

## 7.1.4 AMENDMENT C167 MOUNT WAVERLEY STRUCTURE PLAN - ADOPTION

<b>Responsible Manager:</b>	Sean McNamee, Manager Strategic Planning
<b>Responsible Director:</b>	Peter Panagakos, Director City Development

### RECOMMENDATION

**That Council:**

- 1. Notes and receives the Panel report for Monash Planning Scheme Amendment C167 at Attachment 1.**
- 2. Having considered the Panel report under s 27 of the Planning and Environment Act 1987 (Act), adopts Amendment C167 to the Monash Planning Scheme in accordance with s 29 (1) of the Act with the changes set out in Attachments 2 and 3 to this report.**
- 3. Authorises officers to submit the adopted Amendment C167 in accordance with this report to the Minister for Planning for approval in accordance with s 31(1) of the Act.**
- 4. Writes to all submitters advising of this decision.**

### INTRODUCTION

The purpose of this report is to:

- Consider the recommendations of the Planning Panel Report for Monash Planning Scheme Amendment C167 which proposes to implement the planning scheme recommendations of the Mount Waverley Structure Plan 2021; and
- Recommend that Council adopt Amendment C167 with changes outlined in this report and submit the Amendment to the Minister for Planning for approval.

### COUNCIL PLAN STRATEGIC OBJECTIVES

#### **Sustainable City**

Ensure an economically, socially, and environmentally sustainable municipality.

#### **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

Planning Scheme Amendment C167 proposes to implement the planning scheme recommendations of the Mount Waverley Structure Plan (MWSP).

The adopted MWSP provides for planned growth for the activity centre, at a scale and intensity that complements its role in the hierarchy of centres across Monash, whilst maintaining the village feel of the centre, particularly the central fine-grain areas around Hamilton Place.

The changes proposed by Amendment C167 are:

- Amending clause 21.06 - Activity Centres.
- Introducing a new local policy at clause 22.16 - Mount Waverley Activity Centre.
- Rezoning commercially used land in the Activity Centre to the Commercial 1 Zone (C1Z), most notably the southern carparks between Virginia Street and Winbourne Avenue.
- Applying a new Design and Development Overlay Schedule 17 (DDO17) to all commercial land in the Activity Centre, including the application of preferred height limits.
- Rezoning land around the Mount Waverley Activity Centre, currently in the General Residential Zone – Schedule 2 (GRZ2) to the General Residential Zone Schedule 11 (GRZ11) and General Residential Zone Schedule 13 (GRZ13).
- Rezoning land around Sherwood Park from the current General Residential Zone Schedule 3 (GRZ3) to the Neighbourhood Residential Zone Schedule 5 (NRZ5).
- Making changes to the Design and Development Overlay Schedule 3 (DDO3) that applies to residential land surrounding Sherwood Park.

The amendment was exhibited from 9 June 2023 to 4 August 2023.

A total of 21 submissions were received to the amendment, including two late submissions.

On 26 September 2023, Council resolved to request the Minister for Planning appoint an independent planning panel to consider Amendment C167 and endorsed a number of changes to the amendment to support at the panel.

## DISCUSSION

The Panel held hearings between 30 November 2023 and 7 December 2023. The hearing was held in person and streamed via Microsoft Teams.

Only three parties requested to be heard at the hearing.

These were:

- Woolworths Pty Ltd.
- Ritchies IGA, tenant of 275-283 Stephenson's Road Mount Waverley.
- The owner of 275-283 Stephenson's Road Mount Waverley.

As such the key matters at the hearing related to floorspace and building design and form, specifically:

- The maximum preferred height of the IGA site, 275-283 Stephenson's Road.
- The concept of the pedestrian spine, particularly in the area south of Winbourne Road.
- Activation of buildings, particularly how building walls along footpaths should be treated, and the extent of blank walls allowable facing car parks or roads.
- Overshadowing of public areas.

It should be noted that no submitters or any of the four experts called at the hearing raised any fundamental issues with the amendment or sought to have the amendment abandoned. All

experts broadly supported the MWSP whilst advocating for changes that generally were beneficial to their clients.

The full panel report is included as **Attachment 1** to this report.

Panel reports are an independent review of the strategic alignment of the amendment with State Policy and an assessment of the overall merits of an amendment. Although panels are appointed by the Minister for Planning, unlike a VCAT decision on a planning permit application, their recommendations are not binding on Councils or the Minister.

Councils are required to consider the recommendation of the Panel when determining the next steps for a proposed amendment. Panel recommendations can be accepted in total, in part or rejected.

Where a Council does not accept all or part of the Panel's recommendation, clear rationale for doing so is required to be provided when the amendment is submitted.

**Attachment 2** contains all amendment documents showing proposed changes when compared the exhibited amendment.

**Attachment 3** is a complete version of the final recommended amendment as a clean version without changes shown.

### **Panel Report - Overall**

Overall, the Panel found that the amendment was strategically justified, particularly the increase in Commercial 1 Zone land in the activity centre.

The Panel found that a key objective of the Amendment was for future development to maintain the human scale of the centre and views to the sky, the "village character", but that it was unnecessary to replicate the existing low profile of buildings to continue the village feel or character.

The Panel also found that the planning policy framework proposed for the Mount Waverley Major Activity Centre (MWMAC) by the Amendment provided sufficient capacity to meet forecast demand for new housing demand, and in fact provides the potential for more than forecasts.

An issue raised by Ritchies IGA was whether additional Commercial 1 Zone (C1Z) land was required, and whether supermarket floorspace should be capped or the number of supermarkets limited. The Panel found that the C1Z rezonings were appropriate, the MWMAC is underprovided with supermarket floorspace, and there is no basis for capping supermarket floorspace or the number of supermarkets.

The Panel found that overall, the building heights proposed were appropriate for a Major Activity Centre. However, in response to submissions, the Panel took the view that there was one exception to this being the 5-storey height limit proposed for the current IGA site at 275-283 Stephenson's Road.

The Panel also recommended that the proposed pedestrian spine should be included in the Monash Planning Scheme north of Virginia Street, but not to the south (linking to Sherwood Park) as it is not sufficiently resolved to warrant recognition as part of the principal pedestrian network.

### **Panel Report - Recommendations**

The panel report makes recommendations across 3 parts of the Amendment:

- Design and Development Overlay changes – built form controls.
- Policy areas of the planning scheme
- Minor consequential changes should the Amendment be approved.

The detail of these recommendations is discussed thematically below.

Panel recommendations are in *italics*.

### **Design and Development Overlay - Built form controls.**

The most contentious issues at the Panel hearing were those around built form controls and urban design outcomes contained in the proposed Design and Development Overlay – Schedule 17.

### **Building Heights – Panel recommendations**

*Increase the preferred height for land at 275-283 Stephenson's Road, Mount Waverley from 18.5 metres to 29 metres.*

The panel recommended increasing the maximum height from 5 storeys to 8 storeys on the IGA site.

### **Officer comments**

Mount Waverley, Glen Waverley, Brandon Park, Oakleigh and Clayton are all classified by Plan Melbourne as Major Activity Centres. However, in the context of Monash, Glen Waverley, Clayton and Oakleigh all service larger catchments, and are expected and planned to have a much higher level of population growth and activity when compared to Mount Waverley.

The MAC's in Monash are generally facilitating a higher level of intensification than is generally supported across the south-eastern region of Melbourne, and while Mount Waverley is supporting a lower level of intensification than our other MAC's. Consequently, 5 storeys is still a substantial height in the local and regional context. Particularly as it effectively provides for substantial four-fold increase in building heights and floorspace from what is currently provided in the centre. Whilst the original draft Mount Waverley Structure Plan in WSP 2020 was exhibited with an 8 storey maximum height for this site, however further investigation was undertaken following the public exhibition of the draft structure plan.

Consequently, the Mount Waverley Structure Plan was amended, and the height was reduced to 5 storeys in order to retain a consistent height along Stephenson's Road, reduce overshadowing, particularly over the main entrance to the centre, and to reduce the visual dominance of any building on an island site that is the IGA at 275-283 Stephenson's Road.

Council adopted a 5 storey height limit to the IGA site, and the amendment was prepared and exhibited with a 5 storey height limit, reflecting the intent and direction of the structure plan. This issue was discussed at Panel.

Over the course of the panel hearing there was considerable discussion about the appropriate height for the IGA site, particularly in response to the potential overshadowing issues on the Hamilton Place car park and entry area. As part of these discussion both independent experts agreed that eight storeys could be accommodated on the site without inappropriate

overshadowing of the public areas of the Activity Centre. There were some variances in what was required to achieve 8 storeys on the site, subject to structure planning for the site and Council's carpark or requiring further building setbacks above five storeys.

The Panel accepted the proposition that of increased height on the IGA site recommended building heights for this site of 29 metres (or 8 storeys). However, it should be noted that the focus of discussions at the hearing however was predominantly on the impacts of overshadowing of public areas, rather than the potential impact of higher 8 storey development of an island site siting in its broader context of Mount Waverley as a MAC, and the 5 storey height limit of all other site along Stephenson's Road.

#### Officer recommendation

Officers are of the view that overshadowing of the car park area is only a minor issue in terms of establishing an appropriate height limit for the IGA site. Of greater importance is the prominence of the location, as an island site along Stephenson's Road and located centrally in the Activity Centre. The application of an 8 storey height limit in this location is inconsistent with the adopted Structure Plan and would be out of context with the balance of the Activity Centre and the 5 storey urban form proposed along Stephenson's Road.

The recommendation of the Panel to increase the preferred height for land at 275-283 Stephenson's Road to 29 metres (or 8 storeys) is not supported.

#### *Express preferred building heights only in metres*

#### Officer comments

Building heights in the Amendment were expressed in both storeys and metres. Building heights in planning schemes are traditionally expressed as both metres and storeys. The inclusion of height as the number of storeys provides a broader understanding of the height expected through the planning controls and is particularly helpful for the community and applicants understanding potential development outcomes.

In this instance the Panel has recommended just applying metres in order to remove ambiguity and provide greater clarity. This change is essential one of drafting conventions and has no practical effect on the outcomes of the Amendment.

#### Officer recommendation

This proposed change is accepted.

*Replace the requirement for floor to floor heights at each level with "Buildings should have a minimum floor to floor dimensions of 4.2 metres at ground floor"*

#### Officer comments

The Amendment as exhibited change encompasses two components. Firstly, removing the range when referring to minimum, and secondly removing minimum floor to floor heights for upper levels.

Historically, these floor to ceiling ranges were included to ensure appropriate amenity and daylight provision in apartments. However, with the introduction of apartment standards setting out minimum floor to ceiling heights this requirement can be removed from the Amendment.

#### Officer recommendation

These changes are accepted.

#### **Interface and urban design issues**

*Replace the primary and secondary active frontage requirements with:*

*“Development should maximise use of clear glazing at ground level adjacent to a primary active frontage on Figure 1. Development should use clear glazing at ground level adjacent to a secondary active frontage on Figure 1 where practical”.*

#### Officer comment

As noted throughout the Mount Waverley Structure Plan and the Amendment, one of the key objectives is the maintenance of the village feel and accompanying human scale.

To this end, the built form controls of the amendment contain the following requirements for new buildings:

- Development on sites identified with a primary active street frontage in Figure1 to this schedule should utilise permeable and transparent façade treatments and provide for active, customer focused uses at ground level of all primary frontages.
- Development on sites identified with a secondary active street frontage in figure1 to this schedule should contribute to activation of the street at ground level of all secondary frontages.

The Panel recommends deleting those detailed design requirements and replacing them a generic “clear glazing” requirement.

Whilst clear glazing is a key component of activation, limiting design activation requirements to just glazing is bad urban design and will more than likely lead to poor community outcomes not meet the overall objectives of the “village feel” of the Structure Plan.

Activation also includes doorways, accessways and openings, particularly pedestrian entrances, as well as weather protection, effectively encouraging people movement and interaction between both sides of the frontage. The detailed design elements encourage a sense of community safety, engagement and ownership of place. Simply adding a continuous glazed façade does not address this objective. On larger sites, such as the IGA site it would likely result in a “big box” approach to development on the site, akin to a Dan Murphys or Harvey Norman style design response.

While windows are required, good activation outcomes are also often achieved with prominent and detailed building forms, and smaller glazing openings. This is particularly evident in Hamilton Place where the shop fronts themselves encourage and create activation and in older buildings where vertical columns or tiled upper and lower sections form a feature of the building. Maximising glazing can lead to many of these features being lost.

### Officer recommendation

Officers do not support changes as proposed by the Panel. Rather a modification of the exhibited wording is proposed:

*Development should maximise activation and create opportunities for street-based interaction through methods such as clear glazing, maintaining views into and out of buildings, pedestrian entrances, human scale building detail and weather protection, such as eaves, verandahs or other appropriate forms of shelter to at ground level adjacent to all primary active frontages identified on Figure 1.*

*Development should use clear glazing, create opportunities for street-based interaction maintaining views into and out of buildings, and/or pedestrian entrances at ground level adjacent to a secondary active frontage on Figure 1.*

The revised wording is similar to the Panel recommendation but shifts the emphasis from maximising the amount of glazing, to detailed design for maximising activation and street interaction as well as providing guidance on how this can be achieved.

### *Retention and planting of canopy trees on development sites*

The Panel recommended the deletion of the planning requirements for the retention and planting of canopy trees and replacing these requirements with a decision guideline.

### Officer comment

The Panel concluded:

- The proposed requirement to retain existing trees or plant new trees is impractical in areas designated for intensification.
- The requirement should be redrafted as a decision guideline.

The Panel has recommended the removal of the requirements relating to canopy trees and the requirements drafted to retain canopy trees or plant replacement canopy trees in the Virginia Street car park as part of the Council resolution of 26 September 2023.

The Panel has proposed inserting the following decision guideline:

*Whether development retains existing canopy trees or provides for the establishment of new canopy trees.*

The recommended provision removes canopy tree retention as a requirement and makes it a permit consideration. The Panels recommended provision also expands its application significantly from just significant trees and the Virginia Street car park to the whole of the commercial area.

It should be noted that the landscaping and amenity issues in the surrounding residential area of the activity centre remain as proposed.

### Officer recommendation

Whilst the removal of the landscaping requirements is disappointing, the Panels view is that as commercially zoned land development should effectively have a zero front setback – removing the opportunity for landscaping in most cases.

The Panel has left opportunity for landscaping to be considered but on an individual case by case basis as development permits are lodged.

Council will still have opportunities to manage landscaping in the public realm, and land that Council owns in the Virginia Street car park.

As such it is recommend that this proposed change be accepted.

*Removal of overshadowing requirements, and replacement with a decision guideline in the DDO17*

The Panel has recommended deletion of the proposed overshadowing requirements in the DDO17, and insertion of the decision guideline:

*Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox*

Officer comment

The proposed overshadowing requirements of the DDO and were intended to separate overshadowing of public places into two categories where the extent of acceptable overshadowing would vary depending on the role of the public space.

Over the course of the panel hearing legal advocates identified potential technical issues with the drafting of these provisions. The overall consensus being that the “as drafted” form could be interpreted prohibition of overshadowing, rather than the intended limiting and consideration of overshadowing.

Consequently, the Panel has recommended the overshadowing provisions be removed from the requirements section and included as a decision guideline for consideration at permit application stage.

Officer recommendation

As the intention of the provision was not to prohibit overshadowing outright Officers accept these changes.

*Delete the ‘primary active frontage’ from the western boundary of 275-283 Stephenson’s Road (IGA site) and the western boundary of 1-9 Hamilton Place.*

Officer comments

1-9 Hamilton Place is the western side of Hamilton Place backing onto the Council laneway and Alexander Street car park. The amendment proposed that redevelopment of any of these sites would require primary activation to the carpark. The Panel recommends removal of any activation requirement to this laneway carpark interface.

275-283 Stephenson’s Road (the IGA site) is the most prominent site in the centre, and its existing interfaces demonstrate extremely compromised and potentially unsafe design outcomes. Whilst it is recognised that the current development is in part a product of its time and desire to establish a



supermarket on that site, it is not a design outcome that should be perpetuated through new planning policy or any redevelopment of the site. From an interface point of view the IGA is similar in many respects to the Ikon site in Glen Waverley. The Ikon site has active interfaces to all frontages.

While supermarkets seek to have as much blank wall space as possible (allowing for maximum shelf space), urban and planning design provisions for places should not be drafted around the wishes of the current landowner to maximise the current use. The design provisions will only apply if the site is redeveloped, and a back of house wall facing Hamilton Place would be a very poor and unsafe design outcome for the centre.

Secondary activation will still require an improved pedestrian amenity well above the existing blank wall and loading dock.

#### Officer recommendation

Officers support the change to 1-9 Hamilton Place.

The change to the western boundary of 275-283 Stephenson's Road (IGA site) is not supported. Any redevelopment of this site should recognise the interfaces on all four sides. On this basis officers recommended identifying the frontage as a secondary active frontage.

*Amend the western boundary interface type for the Woolworths site and the southern boundary for the Stephenson's Road Council car park – from Type 1 to Type.*

#### Officer comments

These changes relate to the western interface boundaries of the current Woolworths store and the southern boundary Council car park at 331-334 Stephenson's Road.

#### Officer recommendation

Officers accept these changes, as they retain the more sensitive interface treatment to the rear of residential properties fronting Sherwood Road and allow for a slight increase in wall height to the western interface and the southern interface of the Council carpark that does not adjoin the residential properties on Sherwood Road.

*Reword the requirement relating to view lines from Sherwood Park and remove the figure 2 from the DDO17.*

#### Officer comment

At the hearing it was raised that the image used in the DDO gives the impression that any development on the current Woolworths site must not be visible when looking north from Sherwood Park. The intention was that views of development behind two storey houses should be minimised rather than prohibited when viewed from Sherwood Park. To address this, the Panel has recommended changes to wording, and deleting of the image.

### Officer recommendation

Officers support this change in order to clarify the outcomes sought.

### **Pedestrian network**

*Make changes to the DDO17 to show public spaces, the principal pedestrian network, the central pedestrian spine between the Mount Waverley Train Station and Winbourne Road and show that part of the central pedestrian spine between Winbourne Road and Virginia Street as 'indicative – final alignment to be determined'.*

### Officer comments

As part of the Panel has recommending changes to the overshadowing provisions, they have recommended that the maps be modified to include the principal pedestrian network, and open space network. This consequential change allows for reference points and affected sites to be readily identified.

Officers recommend adding these to the existing map rather than proposing a new map so that all information is shown in one place.

### Officer recommendation

Officers support the changes outlined above and have made the changes to the proposed DDO17 map.

### **Other drafting or administrative recommendations**

The Panel also provided recommendation of a more administrative nature around writing style or technical changes. These are immaterial to the objectives of the Amendment.

*Amend the built form polices in Clause 22.16 as shown in the Panel preferred version to delete content that duplicates other provisions of the Planning Scheme.*

The Panel has recommended that some provisions in Clause 22.16 be deleted because they duplicate State policy, or the provisions proposed in the DDO 17. These relate to:

- a. Building design and safety,
- b. Pedestrian access to properties with secondary access to a carpark.
- c. Landscaping.
- d. Access and transport.

### Officer comments

The proposed provision relating to building design and safety specifically includes a reference to ensuring that development promotes Crime Prevention Through Environmental Design (CPTED), a State Government policy document. Where a state government document is relevant to planning policy, it will only be referred to in state or regional policy. This document has not been referred to in State policy.

The other three provisions relate to provisions that are addressed in the proposed DDO17. While there are some minor drafting differences between the two, when combined with other provisions of the scheme, they seek the same outcomes.

The landscaping policies were added to clause 22.16 following Council's consideration of submissions that raised landscaping issues on 23 September 2023. This is discussed in further detail under the DDO17 recommendations below.

Officer recommendation

It is recommended that the changes be accepted.

*Revise the design objectives of the DDO17 to clearly direct the outcomes to be delivered by future development.*

Officer comment

The Panel has redrafted the DDO17 objectives to be more succinct and focus more on the outcomes to be achieved.

Officer recommendation

It is recommended that the changes be accepted.

*Revise the DDO17 to clearly set the limit of discretion that applies under each requirement.*

Officer comment

The Panel has recommended changes above that clarify requirements, such as overshadowing, active frontages and the principal pedestrian network. These changes have been discussed earlier in this report.

Officer recommendation

No further changes are required to address this recommendation and they are all discussed earlier in this report.

*Subject to the approval of Amendment C167mona, as a matter of priority, steps should be taken to ensure that Clause 22.03 does not apply to the Mount Waverley Major Activity Centre.*

Officer comment

This is a minor housekeeping matter as the panel identified change required to update Clause 22.03 to reflect the development of C167.

Officer recommendation

Noted. No action is required as part of this Amendment.

**Other administrative changes**

While reviewing the amendment and preparing for panel, officers identified three minor errors in the amendment. It is recommended to make the changes listed below to address these

#### Wadham Pde shops

The rear interface was shown as Type 2 interface. However, there is a laneway located at the rear of these shops, meaning that Type 1 interface can be applied. Type 2 interface requires a three metre setback from the rear boundary adjoining a residential property to any development. Type one allows for development on the rear boundary as the laneway provides a three metre setback to the built form.

#### Design and Development Overlay – Schedule 3

A review of this schedule identified four instances where minor drafting changes could be made to be more consistent with the current drafting guidelines. These changes are all policy neutral.

#### General Residential Zone Schedule 11 and 13 and Neighbourhood Residential Zone Schedule 5.

Following exhibition of the amendment, the state government exhibited amendment VC243, which removed the need for a planning permit on lots of between 300 and 500 sqm. The three schedules have been updated to reflect this.

#### Mummery Street car park

Council owns the car park at 1-5 Mummery Street. The car park was shown with development provisions in the DDO17 schedule, however the DDO17 had not been applied to the site through the planning provisions of the amendment. It is proposed to rectify this by including the site in the DDO map to the Monash Planning Scheme, with DDO17 applied to the site.

## **FINANCIAL IMPLICATIONS**

Adoption and submission of the amendment does not have any significant financial implications. All costs are contained within operational budget allocations.

## **POLICY IMPLICATIONS**

The MWSP and Amendment C167 are consistent with State Policy, and Plan Melbourne. Plan Melbourne is the main strategic document to guide population growth across metropolitan Melbourne. Plan Melbourne sets out policy guidance for Major Activity Centre's such as Mount Waverley.

The MWSP and Amendment C167 are consistent with local policy and strategy, including:

- Clause 21.06 - Activity Centre's of the Monash Planning Scheme.
- Monash Housing Strategy.
- Monash Health and Wellbeing Plan 2021-2025.

## **CONSULTATION**

There are no further opportunities for community consultation as part of this Amendment.

## **SOCIAL IMPLICATIONS**

There are no social implications to this report.

## **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**

Overall, the Panel was supportive of the Amendment. The Amendment is strategically based and will provide a sound platform for the managed growth of the Mount Waverley Activity Centre.

The main issue requiring change is the Panel's recommendation that the height of the current IGA site be increased from 5 to 8 storeys. Officers do not support this change as explained in this report.

It is recommended that Council adopt Amendment C167 generally in accordance with the Panels report with the exception of the change in height for the current IGA site and other minor issues as set out in this report.

## **ATTACHMENT LIST**

1. Monash C 167 mona Panel Report [**7.1.4.1** - 73 pages]
2. C 167 amendment documents - Show changes [**7.1.4.2** - 39 pages]
3. C 167 amendment documents - Clean version [**7.1.4.3** - 38 pages]

**Planning  
Panels  
Victoria**

**Monash Planning Scheme Amendment C167mona  
Mount Waverley Major Activity Centre**

**Panel Report**

*Planning and Environment Act 1987*

**25 January 2024**



**How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Monash Planning Scheme Amendment C167mona

Mount Waverley Major Activity Centre

**25 January 2024**



Alison McFarlane, Chair



Rodger Eade, Member

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## Glossary and abbreviations

Amendment	Monash Planning Scheme Amendment C167mona
C1Z	Commercial 1 Zone
Central car park	285-291 Stephenson's Road, Mount Waverley (Site 2 on Figure 1)
Council	Monash City Council
Council car park	331-343 Stephenson's Road, Mount Waverley (Site 6 on Figure 1)
DDO#	Design and Development Overlay Schedule #
DJLI	DJLI Pty Ltd
DJLI property	275-283 Stephenson's Road, Mount Waverley (Site 1 on Figure 1)
ESD	Environmentally sustainable development
GRZ#	General Residential Zone Schedule #
PE Act	<i>Planning and Environment Act 1987</i>
PPF	Planning Policy Framework
PUZ#	Public Use Zone #
RGZ#	Residential Growth Zone #
Ritchies	Ritchies Stores Pty Ltd
Virginia Street car park	Land bound by Winbourne Road (north), Alexander Street (west), Virginia Street (south) and laneway (east) (Site 3 on Figure 1)
Woolworths	Woolworths Group Limited
Woolworths northern property	Northern lot of 64-74 Virginia Road, Mount Waverley (CP 104420) (Site 4 on Figure 1)
Woolworths southern property	Southern lot of 64-74 Virginia Road, Mount Waverley (CP 104420) (Site 5 on Figure 1)

## Overview

Amendment summary	
The Amendment	Monash Planning Scheme Amendment C167mona
Common name	Mount Waverley Major Activity Centre
Brief description	Implement the Mount Waverley Activity Centre Structure Plan, 2021
Subject land	Mount Waverley Major Activity Centre
Planning Authority	Monash City Council
Authorisation	6 September 2023, with conditions
Exhibition	9 June to 4 August 2023
Submissions	Number of Submissions: 21 Opposed/changes: 15 (Refer Appendix A)

Panel process	
The Panel	Alison McFarlane (Chair), Rodger Eade
Supported by	Laura Agius
Directions Hearing	Video conference, 24 October 2023
Panel Hearing	Planning Panels Victoria and video conference, 30 November and 1, 5-7 December 2023
Site inspections	Unaccompanied, 21 November 2023
Parties to the Hearing	<ul style="list-style-type: none"> <li>- Monash City Council represented by John Rantino of Maddocks Lawyers, who called expert evidence on planning and urban design from Tim Biles of Tim Biles Project</li> <li>- Woolworths Group Limited represented by Emma Pepler of Counsel, instructed by Michelle Blackburn of Corrs Chambers Westgarth, who called expert evidence on planning from Marco Negri of Contour, and economics from Justin Ganly of Deep End Services</li> <li>- Ritchies Stores Pty Ltd represented by Ian Munt of Counsel, instructed by Hansen Partnership</li> <li>- DJLI Pty Ltd represented by Barnaby Chessell SC, instructed by Linda Choi and Tamara Brezzi of Norton Rose Fulbright Australia, who called expert evidence on urban design from Mark Sheppard of Urbis</li> </ul>
Citation	Monash PSA C167mona [2024] PPV
Date of this report	25 January 2024

## Executive summary

Mount Waverley plays an important role in the City of Monash. At its heart is a convenient shopping destination that is highly valued by locals. As planning and design expert Tim Biles put it:

There is in the current Mt Waverley a 'certain something' that makes it feel like a good place to shop and visit. Denis Denutto from 'The Castle' might call it ... 'the vibe', and a planner perhaps the consequence of 'considered urban design' over decades. The local community refers to it as a 'village'.

Monash Planning Scheme Amendment C167mona (the Amendment) has been pursued by Monash Council to implement the *Mount Waverley Activity Centre Structure Plan, 2021*. The Amendment proposes to introduce planning provisions that will guide land use and built form outcomes and strike a balance between attributes that make Mount Waverley ripe for housing and growth, and its village qualities.

The Amendment is the culmination of approximately five years of study and analysis and engagement with the community. Following formal exhibition of the Amendment in June and July 2023, the Panel was referred 21 submissions that raised a range of strategic issues and design and development issues.

The strategic role of the Mount Waverley Major Activity Centre (MWMAC) as a focus for intensification is expressed in Plan Melbourne, the Planning Policy Framework and Council's Municipal Strategic Statement. This role was not challenged by submitters. While not unique, the locational advantages of a major activity centre on a train line cannot be understated. For the MWMAC, this attribute along with its proximity to a national employment cluster, are significant drivers for intensification.

The main issue in dispute was whether the Amendment delivers planning provisions that will enable the centre to properly fulfil this strategic role. At the core of the dispute were different views on how 'village character' should drive or temper expectations for intensification and built form outcomes.

The Panel considers the proposed built form provisions are respectful of the attributes that are valued by the Mount Waverley community. It is unnecessary to replicate the existing low profile of buildings to continue the 'village feel' and 'village character'. However, it is important that future development maintains a human scale and sense of openness through a strong and active podium that maintain views to the sky. That will be achieved through the street wall height provisions that will work in tandem with preferred overall building heights.

The translation of a structure plan into scheme provisions is a critical part of the strategic planning process. A failure to properly translate a plan into the Planning Scheme risks the intent of the plan not being realised. Poor translation and drafting can also give rise to planning disputes which are costly and time consuming and delay community benefits, like new housing

Submissions demonstrated some provisions in the Design and Development Overlay Schedule 17 lacked precision to properly guide development and would instead lead to unnecessary disputes about the meaning of terms and the practicality of requirements. The Panel agrees with many of the proposals put forward by submitters to address these concerns.

On balance, subject to its recommendations, the Panel is satisfied the Amendment is well founded and strategically justified and should proceed. Decision makers, applicants and the community

alike will benefit from a clear planning framework that has anticipated the development pressure that will inevitably come to Mount Waverley in the future.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Monash Planning Scheme Amendment C167mona be adopted as exhibited subject to the following:

1. **Amend the built form polices in Clause 22.16 as shown in the Panel preferred version in Appendix D:1 to delete content that duplicates other provisions of the Planning Scheme.**
2. **Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to:**
  - a) **revise Table 1 (Preferred maximum building heights) to:**
    - **express preferred building heights in Table 1 in metres only**
    - **increase the preferred height for land at 275-283 Stephensons Road, Mount Waverley (labelled as C4) from 18.5 metres to 29 metres**
  - b) **revise Table 1 (Residential interface setbacks) to apply:**
    - **Type 2 to 'D3 – western boundary'**
    - **Type 3 to 'D3 – southern boundary'**
  - c) **revise Figure 1 (Built form map) to:**
    - **increase the preferred height for land at 275-283 Stephensons Road, Mount Waverley (labelled as C4) from 18.5 metres to 29 metres**
    - **show public spaces and the principal pedestrian network (or insert a new map)**
    - **show the central pedestrian spine between the Mount Waverley Train Station and Winbourne Road as part of the principal pedestrian network**
    - **show that part of the central pedestrian spine between Winbourne Road and Virginia Street as 'indicative – final alignment to be determined'**
    - **delete the 'primary active frontage' from the western boundary of 275-283 Stephensons Road and 1-9 Hamilton Place**
    - **replace the Type 3 Interface with Type 2 Interface on the (i) western boundary of the Woolworths southern property at 64-74 Virginia Street and (ii) southern boundary of the land at 331-343 Stephensons Road**
  - d) **in Clause 1.0, revise the design objectives to clearly direct the outcomes to be delivered by future development**
  - e) **in Clause 2.0,:**
    - ***delete Development should not overshadow key public parks, plaza's (sic) and places***
    - ***delete Development should be designed to limit significant loss of sunlight to public areas, particularly through the middle of the day during winter***
    - **clearly set the limit of discretion that applies under each requirement**
    - **replace the primary and secondary active frontage requirements with "*Development should maximise use of clear glazing at ground level adjacent to a primary active frontage on Figure 1. Development should use clear glazing at ground level adjacent to a secondary active frontage on Figure 1 where practical*"**

- replace the requirement for floor to floor heights with *“Buildings should have a minimum floor to floor dimensions of 4.2 metres at ground floor”*
  - replace the Sherwood Park Road view lines requires with *“Buildings on the south side of Virginia Street should be designed to minimise their visibility from Sherwood Road Park”*
- f) in Clause 6.0, insert the following decision guidelines:
- *Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox*
  - *Whether development retains existing canopy trees or provides for the establishment of new canopy trees.*

**Further recommendation**

3. Subject to the approval of Amendment C167mona, as a matter of priority, steps should be taken to ensure that Clause 22.03 does not apply to the Mount Waverley Major Activity Centre.

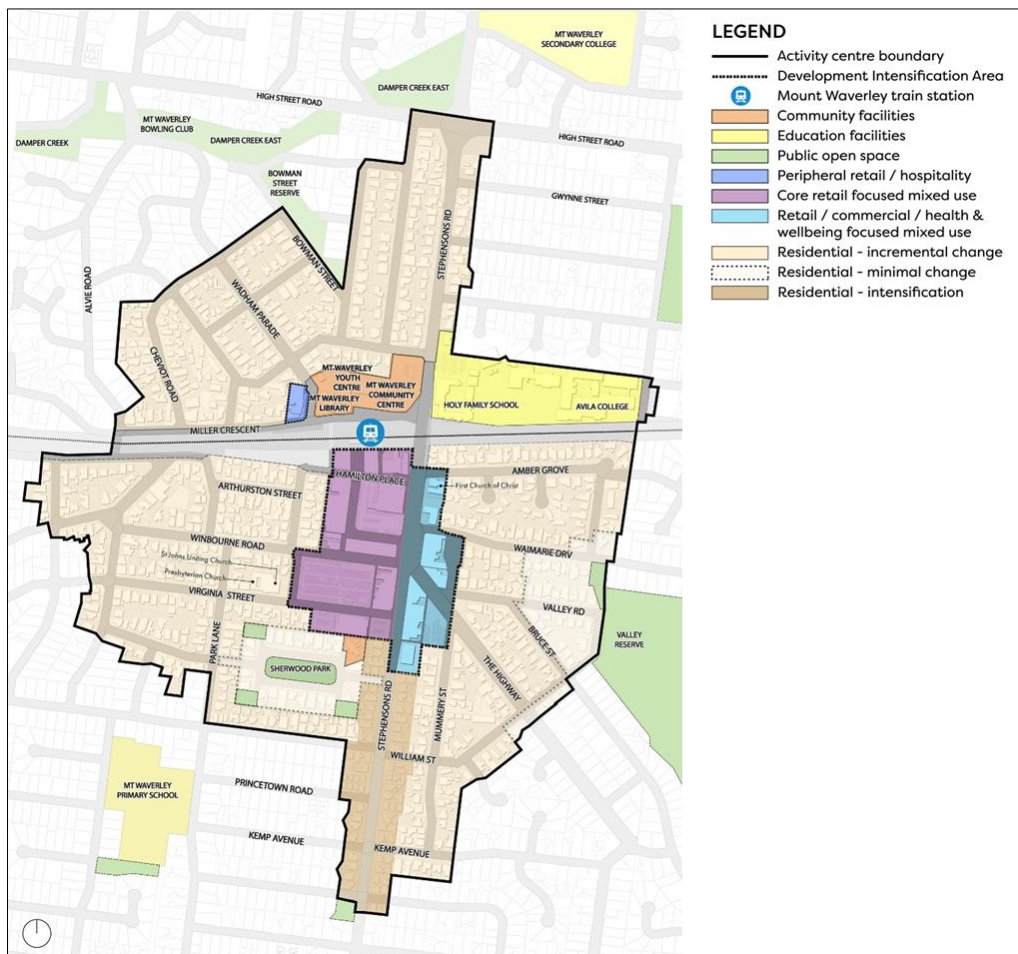
# 1 Introduction

## 1.1 The Amendment

### (i) Amendment land and description

The purpose of the Monash Planning Scheme Amendment C167mona (the Amendment) is to implement the *Mount Waverley Activity Centre Structure Plan, 2021*. The Amendment applies to land in the Mount Waverley Major Activity Centre (MWMAC) shown in Figure 1.

Figure 1 Mount Waverley Major Activity Centre Structure Plan



Source: Map 1 of Clause 22.16, Mount Waverley Activity Centre Structure Plan

Geographically, the MWMAC makes up 5.67 per cent of the broader Mount Waverley suburb.

### (ii) What the Amendment does

The Amendment proposes to make the changes set out in Table 1.

**Table 1 Summary of Amendment**

Provision	Change
<b>Local Planning Policy Framework</b>	
Municipal Strategic Statement	- amend Clause 21.06 to reflect the outcomes and recommendations of the Structure Plan
Local Planning Policies	- introduce a new local policy at Clause 22.16 (Mount Waverley Activity Centre Structure Plan) for the major activity centre
<b>Zones</b>	
Neighbourhood Residential Zone Schedule 5	- rezone 12, 14-34 and 37 Sherwood Road from General Residential Zone Schedule 3 (GRZ3) to the Neighbourhood Residential Zone Schedule 5 (Sherwood Road Heritage Precinct) (NRZ5)
General Residential Zone Schedule 11	- rezone land around the Mount Waverley Major Activity Centre from General Residential Zone Schedule 2 (GRZ2) to the General Residential Zone Schedule 11 (GRZ11) - rezone 11-33 William Street (odd numbers) and 20-28 Park Lane (even numbers) from GRZ3 to GRZ11
General Residential Zone Schedule 13	- rezone land along Stephensons Road generally between Virginia Street at Charlton Street GRZ2 to General Residential Zone Schedule 13 (GRZ13)
Commercial 1 Zone	- rezone part 331-343 Stephensons Road from Public Use Zone 6 (Local Government) (PUZ6) to Commercial 1 Zone (C1Z) - rezone 47-61 Virginia Street from part Residential Growth Zone Schedule 2 (RGZ2) and part PUZ6 to C1Z - rezone part 64-74 Virginia Street from part RGZ2 and part PUZ6 to C1Z - rezone 256 Stephensons Road from RGZ2 to C1Z - rezone 256A Stephensons Road from PUZ6 to C1Z - rezone part 258-260 Stephensons Road from part RGZ2 and part PUZ6 to C1Z
<b>Overlays</b>	
Design and Development Overlay 1	- delete Design and Development Overlay Schedule 1 from 318-322 Stephensons Road
Design and Development Overlay Schedule 3	- delete Design and Development Overlay Schedule 3 (DDO3) from 12, 14-34 and 37 Sherwood Road - amend DDO3 to be clearer and to remove provisions that are proposed to be applied in the NRZ5
Design and Development Overlay 17	- introduce and apply Design and Development Overlay Schedule 17 (DDO17) to the Mount Waverley Major Activity Centre
<b>Particular provisions</b>	
Gaming	- amend the Clause 52.28 Schedule to include land to be rezoned to C1Z



Provision	Change
<b>Operational provisions</b>	
Background documents	- amend the Clause 72.08 Schedule to include the <i>Mount Waverley Activity Centre Structure Plan, 2021</i> (Structure Plan) as a background document

## 1.2 Background

Monash City Council (Council) provided a detailed background to the Amendment in its Part A submission, including a chronology of events. The Panel has summarised this in Table 2.

**Table 2** Amendment C167mona chronology of events

Date	Event / Description
29 June 2021	Council resolved to request the Minister for Planning give authorisation to prepare the Amendment
4 May 2022	Council lodged authorisation request with Department of Environment, Land, Water and Planning (now Department of Transport and Planning)
17 May 2022	Department of Environment, Land, Water and Planning advised Council that the request for authorisation required further review
6 September 2022	Authorisation to prepare the Amendment granted with conditions
2023	Council officers undertook further work to address authorisation conditions
28 March 2023	Council considered the changes required by the conditions of authorisation and resolved to endorse those changes.
June-July 2023	Consultation occurred, including: <ul style="list-style-type: none"> <li>- Council’s engagement website went live.</li> <li>- Notices were sent to 1645 owners and occupiers of affected and adjoining properties.</li> <li>- Notices were sent to 186 additional parties who’d requested to be kept informed of the Amendment.</li> <li>- Notices were emailed to prescribed Ministers.</li> <li>- Notice was published in The Age and Victorian Government Gazette.</li> </ul>
4 August 2023	Exhibition closed, 20 submissions received
18 August 2023	Late submission received (21 total)
26 September 2023	Council resolved to request the Minister for Planning to appoint a Panel
5 October 2023	Panel appointed

## 1.3 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material

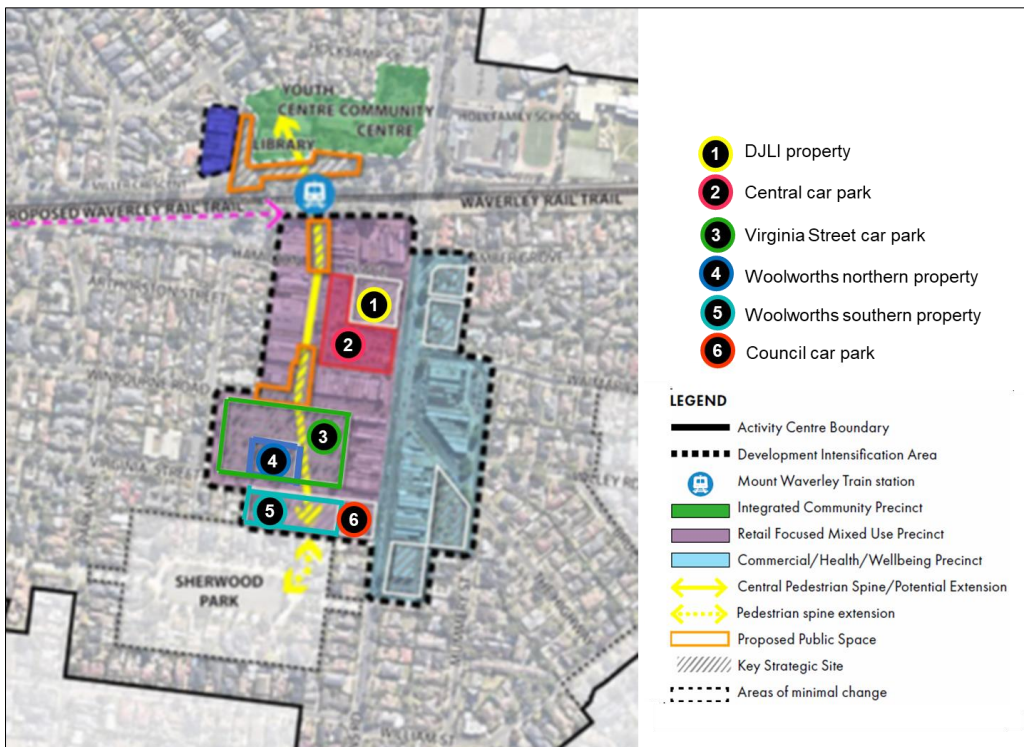
presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Design and development issues
- Form and content of the Amendment.

The locations referred to in the report are shown in Figure 2.

Figure 2 Localities referred to in this report



### 1.4 Limitations

Various submissions raised issues not relevant to the Amendment, including:

- Monash Development Guide for Childcare Centres
- foreign ownership of apartments
- sale of Council land.

These issues are not addressed in this Report.

A submitter noted a single dwelling covenant applies to land in Stephenson's Road. Planning scheme amendments are a common way of varying or removing a restrictive covenant, however a proposal to do so is not part of the Amendment. Accordingly, the Panel has not addressed this issue in this Report.

First Church of Christ Scientist noted it had agreements with Council and the Shell Company providing it with parking benefits. It sought assurance that the Amendment would not affect these benefits. Council confirmed the Amendment has no impact on the agreements in place. As this matter is not relevant to the Amendment, it is not addressed further in this Report.

The Panel's role is confined to considering the unresolved issues raised in submissions. The Panel has not considered the application of residential zones or DDO3 because they were not raised in any submission. The Panel's recommendations should be read accordingly.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

**Table 3** Planning context

	Relevant references
<b>Victorian planning objectives</b>	- section 4 of the <i>Planning and Environment Act 1987</i> (PE Act)
<b>Planning Policy Framework</b>	- Clause 11 Settlement: 11.01-1S (Settlement), 11.02-1S (Supply of urban land), 11.02-2S (Structure planning), 11.03-1S (Activity centres) - Clause 15 Built environment and heritage: 15.01-1S (Urban design), 15.01-1R (Urban design – Metropolitan Melbourne), 15.01-2S (Building design), 15.01-4S (Healthy neighbourhoods), 15.01-5S (Neighbourhood character) - Clause 16 Housing: 16.01-1S (Housing supply) - Clause 17 Economic Development: 17.02-1S (Business) - Clause 18: 18.02-1S (Walking)
<b>Local Planning Policy Framework</b>	- Clause 21.04-3 (Residential development) - Clause 21.05-3 (Economic development) - Clause 21.06-3 (Activity centres) - Clause 22.03 (Industry and business development and character policy)
<b>Other planning strategies and policies</b>	- Plan Melbourne Directions: 1.2 (Improve access to jobs across Melbourne and closer to where people live), 2.1 (Manage the supply of new housing in the right locations to meet population growth and create a sustainable city), 2.2 (Deliver more housing closer to jobs and public transport), 2.5 (Provide greater choice and diversity of housing), 4.3 (Achieve and promote design excellence), 5.1 (Create a city of 20-minute neighbourhoods), 6.4 (Make Melbourne cooler and greener) - Mount Waverley Activity Centre Structure Plan, 2021 - Victorian Housing Statement <sup>1</sup>
<b>Planning scheme provisions</b>	- Clause 32.08 General Residential Zone - Clause 32.09 Neighbourhood Residential Zone - Clause 34.01 Commercial 1 Zone - Clause 43.02 Design and Development Overlay - Clause 52.28 Gaming
<b>Ministerial directions</b>	- Ministerial Direction: The Form and Content of Planning Schemes - Ministerial Direction 9 (Metropolitan Planning Strategy)

<sup>1</sup> The Victorian Housing Statement was released on 23 September 2023 and did not inform the preparation of the Amendment.

	Relevant references
<b>Planning practice notes and guidance</b>	<ul style="list-style-type: none"> <li>- Ministerial Direction 11 (Strategic Assessment of Amendments)</li> <li>- Planning Practice Note 46: Strategic Assessment Guidelines, September 2022</li> <li>- Planning Practice Note 58: Structure Planning for Activity Centres, September 2018</li> <li>- Planning Practice Note 59: The role of mandatory provisions in planning schemes, August 2023</li> <li>- Planning Practice Note 60: Height and setback controls for activity centres, September 2018</li> <li>- Planning Practice Note 90: Planning for Housing, July 2023</li> <li>- A Practitioner’s Guide to Victorian Planning Schemes Version 1.5, April 2022</li> </ul>

## 2.2 The issues

The issues are whether:

- the Amendment is strategically justified
- Monash can achieve its projected municipal demand when considering the supply of housing expected to be delivered in the MWMAC
- the Planning Scheme should manage the number and floor area of supermarkets.

## 2.3 Strategic justification

### (i) Background

The Amendment Explanatory Report states:

The amendment is required to implement the Mount Waverley Structure Plan (2021) which was adopted by Council in March 2021. The Structure Plan will plan for future growth and some intensification in and around the centre, while ensuring that the character of the centre is retained.

There are currently no design controls applying to the commercial area of the major activity centre. While there has been limited demand for increased intensification in this area, a single development could substantially change the character of the area. The proposed Design and Development Overlay will support intensification, yet ensure good design outcomes while retaining key aspects of the village shopping centre character.

The Structure Plan proposes preferred height limits, seeking 3-4 storey height limits for properties around Hamilton Place and other side streets (with upper floor setbacks from residential interfaces), 4- 5 storeys along Stephenson’s Road, with the tallest development (up to 8 stories) on the largest sites and set well back from residential development.

The use of a specific schedule for the General Residential Zone will support some intensification of the area predominantly through townhouses and low-rise apartments and reduced setbacks while retaining the garden city character of the area.

Overall, the amendment will have a net community benefit. It will facilitate increased intensity and economic activity in the centre, facilitate increased housing diversity in an area well serviced by public transport and the daily needs of residents while ensuring that key aspects of the character are retained.

**(ii) Evidence and submissions**

Council submitted the Amendment:

- addresses the objectives planning in Victoria by providing clear guidance on the development outcomes sought in the MWMAC
- supports the local planning policy framework objectives for major activity centres in Monash, particularly objectives for character and scale of new development
- is consistent with Planning Policy Framework (PPF) objectives for settlement, urban design, housing, business and transport
- is consistent with Plan Melbourne, particularly objectives for encouraging housing close to public transport and jobs
- makes proper use of the Victoria Planning Provisions and relevant Planning Practice Notes and guides.

Council explained the Amendment is the culmination of approximately five years of study and analysis. The Amendment was prompted by Council's realisation that the current suite of controls (or lack thereof) would not provide sufficient direction to deliver sustainable and positive development outcomes in the MWMAC.

Council submitted the MWMAC has a distinct village character, expressed through predominantly single and double storey buildings with a fine grain subdivision pattern in the commercial areas of the centre. This *"necessitates built form controls that complement the village character, rather than eroding it"*. This objective is reflected in the Structure Plan and carried through to the proposed local policy and DDO17.

Council noted the *"MWMAC is not and never has been expected to do the 'heavy lifting' in terms of growth within 'major activity centres' within Monash"* and its place in the hierarchy justifies a more nuanced approach to intensification of development. The Amendment seeks to ensure that future growth occurs in a way that successfully balances the valued attributes of the centre while delivering a high quality living and working environment.

Mr Biles, called by Council to provide planning and urban design evidence, stated:

My overall conclusion is that the Structure Plan has been investigated in a thoughtful manner and captures the essence of the Mt Waverley Activity Centre.

It is a Centre with sound credentials, to be built upon and enhanced as opposed to redefinition and rebuilding.

It is important to recognize that it is part of a network of centres that go beyond just the municipality of Monash. It is a part of an evolving and expanding metropolis.

Woolworths submitted the Amendment is *"sensible"* and should be supported subject to some minor refinements (further discussed in Chapter 3).

Mr Negri, called by Woolworths to provide planning evidence, was satisfied the Amendment advances the PPF of the Planning Scheme, by guiding moderate change in the activity centre. He supported the Amendment with minor modifications to the built form provisions.

DJLI Pty Ltd (DJLI) submitted the MWMAC *"is a location that should properly experience land use diversification and intensification over the time horizon of the Structure Plan"* and this should be a paramount consideration in settling the content Amendment. While accepting there is no 'one size fits all' for major activity centres, it is equally the case that planning for these centres must ensure that the strategic potential of the centre is realised. The strategic potential of the MWMAC is a product of:

- its excellent access to public transport infrastructure
- good access to the arterial road network
- proximity to the Monash National Employment and Innovation Cluster
- development patterns that provide clear opportunities for consolidation and intensification.

DJLI submitted 'village character' needs to be properly reconciled with the strategic function and potential of the centre which should in turn be reflected in the provisions introduced by the Amendment.

### (iii) Discussion

The strategic role of the MWMAC as a focus for intensification is expressed in Plan Melbourne, the PPF and Council's Municipal Strategic Statement. This role was not challenged by submitters. While not unique, the locational advantages of a major activity centre on a train line cannot be understated. This attribute along with its proximity to a national employment cluster, are significant drivers for intensifying the MWMAC.

The main issue in dispute was whether the Amendment delivers planning provisions that will enable the centre to properly fulfil this strategic role. At the heart of the dispute were different views on how 'village character' should drive or temper expectations for intensification and built form outcomes.

The PPF requires planning to ensure sufficient land is available to meet forecast demand, based on projected population growth for a municipality over at least a 15 year period. Built form outcomes for major activity centres are principally informed by policies for activity centre growth and urban design. The policies are not mutually exclusive, however to the extent there is tension between the two, planning must strike a balance in favour of net community benefit.

The Panel is broadly satisfied the Amendment is consistent with the policy framework and provides a framework for growth to meet forecast demand until 2036. This is discussed further in Chapter 2.4 (Housing demand and capacity) and Chapter 3 (Design and development issues).

### (iv) Findings

The Panel finds the Amendment supports the strategic role of the MWMAC as a designated location for land use intensification.

## 2.4 Housing demand and capacity

### (i) Background

The Minister for Planning authorised the preparation of the Amendment subject to conditions, one of which required Council to demonstrate the Structure Plan can support forecast population growth. Council subsequently prepared a document entitled *Residential Capacity Analysis* (Document 19).

This assessment notes the Victoria in Future forecast of housing demand is not available at the suburb level for Mount Waverley. To estimate the demand for dwellings in Mount Waverley to 2036, Council used suburb level data from Forecast ID (.id Consultants) and modelled this against Victoria in Future municipal data as shown in Table 4. This generated a demand figure for the Mount Waverley suburb of 1,843 dwellings to 2036.

The Residential Capacity Analysis estimates that the Amendment will yield a potential supply of up to 2,372 dwellings in the MWMAC as shown in Table 5.

Subdivision activity in the Mount Waverley suburb (excluding the MWMAC area) from August 2018 to August 2023 has yielded 494 lots as shown in Table 6.

**Table 4 Modelled dwelling demand for Mount Waverley suburb 2021-2036**

Area	Forecast ID estimate 2021-2036	Victoria in Future estimate 2021-2036
Mount Waverley dwelling growth	1,430	N/A
Monash dwelling growth	13,935	17,960
Proportion	10.26%	10.26%
Modelled allocation to Mount Waverley	N/A	1,843

Source: Document 19

**Table 5 Estimated dwelling capacity of Mount Waverley Major Activity Centre**

Area	Assumptions	Estimated yield
GRZ11	- Redevelopment of all properties not already subdivided with an average yield of 2.5 additional dwellings per lot	892
GRZ13	- Redevelopment of all properties not already subdivided with an average yield of 3.5 additional dwellings per lot	77
Commercial areas	- Footprints developed in full and built to the preferred height, excluding levels one and two which are assumed to be a commercial use - Average apartment size of 65 square metres	1,403
<b>Total</b>		<b>2,372</b>

Source: Document 19

**Table 6 Subdivision activity in Mount Waverley suburb August 2018 to August 2023**

Subdivision type	Quantity	Addition lots created
Mount Waverley suburb excluding activity centre		
2 lots	245	245
3 lots	84	168
4 lots	4	12
5 lots	5	20
6 lots	4	20
7 lots	1	6
8 lots	2	14
10 lots	1	9



Subdivision type	Quantity	Addition lots created
Mount Waverley activity centre		
2 lots	8	8
3 lots	5	10
<b>Total</b>	<b>359</b>	<b>512</b>

Source: Panel adapted from Document 23

## (ii) Submissions

Council submitted that MWMAC has a theoretical supply of 2,372 dwellings (Table 5) which will more than meet the projected demand for housing in the Mount Waverley suburb (1,843 dwellings, Table 4) until 2036.

Council advised that recent past trends in residential development in Mount Waverley (Document 23) shows that over the five-year period from August 2018 to August 2023, there were 359 subdivisions (Document 23). It stated:

Mount Waverley has not experienced the type of intensification as other suburbs such as Clayton, Glen Waverley and Clayton in Monash have. There have not been any subdivision planning permits issued for apartments in the last five years, and townhouse developments generally tend to be lower density than that in the other suburbs listed above.

DJLI submitted:

- the assumptions underpinning Council's Residential Capacity Analysis are unrealistic and it is unlikely that the level of subdivision assumed would occur in such a short time frame
- the Residential Capacity Analysis represented a theoretical maximum capacity and does not represent a likely outcome until 2036
- this gives further weight to its case that a key strategic site such as the DJLI property should be developed to its full potential capacity
- the proposed height requirement for the DJLI property will not allow this.

## (iii) Discussion

Council's data shows in the past five years, an average of 98 lots have been created in the Mount Waverley suburb each year<sup>2</sup>. If the same rate of subdivision was to occur through to 2036, approximately 1,200 new lots might be expected to be created in the Mount Waverley suburb (excluding the activity centre).

The Panel agrees with DJLI that it is highly unlikely the theoretical extra dwelling capacity in the MWMAC will be realised in the short to medium term (Table 5). This is primarily because the existing fine grain lot configuration will be difficult to convert to its modelled capacity.

However, the Panel has not received submissions on an alternative scenario, and it is not its role to speculate on a likely outcome. That said, if only one third (790 dwellings) of the theoretical capacity is realised in the MWMAC (Table 5) and a further 1,200 dwellings delivered in the balance of the Mount Waverley suburb, a total of 1,990 dwellings would exceed the forecast demand of 1,843 dwellings (Table 4).

<sup>2</sup> Table 6, Mount Waverley suburb excluding activity centre total new lots (494)

To maintain the balance between supply and demand, the Panel is firmly of the view that any extra capacity that can be reasonably added to the MWMAC should be considered. This is not reason alone to support additional height in the MWMAC but weighs strongly in its favour.

**(iv) Findings**

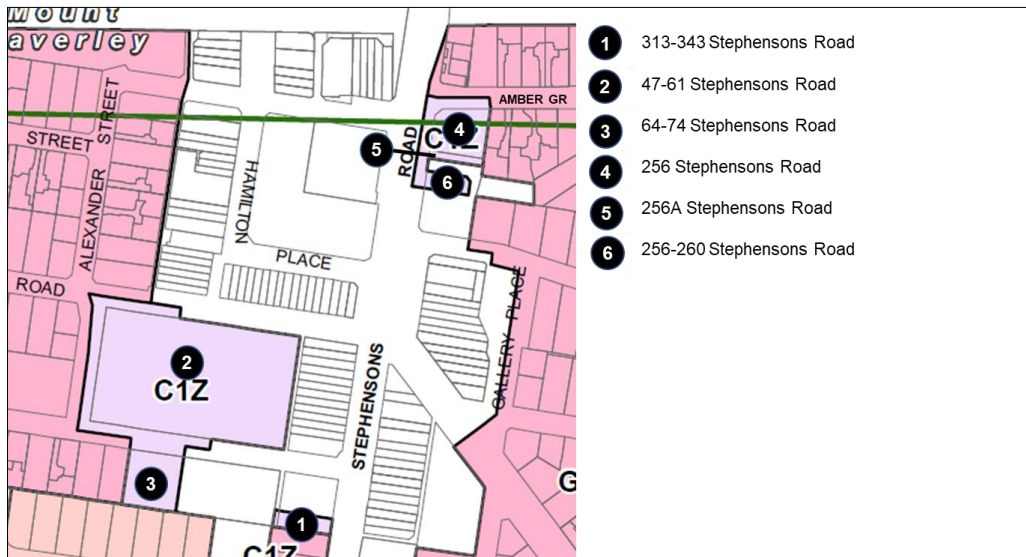
The Panel finds the capacity of the MWMAC to generate new housing supply as a result of the approval of the Amendment may meet forecast demand but possibly not by such a wide margin that further capacity for development could be considered.

**2.5 Commercial floor space**

**(i) Background**

The Amendment proposes to rezone six parcels to C1Z, as shown in Figure 3.

**Figure 3 Properties proposed to be rezoned to Commercial 1 Zone**



Source: Panel adapted from exhibited Amendment

**(ii) Evidence and submissions**

In its initial submission, Ritchies identified concerns about an increase in supermarket floor space in the MWMAC, which could occur if land was rezoned to C1Z as proposed. At the Hearing, Ritchies submitted the Amendment ought to be amended to control the expansion of supermarket floor space in a manner consistent with both the strategic rationale for the Amendment and the long term viability of the MWMAC. It proposed an upper limit might be 4,000 or 4,500 square metres of supermarket floor space.

Ritchies submitted there was confusion between and within the Background Report and Discussion Paper which underpin the Amendment and what is proposed in the Amendment. Ritchies noted the reports used different floorspace expansion scenarios based around different operators. Ritchies submitted that this confusion resulted from a lack of analysis as to what ought to change at the centre.

Ritchies took issue with the notion that the MWMAC needs to grow to maintain viability and to continue to be successful. It considered that there was no analysis that supported such a contention.

In relation to the options for expansion of supermarket floor space, including possible development on the Virginia Street car park site, Ritchies submitted that it is not the role of planning to prescribe the location of supermarkets within a mature centre such as MWMAC.

Ritchies proposed Clause 22.16 (Mount Waverley Activity Centre Structure Plan) be amended by inserting a new objective and new policy as follows:

Objective: To support the ongoing economic viability of existing retail premises within the centre

Policy: Discourage development incorporating additional supermarket floorspace which would have an adverse impact on the economic viability of existing retail premises in the centre.

DJLI submitted its property was strategically significant due to its size and its designation as a gateway site. It noted the terms of a section 173 agreement require that the site is operated as a supermarket. It did not make submissions on floor space required for retail uses or number of supermarkets.

Woolworths called Mr Ganly to provide evidence on the demand for supermarket floorspace in MWMAC. Mr Ganly identified the catchment area for the MWMAC and was satisfied, based on metropolitan wide averages, Mount Waverley was significantly undersupplied with supermarkets. He considered the two supermarkets in the centre were small and outdated by contemporary standards.

Mr Ganly undertook a retail economic assessment of the likely impact within and beyond the existing centre of expanding Woolworths to a full line supermarket of around 3,000 square metres and with accompanying standalone retail offerings. He was satisfied this demonstrated the economic impacts are likely to be well within the bounds of what is generally regarded as acceptable because the impacts would not threaten the viability of any operator or centre.

Mr Ganly undertook his analysis based on current dollar values of sales for future years (future dollars). He confirmed he made no explicit assumption of the likely rate of price increase implied in his analysis.

Mr Negri supported the proposed rezoning of land to the C1Z. In evidence Mr Negri stated:

The proposed rationalisation of zoning to the Commercial 1 Zone for properties with a retail core function in the activity centre will also promote the redevelopment of underutilised land in the activity centre.

Council submitted it is appropriate for the Amendment not to specifically address supermarket floor space, however:

The evidence is in any event strong that the MWMAC can accommodate and will benefit from additional supermarket floor space. Mr Ganly's evidence supports this. The Economic Assessment (Part B of the Background Report) supports this.

Council submitted rezoning the Virginia Street car park to C1Z was the appropriate approach given both its existing use as a car park and its prospective future uses which could include commercial, retail and residential uses in addition to car parking. Council referred to *Planning Practice Note 60: Height and setback controls for activity centres* which indicates that structure planning should ensure sufficient land capacity for future uses over a 15 year period and beyond this to a 30 year horizon.

**(iii) Discussion**

While the Panel agrees with Ritchies that neither the Background Report or the Discussion Paper demonstrate that additional supermarket floor space is required to ensure the continued viability of the MWMAC, it disagrees this is required for the Amendment to be strategically justified. Rather, the tests for the Amendment are whether it *“plans for an adequate supply of commercial land in appropriate locations”* (Clause 17.02-1S) and supports the retail hierarchy of Monash (Clause 21.06-2). No evidence or submissions has been presented to demonstrate the amount of C1Z land resulting from the approval of the Amendment will be excessive or is likely to result in undesirable outcomes. The Panel supports the use of the C1Z where it is proposed including the Virginia Street car park and notes that this was supported in relevant evidence. It is the appropriate Victoria Planning Provisions tool.

It is unusual not to find at least one full-line supermarket in a major activity centre. The Panel accepts the evidence of Mr Ganly that the MWMAC is underprovided in supermarket floor space, although there is some uncertainty about the extent of under provision based on the boundary of the catchment area. The Panel further accepts the evidence of Mr Ganly that the existing Woolworths could be expanded to full line and accompanied by a range of other retail providers without unacceptable impacts on other operators or other centres in the catchment area. The Panel also notes Mr Ganly’s observation that the opportunity also exists for Ritchies to similarly expand its floor space.

Supermarkets often perform an anchor role in a major activity centre and their location can be critical to the successful operation of a centre. However, it is not the role of planning to prescribe the location of a supermarket in an activity centre nor the total floor area of supermarket or retail provision. The proposal put forward by Ritchies to set a cap on supermarket floor space in the MWMAC is inconsistent with the approach to planning for retail areas implemented through Amendment VC100 which introduced the reformed commercial zones into the Victoria Planning Provisions. A proposal to insert a policy in the Planning Scheme to achieve something that is not allowed for by the C1Z Schedule is contrary to good practice and to drafting guidance.

The inconsistencies within and between the Discussion Paper and Background Report identified by Ritchies are of little consequence. This background material has informed, but is not part of the Amendment, and represents stages of the strategic planning process where certain proposals are put forward, tested and refined.

**(iv) Findings**

The Panel finds:

- It is appropriate rezone land to the Commercial 1 Zone as proposed by the Amendment, including the Virginia Street car park.
- The MWMAC is underprovided with supermarkets, particularly full-line supermarkets, compared with metropolitan wide indicators.
- There is no basis for the Amendment to prescribe the number of supermarkets or the total supermarket floorspace in the MWMAC.

## 2.6 Conclusions

For the reasons set out in this report, the Panel concludes that the Amendment:

- is well founded and strategically justified
- is supported by, and implements, the relevant sections of the Planning Policy Framework
- will deliver a net community benefit and sustainable development as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Design and development issues

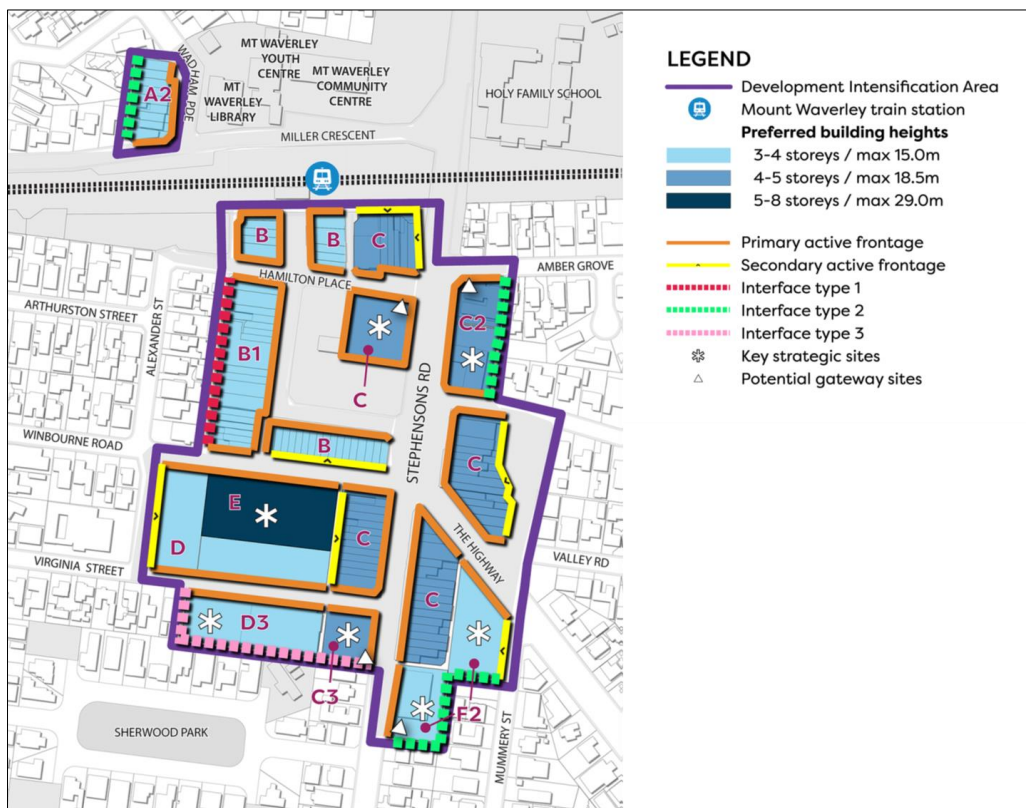
#### 3.1 Building heights

(i) **The issue**

The issue is whether the preferred the preferred building heights in DDO17 are appropriate.

(ii) **Background**

**Figure 4 Mount Waverley Major Activity Centre Built Form Plan**



Source: Map 1 of Design and Development Overlay Schedule 17

The Structure Plan states:

The Plan aims to locate taller buildings on strategic sites that are prominent and centrally located within the commercial core. In these areas, building heights will need to consider how to mitigate overshadowing impacts on surrounding footpaths and public spaces at key times of the year.

For the surrounding residential areas, this Plan recommends retaining existing planning controls. Existing controls support a mix of minimal and incremental development that will deliver medium density housing in the Centre over the next twenty years. This could be in the form of villa units, townhouses and small scale apartment buildings.

DDO17 Clause 2.0 (Buildings and works) provides:

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

...

**Building heights**

Building Heights should not exceed the preferred maximum building height specified in Table 1 and Figure 1 to this schedule. The following minimum floor to floor dimensions should apply:

- 4.2 – 4.5 metres for retail or restaurant use
- 3.2 – 3.5 metres for any other use

**Table 1**

Area	Preferred maximum height	Residential Interface setbacks (refer Table 2)
Area A - Wadham Parade	3-4 storeys 15 metres	A2 - Type 2
Area B – Hamilton Place environs	3-4 storeys 15 metres	B1 – Type 1
Area C – Stephenson Road environs	4-5 storeys 18.5 metres	C2 – Type 2 C3 – Type 2
Area D – Virginia Street environs	3-4 storeys 15 metres	D3 – Type 3
Area E – Virginia Street car park north east. This area is set back at least 25 metres from Virginia Street and 32 metres from Alexander Street	5-8 storeys 29 metres	Not applicable
Area F – Part Stephenson Road and Mummery Street	3-4 storeys 15 metres	F2 – Type 2

**(iii) Evidence and submissions**

Community submitters stated the preferred building heights were too high for various reasons, including:

- taller development would erode the centre’s charm and useability
- more intense development would create traffic congestion
- development would overshadow existing housing in Amber Grove and Sherwood Road
- redevelopment of smaller lots with taller buildings could not provide universal access (for example, could not accommodate a lift).

Various submitters proposed DDO17 be modified to:

- make building heights mandatory rather than discretionary
- decrease the preferred height 256 Stephenson Road (shown as C2 on Figure 4) from 5 storeys to 3-4 storeys, consistent with other properties with a residential interface
- decrease overall building heights proposed, generally to 3 to 4 storeys
- increase the preferred height of the DJLI property from 4 to 5 storeys to 8 storeys.

Council submitted the preferred heights in DDO17 are responsive to an intent to:

- focus retail development on the western side of Stephenson Road to strengthen speciality food, retail and hospitality offer
- direct higher built form to the development intensification area where there are fewer sensitive interfaces

- transition heights from the development intensification area to residential interfaces
- provide more housing options in the development intensification area and to a lesser extent in the residential interface area
- maintain the local, convenient feel of the MWMAC.

Council stated when comparing the development opportunities between the Virginia Street car park and the DJLI property, a lower height is warranted on the latter because:

- the DJLI property is a gateway site on a prominent corner
- its contribution to the 'village feel' is different to Virginia Street car park
- it will not be "shielded" by lower surrounding built form.

Mr Biles' evidence stated:

- the current centre has a limited number of privately owned large sites and extensive small frontage ownerships particularly on the west and south sides of Hamilton Place
- heights of 3-4 storeys are difficult to deliver as a meaningful expansion of housing numbers because of their separate ownerships and small frontages
- consolidation by public or private initiative is hard to deliver
- the small shops all appear actively engaged in retail that is successful with very few vacancies, unlike some metropolitan centres
- redevelopment of the Central car park and the Virginia Street car park could make "contributions of substance" to new housing supply
- given the nature of ownership of the sites (primarily Council with some private interests), a master planning exercise is a better way to resolve the future of these sites than a structure plan.

Mr Biles recommended:

- a master plan be prepared for the Virginia Street car park and Central car park (including the DJLI property)
- DDO17 be amended to designate the Virginia Street car park and Central car park as 'Key Strategic Site – subject to separate built form assessment'.

DJLI submitted that increasing the preferred height for the DJLI property to 29 metres (eight storeys) was justified because:

- mid-rise development in the MWMAC is already promoted by Clause 21.06
- consistent with the evidence of Mr Biles, it would not compromise the village character of the MWMAC
- the site has no sensitive abuttals
- development does not need to be managed to protect the Central car park from overshadowing, which the Structure Plan proposes will remain in place
- even if the Central car park was proposed to be developed in the future, an eight storey building would not compromise its development potential
- Mr Biles preference for a master plan to be prepared for the Central car park and DJLI property would be relevant if Council had indicated an appetite to redevelop the car park, which it has not
- impact of a future development of DJLI property on the Central car park can be properly assessed at the permit application stage
- if the site can properly accommodate a building of eight storeys in scale, the terms of the Amendment should reflect this.



Mr Sheppard's evidence was:

- the Structure Plan clearly states Key Strategic Sites are to cater for taller buildings
- only one Key Strategic Site is identified to cater for development above 5 storeys (within the Virginia Street Car Park)
- it is understandable that the preferred height for the Key Strategic Sites at the edge of the centre, adjacent to the low rise residential hinterland, are lower
- the DJLI property has strategic attributes that lend themselves for growth, including it is:
  - the second largest private landholding (after Woolworths) in the MWMAC
  - located within 100 metres of the Mount Waverley Train Station
  - located in the core of the MWMAC where the Structure Plan expressly seeks taller building
  - is identified as a gateway site
  - not adjacent to sensitive interfaces, being bound by roads and carpark on all sides
- a 5-8 storey and 29 metre preferred maximum height would better respond to the attributes of the DJLI property and would be consistent with the heights originally proposed for the site in the Draft Mount Waverley Structure Plan
- an 8 storey building on the DJLI property would not undermine the village character of the MWMAC
- the DJLI property is of sufficient size to accommodate increased setbacks to mitigate the visual impact of taller form.

Mr Sheppard recommended DDO17 be amended as it relates to the DJLI property to:

- change the preferred maximum height to 29 metres
- introduce a provision requiring increased setbacks for built form above a height of 18.5 metres.

Mr Negri was satisfied the proposed built form massing (heights and setbacks) provides an appropriate response to the opportunities in the MWMAC in a manner that manages the sensitive interfaces.

In closing, Council stated:

- Council has no intention to develop the Central car park for some alternative or mixed use development
- significant improvements to the carpark and entrance are proposed as part of the action plans described in the Structure Plan
- the Central car park is already appreciated for its walkability and landscaped (canopy treed) character
- separated pedestrian paths through the carpark encourage incidental meeting and mingling of the community
- the Central car park was one of the key features regularly identified during consultation as an important part of the MWMAC.

**(iv) Discussion**

The experts generally agreed the building heights in DDO17 appropriately respond to the policy framework. The Panel agrees because:

- Mount Waverley is a major activity centre identified for intensified development (as discussed in Chapter 2.3)

- the housing capacity resulting from proposed heights is necessary to maintain the balance between supply and demand until 2036 (as discussed in Chapter 2.4)
- the building heights fit within the medium rise profile supported by Clause 21.06.

While consistently referred to by Council and other parties, the Structure Plan does not succinctly describe the ‘village feel’ or ‘village character’ that is sought to be protected. Having regard to material presented through the Hearing, the Panel understands ‘village feel and character’ to be the interplay of the following attributes:

- convenient and local shopping offer
- safe and vibrant streets
- low scale
- fine grain shopfronts
- openness
- tree canopy.

The proposed built form provisions are respectful of these attributes. It is unnecessary to replicate the existing low profile of buildings to continue the ‘village feel’ and ‘village character’. It is important that future development maintains a human scale and sense of openness through a strong and active podium that maintains views to the sky. That is achieved through the street wall height provisions that will work in tandem with preferred maximum building heights.

The two specific sites where the nominated preferred height was in dispute were:

- the DJLI property
- 256 Stephenson Road.

The DJLI property is prominently located in the intensification area. However, it does not have sensitive interfaces, because it is adjoined to the south and west by a public at-grade carpark, to the east by a 30-metre road reserve (Stephenson Road) and to the north by Hamilton Place.

The Structure Plan anticipates the Central car park will remain as a public parking space until at least 2036. The key action identified for the site in the Structure Plan is to *“Improve the safety and efficiency of the central retail car parking area”*. While the central pedestrian spine runs along the western boundary of the site, no part of the car park is identified on any of the detailed plans in the Structure Plan as a current or future public space that would leverage off the spine.

The opportunity for the Central car park to be redeveloped for a mix of uses in the future was well recognised by the parties and experts alike, however this opportunity is not the basis of the Structure Plan sought to be implemented by the Amendment. In these circumstances, the Panel rejects Council’s suggestion that building height on the DJLI property needs to be managed to protect the amenity of the Central car park as it presently exists and is proposed to continue. As succinctly put by DJLI, *“it would be wholly unprecedented for shadow controls to operate over land utilised for the purpose of public car parking”*.

The Panel does not agree that the gateway role is a factor that should limit the height of the DJLI property. Chapter 8 of the Structure Plan nominates paired gateway sites and the northern and southern end of Stephenson Road. The DJLI property is a northern gateway site that is intended to better define the arrival and departure experience into the centre. This intended purpose can be realised by future development at either five storeys or eight storeys. It is unnecessary to mirror building height on gateway sites on either side of Stephenson to fulfil this gateway function.

Overall, the Panel agrees with DJLI that a preferred height of 29 metres would better respond to the strategic attributes of the DJLI property.

Regarding 256 Stephenson's Road, the Panel agrees with Council that there is a strong rationale for maximising building heights along Stephenson's Road, which is centrally located in the centre and has a wide (30-metre) road reserve. The proposed preferred maximum building height of 18.5 metres strikes an appropriate balance between these attributes and the desire to transition the scale of the development from the intensification area to surrounding residential development.

General submissions proposing reduced height in other part of the centre were expressed in broad terms and were not accompanied by any analysis that demonstrated the proposed preferred maximum building heights were not acceptable.

#### (v) Conclusions and recommendation

The Panel concludes:

- Building heights in Design and Development Overlay Schedule 17 appropriately respond to the relevant policy framework.
- The preferred building height for 275-283 Stephenson's Road, Mount Waverley should be increased from 18.5 metres to 29 metres.
- The preferred building height for 256 Stephenson's Road should be maintained at 18.5 metres.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to revise Table 1 (Preferred maximum building heights) and Figure 1 (Built form map) to increase the preferred height for land at 275-283 Stephenson's Road, Mount Waverley (labelled as C4) from 18.5 metres to 29 metres.**

## 3.2 Mandatory requirements

#### (i) The issue

The issue is whether requirements for building height in DDO17 should be mandatory.

#### (ii) Background

A 'mandatory provision' is defined in *Planning Practice Note 59: Mandatory provisions in planning schemes, August 2023* as:

A mandatory provision is a requirement or control that must be met and provides for no opportunity to vary the requirement.

#### (iii) Submissions

A submitter stated the height provisions should be mandatory rather than discretionary. Council and none of the relevant experts supported this proposal.

#### (iv) Discussion

Based on the material put to it, the Panel agrees there is no justification for making requirements for building height mandatory.

**(v) Conclusion**

The Panel concludes there is no justification for introducing mandatory requirements for building height.

**3.3 Solar protection****(i) The issue**

The issue is whether solar protection provisions are appropriate.

**(ii) Background**

DDO17 Clause 2.0 (Buildings and works) provides:

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

...

Development should not overshadow key public parks, plaza's (sic) and places.

Development should be designed to limit significant loss of sunlight to public areas, particularly through the middle of the day during winter.

Council's Part A submission advised:

Key public park, plaza's (sic) and places – Are public areas serving an open space style function, where pedestrians are prioritised over other transport means, including:

- Hamilton Walk - to the west of 47 Hamilton Place;
- Winbourne Road – the area that closed to traffic;
- Key parts of the pedestrian spine that serve a function beyond pedestrian movement, such as Hamilton Walk does currently; and
- In the future as the Structure Plan is implemented, it could also include other areas, such as in front of the railway station (to the south), or parts of car parks if their use changes.

**(iii) Evidence and submissions**

Woolworths submitted the proposed solar protection provisions are uncertain in their operation and should be deleted or refined. Woolworths agreed with Mr Negri that the provisions should be amended to:

- depict the area subject to sunlight provisions on a plan
- clearly describe the shadow test (time of year, time of day and duration).

DJLI submitted the shadowing provisions were formulated without proper analysis or modelling and would appear to be contrary to the built form outcomes that are expressly promoted by the Structure Plan and DDO17. DJLI emphasised the shadowing provisions must be carefully formulated because 'requirements' must be given effect by development by virtue of Clause 43.02-2.

Council submitted its intent was to consider the impact of overshadowing on any public area, with a higher standard of sunlight sought for public parks, plazas and places. Council proposed to replace the exhibited provisions with a revised requirement and decision guideline as follows:

Requirement (Building form and design): Development should be designed to minimise overshadowing of public areas between 11am-2pm at the equinox.

Decision guideline: Whether the development has been designed to minimise overshadowing of public areas so as to limit adverse amenity impacts between 11am-2pm at the equinox, and not negatively impact the function of public areas.

Council submitted the terms such as “public areas” and “minimise” have their ordinary meaning and are no more uncertain or less capable of application than many other terms used in planning schemes.

Woolworths supported Council’s revised drafting. DJLI proposed the decision guideline be deleted and the requirement be replaced with a more specific provision.

Development should be designed to minimise loss of sunlight to the footpaths of Hamilton Place at the Equinox between 11am – 2pm.

**(iv) Discussion**

The Background Report and Structure Plan provide limited discussion on solar access of public areas or spaces.

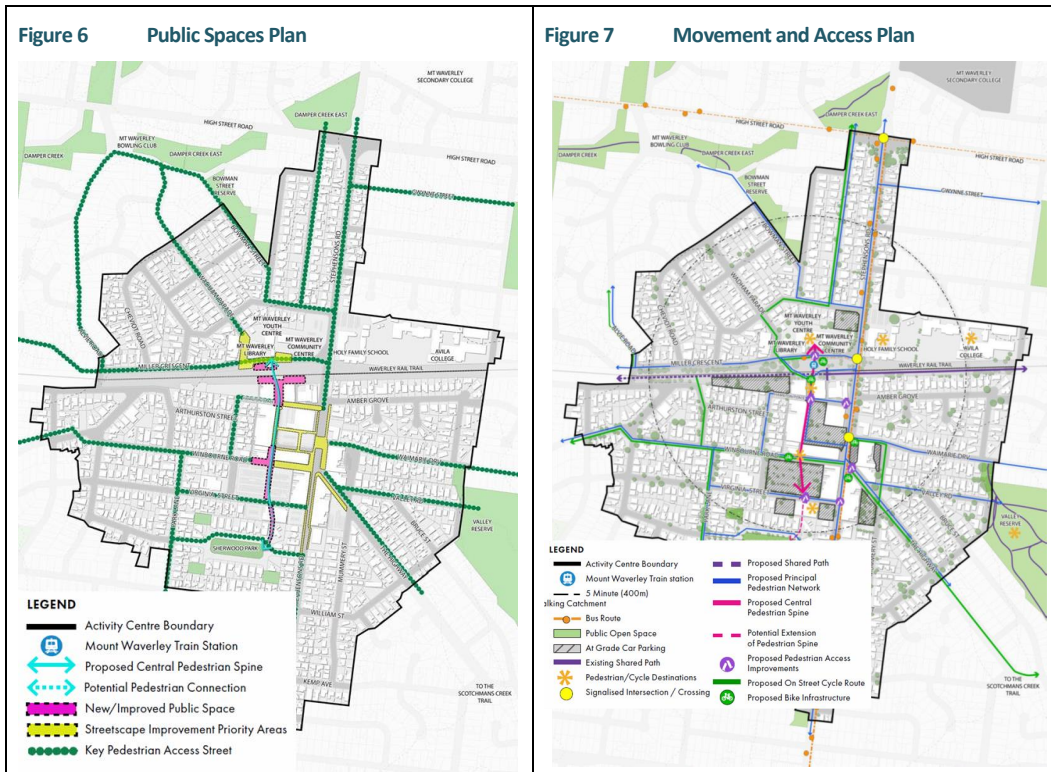
The Background Report discusses an initiative to improve connectivity between the retail centre and Virginia Street car park through development of the Winbourne Road Plaza. The report notes acquisition of an adjacent property will provide an opportunity to improve solar access to the space. This opportunity is reflected in the Structure Plan’s ‘Key Policies and Actions’ to expand Winbourne Plaza, as shown in Figure 5.

**Figure 5 Winbourne Plaza Plan**



Source: Mount Waverley Activity Centre Structure Plan Figure 17

The Structure Plan notes that to mitigate overshadowing impacts taller buildings are proposed to be located on strategic sites that are prominent and centrally located. In these areas “building heights will need to consider how to mitigate overshadowing impacts on surrounding footpaths and public spaces at key times of the year”. The ‘Public Spaces Plan’ in the Structure Plan identifies the location of new and improved public spaces, streetscape improvement priority areas and key pedestrian access streets (Figure 6).



The Panel accepts the origins of the solar access provisions can be found in the Background Report and Structure Plan. However, neither document provides a detailed shadow study examining shadows cast on footpaths and public spaces at spring equinox by:

- existing buildings
- buildings developed in accordance with preferred heights and setbacks
- existing vegetation.

This is important and necessary since many of the proposed public spaces and streetscape improvement areas are in locations where solar access is already compromised because of the existing width of the space, or because they are located on the south side of existing buildings.

Without this detailed information, the Panel does not consider there is sufficient justification to introduce the requirement proposed by Council. Instead, a decision guideline is warranted, with some refinement to Council’s drafting to ensure the meaning of terms can be properly understood. In particular, the following areas should be depicted in DDO17:

- ‘public spaces’ consistent with the ‘New/Improved Public Space’ areas shown on the Public Spaces Plan (Figure 6), excluding the central pedestrian spine south of Winbourne Road
- the ‘principle pedestrian network’ consistent with the Movement and Access Plan (Figure 7).

The Panel’s preferred drafting of the decision guideline is:

Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox.

**(v) Conclusions and recommendation**

The Panel concludes:

- There is insufficient analysis to warrant introduction of requirements for solar protection.
- The shadow impact of buildings on defined public spaces and the principal pedestrian network between 11am and 2pm at the equinox is a relevant consideration at the permit stage, warranting a specific decision guideline.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to:**

- delete:**
  - *Development should not overshadow key public parks, plaza's [sic] and places.*
  - *Development should be designed to limit significant loss of sunlight to public areas, particularly through the middle of the day during winter.*
- amend Figure 1 or insert a new map to show public spaces and the principal pedestrian network**
- insert the following decision guideline:**
  - *Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox.*

**3.4 Active frontages****(i) The issue**

The issue is whether the designated primary and secondary active frontages are appropriate.

**(ii) Background**

DDO17 Clause 2.0 (Buildings and works) provides:

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

...

Development on sites identified with a primary active street frontage in figure 1 to this schedule should utilise permeable and transparent facade treatments and provide for active, customer focused uses at ground level of all primary frontages.

Development on sites identified with a secondary active street frontage in figure 1 to this schedule should contribute to activation of the street at ground level of all secondary frontages.

Primary and secondary active frontages are identified in Figure 4.

**(iii) Evidence and submissions**

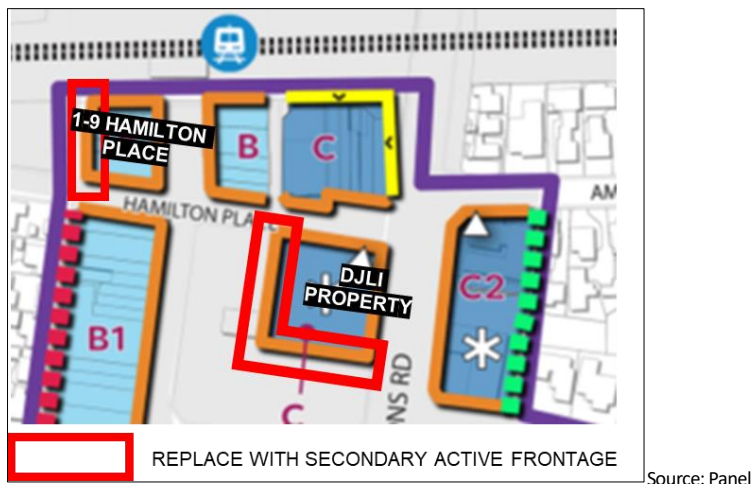
DJLI submitted the active frontage designations on the DJLI property should be revised considering the back of house functions that need to be incorporated into any supermarket development. DJLI noted a section 173 agreement requires that the property is developed as a supermarket (Document 27).

Mr Sheppard stated:

- the DJLI property and the block created by 1-9 Hamilton Place are entirely edged with 'primary active frontage'
- this is unfeasible as retail uses necessarily have back of house functions such as loading and storage
- the function design of larger floorplate retail uses (such as supermarkets) preclude activation of 100 percent of their shopfloor edges.

Mr Sheppard recommended DDO17 Figure 1 be amended to change the car park edges of the DJLI property to secondary active frontages. He noted a similar change may be appropriate for the western edge of the block comprising 1-9 Hamilton Place.

Figure 8 Sheppard recommended changes to active frontage



In its final version of DDO17 (Document 25), DJLI proposed a specific active frontages requirement for the DJLI property be introduced as follows:

Development on the site identified as precinct C4 in figure 1 to this schedule should contribute to activation of the street at ground level, including through the use of permeable and transparent façade treatments where practicable.

In closing, Council submitted:

- it appropriate for the four public interfaces of the DJLI property to be designated as "primary active street frontages" (noting that two of the frontages are to a carpark and not a street and that it might be necessary or desirable to remove the word "street" from the provision)
- while supermarkets have and need back of house facilities, this assumes that future redevelopment of the site will be for a supermarket, which will not necessarily be the case because of the site's suitability for a variety of mixed use developments
- current urban design and placemaking policies and practices would all but guarantee that a supermarket in the form of the current IGA will never be built today and it is often the case island sites are sleeved with active uses
- DDO17 does not suggest that every part of a primary street frontage needs to be 'permeable and transparent' or 'active, customer focussed at ground level'
- even as a redeveloped supermarket, the site can be developed in such a way as to meet the building form objective for primary street frontages.



**(iv) Discussion**

The Panel considers it is impractical for the entire perimeter of a commercial block to be designated as 'primary active frontage'. The Panel is mindful that development of the MWMAC is constrained by existing lot sizes and pattern of ownership, and design solutions (like sleeving) that might be available in other settings are not easily implemented in this centre.

Council's approach does not assist proponents and decision makers decide where an active frontage should be prioritised. In the Panel's view, the designation of 'active frontages' should be informed by the Public Places Plan (Figure 6) and Movement and Access Plan (Figure 7). On this basis the 'primary active frontage' designation should be removed from the west boundary of the DJLI property and the west boundary of properties at 1-9 Hamilton Place.

The Panel observes the primary and secondary active frontage provisions are differentiated by a requirement 'to' activate and 'contribute to' the activation of ground levels respectively. The difference in expected outcomes is difficult to gauge with such general drafting. Setting a definitive percentage of glazing to solid wall would have been a more effective way of drafting this requirement. However, within the parameters of the exhibited provision and submissions, the Panel's preferred drafting is:

Development should maximise use of clear glazing at ground level adjacent to a primary active frontage on Figure 1 of DDO17.

Development should use clear glazing at ground level adjacent to a secondary active frontage on Figure 1 of DDO17 where practical.

**(v) Conclusions and recommendations**

The Panel concludes:

- It is not appropriate to designate the entire perimeter of a commercial block as primary active frontage.
- Designated primary and secondary activate frontages should assist proponents and decision makers decide where an active frontage should be prioritised.
- Built form requirements for primary and active frontages should be revised to clarify each of their intents.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to:**

- a) delete the 'primary active frontage' on Figure 1 from the west boundary of 275-283 Stephensons Road and 1-9 Hamilton Place
- b) replace the primary and secondary active frontage requirements in Clause 2.0 with "*Development should maximise use of clear glazing at ground level adjacent to a primary active frontage on Figure 1. Development should use clear glazing at ground level adjacent to a secondary active frontage on Figure 1*".

**3.5 Interface types****(i) The issue**

The issue is whether designated interface types are appropriate.

**(ii) Background**

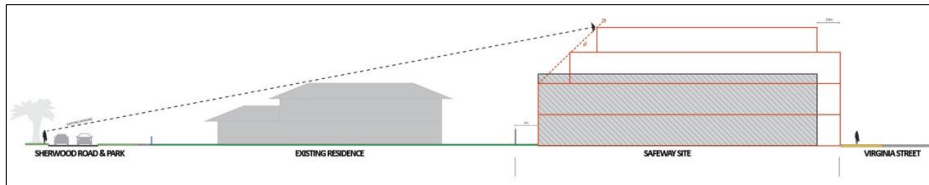
DDO17 provides requirements for rear and side setbacks to sites with a residential interface which include:

- Type 1: 0 metres at ground level, plus an additional one metre set back to every one metre of building height above the third level
- Type 2: 3 metres at ground level, plus an additional one metre setback to every one metre of building height above the third level
- Type 3: 3 metres at ground level, plus an additional one metre setback to every one metre of building height above the second level.

DDO17 also includes the following requirement relating address viewlines from Sherwood Road:

Buildings on the south side of Virginia Street should be designed to minimise their appearance from behind in view lines from Sherwood Road Park as demonstrated in Figure 2 below.

**Figure 2 - Viewlines from Sherwood Road Reserve**



**(iii) Evidence and submissions**

**Woolworths southern property**

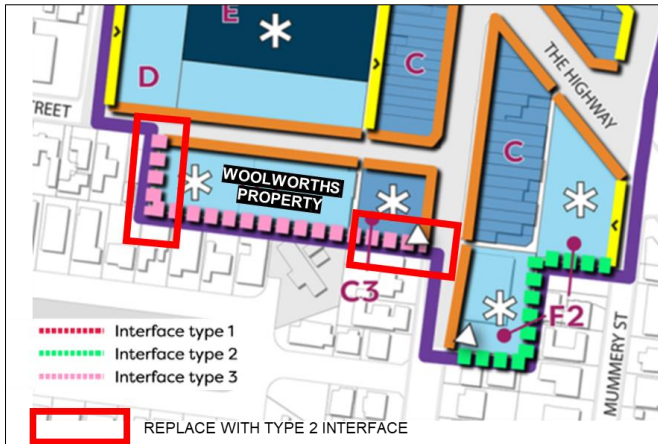
Woolworths noted the Type 3 Interface is slightly more restrictive than the Type 2 Interface because it only nominates a two-storey height before requiring a setback to upper levels, rather than three storeys.

Mr Negri agreed the Type 3 Interface should apply to the southern boundary of the Woolworths southern property because:

- it responds to the residential properties in Sherwood Road
- it manages the visual impact on Sherwood Park
- it provides an acceptable shadow outcome for the neighbouring Sherwood Road properties based on the built form parameters.

However, Mr Negri considered the Type 3 Interface was not warranted along the western boundary of the Woolworths southern property and the south side of the Council car park fronting Stephenson's Road (Site C3 on Figure 9) because these boundaries do not adjoin properties in Sherwood Road. Mr Negri recommended the Type 2 Interface be applied in these locations. Woolworths supported Mr Negri's recommendation.

Figure 9 Negri recommended changes to interface types



Council did not support Mr Negri’s recommendation, and noted the proposed ground and upper level setbacks will ensure that building form is articulated to provide visual interest and maintain the human scale of the MWMAC.

Woolworths also opposed the Sherwood Road Park view lines requirement in DDO17 and proposed that it be revised as:

Buildings on the south side of Virginia Street should be designed to be architecturally well treated from behind in view lines from Sherwood Road Park.

Council proposed the requirement be revised as:

Buildings on the south side of Virginia Street should be designed to minimise their appearance from behind in view lines from Sherwood Road Park as demonstrated in figure 2 below.

In oral evidence, Mr Biles stated retaining Figure 2 in DDO17 helps bring attention to the need to achieve a “*well considered architectural response*” to buildings that can be viewed from Sherwood Road Park.

**256 Stephenson’s Road**

A submitter requested the interface treatment be amended from Type 2 to Type 3 if the preferred height for 256 Stephenson’s Road (shown as C2 on Figure 4) was not reduced.

Council submitted the Type 2 Interface was appropriate in this location and that future development would be assessed against a range of provisions to ensure the amenity of the Amber Grove properties was protected.

**(iv) Discussion**

The Panel agrees with Woolworths that the Type 3 Interface is directed at managing the visual impact of development when viewed from Sherwood Park and Sherwood Road. It is not warranted in the areas identified by Mr Negri (Figure 9). The Type 2 Interface should be applied to these areas, consistent with approach taken to sites A2 and F2 shown on Figure 4, which similarly abut residential properties.

For consistency, the interface for 256 Stephenson's Road (C2) should be maintained as Type 2. As pointed out by Council, the amenity impact of future development on Amber Road properties will be assessed at the permit application stage.

The Sherwood Road Park and properties on the south side of Virginia Street are approximately 50 metres apart. This separation, combined with preferred maximum building height of 18.5 metres, will minimise the visibility of buildings viewed from the park. This outcome can be reinforced through the requirement generally proposed by Council. The Panel's preferred drafting is:

Buildings on the south side of Virginia Street should be designed to minimise their visibility from Sherwood Road Park.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- The Type 3 Interface should only apply to the southern boundary of properties directly abutting Sherwood Road.
- The Type 2 Interface should be applied to the western boundary of the Woolworths southern property and southern boundary the Council owned car park at 331-343 Stephenson's Road.
- The Type 2 Interface should be retained on the eastern boundary of 256 Stephenson's Road.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to:**

- a) amend Map 1 to replace the Type 3 Interface with Type 2 Interface on the:
  - western boundary of the Woolworths southern property at 64-74 Virginia Street
  - southern boundary of the land at 331-343 Stephenson's Road
- b) amend the 'Residential interface setbacks' in Table 1 to apply:
  - Type 2 to 'D3 – western boundary'
  - Type 3 to 'D3 – southern boundary'
- c) revise the Sherwood Road Park view lines requirement as *"Buildings on the south side of Virginia Street should be designed to minimise their visibility from Sherwood Road Park"*.

### **3.6 Front setbacks**

#### **(i) The issue**

The issue is whether the preferred setback of 256 Stephenson's Road to Amber Grove is appropriate.

#### **(ii) Background**

The location of 256 Stephenson's Road is shown in Figure 3.

DDO17 Clause 2.0 (Buildings and works) provides:

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

**Building setbacks**

Buildings should be built to the boundary shared with any street, including side-streets.

Unless there is an interface with residential land as identified in Figure 1 and Table 2, development above three storeys should be set back at least 3 metres from any street or parking lot boundary including streets at the side and rear.

**(iii) Evidence and submissions**

A submitter sought to increase the preferred setback of 256 Stephenson's Road to Amber Grove for consistency with the prevailing setback of residential development (7.6 metres).

Council's Officer Report of 26 September 2023 stated:

Building commercial development to the street boundary, provided the frontage is activated, is a standard and appropriate design outcome in retail and commercial areas. The DDO requires activated frontage, which will provide surveillance of the street and a more pleasant walking environment. While this does contrast with the generous landscaped front setbacks provided in the residential areas of Amber Grove, it is the best outcome in commercial areas of an activity centre.

**(iv) Discussion**

The edges of the commercial core of the activity centre often present challenges in managing the transition from commercial to residential built form. This is especially so where the edges occur mid-block, rather than at a street or public space.

The Panel agrees with Council that it is appropriate to set a requirement for buildings to be built to front boundaries in the development intensification area, to make effective use of commercial sites.

**(v) Conclusion**

The Panel concludes the preferred front setback requirement for 256 Stephenson's Road should be retained at zero metres.

### 3.7 Pedestrian spine

**(i) The issues**

The issues are whether:

- the proposed route of the central pedestrian spine is appropriate
- the central pedestrian spine should be recognised in the Amendment.

**(ii) Background**

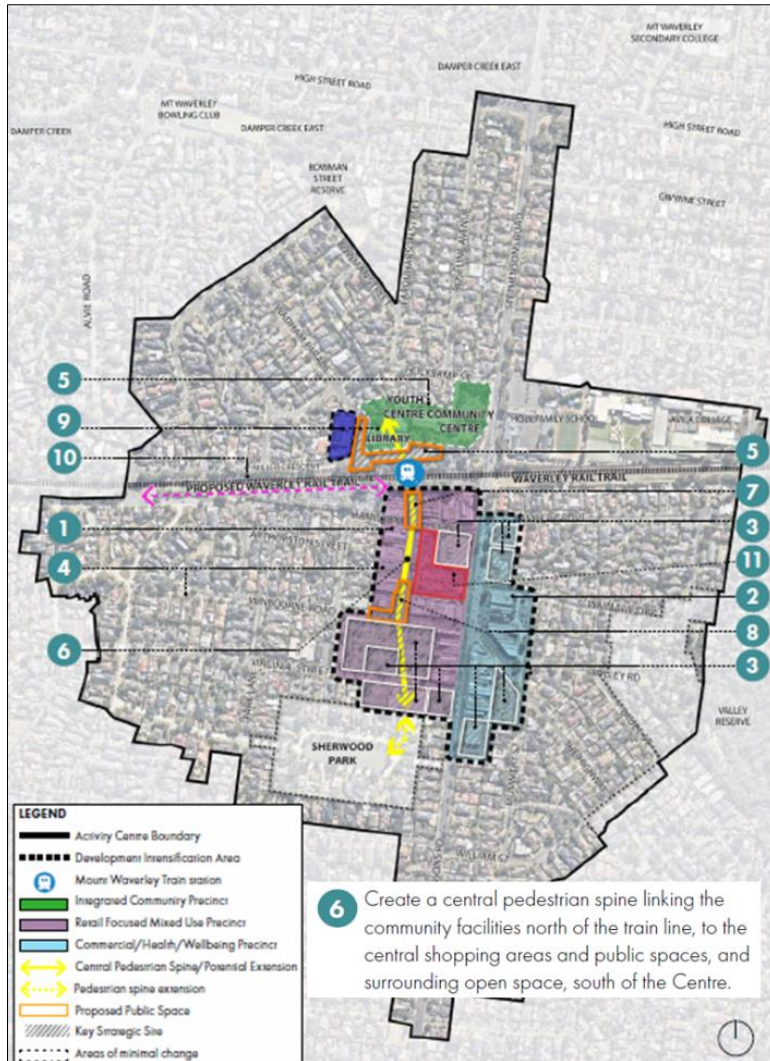
Action 6 of the Structure Plan is:

Create a central pedestrian spine linking the community facilities north of the train line, to the central shopping areas and public spaces, and surrounding open space, south of the Centre.

The location of the pedestrian spine is shown in Figure 10.

Clause 22.16-3 and DDO17 do not refer to the pedestrian spine.

Figure 10 Mount Waverley Structure Plan Key Policies and Actions



Source: Mount Waverley Activity Centre Structure Plan Figure 1

**(iii) Evidence and submissions**

A submitter considered there was no need to connect Sherwood Park to the Mount Waverley Train Station, community precinct and library.

Council submitted the Amendment does not reference the central pedestrian spine, primarily because this is a Council action to deliver as a capital project over its own land and with other landowners like Metro Trains over their land. Council noted the spine already exists from the library to Woolworths, but there are many opportunities for its further improvement by:

- landscaping
- improving amenity and accessibility under the train line
- widening footpaths
- improving visibility through Hamilton Walk by acquiring the shop at 47 Hamilton Place.

Other aspects of the central pedestrian spine are a long term aspiration involving acquisitions or substantial changes to the use of the Council land. This includes the proposed connection through the Woolworths southern property to the Sherwood Road.

Council submitted the built form plan in the DDO17 is intended to guide development in accordance with the current street layout and the omission of reference to the central pedestrian spine through the Virginia Street car park was an oversight. Council invited the Panel's advice on how to address the spine in the Amendment, particularly given its conceptual nature.

Mr Biles' evidence stated the central pedestrian spine already functions as a lively conduit to connect the west side of the centre to the train station, public facilities like the library and then south to small frontage shops that are vibrant, activating the foot path with outdoor dining and public seating. He considered the extension and pedestrianisation of the spine is an important initiative in the ongoing life of the MWMAC.

Mr Biles recommended:

- the importance of the central pedestrian spine as a key element in the Structure Plan is positively endorsed
- a design guideline requiring weather protection over footpaths to improve pedestrian amenity along the central pedestrian spine be included the Amendment.

Mr Negri's evidence stated:

- the central pedestrian spine severs the northern Woolworths property and falls over the existing Woolworths supermarket building (on the Woolworths southern property)
- while the Amendment does not include any provisions to implement the central pedestrian spine initiative, it is clearly an important feature of the Structure Plan
- the Structure Plan will have status as an adopted Council strategy and is also proposed to be a Reference Document and a Background Document in the Planning Scheme
- whilst a central pedestrian spine extending from the train station into the retail core of the activity centre has merit, it is not necessary for the central pedestrian spine to extend south of Virginia Street into the residential precinct to the south
- this leg of the pedestrian spine impacts the Woolworths Supermarket and the neighbouring Council childcare centre
- if supported, a link to the residential precinct should follow the road that adjoins the eastern boundary of the Woolworths property
- north of Virginia Street there is opportunity for the pedestrian spine to be aligned to follow existing roads.

Woolworths supported Mr Negri's proposal, adding:

- the location of the central pedestrian spine in the Virginia Street car park should be marked as 'indicative' at this point in time
- the existing pedestrian path through the Virginia Street car park is not straight line, but currently 'dog legs' to the east
- there is no reason the new central pedestrian spine could not contain similar 'dog legs' to link with the most achievable ultimate route

In the alternative, Woolworth submitted:

- the depiction of any pedestrian spine to the south of Virginia Street should be deleted, or
- the Structure Plan should not be made a reference document in the Planning Scheme.

**(iv) Discussion**

The central pedestrian spine forms part of the principal pedestrian network identified on the Movement and Access Plan (Figure 7). The Panel agrees with Mr Biles that the central pedestrian spine is a key element of the Structure Plan. It should inform the built form response to various detailed design issues, including active frontages and solar access to public spaces.

The location of the spine is effectively fixed to the Hamilton Place road reserve between the Mount Waverley Train Station and Winbourne Road. Its location is less definitive south of Winbourne Road through the Virginia Street car park and Woolworths southern property.

There are many options for the future path of the spine through the Virginia Street car park and it will not necessarily follow its existing alignment. This will be a key consideration for Council when it packages its holding for future sale, whenever that may be. For present purposes, the Panel considers it is appropriate for the spine to be shown as part of the principal pedestrian network as 'indicative, final alignment to be determined'.

Extending the spine through the Woolworths southern property is highly aspirational. Council, as the owner of the spine initiative, is not taking steps to progressively deliver this leg of the spine through current capital projects, including its most recent development at the Sherwood Park Pre School Centre, which provides the theoretical connection from the Woolworths southern property to Sherwood Park.

The Panel agrees with Woolworths that the more likely, and practical, extension of the central pedestrian spine south of Virginia Street will be located east of the Woolworths southern property, should that property continue as a supermarket or similar large format retail use. It could potentially be located in the laneway west of the existing Council car park or on Stephensons Road. That said, the Panel observes Sherwood Park is quite separate to the retail core of the MWMAC and it is not a strong southern anchor to the spine. It is unnecessary for this section of the spine to be shown as part of the principal pedestrian network in DDO17.

The Panel further considers it is unnecessary to make the recommendations sought by Woolworths to alter the alignment of this part of the spine in the Structure Plan, principally because the background document does not form part of the Planning Scheme.

**(v) Conclusions and recommendation**

The Panel concludes:

- The central pedestrian spine should be recognised as part of the principal pedestrian network in DDO17.
- The proposed route of the central pedestrian spine between Winbourne Road and Virginia Street is unresolved. The intent to deliver the connection should be recognised as part of mapping of the principal pedestrian network.
- The proposed extension of the central pedestrian spine south of Virginia Street connecting to Sherwood Park is not sufficiently resolved to warrant recognition as part of the principle pedestrian network in DDO17.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to show the central pedestrian spine:**



- a) **between the Mount Waverley Train Station and Winbourne Road as part of the principal pedestrian network**
- b) **between Winbourne Road and Virginia Street as part of the principal pedestrian network and labelled ‘indicative – final alignment to be determined’.**

### 3.8 Trees

#### (i) The issue

The issue is whether trees in the activity centre should be protected.

#### (ii) Background

Council’s Day 1 version of DDO17 included changes which responded to concerns raised about removal of trees in the Virginia Street car park as follows:

##### **Design objective**

To maintain and strengthen the centre’s sense of place and village feel through the delivery of high quality built form [and landscaped](#) outcomes.

Buildings and Works

##### **Buildings and works**

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

##### **Landscaping**

...

[Include the retention of existing canopy trees or the establishment of new canopy trees in any new development of the land bounded by Virginia Street, Alexander Street, Winbourne Road, and the laneway to the rear of shops fronting Stephenson’s Road and incorporate canopy trees and landscaping to:](#)

- [maintain and enhance the village feel,](#)
- [soften the impact of any buildings,](#)
- [reduce the impact of the built form on ambient air temperature; and](#)
- [improve the garden character of immediate environs.](#)

Council also proposed Day 1 changes to Clause 22.16-3, adding a ‘Landscaping’ section under ‘Built Form’ as follows:

[Encourage the retention of existing canopy trees or the establishment of new canopy trees in any new development of the land bounded by Virginia Street, Alexander Street, Winbourne Road, and the laneway to the rear of shops fronting Stephenson’s Road to:](#)

- [maintain and enhance the village feel,](#)
- [soften the impact of any buildings,](#)
- [reduce the impact of the built form on ambient air temperature; and](#)
- [improve the garden character of immediate environs.](#)

#### (iii) Evidence and submissions

A submitter stated rezoning of the Virginia Street car park and subsequent development would result in a loss of trees, which currently provide habitat for wildlife, shade, canopy cover and amenity. The submitter said Council had an environmental obligation to protect treed spaces and encourage planting of more trees to retain the Garden City character of Mount Waverley.

Mr Biles' evidence stated that retaining significant trees is a good outcome because it would maintain and amplify their existing landscape contribution, support environmental outcomes and reinforce the Garden City character of the MWMAC. He considered landscaping provisions should apply to Council-owned car parks as well as private properties.

Mr Negri did not support Council's Day 1 changes to Clause 22.16-3 or DDO17, noting future redevelopment will "*clearly necessitate*" the removal of the trees which "*should be acknowledged and accepted*". Woolworths agreed with Mr Negri, adding:

- the Virginia Street car park is an underutilised parcel of developable land
- any redevelopment of the site may include the provision of underground car parking, which may not be compatible with retaining trees
- landscaping provisions should be clear and realistic about the potential for tree retention and replacement
- Council owns most of the Virginia Street car park and may choose to retain and replace trees at a higher rate than might otherwise be expected in the MWMAC
- it is not necessary or appropriate for there to be landscaping provisions in the Planning Scheme that could be claimed to require the retention and/or replacement of canopy trees in a car parking site such as exists now.

Council did not support the changes suggested by Woolworths or Mr Negri, noting the 'Garden City' character is a key characteristic of Mount Waverley, with the landscaped car parks being a key feature identified by the community in development of the Structure Plan. Council submitted the provisions provide flexibility to remove canopy trees where required for redevelopment, but seek the establishment of new canopy trees as part of new development on the perimeter of a site or in any suitable areas created.

#### **(iv) Discussion**

A discretionary requirement to retain existing vegetation is impractical in an area earmarked for development intensification in the Structure Plan. Instead, the provision should be redrafted as a decision guideline, which should be expressed as:

Whether development retains existing canopy trees or alternatively provides for the establishment of new canopy trees.

Further, in the Panel's view it is desirable to consider the impact of removing trees and new planting across all land in DDO17, not just the Virginia Street car park. This is consistent with an existing strategy of Clause 15.01-2S (Building design), which provides "*Encourage development to retain existing vegetation*".

Consistent with its discussion and recommendations in Chapter 6.2 (below), the Panel considers it unnecessary to duplicate provisions between Clause 22.16 and DDO17. On this basis, Council's proposed changes to Clause 22.16 are not required.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- The proposed requirement to retain existing trees or plant new trees is impractical in areas designated for intensification.
- The requirement should be redrafted as a decision guideline.

- It is unnecessary to repeat content contained in Design and Development Overlay Schedule 17 in Local Planning Policy Clause 22.16 (Mount Waverley Major Activity Centre).

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to insert a new decision guideline “Whether development retains existing canopy trees or alternatively provides for the establishment of new canopy trees”.**

### 3.9 Sustainability

#### (i) The issue

The issue is whether the Amendment supports sustainable development, including longevity of buildings and greater energy efficiency ratings.

#### (ii) Background

Chapter 6 of the Structure Plan provides policies to “strengthen the village’s sense of place”, including:

Ensure that all development supports a sustainable Activity Centre through implementation of best practice environmental sustainable design standards, including energy efficiency and water management.

The Amendment does not include policies or requirements relating to environmental design.

#### (iii) Evidence and submissions

A submitter requested the Amendment address various sustainability issues, including wind impacts of tall buildings, longevity of building structures and building energy ratings.

Council’s Officer Report of 26 September 2023 noted:

- wind effects are assessed at the planning permit stage
- the planning system does not manage longevity of buildings
- Council has an environmentally sustainable design (ESD) policy
- the Department of Transport and Planning has a preference for Statewide ESD policies, rather than locally specific policies
- a proposal to introduce local ESD policies for Mount Waverley is better pursued through a separate Amendment.

#### (iv) Discussion

The Panel is satisfied that local provisions to manage wind effects, building longevity and ESD are not required to support development in the MWMAC, given:

- Clause 15.01-2S (Building design) addresses building design and siting to support ESD
- Clause 58 (Apartment developments) deals with wind impacts where development is five storeys or more.

**(v) Conclusion**

The Panel concludes it is unnecessary for the Amendment to contain specific requirements for sustainable development and wind impacts, as these matters are managed by the Victoria Planning Provisions.

**3.10 Open space****(i) The issue**

The issue is whether the Structure Plan provides appropriate open space to meet the needs of the community.

**(ii) Background**

The Structure Plan identifies existing public open space areas, including Sherwood Park (Figure 1). In addition, the 'Key Policies and Actions Plan' (Figure 10) identifies three proposed 'public spaces', including land south of the existing library, and in two locations at the north and south end of Hamilton Place.

*Planning Practice Note 58: Structure planning for activity centres, September 2018 (PPN58)* states that one of the aims of structure planning is:

- provide for well designed and well located public spaces, (including passive and active open space) that serve the needs of all the community and visitors to the centre.

**(iii) Evidence and submissions**

A submitter stated the Structure Plan's failure to provide open space was a lost opportunity to retain mature trees and enhance the village atmosphere of the MWMAC.

Council's Officer Report of 26 September 2023 stated:

These are detailed development and design issues that are not addressed through a planning scheme amendment.

The Structure Plan includes a green pedestrian spine through the centre and expansion of the Winbourne Avenue plaza, as well as looking at wider footpaths and better pedestrianisation.

...

Council has the most control of the site as the land-owner.

**(iv) Discussion**

The Background Report provides a comprehensive of assessment of open space need and supply in the MWMAC. This has informed the key policies and action of the Structure Plan, including the proposal to create a pedestrian spine linking the central shopping centre with community buildings and open spaces.

The Panel considers that the Structure Plan's failure to 'do more' with the Council-owned car parking assets is a missed opportunity, but not a lost opportunity. Mr Biles recommendation for master planning is a one mechanism to consider the future of these spaces.

Notwithstanding, the Panel is satisfied the Structure Plan has properly considered the open space needs of the existing and future community, and is an acceptable response to relevant policy and guidance.

**(v) Conclusion**

The Panel concludes the Structure Plan provides appropriate open space to meet the needs of the community.

## 4 Form and content of the Amendment

### 4.1 Clause 22.03 Industry and Business Development and Character Policy

#### (i) The issue

The issue is whether Clause 22.03 is relevant and should have been considered in the Amendment.

#### (ii) Background

Clause 22.03 (Industry and Business Development and Character Policy) applies to land in an Industrial 1 Zone or a Commercial 1 or 2 Zone.

Clause 22.03 describes the desired future character of the MWMAC as follows:

New development within this Character Type should respect the scale and form of development of the relevant Major Activity or Neighbourhood Centre, while providing for appropriate change.

Development in the Clayton and Mount Waverley Major Activity Centres and the Pinewood, Syndal and Hughesdale Neighbourhood Centres should generally be compatible with the strategic directions detailed in table 1 of Clause 21.06-3, except where an adopted Structure Plan, or some other mechanism, has identified an alternate direction.

In determining appropriate design parameters, reference should be made to all relevant studies, reports and any structure plan adopted for the Activity Centres.

Relevant studies, reports and structure plans are listed as reference documents to this clause.

In relation to building height policy, Clause 22.03 provides:

- Development complements and does not visually overwhelm surrounding buildings, roads or spaces in terms of building scale, height and bulk.
- Development conforms with the scale and high quality design suitable for the locality.
- Encourage development within the Glen Waverley Major Activity Centre in accordance with the approved Glen Waverley Activity Centre Structure Plan, as identified in Clause 42.03 Schedule 12 (Glen Waverley Major Activity Centre).
- Encourage medium to high rise development within the Oakleigh Major Activity Centre (4 –8 storeys). High rise development should be located adjacent to the Oakleigh railway station, except where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.
- Medium rise development should be encouraged in the Brandon Park, Clayton and Mount Waverley Major Activity Centres, except where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.

#### (iii) Submissions

Council acknowledged it had overlooked Clause 22.03 in preparing the Amendment. Council submitted:

- the Planning Scheme drafting proceeded on the basis four storeys was medium rise and eight storeys was high rise
- structure planning would be undertaken for activity centres and those structures plans would be the tool for identifying an appropriate height limit
- there is no inconsistency between the thrust of the policies in Clause 22.03 and the controls, requirements and policies in the Amendment.

Notwithstanding, Council submitted there is a basis for saying Clause 22.03 could be excluded for operating in the MWMAC once the Amendment is approved. Council invited the Panel's advice on this matter.

DJLI submitted eight storeys was considered medium rise in contemporary planning practice.

**(iv) Discussion**

The Panel observes Clause 22.03's objectives and policies have been superseded by provisions to be introduced by the Amendment. The Panel agrees with Council that there is a strong basis for excluding the policy operating in the MWMAC once, and if, the Amendment is approved.

Changes to Clause 22.03 were not authorised and exhibited as part of the Amendment. It is a matter for Council and the Minister for Planning to resolve the procedural steps to be taken to facilitate this change, either as part of the Amendment or a new planning scheme amendment. The Panel notes Council's advice that it is working with the Department of Transport and Planning to translate the Planning Scheme into the Amendment VC148 (Planning Policy Framework) format, and this will result in deleting all Clause 22 policies from the Planning Scheme.

This matter should be resolved as a priority. As pointed out by Council, the current local policy could be claimed to encourage a medium rise/four storey built form outcome in the MWMAC. If the policy remains in the Planning Scheme, it will create an internal inconsistency with the provisions introduced by the Amendment. This should be avoided.

**(v) Conclusions and recommendation**

The Panel concludes:

- The provisions of local policy Clause 22.03 relating to the MWMAC are superseded by provisions to be introduced by the Amendment.
- Clause 22.03 should be excluded from operating in the MWMAC.

The Panel recommends:

**Further recommendation**

**Subject to the approval of Amendment C167mona, as a matter of priority, steps should be taken to ensure that Clause 22.03 does not apply to the Mount Waverley Major Activity Centre.**

## 4.2 Clause 22.16 Mount Waverley Activity Centre Structure Plan Policy

### 4.2.1 Built form policy

**(i) The issue**

The issue is whether the built form policy is appropriate.

**(ii) Background**

The exhibited built form policies with Day 1 changes (Document 8b) are:

Support a moderate intensification of built form that is well designed and enhances the garden city character where it is in residential areas.

Ensure that development promotes Crime Prevention Through Environmental Design (principles) particularly by ensuring passive surveillance over public areas.

Avoid visual bulk through by providing building recesses, setback variations, and articulation of building elevations that are visible from the public realm.

Where a building has a secondary active frontage to a car park, encourage pedestrian access to both the primary and secondary active frontages.

Encourage more housing options to meet the diverse community needs and to attract future residents.

Encourage the development of townhouses, villa units and low scale apartment buildings within the incremental change residential areas shown on Map 1 to this clause.

Encourage greater housing intensification in the intensification area shown on Map 1 to this clause.

Encourage development of accessible dwellings for people with limited mobility in close proximity to the shops, train station and bus stops.

The Practitioner's Guide states a policy:

Sets out the strategic basis for the exercise of discretion under other provisions.

**(iii) Submissions**

Woolworths proposed the built form policies be revised as recommended by Mr Negri as follows:

Support a moderate intensification of built form that [accommodates land use intensification in the Core retail focussed mixed use area on Map 1 and provides a gradual height transition to neighbouring residential areas](#) ~~is well designed and enhances the garden city character where it is in residential areas.~~

~~Ensure that development promotes Crime Prevention Through Environmental Design (principles) particularly by ensuring passive surveillance over public areas.~~

~~Avoid visual bulk by providing building recesses, setback variations, and articulation of building elevations that are visible from the public realm.~~

Where a building has a secondary active frontage to a car park, encourage pedestrian access to both the primary and secondary active frontages.

Encourage more housing options to meet the diverse community needs and to attract future residents.

Encourage the development of townhouses, villa units and low scale apartment buildings within the incremental change residential areas shown on Map 1 to this clause.

Encourage greater housing intensification in the intensification area shown on Map 1 to this clause.

Encourage development of accessible dwellings for people with limited mobility in close proximity to the shops, train station and bus stops.

Council did not support Woolworths' proposed changes.

**(iv) Discussion**

The Panel observes there is much duplication between the proposed built form policies and DDO17 and other provisions of the Planning Scheme. This approach is inconsistent with guidance in the Practitioner's Guide, which states:

Rule 3: A provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions.

The Panel observes the Planning Scheme is yet to be redrafted in the Amendment VC148 (Planning Policy Framework) format, and that its current 'belts and braces' approach to drafting is a legacy approach that is no longer necessary or acceptable.

The Panel's preferred drafting of Clause 22.16:



- sets out the strategic basis for the detailed provisions in DDO3 and DDO17
- deletes policies that duplicate other provisions of the Planning Scheme, for example designing for passive surveillance (Clause 15.01-2S Urban design).

**(v) Conclusion and recommendation**

The Panel concludes that built form policies in Clause 22.16 should not duplicate the provisions of DDO17 or other provisions of the Planning Scheme.

The Panel recommends:

**Amend the built form policies in Clause 22.16 as shown in the Panel preferred version in Appendix D:1 to delete content that duplicates other provisions of the Planning Scheme.**

## 4.3 Design and Development Overlay Schedule 17

### 4.3.1 Objectives

**(i) The issue**

The issue is whether the objectives of DDO17 are appropriate.

**(ii) Background**

The exhibited design objectives of DDO17 with Day 1 changes (Document 8g) are:

To maintain and strengthen the centre's sense of place and village feel through the delivery of high quality built form [and landscape](#) outcomes.

To ensure buildings within core retail areas and along key pedestrian streets contribute to active and engaging street frontages, and support a high level of pedestrian amenity and safety through passive surveillance of public areas.

To encourage excellence in building design by ensuring development improves pedestrian amenity and responds to the characteristics of the site and its context.

To retain the existing fine grain character of commercial buildings around Hamilton Place.

To encourage development that retains human scale and an appropriate transition in building height from the Centre to the adjoining residential areas.

The Practitioner's Guide states an objective:

Specifies the outcomes a decision under a provision should seek to achieve. Objectives can be general or specific to a particular class of use or development regulated by a provision.

**(iii) Submissions**

Woolworths proposed the objectives of DDO17 be revised as recommended by Mr Negri as follows:

To promote mid-rise development in the Mount Waverley Activity Centre accommodating active uses at ground level with offices and/or housing at upper levels and that is arranged to achieve a gradual transition in height to adjoining residential areas.

To ensure buildings within core retail areas and along key pedestrian streets contribute to active and engaging street frontages, and support a high level of pedestrian amenity and safety through passive surveillance of public areas.

To maintain and strengthen the centre's sense of place and village feel and to retain the existing fine grain character of commercial buildings around Hamilton Place.

Council did not support Woolworths' proposed changes and noted that in cross examination, Mr Sheppard broadly agreed the objectives were appropriate.

**(iv) Discussion**

The Panel agrees with Woolworths that the objectives warrant revision to ensure they are focussed and clearly direct the outcomes to be delivered by future development. The objectives drafted by Council do not follow a logical sequence and overlap with one another.

It is clear to the Panel the key design and development matters for this activity centre are:

- strengthening the MWMAC's sense of place and village feel
- retaining fine grain character of commercial buildings around Hamilton Place
- transitioning building scale from the development intensification area to residential areas
- activating the ground floor of new development
- providing safe and enjoyable pedestrian paths
- protecting solar access to key public places.

These key matters should inform the design objectives. The Panel's preferred drafting of the design objectives is:

- To ensure buildings and landscaping strengthen the sense of place and village feel.
- To retain the fine grain character of buildings in Hamilton Place.
- To transition building height from the development intensification area to adjoining residential areas.
- To provide active street frontages and provide a high level of pedestrian amenity and safety.
- To protect solar access in key public spaces and key pedestrian routes.

**(v) Conclusion and recommendation**

The Panel concludes the Design objectives of Design and Development Overlay Schedule 17 should be revised to clearly direct the outcomes to be delivered by future development.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to revise the design objectives in Clause 1.0 to clearly direct the outcomes to be delivered by future development.**

**4.3.2 Buildings and works requirements**

**(i) The issue**

The issue is whether the buildings and works requirements of DDO17 are appropriate.

**(ii) Background**

The Practitioner's Guide defines a requirement as follows:

Specifies the limits of a discretion or right under a provision or the conditions under which it must be exercised.

The 'head clause' to the Design and Development Overlay provides at Clause 43.02-2 (Buildings and works):

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.

- Building height.
  - Plot ratio.
  - Landscaping.
  - Any other requirements relating to the design or built form of new development.
- A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

**(iii) Submissions**

DJLI submitted careful drafting is necessary because Clause 43.02-2 requires that buildings and works must be constructed in accordance with requirements.

**(iv) Discussion**

The Panel agrees with DJLI that all requirements must be carefully drafted to operate effectively with Clause 43.02-2.

While detailed submissions were not made on the drafting of all buildings and works requirements, it is clear to the Panel some require review to comply with drafting guidance. For example, requirements expressed as “*encourage*” or “*consider*” do not set a standard or limit of discretion and do not qualify as requirements.

**(v) Conclusion and recommendation**

The Panel concludes the buildings and works provisions of Design and Development Overlay Schedule 17 should be revised to clearly set the limit of discretion that applies under each requirement.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to revise the requirements in Clause 2.0 to clearly set the limit of discretion that applies under each requirement.**

**4.3.3 Building height requirements**

**(i) The issue**

The issue is whether requirements for building heights in DDO17 should be expressed in metres or storeys.

**(ii) Background**

*Planning Practice Note 60: Height and setback controls for activity centres, September 2018* (PPN60) states:

**References to building heights and setbacks**

The preferred expression of heights and setbacks is in metres and should be in reference to a defined point such as the footpath at the frontage or Australian Height Datum or natural ground level. Reference can also be made to height in terms of storeys, however the definitive control should be in metres.

Where references to both metres and storeys are used, adequate allowance should be made for greater floor-to-floor heights needed to support employment uses where the zoning supports these uses.

**(iii) Submissions**

DJLI submitted it is more appropriate that maximum building heights be expressed in metres rather than storeys, and that a single height be specified for each site (rather than a range). DJLI relied on the evidence of Mr Sheppard, who stated:

It is unclear why the preferred maximum heights are expressed in both storeys and metres, particularly as the schedule does not identify whether one is to take precedence over the other. Planning Practice Note 60 identifies that the preferred expression of heights is in metres. From an urban design perspective, and in order to meet the proposed design objectives, it is the dimensions of the overall building that matter rather than the number of storeys.

In response, Council advised it is common for building heights to be expressed in both metres and storeys, including in the residential zones. The use of both metres and storeys provides clarity for both applicants and the community. Council also confirmed that the intent of the drafting was for both the nominated heights in metres and storeys to be met.

**(iv) Discussion**

The Panel agrees with Mr Sheppard that height in metres, rather than storeys, is of greater importance to the urban design outcome in Mount Waverley. This is reflected in the material before the Panel, which largely focusses on the shadow impacts of buildings at a given height. The material does not provide a meaningful study of the urban design implications of, for example, a three versus four storey building.

Consistent with the recommendations of PPN60, the definitive preferred building height should be expressed in metres. Council's preference for also referencing storeys in the height provisions is contemplated in PPN60, however in the Panel's view provides little value given 'metres' is the definitive requirement.

While metres and storeys are used in the General Residential Zone and Neighbourhood Residential Zone, these are mandatory requirements, and not readily comparable to the Mount Waverley preferred heights which are discretionary.

**(v) Conclusion and recommendation**

The Panel concludes preferred maximum building heights should be expressed definitively in metres.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to express preferred maximum building heights in Table 1 in metres only.**

**4.3.4 Floor to floor dimension requirements****(i) The issue**

The issue is whether requirements for floor to floor height are appropriate.

**(ii) Background**

DDO17 Clause 2.0 (Buildings and works) provides:

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

**Building heights**

...The following minimum floor to floor dimensions should apply:

- 4.2 – 4.5 metres for retail or restaurant use
- 3.2 – 3.5 metres for any other uses.

**(iii) Submissions**

DJLI initially submitted the minimum floor to floor dimensions at Clause 2.0 should be expressed in the precise terms proposed by Mr Sheppard. His evidence was:

It is also unclear why the minimum floor to floor dimensions at clause 2.0 are expressed as a range. What is the purpose of the higher number in each range given that they are minimum requirements? For the avoidance of doubt, I consider that 3.5m is an unreasonably large dimension for residential uses, which typically have floor-to-floor dimensions of 3.05 - 3.2 metres.

In oral evidence, Mr Sheppard added the purpose of specifying floor to floor dimension is to activate the ground floor and provide opportunities to adapt buildings for different uses over time.

Council Officers advised:

- Council has used floor to floor dimensions in DDO schedules in the past, and these have been supported by the Victorian Civil and Administrative Tribunal
- the top of the residential range is above what is often provided, but this is the upper range.

Council's Final Day version of DDO17 (Document 22g) proposed the requirement as:

The following minimum floor to floor dimensions should apply:

- 4.2 ~~– 4.5 metres for retail or restaurant use~~ metres at ground floor
- 3.2 ~~– 3.5 metres for any other uses~~ metres for floors above the ground floor.

DJLI Final Day version of DDO17 (Document 25) proposed the floor to floor dimensions be deleted. Woolworth supported Council's final drafting.

**(iv) Discussion**

The purpose of specifying floor to floor dimensions is to ensure the design of buildings can accommodate employment uses that will activate the ground floor of buildings. This purpose is reflected in the design objectives of DDO17 as exhibited (and recommended by the Panel to be refined.). On this basis, the Panel agrees it is appropriate to set a requirement for the floor to floor dimensions of the ground floor.

The Panel is not satisfied an above ground floor to floor dimension of 3.2 metres is strategically justified in the material supporting the Amendment, noting matters of amenity are dealt with in Clause 58 (Apartment developments).

**(v) Conclusion and recommendation**

The Panel concludes:

- The floor to floor height requirement supports the design objectives of Design and Development Overlay Schedule 17 to ensure building design can accommodate active uses at ground floor level.
- The floor to floor height requirement above ground floor is not strategically justified in the material supporting the Amendment.

The Panel recommends:

**Amend Design and Development Overlay Schedule 17 as shown in the Panel preferred version in Appendix D:2 to replace the requirement for floor to floor heights with *“Buildings should have a minimum floor to floor dimensions of 4.2 metres at ground floor”*.**

## Appendix A Submitters to the Amendment

No	Submitter
1	Vaman Purohit
2	Vinod Havali
3	John Sale
4	Chee Tan
5	Keith Murray
6	Sayesha Hasija
7	Simon Taylor
8	Cameron Lawman
9	Department of Transport and Planning
10	Wayde and Adela Lamb
11	Peter Wilkinson
12	Pamela Brady
13	Sayesha Hasija
14	Ritchies Stores Pty Ltd
15	Terry and Vicki Miller
16	Woolworths Group Ltd
17	Geoffrey and Susan Harmer
18	Daniel
19	DJLI Pty Ltd
20	Melbourne Water
21	Helen Kaye-Smith

## Appendix B Document list

No.	Date	Description	Provided by
1	16 Oct 23	Location of submitters map	Council
2	30 Oct 23	Panel Directions and Hearing Timetable Version 1	Planning Panels Victoria (PPV)
3	16 Nov 23	Part A Submission	Council
4	16 Nov 23	Evidence Statement of Tim Biles with attachments a) Folio of Plans b) Instructions	Council
5	16 Nov 23	Letter of advice from Ethos Urban to Ritchies IGA of 29 May 2019	Ritchies
6	16 Nov 23	Mount Waverley Activity Centre Structure Plan Background Report prepared by Tract Consultants for Monash City Council, December 2018	Council
7	16 Nov 23	Shadow diagrams of commercial areas and residential interfaces, Version 00, 10 November 2023	Council
8	16 Nov 23	Day 1 Amendment documents a) Clause 21.06 b) Clause 22.16 c) Clause 32.08 Schedule 11 d) Clause 32.08 Schedule 13 e) Clause 32.09 Schedule 5 f) Clause 43.02 Schedule 3 g) Clause 43.02 Schedule 17 h) Clause 52.28 Schedule i) Clause 72.08 Schedule	Council
9	23 Nov 23	Evidence Statement of Justin Ganly	Woolworths
10	23 Nov 23	Evidence Statement of Marco Negri	Woolworths
11	23 Nov 23	Evidence Statement of Mark Sheppard	DJLI
12	24 Nov 23	Response to Panel Directions 7c and 7d	Council
13	29 Nov 23	Part B Submission	Council
14	29 Nov 23	Presentation of Tim Biles	Council
15	30 Nov 23	Submission with attachments a) Plan of Consolidation 104420 b) Map of land owned by Woolworths c) Kentucky Fried Chicken Pty Ltd v Gantidis & Anor (1979) 140 CLR 675 d) Mount Waverley Structure Plan Figure 7 and Figure 14 with Woolworths land highlighted	Woolworths



No.	Date	Description	Provided by
16	1 Dec 23	Housing projects for City of Monash	Council
17	4 Dec 23	Outline of Submissions	Ritchies
18	5 Dec 23	Day 3 Clause 43.02 Schedule 17	Council
19	5 Dec 23	Mount Waverley Capacity Analysis	Council
20	5 Dec 23	Mount Waverley Public Places	Council
21	5 Dec 23	Submissions with attachment a) Shadow Diagrams Winbourne Plaza	DJLI
22	6 Dec 23	Final Day Amendment Documents: a) Clause 21.06 b) Clause 22.16 c) Clause 32.08 Schedule 11 d) Clause 32.08 Schedule 13 e) Clause 32.09 Schedule 5 f) Clause 43.02 Schedule 3 g) Clause 43.02 Schedule 17 h) Clause 52.28 Schedule i) Clause 72.08 Schedule	Council
23	7 Dec 23	Analysis of Mount Waverley subdivisions	Council
24	7 Dec 23	Speaker's notes on Closing Submission	Council
25	7 Dec 23	DJLI Final Day version of Clause 43.02 Schedule 17	DJLI
26	7 Dec 23	a) Woolworths Final Day version of Clause 22.16 b) Woolworths Final Day version of Clause 43.02 Schedule 17	Woolworths
27	7 Dec 23	Section 173 Agreement Lot 1 on PS427361L corner of Hamilton Place and Stephenson's Road, Mount Waverley	DJLI
28	7 Dec 23	Ritchies Final Day version of Clause 22.16	Ritchies

## Appendix C Planning context

### C:1 Planning policy framework

Council submitted that the Amendment is supported by the relevant planning framework, which the Panel has summarised below.

#### Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing clear guidance for landowners, developers and the community as to the type of development outcomes being sought in MWMAC
- seeking to secure high quality activity centres that are available to future residents of Monash.

#### Clause 11 (Settlement)

The objective of Clause 11.01-1S (Settlement) is:

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The objective of Clause 11.02-1S (Supply of urban land) is:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The objective of Clause 11.02-2S (Structure planning) is:

To facilitate the fair, orderly, economic and sustainable use and development of urban areas.

The objective of Clause 11.03-1S (Activity centres) is:

To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural development into activity centres that are highly accessible to the community.

#### Clause 15 (Built environment and heritage)

The objective of Clause 15.01-1S (Urban design) is:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The objective of Clause 15.01-1R (Urban design – Metropolitan Melbourne) is:

To create a distinctive and liveable city with quality design and amenity.

The objective of Clause 15.01-2S (Building design) is:

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

The objective of Clause 15.01-4S (Healthy neighbourhoods) is:

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

The objective of Clause 15.01-5S (Neighbourhood character) is:

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

#### Clause 16 (Housing)

The objective of Clause 16.01-1S (Housing supply) is:

To facilitate well-located, integrated and diverse housing that meets community needs.

**Clause 17 (Economic development)**

The objective of Clause 17.02-1S (Business) is:

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

**Clause 18 (Transport)**

The objective of Clause 18.02-1S (Walking) is:

To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

The Amendment responds to the PPF, and provides for facilitating development in MWMAC while retaining key character attributes of the centre.

**Clause 21 (the Municipal Strategic Statement)**

The objectives of Clause 21.06 (Major Activity and Neighbourhood Centres) include:

To develop vibrant major activity and neighbourhood centres with a broad mix of uses appropriate to the type of centre and needs of the target population, that have improved access for walking, cycling and levels of public transport services, and that provide a focal point for the community, fostering social and cultural development.

To promote and enhance the unique characteristics of each shopping centre to ensure a strong sense of identity and character, including appropriate signage.

To promote high rise residential development within the Glen Waverley and Oakleigh Major Activity Centres, to support ongoing economic prosperity, social advancement and environmental protection.

To ensure the provision of appropriate buffers and interface between commercial, residential and industrial land uses.

The Amendment responds to these objectives by:

- encouraging a range of uses and prioritising walking and cycling and social and cultural development through both infrastructure to service these and amenity improvements to encourage people to want to undertake those activities in the centre
- applying centre specific design and development overlay seeking to retain the character, and control building heights particularly in Hamilton Place
- encouraging low-rise and mid-rise development in Mount Waverley so as not to detract from Glen Waverley and Oakleigh MAC's
- using the Design and Development Overlay to provide for interface treatments where commercial properties abut residential.

**Clause 22 (local planning policies)**

The Amendment proposes to introduce Clause 22.16 (Mount Waverley Activity Centre Structure Plan).

## C:2 Other relevant planning strategies and policies

### i) Plan Melbourne

*Plan Melbourne 2017-2050* sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches

8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved.

**Table 7** Relevant parts of Plan Melbourne

Outcome	Directions	Policies
Melbourne is a productive city that attracts investment, supports innovation and creates jobs	1.2 Improve access to jobs across Melbourne and closer to where people live	1.2.1 Support the development of a network of activity centres linked by transport
Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport
		2.1.4 Provide certainty about the scale of growth in the suburbs
	2.2 Deliver more housing closer to jobs and public transport	2.2.1 Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne’s central city
Melbourne is a distinctive and liveable city with quality design and amenity	4.3 Achieve and promote design excellence	4.3.1 Promote urban design excellence in every aspect of the built environment
		5.1 Create a city of 20-minute neighbourhoods
Melbourne is a sustainable and resilient city	6.4 Make Melbourne cooler and greener	6.4.1 Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest

### C:3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

**i) Zones**

The Amendment proposes to rezone land to the C1Z. The purposes of the Zone are:

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

**ii) Overlays**

The Amendment proposes to apply various schedules to the DDO to land in the MWMAC. In addition to the common purpose of zones and overlay, the purpose of this overlay is:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

**C:4 Ministerial Directions, Planning Practice Notes and guides****Ministerial Directions**

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

In addition, Ministerial Direction 9 Metropolitan Planning Strategy is relevant to the Amendment. The Amendment is consistent with this direction because it:

- implements planning outcomes consistent with 20 minute neighbourhood objectives
- supports the provision of more local jobs
- supports an increase in the density and diversity of dwellings in the area
- encourages a higher standard of urban design
- supports improved landscape outcomes and canopy tree provision.

**Planning Practice Notes**

The following Planning Practice Notes are relevant to the Amendment:

- Planning Practice Note 58: Structure Planning for Activity Centres, September 2018
- Planning Practice Note 59: The role of mandatory provisions in planning schemes, August 2023
- Planning Practice Note 60: Height and setback controls for activity centres, September 2018
- Planning Practice Note 90: Planning for Housing, July 2023

**Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

## Appendix D Panel preferred version of the Amendment

[Tracked Added](#)

~~Tracked Deleted~~

A summary of changes to Amendment proposed by parties is provided at Appendix E.

### D:1 Clause 22.16

*All Panel preferred changes are tracked against Council's Day 1 version (Document 8b)*

#### 22.16 MOUNT WAVERLEY ACTIVITY CENTRE STRUCTURE PLAN

This policy applies to all land within the Mount Waverley Activity Centre boundary as defined in Map 1 to this clause.

##### 22.16-1 Policy Basis

The purpose of this policy is to implement the Vision, Objectives, Strategies and Actions of the *Mount Waverley Activity Centre Structure Plan – Towards 2036 (2021)*.

The Mount Waverley Major Activity Centre functions as a community focal point, where there are inviting places for people to meet, shop and utilise health and commercial services. The village feel, landscaping and greenery are key focal points of the centre.

##### 22.16-2 Objectives

- To reinforce the role of Mount Waverley Major Activity Centre as a place for the local community to meet their daily and weekly service needs.
- To foster and promote the vibrant village character of the centre and strengthen the sense of place.
- To support diverse housing choices.
- To prioritise easy and safe pedestrian movements through the centre.

##### 22.16-3 Policy

~~If a permit is required for the use and/or development of land, proposals will be assessed on how well they achieve the following aspects of the *Mount Waverley Activity Centre Structure Plan 2021*.~~

It is policy to:

##### Land Use

- Locate and combine land uses within the centre in accordance with Map 1 – Mount Waverley Structure Plan.
- Encourage the consolidation of key retail and hospitality activity on the western side of Stephenson's Road to ensure the Centre maintains its convenient and compact nature.
- Encourage development of office, commercial, health, wellbeing and fitness uses on the eastern side of Stephenson's Road.
- Encourage commercial and residential uses above ground floor within the commercially zoned areas of the centre.

**Built form**

- Support a moderate intensification of built form that is well designed and enhances the garden city character where it is in residential areas.
- ~~Ensure that development promotes Crime Prevention Through Environmental Design(principles) particularly by ensuring passive surveillance over public areas.~~
- Avoid visual bulk through by providing building recesses, setback variations, and articulation of building elevations that are visible from the public realm.
- ~~Where a building has a secondary active frontage to a car park, encourage pedestrian access to both the primary and secondary active frontages.~~
- Encourage more housing options to meet the diverse community needs and to attract future residents.
- Encourage the development of townhouses, villa units and low scale apartment buildings within the incremental change residential areas shown on Map 1 to this clause.
- Encourage greater housing intensification in the intensification area shown on Map 1 to this clause.
- Encourage development of accessible dwellings for people with limited mobility in close proximity to the shops, train station and bus stops.

**Landscaping**

- ~~Encourage the retention of existing canopy trees or the establishment of new canopy trees in any new development of the land bounded by Virginia Street, Alexander Street, Winbourne Road, and the laneway to the rear of shops fronting Stephenson's Road to:~~
  - ~~maintain and enhance the village feel;~~
  - ~~soften the impact of any buildings;~~
  - ~~reduce the impact of the built form on ambient air temperature; and~~
  - ~~improve the garden character of immediate environs.~~

**Access and transport**

- ~~Encourage service and loading areas that:~~
  - ~~Are well designed and adequate for the future needs of the land uses of the building.~~
  - ~~Minimise impacts on surrounding traffic movements.~~
  - ~~Are located away from the primary frontage.~~
  - ~~Avoid conflicts with cyclists and pedestrians.~~
  - ~~Are screened and/or integrated into the design of the building.~~
- ~~Encourage vehicle accessways and entry and exit points that are designed and located to avoid any conflict points with pedestrians.~~
- ~~Ensure that where conflict points between pedestrian and vehicle movements cannot be avoided, their design prioritises pedestrian safety and ease.~~

**22.16-4 Reference documents**

*Mount Waverley Activity Centre Structure Plan Tract Consultants, March 2021*

## D:2 Design and Development Overlay Schedule 17

All Panel preferred changes are tracked against Council's Day 1 version (Document 8g)

### SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO17**.

#### MOUNT WAVERLEY ACTIVITY CENTRE

##### 1.0 Design objectives

~~To maintain and strengthen the centre's sense of place and village feel through the delivery of high quality built form and landscaped outcomes.~~

~~To ensure buildings within core retail areas and along key pedestrian streets contribute to active and engaging street frontages, and support a high level of pedestrian amenity and safety through passive surveillance of public areas.~~

~~To encourage excellence in building design by ensuring development improves pedestrian amenity and responds to the characteristics of the site and its context.~~

~~To retain the existing fine grain character of commercial buildings around Hamilton Place.~~

~~To encourage development that retains human scale and provides appropriate transition in building height from the Centre to the adjoining residential areas.~~

To ensure buildings and landscaping strengthen the sense of place and village feel.

To retain the fine grain character of buildings in Hamilton Place.

To transition building height from the development intensification area to adjoining residential areas.

To activate street frontages and provide a high level of pedestrian amenity and safety.

To protect solar access in key public spaces and key pedestrian routes.

##### 2.0 Buildings and works

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

##### Building heights

Building heights should not exceed the preferred maximum building height specified in Table 1 and Figure 1 to this schedule. ~~The following minimum floor to floor dimensions should apply:~~

~~4.2 – 4.5 metres for retail or restaurant use~~

~~3.2 – 3.5 metres for any other use~~

Buildings should provide a minimum floor to floor dimension on the ground floor of 4.2 metres.

~~Development should not overshadow key public parks, plaza's and places.~~

~~Development should be designed to limit significant loss of sunlight to public areas, particularly through the middle of the day during winter.~~

**Table 1 – preferred maximum building heights**

Area	Preferred maximum height	Residential Interface setbacks (refer Table 2)
Area A - Wadham Parade	<del>3-4 storeys</del> 15 metres	A2 - Type 2
Area B – Hamilton Place environs	<del>3-4 storeys</del> 15 metres	B1 – Type 1



Area C – Stephenson Road environs	4-5 storeys C4 – 29 metres Other – 18.5 metres	C2 – Type 2 C3 – Type 2
Area D	3-4 storeys 15 metres	D3 western boundary – Type 2 D3 southern boundary – Type 3
Area E	5-8 storeys 29 metres	Not applicable
Area F	3-4 storeys 15 metres	F2 – Type 2

**Building setbacks**

Buildings should be built to the boundary shared with any street, including side-streets.

Unless there is an interface with residential land as identified in Figure 1 and Table 2, development above three storeys should be set back at least 3 metres from any street or parking lot boundary including streets at the side and rear.

Where buildings abut residential land shown on Figure 1 to this schedule, setbacks should be in accordance with Table 2 to this clause.

**Table 2 – Residential interface setbacks**

Interface (see Figure 1)	Preferred minimum setback	Example
Type 1 – Commercial/Laneway/ Residential Interface	0 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	<i>Image to be inserted in final version</i>
Type 2 – Commercial/ Residential Interface	3 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	<i>Image to be inserted in final version</i>
Type 3 – Commercial/ Residential Interface –Sherwood Road	3 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the second level	<i>Image to be inserted in final version</i>

**Building form and design**

~~Development on sites identified with a primary active street frontage in figure 1 to this schedule should utilise permeable and transparent facade treatments and provide for active, customer focused uses at ground level of all primary frontages.~~

~~Development on sites identified with a secondary active street frontage in figure 1 to this schedule should contribute to activation of the street at ground level of all secondary frontages.~~

Development should maximise use of clear glazing at ground level adjacent to a primary active frontage on Figure 1.

Development should use clear glazing at ground level adjacent to a secondary active frontage on Figure 1.

Development on gateway sites into the centre shown on figure 1 should be designed to create a sense of arrival at the centre through architectural features of the building.

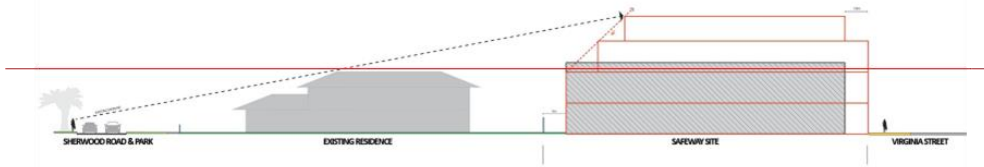
~~Encourage the enhancement of the fine grain streetscape rhythm through~~ Development should ~~break~~ ing up long single building facades ~~through with~~ different facade treatments.

Building design should minimise the visual bulk of large buildings should provide through significant breaks and recesses in building massing.

Buildings that have an interface with residential land shown on figure 1 ~~to this schedule~~ should be designed minimise negative amenity impacts including overlooking, overshadowing, noise and odour to the adjoining residential land.

Buildings on the south side of Virginia Street should be designed to minimise their appearance from behind in view lines from Sherwood Road Park as demonstrated in figure 2 below.

**Figure 2—Viewlines from Sherwood Road Reserve**



**Circulation and access**

Loading areas and services areas of buildings should be:

- Screened and/or integrated into the design of the building.
- Located away from the primary frontage.
- Located and designed to avoid conflicts with cyclists and pedestrians.
- Designed to minimise impacts on surrounding traffic movements.
- Well designed and adequate for the future needs of the land uses of the building.

**Landscaping**

~~Significant trees on sites should be retained wherever possible.~~

~~Include the retention of existing canopy trees or the establishment of new canopy trees in any new development of the land bounded by Virginia Street, Alexander Street, Winbourne Road, and the laneway to the rear of shops fronting Stephenson's Road and incorporate canopy trees and landscaping to:~~

- ~~▪ maintain and enhance the village feel,~~
- ~~▪ soften the impact of any buildings,~~
- ~~▪ reduce the impact of the built form on ambient air temperature; and~~
- ~~▪ improve the garden character of immediate environs.~~

~~Development should consider opportunities for landscaping above the ground level such as through planter boxes, green walls or green roofs built into the building form to contribute to the Garden City character of the area.~~

~~Where any Setbacks are visible from the public realm, they should be landscaped to contribute to complement the~~ Garden City character of the area.

**3.0 Subdivision**

None specified.

**4.0 Signs**

None specified.

**5.0 Application requirements**

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Where an application proposes to exceed the preferred maximum building height, it must demonstrate how the development will continue to achieve the Design Objectives and all other relevant requirements of this schedule.

- Where an application proposes to exceed the preferred maximum building height on a site with a residential interface, the application must address the impacts and any mitigation measures in relation to the residential land.

**6.0 Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

~~Whether the development meets the building heights, building setbacks, building form and design, circulation and access, and landscaping requirements specified in this schedule.~~

- [Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox.](#)
- [Whether development retains existing canopy trees or provides for the establishment of new canopy trees.](#)
- [Whether development provides opportunities for landscaping above the ground level such as through planter boxes, green walls or green roofs built into the building form to contribute to the Garden City character of the area.](#)

**Reference documents**

Mount Waverley Activity Centre Structure Plan Tract Consultants, March 2021

**Figure 1 Built form map**



## Appendix E Summary of parties proposed changes to the Amendment documents

Clause and version	Tabled by	Document	Summary
<b>21.06</b>			
Exhibition	-	-	<ul style="list-style-type: none"> <li>- insert new objective for MWMAC</li> <li>- insert new content for MWMAC in Table 1</li> <li>- make Structure Plan a reference document</li> </ul>
Day 1	Council	8a	No change
Final Day	Council	22a	No change
<b>22.16</b>			
Exhibition	-	-	New clause
Day 1	Council	8b	<ul style="list-style-type: none"> <li>- amend built form policy for visual bulk</li> <li>- insert new requirement for 'landscaping'</li> </ul>
Negri	Woolworths	10 A3	<ul style="list-style-type: none"> <li>- amend policy basis</li> <li>- amend preamble to policy</li> <li>- amend built form policy</li> <li>- delete reference document</li> </ul>
Final Day	Council	22b	No change to Day 1
Final Day	Woolworths	26a	<ul style="list-style-type: none"> <li>- amend built form policy</li> <li>- delete landscaping policy</li> <li>- option to delete reference document</li> </ul>
Final Day	Ritchies	28	<ul style="list-style-type: none"> <li>- insert new objective</li> <li>- insert new land use policy</li> </ul>
<b>32.08 Schedule 11</b>			
Exhibition	-	-	New clause
Day 1	Council	8c	No change
Final Day	Council	22c	- switch off permit requirement for dwellings on lots between 300-500 square metres
<b>32.08 Schedule 13</b>			
Exhibition	-	-	New clause
Day 1	Council	8d	No change
Final Day	Council	22d	- switch off permit requirement for dwellings on lots between 300-500 square metres
<b>32.09 Schedule 5</b>			
Exhibition	-	-	New clause
Day 1	Council	8e	No change

# Attachment 7.1.4.1 Monash C 167 mona Panel Report

Monash Planning Scheme Amendment C167mona | Panel Report | 25 January 2024

Clause and version	Tabled by	Document	Summary
Final Day	Council	22e	- switch off permit requirement for dwellings on lots between 300-500 square metres
<b>43.02 Schedule 3</b>			
Exhibition	-	-	- revise design objectives - revise permit requirement for fencing - revise requirements for buildings and works, and fencing
Day 1	Council	8f	No change
Final Day	Council	22f	- further revisions to design objectives - further revisions to permit requirement for fencing - further revisions to requirements for buildings and works, and fencing
<b>43.02 Schedule 17</b>			
Exhibition	-	-	New clause
Day 1	Council	8g	- revise design objectives to include landscaped outcomes - insert requirements for landscaping
Mr Negri	Woolworths	10 A2	- revise design objectives - delete overshadowing requirements, Figure 2 and landscaping requirements - delete reference document
Day 3	Council	18	- delete specific requirements for overshadowing of public parks, plazas and place and public areas - insert general requirement to minimise overshadowing - insert decision guideline for overshadowing
Final Day	Council	22g	- revise requirements for floor to floor dimensions
Final Day	DJLI	25	- delete floor to floor dimension requirements - amend Table 1 to delete storeys and insert preferred height of 29 metres for Area C4 - amend building setback requirements to apply to public areas and public car parks - insert new requirement for additional setback above 18.5 metres - insert a new requirement for Area C4 to contribute to the activation of the street - replace the loss of sunlight provision with a specific requirement for Hamilton Place
Final Day	Woolworths	26b	- revise design objectives - revise floor to floor dimension requirements - revise loss of sunlight requirements - revise Sherwood Park Road view lines requirement, delete Figure 2 - delete landscaping requirements - insert decision guideline for loss of sunlight to public spaces
<b>52.28 Schedule</b>			
Exhibition	-	-	- revise listed properties in Mount Waverley Shopping Centre

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Clause and version	Tabled by	Document	Summary
Day 1	Council	8h	No change
Final Day	Council	22h	No change
<b>72.08 Schedule</b>			
Exhibition	-	-	- list Structure Plan as a Background Document
Day 1	Council	8i	No change
Final Day	Council	22i	No change

## MONASH PLANNING SCHEME

21.06

16/08/2018  
C86

21.06-1

25/01/2018  
C120**MAJOR ACTIVITY AND NEIGHBOURHOOD CENTRES****Overview**

Major activity and neighbourhood centres provide attractive environments and a focus for community activities and social life within Monash. They provide jobs, investments and goods and services for residents and business. Most activity and neighbourhood centres are well connected to the public transport system, comprise a variety of uses and provide for a wide range of retail needs. They also contain important community facilities such as those associated with public administration, education, health and emergency services.

Community life is enhanced by safe and convenient access to a variety of goods and services in major centres such as Glen Waverley, Clayton and Oakleigh, supported by a variety of quality smaller, local activity centres.

Major activity and neighbourhood centres are considered to be important locations for residential development. This will ensure a range of housing types is available to satisfy the housing needs of the Monash population now and into the future. This strategy is addressed in greater detail in Clause 21.04 and the *Monash Housing Strategy 2004*.

Council is committed to maintaining and enhancing the cosmopolitan range of business activity centres across the municipality to continue to meet community needs and preferences for retail, entertainment, office and other commercial services. These activities contribute to the significant level of economic activity and employment in Monash.

*Plan Melbourne: Metropolitan Planning Strategy 2017-2050* identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (which also extends into the Cities of Kingston and Greater Dandenong). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne's position as a global city and will be supported into the future. The Monash National Employment and Innovation Cluster is Melbourne's largest established cluster, representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses. It incorporates the Monash Technology Precinct, which encourages research and development based industries in the Precinct. Preparation of a long term plan for the cluster and governance process is currently under development.

Monash also contains a number of locally significant centres, including major activity centres identified within *Plan Melbourne*, and neighbourhood centres which Councils are responsible for identifying. Glen Waverley is the most significant Major Activity Centre within the City of Monash identified within *Plan Melbourne*. It has a number of distinct comparative economic advantages such as its convenience shopping, major supermarkets and department stores, concentrated retail activities within The Glen and its substantial and well patronised entertainment precinct. Glen Waverley has an extensive range of goods and services, easy access to good quality public transport and transport routes and is recognised as a major social focus for the municipality and the middle south eastern region.

Glen Waverley has experienced major renewal and redevelopment in the past few years that has revitalised the Centre. It is anticipated that the Centre will continue to grow and change into the following years. Council wishes to see Glen Waverley continue to develop as a major entertainment and retail centre for the eastern metropolitan region. This centre is also the appropriate location for the development of high rise residential development.

Monash contains a well-connected network of activity and neighbourhood centres. The major activity centres of Oakleigh, Clayton, Brandon Park, and Mt Waverley are supported by smaller neighbourhood centres of Pinewood, Wheelers Hill, Waverley Gardens, Syndal, Hughesdale, Homes Glen, Huntingdale, Oakleigh South and other smaller centres.

**MONASH PLANNING SCHEME**

These major activity and neighbourhood Centres provide a convenient and accessible service as well as a local community focus. A decline in these centres may cause inconvenience and loss of expenditure and local employment, and thus dissuade residents from shopping locally. These centres need to attract and retain local businesses to remain vibrant.

**21.06-2**25/01/2018  
C120**Key issues**

- Major activity and neighbourhood centres are likely to be the focus of change over the next 30 years. This change must be planned to ensure that the outcomes are consistent with the vision of Council for more sustainable development that is appropriately located, of a high standard of design and built form compatible with local neighbourhood character and accommodates the needs of the community.
- The Glen Waverley and Oakleigh Major Activity Centres are the preferred locations for high rise residential development.
- The hierarchy of activity and neighbourhood centres provides a framework for planning and development within these areas.
- Major activity and neighbourhood centres require a high degree of access by various modes of public transport.
- The economic health of major activity and neighbourhood centres is key to their growth and viability. This is enhanced through establishing a rich mix of uses and services.
- Some smaller centres are declining in retail activity. Their changing role in the economy should be supported through appropriate planning provisions.
- Heritage places and values within the Oakleigh Major Activity Centre should be protected.
- Safety, access and appearance are important elements of major activity and neighbourhood centres that are valued by the community.
- Out of centre development is generally not sustainable as it results in increased car trips and impacts the amenity of surrounding uses.
- There is concern about the negative impact of gaming machines, particularly in lower socio-economic areas given their proliferation in Monash.

**21.06-3**---/---  
Proposed C167mona**Objectives, strategies and implementation****Objectives**

- To develop vibrant major activity and neighbourhood centres with a broad mix of uses appropriate to the type of centre and needs of the target population, that have improved access for walking, cycling and levels of public transport services, and that provide a focal point for the community, fostering social and cultural development.
- To promote more sustainable transport patterns by ensuring major activity and neighbourhood centres are well serviced by public transport, by encouraging walking and cycling through providing safe and accessible public spaces, and by concentrating activities that generate high numbers of trips in highly accessible locations.
- To promote and facilitate the hierarchy of activity and neighbourhood centres as the most efficient and equitable framework to provide the range of civic, retail, recreational, residential, entertainment, health, educational, restaurant and other service requirements of the community.
- To enhance and promote the Glen Waverley Major Activity Centre as a major multi-functional activity centre servicing the south eastern metropolitan area.
- To enhance and promote the Oakleigh Major Activity Centre as a key focus for convenience, multi-cultural and culinary shopping and community services.



**MONASH PLANNING SCHEME**

- To promote and enhance the village character of the Mount Waverley Major Activity Centre as a community focal point for people to meet, shop and utilise health, community and commercial services.
- To promote and enhance the unique characteristics of each shopping centre to ensure a strong sense of identity and character, including appropriate signage.
- To promote high rise residential development within the Glen Waverley and Oakleigh Major Activity Centres, to support ongoing economic prosperity, social advancement and environmental protection.
- To promote the Monash Technology Precinct, forming part of the Monash National Employment and Innovation Cluster, as the primary strategic location for high technology research and development industries in Victoria.
- To ensure the provision of appropriate buffers and interface between commercial, residential and industrial land uses.
- To minimise harm experienced by the community from electronic gaming machines.
- To maintain air and noise buffer zones between incompatible uses (for example, avoiding residential encroachment upon potentially offensive uses or avoiding siting incompatible industrial uses in close proximity to each other).

**Strategies**

- In considering future development in activity centres, maintain the hierarchy of the existing major activity and neighbourhood centres and promote the development and expansion of retail and related facilities appropriate to the centre's role (See Table 1). Map 5 shows the significant activity centres in Monash.
- Enhance the structure and function of major activity and neighbourhood centres by encouraging a variety of mixed use development, enhancing streetscapes and access including public transport, walking and cycling, improving car parking and creating attractive environments for the benefit of the local community.
- Maintain the vibrancy of the street by encouraging "active frontages" with retail, leisure and cultural facilities.
- Encourage hospitality and entertainment precincts in the major activity centres to meet demand and maximise employment opportunities in these industries.
- Incorporate a retail, entertainment or other approved business use on the ground floor of a multistorey development where the location of the development is in a core retail or business area of the activity centre.
- Promote the Monash Technology Precinct through potential synergies between Monash University, Monash Medical Centre, the Australia Synchrotron and other high technology, research and development institutions and businesses and by facilitating appropriate land use and development.
- Enhance the landscape and signage character of the streetscape and improve the safety and amenity of pedestrian networks including cycle ways, public transport access and parking opportunities where necessary, in all activity centres.
- Require new residential development to provide useable recreational areas, including private, communal and secluded open space areas that are well designed, integrated, functional, safe, solar oriented, well ventilated and meet the needs of future residents.
- Ensure new residential development achieves high quality architectural and urban design outcomes that positively contribute to neighbourhood character.

**MONASH PLANNING SCHEME**

- Promote and facilitate housing projects that will result in a mix of housing types including mixed use developments in appropriate locations, such as “shop top” dwellings within activity centres, as well as over car-parks and other appropriate areas.
- Encourage development that incorporates improved energy efficiency during both building and operation, and minimises production of waste and pollution of the air.
- Consider the interface between major activity and neighbourhood centres and residential areas to minimise and/or manage any impact on the residential character and loss of amenity through innovative and high quality architectural design, appropriate setbacks and landscaping.
- Discourage out of centre development and overspill from larger activity centres of centre-based uses such as large convenience restaurants.
- Facilitate land assembly and site consolidation programs where existing patterns of ownership prevent the implementation of key strategic objectives.
- Address the current decline of some smaller major activity or neighbourhood centres by encouraging redevelopment to residential/office or other mixed uses and by streetscape improvements.

**Glen Waverley Major Activity Centre**

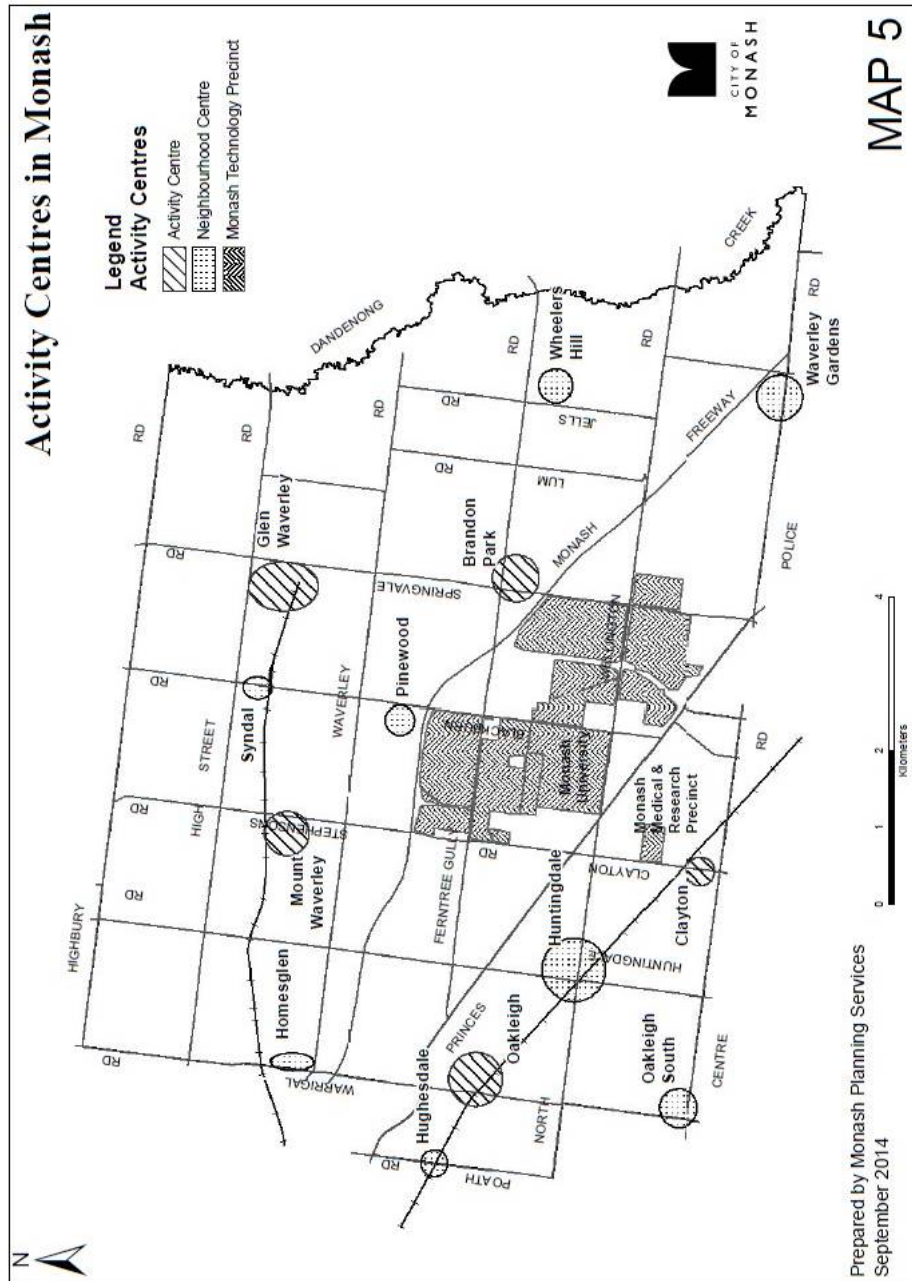
- Enhance the mix of retail, entertainment, office, residential and medical services to meet the needs of residents, workers and visitors through the implementation of the *Glen Waverley Activity Centre Structure Plan 2014 (Updated 2016)*.
- Encourage medium to high rise development in appropriate locations, and with excellence in architectural quality and design.
- Encourage the use of sustainable transport modes to/from and within the Major Activity Centre and decrease traffic congestion within the Centre, through the introduction of the *Glen Waverley Activity Centre Sustainable Transport Plan 2014*.
- Establish Kingsway as a vibrant and engaging civic spine by strengthening its hospitality, entertainment and retail focus and creating an attractive public space integrated with the library, community hub and future public square.
- Ensure buildings integrate with and contribute positively to street life and the public realm by ensuring new development provides opportunities for active and engaging uses at street level and are designed to minimise overshadowing and wind effects.
- Provide community, civic and cultural facilities, events and services that cater to the needs of existing and future populations.

**Oakleigh Major Activity Centre**

- Encourage medium to high rise development (4-8 storeys) within the Oakleigh Major Activity Centre that results in integrated housing, workplaces, shopping, recreation and community services and provides a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.
- High rise development should be located adjacent to the Oakleigh railway station.
- Enhance the Oakleigh Major Activity Centre by encouraging retail uses with an emphasis on a food theme and multi-cultural focus for the community and the development of shop-top housing and offices located above ground level in appropriate locations.

MONASH PLANNING SCHEME

Map 5: Activity Centres in Monash



MONASH PLANNING SCHEME

Table 1: Hierarchy of Activity Centres in Monash

Hierarchy	Primary Focus	Strategic Directions
<b>Major Activity Centres</b>		
Glen Waverley	Dominant regional focus for: <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ department stores</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ residential hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage further development of retail, office, entertainment and community facilities.</li> <li>▪ Encourage medium to high rise development within the Centre.</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities in conjunction with the development of new civic spaces and community facilities.</li> <li>▪ Encourage active and engaging frontages at street level with housing, office or community uses located above.</li> <li>▪ Improve the key streets within the Glen Waverley Activity Centre commercial area to strengthen key streets and cyclist priority.</li> <li>▪ Enhance pedestrian and cycle linkages throughout the commercial area and surrounding residential areas.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> <li>▪ Encourage greater public transport linkages and services.</li> <li>▪ Ensure appropriate interfacing with nearby residential areas.</li> </ul>
Oakleigh	Major focus for: <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.</li> <li>▪ Encourage medium to high rise development within the Centre. (4-8 Storeys).</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage office uses where contiguous retail frontage is not compromised.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>

**MONASH PLANNING SCHEME**

<b>Hierarchy</b>	<b>Primary Focus</b>	<b>Strategic Directions</b>
Mount Waverley	<ul style="list-style-type: none"> <li>▪ providing goods and services to the local community.</li> </ul> <p>Other major focus for:</p> <ul style="list-style-type: none"> <li>▪ specialty retailing</li> <li>▪ mixed commercial uses</li> <li>▪ community facilities</li> <li>▪ small scale offices</li> <li>▪ apartments</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure the village character is retained and enhanced.</li> <li>▪ Encourage redevelopment and concentration of activity.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage retention and expansion of the Garden City Character.</li> <li>▪ Encourage upper level development for office and residential uses.</li> <li>▪ Support diverse housing options within the Centre.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>
Clayton Brandon Park	<p>Major focus for:</p> <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage office uses where contiguous retail frontage is not compromised.</li> <li>▪ Encourage medium rise residential development within the Centre.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>
<b>Neighbourhood Centres</b>		
Pinewood Wheelers Hill Waverley Gardens Syndal	<ul style="list-style-type: none"> <li>▪ Primary focus for weekly convenience shopping, generally with a supermarket as the main drawcard of the Centre.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage a variety of service based facilities to meet local needs.</li> <li>▪ Promote the attractiveness of the Centre for local needs.</li> <li>▪ Encourage the broadening of the community activities base within the Centre.</li> </ul>

**MONASH PLANNING SCHEME**

Hierarchy	Primary Focus	Strategic Directions
Hughesdale Homesglen Huntingdale Oakleigh South	<ul style="list-style-type: none"> <li>▪ Accessible by local public transport services with links to one or more Major Activity centres.</li> <li>▪ Important community focal point, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from various modes of public transport.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage development within the Centre that is of a moderately higher scale than surrounding residential areas.</li> <li>▪ Promote upgrading of uses and facilities within the Centre.</li> <li>▪ Encourage walking, cycling and local public transport use.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> <li>▪ Ensure ongoing development does not impact on the adjacent residential areas.</li> </ul>

**National Employment and Innovation Cluster**

Monash Technology Precinct (key component of the Monash National Employment and Innovation Cluster)	<ul style="list-style-type: none"> <li>▪ Important economic precinct that plays a vital role in the economy of Monash and of the south-eastern group of municipalities.</li> <li>▪ Contains high quality, well designed offices and industrial premises.</li> <li>▪ Main focus is on information technology, biotechnology and other research and development-type industries.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage additional uses that support and are consistent with the continued growth and primary function of the Precinct.</li> <li>▪ Foster linkages between firms and research institutions, demonstrating significant benefits resulting from co-location.</li> <li>▪ Build the profile of the Precinct as a key strategic location for high technology, research and development industries, through acknowledgement of the potential synergies between the university, medical centre and synchrotron facility.</li> <li>▪ Improve public transport services and linkages and ensure connectivity between the Precinct and surrounding activity centres.</li> <li>▪ Ensure uses incorporated into the Precinct do not detract from its specialised function nor compete with nearby Major activity and neighbourhood Activity Centres.</li> <li>▪ Discourage restricted retail from locating in the precinct.</li> </ul>
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**Implementation**

These strategies will be implemented by:

**Policy and exercise of discretion**

- Using local policy to encourage development that meets the above objectives. (*Residential development and character policy, Clause 22.01, Industry and Business Development and Character Policy, Clause 22.03 and Stormwater Management Policy, Clause 22.04, Outdoor Advertising Policy, Clause 22.08, Non-residential Use and Development in Residential Areas, Clause 22.09*).

#### MONASH PLANNING SCHEME

- Encouraging development which enhances the primary focus and strategic directions of each Activity Centre (*Residential Development and Character Policy, Clause 22.01, Monash Technology Precinct Policy, Clause 22.02, Industry and Business Development and Character Policy, Clause 22.03 Wheelers Hill Neighbourhood Activity Centre Policy, 22.06 and Glen Waverley Activity Centre Structure Plan Policy, Clause 22.14*).
- Ensuring that new development minimises any loss of amenity to adjoining residential properties (*Residential Development and Character Policy, Clause 22.01*).
- Discouraging the expansion of retailing outside established centres (*Non-residential Use and Development in Residential Areas, Clause 22.09*).
- Encouraging development of offices and residential uses, above ground level, to strengthen centres where appropriate.
- Encouraging key mixed use and residential developments to locate in activity centres with access to good quality public transport services.
- Encouraging development in the Monash Technology Precinct to achieve preferred built form outcomes as depicted by the *Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre)*, January 2008.
- Addressing streetscape and neighbourhood character issues in any new development or redevelopment.
- Encouraging creative design solutions for new development that enhances the quality of streetscapes particularly in relation to bulk of buildings, outdoor advertising, provision of open space and setbacks to ensure quality landscaping of frontages.
- Ensuring that adequate car parking is provided.
- Taking into account the number, location and distribution of gaming machines and their social and economic impact on the community when considering applications for additional machines through the Victorian Commission for Gambling Regulation.

#### Zones and overlays

- Applying the Commercial 1 and 2 Zones, and Mixed Use Zone.
- Applying the Residential Growth Zone to nominated areas of higher residential development within activity centres.
- Applying the Heritage Overlay to designated precincts, buildings and places.
- Applying the Neighbourhood Character Overlay to identify specific neighbourhood character objectives for special areas.
- Applying the Land Subject to Inundation Overlay and Special Building Overlay to ensure that development does not impact the flow characteristics of a flood event and ensure that the risk to human life and property is within acceptable standards, while protecting environmental values of floodways.
- Applying a Design and Development Overlay or Development Plan Overlay to ensure that the design and development of an area of particular interest achieves the desired goals of Council.
- Using Clauses 52.28-5 and 52.28-6 to prohibit new gaming facilities in identified shopping complexes and strip shopping centres.

#### Further strategic work

- Reviewing and/or preparing structure plans for activity centres, and where required, neighbourhood centres.
- Developing performance criteria and design principles for planning and development in the vicinity of activity and neighbourhood centres.

**MONASH PLANNING SCHEME**

- Exploring opportunities for the development of Council owned and controlled land for strategic commercial and residential development for community benefit with particular emphasis on the Clayton, Oakleigh and Glen Waverley Major Activity Centres.
- Implementing recommendations of the *Monash Housing Strategy 2004*.
- Assess whether additional car parking is necessary and improving traffic management of existing car parking in activity centres through development of parking precinct plans.

**Other actions**

- Advocating the improvement of public transport links to activity centres, particularly the Monash National Employment and Innovation Cluster and neighbourhood centres.
- Ensuring the appropriate and timely provision of strategic infrastructure requirements, including road works and reticulation services.
- Reviewing or developing strategies for the self improvement of the level of services, amenity and viability of business in Monash's activity centres.
- Ensuring residents within major activity centres are aware of differences in amenity expectations between commercial and residential areas.

**21.06-4**

Proposed C167mona

**Reference documents**

- Glen Waverley Activity Centre Structure Plan*, City of Monash, Sept 2014 (updated June 2016)
- Glen Waverley Activity Centre Sustainable Transport Plan*, City of Monash, Sept 2014 (updated June 2016).
- City of Waverley Office Zoning & Floor Space Study: Glen Waverley District Centre and Melbourne Regional Strategic Context*, City of Waverley, Jul 1984
- Glen Waverley District Centre Structure Plan*, City of Waverley, Nov 1988
- Glen Waverley District Centre : the Hub Precinct – Concept Plan. Final draft*. Spiller Gibbins Swan, 1992
- Glen Waverley District Centre Office And Community Precinct: Concept plans and guidelines*, City of Waverley, Aug 1994
- Glen Waverley District Centre Civic, Administrative and Cultural Precinct Concept Plan*, Spiller Gibbins Swan and Gerner Consulting Group, Dec 1995
- Glen Waverley Activity Centre: Parking Precinct Plan*, City of Monash, Sept 2003
- Glen Waverley Activity Centre: Parking Development Contributions Plan*, City of Monash, Sept 2003
- Glen Waverley District Centre Transport Interchange Project*, City of Waverley, Sept 1992
- Oakleigh Major Activity Centre Structure Plan*, City of Monash, 28 Aug 2012
- Background Report – Oakleigh Major Activity Centre Structure Plan*, City of Monash, 28 Aug 2012
- Brandon Park Major Activity Centre Structure Plan – October 2013 (Revised October 2017)*
- Background Report – Brandon Park Major Activity Centre Structure Plan – October 2013*
- Clayton Shopping Centre, Draft Structure Plan*, Jun 1995, Ratio Consultants
- Syndal Shopping Centre Structure Plan*, Ratio Consultants, Nov 1996
- Monash Housing Strategy*, Essential Environmental Services, 2004
- Image Enhancement of Main Roads in the City of Waverley*, Scenic Spectrums in association with Godfrey and Spowers Australia, Mar 1992.



**MONASH PLANNING SCHEME**

*Monash Urban Character Study*, Gerner Consulting Pty Ltd

- Volume 1 - Assessment Report, Jan 1997
- Volume 2 – Citations, Jan 1997

*Monash Neighbourhood Character Guide*, Gerner Consulting Pty Ltd

- Volume 6. Business and industrial character types, Jun 1997

*Monash Heritage Study*, Gerner Consulting Pty Ltd and Andrew Ward, Feb 1999

*Monash 2012 – A Strategy for the Future*, City of Monash, 2003.

*City of Monash Greenhouse Action Plan 2003*

*Monash Responsible Gaming Action Plan 2005 – 2007*, City of Monash, 2005

*Monash Sustainable Communities Framework*, V.G. Urban Solutions & City of Monash, 2004

*Monash Specialised Activity Centre*, Beca Pty Ltd & Essential Economics, Revised Final Strategy, Jan 2008

*Mount Waverley Activity Centre Structure Plan*, Tract Consultants, March 2021

*Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre)*, City of Monash, Jan 2008

MONASH PLANNING SCHEME

**22.16 MOUNT WAVERLEY ACTIVITY CENTRE STRUCTURE PLAN**

~~Proposed C167mona~~ This policy applies to all land within the Mount Waverley Activity Centre boundary as defined in Map 1 to this clause.

**22.16-1 Policy Basis**

~~Proposed C167mona~~ The purpose of this policy is to implement the Vision, Objectives, Strategies and Actions of the *Mount Waverley Activity Centre Structure Plan – Towards 2036 (2021)*.

The Mount Waverley Major Activity Centre functions as a community focal point, where there are inviting places for people to meet, shop and utilise health and commercial services. The village feel, landscaping and greenery are key focal points of the centre

**22.16-2 Objectives**

- ~~Proposed C167mona~~
  - To reinforce the role of Mount Waverley Major Activity Centre as a place for the local community to meet their daily and weekly service needs.
  - To foster and promote the vibrant village character of the centre and strengthen the sense of place.
  - To support diverse housing choices.
  - To prioritise easy and safe pedestrian movements through the centre.

**22.16-3 Policy**

~~Proposed C167mona~~ ~~If a permit is required for the use and/or development of land, proposals will be assessed on how well they achieve the following aspects of the Mount Waverley Activity Centre Structure Plan 2021:~~

It is policy to:

**Land Use**

- Locate and combine land uses within the centre in accordance with Map 1 – Mount Waverley Structure Plan.
- Encourage the consolidation of key retail and hospitality activity on the western side of Stephenson's Road to ensure the Centre maintains its convenient and compact nature.
- Encourage development of office, commercial, health, wellbeing and fitness uses on the eastern side of Stephenson's Road.
- Encourage commercial and residential uses above ground floor within the commercially zoned areas of the centre.

**Built Form**

- Support a moderate intensification of built form that is well designed and enhances the garden city character where it is in residential areas.
- ~~Ensure that development promotes Crime Prevention Through Environmental Design (principles) particularly by ensuring passive surveillance over public areas:~~
- Avoid visual bulk ~~throughby providing~~ building recesses, setback variations, and articulation of building elevations ~~that are~~ visible from the public realm.
- ~~Where a building has a secondary active frontage to a car park, encourage pedestrian access to both the primary and secondary active frontages:~~
- Encourage more housing options to meet the diverse community needs and to attract future residents.

**MONASH PLANNING SCHEME**

- Encourage the development of townhouses, villa units and low scale apartment buildings within the incremental change residential areas shown on Map 1 to this clause.
- Encourage greater housing intensification in the intensification area shown on Map 1 to this clause.
- Encourage development of accessible dwellings for people with limited mobility in close proximity to the shops, train station and bus stops

**Access and Transport**

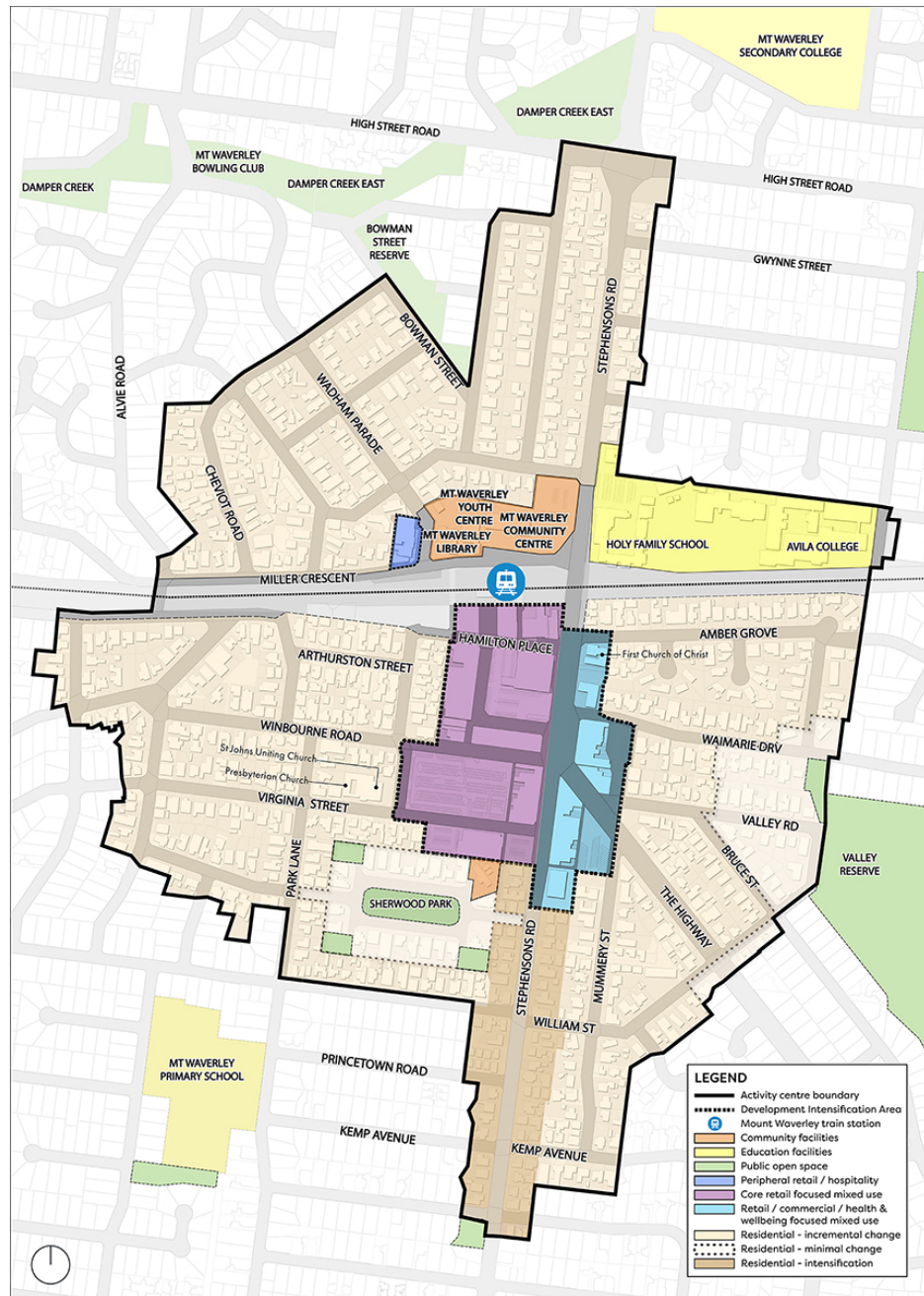
- ~~Encourage service and loading areas that:~~
  - ~~Are well designed and adequate for the future needs of the land uses of the building.~~
  - ~~Minimise impacts on surrounding traffic movements.~~
  - ~~Are located away from the primary frontage.~~
  - ~~Avoid conflicts with cyclists and pedestrians.~~
  - ~~Are screened and/or integrated into the design of the building.~~
- ~~Encourage vehicle accessways and entry and exit points that are designed and located to avoid any conflict points with pedestrians.~~
- ~~Ensure that where conflict points between pedestrian and vehicle movements cannot be avoided, their design prioritises pedestrian safety and ease.~~

**22.16-4 Reference Documents**

~~Proposed C167mona~~ *Mount Waverley Activity Centre Structure Plan* Tract Consultants, March 2021

MONASH PLANNING SCHEME

Map 1 - Mount Waverley Activity Centre Structure Plan



MONASH PLANNING SCHEME

Proposed C167mona

**SCHEDULE 11 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ11**.

**MOUNT WAVERLEY ACTIVITY CENTRE ACCESSIBLE AREA**

**1.0 Neighbourhood character objectives**

Proposed C167mona

To support new development that contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.

To promote neighbourhood design that encourages walkability and community interaction.

To ensure development responds to the characteristics of the site and its context

To support high quality new development that minimises building mass and visual bulk in the streetscape through generous front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.

To encourage development that maximises accesibility, safety and amenity including for those with reduced mobility.

**2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement**

Proposed C167mona

**Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

Proposed C167mona

**Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?**

YesNo

**Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?**

No

**4.0 Requirements of Clause 54 and Clause 55**

Proposed C167mona

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 6.0 metres from the front street. Front porches and verandas may encroach 1.5 metres into this setback. Side street setbacks in accordance with standard A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	None Specified
<b>Permeability</b>	A6 and B9	None Specified
<b>Landscaping</b>	B13	New development should provide or retain: <ul style="list-style-type: none"> <li>At lease one canopy tree per dwelling, plus at least one canopy tree per 5 metres of site width;</li> <li>A mixture of vegetation including indigenous species;</li> </ul>

## MONASH PLANNING SCHEME

Standard	Requirement
	<ul style="list-style-type: none"> <li>▪ Vegetation in the front, side and rear setbacks; and</li> <li>▪ Vegetation on both sides of accessways.</li> </ul> <p>A canopy tree should reach a mature height at least equal to the maximum building height of the new development.</p>
<b>Side and rear setbacks</b>	<p>A new wall not on or within 200mm of a rear boundary should be set back at least 5 metres.</p> <p>Side setback requirements in accordance with standards A10 and B17 continue to apply.</p>
<b>Walls on boundaries</b>	None Specified.
<b>Private open space</b>	<p>A17</p> <p>A dwelling should have private open space consisting of an areas of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room.</p>
	<p>B28</p> <p>A dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>▪ An area of 60 square metres, with one part of the private open space to consist of secluded 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 dimension of 5 metres and convenient access from a living room; or</li> <li>▪ A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>
<b>Front fence height</b>	A20 and B32
	A front fence within 3 metres of a street should not exceed 1.2 metres in height.

**5.0**

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Proposed C167mona

**Maximum building height requirement for a dwelling or residential building**

None specified.

**6.0**

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Proposed C167mona

**Application requirements**

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan prepared by a landscape architect or a suitably qualified landscape designer, drawn to scale and dimensioned which:
  - Identifies, retains and protects significant vegetation on the site and significant vegetation on adjoining properties in proximity to the development which contributes to the character of the area, including the identification of tree protection zones.
  - Proposes new canopy trees and other vegetation that will enhance the landscape character of the activity centre, particularly within front, side and rear setbacks, along driveways and walkways, and within private open spaces areas.
  - Provides a schedule of all proposed trees, shrubs and ground covers including the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
  - Provides the location and details of all fencing and external lighting.
  - Identifies the extent of any cut and fill, embankments or retaining walls associated with the landscape treatment of the site.

**MONASH PLANNING SCHEME**

- Details of all proposed surface materials including pathways, patios or decked areas and measures to reduce stormwater runoff such as porous paving, swales and infiltration, ponding areas and grey water reuse.
- Identifies measures to maintain landscaping, including weed control, pruning, mulching and irrigation systems.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services (including antennas, air conditioning units, fire fighting equipment and letterboxes).
- A waste management plan for the collection and disposal of garbage and recyclables for all users on the site which details:
  - The method of collection of garbage and recyclables.
  - On-site bin storage areas and structures.
  - Appropriate bin storage on collection days that ensures the nature strip in front of the site is sufficient to support the number of bins required.
  - Measures to minimise the impact upon local amenity and the operation, management, amenity and maintenance of car parking areas, walkways and communal open space.

**7.0**

**Decision guidelines**

Proposed C167mona

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to the landscape character of the area. Specifically, whether the proposal:
  - Provides large tree planting in front, side and rear setbacks, and open space areas as appropriate. Environmental weeds and artificial grass should be avoided.
  - Sites buildings to minimise the need for the removal of significant trees, and protects significant trees on the site and adjoining properties.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
  - Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
- How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the neighborhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- How the development minimises the visual and amenity impact of utility areas, such as waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letterboxes.

**MONASH PLANNING SCHEME**

- Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to adjoining residential properties.
- Whether the development incorporates design measures to maximise accessibility, safety and amenity for the occupants and visitors, including those with limited mobility, as well as providing for the safety and amenity of those using the public streets. These measures could include:
  - Legible, accessible and sheltered pedestrian entrances located at the front of the development.
  - Functional, flexible and comfortable internal spaces that achieve a good standard of light and ventilation.
  - Accessible internal layouts.
  - Ground and upper floor windows and doors facing the street.
  - Low or no front fencing.
  - The ability for cars to exit the site in forward direction.



MONASH PLANNING SCHEME

Proposed C167mona

**SCHEDULE 13 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ13**.

**STEPHENSONS ROAD RESIDENTIAL DEVELOPMENT INTENSIFICATION AREA**

**1.0 Neighbourhood character objectives**

Proposed C167mona

To support new development in the form of low rise apartments that contribute to the preferred garden city character through well landscaped gardens that include canopy trees.

To promote neighbourhood design that encourages walkability and community interaction.

To support high quality new development that minimises building mass and visual bulk in the streetscape through front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.

To encourage development that maximises accessibility, safety and amenity including for those with reduced mobility.

**2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement**

Proposed C167mona

**Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

Proposed C167mona

**Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?**

Yes  No

**Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?**

No

**4.0 Requirements of Clause 54 and Clause 55**

Proposed C167mona

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 5.0 metres from the front street. Front porches and verandas may encroach 1.5 metres into this setback. Side street setbacks in accordance with standard A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	None Specified
<b>Permeability</b>	A6 and B9	None Specified
<b>Landscaping</b>	B13	New development should provide or retain: <ul style="list-style-type: none"> <li>▪ At least one canopy tree per dwelling, plus at least one canopy tree per 5 metres of site width;</li> <li>▪ A mixture of vegetation including indigenous species;</li> <li>▪ Vegetation in the front, side and rear setbacks; and</li> <li>▪ Vegetation on both sides of accessways.</li> </ul>

## MONASH PLANNING SCHEME

	Standard	Requirement
		A canopy tree should reach a mature height at least equal to the maximum building height of the new development.
<b>Side and rear setbacks</b>	A10 and B17	For all land north of William Street, and west of Stephenson's Road, a new wall not on or within 200mm of a rear boundary should be set back at least 5 metres.  For all other land, rear setback requirements in accordance with standards A10 and B17 continue to apply.  Side setback requirements in accordance with standards A10 and B17 continue to apply.
<b>Walls on boundaries</b>	A11 and B18	None Specified
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> <li>▪ An area of 40 square metres, with one part of the private open space to consist of secluded 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 dimension of 5 metres and convenient access from a living room; or</li> <li>▪ A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>
<b>Front fence height</b>	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres in height.

**5.0**

Proposed C167mona

**Maximum building height requirement for a dwelling or residential building**

None Specified

**6.0**

Proposed C167mona

**Application requirements**

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan prepared by a landscape architect or a suitably qualified landscape designer, drawn to scale and dimensioned which:
  - Identifies, retains and protects significant vegetation on the site and significant vegetation on adjoining properties in proximity to the development which contributes to the character of the area, including the identification of tree protection zones.
  - Proposes new canopy trees and other vegetation that will enhance the landscape character of the activity centre, particularly within front, side and rear setbacks, along driveways and walkways, and within private open spaces areas.
  - Provides a schedule of all proposed trees, shrubs and ground covers including the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
  - Provides the location and details of all fencing and external lighting.
  - Identifies the extent of any cut and fill, embankments or retaining walls associated with the landscape treatment of the site.

**MONASH PLANNING SCHEME**

- Details of all proposed surface materials including pathways, patios or decked areas and measures to reduce stormwater runoff such as porous paving, swales and infiltration, ponding areas and grey water reuse.
- Identifies measures to maintain landscaping, including weed control, pruning, mulching and irrigation systems.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services (including antennas, air conditioning units, fire fighting equipment and letterboxes).
- A waste management plan for the collection and disposal of garbage and recyclables for all users on the site which details:
  - The method of collection of garbage and recyclables.
  - On-site bin storage areas and structures.
  - Appropriate bin storage on collection days that ensures the nature strip in front of the site is sufficient to support the number of bins required.
  - Measures to minimise the impact upon local amenity and the operation, management, amenity and maintenance of car parking areas, walkways and communal open space.

**7.0**

**Decision guidelines**

Proposed C167mona

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to the landscape character of the area. Specifically, whether the proposal:
  - Provides large tree planting in front, side and rear setbacks, and open space areas as appropriate. Environmental weeds and artificial grass should be avoided.
  - Sites buildings to minimise the need for the removal of significant trees, and protects significant trees on the site and adjoining properties.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
  - Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
  - How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the neighborhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- How the development minimises the visual and amenity impact of utility areas, such as waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letterboxes.

**MONASH PLANNING SCHEME**

- Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to adjoining residential properties.
- Whether the development incorporates design measures to maximise accessibility, safety and amenity for the occupants and visitors, including those with limited mobility, as well as providing for the safety and amenity of those using the public streets. These measures could include:
  - Legible, accessible and sheltered pedestrian entrances located at the front of the development.
  - Functional, flexible and comfortable internal spaces that achieve a good standard of light and ventilation.
  - Accessible internal layouts.
  - Ground and upper floor windows and doors facing the street.
  - Low or no front fencing.
  - The ability for cars to exit the site in forward direction.

## MONASH PLANNING SCHEME

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Proposed C167mona

**SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ5**

**SHERWOOD ROAD HERITAGE PRECINCT****1.0 Neighbourhood character objectives**

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Proposed C167mona

To conserve and enhance the early Garden City character of the Sherwood Road area with large well landscaped gardens accompanied by local parks.

To preserve the open landscaped views to the surrounding area from Sherwood Road Park.

To ensure that development complements the management of the publicly owned parkland and roads forming part of the Sherwood Road area.

To ensure that the scale of new buildings and extensions will continue to reflect the original building scale.

**2.0 Minimum subdivision area**

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Proposed C167mona

The minimum lot size for subdivision is 300 square metres.

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

---/---  
Proposed C167mona

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	<del>500 square metres</del> None Specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	Yes

**4.0 Requirements of Clause 54 and Clause 55**

---/---  
Proposed C167mona

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 7.6 metres from the front street.  Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 1.5 metres into these setbacks.  Side street setback requirements specified in the table to standards A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	The site area covered by buildings should not exceed 50 per cent.
<b>Permeability</b>	A6 and B9	The site area covered by pervious surfaces should be at least 30 per cent.
<b>Landscaping</b>	B13	Retain or provide at least one canopy tree per dwelling plus at least one canopy tree per 5 metres of site width with a mature height at least equal to the maximum height of the development
<b>Side and rear setbacks</b>	A10 and B17	One side boundary should have a setback of at least 1.8 metres for entire boundary.  The dwelling and any roofed outdoor areas should be set back at least 5.0 metres from the rear boundary.
<b>Walls on boundaries</b>	A11 and B18	One side boundary should not have any walls built to the boundary.

## MONASH PLANNING SCHEME

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 75 square metres or more. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 4 metres at the side or rear of the dwelling with convenient access from a living room.
	B28	A dwelling should have private open space consisting of an area of 75 square metres or more. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 4 metres at the side or rear of the dwelling with convenient access from a living room.
<b>Front fence height</b>	A20 and B32	A front or side fence within 3 metres of a street should not exceed zero metres in height.

**5.0 Maximum building height requirement for a dwelling or residential building**

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Proposed C167mona

None Specified.

**6.0 Application requirements**

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Proposed C167mona

The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and plating including tree species and mature height.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services.

**7.0 Decision guidelines**

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Proposed C167mona

The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to ‘garden city’ character. Specifically, whether the proposal:
  - Provides sufficient and well located open space, primarily unencumbered by easements, to provide for large trees to be retained or planted within front, side and rear setbacks, and secluded open space areas. Environmental weeds and artificial grass should be avoided.
  - Provides vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
  - Sites buildings to minimise the need to remove significant trees, and protect significant trees on the site and adjoining properties.
  - Minimises hard paving throughout the site by limiting driveway widths and lengths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
- How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.

**MONASH PLANNING SCHEME**

- Whether new buildings include significant breaks and recesses that reflect the prevailing widths of surrounding buildings to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the streetscape, can withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- Whether the front setback aligns with the front setback of buildings to either side of the site.
- How carports and garages are sited and designed to ensure they do not obscure or detract from the principal facade and are not dominant features as seen from the street.
- Whether the side setbacks respect the prevailing character of side setbacks of buildings within the streetscape.
- Whether new boundary walls are setback from the principal facade of the building to retain the prominence of the building and conserve the pattern of side setbacks of buildings within the streetscape.
- Whether the footprint of new buildings respects the extent of site coverage of buildings within the streetscape.
- Whether the scale of new buildings and additions respects existing character.
- Where the dimensions of an irregular shaped or corner lot make it difficult to meet side and rear setback standards, variation to these standards will be considered where the development proposal demonstrates that it contributes to 'garden city' character. Specifically, whether the variation or reduction in setback allows the development to:
  - Provide sufficient and well located open space elsewhere on the site, primarily unencumbered by easements, to provide for large trees to be retained or planted within front, side and rear setbacks, and secluded open space areas. Environmental weeds and artificial grass should be avoided.
  - Retain or plant vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
  - Minimise the impact to neighboring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to the adjoining properties.
  - Establish setbacks that are appropriate taking into account the shape of the lot and the setbacks of adjoining properties.

## MONASH PLANNING SCHEME

14/04/2022  
C152mona**SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO3**.**SHERWOOD ROAD DEVELOPMENT AREA****1.0 Design objectives**14/04/2022  
Proposed C167mona

To conserve and enhance the landscaped setting of the original layout of development in this area to reflect the Garden City movement.

To ensure that new development respects the scale and setting ~~early of the original~~ post-war development ~~development of original development of~~ the area.

To ensure that new development does not dominate the streetscape when viewed from Sherwood Road Park.

**2.0 Buildings and works**14/04/2022  
Proposed C167mona

A permit is not required to construct a building or construct or carry out works which are not visible from Sherwood Road or parkland.

A permit is required to construct a fence in the area between the front wall of a dwelling and the street or between the side wall of a dwelling ~~or~~ a park. This includes a front fence and a side boundary fence between the street boundary and the alignment of the front wall nearest the street.

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

- All proposals must be in keeping with the character of the surrounding area and the existing building where it is being retained.
- The front wall of second ~~stories~~ ~~storeys~~ should be set back least 6 metres back from front of the front wall below.
- Roof forms should be hip or gable form consistent with early post-war housing surrounding Sherwood Road Park.
- Where a lot adjoins a corner park, any new works are to present a secondary frontage to the park and provide passive surveillance over the park.
- Where a dwelling is built behind another one on a lot adjoining a corner park, any fencing between the rear dwelling(s) and the park should not be higher than 600mm.
- Garages should be recessive in appearance and set back greater than 600mm behind the front facade of the dwelling.
- Only one driveway crossing may be provided to each property.

**Fencing**

- ~~An open setting without~~ ~~Avoid~~ front or side fences between the street frontage and the facade line of the dwelling ~~to reinforce the open setting~~.
- Where fences are required adjoining the entries to the corner parks, these should be low brick fences, no higher than 600mm, so as to give emphasis to their presence in the area.
- If high fences are required on corner lots to give privacy to rear gardens, they must be of brick construction, set back at least 1 metre from the street alignment and no higher than 1650mm.

**3.0**14/04/2022  
C152mona**Subdivision**

None specified.



**MONASH PLANNING SCHEME**

**4.0**

14/04/2022  
C152mona

**Signs**

None specified.

**5.0**

14/04/2022  
C152mona

**Application requirements**

None specified.

**6.0**

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Proposed C167mona

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact that any new building and works will have on the cultural and heritage significance of the Sherwood Road area.
- Whether the proposal presents a similar scale of built form to the surrounding buildings, particularly original dwellings, when viewed from the Sherwood Road Park.
- Whether the proposal is in keeping with the open landscaped garden setting of the area.
- Whether any new building and works will alter the character of their immediate environs through substantial changes to the form of the building or landscaping when viewed from Sherwood Road or Sherwood Road Park.
- The impact of upper level additions, assessed from across the street and central reserve.

**7.0 Background documents**

City of Monash Heritage Study (Gerner Consulting Group Pty Ltd and Andrew Ward, February 1999)

City of Monash Conservation & Environment Strategy (City of Monash, 1997)

City of Monash Environmental History (Sally Wilde, 1996)

Design and Development Guidelines for the Sherwood Residential Area, Mount Waverley (City of Monash, March 2000)

MONASH PLANNING SCHEME

Proposed C167mona

**SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO17**

**MOUNT WAVERLEY ACTIVITY CENTRE**

**1.0 Design objectives**

Proposed C167mona

To ~~maintain and ensure buildings and landscaping~~ strengthen the ~~centre's~~ sense of place and village feel ~~through the delivery of high quality built form outcomes.~~

To retain the fine grain character of buildings in Hamilton Place.

To transition building height from the development intensification area to adjoining residential areas.

To ~~ensure buildings within core retail areas and along key pedestrian streets contribute to active and engaging street frontages, and support~~ activate street frontages and provide a high level of pedestrian amenity and safety ~~through passive surveillance of public areas.~~

To ~~encourage excellence in building design by ensuring development improves pedestrian amenity and responds to the characteristics of the site and its context~~ protect solar access in key public spaces and key pedestrian routes.

To retain the existing fine grain character of commercial buildings around Hamilton Place.

To encourage development that retains human scale and an appropriate transition in building height from the Centre to the adjoining residential areas.

**2.0 Buildings and works**

Proposed C167mona

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

**Building heights**

Building ~~Heights~~ heights should not exceed the preferred maximum building height specified in Table 1 and figure 1 to this schedule. The following minimum floor to floor dimensions should apply:

■ ~~4.2—4.5 metres for retail or restaurant use~~

■ ~~3.2—3.5 metres for any other use~~

Development should not overshadow key public parks, plaza's and places.

Development should be designed to limit significant loss of sunlight to public areas, particularly through the middle of the day during winter. Buildings should provide a minimum floor to floor dimension on the ground floor of 4.2 metres.

Table 1 – Preferred maximum building heights.

Area	Preferred maximum height	Residential interface setbacks (refer Table 2)
Area A - Wadham Parade	<del>3-4 storeys</del>	<del>A2A1 - Type 2</del>
	15 metres	
Area B - Hamilton Place environs	<del>3-4 storeys</del>	B1 - Type 1
	15 metres	
Area C - Stephensons Road environs	<del>4-5 storeys</del>	C2 - Type 2
	18.5 metres	<del>C3 - Type 3</del>

MONASH PLANNING SCHEME

Area D - Virginia Street environs north side	3-4 storeys 15 metres	B3--Type 3
Area E - Virginia Street carpark north east. This area is set back at least 25m from Virginia Street and 32m from Alexander Street	5-8 storeys 29 metres	
Area F - Part Stephensons Road and Mummery Street	3-4 storeys 15 metres	F2 - Type 2
Area G - Virginia Street south side	15 metres	G2 - Type 2 (western boundary) G3 - Type 2 (southern boundary)

**Building setbacks**

Buildings should be built to the boundary shared with any street, including side-streets.

Unless there is an interface with residential land as identified in Figure 1 and Table 2, development above three storeys should be set back at least 3 metres from any street or parking lot boundary including streets at the side and rear .

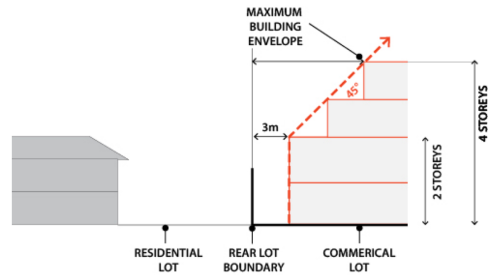
Where buildings abut residential land shown on figure 1 to this schedule, setbacks should be in accordance with table 2 to this clause.

Table 2 – Residential interface setbacks

Interface (see figure 1)	Preferred minimum setbacks	Example
Type 1 – Commercial/ Laneway/ Residential Interface	0 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	
Type 2 – Commercial/ Residential Interface	3 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	

**MONASH PLANNING SCHEME**

Type 3 – Commercial/  
Residential Interface –  
Sherwood Road  
3 metres at ground level;  
plus an additional one  
metre setback to  
everyone one metre of  
building height above the  
second level



**Building form and design**

Development on sites identified with a primary active street frontage in figure 1 to this schedule should utilise permeable and transparent facade treatments and provide for active, customer focused uses should maximise activation through methods such as clear glazing, pedestrian entrances and shelter at ground level of all primary frontages adjacent to a primary active frontage on Figure 1.

Development on sites identified with a secondary active street frontage in figure 1 to this schedule should contribute to activation of the street should use clear glazing and/or pedestrian entrances at ground level of all secondary frontages adjacent to a secondary active frontage on Figure 1.

Development on gateway sites into the centre shown on figure 1 should be designed to create a sense of arrival at the centre through architectural features of the building.

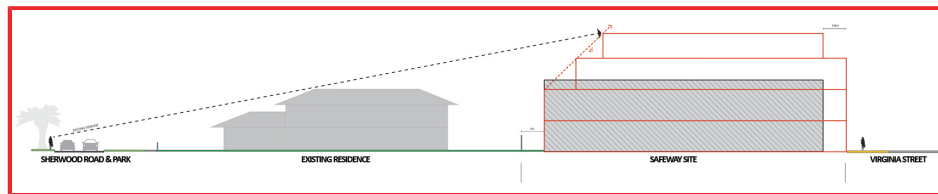
Encourage the enhancement of the fine grain streetscape rhythm through breaking up long single building facades through with different facade treatments.

Building design should minimise the visual bulk of large buildings through should provide significant breaks and recesses in building massing.

Buildings that have an interface with residential land shown on figure 1 to this schedule should be designed to minimise negative amenity impacts including overlooking, overshadowing, noise and odour to the adjoining residential land.

Buildings on the south side of Virginia Street should be designed to minimise their appearance from behind in view lines from Sherwood Road Park as demonstrated in figure 2 below.

**Figure 2 – Viewlines from Sherwood Road Reserve**



**Circulation and access**

Loading areas and services areas of buildings should be:

- Screened and/or integrated into the design of the building.
- Located away from the primary frontage.
- Located and designed to avoid conflicts with cyclists and pedestrians.
- Designed to minimise impacts on surrounding traffic movements.
- Well designed and adequate for the future needs of the land uses of the building.

**Landscaping**

Significant trees on sites should be retained wherever possible.

MONASH PLANNING SCHEME

~~Development should consider opportunities for landscaping above the ground level such as through planter boxes, green walls or green roofs built into the building form to contribute to the Garden City character of the area.~~

~~Where any setbacks are~~ Setbacks visible from the public realm, ~~they~~ should be landscaped to ~~contribute to~~ complement the Garden City character of the area.

**3.0 Subdivision**

~~Proposed C167mona~~ None specified.

**4.0 Signs**

~~Proposed C167mona~~ None specified.

**5.0 Application requirements**

~~Proposed C167mona~~ The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Where an application proposes to exceed the preferred maximum building height, it must demonstrate how the development will continue to achieve the Design Objectives, Development Outcomes and all other relevant requirements of this schedule.
- Where an application proposes to exceed the preferred maximum building height on a site with a residential interface, the application must address the impacts and any mitigation measures in relation to the residential land.

**6.0 Decision guidelines**

~~Proposed C167mona~~ The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox.
- Whether development retains existing canopy trees or provides for the establishment of new canopy trees.
- ~~Whether the development meets the building heights, building setbacks, building form and design, circulation and access, and landscaping requirements specified in this schedule~~ development provides opportunities for landscaping above the ground level such as through planter boxes, green walls or green roofs built into the building form to contribute to the Garden City character of the area.

**Reference Documents**

*Mount Waverley Activity Centre Structure Plan* Tract Consultants, March 2021

MONASH PLANNING SCHEME

Figure 1--Built form map

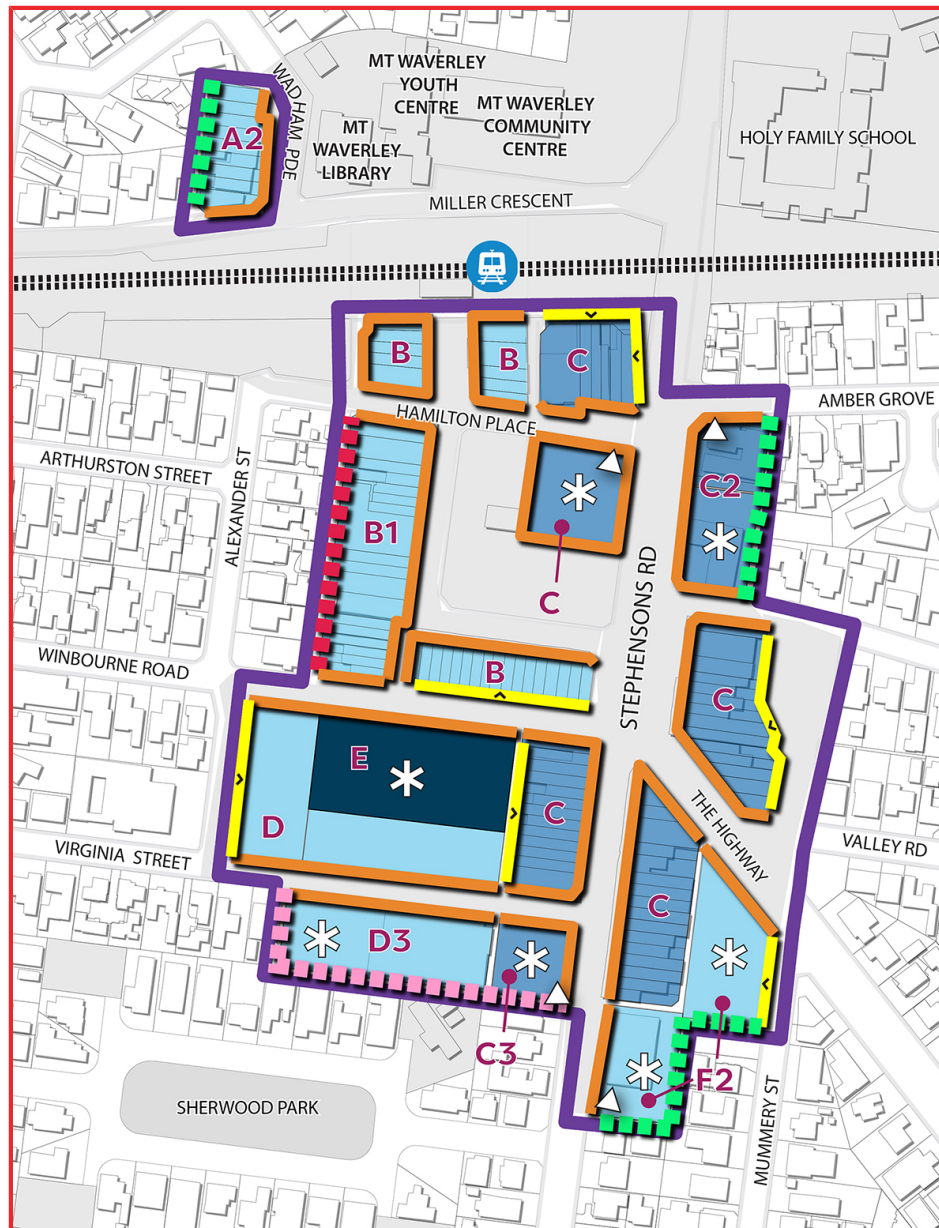
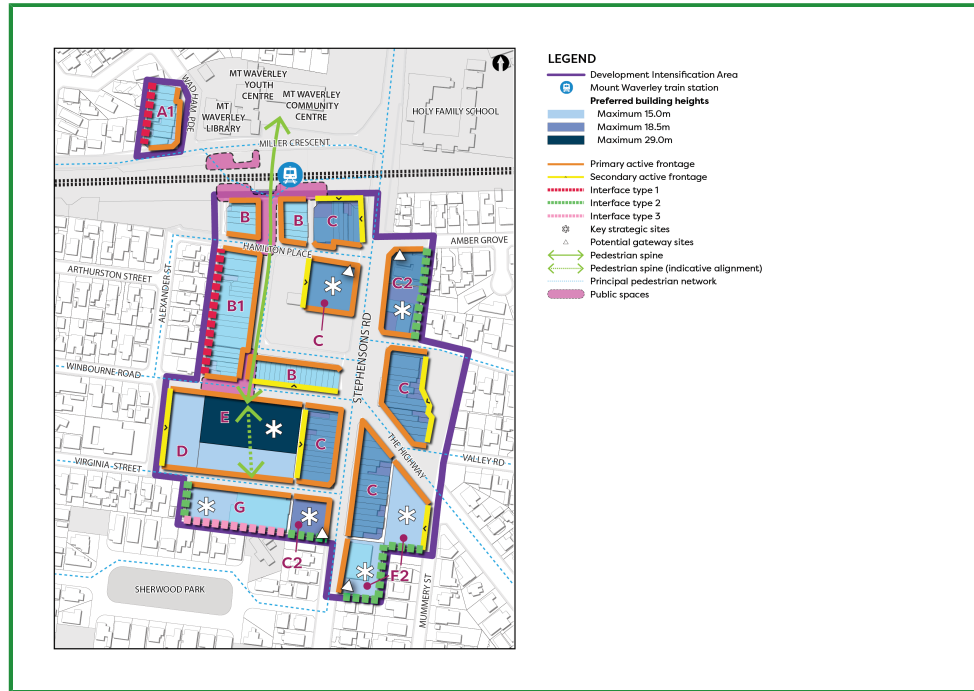


Figure 1 Built form map



MONASH PLANNING SCHEME



## MONASH PLANNING SCHEME

14/04/2022  
C152mona**SCHEDULE TO CLAUSE 52.28 GAMING****1.0**14/04/2022  
C152mona**Objectives**

None specified.

**2.0**14/04/2022  
C152mona**Prohibition of a gaming machine in a shopping complex**

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

**Table 1**

<b>Name of shopping complex and locality</b>	<b>Land description</b>
The Glen, Glen Waverley	203 and 235 Springvale Rd, Glen Waverley, on the southwest corner of Springvale Rd and High St, Glen Waverley
Oakleigh Central Plaza, Oakleigh	Land bounded by Hanover St, Portman St, and the railway line, Oakleigh
Brandon Park Shopping Centre, Wheelers Hill	602-620 Ferntree Gully Rd, Wheelers Hill, being land bounded by Ferntree Gully Rd, Springvale Rd, Magid Avenue and Brandon Park Drive, Wheelers Hill
Wheelers Hill Shopping Centre, Wheelers Hill	190-208 Jells Rd, Wheelers Hill
Waverley Gardens Shopping Centre, Mulgrave	275-375 Police Rd, Mulgrave, being land bounded by Police Rd, the South Eastern Freeway, and Hansworth St, Mulgrave

**3.0**

Proposed C167mona

**Prohibition of a gaming machine in a strip shopping centre**

A gaming machine as specified in Clause 52.28-5 is prohibited in a strip shopping centre specified in Table 2 below.

**Table 2**

<b>Name of strip shopping centre and locality</b>	<b>Land description</b>
Andrew Street Shopping Centre, Mt Waverley	2-20 (even numbers) Andrew St
Anthony Drive Shopping Centre, Mt Waverley	19-25 (odd numbers) Anthony Drive
Atkinson Street Shopping Centre, Chadstone	41-51 (odd numbers) Atkinson Street
Barlyn Road Shopping Centre, Mt Waverley	1-9 (odd numbers) Barlyn Rd
Batesford Road Shopping Centre, Chadstone	37-53 (odd numbers) Batesford Rd
Bellerive Avenue Shopping Centre, Mt Waverley	14-22 (even numbers) Bellerive Ave
Berkeley Street Shopping Centre, Clayton North	62-72 (even numbers) Berkeley St
Bernard Street Shopping Centre, Mt Waverley	1-11 (odd numbers) Bernard St
Berrima Street Shopping Centre, Clayton North	9-23 (odd numbers) Berrima St
Blackburn Road Shopping Centre, Mt Waverley	47-69 (odd numbers) Blackburn Rd



## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Brandon Park Drive Shopping Centre, Wheelers Hill	192-212 (even numbers) Brandon Park Drive; 6 Ondine Drive
Centre Road Shopping Centre, Clayton	1459A, 1459-1485 (odd numbers) Centre Rd
Clayton Road Shopping Centre, Clayton	162-176 (even numbers) Clayton Rd
Clayton Shopping Centre, Clayton	299-409 (odd numbers) and 270-368 (even numbers) Clayton Rd; 99-151 (odd numbers) Carinish Rd; 1389 Centre Rd; 2-6 (even numbers) Cooke St; 16 Dunstan St; 384 Haughton Rd
Cleveland Road Shopping Centre, Ashwood	1-19 (odd numbers) Cleveland Rd; 2-22 (even numbers) Mavron St; 128 High Street Rd; 8 Yooralla St
Clunies Ross Crescent Shopping Centre, Mulgrave	39-43 (odd numbers) Clunies Ross Cr
Dickson Street Shopping Centre, Mt Waverley	23-31 (odd numbers) Dickson St
Dunoon Court Shopping Centre, Mulgrave	1-9 (odd numbers) Dunoon Ct
Essex Road Shopping Centre, Mt Waverley	3-13 (odd numbers) Essex Rd
Essex Road Shopping Centre, Mt Waverley	54-66 (even numbers) Essex Rd
Ferntree Gully Road Shopping Centre, Clayton North	402-414 (even numbers) Ferntree Gully Rd
Glen Waverley North Shopping Centre, Glen Waverley	676-710 (even numbers) High Street Rd
Glen Waverley South Shopping Centre, Glen Waverley	363-383 (odd numbers) Springvale Rd
Glen Waverley Shopping Centre, Glen Waverley	Land bounded by Springvale Rd, O'Sullivan Rd and Kingsway (except for 285-291 (odd numbers) Springvale Rd); 39-59 (odd numbers) Kingsway; land bounded by Kingsway, Bogong Ave, Myrtle St and Coleman Pde (except for 163 Coleman Pde); land bounded by Railway Pde North, Kingsway, O'Sullivan Rd and Euneva Ave; 12-22 (even numbers) and 9-13 (odd numbers) Railway Pde North; and 22-32 (even numbers) O'Sullivan Rd
Glenwood Avenue Shopping Centre, Glen Waverley	1-11 (odd numbers) Glenwood Ave
Hampshire Road Shopping Centre, Glen Waverley	1-19B (odd numbers) Hampshire Rd; 49-51 (odd numbers) Norfolk St
High Street Road Shopping Centre, Ashwood	207-219 (odd numbers) High Street Rd
High Street Road Shopping Centre, Mt Waverley	491-513 (odd numbers) High St Rd
Hughesdale Shopping Centre, Oakleigh	40-118 (even numbers) Poath Rd; 1-21 (odd numbers) Willesden Rd; part of 3 Arthur St (in northeast corner of site)

## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Huntingdale Road Shopping Centre, Huntingdale	240-248 (even numbers) and 248A Huntingdale Road
Huntingdale Shopping Centre, Huntingdale	276, 276A-328 (even numbers) and 273-323 (odd numbers) Huntingdale Rd; 1277 and 1279 North Rd; western part of 1 Stafford St
Jordanville Shopping Centre, Ashwood	265-275 (odd numbers) Huntingdale Rd
Jordanville South Shopping Centre, Mt Waverley	414-430 (even numbers) Huntingdale Rd; 171-173 (odd numbers) Waverley Rd
Kangaroo Road Shopping Centre, Oakleigh	113-127 (odd numbers); 162 and 164 Kangaroo Rd
Kerrie Road Shopping Centre, Glen Waverley	2-24 (even numbers) Kerrie Rd
Lawson Street Shopping Centre, Clayton North	2-18 (even numbers) Lawson St
Leicester Avenue Shopping Centre, Mt Waverley	1-19 (odd numbers) Leicester Ave
Mackie Road Shopping Centre, Mulgrave	71-81 (odd numbers) Mackie Rd
Macrina Street Shopping Centre, Oakleigh East	2-4C (even numbers) Macrina St
Martin Place Shopping Centre, Glen Waverley	29-43 (odd numbers) Martin Place
McLochlan Street Shopping Centre, Mt Waverley	13-27 (odd numbers) McLochlan St
Montgomery Avenue Shopping Centre, Mt Waverley	2-6 (even numbers) Montgomery Ave
Morton Street Shopping Centre, Clayton	41-57 (odd numbers) Morton St
Mt Waverley Shopping Centre, Mt Waverley	47-63 (odd numbers) Wadham Parade; 1-79 (odd numbers) and 2-30 (even numbers) Hamilton Place; 1-11 (odd numbers) Hamilton Walk; 47-61 (odd numbers) and 64-74 (even numbers) Virginia St; 256-322 (even numbers), 275-283, 303-343 (odd numbers) Stephenson Rd; 4-12 (even numbers) The Highway
Mount Waverley North Shopping Centre, Mt Waverley	47-63 (odd numbers) Marianne Way
North Road Shopping Centre, Huntingdale	1259-1267 (odd numbers) North Rd
Oakleigh Shopping Centre, Oakleigh	Land bounded by Atherton Rd, Oxford St, Burlington St, Hanover St, the railway and Warrigal Rd; 7-103 (odd numbers) and 76-102A (even numbers) Atherton Rd; 39 Clyde St; 118 and 133 Atkinson St; 2-6 (even numbers) and 1-3 (odd numbers) Palmerston Grove; 112-156 (even numbers) and 35 Drummond St; 33-41 (odd numbers), 45-99 (odd numbers) Warrigal Rd; 18-20 (even numbers) Swindon Rd; 109A-111 (odd numbers) and 84 Carlisle Crescent; 2-30A (even numbers) Haughton Rd; 2-14 (even numbers) Johnson St; 1 and 14 Mill

## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
	Rd; 19-21 (odd numbers) Mora Ave; 2-10 (even numbers) Regent St; 1-5 (odd numbers) Westminster St
Oakleigh East Shopping Centre, Oakleigh East	186-202 (even numbers) Huntingdale Rd; 1 State St
Pinewood Shopping Centre, Glen Waverley	407-443 (odd numbers) Blackburn Rd; 1-69 (odd numbers) and 2-48 (even numbers) Centreway
Princes Highway Shopping Centre, Clayton North	1895-1919 (odd numbers) Princes Hwy
Scotsburn Avenue Shopping Centre, Clayton	36-42 (even numbers) Scotsburn Ave
Springvale Road Shopping Centre, Mulgrave	887-909 (odd numbers) Springvale Rd; 2297-2305 (odd numbers) Princes Hwy
Stanley Avenue Shopping Centre, Mt Waverley	47-63 (odd numbers) Stanley Ave
Sunhill Road Shopping Centre, Mt Waverley	27-41 (odd numbers) Sunhill Rd
Syndal Shopping Centre, Syndal	613-641 (odd numbers) High Street Rd; 187-197 (odd numbers), 200-274 (even numbers), 213-217 (odd numbers), 241 and 243 (both excluding western part), 251-277 (odd numbers) and 233 Blackburn Rd; 1-29 (odd numbers) Coleman Pde
Thompson Street Shopping Centre, Glen Waverley	22-30 (even numbers) Thompson St
Vannam Drive Shopping Centre, Ashwood	35-45 (odd numbers) Vannam Drive
Viewpoint Avenue Shopping Centre, Glen Waverley	39-49 (odd numbers) Viewpoint Ave
Wanda Street Shopping Centre, Mulgrave	36-50 (even numbers) Wanda St and land at rear of those properties
Warrigal Road Shopping Centre, Ashwood,	475-549 (odd numbers) Warrigal Rd; 32 High Street Rd
Warrigal Road Shopping Centre, Chadstone	617-653 (odd numbers) Warrigal Rd; land at the rear of 617-621 (odd numbers) Warrigal Rd
Warrigal Road Shopping Centre, Chadstone	715-723 (odd numbers) Warrigal Rd; 2 Waverley Rd
Warrigal Road Shopping Centre, Oakleigh	140-148 (even numbers) Warrigal Rd
Warrigal Road Shopping Centre, Oakleigh	195-227 (odd numbers) and 170-206 (even numbers) Warrigal Rd; 1127, 1129 and 1142-1164 (even numbers) North Rd; land at the rear of 206 Warrigal Rd
Waverley Road Shopping Centre, Mt Waverley	335-361 (odd numbers) Waverley Rd
Westerfield Drive Shopping Centre, Clayton North	39-47 (odd numbers) Westerfield Drive
Willow Avenue Shopping Centre, Glen Waverley	28-48 (even numbers) Willow Ave
Windsor Avenue Shopping Centre, Mt Waverley	1-13A (odd numbers) Windsor Ave

MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Yertchuk Avenue Shopping Centre, Ashwood	1-19 (odd numbers) and 2-22 (even numbers) Yertchuk Ave

**4.0**

14/04/2022  
C152mona

**Locations for gaming machines**

None specified.

**5.0**

14/04/2022  
C152mona

**Venues for gaming machines**

None specified.

**6.0**

14/04/2022  
C152mona

**Application requirements**

None specified.

**7.0**

14/04/2022  
C152mona

**Decision guidelines**

None specified.

MONASH PLANNING SCHEME

31/07/2018  
VC148

**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**

**1.0**

**Background documents**

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Proposed C167mona

Name of background document	Amendment number - clause reference
<i>Mount Waverley Activity Centre Structure Plan Tract Consultants, March 2021</i>	C167 - 21.06, 22.16, GRZ11, GRZ13, DDO17

## MONASH PLANNING SCHEME

**21.06**16/08/2018  
C86**21.06-1**25/01/2018  
C120**MAJOR ACTIVITY AND NEIGHBOURHOOD CENTRES****Overview**

Major activity and neighbourhood centres provide attractive environments and a focus for community activities and social life within Monash. They provide jobs, investments and goods and services for residents and business. Most activity and neighbourhood centres are well connected to the public transport system, comprise a variety of uses and provide for a wide range of retail needs. They also contain important community facilities such as those associated with public administration, education, health and emergency services.

Community life is enhanced by safe and convenient access to a variety of goods and services in major centres such as Glen Waverley, Clayton and Oakleigh, supported by a variety of quality smaller, local activity centres.

Major activity and neighbourhood centres are considered to be important locations for residential development. This will ensure a range of housing types is available to satisfy the housing needs of the Monash population now and into the future. This strategy is addressed in greater detail in Clause 21.04 and the *Monash Housing Strategy 2004*.

Council is committed to maintaining and enhancing the cosmopolitan range of business activity centres across the municipality to continue to meet community needs and preferences for retail, entertainment, office and other commercial services. These activities contribute to the significant level of economic activity and employment in Monash.

*Plan Melbourne: Metropolitan Planning Strategy 2017-2050* identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (which also extends into the Cities of Kingston and Greater Dandenong). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne's position as a global city and will be supported into the future. The Monash National Employment and Innovation Cluster is Melbourne's largest established cluster, representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses. It incorporates the Monash Technology Precinct, which encourages research and development based industries in the Precinct. Preparation of a long term plan for the cluster and governance process is currently under development.

Monash also contains a number of locally significant centres, including major activity centres identified within *Plan Melbourne*, and neighbourhood centres which Councils are responsible for identifying. Glen Waverley is the most significant Major Activity Centre within the City of Monash identified within *Plan Melbourne*. It has a number of distinct comparative economic advantages such as its convenience shopping, major supermarkets and department stores, concentrated retail activities within The Glen and its substantial and well patronised entertainment precinct. Glen Waverley has an extensive range of goods and services, easy access to good quality public transport and transport routes and is recognised as a major social focus for the municipality and the middle south eastern region.

Glen Waverley has experienced major renewal and redevelopment in the past few years that has revitalised the Centre. It is anticipated that the Centre will continue to grow and change into the following years. Council wishes to see Glen Waverley continue to develop as a major entertainment and retail centre for the eastern metropolitan region. This centre is also the appropriate location for the development of high rise residential development.

Monash contains a well-connected network of activity and neighbourhood centres. The major activity centres of Oakleigh, Clayton, Brandon Park, and Mt Waverley are supported by smaller neighbourhood centres of Pinewood, Wheelers Hill, Waverley Gardens, Syndal, Hughesdale, Homes Glen, Huntingdale, Oakleigh South and other smaller centres.

**MONASH PLANNING SCHEME**

These major activity and neighbourhood Centres provide a convenient and accessible service as well as a local community focus. A decline in these centres may cause inconvenience and loss of expenditure and local employment, and thus dissuade residents from shopping locally. These centres need to attract and retain local businesses to remain vibrant.

**21.06-2**25/01/2018  
C120**Key issues**

- Major activity and neighbourhood centres are likely to be the focus of change over the next 30 years. This change must be planned to ensure that the outcomes are consistent with the vision of Council for more sustainable development that is appropriately located, of a high standard of design and built form compatible with local neighbourhood character and accommodates the needs of the community.
- The Glen Waverley and Oakleigh Major Activity Centres are the preferred locations for high rise residential development.
- The hierarchy of activity and neighbourhood centres provides a framework for planning and development within these areas.
- Major activity and neighbourhood centres require a high degree of access by various modes of public transport.
- The economic health of major activity and neighbourhood centres is key to their growth and viability. This is enhanced through establishing a rich mix of uses and services.
- Some smaller centres are declining in retail activity. Their changing role in the economy should be supported through appropriate planning provisions.
- Heritage places and values within the Oakleigh Major Activity Centre should be protected.
- Safety, access and appearance are important elements of major activity and neighbourhood centres that are valued by the community.
- Out of centre development is generally not sustainable as it results in increased car trips and impacts the amenity of surrounding uses.
- There is concern about the negative impact of gaming machines, particularly in lower socio-economic areas given their proliferation in Monash.

**21.06-3**---/---  
Proposed C167mona**Objectives, strategies and implementation****Objectives**

- To develop vibrant major activity and neighbourhood centres with a broad mix of uses appropriate to the type of centre and needs of the target population, that have improved access for walking, cycling and levels of public transport services, and that provide a focal point for the community, fostering social and cultural development.
- To promote more sustainable transport patterns by ensuring major activity and neighbourhood centres are well serviced by public transport, by encouraging walking and cycling through providing safe and accessible public spaces, and by concentrating activities that generate high numbers of trips in highly accessible locations.
- To promote and facilitate the hierarchy of activity and neighbourhood centres as the most efficient and equitable framework to provide the range of civic, retail, recreational, residential, entertainment, health, educational, restaurant and other service requirements of the community.
- To enhance and promote the Glen Waverley Major Activity Centre as a major multi-functional activity centre servicing the south eastern metropolitan area.
- To enhance and promote the Oakleigh Major Activity Centre as a key focus for convenience, multi-cultural and culinary shopping and community services.

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- To promote and enhance the village character of the Mount Waverley Major Activity Centre as a community focal point for people to meet, shop and utilise health, community and commercial services.
- To promote and enhance the unique characteristics of each shopping centre to ensure a strong sense of identity and character, including appropriate signage.
- To promote high rise residential development within the Glen Waverley and Oakleigh Major Activity Centres, to support ongoing economic prosperity, social advancement and environmental protection.
- To promote the Monash Technology Precinct, forming part of the Monash National Employment and Innovation Cluster, as the primary strategic location for high technology research and development industries in Victoria.
- To ensure the provision of appropriate buffers and interface between commercial, residential and industrial land uses.
- To minimise harm experienced by the community from electronic gaming machines.
- To maintain air and noise buffer zones between incompatible uses (for example, avoiding residential encroachment upon potentially offensive uses or avoiding siting incompatible industrial uses in close proximity to each other).

**Strategies**

- In considering future development in activity centres, maintain the hierarchy of the existing major activity and neighbourhood centres and promote the development and expansion of retail and related facilities appropriate to the centre's role (See Table 1). Map 5 shows the significant activity centres in Monash.
- Enhance the structure and function of major activity and neighbourhood centres by encouraging a variety of mixed use development, enhancing streetscapes and access including public transport, walking and cycling, improving car parking and creating attractive environments for the benefit of the local community.
- Maintain the vibrancy of the street by encouraging "active frontages" with retail, leisure and cultural facilities.
- Encourage hospitality and entertainment precincts in the major activity centres to meet demand and maximise employment opportunities in these industries.
- Incorporate a retail, entertainment or other approved business use on the ground floor of a multistorey development where the location of the development is in a core retail or business area of the activity centre.
- Promote the Monash Technology Precinct through potential synergies between Monash University, Monash Medical Centre, the Australia Synchrotron and other high technology, research and development institutions and businesses and by facilitating appropriate land use and development.
- Enhance the landscape and signage character of the streetscape and improve the safety and amenity of pedestrian networks including cycle ways, public transport access and parking opportunities where necessary, in all activity centres.
- Require new residential development to provide useable recreational areas, including private, communal and secluded open space areas that are well designed, integrated, functional, safe, solar oriented, well ventilated and meet the needs of future residents.
- Ensure new residential development achieves high quality architectural and urban design outcomes that positively contribute to neighbourhood character.



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- Promote and facilitate housing projects that will result in a mix of housing types including mixed use developments in appropriate locations, such as “shop top” dwellings within activity centres, as well as over car-parks and other appropriate areas.
- Encourage development that incorporates improved energy efficiency during both building and operation, and minimises production of waste and pollution of the air.
- Consider the interface between major activity and neighbourhood centres and residential areas to minimise and/or manage any impact on the residential character and loss of amenity through innovative and high quality architectural design, appropriate setbacks and landscaping.
- Discourage out of centre development and overspill from larger activity centres of centre-based uses such as large convenience restaurants.
- Facilitate land assembly and site consolidation programs where existing patterns of ownership prevent the implementation of key strategic objectives.
- Address the current decline of some smaller major activity or neighbourhood centres by encouraging redevelopment to residential/office or other mixed uses and by streetscape improvements.

**Glen Waverley Major Activity Centre**

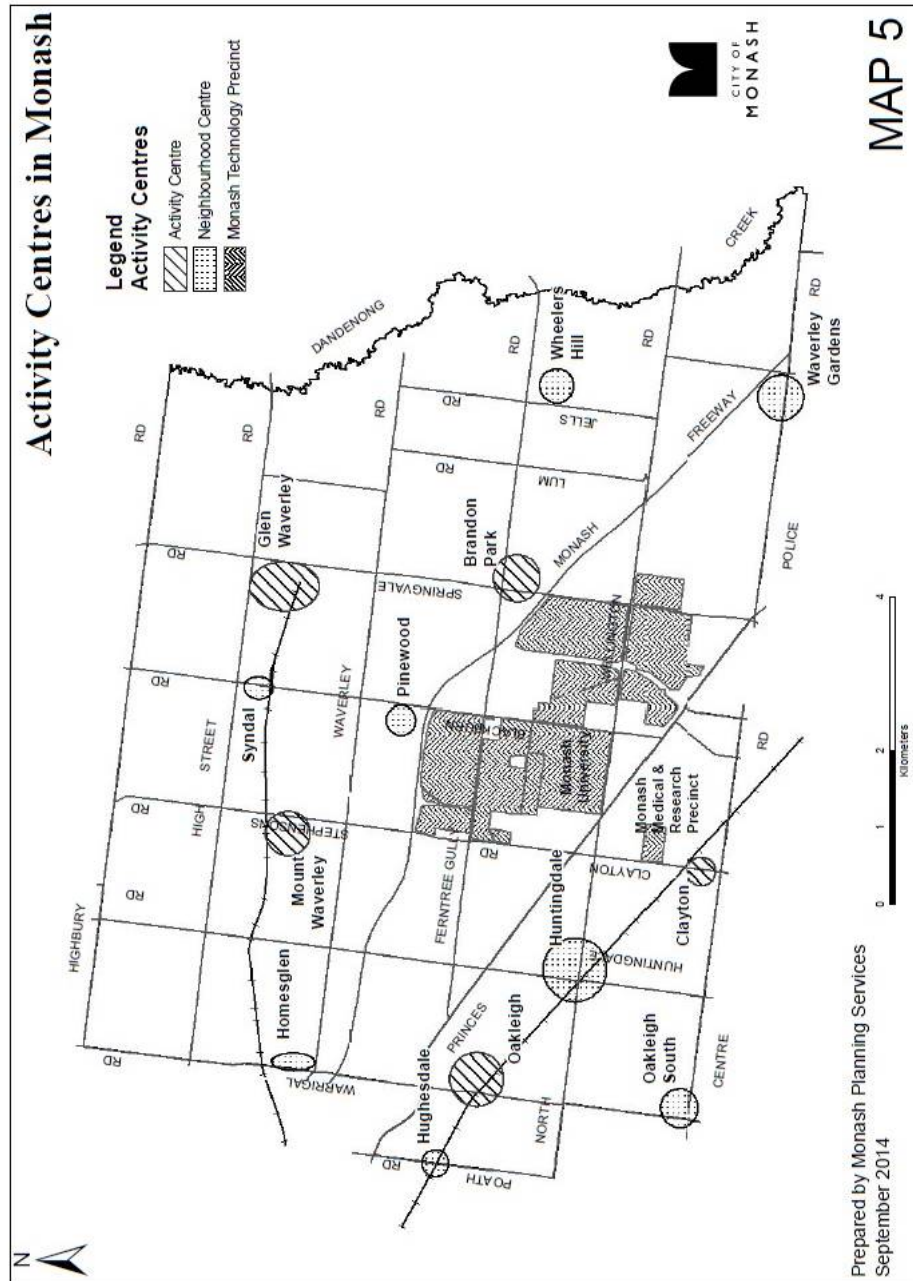
- Enhance the mix of retail, entertainment, office, residential and medical services to meet the needs of residents, workers and visitors through the implementation of the *Glen Waverley Activity Centre Structure Plan 2014 (Updated 2016)*.
- Encourage medium to high rise development in appropriate locations, and with excellence in architectural quality and design.
- Encourage the use of sustainable transport modes to/from and within the Major Activity Centre and decrease traffic congestion within the Centre, through the introduction of the *Glen Waverley Activity Centre Sustainable Transport Plan 2014*.
- Establish Kingsway as a vibrant and engaging civic spine by strengthening its hospitality, entertainment and retail focus and creating an attractive public space integrated with the library, community hub and future public square.
- Ensure buildings integrate with and contribute positively to street life and the public realm by ensuring new development provides opportunities for active and engaging uses at street level and are designed to minimise overshadowing and wind effects.
- Provide community, civic and cultural facilities, events and services that cater to the needs of existing and future populations.

**Oakleigh Major Activity Centre**

- Encourage medium to high rise development (4-8 storeys) within the Oakleigh Major Activity Centre that results in integrated housing, workplaces, shopping, recreation and community services and provides a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.
- High rise development should be located adjacent to the Oakleigh railway station.
- Enhance the Oakleigh Major Activity Centre by encouraging retail uses with an emphasis on a food theme and multi-cultural focus for the community and the development of shop-top housing and offices located above ground level in appropriate locations.

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Map 5: Activity Centres in Monash



MONASH PLANNING SCHEME

Table 1: Hierarchy of Activity Centres in Monash

Hierarchy	Primary Focus	Strategic Directions
<b>Major Activity Centres</b>		
Glen Waverley	Dominant regional focus for: <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ department stores</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ residential hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage further development of retail, office, entertainment and community facilities.</li> <li>▪ Encourage medium to high rise development within the Centre.</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities in conjunction with the development of new civic spaces and community facilities.</li> <li>▪ Encourage active and engaging frontages at street level with housing, office or community uses located above.</li> <li>▪ Improve the key streets within the Glen Waverley Activity Centre commercial area to strengthen key streets and cyclist priority.</li> <li>▪ Enhance pedestrian and cycle linkages throughout the commercial area and surrounding residential areas.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> <li>▪ Encourage greater public transport linkages and services.</li> <li>▪ Ensure appropriate interfacing with nearby residential areas.</li> </ul>
Oakleigh	Major focus for: <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.</li> <li>▪ Encourage medium to high rise development within the Centre. (4-8 Storeys).</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage office uses where contiguous retail frontage is not compromised.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>

**MONASH PLANNING SCHEME**

<b>Hierarchy</b>	<b>Primary Focus</b>	<b>Strategic Directions</b>
Mount Waverley	<ul style="list-style-type: none"> <li>▪ providing goods and services to the local community.</li> </ul> <p>Other major focus for:</p> <ul style="list-style-type: none"> <li>▪ specialty retailing</li> <li>▪ mixed commercial uses</li> <li>▪ community facilities</li> <li>▪ small scale offices</li> <li>▪ apartments</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensure the village character is retained and enhanced.</li> <li>▪ Encourage redevelopment and concentration of activity.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage retention and expansion of the Garden City Character.</li> <li>▪ Encourage upper level development for office and residential uses.</li> <li>▪ Support diverse housing options within the Centre.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>
Clayton Brandon Park	<p>Major focus for:</p> <ul style="list-style-type: none"> <li>▪ higher order goods</li> <li>▪ specialty retailing</li> <li>▪ entertainment</li> <li>▪ mixed commercial uses</li> <li>▪ offices</li> <li>▪ apartments</li> <li>▪ hotels</li> <li>▪ community facilities</li> <li>▪ public transport</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.</li> <li>▪ Encourage a wide range of arts, cultural and entertainment facilities.</li> <li>▪ Encourage restaurant uses.</li> <li>▪ Encourage office uses where contiguous retail frontage is not compromised.</li> <li>▪ Encourage medium rise residential development within the Centre.</li> <li>▪ Ensure pedestrian and cycling linkages are enhanced.</li> <li>▪ Encourage greater public transport linkages and service.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> </ul>
<b>Neighbourhood Centres</b>		
Pinewood Wheelers Hill Waverley Gardens Syndal	<ul style="list-style-type: none"> <li>▪ Primary focus for weekly convenience shopping, generally with a supermarket as the main drawcard of the Centre.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage a variety of service based facilities to meet local needs.</li> <li>▪ Promote the attractiveness of the Centre for local needs.</li> <li>▪ Encourage the broadening of the community activities base within the Centre.</li> </ul>

**MONASH PLANNING SCHEME**

Hierarchy	Primary Focus	Strategic Directions
Hughesdale Homesglen Huntingdale Oakleigh South	<ul style="list-style-type: none"> <li>▪ Accessible by local public transport services with links to one or more Major Activity centres.</li> <li>▪ Important community focal point, ideally close to schools, libraries, child care, health services, police stations and other facilities that benefit from various modes of public transport.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage development within the Centre that is of a moderately higher scale than surrounding residential areas.</li> <li>▪ Promote upgrading of uses and facilities within the Centre.</li> <li>▪ Encourage walking, cycling and local public transport use.</li> <li>▪ Ensure parking is provided to meet the needs of the Centre.</li> <li>▪ Ensure ongoing development does not impact on the adjacent residential areas.</li> </ul>

**National Employment and Innovation Cluster**

Monash Technology Precinct (key component of the Monash National Employment and Innovation Cluster)	<ul style="list-style-type: none"> <li>▪ Important economic precinct that plays a vital role in the economy of Monash and of the south-eastern group of municipalities.</li> <li>▪ Contains high quality, well designed offices and industrial premises.</li> <li>▪ Main focus is on information technology, biotechnology and other research and development-type industries.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Encourage additional uses that support and are consistent with the continued growth and primary function of the Precinct.</li> <li>▪ Foster linkages between firms and research institutions, demonstrating significant benefits resulting from co-location.</li> <li>▪ Build the profile of the Precinct as a key strategic location for high technology, research and development industries, through acknowledgement of the potential synergies between the university, medical centre and synchrotron facility.</li> <li>▪ Improve public transport services and linkages and ensure connectivity between the Precinct and surrounding activity centres.</li> <li>▪ Ensure uses incorporated into the Precinct do not detract from its specialised function nor compete with nearby Major activity and neighbourhood Activity Centres.</li> <li>▪ Discourage restricted retail from locating in the precinct.</li> </ul>
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**Implementation**

These strategies will be implemented by:

**Policy and exercise of discretion**

- Using local policy to encourage development that meets the above objectives. (*Residential development and character policy, Clause 22.01, Industry and Business Development and Character Policy, Clause 22.03 and Stormwater Management Policy, Clause 22.04, Outdoor Advertising Policy, Clause 22.08, Non-residential Use and Development in Residential Areas, Clause 22.09*).

**MONASH PLANNING SCHEME**

- Encouraging development which enhances the primary focus and strategic directions of each Activity Centre (*Residential Development and Character Policy, Clause 22.01, Monash Technology Precinct Policy, Clause 22.02, Industry and Business Development and Character Policy, Clause 22.03 Wheelers Hill Neighbourhood Activity Centre Policy, 22.06 and Glen Waverley Activity Centre Structure Plan Policy, Clause 22.14*).
- Ensuring that new development minimises any loss of amenity to adjoining residential properties (*Residential Development and Character Policy, Clause 22.01*).
- Discouraging the expansion of retailing outside established centres (*Non-residential Use and Development in Residential Areas, Clause 22.09*).
- Encouraging development of offices and residential uses, above ground level, to strengthen centres where appropriate.
- Encouraging key mixed use and residential developments to locate in activity centres with access to good quality public transport services.
- Encouraging development in the Monash Technology Precinct to achieve preferred built form outcomes as depicted by the *Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre)*, January 2008.
- Addressing streetscape and neighbourhood character issues in any new development or redevelopment.
- Encouraging creative design solutions for new development that enhances the quality of streetscapes particularly in relation to bulk of buildings, outdoor advertising, provision of open space and setbacks to ensure quality landscaping of frontages.
- Ensuring that adequate car parking is provided.
- Taking into account the number, location and distribution of gaming machines and their social and economic impact on the community when considering applications for additional machines through the Victorian Commission for Gambling Regulation.

**Zones and overlays**

- Applying the Commercial 1 and 2 Zones, and Mixed Use Zone.
- Applying the Residential Growth Zone to nominated areas of higher residential development within activity centres.
- Applying the Heritage Overlay to designated precincts, buildings and places.
- Applying the Neighbourhood Character Overlay to identify specific neighbourhood character objectives for special areas.
- Applying the Land Subject to Inundation Overlay and Special Building Overlay to ensure that development does not impact the flow characteristics of a flood event and ensure that the risk to human life and property is within acceptable standards, while protecting environmental values of floodways.
- Applying a Design and Development Overlay or Development Plan Overlay to ensure that the design and development of an area of particular interest achieves the desired goals of Council.
- Using Clauses 52.28-5 and 52.28-6 to prohibit new gaming facilities in identified shopping complexes and strip shopping centres.

**Further strategic work**

- Reviewing and/or preparing structure plans for activity centres, and where required, neighbourhood centres.
- Developing performance criteria and design principles for planning and development in the vicinity of activity and neighbourhood centres.

**MONASH PLANNING SCHEME**

- Exploring opportunities for the development of Council owned and controlled land for strategic commercial and residential development for community benefit with particular emphasis on the Clayton, Oakleigh and Glen Waverley Major Activity Centres.
- Implementing recommendations of the *Monash Housing Strategy 2004*.
- Assess whether additional car parking is necessary and improving traffic management of existing car parking in activity centres through development of parking precinct plans.

**Other actions**

- Advocating the improvement of public transport links to activity centres, particularly the Monash National Employment and Innovation Cluster and neighbourhood centres.
- Ensuring the appropriate and timely provision of strategic infrastructure requirements, including road works and reticulation services.
- Reviewing or developing strategies for the self improvement of the level of services, amenity and viability of business in Monash’s activity centres.
- Ensuring residents within major activity centres are aware of differences in amenity expectations between commercial and residential areas.

**21.06-4 Reference documents**

Proposed C167mona

*Glen Waverley Activity Centre Structure Plan*, City of Monash, Sept 2014 (updated June 2016)

*Glen Waverley Activity Centre Sustainable Transport Plan*, City of Monash, Sept 2014 (updated June 2016).

*City of Waverley Office Zoning & Floor Space Study: Glen Waverley District Centre and Melbourne Regional Strategic Context*, City of Waverley, Jul 1984

*Glen Waverley District Centre Structure Plan*, City of Waverley, Nov 1988

*Glen Waverley District Centre : the Hub Precinct – Concept Plan. Final draft*. Spiller Gibbins Swan, 1992

*Glen Waverley District Centre Office And Community Precinct: Concept plans and guidelines*, City of Waverley, Aug 1994

*Glen Waverley District Centre Civic, Administrative and Cultural Precinct Concept Plan*, Spiller Gibbins Swan and Gerner Consulting Group, Dec 1995

*Glen Waverley Activity Centre: Parking Precinct Plan*, City of Monash, Sept 2003

*Glen Waverley Activity Centre: Parking Development Contributions Plan*, City of Monash, Sept 2003

*Glen Waverley District Centre Transport Interchange Project*, City of Waverley, Sept 1992

*Oakleigh Major Activity Centre Structure Plan*, City of Monash, 28 Aug 2012

*Background Report – Oakleigh Major Activity Centre Structure Plan*, City of Monash, 28 Aug 2012

*Brandon Park Major Activity Centre Structure Plan – October 2013 (Revised October 2017)*

*Background Report – Brandon Park Major Activity Centre Structure Plan – October 2013*

*Clayton Shopping Centre, Draft Structure Plan*, Jun 1995, Ratio Consultants

*Syndal Shopping Centre Structure Plan*, Ratio Consultants, Nov 1996

*Monash Housing Strategy*, Essential Environmental Services, 2004

*Image Enhancement of Main Roads in the City of Waverley*, Scenic Spectrums in association with Godfrey and Spowers Australia, Mar 1992.

**MONASH PLANNING SCHEME**

*Monash Urban Character Study*, Gerner Consulting Pty Ltd

- Volume 1 - Assessment Report, Jan 1997
- Volume 2 – Citations, Jan 1997

*Monash Neighbourhood Character Guide*, Gerner Consulting Pty Ltd

- Volume 6. Business and industrial character types, Jun 1997

*Monash Heritage Study*, Gerner Consulting Pty Ltd and Andrew Ward, Feb 1999

*Monash 2012 – A Strategy for the Future*, City of Monash, 2003.

*City of Monash Greenhouse Action Plan 2003*

*Monash Responsible Gaming Action Plan 2005 – 2007*, City of Monash, 2005

*Monash Sustainable Communities Framework*, V.G. Urban Solutions & City of Monash, 2004

*Monash Specialised Activity Centre*, Beca Pty Ltd & Essential Economics, Revised Final Strategy, Jan 2008

*Mount Waverley Activity Centre Structure Plan*, Tract Consultants, March 2021

*Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre)*, City of Monash, Jan 2008



MONASH PLANNING SCHEME

**22.16 MOUNT WAVERLEY ACTIVITY CENTRE STRUCTURE PLAN**

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Proposed C167mona This policy applies to all land within the Mount Waverley Activity Centre boundary as defined in Map 1 to this clause.

**22.16-1 Policy Basis**

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Proposed C167mona The purpose of this policy is to implement the Vision, Objectives, Strategies and Actions of the *Mount Waverley Activity Centre Structure Plan – Towards 2036 (2021)*.

The Mount Waverley Major Activity Centre functions as a community focal point, where there are inviting places for people to meet, shop and utilise health and commercial services. The village feel, landscaping and greenery are key focal points of the centre

**22.16-2 Objectives**

- /-----  
Proposed C167mona
- To reinforce the role of Mount Waverley Major Activity Centre as a place for the local community to meet their daily and weekly service needs.
  - To foster and promote the vibrant village character of the centre and strengthen the sense of place.
  - To support diverse housing choices.
  - To prioritise easy and safe pedestrian movements through the centre.

**22.16-3 Policy**

--/-----  
Proposed C167mona It is policy to:

**Land Use**

- Locate and combine land uses within the centre in accordance with Map 1 – Mount Waverley Structure Plan.
- Encourage the consolidation of key retail and hospitality activity on the western side of Stephenson's Road to ensure the Centre maintains its convenient and compact nature.
- Encourage development of office, commercial, health, wellbeing and fitness uses on the eastern side of Stephenson's Road.
- Encourage commercial and residential uses above ground floor within the commercially zoned areas of the centre.

**Built Form**

- Support a moderate intensification of built form that is well designed and enhances the garden city character where it is in residential areas.
- Avoid visual bulk by providing building recesses, setback variations, and articulation of building elevations that are visible from the public realm.
- Encourage more housing options to meet the diverse community needs and to attract future residents.
- Encourage the development of townhouses, villa units and low scale apartment buildings within the incremental change residential areas shown on Map 1 to this clause.
- Encourage greater housing intensification in the intensification area shown on Map 1 to this clause.
- Encourage development of accessible dwellings for people with limited mobility in close proximity to the shops, train station and bus stops

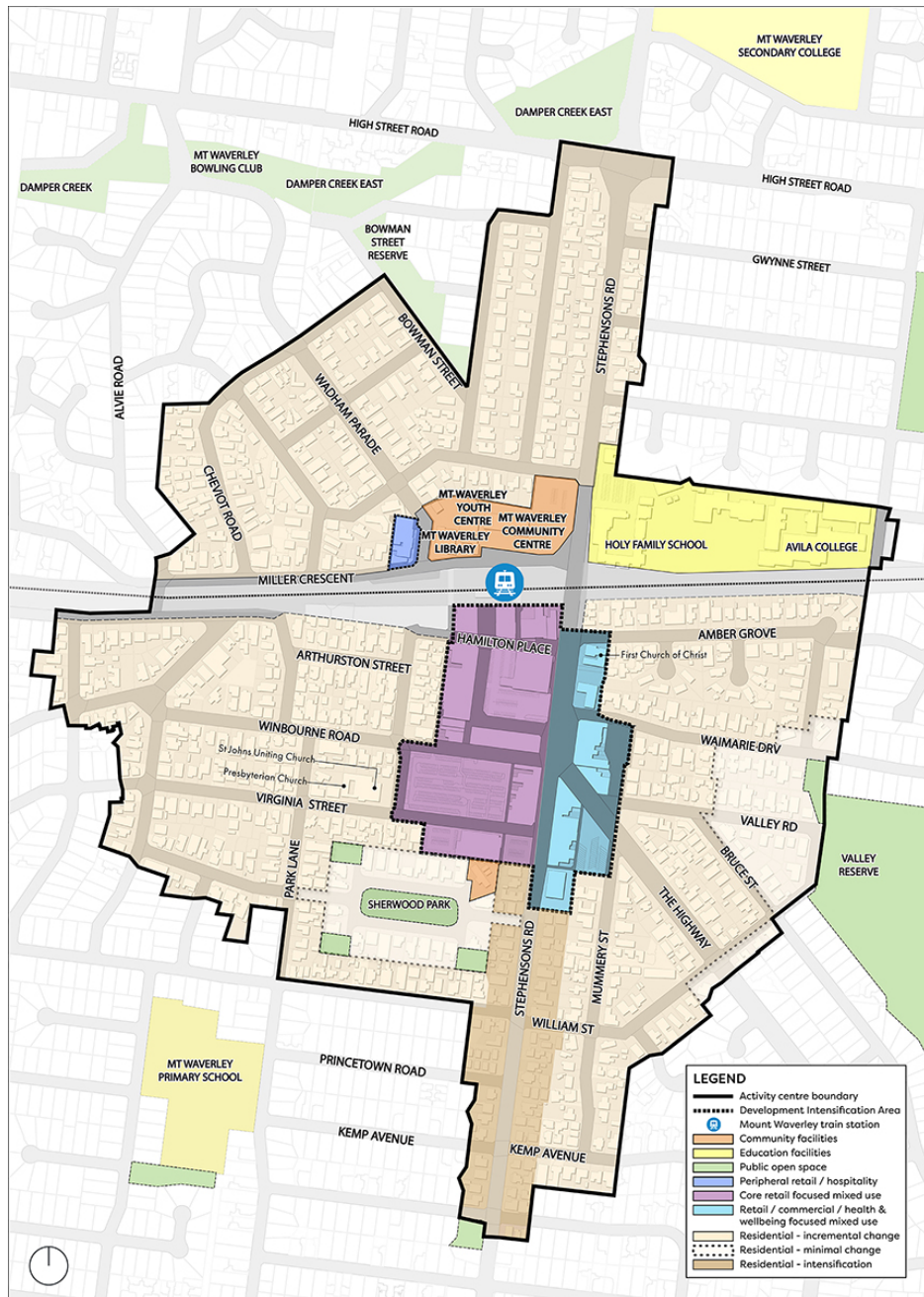
**MONASH PLANNING SCHEME**

**22.16-4 Reference Documents**

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Proposed C167mona *Mount Waverley Activity Centre Structure Plan* Tract Consultants, March 2021

MONASH PLANNING SCHEME

Map 1 - Mount Waverley Activity Centre Structure Plan



## MONASH PLANNING SCHEME

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Proposed C167mona

**SCHEDULE 11 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ11**.

**MOUNT WAVERLEY ACTIVITY CENTRE ACCESSIBLE AREA****1.0 Neighbourhood character objectives**

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Proposed C167mona

To support new development that contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.

To promote neighbourhood design that encourages walkability and community interaction.

To ensure development responds to the characteristics of the site and its context

To support high quality new development that minimises building mass and visual bulk in the streetscape through generous front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.

To encourage development that maximises accessibility, safety and amenity including for those with reduced mobility.

**2.0**

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Proposed C167mona

**Construction or extension of a dwelling or residential building - minimum garden area requirement**

**Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0**

---/---  
Proposed C167mona

**Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

**Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?**

No

**Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?**

No

**4.0**

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Proposed C167mona

**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 6.0 metres from the front street. Front porches and verandas may encroach 1.5 metres into this setback. Side street setbacks in accordance with standard A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	None Specified
<b>Permeability</b>	A6 and B9	None Specified
<b>Landscaping</b>	B13	New development should provide or retain: <ul style="list-style-type: none"> <li>▪ At least one canopy tree per dwelling, plus at least one canopy tree per 5 metres of site width;</li> <li>▪ A mixture of vegetation including indigenous species;</li> </ul>

## MONASH PLANNING SCHEME

Standard	Requirement
	<ul style="list-style-type: none"> <li>▪ Vegetation in the front, side and rear setbacks; and</li> <li>▪ Vegetation on both sides of accessways.</li> </ul> <p>A canopy tree should reach a mature height at least equal to the maximum building height of the new development.</p>
<b>Side and rear setbacks</b>	<p>A10 and B17</p> <p>A new wall not on or within 200mm of a rear boundary should be set back at least 5 metres.</p> <p>Side setback requirements in accordance with standards A10 and B17 continue to apply.</p>
<b>Walls on boundaries</b>	<p>A11 and B18</p> <p>None Specified.</p>
<b>Private open space</b>	<p>A17</p> <p>A dwelling should have private open space consisting of an areas of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room.</p>
	<p>B28</p> <p>A dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>▪ An area of 60 square metres, with one part of the private open space to consist of secluded 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 dimension of 5 metres and convenient access from a living room; or</li> <li>▪ A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>
<b>Front fence height</b>	<p>A20 and B32</p> <p>A front fence within 3 metres of a street should not exceed 1.2 metres in height.</p>

**5.0****Maximum building height requirement for a dwelling or residential building**

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Proposed C167mona

None specified.

**6.0****Application requirements**

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Proposed C167mona

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan prepared by a landscape architect or a suitably qualified landscape designer, drawn to scale and dimensioned which:
  - Identifies, retains and protects significant vegetation on the site and significant vegetation on adjoining properties in proximity to the development which contributes to the character of the area, including the identification of tree protection zones.
  - Proposes new canopy trees and other vegetation that will enhance the landscape character of the activity centre, particularly within front, side and rear setbacks, along driveways and walkways, and within private open spaces areas.
  - Provides a schedule of all proposed trees, shrubs and ground covers including the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
  - Provides the location and details of all fencing and external lighting.
  - Identifies the extent of any cut and fill, embankments or retaining walls associated with the landscape treatment of the site.

**MONASH PLANNING SCHEME**

- Details of all proposed surface materials including pathways, patios or decked areas and measures to reduce stormwater runoff such as porous paving, swales and infiltration, ponding areas and grey water reuse.
- Identifies measures to maintain landscaping, including weed control, pruning, mulching and irrigation systems.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services (including antennas, air conditioning units, fire fighting equipment and letterboxes).
- A waste management plan for the collection and disposal of garbage and recyclables for all users on the site which details:
  - The method of collection of garbage and recyclables.
  - On-site bin storage areas and structures.
  - Appropriate bin storage on collection days that ensures the nature strip in front of the site is sufficient to support the number of bins required.
  - Measures to minimise the impact upon local amenity and the operation, management, amenity and maintenance of car parking areas, walkways and communal open space.

**7.0**

**Decision guidelines**

Proposed C167mona

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to the landscape character of the area. Specifically, whether the proposal:
  - Provides large tree planting in front, side and rear setbacks, and open space areas as appropriate. Environmental weeds and artificial grass should be avoided.
  - Sites buildings to minimise the need for the removal of significant trees, and protects significant trees on the site and adjoining properties.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
  - Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
- How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the neighborhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- How the development minimises the visual and amenity impact of utility areas, such as waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letterboxes.

**MONASH PLANNING SCHEME**

- Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to adjoining residential properties.
- Whether the development incorporates design measures to maximise accessibility, safety and amenity for the occupants and visitors, including those with limited mobility, as well as providing for the safety and amenity of those using the public streets. These measures could include:
  - Legible, accessible and sheltered pedestrian entrances located at the front of the development.
  - Functional, flexible and comfortable internal spaces that achieve a good standard of light and ventilation.
  - Accessible internal layouts.
  - Ground and upper floor windows and doors facing the street.
  - Low or no front fencing.
  - The ability for cars to exit the site in forward direction.

MONASH PLANNING SCHEME

Proposed C167mona

**SCHEDULE 13 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ13**.

**STEPHENSONS ROAD RESIDENTIAL DEVELOPMENT INTENSIFICATION AREA**

**1.0 Neighbourhood character objectives**

Proposed C167mona

To support new development in the form of low rise apartments that contribute to the preferred garden city character through well landscaped gardens that include canopy trees.

To promote neighbourhood design that encourages walkability and community interaction.

To support high quality new development that minimises building mass and visual bulk in the streetscape through front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.

To encourage development that maximises accessibility, safety and amenity including for those with reduced mobility.

**2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement**

Proposed C167mona

**Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

Proposed C167mona

**Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?**

No

**Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?**

No

**4.0 Requirements of Clause 54 and Clause 55**

Proposed C167mona

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 5.0 metres from the front street. Front porches and verandas may encroach 1.5 metres into this setback. Side street setbacks in accordance with standard A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	None Specified
<b>Permeability</b>	A6 and B9	None Specified
<b>Landscaping</b>	B13	New development should provide or retain: <ul style="list-style-type: none"> <li>▪ At least one canopy tree per dwelling, plus at least one canopy tree per 5 metres of site width;</li> <li>▪ A mixture of vegetation including indigenous species;</li> <li>▪ Vegetation in the front, side and rear setbacks; and</li> <li>▪ Vegetation on both sides of accessways.</li> </ul>



## MONASH PLANNING SCHEME

	Standard	Requirement
		A canopy tree should reach a mature height at least equal to the maximum building height of the new development.
<b>Side and rear setbacks</b>	A10 and B17	For all land north of William Street, and west of Stephenson's Road, a new wall not on or within 200mm of a rear boundary should be set back at least 5 metres.  For all other land, rear setback requirements in accordance with standards A10 and B17 continue to apply.  Side setback requirements in accordance with standards A10 and B17 continue to apply.
<b>Walls on boundaries</b>	A11 and B18	None Specified
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 60 square metres, with one part of the private open space to consist of secluded private open space at the side or the rear of the dwelling with a minimum area of 35 square metres, a minimum dimension of 5 metres and convenient access from a living room.
	B28	A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> <li>▪ An area of 40 square metres, with one part of the private open space to consist of secluded 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 dimension of 5 metres and convenient access from a living room; or</li> <li>▪ A balcony or roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</li> </ul>
<b>Front fence height</b>	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres in height.

**5.0**

Proposed C167mona

**Maximum building height requirement for a dwelling or residential building**

None Specified

**6.0**

Proposed C167mona

**Application requirements**

The following application requirements apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A landscape plan prepared by a landscape architect or a suitably qualified landscape designer, drawn to scale and dimensioned which:
  - Identifies, retains and protects significant vegetation on the site and significant vegetation on adjoining properties in proximity to the development which contributes to the character of the area, including the identification of tree protection zones.
  - Proposes new canopy trees and other vegetation that will enhance the landscape character of the activity centre, particularly within front, side and rear setbacks, along driveways and walkways, and within private open spaces areas.
  - Provides a schedule of all proposed trees, shrubs and ground covers including the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material.
  - Provides the location and details of all fencing and external lighting.
  - Identifies the extent of any cut and fill, embankments or retaining walls associated with the landscape treatment of the site.

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- Details of all proposed surface materials including pathways, patios or decked areas and measures to reduce stormwater runoff such as porous paving, swales and infiltration, ponding areas and grey water reuse.
- Identifies measures to maintain landscaping, including weed control, pruning, mulching and irrigation systems.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services (including antennas, air conditioning units, fire fighting equipment and letterboxes).
- A waste management plan for the collection and disposal of garbage and recyclables for all users on the site which details:
  - The method of collection of garbage and recyclables.
  - On-site bin storage areas and structures.
  - Appropriate bin storage on collection days that ensures the nature strip in front of the site is sufficient to support the number of bins required.
  - Measures to minimise the impact upon local amenity and the operation, management, amenity and maintenance of car parking areas, walkways and communal open space.

**7.0**

**Decision guidelines**

Proposed C167mona

The following decision guidelines apply to an application for a permit under Clause 32.08, in addition to those specified in Clause 32.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to the landscape character of the area. Specifically, whether the proposal:
  - Provides large tree planting in front, side and rear setbacks, and open space areas as appropriate. Environmental weeds and artificial grass should be avoided.
  - Sites buildings to minimise the need for the removal of significant trees, and protects significant trees on the site and adjoining properties.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
  - Minimises hard paving throughout the site including limiting driveway lengths and widths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
  - How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.
- Whether the building retains human scale and, by the inclusion of significant breaks and recesses in building massing, is designed to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the neighborhood, withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- How the development minimises the visual and amenity impact of utility areas, such as waste and recycling areas, and services including antennas, air conditioning units, fire fighting equipment and letterboxes.

**MONASH PLANNING SCHEME**

- Whether the development minimises the impact to neighbouring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to adjoining residential properties.
- Whether the development incorporates design measures to maximise accessibility, safety and amenity for the occupants and visitors, including those with limited mobility, as well as providing for the safety and amenity of those using the public streets. These measures could include:
  - Legible, accessible and sheltered pedestrian entrances located at the front of the development.
  - Functional, flexible and comfortable internal spaces that achieve a good standard of light and ventilation.
  - Accessible internal layouts.
  - Ground and upper floor windows and doors facing the street.
  - Low or no front fencing.
  - The ability for cars to exit the site in forward direction.

## MONASH PLANNING SCHEME

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Proposed C167mona

**SCHEDULE 5 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ5**

**SHERWOOD ROAD HERITAGE PRECINCT****1.0 Neighbourhood character objectives**

--/---  
Proposed C167mona

To conserve and enhance the early Garden City character of the Sherwood Road area with large well landscaped gardens accompanied by local parks.

To preserve the open landscaped views to the surrounding area from Sherwood Road Park.

To ensure that development complements the management of the publicly owned parkland and roads forming part of the Sherwood Road area.

To ensure that the scale of new buildings and extensions will continue to reflect the original building scale.

**2.0 Minimum subdivision area**

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Proposed C167mona

The minimum lot size for subdivision is 300 square metres.

**3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot**

--/---  
Proposed C167mona

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	None Specified
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	Yes

**4.0 Requirements of Clause 54 and Clause 55**

--/---  
Proposed C167mona

	Standard	Requirement
<b>Minimum street setback</b>	A3 and B6	Walls of buildings should be set back at least 7.6 metres from the front street.  Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 1.5 metres into these setbacks.  Side street setback requirements specified in the table to standards A3 and B6 continue to apply.
<b>Site coverage</b>	A5 and B8	The site area covered by buildings should not exceed 50 per cent.
<b>Permeability</b>	A6 and B9	The site area covered by pervious surfaces should be at least 30 per cent.
<b>Landscaping</b>	B13	Retain or provide at least one canopy tree per dwelling plus at least one canopy tree per 5 metres of site width with a mature height at least equal to the maximum height of the development
<b>Side and rear setbacks</b>	A10 and B17	One side boundary should have a setback of at least 1.8 metres for entire boundary.  The dwelling and any roofed outdoor areas should be set back at least 5.0 metres from the rear boundary.
<b>Walls on boundaries</b>	A11 and B18	One side boundary should not have any walls built to the boundary.

## MONASH PLANNING SCHEME

	Standard	Requirement
<b>Private open space</b>	A17	A dwelling should have private open space consisting of an area of 75 square metres or more. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 4 metres at the side or rear of the dwelling with convenient access from a living room.
	B28	A dwelling should have private open space consisting of an area of 75 square metres or more. At least one part of the private open space should consist of secluded private open space with a minimum area of 40 square metres and a minimum dimension of 4 metres at the side or rear of the dwelling with convenient access from a living room.
<b>Front fence height</b>	A20 and B32	A front or side fence within 3 metres of a street should not exceed zero metres in height.

**5.0 Maximum building height requirement for a dwelling or residential building**

Proposed C167mona None Specified.

**6.0 Application requirements**

Proposed C167mona The following application requirements apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans showing existing vegetation and any trees proposed to be removed.
- Plans showing proposed landscaping works and plating including tree species and mature height.
- A schedule of materials and finishes to be used in the development.
- A plan identifying service areas, such as waste and recycling areas, utilities and services.

**7.0 Decision guidelines**

Proposed C167mona The following decision guidelines apply to an application for a permit under Clause 32.09, in addition to those specified in Clause 32.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development contributes to ‘garden city’ character. Specifically, whether the proposal:
  - Provides sufficient and well located open space, primarily unencumbered by easements, to provide for large trees to be retained or planted within front, side and rear setbacks, and secluded open space areas. Environmental weeds and artificial grass should be avoided.
  - Provides vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
  - Sites buildings to minimise the need to remove significant trees, and protect significant trees on the site and adjoining properties.
  - Minimises hard paving throughout the site by limiting driveway widths and lengths, providing landscaping on both sides of driveways, and restricting the extent of paving within open space areas.
  - Maximises planting opportunities adjacent to the street by excluding hard paving such as car parking, turning circles and driveways, and minimising basement car parking, within the front setback.
- How vehicle crossovers are located and minimised in number to prevent traffic disruption, and preserve nature strips and street trees.

**MONASH PLANNING SCHEME**

- Whether new buildings include significant breaks and recesses that reflect the prevailing widths of surrounding buildings to avoid large block like structures dominating the streetscape.
- Whether the development uses robust and low maintenance materials and finishes that complement the streetscape, can withstand weathering and create minimal adverse impacts (for instance, safe walking surfaces and limited reflective materials).
- Whether the front setback aligns with the front setback of buildings to either side of the site.
- How carports and garages are sited and designed to ensure they do not obscure or detract from the principal facade and are not dominant features as seen from the street.
- Whether the side setbacks respect the prevailing character of side setbacks of buildings within the streetscape.
- Whether new boundary walls are setback from the principal facade of the building to retain the prominence of the building and conserve the pattern of side setbacks of buildings within the streetscape.
- Whether the footprint of new buildings respects the extent of site coverage of buildings within the streetscape.
- Whether the scale of new buildings and additions respects existing character.
- Where the dimensions of an irregular shaped or corner lot make it difficult to meet side and rear setback standards, variation to these standards will be considered where the development proposal demonstrates that it contributes to 'garden city' character. Specifically, whether the variation or reduction in setback allows the development to:
  - Provide sufficient and well located open space elsewhere on the site, primarily unencumbered by easements, to provide for large trees to be retained or planted within front, side and rear setbacks, and secluded open space areas. Environmental weeds and artificial grass should be avoided.
  - Retain or plant vegetation in the front setback that softens the appearance of built form and contributes to the public realm.
  - Minimise the impact to neighboring properties, through suitable setbacks from adjacent secluded private open space to enable the provision of screening trees, and scaling down of building form to the adjoining properties.
  - Establish setbacks that are appropriate taking into account the shape of the lot and the setbacks of adjoining properties.

MONASH PLANNING SCHEME

14/04/2022  
C152mona

**SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO3**.

**SHERWOOD ROAD DEVELOPMENT AREA**

**1.0 Design objectives**

14/04/2022  
Proposed C167mona

To conserve and enhance the landscaped setting of the original layout of development in this area to reflect the Garden City movement.

To ensure that new development respects the scale and setting of the original post-war development of the area.

To ensure that new development does not dominate the streetscape when viewed from Sherwood Road Park.

**2.0 Buildings and works**

14/04/2022  
Proposed C167mona

A permit is not required to construct a building or construct or carry out works which are not visible from Sherwood Road or parkland.

A permit is required to construct a fence in the area between the front wall of a dwelling and the street or between the side wall of a dwelling and a park. This includes a front fence and a side boundary fence between the street boundary and the alignment of the front wall nearest the street.

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

- All proposals must be in keeping with the character of the surrounding area and the existing building where it is being retained.
- The front wall of second storeys should be set back least 6 metres back from front of the front wall below.
- Roof forms should be hip or gable form consistent with early post-war housing surrounding Sherwood Road Park.
- Where a lot adjoins a corner park, any new works are to present a secondary frontage to the park and provide passive surveillance over the park.
- Where a dwelling is built behind another one on a lot adjoining a corner park, any fencing between the rear dwelling(s) and the park should not be higher than 600mm.
- Garages should be recessive in appearance and set back greater than 600mm behind the front facade of the dwelling.
- Only one driveway crossing may be provided to each property.

**Fencing**

- Avoid front or side fences between the street frontage and the facade line of the dwelling to reinforce the open setting.
- Where fences are required adjoining the entries to the corner parks, these should be low brick fences, no higher than 600mm, so as to give emphasis to their presence in the area.
- If high fences are required on corner lots to give privacy to rear gardens, they must be of brick construction, set back at least 1 metre from the street alignment and no higher than 1650mm.

**3.0 Subdivision**

14/04/2022  
C152mona

None specified.

**MONASH PLANNING SCHEME**

**4.0**

14/04/2022  
C152mona

**Signs**

None specified.

**5.0**

14/04/2022  
C152mona

**Application requirements**

None specified.

**6.0**

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Proposed C167mona

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The impact that any new building and works will have on the cultural and heritage significance of the Sherwood Road area.
- Whether the proposal presents a similar scale of built form to the surrounding buildings, particularly original dwellings, when viewed from the Sherwood Road Park.
- Whether the proposal is in keeping with the open landscaped garden setting of the area.
- Whether any new building and works will alter the character of their immediate environs through substantial changes to the form of the building or landscaping when viewed from Sherwood Road or Sherwood Road Park.
- The impact of upper level additions, assessed from across the street and central reserve.

**7.0 Background documents**

City of Monash Heritage Study (Gerner Consulting Group Pty Ltd and Andrew Ward, February 1999)

City of Monash Conservation & Environment Strategy (City of Monash, 1997)

City of Monash Environmental History (Sally Wilde, 1996)

Design and Development Guidelines for the Sherwood Residential Area, Mount Waverley (City of Monash, March 2000)



## MONASH PLANNING SCHEME

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Proposed C167mona

**SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO17**

**MOUNT WAVERLEY ACTIVITY CENTRE****1.0 Design objectives**

---/---  
Proposed C167mona

To ensure buildings and landscaping strengthen the sense of place and village feel.

To retain the fine grain character of buildings in Hamilton Place.

To transition building height from the development intensification area to adjoining residential areas.

To activate street frontages and provide a high level of pedestrian amenity and safety.

To protect solar access in key public spaces and key pedestrian routes.

**2.0 Buildings and works**

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Proposed C167mona

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

**Building heights**

Building heights should not exceed the preferred maximum building height specified in Table 1 and figure 1 to this schedule. The following minimum floor to floor dimensions should apply:

Buildings should provide a minimum floor to floor dimension on the ground floor of 4.2 metres.

*Table 1 – Preferred maximum building heights.*

Area	Preferred maximum height	Residential interface setbacks (refer Table 2)
Area A - Wadham Parade	15 metres	A1 - Type 1
Area B - Hamilton Place environs	15 metres	B1 - Type 1
Area C - Stephenson's Road environs	18.5 metres	C2 - Type 2
Area D - Virginia Street north side	15 metres	
Area E - Virginia Street carpark north east. This area is set back at least 25m from Virginia Street and 32m from Alexander Street	29 metres	
Area F - Part Stephenson's Road and Mummery Street	15 metres	F2 - Type 2
Area G - Virginia Street south side	15 metres	G2 - Type 2 (western boundary) G3 - Type 2 (southern boundary)

**Building setbacks**

Buildings should be built to the boundary shared with any street, including side-streets.

**MONASH PLANNING SCHEME**

Unless there is an interface with residential land as identified in Figure 1 and Table 2, development above three storeys should be set back at least 3 metres from any street or parking lot boundary including streets at the side and rear .

Where buildings abut residential land shown on figure 1 to this schedule, setbacks should be in accordance with table 2 to this clause.

Table 2 – Residential interface setbacks

Interface (see figure 1)	Preferred minimum setbacks	Example
Type 1 – Commercial/ Laneway/ Residential Interface	0 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	
Type 2 – Commercial/ Residential Interface	3 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the third level	
Type 3 – Commercial/ Residential Interface – Sherwood Road	3 metres at ground level; plus an additional one metre setback to everyone one metre of building height above the second level	

**Building form and design**

Development should maximise activation through methods such as clear glazing, pedestrian entrances and shelter at ground level adjacent to a primary active frontage on Figure 1.

Development should use clear glazing and/or pedestrian entrances at ground level adjacent to a secondary active frontage on Figure 1.

Development on gateway sites into the centre shown on figure 1 should be designed to create a sense of arrival at the centre through architectural features of the building.

Development should break up long single building facades with different facade treatments.

Building design of large buildings should provide significant breaks and recesses in building massing.

## MONASH PLANNING SCHEME

Buildings that have an interface with residential land shown on figure 1 should be designed to minimise negative amenity impacts including overlooking, overshadowing, noise and odour to the adjoining residential land.

Buildings on the south side of Virginia Street should be designed to minimise their appearance from Sherwood Road Park as demonstrated in figure 2 below.

### Circulation and access

Loading areas and services areas of buildings should be:

- Screened and/or integrated into the design of the building.
- Located away from the primary frontage.
- Located and designed to avoid conflicts with cyclists and pedestrians.
- Designed to minimise impacts on surrounding traffic movements.
- Well designed and adequate for the future needs of the land uses of the building.

### Landscaping

Setbacks visible from the public realm should be landscaped to complement the Garden City character of the area.

### 3.0

#### Subdivision

Proposed C167mona None specified.

### 4.0

#### Signs

Proposed C167mona None specified.

### 5.0

#### Application requirements

Proposed C167mona The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Where an application proposes to exceed the preferred maximum building height, it must demonstrate how the development will continue to achieve the Design Objectives, Development Outcomes and all other relevant requirements of this schedule.
- Where an application proposes to exceed the preferred maximum building height on a site with a residential interface, the application must address the impacts and any mitigation measures in relation to the residential land.

### 6.0

#### Decision guidelines

Proposed C167mona The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether development overshadows public spaces or the principal pedestrian network between 11am-2pm at the equinox.
- Whether development retains existing canopy trees or provides for the establishment of new canopy trees.
- Whether development provides opportunities for landscaping above the ground level such as through planter boxes, green walls or green roofs built into the building form to contribute to the Garden City character of the area.

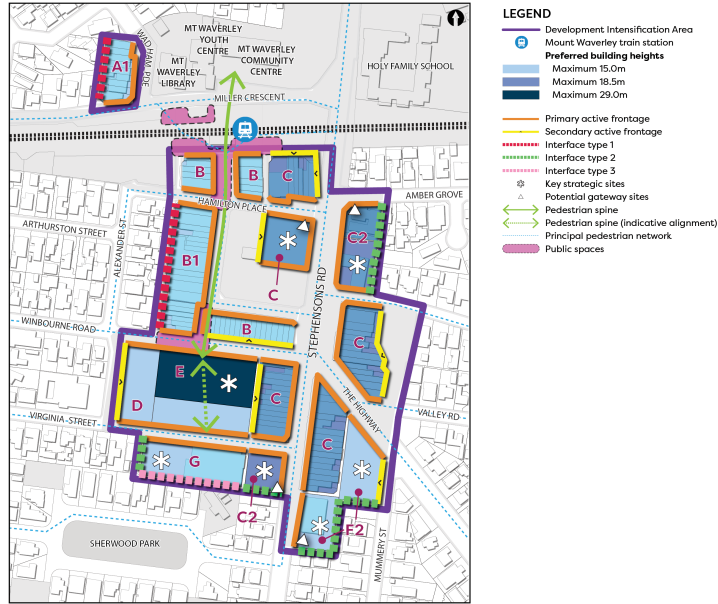
**MONASH PLANNING SCHEME**

**Reference Documents**

*Mount Waverley Activity Centre Structure Plan* Tract Consultants, March 2021

MONASH PLANNING SCHEME

Figure 1 Built form map



## MONASH PLANNING SCHEME

14/04/2022  
C152mona**SCHEDULE TO CLAUSE 52.28 GAMING****1.0**14/04/2022  
C152mona**Objectives**

None specified.

**2.0**14/04/2022  
C152mona**Prohibition of a gaming machine in a shopping complex**

Installation or use of a gaming machine as specified in Clause 52.28-4 is prohibited on land described in Table 1 below.

**Table 1**

<b>Name of shopping complex and locality</b>	<b>Land description</b>
The Glen, Glen Waverley	203 and 235 Springvale Rd, Glen Waverley, on the southwest corner of Springvale Rd and High St, Glen Waverley
Oakleigh Central Plaza, Oakleigh	Land bounded by Hanover St, Portman St, and the railway line, Oakleigh
Brandon Park Shopping Centre, Wheelers Hill	602-620 Ferntree Gully Rd, Wheelers Hill, being land bounded by Ferntree Gully Rd, Springvale Rd, Magid Avenue and Brandon Park Drive, Wheelers Hill
Wheelers Hill Shopping Centre, Wheelers Hill	190-208 Jells Rd, Wheelers Hill
Waverley Gardens Shopping Centre, Mulgrave	275-375 Police Rd, Mulgrave, being land bounded by Police Rd, the South Eastern Freeway, and Hansworth St, Mulgrave

**3.0**

Proposed C167mona

**Prohibition of a gaming machine in a strip shopping centre**

A gaming machine as specified in Clause 52.28-5 is prohibited in a strip shopping centre specified in Table 2 below.

**Table 2**

<b>Name of strip shopping centre and locality</b>	<b>Land description</b>
Andrew Street Shopping Centre, Mt Waverley	2-20 (even numbers) Andrew St
Anthony Drive Shopping Centre, Mt Waverley	19-25 (odd numbers) Anthony Drive
Atkinson Street Shopping Centre, Chadstone	41-51 (odd numbers) Atkinson Street
Barlyn Road Shopping Centre, Mt Waverley	1-9 (odd numbers) Barlyn Rd
Batesford Road Shopping Centre, Chadstone	37-53 (odd numbers) Batesford Rd
Bellerive Avenue Shopping Centre, Mt Waverley	14-22 (even numbers) Bellerive Ave
Berkeley Street Shopping Centre, Clayton North	62-72 (even numbers) Berkeley St
Bernard Street Shopping Centre, Mt Waverley	1-11 (odd numbers) Bernard St
Berrima Street Shopping Centre, Clayton North	9-23 (odd numbers) Berrima St
Blackburn Road Shopping Centre, Mt Waverley	47-69 (odd numbers) Blackburn Rd

## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Brandon Park Drive Shopping Centre, Wheelers Hill	192-212 (even numbers) Brandon Park Drive; 6 Ondine Drive
Centre Road Shopping Centre, Clayton	1459A, 1459-1485 (odd numbers) Centre Rd
Clayton Road Shopping Centre, Clayton	162-176 (even numbers) Clayton Rd
Clayton Shopping Centre, Clayton	299-409 (odd numbers) and 270-368 (even numbers) Clayton Rd; 99-151 (odd numbers) Carinish Rd; 1389 Centre Rd; 2-6 (even numbers) Cooke St; 16 Dunstan St; 384 Haughton Rd
Cleveland Road Shopping Centre, Ashwood	1-19 (odd numbers) Cleveland Rd; 2-22 (even numbers) Mavron St; 128 High Street Rd; 8 Yooralla St
Clunies Ross Crescent Shopping Centre, Mulgrave	39-43 (odd numbers) Clunies Ross Cr
Dickson Street Shopping Centre, Mt Waverley	23-31 (odd numbers) Dickson St
Dunoon Court Shopping Centre, Mulgrave	1-9 (odd numbers) Dunoon Ct
Essex Road Shopping Centre, Mt Waverley	3-13 (odd numbers) Essex Rd
Essex Road Shopping Centre, Mt Waverley	54-66 (even numbers) Essex Rd
Ferntree Gully Road Shopping Centre, Clayton North	402-414 (even numbers) Ferntree Gully Rd
Glen Waverley North Shopping Centre, Glen Waverley	676-710 (even numbers) High Street Rd
Glen Waverley South Shopping Centre, Glen Waverley	363-383 (odd numbers) Springvale Rd
Glen Waverley Shopping Centre, Glen Waverley	Land bounded by Springvale Rd, O'Sullivan Rd and Kingsway (except for 285-291 (odd numbers) Springvale Rd); 39-59 (odd numbers) Kingsway; land bounded by Kingsway, Bogong Ave, Myrtle St and Coleman Pde (except for 163 Coleman Pde); land bounded by Railway Pde North, Kingsway, O'Sullivan Rd and Euneva Ave; 12-22 (even numbers) and 9-13 (odd numbers) Railway Pde North; and 22-32 (even numbers) O'Sullivan Rd
Glenwood Avenue Shopping Centre, Glen Waverley	1-11 (odd numbers) Glenwood Ave
Hampshire Road Shopping Centre, Glen Waverley	1-19B (odd numbers) Hampshire Rd; 49-51 (odd numbers) Norfolk St
High Street Road Shopping Centre, Ashwood	207-219 (odd numbers) High Street Rd
High Street Road Shopping Centre, Mt Waverley	491-513 (odd numbers) High St Rd
Hughesdale Shopping Centre, Oakleigh	40-118 (even numbers) Poath Rd; 1-21 (odd numbers) Willesden Rd; part of 3 Arthur St (in northeast corner of site)

## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Huntingdale Road Shopping Centre, Huntingdale	240-248 (even numbers) and 248A Huntingdale Road
Huntingdale Shopping Centre, Huntingdale	276, 276A-328 (even numbers) and 273-323 (odd numbers) Huntingdale Rd; 1277 and 1279 North Rd; western part of 1 Stafford St
Jordanville Shopping Centre, Ashwood	265-275 (odd numbers) Huntingdale Rd
Jordanville South Shopping Centre, Mt Waverley	414-430 (even numbers) Huntingdale Rd; 171-173 (odd numbers) Waverley Rd
Kangaroo Road Shopping Centre, Oakleigh	113-127 (odd numbers); 162 and 164 Kangaroo Rd
Kerrie Road Shopping Centre, Glen Waverley	2-24 (even numbers) Kerrie Rd
Lawson Street Shopping Centre, Clayton North	2-18 (even numbers) Lawson St
Leicester Avenue Shopping Centre, Mt Waverley	1-19 (odd numbers) Leicester Ave
Mackie Road Shopping Centre, Mulgrave	71-81 (odd numbers) Mackie Rd
Macrina Street Shopping Centre, Oakleigh East	2-4C (even numbers) Macrina St
Martin Place Shopping Centre, Glen Waverley	29-43 (odd numbers) Martin Place
McLochlan Street Shopping Centre, Mt Waverley	13-27 (odd numbers) McLochlan St
Montgomery Avenue Shopping Centre, Mt Waverley	2-6 (even numbers) Montgomery Ave
Morton Street Shopping Centre, Clayton	41-57 (odd numbers) Morton St
Mt Waverley Shopping Centre, Mt Waverley	47-63 (odd numbers) Wadham Parade; 1-79 (odd numbers) and 2-30 (even numbers) Hamilton Place; 1-11 (odd numbers) Hamilton Walk; 47-61 (odd numbers) and 64-74 (even numbers) Virginia St; 256-322 (even numbers), 275-283, 303-343 (odd numbers) Stephenson Rd; 4-12 (even numbers) The Highway
Mount Waverley North Shopping Centre, Mt Waverley	47-63 (odd numbers) Marianne Way
North Road Shopping Centre, Huntingdale	1259-1267 (odd numbers) North Rd
Oakleigh Shopping Centre, Oakleigh	Land bounded by Atherton Rd, Oxford St, Burlington St, Hanover St, the railway and Warrigal Rd; 7-103 (odd numbers) and 76-102A (even numbers) Atherton Rd; 39 Clyde St; 118 and 133 Atkinson St; 2-6 (even numbers) and 1-3 (odd numbers) Palmerston Grove; 112-156 (even numbers) and 35 Drummond St; 33-41 (odd numbers), 45-99 (odd numbers) Warrigal Rd; 18-20 (even numbers) Swindon Rd; 109A-111 (odd numbers) and 84 Carlisle Crescent; 2-30A (even numbers) Haughton Rd; 2-14 (even numbers) Johnson St; 1 and 14 Mill



## MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
	Rd; 19-21 (odd numbers) Mora Ave; 2-10 (even numbers) Regent St; 1-5 (odd numbers) Westminster St
Oakleigh East Shopping Centre, Oakleigh East	186-202 (even numbers) Huntingdale Rd; 1 State St
Pinewood Shopping Centre, Glen Waverley	407-443 (odd numbers) Blackburn Rd; 1-69 (odd numbers) and 2-48 (even numbers) Centreway
Princes Highway Shopping Centre, Clayton North	1895-1919 (odd numbers) Princes Hwy
Scotsburn Avenue Shopping Centre, Clayton	36-42 (even numbers) Scotsburn Ave
Springvale Road Shopping Centre, Mulgrave	887-909 (odd numbers) Springvale Rd; 2297-2305 (odd numbers) Princes Hwy
Stanley Avenue Shopping Centre, Mt Waverley	47-63 (odd numbers) Stanley Ave
Sunhill Road Shopping Centre, Mt Waverley	27-41 (odd numbers) Sunhill Rd
Syndal Shopping Centre, Syndal	613-641 (odd numbers) High Street Rd; 187-197 (odd numbers), 200-274 (even numbers), 213-217 (odd numbers), 241 and 243 (both excluding western part), 251-277 (odd numbers) and 233 Blackburn Rd; 1-29 (odd numbers) Coleman Pde
Thompson Street Shopping Centre, Glen Waverley	22-30 (even numbers) Thompson St
Vannam Drive Shopping Centre, Ashwood	35-45 (odd numbers) Vannam Drive
Viewpoint Avenue Shopping Centre, Glen Waverley	39-49 (odd numbers) Viewpoint Ave
Wanda Street Shopping Centre, Mulgrave	36-50 (even numbers) Wanda St and land at rear of those properties
Warrigal Road Shopping Centre, Ashwood,	475-549 (odd numbers) Warrigal Rd; 32 High Street Rd
Warrigal Road Shopping Centre, Chadstone	617-653 (odd numbers) Warrigal Rd; land at the rear of 617-621 (odd numbers) Warrigal Rd
Warrigal Road Shopping Centre, Chadstone	715-723 (odd numbers) Warrigal Rd; 2 Waverley Rd
Warrigal Road Shopping Centre, Oakleigh	140-148 (even numbers) Warrigal Rd
Warrigal Road Shopping Centre, Oakleigh	195-227 (odd numbers) and 170-206 (even numbers) Warrigal Rd; 1127, 1129 and 1142-1164 (even numbers) North Rd; land at the rear of 206 Warrigal Rd
Waverley Road Shopping Centre, Mt Waverley	335-361 (odd numbers) Waverley Rd
Westerfield Drive Shopping Centre, Clayton North	39-47 (odd numbers) Westerfield Drive
Willow Avenue Shopping Centre, Glen Waverley	28-48 (even numbers) Willow Ave
Windsor Avenue Shopping Centre, Mt Waverley	1-13A (odd numbers) Windsor Ave

MONASH PLANNING SCHEME

Name of strip shopping centre and locality	Land description
Yertchuk Avenue Shopping Centre, Ashwood	1-19 (odd numbers) and 2-22 (even numbers) Yertchuk Ave

**4.0**  
14/04/2022  
C152mona  
**Locations for gaming machines**  
None specified.

**5.0**  
14/04/2022  
C152mona  
**Venues for gaming machines**  
None specified.

**6.0**  
14/04/2022  
C152mona  
**Application requirements**  
None specified.

**7.0**  
14/04/2022  
C152mona  
**Decision guidelines**  
None specified.

MONASH PLANNING SCHEME

31/07/2018  
VC148

**SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS**

**1.0**

**Background documents**

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Proposed C167mona

Name of background document	Amendment number - clause reference
<i>Mount Waverley Activity Centre Structure Plan Tract Consultants, March 2021</i>	C167 - 21.06, 22.16, GRZ11, GRZ13, DDO17