

**1.1 MONASH PLANNING SCHEME AMENDMENT C159- 1 JACKSONS ROAD AND 636 WELLINGTON ROAD, MULGRAVE**  
(FILE NO. W18-336)

Responsible Director: Peter Panagakos

**RECOMMENDATION**

*That Council:*

- 1. Reviews and considers the issues raised in submissions to Amendment C159.*
- 2. Requests the Minister for Planning to appoint an independent Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions and Amendment C159 to the Monash Planning Scheme.*
- 3. Refers all submissions and Amendment C159 to the Panel appointed by the Minister for Planning.*
- 4. Notifies all submitters of Council's position on this Amendment.*

**INTRODUCTION**

The purpose of this report is to consider submissions made to Monash Planning Scheme Amendment C159 and to resolve to request the appointment of an independent Panel to consider the Amendment and submissions.

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

The Amendment seeks to amend the Monash Planning Scheme by:

- Rezoning the whole site from the Commercial 2 Zone to the Mixed Use Zone – Schedule 2;
- Deleting the Design and Development Overlay Schedule 1;
- Applying the Design and Development Overlay Schedule 16 over the whole site;
- Applying the Environmental Audit Overlay over the whole site; and
- As a consequence, amending the Schedule to Clause 32.04 to read Schedule 1.

As the Amendment has merit and there are submissions that are unable to be resolved, it is recommended that Council requests the Minister for Planning to appoint an independent Panel to review the Amendment and consider the submissions received.

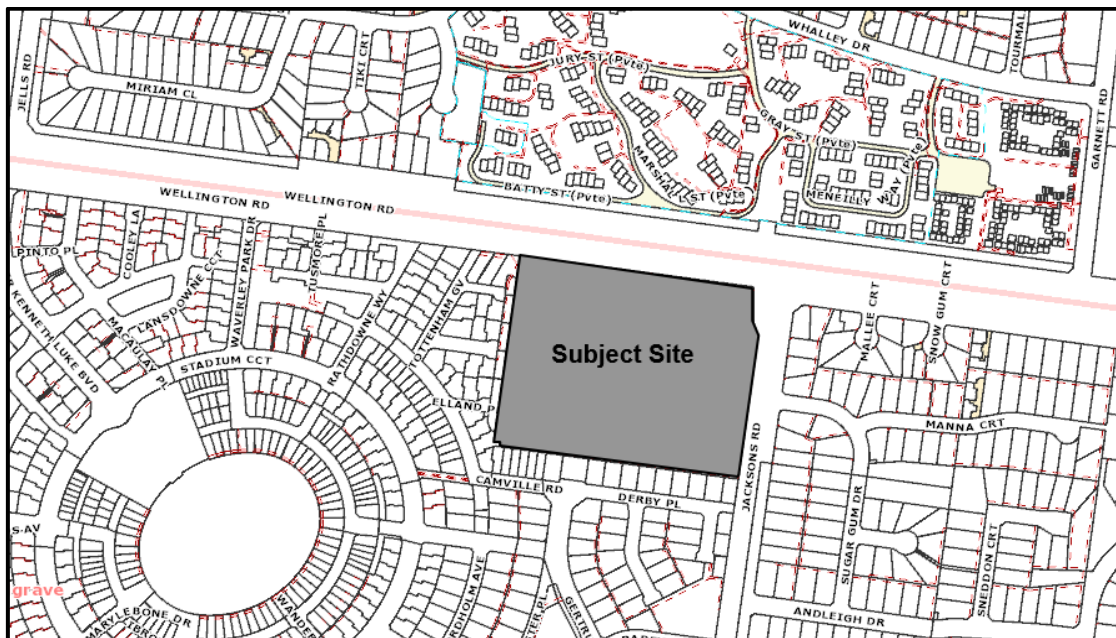
## ***BACKGROUND***

### The Subject Site

The site is currently within the Commercial 2 Zone and comprises two land titles in separate ownership, totalling an area of 5.4 hectares and comprising:

- 1 Jacksons Road – 3.7 hectares with a two level office building, child care centre and warehouse (known as the Body Shop site)
- 636 Wellington Road – 1.7 hectares, two level office building and warehouse

Other uses on the site include the weekly Mulgrave Farmers Market, which operates under the management of the Wise Foundation. This is popular with the community and operates every Sunday from 8:00am to 1:00pm with up to 70 primary producers, food and craft stalls. The location of the subject site is shown on Figure 1 below.



*Figure 1: Subject site*

### Monash Industrial Land Use Strategy (2014)

In July 2014, Council adopted the Monash Industrial Land Use Strategy. This document provides the strategic direction to support the future planning and development of industrial land (zoned Industrial 1 and Commercial 2) within the City of Monash including the rezoning of land for non-industrial uses. This direction is based upon analysis undertaken on a number of levels to determine:

- Monash's future role as an industrial and employment location within a regional and metropolitan context;
- Development opportunities for each industrial precinct; and
- The strategic direction, vision and an appropriate land use for each precinct.

The Strategy recommended that the precinct be rezoned to the Industrial 1 Zone. However, the usage and ownership of the land has changed since 2014 when the Strategy was prepared and adopted by Council. The proponents submitted an economic report in support of the rezoning from Commercial 2 Zone to Mixed Use Zone that indicated that the site has low strategic value in the context of industrial land supply in Monash.

The site is surrounded by housing, creating an isolated industrial node. With the significant changes in Melbourne there are now more appropriate locations for industrial land uses, such as within the Monash National Employment and Innovation Cluster (MNEIC) based around Clayton, Huntingdale and Notting Hill. This site would be more suited to mixed uses, including residential uses, to meet changing economic and community needs.

### Proposed Amendment C159

The Amendment is seeking to change the zoning of the site from Commercial 2 Zone (C2Z) to the Mixed Use Zone (MUZ), introducing a Schedule 2 to the MUZ. The objectives for the proposed MUZ2 are:

- To provide a range of medium density housing opportunities incorporating a diverse mix of residential dwelling types.
- To encourage a diversity of land uses, with a focus on health and community services, in easily accessible locations for the broader community.

The Mixed Use Zone would allow for the development of various types of medium density residential uses, which are currently prohibited in the Commercial 2 Zone. The MUZ will also allow the current uses on the site to continue and offer the opportunity for other non-residential uses.

The scale of development on the site is proposed to be managed through the application of schedule 16 of the Design and Development Overlay (DDO16). The proposed DDO16 would 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.

### **CONSULTATION**

Amendment C159 was exhibited between 14 October 2019 and 18 November 2019. The consultation included:

- Letter and formal Notice of Amendment to all owners and occupiers of abutting and nearby properties.
- Public Notice in the Monash Leader and the Victorian Government Gazette.
- Three signs on site, displaying the Notice of Amendment.
- Information available on Council's website.
- Information in the Mulgrave and Wheelers Hill Library.
- A community drop-in session at the site on 6 November 2019 from 4-6:30pm.

In response to the consultation on the Amendment, three submissions were received from:

- Two local residents; and
- The Environment Protection Authority Victoria.

A summary of the issues raised in the submissions and an officer response is contained in **Attachment 1**.

### ***ISSUES AND DISCUSSION***

#### Issue 1: Property values

The two resident submissions were both concerned that the Amendment would negatively impact the value of their properties. Their reasoning for this was that the new buildings would be visible from their properties, and potentially cause overlooking and a lack of privacy, and would destroy their views. There was also concerns that the Amendment would create noise for the local Waverley Park residents, as well as dirt, dust and waste during the development stage.

#### Officer Response

Property values are influenced by many factors not just changes to planning provisions. They are not a basis on which to object to a neighbouring development.

Future planning permit applications for development of the site would need to address the relevant planning scheme standards and objectives such as overlooking, overshadowing and the provision of private open space. Noise, dust and odour from construction would be managed through conditions on future permits, such as the requirement for a construction management plan. Monash Council's Local Law No. 3 also specifies conditions for any building works in order to minimise disruption to neighbours. It is unreasonable to expect that no change will occur on this site.

#### Officer Recommendation

No changes are recommended to the Amendment based on these issues.

#### Issue 2: Proposed Building Heights

The two resident submissions had an issue with the proposed four and six storey building heights that would be possible on the site. The submitters stated that the Amendment does not take into consideration a precedent set by the current building heights. They argue that the current buildings have been on the site for over 50 years and they should be protected as one of the last remaining spaces in the area yet to be developed.

The submissions stated that they purchased their properties knowing the current size and height of the buildings on the subject site and the little impact they have, being tucked away and of low rise. The maximum height of three storeys in Waverley Park was also mentioned as being an appropriate height.

#### Officer Response

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The current Design and Development Overlay Schedule 1 (DDO1,) which the Amendment proposes to replace, does not have a maximum height limit, nor does it take into account the topography of the land, and it has less generous setbacks than the proposed DDO16. Therefore under the current planning controls, a new building could be built higher than the present buildings on site or as proposed under this amendment.

The existing buildings on the site are old and generally redundant with no unique characteristics. They have not been identified in any heritage study completed by Council and there are no proposals to include this site in the Heritage Overlay. The site is currently underutilised, especially for its size, and has the strategic justification to be developed in the future for a range of uses.

Proposed DDO16 addresses the issue of building height by proposing that building heights around the periphery of the site have regard to the 3 storey maximum height in these adjacent areas. Figure 2 below shows one of the interface areas and how a four storey building on the site will be no higher than two to three storeys in the adjacent residential areas, due to the difference in site levels. In addition, higher levels of the building would be required to set back further from the boundary.

Proposed higher built form and the six storey height areas are located towards the centre of the site, some 20 metres from the western and southern boundaries of the site.

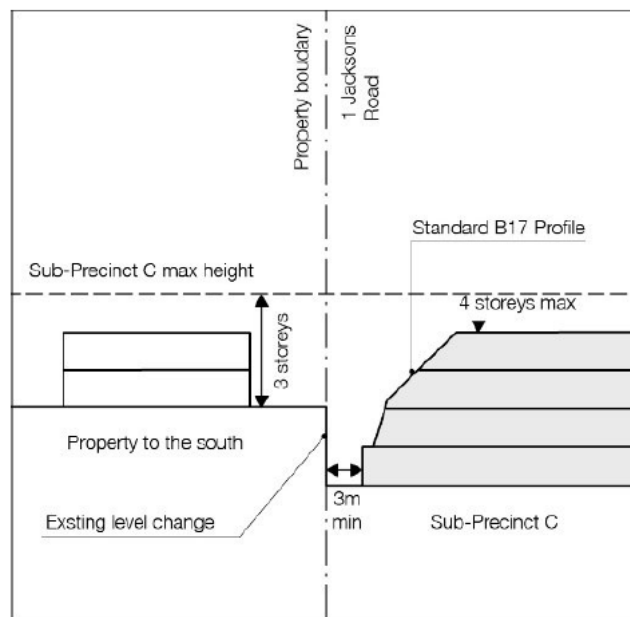


Figure 2: Built Form Requirements Example from DDO16

It is unreasonable to expect that large low scale development will be maintained and no changes will occur on this site.

Officer Recommendation

No changes are recommended to the Amendment based on these issues.

### Issue 3: Increased traffic

Submitters were concerned that the Amendment would result in an increase in traffic. They were concerned that it would put more stress on the road and bus infrastructure without any ability to mitigate the stress. Current traffic volumes in Jacksons Road are high, and adding another set of traffic lights less than 100 metres from the current set of lights on Wellington Road would exacerbate the problem. Thought needs to go into the widening of Jacksons Road to alleviate congestion.

#### Officer Response

As part of the amendment request, the proponents submitted a Transport Impact Assessment undertaken by GTA Consultants. The assessment was based on the traffic impacts of possible uses that may develop on the site as outlined in the Mixed Use Zone (MUZ).

The Report concluded that the two northern site access intersections on to Wellington Road would continue to operate successfully. The anticipated traffic levels were expected to have a small impact on the operation of the signalised intersection of Wellington Road / Jacksons Road. However, if the site is fully redeveloped in the future, the existing un-signalised Jacksons Road access to the site may need to be upgraded with traffic lights to improve the overall operation of the intersection to a 'good' level of service.

As both Jacksons Road and Wellington Road are VicRoads controlled roads, advice would need to be sought on any changes to access to these roads. This would occur through any planning permit sought for development.

The impact on bus services of future development on the site would be assessed through future planning permit application processes.

#### Officer Recommendation

No changes are recommended to the Amendment based on these issues.

### Issue 4: Impact on the flora and fauna

The destruction of trees from development of the site was a concern for the resident submitters. They stated that the habitat of the local wildlife, such as birds, will be significantly impacted from tree removal on the site.

#### Officer Response

As a long standing industrial site, with lawns and large canopy trees, the site possesses minimal habitat. The proposed Design and Development Overlay Schedule 16 (DDO16) requires existing high value trees to be retained and protected, and development should incorporate a variety of landscaping and new canopy trees with a mature height of 20 metres or more. These outcomes aim to have a minimised impact on the local wildlife.

This will be assessed via a planning permit application and the requirement for a Landscape Plan.

Officer Recommendation

No changes are recommended to the Amendment based on these issues.

Issue 5: Potentially contaminated land

The Environmental Protection Authority Victoria (EPA) submission indicated that they were generally supportive of the proposed Amendment, and noted the importance of the EPA's early involvement in strategic land use planning, as noted in *Ministerial Direction No 19*. They stated that Council must satisfy themselves that the land is potentially contaminated in accordance with *Ministerial Direction No 1 – Potentially Contaminated Land*.

Officer Response

The land may be potentially contaminated in accordance with Ministerial Direction No. 1 – Potentially Contaminated Land as a result of its previous commercial and industrial land uses. The site is currently in a Commercial 2 Zone which allows for uses such as offices, manufacturing and industry, and other business and commercial uses. Number 1 Jacksons Road contains a 47-year old office warehouse that predates most of the surrounding housing. The building on 636 Wellington Road was constructed in the 1990s and has also been used for office and warehouse use. It is therefore appropriate to apply the Environmental Audit Overlay to the site. This will ensure that any contamination issues are dealt with prior to the commencement of sensitive uses on the site.

Officer Recommendation

No changes are recommended to the Amendment based on these issues.

**POLICY IMPLICATIONS**

The proposed Amendment C143 is consistent with the strategic policy directions of *Plan Melbourne 2017-2050* and the Monash Planning Scheme.

Specifically, Direction 1.3 of Plan Melbourne aims to “*Create development opportunities at urban renewal precincts across Melbourne*” and Policy 1.3.1 is to “*plan for and facilitate the development of urban renewal precincts*”, and goes on to state that:

*“Urban renewal precincts should be developed as mixed-use neighbourhoods that offer a range and choice of housing as well as other services. They should offer high levels of amenity and connectivity and integrate into surrounding neighbourhoods... A number of former industrial and other sites— including government sites—around Melbourne are currently underutilised. Local planning authorities should identify and plan for ways these sites can be repurposed to create jobs and accommodate growth.”*

**FINANCIAL IMPLICATIONS**

The statutory fees for the processing and consideration of the amendment, and any future planning panel fees are paid for by the applicant for the Amendment.

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**CONCLUSION**

Amendment C159 proposes to facilitate the improved development potential of 1 Jacksons Road and 636 Wellington Road, Mulgrave by rezoning the land from Commercial 2 Zone to the Mixed Use Zone. The proposed Design and Development Overlay Schedule 16 (DDO16) has been prepared to ensure the form and scale of future development on the site takes into account the topography and surrounding neighbourhood character, and does not overpower with the character of surrounding residential uses, particularly within the neighbouring Waverley Park Estate.

The Amendment was exhibited in accordance with the requirements of the *Planning and Environment Act 1987* and three submissions were received. The issues raised in the submissions do not warrant changes to or an abandonment of the Amendment.

As Council cannot resolve these issues and the rezoning and application of the DDO16 is considered appropriate, it is recommended that the Minister for Planning be requested to appoint a Panel to review the Amendment and the submissions received.