

## 1.5 AMENDMENT C144 - REZONING OF LAND AT 14-16 ATKINSON STREET, CHADSTONE (SH: File No. F18-5084)

Responsible Director: Peter Panagakos

### **RECOMMENDATION**

*That Council:*

- *Notes that Amendment C144 to the Monash Planning Scheme was exhibited from 31 May to 2 July 2018 and no submissions were received.*
- *Adopts Amendment C144 to the Monash Planning Scheme pursuant to Section 29 of the Planning and Environment Act 1987.*
- *Authorises the Director of City Development (or delegate) to finalise the amendment documentation for Ministerial approval.*
- *Submits the amendment to the Minister for Planning pursuant to Section 31 of the Planning and Environment Act 1987 for approval.*

### **INTRODUCTION**

The purpose of this report is to consider the result of the community consultation on the proposed amendment to rezone land at 14-16 Atkinson Street, Chadstone from the Public Use Zone (PUZ6) to the General Residential Zone (GRZ2) and to apply the Vegetation Protection Overlay (VPO1) in order to facilitate the sale of the land. The proposed rezoning is shown in Attachment 1.

As there were no objections this report recommends that Council proceed with the amendment.

### **BACKGROUND**

At its meeting on 27 March 2018, Council resolved to do the following:

1. *Having considered the submission received under Section 223 of the Local Government Act resolves to sell the Council land at 14-16 Atkinson Street, Chadstone.*
2. *Request that the Minister for Planning authorise Council to prepare an amendment to the Monash Planning Scheme under Section 20(2) of the Planning and Environment Act 1987 to rezone the land to General Residential – Schedule 2 and apply the Vegetation Protection Overlay – Schedule 1.*
3. *Subject to the land being rezoned from Public Use Zone - Local Government (PUZ6) to General Residential – Schedule 2 and the Vegetation Protection Overlay – Schedule 1, authorise the Chief Executive Officer or her delegate on behalf of Council to sign and seal all documentation required to effect the sale of the land.*

The Minister of Planning granted authorisation for the amendment on 26 April 2018. In authorising the amendment, the Minister for Planning required that the amendment be subject to the standard public exhibition period under Section 19 of the *Planning and Environment Act 1987*, rather than to allow limited notification to relevant Ministers under Section 20(2).

**ISSUES AND DISCUSSION****Identification of surplus land**

The site at 14-16 Atkinson Street, Chadstone contains 3 tennis courts used by the North Oakleigh Tennis Club. These tennis courts are proposed to be consolidated with the tennis courts from the Oakleigh Recreation Centre (used by the Oakleigh Tennis Club) into 8 new tennis courts at Caloola Reserve. The new facilities at Caloola Reserve will form part of a multi-sport pavilion. Once the new tennis facilities are moved, the land at 14-16 Atkinson Street, Chadstone will be surplus to Council's recreational requirements and the sale of land may assist Council in funding the new facilities.

Caloola Reserve is approximately 800m south of the subject site and 400m west of the Oakleigh Recreation Centre, and is adjacent to other public reserves along Scotchmans Creek.

**Processes to facilitate the sale of the land**

Council, at its meeting on 29 August 2017, resolved to commence a statutory process under the *Local Government Act 1989* (the LGA) to sell the land at 14-16 Atkinson Street, Chadstone. Council considered the one submission received and determined on 27 March 2018 to sell the land.

As the land needs to be rezoned in order to be sold, Council resolved to seek authorisation to prepare an amendment to rezone the land.

**CONSULTATION**

Council directly notified surrounding owners and occupiers of properties within the block bounded by Atkinson Street, Evans Street, Hiscock Street and Timmings Street, as well as properties to the west at 15-21 Atkinson Street.

A notice was placed in the Monash Leader on 29 May 2018 in the Early General News section and in the Victorian Government Gazette on 31 May 2018. The exhibition period finished on 2 July 2018.

No submissions were received in response to the notification period.

**FINANCIAL IMPLICATIONS**

Sale of the land will contribute towards the Caloola Reserve upgrade of recreational facilities and other community projects in the area.

Council will be required to meet statutory costs associated with the approval of the amendment. These costs are budgeted.

***CONCLUSION***

As Council has resolved to dispose of the land and no objections to the proposed rezoning have been received, it is recommended that Council adopt the amendment and forward it to the Minister for Planning for approval.

Once the land is rezoned, Council can then continue with the appropriate processes under the Local Government Act 1989 in order to sell the land.