

5.1 PROPOSED AMENDMENT TO MONASH PLANNING SCHEME TO ALLOW RESIDENTIAL USE - 211 WELLINGTON ROAD, MULGRAVE

(TP/235:BG:RB:)

Ward : Oakleigh

Applicant:- Australand Holding Limited

Responsible Director: David Conran

Reason for Council Consideration: Strategic Planning
Amendment to Monash Planning Scheme

RECOMMENDATION

- *That Australand be advised that the use and development of up to 250 hotel rooms and suites suitable for short stay travellers, complemented by typical restaurant, support services and conference facilities, is considered to be an appropriate use for inclusion in the redevelopment of the site at 211 Wellington Road, Mulgrave.*
- *That the Department for Planning and Community Development be advised that:-*
 - *Council supports “in principle” the use and development of up to 250 hotel rooms and suites suitable for short stay travellers complemented by typical restaurant, support services and conference facilities for inclusion in the redevelopment of the site at 211 Wellington Road, Mulgrave and*
 - *the appropriate form of amendment to the Monash Planning Scheme to allow discretion to permit the residential use is :-*
 - *First preference - the development of a unique zone for the Monash Technology Precinct, the Specialised Activity Centre, or*
 - *Second preference - the development of a SUZ - Special Use Zone for the precinct, or*
 - *Last preference - the use of Clause 52.03 of the Monash Planing Scheme as a site specific amendment.*

BACKGROUND

Council at its meeting in January 2008, adopted Amendment C65 to the Monash Planning Scheme which introduces the Strategy Plan for the Monash Technology Precinct, a designated Specialised Activity Centre pursuant to Melbourne 2030. The Technology Precinct is located around Monash University.

Development of that Strategy Plan highlighted a demand for limited forms of residential use within the precinct, particularly serviced apartment, residential hotel and student accommodation type uses.

The Department of Planning and Community Development refused to allow Council to introduce either a unique zone for the precinct or a special use zone

that provided discretion to allow for planning permit approval of these types of residential uses.

Residential use remains prohibited within the B3Z - Business 3 Zone of the Monash Technology Precinct.

Numerous approaches have been made by developers to Council discussing the potential for residential hotel, serviced apartment or student accommodation uses in this precinct. In each case, the developer has been referred to the Department for Planning Community Development to determine if the Department is prepared to modify its response and allow residential use as previously requested by Council. The Department has consistently refused each request.

Amendment C65, submitted to the Department in January 2008 for approval and Gazettal, has not yet been approved.

PROPOSAL

Pre-application discussions have been held with Australand and VicRoads concerning the potential for redevelopment of this site involving multilevel offices with a floor area of 40,000 square metres and a residential hotel of between 150 to 250 rooms and suites suitable for short stay travellers with typical restaurant and conference centre facilities.

Discussions with the Department concerning the residential use question have focused on the use of Clause 52.03 of the Planning Scheme to allow residential use as an exemption to the B3Z - Business 3 Zone.

Clause 52.03 states:-

Purpose

- To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.
- To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

Use or development

Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land.

The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the controls that may otherwise apply;

- exclude any other control in this scheme.

Clause 52.03 is the provision in the Planning Scheme which allows for the approval of a use and/or development in circumstances which would normally be prohibited.

Australand have approached the Department to get their “in principle” support for an amendment to the Monash Planning Scheme that will allow discretion to approve residential uses using the provisions of Clause 52.03.

No response has yet been received from the Department to their request.

ANALYSIS

While there are alternative zones that could apply to this site, which would permit residential use, their application would detract from the primary purpose for the area which is the maintenance of the technology-based industry/warehouse precinct. A “spot rezoning” would create an undesirable precedent.

The application of Clause 52.03 in these circumstances is considered to be an appropriate use of that scheme provision. The primary purposes of the B3Z - Business 3 Zone and Technology Precinct are retained with an exception only for the development of an appropriate residential use.

Inclusion of a limited form of residential use on this site would be consistent with Council’s stated policy, the preferred development outcome for the area and meets the stated needs of the business community.

The Department for Planning and Community Development must support:-

- the development of a unique zone for the precinct, or
- the development of a special use zone for the precinct, or
- the use of Clause 52.03 of the Monash Planning Scheme

to provide discretion to allow for planning permit approval of residential uses, for the applicants proposal to proceed.

CONCLUSION

Australand should be advised that Council supports “in principle” the use and development of up to 250 hotel rooms and suites suitable for short stay travellers complemented by typical restaurant, six support services and conference facilities for inclusion in the redevelopment of the site at 211 Wellington Road, Mulgrave.

Also the Department for Planning and Community Development should be advised that Council supports Australand’s proposal and that the appropriate form of amendment to the Monash Planning Scheme to allow discretion to permit residential use is :-

- First preference - the development of a unique zone for the Monash Technology Precinct, the Specialised Activity Centre, or
- Second preference - the development of a SUZ - Special Use Zone for the precinct, or
- Last preference - the use of Clause 52.03 of the Monash Planning Scheme as a site specific amendment.