

AMENDMENT C212 MONBULK REQUEST FOR AUTHORISATION

Report Author: Senior Strategic Planner
Responsible Officer: Director Planning & Sustainable Futures
Ward(s) affected: Chandler and Lyster

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

Amendment C212 proposes to implement Action 16 from the Monbulk Structure Plan (adopted by Council in 2017) and Action A29 from the Monbulk Urban Design Framework (adopted in 2023) by applying a Design and Development Overlay to the Monbulk Town Centre and introducing a planning policy for the Monbulk Township into the Yarra Ranges Planning Scheme to guide new development in Monbulk.

Monbulk already has town centre planning controls through a Design and Development Overlay Schedule 12 (DDO12), however these are general controls that are applied across Healesville, Monbulk, Seville, Warburton, Yarra Glen and Yarra Junction. The current Amendment C212 is proposing a new unique Planning Overlay control that is specific to Monbulk and is a refinement of the DDO12 to suit the topography and character of Monbulk. These changes will replace the existing controls for new development in Monbulk and will provide specific and tailored design requirements for the town centre to guide new development based on the design requirements in the Urban Design Framework.

The proposed local policy will apply to the Monbulk Town Centre and include strategies for commercial precincts, industrial precincts, residential (including residential built form) and transport and access identified in the Structure Plan.

In order to commence the amendment process, Council must seek authorisation from the Minister for Planning to prepare and exhibit an amendment which is the focus of this report.

RECOMMENDATION

That Council

- 1. In accordance with the requirements of the Planning and Environment Act 1987, request the Minister for Planning to authorise the preparation of Amendment C212 to the Yarra Ranges Planning Scheme that proposes to include a new schedule to the Design and Development Overlay for the Monbulk Town Centre (DDO21) and a new local policy for the Monbulk Township, and the removal of reference to Monbulk under the existing DDO12 generally in accordance with the attachments.***
- 2. Subject to the Minister's authorisation, publicly exhibit Amendment C212 to the Yarra Ranges Planning Scheme.***

RELATED COUNCIL DECISIONS

- At the Council Meeting of 11 December 2017, Council unanimously resolved that it would request the Minister for Planning to authorise the preparation and exhibition of a planning scheme amendment to introduce a new Design and Development Overlay and Local Planning Policy to the Monbulk Town Centre in accordance with the adopted Monbulk Structure Plan.
- At the Council Meeting of 13 December 2022, Council resolved to place the draft Monbulk Urban Design Framework on public exhibition between 16 December 2022 and 12 March 2023.
- At the Council Meeting of the 28 November 2023 Council unanimously resolved to adopt the Monbulk Urban Design Framework generally in accordance with an updated plan.

DISCUSSION

Purpose

The purpose of this report is to provide an overview of Amendment C212 that proposes to apply a Design and Development Overlay to the Monbulk Town Centre and include a local planning policy for the Monbulk Township in the Planning Scheme, and the intention to recommend Council seek authorisation from the Minister for Planning to commence the amendment.

Background

Monbulk is identified as a Large Neighbourhood Activity Centre in the Yarra Ranges Planning scheme, as it serves a catchment that extends into outlying rural-residential areas and performs a significant role in the provision of community and civic services, with some also providing a range of facilities and services for tourists.

Monbulk Structure Plan, 2017

The Monbulk Structure Plan was adopted in November 2017 to guide the future growth and development of the township. It contains a number of actions for implementation that were reviewed and updated in December 2022, including the following:

Table 1 – Relevant actions from the Monbulk Structure Plan

Action No	Structure Plan Action
1	Pending a Council adopted Neighbourhood Character Study, implement recommended planning controls for Monbulk's residential areas into the Planning Scheme.
2	Apply appropriate planning zones to housing change areas, once further investigation is complete.
4	Encourage the clustering of retail, food and entertainment-based land uses within the town centre.
5	Support improved street activation by: a) widening the footpath on the east side of Main Road as per Section 4.3 of the Structure Plan, b) Improving the footpath treatments as per Section 4.3 of the Structure Plan, c) Implementing public realm improvements as per Section 4 of the Structure Plan, d) encouraging dining and retail displays on the footpath, e) maintaining safe access for people of all abilities
6	Provide for commercial uses that interact with the street (e.g. glass frontages).
7	Discourage large format retail uses and any commercial uses that require setbacks.
8	Encourage 'shop-top' housing or small apartments to be located above commercial uses.
9	Require any new development in the commercial area between Emerald-Monbulk Road and Moxhams Road to be of a commercial or retail nature.
10	Discourage the establishment of any new service industrial uses within the commercially zoned areas.
11	Encourage varied shop sizes to improve function and flexibility of land uses.

Action No	Structure Plan Action
12	Require all new industrial and service uses to be located on the industrial land north of Monbulk Road.
13	Encourage land uses that will service the town at a local level.
16	Apply a Design and Development Overlay (DDO) to Monbulk town centre area as identified in the Strategic Framework Plan, using the design guidelines set out at Chapter 5 of this report.
17	<p>Prepare signage guidelines for Monbulk to:</p> <ul style="list-style-type: none"> ensure that wayfinding and directional signage in the public realm is visually prominent. ensure business identification and promotion signage on commercial and industrial buildings are effective, high quality, and avoids contributing to visual clutter. guides design and location of future gateway signage on roads into Monbulk to highlight the facilities, eateries and attractions of the town, for future provision by Council. guides design and location of directional signage to and within the town centre that is consistent and informative, for future provision by Council.

Monbulk Urban Design Framework, 2023

To assist implementation of Actions 5 and 16 of the Structure Plan an Urban Design Framework for Monbulk was prepared, exhibited and subsequently adopted by Council in November 2023. The Framework provides guidelines, standards and plans to help decision making and provide practical design solutions for design, development and the public realm within the Monbulk Town Centre.

The draft version of the Urban Design Framework for Monbulk underwent public exhibition between 16 December 2022 and 12 March 2023, which resulted in extensive Community feedback. A total of 448 submissions were received. The feedback from submissions was utilised to develop a final version of Monbulk UDF. Action A29 of the UDF is to undertake a Planning Scheme Amendment to update planning controls to reflect the design and built form outcomes of the Urban Design Framework.

As discussed above under Summary, the Design and Development Overlay Schedule 12 (Attachment 1) currently applies Town Centre design requirements to Monbulk along with Healesville, Seville, Warburton, Yarra Glen and Yarra Junction. These townships were included together as part of a rural townships group by Amendment C126 which has operated in the Yarra Ranges Planning Scheme since 19 June 2014.

Key Issues

Design and Development Overlay Schedule 21

The purpose of a Design and Development Overlay (DDO) is to identify areas which are affected by specific requirements relating to the design and built form of new development.

Action 16 of the Monbulk Structure Plan is to apply a Design and Development Overlay (DDO) specific to the Monbulk town centre.

The Monbulk Town Centre design objectives as set out in the UDF are to reinforce Main Road as a centre of pedestrian activity and to provide for development that enhances the appearance and operation of the town centre by complementing existing buildings and the town's landscape and built form character. The UDF provides design responses to town structure, public realm, movement and access and built form.

DDO21 translates the design responses from the UDF into built form design requirements for Precinct 1 'Main Road' and Sub Precinct 1A – '44-58 Main Road', which comprise precinct boundaries as set out in Attachment 2.

More specifically the Schedule describes the design outcome and design requirements to be achieved for built form, building frontages and activation, safety, design detail, landscaping, service and loading areas, bin storage and car parking and traffic access and parking.

Under the current DDO12 for Town Centres, including Monbulk, building heights should not exceed two storeys (7.5 metres); with a third level permitted where the overall height of the building will match that of an adjacent building or where it is set back so as not to be easily discernible from the opposite side of the street.

The new DDO21 for Monbulk proposes a similar outcome where new development should be no more than three storeys (10.5 metres). Any built form above 7.5 metres (including any roofed balcony structure) should be set back a minimum of 4 metres from the building frontage. This requirement provides clearer guidance than the current DDO wording which relies on an interpretation of "discernible" being determined. A copy of the schedule to the DDO is at Attachment 2.

Local Planning Policy

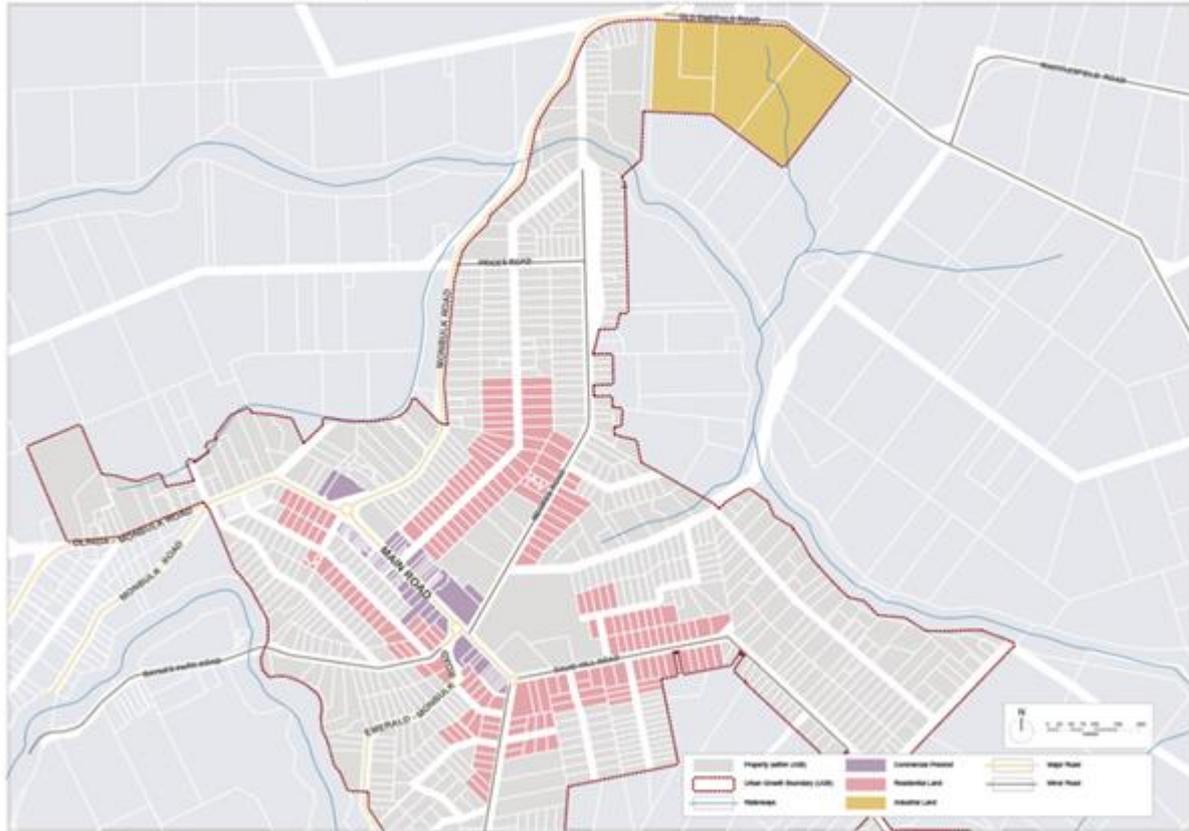
The Monbulk Structure Plan included a number of actions as detailed in Table 1 above, to provide clear policy direction for the future direction of the Monbulk Township. The proposed policy for inclusion in the planning scheme is at Clause 11.03-1L-06. This part of the planning scheme relates to Planning for Places and contains both State and local policy. The planning scheme already contains local policy for Lilydale, Chirnside Park, Mooroolbark and Coldstream activity centres.

The proposed Monbulk Township policy includes strategies to support and guide commercial and industrial precincts, residential areas and residential built form and transport and access.

The area to which the policy will apply to is shown on Map 1 below. A copy of the draft local policy is at Attachment 3.

Map 1

Map to accompany local policy for Monbulk



Future strategic work for Monbulk under the Housing Strategy

In the Monbulk Structure Plan and under the adopted Housing Strategy it is proposed that some well-located land near the town centre could be rezoned from Low Density Residential Zone (LDRZ) to Neighbourhood Residential Zone (NRZ).

Land in the Low-Density Residential Zone (LDRZ) has very limited potential for subdivision, and the Structure Plan identified an opportunity for some land to be rezoned to allow for unit development, enabling a more diverse range of local housing options, ageing in place and affordable housing options.

Identification of areas proposed for future rezoning to NRZ will be based on a place-specific analysis of development opportunities in Monbulk following the recent connection of the town centre to reticulated sewer, with consideration of:

- Walkable distances to the town centre for medium density development outcomes.
- Walkability factors, such as land slope, presence of footpaths, and barriers to pedestrian movement.

- Bushfire and environmental risk.
- The need for aging in place options and dwelling diversity.
- Infrastructure constraints, and
- Neighbourhood character.

Once areas for proposed rezoning have been refined, Council will include them as part of a planning scheme amendment to implement the Housing Strategy.

Options considered

Option 1

That Council notes the intention to amend the Yarra Ranges Planning Scheme to apply design controls and a local policy to the Monbulk Town Centre and Township to give effect to the adopted Monbulk Structure Plan and Urban Design Framework, through the commencement of Amendment C212.

Council has an obligation to provide improved development requirements which will guide the future development of its townships. There is a need to create requirements specific to Monbulk rather than applying general guidelines for all rural town centres.

Option 2

That Council does not proceed with the proposals within Amendment C212. If the amendment is not proceeded with, actions within both the Structure Plan and UDF will not be implemented and be realised through planning controls, leaving the town vulnerable to ad-hoc development in the future and jeopardising its valued character.

Recommended option and justification

It is recommended Council proceed with Option 1. The changes proposed by Amendment C212 align with the strategic directions and design aspirations in the Structure Plan and the UDF to guide new developments while identifying the characteristics most valued by the town. Both documents were prepared in consultation with the community, and there is a strong community expectation that they be translated into the planning scheme.

FINANCIAL ANALYSIS

The costs associated with Amendment C212 are covered by the recurring Planning Scheme Amendments operational budget for Strategic Planning.

APPLICABLE PLANS AND POLICIES

This report contributes to the following Council strategies and plans:

- Council Plan 2021-2025
 - Yarra Ranges Community Values Statement. Yarra Ranges Council recognises the Community Values Statement and will ensure that these values remain at the forefront of all council decision making and inform council planning for the future.
 - Yarra Ranges Community Vision 2036
 - Our Planning - Strategies and plans - Council has a number of strategies which guide our delivery to achieve Council's vision and five strategic objectives. Council also has a number of policies and management plans that focus on a particular topic and describe Council's position and actions to address these issues.
 - Council has identified five strategic objectives to describe what we are working towards:
 - Connected and Healthy Communities
 - Quality Infrastructure and Livable Places
 - Protected and Enhanced Natural Environment
 - Vibrant Economy, Agriculture and Tourism
 - High Performing Organisation
- Yarra Ranges Planning Scheme - To provide a clear and consistent framework within which decisions about the use and development of land can be made.
 - Clause 11 (Settlement) of the Yarra Ranges Planning Scheme states that planning - is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.
 - Clause 11.02-2S Structure Planning strategies includes - ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.
 - Clause 11.03-1S Activity Centres objective states - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community. It is noted that a strategy to implement this objective includes - Undertake strategic planning for the use and development of land in and around activity centres.

The proposed Design and Development Overlay for Monbulk and local policy will enable Council's strategic directions for Activity Centres to be realised.

RELEVANT LAW

The planning scheme amendment requests have been prepared in accordance with the legislative requirements of the *Planning and Environment Act 1987*.

SUSTAINABILITY IMPLICATIONS

Economic Implications

The amendment is not anticipated to have any adverse economic impacts. Inclusion of the Design and Development Overlay and local policy provides greater guidance for planning assessment in the Monbulk Town Centre.

The emphasis of the Amendment relates to Precinct 1 – Main Road which is the existing commercial precinct of Monbulk. The cost estimates as contained under the Urban Design Framework anticipate a timeframe from 1 to 10+ years for projects and design solutions proposed within the Monbulk Town Centre. These include public realm projects, access projects, movement projects, major and other developments.

Social Implications

The amendment will have a positive social effect as it recognises and identifies the preferred character of the town centre and how best to maintain and protect valued characteristics, while enabling for greater structure, more activated built form, movement and access and opportunities for social inclusion, improved sense of place and safety.

The amendment is based on the Monbulk Structure Plan and Monbulk Urban Design Framework to which the community have been comprehensively consulted with. The Framework's translation through the DDO and local policy is the realisation of the Framework for consistency with future development in the area.

Environmental Implications

The amendment is not anticipated to have any adverse environmental impacts.

COMMUNITY ENGAGEMENT

Between 2014-2017 the Monbulk community participated in several engagement activities to share their aspirations for the future of Monbulk. This was captured in the development of the Monbulk Community Plan 2015-2020 and embedded into the more expansive Monbulk Structure Plan adopted by Council in 2017. This amendment is an action of the Monbulk Structure Plan that was prepared in 2017.

The amendment is also derived from the Monbulk Urban Design Framework which underwent substantial community engagement over several months in 2022/23. A total of 448 submissions were received. The relevant feedback from submissions was utilised to develop a final version of Monbulk UDF.

If Council supports the amendment and resolves to seek authorisation from the Minister for Planning to prepare and exhibit the amendment, and the Minister grants authorisation, the amendment will undergo public exhibition which would be subject to the standard notification requirements for planning scheme amendments in accordance with the *Planning and Environment Act 1987*, including:

- Notification in a local newspaper.
- Letters to affected and nearby property owners and occupiers and other stakeholders.
- Direct notification to relevant government agencies and departments.

In addition, a plain English Fact Sheet has been prepared at Attachment 7 that will be provided to affected owners, occupiers and stakeholders. Information will also be included on Council's website and at Council offices. Should submissions be received, a further report would be prepared for Council to consider all submissions received through the exhibition process.

Anyone may make a submission to the amendment.

If there are any unresolved submissions, they will be referred to an independent planning panel appointed by the Minister for Planning where submitters can present their views. The panel will then make recommendations to Council to consider. Council then considers the Panel recommendation and can choose to adopt the amendment with changes, adopt the amendment in part or abandon the amendment. If the amendment is adopted by Council, it is then submitted to the Minister for Planning for a final approval.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

The strategic planning team has collaborated extensively with internal departments, in particular the urban design and landscape architecture team in preparing the amendment.

Consultation with other Council departments in preparation of the Structure Plan and UDF included Council working groups with:

- Statutory Planning
- Place Recovery
- Community Development
- Economic Development
- Engineering
- Recreation and Leisure
- Indigenous Development

- Gender Equity
- Disability Inclusion
- Waste Management
- Emergency Management
- Communications and Engagement.

The Positive Ageing Reference Group and Youth Advisory Group were also engaged with. Regular meetings with the Monbulk and District Community Opportunities Working Group (MADCOW), was undertaken as part of the preparation of the Structure Plan and UDF. Collaboration with these groups provided valuable assessment on how the plans responded to community perceptions.

The development of the final version of the Monbulk UDF relied on a mix of previous engagement undertaken for the Monbulk Community Plan and Monbulk Structure Plan and was updated following more recent extensive community consultation.

State Government agencies/departments were invited to provide comment on the Monbulk UDF including:

- Melbourne Water
- Department of Transport & Planning
- Department of Jobs, Skills, Industry & Regions
- Yarra Valley Water
- Country Fire Authority
- Heritage Council Victoria
- SP Ausnet
- the Wurundjeri Land Council.

RISK ASSESSMENT

Until the Design and Development Overlay and local policy guiding new development in Monbulk is implemented into the Yarra Ranges Planning Scheme, development will continue being assessed against the existing DDO Schedule 12 which is a generic Town Centre policy that includes Monbulk as part of the other town centres including Healesville, Seville, Warburton, Yarra Glen and Yarra Junction. The current controls contain language relating to upper level setbacks that is very open to interpretation and creates ambiguity for planners assessing planning applications.

These townships are equally diverse in their existing and preferred characters and over time as further place plans, urban design framework or structure plans are prepared, each of these rural town centres will be identified by their own DDO schedules.

While the risk is not severe in terms of community safety and economics in terms of performance, a better opportunity is available when planning controls for new development are based on specific town centre analysis and community consultation.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

1. Current Clause 43.02 Design and Development Overlay Schedule 12
2. Draft Schedule 21 to Clause 43.02 Design and Development Overlay
3. Draft Local Planning Policy for Monbulk included under Clause 11.03 Settlement of the Yarra Ranges Planning Scheme
4. Planning Scheme Amendment C212 Explanatory Report
5. Strategic Assessment Guidelines
6. Draft DDO21 Map for Yarra Ranges Planning Scheme
7. Amendment C212 Fact Sheet