

**4.2 CONSIDERATION OF SUBMISSIONS TO MONASH PLANNING SCHEME
AMENDMENT C125 - IMPLEMENTATION OF THE NEW RESIDENTIAL ZONES
(TP427:SM)**

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

- 1. Notes the submissions received.*
- 2. Modifies Amendment C125 in accordance with the changes recommended in this report.*
- 3. Request the Minister for Planning appoint a Panel to consider the submissions and Amendment C125 to the Monash Planning Scheme.*
- 4. Refer all submissions received, including any late submissions, to Amendment C125 to the Panel appointed by the Minister for Planning.*
- 5. Notify all submitters to the Amendment of Council's decision in this Amendment, including the proposed transitional arrangements.*

PURPOSE OF THIS REPORT

The purpose of this report is to consider the submissions received on Amendment C125 during the community consultation period. The Amendment proposes changes to the Monash Planning Scheme in order to implement the first stage of the Monash Housing Strategy 2014.

The report provides recommendations in response to issues raised in submissions and recommends that Council request the Minister for Planning appoint an independent Panel to consider Amendment C125 and submissions received.

BACKGROUND

Monash Housing Strategy

Council adopted the new Monash Housing Strategy in October 2014.

The Housing Strategy provides a clear direction about the type and intensity of future residential development throughout Monash.

Key aspects of the strategy include:

- directing residential growth to appropriate areas such as activity centres and selected main roads,

- planning for and accommodating moderate population growth through continued infill development, and
- respecting identified heritage precincts.

The Residential Development Framework Map of the Housing Strategy provides clear direction for where growth will occur and where the garden character of Monash will be protected and enhanced by identifying areas as either suitable for future redevelopment, limited redevelopment, or incremental change.

In particular the Housing Strategy and the Residential Development Framework Map recognise that:

- increased residential density will be directed to the residential areas around activity centres and the Monash Employment Cluster; and
- development potential in the suburban areas will be modified to better reflect garden character of Monash.

The future redevelopment areas contained a total of eight differing development categories as set out below:

Future Development Potential Areas

Category 1 - Activity and Neighbourhood Centres

Category 2 - Accessible Areas

Category 3 - Monash National Employment Cluster

Category 4 - Boulevards and Major Roads

Limited Development Potential Areas

Category 5 - Heritage Precincts

Category 6 - Dandenong Creek Escarpment

Category 7 – Creek Environs

Incremental Change Area

Category 8 - Garden City Suburbs

The first stage of implementing the adopted residential framework includes developing planning provisions that support the following categories:

Category 3 Monash National Employment Cluster

Category 5: Heritage Precincts

Category 6: Dandenong Creek Escarpment

Category 7: Creek Environs

Category 8: Garden City Suburbs

The housing category areas 1, 2 and 4 will have revised planning provisions developed for them progressively upon completion of the first initial stage.

A copy of the Residential Development Framework Map and proposed zone application is provided at Attachment 1.

New Residential Zones - implementation

At the meeting of 24 February 2015 Council adopted the first stage of residential zone changes from the Housing Strategy - (Amendment C125). Council had previously introduced the new residential zones as a “like for like” translation into the Monash Planning Scheme, understanding that as additional strategic work was completed it would result in future modifications and amendments to the zones. The first round of proposed changes, flowing from the Monash Housing Strategy, aims to protect and enhance Monash's 'garden city' character.

This amendment applies to all residential land in Monash and includes:

- a new residential strategy statement,
- new residential development policies,
- revised Neighbourhood Character precincts and policies,
- increased application of the Neighbourhood Residential zone; and
- new or revised schedules to the residential zones, primarily designed to implement neighbourhood character outcomes.

Council received authorisation to prepare the amendment, Amendment C125, from the Minister for Planning on 20 March 2015.

Subsequent to receiving the authorisation Council received a request from the Metropolitan Planning Authority to modify the amendment to make provision for residential growth around the Monash Employment Cluster.

Council considered this request at its meeting of 28 April, 2015 and agreed to modify the Amendment and make provision for additional residential growth around the Clayton Activity Centre and the Monash Employment Cluster.

New Residential Zones -Implementation

The implementation of the Monash Housing Strategy 2014 involves the use of:

- the new residential zones, for directing or limiting growth and setting the expected intensity of development;
- applying schedules to each zone that complement the zones and give effect to the housing character outcomes sought for each category. The schedules set out detailed siting and development standards reflective of the desired neighbourhood character for an area; and

- Updating the local policies that provide guidance for decision making, in particular through articulating the existing character and preferred future character outcomes.

It is important to note that the changes to the zones and schedules, whilst increasing space for gardens, do not include mandatory measures on removal or retention of vegetation.

Attachment 2 provides a summary of the exhibited zones and schedule changes and includes recommended modifications to the exhibited amendment.

PURPOSE/DISCUSSION

Community Consultation Program

An extensive community consultation program was undertaken to engage with the community on the proposed changes.

Formal consultation on the Amendment commenced on 22 June 2015 and concluded on 31 August 2015. Prior to consultation commencing, a public meeting was held at the Civic Centre on 30 April 2015, where an overview of the Amendment and the consultation process was presented. Approximately 120 people attended the session.

Consultation included:

- Direct mail to all affected properties – A total of approximately 133,000 letters were sent to the 65,000 dwellings and all other land owners in Monash. This was a tailored mail out to all property owners and occupiers in Monash. There were 9 letters tailored to the 9 different zone/schedule categories, so each property owner and occupier received a letter advising of some key elements proposed for their property, and directing them about where they can find out more information;
- 15 Community Drop In information sessions during July and early August across Monash. The sessions provided detailed information on the Amendment and provided the community the opportunity to discuss the proposed amendment one on one with officers. (Interpreters were available at each of the sessions);
- A dedicated, interactive website that allowed residents to easily access their property information on the current and proposed planning controls;
- Articles and notices in the Monash Bulletin and the Chinese language newspaper;
- Hard copies of all details available to be viewed at each Council library, the Oakleigh Service Centre and the Glen Waverley Civic Centre; and
- An information brochure providing a summary of the amendment and a full colour map of the proposed changes. (Available in eight different languages.)

An example of the letter sent to all owners and occupiers is at Attachment 3.

Outcomes of community consultation.

Monash New Residential zones - website traffic

The dedicated website was live from 15 June 2015. The figures below are the website traffic to the close of exhibition on 31 August, 2015. (The website will remain operational until the conclusion of the amendment process in 2016.)

- Total visits: 7,895
- Unique visitors: 5,121
- Page Views: 22,541

Visits: The number of times people visited the site (people may have visited the site more than once).

Unique Visitors: Is an individual IP address (unique) this gives an indication of how many individual people visited the website.

Drop in information sessions

During the consultation period more than 700 people attended one of the 15 “drop in” information sessions held across Monash.

The attendance break down was approximately:

- 270 Glen Waverley
- 110 Mt Waverley
- 100 Clayton
- 60 Wheelers Hill
- 200 Oakleigh
- 29 Mulgrave

Phone and counter enquiries

Officers have spoken directly with more than 700 people through direct phone or counter enquiries.

Other languages

- 155 requests for translated brochures were received, predominantly for Chinese and Greek.
- Chinese, Italian and Greek interpreters were available at all drop in sessions

Submissions received

At the close of the consultation period on 31 August 2015 986 submissions or written queries had been received. This represents a response rate of 1.5% of households in Monash.

Councillors have been provided with a copy of submissions received separately.

On initial analysis, the submissions are roughly broken into 32% support for the amendment and 59% request changes to parts of or oppose the amendment. (Many objecting submissions agree with the objectives of the Amendment but don't want changes to planning provisions for their property.)

The following table sets out the number of owners and occupiers notified, the number submissions received and the overall position on the amendment by proposed zone.

Proposed zone	No. of letters sent	No. submissions	Position on amendment		
			support	object	other
Residential Growth 3	3,251	43	11	28	4
General Residential 3	22,488	126	31	78	17
General Residential 4	56,136	354	130	199	25
General Residential 5	718	1		1	
General Residential 6	4,410	36	5	28	3
Neighbourhood Residential 1	1,590	26	3	22	1
Neighbourhood Residential 2	2,349	44	22	21	1
Neighbourhood Residential 3	5,172	96	43	50	3
Neighbourhood Residential 4	23,429	206	63	136	7
Other land in Monash	13,054	54	17	23	14

Note: Submissions listed in the "other" column make a range of comments that are not directly related to the content of the Amendment but development in Monash general including traffic, property ownership, or general comment on development.

Issues raised.

The submissions fall into three main types:

- Those that support both the thrust of the amendment and the zone and schedule changes proposed. These submissions often make reference to the neighbourhoods of Monash, including what they see as the poor quality of development. There is support for providing greater direction about where development is located. In some cases, they make suggestions to further strengthen the amendment or make it more effective.
- The second type of submissions primarily objects to elements of the proposed schedules. In many cases, this relates to concerns from submitters about the effect of the proposed changes on opportunities

to develop their land. A number of these submissions also propose changes to address their concerns.

- Several submissions have been received that oppose the amendment due to a an incorrect belief that the planning standards proposed under the new zones apply as mandatory requirements and there is no ability to vary the standards depending on neighbourhood character, lot size or lot shape.

The main issues raised through the submissions are outlined below and include a recommended officer position.

Reduction in building site coverage from the ResCode standard of a maximum of 60% of the site

Submissions objecting to the proposed decrease in site coverage fell into three broad categories:

- The impact on the potential to develop land for multi unit development, including the need to construct smaller dwellings,
- The impact on the ability to construct a large single dwelling and/or a garage,
- The impact on subdivided lots to redevelop an existing small dwelling with a new larger dwelling.

There was opposition to the proposed General Residential 3 requirement, which varies the maximum site coverage to 40%, the same as proposed within the Neighbourhood Residential Zones.

Officer comment

The current ResCode Standard of a maximum of 60% site coverage can result in medium density and single dwelling development that does not contribute to the garden character of Monash.

Whilst Amendment C125 proposes a reduction in site coverage to 40% for the *Limited Redevelopment* and *Incremental Change* areas of General Residential Zone 3, Neighbourhood Residential Zone 1 (Heritage Overlays) and Neighbourhood Residential Zone 4 (Dandenong Valley Escarpment) a more detailed analysis has shown that setting site coverage at 50%, will achieve the garden character outcomes and enable compliance with set back and open space requirements without unduly limiting buildable area on the average allotment in these zones.

Officer recommendation

It is recommended that the proposed site coverage for General Residential Zone 3, Neighbourhood Residential Zone 1 (Heritage Overlays) and

Neighbourhood Residential Zone 4 (Dandenong Valley Escarpment) be increased from 40% to 50%.

A consequential change will also be made to the permeability standard of the Schedule to keep it in proportion with the site coverage change.

The revised permeability standard will be changed from exhibited 40% to 30%. (The permeability standard works in the reverse to site coverage and is the area of the site not built on or paved.)

No change is recommended to the proposed site coverage for the Neighbourhood Residential Zone Schedules 2 & 3.

Increase in rear setback to between 5 and 7 metres (depending on the proposed zone)

There was a mix of support and opposition to the proposed rear setback requirement.

The opposition to the proposed rear setback generally fell into one of three types of objection to the increased setback as follows:

- A straight out objection based on loss of developable area of an allotment.
- The implications for the quality of development, for instance, suggestions that new housing will be forced to be two storey (and less accessible for an ageing population), or make it difficult to meet objectives such as providing good solar access.
- Opposition in terms of site or locational circumstances. In these cases, alternative approaches were generally proposed. These include requesting no rear setback requirements for properties abutting railways (as building to the rear of the property could help minimise the noise impacts), allowing a garage within the rear setback, particularly if lane access is available to minimise the amount of driveway / hard surface requirements, or changing the rear setback to a side setback in the case of irregular shaped blocks or blocks with a shallow depth.

Officer comment

A key element of the Monash garden character is the presence of rear yards and the opportunities these areas provide for the retention or establishment of gardens and usable areas of private open space to the dwelling. The current ResCode standard setback of 1 metre is considered to be grossly inadequate to achieve the garden character objective in the suburban areas of Monash.

A number of submissions raised the issue of the application of setbacks to irregular shaped allotments, particularly in court bowls. The overall objective of the rear setback is to provide an adequate area for rear garden space. Whilst

it is not possible to include a different standard for irregular shaped allotments in the schedule to the zone, it is possible to include policy that sets out clearly how the rear setback requirement will be assessed for irregularly shaped allotments.

Officer recommendation

No changes are recommended to the rear setbacks proposed as part of Amendment C125. However, to provide clarity around the assessment of the rear setback on irregular shaped allotments, it is proposed to include a detailed policy statement in the Monash Planning Scheme that makes it clear how compliance with the rear setback standard will be assessed for irregularly shaped allotments and perhaps in which circumstances Council may consider a reduction or partial reduction in the rear setback provided the development meets the overall garden character objectives for the neighbourhood.

The proposed revised zone schedules are included at Attachments 4 to 12.

Front Setback – Dandenong Valley Escarpment Neighbourhood Residential Zone 4.

A number of submissions objected to the proposed increase in the front setback from the existing 7.6 metres to 8 metres.

Officer comment

The Amendment proposed a minor increase in the front setback for the Dandenong Valley Escarpment – Neighbourhood Residential. This minor increase is inconsequential in the context of the streetscape.

Officer recommendation

It is recommended that the proposed 8 metre front setback be deleted and the existing front setback of 7.6 metre be retained.

Change to the dimension of Private open space – one parcel of 60m²

Some submissions objected to the change proposed to the standard for the provision of private open space from one parcel of 35m² to once parcel of 60m² per dwelling. The reasons for opposition included:

- The size is excessive to the needs for people who wish to downsize;
- People don't want or have time to maintain gardens anymore – and these areas will become derelict; and

- In combination with the front and rear setback proposed variations, the open space requirements will make development unachievable or significantly compromised.

A number of submissions supported this requirement for a larger single area than is currently required. Their reasons were that this enables better landscaping, more usable open space, and better environmental outcomes (separation between buildings, natural cooling and heating, and so on.)

Officer comment

The current requirement for private open space in the Monash Planning Scheme is 75m², with one parcel of 35m². The amendment does not propose to increase the overall amount of private open space provided in a development in the General Residential zone Schedule 3 and 4 areas, which cover the majority of Monash. (There is a minor increase of 5m², up to 80m², proposed in the creek corridors proposed in the Neighbourhood Residential zone Schedules 2 & 3).

The main change that is proposed is to how that private open space is provided. It is proposed to require the majority of the 75m² of private open space in a usable parcel of 60m². This meets the dual objective of providing more usable private open space and providing the opportunity to meet garden character objectives. In most instances the provision of the parcel of 60m² can be achieved for the rear dwelling through compliance with the increased rear setback and design changes.

Housing diversity objectives are met through the encouragement of increased development in and around activity centres and the Monash Employment Cluster. In these areas the Amendment proposes to reduce the private open space and building setback requirements below the current Monash wide standards. Refer to Attachment 2 – Zone Schedule summary.

Officer recommendation

No change to the proposed private open space parcel of 60m².

Landscaping and canopy trees

One of the key drivers for the proposed schedules was the concern for the loss of vegetation throughout the Garden City areas. The amendment, as exhibited, included a nominated number of trees, to grow to at least a certain height, per dwelling. Around 20% of the submissions commented on the canopy trees specifically. Slightly less than 40% of submissions supported the proposed provisions and just under 30% opposed them.

Officer comment

The Monash Planning Scheme currently contains detailed policy requirements for the landscaping of development and the planting of canopy trees. Landscaping is a requirement in the approval new multi unit development. The landscaping requirements do not apply to single dwellings.

Specifying a number of canopy trees in the landscaping requirement of the schedules to the zones makes appropriate use of an additional planning tool that Council has available to it to reinforce the landscape and garden character requirements of the Monash Planning Scheme.

Whilst there has been concern expressed about existing planting of canopy trees, particularly eucalyptus varieties that were planted in the 1970's and 1980's, there are now a wide range of more appropriate canopy trees available for planting in urban areas.

Recommendation

No change to the landscaping requirements proposed as part of the amendment.

Officers will review existing landscaping policy to ensure that species selection is compatible with suburban environments.

Change or objection to proposed zone or zone boundary

There are a number of submissions that object to the zone that is proposed to apply to their land through the amendment. These submissions are split between:

- seeking a zone that allows for more intensive development such as Residential Growth or a commercial zone; or are
- seeking to be included in a more restrictive zone such as the Neighbourhood Residential zone.

Officer comment

The zone boundaries are derived from the directions contained in the adopted Monash Housing Strategy. Whilst there are a number of areas where a minor adjustment to the boundary is required, for example in the commercial area around High Street Road in Syndal or adjacent to bushland near Alice Street in Mount Waverley, major changes to the boundaries to either include or exclude large areas are not consistent with the strategic housing directions contained in the housing strategy.

The Neighbourhood Residential zone that has been applied to the Dandenong Valley Escarpment is generally consistent with the extent of the topography to the eastern face of the Dandenong Valley escarpment and the neighbourhood residential zone in the City of Whitehorse and the City of Greater Dandenong.

The application of the zone takes into account the ridgeline and topography that slopes towards the Dandenong Creek valley which affords long range views across the Dandenong Valley and to the Dandenong Ranges.

Modifying the boundary north of High Street Road by moving it eastward away from Springvale Road, further down the escarpment, is not recommended as it would be inconsistent with the strategic framework of the adopted housing strategy and move the zone boundary away from the distinct physical and visual boundary formed by the topography and Springvale Road.

Modifying the boundary of the zones south of Ferntree Gully Road by moving it to the west of Lum Road, is not recommended as this area is not identified as in the Housing Strategy as an element of the Dandenong Valley Escarpment, the topography of the area is generally flatter and does not have a relationship with the Dandenong Valley Escarpment.

Officer recommendation

Other than minor alterations to the boundary of the Neighbourhood Residential zone schedules 2 & 3, to correct anomalies around the creek areas to take into account actual boundaries of Council reserves or existing built form, no changes to the exhibited boundaries are recommended.

Refer to Attachment 13 for proposed zone boundary modifications.

Submissions relating to the Clayton Activity Centre, Monash Medical Centre and Monash University surrounds

A number of submissions were received in relation to the proposed zones, schedules, public open space requirements and development contribution plan requirements for the residential land in the growth areas identified around Clayton, Monash Medical Centre and the Monash University.

Some submissions expressed concern with apartment style development in the precinct adjacent to Monash University and the intensity of the proposed development.

While some submitters were supportive of the increased development opportunities, some felt it did not extend far enough, and some were opposed.

A number of submissions objected to the proposed increase Public Open Space contribution and the proposed Development Contribution and sought more detail on the background to these requirements.

Officer comment

The boundaries of the proposed growth areas and the proposed planning controls were developed in conjunction with the MPA and reflect both the Monash Employment Cluster and the Monash Housing Strategy.

Whilst these areas are all identified as appropriate for increased residential there is an existing character difference between the areas around Monash University and the balance of the areas south of Wellington Road. To reinforce the garden setting of both Monash University and new residential development to the west of the University, an appropriate landscape setting is required. This can be reinforced through an increase to the proposed front setback from 3 metres to 4 metres for the residential growth areas adjacent to the Monash University precinct.

The changes proposed to the residential zones proposed in conjunction with the MPA provide potential for at least additional 7,000 dwellings over a 10 year period. (Based on the 2006 Census there are approximately 5,257 dwellings in Clayton.)

Councils Open Space Distribution Analysis Report 2013 identifies Clayton, Hughesdale and Notting Hill as having the lowest level of public open space per person in Monash. There are significant gaps in the open space network in Clayton, particularly in the areas proposed for increased densities.

Ideally, issues such as the provision of public open space, drainage infrastructure, community infrastructure and developer contributions towards community infrastructure would be resolved prior to rezoning land to facilitate substantially increased densities. The development of the Clayton Activity Centre Structure Plan and the Monash Employment Cluster Strategic Framework Plan are the appropriate mechanisms to address these issues and are currently being prepared.

However, unless early provision is made now to address public open space and infrastructure contributions, rezoning the land ahead of the finalisation of the detailed strategic planning work presents a significant risk to Council and the community that infrastructure demands generated by the increased growth will not be contributed to by new development.

Public open space in Monash is currently required on a sliding scale up to 5% of the site or value of the land. In significant urban intensification projects, where dwelling densities can be up to 10 times that of suburban areas, 5% is generally

recognised as inadequate and a figure in the order of 10% is generally required given the significant population increases that occur in highly urbanised environments.

There is a critical need to address infrastructure contributions through this rezoning process. Although detailed infrastructure planning has not yet been completed the application of a Development Contribution Overlay across the growth areas is consistent with the planning provisions applied in the rezoning of the Fishermans Bend Urban Renewal Area. It allows the rezoning process to commence; flagging to the community and the development industry the areas that are proposed to have increased residential density will be required to make a contribution to infrastructure and allows the completion of further detailed planning.

Officer recommendation

That the front setback for the Residential Growth zone Schedule 3 in the Monash University precinct be increased from 3 metres to 4 metres.

No other changes to the proposed controls are recommended.

Status of the amendment

At present the proposed changes are not being used to guide or assess development applications. However, as the amendment progresses through the amendment process it has more bearing on planning decisions, both for Council and at VCAT, as what is referred to as a “seriously entertained” planning proposal.

Should Council determine to proceed with the amendment, in any form, it is appropriate for Council to formally acknowledge that the amendment will be used to assist in the assessment of applications and to establish a date from which applications will be measured against the proposed amendment. This will assist in meeting the significant community expectation around the implementation of the proposed changes and provide some direction to the industry.

Officer recommendation

If Council resolves to proceed with the amendment and refer submissions to an independent panel it is appropriate to set out a “transition date” from when applications will be assessed against the proposed controls.

Given the extended development of the housing strategy and consultation period a two stage transition process is proposed.

The transition elements proposed are:

- New pre-applications from November 9, 2015 to be advised to design to the requirements of C125.
- Existing applications to be co-assessed against the requirements of C125 from January 1.

Officers will write to all submitters and regular designers/applicant to advise them of the proposed transition framework.

CONCLUSION

The Monash Housing Strategy October 2014 sets out a clear overall direction for the location and character of housing development in Monash.

Amendment C125 is the first stage in the implementation of the Monash Housing Strategy and proposes a range of planning provisions which enhance and protect the garden character of the suburban areas of Monash whilst modifying current Monash development standards to encourage housing growth in appropriate locations.

It is recommended that Council proceed with Amendment C125 in accordance with the modifications set out earlier in this report and refer the Amendment and submissions to an independent panel for consideration.