

Jacqui Tyson

From: Potter, Jo (DPIPWE) <Jo.Potter@dpiuwe.tas.gov.au>
Sent: Friday, 4 September 2015 3:30 PM
To: George Walker
Cc: Morton, Alastair (DPIPWE)
Subject: 123 Westbury Road, Kingsmeadows - DA0422/2015
Attachments: Plans to be Advertised - 123 Westbury Road, Kingsmeadows - DA0422 2015.pdf

Dear George,

Thank you for the request for advice regarding the DA for 123 Westbury Road, Kingsmeadows and the opportunity to provide feedback on the above proposal. The Policy and Conservation Advice Branch (PCAB) has assessed the information provided including the Development Application from GHD, the Arboricultural Report by Aborimage Professional Tree Services, the Flora and Fauna Assessment by GHD and the Vegetation Assessment by Northbarker and has the following comments.

It is noted that the proposal is to remove unsafe trees from the threatened native vegetation community *Eucalyptus amygdalina* inland forest on Cainozoic deposits (DAZ) which is listed under the *Nature Conservation Act 2002*. The removal of trees from threatened communities is usually not advised as this can reduce the size and quality of the community. As most of the trees earmarked for removal have been deemed unsafe by a qualified arborist, an exception can be made in this instance. However, in the Arboricultural Report it is noted that the trees #10 (*Eucalyptus viminalis*) and #14 (5x *Eucalyptus amygdalina*) could either be trimmed or removed. It is recommended that these trees be retained and just have the necessary branches removed to render them safe. Additionally, tree #24 (*E. amygdalina*) has been flagged for removal because the growing conditions are crowded. It is also recommended that this tree be retained. The removal of *Pinus* species from the property is supported.

An offset will not be required in this instance, however mitigation measures such as replanting *E. amygdalina* and *E. viminalis* saplings in the DAZ community would be warranted. This could be done with a view to joining the two main DAZ areas together and saplings should be grown from local seed. It is noted that the owner intends to subdivide the land in the future and does not wish to replant vegetation for that reason. It is highly likely that the areas of DAZ would be retained if a subdivision went ahead, so it is recommended that replanting proceed, this would also be in line with Council's policy on Priority Habitat.

The Vegetation Assessment by Northbarker notes that two species of threatened flora listed under the *Threatened Species Protection Act 1995* (TSPA) are present onsite, namely *Scleranthus fasciculatus* (spreading knawel) and *Arthropodium strictum* (chocolate lily). If threatened species will be impacted upon by the tree works, then a permit to take under the TSPA will be required. It should be noted that the processing of permit applications may take up to 4 weeks. Information on applying for a permit, including application forms, can be found on the DPIPWE website at: <http://dpiuwe.tas.gov.au/conservation/development-planning-conservation-assessment/guidelines>

There are also several weed species present onsite including blackberry (*Rubus fruticosus*), broom (*Genista monspessulana*), gorse (*Ulex europaeus*) and boneseed (*Chrysanthemoides monilifera ssp. monilifera*) which are declared weeds under the *Weed Management Act 1999*. PCAB recommends that the DPIPWE (2015) 'Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania' be adhered to during any development activities to prevent the spread of any weeds and that any weeds present on the property be properly managed. The guidelines can be found at: <http://dpiuwe.tas.gov.au/Documents/Weed%20Management%20and%20Hygiene%20Guidelines.pdf>

Please contact me by email or on 6165 4415 if you would like to discuss the matter further.

Regards,

Josephine Potter

Natural Values Assessment Officer

Policy & Conservation Advice Branch | Natural & Cultural Heritage Division | DPIPWE

Jo.Potter@dPIPWE.tas.gov.au | (03) 6165 4415

Working days: Tuesday and Friday

Jacqui Tyson

From: PlanningAlerts <contact@planningalerts.org.au> on behalf of Lisa Walkden
Sent: Wednesday, 2 September 2015 5:18 PM
To: Council
Subject: Comment on application DA0422/2015

For the attention of the General Manager / Planning Manager / Planning Department

Application DA0422/2015
Address 123 Westbury Road South Launceston TAS 7249
Description Natural and Cultural Values Management - vegetation removal; removal of 95 trees
Name of commenter Lisa Walkden
Address of commenter
Email of commenter

Comment

How many trees are being removed as a percentage of the vegetation already there? What is the purpose for their removal?
Will the area that is having trees removed be subdivided?
Lisa Walkden
South Launceston

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



Jacqui Tyson

From: PlanningAlerts <contact@planningalerts.org.au>
Sent: Sunday, 6 September 2015 11:16 AM
To: Council
Subject: Comment on application DA0422/2015

For the attention of the General Manager / Planning Manager / Planning Department

Application DA0422/2015
Address 123 Westbury Road South Launceston TAS 7249
Description Natural and Cultural Values Management - vegetation removal; removal of 95 trees
Name of commenter Bill and Sally Campbell-Smith
Address of commenter
Email of commenter

Comment

I would like to remind councillors that this land was gifted to the people of Launceston by the late Gilbert McKinley for a park reserve.
Council on sold the land but should not allow this iconic city backdrop to be destroyed.
Is there a plan to revegetate the area when the trees are removed.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



7 September 2015

George Walker
Town Planner
Launceston City Council
PO Box 396
LAUNCESTON TAS 7250

Dear Sir

LN15237: DA0422/2015 – 123 Westbury Road, South Launceston

We act for Mr and Mrs Smith, South Launceston in regard to the matter of a development application to remove 95 trees from 123 Westbury Road, South Launceston.

Our client's property directly abuts the subject site and they would be the properties most likely to be impacted by this proposal.

Our client supports the overall management of the trees on this site BUT raises the following matters as points of concern:

- **Impact of the loss of so many trees at one time.** It is noted that the predominant species to be cleared is Radiata Pine trees (76 trees). It would be useful to know if these 76 trees represent the total Radiata Pine trees on site. Why this is raised is that it is a well known effect of clearing that wind blow to what will be now exposed trees will have a greater impact than any planned clearing. Trees which have been sheltered from wind for many decades find their roots under stress from high winds and thus are lost due to stability matters. The question really is how will any clearing be undertaken to minimise the impact of wind blow on trees which will remain standing? In particular protecting trees not on the subject site but on neighbouring allotments.

A clear plan showing the trees to be taken and those to be retained would have assisted in considering this matter in greater detail. Indeed such a plan is certain requirement under Clause 8.1 of the Launceston planning Scheme. Indeed in other cases of tree removal the planning clock has been stopped until such a plan has been received.

- **Lack of a replanting schedule.** Throughout the report/s which supports this application reference is made to the impracticality of providing a replating plan for the site due to some future proposal to subdivide. The zoning of the land is known. There is no reason why a replanting programme could not be developed around a lot layout designed to comply with the Low Density Residential zone. Lack of such a replanting programme is contrary to the purpose of the zone, particularly Clause 12.1.1.3 *To provide for development that is compatible with the natural character of the surrounding area.*
- **Contrary to Objectives of Scenic Management Code.** With no definite replanting programme in place suddenly the norm will become a cleared site rather than a site with a heavily trees frontage. It will then become very easy to argue that the Scenic Management area has little application when the site is being considered for development.



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Removing the natural landscape without a clear replacement programme is contrary to Clause E7.1.1 (b) and (c) of the Code.

In summary our client is not opposed to the careful management of the vegetation on this site. They are somewhat suspicious of the motives for the removal of the trees – given the abortive attempts to secure a higher degree of density on this site. This suspicion is heightened by the lack of a clear plan showing the trees to be removed and the lack of a replanting programme. This growing suspicion could be redressed by requiring the trees to be removed to be shown on a plan (as required in other instances) and submission of a replating programme.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Ian Abernethy', written over a horizontal line.

Ian Abernethy
Planning Manager - North

George Walker
Launceston City Council
Town Hall,
St John Street 7250.
CC City Aldermen

FILE No.	DA0422/2015				
ED		OD	✓	Box	✓
RCVD - 9 SEP 2015 LCC					
Doc No.					
Action Officer		Noted	Replied		
C. WRANKMORE					

Linda and Nigel Donachie

E-COPY G. WALKER
Copies sent to Aldermen. 09/09/2015 JJB
Re: DA0422/2015 – Tree removal 123 Westbury Road

Thank-you for the recent notification relating to the application by GHD Pty Ltd regarding the removal of 95 trees from the property at 123 Westbury Road.

As you are no doubt aware this 3.8ha parcel of land has already been proposed for a 70 lot subdivision via the Interim Planning Scheme 2012 (application No. Lau. D2/2013) and was rejected primarily due to traffic flow issues on to Westbury Road.

Despite this rejection, the applicant clearly presumes in this latest application that his company, Kreglinger Pty. Ltd., has the authority to proceed "in the near future" with a low density subdivision as a matter of entitlement.

"Given it is the property owner's intention to subdivide in the near future (recognising that subdivision can already occur at a low density) it would be unwise to undertake replacement plantings at this stage until an overall subdivision layout is known and replacement plantings can occur strategically in locations that will not be impacted by subdivision or future building works" (pp7)

Would Council please indicate whether the presumption made by the applicant is correct? The assumption appears to be that the proposed development would not be subject to Council approval and that the Scenic Management and Biodiversity overlays and traffic flow issues will be overlooked in the event of an application for low density subdivision of the property.

Further to this point, it is clear from past applications that the owner's ultimate bid will be to subdivide the land into high density residential blocks of which there will likely to be in excess of 70. These will be a mix of 300m² and 500m² blocks with the intention to build 2 dwellings on the latter. Clearly the owner does not want to undertake replacement plantings at this stage because there will be little or no space left for trees of any significant size.

The proposal to clear-fell the land, if accepted, will in the near future leave a visible scar on this important southern ridgeline and long term pave the way for a high density urban landscape. If the owners' intention is to subdivide at low density then logically, he would be looking to maintain the green, canopied essence of the ridgeline in keeping with adjacent properties. In particular, he would be seeking to protect the endangered Black Peppermint eucalypts currently growing in the listed DAZ communities.

There exists upon the land nine Black Peppermint (*Eucalyptus amygdalina*) growing on Cainzoic deposited soils. These are a threatened species in Tasmania and are listed under the Tasmanian Threatened Species Act. In his previous, withdrawn application (DA0574/2014) the applicant proposed to remove three of these trees. In this application the proposal is to remove all nine. In relation to this, Council is urged not to base any part of its decision upon the GHD Pty Ltd map supplied on page 52 of the application. The footnote of this map contains the admission that ...

"GHD make no representations or warranties about its (the map's) accuracy, reliability, completeness or suitability for any particular purpose..."

In light of the unreliability of this documentation, it is strongly suggested that Council refer as a matter of priority to the DPIPWE prepared map for this area which includes a greater number of the threatened Black Peppermint existing in the protected DAZ native community.

It is also reasonable to assume that the habitat of the endangered Chocolate Lily and vulnerable Spreading Knawel as well as the many native orchids will be destroyed with the felling of 95 trees and removal of the same number of stumps (it is assumed that the owner intends to remove the stumps if granted permission to proceed, but no mention is made of this in his application).

Of note: The previous withdrawn application asked for the removal of 8 trees (4 pine and 4 eucalypt) in total based on the initial arborist's report, a newly commissioned report has recommended removal of 95 trees in total.

There is a clear bias presented in this latest application towards the imminent danger that the vast majority of trees on this site will, at some point in the near future, fail and injure person or persons or will fall and damage buildings in the vicinity. The likelihood of this is remote given historical evidence and the fact that very few people have access (private property) or regularly work on the site.

My wife and I have lived adjacent to the property for the past five years. During this time we are not aware of any trees falling of their own accord or indeed any significant branches falling from trees growing upon the site. This despite a number of high wind days experienced with winds well in excess of 70kph. Indeed the strong winds experienced in June 2014 which were in excess of 100kph and felled over 130 trees on a nearby golf course, to our knowledge left the vegetation at 123 Westbury Road entirely intact. I am positive that should neighbours adjoining the property be questioned, they would not feel that they or any part of their property are in any danger from falling trees located upon the property. With the exception perhaps of tree identified as number 10 in the application which according to the arborist report could have offending limbs removed to make it safe.

We are completely confident that should an independent risk assessment be conducted in relation to the question of imminent damage to persons or property from falling trees on the site, then the most obvious conclusion would be that the risk is negligible and that the risk of an incident happening in the next 10 years is no greater than that of the previous 10 years.

On the basis of negligible current risk to persons or property, and if the property is eventually subdivided for low residential dwellings, then Council will be able to make a more informed and timely decision on how this important ridgeline will look when an application for this subdivision is received. This decision can then include more accurately, which trees should be kept for landscaping purposes and which need to be removed.

Until that time, the trees on this sloping site are essential for soil stability, they also provide important habitat for the wildlife on the site and are the basis for the visual aesthetic of this important southern ridgeline that can be seen from throughout the city.

Clear felling the majority of the land will leave a visual scar and the loss of the tree lined ridge that can be seen from the majority of vantage points around Launceston. While the report clearly underplays the visual impact that the clear-felling will have, one only needs to stand on the site to gain an understanding of just how many locations around Launceston will be affected by the loss of this significant tree lined ridge.

The report regularly refers to the *Pinus radiata* as a weed but it is the green hilltop canopy that can be seen from around Launceston that is the significant issue here; the species of tree that provides this is insignificant.

In our opinion, it is completely dismissive of the applicant to suggest that the 76 radiata pine trees ear-marked for removal play no part in supporting the diversity of fauna that inhabits this 3.8ha parcel of land. The Biodiversity Code specifically states:

Purpose: B (1) Minimisation of vegetation and habitat loss or degradation.

Objectives: (e) The value of the vegetation as a wildlife corridor.

Yellow tailed black cockatoos have come to feed from the pine trees in ever-increasing numbers over the past few years, kookaburras, parrots, magpies, plovers, wattle birds and bush ravens as well as a host of smaller birds such as silver-eye, wrens and finches are regularly spotted throughout the woodland. Indeed, one of the pine trees houses the nest of mating peregrine falcons. The pair have been returning to the same nest for at least the last five years and regularly raise one or two fledglings while hunting in the vicinity. Native nocturnal animals such as possums and marsupial mice also use and inhabit the trees and other vegetation on the site.

Indeed of the numerous surveys commissioned by GHD Pty Ltd, many of which have been conducted by staff within its own divisions, to my knowledge there has not been a current survey of avian populations that nest in, and regularly use the habitat created by the bushland at 123 Westbury Road.

Prior to making any final decision upon whether clear-felling is an option for this scenic and bio-diverse parcel of land, it is respectfully requested that a current and independent avian population study is conducted.

GHD's assessment of their application against both the Scenic Management and Biodiversity codes (Pages 6 through 12) relies mostly upon the notion of the imminent danger presented by falling limbs/trees that exists on the site in question and fails spectacularly to address both the purpose and objectives of these codes.

It is not our intention to expand upon these omissions in this representation but Councillors will see where these omissions exist and we are willing to speak to them given the opportunity at a future date.

In conclusion, it is clear that the sole intention of application DA0422/2015 is to ready the land for subdivision. Please consider that history suggests that there is no urgency surrounding the removal of trees on this lot until such time as approval (or not) for subdivision is granted by the Launceston City Council. At this time, a timely and considered response can be given to the applicant with regard particularly to the scenic value of the existing flora and to the diverse habitats it provides for the many creatures that inhabit it, particularly the birdlife.

It is our strongly held belief that clear-felling the site at this stage is not in the best interests of the citizens of Launceston nor the wildlife that inhabit this woodland. We ask that Council in its wisdom defer its decision until both a proposal for subdivision and an up to date and independent analysis of existing fauna (particularly with regard to avian species) is forthcoming.

Yours sincerely,

Nigel and Linda Donachie

From:
Sent: Wednesday, 9 September 2015 9:13 PM
To: Council
Subject: Response to DA0422/2015 applicant Ghd Pty Ltd 123 Westbury Road for removal of 95 trees

To George Walker,

I oppose the application as I believe the following issues surround such a proposal to remove 95 trees and then commence redevelopment of this site as below:

I was advised when I approached the Launceston Council prior to the purchase of my home in January 2012 that there would be no change to the environment of the land at the rear of my to be purchased property and that the land would remain a nature buffer.

- Who then compensates the fact that there is already a loss of resale of my property and there is the issue as I have not been able to sell since the previous application became public. People including residents in surrounding streets and area's are concerned by increased traffic flows, drainage and added noise.
- We are already subjected to an extremely busy traffic flow at the best of times with difficulty exiting Caroline Street to enter Westbury Road as well as excess noise combined with this due to loud and speeding vehicles as well as the noise of the highway to the side and below.
- I was completely in trust of information provided to me prior to my initial purchase of this property so remain appalled and concerned by this sudden change of consideration by the Councils with regards to potential approval of these planning requests.
- As a rate payer and owner occupier I feel betrayed by the Councils change of direction.
- **My rates state the value of my property to be around \$250,000 as the bank valuation provided this month state the property is valued at \$230,000 only. I cannot afford further devaluation for the purpose of development of this home and land.**
- **Since the initial application from this address in 2013/2014 the stress experienced by myself and reported to me by other residents is an affect not considered by the potential development. Not to mention further inconvenience of traffic, noise dust and disruption to our daily peace and quiet.**
- My property was purchased with a convenent advising those owners as above had removed the rear fence recently prior to the purchase of this home and would erect a new fence of their costs. No fence has been erected to date now 2nd October 2013.
- I have since for the sake of privacy and in an attempt to make the home more re-sale able have had a professional installed Colourbond fence at sole cost to myself after receiving no response to 123 Westbury Road to honor the convenent for the rear fence.
- Are they then still planning on the removal of the right hand turn into Normanstone Road which will no doubt impact on thousands of road users that access this point to avoid the extra travel around Launceston to work etc.

- As the congested Westbury Road Wellington street intersection is often a backed up hazardous danger zone as it is. No to mention extra fuel costs of extra travel in Tasmania with already exorbitant fuel costs here.
- The exceeding excess traffic flow and noise from owners of a projected of the development, the extra excess flow of water through adjoining properties currently experienced to date. The extra noise inconvenience and hazard of the traffic and removed rural buffer zone.
- The removal of Flora and Fauna increased flow of snakes already experienced as they move elsewhere as a result of urbanization.

I remain regretful that my decision to purchase this property in suburbia. Which was based upon the trust I felt I could assume with regards to the information provided to me prior to this purchase of the above property through my enquiries with Launceston City Council.

I would not have completed the purchase of a home backing onto development or any further housing development applications that would be approved around the rezoning of 123 Westbury Road Prospect 7250.

Tanya Geddes

which backs directly onto this site and will be adversely affected as a result of approval of this application and further development any time in the future.

Jacqui Tyson

From:
Sent: Thursday, 10 September 2015 6:55 PM
To: records
Subject: Removal of 95 trees @ 123 Westbury Rd Prospect

Re: Town Planner Launceston City Council

My Name is Martin Leach ,

I am the Owner of Property [REDACTED] , I am witting to you about The Removal Application of 95 trees @ 123 Westbury Rd Prospect.

After reading the Application I am Objecting to this proposal , in point form.

1, The area is Classified as a Green Zone , and that's why I Bought My Property Here this was Stipulated on My Real Estate Brochure .

2, The Proposal states all 95 trees are Diseased and are a Health&Safety Risk , I find it highly Unlikely, and it needs a Unbiased Council Appointed Arborist for a Second Opinion if it is to go ahead on these grounds.

3, Environmental Impact Statement Report, on loss of Native Wildlife e.G.,Owls ,Nesting Kookaburras, Parrots, Black Cockatoos, Wallabies just to name a few and there Native Fauna .

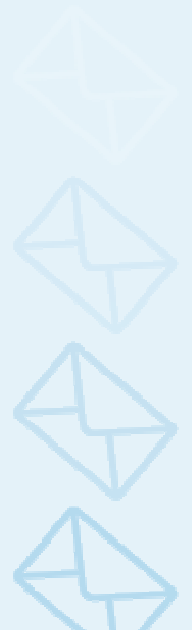
4, Environmental Impact of Bush Rats dislodged , and infesting Surrounding Residential Properties, which can carry Disease and can cause Serious Health Implications with people that have Suppressed Immune Systems E.G. ,My Partner or Babies ,this Occurred at Our Property as recently as 24 Months ago from a Property that the Council Approved the removal of 17 trees in Westbury Rd Near by.

I put it to you that this application is not just for the Removal of Trees, there is a Alternative Motive for this Application, for Major Development in the Future and the only way for this to proceed is to the removal of these Trees.

I hope you find my Concerns Worth Considering, and Deny this Application.

Kind Regards Property Owner Martin Leach

[REDACTED]



Jacqui Tyson

From: PlanningAlerts <contact@planningalerts.org.au> on behalf of Simon lionetti
Sent: Monday, 14 September 2015 8:38 PM
To: Council
Subject: Comment on application DA0422/2015

For the attention of the General Manager / Planning Manager / Planning Department

Application DA0422/2015
Address 123 Westbury Road South Launceston TAS 7249
Description Natural and Cultural Values Management - vegetation removal; removal of 95 trees
Name of commenter Simon lionetti
Address of commenter
Email of commenter

Comment

My understanding is that the last proposal (less than 2 years ago) was declined as the trees are a part of the city sky line and therefore cannot be removed. Has this changed since then? I would also like to know if there are plans for re vegetation as the birds migrate there each year.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)



15 September 2015

Mr George Walker
Launceston City Council
P O Box 396
LAUNCESTON TAS 7250

Dear Sir

Re: **Representation – Tree Removal 123 Westbury Road**

Reference No. DAO422/2015

We submit to the Launceston City Council a representation in relation to the proposed removal of 95 trees from the scenic protection area, with a biodiversity overlay, at 123 Westbury Road.

The proposal to clear fell the area makes a mockery of these overlays.

The arborists report, commissioned by the developer, appears to be heavily biased and should not be relied upon as a basis for the council to make a final decision. We request that an independent arborist's report be commissioned prior to any council approval, for the removal of such a large number of trees.

The arborists report contends that the 95 trees are dangerous, have crowded growing conditions or are a known weed species – Pinus Radiata. We don't agree that there is an imminent danger in these trees falling. We have resided in our home at 24 Eurella Street for the last 18 years, and to the best of our knowledge there have been no trees bought down unintentionally on this property, even when strong winds have prevailed.

The only trees to have been felled on this property in that time, are those taken down by the current owner, the stumps and cut up remnants of these trees still remain on the ground nearly 2 years after being felled.

The arborists report refers to 76 pine trees as a known 'weed species' and should be removed, however these trees form part of the skyline protection area and provide a habitat for the many bird species that visit the area. We believe the yellow tailed black cockatoos an endangered species, feed on these trees. We note the Developer also wants to destroy 9 Black Peppermint Eucalyptus trees, these are a threatened species in Tasmania. As such we contend these trees should only be felled as a last resort, when no other remedial action to extend their life is possible.

Destroying this habitat will ruin the visual impact of the area that already has been decimated by other recent subdivisions. According to the Developer the altered skyline will "open up the vista to the established vineyards and historic Mount Pleasant homestead which is considered to be more aesthetically pleasing" (page 7). The site is visible from a number of key public spaces in Launceston and the removal of this many trees will significantly impact the skyline. We very much doubt that Mount Pleasant homestead and the vineyards could be seen from any vantage points at a distance whereas the current trees are visible. The assertion that a low level vineyard with all its posts and wires, is more attractive than a canopied tree line consisting of native flora and fauna, is somewhat puzzling!

.../2

We are also concerned with possible seepage problems caused by the clear felling removal of such a large number of trees. Our vacant block at 26 Eureka Street already has significant drainage of water running through it, creating localised flooding during storms. We invite the council officers to visit and inspect this site. We are also aware of residents in West Launceston that have encountered seepage problems since the removal of trees to create the Bertha St subdivision (also a development of Kreglinger Australia Pty Ltd). The flow-on effects of clear felling have not been addressed by the Developer, and unfortunately other residents in the area will be left with the ramifications. We request that council consider these drainage problems before allowing such a large scale removal of trees.

The Developer's application makes an assumption of approval for a subdivision, and based on this assumption, there is no intention to undertake replacement planting (Page 7). We are not aware of any such approval being granted by the council, could we please have some clarification on this matter? We are only aware of the planning scheme rejection of the Developer's application to change the zoning of this parcel of land from low density to general. There were various reasons for this rejection, but the primary reason was traffic concerns. Given there has been no subsequent solution to the traffic problems, how is this subdivision, even at a low density level, to be approved without regard to a traffic solution? In the meantime it appears, as proposed by the Developer, that the trees are to be removed and the ground left bare for no good purpose, other than to assist the eventual plan of a subdivision.

In summary we contend that the trees are not all in poor condition and an independent unbiased report is required from a suitably qualified arborist, i.e. one that is not employed by the Developer.

We ask the council to have due regard to the aesthetics of the skyline on this ridge area, to adhere to the overlays placed on this parcel of land, and see this clear felling application for what it is – an attempt to pave the way for eventual subdivision. The tree felling purpose is to remove a potential hurdle to a future development application.

We ask the aldermen to give due consideration to the issues raised in this representation.

Yours faithfully



Wayne & Fiona Kernan

We the undersigned object to the proposal to remove 95 trees at 123 Westbury Road.

The proponents report claims that "the proposed tree removal is not to facilitate any building works, it is simply to remove trees that are deemed unsafe and are a hazard."

Whilst the proponent suggests that the intent of the proposed tree removal is to clear unsafe trees, we are of the opinion that this is undoubtedly a stepping stone to their primary (ulterior) motive, which is to clear the land to subdivide the property.

We note that the proponent has proposed that 95 trees be removed, although the professional arborist has only recommended that 88 trees be removed. An additional 7 trees have been added by the proponent. These trees were identified by the arborist as being able to be retained, or to remain standing with maintenance of dead/decayed branches.

Of particular concern to us is that of the 7 additional trees that the proponent has added for removal, these include 5 well established (skyline) black peppermint gum trees (ranging from 15-25 metres tall). The arborist has rated these 5 trees as being in "fair to good condition" and also noted that these trees could be retained but could be long term hazards "if site becomes residential."

The proponents proposed removal of these trees contradicts their above claim that "the proposed tree removal is not to facilitate any building works". If this was the case then these black peppermint gumtrees would not be listed for removal, given that they were not listed for removal by the arborist. We consider that the proponents proposal to remove trees on the basis of the site becoming future residential is irrelevant, and that the proposal should be assessed with regard to the scenic impact requirements of Council's planning scheme.

The proponents removal of these extra trees to those recommended by the arborist confirms our suspicions that the proponents real motive is to clear the site for subdivision with minimal regard for the skyline/aesthetic appeal of the area and the Scenic Management area requirements of the Council Planning Scheme.

It is even acknowledged in the proponents report that *"the removal of the trees numbered 14..... having a real impact on the native tree skyline"*.


This concerns us greatly that skyline trees are being removed that do not need to be. This will compromise the visual amenity and natural "feel and vibe" of the area, and we also hold grave concerns that there will be further applications in future to further decimate the tree population and visual appeal of the skyline and surrounding area.

This is one of the few remaining areas in this region that has not already been cleared. Hutton Ridge, Ben Lomond Estate are nearby skyline areas that have already been compromised.

We also have serious concerns with regard to the potential erosion and water run off as a result of the removal of these trees. There have already been issues due to water run off from the property that has caused flooding of neighbouring properties on several occasions (this issue has been logged with Council) together with water run off from the property that has flooded the road in Eureka Street, causing safety issues and dangerous driving conditions for motorists.

The extent of further water damage to surrounding areas from removing these trees is unknown, although their removal will only exacerbate these issues.

We therefore object to the removal of unnecessary trees and any further unnecessary skyline tree removal in the proposed area.

Roger Mies 
Sonia Baker.

Alistair Morgan

Emma Morgan

Amanda Chilcott

Tim Chilcott

ANDREW REHRMANN

Sally Rehrmann

Georgina Brown

Cameron James




Emma Morgan




Sally Rehrmann


Cameron James