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SCHEDULE 9 TO CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY

Shown on the planning scheme map as **SLO9**.

NEIGHBOURHOOD CHARACTER AREAS

1.0

Statement of nature and key elements of landscape

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The leafy garden and bushy character of Melbourne's eastern suburbs can be viewed from many high points throughout Melbourne and is a significant component of the subregion. The treed character of areas such as Whitehorse provides an important 'green' link between Melbourne and the Yarra Valley.

The Municipal Wide Tree Study (June 2016 and March 2019) identifies that trees are significant to the landscape character of the City of Whitehorse, and the tree cover in Whitehorse simultaneously delivers multiple benefits to the community, including defining neighbourhood character, providing visual amenity, reducing the urban heat island effect in more urbanised areas, improving air quality and energy efficiency, providing habitat for fauna, and increasing the wellbeing of people and liveability of neighbourhoods.

The **Garden Suburban Neighbourhood Character Area** generally has formalised streetscapes comprising grassed nature strips, concrete footpaths, kerbs and channels, and buildings are generally visible along streets behind low front fences and open garden settings.

Gardens are typically established with canopy trees, lawn areas, garden beds and shrubs and there are typically well defined property boundaries and consistent building siting.

The majority of the municipality is included in the Garden Suburban Neighbourhood Character Area.

The **Bush Suburban Neighbourhood Character Area** generally has a mix of formal and informal streetscapes with wide nature strips and streets are dominated by vegetation with buildings partially hidden behind tall trees and established planting.

Gardens are less formal, consisting of many canopy trees and property boundary definition can be non-existent or fenced. Buildings appear detached along the street and generally comprise pitched rooftops, with simple forms and articulated facades.

The Bush Suburban Neighbourhood Area includes parts of Blackburn, Box Hill South, Vermont South, Mitcham, Nunawading and Mont Albert North as shown in the ~~Neighbourhood~~ Neighbourhood Character Precincts Map contained in the ~~Neighbourhood~~ Neighbourhood Character Study 2014.

2.0

Landscape character objectives to be achieved

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To encourage the retention of established and mature trees, and
To provide for the planting of new and replacement canopy trees.

3.0

Permit requirement

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Buildings and works

A permit is required to construct or carry out works for a front fence that is within 4 metres of any vegetation that requires a permit to remove, destroy or lop under the provisions of this schedule. This does not apply to the like-for-like replacement of a front fence that is undertaken to the same details, specifications and materials as the front fence being replaced, to the satisfaction of the responsible authority.

A permit is not required to construct a building or construct or carry out works provided the buildings or works are set back at least 4 metres from ~~the base of~~ any tree protected under the provisions of this schedule when measured at ground level from the outside of the trunk.

Vegetation removal

A permit is required to remove, destroy or lop a tree.

This does not apply to:

- A tree less than 5 metres in height and having a single trunk circumference of ~~1.0 metre or less~~ less than 1.0 metre at a height of ~~one~~ 1.0 metre above ground level; or
- A tree that is less than 3 metres from the wall of an existing Dwelling, or an existing Dependent Person's Unit when measured at ground level from the outside of the trunk. For the avoidance of doubt, this exemption does not apply to a tree that is less than 3 metres from an existing outbuilding. ~~;~~ ~~or~~
- A tree that is located less than 3 metres from an inground swimming pool when measured at ground level from the outside of the trunk. ~~;~~ ~~or~~
- A tree species that is listed as an Environmental Weed including:
 - Box Elder (*Acer negundo*)
 - Cape Wattle (*Paraserianthes lophantha*)
 - Cherry Plum (*Prunus cerasifera*)
 - Cootamundra Wattle (*Acacia baileyana*)
 - Cotoneaster (*Cotoneaster* spp.)
 - Desert Ash (*Faxinus angustifolia*)
 - Hawthorn (*Crataegus monoxyna*)
 - Mirror Bush (*Coprosma angustifolia*)
 - Privet (*Ligustrum* spp.)
 - Radiata or Monterey Pine (*Pinus radiata*)
 - Sallow Wattle (*Acacia longifolia*)
 - Sweet Pittosporum (*Pittosporum undulatum*)
 - Willow (*Salix* spp.)
- The pruning of a tree for regeneration or ornamental shaping. ~~;~~ ~~or~~
- A tree which is dead or dying or has become dangerous to the satisfaction of the responsible authority. ~~;~~ ~~or~~
- A tree outside the ~~m~~Minimum ~~S~~street ~~S~~etback requirement in the Residential Growth Zone.
- A tree on public land or in a road reserve removed by or on behalf of Whitehorse City Council. ~~;~~ ~~or~~
- The removal, destruction, or lopping of a tree to the minimum extent necessary:
 - to maintain the safe and efficient function of a Utility Installation to the satisfaction of the responsible authority or the utility service provider; or
 - by or on behalf of a utility service provider to maintain or construct a Utility Installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*.
- 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.

- 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*.

Note: *For the purpose of this schedule, ~~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.*

For the purpose of this schedule, ~~lopping~~ has its ordinary meaning and ~~is defined as~~ includes the practice of cutting branches or stems between branch unions or internodes.

4.0 Application requirements

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Applicants must provide a report from a suitably qualified arborist to:

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- Justify the removal of trees.
- Outline the measures to be taken, particularly during the construction phase, to ensure the long-term preservation of trees on, or adjoining, the development site.

~~None specified.~~

5.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03-5 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

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- The contribution of the tree to neighbourhood character and the landscape.
- The need to retain trees that are significant due to their species age, health and/or growth characteristics.
- Where the trees ~~is~~are located, ~~their~~-its relationship to existing vegetation and ~~their~~-its role in providing habitat and corridors for fauna and their contribution to local ~~ecological~~ecological systems.
- The cumulative contribution the tree makes with other vegetation to the landscape and the impact of the incremental loss of trees.
- Where the location of new and existing footings and impervious areas are in relation to the root zone of established trees.
- The compatibility of any buildings and works with existing vegetation proposed to be retained.
- The effect of any proposed lopping on the significance, health or appearance of the tree.
- Whether there is a valid reason for removing the tree and whether alternative options to removal have been fully explored.
- If ~~retention~~ cannot be achieved, or a tree is considered appropriate for removal, consider whether the site provides adequate space for offset planting of ~~indigenous or native~~ trees that can grow to a mature height similar to the mature height of the tree to be removed.
- If it is not appropriate to select an indigenous or native tree species, the selected species should be drought tolerant.
- Whether the planting location of ~~the a~~ replacement ~~vegetation tree(s)~~ will enable the future growth of the canopy and root system of the tree to maturity.
- Whether the replacement tree species and planting locations conflict with existing or proposed overhead wires, buildings, easements and existing trees.
- Whether the proposal is consistent with the *Whitehorse Neighbourhood Character Study (April 2014)*, the *Municipal Wide Tree Study Options and Recommendations Report (June 2016)* and the *Municipal Wide Tree Study Part*

2: Additional Analysis in Garden Suburban and Bush Suburban Character Precincts (March 2019).

6.0 Expiry

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~~The requirements of this overlay cease to have effect after 30 June 2019.~~

7.0 Reference documents

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~~*Municipal Wide Tree Study Options and Recommendations Report, June 2016*~~
~~*Whitehorse Neighbourhood Character Study, April 2014*~~