

5.2 AMENDMENT C66 TO THE MONASH PLANNING SCHEME 24 SAMADA STREET NOTTING HILL

(TP280:BG:RB)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Amendment to the Monash Planning Scheme

RECOMMENDATION

- a) *That the Minister for Planning be requested to appoint a Panel to consider amendment C66 to the Monash Planning Scheme, the rezoning of the former Monash Primary School site at 24 Samada Street Notting Hill from a PUZ2 - Public Use Zone 2 (Education) to a RIZ - Residential 1 Zone with a VPO-Vegetation Protection Overlay, and submissions received pursuant to Sec.23(1)(b) of the Planning and Environment Act.*
- b) *That all submissions received be referred to the Panel appointed by the Minister for Planning.*
- c) *That the extent of the VPO-Vegetation Protection Overlay be modified as detailed on the attachment to this report. [Attachment 4]*
- d) *That S.173 Agreements be prepared for execution with the Department of Education and Early Childhood Development in accordance with the following principles:-*

24 Samada Street

- *Within 12 months of publishing the Notice of Approval of the Amendment in the Government Gazette,*
 - *a plan a subdivision must be lodged with Council creating a lot or public open space with an area equivalent to 5% of 24 Samada Street (former Monash Primary School) plus 5% of 17 Duerdin Street (former Monash Secondary School) based on the Valuer General's valuation.*
 - *all pavement and buildings, located within the area to be set aside as Public Open Space, are to be demolished and removed and the site is to be left in a clean state.*
- *The plan of subdivision is to be progressed at the Titles Office for registration.*
- *Ownership of the land to be set aside as Public Open Space is to be transferred to Council.*
- *The agreement is to include plan, similar to the concept plan attached to this report, that details the location of the proposed public open space. [Attachment 3]*

Duerdin Street

- *The public open space contribution requirement for the whole of the*

site has been satisfied.

- *No further public open space contribution is to be made for all or any part of the site.*

Both Sites

- *The S.173 Agreements are to be prepared, signed and registered on the relevant Certificates of Title, prior to Council adopting the amendment, following the Panel hearing and its report.*

BACKGROUND

Council determined to place Amendment C66 to the Monash Planning Scheme on public exhibition following receipt of authorisation by the Minister for Planning at its meeting in August 2007.

Exhibition of the amendment was completed on 10 December 2007.

PROPOSAL

The amendment proposes to rezone the former Monash Primary School site from PUZ2 - Public Use Zone 2 (Education) to R1Z - Residential 1 with a VPO-Vegetation Protection Overlay.

AMENDMENT PROCESS

Following exhibition of an amendment to the Planning Scheme the Planning Authority for an application for amendment to the Planning Scheme has the choice 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.

Council has a further opportunity to decide on the application following presentation of the report of the Panel. The Panel report will detail the submissions, the matters discussed and make 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.

SUBMISSIONS ON AMENDMENT C66

A total of nine (9) different submissions with 17 signatures have been received.

A summary of the submissions and the issues identified are attached.
[Attachment 2]

COMMENTS ON SUBMISSIONS

In respect of the submissions received the following comments are made.

1. Loss of Public Open Space

Most submissions expressed concern about the lack of open space in the area and the loss of space caused by the closure of the school site. The site has been used as a school, technically not recognised as public open space, even though it has been used by residents in the area for recreation purposes

Discussions with the Department of Education and Early Childhood Development (the Department) have resulted in an agreement to maximise the area of land to be provided as public open space on the Samada Street site by transferring the open space requirement, "land", from the Monash Secondary College site in Duerdin Street.

The principles of the agreements with the Department are:-

24 Samada Street

- Within 12 months of publishing the Notice of Approval of Amendment in the Government Gazette,
 - a plan of subdivision must be lodged with Council creating a lot or public open space with an area equivalent to 5% of 24 Samada Street (former Monash Primary School) plus 5% of 17 Duerdin Street (former Monash Secondary School) based on the Valuer General's valuation.
(This will be an area of 3950 square metres approximately)
 - all pavement and buildings, located within the area to be set aside as public open space, are to be demolished and removed and the site is to be left in a clean state.
- The plan of subdivision is to be progressed at the Titles Office for registration.
- Ownership of the land to be set aside as Public Open Space is to be transferred to Council
- The agreement is to include a concept plan that details the location of the proposed public open space.

Duerdin Street

- The public open space contribution requirement for the whole of the site has been satisfied.
- No further public open space contribution is to be made for all or any part of the site.

The Department has confirmed in writing that:-

- The principles of the S.173 agreements detailed above are satisfactory and agreed to.

- The concept plan for the location of the public open space is agreed to, however the area of the proposed Public Open Space is subject to finalisation after receipt of the Valuer General's valuations.
- Prior to Council adopting the amendment, following the Panel hearing and its report, the S.173 agreements are to be prepared, signed and registered on the relevant Certificates of Title.

While the final detail must be resolved, and following receipt of the Valuer General's valuation of both the Samada and Duerdin Street properties, the total area of Public Open Space to be provided at Samada Street is likely to be 3950 square metres. This equates to approximately 19% of the Samada Street site.

Attached is a plan of the Samada Street school site showing the nominated location and area of the proposed Public Open Space. [Attachment 3]

The Public Open Space has been located at the North East corner of the site with frontage to Samada Street. This is the most central location for access via the surrounding residential area. The configuration of the open space maximises the potential for retaining the majority of the existing school site buildings while providing a reasonably dimensioned area for passive recreational use.

It should be noted that the provision of open space at this location will impact on the existing built structures on-site. Future use of the land will have to provide vehicle access from Normanby Rd to the south and require demolition of part of the existing buildings.

2. Future development concept for the site.

The Department has advised that the site is to be sold with the existing buildings to retain flexibility for the future owner. It may be redeveloped for residential purposes however a number of existing school groups have indicated interest in the site. The future use of the site will be a decision of the future owner.

It should be noted that it has been the Department's decision to rezone the land prior to sale, and not to treat with any of the interested school groups. The primary objective of the process adopted by the Department would appear to be designed to only achieve maximum financial return.

Definition of the Public Open Space provision to the north east corner of the site and its impact on the existing buildings does not prohibit the potential use of the site for school purposes or any other permissible use in a R1Z-Residential 1 Zone.

3. Traffic generation.

Assessment of the traffic will have to be considered when the future design and use of the site is resolved and the actual vehicle generation rates are understood. It should be remembered that the site has previously been used as a primary school.

Access to the site will be from Normanby Street. There will be no traffic access to or impact on Samada Street and the residential area to the north or east. The potential traffic generation rates are not likely to be significant within the existing road network via Normanby Road.

4. Loss of trees.

The proposed Vegetation Protection Overlay has been supported as it will protect significant vegetation on the site.

Discussions with the Department has resulted in the preparation of a more detailed Arborist report that has considered all existing vegetation on the site. This report, supports Council's earlier Arborist assessment, and identifies a number of significant trees located on the site. It also recognises that there is no vegetation on the majority of the site.

Modification of the boundary of the VPO has been requested by the Department to reflect these circumstances. This modification is supported. The modified VPO boundary will include the significant trees that are located adjacent to the boundaries of the site and the significant trees located towards the centre of the site.

The recommended modified VPO boundary is shown at Attachment 4.

5. Loss of education facilities.

The applicant has advised that the site is not required for school purposes. This is a decision by the Minister for Education.

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.
- the VPO be modified as detailed above.
- S.173 agreements defining the proposed Public Open Space area be prepared for execution by Council and the Department prior to Council's final adoption of the amendment.