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Planning and Environment Act 1987

MONASH PLANNING SCHEME

AMENDMENT C122(PART 2)

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the City of Monash who is the planning authority for this amendment.

Land affected by the amendment

The amendment applies to:

- 1354 -1358 & 1360 Dandenong Road, and 620 Neerim Road, Hughesdale.
- 190-192 Atherton Road, Oakleigh and 4 Henry Street, Oakleigh

What the amendment does

The amendment rezones two industrial precincts in the City of Monash in accordance with the recommendations of the *Monash Industrial Land Use Strategy 2014*.

The amendment:

- Rezones 1354 -1358 & 1360 Dandenong Road, and 620 Neerim Road, Hughesdale from the Industrial 1 Zone to a Mixed Use Zone.
- Removes the Design and Development Overlay Schedule 1 (Clause 43.02) from 1354-1358 & 1360 Dandenong Road, and 620 Neerim Road, Hughesdale.
- Applies the Environmental Audit Overlay to the land at 1354-1358 & 1360 Dandenong Road, and 620 Neerim Road, Hughesdale.
- Rezones 190-192 Atherton Road, Oakleigh and 4 Henry Street, Oakleigh from the Industrial 1 Zone to a Mixed Use Zone.
- Removes the Design and Development Overlay Schedule 1 (Clause 43.02) from 190-192 Atherton Road, Oakleigh and 4 Henry Street, Oakleigh.
- Applies the Environmental Audit Overlay to the land at 190-192 Atherton Road, Oakleigh and 4 Henry Street, Oakleigh.

Strategic assessment of the amendment

Why is the amendment required?

The amendment implements recommendations from the Monash Land Use Industrial Strategy, 2014 which supports sustainable land use outcomes that balance Monash's role as a regional employment location against the need to facilitate more diverse housing opportunities, urban renewal and economic development generally.

The Industrial Land Use Strategy recommends rezoning 11 of the 27 identified industrial precincts within Monash. Council resolved to rezone 5 of the precincts recommended for rezoning, and exhibited Amendment C122 between 10 October and 21 November 2014. The remaining 6 precincts are located within the Monash National Employment Cluster and progress on these has been deferred pending the preparation of the Strategic Framework Plan for the Cluster.

On 24 February 2015, following a review of the submissions received, Council resolved to split Amendment C122 into three parts:

- Part 1 – Rezone Precinct 3 from Industrial 1 Zone to General Residential Zone Schedule 2 and rezone Precinct 4 from Industrial 1 Zone to Mixed Use Zone; and the administrative changes to local policies, the wording of Design and Development Overlay Schedule 1 and the Mixed Use Zone Schedule 1.

No submissions were received to Amendment C122 Part 1. Council resolved to adopt Amendment C122 Part 1 and submit it to the Minister for Planning for approval. The amendment was approved on 1 September 2015.

- Part 2 – Rezone Precinct 11 and Precinct 13 from Industrial 1 to Mixed Use Zone.

Two submissions were received raising concerns with Part 2, and a late submission in support of Part 2 was received; Council resolved to request the Minister for Planning appoint a Panel to consider the submissions and Amendment C122 Part 2.

- Part 3 – Rezone Precinct 26 from Commercial 2 Zone to Industrial 1 Zone.

Two submissions opposing the rezoning were received. Council resolved to abandon Part 3, and Part 3 was abandoned in July 2015.

Amendment C122 Part 2 relates to two of these precincts:

Precinct 11 – 1354 -1358 & 1360 Dandenong Road, and 620 Neerim Road, Hughesdale

The Precinct comprises three properties, the largest of which is a car showroom, and has a combined area of 5859m². Residential uses are located around the precinct, with the emergence of some low rise apartments close by. The precinct is close to both the Oakleigh and the Chadstone Activity Centres. The precinct is not sufficiently large to support a contemporary showroom precinct or alternative uses that might be permitted, such as office or retailing uses. The Strategy recommends that the precinct be rezoned to Mixed Use Zone. It also recommends the removal the Design and Development Overlay which applies to the land.

Precinct 13 – 190-192 Atherton Road, Oakleigh and 4 Henry Street, Oakleigh

The Precinct has a land area of 4638m² and, until recently, been occupied by a car showroom. It is surrounded by residential development and is located just over one kilometre from both the Oakleigh Activity Centre and Huntingdale Station. It is not sufficiently large to support a contemporary showroom precinct or alternative uses that might be permitted, such as office or retailing uses. Redevelopment may, however, enable a small office component to be included as part of any future redevelopment. The Strategy recommends that the site be rezoned to a Mixed Use Zone. It also recommends the remove the Design and Development Overlay which applies to the land.

It is noted that as Precincts 11 and 13 are former industrial sites, the Environmental Audit Overlay (EAO) is to be applied to ensure that potential contamination issues are addressed.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria contained within Section 4 of the Planning & Environment Act 1987:

1(a) to provide for the fair, orderly, economic and sustainable use, and development of land;

The proposed amendment implements the objectives of planning in Victoria in that it will provide for the economic and sustainable use and development of land by rezoning specific industrial precincts in order to provide future opportunities for appropriate development within each precinct.

1(c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

The amendment will secure a pleasant, efficient and safe working, living and recreational environment by providing a strategic response through rezoning and various ordinance modifications to maximize opportunity and choice for people while ensuring their well being and connection to place.

1(d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;

The amendment requires an Environmental Audit Overlay over all of the land proposed to be rezoned for a sensitive use within the General Residential Zone and the Mixed Use Zone to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

1(g) to balance the present and future interests of all Victorians.

The amendment balances the current and future community interest by accommodating projected change in a considered manner that benefits the different segments of the community while still achieving metropolitan goals for growth.

How does the amendment address any environmental, social and economic effects?

The environmental effects of the amendment have been addressed by applying an Environmental Audit Overlay – EAO over land being rezoned from an Industrial 1 Zone – IN1 to either a General Residential Zone – GRZ or a Mixed Use Zone – MUZ which will ensure land is suitable to be developed for a ‘sensitive use’ such as housing.

In respect to economic effects, the Monash Industrial Land Use Strategy, 2014 comprehensively assessed each industrial precinct within Monash with respect to their potential to accommodate future industrial activity, either in their current form or through the redevelopment of properties. This involved consideration of the commercial viability of any redevelopment occurring based upon likely future property market conditions, demand from businesses and the physical capacity of sites to be redeveloped. Equally important was the potential for precincts to play a role in achieving broader strategic objectives such as facilitating an increased supply of housing or acting as a catalyst for urban renewal within the surrounding area. It is appropriate to proceed with the 5 industrial precincts recommended for rezoning which are located outside of the National Employment Cluster in order to facilitate the highest and best use on each site.

The social effects of the amendment have also been considered during the assessment of each industrial precinct under the Monash Industrial Land Use Strategy, 2014.

Does the amendment address relevant bushfire risk?

Not applicable

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Planning and Environment Act 1987 as required for all Planning Scheme Amendments.

In addition, in accordance with section 12(2)(a) of the Act, the Minister's Directions relevant to the amendment are:

- *Ministerial Direction No 1* – Potentially Contaminated Land
- *Ministerial Direction No 9* - Metropolitan Strategy
- *Ministerial Direction No 11* - Strategic Assessment Guidelines

The amendment is consistent with *Ministerial Direction No 1 for Potentially Contaminated Land* as it introduces an Environmental Audit Overlay over land being rezoned from an Industrial 1 Zone that may be developed for a future sensitive use.

Ministerial Direction No 9 applies to Metropolitan Strategy, specifically Plan Melbourne.

In preparing a planning scheme amendment a planning authority must have regard to the Strategy and respond to the following matters.

What aspects, if any, of the Metropolitan Strategy are relevant?

How does the Metropolitan Strategy affect the amendment?

Is the amendment consistent with any directions and policies in the Metropolitan Strategy? Does the amendment support, give effect to or assist the implementation of the Metropolitan Strategy or can it be reasonably modified to do so?

Will the amendment compromise the implementation of the Metropolitan Strategy?

The most relevant aspects of Melbourne Plan Melbourne are:-

Outcome and Objective

Delivering Jobs and Investment – Create a city structure that drives productivity, supports investment through certainty and creates more jobs.

Direction 1.2 Strengthen the competitiveness of Melbourne's employment land.

Direction 1.5 Plan for jobs closer to where people live.

Outcome and Objective

Housing Choice and Affordability – Provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.

Direction 2.1 Understand and plan for expected housing needs

Direction 2.2 Reduce the cost of living by increasing housing supply near services and public transport.

Initiative 2.2.5 Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.

Outcome and Objective

Liveable Communities and Neighbourhoods – Create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.

Direction 4.1 Create a city of 20-minute neighbourhoods.

Importantly, the amendment does not compromise the future direction of the Monash National Employment Cluster but provides additional land for housing and other employment opportunities within the City of Monash to support the Employment Cluster. Accordingly, the amendment is compatible with, and supports the achievement of Metropolitan Strategy.

The amendment is also affected by Ministerial Direction No 11 – Strategic Assessment Guidelines. The purpose of the Strategic Assessment Guidelines is to provide a consistent framework for the evaluation of a proposed planning scheme amendment and the outcomes it produces. This explanatory report addresses the matters outlined in these Strategic Assessment Guidelines.

How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?

The amendment supports and seeks to implement the State Planning Policy Framework, particularly having regard to:

- Clause 11.02-1 Supply of Urban Land by ensuring a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 11.04-2 Housing Choice and Affordability by providing defined locations that can cater for diversity of housing and are close to jobs and services.
- Clause 13.03-1 Use of Contaminated and Potentially Contaminated Land by ensuring potentially contaminated land is suitable for its intended use and development and is safely used.
- Clause 17.02 Industrial Land Development by ensuring only land which is no longer viable, due to size and location, is rezoned, and sufficient available land remains within the City of Monash for industrial purposes.

The referral of submissions to an independent panel was triggered through consideration of the implications of Clause 19.03-6 Pipeline Infrastructure. Two submissions, from gas companies, raised concerns about the implications of the high pressure gas pipelines adjacent to the two precincts. This matter was further considered by the Panel and the gas companies. It was concluded that, due to the requirements of the Mixed Use Zone, any additional safety issues or impact on development could be addressed through the planning permit process.

As such, the intent of this policy –

‘To recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided’ –

is provided as a result of the Mixed Use Zone that is proposed for both precincts.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment supports and seeks to implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement particularly having regard to:

- Clause 21.03-4 Strategic Framework Plan by developing sustainable employment opportunities to maintain Monash as a predominant business location in Melbourne's eastern region.
- Clause 21.04-3 Residential Development by providing additional land for residential development which will encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.
- Clause 21.05-3 Economic Development by encouraging appropriate mixed use development while ensuring the amenity of neighbourhoods is not adversely affected.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment utilises policy, zone and overlay controls that are already part of the VPP's.

The use of the Mixed Use Zone – MUZ and the Schedule to the zone and the Environmental Audit Overlay - EAO are the most appropriate planning tools to achieve the objectives of the amendment, and the desired future use and development of the land.

The changes proposed by the amendment to the ordinance provisions of the planning scheme make proper use of Victoria Planning Provisions to achieve intended outcomes and the vision of Council.

How does the amendment address the views of any relevant agency?

The views of any relevant agency were sought as part of the Amendment Process. As mentioned, there were no concerns raised, with the exception of those from two gas companies. These issues were overcome through further exploration as part of the Panel process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have any significant impact on the objectives and decision making principles set out in the *Transport Integration Act 2010*.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment will not have a significant administrative impact on Council.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following places:

Monash City Council

293 Springvale Road

Glen Waverley Vic 3150

or at

www.monash@vic.gov.au

The amendment can also be inspected free of charge at the Department of Environment, Land, Water, and Planning website at www.delwp.vic.gov.au/public-inspection .