

## 1.1 AMENDMENT C136 TO THE MONASH PLANNING SCHEME – 161-169 & 171 JELLS ROAD WHEELERS HILL

(MM: File No. W17-210)

Responsible Director: Peter Panagakos

### **RECOMMENDATION**

*That Council resolves to adopt Amendment C136 to the Monash Planning Scheme and pursuant to Section 31 of the Planning and Environment Act 1987, submit the Amendment to the Minister for Planning for approval and gazettal.*

### **INTRODUCTION**

To consider the results of the community consultation on Amendment C136 which proposes to introduce a revised Design and Development Overlay, Schedule 5 (DDO5) to the Monash Planning Scheme to allow for the construction of a covered walkway between the two sites as they are now in the same ownership.

This report recommends that Council adopt the Amendment and submit the Amendment to the Minister for Planning for approval.

### **BACKGROUND**

Council resolved at its meeting on 29 August 2017 to:

1. Request the Minister for Planning to authorise Council, pursuant to Section 8A of the Planning and Environment Act 1987, to prepare Amendment C136 to the Monash Planning Scheme to:
  - Replace Schedule 5 to Clause 43.02 (Design and Development Overlay) to include an exemption to 161-169 & 171 Jells Road to allow the development of a covered walkway between the two sites.
2. Authorises the Director City Development to prepare and finalise the planning scheme amendment documentation in accordance with this report.
3. Upon receiving authorisation from the Minister for Planning, prepare Amendment C136, and exhibit the amendment in accordance with the requirements of the Planning and Environment Act 1987.

Monash Planning Scheme Amendment C59 introduced the Wheelers Hill Neighbourhood Activity Centre Structure Plan and the Design and Development Overlay Schedule 5 (DDO5) into the Monash Planning Scheme. The two sites included in Amendment C136 are covered by the DDO5.

Part 2.0 of the existing DDO5 is the provision relevant to Amendment C136, which states:

*“Development must not dominate residential development adjacent to a designated boundary.*

- *Development must be setback a minimum of 3 metres from a designated boundary and this setback area is to be used as a landscaped buffer between the properties.”*

This setback is mandatory, and does not allow for any construction within the prescribed setbacks.

**ISSUES AND DISCUSSION**

Amendment C136 proposes to amend the Design and Development Overlay for the Wheelers Hill Neighbourhood Activity Centre to allow buildings and works within the setback requirements specified in part 2.0 of the existing DDO5 for 161-169 and 171 Jells Road, Wheelers Hill.

The two adjoining sites are currently in common ownership. 161-169 Jells Road is currently vacant and there is an existing aged care facility at 171 Jells Road. The Amendment would allow the development of a covered walkway between the two sites.

A Notice of Decision to Grant a Planning Permit (TPA/47296) for the development of a Residential Aged Care facility on land affected by the Design and Development Overlay-Schedule 5, including refurbishment of the existing Aged Care Facility (Lifeview The Willows) and alteration of access to a road in a Road Zone Category 1 at 161-169 and 171 Jells Road, Wheelers Hill was issued on 28 November 2017.

In the future, the proponent wishes to connect the two aged care facilities, via a covered walkway. The Amendment modifies the DDO5 to only allow the buildings and works associated with this covered walkway.

A copy of the revised DDO5 schedule with the proposed change highlighted is provided in Attachment 1.

**CONSULTATION**

Community consultation on Amendment C136 was undertaken in accordance with the requirements of the *Planning and Environment Act 1987*, including:

- Notice in the Government Gazette;
- Notice in the Monash Leader;
- Letter and Notice to Prescribed Ministers;
- Letter and Notice to owners and occupiers who may be materially affected by the Amendment; and
- Full amendment documentation was available online at the Department of Environment, Land, Water and Planning's website, on Council's website and at the Civic Centre.

Exhibition of Amendment C136 to the Monash Planning Scheme commenced on 2 November 2017 and concluded on 4 December 2017.

No submissions were received as part of the community consultation.

**POLICY CONSIDERATIONS AND ANALYSIS**

The policy considerations of the Monash Planning Scheme relevant to this Amendment are:

- Clause 10.2 which seeks to ensure that development has a net community benefit.
- Clause 21.02-3 which discusses Monash's ageing population and the importance of providing appropriate aged accommodation.

The Amendment is consistent with the State and Local Planning Policy Framework, including the Municipal Strategic Statement and Local Policy as the Amendment has a net community benefit as it will allow staff and residents to move between two aged care facilities via an undercover walkway.

***CONCLUSION***

The Amendment allows for the connection of two buildings on two separate lots under common ownership, which is beneficial to the people working and living at the two aged care facilities. The change will have minimal impacts on the surrounding properties.

The exhibition of the Amendment did not result in any submissions or objections being received.

It is recommended that Council adopt Amendment C136 to the Monash Planning Scheme and submit the Amendment to the Minister for Planning for approval and gazettal.