

**1362-1364 Dandenong Rd, Hughesdale**

**Proposed Monash  
Planning Scheme  
Amendment C125**

*Date of Report 25 August 2016  
Prepared by Robert Kelderman*



1362-1364 Dandenong Rd, Hughesdale

## Proposed Monash Planning Scheme Amendment C125

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<b>Attachment 1</b> .....	<b>E</b>
Expert Witness Qualifications and Experience	

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**Contents continued**

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**Attachment 2** .....C  
*Contour Consultants Advice to  
Aitken Partners, Lawyers  
dated 28 August 2015*

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# 1 Introduction

- 1 I have been requested by Aitken Partners, Lawyers, to review Monash Planning Scheme Amendment C125 as adopted by Monash City Council and to provide a report in respect of my findings, specifically in respect of the extent to which the Amendment impacts on the future development potential of land at 1362-1364 Dandenong Road, Hughesdale (the subject site).
- 2 Attachment 1 provides a summary of my professional qualifications and experience to prepare this report.
- 3 Aitken Partners acts for E.H.P.R. Nominees Pty Ltd; being the owner of the subject site.
- 4 I have previously provided advice to Aitken Partners in respect of the extent to which the exhibited Amendment C125 impacts on the future development potential of the subject site in correspondence dated 28 August 2015. I understand that this correspondence was included as an attachment to the submission to the Council from Aitken Partners on behalf of .H.P.R. Nominees Pty Ltd opposing the Amendment. This advice is included as Attachment 2 to my report.
- 5 The Council has subsequently made some “in principle” changes to Amendment C125 between exhibition and adoption. In so far as these changes relate to the Council’s adopted Schedule 3 to the GRZ, the variations to the side and rear setbacks have been deleted / removed, and the variations relating to site coverage, permeability, landscaping and private open space have been amended. Overall, the amendments to the variations between the exhibited and adopted Schedule 3 are less onerous.
- 6 However, my view remains that there is no proper basis to replacing the existing provisions under Schedule 2 to the GRZ as they affect the subject site and the neighbouring properties along this section of Dandenong Road between Warragul Road and Paddington Road. The existing provisions should remain and not be replaced with the new provisions under Schedule 3 as adopted by the



## **1 Introduction**

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*Council.*

- 7 For similar reasons, this should also be the case for properties fronting Neerim Road to the west (extending to Clapham Road), which exists as a continuation of the alignment of this section of Dandenong Road.*
- 8 The reasons why I have formed this view are set out in my report as follows.*

## 2 Subject Site

### 2.1 Site Context and Existing Conditions

- 9 *The subject site is a relatively large corner site with a frontage to the southern service road to Dandenong Road, approximately 200 metres west of Warragul Road.*
- 10 *It has a main frontage to Dandenong Road of approximately 52 metres, a return frontage to Paddington Road of approximately 66 metres and an area of 2,828m<sup>2</sup>.*
- 11 *It is currently developed and occupied as a motel, which is of 1960s single and double-storey construction and known as the 'Chadstone Executive Motel'.*
- 12 *In terms of its locational context, the subject site is close to an extensive range of commercial and community facilities, and major road and transport infrastructure.*
- 13 *In particular:*
  - *Dandenong and Warragul Roads are both main arterial roads and form part of the Principal Public Transport Network;*
  - *The Monash Freeway is located approximately 1.2km to the north, with on and off-ramps to Warragul Road;*
  - *Hughesdale and Oakleigh railway stations are within approximately 700-800 metres to the south-west and south-east respectively;*
  - *The expansive regional Chadstone Shopping Centre is within approximately 500 metres to the north-west across Dandenong Road; and*
  - *The Oakleigh Major Activity Centre is within approximately 800 metres to the south-east across Warragul Road.*
- 14 *In terms of its surrounding built-form context:*
  - *Properties fronting this section of Dandenong Road contain primarily residential buildings ranging from single storey dwellings and two-storey blocks of flats, with a recently constructed prominent four-storey residential hotel building at the eastern end and the one to two-storey motel building on the subject site at the western end.*



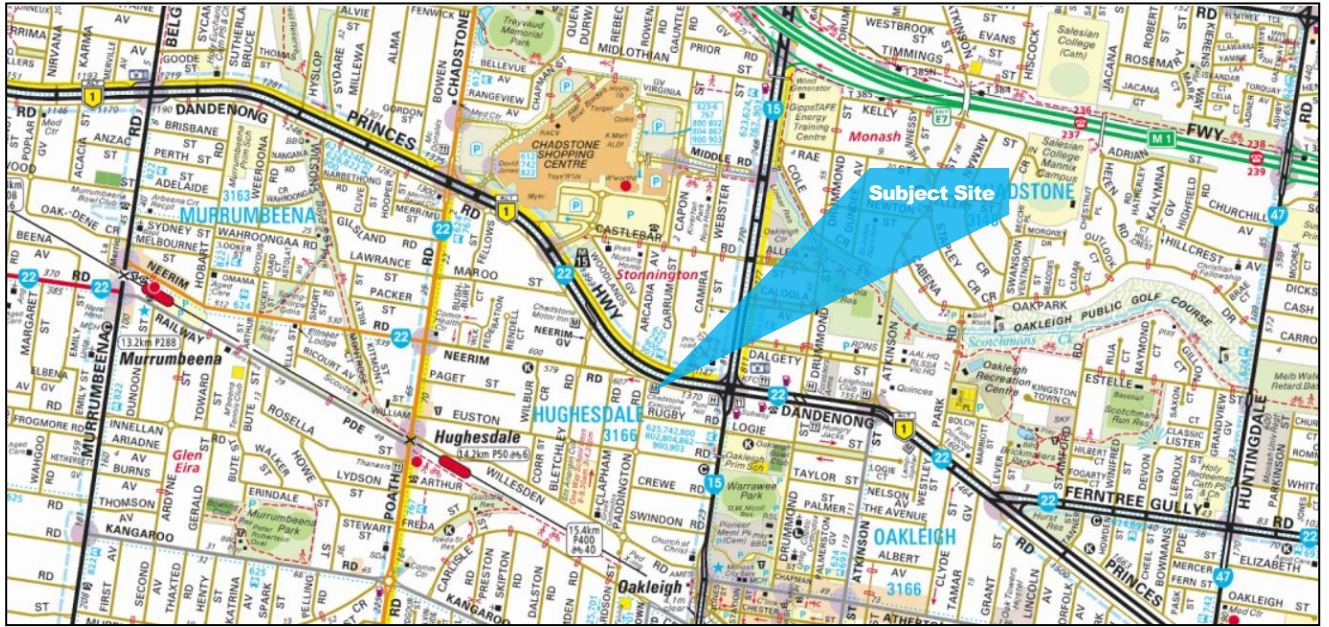
## 2 Subject Site

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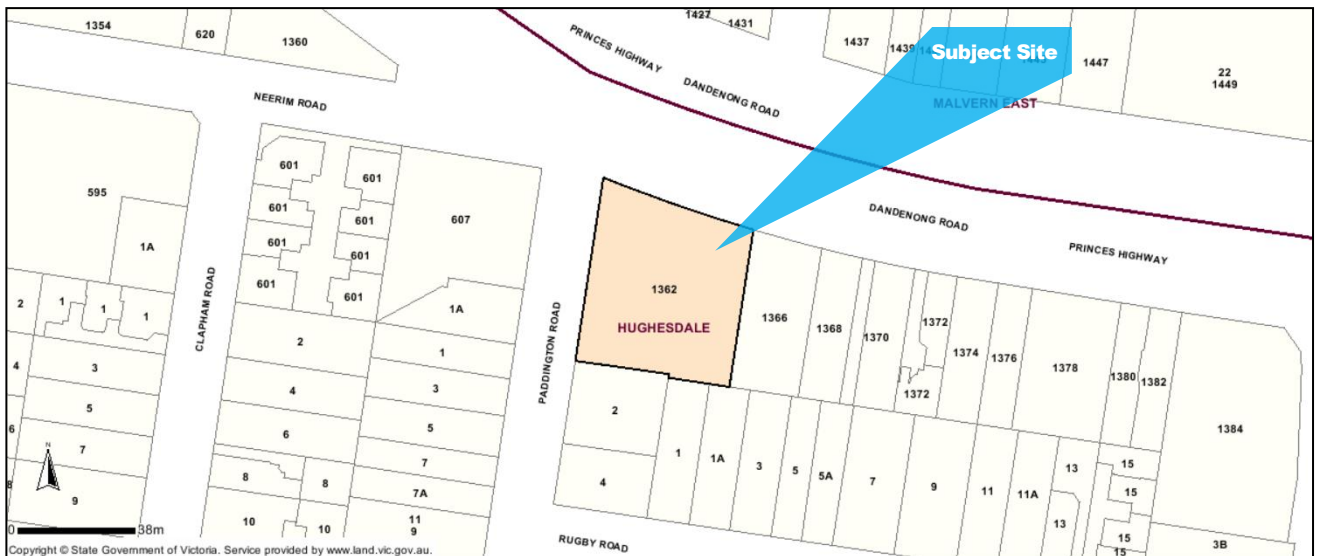
- *A carpet showroom (beside the subject site across Paddington Road) and two rows of four residential units front Neerim Road to the west between Paddington and Clapham Roads;*
- *An established residential area exists to the south, which primarily comprises detached single dwellings with the odd block of two-storey flats, including on the adjoining property to the south of the subject site in Paddington Road.*

## 2 Subject Site

**Figure 2.1**  
**LOCALITY PLAN**



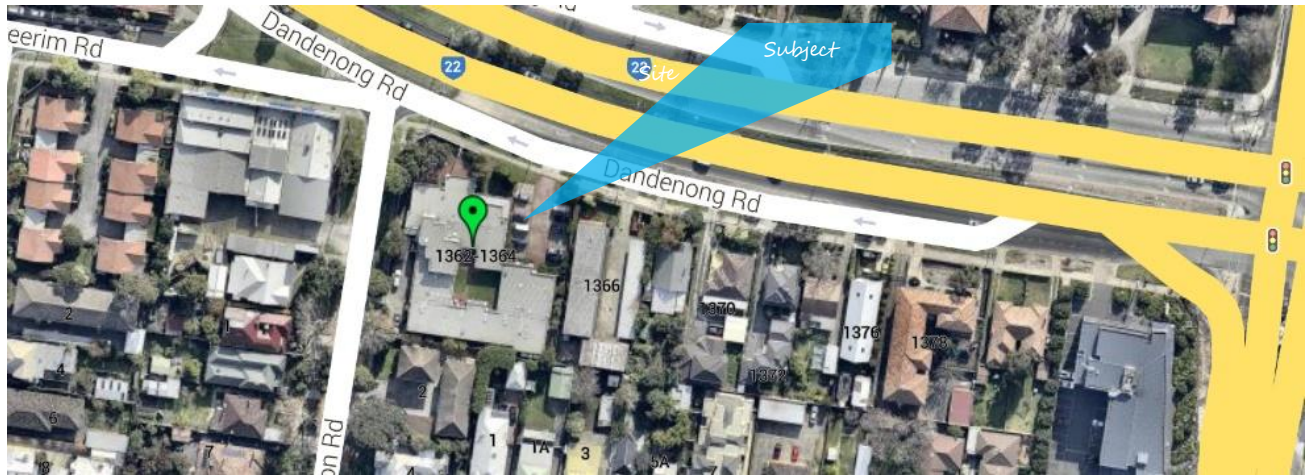
**Figure 2.2**  
**CADASTRAL MAP**



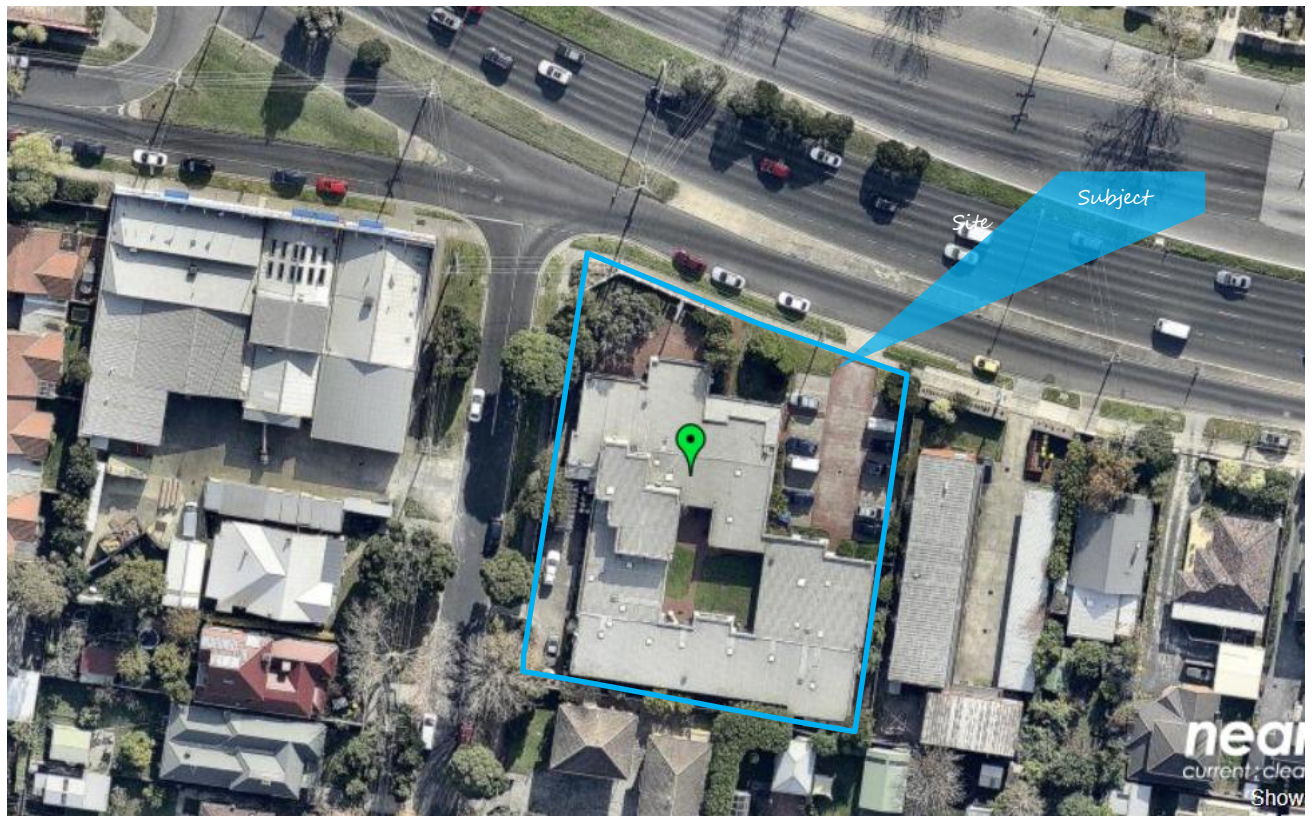


## 2 Subject Site

**Figure 2.3**  
**AERIAL VIEW**



**Figure 2.4**  
**AERIAL VIEW**



## 2 Subject Site

**Figure 2.5**  
**SUBJECT SITE – DANDENONG ROAD**  
**FRONTAGE**



**Figure 2.6**  
**SUBJECT SITE – FROM DANDENONG**  
**ROAD/PADDINGTON ROAD INTERSECTION**



**Figure 2.7**  
**SUBJECT SITE – RETURN FRONTAGE TO**  
**PADDINGTON ROAD**



## 2 Subject Site

**Figure 2.8**  
**INTERNAL VIEWS OF SUBJECT SITE**  
**(MOTEL AND CAR PARK)**



**Figure 2.9**  
**FLAT DEVELOPMENT ON THE ADJOINING**  
**PROPERTY TO THE EAST OF THE SUBJECT**  
**SITE FRONTING DANDENONG ROAD**



## 2 Subject Site

**Figure 2.10**  
**1378 DANDENONG ROAD**



*1372 DANDENONG*



*1370 DANDENONG*

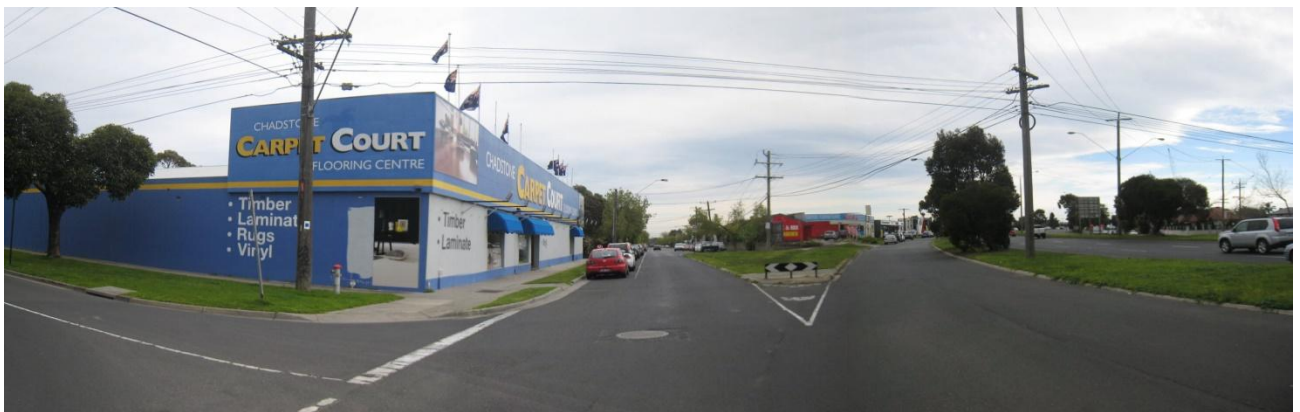


## 2 Subject Site

**Figure 2.11**  
**EXISTING CONDITIONS ALONG**  
**DANDENONG ROAD BETWEEN WARRAGUL**  
**AND PADDINGTON ROADS**



**Figure 2.12**  
**CARPET SHOWROOM AT THE SOUTH-WEST**  
**CORNER OF DANDENONG**  
**ROAD/PADDINGTON ROAD (BESIDE**  
**SUBJECT SITE)**



**Figure 2.13**  
**FLAT DEVELOPMENT ON THE ADJOINING**  
**PROPERTY TO THE SOUTH OF THE**  
**SUBJECT SITE FRONTING PADDINGTON**  
**ROAD**



## 2 Subject Site

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### 2.2 Existing Applicable Planning Controls

- 15 The subject site is currently within the General Residential - Schedule 2 (GRZ-2) under the Monash Planning Scheme, as are the other neighbouring properties along this section of Dandenong Road and within the residential area to the south.
- 16 The stated purpose of the General Residential Zone 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 nonresidential uses to serve local community needs in appropriate locations.
- 17 Within the range of Section 1 (permit not required), Section 2 (permit required) and Section 3 (prohibited) uses under the GRZ, 'Dwelling (other than Bed and breakfast)' is a Section 1 (permit not required) use.
- 18 Also under the GRZ, the construction of two or more dwellings on a lot requires a permit and is required to meet the requirements of Clause 55 of the Planning Scheme.
- 19 Schedule 2 to the GRZ specifically relates to 'Monash Residential Areas'. With respect to residential development, it includes the following with respect to residential development:

## 2 Subject Site

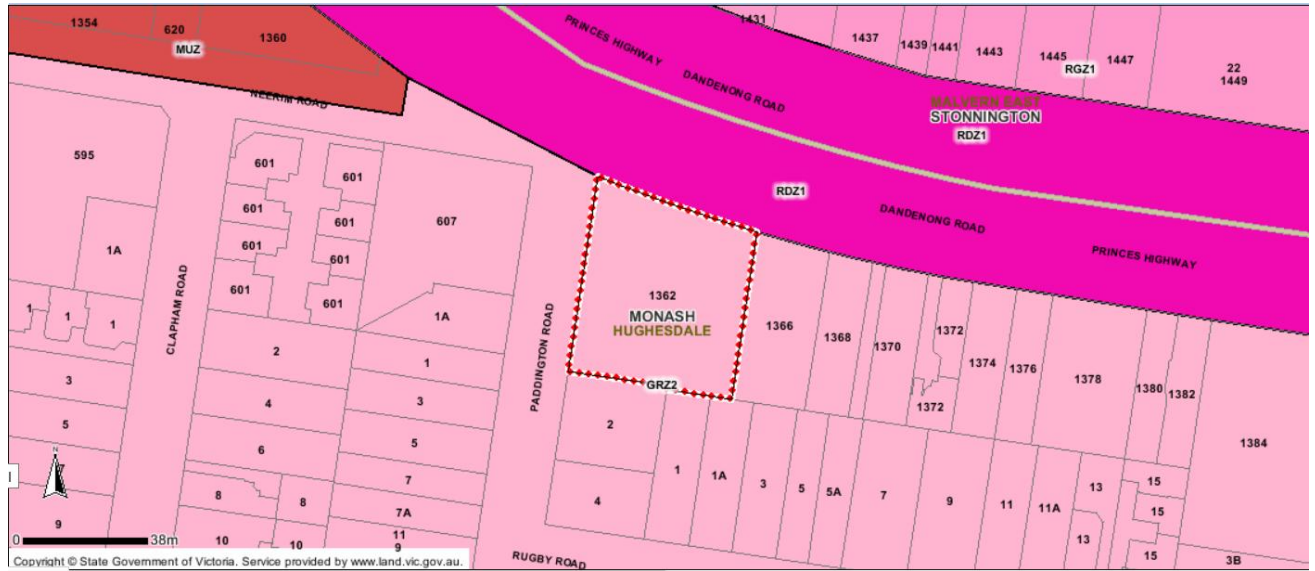
- 
- *The requirement for a permit to construct or extend a single dwelling on a lot less than 500m<sup>2</sup>.*
  - *Variations to some of the standards under Clauses 54 and 55 of the Planning Scheme; including the following:*
    - *Front setback – 7.6 metres.*
    - *Private open space consisting of:*
      - *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 35 square metres, a minimum width of 5 metres and convenient access from a living room; or*
      - *A balcony of 8 square metres with a minimum width of 1.6 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; or*
      - *A front fence within 3 metres of a street should not exceed 1.2 metres.*
- 20 *The subject site is not subject to any existing Overlay controls under the Planning Scheme.*
- 21 *Dandenong Road is a main arterial road and along with its service roads is within a Road Zone, Category 1. A permit is required to create or alter access to a Road Zone, Category 1 or to subdivide land adjacent to a Road Zone, Category 1.*



Subject Site

## 2 Subject Site

**Figure 2.14**  
**ZONING**





# 3 Implications of Proposed Amendment C125 for Subject Site

## 3.1 Proposed Schedule 3 to the General Residential Zone (GRZ- 3)

22 Insofar as it relates directly to the subject site, the Council's adopted Amendment C125 proposes to replace Schedule 2 to the GRZ with a new schedule; Schedule 3. It also proposes to replace Clauses 21.04 (Residential Development) and Clause 22.01 (Residential Development and Character Policy) with new Clauses of the same names.

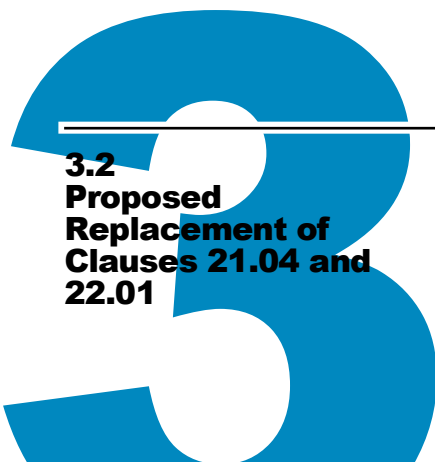
23 The Council's adopted Schedule 3 specifically relates to 'Garden City Suburbs - Southern Areas' and introduces the following requirements (i.e. variations to the standards under Clauses 54 and 55 of the Planning Scheme) as they would apply to the construction of a dwelling on a lot less than 500m<sup>2</sup> and the construction of more than one dwelling on a lot, compared to those under the existing Schedule 2:

- A maximum site coverage requirement of 50% (compared to a maximum of 60% under the existing requirement).
- A minimum permeability of 30% (compared to a minimum of 20% under the existing requirement).
- Retention or provision of at least two canopy trees to reach a mature height at least equal to the height of the proposed development (no existing requirement).
- A minimum of 75m<sup>2</sup> of private open space, with one part of at least 50m<sup>2</sup> to the side or rear of the dwelling and with a minimum width of 5 metres (compared to a minimum of 75m<sup>2</sup> of private open space, with one part of at least 35m<sup>2</sup> to the side or rear of development and with a minimum width of 5 metres if provided at ground floor level, or a balcony of at least 8m<sup>2</sup> or a rooftop area of at least 10m<sup>2</sup>).

## 3.2 Proposed Replacement of Clauses 21.04 and 22.01

24 Amendment C125 proposes to replace Clause 21.04 (Residential Development) and Clause 22.01 (Residential Development and Character Policy) with new Clauses of the same names to reflect the objectives, directions and actions of the 'Monash Housing Strategy (2014)'.

25 I make some minor comments about the changes to these



### **3 Implications of Proposed Amendment C125 for Subject Site**

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*Clauses in so far as they relate to the subject site and properties along this section of Dandenong Road in Section 5.2 of my report.*

# 4 Is there a proper basis for applying proposed Schedule 3 to the General Residential Zone to the subject site and this section of

## 4.1 Is its application reflective of the existing conditions?

- 26 *In my opinion, the proposed site coverage, permeability and private open space requirements under the Council's adopted Schedule 3 to the GRZ are reflective of some of the more restrictive and onerous siting controls that apply to residential zoned land in metropolitan Melbourne, albeit less onerous than originally exhibited by the Council. The application of such controls is not warranted for this section of Dandenong Road, being one of Melbourne's main arterial roads where somewhat more intensive development can be appropriately accommodated on neighbourhood character and planning policy grounds.*
- 27 *Rather than being a sensitive or intact residential location where more restrictive siting controls may be warranted, this section of Dandenong Road is dominated by the breadth of carriageway, traffic noise and volumes of a main arterial road. It is also characterised by an eclectic built-form character that includes a motel that extends across most of the subject site, two-storey blocks of flats (as exists on land to the east and south of the subject site), a carpet showroom that extends to its two street frontages (being land to the west of the subject site across Paddington Street), a recently constructed prominent four-storey residential hotel building (at the corner of Dandenong and Warragul Roads) and smaller unit/dual occupancy developments. All of these neighbouring properties are also subject to proposed Schedule 3 to the GRZ.*
- 28 *The 'City of Monash Neighbourhood Character Review (Draft, February 2015)' includes the subject site and other properties along this section of Dandenong Road within an existing and proposed 'Residential Character Type A', as it does for the residential hinterland to the south. However, I consider this base-level assessment to be flawed*



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#### **4 Is there a proper basis for applying proposed Schedule 3 to the General Residential Zone to the subject site and this section of Dandenong Road?**

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*on the basis that the existing built-form character along this section of Dandenong Road as detailed in Section 2.1 of my report, is notably different to the residential hinterland to the south, with the latter comprising predominantly single-storey detached dwellings within garden settings that are generally well maintained and within what are described as "... established streetscapes".*

- 29 *By way of comparison, the Council's post exhibition "in principle" position regarding variations to the site coverage and permeability standards under the GRZ-3, as they apply to this section of Dandenong Road, are the same as they are for the Council's adopted Schedule 1 to the Neighbourhood Residential Zone, which applies to Heritage Precincts, while private open space requirements are even more restrictive. Indeed, the requirements under the adopted NRZ-1 are the same as those that apply to the existing GRZ-2 that applies to the subject site and properties along this section of Dandenong Road.*
- 30 *In my opinion, this makes no sense and further demonstrates, in my view, the inappropriateness of applying such restrictive standards to this section of Dandenong Road.*
- 31 *Proposed Clause 22.01 (Residential Development and Character Policy) under Amendment C125 otherwise seeks to "... Ensure that the extent of site coverage and hard paving respects the neighbourhood character." This is an appropriate outcome once a less-flawed assessment of the neighbourhood character of this section of Dandenong Road is undertaken and adopted.*
- 32 *I also consider that the proposed private open space requirement under Schedule 3 to the GRZ will effectively serve to discourage multi-dwelling development other than one or two-storey unit or two house developments given that it removes the reference under the existing Schedule 2 to the GRZ and Clause 55 to private open space being provided in the form of balconies or roof terraces. Amendment C125 does not identify any strategic*

#### **4 Is there a proper basis for applying proposed Schedule 3 to the General Residential Zone to the subject site and this section of Dandenong Road?**

*basis for discouraging this form of residential development.*

- 33 *Provided that it is appropriately designed and sited to respect the neighbourhood character and the amenity of neighbouring properties, I consider there to be no reason on town planning grounds why modest apartment development consistent with the non-varied Clause 55 standards relating to Site Coverage and Permeability cannot be suitably accommodated along this section of Dandenong Road, particularly on relatively large corner sites such as the subject site and the carpet showroom site across Paddington Street. I also see no reason to further vary the Private Open Space requirements to make them more onerous.*
- 34 *I also note that proposed Schedule 3 to the GRZ specifically relates to 'Garden City Suburbs – Southern Areas' whereas these areas, which are shown as 'Category 8 – Garden City Suburbs' on the Residential Development Framework Map in the 'Monash Housing Strategy (Final Report, October 2014)' are well-removed from the subject site. (Refer Figure 4.1)*

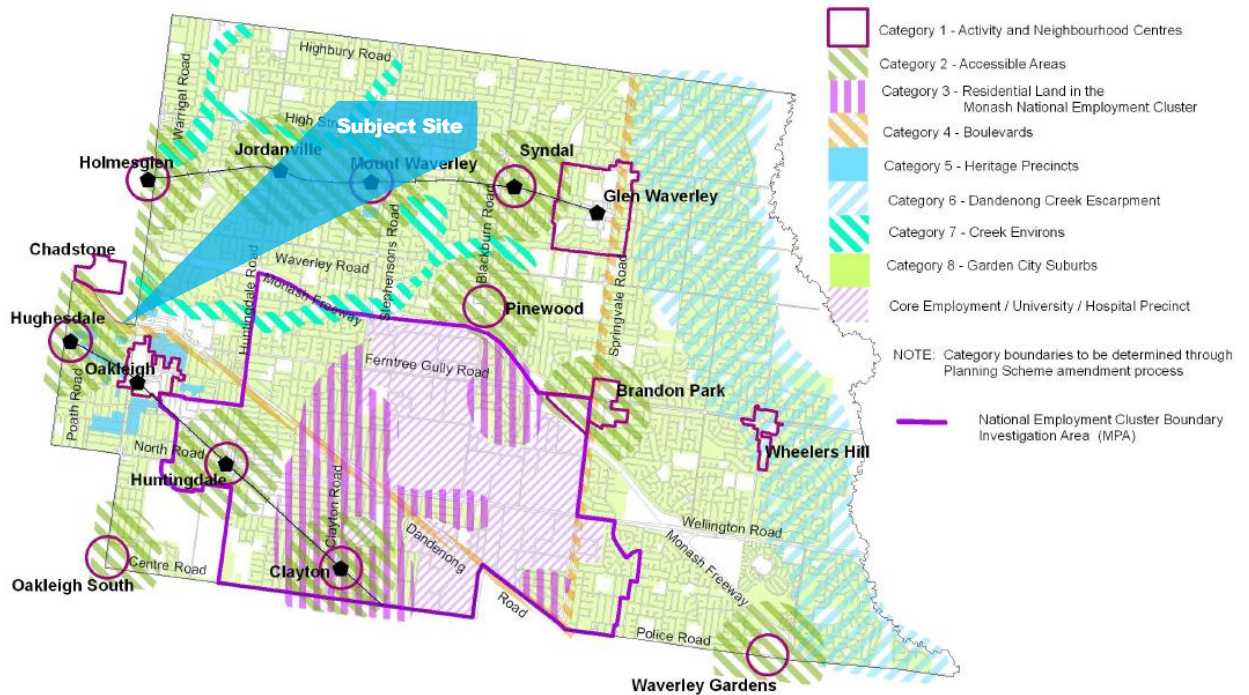
#### **4.2 Is its application consistent with the 'Monash Housing Strategy'?**

- 35 *The stated intent of Amendment C125 is to reflect the objectives, directions and actions of the 'Monash Housing Strategy (2014)'. The Housing Strategy seeks "... To ensure that new residential development enhances the character of the neighbourhood, based on an identified preferred future character" (page 60).*
- 36 *The Residential Development Framework Map contained in the draft Housing Strategy includes the subject site and neighbouring land fronting the south side of Dandenong Road between Paddington Road to the west and Warragul Road to the east, as well as adjoining land to the south, in 'Category 2 – Accessible Areas'.*

#### 4 Is there a proper basis for applying proposed Schedule 3 to the General Residential Zone to the subject site and this section of Dandenong Road?

77

FIGURE 6A: RESIDENTIAL DEVELOPMENT FRAMEWORK MAP



37 The stated Objectives for 'Category 2 – Accessible Areas' are as follows:

*Moderate housing change and diversification serving as a transition between commercial areas and residential areas.*

*Development will be respectful of neighbourhood character and amenity, with greater emphasis places on these objectives in proportion to the distance from commercial zones and transport nodes.*

38 The stated Future Character for 'Category 2 – Accessible Areas' is as follows:

*The areas surrounding activity centres will form a transition between the activity centres, which are intended to be areas of higher density development (residential and commercial), and the Garden City Suburbs (Category 7) which will continue to be occupied by more traditional forms of residential development.*

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**4 Is there a proper basis for applying proposed Schedule 3 to the General Residential Zone to the subject site and this section of Dandenong Road?**

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*These areas will provide for a diverse range of housing types while retaining key aspects of the existing built form and landscape character of the area. Improved building design and quality will be encouraged to maximise the comfort for future residents (and neighbours) as well as minimising running and maintenance costs.*

- 39 One of the stated 'Residential Outcomes' that can reasonably be applied to the subject site is as follows:

*On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of appropriate landscape setbacks.*

- 40 In my view, the application of the Council's adopted Schedule 3 to the GRZ is not warranted to give effect to these stated Objectives and the stated Future Character.
- 41 Furthermore, Schedule 3 is intended to apply to 'Garden City Suburbs – Southern Areas', which does not include the subject locality under the 'Monash Housing Strategy (2014)'.
- 42 There is therefore an inconsistency between the 'Monash Housing Strategy (2014)' and the Council's adopted Schedule 3 to the GRZ for this locality.

# 5 What changes should be made to Amendment C125 in

## 5.1 What Schedule should apply under the GRZ?

- 43 For the aforementioned reasons, I consider that there should be no change to the already varied requirements under Clauses 54 and 55 as they apply to the subject site and neighbouring properties along this section of Dandenong Road. The existing Schedule 2 to the GRZ as it affects the subject site and these neighbouring properties should remain as it is and not be removed or replaced.
- 44 For similar reasons, this should also be the case for properties fronting Neerim Road to the west, which exists as a continuation of the alignment of this section of Dandenong Road.

## 5.2 What Amendments should be made to proposed replacement Clauses 21.04 and 22.01?

- 45 I also consider that the reference under Clause 21.04 to 'Garden City Suburbs (Southern area)' at page 2 of 8 and the associated detail of Map 3: 'Residential character types' at page 3 of 8 should be corrected to be consistent with the Residential Development Framework Map in the 'Monash Housing Strategy (Final Report, October 2014)'.
- 46 In addition, the words "..., as appropriate" should be included after the words "This policy applies to all residential land" under proposed Clause 22.01 (Residential Development and Character Policy) to reflect the differing conditions of the various residential areas throughout the City of Monash.





**5 What changes should be made to Amendment C125 in respect of this section of Dandenong Road?**

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## 6 Conclusion

- 47 For the aforementioned reasons, I consider there to be no proper basis to the application of the Council's adopted Schedule 3 to the General Residential Zone for properties along this section of Dandenong Road between Warrigal Road and Paddington Road, and for properties to the west along Neerim Road between Paddington Road and Clapham Road.
- 48 The existing Schedule 2 to the General Residential Zone that applies to these properties is sufficient in terms of its variations to the standards under Clauses 54 and 55 of the Planning Scheme to achieve appropriate built form outcomes in adequate landscape settings without the need for even more onerous variations.
- 49 Furthermore, while the Council's stated intent of Amendment C125 is to reflect the objectives, directions and actions of the 'Monash Housing Strategy (2014)', the Council's adopted Schedule 3 to the GRZ specifically relates to 'Garden City Suburbs – Southern Areas' whereas these areas, which are shown as 'Category 8 – Garden City Suburbs' on the Residential Development Framework Map in the 'Monash Housing Strategy (Final Report, October 2014)' are well-removed from the subject site.
- 50 I also consider the amendments that I have suggested to the Council's adopted Clauses 21.04 and 22.01 under Amendment C125 to be warranted to ensure consistency with the 'Monash Housing Strategy (2014)' in the case of Clause 21.04 and to reflect the differing conditions of the various residential areas throughout the City of Monash in the case of Clause 22.1.



A handwritten signature in blue ink, appearing to read 'Robert Kelderman', located below the main text.

Robert Kelderman

## **6 Conclusion**

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*B. App Sci (Planning), Grad Dip URP, MPlA*

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# **Attachment 1**

*Expert Witness  
Qualifications and  
Experience*

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**A1**

## Attachment 1 – Expert Witness Qualifications and Experience

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### Name and Address

Robert Henri Kelderman is a Director of Contour Consultants Australia Pty Ltd, Town Planners and Practices from Level 1, 283 Drummond Street, Carlton, in Victoria.

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### Qualifications and Expertise

- Bachelor of Applied Science (Planning), Royal Melbourne Institute of Technology, 1983
  - Graduate Diploma, Urban & Regional Planning (Distinction), Royal Melbourne Institute of Technology, 1988
- 

### Professional Experience

- Director, Contour Consultants Australia Pty Ltd since 1999
  - Engaged as a town planner since 1986, including 4 years in local government (Shire of Diamond Valley, City of Kew and City of South Melbourne) followed by 25 years in consulting (Henshall Hansen Associates and Contour Consultants Australia Pty Ltd).
- 

### Area of Expertise

- Advice and assessment of land use and development proposals throughout Victoria for planning authorities, government agencies, corporations and developers (including for medium and higher density housing projects).
  - Providing town planning of evidence for other VCAT and Panel Hearings over a period of 20 years.
  - Strategic planning (including preparation and project management of strategic plans for commercial, residential, industrial and rural areas).
  - Statutory planning (including preparation of new planning schemes and planning scheme amendments).
- 

### Instruction which Defined the Scope of this Report

I received instructions from Aitken Partners, Lawyers, to review proposed Monash Planning Scheme Amendment C125 and provide a report in relation to my findings, specifically in respect of the extent to which the Amendment impacts on the future development potential of 1362-1364 Dandenong Road, Hughesdale, and whether I consider these impacts are warranted or necessary in achieving an appropriate built form outcome for the site.

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### Facts, Matters and Assumptions Relied Upon

- Inspections of the subject site and surrounding area.
  - Refer below:
- 

### Documents Taken Into Account

- The Monash Planning Scheme.
- 'Monash Housing Strategy 2014 (Final Report)'.
- 'City of Monash Neighbourhood Character Review (Consultation Draft Report, February 2015)'.

**Attachment 1 - Expert Witness Qualifications and Experience**

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- The exhibited Amendment C125.
  - The Council Officer's report on Amendment C125 to the City of Monash Council Meeting on 31 May 2016.
  - The minutes of the City of Monash Council Meeting on 31 May 2016.
  - Correspondence from Planning Panels Victoria to submitters to Amendment C125 dated 10 August 2016.
- 

**Identity of Persons Undertaking the Work** | prepared this report.

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**Summary of Opinion**

Refer to Section 6 of my report.

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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.



Robert Kelderman

B. App Sci (Planning), Grad Dip URP, MPIA

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## **Attachment 2**

*Contour Consultants  
Advice to Aitken Partners,  
Lawyers dated 28 August  
2015*

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**A2**

**Attachment 2 – Contour Consultants Advice to Aitken Partners, Lawyers dated 28 August 2015****Contour**<sup>+</sup>  
Town Planners

COPY

**Date**

28 August 2015

**To**Robert Bradley  
Principal  
Aitken Partners**Address**Level 28  
140 William Street  
Melbourne Vic 3000**Sent**Via mail and email: [rbradley@aitken.com.au](mailto:rbradley@aitken.com.au)

Dear Sir,

**Planning Scheme Amendment C125, Monash Planning Scheme**

Further to your instructions on behalf of E.H.P.R. Nominees Pty Ltd; we have reviewed and assessed Amendment C125 to the Monash Planning Scheme (the Planning Scheme) as it relates to land at 1362-1364 Dandenong Road, Hughesdale (the subject site).

Having undertaken this assessment, we consider that your client, as the owner of the subject site, has strong grounds to oppose Amendment C125 for reasons that are set out below.

**Subject site**

The subject site is relatively large in size, with a main frontage to Dandenong Road of approximately 52 metres, a return frontage to Paddington Road of approximately 66 metres and an area of 2,828m<sup>2</sup>. It is currently developed and occupied as a motel, which is of 1960s construction and known as the 'Chadstone Executive Motel'.

The subject site is currently within the General Residential - Schedule 2 (GRZ-2) under the Planning Scheme, as are the other neighbouring properties along this section of Dandenong Road and within the residential area to the south. Schedule 2 specifically relates to 'Monash Residential Areas'. The subject site is not subject to any existing Overlay controls under the Planning Scheme.

**Implications of Proposed Amendment C125 for the Subject Site**

Insofar as it relates directly to the subject site, Amendment C125 proposes to replace Schedule 2 to the GRZ with a new schedule; Schedule 3. It also proposes to replace Clauses 21.04 (Residential Development) and Clause 22.01 (Residential Development and Character Policy) with new Clauses of the same names.

Proposed Schedule 3 specifically relates to 'Garden City Suburbs - Southern Areas' and introduces the following requirements (i.e. variations to the standards under Clauses 54 and 55 of the Planning Scheme) as they would apply to the construction of a dwelling on a lot less than 500m<sup>2</sup> and the construction of more than one dwelling on a lot, compared to those under the existing Schedule 2:

- Garages and carports should be located at least 1m behind the front of a dwelling, or at least 2m behind the front of a dwelling where they are located on a side boundary (no existing requirement).



**Attachment 2** - *Contour Consultants Advice to Aitken Partners, Lawyers dated 28 August 2015*

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**Attachment 2** – *Contour Consultants Advice to Aitken Partners, Lawyers dated 28 August 2015*



- New development within 2 metres of a side boundary should be set back at least 9.6 metres from the street (compared to 7.6 metres under the existing varied requirement).
- For corner sites, the minimum setback to the side street should be the same as the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser (compared to 2 metres as the existing lesser requirement).
- A wall on a side boundary should not exceed 6.5 metres in length (compared to 10 metres plus 25% of the remaining length of the boundary under the existing requirement).
- A maximum site coverage requirement of 40% (compared to a maximum of 60% under the existing requirement).
- A minimum permeability of 40% (compared to a minimum of 20% under the existing requirement).
- A minimum 2 metre setback from a second side boundary for a wall height up to 3.6 metres (compared to a minimum of 1 metre for a wall of this height under the existing requirement).
- A 5 metre minimum rear setback for a wall height up to 3.6 metres (compared to a minimum of 1 metre for a wall of this height under the existing requirement).
- Retention or provision of at least two canopy trees with a minimum mature height of 8 metres (no existing requirement).
- A minimum of 75m<sup>2</sup> of private open space, with one part of at least 60m<sup>2</sup> to the side or rear of development and with a minimum width of 5 metres (compared to a minimum of 75m<sup>2</sup> of private open space, with one part of at least 35m<sup>2</sup> to the side or rear of development and with a minimum width of 5 metres if provided at ground floor level, or a balcony of at least 8m<sup>2</sup> or a rooftop area of at least 10m<sup>2</sup>).
- Minor changes to the requirements relating to front fencing.

**Grounds for Opposing Amendment C125**

We consider that your client has strong grounds for opposing Amendment C125 on the following basis:

- There is no proper or strategic basis to applying proposed Schedule 3 to the GRZ to the subject site.

In this regard, the proposed site coverage, permeability and setback requirements under Schedule 3 to the GRZ are reflective of some of the more restrictive and onerous siting controls that apply to residential zoned land in metropolitan Melbourne. The application of such controls is not warranted for this section of Dandenong Road; being one of Melbourne's main arterial roads where somewhat more intensive development can be appropriately accommodated on neighbourhood character and planning policy grounds.

Rather than being a sensitive or intact residential location where more restrictive siting controls may be warranted, this section of Dandenong Road is dominated by the breadth of carriageway, traffic noise and volumes of a main arterial road. It is also characterised by an eclectic built-form character that includes a motel that extends across most of the subject site, two-storey blocks of flats (as exists on land to the east and south of the subject site), a carpet showroom that extends to its two street frontages (being land to the west of the subject site across

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Paddington Street), a recently constructed prominent four-storey residential hotel building (at the corner of Dandenong and Warragul Roads) and smaller unit/dual occupancy developments. All of these neighbouring properties are also subject to proposed Schedule 3 to the GRZ.



The 'City of Monash Neighbourhood Character Review (Draft, February 2015)' includes the subject site and other properties along this section of Dandenong Road within an existing and proposed 'Residential Character Type A', as it does for the residential hinterland to the south. However, we considered this base-level assessment to be flawed on the basis that the existing built-form character along this section of Dandenong Road as detailed above is notably different to the residential hinterland to the south, with the latter comprising predominantly single-storey detached dwellings within garden settings that are generally well maintained and within what are described as "... established streetscapes".

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One of the stated 'Residential Outcomes' that can reasonably be applied to the subject site is as follows:

*On larger sites, in suitable locations, increased density may be appropriate, subject to careful design and the provision of appropriate landscape setbacks.*

For the above reasons, we consider that there should be no change to the already varied requirements under Clauses 54 and 55 as they apply to the subject site and neighbouring properties along this section of Dandenong Road. The existing Schedule 2 to the GRZ as it affects the subject site and these neighbouring properties should remain as it is and not be removed or replaced. For similar reasons, this should also be the case for properties fronting Neerim Road to the west, which exists as a continuation of the alignment of this section of Dandenong Road.

We also consider that:

- The reference under Clause 21.04 to 'Garden City Suburbs (Southern area)' at page 2 of 8 and the associated detail of Map 3: 'Residential character types' at page 3 of 8 should be corrected to be consistent with the Residential Development Framework Map in the 'Monash Housing Strategy (Final Report, October 2014)'.
- The words "..., as appropriate" should be included after the words "This policy applies to all residential land" under proposed Clause 22.01 (Residential Development and Character Policy) to reflect the differing conditions of the various residential areas throughout the City of Monash.

We trust that this suitably addresses your instructions.

Please contact the undersigned should you have any queries in respect of this matter.

Yours sincerely,



**Robert Kelderman**  
Director

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