

**Amendment C159: Rezone land at 1  
Jacksons Road, Mulgrave and 636  
Wellington Road Mulgrave**

**Planning Authority Closing Submission for Planning  
Panel**

**27 May 2020**



**CITY OF  
MONASH**

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# 1 SUMMARY OF THE COUNCIL SUBMISSION

## 1.1 COUNCIL SUBMISSIONS

The Council submission to the Planning Panel for Amendment C159 includes the following:

- Submission by Planning Authority for Planning Panel – Part A. Dated 8 April 2020 (**Part A**)
- Submission by Planning Authority for Planning Panel – Part B. Dated 17 April 2020 (**Part B**)
- Planning Authority Further Submissions - Addressing Expert Witness Question Responses for Planning Panel. Dated 4 May 2020 (**Further Submissions**)

## 1.2 MATERIAL SUBMITTED BY THE PROPONENTS ON 20 MAY 2020

On 20 May 2020 the proponents submitted additional information that is outlined below, along with Council's further submission.

- Version 2 of the Proponents' proposed amendments to the Mixed Use Zone - Schedule 2 (MUZ2) and Design and Development Overlay - Schedule 16 (DDO16).

### Council further submission

The Council final position on MUZ2 and DDO16 is provided as **Appendix A** and responds to issues discussed as part of Council's earlier submissions. Key points of difference include:

- MUZ2. Proposed amendments to the second Design objective. **See discussion included in Sections 3.3 and 4.1 of the Part B and 2.1 of the Further Submissions.**
- MUZ. Proposed deletion of the Design objectives. **See discussion included in Section 4.5 of the Part A, Section 4.2 of the Part B and Section 1.1 (Question 10) of the Further Submissions.**
- DDO16. The proponent's recommendation to change the 'mandatory building heights' to 'preferred building heights' for Precincts A, B and D. **The Council position on 'mandatory building heights' has been discussed at length in each of the Part A, Part B and Further Submissions.**
- DDO16. Development outcomes for Table 1a. **See discussion included in Section 1.1 (Question 10) of the Further Submission.**

In the proponent's Version 2 for MUZ2, the proponents have recommended the following change:

To provide for the development of a medium rise built form character with ~~varied a moderate~~ building heights that transition in response to the variable topography across the site.

Council does not agree with this proposed change. The use of the word "moderate" is an important aspect of the design objective to provide the context for the expected heights proposed in DDO16 and built form requirements in Tables 1a, 1b and 1c. The use of the term "varied" changes the meaning and intent of this statement.

- A narrated video 'walkthrough' of the subject land, in response to the Panel's request dated 5 May 2020.

Council further submission

No comments.

- Indicative section diagrams (21264\_Mugrave\_Sections\_Rev03.pdf).

Council further submission

The diagrams represented as Sections 1 through to 11 show building heights on the subject site that do not accurately represent the requirements of DDO16; particularly Precinct C. The requirements for precinct C state "Building height to not exceed 4 storeys or the maximum height permitted in the adjoining residential zone...". The diagrams in Table 1b also provide an indicative Precinct C maximum height, which has not been included in Sections 1 through 11. As a result, some of the building heights shown in the section diagrams would exceed the heights allowed for in Table 1b.

### 1.3 SUMMARY OF THE COUNCIL FINAL POSITION

The Panel is reminded of the key issues that have been discussed as part of Monash Amendment C159 and the Council position below:

- **The basis for the amendment.** The rezone of the land from *Commercial 2 Zone* to the *Mixed Use Zone Schedule 2* is supported by *Plan Melbourne*, the *Planning Policy Framework* in the *Monash Planning Scheme*, the *Monash Housing Strategy 2014* and the economic report prepared by Deep End Services for the proponents. The amendment of the land from the current restrictive *Commercial 2 Zone* to the *Mixed Use Zone* will allow for a broader range of land uses to be accommodated on the land; particularly residential accommodation.
- **Design and Development Overlay Schedule 16 (DDO16)** The application of a new DDO16 will provide greater certainty around how the development of the land is envisaged to occur. It will introduce a series of design objectives, design requirements

and development outcomes to manage the future design and scale of development and ensure the amenity and character of surrounding residential areas is maintained.

A key aspect of DDO16 that has been discussed as part of Amendment C159 is the introduction of 'mandatory height controls'. Council considers that the approach taken to justify mandatory provisions across the entire site is strategically sound and recognises the circumstances of this isolated site that is surrounded by predominantly low density, low rise residential development. Part B discusses this in detail, including:

- The significant history of the preparation of DDO16 and resulting agreed position of mandatory building heights with the proponents prior to exhibition and resulting expectations of the local community.
- The neighbourhood context of low level residential development and the relatively isolated nature of the site in terms of local services and employment.
- Strategic justification and strategic basis, including the careful consideration of heights for the site based on the *Waverley Park Concept Plan 2002* and *Neighbourhood Character Overlay Schedule 1 (NCO1)*, topography across the site, potential impacts on adjoining properties and surrounding neighbourhood character and the visibility of the site due to its location on the top of an escarpment.
- *Glen Eira Amendment C155* providing the precedent and justification for applying mandatory heights.
- Compliance with the *Planning Practice Note 59*.

If the Panel is of a mind to support discretionary heights, Council considers that this is a “transformative” or substantial alteration to the Amendment. The Amendment would therefore need to be re-exhibited, as further community input would be required. The mandatory heights included in DDO16 are considered fundamental to achieving an acceptable outcome on the site and were the basis of the community response to the Amendment. To introduce further discretion or aspirations for additional heights without further exhibition would not be appropriate.

- **Why a Design and Development Overlay (DDO) compared to a Development Plan Overlay (DPO)?** Monash City Council has concerns that a DPO does not allow for third party involvement in the planning process. With regards to Amendment C159 in its current form, it is considered that the DDO is the most appropriate tool to achieve the preferred outcomes for the site. It will ensure appropriate considerations are given to the design and built form of future development through a planning permit process. There has been significant work and effort that has gone into developing the Amendment to ensure that potential impacts on surrounding residents can be mitigated as best as possible through design.

## **APPENDIX A. COUNCIL FINAL POSITION ON MUZ2 AND DD016**

Documents include:

- Final version of Mixed Use Zone – Schedule 2
- Final version of Design and Development Overlay – Schedule 16.