TMC REPORTS

ARBORICULTURAL IMPACT ASSESSMENT

REPORT COMMISSIONED BY:

DATE OF ASSESSMENT:
Wednesday, November 05, 2025

SUBJECT SITE:
89-91 Ninth Avenue, Rosebud Vic 3939

DATE OF REPORT:
Friday, November 07, 2025

REPORT PREPARED BY:

VERSION 2

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1 Assignment

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1.2 Client

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Intended Audience

- The property/tree owner(s)
- The development project manager and associated construction staff
- Council Planning Department

1.3 Brief

The purpose of this report is to provide an independent arboricultural assessment of prominent trees that are located within the subject site and within five metres of the site boundary lines.

Detail has been requested in relation to the following instructions:

- To assess the overall condition and retention value of the subject trees.
- To determine the Notional Root Zones (NRZ), Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the subject trees.
- To determine whether the subject trees are expected to remain viable following the proposed development.
- To propose recommendations that are expected to ensure that the subject trees would remain viable post construction.

1.4 Summary

- Two trees (Trees 1 & 2) belong to Mornington Peninsula Shire Council.
- Two trees (Trees 3 & 4) are neighbouring trees.
- Privately-owned trees are not protected under local law or overlay.
- Recommended tree protection measures (8.4).

2 Data collection

2.1 Site visit

- Lachlan Wilson, of TMC Reports, visited the site for an arboricultural assessment on November the 5th of November 2025 at 8:00am.

2.2 Method of data collection

- The subject trees were assessed from observations made as viewed from ground level.
- Access to neighbouring properties was not permitted. Assessment was therefore limited only to parts of the trees that were visible from within the subject site.
- A digital camera was used at ground level to obtain photographs within this report.
- The spreads of the trees were estimated.
- The heights of the trees were measured by using a Nikon Forestry Pro 2 Laser Range Finder.
- A circumference tape measure was used to determine the trunk dimensions of Trees 1 & 2.
- Trunk dimensions of the neighbouring trees (Trees 3 & 4) were estimated due to restricted access.
- Encroachment percentages have been calculated via ArborCAD.

2.2.1 Documents viewed

- Proposed siting (17/06/2025)
- Mornington Peninsula Shire Council Planning Scheme
- Australian Standard AS4970 – 2025 ‘Protection of Trees on Development Sites’
- Australian Standard AS4373 – 2007 ‘Pruning of Amenity Trees’

2.2.2 Proposed siting

- The proposed siting referenced in this report is a preliminary siting and may be subject to change.
- Trees have been mapped in their approximate locations.

3 Site description

- The subject site is located in a General Residential Zone – Schedule 1 (GRZ1) within the Mornington Peninsula Council.
- An existing residential dwelling is located within the subject site.
- The terrain of the site appeared to be declining moderately to the east.
- The subject trees are all located within the front nature strip and adjoining property (93 Ninth Avenue).
- No additional prominent vegetation (greater than 3m in height) was observed within five metres of the site boundary lines.

4 Tree data

Tree No.	Botanical Name & Common Name	Age	Origin	Height	Canopy Spread N-S E-W	DSH CA1 DAB	Health	Structure	ULE	Amenity Value	Retention Value	NRZ Radius	SRZ Radius	Permit Required	Comments
1	*Callistemon sp.*	Semi Mature	Native	1.5 m	N-S 1.0 m	0.06 m 0.06 m 0.05 m 0.05 m 0.05 m (0.12 m)	Fair	Fair	10-20 years	Low	Council Owned Tree	2.0 m	1.5 m	Council Owned Tree	Council owned tree located within the front nature strip.
						0.19 m 0.19 m 0.19 m 0.19 m 0.16 m (0.91 m)									
	Bottlebrush				E-W 1.0 m	0.10 m									
2	*Callistemon sp.*	Semi Mature	Native	3.5 m	N-S 3.0 m	0.11 m 0.09 m 0.06 m 0.05 m 0.05 m (0.15 m)	Fair/ good	Fair	10-20 years	Low	Council Owned Tree	2.0 m	1.8 m	Council Owned Tree	Council owned tree located within the front nature strip.
						0.41 m 0.22 m 0.25 m 0.19 m (1.07 m)									
	Bottlebrush				E-W 2.0 m	0.24 m									
3	*Malus domestica*	Mature	Exotic	5.0 m	N-S 8.0 m	0.30 m	Good	Fair/ good	10-20 years	Low	Neighbouring Tree	2.0 m	1.5 m	No	Major vine in tree. Canopy extends into the site by 2m at a height of .5m above ground level. Neighbouring tree located within the southern adjoining property (93 Ninth Avenue). Existing shed within NRZ. Previously stated as tree 8.
						0.94 m									
	Apple				E-W 7.5 m	0.35 m									
4	*Fraxinus angustifolia subsp. angustifolia*	Semi Mature	Exotic	5.5 m	N-S 6.0 m	0.21 m	Good	Good	10-20 years	Low	Neighbouring Tree	2.5 m	1.9 m	No	Neighbouring tree located within the southern adjoining property (93 Ninth Avenue). Good vigour throughout canopy. Previously stated as tree 9.
						0.75 m									
	Desert ash				E-W 5.5 m	0.26 m									

**Tree Protection Zones (10.1) are identical to the Notional Root Zones (NRZ) unless stated otherwise.*

4.1 Photographic evidence

Tree 1

Tree 2

Tree 3 - overhang

Tree 3

Tree 4

Subject site as viewed from Ninth Avenue

Subject site as viewed from west

Rear yard as viewed from east

5 Site maps

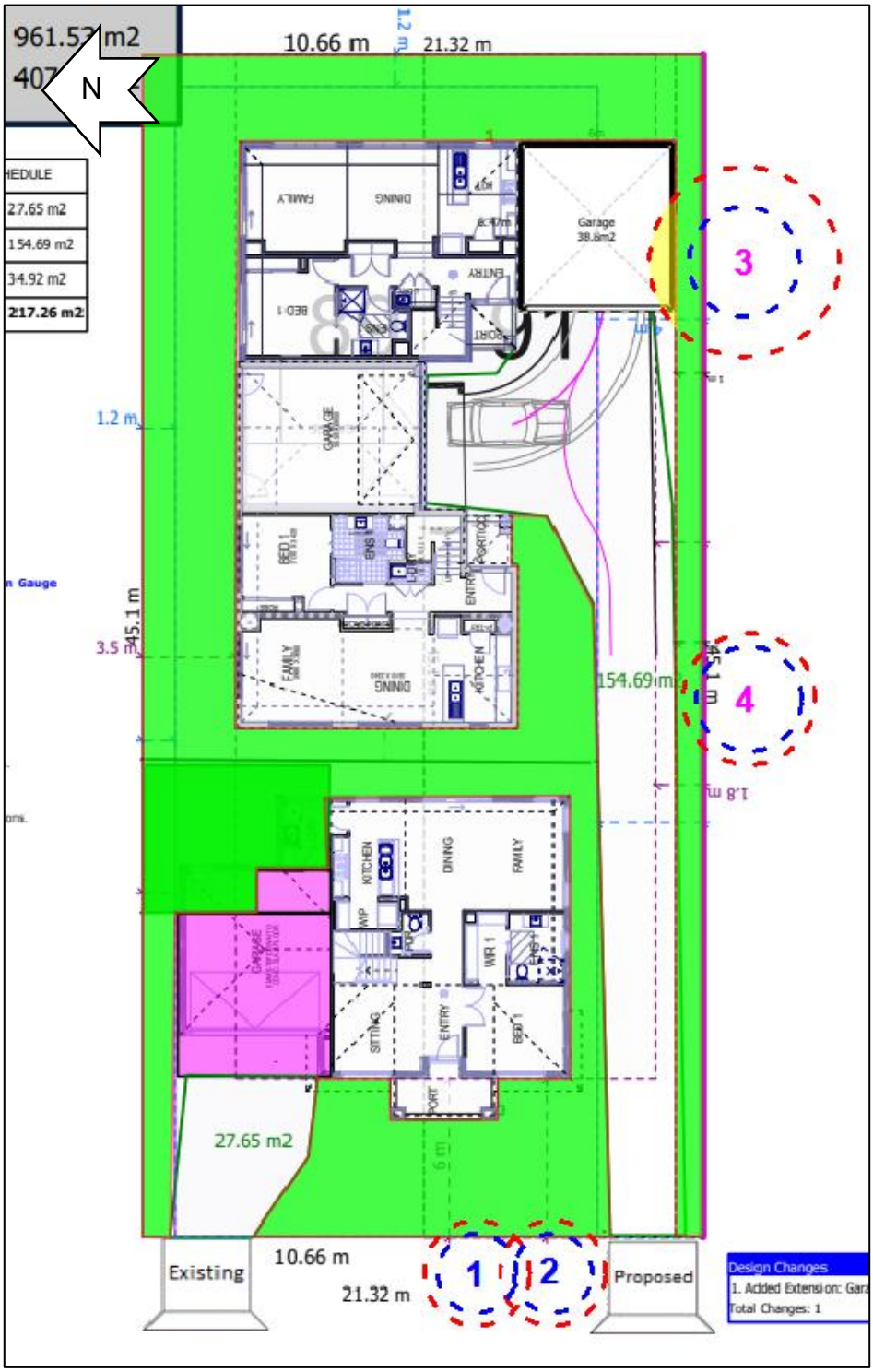
5.1 Existing conditions

The following map indicates the approximate tree locations in relation to the existing conditions:

LEGEND					
#	LOW RETENTION VALUE	#	COUNCIL OWNED TREE	◌	NOTIONAL ROOT ZONE
#	MODERATE RETENTION VALUE	#	NEIGHBOURING TREE	◌	STRUCTURAL ROOT ZONE
#	HIGH RETENTION VALUE				

5.2 Proposed plan

The following map indicates the approximate tree locations in relation to the proposed plans:



LEGEND					
#	LOW RETENTION VALUE	#	COUNCIL OWNED TREE		NOTIONAL ROOT ZONE
#	MODERATE RETENTION VALUE	#	NEIGHBOURING TREE		STRUCTURAL ROOT ZONE
#	HIGH RETENTION VALUE				
	MINOR ENCROACHMENT		MODERATE ENCROACHMENT		MAJOR ENCROACHMENT

6 Discussion

6.1 Minor encroachment

A proposed encroachment is considered to be ‘minor’ if works (structures, surfaces, site cuts, underground services, fill etc.) are proposed to encroach into the NRZ by 10% or less and is outside the SRZ.

Generally, trees are likely to tolerate minor encroachments. However, tolerance can vary depending on several factors such as tree age, species, health, existing conditions etc. (refer to section 10.9 for more details).

6.2 Moderate encroachment

A proposed encroachment is considered to be ‘moderate’ if it is greater than 10% and less than or equal to 20% of the area of the NRZ and is outside of the SRZ.

It is possible that a tree could tolerate a moderate encroachment. However, tolerance can vary depending on several factors such as tree age, species, health, existing conditions etc. (refer to section 10.9 for more details).

In some situations less invasive construction measures such as permeable paving, less invasive footings or arborist supervision may be required.

6.3 Major encroachment

A proposed encroachment is considered to be ‘major’ if it is greater than 20% of the area of the NRZ or inside the SRZ.

Generally, trees are less likely to tolerate major encroachments. However, tolerance can vary depending on several factors such as tree age, species, health, existing conditions etc. (refer to section 10.9 for more details).

In some situations less invasive construction measures or a non-destructive root investigation (10.8) may be required to assess the tree’s root system and determine if the tree is expected to tolerate the loss of roots that may need to be pruned in order to accommodate the proposed design.

7 Conclusion

7.1 Tree retention value

7.1.1 Council owned tree

The following tree belongs to Mornington Peninsula Shire Council:

- Tree 1
- Tree 2

7.1.2 Neighbouring trees

The following trees do not belong to the property owner:

- Tree 3
- Tree 4

7.2 Permit requirements

7.2.1 Victorian Planning Provisions – Clause 52.37

A permit is required to remove, destroy or lop a canopy tree located within a Mixed Use Zone, Township Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone. This does not apply to Low Density Residential Zone.

A canopy tree means a tree that has:

- a height of more than 5 metres above ground level; and
- a trunk circumference of more than 0.5 metres, measured at 1.4 metres above ground level; and
- a canopy diameter of at least 4 metres.

A permit is required to remove, destroy or lop a canopy tree anywhere on the lot where:

- The land is vacant.
- The land is vacant, and a new single dwelling is proposed (and only a building permit is required).

A permit is required to remove, destroy or lop a canopy tree within 6 metres of the narrowest street frontage and 4.5 metres of the rear boundary where:

- The land contains an existing dwelling where no development is proposed.
- The land contains an existing dwelling and is proposed to be extended.
- The land is vacant, and a planning permit application is being assessed for one or more dwellings.

- The land contains an existing dwelling(s) and a planning permit application is being assessed for a one or more dwellings.

This does not apply:

- If the table of exemptions in clause 52.37-8 specifically states that a permit is not required.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) identified for assessment in an application to which clause 54, 55, 57 or 58 applies and the tree is not removed, destroyed or lopped until the permit is issued.
- To the removal, destruction or lopping of a canopy tree (other than a boundary canopy tree) if the site is developed with an existing dwelling.

Refer to section 11 for further information on Clause 52.37.

7.2.2 Street tree Street Tree Veg. Policy – section 5.3.4

5.3.4 Installation of Vehicle Crossovers

Where an application is made to remove a street tree for the installation of a new vehicle crossover, the guidelines for the removal shall be the same as those for other street trees, except that a tree which is in good condition and suited to its location, may be removed provided that:

- No alternative site for the crossover is available.
- Affected residents have been notified in writing and have an opportunity to lodge an objection. The Mornington Peninsula Shire Parks and Roadsides Contract Coordinator will be responsible for managing this objection process.
- A suitable replacement tree will be provided and maintained at the cost of the property owner (if an appropriate planting site is available).
- The cost of the removal and associated works will be borne by the property owner who has requested the removal.
- The requirements of the Mornington Peninsula Shire Planning Scheme have been followed, including any required public exhibition process and/or native vegetation offsets.

7.2.3 Trees subject to permit requirements

The assessed privately owned trees are not subject to permit requirements.

The following trees belong to Mornington Peninsula Shire Council and must not be pruned or removed except by Council staff or contractors:

- Tree 1
- Tree 2

7.3 Impact assessment

The following table represents the encroachments of the proposed development:

Tree No.	Encroachment	NRZ encroachment	SRZ encroachment	Encroachment category	Proposed retention
1	N/A	0%	0%	N/A	Retain
2	N/A	0%	0%	N/A	Retain
3	Garage	9.5%	0%	Minor	Retain
4	N/A	0%	0%	N/A	Retain

Note: encroachment calculations are based on the proposed footprint. Further clarification of the impact on roots beyond the proposed footprint can be found below where relevant.

7.3.1 No encroachment

Development is not proposed to encroach into the NRZ or SRZ of the following trees:

- Tree 1
- Tree 2
- Tree 4

The proposed development is not expected to compromise the long-term viability of the above-mentioned trees.

Less invasive construction measures or development redesign are therefore not required to ensure that these trees would remain viable post construction.

7.3.2 Minor encroachment

The proposed development is considered to be a minor encroachment according to section 3.3.2 of the Australian Standard AS4970 – 2009 ‘Protection of Trees on Development Sites’ of the following tree:

- Tree 3

The proposed development is not expected to compromise the health and/or structural integrity of the above-mentioned tree.

Less invasive construction measures or development redesign are therefore not required to ensure that this tree remains viable post construction.

8 Recommendations

8.1 Tree retention

The following Council owned trees are proposed to be retained:

- Tree 1
- Tree 2

The following neighbouring trees are proposed to be retained:

- Tree 3
- Tree 4

The following is recommended in order to ensure that trees that are proposed to be retained would remain viable post construction:

- Comply with less invasive construction measures (8.3)
- Comply with tree protection measures (8.4)

8.1.1 Permit requirements for trees that are proposed to be retained

Privately owned trees that are proposed to be retained are not protected under a local law, overlay or planning provision.

8.2 Tree removal

No trees are proposed for removal.

In the event of tree removal, the following is recommended:

- Tree removal should be undertaken prior to construction commencing or during demolition.

8.3 Less invasive construction measures

Less invasive construction measures or development redesign are not required to ensure that trees which are proposed to be retained (8.1) would remain viable post construction.

8.3.1 Underground services

- All services should be located outside the NRZ/TPZ and SRZ wherever possible.
- If underground services are required to be installed within the SRZ or will result in a total combined encroachment from all proposed works (e.g. buildings, site cuts, driveway, services, etc.) that is greater than 20% into the NRZ/TPZ, a suitably qualified arborist (AQF Level 5) should be

engaged to determine if installation should be carried out using non-destructive methods.

- Acceptable non-destructive methods include directional drilling greater than 0.6m in depth, hydro excavation, hand excavation, or other techniques as specified by a suitably qualified arborist (AQF Level 5).

8.4 Tree protection measures

8.4.1 Pruning

- Tree 3 requires pruning to a height of 5.0m above ground level for clearance purposes.
- Only the minimum amount necessary for clearance in order to complete construction should be removed.
- Pruning should be undertaken by a suitably qualified Arborist (minimum AQF level 3).
- The pruning should be undertaken in accordance with the Australian Pruning Standard AS 4373 – 2007.
- Pruning should be undertaken prior to machinery being brought onto site.

Recommended pruning Tree 3

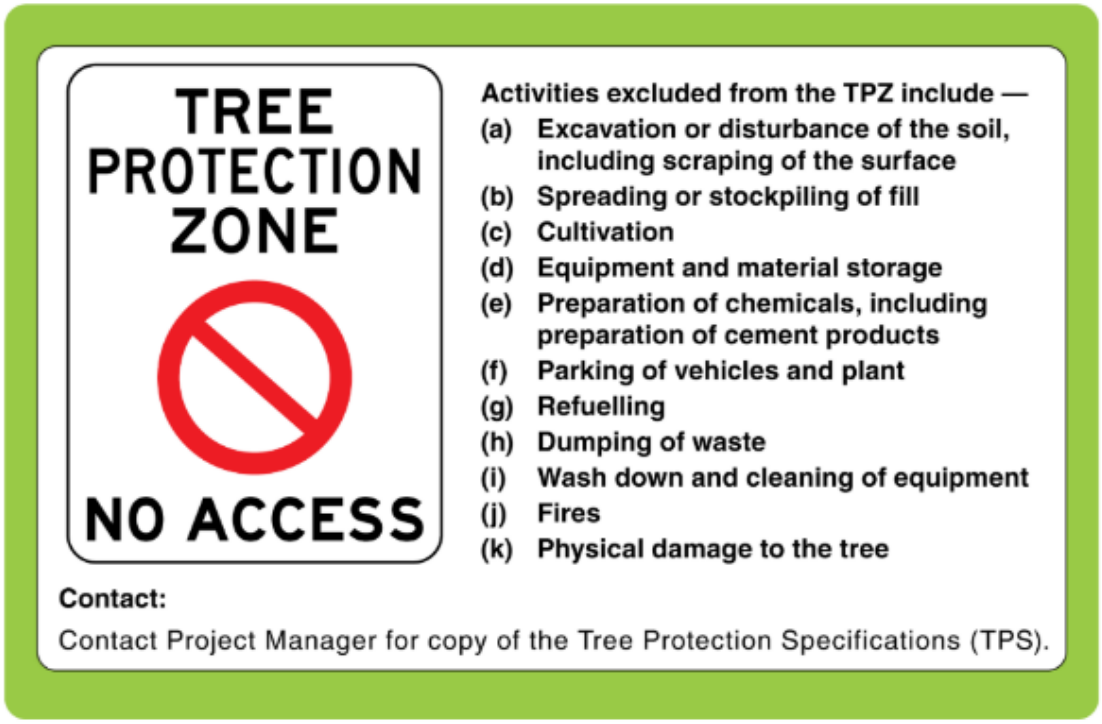
8.4.2 Tree protection fencing

- Tree protection fencing (TPF) should be installed for Trees 1 & 2 in locations referenced in the Tree Protection Plan.
- TPF should be installed as close to the NRZ/TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.

- TPF should be erected before any machinery or materials are brought onto the site and before the commencement of works, including demolition,
- Once erected, protective fencing shall not be removed or altered without approval by the project arborist except in accordance with the Tree Protection Specifications (TPS).
- TPF should restrict access to the enclosed portion of the TPZ
- The existing site perimeter fence may be used as TPF for neighbouring tree (Tree 4).

8.4.3 Tree protection signage

- A TPZ sign provides clear and readily accessible information to indicate that a TPZ has been established.
- The sign should be minimum A3 size.



8.4.4 Ground protection

- Ground protection is not expected to be required.

8.4.5 Site storage

- A designated storage area where building materials, chemicals etc. can be stored should be located outside the TPZ of retained trees.

8.4.6 Prohibitions within the TPZ

The following activities are prohibited within the TPZ:

- Excavation, cultivation or disturbance of the soil, including scraping of the surface.
- Equipment and material storage.
- Preparation of chemicals, including preparation of cement products.
- Movement or parking of vehicles and plant.
- Dumping of waste.
- Spreading or stockpiling of fill.
- Refuelling.
- Washing down and cleaning of equipment or hard surfaces.
- Fires.
- Physical damage to the tree.

9 Limitation of liability

TMC Reports and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Unless otherwise stated, observations have been made from ground level and limited to accessible components without dissection, excavation or probing. There is no guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of this report, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Such issues cannot be taken into account unless complete and accurate information is given prior to or at the time of site inspection.

Information contained in this report covers those items that were examined and reflect the condition of those items at the time of inspection. There is no warranty or guarantee expressed or implied that the problems or deficiencies of the trees or property in question may not arise in the future. Trees can be managed, but they cannot be controlled. To live or work near a tree involves a degree of risk. The only way to eliminate all risks involved with a tree is to eliminate the tree.

All written reports must be read in their entirety, at no time shall part of the written assessment be referred to unless taken in full context of the whole written report.

10 Definition of terms

10.1 Terms within the tree data table

Category	Description
NRZ	The **Notional Root Zone (NRZ)** is defined in Clause 1.3.11 of AS 4970:2025 as: *"a zone enclosed by a radius of 12 times DSH that is a primary trigger for arboricultural input on a development site."* • The radius of the NRZ is calculated by multiplying the tree's diameter at standard height (DSH) by 12. • The DSH is measured at 1.4m above ground level. The minimum NRZ radius shall not be less than 2m, and the maximum shall not exceed 15m.
SRZ	The **Structural Root Zone (SRZ)** is defined in Clause 1.3.17 of AS 4970:2025 as: *"theoretical area around the base of a tree required for the tree's stability in the ground."* The SRZ radius is determined using the following formula: • SRZ radius = (D × 50)^0.42 × 0.64 • Where D = trunk diameter (in metres), measured above the root buttress flare. The SRZ only accounts for structural stability, not the full extent of the root zone needed for long-term health and viability • The SRZ calculation does not apply to palms, cycads, tree ferns and the like. • The minimum SRZ radius shall not be less than 1.5m
TPZ	The **Tree Protection Zone (TPZ)** is defined in Clause 1.3.19 of AS 4970:2025 as: *"specified zone above and below ground and at given offsets from the trunk set aside to protect a tree's roots and crown where these might be damaged by development."* • The NRZ is the starting point for determining the TPZ. • The TPZ should be determined using various considerations in relation to the tree and proposed encroachments.
DSH:	**Diameter at Standard Height (DSH)** (1.4m from ground level). The DSH measurement is what is used to calculate the Notional Root Zone (NRZ).
DAB:	The **Diameter Above Buttress** is the diameter of the trunk measured immediately above the root buttress flare. The DAM measurement is what is used to calculate the Structural Root Zone (SRZ).
CA1 / CA1.5:	**Circumference of trunk at either 1m or 1.5m from ground level**. Combined circumference is the sum of individual stem circumferences.

10.2 Tree health

Category	Description
Good:	The tree is demonstrating good or exceptional growth for the species. The tree is exhibiting a full canopy of foliage and may have only minor pest or disease problems. Foliage colour size and density is typical of a healthy specimen of that species.
Fair:	The tree is in reasonable condition and growing well for the species. The tree may exhibit an adequate canopy of foliage. There may be some dead wood in the crown, some grazing by insect or animals may be evident, and/or foliage colour, size or density may be atypical for a healthy specimen of that species.
Poor:	The tree is not growing to its full capacity. Extension growth of the laterals may be minimal. The canopy may be thinning or sparse. Large amounts of dead wood may be evident throughout the crown, as well as significant pest and disease problems. Other symptoms of stress indicating tree decline may be present.
Very poor:	The tree appears to be in a state of decline, and the canopy may be very thin and sparse. A significant volume of dead wood may be present in the canopy, or pest and disease problems may be causing a severe decline in tree health.
Dead:	The tree is no longer alive.

10.3 Structure

Category	Description
Good:	The tree has a well-defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunks or the branches. Major limbs are well defined. The tree would be considered a good example for the species. Probability of significant failure is highly unlikely.
Fair:	The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance at some branch unions or branches may be exhibiting minor structural faults. If the tree has a single trunk, this may be on a slight lean, or be exhibiting minor defects. Probability of significant failure is low.
Poor:	The tree may have a poorly structured crown, the crown may be unbalanced, or exhibit large gaps. Major limbs may not be well defined; branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered major root damage. Probability of significant failure is moderate.
Very poor:	The tree has a poorly structured crown. The crown is unbalanced or exhibits large gaps. Major limbs are not well defined. Branch unions may be poor or faulty at the point of attachment. A section of the tree has failed or is in imminent danger of failure. Active failure may be present, or failure is probably in the immediate future.
Failed:	A significant section of the tree or the whole tree has failed.

10.4 Useful life expectancy (ULE)

Category	Description
Unsafe:	The tree is considered dangerous in the location and should be addressed as a priority..
0 years:	The tree no longer provides any amenity value.
Less than 5 years:	The tree under normal circumstances and without extra stress should be safe and have value of maximum of 5 years. The tree will need to be replaced in the short term. Replacement plants should be established as soon as possible if there is efficient space, or consideration should be given to the removal of the tree to facilitate replanting.
5 to 10 years:	The tree under normal circumstances and without extra stress should be safe and have value of maximum of 10 years. Trees in this category may require regular inspections and maintenance particularly if they are large specimens. Replacement plants should be established in the short term if there is sufficient space, or consideration should be given to the removal of the tree to facilitate replanting.
10 to 20 years:	The tree under normal circumstances and without extra stress should be safe and of value of up to 20 years. During this period, regular inspections and maintenance will be required.
20 + years:	The tree under normal circumstances and without extra stress should be safe and of value of more than 20 years. During this period, regular inspections and maintenance will be required.

10.5 Tree retention value

Category	Description
High:	The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (e.g. habitat, shade, flowers or fruit). The tree is free from structural defects and is vigorous. Consider the retention of the tree and designing the development to accommodate the tree.
Moderate:	The tree may offer some screening in the landscape or serve a particular function in the location and have minor structural defects. The tree may be entering the mature stage of its life cycle. The tree may be retained if it does not hamper the design intent.
Low:	The tree offers very little in the way of screening or amenity and may have significant structural defects. The tree may also be mature and entering the senescent stage of its life cycle. The tree may be removed if necessary.
Neighbouring tree:	The tree is located within an adjoining private property/land. The tree is to be protected unless written consent from the tree owner(s) and/or responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.
Council owned tree:	The tree is located within Council owned land. The tree is to be protected unless written consent from the responsible authority is obtained. Consider the retention of the tree unless written consent is obtained from the tree owner and/or responsible authority.

10.6 Age

Category	Description
Young:	Juvenile or recently planted approximately 1-7 years.
Semi Mature:	An established tree but one which has not reached its potential ultimate height and has significant growth potential. Tree is actively growing.
Mature:	Tree has reached expected size in its growing conditions.
Senescent:	Tree is over mature and has started to decline.
Dead:	The tree is no longer alive.

10.7 Amenity value

Category	Description
Very Low:	Tree makes little or no amenity value to the site or surrounding areas. In some cases, the tree might be detrimental to the area's amenity value (e.g. unsightly, risk of weed spread).
Low:	Tree makes some contribution of amenity value to the site but makes no contribution to the amenity value of surrounding areas. The removal of the tree may result in little loss of amenity. Juvenile trees, including street trees are generally included in this category. However, they may have the potential to supply increased amenity in the future.
Moderate:	The tree makes a moderate contribution to the amenity of the site and/or contributes to the amenity of the surrounding area.
High:	The tree makes a significant contribution to the amenity value of the site, or the tree makes a moderate contribution to the amenity value of the larger landscape.

10.8 Root investigation

Description
Where it is proposed that development is considered to be a major encroachment, a non-destructive root exploratory investigation may be required within the alignment of the proposed encroachment. By undertaking a non-destructive root exploratory investigation, the extent of roots within that particular area may be determined. If a negligible amount of roots are required to be removed or damaged in order to construct the proposed development, the tree may remain viable. If a significant amount of roots are proposed to be removed or damaged in order to construct the proposed development, the tree may not remain viable. Obstructions (paving, vegetation, structures) within the alignment of proposed encroachments may be required to be removed prior to the non-destructive root exploratory investigation occurring. The non-destructive root exploratory investigation report should: ○ Be undertaken by a suitably qualified Arborist (AQF Level 5 Arboriculture). ○ Detail the total distance of each excavation line. ○ Detail the closest distance from the trunk centre to the excavation line. ○ The size (diameter) and number of roots discovered and the depth of roots (where relevant). ○ Include photographs of the subject tree(s) trenches and roots. ○ Include a discussion of the findings of the root investigation and the impact of the proposed works on the long-term health/ structural stability of the tree(s).

10.9 Considerations for encroachments

Consideration	Description
Tree species	Different tree species vary significantly in their ability to tolerate root pruning. The same extent of root loss may have minimal impact on one species while causing severe decline or instability in another. As such, species tolerance is a critical factor when assessing the potential impact of a proposed encroachment. A consulting arborist must consider the biological characteristics and root sensitivity of the tree species when determining whether the tree is likely to tolerate root disturbance. Some species exhibit greater resilience to root loss due to their growth habits, rooting patterns, or adaptive capacity, while others may be highly susceptible to even minor disturbances. Therefore, species tolerance should be a key component of any encroachment assessment, especially in situations involving root pruning or excavation within the NRZ.
Tree health	A tree's health is a critical factor in its ability to tolerate root loss. Healthy trees have greater energy reserves, primarily produced through photosynthesis, which fuels vital functions such as wound compartmentalisation, root regeneration, and stress response. Trees with a full, vigorous canopy are typically more efficient at photosynthesis, enabling them to recover more effectively from pruning or disturbance. In contrast, trees in poor health or with a sparse canopy may lack the photosynthetic capacity to generate the energy needed for recovery, making them more susceptible to decline following root loss. Therefore, overall tree health and canopy condition are important considerations when assessing the potential impacts of encroachment within the NRZ.
Tree age	Young trees typically have a smaller, more concentrated, and vigorous root system, which allows them to respond more effectively to disturbance. Their high growth rates and metabolic activity mean they are generally more resilient to root pruning and can regenerate lost roots more quickly than mature trees. In addition, younger trees often have greater photosynthetic capacity relative to their size, enabling them to allocate more energy toward recovery and new growth. In contrast, mature trees usually have a much larger and more structurally complex root system that supports a greater canopy mass. The loss of structural or fine roots in older trees can significantly affect their stability and function. Furthermore, mature trees tend to have reduced growth rates and slower physiological responses, making recovery from root damage less efficient. As a result, tree age and developmental stage are important factors for a consulting arborist to consider when evaluating a tree's capacity to tolerate root disturbance associated with a proposed encroachment.
Lean of tree	The lean of a tree can provide valuable insight into the distribution of its root system. Structural roots typically develop more extensively on the side opposite the direction of the lean—known as the *tension side*—to provide mechanical support and resist gravitational forces. The tension side plays a critical role in tree stability and is expected to have a higher concentration of anchoring roots. Therefore, when assessing proposed encroachments within the NRZ (Notional Root Zone), particular attention should be given to the tension side, as disturbances in this area may have a greater impact on the tree's structural integrity.
Soil characteristics	Soil type plays a critical role in determining root architecture and has direct implications for assessing encroachments. In coarse-textured soils, such as sandy soils, tree roots typically grow deeper and develop larger diameters due to lower compaction, better aeration, and improved drainage. As a result, a greater proportion of the root system is often located at depth rather than near the surface. This deeper rooting habit means that surface-level or shallow encroachments—such as driveways, paths, or trenching less than 200 mm deep—are less likely to intersect major structural roots in sandy soils compared to clay soils. Consequently, trees growing in sandy conditions may be more likely to tolerate shallow encroachments within the NRZ or TPZ, provided deeper roots remain undisturbed. However, a site-specific assessment by a suitably qualified arborist is essential, as root depth and distribution can still vary based on other factors such as species, age, water availability, and past site disturbance.

Consideration	Description
Existing retaining wall	Depending on the soil type, tree roots can extend to depths of approximately 600–800 mm below ground level. In well-drained soils such as sand, roots may grow deeper, while in compacted or poorly drained soils like clay, root growth is typically shallower and more lateral. Retaining walls can influence root distribution by acting as physical barriers. If a retaining wall is located near a tree, particularly within the TPZ or NRZ, it may have already restricted root development beyond its base—especially if the wall is deep or constructed with impermeable materials such as concrete. In such cases, root growth is often concentrated on the near side of the wall, and there may be significantly fewer or no structural roots extending beyond it.
Existing soil level difference	Tree roots generally grow in the path of least resistance, favouring areas with adequate oxygen, moisture, and loose, uncompacted soil. When there is a change in soil level—such as a raised or lowered area, or a sharp transition created by a retaining wall or excavation—root growth into the adjacent zone may be restricted. This is particularly true if the difference in soil level results in increased compaction, reduced aeration, or a physical barrier. For example, if a tree is growing on a higher plane, roots may be less likely to extend into a lower, excavated area due to the added resistance and potential moisture accumulation. Conversely, roots may not grow upward into a raised area if the fill is heavily compacted or lacks adequate conditions for root development. Therefore, changes in soil level can significantly influence root distribution, and should be considered when assessing potential impacts of encroachment or planning construction near trees.
Existing vegetation	Existing vegetation in close proximity to a tree can create competition for essential resources such as water, nutrients, and space within the soil profile. Dense or well-established vegetation, particularly other trees or large shrubs, may create a zone of intense competition that can deter root growth from neighbouring trees into that area. As a result, a tree's root system may be less developed in areas where strong competition exists, especially if the surrounding vegetation has already established dominance over the available soil resources. This can influence root distribution patterns and should be considered when assessing the likely presence or absence of roots in a particular area.
Hard encroachment	A hard encroachment involves works that typically require deep excavation or substantial soil modification such as strip footings, site cuts and retaining walls greater than 200mm in depth, basements etc.
Soft encroachment	A soft encroachment refers to less invasive works that have a lesser impact on tree roots and soil conditions. Such as driveways, paving, fill, site cuts or retaining walls less than 200mm in depth etc.
Hard and soft encroachment comparison	Trees are generally able to tolerate a higher percentage of soft encroachment compared to hard encroachments due to the reduced likelihood of root damage and soil disruption. When determining if a tree is expected to tolerate a moderate of major encroachment, suitably qualified arborist (AQF Level 5) will not only consider the encroachment percentage, but also consider if type of encroachment (i.e. hard or soft) and its potential to impact a trees root system.
Compensatory area	In the event of an encroachment into the NRZ, a compensatory area may be considered within the TPZ. If a suitable portion of the TPZ remains available for root growth and is accessible to the tree, it can help offset the encroachment and increase the likelihood of the tree's ongoing health and structural stability.

11 Victorian Planning Provisions – Clause 52.37

11.1 Clause 52.37 considerations

Clause 52.37 is a state-wide Planning Provision, effective as of the 15th of September 2025. The following table provides further clarification of terms and conditions within Clause 52.37:

Clause 52.37 considerations	
Clause 52.37 and Local Law	Clause 52.37 does not override or limit the operation of other relevant planning provisions such as overlays or bushfire requirements. Clause 52.37 may override a local law regarding tree removal only when it duplicates the considerations of the local law. The local law may continue to operate for any matters that are beyond the scope of Clause 52.37.
Affected planning zones	Clause 52.37 applies to residential land located within any of the following planning zones: ▪ Mixed Used Zone (MUT) ▪ Township Zone (TZ) ▪ Residential Growth Zone (RGZ) ▪ General Residential Zone (GRZ) ▪ Neighbourhood Residential Zone (NRZ) ▪ Housing Choice and Transport Zone (HCTZ)
Definitions	Canopy Trees
	The clause defines 'Canopy Trees' as trees which meet **all** of the following triggers: o The tree has a height greater than 5m o The tree has a trunk circumference of more than 0.5m, measured at 1.4m above ground level o The tree has a canopy diameter of at least 4m
	Boundary Canopy Trees
	Clause 52.37 separately defines 'Boundary Canopy Trees' as Canopy Trees (as defined above) where: o any part of the trunk is located within 6m of the narrowest street frontage of a lot, or o any part of the trunk is located within 4.5m of the rear boundary of a lot.
Transitional provisions	The requirements of clause 52.37 do not apply to: o The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out of works in accordance with a building permit that was issued either: – before the approval date of Amendment VC289; or – within 12 months after the approval date of Amendment VC289 and either: o a relevant building surveyor (within the meaning of the Building Act 1993) was appointed to issue the building permit before the approval date of Amendment VC289; or o a relevant building surveyor (within the meaning of the Building Act 1993) is satisfied, and certifies in writing, that substantial progress was made on the design proposal before the approval date of Amendment VC289. o The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out works in

	accordance with a permit granted before the approval date of Amendment VC289. ○ The removal, destruction or lopping of a canopy tree associated with the construction of a building or the construction or carrying out works in accordance with a permit if the application for that permit was made before the approval date of Amendment VC289. ○ The removal, destruction or lopping of a canopy tree in accordance with a permit granted under another provision of this planning scheme before the approval date of Amendment VC289. ○ The removal, destruction or lopping of a canopy tree on land in a Development Plan Overlay if a development plan was prepared to the satisfaction of the responsible authority under clause 43.04 before the approval date of Amendment VC289 and a permit is not required to remove, destroy or lop the tree under another provision of this planning scheme. ○ The removal, destruction or lopping of a canopy tree on land included in an Incorporated Plan Overlay before the approval date of Amendment VC289 and a permit is not required to remove, destroy or lop the tree under another provision of this planning scheme.

11.1.1 Clause 52.37 examples

Canopy Trees

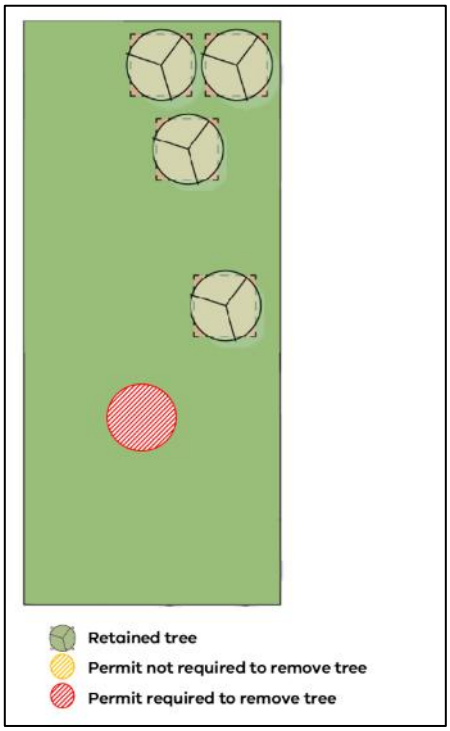


Figure 1: Canopy Trees are protected anywhere on a vacant lot (unless subject to a planning permit application).

Boundary Canopy Trees

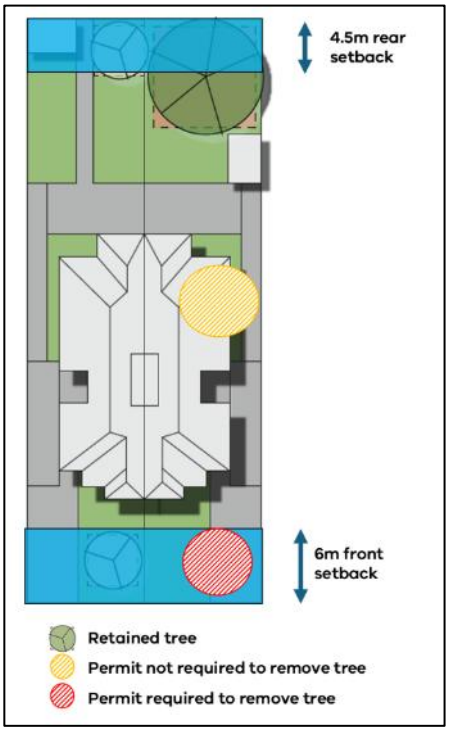


Figure 2: Boundary Canopy Trees are protected within the front and rear boundaries of developed lots, or a vacant lot subject to planning permit application.

11.1.2 State-listed noxious weeds

The following noxious weeds are exempt from protection under Clause 52.37:

Scientific name	Common name
Acacia nilotica	Prickly acacia
Ailanthus altissima	Tree of heaven
Cestrum parqui	Chilean cestrum
Crataegus monogyna	Hawthorn
Genista linifolia	Flax-leaved broom
Genista monspessulana	Cape broom
Lycium ferocissimum	African boxthorn
Mimosa pigra	Mimosa
Opuntia spp. (some exceptions)	Opuntioid cacti
Salix (some exceptions)	Willow
Tamarix aphylla	Athel pine

11.1.3 Table of exemptions (Clause 52.37)

The following table identifies exemptions to Clause 52.37:

The requirement to obtain a permit does not apply to:	
Dead canopy tree	A canopy tree that is dead.
Emergency works	A canopy tree that is to be removed, destroyed or lopped: • in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or • where it presents an immediate risk of personal injury or damage to property. Only that part of the canopy tree that presents the immediate risk may be removed, destroyed or lopped under this exemption.
Extractive industry	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the *Mineral Resources (Sustainable Development) Act 1990* and authorised by a work authority granted under that Act.
Fire protection	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to carry out the following fire protection activities: • fire fighting; • planned burning; • making or maintenance of a fuel break or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres; • the making of a strategic fuel break up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuel break plan approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987); • in accordance with a fire prevention notice issued under either: – section 87 of the Fire Rescue Victoria Act 1958; – section 65 of the Forests Act 1958; or – section 41 of the Country Fire Authority Act 1958; or • keeping a canopy tree clear of, or minimising risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998; • minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004. **Note:** Additional permit exemptions for bushfire protection are provided at Clause 52.12.

The requirement to obtain a permit does not apply to:	
Geothermal energy exploration and extraction	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Geothermal Energy Resources Act 2005*.
Greenhouse gas sequestration and exploration	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the *Greenhouse Gas Geological Sequestration Act 2008*.
Land management and directions notice	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the *Catchment and Land Protection Act 1994*.
Land use conditions	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the *Catchment and Land Protection Act 1994*.
Lopping and pruning for maintenance	Lopping or pruning a canopy tree, for maintenance only, provided no more than 1/3 of the foliage of the tree is lopped or pruned. This exemption does not apply to: • the pruning or lopping of the trunk of a canopy tree; • pruning or lopping that would reduce the height of the tree to less than 5 metres or the canopy diameter of the tree to less than 4 metres.
Mineral exploration and extraction	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the Mineral Resources (Sustainable Development) Act 1990: • that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or • in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990. **Note:** Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of a native tree that may be removed as part of low impact exploration.
Noxious and environmental weeds	A canopy tree that is identified as a noxious weed in: • a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (Cuscuta australis); or • a planning scheme.
Public land manager	A canopy tree that is to be removed, destroyed or lopped by or on behalf of a public land manager.
Railways	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
Road safety	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road with the written agreement of the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).
Traditional owners	A canopy tree that is to be removed, destroyed or lopped by a person acting under, and in accordance with: • a natural resources agreement under Part 6 of the Traditional Owner Settlement Act 2010; • or an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional Owners Settlement Amendment Act in 2016 (1 May 2017)*.
Tram stops	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria to construct a tram stop, including a tram stop shelter.
Transport land	A canopy tree that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of the Head, Transport for Victoria on land in a Transport Zone, or in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority, to construct or maintain transport system infrastructure, in accordance with the written agreement of the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

DEEP SOIL AREAS OF AT LEAST
12sqm with a minimum dimension of 2.5m
25sqm with a minimum dimension of 3.5m

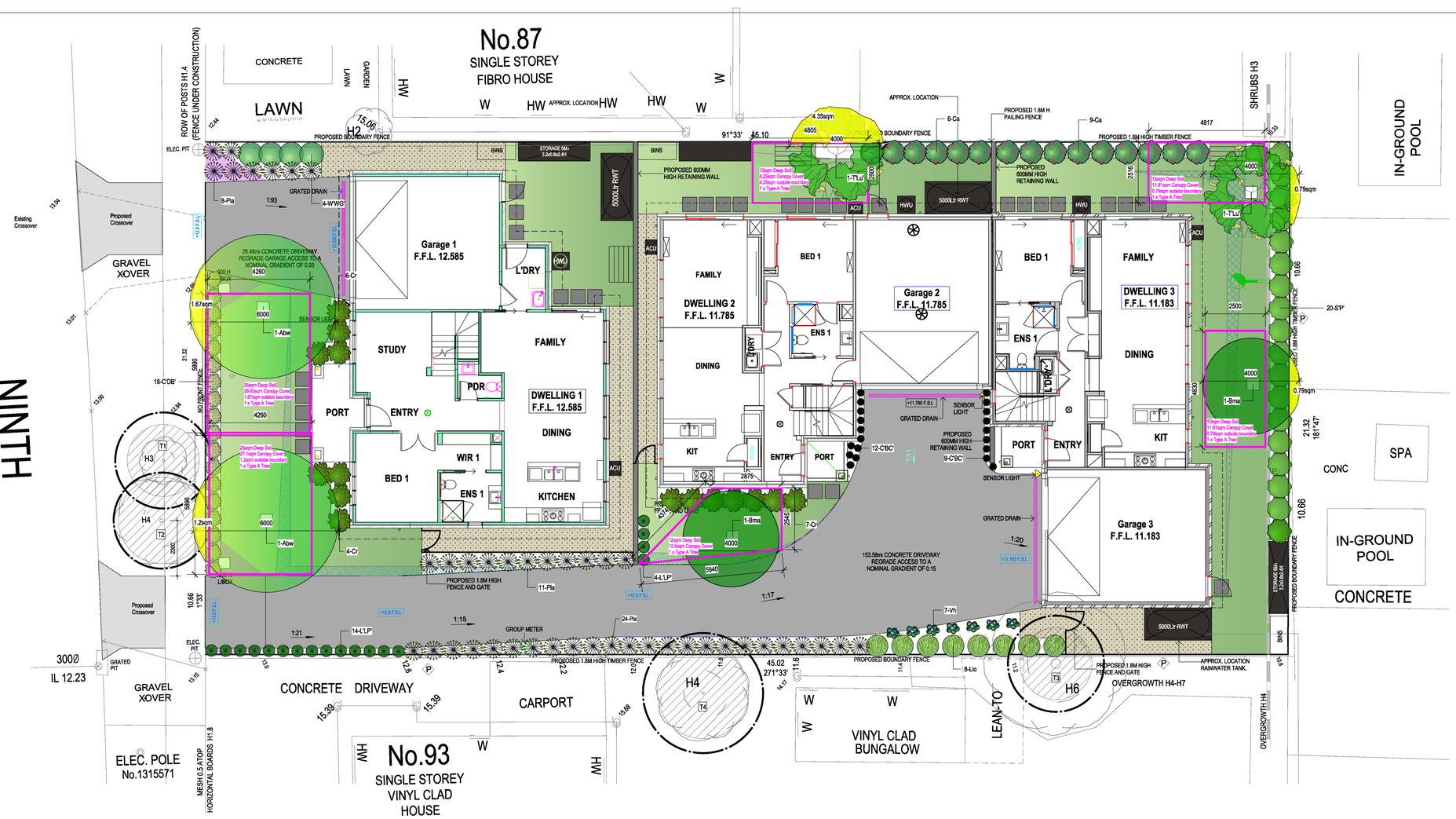
DEEP SOIL AREA

PROPOSED CANOPY COVERAGE CALCULATION
10% of Site Area (961sqm) = 96.1sqm

1 x TYPE A TREE PROPOSED
12.6sqm canopy cover
1 x TYPE A TREE PROPOSED
11.81sqm canopy cover (12.6-0.79=11.81sqm)
1 x TYPE A TREE PROPOSED
11.81sqm canopy cover (12.6-0.79=11.81sqm)
1 x TYPE A TREE PROPOSED
8.25sqm canopy cover (12.6-4.35=8.25sqm)
1 x TYPE A TREE PROPOSED
26.63sqm canopy cover (28.3-1.67=26.63sqm)
1 x TYPE A TREE PROPOSED
27.1sqm canopy cover (28.3-1.2=27.1sqm)

= 98.2sqm TOTAL CANOPY COVERAGE

SQM AREA OF CANOPY OUTSIDE OF TITLE BOUNDARY, THAT IS NOT INCLUDED IN THE SQM CANOPY CALCULATION OF THE SITE



- STRUCTURAL ROOT ZONE
- TREE PROTECTION ZONE
- TREES / SHRUBS TO BE REMOVED
- EXISTING TREES ADJOINING THE SITE
- EXISTING TREES TO BE RETAINED
- STEPPING STONES
- GRAVEL OR PEBBLES
- DROUGHT TOLERANT LAWN (Buffalo or similar)
- COLOURED CONCRETE or EXPOSED AGGREGATE

AUTOMATIC DRIP IRRIGATION SYSTEM INSTALLED TO WATER GARDEN BEDS

TIMBER EDGING INSTALLED TO SEPARATE LAWN, GARDEN BEDS & GRAVEL / PEBBLES

ALL GARDEN BEDS TO HAVE MINIMUM 75MM LAYER OF DARK-COLOURED COMPOSTED MULCH (e.g. Black Pine Bark or Mushroom Compost)

PLANTING SCHEDULE

	ID	Qty	Common Name	Botanical Name	Height @ Maturity (m)	Width @ Maturity (m)	Pot Size @ Install (cm)
Trees							
	Abw	2	Black Wattle	Acacia mearnsii (Type A)	10.0m	6.0m	40 - min 2m high @ installation
	Bma	2	Silver Banksia	Banksia marginata (Type A)	10.0m	4.0m	40 - min 2m high @ installation
	T'Lu'	2	Water Gum	Tristaniopsis laurina 'Luscious'	8.0m	4.0m	40 - min 2m high @ installation
Shrubs & Groundcovers							
	Ca	15	White Correa	Correa alba	1.5m	1.0m	20
	C'DB'	18	Dusky Bells	Correa 'Dusky Bells'	0.6m	0.7m	14
	Cr	17	Common Correa	Correa reflexa	1.2m	1.0m	14
	S'P'	20	Lilly Pilly	Syzygium 'Pinnacle'	3.0m	1.0m	20
	Vh	7	Native Violet	Viola hederacea	0.2m	0.6m	Tubestock
	W'WG'	4	Wynabbie Gem	Westringia 'Wynabbie Gem'	1.5m	1.0m	20
Grasses							
	C'BC'	21	Bronze Curls	Carex 'Bronze Curls'	0.3m	0.3m	Tubestock
	L'LP'	18	Little Pal	Lomandra 'Little Pal'	0.5m	0.5m	14
	Lio	8	Spiny-headed Mat-Rush	Lomandra longifolia	1.0m	1.0m	14
	Pla	43	Tussock Grass	Poa labillardieri	0.7m	0.6m	14

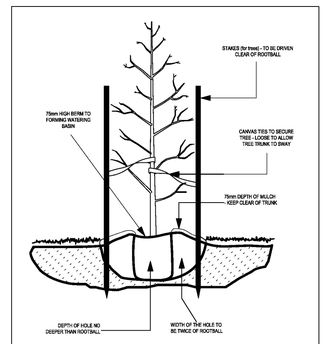
LANDSCAPE CONSTRUCTION SPECIFICATIONS

SUBGRADE PREPARATION:
Site preparation to be carried out under suitable conditions and in accordance with standard horticultural practice. The use of machinery and tools that may damage soil structure is not acceptable. Garden bed and lawn sub-grade is to be cultivated to a depth of 150mm and shaped to achieve drainage falls prior to adding topsoil. If gypsum is required, this is to be distributed and cultivated into the sub-grade as per the manufacturer's instructions.
Weeds are to be removed prior to sub-grade preparation, top-soiling and planting.

SOIL PREPARATION:
Imported topsoil is to be supplied by an approved supplier to a depth of approximately 150-300mm (as required) for garden beds. Do not spread in muddy conditions. The topsoil is to a light to medium friable loam (capable of being compressed into a ball by hand when moist yet can be broken apart immediately after). It's PH will be 6.0 - 7.0 and free from perennial weeds and building rubble. The finished top level after settlement should be 75mm below the edging level to allow for mulch. Imported topsoil for lawn areas to be supplied to a depth of approximately 100mm (or as required).

TIMBER EDGING:
Timber edging is to be installed to separate all lawn, planting areas and lilydale topping / pebble areas. The treated pine timber (or similar) is to be 75mm x 25mm in size, secured iwth 300mm long stakes at 1000mm spacings.

PLANTS AND PLANTING:
Trees and plants supplied are to be healthy and free from insects, diseases and weeds. The pot sizes indicated in the plant schedule are the minimum size to be supplied and installed.
When each planting area is prepared, if soil is dry, fill with water and allow to drain away completely. Plant roots are to be teased outwards if roots are matted in pot. Place plant in centre of hole and ensure that the top of the rootball is flush with the surrounding soil surface and the trunk is vertical. Soil is to be backfilled firmly into the hole and thoroughly watered in.
Trees are to be staked with two hardwood stakes driven firmly into the ground but not through the rootball. Trees are to be secured to the stakes with strong but flexible tree ties that are tight enough to support the trees in windy conditions but loose enough to stimulate good tree growth and development. The tree ties must not injure tree bark or restrict tree growth for at least the first three years of tree growth.
A slow release fertiliser (e.g. Osmocote or similar) is to be applied to all garden beds as specified by the manufacturer and be kept away from the plant trunks and then watered immediately.
A layer of aged organic mulch to a minimum depth of 75mm is to be applied to all planting areas after planting is completed.



TREE & SHRUB PLANTING DETAIL