

**DAREBIN PLANNING SCHEME**

**AMENDMENT C105**

**EXPLANATORY REPORT**

**Who is the planning authority?**

This amendment has been prepared by the Darebin City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Darebin City Council.

**Land affected by the amendment.**

The amendment affects Springthorpe Estate, Macleod and Mount Cooper Estate, Bundoora. The residential estate of Springthorpe was formally the 'The Mont Park Psychiatric Centre' whilst Mount Cooper was developed on the former 'Mental Repatriation Hospital'.

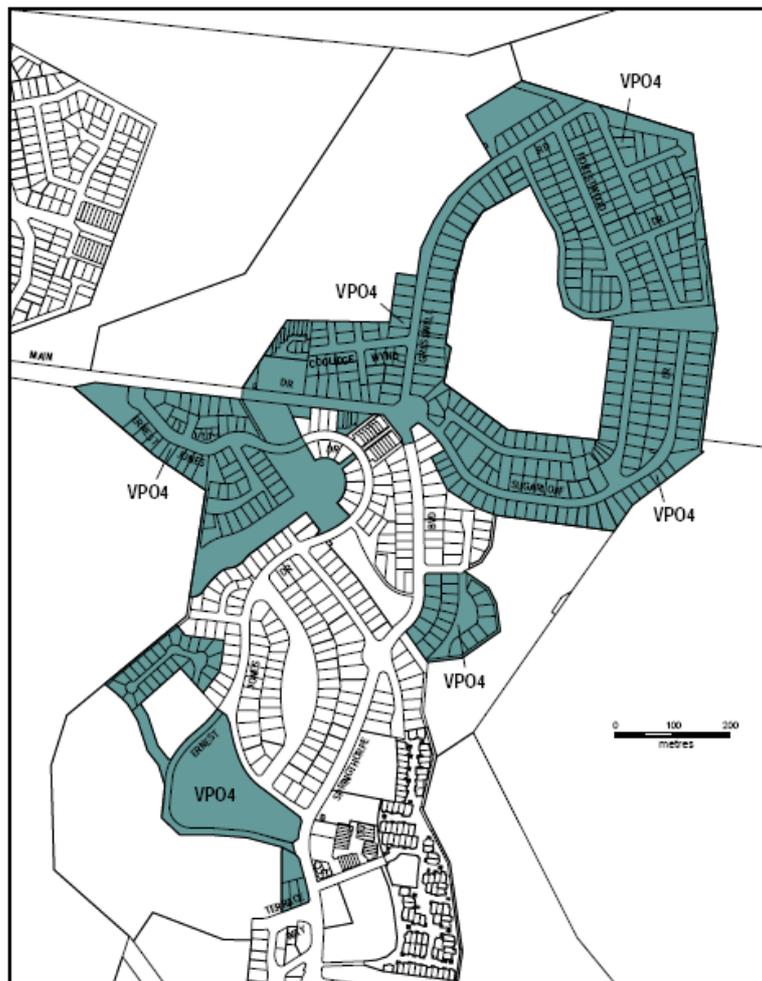


Figure 1: Areas within the Springthorpe Estate affected by the amendment. C105 proposes to extend VPO4 across all of the Springthorpe Estate (Source: Department of Planning and Community Development).

## What the amendment does

The amendment proposes to amend the Darebin Planning Scheme to reflect the findings and implement the recommendations of the *Assessment of Trees for VPO Update in Springthorpe Estate, Macleod 16 May 2010*, and *Assessment of Trees for VPO Update in Mount Cooper Estate, Bundoora 3 December 2009* (“**the Tree Assessments**”).

Specifically, the amendment:

- Replaces Clause 21.05 of the Municipal Strategic Statement (“**MSS**”) with a new Clause 21.05 to give reference to the Tree Assessments as new incorporated documents;
- Amends Schedule 3 to the Vegetation Protection Overlay, Mount Cooper, Bundoora – Significant Vegetation (“**VPO3**”) to reflect the recommendations of *Assessment of Trees for VPO Update in Mount Cooper Estate, Bundoora 3 December 2009*;
- Amends Schedule 4 to the Vegetation Protection Overlay, Springthorpe – Significant Vegetation (“**VPO4**”) to reflect the recommendations of *Assessment of Trees for VPO Update in Springthorpe Estate, Macleod 16 May 2010*;
- Amends Maps No. 8VPO and 9VPO to extend VPO4 across all of Springthorpe Estate; and
- Amends the Schedule to Clause 81.01 to delete superseded documents relating to vegetation protection on the two estates and include *Assessment of Trees for VPO Update in Springthorpe Estate, Macleod 16 May 2010*, and *Assessment of Trees for VPO Update in Mount Cooper Estate, Bundoora 3 December 2009* as new incorporated documents.

## Strategic assessment of the amendment

### • Why is the amendment required?

The Springthorpe Estate and Mt Cooper Estate contain significant native and exotic vegetation which is currently protected in the Planning Scheme as follows:

- VPO3 protects significant vegetation in Mount Cooper Estate.
- VPO4 protects significant vegetation in the earlier stages of the Springthorpe Estate.
- Schedule to Clause 81.01 includes a number of Incorporated Documents relating to tree protection within the two estates, being *Mt Cooper Tree and Landscape Ranking Plan*; *Springthorpe Tree Conservation Plan, February 2001*; *Springthorpe Tree Conservation Plan – Stage 2*; *Springthorpe Tree Conservation Plan – Stage 3*; *Springthorpe Tree Conservation Plan – Stage 4*; *Springthorpe Tree Conservation Plan – Stage 5*; *Springthorpe Tree Conservation Plan – Stage 6*; and *Springthorpe Tree Conservation Plan – Common Property No.2*.

A review of the Vegetation Protection Overlays (“**VPOs**”) for the two estates has been undertaken in recent years which affect these existing controls. The Tree Assessments resulting from this project have made a number of recommendations to guide future vegetation management on these estates. A number of significant trees on both estates have been removed since the original surveys, whilst twenty eight (28) trees on the Springthorpe Estate are also currently unprotected within the Planning Scheme.

In addition to the Tree Assessments, the *Review of Vegetation Protection Overlay VPO controls in Springthorpe Estate, Macleod and Mount Cooper Estate, Bundoora, Regional Planning Services, May 2009* (“**the Review**”) was also prepared which makes more specific recommendations for amendments to the planning scheme. The continuation of the VPOs on both estates is recommended however they need to be modified to best reflect current mapping, significance, objectives, management, permit

requirements and decision guidelines. Other changes were required to the MSS and the Incorporated Documents.

- **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives of planning in Victoria as outlined in Section 4 of the *Planning and Environment Act 1987* through:

- Providing for the fair, orderly, economic and sustainable use and development of land.
- Providing for the protection of natural and man-made resources.
- Securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- Enhancing employment, community and residential living opportunities for the land and area.
- Protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- Balance the present and future interests of all Victorians.
- Ensuring sound, strategic planning and co-ordinated action at state, regional and municipal levels.
- Enabling land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at state, regional and municipal levels.
- Facilitating development that achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.

- **How does the amendment address the environmental effects and any relevant social and economic effects?**

***Environmental effects:***

The amendment will have positive effects on the environment through the enhanced assessment and protection of mature native and exotic trees in the Springthorpe and Mount Cooper Estates. The amendment provides that significant trees will be adequately protected under the VPO, with any proposal for vegetation removal or lopping being fully considered and assessed under the Overlay through a planning permit process. The amendment assists in meeting the principle, objectives and net gain principles of the *Victoria Native Vegetation Framework - A Framework for Action*.

***Social and economic effects:***

The amendment will not have any adverse social or economic effects. Overall, the amendment is expected to have positive social and economic benefits for landowners and the entire municipality through the protection of the natural environment, landscape and built and residential environment.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment complies with all Minister's Directions under Section 12 of the *Planning and Environment Act 1987* (the 'Act').

**Ministerial Direction No. 9, Metropolitan Strategy:**

- The amendment is affected by and complies with Ministerial Direction No. 9, *Metropolitan Strategy*.

Minister's Direction No. 11, Strategic Assessment of Amendments:

The amendment complies and is consistent with Minister's Direction No 11, *Strategic Assessment of Amendments*. All requirements to be met under the direction have been considered and met in the preparation of the amendment.

Ministerial Direction on the Form and Content of Planning Schemes:

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the Act.

• **How does the amendment support or implement the State Planning Policy Framework?**

The amendment complies with and implements the State Planning Policy Framework (SPPF) in particular; the amendment implements the following sections:

Clause 12 Environment and Landscape Values:

Clause 12.01 (Biodiversity) and 12.04 (Significant Environments and Landscapes) of the SPPF have relevance to the amendment as the amendment will achieve the following objectives:

- The protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.
- Achieving a net gain in the extent and quality of native vegetation.
- Protection of landscapes and significant open spaces that contributes to character, identity and sustainable environments.

Clause 13 Environmental Risks:

The protection and retention of the significant native vegetation within the Springthorpe Estate will achieve the following objectives consistent with Clause 13 by:

- Minimising the impact of salinity and rising water-tables in the area through the maintenance of ground water levels within the area which is consistent with *Clause 13.03 – 3 Salinity*.
- Improving the air quality of the local through carbon sequestration, consistent with the objectives of *Clause 13.04 – 2 Air Quality*.

Clause 15 Built Environment and Heritage:

The significant vegetation in the Springthorpe Estate, Macleod and Mount Cooper Estate, Bundoora contribute to the character, liveability and sense of aesthetic to the local areas. The retention and protection of the vegetation will achieve the following objectives, consistent with Clause 15 by:

- Contributing positively to local urban character and sense of place of the area.
- Reflecting the particular characteristics, aspirations and cultural identity of the community.
- Enhancing liveability, diversity and amenity of the public realm.
- Promoting attractiveness of the area.

- **How does the amendment support or implement the Local Planning Policy Framework?**

The amendment complies with and implements the Local Planning Policy Framework of the Darebin Planning Scheme. In particular, the amendment implements:

Clause 21.03, Key Influences and Issues:

- Natural environment:
  - Darebin contains pockets of remnant natural features and environments, including significant vegetation communities.
  - Darebin's natural assets require enhancement and conservation.
  - Pockets of indigenous vegetation have been protected to some extent through the planning scheme, however further work is required to ensure this is complete and potential impact on biodiversity is considered in all relevant matters.
  - Vegetation and landscapes require assessment and conservation.

Clause 21.04, Darebin Tomorrow- Our Vision:

- Clause 21.04 sets out a high level vision for an evolving Darebin community based around key community values.
- The vision is given a physical dimension in the Framework Plan (21.04-03). Of particular relevance to the proposal are:
  - Indication of 'Areas of biological significance and natural beauty' in the northern section of the Springthorpe Estate, extending from the Gresswell Forest in the northeast in a south-westerly spine along mainly public open space to link to Latrobe University.
  - A notation along this 'Areas of biological significance and natural beauty' to 'Ensure protection of sites of biological significance and natural habitat'.

Clause 21.05, Objectives – Strategies – Implementation:

- Element 7: Natural environment:

*Overview and key issues:*

*Notes:*

- Gresswell Forest and Hill as native habitat forest of natural environmental significance;
- Areas of environmental significance need to be linked and extended into a cohesive network of natural spaces and corridors, with features including the Gresswell Habitat Link providing the basis for these networks and links as proposed in the *Darebin Open Space Strategy*.

*Vision:*

A continuous network of indigenously vegetated corridors and spaces based on the open space and waterway system, incorporating remnant vegetation communities and sites of biodiversity significance and reinforced by adjoining land.

*Objectives:*

1. Establish a continuous network of indigenously vegetated corridors and spaces, based on the planned open space system and biodiversity significance.
2. Preserve and enhance remnant vegetation communities and flora and fauna habitats.

3. Plan and manage landscapes in ways that contribute to the creation of a more ecologically sustainable natural environment.

The structure plan 'Natural Environment' indicates the northern section of the Springthorpe Estate as a 'habitat corridor', extending from the Gresswell Forest in the east to Bundoora Park in the west.

*Implementation:*

Apply the Vegetation Protection Overlay to redevelopment sites where appropriate, including additional controls over Lancaster Gate and Springthorpe developments, ensuring that all significant vegetation is protected.

- Element 8: Open space and recreation:

*Vision:*

A safe and equitably distributed open space network, which meets a diverse range of recreation, sporting, ecological conservation and community needs.

- **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions. To protect vegetation on the two estates, the amendment proposes to amend overlay mapping, and overlay schedules strategies, and replace incorporated documents which already exist in the Planning Scheme and reference these documents in the Municipal Strategic Statement

A review of VPOs has concluded that these are the best tools to protect the significant vegetation however changes to the contents of the Schedules are required.

There are therefore no alternative ways or tools to achieve these changes to the Darebin Planning Scheme, which are required to be undertaken through a formal amendment to the scheme.

- **How does the amendment address the views of any relevant agency?**

The amendment addresses views of Darebin City Council, which is primarily responsible for the identification and protection of remnant trees on private land in the Springthorpe and Mount Cooper Estates.

The views of any relevant agencies will be determined during the public exhibition process.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment has been prepared for the protection of significant trees and will not impact on the transport system.

## **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

There will not be a significant impact on the resource and administrative costs of the responsible authority. Any subsequent applications for planning permits on land affected by this amendment will be considered on their merits in accordance with the *Planning and Environment Act 1987* and regulated fees for applications.

## **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Department of Planning and Community  
Development web site  
[www.dpcd.vic.gov.au/planning/publicinspection](http://www.dpcd.vic.gov.au/planning/publicinspection)

Darebin City Council  
274 Gower Street  
Preston