

## MONASH PLANNING SCHEME

### AMENDMENT C159

#### EXPLANATORY REPORT

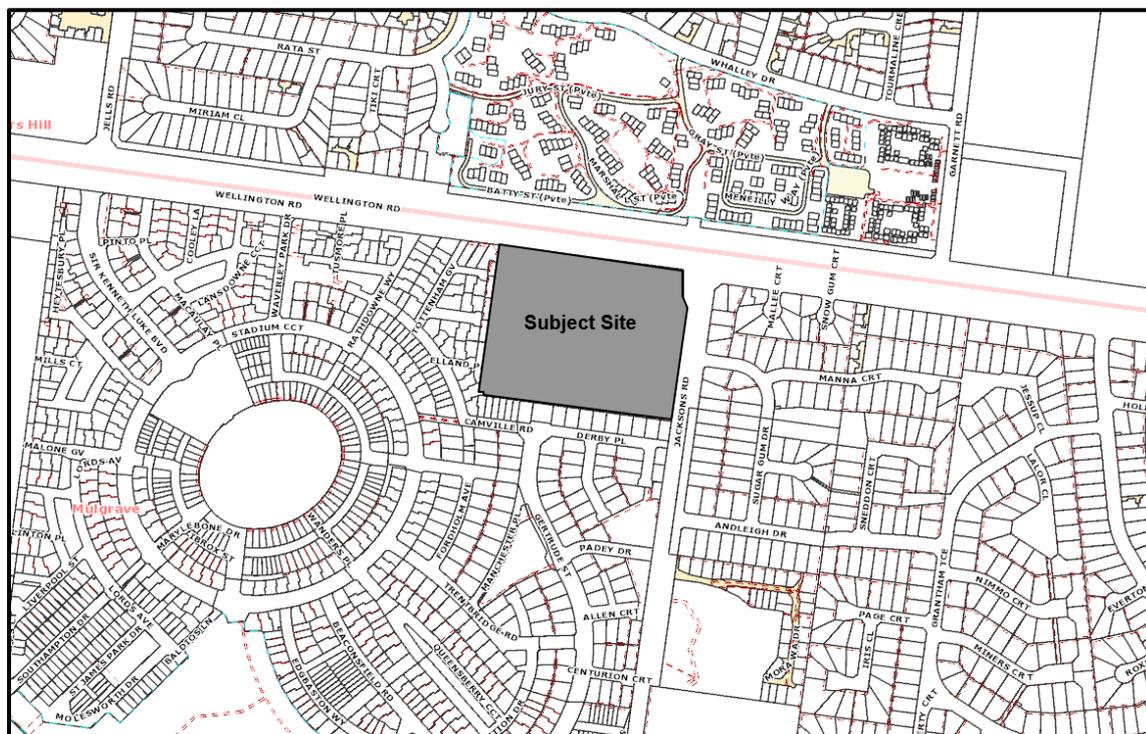
##### Who is the planning authority?

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

The Amendment has been made at the request of Frondell Properties Pty Ltd and Winc Australia Pty Ltd (Formerly Office Max Pty Ltd).

##### Land affected by the Amendment

The Amendment applies to 1 Jacksons Road, Mulgrave, and 636 Wellington Road, Mulgrave.



##### What the amendment does

The Amendment proposes to rezone the land at 1 Jacksons Road, Mulgrave and 636 Wellington Road, Mulgrave to facilitate the improved development potential of the land, including for residential development.

The Amendment:

- Rezones the whole site from Commercial 2 Zone to the Mixed Use Zone - Schedule 2.
- Deletes the Design and Development Overlay Schedule 1
- Applies the Design and Development Overlay Schedule 16 over the whole site.
- Applies the Environmental Audit Overlay over the whole site.
- As a consequence amend the Schedule to Clause 32.04 to read Schedule 1.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

An amendment to the Monash Planning Scheme is required to realise a planning framework for the site which enables an appropriate development of the land in accordance with Metropolitan planning expectations.

Melbourne is currently experiencing a 'third wave of growth' as outlined within *Plan Melbourne 2017-2050*. As part of the challenge of appropriately managing this growth, direction is given to creating development opportunities at urban renewal precincts including former industrial areas and underutilised land.

The rezone of the land to Mixed Use zone is not currently supported by the recommendations of the Monash Industrial Land Strategy 2014 and background report, which seeks to rezone the land to Industrial 1. However, the background report notes that the site is expected to continue to perform its role as a corporate head office and distribution centre location and there is no strategic justification for considering a change of land use at this stage. This commentary essentially places a strong emphasis on retaining the Commercial 2 zone, based on the existing uses on the site being able to continue into the foreseeable future. Given that these uses have now ceased it is relevant to reconsider the appropriate land use for the site and a potential change of use.

The land is considered to be one such urban renewal precinct being both a former industrial area and underutilised. A report commissioned to review the economic and market assessment of the land concludes that as commercial/ operations on the site are winding down and the site is of little or no strategic value to the supply of industrial land in the City of Monash or the wider region, that economically, a rezoning of the land to enable residential development is appropriate. The site is surrounded by housing, forming an isolated industrial node which is removed from other industrial land and out of context with the surrounding residential and retirement village uses.

The amendment of the land from the current restrictive Commercial 2 Zone to the Mixed Use Zone will allow for a broader range of land uses to be accommodated on the land; particularly residential accommodation. The Mixed Use Zone will promote a range of residential, commercial, industrial and other uses, as opposed to the Commercial 2 Zones' focus on commercial and industrial land uses.

In further support of this position the Monash Housing Strategy 2014, which has been incorporated into the Monash Planning Scheme, recognises that there is an increasing demand for a variety of different housing styles to cater for a growing population and changing community needs, such as an ageing population and student accommodation. The Strategy also recognises that there are opportunities for the development of larger sites that may provide more intensive development outcomes.

The application of a new Design and Development Overlay Schedule will provide greater certainty around how the development of the land is envisaged to occur. It will introduce a series of design objectives, design requirements and development outcomes to manage the future design and scale of development and ensure the amenity and character of surrounding residential areas is maintained. The Environment Audit Overlay is to be applied to satisfy Ministerial Direction No. 1 and ensure that the land is suitable to be developed for sensitive uses.

### **How does the Amendment implement the objectives of planning in Victoria?**

This amendment will implement the objectives of planning in Victoria by providing for the fair, orderly, economic and sustainable use and development of the land.

As identified, the land is currently underutilised with there being a transition within the City of Monash away from traditional industrial uses. An economic report concludes that the value of the site remaining with a Commercial 2 Zone would not be in the future interests of Victoria.

Alternatively, the proposed rezoning to a Mixed Use Zone with related Design and Development Overlay Schedule and Environmental Audit Overlay will facilitate development in a manner better aligned with stated planning policy objectives and which will enable the delivery of development that provides an overall net community benefit.

### **How does the Amendment address any environmental, social and economic effects?**

The proposed rezoning will not raise any significant negative environment, social or economic effects, with the effects associated with these elements instead considered to be broadly positive.

Environmentally, the application of a Design and Development Overlay Schedule will ensure that the retention of the high-value trees on the land is prioritised and that new development achieves a 'buildings in landscape' character. Further, the application of an Environmental Audit Overlay will ensure that the land is appropriately remediated.

Currently the land provides little social benefits beyond the childcare centre and the Sunday only farmers market that operate from the site. The application of the Mixed Use Zone will enable a greater variety of uses to be established on the land and provide a greater sense of community than currently provided for or allowed for under the Commercial 2 Zone.

Economically, as the primary industrial operations of the land have now ceased, the economic report commissioned concludes that "there are positive economic and employment benefits in rezoning the site to Mixed Use Zone and no material impacts on the effective supply of high quality industrial land in Monash".

### **Does the Amendment address relevant bushfire risk?**

The Amendment does not affect any areas of identified bushfire risks and has no implications.

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

The proposed amendment is compliant with each relevant Ministerial Direction issued.

#### *Ministerial Direction – The Form and Content of Planning Schemes*

The amendment documentation is formatted and provided in accordance with the requirements of this direction.

#### *Ministerial Direction No. 1*

This amendment proposes to rezone the land to Mixed Use Zone; replacing the current Commercial 2 Zone. This proposed rezoning will introduce the potential for sensitive land uses (e.g. residential) to be established on the land. As the previous uses on the land would be considered to have created potential for land contamination as identified within the Potentially Contaminated Land General Practice Note, the application of the Environmental Audit Overlay over the site is appropriate and satisfies this direction.

#### *Ministerial Direction No. 9*

Current Metropolitan Planning Strategy is underpinned by nine principles upon which a series of outcomes, directions and policies are based upon. The amendment will support these principles by:

- creating development opportunities at an urban renewal precinct (Direction 1.3);
- managing the supply of new housing in an appropriate location to meet population growth and create a sustainable city (Direction 2.1);
- providing greater choice and diversity of housing (Direction 2.5);
- creating neighbourhoods that support safer communities and healthy lifestyles (Direction 5.2); and
- integrating urban development and water cycle management to support a resilient and liveable city (Direction 6.3).

#### *Ministerial Direction No. 11*

A report on the proposed amendment has been prepared and which supplements the information contained within this explanatory report.

### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed amendment will directly support many of the objectives and strategies contained within the SPPF, particularly the following:

- Clause 11 (Settlement) – The proposed amendment responds to the identified need to unlock the development potential in underutilised land which is well located to help accommodate additional housing and economic growth.
- Clause 13 (Environmental Risks and Amenity) – The proposed amendment responds specifically to Clause 13.04-1S (Contaminated and Potentially Contaminated Land) by applying the Environmental Audit Overlay to ensure that the land is suitable for its intended future use and development in accordance with Ministerial Direction No. 1.
- Clause 15 (Built Environment and Heritage) – The proposed amendment responds to the need to create quality built environments and encourages an appropriate response to the sites context by applying a new Design and Development Overlay Schedule which will govern future built form on the site in an appropriate manner and which recognises the sites natural and strategic context.
- Clause 16 (Housing) – The proposed amendment responds to housing growth planning, by allowing for an increase in housing supply within an existing urban area on an under-utilised urban site. The proposed amendment is considered to respond to Clauses 16.01-1S/1R, 16.01-2S/2R and 16.01-3S/3R as it will enable new medium and higher density housing to be located with an established urban area on a site in need of urban renewal. This is cost-effective in terms of infrastructure provision and will help consolidate existing urban areas and thus reduce the pressure for urban fringe development.
- Clause 18 (Transport) – The proposed amendment will provide for a new local road network with the new Design and Development Overlay encouraging a high degree of pedestrian and cyclist permeability to encourage sustainable transport options. Further the site directly interfaces with the Principal Public Transport Network providing incentive and encouragement for future residents and works to utilise public transport.

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

The proposed amendment will directly support many of the objectives, strategies and other policy points contained within the LPPF (and specifically the MSS), particularly the following:

- Clause 21.01 (Municipal Profile) – This clause recognises that the municipality is in Melbourne's fastest growing population corridor and that the municipality itself is one of Melbourne's most populous. Whilst this is the case, the population of the municipality is only predicted to increase marginally with the biggest demographic change being instead a shift in the population demographic in favour of older residents and smaller family sizes, partly because of a rapid increase in housing prices. The proposed amendment responds to these factors by rezoning the land to the Mixed Use Zone and applying a new Design and Development Overlay Schedule which will provide opportunity for higher density apartment style living which will, in turn, provide additional housing diversity and more affordable housing.
- Clause 21.04 (Residential Development) – This amendment responds to these issues by proposing increased housing density through the application of the Mixed Use Zone and a new Design and Development Overlay Schedule. The application of these planning tools will ensure increased density can be supported on the site in a manner that provides for a diversity of housing that complements the surrounding neighbourhood character and allows for appropriate landscaping.
- Clause 21.05 (Economic Growth) – This clause highlights the transition of the municipality's employment base from industrial to office-type/ commercial industries. The proposed amendment will continue this transition by rezoning the land to the Mixed Use Zone. This will enable a greater variety of land uses to develop in a manner which is consistent with the overall economic direction of the municipality.
- Clause 21.08 (Transport and Traffic) – As relevant to this amendment, this clause has stated objectives around improving local area traffic management and ensuring an adequate supply of

car parking is provided. Through the application of a new Design and Development Overlay Schedule, the amendment will support the creation of a new road network through the land which will be designed to modern standards. Further future development will be required to provide sufficient car parking in accordance with the requirements of Clause 52.06 Car Parking.

- Clause 21.13 (Sustainability and Environment) – This clause seeks to encourage principles of sustainable living through best practice design practices. The proposed amendment will also seek to encourage best practice design through the incorporation of the new Design and Development Overlay Schedule and relevant design objectives.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Mixed Use Zone is considered to be the most appropriate land use zone for the land as it allows for increased housing growth to occur without restricting the ability for other uses to be established.

Given the surrounding area is primarily zoned General Residential Zone, it is considered that the application of a residential zone is appropriate. Further, the size of the site allows for taller built forms to be achieved without affecting nearby properties, thereby making the application of the Mixed Use Zone most appropriate.

The application of a new Design and Development Overlay Schedule will ensure appropriate considerations are given to the design and built form of future development with respect to the development of the land and to mitigate potential impacts on surrounding properties.

The application of a new Design and Development Overlay Schedule will also allow for third party notification and appeal rights to be persevered, which, given the context, is appropriate.

The application of an Environmental Audit Overlay is considered appropriate given Ministerial Direction No. 1 as discussed above.

### **How does the Amendment address the views of any relevant agency?**

The views of any relevant agency will be sought during the exhibition of the Amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The proposed amendment is not considered likely to have a significant impact on the transport system as defined by the *Transport Integration Act 2010*.

### **Resource and administrative costs**

The Amendment will not have a significant impact on the resource and administrative costs of the responsible authority.

### **Where you may inspect this Amendment**

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

- City of Monash, Municipal Offices, 293 Springvale Road, Glen Waverley, 3150
- Documents are also available on Council's website: [www.monash.vic.gov.au](http://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](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **Monday 18 November 2019**.

A submission must be sent to: **City of Monash, Municipal Offices, 293 Springvale Road, Glen Waverley, 3150**

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week of 24 February 2020
- panel hearing: Week of 16 March 2020