

*Planning and Environment Act 1987*

**Panel Report**

# Monash Planning Scheme Amendment C125 Monash Housing Strategy and Residential Zones

**6 December 2016**

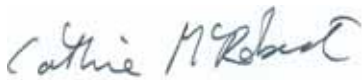
*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Monash Planning Scheme Amendment C125

Monash Housing Strategy and Residential Zones

6 December 2016



Cathie McRobert, Chair



Lorina Nervegna, Member



Sarah McDonald, Member

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## List of Abbreviations

DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MD16	Ministerial Direction Number 16: Residential Zones
MPA	Metropolitan Planning Authority (now the VPA)
MRDAC	Managing Residential Development Advisory Committee
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NEC	The Monash National Employment Cluster
NRZ	Neighbourhood Residential Zone
Plan Melbourne	Plan Melbourne: Metropolitan Planning Strategy (2014)
PPN27	Planning Practice Note 27: Understanding the Residential Development Standards
PPN28	Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes
PPN43	Planning Practice Note 43: Understanding Neighbourhood Character
PPN78	Planning Practice Note 78: Applying the Residential Zones
RGZ	Residential Growth Zone
RZSAC	Residential Zones Standing Advisory Committee
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
VPA	Victorian Planning Authority
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

## Overview

Amendment Summary	
<b>The Amendment</b>	Monash Planning Scheme Amendment C125
<b>Common Name</b>	Monash Housing Strategy and Residential Zones
<b>The Proponent</b>	Monash City Council
<b>Planning Authority</b>	Monash City Council
<b>Authorisation</b>	AO3034 20, March 2015
<b>Exhibition</b>	22 June to 31 August 2015
<b>Submissions</b>	1849 submitters are listed in Appendix A

Panel Process	
<b>The Panel</b>	Cathie McRobert (Chair), Sarah McDonald and Lorina Nervegna
<b>Directions Hearing</b>	Wednesday 27 July 2016 and Monday 8 August 2016 Glen Waverley
<b>Panel Hearing</b>	13 days between Monday 5 September– Monday 10 October 2016 Glen Waverley
<b>Site Inspections</b>	Wednesday 7 September 2016 (unaccompanied) Wednesday 14 September 2016 (unaccompanied) Monday 26 September 2016 (unaccompanied) Wednesday 28 September 2016 (unaccompanied) Monday 3 October 2016 (unaccompanied)
<b>Appearances</b>	See Appendix B
<b>Date of this Report</b>	6 December 2016

## Executive Summary

### (i) Summary

The Amendment proposes changes to the Local Planning Policy Framework (LPPF) and the residential zones applied in the City of Monash to implement the Monash Housing Strategy 2014 (the Housing Strategy).

Council has adopted a staged approach to the implementation of the new residential zones and the Housing Strategy. The Amendment translates approved structure plans for Oakleigh and Wheelers Hill and introduces new planning provisions for areas identified in the Housing Strategy as:

- having limited redevelopment potential (heritage precincts, the Dandenong Creek Escarpment and the Creek Environs)
- areas suitable for incremental change (Garden City suburbs)
- residential zones in the Monash National Employment Cluster (NEC) and Clayton Activity Centre. These changes were envisaged as a subsequent stage but were included in the Amendment after consultation with the Metropolitan Planning Authority (MPA) (now the Victorian Planning Authority (VPA)<sup>1</sup>).

The Amendment has a strong focus on protecting and enhancing the Garden City Character, which is a core policy underpinning planning in Monash, through more restrictive planning policy, zones and variations to state-wide standards in Clauses 54 and 55 (ResCode) of the Monash Planning Scheme (the Planning Scheme).

Future Amendments will implement changes relating to areas identified in the Housing Strategy as having future redevelopment potential: boulevards (Springvale and Dandenong Roads), activity and neighbourhood centres, and accessible areas around those centres.

### Submissions

The Amendment has been contentious; the hundreds of submissions and presentations at the hearing illustrate the divided views in the community. Many supported both the thrust of the Amendment to give greater direction about where development should occur and to increase restrictions on development for both neighbourhood character and environmental reasons. Many others objected on the basis that restrictions infringe property rights, the constraint on their ability to develop housing to meet their needs or preferences, or the impact on development potential and the associated adverse implications for housing affordability and diversity.

The level of concern expressed by the community led Council to commission further work, to undertake multiple rounds of consultation, and to support significant changes to the exhibited Amendment. This responsive approach contributed to a level of confusion and some cynicism in the community about the basis for, and the commitment to, the Amendment provisions. The Panel's task of assessing the Amendment and submissions about it was also made more complex.

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<sup>1</sup> The MPA is referred to as the VPA throughout the report.

## The strategic basis for the Amendment

The Housing Strategy and the Amendment acknowledge key planning policy themes. The broad strategy to direct more intensive forms of housing to locations that are well served by infrastructure, and to manage change in more sensitive locations, is sound. However, it should be articulated much more effectively in the LPPF to inform decision making while the Housing Strategy is progressively implemented. This includes:

- updating the Strategic Framework Plan (March 2009) in Clause 21.03 *Vision*
- incorporating the Housing Strategy Residential Development Framework Plan in Clause 21.04 *Residential Development*
- articulating the policy intent regarding locations identified for more intensive housing development
- ensuring that neighbourhood character provisions recognise that change will occur in these areas
- identifying the further strategic work to be undertaken to inform the staged implementation of the Housing Strategy.

The analysis in the Housing Strategy informed the understanding of housing needs in Monash, but key issues it identified, such as the effectiveness of the current planning framework, housing affordability and the implications of the proposed planning framework for meeting the demands of projected growth, housing costs, housing diversity and accommodating the housing needs of particular groups, were neglected in the Housing Strategy and the Amendment. These are matters for further policy and strategy development.

Analysis after the Amendment was exhibited provided a level of comfort that the Amendment does not severely compromise the capacity to meet medium term population projections for Monash, particularly when the significant opportunities available in areas identified with redevelopment potential are taken into account. Although case studies also indicate that proposed variations to ResCode standards should not stifle continued dual occupancy development, they did not address the implications for other forms of multi-unit development, which have an important function in meeting housing diversity objectives.

The protection of neighbourhood character is the key concern addressed by the Amendment, and the Neighbourhood Character Review underpinned both the Housing Strategy and, generally, the application of zones in the Amendment. The Panel has significant reservations about the basis provided by the framework established in 1997. The planning framework to manage neighbourhood character provides generic guidance through broad character types, and the characterisation of some areas with 'Garden City' character attributes and emphasis on existing character are overstated. The focus should be on future character statements; they should be more succinct and express future aspirations and key elements to achieve those aspirations, particularly in areas where change is, or should be, promoted.

## Overarching issues

Monash residents have different views about trees in suburban gardens. The Panel considers large trees with spreading canopies can transform the character, amenity and resilience of areas and broadly endorses strategies to ensure there is space to plant trees. In balancing resident preferences, the competing objectives relating to neighbourhood character, ecological sustainability, accommodating projected growth, housing diversity and housing affordability, the most efficient means of achieving green space should be adopted. The Panel

considers that consolidated spaces at the front and rear of lots and along park interfaces optimise the outcomes.

The effect of development, rather than the number of dwellings on a block, should be the primary focus in managing impacts. Larger, two storey houses should be anticipated as the norm and this will change the character of areas. However, extensive floor area, irrespective of lot size, should not automatically be accommodated at the expense of planning objectives that benefit the broader community.

Dual occupancy, multi-unit and apartment forms of housing add to housing diversity, and the planning framework should not preclude these forms of housing unless there is sound justification to do so. This extends to 'side-by-side' forms of dual occupancy and 'reverse living', which can be an efficient means of achieving high amenity housing, but are currently actively discouraged in Monash. Balconies and rooftops should be recognised as a legitimate form of open space in all forms of multi-unit housing in all residential zones.

### **The application of zones**

The general application of zones has been consistent with guidance on good practice. However, the staged implementation, changes to development requirements since exhibition, and the Panel's assessment of the justification for the delineation of some zones warrant significant revisions.

The Panel supports many of the post-exhibition changes to development requirements in the zone schedules that are now supported by Council. These changes result in the distinctions between the General Residential Zone Schedule 3 (GRZ3) and the General Residential Zone schedule 4 (GRZ4) only relating to very minor details. The GRZ3 and GRZ4 should be combined, as separate zone schedules are not warranted. The Panel accepts that the purpose of the Neighbourhood Residential Zone (NRZ) aligns with the strategic intention to limit development generally to the east of Springvale Road and is consistent with the planning framework in adjoining land in Whitehorse.

The Panel does not support the introduction of more restrictive provisions as an interim planning framework in areas identified in the Housing Strategy 'future redevelopment potential', pending the completion of further strategic work and future amendments to implement the Housing Strategy. In these areas, the status quo GRZ2 should be generally maintained as the 'interim' planning framework, and the LPPF should be strengthened to recognise the policy intent for these areas.

The Panel considers the Amendment provisions relating to the Monash NEC and Clayton Activity Centre are premature and should be deferred pending evaluation as part of the strategic planning work that is underway. The Desired Future Character Statement in the proposed Clause 22.01 should adopt a more positive expression of the policy ambitions for the NEC and acknowledge that strategic planning will develop and articulate future character aspirations.

The objective to protect and enhance the Gardiners Creek, Scotchmans Creek and Damper Creek open space corridors by managing the interface of abutting residential areas is justified. However, overlays in combination with the GRZ are more effective tools to manage these interfaces than the NRZ. The interface with the Dandenong Creek open space network warrants similar protection.

In contrast, the strategic basis for the application of the NRZ3 'Creek Environs Areas' is very weak and these areas should be included in a GRZ.

In relation to the alignment of the boundary between the NRZ4 and the GRZ4, which was highly contentious, the Panel finds that the boundary should generally align with the boundary of the Dandenong Creek Escarpment character type area, as exhibited.

The application of the proposed zones to the Glen Waverley, and Wheelers Hill Activity Centres is inconsistent with the structure plans for these centres and may inappropriately constrain opportunities in them. The application of the proposed zones to the Oakleigh Activity Centre appropriately implements the structure plan for this centre.

### **Variations to Standards**

The absence of systematic analysis of the effectiveness of the existing residential standards or justification for the proposed changes has meant the Panel has drawn on examples of the effects in submissions, initiatives undertaken elsewhere (such as Better Apartments<sup>2</sup>) and its own experience.

As already noted, the Panel endorses many of the changes supported by Council to moderate the exhibited development requirements. The Panel also supports development requirements that recognise and protect the sensitivity of creek abutments.

While the Panel considers ResCode rear setback standards should be varied to provide space to plant trees, we are not convinced that the increase in secluded private open space, which is a significant constraint on design flexibility and development yields, has been justified.

In all cases, the site context (including neighbourhood character), a site analysis and design response would remain central to the design and consideration of development proposals, including the exercise of discretion to depart from requirements of the zone schedules.

### **Recommendations**

**Based on the reasons set out in this Report, the Panel recommends Monash Planning Scheme Amendment C125 be adopted as exhibited subject to the following:**

- 1. Incorporate in Clause 21.04 *Residential Development* the Residential Development Framework Plan (Figure 6A of the Housing Strategy).**
- 2. Evaluate the implementation of the current Vegetation Protection Overlay and enforcement of planning permit conditions requiring retention of existing trees or planting of additional trees, to identify ways to improve outcomes under the proposed requirements.**
- 3. Identify in Clause 21.04 *Residential Development*, Further Strategic Work, a realistic work program to build on broad policy statements relating to specialised housing needs such as: meeting the needs of an ageing population, housing requirements of emerging ethnic groups, flexible and adaptable housing design and universal access.**

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<sup>2</sup> Better Apartments Draft Design Standards

4. Provide more specific support in the Local Planning Policy Framework for the development of various forms of housing for an ageing population (including independent living through to high care), extended families and students.
5. Clearly articulate in the Local Planning Policy Framework the staged approach to implementing the Housing Strategy.
6. Revise Clause 22.01 including the Preferred Future Character statements to recognise that change is supported in areas identified as having future redevelopment potential such as activity and neighbourhood centres, accessible areas, boulevards and residential land in the National Employment Cluster.
7. Retain the General Residential Zone (Schedule 2) for:
  - a) housing category areas 1, 2, 3 and 4 identified in the Housing Strategy as having future redevelopment potential
  - b) the Proposed Character Type C area under the Neighbourhood Character Review
  - c) that area of the Wheelers Hill Activity Centre that was exhibited as General Residential Zone (schedule 5)
  - d) No 855 Ferntree Gully Road (Northwest corner of Jells and Ferntree Gully roads), Wheelers Hill
  - e) land in the Glen Waverley Activity Centre Structure Plan Area that is not proposed to be rezoned under Amendment C120.
8. Develop a new combined General Residential Zone schedule based on the proposed General Residential Zone (Schedule 4) to replace the proposed General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4).
9. Apply the new combined General Residential Zone schedule to:
  - a) land that was exhibited as General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4) as modified by changes recommend by the Panel
  - b) No 1 Avoca Court, Ashwood
  - c) No 36 Stapley Crescent; and Nos 36 and 39 Swanson Crescent, Chadstone
  - d) Nos 21, 23, 24, 26 and 28 Fiander Avenue; Unit 4/ No 5 Somers Court; Nos 5 and 6 Valentine Court; Nos 1, 2, 3, 4, 6, 8, 10, 12, and 14 Falconer Street; Nos 1 and 3 Huff Street; Nos 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Dunscombe Avenue, Glen Waverley
  - e) Nos 546-556 High Street Road; Nos 2, 4 and 6 Lee Avenue; and No 7 St Clair Crescent, Mt Waverley
  - f) No 13 Janfourd Court, Mt Waverley
  - g) Nos 9, 11, 13, 15, 17, 19, 21, 23 and 25 Marbray Drive; Nos 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Greenways Road, Glen Waverley
  - h) No 2B Oakdene Court, Mt Waverley
10. Apply the new combined General Residential Zone schedule in combination with a Significant Landscape Overlay (or a Design and Development Overlay and a Vegetation Protection Overlay) to the land proposed to be zoned Neighbourhood Residential Zone (Schedule 2) and delete the Neighbourhood Residential Zone



(Schedule 2), (except where the Panel has recommended a realignment of the boundary of the Creek Abuttal area).

11. **Realign the boundary between the General Residential Zone and the Neighbourhood Residential Zone (schedule 4) in the area bounded by Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/ Westlands Road/ Camelot Drive to align with the boundary between proposed Character Types B and D shown in Figure 5 of the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**
12. **Draft the Decision Guidelines to the new combined General Residential Zone schedule and the provisions of the Significant Landscape Overlay (or Design and Development Overlay) to guide the exercise of discretion where:**
  - a) **the interface between a creek-line open space and a property is not along the property's rear boundary**
  - b) **lots are, small, irregular or constrained.**
13. **Delete the Neighbourhood Residential Zone (Schedule 3) and apply the new combined General Residential Zone schedule.**
14. **Apply the Neighbourhood Residential Zone (Schedule 4) to:**
  - a) **generally apply to the Housing Category 6 – Dandenong Creek Escarpment area as exhibited**
  - b) **the land between Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill identified as Proposed Character Type B area under the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**
15. **Consider applying the Significant Landscape Overlay (or the Design and Development Overlay and the Vegetation Protection Overlay) to the land with a direct abuttal to the Dandenong Creek.**
16. **Retain the existing General Residential Zone (Schedule 2) to the Proposed Character Type C area under the Neighbourhood Character Review.**
17. **Consider the Mixed Use Zone and Residential Growth Zone for application to areas identified in the Housing Strategy as having future redevelopment potential in the future implementation stages of the Housing Strategy.**
18. **Retain the General Residential Zone (Schedule 2) for the residential land within the Glen Waverley Activity Centre that is not proposed to be rezoned under Amendment C120.**
19. **Vary the ResCode street setback requirement (Standard A3 and B6) as follows:**
  - a) **7.6 metres or the average of adjoining lots (whichever is the lesser) in the Neighbourhood Residential Zone (schedules 1, 2, and 4) and the new combined General Residential Zone schedule**
  - b) **require an additional 1-metre setback for garages and carports only in the Neighbourhood Residential Zone (schedule 1).**
20. **Vary the ResCode site coverage requirement (Standard A5 and B8) as follows:**
  - a) **40 percent in the Neighbourhood Residential Zone (schedule 2)**

- b) 50 percent in the Neighbourhood Residential Zone (schedules 1 and 4), and the new combined General Residential Zone schedule.
21. Vary the ResCode permeability requirement (Standard A6 and B9) as follows:
    - a) 30 percent in the Neighbourhood Residential Zone (schedules 1 and 4) and the new combined General Residential Zone schedule
    - b) 40 percent in the Neighbourhood Residential Zone (schedule 2).
  22. Vary the ResCode Landscaping requirement (Standard B13) to link the provision of canopy trees to site width and permeable soil area. Consider a standard in the order of one tree per 5-7 metres of site width.
  23. Vary the ResCode minimum rear setbacks requirement (Standard A10 and B17) as follows:
    - a) 7 metres in the Neighbourhood Residential Zone (schedule 2)
    - b) 5 metres in the Neighbourhood Residential Zone (schedule 4) and the new combined General Residential Zone schedule.
  24. Maintain the ResCode side setbacks requirements (Standard A10 and B17) in all zones to be applied by the Amendment.
  25. Vary the ResCode walls on boundaries requirement (Standard A11 and B18) only in the Neighbourhood Residential Zone (schedule 2) as follows:
 

~~10 metres~~ **6.5 metres plus 25 percent of the remaining length of the boundary of an adjoining lot ...**

**Walls should not be built on rear boundaries**

***The height of a new wall constructed on or within 200mm of a side boundary ~~or rear boundary~~ or a carport ...***
  26. In all zones applied by the Amendment, vary the ResCode Private Open Space requirements (Standard A17 and B28) to:
    - a) retain the existing secluded private open space requirement of 35 square metres with a minimum 5 metre width
    - b) allow balconies and roof top areas, with the exhibited dimensions of a 10 square metre area and a 2 metre minimum width, as an option for all forms of multi-unit housing in all zones applied by the Amendment.
  27. Include a decision guideline in the schedule to all zones applied by the Amendment requiring consideration of design responses to site constraints, site context, and irregular shaped lots when discretion relating to ResCode requirements is exercised.
  28. Abandon the exhibited rezoning to Residential Growth Zone (Schedule 3) and General Residential Zone (Schedule 6) of land in the Monash National Employment Cluster and maintain the current General Residential Zone (Schedule 2) for the land.
  29. Delete the exhibited Development Contributions Plan Overlay (Schedule 1).
  30. Delete the exhibited increase in the Clause 52.01 *Public Open Space* contribution.

31. Rewrite the Desired Future Character Statement for the Monash National Employment Cluster in Clause 22.01 to:
  - a) adopt a more positive expression of the intended change envisaged by policy for the Monash National Employment Cluster.
  - b) acknowledge that strategic planning will develop and articulate future character aspirations.
32. Edit Clauses 21.01 *Municipal Profile*, 21.02 *Key Influences* and 21.03 *Vision* to:
  - a) reduce repetition, particularly in relation to Garden City/neighbourhood character and extensive descriptions of data that will date
  - b) update the Strategic Framework Plan (March 2009) in Clause 21.03 to recognise the current Housing Strategy and policy relating to the Monash National Employment Cluster
  - c) consider the utility of the content relating to Monash 2021: A Thriving Community (2010) to inform planning decisions.
33. Revise Clause 21.04 to give greater emphasis to the Housing Strategy and align with its content, including incorporating the Residential Development Framework Plan.
34. Revise the Clause 22.01 *Residential Development and Character Policy* to:
  - a) align more closely with the strategic intent expressed in the Housing Strategy
  - b) ensure the overarching general policies align with the provisions of the zone schedules (as modified)
  - c) delete the Existing Character statements
  - d) edit the Desired Future Character statements to provide more focussed guidance with a succinct statement of character aspirations and the key elements to be promoted to achieve it
  - e) recognise that the broad character areas include distinctive areas and that appropriate responses will be different on main roads and residential hinterland sites
  - f) reinforce the importance of site analysis in developing a design response that responds to both the broader future character objectives and the particular attributes of the site and its context
35. If state-wide transitional provisions are not introduced before the Amendment is approved, incorporate a transitional provision to the following effect in each of the residential zone schedules that are introduced by the Amendment:

The requirements of the planning scheme in force immediately before [insert the Amendment approval date], continue to apply to a permit application made before that date to the extent that, but for this clause, [Clauses 32.07, 32.08, 32.09] would apply to such an application.

# 1 Introduction

## 1.1 The Amendment

The Amendment proposes changes to the Local Planning Policy Framework (LPPF) and the residential zones applied in the City of Monash to implement the Monash Housing Strategy 2014 (the Housing Strategy).

### (i) Authorisation of the Amendment

Authorisation of the Amendment was subject to the following conditions:

- *Council must seek the views of the Metropolitan Planning Authority and the Department of Economic Development, Jobs, Transport and Resources during exhibition.*
- *Council must ensure that the residential zones have been prepared in accordance with Planning Practice Note 78: Applying the Residential Zones (PPN78)*

Council advised that the VPA requested that the Amendment make provision for residential growth around the NEC. On the basis of the VPA's request, Council agreed<sup>3</sup> to bring forward the introduction of growth zones around the Monash NEC and Clayton Activity Centre. The Minister granted a new authorisation for the Amendment on 27 May 2016 including the VPA modifications.

### (ii) The exhibited Amendment

The Amendment applies to land throughout the City of Monash that is currently in the General Residential Zone (GRZ) and the Neighbourhood Residential Zone (NRZ). It proposes to implement the objectives, directions and actions of the Housing Strategy in the Monash Planning Scheme by, in summary:

- updating the LPPF, in particular, Clause 21.04 *Residential Development* and Clause 22.01 *Residential Development and Character Policy*<sup>4</sup>. The residential character types in proposed Clause 21.04 underpin the proposed residential zones
- updating the NRZ1 and the existing GRZ2 (renamed)
- rezoning land utilising new or modified schedules to the GRZ and NRZ and Residential Growth Zone (RGZ). The proposed new zone schedules are:
  - NRZ2 Creek Abuttal Areas, NRZ3 Creek Environs, and NRZ4 Dandenong Valley Escarpment Areas.
  - GRZ3 and GRZ4 apply to the 'Garden City Suburbs', GRZ5 to apply to the residential areas within the Wheelers Hill and Oakleigh Activity Centres, and GRZ6 to apply to residential land in part of the Monash NEC and Clayton Activity Centre.

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<sup>3</sup> Council meeting of 28 April 2015.

<sup>4</sup> Updating Clauses 21.01, 21.02, 21.03, 21.06, 21.06A, 21.12, 21.13, 21.15, 22.07, 22.09 and 22.10 is also proposed to reflect changes to infrastructure, demographic changes and consequential changes.

The schedules to these zones vary the state-wide standards in Clause 54 and 55<sup>5</sup> (ResCode):

- introducing schedule 13 to the Design and Development Overlay (DDO13)<sup>6</sup> to provide direction on preferred building heights in the proposed GRZ6 and RGZ3
- applying Development Contribution Plan Overlay schedule 1 (DCPO1) to land within the Clayton Activity Centre and the residential areas of NEC
- increasing the Public Open Space Contribution requirement of Clause 52.01 to 10 per cent for land within the Clayton Activity Centre and the Monash NEC.

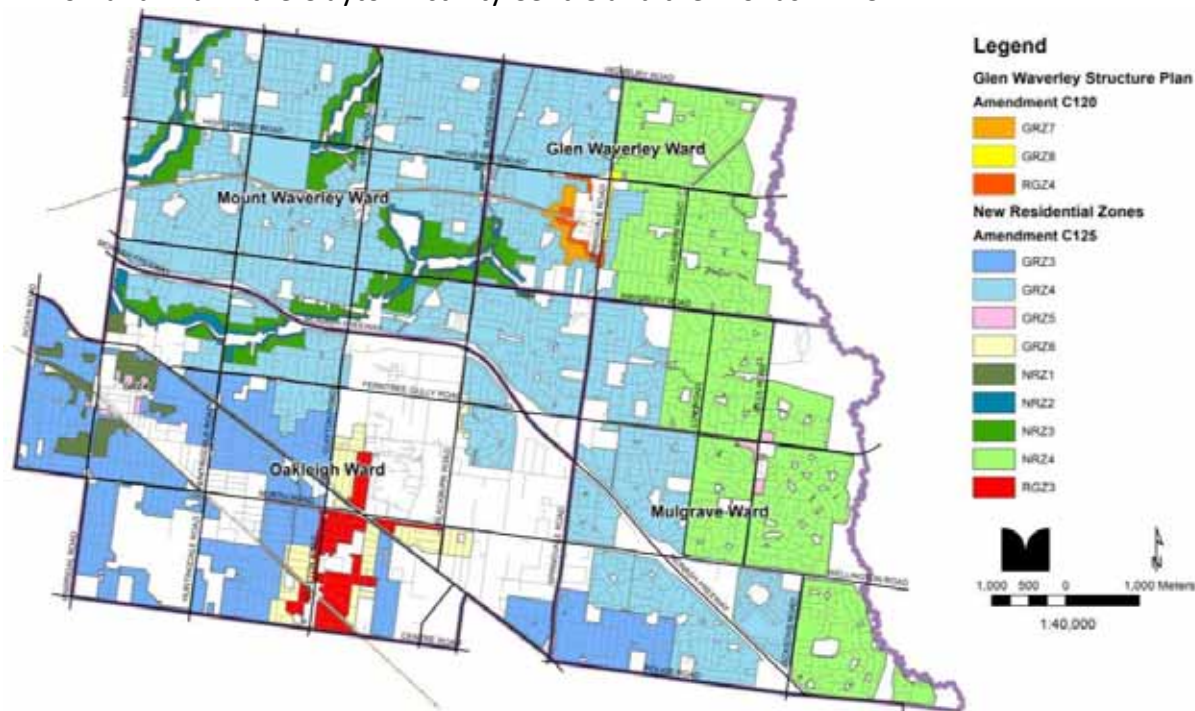


Figure 1 Exhibited Zones

**(i) Post-exhibition changes supported by Council**

Council summarised the evolution of its current position on the Amendment and the consultation that has occurred.

**Post-exhibition consultation**

After exhibition of the Amendment from June to August 2015 (referred to as Round 1), Council undertook further community consultation, which is summarised in Table 1.

<sup>5</sup> Clause 54 sets out development objectives and standards for single dwellings and are implemented through both the planning and building permit systems. Clause 55 sets out development objectives and standards for multi-unit development and is implemented through the planning permit system.

<sup>6</sup> The use of the DDO maintains discretion to depart from the standard, rather than varying building height through schedule to the zone which makes the building height a mandatory requirement.

Table 1 Summary of post-exhibition community consultation

Community Consultation	Summary of change canvassed	Notification
Round 1	Exhibition of the Amendment	
Round 2 <i>Feb - March 2016</i>	<p>In October 2015, Council resolved to defer consideration of submissions and give notice of its intent to further consider whether:</p> <ul style="list-style-type: none"> <li>- proposed rear and side setbacks should be retained</li> <li>- the proposed configuration of the Dandenong Creek</li> <li>- the proposed controls for the NRZ1, NRZ2, NRZ3 and NRZ4 are appropriate and provide the desired protection for these areas</li> <li>- a requirement for a minimum of 60m<sup>2</sup> of private open space is appropriate</li> <li>- additional controls should be introduced specifically for single dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>- a tailored direct letter and zone brochure to each property owner and occupier in Monash (approx. 90,000 letters sent)</li> <li>- the Our Say online forum enabled posts, voting on comments and questions</li> <li>- two community workshops (approx. 250 people at each event)</li> <li>- a Response Event on 3 March 2016</li> </ul>
Round 3 <i>April - May 2016</i>	<p>On 29 March 2016 Council adopted in-principle changes to the exhibited Amendment C125 in response to submissions and invited submissions on the in-principle position (534 written submissions in response to this notification).</p>	<ul style="list-style-type: none"> <li>- letter to all submitters</li> <li>- notices or articles in the Monash Leader, Monash Bulletin, and the Monash website</li> <li>- approximately 50 people attended a Special Council meeting on 3 May 2016 on Council's in-principle position and 30 people made verbal submissions</li> </ul>
Round 4 <i>June 2016</i>	<p>On 31 May 2016, Council effectively resolved to maintain the 29 March 2016 in-principle position with some minor zone boundary corrections.</p>	<ul style="list-style-type: none"> <li>- the Monash website and the Monash Bulletin</li> <li>- writing to submitters to the Amendment and owners and occupiers in areas where Council proposed a different zone to that exhibited: <ul style="list-style-type: none"> <li>- in the area bound by Springvale Road, Waverley, Gallaghers and High Street Roads, Glen Waverley affected by the in principle support for re-zoning from NRZ4 to GRZ4</li> </ul> </li> <li>- where zone boundary</li> </ul>

Community Consultation	Summary of change canvassed	Notification
Round 5 <i>July 2016</i>	Council resolved (26 July 2016) to support the exhibited rezoning of the land bounded by Springvale, Waverley, Gallaghers and High Street Roads, Glen Waverley from GRZ2 to NRZ4.	<p style="text-align: center;">corrections were proposed</p> <ul style="list-style-type: none"> <li>- In August 2016 Council:               <ul style="list-style-type: none"> <li>- notified in writing all owners and occupiers of land affected by the proposed re-zoning and the 456 signatories of a petition supporting the change</li> <li>- updated the Monash website</li> </ul> </li> </ul>

Post-exhibition changes to zone boundaries and schedules, including variations to ResCode standards, that were supported by Council, are set out in Chapters 3 and 4 of this report. The map showing the final proposal for the application of the zones is shown in Appendix D.

## 1.2 Approach to implementing the Housing Strategy

In October 2014 Council adopted a staged approach to the implementation of the Housing Strategy comprising:

- **Stage 1:** Translate existing controls into the new residential zones.
- **Stage 2:** (The Amendment) to implement the Housing Strategy and the Neighbourhood Character Review as reference documents and introduce new planning provisions for: heritage precincts, the Dandenong Creek escarpment, the Garden City suburbs, the Creek Environs and translate relevant Oakleigh and Wheelers Hill structure plan provisions.
- **Stage 3:** Work with the VPA on development of the Monash NEC Framework Plan and the Clayton Activity Centre Structure Plan.
- **Stage 4:** (medium-long term): Development of:
  - urban design principles and built form guidelines for Boulevards
  - structure plans for nine neighbourhood activity centres: Huntingdale, Mt Waverley, Hughesdale, Holmesglen, Pinewood, Syndal, Waverley Gardens and Oakleigh South (2015/16- 2018/19)
  - a municipal wide review of landscape character.

Council advised that, while the planning framework for the Monash NEC had been envisaged as a third stage in the implementation of the Housing Strategy, residential rezonings are proposed in the Amendment as a result of the conditions of authorisation of the Amendment to consult with the VPA (see discussion in Chapter 5).

The implications of the staged approach for the implementation of the Housing Strategy are discussed in Chapter 3.4.

## 1.3 Background

### (i) The new residential zones

The suite of residential zones in Victoria has evolved from the Residential A, B, C and D zones, to the Residential 1, 2 and 3 Zones of the new format planning schemes in 1997, to the current residential zones (NRZ, GRZ, RGZ), which were introduced in July 2014<sup>7</sup>.

In 2001 Amendment C17 introduced a permit requirement for the construction and extension of one dwelling on a lot below 500 square metres and inserted a minimum street setback of 7.6 metres. It also established a policy not to allow the construction of front fences where 75 percent of the immediate neighbourhood does not have front fences.

In 2009, the Reformed Zones Ministerial Advisory Committee<sup>8</sup> supported the approach of identifying high, medium and low growth areas. That committee considered discretionary controls were the starting point in the VPP; while it did not support the introduction of mandatory height controls as a default position, a mandatory height could be specified where strategically justified. Key features of the NRZ, GRZ and RGZ include:

- new purposes to define the zone
- multiple schedules are allowed to each zone
- the ability to specify a maximum building height of a dwelling or residential building via a schedule.

### (ii) Residential Zones Standing Advisory Committee

The Residential Zones Standing Advisory Committee (RZSAC) was appointed to advise the Minister for Planning on the application of the proposed new residential zones into a local planning scheme. Its *Stage One Overarching Issues Report* (20 June 2014) identified 31 principles to inform the application of the new zones. These principles are referred to, as relevant, in subsequent chapters of this report.

### (iii) Amendment C119 – translation of existing planning framework to the new zones

Councils were given one year from 1 July 2013 to implement the new residential zones into their planning schemes. Monash Council decided to take a staged approach to the application of the new zones (see discussion in Chapter 1.2). Amendment C119 to the Monash Planning Scheme (approved June 2014) was the first stage. It translated existing controls into the new residential zones as follows:

- the NRZ1 applied to land in the Residential 1 Zone that was affected by a Heritage Overlay, the GRZ 1 and 2 applied to the balance of the Residential 1 Zone and the RGZ applied to land within the Residential 2 Zone.
- existing schedules were translated into the GRZ2 and NRZ1 schedules.

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<sup>7</sup> Amendment VC104 (22 August 2013) provided transitional provisions to ensure that existing applications would not be disadvantaged by the new residential zone provisions.

<sup>8</sup> That Committee's recommendations were not formally responded to by the then Government, however the report was released publicly in 2012.



**(iv) Managing Residential Development Advisory Committee and the proposed VC Amendment**

The Managing Residential Development Advisory Committee (MRDAC) was established to evaluate the operation of the new residential zones.

The former Minister for Planning agreed to prepare a VC Amendment to improve the operation of the residential zones and submissions to the MRDAC did not seek submissions on those changes. The proposed improvements<sup>9</sup> are summarised in Table 2.

Table 2 Proposed change to residential zones

Zone	Proposed change to residential zones
RGZ	Allow exemptions for building heights to be specified in zone schedules and allow an existing building to be demolished and constructed to the pre-demolition height.
GRZ	
NRZ	Clarify and provide consistent building height exemptions and transitional provisions.
NRZ	Allow flood levels to be exempted from the maximum building height. Clarify permit requirements for the construction or extension of one dwelling on a lot. Allow for the maximum number of dwellings on a lot through a density scale. Clarify exemption provisions relating to subdivision.
RGZ	Update to adopt Plan Melbourne and Regional Growth Plan activity centre and town centre terminology.

The MRDAC assessment proceeded on the basis that the changes referred to above would be introduced. It canvassed a range of other potential changes to the residential zones, however, at the time of writing, the MRDAC report to the Minister has not been released.

While this Panel anticipates the above changes are likely to be implemented, the effect of the current zone provisions is considered, particularly in relation to mandatory limits on the number of dwellings per lot, irrespective of the lot size, in the NRZ (see discussion in Chapter 3.7.1).

**(v) Amendment C120 – The Glen Waverly Activity Centre Structure Plan**

Monash Planning Scheme Amendment C120<sup>10</sup> proposes to implement the Glen Waverley Activity Centre Structure Plan by, among other changes, rezoning land to specific residential zones and applying a new DDO12. Of particular relevance is the proposed planning framework in Precinct 7 generally and along the east side of Springvale Road (see discussion in Chapter 3.10.1).

<sup>9</sup> See [http://www.dtpli.vic.gov.au/\\_\\_data/assets/pdf\\_file/0004/291568/List-of-Suggested-Improvements-to-the-Residential-Zones.pdf](http://www.dtpli.vic.gov.au/__data/assets/pdf_file/0004/291568/List-of-Suggested-Improvements-to-the-Residential-Zones.pdf)

<sup>10</sup> Amendment C120 was submitted to the DELWP for approval on 03/08/2016.

## 1.4 Submissions

The following tables summarise the number of submission received at each stage.

A total of 986 submissions were made in response to the exhibition of the Amendment in August 2015, 32 percent of submissions supported the Amendment and 59 percent opposed or requested changes to the Amendment. Additional submissions were made in response to the further consultation in January – March 2016 and April – May 2016; submissions continued to be made through the course of the Hearing. In total Council registered 2301 submissions from 1849 submitters. The actual number of individuals who made submissions is less than the total number of submissions as some people made more than one submission in order to respond to post-exhibition changes that Council supported<sup>11</sup>.

The many submissions made comprised a mix of those supporting and opposing the proposed zones and development standards. Submissions were from individual residents, some supporting more restrictive zoning and development requirements and others seeking to maintain development opportunities; and community organisations with a focus on protecting open space networks, environmental values and neighbourhood character. Other submissions were from developers and were both in relation to the implications of proposed changes generally or in relation to particular sites. Submissions were also made by providers of accommodation for the aged, and from Monash University.

Council noted that some submissions objected to planning controls outright as a perceived infringement of property rights and civil liberties. Council summarised the key issues in submissions as follows<sup>12</sup>:

*The submissions fall into four main types:*

- *Those that oppose planning provisions in principle, including the existing planning provisions.*
- *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 third 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 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.*

Council noted that many submitters who supported more restrictive development provisions were disappointed and felt misled as a result of the significant changes since exhibition and to

<sup>11</sup> Where this report makes reference to submissions it is a reference to the submitter (by the number as registered by the Council), rather than the individual submission number.

<sup>12</sup> Officer report to Council.

Council's in-principle position, which they considered had gone too far to accommodate development.

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised, the Panel has been assisted by its observations from inspections of the municipality and specific sites.

This report deals with the issues under the following headings:

- the strategic basis for the Amendment
- the application of the residential zones
- the residential development standards
- the Monash National Employment Cluster
- the form and drafting of the Amendment.

Due to the nature of documentation provided, the large number of submissions, the absence of specific Council responses to most individual submissions, and the various post-exhibition changes that were supported by Council, the Panel has dealt with the issues raised in submissions, rather than providing assessments of each individual submission.

## 2 The strategic basis for the Amendment

The Explanatory Report provided Council's response to the Strategic Assessment Guidelines.

The context for consideration of the Amendment, including relevant policy, zone and overlay controls and strategic planning analysis, is summarised below.

### 2.1 Is the Amendment required?

#### (i) Submissions and evidence

Submissions and evidence did not, generally, challenge that it is appropriate to refine the planning framework for residential areas in Monash from the broad translation in 2014 of most residential land in the municipality to GRZ2.

#### (ii) Discussion

The Panel recognises that that the current GRZ2 was a policy-neutral translation of established planning scheme provisions relating to residential development pending further strategic work and it is appropriate to amend the planning scheme to implement the Housing Strategy.

### 2.2 Does the Amendment support State and local planning policy?

#### 2.2.1 The policy and strategic planning context

##### (i) The State Planning Policy Framework

The State Planning Policy Framework (SPPF) Clause 16 *Housing* supports greater diversity of housing to meet future needs, higher density development to consolidate established areas and more intensive development in locations that are well located in relation to activity centres, employment corridors and public transport. Strategies relevant to housing and residential development include:

Clause 16.01-1 *Integrated housing*:

*Ensure the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities.*

*Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*

*Facilitate the delivery of high quality social housing to meet the needs of Victorians.*

Clause 16.01-2 *Location of residential development*:

*Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

*To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

*Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

*Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-4 *Housing diversity:*

*Ensure housing stock matches changing demand by widening housing choice.*

*Support opportunities for a wide range of income groups to choose housing in well-serviced locations.*

Clause 16.01-5 *Housing affordability:*

*Deliver more affordable housing closer to jobs, transport and services.*

**(ii) Plan Melbourne**

*Plan Melbourne: Metropolitan Planning Strategy (2014)*<sup>13</sup> (Plan Melbourne) expresses current State policy to 2050. It seeks to accommodate Melbourne's projected population growth, with an additional 1.6 million dwellings in the form of 530,000 detached houses, 480,000 apartments and 560,000 townhouses. *Plan Melbourne* aims to provide diversity of housing in defined locations.

Four key housing directions include:

- Direction 2.1: Understand and plan for expected housing needs.
- Direction 2.2: Reduce the cost of living by increasing housing supply near services and public transport.
- Direction 2.3: Facilitate the supply of social housing.
- Direction 2.4: Facilitate the supply of affordable housing.

Chapter 4 of *Plan Melbourne*, 'Liveable communities and neighbourhoods' is particularly relevant. Initiative 4.2.1 includes:

- Deliver the Neighbourhood Residential Zone across at least 50 per cent of Melbourne's residential-zoned land.
- Ensure municipal housing strategies address the need to protect neighbourhoods.

As the Housing Strategy highlighted, *Plan Melbourne* has implications for Monash's Framework Plan, by:

- reinforcing the need to address housing choice and affordability through the preparation of updated Municipal Housing Strategies
- reinforcing the strategic importance of the Monash NEC
- designating 'Urban Renewal Areas' of metropolitan significance at Glen Waverley and along the Huntingdale to Clayton Rail Corridor

<sup>13</sup> Under Clause 9 Planning and responsible authorities 'must consider and apply the strategy'.

- retaining a strategic focus on activity centres as important nodes for commercial and residential development and nominating Brandon Park, Clayton, Glen Waverley, Mt Waverley and Oakleigh as activity centres
- supporting stronger planning controls over local ‘neighbourhood centres’ and residential neighbourhoods with a character that is sought to be retained
- identifying potential long-term rail infrastructure improvements that traverse Monash, namely the South-East Rail Link and the Rowville Rail Link.

A revised *Plan Melbourne* is expected to be released shortly. The Discussion Paper *Plan Melbourne Refresh* (October 2015) canvassed options for new housing development goals to increase certainty for housing development, to facilitate an increase in affordable housing and housing supply in established areas, and to develop comprehensive data and strategies to better guide planning for housing. It sought submissions about the current policy support for applying the NRZ to at least 50 percent of residential land.

Concerns have been raised about whether local municipal housing strategies will collectively deliver the quantum and diversity of housing required to meet the projected need<sup>14</sup>. The Discussion Paper also identifies options to better articulate the housing task for Melbourne, including setting subregional housing targets or developing a metropolitan housing strategy that includes preferred housing outcomes.

Other relevant elements of the *Plan Melbourne Refresh* include:

- reaffirming the importance of the 20 minute neighbourhood concept, with clarification that the focus is on the ability to meet everyday (non-work) needs locally, primarily within a 20-minute walk. This involves densities in neighbourhoods to support viable local services.
- promoting a more resilient city - the lack of recognition of the climate change challenge in *Plan Melbourne* is recognised in the Discussion Paper, which comments:

*(The Ministerial Advisory Committee) identifies the need to put climate change front and centre and to highlight it as a significant pressure on Melbourne’s development. Reducing the heat island effect and ensuring Melbourne’s infrastructure and communities can withstand climate change impacts and strengthening actions to reduce greenhouse gas emissions are also a focus.*

Of particular relevance to the Amendment are options canvassed in the Discussion Paper relating to ‘Cooling a hot city’. This includes urban greening to reduce the heat of buildings and ground surfaces through planting to create more shady areas and greater transpiration.

### **(iii) The Local Planning Policy Framework (LPPF)**

The importance of Garden City character is a recurring, core theme that underpins the Monash LPPF:

*The Garden City Character is a core value held by Council and is an important consideration in all land use and development decisions. Planning decisions*

<sup>14</sup> For example, the *Plan Melbourne* 2015 Review report prepared by the Plan Melbourne Review Ministerial Advisory Committee and in submissions to the *Plan Melbourne Refresh Discussion Paper*.

*should seek outcomes which continue to contribute to, consolidate and enhance this character and image.*

*The Garden City vision aims to maintain and enhance the established canopy treed environment throughout the municipality, continuing its significance in defining the character of Monash. (Clause 21.03-5)*

The **Residential Development Policy** (Clause 21.04) key objective is to recognise the importance of heritage and character places in the residential areas of Monash. It states that Garden City character should be maintained and enhanced in all residential areas. The policy encourages the provision of diverse housing styles and sizes, while recognising and providing for different residents and population groups with particular needs.

The **Residential Development and Character Policy** (Clause 22.01) applies to all residential land, apart from HO areas. It restates that the Garden City character is a core value and is an important consideration in planning decisions. The purpose is to ensure that new development is successfully integrated into existing residential environments, with minimal impacts to amenity or the streetscape. This policy implements the findings from the 1997 Urban Character Study, with modifications to adapt to changing application requirements. The policy addresses general considerations, building setbacks, vehicle crossings, built form and scale of development, fences, walls adjacent to side boundaries, private open space, landscaping, car parking, stormwater management and environment. Current character statements, contributory elements and desired future character statements are articulated for each Residential Character Type.

The **Tree Conservation Policy** (Clause 22.05) also seeks to maintain the Garden City character by promoting the retention of mature trees, and encouraging the planting of new canopy trees throughout Monash. The policy stipulates that existing semi-mature and mature trees should be retained wherever possible, and new trees should be planted as part of any new development.

The recently approved **Sustainability and Environment Policy** (clauses 21.13 and 22.13) requires development to meet objectives in relation to energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management, innovation, and urban ecology. The policy refers to, amongst other things, improvement of the public domain of streetscapes and open space in new developments, encouraging the development of high-rise residential projects within the Glen Waverley and Oakleigh Activity Centres. Urban ecology policy objectives address vegetation in the following terms:

- *To protect and enhance biodiversity within the municipality.*
- *To provide environmentally sustainable landscapes and natural habitats, and minimise the urban heat island effect.*
- *To encourage the retention of significant trees.*
- *To encourage the planting of indigenous vegetation.*
- *To encourage the provision of space for productive gardens, particularly in larger residential developments.*

The **Student Accommodation Policy** (Clause 22.10) sets out preferred locational criteria for student accommodation<sup>15</sup> (see Chapter 2.6).

### 2.2.2 Existing zones, overlays and residential development provisions

The GRZ2 applies to most of the land affected by the Amendment. The other residential zones and schedules apply to specific sites and precincts as follows:

- NRZ1 – Heritage Overlay precincts in Oakleigh and Hughesdale
- GRZ 1 – specific sites in Clayton and Wheelers Hill
- RGZ 1 and RGZ 2 – specific sites/precincts in Clayton
- MUZ<sup>16</sup> – precincts and specific sites in Ashwood, Burwood, Hughesdale, Mt Waverley, Mulgrave and Oakleigh.

The Amendment does not propose to change the following existing overlays:

- The **Vegetation Protection Overlay** (VPO1) applies to extensive residential areas in the northern and eastern parts of the municipality with the objective to “*conserve significant treed environments and ensure that new development complements the Garden City Character of the neighbourhood*”. The overlay requires a permit for removal of vegetation above a specified size.
- The **Neighbourhood Character Overlay** (NCO1), which applies to the former Waverley Park football ground, includes detailed design and development requirements to create a new residential area of a consistent design standard for public spaces and private development.

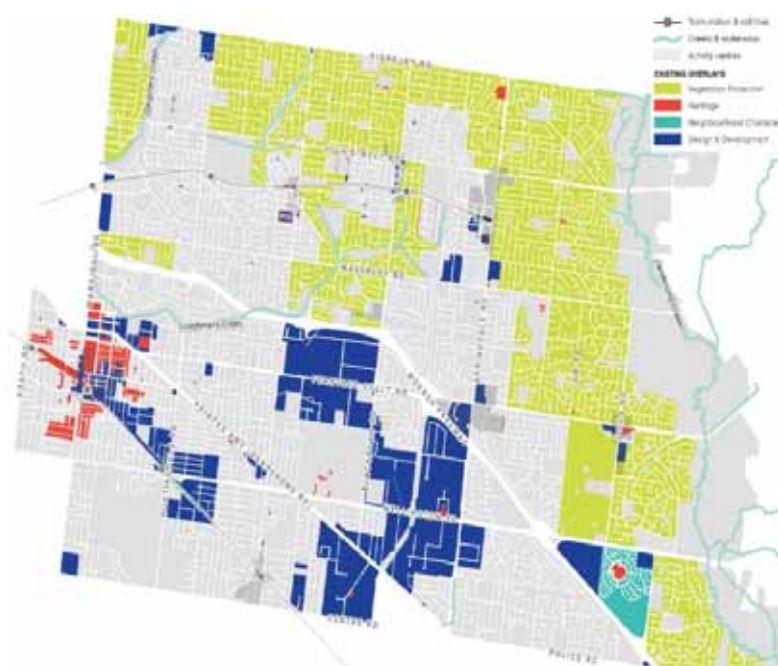


Figure 2 Existing Overlays

<sup>15</sup> As noted in the Housing Strategy, the Special Use 6 Zone that currently applies throughout much of the National Employment Cluster prohibits the use of land for the purpose of a dwelling and would have to be amended or the land rezoned to facilitate student housing opportunities.

<sup>16</sup> Mixed Use Zone.



## ResCode (clauses 54 and 55)

ResCode provides state-wide objectives and standards for single house and multi-unit development (respectively). Existing local variations to ResCode include minimum front street setback, private open space and front fence standards, which were translated to the new residential zones in June 2014<sup>17</sup> (see Chapter 4).

### 2.2.3 Ministerial Directions and Practice Notes

The broad geographic and policy implications of the Amendment mean that a variety of Ministerial directions and practice notes are relevant and have been considered by the Panel. They include:

- Ministerial Directions:
  - Ministerial Direction The Form and Content of Planning Schemes (s7(5))
  - Ministerial Direction No 11 Strategic Assessment of Amendments
  - Ministerial Direction No 16 Residential Zones (2014).
- Planning Practice Notes
  - PPN9: Metropolitan Strategy
  - PPN10: Writing Schedules
  - PPN27: Understanding the Residential Development Standards
  - PPN28: Using the Neighbourhood Character Provisions in Planning Schemes
  - PPN43: Understanding Neighbourhood Character
  - PPN46: Strategic Assessment Guidelines
  - PPN59: The Role of Mandatory Provisions in Planning Schemes
  - PPN60: Height and Setback Controls for Activity Centres
  - PPN70: Open Space Strategies
  - PPN78: Applying the Residential Zones.

### 2.2.4 Submissions and evidence

Council acknowledged that it is the role of the Planning Authority to give local effect to the SPPF through its LPPF. It submitted that the Monash Municipal Strategic Statement (MSS) refines State 'urban consolidation' strategies, as reflected in the Residential Development Framework Plan (see Figure 3):

*A primary purpose of Amendment C125 is ... to set up a long term strategy ... to direct dense development to those parts of its municipality best able to service and accommodate those as well as to identify those areas in which it is anticipated that there will be more modest change.*

There was broad endorsement of this approach in submissions. However, some submissions challenged the translation of the Framework Plan in the Amendment in terms of:

- the more onerous standards applied, particularly via the 'interim zoning' of land identified for intensification and redevelopment
- the absence of a sound strategic basis for proposed provisions in the Monash NEC
- neighbourhood character provisions to protect a Garden City character are founded on a dated character assessment that fails to recognise circumstances of particular locations,

<sup>17</sup> Amendment C119 introduced the new residential zones and was approved on 13 June 2014.

such as areas identified for intensification, main roads or neighbourhoods with distinctive characteristics

- the specific rationale for the delineation of zones, particularly the NRZ
- the lack of recognition of the capacity of some areas and some sites for more intensive forms of development, such as large sites with significant redevelopment potential or land proposed for retirement housing
- the dilution of protection of the character of sensitive areas through post-exhibition changes to the exhibited standards and the extent of the NRZ
- the effect of increased residential development standards on housing yields with consequential effects on: housing diversity; the capacity to meet demand for housing in an area that is relatively well served by established infrastructure; responses to consumer preferences; and housing affordability.

### **2.2.5 Discussion**

The Housing Strategy and the Amendment acknowledge key planning policy themes to accommodate future housing needs by directing change and higher density development to activity centres, strategic redevelopment areas and sites, and locations that are well served by transport and other infrastructure.

The Housing Strategy includes the Residential Development Framework, which provides the spatial expression of the long term housing strategy but is not included in the MSS (unlike the neighbourhood character types map).

Garden City character is a long standing, core value in local planning policy and it is this policy theme that has been accorded priority in the Housing Strategy and the first stage of its implementation through the Amendment. Other policy planks relating to areas identified for more intensive development, with associated increases in housing diversity, are deferred to subsequent Amendments (see discussion in Chapter 3.4).

Responses to issues such as housing affordability and specialised housing needs receive limited attention in the Amendment.

The remainder of this chapter addresses overarching issues including the analysis underpinning the Amendment, the staged approach to implementation, Garden City character, environmental objectives and specialised housing needs. This discussion provides context for more detailed consideration of the proposed application of the zones and associated residential standards in subsequent chapters.

### **2.2.6 Panel conclusions on policy**

The panel concludes:

- The Housing Strategy and the Amendment acknowledge key planning policy themes.
- The broad strategy to direct more intensive forms of housing to locations that are well served by infrastructure and to manage change in more sensitive locations is sound but should be articulated much more effectively in the LPPF.
- Responses to policy issues such as housing affordability and specialised housing needs receive limited attention in the Amendment.

## 2.3 The analysis underpinning the Amendment

Two key pieces of work underpin the Amendment – the Housing Strategy and the Neighbourhood Character Review 2015. After considering submissions, Council commissioned further work relating to the effect of the Amendment on development capacity and development yields compared to recent dual-occupancy development approvals.

### 2.3.1 The Housing Strategy

#### (i) Housing Choice and Affordability in New Residential Development (MacroPlan 2008)<sup>18</sup>

*Monash Initiatives for Housing Choice and Affordability in New Residential Development* MacroPlan Consultants (2008) was not adopted by Council. The key findings of the report, as reported in the Housing Strategy, were:

- The Monash housing market is fairly homogenous and fails to accommodate the diverse needs of its residents in terms of age and income.
- The majority of new housing in the market does not appear to satisfy current and future needs.
- Property prices in Monash doubled between 1996 and 2001 and the average value of building approvals in Monash increased by 60 percent between the 2000 and 2006.
- 43 percent of residents surveyed as part of the project would consider downsizing their homes.
- Generally, developers interviewed as part of the project were not interested in providing affordable housing due to the current planning requirements, the length of processing time and a lack of available land.

The MacroPlan work identified the following initiatives: advocate for ‘as of right’ status for preferred development types; review Council planning standards; conduct a land audit; use the Residential 2 Zone to promote development in appropriate locations; lobby State Government to provide further guidance/direction on the issue of affordability; investigate different models that could deliver affordable housing; review previous planning applications; and provide planning guidance notes.

#### (ii) The Housing Strategy

The Housing Strategy built upon its 2004 predecessor. It reviewed the existing State and local policy context and development trends and analysed demographic projections to assess housing issues and requirements.

The Housing Strategy sets out the following objectives:

*To provide accommodation for a diverse and growing population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.*

*To encourage the provision of a variety of housing styles and sizes that will accommodate the future housing needs and preferences of the Monash community.*

<sup>18</sup> Housing Strategy pages 32-34

*To recognise and provide for housing needs of an ageing population.*

*To ensure that development is appropriate having regard to the residential environment of the area, in particular neighbourhood character and amenity.*

*To ensure that heritage dwellings are identified and conserved.*

*To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.*

*To encourage efficient use of existing physical and social infrastructure.*

*To encourage high standards of environmental design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.*

*To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporate landscape design and use of construction materials that minimise environmental impacts.*

*To ensure appropriate infrastructure is provided to meet changing community needs that also complies with the principles of environmentally sustainable development.*

*To revitalise Monash's activity centres by supporting higher density residential and mixed use development.*

*To ensure that housing in Monash is accessible and safe.*

*To ensure appropriate and affordable housing is available to suit the social and economic needs of the community. (p. 59)*

The Housing Strategy Residential Development Framework (see Figure 3) identifies areas suitable for limited, incremental and future growth potential, classified in eight categories. Council and Mr Larmour-Reid<sup>19</sup>, in his evidence for Council, highlighted that the Amendment focuses on the implementation of categories 5 - 8 of the Residential Development Framework, with the remaining categories, where more intensive development is envisaged, to be reviewed and implemented in future Amendments (see discussion in Chapter 3.4).

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<sup>19</sup> Mr Larmour-Reid is the Managing Director of Planisphere Pty Ltd, a town planning and urban design consultancy.

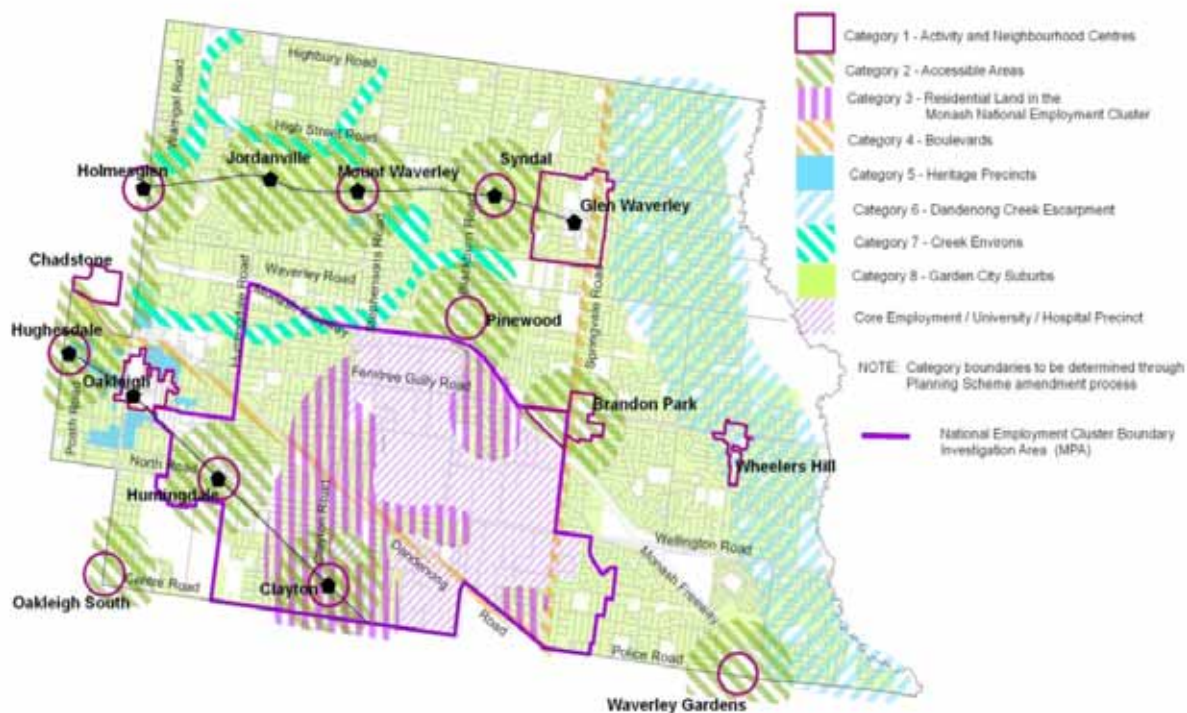


Figure 3 Residential Development Framework Plan

### 2.3.2 Additional post-exhibition consultant assessments

After exhibition and considering submissions, Council commissioned additional consultant assessments relating to the effect of the amendment provisions.

#### MGS Architects case studies

MGS Architects were engaged in September and November 2015 to assess the impact of the exhibited zone schedules through case studies of dual occupancy development on a range of conventionally dimensioned blocks, corner allotments and irregular blocks<sup>20</sup>. The assessment tested 13 recently approved dual occupancy development examples (provided by Council officers) against multiple zoning schedules as generic examples of hypothetical potential development, rather than responses to any specific location<sup>21</sup>. Estimates of the ‘before and after’ dwelling yield were given, with the gross floor area yield assuming the upper floor was 70 percent of the ground floor area, to account for required setbacks and building articulation. Maximising the number of dwellings on a given site and financial viability of the amended dwellings were not assessed.

<sup>20</sup> In response to a Council motion tabled at the Monash City Council meeting on 27 October 2015.

<sup>21</sup> Mr Wollan, of MGS Architects, noted that, although not explicitly explained, the drawings do distinguish between the following elements: habitable common areas such as living and dining rooms; habitable private areas such as bedrooms; service spaces such as bathrooms, laundries and robes; garages and driveways; circulation and stairways; and landscape elements such as front yards, secluded private open space, decks, pathways and trees. Between one and two spaces per dwelling were provided depending on the site area available. The base proposal had been approved under ResCode but the hypothetical design did not specifically reconsider overshadowing, thermal performance or impacts on adjoining properties.

Only one of the dual occupancy examples examined presented a “*significant challenge*”. This approved development on a 750 square metre irregular lot placed a new dwelling in the rear yard of an existing house with a street setback in excess of 12 metres.

The analysis of redesigned approved developments to satisfy the exhibited GRZ3 and 4, and NRZ1, 2, 3 and 4 schedule requirements generally found:

- dual occupancy is still possible on the average lot in all of the proposed zones, except for one example where an existing dwelling was set well back (12 metres) from the street
- there was typically a reduction in floor area
- the main impact of the amendment was on the front dwelling
- the changes resulted in more useable open space and better amenity for future occupants.

Minimum street setback, site coverage, permeability, landscaping and front fence height requirements did not appear to restrict the developability of the examples examined. The changes to standards with greatest impacts on the developments examined were:

- the significant increase in the secluded open space requirements significantly constrained the developability of the front units
- rear setbacks reduced flexibility in the location of private open space
- increased side setbacks reduced the floor area (and were unclear for irregular lots)
- the limit on walls on boundaries to a 6.5 metres maximum length reduced design flexibility and precluded simultaneous construction of walls (side-by-side format).

The reduced requirements in the post-exhibition revisions to zone schedules would increase the level of flexibility in meeting the character outcomes sought and would be likely to have less impact on development potential but still deliver “*leafy Garden City character outcomes*”, compared to the standard ResCode requirements.

Some residents questioned whether the investigations by MGS were too narrow in scope to conclude the workability of the proposed schedule variations. Mr Wollan agreed that the project had confined terms of reference and did not address further irregular scenarios. On the importance of discretion and the role of design quality, Mr Wollan agreed that it would be important in achieving innovative design responses.

Mr Larmour-Reid referred to the role of Councils in advancing greening targets in the public realm, and noted the “*best example is Mont Albert Road where trees obscure the private realm*”.

Planisphere were commissioned to examine the proposed application of zones and changes to the proposed zone schedules against the Housing Strategy, Neighbourhood Character Review and several other comparable Councils in the region (Whitehorse, Maroondah, Bayside and Banyule). This review (February 2016) concluded that:

- the relationship between the Housing Strategy and the Neighbourhood Character Review is strong and consistent
- the use of zones and schedules is consistent with the approach of other comparable Councils and State policy
- the proposed changes to the ResCode (clauses 54 and 55) provisions reflect the intentions of the Neighbourhood Character Review and allow for appropriate levels of growth and change in moderate and substantial change areas

- the proposed controls will improve and support vegetation and tree protection in Monash. The VPO alone is not an effective tool in protection of the garden character over large areas. The use of the VPO in combination with zone schedules, or preferably with the use of the Significant Landscape Overlay (SLO), is more effective in retaining and replacing trees
- the “Dandenong Valley Escarpment<sup>22</sup>” should be renamed “Dandenong Valley Environs” to avoid confusion
- the MGS assessment finding that there may be a slight reduction in overall floor area in some instances is consistent with the objectives of Plan Melbourne and the Monash Housing Strategy to direct growth away from the suburbs.

### **SGS Economics and planning analysis**

The SGS Economics and Planning *Analysis of Proposed Residential Zones Final Report City of Monash* (March 2016) provided a high level assessment of the Housing Strategy to estimate the potential impact of the new zones on housing capacity (compared to existing residential zones), housing supply, and, to the extent possible, housing choice and housing affordability. The impact of the new zones on the financial feasibility on new housing developments was not considered. The assessment found:

- dwelling demand (VIF projections)<sup>23</sup> to 2031 was less than 30 percent of the estimated net capacity for new housing in 10 of 14 suburbs. This suggests housing capacity exceeds projected demand for the next 15 years by a significant margin, even if the NRZ land is excluded
- structure plans pending for activity centres, as well as for the Dandenong and Springvale Road ‘Boulevards’, are likely to provide additional housing capacity
- the only discernible impact on housing diversity and choice will be the limitations on medium density housing in the GRZ3 and GRZ4 areas, which is likely to be compensated for by an increases in capacity for these forms in alternative locations
- given the surplus of capacity relative to demand, a decrease in the potential capacity for new housing under the proposed zone changes is not expected to affect housing affordability.

### **2.3.3 Neighbourhood Character Analysis**

The analysis of neighbourhood character has evolved from the Monash Neighbourhood Character Study 1997 (Character Study 1997) by Gerner Consulting Group, with reviews undertaken by Planisphere in 2013 and 2015.

The Character Study 1997 established the basis for the current neighbourhood character provisions in the Monash Planning Scheme and remains a reference document. It was supplemented by the Monash Neighbourhood Character Guide<sup>24</sup>, which contains descriptions

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<sup>22</sup> Planisphere described this area as “The Dandenong Creek Escarpment generally applies to land on the western slopes of the Dandenong Creek in parts of Vermont South, Glen Waverley, Wheelers Hill and Mulgrave.”

<sup>23</sup> Victoria in Future: Population and Household Projections (VIF projections), Department of Environment, Land, Water and Planning (DELWP).

<sup>24</sup> The Monash Neighbourhood Character Guide which consists of four volumes: Volume 3 - Private Development; Volume 4 - Public Infrastructure and Assets; Volume 5 - Medium Density Housing; Volume 6 - Business and Industrial Character Types.

of 145 areas, desired future character statements for each area, and also identifies a number of neighbourhoods with special characteristics.

The Neighbourhood Character Review (2013) provided input to Council’s review of its Housing Strategy and identification of areas of growth and change. The Neighbourhood Character Review (2013) refined previous character types, reduced the number of types, and revised some boundaries.

The Neighbourhood Character Review (2015) was central to the proposed application of the new residential zones in Monash. It stated that the Review “...will assist in determining the application of the new residential zones and preparing zone schedules for the Minimal and Incremental Change Areas....” In areas for substantial change, the Review provides:

*... baseline information about existing character as an input to separate planning processes, such as Structure Plans, that will determine the appropriate planning tools. In these areas policy objectives concerning residential housing growth or diversification will override neighbourhood character objectives. Accordingly, the character analysis and recommendations of this report should not be interpreted as implying that no change will occur, or that neighbourhood character should be an overriding design objective ...*

The Neighbourhood Character Review 2015 involved a desktop analysis of existing background documentation, maps and other spatial information to identify areas that have undergone significant change since 1997 and characteristics to be examined in detail. A field survey, undertaken over three days, involved a broad assessment of the municipality and more detailed analysis of areas that had undergone significant change to inform:

- boundary changes
- identification of elements in each precinct that contribute to the preferred character
- revised Current and Desired Future Character Statements.

The Neighbourhood Character Review 2015 focussed on creek side/environs areas and revised existing and future character statements. This review recommended that the seven character types be amalgamated into five character types by combining character types A with B and F with G. It made broad recommendations for the potential translation to the NRZ and the GRZ.

The character areas proposed in the Amendment (Clause 21.04) are largely derived from the Neighbourhood Character Review, however Character Type C has been absorbed with Creek Abuttal, Creek Environs and Garden City character types.



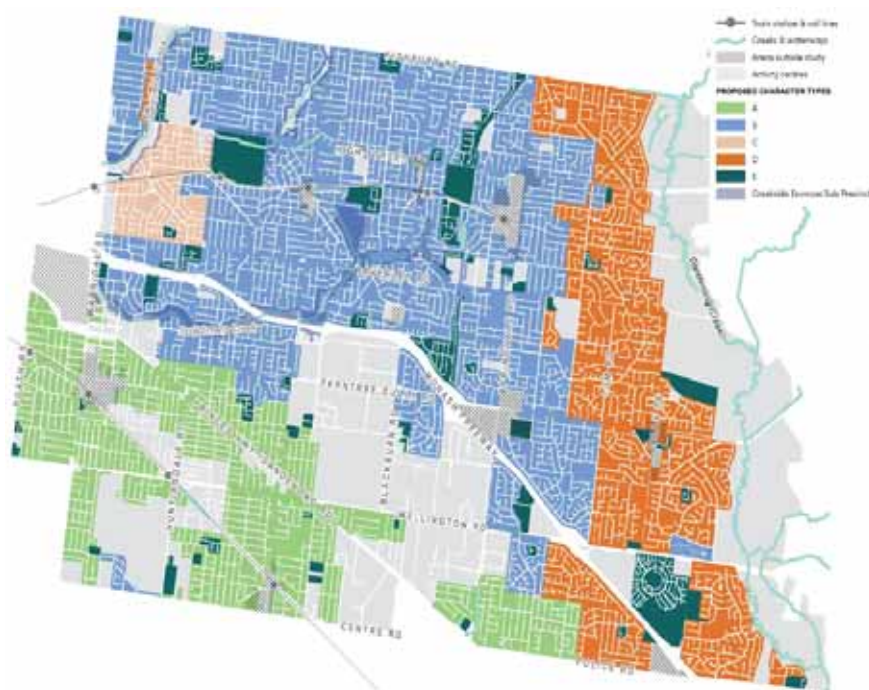


Figure 4 Neighbourhood Character Review 2015 Character types

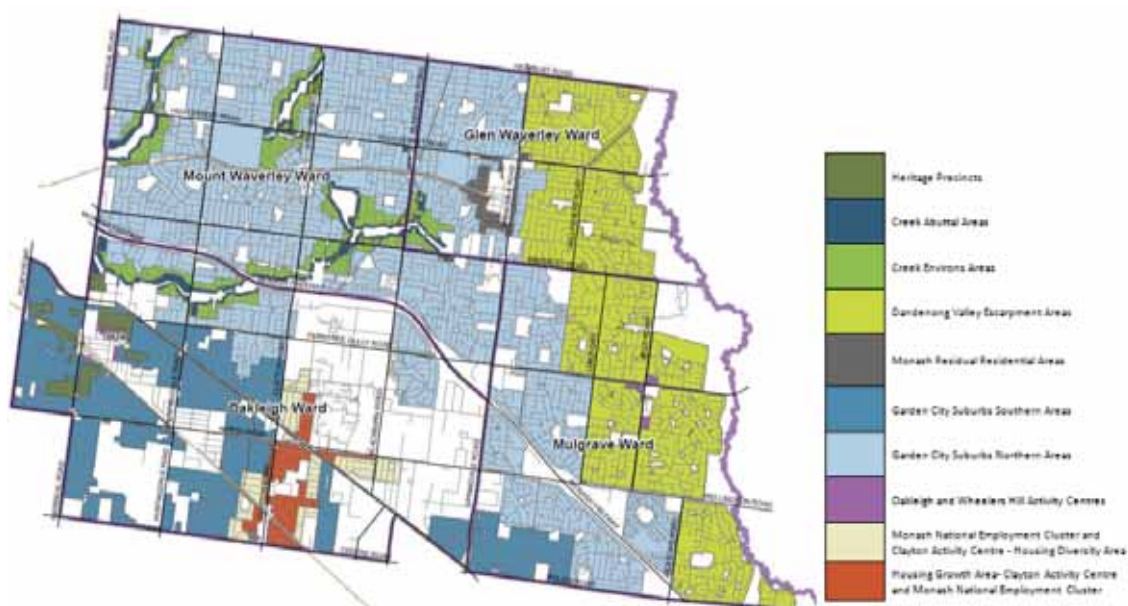


Figure 5 Character areas (proposed Clause 21.04)

### 2.3.4 Other strategic planning and analysis

#### (i) Activity centre structure planning

The Oakleigh Major Activity Centre Structure Plan (August 2012) is implemented into the Monash Planning Scheme through Clause 21.15 of the MSS; the Wheelers Hill Neighbourhood Activity Centre Structure Plan (September 2007) is implemented through zoning, overlays and the Clause 22.06 Wheelers Hill Neighbourhood Activity Centre Policy. The Amendment was intended to be a translation of these structure plans through the application of the residential zones.

Amendment C120 to the Monash Planning Scheme seeks to implement directions from the Glen Waverley Activity Centre Structure Plan (2014) and rezones land within the Activity Centre. This Amendment was submitted to the Minister for Planning for approval in September 2016.

As outlined in Chapter 1.2, Council intends to prepare structure plans for the other activity centres and neighbourhood activity centres as part of subsequent stages of the Housing Strategy implementation program.

**(ii) Strategic planning for the Monash National Employment Cluster and Clayton Activity Centre**

Strategic planning for the NEC and Clayton Activity Centre is discussed in Chapter 5.

**(iii) The Street Tree Strategy**

Council advised that it is conscious of the contribution made by canopy trees in both the public and private realms. Council's recently adopted Street Tree Strategy:

*... recognises the importance of tree canopy coverage to the character of Council's municipal district and seeks to overcome existing canopy gaps, and the need to anticipate and plan for tree replacement over time due to tree decline or inappropriate species selection.*

*332. It identifies a range of appropriate tree species for new plantings, including species known to have performed well in Monash as well as new species and varieties that have been purposely developed for urban growing conditions.*

The recently adopted Street Tree Strategy suggests that a pro-active approach by Council will continue. It identifies opportunities for avenue planting and street tree canopy renewal through the municipality and supports the creation of habitat corridors associated with the city's creek-line, linear parks (see Figure 6).

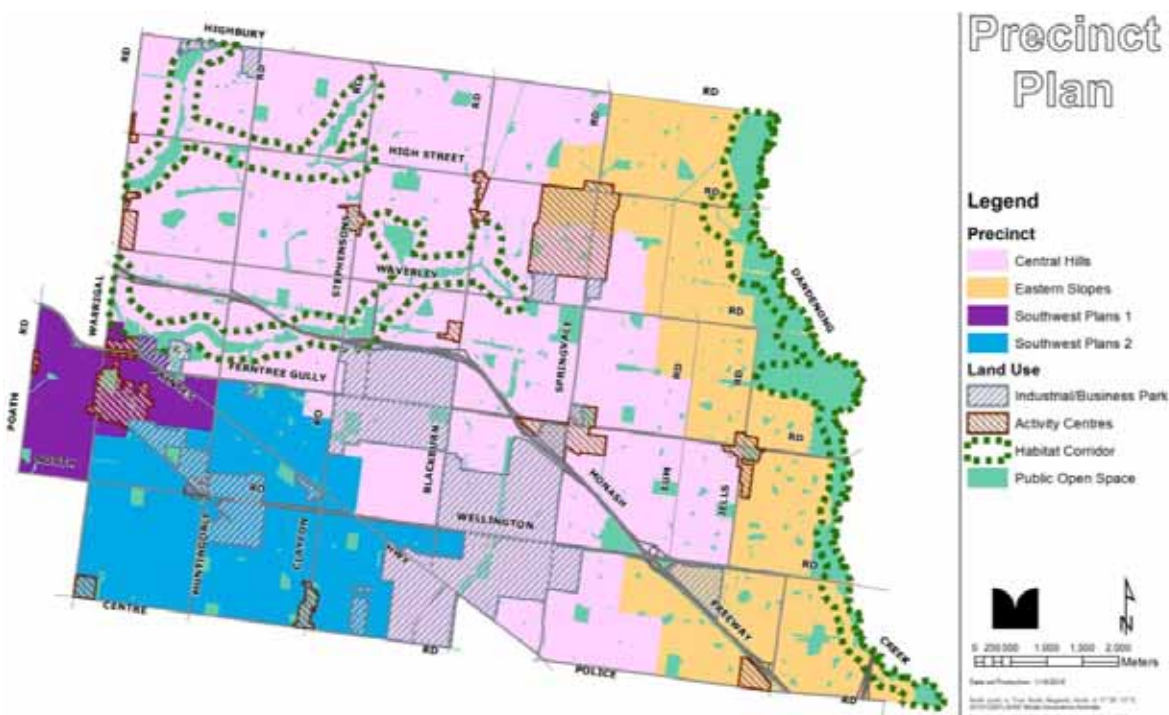


Figure 6 Street Tree Strategy Precinct Plan

### 2.3.5 Submissions and evidence

#### (i) The Housing Strategy

Council submitted that a critical element of the Amendment is to embed the Housing Strategy as a reference document and to give effect to it through the LPPF and in the proposed zones and schedules. Council highlighted that the broad support for the Housing Strategy and the anticipated spatial arrangement of development potential illustrated in the Residential Development Framework are indicative of its sensible methodology and consistency with State policy:

*... It is noteworthy that there was relatively little criticism of the goals and objectives spelt out by the Housing Strategy during the hearing and, in particular, there appeared to be general support for the proposed Residential Development Framework ... to the extent that it introduces 3 housing categories, namely:*

*Areas with future redevelopment potential*

- Activity and Neighbourhood Centres
- Accessible areas
- Monash National Employment Cluster
- Boulevards

*Areas with limited redevelopment potential*

- Heritage precincts
- Dandenong Creek Escarpment
- Creek Environs

*Areas suitable for Incremental Change*

- *Garden City Suburbs*

Mr Larmour-Reid, who was responsible for the preparation of the Housing Strategy, expressed the view that the changes proposed by the Amendment:

- accurately reflect the intention of both the Housing Strategy and the Neighbourhood Character Review
- are generally consistent with the principles and criteria described in PPN78, subject to a number of observations and recommendations, which are discussed in Chapter 3.

He acknowledged at the Hearing that the Housing Strategy did not analyse alignment with existing policies, assess the adequacy of existing housing supply, evaluate the existing planning standards or outcomes through development approval processes or address housing affordability.

Evidence from Mr Spencer<sup>25</sup>, on behalf of Council, did not identify significant adverse impacts on the capacity to meet growth projections for Monash or housing diversity objectives as a result of the Amendment, and highlighted the significant additional capacity associated with areas nominated for more intensive development. However, at the hearing he confirmed a number of limitations identified in the SGS March 2016 report<sup>26</sup>, including (in summary):

- there was no evidence of analysis of the effectiveness of limitations of existing planning policies to inform the development of a new housing strategy
- two key themes could be more strongly articulated in the Strategy chapter; there is no specific reference to the need to ensure adequate housing supply to address housing affordability (as distinct from affordable housing which refers to 'non-market' public, social, or other subsidised housing)
- reference to high and medium density, rather than high-rise and medium-rise is more appropriate for designating areas suitable for more intensive development; the form or scale of the development should be determined subsequently through more detailed planning
- there are a large number of objectives of the Housing Strategy that will need to be prioritised and/or reconciled.

Some submitters questioned the 'atomic bomb' methodology adopted in capacity analysis, suggesting it would be more realistic to take account of actual recent redevelopment rates, rather than assuming 100 percent of properties are available. It was submitted that the analysis does not take into account financial conditions and development feasibility or land owner intentions.

**(ii) Neighbourhood Character Analysis**

Council submitted in closing:

*The neighbourhood character review was just that – a review of work previously undertaken by Council and it sought to provide up to date information in a form that was consistent with the new residential zones framework and the Housing*

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<sup>25</sup> Mr Andrew Spencer, SGS Economics and Planning.

<sup>26</sup> Page 9 Analysis of proposed residential zones, Final Report, City of Monash, SGS Economics and Planning (March 2016).

*Strategy. But it proceeds on the basis that the focus of its recommendations was around the NRZ and the GRZ (the area of particular interest for Amendment C125) and that future policy direction for RGZ areas would be based on further strategic work and future amendments.*

Those supporting the focus on protecting neighbourhood character in the Amendment referred to long-standing policy support and the sound basis provided by the ongoing development of neighbourhood character, including in the Neighbourhood Character Review, for the Amendment provisions.

However, it was submitted that the existing provisions are dated and a first principles review is required, rather than the limited 'update' that was undertaken. The strategic basis provided by the Neighbourhood Character Review was criticised on the basis that the broad character types, which have been progressively made even broader, and the associated character statements, fail to recognise the very significant differences within the character areas. An example given was the differences between main roads and residential hinterlands. Some questioned the accuracy of the character descriptions of area attributes, while others, particularly from those with an interest in sites or areas with potential for more intensive development, argued there is undue emphasis on existing character and the focus should be more on a preferred character.

### **2.3.6 Discussion**

The Housing Strategy identifies a range of key housing issues confronting Monash:

*Accommodating moderate population growth through infill development.*

*Facilitating a more diverse range of housing to meet changing needs, particularly in relation to housing for older residents, students and recent migrants.*

*Managing an expected increase in demand for higher density development, including apartments.*

*Addressing housing affordability issues.*

*Promoting more environmentally sustainable urban form and building design.*

*Encouraging design excellence in new development, extension and renovations.*

*Protecting valued urban character, heritage and amenity, and the natural environment.*

*Recognising the opportunities that larger sites may provide for more intensive development outcomes that, due to their scale, can be sensitive to the desired future character of the location<sup>27</sup>.*

It undertakes systematic demographic analysis that is useful in informing the understanding of housing needs in Monash. While it provided some assessment of where development of different types has occurred, it did not present analysis of housing affordability or the implications of the planning framework for meeting the demands of projected growth.

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<sup>27</sup> pp. viii-ix

The post-exhibition capacity analysis and the assessment of proposed standards on the potential for continued dual occupancy development, provided additional information and a level of comfort that supply should be sufficient, particularly when significant additional capacity of areas identified for more intensive development is taken into account.

The Panel retains reservations about capacity analysis as it presents potential yields if all land (subject to a number of exclusions such as recently developed and constrained land) is redeveloped to the extent allowed by the planning framework. However, this will not occur due to a range of factors, such as, relatively recent development is unlikely to be redeveloped in the medium term, land configuration, landowner inertia, economic conditions and the like.

Nevertheless, the capacity analysis finding that VIF projections can be met is a useful check. While medium term growth is likely to be accommodated, planning should be directed at balancing a variety of objectives to optimise outcomes and should not squander opportunities in locations with significant investment in infrastructure and services.

Similarly, the analysis of the implications of standards for dual occupancy development suggests the Amendment maintains this form of housing as an option on most typical blocks in Monash. While this has been a common form of development in suburban areas of Monash, it did not give any consideration to the effect on multi-unit development, which may be an appropriate option to increase housing diversity and choice in some areas.

Nor is there evidence of analysis of the effectiveness or limitations of existing planning policies and standards, or of planning applications (as was recommended in the MacroPlan report), to understand the effect of current zones, overlays, policies, standards and the exercise of discretion in achieving intended outcomes. The Panel considers this work should include post-development evaluation and would have informed what elements of the current planning framework are working, where strengthening is needed, and the most effective responses. For example, a VPO applies in much of the municipality but the Amendment is, in part, a response to widespread concern about the impact of recent losses of trees on neighbourhood character. This begs the questions “why hasn’t the VPO been effective?” and “what strategies and provisions will be?”.

Both the Housing Strategy, and the Amendment, have been driven by the long established ‘Garden City’ character objectives for Monash (see Chapter 2.4). As noted by SGS Economics and Planning<sup>28</sup>, the Housing Strategy did not specifically respond to a number of the key issues it identified, such as the need to ensure adequate housing supply, the housing needs of specific groups (such as older residents, students and recent migrants), or housing affordability, and the effect of the local planning framework and standards.

The Character Study (1997) continues to provide the foundation for neighbourhood character provisions in the Monash planning scheme. The more recent reviews that informed the Amendment involved limited primary survey work and were intended to ‘refine’ the established policy rather than being a first principles assessment. It is also noted that the character provisions were not intended to apply where significant intensification and change is envisaged; these areas should not be neglected.

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<sup>28</sup> Analysis of proposed residential zones Final report City of Monash SGS Economics and Planning March 2016.

The Panel's observations indicate that the strong criticisms of the Character Study (1997) and the resulting planning framework by the Advisory Committee in 1998<sup>29</sup> that originally reviewed them remain valid today. That Advisory Committee commented that the Character Study (1997) was essentially descriptive of existing conditions, its success in defining the urban character of areas was limited, a description of a recurring pattern of physical components is an inadequate basis for planning and assumptions about the city may have driven the words, rather than actual observation. With regard to 'Garden City' policies, it stated:

*The Committee also considers that the Monash Urban Character Study cannot be used as justification for the notion of Monash as a garden city.*

*... The Committee sees it as noteworthy that sixty (60) of these (145) areas are described as having "No special distinguishing characteristics/elements"...*

*In fact, the Monash Urban Character Study itself makes no claims that the areas are special or that they can be distinguished from numerous other areas throughout the metropolitan area except in respect of several "neighbourhoods with special characters" ... These are sub-areas A3a, C6, E2b, E2c, E2f, E2g, E2h, E2i and E2k.*

*During the Committee Hearing, the City of Monash was consistently referred to as being wooded, treed, well landscaped: in short, the City sees itself as a "Garden City". It was this wooded, landscape, garden city character that the Council sees as being under threat. And yet, of the 145 character areas delineated in the Monash Urban Character Study, only 23 of those areas were cited as having a landscape character, and not all of those were referred to positively ...*

That Advisory Committee found that the classification of character types by reference to their period of development, rather than to the characteristics they have in common, obscured the distinctions within the character type areas. It noted that the Character Study (1997) indicated that the descriptions of each neighbourhood should take precedence over the broad character type descriptions. An example cited was:

*Thus, Area C is generally described as being typically "leafy" and dominated by large canopied native trees. Yet character sub-types C2 and C5 are described in Volume 2 of the Monash Urban Character Study as lacking a dominant tree canopy and not warranting "exceptional measures to protect and enhance the existing character".*

During the Panel's inspections it was apparent that in much of Monash the tree canopy is almost totally provided by the public realm with few large trees on private property.

Council has actively pursued Garden City policies across its various spheres of influence over many years. While it is appropriate for a planning authority to pursue policies to achieve a preferred character and the various benefits associated with enhancing the tree canopy, a more concise, direct policy that articulates future character aspirations, rather than questionable statements of existing character, would be more useful to planning decisions

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<sup>29</sup> Monash Planning Scheme Local Variations to The Good Design Guide Advisory Committee Report 1998.



making. These policies relating to future character should also recognise the very substantial differences that exist within the character areas.

The Panel sees little value in the proposed revisions to the existing character statements in the Clause 22.01 *Residential development and character* policy. The focus should be on future character aspirations and these statements should be revised to provide a more succinct expression of the character aspirations and the key elements to achieve it.

For example, in Character type C, which includes the Holmesglen and Jordanville 'Accessible Areas' and the Ashwood former housing commission area, support for transformation through redevelopment, rather than renovation and references to existing housing, seems reasonable. The Panel questions the expectation in the future character statement that the former character will be retained or reinforced through statements such as '*Older houses will be well maintained through façade improvements and renovations. New development will be well-designed to complement the established buildings through consistent siting, articulated facades and use of materials.*' This is an area where change should be supported.

#### **(i) Panel conclusions**

The Panel concludes:

- Systematic analysis in the Housing Strategy informed the understanding of housing needs where development of different types has occurred in Monash. However, the analysis presented did not address key issues, such as the effectiveness of the current planning framework, housing affordability or the implications of the planning framework for meeting the demands of projected growth, housing costs and housing diversity.
- Analysis after the Amendment was exhibited provided a level of comfort that there is adequate housing capacity to meet medium term population projections and the proposed increase in standards should not stifle continued dual occupancy development. This does not mean that opportunities should not be optimised.
- The Neighbourhood Character Review provides guidance at a strategic level through broad character types that have informed the Amendment provisions. However, the Panel agrees with criticisms that the neighbourhood character planning framework is dated, in some cases the characterisation of areas is questionable, there is limited recognition of opportunities for intensification and the generic guidance for broad character types limits its utility in planning decision making. The focus should be on future character statements; they should be more succinct and express future aspirations and key elements to achieve those aspirations, particularly in areas identified for change.

## **2.4 'Garden City' character and environmental objectives**

Amendment provisions to enhance the Garden City character and tree canopy cover were particularly contentious. One of the key drivers for the proposed schedules was the concern about the loss of vegetation and gardens throughout the Garden City areas. Specific requirements for large canopy trees, together with increased open space requirements and setbacks to provide space for trees and gardens, are in addition to an existing VPO that applies to extensive areas of the northern and eastern parts of Monash.

The overarching discussion of the multiple, often complementary, objectives in this chapter informs the consideration of submissions and effective planning mechanisms in the remainder



of this report. More specific discussion of submissions about the requirements proposed in the Amendment is provided in Chapter 4.8.

**(i) Submissions and evidence**

Mr Larmour-Reid considered the combination of proposed setback, open space and canopy tree requirements are consistent with a Garden City ethos.

Dr Greg Moore emphasised that both native and exotic trees are significant assets to our environment and our society, regardless of where they occur, and they need space to thrive.

*Trees in private gardens, parks and roadsides provide contiguous ecosystems that are assets that fix carbon, provide shade, filter air, protect from wind, and provide wildlife corridors and habitat.*

He referenced research demonstrating the benefits of urban gardens, trees and landscapes to “...improve human health, extend life spans, reduce violence and vandalism, lower blood pressure and save our society a fortune on medical and social infrastructure costs” and outlined a range of benefits.

Evidence from Dr Moore also cited research demonstrating that the economic value of canopy trees far outweighs costs, as they provide shade, carbon sequestration, flood mitigation, land stabilization and human health benefits, as well as savings in electricity and water use. He noted that the benefit from shade in summer outweighs the possible loss of winter sun to dwellings and solar energy options, although the selection of deciduous species can maintain the benefits of sun in cooler months<sup>30</sup>.

Dr Moore noted that indigenous vegetation has greater habitat value but selection of the most appropriate exotic or native tree is critical; it is a matter of “*the right tree in the right place at the right time*”. Dr Moore advised that it is well documented there should be at least 30 percent vegetation cover.

Submissions in support of the requirements for canopy trees proposed by the Amendment<sup>31</sup> generally argued that benefits to the broader community and environment should take precedence over those of the development sector and individuals seeking greater yields from their properties. They submitted that more intensive development should be directed to strategic locations, as proposed in the Housing Strategy, and this allows various housing objectives to be achieved while affording greater protection to residential neighbourhoods.

These submissions placed a higher value on a ‘treed’ garden character and the associated environmental values (in line with the evidence from Dr Moore) and wanted to maintain and enhance those values. They considered gardens and trees are vital to an acceptable living environment, and will be increasingly important as our climate changes. Planting in streets and parks is essential and private gardens also have a central role. The particular need to ensure protection of the Scotchmans Creek and Damper Creek networks and their environs

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<sup>30</sup> This analysis was mainly under American conditions but Dr Moore considered the findings would translate to Victorian conditions.

<sup>31</sup> For example submissions at the Hearing from (sub 731), (sub 240), Friends of Scotchman Creek & Valley Reserve Inc, The Friends of Damper Creek Reserve Inc., (sub 178), (sub 245), Monash Ratepayers, (sub 357), (sub 1709), (sub 649).

was emphasised<sup>32</sup>. The implications of the loss of trees and more intensive development for drainage and other infrastructure demands were highlighted in some submissions.

Submitters supporting the Amendment were concerned that the current planning framework, which includes a VPO, has been demonstrably ineffective in protecting and enhancing the Garden City character. It was submitted that 'moon scaping' of development sites and redevelopment that is virtually devoid of gardens and substantial trees are common occurrences that are transforming their neighbourhoods. Many sought more effective enforcement of existing vegetation protection provisions (with substantial repercussions for breaches), together with incentives and community education about the benefits of 'greening' strategies and gardening.

There were a number of recurring themes in objecting submissions<sup>33</sup>, in some cases underpinned by general opposition to constraints on personal choices or large trees generally in a suburban environment, and in other instances due to the effect of requirements on development potential (and consequently property value) and the capacity to achieve housing objectives. It was evident in submissions that many residents of Monash do not share the aims of the Garden City policy to increase the presence of canopy trees and saw little justification for the proposed requirements.

Issues raised in objecting submissions included:

- Onerous setback and open space requirements preclude reasonable levels of development and design flexibility, particularly for smaller, irregular or constrained lots.
- The progressive increases in standards have reached a point where housing diversity and affordability objectives are severely undermined and residents are unable to meet the needs of their extended families.
- The proposed requirements to plant trees are excessive, with some submissions suggesting the benefits to neighbourhood character could be achieved more efficiently through street tree and public open space planting, and/or directing canopy trees only to the front and rear setbacks (rather than secluded private open space).
- The VPO and DDO provide better tools to manage vegetation and specific built form objectives.
- People have different backgrounds and preferences and their property rights should be respected; many, particularly older people or those from culturally diverse backgrounds, do not want or need large open space areas and should have the choice whether to plant large trees. Others may prefer to use their space and water for vegetable gardens.
- If people do not want large trees, they will not survive, irrespective of permit requirements.
- Large trees increase lighting, heating, maintenance and insurance costs, compromise solar energy generation opportunities and create a risk to life and property from falling limbs. Issues of professional liability mean that a conservative approach is adopted to ensure the structural integrity of the building is not compromised and this increases costs significantly.

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<sup>32</sup> For example submissions at the Hearing from Friends of Scotchman Creek & Valley Reserve Inc. and The Friends of Damper Creek Reserve Inc.

<sup>33</sup> For example (sub 918), (sub 890), (sub 429), (sub 949), (sub 546), (sub 275), (sub 830), (sub 1836 - 456 signatures).

Council emphasised the importance of utilising the range of mechanisms available to realise Garden City objectives (and defend them at VCAT):

*Landscaping, including canopy trees, is a current 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 new residential zones makes appropriate use of an additional planning tool that Council now has available to it to reinforce the landscape and garden character requirements of the Monash Planning Scheme.*

## **(ii) Discussion**

Gardens and canopy trees play a central role in the long-standing Garden City local policy that underpins much of the planning in Monash and, despite reservations about the representation of existing character (discussed in Chapter 2.2.1), the Panel recognises it as a legitimate policy aspiration.

Submissions illustrated the divergence of views about trees in a suburban environment such as Monash and the issues to be balanced in crafting the planning framework. The almost inevitable need to balance competing objectives and interests in crafting planning scheme provisions and planning decisions is recognised in the planning scheme, which states:

*Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. (clause 10.04)*

As emphasised in submissions, evidence in support of proposed Amendment provisions, and the Street Tree Strategy, greening initiatives serve multiple objectives that broadly relate to liveability, sense of place (or character), environmental outcomes and resilience as the climate changes. They include:

- reducing the visual impact of development and enhancing amenity
- supporting biodiversity and providing habitat for fauna
- improving water quality and mitigating extreme rainfall events
- moderating the urban heat island effect
- improving air quality and environmental outcomes associated with carbon sequestration and photosynthesis<sup>34</sup>
- improving health and wellbeing
- increasing property values.

Large trees with spreading canopies can transform the character, amenity and resilience of areas and the Panel broadly endorses the overall objectives and strategies to enhance the tree canopy cover in Monash for community and sustainability reasons.

However, there are also interactions with other planning objectives, such as the impacts of zoning and associated standards on important objectives to plan for projected growth and changing needs, and support housing affordability and housing choice. The Panel recognises

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<sup>34</sup> Converting carbon gas into oxygen.

that increased setbacks and secluded private open space requirements do affect the type, form and cost of housing. While these are also important planning considerations they do not mean that preferences for dwellings with very large footprints must be satisfied.

In balancing the competing objectives and submissions relating to neighbourhood character, ecological sustainability, accommodating projected growth, housing diversity and housing affordability, the Panel considers the design of the planning framework should focus on the outcomes to be achieved and the most efficient means of achieving them. In this instance, that means maintaining and providing for a significant increase in canopy tree cover in a way that uses land efficiently and minimises development constraints and design flexibility. To achieve the objective of adding to canopy trees, it is the tree cover that can be accommodated that is significant and this is likely to be optimised in locations where space is typically consolidated, namely:

- at the front (consolidated with street space and planting)
- the rear of lots (consolidated with other back yards)
- along park interfaces(consolidated with the reserve).

This space for large trees will commonly coincide with private open space at the rear, but in determining the private open space requirements, the primary consideration should be its utility for recreation purposes. The PPN28: *Using the neighbourhood character provisions in planning schemes* states that a planning authority may employ various tools to achieve desired enhanced standards. In the example of increasing greening across a municipality, it states:

*... taking a prescriptive approach to the provision of private open space may not in itself facilitate achieving the desired outcome. By focusing on the private open space area other options are neglected.*

*In this example, the desire to 'green' the municipality is probably best achieved through an active program of tree planting in the public domain, complemented by a well-written policy that council considers when assessing the neighbourhood and site description and design response. This enables a flexible and performance-based approach to the placement of the canopy tree or trees on private land reinforced by demonstrated commitment to the same objective on public land.*

Reasonable expectations regarding implementation should underpin the requirements for canopy trees. It was clear from submissions and inspections that many people do not want large trees on their properties.

The limitations of planning scheme mechanisms also need to be recognised. It was a repeated concern that the implementation of the current VPO and enforcement of conditions of permits to retain existing trees or plant additional trees are not always effective, begging the question *"Will the proposed requirements work?"*. This suggests an area for evaluation by Council.

While the requirements to plant canopy trees do not generally apply to single houses and it is apparent that residents are unlikely to nurture unwanted trees, there is merit in providing space in both single and multi-unit development for residents who want trees to plant them.

Consideration should be given to:

- the limitations on imposing some requirements on single houses via the zone provisions, for example, Landscaping provisions (B17) do not apply to single houses
- whether requirements should apply to all development in a locality or a specific matter requiring management, such as a park interface treatment.

These limitations suggest the use of a more targeted DDO or SLO in some circumstances.

A multi-pronged approach that extends beyond planning scheme regulation of private land is needed to achieve the Garden City and environmental objectives. As the recently adopted Street Tree Strategy<sup>35</sup> highlights, the *'increasing densification and the associated loss of trees within private properties means that the role of street trees is becoming increasingly important'*. Importantly, Council has been advancing these policies in the public realm.

### **(iii) Panel conclusions**

The panel concludes:

- Large trees with spreading canopies can transform the character, amenity and resilience of areas and the Panel broadly endorses the overall objectives and strategies to enhance the tree canopy cover in Monash for community and sustainability reasons.
- In balancing the competing objectives relating to neighbourhood character, ecological sustainability, accommodating projected growth, housing diversity and housing affordability, the Panel considers the most efficient means of achieving a significant increase in canopy tree cover should be adopted.
- Having regard to multiple planning objectives, consolidated spaces at the front and rear of lots and along park interfaces will generally provide optimum locations for planting canopy trees.

## **2.5 The form of housing – single houses, dual occupancy, townhouses and apartments**

### **(i) Planning context**

State and local planning policy promote urban consolidation and a diversity of housing. The planning framework and both the GRZ and NRZ, also reinforce the policy intent to protect neighbourhood character. The challenge is to integrate these competing policy themes.

A more comprehensive regulatory system applies to multi-unit development than single houses. For single houses, a planning permit is not required other than on small lots<sup>36</sup> and ResCode specifies fewer development requirements (setbacks, site coverage, permeability, private open space and front fence height). A sub-set of the prescriptive ResCode standards are applied to single houses through the building permit system<sup>37</sup>.

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<sup>35</sup> City of Monash Street Tree Strategy (June 2016).

<sup>36</sup> A planning permit is required for a single house on a lot of less than 300 square metres or a lot between 300 square metres and 500 square metres if specified in a schedule to the zone.

<sup>37</sup> Part 4 of the Building Regulations 2006 include the ResCode standards for street setbacks, building height, site coverage, permeability, car parking, side and rear setbacks, walls on boundaries, daylight to existing habitable room windows, solar access to existing north-facing windows, overshadowing, overlooking, daylight to habitable room windows, private open space and front fence height.

Where a planning permit is required, local policy (such as that relating to neighbourhood character) and the exercise of discretion by Council add additional considerations and preferences. For example, in Monash, Garden City character considerations are prominent and 'side-by-side' forms of dual occupancy are actively discouraged.

The Neighbourhood Character Review 2015 observations in relation to the scale of new detached dwellings included:

- *Construction of dwellings often won't require planning permits, resulting in designs that are inconsiderate of character elements.*
- *Many have a higher level of site coverage, resulting in a loss of garden space.*
- *New dwellings with consistent setbacks appear to retain the character of an area due to a reduction in dominance, and the provision of front garden spaces that contribute to the established pattern.*

## **(ii) Evidence and submissions**

Mr Larmour-Reid's broad endorsement of the Amendment provisions was qualified by several recommended refinements. While he considered *'side-to-side development throughout the GRZ areas of Monash would not support the Desired Future Character of the relevant precincts, or the broader Garden City ethos'*, he recommended revision of the walls on boundaries standard to reduce the limit (see chapter 4.10).

He noted that the Housing Strategy envisages apartment development as an appropriate typology in accessible areas and on larger sites in the GRZ, and removing the option of private open space in the form of balconies or rooftop space would compromise the ability to construct apartments in the GRZ3 and 4. Mr Larmour-Reid recommended a modified standard based on the existing GRZ2 (see Chapter 4.11).

Submissions highlighted the implications of the Amendment for the yields and the feasibility of various housing typologies, and the consequential implications for housing diversity and affordability. These implications include:

- loss of vegetation and garden character due to overdevelopment generally, with large, imposing single houses without gardens as a significant contributing factor<sup>38</sup>
- standards that reduce yields or are linked to dwelling numbers will promote even larger dwellings to maximise returns. While large houses may be satisfactory for the residents, in addition to impacts on neighbourhood character, the broader impacts extend to lost water to creek and groundwater, urban heat build-up, and extra energy needed to operate houses.
- impacts of standards on multi-unit development feasibility and yields can effectively preclude this form of housing in extensive areas.
- exclusion of balconies and rooftops from the private open space standard effectively precludes apartments, even on large sites and in areas identified for more intensive development by the Housing Strategy and neighbourhood character policy. It also impacts on townhouse development yields and feasibility, and precludes 'reverse living' options.

A number of submissions opposed Council's opposition to side-by-side forms of dual occupancy, arguing that this form of housing offers a range of benefits, particularly on wider

<sup>38</sup> For example (sub 1475).

lots, that include efficient use of space, enhanced capacity for landscaping and amenity for future residents, and lesser impacts on adjoining properties. A key concern for Council and several submitters appears to be the effect of potentially greater building bulk, dual driveways and increased impervious areas on the interface with the street<sup>39</sup>.

### **(iii) Discussion**

It was apparent at the Hearing that much of the resident concern about threats to valued character relates to the scale of large houses, rather than the number of dwellings per se.

Submitters consistently responded to questions from the Panel on this issue that their primary concern related to the extent of the development envelope and the loss of space for gardens and trees, rather than whether there was one, two or more dwellings, although parking and traffic congestion issues were raised.

Dual occupancy and multi-unit development play an important role adding to housing diversity, and should be an option in most locations. The planning framework should not create impediments to multi-unit development through zoning (for example through wide application of the NRZ) and development standards (for example through private open space standards) unless there is sound justification to do so.

The Panel agrees with submissions that side-by-side development can produce efficient, high amenity housing that minimises impacts on adjoining land; there are design solutions that can address concerns raised relating to the impact of driveways on the streetscape. This is an option that should be promoted, rather than Council's current policy to actively discourage this form of development. Reverse living, with living areas and private open space above ground level, can also provide high amenity housing and this option should not be precluded.

The Panel considers the planning framework should recognise that apartments will have an increasing role in accommodating growth. Post-exhibition changes go some way to reducing the impediments to this form of housing, by providing for balconies and roof tops as options for private open space provision.

The regulatory system's preferential treatment of single dwellings recognises that low density detached houses have been the norm in suburban areas and this form of housing, which underpins the valued character of these areas, has not been perceived as a risk to that character. The proposed changes to some standards will affect all single houses, however, the Panel notes that most single houses will continue to be 'as of right'<sup>40</sup>, with limited scope to address design issues. It also notes that the same area of private open space is required for a large single house as for a small unit.

Dwelling sizes in Victoria have increased substantially and this trend is evident in consumers' housing expectations. The combinations of steep rises in land values and more modest older housing, is resulting in much larger replacement houses. It was suggested that cultural preferences are a contributing factor in Monash, with one submitter referring to 'migrant aspirational homes'. Even where submitters proposed dual occupancies or multi-units on their standard blocks, there appeared to be an expectation that each dwelling should be at

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<sup>39</sup> For example (sub 942), (sub 546).

<sup>40</sup> Without the need for a planning permit.

least 200 square metres and in some cases at least 300 square metres was identified as the size needed to meet extended family needs.

The Panel considers larger, two storey housing should be anticipated as the norm and this will change the character of areas undergoing regeneration in Monash. It is recognised that people have very different preferences; this should be respected. However, it should not be assumed there is an entitlement to unlimited floorspace on typical lots in this context. The ResCode standards should provide a level of comfort regarding the scale of development and that key attributes are incorporated, such as a minimum reasonable level of open space for recreation and space for planting. Even if the initial residents do not place a high value on particular features, broader community interests need to be recognised and there should be capacity to meet the needs of a wider range of future residents.

#### **(iv) Panel Conclusions**

The Panel concludes:

- Development envelope rather than number of dwellings on a block, should be the primary focus in managing residential development impacts.
- Dual occupancy and multi-unit development play an important role in adding to housing diversity and the planning framework should not preclude these forms of housing unless there is sound justification to do so. This extends to 'side-by-side' forms of dual occupancy, which can be an efficient means of achieving high amenity housing, and reverse living, which are currently actively discouraged in Monash.
- Apartments are envisaged as part of the Housing Strategy, and are an important housing form to support housing diversity and affordability, and this should be recognised in the standards (balconies/rooftop open space) and neighbourhood character policy.
- Larger, two storey housing should be anticipated as the norm and this will change the character of areas. However, expectations that extensive floor area irrespective of lot size should not automatically be accommodated at the expense of planning objectives that benefit the broader community.

## **2.6 Specialised housing needs**

### **(i) Planning context**

As the Housing Strategy recognises, the population of Monash is growing, ethnically diversifying and ageing. Projections indicate these trends are likely to continue into the medium to long term. Proximity to tertiary institutions – Monash University, Holmesglen Institute of TAFE, and Deakin University – also attracts a sizeable number of tertiary student residents.

The Housing Strategy refers to Council's goal for housing in its vision in *Monash 2021: A Thriving Community*, which includes, amongst other things:

*(A fair and healthy community:)*

- *where older people are supported to age at home or in their community*
- *that provides support, stability and facilities for families raising their children*
- *that recognises and embraces its diversity and its benefits*

*(A planned and connected City:)*



- *that retains its garden character while developing vibrant Activity Centres that are residential, employment, transport, services, entertainment and cultural hubs*
- *with a range of different housing so young families and older people can afford to stay in Monash*

The Housing Strategy advocates improving the diversity, affordability and accessibility of housing stock to meet the needs of the key student and older populations, which will require smaller scale housing that is affordable, well located and easily accessible. This includes dwellings that are adaptable to the changing mobility and health circumstances of older residents, such as providing for modification for wheelchair access and handrails.

The MSS<sup>41</sup> objectives and strategies provide general recognition that the ageing population has implications for housing development:

*In addition, Monash's population is noticeably ageing and there is a clear preference for older people to remain in familiar environments within the municipality. This changing demographic requires strategies to ensure there is appropriate accommodation, such as small, single storey units and purpose built housing available now and into the future.*

The MSS and the Housing Strategy recognise that there are shortages in quality student accommodation in some areas, which has resulted in housing shortages and a significant number of students living in substandard, shared housing.

The Clause 22.10 *Student Accommodation Policy* encourages high quality, well designed student accommodation to locate near tertiary institutions with convenient access to public transport and a range of facilities. The preferred location for student accommodation is within 1,500 metres of a tertiary educational institution, 800 metres of a railway station or larger activity centre, or 400 metres of a bus route that provides access to a tertiary educational institution. The Housing Strategy discussion of preferred locations for student housing specifically identifies:

*... land to the west of the Monash University and more generally in the Monash National Employment Cluster. The Special Use 6 Zone that currently applies throughout much of the National Employment Cluster prohibits the use of land for the purpose of a dwelling and as such this zone would have to be amended, or the land rezoned, in order to facilitate housing opportunities in this location.*

The Student Accommodation policy sets out requirements for a management plan and requires student accommodation to respect existing desired future character. It states:

*The provision of student accommodation, particularly in predominantly residential areas, does not justify the development of buildings that have a greater built form, massing or scale than what would be accepted for any other form of development on the site.*

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<sup>41</sup> Clause 21.04 Residential development.

**(ii) Evidence and submissions**

In evidence called by Monash University, Prof McGauran highlighted that the University, which is exempt from State planning controls, is implementing major additions to student accommodation<sup>42</sup>. However, he advocated for more ambitious planning responses to both student housing and accommodation for the aged in the Monash NEC:

*.... In this case these opportunities have been missed to support uses that might have a key locational alignment with the goals of the cluster such as lifted, higher density aged care facilities with integrated services, student and key worker accommodation, community housing, live/work, and medical related services as examples. Instead the language and likely outcome matching that anywhere else in the municipality with a similar zone and delivers at best incremental change.*

On the one hand some submissions<sup>43</sup> argued that, rather than facilitating this form of housing, more onerous requirements are proposed, even in locations in the Monash NEC with excellent access to the university. On the other hand, concerns were raised about very large 'single houses' being designed for student housing. Examples were cited where large buildings have been classified as a Class 1 building<sup>44</sup> and therefore are not subject to planning permit processes. These included a nine bedroom house in Danien Street, Glen Waverley, that allegedly contained three staircases, and multiple communal cooking facilities, and a proposed development in Townsend Street which incorporates 'dormitory' accommodation.

Aged care providers with large sites abutting parkland<sup>45</sup> proposed to be rezoned to NRZ also submitted that, rather than facilitating a form of housing to meet the needs of a growing sector of the population, the proposed planning framework imposes more onerous requirements that do not recognise:

- the continuum of accommodation with varying levels of support is expressed in forms of development that depart from, but can respect, the typical suburban model
- specific requirements of the aged care sector (such as avoiding changes in level, higher ceiling heights, service areas, a continuum of accommodation types to allow a transition from independent living to high care accommodation)
- the capacity of large sites to absorb more significant built form while respecting the amenity and character of neighbouring residential and open space areas
- that well-designed aged care located in residential hinterland areas can appropriately respond to their context.

<sup>42</sup> 1600 new University-managed Student Accommodation units on campus and plans for an additional 1000 units in the shorter term.

<sup>43</sup> For example, (sub 919) and (sub 758) relating to purpose built student housing at No 130 Clayton Rd, (sub 1524) relating to Nos 14-18 Irwin Street, (sub 750) relating to No 34 Glenbrook Avenue and Nos 29-33 Koonwarra Street in the Monash NEC, and a late submission relating to Nos 1730- 1734 Dandenong Road, Chadstone.

<sup>44</sup> This is a classification under the building regulatory system for single dwellings on a lot.

<sup>45</sup> For example: (sub 651) BlueCross Community and Residents Services (Nos 444-454 Waverly Road and No 1 Betty Close – 1.8 hectare site area); Japara Property Holdings Pty Ltd (Nos 35-39 Regent Street Mt Waverley sub 1833 – 5400 square metre site area); Arton Group own and manage Cumberland View Retirement Living and Aged Care Facility, Whalley Drive Wheelers Hill – 14+ hectare site area).

Arton Group opposed the proposed rezoning of their Cumberland View site of more than 14 hectares to NRZ4, arguing it warrants a site specific planning framework.

It was submitted that the planning policy framework and zone schedules should provide better, explicit guidance on large sites and forms of housing such as aged care. Standards of concern included mandatory height and the two dwellings per lot limits and the discretionary setbacks, site coverage and permeability.

Concern was raised in submissions that the standards proposed by the Amendment do not accommodate the needs of an ageing population.

### **(iii) Discussion**

Projections confirm that strong demand will continue for accommodation to meet specialised needs, such as for people to age in their local community and for students. The ageing population also means there will be more people living with disabilities. While many will prefer to age in their family home, other options should be available.

The Housing Strategy executive summary highlighted that:

*A key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability. However, addressing quantitative demand is only part of the issue. There is also a need to ensure that new housing is designed to meet the specific needs of the community as it ages and diversifies. (p. viii)*

The Panel considers the Housing Strategy and the Amendment focus on protecting the character of residential neighbourhoods has meant that responses to specific housing needs has not advanced beyond maintaining broad statements highlighting the need for a diversity of housing options, existing student housing policy, meeting the needs of an ageing population by encouraging 'the provision of single storey and purpose built housing', with single detached houses to remain 'the predominant form of housing in most of the municipality'.

While there is explicit local policy relating to student housing, the Panel queries the policy that student housing should adopt the same form as other residential development; student housing proposals should advance future character objectives but it may well involve a different built form.

The Panel agrees with submissions that more specific support for the development of housing for an ageing population and aged care options should be provided, both in the LPPF and the schedules to the zones.

Further work to build on the broad policy guidance provided in the Housing Strategy and the Amendment would be valuable to address key issues identified:

- The Housing Strategy acknowledges that little attention has been paid to any specific housing needs of emerging ethnic groups within the community and there is a need to determine and address their specific housing requirements that are not met by the market.

- A cohesive approach to meeting the continuum of housing and support needs of an ageing population that addresses both broad housing supply responses and purpose built options.

This would provide explicit support for the exercise of discretion where proposals do not match the ‘standardised’ expectations.

The Panel also observes that the *Plan Melbourne Review* canvassed designing-in housing diversity and ready adaptation to the changing needs of households over the life of a dwelling.

A flexible internal design, supported by an enabling regulatory system, can contribute to housing choice and diversity. For example, a new (or an existing) large single dwelling can accommodate children or an extended family and then be separated into two or more dwellings as a household downsizes. There could be a range of benefits, such as:

- taking advantage of under-used infrastructure and service capacity
- meeting demand for well-designed, more affordable, smaller dwellings
- realising the value of under-used lots where existing owners, especially older persons, would benefit from the rental income or ‘mortgage busting’ rental income would improve housing affordability for households struggling to enter home ownership
- providing housing opportunities for an extended family, or for an additional household
- owners who wish to downsize to a smaller second dwelling, and release the existing larger dwelling for a larger household, without having to move from familiar local links.

The concept of adaptability extends to ‘universal design’ principles to meet the needs of people who are mobility impaired will become increasingly relevant as the population ages. It is cheaper when the design incorporates key requirements or anticipates future retrofitting. ResCode includes the following accessibility objective and standard for multi-unit development:

*To encourage the consideration of the needs of people with limited mobility in the design of developments.*

*Standard B25*

*The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.*

The Panel observes that although a state-wide approach that is integrated with building regulations is highly desirable, local initiatives that complement rather than conflict with or usurp a state-wide approach can be worthwhile.

#### **(iv) Panel conclusions**

The Panel concludes:

- More specific support for the development of housing and aged care options to enhance the diversity of housing to respond to the need of an ageing population, extended families, and students should be provided in the LPPF and zones.
- ‘Designing-in’ flexible internal layouts and universal design principles should be promoted by the planning system to increase housing choice and diversity.

## 2.7 Panel conclusions and recommendations

The Panel concludes:

- The Amendment is strategically justified to the extent that it implements the objectives of the Monash Housing Strategy in relation to areas with limited redevelopment potential and areas suitable for incremental change, but is not strategically justified in applying to areas with future redevelopment potential.
- There are specific issues relating to the strategic justification of the Amendment that warrant further consideration by the Council or changes to specific aspects of the LPPF.

The Panel recommends:

1. **Incorporate in Clause 21.04 *Residential Development* the Residential Development Framework Plan (Figure 6A of the Housing Strategy).**
2. **Evaluate the implementation of the current Vegetation Protection Overlay and enforcement of planning permit conditions requiring retention of existing trees or planting of additional trees, to identify ways to improve outcomes under the proposed requirements.**
3. **Identify in Clause 21.04 *Residential Development*, Further Strategic Work, a realistic work program to build on broad policy statements relating to specialised housing needs such as: meeting the needs of an ageing population, housing requirements of emerging ethnic groups, flexible and adaptable housing design and universal access.**
4. **Provide more specific support in the Local Planning Policy Framework for the development of various forms of housing for an ageing population (including independent living through to high care), extended families and students.**

## 3 The application of the residential zones

This chapter addresses the proposed application of the residential zones, except in relation to the Monash NEC, which is addressed in Chapter 5.

### 3.1 The issues

The Amendment raises the following key issues relating to the proposed application of the zones:

- Does the application of the zones give appropriate effect to the Housing Strategy, the Neighbourhood Character Review and relevant planning policy?
- Are the schedules to the NRZ necessary and appropriately applied?
- Do the zones provide for intensification of residential development in areas identified for further redevelopment potential?

### 3.2 What is proposed?

#### 3.2.1 Existing residential zones

The Monash Planning Scheme currently applies the RGZ, GRZ, NRZ and MUZ.

Most of the residentially zoned land in Monash is included in the GRZ2. The other residential zones and schedules apply to specific sites and precincts as follows:

- NRZ1 – Heritage Overlay precincts in Oakleigh and Hughesdale
- GRZ1 – specific sites in Clayton (Golf Road / Beryl Avenue; Browns Road; Alvina Street) and Wheelers Hill (Brandon Park Drive)
- RGZ1 – specific site in Clayton (Cambro and Renver Streets)
- RGZ2 – precinct in Clayton (Browns Road)
- MUZ<sup>46</sup> – precincts and specific sites in Ashwood, Burwood, Hughesdale, Mt Waverley, Mulgrave and Oakleigh.

The schedules to the existing RGZ1 and GRZ1 do not include any local variations. The existing NRZ1, GRZ2 and RGZ2 include local variations to the minimum street setback, private open space and front fence height standards of clauses 54 and 55; these variations are more restrictive. The schedules to the GRZ2 and NRZ1 also include a requirement for a planning permit to construct or extend one dwelling on a lot less than 500 square metres.

The Amendment does not propose any changes to the existing GRZ 1, RGZ1, RGZ2 and MUZ.

#### 3.2.2 Proposed residential zones

The Amendment proposes new schedules to the NRZ, GRZ and RGZ, and applies these new zone schedules across the municipality. The Amendment also modifies the schedule to the existing NRZ1 and makes minor changes to the zone boundary. It is proposed to rename the GRZ2 *Monash Residual Residential Areas*.

Table 3 summarises the proposed suite of new and amended residential zones, and their general application to the housing categories under the Housing Strategy.

Table 3 Proposed residential zones and housing categories

<sup>46</sup> Mixed Use Zone.

Housing Strategy Category	Zone	Areas zone is applied to
<b>Areas with future redevelopment potential</b>		
<b>Category 1: Activity and Neighbourhood Centres</b>	<b>GRZ5 Oakleigh and Wheelers Hill Activity Centre</b>	Oakleigh Activity Centre Wheelers Hill Neighbourhood Centre
<b>Category 2: Accessible Areas</b>	(Not included in The Amendment)	–
<b>Category 3: Monash National Employment Cluster</b>	<b>GRZ6 Monash NEC and Clayton Activity Centre – Housing Diversity Area</b> <b>RGZ 3 Housing Growth Area – Clayton Activity Centre and Monash NEC</b>	Clayton, Glen Waverley, Huntingdale, Mt Waverley, Mulgrave, Notting Hill Oakleigh East
<b>Category 4: Boulevards</b>	(Not included in the Amendment)	–
<b>Areas with limited redevelopment potential</b>		
<b>Category 5: Heritage Precincts</b>	<b>NRZ1 Monash Heritage Precincts</b>	Hughesdale, Oakleigh
<b>Category 6: Dandenong Creek Escarpment</b>	<b>NRZ4 Dandenong Valley Escarpment Areas</b>	Glen Waverley, Mulgrave, Wheelers Hill
<b>Category 7: Creek Environs</b>	<b>NRZ2 Creek Abuttal Areas</b> <b>NRZ3 Creek Environs Areas</b>	Ashwood, Burwood, Chadstone, Glen Waverley Mt Waverley, Oakleigh
<b>Areas suitable for incremental change</b>		
<b>Category 8: Garden City Suburbs</b>	<b>GRZ3 Garden City Suburbs – Southern Areas</b> <b>GRZ4 Garden City Suburbs – Northern Areas</b>	Ashwood, Burwood, Chadstone, Clayton, Glen Waverley, Hughesdale, Huntingdale, Mt Waverley, Mulgrave, Notting Hill, Oakleigh, Oakleigh East, Oakleigh South, Wheelers Hill
(uncategorised)	<b>GRZ2 Monash Residual Residential Areas</b>	Residual residential areas

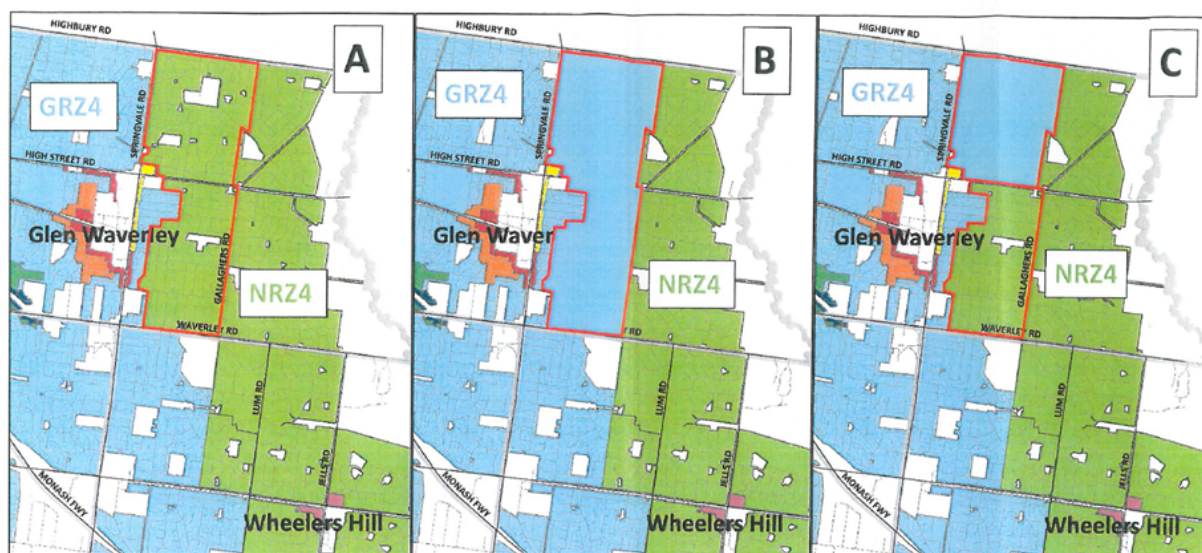
The new residential zone schedules are proposed to be applied to the majority of the existing GRZ2 zoned land; only some small areas of existing GRZ2 zoned land are proposed to remain.

The application of the residential zones proposed under the Amendment (as exhibited) is shown in Figure 1.

Since exhibition of the Amendment, Council has supported some changes to the proposed application of the zones. The key change relates to the extent of the NRZ4 and GRZ4 in Glen Waverley in the area bounded by Springvale, Highbury, Gallaghers and Waverley Roads. The nature and sequence of the changes to the proposed zoning of this area is shown in Figure 7. The proposed zoning of this area is discussed further in Chapter 3.9.1. Other changes proposed to the zoning of specific sites and precincts are outlined in Chapter 3.9.3. The

Council has also supported some site specific changes to the alignment of the boundaries to zones in response to submissions and identified mapping errors (see Appendices E and F ). These are discussed in the individual zone chapters following.

Monash Planning Scheme: Amendment C125 – City of Monash North-East - Proposed Changes to Exhibited Zone by Council Resolution  
 Red Line indicates area under consideration



**MAP A**  
 Zone change as originally exhibited:  
 Apply Neighbourhood Residential Zone 4 (NRZ4)

**MAP B**  
 Proposed zone change as resolved at  
 Council Meeting – 29 March 2016:  
 Apply General Residential Zone 4 (GRZ4)

**MAP C**  
 Proposed zone change as resolved at  
 Council Meeting – 26 July 2016:  
 Apply NRZ4 to area under consideration  
 between High Street Road and Waverley  
 Road

Figure 7 Changes to Glen Waverley NRZ4 and GRZ4 zone boundary

The application of the individual zones is discussed in more detail in Chapters 3.7– 3.10.

The NRZ1 is an existing zone that currently applies to land that is also affected by the Heritage Overlay within Oakleigh and Hughesdale. The Amendment retains the application of the NRZ1 as it currently applies, with one minor change to a boundary associated with the street alignment of (Bank Street). The Amendment also proposes changes to local variations to the ResCode standards in the schedule to the NRZ1.

The new zone schedules and the amended NRZ1 schedule include the following provisions:

- Minimum 300 square metre lot size for subdivision – NRZ2, NRZ3, NRZ4
- Planning permit requirement to construct or extend one dwelling on a lot less than 500 square metres – GRZ2 - GRZ6, NRZ1 - NRZ4
- Variations to the requirements of Clause 54 and Clause 55 – RGZ 3, GRZ2 - GRZ6, NRZ1- NRZ4
- Maximum building height for a dwelling or residential building – RGZ 3, NRZ2 - NRZ4.

The details of the proposed local variations to ResCode standards are discussed in Chapter 4.



### 3.3 Planning context

#### 3.3.1 Planning Practice Note 78

Planning Practice Note 78 *Applying the Residential Zones* (PPN78) sets out principles and criteria for applying the residential zones. These principles identify the likely application of the zones (as being applied under the Amendment) as follows:

Table 4 PPN78 – Likely application of the zones

Zone	Likely application
MUZ	In areas with a mix of residential and non- residential development In local neighbourhood centres undergoing renewal and around train stations, where appropriate.
RGZ	In appropriate locations near activities centres, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites.
GRZ	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided.
NRZ	In areas where single dwellings prevail and change is not identified, such as areas of recognised neighbourhood character, heritage environmental or landscape significance.

#### 3.3.2 Residential Zones Standing Advisory Committee – overarching principles

The Residential Zones Standing Advisory Committee (RZSAC) established overarching principles to review planning scheme amendments applying the new residential zones. These principles generally reiterate and, where relevant, expand on the principles and criteria set out in PPN78.

The following principles are particularly relevant to consideration of the zones proposed by the Amendment:

- P4 The application of the residential zones should be based on a housing or similar strategy that specifically addresses where and how housing growth will be accommodated.*
- P5 Strategic work (other than housing strategies) can be used to inform the application of the new zones. For example, this includes structure plans and the use of the principles and criteria in PPN78 as a guide, with reference to the zone purpose to clarify any ambiguity.*
- P6 Municipal housing capacity analysis and targets for applying particular zones should not be the sole driver in implementing the new residential zones ...*
- P9 The NRZ should not be applied in precincts where there is policy support for significant housing growth, including near PPTN stops and activity centres unless supported by sound strategic justification.*
- P10 The use of the NRZ in response to identified character should be balanced with policies and strategies to provide housing choice and affordability, and efficient service infrastructure provision.*

### *General Residential Zone*

*P12 The GRZ will typically be the 'default' zone for the R1Z.*

*P13 The GRZ should not be used as a 'default growth zone' because it only provides for incremental change and there is an expectation that respecting neighbourhood character will influence the scale of built form.*

### *Residential Growth Zone*

*P16 The RGZ should be applied where the potential establishment of commercial uses, as permitted by the zone, is unlikely to adversely impact on existing activity centres, particularly in rural and regional centres.*

*P17 The application of the RGZ or the GRZ is preferred over the NRZ for larger scale housing redevelopment sites (including those for social housing).*

*P18 The RGZ (or a zone other than one of the three new residential zones) should be applied to nominated or potential urban renewal precincts unless an alternative residential zone is specifically justified.*

*P19 The RGZ (or a zone other than one of the three new residential zones) is the primary zone for areas identified for significant housing change that are not constrained by 'character'.*

*P20 Zones should be selected having regard to local policy, overlays and other scheme provisions, and before developing local content in schedules.*

*P29 The existence of 'character' does not automatically justify applying the NRZ.*

### **3.3.3 Monash Housing Strategy 2014**

Strategies in the Housing Strategy relevant to the application of the residential zones include:

- Promote higher density developments within and adjacent to activity and neighbourhood centres that will accommodate different forms of housing, subject to direction regarding appropriate scale and design.
- Encourage the provision of high quality student accommodation in proximity to education facilities, particularly Monash University and Holmesglen Training and Further Education.
- Encourage residential development on 'brownfield' sites, such as former school sites and former industrial premises, which are surrounded by residential areas and are serviced by public transport and other infrastructure.
- Locate higher density development in activity centres areas with access to good quality public transport, infrastructure, social services, retail facilities, recreational and employment opportunities.
- Identify opportunities for the provision of additional housing within the residential zoned land within Monash NEC.
- Direct higher rise residential developments towards the Glen Waverley and Oakleigh activity centres, consistent with any structure plans and the directions of *Plan Melbourne*. These centres are well serviced by public transport, commercial, recreational, community and educational uses.
- Direct medium density development towards the Brandon Park and Mt Waverley activity centres, consistent with the directions in adopted structure plans.

- Encourage a mix of housing types including mixed use development at higher density within or directly adjacent to activity centres.

The Amendment Explanatory Report explains that the residential zones were applied to reflect housing and development outcomes of the Residential Development Framework Plan. This plan identifies eight housing categories, based on development potential and degrees of change. Table 3 summarises the housing categories and the zones proposed to be applied to give effect to them.

The Amendment is intended as the first stage of implementation of the Housing Strategy; as such, the proposed zonings do not reflect all the housing categories under the Residential Development Framework.

### 3.3.4 The Neighbourhood Character Review

The proposed character type areas identified by the Neighbourhood Character were central to *“determining the application of the new residential zones and preparing zone schedules for the Minimal and Incremental Change Areas ...”*<sup>47</sup>. In areas identified for substantial change, the Review provided baseline information about existing character as an input to separate planning processes, such as Structure Plans, that will determine the appropriate planning tools. However, the maps of the proposed character types in the Neighbourhood Character Review (see Figure 4) and the proposed Clause 21.04 *Residential Development* (see Figure 5) are different, with the proposed zonings (see Figure 1) aligning with the map in Clause 21.04.

Planisphere<sup>48</sup> provided advice on issues raised in relation to the Amendment, including whether the proposed Dandenong Creek Escarpment character area is appropriately configured. While various recommendations and observations were made and are referred to elsewhere in this report, overall, it endorsed the strong and consistent relationship between the Housing Strategy and the Neighbourhood Character Review.

## 3.4 A Staged approach to implementation

Council adopted a staged approach to the implementation of the Housing Strategy. The Amendment proposes new planning provisions for heritage precincts, the Dandenong Creek Escarpment, the Garden City Suburbs, and the Creek Abuttals and Creek Environs and translates approved structure plans for the Oakleigh and Wheelers Hill activity centres into new residential zones and/or schedules. Subsequent stages to be implemented through future amendments comprise:

- **Stage 3:** Work with the MPA on development of the Monash NEC Framework Plan and the Clayton Activity Centre Structure Plan.
- **Stage 4:** (medium-long term): development of urban design principles and built form guidelines for Boulevards; prepare structure plans for nine neighbourhood activity centres from 2015/16- 2018/19; and a municipal wide review of landscape character.

Council advised that residential rezonings for the Monash NEC are proposed in the Amendment as a result of the conditions of authorisation of the Amendment to consult with the VPA (see Chapter 5).

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<sup>47</sup> Neighbourhood Character Review Consultation Draft Report, February 2015.

<sup>48</sup> New Residential Zones Advice Planisphere February 2016.

**(i) Evidence and submissions**

Mr Larmour-Reid recommended that further recognition of the future strategic work to be undertaken be identified in Clause 21.04 *Residential Development*. In addition, he suggested that future activity centre structure plans should review the effectiveness of the GRZ in achieving housing diversity in the 'accessible areas' surrounding each activity centre.

Many submissions<sup>49</sup> commented that the zones did not implement the objectives of the Housing Strategy or the Residential Development Framework, particularly in relation to Category 1 – Activity and Neighbourhood Centres, Category 2 – Accessible Areas and Category 4 – Boulevards. Submissions<sup>50</sup> and evidence relating to individual properties identified for more intensive development in the Housing Strategy objected to the introduction of a more onerous planning framework by the Amendment pending the subsequent stages to implement the Housing Strategy. These submissions related to land in the Monash NEC (including the Dandenong Road Boulevard, Clayton Activity Centre, and the *Plan Melbourne* Urban Renewal corridor), the Springvale Road and Dandenong Road boulevards, activity and neighbourhood centres, and accessible areas around these centres.

Mr McGurn<sup>51</sup> expressed the strong view, in his evidence relating to 554- 558 High Street Road, Mt Waverley<sup>52</sup>, that there is no justification for the more onerous requirements in the GRZ4 proposed for this site, and, as a minimum, the existing GRZ2 should apply until a more appropriate zoning is implemented. Others commented that the approach of rezoning land to a more restrictive zoning and then revisiting that zoning in the future is problematic, as people develop expectations and repealing provisions once they are in the planning scheme is unlikely.

It was noted, by both the Council and some submitters, that the evaluation of the merits of a planning permit application would have regard to planning policy that includes the Housing Strategy support for more intensive development in identified locations, together with the particular characteristics of specific sites. However, Mr McGurn commented that while there is the opportunity to exercise discretion, both the character statement and the schedule to the zone would not be appropriate and would have to be ignored.

As a minimum, it was consistently argued that the status quo (GRZ2) should be maintained for areas identified for more intensive development in the Housing Strategy pending the further strategic work for these areas. In some cases<sup>53</sup>, it was argued there is sufficient strategic justification for rezoning to provide for more intensive development as part of the Amendment (see chapter 3.10).

Council submitted that '*Rome wasn't built in a Day*' and the strategic work program has been developed to implement the Housing Strategy in a systematic way by:

- first setting out spatial priorities in the Residential Development Framework

<sup>49</sup> For example, Havelock Nominees Pty Ltd (sub 755), (sub 957) and (sub 1809).

<sup>50</sup> For example, (sub 888).

<sup>51</sup> Stuart McGurn, Urbis Planning.

<sup>52</sup> For example (sub 1809).

<sup>53</sup> For example (sub 923); (sub 1809).

- focusing on key elements to preserve and enhance what are regarded as essential elements of the municipality’s character – which Council referred to as *“the approach taken by a good doctor – that is, first you save the patient.”*

In closing, Council identified the ‘interim planning framework’ proposed by the Amendment for sites in Accessible Areas and the nominated Boulevards, as one of the key issues raised by submitters. Council suggested that the issue may have arisen, in part, because of a lack of clarity around the implementation plan. It highlighted that significant work, with associated resource and financial cost, will be required to bring the Residential Development Framework to fruition. In particular:

- eight structure plans for activity centres or neighbourhood centres will need to be prepared to identify housing change and diversification can be accommodated in a way that is appropriate to the context
- the definition of Accessible Areas will need to take its lead from the definition of the activity centres through the structure planning process, as these areas are contemplated to be those which are “within reasonable walking distance from an activity centre or neighbourhood activity centres” and are intended to operate as transition areas between commercial and residential areas
- the Boulevards along two major arterial roads in the municipality will require some care in the planning, having regard to the polycentric emphasis that emerges from the Housing Strategy and adjacencies and/or co-locations with Accessible Areas or Garden Suburbs areas.

Council acknowledged that two issues clearly emerged during the hearing which largely arise from the Implementation Plan:

- *The extent to which the Implementation Plan should be acknowledged and signalled within the LPPF; and*
- *Relatedly, the manner in which the areas likely to be affected by future stages of the implementation of the Housing Strategy ought to be treated pending the completion of that work.*

Council maintained that the Amendment provisions should proceed where future stages of implementation are proposed on the basis that:

- Generally, the zone applied on transition to the new residential zones remains.
- Changes to schedules build upon existing variations to standards.
- The proposed Schedules are based on neighbourhood character precincts, which are underpinned by the Neighbourhood Character Study (1997) and the more recent Review.
- There is discretion to depart from the variations to Recode standards if the objectives are met, having regard to an assessment against the decision guidelines.
- There is likely to be a significant uplift in zoning (and consequentially value) when the strategic planning work is done.
- Pending the further strategic work to be undertaken, the SPPF and the LPPF (with the Housing Strategy as a reference document) send a very clear signal about what can reasonably be anticipated.

In commenting on the approach to the Category 2 – Accessible Areas, Council acknowledged that:

34. *Whilst another way of dealing with those sites might be to leave them in their current zone and schedule, the problem with that is working out “where to draw the lines” – which is effectively the function of the strategic work that is anticipated.*<sup>54</sup>

**(ii) Discussion**

The Panel recognises that the subsequent stages of the implementation of the Housing Strategy are dependent on advancing the significant strategic planning work program by Council. This should be explicitly addressed in the MSS under further strategic work.

In locations identified for more intensive development in State planning policy and the strategic planning underpinning the Amendment, the Panel sees no justification for the more restrictive provisions pending subsequent stages of the Council’s plan to implement the Housing Strategy. The application of more restrictive zones to areas identified as having future redevelopment potential has the effect of prioritising neighbourhood character objectives, rather than the Housing Strategy and the provision of housing to meet the current and future needs of the community. The restrictive provisions proposed as an interim measure could establish a planning framework that is inconsistent with strategic policy directions for an extended time. In terms of the strategic directions established in the Housing Strategy, this would be a regressive shift in the planning framework.

Constraining the development of areas identified for future redevelopment potential, even in the interim, raises the risk that progressive development of these areas under the proposed zones will compromise the future potential of these areas. If development occurs in the interim period, land will be lost for more intensive development, potentially for several decades (or more). This may compromise the overall achievement of the Housing Strategy.

The Panel does not accept that it is appropriate to introduce new planning provisions on the basis that discretion will routinely be exercised to depart from zone provisions to reconcile inconsistent policy guidance for those areas identified with future redevelopment potential. Neither the residential development statement (Clause 21.04) or policy (Clause 22.01) articulate the residential development framework or the associated objectives, strategies and outcomes identified in the Housing Strategy for these housing categories. As such, the proposed LPPF requires significant changes to provide appropriate guidance to support the more intensive development of the areas identified for future redevelopment potential. Furthermore, the Panel considers that reliance on the LPPF to override the purposes of the GRZ and NRZ and the more restrictive provisions in the zone schedules, is not appropriate for large areas (as distinct from individual sites).

Submissions relating to specific sites and zone provisions are discussed subsequently in this report, however, as a matter of principle, the Panel considers the status quo GRZ2, rather than more restrictive provisions, should be the ‘interim’ planning framework in the areas identified for more intensive development.

It is understood that that the accessible areas were identified on a conceptual basis and the maintenance of the status quo for these areas would involve translating the Housing Strategy ‘walkability criteria’ to the zoning maps. Council correctly indicted that structure planning

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<sup>54</sup> Document 85.

would provide for a more nuanced approach than simply delineating zones on the basis of a nominated walking distance from, say, the current C1Z or a public transport stop. However, the Panel sees that ‘blunt’ approach as preferable to introducing an interim planning framework that is contrary to the strategic directions established by the Housing Strategy for these areas. Consideration of the site context, including neighbourhood character, a site analysis and design response would remain central to the design and consideration of development proposals under the GRZ2.

In addition, the Panel considers the LPPF should be strengthened in the following ways to articulate the Housing Strategy more clearly:

- incorporate the Residential Development Framework Plan (see Figure 3) in the MSS as it is the clearest spatial expression of the strategic intent to be progressively implemented and should inform decision making in the interim
- clearly articulate in the MSS the policy intent to support intensification in relevant areas
- explicitly identify the further strategic work to be undertaken to inform the staged implementation of the Housing Strategy
- revise Clause 22.01 to recognise that change is supported in areas identified for more intensive development, such as the Monash NEC, boulevards, strategic redevelopment areas, activity centres and the associated accessible areas.

### **(iii) Panel conclusions**

The panel concludes:

- The more restrictive provisions proposed for areas identified in the Housing Strategy for more intensive development do not provide an appropriate interim planning framework for these areas pending the completion of strategic work to inform subsequent stages of the Council’s planned implementation of the Housing Strategy.
- The status quo GRZ2, rather than more restrictive provisions proposed in the Amendment, should generally be the ‘interim’ planning framework in the areas identified as having future redevelopment potential.
- The LPPF should be strengthened by: incorporating the Housing Framework Plan, articulating the policy intent regarding locations identified for more intensive housing development, ensuring that policy relating to neighbourhood character recognises that change will occur in these areas, and identifying the further strategic work to be undertaken to inform the staged implementation of the Housing Strategy.

## **3.5 The principles and strategic justification for applying the residential zones**

### **3.5.1 Strategic basis of application of zones**

#### **(i) Evidence and submissions**

In summary, the submissions focus on the extent to which the proposed application of zones is based on implementing the Housing Strategy or neighbourhood character objectives.

Council submitted that a critical element of the Amendment is to embed the Housing Strategy into the Planning Scheme and to give effect to it through the LPPF, the zones and the zone schedules. Council also commented that the Amendment applies the RGZ, GRZ and NRZ to residential land depending on the three broad categories of change, being areas with future

redevelopment potential, areas suitable for incremental change, and areas with limited redevelopment potential, stating that the zone schedules apply to each of the more specific sub-categories within the zones to support the Housing Strategy and the neighbourhood character objectives.

In his evidence for Council, Mr Larmour-Reid stated that “...Amendment C125 applies the new residential zones in a manner that is generally consistent with the Housing Strategy and the principles and criteria described in Practice Note 78 Applying the Residential Zones”. He considered the proposed changes accurately reflect the intention of both the Housing Strategy and the Neighbourhood Character Review.

Mr Larmour-Reid stated that “the recommendations arising from the 2015 Review are not intended to designate areas of housing growth or change, rather they articulate different neighbourhood characteristics within the municipality”.

Mr Larmour-Reid’s evidence identified the Neighbourhood Character Review recommendations as follows<sup>55</sup>:

*For NRZ areas:*

- *Oakleigh Heritage Overlay precinct should be included in the NRZ.*
- *Areas within the existing VPO should be considered for inclusion in the NRZ. Some sites within this area however are capable of accommodating a higher density of development.*
- *NRZ is not required for NCO areas<sup>56</sup>, as design controls are already accommodated in existing DDO and other controls.*

*For GRZ areas:*

- *The majority of residential areas are suitable for GRZ, provided guidance is outlined through schedule variations.*
- *Should the VPO be applied to GRZ areas, rigorous design standards, particularly around landscaping, site coverage, permeability and vegetation protection, are required.*

*Although the application of the RGZ was outside the scope of the Review, the general recommendations were made as follows:*

- *Apply RGZ around activity centres, Monash Employment Corridor and in areas identified in Plan Melbourne as appropriate for higher levels of development.*

Submissions from community groups and some residents focussed on the achievement of character and environmental objectives. These submissions emphasised that it is the achievement of these objectives, rather than the individual planning tools, that was important. Submitters understood the NRZ to provide the highest level of protection and that is what they advocated for. For example, the Friends of Damper Creek Reserve Inc.

<sup>55</sup> This is an extract of Mr Larmour-Reid’s evidence (August 2016); this is not an extract from or direct summary of the recommendations in Section 4 - Recommendations of the *Neighbourhood Character Review Consultation Draft Report* (February 2015).

<sup>56</sup> The Neighbourhood Character Overlay applies to the former Waverley Park football ground.



commented that the NRZ2 and NRZ3 are vital for protecting the bushland character of the creeks and environs in the Mt Waverley area.

Other submissions raised concern that the application of the zones was based on and gave priority to neighbourhood character, for example:

*The amendment is not forward looking enough. ... The amendment appears to be more concerned about protecting trees and amenity standards, than it is about anticipating the housing needs of current and future Monash residents.*

Some submitters<sup>57</sup> commented that there seemed to be little or no strategic basis for the post-exhibition changes to the proposed zoning of land and this undermines the credibility of the Amendment.

## **(ii) Discussion**

The application of the zones does not fully implement all the housing category types of the Residential Development Framework under the Housing Strategy.

The Amendment primarily gives effect to the housing categories for areas with limited redevelopment potential and those suitable for incremental change but excludes categories with future redevelopment potential. This is reflected in the extensive application of the GRZ (with more restrictive development standards) and the NRZ, and the very limited application of the RGZ.

There is a close alignment between the delineation of the proposed character types identified in the Neighbourhood Character Review and the proposed application of the different zone schedules, with the following exceptions:

- The GRZ4 - NRZ4 boundaries do not align with the proposed Character Types B and D west of Gallaghers Road and View Mt Road Glen Waverley.
- The Proposed Character Type C area in Chadstone and Ashwood is not differentiated from the Proposed Character Type B areas with the GRZ4 proposed to apply to both character types.
- The Proposed Character Type D area to the west of the Monash Freeway in Mulgrave is proposed to be zoned GRZ4 whereas the Character Type D land along the Dandenong Creek Escarpment area is proposed to be zoned NRZ4.
- The proposed Character Type B area between Wellington Road, Garnett Road and Whalley Drive Wheelers Hill is proposed to be zoned NRZ4.

It is apparent that the character areas have been a high priority in the implementation of the Housing Strategy and application of the zones. The Panel is satisfied that, at a broad level, this has not resulted in the excessive application of the NRZ. However, the RGZ and other zones that provide for more intensive residential development are under-utilised.

While the Panel recognises that the Amendment represents one step in the staged implementation of the Housing Strategy, the status quo GRZ2, rather than more restrictive provisions proposed in the Amendment, should generally be the 'interim' planning framework in the areas identified for more intensive development.

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<sup>57</sup> For example, (sub 923).

### (iii) Panel conclusions

The panel concludes:

- Character has been the primary strategic basis for the application of the zones under the Amendment.
- The application of zones that apply to areas with limited redevelopment potential or areas suitable for incremental change to those areas identified for future redevelopment and intensification is contrary to the Housing Strategy and associated Residential Development Framework.

### 3.5.2 The suite of zones applied

#### (i) Evidence and submissions

Few submissions commented on the suite of zones applied under the Amendment; those that did focussed on the absence of the MUZ and the underutilisation of the RGZ.

Some submissions raised concern that the MUZ is not proposed as part of the Amendment. For example, Mr McGurn expressed the view in his evidence that *"...the Monash Housing Strategy does not contemplate Mixed Use zoning as a means of accommodating future housing growth, despite its inclusion in PPN78..."*. He commented that there is no justification in the housing strategy to explain the absence of the use of the MUZ. Prof McGauran, in his evidence for the Monash University, commented that the Amendment had failed to consider all the residential zone options, such as the MUZ.

Several submitters<sup>58</sup> noted that the MUZ may be a more suitable zone for their properties than the zones proposed under the Amendment. These properties were generally in areas identified as having future redevelopment potential under the Housing Strategy.

Mr Larmour-Reid commented that, as the Amendment was considered a 'translation amendment', the MUZ was not considered, but the use of the MUZ would be considered differently if this was a 'first principles' review. He stated that in his experience the MUZ is more widely used in inner areas or activity centres and Council agreed with this view.

The Council noted that the Monash Planning Scheme does apply the MUZ, although not extensively. Council submitted that one of the issues with the MUZ is the wide range of possible uses when compared with 'traditional' residential zones. The Council also submitted that there may be areas of the Monash NEC where the MUZ is perfectly suited and this may come out of the future strategic work to be done for this area.

Other submitters<sup>59</sup> commented on the limited use of the RGZ to implement housing type categories identified for future redevelopment potential, such as along major roads and around activity centres.

In his evidence Mr Larmour-Reid commented that the proposed application of the GRZ5 to land adjacent to the Oakleigh and Wheelers Hill activity centres was appropriate rather than the RGZ.

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<sup>58</sup> For example LS Vic Property Management (766), Pong Property Development Pty Ltd (674).

<sup>59</sup> For example Havelock Nominees Pty Ltd (755); LS Vic Property Management (766); John Joyner (888).

## (ii) Discussion

PPN78 identifies that the MUZ enables new housing and jobs growth in mixed use areas and states that the MUZ “...provides for a range of residential, commercial industrial and other uses and provides for housing at higher densities that responds to the neighbourhood character”. The MUZ may be an appropriate tool to implement the objectives for those housing category types identified under the Housing Strategy as having future redevelopment potential, particularly in the Monash NEC. It is notable that Council submitted that the MUZ may be suitable for application in the Monash NEC but did not appear to consider this as part of this Amendment.

The Amendment proposes the application of the RGZ only to residential land located within the Monash NEC and Clayton Activity Centre. While it might be expected that the RGZ be applied to the residential areas in and around Activity Centres<sup>60</sup>, the RGZ is not the only planning tool suitable for achieving the objectives for these areas. The key consideration is the extent to which the proposed zones support the achievement of the specific objectives for an area.

As the Amendment is not proposing to implement aspects of the Housing Strategy relating to the areas identified with future redevelopment potential, the lack of use of the MUZ and the minimal use of the RGZ is not considered to be a fatal flaw. However, the Panel expects that these zones will be actively considered in the future stages of the Housing Strategy implementation.

## (iii) Panel conclusions

The panel concludes:

- As the Amendment is part of a staged implementation of the Housing Strategy, the absence of the MUZ and the minimal use of the RGZ does not compromise the achievement of the Housing Strategy objectives in the longer term.
- The MUZ and the RGZ should be considered for application in future stages of the Housing Strategy implementation.

## 3.6 Distinctions between proposed zones

### (i) Evidence and submissions

Few submissions commented directly on the distinctions between the zones.

In is evidence for the Council, Mr Larmour-Reid stated that he is “*satisfied that the GRZ is the appropriate zone for the majority of Monash’s Garden City Suburbs and that the boundary between GRZ3 and GRZ4 is logical and strategically justified*”. He recommended refinement of the boundaries of these zones in response to his recommended changes to the boundary of the NRZ to be applied in the Creek Abuttal Areas<sup>61</sup>.

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<sup>60</sup> The Council has proposed the application of the RGZ to land within the Glen Waverley Activity Centre as part of Amendment C120.

<sup>61</sup> Expert Witness Report, James Larmour-Reid, August 2016.

Submissions on behalf of various property owners in Oakleigh South<sup>62</sup> noted that the only difference between the GRZ3 and GRZ4 was the additional requirements for the setback of garages from the front facade. Additionally, comments were made that the GRZ3 is “...*the same or more restrictive than the Schedules to some of the proposed Neighbourhood Residential Zones ...*”

Metricon Homes<sup>63</sup> submitted that the decision guidelines in the schedules to the GRZ and NRZ fail to differentiate between the zones and “...*supersede the different purposes of the zones, and diminish the differences or objectives and purposes between each zone...*”.

## **(ii) Discussion**

The various combinations of the proposed variations to the ‘default’ provisions of the zone and the standards of ResCode (clauses 54 and 55) create distinct differences between some of the existing and proposed zone schedules and only subtle differences between others. Post-exhibition changes to these schedules that are supported by Council have substantially reduced or negated the distinctions between the zones. At issue is whether the distinctions between the zone schedules are sufficient to warrant the number of separate zone schedules proposed by the Amendment. This issue particularly relates to the GRZ3, GRZ4 and NRZ4.

The exhibited GRZ3 and GRZ4 include different requirements for minimum street setback, site coverage, permeability, landscaping and side setbacks. However, the changes supported by Council (31 May 2016) result in the only difference between the two schedules being the additional requirement in the GRZ3 to setback garages and carports and buildings that are built to a side boundary behind the front wall of a dwelling. These differences are marginal and there is no strategic basis evident in the Neighbourhood Character Review that justifies the difference in the provisions relating to the minimum street setback.

There is insufficient strategic basis for the separate GRZ3 and GRZ4 schedules and these zones should be consolidated. Character based distinctions between areas would continue to be recognised through both the Preferred Future Character statements in Clause 22.01 and the site analysis that should underpin development applications.

While the exhibited NRZ4 schedule included many similarities with the GRZ3 there were several differences compared with the GRZ4. The post-exhibition changes supported by Council (31 May 2016) result in there being very few differences between these three schedules. The differences between the final proposal for the NRZ4 and the GRZ3 and GRZ4 relate to:

- the minimum street setback in GRZ3 includes a requirement for additional setback of garages and carports
- the NRZ4 includes an additional landscaping requirement seeking the retention or planting of trees and mid-level canopy vegetation throughout the property
- the GRZ3 and GRZ4 limit the length of a wall on a side boundary to 6.5 metres
- the GRZ3 and GRZ4 allow for a front fence adjoining a RDZ1 or RDZ2 to be 1.8 metres high
- The NRZ includes application requirements for a landscaping plan and decision guidelines relating the landscaping proposal.

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<sup>62</sup> (sub 851).

<sup>63</sup> (sub 1060).

While the detail of the zone schedules provide little distinction between each other, there are clear distinctions between the primary zones. The purpose of the NRZ specifically seeks to limit opportunities for increased residential development, and the zone provisions set a limit on the number of dwellings (per lot) that may be permitted, and the maximum building height is a mandatory provision. These give effect to the NRZ clearly limiting the intensity of development compared to the GRZ.

### (iii) Panel conclusions

The panel concludes:

- The GRZ3 and GRZ4 should be consolidated as there are few distinctions between the provisions proposed.
- The NRZ4 should be retained as a separate schedule as the purpose of the zone and proposed zone provisions recognise the strategic intent to limit development in this area.

## 3.7 The Neighbourhood Residential Zone and schedules

The Amendment applies the following schedules Neighbourhood Residential Zone:

- NRZ1 – Monash Heritage Precincts
- NRZ2 – Creek Abuttal Areas
- NRZ3 – Creek Environs Areas
- NRZ4 – Dandenong Valley Escarpment Areas.

### 3.7.1 General application of the NRZ

#### (i) Evidence and submissions

Few submissions commented on the general application of the NRZ. Submissions on the NRZ generally focused on the appropriateness of the application of the NRZ to specific areas and sites, rather than the nature and appropriateness of the NRZ generally. Submissions on the NRZ1 related to the proposed changes to the existing schedule to this zone rather than the general application of the zone.

The submissions in relation to the NRZ2, NRZ3 and NRZ4 demonstrate a division in opinion between support for and opposition to the application of the NRZ.

One submissions<sup>64</sup> commented that while the ‘slavish’ application of the NRZ has not been as much an issue in Monash as in other municipalities, it has still been applied excessively. It was also submitted that “...limiting density is a ‘blunt instrument’ approach that misses the point if the end game is to protect neighbourhood character... it is somewhat inconsequential whether a building that has otherwise been deemed to be acceptable to its context (in terms of character, amenity and traffic impacts) contains one or ten dwellings”.

#### (ii) Discussion

The general application of the NRZ to the Heritage Precincts, Dandenong Creek Escarpment and the Creek Environs housing categories is consistent with the principles set out in the PPN78. These housing category areas are residential areas with precinct based heritage

<sup>64</sup> (sub 442).

overlays, areas with a neighbourhood character that is sought to be retained (or enhanced), and areas of identified environmental or landscape significance.

Having regard to the RZSAC principles the Panel notes that the NRZ has not been applied as the default residential zone and or at least 50 percent of the municipality.

As part of the MRDAC process DTPLI (now DELWP) indicated that the (former) Minister for Planning had agreed to prepare a VC Amendment to improve the operation of the residential zones. These improvements included a proposal to introduce to the NRZ the ability for a density scale to be applied to provide a more flexible mechanism for the maximum number of dwellings on a lot that could take account of large lots. Such an improvement to the NRZ would mitigate the concerns raised about the blunt nature of the NRZ in limiting development to a maximum of two dwellings (or another specified number) without consideration of the size of a lot. The Panel understands that this VC amendment has not yet proceeded.

The Planisphere<sup>65</sup> advice to Council indicated that the VPO alone is not an effective tool to protect the garden character over large areas. It recommended that the VPO in combination with zone schedules, or preferably with the use of the SLO, is more effective in retaining and replacing trees.

### **(iii) Panel conclusions**

The Panel concludes:

- The general application of the NRZ is consistent with the principles in PPN78 and those of the RZSAC.
- The NRZ has not been excessively applied across the municipality.
- The proposal to allow a density scale to provide more flexible requirements for the maximum number of dwellings on a lot in the NRZ would provide a remedy to the issue of the blunt mandatory limit. The Panel supports this proposal.

### **3.7.2 NRZ2 – Creek Abuttal Areas**

#### **(i) Evidence and submissions**

Council advised that the boundaries of the NRZ2 were determined to include properties that abut the creek reserve on the diagonal, are on the opposite side of the road from the creek reserve, properties that abut both the creek and the Monash Freeway, properties on main roads, properties where there is already a high proportion of medium density, and large properties that could support more than two dwellings. Properties abutting thin strips of PUZ1, where the creek or drain is in an underground pipe, were excluded. The Council identified specific sites where they supported the realignment of the NRZ2 boundary.

In his evidence Mr Larmour-Reid commented that the NRZ is the appropriate mechanism to moderate development adjacent to identified waterways and endorsed the use of the NRZ for the Creek Abuttal Areas.

In summary, the submissions regarding the NRZ2:

- advocate for the protection and enhancement of the character and environmental values of the Gardiners, Scotchmans and Damper Creeks

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<sup>65</sup> New Residential Zones Advice, Planisphere February 2016.

- object to the NRZ2 due to the associated limits on development
- object to the local variations proposed to be applied through the schedule to the zone
- object to the alignment of the boundary of the NRZ2 in relation to specific areas and sites.

Numerous submissions<sup>66</sup> were made by community groups and residents in support of the application of the NRZ2 to protect the character of Gardiners Creek, Damper Creek and Scotchmans Creek and their environs. Some submissions<sup>67</sup> raised concern about the NRZ2 restriction on the development potential of properties. One submitter<sup>68</sup> commented that the owners of properties in the NRZ2 (and the NRZ3) have been hardest hit and that “...it’s not fair that only a few landowners have to keep Monash a ‘Garden City’”. Other submissions<sup>69</sup> commented that the provisions specified in the zone schedule were unreasonable for small or irregular shaped lots.

Some submitters<sup>70</sup> sought the realignment of the boundary of the NRZ2 to include sites that directly abutted a creek reserve, while others<sup>71</sup> objected to the NRZ2 being applied to properties that do not directly abut a creek, or abut a drain rather than a natural creek.

Several submitters<sup>72</sup> objected to the application of the NRZ2 to large sites that can easily accommodate more than two dwellings, or that are/could be developed with aged care (or similar) facilities that would be constrained by the NRZ2 provisions. Others<sup>73</sup> objected to the NRZ2 being applied to areas that are identified as having future redevelopment potential under the Housing Strategy.

At the hearing, some submitters<sup>74</sup> commented that it is not necessarily the number of dwellings that is of concern, rather it is the size or setbacks of dwellings and landscaping that impact on the character. In his evidence Mr Larmour-Reid expressed a contrary view.

## (ii) Discussion

The Neighbourhood Character Review report states that “*Open space corridors around Gardiners Creek, Damper Creek and Scotchmans Creek feature naturalistic environments that comprise established native and remnant landscaping*”. It also states that “...development on adjoining residential sites should seek to respect and enhance the existing character of these open spaces...”<sup>75</sup>. The Panel observes that the Gardiners, Scotchmans and Damper creeks open spaces do have a distinct landscape character and environmental values that should be protected.

The City of Monash’s Street Tree Strategy (2016) identifies habitat corridors along the Gardiners, Damper and Scotchmans creek-lines. To address the issue of development

<sup>66</sup> For example, (sub 357), The Friends of Damper Creek Reserve Inc. (sub 361), (sub 476), (sub 1164), (sub 1475).

<sup>67</sup> For example, (sub 481), (sub 935).

<sup>68</sup> (sub 705).

<sup>69</sup> For example, Housing Industry Association, (sub 641).

<sup>70</sup> For example, (sub 357).

<sup>71</sup> For example, (sub 961).

<sup>72</sup> For example, Blue Cross Community & Residential Services (sub 651), Japara Property Holdings Pty Ltd (sub 1833).

<sup>73</sup> For example, (sub 902), (sub 1809).

<sup>74</sup> (sub 300), The Friends of Damper Creek Reserve Inc. sub (361).

<sup>75</sup> Neighbourhood Character Review Consultation Draft Report February 2015 (page 29).

pressure affecting the tree canopy within the habitat corridors, the Strategy identifies the opportunity to *“Support the creation of a 400m wide habitat corridor associated with the city’s creek-line, linear parks to increase connectivity between the core habitat areas, street tree canopy and reserves”*<sup>76</sup>.

The Panel observed that considerable areas of the creek-line open space corridors have extensive vegetation that creates a distinct and desirable character, with some areas having dense ‘bushland’ feel. The submissions demonstrate that this character is highly valued by the community (despite the divided opinion on the proposed zone provisions). While some sections of the creek-line open space corridors do not have a heavily treed or vegetated character they are part of a linear network and are valuable open space linkages along the creek-lines.

The Panel is satisfied that the character of the Gardiners, Damper and Scotchmans creek-lines and associated open space corridors warrant protection and enhancement, as the interface between private land and the open spaces along these creek-lines has potential to either enhance or adversely impact on the character of the creek-lines. Managing the landscape character of these interface areas requires the management of both vegetation and built form.

There are several planning scheme tools that could be applied to achieve the objectives to protect and enhance the character (and environmental values) of these areas; they include the zoning of the land, planning scheme overlays such as the VPO, DDO and the SLO, and local planning policy. These tools may be used either individually or in combination.

The key advantages of using the NRZ are that it provides a clear message that the opportunities for increased development are limited, it restricts the maximum number of dwellings, and it provides for the standards of clauses 54 and 55 to be varied.

There is merit to the submissions expressing concern about the impact of the NRZ2 on the development potential of larger sites. The Council appears to have undertaken a broad-brush approach to the application of the NRZ2 to sites adjoining the open space corridors without a finer-grain review to identify larger sites that might warrant further consideration of the appropriateness of limiting their development potential to two dwellings and restricting building height.

There is no reason why larger sites cannot be developed with more than two dwellings and still achieve an appropriate built-form interface with the open space corridors. The application of a blunt, mandatory limit on the number of dwellings for sites that are larger than the standard lot size in an area does not make effective use of limited land resources or infrastructure; nor does it assure good planning outcomes.

Just as there is merit in intensifying housing near public transport, shops and other services, there is merit in capitalising on the amenity provided by public open space, provided the development does not compromise the amenity within the open space or its environmental functions. The benefits of increasing housing near public open space accrue to both the residents and the broader community. Apart from the obvious benefit of residents having easy access to public open space, increased usage of public open space benefits the broader

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<sup>76</sup> Street Tree Strategy, City of Monash, 2016 (page 14).



community with increased safety through the observation of, and activity within, these spaces.

The NRZ2 provides for residential aged care facilities (no permit required) and other accommodation uses such as retirement villages (permit required), which may provide development opportunities for some larger sites. However, the nature of these uses is such that this is likely to be limited to very large sites. It is reasonable that large sites that could otherwise accommodate development that is consistent with the applicable planning policy and provisions of the NRZ2 should be able to accommodate more than two dwellings.

Nos 4-8 Power Avenue Ashwood is an example of good, higher density development of a larger site on land adjoining the Gardiners Creek open space corridor and close to the Holmesglen Activity Centre. This development comprises three apartment buildings ranging in height from 7 storeys down to 4 storeys. While the site does not directly adjoin the open space corridor, being separated from it by Power Avenue, it has a clear visual interface with the open space. This site is proposed to be zoned NRZ2 and would be limited to the development of two dwellings.

Both the DDO and the SLO can be effective mechanisms to manage the built form interface, and could (subject to an appropriate strategic basis) provide a broader range and more tailored built-form provisions than the schedule to the NRZ allows. A key advantage of the DDO is that, if applied in combination with a GRZ, it could apply equivalent requirements as the proposed schedule to the NRZ2 but with greater discretion to manage the development of single houses through the planning permit process.

The VPO currently applies to some areas to which the NRZ2 is proposed to be applied, however this overlay only controls the removal, destruction or lopping of vegetation. It cannot control the built form of development and can only require planting of trees where there is an application to remove vegetation. On its own, the VPO is insufficient to achieve the desired character for these areas. The SLO, however, allows for both development as well as the removal of vegetation to be controlled through a planning permit and is particularly focussed on landscape objectives.

The application of the DDO or the SLO in conjunction with the GRZ could achieve the desired landscape character objectives for the creek abuttal areas without restricting the number of dwellings on a lot. In this regard the DDO or the SLO is a preferable planning tool to the NRZ as it avoids the problem that the NRZ creates for the development of large sites.

Submissions objecting to the application of the NRZ2 to areas where the creek-lines are not in their natural form or are not well vegetated do not take account of the aspirational element of the objectives to protect and enhance the creek-lines. It is reasonable to seek to protect and enhance the interface with these areas to support longer term objectives to rehabilitate and enhance these open spaces. Where the creek-line is in the form of an underground drain and there is limited opportunity for rehabilitation of the creek or enhancement of the open space, the Panel considers that there is little justification or merit in seeking to manage the interface through specific planning scheme tools.

While some properties proposed to be zoned NRZ2 do not have a direct abuttal to the creek-line open spaces, due to being separated by a street, these properties are the first line of private properties that interface with the open space corridors. These properties have a

direct visual connection with the open space corridors and development on these properties could have a visual impact on the creek environs. While it is reasonable to consider these sites as 'creek abuttal' areas, the application of the NRZ2 does not provide the most appropriate mechanism to manage the interface with the creek-line open spaces. A key tool of the proposed NRZ2 to manage this interface is the increased rear setback requirement, however, where a property is opposite a creek-line its interface will ordinarily be along its front or side boundary.

The DDO or the SLO would provide a more effective tool than the NRZ to manage the setbacks of buildings at their interface with the creek-line open space; rather than relying on a 'blunt' rear setback provision an overlay could articulate the design objectives and/or requirements at the interface. This approach would also provide a mechanism to manage the interface of buildings on small or irregular shaped lots.

### **(iii) Panel conclusions**

The panel concludes:

- The objective to protect and enhance the Gardiners Creek, Scotchmans Creek and Damper Creek open space corridors by managing the interface of abutting residential areas is justified.
- The Significant Landscape Overlay (or a Design and Development Overlay with the Vegetation Protection Overlay) in combination with the General Residential Zone are more effective tools to manage the Gardiners Creek, Scotchmans Creek and Damper Creek open space corridors interfaces than the Neighbourhood Residential Zone.
- The application of the Neighbourhood Residential Zone (Schedule 2) to residential properties adjoining the Gardiners Creek, Scotchmans Creek and Damper Creek open space corridors is not supported.

### **3.7.3 NRZ3 – Creek Environs Areas**

#### **(i) Evidence and submissions**

Council advised that the boundaries of the NRZ3 creek interface areas were determined by:

- Using streets as boundaries where possible
- Including areas with the following attributes
  - A topographical relationship with the creek valley
  - Visible creek side vegetation to the extent that the outline of individual trees is discernible
  - Areas that have the potential to have a strong vegetation character
- Including areas where there is already a high level of medium density development
- Excluding the current NRZ1 over the Heritage Overlay applying to the Oakleigh township
- Including areas across a main road from the creek reserve
- Including properties on main roads.

In relation to the boundaries of the NRZ3, Mr Larmour-Reid commented:

*The NRZ3 boundaries extend beyond the NRZ2 areas. I understand that these boundaries were defined by Council staff. Although, I have not reviewed the*

*detailed alignment of these boundaries I support the proposition that the NRZ should extend beyond the immediate creek interfaces defined by Planisphere<sup>77</sup>.*

Evidence from Dr Moore<sup>78</sup> and a number of submitters emphasised the importance of vegetation in providing food and protection for fauna and the value of linked vegetation to provide habitat corridors. It was submitted that observations indicate birds forage in the range of 200 metres from the creek-line vegetated areas.

The matters raised in submissions regarding the NRZ3 were substantially the same as those in relation to the NRZ2, including:

- advocating for the protection and enhancement of the character of the Gardiners, Scotchmans and Damper creeks
- objecting to the NRZ3 applying to specific areas and sites
- objecting to the proposed local variations through the schedule to the zone.

Submissions in support of the NRZ referenced the desire to protect the treed environment<sup>79</sup>, the need to protect the bushland habitat<sup>80</sup>, and concerns with over-development occurring<sup>81</sup>.

Some submitters<sup>82</sup> supported the application of the NRZ3 but objected to some of the local variations in the proposed schedule. Others<sup>83</sup> were concerned about the appropriateness of the application of the NRZ to properties in accessible areas adjacent to activity centres, such as Chadstone, where policy supports more intensive development.

## **(ii) Discussion**

The basis for the NRZ3 remains unclear. The Neighbourhood Character Review provides no justification for the proposed NRZ3 *Creek Environs Areas*. It does not include areas beyond those sites adjoining or directly opposite the creek-line open space corridors as part of the creekside neighbourhood character sub-precinct, nor does it include a broader creek environs neighbourhood character precinct. The Neighbourhood Character Review notes a range of issues arising from the interface of residential development and the open space corridors along the creeks and concludes as follows:

*These issues relate to sites that directly adjoin the creek corridors or sites opposite the entrances to the Creekside open spaces. Development on sites beyond these is generally not visible from the Creekside open spaces and does not directly affect their environs<sup>84</sup>.*

The Panel's observations confirmed this view.

While the *Street Tree Strategy* (2016) promotes the creation of a 400-metre wide habitat corridor along the city's creek-line linear parks to increase connectivity between the core

<sup>77</sup> Expert Witness Report, James Larmour-Reid, August 2016.

<sup>78</sup> In relation to the submission by Dr S Pfueller (sub 178).

<sup>79</sup> For example (sub 997).

<sup>80</sup> (sub 357).

<sup>81</sup> For example, (sub 107), (sub 292).

<sup>82</sup> For example, (sub 6), (sub 918).

<sup>83</sup> For example, (sub 830), (sub 988).

<sup>84</sup> Neighbourhood Character Review Consultation Draft Report February 2015.

habitat areas, street tree canopy and reserves, it does not articulate the boundaries of such a corridor or the role of private land in supporting the proposed habitat corridor.

The Panel was not provided with evidence of any other strategic work that progressed the creation of the habitat corridors along the creek-lines.

The Panel accepts that enhanced vegetation on private land will support habitat corridor strategies, but considers the limit on the number of dwellings under the NRZ is not necessary to achieve this objective. Protection of existing vegetation under the VPO, together with the space for planting provided by increased setbacks and reduced site coverage under the recommended GRZ are more likely to realise this objective.

Mr Larmour-Reid's evidence was that the boundaries of the NRZ3 were established by Council officers. Council described criteria but, consistent application of the broad criteria is not apparent. While at the Hearing the Panel requested further advice on the criteria used to map NRZ3 and how they were applied, the detailed basis for the delineation of the proposed NRZ3 remains unclear.

The Panel notes that the alignment of the boundary of the NRZ3 varies widely along the various creek-line open space corridors. In some areas the NRZ3 is a single property deep, while in other areas the NRZ3 balloons out to be several properties deep and in some cases several streets deep. Particular areas where the NRZ3 extends to a substantial depth include (but are not limited to):

- Jingella Avenue, Power Avenue and Jordan Street, Ashwood
- Wadham Parade, Alvie Road and Miller Crescent, Mt Waverley
- Oxford Street, Bond Street, Wills Avenue, Lawrence Road, Dean Avenue, Morrison Court, Mt Waverley.

The Panel's observations of the NRZ3 area around Jingella Avenue, Power Avenue and Jordan Street, Ashwood, is that there were very few trees on private properties in this area and there was nothing about the character of the area that distinguishes it as having special environmental or character qualities compared to other suburban areas. The Panel notes that this is an area of predominantly older, modest single storey dwellings, and that the area is transitioning, with a number of recent townhouse developments evident. This area is identified as Proposed Character Type C under the Neighbourhood Character Review; this character type applies to the 1950s housing estate. The desired future character statement includes, amongst other things, that "*buildings will be clearly visible through these low garden settings...*". From the Panel's observations, the basis for the inclusion of this area within the NRZ3 *Creek Environs* area is unclear. This raises broader concerns about the basis applying the NRZ3 to other areas.

### **(iii) Panel conclusions**

The panel concludes:

- There is no strategic basis for the application of the NRZ3 *Creek Environs Areas*.
- The NRZ3 should be deleted from the Amendment.
- The land proposed to be zoned NRZ3 should be included in a GRZ based on the Residential Development Framework as follows:
  - GRZ2 should be applied to land designated Category 2 Accessible Areas
  - GRZ3/GRZ4 should be applied to land designated Category 8 Garden City Suburbs.

### 3.7.4 NRZ4 – Dandenong Valley Escarpment Areas

#### (i) Evidence and submissions

Council submitted that the application of the NRZ4 “...takes into account the ridgeline and the topography that slopes toward the valley which affords long-range views across the Dandenong Valley and to the Dandenong Ranges”.

Mr Larmour-Reid endorsed the use of the NRZ for the Dandenong Creek Escarpment area. His reasons included that the escarpment area is identified in planning policy and the Housing Strategy as an area where the Garden City character will be heavily influenced by development outcomes and that the VPO applies extensively across the area. He also noted that the adjacent Councils of Whitehorse and Greater Dandenong apply the NRZ to the suburbs adjacent to the Dandenong Creek.

Submissions relating to the NRZ4 focussed on:

- the character of the Dandenong Creek Escarpment
- the extent and suitability of the NRZ4
- the delineation of the boundary of the NRZ4
- objections to the NRZ4 applying to specific areas and sites due to the associated limits on development
- the limitations imposed by the proposed variations to ResCode provisions under the NRZ4.

Some submissions<sup>85</sup> supported the protection of the ‘garden character’ of the Dandenong Creek escarpment and the NRZ4. Submissions<sup>86</sup> supported the protection of the tree canopy and advocated for planting of trees and space for gardening. Other submissions<sup>87</sup> commented that there was a need to distinguish between ‘garden character’ and the importance of the escarpment also related to water flow into the Dandenong Creek. They submitted that the creek escarpment should be defined by topography and the drainage catchment, not by vegetation.

Some submissions<sup>88</sup> argued that the application of the NRZ4 close to the Glen Waverley Activity Centre does not support Housing Strategy objectives. It was submitted that the proposed application of the NRZ4 to the area generally bounded by Springvale, High Street, Gallaghers Road and Waverley Roads would not capitalise on the area’s location less than a kilometre to the Glen shopping centre, train station, bus station, and other community and retail services.

Other submissions expressed concern at the extent of the application of the NRZ4 in Wheelers Hill and the associated limitations on development that could occur. Submitters<sup>89</sup> commented that Wheelers Hill is well serviced with infrastructure but has no residential diversity.

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<sup>85</sup> For example, (sub 240), (sub 1089).

<sup>86</sup> For example, (sub 245).

<sup>87</sup> (sub 240).

<sup>88</sup> For example, (sub 968), (sub 786).

<sup>89</sup> (sub 623).

**(ii) Discussion**

The New Residential Zones Advice report by Planisphere concluded<sup>90</sup> in relation to the Dandenong Creek Escarpment that:

- the boundaries of the NRZ4 should be retained as exhibited for the areas between High Street and Waverley Roads, between Waverley and Ferntree Gully Roads, and south of Wellington Road.
- boundaries of the exhibited NRZ4 between Highbury and High Street Roads are appropriate and the western boundary should not be extended west of Springvale Road.
- the area between Ferntree Gully and Wellington Roads, the NRZ4 boundary should be amended to remove the land between Lum and Jells Roads.

The Dandenong Creek valley forms the eastern edge of the municipality. The proposed NRZ4 Dandenong Valley Escarpment Areas has been applied extensively, extending the full length of the municipality from its northern boundary at Highbury Road, Glen Waverley, to its southern boundary at Police Road, Wheelers Hill. The application of the NRZ4 generally aligns with the extent of the Residential Character Type D under the Neighbourhood Character Review and the VPO that applies to this area.

The Neighbourhood Character Review states that the proposed Residential Character Type D is distinctive for its strong landscape character and well vegetated gardens that flow continuously along the streets amongst a diverse building base. Key elements identified as contributing to the character include the hilly topography that slopes down to the creek valley, long range views to the Dandenong Ranges and heavily vegetated western slopes of the valley which feature a strong native tree canopy.

The Panel observed that the character in this area is quite diverse, with some pockets of densely planted native trees, other areas with a general treed environment and significant areas with very few trees other than street trees and trees in public reserves. There is also a diversity of built form ranging from modest, single-storey dwellings, large double storey townhouses, and very large double-storey single dwellings. While larger single dwellings are an emerging built form in the northern part of the precinct, they are the dominant built form in Wheelers Hill. The Panel finds that the area's character is not derived from a cohesive built form or treed character, rather the key characteristic is the slope of the land down to the Dandenong Creek valley and the view lines across the valley.

The proposed objective in the Clause 22.01-2 *Residential Development* and character policy relevant to this area is *"To protect and enhance the special character of ...the Dandenong Valley Escarpment"*. The proposed desired future character statement for this area includes:

*... this area will evolve within a landscape that has a large number of native trees spread throughout both the public and private realm. This provides an overhead canopy which unifies the diverse built form and provides a strong relationship with the semi-natural landscape of the Dandenong Valley. An important characteristic of the area are the view lines to the Dandenong ranges, along streets and between buildings. ...*

<sup>90</sup> The Monash New Residential Zones Advice Report was completed in February 2016 and as such does not address the Council resolutions in relation to the boundary of the NRZ4 of 29 March 2016 and 26 July 2016.

The Panel is satisfied that the view lines to the Dandenong ranges are an important and valued characteristic that warrants protection and enhancement. The Panel is also satisfied that the preferred character statement indication that this area will 'evolve' within a treed landscape is aspirational and has merit. The Panel's observations indicate that enhancing the escarpment area will not only benefit the character within the City of Monash but will also enhance the view lines to this western escarpment when viewed from the valley floor and the eastern escarpment.

The character objectives for this area require the management of both vegetation and built form. While the Panel considers that these objectives could be achieved by the GRZ in combination with a planning scheme overlay/s such as the VPO, DDO and/or SLO the application of the NRZ is not inappropriate.

The application of the NRZ to this area is consistent with the PPN78 principles that support the NRZ in areas with a neighbourhood character that is sought to be retained and in areas of identified environmental or landscape significance. Having regard to the broader Dandenong Creek valley, the Panel notes that the adjoining municipalities (Whitehorse City Council to the north and City of Greater Dandenong to the south) have applied the NRZ to the Dandenong Creek valley escarpment areas.

The limitation of development in the NRZ to a maximum of two dwellings per lot is acceptable in the context. Compared to the remainder of the municipality, which has an extensive network of activity and neighbourhood centres and public transport, much of the escarpment area is somewhat remote from the Glen Waverley and Wheelers Hill Activity Centres and from the fixed principle public transport network (PPTN).

From its observations, the Panel considers that the direct interface between the Dandenong Creek Escarpment area and the public open space area of the creek line warrants protection. Much like the Creek Abuttal areas proposed to be zoned NRZ2, the interface of the urban area with the Dandenong Creek should be managed to ensure that the view lines through to the valley floor are maintained and that a vegetated interface is protected and enhanced. The Panel considers that those properties directly abutting the PPRZ, PCRZ and PUZ land along the Dandenong Creek could have the SLO (or a DDO with the VPO) applied to them to provide more tailored provisions than the schedule to the NRZ allows.

### **(iii) Panel conclusions**

The panel concludes:

- The objective to protect and enhance the character of the Dandenong Creek Escarpment is justified.
- The application of the NRZ4 to the Housing Category 6 – Dandenong Creek Escarpment area is supported.
- The management of the interface between the Dandenong Creek and abutting residential areas is justified.
- The SLO (or a DDO with the VPO) are appropriate tools to manage the interface between the Dandenong Creek and the abutting residential areas.

### 3.8 The General Residential Zone and schedules

#### 3.8.1 General application of the GRZ

The Amendment applies the following schedules to the GRZ

- GRZ3 *Garden City Suburbs Southern Areas*
- GRZ4 *Garden City Suburbs Northern Areas*
- GRZ5 *Oakleigh and Wheelers Hill Activity Centres*
- GRZ6 *Monash National Employment Cluster and Clayton Activity Centre, Housing Diversity Area*

#### (i) Evidence and submissions

Council submitted that it proposed to continue to apply the GRZ to land in Category 8: Garden City Suburbs under the Housing Strategy, and that two schedules to the GRZ were proposed in recognition of the slight differences between the southern and northern areas of the municipality.

Submissions<sup>91</sup>, particularly those in relation to individual properties, commented that the application of the GRZ3 and GRZ4 in locations categorised as Activity and Neighbourhood Centres, Accessible Areas and Boulevards, was inconsistent with the Housing Strategy. Other submissions<sup>92</sup> queried the suitability of the proposed application of the GRZ in and around activity centres and the NEC, with some submitters seeking the application of the RGZ rather than the GRZ. Submissions<sup>93</sup> queried the application of the GRZ to land that was also affected by a Heritage Overlay, commenting that they thought that the NRZ1 would apply. The Housing Industry Association<sup>94</sup> objected to the multiple schedules to the GRZ<sup>95</sup>, arguing that it was contrary to the purpose and efficiency of the State based planning system.

#### (ii) Discussion

The application of the GRZ is consistent with the PPN78 principle that it will be applied in residential areas where moderate growth and diversity of housing is to be provided, and with the RZSAC principle<sup>96</sup> that the GRZ will typically be the 'default' zone. It's arguable whether the application of the GRZ within the Oakleigh, Wheelers Hill and Glen Waverley Activity Centres is consistent with that principle and that of the RZSAC<sup>97</sup> that the GRZ "*should not be used as a 'default growth zone' because it only provides for incremental change and that there is an expectation that respecting neighbourhood character will influence the scale and built form*". The application of the GRZ to the Oakleigh Activity Centre, Wheelers Hill Activity Centre and Glen Waverley Activity Centre are discussed later in this report.

The Panel understands that the majority of land included in a Heritage Overlay is zoned NRZ, however notes that some properties have been proposed to be zoned GRZ3. While PPN78 identifies the NRZ as suitable for areas with heritage significance, it is the Heritage Overlay

<sup>91</sup> For example (sub 755), (sub 888), (sub 982), (sub 1809).

<sup>92</sup> For example (sub 815), (sub 852), (sub 957).

<sup>93</sup> (sub 61).

<sup>94</sup> (Sub 1189).

<sup>95</sup> The Housing Industry Association also objected to the multiple schedules to the NRZ.

<sup>96</sup> RZSAC Principle P12.

<sup>97</sup> RZSAC Principle P13.



that is the primary and appropriate planning scheme tool to achieve heritage objectives. The application of the GRZ in conjunction with the Heritage Overlay is not incompatible with achieving appropriate heritage outcomes. The Panel notes that prior to the introduction of the NRZ the Heritage Overlay provided a more targeted tool to achieve heritage objectives. The application of the GRZ to land that is also in a Heritage Overlay is acceptable.

This Amendment proposes the introduction of four new schedules to the GRZ, in conjunction with two new GRZ schedules proposed under Amendment C120. In principle, there is no maximum number of schedules to a zone that are allowed; the key consideration is whether a schedule to a zone is justified and necessary to achieve the desired objectives. The Panel has recommended that the GRZ3 and GRZ4 be combined into a single schedule. The Panel discusses the GRZ5 in Chapters 3.8.3 and 3.8.4, and the GRZ6 in Chapter 0.

### **(iii) Panel Conclusions**

The panel concludes:

- The general application of the GRZ to the Housing Strategy Category 8: Garden City Suburbs is consistent with the principles in PPN78 and those of the RZSAC.
- The application of the GRZ to land that is also affected by a Heritage Overlay is acceptable.

### **3.8.2 GRZ3 and GRZ4 Garden City Suburb**

#### **(i) Evidence and submissions**

Council submitted that it was proposed to modify the schedule to the GRZ to strengthen the siting and development requirements that contribute to the garden character of Monash.

Submissions commented on the schedules to the GRZ3 and GRZ4 zones being more restrictive than the existing GRZ2. Some submissions<sup>98</sup> were concerned that the more restrictive schedules will limit development potential and dwelling size, while others<sup>99</sup> supported the more restrictive zone schedules, or requested that the schedules be even more restrictive, such as banning all subdivision of land within the GRZ<sup>100</sup>.

#### **(ii) Discussion**

The local provisions of the schedules to the GRZ3 and GRZ4 are discussed in detail in Chapter 4. The schedules to the GRZ3 and GRZ4 (as exhibited) were substantially different to the existing GRZ2. The differences between the GRZ3 and GRZ4 and the GRZ2 are that the GRZ3 and GRZ4:

- specified different local variations to the ResCode standards for minimum street setback, private open space and front fence height
- included local variations to the ResCode standards for site coverage, permeability, landscaping, side and rear setbacks, and walls on boundaries
- specified application requirements and decision guidelines.

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<sup>98</sup> For example (sub 18), (sub 852), (sub 922), (sub 1349).

<sup>99</sup> For example (sub 30), (sub 770).

<sup>100</sup> (sub 129).

The subsequent changes to the proposed GRZ3 and GRZ4 schedules reduced the differences between the GRZ3 and the GRZ4 themselves but did not significantly change the extent of the difference to the GRZ2. While the Panel makes recommendations on the proposed local variations in the zone schedules in Chapter 6, the Panel is satisfied that the GRZ3 and GRZ4 are sufficiently distinct from the GRZ2.

The proposed GRZ3 and GRZ4 (as discussed previously) should be consolidated into a single schedule.

### **(iii) Panel conclusions**

The panel concludes:

- The schedules to the GRZ3 and GRZ4 are distinct from the GRZ2 and are justified as separate schedules to the GRZ2.

### **3.8.3 GRZ5 Oakleigh Activity Centre**

#### **(i) Evidence and submissions**

Mr Larmour-Reid expressed the view in his evidence for Council<sup>101</sup> that the boundaries of the proposed GRZ5 are consistent with the Oakleigh Major Activity Centre Framework Plan in Clause 21.15 of the Planning Scheme. He stated that the precincts of the Oakleigh Activity Centre proposed for inclusion in the GRZ5 are identified as either civic or residential periphery areas, and that in both cases sensitivity to the surrounding heritage context is required. In relation to the interface area of the Activity Centre with the surrounding residential area, Mr Larmour-Reid commented that the Housing Strategy did not address the boundaries around these areas and that further work may be required when the Structure Plan is reviewed.

Some submitters<sup>102</sup> raised concern that the interface of the GRZ5 and NRZ1 would allow dense development (apartments) to be built opposite a heritage area, suggesting that this would significantly diminish the heritage character.

#### **(ii) Discussion**

The Oakleigh Major Activity Centre Structure Plan provides for higher density residential development within the Activity Centre. The Commercial 1 Zone (C1Z) applies to much of the Activity Centre, with the GRZ2 currently applying the residential precincts. The Amendment proposes to apply the GRZ5 to the residential precincts within the Activity Centre. These precincts are intended to provide a transition in building heights around the commercial precincts of the Activity Centre to protect the amenity of surrounding residential areas. The Structure Plan provides for building heights of up to 3-4 storeys in these precincts.

The Panel recognises the need to manage the interface between the residential areas of the Activity Centre and the adjoining heritage areas; this does not mean that higher density and higher building heights are incompatible with heritage areas. The proposed decision guidelines for the Oakleigh Activity Centre in the GRZ5 include avoiding underdevelopment of sites and encouraging a range of housing types and forms. The Panel is satisfied that in

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<sup>101</sup> Expert Witness Report, James Larmour-Reid, August 2016.

<sup>102</sup> For example, (sub 554).

conjunction with the Clause 21.15, the proposed GRZ5 provides for the appropriate implementation of the Structure Plan.

### **(iii) Panel conclusions**

The panel concludes:

- The application of the GRZ5 to the residential precincts of the Oakleigh Activity Centre is appropriate.

### **3.8.4 GRZ5 Wheelers Hill Activity Centre**

#### **(i) Evidence and submissions**

Mr Larmour-Reid<sup>103</sup> commented in his evidence that the Wheelers Hill Activity Centre is poorly serviced by public transport and sits within a sensitive landscape setting. He submitted that the boundaries of the proposed GRZ5 are consistent with the map of the Activity Centre in Clause 22.06 of the Planning Scheme.

In relation to the interface area of the Activity Centre and the surrounding NRZ4 residential area, Mr Larmour-Reid commented that more work may be required to either further refine the zoning controls around the Activity Centre or to refine the Clause 22.06 policy.

The owner of the property on the north-west corner of Ferntree Gully Road and Jells Road (No 855 Ferntree Gully Road) objected<sup>104</sup> to the proposed application of the NRZ4 to this site, submitting that the site is part of the Wheelers Hill Activity Centre and should be zoned accordingly. Council submitted that this was a mapping error and that Council supports the application of the GRZ5 to this site.

#### **(ii) Discussion**

The Wheelers Hill Activity Centre is located at the intersection of Ferntree Gully and Jells Roads and extends south along Jells Road to Grandview Road. The Amendment seeks to implement the Wheelers Hill Neighbourhood Activity Centre Structure Plan (September 2007). The Activity Centre includes a large parcel of land on Jells Road developed with a supermarket/shops that is zoned C1Z, and another large parcel of land on the south-east corner of Ferntree Gully and Jells Roads that developed with the Monash Art Gallery and library (zoned PPRZ and PUZ6). The remainder of the land in the Activity Centre is currently zoned GRZ2. The Activity Centre includes a number of large land parcels that have the potential to be re-developed.

In summary, the Structure Plan provides for a mix of civic uses, retail and commerce uses, mixed use and medium rise residential development, and for development with a height of approximately 3-4 storeys. It provides for:

- predominantly medium rise residential uses on the northern side of Ferntree Gully Road and the south-western side of its intersection with Jells Road
- mixed use, medium density residential and professional services on the western side of Jells Road

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<sup>103</sup> Expert Witness Report, James Larmour-Reid, August 2016.

<sup>104</sup> (sub 1145).

- a combination of retail, office, community uses, mixed use, professional services and medium density residential along Jells Road.

The Structure Plan is implemented through the Clause 22.06 Wheelers Hill Neighbourhood Activity Centre Policy under the current Scheme. This policy includes objectives, policy and decision guidelines relating to land use, built form and landscaping. The DDO 5 also applies to the Wheelers Hill Activity Centre and implements the built form elements of the Structure Plan. Amongst other provisions the DDO 5 regulates building heights and setbacks.

The area surrounding the Activity Centre is proposed to be zoned NRZ4. Due to the mandatory maximum of two dwellings per lot in the NRZ4, residential development and intensification near the Activity Centre will be significantly constrained. This places a greater focus on the Activity Centre itself to provide for a greater intensity of residential development to support the viability and vibrancy of the Activity Centre and to provide a diversity of housing types.

The Panel is not satisfied that the application of the proposed GRZ5 provides an appropriate approach to the implementation of the Structure Plan and does not effectively support the future development of this Activity Centre in accordance with that Plan. In particular the Panel notes that:

- The GRZ5 is to be applied to areas identified for mixed use and commercial uses and medium density housing.
- The GRZ5 schedule is potentially more restrictive than that of the existing GRZ2 through the extensive Decision Guidelines incorporated into the GRZ5 schedule that focus on conserving the existing character and low density, low rise development.
- The Structure Plan is already given effect through the Clause 22.06 policy and the DDO5. No evidence was presented to demonstrate that the policy and DDO are failing to effectively deliver the desired outcomes envisaged by the Structure Plan.

### **(iii) Panel conclusions**

The panel concludes:

- The application of the GRZ5 does not provide for the effective implementation of the Wheelers Hill Neighbourhood Activity Centre Structure Plan.
- Council should consider the application of other residential zones, including the RGZ and the MUZ in any future proposal for the rezoning of land within the Wheelers Hill Activity Centre.

## **3.9 Delineation of zone boundaries**

### **3.9.1 Delineation of the NRZ4 and GRZ4 zone boundaries**

#### **(i) Evidence and submissions**

Council submitted that the application of the NRZ4 is generally consistent with the extent of the topography to the eastern face of the escarpment<sup>105</sup>. Mr Larmour-Reid<sup>106</sup> supported the exhibited boundaries as they are generally consistent with the Proposed Character Type D

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<sup>105</sup> Document 6 - Council submission: Part B.

<sup>106</sup> Expert Witness Report, James Larmour-Reid, August 2016.

under the Neighbourhood Character Review, with some exceptions. These exceptions include Proposed Character Type D areas that were zoned GRZ4 instead of NRZ4 and Proposed Character Type B areas that were zoned NRZ4 instead of GRZ4. It was his view that the area immediately to the west of the Monash Freeway (between Wellington Road and Police Road Mulgrave) should be excluded from the NRZ4, on the basis that the freeway separates this precinct from the Dandenong Creek and escarpment precinct.

In relation to the land in the area bounded by Springvale, Highbury, Gallaghers and Waverley Roads, Glen Waverley, Mr Larmour-Reid commented that neither the exhibited amendment, nor Council's current position align with the neighbourhood character precinct boundaries. He recommended that the most strategically sound approach would be to align the NRZ boundary with proposed Character Type D.

Hundreds of submissions related to the application of the NRZ4 to the area bounded by Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/Westlands Road/Camelot Drive, with submissions in both support of<sup>107</sup> and opposition<sup>108</sup> to the NRZ4 and the changes to the alignment of the boundary between the NRZ4 and GRZ4. One submitter<sup>109</sup> suggested these changes to the Amendment were "*random and impulsive*".

The Arton Group<sup>110</sup>, owners of the Cumberland View retirement village and residential aged care complex in Wheelers Hill<sup>111</sup>, objected to the proposed application of the NRZ4 to their site of approximately 19.4 hectares. It was submitted that the proposed NRZ4 is unnecessarily restrictive for this very large site and the "*... future development of the land should be guided by a distinct zoning control for the site which could be supported by an Overlay mechanism*". A preliminary masterplan was tabled for the redevelopment of this site with buildings up to 5 storeys in height.

## (ii) Discussion

### **Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/Westlands Road/Camelot Drive, Glen Waverley**

The application of the GRZ4 and NRZ4 substantially reflects the Neighbourhood Character Review proposed Character Types B and D areas. However, the exhibited boundaries between the proposed GRZ4 and NRZ4 and in the final proposal supported by Council do not align with these Character Types areas, with the NRZ4 being applied more extensively than the Proposed Character Type D area.

The final proposal supported by the Council:

- does not apply the NRZ4 at all to the area Highbury Road, Springvale Road, Waverley Road and Westlands Road/Camelot Drive, despite the northern half of this precinct (north of Campbell Street) being within the Proposed Character Type D area. The Panel observed different character types in these areas, with the northern half having a more distinct treed character than the southern half of the precinct.

<sup>107</sup> For example, Friends of Damper Creek Reserve Inc. (sub 361), Monash Ratepayers (sub 1654), (sub 1838).

<sup>108</sup> For example, (sub 746).

<sup>109</sup> (sub 1838).

<sup>110</sup> (sub 634).

<sup>111</sup> The Arton Group site is located between Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill.

- applies the NRZ more extensively in the area bounded by High Street Road, Springvale Road, Waverley Road and Gallaghers Road than the extent of Proposed Character Type D, and extends the NRZ4 closer the periphery of the Glen Waverley Activity Centre.

The extension of the more restrictive NRZ4 zone near to the Glen Waverley Activity Centre without a strategic basis conflicts with other planning policy objectives that support the intensification of residential development in such locations has not been justified. The application of the GRZ4 to this area is appropriate as it provides for the objective to maintain and enhance the Garden City character without restricting development opportunities.

#### **Proposed Character Type D area to the west of the Monash Freeway**

It is proposed apply the GRZ4 to the proposed Character Type D area to the west of the Monash Freeway, between Wellington and Police Roads in Mulgrave, whereas the NRZ4 is proposed for land in this character type in the Dandenong Creek Escarpment area.

The Panel concurs with Mr Larmour-Reid's evidence that the freeway separates this precinct from the Dandenong Creek and escarpment area. The Panel's observations indicate that there is nothing about the character of this area that distinguishes it from the adjacent areas that were included in the proposed GRZ3 and GRZ4. The Panel considers that the GRZ should apply in this area.

#### **Proposed Character Type B area between Wellington Road, Garnett Road and Whalley Drive Wheelers Hill**

The land bounded by Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill is a 14-hectare site<sup>112</sup> within the Housing Strategy Category 8 – Dandenong Creek Escarpment and Proposed Character Type B under the Neighbourhood Character Review. The site is proposed to be zoned NRZ4, which is consistent with the proposed zoning of the Dandenong Creek Escarpment area more broadly, but inconsistent with the zoning of the Proposed Character Type B, which is generally proposed to be zoned GRZ4.

The key issue with this site is the tension between how it responds and contributes to the character of the Dandenong Creek escarpment within which it is geographically located, and the extent to which the site has the potential to be further developed. The Panel observed that the site had an abundance of trees and generally reflected the desired future character with tall native tree being the dominant feature and buildings sitting well below the tree canopy. The site has potential to be redeveloped in a way that supports a range of objectives under the Housing Strategy, particularly in relation to housing diversity and affordability.

The Panel considers that any future redevelopment of this site would be best achieved through a master planned approach. There are a range of planning scheme zones (such as the GRZ, RGZ or Comprehensive Development Zone) and overlays (such as the Development Plan Overlay or Incorporated Plan Overlay) that may be suitable to facilitate this, however, it is not within the scope of this Panel to develop a zoning and overlay proposal for this site. The Council should review the zoning of this land under a separate process should there be a proposal to redevelop the site in the future. In the interim the proposed NRZ4 should be

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<sup>112</sup> The site is developed with the Cumberland View retirement village and residential aged care complex. The complex includes two residential aged care facilities (with 200 beds in total) and 255 retirement living units.

retained to ensure a consistent approach to the management of the Dandenong Creek Escarpment area.

### **(iii) Panel conclusions**

The panel concludes:

- There is no strategic basis for a different alignment of the boundary between the GRZ4 and the NRZ4 to that of the Proposed Character Types B and D in the area bounded by Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/Westlands Road/Camelot Drive, Glen Waverley.
- The GRZ should apply to the land west of the Monash Freeway, between Wellington Road and Police Road in Mulgrave, that is identified as Proposed Character Type D under the Neighbourhood Character Review.
- The NRZ4 should apply to the Proposed Character Type B area between Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill, pending any future planning.

### **3.9.2 Proposed Character Type C – Ashwood**

#### **(i) Evidence and submissions**

Submissions relating the Ashwood area primarily related to the application of the NRZ2 and NRZ3 to the Gardiners Creek environs and to the local variations in the schedules to the NRZ and the GRZ.

#### **(ii) Discussion**

The precinct generally bounded by High Street Road, Huntingdale Road, Waverley Road, Warragul Road and Gardiners Creek is classified as:

- a combination of Housing Category 2 – Accessible Areas and Housing Category 8 – Garden City Suburbs under the Housing Strategy
- proposed Character Type C<sup>113</sup> under the Neighbourhood Character Review.

The area is proposed to be zoned GRZ4, the same as the surrounding areas to the north, east and west that are classified as Proposed Character Type D under the Neighbourhood Character Review.

As discussed previously, this is an area of predominantly older, modest single storey dwellings that is transitioning, with numerous recent townhouse developments and a more intensive apartment development up to 7 storeys high. While there are similarities in the desired future character statements for the Type C and Type D areas, they are two separate character statements and there are differences that warrant these two character types being different<sup>114</sup>. The area is well located in proximity to the Holmesglen Activity Centre and the Jordanville train station. The area is well serviced by formal and informal public open space, including the reserve along the Gardiners Creek.

<sup>113</sup> This area is the only area within the municipality identified and Proposed Character Type C under the Neighbourhood Character Review.

<sup>114</sup> The desired future character statement for the Type B area places emphasis on the tall tree canopy and the need to reduce the visual dominance of buildings through recessing upper levels. The character statement for the Type C area refers to buildings being clearly visible through low garden settings.

The Panel considers that this area is suitable for progressive redevelopment, the extent of which will be informed by the future detailed planning for the Category 2 – Accessible Areas. In this context, it is not appropriate to impose a more restrictive zoning in the form of the GRZ4 to this area.

### **(iii) Panel conclusions**

The Panel concludes:

- The proposed General Residential Zone (Schedule 4) is inappropriate for the Proposed Character Type C area under the Neighbourhood Character Review.
- The existing General Residential Zone (Schedule 2) should be retained for this area.

### **3.9.3 Zone boundary changes agreed to be Council**

#### **(i) Evidence and submissions**

Various submissions sought variations to the alignment of the boundaries between zones, for example:

- The Friends of Damper Creek Inc. requested a range of properties bordering the Damper Creek Reserve be included in the NRZ2.
- Submitter 357 sought realignment of the NRZ2/NRZ3 boundary in Alice Street, Glen Waverley.
- Submitter 1013 sought the realignment of the NRZ3/GRZ4 boundary in Greenways Road, Glen Waverley.
- Submitter 961 sought the realignment of the NRZ2/GRZ4 boundary in Fiander Avenue, Glen Waverley.

Council submitted<sup>115</sup> that they had sought to respond to site specific issues and proposed the realignment of some zone boundaries (as shown in Appendix F) as agreed by the Council.

#### **(ii) Discussion**

It is not the Panel's role to redefine the zone boundaries in detail, and, as noted previously, due to the nature of documentation provided, the large number of submissions, the absence of specific Council responses to most individual submissions, and the various post-exhibition changes that were supported by Council, the Panel has dealt with the issues raised in submissions, rather than providing assessments of each individual submission. Many of the submissions seeking the realignment of zone boundaries will have been addressed or negated by the Panel's recommendations in relation to the proposed zones, as discussed in previous chapters. The Panel has considered the sites and areas for which the Council has agreed to realign the boundaries. The Panel's consideration of these case studies is shown in Appendix E. The Panel's recommendations in relation to these case studies should provide guidance to the Council for other refinements to the zone boundaries.

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<sup>115</sup> Document 6 - Council submission: Part B



### (iii) Panel conclusions

The panel concludes:

- In some specific instances the alignment of the boundaries of the proposed zones warrants revision to reflect the specific local circumstances (see Appendix E).

## 3.10 Areas identified for future redevelopment and strategic redevelopment sites

As discussed previously, the Council's staged approach to implementation of the Housing Strategy means that the Amendment does not seek to apply zones to implement housing categories 1 (Activity and Neighbourhood Centres), 2 (Accessible Areas), 3 (Monash National Employment Centre) and 4 (Boulevards). These housing categories apply to those areas identified as having future redevelopment potential. The Panel concluded that these areas should remain zoned GRZ2 as the interim planning framework pending the further stages to implement the Housing Strategy.

### 3.10.1 Glen Waverley Activity Centre

#### (i) Evidence and submissions

Mr Larmour-Reid's evidence was that the proposed controls for the Glen Waverley Activity Centre are addressed by Amendment C120 to the Monash Planning Scheme, which proposed the introduction of the RGZ4, GRZ7 and GRZ8.

Submissions on the application of the zones around the Activity Centre were divided in relation to providing for further development in and around the Activity Centre. Some submissions<sup>116</sup> opposed the encouragement of further development and over-population in the Activity Centre area, with some citing that it was already too congested. Others<sup>117</sup> submitted that the future of the Activity Centre is compromised by restrictive zoning around its periphery, noting that the area is set for high growth and high densities. One submitter<sup>118</sup> commented that *"...it is too late to impose the GRZ4 ... in the attempt to maintain a predominantly single detached dwelling style. That style has already disappeared from our neighbourhood..."*.

#### (ii) Discussion

Amendment C120 to the Monash Planning Scheme seeks to implement directions from the Glen Waverley Activity Centre Structure Plan 2014 and rezones land within the Activity Centre. The Amendment was submitted to the Minister for Planning for approval in September 2016. The rezoning of land proposed under that Amendment does not apply to all of the land within the Activity Centre, rather it rezones land in the core of the Activity Centre. Much of the land in the Precinct 7 area of the Activity Centre is not rezoned under Amendment C120.

Amendment C125 proposes to apply the GRZ4 to that land in Precinct 7 that was not included in Amendment C120. The proposed application of the GRZ4 to land within the Activity Centre

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<sup>116</sup> For example, (sub 958).

<sup>117</sup> For example, (sub 1109).

<sup>118</sup> (sub 692).

has the effect of applying the same provisions for Housing Strategy Category 8 - Garden City Suburbs, which is an area *'suitable for incremental change'*, to a Category 1 – Activity and Neighbourhood Centres Area, which is an area *'with future redevelopment potential'*. The amendments to Clause 21.03 A Vision for Monash proposed as part of Amendment C125 include a strategic direction to *"...direct residential growth to neighbourhood and activity centres..."*.

The application of the GRZ4 to land within the Glen Waverley Activity Centre is inconsistent with the Structure Plan for the Activity Centre and the Housing Strategy. The purpose of the GRZ focusses on respecting neighbourhood character and providing for moderate housing growth. The provisions of the GRZ4 are more restrictive than the existing GRZ2 that currently applies to this area. The application of the GRZ4 in an area identified as a focus for growth and change and with excellent access to a full range of services is inappropriate and may compromise the achievement of the objectives for and potential of the Activity Centre.

The application of the GRZ4 is inconsistent with RZSAC Principle P13 that the GRZ *'... should not be used as a default growth zone because it only provides for incremental change and there is an expectation that respecting neighbourhood character will influence the scale of built form.'*

The Council should review the implementation of the Structure Plan for those residential areas not included in Amendment C120. In the interim, the GRZ2 should be retained.

### **(iii) Panel conclusions**

The panel concludes:

- The application of the GRZ4 to land within the Glen Waverley Activity Centre is inconsistent with the Glen Waverley Activity Centre Structure Plan and the Housing Strategy and is inappropriate.
- The GRZ2 should be retained pending the Council reviewing the implementation of the Structure Plan for those residential areas not included in Amendment C120.

### **3.10.2 Strategic redevelopment sites**

Various submissions were made in relation to individual sites located in areas identified for future redevelopment potential and sites that are strategic redevelopment sites in various locations across the municipality. In the context of the Panel's conclusions in relation to the staged approach to the implementation of the housing strategy and the proposed NRZ and GRZ schedules, many of the issues raised in the submissions relating to individual sites have been addressed. The Panel has considered several submissions as case studies of the issues raised by submitters.

#### **Site within a Category 2 – Accessible Area**

- Nos 554-558 High Street Road, Mt Waverley<sup>119</sup>

This site is located near the corner of Blackburn Road, at the periphery of the Syndal Activity Centre. It comprises three lots currently developed and used as a swimming pool, car yard and gymnasium. The site is currently zoned GRZ2. The exhibited Amendment proposed to zone this land NRZ2 however Council subsequently resolved to zone the land GRZ4. The NRZ2

<sup>119</sup> (sub 1809).

*Creek Abuttal* was proposed on the basis that the rear of the site is adjacent to a drainage reserve.

### **Panel Comment**

While the precise boundaries of the Syndal Activity Centre are not yet defined, due to its location and the nature of its development and use, the site could be considered to form part of the Activity Centre. The site has potential to be redeveloped for more intensive development that supports the development and enhancement of the Syndal Activity Centre. Subject to further strategic work to be undertaken as part of the subsequent stages of implementation of the Housing Strategy, the site may be suitable to be zoned RGZ, MUZ or C1Z. Retaining the existing GRZ2 in the interim is appropriate.

### **Site within a Category 2 – Accessible Area and Category 4 – Boulevards**

- Nos 1362-1364 Dandenong Road, Hughesdale<sup>120</sup>

The site is located on Dandenong Road, near Chadstone shopping centre, and is occupied by a motel. This site is located within the Accessible Areas associated with both the Chadstone and Hughesdale Activity Centres, and along the Dandenong Road Boulevard. The site is currently zoned GRZ2 and is proposed to be zoned GRZ3.

### **Panel Comment**

The site is subject to the future strategic work to be undertaken as part of the subsequent stages of implementation of the Housing Strategy; in the interim retaining the existing GRZ2 is appropriate.

### **Large sites proposed to be zoned NRZ2**

- Nos 444 - 454 Waverley Road, Mt Waverley<sup>121</sup>
- Nos 35-37 & 39 Regent Street, Mt Waverley<sup>122</sup>

These are large sites located adjacent to Scotchmans Creek. The Waverley Road property is developed with a residential aged care facility on one half of the site, and there is a proposal for a three-storey residential aged care facility on the other half of the site. The Regent Street property is proposed to be developed with a two to three storey residential aged care facility. Both sites are currently zoned GRZ2 and proposed to be rezoned to NRZ2. Submissions suggested that the NRZ2 would be inappropriately restricted by the built form controls proposed under the NRZ2, particularly the maximum building height.

### **Panel Comment**

The application of the NRZ to a site of this size is indicative of the broad-brush approach to the application of the NRZ2 without a fine-grain review to identify larger sites that might warrant further consideration of the appropriateness of limiting their development potential. The site's location adjacent to the Scotchmans Creek warrants management of the built form of any future development, but this could be more appropriately managed through an overlay such as the SLO or DDO. The Panel's recommendation to delete the NRZ2 and apply the new

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<sup>120</sup> (sub 982).

<sup>121</sup> BlueCross Community & Residents Services (sub 851).

<sup>122</sup> Japara Property Holdings Pty Ltd (sub 1833).

combined GRZ in combination with an SLO (or DDO and VPO) should address the concerns raised by the submitter.

### **Site within a Category 1 – Activity Centre and Category 2 – Accessible Area**

#### **No 445 Blackburn Rd, Mt Waverley<sup>123</sup>**

This site is located immediately to the south of the Pinewood shopping centre and adjacent to the Monash Freeway. The site is approximately 4,500 square metres in area and is developed with a hotel/motel. It is currently GR22 and is proposed to be zoned GR24. It was submitted that the site should be zoned RGZ.

#### **Panel Comment**

While the precise boundaries of the Pinewood Activity Centre are not yet defined, due to its location and the nature of its development and use, the site could be considered to form part of the Activity Centre. The site is subject to the future strategic work to be undertaken as part of the subsequent stages of implementation of the Housing Strategy; in the interim retaining the existing GR22 is appropriate.

### **Site within Category 3 – Residential Land in the Monash National Employment Cluster**

- No 179 Clayton Road, Oakleigh East<sup>124</sup>

This site is one of six properties proposed to be zoned GR23 that are located between the proposed RGZ 3 (south of North Road) and an Industrial 1 Zone on the corner of the Princes Highway (Dandenong Road). The site is opposite the Clayton North Primary School and near Monash University and Huntingdale Station. It was submitted that this site should be zoned either as RGZ 3 or GR26. It is proposed to redevelop the site with a three-storey apartment building<sup>125</sup>.

#### **Panel Comment**

The site's location and proximity to a range of services and infrastructure may make it suitable for more intensive development than the proposed GR23 would allow, particularly if there were incentives to consolidate the site with adjoining sites to increase the development parcel. The strategic framework for this land and its future zoning should be resolved through the further strategic planning to be undertaken as part of the planning for the NEC.

## **3.11 Panel recommendations**

- 5. Clearly articulate in the Local Planning Policy Framework the staged approach to implementing the Housing Strategy.**
- 6. Revise Clause 22.01 including the Preferred Future Character statements to recognise that change is supported in areas identified as having future redevelopment potential such as activity and neighbourhood centres, accessible areas, boulevards and residential land in the National Employment Cluster.**

<sup>123</sup> (sub 755).

<sup>124</sup> (sub 923).

<sup>125</sup> It was submitted that at the time of the hearing a planning permit application had been lodged but public notice of the application had not commenced.

- 7. Retain the General Residential Zone (Schedule 2) for:**
  - a) housing category areas 1, 2, 3 and 4 identified in the Housing Strategy as having future redevelopment potential**
  - b) the Proposed Character Type C area under the Neighbourhood Character Review**
  - c) that area of the Wheelers Hill Activity Centre that was exhibited as General Residential Zone (schedule 5)**
  - d) No 855 Ferntree Gully Road (Northwest corner of Jells and Ferntree Gully roads), Wheelers Hill**
  - e) land in the Glen Waverley Activity Centre Structure Plan Area that is not proposed to be rezoned under Amendment C120.**
- 8. Develop a new combined General Residential Zone schedule based on the proposed General Residential Zone (Schedule 4) to replace the proposed General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4).**
- 9. Apply the new combined General Residential Zone schedule to:**
  - a) land that was exhibited as General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4) as modified by changes recommend by the Panel**
  - b) No 1 Avoca Court, Ashwood**
  - c) No 36 Stapley Crescent; and Nos 36 and 39 Swanson Crescent, Chadstone**
  - d) Nos 21, 23, 24, 26 and 28 Fiander Avenue; Unit 4/ No 5 Somers Court; Nos 5 and 6 Valentine Court; Nos 1, 2, 3, 4, 6, 8, 10, 12, and 14 Falconer Street; Nos 1 and 3 Huff Street; Nos 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Dunscombe Avenue, Glen Waverley**
  - e) Nos 546-556 High Street Road; Nos 2, 4 and 6 Lee Avenue; and No 7 St Clair Crescent, Mt Waverley**
  - f) No 13 Janfourd Court, Mt Waverley**
  - g) Nos 9, 11, 13, 15, 17, 19, 21, 23 and 25 Marbray Drive; Nos 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Greenways Road, Glen Waverley**
  - h) No 2B Oakdene Court, Mt Waverley**
- 10. Apply the new combined General Residential Zone schedule in combination with a Significant Landscape Overlay (or a Design and Development Overlay and a Vegetation Protection Overlay) to the land proposed to be zoned Neighbourhood Residential Zone (Schedule 2) and delete the Neighbourhood Residential Zone (Schedule 2), (except where the Panel has recommended a realignment of the boundary of the Creek Abuttal area).**
- 11. Realign the boundary between the General Residential Zone and the Neighbourhood Residential Zone (schedule 4) in the area bounded by Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/ Westlands Road/ Camelot Drive to align with the boundary between proposed Character Types B and D shown in Figure 5 of the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**

- 12. Draft the Decision Guidelines to the new combined General Residential Zone schedule and the provisions of the Significant Landscape Overlay (or Design and Development Overlay) to guide the exercise of discretion where:**
  - a) the interface between a creek-line open space and a property is not along the property's rear boundary**
  - b) lots are, small, irregular or constrained.**
- 13. Delete the Neighbourhood Residential Zone (Schedule 3) and apply the new combined General Residential Zone schedule.**
- 14. Apply the Neighbourhood Residential Zone (Schedule 4) to:**
  - a) generally apply to the Housing Category 6 – Dandenong Creek Escarpment area as exhibited**
  - b) the land between Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill identified as Proposed Character Type B area under the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**
- 15. Consider applying the Significant Landscape Overlay (or the Design and Development Overlay and the Vegetation Protection Overlay) to the land with a direct abuttal to the Dandenong Creek.**
- 16. Retain the existing General Residential Zone (Schedule 2) to the Proposed Character Type C area under the Neighbourhood Character Review.**
- 17. Consider the Mixed Use Zone and Residential Growth Zone for application to areas identified in the Housing Strategy as having future redevelopment potential in the future implementation stages of the Housing Strategy.**
- 18. Retain the General Residential Zone (Schedule 2) for the residential land within the Glen Waverley Activity Centre that is not proposed to be rezoned under Amendment C120.**

## 4 Residential development standards

### Clause 54 and Clause 55 (ResCode) in the Planning Scheme

Clauses 54 and 55 contain objectives that describe the desired outcome to be achieved by a development proposal; the objectives must be met by a proposal. The standards contain the requirements to meet the objectives, and should normally be met; a responsible authority may consider an alternative design solution if it is satisfied it meets the objectives. The schedules to the residential zones may specify a different requirement of a standard; if a zone specifies a requirement of a standard different from a requirement set out in Clause 54 or 55, the requirement of the zone schedule applies.

#### 4.1 The issue

Are the proposed variations to the state wide residential development standards (ResCode) justified, workable and flexible enough to deliver the outcomes intended by State and local policy and the Monash Housing Strategy?

#### 4.2 What is proposed?

The majority of the residential areas in the municipality are currently zoned GRZ2, with discrete heritage precincts in Oakleigh, Oakleigh East and Hughesdale zoned NRZ1. The GRZ2 and NRZ1 are generally consistent with ResCode, with the following variations to standards that:

- require a permit to construct a dwelling on sites greater than 500 square metres
- reduce the street (front) street setback from 9 metres to 7.6 metres
- increase the overall area of private open space from 40 square metres to 75 square metres and increased secluded private open space from 25 square metres to 35 square metres (with a minimum dimension of 5 metres).

The Amendment proposes a substantial number of variations to the following state wide ResCode standards<sup>126</sup> in the schedules to the NRZ, GRZ and RGZ:

- Street setback – Standard A3 and B6
- Building height – Standard A4 and B7
- Site coverage – Standard A5 and B8
- Permeability – Standard A6 and B9
- Landscaping – Standard B13
- Side and rear setbacks – Standard A10 and B17
- Walls on boundaries – Standard A11 and B18
- Private open space – Standard A17 and B28
- Front fences – Standard A20 and B32.

The exhibited variations to ResCode in the Amendment are summarised below:

- **NRZ1 Existing Heritage Areas with Amended Schedules:** Anticipates minimal change and requires higher levels of site permeability and landscaping, lower site coverage and varies

<sup>126</sup> The standards are prefixed by the letter 'A' for single dwellings on a lot and 'B' for more than one dwelling on a lot.

street (front), side and rear setbacks. It maintains current requirements for private open space at ground level, in balconies or at rooftops.

- **NRZ2 Creek Abuttal Areas:** As for NRZ1 and NRZ4, varies ResCode to require higher levels of site permeability, private open space and landscaping, lower site coverage and varies street (front) and side setbacks, with greater rear setback.
- **NRZ3 Creek Environs:** Consistent with NRZ2 but with lesser side and rear setbacks.
- **NRZ4 Dandenong Escarpment Areas:** Requires higher levels of site permeability, private open space and landscaping, reduced site coverage and varies street (front), side and rear setbacks. It also differs from NRZ1 by specifying a minimum lot subdivision size.
- **GRZ3 Garden City Suburbs Southern Areas:** Varies ResCode with higher levels of site permeability, private open space and landscaping, lower site coverage and requires secluded private open space to be at ground level only.
- **GRZ4 Garden City Suburbs Northern Areas:** As with GRZ3 but with higher levels of site coverage and lower levels of permeability.
- **GRZ5 Oakleigh and Wheelers Hill Activity Centres:** Requirements are generally in accordance with ResCode except for increased private open space requirements at ground level and in balconies. Other requirements are set out in the Structure Plans. Private open space may be at ground level, balcony or rooftop.
- **GRZ6 Clayton Activity Centre and the Monash NEC:** Generally consistent with RGZ 3 but with higher landscaping and private open space requirements.
- **RGZ 3 (Housing Growth Areas: Clayton AC and Monash NEC):** Anticipates substantial growth in the NEC. Street (front) setbacks are decreased, private open space requirements, side and rear setbacks are increased and landscaping requirements are specified.

The RGZ3 and GRZ6 (Clayton Activity Centre and Monash NEC) are addressed in Chapter 5.

## **4.3 Policy and strategic planning context and justification**

### **4.3.1 Planning Practice Notes**

#### **PPN27 Understanding the Residential Development Standards**

The purpose of PPN27 is to ensure a common interpretation and consistent application of the 13 state-wide residential development standards in ResCode. The note provides guidance and examples of applying the standards.

#### **PPN28 Using the neighbourhood character provisions in planning schemes**

This practice note states that a planning authority may employ various tools to achieve desired outcome.

#### **The Residential Zones Standing Advisory Committee (RZSAC) principles**

The RZSAC emphasised the need to justify zone provisions and variations to ResCode standards. Relevant RZSAC overarching principles include:

*P21 Local content in a schedule must be justified in terms of the efficacy of the requirement and the implications for achieving policy objectives.*

*P22 Schedules should be avoided where they apply new benchmarks for residential development without adequate justification.*



*P23 Schedules should only be applied where there is a clearly defined need and it can be demonstrated that the provisions of Clause 54 and 55 are not adequate.*

*P24 The use of local schedules should be minimised and schedules should preferably be applied on a broad scale rather than on a site specific basis.*

*P31 Variations to the Clauses 54 and 55 in the zone schedules should be justified and should not be applied if the existing provisions of Clauses 54 and 55 are adequate.*

*P30 Mandatory provisions should be strategically justified and should not be applied where the issues they seek to address are adequately dealt with by existing planning provisions.*

There must be sufficient strategic justification for proposed variations to the state-wide standards as they will impact the local community (both current and future), land use and development patterns in the municipality as well as Council aspirations as set out in the Housing Strategy.

#### **4.4 Analysis in support of proposed standards**

##### **(i) The 2015 Neighbourhood Character Review**

The Neighbourhood Character Review makes observations about key characteristics on side setbacks, site coverage, lot sizes, fences, public realm, building types, scale, infill, street patterns and topography. In some instances, specific figures are included regarding site coverage, permeability, setbacks and fence height. It recognises that:

*In particular, the concept of the Garden City, with residential neighbourhoods set among strongly landscaped surrounds and a well-developed tree canopy, is a key neighbourhood character objective for the municipality.*

The Neighbourhood Character Review also notes that neighbourhood character is not about:

- *imposing specific design styles*
- *the amenity of adjoining properties (e.g. overlooking, overshadowing)*
- *density controls.*

The Neighbourhood Character Review recommends varying schedules to the residential zones through increased setbacks, private and secluded open space, permeability and landscaping requirements and reduced site coverage.

##### **(ii) MGS Architects case studies**

MGS Architects assessed the effect of the Amendment on dual occupancy development (both as side-by-side and ‘battle-axe’ forms of development with single storey and two storey configurations) for a range of conventionally dimensioned blocks, corner allotments and irregular dimensioned blocks. The assessment tested 13 recently approved dual occupancy development examples.

The assessment concluded that only one of the dual occupancy examples examined presented a “significant challenge”. This example, on a 750 square metre irregular lot, placed a new dwelling in the rear yard of an existing house with a street setback in excess of 12 metres.

The MGS findings are previously discussed in this report. The financial viability of the amended dual occupancy dwellings and maximising the number of dwellings on a given site were not assessed.

### **(iii) Evidence and submissions**

Council submitted that the work undertaken by both MGS and Planisphere was commissioned to, in part, support the strategic justification of the Amendment.

Mr Larmour-Reid endorsed the schedules as revised (Council resolution 29 March 2016) as generally supporting the intent of the Housing Strategy and Neighbourhood Character objectives. He recommended the following changes to refine or clarify the schedules:

- **RGZ3:** Modify *Landscaping Standard (B13)* to retain or provide one canopy tree in front setback.
- **GRZ3, GRZ4, and GRZ6:** Delete the requirement for corner side setback to be the same as *Street Setback Standard (B6)*.
- **GRZ3 and GRZ4:** Modify the following exhibited variations to standards:
  - *Walls on Boundary Standard (A11 and B18)* to not exceed 6.5 metres and not be constructed on the rear boundary
  - *Private Open Space Standard (A17)* to include an area of 75 square metres, with private area at rear or side, a minimum 50 square metres a minimum width of 5 metres
  - *Private Open Space Standard (B28)* to include an area of secluded private open space at rear or side a minimum of 50 square metres (as opposed to the 60 square metres exhibited) with a minimum width of 5 metres; a balcony or a roof top area (10 square metres, minimum width 2 metres) should not be excluded as an option for apartment development.
- **GRZ4:** Modify the *Permeability Standard (A6 and B9)* to match the GRZ3 30 percent standard.
- **GRZ6:** Modify the following exhibited variations to standards:
  - *Private Open Space Standard (A17 and B28):* require an area of 50 square metres, with a private area at rear or side minimum of 35 square metres a minimum width of 5 metres. For B28: provide option of a balcony or a roof top area (10 square metres, with a minimum width of 2 metres) in apartment developments.
- **NRZ2, NRZ3, and NRZ4:** Modify the following exhibited variations to standards:
  - Delete the minimum subdivision area provision
  - Modify the exhibited *Walls on Boundaries Standard (A11 and B18)* variation to not exceed 6.5 metres and not be constructed on the rear boundary.

Many submitters endorsed the increased standards in the exhibited Amendment as vital to protect the Garden City character and environmental values of Monash. These submitters generally opposed the reductions in requirements that Council supported after exhibition.

However, various submissions from residents and developers challenged the basis for the proposed increase in standards. It was submitted that the scope of investigations by MGS was too narrow to conclude the proposed schedule variations are workable. These submissions argued there has been no justification presented for the increased standards to demonstrate:

- that ResCode, or the existing variations to them under the GRZ2, are not adequate to meet the relevant objective for the standard

- the efficacy of the varied standard to achieve objectives efficiently
- the impact on the critical issue of feasibility and yields for other than dual occupancy development, and hence, housing diversity and affordability objectives
- the additional development costs and whether those costs are justified by the outcomes
- the effect on flexibility to achieve site response design or the quality of outcomes.

In his evidence, Mr Wollan agreed that the project did not address further irregular scenarios or multi-unit development. In relation to the importance of exercising discretion and the role of design quality, Mr Wollan agreed that these would be important in achieving innovative designs and appropriate responses to site context and attributes.

#### **(iv) Discussion**

The work undertaken by MGS Architects responded to a confined brief in terms of analysing site-specific scenarios and anticipated development patterns for dual occupancy development. It provided a level of comfort that dual occupancy development would continue to be possible under the higher standards proposed, albeit with reduced design flexibility and floor area.

While the analysis was useful in understanding generic responses for dual occupancy, some assumptions were questioned during the Hearing by the Panel, local residents and developers.

The analysis suggests that the increased standards are consistent with Council's central aim, which is to deliver a Garden City character throughout the municipality, with greater opportunities for landscaping and recessive built form outcomes.

The Panel notes that the examples assessed by MGS are generic, and the Panel believes that decision guidelines should recognise the need for flexibility to provide for innovation and site-specific design responses in the exercise of discretion.

There was no evaluation provided to the Panel on the specific standards or aspects of them that are failing to produce acceptable outcomes. The variations appear to be a reaction to broad character based concerns, rather than an analytical approach, involving post-development evaluation, to establish which aspects of the current planning framework for residential development are not effective. This would take account of multiple objectives and direct changes to the planning mechanisms that are most likely to be effective.

Nor was the Panel presented with analysis that addressed the implications of the higher standards on either single houses, which were a prominent concern in submissions, or multi-unit development, which is an important component of the housing stock that contributes to housing diversity objectives. The Panel agrees with various submissions, that the Amendment is likely to constrain the potential to develop many sites for multi-unit development and the yield that can be achieved. As single houses will typically remain as-of-right, the influence of the Amendment on the design and scale of single houses will remain less nuanced than for multi-unit development.

The remainder of this chapter discusses specific standards.

**(v) Panel conclusions**

The panel concludes:

- The analysis of the implications of increased standards proposed by the Amendment provides a level of comfort that dual occupancy would generally remain possible but with a reduced floor areas and design flexibility.
- Although the implications of the Amendment for other forms of multi-unit development have not been presented, it is apparent that the effect of the Amendment on yields and design flexibility will be greater for this form of housing.
- The absence of systematic analysis of the effectiveness of the existing residential standards or justification for the proposed changes has meant the Panel has drawn on examples of the effects in submissions, initiatives undertaken elsewhere (such as Better Apartments) and its own experience.

**4.4.2 Balancing competing policy objectives**

The Panel's assessment of the proposed variations to ResCode provisions takes into account the cumulative effects of the variations and the associated implications for achieving the range of policy objectives relating to neighbourhood character, ecological sustainability, resilience to climate change, accommodating projected growth, housing diversity and housing affordability.

As discussed previously, the Panel endorses a key plank of the Amendment to advance Garden City character aspirations and environmental objectives by enhancing the tree canopy cover in Monash. It also recognises that the cumulative effect of the Amendment provisions would affect the capacity of consumers to exercise their preferences, reduce development yields, impose additional constraints on multi-unit and apartment forms of housing and add to development costs; with implications for 'housing' objectives relating to housing diversity and affordability.

In balancing the competing objectives, the Panel considers:

- The most efficient means of achieving a significant increase in canopy tree cover should be adopted. This involves focusing consolidated space for planting at the front and rear of lots and along park interfaces. It also means that expectations that extensive floor area irrespective of lot size should not be accommodated at the expense of planning objectives that benefit the broader community.
- Dual occupancy, multi-unit development and apartments play an important role in adding to housing diversity, and can provide high amenity outcomes for residents, without unacceptable impacts on neighbourhood character. The planning framework should not preclude these forms of housing unless there is sound justification to do so. This extends to 'side-by-side' forms of dual occupancy and 'reverse living' options.

**4.5 Street setback (Standard A3 and B6)****(i) What is proposed?**

The exhibited Amendment:

- maintained the current GR22 variation to the ResCode standard A3 and B6, from 9 metres to 7.6 metres in the proposed GR23, GR24, NR22 and NR23
- proposed an 8 metre street (front) setback in the NR24

- proposed a further 1 metre setback from the street (front) for garages in the NRZ1, NRZ2, NRZ3 and GRZ3
- proposed walls on boundaries be setback a further 2 metres from the street (front) in the NRZ1
- proposed to increase the ResCode side street setback from 2 metres to 3 metres for the GRZ3, GRZ4, NRZ2, NRZ3 and NRZ4 but not NRZ1.

Council supported refinements in response to submissions, and in line with Council Officer recommendations, which:

- apply the existing 7.6 metre variation to the NRZ4
- did not vary the existing ResCode side-street setback.

The ResCode objective for the street setback standard is as follows:

*To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

Table 5 Exhibited street setback standards and the standards supported by Council at the Hearing

ResCode Standards A3 and B6 Street setback			
9m or average of adjoining lots (whichever is less)			
Exhibited			
RGZ3	GRZ6	NRZ4	GRZ3 , GRZ4, NRZ2, NRZ3
3m, 4m areas adjacent to Monash University	4m	8m	7.6m
Standard supported by Council at the conclusion of Hearing			
RGZ3, GRZ6		GRZ3, GRZ4, NRZ2, NRZ3, NRZ4	
4m		7.6m	

**(ii) Evidence and submission**

Council submitted the following on street (front) setbacks

*NRZ1 Heritage Areas with Amended Schedules:*

- *Including an additional front setback requirement in relation to garages or carports and development constructed to side boundaries will ensure that garages, carports and any part of a dwelling constructed to a side boundary will be recessive to the main dwelling façade and within the streetscape. The variation should assist in ensuring that new development is non-intrusive consistent with the desired future character of the area.*

*NRZ4 Dandenong Creek Escarpment*

- *Maintaining a minimum front setback of 7.6m (except on corner sites) will assist in achieving the generous front setbacks envisaged in the preferred future character for the area.*

*GRZ4 Garden City Suburbs Northern Areas*

- *Maintaining the minimum street setback of 7.6m (other than for corner sites) currently included in the RGZ 2 will assist in maintaining consistent and generous front setbacks as sought by cl 22.01;*
- *The 7.6m setback will also assist in providing the opportunity for well planted gardens;*

*GRZ3 Garden City Suburbs Southern Areas*

- *Requiring a minimum street setback of 7.6m and a maximum site coverage of 50 percent will assist in providing adequate space to achieve a spacious garden setting.*

In his evidence, Mr Larmour-Reid stated that the proposed front setbacks support the character objectives for the relevant precincts as outlined in the Neighbourhood Character Review. In relation to the proposed amended schedule to the NRZ1 he stated:

*The operation of the Heritage Overlay will ensure that the heritage values of these properties should take precedent over neighbourhood character provisions if there is a conflict between the two.*

Submissions questioning the strategic justification for the further setting back of garages from the front of the street façade argued that there is already a design decision guideline for this and questioned why it was needed.<sup>127</sup> Setting back garages from the front has become a de facto standard but the strategic basis for this is not apparent. Other submissions were generally supportive of the setback requirements.

**(iii) Discussion**

The 7.6 metre setback maintains the status quo and, in the Panel’s view, is not contentious and is a common approach across Melbourne. The requirement for a further 1-metre setback from the street is supported for the NRZ1 (*Heritage Areas*) only and the Panel is satisfied that it will not unreasonably limit the design responses for these areas.

**(iv) Panel conclusion**

- The proposed 7.6 metre street setback is acceptable.
- The proposed additional 1-metre setback from the street (front) for garages in the NRZ1 is acceptable.

**4.6 Building height (Standard A4 and B7)**

**(i) What is proposed?**

The Amendment (both in the exhibited version and the final position of Council) maintains the ResCode standard of a 9 metre maximum height in the GRZ (discretionary) and the NRZ (mandatory), except in the NRZ1 where a mandatory maximum 8 metre maximum height continues to apply.

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<sup>127</sup> (sub 623).

**(ii) Evidence and submissions**

The building height provisions were not contentious, except in relation to the constraint imposed by the mandatory maximum height in the NRZ on aged care facilities. It was highlighted that floor heights in aged care facilities exceed those in most other forms of residential development to accommodate necessary services, ceiling hoists in high care suites, fully accessible design that avoids changes in levels and incorporates internal ramps is a design requirement that can result in additional height on sloping sites. The projection of lift overruns and roof stop plant above the roofline also need to be taken into account. It was submitted that design responses can ensure issues of interface treatments and impacts on streetscapes are resolved, particularly on large sites. BlueCross Community and Residents Services<sup>128</sup> provided plans of a current aged care proposal with elements that exceed the nine metre height.

**(iii) Discussion**

The proposed maximum heights are acceptable. It is noted that discretion in the GRZ allows assessment of the merits of specific proposals to exceed the 'default' height through the planning permit process. With regard to objections from aged care facilities to mandatory height in the NRZ2, the Panel has recommended that an SLO (or DDO) in combination with the GRZ would provide a more effective planning framework for the creek abuttals. This would provide the discretion to consider the merits of specific proposals, taking into account the design objectives of these sensitive areas.

**(iv) Panel conclusion**

The Panel concludes:

- The proposed maximum building heights are acceptable.
- In terms of specific design requirements of aged care facilities and the constraint imposed by mandatory maximum building heights in the NRZ, the recommended use of the GRZ in combination with a SLO (or DDO) along creek abuttals would provide the discretion to consider the merits of particular proposals through the permit process.

**4.7 Site coverage (Standard A5 and B8) and Permeability (Standard A6 and B9)**

As the site coverage and permeability standards are interlinked they are discussed together.

**(i) What is proposed?**

The ResCode objective for these standards are:

*To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.*

*To reduce the impact of increased stormwater run-off on the drainage system.*

*To facilitate on-site stormwater infiltration.*

The variations to the ResCode standard for site coverage are proposed to decrease at the rates set out in Table 6.

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<sup>128</sup> (sub 651).

Table 6 Exhibited site coverage standards and the standard supported by Council at the Hearing

ResCode Standard A5 and B8 Site Coverage		
60%		
Exhibited		
GRZ3, NRZ1, NRZ2, NRZ3, NRZ4		GRZ4
40%		50%
Standard supported by Council at the conclusion of Hearing		
NRZ2	NRZ3	GRZ3, GRZ4, NRZ1, NRZ4
40%	45%	50%

The variations to the ResCode standard for on-site permeability are proposed to increase at the rates set out in Table 7.

Table 7 Exhibited permeability standards and the standard supported by Council at the Hearing

ResCode Standard A6 and B9 Permeability		
20%		
Exhibited		
GRZ4		GRZ3, NRZ1, NRZ2, NRZ3, NRZ4
30%		40%
Standard supported by Council at the conclusion of the Hearing		
GRZ3, GRZ4, NRZ1, NRZ4	NRZ3	NRZ2
30%	35%	40%

**(ii) Evidence and submissions**

Council submitted that the site coverage variations were required in order to assist in providing adequate space to:

- **GRZ3, NRZ2 and NRZ3** – achieve a spacious garden setting
- **NRZ1** – maintain existing character and setting
- **NRZ4** – achieve a strong landscape character sought for the area<sup>129</sup>

Council submitted that the reduction in site coverage will have some impact on very large single dwellings, a key issue for residents who expressed concerns over the proliferation of very large dwellings in recent years.

Reducing the extent of hard surfaced areas will assist in reducing the detrimental visual impact of development, including large single dwellings, on neighbourhood character. These very large dwellings were variously described by submitters as oversized, imposing and not in keeping with the existing neighbourhood character.

<sup>129</sup> Council Part B submission; NB: GRZ4 was not referred to in this analysis.



Council submitted that post-exhibition changes supporting reduced site coverage and increased permeability standards (except in the NR22 *Creek Abuttals*) will still assist in achieving the strong landscape character sought for the municipality.

Mr Larmour-Reid stated in his evidence that:

*The provisions allow for additional spacing between buildings, decreased site coverage and increased permeability, which reinforce the Garden City character of the area and the sensitive creek environs.*

His advice to Council was that the increased permeability would reinforce the Garden City character of the area and the sensitive creek environs. However, he went on to say:

*As the site coverage and permeability requirements were not determined though our Review, further detailed analysis of aerial photography may be required to support the Amendment provisions in this regard if challenged in the future.<sup>130</sup>*

Residents of the creek abuttal areas submitted that reduced site coverage and increased permeability is warranted in these sensitive environs, as did residents in the escarpment areas who were generally supportive of increased on-site stormwater absorption and retention<sup>131</sup>.

Friends of Damper Creek submitted that the post-exhibition changes to site coverage and permeability variations for NR23 were undesirable and would detract from the green, leafy character of the area. Friends of Scotchmans Creek and Valley Reserve also supported the 40 percent permeability variation but regretted the revised 45 percent for the NR23. At the Hearing some submitters conceded that they may not readily distinguish the difference between site coverages that differ slightly (in the order of five to ten percent).

Submissions objecting to the proposed decrease in site coverage, particularly in the GR23, fell into three broad categories:

- The perceived impact on the potential to develop land for multi-unit development, including the need to construct smaller dwellings
- The perceived 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.<sup>132</sup>

Other submitters felt the increased requirements were too severe and that Council's claims that most residences have less than 50 percent were not backed by empirical data. Concern was expressed that the proposed 40 percent site coverage standard would not enable the average (240 square metre) single storey house on a typical 600-to 700-square metre block. Submission noted that the proposed site coverage and permeability standards were not supported by data, consultant assessments or any logical argument. For example, there had been no evidence from Council in relation to permeability and water run-off.

Submissions against these standards included aged care operators, who saw the increased standards as unreasonable and inappropriate for their particular type of facilities with proposed future expansion. Japara Property Holdings submitted that the proposed site

<sup>130</sup> p35 Monash New Residential Zones Advice, Planisphere (February 2016).

<sup>131</sup> For example, (sub 357) and (sub 922).

<sup>132</sup> Ibid.

coverage and permeability standards would constrain their plans (which were provided to the Panel) for expanded aged care facilities in the NR22 *Creek Abuttal Areas*.

### **(iii) Discussion**

The Panel views site coverage as an untargeted means of achieving landscape objectives, rather it is more a means of signalling a broad intention relating to the intensity of development envisaged. The decreases in site coverage proposed will result in reduced building footprint, but whether it is perceptible on most sites is debatable. As a means of reducing the built form bulk and intensity of the very large house typology it may be effective. However, the Panel views the sheer size of the houses referred to as 'McMansions' as only part of the problem, the others being form, the urban design response and perhaps most importantly, design quality.

On the latter point, the detrimental effects of bulk and mass of a very large house on neighbourhood character can be mitigated through good design techniques. For example, reducing the perception of height and bulk through articulation and visual variation both in horizontal and vertical planes and providing landscaping and tree planting to create visual breaks between the facade and street. Nevertheless, as single houses do not generally require a planning permit, the increased site coverage standards serve a purpose.

Permeability standards are an important measure to achieve the on-site stormwater retention. They also reduce the visual impact of hard surfaced areas in streetscapes. Options for increasing permeability through recent innovations in readily available permeable pavements and vehicle crossovers, assist in achieving the proposed standards.

The Panel questions whether the changes proposed are necessary to achieve the ResCode objectives and note that no evidence was presented to the Panel to justify the variations. However, the Panel considers the post exhibition changes supported by Council provide a more reasonable response to concerns about excessive building footprints in recent development and are sufficiently workable on small, medium and large suburban lots. It is noted that these variations are largely consistent with other suburban settings in nearby municipalities, such as the 50 percent site coverage requirement, which is the same in the adjoining residential zones in Whitehorse.

Notwithstanding the absence of any specific data or analysis in support of the proposed site coverage and permeability standards, the Panel considers that these standards are not generally a determining factor in the development potential of land and may influence better outcomes, including for single dwellings, in the context of the Housing Strategy and neighbourhood character objectives. The Panel recognises the particular sensitivities of the creek abuttals and Dandenong Creek Valley Escarpment in terms of their landscape setting and development implications for water quality. It also accepts that the proposed variations to the site coverage and permeability standards for these areas will provide an appropriate development framework that limits the intensity of development, supports a more open landscape setting, and provides drainage and water quality benefits.

The Panel does not accept that the proposed variations to the site coverage and permeability standards for the NR21 are warranted. The HO is the appropriate mechanism for managing the built form outcomes in these areas.

**(iv) Panel conclusions**

The Panel concludes:

- While the Panel is concerned that there is no specific analysis brought forward to justify the proposed changes to the site coverage and permeability standards, it is satisfied that in this instance these changes will provide an appropriate development framework that limits the intensity of development, supports a more open landscape setting and provides drainage and water quality benefits, without generally constraining the overall development potential of land.
- The post exhibition changes supported by Council provide a more reasonable response to concerns about excessive building footprints in recent development.
- The proposed 40 percent site coverage and 40 percent permeability requirements in the creek abuttal areas (NRZ2) recognises the particular sensitivities of these areas.
- The post exhibition changes to the site coverage and permeability standards for the GRZ3, GRZ4, NRZ2 and NRZ4 reinforce the objectives for these areas and are supported.
- The proposed changes to the site coverage and permeability standards for the NRZ1 is not supported.

**4.8 Landscaping and canopy trees (Standard B13)**

**(i) What is proposed?**

Council proposes to vary the ResCode standard of Landscaping (Standard B13) to require planting of canopy trees in new developments where more than one dwelling is proposed. As noted previously, the Landscaping B13 ResCode standard prefixed by the letter ‘B’ only applies to two or more dwellings on a lot.

The ResCode landscaping objectives are:

*To encourage development that respects the landscape character of the neighbourhood.*

*To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.*

*To provide appropriate landscaping.*

*To encourage the retention of mature vegetation on the site.*

The standard does not include prescriptive requirements. It states the landscape layout and design should:

- *Protect any predominant landscape features of the neighbourhood.*
- *Take into account the soil type and drainage patterns of the site.*
- *Allow for intended vegetation growth and structural protection of buildings.*
- *In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.*
- *Provide a safe, attractive and functional environment for residents.*

*Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.*

*Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.*

*The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.*

*Development should meet any additional landscape requirements specified in a schedule to the zone.*

Table 8 sets out the proposed additional landscape requirements.

Table 8 Exhibited landscape standards and the standards supported by Council at the Hearing

ResCode Standard B13 Landscaping							
Decision guidelines specified in Clause 55, no prescribed number of trees							
Exhibited							
RGZ3	GRZ6	NRZ1	NRZ4	NRZ2	NRZ3	GRZ3	GRZ4
One canopy tree in front; min. 10m high*	Two canopy trees; min. 10m high	Two canopy trees, one in front; min. 8m high	Two canopy trees, one in front; min. 10m high	Three canopy trees min. 12m high	Three canopy trees, one in front; min. 10m high	Two canopy trees; min. 8m high	Three canopy trees; min. 10m high
Standard supported by Council at the conclusion of the Hearing							
RGZ 3		GRZ6, NRZ2		NRZ1, NRZ4, NRZ3, GRZ3, GRZ4			
One canopy tree in front; min. height of development or 2-storeys		A square metre of two canopy trees; min. height of development		A square metre of two canopy trees, one in front; min. height of development			

\*Canopy tree heights given at maturity

**(ii) Evidence and submissions**

Council submitted that the proposed landscaping requirements underpin the ability to achieve the Garden City character and relied on the evidence from Mr Larmour-Reid, who stated:

- *The retention of canopy trees is consistent with the Desired Future Character of the areas in question and supports the Garden City Concept.*
- *I note that requiring 2 canopy trees per site may not adequately reflect the diversity of development typologies and lot configurations that may be experienced in the GRZ. Accordingly, it may be appropriate to require more than two trees according to the development context.*

Council submitted that VPO 1 already applies to areas that have been identified as presenting a special leafy character. It noted that GRZ2 land subject to the VPO1 is often located adjacent to creeks, over old drainage lines or other easements or on the western slopes of the Dandenong Valley.

Mr Larmour-Reid further stated that, the “VPO doesn’t align neatly with category areas 1-8” and, in his view, further protection in the form of the proposed variations to the standards is warranted and justified.

There was a significant number of submissions supporting and opposing the proposed landscaping standard.

Evidence from Dr Moore was favourable to the Amendment and his views are summarised earlier in this report. He gave evidence on the benefits of increased tree cover for mitigating the effects of climate change, the urban heat island effect and biodiversity protection, and contributing overall to community health and wellbeing.

Friends of Damper Creek submitted that linking the desired height of a canopy tree to a building is problematic, should be much higher, and that only requiring two trees for multi-unit developments is very disappointing. This view was shared by others. Many consider that the VPO is *'...not working and that every new house clears all vegetation'*.

Alternatively, Metricon submitted that the landscape objectives do not pass the 'rigour test' and:

*There is no guarantee that issues relating to canopy trees (green and leafy characteristics) will be resolved as a result of variations to B28 in any of the Zones. Importantly, variations require a demonstrated need supported by objective empirical evidence.*

Submissions from some residents referred to Council's *'... express wish to protect canopy trees and each Council thinks this is unique to its municipality'* but asked *'...is this a Housing Strategy or is it a tree strategy?'*<sup>133</sup>

Other submitters felt the requirements are not fair, and people should be able to plant fruit trees, vertical gardens and vegetable gardens<sup>134</sup> instead of canopy trees. Some submitters<sup>135</sup> opposed canopy tree requirements on the basis of roots damaging buildings, safety to residents from falling branches, increased heating costs in the winter from buildings in shade, maintenance imposition of tree lopping and leaf litter, reduced solar gain for solar panels and the view from one submitter that *'some people don't know what to do with a garden.'* It was submitted that requiring canopy trees invites trouble, especially as the occurrence of extreme weather events will increase with climate change, exacerbating the risk of major damage to property and life from large trees in a suburban environment.

The Housing Industry Association submitted that requirements for canopy trees should be dealt with case-by-case, not on a municipal-wide basis, and it is unreasonable to require the planting of trees as proposed.

A local developer, structural engineer and building designer with 30 years' experience submitted that if 8 to 10 metre high trees are required, you would need to consult a geotechnical engineer on root barrier design, increased footing depths and implications for sewers and utilities. As moisture content of soils change, particularly in clay soils found across Monash, large trees near buildings and infrastructure can cause footings and walls to crack and fail.<sup>136</sup>

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<sup>133</sup> (sub 623).

<sup>134</sup> (sub 429).

<sup>135</sup> For example, (sub 546), (sub 549), (sub 809), (sub 971), and (sub 1835).

<sup>136</sup> (sub 851).

### (iii) Discussion

The Panel is sympathetic to the aspirations of greening suburbs and accepts the evidence of the benefits, in terms of human health and wellbeing, and the role in mitigating the effects of climate change, biodiversity loss, air quality and so on. The Panel also accepts that some areas (such as the creek abutments in particular) warrant specific attention due to the treed environment that remains, should prevail, and be protected.

The role of trees in the public realm is discussed earlier in this report and the Panel notes the significance of greening targets in achieving a Garden City character. The Panel observed in site inspections around the municipality that the character altered significantly in areas where trees in the public realm were scant or absent.

In terms of the private realm, the Panel observed that, except in isolated pockets, large canopy trees on private land are not a major element of existing neighbourhood character. Rather, there has been a long-standing policy aspiration by Council to create a character with built form nestled in tree canopy. The Panel also notes previous work by Gerner on Garden City Character, which was questioned by a former Panel at time.

The effectiveness of the VPO in protecting mature trees when properties are redeveloped and where future occupants do not want trees has been questioned. Inspections suggest many residents, including residents of older more modest suburban style housing, do not choose to have large trees in their gardens. Discussion in Chapter 4, identifies other planning tools, such as a SLO or DDO, may provide greater protection in the NRZ2 areas and NRZ4.

Council did not submit arboriculture or environmental evidence to support the introduction of specific numbers of canopy trees to be planted in new developments, nor did it provide infrastructure or engineering evidence to address the effect of mature canopy tree roots on buildings (structural integrity) and underground services. This is, in the Panel's view, a significant omission and the concerns of submitters in relation to these issues, as well as safety in extreme weather events remain untested.

Additionally, the Panel believes that exercise of discretion should take account of the impact of mature trees on passive solar energy gain in habitable spaces and solar panels.

Other municipalities provide further guidance in terms of workability, for example the Knox Planning Scheme GR22 (*Neighbourhood Areas*) to the east of the Monash Dandenong Creek Escarpment requires:

*Provision of a minimum of one canopy tree per 175 square metres of the site area including:*

- *a minimum of one canopy tree within each area of secluded private open space; and*
- *a minimum of one canopy tree within the front setback per 5 metres of width of the site (excluding the width of one driveway)*
- *Each tree should be surrounded by 20 square metres permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.*

Although the Panel does not support a requirement for canopy trees per say in secluded private open space, other aspects of the examples given above emphasise the functionality for tree planting, which in the Panel's view, is a pragmatic approach and appropriate.

**(iv) Panel conclusions**

The Panel concludes:

- While Monash residents have different views about the value of canopy trees in suburban gardens, they provide significant benefits to the community in terms of neighbourhood character aspirations, air quality, human health and wellbeing, and in mitigating the effects of climate change and biodiversity loss.
- The Panel is cautious about prescribing tree canopy numbers and view it as a blunt tool requiring the exercise of discretion in some circumstances. Further, the right tree needs to be planted in the right place.
- While testing of the prescription of a specific numbers of canopy trees has not occurred, wider sites should be able to take even more than what is prescribed and narrower sites less. A pragmatic approach would be to link the requirement to plant canopy trees to site width.

**4.9 Side and rear setbacks (Standard A10 and B17)**

**(i) What is proposed?**

The Amendment seeks to vary the ResCode Standard for side and rear setbacks as set out in Table 9. Generally, the Amendment proposes to increase setbacks, particularly in the NRZ2 and NRZ3. The proposed variations also amend the existing NRZ1 to specify a minimum 5-metre rear setback where none is currently specified and the default standard is ResCode.

The ResCode objective for side and rear setbacks is:

*To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

Table 9 Exhibited rear and side setback standards and the standards supported by Council at the conclusion of the Hearing

ResCode Standard A10 and B17 Side and rear setbacks				
1m plus 0.3m for every metre of height over 3.6m up to 6.9 metres, plus 1m for every metre of height over 6.9m.				
Exhibited				
Rear setback				
RGZ 3	GRZ4, GRZ6	NRZ1, NRZ4, GRZ3	NRZ3	NRZ2
3m for 1-2 storeys 5m for 3rd storey	ResCode	5m	6m	7m
Side setback				
RGZ 3, NRZ1	GRZ4, GRZ6	GRZ3, NRZ4	NRZ2, NRZ3	
ResCode	1m	Side 1: 1m Side 2: 2m	Side 1: 1.2m Side 2: 3m	



ResCode Standard A10 and B17 Side and rear setbacks				
Standard supported by Council at the conclusion of the Hearing				
Rear setback				
RGZ 3	GRZ6	NRZ3	NRZ2	NRZ4, GRZ3, GRZ4
3m for 1-2 storeys 5m for 3rd storey	4m	6m	7m	Deleted
Side setback				
RGZ 3, GRZ3, GRZ4, GRZ6, NRZ2, NRZ3, NRZ4				
ResCode				

**(ii) Evidence and submissions**

Council submitted that the proposed increased setbacks are necessary to achieve the Garden City character and for creek areas/environs “... *the aspiration for sites abutting creek lands is to provide for the interface areas, in particular, to contain generous rear setbacks and to provide landscaping to provide integration with the creek land.*”

Council officer reports described the basis for the setbacks as:

*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 or protect sensitive interfaces with creek areas.*

*The greater setback to park, creeks and linear trails allows for broader community to continue to enjoy these places. Many of these spaces contain shared paths or other passive public spaces. As such an increased setback from the rear boundary performs a similar function to the 7.6-metre front setback in preserving streetscapes.<sup>137</sup>*

A number of submissions raised the issue of setbacks for irregular shaped allotments, particularly in court bowls or corner lots. Council’s officer report stated that:

*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 within policy statements that set out clearly how the rear setback requirement will be assessed for irregularly shaped allotments.<sup>138</sup>*

Evidence from Mr Larmour-Reid supported the variation to ResCode to increase the side and rear setbacks standard:

<sup>137</sup> Council Report 21 May 2016.

<sup>138</sup> Ibid.



*In my opinion side-to-side development throughout the GRZ areas of Monash would not support the Desired Future Character of the relevant precincts, or the broader Garden City ethos. I recommend the Residential Development and Character Policy be strengthened to encourage dwellings to be setback from at least one side boundary.*

*The proposed standards relating to private open space, site coverage and permeability will assist in supporting character objectives and canopy tree coverage even without the rear setback standards.*

Submissions were received in support of the proposed increased setbacks. For example, the Friends of Damper Creek Reserve submitted that ‘...dense development is totally inappropriate on creek abuttals; we want to see significant rear setbacks where abutting creek reserves’.

Others opposed the proposed increases, submitting they had not been justified, make no sense<sup>139</sup>, and are too restrictive on small (350 square metres) or irregular lots<sup>140</sup>. Japara Holdings Aged Care submitted that the setbacks are excessive; on large sites there is greater opportunity to achieve desired outcomes without onerous prescriptive controls and that the ResCode setback was crafted to ameliorate impacts on adjoining properties. Metricon Homes highlighted that the Neighbour Character Review did not contemplate increased rear setbacks.

### **(iii) Discussion**

In reviewing the Council submission and expert evidence, the specific strategic justification for the side and rear setback variations to the ResCode Standard remains unclear.

The Panel views side setbacks as having a function in creating separation between buildings and, in some circumstances view corridors. However, narrow spaces are often an inefficient use of land, as they have limited utility for open space and landscaping if they are imposed at the expense of a more generous single consolidated area.

The Panel views the ResCode side setbacks standard has been tested widely and is appropriate for this Amendment. Council supported this position at the conclusion of the Hearing.

More generous rear setbacks can provide for both recreation and planting (particularly if aligned with adjoining rear space). It is noted that the 5-metre setback that was exhibited for the NRZ1, NRZ4 and GRZ3 aligns with the minimum dimension specified for secluded private open space. The Panel also agrees that there can be a specific justification for increased setbacks at direct interfaces with public open spaces. However, there is a need to recognise site-specific circumstances where appropriate design responses may depart from the nominated standard.

Site orientation, topography, views and adjoining development are considerations and site analysis/design response should inform the exercise of discretion to provide sound outcomes, which may depart from standards. The exercise of discretion should take account of circumstances such as:

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<sup>139</sup> (sub 922) and (sub 961).

<sup>140</sup> For example (sub 546).

- where a creek abuttal is a side-age and on very shallow lots
- where small lots with poor rear solar orientation may warrant side or internal courtyards to attain good solar access
- irregular shaped lots, particularly where lots are wider at the rear (in court bowls).

**(iv) Panel conclusions**

The Panel concludes:

- The protection of the creek abuttals warrants the increased rear setbacks to 7 metres, as exhibited.
- In other areas (except in the Monash NEC), the Panel is satisfied that a 5-metre rear setback – as originally exhibited for NRZ1, NRZ4 and GRZ3 – is appropriate to provide consolidated areas for planting and to achieve good interface opportunities with adjoining sites, and will not unreasonably limit site layout or design flexibility.
- ResCode side boundary setbacks should apply in all of the zones to be applied by the Amendment.

**4.10 Walls on boundaries (Standard A11 and B18)**

**(i) What is proposed?**

The ResCode objective for walls on boundaries (Standard A11 and B18) is:

*To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

Table 10 describes the exhibited and final Council position on walls on boundaries.

Table 10 Exhibited walls on boundaries standards and the standards supported by Council at the conclusion of the Hearing

ResCode Standard A11 and B18 Walls on boundaries		
10 m plus 25 percent of remaining length of boundary of an adjoining lot; or where existing walls or carports abutting the boundary, the length of the existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater ....		
The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.		
Existing		
NRZ1, GRZ2: ResCode Standard A11 and B18		
Exhibited and Standard supported by Council at the conclusion of the Hearing		
RGZ 3, GRZ2, GRZ5, NRZ4	GRZ3, GRZ4, NRZ1, NRZ2, NRZ3	GRZ6

### ResCode Standard A11 and B18 Walls on boundaries

10m + 25 percent length (ResCode)	6.5m length and no walls on rear boundary	No walls on rear boundary
Height: 3.2m average, 3.6m max.		

#### (ii) Evidence and submissions

Council submitted the following variations to the standard:

For the NRZ1

- *The proposed variations relating to site coverage, permeability and walls on boundaries should assist in maintaining the existing character and setting in the heritage precinct*

For the NRZ2 and NRZ3

- *Specifying 6.5 metres as the maximum length of a wall on a side boundary will assist in avoiding long expanses of blank walls (i.e. as a wall on a boundary will be);*

Council did not make specific submissions on the walls on boundaries variations. In the GRZ, evidence from Mr Larmour-Reid supported the proposed standard for walls on boundaries:

*The 6.5 metre standard is equivalent to the length of a garage or car port.*

*The proposed standard would not preclude a proposal to construct more than one wall on a boundary. Provided each wall did not exceed 6.5 metres in length there would be no upper limit on the proportion of the boundary that could be built up.*

*I recommend that the walls on boundaries standards be refined to provide for a maximum of 6.5 metres per boundary and to allow walls to abut existing or simultaneously-constructed walls.*

Mr Wollan, providing evidence on behalf of Council, stated that ‘... in particular restrictions of walls on boundaries precludes certain typologies less common in city of Monash.’

Submissions against the proposed standard related to the limitations on development in the GRZ. The length of the wall in particular was viewed as restrictive and unnecessary.

Submission that supported the proposed variations to the standards felt it was desirable to further protect the openness of the creek abuttal and environs areas.

#### (iii) Discussion

The Panel views that the NRZ2 *Creek Abuttals* warrants special consideration as it is the most sensitive environmental setting. The Panel recognises the value of preserving and enabling a sense of transparency through and between buildings to creek abuttals to reinforce a sense of openness in the sensitive creek interfaces. However, this could be more effectively addressed through a SLO. Nevertheless, the Panel supports the proposed variations to the standards in the creek abuttal areas.

The Panel was not presented with evidence to suggest that the current requirements in the NRZ1 heritage precincts are not working. While the Panel recognises the heritage areas as also sensitive, the Heritage Overlay will ensure the particular considerations that apply in heritage precincts are taken into account and a variation to the walls on boundaries standard is not necessary to protect these areas.

A sense of transparency and openness is less warranted in the creek environs areas, the NRZ4 and in the GRZ. The Panel views the proposed standard of a 6.5-metre length wall on boundary as overly prescriptive, and will potentially limit a site's development potential, particularly in the GRZ.

It is the Panels view that guidance should be provided on the built form outcome sought to inform the exercise of discretion.

#### **(iv) Panel conclusions**

The Panel concludes:

- The Panel supports the proposed variations to the walls on boundaries (Standard A11 and B18) in the creek abutments, although a design objective in a SLO could address the issue more effectively.
- The Heritage Overlay will ensure the particular considerations that apply in heritage precincts are taken into account and a variation to the walls on boundaries standard is not necessary in the NRZ1.

### **4.11 Private open space (Standard A17 and B28)**

#### **(i) What is proposed?**

The exhibited Amendment proposes to increase the private open space standard by varying the ResCode standards as set out in Table 11. The exhibited standards also sought to delete the options for balcony and rooftop private open space for NRZ2, NRZ3, NRZ4, GRZ3 and GRZ4.

Council submitted at the Hearing:

*The NRZ1 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10 square metre balcony or rooftop area. This will also assist in achieving a housing outcome that does not include apartment style development. A consequence of this is that apartment style development will not comply with the Standard and will need to find another way of demonstrating it achieves the relevant ResCode Objective. The GRZ4 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10 square metre balcony or rooftop area. A consequence of this is that low rise apartment style development will, in most cases, need to retain a ground floor private open space component, in order to comply with the intent of the relevant ResCode Objective. The GRZ3 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10 square metre balcony or rooftop area. A consequence of this is that low rise apartment style development will need, in most cases, to retain a ground floor private open space component, in order to comply with the intent of the relevant ResCode Objective.*

However, at the end of the Hearing Council’s final position was that it now supports allowing balconies and rooftop areas as an option for private open space provision in apartment developments in the GRZ3 and GRZ4. Balconies and rooftops remain an option in the existing NRZ1 and GRZ2.

The ResCode objective states:

*To provide adequate private open space for the reasonable recreation and service needs of residents.*

Table 11 describes the proposed exhibited and Council’s final position on the proposed variations to the standards.

Table 11 Exhibited private open space standards and the standards supported by Council

ResCode Standard A17 and B28 Private open space				
<b>A17:</b> 80m <sup>2</sup> or 20 percent of the areas of the lot, whichever is the lesser but not less than 40m <sup>2</sup> (one part <sup>141</sup> min 25m <sup>2</sup> /min width 3m)				
<b>B28:</b> 40m <sup>2</sup> (one part <sup>142</sup> min 25m <sup>2</sup> /min width 3m) or 8m <sup>2</sup> balcony/min width of 1.6 m or 10m <sup>2</sup> roof top area/min width 2m				
Existing				
GRZ2, NRZ1				
75m <sup>2</sup> (one part min 35m <sup>2</sup> /min width 5 m) or 8m <sup>2</sup> balcony/min width 1.6 m or 10m <sup>2</sup> roof top area min/width 2m				
Exhibited				
RGZ 3	GRZ6	GRZ5	GRZ3, GRZ4, NRZ4	NRZ2, NRZ3
40m <sup>2</sup> (one part <sup>143</sup> 35m <sup>2</sup> / min width 3m)	50m <sup>2</sup> (one part 35m <sup>2</sup> / min width 5m)	75m <sup>2</sup> (one part 35m <sup>2</sup> / min width 5m)	75m <sup>2</sup> (one part 60m <sup>2</sup> / min width 5m)	80m <sup>2</sup> (one part 60m <sup>2</sup> / min width 5m)
or	or	or	Balcony & roof top options deleted	Balcony & roof top options deleted
10m <sup>2</sup> balcony / min width 2m	10m <sup>2</sup> balcony / min width 2m	10m <sup>2</sup> balcony / min width 2m		
or	or	or		
10m <sup>2</sup> roof top area / min width 2m	10m <sup>2</sup> roof top area / min width 2m	10m <sup>2</sup> roof top area / min width 2m		
Standard supported by Council at the Hearing (Part B submission)				
RGZ 3, GRZ5, GRZ6, NRZ2, NRZ3			GRZ3, GRZ4, NRZ4	

<sup>141</sup> ‘one part’ throughout Table 5.12 refers to a secluded private open space at the side or rear of the dwelling with convenient access from a living room.

<sup>142</sup> ‘one part’ throughout Table 5.12 refers to a secluded private open space at the side or rear of the dwelling with convenient access from a living room.

<sup>143</sup> Ibid.



**ResCode Standard A17 and B28 Private open space**

As exhibited 75m<sup>2</sup> (one part 50m<sup>2</sup> / min width 5m)  
Balcony & roof top options deleted

**Standard supported by Council at the conclusion of the Hearing**

RGZ 3, GRZ5, GRZ6, NRZ2, NRZ3 GRZ3, GRZ4, NRZ4

As exhibited 75m<sup>2</sup> (one part<sup>144</sup> 50m<sup>2</sup>, square metre width 5m)  
Balcony & roof top options deleted , except for apartments

**(ii) Evidence and submissions**

Council submitted that the proposed private open space standards maintain the existing GRZ2 75 square metre requirement, except for increasing it to 80 square metres for NRZ2 and NRZ3, and retaining the status quo for GRZ5. The part of the private open space set aside as a secluded private area at ground level (that is not at balcony or rooftop) is proposed to increase from the current 35 square metres to 50 square metres with the reasoning given as follows:

*The current requirement for private open space in the Monash Planning Scheme is 75m<sup>2</sup>, with one parcel of 35m<sup>2</sup>. (This amount is about the size of a double garage).<sup>145</sup>*

The deletion of balconies and rooftops as an option for providing private open space in all other zones except for the RGZ 3/GRZ6 Clayton and Monash NEC and GRZ5 Oakleigh and Wheelers Hill Activity Centres was explained in the following terms:

*A consequence of this is that low rise apartment style development will, in most cases, need to retain a ground floor private open space component, in order to comply with the intent of the relevant ResCode Objective.*

Council did provide any analysis or strategic justification for the proposed variations to the standard or why the deletion of the balcony rooftops was sought in some areas but remained permissible in the NRZ1 Heritage Area.

In relation to the B28 standard and the increased secluded private open space requirements, Mr Larmour-Reid stated in his evidence:

*...I suggest modifying the B28 standard to specify that balconies and roof top private open space areas should be limited to apartment developments. I also support increasing the size of balconies as exhibited, an initiative mooted in the Draft Better Apartment Design Standards.*

*In the context of the purpose of the NRZ, it is my opinion that increased open space standards are warranted. Analysis undertaken by MGS has demonstrated that the increased standards are achievable within the areas identified. An unintended consequence of the provision may be that it encourages two storey dwellings with reduced footprints.*

<sup>144</sup> Ibid

<sup>145</sup> Council Meeting officer report, May 2016

Council's final submission in reply at the end of the Hearing supported Mr Larmour-Reid recommendation to modify the GRZ schedule B28 variations to provide for open space at balcony or roof top areas, commenting:

*This is important, not just because it enables greater flexibility for the placement and provision of open space but also because it sends a signal that in the GRZ areas apartment typologies are contemplated.*

On the issue of the deletion of balconies and rooftops, submitters<sup>146</sup> stated that reverse living arrangements in town houses are not unusual. Others submitted that the deletion of balcony spaces as an option is a step backwards, does not have a strategic basis<sup>147</sup>, and will frustrate the provision of housing diversity<sup>148</sup>. Others submitted that they would have no difficulty with allowing for reverse living arrangements that provide balconies and rooftops as private open space, particularly where higher density is encouraged, as it allows for a stronger landscape response at ground level<sup>149</sup>. It was also noted that a substantial rear setback will mean that private open space will likely to be located at the rear of a lot, regardless of outlook and aspect (for example south facing).<sup>150</sup>

Metricon Homes submitted:

*... the Responsible Authority must demonstrate that the 'reasonable recreation' and 'needs of the residents' is not currently being met. The current justification for amendment to Standard B28 is based on landscape objectives. This does not pass the rigour test.*

*... the Neighbourhood Character Review (2015) does not identify a need to vary B28 or a deficiency in the existing provisions.*

Submissions from residents also referred to overly large single dwellings that provide little in the way of private open space and build the maximum footprint allowed, which results in massive built forms with detrimental off-site amenity impacts.

### **(iii) Discussion**

There was no evidence, analysis or justification presented for the proposed changes to the requirements for private open space. The Panel considers that the changes appear to be focused on achieve character and landscape objectives, rather than being directed at meeting the recreation and service needs of residents, which is the purpose of this standard. All of the proposed changes exceed the ResCode standard, and those for the NRZ2 and NRZ3 are double the ResCode requirement for secluded private open space.

It was apparent from the MGS assessment that the increased secluded private open space standard presented the greatest constraint on design flexibility and impact on yield, even for dual occupancy development. To the extent that Council is using the private open space requirement to further aspirations of character and greening, other measures (canopy tree

<sup>146</sup> (sub 982).

<sup>147</sup> For example, (sub 923).

<sup>148</sup> For example (sub 758).

<sup>149</sup> (sub 746).

<sup>150</sup> (sub 623).

requirements, substantial front and rear setbacks, site coverage/ permeability) are also directed at that purpose.

In adjoining municipalities, variations to the standards have also been introduced through planning scheme amendments:

- Whitehorse NRZ5 to the north of the Monash Dandenong Creek Escarpment areas has similar requirements to the NRZ4 but without balconies or rooftops.
- Whitehorse GRZ 1 and GRZ3 zones, to the north of the proposed Monash GRZ4, include similar private and secluded private open space requirements, generally consistent with the existing GRZ2.
- In Glen Eira, west of the NRZ1, the A17 standard for single dwellings is the ResCode default and the Standard for more than one dwelling one a lot differs again:

*An area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 40 square metres, a minimum dimension of 4 metres and convenient access from a living room.*

- Kingston GRZ3, directly to the south of the proposed Monash GRZ3, has another approach, which increases to 40 square metres/5 metre width secluded open space requirement on the basis of the bedrooms a dwelling contains:

*If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open required for the dwelling.*

The Panel sees the Kingston approach as one way of dealing with the concerns of many submitters who felt that large dwellings were only required to provide the same amount of private open space as that of two bedrooms.

In summary, Councils are seeking to increase private open space requirements in many suburban areas but by different amounts and in different ways. In the Panel's view, this adds to the complexity of the planning system, undermines the consistency ResCode was intended to provide, and signals the possible need to review private open space standards in terms of resident needs.

At times the minor differences will be imperceptible, such as the additional 5 square metres required in the NRZ2 and 3. Can 5 square metres less or more private open space be justified in terms of meeting different recreation needs in the same locality?

The Panel also views balconies and rooftops providing valuable alternatives to ground level private open spaces; it may be preferable for a variety of households (single occupant, couples, downsizers etc.) or aged care housing, where reverse living affords greater amenity (views, solar orientation, sloping site constraints). As one submitter commented, "*balconies are a legitimate form of private open space and need to be understood on their own terms - a good balcony is a good balcony and can be better than poor ground level space*"<sup>151</sup>.

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<sup>151</sup> (sub 923).



The proposed increase in the minimum area and dimension of balconies is in line with changes put forward through the 'Better Apartments' process and is endorsed by the Panel as a way to improve the utility of these spaces without significantly increased costs.

The Panel fails to understand the express rejection of balconies and rooftops in exhibited and post-exhibition phases of this Amendment for some zones that anticipate moderate change and apartment forms of housing and yet allow them in NRZ1 *Heritage Areas*. The final position of Council, which altered its position to allow balconies in the GRZ apartments (but not other forms of housing) was a step in the right directions that addressed many of the concern raised in many objecting submissions on this issue. The Panel considers balconies should be an option for other forms of multi-unit development in all zones to be applied by the Amendment.

#### **(iv) Panel conclusions**

The Panel concludes:

- In the absence of justification and the implications for design flexibility and yields, the Panel does not support the proposed increase in the secluded private open space requirement.
- Balconies and rooftops are a legitimate form of private open space and should be an option for multi-unit and apartment development in all of the proposed zones.
- Variations to the Private Open Space standard apply in many suburban areas, suggesting that the current ResCode standard is seen as inadequate. The differing requirements add to complexity; a State led review of this standard could restore greater consistency.

#### **4.12 Panel recommendation**

**19. Vary the ResCode street setback requirement (Standard A3 and B6) as follows:**

- a) 7.6 metres or the average of adjoining lots (whichever is the lesser) in the Neighbourhood Residential Zone (schedules 1, 2, and 4) and the new combined General Residential Zone schedule**
- b) require an additional 1-metre setback for garages and carports only in the Neighbourhood Residential Zone (schedule 1).**

**20. Vary the ResCode site coverage requirement (Standard A5 and B8) as follows:**

- a) 40 percent in the Neighbourhood Residential Zone (schedule 2)**
- b) 50 percent in the Neighbourhood Residential Zone (schedules 1 and 4), and the new combined General Residential Zone schedule.**

**21. Vary the ResCode permeability requirement (Standard A6 and B9) as follows:**

- a) 30 percent in the Neighbourhood Residential Zone (schedules 1 and 4) and the new combined General Residential Zone schedule**
- b) 40 percent in the Neighbourhood Residential Zone (schedule 2).**

**22. Vary the ResCode Landscaping requirement (Standard B13) to link the provision of canopy trees to site width and permeable soil area. Consider a standard in the order of one tree per 5-7 metres of site width.**

23. Vary the ResCode minimum rear setbacks requirement (Standard A10 and B17) as follows:
- a) 7 metres in the Neighbourhood Residential Zone (schedule 2)
  - b) 5 metres in the Neighbourhood Residential Zone (schedule 4) and the new combined General Residential Zone schedule.
24. Maintain the ResCode side setbacks requirements (Standard A10 and B17) in all zones to be applied by the Amendment.
25. Vary the ResCode walls on boundaries requirement (Standard A11 and B18) only in the Neighbourhood Residential Zone (schedule 2) as follows:
- ~~10 metres~~ 6.5 metres plus 25 percent of the remaining length of the boundary of an adjoining lot ...
  - Walls should not be built on rear boundaries
  - The height of a new wall constructed on or within 200mm of a side boundary ~~or rear boundary~~ or a carport ...
26. In all zones applied by the Amendment, vary the ResCode Private Open Space requirements (Standard A17 and B28) to:
- a) retain the existing secluded private open space requirement of 35 square metres with a minimum 5 metre width
  - b) allow balconies and roof top areas, with the exhibited dimensions of a 10 square metre area and a 2 metre minimum width, as an option for all forms of multi-unit housing in all zones applied by the Amendment.
27. Include a decision guideline in the schedule to all zones applied by the Amendment requiring consideration of design responses to site constraints, site context, and irregular shaped lots when discretion relating to ResCode requirements is exercised.

## 5 The Monash National Employment Cluster

*Plan Melbourne* identifies national employment clusters<sup>152</sup> as central to a new city structure for Melbourne. The Monash NEC is an extensive area that incorporates Monash University, CSIRO, the Australian Synchrotron, Monash Medical Centre and hospitals, together with other research-based activities and advanced manufacturing enterprises. It is the largest employment node outside central Melbourne; in 2011 Monash accounted for almost four percent of all jobs in Melbourne. The Monash NEC also includes the Clayton Activity Centre and extensive residential and industrial areas.

### 5.1 The issues

- Are Amendment provisions for the Monash NEC and Clayton Activity Centre premature?
- Should the DCPO be applied in the absence of a DCP?

### 5.2 What is proposed?

#### (i) Proposed residential rezonings

The Amendment proposes to rezone residential land in the Monash NEC to GRZ3, GRZ4, GRZ6 and RGZ 3 (as shown in Figure 8).



RGZ 3: red  
 GRZ6: yellow  
 GRZ3: darker blue  
 GRZ4: lighter blue

Figure 8 Monash NEC proposed rezonings

#### (ii) Design and Development Overlay schedule 13

The DDO13 is proposed to provide direction on preferred building heights in the proposed GRZ6 and RGZ 3. It promotes a more intense urban built form than in the surrounding suburban context, with an incremental increase in building height and scale from the outer edges of the area toward the commercial and institutional uses of the Activity Centre and NEC.

<sup>152</sup> *Plan Melbourne* defines National Employment Clusters as ‘designated geographic concentrations of interconnected businesses and institutions that make a major contribution to the national economy and Melbourne’s positioning as a global city.’

By nominating building heights in the DDO, rather than varying the ResCode standard, the heights remain discretionary and can respond to specific circumstances. DDO13 relates maximum height to the lot size.

**(iii) Development contributions**

DCPO1 is proposed for land in the Clayton Activity Centre and the Monash NEC proposed to be rezoned by the Amendment to GRZ6 and RGZ 3. A DCP has not been prepared. \

The proposed DCPO1 allows a permit to be granted before a precinct-wide DCP has been prepared, in specified circumstances.

**(iv) Public open space contributions**

The exhibited Amendment proposed a public open space contribution of 10 per cent for land in the RGZ 3, GRZ6 or the C1Z. After considering submissions, the Council no longer supports this aspect of the Amendment.

**5.3 The planning context**

**(i) National Employment Clusters**

*Plan Melbourne* identifies six NECs outside central Melbourne, including the Monash NEC, as central to a new city structure that reduces travel demand, provides productivity dividends derived from agglomeration, maximises use of existing government assets, and improves access to employment. *Plan Melbourne* describes NECs as “*focused on knowledge based businesses that locate close to each other because of the productivity and economic gains from co-location, access to a deeper skilled labour pool and infrastructure, and the potential to share ideas and knowledge. They will continue to evolve into vibrant, diverse locations well-served by public transport.*” It highlights the strong base provided by the established critical mass of leading education, health, research and commercialisation facilities.

*Plan Melbourne* also identifies the opportunities along the rail corridor and nominates Hughesdale as an urban renewal opportunity. Residential development at increased densities will be encouraged.

The VPA has commenced strategic planning for the NEC. ‘Ideas’ consultation, at a high level, is underway. The initial focus is on the core institutions, employment, linkages and activity centre structure planning, rather than housing. The timeframe for the development of the planning framework<sup>153</sup> is:

- Development of a Draft Framework Plan – July-November 2016
- Public engagement – early 2017
- Finalisation and approval of Framework Plan – mid 2017

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<sup>153</sup> Monash National Employment Cluster Future Outlook Seminar (May 2016).

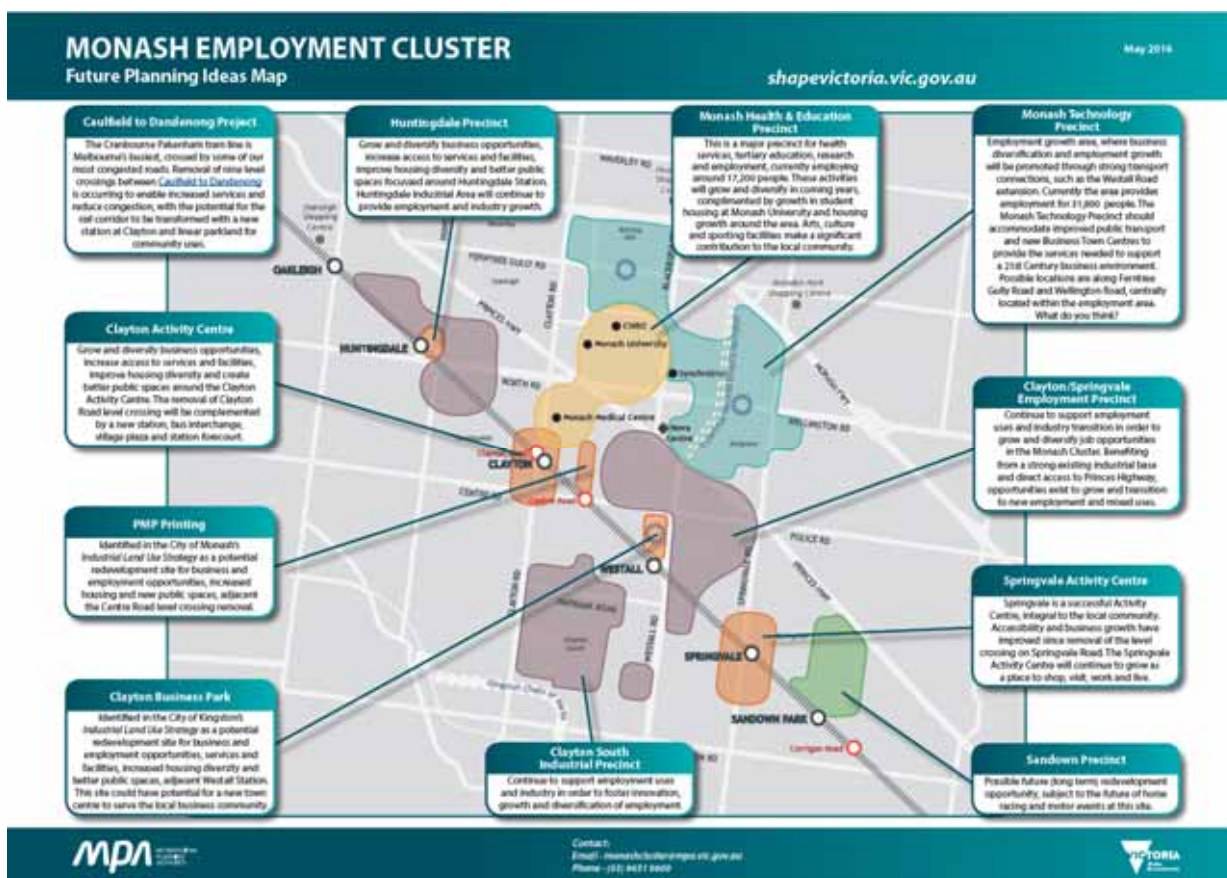


Figure 9 Monash Employment Cluster Future Planning Ideas (May 2016)

The VPA advised it is working with Council and the Clayton Traders Association to develop ideas the feed into the Clayton Activity Centre Structure Plan. Community engagement will progress once the design has been finalised for the Clayton train station and Clayton Road level crossing removal<sup>154</sup>. The VPA submitted:

34. *The structure plan offers the opportunity to guide future development to ensure appropriate built form outcomes are achieved. The plan should aim to support the economic development of the area, address what the appropriate built form and infrastructure needs are. It is anticipated that residential areas around the centre will offer varying intensities of development and a diversity in housing mix.*

The VPA summarised housing opportunities in the Clayton Activity Centre identified to date as follows:

- Focus the transition to taller, higher density housing in specific precincts and less constrained locations adjacent to the railway line and along main roads.
- Encourage medium density housing in all other residential precincts.

<sup>154</sup> It is expected that the final design will be approved soon as the commuter car parking was closed on 2 September to commence works which will be completed by mid-2018.

- Provide guidance for the development of higher density housing and potentially mixed uses on existing Key Redevelopment Sites (PMP Printing<sup>155</sup>, Sigma Pharmaceuticals, former Clayton Primary School). The VPA noted that the outcome for the 11-hectare PMP Printing site is subject to further framework planning of the industrial land, which has just commenced.
- Explore the potential redevelopment of under-utilised at-grade car parks around the retail area (while adopting a 'no net loss' principle for publicly available car parking).
- Explore longer-term opportunities to redevelop industrial precincts for housing, employment and mixed uses.
- Apply preferred building heights and setbacks to manage interfaces appropriately.

#### **(ii) Monash University Master Planning**

Evidence from Prof McGauran emphasised the State significance of the precinct and illustrated the substantial progress made towards the Strategic Vision (2011) of the Clayton campus evolving as an engaged and dynamic University City. He highlighted major projects that are implementing key elements of the ambitious master plan and should inform the consideration of the proposed zoning for NEC residential zones. Amongst other things, they include 1,600 new on-campus student accommodation units, major new centres of science research in partnership with key research agencies, more than \$800 million in future major projects (under construction or planned)<sup>156</sup>, acquisition of assets east of Blackburn Road, and a modal interchange<sup>157</sup>.

#### **(iii) The Housing Strategy**

The Housing Strategy identified Monash NEC residential land as a Category 3, while the Clayton Activity Centre falls within a Category 1 Activity and Neighbourhood Centres. These are areas with future redevelopment potential.

Although outside the scope of the Housing Strategy, the general recommendations were to apply the RGZ around activity centres, the Monash NEC and in areas identified in *Plan Melbourne* as appropriate for higher levels of development.

#### **(iv) Development contributions**

State planning policy Clause 19.03-1 confirms the role of DCPs as the primary mechanism for securing contributions towards the timely provision of planned infrastructure. This clause aims to facilitate the timely provision of planned infrastructure to through the preparation and implementation of DCPs and is supported by strategies to:

*Prepare Development Contributions Plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.*

<sup>155</sup> The VPA is assisting Council with coordinating master planning of the PMP Printing site at No 209 Carinish Road and No 49 Browns Road to facilitate rezoning, with a mix of commercial and residential land uses being contemplated.

<sup>156</sup> These include a new Victorian Heart Hospital.

<sup>157</sup> The new modal interchange is to accommodate a 30 percent increase in bus services and parking underground for over 700 cars to shift access to the campus away from private car use.

*Collect development contributions on the basis of an approved Development Contributions Plan.*

Planning must consider, as relevant, the *Development Contributions Guidelines*<sup>158</sup>, which state in relation to section 173 Agreements and the use of a planning permit condition:

*A planning permit cannot include a condition that requires:*

- *The applicant to enter into a section 173 Agreement to provide services or facilities.*
- *The provision of or payment for facilities and services in the absence of an approved DCP, no matter whether the facilities or services are located on or off the land subject to the planning permit.*
- *The ability of the RA (Responsible Authority) to validly impose certain conditions is doubtful, in particular planning permit conditions that require:*
  - *The provision of or payment for works on land that is not part of or abutting the land subject to the planning permit, when no DCP is in place.*
  - *The applicant to enter into a section 173 Agreement to provide or pay for works on land that is not part of or abutting the land subject to the planning permit.*

The Act<sup>159</sup> sets up the machinery for ‘accountability’ in the administration of DCPs and imposes responsibilities on councils to, amongst other things, apply contributions for the purposes identified in the approved DCP.

Reform of infrastructure contributions for greenfield growth areas has occurred since the hearing and it has been foreshadowed that the new system for levying infrastructure contributions will extend to strategic development areas, such as NECs. The proposed reforms, with standard contributions, are to give developers and councils certainty about the level of contributions required, clarity around the types of infrastructure contributions will fund, and reduce costly delays. *‘Central to the operation of the new system is an infrastructure contributions plan. These plans enable the collection of an infrastructure levy and provide the justification and basis for collecting that levy*<sup>160</sup>.’

## **5.4 Are proposed residential rezonings in the NEC premature?**

### **(i) Evidence**

Evidence from Mr Larmour-Reid for Council, noted that the Housing Strategy “... *does not acknowledge the role of the Monash Employment Cluster and its contribution to housing within the municipality ...*” and the Housing Strategy “... *identifies the future housing outcomes for this area as including higher density apartments at the interface with the technology precinct and a combination of apartment, townhouse and unit development according to the local context.*”

Mr Larmour-Reid was unable to comment on the proposed zone boundaries in the NEC:

<sup>158</sup> These Guidelines are a Reference Document in Clause 19.03-1 (Department of Sustainability and Environment, amended March 2007).

<sup>159</sup> see section 46Q of the *Planning and Environment Act 1987*.

<sup>160</sup> Infrastructure Contributions Fact Sheet (July 2015).

*As the boundaries to RGZ 3 and GRZ6 have been developed in consultation with the Metropolitan Planning Authority I do not have sufficient information with which to consider their appropriateness. However, I am satisfied that the application of these zones in the areas identified is consistent with the intent of Housing Strategy.*

Prof McGauran, who was called by Monash University, emphasised the major opportunity for transformation of the Monash NEC as a biomedical and health research, education and services precinct. He was not convinced that the proposed approach to residential development in the Amendment would achieve the strategic level of ambition that is appropriate for this precinct of national importance where opportunities should be optimised. It was his view that:

*... the proposals in their current form have not gone far enough and further elaboration and amendments are appropriate to ensure that new residential development in the precinct adjoining the core Monash National Employment Cluster Uses is demonstrably supportive in its optimisation of the Cluster's goals outlined in Plan Melbourne and Shape Victoria.*

Further, *'the proposed scope of change is written in a demonstrably inadequate area leaving large parts of the core National Employment Cluster unchanged from existing policy'*. He commented:

*'... opportunities have been missed to support uses that might have a key locational alignment with the goals of the cluster ... Instead the language and likely outcome matching that anywhere else in the municipality with a similar zone and delivers at best incremental change.'*

Prof McGauran emphasised the importance of enhanced north-south interconnections between the central Monash Health and University core, in particular, and public transport services, as a vital element of strategic planning for the precinct and the economic performance of the cluster.

Prof McGauran considered ambitions for the amenity of north-south walking and future anticipated public transport networks and public spaces are critical in such an intensified context and should be informed by measures adopted in other similar campus scale settings for change.

It was Prof McGauran's view that it is essential to establish planning mechanisms, such as the Public Acquisition Overlay (PAO), to secure strategic linkages at the same time that the proposed residential and other rezonings are considered.

Prof McGauran considered the proposed zoning (GRZ3, GRZ6 and RGZ 3) between the core university campus and the Health Precinct should be reviewed to recognise the strengthening of links between education and health partners and potential land use conflicts. He also considered that the following locations should be invested with greater ambition for change and alignment with the growing role, jobs, services and employment afforded by the precinct:

- all areas west of the campus up to and including both sides of Clayton Road
- the proposed GRZ4 area east of the campus.

Prof McGauran suggested there should be a higher level planning framework to guide the development of the NEC. He advocated a NEC Zone (or parallel zone taken from the existing



suite) for the proposed RGZ 3 and GRZ6 zoned areas between the University and Monash Health and along the likely interconnecting transport routes arising from grade separation. Prof McGauran put forward principles to underpin the planning framework, which the Panel has summarised as follows:

- The zones applied should facilitate development of an appropriate sale and land uses directly aligned to the core goals of the cluster.
- Health and education uses should be promoted as priority uses that are specifically supported in the corridor between the University campus and the Monash Medical Centre. These would typically be larger format and Cluster specific high quality, medium rise accommodation commensurate with the scale of neighbouring health, education and research developments.
- Underdevelopment should be curtailed and site consolidation should be enabled through increased development capacity on larger sites. There should be a preferred minimum scale for development and a preferred street wall scale commensurate with the emerging scale of health and university buildings in the precinct.
- The zones applied should incentivise site consolidation and land uses directly aligned to the core goals of the cluster.
- The statement of preferred future character and the zoning regime should specifically support an institutional scale, the intended key uses within the cluster and their ability to grow in scope, complexity and partnership. This would replace the bias in the exhibited framework towards valuing a perceived residential character and protecting the residential amenity of existing housing, with scaling down within the cluster (rather than outside it).
- The amenity of shared spaces rather than individual private spaces should be emphasised.
- Each of the residential zones should specifically incorporate principles of reverse amenity in recognition of the adjacency to 24-hour research, health and education hubs. Sensitive uses should be required to demonstrate through the design response and specification that reverse amenity outcomes are assured without compromising the development potential for the core purpose of adjoining sites, key institutions or interconnecting active transit services.

Prof McGauran illustrated this alternative approach through the following example of objectives:

- *To encourage high density development in the precinct abutting and connecting the Monash University and Monash Health that provides an attractive high level pedestrian amenity and landscapes that support the development of high quality tree-lined landscapes.*
- *To encourage lot consolidation and discourage underdevelopment that encumbers the broader strategic goals of the precinct.*
- *To protect the opposite side of north-south streets from overshadowing between 10am and 2pm at the equinox.*
- *To encourage engagement and informal surveillance of the street from ground and upper level development.*
- *To enhance and extend the landscape qualities of streets and boulevards and interfaces with parklands.*

**(ii) Submissions**

Monash University submitted that, while the strategic importance of the Cluster is anchored by the University, Monash Health and the Clayton Activity Centre, residential areas in and around the Cluster also have a role to play. The University submitted that residential areas cannot be considered in isolation, and that this aspect of the Amendment should be deferred, as the proposed rezoning would pre-empt important strategic planning exercises, such as the Clayton Structure Plan and the Monash National Employment Cluster Framework Plan.

The University submitted that strategic planning should address the following critical matters:

- 17.1 *The extent to which retention of existing neighbourhood character should be a consideration for a National Employment Cluster.*
- 17.2 *The role and strategic significance of the Activity Centre and the Cluster.*
- 17.3 *The actual physical boundaries of the Activity Centre and the Cluster.*
- 17.4 *Land use and development expectations for both residential and commercial land and the appropriate zonings to facilitate these outcomes.*
- 17.5 *Future connectivity and linkages and any necessary public acquisition of land.*
- 17.6 *The relationship with adjoining residential areas and any necessary techniques to facilitate transition.*
- 17.7 *Whether a development contributions plan is needed and for what or how funds are proposed to be levied or to be apportioned.*

The University did not support interim controls due to the potential for confusion within the local community. It argued:

*... so long as this (strategic planning already in train) is done a timely manner it is difficult to identify any significant cost or disbenefit likely to be incurred by a short delay in progressing the residential zones which contrasts with the disbenefit of entrenching zones based on a "cursory" assessment of their merit.*

Various submissions from those with development interests also questioned the rationale for the proposed zoning of their land under the Amendment. Examples include land within the NEC along designated 'boulevards' and the urban renewal corridor designated in *Plan Melbourne*, GRZ land sandwiched between the RGZ and the PMP Printing redevelopment site, land along and to the west of Clayton Road, and land on the edge of the current Clayton Activity Centre boundary.

Submitters also were of the view that ad hoc development will mean sites for apartment developments will be lost to dual occupancy, townhouse and unit developments unless the planning framework is amended to clearly signal support for more intensive forms of Housing.

Submissions relating to specific sites illustrated that there are significant questions about the alignment of the proposed zones boundaries and development parameters in the zone schedules and DDO13, with strategic land use intentions for this important area. These submissions indicate strategic land use and development form issues that should be resolved before land is rezoned.

Council noted that the Housing Strategy acknowledges the nature of the development anticipated in the NEC and in the Clayton Activity Centre and seeks to build upon *Plan Melbourne* ambitions for those areas.

Council advised that the residential rezoning in the Monash NEC had been envisaged as a subsequent stage in the implementation of the Housing Strategy but were included in the Amendment as a result of the conditions of authorisation of the Amendment to consult with the (then) MPA. Council noted that *“it is apparent from Plan Melbourne that the MPA (now the VPA) is the lead agency in relation to structure planning for the NEC. It is also readily apparent that that work has not been done. It is a work in progress.”*

Council acknowledged the desirability of strategic planning in advance of rezonings submitting:

38. *Of course, it would be Council’s preference to await the outcome of the structure planning before proceeding to rezone. No doubt that would be the preference of the VPA as well. Of course, it would be terrific if the structure planning process could proceed at the pace suggested by Prof McGauran. However, that may not be able to occur, having regard to either the resources that government agencies are able to bring to the table. It may also be that kind of accelerated timing is inconsistent with the demographics of that particular area ...*
39. *The question is what to do in the meantime.*

On the final day of the Hearing, the VPA acknowledged that implementing rezonings appears to be premature.

### **(iii) Discussion**

There is clear policy support for the transformation of the Monash NEC as a centre for knowledge-based employment and innovation of national significance.

Prof McGauran provided compelling evidence of the very substantial initiatives being implemented by the University in support of the policy ambitious for this cluster. The Panel inspections of the NEC confirmed the strong basis provided by established institutions, the quality of recent University progress towards its master plan, the attraction of these high quality anchor uses to a range of uses with synergies and the extensive potential development opportunities.

The Panel agrees that ad hoc development could mean sites for apartment developments may be locked away by lower density housing developments and that the planning framework should signal support for more intensive forms of housing. However, the Panel does not agree with the argument put on behalf of a submitter with immediate development intentions supporting advancing the Amendment provisions as a stepping-stone to a more ambitious framework, rather than waiting for a future amendment that is dependent on the completion of strategic planning work that is in its infancy.

Prof McGauran’s evidence demonstrated that there are significant strategic issues to be resolved through planning initiatives that are underway. This includes fundamental issues such as:

- establishing important linkages between the university, the Monash Medical Centre, public transport, and then ensuring the planning framework delivers those links or at least facilitates and preserves opportunities
- the right land use priorities and mix in the 'core' of the NEC
- defining built form ambitions and how the area transitions to more intensive urban forms
- how interfaces with more suburban housing areas should be managed.

It is recognised that the strategic planning work necessary to capitalise on the opportunities presented by this area requires the investment of planning resources. Further, it is rarely possible to have *'all the ducks in a row'* with the ideal, complete analysis underpinning amendments; a pragmatic approach is often required with progressive development of the planning framework to avoid protracted delays and paralysis of the planning system. However, the strategic planning work for the NEC and Clayton Activity Centre is underway, with timeframes indicating a stronger strategic basis will be established in the not too distant future.

The Panel agrees with submissions from the University that rezoning land now and then changing it to align with more developed strategic planning work, could be a source of confusion, establish inappropriate expectations about future development potential and produce less than optimum outcomes. It could also facilitate proposals that compromise important strategic links, shifts in land use or achieving ambitions for a more urban scale and built form.

In this case, the Panel considers the proposed residential rezonings are premature. By the end of the Hearing, Council, which originally intended this aspect of the Amendment as a subsequent stage of Housing Strategy implementation, and the VPA agreed.

As discussed in Chapter 3.4, the Panel has concluded that, for areas identified in the Housing Strategy for more intensive development, provisions that are more restrictive are not an appropriate interim planning framework pending the completion of strategic work. This applies to land in the NEC proposed to be zoned GRZ3, GRZ4 and GRZ5 by the Amendment.

The Panel considers rezoning in the NEC should be deferred pending further strategic work. In the interim, important guidance for the consideration of development proposals will include:

- State planning policy support for transformation of the NEC and intensification of urban renewal corridors
- As discussed elsewhere in this report, the Residential Development Framework Plan should be incorporated in the Monash MSS and Preferred Future Character Statements should recognise areas where more intensive development (with a change in character) is envisaged.

The importance of the strategic planning work to inform appropriate, transparent contributions to infrastructure and open space provision is discussed below.

## 5.5 The proposed RGZ 3, GRZ6 and DDO13

While the Panel has concluded that further strategic planning should underpin the planning framework, the submissions relating to the NEC that were presented to the Panel are synthesised below to inform further work on the planning framework for the Monash NEC.

### (i) Evidence and submissions

As already noted, Mr Larmour-Reid noted that the boundaries to RGZ 3 and GRZ6 were developed in consultation with the VPA. While he did not have sufficient information to determine their appropriateness, he was satisfied that the application of these zones is consistent with the intent of the Housing Strategy.

Various submissions queried how zone boundaries were determined, for example between the GRZ5 and RGZ6 near Bedoe Avenue and associated with the Clayton Activity Centre boundary.

As noted above, Prof McGauran considered the proposed RGZ 3 and GRZ6 do not match the strategic policy ambitions and opportunities for the Monash NEC. He specifically nominated the following areas for review:

- land between the core university campus and the Health Precinct (i.e. the Monash Medical Centre) should be reviewed, as these zones are likely to result in competition in some instances with the strengthening of links between Education and Health partners and may create additional conflicts.
- all areas west of the campus up to and including both sides of Clayton Road.
- the proposed GRZ4 area east of the campus.

The VPA advised that it worked with Council to identify opportunities for residential intensification around Clayton and Monash University and that the locations for a higher degree of change were determined based on proximity to the NEC, areas identified as Accessible Areas, and demographic factors. At the hearing the VPA advised that the RGZ3 and the GRZ6 had been applied to those areas identified for more intense development.

The VPA supported, in principle, the proposed new zones and overlays with the exception of the RGZ 3 on Clayton Road in the Monash Medical precinct. However, on the final day the VPA acknowledged the rezonings proposed by the Amendment are premature. The VPA had provided analysis (which was not pre-circulated as evidence) of lot consolidation incentives and how they interact with the design parameters of the proposed RGZ3, DDO13 and ResCode. The analysis of the cumulative effect of restrictions on hypothetical planning envelopes across a range of lot sizes and shapes found that the majority of single lot developments would be restricted to two storeys, whereas two lots combined could achieve three, four or five storeys depending on the site size and dimensions.

A number of submission relating to specific sites in the NEC and Clayton Activity Centre commented that the proposed zones did not respond to the site context, the Housing Strategy categories and the optimal opportunities for redevelopment.

Submissions also advocated that the local variations to the ResCode standards that are more restrictive are inappropriate, given the strategic objectives for the area.

Council's written submission to the Panel did not support changes to NEC zones and it responded to a number of site specific submissions along the following lines:

*Council acknowledges that there may be potential for more intensive growth along the Dandenong Road area, as noted in the Residential Development Framework (as it is nominated as one of two 'Boulevards' and/or the Hughesdale Structure Plan). However, the strategic work to determine the appropriate form of development has not been undertaken yet. It is scheduled to be undertaken as per the Council work plan to implement the Housing Strategy. The submissions raised are pre-emptive of the work yet to be done.*

## **(i) Discussion**

The parameters for development set by zones and DDO13 need to translate integrated policy ambitions for land use change with a supporting built form. While there is clear policy support for a planning framework that supports intensification, the degree of intensification, the extent of the areas for significant intensification, and how the transition to more suburban residential forms beyond the core of the precinct will be managed still require consideration. This should occur through the strategic planning processes initially for the NEC and the Clayton Activity Centre, with work relating to boulevards and other structure plans to follow.

Evidence and submissions have raised fundamental questions about the scale of development that should be embraced in the core of the NEC and the Clayton Activity Centre and the extent to which the existing character should be respected. While an urban character that integrates canopy trees is sound and consistent with Council's long standing policy, the Panel agrees with evidence and submissions that existing residential character should not be the reference point for built form in the core of the NEC.

Given the stage of planning for the NEC, the exhibited 'Desired Future Character Statement' (Clause 22.10) is not able to present a positive expression of the character ambitions to be achieved. One of the key tasks for strategic planning will be to determine the urban character aspirations for the NEC and activity centre and, then, how that character will be achieved.

In the meantime, the Panel considers the Desired Future Character Statement should:

- Align with the broad policy direction that the cluster will change, with reference to the guidance provided by *Plan Melbourne*, and Garden City principles (in an more urban form)
- Acknowledge that strategic planning will develop and articulate future character aspirations.

The Panel agrees with Prof McGauran that reverse amenity considerations should be incorporated in the core of the NEC in recognition that employment generating uses are the primary purpose of these locations and the supporting residential uses should not create new constraints.

The Panel endorses the intention to provide incentives for lot consolidation but, for the reasons raised in submissions, the analysis of the effectiveness of the proposed DDO building height provisions for this purpose was unconvincing. In the RGZ 3 the scale of development for most lots will be the same as in the proposed GRZ6 and multiple lots would need to be consolidated to achieve the benefit of additional height. The VPA analysis appeared to overstate the level of uplift provided by the additional height and overlooked the impediments to lot consolidation. Work that is underway should include further consideration of lot consolidation incentives.

Housing for students, early career academics, researchers and medical staff is an obvious area for specific investigation in the work underway. Identifying opportunities for key workers and housing that is affordable for low and moderate income people would advance the Housing Strategy objectives.

## **5.6 Panel conclusions**

The Panel concludes:

- The Amendment provisions relating to the NEC are premature and should be deferred pending evaluation and development as part of the strategic planning work that is underway.
- The Desired Future Character Statement should adopt a more positive expression of the intended change envisaged by policy for the NEC and acknowledge that strategic planning will develop and articulate future character aspirations.

## **5.7 Development and Public Open Space Contributions**

### **(i) Submissions and evidence**

Submissions raised similar issues in relation to applying a DCPO in the absence of a DCP. They questioned how an agreement or site-specific DCP could be negotiated fairly with no indication, let alone rigorous evaluation, of the infrastructure required or to whom costs should be apportioned. It was submitted that this is entirely contrary to intent for DCPs. Isolating the DCPO to one geographic area was seen as inequitable.

The University argued that the proposed DCPO has not been justified and is contrary to established principles for development contributions. The principles relating to need, equity, accountability and nexus to be satisfied in respect of infrastructure contributions have been well established<sup>161</sup>. A DCP should accompany rezonings and requires evaluation of development and community infrastructure needs.

At the hearing the VPA advised they anticipated that a more streamlined system with a standard infrastructure contribution rate would be introduced for greenfield areas and a similar system would also apply to urban renewal areas, with Clayton/the NEC expected to be candidates. It was submitted that DCPO signals to developers that contributions will be sought in substantial change areas.

Various submissions from landholders objected to the exhibited change to Clause 52.01 to increase in the Public Open Space Contribution from five per cent to ten per cent on the basis that the necessary strategic justification for the increase had not been established, and the additional contribution costs would be passed onto home purchasers with adverse impacts on housing affordability.

While the VPA submitted that a public open space contribution is appropriate, it should be applied after the open space strategy is complete.

Council submitted that in areas subject to significant urban intensification, where dwelling densities can be up to 10 times that of suburban areas, *"5 percent is generally recognised as inadequate and a figure in the order of 10 percent is generally required given the significant*

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<sup>161</sup> Eddie Barron principles as cited in Dennis Family Corporation v Casey CC [2006] VCAT 2372.

population increases that occur in highly urbanised environments.” Council also highlighted that its *Open Space Distribution Analysis Report 2013*:

- identified 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.

Council acknowledged that the Clayton Activity Centre Structure Plan, the Monash NEC Strategic Framework Plan and the Open Space Strategy are the appropriate mechanisms to further clarify open space provision issues, and, ideally, this work would occur before rezoning land to facilitate substantially increased densities.

As noted earlier, Council no longer supports introduction of the exhibited Public Open Space contribution. However, it sees securing contributions to the major infrastructure demands associated with the transformation of the NEC as a precondition for the propose rezonings. Council submitted in closing:

*Ultimately, having been directed by the Minister to consult with the then MPA, Council was persuaded to modify the amendment to allow for increased residential development potential ... In proceeding down this path, Council was, however, alert to the fact that issues of public open space, drainage infrastructure, community infrastructure and developer contributions towards community infrastructure would normally be resolved prior to rezoning of land to substantially increase densities. It was for this reason that the DCPO and the POSC provisions were included in the exhibited amendment, and whilst Council has stepped away from the POSC provisions, pending the outcome of its public open space strategy work, Council does not resile from the need for the DCPO as its been exhibited.*

*Council’s clear position is that without the DCPO as it has been exhibited Council is not supportive of the rezonings to RGZ proposed in the NEC and Clayton Activity Centre area.*

## **(ii) Discussion**

Planning policy for the Monash NEC and the Clayton Activity Centre support significant intensification of a range of employment, institutional and residential uses.

The Panel considers there is no justification to apply the DCPO1 before the DCP has been prepared. The basis for development contributions has been set out in policy, guidelines and case law and the new system for infrastructure contributions maintains these core principles and the need to justify contributions to infrastructure provision, albeit within a streamlined system.

As the Standard Development Contributions Advisory Committee noted the DCPO performs two important functions within planning schemes:

- the overlay maps the area where the DCP applies and provides notice to landowners/developers whose properties are affected by a DCP incorporated into a planning scheme.



- distils the key information from the DCP i.e. the charges, rates and liabilities for easy reference and application<sup>162</sup>.

The principles<sup>163</sup> for valid requirements for development contributions of need, nexus, equity and accountability remain central to the justification for and implementation of development contributions.

The Panel was referred to a number of examples where the DCPO has been or is proposed to be applied in advance of the preparation of a DCP. With the exception of Fisherman's Bend, the Panel understands that these examples relate to growth areas where the nature of likely infrastructure requirements draws on extensive experience gained through review of Precinct Structure Plans and the associated DCPs, precinct structure planning was well advanced and the infrastructure required had been identified.

The Standard Development Contributions Advisory Committee summarised the principles from the legislation and Victorian case law in relation to the use of permit conditions to require the provision of infrastructure.

The Panel does not doubt that intensification may well generate needs for additional infrastructure, facilities and public open space. However, in the absence of a DCP and an open space strategy, it would be challenging to justify contributions on a case by case basis when the need for the infrastructure results from the cumulative intensification resulting from discrete applications over an extended timeframe.

Council was unable to give any indication to the Panel of the level of or basis for contributions that would be negotiated with permit applicants under the proposed DCPO. This lack of transparency and uncertainty for applicants, particularly smaller scale applicants, is not acceptable.

*Planning Practice Note 70: Open Space Strategies* provides useful guidance on the analysis that should underpin open space planning and contributions. The Panel agrees with Council and other submitters that the increased public open space contributions has not been justified.

### **(iii) Panel conclusions**

The Panel concludes:

- The exhibited DCPO and increase to Clause 52.01 Public Open Space Contribution have not been justified, beyond broad assertions that more intensive development in the NEC and Clayton Activity Centre will create additional demands on existing infrastructure and open space.
- Systematic analysis should underpin proposed contribution requirements for the Monash NEC, Clayton Activity Centre and other parts of the municipality where significantly more intensive residential, institutional and employment development is proposed.

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<sup>162</sup> Page 21 *Standard Development Contributions Advisory Committee Report 1* December 2012.

<sup>163</sup> Eddie Barron principles as cited in *Dennis Family Corporation v Casey CC* [2006] VCAT 2372.

## 5.8 Panel Recommendations

The Panel recommends:

28. Abandon the exhibited rezoning to Residential Growth Zone (Schedule 3) and General Residential Zone (Schedule 6) of land in the Monash National Employment Cluster and maintain the current General Residential Zone (Schedule 2) for the land.
29. Delete the exhibited Development Contributions Plan Overlay (Schedule 1).
30. Delete the exhibited increase in the Clause 52.01 *Public Open Space* contribution.
31. Rewrite the Desired Future Character Statement for the Monash National Employment Cluster in Clause 22.01 to:
  - a) adopt a more positive expression of the intended change envisaged by policy for the Monash National Employment Cluster.
  - b) acknowledge that strategic planning will develop and articulate future character aspirations.

## 6 The form and drafting of the Amendment

### 6.1 Changes to the Local Planning Policy Framework

The Amendment proposes extensive changes to the LPPF, some of which are derived from the Housing Strategy and the Neighbourhood Character Review. Issues raised by the Panel's review of these changes are set out below, however, the extensive content has not been redrafted.

The review in this chapter focuses on drafting. It is also informed by the discussion and recommendations in preceding chapters of this report, which are not restated. In reviewing these provisions, the Panel has adopted the view that concise drafting provides a clearer more effective statement of policy.

#### (i) **Clauses 21.01 Municipal Profile, 21.02 Key Influences and 21.03 Vision**

These 'front end' clauses have a role in setting the context and overall direction for the MSS. They should be focussed on key planning issues and should avoid repetition. The new content in these clauses recognises the ambitious role and change envisaged for the Monash NEC and includes directing growth and more intensive, higher scale development to neighbourhood and activity centres, '*the nationally significant Monash National Employment Cluster*' and the boulevards (Springvale Road and Princes Highway) as major strategic directions.

However, the Panel considers:

- The 16 pages of content is excessive and repetitive, particularly in relation to Garden City/ neighbourhood character and includes extensive descriptions of data (most relating to trends to 2011) that will date.
- While Garden City character is a core planning aspiration, statements regarding existing Garden City character and its '*strong cultural and community significance for Monash residents*' are overstated.
- The Housing Strategy is presented as clearly subservient to repeated references to Garden City character. It is notable that the Strategic Framework Plan (March 2009) in Clause 21.03 *Vision* has not been updated to recognise either the Housing Strategy or the Monash NEC.
- The Clause 21.03 *Vision* incorporates new '*Monash 2021: A Thriving Community 2010*' content. The Panel has not reviewed this document but questions the utility of the material included by the Amendment to inform planning decisions.

#### (ii) **Clause 21.04 Residential Development**

The Housing Strategy has been identified as central to the justification of the Amendment, yet it is not prominent in Clause 21.04 *Residential Development*. While the Housing Strategy is proposed as a reference document to this (and other) clauses of the MSS, the only reference to the Housing Strategy is in the Overview and under Neighbourhood Character overview section.

The Residential Development Framework Plan, which indicates where growth will be directed, remains outside the Planning Scheme with the limited status of a reference document. The Panel has already commented that the Plan should be included in the MSS. The Panel

considers this clause underemphasises the ‘housing’ rather than ‘character’ based elements. For example (emphasis added):

- Strategies in this clause (and Clause 21.06) direct more intensive development to within neighbourhood and activity centres and this does not recognise the Housing Strategy identification of opportunities in the ‘accessible areas’.
- To locate residential growth within neighbourhood and activity centres, the Monash NEC and the boulevards (Springvale Road and Princes Highway) to increase proximity to employment, public transport, shops and services. This will assist to preserve and enhance Garden City character and special character in the balance of the municipality.
- The recognition of and responses to Housing Strategy issues, have significant limits or focus on particular sectors. Examples relating to housing diversity and the affordability challenge include:
  - *There is a lack of affordable housing, which is a particular issue for newly arrived migrant families* – this is a critical issue for many people.
  - *Promote a variety of dwelling sizes and types to promote greater affordability of housing and choice in medium and large urban developments* - support for diversity of housing should not be qualified to relate to medium and large urban developments.
  - *Encourage the provision of single storey and purpose built housing to cater for Monash’s ageing population* – multi-story may be appropriate and designing in adaptability is also a sound strategy.

As already discussed, the Panel questions the justification for some changes to residential character type areas shown in the proposed Map 3 *Residential character types* in this Clause.

Despite the Amendment forming part of a staged approach to the implementation of the Housing Strategy, with further work being necessary to implement subsequent stages, this Clause does not identify any ‘Further Strategic Work’<sup>164</sup>.

### **(iii) Clause 22.01 Residential Development and Character Policy**

Much of this policy is an edited translation of the existing policy. The policy basis refers to the Housing Strategy and the Neighbourhood Character Review and includes them as reference documents. It proposes updated existing and desired future character statements.

The Panel considers the policy objectives should align more closely with the Housing Strategy and the strategic intent expressed in the Housing Framework Plan. This is particularly important given the staged approach to implementation of the Housing Strategy that is being adopted.

Panel recommendations in preceding chapters would require various revisions to the provisions of this policy to ensure the policy and zone provisions align.

The Panel endorses the policy approach of identifying matters that should apply across the residential areas of the municipality, however, some of these overarching policies do not align

<sup>164</sup> It is noted that Clause 21.06 Activity and Neighbourhood Centres identifies further strategic work ‘*Preparing urban design principals and built form guidelines for the boulevards (Springvale Road and Princes Highway).*’

with the exhibited, revised or Panel recommended provisions. For example, the following general policies are only reflected in some zone schedules<sup>165</sup>:

- *'Recess garages and carports from the facade of the building to ensure that they do not compromise the appearance of new and existing buildings and are not a dominant element as seen from the street'*
- *Recess walls on boundaries from the facade of the building to reflect spacings between dwellings in the neighbourhood and to ensure the appearance of new and existing buildings is not compromised.*

The Panel has not supported a number of the general policies in this clause, such as:

- references to large trees in side setbacks and secluded open space
- policy that has the effect of actively discouraging side by side forms of dual occupancy. This includes the limit on cross overs and separating dwellings constructed on the same site.

The Panel considers the decisions guidelines should recognise 'housing strategy' related objectives and circumstances where discretion should be exercised, such as on areas identified for more intensive development and large, irregular or steep sites.

The Panel see little value in the existing character statements. Given the expansive areas to which character types, site and context analysis will be much more effective than reference to these statements in guiding appropriate design responses. Further, the various strategies, appropriately, refer to desired future character statements, rather than existing character. Reference documents provide a resource to research the existing character descriptions, when necessary.

The proposed Desired Future Character statements should be edited to provide more focussed guidance on a succinct statement of character aspirations and then the key elements to be promoted to achieve it. The summary at the end of Council's Part B submission presents a clearer indication of key points than the 'narrative' style of the exhibited character statements.

In areas where substantial change is envisaged and/or strategic planning work is to be undertaken to determine the preferred character, this should be explicit in the desired Future Character Statement. There may also be distinctive areas that warrant particular mention in these statements, for example, the former character type C in the Holmesglen/ Ashwood area and different character aspirations or responses between main road sites and residential hinterlands.

There should be a general statement reinforcing the importance of site analysis in developing a design response that responds to both the broader future character objectives and the particular attributes of the site and its context.

## **6.2 Zone schedules**

The variations to the zone schedules are discussed in Chapter 4. The Panel notes that the schedules are fully specified and each standard specifies the scope of variations in zone

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<sup>165</sup> A further 1 metre setback from the street (front) for garages is only specified in the NRZ1, NRZ2, NRZ 3 and GRZ3 and a further 2 metre setback of walls on boundaries from the street (front) is only proposed in the NRZ1.

schedules. The Landscape standard is an exception, as standard B13 specifically states 'Development should meet any additional landscape requirements specified in a schedule to the zone'.

### 6.3 Transitional provisions

#### (i) The issue

- Should transitional provisions apply to changes proposed by the Amendment?

#### (ii) Submissions

Submissions sought the extension of transitional provisions to the introduction of the proposed new residential zone schedules. It was submitted that the head clauses to the residential zones demonstrates an intent that transitional arrangements should apply to the introduction of new provisions. However, the rezonings proposed by the Amendment will not benefit from the transitional provisions in the parent clause, because the GRZ and NRZ have already been introduced into the Monash Planning Scheme.

It was submitted that fairness and equity of the proposed Amendment would be improved by transitional provisions within each of the proposed new schedules for permit applications submitted before the Amendment is gazetted. This is particularly relevant when considering the length of time that has passed since the first exhibition of the proposed Amendment in June 2015 and is exacerbated where a proposal aligns with both State and local planning policies encouraging medium-density development on appropriately zoned sites. The inclusion of transitional provisions would be consistent with:

- Reformed Zones Ministerial Advisory Committee recommendations that existing permit applicants "suffer no unreasonable disadvantage through the introduction of the new residential zones"
- the objectives of planning in Victoria, which provide for the fair development of land.
- transitional provisions of other planning schemes, including Yarra and Stonington<sup>166</sup>.

Burgess Associates and Japara Property Holdings proposed the following transitional provisions in the schedules to the zones to specifically address the proposed variations to standards:

Table 12 Transitional provisions requested by submitters

ResCode Standard	Proposed transitional provision
Street setback (A3 and B6)	<i>The following requirements do not apply to an application made before the approval date of the planning scheme amendment that introduced the requirements into the planning scheme</i>
Site coverage (A5 and B8) Permeability (A6 and B9)	<i>except for an application made before the approval of the planning scheme amendment which introduced this requirement into the planning scheme, in which case the relevant requirements of clauses 54 and 55 apply.</i>

<sup>166</sup> Submitters noted that the wording used in these instances is problematic, as it defaults to back to the provisions in the schedule to the zone.

ResCode Standard	Proposed transitional provision
Landscaping (B13) Side and rear setbacks (A10 and B17) Walls on boundaries (A11 and B18) Front fence height (A20 and B32)	<p><i>The above requirements do not apply to an application made before the approval date of the planning scheme amendment that introduced the requirements in which case the relevant requirements of clauses 54 and 55 apply.</i></p>
Private open space (A17 and B28)	<p><i>The above requirements do not apply to an application made before the approval date of the planning scheme amendment that introduced the requirements, in which case, an application for a dwelling should have private open space consisting of:</i></p> <ul style="list-style-type: none"> <li>- <i>An area of 75 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 5 metres and convenient access from a living room; or</i></li> <li>- <i>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or</i></li> <li>- <i>A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</i></li> </ul>
A clause in each schedule: 8.0 Transitional Provisions	<p><i>Proposed C125 Clauses 1, 4, 5, 6 and 7 to Schedule 2 to Clause 32.09 to the Neighbourhood Residential Zone do not apply to an application to subdivide or to construct or extend a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of Clause 54 as they apply to 54.03-2 or of Clause 55 as they apply to Clause 55.03-2 as in force immediately before the said approval date continue to apply.</i></p> <p><i>Despite the provisions of Schedule 2 to Clause 32.09, these do not apply to an application under Section 69 of the Act to extend a permit to subdivide, construct or extend a development.</i></p>

Council did not support the inclusion of transitional provisions in the Amendment. It submitted transitional provisions are most relevant where the changes proposed are systemic. Further, the Amendment’s long gestation period has meant there has been ample time to lodge applications and take the Amendment into account in investment decisions.

**(iii) Discussion**

The Panel considers that the staged approach adopted in Monash, with a translation of the existing zone provisions as stage 1, means that the Amendment represents the systemic change to residential zones that the transitional provisions in the residential zone head clauses were intended to provide for. The Panel also notes that issues regarding transitional provisions have been identified elsewhere, as demonstrated by their inclusion in schedule to residential zones in a number of planning schemes.

However, the Panel queries whether there is a capacity to vary the scope of transitional provisions in the zone schedules.

Ministerial Direction 1 states in relation to schedules specified in Annexure 2, which includes the residential zones:

- 7. If a planning scheme includes a provision with a schedule, the schedule must be included in the planning scheme. ... If a schedule is set out in Annexure 2, the schedule must be in the format set out and must include any details or information indicated in the clause or provision as being mandatory. If no information is to be included in the schedule the words "None specified" must be included where appropriate to make the intent clear ...*

Planning Practice Note 10 Writing Schedules May 2000 indicates that no local changes are possible to the form of the fully specified schedules, but local content can be inserted. The VPP schedules to the residential zones do not provide for transitional provisions.

The Panel considers that this is an issue that should be addressed on a consistent basis in the VPP, rather than ad hoc, cumbersome local responses to the issue.

If a transitional provision specific to Monash residential zones is deemed acceptable, a simpler format should be considered. For example:

*The requirements of the planning scheme in force immediately before [insert the Amendment approval date], continue to apply to a permit application made before that date to the extent that, but for this clause, [Clauses 32.07, 32.08, 32.09] would apply to such an application.*

#### **(iv) Panel conclusions**

The Panel concludes:

- The Amendment represents the systemic change to residential zones that the transitional provisions in the residential zone head clauses were intended to provide for.
- Transitional provisions in the residential zone head clause should be revised to recognise the stage implementation of the new zones and schedules in various planning schemes.

### **6.4 Panel recommendations**

The Panel recommends:

- 32. Edit Clauses 21.01 Municipal Profile, 21.02 Key Influences and 21.03 Vision to:**
  - a) reduce repetition, particularly in relation to Garden City/neighbourhood character and extensive descriptions of data that will date**
  - b) update the Strategic Framework Plan (March 2009) in Clause 21.03 to recognise the current Housing Strategy and policy relating to the Monash National Employment Cluster**
  - c) consider the utility of the content relating to Monash 2021: A Thriving Community (2010) to inform planning decisions.**
- 33. Revise Clause 21.04 to give greater emphasis to the Housing Strategy and align with its content, including incorporating the Residential Development Framework Plan.**
- 34. Revise the Clause 22.01 Residential Development and Character Policy to:**
  - a) align more closely with the strategic intent expressed in the Housing Strategy**
  - b) ensure the overarching general policies align with the provisions of the zone schedules (as modified)**



- c) delete the Existing Character statements
- d) edit the Desired Future Character statements to provide more focussed guidance with a succinct statement of character aspirations and the key elements to be promoted to achieve it
- e) recognise that the broad character areas include distinctive areas and that appropriate responses will be different on main roads and residential hinterland sites
- f) reinforce the importance of site analysis in developing a design response that responds to both the broader future character objectives and the particular attributes of the site and its context

**35. If state-wide transitional provisions are not introduced before the Amendment is approved, incorporate a transitional provision to the following effect in each of the residential zone schedules that are introduced by the Amendment:**

The requirements of the planning scheme in force immediately before [insert the Amendment approval date], continue to apply to a permit application made before that date to the extent that, but for this clause, [Clauses 32.07, 32.08, 32.09] would apply to such an application.

## Appendix A Submitters to the Amendment

No	Submitter
1	Effie Hantzopoulos
2	Chris Paras
3	Patrick & Lesley Delcourt
4	George Stabelos
5	Fulvio and Laura Facci
6	Dale Wise
7	Allan Harding
8	Jenny Ung
9	Brideen Sher
10	Rouz Shahsavand
11	Greg Taylor
12	Paola Malatesta
13	Adem Buyukcinar
14	Rosetta and Caterina Caligiuri
15	Martin Phillip
16	Didah Garcia
17	Matthew Mok
18	Michael Gardner
19	Shona Achilles
20	Thomas Kim Jan Achilles
21	Leh Pay
22	Steven Ng
23	Jim Grigoriadis
24	
25	Jaskaran Singh
26	Veng Au
27	Jeff Ward
28	Phillip and Barbara Miechel
29	Maryan Tawfik

No	Submitter
30	James Wheeler
31	Miles McCabe
32	Yiyang Jiang
33	Christianus and Katharina Van Hattum
34	Claudio Morelli
35	Cameron Rees
36	Paul Early
37	Deepak Goyal
38	Peter Hamilton
39	Lisa Martin
40	Leo Maximos
41	Shih-Yun Huang
42	Elizabeth Kwok
43	John and Marie Morrison
44	Eddie Chang Lee Hu
45	Tissa Tillekeratne
46	Michael Dore
47	Tamra Keating
48	Sarah Emerson
49	Greg Lupton
50	George Katsamboukas
51	Louise Bowtell
52	Neil Asbury
53	Jane Adams
54	Angela Huang
55	Carol Larke
56	Kevin O'Donnell
57	Carmine d'Angelo
58	Eva Chapman

No	Submitter
59	Swapna Anne
60	Bruce Parry
61	Anthony and Christine Foster
62	Clinton Baxter
63	Scott Giannuzzi
64	Mark Alexander
65	Ian and Jill Delahoy
66	Robert Sammut
67	Nonavinakere Narayanaswamy Ramesh
68	Carrol Bond
69	Caroline Swinburne
70	Bill Sezenias
71	Angus Krezel
72	Christine Jiang
73	Lee Whitfield
74	Hugh Zhang
75	Aaron Sia
76	Ian Spargo
77	Craig Hall
78	Mary Thomaidis
79	Jason Wong
80	Bruce Wedderburn
81	David Wilson
82	Leanne Wilson
83	Elaine Skilbeck
84	Geraldine Hines
85	Mrs Pat Gates
86	John Ravis
87	Shaun Leane MP
88	Marjorie McMillan
89	Ahmed Fakhra

No	Submitter
90	Paul Chee Meng Lam
91	Chris Kakavas and George Costa
92	Krzysztof Banaszak
93	Bianca Winston
94	Carol Robertson
95	Chris Banaszak
96	Ian & Ursula Hunt
97	Alan Orgill
98	Andrea and Erika Kalbusch
99	Andrew Jarvis
100	Gavin Bond
101	Sam Otawa Wang
102	Geraldine Ong
103	Wenjun Hong
104	Thea Howie
105	James Ng
106	Kenneth Clark
107	Nick and Cassie Kokovitis
108	Bob Joice
109	Adam Creek
110	Andrew Canobi
111	Ivana Twentyman
112	Leonie Overell
113	Bev Bryceson
114	Andre Port-Louis
115	Ching-Yan Shao
116	Darren Cook
117	Jacqui Brasher
118	Qing Ni
119	Linda Levy
120	Paula Lillie

No	Submitter
121	Tara Weir
122	Liz Rawson
123	Pee Ying Ong
124	Kit Leung
125	Ian Thompson
126	Robert Bateman
127	Kam Chuen & Kit Ching Leung
128	Rob Calabro
129	Robert Minshull
130	Shirley Boyd
131	Colin Perry
132	Mee Fong Kwan
133	John Asvestas
134	Christine Asvestas
135	Con Asvestas
136	Effie Asvestas
137	Anthoula Kozaris
138	John A Saunders
139	Binay Prasad
140	Ailsa Lord
141	Gavin Clark
142	Brenda Bacon
143	John Hamilton
144	Karma Wilson
145	Roger Fowler
146	Li Sa Ooi
147	Hemadri Saha
148	Ross and Jan McNeill
149	City of Whitehorse
150	Hon Bruce Atkinson MLC
151	Kosta Stefanou

No	Submitter
152	Elizabeth J. Balson
153	Leanne Mason
154	Max McGregor
155	Ben Foo
156	Gurpreet Singh
157	Michelle Y
158	Mike Kenny
159	Irene Eleftheriadis
160	Kristen Foo
161	Karla Chapman
162	Khyati Pandya
163	Lois Dexter
164	Department of Environment, Land Water and Planning
165	Sasanka Bellanage
166	Greg Cocks
167	Carol McKenzie
168	Michael Mann
169	Philip Tizzard
170	Des
171	Alex Morrison
172	Jinping Zhang
173	Hong Yan
174	Gregory Dellas
175	Antonio Ferracane
176	Le Fang Liang
177	Kate Natsume
178	Sharron Pfueller
179	Louise Waller
180	Yok Chee
181	Michael Adamson
182	Giuseppe Chiavaro

No	Submitter
183	Wentian Liao & Jianruo Shi
184	Denis and Moira Fitzsimon
185	Nancy Burns
186	Therese Edmunds
187	Suzanne Ikin
188	Rev Dr Rowland Ward on behalf of Presbyterian Church of Eastern Australia
189	Stephen Repse
190	Stacey Gibbs
191	Jarrold Gibbs
192	Akshir Ab Kadir
193	Damian Quin
194	Noula Evagelelis
195	Lisa Worsfold
196	Simon Carter
197	Joko Budiman
198	Jenny and Anthony Draga
199	Juergen Schneider
200	Bavani Bannirchelvam
201	Melody Senevirathne
202	David Hannah
203	Ganesh Kashyap
204	C N & A E Geschke
205	Not Specified
206	Beat Ludi
207	Amy Wells
208	Deborah Graystone
209	Jeanette Baker
210	Philip Chiu
211	Graeme Krahnert
212	Jurgis and Cecilia Umber
213	Brendan Hughes

No	Submitter
214	Terry Bright
215	Jo Lucas
216	Danny
217	Graeme and Mary Walters
218	Mavis James
219	Hou Lian Chew
220	Ian Swinson
221	Vic and Ruth Eismontas
222	Michael Stringer
223	Barbara Brown
224	Simon Lee
225	Ann Earl
226	Jyoti Ghosh
227	Ida Marigliano
228	John Wolf
229	Ian & Chris Nicholls
230	EPA
231	Alan Moore and Sally Walker on behalf of Friends of Scotchmans Creek and Valley Reserve Inc
232	Renzo Antidormi
233	Yvonne and Neil Roshier
234	Robert Norris
235	Sun (Allen) Zhong Cheng
236	Mithila Wakista
237	Chaoms Xu
238	Adrian Payne
239	Michael Krasovec
240	Gayle and Murray Nicholas
241	Pam Mathers
242	David Premarajah
243	Dina Kritikos

No	Submitter
244	Darryl Coote
245	Freya and Brian Headlam
246	Ray Moorhouse
247	Julie Jarvis
248	Hartmut Luecke
249	Rosemary Gillespie
250	Ajit Kalluvadi
251	Mary-Lin Litchfield
252	Mrs Mireille Beaufrenez
253	Jim Young
254	Andrew and Julie Peacock
255	John Orkin and Monica Petterson
256	Terry Ashton
257	Sally Johnson
258	Clive Cooper
259	Frank Mazzini
260	Ken Cridland
261	Miriam Chidambaranathan
262	Dorothy & David Simpson
263	Edgardo Lim
264	Sam Prasad
265	Piyaratne Badde Hakuruge
266	Chester Allan
267	Suzanne Barbour and Mark Taylor
268	Michael Bryant
269	Jim & Helen Miller
270	Stephen Hunt
271	Maree Grieve
272	John Ryan
273	Phil Canning
274	John Thek

No	Submitter
275	Henry Nguo
276	Colleen Visseren
277	Neggin Rahmani
278	Helen & Mark Haysom
279	Peter Theodoropoulos
280	Jim Garas
281	Nicolette Lucarelli
282	Annette Amos
283	Heather McCoy
284	Graeme Walters
285	Helen Kaye-Smith
286	Jan King
287	Joan McGrath
288	Eugene Volpert
289	Ling Kwok
290	Vijaya Kenche
291	Lakshmi Gummadi
292	Rosemary Pryor
293	Malcolm Pryor
294	Kelli Oliver
295	John Wilcox
296	Susan Sturman
297	I & J Olszewski
298	Ron Jacobs
299	Edward Zdziarski
300	Sally Walker, Tony Walker, Roel Von't Steen
301	Melanie and Barbara Bok
302	Howard Rose
303	Ying Li
304	LL & BA Waters
305	Greg Ellis

No	Submitter
306	Leila Neri-Lunny
307	John and Leslie Oshea
308	South East Water
309	Wesley Tan
310	Sue and Chris McMullin
311	Wendy Shar and Jens Nielsen
312	Shari & Terry Antoine
313	Alek and Cathy Cirakovic
314	Joel Machar
315	Lyndell Kohut
316	Ivan Petric
317	Margot and John Hillel
318	Alex Chapman
318	Jeckah Chapman
319	Robert Yates
320	Piyumal Weerabaddhana
321	Vijay Rebello
322	George Lappage
323	Antonios Bertes
324	Lend Lease on behalf of 42-60 Capital Avenue, Glen Waverley
325	Kaye and Ross Mackinnon
325	Ross Fairlie and Eleanor Kaye Mackinnon
326	Nicoletta Cannizzo
327	Jiazeng Sun
328	Bernard and Deidre Reidy
329	Lucy Lin
330	Xi Shen
331	Julie Hunt
332	Robyn French

No	Submitter
333	Ly Nguyen
334	Johan Von't Steen
335	Peter Alberts
336	Elena Vakhnin
337	Julie Sanguinetti
338	Peter Low
339	Ronnie Lai
340	Stephen Granland
341	Stuart James
342	Richard Beilharz
343	Judith Riscalla
344	William Jamieson
345	Leanne Stien
346	Chris Harriden
347	Yulin Zeng
348	Yukina – no other name provided
349	Ramsay Jurdi
350	Kevin Bremner
351	Linda Hii
352	Nadia Quarisa
353	L. Chong & P. Chung
354	Peter Fadeyev
355	Pasquale Bernardo
356	Lesley Waters
357	Dianne and Christopher Carra
358	Donna Dejkovski
359	Foong Koo
360	Clare Hake
361	John and Helen Clements on behalf of Friends of Damper Creek Reserve Inc.

No	Submitter
362	Dr Ban Quah
363	Corina Ionescu
364	William Hooper
365	Ian Aufflick
366	Kris Yap
367	Panny Ng
368	Michael Cheng
369	Hwee Chai Tan
370	Ann Nield
371	C J Buckley
372	Janet Kay
373	Alison Jones
374	Jim Yates
375	Keith Murray
376	Margaret Pitt
377	Jason Wong
378	Jason Huynh
379	Jason Wenbo Xu
380	James Glover
381	George Fernando
382	K Pateras
383	Pei Yi Wang
384	Damien Sean Yoong Tan
385	Barry and Beverley Davies
386	Steven Owens
387	Teck Wong
388	Lyn & Irvyn Kitching
389	Brad Ellis
390	Yuap How Tay
391	Alex & Lama Karroum
392	Adam Starr

No	Submitter
393	Taylor's Development Strategists Pty Ltd on behalf of Garry O'Connor, Will & Mary Coghlan and Ty-ron Ching
394	Ron Bade
395	George Mitropoulos
396	Griffith Young
397	Sharon Jones-Bucyk
398	Jacqui Antidormi
399	Veronica Szczudlo
400	Brydon Corbin
401	John Smith
402	Nirosha Munasinghe
403	Renee Haritos
404	Keng J Tan
405	Manjeet & Neena Singh
406	Ba Quan Ngo
407	Helen Yang
408	A Lidgerwood
409	Eng Teong Gan Andlee Choon Gan
410	Chow Seong Foo and Yoke San Cheng
411	Albert Cherk
412	Daniel U-Ian Lim
413	Yeoh San Lim
414	Esther Tomas
415	Paul Panagiotopoulos
416	Phil Perry
417	L K Lee
418	Samantha Richardson and Paul Radelczyk
419	Jean-Guy Bouchard



No	Submitter
420	Tao Wu
421	Declan Green
422	Christine Handby
423	Daniela Marsden
424	Nadia Te
425	Pamela McMaster
426	Christopher See
427	Miranda Lau
428	Charles Spicer
429	Heyshan Mendis
430	Anthony Coleman
431	Adam Wright
432	Uma Kuhafa
433	Kathleen Davies
434	Siu Lai
435	Jin Wu
436	Mark & Di Gilling
437	R Bunby
438	Caroline Menara
439	Rob Splatt
440	Richard Rawson
441	Ask Planning Services on behalf of owner of 25 Willesden Road, Hughesdale
442	Bin Zhan
443	Lihan Wang
444	Alec Ngo & Caroline Chan
445	Kenny Min
446	Alfred Wong
447	Beng Tan
448	Kerri and Peter Kelly
449	I & E Kelepouris

No	Submitter
450	Mabel Yap
451	Yves Min
452	Alfred Ng
452	Ying Pang Alfred Ng
453	Wendy Miles
454	Paul Min
455	Luigi Angelico
456	Susan and Terry Elms
457	Pauleen Haddon
458	Alan Hall
459	Gabriel Bonnici
460	Barbara Perkins
461	Brian and Linda Pountney
462	Hao Hao
463	Pat Wong
464	S T Brown
465	Dorothea Lloyd
466	Nadia Iannarella
467	Uday Dube
468	Geoff Brown
469	Dr S Dewan
470	Jeffrey Bender
471	Mark Learmonth
472	Nira Jayasuriya on behalf of Friends of Scotchmans Creek and Valley Reserve Inc
473	John Upstill
474	Campbell and Vivienne Miles
475	Frances Ludgate
476	Vanessa Cowley
477	Scott Brydon

No	Submitter
478	Constantine Tziokas
479	Pela Stoforidis
480	Patricia Hunt
481	Roberto Scali
482	Stamatia Stoforidis
483	Nancy Robertson
484	Allan Bartley
485	Kazimierz and Bogumila Szymanski
486	Shing Tong and Tommy Lau
487	Annemarie and Joe Savoria
488	Frank Krasovec
489	Wendy Barker
490	Joe Dora & Linda Fisher Dora
491	Tian Shou Guan
492	Immortal Pegasus Pty Ltd on behalf of 1413-147 Centre Rd, Clayton
493	David Hartmann
494	Judith McGannon
495	Paul Hartin
496	Yuling Zhao
497	Cheng Jin
498	Monnie Mayor
499	Andrew Roussos
500	John Jupp
501	Chun Kai Luk
502	Philip Hayter
503	Ji Ping He and Zhen Zhen Gu Zhen Gu
504	Judith Lester
505	Barry Gust
506	Sandra Johnson

No	Submitter
507	Yunlong Wang
508	Vincent Lay
509	Sujata Rana
510	Haiyin Feng and Yi Song Zhong
511	John Spicer
512	Kaare Michael Nedrelid
513	Antonio Venditti
514	Huy Taing
515	Joy and Geoff Phillips
516	Humphrey Deqiang He
517	Kunlun Shen
518	Zhijing Lin
519	Tim Lee
520	John Jones
521	William Wong
522	Joy Williams
523	Emma Mason
524	Lulu Zhang
525	Cheng Jiang
526	Gunawan Hartojo
527	Paul Zou
528	Julie Ralph
529	Doreen Van Wersch
530	Zhian Sun
531	Jai Kaudinya
532	Tim Chan
533	Steven Calderone
534	Tania Rose
535	Craig Hyland
536	Phillip Kourtidis
537	David Linke

No	Submitter
538	Tuck Low
539	Debasis Banerjee
540	Linna Zheng
541	Dong Ying Chen
542	Brace and Barbara Bateman
543	Rex Dusting
544	Mr B Gooden
545	Chi C J Choi
546	Debasis Banerjee
547	Anomitta Banerjee
548	Alex Walton
549	Leo Liang
550	Rambabu Gullapalli
551	Gopal Tangirala
552	Shamit Verma
553	Seung Il (Shaun) Hong and Ju Youn Song
554	Michael Hayes
555	Zhihao Lu
556	Venkata Vadlapatla
557	Mrs Irma Almeida
558	Nola Stewart-James
559	David Teo
560	Lorenz Millsom
561	Letizia Iannarella
562	Kevin and Jeanette Ryland
562	Kevin Ryland
563	Elizabeth Mary Sinclair
564	Brad McInnes
565	Anthony Heyde
566	Kenneth and Margaret Giulieri

No	Submitter
567	Ming Chai
568	Charith Gunatunga
569	Jason Knights
570	Glenda Merrilees
571	Cai Tan
572	Ron and Christine McCulloch
573	Alok Rao
574	Denis Falkowski
575	Sarma Betanabhatla
576	Judith Ferguson
577	Thanh-Ha Loizou
578	Gary Broley
579	Ashlee Poon
580	Peter & Sissel Clunas
581	Dianne Ploutos
582	Li Rong Chen
583	Jing Chen
584	Susan Janson
585	Urbis on behalf of Sterling Global
586	Vaughan Duggan
587	Peter Doyle
588	Eustace N Cole
589	Angela Roberts
590	Indi Jayasundara
591	Jim and Moira Conway
592	James Livingston Town Planning on behalf of 6 Churcher Court, Mt Waverley
593	John Lawrence and TK Tien Huynh-Lawrence
594	Kris and Daryl D'Souza

No	Submitter
595	Alex Wu
596	Bruce Telfer
597	Bjorn Kaminski
598	Kwok Leung Bryan Hui
599	Wayne Jackson
600	Chai Wong
601	Lindera Weerasinghe
602	Muthukuda Hemachandra
603	Marjorie Walker and Alfred Kruijshoop
604	Valerie Yule
605	Dilip Rao
606	Shan Wu
607	Mai Chau
608	Helen and John Bergman
609	Gwen Kennedy
610	Renee Lu
611	Jan Broley
612	Louise Lowe
613	Shirley Betts
614	June & Anthony King
615	Geoff Jackson
616	KLM Spatial on behalf of owner of 21 Simpson Drive, Mt Waverley
617	Venkata R R Seshu Cherukumilli
618	Inna Parshina
619	Murray Clarke
620	Dr Seng Khor
621	Heng Taing
622	Mr and Mrs Agar
623	William and Sharon Chow

No	Submitter
624	Michael and Julie Partoglou
625	Yok Lan Wong
626	Ken McNamara
627	Edelene Loke
628	Daranagama Dharmaratna
629	Anish Shah
630	Bik Woo
631	Shilpa Shah
632	Chris Bablis
633	Noel and Louise Burch
634	G2 Urban Planning on behalf of Arton Group
635	Susan Harmer
636	Isabel Wang
637	Steven Lopes
638	Sheng (Shane) Chen
639	Vince Fae
640	Shannon Chan
641	Michael Asmar
642	Jin Ping Mao
643	Mandy Gao
644	Gus Romero
645	Lorraine Skeggs
646	Frances E Perry
647	Zhi H Chen
648	Tanya & Phillip Galasso
649	Neridah Peirce
650	Ele – no other name provided
651	Urbis on behalf of Blue Cross
652	John Shrives
653	Susannah Boer

No	Submitter
654	John Martin
655	Christine Karavias
656	Sarah Eglinton
657	Boon Sen Yong
658	Monica Lee
659	Loretta Campagnolo
660	Sundar and Mohinya Rao
661	Helen Lindner
662	Indira Gunturu
663	Suan Lee
664	Harry Setiawan
665	Tina Chong
666	Peter Kotlarski
667	Paul and Sandra Burke
668	Siew Sian Gwee
669	Dick Yung
670	Andrew C P Yu and Zoe X. Cai
671	Pat Spina
672	Jennifer Hogarty
673	Linda
674	Melbourne Planning Pty Ltd on behalf of Pong Property Development Pty Ltd
675	Desi Kyriacou
676	Shailesh M Panday and Anjali Panday
677	Ruiling Zhang
678	Pei Yu Fu
679	Clarence Lee
680	Beatrice Lee
681	David & Moira Edwards
682	Luis Xavier

No	Submitter
683	Gandhi Ramu and Sudha Srinivasan
684	Venkateshwar & Achuta Ramani Bommakanti
685	Sandra and Alan Cooper
686	Greg Cropley
687	Carol and Michael Jaffit
688	Matt Lanham
689	Chu Lan Wong
690	Kenny Cheng
691	Michael Lawson
692	Eileen Nee
693	Beverley Williams
694	Lakshman Rao
695	Cathyrn Close
696	Fran O'Neill
697	Chrisanthi Triandafillidis
698	Ashish Choudhary
699	Helen Long
700	Melanie Franklyn
701	Anita Wong
702	Murali Budige
703	Kathy Daves
704	Steve Yanko
705	Clara Mangone
706	Anoop Longwani and Garima Sogarwal
707	Maria Pisano
708	George Zois
709	Nadia Tavakoli
710	Derek Chih
711	Gerald Murray
712	Jayantha Ratnasingham

No	Submitter
713	Ranjith Jayasinghe
714	Angelo Stoforidis
715	Yianni Stoforidis
716	Judith Bourke
717	Baoming Yan
718	Tim Wright
719	Pei Yu Fu
720	Jeff Hocking
721	Maxwell John & Faye Elizabeth Campbell
722	Dennis O'Donnell
723	Si Cao
724	Navdeep Grewal
725	Graham Van Doorn
726	Gavin Hay
727	Karen Bastian
728	Winston Lee
729	Neil Veitch
730	Filby Pty
731	Catherine Mandel
732	A Coughlan
733	Amanda Snell
734	Future Perspective
735	Lisa Lucarelli
736	Deborah Tueno
737	Sam Poutakidis
738	Norman and Lynette Tucker
739	Patricia Hollinson
740	Mark Molloy
741	Shi Qi Zou
742	RPC Architects
743	Sustainability Victoria

No	Submitter
744	Tract on behalf of owner of 22 Burton Avenue, Clayton
745	Jeanne & Adrian Hughes
746	Ratio Consultants Pty Ltd on behalf of Zuccaro Pty Ltd and Dommarz Pty Ltd
747	Laurence Smith
748	Rose Peterson
749	Patricia Donnison
750	Nunzio Lucarelli
751	Dr Khin Aye Than Lwin
752	Andrew Hocking
753	Lisa Hocking
754	Pushpakumar Dhananjaya Senanayake
755	Ratio Consultants Pty Ltd on behalf of Havelock Nominees
756	Russell & Rhonda Jenkin
757	Alexander Vanstan
758	Harlock Jackson on behalf of Thuc Tran Mok Lao
759	Carlisle Homes
760	Peninsula Planning Consultants on behalf of the owner of 1 Briggs Street, Mt Waverley
761	Raymond Pearson
762	Dina Bushell
763	Karin and John Della Penna
764	Justin Shi
765	Yong Qiang Duan
766	Perry Town Planning on behalf of LS Vic Property Management
767	Sally Shi

No	Submitter
768	Alice Qui
769	Joy Tueno
770	Teresa De Biase
771	Voula Poutakidis
772	Shannon Brereton
773	Helen Gianakis
774	Achilleus and Eleni Gianakis
775	Anthony Layton Clark & Pamela Dorothy Clark
776	Helen Harbis
777	Andrew Croft
778	Louis and Eleftheria Gianakis
779	Ms Laele and Wendy Pepper
780	Alexandra Gianakis
781	Joanne Gianakis
782	LAS Constructions
783	Chabdjian Investments
784	Ulf G Hammarstrom
785	House Of G Pty Ltd
786	Shouyi Sun
787	Taylor's Development Strategies on behalf of Garry O'Connor
788	Douglas Campbell
789	Brenda Mason
790	Carlisle Homes
791	Leanne and Ross Darlington
792	Firoze Ross Khan
793	Diane Douglas
794	Paul Crane
795	Kheng-Chiong Tan
796	Danielle Scott

No	Submitter
797	Dr Thaug Lwin
798	Sanjay Gupta
799	Irene Kwok Ying Fung
800	Tina Brereton
801	Satyendra Misra
802	Bryan Loft
803	Devcon Planning Services Pty Ltd on behalf of the owner of 656 Blackburn Road, Notting Hill
804	Zan Abeyratne
805	Girish
806	Urbis on behalf of the owner of 13 Montclair Avenue, Glen Waverley
807	Helen Tebble
808	Tejinder Brar
809	Chabdjian Investments
810	Dushala Mohan
811	Englehart Group
812	Greg Sack
813	Resident
814	Lisa Keating
815	Monash University
816	Sudhakar Maddipatla
817	Naomi Perri
818	Bruce Pringo
819	Desmond Bourke
820	Spiros and Angela Zois
821	Jason Perri
822	Melinda & Lee Ashton
823	Mr Palmerino Raso
824	Mrs Carmela Raso
825	Anita Chung



No	Submitter
826	Monica Chungath
827	Elisabet Leventopoulos
828	Dean Georgaklis
829	Nicholas Macarthur & Shan Tong
830	Leanne Khan
831	Eduard Svalbe
832	Jonathan Cooper
833	Ramalingam Subramanian
834	Sheela Subramanian
835	Liang Xiao and Yujie Wei
836	Keith Pace
837	Rodger Long
838	Herbert & Jeanne Kieleithner
839	Brendan Kenna
840	Michael and Belinda Tuck
841	Sam Chungath
842	Kerry Tsiaves
843	Aman Basra
844	Thusitha Piyaratne
845	Laps
846	J A Dunstone
847	Douglas Scott
848	J L Goldberg
849	Brandon Park Residents Action Group
850	Julianne Millsom
851	Valente Design
852	A & S Valente & Associates
853	Andrew Rennie
854	Maureen O'Brien
855	RL and S Vernon

No	Submitter
856	P &M Papoutsis
857	Roslyn Burns
858	June and Doug Archer
859	Georg and Dawn Lambden
860	Captain Paul Vedamuttu
861	Caroline Paterson
862	Mike Walker
863	Pat Walker
864	Jette Seaman
865	P Thomson
866	L Santarossa
867	G Santarossa
868	K Hallinan
869	Joe Vazzoler
870	Maria Vazzoler
871	Pat Elliot
872	Les Grose
873	Merle Green
874	Gayle Whyte
875	A Bruce
876	G Santarossa
877	Christine Bruce
878	W Weedon
879	Ken and Winnie McGregor
880	Noel Denton
881	Ghoay Hock and Guan Sim Ooi
882	Guay Choo Tan
883	Confidential submission
884	K L & J M C Irvine
885	Joseph Ravida
886	Sam Ravida



No	Submitter
887	Kang Chai
888	Melbourne Planning Outcomes
889	Metropolitan Planning Authority
890	Urban Planning Mediation on behalf of 427 Huntingdale Road, 47 Highvale Road and 321-323 Huntingdale Road, Glen Waverley
891	Ambihaipahar Chandramohan
892	Judith and Francis Bricknell
893	Richard Dabbous
894	Christina Drummond
895	Margot Strickland
896	Geetanjali Kulkarni
897	Wei Song
898	Lieh-Sheng Lim
899	Sam White
900	Bill and Shirley Ramsay
901	Millar Merrigan on behalf of Porter Davis Homes
902	Metropol Planning Solutions Pty Ltd on behalf of 556 High Street Road Mt Waverley and the owner of 643-645 High Street Road, Glen Waverley
903	Aldo Perri
904	Domenic Lucarelli
905	Shashi Munusamy
906	Chris Awad
907	Zhao Ming Shao
908	Mathew Thomas
909	Carmela & Frank Pettinato

No	Submitter
910	Mia Norris
911	Clarence Tang
912	Philip Bennett
913	Bannir Arumugam
914	Ted Mason
915	Bill Zaras
916	Anne Margaret Port-Louis
917	Joseph Mikhael
918	William and Shirley Ramsay
919	Antonio Lucarelli
920	Metropolitan Planning Solutions on behalf of the owner of 643 – 635 High Street, Glen Waverley
921	Chi Shiun
922	Rama Manchikanti
923	Broadplan Town Planning & Development Consultants on behalf of Salpina Pty Ltd
924	Mary Vlachiotis
925	Will Cheng
926	Lin Lin
927	Mr Edna Perry
928	Helen Thomson
929	Jerzy Zielinski
930	Kon Papaknstantinou
931	Yowk Heong Ng Yung Kiat
932	Charles Seracino
933	Harinder Singh
934	Jared and Karen Pereira
935	John Edwards
936	William Sullivan

No	Submitter
937	Built Works Pty Ltd on behalf of 82 High Street Road, Ashwood
938	Poppy Hadjiantoni
939	Srinivas Abburi
940	T B K Jayasundara
941	Ranjan Ray
942	Inez Cottrell-Baker
943	Jenny and Stuart Warren
944	Aldo Di Nicolantonio
945	Justine Rodrigo
946	Hardeep Kaur
947	Tian Shou Guan
948	Guo Feng Cai
949	Barney Wursthorn
950	Kebao Ren
951	Li Sheng and Lu Zhang
952	VicRoads
953	Blair & Rewa Feenaghty
954	Shalini Goyal
955	Rakesh Goyal
956	Nicole and William Thurgood
957	Lucia Panettieri
958	Colleen West
959	Peter Ploutos
960	Fiona Wright
961	Yung P Tsai, George Tsai, Wai Sze Yu, Mai Zhao, George Costa
962	Maureen & Rodney Lambden
963	Pat Young
964	Vassilissa Carangio

No	Submitter
965	Howe Wong and Meisheng Feng
966	Emy Carr
967	Dr Diana Cousens
968	Samuel Wong
969	Yuen Yuen Tay
970	Barry Esmore
972	Ricky Lunardi
973	N Jayasinghe and Mrs V Ratnasekara
974	Caroline Bayliss
975	Lucarano Pty Ltd
976	Peter and Lyn Filby
977	W P & P M Melville
978	Ramakrishnan Iyer
979	Leena Iyer
980	Christine McShane
981	Ele – no other name provided
982	E H P R Nominees Pty Ltd
983	George Thomaidis
984	Mark MacInnis
985	LAS Nominees Pty Ltd
986	Roberts Day Pty Ltd on behalf of Wakefield Properties Pty Ltd
987	Megas Louis
988	Elena Perri
989	Lucia Rennie
990	Dorothy and Norman Dobinson
991	Graham Perrin
992	Sean and Fiona Runacres
993	Mollie Thompson

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994	Timothy Chiam
995	Ray and Kaye Carson
996	Zachariah Cherian
997	Michael Adler
998	Marian and Remko Jacobs
999	Gerry Kottek
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1001	Connie Fatouros
1002	Jenny Fatouros
1003	Spiro Fatouros
1004	Fads Agsds
1005	Maria Skouras
1006	Karma Wilson
1007	David Taylor
1008	David Booth
1009	John Liston
1010	Ben Roden
1011	Mezwyn D'Junus
1012	Shalean Sen
1013	Wolfgang Haala
1014	Paul Reptis
1015	Tu Vu
1016	Rodney Cullen
1017	Antonios Bertes
1018	Chris Pettifer
1019	Anna Johnston
1020	Kellie Smith
1021	Georgie Brae
1022	Shaun Seixas

No	Submitter
1023	Rosalie Vallenge
1024	Jeffrey Crotty
1025	Joe Colaric
1026	Vincenzo Lovino
1027	Chien Wei Lim
1028	Perri Lim
1029	Sun Hoe Choo
1030	Peter & Rosemary Wong
1031	J & H Huber
1032	Fred Soon
1033	Gerard Wursthorn
1034	Sadananda Acharyya
1035	Maria Rossello
1036	Santi Isgro
1037	Shieley Wu
1038	Keping Wu
1039	Kan Xu
1040	Geoffrey (Mal) Walker
1041	Tracey Christian
1042	Alok Singh
1043	John Seenan
1044	Raouf and Aida Awad
1045	Mary O'Shaughnessy
1046	Michael Scuruchi
1047	Rodney Jack
1048	Robert Harcourt
1049	Robert Matuszewicz
1050	W T & J R Shi
1051	Su Hong Goh
1052	Bijan Makhmalbaf
1053	Peter Pane
1054	Tania Wisel

No	Submitter
1055	Reena Dubey
1056	Scott Martin
1057	Garry and Jan Dirks
1058	Martin Ruwoldt
1059	Lilyanne Price
1060	Clement-Stone on behalf of Metricon Homes
1061	Genevieve Heard
1062	Mooi Cheok Cheng
1063	Hong Kong Lai
1064	Michel Gordon
1065	Kon Romios
1066	Ning Lan
1067	Ge Shi
1068	Frank Quattrone
1069	John and Maaja Anderson
1070	Ms J Chen and Mr S Tang
1071	Gina and Brian Anderson
1072	John and Barbara Camfield
1073	Nicole Giammarino
1074	Rosalie O'Dea
1075	Glenferrie Group
1076	Felicity Adderley
1077	Robert and Joan Kerr
1078	Palak Ajit
1079	Aziz Albazzaz
1080	Unal Altay
1081	Audrey Alway
1082	Enid Amis
1083	Ali Amyra
1084	Kay Andriske
1085	N and V Annal

No	Submitter
1086	M Annett
1087	Phillip & Beverley Avemell
1088	Harshal Nandurkar
1089	Marek Bakowski
1090	Diane Bakowski
1091	Anomita Banerjee
1092	John Barabasz
1093	Francis and Cheryl Barlow
1094	Gary and Rhonda Barns
1095	Waltraut Bartels
1096	C & R Battersby
1097	Isobel (Betty) Beveridge
1098	Margaret Blanden
1099	Kapila Bogoda
1100	Louise Brasher
1101	Christopher Brien
1102	Fran and David Brooke
1103	Ron and Rita Brown
1104	Susan M S Browne
1105	Roger Budd
1106	Joanne Burns
1107	Mark Busby
1108	Dr Robert Bywater
1109	Jesse C
1110	Aileen and Leo Canning
1111	Dr Hubert Fernando
1112	Steve Carre
1113	Jeanette Carrigg
1114	Julie Caune
1115	Junming Kuang
1116	Kevin Chan, Ching Shao
1117	Alan Willis

No	Submitter
1119	Chang Family
1120	Alex Chatzidimpas
1121	Paul and Winnie Chong
1122	Perampalam Arivalagan
1123	Bao-Zhu Chen
1124	Richard Cheshire
1125	Anna Cheung
1126	C K Cheung
1127	Tai Wai Cheung
1128	Bruce Chugg
1129	Yong Huang
1130	Frank Clancy
1131	Ralph and Lesley Clark
1132	Ian Russell
1133	S Clifton-Bligh
1134	Verity Coates
1135	David and Berenice Collins
1136	Luke Connell
1137	Ron Cook
1138	Burgess Associates
1139	Dr David Court
1140	H Yang Cuanhao Liang
1141	Rev Janos Dabasy
1142	Andrea Daniels
1143	Joe Di Pietro
1144	Renata Dickens
1145	Network Planning Consultants Pty Ltd on behalf of Tartan Inn Pty Ltd
1146	J L and I K Donald
1147	Scott Douglas
1148	Rosemary Dusting
1149	Gwenda Earl

No	Submitter
1150	Anthony Edwards
1151	Valerie Ellis
1152	Jack Emmins
1153	Gavin & Ros Faichney
1155	Roger Faskew
1156	Gerard Faucheur
1157	Vindana Fernando
1158	Michele Ficara
1159	H A Foenander
1160	Metung View Pty Ltd
1161	Kenneth Foster
1162	Sandra and Robert Francis
1163	Marie Francis Architect
1164	Matt Fregon
1165	Rozlyn Gaffney
1166	Dachao Gao
1167	Susan Gardiner
1168	Ventia Pty Limited
1169	W G Gibbins
1170	Jason Goh
1171	Robert Gosbell
1172	Susanne Gouldbourne
1173	John Green
1174	Jonathon Green
1175	Mr D and Mrs S Grosios
1176	Kauya Gunawardena
1177	Lehamwasam Gunawardena
1178	Charith Gunawardena
1179	Despina Haggerty
1180	Neil Halls

No	Submitter
1181	ProUrban on behalf of 319, 321, 323 & 325 Springvale Rd, Glen Waverley
1182	Steven Han
1183	Mrs D Hawkins
1184	Neil and Maryamm Hawthorn
1185	Kyle and Penny Hayes
1186	Ian Haynes
1187	Desley Henry
1188	Joseph James Henry
1189	Housing Industry Association
1190	S and D Hilton
1191	Lennard Ho
1192	Miss Sze Wan Swank Ho
1193	Kim Hock Lim, Saw Kovi Ung
1194	Kevin Hogan
1195	Regalgold Enterprises Pty Ltd
1196	Ray and Helen Holmes
1197	Quinton Watt
1198	Melissa Hong
1199	Housing Choices Australia
1200	Tony Houlihan
1201	Terry Howell
1202	Junhua Huang
1203	Bryan Hui
1204	G Huon
1205	Donald Jackson
1206	G Jackson
1207	Victor Jackson
1208	Mrs Suzanne James

No	Submitter
1209	Mrs S. Jenner
1210	Phillip Johnstone
1211	Lynda Kennedy
1212	Margery Kennett
1213	Anil and Ashwini Khiani
1214	Jeanette Kinchington
1215	Mr Shun King Li
1216	Jenny Koh
1217	Theo Koumides
1218	Helen Koumides
1219	Mr and Mrs Kowalczyk
1220	Douglas Kuhn
1221	Robin Taylor
1222	Mercia Laufenberg
1223	D Lawless
1224	Emma Lescesen
1225	Wing Leung
1226	Prudence Leung
1227	Stephen Leung
1228	Natasha Leung
1229	Chooi Lim
1230	Paul and Jezamine Lim
1231	Jennifer Lindton
1232	Geoff & Diane Shaw
1233	Belinda Liu
1234	Dai Longhai
1235	Dan Luan
1236	Fay Mackie
1237	Joe Maier
1238	Terence Malone
1239	Harry Marks
1240	W A & D L Marriott

No	Submitter
1241	Ros & Graeme Martin
1242	Jennie Martin
1243	Arthur A. Martin
1244	James Mason
1245	Mr H Matthews
1246	Peter McBeth
1247	Heather McKoy
1248	Margaret Merceca
1249	Demos Michalopoulos
1250	Michelle Botwood
1251	Dave Miles
1252	Niall and Anne Milton
1253	Frederic Mitchell
1254	Victor Moll
1255	John Morter
1256	Mondira & Jibon Mukerjee
1257	Joan Munday
1258	Uma and Shamila Muthia
1259	Mimma Isabell Nagger
1260	L Nance
1261	Robert and Elise Newey
1262	Mary Nolan
1263	Martin Vella
1264	Taylor's Town Planning on behalf of TMG Investment Group
1265	Wu Pan
1266	Ralph Pane
1267	K & C Pang
1268	Cathy Papageorgiou
1269	Dom and Maria Papalia
1270	Dominic Paralia
1271	M Parker

No	Submitter
1272	Dimitrios Pashalidis
1273	Kris Paulding and Melissa Wood
1274	Bruce Pingo
1275	Qian Wang
1276	Dina Pouki
1277	J M and S M Powell
1278	Rosanne Price
1279	Freda Raptopoulos
1280	Graham and Sue Ratcliffe
1281	Eileen Reith
1282	Samantha Richardson
1283	Noelle Rigby
1284	June Robilliard
1285	P and P Robinson
1286	Ian Paterson
1287	David Salmon
1288	Yvonne Saultry
1289	Sandro Savio
1290	Jennifer Scholes
1291	Dayamati and Ram Sharan
1292	Dr Ashok Sharma
1293	Frank & Ruth Sharman
1294	Geoff and Jeanette Shaw
1295	Li Sheng
1296	Louisa Sher
1297	Bing Shi
1298	Guang Shi
1299	John Sidney
1300	P L & M I Sloan
1301	Lee Smith
1302	Stewart Southam



No	Submitter
1303	Rhonda Spencer
1304	Robyn and Ken Stapleton
1305	Mrs Sybil G. Storey
1306	Anna Strangaric
1307	Anne Esmore
1308	Bill and Donna Stubbs
1309	Karen Stubbs
1310	Zhian Sun
1311	Richard L Sun
1312	Zhian Bing Sun Shi
1313	Thomas Sutherland
1314	Phillip and Wendy Molloy
1315	Graeme and Leonie Tidd
1316	Lisa Tang
1317	Xinyun Tang
1318	B Hong Tay
1319	Y K Lau
1320	Robert and Marcia Bennett
1321	Diane M and Robert D Taylor
1322	L F M Lambie
1323	Melbourne Architectural Design and Drafting Service
1324	Laurie Thompson
1325	Thorogood Homes Pty Ltd
1326	Tim Trainor
1327	Joseph Truong
1328	Sudhakar Maddipatla
1329	S K Kuah
1330	Ravindra Udagama
1331	Catherine and Anthony Bolduan, and Margaret Edmonds

No	Submitter
1332	Mrs Rosalie Upton
1333	Mr D Vassiliadis
1334	Les Savage
1335	M N J and Y N Vilcassim
1336	Allan Anderson
1337	Andrea Walker
1338	Colin and Nancy Walmsley
1339	Juan Wang
1340	Suqing Zhou
1341	Nabil Haddad
1342	Zhi Hong Wang
1343	Raj Vanam
1344	Leslie Roberts
1345	Alf Watts
1346	Ian Webb
1347	James Weekes
1348	Faye Weekes
1349	Thusitha Welendawe
1350	Peter Westcott
1351	Margaret and John Vickers
1352	Thil Srithar
1353	Peter Wiegard
1354	Bruce Willersdorf
1355	Susanna & Barry Willis
1356	Deepali Nandurkar
1357	Kim Wilson
1358	Graeme Wilson
1359	Pamela Wilson
1360	Ron and Christine Weatherhead
1361	Margaret Wong
1362	Dale Howson



No	Submitter
1363	Betsy Dunn
1364	Michael Xie
1365	Anjali Yardi
1366	Mr and Mrs Ratnasekara
1367	John Nabreda
1368	John Canata
1369	Sennivasagam Yoganathan
1370	Jean Youatt
1371	Michael Halfpenny
1372	John Langrell
1373	Ming Zhao
1374	Geoffrey Pacey
1375	Bo Zhao
1376	Ting Wei Zheng Huang
1377	Ian Macmillan
1378	SJB Planning on behalf of Australian United Holdings
1379	Alan Hadfield
1380	Michael Dominic Gerard Formaini
1381	Judith Boucher
1382	Leanne Boucher
1383	Russell & Patricia Hames
1384	L M and J G Drayson
1385	Helene Durkin
1386	Jack Gargano
1387	Don Walker
1388	Amir Andargoli
1389	Lola Porter
1390	Yvonne and Ken Millar
1391	Alan Dymond
1392	Diane and David Eggington
1393	Bob and Shirley Grondman

No	Submitter
1394	Missionary Oblate of Mary Immaculate
1395	Yanfen Zeng
1396	Charles Clim
1397	Diane Ross
1398	Barbara and Eric Leung
1399	Inna Rusanova
1400	Paula Rees
1401	Mui Ling Ying
1402	Herb Fleming
1403	Evelyn Fleming
1404	Filor and Karabet Tenelsiz
1405	Ian and Christina Bell
1406	Han Seow
1407	Huei Ong
1408	Tas & Kanella Tsatas
1409	Ngoc Diem Thuy Huynh
1410	Paul Truong
1411	Rhonda Cahill
1412	Dhanesh Jain
1413	David Gu
1414	Paul and Gay Cousins
1415	Ned and Vicky Georgalas
1416	Hendrik Giam
1417	Alex Labberton
1418	Mun Khong, Foong Yee Lan Cho
1419	Wimal Mallawarachchy
1420	Maria Cassimatis
1421	Wendy Hong
1422	Gerard Weerasooriya
1423	Meow Chin

No	Submitter
1424	Urbis on behalf of Caulfield Grammar
1425	George Cassimatis
1426	Tim Wilks & Manoj Ranasinghe
1427	Marly Ranasinghe
1428	Ravendra Sellahewa
1429	Jennifer Charlton
1430	Beryl Kellett
1431	Lynne Bowlen
1432	Madan Sethi
1433	Selvam Muthukrishna
1434	Joanna Daves and Kathy and Delano Schokman
1435	Lynn Hewitt
1436	Michael Messina
1437	Song Keov
1438	Alan & Barbara Young
1439	Neil Thomas
1440	Suzi Jaga
1441	Monash Action Group
1442	Ian & Rosemarie Roberts
1443	Helen Linder
1444	Antonia & Waldemar Ringenbergs
1445	Joy and John Nielsen
1446	Helen – no other name provided
1447	Jason Liu
1448	Frederick Keith Slingo
1449	Kennelly Planning & Development on behalf of BP Service Stations
1450	Urbis on behalf of Sterling Global

No	Submitter
1451	Jennifer Garra
1452	Shaw Meng Low
1453	Surit Sethi
1454	Lionel Rogers
1455	Rehan Ali Khan
1456	Designer Rokk Homes Pty Ltd
1457	Liz Mandel
1458	Mary Ann Griffin
1459	J H and A J Le Marchant
1460	Zhian Sun
1461	Joanne Dodds
1462	Denzil Symss
1463	Luke Wang
1464	Shen Li
1465	Michael Ioannou
1466	Sim Fan
1467	Ettore Assini
1468	John Liu
1469	Dorota Galicka-Thomas
1470	John Zhu
1471	Anna Pitkewicz
1472	Tash Hughes
1473	Dr Tilemachos Liveriadis
1474	Y and A Sheohmelian
1475	Kevin Eefting
1476	Dongmei Zhang
1477	Kay De Jong
1478	Robert Koh
1479	Despina Lyrstis
1480	Ian and Joan Synman
1481	Virginia Barnett

No	Submitter
1482	Clive Waters
1483	Andrew Lim
1484	Graeme Leete
1485	Nalini Bhujang
1486	Livia Baranyay
1487	Mrs F Woppenkamp
1488	Nina and Alexander Lioznov
1489	Heather Phillips
1490	Josh Fergeus
1491	Faye Ward
1492	Danial and Cathy Edwards
1493	L G and L R Nicholson
1494	Paul Barker
1495	Janitha Jayasinghe
1496	Saman Sandanayake
1497	Rudy Chen
1498	Larry Fan
1499	E Cleave and L Foot
1500	L Tyzack
1501	Maria Traficante
1502	Colin Barlon
1503	Alison Herron
1504	Alan Harvey
1505	Peter Anikijenko
1506	Denglei Tang
1507	Charles and Giuseppina Graystone, Josie Gray
1508	Mr N H Thiel
1509	Sharon Ferdinands
1510	Angela Tzitzivakos
1511	Mr F J Kelly
1512	W C and M A Dellar

No	Submitter
1513	Ron Scholton
1514	Necia Smith
1515	Sam Lin
1516	Hui Wang
1517	Mrs H Westwater
1518	K C Wheatland
1519	John and Helen Winter
1520	Deanna Wong
1521	George Saisanas
1522	Khiet Hong La
1523	Renee Allan
1524	Hansen Partnership on behalf of Richland Development and Investment
1525	Hua Yun Xu
1526	Vasilka Petrova Mihalkova
1527	Melbourne Water
1528	Christina Sua
1529	David John Laier
1530	Natalia Kowalczyk
1531	J Yang X B Shen
1532	Ping Li
1533	Judith Yeo
1534	Bevel Yeoman
1535	J and A Youdan
1536	Shane Young
1537	John & Lindsay Markham
1538	Belinda Liu
1539	Denise McDonald
1540	Nigel and Colleen Linnell
1541	W. Collins
1542	Roswitha Dabke

No	Submitter
1543	Steven & Anastasia Robotis
1544	Eduard Gonodishchev
1545	Ronnie Yardley
1546	Kate Muirhead
1547	Gail and Peter George
1548	Mihiri Weerasooriya
1549	Helen Marshall
1550	Wannipura Kanchana
1551	Brian and Susan O'Dowd
1552	Marnortih Marnortih
1553	Margaret J Brown
1554	Manish Jain
1555	Sandra Marziale
1556	M E Vivian
1557	Bryan Kavanagh
1558	Margaret and Nick Powell
1559	George and Maria Rozakis
1560	Rakesh Kenneth Singh
1561	Morwenna Griffiths
1562	Philipp Stern
1563	Marie and Van Rooij
1564	Mohan Family
1565	Yet Chun
1566	Paul Deely
1567	Hy Luu
1568	Maureen Pearl
1569	Norm Seaton
1570	Gordon and Barbara Bunning
1571	Bill Woodward
1572	Anthony Codd
1573	Harry Kouniakis

No	Submitter
1574	Chad
1575	Phoebe Ho
1576	Jan Vanderwert
1577	Nicole Dodge
1578	Mrs Barbara Schergen
1579	Yang Sui
1580	Mary-Anne Papalia
1581	Frank Pan
1582	Louisa
1583	Mary Ma
1584	Tony Kwah
1585	Faye Culverhouse
1586	Kieran Love
1587	Lincoln Dinh
1588	Ky Dinh Vu
1589	M Fleming
1590	F Schoelderle
1591	Horace Bailey
1592	Les Allan & Vicki Heath
1593	Vijaykumar Singh
1594	Wendy Verplak
1595	Dr Madhu Kumari
1596	Damian Lobo
1597	Tania and John Edmonds
1598	Miew Kuan Sim
1599	SJB Planning .
1600	Frank and Elaine Miles
1601	Tin Zheng and Wei Huang
1602	Ian Hayes
1603	Wendy Bond
1604	Jim Young
1605	Ian Mudge

No	Submitter
1606	Sophie and George Nikiciuk
1607	Mrs M Quamby
1608	Munis and Pembe
1609	Barbara Brown
1610	Graeme Horskins
1611	Gary & Beverley Howell
1612	Sue Shi
1613	Jane Chen
1614	Phil H
1615	Keith Harrington
1616	Melissa Wood
1617	Eileen Chai Ming
1618	Lixin Qi and Xiaoxi Wu
1619	Mary Tarwala
1620	Sandra and Robert Francis
1621	Sophia Andrigopoulos
1622	Teck Hua Loi
1623	Jason Scarlett
1624	Tim Wallis
1625	Jo Lucas
1626	Ruth Dayment
1627	Janet Goodwin
1628	Carmel Wylaars
1629	Andrew Stocks
1630	Ray Cahill
1631	Van Ly
1632	Jan Purcell
1633	Julia Payne
1634	Helen Kinkela
1635	Warner Bastian
1636	Cary Falcon
1637	Ibrahim Williams

No	Submitter
1638	Peter Pi
1639	Vincent Phelan
1640	Katerina Kydas
1641	Kay Dunstan
1642	F Oldaker
1643	John Randc
1644	Anil Amarasekara
1645	Rene and Jane Bugeja
1646	Yan Cui
1647	Kevin Lee, Polly Chiu, Elie Chan, Nicole Tan
1648	Alina Tong
1649	Sandra Wearne
1650	Lorraine Mandel
1651	John Webb
1652	Benjamin Li
1653	Dianne Ryan
1654	Monash Ratepayers
1655	Cheng & Eng Lee
1656	Anna Earl
1657	Eva Kowalczyk
1658	David & Jayne Payne
1659	Lorraine Green
1660	Marg and Peter Skafte
1661	Ashok Gune
1662	Rukmal Setunge
1663	Nimal Mallawarachchchi
1664	John Vining
1665	Kelvin Xiao
1666	Thomas L Shiel
1667	Yew-Chin Hong, Hong Nee Ang
1668	Richard and Lyn Riseley

No	Submitter
1669	Jin Young Chung
1670	Jane Korman
1671	Farhan Ali and Saher Khan
1672	Zihan Liu
1673	W Sizeland
1674	Shelley Preen
1675	Alan Meagher
1676	Yoke Moi Loh
1677	Keith Rodgers
1678	Gladys Butler
1679	K A Munasinghe
1680	Kathleen Simpson
1681	Amanda Coster
1682	B Russell
1683	Lynette and John Hughes
1684	Colleen Thatcher and Lance Woalcock
1685	Na Bu, Dimitra Papanicolaw
1686	Mikko Rasanen
1687	Katherine Chamberlain
1688	Albert and Anna Muto
1689	Helja Muller
1690	Sky Zhang
1691	Sarah and Nyoman Tusan
1692	Kenneth But and Others
1693	Val Lawrence
1694	B Shilling and Others
1695	Frank, Lydia and Jessica Zarnay
1696	Glen La'Brooy and Others
1697	Linda and David Hornby and Others
1698	David Mandaletti

No	Submitter
1699	Mr and Mrs Barone
1700	Monic and Mastoora Samad
1701	Heather Wilcox
1702	Nick Francis
1703	D Samios
1704	Wendy Brewster
1705	Graham and Joanne Airey
1706	Anne Mac
1707	Chris Gomersall
1708	Rosemary and Kevin Pendlebury
1709	Fiona and Tim Wright
1710	Preeti Morg, Vikram Mohite and Manisha Kadam
1711	John and Lesley Bell
1712	Massimo, Glenys and Marcello Piatella
1713	Phillip Hayter, Kimhun Kou
1714	E A and Carole Priest
1715	Emma Carter
1716	Kim Begelhole
1717	Tricia and Rob Marshman
1718	Tony Newstead
1719	Matthew Burke
1720	Matt Ricc
1721	Rebecca Dunn
1722	Sheree and Adam Porta
1723	Geoff and Adrianne Fleming
1724	N/A
1725	Anny Murray
1726	Cara Tattersall



No	Submitter
1727	Joan Timms
1728	Kim Evans, Steven McCabe
1729	Katherine and John Tsotsos
1730	Michelle Singh
1731	Cate Peters
1732	Jo Bittner
1733	Ruth and Peter Hotchin
1734	Tash Hughes & Gerald Brown
1735	Donna Edwards, Nandita, Rao & Janine Brewster
1736	Tania Rose, Vanessa Gouley
1737	Stuart, Paula Hammond, Georgina Gaff
1738	Fay Hudson, Naomi Bishop & Katrina Broadbent
1739	Adrienne Elliot, Julie Apidopoulos & Elizabeth Hall
1740	Sumi Sundram, Nicki Dear, Stella Siemering
1741	S Reniu, L Joseph, S Sek
1742	Jannelle Storteboom
1743	Jessica Stewart, Suzi and Leigh Waters
1744	Lance and Gleness Schlipalius, Matthew Costin
1745	Malcolm Pryor, Darren Boothey & Georgis Fatovey
1746	David Kong & Shui-Mei Khoo
1747	Rosemary Pryor, Melina Natsioulas, Raquel Shirley
1748	Susan Cooke, Paul Riesson, George Garrett
1749	Darren Van Der Zweep & Margaret Sanders

No	Submitter
1750	Pratibha Bhardway, Michael Kost, Martin Barnard
1751	Jodie Thatcher, Tracy Wollaston & Mark Wain
1752	Sharon Pinnock, M Perovic & G Scott
1753	Wendy Douglas & Anna Cregan
1754	Graham and Leslie Shaw
1755	Pekyin Ong & David Mah
1756	Ron and Soulla Bailey
1757	Robert and Maria Chiarolli
1758	Nigel Thorne
1759	Jenny Sargent
1760	Sussan Bennett
1761	Anna & Jonathan Payne
1762	Fiona Crellin
1763	Mi Than De Wind
1764	Oliver Tusan
1765	Susan E Parho
1766	Marie Appleby
1767	Greg Moore & Pam Hill
1768	Dana Mole
1769	Robert Bateman
1770	Cathy Bateman
1771	Ray and Meralyn Zimmer
1772	Lisa Jacobson, Damian Morrin & Christine Cass
1773	L J D'Alessio
1774	Kam Tai Henry Lau
1775	Alan Ainsworth
1776	Neil Skepper
1777	Sophie and Chris Miliotis

No	Submitter
1778	Deqing Cao
1779	Allan Lau
1800	Brad Bruigom
1801	Ashley Thomas
1802	John Keble
1803	Jason Cherry
1804	Kendra Anderson
1805	Geoff Drummond
1806	Mr A J & V J Pound
1807	Ka Weng Lau
1808	Iain Scott
1809	Urbis on behalf of Pace Development Group
1810	Alan Gan
1811	Agnes Roberts
1812	Roger Gaymer
1813	J & K Henson
1814	Frank Sal
1815	Greg Rowe
1816	Gallege De Silva
1817	David Job
1818	Carmel Adams
1819	David and Sue Morgan
1820	Cheryl Lim
1821	Kevin Mitchell
1822	Barbara Chow
1823	Helen Kerley
1824	Charles & Margaret Norman
1825	Lynn and Jennifer Carter
1826	Marilyn Renfree and Roger Short
1827	Harry Zhang

No	Submitter
1828	K & J Henderson
1829	Ian and Mary Plumridge
1830	Graeme and Margaret Patching
1831	Ray and Nancy Webster
1832	L Woollard
1833	Planning & Property Partners Pty Ltd on behalf of Japara
1834	Sandy and Les Rowell
1835	Frank Miller
1836	Peter Katz
1837	Sue Savage & Ron Berry
1838	Annette Hellenen
1839	Murray and Helen Close
1840	I & K Investments Pty Ltd
1841	Jack Wilson
1842	Radhika Singh
1843	Joanne Hartsias
1844	Dean Perks
1845	Margaret McKay
1846	Planning & Property Partners Pty Ltd on behalf of 30 Ralton Avenue, Glen Waverley
1847	Jay De Silva
1848	Julia McGregor
1849	Wendy – no other name provided



## Appendix B Parties to the Panel Hearing

Submitter	Represented by
Monash City Council	Maria Marshall of Maddocks Lawyers who called the following witness to give expert evidence: <ul style="list-style-type: none"> <li>• James Larmour-Reid of Planisphere in Planning</li> <li>• Andrew Spencer of SGS Economics &amp; Planning in residential capacity</li> <li>• Simon Wollan of MGS Architects</li> </ul>
Catherine Mandel (731)	
Pace Development Group Pty Ltd (1809)	Chris Wren QC instructed by Minter Ellison who called the following witness to give expert evidence: <ul style="list-style-type: none"> <li>• Stuart McGurn of Urbis in Town Planning</li> </ul>
I & K Investments Pty Ltd (1840)	Jane Sharp
Murray Nicholas (240)	
Metropolitan Planning Authority (889)	Emily Hillebrand
BlueCross Community & Residents Services (651)	John Carey of Minter Ellison
E H P R Nominees Pty Ltd (982)	Robert Bradley of Aitken Partners who called the following witness to give expert evidence: <ul style="list-style-type: none"> <li>• Robert Kelderman of Contour Consultants in Town Planning</li> </ul>
Salpina Pty Ltd (923)	John Bardini of Select Group
Havelock Nominees Pty Ltd (755)	Travis Finlayson of Ratio Consultants Pty Ltd
Sterling Global (1450)	Genevieve Blunden of Urbis
Dr Sharron Pfueller (178)	Dr Sharron Pfueller who called the following witness to give expert evidence: <ul style="list-style-type: none"> <li>• Dr Gregory Moore of Melbourne University in arboriculture</li> </ul>
Gayle Nicholas (240)	
The Friends of Damper Creek Reserve Inc. (361)	John Clements
Patricia Hollinson (739)	
LS Vic Property Management (766)	Frank Perry of Perry Town Planning

Submitter	Represented by
Heyshan Mendis (429)	
Freya Headlam (245)	
Dr Reena Dubey (1055)	
Japara Property Holdings Pty Ltd (1833)	Chris Taylor of Planning and Property Partners
Yong Huang (1129)	Chris Taylor of Planning and Property Partners
Metricon Homes Pty Ltd (1060)	Johnathan Halaliku of Clement-Stone Town Planners
Inez Cottrell-Baker (942)	
Pong Property Development Pty Ltd (674)	How S Ng of Melbourne Planning Pty Ltd
Margaret McKay (1845)	
Monash Ratepayers (1654)	Lynnette Saloumi
Barry Esmore (970)	
George Costa (961)	
Thusitha Welendawe (1349)	
Thuc Tran Mok Lao (758)	Virginia Jackson of Harlock Jackson Pty Ltd
Angelo & Silvana Valente, Concetta & Sebastian Mangiavillano, Linda Mattioli, Valepro Pty Ltd, Pina Perna (851)	Angelo & Silvana Valente of A & S Valente & Associates Pty Ltd
Monash University (815)	Sarah Porritt Barrister assisted by Rhodie Anderson of Rigby Cooke Lawyers who called the following witness to give expert evidence:
	<ul style="list-style-type: none"> <li>• Rob McGauran of MGS Architects in Urban Design and Architecture</li> </ul>
Lucia Panettieri (957)	Phil Bissett of Minter Ellison
Burgess Associates (1138)	Phil Bissett of Minter Ellison
M & J Zuccala, D & M Zuccala, D Zuccala (746)	David Crowder of Ratio Consultants Pty Ltd
David and Lia Crowder (746)	David Crowder of Ratio Consultants Pty Ltd
Housing Industry Association (1189)	Mike Hermon
Steven Lopes (637)	
Inderpreet Kohli	

Submitter	Represented by
Surinder Singh Kohli	
Teresa De Biase (770)	Robert De Biase
Dikran Chabdjian (809)	
Kang Chai (887)	David Barnes of Hansen Partnership
Dianne Carra (357)	
Xue Clin Liang & Shao Xia Huang (549)	Leo Liang
Michael Asmar (641)	
Fiona Wright (1709)	
Nunzio Lucarelli (750)	
Barney Wursthorn (949)	
Carol & Michael Jaffit (687)	
Jeffrey Bender (470)	
Nishan Jayasinghe (973)	
Alfred Wong (446)	
Clara Mangone (705)	Maria Magone
Michael Krasovec (239)	
Kevin Eefting (1475)	
Richard Development & Investment Pty Ltd (1524)	David Barnes of Hansen Partnership
Neridah Peirce (649)	
Bill & Shirley Ramsay (918)	
Annette Hellenen (1838)	
Matt Ryan of Urban Planning Mediation P/L (890)	
Sally Walker & Alan Moore (300)	Friends of Scotchman Creek & Valley Reserve Inc.
Antonio Lucarelli (919)	Chris McInnes of Select Group
John Joyner (888)	
William Chow (623)	
Arton Group (634)	Damian Laughnan of G2 Urban Planning

Submitter	Represented by
Tania Wisel (1054)	
Caroline Bayliss (974)	
Margaret & Ken Guilieri (566)	Rosemary Bourke
S & C Saisanas (1521)	George Saisanas
Gary O'Connor (393 & 787)	Nick Hooper of Taylors Development Strategists
Livia Baranyay (1486)	Ferencz Baranyay Architects
Rama Manchikanti (922)	
Henry Nguo (275)	XEN Architecture
Leanne Khan (830)	
Anna Earl (1656)	
Peter Katz and Jack Wilson (1836)	
Elena M, Aldo, Jason and Naomi Perri (988)	

## Appendix C Document List

No	Date	Description	Presented by
1	5/9/2016	Hearing folders 1 and 2	Maria Marshall
2	5/9/2016	Figure 3: Map of Existing Overlays (A3) <i>Monash Neighbourhood Character Review</i>	“ “
3	5/9/2016	Figure 11: Recommended Boundary for the Monash-Clayton Employment and Innovation Cluster; Figure 7: The Clayton Innovation Precinct; Monash Clayton Campus Area Map.	Sara Porritt, Monash University
4	5/9/2016	P. 71 Category 3 Monash NEC (extract from <i>Monash Housing Strategy, Planisphere 2014</i> )	“ “
5	6/9/2016	Implementation of New Residential Zones slides (PowerPoint presentation)	Simon Wollan, MGS
6	6/9/2016	Council Part B Submission	Maria Marshall
7	7/9/2016	Site and submitter summary	“ “
8	7/9/2016	Submission on behalf of Pace Development Group Pty Ltd (Submitter 1809)	Christ Wren
9	7/9/2016	Aerial Maps (A3) of Pace Development Group Pty Ltd land	“ “
10	7/9/2016	Submission on behalf of I & K Investments Pty Ltd (Submitter 1840)	Jane Sharp
11	7/9/2016	Submission (Submitter 915)	Bill Zaras (915)
12	8/9/2016	Submission (Submitter 240)	Murray Nicholls
13	8/9/2016	MPA submission (Submitter 889)	Emily Hillebrand
14	8/9/2016	MPA slides (PPT presentation) (Submitter 889)	Emily Hillebrand
15	8/9/2016	Submission on behalf of Blue Cross Community Care and Services Group Pty Ltd (Submitter 651)	John Carey
16	8/9/2016	Title (Submitter 651)	“ “
17	8/9/2016	Title (Submitter 651)	“ “
18	8/9/2016	Aerial map A3 (Submitter 651)	“ “
19	8/9/2016	VCAT P199/2005 Burgess v Monash CC & Ors	“ “
20	8/9/2016	Preliminary schematic design by DWP Suters	“ “
21	8/9/2016	Population and census data	“ “
22	8/9/2016	Submission on behalf of EHPR Nominees (Submitter 982)	Robert Bradley

No	Date	Description	Presented by
23	8/9/2016	Submission on behalf of Salpina Pty Ltd (Submitter 923)	John Bardini
24	8/9/2016	Submission on behalf of Havelock Nominees Pty Ltd (Submitter 755)	Travis Finlayson
25	12/9/2016	Sterling Global (Submitter 1450)	Genevieve Blunden
26	12/9/2016	C125 MPS Proposed changes to exhibited north east zone	Maria Marshall
27	12/9/2016	PowerPoint presentation (Submitter 240)	Gayle Nicholas
28	12/9/2016	Submission (Submitter 240)	“ “
29	12/9/2016	Submission (Submitter 739)	Patricia Hollingson
30	12/9/2016	Submission by Friends of Damper Creek (Submitter 361)	John Clements
31	12/9/2016	Submission on behalf of LS Vic Property Management, Mr H Bu and Sanctuary Gate Pty Ltd (Submitter 766)	Frank Perry
32	12/9/2016	Submission (Submitter 429)	Dr Heyshan Mendis
33	12/9/2016	Submission (Submitter 245)	Freya Headlam
34	13/9/2016	Submission on behalf of Japara Property Holdings Pty Ltd (Submitter 1833)	Chris Taylor
35	13/9/2016	Photos and proposed aged care development (Spowers Architects) A3 colour	“ “
36	13/9/2016	Submission on behalf of Mr Yong Huang	“ “
37	13/9/2016	Stonnington, Boroondara and Yarra Schedules to NRZ and GRZ	“ “
38	13/9/2016	Submission on behalf of Metricon Homes Pty Ltd (Submitter 1060)	Jonathan Halaliku
39	13/9/2016	Ministerial Direction No 11 Strategic Assessment of Amendments	“ “
40	13/9/2016	Submission (Submitter 942)	Inez Cottrell-Baker
41	13/9/2016	Submission	Margaret McKay
42	13/9/2016	Submission on behalf of Pong Property Development Pty Ltd (Submitter 674)	How S Ng
43	13/9/2016	Submission on behalf of Monash Ratepayers (Submitter 1654)	Lynnette Saloumi
44	13/9/2016	Submission (Submitter 961)	George Costa

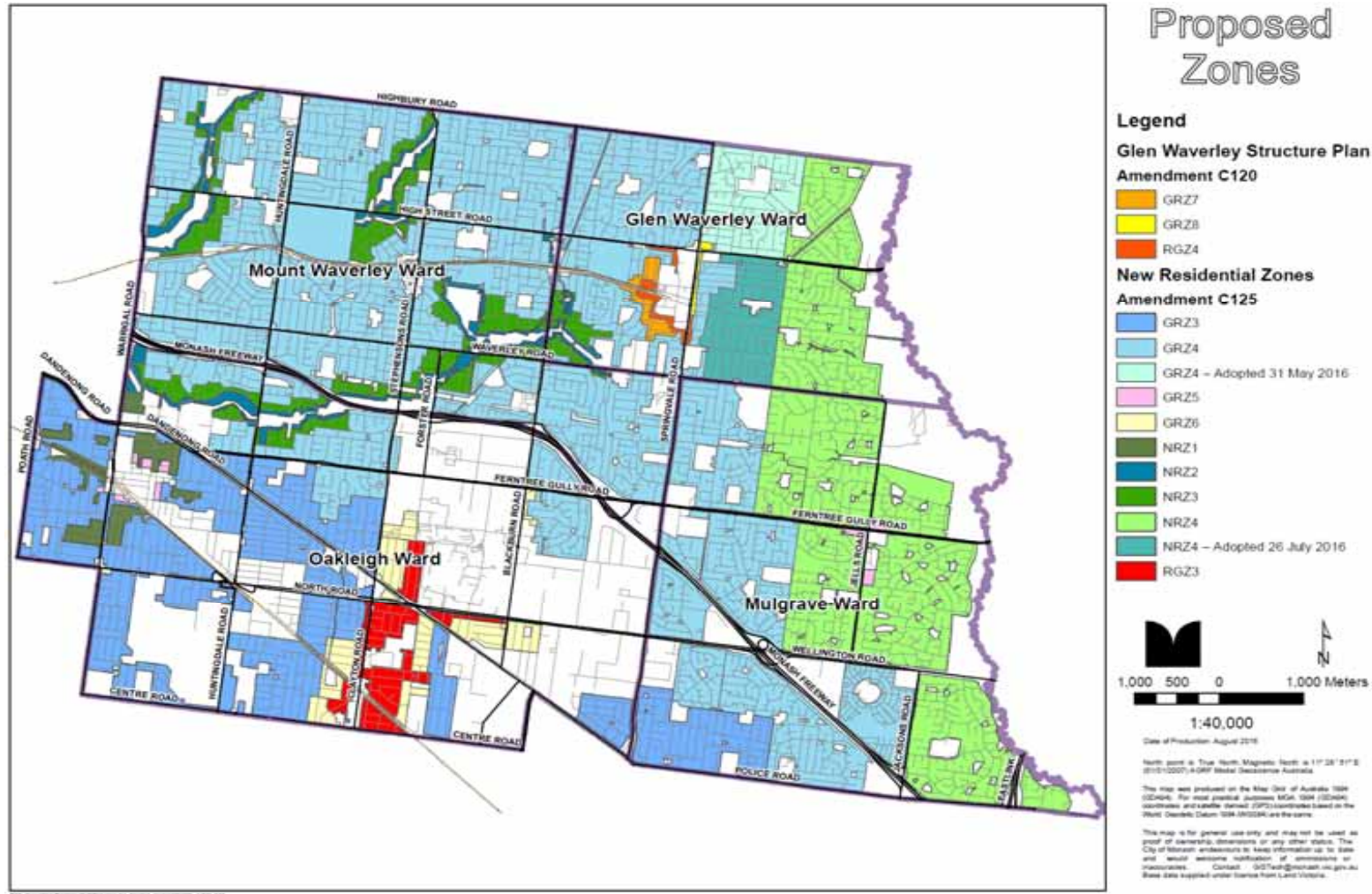
No	Date	Description	Presented by
45	14/9/2016	Submission (Submitter 1349)	Thusitha Welendawe
46	14/9/2016	Submission on behalf of Thuc Tran Mok Lao (Submitter 758)	Virginia Jackson
47	14/9/2016	Submission on behalf of Angelo and Silvana Valente, Concetta Mangiavillano, Sebastian Mangiavillano, Linda Mattioli, Valepro Pty Ltd, Pina Perna (851)	Silvana and Angelo Valenti
48	14/9/2016	Angelo and Leondina Valente, Richekmo and Fernando Ora, Domenic Labella (851)	" "
49	15/9/2016	Evidence on behalf of Monash University (Submitter 815) printout of PowerPoint slides	Prof Rob McGauran
50	15/9/2016	Submission on behalf of Monash University (Submitter 815)	Sarah Porritt
51	15/9/2016	Marked up DCPO schedule GC16,	Sarah Porritt
52	26/9/2016	Submission on behalf of Lucia Panettieri and Others (Submitter 957)	Phil Bissett
53	26/9/2016	Submission on behalf of Burgess Associates	Phil Bissett
54	26/9/2016	Submission on behalf of M & J D and M & D Zuccala, Zuccaro PL and Dommarz PL (Submitter 746)	David Crowder
55	26/9/2016	Submission on behalf of HIA (Submitter 1189)	Mike Hermon
56	26/9/2016	Submission (Submitter 809)	Dikran Chabdjian
57	28/9/2016	PowerPoint slides of submission on behalf of Kang Chai	David Barnes
58	28/9/2016	Letter to Monash CC on behalf of Kang Chai	David Barnes
59	28/9/2016	Submission on behalf of D and C Carra (Submitter 357)	Dianne Carra
60	28/9/2016	Submission (Submitter 1709)	Fiona Wright
61	28/9/2016	Maps (Submitter 750)	Nunzio Lucarelli
62	28/9/2016	Submission (Submitter 546)	Alfred Wong
63	28/9/2016	Submission on behalf of Clara and Pasquale Mangone (Submitter 705)	Maria Mangone
64	29/9/2016	Submission on behalf of Richard Development & Investment Pty Ltd (Submitter 1524)	David Barnes
65	29/9/2016	Submission on behalf of Shirley and Bill Ramsay (Submitter 918)	Bill Ramsay
66	29/9/2016	Curriculum Vitae Matt Ryan (Submitter 890)	Matt Ryan
67	29/9/2016	Submission by Urban Planning Mediation Pty Ltd (Submitter 890)	Matt Ryan



No	Date	Description	Presented by
68	29/9/2016	Media articles (Submitter 890)	Matt Ryan
69	29/9/2016	Clause 22 (Submitter 890)	Matt Ryan
70	29/9/2016	Statement of evidence to VCAT 13 May 2015 (Submitter 890)	Matt Ryan
71	29/9/2016	Map of Developments along Huntingdale Road – Approved and Proposed (Submitter 890)	Matt Ryan
72	29/9/2016	Planning/ VCAT mediation A3 drawings proposed apartments (Submitter 890)	Matt Ryan
73	29/9/2016	A4 Artists impression and A3 Landscape Plan (Submitter 890)	Matt Ryan
74	29/9/2016	Submission on behalf of Friends of Scotchmans Creek (Submitter 300)	Sally Walker
75	29/9/2016	Submission on behalf of Centremed Services Pty Ltd (Submitter 919)	Chris McInnes
76	29/9/2016	Submission on behalf of Melbourne Planning Outcomes (Submitter 888)	John Joyner
77	29/9/2016	Submission (Submitter 623)	William Chow
78	29/9/2016	Submission on behalf of the Arton Group	Damian Laughnan
79	29/9/2016	Proposed rezoning submission by Smith Tracey Architects A3 drawings and maps	Damian Laughnan
80	29/9/2016	Submission by the Arton Group	Lindsay Bender
81	3/10/2016	Submission on behalf of Gary O'Connor (Submitter 393 & 787)	Nick Hooper
82	3/10/2016	Submission (Submitter 922)	Rama Manchikanti
83	3/10/2016	Submission (Submitter 1836)	Peter Katz & Jack Wilson
84	3/10/2016	Submission on behalf of Elena, Aldo, Jason and Naomi Perri (Submitter 988)	Elena Perri
85	10/10/2016	Submission in reply by Council	Maria Marshall
86	10/10/2016	Table of approved developments in Accessible Areas and Boulevards	Maria Marshall
87	10/10/2016	Summary of changes proposed	Maria Marshall
88	10/10/2016	Without prejudice suggested changes	John Carey



## Appendix D Proposed Zones – Final position of Council



## Appendix E Individual zone changes agreed by Council

Site / Area	Exhibited zone	Issue / Request	Council's agreed position	Panel comment & recommendation
1 Avoca Court, Ashwood <sup>167</sup>	NRZ2	No direct abuttal to creek	Apply NRZ3	Property does not abut the creek-line. <i>Recommendation:</i> Apply the GRZ
25, 27, 29 Cabena Crescent, 29 & 36 Stapley Crescent, 36 & 39 Swanson Crescent, Chadstone	NRZ2	No direct abuttal to creek	Apply NRZ3	<u>25, 27, 29 Cabena Crescent &amp; 29 Stapley Crescent</u> These properties are opposite the public open space along the creek-line. Management of this interface is appropriate. <i>Recommendation:</i> Apply the GRZ and the SLO or DDO <u>36 Stapley Crescent, &amp; 36 &amp; 39 Swanson Crescent</u> These properties do not abut the creek-line or associated public open space. <i>Recommendation:</i> Apply the GRZ
21 Fiander Avenue <sup>168</sup> & 4/5 Somers Court, Glen Waverley	NRZ2	Properties abut a drainage reserve or parkland rather than a creek-line	Apply GRZ4	The open space area is a Public Use Zone that is a drainage reserve. The open space is a narrow strip of land that is unlikely to be substantially redeveloped or enhanced as a creek-line. The interface does not warrant special management. <i>Recommendation:</i> Apply the GRZ

<sup>167</sup> (sub 1801).

<sup>168</sup> (sub 961).

Site / Area	Exhibited zone	Issue / Request	Council's agreed position	Panel comment & recommendation
23, 24, 26 & 28 Fiander Avenue <sup>169</sup> 5 & 6 Valentine Court; 1, 3, 2, 4, 6, 8, 10 <sup>170</sup> , 12, 14 Falconer Street; 1, 3 Huff Street; 29 <sup>171</sup> , 31, 33, 35, 37, 39, 41, 43, 45, 47, 49 Dunscombe Avenue, Glen Waverley	NRZ2	Properties abut a drainage reserve or parkland rather than a creek-line	Apply NRZ3	The open space area is a Public Use Zone that is a drainage reserve. The open space is a narrow strip of land that is unlikely to be substantially redeveloped or enhanced as a creek-line. The interface does not warrant special management. <i>Recommendation:</i> Apply the new consolidated GRZ
546-556 High Street Road, 2, 4, 6 Lee Avenue, 7 St Clair Crescent, Mt Waverley	NRZ2	The land does not abut a creek. The land is developed at high intensity and some uses are semi-commercial.	The land is adjacent to an overland flow path rather than a creek. Apply GRZ4	<u>554-556 High Street Road</u> (see Chapter 3.10.2) <u>546-552 High Street Road; 2, 4, 6 Lee Avenue; 7 St Clair Crescent</u> The PPRZ is a relatively narrow strip of land that ends in a dead-end. The abutting properties are intensely developed with multi-dwelling developments or commercial uses and a car park. The open space is not of high-quality and is unlikely to be substantially redeveloped or enhanced. The interface does not warrant special management. <i>Recommendation:</i> Apply the new consolidated GRZ

<sup>169</sup> (sub 961).

<sup>170</sup> (sub 90).

<sup>171</sup> (sub 556).

Site / Area	Exhibited zone	Issue / Request	Council's agreed position	Panel comment & recommendation
13 Janfourd Court, Mt Waverley <sup>172</sup>	NRZ2	No direct abuttal to creek	Apply NRZ3	Property does not abut the creek-line. <i>Recommendation:</i> Apply the new consolidated GRZ
37, 39, 41, 43, 45,47 Alice Street, 3 Richard Road, Mt Waverley <sup>173</sup>	NRZ3	The properties directly abut the Damper Creek Reserve.	The Council owned reserve is zoned GRZ, which resulted in the properties not be recognised as directly abutting the creek. Apply NRZ2	These properties abut the creek-line. Management of this interface is appropriate. <i>Recommendation:</i> Apply the GRZ and the SLO or DDO
9-25 Marbray Drive, 31-59 Greenways Road, Glen Waverley <sup>174</sup>	GRZ4	The properties formed part of the Waverley Private Golf Course estate which contains a significant tree canopy. Properties on the southern side of the street are in the NRZ3.	The properties form part of the Scotchmans Creek environs and are in a VPO. Apply NRZ3	The properties are some distance from Scotchmans Creek. There is no strategic basis for the application of the NRZ3. The VPO is an appropriate mechanism to protect the vegetation. <i>Recommendation:</i> Apply the new consolidated GRZ
2B Oakdene Court, Mt Waverley <sup>175</sup>	GRZ4	The adjoining properties in	A mapping error resulted in the	The properties are some distance from Scotchmans Creek. There is no strategic basis for the application of

<sup>172</sup> (sub 1252).

<sup>173</sup> For example (sub 357), (sub 361).

<sup>174</sup> For example (sub 1013), (sub 2039).

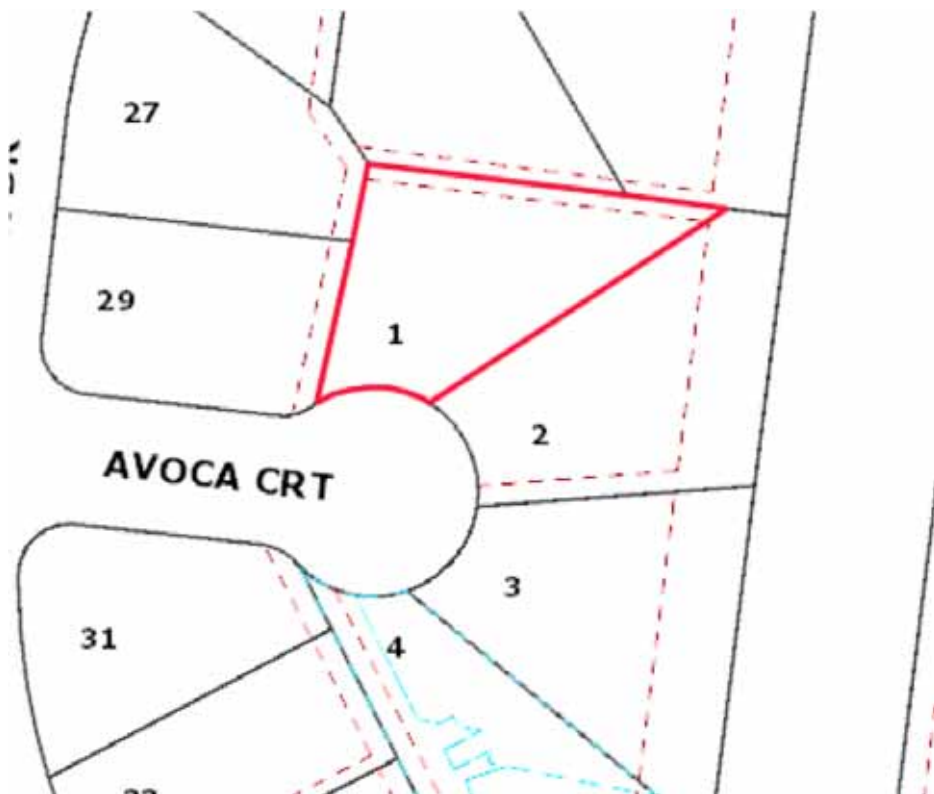
<sup>175</sup> (sub 577).

Site / Area	Exhibited zone	Issue / Request	Council's agreed position	Panel comment & recommendation
		Oakdene Court are zoned NRZ3.	incorrect zoning being applied. Apply NRZ3	the NRZ3. <i>Recommendation:</i> Apply the new consolidated GRZ
North west corner of Jells and Ferntree Gully Roads <sup>176</sup> No 855 Ferntree Gully Road, Wheelers Hill	NRZ4	The property is part of the Wheelers Hill Neighbourhood Activity Centre and should be zoned accordingly.	A mapping error resulted in the incorrect zoning being applied. Apply GRZ5	The property is part of the Activity Centre and should be zoned consistently with other residential land within the Activity Centre. (See Chapter 3.8.4) <i>Recommendation:</i> Retain the existing GRZ2

<sup>176</sup> (sub 1145).

## Appendix F Individual zone changes agreed by Council – Maps

Avoca Court, Ashwood







Fiander Avenue / Valentine Court / Falconer Street / Huff Street / Dunscombe Avenue,  
Glen Waverley



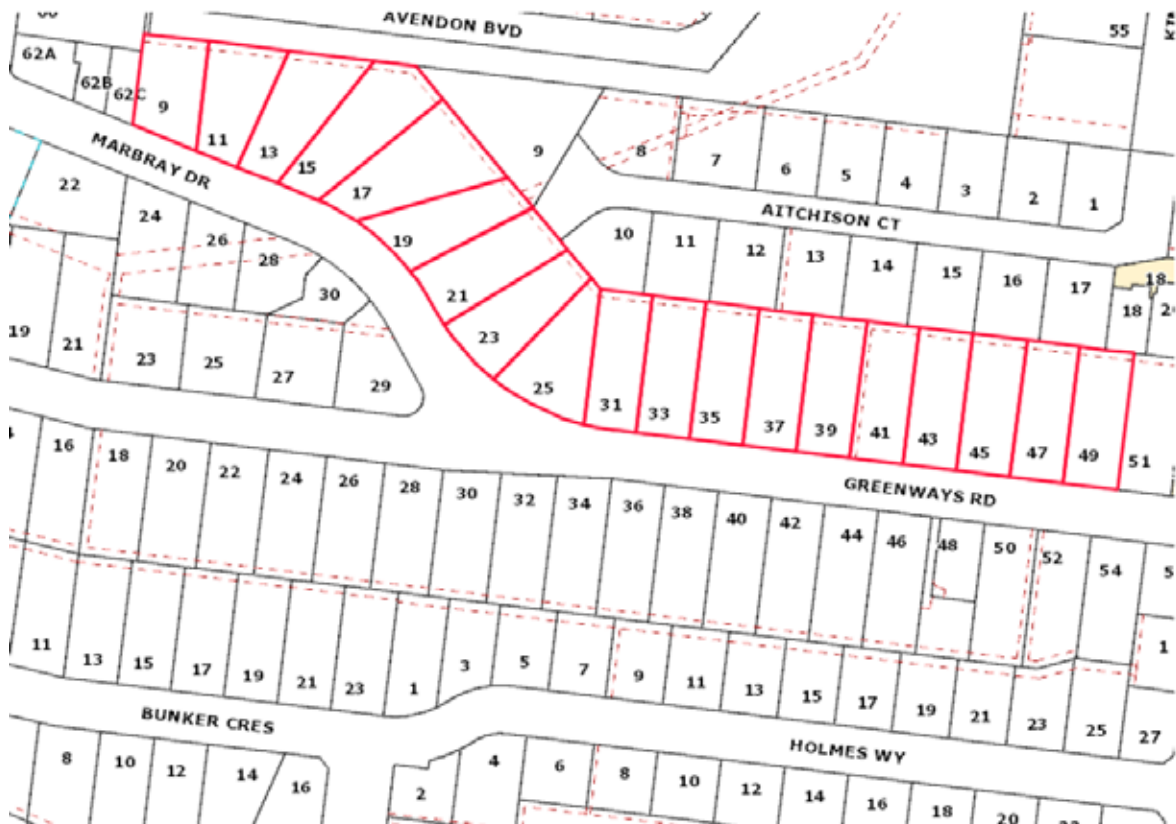




### Alice Street, Mt Waverley



### Marbray Drive / Greenways Road, Glen Waverley



**Oakdene Crescent, Mt Waverley**

