

7.1.7 MONASH BOULEVARDS UDF IMPLEMENTATION PROPOSED AMENDMENT C172 - POST AUTHORISATION CHANGES

Responsible Manager:	Sean McNamee, Manager Strategic Planning
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council

1. Notes that prior to formally lodging the amendment request, officers discussed the amendment request and proposed planning controls in detail with officers of the Department of Transport and Planning throughout mid 2023 and the formal request was lodged in December 2023, having taken into account those discussions
2. Notes that by letter of 12 July 2024 the Minister for Planning has authorised the preparation of Amendment C172 subject to 13 conditions.
3. Notes that Conditions 1, 2 & 3 of the authorisation letter require the removal significant areas of the boulevards that fall within the Clayton, Glen Waverley and Monash SRL Station Precincts and removes the boulevard section along Princes Highway in the vicinity of Chadstone Shopping Centre due to a Victorian Planning Authority planning project currently underway.
4. Notes that Condition 4 of the authorisation letter requires the deletion of mandatory maximum height limit in the proposed Residential Growth Zone – Schedule 7. These locations are identified as key gateways in the Monash Boulevards Urban Design Strategy and are the intersections located at:
 - a) Dandenong Road and Huntingdale Road
 - b) Dandenong Road and Clayton Road; and
 - c) Waverley Road and Springvale Road.
5. Notes that the balance of the changes required by the conditions of the authorisation letter are as a result of conditions 1 through to 4 or administrative changes arising from the changes to the planning system since the amendment request was lodged in 2023.
6. Endorses the changes to Amendment C172 to the Monash Planning Scheme as outlined in this report to meet the authorisation conditions.
7. Authorises the Director City Development to finalise the amendment documentation for exhibition.
8. Exhibits Amendment C172 (as revised) in accordance with Section 19 of the Planning and Environment Act 1987.

INTRODUCTION

Amendment C172 proposed to implement the changes to the Monash Planning Scheme recommended by the Monash Boulevards Urban Design Framework (BUDF).

Council has received conditional authorisation to proceed with Amendment C172, however, the changes required by these conditions are significant and narrow the geographical extent of the amendment – excising areas large areas from the amendment, and not permitting mandatory heights to be applied as originally resolved.

There are 13 conditions, however, 8 of the conditions are administrative in nature and/or inconsequential because of other conditions or other amendments that have been approved since the request for authorisation was made.

This report provides recommendations on how to address the conditions.

The Letter of Authorisation from the Department of Transport and Planning (DTP) is included as Attachment 1.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.

Prioritise sustainable transport options, including walking/ cycling paths and public transport.

Enhanced Places

Improve public spaces and local employment by revitalising our employment hubs, activity centres and neighbourhood shops.

Prioritisation of pedestrians and active transport over vehicles.

Pursue a planning framework that meets Monash needs.

BACKGROUND

The BUDF was adopted by Council in December 2022 and in April 2023 Council resolved to seek authorisation from the Minister for Planning to prepare Amendment C172.

In the discussion section of the report, the scope of the amendment was to:

- Rezone land along the boulevards from the General Residential Zone 2 to the Residential Growth Zone (except for Precinct SR2 and the Key Development Site on Dandenong Road).
- Use three different schedules to the RGZ would be applied relating to the building heights in the BUDF (e.g. RGZ6 for 4 storey areas, RGZ7 for 6 storey areas and RGZ8 for 8 storey areas) – with mandatory heights, additional amenity considerations, design objectives and encouraging apartment developments as the preferred housing typology.
- Apply the GRZ3 to land along and near Lebanon Crescent as these properties do not have a frontage to Springvale Road, and rezone Crown Land at 1434A Dandenong Road to the Public Park and Recreation Zone as this is a reserve.
- Rezone the Key Development Site at 2277 Dandenong Road to the Mixed Use Zone.
- Apply the Design and Development Overlay to land proposed to be zoned RGZ and MUZ, covering the following design aspects:
 - Lot consolidation to achieve maximum heights.
 - Building design, detailing and landscaping.

- Car parking, building access and fences.
- Key outcomes for the Key Development Site
- ESD and liveability requirements, including readiness for EV charging and piped recycled water
- Including the BUDF as a background document
- New local policies to guide future development along the boulevards

Council officers drafted the amendment in line with the above scope, provided the amendment to DTP for pre-authorisation feedback and feedback was received in September 2023. Changes were then made, and the amendment was submitted for authorisation in December 2023. Due to legislative changes, DTP was required to formally refer the amendment to the Minister for the SRL. Conditional authorisation was then received in July 2024.

DISCUSSION

The authorisation of Amendment C172 enables Council as planning authority to exhibit the amendment subject to thirteen conditions, summarised as follows:

- **Conditions 1, 2 & 3:** Remove areas from the amendment (including the maps) that are subject to other strategic work being done by the State Government: Dandenong Road between Clayton Road and Blackburn Road, Springvale Road between Waverley Road and Madeline Street (Clayton, Monash and Glen Waverley SRL Precincts), and Dandenong Road between Poath Road and Warrigal Road (Activity Centres Program – Chadstone).
- **Condition 4:** Delete the mandatory maximum height in the proposed Residential Growth Zone 7 schedule – as it does not meet the criteria for use of a mandatory height control.
- **Condition 5:** Consequential and formatting changes to the proposed Design and Development Overlay – Schedule 6, and deleting the discretionary height limit of 11m up to 3 storeys from Area B (proposed RGZ7)
- **Conditions 6, 7 & 8:** Consequential changes to local planning policy following the deletion of Clauses 21 and 22 and reshuffling of local policies into Clauses 10-19 in Amendment C166, consequential changes to the Residential Character Map deleting areas excluded from the amendment.
- **Condition 9:** Listing the Monash BUDF as a background document in the schedule to Clause 72.08.
- **Conditions 10 & 11:** Updating the explanatory report to include consequential changes, improve clarity, and to explain how the proposed controls will achieve intensification of housing supply consistent with the Housing Strategy and state planning objectives, and the economic considerations of relying on lot consolidation to achieve increased building heights.
- **Condition 12:** Amend all relevant amendment documents, including the amendment description, because of the above conditions.
- **Condition 13:** Notify the SRLA of the amendment during exhibition.

Reducing the amendment area

Authorisation conditions 1 and 2 exclude 38% of residential properties on Dandenong Road from the amendment, and a further 8% of residential properties on Springvale Road (in addition to the 23% already excluded by not including SR2 in the amendment). These changes also remove all the proposed RGZ8 areas and most of the proposed RGZ7 areas.

However, despite this reduction, it is still important to implement the BUDF (and the Monash Housing Strategy) along the remaining residential areas of the two Boulevards. Officers will ensure that the reasons that the areas are not included in the amendment are clearly outlined during exhibition of the amendment.

The areas required to be removed are shown in Attachment 2.

Removing mandatory heights in RGZ

Authorisation condition 4 states:

“Delete the mandatory maximum building height from the proposed RGZ7 as it does not meet the criteria for use of a mandatory height control in accordance with Planning Practice Note 59 (PPN59).”

Due to Conditions 1 & 2, RGZ7 is now limited to some key gateway areas along both Boulevards (near the corner of Dandenong Road/Huntingdale Road, Dandenong Road/Clayton Road, Springvale Road/Waverley Road and Springvale Road/Ferntree Gully Road). The remaining areas included in the amendment are proposed for GRZ4, where mandatory heights of 4 storeys / 13.5m are retained.

The parent provision of the RGZ allows for a mandatory height to be specified in a schedule to the zone, fulfilling that requirement in PPN59. However, other criteria of PPN59 can be very widely interpreted. The areas immediately surrounding the proposed RGZ7 areas are within the General Residential Zone and limited to 3 storeys / 11 metres and only one of the areas is located within the context of an activity centre (Brandon Park – near Springvale and Ferntree Gully Roads).

Strategic justification

DTP are requiring further strategic justification for the amendment as the State Government’s draft housing targets have been released while authorisation of the amendment was being considered. The Monash Housing Strategy has directed housing change along both boulevards, and the BUDF has then established what that change should look like in the context of each location.

DTP has also questioned whether there are economic impacts in requiring lot consolidation to achieve greater heights. This is a broad, open-ended question and, in the view of officers, outweighed by the increased housing capacity benefits derived from lot consolidation. There are also other pressures on the housing market, and the potential economic impact on one low yield development form is outweighed by the important social and environmental outcomes that consolidated sites would achieve with greater access to communal open space, landscaping / deep

soil zones, daylight / solar access and reduced amenity impacts from the provision of wider side setbacks.

FINANCIAL IMPLICATIONS

The amendment is not likely to have any significant financial impact for Council. Costs to administer the amendment such as exhibition costs, statutory fees, and review by an independent planning panel (if required) can all be contained within current operating budget allocations.

POLICY IMPLICATIONS

The development of the Monash BUDF has considered and is consistent with a range of Council policies including, the Monash Housing Strategy 2014, Monash Urban Landscape and Canopy Vegetation Strategy 2018, and the Monash Integrated Transport Strategy 2017. The BUDF provides detailed policy guidance for increased housing provision along the two key boulevards of Dandenong Road / Princes Highway and Springvale Road.

Amendment C172 is implementing the adopted BUDF as best it can with the planning tools available.

CONSULTATION

Extensive community consultation was undertaken (in two stages) to prepare the Monash BUDF.

If the proposed changes are endorsed by Council, officers will finalise the revised amendment documentation and commence exhibition of the Amendment once the Department of Transport and Planning officers have approved the finalised documents. This process is anticipated to be finalised later in the year.

The exhibition would involve writing to all affected landowners and occupiers of residential land along Dandenong Road and Springvale Road, and adjoining land. A Shape Monash page will be developed to provide information about the amendment and to explain the parts excluded from the amendment. The page will also outline the ways people can make formal submissions and who to contact for more information. The exhibition period would be at least one month.

SOCIAL IMPLICATIONS

Amendment C172 seeks to facilitate housing growth and change along two wide boulevards, in accordance with the Monash Housing Strategy 2014, and specifically encouraging apartment developments. Increasing housing diversity in Monash will allow people to stay connected to their existing communities when young move out of home, or older residents transition into retirement.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

The authorisation conditions reduce the geographic scope of the amendment by removing areas where planning is being undertaken by other State Government agencies, remove the mandatory heights from the (limited) proposed RGZ7 areas, and makes consequential changes to the amendment and its documentation. In order to proceed with the amendment and commence exhibition, Council is required to comply with the authorisation conditions.

Should Council proceed with the amendment exhibition, a report to Council in early 2025 will provide for consideration of the submissions received as part of considering whether or not to continue to proceed with the Amendment.

It is recommended that Amendment C172 be amended as required by the conditions of authorisation.

ATTACHMENT LIST

1. Attachment 1 Letter of Authorisation for Amendment C172mona [7.1.7.1 - 4 pages]
2. Attachment 2 Boulevards Implementation Map Amendment C172 post authorisation [7.1.7.2 - 1 page]



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Dear Dr Diamond

AMENDMENT C172MONA – MONASH BOULEVARDS URBAN DESIGN FRAMEWORK

I refer to your council's application for authorisation to prepare an amendment to the Monash Planning Scheme. The amendment proposes to implement the Monash Boulevards Urban Design Framework (Tract, November 2022) by rezoning land, applying built form controls via the Design and Development Overlay and amending the planning policy framework.

Under delegation from the Minister for Planning, in accordance with section 8A of the *Planning and Environment Act 1987* (the Act), I authorise your council as planning authority to prepare the amendment subject to the following conditions:

Suburban Rail Loop and Activity Centre areas

1. Remove the following areas from the amendment as required by the Suburban Rail Loop Authority:
 - a. Dandenong Road – land between Clayton Road and Blackburn Road, Clayton;
and
 - b. Springvale Road – land between Waverley Road and Madeline Street, Glen Waverley.

It is noted that this results in the proposed RGZ8 and EAO being removed from the amendment and the revised maps (Version 5 dated 05/04/2024) and instruction sheet which have been submitted. The ordinance and explanatory report must be updated accordingly.

2. Remove the area along Dandenong Road between Warrigal Road and Poath Road/Chadstone Road, Hughesdale from the amendment. This land forms part of work currently being undertaken by the State Government for the Chadstone Activity Centre.

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Transport and Planning, GPO Box 3292, East Melbourne, Victoria 3001.



Maps

3. Update all relevant maps (Version 5 dated 05/04/2024) to remove the areas required by condition 2.

Ordinance

4. Delete the mandatory maximum building height from the proposed RGZ7 as it does not meet the criteria for use of a mandatory height control in accordance with Planning Practice Note 59 (PPN59).
5. Update the DDO6 as follows:
 - a. Delete Area C and all references to Area C/RGZ8 as a result of condition 1.
 - b. Delete the discretionary height limit of 11m up to 3 storeys from Area B which applies to the RGZ7. Planning Practice Note 91 (PPN1) states that a maximum building height lower than the maximum building height specified in a residential zone can only be implemented by using an overlay to recognise a special neighbourhood, heritage, environmental, and landscape value or constraint.
 - c. Increase the size of the diagrams to improve readability.
 - d. Address the comments provided in the DTP markup.
 - e. Remove the decision guideline "Whether the development is consistent with the Monash Boulevards Urban Design Framework (City of Monash, November 2022)". In accordance with the Practitioners Guide, a decision guideline should not refer to a background document.
6. Remove Clause 22.01 from the amendment due to the gazettal of Amendment C166mona which implemented the Planning Policy Framework.
7. The changes proposed to Clause 22.01 (Residential character and development policy) must instead be made to the relevant clauses in the Planning Policy Framework (PPF).
8. Update the amended Residential Character Map, which was proposed for inclusion at Clause 22.01 to:
 - a. Remove the areas in conditions 1 and 2, and Precinct SR2 from the Boulevards UDF, which do not form part of the amendment from the 'Monash Boulevards' category. These areas should be white (no category) as they are subject to other strategic work underway.
 - b. Update 'Refer to Clause 22.14' to the relevant PPF clause(s).
9. Consider listing the Monash Boulevards Urban Design Framework (Tract, November 2022) as a background document in the Schedule to Clause 72.08, noting that where a background document is directly related to a policy in clauses 10 to 19 it may be referenced in that specific policy, as well as the schedule to clause 72.08.

Strategic justification

10. Update the explanatory report to explain how the proposed controls will achieve intensification of housing supply consistent with council's housing strategy and state planning objectives. This should include economic considerations of relying on lot consolidation to achieve increased building heights and density and the economic incentive for lot consolidation.

Other

11. Make corrections and updates to the explanatory report identified in the DTP track changes version of the document and ensure that the addresses and relevant maps in the mapping reference table are correct.
12. Amend all relevant amendment documents, including the amendment description, as a result of the above conditions of authorisation.
13. The Suburban Rail Loop Authority must be notified of the amendment during exhibition.

The council is encouraged to consider the following matters:

Plan Melbourne update

As your council is aware, the Victorian Government is updating the current Metropolitan Strategy, *Plan Melbourne 2017-2050* and expanding it to include the whole state. A new plan for Victoria will set into action what our state will look like over coming decades. It'll focus on delivering more homes near transport, job opportunities and essential services in vibrant, liveable, and sustainable neighbourhoods. Should the new plan for Victoria be finalised while the proposed amendment is progressed, your council will need to respond to any new or revised policies or direction relevant to the proposed amendment.

Proposed GRZ4

In light of the above conditions of authorisation and having regard to the principles in PPN91 which provides that the General Residential Zone should be applied to areas where housing development of three storeys exists or is planned for, the council should consider whether the opportunity to streamline the proposed controls through a single RGZ and simplified DDO may allow for a more efficient way to achieve the planning outcomes sought for the area through the Urban Design Framework. DTP officers would be happy to discuss this further with council officers.

Schedule numbering

The council should consider changing the schedule number of proposed RGZ7 to RGZ6 to avoid a schedule number gap in the scheme.

The amendment must be submitted to the Minister for approval.

The authorisation to prepare the amendment is not an indication of whether or not the amendment will ultimately be supported.

Please note that [Ministerial Direction No. 15](#) sets times for completing steps in the planning scheme amendment process. This includes council:

- giving notice of the amendment within 40 business days of receiving authorisation; and
- before notice of the amendment is given, setting Directions Hearing and Panel Hearing dates with the agreement of Planning Panels Victoria. These dates should be included in the Explanatory Report.

The Direction also sets out times for subsequent steps of the process following exhibition of the amendment.

The Minister may grant an exemption from requirements of this Direction. Each exemption request will be considered on its merits. Circumstances in which an exemption may be appropriate are outlined in [Advisory Note 48: Ministerial Direction No.15 – the planning scheme amendment process](#).

In accordance with sections 17(3) and (4) of the Act, the amendment must be submitted to the Minister **at least 10 business days** before council first gives notice of the amendment.

Please submit the amendment electronically using the Amendment Tracking System (ATS).

If you would like further information, please contact Donnie Lussier, Senior Planner, Department of Transport and Planning, via email donnie.lussier@transport.vic.gov.au.

Yours sincerely



Alex Antoniadis
Acting Manager, State Planning Services

12/07/2024

BOULEVARDS URBAN DESIGN FRAMEWORK - IMPLEMENTATION APPROACH IN AMENDMENT C172

ADJUSTED FOR AUTHORISATION CONDITIONS

