

Planning and Environment Act 1987

**Victorian Planning Authority Projects Standing Advisory Committee – Referral 2
Report**

**Draft Monash Planning Scheme Amendment C156mona
PMP Printing Precinct Comprehensive Development Plan**

14 April 2021

Planning and Environment Act 1987

Victorian Planning Authority Projects Standing Advisory Committee
Referral 2 Report pursuant to s151 of the Act

Draft Monash Planning Scheme Amendment C156mona

PMP Printing Precinct Comprehensive Development Plan

1414 April 2021

Members of the Victorian Planning Authority Projects Standing Advisory Committee who considered this referral:



Tim Hellsten, Chair



John Roney, Member

Contents

	Page
1 Overview	1
2 Introduction.....	4
2.1 Terms of Reference and referral	4
2.2 Background to the draft Amendment	4
2.3 Issues	10
2.4 Procedural issues.....	11
2.5 Limitations	12
2.6 Content of report	13
3 Planning context	14
3.1 Planning framework	14
4 Comprehensive Development Plan.....	21
4.1 Introduction – mandatory and discretionary controls.....	21
4.2 Vision, objectives and future urban structure	24
4.3 Land use.....	27
4.4 Building form, building design and siting	29
4.5 Landscape and open space.....	35
4.6 Transport and movement	39
4.7 Sustainability, water management and utility servicing.....	47
4.8 Drafting.....	51
5 Comprehensive Development Zone Schedule 2	52
5.1 Land use.....	52
5.2 Subdivision.....	54
5.3 Buildings and works.....	62
5.4 Notice and review provisions	68
5.5 Other drafting issues	70
6 Other issues.....	72
6.1 Development Contributions Plan and Overlay.....	72
6.2 Clause 22.03	74
6.3 Community engagement.....	74
6.4 Responsible Authority for the project.....	76
6.5 Construction management.....	76
6.6 Industry transition	77
7 Summary of reasons and recommendation	78
7.1 Reasons.....	78
7.2 Recommendation	78

List of Tables

	Page
Table 1	Summary of issues in dispute..... 10
Table 2	Amendment changes versions provided by VPA 12
Table 3	How report addresses the Terms of Reference 13
Table 4	Proposed Zone and Overlays..... 16
Table 5	VPA Final version of CDP (vision, objectives and urban structure)..... 25
Table 6	Summary of submission positions regarding hieght and setbacks 29
Table 7	VPA Final version of CDP (Built form, building design and siting) 31

List of Figures

	Page
Figure 1	PMP Printing precinct site context..... 5
Figure 2	Aspect to south of Carinish Road 6
Figure 3	Exhibited Future Urban Structure Plan 8
Figure 4	Extent of Clayton Activity Centre Precinct Plan and section of preferred heights map 19
Figure 5	Tree value comparison 36

Appendices

Appendix A	Terms of Reference
Appendix B	Letter of referral
Appendix C	Submissions
Appendix D	Document list
Appendix E	Panel preferred version of the Amendment documents
	E1 PMP Printing Precinct Comprehensive Development Plan
	E2 Comprehensive Development Zone Schedule 2

Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
CACPP	Clayton Activity Centre Precinct Plan, City of Monash, January 2020
CDP	PMP Printing Precinct Comprehensive Development Plan
CDZ2	Comprehensive Development Zone (Schedule 2)
the Committee	VPA Projects Standing Advisory Committee
Council	Monash City Council
DARMS Property	Development Asset Realty Management Services Pty Ltd
DCP	PMP Printing Precinct Development Contributions Plan
DCPO1	Development Contributions Plan Overlay (Schedule 1)
DDO1	Design and Development Overlay (Schedule 1)
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
EQT	EQT Structured Finance Services Pty Ltd
Make	Make (CRC) Pty Ltd
VPA	Victorian Planning Authority

1 Overview

(i) Referral summary

Referral summary

The Amendment	Draft Monash Planning Scheme Amendment C156mona proposes to implement the PMP Printing Precinct Comprehensive Development Plan by rezoning the site to the Comprehensive Development Zone, applying the Environmental Audit Overlay and Development Contributions Overlay, deleting the Design and Development Overlay 1 from the site, amending the Schedule to Clause 53.01 to specify open space contribution rates for the precinct and amend the Schedule to Clause 72.04 to include the related Comprehensive Development Plan and Development Contributions Plan as Incorporated Documents
Common name	PMP Printing Precinct Comprehensive Development Plan
Subject land	209-211 Cornish Road and 31-49 Browns Road and land east of Bendix Drive, Clayton (known as the PMP Printing site)
Proponent	Victorian Planning Authority
Council	City of Monash
Targeted consultation on draft Amendment	25 September – 29 October 2020
Date of referral	28 December 2020
The Committee	Tim Hellsten (Chair), John Roney
Site inspection	22 February 2021
Consultation	Video conference Directions Hearing, 4 February 2021 Video conference round table, 15, 16 and 17 March 2021
Parties to the round table	<p>Victorian Planning Authority represented by Robert Stilling of Clayton Utz and Alexandra Malishev and who made available the following supplementary report authors to respond to Committee questions:</p> <ul style="list-style-type: none"> - Carley Wright and Tammy Shepherd of Tract on urban design - Mr Benjamin Mentha of Cardno on traffic and transport <p>City of Monash represented by Sherry Hopkins and Sean McNamee Make (CRC) Pty Ltd represented by Mark Naughton and Paul Little of Planning and Property Partners who called evidence on:</p> <ul style="list-style-type: none"> - planning from Stuart McGurn of Urbis - arboriculture from Simon Howe of Tree Department Pty Ltd <p>EPA represented by Tricia Brice. EPA did not make a submission to the Committee but attended the round table to answer questions EQT Structured Finance Services Pty Ltd represented by John Darmody of Development Asset Realty Management Services Pty</p>

	Ltd (DARMS Property) who provided a written submission but did not attend the round table
Citation	VPA Projects SAC Referral 2 – PMP Printing Precinct Comprehensive Development Plan [2021] PPV
Date of this report	14 April 2021

(ii) Findings

The Committee finds:

- The draft PMP Printing Comprehensive Development Plan (CDP), Development Contributions Plan (DCP) and Schedule to the Comprehensive Development Zone (CDZ2) are generally robust and supported by appropriately detailed analysis, inputs from the City of Monash and informed by agency and community submissions.
- That draft Monash Planning Scheme Amendment C156 (Amendment) is supported by, and implements, *Plan Melbourne* and the relevant sections of State and local planning policy, is strategically justified and will deliver net community benefit and sustainable development, as required by Clause 71.02-3.
- The draft Amendment, with the further changes included in the VPA Final version of the Amendment (Documents 68 to 79 inclusive), in the most part responds appropriately to the unresolved issues relating to:
 - the balance between certainty and flexibility of controls
 - built form outcomes including heights and setbacks
 - accommodation uses in commercial and mixed use precincts
 - traffic, carparking, street networks and linkages
 - provision of open space
 - vegetation outcomes
 - affordable housing
 - provision of infrastructure
 - community engagement and third part notice and appeal provisions.
- The draft Amendment should proceed based on the VPA Final version (Documents 68 to 79 inclusive) with additional changes set out in the Committee’s preferred version of the CDP and CDZ2 (Appendix E1 and E2) to:
 - make minor changes to the vision and objectives of the CDP
 - provide greater clarity and certainty about the application of requirements and guidelines
 - amend or introduce new guidelines or requirements into the CDP regarding land use, building height and design, transport and movement, bioretention
 - amend provisions of the CDZ2 relating to affordable housing, open space, amenity (including rail line noise), clarifying sensitive uses
 - include general drafting improvements.

(iii) Recommendations

The Committee recommends that draft Amendment C156mona to the Monash Planning Scheme proceed with the following changes:

- 1. Amend the draft PMP Printing Precinct Comprehensive Development Plan as set out in the Committee’s preferred version (Appendix E1).**

- 2. Further amend the draft PMP Printing Precinct Comprehensive Development Plan to:**
 - a) include northern boundary setbacks for the Residential interface – Browns Rd, Residential Interface and Residential Interface – North sub-precincts following appropriate analysis**
 - b) include preferred internal street setbacks for the Residential Core sub-precinct following appropriate analysis**
 - c) rewrite exhibited R21 to more clearly identify what is meant by the provision.**
- 3. Amend draft Schedule 2 of Clause 37.02 Comprehensive Development Zone as set out in the Committee’s preferred version (Appendix E2).**
- 4. Amend the draft PMP Printing Precinct Development Contributions Plan consistent with the Victorian Planning Authority Final version (Document 68).**
- 5. Amend draft Schedule 1 to Clause 45.06 Development Contributions Overlay consistent with the Victorian Planning Authority Final version (Document 73).**
- 6. Thoroughly check all of the development contribution rates specified in the PMP Printing Precinct Development Contributions Plan and Schedule 1 to the Development Contributions Plan Overlay before finalising the Amendment.**
- 7. Amend draft Schedule 1 to Clause 53.01 consistent with the Victorian Planning Authority Final version (Document 75) and to refer to the final versions of the draft PMP Printing Precinct Comprehensive Development Plan.**
- 8. Amend the draft Schedule to Clause 72.04 consistent with the Victorian Planning Authority Final version (Document 79) to refer to the updated final versions of the draft PMP Printing Precinct Comprehensive Development Plan and PMP Printing Precinct Development Contributions Plan.**

Further recommendations

- 9. The Victorian Planning Authority consider additional provisions to introduce a mechanism in the PMP Printing Precinct Comprehensive Development Plan and the PMP Printing Precinct Development Contributions Plan to monitor residential and commercial yields to ensure that the future development of the site does not go beyond acceptable limits. This could include a yield threshold that should only be exceeded subject to further consideration, including the impact on the existing road network.**
- 10. The Victorian Planning Authority consider amending the PMP Printing Precinct Comprehensive Development Plan so that the various terms in the Glossary are defined in a way that is relevant.**

2 Introduction

2.1 Terms of Reference and referral

The Victorian Planning Authority (VPA) Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning in July 2020. The purpose of the Committee is set out in its Terms of Reference dated 17 July 2020 (Appendix A):

... provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference set out that the Committee is to consider unresolved issues. In doing so it must consider:

- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
- b. The referred submissions
- c. *Plan Melbourne*
- d. Any relevant Regional Growth Plan or Growth Corridor Plan
- e. The applicable Planning Scheme
- f. Relevant State and local policy
- g. Any other material referred to it.

The VPA has prepared draft Amendment C156mona to the Monash Planning Scheme which proposes to implement the draft PMP Printing Precinct Comprehensive Development Plan. The submissions from informal exhibition of the draft Amendment were referred to the Committee on 28 December 2020 by the Minister for Planning (Appendix B) with the following documents (refer Appendix D):

- Submissions Summary Table prepared by the VPA
- PMP Printing Site Public Consultation Report, November 2020.

The members of the Committee dealing with Referral 2 were:

- Tim Hellsten, Chair
- John Roney, Member.

Kimberley Martin, Project Officer at Planning Panels Victoria, assisted the Committee.

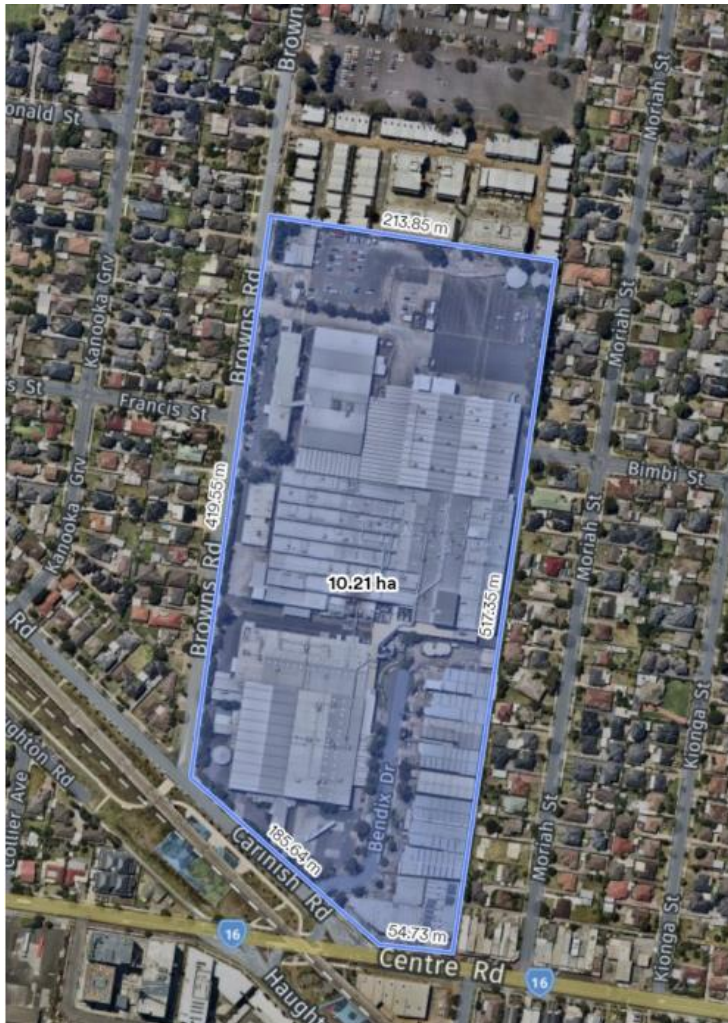
2.2 Background to the draft Amendment

(i) PMP site

The 10.21 hectare Industrial 1 zoned PMP Printing precinct comprises land at 209-211 Carinish Road, 31-49 Browns Road, land on the east side of Bendix Drive, 1455A to 1455D and 1457 Centre Road, Clayton (subject land). The precinct is located approximately 20 kilometres south-east of the Melbourne CBD and is close to several key activities including Monash Medical Centre, Clayton Activity Centre and the Monash University Clayton Campus. It is within walking distance of existing community uses including local retail, recreational facilities

and the transport nodes within the Clayton Activity Centre, including Clayton train station. The site and its local site context is shown in Figure 1.

Figure 1 PMP Printing precinct site context



Source: VPA Part A submission

The subject land has road frontages to Carinish Road and Browns Road and adjoins residential properties which front Moriah Street. The site contains a series of large industrial buildings and a series of mature trees along the site's perimeter. The former Clayton Primary School site is located to the north of the precinct and is currently being developed for residential development. The development comprises approximately 221 town houses and apartments ranging from two storeys on Browns Road to three and four storeys to the centre of the site.

The residential context comprises predominantly one and two storey dwellings. The subject land itself comprise a series of large industrial buildings used by PMP printing and a series of factories accessed off Bendix Drive. A small commercial strip of land adjoins the site to the east along Centre Road.

The subject land's outlook south and the southern view from Carinish Road from adjoining residences is towards the elevated Cranbourne – Pakenham rail line and road underpass and the backdrop of the Jackson Green development (Figure 2).

Figure 2 Aspect to south of Carinish Road



Source: Committee image taken during site inspection

(ii) PMP Printing Precinct Comprehensive Development Plan and Development Contributions Plan

The draft PMP Printing Precinct Comprehensive Development Plan, VPA, September 2020 (CDP) provides a 20 year framework for the development of the precinct as a mixed use site comprising 34,000 square metres of commercial and 2,100 square metres of retail floorspace and approximately 1,180 dwellings accommodating more than 1800 residents in town house, unit and apartment building typologies.

The vision for the precinct is:

The PMP Printing site will be a contemporary mixed-use place that incorporates diverse housing opportunities, local employment and high-quality public spaces. This precinct will support a growing local community, complement the Clayton Activity Centre and enhance connections to local institutions and open spaces.

The area will allow for the conversion of previously industrial land uses into a new community in the heart of an existing residential area. Development outcomes will respond to the character of the surrounding area through the provision of low and medium-rise residential built form around the perimeter of the site, transitioning toward medium-rise residential built form within the central, residential core precinct. Development will respond sympathetically to allow existing industrial activities to continue to operate along Bendix Drive.

A green core will mean that pedestrians and cyclists will have clear view-lines and pedestrian links through the precinct, especially between Bimbi Street and Francis Street, a new opportunity for the residents of Clayton. The precinct is well located with access to nearby facilities such as Clayton train station and the Clayton to Syndal Strategic Cycling Corridor, encouraging active and healthy transport modes. The Town Square will be flanked by commercial and retail opportunities to meet the daily needs of local residents and workers.

Employment-generating uses in the southern part of the precinct and mixed-use buildings surrounding the town centre will support a range of employment uses. The adjoining Bendix Drive mixed-use and employment area will present an attractive and co-ordinated frontage to Centre Road continuing the existing Centre Road shopping strip.

The PMP Printing site will become a new community that integrates seamlessly with the existing key destinations within Clayton and provide a quality environment for people to live, work and play.

The CDP is guided by eight objectives guide the development of the site:

- To create a mixed-use precinct which provides housing, jobs and retail services that contribute to day and night time activity.
- To create an employment hub which is conducive to a range of businesses and industry sectors including health, education and commercial enterprises.
- To promote lot and dwelling types that allow for a diversity of households, including affordable housing, within the precinct.
- To appropriately manage interfaces with any ongoing uses as the area transitions from industrial to commercial, and mixed-use.
- To establish an integrated transport network that reduces dependency on private vehicles, maximises access to public transport and encourages active transport walking and cycling.
- To deliver safe and accessible public spaces (including a town square, local streets and a central open space) that have access to sunlight and contribute to a distinct sense of place.
- To facilitate the retention of mature vegetation and enable the establishment of new canopy trees within streets, parks and other public and private spaces.
- To deliver a system of integrated water management that encourages the re-use of alternative water, minimises flood risk, ensures the environmental health of waterways, protects public health, and contributes towards an environmentally sustainable and green urban environment.

It proposes a Future Urban Structure (as shown in Figures 3) which comprises:

- a commercial precinct – which includes separate ‘employment Carinish Road’ and ‘employment Bendix Drive’ sub precincts
- a mixed use precinct – which includes separate Carinish Road (‘mixed use south’) and ‘mixed use Bendix Drive’ sub precincts
- residential precincts – which include a ‘residential core’, a ‘residential interface’ (applying to the eastern and portion of the northern interface), ‘residential interface - Browns Rd’ and a ‘residential interface – north’ (applying to the central portion of that interface)
- areas of open space and trees to be retained
- street and transport network connections.

The CDP includes requirements and guidelines for land use, built form (height and setbacks), landscape and open spaces, integrated transport, sustainability (including water management and servicing), infrastructure delivery and development staging.

Figure 3 Exhibited Future Urban Structure Plan



The CDP was informed by several reports including (refer Appendix D):

- PMP Printing – VPA Background Report, September 2020
- Access and Movement Assessment, Cardno July 2019 and addendum, September 2020
- Urban Context Report, Tract, August 2019 and addendum, September 2020
- Environmental Site Assessment, Senversa, May 2019
- Pre-Construction Impact Arboricultural Assessment, Homewood, April 2019
- Proposed Affordable Housing Strategy, Affordable Development Outcomes, March 2019
- Community Facilities and Social Impact Assessment, Public Place, April 2019 and addendum, September 2020
- Stormwater Drainage Assessment, Alluvium, February 2019
- Retail Assessment, Essential Economics, June 2019

- Evaluation Report, Essential Economics, January 2019
- Engineering Servicing Advice, Taylors, June 2019
- Infrastructure Costings Report, Cardno, July 2019
- Community Infrastructure Cost – Cost Estimate, Prowse Quantity Surveyors, July 2019.

The PMP Printing Development Contributions Plan VPA, September 2020 (DCP) sets out the infrastructure required to be delivered to meet the needs of the future community (residents, visitors and workers) and the proposed basis of levying infrastructure charges associated with the site's development. The DCP sets out:

- two main charge areas – charge area 1 applies to the residential area based on dwelling units and charge area 2 the commercial and retail areas based on gross leasable floor area
- Development Infrastructure items comprising intersection and road projects (five projects costed at \$1,128,742.15) and a single Community Infrastructure item (community meeting space costed at \$479,036.07), their respective charge areas and apportionment (100 per cent).

The DCP also sets out arrangements for payment timing, works in kind, credits, administration, indexation, review and collection/development agency responsibilities. Open space and affordable housing provision are not included in the DCP.

(iii) Proposed Amendment

The draft Amendment involves amending the Monash Planning Scheme to facilitate the development of the subject land by:

- rezoning the precinct from Industrial 1 Zone to Comprehensive Development Zone (CDZ) and inserting Schedule 2 (PMP Printing Precinct Comprehensive Development Plan) into Clause 37.02 (CDZ2)
- deleting Design and Development Overlay, Schedule 1 (DDO1) from the subject land
- applying the Environmental Audit Overlay (Clause 45.03) (EAO)
- applying the Development Contributions Plan Overlay to the site and inserting Schedule 1 (PMP Printing Precinct Development Contributions Plan Overlay) (DCPO1) to Clause 45.06
- amending the Schedule to Clause 53.01 (Public Open Space Contribution and Subdivision) to require subdivision of the site to provide a public open space contribution of 10 per cent
- amending Clause 72.04 to add the CDP and DCP as incorporated documents.

(iv) Community engagement

Between 25 September and 29 October 2020, the VPA undertook targeted public consultation on the draft CDP and DCP and draft Amendment documents which involved:

- discussions with the City of Monash (Council)
- notifying landowners and occupiers (letter and project brochure) within 500 metres of the site (some 2,043 letters issued), the neighbouring Council (City of Kingston) and targeted letters to site landowners offering one on one discussions
- engagement with government agencies and service providers
- a project webpage, hosted by VPA and on the Engage Victoria website

- a virtual drop-in session on 12 October 2020
- a land owner meeting and separate community meeting
- responding to phone calls and emails
- consideration of 16 submissions received.

This consultation followed two earlier community engagement phases in May 2018, which included a community information workshop and business owner/operator meetings, and over February – March 2019 which included a community drop-in session.

2.3 Issues

A total of 16 submissions were made to the draft Amendment and the CDP and DCP (refer Appendix C). The unresolved submission issue themes are summarised in Table 1.

Table 1 Summary of issues in dispute

Issue theme	Specific issues	Report section
Urban structure, built form controls and land use	• Flexibility in urban structure outcomes	4.1 & 4.2
	• land use – residential use in commercial and mixed use precincts	4.3 & 5.1
	• built form controls:	4.2
	- building heights and setbacks - building typologies and built form responses	
Vegetation	• tree planting requirements and retention • extent of landscaping and tree planting required	4.5
Transport and movement	• traffic impacts on local street network • street design and pedestrian linkages • carparking rates and adequacy of car parking provision	4.6
Amenity impacts	• noise from rail line and non-sensitive uses • construction management	5.3.2
Open space	• adequacy of open space provision • location and orientation of open space • equity of provision	4.5 & 5.2.3
Contamination	• treatment of open space transferred to Council	5.2.2
	• application of contamination assessment provisions in CDZ2	5.3.3
Infrastructure	• services and utilities including recycled water, storm water management including bioretention, underground electricity cabling and waste management	4.7
	• DCP content, triggers and rates	6.1
Affordable housing	• level of contribution and collection arrangements	5.2.1 & 5.3.1
Other	• industry transition	6.6
	• level of community engagement	6.3
	• notice and review provisions	5.4

2.4 Procedural issues

(i) Conduct of proceedings

The Terms of Reference identify that:

Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.

Given the extent of resolved submissions leading up to the Directions Hearing and the relatively small number of parties wishing to be heard, the Committee considered that a round table approach to hearing submissions was appropriate. This was supported by all the parties and enabled a more focused discussion on the key outstanding issues. This process also allowed for a 'without prejudice' discussion between parties on Day 3 of the round table to discuss the drafting of the Amendment documentation, in particular the CDP and CDZ2. It was agreed by all parties that the matter could proceed via videoconferencing given the current COVID 19 pandemic. The Committee thanks the parties for the way in which they engaged with the round table process and the information they provided.

The VPA made available the authors of the supplementary urban design and traffic and transport reports to respond to Committee questions as part of its advocacy team. These reports were not treated as evidence and the authors were not cross examined. The Committee however appreciated their attendance to be able to respond to urban design and traffic matters and questions from the Committee and parties as they arose during the round table.

While the submission of the Environment Protection Authority (EPA) was resolved before the round table, the EPA attended to make themselves available in the event the Committee or other parties had questions regarding their submission or contamination and rail noise issues. The Committee thanks the EPA for their attendance and input.

(ii) Amendment document versions

A series of versions of the Amendment documents were produced by the VPA in response to submissions made before and during the roundtable and a general review of documentation following an invitation from the Committee to respond several errors or inconsistencies in the Amendment documentation identified by the Committee. These versions are identified and summarised in Table 2 and are referred to by the Committee in its report findings and recommendations.

The Committee has focused its discussion in this report around the Day 3 version, identifying recommendations where it considers them necessary. The Committee's preferred version of the CDP and the CDZ2 are included in Appendix E1 and E2.

Table 2 Amendment changes versions provided by VPA

Version	Summary of changes document	Document number
Day 1 version ¹	Produced by the VPA in response to its consideration of submissions and review of all exhibited Amendment documentation. Provided before the commencement of the round table and its Part A submission	37
Day 3 version	Produced by the VPA for the ‘without prejudice’ discussion on amendment documents on Day 3 of the round table. It included all Day 1 changes	62 (CDP) and 63 (CDZ2)
VPA Final version	Produced by the VPA following the ‘without prejudice’ discussions. This version included all Day 1 and Day 3 changes in tracked changes and ‘clean’ formats	68 to 79 inclusive ²

(iii) Declarations

At the Directions Hearing the Chair declared he had no conflict of interest but in a former role with the City of Greater Geelong he had worked with the author of Department of Transport’s submission Mr Bayley and engaged Mr Darmody’s firm DARMS Property to undertake to provide a strategic planning report on a Central Geelong project. No concerns were raised about these declarations.

2.5 Limitations

The Terms of Reference makes it clear that the Committee is to only consider the unresolved submission issues referred to it for advice, although all submissions were referred to it. This means that the overall merits of the draft Amendment have not been examined and that the Committee confines its consideration to the issues in those submissions.

Before the Directions Hearing and round table took place the Committee was advised directly by the VPA, that the submissions of the EPA, Ms Everett and Mr Perkins and Metropolitan Waste and Resource Recovery Network had been addressed by the changes proposed by the VPA.³

While resolved submissions were not considered by the Committee, the Committee viewed those submissions and the proposed changes identified proposed by the VPA in response to them. The Committee identified no issues with the proposed changes which were supported by Council. These changes were set out in the VPA’s Day 1 version of the Amendment.

While only hearing submissions from two parties – Monash City Council (Council)⁴ and Make (CRC) Pty Ltd (Make)⁵ – at the round table, the Committee received and considered a further written submission on behalf of EQT Structured Finance Services Pty Ltd (EQT) prepared by DARMS Property⁶ as well as all other unresolved submissions.

¹ No Day 2 version was produced

² Includes Document 69 (DCP), Document 69 (CDP), Document 73 (DCPO), Document 74 (CDZ2), Document 75 (Clause 53.01), Document 79 (Clause 72.04)

³ Submissions 15, 13 and 3 respectively and Documents 25 and 27

⁴ Submission 8

⁵ Submission 16 and Document 48

⁶ Submission 12 and Document 44

No submissions were made in relation to the deletion of DDO1 or the application of the EAO. The Committee observes that they appear appropriate and avoid unnecessary or redundant controls.

The VPA's Day 1 version of the Amendment made other minor tidy up and correction changes. These are procedural changes of limited consequence and did not relate to submissions. The Committee has not considered these changes in the report but has no concerns with them. The Committee has not undertaken an assessment of all provisions of the Amendment documentation. Instead it has focused on the issues in dispute.

2.6 Content of report

The Terms of Reference require the Committee to produce a written report. Table 3 sets out the requirements for the report and where they are addressed in this report.

Table 3 How report addresses the Terms of Reference

Terms of Reference report requirements	Report section
Whether the referred element(s) of the draft amendment is appropriate	Chapter 7
A summary and assessment of the issues raised in submissions referred to the Committee	Chapters 2,4, 5 and 6
Any other relevant matters raised in the course of the Committee process	Not applicable
A list of persons who made submissions considered by the Committee	Appendix C
A list of tabled documents	Appendix D
A list of persons heard	Overview

3 Planning context

3.1 Planning framework

The draft Explanatory Report and supporting documents identify that the draft Amendment satisfies or implements the key policies of the Planning Policy Framework and Local Planning Policy Framework. The VPAs Part A submission⁷ further sets out the strategic basis of the submission as does the comprehensive analysis in the evidence of Mr McGurn for Make.⁸ These are summarised below.

(i) Planning Policy Framework (PPF)

- Clause 11 Settlement, particularly:
 - Clause 11.06-1 (Jobs and investment) by providing for investment and creation of jobs
 - Clause 11.06-2 (Housing choice) by providing for housing choice close to jobs and services
- Clause 13 Environmental Risks and Amenity particularly:
 - Clause 13.04-1S (Use of contaminated and potentially contaminated land) by applying the EAO to all land previously zoned IN1Z and requiring an environmental site assessment application for land within the commercial Bendix Drive sub-precinct
 - Clause 13.05 (Noise) and 13.06 (Air Quality) by focusing commercial/office areas along Carinish and Centre Road and separating residential land uses from major noise sources including the railway line and requiring development applications associated with a sensitive use to provide an amenity assessment that addresses acoustic and other amenity issues
- Clause 15 Built Environment and Heritage, particularly:
 - Clause 15.01-1R (Urban design – Metropolitan Melbourne) by encouraging architectural and urban design outcomes to address street and built form design, contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties through appropriate built form and siting
 - Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne) by creating a mixed-use neighbourhood with a range of housing types and densities that will offer more choice in housing for Clayton. The Amendment will provide access to employment and services for the existing community reinforcing the 20-minute neighbourhood strategy
- Clause 16 Housing, particularly:
 - Clause 16.01 (Residential development) increasing the supply of housing
 - Clause 16.01-3R (Housing diversity – Metropolitan Melbourne) and Clause 16.01-4S (Housing affordability) by providing a range of housing types close to employment opportunities and the delivery of affordable housing
- Clause 17 Economic Development, particularly:

⁷ Document 40

⁸ Document 43. Make was submission 12.

- Clause (17.01-1S Diversified economy) by providing for commercial land, supporting a mix of employment generating uses, increasing supply of as-of-right office space and improving access to jobs for future residents and the surrounding community
- Clause 17.01-2S (Innovation and research) supporting innovative and creative businesses through as of right land use provisions
- Clause 19.03 Development infrastructure by providing a framework for providing for the planning and delivery of key infrastructure to facilitate the development of the land and provide for future residents.

(ii) Local Planning Policy Framework

- Clause 21.03 (A vision for Monash) by developing sustainable employment opportunities to maintain Monash as a predominant business location in Melbourne’s eastern region, providing for the revitalisation of older industrial premises and integrating land use and transport planning
- Clause 21.05 (Economic Development) by providing for investment, fostering business growth and a range of viable local employment opportunities
- Clause 21.08 (Transport and Traffic) by establishing a safe and efficient road and path network through the site and improving the local road network where required; increasing public transport patronage by providing bus capable streets and utilisation of existing public transport infrastructure and providing for active transport linkages to Clayton Station, the Djerring Trail and the Clayton to Syndal Strategic Cycling Corridor
- Clause 21.10 (Open Space) by providing additional, well planned and easily accessible open space
- Clause 21.11 (Infrastructure) by providing for the upgrade and provision of drainage, road and footpath resulting from the precinct’s development
- Clause 21.13 (Sustainability and Environment) by providing for appropriate building design, enhancement of biodiversity, managing drainage and waterways
- Clause 22.03 (Industry and Business Development and Character Policy) by providing guidance for high quality building design and character, streetscape integration and achieving high levels of amenity
- Clause 22.04 (Stormwater Management Policy) by protecting and managing waterways, managing stormwater and drainage through on-site retention
- Clause 22.05 (Tree Conservation) by retaining mature trees and encouraging the planting of new canopy trees consistent with the Garden City Character
- Clause 22.12 (Environmentally Sustainable Development Policy) by encouraging best practice environmentally sustainable development.

(iii) Zones, Overlays and particular provisions

The Amendment proposes the application of the CDZ, EAO and DCPO. The purpose of these provisions and their key elements are set out in Table 4.

Table 4 Proposed Zone and Overlays

Controls	Purpose and provisions
CDZ	<p>To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.</p> <p>CDZ2:</p> <ul style="list-style-type: none"> • To facilitate a transition in land use from industrial to a mix of uses including residential, retail and office while ensuring new development does not unreasonably impact on the amenity of the established surrounding area • To encourage high quality urban design and architecture that is environmentally sustainable, responsive to its environs, improves local accessibility and permeability through the precinct • To create a vibrant, safe, diverse and attractive public environment • To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of existing industrial uses
DCPO	<p>To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence</p> <p>The DCPO requires a permit to give effect to the contribution or levy set out in a schedule and be consistent with a development contributions plan</p> <p>DCPO1 sets out a summary of costs and summary of contributions</p>
EAO	<p>Purpose:</p> <ul style="list-style-type: none"> • To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination. <p>It requires that before a sensitive use commences or the construction or carrying out of buildings and works in association with a sensitive use commences, either:</p> <ul style="list-style-type: none"> • a certificate of environmental audit must be issued for the land, or • an environmental auditor must make a statement that the environmental conditions of the land are suitable for the sensitive use

The CDZ provides that a schedule can set out land use tables, application requirements and decision guidelines for land use, subdivision buildings and works. In relation to notice and review the schedule can specify that an application is exempt from notice and review rights of the Act for the use of land and subdivision. Where an application for buildings and works is “*generally consistent with*” a comprehensive development plan it is automatically exempt from the notice and review provisions. The schedule can however extend exemptions to other buildings and works applications.

The proposed CDZ2:

- identifies requirements that must be met including all the requirements of the CDP
- identifies application requirements including:
 - for use, details of use and types of activities, commercial use employee numbers and consideration of amenity and traffic network impacts
 - for subdivision, a s173 agreement for an Affordable Housing Contribution; standard of open space on transfer to council; works to be provided in association with development; written statement and various plans; a Public Infrastructure Plan

- for buildings and works, permit required to remove a high or medium retention value tree; application of clauses 54 and 55 (ResCode) and 58 (Apartment buildings); s173 agreement for Affordable Housing; works to be provided in association with development; written statement and various plans including a Public Infrastructure Plan including a site analysis and design response, construction details, 3D images, tree retention; an arboricultural report; a landscape plan; a waste management plan; a traffic, parking and access report; site remediation strategy; a construction management plan; a Public Infrastructure Plan; an environmental site and an amenity assessment
- applies notice exemptions for:
 - use (if generally in accordance with the CDP)
 - subdivision (unless an application moves a street, public open space or trail in the CDP to another lot in different ownership)
- identifies decision guidelines.

DDO1 currently applies to the site. It seeks to ensure new commercial and industrial development contributes to the Garden City Character and that building scale and form (height and bulk) complements and not overwhelms surrounding buildings. It achieves this primarily through nominating street setbacks. The control is applied widely to industrial zones and is redundant as a result of the application of the CDZ.

The adjoining residential area is zoned General Residential (Schedule 6 – Monash National Employment and Innovation Cluster and Clayton Activity Centre) (GRZ6) to the west and north and General Residential 3 (GRZ3 – Garden City Suburbs) to the east. GRZ3 seeks to support new development that contributes to the preferred garden city character by minimising building mass and visual bulk in the streetscape through generous front and side setbacks, recesses in built form and landscaping. There is no maximum height identified in the GRZ3 so the default maximum of 11 metres and three storeys applies. GRZ6 seeks to facilitate housing diversity in the form of units, townhouses and apartment developments, provide a transition to the lower scale surrounding garden city suburban area, manage sensitive interfaces and minimise building mass and visual bulk through landscaping in the front setback and breaks and recesses in the built form. GRZ6 sets a maximum height of 11.5 metres and three storeys.

(iv) 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. *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. The directions particularly relevant to the Amendment relate to Outcome 2 – Providing housing choice in locations close to jobs and services by:

- managing the supply of new housing in the right locations including established areas to create 20 minute neighbourhoods
- providing housing diversity and choice
- planning for expected housing needs
- providing certainty about the scale of growth

- locating medium and higher density development near services, jobs and public transport and within areas identified for residential growth including areas designated as national employment and innovation clusters
- increase the supply of social and affordable housing.

The Amendment is a specific response to Action 16 of *Plan Melbourne 2017-2050* which calls for a pipeline of urban renewal projects across Melbourne that deliver high amenity, mixed-use neighbourhoods.

(v) Ministerial Directions

Direction No. 1 Potentially Contaminated Land provides requirements for the rezoning of potentially contaminated land and consideration of sensitive use and development. The subject land has been intensively used for industry and is proposed for a mix of uses including sensitive use (residential). The Amendment applies the EAO to the subject site based on a 2018 environmental site assessment (Senversa Pty Ltd) prepared for the VPA (but which excluded Bendix Drive properties) and consultation with the EPA. The Senversa environmental site assessment recommended this approach to enable any subsequent environmental audit conditions to be tailored to the proposed development at the permit stage, address specific environmental risks, and determine the extent of soil and or groundwater remediation required. The CDZ2 includes an environmental site assessment application requirement to ensure that permit applications in Bendix Drive which may not trigger an audit (if not including sensitive uses) still consider and respond to potential contamination.

Direction No. 9 Metropolitan Strategy – The Amendment has been prepared with regard to *Plan Melbourne 2017-2050*.

Direction 19 Preparation and content of amendments that may significantly impact the environment, amenity and human health – The Amendment has considered the views of the EPA which supported the application of an EAO over the entire precinct to deal with proposed sensitive uses on the land. The CDZ2 requires an environmental site assessment (detailed site investigation) for properties along Bendix Drive, which were not included in the original environmental assessment report prepared for the VPA in 2018.

Ministerial Direction – Preparation and Content and Reporting Requirements for Development Contributions Plans – The DCP has been prepared for the subject land in accordance with the Ministerial Direction, and its findings implemented through the application of DCPO1.

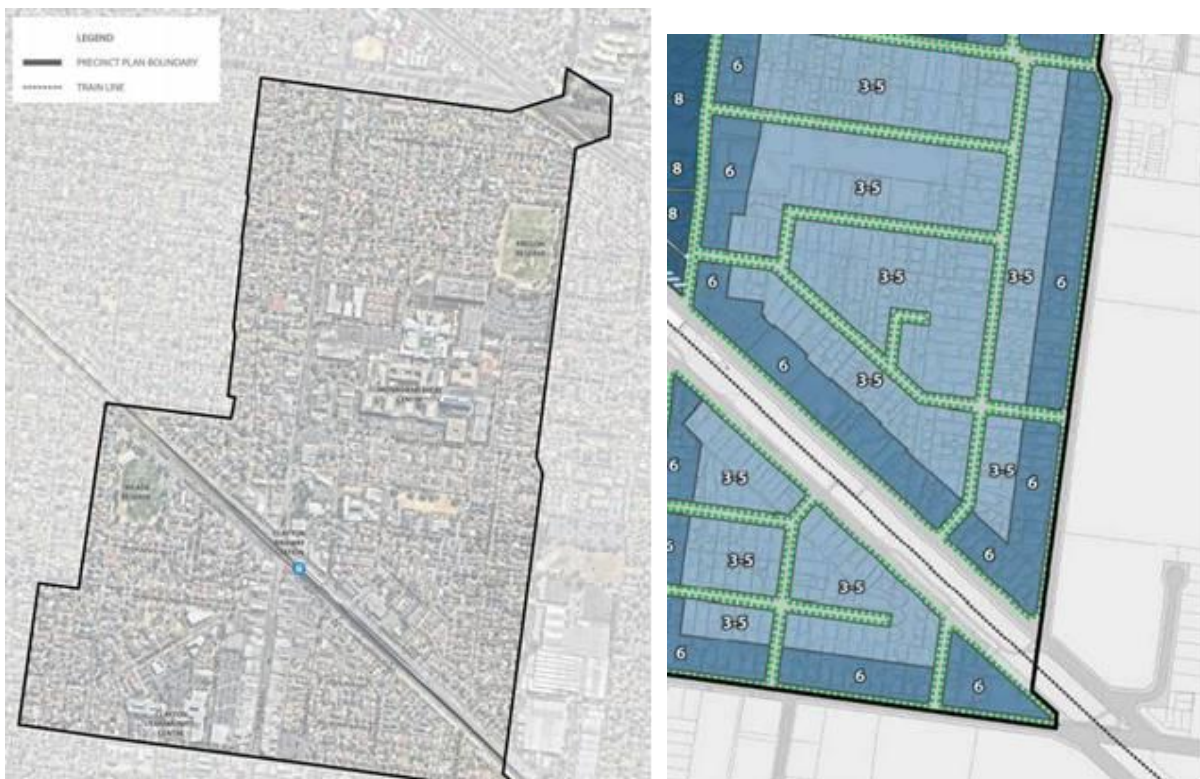
(vi) Monash National Employment and Innovation Cluster Draft Framework Plan 2017

Monash National Employment and Innovation Cluster (NEIC) Draft Framework Plan 2017 prepared by the VPA provides a framework for the development of the NEIC to support the provision of 75,000 jobs focused around the knowledge and research capabilities of the cluster. The subject land is identified within the Framework as a strategic site providing for jobs, housing and serving local needs and supporting its planning for a mixed use urban renewal project.

(vii) Clayton Activity Centre Precinct Plan

The adopted *Clayton Activity Centre Precinct Plan, City of Monash, January 2020* (CACPP) provides a framework for the growth of the Clayton Activity Centre and extends to the west side of Browns Road. While it does not include the subject land, it identifies it as a key development site which “will provide a mix of commercial development, housing and open space”. It identifies an intensification of residential areas within the activity centre, an expansion of the Residential Growth Zone and preferred building heights (6 storeys/19-22 metres for properties on the west side of Browns Road) as shown in Figure 4. Council advised that further work is still to be undertaken to progress the Plan to amendment stage including consideration of the proposed superhub station and issues associated with the suburban rail link.

Figure 4 Extent of Clayton Activity Centre Precinct Plan and section of preferred heights map



Source Clayton Activity Centre Precinct Plan

(viii) Findings

The Committee finds that the proposed redevelopment of the PMP Printing site:

- Is supported by, and implements, the relevant sections of the Planning Policy Framework.
- Is consistent with the relevant Ministerial Directions and Practice Notes.
- Is well founded and strategically justified.
- Will deliver 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.

The Committee notes that no submission contested the redevelopment of the site in principle. Issues of concern related to the detail of the implementation of the plan to transition from generally a large industrial site to a mixed use precinct.

When assessing the detailed requirements, guidelines and other controls in the CDP, DCP and the Schedule to the CDZ, the Committee has been cognisant of the important strategic context of the site and its potential to accommodate significant development in accordance with the objectives of a variety of established planning policies, including *Plan Melbourne*.

The Committee has not reviewed the draft Explanatory Report. No submissions referred to it and the VPA did not discuss it at the round table. Depending on the final version of the Amendment it should be substantially reviewed and rewritten as an administrative matter.

4 Comprehensive Development Plan

The unresolved submission issues are discussed in this Chapter in relation to the proposed CDP.

4.1 Introduction – mandatory and discretionary controls

(i) What is proposed?

As exhibited, the CDP states in an introductory chapter called ‘How to read this document’ that:

The PMP Printing Comprehensive Development Plan (CDP) guides land use and development outcomes for the PMP Printing Precinct and should be read in conjunction with the provisions within Clause 37.02 Comprehensive Development Zone (CDZ) and associated schedule within the Monash Planning Scheme.

A planning permit application and planning permit should implement the outcomes of the CDP. The outcomes are expressed as the Vision and Objectives in Part 1 of this CDP.

The way in which the various elements of the CDP are to be applied is as follows:

- **Vision and Objectives:** The vision and objectives must be complied with.
- **Future Urban Structure:** The future urban structure of the site as shown on Plan 1, must be ‘generally in accordance’ with, to the satisfaction of the responsible authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are achieved.
- **Requirements:** All requirements must be complied with. Requirements outline matters that must be taken into account in the planning and design of a development.
- **Guidelines:** All guidelines should be complied with. Guidelines outline matters that should be taken into account in the planning and design of a development.

The CDZ parent clause states with respect to Use of land (Clause 37.02-2), Subdivision (Clause 37.02-3) and Buildings and works (Clause 37.02-4) that “*Any requirement in the schedule of this zone must be met*”.

CDZ2 (the schedule of this zone) provisions include requirements with respect to:

- Use of land that states “*All requirements of the incorporated PMP Printing Precinct Comprehensive Development Plan must be met*”
- Subdivision of land that states “*A permit for the subdivision of land must be generally consistent with the incorporated PMP Printing Precinct Comprehensive Development Plan*”
- Buildings and works that relate to various matters, some of which are referenced to the PMP Printing Precinct Comprehensive Development Plan.

(ii) The issue

The issue is whether the requirements and guidelines in the CDP are mandatory or discretionary controls.

(iii) Submissions

Submissions to the exhibited CDP and discussion at the round table revealed significant confusion about the meaning of ‘Requirements’ and ‘Guidelines’ in the CDP. This was, in part,

because the drafting in some cases did not distinguish clearly whether the control was mandatory or discretionary.

For example, a Requirement in the exhibited version of the CDP (R3) stated that *“Built form in the sub-precincts as shown on Plan 2 must not exceed the maximum height and setbacks contained in Table 1. A planning permit cannot be issued to vary this requirement.”* Confusingly, Table 1 included ‘preferred maximum heights’ and ‘mandatory maximum heights’ as well as setbacks that were not identified as either preferred or mandatory.

Similarly, the high and medium value trees identified on Plan 1 were referred to in a Requirement (R16) that they *“must be retained or to the satisfaction of the responsible authority”*. Provisions in CDZ2 made it clear that a permit could be obtained for the removal of the trees.

Various submissions and parties at the round table commented about the confusing drafting. The VPA acknowledged that there were examples where the intent of the provisions was unclear and it corrected many of these in the various iterations of the CDP.

The Day 1 version of the CDP amended the ‘How to read this document’ section by:

- in the first sentence referring to ‘Schedule 2’ instead of the ‘associated schedule’
- modifying ‘Future Urban Structure’ to state:

Future Urban Structure: Future development of the site must be ‘generally consistent’ with the Future Urban Structure of the site as shown on Plan 1, to the satisfaction of the Responsible Authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are achieved.

Make referred the Committee to the Hobsons Bay C88 Panel Report⁹ and the Glen Eira C155 Panel Report¹⁰ and supported the meaning of Requirements and Guidelines applied in those cases.

(iv) Discussion and findings

The drafting of the exhibited CDP created significant confusion and in several places the Committee was unclear of the meaning of some provisions. The redrafting in the Final version has addressed many of the issues of concern.

The Committee notes that similar issues were canvassed at length in the Hobsons Bay and Glen Eira panel reports referred to by Make. Both of these cases involved the VPA and the Committee is somewhat surprised that the learnings from the Hobsons Bay and Glen Eira amendments were not applied with greater vigour.

The Committee adopts the views of the Panel in Glen Eira C155 where it stated at page 107:

This Panel adopts the approach of the Hobsons Bay C88 Panel where it sought to provide clarity between CDP requirements and guidelines. Simply put, requirements are to be read as mandatory provisions and guidelines are discretionary. “Must” is to be used in drafting ‘requirements’ and “should” is to be used in drafting ‘guidelines’. With these parameters in place, greater certainty will be provided. The Panel believes that the VPA and Council should adopt this practice in the future drafting of comprehensive development plans.

⁹ Hobsons Bay Planning Scheme Amendment C88 Panel Report, 22 February 2018

¹⁰ Glen Eira PSA C155 [2020]

On this basis, the Committee considers that the second paragraph in the ‘How to read this document’ section of the CDP needs modifying. The VPA Final version of the CDP states:

A planning permit application and planning permit should implement the outcomes of the CDP. The outcomes are expressed as the Vision and Objectives in Part 1 of this CDP.

It goes on to state that the vision and objectives must be complied with.

The Committee considers that if the outcomes of the CDP are expressed in the vision and objectives and the vision and objectives must be complied with, then it follows that the outcomes of the CDP must be complied with. It is therefore incorrect to say that a planning permit application and planning permit *should* implement the outcomes of the CDP. They *must* implement the outcomes of the CDP.

Clause 2.0 of CDZ2 provides a direct link between the parent clause at 37.02-2 and the CDP when it states that “*All requirements of the incorporated PMP Printing Precinct Comprehensive Development Plan must be met*”. This reinforces that for the use of land the Requirements in the CDP are mandatory and cannot be varied with a permit.

Clause 3.0 of CDZ2 provides a little more flexibility with respect to subdivision when it states that “*A permit for the subdivision of land must be generally consistent with the incorporated PMP Printing Precinct Comprehensive Development Plan*”. The Committee interprets this to mean that although a permit can be granted for subdivision that is not exactly the same as the CDP, it *must* be generally consistent with the CDP. A permit cannot be granted for subdivision that is not consistent with the CDP. If a permit applicant wants to pursue a permit for subdivision that is not consistent with the CDP then they will need to amend the CDP. This is similar to the drafting of the Development Plan Overlay.

The Committee considers that the wording of Clause 3.0 should be modified to make it clear that all requirements must still be met by stating:

A permit for the subdivision of land must be generally consistent with the incorporated PMP Printing Precinct Comprehensive Development Plan, noting that all requirements must be met.

This will ensure that a permit for subdivision is not contrary to any mandatory provisions (requirements) in the CDP.

Clause 4.0 of CDZ2 provides only oblique references to the requirements in the CDP and the Committee considers that the clause should be modified to make this link to the CDP more explicit. A new first sentence to CDZ2 Clause 4.0 should state:

All requirements of the incorporated PMP Printing Precinct Comprehensive Development Plan must be met.

The Committee finds:

- Requirements in the CDP must be complied with and drafted as mandatory provisions.
- Guidelines in the CDP should be complied with and drafted as discretionary provisions.
- A planning permit application and planning permit must implement the outcomes of the CDP, as expressed in the vision and objectives.
- Clause 3.0 of CDZ2 should be amended consistent with the Committee’s preferred version of the CDZ2 (Appendix E2) to make it clear that although a permit for

subdivision of land must be generally consistent with the CDP, all requirements in the CDP must be met.

- Clause 4.0 of CDZ2 should be amended consistent with the Committee’s preferred version of the CDZ2 (Appendix E2) to make it clear that for buildings and works all requirements of the CDP must be met.

4.2 Vision, objectives and future urban structure

(i) What is proposed

Chapter 1 of the CDP sets out the vision, objectives and a plan called ‘Future Urban Structure’. These elements have been summarised in Chapter 2.2 of this report.

(ii) The issues:

The issues are whether:

- the vision and objectives are appropriate
- there is sufficient flexibility in the Future Urban Structure plan to provide for variations to the proposed layout.

(iii) Evidence and submissions

Make generally supported the modifications to the objectives. It submitted that:

- there was no justification for the noise buffer and an application requirement would suffice to deal with this issue
- the modifications to the classification of the selected high and medium trees on its land were consistent with the arboriculture evidence of Mr Howe
- the modifications to the local access street in the south were supported
- the Future Urban Structure plan should be flexible to ensure that alternative layouts are possible, provided that the overall intent is achieved.

Make and EQT submitted that the Future Urban Structure plan was only one way of achieving the vision and objectives for the precinct. Their original submissions referred to possible alternative layouts for their respective land parcels, although no specific alternatives were referred to the Committee.

Subsequent to their initial submissions, Make and EQT held various discussions with the VPA which apparently included alternative layouts for their respective land parcels. The VPA sought comment on the alternative layouts from its urban design and transport consultants and these assessments were provided by the VPA to the Committee (Documents 35a and 35b).

In submissions at the round table, Make and EQT said that the alternative layouts were not meant as substitutions for the proposed Future Urban Structure plan. Indeed, Make and EQT did not submit any revised alternative layouts to the Committee. As a result, the Committee did not review Documents 35a and 35b in detail.

The Committee understands that Make and EQT seek general flexibility in the layouts for their land holdings.

EQT generally supported the objectives, although suggested some minor rewording of Objectives 1 and 3 (Document 57). For example, it wanted Objective 3 to read “*To promote a range of lot sizes and dwelling types that ...*”.

It submitted that the second paragraph of the vision should be modified to read:

The area will allow for the conversion of previously industrial land uses into a new community in the heart of an existing residential area. Development outcomes will respond to the site’s strategic location within the Monash National Employment and Innovation Cluster (MNEIC), proximate to high quality transport connections and the future Suburban Rail Loop ‘super hub’ at Clayton. The built form will be set within an attractive, high quality landscaped public realm, and with integrated water sensitive urban design treatments, supported by private planting that includes large canopy trees. Buildings will be environmentally sustainable and will respect the scale and character of the surrounding area while providing for a new character within the precinct. Development scale will provide for a built-form transition at the residential interface of the precinct while providing higher built form in the residential core. Development will respond sympathetically to allow existing industrial activities to continue to operate along Bendix Drive.¹¹

The VPA in response to submissions and round table discussions proposed a range of changes to the CDP in its Final version (Document 69) as summarised in Table 5.

Table 5 VPA Final version of CDP (vision, objectives and urban structure)

Section	Changes proposed by VPA
1.1	<ul style="list-style-type: none"> Minor changes to wording to improve clarity
1.2	<ul style="list-style-type: none"> Objective 3 – “To promote <u>a range of lot sizes</u> and dwelling types ...”
1.2	<ul style="list-style-type: none"> Objective 6 – “To deliver safe and accessible public spaces ... that have access to <u>good sunlight</u> ...”
1.2	<ul style="list-style-type: none"> Objective 7 – “To facilitate the retention of mature vegetation <u>as appropriate</u> and <u>encourage</u> the establishment of new canopy trees ...”
1.2	<ul style="list-style-type: none"> Objective 8 – “To deliver a system of integrated water management that encourages the re-use of <u>alternative</u> water ...”
Plan 1	<ul style="list-style-type: none"> Future Urban Structure plan modified to show: <ul style="list-style-type: none"> - an update to the classification of high and medium values to selected trees (refer section 4.4) - inclusion of “railway noise influence area” (refer section 5.3) - removal of the local access street in the southern portion of the north-south road to clarify that this is a pedestrian/shared path and not a vehicle access road

(iv) Discussion and findings

The Committee generally supports the vision and objectives proposed by the VPA in its Final version of the CDP (Document 69). The minor modifications proposed to the wording of the exhibited version improves the clarity and intent of these provisions.

The Committee does not support the need to modify the vision as expressed by EQT, although agrees that parts of the second paragraph should be amended to more clearly articulate the transition of building heights within the precinct. The second sentence in the second paragraph should be amended to read:

Development outcomes will respond to the character of the surrounding area through the provision of low ~~and medium~~-rise residential built form around the northern and

¹¹ Document 57

eastern perimeter of the site, transitioning toward medium-rise residential built form within the central, residential core precinct.

The Committee generally supports the Future Urban Structure plan. It is based on sound research and responds to the site context and immediate surrounding area.

The Future Urban Structure plan is one plan within the CDP. It is not ‘the CDP’. Several additional plans relating to built form, transport, open space and other matters form part of the CDP and all of these plans (and associated requirements and guidelines) should be read in conjunction with the Future Urban Structure plan. That said, it is acknowledged that the Future Urban Structure plan is reproduced in CDZ2.

The Committee agrees with Make and EQT that there should be some flexibility in the implementation of the final layout of the precinct and that the CDP should provide sufficient flexibility to provide for alternative outcomes provided that the vision and objectives are achieved. As noted in chapter 2.1, the CDZ requires that a permit for subdivision “*must be generally consistent with the incorporated PMP Printing Precinct Comprehensive Development Plan*”. The CDP explains that:

Future development of the site must be 'generally consistent' with the Future Urban Structure of the site as shown on Plan 1, to the satisfaction of the Responsible Authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are achieved.

The Committee considers that there is reasonable flexibility in the CDP to enable appropriate variations to the layout shown on Plan 1.

The Committee considers the graphical representation of the railway noise influence area needs to be better resolved on the Future Urban Structure (and all the associated plans where it is reproduced). The light blue shading is difficult to discern when overlaid against the various colours of the precincts. The dashed line is presented in the legend as a ‘box’, however the plan shows it as a ‘line’. The Committee makes no specific recommendation how the graphics should show the railway noise influence area, but whatever technique is used it should clearly delineate the area.

Although the Committee does not have any issue with the term ‘railway noise influence area’, it notes that there is now no reference to a distance of 135 metres from the railway tracks. It may assist future users of the plan if the distance of 135 metres measured from the centre of the nearest track associated with the railway line was shown on the plan. This may assist applicants and decision makers to understand the precise location of the limit of the railway noise influence area within the subject land.

The Committee makes more detailed comments regarding the reclassification of selected high and medium trees and the proposed railway noise influence area in sections 4.4 and 5.3 of this report.

The Committee notes that the Future Urban Structure plan is used as the ‘base plan’ for the other plans in the CDP. Any changes to the Future Urban Structure plan should be reflected in the other plans in the CDP, as appropriate.

The Future Urban Structure plan in Schedule 2 to the CDZ should also be updated to reflect the changes in the CDP to ensure there is consistency between the CDP and the CDZ.

The Committee finds:

- That the vision and objectives for the precinct are generally acceptable subject to several minor changes to improve the clarity and intent of the provisions as set out in the VPA Final version (Document 69) and the Committee’s preferred version of the CDP as set out in Appendix E1.
- There is sufficient flexibility in the Future Urban Structure plan to provide for variations to the proposed layout.
- The Future Urban Structure plan presented by the VPA in its Final version of the CDP (Document 69) is generally acceptable subject to a clearer graphical representation of the railway noise influence area.

4.3 Land use

(i) What is proposed?

The exhibited CDP included the following requirements:

Residential uses must be located in the precincts shown on Plan 1 and may be located in the mixed use precincts.

Commercial and mixed-use land uses must be located in the corresponding precincts shown on Plan 1.

(ii) The issue

The issue is whether there is sufficient flexibility in the location of residential uses.

(iii) Evidence and submissions

Make submitted that there should be greater flexibility to locate residential uses within the mixed use and commercial precincts. It noted that the requirements meant that residential development was prohibited in the commercial precincts and it said this was problematic in circumstances where economic uncertainty necessitated flexibility to respond to market conditions. This position was supported by the planning evidence of Mr McGurn.

The VPA agreed to delete both of the requirements. It also proposed a range of measures in CDZ2 that provide the opportunity to apply for a planning permit for residential use within the mixed use and commercial precincts, however residential uses on the lower levels of buildings in these areas would need to demonstrate that these uses were economically justified having regard to the commercial outcomes sought in the CDP. Further discussion on this matter is in chapter 5.1 of this report.

Consistent with the changes to CDZ2, the VPA also proposed a new guideline that stated:

Accommodation should not be located on the ground floor of mixed-use areas or ground, first or second floors of commercial land use areas (excluding entry and common areas).

Make submitted that it was unreasonable to exclude residential uses from the second floor of buildings within the commercial areas and from the ground floor of buildings in the mixed use areas.

VPA also submitted that a minor change to the drafting of exhibited G1 was appropriate to improve the clarity of the provision.

(iv) Discussion and findings

The Committee accepts that there should be some flexibility in the location of residential uses in non-residential precincts. That said, this should not be unfettered and the proposal suggested by the VPA is a reasonable compromise. Further discussion on this matter is presented in Chapter 5.1.

The Committee considers that the guidance in the CDP regarding the location of land uses within the precinct should be improved. This can be achieved by including the essence of the exhibited requirements as new guidelines as follows:

Residential uses should be located in the residential precincts and may be located in the mixed use and commercial precincts shown on Plan 1.

Commercial and mixed-use land uses should be located in the commercial and mixed use precincts shown on Plan 1.

These guidelines will help in exercising discretion for residential uses in the mixed use and commercial precincts (and complements the new VPA guideline) as well as providing some guidance about the preferred location for non-residential uses.

The Committee accepts that exhibited G1 should be amended as proposed by the VPA. It also considers that exhibited G3 should be amended to delete reference to ‘fine grain’ as the term is unclear in this context.

The Committee finds:

- That there should be some flexibility in the location of residential uses in the mixed use and commercial precincts, however this flexibility should not be unfettered.
- The deletion of the exhibited requirements for residential, mixed use and commercial land uses is appropriate.
- The new guideline (VPA Final version of G5, Document 69) stating that Accommodation should not be located on the ground floor of mixed-use areas or ground, first or second floors of commercial land use areas (excluding entry and common areas) is acceptable.
- Two new guidelines should be included consistent with the Committee’s preferred version (Appendix E1) that state:
 - Residential uses should be located in the residential precincts and may be located in the mixed use and commercial precincts shown on Plan 1
 - Commercial and mixed-use land uses should be located in the commercial and mixed use precincts shown on Plan 1.
- Exhibited guidelines G1 and G3 should be amended consistent with the Committee’s preferred version (Appendix E1) to improve clarity and intent:
 - Residential development should demonstrate a diversity of dwelling types and sizes (including a mix of one, two and three bedroom apartments and townhouses)
 - Buildings should provide a mix of commercial and retail tenancy types and sizes, encouraging small scale, ~~fine grain~~ tenancies fronting the town square.

4.4 Building form, building design and siting

(i) What is proposed?

The CDP sets out at 2.2.1 and 2.2.2 a series of design requirements and guidelines for residential and commercial/mixed use sub-precincts including building heights, setbacks and building design. Building height and setbacks requirements and guidelines (including podium level heights and setbacks and distances between building elements) are set out in Table 1 of the CDP. A combination of requirements and guidelines are proposed to manage design outcomes including building articulation, materials and finishes, location of building services and façade glazing.

(ii) The issues?

The issues are:

- whether the proposed heights and setback provisions are appropriate
- whether building heights and setbacks should be discretionary or mandatory
- whether the building design requirements and guidelines are appropriate.

(iii) Evidence and submissions

Several submissions raised concerns about the proposed heights and setback provisions of the CDP. Table 6 summarises the exhibited CDP requirements and guidelines for building height and setbacks provisions and the position of submissions. The Committee notes that it (and EQT and Make) identified that it was unclear in some instances where heights and setbacks were intended to be mandatory or discretionary (preferred) given the use of the word ‘must’ under the ‘Preferred Maximum Height’ column in CDP Table 1 and the lack of ‘must’ and ‘should’ for residential sub precincts in the related ‘Street setbacks’ or ‘Other setbacks or separation distances’ column. Further, there is no reference to Table 1 in the mixed use and employment sub-precincts requirements or guidelines.

Table 6 Summary of submission positions regarding height and setbacks

Precinct	Proposed (storeys) * mandatory	Proposed (street setback, other setbacks and separation distances) * mandatory	Position of submitters
Employment – Carinish Road	8	Street – Nil*	3 storeys (Submission 1)
Mixed Use South	8 (podiums max 3 storeys)	Street – Nil (5m above podium level) 9m between towers (above 3 storeys)	3 storeys (Submission 1) and 4 storeys (Submission 7)
Employment Bendix Drive	6	Street – Nil 5m from east boundary above 3 storeys	3 storeys (Submission 1) and 2 storeys (Submission 9)

Precinct	Proposed (storeys) * mandatory	Proposed (street setback, other setbacks and separation distances) * mandatory	Position of submitters
Mixed Use Bendix Drive	5	Street – Nil 5m from east boundary above 3 storeys	3 storeys (Submission 1), 4 storeys (Submission 7) and 2 storeys (Submission 9)
Residential Core	8 (podiums* max 3 storeys) Gradual transition from residential interface	Street – 5m above podium level*	3 storeys (Submission 1), 4 storeys (Submission 7) and 2 storeys (Submission 9), heights and setbacks should be discretionary (Make and EQT)
Residential Interface North	4	Street – 4m	3 storeys (Submission 1), 4 storeys (Submission 7), height should be discretionary (EQT)
Residential Interface	3*	Street – 3m* 5m from east boundary*	2 storeys (Submission 9), 3 storeys (Submission 1), 4 storeys (Submission 7), height and setbacks should be discretionary (EQT)
Residential Interface – Browns Rd	6* (podiums max 3 storeys)	Street – 4m at ground, first and second storey and additional 3m above third storey* 4m from Browns Road Park at ground, first and second storey and additional 3m above third storey*	Council – 3 storeys Submitters 1, 7 and 9 sought 3, 4 and 2 storeys respectively heights and setbacks should be discretionary (Make and EQT)

Ms Wright and Ms Shepherd provided an overview of the supplementary urban design report prepared for the VPA and responded to questions from the Committee regarding their involvement in the translation of the urban context report to the proposed CDP height and setback provisions. While they supported a mix of preferred and maximum heights to manage interfaces, provide a transition of height to the residential core and support a range of housing typologies, they advised they had not been involved in the development of the proposed controls. They advised that while it was an appropriate approach to apply height controls with a combination of storeys and heights expressed in metres, that the number of storeys identified for mixed use and commercial sub-precincts had factored in higher commercial building design floor to ceiling heights.

The VPA considered that while Table 1 required more work, the proposed height and setback provisions provided adequate flexibility while responding to the more sensitive interfaces. It

submitted that the provisions were based on extensive urban design analysis and that mandatory controls provided a greater level of certainty to the surrounding community. The VPA submitted that the Browns Road heights responded to the CACPP which proposed a preferred 6 storey height for dwellings on the west side of Browns Road.

In relation to concerns identified in the Make submission relating to the use of terms such as ‘fine grain’ the VPA submitted that what was actually being sought was the provision of built form that was well articulated.

The VPA Final version of the CDP (summarised in Table 7) proposed a range of changes including conversion of some requirements into guidelines and clarification of heights and setbacks that were mandatory or discretionary.

Table 7 VPA Final version of CDP (Built form, building design and siting)

Section	Changes proposed by VPA
Plan 2	<ul style="list-style-type: none"> Reference to ‘employment’ in sub-precincts changed to ‘commercial’
2.2.1	<ul style="list-style-type: none"> Amend exhibited R3 to: <ul style="list-style-type: none"> Built form in the sub-precincts as shown on Plan 2 must not exceed the <u>mandatory</u> maximum height and setbacks contained in Table 1. A planning permit cannot be issued to vary this requirement <u>these mandatory requirements</u>. Delete exhibited R6 (Browns Road setback) Change exhibited R7 to a guideline which reads: <ul style="list-style-type: none"> Residential buildings must <u>should</u> establish a fine grain <u>well-articulated and varied</u> pattern of development along the street <u>as appropriate</u>. Long building sections must be relieved using a combination of varied setbacks, articulation, materials and colours <u>a diverse material and finishes palette</u>, <u>also</u> as appropriate. Change exhibited R10 to a guideline which reads: <ul style="list-style-type: none"> Buildings must <u>should</u> be designed to: <ul style="list-style-type: none"> ... (original three dot points unchanged). Add a new guideline: <ul style="list-style-type: none"> Built form in the sub-precincts as shown on Plan 2 should not exceed the preferred height and setbacks contained in Table 1.
2.2.2	<ul style="list-style-type: none"> Change exhibited R11 to a guideline with the following changes: <ul style="list-style-type: none"> Commercial and mixed-use buildings must <u>should</u> establish a fine grain well articulated and varied pattern of development along the street. Long extents of buildings must <u>should</u> be relieved using a combination of varied setbacks, articulation, materials and colours, as appropriate. Change exhibited R13 to read: <ul style="list-style-type: none"> Buildings must be built to the boundary fronting Carinish Road and Centre Road in the Employment <u>Commercial</u> areas <u>except for the purposes of retention of medium and high value trees as appropriate</u>. Amend exhibited G10 to read: <ul style="list-style-type: none"> Buildings abutting the town square should be designed <u>with windows and balconies</u> to provide balconies which overlook and provide passive surveillance of the town square opportunities. Amend exhibited G11 to read:

Section Changes proposed by VPA

Pedestrian building entrances should be ~~from visible and located on a street rather than a rear laneway, and clearly visible.~~ from visible and located on a street rather than a rear laneway, and clearly visible. Rear access should be reserved for staff and delivery of goods only.

Table 1	<ul style="list-style-type: none"> • Replace ‘Employment’ with ‘Commercial’ in sub-precinct column • Split Table into two parts – Preferred heights and setbacks and Mandatory heights and setback provisions and add ‘Other setbacks or separation distances’ column for preferred and mandatory provisions • Mixed Use South – replace podium height from ‘must’ to ‘should’ • Commercial Bendix Drive – add ‘podium’ to east side boundary setback • Mixed Use Bendix Drive – change other setback provision to: <p style="margin-left: 40px;">Lower levels have a minimum setback of 5m with any addition building height above 3 storeys to be setback a minimum 15m from the eastern boundary.</p> • Residential Core – replace podium height from ‘must’ to ‘should’ • Residential interface – North – change setback from ‘4m’ to ‘3m’.
---------	---

Council’s submission sought a 3 storey maximum height along Browns Road to delineate the edge of the Clayton Activity Centre. While it noted that the CACPP proposed the residential intensification of land to the west of Browns Road including potential building heights of up to 6 storeys it advised that:

At this stage, the Clayton Precinct Plan has not been implemented as Council awaits further details on the development of the Suburban Rail Loop and the Superhub station planned for Clayton. Final decisions on the Superhub station will impact Clayton Precinct Plan and may result in changes to precincts, land use and built form outcomes in the Precinct Plan.

The aspirational maximum building height proposed by the Clayton Precinct Plan for the Browns Road area has not been integrated into any planning or built form controls and its achievement would be dependent upon the implications of the Clayton Superhub station, site consolidation, impact modelling and perhaps, most importantly, future demand.

The submissions of both EQT and Make (supported by the evidence of Mr McGurn) did not support mandatory heights or setbacks and considered preferred provisions provided greater flexibility and more contextual responses. Mr McGurn considered that the case for mandatory controls had not been made consistent with *Planning Practice Note 59 The role of mandatory provisions in planning schemes (PPN59)*. Make submitted that there were inconsistencies in setbacks that both required buildings in the commercial precinct to be built to the street while also requiring retention of trees and building articulation in the form of setbacks. Similar concerns were expressed with the use of terms such as ‘fain grain’ which were not particularly relevant to the context or precinct vision and objectives.

EQT submitted that height and setbacks at the interface with adjoining residential areas should be performance based, for example applying rear setback provisions that increased with greater height consistent with suggestions in the CACPP.

The submissions of both EQT and Make expressed concerns about the drafting of Table 1.

Submissions 5 and 9 raised similar concerns regarding potential overdevelopment and the impacts of height and setbacks on overshadowing, overlooking and loss of solar access.

(iv) Discussion and findings

The Committee considers that the CDP has reached an appropriate balance between providing appropriate flexibility and discretion for buildings heights and setbacks to the residential core, mixed use and commercial sub-precincts and managing the more sensitive residential interfaces through mandatory controls. The Committee has had regard to PPN59. It supports the use of mandatory controls for the residential interface sub-precincts and considers that this is acceptable because:

- of the established low scale built form on adjoining residential properties and streets to the east and west in particular
- the precinct is not part of the Clayton Activity Centre
- they respond to the CDP vision and objectives and urban design analysis
- while the CACPP provides for preferred 6 storey dwellings on the west side of Browns Road Street, this document is not yet seriously entertained and is likely to take some time to eventuate given the existing small lot subdivision pattern
- street setbacks are required to accommodate canopy tree vegetation
- preferred or discretionary controls are applied over a significant extent of the site and within areas more likely to accommodate substantial built form.

The Committee notes that the Glen Eira Planning Scheme Amendment C155 panel report includes a discussion at page 74 relating to the expression of height provisions in storeys and metres above ground level (with the later the more definitive measure for mandatory controls). This was less of an issue for discretionary controls. While it may be appropriate for the VPA to consider how heights should be best expressed, neither the VPA or Council made particular submissions about it or offered suggestions. On this basis the Committee is loath to 'pick' an appropriate height in metres that appropriately acknowledges commercial floor level heights and other relevant considerations.

The Committee notes that it is somewhat disappointing that the authors of the urban context reports were not involved in discussions relating to the translation of that work into the CDP and not able to identify why some provisions should be mandatory. While this was not fatal, if they had been involved, some of the inconsistencies and confusing language in the guidelines and requirements might have been avoided and further design guidelines included addressing interfaces and internal street setbacks.

The Committee considers that issues relating to overshadowing, overlooking and other amenity impacts can be appropriately assessed through the considerations of Clauses 54, 55 and 58 which continue to apply through the CDZ2.

The Committee broadly supports the VPA Final version of the CDP including clarification of built form treatments and the content of Table 1, however:

- there still remains an issue in the wording of guidelines and requirements that refer to mandatory or preferred setbacks (or separation distances) being exceeded (as an extension of the word height). It would appear that the real issue is not whether the setbacks are exceeded but that they should not be reduced
- there is limited design guidance about the transition of building height and the treatment of building elevations and landscaping treatments at the interface to the northern and eastern precinct boundaries

- there is no requirement or guideline to link the mixed use and commercial sub-precincts to the identified mandatory other setbacks or separation distances and preferred heights and setbacks in Table 1
- within Table 1:
 - the reference to transition of building height in the Residential Core is more appropriately expressed as a guideline
 - there is no provision for setbacks from proposed internal streets within the residential core sub-precinct
 - there is no northern boundary setback for the Residential interface – Browns Rd sub-precinct with its proposed extension to the full extent of Browns Road by the VPA in its Day 1 changes or for the Residential Interface or Residential Interface – North sub-precincts.

The Committee has identified further proposed changes to address most of these built form and design aspects in its preferred version of the CDP (Appendix E1). It is reluctant, however, to arbitrarily nominate a northern boundary setback for those residential sub-precincts which abut it or residential core street setbacks without any suggestions put forward from the VPA, EQT or Council. While the Committee considers that internal street setbacks should be discretionary, consistent with other sub-precincts it does not have a particular view as to whether the northern boundary setbacks should be mandatory or preferred without the benefit of submissions from VPA, EQT or Council. Such setbacks should be considered following appropriate urban design analysis.

The exhibited R4 relating to the rear loading of the residential interface – Browns Road should be a guideline consistent with the Committee’s findings in the chapter 4.6 concerning access to Browns Road.

The Committee finds:

- That the proposed heights and setback provisions are generally appropriate and justified.
- The mix of mandatory and preferred building heights and setbacks is appropriate and justified.
- The VPA Final version changes to Section 2.2 and Table 1 (Document 69) are generally appropriate and supported with the changes identified in the Committee’s preferred version of the CDP (Appendix E1) which include:
 - further clarity in requirements and directions relating to height and setbacks
 - the inclusion of additional requirements to guide built form treatments at the northern and eastern precinct boundary interface and height transition
 - exhibited R4 should be a guideline.
- That the VPA should consider including appropriate northern boundary setbacks for the Residential interface – Browns Rd, Residential Interface and Residential Interface – North sub-precincts.
- That the VPA should consider including appropriate preferred internal street setbacks for the Residential Core sub-precinct.

4.5 Landscape and open space

The exhibited CDP included a requirement that:

The trees shown to be retained on Plan 1 (identified as ‘high value’ and ‘medium value’) must be retained or to the satisfaction of the responsible authority. Any future design must ensure that the impact to the canopy of retained trees is kept to a minimum and does not encroach on the Tree Protection Zone (TPZ).

It included guidelines that:

High quality landscape treatments should be provided throughout the precinct, within the streetscape and public open spaces, particularly in the Central Park, Browns Road Park, Town Square, the community facility and at key interfaces in gateway locations.

Retention of mature trees throughout the precinct is encouraged.

Development should:

- not unreasonably reduce the amenity of public spaces by casting excessive shadows on any public space, including public parks and gardens, major pedestrian routes including streets and lanes and privately-owned spaces accessible to the public
- be designed to avoid casting unreasonable shadows on the Local Open Space areas between 11:00am and 2:00pm on 22 September.

(i) The issues

The issues are:

- whether the tree retention requirement should be a guideline
- whether the classification of some of the trees are correct
- whether medium value trees should be retained
- whether the overshadowing provisions are appropriate
- whether the requirements and guidelines are sufficiently extensive and detailed at this stage of the planning process.

(ii) Evidence and submissions

The VPA submitted that the requirements and guidelines were informed by a range of background studies including:

- Urban Context Report, Tract, August 2019 and addendum, September 2020
- Pre-Construction Impact Arboricultural Assessment, Homewood, April 2019
- Community Facilities and Social Impact Assessment, Public Place, April 2019 and addendum, September 2020.

It said that the CDP is a high level strategic planning document and provides an overall framework for open space and landscaping. More detailed landscaping plans would be prepared as part of the future development of the site and are required as part of the subdivision requirements in CDZ2.

Make submitted that several trees on its land were incorrectly classified as high and medium value on the CDP. It called evidence from Mr Howe, an arborist from The Tree Department Pty Ltd. Mr Howe provided a written statement that stated:

- he had reviewed 12 trees on the Make land
- his assessment was completed approximately 22 months (nearly 2 years) after the Homewood assessment that was used to inform the CDP
- of the 12 trees he assessed, he considered that:

- three trees were of high arboricultural value
- three trees were of medium arboricultural value
- six trees were of low arboricultural value.

Mr Howe prepared a summary table that compared his classifications with that of Homewood (and adopted by the VPA in the CDP) and this is reproduced in Figure 5.

Figure 5 Tree value comparison

ID	No. of Trees	Taxon Common Name	Tree Department Value	Homewood / VPA Value
97	1	<i>Eucalyptus botryooides</i> , Southern Mahogany	Low	Medium
98	1	<i>Eucalyptus botryooides</i> , Southern Mahogany	Low	Medium
102	1	<i>Eucalyptus botryooides</i> , Southern Mahogany	Low	Medium
110	1	<i>Angophora costata</i> , Sydney Red Gum	High	High
112	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	High	High
114	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	Medium	High
115	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	Low	Medium
116	1	<i>Eucalyptus mannifera</i> , Red Spotted Gum	Low	Medium
117	1	<i>Corymbia citriodora</i> , Lemon-scented Gum	High	High
122	1	<i>Syzygium australe</i> , Scrub Cherry	Medium	Medium
128	1	<i>Eucalyptus leucoxydon</i> , Yellow Gum	Medium	Medium
140	1	<i>Melaleuca armillaris</i> , Bracelet Honey-myrtle	Low	Medium

Source: Howe evidence statement (Document 39), page 5

The VPA supported the evidence of Mr Howe and agreed to reclassify the trees in accordance with the values adopted by Mr Howe.¹² The VPA updated the plans in the Final version of the CDP to reclassify the relevant trees.

Council supported the reclassification of the trees as recommended by Mr Howe.

Make also submitted:

- the inclusion of the Town Square within the guideline regarding overshadowing was unreasonable, although conceded this was a low order issue
- many of the trees to be retained in the commercial precinct on Carinish Road are very close to the frontage and there should be greater clarity regarding the need to retain these trees and the (mandatory) requirement to build to the frontage within this area.

EQT submitted that only high value trees should be retained where practical and appropriate. It said medium value trees should not be shown on the CDP.

¹² As the VPA indicated in its Part B submission that it supported Mr Howe and no other party intended to question him, the Committee accepted his evidence on the papers.

EQT also wanted flexibility to reorientate the open space within its land and submitted that there was no test to determine what was ‘unreasonable shadow’ to the local open space areas.

Several submissions raised concerns about the lack of detail surrounding tree planting and landscaping in the CDP that would accompany the development. The two submissions (7 and 13) raised concerns at the lack of public facilities identified within the proposed public open space. These submissions proposed that the CDP provide guidance on additional items to be included such as seating, barbeque areas and play equipment.

Submissions 7, 8, 9 and 13 supported greater retention of existing trees and sought the planting of more native vegetation citing amenity, ecological and heat reduction reasons.

In response to submissions and discussion at the round table, the VPA:

- acknowledged that the requirement to retain high and medium value trees should be a guideline, consistent with the intent that a permit may be issued for the removal of a tree (subject to relevant justification described in Clause 4.0 of the CDZ2)
- maintained that high and medium value trees should be retained, noting that the list of these trees should be amended in accordance with the recommendations of Mr Howe
- submitted that exhibited G13 should be amended to delete reference to “*the community facility*” as this was not proposed to be provided on the site
- submitted that exhibited G16 should be amended to state that “Retention of mature trees throughout the precinct is encouraged, where possible”
- the exhibited G18 should be amended to state:
 - Development should:
 - Minimise overshadowing of public spaces set out in Table 2, including public parks, major pedestrian routes including streets, lanes and privately-owned spaces accessible to the public.
 - Be designed to avoid casting unreasonable shadows on the Local Open Space areas between 11:00am and 2:00pm on 22 September.
- Table 2 Local open space should be amended to correct the size of the Town Square.

Council supported the relocation of the retention requirement for high and medium value trees to a guideline.

(iii) Discussion and findings

The Committee accepts that the proposed landscaping and open space requirements and guidelines are based on sound research and are generally appropriate.

The Committee agrees with the changes proposed by the VPA in its Final version of chapter 2.3 (landscape and open space) of the CDP (Document 69). The modifications to the exhibited version of the CDP address several of the deficiencies identified in submissions.

The reclassification of the trees identified by Mr Howe is an appropriate response based on evidence. No other evidence was presented to the Committee to suggest that any other trees were incorrectly classified.

The relocation of exhibited R16 to a guideline is necessary in order to ensure that a permit may be issued to remove a tree.

The other minor changes proposed by the VPA improve the clarity and accuracy of the provisions.

The Committee does not agree with Make that the overshadowing provisions should not apply to the Town Square. It is important to ensure that the amenity of the Town Square is protected through appropriate management of shadowing. This is consistent with objective 6 in the CDP. As noted in the round table, the Committee considers that the shadowing provisions are already at the lower end of the spectrum compared to many other similar controls. It does not support the further erosion of the shadowing provisions.

The inconsistency raised by Make regarding the protection of designated trees and a requirement to build to the frontage in the commercial precincts has been addressed in the built form controls.

The Committee does not agree with EQT that only high value trees should be retained. The Homewood arboriculture report identified that:

- all high retention value trees should be retained and incorporated in the final design plans
- as many of the medium retention value trees should be retained as possible
- medium rated trees were mostly moderate sized specimens in good condition or larger trees in fair to poor condition
- maximising retention of medium rated trees may be aided by incorporating them in design plans that enable retention of the three isolated clusters of high retention value trees
- if designing around medium rated trees was not feasible or practical, removal and replacement would be an acceptable compromise.

The Committee accepts that medium rated trees should be retained, noting that if there are instances where this is not feasible then a planning permit can be issued for removal of the tree. This should provide sufficient flexibility to manage tree retention.

The Committee acknowledges the various issues raised by the local community with respect to public open space and landscaping. Many of the submissions raised important issues, however they are beyond the scope of a broad planning document like the CDP. These are matters that are more appropriately dealt with at the planning permit application stage of the planning process. The Committee is satisfied that the CDP (and CDZ2) provide a suitable framework to address the detailed landscaping issues raised in submissions.

The Committee finds:

- The requirements and guidelines relating to landscape and open space are generally appropriate.
- The exhibited requirement (R16) to retain high and medium value trees should be a guideline, consistent with the intent that a permit may be issued for the removal of a tree.
- High and medium value trees should be retained.
- The list of the high and medium value trees should be amended in accordance with the recommendations of Mr Howe and the relevant plans should be updated accordingly.

- The various minor changes proposed by the VPA in its Final version of the CDP (Document 69) improve the clarity and accuracy of the provisions and are supported.

4.6 Transport and movement

(i) What is proposed?

The exhibited CDP contained requirements including:

- R19 The street network must be designed so that there are no additional vehicular crossovers directly onto Browns Road and reflect the street network and hierarchy shown on Plan 4.
- R20 The design of streets and public areas must be in accordance with the street cross sections shown in section 4 of this CDP, to the satisfaction of the responsible authority.
- R21 Bendix Drive interim access arrangements must be provided, to the satisfaction of the responsible authority.
- R22 Design of all streets and arterial roads must give priority to the requirements of pedestrians and cyclists by providing:
- Pedestrian paths of at least 1.8 metres in width on both sides of all streets and roads unless otherwise specified in this plan and cross sections.
 - Safe and convenient pedestrian and cycle crossing points of connector and local streets at all intersections and at key desire lines and locations of high amenity.
 - Safe pedestrian crossings of arterial roads at key intersections.
 - Pedestrian priority where local roads intersect with connector roads and across all car park entrances.
 - Consistent line/lane marking, visual clues and signage identifying cycle priority routes.
- R22 The designs must meet the requirements of the relevant road authority and the responsible authority.

In addition to the requirements and guidelines in the CDP, the proposal includes a range of traffic infrastructure projects to be funded through the DCP. These projects aim to address the impacts of traffic from the proposed development on the surrounding road network and include:

- **Browns Road and Carinish Road T-intersection** – the construction of a signalised T-intersection with pedestrian operated crossing. Works include demolition of existing central island median, relocation of existing electricity pole and reconfiguration of kerb alignments
- **Centre Road and Carinish Road Linemarking Upgrades** – provision of new linemarking and changes to the kerb alignment
- **Browns Road Speed Hump** – the construction of a flat top speed hump on Browns Road
- **Kionga Street and Moriah Street Speed Humps** – the construction of 12 speed humps (6 speed humps per street)
- **Browns Road Pedestrian Operated Crossing** – the construction of pedestrian operated signals and minor linemarking changes on Francis Street.

The total cost of these projects is recorded in the DCP as \$1,128,742.15

(ii) The issues

The issues are:

- whether the existing road network is able to satisfactorily accommodate the traffic volumes generated by the proposed development
- whether the proposed traffic management measures to address the impact of traffic on the existing road network are satisfactory
- whether the road and pedestrian links to the surrounding area are appropriate
- whether the proposed development will have sufficient parking to provide for the future development of the site
- whether there is sufficient flexibility in the requirements to provide for alternative road layouts within the site.

(iii) Evidence and submissions

Many submissions from the local community raised traffic and parking issues (Submissions 5, 7, 9, 11, 13, 14). In summary, these submissions raised concerns that:

- the proposed development will result in increased traffic impacts on the existing local street network
- street design and pedestrian linkages are inadequate
- car parking will be inadequate and make a bad situation even worse.

Several submitters from Moriah Street were concerned about the impact of the proposed development on what they said was already a narrow street with difficult access (Submissions 5, 9 and 11).

Submission 7 said that Browns Road was at capacity and could not take additional traffic.

EQT submitted that the CDP should provide for flexibility in the road layout within the site. This included minimising the extent of roads and making development parcel sizes more flexible.

Make also wanted greater flexibility with respect to the design of the road network within the site. It cited the example of the road along the southern boundary of the EQT land. This road was in the control of EQT but was needed by Make to provide access to its land that fronted Browns Road. If no other access points to Browns Road were permitted then Make would need to access the Browns Road parcel from Bendix Drive. It said this was inconvenient and not realistic. It sought flexibility in the provisions to ensure that Make was not hindered by the timing of the development of the EQT land.

Make wanted exhibited R19, R20 and R22 to become guidelines and modified as follows:

- The street network must (sic) be designed so that there are no additional vehicular crossovers directly onto Browns Road, except to provide access otherwise envisaged from the Local Access Street (20m) and is generally consistent with the street network and hierarchy shown on Plan 4.
- The design of streets and public areas should be generally in accordance with the street cross sections shown in section 4 of this CDP, to the satisfaction of the responsible authority.

- Design of all streets and arterial roads must (sic) give priority to pedestrians and cyclists by providing the following, unless otherwise agreed by the responsible authority: ...¹³

Mr McGurn gave evidence that he supported flexibility in “*the delivery and design of streets identified in the CDP*”. He agreed that exhibited R20 and R22 should be guidelines rather than requirements. He also suggested that an additional guideline could be added regarding pedestrian links through the site, but he did not provide any specific drafting of the provision.

In response, the VPA submitted that the *Access and Movement Assessment* completed by Cardno (July 2019) identified that the surrounding local roads currently carry relatively high volumes of traffic. It said this was primarily attributable to the Monash Medical Centre (staff and visitors) and students from local schools and Monash University. The VPA submitted that modelling and SIDRA analysis of the projected additional traffic volumes generated by the full development of the subject site on the existing intersections demonstrated that all intersections, except the Centre Road / Carinish Road intersection, would continue to operate with a good to excellent degree of service.

The VPA said mitigation works were developed in consultation with VicRoads and Council for the Centre Road / Haughton Road / Carinish Road intersection “*to restore its level of service to pre-development standard*”.¹⁴ In addition, traffic calming and mitigating measures have been included for existing surrounding local roads including new traffic signals, improvements to existing traffic signals, new pedestrian crossings and the installation of speed humps to slow traffic to protect amenity for existing residents. The VPA submitted that it expected the development of the site “*will encourage a transport mode shift as land use and amenity changes increase the self-sufficiency of the precinct*”.¹⁵

The Department of Transport, Metro South East Region (Submission 4) supported the CDP and associated documents. It noted that the version of the DCP it reviewed in July 2020 included works associated with the upgrade to the Centre Road / Carinish Road intersection. It queried why the exhibited version of the DCP (September 2020) had deleted these works.

The VPA advised the Committee that the deletion of the Centre Road / Carinish Road intersection treatment was an inadvertent error and it had reinstated the works in the DCP. It said the cost of the works was not removed from the exhibited version of the DCP so the total cost of works remained the same in the Final version.

The *Access and Movement Assessment* completed by Cardno acknowledged that the locality currently experiences a high demand for on street parking. Unrestricted parking on Evelyn Street, Dooga Street (northern side) and Jaguar Drive (northern end) were all fully, or close to fully occupied on the days surveyed. This was said to be largely a result of:

- students attending Monash University (walking 500-1,000 metres)
- staff from nearby adjacent warehouse developments to the east and north
- staff from the Monash Medical Centre.

The majority of off-street car parking in the vicinity of the site is dedicated staff parking for the Monash Medical Centre. These car parks are all located within the general vicinity of the

¹³ Document 55

¹⁴ Document 45, page 23

¹⁵ Document 45, page 23

Monash Medical Centre and primarily accessed from Browns Road, with access also available from Dixon and Murray Street via Clayton Road.

The VPA submitted there was no existing (or proposed) Parking Overlay covering the site or the surrounding area and it was therefore reasonable to assume that development would provide parking at the standard rate required by clause 52.06 of the planning scheme. It said parking demand may be reduced if affordable housing options encouraged students and staff of Monash Medical Centre and Monash University to live near those facilities.

Mr Mentha of Cardno attended the round table and assisted the Committee in understanding the traffic issues associated with the development of the site and the surrounding area.

Mr Mentha referred to the *Movement and Access Assessment – Addendum 1* report prepared by Cardno in September 2020. This report noted that the original traffic modelling completed by Cardno in 2019 was based on:

- 105 town houses and 1,030 apartments (total of 1135 dwellings)
- 20,000 square metres of commercial floor space.

The Addendum report in 2020 updated the traffic modelling based on a revised residential yield of 130 town houses and 1,052 apartments (total of 1,182 dwellings). The amount commercial floor space did not change.

Mr Mentha said the revised modelling essentially modelled an additional 47 dwellings based on the increased yield from greater height of the buildings on Browns Road. He considered this was a very modest increase in yield.

In response to questions from the Committee, Mr Mentha said that the revised traffic modelling demonstrated that although many intersections continued to operate within acceptable limits, there were some intersections that were more problematic, for example, the Clayton Road / Carinish Road intersection.

The Addendum report states with respect to this intersection:

The small increases in traffic generated by the amended development result in relatively minor changes to the performances of most intersection movements at Clayton Road and Carinish Road. That is to say, the degree of saturation increases slightly for some movements and decreases slightly for others.

The exception is the right turn from south to east, which is opposed by the peak outbound movements in the PM peak, and is therefore more sensitive to minor increases in traffic.

Table 4-1 shows that a minor adjustment in intersection cycle time, a reduction by 2 seconds, brings the intersection to within capacity, reducing the Degree of Saturation to under the 0.950 threshold to 0.926. The rest of the intersection shows minimal impacts on Degree of Saturation, Average Delay and 95th Percentile Queueing, and therefore the intersection's operation is deemed acceptable under these cycle time conditions.

Table 3.5.3 in the Addendum report shows that without an adjustment to the intersection cycle time the Degree of Saturation would be 0.991, which exceeds the 0.950 threshold.

Mr Mentha noted that some intersections were close to their satisfactory operating capacity even before the increase in residential yield. Although a small increase in the number of residential dwellings had a negligible increase in the function of these intersections he noted that some intersections were getting very close to their acceptable limits.

Mr Mentha supported the suite of traffic measures outlined in the DCP and said these were consistent with the Cardno recommendations. He did not think a road connection to Bimbi Street would create a 'rat-run' through the site and, on balance, thought it was preferable to have the road link to help spread traffic through the surrounding streets. He noted that it could be possible to have a truncated road link into the site from Bimbi Street and still meet this objective, but it was most important that there was a clear and direct pedestrian and cycle route linking Bimbi Street to Francis Street.

Mr Mentha said it was important to limit the number of additional vehicle access points onto Browns Road to ensure that traffic flows on the road are not impacted. He said that the proposed location of the two new access roads into the site from Browns Road were appropriate having regard to necessary separation from the Francis Street intersection, although there was some flexibility to move the roads slightly.

Mr Mentha said the road cross sections at the rear of the CDP were typical or standard profiles that were widely applied in PSP settings. He said it was common that local variations were necessary to deal with particular servicing or other local conditions. He said it would be appropriate for roads to be designed "*broadly in accordance*" with the road cross sections in the CDP.

In response to the submissions and evidence, the VPA revised the requirements and guidelines as follows¹⁶:

- The exhibited R19 was modified to require the "*street network must be ... generally consistent with the street network and hierarchy shown on Plan 4.*"
- The exhibited R20 was modified to require "*the design of streets ... must be consistent with the street cross sections shown in section 4 of this CDP ...*"
- Minor changes to the phrasing of exhibited R22, R23 and G19.

Council did not object to any part of the integrated transport provisions and did not comment on any of the revisions put forward by the VPA during the round table.

During the round table the Committee raised a number of issues with the VPA including:

- the meaning of exhibited R21 – "*Bendix Drive interim access arrangements must be provided, to the satisfaction of the responsible authority.*"
- the status of the two pedestrian connections shown on Plan 4 (and other plans) given that the pedestrian links are shown connecting into private land to the north
- whether there should be any cap on the development yields having regard to the traffic advice that the yields used in the traffic modelling showed that parts of the surrounding road network were close to acceptable limits.

In response, the VPA submitted the intent of exhibited R21 was to ensure that existing factories in Bendix Drive maintained access to their businesses and that, for example, any construction activities associated with the development of the site would not interrupt access to these businesses. The Committee noted that the wording of exhibited R21 did not clearly convey this meaning and the VPA agreed to review the drafting of this requirement. No revision was submitted to the Committee by the VPA.

¹⁶ Document 69

Council provided copies of the approved development plans for the development to the north of the site but the VPA did not propose any changes to Plan 4 showing pedestrian links connecting to the north.

No party provided any suggested changes to the CDP to impose any sort of cap on the number of dwellings or commercial floor space for the site. Make submitted that yields could be managed through a combination of application requirements and decision guidelines in CDZ2 but did not provide any drafting of such controls. Make also suggested that the 'land budget' in Chapter 3 of the CDP could be used to assist with the management of development yield, however it acknowledged that the table only referred to net developable areas for uses. The fact that the site has a net developable area of 6.9 hectares for residential use does not inform the number of dwellings that may result from that area of land. The VPA advised the Committee on Day 2 of the round table that the issue required further thought. No revision was submitted to the Committee by the VPA.

(iv) Discussion and findings

The Committee acknowledges that traffic and parking was a significant issue of concern raised in many of the submissions by the local community. The VPA and Council advised the Committee that this was also an issue raised consistently by the community during the various consultation sessions over a long period of time.

The Committee is satisfied that the VPA has completed appropriate investigations into the expected impacts of the proposed development on the existing road network. This work has been thorough and well documented, including testing the impact of increasing the residential yield by 47 dwellings. The Committee agrees that the impacts on the existing road network are acceptable and the proposed mitigation works described in the DCP are important measures that will assist in managing the traffic impacts.

The VPA should ensure that the proposed treatment to the Centre Road / Carinish Road intersection is included in the DCP as noted by the Department of Transport.

The assessment of the traffic impacts of the proposed development was based on a specific set of assumptions regarding the residential and commercial floor space yields. The Cardno reports and the comments from Mr Mentha during the round table demonstrate that there is limited capacity in the road network to satisfactorily deal with significant additional yields from the subject site. The traffic analysis demonstrates some intersections are already very close to their acceptable limits. The Addendum report showed that even a very modest increase to the number of dwellings necessitated an adjustment to the sequencing of the traffic signals at the intersection of Clayton Road and Carinish Road.

The suite of traffic management works proposed in the DCP are based on the assumed yields in the modelling. If these assumed yields are exceeded it is possible that additional works may be needed to manage the additional traffic. This could have significant implications for the DCP.

Within this context, the Committee considers it is important to have a mechanism within the planning scheme to monitor the yields (residential and commercial) to ensure that the future development of the site does not 'creep' beyond acceptable limits. While this does not necessarily mean there should be mandatory caps on development; there should be yield thresholds that should only be exceeded subject to further consideration, including the impact

on the existing road network. It is noted that CDZ2 and the CDP makes no comment about the expected number of dwellings or the amount of commercial floor space.

The Committee accepts this is not a simple matter to resolve. It is unfortunate that the VPA was not proactive in addressing this issue when raised by the Committee during the round table. It is anticipated that the management of yields within the site may require changes to the CDZ2 and the CDP. The Committee has not prescribed a specific approach to deal with the issue and suggests the VPA gives this further consideration. There may be some guidance in other similar projects completed by the VPA, including Hobsons Bay Amendment C88 and Glen Eira Amendment C155.

The Committee considers this is an important matter to ensure that traffic impacts are properly managed into the future. Without an acceptable way of managing the implications of increased yields, the Committee is concerned that unfettered development may result in unacceptable traffic outcomes.

The Committee accepts that car parking can be appropriately managed through the existing planning scheme (Clause 52.06) at the time of relevant permit applications.

The Committee agrees with Make and EQT that there should be a degree of flexibility regarding some of the transport and walking requirements in the CDP. This would be a logical approach towards ensuring the practical implementation of the CDP. The Committee does not support Make's view that the exhibited versions of R19, R20 and R22 should be guidelines rather than requirements. The Committee considers that the provisions are significant enough to remain as requirements, but with some flexibility.

The Committee generally supports the approach of the VPA with respect to this issue. It supports the inclusion of "*generally consistent with*" in the exhibited R19 and R20 as proposed by the VPA in Document 69 (noting that the VPA did not suggest 'generally' in its modification to exhibited R20). This approach provides an appropriate level of flexibility.

That said, the Committee does not agree that there should be a requirement prohibiting any additional vehicle crossovers directly onto Browns Road. This is too restrictive and may prevent a variety of potentially acceptable options – for example, temporary access, left in/left out or other access arrangements that can demonstrate acceptable outcomes. The Committee considers that exhibited R19 should be amended to delete reference to Browns Road and this matter should be addressed as a new guideline.

The Committee considers that the provisions in the exhibited R22 are generally acceptable as requirements, however the first dot point should be modified to enable consideration of other variations to the width and location of footpaths as there may be circumstances where this is desirable. The inclusion of the words "*or as agreed with the responsible authority*" allows variations to be considered. The other dot points within this requirement are satisfactory.

In summary:

- The exhibited R19 should be amended to state:
The street network must be designed so that there are no additional vehicular crossovers directly onto Browns Road and is generally consistent with the street network and hierarchy shown in Plan 4.
- The exhibited R20 should be amended to state:

The design of streets and public areas must be generally consistent with the street and cross sections shown in section 4 of this CDP, to the satisfaction of the responsible authority.

- The exhibited R22 should be amended to state:
Design of all streets ~~and arterial roads~~ must give priority to the requirements of pedestrians and cyclists by providing:
 - Pedestrian paths of at least 1.8 metres in width on both sides of all streets and roads unless otherwise specified in this plan and cross sections or as agreed with the responsible authority.

...
- A new guideline under the heading ‘transport’ should state:
There should be no additional vehicle crossovers directly onto Browns Road.

The Committee is confused by the meaning of exhibited R21 regarding the requirement to provide “*Bendix Drive interim access arrangements ...*”. The VPA has not satisfactorily explained the meaning of this provision and if it is retained then it needs to be rewritten. As the Committee is uncertain about the intent of the provision, it is reluctant to suggest any specific wording. If the issue relates to access during construction then it may be more appropriate to include a requirement in the development staging section of the CDP. This matter requires further consideration from the VPA.

Finally, the Committee is concerned about the implementation of the two pedestrian connections shown linking the development to the north. Although the connections may be desirable, they may be beyond the capacity of a permit applicant to deliver the links if the owners to the north do not want pedestrians entering their property. The Committee suggests that exhibited G22 is amended to add words clarifying that the location of the links shown on the plan are potential links subject to detailed design and agreement with the adjoining property owners. The exhibited G22 should be modified to state:

Pedestrian movements should be prioritised by providing clear links between key destinations within the precinct.

The two pedestrian links shown on Plan 1 that connect to the north of the CDP are potential links and the location of the paths are indicative and subject to detailed design. The implementation of these links is subject to agreement with the adjoining neighbours.

The Committee finds:

- The existing road network is able to satisfactorily accommodate the traffic volumes generated by the proposed development.
- The proposed traffic management measures to address the impact of traffic on the existing road network are satisfactory and appropriate.
- The VPA should ensure that the proposed treatment to the Centre Road / Carinish Road intersection is included in the DCP as noted by the Department of Transport.
- The VPA should consider additional provisions to introduce a mechanism within CDZ2 and the CDP to monitor residential and commercial yields to ensure that the future development of the site does not go beyond acceptable limits. This could include a yield threshold that should only be exceeded subject to further consideration, including the impact on the existing road network.
- The proposed road and pedestrian links to the surrounding area are generally appropriate.

- A new guideline consistent with the Committee’s preferred version of the CDP (Appendix E1) should state that the two pedestrian links shown on Plan 1 that connect to the north of the CDP are potential links and the location of the paths are indicative and subject to detailed design. The implementation of these links should be subject to agreement with the adjoining neighbours.
- Car parking associated with the proposed development should be managed through the existing planning scheme provisions at the time of planning permit applications.
- There should be some flexibility in the requirements to provide for alternative road layouts within the site and in the design of the street cross sections. This should be implemented through modifications to the exhibited R19, R20 and R22 and a new guideline that states there should be no additional vehicle crossovers directly onto Browns Road as identified in the Committee’s preferred version of the CDP (Appendix E1).
- The VPA should review exhibited R21 to determine what is meant by the provision and to rewrite it more clearly.

4.7 Sustainability, water management and utility servicing

(i) What is proposed?

The exhibited CDP contained requirements that stated:

- R25 Development on Plan 3 must deliver bioretention systems as referenced in scenario 1 of the *Alluvium PMP Printing – Stormwater drainage assessment (February 2018)* to the satisfaction of the Responsible Authority.
- R26 All existing above-ground electricity cables on the land or on the same side as the land in an abutting road reserves less than 66kV voltage must be placed underground as part of the upgrade of existing roads.

It also contained a guideline that stated:

- G24 Developments should include Integrated Water Management systems to diversify water supply, reduce reliance on potable water and increase the utilisation of stormwater that contributes to a sustainable and green urban environment (such as stormwater harvesting, aquifer storage and recharge, grey water recycling etc).

(ii) The issues

The issues are:

- whether the site can adequately deal with stormwater runoff
- whether the requirement to provide bioretention systems is appropriate
- whether all existing above-ground electricity cables on the land or on the same side as the land in an abutting road reserve less than 66kV voltage must be placed underground as part of the upgrade of existing roads
- whether the guideline regarding integrated water management should include additional matters for consideration.

(iii) Submissions

Submission 9 stated that residents in the southern portion of Moriah Street have experienced numerous floods since the 1970s. It said these floods were caused by runoff from the PMP site and the northern sections of Moriah Street. The submission documented a flood in

December 2007 that caused damage to several properties in Moriah Street and said that redevelopment in the area since then has increased the extent of impervious surfaces. The submission stated there needed to be more detail regarding the strategies to reduce runoff from the PMP site during construction and post construction.

The VPA submitted it had completed extensive flood modelling as part of the planning for the site, including preparation of the *Stormwater Drainage Assessment (Alluvium)*, 2019. This report noted:

- the existing drainage network is (and has been) undersized
- the cost associated with upsizing the downstream network is likely to be prohibitive
- analysis suggests that the deficit between peak flowrates (about 5.0 m³/s) and downstream capacity (2.7 m³/s) is too great to be bridged by on site storage
- the change in imperviousness within the PMP Printing site, due to the addition of open space, is not significant enough in the context of the upstream catchment to significantly reduce peak flowrates
- additional storage may be required within the site to enable the internal drainage network to meet acceptable drainage service levels
- this storage will act to improve the level of protection against nuisance flooding by isolating the site from the existing downstream stormwater network
- various scenarios and a preferred option to manage stormwater treatment via a series of bioretention systems
- flood analysis shows that post development conditions will have very little impact beyond the PMP Printing boundary, with the velocity and depth of those flows not posing a risk for the community
- under a climate change scenario, while there was a modest increase in depth, the scenario remained below what is considered hazardous.

The VPA said that drainage measures and the preferred bioretention system recommended by Alluvium were referenced in the exhibited requirements (R24 and R25 respectively).

Melbourne Water (Submission 10) reviewed the background reports with respect to stormwater drainage and flood management in accordance with its functions as Regional Drainage, Floodplain Management and Waterway Management Authority under the Water Act 1989 and Monash Planning Scheme. Melbourne Water stated:

- the site is not subject to flooding in a 1 percent Annual Exceedance Probability (AEP) event from Melbourne Water's Westall Main Drain
- the PMP Printing site is approximately 10 hectares in area, with an external catchment area in the order of 37 hectares
- given the contributing catchment area, local drainage and stormwater treatment is to the satisfaction of Monash City Council
- Melbourne Water would set requirements at the time of subdivision for floodplain management and drainage through the requirements of the CDP.

Council made no comment with respect to drainage issues associated with the site or the surrounding area.

EQT submitted that there should be greater flexibility in the provision of the bioretention systems and that consideration of other options should be possible. It also queried whether

the bioretention system should be funded through the DCP. EQT submitted that the exhibited R25 should be modified to state:

Development on Plan 3 must deliver a water quality and retention system to the satisfaction of the Responsible Authority.¹⁷

In response, the VPA submitted that it was prepared to modify R25 to state:

Development on Plan 3 must deliver bioretention systems as referenced in either of scenarios 1, 2 or 3 of the Alluvium PMP Printing – Stormwater Drainage Assessment (February 2018) to the satisfaction of the responsible authority, with scenario 1 being the preferred option where practicable.¹⁸

During the round table, the Committee noted the usual best practice of not citing a requirement that is referenced in a document that does not form part of the planning scheme. The Committee discussed several options with the VPA about addressing this issue in the CDP and the VPA submitted a further revised version of R25 in its final version of the CDP:

Development on Plan 3 must deliver bioretention systems as referenced in either of scenarios 1, 2 or 3 as set out in section 5 Bioretention systems – Integrated Water Management of this comprehensive development plan, or another option to the satisfaction of the responsible authority. Scenario 1 is the preferred option where practicable.¹⁹

The VPA proposed to include relevant extracts from the Alluvium report that described scenarios 1, 2 and 3 in section 5 of the CDP.

Council supported the final version of the provision submitted by the VPA.

Submission 2 (South East Water) stated that the water supply and sewerage issues referred to in the *Engineering Services Advice* (Taylors) 2019, were consistent with the current servicing strategies. South East Water noted it was reviewing the extent of the upgrade to the sewer systems required based on a recently updated model. It said that works will ultimately feed into its 2023-2028 capital works program.

The VPA submitted that all parties agree development of the site will require an upgrade to the sewer network and this is expected to be completed in stages.

South East Water proposed ‘alternative water infrastructure’ should be considered for the site, specifically a sewer mining treatment plant to provide supply via a third pipe. The VPA advised that following discussions, South East Water was satisfied with the exhibited CDP subject to “*sewer mining and reuse*” being included in the CDP guidelines for Integrated Water Management systems to encourage landowners to explore opportunities for sewer mining and reuse. The VPA agreed to this request and proposed an updated version of exhibited G24 that stated:

Developments should include Integrated Water Management systems to diversify water supply, reduce reliance on potable water and increase the utilisation of stormwater that contributes to a sustainable and green urban environment (such as stormwater harvesting, aquifer storage and recharge, grey water recycling, sewer mining and reuse etc).²⁰

¹⁷ Document 57

¹⁸ Document 37(i) -Day 1 version

¹⁹ Document 69

²⁰ Document 69

Make submitted that the exhibited R26 was inappropriate. It said Browns Road and Bendix Drive were not included within the DCP for road upgrades and the provision should refer to services within precinct boundaries only. It submitted that R26 should be modified to state:

All existing above-ground electricity cables within the precinct boundaries less than 66kV voltage must be placed underground as part of the upgrade of existing roads, if they currently exist in the road reserve of the road to be upgraded.²¹

The VPA accepted this modification to exhibited R26.

Council made no comment about this issue in its original submission or during the round table. In response to the final version of the CDP, Council submitted that it disagreed with the change to the requirement and preferred the exhibited version of R26.

(iv) Discussions and findings

The Committee is satisfied that the VPA has completed appropriate investigations to demonstrate the site can be developed with all necessary engineering services and that it can be developed without causing unacceptable risk of flooding to the surrounding area. This will require upgrades to existing infrastructure and these works can be appropriately managed through the subdivision process.

The Committee considers there should be flexibility in the design and location of bioretention systems to satisfy relevant Water Sensitive Urban Design outcomes. The Committee considers:

- the requirement should not directly reference the Alluvium report by name because the report does not form part of the planning scheme
- it is appropriate for the requirement to refer to a preferred bioretention system but with an option to pursue alternative options to the satisfaction of the responsible authority
- it is appropriate to refer to the preferred option discussed in the Alluvium report (Scenario 1) but it is not necessary to refer to Scenarios 2 and 3 because these (and other options) may be considered as alternatives if the requirement is modified to enable other options to the satisfaction of the responsible authority
- it is appropriate to include an extract from the Alluvium report in Section 5 of the CDP that describes Scenario 1, but it is not necessary to include descriptions of Scenarios 2 and 3 in Section 5
- it is appropriate to include a note in Section 5 that provides the source of the description of Scenario 1.

The Committee considers exhibited R25 should be modified to state:

Bioretention systems must be provided generally consistent with the locations shown in Plan 3 and as described in Section 5, or another option located and designed to the satisfaction of the responsible authority.

The introduction to Section 5 should state:

The following description of the bioretention systems is the preferred option for stormwater treatment. Alternative bioretention systems may be considered to the satisfaction of the responsible authority.

²¹ Submission 16

The description of the preferred option is an extract from the *PMP Printing – Stormwater Drainage Assessment*, prepared by Alluvium (February 2019).

The changes suggested by the Committee will require deletion of references to options 2 and 3, some minor editing of Figure 7 and Table 3. These are included in the Committee's preferred version of the CDP (Appendix E1).

The Committee accepts the minor additions to exhibited G24 that includes reference to sewer mining and reuse. It notes that the submission from South East Water has been resolved to the satisfaction of all parties.

The Committee also accepts the modifications to the requirement regarding undergrounding of electricity cables as prepared by the VPA in its final version of the CDP (Document 69). In this case, it is a balanced and fair approach that is supported by the land owner and the VPA.

The Committee finds:

- The site can be adequately serviced subject to necessary upgrades to the networks
- The site can adequately deal with stormwater runoff
- The requirement to provide bioretention systems is appropriate subject to modifications to refer to a preferred option that is described in the CDP and provision for alternative options to be considered to the satisfaction of the responsible authority
- The guideline regarding integrated water management should include additional considerations relating to sewer mining and reuse
- The requirement requiring electricity cables to be undergrounded should be modified to require all existing above-ground electricity cables within the precinct boundaries less than 66kV voltage to be placed underground as part of the upgrade of existing roads, if they are in the road reserve of the road to be upgraded.

4.8 Drafting

The VPA Final version of the CDP included a number of minor drafting changes to improve the clarity and consistency of the provisions. These changes included:

- adding the word 'Precinct' to the name of the PMP Printing Precinct Comprehensive Development Plan throughout the CDP
- replacement of the phrase 'generally in accordance' with 'generally consistent' throughout the CDP (discussed by the Committee in chapter 5.4)
- a number of other minor typographical and grammatical corrections.

The Committee while reviewing various changes proposed by the VPA to the CDP observed that the Glossary includes definitions of Local Parks (Credited Open Space), Net Developable Area and Uncredited Open Space use terms that are more apt to greenfield development scenarios (for example references to educational facilities, schools, arterial roads, conservation and heritage areas and sportsfields) which have relevance to the CDP. Ideally these terms should be defined in a way that is relevant to the CDP.

5 Comprehensive Development Zone Schedule 2

5.1 Land use

(i) What is proposed?

The CDZ2 includes a Table of Uses (Clause 1.0) that prescribes, among other things:

- most uses in Section 1 (permit not required) conditional upon being located within a designated precinct in the CDP
- Accommodation (other than Corrective institution and Residential hotel) as a Section 1 use with a condition that the use must be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02
- Accommodation (other than Corrective institution and Residential hotel) as a Section 2 use (permit required) where the Section 1 condition is not met, but with a condition that requires:
 - where located in a mixed use area as shown on Plan 1 to Schedule 2 to Clause 37.02, accommodation must not be located on the ground floor, excluding entry and common areas; or
 - where located in a commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02, accommodation must not be located on the ground, first or second floor levels, excluding entry and common areas
- innominate uses in Section 2 (permit required)
- five uses in Section 3 (prohibited).

Clause 2.0 (Use of land) outlines:

- requirements to be met
- applications requirements
- exemptions from notice and review
- decision guidelines.

Land use is also managed through provisions in chapter 2.1 of the CDP.

(ii) The issues

The issues are whether:

- the Table of uses is appropriate with respect to residential uses in the mixed use and commercial areas
- the application requirements and decision guidelines are satisfactory.

Exemptions from notice and review requirements are dealt with in chapter 5.4.

(iii) Evidence and submissions

Make objected to the restrictions imposed on residential uses in the mixed use and commercial areas. It said that the conditions for Accommodation in Section 2 effectively prohibited residential use on the ground floor in the mixed use areas and on the ground, first and second floors in the commercial areas. It said that there should be greater flexibility to enable residential uses in these areas particularly where commercial uses may not be viable.

In response, the VPA submitted it supported changes to the Amendment to increase flexibility of uses in the mixed use and commercial areas. It acknowledged that flexibility will be particularly important in responding to the social and economic challenges post COVID-19, whereby demand for employment generating floor space may be reduced in the short-medium term.

The VPA proposed to delete the conditions for Accommodation in Section 2 (where the Section 1 condition is not met).

Make supported these modifications but also wanted Accommodation above the ground floor in mixed use areas included as a Section 1 use. This was supported by Mr McGurn in his evidence.

The VPA considered it was appropriate that Accommodation remained a permit-required use in a mixed use precinct. It was concerned that if it was a Section 1 use, there was a risk that the mixed use precinct would become entirely residential, which would be contrary to the intention of the CDP. It said a permit trigger enables Council to assess the appropriateness of Accommodation use in the mixed use area in the context of the CDP.

The VPA also proposed an additional application requirement relating to Accommodation uses that states:

If an Accommodation use (other than Corrective institution and Residential hotel) is proposed at the ground floor within the mixed-use area and/or ground, first and second floor within the commercial area shown on Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan:

- An economic report or equivalent, prepared by a suitably qualified person, demonstrating that use of accommodation is appropriate and that the commercial outcomes sought by the incorporated PMP Printing Precinct Comprehensive Development Plan can be met.

A related additional decision guideline proposed:

If an application is for an Accommodation use (other than Corrective institution and Residential hotel) at the ground floor within the mixed-use area and ground, first and second floor within the commercial area shown on Plan 1, whether this is economically justified having regard to the commercial outcomes sought by the incorporated PMP Printing Precinct Comprehensive Development Plan.

Mr McGurn thought a more flexible approach to ‘economic justification’ should be considered. He was concerned that the proposed economic justification requirement may be difficult to substantiate at such a detailed scale and it should be only one of a range of relevant factors to be considered.

Make agreed with Mr McGurn but, like Mr McGurn, it did not propose an alternative approach. Make suggested that if the application requirement and decision guideline remained then they should not include residential uses on the second floor in commercial areas.

At the round table, Council did not object to the proposed changes recommended by the VPA. Council raised concerns about the removal of the Section 2 conditions for Accommodation following the issue of the Final version of CDZ2 by the VPA. These concerns had not been previously expressed by Council despite the change being flagged in the Day 1 version of CDZ2.

(iv) Discussion and findings

The vision in the CDP is that the PMP Printing site will be “*a contemporary mixed use precinct that incorporates diverse housing opportunities, local employment and high quality public spaces*”. It states that “*employment generating uses in the southern part of the precinct and mixed use buildings surrounding the town centre will support a range of employment uses.*”

In this context, it is important to ensure that residential uses are not allowed unfettered in the mixed use and commercial areas to ensure the precinct delivers employment generating uses and is a genuine mixed use development. The site is not intended as essentially a residential precinct with a few minor supporting cafes and restaurants and the Table of uses in the CDZ2 should reflect this vision.

The Committee accepts the need for some flexibility in the location of Accommodation uses within the mixed use and commercial precincts and considers that the modifications proposed by the VPA have generally struck a reasonable balance.

The Committee does not support the inclusion of Accommodation above the ground floor in mixed use areas as a Section 1 use. It agrees with the VPA that residential uses in the mixed use areas should remain a Section 2 use.

The Committee agrees that the ‘economic justification’ application requirement and decision guideline may not on its own be conclusive, however when considered as part of the other requirements and guidelines in the CDP and the other provisions in the CDZ2 then it may assist the decisionmaker when deciding to exercise discretion.

The Committee notes that it has not reviewed every land use in the table of uses in CDZ2. It has focussed only on the issues in dispute and makes no findings or recommendations regarding other land uses.

The Committee finds:

- It is important to ensure that Clause 1.0 and 2.0 of the CDZ2 help to facilitate the vision for the redevelopment of the area.
- There should be some flexibility in the location of residential uses in the mixed use and commercial precincts, however that should not include unfettered residential development in these areas.
- The modifications proposed by the VPA to Accommodation (other than Corrective institution and Residential hotel) where the Section 1 condition is not met, are appropriate.
- The additional application requirement and decision guideline regarding Accommodation uses on lower floors within the mixed use and commercial areas are appropriate.

5.2 Subdivision

Clause 3.0 (Subdivision) deals with a variety of matters. Issues in dispute related to:

- provision of affordable housing
- standard of open space on transfer to municipal council
- public open space equalisation.

Exemptions from notice and review requirements are dealt with in chapter 5.4.

5.2.1 Affordable housing

(i) What is proposed?

Clause 3.0 states that a permit must not be granted to subdivide land to facilitate residential development until the owner of the land enters into an agreement with Monash City Council under section 173 of the Act for the provision of affordable housing.

For the purposes of the agreement ‘affordable housing’ is to have the same meaning as any definition of that phrase contained within the Act, or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the delivery of up to 10 per cent Affordable Housing by way of one of the following options:

- Transfer of a land parcel or parcels with the capacity to support the development of 10 per cent of the site’s total dwellings as Affordable Housing dwellings, to be provided to a Registered Housing Agency at nil consideration; or
- Sale of four per cent of total dwellings as completed dwellings at a 50 per cent discount to the established market value to a Registered Housing Agency for use as Affordable (rental) Housing; or
- The gifting of two per cent of total dwellings as Affordable Housing, delivered in the form of completed dwellings gifted to a Registered Housing Agency for use as Affordable (rental) Housing; or
- Any other model that achieves ten per cent of total dwellings as Affordable Housing for a minimum 15-year period, on the condition that these dwellings are managed thorough an appropriately regulated management arrangement and the model is subject to the approval of the Responsible Authority.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.

(ii) The issue

The issue is whether the requirements to provide affordable housing are appropriate.

(iii) Submissions and evidence

The VPA submitted that the proposed affordable housing provisions were based on detailed research and documented in *The Affordable Housing Strategy* (Affordable Development Outcomes, March 2019). It said the nominated options for the delivery of affordable housing are reflective of the affordable housing needs assessment.

Make generally supported the requirements, however sought minor adjustments to ensure that:

- superlot or staged subdivisions were excluded from the requirement to enter into an agreement to provide affordable housing
- the form of affordable housing is solely at the election of the permit applicant
- there is certainty about the ending of the agreement.

Mr McGurn gave evidence that he supported the preferences of Make, although he did not provide extensive reasons for his opinions.

EQT submitted that the options for the provision of affordable housing should be expanded to contemplate a wider spectrum of potential delivery methods and incomes. It said a 10-year period was a more appropriate timeframe.

EQT submitted an alternative version of the provision:

A permit must not be granted to subdivide land to facilitate residential development until the owner of the land agrees to provide range of dwelling types to cater for a variety of housing needs including the provision of up to 10% affordable housing (as defined at section 3AA of the Planning and Environment Act 1987) supported by a Dwelling Diversity and Affordable Housing report submitted at time of subdivision to the satisfaction of the Responsible Authority which includes:

- A demographic analysis of the types of people and households anticipated to live within the development.
- How the development will support the existing and future population of the area.
- Proposed dwelling typologies for the development.
- How the development proposes to provide affordable housing and family friendly housing.²²

In response to these submissions, the VPA:

- did not support the exclusion of superlots or staged subdivisions because there was *"a risk it will defer the need to deliver affordable housing dwellings to late in the development of the subject site"*
- said that the election of which affordable housing option was pursued and the ending of the agreement were matters that could be satisfactorily dealt with during the preparation of the agreement
- did not support the alternative provision proposed by EQT.

Council did not support the alternative suggestions from Make or EQT and supported the approach of the VPA.

(iv) Discussion and findings

The Committee accepts that an affordable housing contribution is necessary and appropriate. The approach proposed by the VPA which focuses primarily on the provision of social housing is based on sound research and provides suitable flexibility in the delivery of affordable housing. The 2019 Affordable Housing Strategy identifies that there is a significant unmet need for affordable housing in the City of Monash, particularly in Clayton and that *"affordable housing, such as Social Housing or other forms of discounted rental housing is the predominant tenure required to meet this need..."*.

The Committee does not accept that the housing model for delivery should be at the sole discretion of the permit applicant. It is clear that the section 173 agreement needs to be negotiated by several parties, including the land owner and Council. By definition, this requires the agreement of the parties involved. It is not a matter for any one party to 'tell' the other how it should be done. This applies to the Council as well as the land owner. The

²² Document 56

drafting of the provisions by the VPA provides sufficient flexibility to achieve mutually satisfactory outcomes for all parties.

The Committee does not see a need to include any further provisions specifying when an agreement will end. This is a matter that can be satisfactorily dealt with in the agreement document. That said, the VPA included the words “*and the agreement ended*” in the last sentence of this clause in its Final version of CDZ2 and the Committee has no issue with this modification.

The Committee does not see any compelling case for the alternative wording provided by EQT. The VPA provisions allow significant scope for alternative ways to deliver affordable housing and the Committee is satisfied that a variety of options exist to achieve the objective of the requirement.

The Committee agrees that some additional flexibility would be beneficial to exclude superlot or staged subdivisions from triggering the need for a section 173 agreement to provide affordable housing. The Committee does not share the concerns of the VPA with respect to this issue and does not believe it will delay the provision of affordable housing. Instead, the exemption of superlot and staged subdivisions will result in a practical outcome and align the provision of affordable housing more closely to the time of the residential development of the land.

Although the proposed wording of the provision states that “*a permit must not be granted to subdivide land to facilitate residential development ...*” there could be some ambiguity about the purpose of a superlot or staged subdivision and so to avoid all doubt it would be appropriate to specify that these types of subdivisions are exempt. The further subdivision of the superlots or staged lots would then trigger the need for a section 173 agreement relating to these lots for the provision of affordable housing.

The Committee also notes that there is a similar affordable housing requirement within Clause 4.0 (Buildings and works) that states “*a permit must not be granted for residential development until the owner ...*”. The provision in Clause 4.0 would appear to be an appropriate ‘safeguard’ against any unintended consequences of the exemption of superlots and staged subdivisions. It is noted that Clause 4.0 states the requirement to provide affordable housing under this clause does not apply if an agreement is registered on the land resulting from a subdivision permit pursuant to Clause 37.02-3 (Subdivision) and under this Schedule.

The Committee finds:

- The affordable housing provisions are generally acceptable and appropriate.
- Further flexibility to the provisions should be made to exempt superlots and staged subdivisions from the need to provide affordable housing by modifying the first paragraph to state as identified in the Committee’s preferred version of the CDZ2 (Appendix E2):

A permit must not be granted to subdivide land to facilitate residential development until the owner of the land enters into an agreement with Monash City Council (Council) under section 173 of the *Planning and Environment Act 1987* for the provision of affordable housing (Affordable Housing Contribution). This does not apply to a superlot or staged subdivision.

5.2.2 Standard of open space on transfer to municipal council

(i) What is proposed?

The exhibited CDZ2 included a requirement that all public open space which is to be provided to Council must be finished to a standard that satisfies the requirements of Council prior to the provision of the public open space, including, among other things:

A certificate of environmental audit for the land in accordance with Part IXD of the Environment Protection Act 1970

(ii) The issue

The issue is whether the public open space transferred to Council should be subject to a certificate or statement of environmental audit.

(iii) Submissions

Make submitted that the public open space to be transferred to Council should be subject to a certificate or statement of environmental audit. It said this would be consistent with other similar examples elsewhere.

Council wanted to ensure that the public open space identified in the CDP would not be transferred to Council with any ongoing monitoring of contamination or other associated management issues. It stated:

Should the land identified as Public Open Space on the site not be able to be delivered unencumbered, appropriately remediated or is beset by ongoing contamination management obligations that are not to Council's satisfaction, then the Public Open Space requirement would need to be met through a 10 per cent cash in lieu contribution. If this was to occur, the land proposed as park land would remain as part of the overall redevelopment via a body corporate structure and not vest in Council.²³

The VPA submitted that further advice from the EPA confirmed that the issue of a certificate of environmental audit on previous industrial land was rare and that a statement of environmental audit was more likely. A statement of environmental audit includes conditions that may restrict the use of the site and may (but does not necessarily) include requirements for ongoing management.

The VPA proposed to amend the clause to require:

A certificate or statement of environmental audit for the land in accordance with Part IXD of the Environment Protection Act 1970.

In addition, the VPA proposed a further dot point following that states:

Confirmation of suitability for use as public open space without the need for ongoing management.

Council and EPA were satisfied with this approach.

In response, Make submitted that the new dot point should read:

Confirmation of suitability for use as public open space without the need for onerous ongoing management requirements to the satisfaction of the responsible authority.

The VPA did not support this modification.

²³ Submission 8

Make also submitted that the last dot point should read:

Sewer, gas and electricity connection points to land, as appropriate.

The VPA supported this modification and included it in the Final version of CDZ2 (Document 74).

The VPA submitted that when the *Environmental Protection Amendment Act 2018* comes into effect on 1 July 2021, the provisions do not refer to certificates of environmental audit. The VPA recommended a note at the end of the relevant provisions in Clause 3.0 in the CDZ2 that states:

Where an Environmental Audit is required after the repeal of the Environment Protection Act 1970, this shall be carried out in accordance with the relevant provisions of the Environment Protection Act 2017.²⁴

(iv) Discussion and findings

The Committee supports the inclusion of the option to obtain a statement of environmental audit or a certificate of environmental audit. The additional requirement to confirm the suitability of the use for public open space without the need for ongoing management is an appropriate measure to ensure that Council is not encumbered with unsatisfactory management issues.

The Committee agrees in part to the modifications suggested by Make to the new dot point proposed by the VPA. It accepts that referring to “*without the need for onerous ongoing management*” helps to clarify the intent of the requirement and provides for any minor management issues to be catered for, noting that these would need to be to the satisfaction of the responsible authority.

The provision makes it clear that this dot point (and all of the other dot points) is “*to a standard that satisfies the requirements of Monash City Council*”. On this basis, there is no need to include words in the new dot point that the requirement is “*to the satisfaction of the responsible authority*”.

The Committee does not see any need to include a new provision that refers to the forthcoming repeal of the *Environmental Protection Act 1970* and the introduction of a new Environmental Protection Act. These are matters that are more appropriately addressed through transition provisions in the new Environmental Protection Act rather than in the CDZ2.

The addition of the words “*as appropriate*” to the last dot point is supported.

The Committee finds:

- It is appropriate to require public open space which is to be transferred to Council to be subject to a certificate or statement of environmental audit for the land in accordance with Part IXD of the Environment Protection Act 1970.
- The Final version of the provisions should be modified consistent with the Committee’s preferred version of the CDZ2 (Appendix E2) to:
 - amend the second dot point to read “*Confirmation of suitability for use as public open space without the need for onerous ongoing management of contamination issues*”.

²⁴ Document 63 – note that this refers to the ‘Environment Protection Act 2017’

- delete “Where an Environmental Audit is required after the repeal of the Environment Protection Act 1970, this shall be carried out in accordance with the relevant provisions of the Environment Protection Act 2017”.

5.2.3 Equity of public open space requirement

(i) What is proposed?

Clause 53.01 states:

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

The Schedule to Clause 53.01 proposes a requirement to provide 10 percent public open space contribution for subdivision of land within the CDZ2.

(ii) The issues

The issues are:

- whether the proposed rate of 10 per cent is justified and appropriate
- whether the requirement is fair and equitable to all land owners.

(iii) Submissions

The VPA submitted that the rate of 10 per cent was based on recommendations in the *Community Facilities and Social Impact Assessment – PMP Printing Site, April 2019* (Document 10) and the Addendum Report, September 2020 (Document 11).

Submission 1 noted that the plan for the site showed “insufficient greenspace”. It did not specify what amount of open space should be provided. Other submissions made comments about the facilities that should be provided within the open space, but did not object to the quantum of open space.

Council did not object to the proposed rate in the Schedule to Clause 53.01.

Make and EQT did not object to the requirement to provide 10 per cent open space, although they made various comments regarding the need to consider equalisation measures to ensure equity in the implementation process.

EQT submitted that as exhibited, it is required to provide 0.72 hectares of public open space spread over two parks (Central Park 0.53 hectares and Browns Road Park 0.19 hectares). It said this amount of land was greater than 10 per cent of its site (which it said was 6 hectares). EQT submitted that the size of the open space within its site should be reduced to ensure that it does not exceed 10 per cent of its site area.

Make submitted that the CDP showed approximately 6.57 per cent of its site as allocated for public open space. It wanted to extend the public open space link on its land and have it credited as part of its open space contribution to bring it closer to 10 per cent.

The VPA submitted that the amount of open space on the EQT land should not be reduced because the open space has been allocated based on achieving the best urban design outcome

rather than the size of particular land holdings. It said that matching open space areas to the size of land holdings would not produce the best planning outcomes.

The VPA submitted an alternative approach to ‘equalise’ the provision of public open space which was based on a similar set of provisions applied in Hobsons Bay Amendment C88. A draft of the provisions was circulated during the round table for discussion (Document 63). Make accepted this approach. Council responded with several minor changes (Document 66) and the VPA incorporated some of these modifications into its Final version of CDZ2 (Document 74). The VPA Final version of the CDZ2 states:

If the land proposed to be subdivided is required by the PMP Printing Precinct Comprehensive Development Plan, March 2021 to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the Public Open Space contribution required for that land (Over-Percentage POS) as set out in Clause 53.01:

- The owner must transfer to Monash City Council (Council), at no cost, all of the land in the proposed subdivision identified in the PMP Printing Precinct Comprehensive Development Plan, March 2021 as Public Open Space, including any Over-Percentage POS; and
- The Council must make an equalisation payment to the owner for the Over-Percentage POS, at a time and in a manner agreed to by the parties.

If the land proposed to be subdivided is required by the PMP Printing Precinct Comprehensive Development Plan, March 2021 to include an area or areas of Public Open Space that in total area is less than the percentage specified as the Public Open Space contribution required for the land to be subdivided in Clause 53.01:

- The owner must transfer to the Council at no cost all of the land in the proposed subdivision identified in the PMP Printing Precinct Comprehensive Development Plan, March 2021 as Public Open Space; and
- The owner must make an equalisation payment to Council equal to the difference between the amount of actual land being transferred as Public Open Space (as a percentage of the land to be subdivided) to Council and the percentage identified as the Public Open Space contribution for the land to be subdivided in Clause 53.01, at a time and in a manner agreed to by the parties.

Council confirmed the VPA Final version changes to address this issue were acceptable.

(iv) Discussion and findings

The Committee accepts that an open space contribution of 10 per cent is based on research and is reasonably justified in this instance.

The Committee agrees that an equalisation process is necessary to ensure that no landowner is unfairly burdened by providing more than 10 per cent public open space on its land. It does not, however, accept the approach suggested by EQT. Planning for a large precinct like the PMP Printing site should be based on achieving the best planning outcomes for the whole precinct. This is the essence of preparing a masterplan for the area rather than piecemeal plans for individual land holdings that are not co-ordinated. A reduction to the size of the parks within the EQT land would compromise the provision of open space and not result in the best planning outcome for the whole precinct.

The Committee generally supports the equalisation approach put forward by the VPA. It is noted that Clause 53.01 already provides the opportunity for public open space contributions to be made by way of land, cash in lieu of land or a combination of land and cash in lieu. The existing provisions therefore generally cater for all of the landowners except for EQT.

The provisions proposed by VPA particularly address circumstances where a land owner (such as EQT) provides more than 10 per cent of its land as public open space because the CDP designates most of the open space for the precinct its land. The Committee accepts that the approach of making an equalisation payment to the owner for the additional land provided above the amount of land required in Clause 53.01 is a fair and reasonable way of resolving this issue. It accepts that the appropriate place to include the public open space equalisation provision is within CDZ2 at Clause 3.0.

The Committee recommends several minor drafting changes to the Final version of the public open space equalisation provision presented by the VPA. These changes are reflected in the Committee preferred version of CDZ2 in Appendix E2.

The Committee finds:

- That an open space contribution of 10 per cent specified in the Schedule to Clause 53.01 is appropriate.
- The public open space equalisation provision prepared by VPA in the Final version of CDZ2 (Document 74) is generally appropriate subject to minor drafting changes as expressed in the Committee preferred version of CDZ2 (Appendix E2).

5.3 Buildings and works

Clause 4.0 (Buildings and works) deals with a variety of matters. Issues in dispute related to:

- provision of affordable housing
- amenity assessment – buildings associated with a sensitive use
- application of EAO requirements to non-sensitive uses.

Exemptions from notice and review requirements are dealt with in chapter 5.4.

5.3.1 Affordable housing

The affordable housing requirements in Clause 4.0 are the same as Clause 3.0 (Subdivision). The VPA submitted this was intended and is designed to ensure that permit applications for either residential subdivision or residential development trigger the need to provide affordable housing.

The VPA confirmed that the affordable housing requirements are intended to apply at either the subdivision stage or at the buildings and works stage, not both. Clause 4.0 includes a provision that states:

This requirement does not apply if an agreement is registered on the land resulting from a subdivision permit pursuant to Clause 37.02-3 and under this Schedule.

The issues in dispute regarding the affordable housing requirements in Clause 4.0 were the same as canvassed for Clause 3.0. The Committee has addressed these submissions in chapter 5.2.1 and they are not repeated here.

As the provisions do not relate to subdivision there is no need to exempt superlot or staged subdivisions from Clause 4.0.

The Committee finds the affordable housing provisions in Clause 4.0 are acceptable and appropriate.

5.3.2 Amenity assessment – buildings associated with a sensitive use

(i) What is proposed?

As exhibited, CDZ2 included a provision that stated:

An application to construct a building associated with a sensitive use must be accompanied by an amenity assessment report that includes the following:

- Acoustic assessment prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of acoustic amenity within the proposed building;
- An assessment of other potential amenity impacts from nearby non-sensitive uses including fumes, odour, light spillage prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of amenity within the proposed building.

(ii) The issue

The issue is whether the proposed provisions requiring an ‘amenity assessment’ for buildings associated with a sensitive use are appropriate.

(iii) Submissions

The EPA generally supported this provision, however it noted:

... the requirement for an ‘assessment of other potential amenity impacts’ should be risk based, and only apply where there is potential for amenity impacts on sensitive uses. EPA is concerned that a requirement that applies to all buildings and works for sensitive uses across the precinct may be onerous, particularly if they are sufficiently separated from other non-residential uses.

Areas where ‘assessment of other potential amenity impacts’ may not be warranted includes:

- parts of the ‘residential interface’ along the eastern and western boundary of the precinct;
- the residential interface – north; and
- centralised parts of the residential core.²⁵

The EPA supported the consideration of noise impacts given the proximity of the railway line, which includes freight rail activity.

Following exhibition, the VPA consulted with the EPA and drafted various versions of the provision (Documents 51, 52 and 53). Both parties agreed that the requirement should be risk based and relate only to specified parts of the site in the south relating to the mixed use and commercial precincts.

Based on the advice of the EPA, the requirement for a noise assessment was limited to an area extending 135 metres from the centre of the nearest track associated with the railway line. The VPA initially referred to this area as a ‘135m noise buffer’ and showed this on the Day 1 version of the CDP (Document 37i).

²⁵ Submission 15

Make objected to the term ‘noise buffer’ noting that Amendment V10 introduced a Buffer Area Overlay and if this was intended to apply to the site then a more holistic approach along the whole railway line should be taken. Make suggested that if this provision was to apply then it should be called ‘135m noise influence area’.

At the round table, Make submitted that the management of noise and the provision of appropriate acoustic protection measures can be facilitated through the implementation of appropriate amenity considerations as part of permit application requirements. It said no further detailed amenity protection was required for the realisation of the PMP Printing Precinct, noting that no such ‘buffer’ exists along other elevated rail corridors where potential conflicts are managed through the typical process of referral through the planning permit application process.

Make submitted that if the Committee was inclined to include an amenity assessment requirement then it should be limited to the following:

An application to construct a building associated with a sensitive use within 135 metres from the centre of the nearest track associated with the railway line must be accompanied by an amenity assessment report, as appropriate, that includes the following:

- Acoustic assessment prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of acoustic amenity within the proposed building, taking into account any rail noise that may impact adversely on the proposed development.²⁶

The VPA revised the provision in its Final version to state:

An application to construct a building associated with a sensitive use in the Commercial Precinct or Mixed Use Precinct shown on Plan 1 of this schedule must be accompanied by an amenity assessment report that includes the following:

- Where the proposed building is located within the “railway noise influence area” shown on Plan 1 of this schedule, an acoustic assessment prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the sensitive use(s) within the proposed building will experience an appropriate level of acoustic amenity within the proposed building.
- An assessment of potential amenity impacts from nearby non-sensitive uses including fumes, odour, light spillage prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of amenity within the proposed building.

All to the satisfaction of the responsible authority.

The VPA submitted:

- the two dot points in the provision are risk based and deal with separate matters – noise from the railway line (first point) and other potential amenity impacts (second point)
- the first dot point only requires a noise assessment for a building associated with a sensitive use within the ‘rail noise influence area’
- the ‘rail noise influence area’ is 135 metres from the centre of the nearest track associated with the rail line and is proposed to be shown in the CDP (Plan 1) with a dashed line and coloured light blue

²⁶ Document 67

- the ‘rail noise influence area’ includes predominantly mixed use and commercial areas
- the second dot point requires an assessment of the potential impact of nearby non-sensitive uses on a proposed sensitive use constructed within any of the commercial or mixed use precincts (irrespective of whether the proposed building is inside or outside the rail noise influence area)
- the amenity impacts assessed under the second dot point relate to fumes, odour and light spillage.

The EPA supported the Final version of the provision and stated:

The controls, as drafted, allow for the assessment of risk of noise impacts from rail noise as well as general amenity impacts across a mixed use precinct as they may impact future sensitive uses.²⁷

The EPA however, subsequently advised the Committee after the round table that:

... the term ‘sensitive use’ used throughout is not a land use term defined in the Victorian Planning Provisions. (It is defined elsewhere including EPA Publications and Guidance material). For this reason, the Committee may wish to consider the addition text of to confirm the uses to which the following control applies.²⁸

It suggested further wording should be considered identifying sensitive uses as accommodation, childcare centre, residential aged care facility, residential hotel or informal outdoor recreation.

Council generally supported the Final version of the provisions presented by the VPA. It submitted that the first dot point should include a specific dB measure to define an appropriate level of acoustic amenity, but it did not provide any examples or recommendations during the round table discussion regarding this issue.

(iv) Discussion and findings

The Committee acknowledges the extensive negotiations between the VPA and EPA to resolve this issue. It accepts that the Final version of the provisions represent a risk based approach to managing a range of potential amenity impacts on sensitive uses within specified parts of the precinct.

The Committee generally agrees with the wording of the Final version although considers that the intent of the first dot point should be strengthened by adding the words “*from railway noise*” at the end of the second sentence. The purpose of the dot point is to consider noise impacts from the railway and the scope of the noise assessment should be explicit in the provision to ensure that other issues are not considered.

The Committee agrees with the EPA that there is value in providing some clarity about what is meant by a sensitive use. However, rather than referring to the types of sensitive uses identified by the EPA which it had drawn from a Fishermans Bend example, the Committee considers that the sensitive use descriptions in the EAO to generally be more appropriate and consistent with other controls to be applied to the precinct. This would limit the relevant sensitive uses to residential use, child care centre, pre-school centre or primary school).

²⁷ Document 80, Attachment 1

²⁸ Document 82

The Committee was frustrated with the approach of Council with respect to this issue. During the round table it provided no input or comment when asked by the Committee. Then, in response to the Final version of the control prepared by the VPA, it made comments with respect to a phrase that had not changed since the exhibited version.

The Committee finds:

- The provisions in the VPA Final version of the amenity assessment provisions for buildings associated with a sensitive use (Document 74) are acceptable subject to a minor change to clarify that the noise assessment within the railway noise influence area relates to railway noise and to clarify the reference to sensitive uses as identified in the Committee’s preferred version (Appendix E2).

5.3.3 Application of EAO requirements to non-sensitive uses

(i) What is proposed?

An application to construct a building or construct or carry out works on land shown as Bendix Drive East on Plan 1 of CDZ2 must be accompanied by an Environmental Site Assessment (Detailed Site Investigation) prepared by a suitably qualified practitioner in contaminated land assessment.

Should the Detailed Site Investigation identify that an Environmental Audit in accordance with Section 53X of the Environment Protection Act 1970 is required, then prior to the commencement of buildings and works, an environmental auditor must prepare an environmental audit report and issue:

- a Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- a Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*.

If a Statement of Environmental Audit is issued it must state that the site is suitable for the use and development.

(ii) The issue

The issue is whether the EAO requirement should be applied to all non-sensitive uses across the whole of the PMP Printing Precinct.

(iii) Submissions

The VPA submitted that the whole of the PMP Printing Precinct has been intensively used for industry and is proposed for a mix of uses including sensitive uses. The VPA engaged Senversa Pty Ltd in 2018 to prepare an environmental site assessment for the PMP Printing site. The assessment did not include the properties on the east side of Bendix Drive because at that stage the properties were not proposed to be included in the Amendment. The environmental site assessment recommended the application of an EAO to all of the PMP Printing Precinct. This was supported by the EPA.

The EAO requires a Certificate or Statement of Environmental Audit to be issued before sensitive uses can commence or before commencing buildings and works associated with a sensitive use.

As an environmental site assessment has not been completed for the properties on the east side of Bendix Drive, the VPA has included a special provision in Clause 4.0 of CDZ2 that requires all applications for buildings and works to include a detailed site assessment regarding contamination. This applies to buildings and works for non-sensitive uses.

The VPA submitted that the drafting of the Clause was prepared in conjunction with the EPA. The EPA submitted that it supported the provision.

Council submitted that the EAO requirement for all non-sensitive uses should be included in CDZ2. It said this should apply to the whole of the PMP Printing Precinct, not just to the properties on the east side of Bendix Drive. It stated:

Officers have previously advised the land owners and the VPA that in accordance with the Ministers Direction No.1 – Potentially Contaminated Land, Council's experiences with the proposed rezoning of the Talbot Quarry site in Centre Road, Clayton, and the uncertainty around the exact nature and level of contamination on the site, that the audit should be required prior to exhibiting any amendment to rezone the land.

Whilst this approach covers off on the development of sensitive uses ahead of resolving contamination, it still allows a use deemed "non-sensitive" to establish on the site, such as office and basement car parking. There are instances where basement car parks have been constructed but rendered unusable due to vapours and as emissions pooling in the basement car parks as a result of contamination not being addressed in the construction as the building was deemed "non-sensitive". This is a situation that should be avoided.

To this end the proposed Comprehensive Development Zone schedule should be modified to transfer the EAO requirements that apply for sensitive uses into the zone schedule provisions so that they apply for any use of development of the site. This would allow for the issue of a permit for an office, but also require contamination to be addressed prior to the commencement of any works for the development.²⁹

The VPA and EPA did not support this approach. They said that targeting the properties on the east side of Bendix Drive was a risk based approach that acknowledged that these properties have not been subject to any preliminary contamination assessment. As the balance of the site has been assessed, it was not necessary to adopt this approach to the PMP Printing parcels of land.

In response to questions from the Committee, Council could not identify any place in Victoria where its approach had been applied. It said that Amendment C129 to the Monash Planning Scheme (Talbot Quarry) had entertained the idea, but the Amendment was abandoned.

(iv) Discussion and findings

The Committee acknowledges that the provisions relating to the need for an environmental site assessment for the properties on the east side of Bendix Drive have been prepared in consultation with the EPA. Council did not object to the requirements; it sought to have them extended to apply to the whole of the PMP Printing Precinct.

The Committee cannot see any compelling reason to extend the requirements contained in Clause 4.0 regarding the properties on the east side of Bendix Drive to the whole of the PMP Printing site. The approach suggested by Council was not supported by the EPA and the Committee is not aware of any similar circumstance where it has been applied.

²⁹ Submission 8

As there were no submissions objecting to the provisions contained in Clause 4.0, the Committee has not considered the detail of these requirements. It makes no specific findings or recommendations regarding the provisions relating to the properties on the east side of Bendix Drive.

The Committee finds that the EAO requirement should not be applied to all non-sensitive uses across the whole of the PMP Printing Precinct.

5.4 Notice and review provisions

(i) What is proposed?

The CDZ (Clause 37.02) provides opportunities for the schedule to the zone to specify exemptions for permit applications to use land and for subdivision from the notice and review requirements contained in the *Planning and Environment Act 1987*.

Clause 37.02 states that a permit application for buildings and works is exempt from the notice and review requirements “*if it is generally consistent with the comprehensive development plan*”. The schedule to the zone may specify “*other applications*” for buildings and works that are also exempt from the notice and review requirements.

As exhibited, Schedule 2 to the CDZ proposes to exempt permit applications for the use of land from the notice and review requirements if the permit application “*is generally in accordance with the incorporated PMP Printing Comprehensive Development Plan*”.

Schedule 2 to the CDZ proposes to exempt permit applications for subdivision from the notice and review requirements. This does not apply to an application that proposes to move a street, public open space or trail shown on any plan in the incorporated CDP, from one lot to another lot in different ownership. It is noted that in Clause 3.0 under the heading ‘Permit requirement’, “*a permit for the subdivision of land must be generally in accordance with the incorporated PMP Printing Comprehensive Development Plan.*”

Schedule 2 to the CDZ does not propose any further exemptions from the notice and review requirements for permit applications for buildings and works.

(ii) The issue

The issue is whether the removal of third party notice and review provisions is appropriate.

(iii) Submissions

Council submitted that the exemptions from notice and review requirements for permit applications for the use of land and subdivision should be removed from CDZ2 because “*planning in Victoria is based on the principle of third party rights and engagement in the planning process*”.

The VPA submitted that the proposed exemptions were appropriate because:

- the guidance and certainty as to the permissible uses of land and subdivisional layout (and indeed form of development) provided in the CDP and CDZ2
- the transparent and extensive consultation process engaged in with the community during the preparation of the Amendment
- permit applications not generally consistent with the CDP will still be subject to notice and review requirements

- CDZ1 (Waverley Park) contains very similar exemptions from notice and review requirement in respect of uses and subdivisions
- similar exemptions were proposed in relation to a CDP and CDZ in Glen Eira Amendment C155, and the Panel in that instance observed “*As a general matter of principle, the Panel is satisfied that exemptions should be available for applications considered to be generally consistent with an approved CDP*”.

(iv) Discussion and findings

The Committee understands the concerns of Council, however on balance considers that the proposed exemptions from the notice and review requirements are appropriate. It accepts that the proposed plan has been subject to extensive consultation with a large number of stakeholders, including the local community. The CDP and the CDZ2 provide a strong template to guide the development of the precinct and in this instance the Committee agrees with the VPA that applications generally in accordance with the incorporated CDP should be exempt from the notice and review requirements.

The Committee notes that it is incorrect for the VPA to say that a permit application for the subdivision of land that is not generally in accordance with the CDP will still be subject to the notice and review requirements. Clause 3.0 in CDZ2 states that “*a permit for the subdivision of land must be generally in accordance with the incorporated PMP Printing Comprehensive Development Plan.*” This means that it is not open for a permit application to be anything but “*generally in accordance with*” the CDP.

At the round table, the Committee observed that the exhibited CDZ2 used the phrase “*generally in accordance with*”, while the Day 3 version changed some of these to “*generally consistent with*”. The VPA submitted that Clause 37.02-4 uses the phrase ‘generally consistent with’ and that for consistency it was appropriate to use this term throughout CDZ2.

All of the parties at the round table accepted this position and agreed it was a good idea to avoid using ‘generally in accordance with’ in some places in the documentation and ‘generally consistent with’ in others.

The Committee notes that the phrase ‘generally in accordance with’ is probably used more widely in various other zones and overlays (such as the Urban Growth Zone, Development Plan Overlay, Incorporated Plan Overlay and Precinct Structure Plans). Although it is unclear to the Committee why ‘generally consistent with’ is used at Clause 37.02-4 (rather than the more widely used ‘generally in accordance with’), it is logical to maintain ‘generally consistent with’ in CDZ2 and the CDP.

On this basis, the VPA should ensure that wherever the phrase “*generally in accordance with*” is used in the Amendment documentation it should be replaced with the phrase “*generally consistent with*”. This matter is addressed more generally in the drafting issues chapter below.

The Committee finds:

- It is appropriate to exempt permit applications for the use of land and subdivision from the notice and review requirements.

5.5 Other drafting issues

The Final version of CDZ2 prepared by the VPA included a number of minor drafting changes to improve the clarity and consistency of the provisions. These changes included:

- a revised description of the land to which the Schedule applies
- an updated version of Plan 1 to ensure that the plan is consistent with the same plan in the CDP
- adding the word ‘Precinct’ to the name of the PMP Printing Precinct Comprehensive Development Plan throughout the schedule
- replacement of the phrase ‘generally in accordance’ with ‘generally consistent’ throughout the schedule (discussed by the Committee in chapter 5.4)
- modifications to Clause 3.0 (Subdivision) ‘works to be provided in association with development’ dot points 3 and 4 consistent with changes proposed by Make (additional words underlined):
 - Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads
 - Intersection works and appropriate traffic management measures along arterial roads, connector streets and local streets
- deleting the provisions under ‘works to be provided in accordance with development’ from Clause 4.0 (Buildings and works)
- a number of other minor typographical and grammatical corrections.

The Committee supports these changes.

In addition, the Committee recommends a further change to the drafting of CDZ2. Clause 4.0 (Buildings and works) includes a series of application requirements. One of the requirements state the need for:

An arboricultural report, which includes:

- A tree retention plan identifying how the application responds to the trees identified on Plan 1 and any tree protection requirements and guidelines in the incorporated PMP Printing Precinct Comprehensive Development Plan.
- Identifies the Tree Protection Zone (TPZ) of all trees to be retained.
- A construction impact assessment on the impact of the proposed development on trees to be retained, including specific advice concerning impact mitigation.
- Specification that the Tree Protection Measures outlined in section 5.3 of the Pre-Construction Impact Arboricultural Assessment, prepared by Homewood Consulting Pty Ltd, dated 11 April 2019 are to be followed to demonstrate how all retained trees are adequately protected prior to, during and following the proposed construction.
- Should any trees identified on Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan be proposed to be removed, justification for their removal, which must have regard to the Pre-Construction Impact Arboricultural Assessment, prepared by Homewood Consulting Pty Ltd, dated 11 April 2019.

The Committee has concerns regarding references to the ‘Pre-Construction Impact Arboricultural Assessment’ prepared by Homewood Consulting Pty Ltd, dated 11 April 2019 in the last two dot points. This document is not an incorporated document within the scheme and is not proposed to become an incorporated document (or even a background document) in the scheme. The details referred to in the last two dot points are also not included within the CDP (which is proposed to be an incorporated document).

It is a well held principle that a document that forms no part of the planning scheme cannot dictate how land may be used or developed. The Committee raised this matter with the VPA during the round table but the VPA has not addressed this concern in the Final version of CDZ2.

The Committee considers that the matters addressed in the second last dot point are generally dealt with by the third last dot point. These dot points deal with the need for a permit application to provide details about the impact of the proposed development on the trees to be retained and specific measures that mitigate any impacts. Within this context, the Committee considers that the second last dot point should be deleted.

The last dot point should be redrafted to remove reference to the Homewood Consulting report. The Committee's preferred version of the CDZ2 suggests that the last dot point should state:

- Justification for the removal of any trees identified on Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan, including a detailed tree assessment.

6 Other issues

6.1 Development Contributions Plan and Overlay

(i) What is proposed?

The DCP sets out the infrastructure required to be delivered to meet the needs of the future community (residents, visitors and workers) and the proposed basis of levying infrastructure charges associated with the site's development. A summary of the DCP is provided in chapter 2.2 of this Report.

The DCP is implemented through the application of the DCP Overlay (DCPO1) to all of the CDP area. DCPO1 provides a summary of the applicable costs and contributions.

(ii) The issues

The issues are:

- whether the DCP triggers and timing provisions in the DCP are appropriate
- whether there should be any exclusions referred to in DCPO1
- whether the rates in DCPO1 and the DCP are consistent.

(iii) Submissions and evidence

In its original submission, Make did not object to the DCP or the application of DCPO1, however it sought clarification on triggers and timing issues. At the round table, Make did not pursue this issue and noted that *“the identified infrastructure provisions are reasonable in relation to the anticipated form of development and the associated DCP is acceptable to Make”*.³⁰

While submission 9 considered that there were insufficient schools and pre-schools in the area to accommodate growth no other submissions related to the DCP or the application of DCPO1. There were no submissions that objected to the projects identified in the DCP, the cost of the projects or the proposed levies for development and community infrastructure.

Mr McGurn gave evidence that, in his opinion, it was appropriate to apply the DCPO as a means of supporting provision of public infrastructure. Although he did not assess the DCP in detail, he noted that in accordance with:

“... common practice in Victorian Planning Schemes I consider that the Development Contribution Plan Overlay 1 should include exemptions for non-government schools and housing provided by the Department of Health and Human Services and Registered Social Housing Providers, in line with the ‘Ministerial Direction on the Preparation and Content of Development Contributions Plans’.³¹

The VPA acknowledged that clause 45.06 gave the opportunity for a schedule to exempt specified land or development from the DCP. It agreed that it was appropriate for DCPO1 to exclude non-government schools and housing provided by or on behalf of the Department of Health and Human Services and included these exemptions in its Final version of DCPO1.

³⁰ Document 46, paragraph 33

³¹ Document 43, paragraph 63

At the round table, the Committee noted to the VPA that the exhibited version of DCPO1 rates for MCA1 (Residential), MCA2 (Retail), MCA2 (Commercial) and Community Infrastructure in clause 3.0 (Summary of contributions) did not match the rates in the DCP (as specified in the summary on page 1 and in section 3.2.7 of the DCP).

The VPA acknowledged that this was an error and advised that the exhibited rates in DCPO1 should be modified to match the rates in the DCP (as specified in the summary on page 1).

The Committee also noted that the rates in Table 7 of the DCP were inconsistent with the rates specified in the summary on page 1 of the report.

The VPA adjusted the levies in the Final version of DCPO1 (Document 73) to match the rates in the exhibited Table 7 of the DCP. The relevant rates in the balance of the DCP were also adjusted to match the levies in Table 7. No explanation was provided to the Committee why the rates had changed to match the rates in the exhibited version of Table 7. The Committee notes that the Final rates are lower than the exhibited rates.

(iv) Discussions and findings

Although the Committee did not review the DCP in detail, it generally appears to be based on sound research and conforms to the usual structure for the preparation of Development Contribution Plans.

There was general support for the DCP from all parties.

The Committee accepts the recommendation of Mr McGurn with respect to the inclusion of specific exemptions for non-government schools and housing provided by or on behalf of the Department of Health and Human Services. This will ensure that development contributions are not applied to development that is social infrastructure.

The Committee suggests that the VPA thoroughly check the maths associated with the development contribution rates before finalising the Amendment to ensure that the Final rates specified in the DCP and DCPO1 are correct.

The Committee finds:

- That the proposed DCP is generally acceptable with the changes identified in the VPA Final version (Document 68) and it is appropriate to apply the DCPO to the identified land.
- The exhibited DCPO1 should be amended in accordance with the VPA Final version (Document 73) prepared by the VPA to ensure that the schedule excludes non-government schools and housing provided by or on behalf of the Department of Health and Human Services.
- The VPA should thoroughly check all of the development contribution rates specified in the DCP and DCPO1 before finalising the Amendment.

6.2 Clause 22.03

(i) 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. As the subject land is currently within the Industrial 1 Zone, Clause 22.03 applies to the site. It is identified on the map to Clause 22.03 within Industrial Character Type 4.

The exhibited Amendment did not propose any change to Clause 22.03.

(ii) Evidence and submissions

Mr McGurn gave evidence that, for completeness, the map to Clause 22.03 should be amended to delete reference to the subject land because the policy at Clause 22.03 would no longer apply to the site once it had been rezoned to CDZ2.

The VPA and Council accepted this recommendation.

No other party objected to the proposed change to Clause 22.03.

(iii) Discussion

The Committee agrees with the recommendation of Mr McGurn. If the subject land is rezoned to CDZ2 then the policy at Clause 22.03 would no longer apply. In that context, it is logical to delete reference to the subject land from the map at Clause 23.03. The Committee sees no concern with this change being included in the Amendment package.

Alternatively, this is a matter that could be addressed in a separate ‘housekeeping’ amendment by Council at some later stage. The Committee notes that the policy is clearly expressed as only applying to land within the Industrial 1 Zone and Commercial 1 or 2 Zones. On that basis, the subject land could remain within the map at Clause 22.03 until such time as a ‘housekeeping’ amendment was completed without significant consequence.

The Committee notes that Council supported the change to the map to Clause 22.03.

The Committee makes no specific finding or recommendation regarding this issue.

6.3 Community engagement

(i) Background

The VPA engaged with Council, government authorities, service providers, land owners and the local community during the preparation of the draft Amendment. A summary of the community consultation program is presented in chapter 2.2 of this Report.

(ii) Submissions

Various submissions made comments on the consultation process. For example, Submission 9 said there was a lack of transparency around the consultation process and Submissions 7 and 11 felt that the CDP had insufficient community consultation and did not address the concerns raised by the community.

The VPA submitted that community engagement was extensive. It said recommendations made during early rounds of consultation were incorporated into the current plans where

possible. The VPA acknowledged that not all recommendations were able to be incorporated into the plans.

Council acknowledged the unusual circumstances associated with the project. Central to its concern was that:

- the VPA was the Planning Authority for the purposes of preparing the Amendment
- notification of the draft Amendment took place for a 5 week period from late September to late October 2020 which:
 - was during the caretaker period for the Victorian Local Government elections
 - coincided with the Victorian school holidays
 - was during a period of Covid-19 lockdown restrictions.

Council submitted that the draft Amendment “*would severely restrict/remove the notice and appeal rights of surrounding residents*” and that “*as this Amendment is undergoing a very different process to a conventional amendment, residents and interested persons may not have a true understanding that this may be their only opportunity to have a say in the development of a very large site right on their doorstep.*”³²

At the round table, Council acknowledged the extensive discussions between the VPA and Council. It was generally supportive of the process and the outcomes that have resulted and affirmed the draft Amendment had been the subject of extensive background research, community consultation and negotiation with the landowners and authorities such as the EPA for several years.

(iii) Discussion

The Committee is generally satisfied that the VPA conducted a robust consultation program. It acknowledges the challenges associated with community consultation during the pandemic, however the VPA completed a reasonable level of consultation in the circumstances.

It is incorrect for a submitter to assume that the consultation process is flawed because their submission has not led to a change in the plan. It is not always possible to accommodate all submissions and this is not a deficiency in the process. The Committee is satisfied that the consultation process has been well documented and sufficient explanation has been given when considering all issues.

The Committee does not see a need to make any specific recommendations regarding the consultation process.

The Committee does observe, however, the VPA ‘brochure’ released during the exhibition period encouraging the community to “*have your say*”, included an “*artist’s impression land use and heights plan*”. Many of the submissions from the local community in response to the exhibited draft Amendment appeared to refer to specific parts of the ‘artist’s impression’ plan. In particular, many submitters referred to the proposed heights on the plan.

The Committee notes that the ‘artist’s impression’ plan does not form any part of the CDP and sections of it could be misleading for some people. For example, the distinction between mandatory and discretionary heights was not well explained and could be misinterpreted. Although the plan includes a note that it is “*indicative only: refer to planning scheme*

³² Submission 8

amendment documents for detailed plans of proposed building heights and uses”, the Committee suggests that greater care should be taken by the VPA in any future similar consultation ‘brochures’. It is beneficial for the community to view the actual plans from the CDP rather than an ‘artist’s impression’.

6.4 Responsible Authority for the project

(i) Background

Although VPA prepared the draft Amendment documents, the Amendment assumes that Monash City Council will be the Responsible Authority administering the permit application process.

(ii) Submissions

At the round table, Make submitted that:

The PMP Printing Precinct represents a very significant strategic urban renewal project for Melbourne. The land is specifically identified in the Monash National Employment and Innovation Cluster which is a cornerstone policy directive of Plan Melbourne.

The significance of the strategic planning opportunity offered by the Precinct is worthy of Ministerial authority to inform the decision to implement the urban renewal opportunity presented by the proposed Amendment.

Make submits that the Minister should be the Responsible Authority for future planning permit applications required by the proposed CDZ and associated Schedule 2 provisions.

This approach will allow the Precinct to deliver the jobs, economic stimulus and the range of housing so needed in this locality, in an integrated, timely and consistent manner.³³

Make submitted that if the Minister for Planning was not the Responsible Authority then the Committee should ensure that there was significant flexibility in the CDP.

The VPA submitted that Council should be the Responsible Authority.

Council agreed that it should be the Responsible Authority and noted again its concerns regarding the removal of third party notice and appeal rights.

(iii) Discussion

The Committee understands the submission from Make with respect to this issue but does not believe it is appropriate or necessary to make any specific findings or recommendations. This is ultimately a matter for others to determine and has no material impact on the matters before the Committee.

6.5 Construction management

Submissions 5, 7 and 9 raised concerns regarding the management of the construction process. Specific Issues included the timing of the demolition of the existing buildings, street closures during the construction process, management of the decontamination process and enforcement of planning permit conditions regarding construction management. Some

³³ Document 46, paragraphs 46-49

submissions wanted further information regarding mitigation measures for dust and noise, contractor parking, heavy vehicle traffic and the hours of work.

The VPA submitted that the CDP is a high-level strategic planning document and that construction will be managed through appropriate conditions on planning permits.

The Committee is satisfied that the CDP and CDZ2 includes sufficient requirements to trigger the need for appropriate consideration of construction management issues. For example:

- the CDP includes a range of requirements dealing with infrastructure delivery and staging
- CDZ2 includes application requirements for buildings and works that requires, among other things:

A construction management plan which includes an assessment of the impacts of noise and vibration from the proposed development. The plan should demonstrate that existing residents in the vicinity of the development will experience a reasonable level of amenity during the construction phase.

- Clause 56 of the Monash Planning Scheme (subdivision) requires a range of additional matters to be considered, including site management (Clause 56.08).

The Committee considers the existing and proposed suite of provisions can adequately deal with a range of issues regarding the management of construction and no further measures are required.

6.6 Industry transition

Submission 7 raised concerns that current businesses may be forced out of Bendix Drive and people purchasing residential properties in the vicinity may be impacted by the noise associated with movement of shipping containers in that street.

The VPA submitted that Bendix Drive will gradually transition from existing industrial uses to mixed use (including residential) and commercial uses. It said the introduction of sensitive uses in a mixed-use environment necessitates the identification and management of potential risks to amenity and human health from industrial residual air emissions (dust and odour) and noise.

The VPA noted that it is a requirement of CDZ2 Clause 2.0 that a use must not detrimentally affect the amenity of the neighbourhood, including through the:

- transport of materials, goods or commodities to or from the land
- appearance of any building, works or materials
- emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

The Committee is generally satisfied that the transition from industrial uses to mixed uses can be appropriately managed through the provisions in the CDP and CDZ2. Objective 4 of the CDP states it is a requirement:

To appropriately manage interfaces with any ongoing uses as the area transitions from industrial to commercial and mixed use.

7 Summary of reasons and recommendation

7.1 Reasons

Chapters 4 to 6 of the Committee’s report sets its response to the unresolved submissions referred to it. In most regards, the Committee has supported the VPA’s position on submissions and their strategic rationale and the changes proposed to address them. Significantly, the position of the VPA and changes proposed to address submissions in the main were supported by Council.

The Committee’s report is somewhat lengthier than initially anticipated given the round table approach and limited number of parties. That said there were over 85 unresolved submission elements³⁴ which required consideration, and which was further exacerbated by a large number of document errors and inconsistencies.

The Committee considers that the CDP, DCP and proposed scheme changes have been informed by an appropriate level of background analysis, Council input and community engagement. It considers the directions and actions set out in the CDP are broadly robust and logical although it was disappointing that the Committee had to work through a considerable amount of drafting changes and suggestions.

The Amendment is appropriate and strategically justified. It uses the right tools to implement the CDP. The changes proposed by the VPA in the lead up to the roundtable (Day 1 changes) and resulting from it (VPA Final changes) further enhance the CDP and CDZ2 are broadly supported by the Committee.

The Committee has recommended several changes to the CDP and CDZ2 beyond those proposed by the VPA to address unresolved submissions and improve the workability of the Amendment tools and to better achieve the vision and objectives of the CDP including:

- making minor changes to the vision and objectives of the CDP
- providing greater clarity and certainty about the application of requirements and guidelines
- amending or introducing new guidelines or requirements into the CDP regarding land use, building setbacks and height, building design, transport and movement and bioretention infrastructure
- amending provisions of the CDZ2 relating to affordable housing, open space, amenity (including rail line noise) and the clarification of sensitive uses
- a range of general drafting improvements.

7.2 Recommendations

The Committee recommends that the Amendment proceed with the following changes:

- 1. Amend the draft PMP Printing Precinct Comprehensive Development Plan as set out in the Committee’s preferred version (Appendix E1).**
- 2. Further amend the PMP Printing Precinct Comprehensive Development Plan to:**

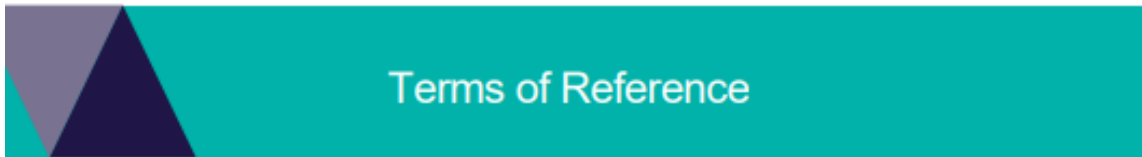
³⁴ VPA Document 49

- a) **include northern boundary setbacks for the Residential interface – Browns Rd, Residential Interface and Residential Interface – North sub-precincts following appropriate analysis**
 - b) **include preferred internal street setbacks for the Residential Core sub-precinct following appropriate analysis**
 - c) **rewrite exhibited R21 to more clearly identify what is meant by the provision.**
3. **Amend draft Schedule 2 of Clause 37.02 Comprehensive Development Zone as set out in the Committee’s preferred version (Appendix E2).**
 4. **Amend the draft PMP Printing Precinct Development Contributions Plan consistent with the Victorian Planning Authority Final version (Document 68).**
 5. **Amend draft Schedule 1 to Clause 45.06 Development Contributions Overlay consistent with the Victorian Planning Authority Final version (Document 73).**
 6. **Thoroughly check all of the development contribution rates specified in the PMP Printing Precinct Development Contributions Plan and Schedule 1 to the Development Contributions Plan Overlay before finalising the Amendment.**
 7. **Amend draft Schedule 1 to Clause 53.01 consistent with the Victorian Planning Authority Final version (Document 75) and to refer to the final versions of the draft PMP Printing Precinct Comprehensive Development Plan.**
 8. **Amend draft Schedule to Clause 72.04 consistent with the Victorian Planning Authority Final version (Document 79) to refer to the updated final versions of the draft PMP Printing Precinct Comprehensive Development Plan and PMP Printing Precinct Development Contributions Plan.**

Further recommendations

9. **The Victorian Planning Authority consider additional provisions to introduce a mechanism within the PMP Printing Precinct Comprehensive Development Plan and the PMP Printing Precinct Development Contributions Plan to monitor residential and commercial yields to ensure that the future development of the site does not go beyond acceptable limits. This could include a yield threshold that should only be exceeded subject to further consideration, including the impact on the existing road network.**
10. **The Victorian Planning Authority consider amending the PMP Printing Precinct Comprehensive Development Plan so that the various terms in the Glossary are defined in a way that is relevant.**

Appendix A VPA Projects SAC Terms of Reference



VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
 - a. Strategic planning
 - b. Statutory planning
 - c. Civil engineering (infrastructure planning)
 - d. Development contributions
 - e. Road and transport planning
 - f. Biodiversity
 - g. Social planning
 - h. Urban design
 - i. Heritage (post contact and Aboriginal)
 - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;

or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
- The relevant plan and associated draft planning scheme amendment and planning permit documentation
 - The referred submissions
 - Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
- The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - The referred submissions
 - Plan Melbourne*
 - Any relevant Regional Growth Plan or Growth Corridor Plan
 - The applicable Planning Scheme
 - Relevant State and local policy
 - Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
- Direct that parties meet, to discuss and further resolve issues, or
 - Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
- an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
 - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
 - b. A summary and assessment of the issues raised in submissions referred to the Committee.
 - c. Any other relevant matters raised in the course of the Committee process.
 - d. A list of persons who made submissions considered by the Committee.
 - e. A list of tabled documents.
 - f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Nick Wimbush
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Ref: MBR044022



Dear Mr Wimbush

DRAFT AMENDMENT C156 TO THE MONASH PLANNING SCHEME – PMP PRINTING SITE REFERRAL OF SUBMISSIONS TO THE VPA PROJECTS STANDING ADVISORY COMMITTEE

I refer to draft Amendment C156 to the Monash Planning Scheme, which proposes to facilitate the use and development of the PMP Printing Site in Clayton for commercial, retail, residential, and a mix of other uses generally in accordance with the PMP Printing Site Comprehensive Development Plan (CDP).

The Victorian Planning Authority (VPA) has submitted the draft amendment for my consideration. The VPA has committed to delivering a fast-track planning program to assist with Victoria's post coronavirus (COVID-19) economic recovery over the next financial year.

On 17 July 2020, I established a streamlined planning process, including the establishment of the VPA Projects Standing Advisory Committee (SAC) to independently review unresolved submissions, including discrete issues, received through the VPA streamlined engagement process.

Between 25 September and 29 October 2020, the VPA undertook a targeted public consultation process for the PMP Printing Site CDP and the associated draft planning scheme amendment. The consultation included landowners and occupiers within 500 metres of, and within, the PMP Printing Site, Commonwealth and Victorian Government agencies, Ministers prescribed under section 19(1)(c) of the *Planning and Environment Act 1987* and Monash City Council. The VPA held a virtual drop-in session as well as replying to phone calls and emails during the consultation period.

I have decided to refer all unresolved submissions to the VPA Projects SAC for advice and recommendations in accordance with the SAC's terms of reference (17 July 2020). I have also enclosed a submissions summary table, prepared by the VPA, which provides an analysis of each submission, including summaries of the issues raised and a significance rating to assist the SAC with its proceedings.

The SAC should consider the submissions in the manner it sees fit in accordance with its terms of reference. I note the terms of reference enable the committee to adopt an approach that is 'fit for purpose' and that this could involve consideration of issues of lesser significance 'on the papers'. I am advised the VPA will continue to seek to resolve matters with submitters and it will advise the SAC if further matters are resolved.

Please find enclosed some of the supporting documents required by clause 13 of the terms of reference for the VPA Projects SAC. The VPA will provide the remaining documents in due course. I encourage the SAC to undertake its work in the most efficient way and to act promptly in light of the significance of the proposed project and its role in assisting Victoria's post coronavirus economic recovery.

If you would like further information, please email Dr Jane Homewood, Executive Director, Statutory Planning Services, DELWP, at jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

28 / 12 / 2020

Encl. Amendment C156mona Submissions Summary Table
PMP Printing Site Public Consultation Report

Appendix C Submissions

No.	Submitter
1	B J Dunlop
2	South East Water
3	Metropolitan Waste and Resource Recovery Network
4	Department of Transport
5	Cheryle Day
6	Robert Rafaniello
7	Joanne Burnett
8	Monash City Council
9	Maxwell and Faye Cambell
10	Laurence Newcome
11	Mary Stiglich
12	EQT Structured Finance Services Pty Ltd
13	Melinda Everett and Anthony Perkins
14	Francis Weston
15	Environment Protection Authority Victoria (EPA)
16	Make I Assemble and MAKE CRC Pty Ltd

Appendix D Document list

No.	Date	Description	Provided by
1	28/12/2020	VPA Projects SAC Referral	Minister for Planning
2	“	VPA Submission Summary Table	“
3	“	Public Consultation Report Final, November 2020	“
Amendment documents			
4	7/1/2021	PMP Printing Precinct Comprehensive Development Plan, September 2020, Public consultation version, VPA	VPA
5	“	PMP Printing Precinct Development Contributions Plan, September 2020 , Public consultation version, VPA	“
6	“	Draft Amendment documents including maps, schedules, instruction sheet and Explanatory report	“
7		Blank	
Background Documents			
8	“	PMP Printing Precinct Background Report, VPA, September 2020	“
9	“	Proposed Affordable Housing Strategy, Affordable Development Outcomes, March 2019	“
10	“	Community Facilities and Social Impact Assessment, Public Place, April 2019	“
11	“	Communities Facilities and Social Impact Assessment Addendum, Public Place, September 2020	“
12	“	Stormwater Drainage Assessment, Alluvium, February 2019	“
13	“	Retail Assessment, Essential Economics, June 2019	“
14	“	Evaluation Report, Essential Economics, January 2019	“
15	“	Engineering Servicing Advice, Taylors, June 2019	“
16	“	Environmental Site Assessment, Senversa, May 2019	“
17	“	Infrastructure Costings Report, Cardno, July 2019	“
18	“	Access & Movement Assessment, Cardno, July 2019	“
19	“	Access & Movement Assessment Addendum 1, Cardno, September 2020	“
20	“	Urban Context Report, Tract, August 2019	“
21	“	Urban Context Report Addendum, Tract, September 2020	“
22	“	Pre-Construction Impact Arboricultural Assessment, Homewood, April 2019	“

No.	Date	Description	Provided by
23	“	Community Infrastructure Cost – Cost Estimate, VPA	“
Submissions			
24	“	Submissions	
25	12/1/2021	Letters from EPA and Everett and Perkins advising submissions resolved	VPA
Directions Hearing and round table documents			
26	14/1/2020	Letter to submitters advising of referral to VPA SAC and details of Directions Hearing	VPA SAC
27	18/1/2021	Email advising submission resolved	Metropolitan Waste and Resource Recovery Network
28	19/01/2021	Email noting concerns with VPA submission summary	Maxwell and Faye Campbell
29	2/2/2021	Email advising EPA not making a submission but available to respond to questions	EPA
30	5/2/2020	Directions and Timetable (version 1)	VPA SAC
31	“	Document List (version 1)	“
32	22/2/2021	Email to all parties noting error in Directions Revised Directions	“
33	26/2/2021	Email from Mr Andrew Iser of Planning & Property Partners on behalf of Make (CRC) Pty Ltd advising of intent to circulate expert witness report from Mr Simon Howe	Planning & Property Partners for Make
34	1/3/2021	Email from VPA seeking leave to provide ‘Day 1 versions’ of Amendment documents	VPA
35	“	Letter from VPA in response to Direction 3 enclosing: <ul style="list-style-type: none"> a) Developer Submission Transport Response – PMP Printing Precinct prepared by Cardno dated March 2021 Comparative Analysis for the Projects Standing Advisory Committee – Referral No. 2 Submission 12 & 16 to the Amendment C156mona PM Printing Precinct: Comprehensive Development Plan – Urban Design Comparison prepared by Tract dated March 2021	“
36	“	Email from VPA SAC granting leave to VPA to provide response to Direction 3	VPA SAC
37	3/3/2021	Day 1 tracked changes amendments documents enclosing: <ul style="list-style-type: none"> a) Clause 37.02 Schedule 2 b) Clause 45.06 c) Clause 45.06 Schedule 1 d) Clause 53.01 Schedule e) Clause 72.03 Schedule 	VPA

No.	Date	Description	Provided by
		<ul style="list-style-type: none"> f) Clause 72.04 Schedule g) Monash C156mona Explanatory Report h) Monash C156mona Instruction Sheet i) PMP Printing Precinct Comprehensive Development Plan j) PMP Printing Precinct Development Contributions Plan k) CDZ Map 20 l) DCPO Map20 m) DDO Map 20 n) EAO Map 20 	
38	5/3/2021	Letter from Mr Andrew Iser of Planning & Property Partners on behalf of Make (CRC) Pty Ltd advising supply of evidence statement of Mr Simone Howe and seeking leave to provide evidence statement of Mr Stuart McGurn late	Planning & Property Partners
39	"	Evidence statement – Mr Simon Howe	"
40	"	Part A Submission	VPA
41	"	Part A Submission – Appendix 1 – Public Consultation Report	"
42	"	Email from VPA SAC granting leave to Make (CRC) Pty Ltd to provide evidence statement of Mr Stuart McGurn late	VPA SAC
43	9/3/2021	Evidence statement – Mr Stuart McGurn	Planning & Property Partners
44	11/3/2021	Written submission – Mr John Darmody for DARMS Property authored by Tamara Orrlov	DARMS Property
45	"	Letter from VPA including attachments: <ul style="list-style-type: none"> a) Part B Submission b) Part B Submission – Appendix 18 – PMP Printing Submission summary response table 	VPA
46	"	Written submission of Make (CRC) Pty Ltd	Planning & Property Partners
47	12/3/2021	Email advising of delay in supply of Direction 10 and inclusion of original submission	Council
48	14/3/2021	City of Monash Submission – response to Direction 10	"
49	15/3/2021	VPA opening presentation (PowerPoint slides) for SAC	VPA
50	"	Tract Presentation on urban design	"
51	"	EPA letter dated 29 October 2020	EPA
52	"	EPA letter dated 12 November 2020	"
53	"	Noise Buffer Plan (@135m)	"
54	"	Email from City of Monash to SAC providing information on 29 Browns Road Development	Council

No.	Date	Description	Provided by
55	16/3/2021	Comprehensive Development Plan (CDP) Table	Planning & Property Partners
56	“	DARMS Property – proposed changes to Day 1 amendment documents with tracked changes (Part 1)	DARMS Property
57	“	DARMS Property – proposed changes to Day 1 amendment documents with tracked changes (Part 2)	“
58	“	VPA Response – CDP Table from Make	VPA
59	“	VPA Response to Make submission to SAC on 11 March 2021	“
60	“	VPA Response to Submissions on the behalf of J Darmody	“
61	“	Glen Eira C155 Panel Report	Planning & Property Partners
62	17/3/2021	VPA Day 3 changes to CDP	VPA
63	“	VPA Day 3 changes to CDZ2	“
64	“	Make CRC – Marked-up version of document 3.0 Subdivision – affordable housing condition	Planning & Property Partners
65	“	Email from VPA SAC on directions after close of hearing	VPA SAC
66	“	Monash City Council suggested edits to the VPA draft equalisation provision	Council
67	“	Make CRC – Submissions in relation to VPA Day 3 changes to CDZ and CDP	Planning & Property Partners
68	25/3/2021	VPA – PMP Printing – Precinct Development Contributions Plan (Marked-up and clean versions)	VPA
69	“	VPA – PMP Printing Precinct Comprehensive Development Plan (Marked-up and clean versions)	“
70	“	VPA – Clean Version – Instruction Sheet	“
71	“	VPA – Explanatory Report (Marked-up and clean versions)	“
72	“	VPA – Clean Version – Development Contributions Plan Overlay a) Clean Version – Development Contributions Plan Overlay Map	“
73	“	VPA – Clean Version Schedule 1 to Development Contributions Plan Overlay	“
74	“	VPA – Schedule 2 to Comprehensive Development Zone (Marked-up and clean versions) a) Clean Version – Comprehensive Development Zone Map	“
75	“	VPA – Schedule to Public Open Space Contribution and Subdivision (Marked-up and clean versions)	“

No.	Date	Description	Provided by
76	“	VPA – Clean Version – Environment Audit Overlay Map	“
77	“	VPA – Clean Version – DD01 Map	“
78	“	VPA – Schedule to Clause 72.03 (Marked-up and clean versions)	“
79	“	VPA – Schedule to Clause 72.04 (Marked-up and clean versions)	“
80	“	VPA – Table of Changes to CDP, DCP & Planning Scheme Ordinance Table of Changes – Attachment 1 – Further EPA Advice	“
81	26/3/2021	City of Monash – Response to VPA Final version of amendment	Council
82	“	EPA – Response to final amendment document versions	EPA
83	30/3/2021	Planning and Property Partners for Make response to final amendment document versions	Planning & Property Partners

Appendix E Committee preferred version of the draft Amendment

Appendix E1 PMP Printing Precinct Comprehensive Development Plan

PMP Printing Precinct Comprehensive Development Plan

March 2021

[Include updated document
date when finalised](#)



Resultant page number changes from SAC edits do not show up as changes given format limitations

CONTENTS

How to read this document	94
1 Outcomes	96
1.1 Vision	96
1.2 Objectives	96
2 Implementation.....	98
2.1 Land use.....	98
2.2 Built form, building design and siting	100
2.3 Landscape and open space.....	104
2.4 Integrated transport	107
2.5 Sustainability, water management and utilities servicing	108
2.6 Infrastructure delivery and development staging	108
3 Land budget	111
4 Street cross sections.....	112
5 Bioretention systems - Integrated water management.....	118
5.1 Stormwater treatment Scenario 1 - End of catchment WSUD assets	119
5.2 Stormwater treatment Scenario 2: Oversized WSUD in open space	120
5.3 Stormwater treatment Scenario 3: Oversized WSUD in open space with rainwater reuse and distributed WSUD in sub-catchments 2 and 4.....	121
6 Glossary.....	123

This page is intentionally blank

PLANS

Plan 1 Future urban structure	Error! Bookmark not defined.
Plan 2 Sub precincts.....	99
Plan 3 Open space.....	103
Plan 4 Transport & movement	106

TABLES

Table 1 Built form requirements by sub-precinct	Error! Bookmark not defined.
Table 2 Local open space	105

Table 3 Precinct infrastructure plan	110
Table 4 Summary land use budget	111

[Insert updated document date and consistent reference to 'Precinct' in all document Footers](#)

FIGURES

Figure 1 Browns Road - 20m - Bus capable	112
Figure 2 Local access street level 2 - 20m	Error! Bookmark not defined.
Figure 3 Local access street level 1 - 16m	Error! Bookmark not defined.
Figure 4 Laneway - 8m	Error! Bookmark not defined.
Figure 5 Shared space street - 16m	Error! Bookmark not defined.
Figure 6 Shared space street plan	117
Figure 7 Stormwater treatment preferred option Scenario 1 - End of catchment WSUD assets	Error! Bookmark not defined.
Figure 8 Stormwater treatment Scenario 2: Oversized WSUD in open space	Error! Bookmark not defined.
Figure 9 Stormwater treatment Scenario 3: Oversized WSUD in open space with rainwater reuse and distributed WSUD in sub-catchments 2 and 4.	121

HOW TO READ THIS DOCUMENT

The PMP Printing [Precinct](#) Comprehensive Development Plan (CDP) guides land use and development outcomes for the PMP Printing Precinct and should be read in conjunction with the provisions within Clause 37.02 Comprehensive Development Zone (CDZ) Schedule 2 within the *Monash Planning Scheme*.

A planning permit application and planning permit ~~should~~ [must](#) implement the outcomes of the CDP. The outcomes are expressed as the Vision and Objectives in Part 1 of this CDP.

The way in which the various elements of the CDP are to be applied is as follows:

- **Vision and Objectives:** The vision and objectives must be complied with.
- **Future Urban Structure:** Future development of the site must be 'generally consistent' with the Future Urban Structure of the site as shown on Plan 1, to the satisfaction of the Responsible Authority. Minor variations may be permitted by the responsible authority, provided the overall vision and objectives for the development of the site are achieved.
- **Requirements:** All requirements must be complied with. Requirements outline matters that must be taken into account in the planning and design of a development.
- **Guidelines:** All guidelines should be complied with. Guidelines outline matters that should be taken into account in the planning and design of a development.

1 OUTCOMES

1.1 Vision

The PMP Printing site will be a contemporary mixed-use precinct that incorporates diverse housing opportunities, local employment and high-quality public spaces. This precinct will support a growing local community, complement the Clayton Activity Centre and enhance connections to local institutions and open spaces.

The area will allow for the conversion of previously industrial land uses into a new community in the heart of an existing residential area. Development outcomes will respond to the character of the surrounding area through the provision of low ~~and medium~~-rise residential built form around the [northern and eastern](#) perimeter of the site, transitioning toward medium-rise residential built form within the central, residential core precinct. Development will respond sympathetically to allow existing industrial activities to continue to operate along Bendix Drive.

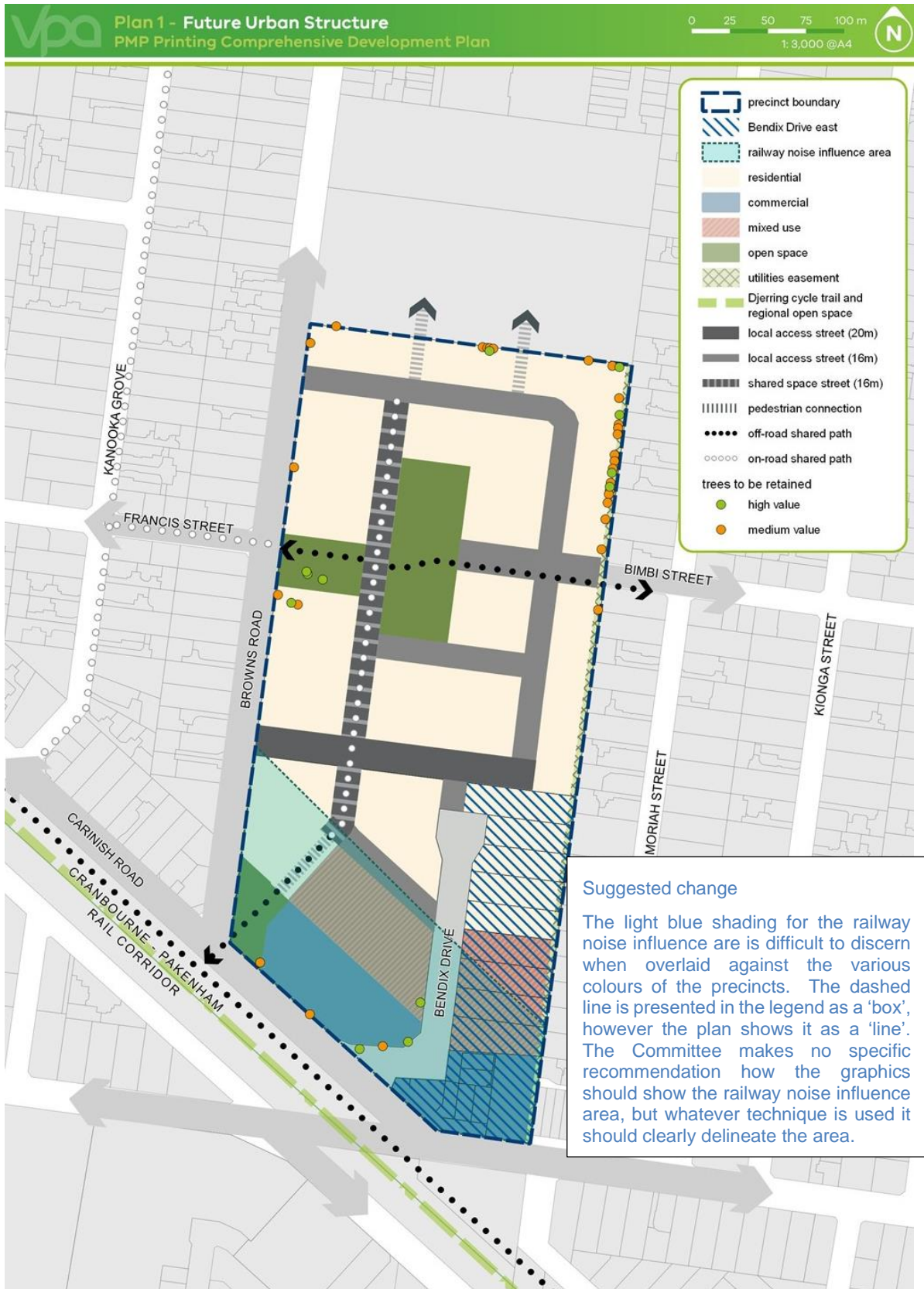
A green core will mean that pedestrians and cyclists will have clear view-lines and pedestrian links through the precinct, especially between Bimbi Street and Francis Street, a new opportunity for the residents of Clayton. The precinct is well located with access to nearby facilities such as Clayton train station and the Clayton to Syndal Strategic Cycling Corridor, encouraging active and healthy transport modes. The Town Square will be flanked by commercial and retail opportunities to meet the daily needs of local residents and workers.

Employment-generating uses in the southern part of the precinct and mixed-use buildings surrounding the town centre will support a range of employment uses. The adjoining Bendix Drive mixed-use and employment area will present an attractive and co-ordinated frontage to Centre Road continuing the existing Centre Road shopping strip.

The PMP Printing site will become a new community that integrates seamlessly with the existing key destinations within Clayton and provide a quality environment for people to live, work and play.

1.2 Objectives

O1	To create a mixed-use precinct which provides housing, jobs and retail services that contribute to day and night-time activity.
O2	To create an employment hub which is conducive to a range of businesses and industry sectors including health, education and commercial enterprises.
O3	To promote a range of lot sizes and dwelling types that allow for a diversity of households, including affordable housing, within the precinct.
O4	To appropriately manage interfaces with any ongoing uses as the area transitions from industrial to commercial, and mixed-use.
O5	To establish an integrated transport network that reduces dependency on private vehicles, maximises access to public transport and encourages active transport walking and cycling.
O6	To deliver safe and accessible public spaces (including a town square, local streets and a central open space) that have access to good sunlight and contribute to a distinct sense of place.
O7	To facilitate the retention of mature vegetation as appropriate and encourage the establishment of new canopy trees within streets, parks and other public and private spaces.
O8	To deliver a system of integrated water management that encourages the re-use of water, minimises flood risk, ensures the environmental health of waterways, protects public health, and contributes towards an environmentally sustainable and green urban environment.



2 IMPLEMENTATION

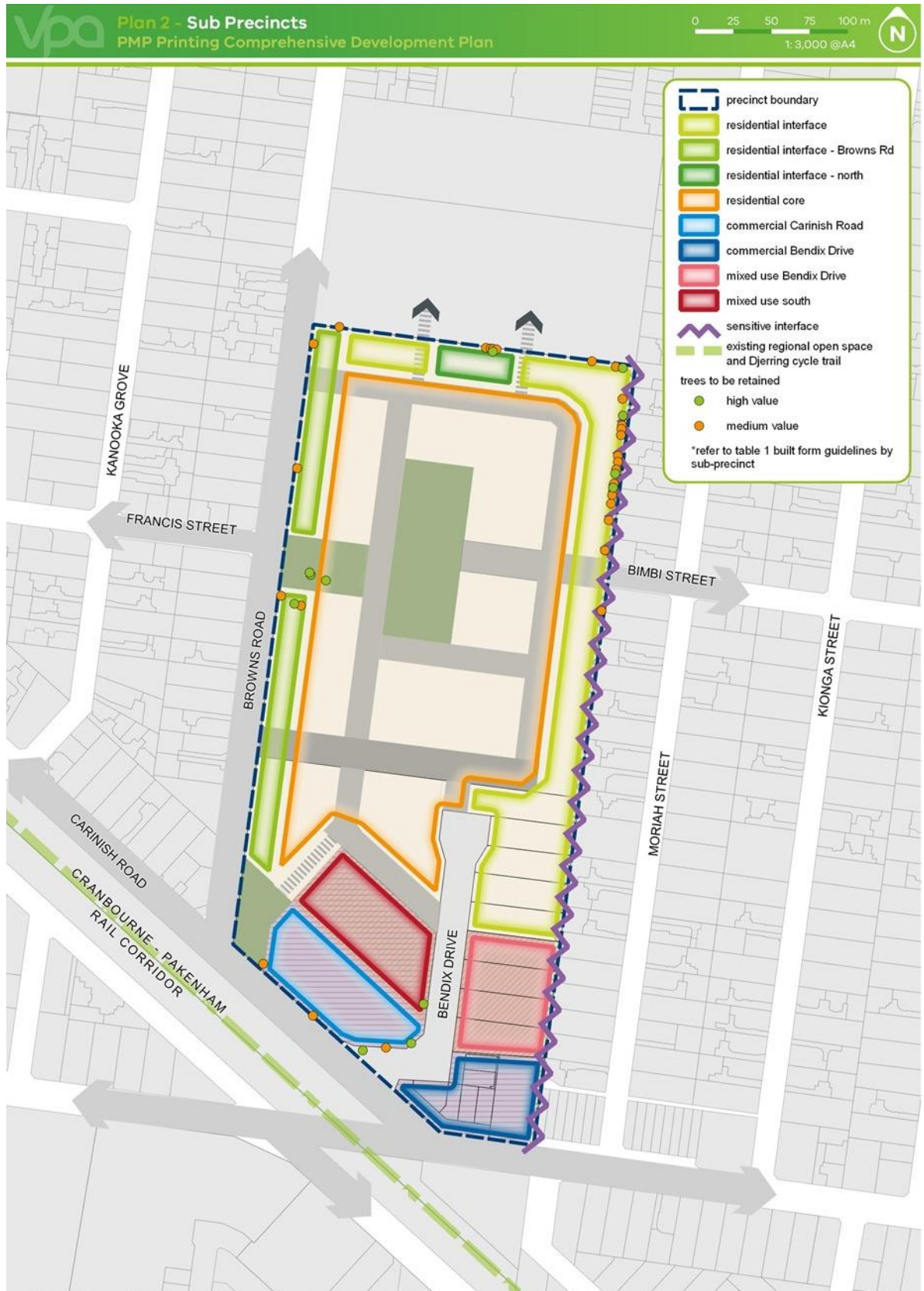
2.1 Land use

2.1.1 Residential land use

GUIDELINES	
<u>G1</u>	Residential uses should be located in the residential precincts and may be located in the mixed use and commercial precincts shown on Plan 1
<u>G2</u>	Residential development should demonstrate a diversity of dwelling types and sizes (including a mix of one, two and three bedroom apartments and townhouses).

2.1.2 Mixed use and commercial land use

REQUIREMENTS	
GUIDELINES	
<u>G3</u>	Commercial and mixed-use land uses should be located in the commercial and mixed use precincts shown on Plan 1
<u>G4</u>	Land uses which encourage on-street activity, such as restaurants incorporating outdoor dining are encouraged adjacent to the town square.
<u>G5</u>	Buildings should provide a mix of commercial and retail tenancy types and sizes, encouraging small scale, fine-grain tenancies fronting the town square.
<u>G6</u>	Uses that contribute to the developing health and education sectors are encouraged.
<u>G7</u>	Accommodation should not be located on the ground floor of mixed-use areas or ground, first or second floors of commercial land use areas (excluding entry and common areas).



2.2 Built form, building design and siting

2.2.1 Residential interface, residential interface – Browns Rd, residential interface – north and residential core sub-precincts

REQUIREMENTS	
R1	Built form in the sub-precincts as shown on Plan 2 must not exceed the mandatory maximum height and or reduce the mandatory setbacks contained in Table 1. A planning permit cannot be issued to vary these mandatory requirements.
R2	Residential development within the residential interface – Browns Rd precinct must be either rear loaded or side loaded to avoid driveways along a key cycle and pedestrian link.
R2	Residential development must be either rear loaded or side loaded adjacent to the extension of Bimbi Street.
R3	Front building setbacks must provide for a landscaped garden setting capable of supporting canopy trees as well as permeable surfaces in front and rear setbacks.
R4	Loading, storage, refuse areas and building services including domestic services, utilities and waste management facilities must be concealed and integrated into building design so as not to be visible from public areas <u>to the satisfaction of the responsible authority.</u>
R5	<u>Buildings in the residential interface and residential - north sub-precincts shown on Plan 2 must be designed to ensure that rear building elevations and landscaping treatments provide an appropriate interface to established adjoining residential areas</u>
GUIDELINES	
G8	Built form in the sub-precincts as shown on Plan 2 should not exceed the preferred height <u>or reduce the preferred</u> and setbacks <u>or separation distances</u> contained in Table 1
G9	<u>Within the residential sub-precincts as shown on Plan 2 building height should gradually transition from the lower scale residential interface towards the higher scale residential core.</u>
G10	<u>Residential development within the residential interface - Browns Rd precinct should be either rear loaded or side loaded to avoid driveways along a key cycle and pedestrian link</u>
G11	Buildings should incorporate high quality materials. Colours and textures should complement surrounding development.
G12	Apartment developments should provide rooftop landscaping, where practicable. This may include a green roof, or communal rooftop garden area or a combination of both.
G13	Residential buildings should establish a well-articulated and varied pattern of development along the street as appropriate. Long building sections must be relieved using a combination of varied setbacks, articulation and a diverse material and finishes palette, also as appropriate.
G14	Buildings should be designed to: <ul style="list-style-type: none"> • Ensure that accessways and car parking structures are visually recessive and do not compromise landscaping opportunities. • Minimise the number and width of vehicle crossings and driveways and conceal or recess garage and basement entries. Vehicle access from side streets or rear lanes is preferred. However, if required on the primary street frontage, driveways/access ramps should provide for landscaping and not dominate the front setback.

2.2.2 Mixed use and commercial sub-precincts

REQUIREMENTS	
R6	<u>Built form as shown on Plan 2 must not reduce the mandatory setbacks contained in Table 1. A planning permit cannot be issued to vary these mandatory requirements.</u>
R7	Buildings and streets in the Commercial Carinish Road, Commercial Bendix Drive, Mixed Use South, Mixed Use Bendix Drive, must be designed to minimise visual and physical impacts by: <ul style="list-style-type: none"> • Maintaining active land uses at street level by locating parking structures underground in basements or towards the rear of the building if above ground. • Providing vehicle access from side streets or rear laneways if available. • Minimising access and crossover widths as much as practical. • Ensuring that bicycle parking is secure, convenient and readily accessible. • Separating building entries for residents and visitors from commercial, service areas, vehicle accessways and loading zones.

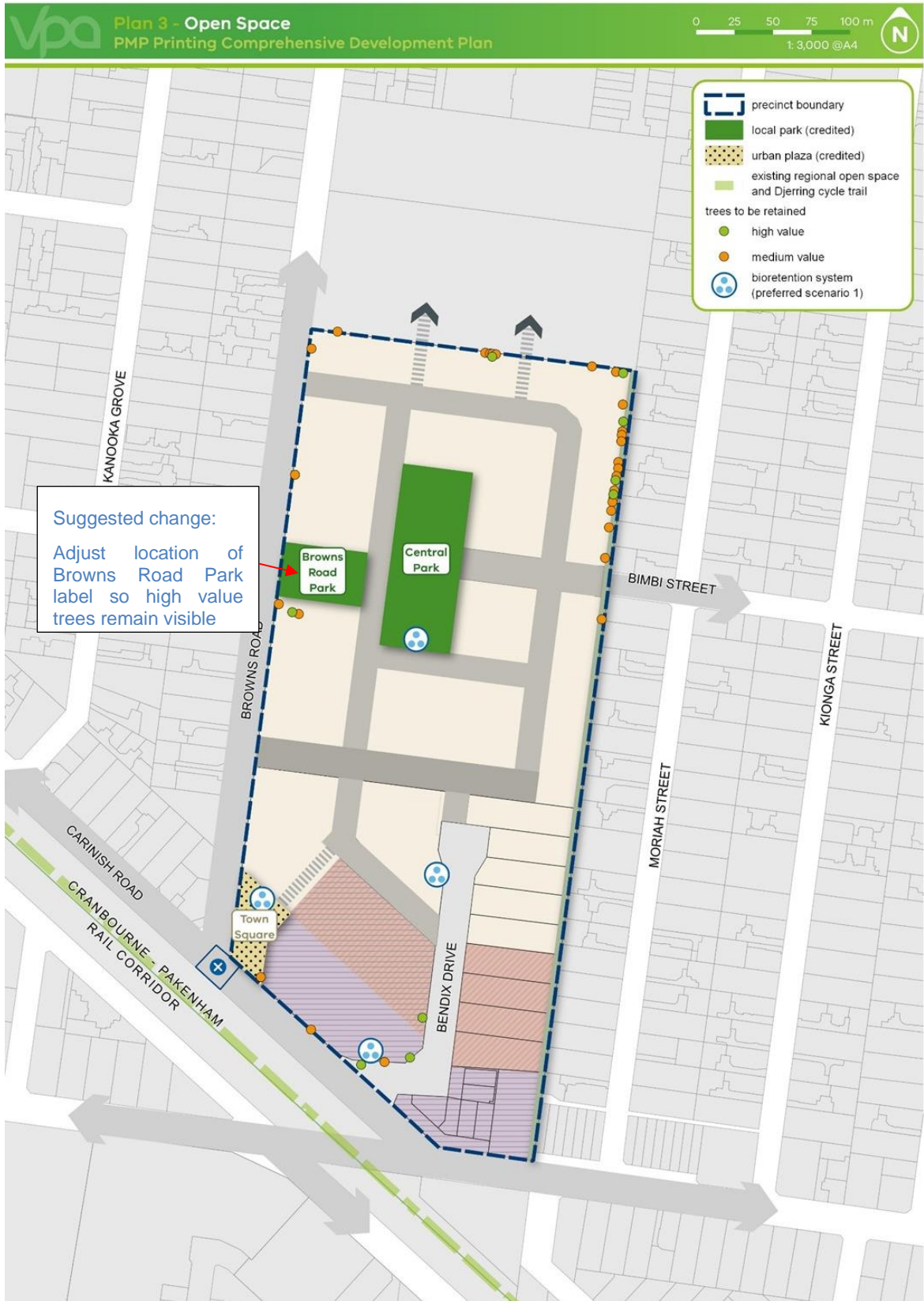
R8	Buildings must be built to the boundary fronting Carinish Road and Centre Road in the Commercial areas except for the purposes of retention of medium and high value trees as appropriate.
R9	Buildings in the Mixed Use Bendix Drive sub-precinct shown on Plan 2 must be designed to ensure that rear building elevations and landscaping treatments provide an appropriate interface to established adjoining residential areas along the eastern boundary
GUIDELINES	
G15	Built form in the sub-precincts as shown on Plan 2 should not exceed the preferred height or reduce the preferred and setbacks or separation distances contained in Table 1.
G16	Development should incorporate high quality materials and finishes on all buildings.
G17	Buildings should incorporate awnings or other weather protection for building entries and abutting pedestrian paths.
G18	Pedestrian entries and external links should have consideration to pedestrian desire lines and connections to the Browns Road Park, Central Park and the Town Square.
G19	Buildings abutting the town square should be designed with windows and balconies to provide passive surveillance opportunities.
G21	Pedestrian entrances should be visible and located on a street rather than a rear laneway. Rear access should be reserved for staff and delivery of goods only.
G22	At least 80% of each building façade at ground level should be maintained as an entry or window with clear glazing.
G23	Commercial and mixed-use buildings should establish a well-articulated and varied pattern of development along the street. Long extents of buildings should be relieved using a combination of varied setbacks, articulation, materials and colours, as appropriate.

Table 8 Built form requirements by sub-precinct

Table 8 Built form requirements by sub-precinct

Sub-Precinct	Preferred maximum height	Preferred street Setbacks	Preferred other setbacks or separation distances	Mandatory other setbacks or separation distances
Commercial Carinish Road	8 storeys	No setback		No setback as per Requirement R6
Mixed Use South	8 storeys (Where podiums are used the podium should not be more than 3 storeys)	No setback 5m set-back above podium (providing a clear separation between podium and tower)	Tower separation: Minimum 9m separation between tower forms (above 3 storeys)	
Commercial Bendix Drive	6 storeys	No setback		East side boundary: Minimum podium setback of 5m from the E east boundary.
Mixed Use Bendix Drive	5 storeys	No setback		Lower levels have a minimum setback of 5m with any additional building height above 3 storeys to be setback a minimum 15m from the eastern boundary.
Residential Core	8 storeys (Where podiums are used the podium should not be more than 3 storeys) Building height should gradually transition from the lower scale		5m set back above the podium (providing a clear separation between podium and tower)	

	residential interface towards the higher scale residential core			
Residential Interface - North	4 storeys	3m setback		
Sub-Precinct	Mandatory maximum height	Mandatory street setbacks	Mandatory other setbacks or separation distances	
Residential interface	3 storeys	3m setback	East Side boundary/ <u>Rear boundary</u> : Minimum setback of 5m for utilities	
Residential interface – Browns Rd	6 storeys (Where podiums are used the podium must not be more than 3 storeys)	4m setback at ground, first and second storey Additional 3m setback at third storey and above	Setback to Browns Road Park: 4m setback at ground, first and second storey Additional 5m setback at third storey and above	



2.3 Landscape and open space

2.3.1 Landscape and trees

REQUIREMENTS									
R10	Street trees must be planted on both sides of all new roads and streets at regular intervals appropriate to tree size at maturity, unless otherwise agreed by the responsible authority.								
R11	<p>Street Trees must be:</p> <ul style="list-style-type: none"> • Larger species wherever space allows (to facilitate canopy cover). • Appropriate in size to nature strips, nearby utilities and built form. • Consistent with any guidance provided on the relevant cross section within this CDP. 								
GUIDELINES									
G24	High quality landscape treatments should be provided throughout the precinct, within the streetscape and public open spaces, particularly in the Central Park, Browns Road Park, Town Square and at key interfaces in gateway locations.								
G25	The trees shown to be retained on Plan 1 (identified as 'high value' and 'medium value') should be retained unless otherwise agreed by the Responsible Authority. Any future design should ensure that the impact to the canopy of retained trees is kept to a minimum and does not encroach on the Tree Protection Zone (TPZ).								
G26	<p>Variations in street tree species should be used to:</p> <ul style="list-style-type: none"> • Reinforce and support the road hierarchy. • Create visual cues in appropriate locations such as forecourts to building entries, pedestrian spaces, the termination of view lines and key intersections. • Align with the future preferred vegetation landscape character for the area as noted in the Monash Urban Landscape and Canopy Vegetation Strategy (2018). 								
G27	<p>Street trees should be planted at the following average intervals and heights:</p> <table border="0"> <thead> <tr> <th>Average interval</th> <th>Tree size (in height)</th> </tr> </thead> <tbody> <tr> <td>5–7 metres</td> <td>Small trees (less than 10 metres)</td> </tr> <tr> <td>7–10 metres</td> <td>Medium trees (10–15 metres)</td> </tr> <tr> <td>10–15 metres</td> <td>Large trees (15 metres or greater)</td> </tr> </tbody> </table> <p>Deciduous and evergreen tree species should be selected from the <i>Monash Urban Landscape and Canopy Vegetation Strategy (2018) p89-90</i>.</p>	Average interval	Tree size (in height)	5–7 metres	Small trees (less than 10 metres)	7–10 metres	Medium trees (10–15 metres)	10–15 metres	Large trees (15 metres or greater)
Average interval	Tree size (in height)								
5–7 metres	Small trees (less than 10 metres)								
7–10 metres	Medium trees (10–15 metres)								
10–15 metres	Large trees (15 metres or greater)								
G28	Retention of mature trees throughout the precinct is encouraged where possible.								
G29	Consistent public lighting, furniture, informational and way-finding signage should be used across the precinct, within the town square and along all major shared, pedestrian and cycle paths.								

2.3.2 Open space

REQUIREMENTS	
R12	Buildings adjacent and overlooking public open space areas must be sited and designed to positively address the open space and provide passive surveillance of linear corridors, easements and other public areas through the siting of windows, balconies and access points.
R13	Fencing adjoining open space must be low in scale and visually permeable.
GUIDELINES	
G30	Development should: <ul style="list-style-type: none"> Minimise overshadowing of public spaces set out in Table 2, including public parks, major pedestrian routes including streets, lanes and privately-owned spaces accessible to the public. Be designed to avoid casting unreasonable shadows on the Local Open Space areas identified in Table 2 between 11:00am and 2:00pm on 22 September.

Table 9 Local open space

Local open space	Type	Hectares	% of NDA
Central Park	Local Park	0.53	6.19%
Browns Road Park	Local Park	0.19	2.20%
Town Square	Urban Plaza	0.14	1.67%
Total Credited Open Space		0.87	10.06%

2.4 Integrated transport

2.4.1 Transport

R16 requires further consideration by VPA

REQUIREMENTS	
<u>R14</u>	The street network must be designed so that there are no additional vehicular crossovers directly onto Browns Road and is generally consistent with the street network and hierarchy shown on Plan 4.
<u>R15</u>	The design of streets and public areas must be <u>generally</u> consistent with the street cross sections shown in section 4 of this CDP, to the satisfaction of the responsible authority.
<u>R16</u>	Bendix Drive interim access arrangements must be provided, to the satisfaction of the responsible authority.
GUIDELINES	
<u>G31</u>	Future transport networks within subdivisions should be designed to maximise the number of connections to the surrounding street network and direct views to public open space areas.
<u>G32</u>	Minimise the number of crossovers for individual properties to accommodate consistent nature strips and maximise on-street car parking opportunities.
<u>G33</u>	<u>There should be no additional vehicle crossovers directly onto Browns Road.</u>

2.4.2 Walking and cycling

REQUIREMENTS	
<u>R17</u>	<p>Design of all streets and arterial roads must give priority to pedestrians and cyclists by providing:</p> <ul style="list-style-type: none"> • Pedestrian paths of at least 1.8 metres in width on both sides of all streets and roads unless otherwise specified in this plan and cross sections <u>or as agreed with the responsible authority.</u> • Safe and convenient pedestrian and cycle crossing points of connector and local streets at all intersections and at key desire lines and locations of high amenity. • Safe pedestrian crossings of arterial roads at key intersections. • Pedestrian priority where local roads intersect with connector roads and across all car park entrances. • Consistent line/lane marking, visual clues and signage identifying cycle priority routes. <p>The designs must meet the requirements of the relevant road authority and the responsible authority.</p>
<u>R18</u>	Pedestrian priority must be achieved at all intersections shown on Plan 4 through appropriate measures such as raised pedestrian crossings and side-street threshold treatments.
GUIDELINES	
<u>G34</u>	Pedestrian priority should be provided across all side roads along main streets and all car park entrances.
<u>G35</u>	<p>Pedestrian movements should be prioritised by providing clear links between key destinations within the precinct.</p> <p><u>The two pedestrian links shown on Plan 1 that connect to the north of the CDP are potential links and the location of the paths are indicative and subject to detailed design. The implementation of these links is subject to agreement with the adjoining neighbours.</u></p>

2.5 Sustainability, water management and utilities servicing

2.5.1 Landscape

REQUIREMENTS	
<u>R19</u>	Development applications must demonstrate how: <ul style="list-style-type: none"> • Overland flow paths and piping within road or other reserves will be connected and integrated across property/parcel boundaries. • Melbourne Water and the responsible authority freeboard requirements for overland flow paths will be adequately contained within road or other reserves. • The development will deliver Integrated Water Management requirements of any approved Integrated Water Management Plan or Strategy. • Litter is prevented from entering the downstream drainage system through the use of litter traps, as required by the drainage authorities.
<u>R20</u>	Bioretention systems must be provided generally consistent with the locations shown in Development on Plan 3 must deliver bioretention systems as referenced in either of scenarios 1,2 or 3 as set out and as described in Section 5, or another option located and designed to the satisfaction of the responsible authority. Bioretention systems – Integrated Water Management of this comprehensive development plan, or another option to the satisfaction of the responsible authority. Scenario 1 is the preferred option where practicable.
GUIDELINES	
<u>G36</u>	The design and layout of roads, road reserves, and public open space areas should optimise water use efficiency and long-term viability of vegetation and public uses through the use of overland flow paths, Water Sensitive Urban Design initiatives such as rain gardens and/or locally treated storm water for irrigation, where practical.
<u>G37</u>	Developments should include Integrated Water Management systems to diversify water supply, reduce reliance on potable water and increase the utilisation of stormwater that contributes to a sustainable and green urban environment (such as stormwater harvesting, aquifer storage and recharge, grey water recycling, sewer mining and reuse etc).
<u>G38</u>	Ecological Sustainable Development principles should be incorporated in all development, consistent with Monash Planning Scheme Clause 22.13.

2.5.2 Utilities

REQUIREMENTS	
<u>R21</u>	All existing above-ground electricity cables within the precinct boundaries less than 66kV voltage must be placed underground as part of the upgrade of existing roads, if they currently exist in the road reserve of the road to be upgraded.
<u>R22</u>	All new electricity supply infrastructure (excluding substations and cables with voltage greater than 66kv) must be provided underground.
<u>R23</u>	Above ground utilities (including substations and telecommunication facilities) must be identified at the subdivision design stage to ensure effective integration with the surrounding neighbourhood and to minimise amenity impacts.
GUIDELINES	
<u>G39</u>	Above-ground utilities should be located outside of key view lines and public open space areas, and appropriately screened.

2.6 Infrastructure delivery and development staging

2.6.1 Infrastructure delivery

REQUIREMENTS	
<u>R24</u>	Convenient and direct access to the road network must be provided through neighbouring properties where a property does not have access to the local or connector network, or signalised access to the arterial road network.
<u>R25</u>	Where a street has already been constructed or approved for construction to a property boundary, subsequent development must connect with that street to adopt a consistent cross-section until a suitable transition can be made.
<u>R26</u>	Any land transferred to the responsible authority must be accompanied by a certificate or statement of environmental audit consistent with Part IXD of the <i>Environment Protection Act 1970</i> .

2.6.2 Development staging

REQUIREMENTS	
<u>R27</u>	Development staging must provide for the timely provision and delivery of: <ul style="list-style-type: none"> • Connector streets. • Street links between properties, constructed to the property boundary. • Public land areas, including public open space areas. • Connection of the on and off-road pedestrian and bicycle network. • Drainage and integrated water management systems.
<u>R28</u>	Staging will be determined largely by the development proposals on land and the availability of infrastructure services. Development applications must demonstrate how the development will: <ul style="list-style-type: none"> • Integrate with adjoining developments, including the timely provision of road and walking/cycling path connections, to a practical extent. • Provide for public open space in the early stages of development. • Provide sealed road access to each new allotment and constructed to a residential standard. • Deliver any necessary trunk services extensions, including confirmation of the agreed approach and timing by the relevant service provider.

2.6.3 Precinct infrastructure plan

The Precinct Infrastructure Plan (PIP) sets out the infrastructure and services required to meet the needs of proposed development within the precinct. The infrastructure items and services are to be provided through a number of mechanisms including:

- Subdivision construction works by developers.
- Agreement under section 173 of the *Planning and Environment Act 1987*.
- Utility service provider requirements.
- The Development Contributions Plan (DCP), including separate charge areas for the provision of residential and non-residential items (see DCP for details).
- Relevant development contributions from adjoining areas.
- Capital works projects by Council, State government agencies and non-government organisations.
- Works-in-kind (WIK) projects undertaken by developers on behalf of Council or State government agencies.

Table 10 Precinct infrastructure plan

Precinct Infrastructure Plan						
Category	Title	Description	Lead Agency	Timing	Included in DCP	DCP Reference No.
Intersection Projects						
Intersection	Browns Road & Carinish Road T-intersection	The construction of a signalised T-intersection with pedestrian operated crossing. Works include demolition of existing central island median, relocation of existing electricity pole and reconfiguration of kerb alignments	MCC	M	Yes (ultimate)	IN-01
Pedestrian Projects						
Linemarking Upgrades	Centre Road & Carinish Road Linemarking Upgrades	Provision of new linemarking and changes to the kerb alignment	VicRoads/ MCC	M	Yes	LU-01
Speed Hump	Browns Road Speed Hump	The construction of a flat top speed hump on Browns Road	MCC	L	Yes	SP-01
Speed Hump	Kionga Street & Moriah Street Speed Humps	The construction of 12 speed humps, 6 speed humps per street	MCC	L	Yes	SP-02
Pedestrian Operated Signals	Browns Road Pedestrian Operated Crossing	The construction of pedestrian operated signals and minor linemarking changes on Francis Street	MCC	M	Yes	PED-01
Community Projects						
Community Building	Community Meeting Space	The construction of an offsite community meeting space (73sqm) which includes a kitchenette, meeting space and toilet	MCC	M	Yes (ultimate)	CB-01
Stormwater Projects						
Integrated Water Management	Bioretention Systems	The construction of bioretention systems as referenced in Requirement [insert final relevant Requirement number] and Section 5 Plan-3 of the PMP Printing Precinct Comprehensive Development Plan and requirement 18	Developer works	M	No	-

MCC = Monash City Council; M = Medium term (5-10 years); L = Long term (10-15 years)

3 LAND BUDGET

Table 11 Summary land use budget

DESCRIPTION	PSP 6565		
	HECTARES	% OF TOTAL	% OF NDA
TOTAL PRECINCT AREA (HA)	10.17		
TRANSPORT			
Non-Arterial Road - Existing Road Reserve (Bendix Drive)	0.47	4.64%	5.47%
Total Transport	0.47	4.6%	5.47%
OPEN SPACE			
Local Open Space (via CI 53.01) (residential areas)	0.87	8.5%	10.06%
TOTAL ALL OPEN SPACE	0.87	8.5%	10.06%
OTHER			
Utilities Easement	0.21	2.03%	2.40%
Sub-total	0.21	2.03%	2.40%
NET DEVELOPABLE AREA - RESIDENTIAL (NDAR) HA	6.80	66.82%	
NET DEVELOPABLE AREA - MIXED USE (NDAR) HA	0.94	9.27%	
NET DEVELOPABLE AREA - EMPLOYMENT (NDAE) HA	0.89	8.71%	
TOTAL NET DEVELOPABLE AREA - (NDA) HA	8.63	84.79%	

4 STREET CROSS SECTIONS

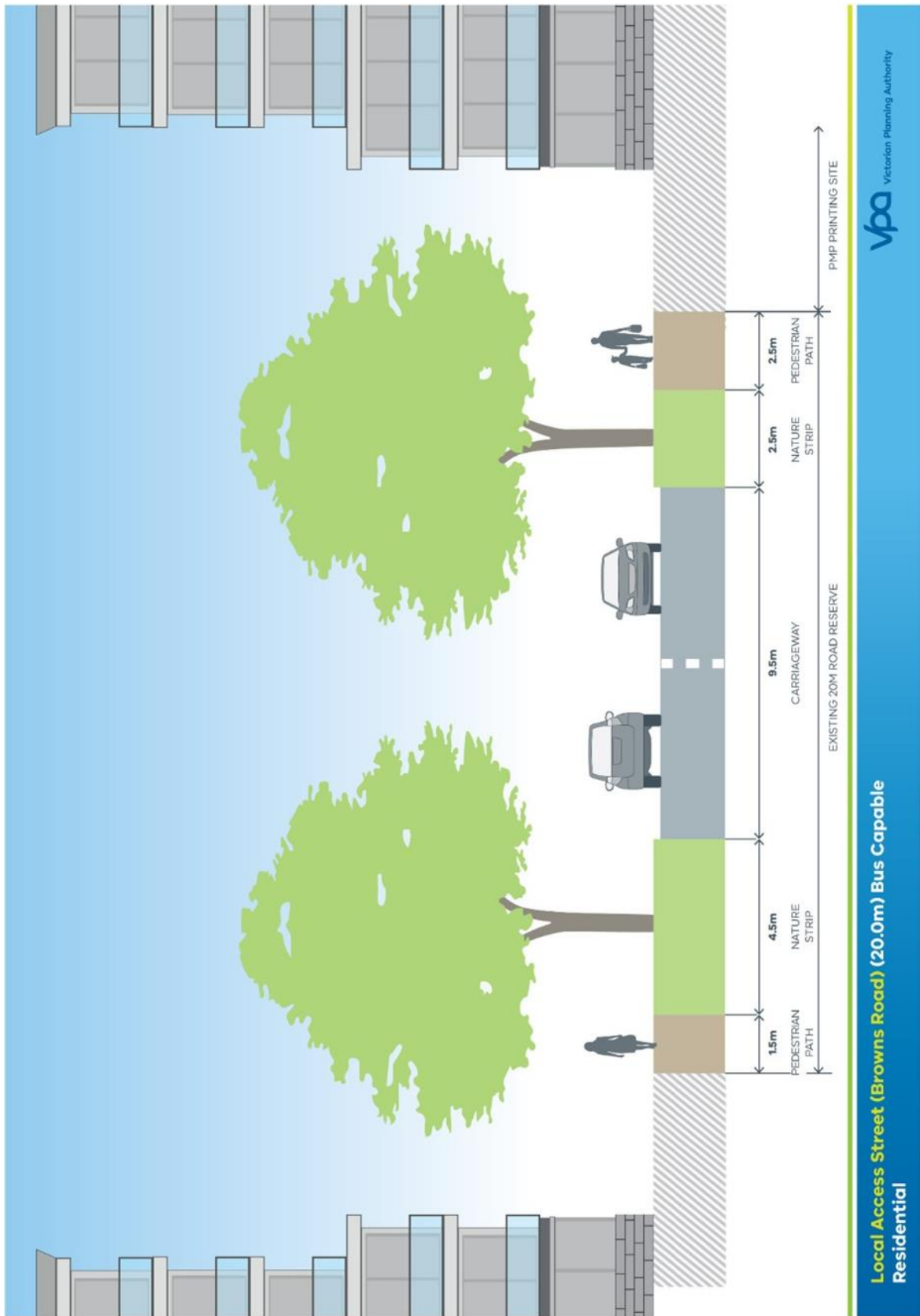


Figure 6 Browns Road - 20m - Bus capable

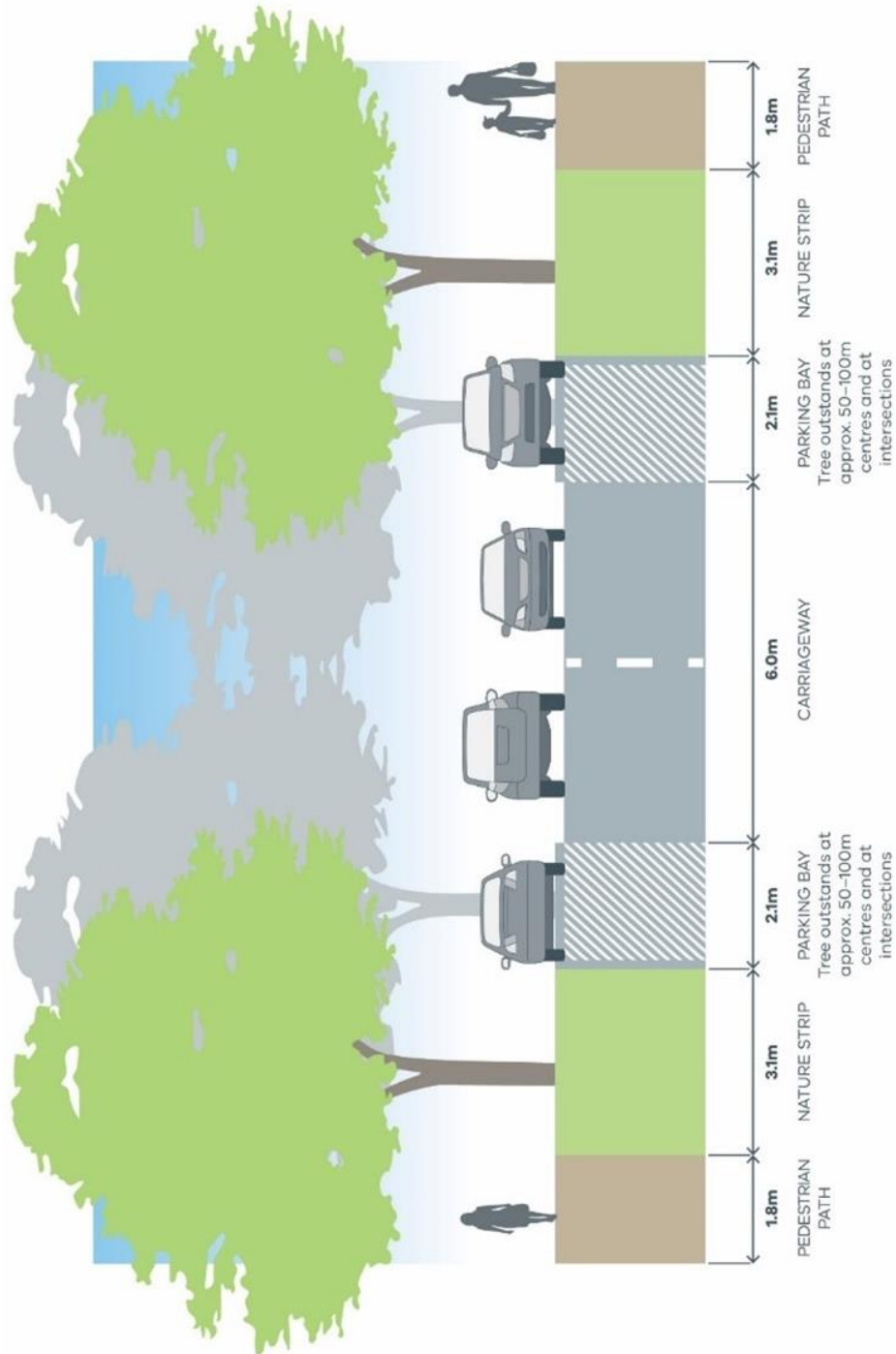
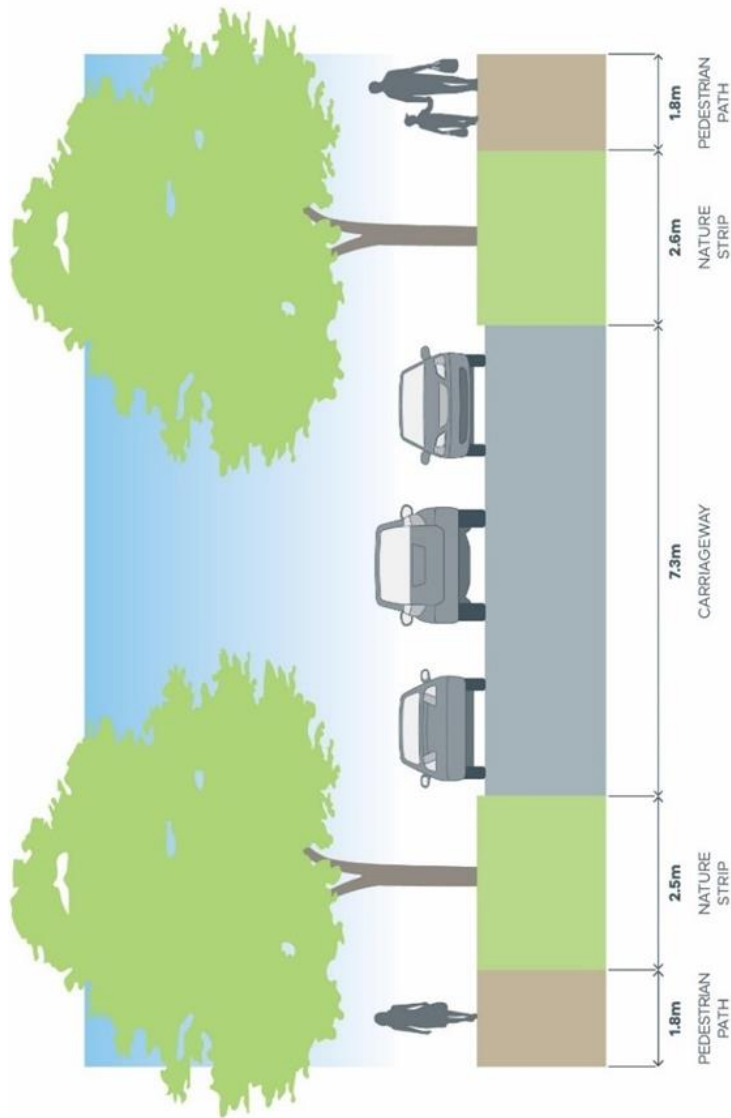


Figure 8 Local access street level 2 - 20m



NOTES:

- Minimum street tree mature height 15 metres
- All kerbs are to be B2 Barrier Kerb

Local Access Street Level 1 (16.0m)
Residential

Figure 9 Local access street level 1 - 16m

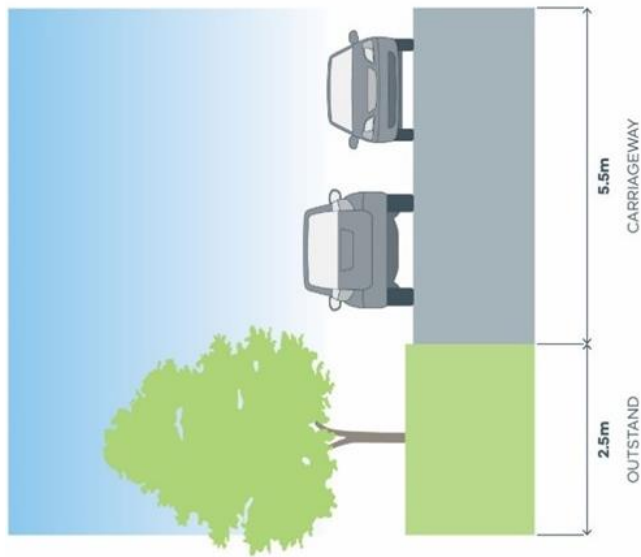
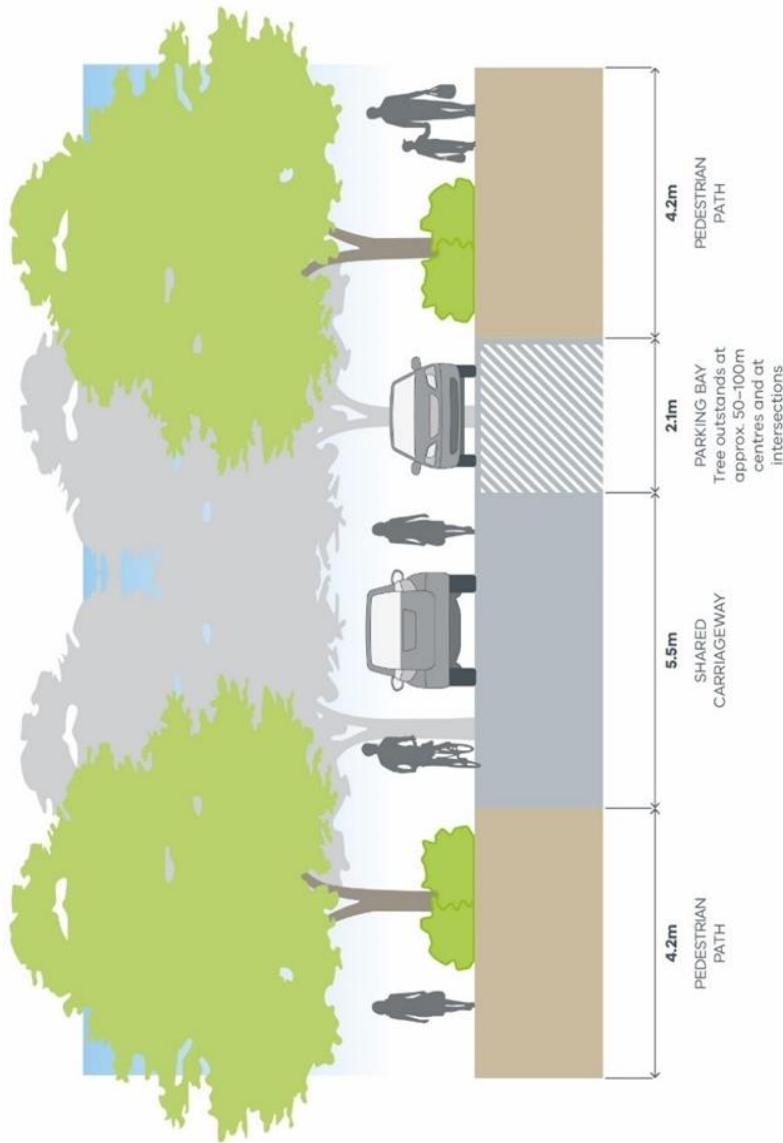


Figure 10 Laneway - 8m



NOTES:

- Minimum street tree mature height 15 metres
- Tree outstand with continuous extension of pedestrian path shown
- The shared carriageway must have no line markings or raised curbs
- Tree outstands and parking to alternate sides to create a chicane effect
- Speed limits are set at 10km per hour and signed as a shared zone to ensure pedestrian priority
- Pedestrian paths are to be surfaced with a higher quality finish than surrounding streets and be a contrasting surface to the 'trafficked' areas
- Vegetation and street furniture should be used to delineate vehicle and pedestrian areas while minimising the need for bollards

**Shared Space Street (16.0m)
 Residential**

Figure 11 Shared space street - 16m

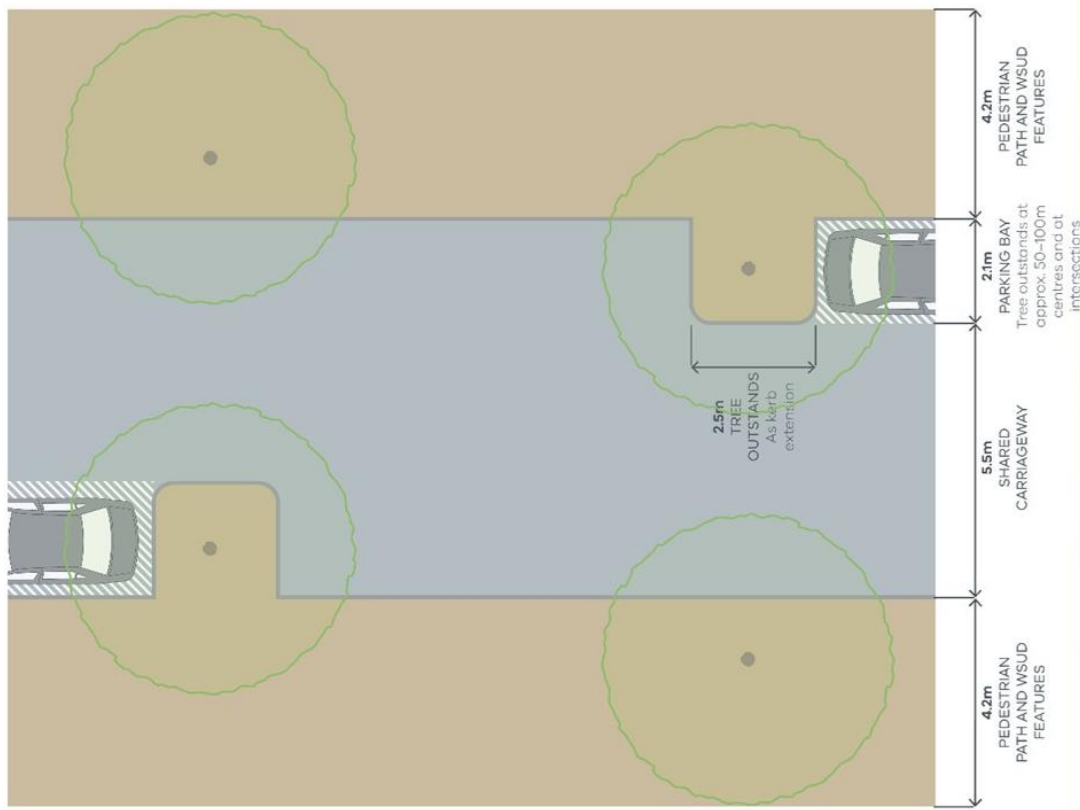


Figure 12 Shared space street plan

5 BIORETENTION SYSTEMS - INTEGRATED WATER MANAGEMENT

~~The PMP Printing Stormwater Drainage Assessment, prepared by Alluvium (February 2019) sets out three potential stormwater treatment scenarios relevant to the site. These scenarios are summarised below. **Scenario 1 is recommended** and will depend upon sufficient space being allocated for WSUD (Water Sensitive Urban Design) elements in the streetscapes and public realm of sub-catchments 2 and 4.~~

The following description of the bioretention systems is the preferred option for stormwater treatment. Alternative bioretention systems may be considered to the satisfaction of the responsible authority.

The description of the preferred option is an extract from the *PMP Printing – Stormwater Drainage Assessment, prepared by Alluvium (February 2019).*

5.1 Stormwater treatment Scenario 1 – End of catchment WSUD assets



Figure 13 Stormwater treatment [preferred option Scenario 1](#) - End of catchment WSUD assets

This option proposes installing WSUD assets within each catchment with the aim of treating as much of that individual catchment as possible. What can be observed is:

- For sub-catchments 1 and 3 biofiltration assets have been notionally located within the open spaces that have been designated within the plan.
- For sub-catchments 2 and 4 the required bioretention area is illustrated. The approach in these built up area would be to integrate the biofilter within the streetscape. At this stage the approach would be to integrate them into the public realm so that no developable land is lost.

5.2 Stormwater treatment Scenario 2: Oversized WSUD in open space

Delete Plan



Figure 14 Stormwater treatment Scenario 2: Oversized WSUD in open space

WSUD assets have been 'oversized' within the open spaces in sub-catchments 1 and 3 to take maximum advantage of that available space and in turn, reduce the space requirements in sub-catchments 2 and 4.

Sub-catchment 1 and 3: WSUD assets (bioretention systems) are installed within public open spaces and oversized to treat stormwater beyond best practice. In sizing the WSUD for open spaces, the treatment area has been limited to 10% of the total open space area.

Modelling indicates that WSUD in sub-catchments 1 and 3 cannot be sized to an extent that avoids the need for WSUD in sub-catchments 2 and 4

Sub-catchments 2 and 4: Bioretention systems will ideally be installed within the residential / commercial streetscapes and public realm to avoid land take associated with those assets.

5.3 ~~Stormwater treatment Scenario 3: Oversized WSUD in open space with rainwater reuse and distributed WSUD in sub-catchments 2 and 4.~~

Delete Plan



Figure 15 Stormwater treatment Scenario 3: Oversized WSUD in open space with rainwater reuse and distributed WSUD in sub-catchments 2 and 4.

This scenario adopts the oversizing of WSUD assets in open space (up to a total of 10% of the total area of the open space) as per scenario 2. It also investigates the impact of rainwater reuse on WSUD asset requirements. In sub-catchment 3:

• Distributed rainwater tanks for residential developments to collect roof runoff for use in toilet flushing. Modelling assumes a medium density of 50 dwellings/ha and high density of 100 dwellings/ha. Each dwelling has 2 people and a water demand for toilet flushing of 20 litre/person/day. Tanks harvest from 50 % of roof area catchment with tanks sized to achieve 80 % toilet flushing demand reliability.

- ~~Street scale raingardens are installed within the streetscape and public realm~~
- ~~A Gross Pollutant Trap (GPT) is installed at the catchment outfall and is assumed to have a treatment removal efficiency of 50 % for TSS and 70 % for Gross Pollutants. In sub-catchment 4 a GPT is installed at the catchment outfall with an assumed treatment removal efficiency of 50 % for TSS and 70 % for Gross Pollutants.~~

6 GLOSSARY

Arterial Road

A higher order road providing for moderate to high volumes at relatively high speeds typically used for inter-suburban journeys and linking to freeways, and identified under the *Road Management Act 2004*. All declared arterials are managed by the State Government.

Land Budget Table

A table setting out the total Precinct area, net developable area and constituent land uses proposed within the Precinct.

Local Parks (Credited Open Space)

Open space that is set aside for parks, gardens, linear corridors, conservation bushlands, nature reserves, public squares and community gardens that are made available for passive recreation, play and unstructured physical activity including walking, cycling, hiking, revitalisation, contemplation and enjoying nature.

Net Developable Area

Land in the Precinct available for private development including local streets. It is the precinct area minus community facilities, schools and educational facilities and open space, arterial roads and encumbered land. Small local parks defined at subdivision stage are included in net developable area.

Public Open Space

Has the same meaning as in the *Subdivision Act 1988*.

Uncredited Open Space

Land that is constrained for development purposes. Includes easements for power/transmission lines, sewers, gas, waterways, drainage, retarding basins/wetlands, conservation and heritage areas. This land may be used for a range of activities (e.g. walking paths, sports fields).

VPA to consider amending Glossary definitions so they are relatable to the precinct

Appendix E2 Comprehensive Development Zone Schedule 2

--/--/--
Proposed
C156mona

SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

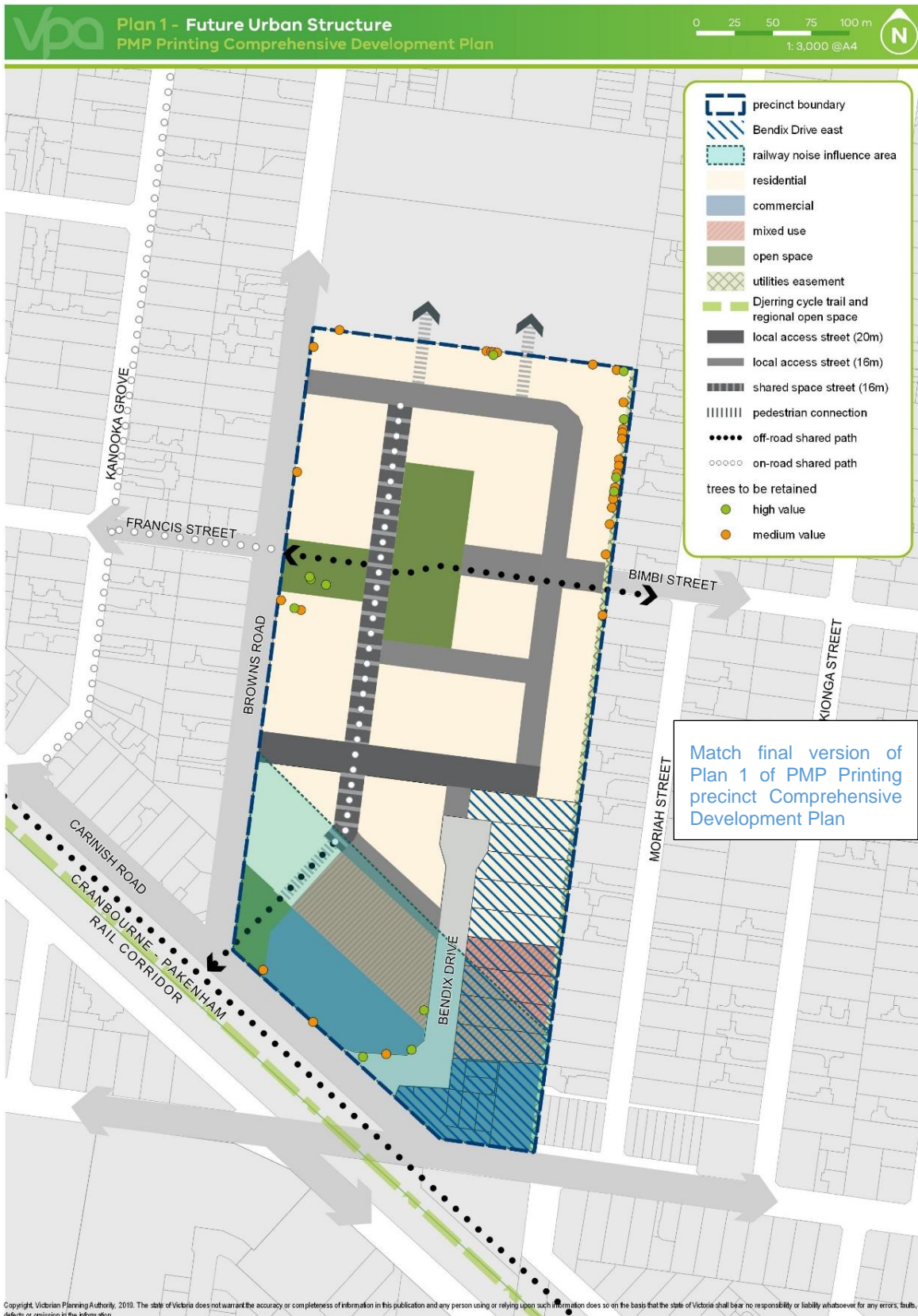
Shown on the planning scheme map as **CDZ2**.

PMP PRINTING PRECINCT COMPREHENSIVE DEVELOPMENT PLAN

Land

This schedule applies to the land known as the PMP Printing Precinct, located at 209-211 Carinish Road and 31-49 Browns Road, and land east of Bendix Drive, Clayton as defined by the *PMP Printing Precinct Comprehensive Development Plan* (~~March 2021~~), [insert revised date](#) as shown on Plan 1 below.

Plan 1 to Schedule 2 to Clause 37.02



Note: This plan is a reproduction of Plan 1 Future Urban Structure in the incorporated PMP Printing Precinct Comprehensive Development Plan, ~~March 2021~~ insert revised date.

Purpose

To facilitate a transition in land use from industrial to a mix of uses including residential, retail and office.

To ensure new development does not unreasonably impact on the amenity of the established surrounding area.

To encourage high quality urban design and architecture that is environmentally sustainable, responsive to its environs, improves local accessibility and permeability through the precinct.

To create a vibrant, safe, diverse and attractive public environment.

To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of existing industrial uses.

1.0

Table of uses

Section 1 - Permit not required

Proposed
C156mona

Use	Condition
Accommodation (other than Corrective institution and Residential hotel)	Must be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Art and craft centre	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Child care centre	
Education centre	
Exhibition centre	
Home based business	
Informal outdoor recreation	
Minor utility installation	
Medical centre	The gross floor area must not exceed 250 square metres if located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Office (other than Medical centre)	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Place of worship	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02. The gross floor area of all buildings must not exceed 250 square metres.
Research centre	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.

Use	Condition
Restricted recreation facility	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02; and The gross floor area of all buildings must not exceed 500 square metres.
Retail premises (other than Adult sex product shop and Trade supplies)	Must be located in the commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02; or Must be located in a mixed use area with a leasable floor area not exceeding 150 square metres.
Veterinary centre	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02. The gross floor area of all buildings must not exceed 250 square metres.
Warehouse	Must be located in a mixed use area or commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02. Must not be a purpose listed in the table to Clause 52.10.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Corrective institution and Residential hotel) where the Section 1 condition is not met	
Industry (other than Transfer station)	Must be located in a mixed use area or commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02. Must not be a purpose listed in the table to Clause 53.10.
Trade supplies	Must be located in commercial area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Leisure and recreation (other than Informal outdoor recreation)	Must not be located in a residential area as shown on Plan 1 to Schedule 2 to Clause 37.02.
Place of assembly (other than Exhibition centre and Place of worship)	
Residential hotel	
Retail premises (other than Adult sex product shop, and Trade supplies) - if the section 1 conditions are not met	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

Adult sex product shop
Brothel
Corrective institution
Transfer station
Stone extraction

2.0

---/---
Proposed
C156mona

Use of land

Requirements

All requirements of the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [insert revised date](#) must be met.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Application requirements

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

- The purpose of the use and the types of activities which will be carried out.
- The likely number of employees for commercial uses.
- The likely effects of the use on the local and regional traffic network.
- The likely effects on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.
 - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
 - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- If an Accommodation use (other than Corrective institution and Residential hotel) is proposed at the ground floor within the mixed-use area and/or ground, first and second floor within the commercial area shown on Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan, [insert revised date](#):
 - An economic report or equivalent, prepared by a suitably qualified person, demonstrating that use of accommodation is appropriate and that the commercial outcomes sought by the incorporated PMP Printing Precinct Comprehensive Development Plan, [insert revised date](#) can be met.

Exemption from notice and review

An application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally consistent with the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [insert revised date](#).

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally consistent with the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [insert revised date](#).
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The extent that the layout and design of the new use minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
existing uses are not compromised by a new use, or
a new use is designed to address amenity impacts from, and to, existing uses.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use on the capacity of the local and regional traffic network.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.
- If an application is for an Accommodation use (other than Corrective institution and Residential hotel), the capacity of the local and regional traffic networks, local utilities and community facilities to support the proposed number of dwellings.
- If an application is for an Accommodation use (other than Corrective institution and Residential hotel) at the ground floor within the mixed-use area and ground, first and second floor within the commercial area shown on Plan 1, whether this is economically justified having regard to the commercial outcomes sought by the incorporated *PMP Printing Precinct Comprehensive Development Plan* [insert revised date](#).

3.0

Subdivision

--/--/----
Proposed
C156mona

Permit requirement

A permit for the subdivision of land must be generally consistent with the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [insert revised date](#) noting that all requirements must be met.

Provision of affordable housing

A permit must not be granted to subdivide land to facilitate residential development until the owner of the land enters into an agreement with Monash City Council (Council) under section 173 of the *Planning and Environment Act 1987* for the provision of affordable housing ([Affordable Housing Contribution](#)). This does not apply to a superlot or staged subdivision.

For the purposes of the agreement “affordable housing” is to have the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*, or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- The delivery of up to ten (10) per cent Affordable Housing by way of one of the following options:
 - Transfer of a land parcel or parcels with the capacity to support the development of 10 per cent of the site’s total dwellings as Affordable Housing dwellings, to be provided to a Registered Housing Agency at nil consideration; or
 - Sale of four per cent of total dwellings as completed dwellings at a 50 per cent discount to the established market value to a Registered Housing Agency for use as Affordable (rental) Housing; or
 - The gifting of two per cent of total dwellings as Affordable Housing, delivered in the form of completed dwellings gifted to a Registered Housing Agency for use as Affordable (rental) Housing; or
 - Any other model that achieves ten per cent of total dwellings as Affordable Housing for a minimum 15-year period, on the condition that these dwellings are managed through an appropriately regulated management arrangement and the model is subject to the approval of the Responsible Authority.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged and the agreement ended.

Standard of open space on transfer to municipal council

All public open space which is to be provided to Monash City Council must be finished to a standard that satisfies the requirements of Monash City Council prior to the provision of the public open space, including:

- A certificate or statement of environmental audit for the land in accordance with Part IXD of the *Environment Protection Act 1970*;
- Confirmation of suitability for use as public open space without the need for [onerous](#) ongoing management [of contamination issues](#);
- Removal of all existing, disused structures, foundations, pipelines and stockpiles;
- Clearing of rubbish, environmental weeds and rocks;
- Levelled, topsoiled and grassed with warm climate grass.
- Provision of water tapping, potable, and where available recycled, water connection points; and
- Sewer, gas and electricity connection points to land, as appropriate.

~~Where an Environmental Audit is required after the repeal of the *Environment Protection Act 1970*, this shall be carried out in accordance with the relevant provisions of the *Environment Protection Act 2017*.~~

Public Open Space Equalisation Provision

If the land proposed to be subdivided is required by the *PMP Printing Precinct Comprehensive Development Plan*, ~~March 2021~~ [insert revised date](#) to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the Public Open Space contribution [for the land](#) ~~required for that land (Over Percentage POS)~~ as set out in Clause 53.01 ([Additional Land](#)):

- The owner must transfer to Monash City Council (Council), at no cost, all of the land in the proposed subdivision identified in the *PMP Printing Precinct Comprehensive Development Plan*, ~~March 2021~~ [insert revised date](#) as Public Open Space, including any [Additional Land](#) ~~Over Percentage POS~~; and
- The Council must make an equalisation payment to the owner for the [Additional Land](#) ~~Over Percentage POS~~, at a time and in a manner agreed to by the parties.

If the land proposed to be subdivided is required by the *PMP Printing Precinct Comprehensive Development Plan*, ~~March 2021~~ [insert revised date](#) to include an area or areas of Public Open Space that in total area is less than the percentage specified as the Public Open Space contribution required for the land to be subdivided in Clause 53.01:

- The owner must transfer to the Council at no cost all of the land in the proposed subdivision identified in the *PMP Printing Precinct Comprehensive Development Plan*, ~~March 2021~~ [insert revised date](#) as Public Open Space; and
- The owner must make an equalisation payment to Council equal to the difference between the amount of actual land being transferred as Public Open Space (as a percentage of the land to be subdivided) to Council and the percentage identified as the Public Open Space contribution for the land to be subdivided in Clause 53.01, at a time and in a manner agreed to by the parties.

Works to be provided in association with development

Development must provide and meet the total cost of delivering the following infrastructure, unless provided for in an incorporated development contributions plan:

- Connector streets and local streets;
- Local bus stop infrastructure where locations are agreed in writing by Public Transport Victoria;
- Landscaping, and where reasonably required by the municipal council, fencing of abutting streets and roads;
- Intersection works and appropriate traffic management measures along arterial roads, connector streets and local streets;
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including intersections and barrier crossing points;
- Bicycle parking;
- Appropriately scaled lighting along all roads, major shared and pedestrian paths and traversing the open space network;
- Local drainage system and water quality systems.

Application requirements

The following application requirements apply to an application for a permit to subdivide land under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written statement that sets out how the subdivision implements the incorporated *PMP Printing Precinct Comprehensive Development Plan*, ~~March 2021~~ [insert revised date](#) (~~CDP~~).
- A plan showing the location of public reserves or other land proposed to be provided to or vested in a Minister, municipal council or public authority.
- Plans showing the design of streets, paths, parks and any other relevant public facility or infrastructure shown in the [incorporated ~~CDP~~ PMP Printing Precinct Comprehensive Development Plan, insert revised date](#), the incorporated development contributions plan, or that is necessary as a result of the development.
- A plan showing the proposed subdivision in the context of Plan 1 of the incorporated [~~CDP~~ PMP Printing Precinct Comprehensive Development Plan, \(insert revised date\)](#), or any other relevant plan in the incorporated [~~CDP~~ PMP Printing Precinct Comprehensive Development Plan, insert revised date](#).
- A Public Infrastructure Plan which addresses the following:
 - What land may be affected or required for the provision of infrastructure works;

- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application for residential subdivision must include a site and context description and design response as required by Clause 56, unless the subdivision is in accordance with an existing permit for buildings and works.

An application to subdivide land for an accommodation use, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must be accompanied by:

- A land budget table in the same format and methodology as those within the incorporated [CDP PMP Printing Precinct Comprehensive Development Plan, insert revised date](#) applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.

Exemption from notice and review

An application for the subdivision of land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

This does not apply to an application that proposes to relocate a street, public open space or trail shown on any plan in the incorporated [CDP PMP Printing Precinct Comprehensive Development Plan, insert revised date](#), from one lot to another lot in different ownership.

Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the subdivision is generally consistent with the incorporated [PMP Printing Precinct Comprehensive Development Plan, insert revised date](#).
- The appropriateness of the location and function of public reserves, road reserves and other public spaces.
- How any proposed public roads integrate with the surrounding road network.
- The effect of the subdivision on the redevelopment of the site and the area in the long term.
- Whether there are clearly defined responsibilities and legal mechanisms proposed for the maintenance of buildings, landscaping and paved areas.

4.0

Buildings and works

--/--/---
Proposed
C156mona

[All requirements of the incorporated PMP Printing Precinct Comprehensive Development Plan, insert revised date must be met.](#)

A permit is required for the removal, destruction or lopping of trees shown on Plan 1 as 'high' or 'medium' retention value of the incorporated [PMP Printing Precinct Comprehensive Development Plan, insert revised date](#).

The development of land for the following must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement:

- A dwelling if there is at least one dwelling existing on the lot.
- Two or more dwellings on a lot.

- A dwelling or extension of a dwelling if it is on common property.
- A residential building or extension of a residential building.

The development of one dwelling on a lot less than 300 square metres must meet the requirements of Clause 54.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required for the following:

- The construction or extension of one dwelling on a lot with an area of 300 square metres or more.
- Construction or carrying out of works normal to a dwelling.
- Construction or extension of an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

Or the following where located in a commercial area:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Provision of affordable housing

A permit must not be granted for residential development until the owner of the land enters into an agreement with Monash City Council (Council) under section 173 of the *Planning and Environment Act 1987* for the provision of affordable housing ([Affordable Housing Contribution](#)).

For the purposes of the agreement “affordable housing” is to have the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*, or any other definition as agreed between the land owner and the Council.

The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The agreement must provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- The delivery of up to ten (10) per cent Affordable Housing by way of one of the following options:
 - Transfer of a land parcel or parcels with the capacity to support the development of 10 per cent of the site’s total dwellings as Affordable Housing dwellings, to be provided to a Registered Housing Agency at nil consideration; or
 - Sale of four per cent of total dwellings as completed dwellings at a 50 per cent discount to the established market value to a Registered Housing Agency for use as Affordable (rental) Housing; or
 - The gifting of two per cent of total dwellings as Affordable Housing, delivered in the form of completed dwellings gifted to a Registered Housing Agency for use as Affordable (rental) Housing; or
 - Any other model that achieves ten per cent of total dwellings as Affordable Housing for a minimum 15-year period, on the condition that these dwellings are managed through an appropriately regulated management arrangement and the model is subject to the approval of the Responsible Authority.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any

obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged and the agreement ended.

This requirement does not apply if an agreement is registered on the land resulting from a subdivision permit pursuant to Clause 37.02-3 and under this Schedule.

Application requirements

The following application requirements apply to an application for a permit for buildings and works under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written statement that sets out how the development implements the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [insert revised date](#).
- A plan showing the proposed development in the context of Plan 1 of the incorporated ~~CDP~~[incorporated PMP Printing Precinct Comprehensive Development Plan](#), [insert revised date](#) and the relevant precinct plans in the incorporated [PMP Printing Precinct Comprehensive Development Plan](#), [insert revised date](#) ~~CDP~~.
- A land budget table in the same format and methodology as those within the incorporated ~~CDP~~[PMP Printing Precinct Comprehensive Development Plan](#), [insert revised date](#) applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- A site analysis plan showing:
 - Existing conditions.
 - The boundaries and dimensions of the site.
 - The location and height of all existing buildings and an indication of those to be retained/demolished.
 - Relevant ground levels to AHD.
 - The location, height and purpose of buildings and works on adjoining land.
 - The location of existing services, easements and encumbrances on the land.
 - The location of existing driveways, car parking and loading areas, including the allocation of existing parking spaces on the site.
- The location of private open space of adjoining properties.
- A design response plan drawn to scale which shows:
 - Number of car parking spaces proposed to be provided, including visitor car parking.
 - Bicycle parking provision.
 - Details of connections from any internal roads/accessways to existing roads and means of vehicular ingress and egress from the site.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Shadow diagrams based on 22 September and shown for existing conditions and the proposed development.
- Schedule of construction materials, external finishes and colours.
- Where appropriate, 3D images that depict the proposed development (taken from pedestrian eye-level) produced in colour and accurately showing the proposed palette of building materials and finishes.
- For applications within the mixed use and commercial areas, 1:20 scale elevation drawings of the primary, ground floor (street) level façade, accompanied by a detailed materials schedule and written statement explaining how the design of the ground floor façade encourages pedestrian activity and informal surveillance of the street from within the building.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.

- Development plans to show the location of trees nominated as ‘high’ or ‘medium’ retention value consistent with Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan, *insert revised date*.
- An arboricultural report, which includes:
 - A tree retention plan identifying how the application responds to the trees identified on Plan 1 and any tree protection requirements and guidelines in the incorporated PMP Printing Comprehensive Development Plan, *insert revised date*.
 - Identifies the Tree Protection Zone (TPZ) of all trees to be retained.
 - A construction impact assessment on the impact of the proposed development on trees to be retained, including specific advice concerning impact mitigation.
 - ~~Specification that the Tree Protection Measures outlined in section 5.3 of the *Pre-Construction Impact Arboricultural Assessment, prepared by Homewood Consulting Pty Ltd, dated 11 April 2019* are to be followed to demonstrate how all retained trees are adequately protected prior to, during and following the proposed construction.~~
 - ~~Should any trees identified on Plan 1 of the incorporated PMP Printing Precinct Comprehensive Development Plan be proposed to be removed, *Justification for the their removal their removal of any trees identified on Plan 1 of the incorporated PMP Printing Comprehensive Development Plan, insert revised date, including a detailed tree assessment, which must have regard to the Pre-Construction Impact Arboricultural Assessment, prepared by Homewood Consulting Pty Ltd, dated 11 April 2019.*~~
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- A waste management plan which includes the following, as appropriate:
 - The location of waste storage facilities on site and on collection days, including bulk waste collection bins or approved alternative and recycling bins
 - The proposed method of waste collection (either private contractor or Monash City Council). If private collection is proposed, it must incorporate recycling services and comply with the relevant EPA noise guideline relating to time of collection.
- A traffic, parking and access report which includes the following:
 - An assessment of the total vehicle movements to and from the entire precinct during peak periods
 - An assessment of the likely traffic impacts associated with the proposed development on the capacity of the local and regional traffic network.
 - Traffic management works which may be necessary to accommodate the predicted traffic generated by the development;
 - An assessment of the proposed car parking provision including suitability of scale, location and capacity to service the anticipated car parking demand
- A site remediation strategy prepared by a suitably qualified professional that:
 - Demonstrates the proposed staging of development to accommodate any required remediation works; and
 - Where applicable, provides recommendations regarding the suitability of the site for installation of underground water storage tanks.
- A construction management plan which includes an assessment of the impacts of noise and vibration from the proposed development. The plan should demonstrate that existing residents in the vicinity of the development will experience a reasonable level of amenity during the construction phase.
- A Public Infrastructure Plan which addresses the following:
 - What land may be affected or required for the provision of infrastructure works;
 - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;

- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Amenity assessment – buildings associated with a sensitive use

An application to construct a building associated with a sensitive use ([residential use, child care centre, pre-school centre or primary school](#)) in the Commercial Precinct or Mixed Use Precinct shown on Plan 1 of this schedule must be accompanied by an amenity assessment report that includes the following:

- Where the proposed building is located within the “railway noise influence area” shown on Plan 1 of this schedule, an acoustic assessment prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the sensitive use(s) within the proposed building will experience an appropriate level of acoustic amenity within the proposed building [from railway noise](#).
- An assessment of potential amenity impacts from nearby non-sensitive uses including fumes, odour, light spillage prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure future occupants will experience an appropriate level of amenity within the proposed building.

All to the satisfaction of the responsible authority.

Environmental site assessment – Bendix Drive East

An application to construct a building or construct or carry out works on land shown as Bendix Drive East on Plan 1 of this schedule must be accompanied by an Environmental Site Assessment (Detailed Site Investigation) prepared by a suitably qualified practitioner in contaminated land assessment as set out in the National Environment Protection (Assessment of Site Contamination) Measure (2013) (~~NEPM~~).

Should the Detailed Site Assessment identify that an Environmental Audit in accordance with Section 53X of the *Environment Protection Act 1970* is required, then prior to the commencement of buildings and works associated with the use, excluding any demolition or works required by the environmental auditor, an environmental auditor appointed under the *Environment Protection Act 1970* must prepare an environmental audit report in accordance with Part IXD of that Act, and either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit ([SoEA](#)) must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site.

Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Where a ~~Statement of Environmental Audit (SoEA)~~ is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority. Before the development is occupied, written confirmation from an EPA appointed auditor for contaminated land must be provided to the satisfaction of the Responsible Authority confirming:

- a) That the conditions of the SoEA have been implemented; and
- b) Whether there are ongoing conditions on the SoEA that require significant ongoing maintenance and/or monitoring.

If the written advice submitted in accordance with the above requirement indicates that there are ongoing conditions on the SoEA requiring significant ongoing maintenance and/or monitoring, a legal agreement to ensure that all future owners/occupants of the building are notified of these conditions must be entered into in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building.

The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal is generally consistent with the incorporated *PMP Printing Precinct Comprehensive Development Plan*, [Insert revised date](#).
- The extent that the layout and design of the new development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
existing uses are not compromised by a new development, or
a new development is designed to address amenity impacts from, and to, existing uses.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The effect of traffic to be generated by the development on the capacity of the local and regional traffic network.
- The provision of car parking.
- How the design of ground level building facades contribute to a pedestrian friendly, visually interesting streetscape.
- The streetscape, including the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The location of storage for rubbish and materials for recycling.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone or Residential Growth Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54, Clause 55 and Clause 58

5.0 Signs

--/--/---
Proposed
C156mona

Sign requirements are at Clause 52.05. All land located within a residential area is in Category 3. All land located within a commercial area or mixed use area is in Category 1. All other land is in Category 4.