

AMENDMENT C212 MONBULK TOWNSHIP CONSIDERATION OF SUBMISSIONS AND RECOMMENDATION FOR ADOPTION

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

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.

The amendment was placed on public exhibition from 27 March until 28 April 2025 and three submissions were received. Of those, one submission was generally in support of the amendment, one submission made no comment, and the third submission opposed the amendment citing concerns regarding the development of two-three storey additions above shops in the Main Street and concerns that surrounding streets will be transformed into main roads.

Following a discussion with the opposing submitter it was found that their main concern related to height controls already in the planning scheme. Following discussion with the submitter they withdrew their submission.

This report discusses the submissions received to the amendment and recommends that Council adopt Amendment C212 with changes and following adoption, submit the amendment to the Minister for Planning for approval.

RECOMMENDATION

That Council

- 1. Consider the submissions received to Amendment C212 to the Yarra Ranges Planning Scheme.**
- 2. Adopt Amendment C212 to the Yarra Ranges Planning Scheme with changes, generally in accordance with Attachments 2 to 7.**
- 3. Submit the adopted Amendment C212 to the Minister for Planning for approval.**
- 4. Write to all submitters to advise them of Council's decision.**

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.
- At the Council Meeting of the 23 July 2024 Council unanimously resolved: 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.*

DISCUSSION

Purpose

Planning Scheme Amendment C212 was exhibited from 27 March until 28 April 2025. The purpose of this report is to discuss the submissions received and the recommended officer response to submissions (Attachment 1).

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
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.

Action No	Structure Plan Action
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.
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.

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.

Currently, the Design and Development Overlay Schedule 12 in the Planning Scheme (Attachment 4) 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.

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.

The proposed 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 5.

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.

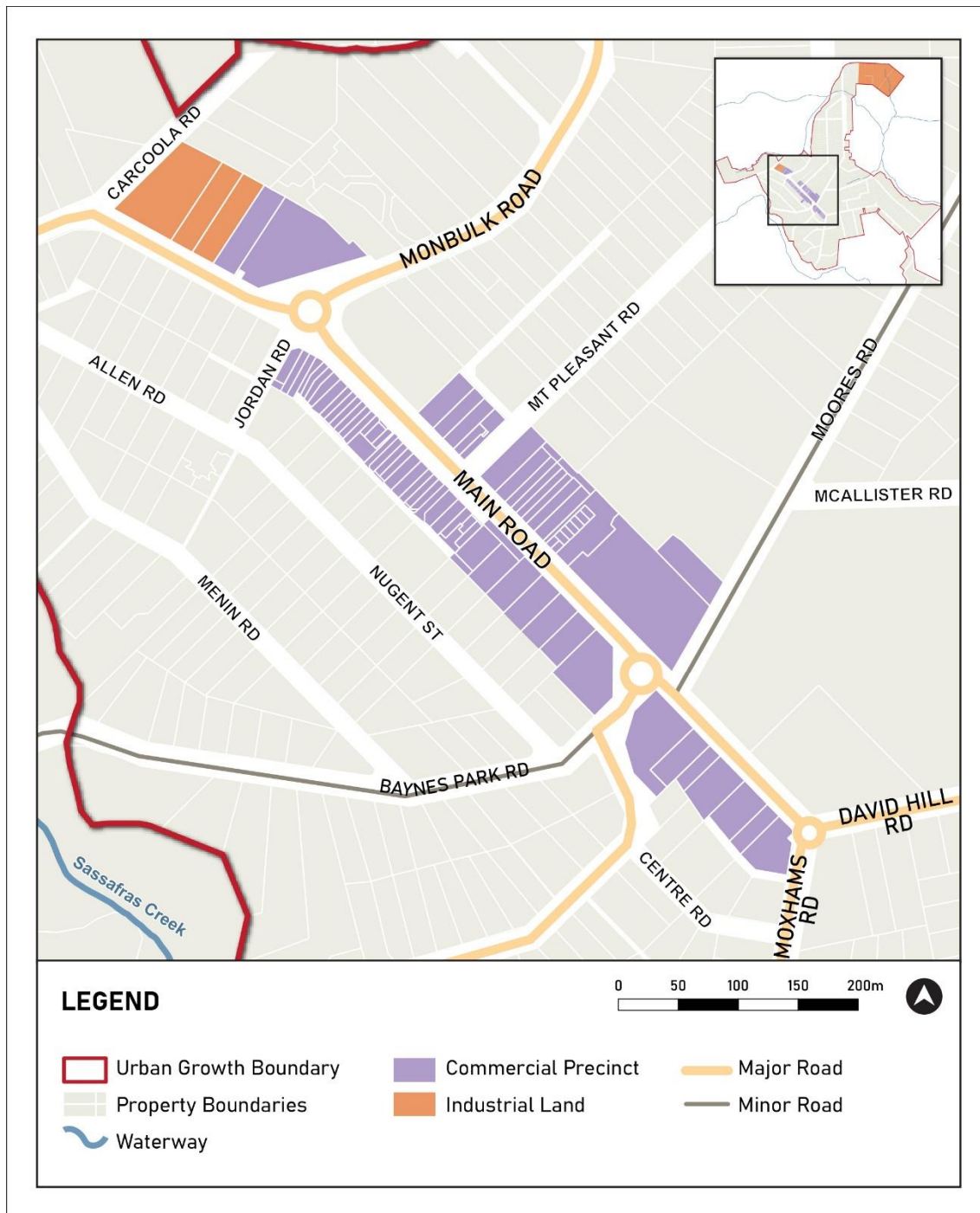
The new DDO21 for Monbulk proposes a similar result with a preferred two storey outcome and new development should be no more than three storeys (10.5 metres). Any built form above 7.5 metres (including any roofed balcony structure) should be set back a minimum of four metres from the building frontage. This new 'setback' requirement provides clearer guidance than the current DDO wording which had previously relied on an interpretation of "discernible" being determined.

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.

This new Monbulk Neighbourhood Activity Centre policy includes strategies to support and guide commercial and industrial precincts. The area to which the policy will apply to is shown on Map 1 below. A copy of the local policy is at Attachment 6.

The attached explanatory report at Attachment 2 provides further details about the amendment.



Map 1 – Monbulk Town Centre Map (from Local Planning Policy – 11.03-1L-06)

Key Issues

Submissions

A total of three (3) submissions were received in response to the amendment. A summary of submissions is at Attachment 1 and further discussed below.

Submission 1: 14 Nugent Street, Monbulk

The submitter expressed concerns that the amendment would enable two to three storey heights for the shops on the Main Road and cause Nugent Street to become a main street in the township. The submission states that these heights would impact sunlight and privacy.

Response to submission: Officers contacted the submitter to discuss their concerns.

The officer explained that the current Planning Scheme controls allow for heights of up to two storeys (7.5 metres) and a third level is also able to be permitted under certain circumstances.

Amendment C212 does not propose changes to the current allowable heights, rather it proposes clearer wording around setbacks for development at these heights.

This was discussed with the submitter who indicated they understood and has since followed up in writing advising that she has withdrawn her submission on this basis.

With respect to the submitter's concerns with sunlight and privacy, whilst outside the scope of the amendment, these matters would be considered through existing planning controls if a planning application is made to for development, and the impact on adjacent shops and properties would be considered. This has also been explained to the submitter.

Recommendation: No change required.

Submission 2: Melbourne Water

Melbourne Water (being the relevant floodplain manager, drainage and water management Authority) is generally in support of the planning scheme amendment and provided general feedback regarding hydrology and hydraulic assessment, Melbourne Water assets and waterways, guidelines for development in flood affected areas and Melbourne Water flood modelling projects currently under preparation with Council.

Response to submission: The feedback and recommendations provided by Melbourne Water are noted.

Recommendation: No change required.

Submission 3: CFA

The CFA reviewed the proposed planning scheme amendment and stated that it offers no comments in relation to the exhibited amendment.

Response to submission: The feedback provided by CFA is noted.

Recommendation: No change required.

Minor correction

Following exhibition of the amendment it was noted that the labelling of Moxhams and David Hill Roads in the local policy map needed to be amended to be consistent with the map legend. As such the amendment will need to be adopted with changes to amend this error.

Options considered

Option 1 – Adopt Amendment C212 with changes

As no submissions were received requesting changes to the proposed provisions in the amendment it can proceed to approval from the Minister for Planning, subject to the Council's endorsement, without the need for a Planning Panel to be appointed. The Amendment has been developed in response to strategic planning specific to the Monbulk township, which have been subject to significant community engagement. As a minor mapping error has been noted as discussed above, the amendment will need to be adopted with changes. This option is recommended.

Option 2 – Abandon Amendment C212

The exhibited documents and subsequent discussions with submitters has achieved community support for the Amendment. The amendment has also been envisaged by years of carefully considered planning with its basis in the Monbulk Structure Plan and Monbulk Urban Design Framework, each containing future actions including the application of a Design and Development Overlay which caters specifically to the Monbulk township. Abandoning the amendment would be a poor community and planning outcome. This option is not recommended and would result in continued ambiguity and confusion in the interpretation of current controls for planning applications to be considered against.

Recommended option and justification

It is recommended that Option 1 should be pursued.

FINANCIAL ANALYSIS

The costs associated with Amendment C212 are covered by the recurring Planning Scheme Amendments operational budget allocation for Strategic Planning. The cost to submit the Amendment to the Minister for Planning for approval is \$530.70.

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 Liveable 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 and provide clearer direction for planning applications.

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 one 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 on. 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. The clear upper-level setbacks will assist in reduced overshadowing of the Main Road and kerbside trading areas. The provision of upper-level terraced space will support outdoor plants and greenery within developments.

COMMUNITY ENGAGEMENT

Amendment C212 was publicly exhibited from 27 March until 28 April 2025, in accordance with the statutory notification requirements under the *Planning and Environment Act 1987*. Notice comprised:

- Letters sent by mail to all affected landowners and occupiers and properties adjacent to affected properties, totalling 116 letters.
- Letters sent by email to local stakeholders and interest groups.

- Letters sent by email to prescribed and relevant government agencies and departments.
- Notice published in 25 March 2025 edition of the *Ranges Trader Mail*.
- Notice published in the Government Gazette on 27 March 2025.

In addition, information was made available from Council's and the Department of Transport and Planning's websites.

As discussed above, a total of three (3) written submissions were received (refer to Attachment 1 for summary).

Several phone calls and enquiries generally requesting further assistance navigating the exhibition documentation were received during the exhibition period.

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, and
- Communications and Engagement

Council's Indigenous Advisory Committee, Disability Advisory Committee, Positive Ageing Reference Group and Youth Advisory Group were consulted with during the

development of the UDF. 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 of Victoria
- SP Ausnet, and
- the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation

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 ambiguous and 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, township design frameworks 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. Summary of Submissions
2. Explanatory Report for adoption
3. Strategic Assessment Guidelines
4. Current Clause 43.02 Design and Development Overlay Schedule 12
5. Schedule 21 to Clause 43.02 Design and Development Overlay for adoption
6. Local Planning Policy for Monbulk included under Clause 11.03 Settlement of the Yarra Ranges Planning Scheme for adoption
7. DDO21 Map for Yarra Ranges Planning Scheme for adoption