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List of Abbreviations

DCP	Development Contributions Plan
DCPO	Development Contributions Plan Overlay
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GRZ	General Residential Zone
HO	Heritage Overlay
LPPF	Local Planning Policy Framework
MD16	Ministerial Direction Number 16: Residential Zones
MPA	Metropolitan Planning Authority (now the VPA)
MRDAC	Managing Residential Development Advisory Committee
MSS	Municipal Strategic Statement
MUZ	Mixed Use Zone
NEC	The Monash National Employment Cluster
NRZ	Neighbourhood Residential Zone
Plan Melbourne	Plan Melbourne: Metropolitan Planning Strategy (2014)
PPN27	Planning Practice Note 27: Understanding the Residential Development Standards
PPN28	Planning Practice Note 28: Using the Neighbourhood Character Provisions in Planning Schemes
PPN43	Planning Practice Note 43: Understanding Neighbourhood Character
PPN78	Planning Practice Note 78: Applying the Residential Zones
RGZ	Residential Growth Zone
RZSAC	Residential Zones Standing Advisory Committee
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
VPA	Victorian Planning Authority
VPO	Vegetation Protection Overlay
VPP	Victoria Planning Provisions

Overview

Amendment Summary	
The Amendment	Monash Planning Scheme Amendment C125
Common Name	Monash Housing Strategy and Residential Zones
The Proponent	Monash City Council
Planning Authority	Monash City Council
Authorisation	AO3034 20, March 2015
Exhibition	22 June to 31 August 2015
Submissions	1849 submitters are listed in Appendix A

Panel Process	
The Panel	Cathie McRobert (Chair), Sarah McDonald and Lorina Nervegna
Directions Hearing	Wednesday 27 July 2016 and Monday 8 August 2016 Glen Waverley
Panel Hearing	13 days between Monday 5 September– Monday 10 October 2016 Glen Waverley
Site Inspections	Wednesday 7 September 2016 (unaccompanied) Wednesday 14 September 2016 (unaccompanied) Monday 26 September 2016 (unaccompanied) Wednesday 28 September 2016 (unaccompanied) Monday 3 October 2016 (unaccompanied)
Appearances	See Appendix B
Date of this Report	6 December 2016

Executive Summary

(i) Summary

The Amendment proposes changes to the Local Planning Policy Framework (LPPF) and the residential zones applied in the City of Monash to implement the Monash Housing Strategy 2014 (the Housing Strategy).

Council has adopted a staged approach to the implementation of the new residential zones and the Housing Strategy. The Amendment translates approved structure plans for Oakleigh and Wheelers Hill and introduces new planning provisions for areas identified in the Housing Strategy as:

- having limited redevelopment potential (heritage precincts, the Dandenong Creek Escarpment and the Creek Environs)
- areas suitable for incremental change (Garden City suburbs)
- residential zones in the Monash National Employment Cluster (NEC) and Clayton Activity Centre. These changes were envisaged as a subsequent stage but were included in the Amendment after consultation with the Metropolitan Planning Authority (MPA) (now the Victorian Planning Authority (VPA)¹).

The Amendment has a strong focus on protecting and enhancing the Garden City Character, which is a core policy underpinning planning in Monash, through more restrictive planning policy, zones and variations to state-wide standards in Clauses 54 and 55 (ResCode) of the Monash Planning Scheme (the Planning Scheme).

Future Amendments will implement changes relating to areas identified in the Housing Strategy as having future redevelopment potential: boulevards (Springvale and Dandenong Roads), activity and neighbourhood centres, and accessible areas around those centres.

Submissions

The Amendment has been contentious; the hundreds of submissions and presentations at the hearing illustrate the divided views in the community. Many supported both the thrust of the Amendment to give greater direction about where development should occur and to increase restrictions on development for both neighbourhood character and environmental reasons. Many others objected on the basis that restrictions infringe property rights, the constraint on their ability to develop housing to meet their needs or preferences, or the impact on development potential and the associated adverse implications for housing affordability and diversity.

The level of concern expressed by the community led Council to commission further work, to undertake multiple rounds of consultation, and to support significant changes to the exhibited Amendment. This responsive approach contributed to a level of confusion and some cynicism in the community about the basis for, and the commitment to, the Amendment provisions. The Panel's task of assessing the Amendment and submissions about it was also made more complex.

¹ The MPA is referred to as the VPA throughout the report.

The strategic basis for the Amendment

The Housing Strategy and the Amendment acknowledge key planning policy themes. The broad strategy to direct more intensive forms of housing to locations that are well served by infrastructure, and to manage change in more sensitive locations, is sound. However, it should be articulated much more effectively in the LPPF to inform decision making while the Housing Strategy is progressively implemented. This includes:

- updating the Strategic Framework Plan (March 2009) in Clause 21.03 *Vision*
- incorporating the Housing Strategy Residential Development Framework Plan in Clause 21.04 *Residential Development*
- articulating the policy intent regarding locations identified for more intensive housing development
- ensuring that neighbourhood character provisions recognise that change will occur in these areas
- identifying the further strategic work to be undertaken to inform the staged implementation of the Housing Strategy.

The analysis in the Housing Strategy informed the understanding of housing needs in Monash, but key issues it identified, such as the effectiveness of the current planning framework, housing affordability and the implications of the proposed planning framework for meeting the demands of projected growth, housing costs, housing diversity and accommodating the housing needs of particular groups, were neglected in the Housing Strategy and the Amendment. These are matters for further policy and strategy development.

Analysis after the Amendment was exhibited provided a level of comfort that the Amendment does not severely compromise the capacity to meet medium term population projections for Monash, particularly when the significant opportunities available in areas identified with redevelopment potential are taken into account. Although case studies also indicate that proposed variations to ResCode standards should not stifle continued dual occupancy development, they did not address the implications for other forms of multi-unit development, which have an important function in meeting housing diversity objectives.

The protection of neighbourhood character is the key concern addressed by the Amendment, and the Neighbourhood Character Review underpinned both the Housing Strategy and, generally, the application of zones in the Amendment. The Panel has significant reservations about the basis provided by the framework established in 1997. The planning framework to manage neighbourhood character provides generic guidance through broad character types, and the characterisation of some areas with 'Garden City' character attributes and emphasis on existing character are overstated. The focus should be on future character statements; they should be more succinct and express future aspirations and key elements to achieve those aspirations, particularly in areas where change is, or should be, promoted.

Overarching issues

Monash residents have different views about trees in suburban gardens. The Panel considers large trees with spreading canopies can transform the character, amenity and resilience of areas and broadly endorses strategies to ensure there is space to plant trees. In balancing resident preferences, the competing objectives relating to neighbourhood character, ecological sustainability, accommodating projected growth, housing diversity and housing affordability, the most efficient means of achieving green space should be adopted. The Panel

considers that consolidated spaces at the front and rear of lots and along park interfaces optimise the outcomes.

The effect of development, rather than the number of dwellings on a block, should be the primary focus in managing impacts. Larger, two storey houses should be anticipated as the norm and this will change the character of areas. However, extensive floor area, irrespective of lot size, should not automatically be accommodated at the expense of planning objectives that benefit the broader community.

Dual occupancy, multi-unit and apartment forms of housing add to housing diversity, and the planning framework should not preclude these forms of housing unless there is sound justification to do so. This extends to 'side-by-side' forms of dual occupancy and 'reverse living', which can be an efficient means of achieving high amenity housing, but are currently actively discouraged in Monash. Balconies and rooftops should be recognised as a legitimate form of open space in all forms of multi-unit housing in all residential zones.

The application of zones

The general application of zones has been consistent with guidance on good practice. However, the staged implementation, changes to development requirements since exhibition, and the Panel's assessment of the justification for the delineation of some zones warrant significant revisions.

The Panel supports many of the post-exhibition changes to development requirements in the zone schedules that are now supported by Council. These changes result in the distinctions between the General Residential Zone Schedule 3 (GRZ3) and the General Residential Zone schedule 4 (GRZ4) only relating to very minor details. The GRZ3 and GRZ4 should be combined, as separate zone schedules are not warranted. The Panel accepts that the purpose of the Neighbourhood Residential Zone (NRZ) aligns with the strategic intention to limit development generally to the east of Springvale Road and is consistent with the planning framework in adjoining land in Whitehorse.

The Panel does not support the introduction of more restrictive provisions as an interim planning framework in areas identified in the Housing Strategy 'future redevelopment potential', pending the completion of further strategic work and future amendments to implement the Housing Strategy. In these areas, the status quo GRZ2 should be generally maintained as the 'interim' planning framework, and the LPPF should be strengthened to recognise the policy intent for these areas.

The Panel considers the Amendment provisions relating to the Monash NEC and Clayton Activity Centre are premature and should be deferred pending evaluation as part of the strategic planning work that is underway. The Desired Future Character Statement in the proposed Clause 22.01 should adopt a more positive expression of the policy ambitions for the NEC and acknowledge that strategic planning will develop and articulate future character aspirations.

The objective to protect and enhance the Gardiners Creek, Scotchmans Creek and Damper Creek open space corridors by managing the interface of abutting residential areas is justified. However, overlays in combination with the GRZ are more effective tools to manage these interfaces than the NRZ. The interface with the Dandenong Creek open space network warrants similar protection.

In contrast, the strategic basis for the application of the NRZ3 'Creek Environs Areas' is very weak and these areas should be included in a GRZ.

In relation to the alignment of the boundary between the NRZ4 and the GRZ4, which was highly contentious, the Panel finds that the boundary should generally align with the boundary of the Dandenong Creek Escarpment character type area, as exhibited.

The application of the proposed zones to the Glen Waverley, and Wheelers Hill Activity Centres is inconsistent with the structure plans for these centres and may inappropriately constrain opportunities in them. The application of the proposed zones to the Oakleigh Activity Centre appropriately implements the structure plan for this centre.

Variations to Standards

The absence of systematic analysis of the effectiveness of the existing residential standards or justification for the proposed changes has meant the Panel has drawn on examples of the effects in submissions, initiatives undertaken elsewhere (such as Better Apartments²) and its own experience.

As already noted, the Panel endorses many of the changes supported by Council to moderate the exhibited development requirements. The Panel also supports development requirements that recognise and protect the sensitivity of creek abutments.

While the Panel considers ResCode rear setback standards should be varied to provide space to plant trees, we are not convinced that the increase in secluded private open space, which is a significant constraint on design flexibility and development yields, has been justified.

In all cases, the site context (including neighbourhood character), a site analysis and design response would remain central to the design and consideration of development proposals, including the exercise of discretion to depart from requirements of the zone schedules.

Recommendations

Based on the reasons set out in this Report, the Panel recommends Monash Planning Scheme Amendment C125 be adopted as exhibited subject to the following:

- 1. Incorporate in Clause 21.04 *Residential Development* the Residential Development Framework Plan (Figure 6A of the Housing Strategy).**
- 2. Evaluate the implementation of the current Vegetation Protection Overlay and enforcement of planning permit conditions requiring retention of existing trees or planting of additional trees, to identify ways to improve outcomes under the proposed requirements.**
- 3. Identify in Clause 21.04 *Residential Development*, Further Strategic Work, a realistic work program to build on broad policy statements relating to specialised housing needs such as: meeting the needs of an ageing population, housing requirements of emerging ethnic groups, flexible and adaptable housing design and universal access.**

² Better Apartments Draft Design Standards

4. Provide more specific support in the Local Planning Policy Framework for the development of various forms of housing for an ageing population (including independent living through to high care), extended families and students.
5. Clearly articulate in the Local Planning Policy Framework the staged approach to implementing the Housing Strategy.
6. Revise Clause 22.01 including the Preferred Future Character statements to recognise that change is supported in areas identified as having future redevelopment potential such as activity and neighbourhood centres, accessible areas, boulevards and residential land in the National Employment Cluster.
7. Retain the General Residential Zone (Schedule 2) for:
 - a) housing category areas 1, 2, 3 and 4 identified in the Housing Strategy as having future redevelopment potential
 - b) the Proposed Character Type C area under the Neighbourhood Character Review
 - c) that area of the Wheelers Hill Activity Centre that was exhibited as General Residential Zone (schedule 5)
 - d) No 855 Ferntree Gully Road (Northwest corner of Jells and Ferntree Gully roads), Wheelers Hill
 - e) land in the Glen Waverley Activity Centre Structure Plan Area that is not proposed to be rezoned under Amendment C120.
8. Develop a new combined General Residential Zone schedule based on the proposed General Residential Zone (Schedule 4) to replace the proposed General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4).
9. Apply the new combined General Residential Zone schedule to:
 - a) land that was exhibited as General Residential Zone (Schedule 3) and General Residential Zone (Schedule 4) as modified by changes recommend by the Panel
 - b) No 1 Avoca Court, Ashwood
 - c) No 36 Stapley Crescent; and Nos 36 and 39 Swanson Crescent, Chadstone
 - d) Nos 21, 23, 24, 26 and 28 Fiander Avenue; Unit 4/ No 5 Somers Court; Nos 5 and 6 Valentine Court; Nos 1, 2, 3, 4, 6, 8, 10, 12, and 14 Falconer Street; Nos 1 and 3 Huff Street; Nos 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Dunscombe Avenue, Glen Waverley
 - e) Nos 546-556 High Street Road; Nos 2, 4 and 6 Lee Avenue; and No 7 St Clair Crescent, Mt Waverley
 - f) No 13 Janfourd Court, Mt Waverley
 - g) Nos 9, 11, 13, 15, 17, 19, 21, 23 and 25 Marbray Drive; Nos 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Greenways Road, Glen Waverley
 - h) No 2B Oakdene Court, Mt Waverley
10. Apply the new combined General Residential Zone schedule in combination with a Significant Landscape Overlay (or a Design and Development Overlay and a Vegetation Protection Overlay) to the land proposed to be zoned Neighbourhood Residential Zone (Schedule 2) and delete the Neighbourhood Residential Zone

- (Schedule 2), (except where the Panel has recommended a realignment of the boundary of the Creek Abuttal area).
11. **Realign the boundary between the General Residential Zone and the Neighbourhood Residential Zone (schedule 4) in the area bounded by Highbury Road, Springvale Road, Waverley Road and Gallaghers Road/ Westlands Road/ Camelot Drive to align with the boundary between proposed Character Types B and D shown in Figure 5 of the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**
 12. **Draft the Decision Guidelines to the new combined General Residential Zone schedule and the provisions of the Significant Landscape Overlay (or Design and Development Overlay) to guide the exercise of discretion where:**
 - a) **the interface between a creek-line open space and a property is not along the property's rear boundary**
 - b) **lots are, small, irregular or constrained.**
 13. **Delete the Neighbourhood Residential Zone (Schedule 3) and apply the new combined General Residential Zone schedule.**
 14. **Apply the Neighbourhood Residential Zone (Schedule 4) to:**
 - a) **generally apply to the Housing Category 6 – Dandenong Creek Escarpment area as exhibited**
 - b) **the land between Wellington Road, Garnett Road and Whalley Drive, Wheelers Hill identified as Proposed Character Type B area under the Monash Neighbourhood Character Review Consultation Draft Report (February 2016).**
 15. **Consider applying the Significant Landscape Overlay (or the Design and Development Overlay and the Vegetation Protection Overlay) to the land with a direct abuttal to the Dandenong Creek.**
 16. **Retain the existing General Residential Zone (Schedule 2) to the Proposed Character Type C area under the Neighbourhood Character Review.**
 17. **Consider the Mixed Use Zone and Residential Growth Zone for application to areas identified in the Housing Strategy as having future redevelopment potential in the future implementation stages of the Housing Strategy.**
 18. **Retain the General Residential Zone (Schedule 2) for the residential land within the Glen Waverley Activity Centre that is not proposed to be rezoned under Amendment C120.**
 19. **Vary the ResCode street setback requirement (Standard A3 and B6) as follows:**
 - a) **7.6 metres or the average of adjoining lots (whichever is the lesser) in the Neighbourhood Residential Zone (schedules 1, 2, and 4) and the new combined General Residential Zone schedule**
 - b) **require an additional 1-metre setback for garages and carports only in the Neighbourhood Residential Zone (schedule 1).**
 20. **Vary the ResCode site coverage requirement (Standard A5 and B8) as follows:**
 - a) **40 percent in the Neighbourhood Residential Zone (schedule 2)**

- b) 50 percent in the Neighbourhood Residential Zone (schedules 1 and 4), and the new combined General Residential Zone schedule.
21. Vary the ResCode permeability requirement (Standard A6 and B9) as follows:
 - a) 30 percent in the Neighbourhood Residential Zone (schedules 1 and 4) and the new combined General Residential Zone schedule
 - b) 40 percent in the Neighbourhood Residential Zone (schedule 2).
 22. Vary the ResCode Landscaping requirement (Standard B13) to link the provision of canopy trees to site width and permeable soil area. Consider a standard in the order of one tree per 5-7 metres of site width.
 23. Vary the ResCode minimum rear setbacks requirement (Standard A10 and B17) as follows:
 - a) 7 metres in the Neighbourhood Residential Zone (schedule 2)
 - b) 5 metres in the Neighbourhood Residential Zone (schedule 4) and the new combined General Residential Zone schedule.
 24. Maintain the ResCode side setbacks requirements (Standard A10 and B17) in all zones to be applied by the Amendment.
 25. Vary the ResCode walls on boundaries requirement (Standard A11 and B18) only in the Neighbourhood Residential Zone (schedule 2) as follows:

~~10 metres~~ **6.5 metres plus 25 percent of the remaining length of the boundary of an adjoining lot ...**

Walls should not be built on rear boundaries

The height of a new wall constructed on or within 200mm of a side boundary ~~or rear boundary~~ or a carport ...
 26. In all zones applied by the Amendment, vary the ResCode Private Open Space requirements (Standard A17 and B28) to:
 - a) retain the existing secluded private open space requirement of 35 square metres with a minimum 5 metre width
 - b) allow balconies and roof top areas, with the exhibited dimensions of a 10 square metre area and a 2 metre minimum width, as an option for all forms of multi-unit housing in all zones applied by the Amendment.
 27. Include a decision guideline in the schedule to all zones applied by the Amendment requiring consideration of design responses to site constraints, site context, and irregular shaped lots when discretion relating to ResCode requirements is exercised.
 28. Abandon the exhibited rezoning to Residential Growth Zone (Schedule 3) and General Residential Zone (Schedule 6) of land in the Monash National Employment Cluster and maintain the current General Residential Zone (Schedule 2) for the land.
 29. Delete the exhibited Development Contributions Plan Overlay (Schedule 1).
 30. Delete the exhibited increase in the Clause 52.01 *Public Open Space* contribution.

31. Rewrite the Desired Future Character Statement for the Monash National Employment Cluster in Clause 22.01 to:
 - a) adopt a more positive expression of the intended change envisaged by policy for the Monash National Employment Cluster.
 - b) acknowledge that strategic planning will develop and articulate future character aspirations.
32. Edit Clauses 21.01 *Municipal Profile*, 21.02 *Key Influences* and 21.03 *Vision* to:
 - a) reduce repetition, particularly in relation to Garden City/neighbourhood character and extensive descriptions of data that will date
 - b) update the Strategic Framework Plan (March 2009) in Clause 21.03 to recognise the current Housing Strategy and policy relating to the Monash National Employment Cluster
 - c) consider the utility of the content relating to Monash 2021: A Thriving Community (2010) to inform planning decisions.
33. Revise Clause 21.04 to give greater emphasis to the Housing Strategy and align with its content, including incorporating the Residential Development Framework Plan.
34. Revise the Clause 22.01 *Residential Development and Character Policy* to:
 - a) align more closely with the strategic intent expressed in the Housing Strategy
 - b) ensure the overarching general policies align with the provisions of the zone schedules (as modified)
 - c) delete the Existing Character statements
 - d) edit the Desired Future Character statements to provide more focussed guidance with a succinct statement of character aspirations and the key elements to be promoted to achieve it
 - e) recognise that the broad character areas include distinctive areas and that appropriate responses will be different on main roads and residential hinterland sites
 - f) reinforce the importance of site analysis in developing a design response that responds to both the broader future character objectives and the particular attributes of the site and its context
35. If state-wide transitional provisions are not introduced before the Amendment is approved, incorporate a transitional provision to the following effect in each of the residential zone schedules that are introduced by the Amendment:

The requirements of the planning scheme in force immediately before [insert the Amendment approval date], continue to apply to a permit application made before that date to the extent that, but for this clause, [Clauses 32.07, 32.08, 32.09] would apply to such an application.