

## TREE MATTER AT 3457 WARBURTON HIGHWAY, WARBURTON

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Report Author: Trees Coordinator  
Responsible Officer: Director Built Environment & Infrastructure  
Ward(s) affected: O'Shannassy

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*The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.*

### CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

### SUMMARY

Council has managed a large tree at 3457 Warburton Highway, Warburton for many years. The tree is a large *Eucalyptus cypellocarpa* (Mountain Grey Gum) and has been cabled due to faults at the base.

A tomography test in 2023 confirmed there was extensive decay at the base and that a crack from the stem union to the ground. The tree has now been cut to 10m.

There has now been a request to cut the remaining tree down to ground level.

In its current state the tree is considered a moderate risk, which is incompatible with a public carpark without additional risk controls. An exclusion zone around the tree preventing public access would be required for its risk profile to be reduced to low.

### RECOMMENDATION

#### ***That Council***

- 1. Considers the tree at 3457 Warburton Highway, Warburton should be retained, subject to:***
  - (a) an appropriate zone being established around the tree, with a radius equal to the height of the tree, to preclude public access,***
  - (b) an annual inspection program by a qualified arborist, and***
  - (c) undertaking any maintenance works to maintain a low risk profile.***
- 2. Refer consideration of formalising Ottrey's car park and associated amenity planting to the Warburton Urban Design Framework, and if supported, to future budgets for funding.***

## DISCUSSION

### *Purpose and Background*

The Ward Councillor has requested the escalation of this matter as Council's Tree Management Team has indicated the tree would be considered low risk with a fenced 10 m radius exclusion zone. The request follows community members asking for the tree to be removed to ground level. Accordingly, the matter has been escalated as part of the process detailed in Council's Tree Policy.

### *Options considered*

1. Remove the tree
2. Leave the tree at 10m at this time and install a 10m radius exclusion zone around the base of the tree. This zone would involve removing the asphalt, and constructing a fence in a manner that precludes public access. This restricted area would be approximately 400m<sup>2</sup>. This option would also be supported by planting additional vegetation within the exclusion zone to support potential habitat outcomes.

Either of these options could also have additional planting and/or other works as part of a designed outcome to support environmental, historical and cultural values attached to the tree.

For example, Option 1 could be enhanced with a vegetated 'forecourt' area in line with draft Warburton UDF with some form of acknowledgement to honour the significance of the tree.

### *Recommended option and justification*

The considerations relevant to a decision (in no assigned order) are:

- Safety, including whether the introduction of an exclusion zone introduces new, unacceptable risks.
- Design and amenity, including alignment with draft Warburton Urban Design Framework.
- Habitat value.
- Carpark function and availability of parking.
- Historical and cultural significance.
- Community sentiment.
- Operational resources and effort.

Most of these factors are not absolute and carry degrees of confidence around their outcome.

The current draft Warburton UDF proposes a '*enhanced connection between Warburton Highway and the new pavilion through a defined entry forecourt*' (section 5.4 Draft Warburton UDF).

This draft UDF also proposes formalising Ottrey's carpark, alongside the forecourt. This would act to minimise the overall loss of carparks from the forecourt area.

Option 1 would completely remove all future risk from the tree and provide more options for the land.

Option 2 lowers the risk through an exclusion zone, but this will need an appropriate boundary and ongoing management to retain the low risk profile. An exclusion zone would need to be carefully designed and implemented to ensure its objective can be met.

Current habitat value is not considered particularly significant (as determined by independent faunal use assessment and relative to the wider vicinity) however tree removal also removes any existing value and potential.

Similarly, given some sections of the local community also place high value on the tree for cultural and historical reasons, tree removal would remove this value and/or require another outcome which honours the significance of the tree.

Community sentiment is outlined in the section below.

The on-balance recommendation is option 2 on the basis of a design outcome that could align with the current draft UDF, lowered safety risk profile, habitat potential and community sentiment around significance.

## **FINANCIAL ANALYSIS**

The approximate cost to remove the tree and stump is \$6,000.

The costs associated with the retention option are estimated to be \$20,000 to establish the exclusion zone and \$1,000 annually (ongoing) to inspect and maintain. Any significant maintenance works that may be identified as part of the forward inspection program are an additional cost and are unknown at this stage.

Council has an operating budget for tree removal and management. Costs for removal or ongoing management would be allocated to this budget. There is no existing budget allocation for establishing the exclusion zone.

## **APPLICABLE PLANS AND POLICIES**

This report contributes to the following strategic objective in the Council Plan:

- Protected & Enhanced Natural Environment.

## **RELEVANT LAW**

The Occupational Health and Safety Act (2004).

## **SUSTAINABILITY IMPLICATIONS**

### ***Economic Implications***

It is generally accepted that well-treed streets can have an increase in property values as they add value to the neighbourhood character and local amenity.

## ***Social Implications***

It is generally accepted that well-treed streets improve the amenity of the neighbourhood, and Warburton is renowned for its trees. However, in this case the community appears divided about the future of the subject tree and the social impact of either option is not straightforward.

## ***Environmental Implications***

The tree is indigenous to the area and contributes to the environmental value of the area due to its hollows.

Current habitat value is not considered particularly significant (as determined by independent faunal use assessment and relative to the wider vicinity) however tree removal also removes any existing value and potential.

## **COMMUNITY ENGAGEMENT**

### Who did we hear from? (Community groups, businesses etc)

After the initial cease works and subsequent community interest and publicity, social media posts and community sentiment around the tree were analysed. The posts varied from supporting Council for removal, residents hoping Council comes to a compromise position, to those seeking Council to retain the tree or a large part thereof.

Following this, a community group of concerned pro-tree retention residents was formed with whom more detailed consultation occurred. The group met on a number of occasions with members of Council's Community Development, Creative Communities and Trees teams, including at times management representatives from the BE&I Directorate.

Council received both formal and informal feedback from other interested parties. This included correspondence and conversations with local businesses such as the hardware store and IGA, whose businesses were being impacted significantly by the closure of the car park. Feedback was also received from other concerned and/or impacted community members who contacted Council, or in person as updates on the tree were provided to impacted local residents and groups such as the football/netball club. Much of that was largely frustration at the time taken to arrive at a resolution and the disruption it was causing. Full tree removal to get the area (car park, toilets and roadway) back to normal was the favoured outcome of those people and groups, who were tired of the disruption.

No broader community consultation was undertaken regarding proposed works on the tree. Information was provided to the community via updates on Council's website and through social media channels. Informal feedback through comments was received through these updates, again varying with a combination of retention, reduction, and removal comments.

### ***Key themes of direct feedback***

#### Pro-tree retention group

This group communicated a range of views, including that the whole tree needed to be retained, with differing views of both risk and the functional issues that retention would create with people/vehicle movements and car parking. This view was that with the age and significance of the tree, the tree's retention was the priority over all other matters.

Another view communicated acknowledged the risk to the community associated with the tree failing and Council's potential liability and responsibility, and that works were required to reduce that risk.

#### Other community members

Feedback from businesses was that they understood the significant risk of the tree that had been highlighted by a number of professional arborists in reports made public and were supportive of the recommendation to remove the tree. Ultimately, however, they wanted a resolution to the disruption at the time and to get things back to normal as quickly as possible.

Concerns were raised over the loss of car parking. Many of these people/groups, all locals heavily involved in the community, expressed concerns that the pro-tree retention views weren't representative of the broader community. Online, the support for the tree appeared to be more widespread from people who did not reside in Warburton.

## **COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT**

Not relevant for this report.

## **RISK ASSESSMENT**

Council's Coordinator Tree Management Team has assessed the tree post height reduction works and rated it low risk using the risk analysis method set out by the International Society of Arboriculture assuming a 10m radius fenced exclusion zone is in place.

If a fenced exclusion zone is not possible, then the tree is considered a moderate risk in the three-year assessment period as two thirds of the tree has been removed, greatly reducing the weight and windsail area. However, as the base of the tree is heavily decayed the 10m exclusion zone is strongly recommended.

The tree will need to be inspected annually as regrowth is generally poorly attached to the trunk and may fail and fall outside the exclusion zone if left to grow too large.

## **CONFLICTS OF INTEREST**

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

## **ATTACHMENTS TO THE REPORT**

Arborist Report