

Grounds of Refusal to Grant a Planning Permit for Vegetation Removal (Four Native Trees)

Application No: YR-2022/1106

Planning Scheme: Yarra Ranges Planning Scheme

Responsible Authority: Yarra Ranges Council

Address of the land: Hereford Road (road reserve), Mount Evelyn and Road R1 PS008512

1. The vegetation removal is inconsistent with State policy under Clause 12 Environmental and Landscape Values, and Clause 12.01 Biodiversity as the proposal fails to adequately respond to and protect the ecological and biodiversity value of the site, and results in fragmentation of habitat.
2. The vegetation removal conflicts and is inconsistent with the Purpose, Statement of Nature and Key Elements of Landscape, the Landscape Character Objectives to be Achieved and Decision Guidelines of Clause 42.03 Significant Landscape Overlay Schedule 6 as the proposal:
 - a. does not adequately demonstrate that the vegetation removal is necessary for arboricultural reasons, and as identified in the tree risk assessment, how the proposal has firstly considered how any risk can be managed without removal;
 - b. will detrimentally impact the character of its significant landscape;
 - c. fails to consider the retention and active management of established trees and patches of indigenous vegetation as a way to address any local concern;
 - d. fails to meet the requirements for appropriate land management improvements;
 - e. will result in a visual gap in canopy tree cover, detrimentally impacting the amenity and scenic landscape of the area;
3. The vegetation removal is inconsistent and conflicts with the objectives, Decision Guidelines, Statement of Environmental Significance and the Environmental Objective of Clause 42.01 – Environmental Significance Overlay Schedule 1 as the proposal:
 - a. does not adequately demonstrate that the vegetation removal is necessary for arboricultural reasons, and as identified in the tree risk assessment, how the proposal has firstly considered how any risk can be managed without removal;
 - b. will have adverse environmental impacts on vulnerable species, being the Powerful Owl;
 - c. will have an unreasonable detrimental impact on native arboreal mammals and birds, and flora;
 - d. results in degradation of the habitat corridor; and
 - e. fragments an otherwise connected treed area.

4. The vegetation removal can be avoided and is therefore not consistent with the purpose of Clause 52.17 Native Vegetation and requirement to consider the three-step approach of firstly avoid, then minimise and offset (remove) only as a final option.
5. The proposal is inconsistent with the Decision Guideline of Clause 65.01 as it conflicts with the overlays which seek to protect and preserve the landscape and prevent unnecessary vegetation loss.
6. The vegetation removal can be avoided and is therefore not consistent with the intent of Council's Tree Policy or Council's Code of Environmental Practice, as the vegetation:
 - a. poses a low risk to life and property when assessed against the policy;
 - b. can be actively monitored and managed to mitigate any risk of partial or total failure.
7. The proposal does not adequately demonstrate how the vegetation removal meets the 'Public Authority Duty' under the amended *Flora and Fauna Guarantee (FFG) Act 1988*.