

AMENDMENT C125 TO THE MONASH PLANNING SCHEME

**STATEMENT OF EVIDENCE PREPARED BY STUART MCGURN
ON BEHALF OF PACE DEVELOPMENT GROUP**

26 AUGUST 2016

URBIS

1. INTRODUCTION

1. My name is Stuart Andrew McGurn and I am a Director of Urbis Pty Ltd which conducts its business at Level 12, 120 Collins Street, Melbourne. My qualifications and experience are described at *Appendix A*.
2. I have been requested by Minter Ellison on behalf of Pace Development Group to undertake a town planning assessment on the impacts of Amendment C125 to the Monash Planning Scheme on No.554-558 High Street Road, Mount Waverley.
3. The subject site comprises two separate land parcels and features an overall area of approximately 2630 square metres. The site is currently occupied by a single storey building comprising a swimming pool and yoga studio and a double storey building comprising a gymnasium. The area in front of these buildings is used as a second hand car dealer.
4. Amendment C125 proposes to give effect to the Monash Housing Strategy 2014 and makes a number of consequential amendments including changes to the Local Planning Policy Framework, modifications to existing residential zone schedules and the introduction of new schedules to the General Residential Zone and Neighbourhood Residential Zone. This amendment also seeks to make changes to the planning provisions for residential land in the Monash National Employment Cluster and the Clayton Activity Centre and carries out a suite of rezoning within the municipality to assist in the delivery of the Strategy.
5. Amendment C125 initially sought to include No.554-558 High Street Road within the Neighbourhood Residential Zone Schedule 2 (NRZ2). However, at Council's meeting on 31 May 2016 it was resolved to recommend the application of the General Residential Zone Schedule 4 (GRZ4) to the site along with a number of other zone corrections. The Amendment was not formally re-exhibited following this change.
6. A late submission to Amendment C125 to the Monash Planning Scheme was made by Urbis Pty Ltd on behalf of Pace Development Group (the owner of the property) dated 23 June 2016. The submission outlined that Pace Development Group objected to the Amendment on the following grounds:
 - *The site is better suited to a zone that enables some form of commercial use without compromising future residential development to contribute positively to Monash's Housing Strategy. We consider that the Commercial (C1Z) or Mixed Use Zone (MUZ) would be more suited to this site and indeed the immediately abutting properties to the east.*
 - *Either of these two zones are more appropriate for the following reasons:*
 - *The existing land uses on the subject site feature uses more appropriate to a true commercial setting. These uses are established and have formed part of the area for several years.*
 - *The site is located directly across from the Syndal Activity Centre with the main spine being located approximately 50 metres to the south east. The activity centre contains a number of commercial uses servicing the surrounding area.*
 - *The site is well-serviced by public transport. Syndal Railway Station is located 400 metres to the south east and provides rail services towards Glen Waverley and the Melbourne CBD. Bus services operate north-south along Blackburn Road connecting Box Hill to Monash University and beyond and east-west along High Street Road.*
7. Additional grounds were provided in the event that the site was proposed to be rezoned to the Neighbourhood Residential Zone Schedule 2. A copy of this submission is contained at *Appendix B*.
8. At a Council meeting on 31 May 2016 Council resolved to adopt Amendment C125 subject to certain modifications and refer the Amendment and all submissions to an independent panel for consideration.
9. In the course of preparing this evidence I have inspected the subject site and its environs and have reviewed Amendment C125 and the relevant strategic documents in relation to the site context. A summary of my opinions with respect to proposed Amendment C125 to the Monash Planning Scheme and its impact on the subject site is as follows:

- ***There is limited strategic justification for the site to be contained in the General Residential Zone Schedule 4 – Garden City Suburbs.***
- ***The application of either the Mixed Use Zone or the Commercial 1 Zone is better aligned with the physical and planning context of the subject site.***

10. I declare that I have made all the enquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

2. BACKGROUND

11. The subject site is located on the southern side of High Street Road approximately 70 metres west of the intersection of High Street Road and Blackburn Road. This location places it close to the Syndal Activity Centre.
12. The subject site is relatively large in area comprising three separate lots:
 - No. 554 is a single storey building with a swimming pool and yoga studio (section 2 use in GRZ)
 - No. 556 is an open lot site used as a second hand car dealer (section 3 use in GRZ)
 - No. 558 I contains a double storey height building used as a gymnasium (section 2 use in GRZ)
13. The subject site is well located in terms of Melbourne's principal public transport network (PPTN) with buses running on High Street Road and Blackburn Road. Further, the subject site is approximately 400 metres north west of the Syndal railway station.
14. The subject site is contained within the General Residential Zone Schedule 2 (GRZ2) and forms part of a small group of commercial land uses on the southern side of High Street Road within the same residential zone.
15. In terms of zoning history of the site, in 2013 the State Government announced the implementation of the new residential zones and Councils were given 12 months from July 2013 to amend their planning schemes accordingly. Monash adopted a staged approach to the implementation of the new residential zones and initially proposed Planning Scheme Amendment C119 as a 'policy neutral' translation.
16. Under this Amendment generally, land within a heritage precinct was rezoned to Neighbourhood Residential, land zoned Residential 1 (including the subject site) was rezoned to the General Residential Zone and land previously zoned Residential 2 was rezoned Residential Growth. This Amendment did not go to the Panel and was undertaken under Section 20(4) of the *Planning and Environment Act 1987*.
17. Amendment C119 to the Monash Planning was adopted by Council on 28 January 2014 and was ultimately gazetted on 13 June 2014.
18. Monash Planning Scheme Amendment C125 is the second stage of the implementation of the new residential zones within Monash and seeks to give effect to the *Monash Housing Strategy 2014*.
19. The Strategy was prepared (amongst other reasons) in response to changes in State and Local policies and strategies over the previous 10 years and in response to a number of housing related issues. The Strategy seeks to encourage accommodation for a diverse and growing population and to provide a variety of housing styles and sizes that will accommodate future housing needs. In doing so this Strategy seeks to ensure that development is appropriate having regard to the residential environment, heritage, neighbourhood character and amenity of an area and encourages high standards of architectural design. The revitalisation of Monash's Activity Centres is also encouraged by supporting higher density residential and mixed use development.
20. This Strategy comprises a Residential Framework Map which identifies the site within 'Category 2 – Accessible Areas'.
21. 'Category 2 – Accessible Areas' are described as '*residential zoned land generally defined as being within reasonable walking distance from an Activity Centre, Neighbourhood Centre, railway station, public transport interchange or medium to large scale supermarkets*'. The objectives for such areas are '*moderate housing change and diversification to serve as a transition between commercial and residential areas.*'
22. Notwithstanding the above, the zone proposed for the subject site is 'General Residential Zone Schedule 4 – Garden City Suburbs'.
23. The Council report considering Amendment C125 (31 May 2016) notes that the Monash Housing Strategy provided an indicative staged work program at the time of adoption. The first stage includes the

implementation of the adopted residential framework and the development of a number of planning provisions with respect to Category areas 3, 5, 6, 7 and 8.

24. The Council report for Amendment C125 anticipates that planning provisions will be progressively developed for Category areas 1, 2 and 4 of the Residential Framework after the initial stage of implementation is complete and after further strategic work (including the development of Structure Plans) is completed.
25. Amendment C125 underwent three rounds of community consultation between June 2015 and May 2016. After the second round of Community consultation at its meeting on 29 March 2016, Council adopted an 'in-principle' position on the Amendment. The adopted version is the 'in-principle' position from 29 March 2016 plus a number of other minor changes. Relevant to the subject site, the 31 May 2016 Council decision amended the zoning from Neighbourhood Residential Zone Schedule 2 to General Residential Zone Schedule 4.

3. PROPOSED AMENDMENT C125

26. Amendment C125 proposes to give effect to the Monash Housing Strategy 2014 and make a number of consequential amendments including changes to the Local Planning Policy Framework, modifications to existing residential zone schedules and the introduction of new schedules to the General Residential Zone and Neighbourhood Residential Zone. This amendment also seeks to make changes to the planning provisions for residential land in the Monash National Employment Cluster and the Clayton Activity Centre and carries out a suite of rezoning within the municipality to assist in the delivery of the Strategy.
27. With reference to the subject site at No.554-558 High Street Road, Mount Waverley the Amendment includes:
- Introduction of General Residential Zone Schedule 4 – Garden City Suburbs (Northern Areas) as a new Schedule to the Planning Scheme and application of this Schedule to the subject site. This Schedule includes a number of variations to the standard ResCode requirements of Clause 54 and **Clause 55**. A copy of the proposed Schedule is contained at Appendix C.
 - Modifications to the Local Planning Policy Framework as a result of the implementation of the Monash Housing Strategy 2014 (various Clauses) amongst other consequential updates to reflect changes in State and Local policies and strategies over the previous 10 years.
 - Include the Monash Housing Strategy as a reference document.
28. The methodology applied by Council to determine the future residential zones utilised the principles outlined in Practice Note 78 as follows:
- **Identify areas with future redevelopment potential**
These areas were considered to be suitable for higher density mixed use and residential development. The methodology notes:
‘The criteria used for the application of the Residential Growth and General Residential Zone in Practice Note 78 were used to guide the analysis.
These are areas where substantial change is expected to occur and where new development outcomes should be guided by structure planning and design guidelines that promote a future built form appropriate to the context.’
29. As mentioned previously, Figure 6A: Residential Development Framework Map of the Monash Housing Strategy 2014 identifies the subject site as located in ‘Category 2 – Accessible Areas’. This category seeks to encourage moderate housing change within areas proximate to activity centres. As noted in the relevant Council reports, the planning provisions are expected to be developed for Category 2 areas in the future as part of a staged program.

4. MONASH PLANNING SCHEME

EXISTING ZONING AND OVERLAY PROVISIONS

30. The subject site comprising No.554-558 High Street Road, Mount Waverley is located within the General Residential Zone Schedule 2 – Monash Residential Areas (GRZ2) pursuant to **Clause 32.08**. The purpose of this Clause is:
- *‘To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *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.*
 - *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.’*
31. The Special Building Overlay (SBO) applies to a small portion of the southern boundary of the subject site pursuant to **Clause 44.05**. The purpose of this Clause (amongst other objectives) is to *‘identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in conjunction with, the floodplain management authority.’* Under the provisions of this Clause, a permit is required to construct a building or to construct or carry out works.
32. The surrounding land is affected by the following zone controls (and as indicated on Figure 1 overleaf):
- Land directly to the north, over High Street Road, is predominantly zoned General Residential. Land to the north east is zoned Commercial 1 and forms part of the Syndal Neighbourhood Activity Centre.
 - Land directly to the east is contained within the Public Use Zone Schedule 6 (Local Government) and comprises a car park. Further to the east, along Blackburn Road, land is zoned a mix of General Residential and Commercial 1.
 - Land to the south is contained within the Public Parks and Recreation Zone and the General Residential Zone.
 - Land to the west is predominantly contained within the General Residential Zone.
 - High Street Road is identified by the Road Zone Category 1 and is a declared Main Road for which Vic Roads is the Responsible Authority.



Figure 1 – Zoning Map

PLANNING POLICY FRAMEWORK

33. The State Planning Policy Framework sets out the following key policy statements of relevance to the land:

- **Clause 9** 'Plan Melbourne' refers to the Metropolitan Planning Strategy which outlines the vision for Melbourne's growth to 2050.
- **Clause 11** 'Settlement' recognises that planning is to *'anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.'* Encouragement is provided for increased housing diversity and density in and around activity centres.
- **Clause 15** 'Built Environment and Heritage' seeks to ensure that *'all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.'* This Clause comprises a range of objectives and strategies in relation to urban design and includes a set of urban design guidelines to assist in achieving this objective.
- **Clause 16** 'Housing' seeks to *'promote a housing market that meets community needs'* and seeks to *'locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.'* It seeks to *'identify opportunities for increased residential densities to help consolidate urban areas'* and encourages growth *'in or beside neighbourhood activity centres that are well served by public transport.'*
- **Clause 17** 'Economic Development' seeks to *'encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.'*

34. The Local Planning Policy Framework follows similar themes. Of relevance are the following policies:

- **Clause 21.01** 'Municipal Profile' recognises that the City of Monash is characterised by its leafy suburbs and its treed streetscapes which contribute to the overall garden characteristic of the municipality.
- **Clause 21.01** "Key Influences" identifies that the erosion of the Garden City character of Monash is a key concern and that the Garden City character has been identified as an important factor in attracting residential, commercial and industrial investment in the City.
- **Clause 21.03** presents the 'Vision' for Monash and identifies the subject site adjacent to the Syndal Neighbourhood Activity Centre.
- **Clause 21.04** relates to 'Residential Development' and contains an Urban Character Study which identifies the subject site as forming part of Residential Character Area 'C'. This area is identified as deriving from *'1945-1965 development, undulating topography with a dominant N-S/E-W grid with some diagonal distortion.'*
- **Clause 21.05** 'Economic Development' recognises that Monash is a *'major generator of wealth, prosperity and employment in Melbourne's South East Region'* and provides a range of objectives and strategies with respect to economic development.
- **Clause 21.13** 'Sustainability and Environment' seeks to (amongst other objectives) *'reduce the environmental impact of urban development on waterways in the City and the wider catchment through adoption of water sensitive design principles and practices.'*
- **Clause 22.01** 'Residential Development and Character Policy' builds on **Clause 21.04** and identifies the subject site as forming part of Residential Character Area 'C'. The desired future character statement for Residential Character Area C is:

'The neighbourhood character of this area will develop within a pleasant leafy framework of well-planted front gardens and large canopy trees.'

Architecture, including new buildings and extensions, will, in the majority of cases, be secondary in visual significance to the landscape of the Character Type from the street. However, in

neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.

Setbacks will be generous and consistent within individual streets.

Building heights will vary between neighbourhoods. Those neighbourhoods where the diverse topography and well developed mature tree canopy provide a framework within which redevelopment can occur will have a larger proportion of two storey houses. In the lower, less wooded areas, buildings will be mainly low rise unless existing vegetation or a gradation in height softens the scale contrasts between buildings.

The built-form will be visually unified by well-planted front gardens that contain large trees and shrubs and street tree planting. Neighbourhoods that are influenced by the naturalistic landscape of the creek valleys or on highpoints and ridges will have a predominance of native trees in both the public and private realm. Trees within lots to be redeveloped will be retained wherever possible in order to maintain the established leafy character.

Streets which have a majority of gardens currently lacking fences will continue to do so. Walls and fences in other streets will be low to allow plants in the front garden to be visible from the street. Colours and materials will be sympathetic to the architecture of the house.

The soft quality of streets derived from the nature strips will be protected by ensuring that each lot frontage has only one single crossover. Landscape elements such as remnant indigenous vegetation and the large old coniferous wind-rows will be retained until horticulturally unstable.

The character of existing public open spaces within the Character Type, particularly those naturalistic corridors such as Damper Creek and Valley Reserve, will be protected by ensuring that buildings directly adjacent to such areas are set back and buffered with planting that complements that within the public open space.'

- **Clause 22.01** comprises Council's local 'Stormwater Management Policy' and seeks to (amongst other objectives) *'to minimise the risk to personal injury and property from stormwater flows.'*
- **Clause 22.09** relates to 'Non-residential Use and Development in Residential Areas' and provides a range of policies and criteria which seeks to ensure that *'development is appropriate having regard to the residential environment of the surrounds and that the amenity of the neighbourhood is not adversely affected by a business conducted in a residential area'* and that *'all built form in residential areas is respectful of residential character.'*

REFERENCE AND INCORPORATED DOCUMENTS

35. The following reference and incorporated documents are of key relevance to the subject site:

- Monash Urban Character Study, Gerner Consulting Pty Ltd
- Monash Neighbourhood Character Guide, Gerner Consulting Pty Ltd
- Monash Housing Strategy, Essential Environmental Services, 2004
- Monash 2012 – A Strategy for the Future, City of Monash, 2003
- Guidelines for Non-residential Uses in Residential Zones, City of Monash, 2004 (or as amended).

OTHER DOCUMENTS

36. In reviewing the amendment I have had regard to the following documents:

- Practice Note PPN78 – Applying the Residential Zones.
- Panel report for Amendment C57 of the Monash Planning Scheme.
- Council report dated 31 May 2016 for the consideration of Amendment C125.

5. ASSESSMENT

37. Amendment C125 to the Monash Planning Scheme seeks to implement the Monash Housing Strategy 2014. The subject site is proposed to be contained in the General Residential Zone Schedule 4 – Garden City Suburbs.
38. Garden City Suburbs are areas that have been identified as having ‘opportunities for modest housing growth and diversification with an emphasis on preserving and enhancing Monash’s Garden City Character.’
39. As noted above, the subject site is located approximately 70 metres from the Syndal Activity Centre and in fact, land to the north across High Street Road is within the centre.
40. The Syndal Activity Centre is classified as a neighbourhood centre and provides a number of local shops and services. The area is well connected to Melbourne PPTN with bus services operating along both main roads and the Syndal Railway Station being location 400 metres south east of the subject site.
41. The subject site and adjoining properties (with the exception of the council car park) are all proposed to be contained in the GRZ notwithstanding they are all used for commercial purposes. These properties within the GRZ used for commercial purposes are illustrated in the maps at Appendix D.
42. A number of these land uses adjacent to the activity centre, particularly at this northern end, are non-conforming uses in residential zones that have been operating from these sites for over 15 years. In my opinion the Amendment has not paid due regard to the subject site’s physical and land use context, and indeed that of other similar properties within the GRZ around this activity centre.
43. The SPPF provides extensive support for increased housing diversity and density in and around activity centres. Plan Melbourne also supports growth in and around activity centres to accommodate growth. These activity centres generally provide a number of local services, facilities and public transport which lend themselves and surrounding land to accommodate substantial population growth. As noted earlier, the Syndal activity centre is one such area.
44. Planning Practice Note 78 notes the following that are relevant to the application of new residential zones:
- ‘Applying the residential zones should be underpinned by clearly expressed planning policies in the planning scheme. The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) in the planning scheme should be the starting point for deciding whether the council’s strategic objectives are still valid and sound.’
 - ‘Plan Melbourne is the Victorian Government’s vision for the city to 2050. Application of the residential zones will be required to implement its strategic directions.’
45. The principles for applying the new residential zones (as contained within PPN78) include:

Zone	Purpose	Likely application	Principles can be deduced from the purposes of the zones (and should be considered together)
MUZ	Enables new housing and jobs growth in mixed use areas	<p>In areas with a mix of residential and non-residential development.</p> <p>In local neighbourhood centres undergoing renewal and around train stations, where appropriate.</p>	<ul style="list-style-type: none"> ▪ Areas encouraging a range of residential, commercial, industrial and other uses. ▪ Areas to provide for housing at higher densities and higher built form that responds to the existing or preferred neighbourhood character.

RGZ	Enables new housing growth and diversity in appropriate locations	In appropriate locations near activities centres, town centres, train stations and other areas suitable for increased housing activity such as smaller strategic redevelopment sites	<ul style="list-style-type: none"> ▪ Locations offering good access to services, transport and other infrastructure. ▪ Areas which provide a transition between areas of more intensive use and development and areas of restricted housing growth. ▪ Areas where there is mature market demand for higher density outcomes.
GRZ	Respects and preserves neighbourhood character while allowing moderate housing growth and diversity	In most residential areas where moderate growth and diversity of housing that is consistent with existing neighbourhood character is to be provided	<ul style="list-style-type: none"> ▪ Areas with a diversity of housing stock, diversity of lot sizes and a more varied neighbourhood character. ▪ Areas where moderate housing growth and housing diversity is encouraged.

46. The practice note suggests that the application of the GRZ4 should be based on respecting and preserving neighbourhood character while allowing only moderate housing growth. This moderate growth would typically be limited to *'a mixture of single dwellings, dual occupancies with some villa units and in limited circumstances town houses, where appropriate.'*
47. In my view, the GRZ is not the best fit for the subject site or immediately surrounding properties and the inference within the Monash Housing Strategy that this zone is *'suitable for higher density mixed use and residential development'* is incorrect. I also find that the future character and residential outcomes sought by Category 2 'Accessible Areas' are not adequately reflected through the application of the GRZ.
48. The application of a GRZ adjacent to this activity centre ignores this important finding of the C57 Panel and in my opinion does not have any foresight into the future planning or growth potential of this precinct, contrary to directions contained within the SPPF and Plan Melbourne.
49. Interestingly, the Monash Housing Strategy does not contemplate Mixed Use zoning as a means of accommodating future housing growth, despite its inclusion in PPN78. This approach should be considered where its application would encourage job and housing growth to achieve State and local planning policy objectives.
50. I note that in 2006, the Panel for Amendment C57 of the Monash Planning Scheme noted the Syndal activity centre has *'significant potential for strategic growth.'* It found that there is scope for medium rise development within and around this activity centre to contribute to much-needed housing growth and further noted that *'the preparation of a Structure Plan for each of these Centres as a matter of priority.'*
51. Further the Monash Housing Strategy contains strategies and actions that seek to:
- *Promote higher density developments within and adjacent to activity and neighbourhood centres that will accommodate different forms of housing, subject to direction regarding appropriate scale and design.*
 - *Recognise 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. Further examine these locations and identify opportunities that may be appropriate for them.*
 - *Utilise the proposed new residential zones to facilitate residential development in preferred development areas, including those identified in structure plans.*
 - *Encourage a mix of housing types including mixed use developments of higher density within or directly adjacent to activity centres.*

- *Prepare structure plans for Neighbourhood Centres and other centres located adjacent to fixed rail lines, as required.*
52. While the Housing Strategy seemingly encourages growth, these strategies/actions have not been translated in an appropriate zone for an area that is recognised as having the potential to accommodate necessary growth as expected by the overarching planning framework.
53. The inclusion of the subject site within the GRZ4 fails to pay appropriate regard to the physical and land use context of the subject site, it does not reflect key policy directions of the SPPF and Plan Melbourne and as such does not appropriately utilise the principles contained within PPN78.
54. The subject site (and similarly affected land) would be better included in a Mixed Use Zone. This zone is contemplated within the PPN78 and can provide an appropriate transition between activity centres and residential hinterland areas.
55. The MUZ contains the following purposes:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
 - *To provide for housing at higher densities.*
 - *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
 - *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*
56. MUZs enable a suitable transition between denser built forms anticipated in activity centres and lower rise residential hinterland areas. The PPN78 also notes that MUZ areas will enable a range of residential and commercial growth at higher densities while responding to existing or preferred neighbourhood character.
57. Additionally the site could also be included in either the C1Z or RGZ given its locational attributes and strategic benefits.
58. The C1Z contains the following purposes:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
 - *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
59. The RGZ contains the following purposes:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *To provide housing at increased densities in buildings up to and including four storey buildings.*
 - *To encourage a diversity of housing types in locations offering good access to services and transport including activities areas.*
 - *To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.*
 - *To allow educational, recreational, religious, community and a limited range of other non residential uses to serve local community needs in appropriate locations.*

60. I form this opinion for the following reasons:

- There is policy support for the substantial redevelopment of the subject site. Both zones would facilitate this level of development.
- The extension of the activity centre into existing commercially used properties through the C1Z is an appropriate response to policy directives centred on increasing jobs and housing.
- The existing land uses on the subject site (and immediately surrounding land) include both section 2 and section 3 uses in a GRZ. A C1Z zoning better reflects these long-established commercial uses. While the RGZ enables a modest level of commercial uses, I am of the view that the C1Z is better aligned to the context.
- The subject site is located directly opposite C1Z land within the Syndal Activity Centre with the most concentrated commercial area being located south west of the subject site.
- The subject site is on the PPTN with convenient access to the Syndal Railway Station. The PPTN in this location provides direct access to Box Hill, Monash University, Glen Waverley and Melbourne CBD. This land can therefore further realise strategic principles centred on economic and housing growth.
- The subject site does not have sensitive residential abuttals and can therefore accommodate substantial built form change with no unreasonable off-site amenity impacts.
- The subject site and surrounding area should be maximised for higher density development. Both the C1Z and RGZ can facilitate an appropriate level of housing growth within this area.

6. CONCLUSION

61. In conclusion, I am of the opinion that:

- *There is limited strategic justification for the site to be contained in the General Residential Zone Schedule 4 – Garden City Suburbs.*
- *The application of either the Mixed Use Zone or the Commercial 1 Zone is better aligned with the physical and planning context of the subject site.*

Stuart McGurn
Director, Urbis Pty Ltd

APPENDIX A STATEMENT OF QUALIFICATIONS AND EXPERTISE

Name and Professional Address of Expert:

Stuart Andrew McGurn
Director
Urbis Pty Ltd
Level 12, 120 Collins Street
MELBOURNE VIC 3000

Qualifications and Experience:

I hold a Bachelor of Arts (1984) and a Graduate Diploma in Urban Planning (1986).

Professional experience is as listed below:

- Current Position: Director, Urbis Pty Ltd
- 2010 – 2015: Partner, Environmental Resources Management Australia Pty Ltd
- 1998 – 2010: Director, Fulcrum Town Planners Pty Ltd
- 1986 – 1998: Town Planner in local government
– Cities of Broadmeadows and Melbourne,
including role as Principal Planner – City of Melbourne

Area of expertise includes:

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Consulting advice to a wide range of commercial and local government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to architects, project managers and other professionals involved in a range of projects and the built form and visual impact issues associated with the development of land.

Expertise to prepare this report:

Professional qualifications and expertise in town planning, both in the public and private sectors.

Instructions received in relation to this matter:

My instructions required me to undertake a town planning assessment and review the merits of the proposal. In so doing, I have relied upon those matters set down below.

Facts, Matters and Assumptions relied upon

I have relied upon the following in the preparation of this report:

- Inspection of the subject site and surrounds.
- Review of the Monash Planning Scheme.
- Review of Amendment C125 documents.

Reference documents:

Relevant documents are described above.

Identity of persons undertaking the work:

Stuart McGurn assisted by Andrea Pagliaro, Associate Director.

Summary of opinion:

A summary of my opinions in relation to this matter is included at paragraph no. 9 of my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Stuart McGurn
Director, Urbis Pty Ltd

APPENDIX B

SUBMISSION TO AMENDMENT C125

23 June 2016

Sean McNamee
Coordinator Strategic Planning
PO Box 1
GLEN WAVERLEY VIC 3150

Dear Sean,

**Submission to Amendment C125 of the Monash Planning Scheme
554-558 High Street Road, Mount Waverley**

1 Introduction

Urbis Pty Ltd acts on behalf of Pace Development Group, the owners of 554-558 High Street Road, Mount Waverley, the site indicated in the image below



FIGURE 1 – SUBJECT SITE

The subject site is approximately 70 metres west of the intersection of High Street Road and Blackburn Road. The subject site is located proximate to the Syndal Activity Centre, a medium sized retail centre providing commercial uses to the surrounding area in the form of restaurants/cafes, shops and small offices.

The subject site is well-located approximately 400 metres north west of the Syndal Railway Station with bus services running along High Street and Blackburn Roads providing excellent connection to the surrounding area and metropolitan Melbourne.

The land is an irregular shaped parcel on the southern side of High Street Road comprising three separate lots as follows:

- No. 554 is a single storey building with a swimming pool and yoga studio
- No. 556 is an open lot site used as a second hand car dealer
- No. 558 I contains a double storey height building used as a gymnasium

The subject site is currently zoned General Residential Zone Schedule 2 (GRZ2) and forms part of a small pocket of commercial uses on the southern side of High Street Road within the GRZ2. These uses either require a permit or are prohibited under the current planning framework.

Land surrounding the subject site is described as follows:

- Land to the west is also contained in the GRZ2 and comprises a mix of low to medium density housing.
- Land to the abutting south is zoned Public Park and Recreation Zone and contains a linear park that also acts as an overland flow path. Land further south is contained in the GRZ2
- Land to the abutting east and south is contained in the Public Use Zone Schedule 6 and is utilised as a public car park owned by Monash Council.
- Land to the east, on the corner of High Street Road and Blackburn Road is also within the GRZ2 and used as a restaurant.
- Land to the north and north east, across High Street Road, is zoned Commercial 1 and forms part of the Syndal Activity Centre. It contains medical centres, offices restricted recreation facilities and cafes.
- Land further east along Blackburn Road is within the Commercial 1 Zone, an activity centre that extends to the Glen Waverley Railway line further south.

It is evident the site contributes and relates to, in a use and built form sense, to the nearby activity centre rather than the residential areas to the west.

2 Planning Scheme Amendment

Our client supports Council’s initiative of reviewing the housing strategy and the residential zone implementation. Our client believes however, that the residential zoning of the subject site and the land generally between Blackburn Road to the east and 546 High Street Road to the west would be better suited to a Mixed Use Zone.

The subject site and immediate area is essentially an informal commercial precinct by nature of the land uses and built form typology. Its location adjacent to the Syndal Activity Centre further supports a Commercial or Mixed Use Zone.

2.1 EXHIBITED CONTROLS

The exhibited controls originally proposed to include the site in the Neighbourhood Residential Zone Schedule 2 (NRZ2). We are informed by Council Officers this has since been amended to the General Residential Zone Schedule 4 (GRZ4) to reflect the residential zoning pattern immediately around the site (however we have not been able to confirm this through the Council agenda or minutes).

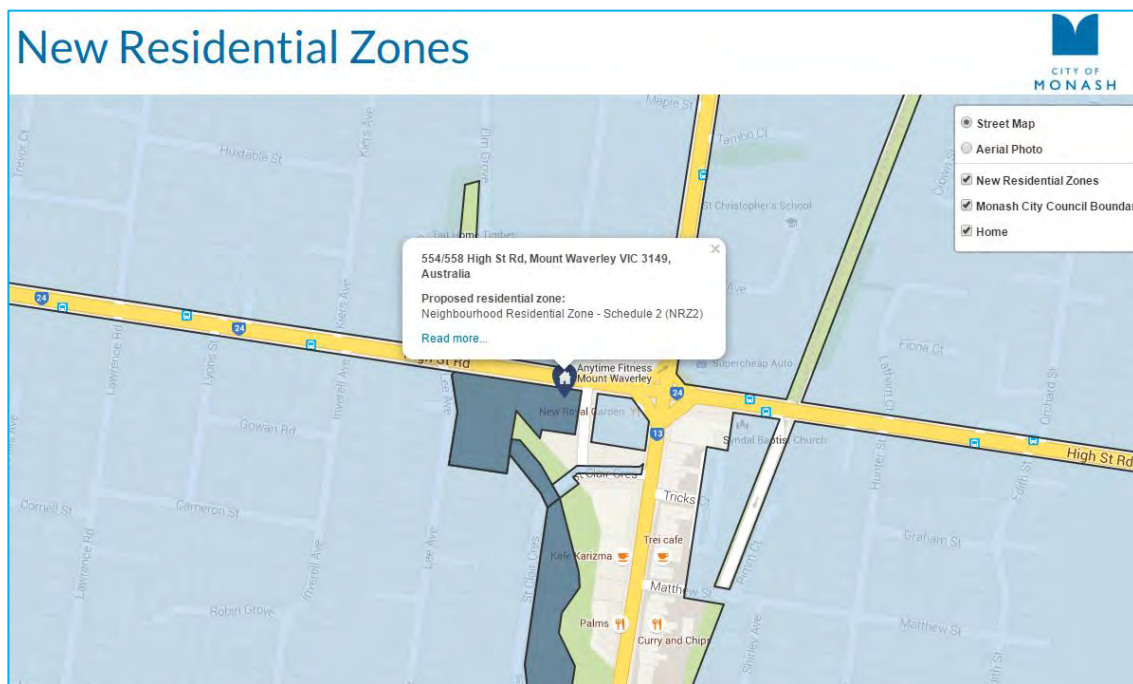


FIGURE 2 – EXHIBITED RESIDENTIAL ZONES

3 Submissions

It is our client’s submission that the site is better suited to a zone that enables some form of commercial use without compromising future residential development potential to contribute positively to Monash’s housing strategy. We consider the Commercial (C1Z) or Mixed Use Zone (MUZ) would be more suited to this site and indeed the immediately abutting properties to the east.

The C1Z provides for the following purposes:

- *‘To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

The MUZ provides for the following purposes:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area. To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.'*

We consider that either of these two zones are more appropriate for the following reasons:

- The existing land uses on the subject site feature uses more appropriate to a true commercial setting. These uses are established and have formed part of the area for several years.
- The site is located directly across the road from the Syndal Activity Centre with the main spine being located approximately 50 metres to the south east. This activity centre contains a number of commercial uses servicing the surrounding area.
- The site is well-serviced by public transport. Syndal Railway Station is located 400 metres to the south east and provides rail services towards Glen Waverley and the Melbourne CBD. Bus services operate north-south along Blackburn Road connecting Box Hill to Monash University and beyond and east-west along High Street Road.

In the event that the site is proposed to be zoned NRZ2, our client would be opposed for the following reasons:

- The site is located on a main road with no sensitive residential interfaces to its boundaries. There is a reasonable expectation that a site in this context could be redeveloped for more than two dwellings on a lot.
- The site is large in area and classifies as a 'strategic development site' in Clause 15 of the Monash Planning Scheme.
- Surrounding residential land is further away from the activity centre and proposed to be included in the General Residential Zone, with no limit on dwelling density.
- The site is within close proximity of an activity centre with excellent public transport connections.

4 Conclusion

We submit that given the site's location and context, the land would be better suited to a Commercial or Mixed Use Zone. We submit the residential zoning (Neighbourhood or General) of the site is inappropriate for reasons outlined above. We understand Council has adopted its position with respect to the zones however wish to remain informed regarding the future Panel process and to make submissions at the Panel at the appropriate time.

Should you wish to discuss further, please do not hesitate to contact me on 8663 4867 or email apagliari@urbis.com.au.

Yours sincerely,



Andrea Pagliaro
Associate Director

APPENDIX C

SCHEDULE 4 TO THE GENERAL RESIDENTIAL ZONE

--/--/---
Proposed C125

SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ4**.

GARDEN CITY SUBURBS – NORTHERN AREAS

1.0 Permit requirement for the construction or extension of one dwelling on a lot

--/--/---
Proposed C125

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

500 square metres

2.0 Requirements of Clause 54 and Clause 55

--/--/---
Proposed C125

	Standard	Requirement
Minimum street setback	A3 and B6	7.6 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.
Site coverage	A5 and B8	Maximum 50%
Permeability	A6 and B9	Minimum 30%
Landscaping	B13	Retention or provision of at least three canopy trees with a minimum mature height of 10 metres.
Side and rear setbacks	A10 and B17	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 5 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.
Walls on boundaries	A11 and B18	A wall on a side boundary should not exceed 6.5 metres in length. Walls should not be constructed on rear boundaries.
Private open space	A17 and B28	An area of 75 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 60 square metres, a minimum width of 5 metres and convenient access from a living room
Front fence height	A20 and B32	1.2 metres, or 1.8 metres with at least 20% transparency if adjoining a Category 1 (RDZ1) or 2 (RDZ2).

3.0 Maximum building height requirement for a dwelling or residential building

--/--/---
Proposed C125

None specified

4.0 Application requirements

--/--/---
Proposed C125

The following application requirements apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and plating including tree species and mature height.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services (including antennas, air conditioning units, fire fighting equipment and letterboxes).

5.0 Decision guidelines

--/--/---
Proposed C125

The following decision guidelines apply to an application for a permit under clause 32.08, in addition to those specified in clause 32.08 and elsewhere in the scheme:

- The preferred character statement contained in any applicable neighbourhood character study or housing study.
- Whether development contributes to 'garden city' character. Specifically, whether the proposal:
 - Provides sufficient and well located open space, primarily unencumbered by easements, to provide for large trees to be retained or planted within front, side and rear setbacks, and secluded open space areas. Environmental weeds and artificial grass should be avoided.
 - Provides vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
 - Sites buildings to minimise the need to remove significant trees, and protect significant trees on the site and adjoining properties.
 - Minimises hard paving throughout the site by limiting driveway widths and lengths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
 - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
- Where vehicle crossovers are located and whether they are minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the neighbourhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- How the development minimises the visual and amenity impact of utility areas, such as waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letterboxes.
- Whether the proposal provides for an appropriate built form transition to residential properties in the Neighbourhood Residential Zone.
- Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to the adjoining properties.
- Whether the development incorporates design measures to maximise accessibility, safety and amenity for the occupants and visitors, including those with limited mobility,

as well as providing for the safety and amenity of those using the public streets. These measures could include:

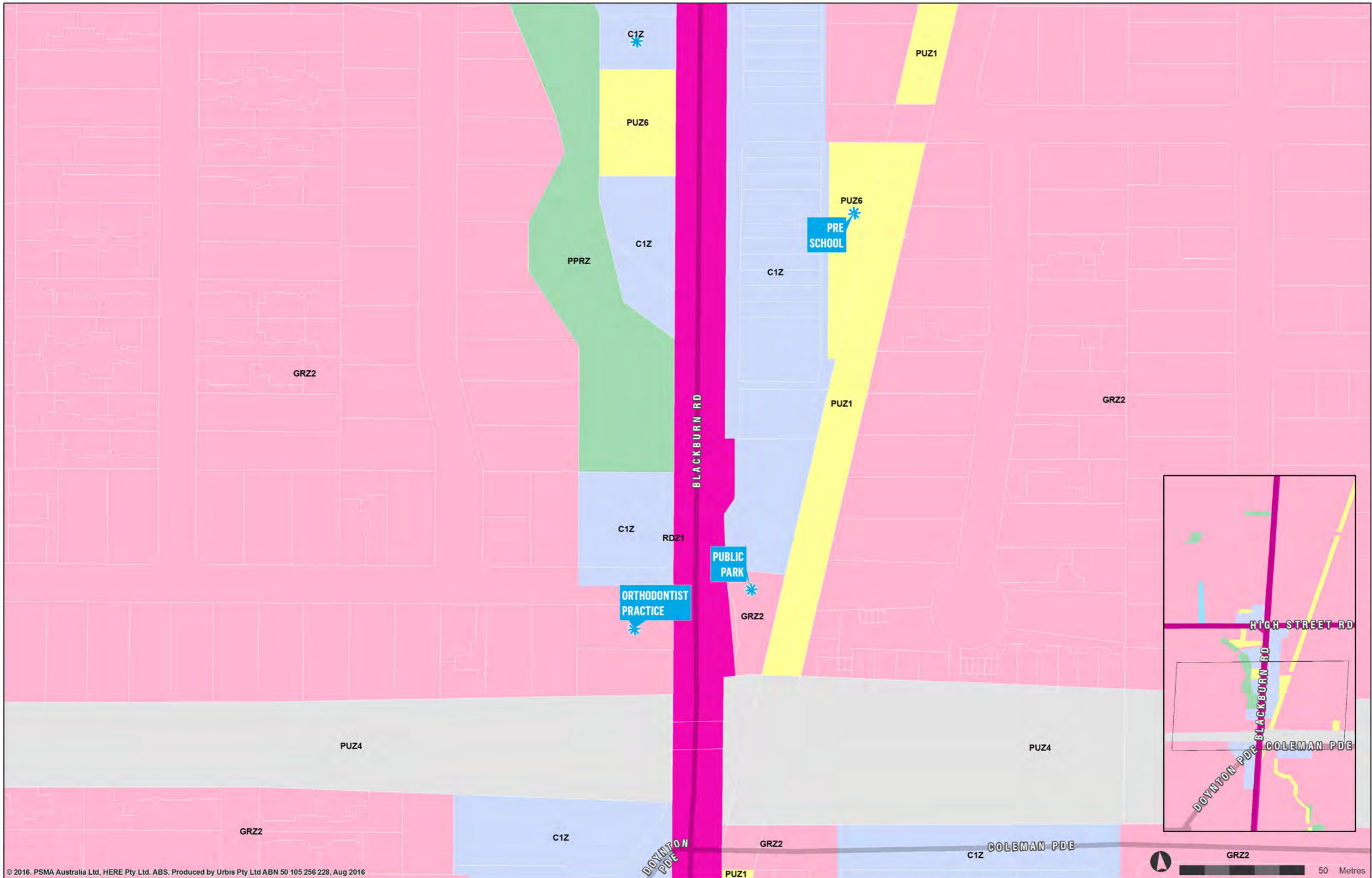
- Legible, accessible and sheltered pedestrian entrances.
- Ground and upper floor windows and doors facing the street.
- Low or no front fencing.
- The ability for cars to exit the site in forwards direction.

APPENDIX D

LAND USE INVESTIGATION MAPS



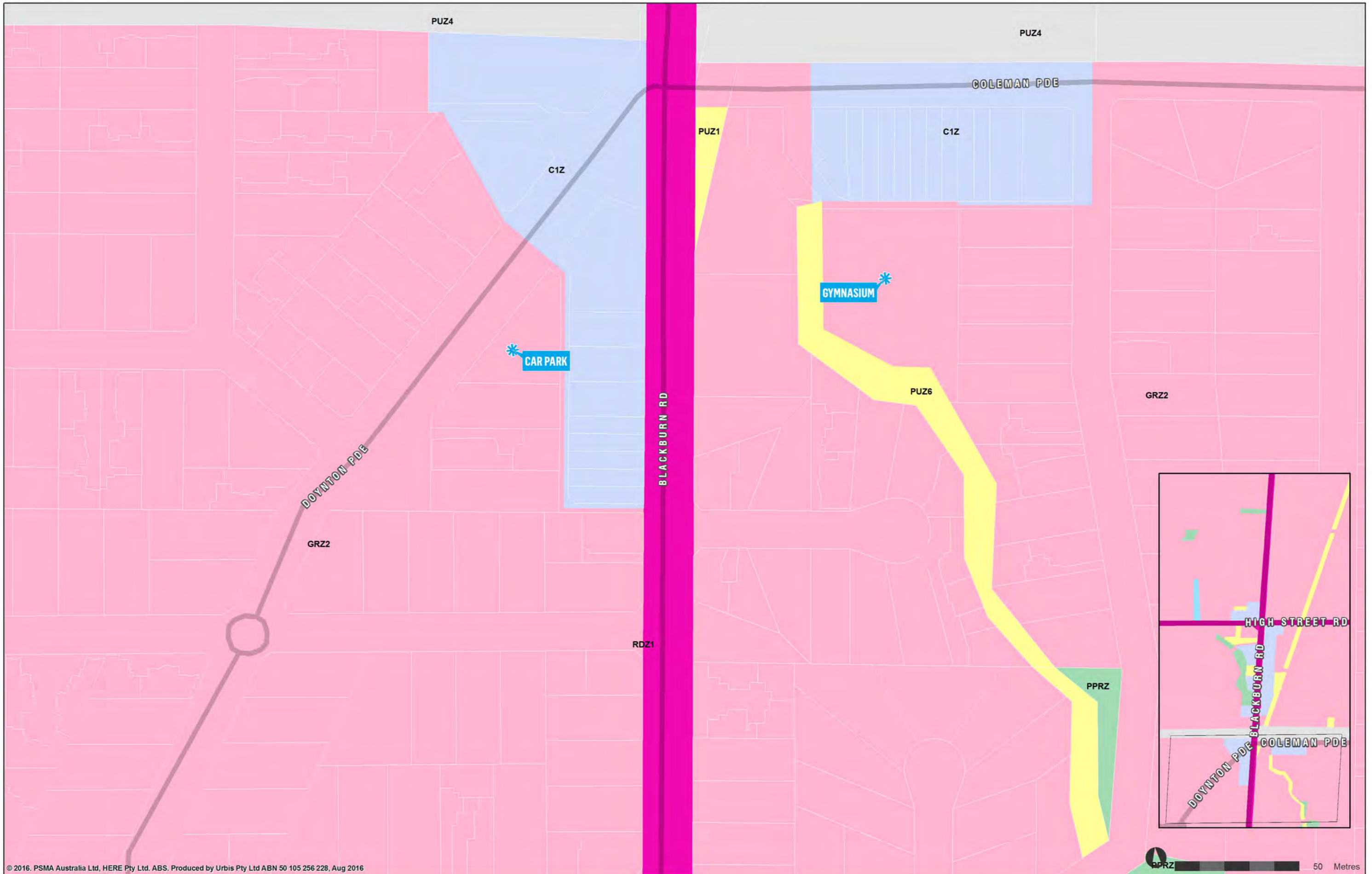
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