

1.2 AMENDMENT C125 – PART 2 PROPOSED EXCISION OF ACCESSIBLE AREAS AND BOULEVARDS FROM THE AMENDMENT
(TP427:SM)

Responsible Director: Peter Panagakos

RECOMMENDATION

That Council:

1. *Notes that at its meeting of 27 March 2018 Council in considering a report on Amendment C125 resolved to:*
 - *Note that the Minister for Planning has decided to split Amendment C125 into two parts.*
 - *Note that Part 2 of Amendment C125 relates to land that was proposed to remain in the General Residential zone but as a consequence of changes made by the Minister in March 2017 through VC110 now has a 3 storey (11metre) height limit rather than a discretionary 9 metre height limit.*
 - *Request the Minister to approve Part 2 of Amendment C125 as adopted by Council at its meeting of February 2017 as soon as possible, acknowledging that the maximum mandatory 3 storey (11 metre) height limit will continue to apply in the General Residential zone.*
 - *Note that officers are continuing discussions with representatives of the Department of Environment, Land, Water and Planning and that these discussions will include:*
 - *the identification of accessible areas around activity centres;*
 - *the appropriate zone and planning provisions for the Boulevards identified in the Monash Housing Strategy;*
 - *Authorise the Director City Development to continue discussions with representatives from the Department of Environment, Land, Water and Planning to facilitate the outcomes sought in Recommendation 6 & 7.*
2. *Notes that since March 2018 officers have continued discussions with representatives of the Department of Environment, Water, Land and Planning (DEWLP) in order to facilitate the approval of Amendment C125 Part 2.*
3. *Notes the further strategic work to identify the Accessible Areas and the Boulevards of the Monash Housing Strategy has been undertaken since the adoption of Amendment C125 by Council in 2017.*
4. *Notes that given the time that has now passed since the original request to approve Amendment C125 and the progress Council has made on identifying the Accessible Areas and Boulevards, officers of DEWLP have now indicated that they are unlikely to support to rezoning of these areas (Accessible Areas and Boulevards) as part of C125 - Part 2 and that these should be considered separately.*
5. *Notes that the officers are in the process of developing appropriate zone and planning provisions for the Boulevards and Accessible Areas identified in the Monash Housing Strategy and that these will form part of a separate planning scheme amendment proposal for consideration by Council at a later date.*

6. *Notes that the preparation of draft Precinct Plans for the Clayton and Huntingdale Activity Centres are nearing finalisation.*
7. *Notes that the preparation of a draft Structure Plan for the Mount Waverley Activity Centre is currently underway.*
8. *Acknowledges that given the passage of time since the adoption of Amendment C125 in March 2017 the position of the department and the further strategic work that identifies the Accessible Areas and Boulevards it is no longer appropriate to include these areas in the General Residential Zone – Schedule 3 of Amendment C125 – Part 2, as inclusion of these may further hinder the adoption of C125 – Part 2 which affects the majority of the municipality.*
9. *Directs the CEO to write and request that the Minister approve Amendment C125 - Part 2 as soon as possible, acknowledging that given the further strategic work that identifies the Accessible Areas and Boulevards Council is no longer seeking to include these areas in the General Residential Zone – Schedule 3 of Amendment C125 – Part 2 and these areas should be removed from Amendment C125 - Part 2.*
10. *Notes that the removal of the Accessible Areas and Boulevards from Amendment C125 - Part 2 will mean that the current General Residential Zone – Schedule 2 provisions continue to apply to these areas and there is no change in the planning framework from what currently exists until further work is completed.*
11. *Notes that any further changes to current planning provisions for the Accessible Areas and Boulevards will be the subject of a separate Council report and amendment process.*

PURPOSE OF THIS REPORT

The purpose of this report is update Council on the status of Monash Planning Scheme Amendment C125 – Part 2 and to propose a way forward for the approval of the Amendment based on further strategic work that has been undertaken to implement the Monash Housing Strategy.

BACKGROUND

Monash Housing Strategy & Amendment C125

Council adopted the new Monash Housing Strategy in October 2014. Adoption of the Strategy also included the adoption of an indicative implementation plan.

The Monash Housing Strategy includes a Residential Development Framework Map that provides clear direction for where residential growth will occur and where the garden character of Monash will be protected and enhanced. Attachment 1.

Amendment C125 was the first stage of implementation with changes to protect garden character and provide for growth around Clayton.

After an extensive community consultation program, Amendment C125 was adopted by Council at its meeting of 28 February 2017.

VC110 – Changes General Residential Zone

In March 2017 the Minister for Planning introduced changes to the General Residential zone through Amendment VC110 that set a mandatory default height limit of 11m, and a maximum of 3 storeys. This represented an increase from the existing 9 metre (2 storey) discretionary height that applied at the time of exhibition of Amendment C125.

In approving VC110 the Minister advised that Councils that had zones with the lower height limit of 9m (2 storeys) would be given 3 years to review their planning controls.

In response to the changes made by VC110 Council requested that the Minister approve Amendment C125 with the lower height of 9 metres in the General Residential zones, as this aligned with the exhibited amendment and would allow Council to progress other elements of the Housing Strategy over the next three years, to promote appropriate growth, in appropriate locations.

The Minister subsequently advised that with the introduction of the 3 storey (11 metre) height limit to the General Residential zone, it was no longer possible insert a lower height in the schedule to the zone. It was therefore not possible to approve C125 in the manner in which Council requested.

As a consequence of the changes brought about by VC110 the Minister for Planning decided to split Amendment C125 into two parts.

Part 1 was approved and introduced the Neighbourhood Residential zone to the creek areas and the Dandenong Valley Escarpment. The Residential Growth zone was introduced in and around the Clayton activity centre.

Part 2 was put on hold and contains the General Residential Zone – Schedule 3 areas of Monash that were affected by the increase to 3 storey height limit introduced by the Minister for Planning in VC110 in March 2017. Part 2 also included the major revisions to neighbourhood character policy of the Monash Planning Scheme.

The General Residential Zone - Schedule 3 differs from the existing General Residential Zone 2 in setting different discretionary siting, rear setback and site coverage standards to better respond to garden character. The maximum building height of 3 storeys is the same.

PURPOSE/DISCUSSION

Officers understand that initially it was the inability to resolve the increase in building height to 3 storeys in the General Residential Zone - Schedule 3 that resulted in the splitting of the Amendment. However, given the time that has passed since the Amendment was submitted, the delays in a decision being made on Part 2 and the progress on the strategic work for the Accessible Areas and Boulevards, officers of DEWLP have now indicated that they are unlikely to support to rezoning of these areas (Accessible Areas and Boulevards) as part of C125 Part 2. This is particularly the case given that it is likely that further changes to the zoning provisions will be proposed in the near future.

They have also indicated that for the amendment to proceed with their support, Council should request the removal of the Accessible Areas and Boulevards from Amendment C125 - Part 2.

Officer comment

At the time the original request to approve Amendment C125 was made Council indicated to the Minister that further strategic work, as identified in the Housing Strategy would be undertaken for Accessible Areas, Activity Centres and Boulevards. However, this work would take several years and in the interim it was appropriate to establish a consistent approach to garden character across Monash.

Since the Minister split Amendment C125 in to two parts, officers have progressed the further strategic work identified in the Housing Strategy and continued discussions with representatives from the Department of Environment Land, Water and Planning.

Strategic work that has been progressed since the approval of Amendment C125 includes:

- Identification of Accessible Areas around activity centres and stations – *Attachment 2*
- Identification of Boulevards – *Attachment 2*
- Commencement of a structure plan for Mount Waverley; and
- Preparation of Precinct Plans for Clayton and Huntingdale.

Subject to future consideration by Council all of these projects are likely to result in changes to the residential planning provisions through separate planning scheme amendments in the near future.

Officer recommendation

Given the delays in approving Amendment C125 – Part 2 officers have progressed the further strategic work for the Accessible Areas and Boulevards identified in the Monash Housing Strategy implementation plan. These areas have been identified and are shown in Attachment 2. Although there remains further work on planning provisions and ultimately a potential future separate planning scheme amendment process for these areas, it is agreed that it is no longer appropriate to include these areas in Amendment C125 – Part 2.

On this basis it is recommended that Council request the approval of Amendment C125 - Part 2 with the removal of the Accessible Areas and Boulevards as shown in the Attachments to this report.

It should be noted that the exclusion of these areas means they remain in the existing General Residential Zone Schedule 2. Any further change to these areas would be dependent on the progression of the future strategic work set out earlier in this report and would include further consideration by Council and community consultation.

COMMUNITY CONSULTATION

The Minister indicated that no further notification would be required for the application of the General Residential Zone – Schedule 3 to areas where schedule changes were consistent with what was previously exhibited by Council.

The removal of the Accessible Areas and Boulevards means that there will be no change to the planning provisions currently applying to these areas.

Any further changes flowing from the strategic work on the Accessible Areas and Boulevards, Precinct Plans or Structure Plans for Clayton, Huntingdale and Mount Waverley would be the subject of further consideration by Council and community consultation at a later date.

CONCLUSION

The part approval of Amendment C125 was a significant step forward in the implementation of the Monash Housing Strategy. However, the delay in approving Part 2 has meant that the updated Residential Policy Framework was not included in the planning scheme. During this time Council has been able to progress other significant strategic work for the Clayton, Huntingdale and Mount Waverley Activity Centres and identify the Boulevards and Accessible areas called out in the Monash Housing Strategy. These areas are all likely to have revised planning provisions considered through a separate amendment process in the near future. On this basis there is now little to be gained by continuing to include these areas in Amendment C125 – Part 2, only to consider further planning scheme changes to these areas later this year.

Given the delay in the approval of Amendment C125 – Part 2 and the significant progress of the further strategic work it is appropriate to request the approval of Amendment C125 – Part 2 with the exclusion of the Accessible Areas and Boulevards as identified in this report.