



**Item 7.1 Petition Response – Coastal Mann Gum Tree – 118 Glen Huntly Road Elwood**

A hard copy petition containing 14 signatures, was received from local residents, along with an online petition via Change.org containing 115 signatures.

**The hard copy petition states the following:-**

*Attention: To the Planning and Development Department of Port Phillip City Council*

*RE: Objection to the intention to approve a permit and planned removal of a significant tree located at the rear of 118 Glen Huntly Rd Elwood.*

*We, the surrounding neighbours of 118 Glen Huntly Rd Elwood, were recently advised by letter of a plan to approve a permit to remove a Significant Tree - a large, native gum, located at 118 Glen Huntly Rd Elwood.*

*The residents and owners strongly object to the removal of this significant tree and believe that the permit to remove it should NOT be approved and the tree protected.*

*We request that the COPP Planning and Building department review the decision to remove this significant tree.*

*Reasons for our objection*

*This tree a Coastal Mann Gum or Eucalyptus viminalis/pyoriana was classified as significant by Port Phillip Council in 2015. It is a native, flowering gum tree and its extensive size makes it a rarity in the area. We believe due to its age, size, native species and beauty it should be protected and preserved.*

*Why would council reverse its original decision in 2015 to protect this tree? Endorsed plans agreed to by the developer showed the tree retained AND carparking in the rear of the property. The tree has not grown (in fact has failed to thrive since construction began).*

*The tree is a significant feature and a key asset of our neighbourhood due to its size and beauty. Removal of this tree will significantly change the character of the alley and surrounds and have a negative impact on the outlook of many surrounding properties.*

*The tree provides shade and cooling in the alley and privacy to 116 GH road plus Wave St properties located behind 118. Privacy screens constructed to the rear of 118 are inadequate and the tree provides vital screening.*

*The condition of the tree has deteriorated since construction commenced. It has not been maintained nor pruned to enable new growth.*

*The reason provided for removal is allow vehicle access. Glen Huntly Road has unlimited parking. Significant native trees should not be sacrificed for car parks.*

*We understand that a council arborist came to inspect the tree and did not support it's removal.*

*A 10 M replacement tree is not adequate, it takes 40 years to grow a magnificent tree like this.*

*Given the poor treatment of the significant tree, roots left broken and exposed for months and years, despite attempts from neighbours to engage the developer plus council to remedy this. We are not confident that the developer will nurture a 'replacement tree' to it's full potential and height.*



*Given the developer seems not to have complied with the stipulations of the tree construction zone, it would be reasonable to expect they will also ignore the stipulations in this amended plan (protection of the replacement tree).*

*As the tree is a native, flowering gum and due to its size, it has significant importance to the wildlife. During flowering season, it attracts 1000's of bees and other insects, feeds a large variety of native wildlife including a great number of native birds such as parrots and honeyeaters and fruit bats. The destruction of a tree this size will have significant impact on the local wildlife and environment.*

*We ask that rather than have the tree removed it is appropriately pruned and maintained. This canopy tree is majestic and vital for wild life. Please do not reverse your decision to protect this tree.*

*To the Mayor, councillors and Planning and Development Department of the Port Phillip City Council.*

*The petition of the following named citizens draws the attention of the council to the intention to approve a planning permit for removal of a significant gum tree at the rear of 118 Glen Huntly Rd Elwood.*

*The following petitioners hereby request that for the reasons stated on page one, that a permit to allow the removal of this significant tree is not granted.*

## **OFFICER COMMENT**

### **Background**

Planning Permit Application 1120/2014 was received on 21 November 2014, seeking approval for the construction of four (4) three (3) storey townhouses. The application was advertised and received 13 objections. During the process an amendment (s57A under the Act) to the application was made that included the retention of the Manna Gum (Eucalypts) tree at the rear of Unit 4. Conditions were included on the permit to ensure the upkeep of this tree. The application was not appealed and a permit was issued on 27 April 2016.

The most recent planning amendment (amendment application 1120/2014/A) sought to remove the 15 m high Manna Gum (Eucalypts) tree from the rear Unit 1 and replace it with a *Banksia integrifolia* capable of growing to ten metres. Following the advertisement of the application, fourteen objections were received.

While the loss of the tree is a concern, it has become apparent that the tree cannot be retained whilst also providing for car parking as shown on the original endorsed plans. In balancing the positive attributes that the tree contributes to the character of the area with the impediment to access the tandem car spaces, it was determined that the suitable replacement tree would provide a reasonable planning outcome. This replacement tree was determined by Council's Arborist as being an appropriate replacement species being an indigenous coastal species that would form a reasonable sized canopy and long term would contribute to the neighbourhood character of the area

A Notice of Decision to Amend a Planning Permit was issued on 27 February 2023. As provided in the notice, an objector party can seek to review Council's decision at the Victorian Civil and Administrative Tribunal (VCAT). An application for a review by VCAT must be made within 28 days of the notice. VCAT advised Council on 27 March 2023 that an

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application for review has been made by an objector. Council awaits formal notice from VCAT including dates for compulsory conferences and/or hearing dates.

### **Local Laws permit**

The tree meets the definition of 'significant tree' and therefore a permit is required to remove the tree under Council's Local Law No 1 (Community Amenity), through a City Permits approval process. This permit requirement is separate to the Planning Permit process.

### **OFFICER RECOMMENDATION**

That Council:

1. Receives and notes the Petitions.
2. Thank the petitioners for their Petitions.
3. Notes that the process for the petitioners is a review of the Notice of Decision to Grant a Permit with the Victorian Civil and Administrative Tribunal as outlined in the notice sent to all objectors to the amended planning application 1120/2014/A.
4. Notes that VCAT have advised Council that an application for review has been made by an objector.

### **ATTACHMENTS**

Nil