

**From:** [Laura A Miles \(DELWP\)](#)  
**To:** [Andre Schmid](#)  
**Subject:** RE: Monash Replacement Clause 21.10 - Open Space  
**Date:** Wednesday, 6 March 2019 2:38:36 PM  
**Attachments:** [image001.png](#)  
[image002.gif](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[image006.gif](#)  
[image007.png](#)

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Hi Andre

Thanks for sending through the docs for the proposed C143 (TBC) rezoning.

While the rezoning to MUZ and the proposed future use of the site looks appropriate, we don't believe that the DDO is the correct tool to achieve the outcomes sought. The Development Plan Overlay is a more suitable tool, as it allows a coordinated approach to the precinct and provides consistency given the land is in two ownerships.

Where a DPO will have the effect of guiding both land use and built form on the site, where a DDO can only relate to built form.

In fact the DDO reads a bit like a DPO schedule so wouldn't need much to convert it over. I'm more than happy to help out if required. Note that we may not be able to support a DDO at authorisation stage.

Please don't hesitate to give me a call if you have any questions.

Kind regards

Laura

**Laura Miles | Senior Planner | Statutory Planning Services**  
**Planning** | Department of Environment, Land, Water & Planning  
Level 8, 8 Nicholson Street, East Melbourne 3002  
T: 03 8392 5434 M: 0418 902 374 | E: [laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)



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**From:** Andre Schmid <Andre.Schmid@monash.vic.gov.au>  
**Sent:** Wednesday, 20 February 2019 12:11 PM  
**To:** Laura A Miles (DELWP) <laura.miles@delwp.vic.gov.au>  
**Subject:** RE: Monash Replacement Clause 21.10 - Open Space

Hi Laura,

Thank you again for providing the advice. I have made changes to both the new Clause 22.15 and new (updated) MSS Clause 21.15 to reflect your comments. I have attached these for your information and I will be submitting these and the remainder of the amendment documentation for authorisation later today as C148. I note that both these Clauses have still been written to comply with the current Planning Scheme requirements and templates, but have also been written in a way that will allow transfer to the new format, or have detail removed.

I would also like to get your advice on another proposed amendment that I mentioned at our meeting a couple of weeks ago. This relates to Amendment C143 (or the appropriate number through the ATS), which is proposing the following:

- Introduces Schedule 2 of the Mixed Use Zone to the Monash Planning Scheme.
- Rezones the land at 1 Jacksons Road, Mulgrave, and, 634-648 Wellington Road, Mulgrave from Commercial 2 to the Mixed Use Zone Schedule 2. [*part former Bodyshop and part former Office Max sites*]
- Applies the Environmental Audit Overlay over the land at 1 Jacksons Road, Mulgrave, and, 634-648 Wellington Road, Mulgrave.
- Introduces Schedule 16 of the Design and Development Overlay to the Monash Planning Scheme.
- Applies the Design and Development Overlay Schedule 16 over the land at 1 Jacksons Road, Mulgrave, and, 634-648 Wellington Road, Mulgrave.

We have been working with the proponent for a number of years to get to this position and we are intending to get Council endorsement to seek authorisation at the 30 April Council meeting. I have attached the details of new Schedule 2 to Clause 43.02, new Schedule 16 to Clause 43.02, the Explanatory Report and the Rezoning Report. Please can you provide any preliminary advice.

Lastly, on another matter relating to the ATS, Aaron noticed this morning that a new amendment he created was as C153. The previous amendment that we created was as C149, but there are missing amendment numbers of C150-C152. Is there a reason why this is the case and are there potential amendments that we do not yet know about?

Please give me a call if you need any clarification on the above matters.

Many thanks  
André

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**From:** Laura A Miles (DELWP) <[laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)>  
**Sent:** Tuesday, 19 February 2019 2:50 PM  
**To:** Andre Schmid <[Andre.Schmid@monash.vic.gov.au](mailto:Andre.Schmid@monash.vic.gov.au)>  
**Subject:** RE: Monash Replacement Clause 21.10 - Open Space

**From:** [Laura A Miles \(DELWP\)](#)  
**To:** [Andre Schmid](#)  
**Cc:** [Adam Henson \(DELWP\)](#); [Sherry Hopkins](#); [Sean McNamee](#)  
**Subject:** Draft DDO16 - DELWP feedback  
**Date:** Wednesday, 27 March 2019 12:09:15 PM  
**Attachments:** [image001.png](#)  
[image002.gif](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[image006.gif](#)  
[2. Schedule 16 to Clause 43.02 \(Adam and Laura markup\).docx](#)

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Hi Andre and Sherry

My apologies for getting this back a bit later than intended, but please find attached a version that Adam and I have worked on. We have tried to pare it down to clear built form and siting requirements, among other things. I apologise that it isn't in track changes but it got a bit cumbersome so this is a fresh version. The main things we have done and/or recommend are:

- Updated the schedule to be in accordance with the updated ministerial direction on form and content
- Clarified the heights, setbacks and building separations into tables, removing most diagrams
- Deleted decision guidelines because the head provision already includes a decision guideline to consider the objectives of the clause, where your decision guidelines tended to be captured
- Removal of anything to do with staging as this cannot be managed by a DDO
- Removal of anything directing land use as this cannot be managed by a DDO
- Recommend Maps 1 and 2 to be migrated into a single map. All setbacks from the map should be removed so the map will only show the sub-precincts and the trees.
- Removed the development outcomes as these tended to be captured elsewhere
- Changed some wording for clarity and to be consistent with MD wording
- Some parts of the document are highlighted in yellow – Adam has questioned whether those parts are necessary, and there is also a comment about the permeability to look at.

We're more than happy to chat about any of the updates.

Also with regard to the open space authorisation – we are hoping to be able to sort that out soon.

Cheers

Laura

**Laura Miles | Senior Planner | Statutory Planning Services**  
**Planning** | Department of Environment, Land, Water & Planning  
Level 8, 8 Nicholson Street, East Melbourne 3002  
T: 03 8392 5434 M: 0418 902 374 | E: [laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)



--/2019  
C143

## SCHEDULE 16 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO16**.

### 1 JACKSONS ROAD AND 634-648 WELLINGTON ROAD, MULGRAVE – URBAN RENEWAL PRECINCT

#### 1.0 Design objectives

--/2019  
C143

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

To ensure that site planning delivers high quality interfaces with adjoining properties and provides quality private, communal and public realms within the precinct.

To ensure adequate separation between buildings to promote views across and through the site.

To ensure landscape design enhances the new character of the precinct and integrates the development with its surrounding context including the retention and ongoing health of the precinct's high value trees.

To ensure development provides a high standard of internal and external amenity for those living and working in, or visiting the precinct including the provision of adequate open space.

#### 2.0 Buildings and works

--/2019  
C143

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

##### Building height

The maximum building height must not exceed the maximum height specified in Table 1. A permit may not be granted to vary this requirement.

The maximum building height excludes rooftop services which should be hidden from view from any adjoining public space or designed as architectural roof top features. Roof top services include, but are not limited to; plant rooms, air conditioning units, lift overruns and roof mounted equipment.

**Table 1 to the Schedule to Clause 43.02.**

Precinct	Building height
A	13.5m, 4 storeys
B	13.5m, 4 storeys
C	13.5m, 4 storeys
D	22m, 6 storeys

##### Setbacks

Walls of buildings should be set back according to the distances specified in Table 2. An application to vary a setback must demonstrate how the development will continue to achieve the design objectives of this schedule.

**Table 2 to the Schedule to Clause 43.02.**

Setback from Wellington Road	Setback from Jacksons Road	Setback from properties adjoining the precinct
10m	7.6m	3m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1

		metre for every metre of height over 6.9m
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**Separation of buildings within the precinct**

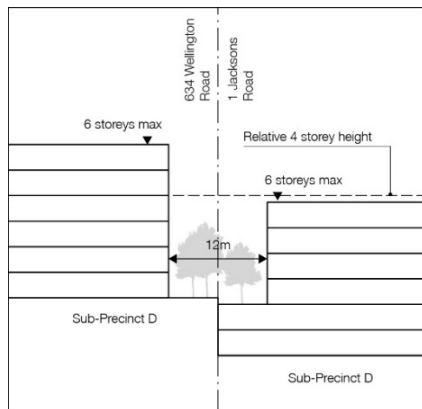
Buildings constructed within the precinct should be separated from each other by the distances set out in Table 3.

**Table 2 to the Schedule to Clause 43.02.**

Development context	Separation distance
A building of 4 storeys or less adjacent to: <ul style="list-style-type: none"> <li>a building of 4 storeys or less</li> <li>a building of between 5 and 6 storeys</li> </ul>	12m
A building of between 5 and 6 storeys adjacent to a building of between 5 and 6 storeys	12m for the part of the building up to 4 storeys. 18m for the upper part of the building above 4 storeys.

Where the topography of the land means that a five to six storey building presents as four or fewer stories to the adjoining building, the separation is calculated according to its relative height as shown in Diagram 1.

**Diagram 1 to the Schedule to Clause 43.02.**



**Building form and design**

Building form should consider the variable site topography and its impact on longer distance views to the Dandenong Ranges both from other development (existing and future) within the precinct and from abutting residential properties.

Building design should moderate visual bulk by managing building height, length and breadth, building spacing, composition, high quality architectural details and materiality.

Building design should account for equitable access to daylight and outlook and be designed to comply with relevant Better Apartment Design Standards.

Buildings should utilise materials that do not generate glare and to minimise the reflectivity on traffic.

Buildings should be designed to engage with their setting, including existing and proposed vehicle and pedestrian accessways, existing and proposed development, retained trees and proposed landscaping.

Developments must be designed to ensure limited visibility of car parking areas and loading bays from Jackson Road and Wellington Road. Car parking, turning areas or other hard stand areas should be located away from primary internal accessways.

Utility areas such as waste and recycling areas and services including antennas, air-conditioning units, electrical substations and firefighting equipment should be located to

minimise their visual impact, particularly to streets and public areas whilst remaining compliant with service provider requirements.

### **Circulation and access**

The design and siting of buildings and works should demonstrate a high degree of pedestrian/ cyclist/ vehicle permeability.

Primary vehicle access for the eastern and central parts of the precinct (1 Jacksons Road) should be from Jacksons Road.

Primary vehicle access for the western part of the precinct (634 Wellington Road) should be from Wellington Road.

Pedestrian linkages should be provided to connect all parts of the precinct.

### **Landscaping**

Existing high value trees shown in Map 1 in the precinct map should be retained and protected.

Development should incorporate new canopy trees with a mature height of 20 metres or more.

Canopy trees should be located within the street setbacks.

New landscaping should incorporate a mix of low, medium and high canopy species, and offer seasonal variation and colour.

### **3.0**

--/2019  
C143

#### **Subdivision**

None specified.

### **4.0**

--/2019  
C143

#### **Signs**

None specified.

### **5.0**

--/2019  
C143

#### **Application requirements**

An application as part of any planning permit application must include the following information to the satisfaction of the responsible authority:

- A site layout plan including pedestrian, bicycle and vehicle networks;
- Landscaping plan for the entire precinct showing high value tree retention and open space provision.

### **6.0**

--/2019  
C143

#### **Decision guidelines**

None specified.

**Map 1**

**1 JACKSONS ROAD AND 634 WELLINGTON ROAD, MULGRAVE – Site Conditions**



**LEGEND**

- - - - Site boundary
- ↔ Existing access point (left-in/left-out)
- Existing high-value trees

Tree No.	Species	Common Name
1	<i>Quercus bicolor</i>	Swamp White Oak
2	<i>Corymbia maculata</i>	Spotted Gum
3	<i>Eucalyptus bicostata</i>	Victorian Blue Gum
4	<i>Quercus canariensis</i>	Algerian Oak
5	<i>Quercus canariensis</i>	Algerian Oak

**Map 2**



**1 JACKSONS ROAD AND 634 WELLINGTON ROAD, MULGRAVE – Sub-Precinct Areas**



**LEGEND**

- Site boundary
- - - Setback
- Sub-Precinct A
- Sub-Precinct B
- Sub-Precinct C
- Sub-Precinct D
- Setback Area
- Landscaped Setback Area

**From:** [Laura A Miles \(DELWP\)](#)  
**To:** [Sherry Hopkins](#)  
**Cc:** [Andre Schmid](#); [Sean McNamee](#)  
**Subject:** RE: Draft DDO16 - DELWP feedback  
**Date:** Monday, 1 April 2019 4:23:13 PM  
**Attachments:** [image002.png](#)  
[image003.gif](#)  
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[image005.gif](#)  
[image006.gif](#)  
[image007.gif](#)  
[image008.png](#)

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Thanks Sherry, we will keep an eye out for the authorisation.

Re. the min direction, it was minor things such as the lead in text (shown in blue in the direction) and new/updated section headings.

Cheers

Laura

**Laura Miles | Senior Planner | Statutory Planning Services**  
**Planning** | Department of Environment, Land, Water & Planning  
Level 8, 8 Nicholson Street, East Melbourne 3002  
T: 03 8392 5434 M: 0418 902 374 | E: [laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)



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**From:** Sherry Hopkins <[Sherry.Hopkins@monash.vic.gov.au](mailto:Sherry.Hopkins@monash.vic.gov.au)>  
**Sent:** Monday, 1 April 2019 10:44 AM  
**To:** Laura A Miles (DELWP) <[laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)>  
**Cc:** Andre Schmid <[Andre.Schmid@monash.vic.gov.au](mailto:Andre.Schmid@monash.vic.gov.au)>; Sean McNamee <[Sean.McNamee@monash.vic.gov.au](mailto:Sean.McNamee@monash.vic.gov.au)>  
**Subject:** RE: Draft DDO16 - DELWP feedback

Hi Laura,

Thank you for providing the additional detail to us. Andre, Sean and I have discussed your feedback and provide the following response:

- Overall it is acknowledged that there is a need to respond to the Ministerial Direction and reduce the detail of the DDOs going forward.
- Some of the recommended changes that you have made go a bit too far in terms of the outcomes that we are seeking to achieve for proposed DDO16. We have spent almost two years fine tuning the DDO with the proponents in order to prepare a Clause that can be supported by our Councillors and that clearly demonstrates proposed outcomes to neighbouring residents. Experience has shown through the Statutory Planning process

that a level of detail, and sometimes reiterated, is required in a DDO to ensure the best outcomes for future development are achieved.

- Having said this we accept most of your comments and have made changes accordingly.
- Ministerial Direction Form and Content - what specifically did not comply with the ministerial direction in the earlier draft?
- Staging and land use - All detail relating to staging or land use has been removed. Application requirements for a site plan have been included in the proposed Schedule 2 to the Mixed Use Zone.
- Decision Guidelines - We take your point on this. At the same time however, we note that in the VPP DDO template this still shows a section that allows for decision guidelines. If there are none to include the DDO can state “none specified”. We are concerned that “none specified” will be confusing for the community and may imply there are no decision guidelines included at all.
- In regards to the heights, setbacks and building separation and development outcomes, we feel that the changes you suggest lose clarity of what we are seeking in each of the precincts, and potentially result in ambiguity. Also, the diagrams and the map (for separation distances) are included so it is very clear to the community, the outcomes we are trying to achieve and how impacts on them can be managed. It is noted that Monash has a diverse and growing community that for many English is not the first language. We feel that the illustrations are the clearest and easiest to understand method to set out what the development outcomes are. This also takes the Glen Waverley DDO as an example and which you suggested as a model DDO structure and layout.
- Have consolidated some of the repetition in Table 1 combining Sub-Precincts A and B.
- Consolidation of Maps 1 and 2 - we will request the proponents to combine these two maps .
- Yellow highlighted points. We have removed detail that is repetitive or considered elsewhere . Also changed the wording of the permeability from “demonstrate” to “promote” .

The above justification will also be provided in authorisation documentation submitted, should Council resolve to seek authorisation.

Regards

**Sherry Hopkins**

**Coordinator Strategic Planning**

**Email:** [Sherry.Hopkins@monash.vic.gov.au](mailto:Sherry.Hopkins@monash.vic.gov.au)

**Phone:** 03 9518 3071

**Mobile:** 0466 448 265

**Fax:** (03) 9518 3444



**National Relay Service:** 1800 555 660

293 Springvale Road, Glen Waverley, VIC 3150

[www.monash.vic.gov.au](http://www.monash.vic.gov.au)

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**From:** Laura A Miles (DELWP) <[laura.miles@delwp.vic.gov.au](mailto:laura.miles@delwp.vic.gov.au)>  
**Sent:** Wednesday, 27 March 2019 12:06 PM  
**To:** Andre Schmid <[Andre.Schmid@monash.vic.gov.au](mailto:Andre.Schmid@monash.vic.gov.au)>  
**Cc:** Adam Henson (DELWP) <[adam.henson@delwp.vic.gov.au](mailto:adam.henson@delwp.vic.gov.au)>; Sherry Hopkins <[Sherry.Hopkins@monash.vic.gov.au](mailto:Sherry.Hopkins@monash.vic.gov.au)>; Sean McNamee <[Sean.McNamee@monash.vic.gov.au](mailto:Sean.McNamee@monash.vic.gov.au)>  
**Subject:** Draft DDO16 - DELWP feedback

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