

Maddocks

Wollert PSP – Planning Scheme Amendment C187 – Scattered tree retention

Allan Wyatt | Expert Witness Statement


Landscape Assessment

November 2015 | FINAL

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Client	Maddocks
Project No	15027
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Approved by	Allan Wyatt
Date	30 November 2015

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1. Introduction

The City of Whittlesea is proposing, as part of Amendment C187, to set requirements and guidelines for the retention of native vegetation and scattered trees within those areas that are subject to this planning scheme amendment.

This report will examine the likely landscape and visual benefits in terms of neighbourhood character that may derive from this 'Scattered Tree Retention Strategy'.

Expert Evidence – Practice Note

I acknowledge that I have read and complied with the Guide to Expert Evidence, Planning Panels Victoria. In compliance with this Guide, I provide the following information.

Name & address

Allan Wyatt – Landscape Architect
XURBAN
Suite 1103, 408 Lonsdale Street
Melbourne, Victoria, 3000.

Qualifications & experience

I am a registered Landscape Architect with over 30 years' experience and I have a Grad.Dip.L.D. from RMIT (1980) and I am a member of the Australian Institute of Landscape Architects.

A Curriculum Vita is attached as Appendix A in this report.

Area of expertise

I have given expert evidence on landscape, urban design and visual impact assessment at the former Administrative Appeals Tribunal (AAT) and VCAT and provided expert evidence before panel hearings in Victoria. I have also given expert evidence before Planning Appeal bodies in NSW, South Australia, Tasmania, Queensland and New Zealand.

Other significant contributors

There were no other significant contributors to this report.

Instructions

Allan Wyatt of XURBAN has been engaged by Maddocks Lawyers, acting on behalf of the City of Whittlesea to undertake a review of the visual and landscape implications of the proposed amendment to retain scattered trees.

Site inspections

I visited the site and the surrounding residential / commercial areas on the 27th October, 2015 and on the 18th November 2015.

Facts, matters and assumptions

The facts, matters and assumptions on which the opinions expressed in this report are based, include:

- Whittlesea Planning Scheme, Amendment C187, Explanatory Report;
- Whittlesea Planning Scheme, Amendment C187, Instruction Sheet;
- Wollert Precinct Structure Plan, April 2015 - Exhibition;
- Exhibited policy provisions including:
 - Whittlesea Planning Scheme Local Policy, Clause 22.10: River Red Gum Protection Policy;
- Exhibited Zones, Overlays, Particular Provisions, General provisions;
- Exhibited Incorporated Documents;
- Exhibited VicSmart Planning Assessment Provisions;
- Aboricultural Assessment, Wollert Precinct Structure Plan 1070, Wollert, prepared for the Growth Area Authority, by Tree Logic9/10/2012
- Guidance Note: Implementing the Biodiversity Conservation Strategy for Melbourne's Growth Corridors, Working Document – February 2015.
- Lyndarum Conservation Reserve, Epping North, City of Whittlesea (Summary for DWELP, 8 September 2015;
- Wollert, Visual Character Assessment, Final Report: Wollert Precinct Structure Plan (1070), Prepared for: Melbourne Planning Authority and City of Whittlesea; Prepared by the City of Whittlesea, February 2014.
- Subdivision Design Requirements and Site Analysis Procedures Guidelines, City of Whittlesea, undated.
- Scattered Tree Retention in the City of Whittlesea, Information pack for the Department of Environment and Primary Industries, City of Whittlesea, 08 October 2014.
- Tree retention examples within office / industrial areas within the City of Whittlesea, City of Whittlesea, dated 29 October 2015.
- Wollert Precinct Structure Plan – Amendment C187, Submission Part 01, Mesh submission, dated 5 June 2015 (Prepared for Evolve Development, AV Jennings, Villawood Properties, Greencor).
- Wollert Precinct Structure Plan – Amendment C187, Wollert Developer Consortium Submission - Part 02, Mesh, dated 10 June 2015 (Prepared for Evolve Development, AV Jennings, Villawood Properties, Greencor).
- Letter from the Department of Environment, Land, Water & Planning (DELWP) dated 21 July 2015 regarding “Melbourne Strategic Assessment – Scattered Tree Retention Standards to be used in City of Whittlesea”.

Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

2. Existing conditions

The boundary of the land subject to the proposed amendment is in Melbourne's north, within the City of Whittlesea.

The boundary of the land within the proposed Amendment C187 is shown in Figure 1. It is bounded on the south by Craigieburn Road East, in the north by Summerhill Road. It extends slightly eastwards of Epping Road and is bounded by Edgars Creek and farmland to the west.

Figure 1 *Boundary of C187 (Source: Nearmap)*

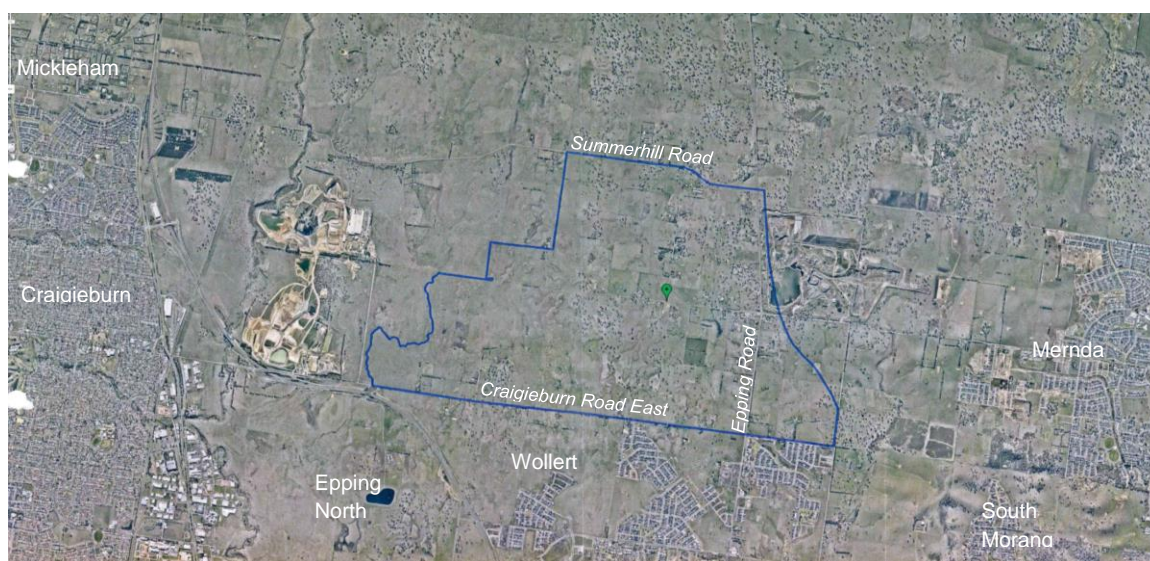


Figure 1 shows existing the existing farmland within the Amendment C187 boundary, with both scattered Eucalypts and denser patches of vegetation visible.

Existing suburbs surround the Amendment area, exemplify different approaches to the subdivision pattern as well as differing approaches to tree retention.

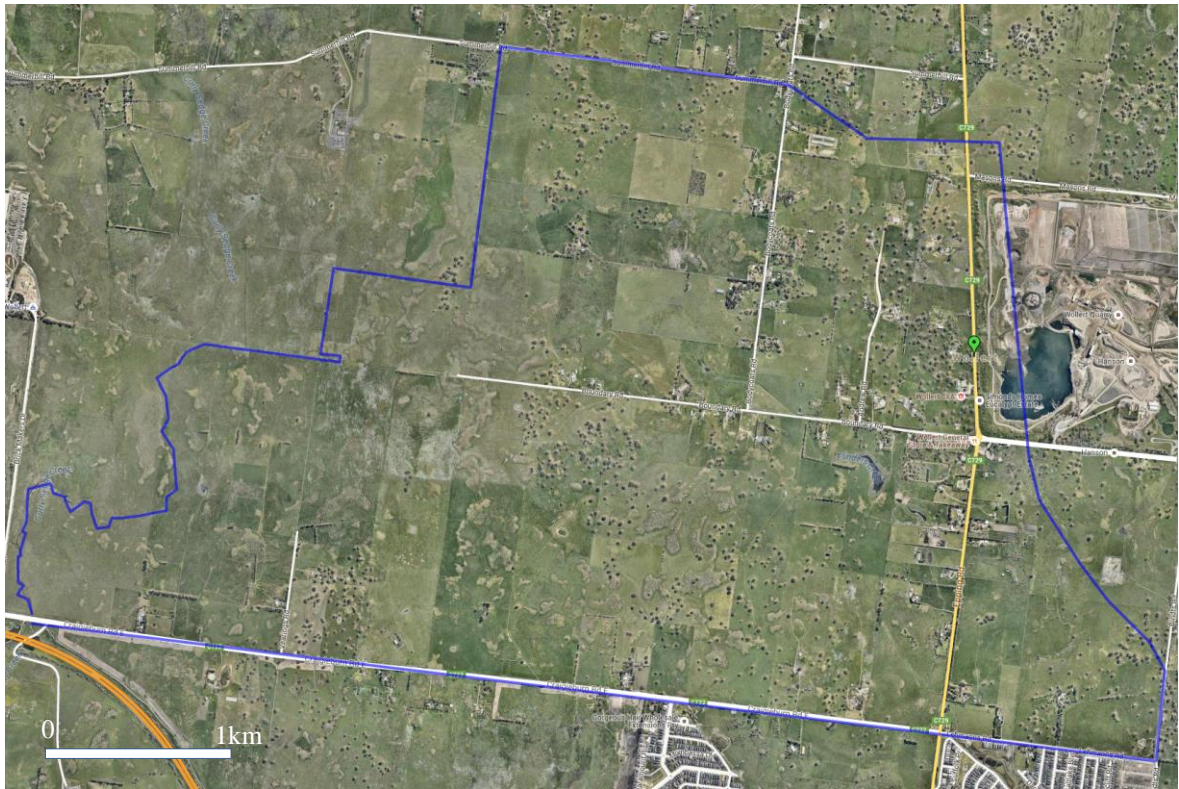
Earlier subdivisions at Craigieburn and in Epping South and Epping, retained mature vegetation only where these coincided with flood ways and where they could be incorporated into larger parks. Generally, these areas are visually poorer for the lack of mature and larger vegetation within a large proportion of the urban areas. This will be discussed later in this report.

More recently at Epping North in the Lyndarum Estate and in other more recently developed areas within the City of Whittlesea, individual trees were also retained in in tree reservations, small parks and widened road reserves. These complemented the retained mature trees within the larger parkland areas and designated Conservation Reserves. This strategy has led to a much more attractive urban area with these large and mature trees forming focal points within the urban area.

River Red Gums are an attractive feature of the land within the Amendment Area and their incorporation into the future urban areas is significant in the goal of achieving a better urban design outcome as well as providing connections with the pre-urban landscape.

Many of the River Red Gums are hundreds of years old and they are not easily replaced. A impression of the scattering of existing vegetation is provided in the aerial view in Figure 2.

Figure 2 *Trees within the study area – aerial view (Source: Nearmap, 4th October 2015)*



The existing River Red Gums are evident in this aerial photograph (*Figure 2*). Individually each tree can be seen even in this small scale aerial photograph which spans over six kilometres. At closer distances the mature River Red Gums are impressive trees.

Figure 3 *Trees within the study area (south side of Boundary Road)*



These individual trees are substantial, visually appealing and worthy of retention.

Sometimes there are groups of trees which are not within Conservation areas, that are also worthy of retention.

Figure 4 *Groups of trees within the study area (west of CFA Fire Station, Epping Road)*



A strategy has been incorporated as part of Amendment C187, to retain a proportion of these existing trees whilst planning for the urbanisation of this rural landscape.

The strategy for tree retention is in two parts. The first component of the strategy for tree retention, retains trees in conservation areas and parklands. The second part of the strategy is to retain a proportion of the larger trees in areas that are to be developed for residential / industrial / mixed use by appropriate design.

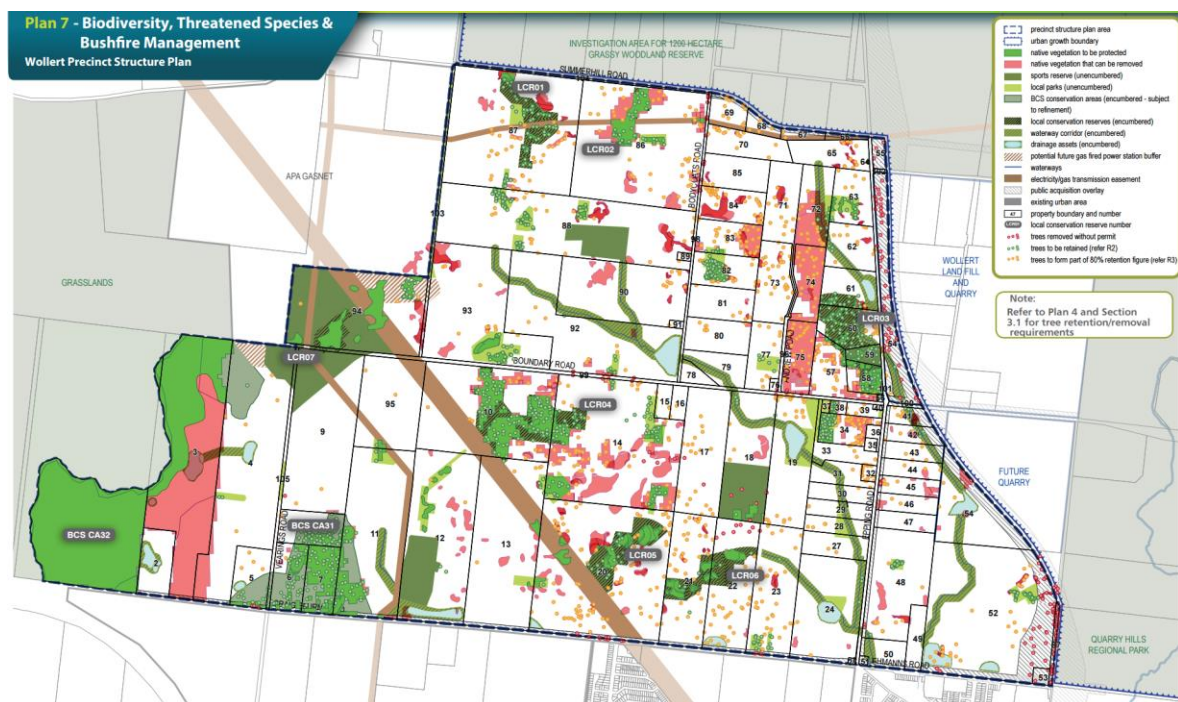
Conservation Areas

Conservation areas have been identified and included within BCS Conservation Reserves as well as Local Conservation Reserves within the PSP. These conservation areas have been derived from cultural, heritage and / or fauna and flora values. The objectives of the Wollert Structure Plan (Precinct Structure Plan, p10) include:

- 025 To provide protection for regionally significant Northern Plains Red Gum Grassy Woodland and locally significant clusters of River Red Gums through provision of a local conservation reserve network.*
- 026 To retain and protect the environs of the Curly Sedge Creek, Edgars Creek and Findon Creek.*
- 027 To provide for the protection of Grassy Eucalypt Woodland within Conservation Area 31.*
- 028 To provide for the protection of native grasslands that contain a range of biodiversity values of national significance within Conservation Area 32.*

The size and shape of these local conservation areas are driven through the flora and fauna values and in some cases through aboriginal sensitivity and floodway management.

Figure 5 Biodiversity Areas (Source: MPA, Wollert Precinct Structure Plan, Plan 7)



The BCS conservation areas, sports reserves and local parks are shown shaded green in Figure 5. The pink areas designate native vegetation areas that can be removed subject to the R3 Requirement to retain at least 80%. The individual trees marked in red can be removed without a permit.

Two large Biodiversity Conservation Strategy (BCS) areas are designated on the southern boundary of the Amendment C187 boundary. These are CA31 and CA32 and CA31 in particular corresponds to an area with a large number of significant trees.

Visibility of the conservation areas

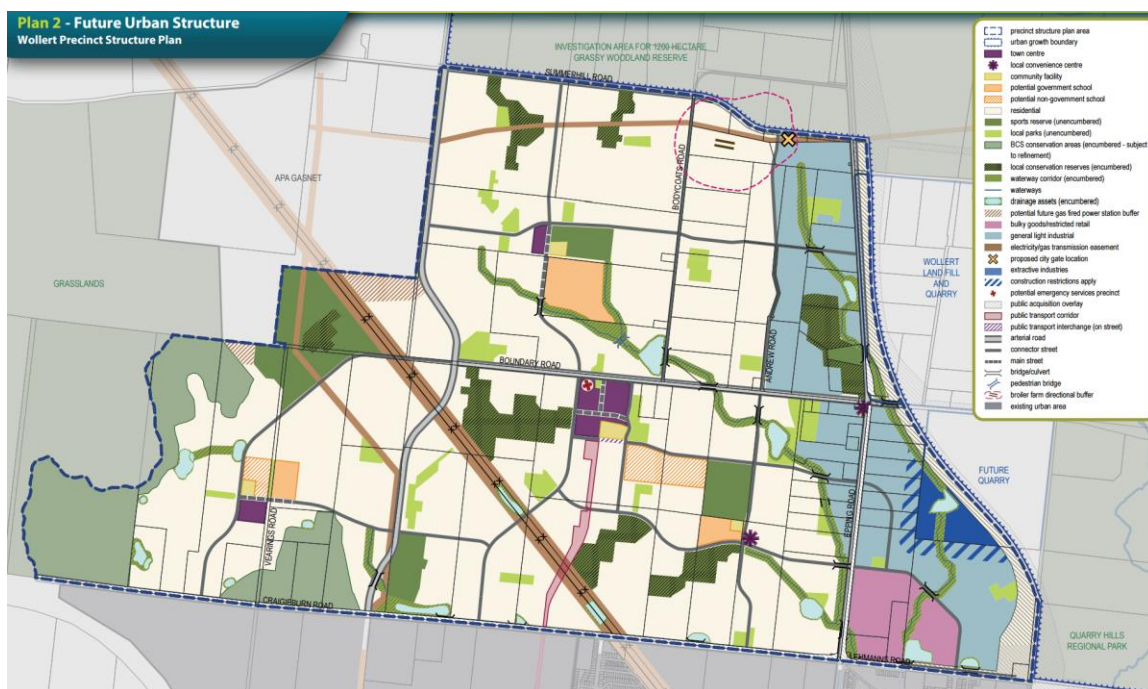
The BCS areas (CA31 and CA32) abut Craigieburn Road East on the southern edges, but for the majority of their perimeter these BCS areas do not abut collector or major roads.

The local conservation areas have minor abutments to the collector road network which include:

- LCR01 and LCR02 have narrow abutments at their northern end to Summerhill Road (a future 4 lane arterial);
- LCR3 has a substantial frontage to Epping Road (a major north-south arterial road);
- LCR04 directly abuts the north-south Edgars Road collector road and the Major Town Centre at its eastern end.
- LCR05 has a small abutment at its northern end;
- LCR06 is has a collector running past at its northern end; and
- LCR07 is proposed to be contained within a future district open space that is visible from a collector road.

The location of reserves and the main road network is shown in Figure 6.

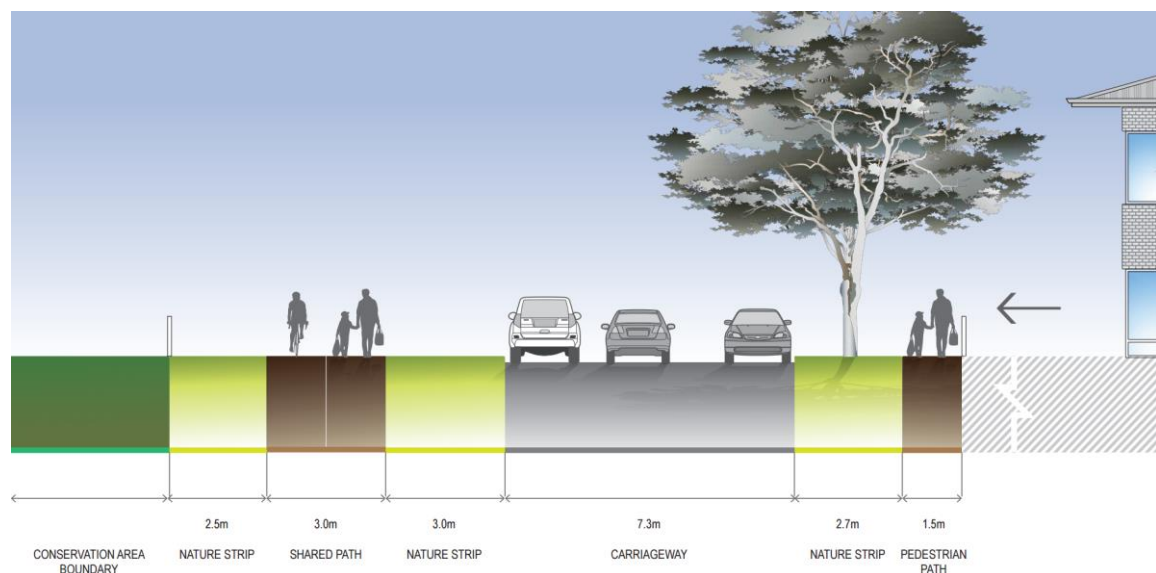
Figure 6 *Urban structure* (Source: MPA, Wollert Precinct Structure Plan, Plan 2)



Given the scale of the area subject to this amendment, these abutments are relatively small.

There is a stipulation that local roads must abut the local conservation areas and this relationship is shown in Figure 11 of the PSP. This stipulation for local road abuttal also applies to the BCS areas.

Figure 7 *Conservation area / reserve interface* (Source: MPA, Wollert Precinct Structure Plan, Figure 11)



The conservation area in Figure 7 is shown bounded by a local road and a shared pathway and nature strip. A fence bounds the conservation area and pedestrian access will be controlled and limited to the paths provided. The path will be a low visually permeable fence, such as post and wire.

Assuming that mature River Red Gums are retained within these local conservation areas, these will be visible from that local road and the residential areas that abut this road.

However, from a broader place-making perspective, the conservation areas may be largely invisible to people passing through on collector and main roads, as these have minimal abuttal to the proposed conservation areas.

Therefore, for place setting or urban character reasons, the retention of individual trees that can be adjacent to these collector / main roads, will have a dramatic impact on the perception of this new urban area.

Individual tree retention strategy

Individual trees are also identified within the PSP.

Some of the mature River Red Gums are in designated BCS and local conservation areas or reserves. However, there are many individual trees which are not within these reserves and these trees are shown as light brown / orange circles in *Figure 5*.

Each tree was the subject of an Arboricultural Assessment (Tree Logic 9/10/2012). I am instructed that trees in DCP areas and within public school sites are the only trees that have been designated to be removed.

The City of Whittlesea seeks to retain healthy trees through the River Red Gum Protection Policy (Whittlesea Planning Scheme, Clause 22.10) which has the objective:

To ensure that the development of urban and rural areas takes into account the presence, retention, enhancement and long term viability of River Red Gums in urban areas.

The Local Policy then seeks that those trees designated for retention be located in public open space reserves and /or road reserves. The River Red Gum Protection Policy, was adopted by the City of Whittlesea on the 12th May 1998.

I have been instructed that in the recent past, through negotiation with developers, 80% of pre-development River Red Gums have been retained.

The next section of this report will look at urban areas where this policy has been adopted and evaluates the success of this tree retention strategy.

Policy Context

The Policy Context for the retention of trees for visual and aesthetic reasons is well established within the existing planning framework. This amendment will delete the ESO's that currently apply to the area of Amendment C187. Clause 22.10 'River Red Gum Protection Policy' is to be retained.

In the past the City has retained existing scattered trees based on their size and their ability to provide a landscaped setting for urban growth area as they developed.

Clause 22.10 applies "to the protection of River Red Gums in urban and rural areas" and has been adopted by the City of Whittlesea since May 1998. It is important to recognise that this long-standing protection policy is not solely based on environmental concerns.

"The mature River Red Gums are recognised as the most important visual and environmental feature of this municipality. (my underlining)"

I have been advised that the City has generally sought to retain 80% of scattered trees. The PSP seeks to formalise the retention of 80% of scattered trees.

In the section of the PSP dealing with Image and Character (Section 3.1.1) requirement R3 states:

"No less than 80% of River Red Gums classifies as Medium, Large or Very Large must be retained for their landscape and amenity value, to the satisfaction of the Responsible Authority."

The following section will demonstrate that this policy of retaining scattered trees has led to neighbourhoods with a strong landscape character which has been largely achieved through the retention of the mature River Red Gums.

Developer support

There is developer support for the retention of scattered trees. As stated in the Mesh submission (Part 01, dated 5 June 2015, prepared for Evolve Development, AV Jennings, Villawood Properties, Greencor):

"As per previous Consortium submissions on scattered River Red Gums and other trees, the Consortium is generally supportive of Council's position which recognises the intrinsic value and role scattered trees can contribute to the PSP area." (p7, Section 2.2, para 1).

The consortium submission goes on the state:

"Historically, there has been a guiding "rule" that has become understood between Council and developers within Whittlesea whereby approximately 80% of scattered River Red Gums have been retained through the development process. Typically this retention process was assessed on a site-by-site basis. However, up until this point, this "target" retention rate has never been formalised within planning provisions or other Council policies which specifically state a retention rate. It is noted that the PSP document now seeks to formally implement this retention rate as a requirement. In this context, it is noted that historically there has been no definite distinction drawn between retained trees that qualify for inclusion within the 80% target. That is, any tree that was practically retained was counted within the overall retention target.

What is now proposed however, is that trees retained within the BCS reserves and trees retained within the local conservation reserves will be excluded from the 80% target and the 80% target will apply to scattered trees within the remaining developable parts of this land." (p7, Section 2.2, Column 2, para 2 & Column 3, para 1).

The Consortium does not disagree with the overall objective, nor even with the 80% retention rate, but rather the assessment of this rate to exclude retained trees within BCS or conservation reserves from the overall retrained tree calculation.

The Consortium also raises issues regarding potential offset payments and the necessity for the strict adherence to the Tree Protection Zone stipulated by the River Red Gum Protection Policy.

3. Existing subdivisions

The existing subdivisions not far from the land subject to this proposed Amendment, show how the retention strategies have been implemented in the past. This landscape is relatively flat, with low rises affording few long distance views. Where mature River Red Gums have been retained, they are visible over the roofs of houses for a considerable distance.

Mature River Red Gums have been retained in parkland areas. Parkland areas can either be conservation reserves or active and passive parkland areas.

Trees in parkland and conservation reserves

Figure 8 *Trees in parkland areas (Greenfields Drive Northside, Wollert)*



The mature River Red Gums in this passive parkland area are focal points, and will for many years be the dominant streetscape element.

Figure 9 *Trees in conservation areas (Stonebridge Rise, Epping North)*



The trees in Figure 9 are within a conservation area and this is typically the extent of tree retention in the older subdivisions further to the south. In the older urban areas mature trees were only retained within conservation areas, typically along creek or drainage lines.

There is a great contrast between these older urban areas with a paucity of retained individual trees and Lyndarum and more recent developments where scattered trees have been retained and incorporated into the development plan. The vision for the Wollert PSP is for this retention rate and conservation strategy to continue.

Individual trees

In earlier subdivisions in the southern part of the growth area (eg Mill Park), the retention of individual trees was attempted within individual house allotments. The City of Whittlesea in the 'River Red Gum Protection Policy' states that in its experience the retention of individual trees within allotments has not been successful. I agree with this proposition and when trees are retained within individual allotments, over time many are removed.

A better strategy is to retain trees within public areas such as widened road reserves or designated tree reserves.

Figure 10 *Tree as a corner focal point (Cnr. Greenfield Drive & Abercrombie Grove, Epping North)*



The mature River Red Gum in Figure 10 is within a widened road reserve.

Figure 11 *Individual tree in a widened road reserve (Stonebridge Rise, Epping North)*



The size of these trees make them an important contributor to the landscape and urban character of the new subdivision. In this example in Figure 11, Stonebridge Rise has been diverted around the tree, providing a focal point and a traffic calming measure.

Other retained trees have been incorporated into smaller 'corner parks' adjacent to the road reserve.

Figure 12 *Individual tree adjacent to a collector road (Lyndarum Drive, Epping North)*



The tree shown in Figure 12 is part of a group of trees that are retained and this open space connects this collector road (Lyndarum Drive) to a local road and the linear open space behind (refer Figure 13).

Figure 13 *Individual trees adjacent to a local road (Lyndarum Drive, west of Great Brome Avenue, Epping North)*



These trees are dominant visual elements in the streetscapes in which they are incorporated. They are also visible for some distance and when road layouts are designed to incorporate these River Red Gums they can become a terminal vista along the local and collector roads.

The trees in Figure 11 is one example of how the mature trees and the road design can work together to provide terminal vistas along the road network.

Figure 14 shows another example outside a school, where the retention of a mature River Red Gum within a widened road reserve has also provided a 'slow point' to reduce driver speed in a local street outside the school.

Figure 14 *Tree creating a 'slow point' in the road network (cnr. Mansfield Road & Dunolly Street, Epping North, outside the Epping Views Primary School)*



This tree is a substantial contribution to the setting for the Epping Views Primary School, and for the local residents. The scale of the tree is shown in Figure 15.

Figure 15 *Tree outside the Epping Views Primary School*



Trees have also been retained with other distinctive features of this landscape. The Wollert Visual Character Assessment (City of Whittlesea, February 2014) identifies the visual appeal of the stony rises and dry stone walls.

Figure 16 *Stony rises (cnr. Abercrombie Grove & Duke Street, Epping North)*



The low stony risers which are apparent within the landscape have also been retained along with mature trees.

The mature River Red Gums however are the focal point in all these examples. Where their retention can also be accompanied by the retention of other landscape features such as the stony rises in Figure 16 and dry stone walls, then there are further advantages.

Creatively incorporating these trees into the road and subdivision design, should not be seen as removing developable land, but providing amenity benefits important to future residents and the broader community. These benefits range from assisting to manage traffic, wayfinding and focal points, retaining heritage and geomorphological features, as well as habitat and aesthetic considerations.

These trees provide an upper canopy structure to the residential areas. The trees can be seen over roof tops for a considerable distance.

Figure 17 *Trees contribute to the neighbourhood character (Rivergum Drive, Mill Park)*



The scattered trees provide a landscape structure to newly developed urban areas that would otherwise take decades to achieve.

There are many examples similar to the photo in Figure 17 where the canopies of retained trees are visible across the urban areas. As these trees are to be retained in public land they can continue to contribute to the landscape setting of these areas for many years to come.

Tree retention in industrial / retail areas

The proposed uses for the land subject to Amendment C187 include industrial and retail areas. The tree retention policy has previously led to mature River Red Gums being retained in industrial and retail areas.

Figure 18 **Scattered trees abutting retail industrial area** (Cnr. McDonalds Road & Danaher Drive, South Morang)



Figure 19 **Tree adjacent to retail and carparking** (Cnr. McDonalds Road & Oleander Drive, Mill Park)



Figure 20 Scattered trees abutting industrial area (Enterprise Drive, Bundoora)



The trees retained in the frontages of commercial / industrial buildings along Enterprise Drive complement the retained vegetation in the parkland on the opposite side of Enterprise Drive

The amenity of industrial and retail areas can be challenging because of the size of the buildings. However, the size of mature River Red Gums means that newly developed industrial, commercial and retail areas have a 'ready-made' landscape setting, with vegetation that is appropriately scaled.

The retention of these trees, in industrial and retail areas, add considerably to the aesthetic appeal of the neighbourhood and similar to the residential examples shown previously, the retention of these trees create a distinctive character for this area of the City.

Tree retention standards

The tree retention standards set out a method of calculating a Tree Protection Zone, placing trees within Public land and formalising a requirement that 80% of existing scattered trees on any parcel of land be retained.

Tree Protection Zone (TPZ)

The Department of Environment, Land, Water & Planning (DELWP) in their letter to the City of Whittlesea dated 21 July 2015, stated that:

"DELWP's assessment has determined that the adoption of the CoW's standards are likely to provide equal or greater protection of scattered trees to the criteria in the Guidance Note read with the "Native Vegetation – Technical Information Sheet: Defining an acceptable distance for tree retention during construction works (DSE, 2011)."

The River Red Gum Protection Policy adopted by the City of Whittlesea on the 12th May, 1998 has been used in the City since that time and it has been successful in retaining mature River Red Gums, as demonstrated in the previous illustrations.

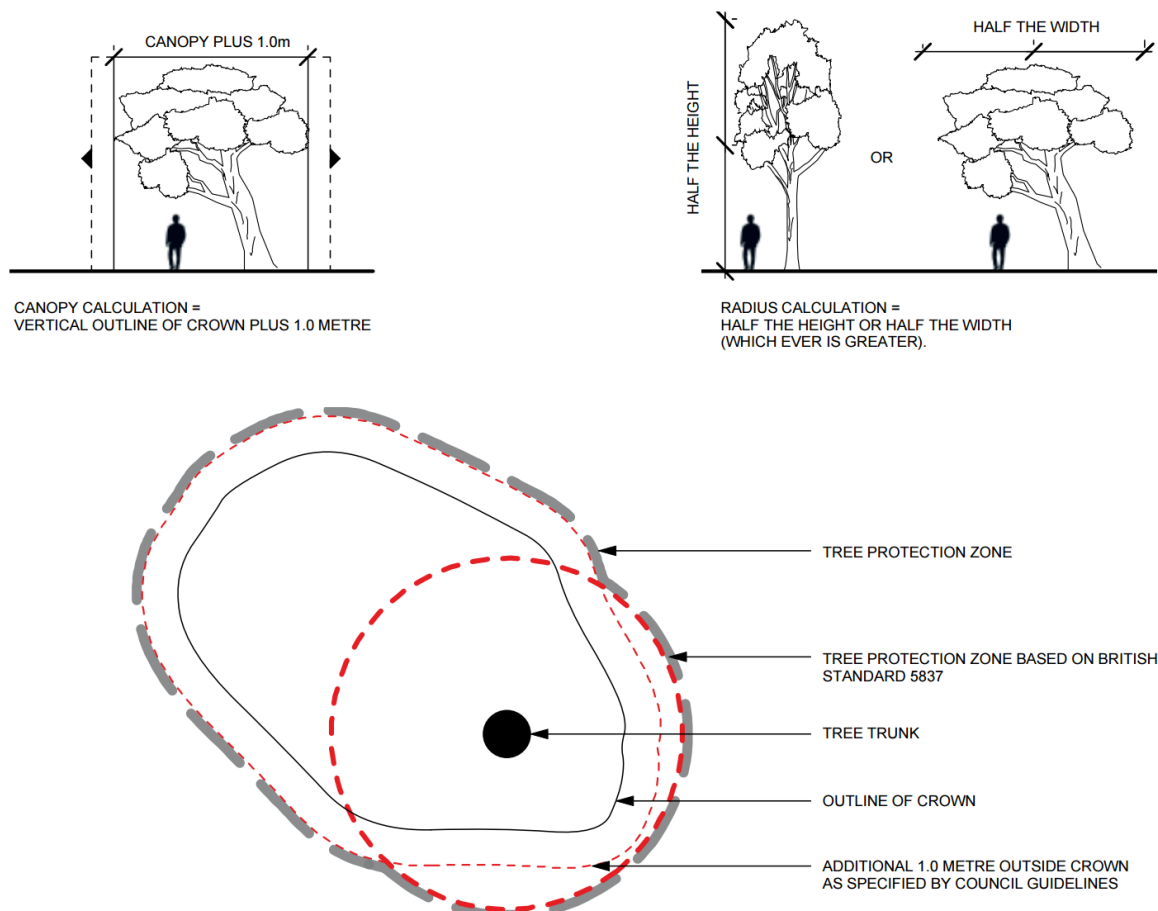
The Tree Protection Zone (TPZ) is determined by adding together two areas.

- The first area includes all the area under the canopy line of the tree and extending for one metre beyond the drip line of the tree canopy.
- The second area is a circle measured from the centre line of the tree trunk, with a diameter equal to half the height of the tree.

The combination of these two areas determines an appropriate Tree Protection Zone for these mature River Red Gums.

This is graphically illustrated in Figure 21. The example is based on a tree with an uneven canopy and with a height of approximately 20m.

Figure 21 Tree protection zone determination (Source: PSP, p100)



The determination of an appropriate TPZ is based on a combination of the area one metre beyond the canopy line and a radius from the centre line of the trunk equal to half the height of the tree or half the diameter, whichever is greater.

Ensuring that footpaths, road edges, drainage and service lines do not intrude into the TPZ has meant that individual scattered trees are successfully retained within urban areas.

There are instances where development (footpaths, road edges etc) have intruded into the TPZ and the trees, at least to date, have survived.

The TPZ should be able to be varied, with the consent of the Responsible Authority, based on a detailed individual tree assessment undertaken by an Arboricultural expert.

Retained trees in Public ownership

Their retention is further enhanced when these trees are within public land. This is also recommended within the letter from DELWP referenced above, which require:

- “2. The land containing the scattered trees must be owned by a public authority or vested in a public authority prior to the commencement of subdivision, buildings or works on the land parcel.”*

Whilst not specifically stated within the DELWP letter, it would seem logical that the land that falls within the TPZ is that land that DELWP would recommend be transferred to a public authority.

When the land and the mature River Red Gum is owned by a public authority, it can be aboriculturally managed by the City of Whittlesea. I have been advised that the City makes a regular inspection of all trees on public land and within its ownership.

Management issues such as stress, pest infestation and dangerous limbs can be managed by experts with the appropriate experience.

Such a management regime is far better than placing mature River Red Gums in private properties and hoping that individual owners will have the same degree of experience and capabilities.

The 80% retention target

It is the retention of scattered trees which have led to the design outcomes which have stamped the development of urban areas within this growth corridor.

There is a point of contention between the Requirement in the PSP and the developer consortium (Mesh) regarding the basis for the calculation of the numbers of retained trees. The Consortium believes that if trees are retained within BCS or other Conservation Reserves, then these trees should be included within the overall 80% target.

I am instructed that the Council will agree to allow trees within reserves to count towards the 80% retention if these reserves are on the same land holding.

The main roads and collector roads within the PSP do not have a significant abuttal to the BCS or local conservation reserves. This means that the retention of scattered trees plays an important role in setting a landscaped character for users of the main road network and linking this roadside landscape with that in the reserves.

For these reasons I support the formalisation of the 80% policy and believe that it will be more effective when the 80% retention is based on a property or landholding.

In some instances, such a policy may have onerous outcomes on an individual owner and it would seem reasonable that some discretion be given to vary this policy requirement where appropriate. The intention of allowing flexibility is to ensure that when it can be demonstrated that a subdivision has made serious attempts to retain trees through their subdivision design, that minor divergence from the 80% may be accommodated. But in some cases, retention of more than 80% can be achieved. This is dependent on the land parcel.

4. Conclusion

The long standing policy within the City of Whittlesea to retain scattered trees within developable areas of the Municipality has achieved a distinctive and memorable landscape setting for existing residents and workers in sub-divisions to the south of the proposed Wollert PSP, for example within the Lyndarum Estate. This is evident in the examples shown in this report.

When contrasted with the earlier subdivisions further to the south developed from the 1970's to the 1990's, which retain trees within the conservation / parkland areas, the increased landscape and visual amenity in these latter subdivisions is very apparent. The retention of the scattered trees creates urban areas that have a distinctive character and urban areas that have frequent reminders of the pre-development landscape.

Earlier subdivisions (1970's – 1990's) demonstrate that the retention of trees within Conservation Reserves, does have a visual benefit. However, when scattered trees are also retained, the overall visual and landscape benefits are greatly increased. This is evident in the latter subdivisions such as Lyndarum. These more recent subdivisions have retained 80% of scattered trees. This has been a successful policy outcome that came about through negotiation. The PSP now seeks to formalise this policy outcome.

The aim of retaining 80% of the scattered trees deemed worthy of retention in the land within Amendment C187, is a worthwhile objective and one which will give to this area of Wollert a distinctive character and a sense of place.

Placing the trees and their TPZ within public ownership also increases the likelihood of these scattered trees being retained in the long term.

Annex A – Allan Wyatt Curriculum vitae