

A Proud Community Growing Together



Ref: LShannon/lj/hb

3 October 2016

Chris Keating
Chief Executive Officer
Victorian School Building Authority
Department of Education and Training
GPO Box 4367
MELBOURNE, Victoria 3001

Dear Chris,

Re: Required civil works surrounding the Taylors Hill West 7-12 School

Background

The 2010 Taylors Hill West (THW) Precinct Structure Plan (PSP) included land allocations for both a government P-6 primary school plus a non-government school. Since the creation of the PSP, no commitment was provided by a private provider to develop the non-government school site. Proposals were put forth for the site to revert to residential but were rejected by the state government.

Subsequent modeling by DET indicated that a P-6 primary school in Taylors Hill West was not the priority. DET proposed instead using the two parcels of land (totaling 11 hectares) for a 7-12 secondary school. The Minister for Education is exempt from the requirements of the Planning Scheme and as such, is not required to pay Developer Contributions (DCs). This means that Council will not be able to collect DCs for the non-government school site, creating a net shortfall.

Discussion

The non-government school site as shown in the PSP includes sections of title from both 135 and 149 City Vista Court, Plumpton. The PSP includes this land within the Net Developable Area and a non-government school would have been required to pay DCs for the development of land. Based on the land size (5.31ha) this equates to approximately **\$1.4 million**. It is Council's assertion that the Ministerial Direction from 2012 exempting non-government schools from DCs is not retrospective and therefore would not have applied in this case. Independent legal advice has supported this position.

This **\$1.4 million** would have contributed to a range of DC funded works within the THW PSP. Given the DET is exempt from paying DCs, there will now be a **\$1.4 million** shortfall for the completion of projects required by the THW PSP and DCP.

In addition, the non-government school would have been subject to a planning permit application which would have required the construction of a local access road and undergrounding of power as conditions on the permit. Given that the DET are exempt from requiring a planning permit this mechanism to secure delivery of these projects is no longer available to Council.

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Combining the DC projects and the subdivision works, the total costs for remaining works around the THW school and leisure precinct are estimated to be approximately **\$2.5 million** (subject to detailed design and costing) and fall into three categories.

1. DC funded projects:
 - City Vista Court (west of school) – Road widening (4m), footpaths, indented parking and lighting.
 - City Vista Court (west of school) – Signalised pedestrian crossing.
 - Stony Hill Creek (east of school) – Footpaths and landscaping.
2. Sub-divisional works that ordinarily would have been delivered by the non-government school as a requirement of its permit:
 - City Vista Court (west of school) – Undergrounding of power.
 - Enterprise Circuit (north of school) – Land, indented parking and footpaths.
3. A shared loop road between the school and Council reserve will need to be constructed, as per the endorsed site joint masterplan. As this road will benefit both the school and Council area, a discussion regarding co-funding would be appropriate.

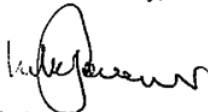
Conclusion

Discussions to date between the joint DET / Council Local Planning Committee for THW have suggested the \$12 million state budget commitment for stage 1 construction be quarantined solely for on-site school construction (not civil works). Melton City Council are supportive of this position, in order to maximise the provision of education for the community, however the funding shortfall outlined above as a result of the proposed change from a non-government school does require consideration. Melton City Council therefore request that the Department investigate alternative discretionary funding sources to contribute towards the civil works detailed above.

Acknowledging the shared benefit these civil works will bring to both Council and DET, Melton City Council seek a dialogue with the Department and/or VSBA regarding DET's scope for providing additional discretionary financial contributions to share the costs of these mutually beneficial civil works.

I would appreciate the opportunity to meet with you at your earliest convenience to discuss this matter further.

Yours sincerely,



Luke Shannon
General Manager
Planning and Development