

## MONASH PLANNING SCHEME

### AMENDMENT C136

#### EXPLANATORY REPORT

##### **Who is the planning authority?**

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

The Amendment has been made at the request of Urbis Pty Ltd, on behalf of the owners of the site, Maview Pty Ltd.

##### **Land affected by the Amendment**

The Amendment applies to two separate lots at 161-169 and 171 Jells Road, Wheelers Hill.

##### **What the amendment does**

The Amendment modifies the existing Schedule 5 to the Design and Development Overlay to provide an exemption to the mandatory setback controls- to allow for a covered walkway to be constructed between the two sites at 161-169 and 171 Jells Road, Wheelers Hill.

##### **Strategic assessment of the Amendment**

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

The amendment will facilitate the construction of a covered walkway between the two specific sites, with the intention of connecting two aged care facilities under common ownership (on separate titled lots). A specific exclusion from the existing mandatory setback requirements will be included for the two specific sites only through a modification to Schedule 5 to the Design and Development Overlay.

An exemption to Schedule 5 of the Design and Development Overlay is required because of the existing wording of the Schedule that required existing minimum setbacks. An appropriately worded exemption would give more flexibility to construct a covered walkway without eroding the original purpose of the setback requirement.

The benefit of the amendment allows for the linkage of aged care facilities under common ownership, and no considerable cost is anticipated to accompany the amendment.

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

The amendment is considered to allow to 'provide *the fair, orderly, economic and sustainable use, and development of land*' [s4(a)], by allowing for the linking of aged care facilities under common ownership. The amendment also attempts '*to balance the present and future interests of all Victorians*' [s4(g)] by allowing for the efficient use of aged and community care facilities.

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

The amendment is unlikely to cause any additional environmental and economic effects (beyond the construction of new works). The inclusion of a walkway within the existing mandatory setback requirements, is also unlikely to impact the surrounding landscape character the setback requirements within Schedule 5 to the Design and Development Overlay was designed to address.

The construction of a connecting walkway will allow for the consolidation of care facilities on separate lots, allowing for the efficiency of use between the two sites.

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

Both specified sites affected by the amendment are not within designated bushfire prone areas.

## **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) which all Planning Scheme Amendments are required to comply with.

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

- Ministerial Direction No 9 - Metropolitan Strategy; and,
- Ministerial Direction No 11 - Strategic Assessment Guidelines.

The purpose of Ministerial Direction No 9 - Metropolitan Strategy is to ensure that Planning Scheme Amendments have regard to the Metropolitan Strategy, specifically *Plan Melbourne 2017-2050*. In preparing a planning scheme amendment, a planning authority must have regard to the Strategy and respond to the following matters:

The most relevant aspects of Plan Melbourne are:

- Melbourne is a productive city that attracts investment, supports innovation and creates jobs
- Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

While minor, the amendment is compatible with, and supports the achievement of Plan Melbourne and Ministerial Direction No 9.

The amendment is 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?**

Clause 11.03-1 of the Monash Planning Scheme encourages the Neighbourhood Activity Centres to '*Locate new small scale education, health and community facilities that meet local needs in or next to Neighbourhood Activity Centres*'. The amendment will connect two care facilities within the Wheelers Hill Neighbourhood Activity Centre.

Clause 12.04-2 of the Monash Planning Scheme has the objective '*To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments*'. The modification to the schedule to the Design and Development Overlay, will allow for limited built form within designated areas for landscaping (a covered walkway to be constructed within the setback requirements on the specified sites only), and it will have limited impact to landscape character.

Clause 15.01-2 of the Monash Planning Scheme includes the objective '*To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties*'. The amendment placing an additional walkway between two sites, will have limited impact on surrounding urban character, while allowing common access between two sites under common ownership.

Clause 16.02-3 of the Monash Planning Scheme has the objective '*To facilitate the timely development of residential aged care facilities to meet existing and future needs*'. The amendment will allow for greater functional use of the two sites operating separate care facilities with a common pedestrian connection.

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

The amendment implements the following Clauses of the Local Planning Policy Framework:

Clause 21.04 (Residential development) states:

- '*Ensure that development enhances the Garden City and landscaped streetscape character of the neighbourhood, responds to the features of the site and surrounding area and promotes good streetscape design.*'
- '*To recognise and provide for housing needs of an ageing population.*'

Clause 21.06 (Activity Centres) States:

- *“Safety, access and appearance are important elements of activity centres that are valued by the community”.*

Clause 22.06 (Wheelers Hill Neighbourhood Activity Centre) States:

- *‘To enhance housing choice to meet community housing needs and to facilitate residential dwellings for aged persons in well-designed, medium-rise buildings.’*
- *‘To provide a limited range of professional services, employment opportunities entertainment and health facilities that primarily serves the local community.’*
- *‘To ensure safe and convenient access to the activities in the precinct.’*

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

The amendment modifies the existing Schedule 5 to the Design and Development Overlay, and will use the existing control to place a site specific exclusion of the setback requirements (based on specific works) and makes proper use of the VPPs.

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

No relevant agencies are directly affected by the amendment.

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

The amendment will not have an impact on the transport system as defined by section 3 of 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?**

No substantial resource implications or administrative costs are anticipated from the amendment.

### **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 VIC 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 4 December 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: week of Monday 5 March 2018
- panel hearing: week of Monday 26 March 2017