

1.6 MONASH PLANNING SCHEME CORRECTIONS AMENDMENT (AMENDMENT C163) - ADOPTION OF THE AMENDMENT

(AH: File No. F17-596)

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

- 1. Notes that one submission was received in response to Monash Amendment C163 and that the submission did not object to the amendment.*
- 2. Pursuant to Section 29(1) of the Planning and Environment Act 1987, adopts Amendment C163 as exhibited.*
- 3. Authorises the Director City Development to finalise the Amendment C163 documentation and submit the amendment to the Minister for Planning for approval.*
- 4. Notifies the submitter of Council's decision.*

INTRODUCTION

The purpose of this report is to consider submissions made to Monash Planning Scheme Amendment C163 and to resolve to adopt the amendment.

Amendment C163 proposes to make a number of “housekeeping” updates and minor corrections to the Monash Planning Scheme.

One submission was received. However, the matters raised in that submission were not directly relevant to the amendment, and the submission did not oppose the amendment, or request any changes to the amendment.

ISSUES AND DISCUSSION

Amendment C163 proposes to:

- Rezone land at the rear of 2 to 18 Miller Crescent, Mount Waverley from the Public Use Zone 4 to the Neighbourhood Residential Zone – Schedule 3. The VPO1 would also be extended to the rear fence of these properties so that it applies equally across each site.
- Rezone two existing shops (277 Huntingdale Road, Chadstone and 49 Westerfield Drive, Notting Hill) that are currently in residential zones to the Commercial 1 Zone.
- Rezone northern part of 27 Regent Street, Mount Waverley from the Public Park and Recreation Zone to the Neighbourhood Residential Zone – Schedule 2. The VPO1 would also be applied to the additional part of the land so that it applies equally across the whole site.
- Rezone land owned by Monash Medical Centre at 12-16 Dixon Street, Clayton from the Residential Growth Zone – Schedule 3 to the Public Use Zone 3.

These changes are required to correct existing mapping errors and ensure that the zone boundaries are correctly located.

CONSULTATION

Amendment C163 was exhibited between 27 May 2021 and 28 June 2021. The consultation included:

- Notice in the Victorian Government Gazette on 27 May 2021
- Notice in The Age on 25 May 2021
- Letters to Prescribed Ministers
- Letters to owners and occupiers of the affected and adjoining land including the statutory notice
- Information on Council's website and Shape Monash
- Folder containing hardcopies of the amendment material in the Civic Centre

In response to the consultation on the Amendment, one submission was received from one of the landowners from a property on Miller Crescent.

ISSUES RAISED BY SUBMISSION

The submission raised issues relating to previous discussions about the rezoning the land dating back to 2006. The submitter stated that previous requests were refused because the land was potentially contaminated, and that any request for rezoning would require soil and groundwater testing and potentially remedial work to bring the land up to a standard for residential use. The submitter also claimed that he had been advised that any rezoning request would only be granted if all owners applied for the rezoning.

Officer Response

Matters related to the issues raised by the submitter are being considered separately to this amendment process.

The rear portion of some of the properties in Amendment C163 contain buildings – e.g. 8A Miller Crescent (permit approved in 2016 with no conditions requiring an environmental audit) and rear units of 12 Miller Crescent (permit approved in 2009 with a condition requiring an environmental audit¹). In addition there are also sheds, pools and landscaping in these areas. The land is already being used for sensitive land uses and has been since VicTrack disposed of the land to the owners of these adjoining properties.

In seeking clarity about the submission, the submitter reiterated that their submission was not about seeking changes or not adopting the amendment.

OPTIONS FOR COUNCIL

Council has 2 options for proceeding with this amendment. Although one submission has been received, it does not seek to make any changes to the amendment, or request that the amendment be abandoned.

Council has the option of either abandoning the amendment, or adopting the amendment and submitting it to the Minister for Planning for approval. It is recommended that Council adopt Amendment C163.

¹ Certificate of Environmental Audit was issued in 2010 – allowing the site to be developed

GENDER EQUITY ASSESSMENT

A gender impact assessment has not been undertaken for this amendment as it relates to a statutory process under the Planning and Environment Act 1987.

POLICY IMPLICATIONS

It is Council's role as a Planning Authority to regularly review and update the Monash Planning Scheme. Section 12(1)(c) of the *Planning and Environment Act 1987* states that:

A planning authority must [...] review regularly the provisions of the planning scheme for which it is a planning authority.

The amendment is also consistent with State policy and practice notes on the application of zones in a manner that reflects predominate land use and ownership.

FINANCIAL IMPLICATIONS

The costs associated with this planning scheme amendment, including statutory fees and the costs of exhibition are included in the Strategic Planning operating budget.

CONCLUSION

Having exhibited Amendment C163 and receiving only one submission, which did not object to the amendment or require changes, it is recommended that Council adopt the amendment and submit it to the Minister for Planning for approval.