

**Date:** 26 August 2016

# **Amendment C125 to the Monash Planning Scheme**

Phase 1 Implementation of the Monash Housing Strategy

**Council Submission: Part A**

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# Introduction

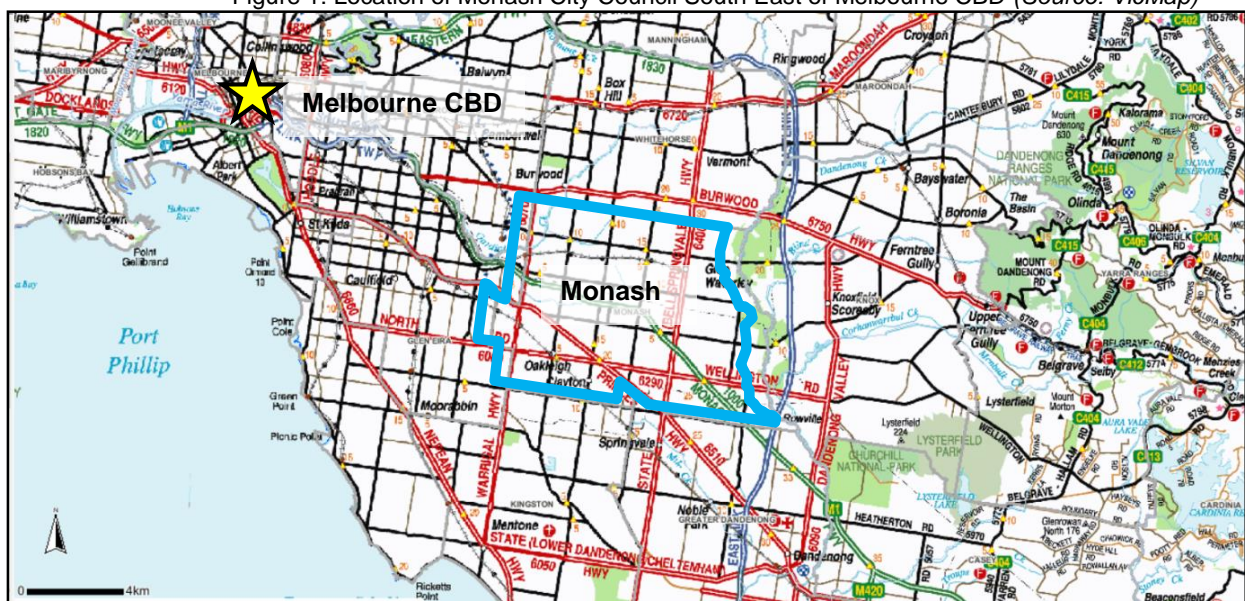
1. The Panel has been appointed to consider submissions received by Monash City Council (**Council**) in relation to proposed Amendment C125 (**Amendment**) to the Monash Planning Scheme (**Scheme**).
2. Directions issued by the Panel require the Council to provide its Part A Submission by 26 August 2016 and that the following should be dealt with:
  - Background to the Amendment;
  - Chronology of events;
  - Strategic context and assessment;
  - Identification of the issues raised in submissions and its response;
  - Changes to the Amendment documentation proposed as a result of the issues raised in submissions;
  - Identification of differences between the proposed zones (as exhibited and with changes supported by Council);
  - Clarification of the documents that provide the strategic justification and analysis underpinning the Amendment;
  - Projections of future housing requirements, including the assumptions underpinning the capacity analysis and consistency with recent documents such as the updated Victoria in Future and the Managing Residential Development 'State of Play' report;
  - Clarification of terms used, for example, in relation to density;
  - Interactions between the proposed zones, ResCode (Clauses 54, 55 and 56) and existing overlays;
  - Interactions with other planning scheme amendments;
  - Other relevant strategic planning initiatives, such as planning for the Monash National Employment Cluster and activity centres;
  - The supporting analysis and intended operation of:
    - the exhibited Development Contributions Plan Overlay and public open space contributions;
    - post-exhibition changes to these provisions.

3. This paper responds to that direction.
4. Council's 'Part B' submission will be provided at the commencement of the Panel hearing on 5 September 2016 and will address:
  - the matters raised in the Panel's directions;
  - the matters raised in submissions to the Amendment; and
  - any other matters raised in expert evidence or material circulated by the parties prior to the Panel Hearing.

# Monash City Council

5. Monash is one of Melbourne's most populous municipalities, with the third largest municipal population in metropolitan Melbourne, consisting of approximately 179,000 residents from a wide range of different backgrounds and cultures.
6. It plays a significant role in providing housing and employment for the south eastern region of Melbourne. It has a generally ageing population, although there is a large student population surrounding educational facilities such as Monash University and Holmesglen TAFE.
7. Located between 12 and 25 kilometres south east of the Melbourne Central Business District, it comprises primarily residential land but has significant areas of commercial, industrial and open space land uses. This includes Glen Waverley, Oakleigh and Clayton Activity Centres and the Monash Technology Precinct.

Figure 1: Location of Monash City Council South East of Melbourne CBD (Source: VicMap)



8. In the last decade, Monash has experienced considerable demographic change and, in some locations, changing development outcomes. These changes are in part due to increases in migration and birth rates, changing needs from new and existing residents, and evolving practices within the residential development industry. As a result of these changes, coupled with the introduction of a number of significant State policies and the adoption of the 2013 Monash Council Plan and 2021 Vision Statement, Monash identified the need to update and strengthen its 2004 Housing Strategy. It is the work that was undertaken to do this, which now underpins the Amendment before the Panel.

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## Residential Development in Monash in context

9. Monash (or at least its component parts) was first developed between 1900-1930, primarily around Oakleigh and parts of Mount Waverley. Whilst there were small developments elsewhere, apart from Oakleigh and parts of Mount Waverley, the land that currently makes up the City of Monash was mostly pastoral and untouched land.
10. Significant development of the area as a residential precinct occurred between 1940-1970, which Gerner's work on Urban Character described as:

... possibly the quintessential example of post suburban neighbourhood development. It has elements of avant-garde design in some of its industrial and residential developments, 'new town' garden city developments, and government efforts for lower income groups.
11. The late 1980s and early 1990s saw the final 'first' wave of development in Mulgrave and remaining other land being zoned for residential purposes but not developed.
12. More recently, redevelopment of existing residential properties started to become more prevalent (extensions, dual occupancies, etc).
13. Urban consolidation started to become more of an agenda item for government and from 2000, the scale of infill and redevelopment in the municipality noticeably started to gather pace.

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## How has Council (and its predecessors) managed residential growth?

14. From the 1970s until 2002, 'As of right dual occupancy provisions' applied across Melbourne which allowed small second dwellings on residential properties, subject to certain criteria being met, were introduced into all planning schemes. In addition, 'virtually every municipality had its own flat code specifying a range of setbacks, dimensions, car parking requirements and the like'.<sup>1</sup>
15. Vic Code 2 comprised a set of guidelines to be taken into account when decisions were made (normally by councils) on planning permit applications for multi-unit developments. It had statutory force in that it was incorporated into all Victorian planning schemes in December 1993. Councils in the metropolitan area were required to have regard to the element objectives, performance measures and performance criteria of the Code where a planning permit is required in any urban zone, or on reserved land, for 3 or more dwellings or a dual occupancy.<sup>2</sup>

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<sup>1</sup> Monash Good Design Guide (AC) [1998] PPV 108 (17 August 1998) (Last Updated: 26 September 2012) - <http://www.austlii.edu.au/au/cases/vic/PPV/1998/108.html>

<sup>2</sup> (source: Des Eccles: 'Viccode 2 – A Sideshow To The Main Game?' <http://www.tandfonline.com/doi/abs/10.1080/08111149508551655>

16. In 1992 Vic Code 2 was reviewed, and replaced with The Good Design Guide for Medium Density Housing (The Good Design Guide).
17. The Introduction to The Good Design Guide set out its aims which included “to achieve consistency in the application requirements for medium-density developments throughout Victoria, while at the same time permitting local variations to its design techniques where it can be proved that such variations would benefit a development and a neighbourhood.”<sup>3</sup>
18. According to The Good Design Guide standing advisory committee:
 

The intention was to shift the assessment of medium-density development away from an emphasis on compliance with dimensions towards a performance based approach. Compliance with objectives, which underlie good design, were to be the basis on which applications should be judged. Techniques were introduced to provide a consistent guide to developers and councils as to what could be reasonably expected to meet the objectives, bearing in mind that medium-density development, by its very nature, is development at a higher density than conventional detached house development. At no time however, were techniques intended to supplant objectives. They were never intended to be a substitute for a proper and careful assessment of development applications against the principles of good design embodied in the objectives.
19. In 1996 Council appointed Gerner Consulting Group (town planners and landscape architects) with Andrew Ward (Architectural Historian) to prepare an Urban Character Study for the newly formed City of Monash.
20. In February 1998, the Minister for Planning and Local Government released his five point Action Plan about medium-density housing and residential development (delivering on the review recommended in 1995). This included the establishment of a *Good Design Guide* Standing Advisory Committee. Among the tasks of the Standing Advisory Committee is a requirement to:
 

...consider the findings report of the Site Boundaries Issues Review project and make recommendations about appropriate consequential changes to The Good Design Guide and VicCode 1, in particular whether the techniques and performance measures can be improved to better achieve the objectives in relation to overshadowing, overlooking, amenity and privacy.
21. In April 1998, Ministerial Direction 8 was released, allowing Councils to seek variations to the techniques within the Good Design Guide.
22. Initiative 4, titled ‘Caring for Character and Ensuring Consultation – Local Variations to the Good Design Guide’, in which ‘Local variations to replace or add to the techniques in the Guide (including those elements that do not include techniques) are permitted, provided that they occur in a strategic context, and are justifiable on sound criteria. Councils wishing to make a local variation will be required to canvas community views’.

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<sup>3</sup> Monash Good Design Guide (AC) [1998] PPV 108 (17 August 1998) (Last Updated: 26 September 2012) - <http://www.austlii.edu.au/au/cases/vic/PPV/1998/108.html>

23. When Monash put together its New Format Planning Scheme, it proposed a Local Variation to the Good Design Guide (Clause 22.06), and as a consequence, on 6 April 1998, the Minister for Planning and Local Government appointed a separate Advisory Committee under the provisions of the *Planning and Environment Act 1987* to consider those submissions, as well as to consider the Local Variation itself.
24. On 11 August 1998, the Advisory Committee on Local Variations to the Monash Planning Scheme considered the range of variations proposed by Council and identified that whilst a number of elements had merit, others were capable of being addressed through local policies.
25. It considered that some other aspects, namely the approach to direct development into different locations, and limit change in others, required the preparation of a Housing Strategy to underpin it.
26. It noted however that there were three clear physical elements within Monash which could be justified as warranting variation from the Good Design Guide techniques:<sup>4</sup>

Front fence heights

...so far as the proposed local variations to the Monash Good Design Guide are concerned, the Committee considers there is a sufficiently strong local character evident in most residential areas and a sufficiently strong policy preference on the part of the Council in terms of its Garden City Strategy for the interests of neighbourhood character to take priority over the need to provide secluded private open space. This would justify a local variation which required front fences to reflect the prevailing character of the street and enable vegetation to be visible from the street. This would also mean that any secluded private open space provided for medium-density developments should not be located between the dwelling and the street.

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<sup>4</sup>All quotes from Monash Good Design Guide (AC) [1998] PPV 108 (17 August 1998) (Last Updated: 26 September 2012) - <http://www.austlii.edu.au/au/cases/vic/PPV/1998/108.html>

#### Size and dimension of secluded open space

The Committee has discussed the Garden City Strategy generally ... unless there is adequate space for large canopied trees to develop, the objective of the Strategy to encourage the retention and renewal of tree canopy on private property, will not be able to be implemented.

#### Front setbacks

The Monash Urban Character Study identifies consistency in setbacks as a feature of the streetscape character in many areas. The Committee's observations indicate that the projection of buildings into a consistent setback is one of the common causes of disruption to neighbourhood character, leading to the intrusiveness of development. ... The intrusiveness of medium-density development into an established streetscape is one of the matters fuelling resident opposition to this form of development. Neighbourhood character is an important element of The Good Design Guide, therefore if there are other parts of The Good Design Guide which consistently conflict with achieving development respectful of its neighbourhood (see E3.01), it is a reasonable use of local variations to modify those provisions in order to achieve this objective.

27. It took these matters away to be further considered as part of its review as members of the Standing Advisory Committee on Local Variations to *The Good Design Guide*. The role of the Standing Advisory committee included making recommendations about how the provisions or procedures of *The Good Design Guide* or of Vic Code 1 may be improved and made more effective.
28. Amendment VC012 was adopted for all planning schemes, and made changes throughout the policy, provisions and definitions within all Victorian planning schemes based on the general review of residential development provisions and the recommendations of the ResCode Advisory Committee. The changes include the introduction of schedules to four residential zones, a Neighbourhood Character Overlay, new residential development provisions in Clauses 54, 55 and 56 for dwellings and subdivision.
29. The three variations to the Good Design Guide (superseded by ResCode) which had been supported by the Advisory Committee on Local Variations to the Monash Planning Scheme were introduced through Amendment VC012 in respect of front setbacks, open space dimensions and front fence heights.
30. In November 2002 Melbourne 2030 was released. It recognised both the need for increased concentration of new housing development within the existing urban boundaries, while recognising the importance of neighbourhood character. It stated as an objective:

Neighbourhood character is an important component of sense of place and a key element of ResCode. Identifying and defining neighbourhood character is not about imposing design styles, but about recognising distinctive urban forms and layout and their relationship to the landscape and vegetation. ResCode and other planning requirements will be used to ensure protection of existing valued urban and neighbourhood character.



This would be done through initiatives such as:

- Action 5.2.2 - Strengthen tools in the planning system to ensure development responds to its context in terms of built form, landscape character and cultural identity (State Government to lead on this)
- Action 1 - in the Melbourne 2030 *Housing Implementation Plan* was: Plan to meet our housing needs, at a regional level, through the preparation of Regional Housing Statements. Monash was part of the Eastern Region.
- Action 1.3.4 - Work with councils to develop local housing strategies that address local housing issues and needs, including: – identifying projected population trends, and any significant changes in household structure and composition – providing for a range of housing opportunities to meet increasingly diverse housing needs – identifying appropriate locations for higher density housing – ensuring an adequate supply and distribution of affordable housing.

31. In late 2007 the Victorian Government announced that new residential zones would be prepared, which would seek to enable development to be directed to certain locations, and see less change in others.

32. This was consistent with the feedback received from the Standing Advisory Committee under the heading: 2.3 WAYS OF MANAGING CHANGE:

... one means for councils to provide some certainty for residents and potential developers about where change may be encouraged or otherwise is to identify those areas within their municipalities where –

- Substantial change may be expected
- Incremental change within the framework of existing character may be expected
- Minimal change may be expected

At this stage, it is not appropriate for the Standing Advisory Committee to advocate that an approach, which distinguishes between areas where different rates of change may be expected, should be adopted as a preferred mechanism for managing change. It is one model that councils may find useful. However, if councils wish to develop alternative models, this should also be encouraged. The most important thing is that there is a strong strategic basis for whatever approach is adopted’.

- The Standing Advisory Committee was also advised that ‘the Government has indicated it intends to release a draft Planning Practice Note on residential development strategies, which will assist councils to achieve, over the long term, a sensible balance between housing supply and demand’.

A sensible and forward-looking council residential strategy will be informed by considerations including the future preferred character for each area, infrastructure capacity, population trends, changing household needs and the role a municipality plays in its surrounding region.

33. One of the challenges for local government was progressing with preparation of a housing strategy in the absence of this guidance from the State. That was true for Monash, given the length of time and resources used between 1996 and 2001 in developing its housing controls.

34. The development of new residential zones across Melbourne met with some community resistance (see <http://sos.asn.au/2008/04/10/weakeningtheresidentialzones>). Between 2008-2012 the Government had also been preparing Housing Capacity Assessments to form the basis for discussions with local government regarding expectations of the amount and type of housing per municipality. Monash was an active participant in the working groups for this process. Whilst those capacity reports have not been released, Council has used the same broad methodology and a similar approach was used to determine the capacity implications of the Amendment.
35. In March 2013, the State Government announced the release of a suite of new residential zones, under the banner 'Reformed residential zones'.
36. The new zones were to be implemented as follows:
- Councils will have 12 months from the gazettal of Amendment V8 to begin amendments to their planning provisions and maps to apply the new zones. Existing schedules to the residential zones can be translated to the new zone schedules. When doing this work councils are encouraged to make consequential changes to local policies to align with the reformed zones.
37. Different approaches were outlined for Councils with 'existing policies', with 'draft policies' and 'without policies' in terms of the need for notification, and the review via a panel or other means.
38. Given the time period between the 1997/8 consultation for the variations to the Good Design Guide and the introduction of new tools in 2013, Council determined that it was necessary to prepare a new Housing Strategy and review its urban character assessment in advance of full implementation of the new suite of zones.

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## **Some observations of residential development in the municipality and what drives this Amendment**

39. Council's observation is that typical dwellings are becoming bigger – a trend that has been noted since the 1990s.
40. The Good Design Guide Standing Advisory Committee said that the change to allow smaller lot sizes and/or higher densities was envisaged to enable more dwellings to be built. However, history shows that this has not necessarily been the case.

Quote – '10.2.3 Experience with The Good Design Guide

'Unfortunately the reduction in densities introduced by The Good Design Guide has not necessarily resulted in the sort of improvements to bottom line developments that the VicCode 2 Review Panel envisaged.

One reason for this has been the substantial increase in size of the average dwelling unit now being constructed and the growth in popularity of two-storey dwellings. Substantial three bedroom homes with double garages constitute many of the medium density developments being built compared to the one or two bedroom units with a single garage common in 1994 when the element on density was introduced into The Good Design Guide. This means there has been no overall reduction in site coverage, increased setbacks or more landscaping as a result of the lower densities.'

41. This pattern appears to be continuing. The executive summary to the last **National Housing Supply Council report** (2013) states that:

The most significant change in detached housing since 2001 has been the increased proportion with four or more bedrooms: from 32 per cent in 2001 to 36 per cent in 2006 and 39 per cent in 2011. There is anecdotal evidence of a trend in suburban redevelopment that sees larger homes replacing existing smaller houses. Growth in the stock of larger homes may also reflect changes in the purchase price of land — high land prices in and around the larger capital cities lead to changes in who can afford to build in these situations and in the nature of the dwellings they want — and the extension of existing homes to enhance potential capital gains.

42. In preparing this Amendment, Council has also been very mindful of the effect that such Amendments, including ResCode Schedule variations can have on affordability for its residents and future residents.
43. Council commissioned Urbis Pty Ltd to conduct research on *Housing supply responses to changes in affordability* to evaluate whether and how the type of housing product being produced has changed in response to affordability concerns and barriers to home ownership.
44. The study documents a number of examples of industry innovation in response to rising land, development and construction costs. However, it was not possible, based on the number of interviews undertaken, to accurately identify the extent to which these innovations have been adopted and spread across the industry as a whole.
45. Beside a few truly innovative, world-class projects (such as off-site manufacture of apartments in building the Eureka Tower and the use of cross-laminated timber frames in constructing the 10-storey Forte Tower, both in Melbourne), evidence of radical innovation in response to declining housing affordability is somewhat limited. Given the risks, this is hardly surprising.
46. The research indicates that the predominant response to declining affordability is more evolutionary — reduced dwelling and lot sizes, especially in the new home-buyer market segment, with some related changes to design and the use of cheaper or more efficient materials that reduce time (and therefore costs) on site. The bulk of the limited change that has occurred in building processes has been in modifying or refining traditional construction techniques rather than wholesale process re-engineering.

47. Council considers that a shift to downsizing lots and the type of homes being produced is a significant change in its own right, with potential implications for the structure and mode of operation of the residential development and construction industry. In the face of rising land prices and more widespread development contributions, it could be argued that this downsizing of products has been essential to meet many consumers' ability to pay and thus maintain sales. But it could also challenge consumers' expectations and bear on modes of development and construction. It is certainly evident that predominant approaches to greenfield development over recent decades are under stress. The recently observed move away from 'traditional' new homes to smaller attached homes and apartments might fail to satisfy some potential buyers and begs the question of whether the demand for these new products is sufficient to sustain the present mix of large-scale master-planned communities and small land developments. Relatively stronger demand for smaller new dwellings created through 'densification' of inner-city areas and existing suburbs in capital cities also potentially challenges the size and structure of greenfield development.
48. In terms of the size of dwellings and the application of the proposed variations to ResCode, Council is conscious that the exercise of judgement can be a time consuming and costly process. It is therefore in everyone's best interests to direct time and resources where they are most needed and will produce the best outcomes.
49. There are two areas where the Standing Advisory Committee considered the need for resources should be focussed:
- **Strategic planning:** Strategic planning should set the parameters for the exercise of judgement, establish objectives and generally direct where and how development should occur.
  - **Infill locations:** Infill locations were where the Standing Advisory Committee found the greatest number of bad examples of new residential development. The majority of these were single houses, which have no requirement for a planning permit and have different standards applied to them. This contrasts to greenfield locations where there are few problems with new development, apart from carparking (and these stem from subdivision standards, not the design of new dwellings). An established urban context is therefore the area where there is greatest need for judgement to be exercised in decision-making associated with new dwellings
50. In terms of housing utilisation, Council observes that while Australian households are becoming smaller on average, dwelling size (as indicated by the number of bedrooms) is increasing. The average number of persons per household has declined from 3.1 in 1976 to 2.6 in 2009–10. In the same period, the proportion of dwellings with four or more bedrooms has risen from 17% to 31% and the average number of bedrooms per dwelling has increased from 2.8 to 3.1.
51. In 2009–10, most households enjoyed relatively spacious accommodation. For example, 87% of lone person households were living in dwellings with two or more bedrooms; 76% of two person households had three or more bedrooms; and 35% of three person households

had four or more bedrooms. Over a fifth (22%) of three-bedroom dwellings, and 9% of four-bedroom dwellings, had only one person living in them (table 10.3).

52. Contrary to myth and assumption, Australians do not all want to live in detached houses. Many want to live in a semi-detached home or an apartment in locations that are close to family or friends, or to shops. As a result, the housing people chose was a much more varied mix than either city currently provides. The results suggest significant shortfalls of semi-detached housing and apartments in the established areas of both cities (shown in Figure 1.2 and Figure 1.3).

Figure 1.2: Shortfalls relative to what we'd choose: Sydney<sup>3</sup>

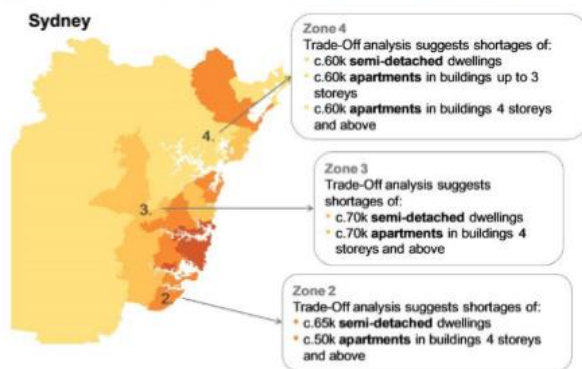
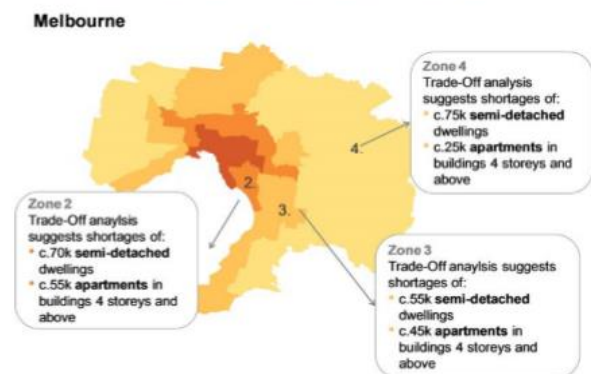


Figure 1.3: Shortfalls relative to what we'd choose: Melbourne



53. This Amendment is focused on implementing key aspects of the Strategy, namely the provisions to provide direction for housing development for the majority of the municipality. It focuses on the residential land outside identified activity centres, with the exception of the land around the periphery of the Clayton Activity Centre (through discussions with the Metropolitan Planning Authority

## Housing Demand, Assumptions underpinning Capacity Analysis and Updated Victoria in Future and Managing Residential Development 'State of Play' Reports

54. Sadly, no single document or Scheme provision sets out a single expectation of the 'housing requirements' a planning authority is required to plan for.
55. However the manner in which planning authorities should undertake such planning can be gleaned from:
- The Act;
  - Directions in the Scheme (including the State Planning Policy Framework); and
  - Relevant Ministerial Directions, guidelines and reference documents (including the latest version of Victoria in Future).

56. The Act sets out the obligations for planning authorities to:
- implement the objectives of planning in Victoria, generally through the use of planning schemes based on municipal districts (primarily), as the way of setting out objectives, policies and controls for the use, development and protection of land
  - provide sound, strategic and co-ordinated planning of the use and development of land in its area; and
  - review regularly the provisions of the planning scheme for which it is a planning authority;
  - prepare amendments to a planning scheme for which it is a planning authority.
57. In preparing or updating the schemes, planning authorities are required, amongst other things, to make sure that land use and development policies:
- are easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
  - ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land,
  - facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes.
58. They must be drafted having regard to:
- the Minister's directions;
  - the Victoria Planning Provisions,
  - and in the case of an amendment, any municipal strategic statement, strategic plan, policy statement, code or guideline which forms part of the scheme.
59. Based on this, in planning for future housing needs, consideration needs to be given to
- The amount of housing anticipated to be needed into the future;
  - The type, or diversity, of housing;
  - Measures which can address housing affordability;
  - Appropriate locations for different forms of housing - taking into consideration urban and landscape character considerations, locational aspects (including proximity to public transport, services such as retail and community facilities) and limitations (such as infrastructure constraints).
60. Whilst it is true that the Scheme or, indeed, Council, cannot actually provide housing, however Council can use the Scheme to identify opportunities that exist, enable those opportunities to be maximised and make the process clearer and more streamlined.

## Amount of Housing

61. Clause 11.02-1 of the Scheme establishes the necessity to:
- Ensure that sufficient land is available to meet forecast demand.
  - Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
62. In determining this, the Scheme contemplates that consideration should be given to:
- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
  - Neighbourhood character and landscape considerations.
  - The limits of land capability and natural hazards and environmental quality.
  - Service limitations and the costs of providing infrastructure.
  - Monitor development trends and land supply and demand for housing and industry.
63. 'Projected population growth' to be planned for is generally accepted to be the projected numbers determined by the Victorian demographer, based within the Department of Environment, Land, Water, and Planning.
64. These projections are not targets but trend based analysis (taking into consideration identified opportunities such as those through data gathering sources such as the Urban Development Program and the Housing Development Data collection).
65. The VIF projections:
- give an idea of what is likely to happen if current trends continue. They indicate the possible need for responses to manage change, achieve preferred outcomes or mitigate the impacts of non-preferred outcomes (source: Victoria in Future <sup>5</sup>.)
66. The most recent projections are contained in Victoria In Future 2016 (VIF2016), released in the middle of this year.
67. VIF2016 projects that:
- the population of Monash will grow from 177,345 in 2011 to 215,992 in 2031, (in other words, **an increase of 38,647 people**), and

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<sup>5</sup> - See more at: <http://www.delwp.vic.gov.au/planning/forward-policy-and-research/victoria-in-future-population-and-household-projections/frequently-asked-questions#1>

- the number of dwellings anticipated to be required to accommodate the 2031 population is projected to be 79,779, or **an additional 14,556 dwellings** compared to the dwelling numbers within Council's municipal district in 2011.

68. The Residential Zones State of Play: Eastern Subregion report notes that:

- Since 2010 the municipality's dwelling stock has been growing at approximately 750 dwellings per annum **making it one of the leading areas for housing development in Melbourne's established suburbs.**
- A high proportion of (development) results from numerous dual occupancy and three dwelling projects, (however) since 2001, apartment development has also become a major source ...
- Major redevelopment has occurred in Oakleigh, and to some degree, Glen Waverley and Mount Waverley, Notting Hill and Oakleigh South.

69. Into the future, it notes that:

- 'Unit and town house developments are a major source of new housing in Monash, (and) over the next five years the existing level of apartment and unit/townhouse development is likely to continue.
- Major redevelopment activity (based on planned Urban Development Program projects) is expected in the Commercial 1 Zone, particularly within the Clayton and Glen Waverley Activity Centres.
- 'Approvals for detached houses remain steady. This might reflect approvals for 'one for one' replacement projects and the prevalence of small, infill projects resulting in a single detached house.

70. SGS Economics and Planning was engaged to analyse what impact the Amendment may create on the future capacity for an increase in dwelling numbers. This analysis was undertaken based on the modifications proposed in the October 2015 officer's report recommendation.

71. The capacity assessments were underpinned by a few assumptions:

- Identification of land available for housing (based on the zoning of the land, recent development of sites, and other specified exclusions);
- Consideration of available sites, demographic projections, development feasibility (from current development forms, layouts, attractiveness of different locations, lot sizes, and trends);
- That the planning controls proposed by the Amendment remain static, without taking account of either planned or as yet unanticipated changes to the Scheme which are likely to increase density, rather than decreasing it.



72. Of course, capacity cannot be exactly extrapolated to guaranteed supply, for a range of reasons including:
- Not every property owner with a property identified to have the capacity for redevelopment will seek to redevelop.
  - Some sites excluded (for instance because of recent development) may start to be redeveloped sooner in their life cycle than has been anticipated at a higher yield (there is some evidence of this happening now with relatively new houses or dual occupancies being knocked down for low rise apartments).
  - Planning controls will continue to evolve and change, in many cases to increase opportunities. For instance, the Strategy identified locations for higher intensity development (such as most of the activity centres in the municipality) are yet to have structure plans produced. These are anticipated to provide for greater growth opportunities.
73. Whilst capacity analysis is not an exact science, the methodology used by Council and SGS is broadly consistent with the approach used by the Department of Environment, Land, Water and Planning, and is the most thorough process available to Council.
74. Further details are available in the SGS report: Analysis of Proposed Residential Zones – Final Report, City of Monash, March 2016 and will be explored in Mr Spencer’s evidence.
75. In summary, Council says the position is this:
- estimated capacity under the existing zones is between 55,000 and 62,500;
  - The estimated capacity under the phase 1 implementation of the Strategy and the application of these new zones in the Amendment is 57,700;
  - This is well in excess of the expected demand for an additional 14,500 dwellings, even without taking into account capacity released as a consequence of future stages of implementation of the Strategy.
76. Council has also considered its obligation to provide a diversity of housing of housing choice.
77. **Clause 11.04-2 of the Scheme requires planning authorities to** ‘provide a diversity of housing in defined locations that cater for different households and are close to jobs and services’.

78. This is to be achieved through:
- Understand (ing) and plan(ing) for expected housing needs.
  - Reduc(ing) the cost of living by increasing housing supply near services and public transport.
  - Facilitat(ing) the supply of social housing.
  - Facilitat(ing) the supply of affordable housing.
79. In terms of demand, VIF2016 projects a growth in each of its four categories of households: 'Couple only, Family with children, One person, and Other'.
80. In terms of breakdowns of these cohorts, however, the following is noted:
- The biggest growth, in raw numbers, is expected to be within the 'Family with children' category, growing by approximately 6500 households. Overall, that is an increase of just under 22% from current numbers.
  - One person households are the next largest, in raw numbers, with just under 4000 additional households required. However, that is a bigger proportional growth, from a lower base figure, with around 29% additional households falling into this category.
81. From an age distribution, the population is expected to grow within all cohorts. However, with the exception of the elderly (80+), a large proportion of the growth is expected to be in the 30-50 age groups, with some growth in the number of children as well.
82. *The Residential Zones State of Play* report shows an increasing diversity occurring in dwelling types within Monash, with an increased prevalence in apartment housing. These are often within the vicinity of activity centres and services, creating a different form of housing than has been the traditional single dwelling that dominates Monash.
83. The Strategy recognises a diversity of housing forms is required, given the different household characteristics anticipated within the municipality.
84. The strategy provides different ways of addressing this:
- Differentiated areas (consistent with state planning policy) for different forms of housing, as broadly set out in the Residential Development Framework.
  - Use of the new suite of residential zones, which have been introduced to enable policy to be translated into provisions to more clearly set out where more intensive development is more likely to be supported, and areas where, for environmental and other reasons, lower density development is more appropriate.
  - Application of different schedules, containing different techniques to the ResCode standard where these can be justified. The variations to ResCode Standards, where they apply to setbacks, site coverage, and building form, will also apply to consideration of single dwellings, currently not able to be addressed through the planning system.

- Implementation measures outside this Amendment include measures to encourage more universal design, retention of the student accommodation policy provisions, and through our community development team (including home help and senior ambassadors, and through our diverse community committees, to meet the needs of different groups).
- 85. The Scheme also recognises the challenges in making housing 'affordable' and calls for this to be managed through the planning system. The planning approvals process tends to act more as a 'gate-keeper' – when approvals are required – rather than a mechanism to facilitate outcomes (which come from other factors, some of which Council has influence over).
- 86. The policy direction within the state section of the planning scheme recognises this in terms of the strategies it sets out in Clause 16.01-5:

Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community.
- Encouraging a significant proportion of new development, including development at activity centres and strategic redevelopment sites to be affordable for households on low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in activity centres and strategic redevelopment sites.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

- 87. Many of the measures relevant to housing affordability in this Amendment are addressed through the housing diversity provisions. In addition, the increases in permeable land, and better dimensioned open space, will assist in cooling homes in summer, provide opportunity for natural shading, and better management of drainage in storm events, compared to the outcomes if trends continued.
- 88. However, external to the Amendment, Council is assisting in the provision of more affordable housing options through:
  - Adoption of Amendment C113 to the Monash Planning Scheme, which contains an Environmental Efficient Design policy, consistent with the policies recently approved by the Minister for Planning. Amendment C113 was adopted by Council in 2015 and is awaiting approval from the Minister for Planning.

- Working with the Department of Health and Human Services on projects such as the Gateways project in Ashwood (identified in Plan Melbourne), and other sites as arising.
- Part of the Eastern Affordable Housing Affiliation (proper name!) – which with the other regional councils, continues to explore measures to encourage the construction of affordable housing.
- Implementing a street tree strategy which provides for better planting on Council land.

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## Preparation of the Monash Housing Strategy and Amendment C119

89. In 2013, Planisphere was engaged to prepare the Strategy. A draft document was prepared in March 2014.
90. On 25 March 2014 Council resolved to endorse the draft Strategy, undertake community consultation and to receive a further report to Council on the responses received.
91. Between 9 April – 9 May 2014, Council conducted informal consultation with its local community on the draft Strategy, in the following ways:
- a feature article in the Monash bulletin;
  - public notices in the local leader newspaper;
  - on-line information;
  - an on-line survey that posed questions on the draft strategies and proposed new policies;
  - information displays at libraries and service centres;
  - direct mail to specific stakeholders.
92. In addition to the print and online material, two community evening drop-in information sessions were held at:
- Glen Waverley Civic Centre on 30 April, 2014, and
  - Oakleigh Seminar and Training Centre on 1 May, 2014.
93. These drop-in sessions were attended by approximately 50 people.
94. A combined total of 88 submissions were received in response to the proposed strategies and new policies. The submissions comprised 33 individually written responses and 55 responses to the online survey questions. *(Note: As some submissions covered more than one topic the number of responses to each theme will exceed the combined total number of submissions received.)*

95. In June 2014 and in order to ensure its existing ResCode variations were retained, Council prepared a translation amendment. Amendment C119 to the Scheme was gazetted, implementing the reformed residential zones across the municipality and updating the planning scheme maps to reflect the reformed commercial zones.

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## The Amendment process

96. Council is the Planning Authority for the Amendment to the Scheme.
97. The Amendment C125 was prepared at the request of Council and the Metropolitan Planning Authority (**MPA**).

### The Amendment

98. The Amendment applies to land in the municipality that is currently in the General Residential Zone and the Neighbourhood Residential Zone.
99. The Amendment introduces the Strategy as a reference document in the Scheme, and updates the local planning policy framework to reflect the objectives, directions and actions of the Strategy.
100. The Amendment modifies existing schedules and introduces new schedules to the General Residential Zone and Neighbourhood Residential Zone. In addition to the changes to the schedules the amendment modifies the boundaries of these zones to reflect housing and development outcomes of the Residential Framework Plan contained in the Strategy.
101. It also makes changes to the planning provisions for residential land in the Monash National Employment Cluster and the Clayton Activity Centre to encourage greater residential development in accordance with *Plan Melbourne: Metropolitan Planning Strategy* and the Strategy.

### Council meetings relating to the Amendment

102. On 28 October 2014, Council adopted the Strategy and also endorsed the proposed plan to implement the Strategy. The Strategy identifies a hierarchy for development opportunities in the municipality and then a further set of 8 development categories, as follows:
- *Future Development Potential Areas:*
    - Category 1 – Activity and Neighbourhood Centres;
    - Category 2 – Accessible Areas;
    - Category 3 – Monash National Employment Cluster;
    - Category 4 Boulevards.
  - *Limited Development Potential Areas:*
    - Category 5 – heritage precincts;
    - Category 6 – Dandenong Creek Escarpment

- Category 7 – Creek Environs
    - *Incremental Change Areas:*
      - Category 8 – Garden City Suburbs.
103. It was anticipated that in early 2015, a further report to Council would be submitted for implementation of Phase 1 of the Strategy which would:
- provide the Monash Neighbourhood Character Review; and
  - provide a proposed Amendment to:
    - introduce the Strategy as a reference document;
    - include the Neighbourhood Character Review as a reference document;
    - introduce new planning provisions for:
      - heritage precincts,
      - the Dandenong Creek escarpment,
      - the Garden City suburbs, and
      - the Creek Environs.
    - Translate approved structure plans for Oakleigh and Wheelers Hill into appropriate new residential zones and/or schedules.
104. Stage 2 of the original Implementation Plan for the Strategy was to work with the MPA on development of the Monash Employment Cluster Strategic Framework Plan and the Clayton Activity Centre Structure Plan.
105. Stage 3 (anticipated as medium-long term) was envisaged to be:
- Development of urban design principles and built form guidelines for Boulevards; and
  - 9 Neighbourhood Activity Centre structure plans for Huntingdale, Mount Waverley, Hughesdale, Holmesglen, Pinewood, Syndal, Waverley Gardens and Oakleigh South over the period from 2015/16- 2018/19;
  - A municipal wide review of landscape character.
106. At its meeting on 24 February 2015, Council moved to implement the first stage of the Strategy to deal with heritage precincts, the Dandenong Creek Escarpment, Creek Environs and Garden City Suburbs. It was also proposed that the Amendment implement the approved structure plans for Oakleigh and Wheelers Hill.

107. In particular, it was proposed to apply:
- NRZ1 to the heritage precincts;
  - NRZ4 to the Dandenong Creek Escarpment;
  - NRZ2 to the Creek Environs – with a direct abuttal or interface with a creek line;
  - NRZ3 to the Creek Environs – for those areas which fall within the general topography of the creek line;
  - GRZ1-3 to the Garden City Suburbs area;
  - GRZ4 – Oakleigh and Wheelers Hill Structure Plan areas.
108. Council resolved to request the Minister for Planning for authorisation to prepare and exhibit the Amendment.

### **Authorisation**

109. Council received authorisation to prepare the Amendment from the Minister for Planning on 20 March 2015.
110. A condition of that authorisation required Council to seek the views of the MPA. Subsequently, Council received a request from the MPA to modify the Amendment to make provision for residential growth around the Monash Employment Cluster.
111. Council considered this request at its meeting on 28 April 2015 and agreed to bring forward the introduction of growth zones around the Monash Employment Cluster and Clayton Activity Centre.
112. In addition to the matters previously proposed to be included in the Amendment, on the basis of the MPA's request, Council resolved that it would seek authorisation from the Minister to include the following in the Amendment:
- Application of the Residential Growth Zone to areas in Clayton and the National Employment Cluster;
  - Schedules to the RGZ and the GRZ to provide a gradation of heights and development intensity out from the core area of Clayton;
  - Building height limitations of 3 storeys on a single lot and up to 5 storeys of consolidated lots and meterage modifications as well;
  - A revised schedule to the GRZ for the accessible areas within the Clayton Activity Centre and parts of the Cluster;



- An increase in the public open space schedule under clause 52.01 of the Scheme to 10% for land in the National Employment Cluster and the Clayton Activity Centre; and
  - Application of a DCPO across the Cluster and Clayton Activity Centre.
113. A new authorisation for the Amendment was granted by the Minister for Planning on 27 May 2016 including the MPA modifications.

### **Notice and subsequent community consultation**

114. Statutory notice of the Amendment commenced on 22 June 2015 and concluded on 31 August 2015. In addition to the requisite statutory notice, Council also conducted a range of other community consultation processes to explain the proposed Amendment, including direct mail, drop in services at Council, an interactive website, notices in Council publications and locally circulating newspapers, provision of hard copies of material available at key Council locations.
115. More than 5000 visits to the Council's interactive website were made, more than 700 people attended the information sessions and more than 700 people contacted Council directly.
116. Council considered 986 submissions on the Amendment at its meeting on 27 October 2015.
117. At that meeting, Council resolved to defer consideration of the submissions and undertake further community consultation in respect of the Amendment.
118. In particular, Council identified the following issues for further consideration:
- Whether rear and side setbacks should be retained as proposed;
  - Whether the Dandenong Creek escarpment area was appropriately configured;
  - Whether the proposed NRZ1-4 areas were effective to provide appropriate and desired protection for their respective areas;
  - Whether additional controls should be introduced specifically for single dwellings.
119. Council also resolved to:
- Request officers to provide clear schematic examples demonstrating the impact of each of the proposed changes in the new zones, showing 'before' and 'after' development opportunities for residential allotments between 400-800 square metres, corner allotments based on those sizes and a range of irregular dimensioned blocks;
  - Arrange an independent review of the proposed changes and seek advice as to:

- Whether the proposed changes would assist or hinder Council meeting its obligations in relation to metropolitan housing policy and Council's obligation to plan to accommodate its target population growth;
  - Whether the proposed changes are likely to have any impacts on housing affordability;
  - Whether the proposed changes are likely to have any impact on increasing or decreasing the stock of housing choice in its municipality.
- Engage a communications expert (non-planning background) to conduct community conversations in 'Plain English' in relation to the proposed new zones and to prepare further mailouts to residents and ratepayers advising of the resolution, providing the schematics and inviting further submissions;
  - Engage specifically with a specified group of community organisations to discuss the matters the subject of this resolution, including local Friends Groups and the HIA and UDIA.
120. It was, then, anticipated that Council would consider these matters further at a meeting in February 2016 and resolve an 'in principle' position on the Amendment, upon which further formal consultation would be conducted before a final Council position would be reached by April 2016, before referring submissions to a Panel.
121. The Amendment was next considered by Council at its meeting on 24 November 2015, at which time Council re-considered some of the detail of the matters required by the resolution of 27 October 2015.
122. In particular, Council resolved to:
- Require schematics only to show typical development applications and average lot sizes for proposed GRZ3-4 and NRZ1-4;
  - Modify timing of further Council meetings to March and May 2016 respectively.
123. The matter was, then, further considered by Council at its meeting on March 2016, when the following material was available:
- 'before' and 'after' development drawings prepared by MGS Architects;
  - A review of the Strategy, the Neighbourhood Character Review and the proposed zone application undertaken by Planisphere;
  - SGS's analysis of existing and proposed provisions and development capacity/supply estimates based on existing and proposed provisions;

124. In addition, an extensive further consultation program had been undertaken in the interim and Council considered a summary of the feedback provided in relation to specific aspects of the Amendment.
125. Having considered this material, at the meeting on 29 March 2016, Council resolved to:
- Change site coverage in the GRZ3 and the NRZ1 and NRZ4 from 40% to 50%;
  - Change site coverage in the NRZ3 from 40-45%;
  - Deleting proposed changes to side setbacks across all zones;
  - Deleting specification of a height for canopy trees;
  - Linking the height of the canopy tree to the height of the dwelling;
  - Reducing the number of canopy trees required in each schedule to a minimum of 2;
  - Deleting the proposed changes to the rear setbacks of the GRZ3, the GRZ4, the NRZ1 and the NRZ4;
  - Reducing the extent of the NRZ4 by removing the area of land generally bounded by Highbury Road, Springvale Road, Waverley Road, Gallagher's Road, Westlands Road and Camelot Drive, Glen Waverley from the proposed NRZ4 and placing it in the proposed GRZ4;
  - Deleting the requirement for a 10% Public Open Space contribution for all land within the RGZ3, GRZ6 or the C1Z in the Clayton Activity Centre
  - Changing the minimum parcel of private open space from 60 square metres to 50 square metres in the GRZ3 and 4; and
  - Retaining the existing 7.6m front setback for the NRZ4 area.
126. Council also resolved to:
- Undertake further community consultation on these proposed changes (described as Council's in-principle position);
  - Have a special meeting of Council on 3 May 2016 to allow submitters to be heard by Council before it formulated a final position at the Council meeting on 31 May 2016.
127. The next meeting of Council which considered the Amendment was on 31 May 2016. At that meeting, Council:
- Noted all submissions and comments received;

- Resolved to modify the Amendment in accordance with the changes recommended in the report, essentially as resolved on 29 March 2016 but with some modifications, being:
  - (a) Changing site coverage in the GRZ3 and the NRZ1 & 4 areas from 40% to 50%;
  - (b) Changing site coverage in the NRZ3 area from 40% to 45%;
  - (c) Deleting proposed changes to side setbacks across all zones;
  - (d) Deleting the specification of a height for canopy trees;
  - (e) Linking the height of canopy trees to the height of the dwelling;
  - (f) Changing the minimum parcel of private open space from 60m<sup>2</sup> to 50m<sup>2</sup> across all zones, except for the NRZ2 and NRZ3;
  - (g) Retaining the existing 7.6 metre front setback for the NRZ4 area; and
  - (h) Minor boundary changes or corrections as set out in Attachment 7 to this report.

128. The final meeting of Council which considered the Amendment was on 26 July, at which time Council resolved to:

- Recognise the particular neighbourhood character of the area generally bounded by Springvale Road, Waverley Road, Gallaghers Road and High Street Road and reinstates the proposed NRZ4 to this area to the extent originally proposed in the Amendment;
- Adopt this change as part of Council's submission to the independent panel hearing for the Amendment; and
- Notify affected residents of the reinstatement of the NRZ4.

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## Strategic basis for amendment

130. This section provides a strategic context and assessment of Amendment C125.
131. The Amendment:
- introduces the Strategy as a reference document, and updates the local planning policy framework to reflect its objectives, directions and actions.
  - existing schedules and introduces new schedules to the General Residential zone and Neighbourhood Residential zone. In addition to the changes to the schedules the amendment modifies the boundaries of these zones to reflect housing and development outcomes of the Residential Framework Plan contained in the Strategy.
  - makes changes to the planning provisions for residential land in the Monash National Employment Cluster and the Clayton Activity Centre to encourage greater residential development in accordance with Plan Melbourne: Metropolitan Planning Strategy and the Strategy.
132. The key strategic document, then, which justifies the Amendment is the Strategy, which includes a comprehensive strategic background.
133. This strategic context and assessment should be read in conjunction with the Map of Proposed Residential Zones as well as the Residential Development Framework Map and the category descriptions provided at pages 69-76 of the Strategy.

### Monash Housing Strategy 2014

134. Monash has undergone a considerable amount of demographic change since the release of the *Monash Housing Strategy in 2004*, largely due to increases in migration and birth rates. Overall, the population is growing, ethnically diversifying and ageing. Changes in the education sector have also attracted to the municipality a sizeable number of residents in the tertiary student age bracket.
135. There are a number of reasons for this review of the Council's current Housing Strategy:
- The State Government has recently released a new metropolitan planning strategy for Melbourne, titled Plan Melbourne. All Council's strategic planning should be consistent with this overarching strategy.
  - Over the past 10 years, a number of Council strategies and changes to zones and overlays have been introduced.

- New information has also become available, regarding the changes which have taken place within Monash since the preparation of the Monash Housing Strategy 2004, both in terms of its population size and composition, and the residential development that has taken place. It is important that Council reviews its strategies in the light of these changes in order to best direct residential development outcomes to meet the changing needs and circumstances within the municipality.
- Council is in the process of reviewing its Planning Scheme, as required periodically under the *Local Government Act* 1989. The Residential and Neighbourhood Character Strategies in the Scheme, underpinned by current Housing Strategies and Neighbourhood Character Strategies, form an important part of this review. This updated draft Monash Housing Strategy 2014 is an important component of the Scheme review.

136. For these reasons, a review of the current Housing Strategy was undertaken, based on an assessment of key State and Local Strategies and research from all tiers of Government and other research bodies.
137. Monash's current *Municipal Strategic Statement* seeks to concentrate high rise development in the Glen Waverley and the Oakleigh Activity Centres. Medium rise development is supported in the Brandon Park, Clayton and Mount Waverley Activity Centres. Elsewhere the focus is on protecting the existing neighbourhood character and achieving high quality urban design and amenity outcomes. In the light of *Plan Melbourne's* directions, these objectives need to be reviewed and are being considered as part of the *Monash Planning Scheme* review mentioned above.
138. *Plan Melbourne* projects significant additional growth in population and household numbers across Melbourne, with 393,000 new homes required in the established areas of metropolitan Melbourne by 2050. This has important implications for Monash where the projected growth is approximately 10,800 dwellings between 2011 and 2031, an average growth rate of 540 dwellings per year. Nevertheless, as an established area of Melbourne, Monash's growth is expected to be slower than the metropolitan average. It is also less than the average increase of approximately 870 dwellings per annum within Monash that took place between 2001 and 2011. *Plan Melbourne* also designates the Monash Technology Precinct as a 'National Employment Cluster'. The full implications of this classification are yet to be understood, but it will clearly reinforce the current status of the precinct as a significant employment node. Furthermore, the plan identifies the route for the 'potential' Rowville rail link, which would directly connect the heart of the National Employment Cluster with the Dandenong rail corridor. The Rowville rail link, if it proceeds, would be expected to enhance the attractiveness for business investment in the Cluster and would likely have flow-on effects for the local residential property market. However, given it is not yet

confirmed, the full implications of the potential rail link cannot be incorporated into this review.

139. A key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability. However, addressing quantitative demand is only part of the issue. There is also a need to ensure that new housing is designed to meet the specific needs of the community as it ages and diversifies.
140. While some specialised accommodation has been developed in recent years to meet growing demand, the private housing market continues to focus primarily on delivering large dwellings. Paradoxically, although household sizes are getting smaller, the average size of dwellings is getting larger. This market trend is raising issues in relation to housing affordability, accessibility, and adaptability for whole of life accommodation. Furthermore, little attention has been paid to any specific housing needs of emerging ethnic groups within the community.
141. Recent research suggests that provision of more diverse forms of housing may be adversely impacted by various factors such as the size of allotments, the age of existing housing stock, high land values close to transport nodes, permit processes, market preferences and community concerns about loss of neighbourhood character. These factors are inhibiting the capacity for new housing supply to meet demand and are contributing to a housing market dominated by large dwellings and opportunistic, geographically dispersed infill development. In short, the market is currently delivering products that are unsustainable and addressing demand in only an incremental fashion.
142. As demand increases for medium to high density dwellings, land prices continue to rise, and available infill development opportunities closer to the city are exhausted, it is inevitable that pressure for more intensive development will grow within Monash. Council officers anecdotally report more frequent enquiries by developers for apartment-style development within the municipality. It is therefore more important than ever that Monash is equipped to manage change in a manner that achieves optimal outcomes for its community and the environment.
143. The key issues confronting Monash for the foreseeable future are:
  - Accommodating moderate population growth through infill development.
  - Facilitating a more diverse range of housing to meet changing needs, particularly in relation to housing for older residents, students and recent migrants.
  - Managing an expected increase in demand for higher density development, including apartments.

- Addressing housing affordability issues.
- Promoting more environmentally sustainable urban form and building design.
- Encouraging design excellence in new development, extension and renovations.
- Protecting valued urban character, heritage and amenity, and the natural environment.
- Recognising the opportunities that larger sites may provide for more intensive development outcomes that, due to their scale, can be sensitive to the desired future character of the location.

144. The *Monash Housing Strategy 2014* formulates a range of objectives, strategies and actions aimed at addressing these issues. These build upon the foundation set by the 2004 strategy, the current *Municipal Strategic Statement* and seek to deliver on Council's recently adopted *Vision 2021*, the Council Plan, and key State Government Strategies and directions, such as *Plan Melbourne*. The objectives of the Monash Housing Strategy 2014 are as follows:

- To provide accommodation for a diverse and growing population that caters for different family, cultural and lifestyle preferences and a variety of residential environments and urban experiences.
- To encourage the provision of a variety of housing styles and sizes that will accommodate the future housing needs and preferences of the Monash community.
- To recognise and provide for housing needs of an ageing population.
- To ensure that development is appropriate with regards to the residential environment of the area, in particular neighbourhood character and amenity.
- To ensure that heritage dwellings and precincts are identified and conserved.
- To recognise the need to conserve treed environments and revegetate other areas, including new residential developments, to maintain and enhance the Garden City Character of the municipality.
- To encourage efficient use of existing physical and social infrastructure.
- To encourage high standards of architectural design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.



- To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporates landscape design and use of construction materials that minimises environmental impacts.
  - To ensure appropriate infrastructure is provided to meet changing community needs that also complies with the principles of environmentally sustainable development.
  - To revitalise Monash’s activity centres by supporting higher density residential and mixed use development.
  - To ensure that housing in Monash is accessible and safe.
  - To ensure appropriate and affordable housing is available to suit the social and economic needs of the community.
145. The Strategy includes a proposed Residential Development Framework Map. The Framework Map was prepared through consideration of areas with future redevelopment potential, limited redevelopment potential, incremental potential, and strategic locations that warrant more detailed review. The Framework is accompanied by future character statements and residential outcomes.
146. The Strategy also includes broad strategies and actions to assist in achieving these outcomes. These include recommended amendments to the *Monash Planning Scheme*; further strategic work in activity centres, including the Monash National Employment Cluster; a review of industrial land; and a number of advocacy, education and facilitation recommendations.

### **Residential Development Framework**

147. To provide clear direction for the location and intensity of residential development, the Strategy identifies a hierarchy of three development potential areas. These are: Future Development Potential Areas, Limited Development Potential Areas, and Incremental Change Areas.
148. These areas are then broken into a total of eight differing development categories that is reflective of the neighbourhood character, preferred development potential or environmental issues.

#### *Future Development Potential Areas*

Category 1 - Activity and Neighbourhood Centres

Category 2 - Accessible Areas

Category 3 - Monash National Employment Cluster

Category 4 - Boulevards

Limited Development Potential Areas

Category 5 - Heritage Precincts

Category 6 - Dandenong Creek Escarpment

Category 7 – Creek Environs

Incremental Change Areas

Category 8 - Garden City Suburbs

149. Of the above categories, Council initially sought to only implement the following categories:

- Category 5: Heritage Precincts
- Category 6: Dandenong Creek Escarpment
- Category 7: Creek Environs
- Category 8: Garden City Suburbs

150. Following the changes requested by the MPA the exhibited Amendment was expanded to implement an additional category:

- Category 3 - Monash National Employment Cluster

151. In addition to the above categories, appropriate planning provisions were developed to provide consistency with the existing planning outcomes set out in the approved Structure Plans for the Oakleigh and Wheelers Hill.

### **Development of the Amendment**

152. To give effect to the Residential Development Framework, the local planning policy framework was reviewed and it was identified that Clause 21.04 (Residential Development) and Clause 22.01 (Residential Development and Character Policy) required replacement with new provisions to reflect the objectives, directions and actions of the Monash Housing Strategy and the Monash Neighbourhood Character Review 2015.

153. The development of the initial suite of zones and schedules was guided by the strategic directions of the Strategy, the Residential Development Framework Map and the review of the Monash Neighbourhood Character Study.

154. The implementation of the Strategy consists of three parts:
- Local Policy update;
  - The use of zones, for directing growth where residential growth occurs and setting the expected intensity of development. The zone selections is guided by the adopted Residential Development Framework Map; and
  - The use of schedules to the zones to address local neighbourhood character issues such as building setbacks, siting, landscaping, site coverage and other development standards that reflect the preferred neighbourhood character for an area.
155. The development of the schedules is guided by the existing neighbourhood character policy and the draft Neighbourhood Character review.

### **New zone selection and application**

156. The development of the initial suite of zones and schedules was guided by the strategic directions of the Strategy, the Residential Development Framework Map and the review of the Monash Neighbourhood Character Study.
157. The implementation of the Housing Strategy consists of two parts:
- The use of zones, for directing growth where residential growth occurs and setting the expected intensity of development. The zone selections is guided by the adopted Residential Development Framework Map; and
  - The use of schedules to the zones to address local neighbourhood character issues such as building setbacks, siting, landscaping, site coverage and other development standards that reflect the preferred neighbourhood character for an area. The development of the schedules is guided by the existing neighbourhood character policy and the draft Neighbourhood Character review.
158. The two part process means that each zone has number of different schedules that sit within it. The schedules are designed to achieve the preferred neighbourhood character outcome for each character area. Details of these character areas are provided in table form in Chapter 6 of the Strategy.

### **Proposed zone application - Neighbourhood Residential zone**

159. The key purposes of the Neighbourhood Residential zone are:
- To recognise areas of predominantly single and double storey residential development.
  - To limit opportunities for increased residential development.

- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
  - To implement neighbourhood character policy and adopted neighbourhood character guidelines.
160. It is proposed to apply the Neighbourhood Residential zone to the following *Limited Development Potential categories* identified in the Housing Strategy:
- Category 5: Heritage Precincts
  - Category 6: Dandenong Creek Escarpment
  - Category 7: Creek Environs

### **Key elements of the Neighbourhood Residential zone**

#### *Dwelling numbers*

161. The Neighbourhood Residential zone limits development on a lot to a maximum of two dwellings. This number can be increased or decreased through a variation in the schedule to the zone.

#### *Minimum lot size - Dandenong Creek Escarpment & Creek Environs*

162. As the Neighbourhood Residential zone is designed to limit development it also provides the ability to specify a minimum lot size. Given the sensitive nature of the Dandenong Creek Escarpment and the Creek Environs areas it is proposed to introduce a minimum lot size of 300m<sup>2</sup> in these sensitive areas. The majority of existing lots in these areas are 600m<sup>2</sup> and greater. The 300m<sup>2</sup> minimum lot size links to the two dwelling limit of the Neighbourhood Residential zone and will allow for the subdivision of any new, approved dual occupancy developments.

#### *Maximum dwelling height*

163. In keeping with the double storey limit, the Neighbourhood Residential zone includes a provision which sets a default maximum building height of 8 metres (or 9 metres on sloping sites). This height limit is mandatory.
164. Given the steepness of the topography throughout the Dandenong Escarpment and the Creek Environs areas, it is proposed to increase the default height limits from maximum 8 metres to a maximum 9 metres (or 10 metres on sloping sites). This recognises the existing character of the areas and allows for designs to respond to the topography without the need for excess cut and fill.

### *Siting changes*

165. In addition to the dwelling and lot size changes, the 4 proposed schedules to the Neighbourhood Residential zone address the siting and neighbourhood character issues of each of the precincts.
166. The main siting elements of the four schedules are:
- Increased rear setback:
    - 5 metres - Dandenong Valley Escarpment and Heritage precincts
    - 6 metres for the Creek Environs; and
    - 7 metres (Creek Abuttal Areas)
  - Increased requirement for tree retention/planting
  - Increased on site permeability (less hard surface)
  - Decreased site coverage.



**Table 1: Summary of Neighbourhood Residential (NRZ) Schedules**

Standard	NRZ1 - Heritage Precincts	NRZ2 – Creek Abuttal	NRZ3 – Creek Environs	NRZ4 – Dandenong Creek Escarpment
<b>Minimum Street setback</b> 9m or average of adjoining lots (whichever is lesser)	7.6m Garages/carports setback 1m from front facade adjacent to the structure. Boundary walls setback 2m from the front facade adjacent to the structure	7.6m Garages/carports setback 1m from front facade adjacent to the structure. 3m side street setback	7.6m Garages/carports setback 1m from front facade adjacent to the structure. 3m side street setback	8m 3m side street setback
<b>Site Coverage</b> 60% maximum	40%	40%	40%	40%
<b>Permeability</b> 20% minimum	40%	40%	40%	40%
<b>Landscaping</b> No quantitative standard	2 canopy trees, with at least 1 in front setback, with min height 8m	3 canopy trees min height 12m (1 in front setback) Provide for retention and/or planting of trees as well as mid level canopy vegetation	3 canopy trees min height 10m (1 in front setback) Provide for retention and/or planting of trees as well as mid level canopy vegetation	2 canopy trees min height 10m (1 in front setback) Provide for retention and/or planting of trees as well as mid level canopy vegetation
<b>Side and rear setbacks</b> 1m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	<b>Side setbacks</b> Side 1: 1 metre setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m Side 2: 3m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1 metre for every metre of height over 6.9m. <b>Rear setbacks</b> 5m plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	<b>Side setbacks</b> Side 1: 1m setback, plus 0.3m for every metre of height over 6.9m, plus 1m for every metre of height over 6.9m Side 2: 3m setback, plus 0.3m for every metre in height over 3.m up to 6.9m, plus 1 metre for every metre of height over 6.9m. Provide a min separation of 3m between dwellings on same site. <b>Rear setbacks</b> 7m plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	<b>Side setbacks</b> Side 1: 1m setback, plus 0.3m for every metre of height over 6.9m, plus 1m for every metre of height over 6.9m Side 2: 3m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m. Provide a min separation of 3m between dwellings on same site. <b>Rear setbacks</b> 5m plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	<b>Side setbacks</b> Side 1: 1m setback, plus 0.3m for every metre of height over 6.9, plus 1m for every metre of height over 6.9m Side 2: 2m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1 metre for every metre of height over 6.9m. <b>Rear setbacks</b> 5m plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m



**Table 1: Summary of Neighbourhood Residential (NRZ) Schedules**

Standard	NRZ1 - Heritage Precincts	NRZ2 – Creek Abuttal	NRZ3 – Creek Environs	NRZ4 – Dandenong Creek Escarpment
<b>Walls on boundaries</b> 10 metres plus 25% of the remaining length of the adjoining lot	A wall on the side boundary should not exceed 6m in length Walls should not be constructed on rear boundaries.	A wall on the side boundary should not exceed 6m in length Walls should not be constructed on rear boundaries	A wall on the side boundary should not exceed 6m in length Walls should not be constructed on rear boundaries	Walls should not be constructed on rear boundaries
<b>Private open space</b> 40 square metres (one part 25 sqm with a minimum width of 3m)	75sqm (one part 35sqm with a minimum width of 5m)	80sqm (one part 60sqm with a minimum width of 5m)	80sqm (one part 60sqm with a minimum width of 5m)	75sqm (one part 60sqm with a minimum width of 5m)
<b>Front fence height</b> 1.5m, or 2m if adjoining a Road Zone Category 1	1.2m	1.2m fronting a Road Zone and 0.6m all other sites	1.2m fronting a Road Zone and 0.6 all other sites	1.2m
<b>Minimum subdivision area</b> # can be specified	None specified	300sqm	300sqm	300sqm
<b>Maximum number of dwellings</b> 2 dwellings	2 dwellings	2 dwellings	2 dwellings	2 dwellings
<b>Maximum Building Height</b> 8 metres, or 9 metres if the land slopes more than 2.5 degrees	8 metres, or 9 metres if the land slopes more than 2.5 degrees	9 metres, or 10 metres if the land slopes more than 2.5 degrees	9 metres, or 10 metres if the land slopes more than 2.5 degrees	9 metres, or 10 metres if the land slopes more than 2.5 degrees

## **Proposed zone application - General Residential zone**

167. It is proposed to continue to apply the General Residential zone to the Category 8: Garden City Suburbs of the Housing Strategy.
168. The key purposes of the General Residential zone are:
- To encourage development that respects the neighbourhood character of the area.
  - To implement neighbourhood character policy and adopted neighbourhood character guidelines.
  - To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
169. In addition to the continued application of the zone it is proposed to modify the schedule to the zone to strengthen the siting and development requirements that contribute to garden character of Monash.
170. In recognition of the slight differences in neighbourhood character between the southern and northern areas of Monash it is proposed to apply different schedules to these areas. The main differences between the two areas being:
- A slightly lower site coverage, due to smaller housing stock in the southern area;
  - Mixed vegetation types in the southern area;
  - Smaller lot sizes in the southern area;
  - A more traditional grid street layout in the southern area; and
  - A slightly higher on site permeability reflective of the smaller housing stock.
171. To reinforce the garden character of Monash it is proposed to increase the ResCode standard rear setback requirement of 1 metre to a Monash Garden Character standard of 5 metres. This is designed to allow for the retention/provision of sufficient private open space to allow for gardens and tree retention/planting.
172. The main elements of the two schedules are:
- Increased rear setback to 5 metres
  - Increased requirement for tree retention/planting
  - Increased on site permeability (less hard surface)



- Decreased site coverage

### **Proposed zone application - Residential Growth zone**

173. It was initially proposed to apply the Residential Growth zone to identified areas contained within the Oakleigh and Wheelers Hill Structure Plans.
174. These activity centres each have a Design and Development Overlay in place which sets out siting requirements, height and setbacks.
175. The Residential Growth zone allows a number of commercial/retail uses to establish in areas adjacent to commercial precincts.
176. A detailed analysis of the application of the Residential Growth zone in these locations has shown that the application of the zone could produce inappropriate expansion of the commercial areas of the centres.
177. As a consequence it is proposed to retain these areas within the General Residential zone but include a Schedule to the General Residential zone that reflects the provisions of the existing Structure Plan for each centre.



**Table 2: Summary of General Residential (GRZ) Schedules**

ResCode Standard	GRZ1 – Govt rezoned schools	GRZ3 - Southern areas	GRZ4 – Northern areas	GRZ5 – Oakleigh and Wheelers Hill AC Res land
<b>Minimum Street setback</b> 9m or average of adjoining lots (whichever is lesser)	ResCode standard	7.6m Garages/carports setback 1m from front facade adjacent to the structure. 3m side street setback Boundary walls setback 2m from the front facade adjacent to the structure	7.6m 3m side street setback	In accordance with Structure Plans
<b>Site Coverage</b> 60% maximum	ResCode standard	40%	50%	In accordance with Structure Plans
<b>Permeability</b> 20% minimum	ResCode standard	40%	30%	In accordance with Structure Plans
<b>Landscaping</b> No quantitative standard	ResCode standard	2 canopy trees min height of 8m	3 canopy trees min height 10m	In accordance with Structure Plans
<b>Side and rear setbacks</b> 1m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	ResCode standard	<b>Side setbacks</b> Side 1: 1m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m Side 2: 2m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1 metre for every metre of height over 6.9m. <b>Rear setbacks</b> 5m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m	<b>Side setbacks</b> 1m 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 <b>Rear setbacks</b> 5m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9	In accordance with Structure Plans



## Maddocks

ResCode Standard	GRZ1 – Govt rezoned schools	GRZ3 - Southern areas	GRZ4 – Northern areas	GRZ5 – Oakleigh and Wheelers Hill AC Res land
<b>Walls on boundaries</b> 10 metres plus 25% of the remaining length of the adjoining	ResCode standard	A wall on the side boundary should not exceed 6m in length Walls should not be constructed on rear boundaries	A wall on the side boundary should not exceed 6m in length Walls should not be constructed on rear boundaries	In accordance with Structure Plans
<b>Private open space</b> 40 sqm (one part 25 sqm with a minimum width of 3m)	ResCode standard	75 sqm (one part 60sqm with a minimum width of 5m)	75 sqm (one part 60sqm with a minimum width of 5m)	In accordance with Structure Plans
<b>Front fence height</b> 1.5m, or 2m if adjoining a Road Zone	ResCode standard	1.2m, or 1.8m with at least 20% transparency if adjoining a Road Zone	1.2m, or 1.8m with at least 20% transparency if adjoining a road zone	In accordance with Structure Plans

## **Changes introduced in response to MPA request**

178. Discussions were held with the MPA after the initial authorisation of the Amendment. As a result the MPA expressed a concern with the timing of Councils Amendment C125 as it included changes to residential land in Clayton and the Cluster. This issue was previously discussed with Council, however given the uncertainty about the timing of the MPA work, and the potential outcomes, it was considered appropriate to proceed with a Monash wide amendment, primarily reinforcing garden city character, based on Councils own strategic work completed at the time.
179. The MPA were concerned that commencing the amendment in its original form would result in confusion in the local community and send mixed messages to the community about development in Clayton and the Cluster as the MPA intend to exhibit the Strategic Framework Plan for the Cluster and the Clayton Structure Plan later in 2015.
180. To avoid the potential for confusion the MPA requested that Amendment C125 be modified to include a series of changes through the Cluster area and the Clayton Activity Centre.
181. These changes are based on initial investigations by the MPA as part of the development of the Strategic Framework Plan and the Clayton Activity Centre Structure Plan. The proposed zone changes create capacity for at least an additional 9,000 to 10,000 dwellings over a 10 year period in the Clayton and the Cluster.
182. The proposed rezoning plan and accompanying zone schedules represent a position that officers have negotiated with the MPA. This plan represents refinement of the original position of the MPA and is one that meets the objectives of both the MPA, through Plan Melbourne, and Council, through the Monash Housing Strategy.

## **Sound strategic planning**

183. Plan Melbourne and the Monash Housing Strategy both acknowledge that the Cluster and areas in and around Clayton are, in principle, appropriate for higher residential densities. This is reinforced by the increasing development pressure experienced in the past few years. However, both Plan Melbourne and the Monash Housing Strategy recognise that significant strategic planning needs to be undertaken to ensure the increased in housing provision is appropriately located and includes provision for physical and social infrastructure, open space and place making opportunities and developer contributions towards infrastructure.
184. Incorporating the MPA request into Council's amendment presented an opportunity to better influence these outcomes early in the process, particularly through the application of the Residential Growth zone and other supporting planning provisions. It also retained Council

as the Planning Authority in the amendment process, ensuring that Council remain well placed to guide the planning outcomes for the benefit of the Clayton community.

### **Planning for urban infrastructure**

185. The changes proposed by the MPA provide potential for an additional 9,000 to 10,000 dwellings over a 10 year period. Based on the 2006 Census, an increase of 10,000 dwellings would triple the number of dwellings in Clayton, from 5,257 to over 15,000 dwellings.
186. Council's Open Space Distribution Analysis Report 2013 identifies Clayton, Hughesdale and Notting Hill as having the lowest level of public open space per person in Monash. There are significant gaps in the open space network in Clayton, particularly in the areas proposed for increased densities.
187. Ideally, issues such as the provision of public open space, drainage infrastructure, community infrastructure and developer contributions towards community infrastructure would be resolved prior to rezoning land to facilitate substantially increased densities. The development of the Clayton Activity Centre Structure Plan and the Monash Employment Cluster Strategic Framework Plan are the appropriate mechanisms to address these issues and are currently being prepared.
188. However, unless early provision is made to address public open space and infrastructure contributions, 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.
189. 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 figure in the order of 10% is generally required given the significant population increases that occur in highly urbanised environments.
190. The Amendment as Exhibited proposed that an increase in the Public Open Space contribution to 10%. This increased rate would apply to the growth areas in the Cluster and Clayton. Further work would be undertaken as part of the Structure Plan to further clarify open space provision.
191. Including these proposed zoning changes would give immediate effect to the directions of Plan Melbourne, the Monash Housing Strategy, the Monash National Employment Cluster Strategic Framework Plan and the Clayton Activity Centre Structure Plan by identifying appropriate locations for residential development at increased densities.

192. Infrastructure contributions need to be addressed through the rezoning process. Although detailed infrastructure planning has not yet been completed gaps can be addressed by applying a Development Contribution Overlay across the growth areas in the amendment. This approach 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.

### **Application of Residential growth zone and building heights**

193. The MPA proposal included the application of the Residential Growth zone to a number of areas in Clayton and around the Monash University. The proposed application of these zones is consistent with the strategic direction of the Housing Strategy provided in the Residential Framework Strategy of the Strategy.
194. In addition to the proposed application of the Residential Growth zone, the MPA originally proposed buildings up to 6 to 8 storeys on consolidated sites throughout Clayton and the Cluster. In the context of Clayton and the surrounding residential areas of the Cluster these heights were considered excessive. An appropriate increase in residential density and a better fit into the character of the area can be achieved through mid-rise buildings of up to 5 storeys on consolidated sites. For sites that are not consolidated, building height would be limited to 3 storeys.
195. It was also proposed to increase to the default 9 metre building height of the General Residential zone to 11.5 metres in total. Buildings would remain as two storey developments as this increase was not designed to allow for an additional level but to encourage better design outcomes and better internal amenity for residents, through measures such as 2.7 metre internal floor to ceiling standards.

### **Change to General Residential zone schedule**

196. The MPA proposal included a reduction in the siting and setback standards for parts of the surrounding residential areas from those proposed as part of Amendment C125. These reductions are proposed to apply to accessible areas of the Cluster and the Clayton Activity Centre.
197. The minor changes proposed to the siting standards are consistent with the strategic direction that the Housing Strategy sets out for designated Accessible Areas and are similar to the revised standards proposed as part of the Glen Waverley Structure Plan.

198. Whilst the changes proposed by the MPA were a departure from the initial planning provisions proposed by the Amendment, they:
- were consistent with the principles and directions contained in Plan Melbourne and the Strategy;
  - will be supported by the detail work being undertaken for the Monash National Employment Cluster and Clayton Structure Plan; and
  - create capacity for an additional 9,000 to 10,000 dwellings over a 10 year period.
199. The areas the subject of the MPA request are within areas identified in the Strategy as *Future Development Potential Areas*. In particular the areas are either within:
- Category 1 - Activity and Neighbourhood Centres,
  - Category 2 - Accessible Areas, or
  - Category 3 - Monash National Employment Cluster.
200. Although these areas are identified by the Strategy as *Future Development Potential Areas*, under normal circumstances the completion of the Clayton Activity Centre Structure Plan and the Monash Employment Cluster Strategic Framework Plan would set out and trigger the changes to the residential zones to facilitate increased residential density.
201. However, the current situation provides Council with an opportunity to streamline the strategic process by including the MPA changes in Amendment C125 and continue to play an important role in informing the development of these plans, including identifying appropriate development outcomes such as building heights, open space requirements and infrastructure contributions within the Clayton Activity Centre and the Cluster as a whole.
202. The application of the Residential Growth zone in these areas is not in dispute. It is more a case of the extent of its application and what building heights are provided for through the amendment.
203. The zoning changes proposed have been developed in partnership with the MPA. They represent a response to the strategic potential of these areas identified in the Housing Strategy and propose development intensity and building height outcomes that the community may expect given the strategic location of these areas.
204. The revised amendment request will include:
- the application of the Residential Growth zone to areas of Clayton and the Cluster;

- schedules to the Residential Growth and General Residential zones to provide a gradation of heights and development intensity out from the central area of Clayton;
- building height limited to 3 storeys on single lots and up to 5 storeys on consolidated lots;
- minor modification to height limits, in metres, to improve design and internal amenity;
- a revised schedule to the General Residential zone that recognises the accessible areas within the Clayton Activity Centre and parts of the Cluster;
- an increase in the public open space contribution of Clause 52.01 of the Monash Planning Scheme to 10% for the Cluster and the Clayton Activity Centre; and
- the application of a Development Contribution Plan overlay across the Cluster and Clayton Activity Centre.





**Table 3: Summary of MPA Zones & Schedules**

ResCode Standard	RGZ3 – Clayton Activity Centre	GRZ6 – Clayton Activity Centre – Housing diversity
<p><b>Minimum Street setback</b> 9m or average of adjoining lots (whichever is lesser)</p>	<p>Front setback – 3 metres. Where a new development is located on a corner site the setback to the side street is the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p>	<p>4 metres Where a new development is located on a corner site the setback to the side street is the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p>
<p><b>Site Coverage</b> 60% maximum</p>	<p>Non Specified</p>	<p>None specified</p>
<p><b>Permeability</b> 20% minimum</p>	<p>None Specified</p>	<p>None specified</p>
<p><b>Landscaping</b> No quantitative standard</p>	<p>Retention or provision of at least one canopy trees with a minimum mature height of 10 metres in the front set back.</p>	<p>Retention or provision of at least two canopy trees with a minimum mature height of 10 metres.</p>
<p><b>Side and rear setbacks</b> 1m setback, plus 0.3m for every metre in height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m</p>	<p>Rear setback - 3 metres for the first 2 storeys plus 2 metres for the 3<sup>rd</sup> storey Side set backs – None specified</p>	<p>Side setbacks A minimum 1 metre setback to one side, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Rear setbacks A minimum 4 metre setback, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p>

**Table 3: Summary of MPA Zones & Schedules**

ResCode Standard	RGZ3 – Clayton Activity Centre	GRZ6 – Clayton Activity Centre – Housing diversity
<b>Walls on boundaries</b> 10 metres plus 25% of the remaining length of the adjoining lot.	None Specified	Walls should not be constructed on rear boundaries.
<b>Private open space</b> 40 sqm (one part 25 sqm with a minimum width of 3m)	A17 None Specified  B28 A dwelling or residential building should have private open space consisting of:  An area of 40 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 35 square metres, a minimum width of 3 metres and convenient access from a living room; or  A balcony of 10 square metres with a minimum width of 2 metres and convenient access from a living room; or  A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.	A dwelling or residential building should have private open space consisting of:  An area of 50 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 35 square metres, a minimum width of 5 metres and convenient access from a living room; or  A balcony of 10 square metres with a minimum width of 2 metres and convenient access from a living room; or  A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
<b>Front fence height</b> 1.5m, or 2m if adjoining a Road Zone Category 1	1.2m, or 1.8m with at least 20% transparency if adjoining a Road Zone	0.9 metres

NOTE – On land affected by the RGZ3 and GRZ6 as exhibited it was also proposed to apply the Design and Development Overlay Schedule 13 (containing height controls related to lot size), a Development Contributions Plan Overlay Schedule 1 and a 10% open space contribution through the Schedule to Clause 52.01.

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## Issues raised in submissions

### Overview of Submissions

205. Submissions to the Amendment fall into three main types:

- Those that support both the thrust of the amendment and the zone and schedule changes proposed. These submissions often make reference to the neighbourhoods of Monash, including what they see as the poor quality of development and support providing greater direction about where development is located. In some cases, they make suggestions to further strengthen the amendment or make it more effective.
- The second type of submissions primarily objects to elements of the proposed zones and schedules. In many cases, this relates to concerns from submitters about the effect of the proposed changes on opportunities to develop their land. A number of these submissions also propose changes to address their concerns.
- Several submissions have been received that oppose the amendment due to an incorrect understanding that the planning standards proposed under the new zones apply as mandatory requirements and there is no ability to vary the standards depending on neighbourhood character, lot size or lot shape.

### Zone or Schedule Selection

206. A number of submissions object to the proposed zone, or schedule to the zone, that is to apply to their land.

207. These submissions are split between those which:

- Seek a zone that allows for more intensive development such as Residential Growth or a commercial zone; and
- Seek to be included in a more restrictive zone such as the Neighbourhood Residential zone.

208. In response, Council observes that the zone boundaries are derived from the directions contained in the Strategy.

209. Whilst there are a number of areas where a minor adjustment to the boundary is required, for example in the commercial area around High Street Road in Syndal or adjacent to bushland near Alice Street in Mount Waverley, major changes to the boundaries to either include or

exclude large areas are not consistent with the strategic housing directions contained in the Strategy.

- 210. The Neighbourhood Residential zone that has been applied to the Dandenong Valley Escarpment is generally consistent with the extent of the topography to the eastern face of the Dandenong Valley escarpment and the neighbourhood residential zone in the adjacent municipalities of Whitehorse and Greater Dandenong.
- 211. The application of the zone takes into account the ridgeline and topography that slopes towards the Dandenong Creek valley and which affords long range views across the Dandenong Valley and to the Dandenong Ranges.
- 212. Modifying the boundary north of High Street Road by moving it eastward away from Springvale Road, further down the escarpment, is not recommended as it would be inconsistent with the strategic framework of the Strategy and would move the zone boundary away from the distinct physical and visual boundary formed by the topography and Springvale Road.
- 213. Modifying the boundary of the zones south of Ferntree Gully Road by moving it to the west of Lum Road, is not recommended as this area is not identified as in the Strategy as an element of the Dandenong Valley Escarpment, the topography of the area is generally flatter and does not have a relationship with the Dandenong Valley Escarpment.
- 214. Other than minor alterations to the boundary of the Neighbourhood Residential zone schedules 2 & 3, to correct anomalies around the creek areas to take into account actual boundaries of Council reserves or existing built form, no changes to the exhibited boundaries are recommended.

## **Change or objection to proposed zone or zone boundary**

### *Issues raised*

- 215. Opposition in terms of site or locational circumstances.
- 216. In these cases, alternative approaches were generally proposed. These include requesting no rear setback requirements for properties abutting railways (as building to the rear of the property could help minimise the noise impacts), allowing a garage within the rear setback, particularly if lane access is available to minimise the amount of driveway / hard surface requirements, or changing the rear setback to a side setback in the case of irregular shaped blocks or blocks with a shallow depth.

*Council comment*

217. A number of submissions raised the issue of the application of setbacks to irregular shaped allotments, particularly in court bowls. The overall objective of the rear setback is to provide an adequate area for rear garden space. Whilst it is not possible to include a different standard for irregular shaped allotments in the schedule to the zone, it is possible to include policy that sets out clearly how the rear setback requirement will be assessed for irregularly shaped allotments.

**Matters relating to the employment cluster***Issues raised*

218. A number of submissions were received in relation to the proposed zones, schedules, public open space requirements and development contribution plan requirements for the residential land in the growth areas identified around Clayton, Monash Medical Centre and the Monash University.
219. Some submissions expressed concern with apartment style development in the precinct adjacent to Monash University and the intensity of the proposed development.
220. While some submitters were supportive of the increased development opportunities, some felt it did not extend far enough, and some were opposed.

*Council comment*

221. The boundaries of the proposed growth areas and the proposed planning controls were developed in conjunction with the MPA and reflect both the Monash Employment Cluster and the Monash Housing Strategy.
222. Whilst these areas are all identified as appropriate for increased residential there is an existing character difference between the areas around Monash University and the balance of the areas south of Wellington Road. To reinforce the garden setting of both Monash University and new residential development to the west of the University, an appropriate landscape setting is required. This can be reinforced through an increase to the proposed front setback from 3 metres to 4 metres for the residential growth areas adjacent to the Monash University precinct.
223. The changes proposed 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).

*Council response*

224. That the front setback for the Residential Growth zone Schedule 3 in the Monash University precinct be increased from 3 metres to 4 metres. No other changes to the exhibited amendment were agreed to (with the exception of the public open space requirement – discussed under separate heading below).

**Reduction in site coverage***Issues raised*

225. Submissions objecting to the proposed decrease in site coverage fell into three broad categories:
- The impact on the potential to develop land for multi-unit development, including the need to construct smaller dwellings;
  - The impact on the ability to construct a large single dwelling and/or a garage;
  - The impact on subdivided lots to redevelop an existing small dwelling with a new larger dwelling;
  - There was opposition to the proposed General Residential 3 requirement, which varies the maximum site coverage to 40%, the same as proposed within the Neighbourhood Residential Zones. There was also some opposition to the proposed site coverage in the Neighbourhood Residential zone 3 – Creek Environs.

*Council comment*

226. The current ResCode Standard of a maximum of 60% site coverage can result in medium density and single dwelling development that does not contribute to the garden character of Monash.
227. An analysis of medium density development applications and single dwelling constructions show that the vast majority of developments are constructed at less than 50% site coverage and that development that exceed 50% frequently have poor design response and raise concern in the local community. In more recent times we are starting to see that there are developments and in particular single dwelling constructions that are being built to the maximum allowed and they are impacting our neighbourhoods and character.
228. Whilst Amendment C125 proposes a reduction in site coverage to 40% for the *Limited Redevelopment* and *Incremental Change* areas of General Residential Zone 3, Neighbourhood Residential Zone 1 (Heritage Overlays) and Neighbourhood Residential

Zone 4 (Dandenong Valley Escarpment) a more detailed analysis has shown that setting site coverage at 50%, will achieve the garden character outcomes and enable compliance with set back and open space requirements without unduly limiting buildable area on the average allotment in these zones.

229. It was apparent during the consultation period that people consistently overestimated the amount of site coverage that their existing development contained. This in turn resulted in some people overestimating the potential impact of the proposed 50% site coverage requirement.
230. Whilst the Amendment proposes a reduction in site coverage to 40% for the Limited Redevelopment and Incremental Change areas of General Residential Zone 3, Neighbourhood Residential Zone 1 (Heritage Overlays) and Neighbourhood Residential Zone 4 (Dandenong Valley Escarpment) a more detailed analysis has shown that setting site coverage at 50%, will achieve the garden character outcomes and in turn enable compliance with set back and open space requirements without unduly limiting buildable area on the average allotment in these zones.
231. The Neighbourhood Residential 3 zone is proposed to apply throughout the creek valleys. This proposed zone provides a transition between the immediate creek abuttal areas and the more general garden character suburban areas. As a transition area between the standard suburban areas proposed for General Residential zones 3 & 4 and more sensitive direct creek abuttal of the Neighbourhood Residential Zone 2 the site coverage should reflect that transition. It proposed to increase the proposed site coverage from 40% to 45% and still achieve the overall objectives of the amendment.

### *Council response*

232. It is recommended that the proposed site coverage for General Residential Zone 3, Neighbourhood Residential Zone 1 (Heritage Overlays) and Neighbourhood Residential Zone 4 (Dandenong Valley Escarpment) be increased from 40% to 50%.
233. It is also recommended that the proposed site coverage for the Neighbourhood Residential zone 3 be increased from 40% to 45%.
234. A consequential change will also be made to the permeability standard of the relevant Schedules to keep it proportional with the site coverage change. (The permeability standard works in the reverse to site coverage and is the area of the site not built on or paved.)

### **Increase in permeability**

#### *Issues raised*

235. Additional garden areas – maintenance.

236. Drainage – most people who referred to this acknowledged the positive benefits, some did not.

*Officer comment*

237. A consequential change will also be made to the permeability standard of the Schedule to keep it in proportion with the site coverage change.

238. The revised permeability standard will be changed from exhibited 40% to 30%. (The permeability standard works in the reverse to site coverage and is the area of the site not built on or paved.)

239. No change is recommended to the proposed site coverage for the Neighbourhood Residential Zone Schedules 2 & 3.

*Council's response*

240. It is also recommended that the proposed site coverage for the Neighbourhood Residential zone 3 be increased from 40% to 45%.

241. A consequential change will also be made to the permeability standard of the relevant Schedules to keep it proportional with the site coverage change. (The permeability standard works in the reverse to site coverage and is the area of the site not built on or paved.)

## **Change to open space standards**

*Issues raised*

242. Some submissions objected to the change proposed to the standard for the provision of private open space from one parcel of 35m<sup>2</sup> to once parcel of 60m<sup>2</sup> per dwelling. The reasons for opposition included:

- The size is excessive to the needs for people who wish to downsize;
- People don't want or have time to maintain gardens anymore – and these areas will become derelict; and
- In combination with the front and rear setback proposed variations, the open space requirements will make development unachievable or significantly compromised.

243. A number of submissions supported this requirement for a larger single area than is currently required. Their reasons were that this enables better landscaping, more usable open space, and better environmental outcomes (separation between buildings, natural cooling and heating, and so on).



*Council comment*

244. The current requirement for private open space in the Monash Planning Scheme is 75m<sup>2</sup>, with one parcel of 35m<sup>2</sup>. (This amount is about the size of a double garage).
245. The exhibited amendment does not propose to increase the overall amount of private open space provided in a development in the General Residential zone Schedule 3 and 4 areas, which cover the majority of Monash. (There is a minor increase of 5m<sup>2</sup>, up to 80m<sup>2</sup>, proposed in the creek corridors proposed in the Neighbourhood Residential zone Schedules 2 & 3).
246. The change proposed by the amendment relates to how the private open space is provided. As exhibited, the amendment proposes that the main open space portion be increased from 35m<sup>2</sup> to 60m<sup>2</sup>. This was intended to meet the dual objective of providing more usable private open space and providing the opportunity to meet garden character objectives. In most instances the provision of the parcel of 60m<sup>2</sup> can be achieved for the rear dwelling through compliance with the increased rear setback and design changes. However main impact of this is on design/layout for a new front dwelling.

*Council response*

247. In response to concerns about the potential design impact of the larger portion of open space on the front dwelling, it is proposed to reduce this main amount to 50m<sup>2</sup>. It is acknowledged that the proposed area of open space would impact how the front dwelling of a unit development was designed. Reducing this area will not significantly affect the ability to achieve the objectives of the amendment provided that other siting and design standards remained as proposed in this report. It will also provide some greater design flexibility on how a development may be designed.
248. This change would still allow for a useable area of private open space (which is at least bigger than the existing requirement that is equal to a double garage) and lessen the potential design challenges for front dwellings. Although the majority of development occurring is two storey, this change provides more flexibility for the construction of single storey dwellings.
249. The total amount will remain unchanged at 75m<sup>2</sup> per dwelling in accordance with the current provisions of the Monash Planning Scheme.

**Side setbacks***Issues raised*

250. A number of submissions raised the issue of the side setbacks, particularly in the General Residential Zone 3 areas.

*Council comment*

251. The side setback changes flow from the Neighbourhood Character Study and as such are reflective of the existing character of the area. Whilst these setbacks are reflective of the current character of these areas, they are not critical to achieving the desired future character. On this basis it is recommended that the side setback requirements in these zones be deleted.

*Council response*

252. On this basis Council determined to delete the side setback requirements in these zones.

**Front setback – Dandenong escarpment***Issues raised*

253. A number of submissions objected to the proposed increase in the front setback from the existing 7.6 metres to 8 metres.

*Council comment*

254. The Amendment proposed a minor increase in the front setback for the Dandenong Valley Escarpment – Neighbourhood Residential. This minor increase is inconsequential in the context of the streetscape.

*Council response*

255. Council's position at the amendment is not to retain the proposed 8 metre front setback be deleted and the existing front setback of 7.6 metre be retained.

**Landscaping and canopy trees***Issues raised*

256. One of the key drivers for the proposed schedules was the concern for the loss of vegetation throughout the Garden City areas. The amendment, as exhibited, included a nominated number of trees, to grow to at least a certain height, per dwelling. Around 20% of the submissions commented on the canopy trees specifically. Slightly less than 40% of submissions supported the proposed provisions and just under 30% opposed them.
257. In the second round of consultation a large number of submissions, mainly pro- forma, expressed concern with the requirement to plant trees due to concerns for infringement on personal property rights, personal safety, potential health risks from carbon dioxide emissions, ongoing maintenance, potential for damage to buildings and infrastructure and the general mess that trees are perceived to make.

*Council comment*

258. The Monash Planning Scheme currently contains detailed policy requirements for the landscaping of development and the planting of canopy trees. Landscaping, including canopy trees, is a current requirement in the approval new multi-unit development. The landscaping requirements do not apply to single dwellings.
259. Specifying a number of canopy trees in the landscaping requirement of the schedules to the new residential zones makes appropriate use of an additional planning tool that Council now has available to it to reinforce the landscape and garden character requirements of the Monash Planning Scheme.
260. To not make use of the landscaping provision in the schedules of the new residential zones would put the zones in conflict with the existing provisions of the Monash Planning Scheme which contains numerous references and policy requirements for canopy trees. It would also be contrary to the proper use of the schedules.
261. Removing the landscaping standard in the schedule would also potentially weaken Council ability to defend decisions at future VCAT hearings where compliance with garden character or landscaping was challenged.
262. The height of trees required to be planted set out in the proposed schedules specify a range of trees between 8 to 12 metres in height. The canopy tree heights were linked to the maximum building height within the proposed zone. In response to the concern about the prescriptive nature of specifying a minimum mature tree height it is possible to modify the schedule to link the height of canopy trees directly to the height of the proposed development.
263. The height of trees required to be planted set out in the proposed schedules specify a range of trees between 8 to 12 metres in height. The canopy tree heights were linked to the maximum building height within the proposed zone. In response to the concern about the prescriptive nature of specifying a minimum mature tree height it is possible to modify the schedule to link the height of canopy trees directly to the height of the proposed development.

*Council response*

264. It is recommended that the canopy tree requirement of the schedules be modified to link the mature height of the trees to the height of the proposed building.

265. The landscaping requirements of each schedule would then read:

- X number of canopy trees to reach a mature height at least equal to the height of the proposed development.

## Rear setbacks

### *Issues raised*

266. There was a mix of support and opposition to the proposed rear setback requirement, and varied responses for different locations.

267. Deletion of the 5 metre rear setback General Residential zone 3 & 4 and Neighbourhood Residential zone 1 & 4.

- There was a mix of support and opposition to the deletion of the 5 metre rear setback.
- Some submissions supported the deletion of the proposed rear setback, based on concern for the loss of developable area of an allotment, or the implications of for the quality of development (for instance, suggestions that new housing will be forced to be two storey (and less accessible for an ageing population), or make it difficult to meet objectives such as providing good solar access.
- Some submissions saw the retention of a five metre setback as a crucial loss in the amendment and would mean that garden character in the suburban areas of Monash would be lost.
- Some submissions suggested an increase in the ResCode standard of 1 metre to 3 metres as a compromise to the in-principle position of 1 metre and the 5 metre rear setback of the exhibited amendment.

268. Rear setback – Retention of the 6 or 7 metre rear setback in the Neighbourhood Residential zone Schedule 2 & 3

- There was a mix of support and opposition to the retention of the 6 or 7 metre rear setback.
- The opposition to the proposed rear setback generally fell into one of three categories:
  - A straight out objection based on a perceived loss of developable area of an allotment and a belief that they were being treated unfairly to other parts of Monash.

- The design implications for the quality of development, for instance, suggestions that new housing will be forced to be two storey (and less accessible for an ageing population), or make it difficult to meet objectives such as providing good solar access.
- Opposition in terms of site shape or size or other locational circumstances.

269. Other submissions supported the rear setback as a means to both protect neighbourhood character and the amenity of linear parkland or trails along the creek corridors.

*Officer response*

270. A key element of the Monash garden character is the presence of rear yards and the opportunities these areas provide for the retention or establishment of gardens and usable areas of private open space to the dwelling. The current ResCode standard setback of 1 metre is considered to be grossly inadequate to achieve the garden character objective in the suburban areas of Monash.

271. The current planning provisions include a requirement for a portion of the open space to have a minimum dimension of 5 metres. There are very few developments that provide a 1 metre setback. In practice the majority of developments currently provide, at least for part of the site, a 5 metre rear setback. This setback would also apply to the construction of a single dwelling.

272. A key element of the Monash garden character is the presence of rear yards and the opportunities these areas provide for the retention or establishment of gardens and usable areas of private open space to the dwelling. The current ResCode standard setback of 1 metre is considered to be grossly inadequate to achieve the garden character objective in the suburban areas of Monash or protect sensitive interfaces with creek areas.

273. The greater setback to park, creeks and linear trails allows the broader community to continue to enjoy these places. Many of these spaces contain shared paths or other passive public spaces. As such an increased setback from the rear boundary performs a similar function to the 7.6 metre front setback in preserving streetscapes.

*Council response*

274. To provide clarity around the assessment of the rear setback on irregular shaped allotments, it is proposed to include a detailed policy statement in the Monash Planning Scheme that makes it clear how compliance with the rear setback standard will be assessed for irregularly shaped allotments and perhaps in which circumstances Council may consider a reduction or partial reduction in the rear setback provided the development meets the overall garden character objectives for the neighbourhood.

275. The 6 and 7 metre rear setback in the Neighbourhood Residential zone Schedule 2 & 3 is proposed to be retained.

### **Development Contribution Plan and Public Open Space contribution**

#### *Issues raised*

276. A number of submissions objected to the proposed increase Public Open Space contribution and the proposed Development Contribution and sought more detail on the background to these requirements.

#### *Officer comments*

277. Councils Open Space Distribution Analysis Report 2013 identifies Clayton, Hughesdale and Notting Hill as having the lowest level of public open space per person in Monash. There are significant gaps in the open space network in Clayton, particularly in the areas proposed for increased densities.
278. Ideally, issues such as the provision of public open space, drainage infrastructure, community infrastructure and developer contributions towards community infrastructure would be resolved prior to rezoning land to facilitate substantially increased densities. The development of the Clayton Activity Centre Structure Plan and the Monash Employment Cluster Strategic Framework Plan are the appropriate mechanisms to address these issues and are currently being prepared.
279. However, unless early provision is made now to address public open space and infrastructure contributions, 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.
280. 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. Following review of the submission, and the commencement of the Monash Open Space Strategy, this position has been reviewed. Council considered that it was pre-emptive to set a figure at this stage.
281. 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.

### *Council response*

282. Council resolved to take to the panel a position to increase the front setback for the Residential Growth zone Schedule 3 in the Monash University precinct from 3 metres to 4 metres.
283. It also resolved to refer an increase in open space requirements until the completion of the open space strategy.
284. No other changes to the proposed controls are recommended.

Council's Part B submission will deal in more detail with many of Council's responses to submissions, particularly site specific submissions.



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## **Post-exhibition changes to amendment**

285. The Panel has separately been provided with a summary of Council's proposed post-exhibition changes and these will be explained more fulsomely at the hearing.



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## Interaction with other Planning Scheme Amendments

286. *Amendment C120* to the Scheme seeks to implement the Glen Waverley Activity Centre Structure Plan.
287. Glen Waverley has been identified over the years, through different iterations of state and local planning strategies, as a district centre, principal activity centre and is currently an identified activity centre under Plan Melbourne. It is the largest of the activity centres within Monash.
288. It has been the subject of development interest for a number of years. The Structure Plan was prepared to provide direction for this development, recognising the need to provide for additional and new forms of development outcomes considering:
- Glen Waverley's growing population that is forecast to increase from 41,819 to 45,562 people by 2031, equating to the need for an additional 1,601 dwellings.
  - Glen Waverley's ageing population and decreasing household size.
  - the expectation that the Activity Centre will provide a mix of businesses, retail, services, entertainment uses, additional housing and highly connected public transport.
289. The Structure Plan provides a 20 year framework for growing and improving the Activity Centre with a vision and objectives, strategies and actions under the following themes, and with detailed directions for the structure and character for identified precincts and built form areas. Council adopted the Structure Plan on 30 September 2014 and resolved to request the Minister for Planning prepare and exhibit Amendment C120 to the Scheme to implement its recommendations.
290. Amendment C120 and this Amendment were exhibited at the same time. The reason for this was two-fold:
- Amendment C120 was regarded as an area for more development whilst this Amendment, which sought to introduce policies and provisions for 'moderate or limited change areas' were both components of the delivery of the Strategy, and in particular, the differentiation that the Residential Development Plan in the Housing Strategy envisages;
  - Both Amendments introduce new residential zones and schedules. In the case of Amendment C120, the residential land around the commercial core is proposed to be included in a mix of Residential Growth Zone and General Residential Zone.

291. Submissions to Amendment C120 were referred to a Planning Panel, with the Panel hearing taking place in early February 2016.

292. The Panel recommended that the amendment be adopted, subject to some minor changes and further review of traffic management issues.

293. It noted in terms of the scale of development:

The Glen Waverley Activity Centre Structure Plan envisages the Glen Waverley Activity Centre as a major activity centre comprising seven precincts and 11 built form areas. The commercial core provides opportunities for 8 and 12 storeys and beyond and the surrounding residential areas provide opportunities for 4-6 storeys.

294. The Panel found, in summary, that:

Amendment C120 is supported by, and implements the relevant sections of the State and Local Planning Policy Frameworks. Amendment C120 is well founded and strategically justified subject to addressing more specific issues raised in submissions. The Centre-wide and area-wide built form provisions provide an appropriate framework for implementing the objectives of the Glen Waverley Activity Centre Structure Plan.

295. In terms of interaction between C120 and this Amendment, the Panel observed that:

It is often challenging to translate a vision and aspirations into statutory provisions. Council is commended for how it has translated its vision for the Glen Waverley Activity Centre into statutory provisions and for how it co-ordinated Amendments C120 and C125 (Residential Zones) to avoid confusion and overlap,

296. The Panel for Amendment C120 also found that that there is no direct overlap between the two amendments, stating that 'Amendment C125 does not propose to rezone land subject to Amendment C120'.

297. Amendment C120 was adopted by Council in May 2016. It has been provided to the Minister for Planning and is currently awaiting the Minister's decision on its approval.

298. Clauses 11 and 16 of the State Planning Policy Framework refer to the need for environmental efficient design measures to assist both with the impact of development on the environment, but also to assist with the long term affordability of housing, in terms of running costs and so on. Ensuring new housing is more environmentally sustainable is also an aspiration of the Strategy, as outlined in Sections 5.3.3 and 5.3.5 of the Strategy.

299. In part, the Strategy seeks to improve the sustainability of housing through its location - encouraging higher density forms in locations with access to good quality public services, infrastructure, social services, retail facilities, recreational and employment opportunities – to minimise the implications of non-discretionary travel costs by residents or by service providers.

300. However, Council also proposes to address improvements to sustainability, as contemplated by the Strategy, by measures such as the introduction of its Environmentally Sustainable Development Policy, which forms part of Amendment C113.
301. The Environmentally Sustainable Development policy provides objectives and application requirements to guide the achievement of best practice environmentally sustainable development, when assessing planning applications.
302. The Policy requires that development meets the objectives in relation to:
- Energy efficiency;
  - Water resources;
  - Indoor environment quality;
  - Stormwater management;
  - Transport;
  - Waste management;
  - Innovation; and,
  - Urban ecology.
303. The Environmentally Sustainable Development policy is consistent in format and measures to the local policies which have recently been introduced into a number of planning schemes for other municipalities.
304. Amendment C113 has been exhibited, considered by a Planning Panel, and was adopted by Council in June 2015. The Amendment has been referred to the Minister for Planning for approval, and is awaiting a decision.
305. Once approved, it will work in conjunction with existing and proposed planning provisions, to help support more sustainable development outcomes.

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## **Supporting Analysis and Intended Operation of the exhibited DCPO and the POS Contributions and Post-exhibition changes proposed by Council in relation to these provisions**

306. The changes to the residential zones proposed in conjunction with the MPA provide the potential for at least an additional 7,000 dwellings over a 10 year period. (Based on the 2006 Census there are approximately 5,257 dwellings in Clayton.)
307. In Council's view there is a critical need to address infrastructure contributions through this rezoning process.
308. Whilst detailed infrastructure planning has not yet been completed for this precinct, the early application of a Development Contribution Overlay across the growth area is consistent with the planning provisions applied in the rezoning of the Fishermans Bend Urban Renewal Area. It allows the rezoning process to commence and operates as a flag to the community and the development industry that these are areas which are proposed for increased residential density and that there will be a requirement to make a contribution to infrastructure to accommodate future populations. Application of the DCPO now allows the completion of further detailed planning to be undertaken.
309. 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.
310. 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.
311. Following review of submissions, and the commencement of the Monash Open Space Strategy, this Council position has been reviewed.
312. Council now considers that it was pre-emptive to set a public open space contribution figure at this stage, and that that should occur following the completion of its open space strategy, anticipated for later this year.



320. Council's subsequent resolutions make the following changes to the area affected by the NRZ1:

- The proposed site coverage variations from 40% in the exhibited version to 50% in the May 2016 Council position;
- Permeability variation (from 40% in the exhibited version to 30% in the May 2016 Council position; and
- Proposed rear and side setback requirements have been removed.

321. Council's changed position in relation to these matters acknowledges that it would be challenging to achieve the heritage aspirations, including avoiding dominance of upper storey development, with lower site coverage, especially given the small lot sizes of many properties within the precincts.

322. This municipality has used the *Design and Development Overlay* (DDO) to implement structure plans for a number of structure plans for activity centres, namely:

- Wheelers Hill Activity Centre
- Oakleigh Activity Centre
- Brandon Park Activity Centre

323. The General Residential Zone Schedule 5 has been applied to the sites which are subject to the Design and Development Overlay, with a reference back to the Overlay provisions.

324. This is consistent with the approach used in other municipalities and this approach was taken to ensure there was no conflict with existing provisions which are complex to reformat into the residential zone schedules and which, in any event, have already been through a review process, including panel hearings, and do not warrant re-examination as part of this Amendment.

325. Other DDOs have been applied in the municipality to industrial precincts (and therefore do not relate to the Amendment) or are proposed to give effect to Amendment C120 (relating to the Glen Waverley Activity Centre) and therefore are not relevant to this Amendment.

326. There are a number of larger sites in the municipality – often sites which have been converted from non-residential uses – which are subject to *Development Plan Overlays* (DPOs). In most cases, these sites have already been fully developed and the development plan requirements have been complied with. In the few remaining such sites to be developed or in the process of development, the proposed variations will be taken into consideration when development applications are sought (or if extensions are requested). The DPOs will not restrict this from occurring. These sites include small sites (which have been



redeveloped), or the surplus school sites (which have not been included within Amendment C125).

327. There are no conflicts between the proposed provisions of the Amendment and the DPOs in the Scheme.
328. In some instances, there is a correlation between the *Special Building Overlay* (SBO) and the *Land Subject to Inundation* (LSIO), with the Neighbourhood Residential Zone 2, because they both apply to land close to waterways. However, the SBO / LSIO also incorporates non-residential zoned land, land which is not vegetated.
329. These overlays currently trigger the need for assessment for potential impacts from overland flow events. The proposed variations within the schedules to the new residential zones, through this Amendment do not conflict or undermine these requirements.
330. Council has used the *Neighbourhood Character Overlay* in the former Waverley Park football overlay, which is now known as the Waverley Park Masterplanned residential community.

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## Other Current Relevant Strategic Planning Initiatives

331. Council is currently working on its *Draft Street Tree Strategy*, which recognises the importance of tree canopy coverage to the character of Council's municipal district and seeks to overcome existing canopy gaps, and the need to anticipate and plan for tree replacement over time due to tree decline or inappropriate species selection.
332. It identifies a range of appropriate tree species for new plantings, including species known to have performed well in Monash as well as new species and varieties that have been purposely developed for urban growing conditions.
333. Council is seeking to ensure that there is a consistency between the directions it sets in relation to vegetation management on privately owned land and the way vegetation is managed on land for which Council has responsibility.
334. In mid- 2016, Council adopted its *Environmental Sustainability Strategy 2016 – 2026 (the ESS)*, which seeks to explore current and emerging sustainability issues facing Council and its residents. It sets Council's environmental goals for the next 10 years and proposes actions that will help to reach these goals.
335. The following priority and objectives from the ESS are directly aligned with the outcomes which this Amendment seeks to achieve:

*Priority 1: Built Environment*

The way that a city, its suburbs, its buildings and transport are designed, built and managed can have a large impact on long term environmental sustainability, how its inhabitants live, work, commute, participate in recreational activities and their overall quality of life.

*Objectives of the strategy include –*

1. The garden city character of Monash is retained and improved.
  2. Development is designed along Environmentally Sustainable Development (ESD) and Water Sensitive Urban Design (WSUD) principles.
  3. Urban environments are designed and planned to promote and encourage integrated and active transport.
336. A suite of actions underpin these objectives.
337. In 2013/14 Council completed the *Monash Open Space Strategy Stage 1 - Open Space Distribution Analysis Report* which identifies existing public open space in the municipality,



established standards through consideration of existing Local, State and Federal government strategies relevant to open space provision and standards and established a hierarchy system for the provision of open space. It then undertook an analysis of the current distribution of open space across Monash. As a result, it created a thorough audit of existing public open space across Monash.

338. It is this document which identified Clayton and Notting Hill as having the lowest level of public open space per person in Monash, which was part of the justification for application of the initially proposed 10% open space levy contemplated for the Schedule to Clause 52.01 for the land proposed to be affected by RGZ3 and the GRZ6.

339. Council is currently working on completing *The Monash Open Space Strategy (MOSS) – Part 2 – Needs Assessment* by the end of 2016, which will set the direction for the provision, role, design & management of public open space in Monash from 2016 – 2026

340. In particular, the following is being undertaken:

- Reviewing the existing network (see MOSS Part 1) against expected demand, accepted standards & diversity of places;
- Proposing a public open space framework – identifying gaps, areas for improvement and limitations;
- Setting an implementation plan.

341. During the course of this Amendment, Council has resolved to defer its decision to seek an increase in open space contributions for these areas pending the completion of this work.

342. Another strategic project which Council is working on is its Integrated Transport Strategy, to be prepared as a draft by the end of 2016, with a final version of the plan by mid-2017. This plan will:

- Establish principles, policies and required actions to encourage sustainable travel choices.
- Help to implement Council's vision for an integrated and sustainable transport network.
- Assist Council to advocate and collaborate on improved transport infrastructure with relevant authorities.
- Guide future sustainable transport policy and strategic objectives within Monash.
- Assist parking management in Monash.

343. A key component of this Transport Strategy is alignment between land use planning and transport (connecting people from homes to activities). The anticipated location and

demographics of the current and future population are key considerations in the development of the strategy.

344. Also under preparation is Council's *Urban Landscape & Canopy Vegetation Strategy* and which Council aims to have completed by the end of 2016.

345. This strategy has four key aims:

- Identify and clearly explain the current landscape character across the City of Monash.
- Determine the elements of the landscape character valued by the community.
- Develop, in consultation with the community, a preferred landscape character for each identified character area.
- Identify a range of mechanisms to maintain and/or enhance this preferred character.

346. Council:

- Is currently collating background information / locational surveys;
- Will then undertake community surveys, consult on a draft issues and opportunity paper and a draft strategy
- Is developing a consultation strategy and will actively seek community and agency input , particularly with those organisations who own or are responsible for the maintenance of open spaces / major redevelopments.

## CLARIFICATION OF TERMS USED

### Housing Density

347. The Panel’s directions sought that Council provide clarification of terms used, for example, in relation to density.
348. The Strategy does not include a definition of ‘low, medium or high density. The Strategy does take the principles in Planning Practice Note 78 – *Applying the Residential Zones* – as guide to the Residential Development Framework.
349. The table on page 3 of that Practice Note describes the nature of the housing that can be expected in RGZ, GRZ and NRZ as follows:

	<b>Residential Growth Zone</b>	<b>General Residential Zone</b>	<b>Neighbourhood Residential Zone</b>
<b>WHAT SORT OF HOUSING CAN BE EXPECTED</b>	<b>Medium density housing</b> <b>A mixture of townhouses and apartments with underground car parking.</b>	<b>Single dwellings and some medium density housing</b> <b>A mixture of single dwellings, dual occupancies with some villa units and in limited circumstances town houses, where appropriate.</b>	<b>Single dwellings and dual occupancies under some circumstances</b>

350. *Plan Melbourne* includes the following definitions in its glossary:

*Low Density Housing*

**Low-density, standard suburban residential areas have traditionally been between 8–20 dwellings per net residential hectare in Australian cities. Net residential hectare includes lots, local streets and connector streets but excludes encumbered land, arterial roads, railway corridors, government schools and community facilities and public open space.**

*Medium Density Housing*

**Medium-density housing is about 21–80 dwellings per net residential hectare, though most commonly is between 30–40 dwellings per net residential hectare. Medium-density housing may be detached, semi-attached, attached or multi-unit.**

High Density Housing

**More than 80 dwellings per net residential hectare (such as apartments) is high-density.**

351. The SGS (2016) *Analysis of Proposed Residential Zones* provides the following definitions in the glossary:

**Low and medium density housing**

**Refers to infill housing forms that result in low to medium density development typically less than 100 dwellings per hectare and more commonly between 20 and 60 dwellings per hectare. Includes specific housing types such as duplexes, villas and townhouses.**

**Apartments and higher density housing**

**Refers to housing forms that feature dwellings that are vertically stacked and typically result in densities of over 100 dwellings per hectare, and up to 500 dwelling per hectare. These forms are generally, but not always, three or more storeys in height.**

352. On page 14 the following categories used and provided here in context of the analysis:

Low density infill housing projects of up to 29 dph

- The most common form of infill housing in Monash accounting for almost 60% of new dwellings
- Generally detached dwellings and likely to be single or double storey.
- Most common on lots between 650 and 1250 square metres
- Comprise of multi-unit developments that are mostly 2 or 3 dwellings; some examples of 4 dwellings
- Over 1000 individual projects.

Moderate density infill housing projects of between 30 to 49 dph

- A significant proportion of new dwellings fall into this category: 25% of all new dwellings
- More likely to be attached dwellings than low density and more likely to be two storeys
- Most common on lots between 550 and 1150 sqm; but some on larger allotments
- Comprise of multi-unit developments that are mostly 2 to 4 dwellings; some examples of 5 or more dwellings

- Approximately 600 individual projects.

Medium density infill housing projects of between 50 to 99 dph

- Relatively small contribution to housing supply in Monash accounting for 4% of new dwellings
- Mostly attached and two storey with open space in the form of small courtyards
- Most common on lots of between 650 and 1050 sqm
- All projects were of between 4 and 7 dwellings except for one of two dwellings and another of 11
- 27 projects.

Higher density infill housing projects of 100 dph or greater

- Important contribution to housing diversity providing 11% of new dwellings
- At these densities all housing projects are apartments: single storey stacked dwellings
- Found on wide range of lots sizes as small as 600 sqm and as large as 4000 sqm
- 22 individual projects of which 18 were between 10 and 50 dwellings in size; few very large apartment projects.

**Discussion**

353. The analysis provided by SGS Economics and Planning uses a set of definitions different from those provided by *Plan Melbourne*. In addition there are three general categories of expected housing associated with the RGZ, GRZ and NRZ as provided in the Planning Practice Note 78 – *Applying the Residential Zones*.

354. The SGS document provides a high level review of the Amendment with respect to:

- Council's obligations to the State Government's metropolitan planning policies
- Council's obligation to accommodate the population growth
- Impact on housing affordability; and
- Impact on housing choice.

355. Although differing definitions of housing density are used it is not considered that this will detract from the conclusions of that report.
356. Further, the Amendment itself seeks to implement the five relevant categories of the Residential Development Framework described in Chapter 6 of the Strategy through the application of the zone and schedule controls. It is not considered that varying definitions of low, medium and high density will hamper an assessment of that implementation.

**Canopy Trees**

357. Although not specifically defined, the Monash Planning Scheme Local Planning Policy Framework (LPPF) has numerous policy directions that encourage the planting of Canopy Trees. These trees are further described in the LPPF as having spreading crowns.
358. Clause 22.01 of the Monash Planning Scheme – Residential Development and Character Policy – provides an example of this:

Planting of semi-mature canopy trees with spreading crowns be incorporated in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.

**Permeability**

359. The ability of a surface, surface treatment or structure (e.g. wooden decking) on a residential lot that allows rainfall to soak directly through the ground into the water table.

**General terms**

360. The following definitions from the Clause 72 of the Monash Planning Scheme are provided as they are considered relevant to the Amendment.

**Basement**

A storey below ground level, or that projects no more than 1.2 metres above ground level.

**Building height**

The vertical distance from natural ground level to the roof or parapet at any point.

**Frontage**

The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.

**Gross floor area**

The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

**Ground level**

The natural level of a site at any point.

**Lot**

A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.

**Plot ratio**

The gross floor area of all buildings on a site, divided by the area of the site.

**Private open space**

An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.

**Secluded private open space**

That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.

**Setback**

The minimum distance from any allotment boundary to a building.

**Site coverage**

The proportion of a site covered by buildings.

**Storey**

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

**Wall height**

The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.

361. The Strategy includes the following relevant terms in its glossary:

**Accessible housing**

Housing that allows full access and use by all occupants and visitors. The dwelling must contain no physical barriers and be user-friendly for people of all abilities.

**Community housing**

Housing that is an alternative to public and private rental housing, and operates as a not-for-profit housing system. The combined rents of occupants are used to cover running costs over the long term. Community housing includes Housing Associations and cooperatives where tenants participate in the management of their dwellings. There is only a small supply

of community housing in Victoria. Housing diversity Housing which varies in terms of size, type, tenure, cost and style.

**Housing diversity**

Housing which varies in terms of size, type, tenure, cost and style.

**Housing stress**

Housing stress is an indicator of the number of households potentially at risk of housing affordability problems. This is calculated by the 30/40 rule which suggests that households spending more than 30 percent of their income on housing costs are living in housing stress.

**Overlay**

A planning scheme provision that indicates the land has some special feature, such as a heritage building or significant vegetation. It affects how land can be developed in conjunction with the zone.

**Planning permit**

A legal document that gives permission for a use or development on a particular piece of land. Planning scheme Controls land use and development within a municipality. It contains State and local planning policies, zones, overlays, particular provisions, general provisions, definitions and maps.

**Planning scheme**

Controls land use and development within a municipality. It contains State and local planning policies, zones, overlays, particular provisions, general provisions, definitions and maps.

**Public housing**

Public rental housing which is jointly funded by the Commonwealth and State Governments. It is administered through the Victorian Department of Human Services (Office of Housing). Eligibility for public housing is determined by assets, income, special need, residency and citizenship criteria. Generally rents are capped at between 25-30% of income.

**Social housing**

Housing that is not-for-profit, owned and managed for the primary purpose of meeting social objectives such as affordable rents, responsible management, security of tenure and good location in relation to employment services. This term encompasses public housing, community housing and some affordable housing.

**Zone**

A planning scheme provision that controls land for particular uses, such as residential, industrial or business. Each zone has a purpose and set of requirements.



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