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## **AMENDMENT C125 TO THE MONASH PLANNING SCHEME**

**COUNCIL SUBMISSION: PART B**

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## INTRODUCTION

1. This submission is made on behalf of Monash City Council (**Council**). Council is the Planning Authority for Amendment C125 to the Monash Planning Scheme (**Scheme**).
2. On 26 August 2016, Council provided its 'Part A' Submissions together with the expert evidence of:
  - 2.1 James Larmour-Reid of Planisphere (Planning);
  - 2.2 Andrew Spencer of SGS Economics and Planning (Residential Capacity);  
and
  - 2.3 Simon Wollan of MGS Architects (Urban Design).
3. Council's Part A Submissions are adopted for the purposes of this Panel Hearing. They are taken as read and as forming part of these submissions.
4. This submission will now address the outstanding matters raised in the Panel's directions and the matters raised in submissions to the Amendment.

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## SUBMISSIONS

5. Council received 986 submissions in response to the statutory notice of the Amendment (as at 27 October 2015).
6. Of these submissions:
  - 32% submissions supported the Amendment;
  - 59% submissions requested changes or opposed the Amendment.
7. The key issues raised in the submissions opposed to the Amendment related to:
  - 7.1 The proposed variations to ResCode Standards relating to:
    - 7.1.1 The maximum building site coverage (particularly in the GRZ3);
    - 7.1.2 The minimum side and rear setbacks;
    - 7.1.3 The minimum front setbacks;
    - 7.1.4 The minimum provision of private open space;
    - 7.1.5 The provision of landscaping;
  - 7.2 The proposed changes to the application of the residential zones.
8. The configuration of the proposed Dandenong Creek escarpment boundary (NRZ4).
9. Other issues raised related to whether:
  - 9.1 The proposed Schedules to the Neighbourhood Residential Zone will be effective in providing appropriate and desired protection for these areas;
  - 9.2 Additional controls should be introduced specifically for single dwellings;
  - 9.3 There was any need to change the status quo at all.

10. A response to these key issues (as well as the outstanding matters raised in the Panel's Directions) are expanded upon and addressed under the following headings:
  - 10.1 Implementation of Housing Strategy objectives through the Amendment and complementary initiatives;
  - 10.2 Rationale, justification and implications of the proposed Amendment, specific provisions and post-exhibition changes that are supported by Council, including:
    - 10.2.1 The change identified on the Residential Framework;
    - 10.2.2 Neighbourhood character siting and built form provisions;
    - 10.2.3 Changes to ResCode standards, including the distinctions between zone schedules;
    - 10.2.4 The Development Contributions Plan Overlay;
    - 10.2.5 Public Open Space provision;
  - 10.3 Case studies to illustrate the effect of proposed residential development provisions;
  - 10.4 The rationale for the designation of the area to which the Development Contributions Plan would apply;
  - 10.5 Response to expert evidence.

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## Current framework for residential development

### Planning controls

#### *The new Residential Zones*

11. When Victoria's residential zones were reformed in July 2013, to introduce a new suite of residential zones, all Victorian Councils were required to apply the new zones by 1 July 2014. Whilst many councils sought to immediately implement the new zones and sought ministerial support to allow them to do so, Council elected to take a staged approach to implementation of the new zones.
12. Stage 1 comprised a policy neutral translation of the previous zones and was implemented by Amendment C119 to the Planning Scheme which was gazetted on 13 June 2014.
13. The adoption of a policy neutral approach in stage 1 of the rezoning process resulted in:
  - 13.1 Land which was formerly zoned Residential 1 other than land within a Heritage Overlay being rezoned to the GRZ2
  - 13.2 Land formerly zoned Residential 1 and within a Heritage Overlay being rezoned to the NRZ1;
  - 13.3 Land formerly zoned Residential 2 (in Browns Rd, Clayton) rezoned to the RGZ2;
  - 13.4 Retention of four parcels of land identified as surplus school sites in the GRZ1<sup>1</sup>; and
  - 13.5 Retention of a parcel of land identified as a surplus school site (former special development school) in the RGZ1<sup>2</sup>.

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<sup>1</sup> These parcels were rezoned from Public Use Zone 2 – Education to the GRZ1 via Amendment GC5 on 18 February 2014.

<sup>2</sup> This parcel was rezoned from Public Use Zone 2 – Education to the RGZ1 via Amendment GC5 on 18 February 2014.

14. Consequently, residential zoned land in the City largely comprises GRZ2, with the balance in the NRZ1 and the RGZ1 and RGZ2.
15. Additionally, the variations to ResCode Standards previously included in the Schedule to the former Residential 1 Zone in the Scheme were carried over into the schedules for each of the NRZ1, GRZ2 and the RGZ2. Those ResCode variations are identical in each of those zones.
16. They comprise:

	<b>ResCode Standard</b>	<b>Requirement</b>
Minimum street setback	A3 and B6	Front setback – 7.6 metres Side street setbacks as specified in ResCode continue to apply
Private open space	B28	A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> <li>• An area of 75 square metres, with on part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 5 metres and convenient access from a living room; or</li> <li>• A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or</li> <li>• A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>
Front fence	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres.

17. There are no ResCode variations in the Schedules to the GRZ1 or RGZ1, which apply to the former school sites.

***Planning overlays***

18. Of course, the application of various planning scheme overlays on residential land in the City affects how that land can be developed.
19. Currently, the following overlays apply to residential zoned land in the City:
  - 19.1 the Heritage Overlay applies to:
    - 19.1.1 all land in the NRZ1, which relates to heritage places comprising a precinct rather than a place of individual significance;
    - 19.1.2 parts of the land in the GRZ2, where the Heritage Overlay relates to heritage places of individual significance;
  - 19.2 the Vegetation Protection Overlay Schedule 1 (Tree protection area) applies to parts of the land in the GRZ2 that have been identified as presenting a special leafy character. The GRZ2 land subject to the VPO1 is often located adjacent to creeks, over old drainage lines or other easements or on the western slopes of the Dandenong valley;
  - 19.3 the Land Subject to Inundation Overlay applies to parts of the land in the GRZ2, often adjacent to waterways or easements;
  - 19.4 the Special Building Overlay applies to parts of the land in the GRZ2 and a small area in the NRZ1;
  - 19.5 the Design and Development Overlay applies to:
    - 19.5.1 GRZ2 zoned land in the following areas:
      - the Cheviot Road Development Area in Mount Waverley (DDO2);
      - the Sherwood Road Development Area in Mount Waverley (DDO3);
      - the Wheelers Hill Activity Centre (DDO5);

- the Oakleigh Activity Centre (DDO11) which is mainly zoned C1Z, but is also partly zoned PPRZ, PUZ4, PUZ5, GRZ2 and (a very small area) NRZ1; and
  - the inner and outer areas of the Monash Medical Centre Hospital Emergency Medical Services Helicopter Flight Path Protection (DDO14 and DDO15); and
- 19.5.2 a small area of land in the NRZ1 outside the Oakleigh Activity Centre (DDO11);
- 19.6 the Development Plan Overlay applies to:
- 19.6.1 the following GRZ1 zoned land:
- the former Brandon Park Secondary College on the east side of the Brandon Park Activity Centre (DPO4);
  - the former Clayton West Primary School (DPO5);
  - the former Clayton Primary School (DPO5); and
- 19.6.2 the following GRZ2 zoned land:
- generally on the corner of Montpellier Road, Arthur St and Huntingdale Road, Burwood (DPO1);
  - various parcels of land in Ashwood on the south side of the Gardiners Creek Trail and north side of the railway line close to Malvern East Station (Ashwood Chadstone Housing) (DPO3);
  - the former Oakleigh South Primary School (DPO5); and
- 19.6.3 the RGZ1 zoned land comprising the former Monash Special Development School (DPO5);
- 19.7 the Neighbourhood Character Overlay Schedule 1 applies to that part of the land in the GRZ2 known as the Waverley Park Masterplanned residential community, Mulgrave.



## Planning policy

### *State Planning Policy*

20. **Clause 11 Settlement** provides that planning is to:
- 20.1 Anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure;
  - 20.2 Recognise the need for, and as far as practicable contribute towards, most relevantly:
    - 20.2.1 Health and safety;
    - 20.2.2 Diversity of choice;
    - 20.2.3 Economic viability;
    - 20.2.4 A high standard of urban design and amenity;
    - 20.2.5 Energy efficiency;
    - 20.2.6 Prevention of pollution to land, water and air;
    - 20.2.7 Protection of environmentally sensitive areas and natural resources;
    - 20.2.8 Accessibility; and
    - 20.2.9 Land use and transport integration.
  - 20.3 Facilitate sustainable development that takes full advantage of existing settlement patterns, investment in existing infrastructure and social facilities;
21. **Clauses 11.01-1 and 11.01-2 Activity centre network and Activity centre planning** seek to:
- 21.1 Build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres including by developing and supporting a network of activity centres of different sizes and functions;

- 21.2 Encourage the concentration of major mixed use developments (including residential use) in activity centres which are highly accessible to the community, including by:
  - 21.2.1 Undertaking strategic planning for the use and development of land in and around the activity centres;
  - 21.2.2 Encouraging a diversity of housing types at higher densities in and around activity centres.
  
- 22. **Clause 11.02-1 Supply of urban land** seeks to ensure there is a sufficient supply of land available for different uses including residential. Related strategies include:
  - 22.1 To ensure a sufficient supply of land available to meet forecast demand (on a municipal rather than town-by-town basis) for residential use/development for at least a 15 year period.
  - 22.2 Planning to provide clear direction on locations where growth should occur;
  - 22.3 Planning for urban growth to consider:
    - 22.3.1 Opportunities for the consolidation, redevelopment and intensification of existing urban areas;
    - 22.3.2 Neighbourhood character and landscape considerations;
    - 22.3.3 The limits of land capability and cost of providing infrastructure;
    - 22.3.4 Service limitations and the costs of providing infrastructure.
  
- 23. **Clauses 11.03-1 and 11.03-2 Open space planning and Open space management** seek to:
  - 23.1 Assist the creation of a diverse and integrated network of public open space commensurate with the needs of the community. Related strategies to achieve this include:
    - 23.1.1 Planning for regional and local open space networks for both creation and conservation of natural and cultural environments;

- 23.1.2 Ensure that land use and development adjoining open space complements it in terms of visual and noise impacts, treatment of waste water and preservation of vegetation;
- 23.1.3 Protect large regional parks and significant conservation areas.
- 23.1.4 Develop open space to maintain wildlife corridors and greenhouse sinks.
- 23.2 Provide for the long term management of public open space including by:
  - 23.2.1 Ensuring public access is not prevented by developments along stream banks and foreshores; and
  - 23.2.2 Protecting sites and features of high scientific, nature conservation, biodiversity, heritage, geological or landscape value.
- 24. **Clause 11.04-2 Housing choice and affordability** seeks to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services. Related strategies to achieve this include:
  - 24.1 Understanding and planning for expected housing needs;
  - 24.2 Reducing the cost of living by increasing housing supply near services and public transport;
  - 24.3 Facilitating the supply of social housing and affordable housing.
- 25. **Clause 11.04-4 Liveable communities and neighbourhoods** seeks to create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. Related strategies to achieve this include:
  - 25.1 Creating a city of 20-minute neighbourhoods;
  - 25.2 Protecting the suburbs of Melbourne from inappropriate development;
  - 25.3 Creating neighbourhoods that support safe communities and healthy lifestyles;
  - 25.4 Making the city greener;
  - 25.5 Creating more great public places throughout Melbourne;

- 25.6 Respect heritage while building for the future;
- 25.7 Achieve and promote design excellence.
26. **Clause 11.04-8 Open space network in Metropolitan Melbourne** seeks to create a network of metropolitan open space by creating new parks. The related strategies include:
- 26.1 to ensure major open space corridors are protected and enhanced;
- 26.2 to provide long term planning protection to meet demand for future open space along various parklands including the Dandenong Valley parklands; and
- 26.3 to ensure development does not compromise waterways as significant open space, recreation, aesthetic, conservation and tourism assets.
27. **Clause 15 Built Environment and Heritage** provides that planning should:
- 27.1 Ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value;
- 27.2 Achieve high quality urban design and architecture that:
- Contributes positively to local urban character and sense of place;
  - Reflects the particular characteristics, aspirations and cultural identity of the community;
  - Enhances the public realm
  - Promotes attractiveness of towns within broader strategic contexts;
  - Minimises detrimental impacts on neighbouring properties.
28. **Clause 15.01 Urban Environment** includes various objectives and strategies that build on the broad directions in clause 15. Most relevantly the strategies include:

- 28.1 Planning authorities should emphasise urban design policies and frameworks for key locations or precincts.
29. **Clause 16 Housing** of the SPPF encourages:
- 29.1 An increase in the proportion of housing in Metropolitan Melbourne to be developed within established urban area, particularly at Activity Centres, employment corridors and at other strategic sites;
- 29.2 Higher density housing development on sites that are well located in relation to Activity Centres, employment corridors and public transport;
- 29.3 An adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development;
- 29.4 Ensuring housing stock matches changing demand by increasing housing choice, particularly in the middle and outer suburbs;
- 29.5 Support for a wide range of income groups to choose housing in well-serviced locations;
- 29.6 Ensuring there is a sufficient supply of land available to meet forecast demand; and
- 29.7 Ensuring there is an adequate supply of redevelopment opportunities within the established urban area.
30. **Clause 18 Transport** of the SPPF seeks to ensure that an integrated and sustainable transport system provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods and is safe.
31. Key relevant objectives in **Plan Melbourne** are:
- 31.1 To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services;

- 31.2 To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.<sup>3</sup>
32. Key housing-related directions in **Plan Melbourne** relevant to Monash are:
- 32.1 Understand and plan for expected housing needs (Direction 2.1);
  - 32.2 Increase housing supply near services and public transport to reduce the cost of living (Direction 2.2);
  - 32.3 Facilitate the supply of affordable and social housing (Directions 2.3 and 2.4);
  - 32.4 Support planning of other Activity Centres (Direction 1.5);
  - 32.5 Identify and plan for smaller Neighbourhood Centres, which may have potential for housing development, however their main focus is to maintain a local scale and meet the needs of the local community (Direction 1.5);
  - 32.6 Deliver housing close to jobs and transport (Direction 2.2)
  - 32.7 Create a city of 20-minute neighbourhoods (Direction 4.1);
  - 32.8 Protect Melbourne and its suburbs from inappropriate development (Direction 4.2);
  - 32.9 Achieve and promote design excellence (Direction 4.8);
  - 32.10 Deliver the NRZ across at least 50 per cent of Melbourne's residential zoned land (Direction 4.2).
33. Relevant to Direction 2.2, Plan Melbourne provides that all housing strategies will need to demonstrate how they will deliver a greater diversity of housing, attract more jobs and help deliver the 20-minute neighbourhood.
34. Notably, Plan Melbourne aims to facilitate continued economic growth and performance within the Monash National Employment Cluster (identified on Map 2 in Plan Melbourne) and also around the Clayton Activity Centre.

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<sup>3</sup> See page 18 and 19.

***Local planning policy***

35. New residential development requiring a planning permit in Council's municipal district is currently guided by the key objectives and related strategies and actions set out in Council's Municipal Strategic Statement (MSS), particularly cl 21.03 'Vision', cl 21.04 'Residential Development' and also by the following key policies in the LPPF:
- 35.1 Clause 22.01 'Residential Development and Neighbourhood Character Policy';
  - 35.2 Clause 22.04 'Tree Conservation Policy';
  - 35.3 Clause 22.06 'Wheelers Hill Neighbourhood Activity Centre Policy';
  - 35.4 Clause 22.07 'Heritage Policy'; and
  - 35.5 Clause 22.10 'Student Accommodation Policy'.

**Clause 21.03 'Vision'**

36. The vision for the municipality outlined in the MSS is to be achieved by giving effect to various strategic directions including:
- 36.1 Encourage high rise residential development to locate within the Glen Waverley and Oakleigh Activity Centre;
  - 36.2 Encourage medium rise residential development to locate in the Brandon Park, Clayton and Mount Waverley Activity Centre;
  - 36.3 Conserve locally significant heritage buildings, places, streetscapes and natural environments;
  - 36.4 Identify areas for revitalisation of older industrial premises;
  - 36.5 Maintain and enhance the established Garden City Character of Monash on both private and public land, including along main roads;
  - 36.6 Identify existing treed environments where the special leafy character valued by the community is to be protected by the VPO;
  - 36.7 Maintain visually significant sites that enhance the image of Monash.

Clause 21.04 'Residential Development'

37. Council's goal for residential development in the City is identified in the MSS as being 'to be balanced in providing a variety of housing styles whilst remaining sympathetic to existing neighbourhood character'.<sup>4</sup>
38. Relevant to achieving this goal is Council's overall approach to new residential development, being to protect neighbourhood character in residential areas by:
- 38.1 identifying preferred areas for medium to high residential development within the municipality generally within the Principal or Major Activity Centres;
- 38.2 defaulting to low rise development in all other residential areas except:
- 38.2.1 where otherwise provided for in an approved Structure Plan or other planning instrument (like a Development Plan Overlay); or
- 38.2.2 where individual circumstances support an alternative height.<sup>5</sup>
39. In particular, residential development is guided by the objectives and related strategies at cl 21.04-3 in the MSS, which are summarised in Appendix A to this submission.
40. **Clause 21.04 includes Map 3:** Neighbourhood Character Precincts in Monash which divides the residential zoned land in the City into 7 character types (A to G) comprising:
- 40.1 the 5 residential character types identified in the *Monash Urban Character Study* and *Neighbourhood Character Guide* (January 1997) (referred to as character Types A to E);
- 40.2 the character type later identified through the *Waverley Park Concept Plan* (August 2002) for the redevelopment around the Waverley Park football oval (referred to as character Type F cl 21.04);
- 40.3 identification of a separate character Type G for the more recent residential subdivision areas that created their own built form identity, subsequent to

<sup>4</sup> See cl 21.04-1 'Overview', page 1.

<sup>5</sup> See cl 21.04 'New Residential Development' page 3.



the completion of the Urban Character Study and Neighbourhood Character Guide.

41. The MSS notes that the existing character, contributory elements and desired future character for each of the residential character types is outlined in clause 22.01 'Residential Development and Character Policy'.
42. The key strategic planning documents currently underpinning cl 21.04 in the MSS are:
  - 42.1 the *Monash Urban Character Study and Neighbourhood Character Guide* (January 1997); and
  - 42.2 the *Monash Heritage Study* (February 1999) and
  - 42.3 the *Monash Housing Strategy* (June 2004).

Clause 22.01 'Residential Development and Neighbourhood Character Policy'

43. This policy applies to all residential zoned land other than land in the Heritage Overlay. Its purpose is to:
  - 43.1 provide certainty for residents and developers; and
  - 43.2 ensure that new development is successfully integrated into existing residential environments, with minimal impacts to streetscapes or amenity; and
  - 43.3 achieve outcomes that enhance the Garden City Character of the area.
44. The objectives of the policy are:
  - To build upon the important contribution that landscaping makes to the Garden City Character of Monash.
  - To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the desired future character statement for the applicable residential Character Type.

- To encourage the provision of a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable.
  - To encourage building practices and housing preferences that are energy efficient and sustainable.
  - To encourage high rise residential development to locate within the Glen Waverley Principal and Oakleigh Major Activity Centres.
  - To encourage medium rise residential development to locate within the Clayton, Brandon Park and Mt Waverley Major Activity Centres.
  - In other areas new residential development will generally be low rise. The exceptions will be where there is an approved Structure Plan or other planning mechanism in place or where individual circumstances support an alternate height.
45. It includes some “general” policies for residential development together with policies relating to specific issues such as building setbacks. The general policies suggest that development should complement the current character and contributory elements of an area (including in relation to building quality and style, setbacks and Garden City character) and achieve or be consistent with the desired future character for the area. The general policies also call for the treed character of areas to be complemented and preserved.

Clause 22.02 ‘Monash Technology Precinct Policy’

46. This policy applies to land in the SUZ6, as shown on the map at cl 22.02 in the Planning Scheme titled ‘Monash Technology Precinct’. The policy precedes Plan Melbourne which identifies the land as being located in the Monash Employment Cluster. The policy does not envisage residential development in the area, but rather seeks to ensure that interfacing residential areas are protected from inappropriate use and development.

Clause 22.04 ‘Tree Conservation Policy’

47. This policy applies to all land. It seeks to maintain and enhance the Garden City Character by promoting the retention of mature trees and encouraging the planting

of new canopy trees with spreading crowns throughout the City. To achieve this, the policy provides that:

- 47.1 existing semi-mature and mature trees be retained wherever possible; and
- 47.2 new trees be planted as part of any new development in private open space, along boundaries adjacent to neighbouring open space and in front setbacks.

Clause 22.06 'Wheelers Hill Neighbourhood Activity Centre Policy'

- 48. This policy reflects the *Wheelers Hill Activity Centre Structure Plan* - September 2007. It relates to land within and immediately surrounding the Activity Centre as shown in the Structure Plan. The land comprises three areas identified in the policy as:
  - 48.1 the Ridge Precinct generally adjacent to the intersection of Jells Road and Ferntree Gully Rd;
  - 48.2 the Shopping Centre Precinct which includes the neighbourhood shopping centre land on the east and west side of Jells Rd; and
  - 48.3 the Interface Area comprising mainly residential land generally within 400m of the Activity Centre.
- 49. In relation to the development of 'housing', the Policy:
  - 49.1 Seeks to limit building heights to ensure that buildings remain subservient to the predominant landscape character of Wheelers Hill;
  - 49.2 Seeks a transition in buildings scale and massing from activity centre to the surrounding residential area;
  - 49.3 Seeks a 10m landscaped front setback abutting main road frontages to achieve a 'boulevard' character;
  - 49.4 Suggests development should be a maximum two storeys high adjacent to local road frontages;

- 49.5 Encourages the development of residential apartments and aged accommodation in the Ridge Precinct, noting that identified heritage features of the Centre should be retained and enhanced;
- 49.6 Encourages more diverse infill development in the Residential Interface Area that respects and integrates with the scale, siting and character of the prevailing built form and maintains the Garden City Character.

Clause 22.07 'Heritage Policy'

- 50. This policy applies to heritage places in the HO. The objectives are generally directed to:
  - 50.1 conserving and enhancing places of architectural, cultural or heritage significance and in a way that contributes to the economic and cultural growth of Monash;
  - 50.2 ensuring additions, alterations and replacement buildings are sympathetic to the heritage place and its surrounds;
  - 50.3 conserving and enhancing the capacity of the Sherwood Road area to demonstrate its urban character and cultural heritage values as described in the Monash Heritage Study.
- 51. The policies are directed to achieving these objectives and include the following 'general' policies:
  - 51.1 The bulk and setback of any new buildings and works be responsive to existing heritage assets.
  - 51.2 Buildings and works be compatible with, and not adversely affect, the significance of cultural heritage sites, including the conservation of heritage buildings in their site and local area context.
  - 51.3 Buildings and works not dramatically alter the character of their immediate environs.
  - 51.4 Buildings and works have regard to the stylistic character of streets
  - 51.5 Non-contributory buildings, where publicly visible, be sympathetic with inter-war style buildings.

52. It also includes more specific policies including:
- 52.1 New buildings or works to existing contributory buildings be set back or set apart from the facade line established by contributory buildings so that they do not obscure existing elevation treatments.
  - 52.2 Second floor additions be set back from the facade line of the street so as to ensure that they do not overwhelm the house to which they relate or its locale in the street.
  - 52.3 Garages be set back more than 600mm from the facade line.
  - 52.4 Carports not be constructed in frontage setbacks.
  - 52.5 Facades of new buildings adopt the same setback from the front boundary as the nearest contributory buildings on either side.
  - 52.6 Building envelopes for new buildings:
    - 52.6.1 be similar in scale to those of contributory buildings in the vicinity;
    - 52.6.2 no higher than the existing single storey buildings for a distance of not less than 6 metres back from the facade line;
    - 52.6.3 adopt setbacks from side boundaries typical of the contributory buildings in the street.
  - 52.7 Front fences be characteristic of the contributory buildings in the streetscape.
  - 52.8 In inter-war areas, front fences and fences on the side boundaries between the front alignment and the facade line of the development not exceed 1 metre in height.
  - 52.9 In other areas, front fences not exceed 1.2 metres in height, excluding posts.
  - 52.10 Front fences be compatible with the Garden City Character of the area.
  - 52.11 Front gates and especially pedestrian or 'garden' gates be provided..

Clause 22.10 'Student Accommodation Policy'

53. This policy applies is policy applies where a planning permit is required for:
- 53.1 the use of a Residential Building or a Dwelling where the building is to used specifically for student accommodation purposes, or
  - 53.2 the development of a Residential Building, Dwelling or two or more Dwellings that are purposely designed and to be built specifically for student accommodation.
54. The policy supports the strategy in the MSS encouraging the provision of high quality student accommodation in preferred locations such as in proximity to education facilities, which minimises potential conflicts with neighbouring uses.
55. Policy objectives include:
- 55.1 To encourage student accommodation to locate in reasonable proximity to tertiary institutions with convenient access to public transport and a range of commercial, retail, entertainment and social facilities.
  - 55.2 To encourage high quality, well designed student accommodation that respects existing neighbourhood character and responds to the desired future character of the relevant Urban Character Precinct as detailed in the Monash Urban Character Study.
  - 55.3 To ensure that bulk, mass and height of new student accommodation does not visually overwhelm the scale of existing development, particularly in residential areas.
  - 55.4 To maintain and enhance the Garden City Character of Monash by preserving existing vegetation, and have new canopy trees planted.
56. It identifies 'preferred locations' for student accommodation as within:
- 56.1 1500 metres of a tertiary educational institution;
  - 56.2 800 metres of a Railway Station;
  - 56.3 800 metres of a Principal, Major or a larger Neighbourhood Activity Centre;  
or

- 56.4 400 metres of a bus route that provides access to a tertiary educational institution.
  
- 57. In terms of the development of student accommodation, the policy seeks:
  - 57.1 Design to respect the predominant characteristics of the surrounding built form including the neighbourhood character (where appropriate);
  
  - 57.2 A communal open space area at ground level located to the side or rear of the building with convenient access from student amenities with a minimum area of 75sqm or 4sqm per student whichever is greater, with a minimum dimension of 3m including one area to the side or rear of the building of 35sqm with a minimum dimension of 5m;
  
  - 57.3 Where located above a non-residential use, communal open space above ground of:
    - 57.3.1 75sqm or 4sqm per student whichever is greater, with a minimum dimension of 3m including one area to the side or rear of the building of 35sqm with a minimum dimension of 5m; or
  
    - 57.3.2 For two storey developments, individual balconies of minimum 8sqm with minimum width of 1.6m; and/or
  
    - 57.3.3 An indoor communal open space having a minimum area of 16sqm or 4sqm for each unit not provided with a balcony, whichever is greater; and
  
    - 57.3.4 For developments of three or more storeys individual or private open space areas at ground level are encouraged in addition to the communal open space requirement.
  
  - 57.4 In relation to landscaping, the policy seeks:
    - 57.4.1 to retain existing trees which add to the character of an area;
  
    - 57.4.2 to provide at least one new canopy tree with spreading crowns in every major open space area on the site.

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## Future strategic work

### Future strategic work flagged in the Scheme

58. The MSS currently provides the following cues for future strategic work related to housing and residential development:
- 58.1 Reviewing and/or preparing structure plans for the Glen Waverley Principal and Oakleigh Major Activity Centres and other areas identified as suitable for high rise residential development within the municipality.
  - 58.2 Reviewing heritage buildings and locations within the City on an ongoing basis and implementing recommendations through planning scheme amendments.
  - 58.3 Reviewing the performance of policies and guidelines on a regular basis and making appropriate modifications.
  - 58.4 Investigating the feasibility of providing incentives for developer to build a variety of housing types that are available to all socio-economic groups in the City.<sup>6</sup>
59. In relation to these cues for future strategic work, it can be observed that Council:
- 59.1 Has adopted the Oakleigh Structure Plan and introduced the relevant provisions into the Scheme;
  - 59.2 Has prepared a structure plan for the Glen Waverley Activity Centre, which it is currently seeking to implement via Amendment C120;
  - 59.3 Is in the process of reviewing its Planning Scheme including the various local planning policies;
  - 59.4 Prepared, exhibited and adopted Amendment C113, which includes an Environmentally Sustainable Development Policy. Amendment C113 is with the Minister for Planning for approval.

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<sup>6</sup> See cl 21.04-3, page 8.



## Glen Waverley Activity Centre Structure Plan

60. Council has now prepared a structure plan for the Glen Waverley Activity Centre and is seeking to implement that Plan by Amendment C120 to the Planning Scheme.
61. Amendment C120 was exhibited concurrently with this Amendment and proposes to include the residential land around the commercial core of the Activity Centre in the RGZ and GRZ.
62. After receiving a report from an independent planning panel about Amendment C120, Council adopted the Amendment in May 2016 and submitted the Amendment to the Minister for approval. The Amendment is currently with the Minister awaiting a decision.

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## Monash Housing Strategy

63. As outlined earlier, Stage 1 of Council's application of the reformed residential zones was considered a policy neutral translation.
64. Stage 2 of the residential zones reform process which Council now seeks to implement in this Amendment takes a more strategic and robust approach. It seeks to review, refine and strengthen the residential planning framework in the City by amending the application of the reformed zones to give effect to Council's recently completed *Monash Housing Strategy 2014 (the Strategy)*.
65. One of the key outcomes of the Monash Housing Strategy is the provision of a new Residential Framework Plan to guide the long term development of residential land in the City. It provides clear direction on the areas suitable for limited, incremental and future growth potential (or limited, incremental and substantial change). Together with Council's Draft *Neighbourhood Character Review 2015*, it provides a sound starting point or basis for determining the appropriate long-term residential zonings for different parts of Monash.

## Conclusions

66. The Strategy considered and formed critical conclusions about:
  - 66.1 The existing policy context for the City;

- 66.2 Housing trends in and impacting on the City;
- 66.3 Demographic and housing profile analysis, design and sustainability;
- 66.4 The role of Council to address these matters (for instance as the planner, researcher, advocate, or facilitator/partner).

67. Some key conclusions were:

***Existing policy context***

- 67.1 Strong population growth and falling household sizes have increased the need to support more infill development within established urban areas;
- 67.2 The lack of greenfield land supply in Monash creates the need to facilitate infill development by identifying potential redevelopment sites;
- 67.3 Government policies direct the majority of infill residential development to be located within or close to Activity Centres or public transport corridors;
- 67.4 A substantial increase in residential development is intended to be provided for in the Huntingdale to Yarraman Station corridor and Glen Waverley Station Urban Renewal Area (identified in Plan Melbourne). Further work will need to be done to understand the implications of State policy for the area and particularly, the relationship between the area and the existing activity centre hierarchy;
- 67.5 The SUZ which applies to the majority of the Monash National Employment Cluster and prohibits the use of land for accommodation warrants further review;
- 67.6 While there is a significant amount of industrially zoned land in the City:
  - 67.6.1 recent analysis indicates the importance of retaining industrial zoned land for current and future employment needs;
  - 67.6.2 opportunities for residential uses on land currently zoned industrial appear unlikely, but should be considered as part of the Planning Scheme Review consultation;

- 67.7 The MSS requires updating to:
- 67.7.1 include recently released State policies, population projections and demographic changes; and
  - 67.7.2 strengthen existing policy stressing the need for more specialised and affordable housing;
- 67.8 Structure planning for activity centres should be completed or updated to identify where opportunities for medium to high rise development may occur given the LPPF encourages medium to high rise development in the Glen Waverley and Oakleigh Activity Centres and medium rise development at the Clayton, Brandon Park and Mt Waverley Activity Centres' and development within the Centre that is of a moderately higher scale than surrounding residential areas, near Pinewood, Wheelers Hill Waverley Gardens, Syndal and Hughesdale.
- 67.9 Clause 21.04 'Residential Development' and cl 22.01 'Residential Development and Neighbourhood Character' should be reviewed to ensure that they:
- 67.9.1 support the facilitation of diverse housing types in established areas; and
  - 67.9.2 support future housing objectives, while preserving and enhancing valued aspects of urban character and amenity.

***Housing trends in and impacting on the City***

- 67.10 Demand for medium density housing will increase throughout the municipality and highlight the issue of affordability;
- 67.11 Appropriate infill development will need to be facilitated in a manner that addresses both housing needs and community expectations about urban design and character;
- 67.12 Council will need to establish sound and ongoing relationships with stakeholders to ensure the provision of diverse and affordable housing is realised;

- 67.13 Council should also engage with the community about the need to provide affordable and higher density housing for local residents to encourage an acceptance of new development types.

***Demographic and housing profile analysis, design and sustainability***

- 67.14 Opportunities need to be explored to increase the availability of affordable and social housing;
- 67.15 Council's Student Accommodation Policy provides clear direction about the particular sector's needs and how they are best provided for and should be periodically reviewed to determine whether the outcomes being delivered meet the student needs;
- 67.16 Council should continue to actively identify affordable housing needs within the community and coordinate responses from other organisations which deliver affordable housing such as registered housing associations and developers;
- 67.17 Council should continue to monitor the need for social housing as affordability, age and social disadvantage become more prominent issues over time;
- 67.18 Council should determine what role it should take in overcoming existing market failure to provide adequate provision of affordable and appropriate housing;
- 67.19 Council may wish to consider a revised neighbourhood character policy, which incorporates more detailed design expectations, in order to balance the competing needs of retaining and enhancing key attributes of urban character and amenity, while facilitating the achievement of housing objectives;
- 67.20 Mechanisms should be explored to facilitate development around railway stations, particularly in relation to housing types that are not being supplied by the market;
- 67.21 Larger sites may provide opportunity for more intensive development outcomes that do not undermine the desired future character of the

location, subject to careful building design and the treatment towards the boundaries of the site;

- 67.22 The sustainability of new homes in the City can be improved through the implementation of relevant measures within the draft Environmentally Efficient Design Policy and the Integrated Water Management Plan once finalised.
- 67.23 Council should further consider a range of measures to encourage better designed homes from requiring design excellence in the appearance of the homes, demonstrating through examples of homes which function well and providing information regarding adaptable and accessible design principles.

## Outcomes

- 68. The key outputs from the Monash Housing Strategy (**the Strategy**) were:
  - 68.1 Identification of key housing related issues to be addressed in the foreseeable future (see 5.1 in the Strategy);
  - 68.2 Development of various new objectives, strategies and actions aimed at addressing the key housing related issues (see 5.2 and 5.3 in the Strategy);
  - 68.3 Development of a new Residential Framework Plan for the City to respond to:
    - the findings and strategic directions outlined in the Strategy;
    - the new metropolitan spatial framework contained in Plan Melbourne
    - the recent Council plan and Vision statement;
    - the DTPLI Practice Note 78 ‘Applying the Residential Zones’.
- 69. The methodology used to develop the new Residential Framework Plan is documented in 6.2 of the Strategy.
- 70. In essence the methodology was:
  - 70.1 Identify areas with future redevelopment potential – where substantial change is expected to occur and where new development outcomes should

be guided by structure planning and design guidelines that promote a preferred future built form appropriate to the context;

70.2 Identify residential areas with limited redevelopment potential – where limited change is expected to occur and where new residential development outcomes should be strongly guided by the existing neighbourhood character;

70.3 Identify areas for incremental change – where change has been occurring and will continue to occur, in a manner consistent with the City’s Garden City Character;

70.4 Identify strategic development locations contingent upon proposed infrastructure improvements to unlock their potential as future growth opportunity areas.

71. The preparation of the new Residential Framework Plan was informed by:

71.1 The existing residential framework plan in the MSS;

71.2 The strategic precincts and urban renewal areas outlined in Plan Melbourne;

71.3 The principles outlined in Practice Note 78 for the application of the various reformed residential zones; and

71.4 The ten principles derived from the existing and impending strategic context (see 6.3 in the Strategy).

72. The resulting Residential Framework Plan comprises:

<b>Broad area type (describes development potential)</b>	<b>Category of area (broad physical description)</b>	<b>Objective</b>
<b>Areas with future redevelopment potential</b>	Category 1: Activity and Neighbourhood Centres	Housing change and diversification appropriate to the site context  Note: The identification of the boundaries of the Activity Centres will be determined through a structure planning process.

		<p>Moderate housing change and diversification serving as transition between commercial and residential areas.</p> <p>Development will be respectful of neighbourhood character and amenity with greater emphasis placed on these objectives in proportion to the distance from the commercial zones and transport nodes.</p> <p>Note: The identification of the boundaries of the Activity Centres will be determined through a structure planning process.</p>
	Category 2: Accessible Areas	
	Category 3: Monash National Employment Cluster	<p>Housing change and diversification.</p> <p>Development will respond to the broader context, taking into account commercial design and residential character as relevant.</p>
	Category 4: Boulevards	<p>To provide for housing change and diversification along boulevards and along main roads.</p>
<b>Areas with limited redevelopment potential</b>	Category 5: Heritage Precincts	<p>Protection of heritage values</p>
	Category 6: Dandenong Creek Escarpment	<p>Provision of opportunities for modest housing growth and diversification with emphasis on preserving and enhancing the Garden City Character.</p> <p>Design emphasis is to be placed on the protection of neighbourhood character, landscape and native vegetation across the western slopes of the</p>

		Dandenong Creek Valley.
	Category 7: Creek environs	Provision of opportunities for modest housing growth and diversification with emphasis on preserving and enhancing the Garden City Character. Design emphasis is to be placed on the protection of neighbourhood character and native vegetation and responsiveness to the landscape setting of the creek environment.
<b>Areas suitable for incremental change</b>	Category 8: Garden City Suburbs	Provision of opportunities for modest housing growth and diversification with emphasis on preserving and enhancing the Garden City Character.

- 73. For each category, the Framework describes the preferred future character and the residential outcome envisaged.
- 74. At 6.5 in the Strategy, Table 6F provides an overview of the built form or housing objectives in the Residential Framework Plan for each category.

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## Neighbourhood Character Review and Advice

- 75. In 2013, Council commissioned Planisphere to undertake a review of the *Monash Neighbourhood Character Study 1997*, within the context of Council’s review of its the Housing Strategy.
- 76. The 2013 Review:
  - 76.1 refined previous character types, reducing the number of types and revised some boundaries; and
  - 76.2 summarised survey findings regarding details of each of the character types in an Appendix.
- 77. The 2015 Review was commissioned by Council because it identified that further strategic work needed to occur to ensure that the characteristics of neighbourhoods



are current, the important neighbourhood character elements that contribute to the garden character of Monash are clearly identified and appropriate planning provisions can be developed to maintain and enhance the Garden City character of Monash.

78. The 2015 Review provided useful information to enable the completion of an updated local neighbourhood character policy, and the elements for consideration in the development of the schedules to the new residential zones.

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## Choice of planning tools (zones & controls)

79. As stated in Council's Part A Submission, the new Residential Framework Plan was guided by:
- 79.1 the findings and strategic directions in the Strategy;
  - 79.2 the spatial framework contained in Plan Melbourne;
  - 79.3 the most recent Council plan and vision statement (at the time the Strategy was being developed);
  - 79.4 ten principles derived from the existing and impending strategic context; and
  - 79.5 the DTPLI Practice Note 78, Applying the Residential Zones.
80. In particular, the proposed Framework Plan is deliberately structured around the categorisation of residential zoned land into one of three types of broad areas which describe the intended or potential level of change in terms of residential development:
- Areas with Future Redevelopment Potential;
  - Areas with Limited Redevelopment Potential; and
  - Areas suitable for Incremental Change.
81. It is no accident that the description of the three broad types of areas closely aligns with the role of the RGZ, GRZ and NRZ as set out in PPN 78. The methodology used to prepare the Framework Plan and to categorise land according to the three

broad area types included an assessment of land attributes against the criteria for applying the reformed residential zones set out in Table 2 of the Practice Note. If the land attributes met the criteria for applying the RGZ, it was categorised as a Future Redevelopment Potential area. If it met the criteria for applying the GRZ, it was categorised as an area suitable for Incremental Change. If it met the criteria for applying the NRZ, it was categorised as an area with Limited Redevelopment Potential.

- 82. Indeed Mr Larmour Reid observed that whilst he had not been involved in the detailed application of the zones, based on the Strategy there were no particular surprises to him in the manner in which the zones are proposed to be applied in the Amendment.
- 83. Council now proposes to implement the Strategy (including the Framework Plan) via Amendment C125 by, amongst other things:
  - 83.1 applying the RGZ, GRZ and NRZ to residential zoned land depending on which broad category the land falls into; and
  - 83.2 creating tailored schedules to apply to each of the more specific sub-categories within the Zones to support the intent of the Strategy and the neighbourhood character objectives. This has resulted in the proposed creation of the following schedules:

Category of area (broad physical description)	Broad area type	Specific area	Zone & Schedule
Category 1: Activity and Neighbourhood Centres	<b>Areas with future redevelopment potential</b>	Clayton Activity Centre	RGZ3
		Glen Waverley AC <sup>7</sup>	RGZ4
	<b>Areas suitable for incremental change</b>	Clayton Activity Centre – Housing Diversity	GRZ6
		Oakleigh and Wheelers Hill Activity Centres	GRZ5

<sup>7</sup> Not subject of this Amendment. See Amendment C120.

Category 5: Heritage Precincts	<b>Areas with limited redevelopment potential</b>	Heritage Precincts	NRZ1
Category 6: Dandenong Creek Escarpment	<b>Areas with limited redevelopment potential</b>	Dandenong Creek escarpment	NRZ3
Category 7: Creek environs	<b>Areas with limited redevelopment potential</b>	Creek abuttal	NRZ2
		Creek environs	NRZ3
Category 8: Garden City Suburbs	<b>Areas suitable for incremental change</b>	Former school sites <sup>8</sup>	GRZ1
		Northern Areas Garden City Suburbs	GRZ4
		Southern Areas Garden City Suburbs	GRZ3

84. Amendment C125 might be described as the first implementation phase. The second phase of implementation will require Council to consider:

84.1.1 What land might fall in Category 2 ‘Accessible Areas’ and the most appropriate zoning of that land; or

84.1.2 The most appropriate zoning of the land located in the ‘Monash National Employment Cluster’ (Category 3) other than Clayton which is subject of Amendment C125;

84.1.3 What land might fall within in Category 4 ‘Boulevards’ and the most appropriate zoning of that land.

85. It is acknowledged the Strategy does not provide direct guidance on the appropriate choice of residential zone for each of the broad areas. However, the methodology used to prepare the Framework Plan in the Strategy and categorise residential land according to the three broad area types provides a sound and logical basis for Council’s proposed choice of zones and for implementing the Strategy.

<sup>8</sup> These parcels were rezoned from Public Use Zone 2 – Education to the GRZ1 via Amendment GC5 on 18 February 2014.

## Response to PPN78 – Applying the Residential Zones

86. Planning Practice Note 78 – *Applying the Residential Zones (June 2015) (PPN78)* provides information and guidance about the purposes and features of the residential zones (including the schedules) and how to apply them. As a starting point, it provides that the application of the residential zones should be underpinned either by:
- 86.1 clearly expressed planning policies in the Scheme (where they remain valid and sound); or by
  - 86.2 recent (and sound) strategic planning undertaken for residential areas.
87. PPN78 States that sound strategic planning for residential areas is essential to ensuring that land use and development achieves the desired outcomes for an area.
88. As set out in Council's Part A submission, Council recently undertook a review of its existing Housing Strategy 2004, to take into account recent changes to state and local planning policy and controls, including the release of Plan Melbourne, the new residential zones and recent developments and changes to the planning context including demographic changes and changes in the education sector. The review culminated in the preparation of the new Strategy.
89. PPN78 calls for some analysis of how the reformed residential zones are proposed to be applied against the identified purpose of the zone and principles in applying the zone set out in Table 1 of PPN78. The evidence of Mr Larmour-Reid assesses the proposed zoning choices (in this Amendment) for the specific categories of areas identified in the Residential Framework Plan against the principles for applying the zones contained in PPN78.<sup>9</sup> From his assessment, Mr Larmour-Reid concludes that Amendment C125 applies the new residential zones in a manner consistent with both the Strategy and the criteria described in PPN78,<sup>10</sup> subject to some observations and recommendations.

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<sup>9</sup> See paragraph 173 of Mr Larmour-Reid's expert witness statement.

<sup>10</sup> See paragraph 174 of Mr Larmour-Reid's expert witness statement.

90. The Housing Strategy recommends the following further strategic work should be done in the future:
- 90.1 Consider the potential to apply the RGZ:
    - 90.1.1 In activity centre cores (Category 2 Areas);
    - 90.1.2 Along Springvale Road and Dandenong Road boulevards, where consistent with the built form context (Category 4 Areas);
    - 90.1.3 To any brownfield redevelopment sites identified in close proximity to the activity centre cores or boulevards;
  - 90.2 Review the effectiveness of the GRZ in achieving housing diversity within the accessible areas surrounding each activity centre;

### **Response to PPN10 – Writing Schedules**

91. This Practice Note identifies the role of schedules in planning schemes as being to supplement or ‘fine tune’ the basic provisions of a State standard clause, zone or overlay, adapting it to local circumstances and locally defined objectives. Consistent with this purpose, Amendment C125 uses the schedules to the reformed residential zones to adopt the basic zone provisions to better achieve Council’s strategic objectives for its various residential areas as articulated in:
- 91.1 The Housing Strategy;
  - 91.2 The Neighbourhood Character Policy Review; and
  - 91.3 The exhibited changes to the MSS and LPPF.
92. The proposed tailored schedule content achieves this by fine-tuning the discretion required to be exercised when considering if the grant of a permit for a particular residential development will result in an acceptable outcome.
93. Council submits that content of the proposed schedules is strategically justified and that their meaning is legally certain, consistent with the principles for drafting schedules set out in the Practice Note.

## **Response to PPN27 – Understanding the Residential Development Standards**

94. This Practice Note provides an illustrative guide to the application of the various residential development standards contained in clauses 54 and 55 (ResCode) of the Planning Scheme. In preparing Amendment C125 and in particular, the proposed schedules to the residential zones, Council has been cognisant of how ResCode operates.
95. Council appreciates that the variations to the ResCode standards it proposes to include in the schedules will not operate as mandatory provisions and that an alternative design solution may still be considered if it can be demonstrated to still meet the relevant objective.

## **Response to PPN28 – Using the Neighbourhood Character Provisions in Planning Schemes**

96. Council is conscious that the local value specified in the schedule to the residential zones applies not only to a planning permit application to construct a dwelling, but also to a building permit application.
97. When assessing a building permit application, the building practitioner must use the value in the schedule to the residential zone instead of the value expressed in the relevant building regulation.
98. It is important that the schedule variations will apply to building permit application as well as planning permit applications. If the values were only in the local planning policy rather than the schedule, Council would not be able to achieve the desired future character because the policy would not be applied where there is a trigger for a building permit only, not a planning permit.
99. The Practice Note states that using the schedule to the residential zones should only be necessary where it can be shown that:
- 99.1 the residential development standards in ResCode do not adequately reflect the existing neighbourhood character attributes of the municipality;  
and
  - 99.2 the LPPF is shown to be insufficient to deliver the desired outcomes.

## How will the proposed planning controls achieve the vision for each area?

100. The table in Appendix B to these submissions sets out how Council's current position on the planning controls will achieve the vision for each area.

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## Capacity analysis and development potential

### What is the issue?

101. In preparing Amendment C125 and planning to provide clear direction on locations where growth should occur, Council has been conscious of the need to ensure there is a sufficient supply of land available to meet forecast demand (on a municipal basis) for residential development for at least a 15 year period, consistent with State Planning Policy.
102. To this end, Council commissioned independent consultants:
- 102.1 MGS Architects, to undertake an analysis of the impact of the proposed zone schedules on development potential in existing residential areas. That work is set out in a series of documents dated January 2016 (**MGS Work**); and
- 102.2 SGS, to provide advice in relation to capacity for new housing under the proposed zones set out in Amendments C120 and C125. That advice was set out in a document *Analysis of proposed residential zones - Final Report, City of Monash, March 2016* by SGS (**SGS Report**).
103. The MGS Work and SGS Report were considered by Council together with various changes to the Amendment recommended by Council officers at a Council meeting on 29 March 2016. Both were attached to the report to Council.

### Outcomes of the MGS Work

104. The MGS Work involved using 13 recently approved multi-unit developments (mainly dual occupancies, being the most popular form of redevelopment in the City) and altering the layouts of the existing approved developments to comply with the requirements or standards in the proposed Zone schedules.

105. The outcome of the MGS Work was that, with one exception, all of the developments was able to be redeveloped as a dual occupancy which met the various standards in the proposed Zone schedules.
106. The approved development which was the exception retained the existing dwelling that was setback 12 metres from the frontage, presenting a significant design constraint.
107. MGS concluded that, on an average lot, it would still be possible to develop a dual occupancy an meet the requirements in the proposed Zone schedules.

### **Evidence in relation to development potential**

108. Council also relies on the evidence of Mr Simon Wollan in relation to the issue of housing capacity and development potential. Mr Wollan is an Urban Designer who has been called to give evidence in relation to the impact of the proposed zone schedules on the development potential in existing residential areas. This is clearly relevant to the issue of capacity.
109. In relation to the exhibited zone schedules for GRZ3, GRZ4, NRZ2, NRZ3 and NRZ4, Mr Wollan concludes:
  - 109.1 They would require some changes to design responses compared to the current requirements in the Planning Scheme, that would generally decrease the size of individual dwellings, increase the area of private open space and require greater landscape opportunities to be provided;
  - 109.2 They should not significantly decrease the overall opportunities for dual occupancy subdivision since the required changes can be addressed through design response.
110. In relation to the changes Council's now advocates (post-exhibition) should be made to the Zone schedules, Mr Wollan effectively concludes the amended Zone schedules:
  - 110.1 Are generally less restrictive than the exhibited version and would likely have less impact on development potential.



- 110.2 Would still more effectively assist in achieving the Garden City character outcome sought compared to the standard ResCode requirements; and
- 110.3 On balance, increase the level of flexibility in meeting the character outcomes sought by the Amendment.

### **Findings and conclusions in the SGS Report**

- 111. The overall findings in the SGS Report were:
  - 111.1 The City's estimated housing capacity under the current zones is between 55,000 and 62,000 net additional dwellings;
  - 111.2 The estimated capacity of the proposed zones is 58,000 net additional dwellings;
  - 111.3 Projected demand in the City to 2031 is for 12,140 additional dwellings;
  - 111.4 In 10 of 14 suburbs in the City, the dwelling demand to 2031 was less than 30% of the estimated capacity, suggesting housing capacity exceeds projected demand for the next 15 years by a significant margin.
- 112. In relation to specific zone applications (and schedules), the SGS Report found:
  - 112.1 The application of the RGZ2 and 4 to the Clayton and Glen Waverley Activity Centres allow for higher housing capacity;
  - 112.2 The application of the GRZ6, 7 and 8 to the interface areas adjacent to the Clayton and Glen Waverley Activity Centres also allow for higher housing capacity;
  - 112.3 The application of the NRZ would result in reduced capacity in areas proposed to be zoned NRZ due to the introduction of minimum subdivision requirements of 300sqm and a maximum of two dwellings per site;
  - 112.4 Compared to the existing GRZ2, the application of the GRZ3 and 4 could result in modest reductions in housing capacity if the setback, open space and site coverage requirements are strictly adhered to.

113. As set out earlier in this Part B Submission, the second implementation phase of the Housing Strategy will require Council to consider:
- 113.1 What land might fall in Category 2 'Accessible Areas' and the most appropriate zoning of that land; or
  - 113.2 The most appropriate zoning of the land located in the 'Monash National Employment Cluster' (Category 3) other than Clayton which is subject of Amendment C125;
  - 113.3 What land might fall within in Category 4 'Boulevards' and the most appropriate zoning of that land;
  - 113.4 The most appropriate zoning of Activity Centres (other than Glen Waverley, Clayton and Oakleigh).
114. In Council's submission, it is fair to assume that this further strategic work will likely result in changes to the application of the zones (and schedules) to facilitate further increase in housing capacity in the City. The SGS Report does not consider the potential impact of this future strategic work.

### **Expert evidence on capacity**

115. Council relies on the expert evidence of Andrew Spencer of SGS in relation to the issue of housing capacity.
116. It is Mr Spencer's evidence that the application of the zones as exhibited for Amendment C125 would provide a similar quantum of housing capacity to that provided by the existing zones. Mr Spencer states that when project dwelling demand was compared to capacity at a suburb level, capacity general exceeded demand by a significant margin, suggesting that the proposed zones should provide sufficient supply to meet demand to 2031.
117. In relation to the changes to the application of the zones now advocated by Council (i.e. post-exhibition), Mr Spencer concludes that:
- 117.1 the impact of the proposed changes (to the zone schedules) would be to provide a more flexible and permissive development control regime relative

to the exhibited Amendment and consequently, if the proposed changes were to have any impact on housing capacity, it would be to increase it;

- 117.2 increasing the area zoned GRZ4 and reducing the area zoned NRZ4 is also likely to increase the capacity for housing.

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## Response to SPPF and Plan Melbourne

### How does the Housing Strategy respond to the SPPF?

118. The Strategy and Amendment are consistent with, and give effect to, the State Planning Policy Framework (SPPF), in particular Clause 11 (Settlement), Clause 15.01-5 (Cultural identity and neighbourhood character) and Clause 16.01 (Housing).
119. They:
- 119.1 facilitate sustainable development (including new residential housing) within suitable locations in a form that enhances neighbourhood character and encourages more sustainable development, siting and landscaping outcomes;
  - 119.2 encourage greater diversity in housing form and scale; and
  - 119.3 assist in protecting and enhancing the liveability of the neighbourhoods and suburbs which is a key element of *Plan Melbourne*.
120. Further details are contained within Council's Part A submission (particularly within Paragraphs 54 to 77).

### How does the Housing Strategy respond to Plan Melbourne?

121. The evidence of Mr Larmour-Reid sets out, at a high level, how the Housing Strategy responds to housing considerations identified in Plan Melbourne and neatly summarises these in the following table at section 4.1 of his statement:



- 122.5 supports stronger planning controls for local neighbourhood centres and residential neighbourhoods with a character that is sought to be retained;
  - 122.6 providing measures to make our city greener.
123. The Strategy facilitates sustainable development (including new residential housing) within suitable locations in a form that enhances neighbourhood character and encourages more sustainable development, siting and landscaping outcomes. It also encourages greater diversity in housing form and scale and helps protect and enhance the liveability of the neighbourhoods and suburbs which is a key element of Plan Melbourne.

**How does the Amendment support or implement the LPPF and specifically, the MSS?**

- 124. The Amendment reinforces the LPPF by providing stronger direction and more appropriate tools to address the need for more diverse housing types, with more intense forms of housing to be well located in terms of transport and access to services.
- 125. The MSS identifies the erosion of the Garden City Character through inappropriate redevelopment of residential areas as a key concern. The provisions proposed to be introduced through the Amendment address this concern.

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**Application of the DCPO**

**What does it mean?**

- 126. The DCPO is proposed to apply to the land proposed to be zoned RGZ3 comprising the Clayton Activity Centre and the residential areas within the Monash National Employment Cluster.
- 127. Application of the DCPO to this land ensure that a permit is not granted to subdivide land, construct a building or construct or carry out works until a development contributions plan (DCP) has been incorporated into the Scheme except in circumstances where:
  - 127.1 A site specific development DCP has been prepared by the developer to the satisfaction of Council; or

- 127.2 An agreement under section 173 of the *Planning and Environment Act* that makes provision for development contributions has been entered into with the responsible authority; or
  - 127.3 The permit contains a condition requiring a section 173 agreement that makes provision for development contributions to be entered into before the development commences; or
  - 127.4 The permit authorises certain minor buildings and works or allows the consolidation of land or a boundary realignment.
128. As a DCP is yet to be prepared for the land, the proposed schedule does not specify a summary of infrastructure costs proposed to be financed by the DCP or contributions required to be paid under the DCP. Rather, it notes that a DCP is required to be prepared and incorporated.

### **Why is it necessary?**

- 129. The DCPO is necessary to ensure the new and/or upgraded infrastructure necessary to support the residential development of these areas is funded equitably (by developers) and delivered efficiently.
- 130. The changes to the residential zones proposed in conjunction with the MPA provide potential for at least additional 7,000 dwellings over a 10 year period. (Based on the 2006 Census there are approximately 5,257 dwellings in Clayton.)
- 131. Consequently, there is a critical need to address infrastructure contributions through this rezoning process. Although detailed infrastructure planning has not yet been completed the application of a Development Contribution Overlay across the growth areas is consistent with the planning provisions applied in the rezoning of the Fishermans Bend Urban Renewal Area. It allows the rezoning process to commence; flagging to the community and the development industry the areas that are proposed to have increased residential density will be required to make a contribution to infrastructure and allows the completion of further detailed planning.

### **How were the boundaries of the DCPO determined?**

- 132. The boundaries of both the RGZ3 and the DCPO were developed by Council in consultation with the MPA.

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## Open Space

133. Given the scale of growth proposed within the vicinity of the Clayton Activity Centre, Council initially proposed to make provision to address public open space contributions, as the rezoning the land ahead of the finalisation of the detailed strategic planning work presents a significant risk to Council and the community that infrastructure demands generated by the increased growth will not be contributed to by new development.
134. Public open space in Monash is currently required on a sliding scale up to 5% of the site or value of the land. In significant urban intensification projects, where dwelling densities can be up to 10 times that of suburban areas, 5% is generally recognised as inadequate and a higher figure is often required. Therefore, Council proposed the introduction of a 10% open space contribution for developments over a certain size, as part of the exhibition of the amendment.
135. Following review of the submission, and the commencement of the Monash Open Space Strategy, this position has been reviewed. Council decided it was pre-emptive to set a figure at this stage, and that it should follow the completion of the open space strategy, later this year.

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## Rationale for the NRZ4 boundary

136. The application of the NRZ4 is generally consistent with the extent of the topography to the eastern face of the escarpment and the neighbouring residential zone in the cities of Dandenong and Whitehorse.
137. The application of the zone takes into account the ridgeline and the topography that slopes toward the valley which affords long-range views across the Dandenong Valley and to the Dandenong Ranges.

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## Rationale for the proposed NRZ2 and 3 boundaries

138. The boundaries for the NRZ2 and 3 were derived from the Neighbourhood Character Review, which noted that there was a distinctive character along the creek interfaces, the existing policy aspirations (which note the significance of canopy trees and the 'garden character' in the existing and desired future character. In addition, the Strategy notes the importance of these areas from diversity, environmental and urban structural perspectives.

139. The boundaries for these areas were determined as follows:

139.1 Creek Interface Areas:

- Include properties that abut the creek reserve on the diagonal.
- Include properties opposite the creek reserve if there is a road in between.
- Exclude properties abutting thin strips of PUZ1 where the creek or drain is located in an underground pipe eg. Water pipeline south of Highbury Road to rail line in Glen Waverley.
- Include properties that abut both the creek and the Monash Freeway.
- Include properties where there is already a high proportion of medium density.
- Include properties on main roads.
- Include large properties that could support more than two dwellings.

139.2 Creek Environs Areas:

- Use streets as boundaries where possible.
- Include areas with the following attributes:
  - A topographical relationship with the creek valley.
  - Visible creek side vegetation to the extent that the outline of individual trees is discernible.
  - Areas that have the potential have a strong vegetation character.
- Include areas where there is already a high level of medium density development.
- Exclude the current NRZ1 over HO93 (Oakleigh Township), however ensure the Heritage Precincts schedule includes decision guidelines about protecting the creek environs.



- Include areas across a main road from the creek reserve.
- Include properties on main roads.

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## **Site specific issues**

### **Specific zoning requests**

140. Council has sought to respond to site specific issues relating to particular sites and its position related to these sites is set out in Appendix C.

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## CONCLUSION

141. This completes the submissions for the Council.
142. Council reserves its right to respond to any new matters raised through submissions in its reply.

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Per Maria Marshall  
Partner  
Maddocks  
Lawyers for Monash City Council  
5 September 2016



## Appendix A – Objectives and Strategies of the MSS

Objectives	Strategies	Implementation Actions (Zones and Overlays)	Implementation Actions (Policy and exercise of discretion)
<p>Appropriate development having regard to neighbourhood character and amenity.</p>	<p>Ensure new development:</p> <ul style="list-style-type: none"> <li>• enhances the preferred character for a neighbourhood as set out in cl 22.01;</li> <li>• provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.</li> </ul>	<p>Applying the NCO lay to identify specific neighbourhood character objectives for special areas.</p>	<p>Use local policy to improve the standard and quality of design and construction of new developments:</p> <ul style="list-style-type: none"> <li>• cl 22.01 - Residential development and character policy;</li> <li>• cl 22.04 – Stormwater management policy;</li> <li>• cl 22.05 – Tree conservation policy;</li> <li>• cl 22.09 - Non-residential use and development in residential areas policy.</li> </ul>



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	<p>Maintain the predominantly single detached dwelling style in urban areas by:</p> <ul style="list-style-type: none"><li>• directing high rise residential developments towards the Glen Waverley Principal and Oakleigh Major Activity Centres;</li><li>• directing medium rise development towards the Brandon Park, Clayton and Mount Waverley Major Activity Centres; and</li><li>• promoting low rise development as the default preferred character for other residential areas within the City.</li></ul> <p>Use innovative and high quality</p>		
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	architectural design, appropriate setbacks and landscaping to respond to the interface between activity centres and residential areas.		
To maintain and enhance the City's garden character.	Ensure new development responds to the features of the site and surrounding area and promotes good streetscape design to enhance the City's garden character and landscaped streetscape character of the neighbourhood.  Encourage vegetation retention on redevelopment sites.  Encourage site consolidation to facilitate better design solutions, maintain existing canopy trees and achieve high design standards.	Applying the VPO to areas possessing a special leafy character.	
To protect of heritage dwellings and precincts.		Applying the HO to designated precincts, buildings and places.	



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<p>Environmental sustainable building and landscape design.</p>	<p>Encourage adoption of best practice WSUD techniques and practices which result in improved stormwater management, water conservation and waste minimisation.</p>		
<p>High standards of architectural design in buildings and landscaping that responds to environmental constraints.</p>	<p>Ensure new residential development achieves high quality architectural and urban design outcomes that positively contribute to neighbourhood character.</p>	<p>Apply the LSIO and SBO to ensure that development does not impact the flow characteristics of a flood event, and ensuring minimum risk to human life and property, whilst protecting environmental values of floodways.</p> <p>Apply the EAO where appropriate to ensure that land is suitable for a residential or other sensitive use.</p>	



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<p>A variety of residential environments and urban experiences.</p> <p>A variety of housing styles and sizes to accommodate:</p> <ul style="list-style-type: none"> <li>• future housing needs (including of students and an ageing population); and</li> <li>• different family and lifestyle preferences.</li> </ul>	<p>Promote a dwelling diversity in medium and large developments to promote greater affordability of housing and choice.</p> <p>Encourage high quality student accommodation close to education facilities, activity centres and areas with good access to public transport.</p> <p>Encourage single storey and purpose built housing to cater for the City's ageing population.</p> <p>Locate social housing or housing that meets special needs close to public transport and retail and community facilities.</p> <p>Promote and facilitate housing projects that will achieve dwelling diversity including mixed use developments in</p>	<p>Apply the Residential 1 and 2 Zones, Mixed Use Zone and Comprehensive Development Zone.</p> <p>Apply a DDO or DPO to areas of particular interest to achieve desired goals.</p>	<p>Using local policy to facilitate the provision of high quality student accommodation in preferred locations which are appropriate in terms of neighbourhood character, car parking provision, open space, student amenities and landscaping and are suitably operated and used in an ongoing manner: cl 22.10 – Student Accommodation Policy.</p> <p>Applying creative design solutions that enhance the quality of all areas.</p> <p>Ensuring new development contributions to improvements and additional to physical infrastructure where it is likely to impact on capacity of existing infrastructure.</p>
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	appropriate locations such as in activity centres.		
	Ensure development provides for the infrastructure requirements its generates, particularly stormwater drainage.		





## Appendix B - Council’s current position on the planning controls

Area	PS Map No.	New zone	Current overlay	New Overlay	Desired future character: Broad – Housing Strategy Specific – New clause 22.01	How the proposed planning controls achieve desired character <sup>11</sup>
Category 1: Activity and Neighbourhood Centres					<u>Housing Strategy</u> <ul style="list-style-type: none"> <li>Housing growth and diversification.</li> <li>Development that:               <ul style="list-style-type: none"> <li>Is high quality;</li> <li>Is a contemporary design;</li> <li>Supports pedestrian comfort, accessibility and safety;</li> <li>Incorporates ESD and WSUD features.</li> </ul> </li> </ul>	
Clayton AC	20	RGZ3	None	DCPO1 DDO13	<u>New clause 22.01</u> <ul style="list-style-type: none"> <li>Major redevelopment to accommodate growing and more diverse housing needs.</li> <li>New development to form a transition between the Activity Centre and the surrounding Garden City residential suburbs.</li> <li>Multi-dwelling developments and where appropriate, low</li> </ul>	<p>The purposes of the RGZ are:</p> <ul style="list-style-type: none"> <li>to provide a diversity of housing at increased densities in buildings up to and including four storeys and in locations offering good access to services and transport including activities areas; and</li> <li>encourage a transition in scale of development between areas of more intensive use and development and areas of restricted housing growth.</li> </ul> <p>These purposes are consistent with both the</p>

<sup>11</sup> The proposed planning controls refers to the planning controls Council now submits should apply.



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				<p>rise apartments.</p> <ul style="list-style-type: none"><li>• Reduced front and rear setbacks compared to the prevailing distance in the Garden City area.</li><li>• Landscaping and open space within developments and landscaping to include canopy trees.</li><li>• Separation between buildings.</li><li>• High standard of construction and design.</li></ul>	<p>broad housing strategy for this type of area and also, the more specific desired future character for the area identified in the proposed new local policy.</p> <p>The application of the DDO13 to the area will provide more specific design guidance to manage the significant growth anticipated in the area and ensure a high quality urban design outcome.</p> <p>The variations to the ResCode Standards proposed in the Schedule will also assist in achieving the preferred future character outcomes as follows:</p> <ul style="list-style-type: none"><li>• Requiring minimum front setbacks of:<ul style="list-style-type: none"><li>○ 3m on the south side of Dandenong Rd; and</li><li>○ 4m on the north side of Dandenong Rd</li></ul></li></ul> <p>will differentiate the AC area from the surrounding Garden City Area and result in a more intense urban form of development as envisaged in the proposed policy;</p> <ul style="list-style-type: none"><li>• Requiring the retention or provision of at least one canopy tree in the front setback area that has the potential to reach a mature height at least equal to the height of the development or 9m, whichever is the lesser, is consistent with the preferred future character envisaged in local policy and the intent to retain an overall garden city character;</li><li>• Requiring a setback from the rear</li></ul>
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						<p>boundary of 3m for the first two storeys plus 2m for the third storey provides for reduced setbacks compared to the prevailing setbacks in the Garden City area while ensuring that there is still some separation between dwellings and opportunity for landscaping and provision of open space as envisaged in proposed local policy.</p> <ul style="list-style-type: none"> <li>• Requiring a maximum front fence height of 0.9m will assist in creating a comfortable and safe pedestrian environment.</li> </ul>
Oakleigh AC (Area suitable for incremental change)	6, 7 and 13	GRZ5			<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>• Increased housing diversity and choice including single and double storey detached dwellings and infill medium density multi-dwelling developments compatible with context and urban character.</li> <li>• A transition from the Activity Centre’s commercial areas to the surrounding residential areas;</li> <li>• Heights and side and front setbacks specified in the schedule to be adhered to;</li> <li>• Upper floor levels to be recessed and well-articulated from the rear and side boundaries abutting or</li> </ul>	<p>The purpose of the GRZ is to encourage development that respects the neighbourhood character of the area while allowing diversity of housing types and moderate housing growth. This is consistent with the preferred future character of the Oakleigh AC .</p> <p>The only proposed variation to the ResCode Standard is in relation to private open space, where it is proposed to maintain the existing requirement to provide a minimum of:</p> <ul style="list-style-type: none"> <li>• 75 sqm private open space to be provided including a minimum area of 35sqm with a minimum dimension of 5 at the rear or side of the dwelling or residential building with convenient access from the living room; or</li> <li>• A balcony 10sqm with a minimum width of 2m and convenient access from a living room; or</li> <li>• A roof top area of 10sqm with a minimum</li> </ul>



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					<p>opposite residential properties;</p> <ul style="list-style-type: none"> <li>• New buildings or additions reflect the key architectural elements within the centre</li> <li>• Development to provide a high level of amenity including private open space and canopy tree cover.</li> </ul>	<p>width of 2m and convenient access from a living room;</p> <p>will assist in achieving the high amenity outcome described in the preferred future character for the area.</p>
Wheeler's Hill AC (Area suitable for incremental change)		GRZ5	DDO5		<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>• Low scale residential development to ensure buildings remain subservient to the predominant landscape character;</li> <li>• Building heights to reflect the slopes and terrain of each site.</li> <li>• Development at the residential interface of all sites to be consistent in height and setback with the buildings on adjacent land.</li> <li>• Development abutting existing residential properties should achieve a transition between the building scale and massing of the activity centre and that of the surrounding residential areas.</li> <li>• A 10m landscaped front setback on main road frontages to achieve a continuation of the boulevard character.</li> </ul>	<p>The purpose of the GRZ is to encourage development that respects the neighbourhood character of the area while allowing diversity of housing types and moderate housing growth. This is consistent with the preferred future character of the Wheeler's Hill AC .</p> <p>The only proposed variation to the ResCode Standard is in relation to private open space, where it is proposed to maintain the existing requirement to provide a minimum of:</p> <ul style="list-style-type: none"> <li>• 75 sqm private open space to be provided including a minimum area of 35sqm with a minimum dimension of 5 at the rear or side of the dwelling or residential building with convenient access from the living room; or</li> <li>• A balcony 10sqm with a minimum width of 2m and convenient access from a living room; or</li> <li>• A roof top area of 10sqm with a minimum width of 2m and convenient access from a living room;</li> </ul> <p>will assist in achieving the low scale residential development outcome described in the preferred future character for the area.</p>



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					<ul style="list-style-type: none"> <li>• Building walls facing Ferntree Gully Rd and Jells Rd to be extensively articulated with variation in massing;</li> <li>• Development adjacent to local roads a max 2 storeys.</li> </ul>	
<p><b>Category 3: Monash National Employment Cluster</b> (Area with future redevelopment potential)</p>		RGZ3			<ul style="list-style-type: none"> <li>• Mainly larger footprint apartment development, but some townhouse and unit development.</li> <li>• A ‘campus’ feel through developments in open garden settings and attached or townhouse style development presenting uniformly to the street.</li> <li>• Development that: <ul style="list-style-type: none"> <li>○ Respects the changing built form within the commercial areas;</li> <li>○ Is of a high quality design and finish;</li> <li>○ Minimises running and maintenance costs.</li> </ul> </li> <li>• More affordable accommodation.</li> <li>• More diversity in dwelling sizes.</li> <li>• Landscaping treatment to the streetscape that maintains the native canopy tree setting.</li> </ul>	<p>The purposes of the RGZ are:</p> <ul style="list-style-type: none"> <li>• to provide a diversity of housing at increased densities in buildings up to and including four storeys and in locations offering good access to services and transport including activities areas; and</li> <li>• encourage a transition in scale of development between areas of more intensive use and development and areas of restricted housing growth.</li> </ul> <p>These purposes are consistent with both the broad housing strategy for this type of area and also, the more specific desired future character for the area identified in the proposed new local policy.</p> <p>The proposed variations to the ResCode Standards in the Schedule will also assist in achieving the preferred future character outcomes as follows:</p> <ul style="list-style-type: none"> <li>• Requiring minimum front setbacks of: <ul style="list-style-type: none"> <li>○ 3m on the south side of Dandenong Rd; and</li> <li>○ 4m on the north side of Dandenong Rd</li> </ul> </li> </ul> <p>will differentiate the Cluster area from the surrounding Garden City Area and result</p>



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						<p>in a more intense urban form of development as envisaged in the proposed policy;</p> <ul style="list-style-type: none"> <li>• Requiring the retention or provision of at least one canopy tree in the front setback area that has the potential to reach a mature height at least equal to the height of the development or 9m, whichever is the lesser, is consistent with the preferred future character envisaged in local policy and the intent to retain an overall garden city character;</li> <li>• Requiring a setback from the rear boundary of 3m for the first two storeys plus 2m for the third storey provides for reduced setbacks compared to the prevailing setbacks in the Garden City area while ensuring that there is still some separation between dwellings and opportunity for landscaping and provision of open space as envisaged in proposed local policy.</li> <li>• Requiring a maximum front fence height of 0.9m will assist in creating a comfortable and safe pedestrian environment.</li> </ul>
<b>Category 5: Heritage Precincts (Area suitable for limited change)</b>		NRZ1	HO		<p><u>Housing Strategy</u> To be guided by the application of the Heritage Policy pursuant to the HO, but generally seeks development that is non-intrusive and:</p> <ul style="list-style-type: none"> <li>• Not disproportionate to the scale, height and form of</li> </ul>	<p>The purposes of the NRZ include to limit opportunities for increased residential development and to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics. These purposes are consistent with the desired outcome and future character for these areas.</p>



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				<p>proximate contributory buildings in the precinct;</p> <ul style="list-style-type: none"> <li>• Incorporates elements that are characteristic in the street (i.e. porches or verandahs);</li> <li>• Is of an improved building design and quality.</li> </ul> <p><u>New clause 22.01</u></p> <p><i>Generally:</i></p> <ul style="list-style-type: none"> <li>• New dwellings and additions to existing dwellings to reflect the prevailing scale, building envelope, roof form and front and side setbacks. For example, where the prevailing scale is single storey, double storey elements are to be constructed to the rear behind the line of the hipped or gable roof.</li> <li>• Considerable rear gardens and generous open space provision.</li> </ul> <p><i>Oakleigh/Hughesdale residential precincts</i></p> <ul style="list-style-type: none"> <li>• Future development within the Oakleigh/Hughesdale residential precincts will be designed to conserve and</li> </ul>	<p>The proposed variations to the ResCode Standards will assist in achieving the desired future character for the area as follows:</p> <ul style="list-style-type: none"> <li>• Maintaining a minimum setback of 7.6m from the street will ensure the prevailing front setbacks in the area are maintained and will assist in ensuring new development is non-intrusive.</li> <li>• Including an additional front setback requirement in relation to garages or carports and development constructed to side boundaries will ensure that garages, carports and any part of a dwelling constructed to a side boundary will be recessive to the main dwelling façade and within the streetscape. The variation should assist in ensuring that new development is non-intrusive consistent with the desired future character of the area;</li> <li>• Requiring the retention or provision of at least 2 canopy trees including at least one in the front setback to reach a mature height of at least equal to the height of the proposed development will assist in maintaining the existing character and setting in the heritage precincts and to ensure that development is non-intrusive within the precinct;</li> <li>• The proposed variations relating to site coverage, permeability and walls on boundaries should assist in maintaining the existing character and setting in the</li> </ul>
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					<p>enhance the heritage significance of the relevant precinct.</p>	<p>heritage precincts;</p> <ul style="list-style-type: none"> <li>• Maintaining the existing variation to the ResCode Standard will assist in protecting the existing character and setting in the heritage precincts and also assist in ensuring that development is non-intrusive;</li> <li>• Continuing to require a minimum of 75 sqm private open space to be provided including a minimum area of 35sqm with a minimum dimension of 5 at the rear or side of the dwelling or residential building with convenient access from the living room, will assist in maintaining the existing character and setting in the heritage precincts.</li> </ul> <p>The NRZ1 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10sqm balcony or rooftop area. This will also assist in achieving a housing outcome that does not include apartment style development. A consequence of this is that apartment style development will not comply with the Standard and will need to find another way of demonstrating it achieves the relevant ResCode Objective.</p>
<b>Category 6: Dandenong Valley (Area</b>		NRZ4			<p><u>Housing Strategy:</u></p> <ul style="list-style-type: none"> <li>• Defined by strong landscape character with buildings designed to complement the</li> </ul>	<p>The purposes of the NRZ include to limit opportunities for increased residential development and to manage and ensure that development respects the identified</p>





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<p><b>suitable for limited change)</b></p>					<p>naturalistic environs of the Dandenong Valley.</p> <ul style="list-style-type: none"> <li>• Tall native tree canopy the dominant feature of each streetscape.</li> <li>• New development to be: <ul style="list-style-type: none"> <li>○ Complementary to the scale and form of adjacent buildings;</li> <li>○ Incorporate similar front and side setbacks, finishes and colours to create consistency;</li> <li>○ Well-designed and encouraged to consider energy efficient and sustainability principles.</li> </ul> </li> <li>• Garages to be incorporated into dwelling design so as not to dominate the façade of the building,</li> <li>• Long expanses of blank walls discouraged.</li> <li>• Generous front and side setbacks from at least one boundary to provide areas for planting and sustaining taller trees.</li> <li>• Gardens to appear open to the street and existing mature</li> </ul>	<p>neighbourhood character, environmental or landscape characteristics. These purposes are consistent with the broad future character of the are identified in the Housing Strategy.</p> <p>The proposed variations to the ResCode Standards in the Schedule will also assist in achieving the preferred future character outcomes as follows:</p> <ul style="list-style-type: none"> <li>• Maintaining a minimum front setback of 7.6m (except on corner sites) will assist in achieving the generous front setbacks envisaged in the preferred future character for the area;</li> <li>• Requiring a maximum site coverage of 50% and a minimum permeability of 30% will assist in achieving the strong landscape character sought for the area;</li> <li>• Requiring the retention or provision of a minimum of two canopy trees to reach a mature height at least equal to the height of the development with at least one native canopy tree located in the front setback and requiring development to provide for the retention and/or planting of trees as well as mid-level canopy vegetation throughout the property will assist in achieving the strong landscape character envisaged in local policy;</li> <li>• Specifying that no walls should be constructed on rear boundaries will help to avoid long expanses of blank walls.</li> </ul>
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					<p>trees, shrubs and vegetation to be retained.</p> <ul style="list-style-type: none"><li>• Planting to contribute to the tree canopy of the area.</li><li>• No or low front fences.</li><li>• Low or non-obtrusive side and rear fencing.</li><li>• Single crossovers per lot.</li><li>• Uninterrupted flow of vegetation between the public and private realms.</li></ul> <p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"><li>• A large overhead native tree canopy.</li><li>• Diverse built-form.</li><li>• View lines to the Dandenong Ranges, along streets and between buildings to be maintained.</li><li>• Building scale, height and bulk to continue to enhance and reinforce the existing landscape and built form character.</li><li>• Mostly single dwellings or dual occupancies of varied styles.</li><li>• Garages designed not to dominate the building façade;</li><li>• Front setbacks to be generous.</li><li>• Dwellings designed to sympathetically integrate with any existing native trees and</li></ul>	
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					<p>shrubs on or adjacent to the development site and to the topography.</p> <ul style="list-style-type: none"><li>• Articulated dwelling facades with recesses, openings and balconies.</li><li>• Long expanses of blank walls discouraged.</li><li>• Existing trees will be retained where possible with landscaping to reduce the dominance of buildings and provide filtered views.</li><li>• Gardens to be open to the street with no walls or fences.</li><li>• Predominantly native vegetation in gardens.</li><li>• No more than one crossover per lot frontage.</li></ul>	
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<p><b>Category 7: Garden City Suburbs</b></p> <p><b>(Area suitable for incremental change)</b></p>				<p><u>Housing Strategy</u></p> <ul style="list-style-type: none"> <li>• Generally, a mix of single dwellings and medium density units and townhouses.</li> <li>• Modest dwellings with simple pitched rooflines and articulated facades.</li> <li>• Apartment development on larger sites provided development: <ul style="list-style-type: none"> <li>○ Is sited within well landscaped and generous open space,</li> <li>○ Retains the open landscape character; and</li> <li>○ Tapers down in scale closer to the boundaries of the site;</li> </ul> </li> <li>• Spacious garden setting with tall canopy trees;</li> <li>• Consistent front setbacks;</li> <li>• Buildings setback from at least one boundary;</li> </ul>	<p>The purpose of the GRZ is to encourage development that respects the neighbourhood character of the area while allowing diversity of housing types and moderate housing growth. This is consistent with the broad vision for the Garden City Suburbs set out in the Housing Strategy.</p>
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Northern Area		GRZ4		<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>• Development comprising: <ul style="list-style-type: none"> <li>○ well designed and sensitive unit development; and</li> <li>○ some apartment developments, on suitable sites;</li> </ul> and appearing as secondary to the landscape character;</li> <li>• A larger proportion of double storey development in areas where topography is diverse and there is well developed tree canopy coverage;</li> <li>• Mainly low-rise development in lower, less wooded areas;</li> <li>• Well planted gardens (front and rear) and large canopy trees;</li> <li>• Existing trees and landscape elements such as remnant indigenous vegetation large old coniferous wind-rows retained wherever possible;</li> <li>• Generous and consistent setbacks;</li> <li>• Consistent siting, articulated facades and use of materials;</li> <li>• Large expanses of blank walls discouraged;</li> <li>• Low, transparent or no front fences;</li> </ul>	<p>Including a permit requirement to construct or extend one dwelling on a lot will increase the reach of the Planning Scheme including the proposed cl22.01 and therefore assist in achieving the desired future character for the area.</p> <p>The proposed variations to the ResCode Standards will assist in achieving the desired future character for the area as follows:</p> <ul style="list-style-type: none"> <li>○ Maintaining the minimum street setback of 7.6m (other than for corner sites) currently included in the RGZ2 will assist in maintaining consistent and generous front setbacks as sought by cl 22.01;</li> <li>• The 7.6m setback will also assist in providing the opportunity for well planted gardens;</li> <li>• Requiring retention or provision of a minimum of two canopy trees to reach a mature height at least equal to the height of the proposed development will assist in achieving an overall garden city character and will also assist in drawing more attention to the landscaping rather than the development;</li> <li>• Maintaining the existing requirement to provide a minimum total area of private open space of 75 square metres and including a further new requirement that this include one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 50 square metres with a</li> </ul>
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				<ul style="list-style-type: none"> <li>No more than one crossover on a frontage per lot.</li> </ul>	<p>minimum width of 5 metres and convenient access from a living room, will assist in providing opportunities to retain or provide canopy trees as envisaged by the local policy.</p> <p>The GRZ4 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10sqm balcony or rooftop area. A consequence of this is that low rise apartment style development will, in most cases, need to retain a ground floor private open space component, in order to comply with the intent of s the relevant ResCode Objective.</p>
<b>Southern Area</b>		GRZ3		<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>Lower scale residential development in the residential hinterland with new development comprising a mix of: <ul style="list-style-type: none"> <li>Single dwellings; and</li> <li>Medium density units and townhouses; and</li> <li>Low rise apartment development on larger sites where appropriate provided the development is sited within generous open space, well landscaped and tapers down in scale closer to the boundaries of the</li> </ul> </li> </ul>	<p>The proposed schedule to the GRZ3 will assist in achieving the vision for the area and particularly the spacious garden setting as follows:</p> <ul style="list-style-type: none"> <li>requiring a minimum street setback of 7.6m and a maximum site coverage of 50% will assist in providing adequate space to achieve a spacious garden setting;</li> <li>requiring a minimum 40% of the site to be permeable surface will also assist in achieving and maintaining a spacious garden setting;</li> <li>requiring retention or provision of a minimum of two canopy trees to reach a mature height at least equal to the height of the proposed development will assist in achieving tall canopy trees within the spacious garden setting;</li> </ul>



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					<p>site;</p> <ul style="list-style-type: none"><li>• New development to be respectful of scale and siting of original housing in the area and enhance the generous spacious, open, landscaped character of the area;</li><li>• Spacious garden settings with tall canopy trees and existing mature trees and shrubs to be retained</li><li>• Consistency in setbacks with setbacks to be maintained from at least one boundary and from the rear of the site;</li><li>• Expanses of blank or continuous walls discouraged;</li><li>• Low front fences;</li><li>• No more than one crossover on a frontage per lot.</li></ul>	<ul style="list-style-type: none"><li>• maintaining the existing requirement existing for a minimum total area of private open space of 75 square metres and including a further new requirement that this include one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 50 square metres with a minimum width of 5 metres and convenient access from a living room.</li></ul> <p>The GRZ3 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10sqm balcony or rooftop area. A consequence of this is that low rise apartment style development will need, in most cases, to retain a ground floor private open space component, in order to comply with the intent of the relevant ResCode Objective.</p>
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<p><b>Category 8: Creek environs (Area suitable for limited change)</b></p>				<p><u>Housing Strategy:</u></p> <ul style="list-style-type: none"> <li>• A mix of single dwellings and medium density units and townhouses.</li> <li>• Modest dwellings with simple pitched rooflines and articulated facades.</li> <li>• Development that is: <ul style="list-style-type: none"> <li>○ Well landscaped and retains the open landscape character of the nearby creek environment.</li> <li>○ Tapers down in scale closer to the creek.</li> <li>○ Visually connects to the adjacent creek environment.</li> <li>○ In a spacious garden settings with tall canopy trees.</li> </ul> </li> <li>• Consistent front setbacks.</li> </ul> <p>Larger setbacks from the creek to provide for canopy trees.</p>	<p>The purposes of the NRZ include to limit opportunities for increased residential development and to manage and ensure that development respects the environmental or landscape characteristics. These purposes are consistent with the broad vision for the 'Creek environs' area as identified in the Housing Strategy.</p>
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Creek abuttal areas		NRZ2		<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>• Lower scale residential development with new development comprising a mix of single dwellings and dual occupancies;</li> <li>• Spacious garden settings, tall canopy trees and consistent built form.</li> <li>• Vegetation to dominate the streetscape.</li> <li>• Consistency in front setbacks.</li> <li>• Maintain larger setbacks from the creek.</li> <li>• Buildings to be: <ul style="list-style-type: none"> <li>○ visually recessive;</li> <li>○ complementary of the 1950s and 60s building styles with simple details, low building scales and articulated facades;</li> <li>○ setback from at least one side boundary</li> </ul> </li> <li>• Lack of front fencing.</li> <li>• Long expanses of blank walls discouraged.</li> </ul> <p>Upper levels to be recessed and articulated.</p>	<p>Including a permit requirement to construct or extend one dwelling on a lot will increase the reach of the Planning Scheme including the proposed cl22.01 and therefore assist in achieving the desired future character for the area.</p> <p>Including a minimum lot size for subdivision of 300sqm will also assist in achieving a spacious garden setting.</p> <p>The proposed schedule to the NRZ2 will assist in achieving the vision for the area and particularly the spacious garden setting as follows:</p> <ul style="list-style-type: none"> <li>• Maintaining 7.6m as the minimum front setback (other than on a corner site) and a maximum site coverage and minimum permeability of 40% will assist in providing adequate space and appropriate surfaces to achieve and maintain a spacious garden setting;</li> <li>• Specifying 6.5m as the maximum length of a wall on a side boundary will assist in avoiding long expanses of blank walls (i.e. as a wall on a boundary will be);</li> <li>• Specifying that: <ul style="list-style-type: none"> <li>○ no walls should be constructed on rear boundaries; and</li> <li>○ walls must be setback a minimum 7m from a rear boundary plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m; should assist in maintaining larger</li> </ul> </li> </ul>
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					<p>setbacks from the creek and a spacious garden setting;</p> <ul style="list-style-type: none"><li>• Requiring garages or carports to be setback at least 1m behind a dwelling façade will assist in achieving articulated facades;</li><li>• Requiring retention or provision of a minimum of two canopy trees to reach a mature height at least equal to the height of the proposed development and providing for the retention and/or planting of mid-level canopy vegetation also will assist in achieving tall canopy trees within the spacious garden setting;</li><li>• Specifying a maximum front fence height of 0.6m other than fronting a road zone where 1.2m is specified as the maximum should assist in discouraging front fencing as per the preferred character;</li><li>• Specifying provision for a minimum total area of private open space of 80 square metres with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 60 square metres with a minimum width of 5 metres and convenient access from a living room, will assist in achieving a spacious garden setting and provide opportunity for canopy tree planting.</li></ul> <p>The NRZ2 also proposes to remove the option of satisfying the Standard by provision of an 8 or 10sqm balcony or rooftop area. A consequence</p>
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						of this is that apartment style development will not comply with the Standard and will need to find another way of demonstrating it achieves the relevant ResCode Objective.
<b>Creek environs areas</b>		NRZ3			<p><u>New cl 22.01:</u></p> <ul style="list-style-type: none"> <li>• Lower scale residential development with new development comprising a mix of single dwellings and dual occupancies;</li> <li>• Spacious garden settings, tall canopy trees and consistent built form;</li> <li>• New development to be well landscaped and retain the open landscape character;</li> <li>• Vegetation to dominate the streetscape;</li> <li>• Maintain larger setbacks from the creek.</li> <li>• Buildings to be: <ul style="list-style-type: none"> <li>○ visually recessive;</li> </ul> </li> </ul>	<p>Including a permit requirement to construct or extend one dwelling on a lot will increase the reach of the Planning Scheme including the proposed cl22.01 and therefore assist in achieving the desired future character for the area.</p> <p>Including a minimum lot size for subdivision of 300sqm will also assist in achieving a spacious garden setting.</p> <p>The proposed schedule to the NRZ2 will assist in achieving the vision for the area and particularly the spacious garden setting as follows:</p> <ul style="list-style-type: none"> <li>• Maintaining 7.6m as the minimum front setback (other than on a corner site) and a maximum site coverage of 45% and minimum permeability of 35% will assist in providing adequate space and</li> </ul>



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				<ul style="list-style-type: none"> <li>○ complementary of the 1950s and 60s building styles with simple details, low building scale, articulated facades and pitched roofs;</li> <li>○ setback from at least one side boundary</li> </ul> <ul style="list-style-type: none"> <li>• Lack of front fencing.</li> <li>• Long expanses of blank walls discouraged.</li> </ul> <p>Upper levels to be recessed and articulated.</p>	<p>appropriate surfaces to achieve and maintain a spacious garden setting;</p> <ul style="list-style-type: none"> <li>• Specifying 6.5m as the maximum length of a wall on a side boundary will assist in avoiding long expanses of blank walls (i.e. as a wall on a boundary will be);</li> <li>• Specifying that: <ul style="list-style-type: none"> <li>○ no walls should be constructed on rear boundaries; and</li> <li>○ walls must be setback a minimum 6m from a rear boundary plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m;</li> </ul> <p>should assist in maintaining larger setbacks from the creek and a spacious garden setting;</p> </li> <li>• Requiring garages or carports to be setback at least 1m behind a dwelling façade will assist in achieving articulated facades;</li> <li>• Requiring retention or provision of a minimum of two canopy trees to reach a mature height at least equal to the height of the proposed development will assist in achieving tall canopy trees within the spacious garden setting;</li> <li>• Specifying a maximum front fence height of 0.6m other than fronting a road zone where 1.2m is specified as the maximum should assist in discouraging front fencing as per the preferred character;</li> <li>• Specifying a minimum provision of private</li> </ul>
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						<p>open space of 80 square metres total area with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 60 square metres with a minimum width of 5 metres and convenient access from a living room will assist in achieving a spacious garden setting and provide opportunity for canopy tree planting.</p>
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## Appendix C – Site Specific Issues

<b>Tab 2</b>	Pace Development Group Pty Ltd (Urbis)
<b>Subject land</b>	554-556 High Street Road, Mount Waverley
<b>Submitter No.</b>	1809
<b>Submission No.</b>	D16-1198120 (folder 42)
<b>Issue summary:</b>	Site specific consideration, zone boundary
<b>Zoning</b>	Current Planning Scheme: GRZ2 Exhibited: NRZ2 Council amendment: GRZ4
<b>Context</b>	Pace is not the owner of the subject land, they hold a caveat registered on 31 May 2016 for 554 High Street Road and 16 February 2016 for 558 High Street Road.
<b>Submission</b>	<ul style="list-style-type: none"> <li>▪ The residential zoning of the subject land, and the land generally between Blackburn Road to the east and 546 High Street Road to the west would better suit a Mixed Use Zone.</li> <li>▪ Subject land and the immediate area is essentially an informal commercial precinct by nature of the land uses and built form typology.</li> <li>▪ Its location adjacent to the Syndal Activity Centre further supports a Commercial or Mixed Use Zone.</li> </ul>
<b>Council response</b>	<ul style="list-style-type: none"> <li>▪ Council officers spoke with representatives of Urbis on several occasions to discuss the site and proposed change; met with Urbis on 16 June 2016.</li> <li>▪ At this meeting Urbis were advised that: <ul style="list-style-type: none"> <li>– Amendment C125 is the first round of the housing strategy implementation and as such is limited in scope to garden character issues and the Clayton area changes.</li> <li>– In the next few years structure plans would be prepared for activity centres and other changes for accessible areas and boulevards shown in the housing strategy.</li> <li>– The Council would not support the rezoning of the site to Commercial or other zones outside of those used in C125.</li> </ul> </li> <li>▪ The Council's view is that the submission is outside of the scope of the Amendment and the Authorisation, seeking to facilitate commercial development without any strategic justification.</li> </ul>

<b>Tab 6</b>	<b>BlueCross Community &amp; Resident Services (Urbis)</b>
<b>Subject land</b>	444-454 Waverley Road, Mount Waverley  1.84 hectares
<b>Submitter No.</b>	651
<b>Submission No.</b>	788 (folder 16)
<b>Issue summary:</b>	Zone boundary
<b>Zoning</b>	Current Planning Scheme: GRZ2, VPO1 and LSIO  Exhibited: NRZ2
<b>Context</b>	BlueCross is in the initial stages of preparing a planning permit application for a three storey residential aged care facility on the eastern portion of the site.
<b>Submission</b>	<p>Recommend that Council reconsider the application of a NRZ to the subject land. Consider that land can accommodate more than two dwellings, a more robust built form and should be included within the GRZ4, given the following site attributes:</p> <ul style="list-style-type: none"> <li>▪ a land area of 1.86 hectares, which is significantly larger than the surrounding residential;</li> <li>▪ subdivision surrounding the site, therefore being able to accommodate a more intense built form;</li> <li>▪ there is an existing three storey residential aged care facility already on the site;</li> <li>▪ the site has direct abuttal to the Principal Public Transport Network (Bus Route 623 – Glen Waverley - St Kilda via Mount Waverley, Chadstone, Carnegie);</li> <li>▪ Council's Local Planning Policy at Clause 21.04 seeks to "recognise and provide for housing needs of an ageing population";</li> <li>▪ <i>The City of Monash Housing Strategy 2014</i> prepared by Planisphere includes a number of objectives, strategies and actions aimed at addressing housing issues. One of the objectives is to <i>recognise and provide for housing needs of an ageing population</i>. The site provides an opportunity to provide housing in accordance with Council's Housing Strategy.</li> </ul> <p>The GRZ still ensures development respects and preserve urban character while enabling moderate housing growth and housing diversity. Specifically, it does not incorporate a mandatory building height of 9 metres and would allow a site responsive design that responds to the site, Council planning policy and ResCode provisions.</p>
<b>Council Response</b>	This site abuts Scotchman's Creek, and is highly visible from the surrounding properties. The aspiration for sites abutting creek lands is to provide for the interface areas, in particular, to contain generous rear setbacks and to provide landscaping to provide



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<p>integration with the creek land. The proposal to include this site within a GRZ4 would suggest a more intensive development, would not flag the importance of space around the buildings to ensure development sits within its landscape context. Council considers it should be included within the NRZ2.</p>
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<b>Tab 7</b>	<ul style="list-style-type: none"> <li>▪ E.H.P.R Nominees Pty Ltd</li> </ul>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ 1362-1364 Dandenong Road, Hughesdale</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 982</li> </ul>
<b>Submission No.</b>	<ul style="list-style-type: none"> <li>▪ 912, 1042, 2027 (folders 17, 20, 36)</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Zone boundary</li> </ul>
<b>Zoning</b>	<p>Current Planning Scheme: GRZ2</p> <p>Exhibited: GRZ3</p>
<b>Submission</b>	<p><b>Submission 912</b></p> <ul style="list-style-type: none"> <li>▪ Opposes amendment on following basis: <ul style="list-style-type: none"> <li>– No proper or strategic basis to applying proposed Schedule 3 to the GRZ to the subject land</li> <li>– Inclusion of the subject land within the area affected by proposed schedule 3 to the GRZ is inconsistent with the 'Monash Housing Strategy'</li> </ul> </li> </ul> <p><b>Submission 1042</b> – duplicate of submission no. 912.</p> <p><b>Submission 2027</b></p> <ul style="list-style-type: none"> <li>▪ Reviewed Council's meeting minutes of 29 March 2016 and have found no evidence that Council Officers have taken into consideration the matters raised in Contour Report. No recognition of different planning considerations that should apply to properties fronting major arterial roads, such as Dandenong Road.</li> </ul>
<b>Council Response</b>	<p>Council acknowledges that there may be potential for more intensive growth along the Dandenong Road area, as noted in the Residential Development Framework (as it is nominated as one of two 'Boulevards'). In addition, the land may form part of the Hughesdale Structure Plan. However, the strategic work to determine the appropriate form of development has not been undertaken yet. It is scheduled to be undertaken as per the Council work plan to implement the Housing Strategy. The submissions raised are pre-emptive of the work yet to be done.</p>

<b>Tab 8</b>	<ul style="list-style-type: none"> <li>▪ <b>Salpina Pty Ltd (John Bardini of Select Group formerly Broadplan Town planning &amp; Development)</b></li> </ul>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ 179 Clayton Road, Oakleigh East 3166</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 923</li> </ul>
<b>Submission No.</b>	<ul style="list-style-type: none"> <li>▪ 360, 827, 1319, 2119 (folders 8, 16, 24, 38)</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Insufficient justification, Zone</li> </ul>
<b>Zoning</b>	<p>Current Planning Scheme: GRZ2</p> <p>Exhibited: GRZ3</p>
<b>Submission</b>	<p>That the strip of remaining residential zoned land fronting Clayton Road between North Road and Princes Highway / Dandenong Road be included within the proposed Residential Growth Zone.</p> <p>The boundaries of the proposed RGZ have been modelled around the proximity to the Clayton Activity Centre. The boundary appears to be defined by the land between Centre Road and North Road. Submitted that this boundary falls short of where it should be for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Our client's land forms 1 of 6 remaining residential zoned lots which extend north of North Road boundary. These lots have main road frontages to Clayton Road consistent with the strip of land on the south side of North Road which are proposed for inclusion in the RGZ and which possess similar attributes in terms of location to services and road interchange.</li> <li>▪ The land is within walking distance of the Clayton railway station and Activity Centre and lies opposite the Clayton North Primary School.</li> <li>▪ The character envisaged by the proposed zone is one which references a Garden City Character as indicated by what is proposed under the schedule of the General Residential Zone (GRZ3). While this should be a reasonable outcome for the existing residential lots to the rear of the lots fronting Clayton Road it is not considered appropriate for the remaining lots which in essence retain abutments to existing and established industrial and commercial uses. As such it is submitted that the application of the proposed new zone for these sites seems drastic and one which offers no reasonable transition or balance.</li> </ul>
<b>Council Response</b>	<p>Council acknowledges that there may be potential for more intensive growth along the Dandenong Road area, as noted in the Residential Development Framework (as it is nominated as one of two 'Boulevards' and/or the Hughesdale Structure Plan. However, the strategic work to determine the appropriate form of development has not been undertaken yet. It is scheduled to be undertaken as per the Council work plan to implement the Housing Strategy. The submissions raised are pre-emptive of the work yet to be done.</p>

<b>Tab 8</b>	<ul style="list-style-type: none"> <li>▪ <b>John Bardini [note also representing Salpina] (Select Group)</b></li> </ul>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ NA</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 923</li> </ul>
<b>Submission No.</b>	<ul style="list-style-type: none"> <li>▪ 1319</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Insufficient justification, Zone</li> </ul>
<b>Zoning</b>	<p>Current Planning Scheme: NA</p> <p>Exhibited: NA</p>
<b>Submission</b>	<p>Submits the following concerns:</p> <ul style="list-style-type: none"> <li>▪ The application of the NRZ where neighbourhoods have already established medium density housing at an increment in excess of 2 dwellings per lot and where clusters of medium density housing are located. One such example is Cabena Crescent in Chadstone. In cases like this there is no logic in introducing a zone which aims to severely restrict development densities. The introduction of the NRZ in instances such as this is at odds with the mix of housing densities which have been established and which should continue to be promoted under the current GRZ.</li> <li>▪ The application of the GRZ with restrictive schedule controls in locations with main road frontages and close to activity centres. The implications of the schedule controls relating to E.H.P.R's land [see summary above]. Unless I am mistaken the controls proposed for this site will limit medium density housing opportunities significantly. Given the site's close proximity to Clayton Activity Centre, the employment cluster and its main road exposure we are of the opinion that the new zone proposed for this area is at odds with what should be promoted albeit at a lower level than the robust development envisaged for the land contained in the Residential Growth Zones.</li> </ul> <p>The above examples have been submitted to highlight what I would like to see as a more balanced approach taken to the application of the new zones across the board. In other words the transitional changes between zones need to be less dramatic with a more considered approach taken towards the use of the zone schedules.</p>
<b>Council Response</b>	<p>See '<b>Rationale for the proposed NRZ2 and 3 boundaries</b>' (Council's Part B Submission)</p>

<b>Tab 9</b>	<b>Havelock Nominees Pty Ltd (Ratio Consultants)</b>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>445 Blackburn Road, Mount Waverley</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>755</li> </ul>
<b>Submission No.</b>	<ul style="list-style-type: none"> <li>920 (folder 18)</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>Site specific consideration</li> </ul>
<b>Zoning</b>	Current Planning Scheme: GRZ2, VPO1 Exhibited: GRZ4
<b>Context</b>	Large corner site, 4000m2, adjacent to Pinewood Activity Centre
<b>Submission</b>	<p>Submitted:</p> <ul style="list-style-type: none"> <li>that the site's generous size, main road frontage, proximity to an activity centre and varied character is indicative of a strategic redevelopment site that is better suited to the RGZ, as opposed to the GRZ4, which seeks to reflect a garden city context that is at odds with the site context.</li> <li>The proposed GRZ4 provisions place unreasonable constraints on the development potential of this strategic redevelopment site in relation to the proposed 50 per cent site coverage, 30 per cent permeability and increased side and rear setback requirements.</li> <li>The GRZ4 seeks to remove the options for the provision of open space in the form of balconies and roof top terraces, which is contrary to the proposed character description for the garden city suburbs northern precinct which recognises that on suitable sites there will be apartment development, so long as these developments take place within a leafy environment of well planted gardens.</li> <li>The schedule should retain the open space option for balconies and roof top terraces to enable, on appropriate sites, the consideration of apartment style developments to add to the mix and diversity of housing options for the community that the Monash policy framework strongly encourages.</li> </ul> <p>Ultimately, submitted that the GRZ4 does not reflect the site context and that the more appropriate zone for this site would be the RGZ, to reflect its strategic redevelopment potential. Additionally the proposed Clause 55 variations within the schedule would reduce the development potential of this site and limit prospects for apartment style development that the proposed future character description envisages and policy relating to housing diversity encourages.</p>
<b>Council response</b>	Council acknowledges that there may be potential for more intensive growth within the vicinity of the Pinewood Activity Centre, as noted in the Residential Development Framework). However, the strategic work to determine the appropriate form of

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<p>development has not been undertaken yet. It is scheduled to be undertaken as per the Council work plan to implement the Housing Strategy. The submissions raised are pre-emptive of the work yet to be done.</p>
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<b>Tab 10</b>	<b>Sterling Global (Urbis)</b>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ 1221-1249 Centre Road, Oakleigh South</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 1450</li> </ul>
<b>Submission No.</b>	<ul style="list-style-type: none"> <li>▪ 2087 (folder 37)</li> </ul>
<b>Date Received</b>	<ul style="list-style-type: none"> <li>▪ 28 April 2016</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Zone boundary</li> </ul>
<b>Zoning</b>	Current Planning Scheme: GRZ2, SUZ2, EAO Exhibited: GRZ3
<b>Context</b>	Site is currently subject to a planning scheme amendment and permit application that seeks to facilitate the comprehensive redevelopment of the land for residential purposes. Comprising an area of some 20ha, the site is recognised as one of the largest strategic redevelopment sites in Monash.
<b>Submission</b>	<p>Submitted that client is concerned with the proposed application of GRZ3 to the subject land. The proposed zoning would unnecessarily restrict the potential of this strategic redevelopment site to make a positive contribution to the housing intensification goals of Council's Housing Strategy.</p> <p>Submit that the subject land should be removed from the proposed GRZ3 and instead have a site specific schedule, similar to proposed GRZ6 for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The site is some 18.79h, is the largest site for urban renewal in Monash;</li> <li>▪ The site is located at the intersection of 2 arterial roads, and is well buffered from adjacent residential environments by virtue of existing landscape buffers;</li> <li>▪ The site affords excellent access to services, shops, public open space and employment opportunities including a national employment cluster; and</li> <li>▪ The site is capable of making a significant contribution to diversifying the nature of housing types on offer in Monash, without in any way impacting on surrounding neighbourhood character or amenity.</li> </ul> <p>Ultimately submitted that the proposed application of GRZ3 to our client's landholdings will limit the achievement of these urban renewal objectives. In light of the site's scale, favourable location and relative isolation from surrounding neighbourhoods, we submit that standards such as those proposed for GRZ6 would provide a more appropriate fit to achieve the aims of the housing strategy for 1221-1249 Centre Road, Oakleigh South.</p>
<b>Council response</b>	The site specific amendment that the land is currently subject to is the appropriate mechanism to tease out the issues raised, rather than through Amendment C125.

<b>Tab 11</b>	<b>Dr Sharon Pfueller (Dr Gregory Moore of University of Melbourne)</b>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ NRZ</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 178</li> </ul>
<b>Submission No.</b>	203, D16-1197708, D16-1206760 (folders 6, 42, 43)
<b>Date Received</b>	<ul style="list-style-type: none"> <li>▪ 2 July 2015</li> </ul>
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ General enquiry/comment</li> </ul>
<b>Zoning</b>	Current Planning Scheme: NA Exhibited: NA
<b>Submission</b>	<ul style="list-style-type: none"> <li>▪ <b>Submission 203</b></li> </ul> <p>Supports:</p> <ul style="list-style-type: none"> <li>▪ Creation of zones to balance requirements for preservation of neighbourhood character and provision of more opportunities for accommodating a growing population.</li> <li>▪ Creation of NRZ which provides protection for either heritage architecture or important landscape components.</li> </ul> <p>Submits:</p> <ul style="list-style-type: none"> <li>▪ NRZ3 and NRZ4 are only partially congruent with areas of VPO. Urges Council to extend zones to include VPO.</li> </ul> <ul style="list-style-type: none"> <li>▪ <b>Submission D16-1197708</b></li> </ul> <p>Provides address.</p> <ul style="list-style-type: none"> <li>▪ <b>Submission D16-1206760</b></li> </ul> <p>Concerned the subsequent changes to Amendment C125 will result in smaller gardens, less open space, less green space, smaller and few trees.</p> <ul style="list-style-type: none"> <li>▪ Council is caving into the interests of developers with short term goals to satisfy demands for larger houses.</li> <li>▪ Supports Vision 2020, a movement to make urban areas 20% greener by 2020. Encourages Monash City Council to adopt this initiative.</li> </ul>
<b>Council response</b>	<p>The NRZ and VPO will operate together to support neighbourhood character objectives in locations where they coincide. However, as their application is subject to separate processes and criteria it is not appropriate to expand the VPO simply for the purpose of matching it with the extent of the NRZ.</p> <p>Council is sympathetic to this perspective, however the Amendment C125 is trying to bring together both neighbourhood</p>



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<p>character housing needs (which are influenced by considerations such as accessibility and not only presence of a VPO, which does not, in fact, fully align with the location of tree vegetation). Council is undertaking a Urban Landscape and Canopy Tree Study to better identify the canopy potential and aspirations, and the matters raised can be further considered at this stage.</p>
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<b>Tab 22</b>	<b>Metricon Homes Pty Ltd (Johnathan Halaliku of Clement-Stone Town Planner)</b>
<b>Subject land</b>	Developments across the municipality
<b>Submitter No.</b>	1060
<b>Submission No.</b>	1181, 1187 (folder 22)
<b>Issue summary:</b>	Insufficient justification
<b>Zoning</b>	NA
<b>Submission</b>	<p><b>Submission 1181</b></p> <ul style="list-style-type: none"> <li>▪ Proposed changes to the residential zone schedules will negatively impact the achievement of overarching strategic planning objectives within the Municipality and Eastern sub-region.</li> <li>▪ Submission reviews Amendment C125 and its consideration and performance against the relevant Ministerial Directions, SPPF, Practice Notes, and recent Planning Panel reports.</li> </ul> <p>[For particulars, see submission at page 7, 10 11, 13, 14]</p> <p><b>Submission 1181 - repeated.</b></p>
<b>Council response</b>	Refer to discussion concerning individual zones.

<b>Tab 24</b>	<b>Pong Property Development Pty Ltd (How S. Ng of Melbourne Planning Pty Ltd)</b>
<b>Subject land</b>	149 Hansworth Street, Mulgrave
<b>Submitter No.</b>	674
<b>Submission No.</b>	815 (folder 16)
<b>Issue summary:</b>	Zone boundary
<b>Zoning</b>	Current zone: GRZ2 Exhibited zone: GRZ4
<b>Context</b>	<ul style="list-style-type: none"> <li>▪ Pong bought the land with a permit for 40 detached dwellings. Development was delayed. The permit was not acted upon and so it expired. A new application was lodged for effectively the same development and the Council granted a permit (Permit 33493) on 22 February 2006 for the staged subdivision of 40 dwellings. Again, this permit was not acted upon and so it expired.</li> <li>▪ The matter went to VCAT, where the planning application was lodged with the Council with the same plans as those intended to be submitted for approval in accordance with condition 1 of the 2006 permit. Tribunal was not persuaded that the development satisfies all of the objectives of clause 55 (commonly known as ResCode), found it to be a poor design response and was refused. [See Bevan v Monash CC [2010] VCAT 940]</li> <li>▪ A revised permit application is due to be submitted to the Council soon.</li> </ul>
<ul style="list-style-type: none"> <li>▪ <b>Submission</b></li> </ul>	<p>Submitted in opposition to Amendment C125:</p> <p>“Generally, amendments to planning schemes are to improve them or to correct omissions. In this case, the proposed Amendment is in a backward gear. It is anti-urban consolidation, contrary to the Tribunal's ruling, and returns planning to the old days of planning anarchy when every Council had its own residential code or policy. The ResCode is dissected alive by the Council into a variety of its own Code in the guise of improving planning and housing standards. In this regard, we invite you to re-read the Tribunal's decision in Antonopoulos v. City of Monash, Appeal No. 2000/82213, which has probably been buried in the Council's cemetery.”</p>

▪ <b>Tab 38</b>	▪ <b>Monash University (Rhodie Anderson of Rigby Lawyer)</b>
▪ <b>Subject land</b>	▪ Monash Employment Cluster
▪ <b>Submitter No.</b>	▪ 815
▪ <b>Submission No.</b>	994 (folder 19)
▪ <b>Issue summary:</b>	▪ Monash Uni relationship with employment cluster/RGZ3/DDO13
▪ <b>Zoning</b>	NA
▪ <b>Submission</b>	<p>Submitted:</p> <ul style="list-style-type: none"> <li>▪ The cluster should be more broadly defined than solely by the core anchors of Monash University, Monash Health, Clayton Activity Centre. Rather it should be complemented and supported by the intermediate and interfacing neighbourhoods both between and adjacent to these core areas.</li> <li>▪ Objectives of the DDO are unclear in their goals and priorities to enhance the future development of the Monash National Employment Cluster.</li> <li>▪ Monash University sets out a number of principles that should underpin the objective of the DDO [see submission 994].</li> </ul>
<b>Council response</b>	<p>The boundaries of the Monash National Employment Cluster and the relevant zone and overlay provisions have been developed in consultation with the VPA and the VPA has responsibility for driving strategic planning in the NEC.</p> <p>Council does not support any further changes to the NEC beyond the exhibited amendment, particularly on the basis that it would pre-empt the future strategic work to be undertaken by the VPA.</p>

<b>Tab 13</b>	<b>The Friends of Damper Creek Reserve Inc (FoDC) (John Clements)</b>
<b>Subject land</b>	Damper Creek
<b>Submitter No.</b>	361
<b>Submission No.</b>	416, 1220, 1333, 1391, 1911, D16-1178661 (folders 9, 23, 24, 25, 34, 42)
<b>Issue summary:</b>	Support
<b>Zoning</b>	NRZ 2 and NRZ3
<b>Submission</b>	<p><b>Submission 416</b></p> <ul style="list-style-type: none"> <li>▪ Request that a number of properties abutting Damper Creek Reserve be included in the category 'NRZ2 Creek Abuttal' (for example, properties bordering a section of the reserve at the end of Nethercote Drive, Flame Street, Stephenson's Rd and High Street Road; and some properties abutting the reserve on the west side of Alice Street towards the end of that road, which do not appear to be included in NRZ2).</li> <li>▪ Request that all properties backing onto creek reserves in the City of Monash to be included in NRZ2.</li> <li>▪ Support the concept of creating 'a Green Corridor' connecting Damper Creek with Gardiners Creek. The 'Green Corridors' concept could further be considered in relation to connecting all of the creeks in the City of Monash. Such connections would help create healthier ecosystems.</li> </ul> <p><b>Submission 1220</b></p> <ul style="list-style-type: none"> <li>▪ Strongly support the goals of the NRZ2 and the NRZ3.</li> </ul> <p><b>Submission 1333</b></p> <ul style="list-style-type: none"> <li>▪ Strongly support the introduction of new residential zones proposed under C125, especially NRZ2 and NRZ3.</li> </ul> <p><b>Submission 1391</b></p> <ul style="list-style-type: none"> <li>▪ In support of NRZ2, NRZ3 and the 'garden city suburbs' zone. In support of C125.</li> </ul> <p><b>Submission 1911</b></p> <ul style="list-style-type: none"> <li>▪ Request to be heard at Special Council meeting of 3 May 2016.</li> </ul> <p><b>Submission D16-1178661</b></p> <ul style="list-style-type: none"> <li>▪ Attaching pro forma submission that FoDC find alarming.</li> </ul>



<b>Tab 71</b>	<ul style="list-style-type: none"> <li>▪ <b>Friends of Scotchmans Creek and Valley Reserve Inc. (Sally Walker &amp; Alan Moore)</b></li> </ul>
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ Scotchmans Creek Corridor and Valley Reserve</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 300</li> </ul>
<b>Submission No.</b>	340, 2083 (folders 8, 37)
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Support</li> </ul>
<b>Zoning</b>	NRZ2 and NRZ 3
<b>Submission</b>	<p><b>Submission 340</b></p> <p>In full support of Amendment C125, particularly with the proposed NRZ2 and NRZ3:</p> <ul style="list-style-type: none"> <li>▪ The increased side and rear setbacks in combination with the required landscaping requirements in the new zones NRZ2 and NRZ3 will allow for a much wider green corridor and for much less development overlooking these corridors.</li> <li>▪ These changes will increase the amenity of the creek reserves for the residents of Monash and assist in allowing residents to get away from the surrounding built environment into a tranquil natural place.</li> <li>▪ Fully support the reduced maximum percentage of site coverage and the increased minimum percentage of permeable surfaces.</li> </ul> <p><b>Submission 2083</b></p> <ul style="list-style-type: none"> <li>▪ In general support of Amendment C125.</li> <li>▪ Pleased that the changes adopted by Council on 29 March, 2016 have made very few changes to the new zones NRZ2 and NRZ3, but would have preferred that no changes had been made.</li> <li>▪ See submission 2083 for position on amendments to ResCode following 29 March 2016 meeting.</li> </ul>

**LS Vic Property Management, Mr Bu, Sanctuary Gate Pty Ltd (Perry Town Planning)**

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<b>Tab 14</b>	
<b>Subject land</b>	<ul style="list-style-type: none"> <li>▪ 44-60 Fenton Street, Huntingdale (LS Vic Property Management)</li> <li>▪ 17-31 Franklyn Street, Huntingdale (Mr H Bu)</li> <li>▪ 1351-1363 North Road, Huntingdale (Sanctuary Gate Pty Ltd)</li> </ul>
<b>Submitter No.</b>	<ul style="list-style-type: none"> <li>▪ 766</li> </ul>
<b>Submission No.</b>	935, 2164 (folders 18,38)
<b>Issue summary:</b>	<ul style="list-style-type: none"> <li>▪ Insufficient justification, zone</li> </ul>
<b>Zoning</b>	Current zone: IN1Z
<b>Submission</b>	<p><b>Submission 935</b></p> <p>Our clients' land is currently not noted for any change to its zoning within the Industrial 1 Zone (IN1Z). Submit the following report for your consideration outlining our clients' premises that their land be included as part of this Amendment proposal.</p> <p>The purpose of this submission is to request that:</p> <ul style="list-style-type: none"> <li>▪ The proposed boundary of the GRZ3 zone be shifted to incorporate our clients land, or;</li> <li>▪ Our clients' land be rezoned from IN1Z to Mixed Use Zone (MUZ) to creating a buffer between the GRZ3 to the north and east, and to the industrial land to the south and west.</li> </ul> <ul style="list-style-type: none"> <li>▪ <b>Submission 2164</b></li> <li>▪ Following Council meeting of 29 March 2016, acknowledge that there has been no zoning change to the subject land.</li> <li>▪ Submits there is justification in rezoning the land to either MUZ or GRZ.</li> </ul>
<b>Council response</b>	This submission relates to the Industrial 1 Zone and is beyond the scope of Amendment C125.





Maddocks