively. 3. Is the tree in good and safe condition. 	Safety	<p>The matters to consider are noted. The proposed controls intend to allow for the removal of a tree that is deemed dead, dying or dangerous, without a planning permit. Council will need to know information about the tree, including evidence about the health of the tree, to determine if it is dead, dying or dangerous. If a resident is concerned that a tree is dead, dying or dangerous, it needs to be checked by Council prior to removal to determine if the tree is at risk of failing in the immediate future. In these cases, a planning permit is no required.</p>	No change. Refer to a planning panel.
32	I do not support the amendment	<p>I do not support the amendments as it will mean additional compliance costs if I wish to extend, rebuild or maintain my property in the future.</p> <p>This just seems to be another revenue collection move by Council.</p> <p>The current regulations are enough to protect trees in residential areas of Whitehorse.</p> <p>The restrictions will also affect property values upon resale, as potential bidders will need to comply with the additional regulation burdens.</p>	<p>Costs incurred by controls</p> <p>Imposition on private property rights</p> <p>Intent of controls</p> <p>Impact on property values</p>	<p>Council and the community is increasingly concerned about loss of tree canopy in the municipality, including tree removal as a result of increased density of development and development landscape outcomes. The further analysis undertaken for the <i>Municipal Wide Tree Study</i> indicates that the existing controls are not enough to protect trees now and into the future. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees that contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Property values are not generally a valid planning consideration. An alternative view is that well treed streets and neighbourhoods can command higher property values because of the character and amenity trees create. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Part 20 of the Regulations outlines where Council may wholly or in part waive the payment of a fee. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
33	I do not support the amendment	I do not support the amendments as it will mean additional compliance costs if I wish to extend, rebuild or maintain my property in the future. This just seems to be another revenue collection move by Council. The current regulations are enough to protect trees in residential areas of Whitehorse. The restrictions will also affect property values upon resale, as potential bidders will need to comply with the additional regulation burdens.	Costs incurred by controls Imposition on private property rights Intent of controls Impact on property values	Council and the community is increasingly concerned about loss of tree canopy in the municipality, including tree removal as a result of increased density of development and development landscape outcomes. The further analysis undertaken for the <i>Municipal Wide Tree Study</i> indicates that the existing controls are not enough to protect trees now and into the future. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees that contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Property values are not generally a valid planning consideration. An alternative view is that well treed streets and neighbourhoods can command higher property values because of the character and amenity trees create. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Part 20 of the Regulations outlines where Council may wholly or in part waive the payment of a fee. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
34	I do not support the amendment	I do not support the amendments as it will mean additional compliance costs if I wish to extend, rebuild or maintain my property in the future. This just seems to be another revenue collection move by Council. The current regulations are enough to protect trees in residential areas of Whitehorse. The restrictions will also affect property values upon resale, as potential bidders will need to comply with the additional regulation burdens.	Costs incurred by controls Imposition on private property rights Intent of controls Impact on property values	Council and the community is increasingly concerned about loss of tree canopy in the municipality, including tree removal as a result of increased density of development and development landscape outcomes. The further analysis undertaken for the <i>Municipal Wide Tree Study</i> indicates that the existing controls are not enough to protect trees now and into the future. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees that contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Property values are not generally a valid planning consideration. An alternative view is that well treed streets and neighbourhoods can command higher property values because of the character and amenity trees create. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Part 20 of the Regulations outlines where Council may wholly or in part waive the payment of a fee. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
35	I do not support the amendment	I do not support the amendments as it will mean additional compliance costs if I wish to extend, rebuild or maintain my property in the future. This just seems to be another revenue collection move by Council. The current regulations are enough to protect trees in residential areas of Whitehorse. The restrictions will also affect property values upon resale, as potential bidders will need to comply with the additional regulation burdens.	Costs incurred by controls Imposition on private property rights Intent of controls Impact on property values	Council and the community is increasingly concerned about loss of tree canopy in the municipality, including tree removal as a result of increased density of development and development landscape outcomes. The further analysis undertaken for the <i>Municipal Wide Tree Study</i> indicates that the existing controls are not enough to protect trees now and into the future. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees that contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Property values are not generally a valid planning consideration. An alternative view is that well treed streets and neighbourhoods can command higher property values because of the character and amenity trees create. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Part 20 of the Regulations outlines where Council may wholly or in part waive the payment of a fee. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
36	I do not support the amendment	We have purchased the property in Box Hill South for subdivision purposes. We plan to build two townhouses on the land and the amendment wasn't in place when we first bought the property. Concerned about the impact of the proposed controls on future development plans for the land and that development will be prohibited. Need to make development for housing growth easier.	Imposition on private property rights Impact on development	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
37	I do not support the amendment	No permit should be required to remove a tree up to 10 metres from the wall of an existing house & an in ground swimming pool. 3 metres is not an adequate distance. Tree roots can extend far more than 3 metres and cause damage (Example of Eucalypt within 5 metres of a swimming pool that caused extensive and costly damage). Gum/Eucalyptus & Liquid Amber species SHOULD be exempt from a planning permit. These trees are suited to parkland not the high density living.	Safety Change to controls/Exempt species & distance from dwelling and pool	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. This distance also assists residents, developers and applicants on adequate separation from buildings for new tree planting. It is not recommended that this exemption be modified. The tree species mentioned provide valuable benefits to the community and are not recommended to be exempt. If they were deemed dead, dying or dangerous they could be removed without a permit.	No change. Refer to a planning panel.
38	I support the amendment	To make our community safe and clean	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
39	I do not support the amendment	Nunawading and Mitcham are already both high demand suburbs and the affordability is decreasing every year. Concerned about the impact of the proposed controls on the development capacity of land for housing / more living space for family and children.	Imposition on private property rights Impact on development	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
40	I do not support the amendment	I love the idea of protecting trees, but cutting them down just because they do not meet your criteria is stupid. (Most trees do not meet your criteria anyway.) "A tree that is less than 3 meters from the wall of an existing house" will be removed. Has it ever occurred to you that some houses don't have a big enough backyard to plant a tree 3.01 meters away from an existing house. The trees are on private property, why does it matter to you? Some of the trees planted may have a deep meaning to a person. For instance a person could have planted, watered, cared for, pruned and watched a fruit tree grow. Only after 10 years did it bore its first blush of peaches. How cruel of you to just swing by, cut it down and leave! All that hard work gone. :(Cutting down trees can increase the rate of global warming. Global warming is a big real problem that we need to work together to fix. Trees can't control the way they grow and shape. Just let the trees be! :)	Intent of controls	The proposed tree protection controls do not advocate for cutting trees down, they propose to introduce permanent tree protection controls to protect existing and future trees that contribute to the landscape character of the municipality. Instead the proposed tree protection controls allow trees to be removed in certain circumstances without the need to obtain a planning permit, for example if a tree is less than 3 metres from an existing dwelling, but the exemptions do not force the landowner to remove the tree. Tree preservation is important on private land as well as public land as it contributes to the neighbourhood character. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character.	No change. Refer to a planning panel.
41	I do not support the amendment	Concerned about the impact of the proposed controls on development which will affect Whitehorse city council's economy and construction jobs.	Impact on development	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
42	I do not support the amendment	Concerned about the impact of the proposed controls on development which will affect our economy.	Impact on development	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
43	I support the amendment	We expect our built environment to last a long time. This is reflected in the National Construction Code which has a requirement for homes and officers to be built with a minimum design life of 50 years. Our climate is warming (https://www.climatechangeinaustralia.gov.au/en/) which is making heatwaves worse. Heatwaves are Australia's deadliest natural hazards (https://www.abc.net.au/news/2018-01-18/heatwaves-australias-deadliest-hazard-why-you-need-plan/9338918). Urban greening, and in particular, large canopy trees, are important for providing urban cooling and minimising the impact of heatwaves.	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
44	Supports the amendment	Council doesn't care about inappropriate development or the environment; it is only concerned about increasing rates revenue. Council approves too many multi-unit developments that are too intense and remove important garden space, without safeguarding the environment, resident amenity and streetscape character. Council should stop planting privet in the nature strip and stop allowing the burning of solid fuel	Other comments	Support as well as the concerns about multi-unit development in the municipality are noted. Council is concerned about ongoing incremental loss of canopy trees that will diminish the city's character, liveability and ecological sustainability. Trees are considered an integral aspect of the character within the City of Whitehorse. Council is also concerned about development outcomes and assesses planning permit applications against the planning scheme requirements and decision guidelines. The comments about Privet being planted in the nature strips have been referred to Council's ParksWide department. Burning of solid fuel has been referred to our Sustainability team.	No change. Refer to a planning panel.
45	Not clearly specified	A permit should not be required for non-native trees (particularly all types of <i>Pittosporum</i>) and especially where there is an intention to replace with a native tree	Changes to controls	Non-native trees provide benefit, but if the intention was to plant a native tree/s in place of an exotic, the planning permit process may support that process while providing checks and balances to ensure that appropriate replacement planting did occur. Regarding the species of <i>pittosporum</i> mentioned (<i>Pittosporum tenuifolium</i>), this is not in the exemption list as it is not invasive and in some gardens may be the only shade cover. No change is recommended for the controls.	No change. Refer to a planning panel.
46	Not clearly specified	Expand list of exempt trees to include trees only suitable for Botanical Gardens, in particular Morton Bay Fig trees. These are particularly destructive trees and 3 metres from a building will not protect a house.	Changes to the controls	Morton Bay figs would be an unusual species to find in urban gardens and it would be inappropriate to have one within 3m of a house. If a resident applied to have one removed the SLO9 provides a check of the context and the replacement tree. If a Morton Bay fig germinated in a garden, the owner would have years to remove it before it would reach the threshold size to trigger a planning permit. No change is recommended to the weed list.	No change. Refer to a planning panel.
47	I do not support the amendment	Removal of property owners rights to manage their own garden. Council should be proactive and encourage rate payers to Green the City by planting indigenous trees and manage them as they see fit. The amendment will discourage people from planting or allowing trees to reach the threshold size. Believes Council will be accepting responsibility for any damage done to life or property should a branch or tree fall.	Imposition on private property rights Other comments Intent of controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land. Trees on private property are however the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Council's tree education program provides incentives and advice on planting trees, including indigenous landscapes. Visit Council's web site at: https://www.whitehorse.vic.gov.au/waste-environment/trees-and-gardens	No change. Refer to a planning panel.
48	Not clearly specified	Lengthy timeframe and high cost to remove trees, especially the arborist report at an additional \$1,500 for 2 trees. Duplication in process with applicant getting arborist report and then Council's arborist also checking trees	Costs incurred by controls Other comments/planning process for tree removal	If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. Council has undertaken a benchmarking exercise with local arborists who advise that an arborist report is on average around \$500 - \$600 for one tree, with any additional trees being charged from \$25 to \$100. The role of Council's arborist is to undertake an assessment of an application. Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.
49	I may support the amendment if changes are made	Acknowledges the desire to protect trees from inappropriate development, but residents should not be prevented from carrying out appropriate works Supportive, but only if application fees are not imposed for tree works on health and safety grounds / where a tree is dead, dying or has become dangerous. Questions regarding: - Can branches be trimmed? - Who determines the health of large trees? - Are there fees for tree removal where the tree is unhealthy or is a perceived risk? - Can Council compel neighbouring properties to take action to manage a tree?	Costs incurred by controls	If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. Council could investigate undertaking arborist assessments for single trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. Tree branches can be pruned without the need for a planning permit. Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and therefore it is the responsibility of the landowner to arrange inspections of large trees to determine their health. If a tree is dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Concerns about trees on neighbouring properties is a civil matter and Council would recommend the submitter discussing the concerns with the neighbouring property owner. Council can only inspect trees on neighbouring properties with the landowners permission and cannot compel property owners to manage their trees.	No change. Refer to a planning panel.
50	Support	Support the amendment, but permit fees should not be high.	Costs incurred by controls	Support noted. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. Council could investigate undertaking arborist assessments for single trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
51	Support	Acknowledges the benefits of protecting tree canopy. Concerned about residents incurring the cost to protect trees for the wider community benefit and the benefit of moonscaped sites. Council should offer financial support to residents, for example, a partial reimbursement of costs to care for trees or a rate rebate, funded by a surcharge on properties that have been moonscaped.	Costs incurred by controls	Support noted. It is acknowledged that there are sites in the municipality that have been moonscaped and sites that have had permits approved prior to the introduction of SLO9 on 8 February 2018, that are yet to be constructed. Those pre-existing approvals remain valid. The proposed controls will apply to all residential land that is not already covered by a permanent SLO with the intent to achieve better tree canopy outcomes in developments. Suggestions to offset the costs to residents for protecting trees are noted, but are beyond the scope of the amendment process.	No change. Refer to a planning panel.
52	Supports the amendment but seeks changes	Supports protecting large trees, however, Council should control the size of trees in residential areas as they affect house structure. It is costly to manage trees that affect drains and that overhang rooflines	Other comments Costs incurred by controls	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The Planning Scheme requires the provision of trees for new developments and replanting of trees where retention isn't possible. Through this process, Council can assess if the right tree is proposed in the right location to avoid impact on structures in the future. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit subject to Council's satisfaction. Pruning to Australian Standards can also be undertaken without a planning permit.	No change. Refer to a planning panel.
53	Not clearly specified	Does not believe that Amendment applies to their property because there are no trees that meet the threshold size. A bigger problem exists with the trees that Council is responsible for that over hang our roads, occupy nature strips and the amount of debris that accumulates on our properties (which we have to clean up) and in the gutters that block drains.	Intent of controls	The proposed controls intend to protect existing larger canopy trees, as well as future/establishing trees, that form part of the landscape and neighbourhood character. Whilst there may be no canopy trees currently on your property, there may be trees into the future that are protected by the proposed controls. Therefore Amendment C219 applies in a 'blanket' manner to all residential properties not currently affected by an existing permanent SLO. The proposed tree controls are not addressing Council trees, which are managed and maintained in accordance with established Council policy and practices.	No change. Refer to a planning panel.
54	Support	It is clear that temperatures have been steadily rising in Whitehorse since the 1970s (rainfall has been steadily declining) and trees play a vital role in heat mitigation. Concerned that new large dwellings and multi-unit developments at increased site coverage are replacing former garden space and removing trees. Wants to know the site coverage regulations that apply.	Support	Support noted. Most of Council's local schedules to the land use zones in the Whitehorse Planning Scheme include a percentage of site coverage. The site area covered by buildings in most areas zoned General Residential should not exceed 50%.	No change. Refer to a planning panel.
55	I support the amendment	Supports regulations for removal of large trees and provision of 'more green areas'	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
56	I do not support the amendment	Tree has caused damage to drains and gutters. Should be able to remove a tree that is causing damage to property or individuals in any way.	Imposition on private property rights	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Pruning to Australian Standards can also be undertaken without a planning permit.	No change. Refer to a planning panel.
57	I do not support the amendment	Tree has caused costly damage to stormwater drains. Should be able to remove a tree that is causing damage to property or individuals in any way.	Imposition on private property rights	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Pruning to Australian Standards can also be undertaken without a planning permit.	No change. Refer to a planning panel.
58	I do not support the amendment	Council needs to consider land owner's interest. Protect trees on reserves or parkland but not on residential land which is for housing. Need a faster, simpler and cheaper way for land owners to remove trees to build their home, especially for single dwelling rebuilds. Costs associated with the planning permit application are too expensive. Trees within the building envelope should be permitted to be removed without any approval.	Costs incurred by controls Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. If the amendment is approved, every development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The Regulations set fees in fee units which are adjusted each year by the State Treasurer. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90 which reduces the cost and administrative burden. Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.
59	I may support the amendment if changes are made	The changes are too restrictive and put unnecessary burden and restriction on the use of land. If a person wishes to remove a tree they should be able to do so. It is their property and their to use as they see fit. Remove the significant landscape overlays	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits.	No change. Refer to a planning panel.
60	I may support the amendment if changes are made	As trees provide cooling, neighbourhood character and homes for wildlife they are of paramount importance. What has been in place under the SLO9 should not be 'watered down.' A permit should still be required to: - remove a tree less than 3 m from a wall of existing house, unless roots are causing damage. - remove an environmental weed, because it still provides habitat for local wild life and it takes a long time for something to grow to replacement size. - prune a tree which for ornamentally shaping. There are some awful examples of pruning which has lead to the intentional death of trees. Concerned about private arborists determining the worth of any tree in the municipality, because they are often aligned with the developers. Council should make the decision, because they are best placed to understand the intentions of SLOs. Fines for breaking the law should be significantly increased and be part of this amendment.	Changes to the controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified. Comments regarding environmental weeds and pruning are noted however this is consistent with some other SLO controls. It is considered unreasonable to require a planning permit for pruning to Australian Standards. Council does assess the applications for tree removal; private arborists prepare the information on behalf of an applicant to support the tree removal. This information is assessed by Council before a decision is made. Council has consistently advocated for an increase in fines for illegal tree removal, which is currently set by the State Government.	No change. Refer to a planning panel.
61	I do not support the amendment	There are large trees around my house in my neighbour's yard that may fall during high wind. The neighbour should be allow to remove the tree to prevent damages to his or my properties. Roots from large trees could cause damages to footpaths and gutters.	Imposition on private property rights	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
62	Oppose the amendment	The land owner should be able to decide whether to plant trees on their land or not, including on the nature strip. Suggests Council could then be authorised to act on behalf of the land owner for the adjoining nature strip, but that the landowner should be able to revoke this authorisation for medical and religious reasons. The Council can then decide on the type of street tree to be planted.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The submitter's comments about nature strips are not relevant to the amendment. It is common practice for residents in the adjacent property to maintain the nature strip by lawn mowing and weeding. Established Council policy and practices guide street tree planting and management.	No change. Refer to a planning panel.
63	I do not support the amendment	Do not include property in the SLO9 as there are no big trees on the land and have plans to renovate or subdivide in the future	Intent of control	The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. Whilst there may be no canopy trees currently on your property, there may be trees into the future that are protected by the proposed controls. Therefore Amendment C219 applies in a 'blanket' manner to all residential properties not currently affected by an existing permanent SLO.	No change. Refer to a planning panel.
64	Supports the amendment but seeks changes	Commends Council on the amendment, but there are too many trees lost already. Concerned that there are many exemptions that will be open to abuse by developers (and individuals) to moonscape lots. Does not support the following exemptions: - trees within 3 metres of a house or in-ground pool. There are many trees that do not interfere with these structures. - a tree that may require separate approval to remove, destroy or lop as part of an existing building permit. - the removal of trees claimed to be 'dead, dying or dangerous' What Council scrutiny is proposed in terms of permit application and approval? - environmental weeds. These should require a permit to avoid any unintentional errors. Weed species should be required to be replaced with non-weed species to make up for lost canopy. - Permit trigger for tree circumference should be the same as existing SLO areas / 50cm The exemptions require further explanation	Changes to the controls Intent of controls	A distance of 3m aligns SLO9 with the Tree Conservation Policy at Clause 22.04. It is recommended to apply in SLO9 to protect assets such as building foundations and in ground swimming pools. The additional analysis also recommended exemptions to the amendment to make it clear they do not authorise the removal of a tree to be retained or planted in accordance with an existing planning permit condition or landscape plan. Council's enforcement team inspect trees to ensure they are dead, dying or dangerous. VCAT has generally not attributed retention value to environmental weeds and Council actively discourages their planting, therefore the controls propose to exempt trees identified as environmental weeds. If residents are wanting to remove an environmental weed, they should document the species for reference. When then Minister for Planning approved Amendment C191 he increased the trunk circumference from 0.5 metres to 1.0m. Part 2 of the Municipal Tree Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. The decision guidelines contained in SLO9 requires council to consider the tree and its context during the assessment process.	No change. Refer to a planning panel.
65	Oppose the amendment	Preventing people from managing the trees on private property, will have affects on land values and on future tree planting. It would be better to allocate green space in new development and allow owners to plant trees, without the proposed restrictions. The proposed controls and application process will create unwanted redtape. Compensation should be due to people for the loss to landowners as a result of the controls and will seek legal advice	Imposition of private property rights Intent of controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The Planning Scheme requires the allocation of private open space for new developments to allow for the planting of canopy trees. The Planning Scheme also requires the application of the garden area requirement in the NRZ and GRZ - which is a percentage of the lot that must be set aside to ensure the garden character of suburbs is protected.	No change. Refer to a planning panel.
66	I may support the amendment if changes are made	Add to the list of exemptions: A tree on the boundary of a property whose growth over time has led to significant interference with the boundary fence and/or is causing, or may cause, damage to the neighbouring property or is interfering with the neighbour's quiet enjoyment of their property. Should be able to pursue removal of the tree so that the property boundary fence can be returned to its rightful position. We would like Council to inspect our property to understand the significant interference to our boundary fence	Changes to the controls	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Subject to obtaining planning approval under the interim SLO9, this is a matter for the two neighbours to resolve.	No change. Refer to a planning panel.
67	I do not support the amendment	I do not like too many trees in my garden because it attracts wildlife.	Intent of control	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
68	I do not support the amendment	Landlords should have the right to remove tree on their properties	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity.	No change. Refer to a planning panel.
69	I do not support the amendment	I do not support the amendment to restrict my ability to trim the trees on my property when required.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Pruning of trees to Australian Standards can also be undertaken without a planning permit.	No change. Refer to a planning panel.
70	I support the amendment	I strongly support this amendment to preserve the leafy character of these suburbs. Please ensure that permit applications are not used to circumvent the general intent of this change.	Support	Support noted. No further comment required. Decision guidelines in the proposed controls guide the outcome of applications for tree removal.	No change. Refer to a planning panel.
71	I support the amendment	Support older trees being protected	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
72	I may support the amendment if changes are made	Our home is affected by this amendment and the tree in the property is close existing wall of the property less than a meter and weed species. Please consider exempting this tree.	Changes to the controls	No change required. Trees within 3 metres of a dwelling are already proposed to be exempt from the need for a planning permit under Amendment C219.	No change. Refer to a planning panel.
73	I do not support the amendment	I do not feel it is fair	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
74	Support	I agree with the amendment proposal of making the suggested environmental weeds exempt from needing a permit to remove, destroy or lop.	Support	Support noted. No further comment required.	No change. Refer to a planning panel.
75	I may support the amendment if changes are made	The penalty for unauthorised tree removal is too soft. Developers in the area are building 3 or 4 units on single block and are making millions in profit. Need greater fines and enforcement for tree removal. The 3 meter exemption should be changed to 2.5 meters, unless the tree is adversely affecting the property. There is loss of identity of the area as so many of our old homes have been demolished to make way for new very similar looking units. At some point the area needs to stop new development and preserve older attractive homes as we're at risk of looking like a vast modern display home area without much character.	Changes to the controls Other comments	The overlay will enable Council to take enforcement action should vegetation be removed without the appropriate approval, however the fines for unauthorised tree removal is set by the State Government, not Council. Council has consistently advocated for an increase in fines for illegal tree removal. The maximum penalty that can apply is 1200 penalty units, and a penalty unit is currently \$165.22, therefore the maximum fine at the Magistrates Court for illegal tree removal is \$198, 264. Council has an enforcement team that takes action if it can be determined that vegetation has been removed without the appropriate approval. Council had also previously allocated funding in its budget to appoint additional arborists and enforcement officers for monitoring and enforcement. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.	No change. Refer to a planning panel.
76	I do not support the amendment	Has a small backyard with its north blocked by neighbour's growing tall trees causing inadequate sun light to my backyard. The amendment will make this worse and is unfair to me.	Imposition on private property rights	All large trees require maintenance. A permit can be applied for to remove a tree/s and this is considered by Council on its merits and against the requirements of the Whitehorse Planning Scheme. Council encourages landowners to talk to their neighbours if there are concerns about trees on adjoining properties. Landowners are permitted to prune a tree to Australian Standards back to the fence line without a permit.	No change. Refer to a planning panel.
77	Not clearly specified	Council should review permits in less than 4 weeks, main delay appears to be with the arborist. Owners should be allowed to remove any trees from their property provided a specific tree is planted on their property or elsewhere, in specific areas established by Council.	Imposition on private property rights	If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. If tree removal is part of a larger permit application then Council has 60 statutory days to determine the application.	No change. Refer to a planning panel.
78	Does not support the amendment	On private property we need to consider and respect the on-going maintenance and destruction trees cause. Trees along with their branches, their leaves and especially their root systems cause significant problems in particular to plumbing. Acorns all over my driveway and as a result of my cars driving over them, has stripped the surface of my driveway. Planning permits are an opportunity for our local council to increase revenue and not necessarily protect the local landscape	Imposition on private property rights Costs incurred by controls Intent of controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
79	Does not support the amendment	Wants to have the right to remove trees in their backyard at any time. Concerned about a large tree on the property and risk of failure in high winds.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.	No change. Refer to a planning panel.
80	Does not support the amendment	Concerned about root damage to drainage or water pipes causing water leaks. Need to include this as an exemption.	Imposition on private property rights Change to controls	All large trees require maintenance to ensure they are not dangerous. SLO9 does not prevent land owners / residents from undertaking such maintenance. If the tree is considered to be a risk, a permit to remove it can be applied for and considered by Council.	No change. Refer to a planning panel.
81	I do not support the amendment	The amendment is: - An'over the top' solution to a problem that doesn't exist - Unreasonable, unjust and unnecessary - Places an unnecessary financial burden on residents - About raising more revenue - Designed to discourage submissions Abandon the amendment	Imposition on private property rights Costs incurred by controls	Responses to these concerns are covered above: Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90. Council could investigate undertaking arborist assessments for single trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
82	Supports the amendment	Support of the proposed exemption from the need for a planning permit to remove, destroy or lop a tree species designated as an environmental weed	Support	Support noted. No further comment required	No change. Refer to a planning panel.
83	I do not support the amendment	Amendment is unfair as it fails to consider the preferences of residents who have planted trees for their enjoyment Amendment denies long term residents existing use rights to manage their gardens in the way they have previously Is unfair as it punishes residents who have planted trees and rewards residents who have no trees - deprives residents ownership rights over their trees and imposes an embargo on approx. 30sqm of land around each trees Council has denied residents natural justice with the failure to consultation and ministerial inventions Exemptions should be where a resident has planted the subject tree, has more trees on their property than would be required for a new development, is not a developer, and wishes for to remove a tree/s for personal reasons.	Imposition on private property rights Other comments	Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. Council is required to undertake a planning scheme amendment according to the Planning and Environment Act 1987 which requires the amendment to be placed on public exhibition for at least 1 calendar month. This allows for consultation with residents. The interim controls were introduced under Section 20(4) of the Act which is a commonly used path for proposed controls where protection of features is being sought while the permanent controls proceed through a normal amendment process.	No change. Refer to a planning panel.
84	I do not support the amendment	In the event of when permits haven't been granted for tree removal or lopping, there is no reference to the council taking total responsibility and liability should an incident occur when trees have caused damage to private property, injury, reduced solar panels efficiency and pose a public health and safety risk. Permits have been refused in the past when safety concerns have been raised. Tall trees aren't suitable in residential areas and trees over 15ft are for parks and forests, not residential back yards. If council wants to introduce this amendment to trees over 15ft they should be responsible for all damage caused by these trees regardless of whether they've been certified as safe.	Safety	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit.	No change. Refer to a planning panel.
85	I do not support the amendment	If its very big, old & rare tree then we should not remove it. For small & medium size trees, why we are increasing the process which will include both time and money.	Costs incurred by controls	If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
86	I may support the amendment if changes are made	<p>The tree controls are overly zealous and are resulting in poor policy practice and counter-productive outcomes. The current SLO9 is not functioning as intended. It is flawed, perverse and not achieving intended outcomes.</p> <p>Key concerns with the process for tree removal under the current interim SLO9:</p> <ol style="list-style-type: none"> 1. Trees assessed as being in poor condition including arborist report (\$1,000), still required 3 month advertising period, causing unreasonable delay. 2. Weed species still need a permit and advertising to be removed. Inclusion of exempt environmental weeds in Amendment C219 is therefore welcomed. 3. The VicSmart process is being used to apply for multiple individual tree removal applications to circumvent advertising processes, collectively adding up to the same fee as a single 'standard' application. 4. The unworkable timeframe for removal of the tree/s (3 months), incurred an additional fee of \$330 per permit to extend them. The process is just revenue raising and a disincentive for residents. 5. The process inhibits residents from fully engaging with their properties to develop healthy, environmentally-designed gardens. <p>Suggested changes:</p> <ol style="list-style-type: none"> 1. The Banyule tree threshold measure 12 metres high or circumference of 400mm at 1.4 metres from the base of the tree is more realistic and would protect trees 2. Trees assessed by an arborist of poor health, structure and/or low amenity should be exempt. 3. Trees that impact on the amenity of a dwelling, for example by dropping debris should be exempt subject to an enforceable agreement to replant. 4. Any trees on a property should be able to be removed subject to an enforceable agreement with Council to replant. 5. Reduce the cost of permits 6. VicSmart applications to remove multiple trees should be charged as one permit. 	Changes to the controls	<p>The concerns about the intent v practical outcome of the tree controls is noted.</p> <p>A benchmarking exercise undertaken for the Municipal Tree Study has shown that canopy trees at 5-6m in height, become visible in the streetscape and begin to contribute to the neighbourhood character. The Banyule thresholds are reflective of the vegetation in the local area, which is typified by an overstorey on taller, native trees. Part 2 of the Municipal Tree Study analysed the 5 metre height and/or 1 metre circumference triggers and concluded that both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p> <p>Trees which are assessed (to Council's satisfaction) as being dead, dying or dangerous do not require a planning permit. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation, including sweeping of leaves. The amenity of a tree can be subjective. The decision guidelines consider the contribution of the tree to the neighbourhood character and landscape, the cumulative contribution the tree makes with other vegetation and the impact of the incremental loss of trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for planning applications. The permit issued for the removal of trees at this property required works to be completed within 6 months and replacement trees to be replanted within 3 months of the tree removal. It is possible to allow the removal of more than 1 tree per VicSmart application, under the local provisions in the Planning Scheme. It is recommended that this be explored further. The Know your Council website shows that the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.</p>	No change. Refer to a planning panel.
87	Support the amendment	<p>So long as when the tree is mature, it does not pose a threat to my property in storms.</p> <p>Council needs to prune the tree regularly and consult with the property owners prior to planting. The tree planted leaves a lot of mess in autumn, which we are left to clean up.</p>	Safety	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit.</p> <p>This submission appears to be referring to a tree planted by Council which would be a street tree or a tree in a park.</p>	No change. Refer to a planning panel.
88	Support the amendment	<p>"Delighted by this initiative". Concerns include:</p> <ul style="list-style-type: none"> • That the proposed tree trunk circumference should be the same as for the existing SLO areas, that is, a 50+ cm rather than 1 metre • That a permit should be required to remove a tree that is less than three metres from the wall of an existing house or an inground swimming pool • For a canopy tree to grow properly it needs sufficient space and 35 square metres is not enough • The 'dead, dying and dangerous' provision has frequently been abused by developers and owners in the past. This needs close supervision. • The term 'environmental weeds' is too broad. Determination of a weed species needs to be through a permit process and the replacement needs to be specified as indigenous, specified canopy trees etc. • More staff will be needed to police these new requirements 	Support Changes to the controls	<p>When then Minister for Planning approved Amendment C191 he increased the trunk circumference from 0.5 metres to 1.0m. Part 2 of the Municipal Tree Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. An exemption of trees within 3 metres was recommended to remove trees which may be inappropriately located relative to assets such as building foundations or an inground pool. This is consistent with Council's Tree Conservation Policy and is consistent with exemptions in neighbouring municipalities. The Tree Conservation Policy at Clause 22.04 contains a provision a minimum planting area (to establish new trees) of 50m². These provisions were intended to apply to the pre-existing SLOs (1 - 8) due to the nature of the Bush Environment neighbourhood area covered by SLO1-8 and are not appropriate for the areas proposed to be covered by SLO9 (Bush Suburban and Garden Suburban neighbourhood character areas) due to the prevailing lot sizes, setbacks and potential for more growth and change. The decision guidelines in SLO9 require council to consider the appropriate area for a new tree, including whether the planning location will enable the future growth of the canopy and root system to maturity. The "dead, dying or dangerous" provision requires the tree to be assessed by Council's enforcement team. The proposed weeds list is based on the species propensity to dominate or threaten indigenous flora. Council provides a list of suitable replacement trees which is based on the context of the site. Council is resourced to assess additional permits as required. Council included funding in recent budgets for additional arborists and planning enforcement staff.</p>	No change. Refer to a planning panel.
89	I support the amendment	<p>Trees are very important for the development of the entire community.</p> <p>I also hope that the council can have some flexibility on tree control. For example, to rebuild or expand current houses, by allowing the owners to move the trees or replant new trees.</p> <p>We can balance the tree protection and living conditions improvement, thereby benefit the entire community.</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
90	I do not support the amendment	<p>The controls will make housing more expensive to build and unaffordable.</p> <p>Tree protection should only be in the neighbourhood residential zone.</p> <p>Concerned about the roots of big trees damaging the drainage and the structure of the house.</p>	Safety Intent of controls	<p>The Planning Scheme requires the allocation of private open space for new developments to allow for the planting of canopy trees. The Planning Scheme also requires the application of the garden area requirement in the NRZ and GRZ - which is a percentage of the lot that must be set aside to ensure the garden character of suburbs is protected. The <i>Municipal Tree Study</i> further analysis demonstrates that tree protection under the SLO can be achieved within this area.</p> <p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation.</p> <p>Amendment C219 proposes to exempt trees within 3 metres of a house from needing a planning permit.</p>	No change. Refer to a planning panel.
91	I support the amendment	<p>Has noticed a steady loss of tree coverage, to the detriment of the amenity of the suburb, particularly when "rebuilt" are done very few trees, if any, replace what was there.</p> <p>The challenge is how will the council enforce / educate / encourage this policy to be followed? Many new rebuilds seem to exceed 30% permeability, yet nothing is done.</p>	Support	<p>Support noted.</p> <p>Regarding site permeability, in local schedule 3 of the General Residential Zone, the site area covered by the pervious surfaces should be at least 30%. The Victorian Planning System allows for discretion on this matter at Clause 55.03-4 of the planning scheme.</p>	No change. Refer to a planning panel.
92	I do not support the amendment	<p>When researching specific property to purchase the fact the SLO ended close to my property but my property was not covered but it was a key reason I purchased it.</p> <p>I would like to make my own choices on the overall garden and landscape of my property.</p>	Imposition on private property rights	<p>Responses to these concerns are covered above.</p> <p>Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character.</p>	No change. Refer to a planning panel.

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93	I do not support the amendment	Understands the importance of trees to our environment, however concerns include: -The cost to re- landscape a property with permits needed for every tree over 3 metres will be unmanageable. We should not need a permit to remove/replace trees which are not 'significant'. -This looks like a money grab from council. -Believes the amendment it will actually lead to less canopy trees as residents (aware of permits/costs/hassle) will only plant smaller shrubs or remove / replace trees getting close to permit restriction size. Council should stop over regulation and removing the freedoms of property owners	Costs incurred by controls Intent of controls Imposition on private property rights	The Amendment proposed to introduce the need for a planning permit for trees 5m high or greater and/or with a trunk circumference of 1m or greater at 1m above the ground - therefore it is not trees from 3m high. Responses to the submitter's other concerns are included above.	No change. Refer to a planning panel.
94	I may support the amendment if changes are made	Seeks exemptions for large gum trees that located near and over houses. Residents should be able to cut down the trees for the safety of those who live close to, or under, them.	Safety	The proposed controls intend to allow for the removal of a tree that is deemed dead, dying or dangerous, without a planning permit. Council will need to know information about the tree, including evidence about the health of the tree, to determine if it is dead, dying or dangerous. The tree can be checked by Council's arborist to determine if the tree poses an immediate risk.	No change. Refer to a planning panel.
95	I do not support the amendment	Should put the controls to a democratic. Vote rather than force the controls on everyone.	Other comments	The Planning and Environment Act 1987 outlines the statutory process Council must undertake if it wants to make changes to the Whitehorse Planning Scheme. The process includes an exhibition period of at least 1 calendar month which allows for residents to provide feedback on the proposed Amendment. There is no process which allows for residents to vote on changes to the planning scheme, instead they are able to participate in the statutory amendment process.	No change. Refer to a planning panel.
96	I do not support the amendment	Council's protection of dangerous large gum trees and other trees which are causing ongoing damage to footpaths and potentially to homes, and dropping debris, defies sensible logic. Protecting the environment is important but this measure is completely over the top. There are more pressing issues. This amendment means that I am unable to have a tree removed which is very close to boundary fence and continually drops leaves over the fence onto a paved area. There is more than enough vegetation and other trees where this tree is located, which would mean that the area is not affected from a environmental point of view. .	Imposition on private property rights Intent of controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction. Pruning to Australian Standards can also be undertaken without a planning permit. The proposed control does not mean that a tree cannot be removed; rather, it means that a planning permit would be required if a tree does not meet the specified exemptions. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days.	No change. Refer to a planning panel.
97	Support the amendment	Development is seeing an unprecedented amount of trees removed in Whitehorse which is undermining local garden neighbourhood character. The Planning Scheme does not allow for developments to plant large significant trees with enough space to reach full potential. Need large trees and a complete range of vegetation levels to provide habitat and refuge for birds and other wildlife Melbourne is experiencing increasing temperatures; need to increase canopy cover and permeable surfaces to keep Whitehorse a cooler place to live.	Support	Supported noted.	No change. Refer to a planning panel.
98	Support the Amendment	Have been very dismayed to see how many trees have been felled in Box Hill North and blocks moonscaped for the housing developments. The proposed controls will help maintain all the benefits trees provide to neighbourhoods.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
99	Oppose the amendment	Takes away freedom of residents to remove trees that are the result of inappropriate planting many years ago Believes proposal has come about as a result of Councils allow developers to completely clear blocks Supports harsh restrictions on all developers but does not support harsh restrictions being place on residents	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The proposed controls are intended to apply to all land within the residential zones that are not already covered by SLO1-8, thereby applying to all landowners who may choose to alter or develop their properties. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties.	No change. Refer to a planning panel.
100	Not clearly specified	On behalf of Yarra Trams - there is some ambiguity in the proposed planning scheme; for example tram assets are separately defined to "Utility Installations" for which the exemptions are proposed, in the planning scheme. To avoid doubt, Yarra Trams requests that Council consider language that aims to protect the maintenance of the safe and efficient function of "Tramways", as one of the functions for which a permit is not required for removal, destruction or lopping of a tree. "Tramways" is a defined term in the Planning Scheme, and the main assets which are most likely to lead to the need to manage vegetation fall on land associated with the tramways, so would normally fall into the definition	Change to the controls	Majority of tram infrastructure would be located in a Road Zone or other non-residential zoned land where the proposed controls do not apply and there are existing exemptions proposed for powerlines and public utilities. However tramways is a defined term within the Planning Scheme and has assets which may require the need to manage vegetation. Most bus layover areas are located underground or within land not affected by the proposed controls. However works associated with bus and tram operations can include platforms, tram track and overhead infrastructure, roadway alternations including kerbing, awnings, street furniture, driver facilities and substations. Some of these may be located on land that is proposed to be covered by SLO9. Therefore it is proposed to include the following exemption: "The removal, destruction or lopping of a tree to the minimum extent necessary to maintain the safe and efficient function of existing on road public transport network (including tramways) to the satisfaction of the Department of Transport". By exempting existing on road network, this means any future/proposed works will require consideration by Council.	Change proposed.
101	Oppose the amendment	Council is naively thinking homeowner's insurance will cover any damage from trees. Council is hypocritical in exempting itself from the need for a permit Concerned about the risk associated with inappropriate large gum trees to property and life, and the certain liability and legal action that will be associated with them. Should be allowed to have the tree removed. Council is not genuine about protecting tree canopy when it approves 120 metre high reflective high rise apartments. Neighbours tree roots can damage a buildings Implementation of amendment will eventually cause a lot of expense and time for Council which will paid for by the public	Imposition on private property rights Safety Costs incurred by controls	In addition to the responses above about property owners being responsible for trees on their property and the intent of the amendment, the proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.	No change. Refer to a planning panel.
102	Oppose the amendment	Council or adjoining residents do not own trees on properties they don't own; they do not pay to maintain and nurture the trees If Council wishes to enforce landscape overlays, they should maintain the trees and take the full responsibility of the trees. Council is not leading by example with its own street trees when replacements are only saplings.	Imposition on private property rights	As noted above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the landowner to maintain his/her property and minimise any risk from the vegetation.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
103	Support	Support the councils' intent to protect large established (significant) trees within Whitehorse. Requests the following changes: Increase the threshold tree height to 8 - 10 metres and replace the 'and/or' condition with 'and' (5m height includes many shrubs/bushes). Include Oleander in the Environmental Weed list.	Support Changes to the controls	A benchmarking exercise undertaken for the Municipal Tree Study has shown that canopy trees at 5-6m in height, become visible in the streetscape and begin to contribute to the neighbourhood character. Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. Oleander is not considered a very high risk environmental weed and is only grows to 4m. It is not recommended to add this to the environmental weed list.	No change. Refer to a planning panel.
104	Support	Support the recognition of the important role canopy tree vegetation has to the broader community. Supports the endeavour to apply appropriate planning scheme provisions in order to protect existing an established canopy trees in residential areas.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
105	I may support the amendment if changes are made	Add Scotch [and] broom to the environmental weed list. Broom seeds are toxic for humans and livestock.	Changes to the controls	These are both shrubs rather than canopy trees. This process is aimed at protecting canopy trees rather than weed management. Council is responsible for managing noxious weeds on land that it manages under the CaLP Act, not enforcing control over weeds on private land. Some Brooms are listed as noxious. It is not recommended to add this to the exemptions list.	No change. Refer to a planning panel.
106	I may support the amendment if changes are made	The explanation is contradictory and incomplete which may cause compliance and legal issues. Second point says the tree must have height AND circumference. The diagram says height AND/OR circumference. Secondly 'lopping' is not defined in the explanation and is confused by including 'pruning in the list of exceptions. Also does not allow exception for clearing public footpaths or roadways of obstruction. What happens if the tree trunk splits before 1 metre? What controls are in place to prevent owners lopping trees reaching 4 meters and avoid the tree ever reaching the prescribed height?	Intent of controls	Where the wording "and/or" is used it is in reference to when a permit is required this means that any tree that has a trunk circumference of 1.0 metre or greater measured at 1.0 metre from the ground <u>and/or</u> a height of 5 metres or greater will require a planning permit to be removed, if it doesn't meet the exemptions. Where only the word "and" is used relates to when a permit is NOT required: That is, a permit will not be needed for a tree less than 5 metres in height <u>and</u> having a single trunk circumference of less than 1.0 metre measured at a height of 1.0 metre above ground level. The proposed controls do not prohibit pruning of a tree to clear a public footpath or roadway. Pruning is exempt from the need for a permit. The proposed controls do not prevent removal of trees before they reach the height which would trigger a planning permit. The Municipal Tree Study notes that enforcement measures could potentially be extended to include the monitoring of replacement trees and canopy trees proposed in endorsed landscape plans. If a tree is multi-trunked, if just one of those trunks (a single trunk) meets the circumference trigger than a permit would be required. If a tree has five trunks for example and none of them is or greater than the circumference trigger, then a permit is not required.	No change. Refer to a planning panel.
107	I support the amendment	Very concerned about the loss of tree cover in the municipality. With climate change and higher temperatures, trees are necessary for shade and with high density development, this is not achieved. The health of the community is at risk both physically and mentally as green areas are known to have a beneficial effect on mental health. Council is keen to increase tree cover and, therefore, this amendment is essential to achieve this aim. There needs to be thorough checks before a tree removal permit is given There should be increased fines for illegal tree removal.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
108	Not clearly specified	Land is ours together with the house	Imposition on private property rights	To repeat the responses above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
109	Oppose the amendment	Does not believe the government should regulate or control domestic gardens	Imposition on private property rights	To repeat the responses above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
110	I may support the amendment if changes are made	I do not quite understand what is this for	Other comments	No further details provided.	No change. Refer to a planning panel.
111	I do not support the amendment	Landowner should have more autonomy to decide on how they want their garden to look like. Impact of tree overshadowing on solar panels Leaves and branches falling is annoying and dangerous to the residents It's not sustainable to have more than 5 trees. The tree removal application process occupies resources of the public service and delays construction projects. Council to focus on tree planting in reserves, parks and streets.	Imposition on private property rights	To repeat the responses above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
112	I do not support the amendment	Exempt properties that need to cut trees to build a rooming house. The planning schedules were amended October last year in Victoria so that you didn't need a planning permit for a rooming house and the proposed amendment will be contrary to the intention of having affordable housing and planning changes. This will impact future new rooming houses built in Whitehorse.	Changes to the controls Intent of controls	To repeat the responses above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The proposed controls do not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
113	I do not support the amendment	Unfair burden on residents - owners of single dwelling blocks who are not developing them are required to maintain tree cover. Developers need to be subject to the same controls as non developers. The list of replacement trees is overly restrictive to 6 species. The list of replacement trees is arbitrary and contains a non-native. The list should be transparently available in advance of applying for a permit and contain a broad range of trees to preserve the rights of residents to make reasonable aesthetic decisions about their gardens	Imposition on private property rights	The proposed controls are intended to apply to all land within the residential zones that are not already covered by SLO1-8, thereby applying to all landowners who may choose to alter or develop their properties. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties. The suggested replacement trees are not the same for every planning permit application, it will be list recommended by Council's arborist based on the site context, existing vegetation and appropriate species.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
114	I do not support the amendment	Melbourne needs to solve housing affordability crisis	Other comments	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. The Municipal Tree Study further analysis indicates that tree retention can be achieved within the development context by, for example, utilising the Garden Area Requirement. Council's Housing Strategy indicates there is sufficient capacity in Whitehorse to accommodate housing growth.	No change. Refer to a planning panel.
115	I support the amendment	Supports the Amendment	Support	Supported noted. No further comments required	No change. Refer to a planning panel.
116	Not clearly specified	1. No land owner should have their land devalued by the implementation of the new controls. It should not impede the development of land within the allowable building envelope of the zoning of that land. 2. Monitoring of the canopy needs to allow for flexibility so that each property is assessed on merit. 3. Council should accept the submission of an arborist report as sufficient information to allow for removal of a tree. 4. The exemption: "A tree that is outside the minimum building setback from the street" should apply to all zones in the City of Whitehorse (not just the Residential Growth Zone).	Changes to controls	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Property values are not a valid planning concern. Decision guidelines in the Whitehorse Planning Scheme are used to determine applications. Arborist reports are considered as part of this planning assessment process. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development.	No change. Refer to a planning panel.
117	I do not support the amendment	<i>Suggested exemptions:</i> Allow home owners the right to remove any vegetation within 3m of an existing dwelling. Any limbs overhanging roofs to habitable structures should also be permitted without permit. An increase to the list of 'weeds' to include species such as Lilly Pillys, Privets, Paperbark trees, conifers and pine trees. <i>Alternative approach:</i> To blanket the whole municipality with this single overlay is irresponsible. Specific consultation with individual home owners who wish to protect trees on their sites would be the sensible way forward. <i>Planting on public land:</i> Council should do more planting within existing open space areas and should engage with other authorities (such as VicRoads/Rail networks) to ensure planting is undertaken where vegetation has fallen into neglect. So many public areas have scope for further planting and Council has significant opportunity to lead first by example. <i>Incentives:</i> Maybe consider offering financial rewards to those in the community that give back by planting, maintaining and retaining significant vegetation. Reduced Council Rates should be provided to property owners who plant, retain and maintain vegetation. Council should provide free native plants to the community. This would be a refreshing change from Council's existing agenda to attain revenue via fees and fines.	Changes to controls Other comments	Amendment C219 proposes to allow the removal of trees without a permit within 3metres of an existing dwelling. Pruning of overhanging trees is also proposed to not require a permit. Privets (<i>Ligustrum</i> spp) and pine trees (<i>Pinus radiata</i>) are proposed to be on the exemption list. The glossy privet (<i>Ligustrum lucidum</i>) is not currently on the weed list. It is recommended that this be added to the weed lists. Lilly Pillies and Paperbarks are important for habitat and include many of the street trees within the municipality. Neither causes significant weed issues in Whitehorse. The term 'conifer' is too broad to mean anything in this context. Generally older pines are quite large and as such contribute to neighbourhood character. Further, by requiring a permit for the removal of larger stands of Pines and individual specimens it allows Council to identify appropriate replacement planting for the loss of canopy. The Urban Forest Strategy outlines the street tree planting policy, including the commitment to a target of a minimum of 1 tree adjacent to each residential property as appropriate. Incentives are proposed to be provided to care for significant trees through the significant tree assistance fund. Incentives to plant trees are provided by the trees themselves with the ecosystem services provided by the trees and the increase in property value that can be generated by well cared for and well-chosen trees.	No change. Refer to a planning panel.
118	I do not support the amendment	These controls are unnecessary red tape and expense for Council and residents. Council needs to examine the process in place and amend it to ensure that it is efficient and not adversarial. Renewal is an important part of any environmental management and these controls are all about keeping the old at the expense of renewal, therefore there is likely to be no or at best minimal environmental gain.	Imposition of private property rights Costs incurred by controls	As noted above, above It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Requiring a planning permit to remove a tree/s means that council can assess whether there is a valid reason for removal due to health of the tree and if so, determine what may be an appropriate replacement species to ensure the overall canopy is not lost.	No change. Refer to a planning panel.
119	I do not support the amendment	1. Council over charges the price for getting the permit / takes too long to assess each application. 2. The area is right next to many reserves and green land, so there is no need to restrict our area for tree lopping. This is a "One size fits all" approach that doesn't cater for the differentiated needs of development. 3. Unsuitable species endanger or are problematic for residents. Property owners should have the right to make decisions for their properties without the intervention of the government, and without being delayed or charged. 4. It will negatively affect the price of housing and impact on property investment. 5. If the council is really interested in protecting the trees and environment, it should cooperate with all other councils to implement the same overlay to every suburb, to be fair and effective. Otherwise, it will only add disadvantages to our suburbs. 6. Plant more on the nature strip or communal area instead.	Costs incurred by controls Intent of controls	As noted above, above It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The proposed controls do not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
120	I may support the amendment if changes are made	The root system of any plant must be protected in addition to the trunk and canopy because it is possible for others to harm and even destroy a root system causing the tree to die. Council should consider the effect of plant diseases and insect pests such as the elm tree beetle on the health and welfare of the tree(s).	Other comments	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations to protect both the root system and the building foundations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified. Illegal removal, destroying or lopping of trees (including impacts on tree roots) can be investigated by Council's planning enforcement team.	No change. Refer to a planning panel.
121	I support the amendment	My view is that the environment must be always prioritised over developers. Mature trees that we are trying to protect take hundreds of years to grow and it is inadequate to suggest that planting new trees will make up for the loss of the mature trees. Residents who advocate for more relaxed overlay laws also do not see any problem with the climate emergency. Their only interest is in their own wealth. A vast majority of Real Estate agents push their anti-overlay-law agenda via social media as I write this. This municipality must take the needed steps to protect the green treasure against greedy.	Support	Support noted.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
122	I may support the amendment if changes are made	<p>Member of the Blackburn & District Tree Preservation Society and support Society's comments to members: applauds this fantastic initiative by Council however we have some misgivings about some of the amendment's proposed provisions including:</p> <ul style="list-style-type: none"> - No permit required to remove a tree located less than 3 metres from the wall of an existing house or an in-ground swimming pool (many existing trees in SLO9 areas are located close to houses and/or pools without interfering with the their structural integrity) - No permit required to remove environmental weeds. This provision is excellent but there needs to be a process to confirm that the trees are, in fact, weed species and a firm commitment required that the weedy trees be replaced by non-weedy species to make up for the lost canopy cover - Further explanation is needed for 'A tree that may require separate approval to remove, destroy or lop as part of an existing planning permit'. The society is unclear as to what this means. - The society has always been opposed to the 'dead, dying and dangerous' provision because it has been abused by developers and owners in the past. It is relatively easy to render an 'unwanted' tree dead, dying and dangerous thus circumventing the need for council scrutiny and permit application/approval - The permit trigger for tree trunk circumference should be the same as for the existing SLO areas i.e. 50+ cm rather than 1+ metre - Sufficient unencumbered space is required to allow a canopy tree to flourish (is 35 square metres enough as it will be for Amendment C219). <p>New tree protection measures must have resources for enforcement and monitoring with the certainty of prosecution for non-compliance.</p>	Changes to controls	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>If residents are wanting to remove an environmental weed, they should document the species for reference. Council provides a list of replacement trees which is based on the context of the site.</p> <p>"A tree that may require separate approval..." mean that the exemptions do not authorise the removal of a tree planted in accordance with a planning permit condition or landscape plan.</p> <p>The concerns around the "dead, dying or dangerous" provision are noted. Council's planning enforcement team is able to take action against landowners who circumvent the process. The exemption is intended to allow the immediate removal where the tree is deemed dead, dying or immediately dangerous.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p> <p>Comments about adequate resourcing are noted.</p>	No change. Refer to a planning panel.
123	I do not support the amendment	<p>SLO is preventing residents from enjoying and having amenity of their homes. There are backyards that receive very little light because of the shade and residents unable to renovate or rebuild their homes because trees can't be removed.</p> <p>Different rules for residents versus developers. Developers are able to remove every single tree and piece of vegetation with no requirement to replace any of it.</p> <p>Concerned about risk of neighbour's huge gum tree falling causing significant damage to our homes could also kill people. A request to remove the tree was denied by council as the tree was not in imminent (24 hours) danger of falling. What is the risk to residents of trees falling when council refuses to allow them to be removed? Our other neighbour has removed two trees over 5m that were not causing any damage and were healthy, as a result our privacy has been impacted.</p> <p>Is council liable for the damage and deaths caused by a tree falling that they had previously refused to allow to be removed? I would like to see council's risk assessment for the SLO. Has legal advice been received.</p> <p>I do not know anyone in Whitehorse who has been allowed to remove a tree without enormous stress and cost to the themselves.</p> <p>The SLO is a poorly thought out and applied, benefits no-one, and is a revenue raising exercise.</p>	Safety Imposition on private property rights	<p>It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The temporary controls came into effect on 8 February 2018. Permits may have been issued before this date however they may not have been acted on until recently and therefore without further information about the tree removal referenced in this submission it is difficult to make further comments. The planning controls are proposed to apply all land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone and Low Density Residential Zone that is not already covered by Significant Landscape Overlay Schedules 1 to 8. It is therefore being enforced on a large number of properties across the municipality and Council is not able to determine residents who don't wish to alter their properties versus "developers".</p> <p>In addition to the responses above about property owners being responsible for trees on their property and the intent of the amendment, the proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.</p>	No change. Refer to a planning panel.
124	I may support the amendment if changes are made	<p>Has an environmental weed which needs to be removed however the process to get a permit is too expensive.</p> <p>Also has a tree just over 3 metres away from a existing wall, and is concerned that when it falls suddenly, it will cause damage, injury & death.</p> <p>Council should not be making it so hard for landowners.</p>	Safety Costs incurred by controls	<p>If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The current fee for a VicSmart application is \$199.90. Council could investigate undertaking arborist assessments for single trees. The Panel for Amendment C51 considered that it would be reasonable to ask a proponent to provide an arborist report to Council at their cost where it is unclear if a tree meets an exemption or if the tree is healthy and is proposed for removal for other reasons. If a tree is deemed dead, dying or dangerous it can be removed without the need for a planning permit.</p> <p>The proposed controls also propose to exempt specified environmental weeds from the need for a planning permit.</p>	No change. Refer to a planning panel.
125		<i>Submission 7 and Submission 125 were from the same submitter and combined.</i>			No change. Refer to a planning panel.
126	I do not support the amendment	If the tree isn't protected, the property owner should have the right to trim or cut down the tree in their property.	Imposition on private property rights	Comments are noted. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit, such as fauna habitat, cooling of properties, supply of oxygen and contribution to visual amenity. The trees proposed to be protected are those that meet the threshold size specified. Trees below the threshold size do not need a planning permit and can be removed (unless they are trees to be retained or planted as part of an existing planning approval.	No change. Refer to a planning panel.
127	I do not support the amendment	The proposed amendment is far too restrictive on home owners. This will also cause additional work for the council with additional permits required.	Imposition on private property rights Other comments	As noted above, above It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Council is resourced to assess additional permits as required and included funding in recent budgets for additional arborists and planning enforcement staff.	No change. Refer to a planning panel.
128	Not clearly specified	How often does Council check the foot paths in the general area? The submitter checks the footpaths in the Bolton and Davey Street area and they are downright dangerous. Submitter would like to see a change in the next 6 months.	Other comments	It is unclear if this submission is about street trees or trees on private property, and if they are submitting that either trees cause issues to the footpaths. This submission has been referred to Cityworks.	No change. Refer to a planning panel.
129	I do not support the amendment	The tree belongs to the property owner. The decision of whether the tree should be removed or retained should be entirely a decision for the owner. Concerned about big trees causing damage to homes.	Imposition on private property rights	As noted above, above It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
130	Not clearly specified	<p>The scheme does not appear to address the fact that there are at least 4 categories of houses/dwellings with</p> <ol style="list-style-type: none"> 1) Minimal greenery, i.e. little grass, few and smallish shrubs; disproportionally extensive paving as is the case in most high density areas 2) Gardens with bushes, shrubs & lawns 3) Gardens with trees/fruit trees, bushes & lawns 4) Big tree(s) <p>The current scheme only deals with properties with big trees, whereas properties that have smaller trees and shrubs will be more important for the future quality of the environment in cities in terms of controlling local temperature, water supply, water run-off, water conservation in the soil as well as wildlife.. Cities need a variety of greenery types to mitigate the effects of climate change locally.</p> <p>Suggests a rate discount for those environmentally-oriented rate payers doing their part for the environment.</p> <p>Dealing with big trees only will not achieve much as suburban blocks get smaller without room for any big trees.</p>	Intent of controls	<p>The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Whilst the contribution of smaller trees and shrubs to the ecosystem is acknowledged, the amendment is not proposed to apply to trees under 5m and with a girth less than 1 metre at 1 metre above the ground. Therefore shrubs, bushes and lawns will not need a permit to be maintained.</p> <p>A rate reduction is not proposed in relation to the proposed controls.</p>	No change. Refer to a planning panel.
131	I do not support the amendment	<p>Opposes the exemption for removal / lopping of trees by or on behalf of the Whitehorse City Council which should be subject to the same planning controls as private land owners. Areas managed by Council have significant tree canopy cover .</p> <p>My property already has existing VPO. The Minister for Planning has previously indicated that he wishes to reduce unnecessary planning controls so as to reduce unnecessary planning red tape. The VPO and its associated Schedule should be deleted from my property.</p>	Other comments	<p>Council already has an established process in place for tree removal and replanting. Approximately 10% of land within the municipality is Council managed land. Under Council's Urban Forest Strategy, street trees and trees on public land will only be removed if in the opinion of the Council arborist the tree is dead, dying or dangerous. The Urban Forest Strategy also notes that it will work to with relevant agencies to establish further canopy cover and prevent canopy removal on public land, including Council land and land managed by Melbourne Water, Parks Victoria and VicRoads.</p> <p>This property is covered by VPO3 which is a site specific VPO. It specifically relates to a silver Stringybark located in the south-west corner of the site. This tree was determined to be of good health and structure and contributes directly to the streetscape of Mount Pleasant Road. VPO2 and VPO4 are area based which would be duplicated by SLO9, given it is also proposed to be cover a large area. The application of the VPO and SLO identifies that the VPO tree is a specimen with an outstanding level of significance.</p>	No change. Refer to a planning panel.
132	Not clearly specified	<p>Concerned about risk of large gum collapsing and who would be liable for the damage.</p> <p>Should be able to remove the tree from my backyard.</p> <p>Needing to pay for the permit and also the arborist report t is very unreasonable.</p>	<p>Imposition on private property rights</p> <p>Costs incurred by controls</p>	<p>In addition to the responses above about property owners being responsible for trees on their property and the intent of the amendment, the proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.</p>	No change. Refer to a planning panel.
133	Not clearly specified	<p>Concerned about 2 trees that are inappropriate for the property. They have caused damage to and a tripping hazard in the driveway, and there is a concern about tree failure in strong winds.</p> <p>I am ambivalent about removing both of them but at the same time would like to know that it will be possible to do so. I would like to think that you would always include exceptions to the rule, not just have black and white views, and that you view each tree removal on an individual basis.</p> <p>I understand the need to stop clear felling of trees when blocks of land are cleared but I would recommend that removing individual trees should not come under the same restrictions.</p> <p>It is a strange twist of circumstances where we may not have permission to remove trees that we planted.</p>	<p>Imposition on private property rights</p> <p>Safety</p>	<p>If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.</p>	No change. Refer to a planning panel.
134	I support the amendment	<p>Trees are invaluable and take decades to grow to a large enough size to provide shade, habitat, fresh air, etc.</p> <p>Removing of trees for the financial gain of one person but indirectly negatively impacting the community should NOT be allowed!</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
135	I support the amendment	<p>More trees= More protection against heatwaves. More habitats for wildlife. More places people can walk. We have had more than enough over-development.</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
136	I support the amendment	<p>So much of the areas tree canopy has already been lost to greedy developers moonscaping their blocks before filling them up with their big box houses or units. The tree canopy that is left needs to be retained for future generations to help with climate change</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
137	I may support the amendment if changes are made	<p>I am the Secretary of the owners corporation for the common areas associated with the four separate properties in our location. The common area has a number of trees that will be covered by the controls. The proposed amendment doesn't appear to deal with how trees on Owners Corporation common property is dealt with, and which, if any, ratepayer is responsible.</p>	Other comments	<p>The Amendment proposes to introduce planning controls to all land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone and Low Density Residential Zone that is not already covered by Significant Landscape Overlay Schedules 1 to 8. As the common area is managed by the Owners Corporation of which the individual property owners are members of, any of the individual property owners could apply for a planning permit to remove a tree on the Common Property.</p>	No change. Refer to a planning panel.
138	I support the amendment	<p>There is a difference in tree cover between areas already covered by a SLO (more canopy), and those that aren't - so tree protection is an important tool in maintaining tree cover. Support of trees for the many benefits they bring to our suburbs - calmness, coolness and native wildlife.</p> <p>Has observed development where the whole block is cleared and would like to see more trees retained.</p> <p>People rarely seem to plant more trees after building, and any planning conditions requiring this to be done don't seem to be followed up, so again maintaining tree cover would seem the first step. Targeted education about tree protection should be given to home owners when they put in a request for demolition or building works.</p>	Support	<p>Support noted. Council has a Tree Education Program that aims to raise awareness of the benefits of trees in an urban environment. This is an ongoing program.</p> <p>Council inspects landscaping in order to a issue statement of compliance for subdivision.</p>	No change. Refer to a planning panel.
139	I do not support the amendment	<p>Supports protection of trees in the public areas and on heritage properties.</p> <p>The SLO restricts the rights of landowners to deal with their land.</p> <p>The threshold should be changed to more than 10m in height and 1.5m in circumference.</p> <p>Believes the property (close to the station) is already subject to onerous overlays that restricts the ability to develop our properties.</p>	<p>Imposition on private property rights</p> <p>Changes to the controls</p>	<p>The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. A benchmarking exercise undertaken for the Municipal Tree Study has shown that canopy trees become visible in the streetscape and begin to contribute to the neighbourhood character from 5-6m in height, for any species regardless if they are indigenous or exotic.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
140	Supports the amendment but seeks changes	Submission on behalf of the Burvale Hotel site at 385-395 Burwood Highway Vermont South. Supportive of the general intent of the amendment to protect tree canopy. Disagree categorised of the site within the Garden Suburban Precinct 7, as the objectives are in conflict with planning controls and other strategic plans. SLO9 may duplicate controls and design outcomes already in the RGZ2 and DDO9. The permanent SLO9 will create confusion regarding the preferred future of the site. If Council pursues SLO9 on the site consideration should be given to remove the Burvale Hotel site from the Garden Suburban Neighbourhood Character Area statement. Recommend that Burvale Hotel site be rezoned to the MUZ through a separate amendment.	Changes to the controls	Neighbourhood Character Area and zoning of individual sites is not the subject of this Amendment and landowners can pursue a separate amendment if they seek changes to their site. Notwithstanding this, Garden Suburban Precinct 7 acknowledges that the Substantial Change Areas (such as this site) require different consideration and reverts to the ResCode requirements. The Amendment proposes that a permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for development at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. The control will not create confusion as it clearly demonstrates that trees along road frontage should be retained to contribute to the streetscape and neighbourhood character.	No change. Refer to a planning panel.
141	oppose the amendment	No explanation of what Council might consider "appropriate" to be in reaching a decision about how a development will impact the tree canopy in the area under Amendment C219. Council can remove a tree on public land or in a road reserve - what if the public feel that the removal of a tree on public land is inappropriate? Amendment is very one sided, gives further power to Council, removes choice from landowner and no real guidance on what an acceptable development might be. Instead, suggests having guidelines for at least two native trees in a new garden - one in front/one in back ; at least 50% of new shrubs to be native; and existing gardens should be exempt.	Changes to controls Imposition on private property rights	The proposed permanent controls include a list of decision guidelines which must be considered, as appropriate, by Council when assessing an application for a planning permit to remove a tree. The decision guidelines indicate what is appropriate by requiring consideration of a number of aspects, including: the contribution of the tree to neighbourhood character and landscape, the need to retain the trees that are significance, where the tree is located, its relationship to other vegetation, role in providing habitat, compatibility with buildings, whether there is a valid reason for removal, consideration of replacement trees if tree cannot be retained. Under Council's Urban Forest Strategy, street trees and trees on public land will only be removed if they meet the conditions in the Street Tree Removal policy - including if a tree is hazardous, structurally unsound, diseased, dead, causing damage to property, public utilities, causing immediate safety hazard. The Urban Forest Strategy also notes that it will work with relevant agencies to establish further canopy cover and prevent canopy removal on public land, including Council land and land managed by Melbourne Water, Parks Victoria and VicRoads.	No change. Refer to a planning panel.
142	Not clearly specified	Submission makes the following suggestions: There should be no planning permit cost to the applicant. Incentive - a rate rebate for tree retention; to encourage tree planting and to cover costs of maintaining trees Choice - a list of suitable trees Size of trees - trees of 5m+ are not small trees. Smaller trees and shrubs might be a better approach into the future and more suited compact blocks. Trees near boundaries - these should be exempt within 2.0m of a boundary. Trees that overhang are at the mercy of the neighbours pruning/lopping and the tree is left in poor condition for the owned to maintain . Context - Tree retention should not prejudice good house design and placement. Council to lead by example by planting street trees that they recommend and doing more planting in parks and reserves.	Imposition on private property rights Costs incurred by controls Changes to controls Other comments	The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Comments about the size of trees being protected are noted. The controls deliberately target trees of a size that has / will have an impact on the landscape and neighbourhood character which the Municipal Tree Study identifies as being from 5-6 metres. The tree protection controls are not proposed to apply to trees under 5m and removal of a tree under 5m is unlikely to be a significant cost burden. A list of replacement trees is provided if a tree is authorised for removal. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The Urban Forest Strategy has a target of one tree per residential property as appropriate; most General and Neighbourhood Residential Zones in Whitehorse require 2 new trees (of at least 8 metres mature height) per dwelling in new development. Council will work with relevant public agencies to establish further canopy cover on public land, including nature strips. Council has an established policy and program for management of street trees and trees in parks and reserves, including replanting. Council's tree education program offers a range of information about tree planting, suitable species, etc. Visit https://www.whitehorse.vic.gov.au/waste-environment/trees-and-gardens	No change. Refer to a planning panel.
143	I do not support the amendment	Amendment C219 will impact on the ability to subdivide and redevelop the land in future as intended when the land was purchased in 2015. Council should lead by example by carrying out new planting in existing parks and reserves.	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Council has an established policy and program for management of street trees and trees in parks and reserves, including replanting.	No change. Refer to a planning panel.
144	I do not support the amendment	1. Council over charges the price for getting the permit / takes too long to assess each application. 2. The area is right next to many reserves and green land, so there is no need to restrict our area for tree lopping. This is a "One size fits all" approach that doesn't cater for the differentiated needs of development. 3. Unsuitable species endanger or are problematic for residents. Property owners should have the right to make decisions for their properties without the intervention of the government, and without being delayed or charged. 4. It will negatively affect the price of housing and impact on property investment. 5. If the council is really interested in protecting the trees and environment, it should cooperate with all other councils to implement the same overlay to every suburb, to be fair and effective. Otherwise, it will only add disadvantages to our suburbs. 6. Plant more on the nature strip or communal area instead.	Costs incurred by controls Intent of controls	As noted above, above It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The proposed controls do not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.	No change. Refer to a planning panel.
145	I support the amendment	I have counted 34 large significant trees turned into mulch in Edinburgh and Abercromby Road and Baird Court Blackburn South over 30 years. The most destructive was a tree around 230 years old and rare. Of the 34 trees two were exotics.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
146	Not clearly specified	Gum tree on nature strip is huge. Submitter spends time cleaning the nature strip getting rid of bark and twigs. Concerned someone will trip and wants the tree removed.	Other comments	The Amendment is not focused on street trees although it does propose to exempt the removal of a tree where it is by, or on behalf, of Council. This submission has been referred to ParksWide for consideration.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
147	Oppose the amendment	If a permit to remove tree requires replanting, why would resident do so if will require another permit in the future. All decisions regarding that tree should remain with the owner and not have costs. Would like to keep trees planted and watch it grow for the next 30 years. Concerned that 2 units on neighbouring property built close to tree are worried of branches being dropping. Somebody has profited from units but property with trees have to pay costs to maintain the tree because units have been built near the tree. Costs for large trees should be to owners that choose to build / live under trees. As the owner of the tree costs of limb dropping should be limited to fence there when tree was planted, not costs for arborist report and permit now there is a dwelling near it. If others choose to live under trees the costs need to be distributed fairly - this could be done by council requiring permits or fees at the time of applications being made that can then fund the permit & arborists costs when trees in these circumstances require attention	Costs incurred by controls Imposition on private property rights	A permit will not be required to prune a tree for regeneration or ornamental shaping. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. Council could investigate undertaking arborist assessments for single trees. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.
148	Supports with changes to the amendment	The costs for individual / residential property owners to remove or lop a tree are excessive and the process is onerous. Council should provide a free arborist service to owners (not to developers). There needs to be an arborist inspection process for exempt environmental weeds to confirm the species. This service should be provided free of charge to residents. There needs to be more flexibility / wider species choice with regard to replacement plants to ensure compliance with replanting. The distance for the removal of a tree located near the wall of an existing house or pool should be increased to not less than 5 metres (to be confirmed by Council arborist; free of charge to residents). Seeks clarification of the exemption clause "trees that require separate approval to remove, destroy or lop as part of an existing planning permit". The exemption for "Dead, dying or dangerous" trees should be confirmed by Council's arborist (free of charge to residents) so that it is not abused by developers and owners. Concerned about the proposed increase in trunk circumferences from 50cm to 1 metre (measured at 1 metre from ground level).	Supports amendment Changes to the controls	Council requires an independent assessment of the tree proposed to be removal. Council cannot mandate the cost of an arborist report as it is an independent industry. Any property can seek tree removal and be developed subject to the requirements of the planning scheme and council cannot determine between owners and developers. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Council's Planning and Enforcement team determine if a tree is dead, dying or immediately dangerous in conjunction with Council's consulting arborist. Council's is able to take action against landowners who circumvent the process. A list of replacement trees is provided when a permit is issued, to allow the landowner to chose from a variety of trees. "A tree that may require separate approval..." mean that the exemptions do not authorise the removal of a tree planted or retained in accordance with a planning permit condition or landscape plan. Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.	No change. Refer to a planning panel.
149	I do not support the amendment	Permission required to prune trees will deter residents from maintaining and cultivating trees, and are an intrusion on land owner rights. Specifically: - The cost and bureaucracy of permits for pruning maintenance in excess of 20% of foliage of trees within the defined dimensions is an unfair imposition upon residents to routinely care for their own trees. Suggests raising of the trigger to 30% canopy removal prior to necessitating a permit. - The requirements will penalise the very residents who voluntarily created the very landscape the overlay targets for preservation. Tree reduction is already being accelerated through ongoing development of multi dwelling developments which are reducing the future potential for substantial trees. The proposed amendment will not achieve the intended outcomes.	Imposition on private property rights	Pruning to maintain the tree as per the Australian Standards will not require a planning permit to be undertaken. If a permit is required, it may be possible to obtain this through the VicSmart process, where the fee for a planning permit is currently \$199.90. Council could investigate undertaking arborist assessments for single trees. Greater than 20% removal of canopy is not a trigger. 30% of a canopy could be 'pruned' if works are undertaken to Australian Standards for pruning. This may mean the works should be done by an arborist.	No change. Refer to a planning panel.
150	Supports with changes to the amendment	The Blackburn Village Residents Group suggests the following changes: - The minimum for buildings and works near existing trees should be 4 metres not 3 metres to be consistent with other SLO's. -The proposed provisions relating to tree regeneration to provide for a minimum area of 35m2 in SLO9 rather than the 50m2 that applies to SLO1-8, must also include a minimum dimension of 5 metres to enable the canopy tree to at least reach the expected height of 12 metres. - Arborist must adhere to the Australian standard on Protection of trees on development sites AS4970-2009 when preparing their reports for development applications. - Reference to trees located less than 3 metres from an in-ground swimming pool should read " existing in-ground swimming pool" to avoid the unintended consequence of a pool installation followed by an as of right tree removal. - the tree threshold should use a trunk circumference measure of less than 0.5 metre measured at a height of 1.0 metre above ground level, consistent with the other SLO schedules.	Changes to the controls	A permit is required in <u>all</u> SLOs for buildings and works within 4m of a tree to ensure encroachment into the TPZ is minimised. An exemption is proposed in SLO9 for the removal of trees within 3 metres of a dwelling or in ground swimming pool to protect such assets. The Tree Conservation Policy at Clause 22.04 seeks a minimum planting area for new trees of 50m2 which is intended to apply to the existing SLOs 1 - 8 reflecting the taller / larger trees in the Bush Environment character area covered by SLO1-8. This is not appropriate for the areas proposed to be covered by SLO9 (Bush Suburban and Garden Suburban character areas) due to the prevailing lot sizes, setbacks and potential for more growth and change. The decision guidelines in SLO9 require council to consider the area provided for a new tree, including whether the location will enable the future growth of the canopy and root system to maturity. In addition, where the local schedules to the General and Neighbourhood Residential zones specify minimum areas of private open space, this also includes a minimum dimension of 5 metres to provide well proportioned private open space as well as allowing space for trees. Comments about arborist reports for development do adhere to the Standard referenced. An arborist report is required for a planning permit application to assist assessment of the tree. Regarding the distance from an inground swimming pool, the word " existing " could be added (as per the reference to "existing dwelling") to future proof establishing canopy trees in particular, noting however that a pool proposed within 4 metres of an existing tree would trigger a planning permit. Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the trigger be changed.	Change proposed and Refer to a planning panel.
151	Not clearly specified	1. No land owner should have their land devalued by the implementation of the new controls. It should not impede the development of land within the allowable building envelope of the zoning of that land. 2. Monitoring of the canopy needs to allow for flexibility so that each property is assessed on merit. 3. Council should accept he submission of an arborist report as sufficient information to allow for removal of a tree. 4. The exemption: "A tree that is outside the minimum building setback from the street" should apply to all zones in the City of Whitehorse (not just the Residential Growth Zone).	Imposition on private property rights	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Property values are not a valid planning concern. Decision guidelines in the Whitehorse Planning Scheme are used to determine applications. Arborist reports are considered as part of this planning assessment process. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
152	Not clearly specified	Interim controls were implemented by stealth with no visible consultation with community: - Concerned about the lack of transparency and process to implement the interim controls. - There should have been a moratorium placed on the interim controls while the consultation for permanent controls takes place? Suggestions for Amendment C219: 1. No land owner should have their land devalued by the implementation of the new controls. It should not impede the development of land within the allowable building envelope of the zoning of that land. 2. Monitoring of the canopy needs to allow for flexibility so that each property is assessed on merit and so that landowner's choices are not limited. 3. Council should accept he submission of an arborist report as sufficient information to allow for removal of a tree. Any challenge of the report should be referred to an independent panel with charges borne by Council. 4. The exemption: "A tree that is outside the minimum building setback from the street" should apply to all zones in the City of Whitehorse (not just the Residential Growth Zone).	Other comments / Planning process Imposition on private property rights	Interim controls implemented under section 20(4) of the <i>Planning and Environment Act 1987</i> are not implemented through a full planning scheme amendment process and do not go on public exhibition. Controls introduced in this way are common where protection of features are being sought that may be under threat while the "usual" amendment process involving exhibition takes place. The interim controls are based on the Municipal Wide Tree Study that was undertaken in 2016. The Study included community consultation in April / May 2016 including: • Notification in the Whitehorse Leader for four weeks between late April and mid May. This notification included advertising the project webpage, drop in sessions and how to comment on the draft report; • Three drop in sessions (held at Sportlink, Box Hill Mall and Blackburn Lake Visitor Centre); • Project webpage for the life of the project which is still active today and includes the documents associated with the project; and • Three project bulletins over the life of the project (which are available on the project webpage). The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Property values are not a valid planning concern. Decision guidelines in the Whitehorse Planning Scheme are used to determine applications. Arborist reports are considered as part of this planning assessment process. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development.	No change. Refer to a planning panel.
153	Oppose the amendment	Have 3 large tree on the property that will impact any future development and will severely devalue the property. Submission notes the following concerns regarding tree retention and management: (1) The large council planted deciduous tree on our nature strip. (2) Our ages as we transition to retirement, our ability to deal with maintenance such as leaves, cleaning gutters, falling branches, bird dropping etc.: (3) Cost associated with maintaining large deciduous trees (4) Proximity and overhang to our house (5) Proximity and overhang to neighbours house and property	Imposition on private property rights	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Property values are not a valid planning concern. Amendment C219 proposes to allow pruning of a tree without the need to apply for a planning permit.	No change. Refer to a planning panel.
154	I may support the amendment if changes are made	If there are a couple of trees close to a house which restricts building a new [single] home, council should allow their removal. Land purchasers should not be restricted by the proposed controls and should allow families to build new homes as needed.	Imposition on private property rights	The proposed controls exempt the need for a planning permit within 3 metres of an existing dwelling. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
155	I do not support the amendment	Opposes Amendment C219 requiring a permit to lop a tree. Have a tree in the front yard that we trim to avoid the leaves block the gutter and to avoid interruption to the electricity line. We don't want apply and pay for a permit to do this.	Imposition on private property rights Costs incurred by controls	Amendment C219 proposes to allow pruning of a tree without the need to apply for a planning permit. It is also proposed to allow the removal or lopping of vegetation to the minimum extent necessary to maintain the safe and efficient function of services such as powerlines.	No change. Refer to a planning panel.
156	I support the amendment	Trees are so vitally important for keeping area's cool, for wildlife and for humans. We are all better off with more trees. One of the reasons we moved into the whitehorse area was that there were so many trees. We have been very unhappy watching trees getting chopped down in the area especially the Burwood Hwy, Springvale Rd, Hawthorn Rd and Mahoney road area. If trees are removed they should be replaced by two to four trees s Encourage revegetating [road] verges in native plants.	Support	Support noted. Comments about revegetating verges in native plants referred to ParksWide. Replacement planting is currently required.	No change. Refer to a planning panel.
157	I may support the amendment if changes are made	Weed species, trees which are diseased, dying, or leaning on the fence with a neighbour should not require any permit to prune or lop or remove. These trees in residential homes should not be allowed to grow too tall ; they need to be managed and shaped appropriately.	Changes to the controls	Amendment C219 proposes to allow the removal of trees without a permit if it included in the exempted environmental weeds list. Trees which are deemed dead, dying or dangerous do not require a permit to be removed. Pruning of a tree for regeneration or ornamental purposes also does not require a planning permit.	No change. Refer to a planning panel.
158	I support the amendment	[No comments provided]	Support	No comments provided in submission. No further comments required.	No change. Refer to a planning panel.
159	I do not support the amendment	The proposed controls mean that every "indigenous" plant (which are a haven for birds) sold at the 2 indigenous nurseries can be removed because they don't meet the specified tree size. Many plants which comply with the specified size are weeds. These can be left while indigenous bushes which are a haven for birds are allowed to be moonscaped.	Other comments	The proposed controls have a nominated environmental weeds list which is based on species which are invasive. Both exotic and indigenous plants contribute to the neighbourhood character and tree canopy in the municipality and therefore if they do not meet the exemptions they will require a planning permit to be removed. It is unclear if the submitter is referring to juvenile indigenous plants, but there are many species which will reach the threshold size.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
160	I do not support the amendment	Live next to a property which has a garden resembling a jungle and gum tree which hangs over backyard and bedroom. Every two weeks have to rake and sweep the backyard and our roof had storm damage from where the leaves had jammed the sides of the main bathroom skylight which now needs fixing and replastering. Leaves dropping on spa deck which is nearly 20 metres away. Tree has twice blocked the main sewerage system for three properties as it is directly above the main drain near garden shed. The tree is also a hazard as have had large branches drop on bedroom at the back of the house and one day the whole tree could fall on bedroom or severely injure us or worse. In addition to this tree, there is also a Stringybark next to this as well as an Elm tree in front yard which fills gutters and front yard with leaves and branches. If something is not done to have the gum tree at the back of the property removed and the Elm tree at the front of the property to be cut back or removed, will contact A Current Affair. We have had YVW and plumber out to inspect tree and drains - said that it is up to council on whether they would allow at least this gum tree to be cut down as it is a danger to family, house and backyard. We look forward to your favourable response in agreeing that this gum tree should be cut down and the front Elm tree wither cut down or cut significantly back. We will not be supporting any more to make it harder to remove or cut back these trees and we appreciate your understanding as we are the ones that have been living with this mess for over 12 years now.	Safety	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. Council encourages landowners to discuss concerns with their neighbours as this is a civil issue between property owners.	No change. Refer to a planning panel.
161	I support the amendment	Agree with the new amendment as have lived in Blackburn since 1976 and have seen many redevelopments over the years where trees felled for the sake of buildings. Do not believe Council should have permitted removal of trees on Seven Day Adventist site. Current development is causing problems along Central Rd due to construction traffic. Council needs to stop the redevelopment of unsightly buildings in Blackburn that do not suit area and do not allow people to cut down trees for a building. Council have permitted neighbour to cut down long term trees, however trees were not dangerous or weeds. Took 5 years and significant costs to remove dangerous gum from yard and only after two branches fell. Arborist came and declared the tree to be very dangerous. Council allows people to remove anything, hopefully C219 will stop all that.	Support	Support. No further comments required	No change. Refer to a planning panel.
162	I do not support the amendment	I should not need to seek a planning permit to lop or trim a tree on my property; it is unnecessary red tape and costs to residents. My nature strip drops seeds whole year round creating walking hazard and I was told if I applied for permit to remove the tree, it would be rejected. Hence, I wish to be able to do what I want to the trees on my property. Council should only monitor trees on council or state land and leave resident trees alone.	Imposition on private property rights Other comments	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. Amendment C219 proposes to allow pruning of a tree without the need to apply for a planning permit. Council's ParksWide department monitor street trees and carries out inspections on trees which are a risk to public safety. This submission has been referred to ParksWide.	No change. Refer to a planning panel.
163	I do not support the amendment	Amendment fails to recognise geotechnical implications of significant trees in residential construction and associated infrastructure. Best results in integrating large trees is when geotechnical engineers collaborate with arborists. Amendment C219 expresses a preference for pier and beam or waffle slab footings as opposed to raft slabs and strip footings. Pier and beam foundations may be a good solution. However, waffle slabs are particularly inappropriate where there are large trees adjacent to the slab as they sit directly on the ground surface where movement is greatest and likely to result in the maximum slab distortion. Council should be liable for damage associated with the presence of large trees close to residential properties, especially if property owners are prohibited from mitigating risks and costs by removing such trees. The absence of the role of geotechnical engineers in relation to considerations of large trees close to building foundations is a major deficiency of the Amendment.	Safety	There are dwellings and buildings all throughout Victoria that have trees growing within 1m to 10m of them, with no issue. Council works with engineers in relation to development where trees are proposed near new and existing dwellings. This is normally done through the planning and building permit application processes. When issues such as the types of footings to be used near trees come up, engineers would usually provide advice to their client, which in turn would be considered (and generally adopted) through the planning and building process. In addition, as part of Council's planning permit conditions it is often recommended that a geotechnical engineer design appropriate footings near trees. Further, if a resident applies to have a tree removed on the basis it is impacting a dwelling, with the appropriate evidence (e.g. from a geotechnical engineer) it is considered as part of the planning process. However, Council doesn't receive many requests to trees being removed as a result of footings being disturbed. Comments in regard to liability are noted. Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility. Council is not liable if due process has been adhered to.	No change. Refer to a planning panel.
164	Supports the Amendment	The trees in my suburb of Forest Hill are an invaluable asset to both us and the thriving bird/insect/limited wildlife in our area. I am concerned at the moonscaping of blocks of land when new houses are built. The frequency of this occurrence is having a marked affect on the look of our green, leafy suburb.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
165	I do not support the amendment	If a tree is causing financial loss due to damaging my property then as an owner of the property, I reserve the right to cut the tree down.	Imposition on private property rights Costs incurred by controls	Amendment C219 proposes to allow pruning of a tree without the need to apply for a planning permit. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected.	No change. Refer to a planning panel.
166	I do not support the amendment	Does not want SLO9 placed on the property as it would prevent removal of 27 pencil pines along northern side of the property and the eventual development of units on the site. The trees cause unreasonable overshadowing and constantly shed debris.	Imposition on private property rights Costs incurred by controls	This property is included in the General Residential Zone - Schedule 1. The number of dwellings permitted on the property would depend on the requirements of the planning scheme, including site coverage of 50%. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. If a permit is required for the removal of a tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. However, given the number of trees to be removed, the standard planning permit process may be more appropriate in this case. Residents are encouraged to contact the Planning and Building Department if they have questions about the planning permit application process.	No change. Refer to a planning panel.
167	I do not support the amendment	Large pin oak on the property has caused damage to house and property through dropping limbs. Council inspected the tree and advised that the tree could only be removed if it had a fungus as it appeared healthy. The proposed controls lack clarity - do we require a permit for lopping or can we lop and prune when necessary? Residents should have the ability to maintain their trees for safety. Council is being negligent if it ignores these issues.	Safety	The tree was inspected by Council in February 2019. The tree did not meet any of the exemption criteria under the interim SLO9 and the property owners were advised they would be required to go through a VicSmart process to have the tree assessed for removal. Authorisation to prune to Australian Standard 4373 - Amenity Tree Pruning 2007 was issued. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to the satisfaction of Council. Pruning also does not require a planning permit.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
168	I do not support the amendment	<p>1. The regulations are unenforceable. Staff are unconvinced by the amendment and are unskilled to administer it.</p> <p>2. Council believes it knows better than the land owner how to manage a private garden.</p> <p>3. If Council refuses a permit, it should reimburse all fees an compensate owners for retaining the tree.</p> <p>4. The proposed controls make Council responsible and liable for these trees that it refuses removal:</p> <ul style="list-style-type: none"> - Council should provide the owner with an indemnity against claims for damages caused by the tree, compensation for the space the tree occupies and regulate maintenance of the tree. - Council needs to explain what their preferred landscape for a street is and why it is preventing ratepayers and why developers is not required to provide and maintain trees that I am required to retain . - Council needs to explain why it wants to keep unsustainable invasive species and not replace them with better species e.g. drought resistant that are now available. <p>5. The proposed controls won't result in more canopy; existing trees will die and residents will be hesitant to plant new trees that will get captured by the controls. Trees are a living thing; it is crazy to try to protect them in the same way as heritage which is a static structure.</p> <p>6. Residents do not want to get lawyers involved in permit applications and associated VCAT and potentially Supreme Court activities.</p> <p>7. Council has no right to dictate how a private landowner landscapes their property</p> <p>8. Critical of the high density development in Box Hill that has no regard to landscaping.</p> <p>9. There is a better and more effective cooperative approach for the greater long term good of the overall City.</p>	<p>Imposition on private property rights</p> <p>Costs incurred by controls</p>	<p>Council's planning enforcement team inspects properties where illegal tree removal has occurred. Review of replacement planting after a tree has been removed also occurs on a regular basis.</p> <p>It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees can be assessed and considered on a case by case basis. The proposed controls also provide for a number of exemptions from the need for a planning permit which will accommodate a range of common tree management issues on properties.</p> <p>Case law demonstrates that Council would only be liable if it failed to properly consider a request to remove trees that were dangerous. If an application is made, the trees had been competently inspected and a decision made, in good faith, not to allow the removal of the trees there would be no liability even if the tree falls in the wind.</p> <p>The Neighbourhood Character Study undertaken in 2014 provides the preferred character statements and guidelines for a street. These include the objective and a design response.</p> <p>All land can be developed and therefore Council cannot determine between "developers" and "home owners". Council does not necessarily want to retain invasive species, hence the proposed inclusion of an environmental weeds list which will not require a planning permit to be removed.</p>	No change. Refer to a planning panel.
169	Supports with changes to the amendment	<p>Suggested changes to the amendment:</p> <ul style="list-style-type: none"> - It should encompass existing homes issues as well as new construction. - Fruit trees should be excluded. - White-ant affected, diseased /dangerous trees should be able to get a permit without the need for an arborist's report. - Some existing blocks have planted quick growing screening trees such as James Stirling Pittosporum which have a narrow canopy and quite often are lopped as they grow taller to bush them out or to preserve winter sun to property or solar panels etc. These are not canopy trees and should no be captured by that controls. - Lopping trees to preserve solar access to solar panels is an important issue as part shadow on solar installations can dramatically reduce power produced by the panels. Where a tall canopy tree exists, then new owners or developers will need to adapt. Where the solar panels exist, a permit should be required to plant to the north of installations and to choose species that will not incur losses of generation and income to the neighbour. 	Changes to the controls	<p>The controls are proposed to apply on all residentially zoned land that isn't already covered by SLO1-8, meaning it will encompass existing homes as well as new developments.</p> <p>Pruning fruit trees within Australian Standards would not require a permit and would be appropriate management for fruit trees, therefore properly managing a fruit tree doesn't require a permit. If a fruit tree has been allowed to grow to 5m then fruit is not likely to have been harvested and the community would value it as a canopy tree. It is not recommended that fruit trees be excluded. If a tree has termites, it could be in a part of the tree only and the tree may be treatable. If termites have destabilised the tree, Council would want an independent arborist report to determine the outcome.</p> <p>James Stirling Pittosporums are a shrub, which can be distinguished from a tree by the presence of multiple stems originating from near the base of the plant with no clear leader and a bushy form.</p> <p>It is recognised that factors such as tree type, height and density may affect the extent of overshadowing to a rooftop solar energy facility whereby efficiency and performance is affected. The effects to solar facilities could be mitigated by a range of considerations including the siting of the system, whether a tree can be trimmed, the extent to which the system can be located to protect from overshadowing and the type of solar facility. Whether to grant a permit for tree removal should draw reference to the existing documentation and guidelines that DELWP have prepared as well as other considerations and supporting evidence that emerges on a case by case basis.</p>	No change. Refer to a planning panel.
170	Not clearly specified	<p>Submit that "or a Balcony (whether on the Ground or another floor) of an existing house" should be included after the word Wall to read: "A tree is less than 3 meters from the wall or a balcony (whether on the ground or another floor) of an existing house." While a wall may be at the periphery of most houses, where there is a balcony protruding from a wall towards the tree, the end of the balcony should be the periphery of that house. In many instances the tree may be within 3 meters of other existing buildings such as Garages, carports, outhouses etc. but no mention has been made regarding exemptions in such cases in Amendment C219. Perhaps some provision should be incorporated. Provision already exists for pruning a tree for regeneration or ornamental shaping without a planning permit but it appears that any branches to be lopped for such as invasion of property or any other purpose will require an Arborist's report and a Planning permit to lop a tree in areas covered by SLO9. These charges together with the tree cutters fees to climb almost 4 to 5 meters from ground level for lopping could be quite exorbitant. I have a tree on my property that is 4.2 meters from the front wall at the bottom level. However there is a balcony above which is 2.1 meters wide and if the length is taken from end of the balcony nearest to the tree at a downward angle it is 2.7 meters from the tree but much shorter if taken on the horizontal plane. I calculated it as 1.5 meters i.e. from the metal strut supporting the balcony to the tree. The tree in relation to the Double carport and the distance between is 40 centimetres. Tree is also invading the balcony by a branch and other foliage. Could you please see your way to allowing me to have the tree removed without having to procure an Arborist's report (Quoted at \$ 500.00) and any charges for a planning certificate.</p>	Changes to the controls	<p>Balconies are generally above ground. The controls propose an exemption for trees within 3 metres from the wall of an existing dwelling or an existing dependant persons unit when measured a ground level. This does not apply to a tree that is less than 3 metres from an existing outbuilding. The further work did not recommend applying the exemption more broadly. If the tree requires pruning back from a balcony a permit would not be required. Lopping of a tree would require a planning permit. If a permit is required , it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90 and is set by the State Government. The Panel for Amendment C51 considered that it would be reasonable to ask a proponent to provide an arborist report to Council at their cost where it is unclear if a tree meets an exemption or if the tree is healthy and is proposed for removal for other reasons. Council could however investigate undertaking arborist assessments for single trees.</p>	No change. Refer to a planning panel.
171	I may support the amendment if changes are made	<p>Scheduled bus services operate along roads effected by proposed controls. Tram services are restricted to Whitehorse Road but activities within the remit of "tramway" defined land use may take place within the proposed SLO. Would like to ensure that the removal of vegetation which poses a safety or operational risk to public transport services are exempt from the SLO. Suggests the following addition to the list of exemptions: "The removal, destruction or lopping of a tree to the minimum extent necessary to maintain the safe and efficient function of the on road public transport network (including tramways) to the satisfaction of the Department of Transport".</p>	Changes to the controls	<p>Majority of tram infrastructure would be located in a Road Zone or on public land where the proposed controls do not apply and there are existing exemptions proposed for powerlines and public utilities. However tramways is a defined term within the Planning Scheme and has assets which may require the need to manage vegetation. Most bus layover areas are located underground or within land not affected by the proposed controls. However works associated with bus and tram operations can include platforms, tram track and overhead infrastructure, roadway alternations including kerbing, awnings, street furniture, driver facilities and substations. Some of these may be located on land that is proposed to be covered by SLO9. Therefore it is proposed to include the following exemption: "The removal, destruction or lopping of a tree to the minimum extent necessary to maintain the safe and efficient function of the existing on road public transport network (including tramways) to the satisfaction of the Department of Transport". By exempting existing on road network, this means any future works will require consideration by Council.</p>	Change proposed.
172	I do not support the amendment	<p>1. In residential areas, there are safety issue for life and property associated with large gum trees.</p> <p>2. There is a significant cost (excessive to pensioners) in getting an arborist checks.</p> <p>3. The amendment will severely impact on residents' rights to plan and alter their gardens.</p> <p>4. It will reduce the number of blocks available for redevelopment and so reduce our opportunities for finding an appropriate unit a reasonable cost when we downsize.</p>	<p>Safety</p> <p>Imposition on private property rights</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.</p> <p>Property values are not a valid planning concern.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
173	Not clearly specified	Concerned about elderly deciduous pin oak on nature strip. The amendment locks out any flexibility relating to leaf maintenance of large canopy trees in the municipality. Cleaning and maintenance of the property due to the tree is onerous. What happens if trees have multiple trunks? What actions do I need to take to arrange lopping of a tree?	Safety Other comments	It is noted that the submission relates primarily to a street tree. Regarding trees on private property, these are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. If may be possible to obtain a permit for the lopping of a tree through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is \$199.90. The measurement is taken at a single trunk circumference. If a tree is multi-trunked, if just one of those trunks (a single trunk) meets the circumference trigger than a permit would be required. If a tree has five trunks for example and none of them is or greater than the circumference trigger, then a permit is not required.	No change. Refer to a planning panel.
174	I do not support the amendment	1. There is no strategic basis for making SLO9 permanent. This is a miss-application of the SLO. The objectives of the SLO are: • To identify significant landscapes. • To conserve and enhance the character of significant landscapes. To say that all residential suburbs in Whitehorse form part of a significant landscape is clearly nonsense. They are indistinguishable from other post-war suburbs in adjoining municipalities. Such suburbs, like Glen Waverley and Mt Waverley in Monash, do not have a blanket SLO. 2. Individual pockets in Whitehorse that have a special landscape character. The SLO should be applied to these areas if they meet criteria that justify landscape protection. 3. The proposed SLO adds unduly to the workload of Council's overworked statutory planners.	Other comments / planning process	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The further work undertaken for the Municipal Wide Tree Study (part 2), supports implementing the proposed control across Whitehorse. The City of Monash has a blanket Vegetation Protection Overlay (VPO1) that protects vegetation (not just trees) with a trunk circumference greater than 0.5 metre measured at 1.2 metres from the ground and is taller than 10 metres. As part of the Amendment documentation Council was required to detail how the new planning provisions will impact on the resources and administrative costs of Council. When the interim schedule to the SLO was introduced by Amendment C191 on 8 February 2018, Council experienced an increase in planning permit applications for tree removals across the municipality and this was confirmed by the further work. Council anticipated this increase in planning permit applications by allocating funding in the 2017-18 budget for additional staff (ongoing), which included up to 3 arborists, up to 2 enforcement officers and 1 administrative officer plus upfront capital costs for overheads such as office space and fleet vehicles etc. This Amendment includes several additional planning permit exemptions than the interim controls, which may reduce the number of permit applications. Notwithstanding a potential reduction as a result of including additional permit exemptions, Council is resourced to assess future planning permit applications.	No change. Refer to a planning panel.
175	I support the amendment	We need trees for their amenity values and to support fauna. It takes a tree decades to get to a significant size and it takes minutes to cut it down. Replacement tree planting is therefore not an effective remediation strategy as the tree will need decades to have the same values as the one removed. Over development and the removal vegetation must be stopped. Would like to see stronger controls for removal of trees on Council land - removal of large trees should be independently approved. Submitter witnessed the removal of a 50 year old tree as it was thought to be structurally unsound, found once it was cut down that it was actually structurally sound. Test is needed to ensure that arborist opinion about tree was correct as we need to protect all trees on both private land or Council land.	Support	Support noted. Approximately 10% of land within the municipality is Council managed land. Under Council's Urban Forest Strategy, street trees and trees on public land will only be removed if in the opinion of the Council arborist the tree is dead, dying or dangerous. The Urban Forest Strategy also notes that it will work to with relevant agencies to establish further canopy cover and prevent canopy removal on public land, including Council land and land managed by Melbourne Water, Parks Victoria and VicRoads.	No change. Refer to a planning panel.
176	I support the amendment	The amendment is necessary to stop the blatant removal of trees by developers, leaving a moonscaped site and exploiting the system by not applying for this as part of a development. This has been particularly bad in the Box Hill area. Overall tree canopy across municipality has been reduced. Funding needs to be available to plant more canopy trees, particularly given rise in temperatures. Given the rate of redevelopment, tree protection is a necessary. I applaud the Council for taking this action.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
177	I support the amendment	I support the amendment as a necessary measure to preserve vegetation and especially canopy trees. There are many well-studied benefits of a treed environment including: reduce power bills, save energy, lower air temperatures in summer which help protect us from climate change, strengthen sense of place and increase biodiversity, help reduce flooding and improve water quality, reduce noise pollution and increase air quality and improve health and wellbeing. Submitter is concerned about growing number of blocks being cleared for intensive development or construction of large properties. This is steadily destroying the environment and the amenity of the municipality.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
178	I support the amendment	This is a welcome initiative by the council. The proposed amendments are all excellent especially the proximity to houses and pools exemptions which are entirely logical and potentially enable property owners to easily take steps to prevent damage to structures. Suggestions include: 1. Enforcement when developers ignore, remove or damage existing nature strip trees. 2. Rules encouraging use of and increasing numbers of indigenous trees. 3. More detailed requirements for landscaping and planting schedules for planning schemes and the enforcement of these. 4. Nature strip planting should be more rigorously maintained and increased. There are many areas where these trees have been removed and not replaced and other areas where 2 trees per property would be completely appropriate. There are many areas along main roads (i.e. Canterbury Rd) where there are no trees. The Council needs to lead by example to increase and promote the tree canopy in Whitehorse.	Support	Support noted. Planting and maintenance on nature strips is managed by Council's ParksWide department. This submission has been referred to ParksWide. Suggested replacement trees for planting depends on the site context and may include indigenous trees if appropriate. Council's Urban Forest Strategy provides guidance about planting and commits to a target of a minimum of 1 tree adjacent to each residential property. It also notes that in some cases a nature strip may not be an appropriate site for planting due to other constraints. Council supports planting along main roads, however there are limitations and guidelines on planting along VicRoads managed roads which must be adhered to.	No change. Refer to a planning panel.
179	I support the amendment	Whitehorse City Council has brought in this amendment too late. The area around Severn Street has the unfortunate bald look of a new housing estate and ugly wall to wall apartments - soulless, treeless and uninspiring. It is a poor outcome compared to the leafy streets across in Boroondara. Greenery is vital to our neighbourhood in order to give shade in summer, stop roaring winds and dust, give character, and produce beautiful clean air.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
180	I do not support the amendment	The area within 5km of box hill shopping centre should not covered by the control.	Changes to the controls	SLO9 applies across all residential zones that aren't already covered by SLOs (1-8) . In order to ensure a balanced approach to vegetation protection, SLO9 sets a higher tree measure threshold before a planning permit is required than the existing SLOs 1-8. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover. Parts of the area directly surrounding the centre of Box Hill are included in the Residential Growth Zone or Commercial Zone. The proposed controls will not apply to the Commercial Zone or beyond the front setback in the Residential Growth Zone. This is in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth.	No change. Refer to a planning panel.
181	I support the amendment	Long overdue. Far too many trees have been already been removed for the sake of higher density development.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
182	I may support the amendment if changes are made	A tree near the property boundary has caused extensive damage to property and brick letterbox. The property owner is seeking to make a claim and would like Council's assistance with quotations and repairs. The tree is a safety hazard and could lead to serious physical injuries.	Other comments	It is presumed this submission refers to a street tree. Council does not have any record of issues with a tree planted by Council. This submission has been referred to ParksWide for consideration	No change. Refer to a planning panel.
183	I may support the amendment if changes are made	<p>1. The distance exempting " tree that is less than 3 metres from the wall of an existing house" should be measured from the edge of the ground floor roof-line (spouting or eave) to the outer bark of the tree (not the centre of the trunk).</p> <p>2. Council to:</p> <ul style="list-style-type: none"> - Publish a list of their approved qualified expert arborists so as to avoid scammers. - Mandate maximum permissible costs for these arborist reports and provide financial relief or discount for pensioners etc. - Provide a simple inexpensive and independent mediation process of appeal. <p>3. Many "trees" do not have a central trunk at least one metre high but grow to heights above 5m. Also, when is a tree not a tree but an overgrown bush?</p> <p>4. Where a tree owner removes a tree within these guidelines but without direct Council involvement, the onus of proof would fall on the tree owner in the event of a later dispute. Council should provide some guidance for such a situation.</p>	Changes to the controls Costs incurred by controls	<p>Council does not support the proposal to take the ground level measure from the outer edge of the eave or spouting line (i.e.: to exclude the width of an eave from the building setback exemption measure of 3 metres) .It is considered that the wall of a dwelling is the more consistent point from which to take the setback measurement.</p> <p>Council is unable to provide a list of approved arborists, as this would be anti-competitive. The key consideration is that an arborist needs to be properly qualified. Council is unable to mandate maximum permissible costs for reports as arborists are independent from Council.</p> <p>If there is a disagreement regarding the refusal or granting of a planning permit application, land owners are able to appeal to VCAT for an independent assessment.</p> <p>A shrub can be distinguished from a tree by the presence of multiple stems originating from near the base of the plant with no clear leader and a bushy form. If a tree is multi-trunked, if just one of those trunks (a single trunk) meets the circumference trigger measured at 1 metre from the ground) than a permit would be required. If a tree has five trunks for example and none of them is or greater than the circumference trigger, then a permit is not required.</p>	No change. Refer to a planning panel.
184	I support the amendment	<p>I fully support the new proposed amendment as it will provide our urban environment some buffer against the effects of climate change</p> <p>A green canopy landscape is desirable and crucially important to wildlife.</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
185	Supports the amendment but seeks changes	<p>Support the council's efforts to maintain a good landscape character. Suggested improvements to the controls include:</p> <ul style="list-style-type: none"> - The control should focus on trees in the street frontage more so than toward the rear of the block where tree removal should only be denied in exceptional circumstances. - There is no reference in the Decision Guidelines to the concerns of property owners, for example about the costs of pruning and maintenance, or concerns about safety issues. The reference to 'valid reasons for removing trees' in the guidelines is vague and subjective, leaving a lot of room for dispute. Presumably this would include things like maintenance costs, damage to property and safety issues. - Increase the exemption distance for trees near dwellings / in-ground pools to 5 metres. Alternatively, adopt a smaller distance to buildings along street frontages, but allow for a larger distance further to the back of the block. -Provide support for property owners such as pruning services - Advocates for planting more suitable trees for the environment, noting that some trees (large gums) are not suited to our residential areas. In addition, the replanting guidelines are unclear. - There should be a distinction in the guidelines between property owners who have been in the municipality for some time, and developers or people moving into the municipality when the controls can be factored into decisions to purchase / develop. - Contrary to how the decision guidelines are currently drafted, vegetation is just one component of 'neighbourhood character'. To assist with better decision making, the decision guidelines should present a more balanced view of the components that make up the neighbourhood character of a property. 	Changes to the controls	<p>As noted above, trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Pruning a tree is part of property maintenance and the costs associated with this is not a valid planning consideration. Valid reasons for tree removal, including safety, are considered by Council - a tree deemed dead, dying or dangerous can be removed without a planning permit.</p> <p>The decision guidelines require Council to consider a multitude of issues including the contribution of the tree to the neighbourhood character, the need to retain the tree, the compatibility of the tree with buildings, and if retention cannot be achieved what tree species is considered appropriate for replanting.</p> <p>A list of replacement trees is provided with a planning permit and is based on the site context and requirements for the tree. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah as acknowledged by the submitter. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>All land has the ability to be developed according to the planning scheme and council cannot discriminate between long term property owners and new property owners or landowners who chose to develop their property. The different aspects of neighbourhood character are considered by the planning scheme and would be considered when an application for a planning permit is assessed. This character is set out on a precinct by precinct basis in Council's Neighbourhood Character Study 2014.</p>	No change. Refer to a planning panel.
186	I support the amendment	<p>The amount of tree canopy destroyed and the subsequent impact on inner city warming, through the needless and mindless approach from developers and some residents needs to stop.</p> <p>Tree canopy is crucial to the liveability of Whitehorse residents.</p> <p>A stronger link needs to occur within Council when processing Vic Smart applications, to ensure a thorough investigation still occurs regarding the history of properties and any previous planning applications. This will ensure that all trees are protected that should be and that the fast tracking application process does not lead to the destruction of crucial canopy trees.</p>	Support	Support noted. Assessment of VicSmart applications is based on the requirements of the planning scheme and a thorough assessment is undertaken by Council's arborist. A delegate report considers all aspects of the site and the tree proposed to be removed to ensure that trees are not removed without due consideration.	No change. Refer to a planning panel.
187	I support the amendment	I would like to exclude weed tree species from the controls.	Support	Support noted. The amendment includes a list of exempt environmental weeds. No further comments required.	No change. Refer to a planning panel.
188	I may support the amendment if changes are made	<p>Supports the amendment, but has the following comments:</p> <ul style="list-style-type: none"> - Virtually every re-development is preceded by moonscaping of the entire block. This penalises those who already have a large number of trees on the block and developers can get away with no consequences. - The cost of a planning permit and arborist repot plus removal of a tree is expensive. The list of replacement trees seem to be completely blind to climate change. E.g. Silver birch! - The controls will have the unintended consequence of reducing tree cover in the long term as people will make the decision not to plant anything that is likely to grow over 5m or remove something before it exceeds that height. - It seems to be a revenue raising exercise; it is a de facto rate rise in the environment of rate capping. 	Costs incurred by controls Intent of controls	<p>The proposed controls are intended to apply to all land within the residential zones that are not already covered by SLO1-8, thereby applying to all landowners including developers. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties. Any property could become a development site into the future. It is also noted that there are existing development approvals that predate the interim controls.</p> <p>The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.</p> <p>The list of replacement trees for the application at this address was based on the contribution to the urban forest canopy and included 15 trees which were classified as medium sized trees that would reach 12-15m in height at maturity. Any other tree to the satisfaction of Council could also be planted.</p>	No change. Refer to a planning panel.
189	I support the amendment	Seeks to address some aspects of climate change and the increasing loss of trees, vegetation and the environments they support. Removal of trees has affected summer temperatures on property and surrounding area. Economist and ecological scientist should work together to determine true dollar value of trees to estimate appropriate council fines for the destruction of trees and vegetation.	Support	Support noted. Fines for illegal tree removal are set by the State Government, not Council. The maximum penalty that can apply is 1200 penalty units (section 127 of the Planning and Environment Act 1987) A penalty unit is currently \$165.22 (https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values) The maximum fine at the Magistrates Court for illegal tree removal is \$198, 264. Council has consistently advocated for an increase in fines for illegal tree removal.	No change. Refer to a planning panel.

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190	Not clearly specified	The Study does not address the principal concern of residents: high density development and the growth policies of State government leaving little room to plant trees. The proposed amendment will impose restrictions on the majority of residents who have done nothing wrong. SLO9 imposes unnecessary expenses on residents and the process is very adversarial. No advice is ever provided by Council staff. Large trees are not possible to practically maintain. The amendment may result in higher removal of mature trees replaced with smaller growing trees to avoid the planning process complications. Amendment should be rewritten to address non compliance by developers. Concerned about the impact of slab foundations on trees	Intent of controls Costs incurred by controls Other comments / State policy	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. All land can be developed according to the planning scheme and therefore Council cannot determine between developers and residents. Council encourages residents and developers to plant the right tree in the right location and acknowledges that with increasing housing density this may result in smaller canopy trees. However the Planning Scheme requires the allocation of private open space for new developments to allow for the planting of canopy trees. The Planning Scheme also requires the application of the garden area requirement in the NRZ and GRZ - which is a percentage of the lot that must be set aside to ensure the garden character of suburbs is protected. The VicSmart process may be used for removal of one tree and aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90 which reduces the cost burden. Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.
191	I may support the amendment if changes are made	Concerned about dangerous/hazardous trees / Limb droppers: Large gum trees are no longer appropriate in built up urban areas. They are unsafe. The classification of these trees under SULE (Safe Useful Life Expectancy) should be reassessed. (4 metres from assets is way too short) Include a program to ensure the right trees match the environment. Permit costs and Arborist reports come across as a tax on safety. For development the cost impost is appropriate but for safety it is not.	Changes to the controls Costs incurred by controls	Council provides a list of replacement trees to chose from if a planning permit is issued. This is based on the context of the site. Whilst arborists may state this in some reports, it is very generalised and there is no further information about the context, what limbs failed or the associated damage. It is quite rare to come across a 40m tree in a build up area. The tallest seen in Whitehorse in the last 12-18 months was 27m in height, which is certainly not common. Tree height in relation to its useful life expectancy is assessed on a case by case basis. Council encourages residents and developers to plant the right tree in the right location	No change. Refer to a planning panel.
192	I do not support the amendment	People will not remove trees for no reason. It would be better to restrict building more and more townhouses in area to support environment, rather than create difficulties for people maintaining an existing tree. The 3 metre exemption from a dwelling should also including entrance hall and carport area, since the broken branches may also damage the carport and roof area.	Changes to the controls	The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Council needs to balance tree protection with supply of land for development which is reflected in the controls not requiring a permit to remove a tree outside the front setback of the Residential Growth Zone. Council's <i>Housing Strategy</i> 2014 provides more guidance on this matter. The exemption for a tree within 3m of the wall of an existing habitable building to protect the building foundations. This would include an entrance hall area but not a carport, as this is not habitable.	No change. Refer to a planning panel.
193	I do not support the amendment	Exempt properties that need to cut trees to build a rooming house. The planning schedules were amended October last year in Victoria so that you didn't need a planning permit for a rooming house and the proposed amendment will be contrary to the intention of having affordable housing and planning changes. This will impact future new rooming houses built in Whitehorse.	Changes to the controls Intent of controls	To repeat the responses above, it is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The proposed controls do not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
194	I may support the amendment if changes are made	Concerned about trees that jeopardise the structure of the house. The safety of house and people are more important than trees. Increase the exemption to 4 metres from the wall of an existing house.	Changes to the controls	If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. The 3 metre distance is also based on previous work undertaken by the former City of Nunawading which states that buildings should be at least 3.0m from a mature tree.	No change. Refer to a planning panel.
195	I may support the amendment if changes are made	<ul style="list-style-type: none"> • Need to define the term "lop" clearly so residents can judge whether what they want to do with their trees falls into this category (remove and destroy are self-explanatory). • For a tree that is "dead, dying or dangerous", what will be the complexity and length of the process to gain approval to remove or lop it? • What penalties will apply if people remove, destroy or lop a tree without a permit when one is required? Will it be sufficient for people to not take the risk? 	Intent of controls	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 for regeneration or ornamental shaping. Lopping is defined as the practice of cutting branches or stems between branch unions or internodes. If a landowner thinks the tree may be "dead, dying or dangerous" they should contact Council to determine way forward. Council typically needs to know information about the tree, including evidence about the health of the tree. Council's enforcement officers usually inspect the tree and offer their assessment, the length of time will depend on the complexity of the assessment. Council can take enforcement action should vegetation be removed without the appropriate approval. The maximum penalty that can apply is 1200 penalty units. A penalty unit is currently \$165.22 and the maximum fine at the Magistrates Court for illegal tree removal is \$198, 264.	No change. Refer to a planning panel.
196	I do not support the amendment	<ol style="list-style-type: none"> 1. The amendment must be framed such that it does not create unintended consequences and limit the residents and landowner's ability to have real choice in rigidly defining the type and size of dwelling they wish to have on their property, outside of the current regulatory requirements. 2. No land owner should have their land devalued by the implementation of the new controls. It should not impede the development of land within the allowable building envelope of the zoning of that land. 3. Monitoring of the canopy needs to allow for flexibility so that each property is assessed on merit. 4. Council should accept he submission of an arborist report as sufficient information to allow for removal of a tree. 5. The exemption: "A tree that is outside the minimum building setback from the street" should apply to all zones in the City of Whitehorse (not just the Residential Growth Zone). 	Changes to the controls Other comments / planning process	The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Property values are not a valid planning concern. Decision guidelines in the Whitehorse Planning Scheme are used to determine applications. Arborist reports are considered as part of this planning assessment process. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development.	No change. Refer to a planning panel.

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197	I do not support the amendment	<p>SLO9 is unclear in terms of its objective - is it maintain or enhance - if enhance there are no clear targets within the Amendment documents.</p> <p>List of environmental weeds should be clearly included with relevant reference documents to ensure a comprehensive list is provided for clarity.</p> <p>Consideration should be made for allowing removal of trees in easements without a permit.</p> <p>Height should be measured at 1.5m DBH - requiring different measurements can be costly where previous reports may have been undertaken at DBH.</p> <p>Application requirements do not clarify what constitutes the justification of tree removal from an Arborist - a valid reason may be the reasonable development of land.</p> <p>SLO9 does not list any reference documents.</p> <p>SLO9 should include a decision guideline as per 22.04 such as "the tree is in a location which makes it impractical to be retained".</p> <p>No net loss of canopy cover approach has not been translated into SLO9 with replanting requirements being unclear.</p> <p>SLO9 does not have any transitional requirements which would create uncertainty for permit holders.</p> <p>Advice of Ethos Urban regarding blanket control has not been translated and SLO9 remains a municipal wide control.</p> <p>Tree Study does not include a detailed analysis of what impact SLO9 would have on dwelling yield with GRZ / NRZ.</p> <p>SLO9 does not include clear replanting guidelines or policies, failing to demonstrate how the target of 30% across the municipality can be achieved by SLO9.</p> <p>The Study included a recommendation to consider a smaller TPA as a means of providing canopy trees - there is limited evidence which supports 35m2 and 50m2 TPA as per Clause 22.04</p>	Changes to the controls	<p>The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character. It is considered that the amendment objective is maintenance and enhancement of canopy as a "forward thinking" control. Part 2 of Study identifies that the recently endorsed Urban Forest Strategy (UFS) seeks to increase the canopy cover to 30% by 2030. The UFS notes that only 10% of the municipality is public land and therefore canopy will be required in the private realm to contribute to the target.</p> <p>Reference documents are not permitted in schedules by DELWP. The list of environmental weeds is clearly included in the SLO9 itself.</p> <p>The proposed controls include an exemption which allows the removal of vegetation to maintain the safe and efficient function of a utility installation which would apply to all utilities whether or not they are included in an easement.</p> <p>Part 2 of Study analysed the circumference test and 1 metre circumference trigger ensures that the control is targeting trees that are large enough to have an impact on neighbourhood character. The measurement being taken at 1.0 metre above the ground is consistent with the existing SLO's in the Planning Scheme.</p> <p>Decision guidelines clarify what council is required to consider during an assessment. The SLO9 does not prevent development meaning consideration of trees is required when looking to develop a site. Clause 22.04 would already be considered in the assessment of an application to remove a tree.</p> <p>Regarding transitional provisions there is already an exemption relating to building approvals issued prior to the introduction of the interim SLO9 on 8 February 2018. Part 2 of the Study concluded that "the application of a blanket SLO control...is an appropriate method" and "creates a corridor of protected trees in residential areas...connecting Melbourne's green and leafy eastern suburbs..." (pg. 16) If a tree is authorised for removal the SLO allows council to require replacement planting. Clause 22.04 outlines the replanting considerations. Part 2 of the Study reaffirmed previous strategic work done as part of Housing Strategy that notes there is sufficient housing capacity in Whitehorse and the retention of SLO9 would not have an unreasonable impact on the capacity to accommodate dwelling growth. Study looked at mechanisms for enhancing canopy coverage but did not include this as a recommendation in Chapter 5 of the Study.</p>	No change. Refer to a planning panel.
198	Not clearly specified	<p>If small trees are removed they will never become established trees</p> <p>There is no discussion about tree replanting and renewal.</p> <p>Box Hill is now dull, colourless environment - what about garden beds, hanging baskets and vertical gardens?</p> <p>The developments have eliminated most trees, gardens and plantings. Box Hill is drab, boring - where have the style, beauty and taste gone?</p>	Intent of the controls	<p>The Box Hill Metropolitan Activity Centre is a mixture of zones including the Commercial Zone, Public Use Zone and Residential Growth Zone. The tree controls are not proposed to apply to non-residential zones however the planning scheme still requires the consideration of landscaping in developments. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development.</p>	No change. Refer to a planning panel.
199	I support the amendment	<p>Trees are so essential for our wellbeing, they absorb pollutants and produce oxygen for the community. They provide shade for humans and habitat for local wildlife. Must stop moonscaping of properties and building sites. High-rises produce wind tunnels, with no greenery or setbacks for tree growth and are adding to greenhouse emissions. Need to stop devaluing properties. New buildings are an eyesore and do not fit the green and leafy character of Whitehorse, with no setbacks for future growth of trees or vegetation.</p>	Support / Intent of the controls	<p>This submission appears to be supporting the need for further tree protection controls.</p>	No change. Refer to a planning panel.
200	I do not support the amendment	<p>Has maintained trees on the property in Nunawading for many years and plans to replace an that eventually need removal. It is unfair that this will incur considerable cost through the planning process to continue the ongoing care of trees on the property</p> <p>Consideration should be given for people who do not have any plans to subdivide or sell the property and who want to care for their trees.</p> <p>When tree removal is not for the purpose of profit it should be encouraged.</p> <p>The proposed changes will have a marked negative effect on property values. A revaluation of properties would be required and a compensation adjustment of rates given to property owners.</p>	<p>Changes to the controls</p> <p>Costs incurred by controls</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree has reached the end of its life expectancy and deemed dead, dying or dangerous, it can be removed without a planning permit.</p> <p>The proposed controls are intended to apply to all land within the residential zones that are not already covered by SLO1-8, thereby applying to all landowners who may choose to alter or develop their properties. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties.</p>	No change. Refer to a planning panel.
201	Not clearly specified	<p>The submitter reviews various data sources measuring tree canopy. The 2014 and 2018 data by DELWP indicates a 2.4% loss of canopy of 3+ metre high trees over this period, but the submitter notes that the greatest canopy loss is from trees in the 3-10 metres height range, with only a much smaller percentage (0.26% reduction) for trees 10+metres. The <i>Municipal Tree Study (pt 2)</i> has a lack of metrics, particularly about the implications of the controls in terms of number of applications, costs, enforcement, administration, etc. - this has not been adequately addressed in the Study. Specifically:</p> <p>-The cost to administer the interim SLO9 controls since its introduction (consultant costs, officer administration, community consultation, compliance)?</p> <p>-The average cost per application for applicants? (fees, arborist report and plans).</p> <p>-The average time taken on to process an application for tree removal?</p> <p>-How many applications were pertaining to tree removals alone?</p> <p>How many applications were for tree removals associated with other planning matters, such as buildings and works?</p> <p>-How many tree removal permits were granted?</p> <p>-Which of the decision guidelines were most commonly used to justify granting a permit?</p> <p>-How many trees have been replaced?</p> <p>How was compliance achieved?</p> <p>The Study does not adequately assess the SLO as the most appropriate tree retention tool.</p> <p>Risk management: How are dangerous trees are determined to the satisfaction of Council and the timeframes associated with decision making?</p> <p>Concerned that there are Aust native trees species that are not suited to our suburban landscapes. SLO application is to be accompanied by a landscape plan = extra costs to applicants and should be simpler. Effective tree controls require incentives and education as well, otherwise people may be discouraged from planting canopy trees.</p> <p>Concerned about Council's ability to ensure compliance with tree planting requirements. The idea of a 'tree levy' is outlined (see Seattle and City of Stirling) to achieve tree planting outcomes.</p> <p>No reference in Urban Forest Strategy as to how the 30% canopy coverage figure was arrived at nor are there policy statements supporting it.</p> <p>Whitehorse should not rely on an arbitrary 30%, nor should this be applied in a blanket fashion in every location as the optimal tree canopy level.</p>	Other comments	<p>The Financial Implications of the Council report will outline the costs of the amendment process. Ongoing operational costs of compliance and officer administration would be included in the council budget. The consultant costs were also noted when the project was included as a budget initiative.</p> <p>The submitters concerns about the extent of analysis in the Study Part 2 are noted. All of these questions are relevant and useful, however Council has worked within available resources and systems to provide a level of assessment of applications since introduction of the interim SLO9. The Study reviewed the administration of the interim SLO9. It concluded that a precise calculation of the effect of SLO9 in terms of permit numbers was not possible because of the complexity of planning controls and the fact that an individual application may address a number of different matters. Further statistics about Council's processing of applications more broadly can be viewed on the DELWP's Planning Permit Activity Reporting system at: https://www.planning.vic.gov.au/resource-library/planning-permit-activity-in-victoria</p> <p>Council can review the tree planting undertaken to ensure compliance with permit conditions is achieved.</p> <p>If a permit is required for the removal of a tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. A fee for a VicSmart application is currently \$199.90. Arborist reports and landscape plans is not a cost determined by Council and would vary depending on the requirements. The arborist report and landscape plans are a requirement of the VicSmart application process to allow council to undertake a comprehensive assessment. The decision guidelines must be considered as appropriate by Council when assessing an application and applied as relevant to each case.</p> <p>Council's planning enforcement team will inspect a tree that is reported as dangerous as soon as practical. If the tree is obviously dangerous they can authorise its removal straight away otherwise it is referred to Council's consulting arborist.</p> <p>The 30% target is based on research that indicates that this is the optimal cover needed to realise the benefits of an urban forest, including cooling, and reduction in urban heat island affect.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
202	I do not support the amendment	<p>Additional costs are potentially significant and have not been quantified - e.g.: may reduce property prices; bring compulsory acquisition claims; will impact on those who can't afford it. Could just become a revenue stream for council.</p> <p>Many protected trees will be in rear yards and not visible, and therefore of minimal effect on neighbourhood character. Further the controls will discourage landowners from planting trees.</p> <p>Suggests the following:</p> <ul style="list-style-type: none"> -Opt out period of 1 year, to allow removal of trees or to nominate trees to be excluded from the control. - Additional clarity about approval to remove dangerous trees or those causing damage. -Trees planted should be able to be excluded from protection -Improve the tree canopy fairly by requiring equal planting requirements on all developments and new/re builds. <p>The focus should be on replanting, not controlling tree removal and fining home owners.</p> <ul style="list-style-type: none"> -Council should clarify enforcement process - laws should be applied to everyone. -Council should conduct a survey of the municipality and tell every home owner what trees on their property are protected to remove ambiguity. -Compensation to homeowners should be considered such as rate discounts for tree owners. -If the objective is genuinely achieving 30% canopy, then plant street trees that grow large and substantially cover the road. Together with planting on new developments, then tree controls may not be needed -Increase the protected height to 10m, to only protect very old and visible trees. 	<p>Costs incurred by the controls</p> <p>Impost on private property rights</p> <p>Intent of controls</p>	<p>Property prices are not a valid planning consideration and commentary does not suggest that planning overlays devalue land. The Municipal Wide Tree Study identified that tree cover has been found to have a positive relationship with property values and research indicates that trees add value to the property. The proposed control does not propose compulsory acquisition.</p> <p>As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Council therefore does not need to compensate homeowners.</p> <p>The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the broader community. Council is therefore unlikely to offer an opt out period where trees can be removed or not included as this is contrary to the intent of the controls. The proposed controls are intended to apply to all residentially zoned land that isn't already covered by an SLO1-8, therefore the controls apply fairly to all residential land owners. The proposed controls outline what trees are protected, therefore there is no ambiguity.</p> <p>The Municipal Tree Study has shown that canopy trees are usually become visible in the streetscape and begin to contribute to the neighbourhood character from 5-6m in height for any species regardless if they are indigenous or exotic.</p>	No change. Refer to a planning panel.
203	I may support the amendment if changes are made	<p>The C219 forces individual families to protect trees for the broader community benefit but to bear the cost as individual landowners of damage caused by the tree to the property (such as damage to driveways, drainage pipes and fences). If the benefit is for the whole suburb, the cost should also be paid by the suburb collectively - similar to an insurance policy.</p> <p>Suggests that property owners with a tree have the option to opt-in/out this program. If they opt-in, they pay a fee to a pool and can claim any cost caused by trees. From this funding pool. If they opt-out, they need to hold responsibility for their own decision of leaving or removing a tree and the costs associated with it. This is a democratic approach.</p>	Costs incurred by controls	<p>It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The proposed controls have been applied fairly across all residential areas. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community. If a tree is deemed dead, dying or dangerous it can be removed without the need for a planning permit.</p>	No change. Refer to a planning panel.
204	I support the amendment	Blackburn and surrounding areas of Whitehorse are coveted as a favourable place to live due to the large number of trees and native landscape. The landscape should be protected by council laws to ensure the region maintains and improves on the current vegetation and tree canopy which make it a unique part of an increasing urbanised city. More trees equals more habitat for fauna & insects and the return of our little oasis that is Whitehorse.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
205	I support the amendment	<p>What particularly attracted me to this area was the beauty of the green environment due to the many mature trees and public parks. From Doncaster hill it has the appearance of an urban forest.</p> <p>There is abundant bird life and we are still spotting bird varieties that we have not seen in the area before. Over the past 20 years I have seen a steady increase in development which I understand to be inevitable but for the benefit of both present and future residents and for the environment I believe it is critical that the larger trees are preserved.</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
206	Not clearly specified	<p>There should be an exemption providing for the removal, destruction or lopping of a tree that is located less than 5m from the wall of a dwelling or dependant persons unit.</p> <p>Council should identify tree species that are not canopy trees and should include an exemption providing for the removal, destruction or lopping of such tree without a permit.</p> <p>Support inserting the words 'and replacement' in Clause 2 regarding "Landscape character objectives to be achieved".</p>	Changes to the controls	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>The Municipal Tree Study has shown that canopy trees are usually become visible in the streetscape and begin to contribute to the neighbourhood character from 5-6m in height for any species regardless if they are indigenous or exotic. Therefore all trees that can reach 5m in height at maturity would be considered a canopy tree. Support for insertion of wording is noted.</p>	No change. Refer to a planning panel.
207	Supports the amendment but seeks changes	<p>Suggests the following:</p> <ul style="list-style-type: none"> -Need different requirements for developers and home owners. -For ordinary residents the current process is financially expensive e.g. \$500 to \$800 for arborist report - the costs incurred by those who own canopy trees should be shared by all rate payers. -A free service funded by rates needs to be provided to tree owners for arborists advice and permits. -The interim SLO9 seems to be applied inconsistently by council. Only a trained arborist should be deciding if a tree is dying, not the compliance officer. Delays with decisions on applications have also been experienced. -Some trees are too large to safely sustain on smaller suburban lots. The era of the larger canopy trees may be over? -If you remove a canopy tree you are required to replace it with a canopy tree. Need more flexibility and greater choice of species (various size deciduous and evergreen trees) on the replacement list. - New trees should be totally confined within the property and not along boundaries -Environmental weeds species and dead, dangerous or dying trees need to be confirmed by council arborist, free of charge -The increase in trunk circumference from 50cm to 1 meter before a tree is be protected may mean we will lose many of the next generation of trees. -Queries the exemption for removing a tree within 3 metres of a building - this needs to be confirmed by a Council arborist free of charge. 	<p>Costs incurred by the controls</p> <p>Changes to the controls</p> <p>Other comments</p>	<p>All properties have potential to be developed and Council cannot distinguish between those who wish to develop their land and residents who do not wish to develop their land.</p> <p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>The suggested replacement trees recommended by Council's arborist based on the site context, existing vegetation and appropriate species. Any other tree to the satisfaction of Council could also be planted.</p> <p>Council cannot dictate the location of a new tree. If a tree exceeds the property boundary, the neighbouring property is able to trim the tree back to the fence line.</p> <p>Trees which are thought to be dead, dying or dangerous can be inspected by Council's consulting arborist or planning enforcement team. Council's enforcement team consult with Council's arborist in determining these circumstances if needed.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character.</p> <p>Council's consulting arborist can review an application, but Council currently requires an independent arborist to conduct an independent assessment of the application. Council could investigate undertaking arborist assessments for single trees.</p>	No change. Refer to a planning panel.
208	I support the amendment	I believe the Amendment will help preserve landscape character and wildlife habitat	Support	Support noted. No further comments required.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
209	I support the amendment	We feel that canopy trees and the 'leafy green' aesthetic they provide contribute greatly to the general character and feel of our local area. Canopy trees also provide vital habitat for our local wildlife. The continued loss of these trees over time will spoil the desirable character of our local area and will reduce the presence of wildlife. Therefore, it is very important that these trees are preserved. The presence of canopy trees, and the overall feel that they bring to the area, is one of the key reasons we chose to live in Whitehorse, and continue to do so nearly 20 years on.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
210	I may support the amendment if changes are made	Please add to the list of tree species which are environmental weeds: Cinnamomen Camphora (Camphor Laurel) https://vicflora.rbg.vic.gov.au/flora/taxon/10149a56-cf6d-47ba-8e6c-96b30a4addce Cinnamomum camphora is an aggressive weed in native rainforest further north in Australia, particularly along watercourses. http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/weeds_camphor-laurel Trees can disrupt drains and lift building foundations (Ashe and Evans 2007). Camphor laurel develops a massive root system which blocks drains and cracks concrete structures, as well as pushes over fences and disrupts power facilities (DPI QLD 2007). - Major structural damage to site. https://weeds.dpi.nsw.gov.au/Weeds/Details/28 Camphor laurel is a highly invasive evergreen tree that has a tendency to form single species communities and exclude most other desirable native vegetation. https://www.daf.qld.gov.au/_data/assets/pdf_file/0003/65181/IPA-Camphor-Laurel-PP46.pdf Suggests compensating properties covered by the SLO9 in a similar way to Heritage Overlays. E.g.: the provision of a green waste bin.	Changes to the controls Costs incurred by controls	It has become a weed in NSW and with climate change could possibly become a weed further south. However at the moment Council is not aware of it causing weed issues locally and Whitehorse has quite a lot of them as street trees. For these reasons it is not recommended to add this species to the weed list. Compensation is not provided to properties which are subject to other overlays in the Planning Scheme. Green waste bins can be purchased by property owners. The fee for this service is necessary to cover the costs to Council of collecting the garden bins, transporting them to an organics processing facility, and processing the collected garden waste into compost that meets Australian Standards. The allocation of a free green bin to properties may also encourage the removal of trees which is contrary to the intent of the proposed controls.	No change. Refer to a planning panel.
211	I may support the amendment if changes are made	Amendment C219 be changed to allow a planning permit exemption for: A tree that is less than 5 metres (not 3 metres) from the wall of an existing house and from an in-ground swimming pool Large trees are not suitable for small suburban lots have branch systems that expand longer than 3m that are a safety hazard to residents and potentially damage building foundations.	Changes to the controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified. If a tree is deemed dead, dying or dangerous to the satisfaction of council, it can be removed without a permit. Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation.	No change. Refer to a planning panel.
212	I do not support the amendment	Large tree on property is damaging the driveway and sewerage pipe, and will be costly to fix. C291 introduces a new cost for residents of an arborist report and application fee on top of tree removal just so others can admire the tree. C291 is hypocritical as Council freely plants / cuts down trees. YVW did not need council permission either to remove a tree damaging a sewer in Springvale Road. This is another revenue stream. Council has reduced the green canopy coverage by allowing subdivisions of single dwelling blocks with trees for higher density development for many years across the municipality, despite the dissatisfaction of many ratepayers. The amendment to penalise the removal of trees within the municipality is a knee-jerk reaction . The controls impose an added cost to make the street look good for other residents; probably for those residents who live in the treeless subdivisions formerly approved by council in the past. C291 was introduced without input from residents. Last letter received was in February 2018 which did not advise council was seeking permanent controls.	Costs incurred by controls Imposition on private property rights Other comments	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree has reached the end of its life expectancy and deemed dead, dying or dangerous, it can be removed without a planning permit. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. The letter to residents in February 2019 included the following wording: The new interim controls will remain in place until 31 December 2018 while Council continues strategic work to consider the merits of applying the same controls permanently. More information is available from www.whitehorse.vic.gov.au/Amendment-C191.html The interim controls were introduced under Section 20(4) of the Act which is a commonly used path for proposed controls where protection of features is being sought while the permanent controls proceed through a normal amendment process. Amendments introduced under Section 20(4) of the Act do not follow a normal amendment process.	No change. Refer to a planning panel.
213	I may support the amendment if changes are made	Suggests additional exemptions relating to safety and accessibility: 1) A tree that impedes access for emergency vehicles. E.g.: An ambulance was unable to enter our driveway due to a low hanging branch of a large tree. 2) Trees that impact on road surfaces causing safety hazards and limiting accessibility. E.g.: -Tree roots cracking pavement, causing uneven surfaces and tree debris resulting in a tripping hazard and preventing people requiring mobility aids to access safely. - 3) Damage or potential damage to property, including to essential services.	Changes to the controls	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree has reached the end of its life expectancy and deemed dead, dying or dangerous, it can be removed without a planning permit. Pruning of trees to Australian Standards can also be undertaken without a planning permit.	No change. Refer to a planning panel.
214	I support the amendment	The amendment helps to retain and enhance the neighbourhood character in Whitehorse. We are seeing too many developers removing trees legally or illegally through inappropriate and insensitive development without any regard to the amenity or character of the area.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
215	I may support the amendment if changes are made	Whilst I support the retention of trees in Whitehorse, I do not support that Council can simply remove trees without obtaining Planning Permits. Council should be held to the same standards of proof that residents & rate payers are required to meet. A planning permit should be required for environmental weeds, rather than simply allowing someone to remove hedges or large trees that is part of the local landscape.	Changes to controls	The Municipal Wide Tree Study concluded that exemptions for the removal of street trees and trees on public land is reasonable in order to avoid unnecessary delays and costs when providing and maintaining urban services. They align with the general exemptions that apply elsewhere in the planning scheme. VCAT has not attributed retention value to designated environmental weeds. The Study recommended that they be exempt from the need for a planning permit as Council actively discourages their planting because of their propensity to invade and thrive in bushland. Whilst it is acknowledged that they may contribute to the landscape, concern was raised about the need for a planning permit and arborist report to prove the need to remove a species that Council discourages from being planted.	No change. Refer to a planning panel.

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216	I support the amendment	<p>The treed and bushy environment in much of Whitehorse is the reason many of us choose to live here. Vegetation cover has been reduced through moonscaping and insensitive development, especially outside existing SLO areas. SLO9 is urgently required to prevent the reduction of vegetation cover and to facilitate council's target of 30% coverage by 2030.</p> <p>Suggests the following changes:</p> <ul style="list-style-type: none"> -The exemptions for dead and dying trees and weed species seem reasonable, but this needs to be enforced, including replacement with suitable native species. -Supports the new Decision Guideline that starts with " The cumulative contribution the tree makes..." as it is important that each tree is not considered in isolation. -Removal of a tree within 3m of an existing house is too lenient, as many significant trees would come under this provision and should be subject to permit approval. -The 3m limit should also apply only to existing swimming pools, not new ones. -For consistency with other SLOs the circumference should be 0.5 m, not 1.0m at 1.0m above ground level, and the 5m height limit should be retained. -Ensure that VicSmart provisions cannot be used for more than 2 trees per year (say), to avoid moonscaping via multiple VicSmart permits. -Ensure that the conditions of permits are adequately enforced. Provision of signage would inform the community of what has and has not been approved [on a site] and would reduce Council's enforcement burden. 	<p>Support</p> <p>Changes to the controls</p>	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement whereby either the height or circumference tests would trigger a planning permit. The Study concluded these triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character.</p> <p>Allowing the removal of more than one tree per VicSmart application has been identified by the Statutory Planning Unit as a provision that should be reviewed.</p> <p>Council's enforcement officers can act where permits haven't been complied with.</p> <p>Signage on a property is only required if advertising of an application is necessary. Signs advising the local area of trees approved for removal would add another layer of administration. Property owners are however encouraged to discuss tree removal approvals with their neighbours.</p> <p>Add the word "existing" in relation to in-ground swimming pools</p>	Change proposed and Refer to a planning panel.
217	I do not support the amendment	<p>The amendment is inequitable:</p> <p>Developers manage to avoid fines for illegal tree removal, but residents who remove a dangerous tree that came down in a storm and caused damage to property do get fined.</p> <p>Concerned about the cost to residents to pay for a permit but a developer can recoup this when they sell their development.</p> <p>The amendment is about revenue raising for the council and less about the right's of a resident and their safety.</p>	<p>Costs incurred by controls</p> <p>Other comments / inequity between residents and developers</p>	<p>As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Without knowing the specifics of an application, it may be possible that a permit was obtained by the developer prior to the introduction of the interim controls on 8 February 2018 but they are only acting on the permit now. Additionally, new developments are required to provide space for the planting of canopy trees. Council can impose fines on illegal tree removal if this is proven.</p> <p>If a tree is deemed dead, dying or dangerous to the satisfaction of Council it can be removed without a planning permit.</p>	No change. Refer to a planning panel.
218	I support the amendment	<p>It is crucial to human health and the environment to retain as much vegetation cover as possible.</p> <p>For consistency, the circumference trigger for a tree should be 0.5 m at 1 m above ground throughout the municipality.</p>	<p>Support</p> <p>Changes to the controls</p>	<p>Support noted. Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character.</p>	No change. Refer to a planning panel.
219	I may support the amendment if changes are made	<p>Suggests greater flexibility by extending the exemption for trees near dwellings to 4 m. We have a tree which is undermining our foundations but is just over 3 m from the wall.</p> <p>Concerned about gum trees failing. The homeowner needs to feel confident that the permit process allows for tree removal and replacement for safety and other reasonable grounds. Some areas allow cutting back and / or replacement to allow for renewal/ regrowth and continued tree coverage.</p> <p>Some older residents in overlay areas are concerned that they will be powerless in decision making.</p>	<p>Changes to the controls</p> <p>Safety</p> <p>Other comments / planning process</p>	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>If a tree is deemed dead, dying or dangerous to the satisfaction of Council it can be removed without a planning permit. Pruning of trees to Australian Standards for regeneration or ornamental shaping can also be undertaken without a planning permit.</p> <p>The planning scheme amendment process provides the opportunity for community comment on the proposed controls.</p>	No change. Refer to a planning panel.
220	I may support the amendment if changes are made	<ol style="list-style-type: none"> 1. The proposed controls will deter people from planting trees. 2. Canopy trees that are within 4 metres of an existing residence should be exempt to allow greater flexibility for owners that wish to redevelop. 3. Retaining an existing tree makes it very expensive for established Whitehorse families to demolish and rebuild. There should be a facility to reach common ground. There should be greater ability to negotiate trees that could be removed and tree replacement in the case of knock down / rebuilding. 4. Long term owners are disadvantaged. 	<p>Changes to the controls</p> <p>Intent of controls</p>	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>The proposed controls do not prohibit development of the removal of vegetation but it allows Council to consider the appropriateness of the removal, and if a permit is granted the requirement to replant. It is considered the process is reasonably aligned with the submitters comments in this regard.</p>	No change. Refer to a planning panel.
221	I do not support the amendment	<p>The permit required for tree removal is a revenue raising scheme.</p> <p>Disadvantages anyone wanting to build a new house to improve the community and living standards if they have a tree near the new house. It's not financially viable and is discriminatory to home builders.</p> <p>This scheme is great for developers and not great for people in this municipality.</p> <p>The controls will incite illegal tree removal and be unfair to the average resident.</p> <p>Suggests making each property have a ratio trees of a certain size per land area. This would allow trees to be in our community but not hamper growth.</p>	<p>Intent of the controls</p> <p>Other comments / inequity between residents and developers</p> <p>Cost incurred by controls</p>	<p>As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism.</p> <p>The proposed controls do not prohibit development of the removal of vegetation but it allows Council to consider the appropriateness of the removal, and if a permit is granted the requirement to replant.</p> <p>Council has an enforcement team that takes action if it can be determined that vegetation has been removed without the appropriate approval. Council has allocated funding in its budget to appoint additional arborists and enforcement officers for monitoring and enforcement.</p> <p>The submitter's alternative approach is noted, however the <i>Municipal Tree Study</i> considered that the SLO9 as proposed is the preferred way forward.</p>	No change. Refer to a planning panel.
222	I do not support the amendment	<p>Existing tree is damaging the resident's fence and neighbours driveway, and they are concerned about liability for costs. The amendment will make it difficult or impossible to get a permit and I may be sued by my neighbour.</p> <p>The amendment is not fair for those house owners who have existing problems with their trees, whilst the new developments with very small backyards or front garden with some shrubs are not affected.</p>	<p>Costs incurred by controls</p> <p>Other comments / inequity between residents and developers</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous to the satisfaction of Council it will not require a planning permit to be removed. Applying for a permit allows Council to undertake an assessment of the tree and determine if the application is appropriate. It also means that Council can require replacement planting, it does not mean that it is impossible to obtain a permit.</p>	No change. Refer to a planning panel.

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223	I do not support the amendment	<p>The original purpose of this legislation was to stop developers clearing an entire site of trees. The actual amendment unfairly impacts residents and means we need to obtain a permit simply to remove a tree which may need to be removed for a variety of valid reasons.</p> <p>There are alternative ways to protect sites from developers without impacting the entire community with unwanted planning permits, additional costs and complex legislation.</p> <p>Specific concerns include:</p> <ul style="list-style-type: none"> - The 5 m height threshold and 1 metre circumference is too restrictive. Many non-significant trees can easily reach this very low height. Even small trees can have this circumference at the base. - Cost: Forcing owners to pay for a permit and to obtain an expensive arborist inspection for an obviously damaged or dangerous tree is an unnecessary and pointless impost on owners. - Routine tree decision making will increase Council workload, increase rates and mean that less resources are available for things that actually benefit the community. -The above discourages owners from taking steps to deal with damaged and dangerous trees because of the obvious cost and potential bureaucracy involved. 	<p>Costs incurred by controls</p> <p>Other comments / inequity between residents and developers</p> <p>Imposition on private property rights</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous to the satisfaction of Council it could be removed without the need for a planning permit.</p> <p>Pruning of trees to Australian Standards can also be undertaken without a planning permit.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. The 1 metre circumference is measured at 1 metre from the ground, not at ground level.</p> <p>All properties are able to be developed according to the Planning Scheme and Council cannot distinguish between developers and residents. The controls are therefore proposed to apply equally to all residentially zoned land that isn't already covered by an SLO 1-8.</p> <p>Council has included additional funds in the budget to resource assessment of applications and enforcement of the proposed controls.</p>	No change. Refer to a planning panel.
224	I may support the amendment if changes are made	<p>I think it is too restrictive and penalises landowners who have not taken advantage of developing their land. Obtaining a permit and arborist report is too expensive for some pensioners. Even after removing trees causing damage, I would still have more trees than most of my neighbours.</p> <p>Council should be supporting ratepayers rather than restricting their lifestyle.</p>	<p>Costs incurred by controls</p> <p>Imposition on private property rights</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a permit is required it may be possible to obtain this through the VicSmart application process which has a current fee of \$199.90.</p> <p>Council could investigate undertaking arborist assessments for single trees</p> <p>Under the proposed controls, development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.</p>	No change. Refer to a planning panel.
225	I do not support the amendment	<p>Has a big weed tree on the property and the amendment will make it very difficult to design and rebuild their home. Council should allow home owners to remove a big weed tree with a condition that multiple medium size replacement trees be planted.</p>	Impacts on development	<p>The amendment exempts environmental weed species listed from the need for a planning permit. If the owner's tree is not one of the species listed, the overlay is not intended to not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.</p>	No change. Refer to a planning panel.
226	I may support the amendment if changes are made	<p>Long term residents are the only ones affected by the amendment and pay large amounts to manage trees on their properties. Residents that are mostly very committed to the suburb are the only ones who protect trees. New developments almost always clear blocks completely before development and Council needs to stop this occurring.</p> <p>The costs and complexity of applications for tree management has to be reduced for residents, otherwise compliance will be much less likely and the green character of Whitehorse will be almost impossible to maintain. There has to be a simpler and cheaper method than a fully blown planning application including site plans etc. Reviews by Council arborists then this needs to be done early in the process, not at the end.</p>	<p>Costs incurred by controls</p> <p>Other comments / inequity between residents and developers</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property.</p> <p>The SLO9 is proposed to apply to all residentially zoned land that is not currently covered by an SLO, meaning all owners of residentially zoned land must consider the overlay, including developers. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties. It is also noted that there are existing development approvals that predate the interim controls. However, if the amendment is approved, any development will need to comply with the overlay.</p> <p>If a permit is required this can be applied for the VicSmart application process which offers a streamlined assessment within 10 business days. Currently, assessment by Council's consulting arborist occurs after the application is made, as they consider the advice of the independent arborist. Into the future, Council could investigate undertaking arborist assessments for landowners for single trees</p>	No change. Refer to a planning panel.
227	I may support the amendment if changes are made	<p>Only significant trees should need permission to remove, destroy or lop. Ordinary trees should be exempt from the need for a permit. The extreme weather in Melbourne frequently causes damage that needs to be attended to promptly and the amendment will cause delays in dealing with a resident's trees.</p>	<p>Changes to the controls</p> <p>Impact on private property rights</p>	<p>The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. The permit application process allows Council to consider the need for removal and if a permit is issued the ability to require a replacement tree to be planted. If the tree is being pruned, or is dead, dying or dangerous it will not require a permit. Specific environmental weeds will also no require a permit. If a tree is proposed to be removed or lopped, a permit can be applied for under the VicSmart application process.</p>	No change. Refer to a planning panel.
228	I may support the amendment if changes are made	<p>Concerned about the risk and safety implications of large gum trees failing in storms (experienced this with trees from neighbouring property).</p> <p>(1) There is an inconsistency: People require a permit for relatively small building changes e.g., pergola / shed, but no permit is required to plant a gum tree that can cause structural damage and drop limbs.</p> <p>Suggestions:</p> <p>(2) Ensure trees are sensibly planted in the first place and if planting a tree that will grow over two storeys, planning approval is needed.</p> <p>(3) Risks must be adequately addressed as the safety of residents is paramount in our community. Ensure people around existing large trees are also kept safe by. E.g.: Require periodic arborists reports by property owners submitted to council. If council is mandating protection of trees, it should also mandate the safety of them. Storms are the biggest natural risk residents face in Whitehorse.</p>	<p>Changes to the controls</p> <p>Safety</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If there are concerns about a tree on a neighbouring property this is a civil matter and should be discussed between property owners. There is the ability to prune an overhanging tree to the boundary fence line without a planning permit. If a tree is authorised to be removed, Council can request a replacement tree be planted, which would include a list of trees based on the site context.</p> <p>Acknowledging the submitters concerns, Council also advocates for the right tree planted in the right place.</p>	No change. Refer to a planning panel.
229	I may support the amendment if changes are made	<p>I support the principle of trees being protected but the restrictions for private property go too far.</p> <p>-Should be able to cut back trees (sides and top) by a greater amount/an additional 40% without having a permit. The process is costly and difficult.</p> <p>-I agree trees should be protected from being removed or cut back ridiculously.</p> <p>-Neighbours should be aloud to trim back to their fence.</p> <p>-New developments should have trees planted as part of permit approval.</p> <p>-There is an imbalance between council being allowed to cut anything they want in parks etc. and private property owners being held to such tight restrictions.</p> <p>-Believes that developers and some private homes will just pay the fine for tree removal making the current imposed restrictions even more out of balance for people wanting to follow the controls and contribute to Whitehorse.</p>	<p>Changes to the controls</p> <p>Costs incurred by controls</p> <p>Other comments / inequity</p> <p>Impost on private property rights</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If there are concerns about a tree on a neighbouring property this is a civil matter and Council recommends discussing this with the neighbouring property.</p> <p>Pruning of trees to Australian Standards can be undertaken without a planning permit. This includes the he ability to prune an overhanging tree to the boundary fence line. There is no maximum percentage of canopy specified for pruning.</p> <p>New developments are required to provide sufficient space to allow for the planting of new canopy trees. Landscape plans prepared as part of permit applications specify trees to be retained and removed as well as planting of new trees if needed.</p> <p>Part 2 of the Municipal Tree Study concluded that exemptions for public land is appropriate in order to avoid unnecessary delays and costs when providing and maintaining urban services. Council has also endorsed an Urban Forest Strategy which outlines the policy regarding the removal of trees on public land.</p>	No change. Refer to a planning panel.
230	I support the amendment	<p>The adoption of this amendment is critically important to our leafy Whitehorse. Already, far too much vegetation and tree canopy has been removed and precious assets squandered. What remains must be retained and protected. There should be massive fines for developers and others who disregard the rules.</p>	Support	<p>Support noted. The maximum fine at the Magistrates Court for illegal tree removal is \$198, 264. Council has consistently advocated for an increase in the fines for illegal tree removal.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
231	I support the amendment	I support the amendment for the amenity it offers residents.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
232	Not clearly specified	Significant amount of work to maintain large pink oak. The significant leaf fall, acorns, etc. takes a lot of time, expense and equipment to maintain. The tree has dried the soil, causing cracking in the brickwork of the house. C219 means council has taken control of tree for the community's benefit, but the cost of maintenance is left entirely to the property owner.	Imposition on private property rights Costs incurred by controls	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation.	No change. Refer to a planning panel.
233	I may support the amendment if changes are made	It is costly for owners to maintain trees for the wider benefit of Whitehorse. Developers and new owners with a cultural aversion to trees have destroyed a lot of tree canopy already. Developers will continue to moonscape and pay any fines. Specific concerns include: 1. Enforcement of the controls. 2. The 5 metre cut off height could lead to no long term planting of majestic taller trees and instead smaller trees such as crepe myrtles and ornamental maples without the desired canopy benefits. 3. The introduction of these controls further "demonise" trees as a cost burden 4. The impact of climate change and drought on our tree canopy generally and on individual home owners of well treed properties. Residents will end up bearing the cost of increasing water rates to keep beautiful trees alive? 5. Council should give financial support to owners of trees on the Significant Tree Register. Whitehorse should revisit this recommendation from the arborists report for the significant tree register. 6. With densification of middle ring suburbs how does this process intersect with these tree canopy controls.? Will it mean more developers and home owners going to VCAT to resolve tree issues. The tree height threshold should be increased to 8 -10 metres and with a permit only needed for removal or destruction. Concerned there may not be a common understanding of what lopping is?	Other comments Costs incurred by controls Intent of controls	Council's planning enforcement team is able to investigate and take action to determine if illegal tree removal has occurred. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Drought tolerant trees and/or sustainable measures such as water tanks could be investigated by landowners. Council has included funding in this year's budget to provide financial support to owners of significant trees in the Vegetation Protection Overlay. The criteria for implementation of the fund is yet to be established. The overlay will not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.	No change. Refer to a planning panel.
234	I support the amendment	I commend and strongly support the adoption of Amendment C219. The Box Hill landscape differs from the easterly parts of Whitehorse and agree that this landscape is also worthy of retention. -It is vitally important that the diverse and leafy character remaining in many parts of Box Hill is valued, retained and expanded. The native and exotic trees provide a home and corridor for a great variety of native birds. -Employ more arborists, enforcement officers as a priority to provide more scrutiny. -The exemptions proposed seem fair, but Council needs to lead by example. Refers to trees removed by Council near Wilson Reserve oval and along Bank St that were not environmental weeds and there has been no replanting. Also, reference to trees removed by the Box Hill Cemetery Trust.	Support	Support noted. Council has funded additional positions (arborists and enforcement officers) to resource the proposed controls. Comments about removal of trees on public land referred to Council's ParksWide department.	No change. Refer to a planning panel.
235	Supports the amendment but seeks changes	Proposed amendment has gone too far. No permit should be required: -For owners/developers who are building a new dwelling/s on the property. The cost of permit applications for those not developing their property is too high and mature trees cause damage to assets that need to be managed. -To remove a certain number of trees from properties that already have a lot of trees. -To cut back up to 40% of a tree, including the crown. Suggests this work be done by a professional tree company. -To cut back a neighbour's overhanging tree to the fence line. - To remove a tree within "5 metres" from an existing dwelling, etc. or to cut back overhanging branches and tree foliage within 5 metres of the wall. - To remove a tree or cut back overhanging branches within 3 metres of an outbuilding. Council should not be exempt from needing a planning permit to remove trees on public land. Council should have the same rules as residents / owners.	Changes to the controls Other comments / inequity Costs incurred by controls	Any property is able to be developed subject to the Planning Scheme and Council cannot distinguish between owners and developers. The intent of the controls is protect current, and future canopy trees, and therefore allowing removal of a certain number of trees without the need for a permit is contrary to the intent of the controls. Cutting back 40% is an arbitrary number with no evidence to support it. There is already the ability to prune a tree back to the fence line of a neighbouring property without the need for a planning permit. Pruning of trees to Australian Standards can be undertaken without a planning permit. There is no maximum percentage of canopy specified for pruning. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and habitable buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Some Council's such as Banyule do not specify a tree removal setback distance, but allow for removal of branches overhanging or within (a lesser) 2 metres of an existing dwelling without a permit. Outbuildings are not habitable and the Tree Study did not recommend including outbuildings. The Study found it appropriate to exempt Council from obtaining a planning permit in order to avoid unnecessary delays and costs when providing and maintaining urban services. Council has an established policy and program for management of street trees and trees in parks and reserves, including replanting. It is not recommended that this exemption be modified.	No change. Refer to a planning panel.
236	I support the amendment	So necessary for those of us who value trees. Most people just do not appreciate the beauty and value of trees: they provide habitat, climate control (cooling, rainfall), suppress salinity, food sources for bees, soil stabilisation, oxygen, recycle nutrients, protect water catchments, etc.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
237	Not clearly specified	We agree with the need for protection of significant indigenous trees Supports the exemption for environmental weeds. Concerned about the impact of the amendment on the development of higher density living in the region which is needed to reduce urban sprawl Should encourage residents to replace non-native, dangerous or weed tree species with plantings of local sheokes or acacias. Greater importance needs to be placed on public land for providing environmental green space to protect significant trees and local habitat rather than residential backyards.	Support Impact on development	A list of replacement trees is provided when a planning permit is approved, which property owners can choose from, based on the site context. The overlay will not prohibit development and it is considered that the objectives set out in Council's Housing Strategy 2014 can still be achieved with the proposed planning controls. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. However only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
238	Does not support the amendment	<p>Trees that contribute to character could be removed as a result of new exemptions.</p> <p>Nothing in report about why particular weeds have been selected. Does removal of weeds without permits provide for easier permit process? Without recognition of all tree canopy that meets the definition of a significant tree, canopy will be reduced overall as there is no requirement for re-planting as per this proposed amendment. The statement for replacement trees needs greater strength, such as "must" or "is to".</p> <p>Statement about best practice tree management during the construction phase of a development should be included. How will the developers demonstrate adherence to the standards and what enforcement responsibilities will Council adopt?</p> <p>Replacement trees should be at least 2 metres in height. It takes at least 5 years before trees grow into space that was occupied by a mature tree.</p> <p>SLO9 does not demonstrate how it will monitor the loss of tree canopy, particularly which will occur from the removal of weeds.</p> <p>Work-load for Council could increase significantly. There is no issuing of job numbers, no and/or lack of follow-up, or "actions" relayed onto residents based on our recent experiences.</p>	Changes to the controls	<p>VCAT has generally not attributed retention value to trees designated as weeds. Although it acknowledged that some species listed as Environmental Weeds may themselves contribute to tree canopy and character, Council actively discourages their planting because of their propensity to invade and thrive in native bushland. Concern was raised about the incongruity of requiring a planning permit and an arborists report to prove the need to remove tree species that Council itself is activity discouraging from being planted.</p> <p>Part 2 of the Study therefore recommended an exemption for listed weed species. All four of the Maroondah SLOs and Yarra Ranges SLO22 include exemptions for the removal of environmental weeds as defined within their planning schemes.</p> <p>This will not necessarily provide developers with an easier approval as they will still require consideration of a permit application for buildings and works near a protected tree. SLO was determined to be the most appropriate tool as it allows Council to require replacement trees to be planted if a tree is permitted to be removed. Council anticipated an increase in planning permit applications by allocating funding in the 2017-18 budget for additional staff, which included up to 3 arborists, up to 2 enforcement officers and 1 administrative officer. The cost was estimated at approximately \$499,000 per annum for salaries (plus 12.5% on costs such as superannuation) and approximately \$163,000 upfront capital costs which would include overheads such as office space and fleet vehicles etc. This Amendment includes several additional planning permit exemptions than the interim controls, which may reduce the number of permit applications. Notwithstanding a potential reduction as a result of including additional permit exemptions, Council is resourced to assess future planning permit applications. It is unclear what this submissions means by job numbers, as each planning permit application is allocated an application number. The proposed changes to Clause 22.04 reinforce the requirements for replanting.</p>	No change. Refer to a planning panel.
239	Not clearly specified	<p>Who is liable for financial damage if permission is sought on safety grounds, but refused, by Council to remove a tree and it falls and damages property or causes injury?</p> <p>If a branch from our tree is overhanging a neighbours property, and they seek to have it lopped, who is responsible for seeking planning permission? Who would be liable if Council again refused permission?</p> <p>What happens when the tree becomes dangerous outside of normal business hours (e.g.: due to storm damage)?</p> <p>If we need to have root barriers installed is planning permission required?</p> <p>Concerned about additional costs associated. with the process. Will council reimburse for the costs of an arborist?</p>	<p>Safety</p> <p>Costs incurred by controls</p>	<p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Case law demonstrates that Council would only be liable if it failed to properly consider a request to remove trees that were dangerous. If an application is made, the trees had been competently inspected and a decision made, in good faith, not to allow the removal of the trees there would be no liability even if the tree falls in the wind. A planning permit may be required for a root barrier, to determine the appropriate approach to prevent damage to the tree.</p>	No change. Refer to a planning panel.
240	I support the amendment	<p>I wish to have a say about this important amendment to extend the Tree Protection Controls across the City of Whitehorse. I live in a SLO and I enjoy the amenity and health benefits of trees. I believe we should all have the benefits of large trees. The Whitehorse Urban Forest Strategy is important for human health as well as urban wildlife. The majority of tall trees are on private land. The tree canopy is dwindling in this City and if the aim is a 30% tree canopy, then this is essential to make permanent.</p> <p>Change the setback exemption relating to trees near dwellings / inground pools. This should be 4 metres and not 3 metres as is the case in existing SLO's.</p>	Support	<p>Support noted. No further comments required.</p> <p>A permit is required in proposed SLO9 for new buildings and works within 4m of a tree to ensure encroachment into the tree protection zone is minimised - This is a permit trigger and is consistent with the existing SLOs 1-8 in Whitehorse. An exemption from the need for a permit is proposed in SLO9 for the removal/lopping of trees within 3 metres of a dwelling or in ground swimming pool to protect such assets.</p>	No change. Refer to a planning panel.
241	I support the amendment	The Amendment is extremely necessary in the light of the damage caused to our suburban area by those developers who have no interest in maintaining our treed municipality.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
242	I do not support the amendment	<p>The amendment will likely decrease tree canopy cover and reduce neighbourhood character standards.</p> <p>Concerns include:</p> <ul style="list-style-type: none"> -Failure to protect and value all canopy in the role it provides, including the value of "weed species" which can be removed without replacement. This will add further to canopy decline. -Replacement of certain canopy will have a compounding effect, leading to an overall decrease of canopy to the city. -Tree Protection Zones are poorly managed throughout the city in construction zones with little or no accountability by Council or developers. -Incorrect identification of listed "weed species" will result in removal of trees at random. -The ability to manage canopy levels is limited. As such canopy levels will be greatly reduced in the future. -Amendment C219 weakens the current SLO9 canopy outcomes while helping new developments to influence the outcome of future neighbourhood character and landscape. -The control needs appropriate monitoring, education and assessment, -There is a lack of tree replacement in the proposed controls. 	Intent of controls	<p>Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.</p> <p>Council is proposing to exempt listed weed species from the need for a planning permit to be removed given that Council is not promoting them in the municipality.</p> <p>If a tree is authorised to be removed, Council can require the replacement of the tree which can be chosen from a list of species that may be suitable for the site. However, the submitter is correct that as listed weed species are proposed to be exempt from the need for a planning permit, there is no trigger for Council to require replacement planting. This is part of the balance between tree protection, environmental outcomes and neighbourhood character. If a resident is wanting to remove an environmental weed, they should document the species for reference and as evidence of the weed species to avoid enforcement action.</p> <p>Council enforces construction management plans including tree protection measures during construction.</p> <p>The SLO was chosen as the most appropriate tool to protect canopy trees as it creates a nexus between built form and vegetation protection and can require replacement planting.</p> <p>Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations. Incentives to plant trees are also delivered by the ecosystem benefits provided by trees and the increase in property value that can be generated by well cared for and well-chosen trees.</p>	No change. Refer to a planning panel.
243	I do not support the amendment	In terms of Amendment C219 about a tree covered by SLO 9 near my property, I strongly oppose this Amendment C219. The reason is as follows. A permit will not be needed for pruning a tree for regeneration or ornamental shaping.	Other comments	This submission is unclear as to the reasons for objecting.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
244	Supports the amendment but seeks changes	SLO9 is urgently required to prevent reduction of vegetation cover and to facilitate council's target of 30% vegetation coverage by 2030. Key comments: -The exemptions for dead and dying trees and weed species seem reasonable, but must be enforced together with replacement with suitable native species. -The exemption for removal of a tree within 3m of an existing house is too lenient, and should require a permit as many significant trees would come under this provision. -The 3 m limit should also apply only to existing swimming pools, not new ones. -For consistency with other SLOs, the limiting circumference should be 0.5 m, not 1.0 m at 1.0 m above ground level. -The 5m height limit should be retained. -Council must ensure that VicSmart provisions cannot be used for more than two trees per year (say), to avoid moonscaping via multiple VicSmart permits. -The conditions on permits must be adequately enforced. Provide appropriate signage during works to inform the community of what has, and has not, been approved. This would reduce Council's enforcement burden.	Support Changes to the controls	Part 2 of the Municipal Tree Study analysed the height and circumference tests that trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified. The reference to "existing" swimming pools is noted and agreed. Allowing the removal of more than one tree per VicSmart application has been identified by the Statutory Planning Unit as a provision that should be reviewed as part of the State government's Planning and Building Approvals Process Review. Council has made a submission to this Review. The review is scheduled to be completed within 9 months with a draft report provided to the State Treasurer and Minister for Planning within 6 months. Council's enforcement team can take action and investigate if planning permit conditions are not complied with, including any required replanting. Inquiries about permits and trees approved for removal can be made with Council or on Council's website.	Change proposed and Refer to a planning panel.
245	Supports the amendment but seeks changes	Suggests that pruning branches which are within 3 metres above a roof, shed and pergola etc. be exempted from the need for a permit.	Support Changes to the controls	Pruning of trees to Australian Standards can be undertaken without a planning permit. The proposed exemption for trees within 3 metres of a <u>dwelling</u> aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between the <u>trunk</u> of a tree and buildings. It is not recommended that this exemption be modified to take into account overhanging branches or structures that are not part of a dwelling. These overhanging branches may be able to be managed through the pruning exemption, however you may want to discuss the particular circumstances with Council before proceeding.	No change. Refer to a planning panel.
246	I support the amendment	The presence of trees is a very important aspect of neighbourhood character and liveability; they are highly valued and are the reason why residents choose to live where they do. Managing significant vegetation during the development stage is vital; this amendment will provide protection from moonscaping sites and require applicants to consider significant vegetation as part of the planning process. Canopy trees assist by reducing the impact of climate change; this is especially relevant in urban areas and reduce the use and need for air-conditioning. Other environmental benefits of trees are listed by the submitter. Council has provided a balanced response in regard to the removal, destruction or lopping of trees.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
247	Not clearly specified	Concerns include: -The overshadowing impact of neighbouring eucalypt tree close to the boundary on solar access for power generation, garden growth and amenity. -Permit application processes are costly and can be drawn out. This shouldn't require the costly services of an arborist. -Suggests that Council be able to retrospectively consider the suitability of a tree and its impact on buildings. -Suggests a broader, more comprehensive, view of the natural environment and ecology. E.g.: tall trees with less spread plus protection of small native trees and shrubs (less than 5 metres height) for birds are needed. -Strongly disagree with the policy of planting only indigenous species. It is much more important to demonstrate the beauty and value of many Australian plants. -Concerned about the list of [environmental weed] trees to be exempted from protection. These can be valuable habitat for birds. -Believes some of the recommended tree species are unsuitable, even dangerous in suburbia (e.g.: stringy barks)	Costs incurred by controls Other comments / solar access; species selection.	Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Trees are able to be pruned back to the fence line without a planning permit. If there are concerns about a tree on the neighbouring property, this is a civil matter and concerns should be raised with the neighbours. It is recognised that factors such as tree type, height and density may affect the extent of overshadowing to a rooftop solar energy facility whereby efficiency and performance is affected. The effects to solar facilities could be mitigated by a range of considerations including the siting of the system, whether a tree can be trimmed, the extent to which the system can be located to protect from overshadowing and the type of solar facility. Whether to grant a permit for tree removal should draw reference to the existing documentation and guidelines that DELWP have prepared as well as other considerations and supporting evidence that emerges on a case by case basis. The proposed controls provide avenues for tree removal subject to obtaining a planning permit so that trees and their context can be assessed and considered on a case by case basis. If a permit is issued for the removal of a tree, Council can require the replanting of a canopy tree from a specified list, which is based on the site context, or another species approved by Council which provides flexibility for land owners. An arborist report is required to allow Council to undertake a comprehensive assessment of the reasons for removing the tree. However, Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.
248	I do not support the amendment	Strongly oppose C219. A Lemon Scented Gum tree growing on the neighbour's property is a serious risk to human life and causes ongoing damage to submitter's property. Neighbours have not acted to trim the branches. Council has inspected the property; advising: -it is a civil matter between neighbours -no permit is required if the tree is dead, dying or dangerous. Concerned about health and safety risks of the tree. Suggest that Council require owners of dangerous trees to remedy these dangers or that Council will be fully responsible for future damage to property and life.	Safety	Case law demonstrates that Council would only be liable if it failed to properly consider a request to remove trees that were dangerous. If an application is made, the trees had been competently inspected and a decision made, in good faith, not to allow the removal of the trees there would be no liability to Council. Council has previously advised that the tree did need pruning and that it is civil matter. Council recommends that landowners continue to take the matter up with the neighbours and take civil action if needed. To date, no application to remove o lop the tree has been made by the landowner. Ultimately, trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation.	No change. Refer to a planning panel.
249	Supports the amendment but seeks changes	Supports permit exemptions for weed trees species and for the removal of trees within three metres of buildings and swimming pools. Simplify the process to reduce costs to applicants and timeframes for approval. The application process is onerous, time wasting, difficult and expensive, and it is unfairly burdensome for residents. Whitehorse has the most user-unfriendly system of any council in Melbourne. A local law system (e.g.: Boroondara) produces a much clearer and easier system of vegetation control. Whitehorse has been one of the slowest councils to introduce vegetation controls across the municipality and has made the application process more difficult than any other Council. It is a bureaucratic disaster. Suggest the following changes: 1. No mandatory arborist's report. 2. No extra description letter with the application. 3. No scaled drawing.	Costs incurred by controls Other comments / planning process	Part 2 of the Municipal Tree Study again analysed the tools available to Council to protect canopy trees. This reconfirmed that a local law is not appropriate as it is a reactive, retrospective tool rather than a proactive overlay that is unlikely to achieve retention of trees or the ability to require replanting. A local law also does not contain controls for buildings and works near trees. An arborist report and accompanying documents are required to allow Council to comprehensively assess the request to remove a tree. Permits for the removal of 1 tree can be applied for under the VicSmart process which is intended to be a streamlined assessment process with a faster turnaround time. VicSmart checklist. Noting comments by this and other submitters, Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
250	I do not support the amendment	Has a big weed tree on the property and the amendment will make it very difficult to design and rebuild their home. Council should allow home owners to remove a big weed tree with a condition that multiple medium size replacement trees be planted.	Impacts on development	The amendment exempts environmental weed species listed from the need for a planning permit. If the owner's tree is not one of the species listed, the overlay is not intended to not prohibit development. However, if the amendment is approved, any development will need to comply with the overlay. This means that careful design and planning will be necessary to make sure that development either allows for the retention of trees that are protected by the SLO or provides justification for their removal and allows enough space to plant new trees.	No change. Refer to a planning panel.
251	I support the amendment	I strongly support Council and local residents who are calling for city wide tree controls to be made permanent. Developers and land speculators use many devious ploys to remove trees to increase the potential space for buildings. Council needs formal regulations to provide strong irrefutable grounds for refusing permits and clear rationale for supporting its decisions. The municipality of Whitehorse is blessed with many trees which make it a healthy and attractive place to live. They are part of what makes Melbourne the most liveable city. Destruction of these special values need to be resisted. Council Officers need the tools to protect our trees.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
252	I do not support the amendment	Need to change SLO planning application process: 1. Where no other triggers apply, the planning permit the fee should be flat rate fee - currently \$199.90 + arborist fees. 2. The blanket 4 metre trigger for buildings and works rule does not consider building works that will not affect the health of a tree. E.g. a low level, cantilevered deck. 3. Delays in processing planning permits have increased since the introduction of the interim SLO9. A VicSmart application is now taking as long or longer than the standard application avenues. 4. Why have two arborists (the property owner's consultant and Council's arborist) assess the same trees? Use an SLO checklist instead, involve the council arborist earlier and have an approved list of consulting arborists. 5. Don't protect environmental weeds. Noxious weeds should also not be protected by planning overlays 6. There is a significant gum tree on a property in the submitter's street overhanging the street. It appears to be in poor health and potentially posing a safety a hazard In-action b the owner may well be due to the interim SLO9.	Costs incurred by controls Changes to the controls Other comments	The submitter's concerns are noted. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application to remove one tree is currently \$199.90 (as noted by the submitter). This process relies on all of the required information on the VicSmart checklist to be provided to avoid any delays in processing applications. Council could investigate undertaking arborist assessments for single trees. The 4m trigger is consistent with the existing SLO1-8 to ensure consideration is given to all aspects of the buildings and works. It is not proposed to include any exemptions from this trigger. Council anticipated a possible increase in planning permit applications by allocating funding in the 2017-18 budget for additional staff, which included up to 3 arborists, up to 2 enforcement officers and 1 administrative officer, to manage implementation of the SLO. The Amendment includes several additional planning permit exemptions than the interim controls, which may reduce the number of permit applications. Notwithstanding a potential reduction as a result of including additional permit exemptions, Council is resourced to assess future planning permit applications. SLO9 proposes more exemptions, including species listed as an environmental weed. Noxious weeds are already exempt in the planning scheme. The tree in the submitter's street is protected under VPO1. Concern about the tree was last reported in October 2013, when Council inspected the tree and found it being healthy and structurally sound. Pruning works were recommended at this time. It was also noted that it is the responsibility of the property owner to monitor and maintain the trees on their land, regardless of whether the tree is protected or not.	No change. Refer to a planning panel.
253	I may support the amendment if changes are made	Believes that the permit triggers are unclear: 1. SLO9 appears to state that if fencing works are at least 4m from protected trees, then no permit is required. But if works are within 3m of frontage, is a permit required? SLO9 needs to be amended to include all implications regarding permit requirements and also have definitions for terms used so residents trying their best to comply are not penalised. 2. Clarify whether front fences that are exempt from SLO9 are required to comply with current fencing legislations and regulations. 3. Residents have no say on whether street trees planted by Council will impact on their ability to develop their land. 4. The VicSmart process does not include permits for works (such as service connection to a dwelling) within 4 m of street trees, nor does it consider the scale of works. The submitter notes the exemption for utility installations in the SLO9, however as this applies principally to services within the road reserve and property easements, a permit is still required for connection to services that may be located within 4 metres of a protected tree. Consider whether connection to services for dwellings which meet all other Planning Scheme requirements, and otherwise would only require a Building Permit, could be fast-tracked or shifted into the Building Permit process. Various ideas for doing this are suggested by the submitter. 5. Clarify Council response timeframes for the VicSmart application process from initial application submission response to final decision (i.e. permit issued or not) including response timeframes for submissions replying to Council conditions (such as species and location for replacement trees, etc.).	Changes to the controls	1. It seems the submitter is reading the various provisions contained in zones in the planning scheme together with the SLO9 provisions. In the Neighbourhood Residential Zone, for example, a permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with a dwelling on a lot of less than 300m2 (or 500m2 in the NRZ, Schedule 4). In the proposed SLO9, a permit is required for a front fence within 4 metres of a protected tree (unless the proposed fence is being replaced 'like-for-like'. Council acknowledges that the planning system is complex. The planning scheme requires applicants to look at both all controls that apply to the land - the zones, the overlays and any other special provisions. It is not the accepted practice in the planning system to duplicate all of the relevant controls, in this case permit triggers, within the SLO9 to avoid cross referencing. Definitions are already included in a central location in the planning scheme as set out by the Victoria Planning Provisions. There are also definitions of terms in the <i>Planning and Environment Act 1987</i> . In answer to the submitter's question, a fence that is <u>not</u> within 4 metres of a protected tree will not require a permit under SLO, but will require a permit in say the NRZ4 if the proposed fence is within 3 metres of a street on a lot less than 500m2 that exceeds 1 metre in height. (Presuming this lot is not in a street that is in a Road Zone.) 2. Front fences, including like-for-like would need to comply with any other applicable planning or building requirements. 3. Street trees are managed by Council and it has a responsibility to ensure that development does not detrimentally impact on street trees which are such an important contributor to the character of our neighbourhoods. This is assessed through the application process and applicants have a responsibility to become familiar with site constraints (including existing trees on adjoining properties and in the streetscape) early in the process. 4. Moving service connection approvals to the Building Permit system is not supported as there are multiple considerations in relation to trees that are more appropriately dealt with through the planning system via the SLO. In reviewing the type of applications that could be assessed through the VicSmart process, Council could consider works (or specific scale of works) within 4 metres of a protected tree. 5. The VicSmart process aims to fast track decisions on minor planning applications in 10 business days at a lower fee of \$199.90 to reduce the cost and administrative burden, and to streamline decisions for applicants. The VicSmart process is however for very specific types of applications and has very clear and specific information requirements that need to be submitted. There is an application checklist that lists the information that is required with an application and an application is lodged as soon as the fee is paid by the applicant. If the required information is not provided by an applicant in the first instance, this can delay the process.	Change proposed and Refer to a planning panel.
254	I support the amendment	I would like to record my very strong support for the amendment to continue tree protection in all of Whitehorse. Trees make a positive difference in so many ways. We see too many trees being remove, one by one, resulting in gradual degradation of our city. This amendment provides an opportunity to improve our city for the better and I hope it will be strongly endorsed by Council.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.

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255	Supports the amendment but seeks changes	<p>Supports permanent tree protection controls covering all of the City of Whitehorse.</p> <p>Some of the proposed exemptions do not support the intent of the Amendment:</p> <ul style="list-style-type: none"> - trees within 3 metres of a house or in-ground pool. There are many trees that do not interfere with these structures. - a tree that may require separate approval to remove, destroy or lop as part of an existing building permit. - the removal of trees claimed to be 'dead, dying or dangerous' What Council scrutiny is proposed in terms of permit application and approval? - environmental weeds. These should require a permit to avoid any unintentional errors. Weed species should be required to be replaced with non-weed species to make up for lost canopy. - Permit trigger for tree circumference should be the same as existing SLO areas / 50cm <p>Sufficient unencumbered space is required to allow a canopy tree to flourish (is 35 square metres enough as it will be for Amendment C219).</p>	Changes to the controls Intent of controls	<p>A distance of 3m aligns SLO9 with the Tree Conservation Policy at Clause 22.04. It is recommended to apply in SLO9 to protect assets such as building foundations and in ground swimming pools.</p> <p>The additional analysis also recommended exemptions to the amendment to make it clear they do not authorise the removal of a tree to be retained or planted in accordance with an existing planning permit condition or landscape plan.</p> <p>Council's enforcement team inspect trees to ensure they are dead, dying or dangerous. VCAT has generally not attributed retention value to environmental weeds and Council actively discourages their planting, therefore the controls propose to exempt trees identified as environmental weeds. If residents are wanting to remove an environmental weed, they should document the species for reference.</p> <p>When then Minister for Planning approved Amendment C191 he increased the trunk circumference from 0.5 metres to 1.0m. Part 2 of the Municipal Tree Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. The decision guidelines contained in SLO9 requires council to consider the tree and its context during the assessment process.</p> <p>The Tree Conservation Policy at Clause 22.04 seeks a minimum planting area for new trees of 50m2 which is intended to apply to the existing SLOs 1 - 8 reflecting the taller / larger trees in the Bush Environment character area covered by SLO1-8. This is not appropriate for the areas proposed to be covered by SLO9 (Bush Suburban and Garden Suburban character areas) due to the prevailing lot sizes, setbacks and potential for more growth and change. The decision guidelines in SLO9 require council to consider the area provided for a new tree, including whether the location will enable the future growth of the canopy and root system to maturity. In addition, where the local schedules to the General and Neighbourhood Residential zones specify minimum areas of private open space, this also includes a minimum dimension of 5 metres to provide well proportioned private open space as well as allowing space for trees.</p>	No change. Refer to a planning panel.
256	Not clearly specified	<p>The 1m circumference and 5m height is too generic for all species of trees. Some trees bolt very quickly to 5m yet only have a trunk of 20-30cm such as some conifers etc.</p> <p>Council to take more responsibility for implementation of the overlay:</p> <ul style="list-style-type: none"> - provide arborist resources to provide advice; -contribute to the care, responsibility and ongoing maintenance of trees; -contribute financially as they are taking away the rights of landowners and to this there must be some accountability! -ensure that rate payers are not charged excessive permit fees in the event that a tree is proposed to be removed for whatever reason the rate payer has (concerned that it is revenue raising by Council) -provide credits to rate payers that could reduce permit fees or remove them altogether; -ensure residents are well educated about the overlay and not come down like a police state enforcing minor issues but rather working with residents and ratepayers to achieve a balanced environment for Whitehorse. 	Changes to the controls Costs incurred by controls Imposition on private property rights	<p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p> <p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation.</p> <p>If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90 which reduces the cost and administrative burden. Council could investigate undertaking arborist assessments for single trees.</p> <p>As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and therefore Council is unlikely to provide credits to rate payers.</p> <p>Council has a tree education program which can assist with working with residents to better understand the benefits of trees in an urban area.</p>	No change. Refer to a planning panel.
257	I support the amendment	We totally support the protection of all significant trees so therefore support the Permanent Significant Landscape Overlay.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
258	Supports the amendment but seeks changes	<p>C219 is an excellent action to help preserve what is left of the City's canopy trees and also enhance our tree coverage to reach the target of 30% canopy cover by 2030.</p> <p>Concerned that the exemptions go a little too far:</p> <ul style="list-style-type: none"> - Trees within 3 metres of a house or in-ground pool. There are many trees that do not interfere with these structures, therefore removal of such trees should require a permit. - The permit trigger for tree circumference should be the same as existing SLO areas / 50cm, not 1 metre There are Euc maculata trees in our parks which provide good canopy and yet their trunks are only about 15cm diameter hence roughly 50cm circumference. 	Changes to the controls	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p>	No change. Refer to a planning panel.
259	Supports the amendment but seeks changes	<p>Believes the application of this control is justified and the intent is consistent with community expectations.</p> <p>Has concerns about the proposed amendment relating to landscaping outcomes in development, specifically the planting of new and replacement canopy trees, and the inadequate decision guidelines in the SLO9. While the SLO9 may protect some significant trees the reality is that there are circumstances where trees should be permitted to be removed - they are living beings and the condition of trees changes over time.</p> <p>Concerned that Council is defaulting simply to the landscaping provisions within the zone schedule for landscaping outcomes (regardless of the number of trees removed) rather than applying the SLO9.</p> <p>Council should review the amendment to provide greater clarity on how the second objective of the SLO9 to: <i>provide for the planting of new and replacement canopy trees</i> can be achieved and to provide greater clarity as to what the decision guidelines are if retention cannot be achieved.</p> <p>Expresses concern that on page 36 of the Municipal Wide Tree Study (Part 2) March 2019 under the heading "Offsets and Landscaping" the reference to Brown v Whitehorse CC [2018] VCAT 1133 being a case that "allowed" the removal of a significant number of trees is false. In this case the member directed that no permit be issued on the grounds of an unacceptable built form and landscaping response.</p>	Changes to the controls	<p>The decision guidelines in SLO9 provide clarity regarding retention of trees and also recognises that it may be appropriate to authorise removal of a tree(s) in some circumstances. Specifically the decision guidelines require Council to consider the contribution of the tree(s), the compatibility of the tree(s) with buildings and works, whether there is a valid reason for removing the tree(s) and if retention cannot be achieved whether the site allows space for planting of canopy trees that could grow to a similar height to any <u>protected trees</u> to be removed. When read in conjunction with other policies such as Clause 22.04 Tree Conservation (which the submitter does not reference), it is considered that the decision guidelines in proposed SLO9 provide strong guidance on matters such as replanting for future canopy.</p> <p>It is not the case that Council is only applying the landscaping requirements set out in the schedule to the zone to new development. In a development context, Council will consider many aspects of the planning scheme: the relevant policies (Clause 22.04 mentioned above, neighbourhood character through Clause 22.03 Residential Development), the development proposal, space available for trees to thrive, 'canopy trees' removed (and retained) to determine the appropriate number and size of trees to be replanted, etc.</p> <p>The consultants who prepared the Municipal Wide Tree Study have confirmed that the wrong citation has been used in the relevant paragraph. It should refer to Luo vs Whitehorse CC [2018] VCAT 979. Their notes in relation to Brown v Whitehorse are consistent with the comments made by the submitter. The report could be revised prior to any adoption of the amendment.</p>	No change. Refer to a planning panel.

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260	Not clearly specified	<p>The documentation with the amendment is deficient. Council should delay the adoption of the proposed amendment until it has provided the following:</p> <ol style="list-style-type: none"> 1. Policy Objective: A clear statement as to the current canopy coverage rate, the rate it hopes the policy will achieve, the timeframe and the means by which progress towards the objective will be measured. 2. A clear measure of the canopy coverage. The percentages of canopy cover vary across the different data available and ultimately the Study recommends further work on this with RMIT and DELWP 3. A clear statement as to the inter-relationship of the various factors that contribute to canopy coverage in Whitehorse and what actions are proposed in relation to these factors. Slowing removal of trees through SLO9 is just one factor; moonscaping, the rate of new plantings and Council tree management (for example) are others factors that also affect the overall tree canopy. 4. An opportunity cost assessment comparing the resources spent and proposed to be spent on the amendment with alternative courses of action. 5. Improving Planning Department service standards for the new tree removal application process. For example: responding to enforcement matters about illegal tree removal / moonscaping; and timeframes in relation to applications and site visits. 6. A clear statement as to which Council executive has ownership for the policy. 	Other comments	<p>The Municipal Wide Tree Study analysed the canopy coverage using I-tree. Recently released data indicates that the canopy coverage has decreased. At this point in time, the data used by DELWP and RMIT analyse tree canopy cover is not available to Council to further interrogate the impact of trees 5+ metres in height. Council is continuing to have dialogue with DELWP on this matter in order to progress the recommendation in the Study (Part 2). Part 2 of the Study recognised that the Whitehorse Urban Forest Strategy seeks to achieve a canopy cover of 30% by 2030. The Urban Forest Strategy was produced through Council's ParksWide department and was adopted by Council in August 2018. Approximately 10% of the municipality is in public land and therefore to meet the canopy cover target, land in the private realm will need to contribute. The Municipal Tree Study also discusses the factors about canopy cover. It is proposed to include reference to the Urban Forest Strategy targets in Clause 21.05 (Environment) of the planning scheme.</p> <p>In regard to the level of service with the permit application process, if a permit is required it may be possible to obtain this under the VicSmart process, which is a more streamlined assessment process than requires a decision to be made within 10 business days. The additional arboricultural resources funded by Council will assist with this process. Likewise, additional enforcement resources will investigate and attend to illegal tree removal, enforcement of planning conditions, etc.</p> <p>The funding allocated in the budget for additional staff has not been exhausted each year. The financial costs of the amendment process will be explored in each report to Council about the amendment. The ongoing costs of the planning department are outlined in the annual Council budget.</p>	Change proposed and Refer to a planning panel.
261	I support the amendment	Support the extension of the Tree Protection Controls across all of the Whitehorse. Moved into this area many years ago partly because we enjoyed the heavily treed environment, but this is now diminishing & with further development occurring I am concerned more trees will be lost. We need trees. They provide health benefits & improve the aesthetics of a community.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
262	Supports the amendment but seeks changes	<p>Should be better protection for smaller trees. Permit trigger for tree circumference should be 50cm to capture mid-storey and smaller vegetation.</p> <ul style="list-style-type: none"> - Sites should not be moonscaped at all and clearing should only occur after a building permit is approved. Developers need to be encouraged or compelled to limit site clearing to the building envelope - It is important to consider the transition between the SLO areas for consistency. Further, SLO and neighbourhood character boundaries should be at the back of properties, not down the middle of the street. - The planning scheme should distinguish between 'native' and 'indigenous' and read "indigenous", not "indigenous or native". Planting should recommend indigenous species (especially in the Bush Suburban character areas). Several native species are serious weeds in the municipality e.g. Sweet Pittosporum and Sallow Wattle. - In the Environmental Weed list: the botanical names should be italicised; and there is a typographic error in "including". Should that be "comprised of" – where is the complete list of "Environmental Weeds" ? - Council should offer rates discount to land owners with significant indigenous canopy trees on their properties. - Removal of trees by Council for transport and other infrastructure should be a last resort. - Trees in Council's parks are not protected (e.g. via SLOs) and may have the TPZ impacted by construction on neighbouring private properties. - Tree removal needs to be well justified by an applicant and not for trivial reasons. 	Changes to the controls	<p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. In addition, the proposed SLO9 is intended to capture trees, not mid-storey which could be interpreted as meaning shrubs as well as small trees. It is not recommended that the triggers be changed.</p> <p>As the proposed SLO9 will cover the remaining residential areas not already covered by SLOs 1 - 8, the boundary / transition area that the submitter refers to, should not necessarily arise. Further, with replanting across the municipality under SLO9 over time, the distinction that is currently quite obvious inside an existing SLO (1 - 8) and immediately outside those SLOs may become less apparent.</p> <p>Concerns about the terms 'indigenous' and 'native' are noted. It is not proposed to reference only indigenous plants in the decision guidelines in the SLO9. This recognises the broad range of landscapes that contribute to the Garden Suburban and Bush suburban landscapes, and native species that are weeds would not be approved as a species suitable for replanting under a planning permit.</p> <p>Italicising and typographic error noted and will be amended. The weed species as listed are the only trees species proposed to be exempt from the need for a planning permit. Change: "A tree species that is listed as an Environmental Weed including"(sic) to "A tree that is an Environmental Weed species listed below."</p> <p>A complete list of Environmental Weeds (including species that are not trees) is included on Council's website.</p> <p>It is not proposed to provide discounts to rate payers for protecting canopy trees, in much the same way as Council does not discount rates for owners of properties in the Heritage Overlay. SLO9 doesn't preclude removal of trees, but does focus on encouraging tree retention whenever possible and providing for future canopy / replanting. Ultimately, trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation.</p> <p>The Urban Forest Strategy relates to trees on public land which is owned and managed by Council. This Strategy includes a Tree Management Plan which proposes that a comprehensive risk analysis and evaluation will be undertaken during any inspection which will include consideration of the source of risks. It also notes that developments will not encroach above 10% of the TPZ of any Council managed tree, in line with the Australian Standards. Development needs to consider trees on adjoining property, including parks.</p> <p>As SLO9 applies to residential zoned land, parks (mostly zoned Public Park and Recreation Zone) are not affected.</p> <p>Council considers the decision guidelines in SLO9 when determining an application for a planning permit. These include the proposed reasons for removal.</p>	Change proposed and Refer to a planning panel.
263	I do not support the amendment	<p>Owner should be allowed to prune/lop/cut off the top and maintain own trees over 5m in height at all times without permits.</p> <p>Submission also raised questions from previous correspondence with Council.</p>	<p>Changes to the controls</p> <p>Other comments</p>	<p>Pruning is proposed to be exempt from the need for a planning permit under the SLO9. Lopping will require a permit which can be applied for under the VicSmart application process for one tree.</p> <p>Other comments in previous correspondence have been responded to separately.</p>	No change. Refer to a planning panel.
264	I support the amendment	<p>It is important that Whitehorse retains what tree cover it possesses. There has been so much tree loss with medium and higher density development, that the present trees become even more important.</p> <p>It would be great to see more private open space with trees provided. Areas like Box Hill CBD are relatively barren.</p> <p>Trees that are decaying, or need a reasonable prune should be exempt.</p> <p>Developers that moonscape or illegally remove trees should receive stronger penalties than they do now..... they just laugh off the trivial fines.</p>	Support	<p>Support noted.</p> <p>If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.</p> <p>Pruning of trees to Australian Standards can also be undertaken without a planning permit.</p> <p>Council has consistently advocated for an increase in fines for illegal tree removal, which is currently set by the State Government.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
265	Supports the amendment but seeks changes	Submission on behalf of owners of the former ARRB site at 500 Burwood Highway Vermont South: -Supportive of the general intent of the amendment to protect tree canopy and the 'blanket' control approach. -Recommend that Council send the rezoning request for the site to the Minister for Planning for authorisation to commence the amendment process to rezone the land from the Public Use Zone 4 (PUZ4) to the Residential Growth Zone (RGZ) - Support the SLO9 being applied, but highlight there may be duplication with the Native Vegetation provisions at Cl 52.17 and the proposed RGZ. Also note that under the proposed SLO9, only the trees in the 12 metre frontage of the site would need a permit to remove / lop / destroy; outside this front setback would be exempt but the provisions of Cl 52.1 7 would still apply. -Believe the site should be categorised as a Garden Suburban Neighbourhood Character Area Precinct 7 consistent with the residential land around the Site.	Other comments	This site is the subject of a separate planning process. The site is currently zoned PUZ4 and the proposed SLO9 does not apply. If the amendment request progresses to a point where it can be reported to Council to seek authorisation to commence a planning scheme amendment, existing trees across the site will be an important component of the planning tools selected.	No change. Refer to a planning panel.
266	I support the amendment	Concerned at the rapid loss of vegetation. There has been a noticeable reduction of bird life as a result. Concerned that properties are having most of the vegetation removed as part of new developments.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
267	I support the amendment	Well done to Council for recommending this change.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
268	Not clearly specified	Have two large trees on the property; one is causing damage to the house, affecting power lines and needs to be trimmed back to the street boundary; the other is in poor condition / dying. What is meant by lopping? Does trimming branches fall into the category of lopping? What is meant by obtaining a permit - is there a fee involved? Do we have to discuss with Council when the tree needs trimming? Land owners don't have time to contact Council about this. Residents know best how to manage trees in their property.	Imposition on private property rights	As per the proposed SLO9 and the Australian Standards, lopping is the cutting of branches or stems between branch unions - this needs a planning permit unless any of the exemptions listed in SLO9 apply. Pruning is the removal of the ends of branches or stems in order to reduce the spread of the tree and does not require a planning permit. If a tree is deemed dead, dying or dangerous, it can also be removed without a planning permit, subject to Council's satisfaction. The permit referred to in SLO9 is a planning permit. Council's web site has further details about how to apply for a planning permit if the above exemptions are not applicable. A planning permit for the removal of one tree can be applied for through the VicSmart process, which aims to fast track decisions on minor planning applications in 10 business days and currently has a fee of \$199.90 per tree.	No change. Refer to a planning panel.
269	I do not support the amendment	Council is not convincing with the need to introduce the controls which prioritise trees over property owners rights on neighbourhood character grounds. Property owners have paid considerable amounts to purchase with the view to developing or enlarging their properties. To introduce regulations without consultation or warning usurps their freedom of choice. The Study recommends to control, retain and replant trees. It is not clear what this is designed to achieve. Further, in the amendment, there is no indication as to who is to replant trees and where? The amendment suggests that any land owners rights to decide on trees on their property will be removed. A permit is needed to lop or prune a tree, or to remove a tree that is dead, dying or dangerous. Requiring permits and the associated costs is a revenue collection exercise. Amendment looks like Council is policing private properties and overburdening ratepayers for reasons that have not been defined. Other issues: Council should change the outdated front fence regulations that currently limit the height to 1 metre without a permit. This front fence height does not safeguard property owners and their families from crime.	Intent of the controls Imposition on private property rights Costs incurred by controls	The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. The further work undertaken by Council in Part 2 of the Municipal Tree Study provides the strategic basis for protecting and enhancing the tree canopy in Whitehorse as a key determinant of neighbourhood character. One of the objectives of an SLO is to "To conserve and enhance the character of significant landscapes." C219 proposes that a permit will not be required to prune a tree , or to remove/lop/destroy a tree that is assessed by Council as being dead, dying or dangerous . Unless any of the other exemptions apply, a permit will however be required to remove, destroy or <u>lop</u> a tree and if a permit is granted a list of replacement trees will be provided for the property owner to chose a tree to replant. Other species can also be approved for replanting depending on the circumstances (e.g.: neighbourhood character, available space, the size of tree removed, etc.) to ensure the right tree is selected for the right location to provide for future canopy. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and is not being used as a revenue raising mechanism. Issues such as fencing height are not the subject of this Amendment.	No change. Refer to a planning panel.
270	I support the amendment	Better protection for all trees is required for all of the Whitehorse area. Wants to see less development, particularly in SLO2 areas.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
271	I support the amendment	I live in existing suburbs and neighbourhoods that have enjoyed tree and vegetation controls for many years. Amendment C219 is one important planning tool that will preserve and enhance the tree canopy in private ownership and will act as a buffer and increase vegetation and habitat connectivity with existing SLO areas. It will also help Council achieve its goal to increase the city's tree canopy cover to 30% by 2030.	Support	Support noted. No further comments required	No change. Refer to a planning panel.
272	I do not support the amendment	I strongly disagree with this amendment because as tree growing bigger they will block sunlight, affect power poles and put pedestrians and properties in danger on windy days because it will difficult to get approval to remove or lop the tree.	Safety	If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit. Pruning around powerlines is also permitted without a permit. If a permit is required to lop or remove the tree in other circumstances, it may be possible to obtain this through the VicSmart application process.	No change. Refer to a planning panel.
273	I may support the amendment if changes are made	Increase the tree circumference threshold to be 1.5 metres (or greater) in circumference /approximately 477mm in diameter measured at 1 metre above natural ground level. Large trees greater than 1.5 metres are oversized for a typical block of approximately 575m2 in my neighbourhood. Alternatively, there could be a schedule that takes into account the size of the block of land relative to the size of tree circumference, which will allow for a permit to be granted subject to meeting the criteria. (i.e.): if there is a large tree and a small block of land, the tree will be allowed to be cut and vice-versa.	Changes to the controls	Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
274	I support the amendment	<p>We strongly support the Whitehorse Council Planning Amendment C219 for the following reasons:</p> <ul style="list-style-type: none"> -It will support Council's goal of 30% tree cover to maintain and enhance the treed environment which Whitehorse is so well known for and valued by residents. -Our large trees provide cooling, carbon sink, good health; a treed outlook decreases issues with depression and improves mental health. -They are also vital in maintaining wildlife corridor links between our bushland areas. <p>We would like to see the controls a little more stringent: -</p> <ul style="list-style-type: none"> -For trees within a metre of the wall of a house or swimming pool, the amendment should apply only to existing houses and pools where structural damage is proven. Many houses and pools co-exist with large trees within this distance. -Don't want to see the amendment as means of "moonscaping" prior to a re-development. Architectural skill should be applied to retain such trees in the new development. -Strongly agree with the ability to remove environmental woody weeds. Council should manage this accurately and provide advice and assistance to promote re-planting of indigenous species. -Pleased that the amendment applies to roads like Central Rd which were not part of the original SLO's. We would also query why small areas like the end of Laurel Grove and Sheehans Rd and part of Florence St were not included in the original SLO? -We expect the existing SLO's to be enforced and not watered down by the amendment. 	Support	<p>Support noted.</p> <p>The exemption for trees within 3 metres of an existing house and an in-ground pool aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations.</p> <p>Council has included funding to resource the proposed controls including for additional enforcement officers. Controls in the existing SLO areas will continue to be enforced and have stronger controls and other specific requirement for development that will continue to be applied.</p> <p>The query about the SLO schedule applied to small areas of land between Laurel Grove South and Sheehans Road, and part of Florence Street is noted and can be further investigated as part of potential corrections to the planning scheme. This would be is a separate process to look at the origins of the SLO2 boundary and not a matter to be resolved as part of the applying the SLO9.</p>	No change. Refer to a planning panel.
275	I support the amendment	<p>We strongly support the Whitehorse Council Planning Amendment C219 for the following reasons:</p> <ul style="list-style-type: none"> -It will support Council's goal of 30% tree cover to maintain and enhance the treed environment which Whitehorse is so well known for and valued by residents. -Our large trees provide cooling, carbon sink, good health; a treed outlook decreases issues with depression and improves mental health. -They are also vital in maintaining wildlife corridor links between our bushland areas. <p>We would like to see the controls a little more stringent: -</p> <ul style="list-style-type: none"> -For trees within a metre of the wall of a house or swimming pool, the amendment should apply only to existing houses and pools where structural damage is proven. Many houses and pools co-exist with large trees within this distance. -Don't want to see the amendment as means of "moonscaping" prior to a re-development. Architectural skill should be applied to retain such trees in the new development. -Strongly agree with the ability to remove environmental woody weeds. Council should manage this accurately and provide advice and assistance to promote re-planting of indigenous species. -Pleased that the amendment applies to roads like Central Rd which were not part of the original SLO's. We would also query why small areas like the end of Laurel Grove and Sheehans Rd and part of Florence St were not included in the original SLO? -We expect the existing SLO's to be enforced and not watered down by the amendment. 	Support	<p>Support noted.</p> <p>The exemption for trees within 3 metres of an existing house and an in-ground pool aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. It is not recommended that this exemption be modified.</p> <p>Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations.</p> <p>Council has included funding to resource the proposed controls including for additional enforcement officers. Controls in the existing SLO areas will continue to be enforced and have stronger controls and other specific requirement for development that will continue to be applied.</p> <p>The query about the SLO schedule applied to small areas of land between Laurel Grove South and Sheehans Road, and part of Florence Street is noted and can be further investigated as part of potential corrections to the planning scheme. This would be is a separate process to look at the origins of the SLO2 boundary and not a matter to be resolved as part of the applying the SLO9.</p>	No change. Refer to a planning panel.
276	I support the amendment	<p>The protection of trees is really important; this is a good step in the right direction.</p> <p>Trees and green areas are important for the healthy functioning of our community.</p> <p>Support the submission by the Blackburn Tree Protection Society, especially the need to have a clear processes in relation to applications for exemption under SLO9. Developers may wish to use these exemptions and therefore enforcing this will be important.</p>	Support	<p>Support noted. Council has included funding to resource the proposed controls including for additional enforcement officers.</p> <p>No further comments required.</p>	No change. Refer to a planning panel.
277	I do not support the amendment	<p>*The trees on my property are OURS not the councils. *We have not been included in any consultations that have reached the conclusions expressed in the amendment *It is not reasonable that we have to pay fees for any decision to remove trees on our property *We actually do not have any trees on our property that fit the description included in the Amendment and we will make very sure that any getting close to those descriptions will be removed before they do *We do have a problem with trees actually planted by our neighbour (so they are his property). A number of those trees come over our property roof and drop leaves etc. in our guttering which create fire possibilities and cleaning problems. Our neighbour is prepared to remove those trees but is forced by the temporary and now the possible Amendment to pay permit fees to no doubt get rejected by the council. This is just not reasonable. *We believe this Amendment is most unreasonable and possibly exceeds the Councils authority</p>	Imposition on private property rights Costs incurred by the controls	<p>It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected.</p> <p>Interim controls implemented under section 20(4) of the Planning and Environment Act 1987 are not implemented through a full planning scheme amendment process and do not go on public exhibition. Controls introduced in this way are common where protection of features are being sought that may be under threat while the "usual" amendment process involving exhibition takes place. The interim controls are based on the Municipal Wide Tree Study that was undertaken in 2016. The Study included community consultation in April / May 2016. Consultation with residents is subsequently occurring as part of the current statutory amendment process.</p> <p>The tree controls are proposed to protect larger canopy trees, and establishing trees, that form part of the landscape and neighbourhood character. If there aren't any trees that would need a permit to be removed, then there is currently nothing further that the landowner will be required to do regarding the tree controls. However, the controls are also intended to protect future trees which may contribute to the landscape and neighbourhood character.</p> <p>In regard to the neighbours tree, this is a civil matter and Council encourages landowners to talk to their neighbours. Residents can prune an overhanging tree to the boundary fence line (refer to pruning guidelines above), without a planning permit. A planning permit for the removal of one tree can be applied for through the VicSmart process, which aims to fast track decisions on minor planning applications in 10 business days and currently has a fee of \$199.90 per tree.</p>	No change. Refer to a planning panel.
278	I do not support the amendment	<p>Should be permitted to prune to the neighbours fence line. Fruit trees require annual pruning; if pruning is missed one year, the tree will grow above 5 metres. It is a waste of time and money to go through the process to 'request' to prune your own tree.</p> <p>The tree was purchased and planted, tended and watered by myself. It does not belong to council. This is a complete over-reach by council.</p> <p>The amendment should relate to new building constructions that denude the landscape, not to long-time land owners that have developed the landscape and paid their bills.</p>	Imposition on private property rights Other comments / Inequity between residents and developers	<p>The proposed controls intend to allow the pruning of a tree without the need for a planning permit. If there are concerns with a neighbours tree then that is a civil matter and Council encourages landowners to talk to their neighbours. Residents have the right to prune an overhanging tree to the boundary fence line (refer to pruning guidelines above), without a planning permit.</p> <p>Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property nor transfer that responsibility to Council.</p> <p>The proposed controls are intended to apply to all land within the residential zones that are not already covered by SLO1-8, thereby applying to all landowners who may choose to alter or develop their properties. Council cannot distinguish between landowners who wish to develop their properties and landowners who do not wish to develop their properties.</p>	No change. Refer to a planning panel.
279	I do not support the amendment	<p>The council is unable to appropriately manage local laws it already has. Examples of this are council's inability to deal with hoarders. Worry about the laws you have already and can't manage.</p> <p>My land is purchased and owned by me they are my trees. I should be able to manage how I want to. Council is unable to manage trees on nature strips, so focus on these before worrying about my trees.</p> <p>Stop wasting rates payments on rubbish initiatives like this aimed at creating jobs for your mates.</p>	Imposition on private property rights	<p>The amendment is under the Planning and Environment Act 1987 and relates to the Whitehorse Planning Scheme, not Council's community laws and hoarders are unrelated to this Amendment.</p> <p>Council has an established program for managing street trees including cyclical pruning and replanting programs. If there are concerns about particular street trees, residents are encouraged to contact Council's ParksWide Department.</p> <p>It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
280	I may support the amendment if changes are made	<p>I am concerned that the focus is on existing large trees, and does not take enough account of smaller /less mature trees or deal with ensuring there is a tree replacement program for mature trees that are nearing the end of their life. Suggestions:</p> <ol style="list-style-type: none"> 1. Need to look for opportunities to expand the green space /corridors and not just rely on existing larger tracts such as through Blackburn and along creek corridors, particularly when large tracts of green space along the Koonung Creek are under threat from the Manningham sewage development, and new developments/ houses have larger "footprints" and more sealed area than traditionally has been the case in the City of Whitehorse. This has led to reduced incidental flora (such as bushy growth) which also impacts on general amenity and native fauna. 2. There needs to be a requirement for new developments and renovations to include more green space/ planting and more restriction on the amount of sealed area permitted on blocks of land. 	Intent of controls	<p>New public open spaces are identified in accordance with the Whitehorse Open Space Strategy and additions to the open space network occur incrementally as suitable opportunities arise.</p> <p>Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.</p> <p>Under the Whitehorse Planning Scheme, new developments are required to provide specified amounts of open space with dimensions that allow for the planting of canopy trees with a certain amount of impervious surface per development. If a tree is permitted to be removed from an existing property, a list of replacement trees will be provided for the landowner to chose from. Other suitable species are also permitted.</p>	No change. Refer to a planning panel.
281	Not clearly specified	<p>Suggests updating increasing the exemption relating to trees near existing dwellings to 4 metres instead of 3 metres, or alternatively, use a tree size sliding scale. E.g.: Allow removal of: a tree that is 21 metres high and less than 6 metres from the wall of an existing house; a tree that is 9.1 to 21 metres high and less than 4.6 metres from the wall of an existing house; and a tree that is 9.1 metres high and less than 3.0 metres from the wall of an existing house.</p> <p>In support of this, the submitter notes that:</p> <ul style="list-style-type: none"> -In Whitehorse, many of the houses were built in 1970s when trees were planted without good guideline, and are now very big and cause damage the houses. - Victorian Building Authority web information cites trees are a major source of damage to foundations. - The Melbourne Water Planting Guidelines and the Whitehorse Landscape Guidelines indicate trees should be 4 metres away from the house - Internet searches indicate large trees (21 metres or more) should be planted at least 6.1 metres from the home, medium-sized trees (up to 21 metres tall) at 4.6 metres from the home, and small trees (9.1 metres tall or less) at 3.0 metres from the home. 	Changes to the controls	<p>The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings to protect the root system and building assets. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. While the proposed distance for the permit exemption in SLO9 relates to the proximity of trees to an <u>existing</u> house, the policy at Clause 22.04 of the planning scheme assists residents, developers and applicants on the <u>minimum</u> separation between new buildings and existing trees and for new tree planting. Ultimately it is intended that development and canopy successfully co-exist. In regard to the reference material included in the submission, Council concurs that the greater the separation from buildings for <u>new</u> tree planting the better, however this information alone does not necessarily drive the exemption from the need for a permit. The trigger for the need for a planning permit for buildings and works is within 4 metres of a tree to enable each case for new buildings and works near trees to be properly assessed. The permit trigger for tree removal and lopping of protected trees located 3 metres or more from an existing house or in-ground pool is proposed to remain. It is not recommended that the exemption be modified.</p>	No change. Refer to a planning panel.
282	I support the amendment	<p>The requirement for a planning permit to 'remove, destroy or lop a tree' is to be encouraged in order to keep our 'leafy suburb' as leafy as possible from the ongoing pressures of urban development pushing for the clearance of significant trees throughout the City.</p> <p>Council is to be highly commended for preparing and now seeking to bring this amendment to the Planning Scheme as permanent addition. As land owners with established trees dating back to the 1970 and 80s we are well pleased to see tree lined streets retained as the dominate street scape character.</p>	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
283	Supports the amendment but seeks changes	<p>The Blackburn and District Tree Preservation Society has been at the centre of lobbying for blanket tree controls in the municipality and has been instrumental in vegetation protection achievements since the 1960s. The submission discusses the compelling data about tree canopy loss in Whitehorse, the eastern region and the metropolitan area. The Society believes that all residents in Whitehorse should be able to have the same the benefits of trees that residents in existing SLOs 1 - 8 currently enjoy.</p> <p>The amendment is supported by the Society, but it is a diluted version of what is needed. Changes to the amendment sought :</p> <ul style="list-style-type: none"> -The permit trigger for trunk circumference should be the same as the existing SLO areas i.e. 50+ cm rather than 1+ metre. -The provisions relating to buildings and works near existing trees should be for a minimum setback of 4 metres (similar to the provisions for SLO1-8) rather than 3 metres as proposed by C219. A 3 metre setback will impinge on the structural root zone of most true canopy trees and thus negatively impact their health, vigour and life expectancy. -A permit should be required to remove a tree located less than 3 metres from the wall of an existing house or in-ground swimming pool. Many existing trees in SLO9 areas are located close to houses and/or pools without interfering with their structural integrity. -Concerned that collectively, the above three elements of amendment C219 may still enable moonscaping of a number of residential lots. The implications of C219 therefore need further examination. -35 sq. is not sufficient area to allow a true canopy tree to flourish. It should be 50 square metres as for the existing SLOs. This enlarged area allows the canopy tree to at least reach the expected height of 12-15 metres. Tall canopy trees planted in small spaces will never achieve their optimal height and canopy spread because of restricted root growth and minimal allowance for water, nutrients and oxygen to penetrate through to the root zones. -Support in principle the exemption for removal of environmental weeds. However, there needs to be a process to confirm that the trees are, in fact, weed species and a firm commitment required that the weedy trees be replaced by non-weedy species to make up for the lost canopy cover. -Add Early Black Wattle (<i>Acacia decurrens</i>) to the Environmental Weed list. -The society has always been opposed to the 'dead, dying and dangerous' provision because it has been abused by developers and owners in the past. It is relatively easy to render an 'unwanted' tree dead, dying and dangerous thus circumventing the need for Council scrutiny and permit application/approval. Many dead trees are also important habitat. -Further explanation is needed for 'A tree that may require separate approval to remove, destroy or lop as part of an existing planning permit'. The society is unclear as to what this means. -Use of the terminology "tall trees" and "canopy trees" needs clearer definition and characterisation (e.g. canopy spread or width). -Replanting of new trees needs an ongoing assessment process managed by Council to ensure new trees have the best chance of reaching their potential 	Changes to the controls	<p>The concerns set out in detail in this submission are noted.</p> <ul style="list-style-type: none"> -Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed. -The exemption for trees within 3 metres of an existing house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends the minimum separation distance between trees and buildings and works of 3 metres in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. This distance also assists residents, developers and applicants on adequate separation from buildings for new tree planting. -The Tree Conservation Policy at Clause 22.04 contains a provision a minimum planting area (to establish new trees) of 50m². This provision is intended to apply to the existing SLOs (1 - 8) due to the nature of the Bush Environment character area covered by SLO1-8 which seeks to sustain taller (12-15 metres) indigenous trees. A minimum planting area of 35m2 is considered more appropriate for the areas proposed to be covered by SLO9 (Bush Suburban and Garden Suburban character areas) due to the prevailing lot sizes, setbacks, the potential for more growth and change, and where medium sized canopy trees of minimum 8 metres tall are typically required in the schedule to the zone . Similarly, the 3 metre minimum separation distance of new buildings and works from existing trees and the planting of new trees responds to the Bush Suburban and Garden Suburban character areas rather than the much larger trees common to the Bush Environment character areas. Council concurs that the greater the separation buildings and trees the better, however it is also try to balance this in an urban area where residential development and increased housing density (in varying degrees) is anticipated. -"A tree that may require separate approval..." mean that the exemptions do not authorise the removal of a tree planted in accordance with a planning permit condition or landscape plan. -The concerns around the "dead, dying or dangerous" and environmental weed provisions are noted. Council's planning enforcement team is able to take action against landowners who circumvent the process. The exemption is intended to allow the immediate removal where the tree is deemed dead, dying or immediately dangerous. -It is not proposed to add the Early Black Wattle to the Environmental Weed list at this time. It is considered that doing so would not provide a benefit to natural area weed management in the City of Whitehorse and is not in keeping with the objective of SLO. Sources indicate that it is a native species that can provide habitat and foraging, and that its advisory listing as an environmental weed by DELWP (2018) is explicitly "intended to assist in prioritising the eradication or ongoing control of weeds in native vegetation" which is not an appropriate reason to add the species to the weed list in this SLO context. -It is understood that the reference to "tall trees" in Clause 22.04 and 21.05 relates primarily to the Bush Environment areas (SLOs 1-8). It is not considered necessary to further define the dimensions of trees for the purpose of SLO9. -Some of the concerns raised in this regard seem to relate to proper assessment and implementation of landscape plans. Comments about ongoing assessment to proactively monitor replanting is noted. Council will inspect sites to ensure planting is undertaken and can also respond to any concerns from the community in this regard. 	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
284	Supports the amendment but seeks changes	<p>Submission from the Combined Residents of Whitehorse Action Group:</p> <p>The proposed controls are a watered down version of SLOs 1-8</p> <p>-Permit trigger should be the same as existing SLO i.e. 50+ cm rather than 1+ metre. Provisions relating to buildings and works near existing trees should be for a minimum of 4 metres (similar to SLO1-8). A permit should be required to remove a tree located less than 3 metres from the wall of an existing house or in-ground swimming pool. The 'moonscaping' of blocks will still be easily accomplished. Council should examine the practical outcomes of these proposed provisions before they are accepted as provisions of C219.</p> <p>-35 sq. is insufficient space to allow a true canopy tree to flourish. It should be 50 sq. as for the existing SLOs. This enlarged area allows the canopy tree to at least reach the expected height of 12-15 metres.</p> <p>-Needs to be a process to confirm that the trees are, in fact, weed species and a firm commitment required from the applicant that the trees be replaced by suitable tree species to make up for the lost canopy cover. This provision should cover all SLO areas across Whitehorse.</p> <p>-The definition and dimensions of a 'canopy' or 'tall tree' need to be more closely characterized including its canopy spread or width.</p> <p>-The proposed 'strengthening' of provisions concerning the replanting of trees must include an ongoing assessment process managed by council officers/arborists to ensure that the new trees are afforded the best possible chance of attaining their true canopy status and life span.</p> <p>-The importance of habitat values of older trees needs to be emphasised and attempts made to balance these important values with strict 'black and white' arboricultural assessments slanted towards risk minimisation.</p> <p>-Arborists should be required to adhere to the AS when preparing their reports for applications and the habitat values of trees be emphasized as an important component of all arboricultural assessments.</p> <p>The 'dead, dying and dangerous' permit exemption provision is open to abuse.</p> <p>-Council should explore initiatives whereby 'regular' residents are not financially disadvantaged for doing the right thing by going through the proper channels in seeking an assessment A subsidised tree assessment and reporting system in combination with the tree education program may be an initiative worthy of investigation.</p> <p>-There have been instances reported over the past 12 months of excessive pruning or removal of healthy street trees.</p>	Changes to the controls	<p>Part 2 of the Municipal Tree Study analysed the "and/or" requirement either the height or circumference tests would trigger a planning permit. The Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.</p> <p>-The exemption for trees within 3 metres of an existing house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends the minimum separation distance between trees and buildings and works of 3 metres in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. This distance also assists residents, developers and applicants on adequate separation from buildings for new tree planting.</p> <p>-The Tree Conservation Policy at Clause 22.04 contains a provision a minimum planting area (to establish new trees) of 50m². This provision is intended to apply to the existing SLOs (1 - 8) due to the nature of the Bush Environment character area covered by SLO1-8 which seeks to sustain taller (12-15 metres) indigenous trees. A minimum planting area of 35m2 is considered more appropriate for the areas proposed to be covered by SLO9 (Bush Suburban and Garden Suburban character areas) due to the prevailing lot sizes, setbacks, the potential for more growth and change, and where medium sized canopy trees of minimum 8 metres tall are typically required in the schedule to the zone. Similarly, the 3 metre minimum separation distance of new buildings and works from existing trees and the planting of new trees responds to the Bush Suburban and Garden Suburban character areas rather than the much larger trees common to the Bush Environment character areas. Council concurs that the greater the separation buildings and trees the better, however it is also try to balance this in an urban area where residential development and increased housing density (in varying degrees) is anticipated.</p> <p>-"A tree that may require separate approval..." mean that the exemptions do not authorise the removal of a tree planted in accordance with a planning permit condition or landscape plan.</p> <p>-The concerns around the "dead, dying or dangerous" and environmental weed provisions are noted. Council's planning enforcement team is able to take action against landowners who circumvent the process. The exemption is intended to allow the immediate removal where the tree is deemed dead, dying or immediately dangerous.</p> <p>-It is understood that the reference to "tall trees" in Clause 22.04 and 21.05 relates primarily to the Bush Environment areas (SLOs 1-8). It is not considered necessary to further define the dimensions of trees for the purpose of SLO9. Some of the concerns raised in this regard seem to relate to proper assessment and implementation of landscape plans. Comments about ongoing assessment to proactively monitor replanting is noted. Council will inspect sites to ensure planting is undertaken and can also respond to any concerns from the community in this regard.</p> <p>-All arborist reports in relation to development are written in accordance with the Australian Standard. The habitat values of trees are considered, and the Standard recommends seeking expert advice on habitat where required.</p> <p>-A review of other Councils with similar planning controls, shows that for applications for low numbers of trees, Council's are often providing the arborist assessment at a subsidised rate. Council could investigate undertaking arborist assessments for single trees with the aim to reduce the cost for applicants for VicSmart applications. Council also has an existing Tree Education program which promotes the importance of trees, and assists with appropriate tree planting.</p> <p>-Comments about pruning have been referred to Council's ParksWide department.</p>	No change. Refer to a planning panel.
285	I may support the amendment if changes are made	Camphor Laurel (Cinnamomum Camphora) should be included in the exemptions from the need for a planning permit by including it in the list of environmental weeds. There are numerous references which point to the problematic nature of Camphor Laurel, particularly in NSW and QLD where the threat has been most pronounced.	Changes to the controls	The Camphor Laurel is a potential weed. It has become a weed in NSW and with climate change could possibly become a weed here. At the moment it is not having the same weed impacts here and Whitehorse has quite a lot of them as street trees. For these reasons it is not recommended to add this species to the weed list.	No change. Refer to a planning panel.
286	Not clearly specified	<p>The intent of 'A tree that may require separate approval..' in the SLO9 is unclear.</p> <p>Suggests the exemption in proposed SLO9 be amended to include the following:</p> <p>A permit is required to remove, destroy or lop a tree. This does not apply to:</p> <p>-A tree identified to be removed, destroyed or lopped as part of a planning permit granted prior to the introduction of Amendment C191 on 8 February 2018; or</p> <p>-An agreement under section 173 of the Planning and Environment Act 1987 if the section 173 agreement was registered prior to the introduction on Amendment C191 on 8 February 2018.</p> <p>When new works proposed via an amendment to a planning permit granted prior to 8 February 2018 would remove, destroy or lop additional trees to those previous approved, this exemption does not apply.</p>	Intent of the controls	<p>The transitional provisions are provided in the proposed exemption:</p> <p><i>A tree required to be removed, destroyed or lopped in order to construct or carry out buildings or works approved by a Building Permit issued prior to 8 February 2018.</i></p> <p>The proposed exemption that follows states: <i>A tree that may require separate approval to remove, destroy or lop as part of an existing permit condition, a plan endorsed under a planning permit or an agreement under section 173 of the Planning and Environment Act 1987.</i> This is not intended to operate as a transitional provision, but rather, it clarifies that any trees to be retained or planted as part of an existing permit (now or into the future), endorsed plan or section 173 Agreement have separate triggers for approval under the specific permit/Agreement. Any amendments or new approvals sought will be assessed against the planning controls that apply at the time.</p> <p>Provided the planning permit referred to in the submission is still current, those trees considered and approved for removal as part of that permit may be removed.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
287	Does not support the amendment	<p>There is a lack of strategic justification provided for the amendment.</p> <p>The provisions of the SLO9 and Clause 22.04 are problematic and onerous. Concerns include:</p> <ul style="list-style-type: none"> - The amendment will impact on housing growth in many highly accessible, established urban areas of Whitehorse. The capacity assessment undertaken in the Studies is questionable and the methodology used is not appropriate. The Studies suggest a negative impact on housing growth within the GRZ, which is not appropriate. SLO9 will adversely impact on housing objectives in Plan Melbourne and the Planning Policy Framework. -The amendment does not establish how / why the character of Whitehorse is special or unique to meet the threshold for a permanent SLO compared to other parts of the metropolitan area with similar or superior landscape qualities. -The amendment adopts a 'one size fits all' approach to applying the same tree protection and replacement planting guidelines throughout Whitehorse where there are vast differences in character and varying strategic aspirations. -The amendment seeks to update tree protection / replacement guidelines using the SLO9 and local policy, but also needs to update the existing schedules in the NRZ, GRZ, and RGZ which impose tree planting requirements. The quantity and size of trees specified in the Schedules is not consistent with the Studies, and will also present a major development constraint in terms of new canopy tree planting (size / dimensions / area). -C219 introduces the wrong planning tool: It demonstrate that the thresholds for introducing an SLO have been met and does not explain the shortcomings of the previous controls in the VPP's toolkit (policy, ResCode provisions and zone schedules) and Planning Practice Note. Other tools such as the VPO may be more appropriate. 	Intent of the controls Impact on development	<p>As discussed in the responses above, trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character. Part 2 of the Tree Study concludes that tree canopy is a key determinant of the various neighbourhood character precincts in Whitehorse and that it is appropriate to apply the SLO to the remaining residential areas of Whitehorse that are not currently covered by the SLO.</p> <p>The SLO does not prohibit subdivision or development. However, new development must address the tree protection controls of the overlay, meaning that careful design and planning will be necessary to make sure development allows for the continuation and good health of the nominated tree/s. A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other residential zones as they are intended to be locations of less intense growth and development. Council's strategic work has demonstrated that there is sufficient housing capacity in particular areas of Whitehorse to justify more stringent controls to protect Whitehorse's valued neighbourhoods.</p> <p>The Tree Study concluded that the SLO is the most appropriate tool as it relates neighbourhood character and vegetation management and contains the ability to trigger a permit for buildings and works, which the VPO does not. This assessment included review of the relevant Planning Practice Note. The Planning Scheme requires the allocation of private open space for new developments to allow for the planting of canopy trees. The Planning Scheme also requires the application of the garden area requirement in the NRZ and GRZ - which is a percentage of the lot that must be set aside to ensure the garden character of suburbs is protected. Part 2 of the Tree Study therefore identified that most of the schedules to the GRZ and NRZ complement but operate independently of SLO9. ResCode requirements and schedule requirements specify minimums to be attained. Under the planning system, overlays apply in addition to other controls, such as zones, sometimes setting a higher level of expectation and ability to take into account the number and quality or protected trees to be removed in setting replacement planting requirements.</p>	No change. Refer to a planning panel.
288	Does not support the amendment	<p>SLO across all residential areas of Whitehorse fails to balance competing planning objectives including provision of new housing within established urban areas and accommodating population growth.</p> <p>The correlation of the SLO directly to the zoning of the land fails to identify the protection of landscapes within non-residential land (e.g.: Box Hill Golf Course and industrial area to the west).</p> <p>The application of the SLO to all residential areas (72.9% of the municipality) incorrectly classes most of Whitehorse as a significant landscape and fails to recognise individual or area specific circumstances.</p> <p>The application of the blanket SLO control is not demonstrated to be the most suitable planning tool to achieve its intent. Believe that a targeted VPO would be better.</p> <p>The classification of Inala village as a significant landscape is unfounded and incorrect.</p> <p>The application of the SLO will result in more red tape and impact investment and growth of the city including Inala Village.</p> <p>Suggest that a local policy which promotes the retention of vegetation and encourages greater planting within sites is preferred.</p>	Intent of the controls Impact on development	<p>As discussed above, trees on both public and private land contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character. It is considered that the amendment objective is maintenance and enhancement of canopy as a "forward thinking" control. Part 2 of Study identifies that the recently endorsed Urban Forest Strategy (UFS) seeks to increase the canopy cover to 30% by 2030. The UFS notes that only 10% of the municipality is public land and therefore canopy will be required in the private realm to contribute to the target.</p> <p>Substantial amount of vegetation sits on land in the residential land rather than in Whitehorse's commercial and industrial areas, noting that other large land areas not in a residential zone (such as the Box Hill Golf Club, some non-government schools etc.) will be affected by Native Vegetation provisions.</p> <p>The SLO does not prohibit subdivision or development and it is noted that the submitter has permits approved for redevelopment of the site. However, new development must address the tree protection controls of the overlay, meaning that careful design and planning will be necessary to make sure development allows for the continuation and good health of the nominated tree/s.</p> <p>A permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. This exemption is not proposed for other zones as they are intended to be locations of less intense growth and development. Council's strategic work has demonstrated that there is sufficient housing capacity in particular areas of Whitehorse to justify more stringent controls to protect Whitehorse's valued neighbourhoods.</p> <p>The Tree Study concluded that the SLO is the most appropriate tool as it relates neighbourhood character and vegetation management and contains the ability to trigger a permit for buildings and works, which the VPO does not.</p>	No change. Refer to a planning panel.
289	Not clearly specified	<p>Acknowledge Council's reasons for pursuing a blanket control approach.</p> <ul style="list-style-type: none"> - The Burwood Brickworks site is currently cleared. Disagree with Burwood Brickworks site being categorised within Garden Suburban Precinct 5, noting that the broader precinct contains gardens with established canopy trees, lawn areas, garden beds and shrubs. Requests the site be removed from the Garden Suburban Areas Precinct 5. <p>-SLO9 may be a duplication of the controls set out in the RGZ and DP. Do not support the implementation of permanent SLO9 controls on the site as the controls are redundant given little or no vegetation exists on the site.</p>	Changes to the controls	<p>The tree controls are proposed to protect larger canopy trees, and establishing trees, that form part of the landscape and neighbourhood character. The controls are also intended to protect future trees which may contribute to the landscape and neighbourhood character, therefore while there may be no trees on the site currently this will change in the future. The NCA recognises that the areas designated as activity centres with structure plans or urban design frameworks will be locations of infill development including apartment developments, however they will retain space for large trees and gardens.</p> <p>It is also noted that a permit is not proposed to be required outside the minimum building setback in the Residential Growth Zone which currently covers the bulk of this site. The requirements of the DPO mean that development of the bulk of the site is subject to planning approvals that also manage tree planting requirements.</p>	No change. Refer to a planning panel.
290	Supports the amendment but seeks changes	<p>VicRoads requests the following change to the eighth bullet point of "Vegetation Removal" in 3.0 of Schedule 9 of clause 42.03 (addition represented in bold underline):"Vegetation Removal</p> <p>A permit is required to remove, destroy or lop a tree.</p> <p>This does not apply to:...</p> <ul style="list-style-type: none"> • A tree on public land or in a road reserve removed by or on behalf of Whitehorse City Council or the <u>relevant road authority</u>. ..." 	Changes to the controls	<p>The SLO header clause (Clause 42.03) includes a table of exemptions, including that a permit would not be required by a public authority to remove, destroy or lop vegetation for emergency works or road safety, including to maintain the safe and efficient function of an existing public road. Therefore the planning scheme already adequately considers the importance of road safety. It is not considered that the roads authority would require a permit beyond maintaining the public road network. It is not recommended that the exemption proposed by the submitter be included.</p>	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
291	Supports the amendment but seeks changes	Amendment should be weighted more in favour of protecting indigenous species. -A percentage of the trees that appear on the current register would have been planted in the 1960s and '70s when 'native' trees planting was the trend and information on growth habits and requirements was sparse. Had we been aware that the small seedling we planted could potentially reach a height of 45 metres (when the nursery label indicated a height of 6 – 8 metres), different choices would have been made. -The proposed distance of 3 metres away from a house seems contrary to the rule of planting no closer than 1.5 times the height of a tree. The latter seems sensible. -Property damage is compounded where trees are severely lopped on one side (due to power lines) forcing lop-sided trees to spread out over roof space which creates much higher risk of damage when large limbs are shed. -Seeks a flexible, common sense approach to regulation rather than simply defining trees by their height, diameter and distance from a dwelling.	Changes to the controls	The submitters observations point to the need to plant the right tree in the right location. This will vary on a site by site basis and whether smaller or larger canopy trees and their species is appropriate. The intent of the controls is to protect current, and future, trees that contribute to the neighbourhood character, which includes precincts of both predominantly native or exotic species, or a mixture of the two. The current register may refer to the trees protected under the VPO and which have individual statements of significance. The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. This distance also assists residents, developers and applicants on separation from buildings for new tree planting. It is not recommended that this exemption be modified. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. If a tree is deemed dead, dying or dangerous, it can be removed without a planning permit, subject to Council's satisfaction.	No change. Refer to a planning panel.
292	Supports the amendment but seeks changes	This is a welcome initiative by Council. -Concerned that the exemption for 'dead, dying and dangerous' trees has the potential to be abused by developers and owners. Council should assess such trees to ensure there is a genuine need for removal. Even dead trees are habitat for birds and native animals. Also some owners may render an 'unwanted' tree dead, dying and dangerous thus avoiding the need for council scrutiny and approval. -The permit trigger for tree trunk circumference should be the same as for the existing SLO areas i.e. 50+ cm rather than 1 metre plus.	Support	Support noted. Council's enforcement team inspect trees to ensure they are dead, dying or dangerous and is able to take action against landowners who circumvent the process. The exemption is intended to allow the immediate removal where the tree is deemed dead, dying or immediately dangerous. An arborist report may also be requested to verify the health of a tree where this exemption is being sought. When then Minister for Planning approved Amendment C191 he increased the trunk circumference from 0.5 metres to 1.0m. Part 2 of the Municipal Tree Study concluded that the 5 metre height and 1 metre circumference triggers both ensure that the control is targeting trees that are large enough to have an impact on neighbourhood character. It is not recommended that the triggers be changed.	No change. Refer to a planning panel.
293	I may support the proposed amendment C219 subject to the following changes:	1) The clearance of 3m from an existing dwelling or dependent persons unit is considered inadequate for the exemption relating to existing large trees. The distance should be increased to 5m. Also clarify that for the avoidance of doubt, this exemption does not apply to a tree that is less than 3 (sic) metres from an existing outbuilding. 2) Clearly state that the requirements to retain trees shall apply to all residential areas including high activity areas or high density apartments/town houses. 3) Maintaining a large tree is a significant maintenance cost and reduces property values. Suggests compensation to properties with large trees: a) Where utility supplies (the power line or NBN line or phone line) can be affected by any large trees within the Property boundary, necessary pruning of such tree/s to ensure safe clearance from the utilities shall be undertaken by the Council. b) Rates be appropriately discounted by 20% to 30% c) The "Green Bin" be provided free .	Changes to the controls Costs incurred by controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah. Similar overlays for some other municipalities have closer building setback exemptions. Yarra Ranges and Knox provide exemptions for trees within 2 metres of buildings, which means that SLO9 is proposed to be more generous in this regard. The controls are proposed to apply to all residentially zoned land that is not already covered by SLO1-8, this is clearly stated in the Explanatory Report. This includes the Residential Growth Zone, however trees that are located beyond the minimum street setback in the RGZ are exempt, acknowledging that these areas are flagged for substantial growth. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Trees on private property are the responsibility of the private landowners and the introduction of permanent tree protection controls does not remove the responsibility of the land owner to maintain his/her property and minimise any risk from the vegetation. Pruning around powerlines is permitted without a planning permit. As per the Know your Council website the fee for an application to remove a tree does not recoup the cost of resources required to assess an application and therefore is unlikely a rate discount of 20% to 30% would be undertaken by Council. The allocation of a green bin to properties with large properties would be difficult to manage and may encourage the removal of trees which is contrary to the intent of the proposed controls.	No change. Refer to a planning panel.
294	Does not support the amendment	Support proposals to limit clearing or clear-felling of blocks of land prior to development. There needs to be a more realistic approach toward large trees in a residential setting in terms of safety and cost implications to repair damage. Permanent residents should be treated differently and be given more flexibility to deal with their own trees, instead of being limited to the exclusions proposed under C219. Examples: • Where residents are required to prune overhanging vegetation in order to maintain height and clearance around footpaths for pedestrians. • Trees more than 3 metres away from a structure, but with branches that overhang or come into contact with roofs or walls of a house or garage, with a likelihood of causing damage. • Installation of solar PV but have trees creating too much shade. Little detail has been published to show: • whether an application for a permit will attract a fee; how that fee will be set; the length of processing time (delay) involved; the inconvenience of having to attend and communicate during arborist inspections; whether a permit is required per tree or per property; and the likelihood of 'negotiation' around the lopping or removal of one tree but with requirement to replace it with 2 others. I really do not see it as a given that the green, treed character of Whitehorse is in danger of being lost if this proposed amendment does not go ahead. After all, trees are an easily replaceable resource.	Costs incurred by the controls Safety Other comments / inequity between residents and developers	All properties are able to be developed and Council cannot distinguish between those who wish to develop their land and those who do not wish to develop their land. Pruning of overhanging branches (to Australian Standards) is proposed to be permitted under the new controls without the need for a planning permit. A permit will also not be required under the proposed controls to remove a tree within 3 metres of the wall of an existing dwelling. It is not proposed to change this exemption. The installation of a solar system needs to consider the location of trees and other assets that may impede on the solar system. If a tree needs a permit to be removed, it may be possible to obtain this through VicSmart. The fee for a VicSmart application is currently \$199.90. The Planning and Environment (Fees) Regulations 2016 prescribe the fees to be paid to Council for applications for planning permits. The VicSmart process aims to fast track decisions on minor planning applications in 10 business days and currently requires an application per tree. Council could investigate undertaking arborist assessments for single trees. A list of replacement trees is provided if a planning permit is issued - the replanting requirements are based on the site context and the type and number of trees to be removed. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover.	No change. Refer to a planning panel.
295	Not clearly specified	I would like to submit an exemption regarding this amendment based on the following:1) The trunk of the tree is within the perimeter of a proposed front fence and part of lower portion within Council's land. 2) Part of the visible ground roots are protruding and part portion within the Council's land. 3) Big visible ground roots are heavily protruding and may posed danger.	Changes to the controls	The amendment proposes that a permit is not required if the tree is within 3 metres of the wall of an existing dwelling. This exemption does not apply to trees impacting on front fences. If there are concerns about a tree on Council's land this can be reported to Council's ParksWide department who can investigate the tree.	No change. Refer to a planning panel.
296	Does not support the amendment	Has sought permits for tree removal on two properties due to property damage and tree debris. The tree is concealed and is of no benefit to the neighbours or the broader community. It is a gross invasion of Privacy for Council to be able to nominate trees on Private Property.	Imposition on property rights	An existing planning permit (provided it is still current) are not retrospectively affected by the controls. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Tree preservation is important on private land as well as public land to maintain a healthy urban forest canopy cover of 30% as a minimum. Whitehorse currently has an estimated canopy cover of 18% however only 10% of the municipality is managed by Council and therefore mature trees on both public and private land will contribute to the overall canopy cover. The intent of the controls is to protect current, as well, as future trees which contribute to the landscape and neighbourhood character which provides numerous benefits to the community beyond the private property on which they sit.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
297	I support the amendment	Applying a SLO in our area is a important measure to retain the tree canopy. The area has a fantastic array of native bird and animal species, which is supported by the important habitat provided by significant trees in this area that should be protected. The trees also add to the aesthetic value of our area, which is a key part of why we decided to buy a property here five years ago. Trees also provide important shade, reduce local temperatures and are clearly beneficial for the environment, and for the health and well being of people. As <i>The Age</i> (28/07/2019, p2) article suggests, 2000 hectares of trees in Melbourne have been lost to residential land clearing. This trend needs to end, and Amendment C219 is a fantastic step in the right direction.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.
298	Does not support the amendment	Increase the exemption from the need for a planning permit for trees within 3 metres of the wall of a dwelling to 4.5-5.5 metres for big trees. Tree root systems extend far beyond the dripline and cause costly damage to foundations. These costs are high and an absolutely unnecessary burden for any home owner, be it now or in the future. Council needs to do everything possible to help avoid such damage/high costs.	Changes to the controls Safety Costs incurred by controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah and is more generous than the exemptions that apply in some other municipalities. Unless any of the other exemptions from the need for a planning permit apply, this does not mean that tree removal is prohibited, but rather that a permit will be required to remove the tree, which is assessed on a site by site basis. If a permit is required for the removal of one tree, it may be possible to obtain this through the VicSmart application process, which aims to fast track decisions on minor planning applications in 10 business days. The fee for a VicSmart application is currently \$199.90 which reduces the cost and administrative burden. Council could investigate undertaking arborist assessments for single trees. If a tree is deemed dead, dying or dangerous to property or people to the satisfaction of Council it may be possible to remove it without the need for a planning permit.	No change. Refer to a planning panel.
299	Not clearly specified	Include the following exemptions: • A tree that is less than 4.5 metres from the wall of an existing house, as large trees within 4.5 metres to the house will cause damage to house foundations • Add the following environmental weeds: Cinnamomum camphora and Norfolk island pine. Would like to replace these large trees with safe native trees. The Council could provide a more scientific planting guideline to help local residents.	Changes to the controls	The exemption for trees within 3 metres of a house aligns the proposed control with Clause 22.04 of the Planning Scheme which recommends a minimum separation distance between trees and buildings in most locations. This distance is also consistent with exemptions that apply for all of the SLOs in Maroondah and is more generous than the exemptions that apply in some other municipalities. It is not recommended that this exemption be modified. The Camphor Laurel is a potential weed. It has become a weed in NSW and with climate change could possibly become a weed here. At the moment it is not having the same weed impacts here and Whitehorse has quite a lot of them as street trees. Norfolk island pine is considered stable and there are a few across the municipality. They are not considered weedy or invasive. For these reasons it is not recommended to add these species to the weed list. Council's tree education program provides incentives and advice on planting trees and the planning application process proposed for removal of large trees will allow for replanting of trees for future generations. Council provides a list of suitable replacement species to applicants.	No change. Refer to a planning panel.
300	I do not support the amendment	Totally unfair to require an arborist to me a tree is dead and particularly the fee required by council to examine a dead tree.	Costs incurred by controls	It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Depending on the circumstance, Council may require evidence that the tree is dead, dying or dangerous in order to assess whether it is exempt from needing a planning permit. If a tree needs a permit to be removed, it may be possible to obtain this through VicSmart. The fee for a VicSmart application is currently \$199.90. Council could investigate undertaking arborist assessments for single trees.	No change. Refer to a planning panel.
301	Does not support the amendment	May support protection of individual specimen trees and trees within front setbacks. Council approval of unit developments is diminishing neighbourhood amenity. Council is imposing the cost of providing residential amenity onto residents and should acquire/take responsibility for the land. Council tree policy should allow for fee relief for seniors. -Amendment process is set up as administrative convenience and is inflexible, with no regard by officer for the needs and capacities of older residents seeking an extension of time to submit. -Submitter would like to provide additional supporting evidence at panel. Believes the amendment should be abandoned on multiple grounds as follows: -Failure of Council to inform about the amendment. Did not receive a letter regarding C214 or C223. No letter received regarding C219. -The program is not viable; it is under resourced and officers are under-skilled; there is a "culture of impunity". Council cannot manage the control, provides inconsistent advice, does not take responsibility for errors of advice, is inflexible regarding fee relief and lacks skills to assess health and safety pruning and potential for tree root damage. -Everyday garden maintenance is being prevented by planning staff who want to take control of activities in garden; vigorous pruning is an everyday garden activity. - Planning should stay out of backyards and keep to the streetscape as it lacks the skills to identify where health and safety pruning is required. Wants to maintain his own property at his discretion.	Imposition on private property rights Costs incurred by controls Other comments / planning process	Council currently has Vegetation Protection Overlays (VPO) in place to protect individual trees across the municipality that are of particular significance. The tree referred to by the submitter is not currently covered by the VPO. The submission was received within the exhibition period. Late submissions have also been received and as evidenced by this table and report, are equally recommended for consideration by Council. It is a valid and normal planning process to introduce overlay controls where a special character needs to be protected. Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation. Depending on the circumstance, Council may require evidence that the tree is dead, dying or dangerous in order to assess whether it is exempt from needing a planning permit. To date, this assessment has been provided by an independent arborist. Council could investigate undertaking arborist assessments for single trees. Pruning (to Australian Standards) is permitted without a planning permit, which would appear to address the bulk of the submitters concerns about his tree maintenance. Council has reviewed the mailing database and a letter was sent to the submitters address. A letter was sent regarding introduction of the interim controls in February 2018, however no letter was sent regarding the extension of C191 by Amendments C214 or C223. These subsequent amendments were approved under Section 20(4) of the Planning and Environment Act, which does not follow the normal amendment process. The Act requires Council to follow the statutory amendment process which includes an exhibition period. If Council cannot agree with all submissions it is possible to refer the submissions to an independent planning panel who will consider all the submissions, including evidence provided by submitters. The submitter will be able to submit additional information to elaborate on his submission at the Panel hearing.	No change. Refer to a planning panel.
302	I support the amendment	Urge Council to make SLO9 permanent to preserve and enhance city's natural landscape and tree canopy cover into the future. Melbourne has been known as the Garden City; let's keep it that way. It is healthy to have all the greenery (and absorption of CO2) that trees and gardens provide. On another but related point: In Sydney fines for illegal tree removal can be up to \$100,000 with a possible criminal record. We have had housing blocks massacred by developers, with no or minimal fines; the small fines are peanuts to the developer. Need to stop this defiance of the law with heavy fines. Once larger, precious trees have been cut down, it takes many years to replace them if they can ever be replaced.	Support Other comments	Support noted. The overlay will enable Council to take enforcement action should vegetation be removed without the appropriate approval, however the fines for unauthorized tree removal is set by the State Government, not Council. Council has consistently advocated for an increase in fines for illegal tree removal. The maximum penalty that can apply is 1200 penalty units, and a penalty unit is currently \$165.22, therefore the maximum fine at the Magistrates Court for illegal tree removal is \$198, 264. Council had also previously allocated funding in its budget to appoint additional arborists and enforcement officers for monitoring and enforcement of the proposed control.	No change. Refer to a planning panel.
303	I support the amendment	Support the proposed amendment. The long term resident of Blackburn greatly values any move to protect the tree canopy which to contributes to the environment of the area and provides habitat for birds.	Support	Support noted. No further comments required.	No change. Refer to a planning panel.

Sub No.	View on amendment	Summary of Submissions	Submission theme	Response	Recommendation
304 (LATE)	I support the amendment	Maintaining the leafy suburbs of Whitehorse is vital now and for the generations to come. The green city feel of Whitehorse will disappear unless the number and type of developments are reduced/modified/restricted if they do not incorporate a decent sized area dedicated to trees. The submitter is critical of the lack of space for trees in local townhouse/unit developments and of the high-rise towers in Box Hill The Tree Study lists Ten Reasons to Plant More Trees. This list is what is ultimately important and should serve as a checklist for any development/building application. Agrees that the choice of trees must be appropriate for the location. Some streets have gum trees on the nature strips, which is inappropriate to the submitter's street as the roots are lifting the footpath and branches fall with the strong winds that are becoming more frequent.	Support	Support noted. Comments about gum trees have been referred to ParksWide. If a permit is issued for the removal of a tree, Council can require the replacement of the tree. This is usually chosen by the landowner from a list of trees provided by Council. Council notes the comments about the reasons to plant more trees.	No change. Refer to a planning panel.
305	Supports the amendment but seeks changes	The tree size threshold excludes some high value ornamentals such as weeping elms that would be worth considering for retention in redevelopment situations. In the RGZ and Box Hill activity centre, setbacks on all sides should be included in the need for a permit particularly were trees are close to side boundaries or the rear is north facing - it would provide shelter and shade, greater public amenity, mitigate heat island effect and encourage greater building articulation to accommodate trees. No mention is made of root zone protection for trees on adjacent properties. Desert Ash does grow from seed but some are planted intentionally as part of avenues. Will this overlay apply to the Box Hill cemetery or are the trees already covered by the HO?	Support Other comments	Parts of the area directly surrounding the centre of Box Hill are included in the Residential Growth Zone or Commercial Zone. The proposed controls will not apply to the Commercial Zone or beyond the front setback in the Residential Growth Zone. This is in recognition that this zone is intended to provide for housing at increased densities. This balances the protection of the neighbourhood character and streetscape with the supply of land for future housing growth. Beyond the immediate area of the Box Hill activity centre, land is included in a variety of residential zones (e.g.: General Residential or Neighbourhood residential where the tree threshold will apply to trees on the entire site) or other zones where the proposed controls are not intended to apply. Depending on their age and growing conditions, weeping elms may (or may not) reach the size threshold of 5 metres and/or 1 metre trunk circumference measured at 1 metre from the ground. Outstanding specimens could be considered for future inclusion as an individually listed tree in the Vegetation Protection Overlay (subject to funding to undertake further tree reviews). Development needs to consider trees on adjoining property to ensure these trees are not detrimentally affected. The Desert Ash is included on Council's current weeds list and is proposed to be exempted as the list includes those that are potentially invasive. Box Hill cemetery is included in the Public Use Zone. This amendment proposes to apply to all residentially zoned land that isn't already covered by SLO1-8. The Heritage Citation for the Box Hill cemetery includes tree protections.	No change. Refer to a planning panel.
306 (LATE)	I support the amendment	Agree with all the exemptions to permits listed. -Oppose moonscaping by developers, and recognise that trees are critical for a healthy environment. -Inappropriately planted trees and weed species should be eradicated. -The definition of 'dangerous' tree should be widened to acknowledge that high winds (which are a feature of our changing climate) and densification of our suburbs means that green areas are in much greater use, and this increases the hazard to individuals from trees. Council budget should include education targeting all residents with the aim of preventing bad planting choices.	Support Safety Other comments / education	SLO9 proposes to exempt the removal of list weed species from the need to obtain a planning permit. Trees on private property are the responsibility of the private landowners, irrespective of the planning controls that apply, and the introduction of permanent tree protection controls does not remove this responsibility to maintain his/her property and minimise any risk from the vegetation. Council has an existing Tree Education program which provides programs to assist with understanding planting choices.	No change. Refer to a planning panel.
307 (LATE)	No comments	EPA does not have any concerns as the amendment does not fall within EPA's remit.	Other comments	Comments noted.	No change. Refer to a planning panel.
308 (LATE)	I do not support the amendment	Believe Council officers are unqualified to understand and follow laws about trees. Council is responsible for educating people about tree planting and take action about illegal trees. Council want people to plant trees but neighbours plant trees that cause massive risk and damage to neighbouring buildings and drainage . There must be three metres distance between tree and a building. Council should look at plans for new development and enforce them. Submitter has already sent emails to the Planning Dept. on this matter.		Council officers are qualified planners who administer the planning scheme and interpret and apply the <i>Planning and Environment Act 1987</i> . Council has a Tree Education program which provides information about tree species and assistance for planting appropriate species in the correct location. Council can take action where there are legitimate concerns about enforcement of planning permit conditions and the like. Anyone with such concerns are encouraged to contact the Planning and Building Department to discuss their particular circumstance. If there are concerns about existing trees on neighbouring properties this is a civil matter and Council encourages concerns to be discussed with the neighbouring property.	No change. Refer to a planning panel.

Submission 7 and Submission 125 were from the same submitter and combined.