

C169 Submissions

| Sub#   | Issue   | Officer response   |
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| SUB001 | Supports change across the board to 10%.  | Support Noted.   |
| SUB002 | <p>Proposal is one dimensional. Pretty much every recommendation is future development of Social Family Recreation or off-road trail.</p> <p>Inclusion of reference to SFR in clause 21.10-3 dominates future strategy, and is at odds with objective of more diverse integrated network of open space.</p> <p>Lack of dedicated dog park in Monash, owners need to drive to different LGA.</p> | <p>The Monash Open Space Strategy divides open space into three categories. Sport, Off-road trail/accessway, and Social Family Recreation (SFR).</p> <p>The majority of recommendations are for SFR as this supports a diversity of uses and is the most common category of open space to meet the community's needs, and that is also the category that has the greatest shortfall.</p> <p>There are no recommendations for new Sport open space land due to the size of land required. The implementation plan does make numerous recommendations to upgrade Sport open space to enable increased patronage.</p> <p>Clause 21.10-3 makes reference to SFR (and trails) as these are the most likely to be influenced by the planning system. This is primarily by the development around them, but also as land for these uses may be acquired through open space contributions in the form of land.</p> <p>The amendment and implementation plan is silent on detailed specific uses and upgrades for individual parks. Council will determine this through separate processes for individual reserves.</p> |
| SUB003 | Supports changes  | Support Noted.   |
| SUB004 | <p>Support need for more and quality open space to meet the growing demands created by changing development, recreation and demographic needs.</p> <p>Suggests the following changes.</p>   | <p>Support Noted. This submission supports the overall amendment, and the increase in the contribution rate, and requests a number of changes to the drafting of the proposed clauses.</p> <p>While most of the changes are relevant to open space, and Council's management of open space and the Monash Open</p>   |

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|   |   | <p>Space Strategy, many are not relevant to planning policy, or are already addressed in other clauses.</p> <p>There are rules for drafting of planning scheme clauses, and many of these requested changes do not meet the rules.</p>  |
| 1 | Reference is made to the importance of open space particularly green space and tree canopy for enhanced climate change resilience.  | While climate change and tree canopy are important, they are already addressed in other relevant sections of the scheme (as they are important to all land, not just open space) and should not be duplicated.  |
| 2 | More emphasis needs to be made on the importance of open space for healthier biodiversity and waterways.  | Biodiversity and healthier waterways are addressed under the Biodiversity and Waterways section of the scheme. Inclusion here as well would add to duplication.   |
| 3 | More emphasis on provision of quality immersive open space.   | The quality of open space improvements and how it is utilised is determined by the land manager (usually Council) outside of the planning system.   |
| 4 | The open space contributions should be available to actions that protect and optimise existing open space and grow the network within Monash.   | <p>Expenditure of open space contributions is outside the scope of the planning scheme, so should not be included in the scheme.</p> <p>Expenditure is regulated by the Subdivision Act, and all expenditure must be consistent with what that allows for.</p>  |
| 5 | Reflect the importance of open space for nature conservation outcomes and protection and enhancement of remnant habitat; climate resilience outcomes; waterway health; and accessible diverse recreational provision across the network recognising play, informal and formal activities; and neighbourhood walkability and connection to green spaces. | <p>While land set aside for habitat conservation is undeveloped land and may be considered open space by the public, it does not meet the definition of open space under the Subdivision Act. Broad public access to this land is generally restricted, and conservation is prioritised over broad public use.</p> <p>Some public open space may have conservation values, but this is a secondary purpose.</p> |
| 6 | 21.10 Overview - Should acknowledge that public open space provides community with “important” or “essential” ... benefits  | While this is relevant to the Open Space strategy, it is not necessary to form part of planning policy given the entry rules and word count limitations.  |

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| 7  | Key issues - We believe the first dot point can be strengthened with addition of the following word - ..... more vibrant “connected” communities.  | <u>Change Supported</u><br>Agree. The word “ <i>connected</i> ” should be added.  |
| 8  | The second point should refer to open space “network” rather than areas and retain reference to “nature conservation”; and should refer to “recreation” infrastructure requirements. Or does this refer to other infrastructure (i.e. drainage and public utilities) | The word ‘areas’ should remain as it applies to singular areas, and multiple. The word network indicates the entire network.<br>As discussed above at issue 5, nature conservation and open space for the purposes used in the planning scheme are often in conflict.<br>The reference to infrastructure relates to all infrastructure, but primarily open space infrastructure. The change to recreation infrastructure is not supported as some recreation infrastructure (for example a stadium) should not be built on land set aside for open space. |
| 9  | Deleted point about environmental quality of nature open space areas should be retained but updated to reference Conservation Reserves and waterways and protection and enhancement through management and maintenance (i.e. Healthier biodiversity).                | This dot point has been deleted as waterway protection is already addressed in clause 21.13, and clause 21.13 will already consider any planning assessments relating to open space.<br>Maintenance and management are outside the scope of the planning scheme, as these are operational issues for the land manager, rather than planning assessment considerations.  |
| 10 | As above – climate change is a key issue.  | Climate change is already addressed in clause 13 of the Planning Scheme. It is a consideration for all planning assessments, not just open space.   |
| 11 | Objectives- The deleted objective about provision of safe and accessible open space within walking distance of residents should be retained. Must align with the concept of the 20 min neighbourhood.  | <u>Change Supported</u><br><br>This was removed from the clause as ‘easy walking distance’ did not meet the rules of policy drafting. Following further discussion with DELWP, changing to a quantifiable distance will make it acceptable.<br>It is proposed to reinsert the objective:<br><i>To provide accessible open space that is within 400 metres walking distance of the majority of residents and workers.</i>  |

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| 12 | Third dot point should also refer to ... demands “and inappropriate development”   | <p><u>Change Supported</u></p> <p>However this should be ‘development impacts’ rather than ‘inappropriate development’, as inappropriate development is too subjective.</p> <p>Current: To protect and enhance all open space with identified environmental significance, significant natural landscape and heritage values from degradation as a result of community recreational demands.</p>  |
| 13 | Strategies: First point is very unclear – what does this mean? Shouldn’t it be that the development doesn’t impact upon the visitor experience within the adjacent public open space?  | <p>This strategy relates to the design of the development. For example, if a dwelling is being constructed next to a recreation reserve, it should be designed in such a way to minimise impacts of the reserve on the residents.</p> <p>For example an oval may have a high frequency of use of a referee’s whistle during games so habitable windows should be designed to face another direction, or noise attenuation measures should be included. Dwellings next to a pavilion should be designed to take into consideration the likely noise during usage.</p> <p>The wording is considered appropriate for the purpose.</p> |
| 14 | We believe there still should be a point about protection of significant natural areas from adjacent development. Maybe this could align with the point above.   | This is already achieved through other clauses of the scheme, particularly clause 13, 21.13, and relevant overlays.  |
| 15 | The points 5 & 6 about high residential density development and employment areas – may need strengthening – not only do these sites need to cater for the intended population and workers in these areas but they also need to strategically consider the incremental impact of development and increased population upon the existing open space network and residents. | The wording of these strategies are considered appropriate. The amendment proposes a 10% contribution for open space. The fifth dot point primarily relates to when requests for rezoning are received to consider whether 10% will be sufficient for the type of development on the site.   |
| 16 | The second last point should say “must” have regard to protection...   | Planning policy cannot be drafted as a mandatory requirement. The purpose of local policy is to guide discretion.  |
| 17 | The last point should say “managed” and maintained to protect .....  | <p><u>Change Supported</u></p> <p>Change wording to add in ‘managed and’ before maintained.</p>  |

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| 18            | Reference documents: Need to reference Open Space for Everyone.   | <p>Reference documents are limited to documents that have informed policy drafting, and background work.</p> <p>Open Space for Everyone is the State Government’s open space strategy. It was released after the Monash Open Space Strategy was drafted and did not inform its development.</p> <p>The Monash Open Space Strategy and our policy is broadly consistent with Open Space for Everyone, however it has not informed the drafting of our policy so cannot be a reference (or Background) document.</p>   |
| 19            | Reference documents: Reference to the Urban Forest Strategy – Resilient Melbourne.  | This document has not informed the drafting of our policy, and as such cannot be a reference document to the policy.   |
| 20            | Is there also a suitable reference to a Melbourne Water healthy waterway strategy given that most of the natural open space is in the blue-green corridors in Monash? | There are not any relevant documents that informed the drafting of policy to a degree that they should be considered a reference document to the policy.   |
| <b>SUB005</b> | Neutral to policy. Welcome any updates as they become available.  | No changes requested.  |
| <b>SUB006</b> | Increase is unreasonable, and would lead to less housing or cost shifting to purchaser. Do nothing to achieve housing affordability or housing diversity.             | <p>Not supported. The rate proposed in is response to the open space needs of the future population increase. Housing diversity is a separate issue to the open space contribution.</p> <p>As part of the preparation of the amendment, SGS Economics and Planning have previously undertaken research on behalf of Council, which found that upfront land development infrastructure costs such as sewerage, electricity, water and public open space are factored into the purchase price of the land. That is, the price that a developer will pay for the land is reduced by the cost of the infrastructure need in developing that land.</p> <p>The practical effect of this is that infrastructure charges, such as public open space or sewage connections, are “passed back” to the land vendor via the purchase price reflecting development costs.</p> |

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|               |  | There are much larger issues at play that impact directly on housing affordability.   |
|               | Would suggest maximum of doubling of current 2% to 4%. 10% for any size of townhouse development is unreasonable. An adjustment may be considered for apartment style developments.                    | <p>Not supported. The rate proposed in is response to the open space needs of the future population increase living in more dense development styles.</p> <p>While the increase may seem high for 3 lot subdivisions, this is because the rate Monash have been charging historically has been insufficient to meet the needs of open space for future residents.</p>   |
| <b>SUB007</b> | Neutral (government agency).<br>Please no further contact.   | No changes requested.   |
| <b>SUB008</b> | Does not support increase proposed. Supports increase, but only to % based on number of lots (i.e. 3 lot = 3%, 4 lot = 4% etc). This would help improve OS, and assist to stabilise small development. | <p>Not supported</p> <p>The analysis of open space needs has determined that a contribution rate of around 13% is required to meet the open space needs associated with future development.</p> <p>The rate proposed in is response to the open space needs of the future population increase living in more dense development styles.</p> <p>While the increase may seem high for 3 lot subdivisions, this is because the rate Monash have been charging historically has been insufficient to meet the needs of open space for future residents.</p> <p>A contribution rate of 3-4% would result in insufficient public open space being provided for new residents resulting in poor outcomes for all residents, including existing.</p> |

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|               |  | The rate has been determined to provide an appropriate level of open space for new development. While population is forecast to grow by approximately 22%, the quantity of open space is forecast to grow by 4.9%.   |
| <b>SUB009</b> | Completely objects to proposal.  | See SUB008   |
| <b>SUB010</b> | Rate too high, stopping development in the area.   | See SUB008   |
| <b>SUB011</b> | Ridiculous rate for open space contribution.   | See SUB008   |
| <b>SUB012</b> | Rate is too high to support development. Community needs better housing.   | See SUB008   |
| <b>SUB013</b> | Raising rate will only block new incoming opportunities. About atmosphere not earning.   | See SUB008   |
| <b>SUB014</b> | Agrees with the amendment  | Support Noted.   |
| <b>SUB015</b> | Supports increase. The changes should also promote or incentivise the retention of existing tree canopy to help with urban cooling.  | Support Noted.<br>Urban tree coverage was not a part of the Monash Open Space Strategy, and as such has not been included as part of Amendment C169.<br>Council adopted an Urban Landscape and Canopy Vegetation Strategy in 2018, and has prepared Planning Scheme Amendment C165 to introduce canopy tree controls. This amendment is currently with the Minister for Planning for authorisation.                          |
| <b>SUB016</b> | Support amendment.<br>Hope that Council ensure funds are distributed equitably, with focus on improving POS in immediate area where large parcel of land is swallowed up by development, and that focus on improving access in the southwest corner of Monash which is worst area served for open space. | Support Noted.<br>The expenditure of the funds is outside the scope of the planning scheme as this is governed by other legislation.<br>The contributions are to address open space needs for new residents, so they will generally be spent where there is the greatest number of new residents.<br>Shortfalls in public open space for existing residents will be funded from other Council sources such as rates revenue. |
| <b>SUB017</b> | Supports amendment.  | Support Noted.   |

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|               | Does not support over-crowding of Monash and concrete jungles, prefers trees and grass areas.  | The design and character of new development is outside the scope of this amendment.<br>Monash have strong policies regarding neighbourhood character, and development design that are regularly being reviewed and updated for specific areas.  |
| <b>SUB018</b> | Supports amendment, but seeks changes.<br>Seeks reinstatement of strategy around open space being within comfortable walking distance.   | <u>Change Supported</u><br>As discussed at submission 4, issue 11 it is proposed to reinstate this strategy with revised wording.<br><i>To provide accessible open space that is within 400 metres walking distance of the majority of residents and workers.</i>   |
|               | Seeks mandating the offsetting of permeable surface and canopy losses through facilitating the requisition of new open spaces in Clayton.  | This is outside the scope of the amendment.<br>There are other provisions in the planning scheme that deal with site permeability, and canopy trees. However it is noted canopy tree protections for parts of the municipality (including Clayton) are currently not in the scheme, and are proposed as part of amendment C165 which is currently with the Minister for Planning for authorisation. |
| <b>SUB019</b> | Supports amendment   | Support Noted.  |
| <b>SUB020</b> | Supports amendment. No changes requested.<br>Support that parties increasing density for profit should contribute fair share of profits to help preserve, maintain and increase green spaces in those areas. | Support Noted.  |
| <b>SUB021</b> | No content in submission.  | This submission content was blank and has been left as a placeholder.<br>Officers have attempted to contact the submitter to ascertain if the submission was intended to be lodged, and have not had a response.  |
| <b>SUB022</b> | Supports requiring new development to include some personal open space.  | Support Noted.<br>The amendment does not propose any changes to private open space. The Monash Planning Scheme already requires private open space in the form of a yard, balcony or rooftop for most residential development.  |



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|               | Perfectly reasonable to require developers creating additional dwellings to fund additional open space. Leave legacy of more people, but less open space per capita. Council has responsibility to maintain amenity for all residents. This amendment enables Council to fund this for all current and future residents. | No changes requested. However it should be noted that public open space contributions should only fund the open space demand generated by additional residents. Any need or demand generated by current residents, and maintenance should be funded through existing residents, most commonly through rate revenue. |
| <b>SUB023</b> | Supports amendment   | Support Noted.  |
| <b>SUB024</b> | Supports amendment   | Support Noted.  |
| <b>SUB018</b> | Supports amendment, but seeks changes. Seeks reinstatement of strategy around open space being within comfortable walking distance.  | <u>Change Supported</u><br>Support Noted.<br>As discussed at submission 4, issue 11 it is proposed to reinstate this strategy with revised wording.<br><i>To provide accessible open space that is within 400 metres walking distance of the majority of residents and workers.</i>                                 |
| <b>SUB025</b> | Amendment is the bare minimum. City becoming unliveable due to large developments and overcrowding. Increase in open space partly addresses this.  | The rate proposed by the amendment is considered appropriate. An implementation plan has been prepared to identify open space needs in 2036, and apportion costs between new and existing development.  |
|               | The levy should be based on the overall cost of the property at the time of sale, without allowing the amount to be paid in a way that can be manipulated.   | The contribution rate is payable on the value of the land just prior to subdivision. An independent valuation is obtained to ascertain this to prevent the system from being manipulated.   |
| <b>SUB026</b> | Supports amendment. Long overdue, requires developers to contribute more of their profits to securing and upgrading open space for benefit of increased population.  | Support Noted.  |
| <b>SUB027</b> | Supports the amendment. City has experienced loss of green space and trees as higher density development has grown. High importance of open space demonstrated in pandemic. Green space protects against urban heating and makes positive contribution to clean air and biodiversity.                                    | Support Noted.<br>It should be noted that the amendment does not make any changes to private open space and trees on private land. The amendment only proposes to change the contribution payable to public open space when private land is subdivided.   |

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| <b>SUB028</b> | Supports amendment.<br>Has seen significant improvement in canopy cover and investment in parks and paths improving liveability.   | Support Noted.   |
|               | Like to see increased investment and collaboration with SRL & Monash University to create urban farms and gardens, and fruit tree planting on footpaths.   | Urban farms, footpaths and road reserves are outside the scope of this amendment. Council has a street tree policy to address tree planting on nature strips.<br><br>Council will be collaborating with Suburban Rail Loop in precinct planning to ensure there is appropriate high quality open space in the new station precinct catchment areas within Monash.  |
|               | Increased revenue to fund these initiatives should be considered given Monash has some of the lowest rates in the state.   | The increased revenue will only fund the provision of open space improvements and acquisitions associated with the additional new population.<br><br>Any improvements for existing residents should to be funded through existing sources, most significantly rate revenue.  |
|               | Urban farming would assist community in reducing living costs, but needs Council support.  | This is outside the scope of the amendment.  |
| <b>SUB029</b> | Supports Amendment<br>Need to increase capacity to provide POS.<br>Need to provide habitat space for wildlife that is lost with reduction in private yards.<br>Amendment is well integrated with likely growth scenarios.<br>Hopes that shortfalls in POS can be addressed.  | Support Noted.   |
| <b>SUB030</b> | Amendment will bring about increase to quantity and quality of open space.<br>Shame that population growth is forecast at 22%, yet POS is only forecast to grow 4.9%. Open space should grow at same rate as population.<br>Strongly encourages Council to alter amendment so that POS grows at same rate as population, or POS grows by at least 11% otherwise we risk a decrease in quality of life. | It is not possible to increase the open space provision at the same scale as the population due to the increase in the density of development.<br><br>While there is a discrepancy between the population growth, and the quantity of open space growth, this is consequence of increased density of development..<br><br>Other open space can be improved to increase its capacity. For example the addition of park furniture, a shelter and |

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|               |  | additional playground equipment can make it suitable and appealing for use by more people.  |
| <b>SUB031</b> | Need open spaces, but increasing the levy contributions is not warranted.  | The current open space contribution is no longer suitable for the density of development and resultant population growth. Retaining the current levy will result in a degradation in the quality and quantity of open space for all residents (new and existing), due to new development not making a sufficient contribution to address the open space needs generated by those new residents and workers.   |
| <b>SUB032</b> | Own site that has permit for townhouse and apartment development. Will include social housing. Development has received Big Build funding, and construction to commence in September 2022. Acknowledge need to deliver appropriate open space, but the amendment does not address the economic impact on the development of social housing projects that have been invested in on the basis of the current rate. | The 10% contribution rate was first proposed as part of amendment C148 which commenced exhibition on 17 June 2019. Council resolved to seek authorisation for the amendment in October 2018. Any parties that bought development sites after this date should have been aware of the proposed increase as it has been in the public realm. Since C148 was exhibited, the average Melbourne Metropolitan house prices have increased 39.7%. Any parties who bought development sites before C148 was exhibited will have experienced significant price growth. Whilst the economic impact of the proposed changes to social housing or any other project has not been specifically undertaken, the increase in the POS levy will still result in a substantial windfall to the property owner due to capital growth. The increased POS contribution (for 5 lots and above) will be the equivalent of 12.5% of the average property growth over the 2.75 year period. |
|               | Additional 5% will undermine economic viability of the project with no government funding covering the POS contribution.   | As discussed above the proposed changes have been public for over three years. While the valuable social contribution that social housing makes to the community is acknowledged, residents of social housing do not have any lesser need or entitlement to access public open space in comparison to residents of privately owned development.   |

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|  | <p>Consider the amendment proposes an excessive rate, and municipal wide flat rate is contrary to most comparable municipalities in Melbourne.</p> | <p>The rate is appropriate given the costs to acquire land for open space in Monash. It is unlikely that there will be many residential subdivisions where the land will be of sufficient size that a land contribution could form a high quality park.</p> <p>Of the 7 surrounding Councils;</p> <ul style="list-style-type: none"> <li>• Two have a flat rate for the whole Municipality.</li> <li>• Three have two different rates (one suburb dependent, one new lot size dependent, and one with a different rate in activity centres).</li> <li>• One has 5 different rates, one being 20% and two being 10%.</li> <li>• One has no rate listed in their schedule.</li> </ul> |
|  | <p>Fails to distinguish between the different types of subdivision or between suburbs or precincts.</p>  | <p>Almost all development in Monash is medium density infill to varying degrees. Land values will differ depending on the development capacity of the land, and land with a higher capacity for development will make a higher contribution.</p> <p>A single rate across the municipality is appropriate. Residents will often use facilities outside their suburb, especially where they live near the border, or for sporting facilities and open space, or just where a park has preferred infrastructure and equipment.</p>   |
|  | <p>Applying one size fits all is fundamentally flawed and should not be further considered.</p>  | <p>The panel for Amendment C148 found that:<br/> <i>“The treatment of the whole municipality as a single planning unit is appropriate.”</i></p>   |
|  | <p>Request at a minimum that transitional arrangements are applied for development approved before the gazettal date.</p>                          | <p>Councils intention to increase the Public Open Space contribution rate has been public since Amendment C148 was exhibited in June 2019 (or Council resolved to seek authorisation for the amendment in October 2018).</p>  |

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|               |  | <p>It is likely to take a further year or longer for the amendment to be gazetted and come into effect, giving parties at least four years since Amendment C148 was first exhibited.</p> <p>Development permits are issued with the reasonable expectation that they will be acted on within a reasonable time period.</p> <p>Therefore, transitional arrangements are not considered warranted.</p>   |
| <b>SUB033</b> | Supports and reiterates issues raised in Submission 4.   | <p>Support Noted.</p> <p>Please see officer response to SUB004.</p>  |
| <b>SUB034</b> | <p>1 HIA believes the setting of public open space rates through Clause 53.01 of the planning scheme should be tested against the 'need' and 'nexus' principles for public open space contributions at section 18(1A) of the Subdivision Act 1988.</p> | <p>Not supported.</p> <p>The proposed open space contribution is being applied via the mechanism available through the planning scheme and in accordance with the Planning and Environment Act.</p> <p>The reference to the Subdivision Act is not relevant to the amendment.</p> <p>Section 18 of the Subdivision Act only applies where a public open space contribution does not apply in the Planning Scheme. The schedule to Clause 53.01 of the Monash Planning Scheme already lists a contribution payable, and as such section 18(1A) of the Subdivision Act does not apply.</p> |
|               | <p>2 HIA considers the demand and supply of public open space varies across Monash, yet an equal 10% contribution applies.</p>   | <p>Not supported.</p> <p>The panel for Amendment C148 accepted the approach of a consistent rate across the municipality.</p> <p>It should be noted that the recent panels for Glen Eira and Yarra both also determined that a single municipal wide rate was appropriate.</p>   |

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|          |  | <p>Monash currently uses a consistent rate across the municipality regardless of suburb, varying depending on lots created.</p>   |
| <p>3</p> | <p>According to the August 2021 report Development Contributions: How should we pay for new local infrastructure by the National Housing Finance and Investment Corporation (NHFIC), development contributions are increasingly being used for social infrastructure with no clear nexus to development, as opposed to local essential infrastructure, and also found developer contributions ultimately can act like a tax and discourage development.”</p> | <p>Not supported.</p> <p>This report deals with Development Contributions. The Public Open Space contribution is not a Development Contribution.</p> <p>Public Open Space contributions have existed in Victoria in one form or another since the post-war development of Melbourne’s suburbs.</p> <p>It should be noted that the context of this report was based on development contributions in Sydney, and for Greenfield development and is not relevant the issue of public open space in an established urban area.</p> <p>Public open space is highly important social infrastructure, and the State Government’s <i>Open Space for Everyone</i> identifies and reinforces the need for high quality open space accessible for all residents particularly as the population moves into higher density and high rise housing.</p> <p>The implementation plan accompanying the amendment demonstrates how the funding will be used, and that it is not a tax for general revenue.</p> |
| <p>4</p> | <p>Indicative case studies sourced by NHFIC show that developer contributions can ultimately amount to between \$37,000 and \$77,000 per dwelling in Victoria. Increasing the open space provision is contributing to the cumulative impact of such charges that erode housing affordability.</p>  | <p>Monash currently only have a single Development Contribution Scheme for one site in Clayton. The contribution per dwelling is \$411.76 as at July 2021. If development contributions are a major factor in development attractiveness, this would make Monash a highly attractive place for developers.</p>  |

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|   |   | <p>As part of the preparation of the amendment, SGS Economics and Planning have previously undertaken research on behalf of Council, which found that upfront land development infrastructure costs such as sewerage, electricity, water and public open space are factored into the purchase price of the land. That is, the price that a developer will pay for the land is reduced by the cost of the infrastructure need in developing that land.</p> <p>The practical effect of this is that infrastructure charges, such as public open space or sewage connections, are “passed back” to the land vendor via the purchase price reflecting development costs.</p> <p>There are much larger issues at play that impact directly on housing affordability.</p> |
| 5 | <p>Funding a much wider array of social infrastructure through developer contributions can impede new housing supply and reduce housing affordability for buyers and renters (NHFIC).</p> | <p>This is irrelevant as Monash is not proposing to fund a wider array of social infrastructure. Monash is only seeking to adequately fund public open space for new residents.</p>   |
| 6 | <p>Objects to discretionary power to seek greater contribution on strategic sites, noting not supported in C148 panel report.</p>   | <p>This discretionary power will not apply to planning permits. It will only apply to rezoning proposals, and will need to go through a similar and thorough process as this amendment is. This will only apply to land that is being rezoned, and the future use and/or development nature will change, which lead to a substantial change in population growth and change in open space demand in that location.</p> <p>The panel report did not provide any specific discussions about strategic development sites or make any findings about them. The only reference to them is in describing what the amendment does, and stating that it allows the capacity to go above the standard rate for strategic redevelopment sites.</p>                            |

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|   |  | The panel's silence on this matter does not mean a lack of support. On the contrary, panel reports usually focus on the issues that aren't supported by the panel.  |
| 7 | Excessive open space contribution rates increase land development costs and create a cost disadvantage for urban infill redevelopment.   | <p>The amount proposed at 10% is not considered excessive. It is the same rate as the Precinct Structure Plan Guidelines for outer Melbourne municipalities recommend for greenfield development, so does not demonstrate a cost disadvantage for urban infill development over greenfield development, and has been determined and supported through the background work undertaken.</p> <p>Also see the response at Point 4 of SUB034</p> |
| 8 | Legacy of working from home and flexibility to do so in future could have a big effect on the locational choices of people and businesses, which may reinforce strong growth in outer suburbs, new growth areas, and peri-urban rural areas, inconsistent with Plan Melbourne. | <p>This is statement of opinion by the author of the submission and is not supported by State government policy, which directs 70% of new development in Melbourne to established areas. correct.</p> <p>It has also lead to an increase in open space use across Melbourne, seeing many open spaces at or beyond capacity.</p> <p>This amendment will ensure that there will be sufficient public open space for a growing population.</p> |



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| <p>9</p>  | <p>Implementation of proposed amendment C169mona as a \$606 million development contributions scheme, is contributing to the cumulative impact of rising housing costs in Monash, and is therefore considered to be an aggressive counter measure to encouraging strategically supported urban consolidation.</p>  | <p>As part of the preparation of the amendment, SGS Economics and Planning have previously undertaken research on behalf of Council, which found that upfront land development infrastructure costs such as sewerage, electricity, water and public open space are factored into the purchase price of the land. That is, the price that a developer will pay for the land is reduced by the cost of the infrastructure need in developing that land.</p> <p>The practical effect of this is that infrastructure charges, such as public open space or sewage connections, are “passed back” to the land vendor via the purchase price reflecting development costs.</p> <p>There are much larger issues at play that impact directly on housing affordability.</p> |
| <p>10</p> | <p>HIA objects to setting a public open space contribution rate above the maximum 5 per cent pursuant to sections 18(1)(a)-(c) of the Subdivision Act 1988 (noting there is no maximum set under the Planning and Environment Act, 1987). We note the current sliding scale of 2-5 per cent is commensurate with incremental subdivision and a more equitable model consistent with the Subdivision Act.</p> | <p>Not supported.</p> <p>The Planning and Environment Act specifically provides for the setting of an open space contribution in the planning scheme and independent of the Subdivision Act. The Subdivision Act is not relevant to this amendment.</p> <p>The current low contribution rate will result in a declining ratio of open space per person and service level for all residents due to residential growth.</p> <p>The maximum rate set in the Subdivision Act was a direct transfer from the Local Government Act 1958 and established at a time when most development was greenfield development developed at around 10 dwellings per hectare, in effect providing 200-500 m2 of open space for every hectare of development.</p>                       |

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|           |  | <p>Now most development in Monash is higher density with most subdivisions generally being between 25-60 dwellings per hectare (noting there are also less dense and more dense development). The same provision of open space is generally not sufficient for the density of dwellings and number of residents living there.</p> <p>Even in greenfields sites it is recognised that the contributions set out in the Subdivision Act are insufficient with current development densities and the PSP Guidelines now seek a 10% open space contribution.</p>  |
| <p>11</p> | <p>Open space contributions greater than 5 per cent are considered to be an unjust financial imposition on applicants in light of the legacy contribution that land makes to capital works spending via historical rate collections.</p>   | <p>A contribution rate of 10% is appropriate and just given the density of new development in Monash and the population growth and increased demand for open space that this development facilitates.</p>   |
| <p>12</p> | <p>Land has been taxed by councils for decades with a significant proportion (typically one third) of this revenue being dedicated to capital works spending. Therefore increasing the open space contribution from a sliding scale of 2-5 per cent commensurate with incremental subdivision, to a municipal wide 10 per cent for all subdivisions of 3 or more lots, is creating an excessive charge for open space in addition to traditional rate collections.</p> | <p>Not supported.</p> <p>Council does not collect taxes.</p> <p>Rate revenue is provided by the existing population base for services to the existing population base.</p> <p>Rate revenue funds open space capital works to meet the needs of the existing population, such as filling gaps, and renewal of infrastructure.</p> <p>Public Open Space contributions are the accepted tool for ensuring that new development contributes to meeting the open space need that it creates, rather than expecting a free ride on existing rate payers.</p> <p>This funds open space associated with additional population residing in and working in the new development associated with the subdivision.</p> <p>The current rate of 2% for three lot residential subdivisions is unsustainable and the lowest scheduled residential subdivision rate in the State.</p> |

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| <p>13</p> | <p>Borrowing is another platform council can use to generate funding above the current maximum 5 per cent public open space contribution rate to purchase land for future provision of open space. The NHIFC report indicates “aversion to debt” by councils is one of a few factors putting more pressure on the development contribution system to raise revenue. Councils can borrow money from Treasury Corporation of Victoria.</p> | <p>Not support and not relevant to the amendment.</p> <p>Borrowing is not an additional revenue source and does not create extra money to meet the additional need created by new development. It still places the majority of the burden of open space improvements on existing rate payers, providing a “free ride” for new development.</p> <p>Any borrowed funds still need to be paid back by existing rate payers.</p> <p>Borrowing money does not change the increased open space needs created by population growth.</p> <p>It is also contrary to the submitters earlier request for the public open space contribution to be related to need and nexus created by new development.</p> |
| <p>14</p> | <p>In the opinion of a group of submitters and Planning Panels Victoria in amendment C286yara for open space contributions in the City of Yarra, those that subdivide are unfairly burdened with the responsibility to fund new open space projects.</p>   | <p>This statement is slightly out of context with the Panel Report at Yarra C286.</p> <p>In considering whether subdivision was the most appropriate way, the Yarra C286 panel found that:</p> <p><i>It is not the Panel’s role to discuss this issue in detail or to suggest alternative models. However, the Panel has a responsibility to identify fundamental weaknesses where it sees them. It considers that given the nature of much commercial development, particularly in inner areas, the Clause 53.01 methodology used is no longer fit for purpose. This is not a criticism of Council. It has used an appropriate mechanism available to it.</i></p>                               |
| <p>15</p> | <p>Subdivision is not a fit for purpose way of collecting open space contributions as not all development is subdivided.</p>   | <p>This statement is noted, however it is not relevant to the proposed amendment, nor the contribution rate proposed.</p> <p>Subdivision is the most common way of collecting public open space contributions in the Victorian planning and development</p>  |

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|               |   | system. The amendment uses the most appropriate tool available.   |
| 16            | In amendment C286yara the Panel stated: “Subdivision is a useful but imperfect indicator of likely future populations; imperfect because not all larger developments will be subdivided.” “It considers that given the nature of much commercial development, particularly in inner areas, the Clause 53.01 methodology used is no longer fit for purpose.” | See response at point 15 above.<br>However, the panel also found that Yarra had used an appropriate mechanism available to it and supported an increase to the contribution rate in the Clause 53.01 schedule.  |
| 17            | In respect of the \$606 million open space contributions sought under amendment C169mona, subdivision transactions should not be relied on to fairly apportion new demand for open space.   | Not supported.<br>The collection of public open space contributions to fund open space improvements/additions is long standing practice in development in Victoria.<br>Apportioning open space costs fairly between future population growth and existing population is how all public open space amendments have progressed in recent years. This is an appropriate methodology.   |
| 18            | In the event there is to be any increase to the public open space contribution rate in the schedule to Clause 53.01 of the Monash Planning Scheme, a transitional provision should be applied.  | Not supported.<br>As discussed above under SUB032’s final issue if this amendment is gazetted, by time this occurs developers will have had at least five years since Council resolved to seek authorisation to increase the contribution rate, and at least 4 years since first exhibited to progress their developments.<br>Further, between amendment C148 being exhibited and March 2022, average Melbourne residential prices have increased 39.7%, substantially greater than the proposed Public Open Space contribution increase. |
| <b>SUB035</b> | Lack of strategic justification.  | Not supported.<br>No evidence presented in support of the submitters position.<br>The amendment is strategically justified. The work undertaken for amendment C148 has been built upon, and additional work recommended by the panel has been prepared. Ultimately the  |

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|               |   | Panel process will determine the appropriateness of the amendment.   |
|               | Excessive size of the proposed increase.  | <p>The proposed Public Open Space contribution rate is set in response to the increased population forecast and the increased density of development. Many ratepayer argue that the density of new development is excessive.</p> <p>The proposed rate is directly derived from the forecast population increase and the increased development density.</p> <p>While the increase is a change compared to historically low sliding scale rate of Monash (amongst the lowest in the state), it is comparable to rates that are being introduced in established urban areas and is derived from the forecast population growth and public open space needs.</p> |
|               | The inequalities associated with applying a blanket rate across the whole municipality.   | A blanket rate across the municipality is appropriate. The panel for amendment C148 supported this <i>"inclusionary approach"</i> , as have other recent panels for other Councils.  |
| <b>SUB036</b> | Believes Open Space contribution is necessary to help Council balance their budget, but increase to 10% will have huge impacts. | <p>Not supported.</p> <p>This submission incorrectly states that Pubic Open Space funds are part of general rate revenue.</p> <p>Public Open Space funds are "tied funds" and can only be spent on increasing or improving the provision of public open space in Monash.</p> <p>The open space contributions go into a reserve (separate to the annual budget) to fund open space associated with new development.</p> <p>If public open space funds are not collected public open space provision in Monash will decline overtime.</p>  |

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|                            | <p>Developers to pass on all the cost to buyer and affect affordability, and impact significantly on 3-4 unit development, possibly ruling most of them out.</p> | <p>Not supported.</p> <p>As part of the preparation of the amendment, SGS Economics and Planning have previously undertaken research on behalf of Council, which found that upfront land development infrastructure costs such as sewerage, electricity, water and public open space are factored into the purchase price of the land. That is, the price that a developer will pay for the land is reduced by the cost of the infrastructure need in developing that land.</p> <p>The practical effect of this is that infrastructure charges, such as public open space or sewage connections, are “passed back” to the land vendor via the purchase price reflecting development costs.</p> <p>There are much larger issues at play that impact directly on housing affordability.</p> <p>It is unlikely to rule out 3 and 4 lot subdivisions. The POS contribution rate in Knox is 3-4 times the current contribution rate in Monash, and has been so for over 20 years. There is still a substantial level of 3 and 4 lot subdivision activity in Knox.</p> |
| <p><b>SUB037</b><br/>1</p> | <p>Acknowledges this continues from C148, and that Council have carried work requested by Panel.</p>   | <p>This submission is subject to a separate planning scheme amendment request that has been lodged with Council.</p> <p>The most appropriate place to consider these site specific issues is in the future planning scheme amendment to rezone this specific parcel of land.</p> <p>As the submission has been made to Amendment C169, a response is provided to the issues below.</p>   |

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| <p>2</p> | <p>Principal objection is to quantum of increase, being at least 100%.</p>  | <p>A significant body of work has been undertaken (beyond minimum required by the panel) to determine the appropriate contribution level for open space.</p> <p>The contribution level required to meet Council's service levels was assessed at 13.23%, however a contribution rate of 10% was selected, consistent with what was proposed as part of amendment C148.</p> <p>The quantum of this increase is due to Council historically having such low rates (for smaller subdivisions).</p>  |
| <p>3</p> | <p>Yarra Panel report has only supported 7.5% interim rate with further work required to support a higher rate.</p>   | <p>Public open space needs, development density and population growth vary across each municipality. Therefore, it is not accurate to simply compare the rate in one municipality to another.</p> <p>Each Council has different circumstances, and their rates will vary. For example, Knox has had a contribution rate of 8.5% (where the average new lot size is under 725 sqm) for over 20 years.</p> <p>Glen Eira proposed a contribution rate of 8.3%. This rate was accepted by the panel.</p> <p>The Panel for Yarra provided reasons why they recommended an interim rate of 7.5%. Officers have reviewed the Yarra Panel report, and do not consider that the reasons that caused the panel to reduce the rate (and require further work to apply a higher rate) would apply to Monash.</p> |
| <p>4</p> | <p>At time of Stonnington's amendment (2015), they had one of the lowest OS provisions per capita (20 sqm), despite this maximum contribution only changed to 8%.</p> | <p>As state above, each Council is different. In 1999 when the Victorian Planning Provisions were introduced, a rate of 2-5% depending on number of lots was considered appropriate in Monash, and a rate of 5-8.5% depending on whether the new lots were smaller or larger than 725 sqm was appropriate for Knox.</p> <p>Existing open space provision will have a limited impact on the contribution rate as the contribution rate only applies to open space provision for additional residents associated with</p>  |

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|    |  | development. If there is a shortfall of open space for existing residents, this is funded by Councils through other means (predominantly rates), and not through contributions under clause 53.01.  |
| 5  | Client has large land holding, and has significant upfront costs due to past uses.   | This is not relevant to the open space need for future residents.   |
| 6  | Blanket 10% rate does not enable other costs associated with development to be considered.   | This is not relevant to the open space need for future residents.   |
| 7  | Strategic sites should be approached differently, and require amount to be negotiated.   | Council's methodology proposes a single rate across the municipality. Reducing the rate for some sites (or in some areas) will necessitate a higher rate in others.   |
| 8  | Do not consider that seeking more than 10% on strategic development sites is strategically justified.  | This will only apply where land is being rezoned, and will depend on the circumstances for individual sites.  |
| 9  | Disconnect between what the MOSS classifies as open space (any size, and off-road recreation trails), and proposed clause 22.15 which sets minimum sizes.  | The MOSS recognises any existing open space, including that which does not meet contemporary standard and needs. While off-road trails are a consideration of the open space strategy, the trails themselves aren't necessarily on land that's primary purpose is public open space. Many trails are over easements (such as pipe tracks), or have sections that are on footpaths in road reserves, or on road for cycling. |
| 10 | MOSS considers off-road recreational trails as part of OS in the municipality, yet policy wouldn't consider them.  | As discussed above, it's not the trail itself that is open space, it's the land that it is within.  |
| 11 | MOSS requires off-road pedestrian access through their client's site, but will not meet contribution requirements of clause 22.15.   | The MOSS requires consideration of an off road pedestrian path. The intention for this path is to act as an active transport connection, rather than an open space reserve, and could be within the road reserve. It just needs to link the two reserves relatively directly. It does not need to be in a 20-30 metre wide reserve also serving other purposes as off-road trails do.                                       |
| 12 | Unjust for Council to exclude land based only on size. Client's site abuts two existing parks, an additional large space isn't required, but smaller spaces are beneficial. Propose 1ha of site to be OS, but will not be counted as a contribution. | The sizes identified in policy are to meet contemporary needs, and to provide guidance to applicants before they start preparing their applications.  |



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|    |  | <p>There may be some circumstances where smaller land contributions are appropriate, but land contributions for open space need to be of a useful size to be beneficial. A 5000 park provides Social/Family Recreation space with a range of uses to suit a range of users.</p> <p>Council has consistently advised the applicant that we would not accept land as a contribution in this site due its encumbered nature from historical uses and potential contamination.</p>                            |
| 13 | Note Council's Implementation Plan includes land acquisition for new parks under 0.5ha, contrary to proposed local policy.                                     | <p>There are some circumstances where smaller parks can be appropriate, particularly where there is sufficient larger size parks in the surrounding network. However generally at present there is a shortfall of medium size parks (4000-6000 sqm) to meet contemporary needs.</p>   |
| 14 | Needs to be additional flexibility around clause 22.15 for land contributions.   | <p>Officers consider the wording of clause 22.15 to be appropriate.</p>   |
| 15 | Unreasonable that large sites are required to make cash contributions unless there is an identified gap in the area, and the contribution is provided by land. | <p>Council has taken an inclusionary approach where all development will contribute equally to open space needs for future residents.</p> <p>Most developers can present a case why their development should not need to contribute as much to development. This submitter submits that large sites should not have to make a contribution under certain circumstances where as other submitters submit that small developments should not have to make as large a contribution as large development.</p> |
| 16 | Council have indicated they won't take ownership of any land on Talbot Quarry site. Site should be excluded from POS contributions in the schedule.            | <p>The submitter is correct that Council have indicated they won't take ownership of any land on the site (and there has been a Council resolution to this effect).</p> <p>All sites should contribute to all open space. Future residents of Talbot Quarry will use other open space (such as sporting reserves) in Monash that will require improvements to increase their carrying capacity.</p>   |

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| 17            | Negotiated open space contributions should have regard to the availability of encumbered land as an OS contribution of the development. Seek encumbered land be included in the OS contribution. | <p>Encumbrances on land can vary. For example flood prone land will have limitations on improvements that can be made, as will land under high voltage transmission lines which can also have landscaping restrictions. Council's objective is to ensure that we aren't provided with land that doesn't allow Council the flexibility to use and improve for a range of uses.</p> <p>While there may be circumstances where Council does accept encumbered land, this would need to be carefully considered.</p> <p>In the case of the land subject to this submission, Council is not accepting land due to the risk posed by the historic uses and contamination, and the potential ongoing management implications.</p> |
| 18            | The quantum of POS for Talbot Quarry should be required through the Comprehensive Development Plan for the site, rather than a full cash contribution.   | <p>Consistent with previous advice, Council will not accept land contributions for Talbot Quarry due to the encumbered nature of the land.</p> <p>There are two existing parks abutting Talbot Quarry and while a detailed assessment is yet to be carried out, it is expected that upgrades would be required to meet the demands of the increased population should Talbot Quarry rezoning go ahead.</p>   |
| <b>SUB038</b> | Supports C169. Developers take all vegetation from block before constructions, and should pay more to restore some back.   | <p>Support Noted.</p> <p>This amendment will not have any impact on vegetation clearing.</p> <p>Council has previously done separate work on urban canopy coverage, resulting in Planning Scheme Amendment C165 to introduce canopy tree controls. This amendment is currently with the Minister for Planning for authorisation.</p>   |
| <b>SUB039</b> | 1 The increased levy will impact upon the future development of the municipality.  | The increase will ensure the current public open space access that residents like, and that attracts new residents can be maintained while our population is forecast to grow by 22%.  |
| 2             | The methodology and documentation which underpins the amendment is flawed. It lacks strategic justification.   | See SUB035 issue 1.  |

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|               | 3 | The rate is too high and will impact on the success of the Monash National Employment and Innovation Cluster (NEIC)  | Officers have reviewed subdivision in the NEIC, and there is no evidence this change will impact on its success.   |
|               | 4 | A blanket open space contribution for all land is an inconsiderate policy/method. i.e. it does not distinguish between different development typologies and concessions associated with the provision of affordable housing. | A blanket open space contribution rate is consistent with many planning schemes across Melbourne.<br>While affordable housing provides a valuable social contribution to communities, the open space demands and needs of residents are similar to that of privately owned housing.  |
|               | 5 | The 10% Rate is much higher than other surrounding municipalities.   | The 10% rate is necessary given the level of population growth Monash expects, and the public open space needs for those residents.<br>Each Council will be different depending on population growth, anticipated development outcomes, existing development pattern, and existing excess capacity in open space.                              |
|               | 6 | The outcome of this increase could only be a big damage to the affordability of first home buyers, as the developer will pass on the extra cost for sure.  | See SUB034, issue 9.   |
| <b>SUB040</b> | 1 | Details set out in documents fail to provide adequate details in the implementation plan.  | The implementation plan provides an appropriate level of detail for what is required at this stage.  |
|               | 2 | Little or no detailed implementation plans.  | It would be inappropriate for Council to include more at this stage as detailed information (like playground design, number of benches, which specific parcels will be acquired) is unknown at this stage.<br>It would be premature to spend a significant amount of funds on individual site investigations if the amendment is not approved. |
|               | 3 | City of Monash seeks short term profits without giving details on where the additional POS will be provided.   | The precinct and general area for future open space has been included in the implementation plan. The exact location will depend on site investigations and when land comes to market.   |
|               | 4 | It is open ended, and there is wriggle room to take from South Oakleigh and give to other areas.   | Open space contributions are paid by developers developing across the municipality. They are spent where there is the most need generated by new development.  |

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| 5             | Seeks akin to stealing from the poor, and giving to the rich.   | Open space development funded from contributions will primarily be where there is a shortfall in existing capacity of open space.  |
| <b>SUB041</b> | <p>Will substantially impact the already struggling developers in the area.</p> <p>Is a crazy scheme for Council to contemplate.</p> <p>Are the additional rates from these developments and contributions not enough?</p> <p>This will stop all future developments in Monash.</p> | <p>Monash currently has amongst the lowest open space contribution rates in the state, and does not have any Developer Contribution Schemes (DCP's). Development still occurs in other municipalities with higher rates, some of which are multiples of Monash, and there is no evidence to suggest development will stop in Monash.</p> <p>It is unreasonable to expect existing residents through rates to fund public open space needs generated by future residents of new development.</p>  |
| <b>SUB042</b> | Objects to the proposal.  | No details provided in submission  |
| <b>SUB043</b> | <p>More open space for Oakleigh South please. If you are going to charge an 'Open Space Levy' and we pay. There is no provision.</p> <p>Recommends purchase some of the Talbot Quarry to provide that space.</p>  | <p>Overall Oakleigh South has a provision of 28 sqm of public open space per resident, above the municipal average of 25 sqm per resident. Parts of Oakleigh South have poor accessibility, and the implementation plan does identify some projects in Oakleigh South.</p> <p>The Talbot Quarry site is a privately owned site proposed for development. It adjoins two existing parks which, combined, provide 7 ha of open space for surrounding residents.</p> <p>While development of Talbot Quarry will result in additional residents, and necessitate improvements to the existing parks to carry the increased population, there is no current shortfall in open space in the immediate area surrounding Talbot Park.</p> <p>Council has previously considered the acquisition of land at Talbot Quarry and on 25 September 2018, Council resolved not to purchase all or part of the former Talbot Quarry for Open Space.</p> |
| <b>SUB044</b> | Believes that Council would better manage open space in the area by ensuring that some or all of the undeveloped Talbot Quarry site is developed into public open space.  | See SUB043.  |

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| <b>SUB045</b> | The rate is much higher than surrounding municipalities and will likely influence on the success of the Monash National Employment and Innovation Cluster (NEIC)  | See SUB039 issue 3.   |
|               | The outcome of this increase could cause a huge impact to the affordability of first home buyers, as the developer will pass on the extra cost for sure.  | See SUB039 issue 6.   |
|               | The methodology and documentation the amendment is incomplete.  | See SUB039 issue 2.   |
|               | A blanket open space contribution for all land is an inconsiderate policy/method. i.e. it does not distinguish between different development typologies and concessions associated with the provision of affordable housing, therefore it lacks strategic justification.  | See SUB039 issue 4.   |
| <b>SUB046</b> | Objects to the amendment on the grounds that the former Talbot Quarry should be part of the plan to convert it to open space.<br>If Council truly cares about adequate open space for the residents of her area, why doesn't Council exercise the power available to it under the s173 agreement to purchase all or part of the former Talbot Quarry site for open space. | See SUB043  |
| <b>SUB047</b> | 1 Documentation lodged with the Minister for Planning does not contain enough information and justification for the increase in the open space area contribution fee as proposed.   | Should Council determine to refer this amendment to a planning panel, the panel will assess whether the information is sufficient.<br>An assessment was undertaken by DELWP (on behalf of the Minister), and determined that the information provided was sufficient to authorise Council to undertake the amendment. |
|               | 2 Nothing to be inserted into the Monash Planning Scheme that will give mandatory requirement for Council to purchase additional open space from the funds raised in those suburbs with the greatest need for open space.   | Expenditure of POS funds is regulated by the Subdivision Act. Including in the scheme could risk a contradiction with the Subdivision Act should the subdivision act change. No planning scheme in the state provides requirements for where/how Council spend the money.   |

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| 3             | From observations there has been a net decrease in open space areas in former City of Oakleigh suburbs in comparison to former City of Waverley Suburbs.  | There has been a net decrease in public open space per person across the municipality.<br>This is most pronounced in suburbs that had a low rate of POS per head of population, and significant population growth such as Clayton and Notting Hill).  |
| 4             | The documentation confirms that the suburbs with the greatest need for additional open space are mostly in the former City of Oakleigh, but there is no corresponding requirement to invest collected funds in these suburbs.   | Contributions made under clause 53.01 of the Monash Planning Scheme are to provide open space for new residents, not to fund existing shortfalls. That is the contributions should be directed for expenditure where population is growing and there is insufficient space capacity to provide for this. The contributions can be utilised to provide additional open space, or increase the capacity of existing open space.<br>Existing open space shortfalls should be funded through other sources (for example rate revenue or other income).<br>There are a total of six precincts (suburbs) with an open space provision below the municipal average. Three of these were in the former City of Waverley and three of these were in the former City of Oakleigh.<br>All six of these require additional open space, but most significantly Clayton, Notting Hill and Hughesdale which have a substantial under-supply. |
| 5             | The only justification for the increase in the POS contribution is that it is required to purchase additional POS in the former City of Oakleigh suburbs, and there is no need to increase the rate to purchase additional open space in former City of Waverley suburbs. | The POS contribution is not to fund existing shortfalls in open space. It is to fund the open space needs of population growth, where there is not existing open space capacity.<br>See discussion to point 4 above.  |
| <b>SUB048</b> | The proposed 10.0% rate is excessive.   | The rate is appropriate given the costs to acquire land for open space in Monash.   |
|               | There is a lack of strategic justification for the proposed increase.   | The implementation plan and contributions report provide the strategic justification for the amendment. The work undertaken for amendment C148 has been built upon, and additionally Council has undertaken the work recommended by the panel.  |

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|               | There are no provisions to offset the contributable amount where particular circumstances justify an offset.   | Clause 53.01 requires the ability for the contribution to be made in cash or land. Proposed clause 22.15 provides guidance for when a contribution should be made as land. There are not any other circumstances where an offset would apply |
| <b>SUB049</b> | The proposed 10.0% rate is excessive.<br>There is a lack of strategic justification for the proposed increase.<br>There are no provisions to offset the contributable amount where particular circumstances justify an offset.   | See SUB048   |
| <b>SUB050</b> | The proposed 10.0% rate is excessive.<br>There is a lack of strategic justification for the proposed increase.<br>There are no provisions to offset the contributable amount where particular circumstances justify an offset.   | See SUB048   |
| <b>SUB051</b> | The proposed 10.0% rate is excessive.<br>There is a lack of strategic justification for the proposed increase.<br>There are no provisions to offset the contributable amount where particular circumstances justify an offset.   | See SUB048   |
| <b>SUB052</b> | The proposed 10.0% rate is excessive.<br>There is a lack of strategic justification for the proposed increase.<br>There are no provisions to offset the contributable amount where particular circumstances justify an offset.   | See SUB048   |
| <b>SUB053</b> | Opposes proposed amendments to 21.10, 22.15, 53.01 schedule, and the amendment should be abandoned. Proposed rate is excessive, and blanket rate for all land types is manifestly inequitable and unfair. Amendment C148 was not supported by a Planning Panel, partly because there was insufficient justification for the blanket increase, and the current amendment remains flawed in that regard. | The rate is appropriate given the costs to acquire land for open space in Monash.<br>A consistent assessment for subdivision for both employment and residential purposes has been undertaken.   |

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|               | Proposed rate represents increase of between 100% and 500%.  | The high end of this is reflective of the low contribution rate that currently exists. The 2% rate for 3 lot subdivisions is the lowest scheduled rate for residential subdivision in Melbourne.   |
|               | Proposed amendment would impose an unreasonable and unjustified cost to their client, hindering development in the municipality.   | The contribution is reasonable given the open space demand generated.  |
|               | It is unusual for a POSC rate to apply across different land types without any acknowledgement of the differing demands created.   | It is common for Councils with scheduled rates to have the same rate for different land types. 23 Councils have a POS contribution rate scheduled in their scheme. Of these 23, 17 have the same rate scheduled for all zones of land (although they may vary dependent on suburb), and 7 vary based on land zones or use based precincts. |
| <b>SUB054</b> | Concerned at developments in Mount Waverley with minimal garden area and lack of significant trees make for harsh streetscape.<br>View over Scotchman's Creek has changed from looking over trees with occasional building to many more buildings with fewer trees.<br>Imperative something is done to address trend and increase green spaces for future residents. | While the amendment will not make changes regarding vegetation clearing, it will lead to an increase in open space that will provide for trees.  |
| <b>SUB055</b> | 1 Former Talbot Quarry represents an extraordinary opportunity for a safe economical and viable outcome of open space for Monash Residents.  | Council has previously considered the acquisition of land at Talbot Quarry and on 25 September 2018, Council resolved not to purchase all or part of the form Talbot Quarry for Open Space.  |
|               | 2 See amendment as a ruse being attempted by Council that will result in significant costly litigation in the future and the fleecing of an opportunity from the community of Oakleigh South.  | Any request to rezone the land will go through a separate process and require Council to be satisfied with the level of risk to proceed.   |
|               | 3 Former quarry contains known and unknown contaminants unsafe for residential development but logically suited to open space.   | Both open space and residential development are sensitive uses requiring similar mitigation.   |
|               | 4 Implementation plan does not explain when and how it will put blocks of land together.   | Council will need to acquire/purchase land throughout the municipality to do this.   |



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|               |  | A more detailed assessment of this, and more specific preferred locations will be undertaken following gazettal of the amendment.  |
| 5             | Objecting to amendment on basis that former Talbot Quarry should be part of the plan to convert to open space, and that the implementation plan is a wish list rather than an implementation plan.   | Council has previously considered the acquisition of land at Talbot Quarry and on 25 September 2018, Council resolved not to purchase all or part of the form Talbot Quarry for Open Space.  |
| 6             | Council appears to be using this opportunity to sell out the residents of Oakleigh South for profit, while planning to use the proceeds to purchase open space in other suburbs.<br>Council has bias towards developing Talbot Quarry, despite huge environmental and geotechnical risks, not fit for human habitation, but well suited to parkland.<br>Council appears actively engaged in conflict of interest with this amendment and misleading its constituents in known environmental and geotechnical game of Russian roulette. | The former Talbot Quarry is privately owned land. It is well serviced by existing open space and adjoins two large parks of approximately 4 ha and 3 ha providing district level and local catchments. Provision of an additional park on the former Talbot Quarry site would not provide a park within 400m walk of any dwellings that were not already within 400m walk.<br>Generally Oakleigh South is well serviced by Public Open Space, with an above average provision per capita, particularly in the area around Talbot Quarry. However the Implementation Plan recognises the need for improvements with 2 additional parks towards the western edge, and improvements to other parks in Oakleigh South. |
| 7             | Council should exercise its power through the S173 agreement currently binding the Talbot Quarry to purchase all or part of the site for open space.   | The s173 agreement gives Council the option to buy all or part of the quarry, and obliges the land owner to sell it should Council take them up. Council has previously resolved not to purchase the former Talbot Quarry.   |
| <b>SUB056</b> | Support increase to contribution rate.   | Support Noted.   |
| 1             | Importance of urban biodiversity and conservation and the need for links between open space areas has been lost, and is not sufficiently recognised. Have suggested changes.   | While some references to biodiversity have been removed from the Open Space clause, biodiversity is still addressed in the Monash Planning Scheme. Changes to the structure of planning schemes are discussed in more detail under submission 4, and biodiversity is discussed more under issue 5 of that submission.  |
| 2             | Past lockdowns have increased demand for open space, and lead to a decline in habitat connectivity due to increased usage for recreation.  | The amendment will enable Council to increase the provision of public open space for people to use.  |

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| 3 | Valley Reserve playground is highly used and one of two regional playgrounds in Monash. More regional playgrounds would take pressure away from the often over-loved Valley Reserve playground.  | A third regional playground has opened in the last 12 months, in the Waverley Park estate.<br>Council's playspace strategy recommends investigation for two further regional playgrounds. The implementation plan includes provision for upgrade of playgrounds. |
| 4 | Key issues dot point should be changed by adding bold text - Open space areas should <b>be thoughtfully planned to</b> provide for <b>urban biodiversity</b> , active and passive recreation, recreational trails, nature experiences as well as infrastructure requirements.                    | This change is not supported, for further discussion, see SUB004.  |
| 5 | 21.10 - Objective should be changed by adding bold text - To protect and enhance all open space with identified environmental significance, significant natural landscape and heritage values, <b>including their protection</b> from degradation as a result of community recreational demands. | Not supported.<br>This change would create a substantial change to the context, prioritising environmental significance over uses.   |
| 6 | 21.10 – Add strategy - Design, enhance and acquire open space to promote linkages, wildlife corridors and habitat connectivity.  | While acquiring land for these purposes is a function that Council can undertake and is relevant to Council strategy documents, this is not a consideration in planning assessments, so does not meet the drafting rules for planning scheme content.            |
| 7 | 21.10 – Add strategy - Protect open space areas with environmental and cultural significance from potential negative impacts of development on adjoining and nearby land.  | <u>Change supported.</u><br>This can be addressed through the change supported in submission 4, issue 12.  |
| 8 | 21.10 – Add strategy - Manage development in and beside public space to ensure it is compatible with the values of the public space and makes a positive contribution to the accessibility, usability, safety, environmental values and amenity of the public space.                             | This change is not supported as zones and other policy already ensure a level of compatibility. The change supported in issue 7 to this submission, and the intent of issue 9 to this submission will address this satisfactorily.                               |
| 9 | The following statement is unclear/ambiguous: - Ensure that development on adjoining and nearby land is  | The strategy is written from the intent that new development adjoining open space must consider the use of open space, and to design the development in such a way to minimise   |

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|               | <p>designed so that the amenity of future residents is not adversely affected by use of the open space.<br/>Should it be along the lines of: - Plan and locate open space use so that the amenity of current and future residents is not adversely affected by use of the open space.</p>  | <p>impacts from the open space.<br/>Examples include if a raised scorers box is near a fence and could cause overlooking into the development, development should be designed to address this. Likewise development adjoining ovals used for structured sport should be designed or laid out in such a way to address or minimise impacts from noise due to the use.</p>                        |
| <b>SUB057</b> | <p>Bespoke arrangements were included in the schedule to clause 53.01 for the former PMP site and land rezoned with it.<br/>The proposed amendment raises serious concerns around the Public Open Space Equalisation Provision in the Comprehensive Development Zone schedule for the site. The proposed strategy in clause 22.15 identifies that higher contributions may be needed on strategic sites, is opposed and is inconsistent with agreements reached in Amendment C156.</p>                       | <p><u>Change supported</u><br/>Support change to schedule to clause 53.01 to retain the provisions for the site as they currently exist in the scheme. The separate entry for the site was proposed for removal as all land is proposed to have a 10% contribution rate. The current wording specifically refers to the CDZ schedule has further information about open space for the site.</p> |
| <b>SUB058</b> | <p>Objects on the grounds that even if Council collect money on these new developments, likely to be in the small pocket of Oakleigh South near my home there is no land available to purchase for the proposed 'open space' anywhere near us where it is most needed.<br/>Monash Council needs to seriously look at purchasing the quarry and allocate this as the open space we already so desperately need!</p>   | <p>Throughout the municipality almost all land acquired for new open space will be land with existing improvements (usually dwellings).<br/>Council has previously considered the acquisition of land at Talbot Quarry and on 25 September 2018, Council resolved not to purchase all or part of the form Talbot Quarry for Open Space.</p>   |
| <b>SUB059</b> | <p>Particularly concerned by the statement in the Open Space Implementation Plan that Talbot Quarry will be redeveloped for residential use.<br/>The site is highly complex, with the majority of it being completely unsuitable for residential development.<br/>Is suitable for community open space. Given Monash Council's commitment to increasing open space, why does Council not purchase this land to provide open space amenities and facilities for current and future residents of the area?</p> | <p>The implementation plan states that there are a number of sites that are likely to be filled with townhouses or apartments. The ultimate use is unknown, however the land is privately owned and Council has resolved not to purchase the land<br/><br/>The immediate area is well serviced by public open space.</p>  |

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|                    | This would also protect us from the hazardous works that continue to be proposed at the site.  |   |
| <b>SUB060</b>      | Supports increased levy.<br>Approximately 80% of trees in adjoining neighbours properties have been cut down due to developments, including the tallest gum tree in our neighbourhood that was not even in the way.<br>Developers need an incentive to preserve/replace and if all else fails, to charge them for the replacement of these trees by the council. | Support Noted.<br>The amendment will not impact on tree removal. It will provide an increase in public parks to enable more public tree planting.<br>Council has previously done separate work on urban canopy coverage, resulting in Planning Scheme Amendment C165 to introduce canopy tree controls. This amendment is currently with the Minister for Planning for authorisation. |
| <b>LATE SUB061</b> | The Amendment does not include provisions to offset or exempt the contributable amount where the circumstances justify it.   | See SUB048 issue 3.   |
|                    | The proposed rate will have an unreasonable impact on the economic vitality of future / proposed developments.   | See SUB032 issue 2.   |
|                    | The Amendment material does not provide for adequate justification to support a 10% public open space rate.  | See SUB035 issue 1.   |
|                    | The proposed rate of 10% is excessive, especially for a large infill/opportunity site such as the subject site.  | The subject site is approximately 2600 sqm in a Major Activity Centre. It is currently developed with a single tenancy, and subdivision is unlikely without redevelopment. It has substantial development potential, and redevelopment would likely generate substantial demand for open space.   |