

1.1 MONASH PLANNING SCHEME AMENDMENT C131- REZONING OF 256-262 HUNTINGDALE ROAD, HUNTINGDALE

(MM: File No. W17-202)

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Reviews and considers the issues raised in submissions to Amendment C131.*
2. *Requests the Minister for Planning to appoint an independent Panel under Part 8 of the Planning and Environment Act 1987 to consider the submissions and Amendment C131 to the Monash Planning Scheme.*
3. *Refers all submissions and Amendment C131 to the Panel appointed by the Minister for Planning.*
4. *Notifies all submitters of Council's position on this Amendment.*

INTRODUCTION

The purpose of this report is to consider submissions made to Monash Planning Scheme Amendment C131.

The Amendment proposes to rezone the land at 256-262 Huntingdale Road Huntingdale from part Industrial 1 Zone and part General Residential Zone 2 to a Residential Growth Zone Schedule 5, delete the Design and Development Overlay Schedule 1 and apply the Environmental Audit Overlay to the land.

As the rezoning has merit and there are submissions which are unable to be resolved, it is recommended that Council requests the Minister for Planning to appoint an independent Panel to review the Amendment and consider all submissions received.

BACKGROUND

Amendment C131 seeks to implement a recommendation of the Monash Industrial Land Use Strategy 2014 (the Strategy). Adopted by Council in 2014, it seeks to support sustainable land use outcomes that balance Monash's role as a regional employment location against the need to facilitate more diverse housing opportunities and the need to create more economic development opportunities.

The subject site at 256-262 Huntingdale Road, Huntingdale was identified as Precinct P17 in the Strategy and, as an isolated parcel of industrial land, was recommended to be rezoned for residential purposes.

At its meeting on 27 March 2018, Council considered a request from the owners to rezone the land and consider a proposed planning permit for development of a 4 storey

apartment building, comprising 82 dwellings, through a combined Section 96A planning scheme amendment and planning permit application process.

Council resolved to request the Minister for Planning to authorise Council to prepare Amendment C131 and the draft planning permit.

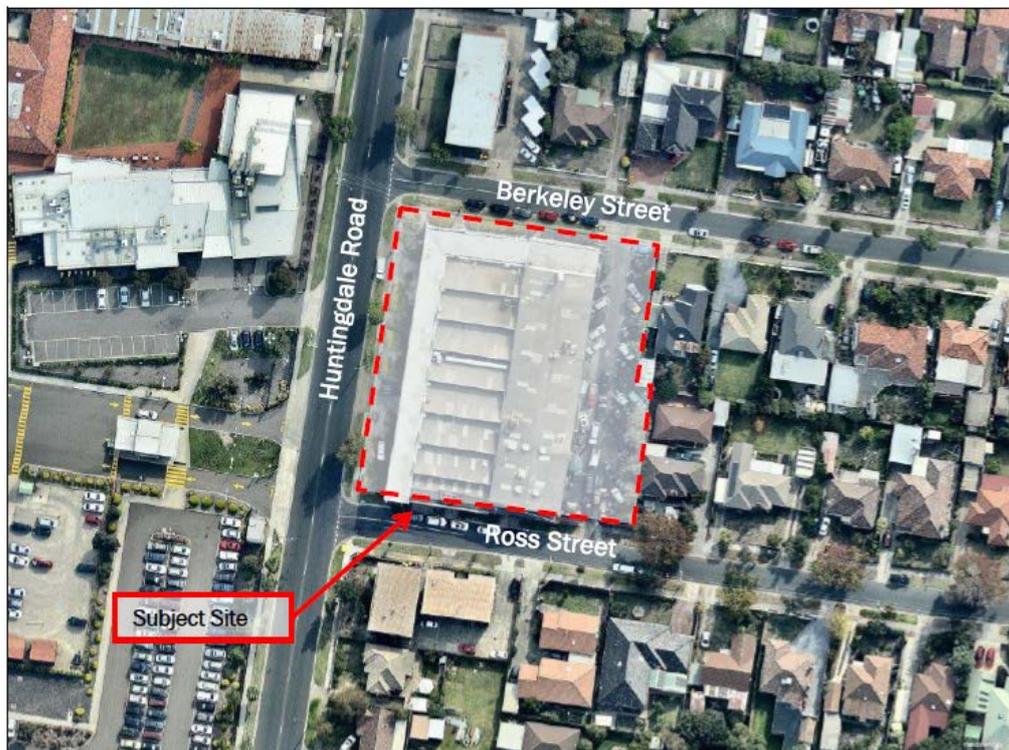
On 6 June 2018, the Minister for Planning authorised the preparation of the Amendment. However, this authorisation was conditional on the removal of the proposed planning permit application for the 4 storey apartment building from the Amendment and the proposed Design and Development Overlay.

Accordingly, Amendment C131 only proposes to rezone the site from part Industrial 1 Zone and part General Residential Zone 2 to a Residential Growth Zone 5, delete the Design and Development Overlay Schedule 1 and apply the Environmental Audit Overlay over the land.

To develop the land, a separate planning permit application would need to be lodged in the future in the event the land is rezoned.

THE SUBJECT SITE

The subject site is known as 256-262 Huntingdale Road, Huntingdale and is located on the eastern side of Huntingdale Road approximately 200 metres north of Huntingdale Activity Centre and opposite the large Asa Abloy (Lockwood) industrial site.



The site has frontage to three streets – Huntingdale Road, Berkeley Street and Ross Street and an area of 4,130 square metres.

The site is currently in two zones, the existing building is within the Industrial 1 Zone whilst the car park on the eastern part of the site is in a General Residential Zone Schedule 2. This is the same zone as surrounding properties to the east, north and south. The site is also subject to Design and Development Overlay 1 which applies to industrial areas in Monash and regulates building and car parking setbacks.

It should also be noted that the subject site is located within the investigation area for the Huntingdale Activity Centre Precinct Plan, which is currently being prepared. The Precinct Plan will identify opportunities for the transformation of Huntingdale into a vibrant centre with expanded employment, innovation and residential activity with improved amenity and sense of place.

CONSULTATION ON THE AMENDMENT

Amendment C131 was exhibited between 21 August 2018 and 25 September 2018. The consultation included:

- Letter and formal Notice of Amendment to all owners and occupiers within the vicinity of the site.
- Public Notice in the Monash Leader and the Victorian Government Gazette.
- Three signs on site, displaying the Notice of Amendment.
- Information available on Council's website.

In response to the consultation on the Amendment, eighteen submissions were received from:

- 15 local residents;
- The Environmental Protection Authority;
- Transport for Victoria;
- The proponent, who restated their general support for the proposed planning controls and state that the site is within a location where the Residential Growth Zone is highly appropriate.

A summary of the issues raised in the submissions and an officer response is contained in **Attachment 1**.

ISSUES AND DISCUSSION

Issue 1: Objection to the development proposed as part of the original Amendment authorisation request.

Although not formally a part of the exhibited Amendment, many of the submissions objected to the Amendment and potential development originally proposed as part of the section 96A Amendment proposal. (The original development proposal was included as part of the March 2018 Council report).

Submitters gave the following reasons for objecting to the development of the site:

- 3-4 storeys is excessive, not consistent with the existing neighbourhood character;
- Visually disproportionate, an eyesore;
- Traffic and parking issues will worsen (creating safety issues);

- Location of crossover in Ross Street (it should be relocated to Huntingdale Road);
- Overlooking and overshadowing;
- Loss of property values;
- Will set a precedent for greater development in the area- resulting in loss of cultural heritage (loss of WW2 houses);
- Development of eight double storey dwellings would be more appropriate;
- It will have a detrimental impact on existing small businesses, larger scale development will attract larger businesses to the Centre.

Officer response

Whilst Council sought authorisation to prepare a combined Amendment and Planning Permit Application, the authorisation was limited to the preparation of the Amendment to rezone the land.

Although the Amendment does not include the application for the 4 storey apartment building, if the site is rezoned to the Residential Growth Zone 5, a development of this scale is envisaged for this site. However for this to occur, it would be through a separate planning permit application, after rezoning, which would include public consultation.

As there is no specific development proposed as part of the Amendment that arises from the rezoning of the site, consideration of submissions is limited to more general issues about the potential height, setbacks and access arrangements.

Provision of water and sewerage infrastructure will be assessed as part of any future planning permit application. The Amendment was referred to South East Water, the Water Supply and Sewerage Authority. South East Water has no objection to the Amendment.

Issue 2: Support for the rezoning of the site to a residential zone, but not rezoning to the Residential Growth Zone.

Submitters stated that the General Residential Zone 2 surrounds the site and this is what the site should be rezoned to. They considered that rezoning the site to the Residential Growth Zone would ultimately result in an overdevelopment of the site.

They also stated that the Amendment does not respect the current character statement or intent of desired future character statement. Rezoning the site to the General Residential Zone 2 would be a better alternative.

Officer Response

The site is located within the study area of the Huntingdale Activity Centre which is designated as an activity centre in Clause 21.06 of the Monash Planning Scheme and in the Monash Housing Strategy 2014.

Activity centres are identified as areas with future redevelopment potential, including residential development. Therefore, the site is appropriate for higher density residential development rather than single storey detached dwellings that predominantly surround the site. Accordingly, rezoning the site to the Residential Growth Zone 5 is appropriate

given the site's strategic location, large size (4,130 square metres) and location abutting three streets.

In addition, given the size of the site, at 4,130 square metres, it is considered capable of accommodating a building of up to 4 storeys without inappropriate off site impacts.

Issue 3: The proposed maximum building height of 14.5 metres specified in Schedule 5 to the Residential Growth Zone is too high.

Submitters stated that a height limit of 14.5 metres would set the development apart from all surrounding buildings, standing out from and breaking the local character of the area.

Officer Response

As stated above, the site is located within the environs of the Huntingdale Activity Centre, which has been identified as a location which will be undergoing change and is suitable for a greater intensity of development. In addition, this site has three street frontages, is 4130 square metres in size and it is on a main road. Accordingly, a maximum mandatory height of 14.5 metres is considered appropriate.

The General Residential Zone 2 allows development up to 11 metres or 3 storeys, so the proposed Residential Growth Zone 5 at 14.5 metres would allow one additional storey above the surrounding residential area.

Issue 4: Possible site contamination

Concerns were raised by submitters about possible soil contamination on the site.

Officer Response

A contamination report was submitted as part of the amendment request. The report assessed the level of site contamination in the context of the proposed high density development that included the removal of soil to a depth of 7.0 metres to facilitate the construction of a 2 level basement for car parking. The report concluded that –

- On the basis of the soil investigations undertaken, the current condition of the soil does not preclude the site from the proposed high density residential use, and
- The soil investigations were undertaken at specific test locations and that geological conditions may vary across the site.

To ensure that the environmental condition of the land is suitable for sensitive uses, such as residential uses (which are permitted in the Residential Growth Zone), an Environmental Audit Overlay is proposed to be applied to the site and was exhibited as part of the Amendment. This also ensures that the requirement for an environmental audit is triggered prior to the commencement of a sensitive use or the construction or carrying out of buildings and works associated with a sensitive use.

In addition the EPA the submission is supportive of the application of the Environmental Audit Overlay on the site as part of the Amendment as a means of dealing with any potential contamination issues.

Issue 5: Possible encroachment of residential uses into industry buffers and interface issues

There were concerns raised about residential encroachment into industry buffer areas, stating that Council needs to consider how the proposal will influence future land use planning, particularly in relation to protecting existing industry areas from encroachment by residential uses.

Officer Response

Council adopted the Monash Industrial Land Use Strategy in 2014 which recommended that the site be considered for rezoning to a residential zone. The site abuts land in the General Residential Zone 2 on its northern, eastern and southern boundaries. The western boundary of the site abuts Huntingdale Road and further west of Huntingdale Road, is land in the Industrial 1 Zone.

The site is surrounded on three boundaries by land already in the General Residential Zone 2, and the closest industrially zoned land to the site is located to the west of Huntingdale Road. Although the proposed rezoning does not reduce the buffer distances to the industrial area to the west, the issue of reverse amenity and related interface issues related to the future uses on the site will be referred to the Panel for further consideration.

Issue 6: Inadequate notice of the amendment

Two submissions stated that there was inadequate notice of the amendment, including not receiving formal notice of the Amendment.

Officer Response

As part of the exhibition of Amendment C131, Council sent formal notices to surrounding property owners and occupiers who it was considered may be materially affected by the Amendment. The properties notified are indicated on the map below.



In addition, three notices were displayed on the site during the exhibition period, to notify people from the wider area around the site, noting that anyone can make a submission about the Amendment. Public notices were also placed in the Monash Leader and Government Gazette which complies with notice requirements of section 19(1)(b) of the Planning and Environment Act.

Issue 7: Explanatory Report inadequate

One submitter was concerned that the Explanatory Report does not make reference to the industrial zoned land to the western side of Huntingdale Road when referring to the site context.

Officer Response

This is not considered to be a major issue, as the Explanatory Report part of the documentation considered by the Department of Environment, Land, Water and Planning when authorising the amendment, and was considered appropriate.

However, the Explanatory Report will be updated to correctly reference the industrial land on the western side of Huntingdale Road.

CONCLUSION

Amendment C131 implements one of the recommendations of the Monash Industrial Land Use Strategy which Council adopted in 2014. The issues raised in the submissions do not warrant changes to or the abandonment of the Amendment.

As Council cannot resolve these issues and the rezoning proposed by the Amendment is considered appropriate, it is recommended that the Minister for Planning be requested to appoint a Panel to review the Amendment and all of the submissions received.