

5.3 AMENDMENT C75 TO THE MONASH PLANNING SCHEME – 762-772 BLACKBURN ROAD CLAYTON

(TP319:AJ:SYL)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Amendment to the Monash Planning Scheme

RECOMMENDATION

That: -

- 1. Council adopt Amendment C75 pursuant to Section 29 of the Planning and Environment Act 1987.*
- 2. Amendment C75 be referred to the Secretary to the Department for certification pursuant to Section 35A of the Planning and Environment Act 1987.*
- 3. Following certification by the Secretary to the Department, Amendment C75 be approved pursuant to Section 35B of the Planning and Environment Act 1987.*

BACKGROUND

Council determined at it's meeting on 11 December 2007 to: -

- request the Minister for Planning to authorise Council to prepare Amendment C75 to the Monash Planning Scheme to include the 'Telstra Site Ancillary Retail Plan, August 2007' for the property at 762 to 772 Blackburn Road, Clayton, in the Schedule to Clauses 52.03 and 81.01 of the Monash Planning Scheme to facilitate consideration of a limited portion of the site to be used for shops, pursuant to Sec.9(2) of the Planning and Environment Act.
- request the Minister for Planning to exempt Council from the notification requirements of Sec.19 part (1)(b), of the Planning and Environment Act.
- consent to waiving the notification of owners and occupiers of abutting and nearby properties of the Amendment.
- Request the Minister for Planning be requested to authorise Council to approve amendment C75 under Sec.35B of the Planning and Environment Act.
- Amendment C75 be prepared as outlined in this report and, following authorisation by the Minister for Planning, be reported back to Council to consider its adoption.

On 12 December 2007, Council requested authorisation to prepare the amendment, to exempt the relevant notification requirements and for Council to be the Planning Authority for the Amendment.

On 8 January 2008 the Department of Planning and Community Development (DPCD) authorised Council to prepare the Amendment, and authorised Council to be the Planning Authority for the Amendment.

On 7 March 2008, the DPCD consented to exempting Council from the relevant notification requirements of Sec.19 part (1)(b), of the Planning and Environment Act, noting that the prescribed Ministers were still required to be notified of the Amendment and be given 14 days to respond.

The prescribed Ministers were notified on 28 March 2008.

PROPOSAL

The Amendment proposes to include the 'Telstra Site Ancillary Retail Plan, August 2007' for the property at 762-772 Blackburn Road, Clayton, as an Incorporated Document in the schedule to Clauses 52.03 and 81.01 of the Monash Planning Scheme to provide for a site specific control to facilitate consideration of part of the use of the land for the purposes of a 'shop', via a permit requirement. [Refer to Attachment 1 – Locality Plan]
[Refer to Attachment 2 –Amendment Documents]

The Telstra Site Ancillary Retail Plan restricts a maximum floor area for 'shops' on the land of 1000 square metres, with a maximum of 550 square metres per tenancy. It also notes other limitations.

A Planning Scheme Amendment is required to enable a shop use on site, which is currently a prohibited use in the Business 3 Zone.

The proposed shop uses will complement a major office redevelopment of the land as allowed by Planning Permit No. 35441, approved by Council on 12 December 2007. [Refer to Report 5.1, Council Meeting 11 December 2007].

Shop facilities will provide a beneficial level of amenity for workers on the site and assist in the viability and function of the proposed office development.

AMENDMENT PROCESS

Following the exhibition of an Amendment, if no submissions are received or if no submissions object to or request changes to an amendment, the Planning Authority can either: -

- adopt the amendment, or
- abandon the amendment.

Once an amendment has been adopted, the Planning Authority must either: -

- request the Minister for Planning to approve the amendment, or
- have the amendment certified by the Secretary to the Department so that the Planning Authority can approve the amendment.

In this case, the Department has consented to Council being the Planning Authority, thus pending Council's resolution to adopt the amendment, the amendment should be sent to the Secretary to the Department for certification.

SUBMISSIONS

No submissions have been received.

POLICY CONSIDERATIONS AND ANALYSIS

The amendment is considered to be consistent with both the State and Local Planning Policy Framework including the Municipal Strategic Statement and Local Policy.

The proposed use of the Specific Site and Exclusions clause of the Scheme to facilitate a limited shop component is justified under the circumstances, and consistent with previous usage of this Clause, without impacting on the provisions of the Business 3 Zone and relevant Overlays.

CONCLUSION

It is recommended that Amendment C75 to the Monash Planning Scheme be adopted and be referred to the Secretary to the Department for certification.