PROTECTING VEGETATION IN THE PRIVATE REALM

Discussion Paper & Options

hansen

PREPARED BY HANSEN PARTNERSHIP FOR THE CITY OF PORT PHILLIP | 2022

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Date	Version	Issue	For
27.05.22	A	Draft	Client Review
24.08.22	B	Final Draft	Client
04.10.22	C	FINAL	Client

EXECUTIVE SUMMARY

The CoPP has a vision to protect and enhance vegetation and canopy cover on both public and private land across the municipality. It is acknowledged that this may be achieved through a range of approaches, but a solid evidence base of data and information is required to underpin strategic decision-making to improve the level of vegetation regulation and controls.

As part of this work, Council is looking at a number of strategic actions, including a review of their existing Local Law for significant tree removal (Clause 44 of The City of Port Phillip Local Law (Community Amenity) (September 2013), a review of the Greening Port Phillip strategy and this current project work - Protecting Vegetation in the Private Realm (which is intended to inform the updated Greening Port Phillip).

This project seeks to explore how effective Council's current approach to protecting trees and vegetation on private property is and explore options for improving protections.

As per Council's brief, this project seeks to:

- Identify and prioritise appropriate instruments, controls and processes that will support increase of greening, particularly canopy cover, on private property in the CoPP.
- Identify and evaluate current mechanisms and instruments being used by up to 15 councils in Victoria and other states as relevant (including those currently used by the CoPP) to protect the urban forest (including trees and other vegetation), particularly on private property, and how effective they have been at delivering that outcome.

The report comprises three parts:

Part A documents the Existing Context: including an overview of key issues, identification of a range of tools available to Council through the planning system and identified through current strategies (Existing Strategic Context) before establishing the existing policy context and vegetation related outcomes for the City of Port Phillip's different neighbourhoods. This includes an assessment of the current rates of loss of both canopy and mid/ low level vegetation using the Department of Environment Land Water and Planning's mapping of vegetation loss (undertaken in 2014 and 2018) as well as associated urban heat considerations.

While CoPP has some policy around vegetation it is generally high level and there is not a clear line of sight between the objectives, strategies and permit triggers / tools used for assessment.

Existing planning controls relating to vegetation generally comprise the following:

- Requirements related to vegetation embedded in DDOs applied to some precincts, limited in most areas to a requirement for an (undefined) landscape setback.
- The application of a Heritage Overlay to some trees / vegetation, usually associated with a properties heritage values.
- Consideration of landscape outcomes in decisions in small pockets.
- Some high level objectives relating to vegetation in neighbourhood character policy.
- Requirements for landscape plans as part of development applications in some areas.

Analysis of the changes to vegetation in CoPP's various neighbourhood identified limited linkages between the controls in place and the outcomes in relation to vegetation loss or gain (at least over the period of data). Of more relevance appears to be the types of growth and development in an area, which highlights the importance of integrating outcomes related to vegetation with other aspects of Council's strategic planning. Alongside the planning controls, Council also has a Local Law in operation requiring a permit under the Local Government Act for the removal of trees above a certain size. However, there is currently limited interaction between the Local Law and planning processes.

While this analysis is reasonably high level (no case studies were undertaken) it is clear that there gaps in the existing planning policy related to vegetation. This, in combination with a lack of relevant permit triggers, means there is little relationship between the policy outcomes currently identified and the outcomes on the ground, in terms of vegetation loss.

Part B considers the controls that have been used in other municipalities. In doing so it seeks to investigate some of the outcomes that have been achieved elsewhere

In considering vegetation loss, it should be noted that this is considered in relation to different parts of the municipality - allowing a comparison between areas experiencing higher or lower ates of loss. However, generally, in comparison to some other parts of Melbourne, the City of Port Phillip has not experience 'high' levels of loss in most areas, this must be considered in tandem with the lower base of vegetation that remained in CoPP when mapping was undertaken compared to a municipality in the eastern suburbs.

The benchmarking exercise also highlights the difficulties in comparing outcomes related to vegetation. These outcomes are related to the combination of so many elements - not least the existing physical context relating to vegetation, but also other policy objectives and strategies relating to growth and development, as well as the layering of policy, permit triggers and the strength or otherwise of any drafted controls.

Assessment of the effectiveness of these controls using the available data is also somewhat limited within the scope of this project. The same control can be read as being effective in one area but not another. However, this may be related to the existence of other policy, or a lack of development approvals in that area during the relevant period. Any benchmarking should therefore be considered carefully in establishing precedent. Nonetheless, the exercise provides an important signal of options that are considered in Part C.

Part C of the report identifies various options for increased protection of vegetation within the private realm, and a series of recommendations. This combines the finding of Parts A and B with consultation undertaken across various internal departments of the City of Port Phillip that have some involvement in the management of vegetation. This internal engagement was critical to establishing how existing policy is applied and the clarification of issues, as well as opportunities for process improvements.

A range of options for consideration were identified across a number of themes:

- Statutory Options
  - Policy
  - Permit triggers
  - Local Law
- Non-regulatory Options
  - Community Education & Awareness
  - Internal processes
  - Enforcement
  - Data collection & monitoring
  - Advocacy

Part C identifies that in considering options for greater protection of vegetation within CoPP's private realm. There is firstly a need to acknowledge some key aspects which will influence outcomes:

- There are broader issues related to the protection of vegetation which are not possible to address at a municipal level – they will require advocacy, and are discussed below. These are issues which affect all municipalities.
- Port Phillip has a low level of existing vegetation and minimal native vegetation on private land, which means a number of existing 'policy directions' are of less relevance and much of the justification which underpins the application of protection mechanisms in other municipalities may not be relevant in Port Phillip.
- And lastly, it must be acknowledged that vegetation protection is not just about trees – vegetation is much broader and encompasses mid and ground layers, so just requiring canopy trees within zone schedules or 'fixing' Port Phillip existing local law will not address the ongoing loss of shrub and groundcover in large parts of the municipality.

It is critical to the development of effective policy and processes that there is a clear understanding of the specific objectives which underpin protection of vegetation. Vegetation protection is an area where there are multiple benefits and the link between an objective and regulation can often be blurred (for example, what kinds of vegetation is being protected, is it about an existing neighbourhood character, increasing biodiversity or urban cooling?)

In many cases there are multiple objectives but these do not translate clearly and can be inconsistent with the types of controls applied or wording included in planning policy. Canopy tree protection may require a different approach and tools to biodiversity enhancement or to the protection of a neighbourhoods 'garden character'.

The report's recommendation is that Council pursues not only more explicit content in the scheme, but also pursues a 'layering' of policy objectives and strategies, pulling as many levers as possible to strengthen decision making in this area.

One of the key opportunities identified is for Council to develop policy that explicitly recognises the different development outcomes envisaged in different parts of the municipality and drafts specific strategies related to the protection and enhancement of vegetation which is practical and implementable having regard to the anticipated typologies. This would be much more effective than blanket policy statements regarding 'protecting vegetation' and would serve to inform a number of the options for integrating vegetation protection within differing parts of the Port Phillip Planning Scheme.

Localising strategies based on the characteristics of each area will make these more robust (for example, recognising that in areas identified for higher density development the approach would be to provide vegetation, but in a range of flexible ways, whereas a neighbourhood where less development, or protection of character is a key driver, strong strategies regarding designing buildings around existing trees could be integrated. Including references to specific outcomes sought in areas such as the coastal strip, or in areas subject to flooding such as Elwood could also be specifically referenced.

In looking to tailored outcomes reflective of different contexts, it is recommended Council consider:

- Recognising areas where there is little existing vegetation and / or policy direction that explicitly supports more intensive built form and the provision of alternate forms of vegetation (i.e using the Green Factor Tool, green roofs and walls etc, see discussion below)
- Recognising areas where site context responses need to be designed around trees and leave areas for planting and adjust expectations established through policy accordingly.
- Recognising specific areas with defined environmental values that may support a tailored development response.

Specific options for consideration identified in relation to policy include:

- Integrating increased references to the role that protection of vegetation plays in responding to climate change
- Integrating specific references to sustainable development within these different neighbourhoods, and describe what this looks like in relation to vegetation within these different areas.
- Strengthening existing policy settings around vegetation as it relates to coastal areas and habitat corridors building on precinct work undertaken in relation of CoPP's biodiversity, and changes to Marine & Coastal planning
- Aligning the protection of vegetation with permeability outcomes and management of flooding
- Making adjustments to zone schedules, which are an option to integrate setback, permeability or landscaping requirements once outcomes have been defined.

- Strengthening content around elements such as 'landscape setbacks' contained in tools such as Design and Development Overlays.
- Shifting focus to more site responsive outcomes through Green Factor Tool requirements.

In addition, once there is a clearer understanding of the outcomes being sought in relation to vegetation across the municipality, the introduction of new permit triggers could be considered such as:

- The application of a Vegetation Protection Overlay to recognise significant trees (noting this would require investment in a municipal wide mapping exercise)
- Environmental Significance Overlay to recognise areas of particular environmental value such as the coastal strip or habitat corridors

Recommendations also encompass Local Law changes to definitions, but also changes to internal practice to increase alignment with statutory panning processes

There are also a number of other changes which are important to deliver outcomes 'on-the-ground' by supporting and aligning with planning outcomes. Of the non-regulatory options, under the theme of 'community education and awareness' the report highlights the importance of increasing community ownership and value in relation to private vegetation, particularly as it relates to responses to climate change. Recommendations include:

- Increasing the community's understanding of the value of trees.
- Confirming and communicating the economic value of trees
- Increasing the community's understanding of their individual obligation or rights in relation to vegetation on their land
- Raising awareness of the laws existence

A number of recommendations are also made in relation to internal processes, including that:

- A broad review of internal Council processes and pursuit of opportunities to enhance officer awareness of the importance of vegetation, and in particular mature canopy vegetation in delivering Council strategic objectives may be beneficial.
- A more robust process for the identification of significant trees prior to any planning permit being issued should be pursued. A review of internal roles and responsibilities may assist.
- Clear guidelines for built form outcomes to support mature canopy growth through assessment processes and any subsequent issue of permit be developed.
- Triggers for consideration of the appropriateness of changes proposed through subsequent or parallel approval processes should be explored.
- A clearer articulation of the objectives of the preparation of a landscape plan, and the outcomes that Council is seeking should be pursued to maximise the benefit of their preparation.

Enforcement is another area of significance, particularly in relation to the protection of larger canopy trees. Options for consideration include a program of proactive spot 'checking' of compliance regarding tree protection as well as consideration of a complementary program of 'spot checking' endorsed landscape plans. These options may benefit from support from f a specialised 'tree enforcement' officer supporting enforcement both under the Planning & Environment Act, and the Local Government Act.

The preparation of this report has highlighted a number of clear gaps in Council's current understanding of existing conditions, history and processes relating to vegetation protection. In order to deliver evidence based outcomes and to maximise the efficiency of policy application it is critical that there are improvements in data collection and monitoring. In addition to the knowledge base that should be built up to support an understanding of the preferred outcomes in different parts of the municipality (discussed earlier) the report highlights the following:

- As a first step, existing significant trees, for which permit application have been received (i.e. for pruning etc) and which have not had a permit for removal issued should be mapped in GIS.
- Assessment and mapping significant trees to understanding the spatial distribution of significant trees also needs to be considered, but is not without its challenges, not least of which is gaining access to private land for the purposes of determining if a tree meets relevant definitions.
- A consolidated database tracking all tree removals in the municipality, including the reasons for removal, what process authorised the removal and the context should be implemented.

An lastly, the report highlights a number of areas where Council may wish to consider pursue advocacy to support improvements to vegetation protection. These include:

- Opportunities to provide greater legislative weight and penalties for 'illegal' removal of vegetation must be embedded in relevant State legislation to enable individual municipalities to enact them.
- State level recognition of 'green infrastructure' under Clause 19 which addresses infrastructure. This provides an opportunity to bring together environmental and climate response objectives with broader public health benefits associated with access to nature and embed these alongside more traditional types of infrastructure.
- Pursuit of the concept of 'permeability equivalence' as proposed by earlier work undertaken by the Council in relation to permeability in the private realm.
- A state level review of the implication and interactions of VicSmart processes which apply to relevant overlay triggers (i.e. VPO, ESO etc) and the broader intent of developing an urban forest.
- Careful monitoring of any definition of 'significant trees' at state level to ensure compatible with Council objectives, esp given coastal context where significant tress maybe a lesser heights.
- The integration of external tools such as the Green Factor Tool should a requirement to meet a defined benchmark.

A summary of recommendations can be found in Section 8.3 but it is clear there are a number of areas where the City of Port Phillip has opportunities to deliver improved outcomes in relation to the protection of vegetation in the private realm. Much of the evidence base required to deliver the various options overlaps and therefore work undertaken by Council in understanding their current conditions and refining objectives related to vegetation has the potential to be leveraged to provide improved outcomes through a range of different avenues.

PART A:
EXISTING CONTEXT

1.0 INTRODUCTION

1.1 PROJECT RATIONALE AND AIMS

At a state level, the Victorian Government in partnership with Metropolitan councils across Melbourne is looking at a collective approach to enhance the Metropolitan 'urban forest' with the aim of increasing overall canopy tree and vegetation coverage as well as improving biodiversity outcomes.

Overarching strategic policy directions to assist councils in their urban forest approach are outlined in *Plan Melbourne 2017 – 2050 (Department of Land, Water, Environment & Planning*) and *Living Melbourne, Our Metropolitan Urban Forest & Technical Report (The Nature Conservancy and Resilient Melbourne, 2019.*

In advance of the above state directions, the City of Port Phillip (CoPP) has prepared its own urban forest strategy titled *Greening Port Phillip, An Urban Forest Approach (2010).* This provides the strategic framework and policy context for the development and management of vegetation within the public and private realms across the municipality.

Greening Port Phillip sets a vision for the future of the urban forest in CoPP:

> *"The City of Port Phillip will have a healthy and diverse urban forest that uses innovative greening solutions to enhance the community's daily experience, ensuring environmental, economic, cultural and social sustainability for future generations."*

The Strategy aims to achieve the following objectives in relation to vegetation and biodiversity within the private realm:

- *Ensuring planning policies and strategies including the Municipal Strategic Statement, Urban Design Frameworks and Structure Plans incorporate trees to achieve the desired neighbourhood character.*
- *Managing and maintaining trees within the City of Port Phillip to ensure that they survive for future generations.*
- *Minimising the impact of the heat island effect by increasing the number of trees and overall canopy cover in the City of Port Phillip and by seeking other greening opportunities where trees cannot be planted.*
- *Ensuring equitable access to mature trees across our city by maintaining an optimum coverage and mix of tree type and age.*
- *Enhancing wildlife habitat, strengthening wildlife corridors and increasing biodiversity within the context of Port Phillip's highly urbanised environment.*

Greening Port Phillip - What is Port Phillip's Urban Forest?

An urban forest is the sum total of all trees and associated vegetation growing within an urban area.

The City of Port Phillip's urban forest is made up of:

- *Front and backyard gardens*
- *Balcony gardens*
- *Rooftop gardens and green roofs*
- *Vertical gardens – vegetation growing up the walls of buildings and fences*
- *Street trees, shrubs and ground covers on nature strips, median strips and round-a-bouts*
- *Trees and gardens in public parks and reserves*
- *Trees and gardens in other open spaces – shopping strips, industrial properties, etc.*

Source: Greening Port Phillip (2010)

The concept of an urban forest enables a collective approach to the management of green infrastructure by considering the integrated role of public and private canopy trees, shrub and ground covers, and other vegetation in the planning and development of the urban environment.

The CoPP has a vision to protect and enhance vegetation and canopy cover on both public and private land across the municipality. It is acknowledged that this may be achieved through a range of approaches, but a solid evidence base of data and information is required to underpin strategic decision-making to improve the level of vegetation regulation and controls.

As part of this work, Council is looking at a number of strategic actions, including a review of their existing Local Law for significant tree removal *(Clause 44 of The City of Port Phillip Local Law (Community Amenity) (September 2013),* a review of the *Greening Port Phillip strategy* and this current project work - *Protecting Vegetation in the Private Realm* (which is intended to inform the updated *Greening Port Phillip).*

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As per Council's brief, this project seeks to:

- Identify and prioritise appropriate instruments, controls and processes that will support increase of greening, particularly canopy cover, on private property in the CoPP.
- Identify and evaluate current mechanisms and instruments being used by up to 15 councils in Victoria and other states as relevant (including those currently used by the CoPP) to protect the urban forest (including trees and other vegetation), particularly on private property, and how effective they have been at delivering that outcome.

Council's current approach is not only defined by its existing urban forest strategy but also by its approach to implementing vegetation protection controls through statutory controls within the planning system (e.g. via the Port Phillip Planning Scheme) as well as other regulatory mechanisms outside of the scheme (including its Local Law).

To develop a thorough understanding of the CoPP approach, it is important to consider the success of the municipality against outcomes achieved in other municipalities. It is therefore important to consider what alternative approaches may be working effectively in other metropolitan councils that could be successfully applied in the CoPP context.

The 'Existing Context' and 'Benchmarking' portions of this report details the initial findings in respect to the above. Further in-depth assessment of specific case studies may shed additional light on the findings but has not been undertaken as part of this assessment.

1.2 PROCESS AND METHODOLOGY

In order to evaluate the existing success of instruments, controls and processes within the CoPP, this report seeks to frame the following questions:

- What are some of the key issues concerning vegetation protection and loss in the private realm?
- How successful have existing instruments, controls and processes been in retaining and enhancing vegetation cover?
- What are the types of barriers preventing effective vegetation protection within the planning system?
- What are the types of barriers preventing effective vegetation protection through other regulatory instruments outside of the planning system?
- What mechanisms and instruments are achieving high quality vegetation outcomes in other municipalities?
- What changes might assist in improving the ability for increased vegetation protection through decision making?

These questions were investigated through a review of relevant physical context, data, policy and strategic context, followed by a series of interviews with key stakeholders within Council.

Work within this report can be summarised as comprising the following key components:

- **Review of the existing policy context (planning policies, controls and strategies)** to inform a background understanding to the existing strategic regulatory context and identify any gaps or changes in the existing policy context to be addressed through future updates to the policy context.
- **Review of alternative regulatory instruments and mechanisms** (sitting outside or alongside the planning system) which can assist with improving retention and enhancement of vegetation coverage and identify any shortcomings in the current tools.
- Review of the existing physical context, which includes an **evaluation of trends in vegetation cover and surface temperature change (urban heat island index)** over time.
- **Identification of various Options available** to Council to address matters raised in stakeholder interviews and **a series of Recommendations for consideration** as part of the *Greening Port Phillip* update, and other strategic planning being undertaken by CoPP.
- A more **in-depth summary of policy and documentation of relevant cases from the Victorian Civil and Administrative Tribunal (VCAT)** which provide an insight into Council's past success in facilitating appropriate vegetation protection or removal in line with current controls and processes. These can be found as Appendices.

Analytical data in this report was derived from the following sources:

- **Department of Environment, Land, Water & Planning (DELWP) data on 2014 - 2018 change in vegetation cover by mesh block.** (Mesh blocks are the smallest Australian Bureau of Statistics spatial geography extent). Obtained from data.vic.
- **DELWP data on 2018 surface temperatures (urban heat island index).** Obtained from data.vic.
- **DELWP planning zones spatial files.** Obtained from data.gov.au.
- **DELWP planning overlays spatial files.** Obtained from data.gov.au.
- **City of Port Phillip Neighbourhood Boundary spatial files.** Obtained from data.gov.au.
- **Significant tree permit application data between 2010 - 2022** spreadsheet supplied by the CoPP.
- **VCAT case decisions** obtained from Australasian Legal Information Institute (Auslii online).

The following report details the results of this data analysis, with a series of issues and observations identified in the concluding Chapter 6.

2.0 STUDY AREA

2.1 DEVELOPMENT & VEGETATION

Located centrally within Melbourne, the City of Port Phillip is a densely populated inner city government area located on the northern shore of Port Phillip Bay and south of Melbourne's Central Business District (CBD).

With a current population of 119,000 people, this is projected to increase to 146,000 by 2031 and 176,000 by 2041. The key areas of growth will be in the neighbourhoods of Fishermans Bend and South Melbourne.

Port Melbourne continues to play a key role as a domestic cruise terminal. Other neighbourhoods comprise the established residential suburbs of Albert Park, Middle Park, St Kilda, Balaclava, Elwood and Ripponlea.

The CoPP is characterised by its green leafy boulevards which dominate large areas of the City as well as its 11km of foreshore and high value green spaces including Albert Park. These play an integral part in contributing to valuable biolinks across the City. In the past, this has been coupled with high quality vegetation on private property.

The urban forest is an important component of the city's overall urban environment, providing aesthetic and amenity benefits contributing positively to people's physical and mental well-being, and providing a valuable contribution to the built environment in terms of filtering and cleaning stormwater, reducing loads on stormwater drains, filtering the air, mitigating heat island effects and reducing energy costs of nearby spaces through temperature regulation. It is also valuable for non-human biodiversity, providing shelter, shade, food, nutrients and habitat.

Development typologies and vegetation character differs substantially across the municipality - for example, Fishermans Bend urban renewal area undergoing significant change through new development and population growth, Middle Park and Albert Park heritage environs, the highly built up commercial cores of South Melbourne and St Kilda, and the coastal foreshore setting of St Kilda and Elwood. This can clearly influence outcomes in terms of the levels of protection afforded to vegetation in the private realm.

The City's urban forest has many challenges. However, one of the most significant challenges relates to development pressure associated with population growth and urban development, both infill and the redevelopment of existing dwellings, which has resulted in notable vegetation loss and is leading to an erosion of the overall vegetation levels within the private realm.

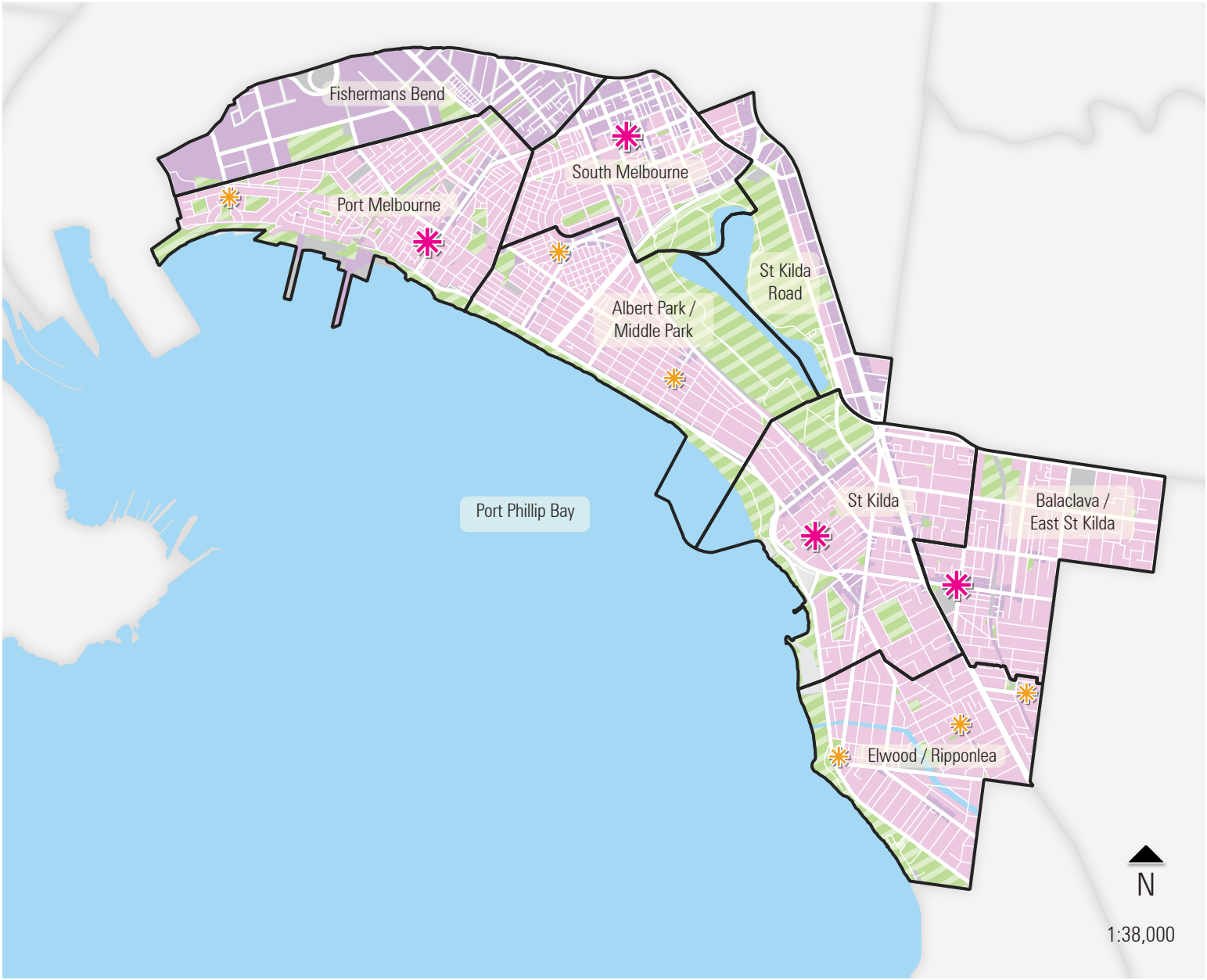
2.2 THE STUDY AREA

The study area for this project comprises the entirety of the CoPP municipality. For the purpose of this project, the study area focuses entirely on the private realm and does not include consideration of vegetation issues within the public realm.

To assist with the project assessment work, the municipality has been split into a number of neighbourhoods. These are detailed below and depicted in Figure 1. These neighbourhoods align with the 'neighbourhoods' identified in the Port Phillip Planning Scheme, and are as follows:

- Fishermans Bend
- Port Melbourne
- South Melbourne
- Albert Park and Middle Park
- St Kilda Road
- St Kilda
- Balaclava and East St Kilda
- Elwood and Ripponlea

Figure 1. Study Area & Neighbourhoods



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City of Port Phillip: Increasing Vegetation in the Private Realm

Site Area & Neighbourhoods

Legend

- Residential Areas
- Private Realm Non-Residential
- Public Realm
- Public Realm Green Space
- Major Activity Centre
- Neighbourhood Activity Centre

Hansen Partnership Pty Ltd
Melbourne | Vietnam
Level 4 136 Exhibition St
Melbourne Vic 3000
T 61 3 9654 8844 **F** 61 3 9654 8088
E info@hansenpartnership.com.au
W www.hansenpartnership.com.au

3.0 EXISTING STRATEGIC CONTEXT

The following outlines a review of relevant background information relating to policy around vegetation, which includes State and regional planning strategy and policy guidance, the Port Phillip Planning Scheme policy guidance and relevant CoPP strategies.

3.1 KEY POLICY

The following policies and strategies have been reviewed given their relevance as strategic guidance to inform the project. Key strategies are identified with an asterisk.

- Plan Melbourne 2017 – 2050 (The Department of Land, Water, Environment & Planning) *
- Living Melbourne, Our Metropolitan Urban Forest & Technical Report (The Nature Conservancy and Resilient Melbourne, 2019) *
- Victorian Planning Provisions (VPPs) *
- Port Phillip Planning Scheme *
- Council Plan 2021 – 2031 (City of Port Phillip).
- Greening Port Phillip, An Urban Forest Approach (City of Port Phillip, 2010) *
- Sustainable Design Strategy (City of Port Phillip, 2013).

3.2 EXISTING POLICY CONTEXT

3.2.1 State and Regional Policy Context

Below is an overview of applicable state planning policy and guidance and its relevance to the project. Further detail is provided in Appendix 1 of this report.

To summarise the state and regional context, there are overarching strategic directions at a state and Metropolitan level to enhance urban forest, particularly canopy tree and vegetation cover in Metropolitan Melbourne to combat urban heat island increase as a result of climate change through urban greening/cooling as well as contribute to enhanced biodiversity through supporting bio-links, indigenous planting and climate resilient planting. Key strategies in this respect are *Plan Melbourne 2017 - 2050* and the *Living Melbourne strategy (2019).* Also relevant are other State level documents such as the *Built Environment Climate Change Adaptation Action Plan (DELWP, 2021).*

An extensive suite of applicable planning controls are available at state level to control vegetation removal and encourage its enhancement, including policies, zones and overlays. There is clear flexibility in the approach to adoption of these controls and as a result, there is substantial variation in the utilisation of controls across different councils. This limited consistency is in part due to the differences in physical and governance contexts across Melbourne. Variations in different council approaches are discussed in the *Living Melbourne strategy (2019).*

State level policies focus on protecting and enhancing biodiversity including habitat, native and significant vegetation, as well as enhance landscapes and other environmental values of significance.

Amendment VC216 to the VPP (gazetted 10 June 2022) alters much of the existing state policy provisions from Clause 10-19 to support environmentally sustainable development (ESD) outcomes, embedding climate responsive content into state policy - as well as making a change to the overarching purpose of Victorian planning schemes to respond to the effects of climate change. As well as climate change adaptation and mitigation, energy efficiency and waste management, the amendment notably further embeds biodiversity, integrated water management and cooling and greening objectives into State level policy.

In terms of permit application requirements (particular provisions), Clause 52.17 (Native Vegetation) is a key tool within the VPPs to control the protection and removal of native vegetation in line with state government guidance *(DELWP, 2017).*

Clauses 54, 55 and 58 of the Victorian Planning Provisions (VPPs) (reference to Clauses 54.03-6, 55.03-8, 55.07-4 and 58.03-5) are additional tools applied at permit stage, requiring assessments of landscaping response (including tree removal, protection and planting) for residential development applications in the private realm, noting these requirements can be varied via schedules to residential zones.

State government has facilitated a number of VPP amendments to enhance the relevant landscaping standards and requirements of Clause 54 and 55. These changes have collectively sought to enhance vegetation protection and landscaping outcomes in new buildings.

More recently, planning scheme amendment VC174 (gazetted 20 December 2021) amended Clause 55.07-4 (Landscaping Objective) and VC210 (gazetted 4 May 2022) applied similar provisions to Clause 58.03-5 (Landscaping Objectives) for apartment developments.

These amendments sought to recognise existing canopy tree protection, encourage new canopy provision and biodiversity in its objectives as well as enhance detailed canopy tree cover and deep soil area requirements under Standard B38. The updated requirements recognise the collective role of all vegetation, including climbers, smaller shrubs and ground over, as well as vegetation's role in shading, biodiversity enhancement, stormwater management and climate resilience.

Permeability objectives (reference to Clauses 54.03-4 and 55.03-4) also broadly assist in encouraging increased vegetation cover by setting minimum standards for site areas to be covered by permeable surfaces, thus encouraging ground level vegetation provision to meet the standard.

Zoning wise, a number of tools are available to control vegetation through landscaping responses in the private realm. Schedules to residential zones are used by councils to specify landscape character objectives for areas in line with preferred neighbourhood character, as well as to vary landscaping requirements of Clause 54 and 55 of the VPPs to specify required canopy plantings etc.

The above is a useful approach as it links vegetation protection to neighbourhood character studies and can influence particular development outcomes through the varied requirements e.g. requiring a specified number of canopy trees planted per development site. Such an approach has been adopted in Knox, Monash, Moreland and Whitehorse amongst other councils. Further detail on example municipalities can be found in the 'Benchmarking' section of this report.

Planning scheme amendment VC143 (gazetted May 2018) also introduced minimum 'garden area' requirements to land in the General Residential Zone and Neighbourhood Residential Zone. This requirement assists with encouraging increased ground level vegetation cover (as well as canopy cover) across applicable sites, although the definition has some limitations and is not limited to 'garden' areas (i.e. can include pools, decks etc).

Overlays are other tools being utilised to protect environmental and landscape values as well as promote good quality landscaping responses and discourage overall vegetation removal. In particular, the Environmental Significance Overlay (ESO) protects environmental values (linked to biodiversity and habitat value analysis), the Significant Landscape Overlay (SLO) is applied to protected landscapes, and the Vegetation Protection Overlay (VPO) is another key control applied to protect noteworthy vegetation.

Banyule, Bayside, Darebin and Whitehorse are example councils which have applied a number of VPOs within their respective municipalities. Maroondah, Yarra Ranges and Whitehorse have adopted the SLO approach to vegetation protection, with Yarra Ranges and Whitehorse tying in vegetation protection with landscape and neighbourhood character within their residential areas.

The Design and Development Overlay (DDO) is another commonly used overlay control to control vegetation cover through overall landscaping enhancement. However, this tends to focus on built form design whilst encouraging appropriate landscaping in new development. It can be used in conjunction with ESO, SLO and VPO coverage.

Table 1 provides a summary of the Victoria Planning Provisions from which vegetation protection controls can be derived.

Table 1. State & Regional Policy of Relevance

POLICY REFERENCE	RELEVANCE TO PROJECT
STRATEGY DOCUMENT	
Plan Melbourne 2017 – 2050 (The Department of Land, Water, Environment & Planning).	The overarching strategic framework to guide growth of Melbourne to 2050. It sets the strategy for supporting economic investment, jobs, housing and transport, whilst also promoting liveability and sustainability outcomes. Includes key directions to mitigate exposure to natural hazards and adapt to the impacts of climate change, protect and restore natural habitats, and support greening of urban areas and creation of open spaces contributing to the urban forest.
Living Melbourne, Our Metropolitan Urban Forest (The Nature Conservancy and Resilient Melbourne, 2019)	The Metropolitan urban forest strategy. It provides a vision to drive Melbourne's collective resilience and response to increased urban heat island as a result of changes in urban form, growing population and climate change. Outlines highly valuable analysis and data assessment in relation to the urban forest approach adopted by municipalities across Melbourne.
Guidelines for the removal, destruction or lopping of native vegetation (The Department of Land, Water, Environment & Planning, December 2017)	Sets out and describes the application of Victoria's state-wide policy in relation to assessing and compensating for the removal of native vegetation, based on a three-step Avoid, Minimise and Offset approach. Acts as a guide for applicants and decision makers in assessing vegetation removal. To be read in conjunction with state policy at Clause 52.17 (Native Vegetation) of the VPPs.
VICTORIAN PLANNING PROVISIONS - PLANNING POLICY FRAMEWORK	
Clause 11: Settlement	Growth and settlement policy that suppoorts development that contributes to environmental sustainability, climate change mitigation and protecting and improving the state's biodiversity.
Clause 12.01-1S: Protection of Biodiversity	State policy to assist the protection and conservation of Victoria's biodiversity. Considers the biodiversity value in the function of vegetation in habitats for rare or threatened species, and supports land use and development that contributes to protecting and enhancing habitats, notably in urban areas.
Clause 12.01:2S: Native Vegetation Management	Broad native vegetation protection policy which ensures that native vegetation removals are assessed against biodiversity values. Incorporates the *DELWP Native Vegetation Guidelines (2017)* and the three-step Avoid, Minimise, Offset approach in native vegetation removals.
Clause 12.05-1S: Environmentally Sensitive Areas	Seeks to protect environmentally sensitive areas with significant recreational value, specifically Port Phillip Bay and Victorian coastal areas and their foreshores, from development that would diminish their environmental conservation or recreational values

POLICY REFERENCE	RELEVANCE TO PROJECT
Clause 15.01-2S: Building Design	State policy to ensure buildings are designed in response to the local context and enhance the public realm. Includes vegetation strategies seeking to promote site specific landscaping and retention of existing vegetation.
Clause 15.01-3S: Subdivision Design	Ensures that the design of subdivisions create attractive, safe, accessible, diverse and sustainable neighbourhoods. Includes vegetation strategies seeking to promote landscaped streets, enhance green links and native vegetation habitat.
VICTORIAN PLANNING PROVISIONS - ZONES	**Note - the following zones have been selected based on their relevance to vegetation protection in the private realm. This is not an exhaustive list of all planning zones.*
Mixed Use Zone	The general purpose of the MUZ is to provide for a range of residential, commercial and industrial uses, including higher density residential. A schedule to this zone may contain design or landscaping objectives to be achieved for the area as well as variations to Clause 54 and 55 requirements relevant to landscaping.
Residential Growth Zone	The RGZ allows for denser residential development up to 4 storeys in transitional areas near activity centres and areas of more intensive use and development. A schedule to this zone may contain design or landscaping objectives to be achieved for the area as well as variations to Clause 54 and 55 requirements relevant to landscaping.
General Residential Zone	The GRZ allows modest level development (up to 3 storeys). A schedule to this zone may contain design or landscaping objectives to be achieved for the area as well as variations to Clause 54 and 55 requirements relevant to landscaping. Applications must meet the minimum garden area requirement.
Neighbourhood Residential Zone	The NRZ allows for low-scale single and double storey residential development. A schedule to this zone may contain design or landscaping objectives to be achieved for the area as well as variations to Clause 54 and 55 requirements relevant to landscaping. Applications must meet the minimum garden area requirement.
Industrial 1 Zone	The IN1Z is the general industrial zone, allowing for manufacturing and warehousing activities. Design or landscaping objectives cannot currently be varied without a state-wide amendment to the VPPs. The zone requires landscaping detail to be provided with permit applications.

POLICY REFERENCE	RELEVANCE TO PROJECT
Industrial 2 Zone	The IN2Z is another general industrial zone, allowing for manufacturing and warehousing activities. It is applied where certain industries require a threshold distance from sensitive uses. Design or landscaping objectives cannot currently be varied without a state-wide amendment to the VPPs. The zone requires landscaping detail to be provided with permit applications.
Industrial 3 Zone	The IN3Z is a transitional industrial zone, intended to provide a buffer between the more intensive IN1Z and IN2Z and local communities, through non-adverse land uses to neighbouring amenity. Design or landscaping objectives cannot currently be varied without a state-wide amendment to the VPPs. The zone requires landscaping detail to be provided with permit applications.
Commercial 1 Zone	The C1Z is the standard commercial zone allowing for retail, office, business, entertainment and community uses, as well as denser residential development. Design or landscaping objectives cannot currently be varied without a state-wide amendment to the VPPs. The zone requires landscaping detail to be provided with permit applications.
Commercial 2 Zone	The C2Z allows for office, manufacturing, bulky goods retailing and other retailing, and associated business and commercial services. Design or landscaping objectives cannot currently be varied without a state-wide amendment to the VPPs. The zone requires landscaping detail to be provided with permit applications.
Special Use Zone	The SUZ is intended to recognise or provide for the use and development of land for specific purposes. Schedules to the zone can specify particular application requirements. A schedule to this zone may contain design or landscaping objectives to be achieved for the area covered by the schedule.
Comprehensive Development Zone	The CDZ allows for a range of uses and development of land in accordance with a comprehensive development plan. Schedules to the zone can specify particular application requirements. A schedule to this zone may contain design or landscaping objectives to be achieved for the area covered by the schedule.
Capital City Zone	The CCZ is the general central city zoning control throughout Melbourne's CBD. Schedules to the zone can specify particular application requirements. A schedule to this zone may contain design or landscaping objectives to be achieved for the area covered by the schedule.

POLICY REFERENCE	RELEVANCE TO PROJECT
VICTORIAN PLANNING PROVISIONS - OVERLAYS	**Note - the following overlays have been selected based on their relevance to vegetation protection in the private realm. This is not an exhaustive list of all planning overlays.*
Environmental Significance Overlay	The ESO is utilised to identify areas where the development of land is potentially impacted by environmental constraints, and to ensure that development is compatible with identified environmental values. A schedule to the overlay must include a statement of environmental significance of the values to be protected as well as environmental objectives to be achieved by development applications triggered under the overlay.
Vegetation Protection Overlay	The VPO is a general vegetation control utilised to protect vegetation and biodiversity and protect identified specimens, groups or areas of significant vegetation. A schedule to the overlay must include a statement of the nature and significance of vegetation to be protected as well as vegetation protection objectives to be achieved by development applications triggered under the overlay.
Significant Landscape Overlay	The SLO seeks to conserve and enhance the valued character of significant landscape areas, including vegetation character. A schedule to the overlay must include a statement of the nature and significance of the landscape character to be protected as well as landscape character objectives to be achieved by development applications triggered under the overlay.
Heritage Overlay	Seeks to protect sites or features of heritage significance, which may include heritage trees or streetscapes. A schedule to the overlay may specify tree protection controls applying to heritage sites.
Design and Development Overlay	Seeks to identify specific requirements relating to the design and built form of new development. A schedule to the overlay must contain a statement of the design objectives as well as design requirements to be achieved by new development, which may include those related to vegetation and landscaping.
Incorporated Plan Overlay	Identifies areas which require an incorporated plan to identify the form and conditions of future use and development in conjunction with a planning permit to use or develop the land or alternatively to identify exemptions from requiring a permit. A schedule to the overlay may specify design requirements, which may include those relevant to landscaping.
Development Plan Overlay	Identifies areas which require a development plan to identify the form and conditions of future use and development in conjunction with a planning permit to use or develop the land. A schedule to the overlay may specify design objectives or requirements, which may include those relevant to landscaping.
Neighbourhood Character Overlay	Seeks to identify areas of particular existing or preferred neighbourhood character to ensure that new development respects the specified character. A schedule to the overlay must contain a statement of key neighbourhood features as well as character objectives to be achieved for the area. These objectives may include requirements in relation to vegetation and landscaping.

POLICY REFERENCE	RELEVANCE TO PROJECT
VICTORIAN PLANNING PROVISIONS - PARTICULAR PROVISIONS	
Clause 52.17: Native Vegetation	Seeks to ensure that native vegetation removals are assessed against biodiversity values. Incorporates the *DELWP Native Vegetation Guidelines (2017)* and the three-step Avoid, Minimise, Offset approach in native vegetation removals. Triggers a permit for removal of certain native vegetation as well as exemptions from permit triggers.
Clause 54.03-6: Significant Trees Objectives	Encourages single dwelling development that respects neighbourhood landscape character through retention and replanting of contributing trees and of significant trees. Includes discretionary development controls to encourage retention or planting of trees as well as replacement of any significant trees removed 12 months prior.
Clause 54.03-4: Permeability Objectives	Broadly assists with encouraging increased ground level vegetation cover by setting minimum standards for area of sites to be covered by permeable surfaces.
Clause 55.03-4: Permeability and Stormwater Management Objectives	Broadly assists with encouraging increased ground level vegetation cover by setting minimum standards for area of sites to be covered by permeable surfaces.
Clause 55.03-8: Landscaping Objectives	Encourages development of two or more dwellings that respects neighbourhood landscape character and maintains and enhances habitat in locations of habitat importance. Includes discretionary development controls to protect valuable landscape features of the neighbourhood, protect and provide for canopy tree cover and habitat enhancement.
Clause 55.07-4: Landscaping Objective	In relation to developments of 2 or more dwellings on a lot, including apartment developments up to 5 storeys, encourages landscaping to be consistent with the urban context of the area and consider visual amenity, preserve and enhance canopy cover, and respond to the climate, biodiversity context and reduce urban heat. Includes discretionary development controls to provide canopy cover and deep soil planting space, shrubs, ground cover including native species, landscaping to reduce heat effects and climbers or smaller planters within frontages and outdoor areas.
Clause 58.03-5: Landscaping Objectives	In relation to apartment developments, encourages landscaping to be consistent with the urban context of the area and consider visual amenity, preserve and enhance canopy cover, and respond to the climate, biodiversity context and reduce urban heat. Includes discretionary development controls to provide canopy cover and deep soil planting space, shrubs, ground cover including native species, landscaping to reduce heat effects and climbers or smaller planters within frontages and outdoor areas.

3.2.2 City of Port Phillip Policy Context

The following details current applicable policy, controls and strategy for the CoPP. This is not an exhaustive list of all strategies or policies and controls within the Port Phillip Planning Scheme - only those considered relevant to protecting vegetation in the private realm.

As a note, Amendment VC148 (gazetted 31 July 2018) introduced changes to the VPPs to streamline the content of the planning schemes. As a result, the planning policy framework is being gradually translated into a new format for all municipalities in Victoria, with the Municipal Strategic Statements and Local Planning Policy Frameworks being incorporated into the applicable Planning Policy Framework. The CoPP has begun the translation of its planning scheme into the new format with Amendment C203port, which is anticipated to be gazetted in late 2022/ early 2023.

Further detail is provided in Appendix 1.

Planning Policy

Table 2 outlines policies which apply specifically to the City of Port Phillip which are considered relevant to the protection or enhancement of vegetation. As a broad summary, these align with state and regional policy directions and cover key policy themes including biodiversity, climate resilience (indigenous planting and urban cooling), canopy tree protection, neighbourhood character (landscaping and vegetation), and stormwater management and water sensitive urban design.

The following table is based upon the reformatted planning provisions following the impending gazettal of Amendment C203port.

Table 2. City of Port Phillip Planning Policy

POLICY REFERENCE	RELEVANCE TO PROJECT
MUNICIPAL PLANNING STRATEGY	
Clause 02.02: Vision	Outlines the overarching visioning principles of the CoPP, including statements relating to a climate change-resilient municipality, and one that has strong neighbourhood character and is liveable and healthy.
Clause 02.03: Strategic Directions	Includes strategic directions across a number of themes. Outlines the CoPP's environmental and landscape values, identifying remnant vegetation in Ripponlea and the foreshore, and acknowledges the contribution of landscaping on private land to liveability and biodiversity. Guides the CoPP's response to climate change. Outlines the CoPP's eight neighbourhood areas, five of which include vegetation characteristics or objectives tied to sustainability: ▪ East St Kilda and Balaclava ▪ Elwood and Ripponlea ▪ St Kilda ▪ St Kilda Road ▪ Fishermans Bend Urban Renewal Area Promotes sustainable design and development within the CoPP through a number of environmental strategies including landscape design that maximises biodiversity, including greater use of indigenous and drought tolerant plant species.

PLANNING POLICY FRAMEWORK - LOCAL CONTENT	
Clause 11.03-1L: Activity Centres (1L-01 to 1L-06)	Local policy for activity centres, with sub-clauses pertaining to specific major, neighbourhood and local activity centres. Specific policy objectives for certain centres apply environmental and vegetation goals tied to biodiversity and neighbourhood character.
Clause 11.03-6L: Regional and Local Places	Local policy for identified precincts and sub-precincts outside of activity centres in the CoPP. Outlines strategies and objectives for a number of residential areas with reference to vegetation goals: ▪ Wellington Street Neighbourhood ▪ St Kilda Road Neighbourhood ▪ Carlisle Street Neighbourhood Municipality-wide policy for the urban built form including residential areas, traditional retail strips and industrial built forms in mixed use areas. Includes vegetation objectives to maintain significant trees and vegetation that contribute to streetscape and neighbourhood character.
Clause 12.01-1L: Urban Forest	Overarching CoPP tree canopy policy, with strategies to retain and protect significant trees and encourage biodiversity, canopy and climate-focussed landscaping.
Clause 15.01-1L-02: Urban Design	Local urban design policy divided across a number of themes, including landscaping for biodiversity, and appropriately landscaping in response to the foreshore context.
Clause 15.01-2L: Building Design	Local building design policy that contains strategies for climate resilient landscaping, canopy tree planting and promotion of green walls and roofs.

Clause 15.01-5L: Neighbourhood Character	Applies to residentially zoned areas. This policy contains neighbourhood character elements of the identified neighbourhoods at Clause 02.03, including vegetation and biodiversity characteristics.
Clause 15.02-1L: Environmentally Sustainable Development	Local policy aimed at achieving best practice in environmentally sustainable development at the building design stage, affecting all residential (and non-residential) development. Seeks to promote enhanced urban ecology: protecting and enhancing biodiversity and minimising the urban heat island effect through the provision of landscaping including indigenous vegetation and productive gardens, and the retention of significant trees. Application requirement: Sustainable Design Assessment or Sustainability Management Plan, depending on the number of dwellings and floor area. Reporting is required to document urban ecology outcomes.
Clause 19.03-3L: Stormwater Management (Water Sensitive Urban Design)	Local WSUD policy requiring best practice for stormwater management, applicable to new developments, extensions of 50sqm or greater and commercial subdivisions. Broadly relevant in that best practice stormwater management is considered to include treatment measures involving vegetation such as permeable landscaping and green roof, walls and facades.
LOCAL POLICIES	
Clause 21.06: Neighbourhoods	Comprehensive outline of key planning challenges, vision and strategies of the eight identified neighbourhoods in the CoPP, including the neighbourhood characteristics tied to vegetation.

Planning Zones

Below is a broad overview of all current zoning controls applied within the Port Philip municipal boundary. The map depicts the extent of coverage at a municipal-wide scale.

This overview seeks to illustrate the overall zoning context for the study area and it should be noted that some of these controls do not currently apply vegetation control mechanisms (also noting that there is potential for some of these controls to be amended in future to improve vegetation outcomes), as indicated in Figure 2.

A review of the existing zoning controls relevant to the project (vegetation protection) is provided in Table 3 and the accompanying text.

As depicted on the map, there is a clear pattern to the application of zoning controls, with the Capital City Zone applied to the Fishermans Bend neighbourhood, the Neighbourhood Residential Zone predominately applied across the City's residential areas. The General Residential Zone is also widely applied, along with pockets of Mixed Use Zone and Residential Growth Zone applied to residential areas located around activity centres and transport routes. Activity centres are generally zoned Commercial 1, Commercial 2 and Mixed Use. The Public Park and Recreation Zone is applied to the City's open spaces including Albert Park and the Port Phillip Bay foreshore.

Zones applied in the neighbourhood context are depicted on the maps in Chapter 4.

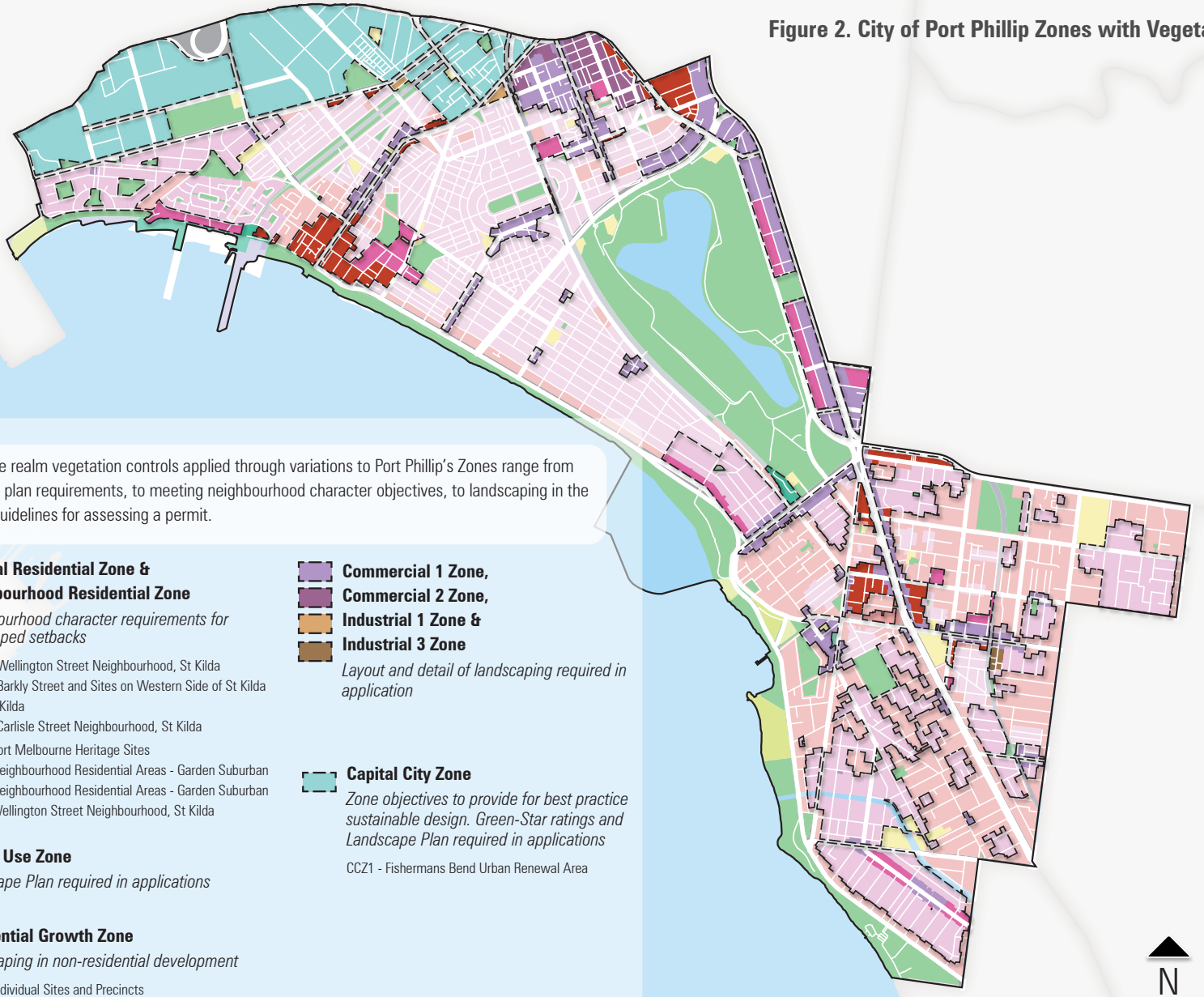
In summary, there is a mix of zoning controls currently applied within the CoPP context which provide varying degrees of vegetation protection and landscaping outcomes. Some of these are considered 'stronger controls' - for example, the variation to neighbourhood character objectives under a few of the residential zoning schedules (namely GRZ10 - GRZ12 and NRZ3, NRZ5 - NRZ7). These controls tie in vegetation and landscaping character to neighbourhood character values. These will have been derived from the identification of vegetation related outcomes as part of a municipal wide 'neighbourhood character' study.

However, whilst it is possible for the CoPP to vary all of its residential zone schedules, it is noted that this has not been applied. The opportunity to specify particular canopy tree, vegetation and landscaping requirements via variations to Clause 54 and 55 requirements in the zone schedules, has not currently been adopted by the CoPP. As a result, and as depicted on the opposite map, it is observable that the majority of the CoPP's residential areas are not currently protected by specific vegetation controls (objectives or Clause 54 or 55 requirements) within the zones or zone schedules.

In addition to the above, some of the zones including the Mixed Use Zone and Special Use Zones currently only contain requirements for landscaping plans to be provided with permit applications, without any specific direction as to the preferred outcomes or Council expectations. These are fairly tenuous controls from a vegetation protection perspective as they don't specify vegetation or landscaping themes or values to be protected or enhanced (although SZ4 does encourage native vegetation planting along the breakwater of the St Kilda Marina).

It is also noted the same applies to the Industrial and Commercial zones, however, these controls are set through VPPs and unlikely to be varied to require greater landscaping or vegetation protection requirements - this must be done through application of alternative controls e.g. overlays, as discussed in the following section of this report.

Figure 2. City of Port Phillip Zones with Vegetation Controls



The private realm vegetation controls applied through variations to Port Phillip's Zones range from landscape plan requirements, to meeting neighbourhood character objectives, to landscaping in the decision guidelines for assessing a permit.

General Residential Zone &
Neighbourhood Residential Zone

Neighbourhood character requirements for landscaped setbacks

GRZ10 - Wellington Street Neighbourhood, St Kilda
GRZ11 - Barkly Street and Sites on Western Side of St Kilda Road, St Kilda
GRZ12 - Carlisle Street Neighbourhood, St Kilda
NRZ3 - Port Melbourne Heritage Sites
NRZ5 - Neighbourhood Residential Areas - Garden Suburban
NRZ6 - Neighbourhood Residential Areas - Garden Suburban
NRZ7 - Wellington Street Neighbourhood, St Kilda

Mixed Use Zone

Landscape Plan required in applications

Residential Growth Zone

Landscaping in non-residential development

RGZ1 - Individual Sites and Precincts

Commercial 1 Zone,
Commercial 2 Zone,
Industrial 1 Zone &
Industrial 3 Zone

Layout and detail of landscaping required in application

Capital City Zone

Zone objectives to provide for best practice sustainable design. Green-Star ratings and Landscape Plan required in applications

CCZ1 - Fishermans Bend Urban Renewal Area

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City of Port Phillip:
Increasing Vegetation in the Private Realm
Zoning Controls

Legend

- C1Z
- C2Z
- GRZ
- NRZ
- RGZ
- MUZ
- IN1Z
- IN3Z
- CCZ
- CDZ
- PPRZ
- PUZ
- PZ
- SUZ
- TRZ1
- TRZ2

Zone With Vegetation Control

N

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Hansen Partnership Pty Ltd
Melbourne | Vietnam
Level 4 136 Exhibition St
Melbourne Vic 3000
T 61 3 9654 8844 **F** 61 3 9654 8088
E info@hansenpartnership.com.au
W www.hansenpartnership.com.au

Table 3. City of Port Phillip Planning Zones

ZONE REFERENCE	RELEVANCE TO PROJECT
RESIDENTIAL ZONES	
Mixed Use Zone	Applied predominantly to pockets in Port Melbourne, South Melbourne and St Kilda. Application requirement: landscape plan.
Residential Growth Zone Residential Growth Zone 1 - Individual Sites and Precincts	Applied to small pockets throughout the municipality. Decision guideline: the proposed landscaping within non-residential use and development.
General Residential Zone GRZ10 - Wellington Street Neighbourhood, St Kilda GRZ11 - Barkly Street and Sites on Western Side of St Kilda Road, St Kilda GRZ12 - Carlisle Street Neighbourhood, St Kilda	The GRZ is applied predominantly throughout St Kilda, Balaclava, Elwood and Ripponlea, and smaller pockets elsewhere throughout the municipality. The three relevant schedules are applied in St Kilda and St Kilda Road. The schedules contain neighbourhood character objectives relevant to vegetation.
Neighbourhood Residential Zone NRZ3 - Port Melbourne Heritage Sites NRZ5 - Neighbourhood Residential Areas - Garden Suburban NRZ6 - Neighbourhood Residential Areas - Garden Suburban NRZ7 - Wellington Street Neighbourhood, St Kilda	The NRZ is the predominant zoning control across the City of Port Phillip. The relevant schedules are applied in Port Melbourne, St Kilda, Balaclava and Elwood. The schedules contain neighbourhood character objectives relevant to vegetation.
INDUSTRIAL ZONES	
Industrial 1 Zone	Pockets of Industrial 1 Zone are applied to land in South Melbourne around the existing industrial area (close to South Melbourne Market). Application requirement: landscaping detail.
Industrial 3 Zone	Applied to an industrial area adjacent to Balaclava Railway Station. Application requirement: landscaping detail.

COMMERCIAL ZONES	
Commercial 1 Zone	Generally applied to land within activity centres and along key transport corridors (St Kilda Road, South Melbourne, Bay Street, Fitzroy Street, Carlisle Street). Application requirement: landscaping detail.
Commercial 2 Zone	Pockets of Commercial 2 Zone are applied to land in South Melbourne around the existing industrial area (close to Westgate Freeway and South Melbourne Market). Application requirement: landscaping detail.
SPECIAL PURPOSE ZONES	
Special Use Zone SUZ3 - The Triangle Site - St Kilda SUZ4 - St Kilda Marina	The SUZ is intended to recognise or provide for the use and development of land for specific purposes, with the relevant schedules controlling the St Kilda Triangle land and the St Kilda Marina. SUZ3 application requirement: landscaping detail. SUZ4 application requirement: landscaping plan.
Comprehensive Development Zone CDZ2 - St Kilda Station Redevelopment	The CDZ allows for a range of uses and development of land in accordance with a comprehensive development plan, with Schedule 2 pertaining to the St Kilda Station Concept Plan. Development requirement: landscaped setback. Application requirement: landscape detail.
Capital City Zone CCZ1 - Fishermans Bend Urban Renewal Area	CCZ1 applies to Fishermans Bend with the purpose of creating a sustainable mixed-use urban renewal area incorporating the best practice sustainable design into all developments. Specifies Green Star design requirements (which include considerations of urban ecology). Application requirement: landscape plan.

Planning Overlays

Below details current relevant overlay controls applied within the CoPP municipal boundary. The Figure opposite depicts the extent of coverage at a municipal scale.

Again, it is highlighted that this is not an exhaustive list of controls - only those seen as relevant to controlling vegetation in the private realm. In this case, this coverage is largely limited to built form and heritage overlays including the Design and Development Overlay (DDO), Neighbourhood Character Overlay (NCO), Development Plan Overlay (DPO), Incorporated Plan overlay (IPO) and Heritage Overlay (HO) as well as environmental and landscape overlays including the Environmental Significance Overlay (ESO) and Vegetation Protection Overlay (VPO). The opposite map depicts the extent of coverage.

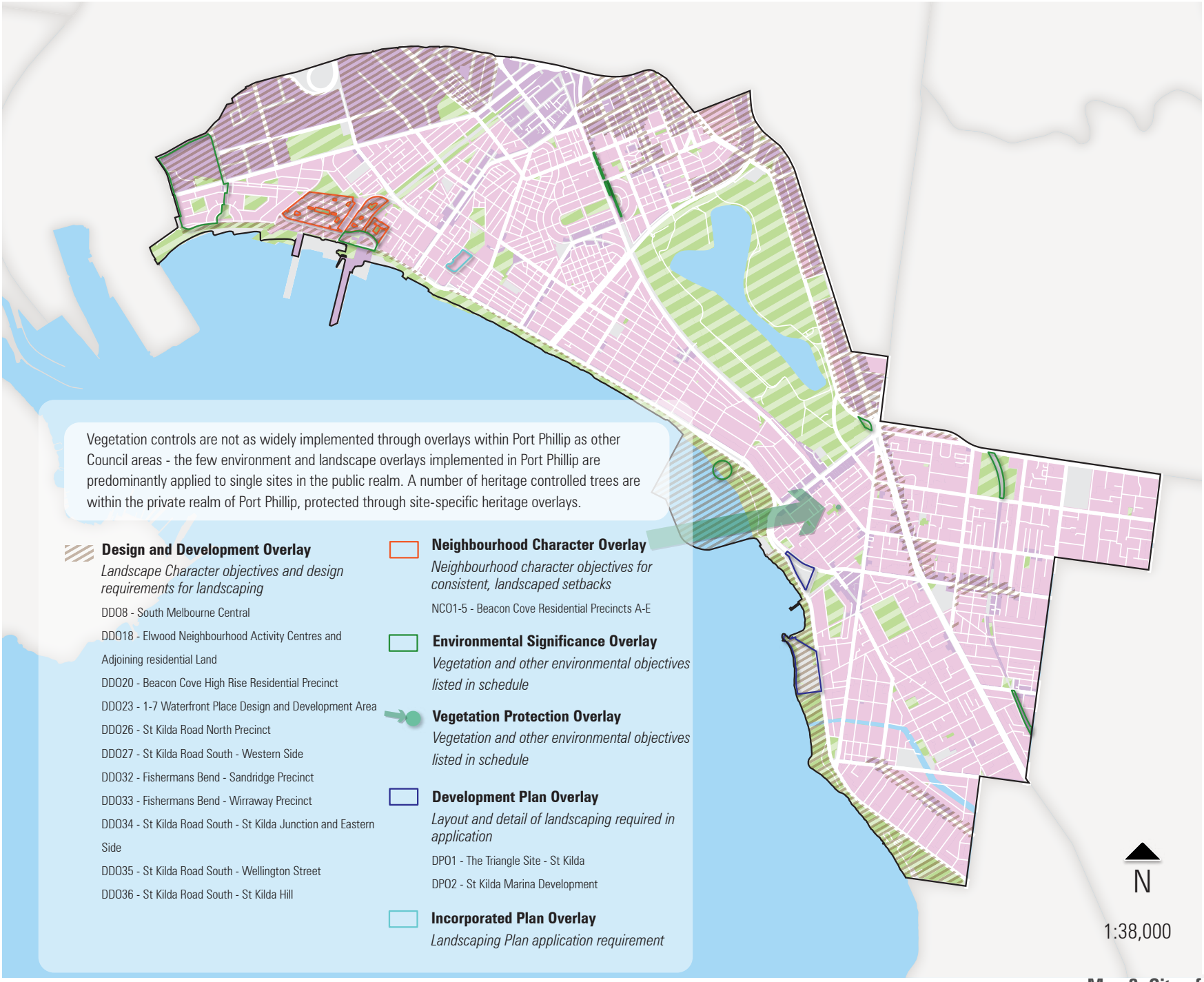
Typically, the ESO, SLO and VPO would be expected to be applied to contexts where environmental conditions require biodiversity, vegetation, landscape and other environmental attributes to be protected. In the case of the CoPP, it is noted that there is a significant lack of VPO coverage (used once, to protect a single oak tree in St Kilda (VPO1)). ESO is applied to the City's public realm including West Beach and Port Melbourne environs. The SLO is omitted entirely.

In this context, the HO is typically applied to protect trees of heritage significance by requiring a permit to remove, destroy or lop protected trees. Aside from this, the HO is largely focussed on specifying objectives for built form.

The DDO can be another useful tool to specify preferred character, design objectives and requirements relevant to landscaping. As observable in the maps and accompanying table, a number of DDOs are applied within varied scales and contexts across the CoPP. Some of the newer DDO controls (DDO23, DDO26, DDO34, DDO35 and DDO36 - introduced July 2021, as well as DDO32 and DO33 - introduced October 2018) include prescriptive landscaping requirements. Others, such as the residentially focussed DDOs (DDO18 and DDO20) tie in landscaping themes with neighbourhood character.

CoPP introduced a suite of NCOs in July 2011 which included considerations of landscape character within the applicable schedules (NCO1 - NCO5), tying in landscaping requirements to the overall neighbourhood character. However, they apply only to a small area within Beacon Cove and do not exert a strong influence on vegetation outcomes across the broader municipality.

In terms of the DPO and IPO, these are typically applied at a high level to require landscape concept details to be provided within the requisite development plan or permit. As such, detail of landscaping themes is fleshed out at the development plan or permit stage.



Vegetation controls are not as widely implemented through overlays within Port Phillip as other Council areas - the few environment and landscape overlays implemented in Port Phillip are predominantly applied to single sites in the public realm. A number of heritage controlled trees are within the private realm of Port Phillip, protected through site-specific heritage overlays.

Design and Development Overlay

Landscape Character objectives and design requirements for landscaping

DDO8 - South Melbourne Central

DDO18 - Elwood Neighbourhood Activity Centres and Adjoining residential Land

DDO20 - Beacon Cove High Rise Residential Precinct

DDO23 - 1-7 Waterfront Place Design and Development Area

DDO26 - St Kilda Road North Precinct

DDO27 - St Kilda Road South - Western Side

DDO32 - Fishermans Bend - Sandridge Precinct

DDO33 - Fishermans Bend - Wirraway Precinct

DDO34 - St Kilda Road South - St Kilda Junction and Eastern Side

DDO35 - St Kilda Road South - Wellington Street

DDO36 - St Kilda Road South - St Kilda Hill

Neighbourhood Character Overlay

Neighbourhood character objectives for consistent, landscaped setbacks

NCO1-5 - Beacon Cove Residential Precincts A-E

Environmental Significance Overlay

Vegetation and other environmental objectives listed in schedule

Vegetation Protection Overlay

Vegetation and other environmental objectives listed in schedule

Development Plan Overlay

Layout and detail of landscaping required in application

DPO1 - The Triangle Site - St Kilda

DPO2 - St Kilda Marina Development

Incorporated Plan Overlay

Landscaping Plan application requirement

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City of Port Phillip: Increasing Vegetation in the Private Realm

Relevant Overlay Controls

Legend

DDO

ESO

NCO

DPO

IPO

VPO

Residential Areas

Private Realm Non-Residential

Public Realm

Public Realm Green Space

Hansen Partnership Pty Ltd
Melbourne | Vietnam
Level 4 136 Exhibition St
Melbourne Vic 3000
T 61 3 9654 8844 **F** 61 3 9654 8088
E info@hansenpartnership.com.au
W www.hansenpartnership.com.au

Map 3. City of Port Phillip Overlays

Overlays applied in the neighbourhood context are depicted on the maps in Chapter 4.

Table 4. City of Port Phillip Planning Overlays

OVERLAY REFERENCE	RELEVANCE TO PROJECT
ENVIRONMENTAL AND LANDSCAPE OVERLAYS	
Environmental Significance Overlay N/A - not currently applied to the private realm.	Four ESOs apply to the CoPP, controlling specific environmentally significant sites in the public realm, and the potential for land use conflicts nearby to the Port of Melbourne.
Vegetation Protection Overlay N/A - not currently applied to the private realm.	One VPO is applied to a site in the public realm in St Kilda.
HERITAGE AND BUILT FORM OVERLAYS	
Development Plan Overlay DPO1 - The Triangle - St Kilda DPO2 - St Kilda Marina Redevelopment	DPO1 requires a landscape concept plan within the development plan. DPO2 requires development to respond to the site's coastal landscape, biodiversity and environmental context. Requires a landscape plan within the development plan.
Incorporated Plan Overlay IPO1 - Becon, Port Melbourne	IPO1 requires a landscape plan to be prepared in support of development allowed by the Incorporated Plan.
Neighbourhood Character Overlay NCO1 - Beacon Cove Residential Precinct A NCO2 - Beacon Cove Residential Precinct B NCO3 - Beacon Cove Residential Precinct C NCO4 - Beacon Cove Residential Precinct D NCO5 - Beacon Cove Residential Precinct E	All schedules contain neighbourhood character statements and objectives pertaining to landscaped front setbacks.

Heritage Overlay HO19 - 61 Alexandra St, Balaclava HO54 - Beaconsfield Pde, St. Kilda HO142 - 415 Graham St, Port Melbourne HO214 - 23 Nelson St, St. Kilda East HO388 - 1-7 Holroyd Court, East St Kilda HO369 - 141-147 Bank Street, 1-5 Palmer Street and 2-4 Wilson Street, South Melbourne HO370- 74 Barkly Street, St Kilda HO371 - 39-43 Brighton Road (part), 4 Dickens Street (part) and 1-5 Mozart Street (part), St Kilda HO372 - 3 Glen Eira Road, Ripponlea HO373 - 10-12 Glen Eira Road and 3 Victoria Avenue, Ripponlea HO374 - 3, 5, 5A and 7 Hammerdale Ave, St Kilda East HO375 - 2B Hawsleigh Court, Balaclava HO376 - 38 Mitford St, Elwood HO377 - 27 Murchison Street, East St Kilda HO378 - 208-209 Canterbury Road, St Kilda West HO400 - 22 Shirley Grove, East St Kilda	Tree controls apply to various heritage sites in the private realm, most of which protect single or a group of trees. A permit is usually required to remove, destroy or lop a protected tree.
Design and Development Overlay DDO8 - South Melbourne Central DDO18 - Elwood Neighbourhood Activity Centres and Adjoining Residential Land DDO20 - Beacon Cove High Rise Residential Precinct DDO23 - 1-7 Waterfront Place Design and Development Area DDO26 - St Kilda Road North Precinct DDO27 - St Kilda Road South - Western Side DDO32 - Fishermans Bend - Sandridge Precinct DDO33 - FIshermans Bend - Wirraway Precinct DDO34 - St Kilda Road South - St Kilda Junction and Eastern Side DDO35 - St Kilda Road South - Wellington Street DDO36 - St Kilda Road South - St Kilda Hill	DDO8 - development requirement: landscaped setbacks. DDO18 - preferred character: landscaped setbacks. Development requirement: landscaped setbacks. DDO20 - preferred character: landscaped courtyards. DDO23 - design objectives: landscaping. Design requirement: greening buildings. DDO26 - design objectives: landscaping. Design requirements: landscaped setbacks. DDO27 - development requirement: landscaped setbacks. DDO32 - development requirement: landscaped open spaces. DDO33 - development requirement: landscaped open spaces. DDO34 - development requirement: landscaped setbacks. DDO35 - development requirement: landscaped setbacks. DDO36 - development requirement: landscaped setbacks.

Planning Strategies

The following Council strategies and plans are considered to be of relevance. Further detail is provided in Appendix 1.

Council Plan 2021 – 2031

Outlines Council's long-term vision and objectives to guide roll out of their key projects and service delivery.

Relevant insofar as it sets out Council's broader plan of action to respond to and adapt to climate change and promote a liveable and sustainable City. These objectives are relevant to the project.

Lists key initiatives including enhancing urban forest as identified in the *Greening Port Phillip* (2010) and *Act and Adapt (2018)* strategies, and developing controls to protect and enhance trees and vegetation on private property (future outcome of this *Protecting Vegetation in the Private Realm* project work).

Act and Adapt Sustainable Environment Strategy 2018 -2028

This strategy is broadly relevant given it aligns with Council's overarching climate change adaptation strategy as per its Council Plan.

Outlines key actions including the implementation of the *Greening Port Phillip Strategy (2010)* with a stronger focus on enhancing biodiversity and adapting to climate change, delivering technical guidance and implement regulatory interventions to protect vegetation and increase vegetation cover on private property (this *Protecting Vegetation in the Private Realm* project work), and enhance sustainability and climate resilience through the planning process.

The Strategy identifies a key challenge with urban greening comes down to private and ownership being difficult to manage - 75% of all land in the City is privately owned, putting a huge responsibility on landowners to assist with greening.

The Strategy identifies a target of 10% increase in private canopy cover from the 2015/2016 baseline by 2027/2028. This is a useful indicator to monitor the outcomes of this *Protecting Vegetation in the Private Realm* project work.

Sustainable Design Strategy (City of Port Phillip, 2013)

Outlines Council's approach to advocating sustainable design to be more integrated within the planning process.

Relevant insofar as it outlines a toolkit for permit applicants and decision makers to consider improving sustainable design outcomes through the permit process.

Highlights Council's approach to assessing sustainable design, which covers various environmental performance criteria including urban ecology.

Greening Port Phillip, An Urban Forest Approach (2010)

Key strategic document informing this project work, noting it is to be updated as a separate package of work.

Outlines Council's strategy to achieve strategic directions relevant to urban greening and climate change adaptation in accordance with the overarching Council Plan.

Provides an overview of the existing physical context and urban forest situation within the CoPP. This largely focusses on the existing public realm and streetscape (street tree) context.

It also outlines key challenges to the management of trees and the broader urban forest, which include:

- Climate change.
- Water management.
- Aging trees.
- Urban infrastructure and development pressure.

The strategy includes Council's Tree Policy to guide the management, protection and enhancement of trees within the City.

On evaluation, the strategy is rather out-dated and its content including objectives, policy context and references to existing Council strategies will need to be updated and reviewed as part of that works package. For example, it is recommended that the updated strategy makes reference to the latest applicable *Council Plan* directions as well as the strategic directions contained within *Plan Melbourne 2017 - 2050* and the *Living Melbourne (2019)* strategy.

In addition to the above adopted strategies, the CoPP has recently commissioned an assessment of biodiversity in the municipality. Like this report, it is likely to influence the forthcoming updates to the Greening Port Phillip strategy. While it is not yet an adopted Council document, it is included her as relevant background information:

Port Phillip City Council Biodiversity Study & Action Plan (Arcadis, July 2020)

This document predominately focuses on assessment of biodiversity values within the public realm - i.e. key sites of ecological significance and open spaces. It does, however, include a broader assessment of likely significant tree coverage within the private realm.

It found that the significant tree coverage was predominately concentrated in the south of the municipality and primarily in residential areas (94% of trees) than in industrial or commercial zones. The highest likely concentration of significant tree coverage within the private realm was centred in Elwood followed by St Kilda, St Kilda East, Port Melbourne, South Melbourne, Balaclava and Albert Park (other suburbs having lesser likelihood of significant tree coverage).

It includes a useful evaluation of the potential benefits and limitations of different planning scheme controls and Local Law mechanisms that could be used to protect significant trees and other environmental values.

Key recommendations of the study include increased focus on protection of native vegetation and habitat as well as improved cover of indigenous planting across the municipality. A key recommendation is to review the significant tree requirements under Council's current Local Law to increase the level of protection to trees. It is understood that Council is reviewing its Local Law as a separate package of work. This work will need to be underpinned by an evidence base such as this biodiversity study, and therefore should logically consider the recommendations of this study in its review.

The study also recommends Council reviewing whether other planning controls are required to be used on conjunction with the Local Law - e.g. ESO, VPO, amending the HO controls, in order to protect specific values and achieve specific objectives such as heritage outcomes (HO) or biodiversity outcomes (ESO/VPO).

3.2.3 Council Success at Victorian Civil and Administrative Tribunal

Investigation into VCAT decisions on vegetation protection controls was split into two streams – Trees and canopy, and other vegetation. A total of 13 cases from the past twenty years were collated that involved vegetation removal as a notable matter of proceedings.

Tree retention and removal matters were more prevalent than matters regarding low level vegetation, given the stronger statutory controls for canopy and tree retention in both the Port Phillip Planning Scheme and existence of a Local Law regarding significant trees.

Where a decision was made to issue a permit allowing for a tree removal within the private realm, justifications often came down to the health (Tchen v Port Phillip CC) or structural issues of the tree (Kemp v Port Phillip CC), supported by an arboricultural assessment. No pattern was observed as to the tree protection controls – a heritage-protected tree was removed in one case (Adams v Port Phillip CC), in addition to trees that were observed by objectors to have a significant contribution to neighbourhood character in other cases. The lack of a contribution to neighbourhood character was the grounds for removal in a few cases (Tchen v Port Phillip CC; Tchen v Port Phillip CC; Holmes v Port Phillip CC).

Importantly, a number of cases highlighted the lack of statutory planning controls to protect vegetation to be removed (Holmes v Port Phillip CC; Grundy v Port Phillip CC & Anor; Gannoni v Port Phillip CC).

The removal of a single significant tree was justified in one case (McCorkell v Port Phillip CC) by the presence of two other significant trees – an 'appropriate balance would be achieved' in the decision to keep two and remove one.

There were more permit approvals for removals than refusals, with only one complete refusal observed (71A Grey Street Orchard Trust Pty Ltd v Port Phillip CC) – the retention of two trees in a permit refusal for the removal of two trees without statutory protections based on neighbourhood character grounds. A number of cases required the amending of plans to avoid development into the Structural Root Zones or Tree Protection Zones of nearby trees (Goldfields Elwood Pty Ltd v Port Phillip CC), or an arborist report to assess the health or impact of development upon the trees (Oliver v Port Phillip CC; Francesco v Port Phillip CC).

Matters regarding other vegetation protection and removal were little observed in VCAT cases – the only statutory controls for vegetation removal requiring a permit being for native vegetation. Notably, biodiversity and the function of grass and shrubs as habitat space did not factor into any decisions in cases observed.

One case (Kirby v Port Phillip CC) permitted the removal of native vegetation, providing that a planting schedule to offset the loss was prepared. Another case (Cerra v Port Phillip CC) permitting the development of two dwellings in Elwood noted the scale of vegetation loss in the proposal, but also that there was nothing significant about the type of vegetation.

Table 6 in Appendix Two provides an overview of relevant cases.

3.3 Strategic Objectives

3.3.1 Existing Policy Context - Objectives

The existing strategic background documents contain a number of objectives, having regard to the purpose of this project as it relates to the protection of vegetation in the private realm. These objectives are valuable in the framing of the objectives and ultimate recommendations of this project work. Appendix 1 outlines a consolidated list of existing strategic objectives used for reference.

In summary, the existing strategic objectives broadly cover the following key themes:

- Increasing overall vegetation cover (urban greening).
- Protecting mature vegetation including significant trees.
- Protecting remnant native vegetation and increasing indigenous vegetation cover.
- Promoting a true mix of vegetation cover, including other greening opportunities where trees cannot be planted.
- Protecting and enhancing biodiversity, natural habitats and corridors/connections.
- Adapting to climate change – promoting resilient planting (drought tolerant) and reducing urban heat island effects (urban cooling).
- Landscaping is to reduce the visual impact of new development and be responsive to desired neighbourhood character.
- Landscaping is to promote water sensitive urban design that mitigates flooding and stormwater run-off and minimises water consumption.

3.3.2 Proposed Project Objectives

Having regard to the project aims as well as existing strategic objectives, the following objectives have been proposed to drive the outputs of the recommendations of any subsequent report prepared as part of this project:

- Preserve existing canopy tree cover on private land.
- Ensure any removal of canopy vegetation results in a net increase in overall canopy cover through replacement plantings.
- Encourage the provision of new canopy cover on private land.
- Maintain an approproate level of shrub and mid layer vegetation on private land where this contributes to biodiversity protection or climate resilience outcomes.
- Increase rates of indigenous planting in private gardens.
- Ensure vegetation protection is considered in conjunction with the delivery of multi-beneficial outcomes, including integration with other strategic objectives.
- Ensure that sufficient flexibility is provided to achieve the delivery of green infrastructure, such as green walls and roofs, on constrained sites.
- Ensure the protection and establishment of vegetation on private land supports the existing or preferred neighbourhood character in the City of Port Phillip.

3.4 Assessment Indicators

3.4.1 Existing Policy Context - Indicators

In order to evaluate existing success in achieving the project objectives outlined in Section 3.3.2 it is useful to outline key indicators (measures of success) to track performance.

A number of established indicators are contained in existing documents. These have been reviewed and referenced as a useful benchmark to guide the identification of the proposed project indicators detailed below. This review is contained in Appendix 1.

3.4.2 Proposed Project indicators

The following have been proposed as key indicators to track performance in achieving the project objectives.

Quantitative Indicators:

- **% canopy cover change over time** - evaluate change in cover over time, having regard to existing datasets and the targets set by *Living Melbourne, Our Metropolitan Urban Forest and the Act and Adapt Sustainable Environments Strategy 2018 – 2028.* This includes an evaluation of % change in each of the CoPP's neighbourhoods as defined by the project. Comparison should be made to other Councils depending on available datasets.
- **% shrub and mid-layer vegetation cover change over time -** evaluate change in cover over time, having regard to existing datasets. This includes an evaluation % change in neighbourhoods. Comparison should be made to other Councils depending on available datasets.

- **% significant tree approvals and removals over time** – evaluate change in number of significant tree approvals and removals over time, having regard to existing Council data and Council's Significant Tree Removal Local Law permit requirement. This includes an evaluation of % change in neighbourhoods.
- **Number of high and medium level surface temperatures (urban heat index values) over time** – evaluate change in number and categorisation of urban surface temperatures, having regard to the targets of *Living Melbourne and Greening Port Phillip* to reduce the number of hot spots. This includes an evaluation of change in neighbourhoods. Comparison should be made to other Councils depending on available datasets.
- **VCAT decisions –** evaluate Tribunal support of Council decisions to approve or refuse development and tree removal permits based on current vegetation controls.

Qualitative Indicators:

Existing qualitative indicators are largely focussed on a review and commentary on the existence of and quality of strategies including urban forest plans, urban canopy targets, tree inventories, tree species diversity plans and other greening initiatives.

Qualitative assessment would be logically addressed by the review and update to the *Greening Port Phillip (2010)* strategy and are largely out of scope of this project. Despite this, as part of this project work, it was seen as important to interview key Council stakeholders to gather greater insight into the current success and challenges associated with the various regulatory mechanisms being utilised in the CoPP context.

3.5 Other Existing Regulatory Mechanisms

The following are additional regulatory mechanisms which can assist with encouraging vegetation protection (limiting removal) as well as enhancing overall vegetation coverage in the private realm.

3.4.1 Mandatory Mechanisms

City of Port Phillip Community Amenity Local Law No. 1 (Community Amenity) (September 2013)

The purpose of a local law is to manage, regulate and control uses and activities within the CoPP in order to achieve orderly and positive governance outcomes.

Of relevance to vegetation protection, Clause 44 of the Local Law requires that:

(1) A permit is required to:

(a) destroy, damage or remove or allow to be destroyed, damaged or removed; or

(b) cut, trim, lop or prune or allow to be cut, trimmed, lopped or pruned,

a significant tree or palm on private land.

Clause 6 defines a significant tree or palm as:

with a trunk circumference of 150 centimetres or greater measured 1 metre from its base;

a multi-stemmed tree on private land where the circumference of its exterior stems equals or is greater than 1.5 metres when measured 1 metre from its base; or

if the tree has been removed a trunk circumference of 150 centimetres or greater measured at its base.

Clause 44 also outlines permit exemptions (Clause 44(2) under the Local Law and highlights that the permit requirement under Local Law is in addition to any requirement to obtain planning approval under the Port Phillip Planning Scheme (Clause 44(3).

In deciding whether to grant a permit, Clause 44(4) outlines the following considerations for Council:

(a) whether it is necessary to obtain an arborist's report;

(b) whether the tree is included on any register;

(c) the reasons for the request;

(d) the impact on the amenity and the safety of the area;

(e) any proposed replacement plantings; and

(f) any other matter considered relevant by Council.

3.4.2 Voluntary Mechanisms

Green Star (Green Building Council of Australia)

Green Star is internationally recognised sustainability rating system for the built environment. It is a voluntary rating system utilised for new developments, fitouts and new planned communities.

It is used to assess and rate development against a range of environmental impact categories that align with sustainable development goals.

The benefit of utilising Green Star certified rating is that the project receives third-party verification of its sustainability credentials, which can be promoted with the Green Star certification trademark.

Of relevance to this project, is a key category of 'nature' which covers all manner of urban ecology and which encourages improved connection to nature and biodiversity. Broadly speaking, this encourages developers to consider urban ecology and biodiversity outcomes in the planning and design of projects.

Green Star is listed as an example sustainability assessment tool for applications considered under CoPP's Environmentally Sustainable Development Policy at Clause 22.13 of the Planning Scheme.

Built Environment Sustainability Scorecard (BESS) (Council Alliance for a Sustainable Built Environment (CASBE))

BESS is a voluntary sustainability assessment tool used to assess and improve sustainable design outcomes for built form at the planning permit stage. It is the recommended assessment tool under the Sustainable Design Assessment in the Planning Process (SDAPP) framework utilised in Victoria. The SDAPP process in itself provides a streamlined and consistent methodology for assessing built environment sustainability outcomes through identifying key tools and design standards for permit applicants.

BESS looks at a range of factors in assessing a project's overall performance and BESS score. These include the categories of water, energy, stormwater quality, indoor environment quality, transport, waste, urban ecology and building management.

The overall BESS score is determined by the category scores, noting some categories have mandatory pass scores (water, energy, stormwater and indoor environment quality). As a minimum, applicants are expected to achieve 'Best practice', which is defined as an overall score of 50% or higher.

BESS is also listed as an example sustainability assessment tool under the CoPP's Environmentally Sustainable Development Policy at Clause 22.13 of the Planning Scheme.

Green Factor Tool (City of Melbourne)

The Green Factor Tool is a green infrastructure assessment tool designed by the City of Melbourne and developed to assist with the design and construction of new buildings to ensure that they are environmentally friendly and incorporating green infrastructure in order to respond to issues such as climate adaptation (managing urban heat), managing stormwater runoff and enhancing overall liveability and biodiversity within urban areas.

The tool is currently voluntary. It is an online tool designed to help practitioners and developers benchmark and improve the level of greening within new developments, intended to assist with improving the level of vegetation cover on private land.

Developers who submit a planning permit application for new buildings are encouraged to submit a Green Factor Scorecard, with the aim of achieving a target score of 0.55 for residential or 0.25 for industrial development.

The tool is currently undergoing trial use in other municipalities including the City of Moreland, City of Yarra and City of Port Phillip.

4.0 EXISTING NEIGHBOURHOOD CONTEXT

Having assessed the existing strategic context within the CoPP, the following evaluates the current physical context of vegetation in the private realm across the municipality.

The following overview is complemented by a series of thematic context maps, broadly illustrating the following:

- Overview of existing neighbourhood character in the CoPP and identification of variations in overall built form and landscape character between neighbourhoods.
- Identification of relevant planning zone and overlays which include vegetation controls, as shown on a neighbourhood scale.
- Extent of vegetation cover (canopy, shrub and ground level) change (gain or loss) between 2014 and 2018 (DELWP data).
- 2018 surface temperatures (urban heat island index) (DELWP data).

MAPPING METHODOLOGY & DEFINITIONS

The vegetation cover data was produced by DELWP and their partners using CSIRO's Urban Monitor. The Urban Monitor provides a three-dimensional spatial representation of vegetation at 20cm resolution. It uses stereo photogrammetry to compare the height of identified vegetation though a digital surface model, relative to a ground elevation model, and estimates vegetation height. Images were captured in summer 2014 and summer 2018.

The 2014 and 2018 urban heat data layers show how many degrees Celsius the average temperature within urban parts of each boundary area is above or below the non-urban baseline. Boundary areas for the urban heat data layers are local government area, suburb, and Mesh Block

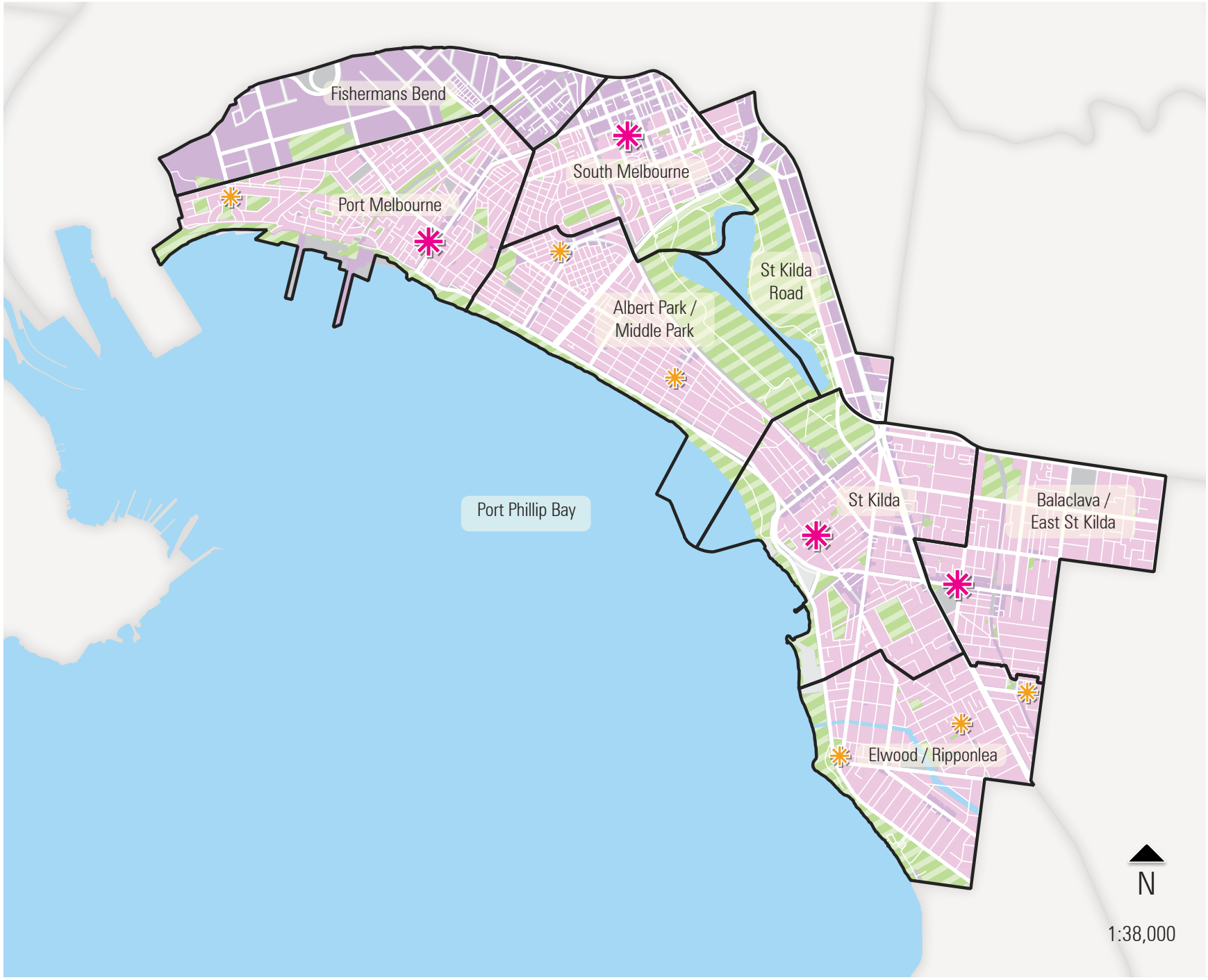
The 2014 and 2018 layers show the percentage of urban parts of each boundary area (local government area, suburb, and Mesh Block) that is covered by vegetation.

Vegetation cover is grouped into five height classes: grass (0-0.5m); shrub (0.5-3m); small tree (3-10m); medium tree (10-15m); and large tree (15m+).

The two-date vegetation change layer shows the increase and decrease in vegetation cover between 2014 and 2018, for all urban parts of the boundary areas. This change is depicted in percentage points which describes the actual amount of change. These percentage points are then shown as a gradient for each area.

The urban heat island (UHI) measure was derived from land surface temperature (LST) data based on Landsat 8 thermal infrared data collected by the United States Geological Survey (USGS). The Landsat 8 thermal infrared data used for this study was collected by the USGS at approximately 9.50 AM Eastern Standard Time (EST); 10:50 AM Daylight Saving Time (DST). Data was captured through four satellite orbits over three summer periods (2013-2014, 2014-2015 and 2017-2018). The orbits captured temperature data in the morning, as this is the time at which land surface temperatures are most similar to near-ground air temperatures. Only images in summer that were cloud free were included.

The urban heat island (UHI) is a measure of the deviation of urban temperatures relative to a non-urban baseline. Native vegetated sites were used to establish the baseline. The data provides a two-dimensional representation of UHI across Melbourne at 30-meter resolution landscape.



hansen

City of Port Phillip: Increasing Vegetation in the Private Realm

Site Area & Neighbourhoods

Legend

- Residential Areas
- Private Realm Non-Residential
- Public Realm
- Public Realm Green Space
- Major Activity Centre
- Neighbourhood Activity Centre

Hansen Partnership Pty Ltd
Melbourne | Vietnam
Level 4 136 Exhibition St
Melbourne Vic 3000
T 61 3 9654 8844 **F** 61 3 9654 8088
E info@hansenpartnership.com.au
W www.hansenpartnership.com.au

Map 5. Site Area & Neighbourhoods

4.1 Fishermans Bend and Port Melbourne

4.1.1 Neighbouhood Character

Fishermans Bend

Zoning: Predominately CCZ1, with some Public Park and Recreation Zone (PPRZ) and Public Use Zone (PUZ) land.

Applicable overlays: DDO30, DDO32, DDO33, ESO4.

Relevant preferred character provisions under Clause 21.06-8:

- Fishermans Bend will promote a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands.

Built form: Urban renewal area. Predominately industrial (established industrial area), now undergoing significant investment and re-redevelopment for a mix of residential, retail, commercial, entertainment and employment uses.

Landscaping and vegetation: Largely limited due to extent of industrial built form. Generally characterised by landscaped setbacks, street tree planting and public open spaces.

Port Melbourne

Zoning: Primarily NRZ1 and NRZ3 with pockets of NRZ4, GRZ1, GRZ7 and RGZ1 within residential areas. MUZ and C1Z prevalent around the Bay Street Activity Centre. PPRZ applied to parks and open spaces.

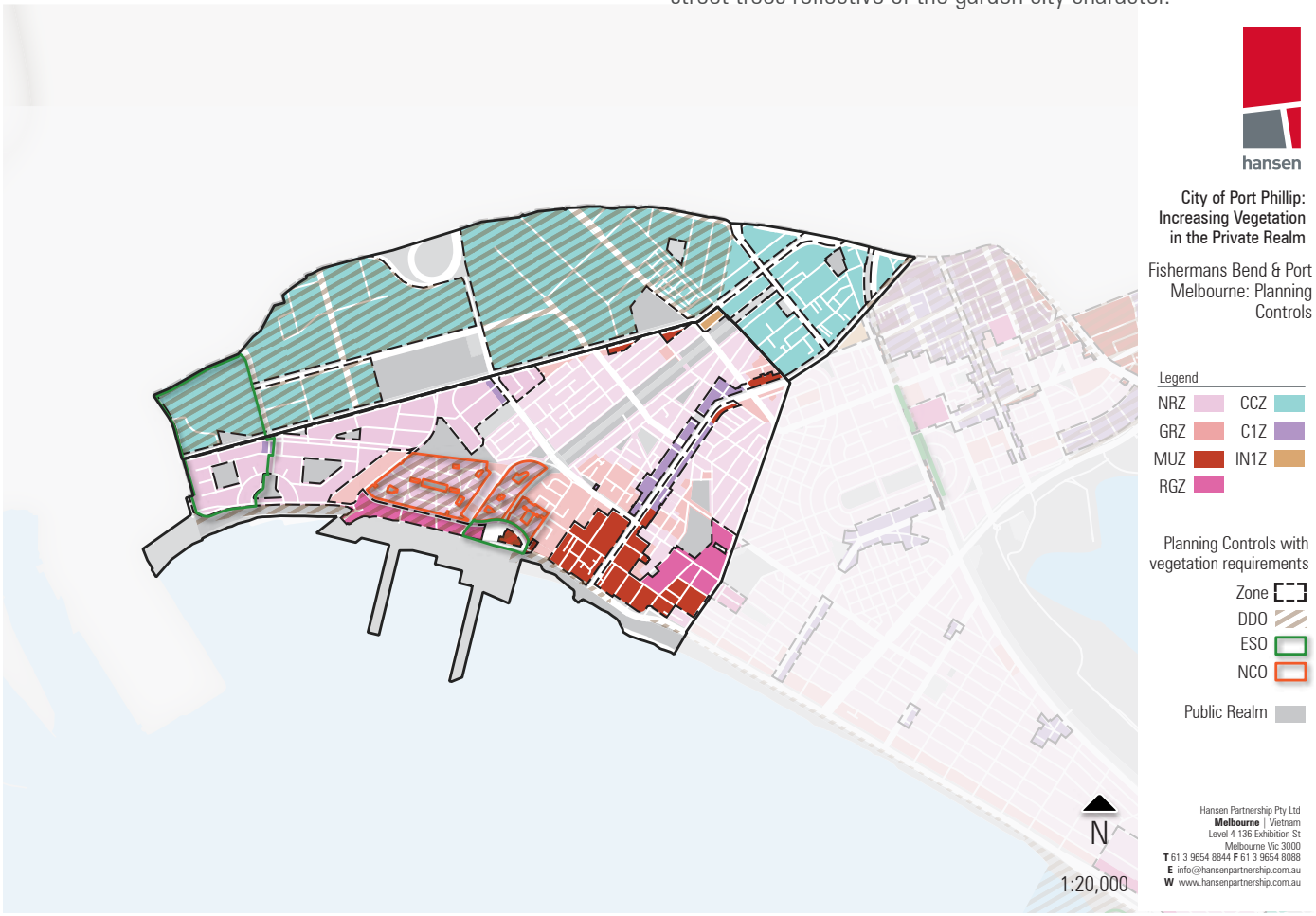
Applicable overlays: DDO11, DDO11, DDO19, DDO20, ESO4.

Relevant preferred character provisions under Clause 21.06-4:

- High quality residential environments in established residential areas distinguished by strong heritage character are maintained.
- Station Pier and the Waterfront Precinct act as a world class passenger shipping gateway to Melbourne.
- Station Pier retains its role as a trade / freight gateway.
- The Bay Street Activity Centre strengthens its role as the hub of Port Melbourne, and provides a mixed use, sustainable and diverse bayside centre that has a strong sense of identity and community.
- The sense of "old" Port Melbourne is maintained through the retention of key heritage buildings.

Built form: Predominately established residential areas with fine grain subdivision pattern. Generally smaller and uniform lot sizes and setbacks. Lower scale in the established residential areas (NRZ).

Landscaping and vegetation: Garden landscaping and mature street trees reflective of the garden city character.



Map 6. Fishermans Bend & Port Melbourne: Planning Controls

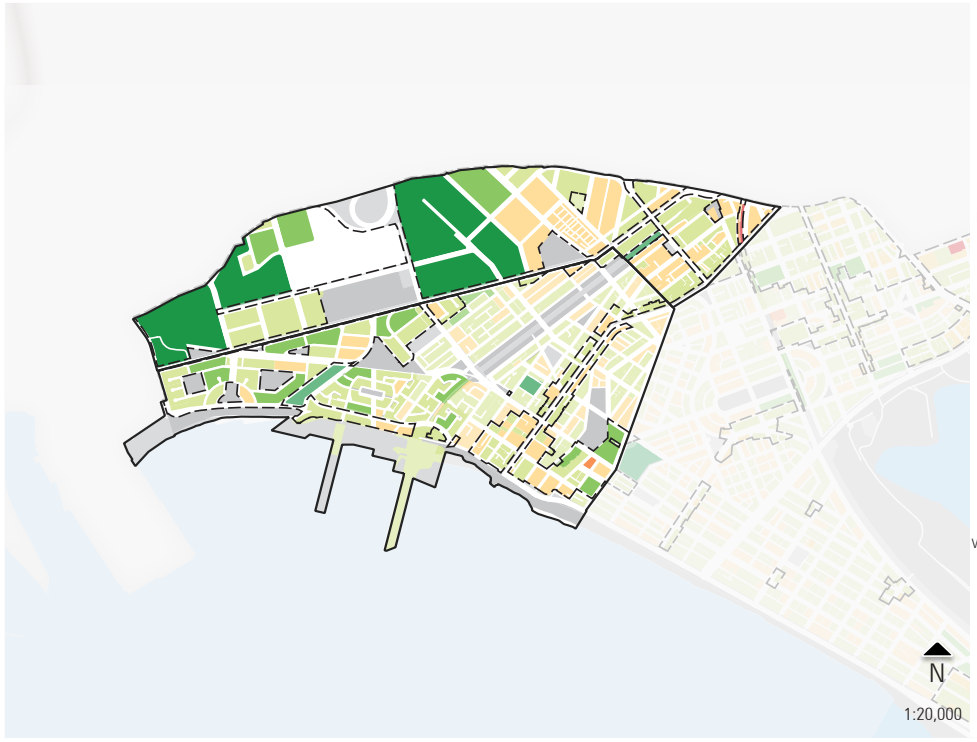
4.1.2 Tree Canopy Cover

As demonstrated by the mapping, existing established neighbourhoods in Port Melbourne - as well as South Melbourne and Middle Park - experienced minimal change in canopy overall. This could in part be attributed to extensive coverage of the Heritage Overlay controls applied to residential areas, which can limit development potential (and therefore the opportunity to completely redevelop sites and remove vegetation).

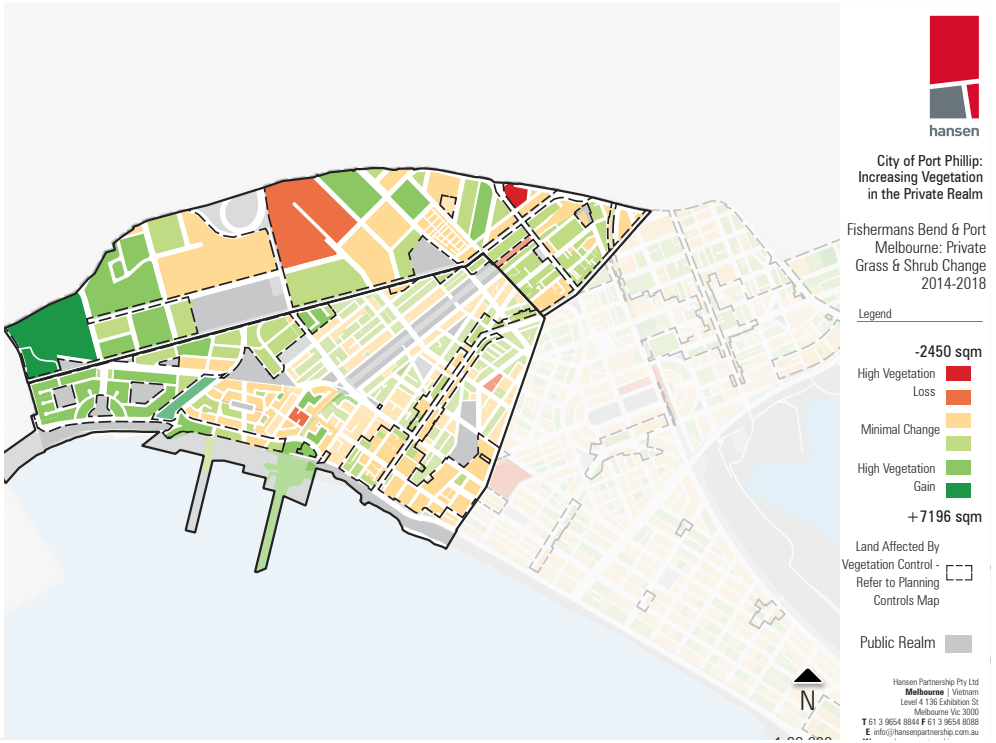
High canopy gain is most noticeable in Fishermans Bend, this could in part be attributed to new landscaping associated with development increase from investment in this urban renewal area. In line with state policy, there has logically been a push by state government and CoPP to promote design excellence, liveability and high sustainability outcomes for new development within this area, all of which are relevant to landscaping and vegetation cover. Recent DDO work by Council (October 2018) has applied a suite of DDOs (DDO30, DDO32 and DDO33) to promote such outcomes.

4.1.3 Grass and Shrub Cover

A mix of low level vegetation loss and gain occurred in Fishermans Bend - this can be understood in terms of developments occurring between 2014 - 2018, consistent with patterns of tree canopy loss and gain. Overall loss can likely attributed to sites being redeveloped (removing extent of ground cover) but supplemented by new canopy tree planting on building edges.



Map 7. Fishermans Bend & Port Melbourne: Private Canopy Change



Map 8. Fishermans Bend & Port Melbourne: Private Grass and Shrub Change

4.2 South Melbourne, St Kilda Road, Albert Park & Middle Park

4.2.1 Neighbourhood Character

South Melbourne

Zoning: Largely CCZ1, Commercial (C1Z and C2Z) and MUZ around the South Melbourne Activity Centre. Elsewhere, established residential neighbourhoods are zoned NRZ1 and NRZ2, with some pockets of GRZ1 and RGZ1.

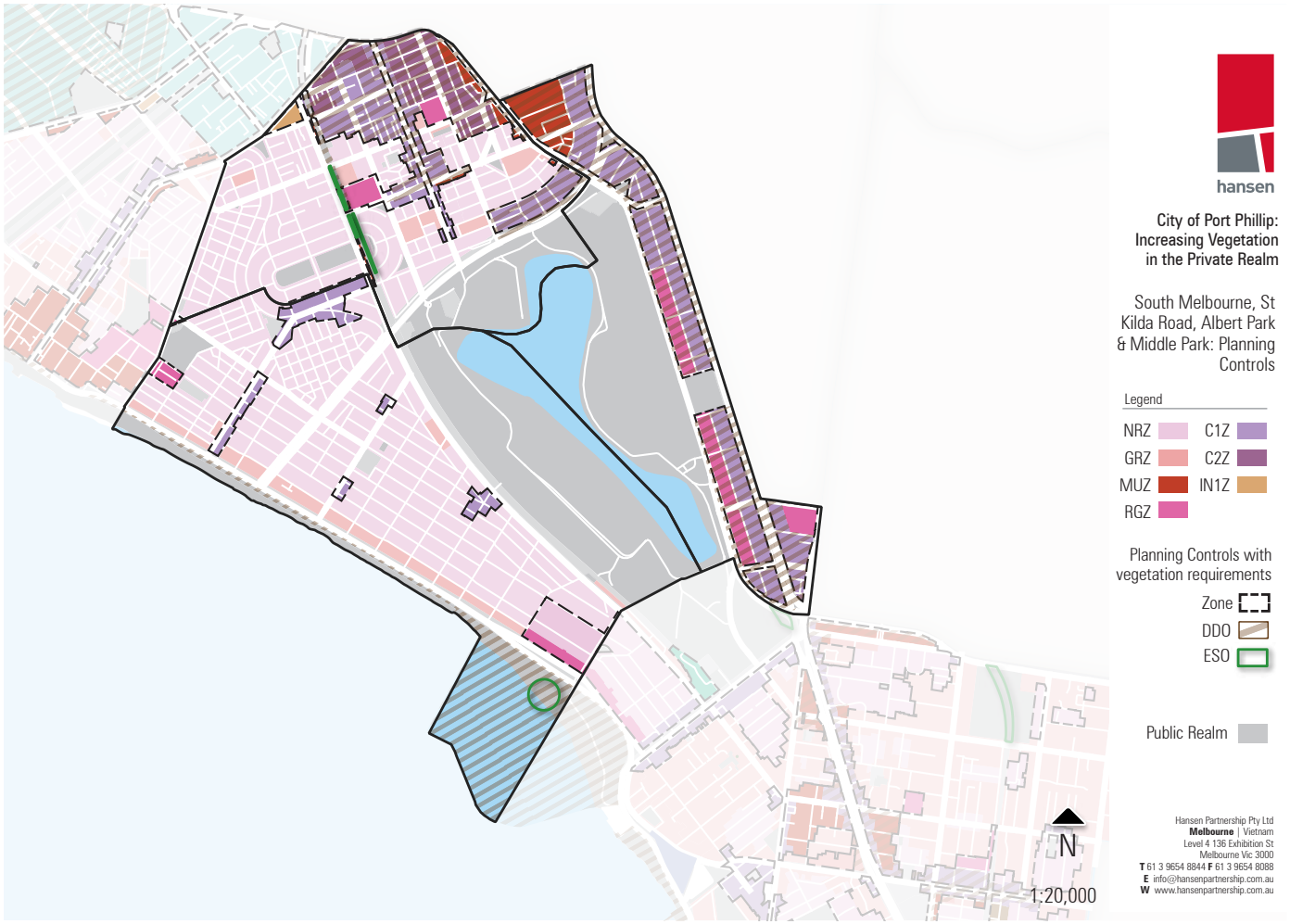
Applicable overlays: DDO8, DDO26, DDO30.

Relevant preferred character provisions under Clause 21.06-5:

- South Melbourne Central develops as a sustainable mixed use precinct focussed on the South Melbourne Major Activity Centre. It will continue to provide a unique urban village character and street life while the number of residents, workers and visitors continues to grow.
- High quality residential environments in established residential areas are maintained.
- Emerald Hill develops as a major focus of cultural activity for the local and wider community.
- Kings Way and Albert Road are renowned for their boulevard character and important views and vistas to the Shrine of Remembrance and Albert Park Reserve.

Built form: Historic residential area, with lower scale and smaller lots in established neighbourhoods. Taller forms close to commercial centres. Wide main streets and boulevards.

Landscaping and vegetation: Largely characterised by street tree and boulevard planting. Garden settings are prevalent within residential areas.



Map 9. South Melbourne, St Kilda Road, Albert Park & Middle Park: Planning Controls

St Kilda Road

Zoning: Largely C1Z and RGZ1 along St Kilda Road, with MUZ applied closer to South Melbourne Activity Centre.

Applicable overlays: DDO13, DDO26, DDO29.

Relevant preferred character provisions under Clause 21.06-7:

- St Kilda Road North Precinct is a dynamic inner urban locality. Highly connected and beautifully integrated, it is home to a community that is inclusive and full of vitality.
- St Kilda Road maintains its role as a world famous boulevard and the Shrine of Remembrance maintains its prominence and landmark quality.
- St Kilda Road maintains its role as a premier office location supporting the Melbourne Central Activity District (CAD) and a preferred location for well designed, higher density residential development.

Built form: Characterised by its premier office and residential boulevard character (St Kilda Road). Intense built form associated with higher density residential and mixed use.

Landscaping and vegetation: Characterised by boulevard and street tree planting as well as its Albert Park setting. Landscaping present within site setbacks of private realm.

Albert Park and Middle Park

Zoning: Predominately NRZ1, with pockets of GRZ2 along the foreshore and GRZ1 elsewhere. C1Z applied to activity centres and PPRZ to Albert Park and the Lake as well as other open spaces.

Applicable overlays: DDO5, DDO10.

Relevant preferred character provisions under Clause 21.06-3:

- The strong heritage character and substantially low rise form of existing residential areas is maintained.
- Beaconsfield Parade retains its strong residential role and character, existing heritage sites are respected and its boulevard qualities are enhanced.
- The Neighbourhood Activity Centres retain their low rise character defined by the 1 and 2 storey scale of Victorian buildings. These centres continue to be key hubs of local community activity.
- Albert Park Reserve and the foreshore continue to provide a range of passive and active recreational and sporting activities within an attractive setting accessible to the local and wider community.
- The boulevard character of Kerferd Road is enhanced.

Built form: Largely characterised by its historic residential area, with lower scale in established neighbourhoods. Larger lots and forms present along key boulevards along the foreshore. Beaconsfield Parade has a prominent heritage and coastal boulevard character.

Landscaping and vegetation: Largely characterised by the expanse of Albert Park and the Lake as well as its coastal foreshore environment. Leafy backyard character experienced in established residential neighbourhoods.

4.2.2 Tree Canopy Cover

Significant canopy loss occurred in a pocket of Commercial 1 Zone and Residential Growth Zone 1 land to the southeast of St Kilda Road on land bound by St Kilda Road, Punt Road and High Street. This area comprises a number of student accommodation and apartment developments that have occurred over this period, resulting in an intensification of built form within this precinct.

Within this area, a new DDO26 (St Kilda Road North Precinct) was introduced into the Planning Scheme via amendment C107 in June 2016 and later updated in July 2021. It specifies detailed landscaping objectives and requirements for new development. This recognises street tree planting and green walls and roofs as an important distinctive feature (boulevard character) and, logically, Council would support tree protection and new canopy planting as part of new approvals.

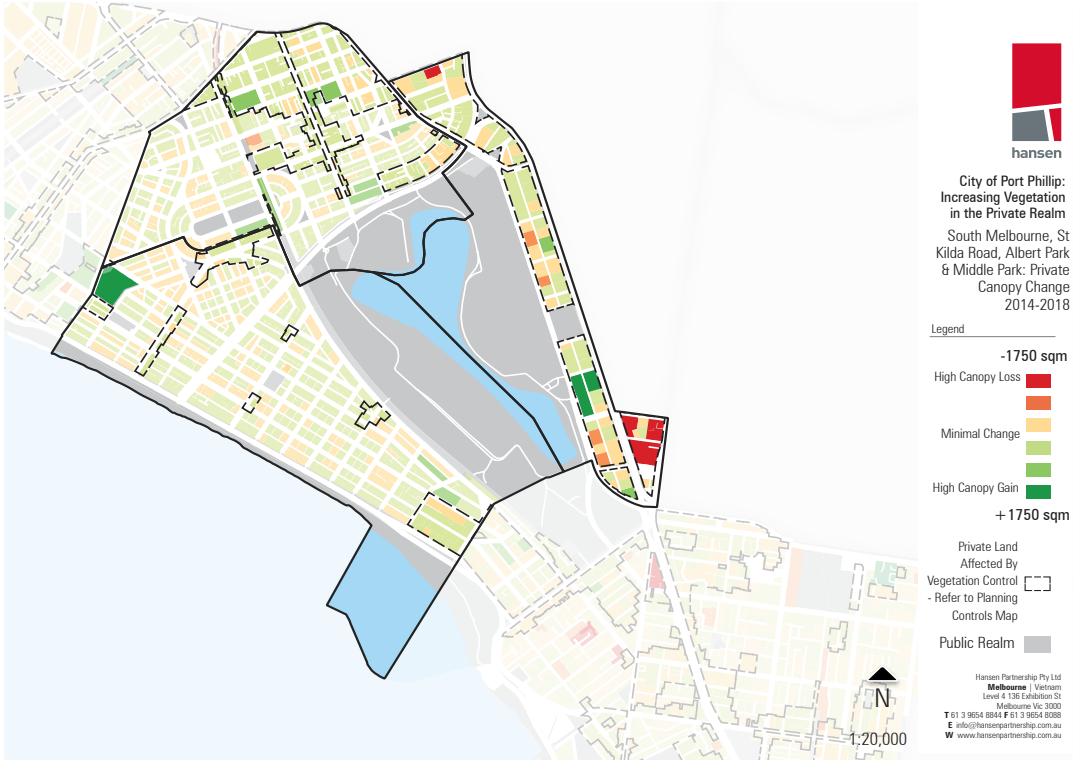
DDO26 replaced the prior DDO4 (St Kilda Road, Queens Road, Queens Way and Kings Way) introduced via amendment C141 in June 2014. Whilst less detailed than DDO26 landscaping requirements, DDO4 also encouraged landscaping as a means to protect the distinctive boulevard character of the locality and sought to encourage retention of significant vegetation.

Given the landscaping and vegetation protection controls identified within the applicable DDOs applying to the land for the duration of the DELWP data coverage (2014 - 2018), it is unclear why vegetation loss was so high in this precinct. Potentially Council decision makers were able to make a trade off, allowing increased vegetation removal where it was offset by benefits of urban intensification and consolidation outcomes.

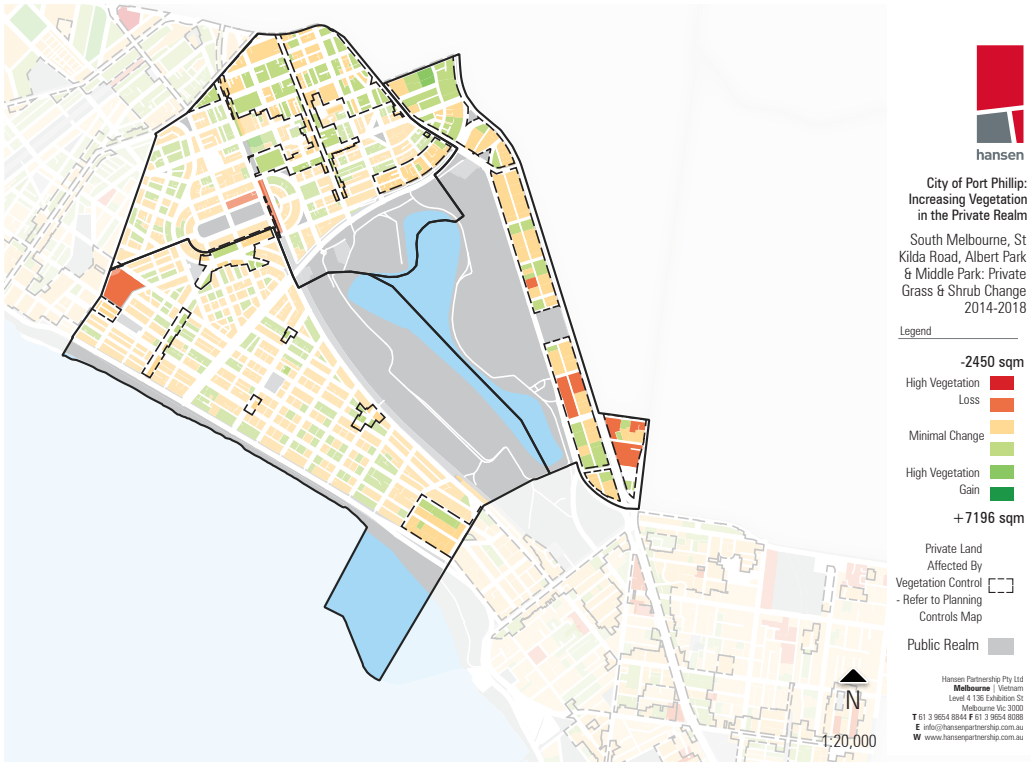
4.2.3 Grass and Shrub Cover

The suburbs of South Melbourne and Middle Park experienced moderate rate of low level vegetation loss within established residential areas (largely Neighbourhood Residential, with some pockets of General Residential zoning). It could be logically attributed that less weight is currently placed on retention of low level vegetation within the existing statutory controls.

St Kilda Road experienced notably higher low level vegetation loss, which could be attributed to the development pressures associated with its transport corridor/premier growth corridor location. As discussed in the proceeding section in relation to canopy tree cover, DDO26 (and previously DDO4) applied to this land and encourage significant tree retention and new planting as well as other green infrastructure including green walls and roofs. However, the overlays don't provide much emphasis on protection of shrub and ground cover (a tenuous link could be made where low level vegetation is part of the existing character to be retained) and this could be a potential reason for the greater loss of low level vegetation experienced.



Map 10. South Melbourne, St Kilda Road, Albert Park & Middle Park: Private Canopy Change



Map 11. South Melbourne, St Kilda Road, Albert Park & Middle Park: Private Grass & Shrub Change

4.3 St Kilda, Balaclava, East St Kilda, Elwood and Ripponlea

4.3.1 Neighbourhood Character

St Kilda

Zoning: Combination of GRZ1, GRZ3, NRZ1, NRZ5, NRZ6, NRZ7 and RGZ1. MUZ and C1Z applied to the activity centres along Fitzroy Street, St Kilda Road, Barkly Street Acland Street and Carlisle Street. PPRZ applied to the foreshore and open spaces.

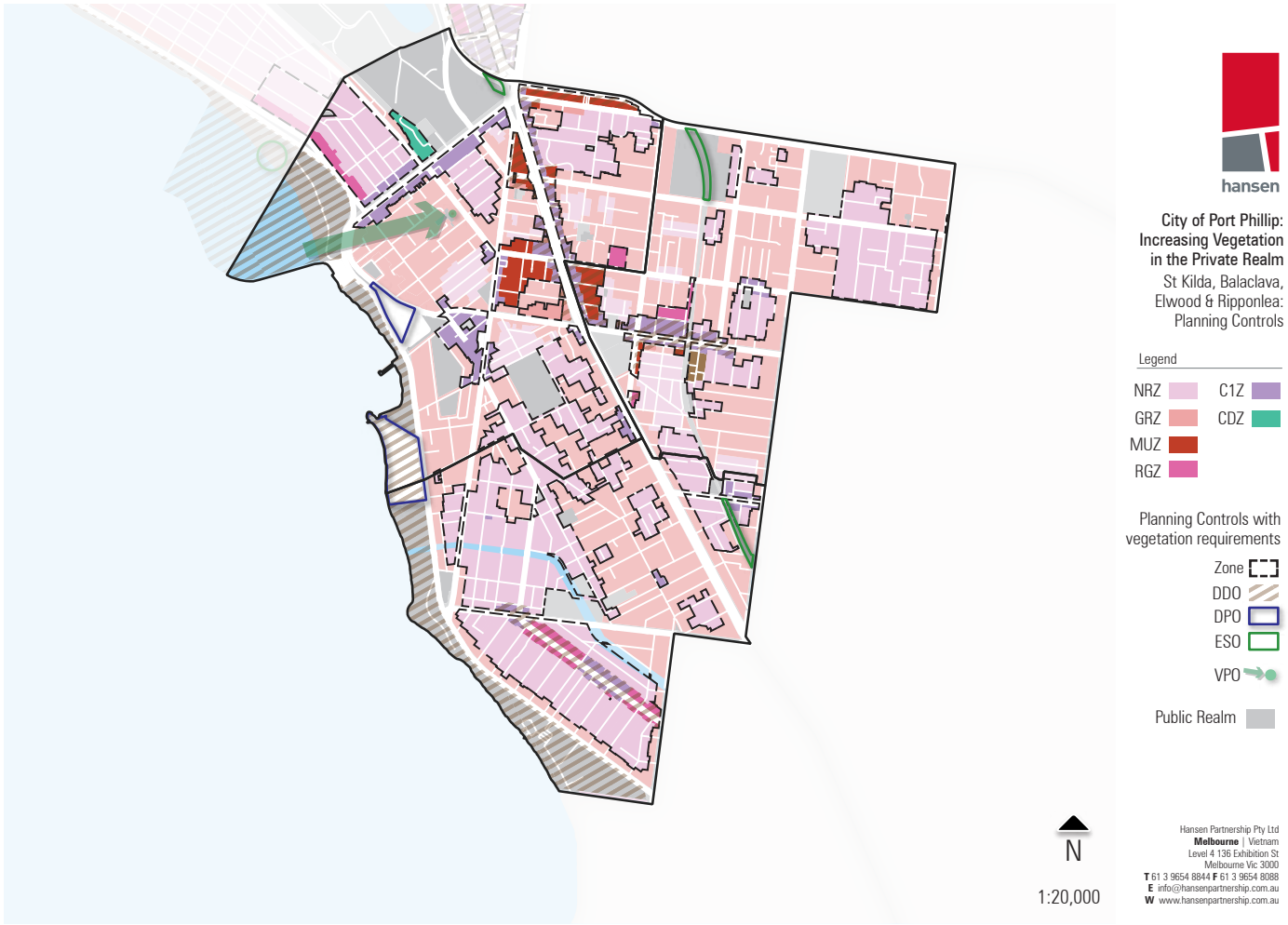
Applicable overlays: DDO6, DDO10, DDO21, DDO34, ESO3, VPO1.

Relevant preferred character provisions under Clause 21.06-7:

- St Kilda Major Activity Centre is renowned as a significant recreational, entertainment and leisure destination.
- Housing growth is realised in the Major and Specialised Activity Centres and Mixed Use areas.
- The established residential areas retain their unique heritage and character and generally low-rise built form.

Built form: Diverse character as a result of lower scale established residential areas and taller forms (high density) along key streets and boulevards including The Esplanade and Marine Parade. The Esplanade and Marine Parade have a strong coastal boulevard character. St Kilda Major Activity Centre (Barkly Street and Carlisle Street) is a defining feature.

Landscaping and vegetation: Characterised by boulevard and street tree planting as well as its coastal foreshore setting. Landscaped garden character present in established residential areas.



Map 12. St Kilda, Balaclava, Elwood & Ripponlea: Planning Controls

Balaclava and East St Kilda

Zoning: Mix of GRZ1, NRZ1 and NRZ5. MUZ and C1Z applied around Carlisle Street Activity Centre and St Kilda Road. PPRZ applied to open spaces.

Applicable overlays: DDO13, DDO21, DDO34, DDO35, ESO1.

Relevant preferred character provisions under Clause 21.06-1:

- Carlisle Street Activity Centre retains its eclectic, bohemian and distinctly local character, and its range of independent businesses.
- The established residential areas retain their generally mixed architectural character and diverse housing stock, while heritage building and streetscapes are conserved and enhanced. Any new residential development respects the important setback and garden characteristics of the area.

Built form: Generally low scale, with established residential areas comprising a mix of form including heritage housing. Fine grain subdivision pattern with generally consistent front setbacks eastward toward Chapel Street. Carlisle Street Activity Centre and Balaclava Train Station are defining feature.

Landscaping and vegetation: Landscaped garden character present in established residential areas within the east. Street tree planting along key roads including Nepean Highway/St Kilda Road, Chapel Street and Hotham Street.

Elwood and Ripponlea

Zoning: Largely GRZ1, NRZ5 and NRZ6, with pockets of RGZ1 and C1Z applied to Ormond Road activity centre. Foreshore and open spaces zoned PPRZ.

Applicable overlays: DDO7, DDO10, DDO18, DDO21, ESO1.

Relevant preferred character provisions under Clause 21.06-2:

- The distinctive suburban character of established suburban areas, including large front and rear set backs, established gardens and low rise building form is maintained.
- Marine Parade and Ormond Esplanade retain their residential character, built form and detached streetscape rhythm, and design of new development responds to the prominence of this area as a major seaside boulevard.
- Neighbourhood Activity Centres continue to be key hubs of community activity, offering local community, retail and entertainment facilities.

Built form: Established suburban character including low rise built form and larger allotments with landscaped gardens and generous setbacks. Marine Parade and Ormond Esplanade have a prominent coastal boulevard character.

Landscaping and vegetation: Characterised by its coastal foreshore setting as well as landscaped garden character in residential areas. Street planting present along key boulevards such as Nepean Highway/Brighton Road and Ormond Esplanade.

4.3.2 Tree Canopy Cover

The most notable canopy loss as a whole occurred in the suburbs of St Kilda, Balaclava, Ripponlea and Elwood. Due to the lack of vegetation protection controls applied to residential areas, high rates of loss were experienced on land unaffected by controls, although a few pockets of canopy loss occurred within controlled areas.

Notably, the highest concentration of significant tree removals also occurred in these suburbs (refer to table 5). The loss of cover in these residential areas can in part be attributed to development pressures for these liveability of these areas close to the CBD as well as extent of GRZ application, which enables a modest level of new development to occur here. Currently, residential areas that have experienced the highest loss are not protected by controls with an emphasis on vegetation protection - e.g. ESOs or VPOs.

Council implemented residential zone variations to some of its GRZ areas (GRZ10 - GRZ12) via amendment C122 (gazetted October 2018) and NRZ areas (NRZ3, NRZ5-NRZ7) via amendment C123 (gazetted December 2017) to improve vegetation outcomes by introducing landscape character objectives for new development linked to neighbourhood character. These controls were introduced toward the end of the DELWP data period, and could potentially be a reason for increased vegetation removal being permitted prior to 2016 as Council didn't have strong statutory controls to rely on to support retention of tree cover.

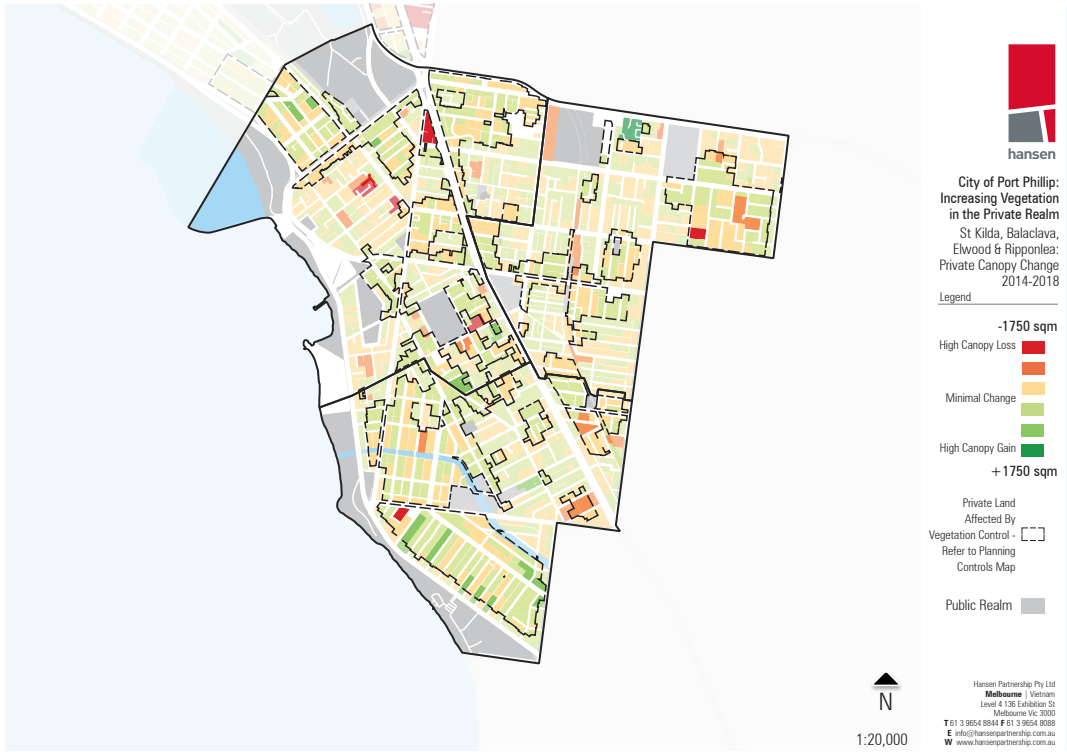
Prior to the introduction of the above zones, it is understood that land was covered by the MUZ, GRZ and GRZ1 (replaced via Amendment C123port in December 2017). Within these controls, there was very little in the way of specifying landscaping themes, just a general garden area requirement and landscape plan requirement. Again, lack of strong controls could have facilitated vegetation loss.

4.3.3 Grass and Shrub Cover

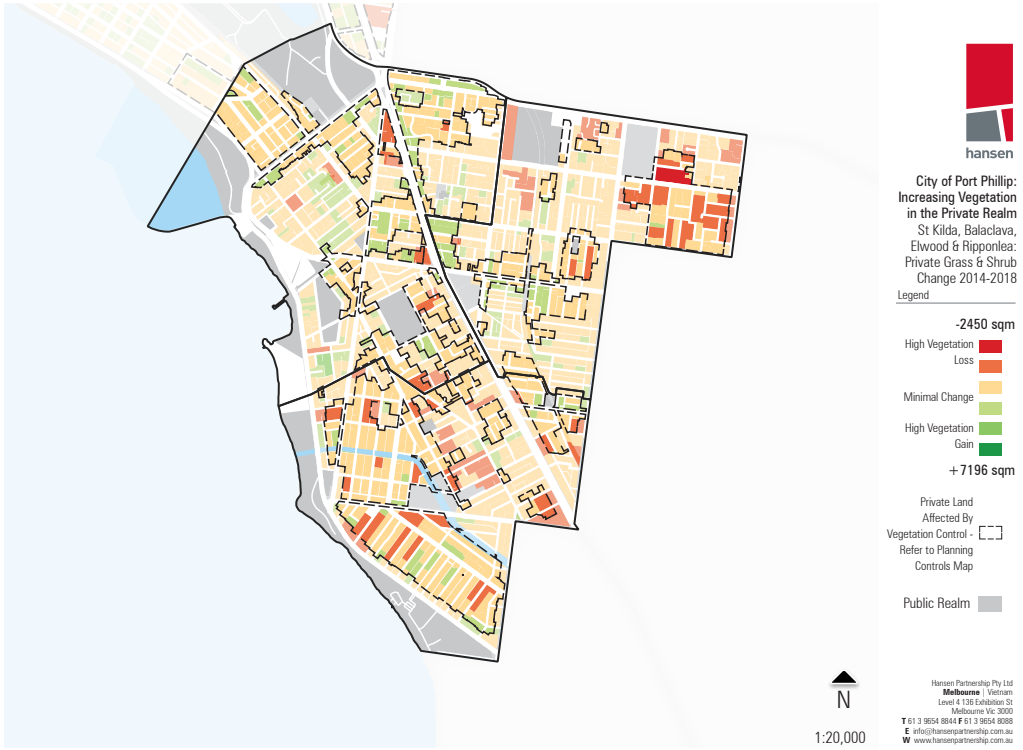
The majority of overall loss occurred in the southern suburbs of St Kilda, St Kilda East, Balaclava, Elwood and Ripponlea. Similar to tree canopy loss, this can in part be attributed to the development pressures faced within these suburbs. Vegetation loss has occurred across a mix of land affected by vegetation controls and unaffected land.

As identified in the discussion on canopy vegetation cover, these residential areas are not protected by ESOs or VPOs, which would trigger consideration of vegetation specifically as part of any development application.

Furthermore, the current residential zoning controls which apply, including the varied GRZ and NRZ residential zoning schedules, focus on generic landscaping character objectives, with an emphasis on encouraging landscaped setbacks. The varied schedules in particular do not specify landscaping themes or emphasise the importance of ground and shrub level protection or enhancement. In terms of decision making on development permit applications, it could be assumed that, in considering the level of compliance with overall landscaping objectives, greater weight has been placed on protection and provision of canopy tree coverage rather than ground level cover as a trade off to overall site coverage and vegetation outcomes.



Map 11. St Kilda, Balaclava, Elwood & Ripponlea: Private Canopy Change



Map 12. St Kilda, Balaclava, Elwood & Ripponlea: Private Grass & Shrub Change

4.4 Significant Tree Removals

As detailed in table 5 below, significant tree removals between 2010 and 2022 were largely concentrated in the southern suburbs (St Kilda, St Kilda Road, St Kilda East, Balaclava and Elwood), reflecting the pattern of canopy tree loss experienced in these areas.

The majority of significant tree permit applications were approved. There is no easily available data which provides clarity as to the reasons for approval (i.e. whether it was on the basis of tree health, or balancing of policy objectives). As the Local law is the key trigger, it only comes into effect when it is identified through any development approval process that there may be a significant tree, and this is then confirmed and an application for its removal lodged. There is not an understanding of what the distribution of significant trees is across the municipality, and without an understanding of the local law resident may not be aware they are not able to remove tree on their property. Unless such removals are reported to Council (which is generally after the fact) there can be limited oversight of the presence of these trees on provide property. As such, data and record of significant tree removals only constitute removals that have occurred through the permit application process, generally as part of a development approval.

There is also limited monitoring of the on-going retention of tees for which a permit has been refused

Common species being removed included the following mix of natives and exotics:

- Acer negundo - Boxelder Maple
- Agonis flexuosa - Willow Myrtle
- Casuarina cunninghamiana - River She Oak
- Corymbia species - Gum
- Eucalyptus species - Gum
- Grevillea robusta - Silky Oak
- Liquidambar styraciflua - American Sweet Gum
- Phoenix canariensis - Canary Island Date Palm
- Populus variations - Poplar
- Schinus areira - Peppercorn
- Ulmus variations - Elm

Each tree species will have its unique biodiversity, landscape and amenity value. In formulating the recommendations of this project, considerations should be given to the valued attributes of key vegetation species (potentially including some of the above list) and whether greater protection is needed of certain species to prevent overall loss in biodiversity. Such species could include indigenous, coastal and drought tolerant species.

Table 5. Significant Tree Removal Permits Approved & Refused in the CoPP between 2010 and 2022

SUBURB	NO. APPROVED	NO. REFUSED
St Kilda (also includes St Kilda Road)	189	28
Elwood	185	30
St Kilda East / Balaclava	149	16
Albert Park / Middle Park	67	5
Port Melbourne	66	23
South Melbourne	31	4
Ripponlea	13	0

4.5 Surface Temperatures

The following text and accompanying map provides an overview of overall surface temperatures used to measure urban heat index. This information is derived from 2018 data from DELWP.

Urban Heat Island

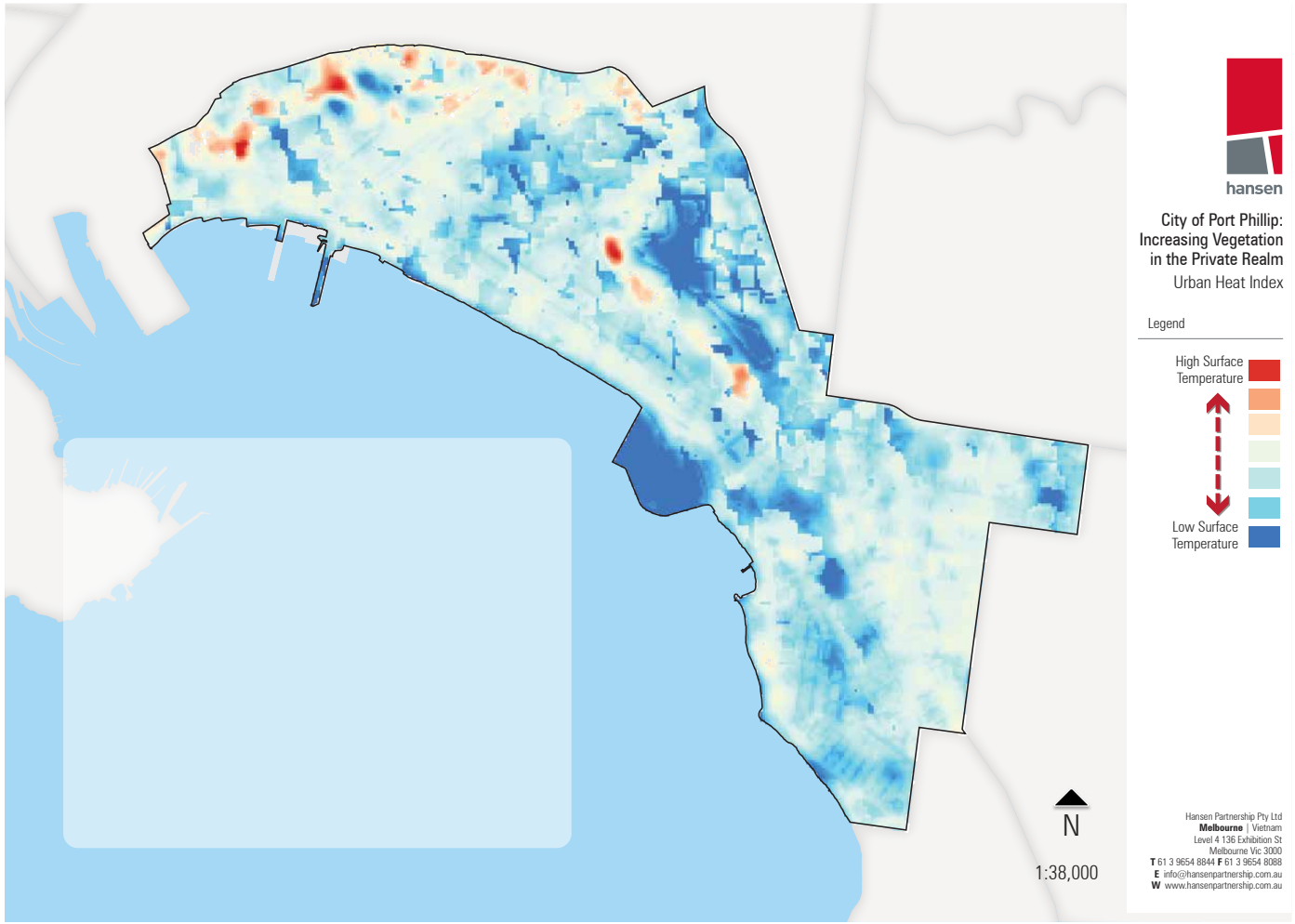
As depicted in the opposite map, the hottest areas are located around Albert Park Lake (the Melbourne Sports and Aquatic Centre and Canterbury Road), Fishermans Bend and close to the CBD in South Melbourne.

Higher values within Fishermans Bend and South Melbourne can be attributed to these areas being historically heavily urbanised and built up, with both areas comprising extensive established industrial/commercial areas with limited prior landscaping (notwithstanding established residential areas in South Melbourne, which are more built up compared to the southern suburbs of Middle Park and Albert Park).

Similarly, the Melbourne Sports and Aquatic Centre (MSAC) complex occupies a large footprint over its landholding.

Elsewhere, the coolest temperatures are clearly observable in areas of parkland and open spaces, including Albert Park and the Port Phillp Bay foreshore. Areas such as this assist with cooling of the urban environment through vegetation planting (shade cover, micro-climate etc.).

While the southern portion of the municipality has seen higher levels of vegetation loss (see previous section) the existing lower density nature of development in this area means it remains relatively cool despite this.



Map 18. Urban Heat Index

4.6 Area Summaries

Considering the previous discussion on CoPP's neighbourhood, the following observations are made about each area. It is noted that these observations are necessarily high level, but they do provide some insights into area which may benefit from attention. Further strategic work has the opportunity to expand on these summaries to provide a more comprehensive understanding of the characteristics of each area.

Fishermans Bend

Capital City Zone and DDOs driving built form outcomes in this major urban renewal area. While it is a focus of intense redevelopment is has detailed place specific controls. Limited existing vegetation but expectations for higher levels of greening established through policy and controls. Strong increases in canopy vegetarian are reflective of both this policy but also low starting base give industrial history. This existing condition is reflected in the relatively higher urban heat profile.

Port Melbourne

Mix of areas including high quality residential areas in the NRZ, reasonably fine grained, and the Bay Street Activity Centre. Heritage context limits development, and also triggers permits and so change to canopy and low level vegetation has been modest. Relatively higher surface temperatures reflect the higher levels of existing site coverage in smaller lots and mixed use areas.

South Melbourne

This mixed use area has significant amounts of non-residential uses occurring and in combination with the smaller lot sizes means there is generally higher levels of existing site coverage. Most canopy vegetation is in the public realm and so loss on private land has been less. Losses in lower level vegetation however reflect the intensification of built form in the area and limited policy to drive replacement.

St Kilda Road

This corridor is one of CoPP's most intensely developed. It has strong policy around the state significant boulevard, but this is delivered primarily through the public realm. It has some of the most detailed DDOs applied, which include high level directions re landscape outcomes. The northern part which has experienced higher rates of canopy loss now includes detailed requirements but the implementation of these has been too recent to inform assessment regarding canopy change. Urban heat impacts in this area are mitigated by high levels of public realm planting.

Albert Park & Middle Park

Generally comprising low scale heritage residential areas, with key boulevards along The Espanade and Kerferd Road , this area has seen canopy levels remaining steady. Incremental intensification of built form and changes to backyard character are likely to have contributed to a modest reduction in the areas mid and low level vegetation. Urban heat impacts are generally modest, in part due to larger lot sizes / heritage and strong public realm planting. However, significant variation occurs in pockets (high for the aquatic centre, low for Albert Park Lake).

St Kilda

The diversity of this area is reflected in the various controls which apply. Vegetation in the public realm is very prominent in this area with mixed landscape outcomes across the private realm reflecting higher site coverage in such as activity centres, with some more traditional 'garden' outcomes in some residential areas. Modest canopy loss occurred in this area, but higher levels of loss of vegetation overall occurred. Notably, this area also had the highest number of significant tree removals.

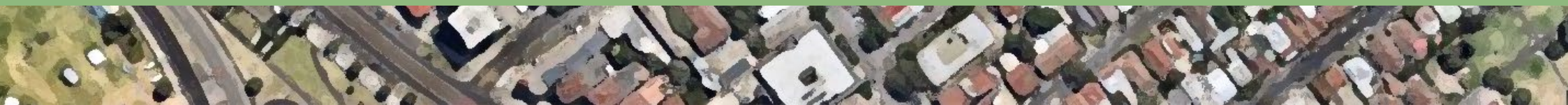
Balaclava and East St Kilda

A reasonably mixed area, but predominantly residential with few controls relating to vegetation. Eastern areas have a stinger garden setting referenced in policy. Vegetation loss has occurred across all areas however, regardless of policy setting, most likely associated with incremental intensification in residential areas. Less prevalent heritage controls and GRZ rather than NRZ have likely influenced the high rates of significant tree removal applications in this area and high level of overarching vegetation loss.

Elwood and Ripponlea

This area has a stronger residential character with larger lots and larger setbacks. Limited vegetation related policy or controls apply beyond generic references to character. These areas have seen the greatest levels of vegetation loss. However, this is likely an indication of the higher level of existing vegetation cover which is being eroded by incremental development across all of CoPP's residential areas.

PART B:
BENCHMARKING



7.0 BENCHMARKING

7.1 COUNCIL SELECTION

There is a breadth of planning controls that are suitable for implementing vegetation protection and bring distinct considerations to the decision making process. Local variations to the state Planning Provisions allow for flexibility in the implementation of these controls, attuning to the local context.

A number of council areas have been selected for the benchmarking exercise, due to the variety and rigour of their controls. The council areas - while all in Greater Melbourne - differ in their environmental characteristics and context, and can approximately categorised into the following groups to facilitate assessment against the coastal and inner urban environment of the CoPP and the applicability of controls to it:

Inner Urban LGAs

- Glen Eira
- Stonnington
- Yarra
- Moreland
- Darebin

These municipalities are highly urbanised. Remnant vegetation is predominantly found in open green space and along watercourse reserves - there is little within residential areas, and further subdivision of larger residential lots threatens vegetation that is present.

Coastal LGAs

- Bayside
- Kingston
- Mornington

These municipalities bear a similar environmental context to the CoPP in that they all face out to Port Phillip Bay and include unique coastal vegetation in their environmental context. They may or may not be significantly urbanised, but they are all within Greater Melbourne.

Vegetated Suburban LGAs

- Whitehorse
- Monash
- Banyule
- Maroondah
- Knox

These municipalities are typified by a latter 20th Century settlement pattern and significant remnant vegetation that often informs the character of the municipality, or the neighbourhoods that comprise the LGA.

Green Wedge LGAs

- Yarra Ranges
- Hume

These municipalities include green wedge areas outside of Melbourne's urban growth boundary, where the interface of rural, vegetated areas with urban development requires strong controls.

7.2 SUMMARY OF BENCHMARKING CONTROLS

Table 6 outlines the broad collection of controls selected from the benchmarking councils. The controls range from local policies, affecting all land in the municipality or applied to certain zones, to variations to zones, to overlays affecting areas of certain character or affecting certain desirable design outcomes.

The councils differ widely in their application of certain controls and approach to achieving a vegetation outcome.

Embedding Significant Trees in the Planning Scheme

While it is a common approach to enforce significant tree protections through a permit requirement via the provisions of Local Law, a number of 'vegetated suburban' councils, experiencing threatened canopy through residential subdivision, employ the use of Vegetation Protection Overlays that identify significant trees. Embedding tree protections within VPOs ensures that any removals are assessed at the planning stage, and against other planning considerations, rather than in a vacuum through a Local Law permit.

Neighbourhood Character

The most common application of vegetation controls was observed through the maintaining and reinforcing of certain identified neighbourhood characteristics. Neighbourhood Character Overlays and Policy expectedly are two such tools in the neighbourhood character toolbox. In the case of the outer green wedge areas and the highly vegetated councils, the neighbourhood character to achieve was tied to the natural landscape and environmental characteristics. In these LGA's, development is to sit amongst the landscape. Perhaps the more relevant to the CoPP, the neighbourhood characteristics of the inner-suburban LGAs that included some kind of vegetation control were tied to the heritage of the settlement and development of the area (eg. the many 'Garden Suburban' controls).

Notably, the City of Bayside, a coastal LGA, tied coastal landscapes to it's municipality-wide neighbourhood character, in addition to precincts and sub-precincts with further specifications and discretionary requirements for vegetation as an element of neighbourhood character (vegetated fences, front gardens). The wide application of a local policy that both generally and specifically points to coastal vegetation ensures that the provision of such context-dependent vegetation will be considered at the planning stage.

In this regard, the neighbourhood character controls - as expected - are largely concerned with maintaining an identified character thread and is thoroughly linked to what is already established.

Environmental Aspirations

A number of controls are underpinned by more aspirational, environmental values, and these are largely the more recently implemented controls. Environmental values are undoubtedly upheld through neighbourhood character requirements, though there were few specific controls that made mention of environmental aims (eg. reducing urban heat, improving biodiversity).

The City of Moreland's variations to their residential zones have requirements (albeit discretional) for canopy planting in both the rear yard and front setback in development of more than one dwelling on a lot.

In the Yarra Ranges Shire, biodiversity is specifically referenced as an objective and purpose for retaining and protecting vegetation, in the context of vegetation forming important habitat corridors.

7.3 BENCHMARKING TABLE

In regards to the effectiveness of these two broad categories of vegetation controls and those that lie somewhere between, a broad benchmarking exercise such as this has certain drawbacks.

DELWP's Cooling and Greening data measuring vegetation cover in 2014 and 2018 by mesh block, was utilised against a specific control as a measure of understanding it's effectiveness. However, it is necessary to identify a number of caveats that hinder interpretation of a control's effectiveness:

- The controls investigated include those more recent than 2018, and therefore their effectiveness cannot be assessed as of yet with the data used, however they have been selected as they represent council responses to recognised canopy loss and urban heat island increases, often as a result of deeper investigation into DELWP vegetation data and provide a template for vegetation protection.
- As mesh blocks do not always conform to zoning and overlay controls, and the influence upon vegetation changes are greater than planning controls, the changes listed in the following table are not exclusively caused by planning.
- For the purposes of the benchmarking exercise, only controls that affect land within the private realm are investigated, typically residential zone provisions and policy. The mesh blocks that comprise the data cover both public and private realm.
- Furthermore, many controls are discretionary, and the specific application context can vary and be interpreted differently by an assessing planner, amongst a number of other considerations. The planning control may be one factor in a reduction or gain in vegetation.

A number of symbols are used to assist in interpreting the benchmarking table.

As indicated in the section above, the LGAs are divided into four groups, Inner Urban, Vegetated Suburban, Coastal and Green Wedge.

The vegetation affected is categorised by **Tree**, **Shrub** and **Grass**, respectively. Where a control affects permeability or garden area, it is assumed to more directly affect grass coverage, unless canopy or shrubs are mentioned.

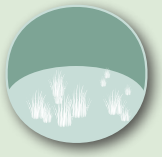
In understanding the application of controls, two categorisations are necessary. The scale of the control corresponds to whether it's applied at an **LGA-wide** or similarly large scale, a **precinct-scale** or a **streetscape to small-lot** scale.

A control may also apply to certain land uses in the private realm - **single dwelling, multi-residential, commercial** and **industrial**. Given the lack of significant industrial land in the CoPP, few industrial land controls were investigated.

Finally, the DELWP data used categorises each mesh block as having experienced a certain percentage of vegetation loss or gain between the years of 2014 and 2018. This is indicated by a coloured arrow, from green (substantial gain) to red (substantial loss), with yellow indicating little to no change.

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Glen Eira	**Neighbourhood Character Overlays** *NCO2 - Edwardian Era Significant Character Areas* *NCO3 - Interwar Era Significant Character Areas* *NCO4 - Victorian and Edwardian Significant Character Areas*	 The "leafy suburban character" is an identified neighbourhood characteristic of these areas, comprised of significantly vegetated setbacks and streetscapes and tied to the heritage of the building. The vegetation objectives of the NCO aim to reduce the loss of front garden space to car parking and driveways, essentially protecting all front garden vegetation, though predominantly grass and shrubs.	 The NCOs apply to a number of small block-sized precincts across the municipality. The precincts all capture single detached dwellings of a distinct character type and era of construction.	Predominantly significant loss (5-10%), with pockets of moderate loss (2-5%).	The three NCOs contain specific mention of car parking impact upon the loss of vegetated setbacks, requiring consideration of any loss at the planning stage. Taken at a glance, the observed performance of the NCOs in preventing loss is relatively poor and as such may not be a good option taken in isolation.
Stonnington	**General Residential Zone** *GRZ8 - Garden Estate Precincts* *GRZ9/GRZ10/GRZ11 - Garden River & Garden Suburban Precincts*	 Discretionary planting requirement of one canopy tree. The 'Garden Precincts' variations to the GRZ contain altered landscaping requirements for permit applications requiring assessment against Clause 55.	 The four schedules to the GRZ are the most prominent in the municipality covering large blocks over half of the residentially zoned land. Mostly applied in Toorak, Armadale and Malvern. The canopy tree requirement only applies to multi-residential development.	Overall loss. Pockets of significant loss (5-10%), concentrated in Toorak and South Yarra. Pockets of moderate gain across the municipality.	Within these GRZ variations, the pattern of small pockets gain indicates a potential effectiveness of the controls, given the application to multi-residential development only. Specific requirements for planting, and replacement planting (i.e. removal of mature = two new) identified through zone schedules option for CoPP.

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Stonnington	**Design and Development Overlay** *DDO19 - Glenferrie Road and High Street Activity Centre and Wattletree Road Area: Precinct D (Wattletree Road East)*	 Mandatory requirements to: • setback any development enough from the rear boundary to enable planting of at least one canopy tree, and 3m from the front boundary to accommodate shrubs and canopy trees. • strengthen the tree canopy of the neighbourhood.	 The small area of Wattletree Road that is affected by the canopy tree requirement collects single dwellings, residential developments and an array of commercial activity.	 TREES: A pocket of moderate gain (2-5%) among little to no change.  SHRUBS: Moderate loss (2-5%).	The controls were implemented in 2018 with C223ston, after the vegetation loss data was obtained. The controls specify canopy tree and shrub planting in the setbacks - a variation to the CoPP DDOs requiring 'landscaped' setbacks with no further specification on what is required. Place based controls which are tailored to the particular context are a key opportunity and are generally stronger than more generic controls.
Moreland	**General Residential Zone** *GRZ1 - GRZ4* **Neighbourhood Residential Zone** *NRZ1*	 The schedules all contain detailed variations to the landscaping requirements of Clause 55, with a discretionary provision of: ▪ One canopy tree in the front setback ▪ One canopy tree in the SPOS ▪ The canopy trees have permeable space requirements, height requirements and canopy width requirements (depending on size of front setback).	 Applies to the majority of residential area in the municipality. The landscaping variations apply only to multi-res developments.	N/A	Cannot determine effect of control on vegetation change (2014-2018) as controls came into effect after study (c189more).

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Darebin	**Environmental Significance Overlays** *ESO1 - Merri Creek and Environs* *ESO2 - Darebin Creek and Environs*	 Vegetation removal requires a permit, with an exception for trees on residentiallyy zoned land: ▪ with a trunk circumference of less than 0.35m measured 1m above the ground; and ▪ is less than 6m high or has a branch spread of less than 4m.	 The ESOs cover the two bordering waterbodies of the municipality, including small areas of private land interfacing with the creek corridors. The tree exemptions apply to residential land.	 Moderate tree gain (2-5%) in residential parcels within the ESOs.	The permit exemptions essentially indicate a variation in significant tree classification along these key environmental corridors. The control is significant for its potential application in the CoPP along Elwood Canal, alongside existing policy for development to be setback and landscaped along the canal corridor (Clause 21.06-2.15).
Yarra	**Local Policy** *22.11-3 - Victoria Street East Precinct*	 New developmentnt along the Yarra River corridor is encouraged to be set well back from the River, and setbacks are to be appropriately landscaped within the River corridor landscape.	 Applies to a small precinct of development along the Yarra River corridor, within the C1Z.	 Exceptional Grass gain (>10%). Significant tree loss (2-5%)	The relatively small area this policy applies to allows for more accurate observations - significant apartment development occurred in the precinct along the Yarra River corridor, reducing canopy but improving grass and 'landscaped' areas.
Kingston	**General Residential Zone** *GRZ3 - General Residential Areas B*	 This variation to the GRZ applies the requirement of 50% site coverage to Clause 54 & Clause 55.	 Applies to the majority of the residential areas throughout the municipality.	 Chelsea, in the LGA's south, experienced significant grass gain (10%), however low-moderate loss occurred in more 'urban' areas to the north.	The variation between the grass changes (and all vegetation change) of Chelsea and the other areas is significant, and perhaps explained by the sandwiched location of Chelsea between green wedge land and Port Phillip Bay, as well as the established coastal suburban character.

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Bayside	**Local Policy** *15.01-5L - Bayside Preferred Neighbourhood Character*	 Protection of vvegetation and landscaped areas as it relates to an identified LGA-wide neighbourhood character is implemented through a number of relevant objectives: ▪ to maintain and enhance the garden settings of the dwellings; ▪ to maintain and enhance the bayside vegetation character of the area; ▪ to provide space for front gardens; ▪ to minimise loss of front garden space and the dominance of car parking facilities, driveways and crossovers. Further breakdown of neighbourhood character precincts and their objectives contain further discretionary controls for vegetated fences, permeability, vegetation selection (including indigenous sandbelt vegetation).	 Applies to any development within the NRZ, GRZ and the MUZ, though does not include land affected by the NCO or SLO.	N/A	Cannot determine effect of control on vegetation change (2014-2018) as controls came into effect after study (c180bays). An overarching control that importantly, ties coastal vegetation to neighbourhood character, with further specific vegetation recommendations for each sub-precinct. The variability and specificity of the characteristics allows clear considerations for assessment.
Mornington	**Neighbourhood Residential Zone** *NRZ1 - Creswell Street East, Crib Point*	 The schedule to the NRZ contains specific neighbourhood character objectives relating to Crib Point – '*where housing is set within the landscape and canopy trees are retained and re-established*'. Landscaping requirements for Clause 55 include to retain large established native trees and understorey, retain existing significant vegetation in boundary setbacks, and plant one substantial tree in front and rear yards. High permeability requirement of 60% of the site.	 Applies to a small street-based precinct.	N/A	No data available for area.

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Banyule	**Vegetation Protection Overlays** *VPO5 Substantial Tree Protection Area*	 This VPO effectively replaces the significant tree local laws common amongst other LGAs, strengthening the protective controls and defining significant trees as: • being more than 12 metres in height; or • having a trunk or stems of more than 400mm in diameter at 1400 from the tree base. The VPO identifies canopy coverage in Banyule as a significant contributor to neighbourhood character.	 Banyule has a suite of Vegetation Protection Overlays covering a large proportion of the LGA. VPO5 is the most extensive of these, and covers the majority of the residential areas of the municipality.	 More areas of moderate loss (2-5%) than moderate gain (2-5%), with the majority of the affected areas with little or no change.	Removing, pruning and lopping a Significant Tree is assessed through the planning process, subjecting any application to greater assessment amongst other planning considerations.
Maroondah	**Local Policy** *22.02 Residential Neighbourhood Character*	 Canopy vegetation is an identified neighbourhood characteristic across the entire municipality of Maroondah. The local policy centres on canopy vegetation and requires through discretionary controls: ▪ developments to make provision for one canopy tree in the POS of each dwelling; ▪ front yards to make provision for the planting or retention of canopy/specimen trees that grow to a height that exceeds the height of the roof of the dwelling.	 A LGA wide control that applies to land within the GRZ, NRZ and LDRZ, except the Croydon Activity Centre and the Maroondah Hospital Precinct.	 A large amount of exceptional tree loss (>10%) amongst areas of moderate loss and little to no change.	A broad policy control, the canopy loss observed across the municipality is significant, likely given the highly vegetated context of Maroondah. The discretionary nature of the controls, and placement within policy rather than stronger zoning or overlay provisions, may indicate a failure at assessment to uphold the objectives of the clause amindst other factors. Reliance on policy without other supporting provisions will unlikely be effective in CoPP.

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Monash	**Local Policy** *22.05 Tree Conservation Policy*	 Monash's blanket tree conservation policy ties the canopy coverage of the municipality to an identified Garden City Character. It is policy to: ▪ retain semi-mature and mature canopy trees where possible; and ▪ include semi-mature canopy trees in new development.	 Applies to all land within the municipality.	 Significant loss (5-10%) in the north and west, however lesser amount of moderate to significant gain (2-10%) in the east.	The areas of tree gain are concentrated around Waverley Park in the LGA's east, and seemingly attributed to Council street tree planting based on satellite data. Blanket controls seem to have some limitations given place based consideration may contribute to canopy loss, or retention.
Whitehorse	**Vegetation Protection Overlays** *VPO1* *VPO3* *VPO5*	 Planning scheme protections for significant trees, based on three separate Significant Tree documents, requiring a permit for removal. Stronger protections than local law requiring consideration at the planning stage.	 The VPO is applied in a piecemeal approach to individual trees across the municipality.	N/A	Cannot determine change without significant tree removals data. A piecemeal approach allows for significant trees in planning considerations as well as clarity in planning scheme. One issue is in an area like CoPP this may miss semi-mature trees which will be the next generation.
Knox	**Residential Growth Zone** *RGZ1 - RGZ3* **General Residential Zone** *GRZ1 - GRZ4* **Neighbourhood Residential Zone** *NRZ4 & NRZ5*	 These schedules to the RGZ, GRZ and NRZ all contain variations to the landscaping requirements of Clause 55 for the provision of canopy trees in the SPOS and within the front setback, with discretionary controls for permeable surface surrounding trees.	 Applies to much of the residential area in the municipality. The landscaping variations apply only to multi-res developments.	N/A	Cannot determine effect of control on vegetation change (2014-2018) as controls came into effect after study (c180knox).

CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Yarra Ranges	**Local Policy** *22.05 Vegetation Protection*	 Considers the function of remnant vegetation in biodiversity and habitat - including within an urban environment. Where a permit is required to remove vegetation, this local policy requires consideration of a number of objectives including biodiversity and the function of vegetation as habitat corridors. Also development proposals are to consider all vegetation in terms of landscape significance and soil stability.	 Applies to vegetation removals across the entire municipality.	 Only a small portion of the LGA has data. Moderate to significant (2-10%) vegetation loss overall.	Difficult to determine the effectiveness of this control affecting vegetation removals (mature trees and remnant vegetation), without accessing local data. Regardless, the local policy strengthens Clause 52.17 (Native Vegetation Removals) and requires assessment against more criteria, including biodiversity and unique environmental context of the Yarra Ranges. Although remnant vegetation is lacking in the CoPP context, such a local policy could be applied with coastal vegetation, through a given overlay triggering a vegetation removal permit, and embed policy and a statement of environmental context regarding coastal vegetation to entrench protection in permit decisions.

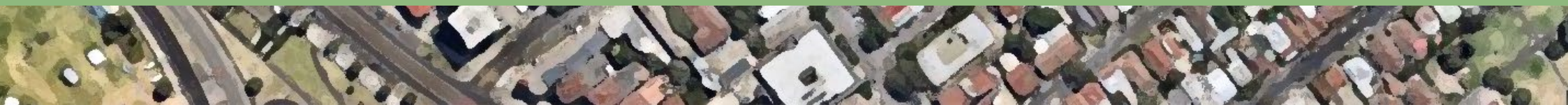
CONTEXT	TYPE OF CONTROL	CONTROL & VEGETATION AFFECTED	APPLICATION	CHANGE	OBSERVATIONS
Hume	**Local Policy** *Residential Neighbourhood Character Policies* *22.13 - Sunbury* *22.14 - Tullamarine* *22.15 - Westmeadows*	 The neighbourhood character desired design responses for the majority of the sub-precincts of Hume's residential neighbourhoods require that a landscape plan be prepared, with specific mention to low-maintenance vegetation, retaining canopy trees and understorey, and minimising front yard paving.	 The local policy applies to precinct-scale, central areas of Hume suburbs, covering residential development.	A few pockets of moderate tree loss (2-5%) amongst generally little to no change. Little to no change for shrub cover. Substantial grass gain (5-10%) in all three neighbourhood areas.	The controls have been in effect since 2006, and cover established neighbourhoods. The consideration of understorey together with canopy allows a permit application interpretation of a the biodiversity values of trees. The inclusion of low-maintenance vegetation is notable in encouraging the longevity of vegetation planted.

In considering vegetation loss, it should be noted that this is considered in relation to different parts of the municipality - allowing a comparison between areas experiencing higher or lower rates of loss. However, generally, in comparison to some other parts of Melbourne, the City of Port Phillip has not experienced 'high' levels of loss in most areas, this must be considered in tandem with the lower base of vegetation that remained in CoPP when mapping was undertaken compared to a municipality in the eastern suburbs.

The benchmarking exercise also highlights the difficulties in comparing outcomes related to vegetation. These outcomes are related to the combination of so many elements - not least the existing physical context relating to vegetation, but also other policy objectives and strategies relating to growth and development, as well as the layering of policy, permit triggers and the strength or otherwise of any drafted controls.

Assessment of the effectiveness of these controls using the available data is also somewhat limited within the scope of this project. The same control can be read as being effective in one area but not another. However, this may be related to the existence of other policy, or a lack of development approvals in that area during the relevant period. Any benchmarking should therefore be considered carefully in establishing precedent. Nonetheless, the exercise provides an important signal of options that are considered in Part C.

PART C:
OPTIONS & RECOMMENDATIONS



In considering options for greater protection of vegetation within CoPP's private realm. There is firstly a need to acknowledge some key aspects which will influence outcomes:

- There are broader issues related to the protection of vegetation which are not possible to address at a municipal level – they will require advocacy, and are discussed below. These are issues which affect all municipalities.
- CoPP has a low level of existing vegetation and minimal native vegetation on private land, which means a number of existing 'policy directions' are of less relevance and much of the justification which underpins the application of protection mechanisms in other municipalities may not be relevant in CoPP.
- And lastly, it must be acknowledged that vegetation protection is not just about trees – vegetation is much broader and encompasses mid and ground layers, so just requiring canopy trees within zone schedules or 'fixing' CoPP's existing local law will not address the ongoing loss of shrub and groundcover in large parts of the municipality.

It is critical to the development of effective policy and processes that there is a clear understanding of the specific objectives which underpin protection of vegetation. Vegetation protection is an area where there are multiple benefits and the link between an objective and regulation can often be blurred (for example, what kinds of vegetation is being protected, is it about an existing neighbourhood character, increasing biodiversity or urban cooling?)

In many cases there are multiple objectives but these do not translate clearly and can be inconsistent with the types of controls applied or wording included in planning policy. Canopy tree protection may require a different approach and tools to biodiversity enhancement or to the protection of a neighbourhoods 'garden character'.

The other key finding which has underpinned some of the recommendations outlined later in this section of the document is that broad policy statements are not sufficient to protect and enhance vegetation in a heavily urbanised environment such as CoPP. This context means that high level statements about protecting vegetation are often either unable to be delivered on the ground, or are in conflict with other policies and strategies. Failure to articulate contextually relevant responses to vegetation protection and embed these in statutory controls may lead to further erosion of vegetation across the municipality.

It must be also acknowledged that the 'solution' to increased protection of vegetation in CoPP will not be the result of one single action – there is no 'silver bullet' – but rather a series of combined and complementary activities which will hopefully contribute to a greener and more resilient municipality.

Some of the options which may be considered are outlined on the following pages, along with a Table which summarised them. Following that, a summary of the key recommendations of the project team is included.

A number of issues and options were raised during stakeholder engagement which related to the protection of vegetation on public land. This document deals specifically with issues and options relevant to private land – nonetheless issues associated with public land should also not be forgotten.

8.1 STATUTORY CONTROLS

Statutory controls may take a number of different forms, including the introduction of new permit triggers for vegetation removal, policy objectives and strategies to guide decision making or increased requirements for development for which a permit is already triggered by the planning scheme. Options under each of these are addressed below.

8.1.1 The 'policy void':

It is clear from both the review of existing controls and engagement with internal stakeholders, that there is an opportunity to strengthen the policy settings related to vegetation within the municipality. There are a number of options for how this may be achieved.

Our recommendation is that Council pursues not only more explicit content in the scheme, but also pursues a 'layering' of policy objectives and strategies, pulling as many levers as possible to strengthen decision-making in this area.

One of the key opportunities identified by the project team is for Council to develop policy that explicitly recognises the different development outcomes envisaged in different parts of the municipality and drafts specific strategies related to the protection and enhancement of vegetation which is practical and implementable having regard to the anticipated typologies. This would be much more effective than blanket policy statements regarding 'protecting vegetation' and would serve to inform a number of the options for integrating vegetation protection within differing parts of the Port Phillip Planning Scheme.

In looking to tailored outcomes reflective of different contexts, consider:

- Recognising areas where there is little existing vegetation and / or policy direction that explicitly supports more intensive built form and the provision of alternate forms of vegetation (i.e using the Green Factor Tool, green roofs and walls etc, see discussion below)
- Recognising areas where site context responses need to be designed around trees and leave areas for planting and adjust expectations established through policy accordingly.
- Recognising specific areas with defined environmental values that may support a tailored development response.

In the context of broader policy, there is an option to **integrate increased references to the role that protection of vegetation plays in responding to climate change**. Amendment VC216 provides a robust platform for this policy. Explicitly, but separately, recognising the role of canopy vegetation and permeable landscaped areas play in responding to urban heat and embedding strategies outlining the development outcomes sought in the relevant parts of the Planning Policy Framework (PPF) is an option. Future changes to the PPF as part of the Cooling and Greening Action of Plan Melbourne implementation plan may provide additional opportunities to integrate more explicit local content articulating strategies to support state level directives relevant to the context.

the CoPP's current structure which includes policy framed around local areas also offers an opportunity to **integrate specific references to sustainable development within these different neighbourhoods, and describe what this looks like in relation to vegetation within these different areas**. There are currently very few references to vegetation or trees within existing policy, offering a key opportunity to strengthen policy. Localising strategies based on the characteristics of each area will make these more robust (for example, recognising that in areas identified for higher density development the approach would be to provide vegetation, but in a range of flexible ways, whereas a neighbourhood where less development, or protection of character is a key driver, strong strategies regarding designing buildings around existing trees could be integrated. Including references to specific outcomes sought in areas such as the coastal strip, or in areas subject to flooding such as Elwood could also be specifically referenced.

One of the key foundations of many of the controls assessed via the benchmarking exercise was 'neighbourhood character'. While 'neighbourhood character' policy can play an important role, in some respects it should be a 'support' to the protection of vegetation, not the driver. However, more explicit references always good and the integration of specific vegetation outcomes in relation to 'preferred' character for different areas would strengthen vegetation protection.

While some areas of the CoPP already contain references to vegetation in their neighbourhood policy CoPP does not have a 'neighbourhood character' policy per se. Development for any brief for future work regarding neighbourhood character could focus on setting a preferred future character having regard to the broader policy objectives of the municipality, providing clear direction on the balancing of character, growth and intensification, but also on vegetation and climate resilience.

The is also an option to **strengthen existing policy settings around vegetation as it relates to coastal areas and habitat corridors**. There are state level clauses under which more explicit local policy could be inserted which includes the protection and / or enhancement of vegetation in these areas. As noted above Council could consider a 'corridor' application of ESO once Council has undertaken an assessment of habitat corridors within the municipality, with associated permit triggers for vegetation removal and requirements for landscape plans to reflect the particular habitat to be provided or existing ecological classes. There is also the potential to apply an ESO along coastal strip reflecting the characteristics of native vegetation. Embedding local policy that points to this approach in advance would strengthen the justification for any future control.

More specifically in relation to coastal areas, Council could consider the extent of the coastal strip under the Marine & Coastal Act (defined as 5km inland from the high water mark) and consider how this might play into the rationale for coastal vegetation controls and / or permeability / vegetated outcomes within this area. Under the Marine and Coastal Policy the use of statutory controls to enhance the condition of native vegetation on private land within the coastal strip is explicitly identified, providing a strong foundation for future controls which seek to enhance native vegetation in these areas

Another option is to consider opportunities to **align the protection of vegetation with permeability outcomes and management of flooding.** This could be of particular benefit in protecting mid and low level vegetation which are even more challenging that canopy trees to protect through the planning system. While Council cannot reasonably (see discussion below) control the types of landscaping provided on individual sites over the longer term, the most effective way to facilitate low and mid level vegetation is to ensure that there is space for this to be provided on a lot. This is not just about building footprint, as areas beyond could still be used for pools, decks etc as per the state level 'garden area' but about using permeability standards which increase the likelihood of vegetated areas being provided. Justification for increases to permeability requirements are unlikely to be supported in relation to the protection of vegetation only but consideration of the benefits of changes to these standards in response to flooding management, protection of existing neighbourhood character or facilitation of a preferred future neighbourhood character could be considered.

There are a number of areas where specific measurable requirements would add additional weight to vegetation protection, once a clear and justified future vegetation 'vision' for each of the different parts of the municipality has been established. Options include **adjustments to zone schedules, which are an option to integrate setback, permeability or landscaping requirements**. There are a range of precedents which exist to integrate vegetation requirements in the zones schedules.

In relation to current requirements embedded in the Port Phillip Planning Scheme, there are also opportunities to **strengthen content around elements such as 'landscape setbacks' contained in tools such as Design and Development Overlays**. Currently, there is little policy direction as to what is anticipated in these setbacks, which may not be making the most of opportunities to increase, or to protect existing, vegetation through the implementation of these setbacks. Clearer policy definition may assist. There is little in the scheme, or external in terms of internal or external guideline documents which establishes a clear objective for these setbacks or sets any parameters for what types of landscaping this might be – there is no mention of 'vegetation' or 'permeability' for example in most of these. There is also opportunity to ensure that the built from outcomes identified in any DDOs are framed to ensure they are aligned with the ambitions for the protection and / or enhancement of vegetation in any area they are applied.

ESD standards offer another opportunity to further embed specific requirements or standards in relation to vegetation protection. Whilst more broadly, this policy are can be very useful in driving integrated outcomes it can also be supported by the place specific outcomes noted above. More specifically, embedding requirements to meet certain benchmarks, for instance through a **shift in focus to more site responsive outcomes through Green Factor Tool requirements** could be of significant benefit in denser parts of the municipality. It is noted however, that this tool is likely to be of greater benefit in enhancing or increasing vegetation in denser areas than in protecting canopy vegetation in areas where the greatest losses are occurring, unless the weighting of the tool is adjusted to place greater emphasis on the retention of mature canopy trees.

8.1.2 Permit Triggers

One of the advantages of introducing a **Vegetation Protection Overlay** (VPO) which reflects the existing of significant trees (either diameter or some other definition) is that it make it clear at the stage of planning permits being considered and issued, that there is a tree which requires careful consideration. This is of value both is sending a signal to any statutory planning officer undertaking an assessment, but has another significant benefit for applicants.

While not common, there are certainly cases where a planning permit is issued for a development which fails to consider a significant tree on site. If the removal of this tree is objected to by Council local law permit officers this can cause significant issues for a permit applicant. While theoretically, a local law permit should be issued if a permit has been granted under the Planning & Environment Act, in reality this can often be the subject of debate and can cause delays in meeting conditions placed on permits etc. Identifying the significant trees in a transparent way can ensure the right conversations occur 'upfront' in the planning assessment process.

However, it must be acknowledged that even the application of a VPO does not guarantee the protection of vegetation, having consideration for the balancing of various objectives which is undertaken though any assessment process. This is a particular issue in the CoPP as a result of limited applicable policy (see discussion below). To apply a VPO, Council would need to prepare a statement of the nature and significance of the vegetation to be protected and be able to articulate the vegetation protection objectives. Permit trigger options:

- Introduction of a municipal wide Vegetation Protection Overlay (for example, schedules for different residential precincts). The advantage to this broader application is that it would then pick up semi-mature trees as they transition (rather than trees at a certain point) but would need to be carefully framed to be balanced with other policy objectives and to not unnecessarily trigger permits to have any chance of being supported.

- Introduction of a targeted Vegetation Protection Overlay to trees which meet the definition of a 'significant tree' consistent with Council's local law.
- Introduction of a targeted Vegetation Protection Overlay to trees which Council has determined to be significant for reasons of size, species, contribution of biodiversity etc (beyond the existing Local Law definition).

One of the disadvantages to a VPO is that it does not contain a buildings and work trigger specifically and so has limited ability where removal or pruning of the vegetation is not proposed.

While it is noted that there are a handful of **heritage trees** in the CoPP, those on private land are very limited and these are better considered in conjunction with wide approaches to the protection of 'significant' trees.

In the context of the CoPP a **Significant Landscape Overlay** (which includes triggers for vegetation removal) would not be appropriate due to the highly urbanised and modified environment.

While an **Environmental Significance Overlay** would not be appropriate across the broader areas of the municipality, it could be considered where there are particular characteristics that differentiate an area from the rest of the municipality with regard to environmental conditions. This might include the Elster Creek catchment, or the coastal areas of the municipality (see discussion below regarding the Marine and Coastal Act). The application of such an overlay would need to be subject to further investigations to explicitly identify the environmental values, the objectives in applying the ESO, and the anticipated changes in standard development outcomes that would be required to respond to those objectives.

The introduction of new permit triggers to the Port Phillip Planning Scheme needs to be considered carefully and would not be the preferred option. They would require a significant and robust evidence base. It is also noted that many of these applications would likely fall into the VicSmart category of applications, meaning that Council would have more limited timeframes to make decisions (which could add to resourcing impacts) and that the considerations in assessing any permit may be more limited that under a more traditional pathway.

The options which could be considered in the future include:

- Following a municipal wide mapping exercise, the application of a VPO to individual and / or clumps of trees.
- Following detailed investigation of environmental characteristics, the application of an ESO to areas of environmental sensitivity.

The following table provides a brief summary of the pros and cons of the various planning tools that could be used by Council once objectives and outcomes have been established. These options should not be considered in isolation from the other matters identified in relation to policy, and the additional options which are identified in subsequent sections of this report.

TOOL	PROS	CONS
Vegetation Protection Overlay *(designed to protect significant vegetation which can be individual trees, stands of trees or areas of significant vegetation)*	Has clear objectives aligned with the identification of trees under the Local Law Flags existence of significant vegetation to owners via presence in Sec 32 etc Requires documentation of significance as per Planning Practice Note to support implementation If combined with well drafted policy and coordinated with other control which apply to land can be an effective control Protection and enforcement via Planning & Environment Act can be stronger than under Local Government Act.	Adds additional permit trigger and potentially additional resource requirements No trigger for buildings & works Assessed via VicSmart pathway if removal proposed independent of development If competing policy directions are not resolved, it can be easily undermined If being applied to individual trees, runs the risk of 'missing' semi-mature trees that will be the 'next generation' of significant trees May require extensive surveying of private property to establish existing trees which are considered significant
Environmental Significance Overlay *(designed to protect areas with particular environmental constraints or ecological values that need protecting)*	Is a strong tool and combines buildings and works triggers with consideration of impact on vegetation Allows for specific outcomes associated with objectives to be highlighted (i.e. coastal areas, habitat corridors)	Requires strong strategic base articulating the environmental values, but also the role of private land in supporting these. As with the VPO, can be undermined by if competing policy ambitions not considered and drafting is too broad.
Residential Zone Schedules *(designed to support residential development that responds to policy objectives)*	Can apply to different parts of CoPPs residential areas Can address planting of canopy trees, but also matters like setbacks, site coverage and permeability which are important in supporting vegetation outcomes Is a strong tool given weight by statutory planners and other decision-makers Can be considered as part of neighbourhood character outcomes Translates to the building regulations / stages of development	Changes to setbacks, site coverage and permeability are unlikely to be supported through panel purely on the basis of delivering outcomes related to vegetation
Design & Development Overlay *(designed to support residential development that responds to policy objectives)*	Can establish a built form outcomes that supports rather than competes with the delivery of vegetation objectives Can ensure that a place based approach to the integration of vegetation and built form outcomes is articulated which can strengthen outcomes	Requires strong and detailed strategic justification Cannot be used to deliver vegetation related outcomes, other than where these intersect and relate to broader built form outcomes for the area DDO currently being reviewed by DELWP which may further restrict its application / content Generally only apply to discrete parts of a municipality .
Heritage Overlay *(designed to support residential development that responds to policy objectives)*	Triggers a permit and can be a relatively strong control Could be used to protect cultural heritage values that have not been identified to date and which can often relate to landscape	Relies on the heritage qualities of the tree or vegetation of which there are limited examples within CoPP's private realm Unlikely to be a suitable tool to protect any additional vegetation than already protected given highly modified environment
Significant Landscape Overlay *(designed to protect the visual qualities of a broader landscape)*	Is usually applied to protect a larger area Has a focus on buildings and works, but allows for the scheduling of vegetation removal triggers	Is focused on the contribution of vegetation to the aesthetic qualities of an area. There would need to be a strong evidence based provided as to why vegetation in one part of the municipality was distinct from other and reads as a key component of visual amenity in an area which is deemed to be significant.

8.1.3 Local law

Two key options for improving protection through the Local Law process are identified, although matters related to data and enforcement discussed below are also relevant.

The first option is to **make specific changes to how a significant tree is defined under this law**. The definition of a significant tree varies across the municipalities which have such definition (whether in their planning schemes or a Local Law similar to that in the CoPP). Opportunities to look to review the Local Law definitions could consider:

- Changes to the local law to increase the number of trees protected. This would require changes to what is considered a significant tree in the current law by lowering dimensions. This would need to be benchmarked against other councils applying similar laws.
- Another option includes adjusting the definition of multi-stemmed trees (see other examples such as Frankston) to reflect coastal vegetation characteristics. This would allow Council to pick up additional significant trees and would follow existing precedent.
- A third option, but one which has some added complexities related to definition, application and enforcement, would involve broadening out the definition of what is considered 'significant' to reflect assessment criteria beyond just a specified dimension. For example, specific species which have biodiversity value regardless of trunk size or those with cultural significance. Issues associated with how such additional criteria are identified and assessed would need to be resolved prior to this option being pursued.

The second opportunity, which is discussed further below relates to **changes to internal Council processes to increase the alignment in assessment and application of the local law with planning decisions**. There are a number of ways this could occur discussed throughout this section of the report. The benefit would be that the planning approval process would provide a greater level of support and complementary outcomes, strengthening the application of the Local Law.

8.2 NON-REGULATORY OPTIONS

Alongside regulatory options for protecting vegetation, there are a number of other complementary areas which need to be considered as options for increasing the protection of the CoPPs vegetation.

8.2.1 Community education and awareness

Community education and awareness is key among these and can be considered through a number of lens'.

Increasing the community's understanding of the value of trees. This may take the form of a community education campaign linking the protection of trees and vegetation to responses to climate change. Importantly, this could also seek to clearly communicate that the 'urban forest' which is so important to cities resilience in the face of climate change, is not just mature canopy trees (although these are an important component) but also all the mid and low level vegetation that is provided. The role of decisions made in the private realm (ie are you paving your back yard or putting in vegetation) and the ability of all community members to contribute to the collective resilience of the municipality is also an option for framing community awareness.

Confirming and communicating the economic value of trees so that the community has an understanding that trees have an economic value and Council has a responsibility to protect these assets alongside other infrastructure assets. Ideally this could occur as part of a broader statewide framework, but understanding the particular value in the context of the CoPP may also be of benefit.

Increasing the community's understanding of their individual obligation or rights in relation to vegetation on their land. This could be framed in the context of the CoPPs heritage building stock. A potential narrative could follow that while a heritage building may be on a individual landowners block, it is of value to the broader community, and therefore is worthy of protection, the end result being that the individual landowner does not get to make arbitrary decision about any removal.

Another area where additional awareness may be of benefit is that it is actually against the law to remove trees of a particular size. It is likely that many landowners are simply not aware of this law and without community education, trees may be removed without any knowledge or understanding by Council. This education should not identify specific penalties or the like, but seek to **raise awareness of the Local Law's existence.**

8.2.2 Internal processes:

At a high level, it is clear from internal engagement that a **broad review of internal Council processes and pursuit of opportunities to enhance officer awareness of the importance of vegetation, and in particular mature canopy vegetation in delivering Council strategic objectives may be beneficial.** Numerous internal staff from different departments interact in this space, and there are certainly opportunities to increase the effectiveness of integration across teams to support the objectives of protecting existing vegetation. A more robust internal culture of awareness of the importance of vegetation protection would support all other identified opportunities outlined within this document.

More specifically, internal recognition and definition of the different types of vegetation to be protected, and the objectives of the protection would allow a clear line of sight to the mechanisms and siting of controls related to vegetation. An improved understanding that the 'urban forest' is not just large canopy trees protected under the local law may also support other actions.

Improved internal processes related to the integration of statutory planning processes and assessments and the protection of vegetation, particularly significant trees could also be a focus. A more comprehensive understanding of trees on-site by planners would support this. Ideally site inspections should be more robust, with planners conducting site visits rather then relying on aerial photography (as aerial photography can be out of date) followed by referral to Council arborists to determine appropriate response to the vegetation. A more proactive approach to assessing potential for retention through an alternate site design would assist. However, it must be acknowledged that this has clear resourcing implications for a team which is already under significant pressure. However, at a minimum **a robust process for the identification of significant trees prior to any planning permit being issued should be pursued** as any permit issued through the planning system will override any protection given by the local law. The process of checking and establishing the presence of a significant trees on site needs to be strengthened. Changes to policy (addressed above) can provide a pointer to this, alongside internal processes.

Opportunities to enhance vegetation protection through changes to internal processes also exist through a **review of internal roles and responsibilities**, particularly in relation to the planning system. At the moment, there does not appear to be any ownership of the 'big picture' in relation to the protection of vegetation. The result of this is various activities impacting vegetation protection occurring in silos. Further to this, the current scope of internal referrals in combination with the matters considered by statutory planners is leading to potential gaps which may impact assessment of outcomes which deliver strategic objectives.

One option which would be of significant benefit in protection both existing mature vegetation and supporting the growth of new and / or replacement canopy cover would be the preparation of **clear guidelines for built form outcomes to support mature canopy growth through assessment processes and any subsequent issue of permit.** These guidelines could provide both statutory planners with an understanding of the types of changes to plans or conditions they may need to request to deliver strategic outcomes related to vegetation protection. They would also be a useful tool for any applicants in understanding Council expectations around the design response to any canopy trees on site proposed for retention, for example. Providing clear and robust guidelines for required setbacks at ground and upper levels, deep soil areas, footings etc to support mature canopy growth or protection of existing trees would enable more effective guidance to Council statutory planners. Articulating the evidence behind these guidelines will also support Council in defending any permit conditions or changes sought to plans in relation to this matter, including at VCAT.

Importantly, alongside this **triggers for consideration of the appropriateness of changes proposed through subsequent or parallel approval processes should also be explored.** Changes pursued through avenues such as Section 72 applications and changes through the building system may also be required. Changes to building setbacks, alignment of driveways etc can lead to vegetation proposed for protection being impacted. Without such a trigger (even just articulated as an internal process) that flags the need to consider impacts on canopy trees included in any proposal, there is a risk that subsequent changes may compromise the protection or enhancement of vegetation which underpinned any original approval.

Landscape plans are another area where changes to internal practice may benefit the protection of vegetation. There are numerous challenges associated with managing and enforcing the delivery of landscaping on private land subsequent to the issue of a permit. One option is identified below in discussion on enforcement but there are also certainly opportunities to look to internal processes and the preparation of guidelines for getting better outcomes in this space. Currently, while landscape plans are required under various parts of the Port Phillip Planning Scheme, there is nothing to identify what Council is seeking to deliver in the various parts of the municipality through these plans. **Clearly articulating the objectives of the preparation of a landscape plan, and the outcomes that Council is seeking** could increase the effectiveness of these existing requirements. Including consideration of maintenance (i.e. integration of irrigation systems, water sensitive urban design etc) would also be beneficial.

8.2.3 Enforcement:

One of the benefits (discussed above) of mapping and identifying significant trees through the planning scheme, is that there is additional weight that underpins enforcement based on the penalties for non-compliance available under the Planning & Environment Act, compared to the Local Government Act (under which the Local Law is drafted). However, the importance of the quantum of penalty is only relevant if the intent and associated enforcement framework is set up to pro-actively pursue prosecutions.

Council could also consider **a program of proactive spot 'checking' of compliance regarding tree protection**, rather than purely relying on community alerts as to potential non-compliance. This could be implemented in regard to significant trees (both where removals refused, but also where specific measures required by permit conditions to protect significant trees (i.e. through setbacks or TPZ permit conditions).

A complementary option would also be to **initiate a program of 'spot checking' endorsed landscape plans**. Currently, Council does not undertake any checking of compliance of landscaping requirements and, as such, there is no understanding of how effective a tool requirements for landscape plans are in delivering vegetation in the private realm. The added benefit of randomised checks is that it serves as an incentive for compliance. Focus could be placed on specific areas i.e where specific biodiversity outcomes are being pursued, or areas where a high level of urban heat makes private vegetation of greater importance.

A 'roll out' of expanded enforcement activities may also require consideration of resourcing for this department given the current scope of local law enforcement officers and the number of laws they have responsibility for. A **specialised 'tree enforcement' officer** may be worth considering as this role could support enforcement both under the Planning & Environment Act, and the Local Government Act. There is potential both for an enhanced integration between planning and local laws to be supported, but also for some specialised knowledge to be developed within this role which may make enforcement inspections more effective and efficient.

8.2.4 Data collection & monitoring:

Discussions with internal stakeholders and review of available Council datasets also suggests that further investment in data and monitoring may be of benefit in pursuing greater protection of vegetation. In particular, the following options or opportunities for increased data and monitoring could be considered:

Assessment and mapping in GIS of significant trees is an important step in understanding the spatial distribution of significant trees, but is not without its challenges, not least of which is gaining access to private land for the purposes of determining if a tree meets relevant definitions.

As a first step, existing significant trees, for which permit application have been received (ie for pruning etc) and which have not had a permit for removal issued could be included on a GIS layer, which could then be added to as additional applications are received. This would provide at least an interim understanding of significant trees, in advance of any broader municipal survey being undertaken as suggested above.

The identification of a list of significant trees also has the potential to support community awareness of the quantity and distribution of significant trees across the CoPP, and potentially encourage greater community protection of these assets.

Council may also wish to consider the c**ollation of a consolidated database tracking all tree removals in the municipality**, including the reasons for removal, what process authorised the removal and the context. This is important in understanding the patterns and reasons for removal, which can then allow Council to adjust policy settings with the aim of then reducing the number of removals. See also options regarding the follow up checks on trees for which local law permits have been refused.

8.2.5 Advocacy opportunities:

As with many councils, the CoPP is constrained by relevant legislation as to the financial and other penalties that can be issued in relation to the removal of trees contrary to their Local Law. **Opportunities to provide greater legislative weight and penalties for 'illegal' removal of vegetation must be embedded in relevant State legislation to enable individual municipalities to enact them**. The creation of legislation such as the currently proposed Urban Forest Act in the Australian Capital Territory not only embeds definitions and the importance of the urban forest in legislation, but also provides greater 'teeth' for instances where illegal removal occurs. Advocacy for similar legislation in the Victorian context could overcome many of the challenges faced in the application of laws under the Local Government Act to the protection of vegetation.

Within the Planning Policy Framework greater recognition of 'Green infrastructure' or the urban forest, as a fundamental part of the infrastructure picture at a State level may also be worthwhile advocacy. While recognising the urban forest as part of an adaptation response to climate change (Clause 13), or as part of a biodiversity response (Clause 12) is certainly useful, but **recognition of green infrastructure under Clause 19 which addresses infrastructure provides an opportunity to bring together all these matters, along with the broader public health benefits associated with access to nature and embed these alongside more traditional types of infrastructure**.

Opportunity also exists for Council to pursue advocacy around the **concept of 'permeability equivalence' as proposed by earlier work undertaken by the Council in relation to permeability in the private realm**. This concept is of direct relevance to vegetation protection, as current permeability standards which are applied in a relatively 'blunt' manner, are often not reasonably applied in the context of the CoPP. A more nuanced approach could provide greater support for permeable surfaces, which are then more likely to support vegetation. Policy objectives and framing would need to be clear that the permeability outcomes should be multi-beneficial (i.e. should also support outcomes relating to increasing greening in the municipality). This could be supported by design guidelines.

Other matters on which Council may which may wish to consider advocacy include:

- Seeking a review of the implication and interactions of VicSmart processes which apply to relevant overlay triggers (i.e. VPO, ESO etc) and the broader intent of developing an urban forest. While not currently relevant to the CoPP at the moment, should a VPO or ESO be introduced, then the current issues associated with these pathways would be of more relevance.

PROTECTING VEGETATION IN THE PRIVATE REALM

- In a similar vein, work is continuing at State level on the tree protection under the Cooling and Greening Action from Plan Melbourne. Should any State level definitions of a significant tree form part of that program of work then care would need to be taken to ensure that this aligned with Council's definition, or advocacy undertaken to ensure that appropriate definitions applied.
- Council may also need to pursue advocacy to include the integration of external tools such as the Green Factor Tool should a requirement to meet a defined benchmark using that tool be integrated into any planning scheme amendment pursued by Council.

HOUSES

8.3 SUMMARY RECOMMENDATIONS

Our recommendation is that Council pursues not only more explicit content in the scheme, but also pursues a 'layering' of policy objectives and strategies, pulling as many levers as possible to strengthen decision making in this area.

Recommendations fall into two clear categories. The first relate to improving the understanding of both the existing conditions and clarifying CoPP's ambitions or objectives in the protection of vegetation. The second set of recommendations relate to the options available to Council in implementing changes to respond to these objectives. These should necessarily be reviewed, having regard to the broader discussion within this section, once these objectives have been established.

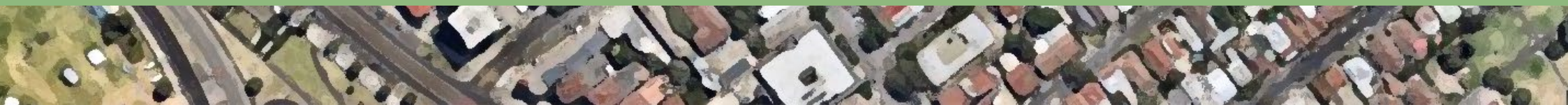
Establishing the 'Why'

- Establish clear objectives for different parts of the municipality as pertains to vegetation
- Clearly define the types of vegetation that need to be protected and enhanced to meet relevant objectives
- Identify specific relationships to other policy development to ensure incorporation of vegetation into other strategic planning exercises (i.e neighbourhood character assessments, structure plans)
- Ensure any assessment of habitat corridors in the CoPP considers the relevant 'sphere of influence' of private land in proximity to these corridors in order to establish an evidence based for the potential application of an ESO.
- Consider undertaking an assessment of the coastal environment and the statutory controls that might support Council in delivering Victoria's Marine & Coastal Policy - much of this is likely to relate to coastal vegetation and permeability.
- Map all existing known significant trees based on prior applications in a GIS layer.
- Further assess the benefits of a municipal wide survey of significant trees having regard to resourcing implications. If a municipal wide survey is undertaken, apply a VPO to significant trees to increase levels of protection and visibility. Consider the use of this material in a public awareness campaign.
- Define 'significant' trees in the CoPP context, including consideration of expanding the definition and update the Local Law to reflect this definition. Ensure broad internal awareness of the definition among Council staff.

Deciding the 'How'

- Based on the objectives, vegetation types and built requirement, make adjustments to zone schedules, local neighbourhood policy, landscape setback requirements etc as required to support objectives. A range of Options is identified above.
- Following the preparation of Council updated *Greening Port Phillip Strategy,* identify other areas (many of which are identified above) where policy settings could be strengthened or locally relevant directions inserted
- Clearly identify built form outcomes required to support the long term viability of preferred vegetation
- Prepare guideline material regarding the built form outcomes needed to support mature canopy growth and distribute this to both internal staff and the development community.
- Prepare guideline material that identifies the objectives in preparing landscape plans and provide examples of Council expectations in different areas of the municipality
- Prepare community awareness material related to the importance of trees in the private realm in supporting the CoPP's climate response, and identifying the existence of the Local Law
- Maintain a database of tree removals, approved through both planning permit applications and under the Local Law to develop a more comprehensive picture and allow the more effective development of policy.
- Consider a review of internal roles and responsibilities in relation to vegetation to support increase integration of relevant internal processes.
- Assess the benefits of a dedicated vegetation protection officer to monitor both Local Law and planning related matters, including through a 'spot checking' program to develop an understanding of compliance.

APPENDIX ONE:
STRATEGIC BACKGROUND REVIEW



APPENDIX TWO:
VCAT CASE STUDIES

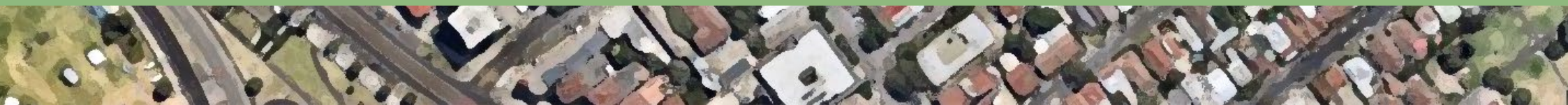


Table 6. Summarises of Relevant VCAT Case Studies

CASE REFERENCE	DECISION OUTCOME	PLANNING CONTROLS & PERMIT TRIGGERS	CASE SUMMARY
Goldfields Elwood Pty Ltd v Port Phillip CC [2020] VCAT 831 (5 August 2020)	Variation	Construct two or more dwellings on a lot in GRZ1	• 1-3 Foam St Elwood • Large Coral tree at rear of property • Proposal to construct 13 dwellings • Permit upheld with amended plans to remove car space to reduce encroachment into TPZ of and protect Coral tree
Adams v Port Phillip CC [2019] VCAT 1573 (8 October 2019)	Support	Removal of a tree in a heritage overlay with tree protections.	• 208 Canterbury Road St Kilda West • NRZ5, SBO3, HO378 & 444 • Council refused to issue a permit to remove a Pepper tree in the rear yard of a residential property at the above address • The Pepper tree is the sole focus of HO378 • Arborist report points to the trees age and declining health
Francesco v Port Phillip CC [2018] VCAT 1414 (19 September 2018)	Variation	Construct a building in GRZ2.	• 21 Beaconsfield Parade Middle Park • Permit granted with amended plans • Concerns from neighbouring no. 215 on impact of development upon two trees • Two trees not significant, not protected by statutory controls • Decision to grant permit with tree protection condition requiring arborist assessment of trees

McCorkell v Port Phillip CC [2018] VCAT 1346 (31 August 2018)	Support	Alterations and additions to a building in NRZ on a lot of less than 300 sqm.	• 22 Balston St Balaclava • NRZ, SBO • Alterations and additions – double storey addition • Proposal includes loss of significant tree – decision upheld based on the fact that there were two nearby significant trees retained in proposal. An 'appropriate balance would be achieved'
Holmes v Port Phillip CC [2018] VCAT 988 (2 July 2018)	Support	Construct a building in NRZ1.	• 16 Dinsdale Street Albert Park • NRZ1, HO442, SBO • Removal of a well-established walnut tree at the rear of the subject site • Member notes that losing a tree is unfortunate, but there are no statutory controls to protect it.
Tchen v Port Phillip CC [2017] VCAT 1650 (20 October 2017)	Support	Construct a two or more dwellings in GRZ1.	• 37-39 Docket Street Elwood • GRZ • Proposal for six dwellings in four storey building • Significant tree - Narrow Leaf Ash located at rear of site • Applicants for review oppose the removal of tree based on amenity and landscape contribution • Arborist assessment is that the tree is in poor health and in decline • Decision to remove tree upheld based on arborist assessment and landscaping offset

Gannoni v Port Phillip CC [2016] VCAT 2182 (21 December 2016)	Support	Alterations and additions to a building in GRZ1 on a lot of less than 500 sqm.	• Applicant for review objects based on impact on trees within their property abutting proposal • Noted that trees are not "protected by the planning scheme through for example a Vegetation Protection Overlay"
Oliver v Port Phillip CC [2016] VCAT 1830 (2 November 2016)	Variation	Use and develop land for a dwelling within C1Z and demolish a building in HO1.	• 83 Raglan Street Port Melbourne • C1Z, HO1 • Japanese Maple to be retained, though objectors raised concerns about impact of proposed development on tree health • Decision to grant a permit and condition standard tree protection measures for a tree on site upon which concerns had been raised about impact of development.
71A Grey Street Orchard Trust Pty Ltd v Port Phillip CC [2014] VCAT 106 (18 August 2014)	Refuse	Construct two or more dwellings on a lot in GRZ	• Removal of two (of four) peppercorn trees, without any statutory protections • 69 Grey Street St Kilda • Although there are no statutory protections - permit refused partly as the trees are identified to make a contribution to neighbourhood character and their retention is supported by policy (C21.05-2)

Grundy v Port Phillip CC & Anor [2009] VCAT 2319 (2 November 2009)	Support	Demolition in HO1 and additions to a dwelling in R1Z	• 100 Albert Street, Port Melbourne • R1Z (obsolete), HO1 • Demo of rear of dwelling and construction of two-storey addition • Removal of bottlebrush, mandarin tree and lemon tree from front setback • Trees visible to streetscape • Decision – no need to retain trees or require arborist report as "landscaping is not a strong character or heritage element in this locale"
Kemp v Port Phillip CC [2006] VCAT 2413 (22 November 2006)	Support	Construct or extend a dwelling in R1Z on a lot of between 300 and 500 sqm.	• 33 Canterbury Road Middle Park • Demo and development of garage with studio above in rear yard of double storey house • Neighbourhood character and heritage • Significant Tree removal – Golden Ash found to contribute to neighbourhood character, but roots causing lifting of the paving
Cerra v Port Phillip CC [2014] VCAT 113 (7 February 2014)	Support	Construct two dwellings on a lot in R1Z	• 16 Goldsmith Street Elwood • R1Z, SBO • Construction of two dwellings • Loss of vegetation noted in proceedings but not a factor in decision given the vegetation "has no value or significance that would warrant its retention"

Kirby v Port Phillip CC [2011] VCAT 162 (10 February 2011)	Support	Removal of native vegetation.	• 85 Liardet Street and 186 Esplanade West Port Melbourne • Decision to grant a permit upheld • Permit requirement: Removal of native vegetation • Condition for re-vegetation with indigenous species