

## 1.2 AMENDMENT C125 – PART APPROVAL OF CHANGES TO RESIDENTIAL ZONES (TP427:SM)

Responsible Director: Peter Panagakos

### **RECOMMENDATION**

*That Council:*

1. *Notes the Minister for Planning has decided to split Amendment C125 into two parts.*
2. *Notes that the Minister has approved Part 1 of Amendment C125 which rezones land to Residential Growth Zone (RGZ) and Neighbourhood Residential Zone (NRZ), as adopted by Council at its meeting of 28 February 2017.*
3. *Notes that in approving Part 1 the Minister deleted the proposed Design and Development Overlay and Development Contribution Overlay from the growth areas around the Clayton Activity Centre.*
4. *Notes that Council resolved at its 26 April 2017 meeting to explore the potential for the introduction of a 9 metre (2 storey) height limit in the General Residential zone to align with the exhibited intent of Amendment C125.*
5. *Notes 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.*
6. *Notes the Ministers advice that any further changes to the exhibited C125 General Residential zone such as the introduction of a 9 metre height limit or further application of the NRZ would require further notification in accordance with the Planning & Environment Act 1987.*
7. *Requests 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.*
8. *Notes that officers are continuing discussions with representatives of the Department of Environment, Land, Water and Planning and that these discussions will include:*
  - a. *the identification of accessible areas around activity centres;*
  - b. *the appropriate zone and planning provisions for the Boulevards identified in the Monash Housing Strategy;*
  - c. *clarification as to why the Design and Development Overlay and Development Contributions Plan were not approved; and*
  - d. *others issues to ensure that Amendment C125 is able to achieve its objectives.*
9. *Authorises 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.*
10. *Notes that further changes to accessible areas and boulevards arising from Recommendation 7 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.

The Minister for Planning has split Amendment C125 into two parts.

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

Part 2 has been put on hold and contains the General Residential zone 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 and the major revisions to neighbourhood character policy of the Monash Planning Scheme.

Although the Minister has advised that Part 1 has been approved, no date for the formal gazettal of the amendment has been provided.

**BACKGROUND****Monash Housing Strategy & Amendment C125**

Council adopted the new Monash Housing Strategy in October 2014.

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

The 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.

Amendment C125 made use of all three residential zones in order to:

- increase residential density in the residential areas around activity centres and the Monash Employment Cluster; and
- reduce development pressure and better reflect the garden city character of the suburban areas of Monash.

**VC110 – Changes General Residential Zone**

The General Residential zone is the “standard” residential zone applied across suburban areas of Melbourne and Monash.

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.

***PURPOSE/DISCUSSION*****General Residential zone - 9 metre (2 storey height limit)**

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.

Officers have had ongoing discussions with the Department in order to have Amendment C125 approved in a form consistent with the amendment adopted by Council in February 2017.

**Splitting of Amendment C125**

The Minister has 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 the 3 storey height in the General Residential area was the main point of difference the Minister decided to split Amendment C125 into two parts, Part 1 and Part 2.

**Amendment C125 Part 1 – Approved**

Part 1 of Amendment C125 will introduce the Neighbourhood Residential zone and the Residential Growth zone to areas within Monash as adopted by Council in February 2017.

This means that the creek areas and the Dandenong Valley escarpment area will shortly be included in the Neighbourhood Residential zone.

Areas around the Clayton Activity Centre will be rezoned to the Residential Growth zone. The proposed Design and Development Overlay (DDO) and Development Contribution Plan Overlay were removed from the Amendment. This is disappointing the removal of the DDO as it misses the opportunity to set out basic height, built form requirements and site consolidation incentives. The removal of the proposed Development Contribution Plan Overlay, fails to recognise and respond to the significant need for additional infrastructure as a result of the future growth facilitated by the change in zoning.

Although not approved as part of Amendment C125 Council has the opportunity to address the issue of built form, building heights and development contributions through the preparation of the Clayton Activity Centre Precinct Plan that has recently commenced. This review would then form part of a future planning scheme amendment for the Clayton Activity Centre Precinct.

**Officer recommendation**

It recommended that Council note the approval of the Neighbourhood Residential and Residential Growth zones and direct officers to seek clarification from the Department on the removal of proposed Design and Development Overlay and the proposed Development Contributions Overlay.

### Amendment C125 - Part 2 – on hold

As noted earlier in this report the Minister has indicated that he will not approve the 9 metre (2 storey) height requested by Council in the General Residential zone, even on an interim basis. However, the Minister did acknowledge that;

*“In locations where the council is trying to maintain lower-scale residential development and character, the NRZ may be more appropriate. In other locations, such as in and around activity and neighbourhood centres, accessible areas and along boulevards where the council's housing strategy is identifying the need for further growth, a GRZ or even a RGZ may be more appropriate.”*

Officers understand that it was only the inability to resolve the issue relating to the reducing the height limit in the General Residential zone that resulted in the Amendment being split into two parts.

The Minister also suggested that Council may wish to review the geographic extent of the application of the General Residential zone, particularly in light of the mandatory 3 storey height limit. However, any changes of this nature would require a further separate planning scheme amendment process including notification to owners and occupiers.

Given that the main point of difference relates to the mandatory nature of the building height limit in the General Residential zone and the 3 storey height limit has been in place since March 2017, it is considered appropriate to seek approval of Part 2 of Amendment C125 as adopted by Council in February 2017. The issue of height (potential 3 storey development) and bulk would be dealt with the planning permit process. Should the Minister approve the amendment as requested by Council this would introduce changes to the siting, rear setback, private open space and tree planting provisions within the General Residential zone. This is a significant step towards implementing the design and neighbourhood character objectives for residential areas of Monash.

Council can then program its strategic work on the accessible areas and main road locations where higher development forms have traditionally been approved. The program will also consider the potential for the further application of the NRZ in low scale residential areas.

### Officer recommendation

It is recommend that Council request Part 2 of Amendment C125 be approved as adopted by Council in February 2017.

It is also recommended that Council continue to investigate the implementation of two storey height limits for lower scale residential areas and higher height limits along boulevards to accord with the Monash Housing Strategy and other planning provisions that may be arise for other strategic program such as the Monash Open Space Strategy and the Landscape and Canopy Vegetation Strategy.

### **COMMUNITY CONSULTATION**

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

Should Council seek changes to the proposed zones that depart from what was exhibited as part of C125 further notification would be required. The standard amendment consultation process undertaken in accordance with the requirements of the Planning and Environment Act 1987, includes:

- Notice in the Government Gazette;
- Notice in the Leader newspaper;
- Letters to owners and occupiers of abutting and nearby properties; and
- Information available on Council's website.

The public exhibition period provides an opportunity for interested persons to make a submission to Council about the amendment and/or the planning application.

Given circumstances around the extensive consultation and the significant community engagement throughout the course of the amendment, undertaking a further round of consultation at this stage is likely to create more uncertainty and confusion in the community.

### **CONCLUSION**

The part approval of Amendment C125 is a significant step forward in the implementation of the Monash Housing Strategy. Importantly it provides recognition of the growth potential around the Clayton Activity Centre and the need to limit change in the more sensitive lower scale, suburban areas of the Dandenong Valley Escarpment and creek areas of Monash.

Whilst it is disappointing that the built form controls and development contribution overlay for renewal areas Clayton were removed, particularly as these were similar to those that apply in Fishermans Bend, these issues can further pursued through the development of the Clayton Activity Centre Precinct Plan that is currently being undertaken by Council as part of the broader strategic work for the Monash National Employment and Innovation Cluster.

Although Council was unable to secure an interim 9 metre (2 storey height limit) in the General Residential zone, the Minister has acknowledged that the Neighbourhood Residential zone may be more appropriate where Council is seeking lower development intensity and the Residential Growth zone may be more appropriate in the boulevard locations and accessible areas adjacent to activity centres. This work is proposed to be undertaken as part of the future implementation stages of the Monash Housing Strategy.

In the current circumstances and having regard to the significant consultation and general community support for Amendment C25 it is appropriate to now request to the approval of Part 2 of Amendment C125. Approval of Part 2 of C125 will introduce siting and schedule changes and finalise Amendment C125.