

## **6 REMOVAL OF NATIVE VEGETATION AT 555 PAKENHAM ROAD, PAKENHAM UPPER**

FILE REFERENCE INT175305

RESPONSIBLE GENERAL MANAGER Andrew Paxton

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### **RECOMMENDATION**

That a Refusal to Grant Planning Permit T160369 be issued for Removal of native vegetation at 555 Pakenham Road, Pakenham Upper on the following grounds:

The proposed removal is inconsistent with the strategies and objectives of

- a) Clause 12.01 – Biodiversity
- b) Clause 21.02-3 – Biodiversity
- c) Clause 42.01 – Environmental Significance Overlay - Schedule 1
- d) Clause 52.17 – Native Vegetation.

### **Attachments**

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### **EXECUTIVE SUMMARY:**

APPLICATION NO.:	T160369
APPLICANT:	Denise Plummer
LAND:	555 Pakenham Road, Pakenham Upper
PROPOSAL:	Removal of vegetation
PLANNING CONTROLS:	Rural Conservation Zone Schedule 2 Bushfire Management Overlay Environmental Significance Overlay Schedule 1
KEY PLANNING CONSIDERATIONS:	Environmental impact
RECOMMENDATION:	Refusal

### **BACKGROUND:**

There are no relevant planning permit applications or history that affect the property

### **SUBJECT SITE:**

The site is located on the northern side of Pakenham Road and is 1.73 hectares in size. The rear of the property abuts onto Old Gembrook Road.

A crossover is located along the southern boundary toward the western boundary.

The site currently contains a dwelling, outbuildings, water tanks and some dense vegetation to the northern and eastern property boundaries.

The topography of the land has a fall of 20 metres from north to south over the site.

The main characteristics of the surrounding area are:

- The northern property boundary adjoins the Old Gembrook Road with a large tree reserve to the rear of the property.
- The eastern property boundary adjoins a property with an established dwelling and outbuildings and some dense vegetation surrounding the property boundaries.
- The southern property boundary adjoins Pakenham Road, beyond this road are some large properties with established dwellings and outbuildings and some dense vegetation.
- The western property boundary adjoins a property with an established dwelling and outbuilding and some dense vegetation.

#### **PROPOSAL:**

The application is for the removal of three (3) native trees. The application states the trees are required to be removed as the applicant believes that these are considered to be dangerous.

#### **PLANNING SCHEME PROVISIONS:**

##### **State Planning Policy Framework (SPPF)**

The relevant clauses of the SPPF are:

- Clause 12.01-2 Native Vegetation Management
- Clause 12.04-2 Landscapes
- Clause 13.05 Bushfire

##### **Local Planning Policy Framework (LPPF)**

The relevant clauses of the LPPF are:

- Clause 21.02-2 Landscapes
- Clause 21.02-3 Biodiversity
- Clause 21.03-3 Rural Townships

##### **Relevant Particular/ General Provisions and relevant incorporated or reference documents**

The relevant provisions/ documents are:

- Clause 52.17 Native Vegetation
- Clause 65 Decision Guidelines

#### **Zone**

The land is subject to the Rural Conservation Zone Schedule 2

#### **Overlays**

The land is subject to the following overlays:

- Bushfire Management Overlay
- Environmental Significant Overlay Schedule 1

### PLANNING PERMIT TRIGGERS

The proposal for the removal of vegetation requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to 3.0 of Schedule 1 to Clause 42.01 of the Environmental Significance Overlay, a planning permit is required for the removal of native vegetation.
- Pursuant to Clause 52.17 of Native Vegetation, a planning permit is required to remove, destroy or lop any native vegetation.

### PUBLIC NOTIFICATION

Pursuant to Section 52 of *The Planning and Environment Act 1987* the proposal was not advertised as it was considered that it would not result in material detriment to any person for the following reasons:

- The proposed trees for removal are in the middle of the property and would not affect the adjoining neighbours.
- There are other trees in the area that would provide screening from the road and neighbouring properties.

### REFERRALS

No external referrals were required as part of the assessment of this proposal. The application was referred internally to Councils Biodiversity Officer.

### DISCUSSION

The Environmental Significance Overlay identifies areas where the development of land may be affected by environmental constraints, and to ensure that development is compatible with identified environmental values.

The relevant objectives from the Environmental Significance Overlay are:

- *To protect and enhance the significant environmental and landscape values in the northern hills area including the retention and enhancement of indigenous vegetation.*
- *To ensure that the siting and design of buildings and works does not adversely impact on environmental values including the diverse and interesting landscape, areas of remnant vegetation, hollow bearing trees, habitat of botanical and zoological significance and water quality and quantity.*

The purpose of Clause 52.17 Native Vegetation is to avoid the removal of native vegetation which makes a significant contribution to biodiversity.

The applicant has stated that the reason for removal of the trees is because they are dangerous. The arborist report supplied by the applicant does not agree with this assumption. Instead the report submitted by the applicant concludes the following:

*The removal of these three trees is not supported based on the assessment of risk of harm posed to persons or property. The arborist's report states that the risk the trees present is low.*

*While some level of dead wood removal and weight reduction pruning might be undertaken, it is considered that this is largely optional rather than required to maintain a safe environment.*

The application was referred to Council's Biodiversity Officer who does not support the removal of the trees for the same reasons expressed in the previously discussed Arboriculture Report. Additionally, they have also highlighted that the report also states cables may be installed for tree numbered one to further reduce risk, although it is assessed as a low risk already.

After considering the arborist report and the comments from Councils qualified officer, it is considered that the trees proposed for removal are still healthy and the applicant can undertake some optional pruning or steel cabling and removal of hanging limbs to assist with the weight of the higher limbs.

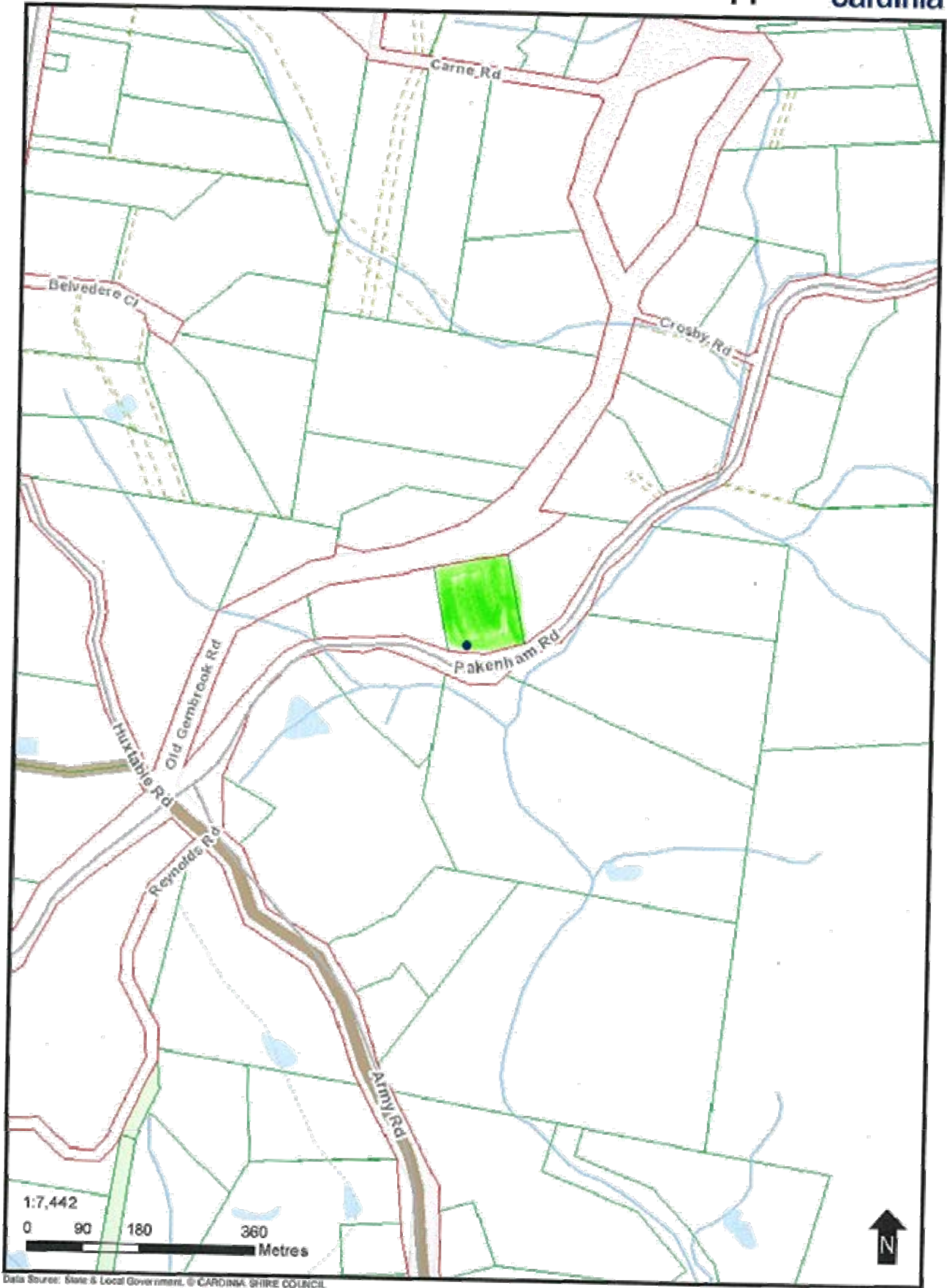
## **CONCLUSION**

It is considered that the application is inconsistent with the requirements of the Cardinia Planning Scheme and it is therefore recommended that the removal of three native (3) trees at 555 Pakenham Road, Pakenham Upper, be refused on the following grounds:

The proposed removal is inconsistent with the strategies and objectives of

- e) Clause 12.01 – Biodiversity
- f) Clause 21.02-3 – Biodiversity
- g) Clause 42.01 – Environmental Significance Overlay - Schedule 1
- h) Clause 52.17 – Native Vegetation.

**T160369 - 555 Pakenham Road, Pakenham Upper**



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