

**5.1 AMENDMENTS C60 & C71 TO THE MONASH PLANNING SCHEME
OAKLEIGH MAJOR ACTIVITY CENTRE, AND
129-133 ATKINSON STREET & 2-6 PALMERSTON GROVE,
OAKLEIGH**

(TP245/TP309:BG:SYL)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Strategic Planning / Amendments to Monash Planning Scheme

RECOMMENDATION

That Council:-

- a) modifies Amendment C71 to include a DDO – Design and Development Overlay as detailed in this report;*
- b) adopts Amendment C60 and the modified Amendment C71 pursuant to Sec.29 of the Planning and Environment Act;*
- c) requests the Minister for Planning to approve and gazette both amendments C60 and C71 as adopted.*

BACKGROUND

Council determined at its meeting on 26 June 2007 to:-

- request the Minister for Planning to appoint a Panel to consider Amendments C60 and C71 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 both Amendments C60 and C71 on 28, 29 & 31 October 2007. The report of the Panel was received on 13 December 2007.

A copy of the Panel report has been circulated to Councillors separately.

PROPOSAL

Amendment C60 proposes to:

- incorporate and apply the Oakleigh Activity Centre Parking Precinct Plan (April 2007) into the Planning Scheme;
- amend the Schedule to the Business 1 Zone by making restaurant a use requiring a permit;
- make consequential changes to the Municipal Strategic Statement that provide context for the Parking Precinct Plan; and

- amend the schedule to Clause 52.06 (Car Parking) to introduce the requirements of the Parking Precinct Plan.

Amendment C71 proposes to:-

- rezone 129-133 Atkinson Street & 2-6 Palmerston Grove, Oakleigh, from R1Z-Residential 1 and B1Z- Business 1 to PUZ6-Public Use 6 (Local Government). The amendment is required to enable the land to be redeveloped for use as a public car park.

AMENDMENT PROCESS

Following receipt of the report of a 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 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 the 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 Minister for Planning for approval and gazettal.

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

SUBMISSIONS ON AMENDMENT C-60

Five submissions were received for Amendment C60. A summary of these submissions is attached. [Attachment 1]

Forty five submissions were received for Amendment C71. A summary of these submissions is attached. [Attachment 2]

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

PANEL RECOMMENDATIONS

The Panel supported Amendments C60 and C71. Three recommendations for Council consideration were made. The recommendations are:-

1. Council consider changes to the Parking Precinct Plan to facilitate construction of the car park on the Chester Street site if Council forms the view that it is now more appropriate to proceed with the Chester Street car park.

Comments on Recommendation

Submissions made to the Panel suggested that the Chester Street car park was a better location. The Panel concluded that the Chester Street car park could be an alternative for the development of decked car parking

however even if Chester Street was developed, the Atkinson Street site would still be needed.

The Panel understood that Council had previous arrangements in place for the development of the Chester Street car park as part of the “Home Time” development and that this project has now elapsed. It also recognised that the concept of that proposal seemed laudable and in keeping with the broader planning objectives for activity centres.

The Panel recognised that this decision is entirely a matter for Council to determine.

No change to the amendment is proposed in response to this panel recommendation.

2. The changes to the schedule to the Business 1 Zone to require a permit for Restaurants be deleted from the Amendment.

Comments on Recommendation

The panel is concerned that if restaurants require a permit, a range of considerations not related to car parking could be applied to the decision whether or not to issue a permit and that there is no policy in the scheme guiding how that discretion should operate.

The requirement for planning permit approval for restaurants is identical to the operation of the parking precinct plan at Glen Waverley and is included to ensure that the workings of the parking precinct plan are transparent and obvious to any restaurant operator.

The requirement for planning permit approval for restaurant use should be retained in the amendment.

3. A Design and Development Overlay be introduced as part of the Amendment as submitted by Council.

Comments on Recommendation

Council’s submission to the panel proposed the introduction of a DDO – Design and Development Overlay to provide a reasonable balance of certainty about the future development of the site to residents of the area.

The Panel considered that this was a reasonable approach that maintained flexibility if circumstances change.

Amendment C71 should be modified to include the introduction of the DDO – Design and Development Overlay. [see Attachment 3]

CONCLUSION

It is recommended that Amendments C60 & C71 (modified) to the Monash Planning Scheme be adopted pursuant to the provisions of the Planning and Environment Act.