

WHITEHORSE PLANNING SCHEME

AMENDMENT C219WHSE

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by Whitehorse City Council who is the planning authority for this Amendment.

The Amendment has been made at the request of Whitehorse City Council.

Land affected by the Amendment

The Amendment applies to all land in the municipality included in the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ), Residential Growth Zone (RGZ) and Low Density Residential Zone (LDRZ). This includes properties in Mont Albert, Mont Albert North, Blackburn, Blackburn North, Blackburn South, Nunawading, Mitcham, Surrey Hills, Box Hill, Box Hill North, Box Hill South, Vermont, Vermont South, Forest Hill, Burwood and Burwood East.

What the Amendment does

The Amendment applies Schedule 9 to the Significant Landscape Overlay (SLO) for 12 months to all residential land in the municipality that is not currently included in a permanent SLO, including those areas covered by the Vegetation Protection Overlay (VPO) Schedule 1 and Schedule 3. This Amendment replaces the interim SLO9 that was applied by Amendment C191. The Amendment also deletes Schedule 2 and Schedule 4 to the Vegetation Protection Overlay (VPO).

The Amendment:

- amends the planning scheme maps by applying the SLO Schedule 9 for 12 months and deletes the VPO Schedule 2 and Schedule 4;
- amends Clause 21.05 (Environment) to:
 - strengthen references to the importance of tree preservation and retention to the neighbourhood character of Whitehorse in the policy basis and objectives, and
 - clarify the lot size in areas affected by the SLO as well as the application of the tall tree ratio.
- amends Clause 22.04 (Tree Conservation) to:
 - strengthen references to canopy trees and neighbourhood character in the policy basis and objectives
 - strengthen references in the policy basis about tree retention to ensure that trees are retained if they are also significant to neighbourhood character
 - strengthen references to replanting to ensure that new trees are appropriate for the location, soil type and neighbourhood character
 - refine the provisions relating to buildings and works near existing trees to provide for a minimum setback of 3 metres in SLO9 rather than the 4 metres that applies to SLOs 1-8
 - refine the provisions relating to tree regeneration to provide for a minimum area of 35m² in SLO9 rather than the 50m² that applies to SLO1-8, and
 - clarify that when a planning permit is triggered, an arborist report is required to justify the removal of all trees, irrespective of the health of the tree.
- amends Schedule 9 to Clause 42.03 (Significant Landscape Overlay) to:
 - apply the schedule for 12 months
 - strengthen the landscape character objective to include reference to replacement trees

- introduce new exemptions providing for the removal, destruction or lopping of a tree without a permit for:
 - trees located less than 3 metres from the wall of a dependent person's unit or dwelling
 - trees located less than 3 metres from an in-ground swimming pool
 - specified environmental weeds
 - trees affecting public utilities including powerlines, services within easements and the like
 - street trees in line with Council's Street Tree Policy
 - trees 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
 - trees 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*
- lists new reference documents in Clauses 21.05, Clause 21.06, Clause 22.03 and Clause 22.04 – *Municipal Wide Tree Study Discussion Paper*, March 2016, *Municipal Wide Tree Study Options and Recommendations Report*, June 2016 and *Municipal Wide Tree Study Part 2: Additional Analysis in Garden Suburban and Bush Suburban Character Precincts*, March 2019.
- makes reference to these documents in the decision guidelines under Schedule 9 to Clause 42.03.
- includes an additional decision guideline in Schedule 9 to Clause 42.03 to require Council to consider, as appropriate, the cumulative contribution the tree makes with other vegetation in the landscape and the impact of incremental loss.
- deletes Schedule 2 and Schedule 4 to Clause 42.02 from properties where they currently apply.

Strategic assessment of the Amendment

Why is the Amendment required?

The *Neighbourhood Character Study* states that “vegetation character is generally the most significant determinant of neighbourhood character” in the city, whilst the *Housing Strategy (2014)* aims to manage the significant population growth and change that is anticipated over the next 20 years. The community engagement undertaken in late 2016 for the preparation of the new *Whitehorse Council Plan* and *Municipal Health and Wellbeing Plan* showed that residents across all age groups highly value trees and the leafiness across the municipality. Additionally, the community identified that maintaining and protecting trees through increased development controls is a key priority for Council.

Council is concerned that without further intervention the ongoing incremental loss of canopy trees through the development process will diminish the city's character, liveability and ecological sustainability. In particular, Council is concerned that there remain substantial areas of the municipality without adequate tree protection. Furthermore, in some areas where there are controls, these need to be strengthened to place higher priority on canopy tree retention and planting as part of the building design process. Council is also concerned about 'moonscaping' of properties where all the trees and vegetation on a site are removed prior to development occurring.

The housing and neighbourhood character strategies have highlighted both the magnitude of housing change anticipated over the next 20 years and the integral role of vegetation in defining the character and amenity of the municipality.

In 2016 Council undertook the *Municipal Wide Tree Study* to review, analyse and document the importance of vegetation, and especially tree canopy cover, to the municipality and the region. The study identified that trees are significant to the landscape character of the City of Whitehorse and investigated ways in which this important aspect of the City can be protected and enhanced. This Study provided options and recommendations for policy and controls and other (non-statutory) mechanisms that will aim to ensure the future retention and regeneration of tree canopy. This included applying the SLO to the remaining residential areas in the city. Amendment C191 (gazetted on 8 February 2018 and subsequently extended via Amendment C214 on 21 December 2018) applied a schedule to the SLO in this manner on an interim basis until 30 June 2019.

Canopy tree cover 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 (*Municipal Wide Tree Study*, March 2016). The permanent controls introduced by this Amendment will support the provision of these benefits by promoting the retention of canopy trees.

In 2019, Council finalised Part 2 of the *Municipal Wide Tree Study* which provides additional analysis about the application of the controls in the Bush Suburban and Garden Suburban neighbourhood character precincts. The analysis reaffirmed that the presence of canopy trees influences, and contributes to, the strong neighbourhood character in Whitehorse.

The potential impact of SLO9 on residential development capacity was determined using the development capacity assessment undertaken as part of the Whitehorse Housing and Neighbourhood Character Review 2014. The Study identified that there is expected to be negligible impact to the RGZ (due to the existing permit exemptions outside the front setback) and the NRZ. The Study expects some potential impact on housing capacity in the GRZ however this will be well within the sizable projected additional capacity. The lack of significant impact on housing capacity is also due to the very conservative assumptions applied in calculations during the 2014 *Housing Strategy* (for example, the minimum lot size used, the proportion of lots developed and the 2 dwelling limit that applied at the time in the NRZ). The analysis therefore concluded that SLO9 would not have an unreasonable impact on the City's capacity to accommodate the projected population and dwelling growth.

The application of a SLO to properties will not change the zoning of the land. Rather, the application of the SLO will mean that a planning permit is required to remove, destroy or lop a tree. This will not apply to a tree less than 5 metres in height and having a single trunk circumference of less than 1.0 metre at a height of 1.0 metre above ground level. A planning permit will therefore be required to remove, destroy or lop a tree that is 5 metres or more in height **and / or** having a single trunk circumference of 1.0 metre or more measured at a height of 1.0 metre above ground level.

This Amendment introduces additional planning permit exemptions beyond those included in the interim controls. A planning permit will not be required to remove, destroy or lop a tree that is less than 3 metres from the wall of an existing Dwelling, an existing Dependent Person's Unit or an in-ground swimming pool, when measured at ground level from the outside of the trunk. This permit exemption will align SLO9 with Clause 22.04, which recommends a minimum separation distance between buildings and trees in most locations. It is consistent with the exemptions that apply in SLOs in adjacent municipalities and removes the need for a permit where a tree is inappropriately located relative to assets such as foundations.

A planning permit will not be required for a tree:

- On public land or in a road reserve removed by or on behalf of Whitehorse City Council, or for the removal, destruction or lopping of a tree to the minimum extent necessary to maintain the function of a Utility Installation. This permit exemption will avoid unnecessary delays and costs when providing and maintaining urban services and align with general exemptions for buildings and works.
- That is required to be removed, destroyed or lopped in order to construct or carry out buildings or works approved by a Building Permit prior to 8 February 2018, or 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*.
- That is listed as an Environmental Weed in the schedule to the SLO. Whilst some tree species listed as Environmental Weeds may themselves contribute to tree canopy and neighbourhood character, Council actively discourages their planting because of their propensity to invade and thrive in native bushland. Therefore this permit exemption is considered appropriate as it will allow the removal of trees that Council considers a weed and reduces the burden on landowners to apply for a planning permit. This exemption is also consistent with neighbouring municipalities.
- That is to be removed 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

The application of a SLO to properties will also trigger the need for a planning permit for building and works within 4 metres of any protected trees. This trigger allows consideration of the impact of proposed development on trees.

An amendment process is the only mechanism to introduce the proposed overlay and the controls are required if the recommended options of the *Municipal Wide Tree Study* report are to be given any weight

in the Planning Scheme. The application of the SLO will clearly protect significant vegetation by introducing a planning permit requirement to remove, destroy or lop a tree.

How does the Amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria in section 4 of the *Planning and Environment Act 1987* relevant to this Amendment are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land;
- b) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- c) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- d) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d),
- e) To balance the present and future interests of all Victorians.

The Amendment will enhance the liveability and neighbourhood character of the existing urban environment in Whitehorse and promote the sustainable use and development of land. The Amendment will provide a net community benefit by retaining and replanting canopy trees that will provide benefits for present and future generations [section 4(a)].

The Amendment aims to conserve and enhance areas that have natural, environmental and aesthetic interest and to assist in the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals, through the application of appropriate planning controls [section 4(c)].

The proposed SLO will not require a permit for the removal of trees outside the front setback of the RGZ. This acknowledges that the SLO should not adversely affect growth in the RGZ, particularly in identified Activity Centres, but that trees contribute to the neighbourhood character and public realm in these areas. There are also synergies with the retention, replanting and protection of trees under the permanent SLO9 and the changes to the Local Planning Policy Framework, with the planting and open space requirements in the schedules to the residential zones. Additionally, the new Garden Area requirement introduced to the NRZ and GRZ by VC148 seeks to provide a minimum area of open space for, amongst other things, tree planting in new developments. Therefore, there are existing controls which seek to provide for the sustainable use and development of land and to balance the present and future interests of the community and the Amendment will also seek to meet implement these objectives [section 4(e)].

How does the Amendment address any environmental, social and economic effects?

The Amendment is expected to have a broad environmental and social benefit through the protection of trees and enhancement of tree canopy through the permanent application of the SLO.

The Amendment seeks to ensure that significant vegetation within the City is protected from the potential impacts of proposed development. Part 2 of the *Municipal Wide Tree Study* found that there are currently no controls that protect the retention of newly planted / smaller, establishing trees that have the potential be large canopy trees at maturity. The Amendment seeks appropriate replanting where trees are unable to be retained which will contribute to the tree canopy in the longer term by allowing trees to mature.

The *Municipal Wide Tree Study Discussion Paper* (2016) identified that trees and vegetation provide a variety of social and environmental benefits, including:

- Reduce power bills by providing heating and cooling;
- Reducing greenhouse gas emissions;
- Improve the character and amenity of an area;
- Increase biodiversity by providing habitat and food for fauna;
- Improve water quality and reduce flooding;
- Reduce the urban heat island affect;
- Improve liveability;
- Improve air quality;
- Reduce noise pollution; and

- Improve mental health and wellbeing.

It is not expected that the introduction of the SLO will have significant economic impacts or preclude the development of land. Part 2 of the *Municipal Wide Tree Study* reviewed housing forecasts for the City, and concluded that the SLO9 will not have an unreasonable impact on the City's capacity to accommodate the projected dwelling growth. Small additional costs will be borne by affected property owners however, as a planning permit will be required to remove, destroy or lop any tree as defined in Schedule 9 to the SLO. SLO9 also introduces additional planning permit requirements for buildings and works, however these costs are believed to be offset by the benefits to the environment and neighbourhood character.

Finally, this Amendment includes additional permit exemptions which may reduce the number of planning permit applications received. This will reduce the administrative costs to Council and the cost to landowners of removing a tree and maintaining property.

Does the Amendment address relevant bushfire risk?

The permanent schedule will apply to a few areas that are considered bushfire prone. The area of Mitcham considered bushfire prone is largely already covered by a SLO (Schedule 6). There are some remaining areas in Mitcham that are not already covered by an SLO that are proposed to be covered under the permanent SLO. There is also one area of Mitcham that is included in the Bushfire Management Overlay (BMO) that will be affected by SLO9.

The permanent control will also cover bushfire prone properties around the periphery of Bellbird Dell and an adjoining part of the Healesville Freeway reservation in Vermont South. Further, there are 12 bushfire prone properties adjacent to Abbey Walk parkland along the eastern boundary of the municipality as well as 21 bushfire prone properties around the southern and eastern edge of Wattle Park in Burwood that will also be covered by the proposed SLO.

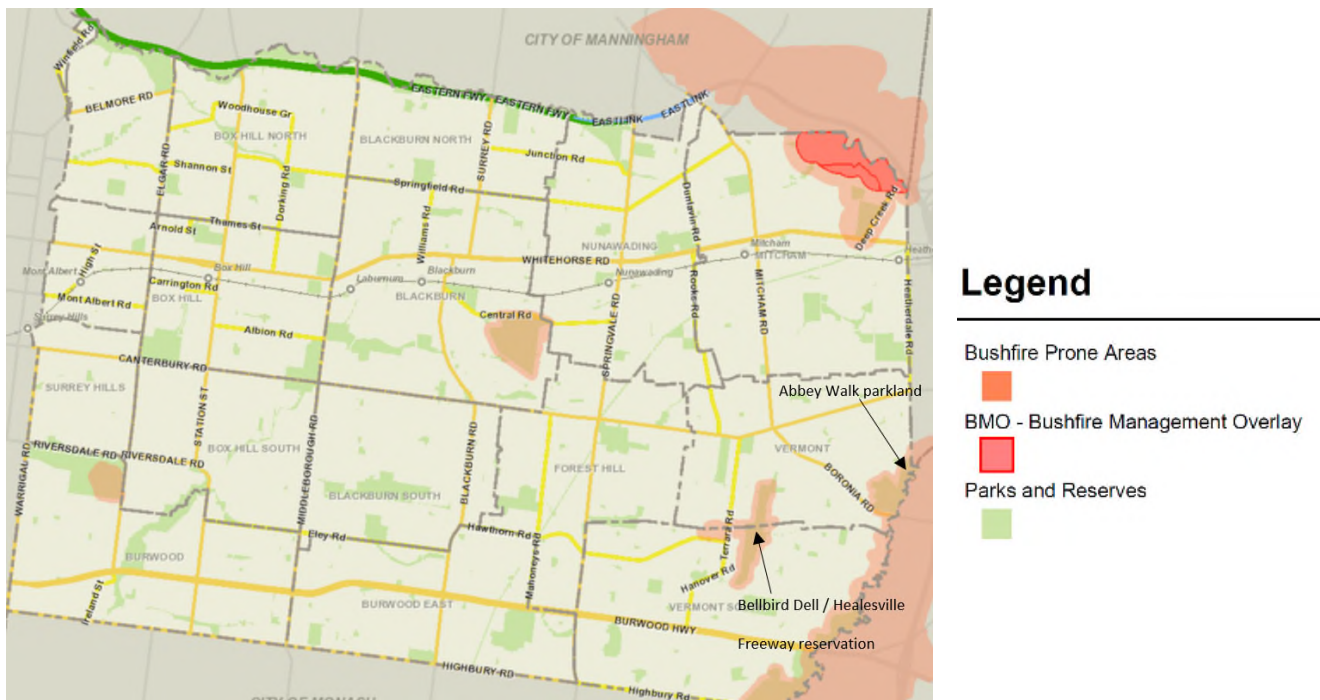
Clause 13.02-1S (Bushfire Planning) applies to all planning and decision making related to land that is within a designated bushfire prone area; subject to a BMO; or proposed to be used or developed in a way that may create a bushfire hazard. The land that is subject to the BMO is included in either the NRZ or Public Park and Recreation Zone (PPRZ). The NRZ is a minimal change area and high density development is not proposed in this area.

The areas that are more broadly 'bushfire prone' are also included in the NRZ and PPRZ, as well as industrial land and public use land. Again these areas are considered low risk due to the nature of development allowed in the zone. There is a small part of bushfire prone land located to the south of Antonio Park, across Whitehorse Road. Whitehorse Road is 6 lanes in this location, with a service lane on either side of the carriageway and therefore considered an appropriate barrier to the spread of any fire to the south. Additionally, there are processes in place to manage bushland on public land, including an annual program of preventative works by Council's ParksWide team and the fire authorities.

There is a small area of bushfire prone land included in the GRZ (south of Wattle Park and near the Healesville Freeway reserve), which allows for more intense development than the NRZ. However the location of these sites in an established urban area still means that there is a low risk to human life. There is no local policy applying to Bushfire Risk in the Planning Scheme and there is limited need to prepare local policy to support the Amendment given Whitehorse is largely an established, middle-ring, municipality.

Whilst it is not believed that there is any major bushfire risk as a result of the Amendment, the view of the relevant fire authority will be sought during the statutory exhibition period.

The Amendment introduces a new exemption which allows the removal, destruction or lopping of a tree to the minimum extent necessary to maintain the safe and efficient function of a utility installation. This will allow clearance around assets to minimise the risk of fire.



Does the Amendment comply with the requirements of any Minister’s Direction applicable to the Amendment?

Section 12(2) (a) of the *Planning and Environment Act 1987*, requires a Planning Authority to have regard to the Minister’s directions. The Amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7 of the Act.

The Amendment is consistent with the Ministerial Direction No. 9 – Metropolitan Strategy:

- Direction 6.4 of Plan Melbourne 2017-2050 is to ‘Make Melbourne cooler and greener’. This direction outlines the benefits of urban greening and notes that Melbourne needs to maintain its urban forest of trees and vegetation on properties.
- Additionally Policy 6.4.1 is to “Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest”. This policy notes that “residential development provisions must be updated to mitigate against the loss of tree canopy cover and permeable surfaces as a result of urban intensification”.

The Amendment therefore will assist with the implementation of *Plan Melbourne* and significantly contribute to protection of tree canopy cover in the eastern suburbs of metropolitan Melbourne.

The Amendment is also affected by Ministerial Directions 11 and 15. Ministerial Direction 11 discusses the *Strategic Assessment of Amendments*, and an assessment against this Direction is outlined in this Explanatory Report. Ministerial Direction 15 discusses the planning scheme Amendment process. The preparation of this Amendment has been based on the amendment process timelines outlined in Ministerial Direction 15, which includes the exhibition period and the pre-setting of planning panel dates. The transitional provisions of Ministerial Direction 15 do not apply to this Amendment.

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

Clause 12 (Environmental and Landscape Values) of the Planning Scheme aims to protect the health of ecological systems and the biodiversity they support and conserve areas with identified landscape values. Clause 15 (Built Environment and Heritage) aims to ensure all new land use and development responds to its landscape, valued built form and protects places and sites with significant value. This clause supports development that contributes positively to local urban character and sense of place, and enhances liveability and amenity of the public realm.

The permanent application of the SLO to residential properties will give effect to the following objectives of the State Planning Policy Framework:

- Clause 12.01-1S which aims to assist in the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
- Clause 15.01-1S which aims to *"create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity"*.
- Clause 15.01-5S which aims to recognise, support and protect neighbourhood character. This Clause also seeks to ensure that *"development responds to its context and reinforces...the valued features and characteristics of the local environment...by emphasising the...underlying natural landscape character and significant vegetation"*

The Amendment will extend the existing SLO to all residential land which will promote the conservation of the tree canopy across the municipality. This will assist in the protection of flora and fauna. The Amendment will also enhance the liveability, amenity and neighbourhood character of the existing urban environment in Whitehorse by protecting trees and seeking replanting to contribute to the character of Whitehorse.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

Municipal Strategic Statement

The Municipal Strategic Statement (MSS) contains local policy relating to canopy trees and recognises that *"trees are an integral aspect of the City and are a key determinant of the character of the residential areas of the city"* (Clause 21.01). The application of the SLO on a permanent basis supports the MSS and relating local policy.

Clause 21.05 (Environment)

The application of the SLO will ensure that the following objectives at Clause 21.05-3 are achieved:

- *"To protect and enhance areas with special natural, environmental, cultural or historic significance for the future enjoyment of the community."*
- *To facilitate environmental protection and improvements to known assets including...flora...and biodiversity assets.*
- *To protect and enhance air and water quality"*.

The Amendment seeks to protect areas of natural and environmental significant so that the current and future generations are able to enjoy the character of Whitehorse. Additionally, the Amendment seeks to protect canopy trees which will facilitate protection of the flora and fauna which exists in the municipality.

Strategies at Clause 21.05-4 to achieve these objectives include:

- *"Providing controls to protect and enhance areas of environmental significance."*
- *Ensuring that tree removal within significant areas requires permission.*
- *Ensuring that the replanting of tall trees and indigenous vegetation is appropriate to the type of vegetation in the area and enhances and retains biodiversity.*
- *Requiring the planning of upper canopy trees and other vegetation that enhances the character of the area.*
- *Encouraging appropriate construction methods to minimise impact on vegetation...and neighbourhood amenity"*

The policy at Clause 21.05-5 also contains relevant Strategies, noting that they will be implemented by

- *"ensuring that all tree removal and development complies the tree removal and development complies with the Tree Conservation Policy at Clause 22.04; and by*
- *strongly encouraging the planting of indigenous species where appropriate"*.

Clause 21.06 (Housing)

Clause 21.06 supports the application of the SLO9 on a permanent basis. The Clause overview states that *"the community is concerned about maintaining the high quality of residential environment and ensuring that areas of environmental heritage or special character are protected as the City's population grows"*. Additionally, *"the municipality's leafy character is particularly values, strengthened by the presence of quality canopy trees and other native and exotic vegetation"*. Finally it states that *"trees and vegetation are considered one of the most significant determinants of neighbourhood character in the municipality, and therefore tree preservation and regeneration is of vital importance if the character of residential areas is to be maintained and enhanced"*.

The application of the SLO will also ensure that the following key issues are addressed in Clause 21.06-6:

- *“Ensuring new developments do not result in a loss of the existing vegetation coverage and tree canopy; and*
- *Providing adequate space for substantial vegetation in Limited and Natural Change Areas.*

The Amendment will require a planning permit for the removal of trees equal to, or greater than, 5m in height and with a girth equal to, or greater than, 1.0m measured at 1m high. This will protect the tree canopy which is a significant contributor to the neighbourhood character and liveability across the municipality.

Strategies at Clause 21.06-6 which will be achieved by the application of permanent controls include:

- Investigate other precincts for additional controls, utilising the....Significant Landscape Overlay, as appropriate.

Local Planning Policy Framework

Clause 22.03 (Residential Development)

This Clause relates to all development within the residential zones in Whitehorse. The policy basis for this Clause supports the Amendment, as it *“builds on the MSS objectives of Clause 21.06 – Housing relating to maintaining and enhancing the character of the City’s residential areas”* and *“specifies the preferred built form, landscape and neighbourhood character sought by Council and the community for each of the Character Precincts within the City of Whitehorse”*. Finally the policy *“builds on the MSS objectives in Clause 21.05 – Environment relating to ensuring that development is of high quality and compatible with the character and appearance of area and providing adequate open space and landscaping for new development”*.

Clause 22.03 contains several objectives that support the Amendment, as it seeks to ensure that:

- *“Development contributes to the preferred neighbourhood character where specified,*
- *New development minimises the loss of trees and vegetation*
- *New development provides adequate vegetation and gardens consistent with the preferred neighbourhood character”*.

Each category of Housing Changes contains strategies that support the Amendment:

Limited Change Areas

- *“Ensure the scale and appearance of new housing respects the appearance of...the environmental, heritage and neighbourhood character values of the area”*

Natural Change Areas

- *“Support new medium density developments in Natural Change Areas that:*
 - *Contribute to the preferred neighbourhood character for the location”*.

Substantial Change Areas

- *“Ensure new development provides space for planting...”*

Clause 22.03-7 relates to Subdivision and contains principles that should be considered when considering a subdivision application, including:

- *“Buildings should be sited on the lot to protect substantial trees and vegetation to be retained*
- *Encourage development which responds to the preferred neighbourhood character*
- *Ensure that the landscape design and retention of vegetation of a future subdivision achieves the design objectives and design responses as detailed in this policy”*

These also support the application of the SLO9 on a permanent basis as they promote the retention of trees and consideration of development against the preferred neighbourhood character.

Clause 22.04 (Tree Conservation)

Applying the SLO on a permanent basis will assist in the implementation of the policies of Clause 22.04 (Tree Conservation). The objectives of this local policy are to manage Whitehorse’s tree canopy to minimise loss of significant trees and ensure that new development does not detract from the natural environment by finding ways for buildings and trees to coexist. This clause also looks to regenerate tall trees by providing adequate open space and landscaping in new development.

Clause 22.04-3 states that it is policy that “*all trees that are significant for aesthetic, ecological, cultural or historic reasons, so that they are important beyond the immediate surrounds of the site, be retained*”. The application of the SLO recognises that once trees reach a certain height that they contribute to the neighbourhood character. Additionally, the retention of canopy trees recognises their significant for ecological reasons in the immediate and surrounding area.

The Tree Conservation policy provides an important foundation from which to apply the SLO9 by providing direction on buildings and works near trees, techniques for successful tree retention and tree planting.

How does the Amendment support or implement the Municipal Planning Strategy?

This strategic consideration only applies if the planning scheme includes an MPS at Clause 02. Whitehorse does not have a MPS at Clause 02 in the Whitehorse Planning Scheme.

Does the Amendment make proper use of the Victoria Planning Provisions?

Council has determined the SLO is the most appropriate tool to identify and protect areas of significant landscape character, providing the relevant permit triggers and controls to the affected properties. The SLO should be used ‘*where vegetation is identified as an important contributor to the character of the area*’. The Neighbourhood Character Study states that “*vegetation character is generally the most significant determinant of neighbourhood character*” in the city and the *Municipal Wide Tree Study* reaffirmed that vegetation contributed to the neighbourhood character in Whitehorse and as a result recommended the application of the SLO to all residential areas in the municipality.

Part 2 of the *Municipal Wide Tree Study* re-examined the planning scheme controls available to protect vegetation and confirmed that the SLO remains the most effective tool available to Council to achieve its strategic objectives concerning canopy tree protection. It also noted that the SLO is superior to all other controls as it creates a nexus between vegetation protection and built form when assessing development.

Planning Practice Note 7 states that the SLO has broader applicability than the VPO. Its function is to identify and conserve the character of a significant landscape. The SLO is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area. The SLO also provides a permit trigger for buildings and work that is absent in the VPO.

The removal of VPO2 and VPO4 also makes proper use of the Victoria Planning Provisions, as it removes controls which would otherwise be duplicated by the permanent SLO9.

The Department of Environment, Land, Water and Planning (DELWP) is undertaking work which includes a review of the function and application of the Significant Landscape Overlay and determining measures to implement Plan Melbourne Action 91 -cooling and greening Melbourne. Collectively, this work will establish a consistent, state-wide approach in the application of planning tools for tree protection.

On this basis the Minister for Planning has approved this Amendment for 12 months.

How does the Amendment address the views of any relevant agency?

The proposal will not introduce additional referral requirements. The views of relevant authorities will be sought during the statutory exhibition of the proposed planning scheme controls.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will not have a significant impact on the transport system as defined by Section 3 of the *Transport Integration Act 2010* (TIA).

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

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 Part 2 of the *Municipal Wide Tree Study*.

Council anticipated this 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 to make the SLO9 permanent 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.

Where you may inspect this Amendment

The Amendment can also be inspected free of charge at the Whitehorse City Council website at <https://www.whitehorse.vic.gov.au/planning-and-building/whitehorse-planning-scheme>

The Amendment can also be inspected free of charge at Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.