



CITY OF MONASH

From the Office of the Mayor

TP401

5 March 2014

The Hon Matthew Guy MLC
Minister for Planning
Level 20, 1 Spring Street
MELBOURNE VIC 3000

via email (matthew.guy@parliament.vic.gov.au)

Dear Minister

**AMENDMENT GC05 – MONASH PLANNING SCHEME
REZONING OF FORMER SCHOOL SITES IN MONASH**

I have been directed by Monash Council to write to you to request that you urgently reconsider your decision to introduce a Development Plan Overlay (DPO) over five vacant former school sites in Monash.

Monash Council is very concerned that the use of the DPO control means our residents will not have formal objection rights or the right to appeal to the Victorian Civil and Administrative Tribunal (VCAT) against development on these sites. That is why Council and its legal representatives argued strongly against the use of a DPO for these sites at the public hearings held by the DEECD Surplus Land Rezoning Project Standing Advisory Committee last year.

We strongly believe that it is inappropriate to use a DPO for these sites. Most of the sites interface residential areas and all of the sites have been in public hands for decades. The local communities surrounding the sites have been accustomed to the land being available as public open space for many years. We believe that in such circumstances what is needed is a planning process that supports formal community notification and appeal rather than taking these usual rights away.

We also seek clarification regarding your recent public statements that planning appeal rights have not been taken away by the use of a Development Plan Overlay over these sites. This is incorrect and has been confirmed by legal advice. We would appreciate you correcting your previous incorrect statements as these have caused unreasonable confusion for some concerned residents.



Council also seeks clarification of your rezoning of the former Monash Special Developmental School site as Residential Growth. In your letter of 4 February 2014, you clearly advise me that all five sites would be rezoned as General Residential. It was not until the gazettal of the amendment a week later that Council discovered that the former Monash Special School site had in fact been rezoned Residential Growth. Council has directed me to seek your explanation why you have formally advised us of an incorrect zoning for this site. If the Residential Growth zoning is indeed the correct zoning for the Monash Special Developmental School site, Council requests that you provide your reasons for applying this zone to the site. Council had argued before the Advisory Committee that General Residential was the most appropriate zone for each site. This remains Council's position.

Further, we also seek your reasons for your decision not to apply an Environmental Audit Overlay on the former Monash Developmental School, the former Clayton Primary School and the former Clayton West Primary School sites. We believe it is prudent to place an Environmental Audit Overlay on these sites so that it is established that they are safe for residential use prior to development.

In closing, Council acknowledges your decision to support our request that 15% of the former Brandon Park Secondary College site be set aside as open space. This is a good outcome but it is outweighed by our concerns about the loss of third party appeal rights across all five sites, the apparent Residential Growth zoning for the Monash Special Developmental School and the lack of reasons or explanation provided by you for key aspects of your decision.

If you would like to discuss this matter further, please contact me on 0411 645 281 or at geoff.lake@monash.vic.gov.au. Council, along with the Monash community, look forward to your response.

Yours sincerely

GEOFF LAKE
Mayor