

5.1 AMENDMENT C79 TO THE MONASH PLANNING SCHEME - 6 – 30 BRANDON PARK DRIVE, WHEELERS HILL

(TP329:AJ:RB)

Ward : Mulgrave

Responsible Director: Don Cameron

Reason for Council Consideration: Strategic Planning/Amendment to the Monash Planning Scheme

RECOMMENDATION

That: -

- a) *That the Minister for Planning be requested to appoint a Panel to consider Amendment C79 to the Monash Planning Scheme and all submissions received pursuant to Sec.23(1)(b) of the Planning and Environment Act.*
- b) *That a further report be made to Council following receipt of the Panel report.*

BACKGROUND

At its meeting on 22 April 2008, Council considered the feasibility of retaining a number of trees located on the former Brandon Park Secondary College site at 6 – 30 Brandon Park Drive, Wheelers Hill.

This included the windrow of trees located along the Strada Crescent frontage of the site.

The report noted that extensive public consultation of the local community was undertaken to gauge resident's views on the matter. A significant number of submissions were received which supported the inclusion of the windrow within a Heritage Overlay.

A number of determinations were made to ensure the retention and ongoing maintenance of trees on the site. This included: -

- *the Minister for Planning be requested to authorise Council to prepare Amendment C79 to the Monash Planning Scheme to introduce a Heritage Overlay over the remaining trees in the windrow adjacent to Strada Crescent pursuant to section 9(2) of the Planning and Environment Act.*

It was also determined that a Tree Management Plan, including a maintenance program, be entered into to ensure the progressive replacement of dead and dangerous trees in the windrow within the south-east component of the site, which is to be occupied by the Monash Special Development School (MSDS).

Following the receipt of formal authorisation from the Minister of Planning on 19 May 2008, Amendment C79 commenced public exhibition on 19 June 2008.

Exhibition of the amendment was completed on 28 July 2008.

PROPOSAL

It is proposed to introduce a HO-Heritage Overlay for the windrow of trees adjacent to Strada Crescent on the former Brandon Park Secondary College site, including the part of the windrow located on the MSDS component of the site.

[Refer Attachment 1 – Locality Plan]

[Refer Attachment 2 – Scheme Map Changes]

The amendment is required to conserve the windrow of trees identified by Heritage Victoria as a place of historical interest and special cultural value.

A summary of the heritage significance of the windrow can be found in the citation at Attachment 3.

AMENDMENT PROCESS

Following exhibition of an amendment to the Planning Scheme, the Planning Authority for an application for amendment can determine to: -

- change the amendment in the manner requested by the submissions, or
- refer the submissions to a Panel appointed by the minister for Planning for review, or
- abandon all or part of the amendment.

A determination to refer an amendment to an independent Panel for review does not indicate approval or support for the amendment. The amendment is referred to a Panel, without commitment by Council, as to its final decision.

Following the report of the Panel, Council has to make a final decision on the application. The Panel report will evaluate both the content of the amendment and the detail of the submissions. It will make 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.

An amendment adopted by Council is normally then referred to the Minister for Planning for approval and gazettal.

However, in this case the Minister for Planning has authorised Council to approve the Amendment under section 35B of the Planning and Environment Act 1987. This changes the process.

After adoption by Council, the secretary to the Department of Planning and Community Development must be requested to certify the Amendment. Once certified, Council is then in a position to approve the amendment and forward the approved amendment to the Minister for Gazettal.

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

SUBMISSIONS ON AMENDMENT C79

A total of 5 submissions have been received.

A summary of the submissions and the issues identified are attached.
[Refer to Attachment 4]

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.

As previously noted, 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 will be required to achieve this.

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.

The MSDS and the Department of Education and Early Childhood Development (DEECD) have been advised of this, and work is underway in identifying and instigating the necessary steps involved for the preparation of this Plan.

Once this is resolved, a landscape plan for the MSDS component of the site can be finalised as appropriate.

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 a couple of 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.

CONCLUSION

It is recommended that the Minister for Planning be requested to appoint a Panel to review the amendment and all of the submissions received.