Planning and Environment Act 1987

# MONASH PLANNING SCHEME

# AMENDMENT C129

# EXPLANATORY REPORT

## Who is the planning authority?

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

The Amendment has been made at the request of Sterling Global, the owners of the site.

## Land affected by the Amendment

The Amendment applies to the land located at 1221-1249 Centre Road, Oakleigh South.

## What the amendment does

The Amendment:

* Rezones the land at 1221-1249 Centre Road, Oakleigh South from part Industrial 1 Zone Schedule 2 and General Residential Zone Schedule 2 to the Comprehensive Development Zone Schedule 2.
* Introduces Schedule 2 of the Comprehensive Development Zone to the Monash Planning Scheme.
* Makes a minor correction to the boundary of the existing Environmental Audit Overlay to incorporate the whole of 1221-1249 Centre Road, Oakleigh South, within the Overlay.
* Amends Clause 21.04 and Clause 22.04 within the Local Planning Policy Framework to refer to urban renewal sites, including the subject land.
* Amends Schedule 81.01 (Incorporated Document) to include the Comprehensive Development Plan.

## Strategic assessment of the Amendment

## Why is the Amendment required?

The Amendment is required because the use of the land for extractive industry and landfill purposes ceased over 20 years ago. The site has remained dormant since that time, and is in need of rehabilitation to improve the environmental condition of the site and enable a new urban use to be established. The current Special Use Zone – Earth and Energy Resources Industry - is no longer an appropriate zone for the site. Similarly the existing current residential zoning of the western part of the site should be changed to allow the environmental issues and constraints to be planned and managed in an appropriate way across the whole of the site.

However, until a full environmental assessment is undertaken, it cannot be confirmed whether the preferred use of the site – as a residential precinct with some mixed uses, and open space areas – is appropriate.

The rezoning to a Comprehensive Development Zone (CDZ) will allow the site to be considered for residential or other suitable urban uses. The CDZ will provide sufficient confidence to the land owner that the land can be used for some form of urban use. This will enable the completion of the environmental assessments and the undertaking of required levels of environmental works appropriate to the potential future uses. The proponent has prepared a Comprehensive Development Plan that identifies opportunities for an integrated residential development on the site.

The site is within an Environmental Audit Overlay and the requirements of the Overlay will need to be satisfied before any residential use or development on the site can commence. The Comprehensive Development Zone contains provisions to address the work required by the EAO in a staged manner. It is considered that the Amendment can proceed with a Comprehensive Development Plan based on preliminary assessments undertaken by the proponent. The proposal also provides for alternative uses should it not be possible to develop the land for residential purposes or other sensitive uses. The planning application process would require further details to be submitted to Council for consideration and this process would involve public consultation. The Schedule to the CDZ sets out issues that are to be addressed as part of the planning permit stage.

### 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:

*(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 as it progresses the rehabilitation and more appropriate reuse of a site that has completed its quarry and landfill functions.

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

By taking a staged approach to the assessment and clean up of the site, the opportunities for a more suitable and sensitive land uses can be determined.

 (f)     to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

The amendment facilitates the development of otherwise unused land and creates sufficient flexibility for an appropriate future use and development to be considered.

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

*Environmental Effects*

By proposing an urban zone, the amendment will provide confidence for the land owner to commence the clean-up of the site from its former use and removing an existing urban and environmental blight from the neighbourhood.

The proponents anticipate a range of environmental benefits from the future use of the site, including new landscaping, green space and pedestrian/cycle paths connecting to the surrounding local neighbourhood. Future development and land uses will be more compatible with the surrounding residential environment than the existing former quarry and landfill. These will be assessed as part of any future planning application process.

The site contains a number of protected trees. The need and justification for removal of these trees has not been assessed as part of this planning scheme amendment process and separate planning approval, including the provision of arboriculture and flora and fauna assessment, would need to be supplied and assessed by the responsible authority.

*Social and Economic Effects*

By identifying a clearer direction for the potential future use and development of the site, the amendment will provide greater confidence for the owners that the rehabilitation and environmental remediation of the site is viable.

The broad ‘Comprehensive Development Plan’ supplied by the proponent, and the requirement for an Overall Development Plan prior to any use, development or subdivision of the site, provides a coordinated way of achieving the potential urban development of the land.

These potential benefits, subject to the outcomes of the environmental assessment process, may include the opportunity for additional and more diverse range of housing options close to the Monash Employment Cluster, new green spaces and pedestrian connections through the site and the potential for a new local convenience node on the site.

### 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?**

*Ministerial Direction 1: Potentially Contaminated Land*

The process proposes an alternative approach to addressing the requirements of Ministerial Direction No. 1.

The site is currently within an Environmental Overlay and, as a former landfill, is categorised as a “high risk” site under the EPA framework for dealing with contamination. The current regulatory approach to dealing with these sites requires that a Statement or certificate of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970 for the site should be provided to Council prior to any consideration of a planning scheme amendment request. This would provide certainty that the land is capable of being used for residential purposes prior to being rezoned.

However the Victorian State Government commissioned a review of this approach in 2012, and the Potentially Contaminated Land Advisory Committee report 2012 proposes alternative measures to address the requirements of the Ministerial Direction No. 1. Applicable to this proposal, it identifies an approach which recognises the costs involved in site remediation. It recognises the confidence a land owner needs, all other things being equal, that the land is capable for residential or other sensitive uses before making this expenditure.

Following the approach in the Advisory Committee’s report, the owners have requested that a staged approach to the remediation process be taken. This approach proposes to delay the completion of the environmental audit until prior to the commencement of redevelopment. This provides certainty about the rezoning to an urban zone, allowing planning permits to be issued for a range of urban uses and provides flexibility to progressively remediate the site to standard that suits the proposed uses.

The approach proposed involves the use of a Comprehensive Development Zone (CDZ). Schedule 2 to the Comprehensive Development Zone will require the submission of two documents endorsed by an EPA approved auditor to accompany any planning application:

* A Site Environmental Strategy Plan (SESP); and
* An Environmental Site Assessment (ESP).

Once a planning permit has issued an audit will need to undertaken and state that the land is fit for the purpose provided for by the planning permit. This audit will need to occur prior to any development commencing on the site. Should the audit find that residential development is not possible given the contamination levels of the site, the proposed Comprehensive Development Zone will allow for consideration of a range of commercial and other non-sensitive uses.

*Ministerial Direction 9: Metropolitan Planning Strategy*

The proposed rezoning and development is consistent with the intent of Plan Melbourne (the Metropolitan Strategy), on the basis that it seeks to provide a feasible approach to rehabilitating a large site which is no longer appropriate for its current Special Use Zone – Earth and Energy Resources Industry.

As a result of the rezoning, a more detailed assessment of appropriate uses and form of development will be able to be undertaken. Better utilisation of large sites within areas already serviced by public transport and with convenient access to shops and services is encouraged under Plan Melbourne.

### 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 facilitating the clean-up of a contaminated site which, subject to environmental quality, may provide the opportunity for the redevelopment and intensification of existing urban land.
* Clause 13.03-1 Use of Contaminated and Potentially Contaminated Land by introducing measures to ensure potentially contaminated land is suitable for its intended use and development and is safely used.
* Clause 16.01-3 (Strategic redevelopment sites) through the identification, in the relevant local policy, of a site which (subject to site remediation), could be appropriate for large residential development in Metropolitan Melbourne.

### 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 21.02 – Providing a mechanism to consider the redevelopment of a disused industrial site for an alternative urban uses in a manner that seeks to protect, enhance and develop the physical, economic and social environments of Monash.
* Clause 21.04 – Facilitating the potential opportunity for new residential development, subject to site remediation, through the provision of an appropriate Zone which ensures an integrated approach can be considered.

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

The Comprehensive Development Zone with its Comprehensive Development Plan is considered the most appropriate provision for this site.

The Comprehensive Development Zone and draft schedule enables requirements to be specified regarding how potential site contamination can be managed, the key issues to be addressed and information to be specified as part of the lodging of any planning application and scope to consider alternative uses in the event that the Comprehensive Development Plan is not deemed appropriate following the completion of the Environmental Audit process.

The CDZ and schedule provide sufficient confidence for the proponent to complete the environmental assessments, while still maintaining sufficient oversight, direction and opportunity for consultation on the future use of the site. Subject to the findings of environmental assessments, a coordinated redevelopment of the site will be considered.

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

The views of any relevant agency will be sought as part of the Amendment 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, as it sets the framework solely for a future proposal to be considered for the site.

The site is served by three bus lines, and is within 1-2 km of two major train stations. The implications of vehicle movement, impacts to the road network, and opportunities / linkages to sustainable transport options will be further considered through the exhibition of the amendment, including referral to all relevant authorities.

## Resource and administrative costs

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:

City of Monash
293 Springvale Road
Glen Waverley Vic 3150

or at: <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.dtpli.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme/planning-documents-on-exhibition)

## 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 **3 March 2017.**

A submission must be sent to:

Monash City Council
PO Box 1
Glen Waverley Vic 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: During the week commencing 24 April 2017
* panel hearing: During the week commencing 29 May 2017