

5.1 AMENDMENT C79 TO THE MONASH PLANNING SCHEME - FORMER BRANDON PARK SECONDARY COLLEGE SITE

(TP329:BG:RB)

Ward : Mulgrave

Owner: Department of Education

Applicant: City of Monash

Responsible Director: Paul Kearsley

Reason for Council Consideration: Amendment to the Monash Planning Scheme

RECOMMENDATION

That:-

- a) *Council adopts Amendment C79 pursuant to Sec.29 of the Planning and Environment Act 1987 and refers the amendment to the Secretary to the Department of Planning for certification pursuant to Sec.35A of the Planning and Environment Act.*
- b) *Amendment C79 be approved and gazetted following certification by the Secretary to the Department of Planning, pursuant to Sec.35B of the Planning and Environment Act.*
- c) *The Tree Management Plan concept should now be expanded to include the trees located on the northern section of the former school site.*
- d) *Inclusion of the Tree Management Plans as Incorporated Documents of the Monash Planning Scheme be considered following preparation of the relevant documentation for the northern section of the former school site and be included as part of the Planning Scheme amendment associated with the Brandon Park Major Activity Centre Structure Plan.*

BACKGROUND

Council determined at its meeting on 26 August 2008 to:-

- request the Minister for Planning to appoint a Panel to consider Amendment C79 to the Monash Planning Scheme and all submissions received pursuant to Section 23(1)(b) of the Planning and Environment Act 1987.
- require a further report to Council following receipt of the Panel report.

The Panel appointed by the Minister heard submissions on 3 February 2009. The report of the Panel was received on 16/2/2009

A copy of the Panel report is attached. [Attachment 4]

PROPOSAL

Amendment C79 proposes to:-

- Introduce a HO-Heritage Overlay for the row of trees adjacent to Strada Avenue on the former Brandon Park Secondary College site.[Attachment 2]

AMENDMENT PROCESS

Following receipt of the report of the Panel, Council has to make a final decision on the amendment.

A Panel evaluates both the content of the amendment and the detail of the submissions. A Panel makes a recommendation to Council. Council is not bound by the recommendations of a Panel but must have regard to those recommendations in making its decision on the merits of an amendment.

Council can either adopt the amendment, with or without further changes, or abandon the amendment.

An amendment adopted by Council is then referred to the Secretary to the Department for certification pursuant to Sec.35A of the Planning and Environment Act. Following certification the amendment is then approved by Council pursuant to Sec.35B of the Planning and Environment Act and gazetted.

An amendment takes effect from the date it's approval is printed in the Government Gazette.

SUBMISSIONS ON AMENDMENT C790

A total of 5 submissions were received for Amendment C79. A summary of these submissions is attached. [Attachment 3]

No change to the amendment is proposed in response to these submissions.

COMMENTS ON SUBMISSIONS

Submission 1 is from the Monash Special Development School (MSDS), which is in the process of redeveloping and relocating to the south-eastern corner of the subject site.

The MSDS are concerned with the proposed retention and Heritage protection, of all sugar gums located in this south-eastern corner.

The trees are considered unsuitable for retention on the grounds that: -

- The trees have a poor structure and a limited life span.
- Retention and maintenance of the trees will incur ongoing cost burdens.
- Barriers and exclusion zones will impede further development, and use of the site.
- Safety will be compromised. Fencing will not stop students who often display impaired judgement, and hence would access the exclusion zone

- Pruning of the trees would be contrary to Australian Standards and would further compromise their poor structure, hastening their decline.

Approval is sought to replace the Sugar gums with other trees which the MSDS considers will be more suitable to the local environment, and assist in rectifying the above issues.

Response: No change to the amendment documents.

Council has previously resolved that the sugar gums should be retained and that a Tree Management Plan, including a maintenance program, be entered into where the windrow is located on the MSDS component of the site.

A detailed assessment on the health of the trees has been undertaken and a Tree Management Plan prepared for MSDS site. This maintenance program will replace dead and dangerous trees over time with suitable mature species, in addition to recommending the removal of certain limbs and branches as appropriate. [Attachment 5]

The MSDS and the Department of Education and Early Childhood Development (DEECD) have been provided with a copy of this Tree Management Plan however they remain opposed to the retention of the trees on the MSDS site.

Further discussions on this matter will now occur having regard to the recommendations of the Panel.

The Tree Management Plan concept should now be expanded to include the trees located on the northern section of the former school site.

Submission 2 is from the landowner, the DEECD, and raises issues identical to those of submission 1.

Response: No change to the amendment documents (see response to submission 1).

Submission 3 is from the Department of Sustainability and Environment and supports the Amendment.

Response: No change to the amendment documents.

Submission 4 is from local residents and supports the Amendment.

Response: No change to the amendment documents.

Submission 5 is from the Brandon Park Residents Action Group and supports the Amendment.

Response: No change to the amendment documents.

PANEL RECOMMENDATION

The Panel supports Amendment C79. It reviewed the amendment in accordance with the strategic provisions of the Monash Planning Scheme and applicable Ministerial Directions and Practice Notes.

The Panel found that the amendment is consistent with these provisions in relation to the overall planning objectives for Monash and, more particularly, in relation to the heritage significance of the subject trees.

It found that a planning framework is clearly established in the Municipal Strategic Statement to provide for the protection of items assessed to be of local heritage significance, in particular the row of *Eucalyptus cladocalyx* (Sugar Gums) abutting Strada Crescent.

The Panel's recommendations are:

1. Amendment C79 to the Monash Planning Scheme should be adopted as exhibited.
2. A Tree Management Plan be developed for the area subject to this Heritage Overlay including addressing appropriate replanting for the area within the Monash Special Development School site to the south of the School entrance to Academy Avenue.
3. The Council gives consideration to the inclusion of the Tree Management Plan as an Incorporated Plan in the Monash Planning Scheme.

CONCLUSION

The recommendations of the Panel are supported and recommended for adoption.

That is:-

1. Amendment C79 to the Monash Planning Scheme be adopted and approved pursuant to the provisions of the Planning and Environment Act.

Amendment C79 to the Monash Planning Scheme be referred to the Secretary to the Department for certification pursuant to Sec.35A of the Planning and Environment Act and following certification, Amendment C79 be approved pursuant to Sec.35B of the Planning and Environment Act.

2. The Tree Management Plan concept should now be expanded to include the trees located on the northern section of the former school site.

Inclusion of the Tree Management Plans as Incorporated Documents of the Monash Planning Scheme be considered following preparation of the relevant documentation for the northern section of the former school site and be included as part of the Planning Scheme amendment associated with the Brandon Park Major Activity Centre Structure Plan.