GLEN EIRA CITY COUNCIL

Canopy Tree Protection Local Law public exhibition

Engagement report

MAY 2024

BENTLEIGH

BENTLEIGH EAST

BRIGHTON EAST

CARNEGIE

CAULFIELD

ELSTERNWICK

GARDENVALE

GLEN HUNTLY

MCKINNON

MURRUMBEENA

ORMOND

ST KILDA EAST

Executive summary

Protecting our urban forest canopy — the fragile, essential network of trees and shrubs that shade and cool our streets and footpaths throughout Glen Eira — is a major priority of Council's climate emergency response, declared in 2020.

Following extensive community engagement and feedback from residents, Council adopted the *Classified Tree Local Law* in 2020. It established protection for trees that were deemed to be of significance to the amenity, environment and character of Glen Eira.

Council adopted the *Urban Forest Strategy* in 2021, which sets specific goals for growing the urban forest to 22 per cent by 2040, and outlines the numerous environmental, economic and social benefits that come from protecting our tree canopy.

Council has now proposed a Local Law that would amend the current *Classified Tree Local Law* and extend protection to one of the most vulnerable parts of the urban forest — trees on private property.

Public exhibition of the draft proposed *Canopy Tree Protection Local Law* — as part of the statutory process — was held over a six-week period from 1 March to 12 April 2024.

The purpose was to inform community members of the proposal through a broad promotional campaign and capture submissions to inform a future decision by the Council to consider the local law for adoption.

During the public exhibition period, we received **293** submissions which consisted of 257 online survey submissions and 36 email submissions.

The engagement program was supported by a broad promotional campaign that included digital, hard-copy and face-to-face activities.

We delivered three community drop-in information sessions around Glen Eira – one in each Council ward – to provide additional opportunities for community members to speak with the Urban Forest team, learn more about the proposal and shared informed feedback.

What we heard

The public exhibition was open for six weeks from 1 March to 12 April 2024.

We received a total of 257 online survey submissions via Council's Have Your Say engagement website. Sentiment was as follows:

- Supportive: 125
- Not supportive: 117
- Unsure: 15

We received 36 email submissions through Council's Tree Canopy Local Law email address. Sentiment was as follows:

- Supportive: 16
- Not supportive: 13
- Unclear whether supportive or nor supportive: 7

The feedback themes shared by submitters were consistent across both online survey and email submissions.

Some of the most frequent reasons for participants supporting the proposal were:

- General positive comments about environmental benefits of introducing canopy protection and prevention of further tree canopy loss.
- Biodiversity and habitat protection for local animals, birds and insects.
- Climate factors, including the removal of air pollution.
- Benefits to community wellbeing, including mental and respiratory health.
- Visual appeal and retainment of neighbourhood character.

Some of the most frequent reasons for participants not supporting the proposal were:

- Council is overreaching and encroaching on community private land rights.
- Barriers to pruning may cause tree neglect and more safety concerns and property damage.
- Fears about needing to pay to obtain permits from Council.
- Alternatives should be explored.
- The Local Law would be a burden on Council to implement.

Refer to the **Insights and analysis** section of this report for more detailed submission findings.

Recommendations following public exhibition will be provided separately to this report as those are not within the scope of this report.

Background

As noted in the *Urban Forest Strategy*, our community has relatively low levels of tree canopy cover — at only 12.52 per cent — compared to other councils, and the decline in coverage for Glen Eira between 2000 and 2021 reached an alarming 50 per cent.

The *Urban Forest Strategy* estimates about 3,000 trees are cut down on private land each year, which accounts for about 66 per cent of Glen Eira. Once trees are removed, they are very difficult to replace. As our population increases, it leaves even less room for large canopy trees to grow.

The removal of canopy trees and vegetation from private land is an issue that has the potential to impact on targets that Glen Eira is working to achieve in the delivery of Council's *Urban Forest Strategy* and *Climate Emergency Strategy*. It is an issue that does not involve one simple solution but requires a multi-faceted approach that will see tree canopy protected and enhanced, while ensuring that Glen Eira remains a great place to live for current and future generations.

Currently, Council has in place a *Classified Tree Local Law* that protects private trees that have been endorsed as significant and subsequently listed on the *Classified Tree Register* as well as various planning overlays that afford protection to vegetation within a limited geographic area of the municipality. Although these instruments have resulted in some private canopy trees and patches of remnant vegetation being protected, many trees are still being removed from private land.

The opportunity for Council to manage the retention of canopy trees on private land is available under the *Planning and Environment Act 1987,* by way of vegetation controls within the Glen Eira's planning scheme and the other is via the creation of a new or amended local law made under the *Local Government Act 2020*.

Planning controls via planning scheme amendments can take a protracted period to gain approval and to require significant justification from a strategic perspective. In addition, approval of planning scheme amendments is a function of the Minister of Planning, so the ultimate decision regarding the vegetation protection within the scheme is not one that sits with Council.

An amendment to an existing Local Law is a process that Council has final decision on the adoption. It is believed that a new local law that provides protection to canopy trees within Glen Eira would be complemented by strengthening planning controls and therefore it is important that Council continues to advocate to improve the outcomes for our urban forest and to help increase biodiversity across the city. Most adjoining councils have a Local Law requiring permits to remove and prune certain trees on private land.

The Local Law proposal is to introduce a permit system for removing or undertaking certain works to private canopy trees exceeding a specified circumference and size threshold. A permit system is being proposed and is expected to be an effective way to help Council achieve its strategic canopy cover targets by 2040, as documented within the

Glen Eira *Urban Forest Strategy*. The proposed Draft Local Law will amend Council's *Classified Tree Local Law*. If the proposed Local Law is adopted, then the *Classified Tree Local Law* would be renamed the *Tree Protection Local Law (amended Local Law)* as part of the proposed amendments.

Engaging the community

Public exhibition was open for a six-week period from 1 March to 12 April 2024. It aimed to inform community members of the proposal through a broad promotional campaign and capture submissions to inform a future decision by the Council to consider the local law for adoption.

Communication activities	Reach
***Glen Eira News* articles** March and April	**64,500** households Articles in each edition
Have Your Say webpage Live from 1 March to 12 April 2024	**3,842** visits
Posters and postcards available and on display	Displayed during exhibition at: • Glen Eira Libraries • Glen Eira Maternal and Child Health Centres • Town Hall Service Centre and Planning Counter • Community Houses (Caulfield South, Glen Eira Adult Learning Centre, Godfrey Street and Moorleigh Community Village)
A2 corflute posters	Posters places in 30 parks and open spaces around Glen Eira.
Digital display screen	Displayed during exhibition at: • Town Hall on display from 8 March to 12 April • GESAC on display from 6 March to 12 April
Billboards	Displayed during exhibition at: • Packer Park (Leila Road, Carnegie) • Allnutt Park (Wheatley Road, McKinnon) • Koornang Park (Koornang Road, Carnegie)
Social media paid advertisements	**710** engagement links clicks **21,901** reached **50,550** impressions **2** shares **219** comments and likes
Social media organic posts	**4** posts **3,200** reached **3,400** impressions

	11 shares **67** link clicks **68** comments and likes
Other Glen Eira social media posts **Sustainable Living Glen Eira (1,600 followers)**	**5** posts **543** reached **696** impressions **7** shares: **2** link clicks **16** comments and likes
Council e-Newsletters March editions	**Community Engagement** 4,014 recipients 48.95 per cent opened (1,956 recipients) 3.75 per cent clicked (150 recipients) 19 click throughs to HYS **Sustainability** 2,516 recipients 56.65 per cent opened (2,516 recipients) 3.11 per cent clicked (138 recipients) 124 click throughs to HYS
Community Engagement Advisory Committee briefing	Monday 25 March 2024
Golden Days Radio Approx. 8,000 listeners	Saturday 16 March 2024
Signature block Used on external planning emails	Used between 14 March and 12 April 2024
Website banner	On display from 8 March to 25 March 2024
Glen Eira City Council website news item	Posted 1 March 2024

Engagement activities	Number of participants
Online community survey	**257** survey submissions
Emails	**36** email submissions
Post	**0** submissions
Community drop-in sessions (face-to-face) • DC Bricker Pavilion, Princes Park, Caulfield South • Packer Park Pavilion, Carnegie • Bentleigh McKinnon Youth Centre, Hodgson Reserve, Bentleigh	**23** community members attended (18 registrations), 2 Councillors

Insights and analysis

Community members provided submissions in writing via multiple methods. They completed online community survey submissions on the Have Your Say page – with the ability to append documents or PDFs, as well as email submissions.

There was also the option to submit feedback in writing and send it back to us via post but this method wasn't used.

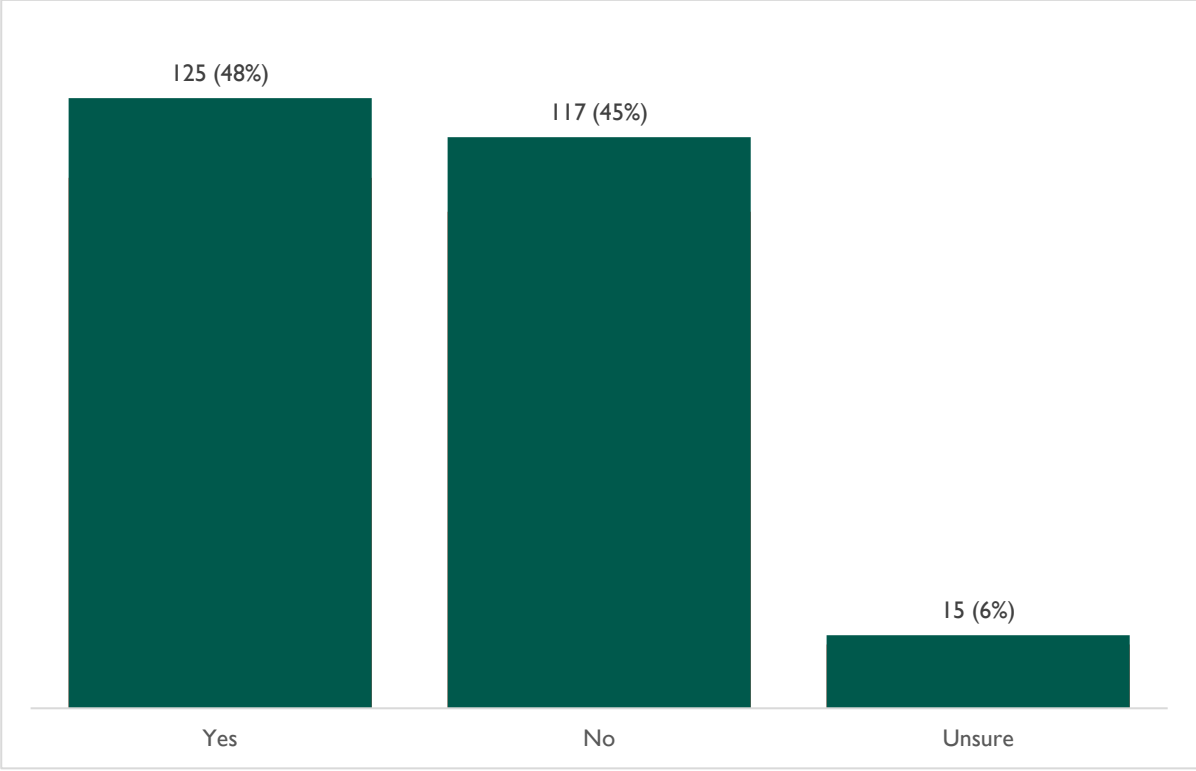
A summary of submissions received is provided below with charts reflecting results for multi-choice questions and themes quantifying what we heard from free text responses and emails.

Have Your Say online community survey responses

We received **257** submissions via the online community survey. Two submitters provided multiple submissions (they have been counted as two).

Question 1. Do you support the introduction of the proposed Canopy Tree Protection Local Law?

We wanted to understand whether submitters were supportive or not supportive of the proposal.



Question 2. Why you are supportive, unsupportive, or unsure of the proposal?

We wanted to understand the reasons for community were supportive, not supportive or unsure.

Below are themes mentioned in participant responses. In most instances, more than one theme was mentioned in each response.

Supportive survey participants — 125 responses

Theme	Number of mentions by participants (total 125)
Biodiversity and habitat protection for local animals, birds and insects	54 (43%)
Climate factors, including the removal of air pollution	50 (40%)
Benefits to community wellbeing, including mental and respiratory health	49 (39%)
Visual appeal and retainment of neighbourhood character	31 (25%)
Cooling effect of trees providing shade on streets and footpaths	26 (21%)
Impose rules for developers who remove trees	16 (13%)
Protection from weather events, such as strong winds and water run-off	11 (9%)
Support protections, but consider minor changes	3 (2%)

Illustrative quotes:

"There are far too many beautiful, established, large trees being removed, especially by developers on private land. It's heartbreaking to witness blocks of land being cleared of (often) a perfectly good house, but then also every last tree, bush, lawn and flower. It's environmental vandalism when we need green spaces and canopy more than ever - for climate, environmental and human health."

"Totally support. Too many people cutting down trees. No good for global warming and for beauty."

"I support the proposed Canopy Tree Local Law and urge Council to adopt it. This law is a step in the right direction to address the climate crisis and reduce the heat load in our suburbs. Trees absorb carbon and provide cooling shade. Large trees provide shelter. Canopy trees provide habitat for birds and animals on which we rely for our well-being and for key ecological functions."

Not supportive survey participants — 117 responses

Theme	Number of responses (total 117)
Council is overreaching and encroaching on community private land rights	69 (58%)
Barriers to pruning may cause tree neglect and more safety concerns and property damage	43 (36%)
Fears about needing a permit to prune and at a fee	23 (19%)
Alternatives should be explored	21 (18%)
Would be a burden on council to implement	9 (8%)
Ill feeling and more disputes between community members	2 (2%)
Concern it will not achieve its goal	1 (1%)

Illustrative quotes:

"If you need a permit to prune a tree then nobody will ever maintain their trees and some trees need regular pruning to maintain shape and stop growing into neighbours yards. Only require a permit for removing a tree not pruning one."

"This is yet another council overreach into the lives of citizens. The only reason Glen Eira has less tree coverage than other councils is that Glen Eira keeps allowing building overdevelopment resulting in trees being removed."

"While I understand the need for trees and their benefits, I feel this bill is an overreach of council. Large trees cause massive damage to drainage, fences, footpaths and housing structures. They also damage and block gutters. Residents should not be forced to jump through hoops and wait for council approval before trimming branches or removing trees, before damage occurs."

Unsure survey participants — 15 response

Theme	Number of responses (total 15)
Concern about needing a permit to prune and at a fee	5 (33%)
More information required to answer 'yes' or 'no'	4 (27%)
Canopy tree protection and their maintenance is important	3 (20%)
Support canopy tree protection, but with some minor changes	3 (20%)

Burden on Council staff to respond and in a timely manner	1 (7%)
Leniency needed for developers to remove trees if necessary	1 (7%)

Illustrative quotes:

"Requiring a permit to prune a tree seems excessive. It's already a very expensive process to maintain large trees - adding paperwork and, no doubt, a fee may see people choose to remove rather than maintain them."

"I'm supportive, but the proposal is too restrictive. For one, the proposal should start with larger trees (e.g. 5-10 m in height) which provide a decent canopy. Second, I am against the requirement for a permit for pruning. Pruning does not usually kill tree, and in many cases pruning is essential to prevent damage to property."

"The reason I have said unsure is that it is not clear to me if acquiring a permit is going to incur a fee. As the owner of two trees that fall under these laws, I am aware of the significant cost to maintain them through regular necessary pruning by an arborist. As the trees provide a public good beyond my private land, I would only support this proposal on the provision that there is no fee to acquire the permit, the cost to run this program should be borne equally by all rate payers."

Question 3. Tell us anything else you would like to about the proposal, if necessary:

We wanted to know if participants had anything else they wanted to add to their submission to be considered by the Urban Forest team.

Below are themes mentioned in participant responses. In most instances, more than one theme was mentioned in each response.

Theme	Number of mentions by participants (total responses 84)
Positive comments about the environmental benefits of introducing the canopy protection	15 (18%)
General concerns about proposal — eg. against needs for permit to prune at a fee	13 (15%)
Council is overreaching and encroaching on community private land rights	13 (15%)
Impose rules for developers who remove trees and reduce development in Glen Eira	11 (13%)

Wording update or policy update suggestions	9 (11%)
Prioritise planting on Council land — nature strips and Parks and protecting existing trees of significance	8 (9%)
Thanks Council for the opportunity to contribute and support the proposal	7 (8%)
Ensure Canopy Protection laws will extend and be enforced on Council owned trees	5 (6%)
Barriers to pruning may cause tree neglect and more	3 (4%)
Biodiversity and habitat protection for local animals, birds and insects	3 (4%)
Significant trees should warrant a maintenance cost offset against rates	2 (2%)
Alternatives should be explored	2 (2%)
Concerns about impact on solar energy	2 (2%)
Prioritise education	2 (2%)
Comments on issues related to this form submission	1 (1%)
If permit system is employed, it will need to be simple	1 (1%)
Work with State and Federal governments to further protect tree canopy	1 (1%)
Employ additional protections for native trees	1 (1%)
Benefits to community wellbeing	1 (1%)

Email responses

We received **36** submissions via email (three community members provided submissions via email and online survey. Those three submissions have been counted above in online survey responses).

Feedback themes were consistent between online community survey and email submissions.

Supportive — 16 responses

Theme	Number of responses (total 16)
Benefits to community wellbeing, including mental and respiratory health	6 (38%)
Biodiversity and habitat protection for local animals, birds and insects	6 (38%)
Climate factors, including the removal of air pollution	5 (31%)
Cooling effect of trees providing shade on streets and footpaths	5 (31%)
Support protections, but consider minor changes	4 (25%)
Visual appeal and retainment of neighbourhood character	4 (25%)
Barriers to pruning may cause tree neglect and more safety concerns and property damage	2 (13%)
Impose rules for developers who remove trees	2 (13%)
Consider management of pruning and removing of trees on public land	1 (6%)

Not supportive — 13 responses

Theme	Number of responses (total 13)
Council is overreaching and encroaching on community private land rights	9 (69%)
Impose rules for developers who remove trees	4 (31%)
Concern it will not achieve its goal	3 (23%)
Would be a burden on council to implement	2 (15%)
Barriers to pruning may cause tree neglect and more safety concerns and property damage	2 (15%)
Fears about needing a permit to prune and at a fee	1 (8%)

Unsure or unclear — 7 responses

Theme	Number of responses (total 7)
Barriers to pruning may cause tree neglect and more safety concerns and property damage	3 (43%)
Consider minor changes	2 (29%)
Would be a burden on council to implement	2 (29%)
Impose rules for developers who remove trees	2 (29%)
Concern it will not achieve its goal	2 (29%)
Biodiversity and habitat protection for local animals, birds and insects	1 (14%)

Community drop-in information sessions

We held three community information drop-in sessions around Glen Eira during public exhibition – one in each Council ward – to provide an opportunity for community members to speak with the Urban Forest team and learn more about the proposal.

Drop-in sessions occurred at the following venues:

- Packer Park (Leila Road, Carnegie)
- Allnutt Park (Wheatley Road, McKinnon)
- Koornang Park (Koornang Road, Carnegie)

Discussions with attendees generally sought clarification and specific information about the proposal. We have provided some supportive and unsupportive points that were raised, and community members were encouraged to provide their submissions formally through the online survey or via email or post.

Supportive

- We like trees and support more protection measures.
- We like the proposal as tree canopy is important for environmental reasons, including climate change.
- We like trees and would support more triggers to protect them.

Unsupportive

- We don't want our personal rights impacted.

- Council should stay off our land and they should ramp up protection on their land.
- Our land is our responsibility, Council need to concentrate on roads, bins etc. on council land.
- This will impact my family's rights to develop our land.
- This will have a negative impact on our property value.