

1.3 PROPOSED REINSTATEMENT OF RESPONSIBLE AUTHORITY STATUS TO COUNCIL FOR THE WAVERLEY PARK ESTATE (MIRVAC ESTATE) AND M-CITY (FORMERLY THE NOVA CENTRE)

(SMC: File No.)

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Advises the Department of Environment, Land, Water and Planning (DELWP) that Council will agree to the reinstatement of Responsible Authority status to Council for the Waverley Park Estate and M-City (formerly the Nova Centre) subject to:*
 - a) *The full and total completion of all stages of each development and subdivision in accordance with the approved planning permits and any other outstanding requirements or agreements;*
 - b) *Written confirmation from the Minister for Planning that the developments are in full compliance with all conditions of their respective planning permits;*
 - c) *All public land, including roads, has been formally transferred to Council*
 - d) *Any open space provided as part each of the developments is rezoned to the appropriate zone ;*
 - e) *DEWLP confirm that there are no ongoing conflicts between the mandatory components of the General Residential Zone and the requirements of Waverley Park Neighbourhood Character Overlay 1 - such as building heights and garden area requirements; and*
 - f) *DEWLP advising all land owners in the affected areas of the change in Responsible Authority status.*

INTRODUCTION

The purpose of this report is to consider a request from the Department of Environment Land, Water and Planning (DELWP) for Councils views on the return of planning powers (Responsible Authority status) to Council for the Waverley Park Estate (Mirvac) and the M-City development (formerly the Nova Centre).

BACKGROUND

Both the Waverley Park Estate and the M-City development were developments that were facilitated through the Minister for Planning rezoning the land and assuming planning powers (Responsible Authority status) for the sites. This included issuing the planning permits and monitoring compliance issues.

The Waverley Park Estate has been under development since the original permit issued in March 2002. The Minister for Planning gazetted Amendment C30 to the Monash Planning Scheme. That amendment made the Minister the Responsible Authority for the development of Waverley Park, rather than Monash City Council.

On 14 August 2002 the Minister for Planning rezoned Waverley Park to R1Z – Residential 1 with a specific Neighbourhood Character Overlay to define residential development of the estate. At the same at time, the Minister also issued Planning Permit STA/2001/00714 for the subdivision and development of Waverley Park.

In August 2009 Minister for Planning changed to the Monash Planning scheme to enable the granting of a planning permit for the development of the then named Nova Centre (now M-City) which was proposed to contain dwellings (student housing and affordable housing), a residential building (serviced apartments), restricted retail premises, factory outlets a supermarket, shops, food and drink premises, and variation of the building height and setback provisions of Schedule 1 of the Design and Development Overlay and the car parking requirements of Clause 52.06 of the Monash Planning Scheme. At the time the Minister also assumed Responsible Authority status for the site and any permit applications

Since that time there have been changes made to both planning permits, most notably the retention of the power lines above ground in the Waverley Park Estate and the introduction of conditions relating to the Community Benefits Package. Changes were also made to the Nova Centre approval, including a change to the land use mix in the M-City development, with a greater emphasis on residential apartments and renaming the project to M-City.

ISSUES AND DISCUSSION

Historically Planning Ministers have assumed Responsible Authority status for projects of State or regional significance. The reasoning being that projects of this scale require State oversight and intervention to ‘get them going’ generally through and amendment to the planning scheme and over the development of the project itself. This is particularly the case in larger staged developments like the Waverley Park Estate.

Throughout the time of these developments being in the hands of the Minister for Planning as the Responsible Authority has been regularly consulted on each of the developments and in some instances been required to provide consent to aspects of the development, such as open space, that have a direct operational impact of Council. Both developments are now nearing completion, with between 6 to 12 months for that to be achieved.

Once they are completed the planning responsibility associated with the sites effectively becomes one of administering and enforcing compliance with any ongoing conditions and dealing with any potential amended plans or secondary consents in the future.

The proposed reinstatement of Responsible Authority status has no impact of the existing approvals, conditions or requirements under the Monash Planning Scheme or the existing planning permits.

For the Waverley Park Estate the reinstatement of Responsible Authority status has no impact on the agreed Community Benefits Package with Council.

As these are large developments with some detailed and complex conditions, it is appropriate that the Minister for Planning provide written confirmation to Council that both developments are fully compliant with all relevant permit conditions prior to the reinstatement of Responsible Authority status to Council.

Enquiries with officers at DEWLP responsible for overseeing the Waverley Park estate advise that on average they receive about 11 to 14 applications for secondary consents (proposals from residents to modify their dwelling) per annum.

Ongoing obligations for M-City will likely be limited to ensuring compliance with permit conditions and potentially signage applications from time to time.

CONSULTATION

The reinstatement of Responsible Authority status to Council requires an amendment to the Monash Planning Scheme. It is likely that the Minister will make this change as a Ministerial Amendment, that is, without public notification.

Given that the Waverley Park Estate has been under construction for many years it is important that the residents receive appropriate notice of the change of Responsible Authority status. This can be undertaken by DEWLP once the amendment has been approved.

POLICY IMPLICATIONS

There are no policy implications associated with the issues discussed in this report.

FINANCIAL IMPLICATIONS

The financial implications to Council are minimal as there are likely to be very low numbers of amended plans requested that can be dealt with within existing resources.

CONCLUSION

The reinstatement of Responsible Authority status to Council is appropriate given that both developments are nearing completion.

However, there remain some issues that require full resolution or completion prior to the reinstatement. The issues that require resolution are:

- The full and total completion of all stages of each development and subdivision in accordance with the approved permits and any other outstanding requirements;
- Written confirmation from the Minister for Planning that the developments are in full compliance with all conditions of their respective planning permits
- All public land, including roads, has been formally transferred to Council
- Any open space provided as part each of the development is rezoned to the appropriate zone;
- DEWLP confirm that there are no ongoing conflicts between the mandatory components of the General Residential Zone and the requirements of Waverley Park Neighbourhood Character Overlay 1 - such as building heights and garden area requirements.
- DEWLP advising all land owners in the affected areas of the change in Responsible Authority status.