

Planning and Environment Act 1987

Panel Report

**Bayside Planning Scheme Amendment C160bays
Highett Structure Plan 2019**

20 April 2020

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the Act)]

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

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

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

The Amendment may be revoked by a resolution of either House of Parliament within 10 sitting days after notice of the Amendment is given to that House. [section 38(2) of the Act]

Alleged defects in procedures may be referred to the Victorian Civil and Administrative Tribunal. There are limits on the timing of such referrals. [section 39(1) of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Bayside Planning Scheme Amendment C160bays

Hihett Structure Plan 2019

20 April 2020



Tim Hellsten, Chair



Shannon Davies, Member

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Glossary and abbreviations

2019 Housing Strategy	<i>Bayside Housing Strategy, November 2019</i>
Act	<i>Planning and Environment Act 1987</i>
Amendment	Bayside Planning Scheme Amendment C160bay
BBD	Bayside Business District
BESS	Built Environment Sustainability Scorecard
C1Z	Commercial 1 Zone
C2Z	Commercial 2 Zone
Council	Bayside City Council
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DCP	Development Contributions Plan
DDO2	Design and Development Overlay Schedule 2 (Building Height Control - Inland Areas)
DDO3	Design and Development Overlay Schedule 3 (Building Height Control for Non-residential Buildings in the Inland Minimal Residential Growth Area)
DDO4	Design and Development Overlay Schedule 4 (Highett Road Shopping Strip)
DDO5	Design and Development Overlay (Schedule 5: Preferred Medium Density Residential Areas (Highett))
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
EPA	Environment Protection Authority
ESD	Environmentally Sustainable Design
GRZ1	General Residential Zone Schedule 1 (Future Moderate Residential Growth Areas: Southland, Elsternwick, Hampton East (Moorabbin) and Cheltenham Activity Centres)
GRZ5	General Residential Zone Schedule 5 (Moderate Residential Growth Area: Highett Neighbourhood Activity Centre)
GRZ12	General Residential Zone Schedule 12 (Highett Structure Plan – Precinct 2B – Station Environs)
GRZ13	General Residential Zone Schedule 13 (Highett Structure Plan – Precinct 2A – Station Environs)
GRZ14	General Residential Zone Schedule 14 (Highett Structure Plan – Precinct 3 – Residential Hinterland)

GRZ15	General Residential Zone Schedule 15 (Highett Structure Plan – Precinct 6 – Bay Road)
GRZ16	General Residential Zone Schedule 16 (Highett Structure Plan – Precinct 3 – 36-40 Graham Street, Highett)
Housing Strategy	<i>Bayside Housing Strategy, 2012</i>
ICP	Infrastructure Contributions Plan
MUZ	Mixed Use Zone
NRZ1	Neighbourhood Residential Zone Schedule 1 (Highett – CSIRO Interface)
NRZ3	Neighbourhood Residential Zone (Schedule 3: Minimal Residential Growth Area)
Planning Scheme	Bayside Planning Scheme
PPN13	Planning Practice Note 13: Incorporated and Background Documents
PPN58	<i>Planning Practice Note 58: Structure Planning for Activity Centres</i>
PPN59	<i>Planning Practice Note 59: The Role of Mandatory Controls in the Planning Scheme</i>
PPN60	<i>Planning Practice Note 60: Height and Setback Controls for Activity Centres</i>
PPN90	<i>Planning Practice Note 90: Planning for housing</i>
PPN91	<i>Planning Practice Note 91: Using the residential zones</i>
RCES	<i>Retail, Commercial and Employment Strategy, SGS Economics and Planning, August 2016</i>
RGZ	Residential Growth Zone
Structure Plan	Highett Structure Plan 2018
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Bayside Planning Scheme Amendment C160bays
Common name	Hihgett Structure Plan 2018
Brief description	Amend Clauses 21.02, 21.04, 21.06, 21.07, 21.08, 21.09, 21.10 and 21.11 to reflect the Hihgett Structure Plan 2018, rezone land within the Hihgett Structure Plan's precincts to General Residential Zone (Schedules 12, 13, 14, 15 and 16), Neighbourhood Residential Zone (Schedule 1) and Commercial Zone (Schedule 1) and replace and extend the application of a new Design and Development Overlay (Schedule 4)
Subject land	Land within the Hihgett Structure Plan 2018 area and generally bounded by Dart Street, Middleton Street and Worthington Road, Hihgett, the Frankston Railway line and Bay Road, Cheltenham
Planning Authority	Bayside City Council
Authorisation	28 August 2019
Exhibition	10 October to 11 November 2019
Submissions	Number of Submissions: 25 Opposed or seeking changes: 20 Refer Appendix A

Panel process	
The Panel	Tim Hellsten (Chair) and Shannon Davies
Directions Hearing	Bayside City Council Civic Centre, 10 February 2020
Panel Hearing	Bayside City Council Civic Centre, 11 and 12 March 2020
Site inspections	Unaccompanied, 10 February 2020
Appearances	<ul style="list-style-type: none"> - Bayside City Council represented by Julia Weyhe and Tom Vercoe - Chandos Bay Pty Ltd represented by Paul Little of Planning & Property Partners, who called expert traffic evidence from Jason Walsh of Traffix - Wolf International Group represented by Tamara Brezzi of Norton Rose Fulbright, who called expert planning evidence from Sarah Horsfield of Urbis - Fletcher Building Limited represented by Frank Perry of Perry Town Planning - Derek Screen (was unable to attend but provided a written submission to the Panel) - Carolyn Robinson - Simone Boileau - Friends of the Hihgett Woodland represented by Michael Norris
Citation	Bayside PSA C160bays [2020] PPV
Date of this Report	20 April 2020

Executive summary

The Highett Activity Centre is one of Bayside City Council's four Neighbourhood Activity Centres providing commercial, entertainment, administrative and employment services for local residents and a focus for increased housing density and diversification. These types of centres are intended to achieve built form outcomes that enhance established character and are less intensely developed than the Municipality's Major Activity Centres.

In response to increased development activity, land use change and growth in the Highett Activity Centre, Bayside City Council (Council) has undertaken a review of the Highett Structure Plan 2004, culminating in its adoption of the Highett Structure Plan, September 2018 (Structure Plan).

Bayside Planning Scheme Amendment C160bays (the Amendment) seeks to implement the Structure Plan to guide the future use and development in the Highett Activity Centre over the next 20-30 years.

The Amendment proposes to:

- amend Clauses 21.02, 21.04, 21.06, 21.07, 21.08, 21.09, 21.10 and 21.11 to reflect the Structure Plan directions
- rezone land within the Highett Structure Plan's precincts from General Residential Zone (Schedules 1 and 5) and Neighbourhood Residential Zone (Schedule 3) to General Residential (Schedules 12, 13, 14, 15 and 16), the Neighbourhood Residential Zone (Schedule 1) and the Commercial Zone (Schedule 1) (C1Z)
- delete General Residential Zone (Schedule 5) and Design and Development Overlay (Schedule 5) (DDO5)
- replace the existing Design and Development Overlay Schedule 4) and expand its application to new C1Z areas
- delete the application of Design and Development Overlay (Schedules 2 and 3) from the Structure Plan area.

Key issues raised in submissions included:

- increased density and associated traffic and parking issues
- loss of amenity through overshadowing and increased building height
- potential for underdevelopment resulting from low building height limits
- seeking retention of DDO5
- not supporting the extension of the Commercial Zone 1 area
- the provisions for the CSIRO site
- seeking changes to the Structure Plan relating to:
 - future traffic management
 - pedestrian crossing provision
 - inclusion of Commercial 2 Zone land and a mixed-use link in Bay Road.

Structure Plan

The Panel considers that the Structure Plan is sufficiently robust and well founded. It has been informed by traffic, urban design, vegetation and economic analysis rigour and extensive community engagement and consultation. It contains an appropriate level of detail and guidance without being overly prescriptive and provides a sound foundation for the support

of the proposed suite of Zones, the DDO4 and policy changes. The boundaries of the Structure Plan are appropriate and justified. The Panel however, considers that the Structure Plan should not be referenced in local policy because the key elements have been transferred into the proposed policy's, zones schedules and the DDO4. As such, the remaining content provides little strategic direction to support decision making on land use and development issues. This will also avoid the need to update it in response to the outcomes of the CSIRO site rezoning.

Zone and policy provisions

The Panel considers that Zone and Overlay tools and policy changes proposed are appropriate for the scale and neighbourhood character aspirations for the Highett Activity Centre and will provide for a modest level of housing and commercial floor space activity to meet the medium term needs of the community and satisfy the broader State and Plan Melbourne planning policies for Neighbourhood Activity Centres.

Height

The Amendment achieves an appropriate level of height across the Activity Centre which accommodates the anticipated levels of housing and commercial floorspace needs for the centre, responds to the proximity of the station, acknowledges the level of recent development at three and four storeys within the core of the centre while providing for transition to residential areas providing for more modest or incremental growth. The proposed Zone and DDO schedules provide for appropriate levels of building articulation and management of interfaces.

CSIRO site

The CSIRO site is the most significant development opportunity site in the Highett Activity Centre. The appropriate development of the site will enable much of the vision for Highett to be achieved. While the Panel is unable to provide comment regarding Amendment C162, what is proposed in that amendment is largely aligned with the aspirations of the Structure Plan. While the Panel understands the concerns of the future owner about provisions that might conflict with the proposed controls for that site it considers that Council through its proposed post exhibition changes has achieved an appropriate balance which provides a level of flexibility for the sites development while ensuring that it is integrated into the centre and contributes to its preferred character.

Traffic and parking

The Panel acknowledges that there are a number of traffic issues within the Highett Activity Centre and more generally within Bay Road. These are largely historic realities that cannot be readily or simply addressed through the Structure Plan. These conditions should not unreasonably constrain the development of the Activity Centre or its ability to fulfil its important role within the municipality or undermine other policy objectives of encouraging use of public transport and active transport. The modest level of increased development intensification within the Activity Centre does not require a more interventionalist approach as suggested by some submitters to more quickly facilitate traffic network improvements or the application of Public Acquisition or Development Contribution Plans. The proposed Development Plan Overlay for the CSIRO site will provide an appropriate mechanism to consider the traffic impacts of that development. The Panel prefers Council's approach to

continue its monitoring of local road traffic and parking conditions and implementing responses as appropriate and advocating for more significant infrastructure upgrades on arterial roads.

Post exhibition changes

Council proposed an extensive range of post exhibition changes to the Amendment. These included changes to zone boundaries, schedule neighbourhood and design objectives and policy changes. In the main, the Panel supports these changes as they appropriately respond to submissions, more accurately reflect the intent of the Amendment, the Structure Plan, simplify and clarify provisions or address errors.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Bayside Planning Scheme Amendment C160bays be adopted as exhibited subject to the following:

1. Amend the exhibited boundaries of the Commercial 1 Zone, General Residential Zone 12, General Residential Zone 13, General Residential Zone 14 and General Residential 16 Zone as shown in Appendix C1.
2. Delete the Highett Structure Plan, September 2018 from the list of Reference Documents in Clauses 21.02-6, 21.04, 21.06, 21.07, 21.08, 21.09-5 and 21.11-6.
3. Amend 'Map 2 – Residential Strategic Framework Plan' in Clause 21.02 to align the boundaries of the Highett Activity Centre with the Highett Structure Plan, September 2018.
4. Amend Clause 21.04-1 to replace the strategies under Objective 3 with the following strategies:
 - *Apply a 3 metre wide buffer zone around the perimeter of the Highett Grassy Woodland on adjoining properties, outside the CSIRO site.*
 - *Ensure new development does not overshadow the Highett Grassy Woodland.*
5. Amend Clause 21.04 to delete the following action under 'Application of zones and overlays':
 - *Apply the Public Conservation and Resource Zone to 3 hectares of land with conservation value in the southern portion of the CSIRO site which contains the Highett Grassy Woodlands.*
6. Amend Clause 21.11-6 as shown in Appendix C2.
7. Amend the Schedules to Clause 32.08 for General Residential Zone 12, General Residential Zone 13, General Residential Zone 14, General Residential Zone 15 and General Residential Zone 16 as shown in Appendix C3.
8. Amend the Schedule to Clause 32.09 for Neighbourhood Residential Zone 1 as shown in Appendix C3.
9. Amend Schedule 4: Highett Road Shopping Strip to Clause 43.02 as shown in Appendix C4 including removing the 'Transition Height and Setback' linework from the edge of Precinct 1A adjoining the CSIRO site in 'Map 1: Highett Activity Centre Built Form Provisions'.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the Highett Structure Plan, September 2018 (Structure Plan) to guide the future use and development in the Highett Activity Centre over the next 20-30 years.

The Structure Plan updates the Highett Structure Plan, 2004 as a result of significant policy change relating to Activity Centres and the level of development activity, land use and demographic change in the area to ensure its currency and that the planning controls remain effective in managing change and guiding development.

Specifically, the Amendment proposes to:

- amend Clause 21.02, 21.04 and Clauses 21.06 through 21.10 to reflect specific Structure Plan directions
- amend Clause 21.11-6 (Highett) to update the Highett Activity Centre Vision, introduce new objectives and strategies based on the Structure Plan, identify the Structure Plan as a reference document and replace the existing Map 1 to Clause 21.11-6 with a new map based on the Structure Plan (Figure 1) which identifies Precincts 1A, 1B, 2A, 2B, 3, 4, 5 and 6 and a new Activity Centre Boundary
- delete General Residential Zone Schedule 5 (Moderate Residential Growth Area: Highett Neighbourhood Activity Centre) (GRZ5)
- remove the application of the following zones from the Structure Plan area:
 - General Residential Zone Schedule 1 (Future Moderate Residential Growth Areas: Southland, Elsternwick, Hampton East (Moorabbin) and Cheltenham Activity Centres) (GRZ1)
 - Neighbourhood Residential Zone Schedule 3 (Minimal Residential Growth Area)(NRZ3)
- introduce and apply to the precincts within the Structure Plan area the following zones (Figure 2):
 - General Residential Zone Schedule 12 (Highett Structure Plan – Precinct 2B – Station Environs) (GRZ12)
 - General Residential Zone Schedule 13 (Highett Structure Plan – Precinct 2A – Station Environs) (GRZ13)
 - General Residential Zone (Schedule 14: Highett Structure Plan – Precinct 3 – Residential Hinterland) (GRZ14)
 - General Residential Zone Schedule 15 (Highett Structure Plan – Precinct 6 – Bay Road) (GRZ15)
 - General Residential Zone Schedule 16 (Highett Structure Plan – Precinct 3 – 36-40 Graham Street¹, Highett) (GRZ16)
 - Neighbourhood Residential Zone Schedule 1 (Highett – CSIRO Interface) (NRZ1)

¹ Council later advised that Graham Street was in fact Graham Road

- rezone land in Highett Road from NRZ3 and GRZ5 to Commercial Zone Schedule 1 (C1Z) as shown in Figure 2
- replace Design and Development Overlay Schedule 4 (Highett Road Shopping Strip) (DDO4) with a new schedule to include updated objectives and strategies and to extend its application over C1Z land in Highett Road consistent with its application to existing C1Z land
- remove the application of the following Design and Development Overlays from the Structure Plan area:
 - Design and Development Overlay Schedule 2 (Building Height Control - Inland Areas) (DDO2)
 - Design and Development Overlay Schedule 3 (Building Height Control for Non-residential Buildings in the Inland Minimal Residential Growth Area) (DDO3)
- delete Design and Development Overlay Schedule 5 (Preferred Medium Density Residential Areas (Highett)) (DDO5).

Figure 1 Proposed Highett Structure Plan Map

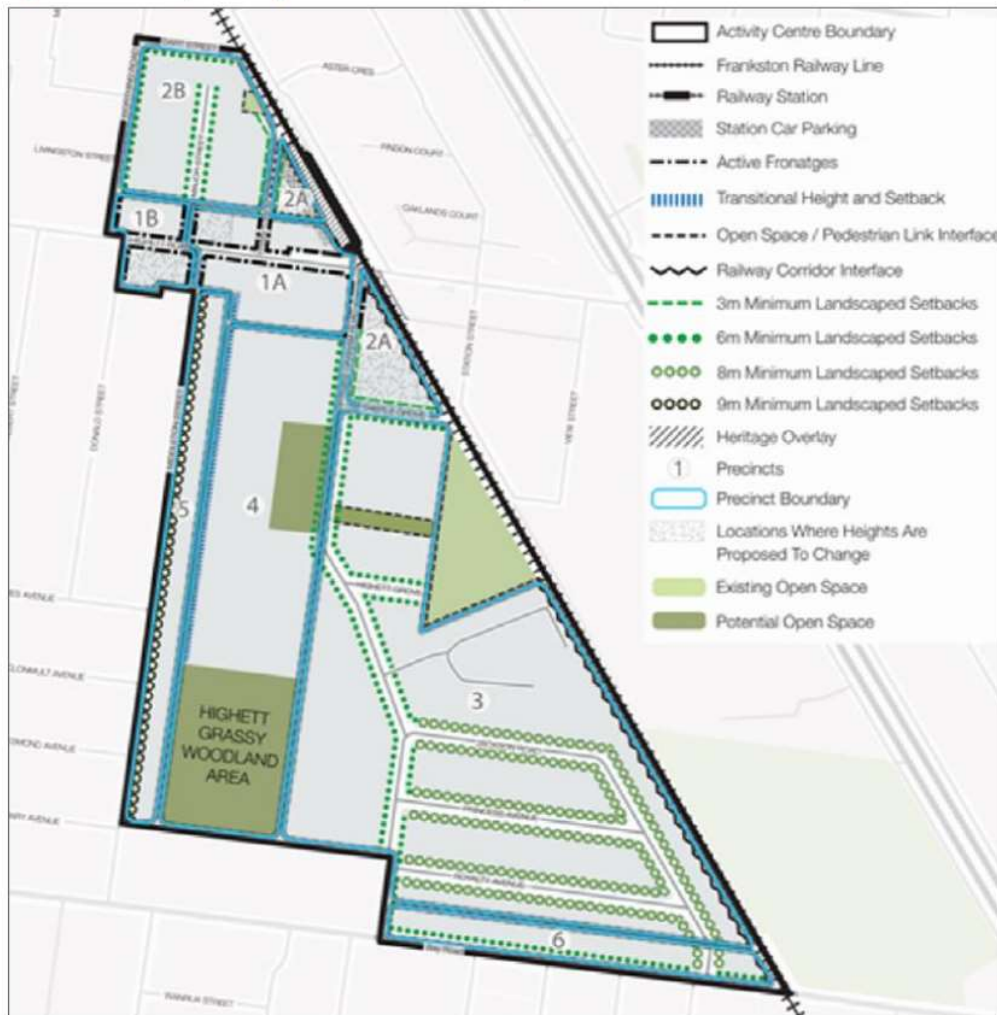
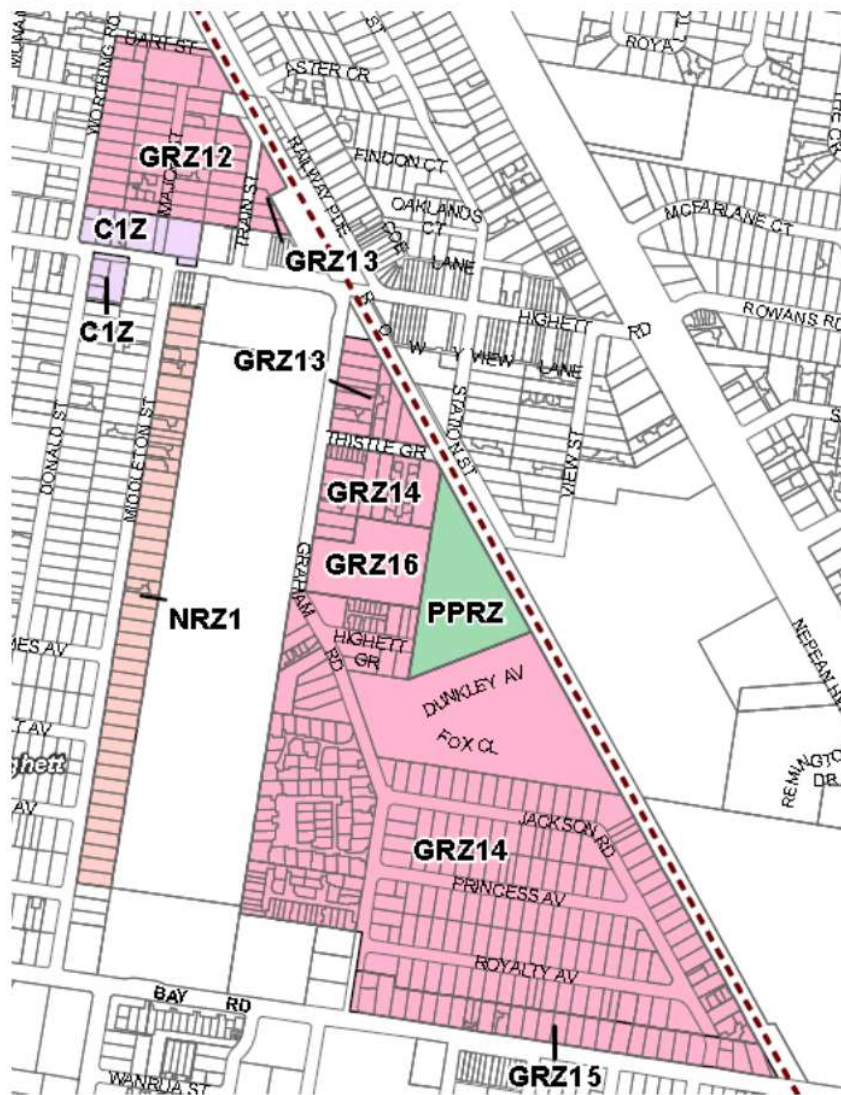


Figure 2 Proposed zone changes



Source: Council Amendment exhibited document

(ii) The subject land

The Amendment applies to all land within the Structure Plan area which is generally bounded to the north and west by Dart Street, Middleton Street and Worthington Road, Highett, the Frankston Railway line and Bay Road, Cheltenham to the south.

The subject land contains:

- the western portion of the Highett shopping strip along Highett Road (which extends to the Nepean Highway within the City of Kingston) and the Highett Station which contains mainly commercial building forms, 2 to 3 storeys in height. The shopping strip is largely contained within the C1Z and DDO4
- a residential precinct to the north of the shopping strip and Highett Road comprising mostly 2 and 3 storey apartment buildings with some remaining single storey dwellings and within the GRZ1, GRZ5 and DDO5

- the vacant 9.3 hectare former Commonwealth Scientific and Industrial Research Organisation (CSIRO) site which contains a Grassy Woodland area in its southern section. The site is currently Commonwealth Land and accordingly has no zoning or Victorian Planning Provision controls
- a residential precinct on the east side of Middleton Road comprising mostly single and two storey detached dwellings two and within the NRZ5 and DDO3
- a residential precinct to the east of the CSIRO site within the GRZ1, DDO2 and DDO5 and which comprises predominantly modern two storey buildings to the north (DDO5 area) and mostly single and two storey detached dwellings to the south (DDO2 area) and includes the Lyle Anderson Reserve.

The Highett Activity Centre is adjoined predominantly by residential uses to the north, east and west. The Bayside Business District (BBD) sits to the south of the Highett Activity Centre focused along Bay Road, Cheltenham. This Commercial 2 Zone (C2Z) area includes bulky goods, restricted retail, warehouse and other commercial activities. The south-eastern edge of the Highett Activity Centre is located diagonally opposite the northern extent of the Southland Shopping Centre.

Parts of the Structure Plan area are affected by the Heritage Overlay, Special Building Overlay and the Environmental Audit Overlay. A Development Contributions Plan Overlay extends over the entire Structure Plan area (and the municipality). These Overlays will not be altered by the Amendment and they have limited impact on the directions of the Structure Plan or the proposed controls.

(iii) Proposed zones and overlays

The Amendment introduces five new Schedules to the General Residential Zone and a new Schedule to the Neighbourhood Residential Zone. Council's Part A submission² included a detailed analysis of the differences between the existing and proposed zone schedule provisions. These are summarised in Table 1. The key differences between the existing and proposed zone schedules relate to:

- building heights (additional one storey of height in the Station Environs Precinct 2A and a portion of Precinct 3 in Graham Street approved for 4 storey development)
- reduced street setbacks
- reduced site coverage requirements for precincts to be more intensely developed
- greater landscaping requirement.

Table 1 Summary of primary differences in the existing and exhibited zone schedule provisions

Provisions	Existing zones	Proposed zones (as exhibited)
Building height	<ul style="list-style-type: none"> - GRZ1 (Precincts 2A, 2B, 3, 6) & GRZ5 (Precincts 2B): mandatory maximum 3 storeys, 11 metres - NRZ3 (Precinct 5): mandatory maximum 2 storeys, 9 metres 	<ul style="list-style-type: none"> - GRZ12 (Precinct 2B) & GRZ14 (Precinct 3): no change to maximum height, third storey recessed 3 metres - GRZ13 (Precinct 2A): mandatory maximum 4 storeys, 14 metres (fourth storey recessed 5 metres)

² Appendix B of Council's Part A submission

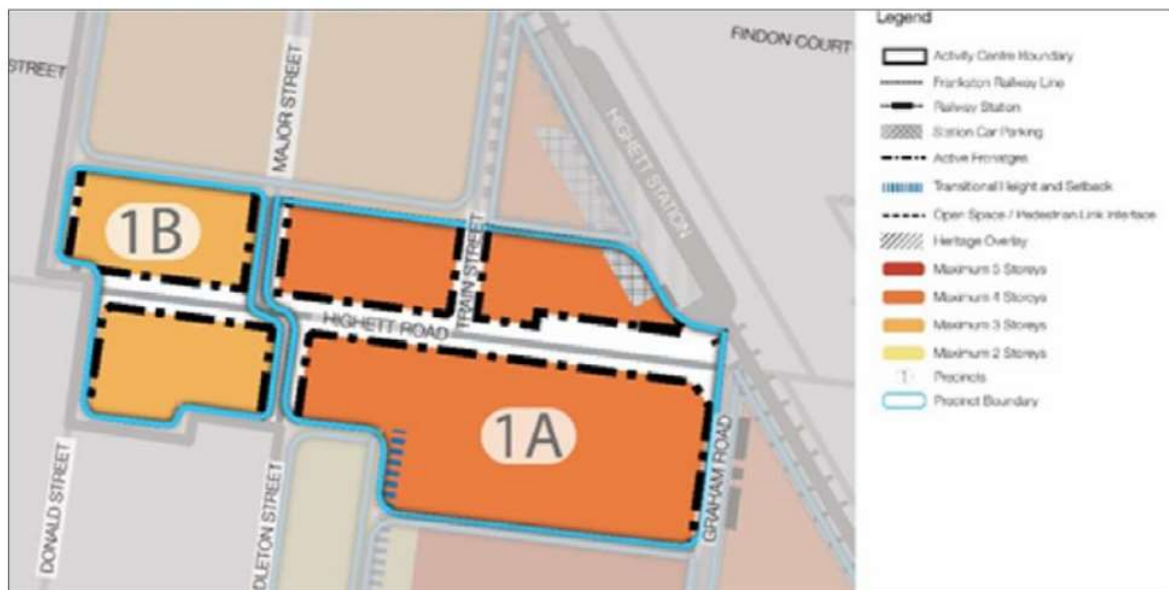
Provisions	Existing zones	Proposed zones (as exhibited)
		<ul style="list-style-type: none"> - GRZ15 (Precinct 6): no change to maximum height but allows a street wall of three storeys - GRZ16 (Precinct 3 36-40 Graham Road): mandatory maximum 4 storeys, 14 metres (upper levels recessed) - NRZ1 (Precinct 3): no change
Minimum street setback	9 metres	<ul style="list-style-type: none"> - GRZ12: 6 metres (3 metres for Train street and 9 metres on corners) - GRZ13: 3 metres - GRZ14, GRZ15, GRZ16 & NRZ1: 6 metres
Site coverage	GRZ1 & NRZ3: 50% GRZ5: none specified	<ul style="list-style-type: none"> - GRZ12, GRZ13 & GRZ16: ResCode standards to apply - GRZ14, GRZ15 & NRZ1: no change
Permeability	No requirements specified	No change
Landscaping	No requirements specified	<ul style="list-style-type: none"> - GRZ12 (Train Street only), GRZ13: 15 m³ deep soil & 6 metres wide canopy tree - GRZ12 (other than Train Street), GRZ14, GRZ15, GRZ16 & NRZ1: 41m³ deep soil & 10 metres wide canopy
Side and rear setbacks	New building not on or within 200 millimetres of a boundary should be setback 2 metres from the side boundary and 3 metres from the rear boundary, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres	<ul style="list-style-type: none"> - GRZ12 & GRZ13: ResCode standards to apply - GRZ14, GRZ16 & GRZ15: no change - NRZ1: ResCode standards plus for sites abutting the Highett Grassy Woodland to be setback 3 metres (plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres) from any abutting boundary for setback and buildings designed to minimise overshadowing of woodland
Walls on boundaries	No requirements specified	No change
Private open space	No requirements specified	No change
Front fence height	1.2 metres preferred maximum	No change other than side boundary fence height of 1.2 metres for site on corners of Graham and Bay Roads and Jackson and Bay Roads
Minimum garden area	25-35% according to lot size	No change

Provisions	Existing zones	Proposed zones (as exhibited)
Permit required for one dwelling	Yes	No change

The Amendment replaces the entire content of DDO4 with new content. The Amended DDO4 includes 5 design objectives which in the main seek to create a 3 storey street wall along the shopping strip with fourth storey levels setback, and design elements that include street level interest and activation, human scale and fine grain detailing and façade articulation. DDO4 identifies side and rear setback provisions and maximum building heights for Structure Plan Precincts 1A and 1B (as shown in Figure 3):

- 14 metres and 4 storeys, with fourth storey to be setback 5.0 metres from Highett Road (1A)
- 11 metres and 3 storeys (1B).

Figure 3 DDO4 Map 1: Highett Activity Centre Built Form Provisions



Source: exhibited DDO4 Map 1

The Amendment proposes to delete:

- DDO2 which currently predominantly applies to land within proposed Precinct 3
- DDO3 which currently predominantly applies to land within proposed Precinct 5
- DDO5 which currently predominantly applies to land within proposed Precincts 1B, 2A & 2B.

Council’s Part A submission included a comparison of the existing DDO provisions³. The DDOs to be deleted each contain objectives relating to the architectural and urban design outcomes being sought with a focus on scale (height) and streetscape rhythm (setbacks and landscaping). DDO2 and DDO3 require permits for buildings over 9 metres and 8 metres

³ Appendix C of Council’s Part A submission

respectively on flat terrain. DDO5 contains permit requirements relating to height (7.5 metres and 2 storeys on lots less than 1000 square metres and 9 metres and 3 storeys on lots over 1000 square metres on flat terrain) and 6 metre setbacks. Council submitted that much of the content of these DDO schedules have been incorporated into the proposed GRZ and NRZ schedules.

1.2 Background

(i) Amendment C46

The Highett Structure Plan, 2004⁴ was jointly developed by Bayside and Kingston City Councils and the key elements of it introduced through Bayside Planning Scheme Amendment C46 including:

- DDO4 and DDO5
- Including the 2006 Structure Plan as a reference document
- amending policies to identify preferred built form and height outcomes, the significance of the CSIRO site and the Highett Grassy Woodland, Graham Road traffic issues and open space provision amongst others.

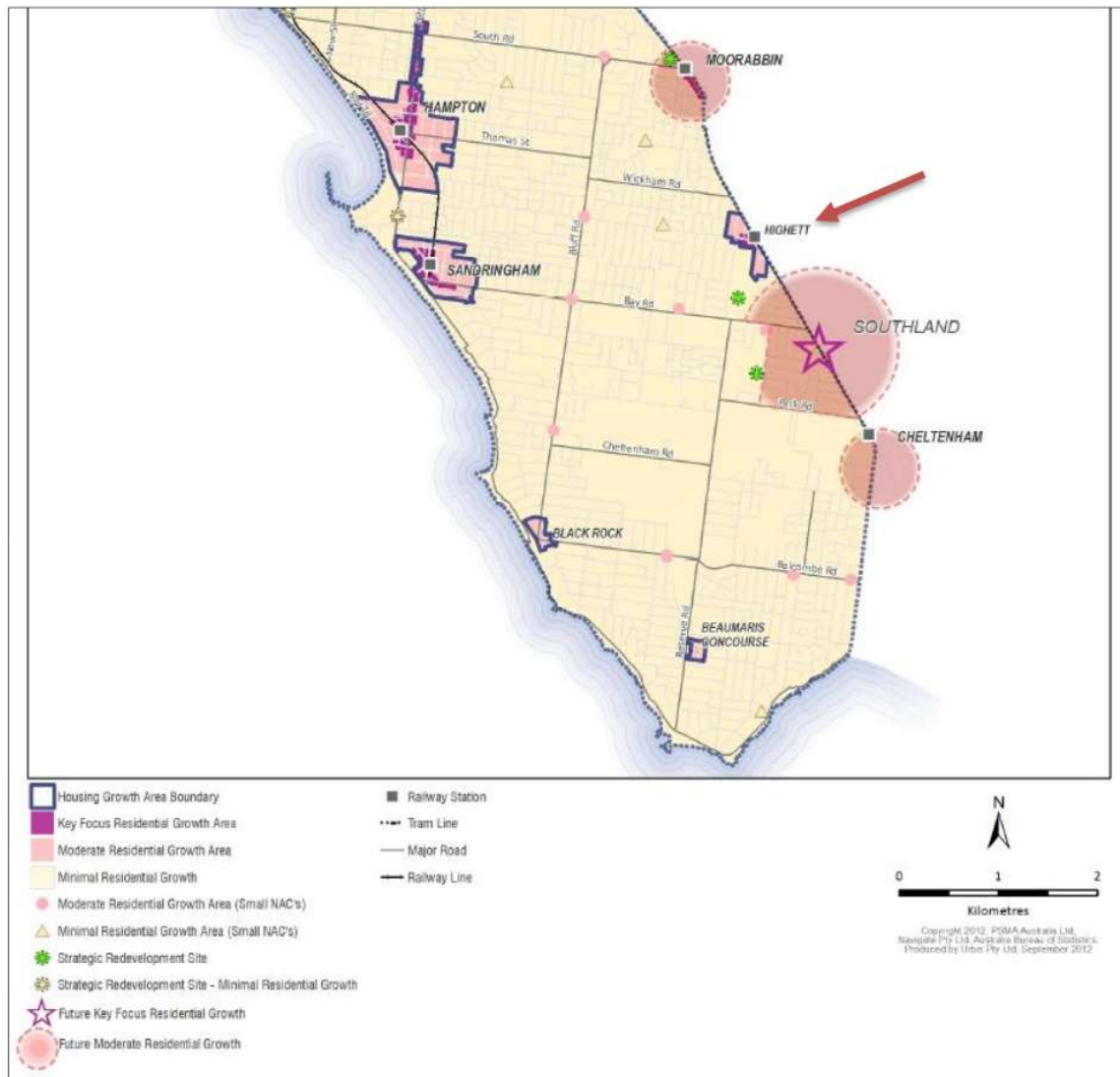
(ii) Bayside Housing Strategy

The *Bayside Housing Strategy, 2012* (Housing Strategy) provides a framework for the provision of residential development to meet housing demand to 2031 directing medium and high density residential development to Major and Neighbourhood Activity Centres such as Highett. It nominates the Highett shopping strip as a 'Key Focus Residential Growth Area' and the surrounding land in the GRZ1 and GRZ5 as a 'Moderate Residential Growth Area'. The CSIRO site is identified as a 'Key Redevelopment Site'. The objectives for the Highett neighbourhood Activity Centre included the development of the centre as a neighbourhood focus for residential development, recognising the existing residential character and managing change and revitalising the shopping centre.

The Housing Strategy was implemented in 2014 through Bayside Planning Scheme Amendment C103 introducing the reformed residential zones (Residential Growth Zone (RGZ), GRZ and NRZ) and identifying the Strategy as a reference document in Clause 21.02. The key directions of the Housing Strategy are summarised in 'Map 2 – Residential Strategic Framework Plan' at Clause 21.02-5, the southern portion of which is reproduced in Figure 4.

⁴ In its submission Council referred to an adopted 2006 version of the Highett Structure Plan 2004. Some parties referred to the 2006 version however for the purposes of consistency the Panel references the 2004 Structure Plan in this Report.

Figure 4 Clause 21.02-5 Map 2 – Residential Strategic Framework Plan excerpt



Council undertook a review of the Housing Strategy in 2019, producing the Bayside Housing Strategy November 2019 (2019 Housing Strategy) to identify its housing needs to 2036. The 2019 Housing Strategy identifies the need to provide 422-451 additional dwellings a year to meet the annual population growth of 688-910 persons. The Strategy confirms an approach to direct the majority of growth to Activity Centres near the Principal Public Transport as these areas are considered to have sufficient housing capacity. The Strategy also proposes to retain the existing residential zones.

The spatial directions of the Strategy are summarised in a revised Residential Strategic Framework Plan (a section of which is reproduced in Figure 5). The relevant directions relating to the Highett Activity Centre are:

- identification of the C1Z land along Highett Road as a ‘Key Focus Residential Growth Area’ which will feature a diverse range of housing development with Structure Plans or Design Frameworks to determine built form requirements

- identification of the CSIRO site as a ‘Strategic Redevelopment Site’ to provide a mix of housing types, affordable housing and open space through the application of the Development Plan Overlay to guide built form outcomes
- inclusion of all the remaining land in the Amendment area plus the C2Z land on the northern side of Bay Road within the ‘Moderate Residential Growth Area’ which will provide for medium density housing (3 storeys), appropriate transitions to other housing areas with Structure Plans or Design Frameworks to determine built form requirements.

Figure 5 Bayside Housing Strategy 2019 Residential Strategic Framework Plan excerpt



The 2019 Housing Strategy identifies that all other residential areas are ‘Minimal Residential Growth Areas’ with limited capacity for change given their neighbourhood character, landscape or heritage values. Council advised that it does not propose to introduce the 2019 Housing Strategy into the Bayside Planning Scheme.

(iii) Retail, Commercial and Employment Strategy

The *Retail, Commercial and Employment Strategy*, SGS Economics and Planning, August 2016 (RCES) provides a vision for Bayside's Activity Centres and Employment Precincts including the Highett Activity Centre and BBD. The RCES identifies the Highett Activity Centre as a neighbourhood centre envisaged to grow to a large Neighbourhood Activity Centre by 2031 requiring an additional 14,900 square metres of retail floor space and 400 square metres of commercial floor space across the entire centre (including that portion within the City of Kingston). The Strategy is a reference document in Clause 22.04.

(iv) Amendment C162

The Panel was advised that Bayside Planning Scheme Amendment C162 has been prepared to apply the RGZ and Development Plan Overlay (DPO) to the CSIRO site and is pending approval following the sale of the land. A more detailed discussion of the CSIRO site and Amendment C162 is included in Chapter 5.

(v) Pennydale Structure Plan

Council is progressing a separate amendment (Bayside Planning Scheme Amendment C163) which is awaiting Authorisation to implement the Pennydale Structure Plan which relates to land south of Bay Road, north of Park Road Cheltenham and east of the Bayside Business District. The Pennydale Structure Plan was prepared at the same time as the Highett Structure Plan utilising common background materials including economic and traffic reports. An Amendment has been prepared to implement it and is awaiting authorisation.

(vi) Major development proposals

Council's Part A submission⁵ included a plan showing planning permits approved for two or more dwellings in the subject land over the last five years. This development activity was distributed across the Amendment area. A planning permit has been issued for the development an aged care and retirement village facility at 32-34 and 36-40 Graham Road, Highett comprising three apartment buildings four storeys in height and a four storey aged care building. A copy of the permit and development plans were included in Council's Part A submission.

1.3 Summary of issues raised in submissions

A total of 23 submissions were received to the exhibition of the Amendment. A further two late submissions were referred to the Panel. Four submissions supported the Amendment or offered no opposition to it with the remainder opposed or seeking changes. The key issues raised in submissions were:

- increased density and associated traffic and parking issues
- loss of amenity through overshadowing and increased building height
- potential for underdevelopment resulting from low building height limits
- requesting the retention of DDO5

⁵ Document 4

- not supporting the extension of the Commercial Zone 1 area
- the provisions for the CSIRO site
- seeking changes to the Structure Plan relating to:
 - future traffic management
 - pedestrian crossing provision
 - inclusion of Commercial 2 Zone land and a mixed use link in Bay Road.

1.4 Procedural issues

(i) Authorisation

The Amendment was Authorised conditionally under delegation from the Minister for Planning by the Department of Environment, Land, Water and Planning (DELWP) on the 28 August 2019. Council advised the Panel on the 20 February 2020⁶ that the conditions of Authorisation relating to proposed Objective 3 of Clause 21.11-6 relating to the CSIRO site had inadvertently not been complied with. The particular conditions of Authorisation required Council to:

- Amend Clause 21.11 by removing strategies relating to Council advocacy for the CSIRO site as these provisions do not meet the entry rules of a *Practitioner's Guide to Victorian Planning Schemes*.
- Amend Map 1 to Clause 21.11-6 by removing any designation of built form requirements such as heights from the plan and remove the application of any structure plan policy for the CSIRO site. [Panel's emphasis]

The exhibited version of Objective 3 stated:

Objective 3

To support the redevelopment of the CSIRO site for medium density residential use and a new public open space and conservation area for the community.

Strategies

Advocate for Council's adopted package of Planning Provisions for the CSIRO site to facilitate redevelopment as follows:

- Apply the Public Conservation and Resource Zone (PCRZ) to 3 hectares of land, the area of conservation value generally to the south of the site around the Highett Grassy Woodland. The exact boundary of the area should be determined following the sale of the CSIRO land. This zoning will protect the land for conservation purposes;
- Apply the Public Park and Recreation Zone (PPRZ) to the 1ha of open space for active and passive recreation. This should be provided within the centre of the site to link with the Lyle Anderson Reserve to the east of the site and broader Highett to the west; – Apply the Residential Growth Zone to the remainder of the site;
- Apply a Development Plan Overlay (DPO) which includes design guidelines for development form and height, including prescriptive recommendations to manage the adjoining residential interface. It allows for buildings of up to 5 storeys in the northern portion of the site, up to four storeys towards the centre of the site with development immediately adjacent to the residential areas to the east and west to be 2 storeys; and
- Apply a Vegetation Protection Overlay (VPO) to the entire site. There are a large number of substantive, mostly native trees that provide an important landscape

⁶ Document 2

feature of the site. As these trees have been planted by the CSIRO they are not remnant indigenous vegetation and are not protected by the Native Vegetation Framework.

Council advised that it had submitted a compliant version of Clause 21.11 to DELWP through the Amendment Tracking System, however at some point, the content appears to have been reinserted in the exhibited documents. Council intended to comply with the authorisation conditions and did not identify this error until recently.

Before the Hearing, Council provided a revised version of Clause 21.11-6⁷ and considered the changes minor. On the basis that a submission had been made by Wolf International Group regarding the CSIRO site's planning control directions, the Panel directed Council to advise the parties to the Hearing of this error and its proposed document change to provide sufficient opportunity for other parties to respond.

Council advised that all other conditions of Authorisation had been satisfied in the final exhibited Amendment documents.

During the Hearing, the planning evidence of Ms Horsfield⁸ and submission for Wolf International Group⁹ considered that DELWP's reference to "any structure plan policy" implied that similar references were also required to be removed from the Structure Plan as a condition of Authorisation. The Panel does not agree with this interpretation, considering it relates to the objectives and strategies included Clause 21.11-6 only. This is discussed further in Chapter 5.

(ii) Late submission

A request to be heard at the Hearing was made by Simone Boileau who Council confirmed had not lodged a submission to the Amendment. Planning Panels Victoria advised her that she should contact Council because the Panel can only consider submissions referred to it by Council.

On the 28 February 2020, Council forwarded and formally referred a copy of Ms Boileau's submission¹⁰ to the Panel for consideration.

(iii) Notice of Amendment

Council advised that it notified relevant public authorities of the Amendment on the 30 December 2019 after it realised it had not done so as part of the exhibition of the Amendment between October and November 2019. As a result, one additional submission was received from the EPA in March 2019¹¹. The EPA indicated it had no issues with the proposal and referenced three Environmental Audits undertaken at sites in Graham Road.

The Panel advised Council that it was concerned that the Amendment Explanatory Report was unclear in relation to a number of zone changes including the proposed expansion of the C1Z.

⁷ Document 7

⁸ Document 5

⁹ Document 27

¹⁰ Submission 24 (Document 3)

¹¹ Submission 25 (Document 17)

Council provided the Panel with copies of a 'Amendment C160: Highett Structure Plan' brochure Precinct specific letters sent to landowners¹². The brochure and letters clearly articulated the key changes proposed in the Amendment. The Panel is satisfied that adequate notice was given of the Amendment and that the nature of the changes proposed to the Bayside Planning Scheme (Planning Scheme) by the Amendment were properly described.

(iv) Post exhibition changes

Council's Part A submission¹³ identified four proposed post exhibition changes in response to submissions 19 and 22 and the conditions of Authorisation:

- amend the first strategy under Objective 3 of Clause 21.04-1 to clarify that grassy woodland buffer applies to land outside the CSIRO site
- amend Clause 21.11-6 to delete Objective 3 relating to the CSIRO site
- amend Map 1 to Clause 21.11-6 to delete the '6m Minimum landscaped Setbacks' line marking from the CSIRO site as these were applied in error
- replace the word 'frontage' with 'street' in the 'Minimum street setback' requirement column of the '4.0 Requirements of Clause 54 and Clause 55' Table of GRZ12 and GRZ13
- replace the 'Side and rear setback' provisions of the '4.0 Requirements of Clause 54 and Clause 55' Table of GRZ12 and GRZ13.

Council's Part A submission included a further extensive series of proposed post exhibition changes to address drafting errors, improve clarity of policy, zone and overlay provisions and better reflect the intent of the Structure Plan. These changes were identified as a final set of changes provided with Council's Part B Submission¹⁴ and explained in table summary form¹⁵ and included:

- corrections to the exhibited Planning Scheme zone maps
- amend Clause 21.02 inserting a new 'Map 2 – Residential Strategic Framework Plan' reflecting the revised Structure Plan boundary
- amend Clause 21.11-6 to delete objectives and strategies relating to advocacy, streetscape improvements and the CSIRO site that sit outside the Planning Scheme, are duplicated or duplicate State policy. Remaining objectives and strategies to renumbered, reordered and in some instances reworded to improve clarity
- amend the schedules to the GRZ12, GRZ 13, GRZ 14, GRZ15, GRZ16 and NRZ1 to:
 - reword, simplify or clarify the neighbourhood character objectives
 - vary ResCode requirements to remove site coverage requirements (GRZ schedules only), quantify minimum dimensions for deep soil and remove fence height requirements for streets in Road Zones
 - clarify application requirements
 - clarify and simplify decision guidelines
- amend DDO4 to simplify the design objectives, replace 'should' with 'must' under '2.0 Buildings and works' relating to side and rear setbacks, correct Map 1 to include

¹² Document 25

¹³ Appendix X of Council's Part A submission (Document 7)

¹⁴ Document 20 and Document 22

¹⁵ Document 24

‘Transitional Height and Setback’ linework on the southern boundaries of Precinct 1A and 1B.

Council advised that these changes were minor in nature with no consequential impacts on other submitters or the objectives of the Amendment. The Panel initially had reservations about whether these changes were too extensive a departure from the exhibited Amendment and potentially transformed the Amendment. Having heard Council’s further explanation during the Hearing, the Panel is satisfied that the majority of these changes are reasonable and do not appear to transform the Amendment. The proposed post exhibition changes are discussed in more detail in Chapters 5 (in relation to the CSIRO site) and 7 of the Report.

1.5 The Panel’s approach

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Structure Plan Precinct issues
- Strategic sites
- Other issues
- Form and content of the Amendment.

The Panel’s recommendations have been consolidated into Chapter 7.

2 Planning context

2.1 Planning policy framework

Council's Explanatory Report and Part A submission identified that the following provisions of the Act and the Planning Policy Framework were relevant to the Amendment which the Panel has summarised below.

Victorian planning objectives

Section 4(1) of the *Planning and Environment Act 1987* (the Act) includes the following objectives of planning in Victoria:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) ...;
- (e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (fa) to facilitate the provision of affordable housing in Victoria;
- (g) to balance the present and future interests of all Victorians.

Clause 11 (Settlement)

Clause 11 seeks to:

- direct growth to Metropolitan Activity Centres such as Highett Activity Centre and providing for a supply of urban land for residential, commercial and other uses (Clauses 11.1.01-1S and 11.03-1S)
- providing for the orderly planning of the Highett Structure Plan Area to support its role and function as an Activity Centre into the future (Clause 11.02-2S).

Clause 15 (Built Environment)

Clause 15 seeks to:

- provide appropriate design guidance to ensure that residential development is site responsive and responds to the anticipated population growth in the area, whilst also incorporating personal safety and accessibility measures (Clauses 15.01-1S and 15.01-5R)
- achieve building design outcomes that contribute to the local context and enhance the public realm (Clause 15.01-2S)
- encourage land use and development that is energy and resource efficient (Clause 15.02-1S).

Clause 16 (Housing)

Clause 16 seeks to:

- provide strategic direction and guidance on the appropriate location of residential development close to Activity Centres and at strategic redevelopment sites that offer good access to public transport and a range of services (Clause 16.01-2S)
- provide for a range of housing outcomes that balance valued areas with housing choice that meets community needs (Clauses 16.01-1R and 16.01-3S).

Clause 17 (Economic Development)

Clause 17 seeks to:

- encourage an increased provision of employment generating uses and providing for a range of higher density housing options within Activity Centres (Clause 17.01-1S)
- supporting the future growth and economic sustainability of the Highett Activity Centre (Clause 17.02-1S).

Clause 18 (Transport)

Clause 18 seeks to:

- concentrate higher density residential development close to Highett Railway Station and several bus routes (Clause 18.02-2S)
- improve access to public transport services and connections (Clauses 18.02-1S and 18.02-2S)
- encourage walking and cycling through safe and attractive pedestrian networks (Clause 18.02-1S)
- ensure an adequate supply of car parking that is appropriately designed and located (Clause 18.02-4S).

Clause 21 (the Municipal Strategic Statement)

The Municipal Strategic Statement:

- establishes a vision for the municipality and its Activity Centres (Clause 21.02 Bayside Key Issues and Strategic Vision)
- provides for increased diversity and housing density in Activity Centres (Clause 21.03-1 Activity Centres)
- provides objectives and strategies for protecting the environment (Clause 21.04 Environmental and Landscape Values)
- recognises the village character of the Highett shopping centre and ensures that commercial – residential interface buildings are designed to respect the amenity of existing residential uses (Clauses 21.06-1 Character and Identify, 21.06-1.1 Residential Areas and 21.06-1.2 Activity Centres)
- encourages a diversity of retail, commercial and community activities in Activity Centres to serve the needs of the local community, ensuring the individual strengths of each centre are maintained with high quality development and opportunities enhanced for appropriate services to meet the needs of residents (Clause 21.07-1 Activity Centres)

- seeks to improve pedestrian links to existing and future open spaces to provide residents, workers and visitors with better access to recreation opportunities (Clause 21.08 Open Space)
- supports concentrating higher density residential development and a range of commercial uses close to Railway Stations and bus routes and improving pedestrian access to public transport services and connections (Clause 21.09 Transport and Access)
- provides guidance for the development of the Highett Activity Centre consistent with the 2004 Structure Plan (Clause 21.11 Local Areas).

Local Planning Policy Framework

Clause 22.06 (Neighbourhood Character Policy) seeks to:

- ensure development is responsive to the preferred future character of the area, retains and enhance the contributory character elements of identified precincts while recognising the need for change around Activity Centres
- support the preferred future character of Precinct G1 (which applies to most the Amendment residential areas).

2.2 Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 2.

Table 2 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
1.0 Melbourne is a productive city that attracts investment, supports innovation and creates jobs	Direction 1.2 Improve access to jobs across Melbourne and closer to where people live	1.2.1 Support the development of a network of activity centres linked by transport
2.0 Melbourne provides housing choice in locations close to jobs and services	2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city 2.2 Deliver more housing closer to jobs and public transport 2.5 Provide greater choice and diversity of housing	2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport 2.1.4 Provide certainty about the scale of growth in the suburbs 2.2.1 Facilitate well-designed, high-density residential developments

Outcome	Directions	Policies
		that support a vibrant public realm in Melbourne's central city 2.2.2 Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport 2.5.1 Facilitate housing that offers choice and meets changing household needs
Melbourne is a sustainable and resilient city	6.4 Make Melbourne cooler and greener 6.5 Protect and restore natural habitats	6.4.1 Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest 6.5.1 Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature

2.3 Planning scheme provisions

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

(i) Zones

Land within the Highett Activity Centre is in the C1Z, GRZ and NRZ.

The purposes of the C1Z are:

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

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

The purposes of the GRZ are:

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The purposes of the NRZ are:

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

(ii) Overlays

DDO4 applies to land within the Highett Activity Centre in the C1Z. The purposes of the DDO include:

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

A DDO requires a permit to construct a building or to construct or carry out works. A schedule to the DDO must identify design objectives to be achieved and can identify requirements relating to the design of built form of new development (including setbacks, height and landscaping), signage, application requirements and decision guidelines.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Directions 9 (Metropolitan Strategy) and 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Planning Practice Notes

The following Planning Practice Notes are relevant to the Highett Structure Plan and the Amendment:

- *Planning Practice Note 4: Writing a Municipal Strategic Statement*
- *Planning Practice Note 13: Incorporated and Background Documents* (PPN13)
- *Planning Practice Note 58: Structure Planning for Activity Centres* (PPN58)
- *Planning Practice Note 60: Height and Setback Controls for Activity Centres* (PPN60)
- *Planning Practice Note 90: Planning for housing* (PPN90)
- *Planning Practice Note 91: Using the residential zones* (PPN91).

PPN13 identifies the role of Incorporated and Background Documents and how they should be applied.

PPN58 provides guidance on the structure planning process for Metropolitan and Major Activity Centres. It identifies that a structure plan should:

- clarify the role and function of the Activity Centre in the context of State planning policy
- develop a concise vision and set of objectives for the centre
- identify where growth and change will occur
- define the boundaries of the Activity Centre to accommodate sufficient growth consistent with State policy and the Activity Centre boundary criteria
- show the form of future development and identify suitable locations for a range of developments in and around the centre

- identify key opportunity sites, and provide guidance for future development
- identify opportunities for a range of housing types and increased residential densities, and the implications for social and physical infrastructure, commercial and community services and facilities
- show suitable locations for open space
- demonstrate that the centre can support interlinking travel choices, travel behaviour change, and an increase in sustainable mode share
- identify opportunities to increase accessibility and permeability of the area, and provide support for travel behaviour change
- plan for ageing in place, and a diverse community
- detail how the quality and design of the public environment will be enhanced
- demonstrate that the centre can accommodate projected requirements for housing, office, social and community infrastructure, business mix, retail, entertainment and employment
- contain a detailed implementation program.

PPN60 provides guidance on the preferred approach to the application of height and setback controls for Activity Centres and should be in conjunction with PPN58 and *Planning Practice Note 59: The Role of Mandatory Controls in the Planning Scheme* (PPN59). PPN58 indicates that height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes and are strategically justified and based on a comprehensive built form analysis.

Planning schemes, based on the Victoria Planning Provisions (VPP), are predominantly performance based which provides for discretion and the testing of proposals against objectives and performance outcomes. A mandatory provision is a requirement or control that must be met and provides for no opportunity to vary the requirement. Mandatory provisions in the VPP are the exception. PPN59 sets out criteria that can be used to decide whether mandatory provisions may be appropriate in planning schemes.

PPN90 and PPN91 were introduced in December 2019 and although they were not available at the time of preparation of the Amendment are considered relevant for with respect to the Amendment. PPN90 provides guidance about planning for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in planning schemes. PPN91 provides guidance about how to use the residential zones to implement strategic work and use local policies and overlays with the residential zones.

2.5 Planning Policy Framework translation

Amendment VC148 was gazetted on 31 July 2018 and made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme. Council advised that it was in the advanced stages of discussions with DELWP regarding the migration of its Municipal Strategic Statement and Local Planning Policy Framework into the new planning policy framework format. Council identified that it had

undertaken a drafting exercise to ensure key elements of the Amendment could be fully translated into the new format¹⁶.

¹⁶ Document 23

3 Strategic justification

3.1 The issues

The issues are:

- whether the Structure Plan is sufficiently robust to support changes to local policy
- whether the Structure Plan should be a reference document
- whether the application of the proposed Zones and the DDO4 to the Highett Activity Centre is consistent with state and local policy
- whether the Amendment is strategically justified.

3.2 Highett Structure Plan

(i) Council's approach

Council's Part A submission¹⁷ set out the approach taken by Council in the review of the 2004 Highett Structure Plan and development of the Structure Plan including community engagement.

Council undertook a review of the 2004 Highett Structure Plan in 2016 releasing a *Highett Structure Plan Review 2017* which evaluated that Structure Plan since implementation in the planning scheme, noting:

a considerable amount of development, land use and demographic change has occurred in Highett as well as State Planning Policy.

The Highett Structure Plan Review 2017 identified key policy change and other considerations relevant for consideration in the updated Structure Plan:

- Plan Melbourne policy influences
- The introduction of new residential zones in 2014
- review of the Activity Centre boundary against PPN58
- previous directions regarding application of MUZ to north side of Bay Road
- whether overlay content could be transferred to zone schedules
- need for greater choice of small and medium housing types to meet the needs of an aging population and smaller households
- reflect the Retail Strategy's identification of the need for additional retail and commercial floorspace
- relationship of the centre with the Bayside Business District and Southland Activity Centre
- the opening of the Southland Railway Station
- changes to planning controls to respond to issues about discretionary nature of height provisions in DDO5, Housing Strategy directions and preferred controls for the CSIRO site
- address low amounts of open space and accessibility to open space
- protection of the biodiversity values of the Highett Grassy Woodland.

¹⁷ Paragraphs 67 to 81 and 93 to 96

The Structure Plan was informed by:

- State and local policy changes
- demographic change
- housing and economic composition of the centre
- permit application from 2015-2016
- recent amendments Planning Panels reports and Victorian Civil and Administrative Tribunal decisions
- various background technical reports:
 - Urban Design Advice, SJB Urban, April 2018
 - Combined Background Report, Highett & Southland-Pennydale Structure Plans, Cardno, 24 November 2017
 - Traffic and Transport Plan, Highett Structure Plan, Cardno, 17 April 2018
 - Vegetation assessment of Southland – Pennydale Structure Plan Area, Biosis, 19 February 2018
 - Highett and Southland-Pennydale Economic Advice, SGS Economics & Planning, 31 January 2018.

Council conducted an extensive three stage community engagement process for the Structure Plan which included:

- Stage 1: Identifying Issues and Opportunities to inform the Highett Structure Plan Review 2017
- Stage 2: Community feedback on the draft Highett Structure Plan Review 2017 using apartment resident surveys; mailout with brochure to landowners and occupiers within a kilometre radius of the Highett Station and other community groups, government agencies, service providers and developers; Council 'Have Your Say' webpage with videos, fact sheets, voting and ideas comment options; online and hard copy surveys; drop-in 'Café Conversations'; drop-in 'Listening Posts'; targeted outreach discussions; use of newspaper and Facebook
- Stage 3: Community feedback on a draft Structure Plan which included directed mail out to affected land owners and occupiers, larger stakeholder mailout, E-newsletter, 'Have Your Say' website information, surveys, community drop-in sessions and newspaper advertising.

Council submitted that, while the Highett Activity Centre is defined as a Neighbourhood Activity Centre in local policy, PPN58 was used to ensure a consistent approach with Bayside's other Neighbourhood Activity Centres.

Council adopted the Structure Plan 18 September 2018.

(ii) Highett Structure Plan

The Structure Plan identifies a vision, objectives and strategies focused on four key themes – Land Use, Built Form, Access and Movement and Public Realm.

The key elements of the Structure Plan vision include:

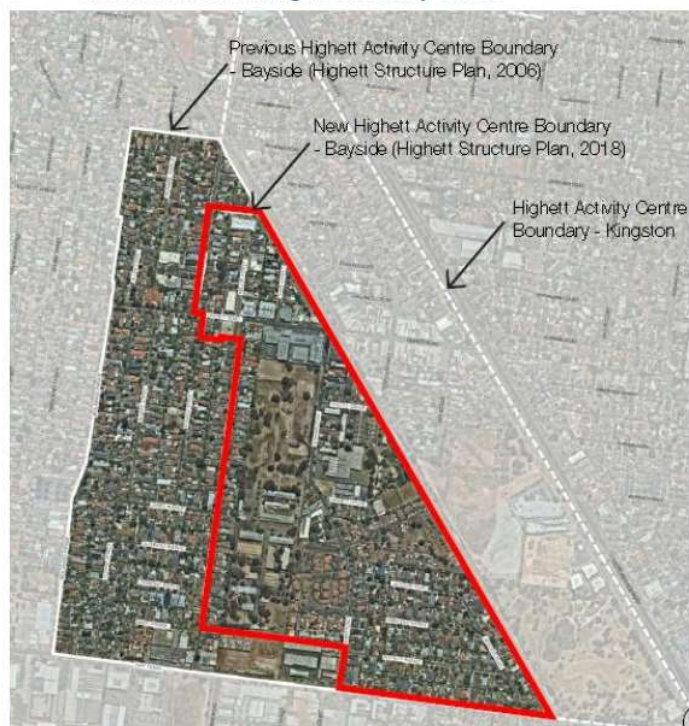
- a leafy, attractive and vibrant Highett Road shopping strip providing a wide range of local shopping, business and community services

- provide for a mix of retail, employment and residential uses in the shopping strip in a form that links and complements the rest of the centre to the east of the railway line
- provide for increased housing
- facilitate movement and an enhanced natural environment and green spaces
- manage change to respond to the recognised leafy and established residential character
- ensure the development of the CSIRO site is sympathetic to neighbouring properties and provides open space and for biodiversity conservation.

The Structure Plan departs from the 2004 Highett Structure Plan in a few key respects (as shown in Figure 5):

- it does not extend to cover that portion of the Highett Activity Centre within the City of Kingston
- the western extent of the Highett Activity Centre has been reduced to exclude residential areas west of Middleton Street and Worthington Road
- it does not include the Commercial 2 Zone on the north side of Bay Road.

Figure 6 Revised extent of Highett Activity Centre



Source: Structure Plan Figure 2, page 7

The Structure Plan identifies six precincts each with particular role, dwelling typologies and total height, street wall height and setback provisions as summarised in Table 3.

Table 3 Highett Structure Plan precinct roles, residential typologies and total height provisions

Precinct	Role	Residential typology and total height
Precinct 1A and 1B: Highett Road shopping strip	The commercial core of the centre, with retail, offices, services and residential above ground floor	Mixed use apartments 14 metres and 4 storeys (1A) 11 metres and 3 storeys (1B)
Precinct 2A and 2B: Station environs	An area of increased density with apartments and townhouses with adequate setbacks to provide space for landscaping to provide a garden setting for new developments	Apartments and townhouses 14 metres and 4 storeys (2A) 11 metres and 3 storeys (2B)
Precinct 3: Residential hinterland	An area of increased density with a mix of townhouses, units and detached houses with front and back gardens, landscaped setbacks and sensitive interface to the street	Mix of townhouses and detached dwellings 11 metres and 3 storeys (up to 4 storeys for 36-40 Graham Road)
Precinct 4: CSIRO site	An area for medium density residential development, new public open space and conservation area for the community	Apartments, townhouses and detached dwellings 4 – 5 storeys to north and centre of the site and 2 storeys to residential interfaces
Precinct 5: CSIRO interface	An area that abuts the CSIRO site where low scale residential transitions are provided	Apartments, villa units and townhouses 9 metres and 2 storeys
Precinct 6: Bay Road	An area of increased density with apartments on a main road	Apartments 11 metres and 3 storeys

Council submitted that the Structure Plan boundary was consistent with guidance in PPN58 by clearly articulating the areas for growth in Highett. It considered it appropriate to exclude NRZ land (west of Middleton Street) from the boundary as it was not expected to see significant change. C2Z land on the north side of Bay Road was not included as this area was part of the identified Bayside Business District.

3.3 Planning Policy support

Council's Part A submission considered that the Amendment implemented or was supported by the Act and the Planning Policy Framework as set out in Chapter 2 as follows:

(i) The Act

Providing a strategic framework for the growth and development of the Highett Activity Centre over the next 20-30 years which will:

- provide for the fair, orderly, economic and sustainable use and development of the land, through the provision of precinct guidelines that allow for a range of uses and higher density development within the Centre
- improve access and movement and enhance the Centre's landscaped and environmental character to create a pleasant and safe place for the community to live and work by improving access to existing open spaces, increasing requirements for canopy tree planting and increased protection of the biologically significant Highett Grassy Woodland
- facilitate the expected population growth in the Activity Centre whilst providing a balance for the present and future interests of the community.

(ii) State policies

The Amendment is consistent with the state policies identified in Chapter 2 because it:

- supports the future growth and economic sustainability of the Highett Activity Centre by increasing the provision of mixed-use development and employment generating uses in an expanded commercial area and provides for a range of higher density housing options
- improves the amenity and built form outcomes that reflect existing character
- concentrates higher density residential development close to Highett Railway Station and bus routes
- provides specific guidance for the development of the CSIRO urban renewal site
- seeks to improve walking and cycling networks including connections to open space and public transport services and connections
- minimises greenhouse gas emissions by promoting consolidation of urban development, protects a vital piece of open space and encourages the retention of existing vegetation and planting of new vegetation through additional provisions for deep soil and canopy trees
- ensures an adequate supply of car parking that is appropriately designed and located.

(iii) Municipal Strategic Statement and local policy

The Amendment supports the Municipal Strategic Statement and local policy 21.06 by:

- providing for increased diversity and housing density in Activity Centres
- providing additional objectives and strategies for protecting the Highett Grassy Woodland
- recognising the village character of the Highett shopping centre and ensuring that commercial – residential interface buildings are designed to respect the amenity of

existing residential uses, clarifying the application of the Design and Development Overlay to the Highett Activity Centre

- encouraging a diversity of retail, commercial and community activities in Activity Centres to serve the needs of the local community, ensuring the individual strengths of each centre are maintained with high quality development and opportunities enhanced for appropriate services to meet the needs of residents
- removing references to educational facilities at the CSIRO, Highett site to reflect its future housing role
- providing guidance for the development of the Highett Activity Centre consistent with a Structure Plan
- ensuring development is responsive to the preferred future character of the area, retains and enhance the contributory character elements of identified precincts while recognising the need for change around Activity Centres.

The Amendment supports Clause 22.06 by:

- supporting the preferred future character of Precinct G1 (which applies to most the Amendment residential areas).

(iv) Plan Melbourne

Council indicated that the Amendment supported the implementation of Plan Melbourne (including the Plan Melbourne Addendum 2019 relating to employment and commercial floorspace projections) by:

- planning for commercial land and the Activity Centre's needs, strengthening the existing commercial area on Highett Road by extending it to meet demand and increasing the local population
- encouraging increased housing density in the commercial core of the centre and a mix of dwelling types from apartments, townhouses and detached houses with gardens in the wider Activity Centre
- providing strategies for ensuring increased development occurs alongside urban greening in the form of vertical gardens and additional deep soil planting for canopy trees
- supporting the redevelopment of the former CSIRO site to provide open space and the protection of the biologically significant Highett Grassy Woodland.

(v) Practice Notes

Council made the following submission regarding the Amendment's consistency with planning practice notes.

The Amendment appropriately proposes the Structure Plan to be a reference (or Background) document as it provides background context to the local provisions of the Planning Scheme but is not required to inform or guide decision making consistent with PPN13.

The application of DDO4 is consistent with PPN59 and PPN60 because it does not provide for mandatory height and is the appropriate tool to use in conjunction with the C1Z to manage particular built form outcomes through specific measures.

The Amendment is consistent with PPN90 because:

- Structure Plans had been implemented for all of Council’s Major Activity Centres (except for Cheltenham) and Neighbourhood Activity Centres to guide how moderate growth will occur
- it provides for a balanced approach of planning for growth and protecting neighbourhood character and aligns with its Housing Strategy and 2019 Housing Strategy
- the Housing Strategy and 2019 Housing Strategy provide clear direction on where housing growth should occur to meet population needs to 2031 and 2036 respectively, directing moderate growth to the Gardenvale, Highett, Beaumaris and Black Rock Neighbourhood Activity Centres where it demonstrates design sensitivity to the existing residential context and amenity standards
- the proposed application of the NRZ to Precinct 3 and GRZ to the other residential Precincts generally aligned with the strategic direction of the Housing Strategy and PPN90 which identified that the GRZ *“should be applied to areas where housing development of three storeys exists or is planned for”* and that *“it is inappropriate for a Planning Authority to apply the GRZ to areas where the existing single and double storey character is to be respected”*
- the provisions of the GRZ and NRZ have been applied to manage height and setbacks in the residential precincts and have been informed through urban design advice and the *Bayside Neighbourhood Character Review* which underpins Clause 22.06
- the proposed controls will not compromise Council’s ability to plan for growth beyond 2036.

The Amendment is consistent with PPN91 because it does not preclude the ability for a height to exceed the GRZ default 3 storey height limit. Council has proposed to utilise the height provisions of the GRZ schedules to control height rather than rely on the existing provisions of DDO2, DDO3 and DDO5 which are to be removed to avoid inconsistency.

3.4 Evidence and submissions

Ms Brezzi of Norton Rose Fulbright representing Wolf International Group¹⁸ supported by the evidence of Ms Horsfield broadly supported the Structure Plan but sought to remove specific direction relating to the CSIRO that conflicted with directions included in Amendment C162.

Council submitted that the Structure Plan’s overarching strategic vision for the Highett Activity Centre is a place that provides increased housing in a family friendly, leafy, garden character setting. It identified that the Amendment accordingly seeks to introduce provisions that prescribe built form outcomes specific to the context of each precinct in order to provide a range of housing types and densities to meet the current and changing needs of Highett residents, indicating that:

From four storeys in the commercial core near public transport, to two storeys in the established Neighbourhood Residential zone, to three storeys in the GRZ areas which acts as an important interface between these two, combined with a range of setback and landscaping requirements, the provisions proposed by Amendment C160bays aim to seamlessly merge high change areas with low change areas with precinct specific requirements that consider development potential alongside amenity impacts.

¹⁸ Submission 19

Council's submission outlined the findings of panel's report for Bayside Planning Scheme Amendment C46¹⁹ which introduced elements of the 2004 Structure Plan. Council quoted several of the Panel's conclusions relating to the role and function of the Highett Activity Centre and the level of development that was appropriate including:

- that Highett was an important opportunity for Bayside to meet the housing needs of the future population
- the amendment provided for significant intensification of activity
- a Neighbourhood Activity Centre is not the same as a Major Activity Centre despite sharing common features. The quality of neighbourhood character in a Neighbourhood Activity Centre can have a higher weighting and a lower standard of intensification of activity than in a Major Activity Centre
- The CSIRO site is of critical significance to the future of Highett.

Submission 1 considered that the increase in dwelling heights and reduced setbacks would result in overdevelopment which was not in the public interest. It added that the lack of open space, overshadowing of streets, associated parking and traffic challenges would result in community friction, safety and health impacts. However, Council considered that the Amendment appropriately achieved *"the balance between the need to provide additional and diverse housing for a growing and changing population with community aspirations to protect the green and leafy, low scale housing character of Bayside"*. It said that the Amendment:

- achieves greater efficiencies for existing infrastructure by encouraging a mix of housing types close to community infrastructure, services, employment and public transport
- will have positive social and economic benefits by providing greater certainty and direction for future commercial and residential development.

3.5 Discussion

(i) Structure Plan

While a number of submissions questioned specific elements of the Structure Plan's directions relating to height or particular sites and the proposed traffic management approaches, in the main there was general support for the Amendment.

The Panel considers that the Structure Plan is sufficiently rigorous, having been informed through traffic, urban design, economic and vegetation analysis and extensive community engagement and consultation. It appropriately acknowledges the level of population growth and changing housing demand in Highett at the municipal level and in the wider metropolitan context and areas of strategic opportunity. It contains an appropriate level of detail to guide its implementation through the application of Zones, Overlays and policy in addition to non-statutory actions and is broadly consistent with PPN58.

The Structure Plan represents a review of the 2004 Structure Plan informed by more recent policy and growth demands. It is not proposing to dramatically re-envision the centre or replace the key elements of policy and intent of controls that were fully explored and tested

¹⁹ Bayside Planning Scheme Amendment C46 Panel Report, November

through Amendment C46. Instead, what is proposed is a refinement of existing controls to provide some additional height, provide opportunities for additional commercial floor space to meet growth demand and realise the opportunities presented by the CSIRO site.

(ii) Strategic justification

While submissions questioned the particular basis for applying the GRZ rather than the RGZ or MUZ, in the main, they did not question the strategic basis for the Amendment.

A number of submissions expressed concern about the amenity impacts of more intensive housing development. This is understandable in an area undergoing change. The Highett Activity Centre however, has been identified for some time as a centre nominated for change. The Panel agrees with Council that many of the amenity concerns are best considered as part of the permit process through the tools included in the Amendment rather than by limiting further height.

The Panel considers that Council has struck the right balance between accommodating growth and ensuring the preferred character elements of the centre can be retained or enhanced. The level of housing growth anticipated to 2036 will be appropriately accommodated through the use of a suite of GRZ schedules. The controls will achieve moderate housing growth within the commercial core and the adjoining residential precincts in a way that will ensure a suitable built form scale and an appropriate transition to areas that will provide more modest or minimal housing activity. The Amendment acknowledges that the CSIRO site will play an important residential role for the Activity Centre in the future as the site is developed.

Overall, the suite of zones and overlays proposed through the Amendment and the height directions provide an appropriate response for the Highett Neighbourhood Activity Centre. To this end, the Panel acknowledges the findings of the Amendment C46 Panel that Neighbourhood Activity Centres and Major Activity Centres are not the same and that Neighbourhood Activity Centres should respond to identified neighbourhood character while still fulfilling their roles as key centres for retail and commercial activity and housing intensification. At a strategic level, the Amendment achieves this and is consistent with the Planning Policy Framework.

The Panel considers that on balance, the Amendment will result in net community benefit. While the Amendment will result in a moderate level of change, this is consistent with state policy and offset through wider community benefits arising from the provision of greater housing diversity and choice, a more vibrant commercial strip, providing local employment, efficient use of infrastructure, enhancing the public realm and providing open space enhancements and improved connectivity.

(iii) Reference document

Following evidence and submissions put to the Panel regarding the content of the Structure Plan, the Panel has turned its mind to whether the Structure Plan should be included as a reference document (or Background document) in the Bayside Planning Scheme²⁰.

²⁰ This includes Clauses 21.02, 21.04, 21.06, 21.07, 21.09 and 21.11-6.

In considering this issue, the Panel has relied on the guidance provided in PPN13. PPN13 identifies under 'When should a document be mentioned as a background document?':

Many documents, while useful, may be too long or complex or cover too wide a subject matter to be suitable for inclusion as an incorporated document in the planning scheme. If they provide useful background information or general advice to applicants, or will assist in understanding the planning scheme, they may be suitable as background documents. A background document may explain why particular requirements are in the planning scheme, substantiate a specific issue or provide background to specific decision guidelines in local planning policies or schedules. The substantive planning elements of the background document will have been included in the planning scheme in either the MPS, a local planning policy or a schedule.

...

There is no need to refer to a document in the planning scheme if the substantive elements of the document have been included in either the MPS, a local planning policy or a schedule, unless it contains additional useful information.

The Panel notes that Clause 72.08 (Background Document) in the Planning Scheme states:

A background document may:

- Have informed the preparation of, or an amendment, to this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

The current Structure Plan has clearly informed the preparation of the Amendment. However, in this instance, it is considered that Council has drawn out the majority of the pertinent land use and development elements from the Structure Plan into the proposed planning controls and policy provisions. As a result, there is little remaining that provides any real guidance or important context to inform decision making. Other content relating to future strategic work, advocacy and non-planning actions while relevant parts of a Structure Plan do not require translation into the Bayside Planning Scheme, as recognised by Council. The Panel considers that there is little demonstrated benefit in including it in the Planning Scheme. Indeed, the Panel was advised that including them can create conflict at the permit stage where Planning Scheme provisions and Structure Plan content differ or their provisions given greater weight than befits their role. Excluding it as a reference document now will also avoid pressure to remove or alter content to align it with the final version of the Amendment, Amendment C162 or to align it with future strategic work or circumstances.

Robust decision-making relies on clear logic and understanding of the matters to be taken into account, and the level of consideration that should be given to these matters. Current good practice aims to reduce unnecessary documents in the Planning Scheme to give clarity as to the primary matters to be considered in decision making. In this instance, the exclusion of the Structure Plan as a reference document is unlikely to impact the way in which the proposed policies will be applied.

Not including the Structure Plan as a reference or Background document does not diminish or reject the importance of the document for the Council or the Bayside community. It provides a strong basis for underpinning the strategic basis of the Amendment and to that end it has achieved its primary purpose. The Structure Plan can still be relied upon for decision making, where necessary (including supporting further strategic planning work) through the provisions

section 60 (1A) of the Act requires the Responsible Authority to consider amongst other matters:

(a) any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council

...

(b) any other relevant matter.

The Panel's recommendations relating to deleting the Structure Plan as a reference document are included in Chapter 7.

3.6 Conclusions

For the reasons set out in the following chapters, the Panel concludes that:

- The Structure Plan is sufficiently robust to support changes to local policy but should not be a reference or Background document.
- The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework.
- The Amendment is consistent with the relevant Ministerial Directions and Practice Notes.
- The Amendment is well founded and strategically justified.
- The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Structure Plan Precinct issues

4.1 Precincts 1A and 1B

(i) What is proposed?

The Amendment proposes to:

- rezone to C1Z:
 - 481, 483 and 485 Highett Road, Highett and include those sites in Precinct 1A
 - fronting the north side of Highett Road between Major and Livingston Streets (1 Major Street and the properties between 471 and 477 Highett Road) and include them in Precinct 1B
 - fronting the south side of Highett Road between Middleton and Donald Streets (50 Donald Street and the properties between 256 and 266 Highett Road) and include them in Precinct 1B
- apply the new DDO4 providing for a maximum of 4 storeys (14 metres) for Precinct 1A and 3 storeys (11 metres).

Council's post exhibition changes propose to:

- amend DDO4 to:
 - simplify the last three design objectives relating to scale, greenery and amenity
 - amend Map 1 to include additional transitional height and setback line work and to remove legend references to 5 and 2 storey maximums and open space/pedestrian linkages
- make zone map changes to reflect existing conditions and zone boundary conventions.

(ii) The issues

The issues are:

- whether the extension of the C1Z is appropriate
- whether the height and built form provisions of DDO4 are appropriate and strategically justified.

(iii) Submissions

Submission 11 on behalf of the landowner of 4/2A Major Street did not support the rezoning of the adjoining property to the south to C1Z as it would prejudice future amenity expectations and remove amenity protection offered by the GRZ. The submission considered the efforts to increase retail floor space misguided as many of the proposed properties to be rezoned were already used for non-residential purposes. Ms Robinson presented a submission to the Hearing²¹ identifying that the extension of the C1Z and increase in height was unwarranted and would only add to existing traffic and pedestrian issues and that new development had resulted in non-activated streetscapes or vacant shop fronts. Similar observations were made in Submissions 18 and 21.

²¹ Submission 14 and Document 13

Submission 22 considered the DDO4 inflexible in not allowing for height variations which would result in improved design outcomes and that their mandatory nature was inconsistent with PPN59 and PPN60. The submission identified a number of changes to the DDO4 which have largely been addressed by Council's post exhibition changes as discussed in Chapter 7.

Submission 20 did not support the extension of the C1Z but did not provide any reasons.

Submission 4 supported objectives to create better activation and a mix of uses to avoid more empty properties along Highett Road.

Submission 19 considered that the proposed four storey height controls for the commercial core (Precinct 1A) represented an underutilisation of the Activity Centre. The submission proposed that a six storey height was more appropriate given Melbourne's population growth, directions of Council's housing strategies and proximity to public transport, community facilities and services.

Submissions 5, 7 and 17 sought an increase in building height in Precinct 1B to 4 or more storeys, considering three storeys too restrictive for future development. Submissions 4 and 15 also supported a height increase to four storeys so that new buildings were consistent with existing buildings and to accommodate more people to reside in the retail core. Submission 15 considered that greater height was required to create the sense of a commercial core. Submission 17 suggested that the proximity of the station made such locations ideal for high density living.

Mr Screen's submission²² opposed the introduction of a three storey street wall height provision considering this would impact on the character and vibrancy of the shopping strip through overlooking, loss of natural light and reduced tree canopy and distinguish it from the two storey character and experience of the Highett Road retail strip within the City of Kingston resulting in poor centre integration.

Council considered the C1Z was the appropriate tool to deliver the additional commercial floor space identified in the Structure Plan to meet future need and the DDO tool appropriate to manage built form character objectives including height and setbacks. It set out in its Part B submission the basis of consistency with PPN60 and why the wording of DDO4 did not provide for mandatory controls²³. Council considered that that the height of three and four storeys struck the right balance between facilitating an appropriate level of growth, implementing urban design advice and reflecting the level of change sought by the community. It considered the discretionary height provisions enabled the flexibility to consider additional height on sites that could accommodate it.

Council submitted that the three storey street wall height was consistent with the urban design advice that recommended a proportionate street wall and building height along Highett road that was distinctive from the lower height of the Kingston end of the shopping strip so as to create visual interest and add viability to the centre. Council advised that the use of the word 'must' in DDO4 was consistent with the DDO 'parent' provision and did not make the provision mandatory, thus allowing for discretion to be applied. It considered the post exhibition changes to DDO4 were relatively minor and consistent with the Structure Plan.

²² Submission 8 and Document 9

²³ Paragraphs 97-104

(iv) Discussion*Commercial zoning*

The Highbett and Southland-Pennydale Economic Advice concluded that the Highbett Activity Centre is expected to accommodate incremental volumes of retail and commercial floor space and that the centre should expand gradually to avoid an oversupply of floor space and unnecessary levels of shopfront vacancies. It recommended:

- facilitating retail floorspace expansion to the west through a C1Z zoning between Worthing Road and Major Street²⁴ to yield 2,300 square metres of new retail floor space to satisfy anticipated demand to 2021. C1Z was recommended as the GRZ prohibits non-medical use and does little to encourage ground floor retail activity and the Mixed Use Zone (MUZ) does not mandate a ground floor retail floorspace outcome
- commercial offices being accommodated in shop top formats as part of mixed use development and the use of detached dwellings for a range of non-retail commercial uses including medical facilities.

Consistent with the recommendations of the economic advice the land use objectives of Clause 21.11-6 support the accommodation of additional retail and commercial floor space and the encouragement of offices and dwellings above and at the rear of shops fronting Highbett Road within the shopping centre.

The area to be rezoned to C1Z on the north side of Highbett Road includes two large apartment complexes on the corner of Major Street (481-485 containing shop fronts) and five single detached dwellings. The south side includes a single level medical clinic in a former dwelling adjacent to a single level commercial building and three dwellings. The Panel noted a number of vacant tenancies within existing developments adjoining this area. It considers that the new apartment complexes on the corner of Major Street are unlikely to be readily repurposed to yield any significant retail or commercial activity other than perhaps small medical suites or offices. However, it considers that the areas to be included in the C1Z will provide for an appropriate level of centre expansion using Worthing Road and Donald Street as logical centre edges. There is scope for short term reuse of some properties while others lend themselves to redevelopment and the opportunity to generate more activity in the western edge of the centre. The Panel considers that the expansion of the Activity Centre's retail strip and the application of the C1Z is supported by the Structure Plan and economic analysis that informed it. This aspect of the Amendment is consistent with state and local planning policies supporting the growth of Activity Centres to accommodate the future commercial and housing needs of Highbett and Bayside generally.

The Panel notes the concerns from Submitter 11 relating to the application of the C1Z to areas abutting residential areas. In this instance the two existing developments on the corner of Major Street and Highbett Road are unlikely to be redeveloped as a consequence of the zone

²⁴ Figure 11 of the Highbett and Southland-Pennydale Economic Advice identifies that this applies to both sides of Highbett Road

change, however if that were to happen, appropriate amenity objectives and building requirements apply within DDO4 to enable amenity issues to be considered and managed.

Council's submission included a map²⁵ outlining proposed changes to the exhibited zone map (Zones Map No 3) to correct mapping errors. The Panel has included the proposed zone map changes in Appendix C1. Within Precinct 1B these include:

- including the northern portion of the apartment complex on the corner of Major Street and Highett Road (1 Major Street and 477-479 Highett Road) within the C1Z rather than the GRZ12 to reflect land ownership and development
- a portion of Highett Road (adjacent to 256 and 258 Highett Road) remaining in the Road Zone (Category 2) rather than C1Z consistent with zone mapping convention
- excluding from the Amendment a section of land to the south of 48 Donald Street by not applying the C1Z so that it remains in the GRZ1 reflecting existing land ownership and activity
- including in the Amendment the rezoning of a section of laneway to the rear of two adjoining commercial properties in the Highett Road shopping strip (264 and 266 Highett Road) from GRZ1 to C1Z to reflect land ownership and primary access.

The Panel supports these post exhibition changes considering that they reflect existing development and land use activity and apply the correct approach to zone mapping. They do not change the intent of the Amendment. While most of the changes above are minor, the Panel considered in more detail the implications of extending the proposed application of the C1Z to the site on the corner of Major Street. That site is recently developed with a three storey apartment complex which extends over the proposed GRZ12 portion of the site. As identified earlier the Panel does not anticipate much change to occur on this site following the application of the C1Z given any repurposing of the complex is likely to be limited to small office or medical suite activities at ground level. The Panel considers that including the entire site within the C1Z is appropriate.

Height

Council submitted that the height provisions of DDO4 had been prepared in accordance with *A Practitioner's Guide to Victorian Planning Schemes* as a discretionary control and were consistent with PPN59 accordingly. PPN59 sets out the rigorous analysis required to justify the application of mandatory height controls, considering they should be used sparingly in Activity Centres. The Panel considers that the level of strategic analysis required to justify them has not been undertaken through the Structure Plan process for the Highett Activity Centre, however mandatory controls are not proposed by the Amendment. In this instance, the Panel agrees with Council that discretionary controls are appropriate and this is how they have been prepared. They will allow appropriate discretion to be applied where larger sites can accommodate additional height and result in appropriate built form outcomes consistent with the design objectives. The design objectives and provisions are not so prescriptive as to stifle innovation and good design outcomes.

The Panel considers that the four storey scale for Precinct 1A is an appropriate response to the role of the centre as a Neighbourhood Activity Centre and the anticipated level of

²⁵ Document 20

commercial floor space and housing needs to 2036 and the vision to maintain a human scale of development. The Panel supports the identified urban design approach to create a built form which differentiates itself from the lower scale of the shopping strip east of the railway line. This will enable the character to be retained while accommodating additional housing, mixed use activity and interest at the western end of the shopping strip and to maintain a viable centre. A three storey street wall form will achieve this objective while still maintaining an appropriate transition to adjoining residential areas and the traditional strip centre form to the east. The design objectives of DDO4 will ensure that new built form creates a level of articulation and street address that contributes to the preferred character and street level experience while managing the interface with adjoining residential areas through setbacks. The Panel considers the transition of height from Precinct 1A to 1B appropriate.

Council's proposed DDO changes are generally supported and either provide improved clarity and distinction between design objectives and design responses or standards and reflect the exhibited Structure Plan. Other changes remove superfluous content.

(v) Conclusions

The Panel concludes:

- The extension of the C1Z is appropriate.
- The height and built form provisions of DDO4 are appropriate and strategically justified.

The Panel's recommendations relating to Council's proposed post exhibition changes to the C1Z boundary and DDO4 Schedule changes are included in Chapter 7.

4.2 Precinct 2A

(i) What is proposed?

The Amendment proposes to rezone land in Precinct 2A to GRZ13 and remove DDO5.

Council's post exhibition changes propose to amend the Schedule to GRZ13 to:

- simplifying neighbourhood character objectives relating to tree planting, fine grain detail and amenity impacts
- amend the requirements of Clause 54 and 55 to:
 - remove the 50 per cent site coverage requirement
 - remove side and rear setback requirements
 - qualify the dimensions of deep soil
 - simplify the front fence height requirement
- amend the decision guidelines to simplify deep soil considerations and extend landscape considerations to new trees
- make zone map changes to reflect existing conditions and zone boundary conventions.

(ii) The issue

The issue is:

- whether the height provisions of GRZ13 are appropriate and strategically justified.

(iii) Submissions

Submission 19 considered that the proposed 4 storey height controls adjacent to the station represented an underutilisation of the Activity Centre and proposed that a 6 storey height better reflected state and local policy objectives.

Council did not support the change sought in Submission 19, outlining that the heights proposed reflected community sentiment and concerns about the impact of height on the attractiveness of the centre. Council submitted that the proposed heights represented a balance between managing increased growth and delivery of preferred character and reflected the proposed commercial core heights. It advised that it had considered the application of the RGZ but concluded that this was inconsistent with the Structure Plan's neighbourhood character objectives.

Council indicated that the proposed post exhibition changes provided clearer outcomes and objectives while changes to ResCode standards supported the desired town house and apartment typologies sought.

(iv) Discussion

Precinct 2A is one of three precincts providing additional height in the Activity Centre (the others being Precincts 1A and 1B). Precinct 2A comprises two distinct areas; an area adjacent to the railway station fronting Train Street (that contains just three sites and which interfaces with existing low scale dwellings to the west) and an area north of Thistle Grove which interfaces the shopping strip, the CSIRO site and lower scale dwellings to the south.

The Panel considers that applying a residential zone that allows for additional height adjacent to the Highett Station is appropriate and consistent with broader state and local policy. However, a six storey height in either portion of Precinct 2A is inconsistent with the prevailing scale of more recent development along Highett Road or at 68-80 Graham Road (a four storey apartment complex) and given the relatively small areas available for further development would provide little meaningful increase in overall housing provision within the Activity Centre. Applying a four storey built form (with setback fourth floor) will provide a scale consistent with the more recent building heights within and adjacent to other residential Precincts (2A and 3) while recognising the proximity of the station. The Panel notes that the proposed post exhibition changes to the GRZ13 to remove ResCode Standard variations for site coverage and side and rear setbacks will support townhouse and apartment formats consistent with the Structure Plan.

The Panel considers that the GRZ13 provides a reasonable balance between the strategic proximity of Precinct 2A to the station and shopping strip and developing a scale and character consistent with the centres neighbourhood role and the management of built form transition to adjoining precincts.

Council's proposed changes to the exhibited Zone map changes for Precinct 2A to correct mapping errors. These are shown in Appendix C1 and propose:

- including in the Amendment the rezoning of the Train Street and Graham Road road reserves adjoining the precincts from GRZ1 to GRZ13 and GRZ12 as appropriate

- applying the C1Z to the southern portion of the apartment and mixed use development at 64-80 Graham Road, rather than the GRZ13 to reflect existing site development and the C1Z or the remainder of the site.

The Panel notes that the amended Zone map has not included the Train Street road reserve in either the GRZ12 or GRZ13. Council should address this, although the Panel assumes the centre line of the road will be adopted.

The Panel considers that these proposed changes are appropriate and reflect zone boundary mapping guidance and reflects the extent of existing development within the C1Z. The Panel considers that this is not a material change to the Amendment, corrects an apparent error and reflects the intent of the Structure Plan and the Amendment.

The Panel broadly supports the Council's post exhibition changes identified by Council relating to GRZ13 and consider these to be consistent with the Structure Plan and the intent of the Amendment.

(v) Conclusions

The Panel concludes:

- That the height provisions of GRZ13 including Council's post exhibition changes are appropriate and strategically justified.

The Panel's recommendations regarding Council's proposed post exhibition changes to GRZ13 are included in Chapter 7.

4.3 Precinct 2B

(i) What is proposed?

The Amendment proposes to rezone land in Precinct 2B to GRZ12 and remove DDO5.

Council's post exhibition changes propose to amend the Schedule to GRZ12 to:

- simply the third neighbourhood character objective relating to building articulation
- amend the requirements of Clause 54 and 55 to:
 - remove the 50 per cent site coverage requirement
 - remove side and rear setback requirements
 - qualify the dimensions of deep soil
 - simplify the front fence height requirement
- amend the decision guidelines to simplify deep soil considerations and extend landscape considerations to new trees.

(ii) The issues

The issues are:

- whether the provisions of GRZ12 are appropriate and strategically justified
- whether DDO5 should be retained.

(iii) Submissions

Submission 22 considered the proposed controls too restrictive, with site coverage and side setback provisions aligning with the NRZ3 which applies to the Municipality's minimal change areas. It considered that the controls would result in undue housing pressure being placed on these areas. The submission identified a number of changes to the schedule provisions of GRZ12 which have largely been addressed by Council's post exhibition changes as discussed in Chapter 7.

Conversely, five submissions²⁶ did not support further height and sought the retention of DDO5. Submission 6 sought a mandatory height provision to be applied and 2 storey, 9 metre height limits on lots less than 1000 square metres.

Council's submission identified that much of the content of DDO5 including design objectives, height, setbacks, landscaping and site coverage had been translated into the proposed GRZ schedules. It noted that the two storey height objective in DDO5 is discretionary and that the current GRZ1 identifies a mandatory height control of three storeys. It considered that DDO5 was no longer relevant as the amenity related protections had been retained and that Schedule to GRZ12 includes provisions to ensure three storey form does not overwhelm nearby properties.

(iv) Discussion

The Amendment proposes to delete DDO5 which provides for two storey villa unit or townhouse development on lots less than 1000 square metres and apartments up to 9 metres (three storeys) on larger lots with a six metre setback. The Panel agrees with Council that the current DDO5 does not reflect the increased housing objectives for the Precinct identified in the Structure Plan. The Panel supports a three storey height provision in the Precinct, noting that it is located close to the Highbury shopping strip and station and consistent with its role within an Activity Centre as well as state and local planning policy. The three storey provision provides an appropriate transition of scale from Precincts 1A, 1B and 2A while retaining the six metre DDO5 setback provision to Major Street and Worthing Road. The proposed heights are the same as the current GRZ1. The Panel supports Council's position that the key elements of DDO5 are included in the character objectives and standards of GRZ12 and that it is not appropriate to retain it.

The Panel notes that the GRZ provides a mandatory height limit and it does not support retaining the two storey height provisions on lots less than 1000 square metres. Such a limitation does not reflect the purpose of the zone to support moderate levels of housing activity. The Panel also observes that Clause 21.11-6 supports the consolidation of land in Precincts 1, 2 and 6 and this is considered appropriate to enable housing development while respecting neighbourhood character and the scale of existing recent apartment development.

The Panel agrees with Submission 22 that the GRZ12 resembles the NRZ3 and is too restrictive. The NRZ limits development to two storeys, provides for a nine metre setback and generous side setbacks befitting its role as a limited change area. The GRZ12 conversely allows for greater height and reduced setbacks and supported by policy allows for apartment housing

²⁶ Submissions 6, 11, 14, 20 and 21

typologies. The proximity of such a precinct close to a station and shopping strip in some circumstances may well justify the application of a GRZ or additional height. However, in this instance, the extent of recent three storey development in Major Street, the Precinct's relatively confined area and the established four storey forms on Highett Road do not support further height without impacting the Centre's preferred character or the primacy of the C1Z.

The Panel supports the post exhibition changes proposed by Council because they add clarity, support the directions of the Structure Plan and are consistent with the intent of the Amendment.

(v) Conclusions

The Panel concludes:

- The provisions of GRZ12, including Council's post exhibition changes, are appropriate and strategically justified.
- There is no need or strategic basis to support the retention of DDO5.

The Panel's recommendations relating to Council's proposed post exhibition changes relating to the GRZ12 are included in Chapter 7.

4.4 Precinct 3

(i) What is proposed?

The Amendment proposes to add a strategy to Cause 21.08 to require the development of 36-40 Graham Road to provide an open space link between Lyle Anderson Reserve and open space provided on the CSIRO site and add 36-40 Graham Road as a site providing for additional open space provision. The Amendment rezones land in Precinct 3 to GRZ14 and GRZ16 (for 36-40 Graham Road) and remove DDO2.

Council's post exhibition changes propose to amend the Schedule to GRZ14 to:

- replace the last neighbourhood character objective with a new objective identifying the precincts housing role (mix of townhouses and detached dwellings amongst a garden setting) and simplify the remaining objectives
- amend the decision guidelines to delete deep soil considerations and extend landscape considerations to new trees
- make zone map changes to reflect zone boundary conventions.

Council's post exhibition changes propose to reword the strategy for open space linkages at 36-40 Graham Road in Clause 21.08 and amend the Schedule to GRZ16 to:

- replace 'Street' with 'Road' for the 36-40²⁷ Graham Road
- replace the last neighbourhood character objective with a new objective identifying the precincts housing role (apartment style residential development up to four storeys, with recessed upper floors), introducing an additional objective regarding amenity and a linkage to the Lyle Anderson Reserve and simplify the remaining objectives

²⁷ Council's post exhibition changes also sought to replace the street address of '36-40 Graham Road' with '32-40 Graham Road'.

- amend the requirements of Clause 54 and 55 to remove the 50% site coverage requirement
- amend the decision guidelines to remove deep soil considerations and extend landscape considerations to new trees.

(ii) The issue

The issue is:

- whether the height and setback provisions of GRZ14 and GRZ16 are appropriate.

(iii) Submissions

Submission 1 did not support the proposed three and four storey (at 36-40 Graham Road) height provisions and setback reductions and considered that these changes would destroy the neighbourhood ambience and streetscape and dwarf the areas predominantly existing single housing. The submission identified the changes would result in overdevelopment and amenity issues associated with overlooking and overshadowing. Similarly, Submission 10 did not support a housing height increase because of existing traffic hazards in Graham Road. The Panel considers traffic issues in Chapter 6.

Council submitted that there were minimal changes proposed in GRZ14 from GRZ1 other than reducing setbacks to six metres and including deep soil provisions, while DELWP's authorisation required a site specific control (GRZ16) to be applied to 36-40 Graham Street to allow for four storeys. It considered the changes consistent with the designation of the area for incremental change and not substantial.

(iv) Discussion

The Panel considers that the application of GRZ14 reflects the intended role for the Precinct to accommodate a limited level of growth through the development of townhouses. The Zone will result in little change beyond what is provided for by the existing GRZ1. The provision of a six metre setback and canopy tree planting will ensure that new development can properly respond to existing dwellings and the preferred character. The proposed post exhibition changes to the character objectives are appropriate as they add clarity to the intent of the Zone outcomes sought.

The provisions of GRZ16 respond to an existing site approval of three to four storeys with setbacks consistent with that proposed. The Panel supports a specific GRZ Schedule to distinguish this site from the rest of Precinct 3. Council's post exhibition changes sought to replace the street address of '36-40 Graham Road' with '32-40 Graham Road'. While it is understood that there is an approved development for 32-40 Graham Road, the exhibited and post exhibition mapping changes do not include 32-34 Graham Road in GRZ16 nor does Clause 21.08 or Clause 21.11-6. The Panel has considered the changes on the basis that Council has not sought to extend GRZ16 to include 32-34 Graham Road as such a change has the potential to transform the Amendment and should be subject to further notice. The Panel notes, based on the planning permit included in its Part A submission²⁸, that the development on 32-34 Graham Road appears to have a six metre setback and be limited to three storeys so may not

²⁸ Part A submission Appendix Y

require GRZ16 to be applied. The Panel supports refinement of the character objectives and consider these consistent with the intent of the Amendment and Structure Plan including the open space link provision which is included in the exhibited Clause 21.08 and 21.11-6. The removal of the 50 per cent site coverage provision is consistent with the approved development and more intensive development outcomes sought for that site.

Council's proposed changes to the exhibited zone map for Precinct 3 (Appendix C1) propose to rezone the Graham Road road reserve adjoining the Precinct from GRZ1 to GRZ14 and GRZ16 as appropriate. The Panel considers that this change has limited impact and is required to address a mapping error using established guidance for mapping zone boundaries.

(v) Conclusions

The Panel concludes:

- The height and setback provisions of GRZ14 and GRZ16, including Council's post exhibition changes, are appropriate.

The Panel's recommendations regarding Council's proposed post exhibition changes to GRZ14 and GRZ16 are included in Chapter 7.

4.5 Precinct 5

(i) What is proposed?

The Amendment proposes to introduce a strategy in Clause 21.04-1 to provide a 3 metre buffer on properties adjoining the Hihett Grassy Woodland and rezone land in Precinct 5 to NRZ1 and remove DDO3.

Council's post exhibition changes propose to add an additional strategy to Clause 21.04-1 to ensure new development does not overshadow the Hihett Grassy Woodland and amend NRZ1 to:

- add an additional neighbourhood character objective identifying the precincts housing role (a mix of townhouses and detached dwellings)
- add an additional objective relating the interface of new development with the Hihett Grassy Woodland and rephrase remaining objectives
- amend the requirements of Clause 54 and 55 to add an overshadowing limitation requirement to minimise impacts on the Hihett Grassy Woodlands
- include an application requirement relating to canopy tree planting
- include decision guidelines to extend landscape considerations to new trees.

(ii) The issue

The issue is:

- whether the setback and buffer provisions of Clause 21.04-1 and NRZ1 are appropriate, including Council's post exhibition changes.

(iii) Submissions

Submission 4 supported the landscaping and deep soil provisions of NRZ1 and 2 storey height limits proposed but was unclear what the setbacks would be for adjoining residential development on the CSIRO site.

The submission from the Friends of the Highett Grassy Woodlands²⁹ supported the three metre buffer and overshadowing objectives of Clause 21.04-1. Mr Screen for the Friends group identified that the Woodland vegetation community would benefit by allowing their exposure to sunlight and wind, while the setback of buildings would also allow greater enjoyment and appreciation of the Woodland.

(iv) Discussion

The NRZ1 proposed to be applied to Precinct 5 incorporates similar built form outcomes as the existing NRZ3 and DDO3 but provides for particular interface outcomes (building setbacks, design and landscaping) to ensure an appropriate interface for the Highett Grassy Woodland. The Panel considers that because the Highett Grassy Woodland area is intended to be public land with access anticipated, it is appropriate that new built form visible from the public realm not dominate the significant landscape and provides opportunity for additional landscaping and access to daylight for vegetation within the proposed conservation reserve. It therefore considers Council's proposed changes to identify this interface aspect as a character objective (linked to the proposed further change to Clause 21.04-1) with an associated ResCode standard variation with an additional tree planting requirement to be justified and appropriate.

Council's proposed changes to the character objectives of the NRZ1 are considered appropriate as, like the other proposed GRZ schedules, they clarify the housing form typology sought for the Precinct. They are consistent with the intent of the Structure Plan and the urban design inputs that informed it.

(v) Conclusion

The Panel concludes:

- The setback and buffer provisions of Clause 21.04-1 and NRZ1, including Council's post exhibition changes, are appropriate.

The Panel's recommendations relating to Council's post exhibition changes to Clause 21.04 and NRZ1 are included in Chapter 7.

4.6 Precinct 6

(i) What is proposed?

The Amendment proposes to rezone land in Precinct 6 to GRZ15.

Council's post exhibition changes propose to amend GRZ15 to:

- simplify the neighbourhood character objectives

²⁹ Submission 16 and Document 14

- amend the decision guidelines to delete deep soil considerations and extend landscape considerations to new trees
- amend the requirements of Clause 54 and 55 to:
 - remove the 50 per cent site coverage requirement
 - correct the landscape requirement to remove setback provisions
 - simplify the front fence height requirement
- amend the decision guidelines to remove deep soil considerations and extend landscape considerations to new trees and to provide for activation and surveillance.

(ii) The issue

The issue is:

- whether Precinct 3 should be in the MUZ and extended to include Commercial 2 land on the north side of Bay Road.

(iii) Submissions

Mr Perry of Perry Town Planning presented a submission on behalf of Laminex Industries³⁰. He outlined that the 2004 Structure Plan provided for a MUZ frontage along the north side of Bay Road extending from Middleton Street to the rail overpass to the east, providing for 3 storey built form and consolidation of land so as to provide a link to the Southland Activity Centre. He recommended that this element of the 2004 Structure Plan be retained (including the C2Z land because of its functional relationship with the Structure Plan area) with the application of a DPO.

Council submitted that the Structure Plan sought to support the development of the Bay Road corridor so that it achieves better integration with the Southland Activity Centre and the BBD by encouraging increased housing density. It identified that the GRZ15 encourages 3 storey apartments, activation of Bay Road frontages (through passive surveillance) and reduced the front and side setbacks and site coverage provisions that currently apply.

(iv) Discussion

The Panel notes that the Highett and Southland-Pennydale Economic Advice considers the role of the 'Bayside Economic Triangle' which was an initiative to generate connections between the major anchor nodes (Highett and Southland Activity Centres and the BESS). The economic analysis identified that while those Activity Centres are expected to expand, strengthening the need for stronger connections between the nodes, "*there is no immediate market need for economic activity to occur between these nodes...*". The advice considers that the strengthening of connections should be interpreted as improving pedestrian, cycling, public transport and motorist access and movement between the centres.

The Panel is satisfied that Council has properly considered this aspect of the earlier 2004 Structure Plan based on updated economic analysis. No evidence has been submitted to indicate a need to provide for a MUZ along Bay Road in the short to medium term or to include parts the BBD in the Structure Plan area. The Panel considers that the provisions of GRZ15 and the land use objectives of Clause 21.11-6 which encourage the consolidation of land, will

³⁰ Submission 23 (made on behalf of Fletcher Building Limited) and Document 12 (on behalf of Laminex Industries)

create an appropriate density and scale of built form and public realm outcomes that will reinforce the key connector role of the precinct between the Highett and Southland Activity Centres without diminishing the economic role of the core retail and commercial areas of those centres.

The Panel considers that the proposed-post exhibition changes to the GRZ15 to simplify the character objectives makes the intent of the zone clearer while still consistent with the Structure plan and purpose of the Amendment. The removal of the site coverage provisions ensures that the intended housing typology and the Bay Road frontage built form outcomes for the Precinct can be achieved.

(v) Conclusions

The Panel concludes:

- There is no strategic basis to apply the MUZ to Precinct 3 or to extend it to include C2Z land in Bay Road.
- The proposed GRZ15, land use and objectives of Clause will provide for housing and design outcomes that will reinforce the linkage between Highett and Southland Activity Centres.

The Panel's recommendations relating to Council's proposed post exhibition changes to GRZ15 are included in Chapter 7.

5 Strategic sites

5.1 CSIRO site

(i) Background

In her planning evidence, Ms Horsfield she described the CSIRO site (Figure 7 shown within blue lines) as:

The 'former CSIRO site' comprises two land parcels with a total site area of 9.3 hectares, being 37 Graham Road (main parcel) and 32 Middleton Street (smaller access parcel), Highett.

It was formerly occupied by the Commonwealth Scientific and Industrial Research Organisation (CSIRO), however CSIRO has since ceased all operations at the site.

The site is located at the edge of the Highett Activity Centre and within approximately 800 metres of the Southland Activity Centre. A variety of bus routes directly link the site to Highett rail station and the future rail station at the Southland Activity Centre.

The northern boundary of the site is located within approximately 200 metres of the Highett Train Station and coincides with the edge of the Highett Activity Centre (HAC). The HAC is focused around Highett Road and has the status of a neighbourhood centre, complementing the higher order retail and commercial facilities found at the nearby Southland Activity Centre.

The subject site has been substantially cleared of all built form and contains only natural vegetation and infrastructure including an internal road network. Final demolition and decontamination works are ongoing.

Figure 7 CSIRO Site in context with Structure Plan area



Source: Horsfield evidence page 4

Ms Horsfield described the site attributes the following way:

There are currently three vehicular points of access to the site: two from Graham Road and one from Middleton Street. Of the three, the primary point of access to the site is from the southernmost access from Graham Road.

The site contains a mixture of introduced and indigenous vegetation, with the majority of the native vegetation located in the southern half the site, and predominantly comprising River Red Gum and Yellow Box trees. Also located within the southern portion of the site is a small patch of remnant Grassy Woodland.

With the exception of the area at the south, the site has largely been cleared as part of site decontamination works.

Ms Horsfield outlined that because the site is owned by the Commonwealth Government (CSIRO), it is currently exempt from state and local planning controls and the Victorian Planning Provisions. In the future, it is anticipated that the development of the 9 hectare site will include areas set aside for biodiversity conservation, public open space, with the balance of approximately 5.3 hectares which will be made available for medium-high density residential redevelopment, guided by new built form controls.

Background and overview of Amendment C162

Ms Brezzi identified that the Wolf International Group was the purchaser under a contract sale of the former CSIRO site with a related entity Chaolong Developments Pty Ltd. The Wolf International Group submission relied on the evidence of Ms Horsfield.

Ms Horsfield provided a chronology of events relating to the evolution of planning controls for the CSIRO site including:

- outcomes of Bayside Planning Scheme Amendments C135 and C145 which sought the rezoning of the site. Both amendments lapsed due to delays in the land disposal process and environmental remediation
- the development and overview of a proposed package of controls for the site
- the status of Bayside Planning Scheme Amendment C162, which is pending final approval from the Minister for Planning and which proposes to implement and apply controls to the CSIRO site. The amendment will be gazetted once the sale of the site has been finalised.

Ms Horsfield's evidence included draft planning controls for the site proposed to be introduced through Amendment C162 which include:

- a draft Residential Growth Zone schedule with a series of design objectives including:
 - a graduated approach to building height with 2-3 storey-built form at low scale interfaces, up to 4 storeys in the central portion of the site and 6 storeys at the northern end of the site adjoining the C1Z
 - ESD objectives
 - retention of native vegetation consistent with Clause 52.17 (Native Vegetation) and the establishment of a conservation reserve
 - provision of passive open space and cycle and pedestrian connections
 - an integrated movement network that minimises traffic impacts on the surrounding road network.
- a draft Development Plan Overlay includes requirement and reports detailing:
 - an urban context and site analysis

- Character and Built Form
- Open Space
- Landscape and Significant Vegetation
- Traffic and Access
- Drainage
- Environmentally Sustainable Development.

Ms Horsfield and Ms Brezzi anticipated that approval of Amendment C162 and sale of the site was imminent.

(ii) What is proposed?

The Amendment has not sought to implement specific controls onto the site. However, there are a number of policies in Clause 21.04 and Clause 21.11-6 that are proposed which relate to CSIRO site (Precinct 4) which are summarised in Table 4. The Table does not include Clause 21.11-6 Land Use Objective 3 which was included in error and proposed to be deleted by Council.

Table 4 Exhibited Amendment policy provisions relating to CSIRO site

Clause	Provision
Clause 21.04	<p>Biodiversity - Objective 3:</p> <p>To protect the biologically significant Highett Grassy Woodland</p> <p>Strategies:</p> <ul style="list-style-type: none"> • Apply a 3-metre-wide buffer zone around the perimeter of the Highett Grassy Woodland on adjoining properties. <p>Application of zones and overlays:</p> <ul style="list-style-type: none"> • Apply the Public Conservation and Resource Zone to 3 hectares of land with conservation value in the southern portion of the CSIRO site which contains the Highett Grassy Woodland.
Clause 21.11	<p>Vision:</p> <ul style="list-style-type: none"> • To ensure that development of the CSIRO site is sympathetic to neighbouring properties and provides open space for active and passive recreation and the conservation of biodiversity. <p>Access and Movement Strategies:</p> <ul style="list-style-type: none"> • As part of any redevelopment of 36-40 Graham Road, Highett, require a public open space link to be delivered through the site to link Lyle Anderson Reserve and the new public open space to be provided on the CSIRO site. This link must be direct, legible and provide a strong visual and pedestrian link between Lyle Anderson Reserve and the public open space to be provided on the CSIRO site. • Ensure any redevelopment of the CSIRO site provides public shared pedestrian and bicycle paths that connect Highett Road to Bay Road and Graham Road to Middleton Street. <p>Public Realm</p> <ul style="list-style-type: none"> • For sites abutting the Highett Grassy Woodland provide a 3 metre wide buffer zone along the perimeter of the Highett Grassy Woodland • Minimise shading of the Highett Grassy Woodland.

Clause	Provision
	<p>Further work:</p> <ul style="list-style-type: none"> • Undertake a Place making study/Urban Design Framework to ensure that the housing, open space and community facilities provided on the CSIRO site are well connected and integrated with the existing Highett Road shopping strip, the train station and the Livingston Street Community Hub. As part of this, investigate ways to make Highett Road more pedestrian and cycling friendly and to improve the public transport experience for users. • Investigate whether a Vegetation Protection Overlay or Significant Landscape Overlay is justifiable and appropriate for some or all of the residential areas of the Highett Activity Centre.

Council's post exhibition changes propose to:

- amend Clause 21.04 to:
 - add the words '*outside the CSIRO site*' after 'Apply a 3-metre-wide buffer zone around the perimeter of the Highett Grassy Woodland on adjoining properties'
 - add a new Biodiversity strategy '*Ensure new development does not overshadow the Highett Grassy Woodland*'
- amend Clause 21.11-6 to:
 - delete Objective 3
 - delete the words 'a Place making study' from the 'Further strategic work' clause relating to the development of an Urban Development Framework
- include inserting a new 'Map 1 to Clause 21.11-6'³¹ which removes the setbacks from the CSIRO site and greys out the site.

(iii) The issues

The issues are:

- whether the Structure Plan should be amended to limit explicit direction for the CSIRO site
- whether the Clauses 21.04 and 21.11-6 should contain policy and land use directions relating to the CSIRO site.

(iv) Evidence and submissions

The CSIRO site has been identified as a strategic development site for over 15 years. Its strategic role has been recognised in the 2004 Structure Plan, the 2012 and 2018 Housing Strategies and reaffirmed in the current Structure Plan.

Many submissions³² referred to the CSIRO site, particularly:

- the impact of future development on the CSIRO site:
 - the Highett Grassy Woodland located onsite
 - native vegetation removal
 - increased traffic
 - overshadowing and amenity impact on adjacent properties

³¹ Document 21. The amended Map is included in Figure 10 contained in Chapter 7.

³² Submissions 1, 2, 3, 4, 6, 8, 10, 12, 13, 14, 16, 18, 19, 21 and 23.

- whether planning controls should be implemented through the Amendment for the site or not
- whether the Structure Plan should be amended to align with changes requested to Clause 21.04 and 21.11-6.

The evidence and submissions regarding traffic and precinct-based amenity impacts are discussed in Chapters 4 and 6.

Highett Grassy Woodland

Mr Norris gave an extensive overview of the history of the Highett Grassy Woodland which were first identified in 1939. Mr Norris outlined that the value of the Highett Grassy Woodland has been reinforced through various biodiversity studies and reflected in both the 2004 and 2018 Highett Structure Plans. His submission included material prepared by a Mr Darren Cook in 2003 which described the Highett Grassy Woodland as:

The CSIRO grounds support a number of trees which pre-date the European occupation of the area. These include Yellow Box and Red Gum trees with girths at breast height in excess of 3 meters. These trees are likely to be in excess of 300 years old. As well as these remnant trees the area still supports a number of indigenous herbs and grasses characteristic of grassy woodlands. Some of these species are included in Hart's description of the area in 1939 (see list below).

This native vegetation represents the last remaining example in the sandbelt region of a once extensive vegetation community. It is remarkable that some of the species present on the site, particularly *Cynoglossum suaveolans*, have survived. The area is of great conservation significance, not only because of the age of trees on the site and their local rarity, but also as an example of an extremely depleted vegetation.

Mr Norris, Council and Ms Brezzi outlined that there has been a process of negotiation to ensure that the Grassy Woodland areas are further protected. Ms Brezzi outlined that:

During the process of preparing an amendment referred to above, extensive strategic analysis, review and discussions with DELWP and Council occurred in relation to, amongst other things, the future built form parameters and provision of public open space on the CSIRO Site.

As a result of those discussions, it was agreed that:

- 3 ha of land to provide for the long-term conservation of the grassy woodland area; and
- 1 ha of other public open space,

Would be gifted by the Commonwealth to Council.

Ms Horsfield's evidence identified that the:

CSIRO has negotiated with Council to transfer a total of 4 hectares of the site to Council at no cost for public open space and conservation purposes, comprising 3 hectares for conservation purposes in the southern portion of the site and a further 1 hectare on the balance of the site for passive recreation purposes. This is reflected in the DPO Schedule requirement for a Section 173 Agreement to this effect to be entered into prior to a permit for subdivision or development of the land.

Ms Brezzi and Ms Horsfield explained that the exact location and layout of the open space and conservation area is still subject to final detailed consideration.

Council's submission however, identified that:

The existing agreement entered into confirms that 4 hectares of the CSIRO site will be transferred to Council as public open space. This agreement prescribes the locations for the open space to be located, unless there is written agreement from both parties on a revised location. The location of the agreed open space contained in the signed Section 173 Agreement aligns with the location shown on the Built Form plan (Figure 5) of the Structure Plan.

Mr Norris outlined, that the Friends of the Highett Grassy Woodland generally supported the Amendment but did not support increased residential development on the CSIRO site. In particular, they supported the 3 metre ground level setback requirement for development abutting the Woodland (including within the CSIRO site given the high likelihood for medium – high density development on the site), comparing it to the existing rear setback requirement in Clause 22.04 applying to development within the BBD which abuts the southern boundary of the site (referred to as the Bay Road Heathland Sanctuary). Mr Norris submitted that the setbacks would assist natural conditions and visual amenity. They also supported Council's post exhibition change to include within NRZ1 a requirement that *"Buildings should be designed to minimise overshadowing of the Highett Grassy Woodland between 10am and 2pm on September 22 (the equinox)"*. Mr Norris explained that this would help to prevent terrace-like development with no spacing between dwellings and allow the passage of sunlight and wind.

Ms Horsfield did not support a specific buffer of the type proposed in NRZ1 or Clause 21.04, considering that extensive areas of the site (approximately 43 percent) had already been set aside for the Grassy Woodlands and open space in addition to suggested Graham Road setbacks.

While Council's proposed post exhibition changes ensured the 3 metre Grassy Woodlands setback did not apply the CSIRO site, it did not support the other changes sought by Ms Horsfield and Ms Brezzi. It considered the provision justified and regardless of the provisions implemented through Amendment C162 could be imposed as redevelopment occurs to achieve the outcomes sought in the Structure Plan.

Vegetation Loss and Vegetation Protection

Ms Robinson outlined her frustration with the loss of mature gums from the CSIRO site. She requested that Council consider restitution and putting land use controls on the site to ensure that the site re-introduce and replace as many of the trees as possible. Submission 4 identified sadness from the loss of mature trees from the CSIRO site. Both submissions however, noted that they were supportive of the new and updated strategies at Clause 21.11-6 which provided strong reference to enhancing green spaces.

Ms Boileau³³ was concerned about the loss of canopy trees from the site and that there was no plan to address this or to apply a Vegetation Protection Overlay (VPO). She considered the application of a VPO would provide for more rigorous arboricultural assessment and peer review. Mr Perry also advocated for the application of a VPO to ensure the retention of the 'substantive' trees onsite, given their contribution to landscape characteristics on the site, consistent with Council's preferred package of controls.

Ms Horsfield's evidence stated:

³³ Submission 24 and Document 15

The amendments to local policy also propose that a Vegetation Protection Overlay (VPO) is applied to the entire site. This is considered to be an overly onerous requirement, given the substantial tree protection provided through 4.0 hectares of the site for conservation and open space purposes.

Further, with the exception of the area to be gifted to Council at the south of the site, the remainder of the site has largely been cleared of vegetation as part of the decontamination and remediation process (refer to Figure 6) and as such the application of a VPO to the site in my view is unnecessary.

Ms Brezzi and Council clarified that vegetation removal from the site had been required due to contamination issues. Council's post exhibition changes removed the strategy seeking the application of the VPO to the site while retaining the broader 'Further strategic work' action to investigate its application more widely across the Activity Centre.

Structure Plan content and planning controls for CSIRO site

Based on Council acknowledgement that there had been an error in the exhibition of the controls for the CSIRO site, Wolf International Group submitted that they supported the Structure Plan and most elements of the Amendment but sought changes to specific elements of the proposed policy changes and the Structure Plan as they relate to the CSIRO site. Ms Horsfield was concerned that the Amendment may directly conflict with Amendment C162 which was more advanced, particularly where the Structure Plan discusses and makes comment regarding future outcomes for the CSIRO site. She stated:

The development controls proposed by Amendment C160 will in my opinion have a substantial impact on the development potential of the site, through a combination of reduced building heights, increased buffer/landscaping requirements and prescriptive requirements for shared path locations.

Ms Horsfield provided comparative analysis between the controls proposed Structure Plan and local policy provisions with those in Amendment C162. These where:

- imposition of mandatory built form provisions across the site, whereas the proposed DPO schedule is predicated on discretionary height limitations, with the opportunity for increased height where specific performance/design quality outcomes can be demonstrated
- stipulation of a maximum 5 storey height limit in the northern portion of the site, where as the DPO schedule nominates a built form response in the order of 6 storeys, with potential to increase this height in specific circumstances
- stipulation of a maximum 2 storey height limit along the eastern and western boundaries of the site, where as the DPO nominates a 2-3 storey response
- prescribed locations where each height range is permitted across the site on the plan at 'Figure 5 – Built Form Plan of the Structure Plan', which is in contrast to the DPO which provides flexibility for built form height transitions to be resolved through the Development Plan process. The inclusion of the site within a RGZ should also support some flexibility for the built form strategy to evolve through more sophisticated contextual analysis in the development plan process.

Ms Brezzi submitted:

Wolf takes the view that a poor planning outcome is immediately achieved if the Structure Plan and the local policy provisions are inconsistent or are in conflict from the first day of their operation upon gazettal of Amendment C160. In other words, why

create a circumstance where the responsible authority or VCAT even need to weigh up conflicting documents in the future when that inconsistency can, and should, be corrected at the time the planning scheme is being drafted, i.e. through the Amendment C160 process.

Ms Horsfield referred to DELWP's Authorisation which was conditional on modifications to the Amendment. Ms Horsfield accepted Council's position that there had been an error during the exhibition and that they proposed to delete Objective 3 from Clause 21.11-6 and clarify objectives in Clause 21.04 relating to buffers. Ms Horsfield contended that the Authorisation extended to requiring Council amend the Structure Plan to removal all policy directions on the CSIRO site and that this had not been done.

Council did not accept that the conditional authorisation from DELWP extended to the removal of references to the CSIRO site in the Structure Plan. It indicated that it had various discussions with DELWP through the course of the amendment process and the changes related to Clause 21.11 and not the Structure Plan.

The changes to the Structure Plan sought by Wolf International were set out in Appendix A to Ms Brezzi's submission:

- remove of all references within the Structure Plan in relation to the CSIRO site that impose any planning or built form controls
- amend the CSIRO site vision consistent with the change sought for 21.11-6
- amend the 'Land Use Plan', 'Access and Movement Plan' and 'Public Realm Plan' to grey out the site and remove any directions
- delete Objective 3 and associated strategies relating to the application of planning controls to the site and undertaking an Urban Development Framework consistent with changes sought to Clause 21.11-6
- amend Built Form Precinct table to identify Precinct 4 as an area for 'medium -high density' development
- delete the height and setback built form descriptions from Precinct 4 in Objective 5
- delete the shared path and vehicular access strategies in Objective 11
- amend Objective 16 to remove reference to the negotiation of open space contributions (consistent with changes sought to Clause 21.11-6) and the provision and zoning of a 1 hectare open space area on the site
- amend Objective 18 relating to the Highett Grassy Woodland to remove direction around the application of zones and overlays.

Council disagreed with Ms Brezzi and Ms Horsfield's concerns about the inconsistencies between the content of the two Amendments. It stated that, while the Structure Plan may provide for different built form outcomes, these had not been translated into the Amendment. It considered that:

There are still areas where the Structure Plan, and indeed the amendment will need to refer to the CSIRO site. Connections to the site from adjoining properties, nominating the interface treatments to land adjoining the Highett Grassy Woodland, and other similar conceptual references are entirely appropriate.

...

Council considers that it is not an acceptable outcome to 'grey out' or remove the CSIRO site from the Structure Plan, as there is sufficient guidance in the legend that these outcomes are intended to be 'potential' or preferred. Council may consider amending

the built form map of the Structure Plan however does not support further changes to the Structure Plan.

Wolf International sought to change the policy provisions to:

- amend Clause 21.04 to:
 - delete the 3 metre wide buffer in Clause 21.04
 - delete the zoning directions for the Grassy Woodlands given the potential conflict with Amendment C162 and because the boundaries were still unconfirmed
- amend Clause 21.08 to delete the reference to the CSIRO site in the list of Strategic Redevelopment Sites where higher open space contributions will be negotiated given that extensive areas of open space had already been agreed to be set aside for open space
- amend Clause 21.11-6 to:
 - amend the vision for the CSIRO site to include “*while providing for medium-density*”
 - delete the ‘Access and movement’ strategy to provide a public shared pedestrian and bicycle path connections
 - delete the reference to the undertaking of an Urban Design Framework under ‘Further strategic work’ indicating that its purpose was unclear and duplicated or would be potentially undertaken as part of the DPO
 - amend Map 1 to grey out the CSIRO site and remove any built form directions.

Council’s post exhibition changes sought to resolve some of Wolf International Group’s concerns by deleting Objective 3 and greying out the CSIRO site from the Map 1 to Clause 21.11-6. It clarified that the purpose of the Urban Design Framework was to integrate and enhance public transport infrastructure in the Activity Centre with the public realm. While making a minor change to that further strategic work action, it considered it important to retain. Council did not support the other policy changes sought by the Wolf International Group considering they could result in a lesser level of protection than what currently exists for nearby properties. It did not support the CSIRO site being deleted as one of the strategic development sites identified in Clause 21.08 for negotiated open space contribution outcomes. Council considered this inappropriate because it was an existing Planning Scheme provision and would lessen the burden on the developer of the CSIRO site to meet these outcomes.

(v) Discussion

The Panel is presented with an unusual situation where nearly a third of the Structure Plan area, and arguably the most significant site within the Structure Plan area to support the achievement of the vision for the Highett Activity Centre, is not within the Bayside Planning Scheme. It is also the subject of a separate and well-advanced amendment process that the community has had little input into, and which is being finalised while this Amendment is still afoot.

The Panel appreciates that Council and the community seek more certainty for the site, however, the controls that may be applied to the CSIRO site are not before the Panel and are outside the scope of this Amendment. It is reasonable however, for the Structure Plan to look to provide some direction as to how the CSIRO site is to be integrated into the broader Activity

Centre and contribute to the centres preferred character. This includes transport and open space connections and linkages and public realm aspirations. It is not reasonable to strip out all aspirations for the site from the Structure Plan because the planning controls are being resolved (by necessity) through a separate process, the timeframe of which is out of Council's control.

Highett Grassy Woodland

The Panel agrees that the Highett Grassy Woodland is a significant environmental site that contains unique vegetation and provides a significant environmental and open space asset for Highett. This was widely recognised in submissions. The Panel considers that it is appropriate that its significance is reflected through the Structure Plan and the proposed setback controls in their post exhibition form.

When asked about the likely future management and treatment of the Woodland future of the site, Mr Norris considered it a place that people would visit to experience the natural environment and passively recreate. While no parties had a clear view on how the Grassy Woodland would be managed there was a commendable commitment from Council and the community to ensure that the areas habitat and environmental values were protected.

The Panel agrees with Ms Horsfield that the preparation of the Development Plan provides the most appropriate and holistic process for determining site layout, location and arrangement of the Grassy Woodland and open space areas. However, the Panel also shares Council's position that it is reasonable for a Structure Plan to outline its broad location and allow it to be refined through a more detailed design and investigation. Once in Council ownership, it is anticipated that Council will continue to work with the community to develop a management plan for the site. It is not the Panel's role to comment on the Development Plan process other than to note that it will provide a further planning process to deal with the specific issues that were raised in the Hearing.

Council has sought to satisfy Wolf International Group's concerns about setbacks by amending the related strategy to confirm that it would not apply to the CSIRO site. Wolf International Group did not seek the removal of the objective that seeks to "*Ensure new development does not overshadow the Highett Grassy Woodland*". The Panel considers this strategy will still allow such matters to be considered through the development of the CSIRO and other adjoining sites. As identified in Chapter 3, the Panel considers there is a sound basis for supporting the setback and overshadowing provisions. It considers that the Council's post exhibition strikes a reasonable balance to protect the Grassy Woodland into the future.

Vegetation removal and vegetation protection

The Panel visited the site and viewed it from the adjacent roadways and could identify that there had been significant earthworks onsite recently. The Panel is confident through the evidence of Ms Horsfield and submission of Council that the vegetation loss was a necessary response as a result of decontamination works. The loss of any native vegetation, while unfortunate, is likely to be significantly offset by the setting aside of a large tract of land to enable the ongoing protection of the more significant sections of the site containing the Grassy Woodlands.

The Panel supports Council's post exhibition changes to remove Objective 3 strategies in Clause 21.11-6 which seek the application of particular zone and overlays including the VPO so as to avoid conflict with Amendment C162. However, the Panel notes that there is support to retain the Further strategic work action in that Clause to:

Investigate whether a Vegetation Protection Overlay or Significant Landscape Overlay is justifiable and appropriate for some or all of the residential areas of the Highett Activity Centre.

The Panel considers that adopting an Activity Centre wide approach to vegetation and landscape controls is more strategic and preferable to taking a site by site approach. For similar reasons, the Panel does not support the further strategic work action in Clause 21.04 to apply the Public Conservation and Resource Zone to the 3 hectares Highett Grassy Woodland. While this Zone might ultimately be the right zone to apply when the Development Plan process has been completed and the precise boundaries of the Grassy Woodland are known and its significance understood however, at this point in time it has not been sufficiently strategically justified. It is also inconsistent with the removal of other zone and overlay provisions from Clause 21.11-6.

Structure Plan and Planning Controls

Through submissions, the Panel was asked to consider the extent to which the Highett Structure Plan should, or can, refer to the CSIRO site and the future development on the site. This has been challenging as Council's and the future owners approaches are distinctly different but equally valid. Council has adopted an approach combining policy with a reference document while Wolf International Group has applied a zone and overlay approach. The Panel is unable to comment about what may or may not ultimately be approved through Amendment C126.

The Panel acknowledges the interests of the future landowner as well as the concern of the community and Council with respect to providing the right level of guidance for the development of the site without unreasonably impacting the development opportunities presented by the site.

The Panel considers that Council has complied with the conditions of the Authorisation letter from DELWP. The Panel does not agree with Ms Horsfield's evidence and interpretation that it was a requirement to remove reference to policy within the Structure Plan itself. Having reviewed the Authorisation letter, it is considered that the letter and conditions of authorisation regarding dot point four, outlined that the Map 1 at Clause 21.11-6 was required to be amended. It is also accepted that despite the administrative error, these changes were undertaken prior to exhibition by Council. The Panel observes that while it is not bound by the conditions of Authorisation, it accepts that Council has agreed to this change in addition to deleting the zone and overlay advocacy strategies.

The Panel has considered whether the Structure Plan itself will be a direct conflict for the policies suggested for Amendment C162. There are divergent views with respect to what form development should take on the site. The Panel acknowledges the concerns of the future owner of the site, that the Structure Plan outlines a series of requirements and considerations for the site, which is likely to influence the detailed investigation of the site. The Panel however was not persuaded by the arguments of Ms Brezzi and Ms Horsfield that substantial

content should be stripped out of the Structure Plan. Such an outcome is not supported and will significantly impact the overall Structure Plan vision. It is common for a high-level strategic plan or a structure plan to guide development and interface issues on key sites. Indeed, it is considered that this is good planning, guiding decision making as well as giving clarity to developers and the community. While the Panel acknowledges another option would be to edit content relating to the CSIRO to be more general, it does not suggest wide spread edits to an adopted document that has been through a robust strategic process, informed by a range of background reports and community engagement and has broad community support.

The Panel does not believe there will be any benefit from removing policy guidance and Council's vision for the site. In part because the Structure Plan is proposed to be a reference or background document and most of its key directions are contained in the Amendment provisions. As identified in Chapter 3, the Panel does not support the Structure plan being a reference document. This approach partly reconciles many of Wolf International Group's concerns.

The argument by Ms Brezzi and Ms Horsfield's that *"a poor planning outcome would immediately be achieved if the local planning provisions are inconsistent or in conflict from the first day of operation"* is compelling. The Panel agrees that any local planning policies and future controls should be consistent.

The Panel supports the post exhibition changes to Clause 21.11-6 which resolve any inconsistencies or conflict likely to generate any reasonable concern. The nature of strategies in local policy is that they are not prescriptive but provide guidance to inform decision making. Discretion exists in their application on the basis of achieving good planning outcomes consistent with state and local policy objectives.

The Panel does not support the need to amend the overall Vision for Highett to refer to the housing outcomes for the CSIRO site when the overall vision is not precinct specific about housing outcomes. It is clear from the Structure Plan that Council anticipates a built form and height that supports medium-high density with appropriate transitions to adjoining residential areas and where height is guided by the zone or overlay schedules. Applying the GRZ to the site will confirm the sites housing role without particular limitations in Clause 21.11-6 beyond the broader aspiration to respond to preferred character and amenity.

The Panel does not support the deletion of the 'Access and movement' strategies to provide a public shared pedestrian and bicycle path connections to or through the CSIRO site from other parts of the Activity Centre. There is a strong basis established through the Structure plan to provide a network of strategic linkages given the absence of them. Such linkages to enhance walkability are also contained in State policy and likely to form part of the process of preparing a Development Plan. The strategies give guidance on the objective without being specific how and where those linkages are provided.

The Panel supports the basis on which Council seeks to prepare an Urban Design Framework that involves the CSIRO site. The CSIRO site represents a significant portion of the Activity Centre and is where most new residential growth will occur. Therefore, an overall Urban Design Framework Plan linking the public realm within and adjoining that site with the rest of the centre is appropriate and would not conflict with the proposed DPO provisions. It is likely

the development of an Urban Design Framework Plan by Council will take some time to complete and will likely follow the DPO process and involve the landowner in the process.

The Panel considers that generally the other tidy up post exhibition changes to Clause 21.11-6 are appropriate as they reduce duplication and focus on the land use, built form and linkages elements of the Structure Plan that can be implemented through the planning permit process.

The Panel support's Council's position to not continue to refer to the CSIRO site in Objective 5 in Clause 21.08. While the Panel does not dispute that significant land area is to be set aside on the CSIRO site for open space, this is an existing Planning Scheme provision that is not the subject of this Amendment. It is not for the Panel to second guess how and why it came to be included, the extent of open negotiations relating to the site at the time it was introduced and how it relates to the other six sites included in the Clause. The existing strategy is not phrased as a requirement and provides for a process of negotiation. This allows for the consideration on a case by case basis including open space land contributions being provided. The Panel notes that in this instance the base contribution rate for Bayside is only 5 percent.

(vi) Conclusions

The Panel concludes:

- It is unnecessary for the Structure Plan to be amended to limit explicit direction for the CSIRO site.
- The proposed Clause 21.11-4 objectives and strategies for the CSIRO site based on Council's post exhibition changes are generally appropriate and reasonable. This includes:
 - deleting Objective 3 advocacy directions for zones and overlays for the CSIRO site
 - amending 'Map 1 to Clause 21-11-6' to grey out the CSIRO site and remove directions relating to it
- The specific application of the Public Conservation and Resource Zone to the Highett Grassy Woodland in Clause 21.04 is unnecessary and should be deleted.

The Panel's recommendations regarding Clause 21.04 and Clause 21.11-6 are included in Chapter 7.

5.2 Laminex site

(i) The issues

The issues are:

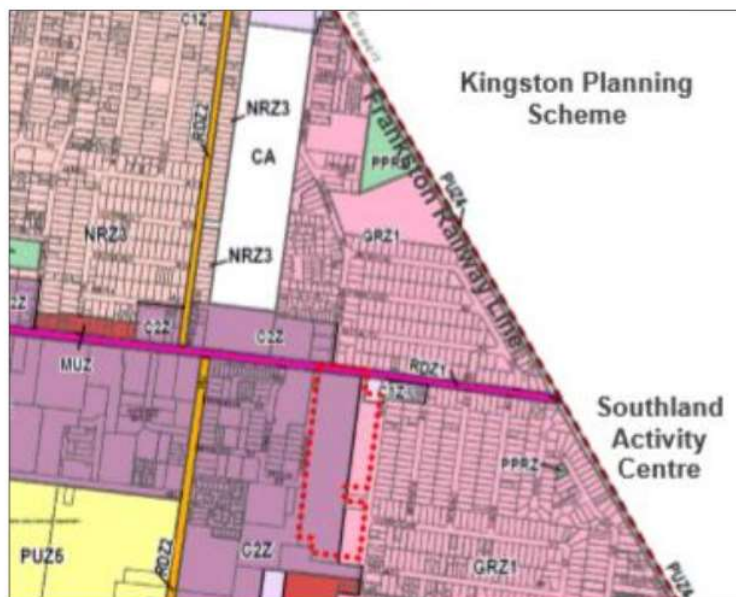
- whether the Amendment should contain policy and land use directions for the Laminex site
- whether the Structure Plan should be amended to include direction for the Laminex site or acknowledge the Laminex site's development potential.

(ii) Submissions

At the Hearing, Mr Perry represented Laminex Industries, the owner and operator of the property described as 332 Bay Road, Cheltenham. He referred to the site as the Laminex site.

The Laminex site abuts the southern boundary of the area encompassed by the Structure Plan (identified by the extent of red dots in Figure 8).

Figure 8 Laminex Site (within red dots)



Source: Perry submission page 1

Mr Perry outlined that the Laminex site comprises an area of approximately 5.5 hectares and is occupied by a complex of manufacturing buildings, offices, staff parking and landscaping which form the Laminex operations and was one of the largest parcels of underdeveloped land in the municipality. He identified that the business is carried out at the western portion of the site, which is in the Commercial 2 Zone, involving the design and manufacture of laminated kitchen bench tops and other similar products for use in home renovation processes. The eastern portion of the site fronting Jack Road is he considered “*underutilised*” and within the GRZ1 and forms a buffer role. The site has a 107 metre frontage to Bay Road and extensive frontages to both Jack Road and Chandos Street.

Mr Perry referred to the panel’s findings on Amendment C150³⁴ which considered the implementation of the RCES and concluded that the Laminex site should be identified as “*a strategic redevelopment site for investigation*”.

Mr Perry submitted that the Structure Plan should be broadened to consider the effects of development within the study area on the wider neighbourhood. In particular, the Structure Plan should also contemplate:

- eventual redevelopment of the Laminex site which was recommended by the C150 panel to be considered as a Strategic Redevelopment Site within the planning policy framework
- the relationship of the Structure Plan area and connections to the Southland Activity Centre should be given greater emphasis.

³⁴ Bayside PSA C150 [2018] PPV

The submissions from Ms Boileau and Mr Screen raised some concern that Jack Road, along the western section of the Laminex site, has been left out of any of the current Southland Pennydale structure planning process.

Council submitted that they did not share the view of Mr Perry for the inclusion of 337 Bay Road within the Highett Structure Plan boundary or specifically identified as a strategic development site in the planning policy framework. It submitted that the site is already considered through policies regarding the BBD (Clause 22.04) and was one of Bayside's most substantial employment precincts.

The Council summarised the reasons³⁵ that they had not accepted the Amendment C150 panel's recommendations about the Laminex site and identified that the neither the Housing Strategy nor the 2019 Housing Strategy which nominates strategic development sites in the municipality contemplate the Laminex site being utilised as a 'strategic redevelopment site'.

Council submitted that altering the Highett Structure Plan boundary to include this site would have significant implications on the Council's strategic planning framework and that this would be a poor outcome. It advised the Panel that the boundaries of the Pennydale Structure Plan did not extend to include the western portion of the Laminex site.

(iii) Discussion

The Panel inspected the Laminex site and surrounds from the public realm and its relationship with the Structure Plan area.

The Panel agrees with Mr Perry that the Laminex site presents a significant opportunity to provide for future redevelopment. However, the Panel remains unconvinced that there is any merit for including the site into the Structure Plan or specifically identifying it as a strategic redevelopment site because of its location in the BBD. It considers the inclusion of any individual site in isolation and out of context with the rest of the municipality is outside the scope of Amendment C160.

During the Hearing, the Panel questioned Mr Perry and Council regarding the strategic setting for the Laminex site and what, if any, structure plans or other policy setting was relevant to the site. The western commercial zoned portion of the Laminex site has been considered through the implementation of the RCES and the application of Clause 22.04 (Bayside Business District) which identifies policy and objectives for the development of the BBD. The GRZ1 portion of the site has been identified in the adopted Pennydale Structure Plan and identified:

- in the Land Use Plan as 'Laminex Buffer – Potential future residential and open space subject to successful remediation of any contamination
- in the Built Form Plan as 'Townhouses and Detached Dwellings Encouraged (Maximum 3 Storeys) with the Bay Road frontage identified as 'Apartments Encouraged (Maximum 3 Storeys).

The Panel considers that between Clause 22.04 and the Pennydale Structure Plan there are adequate tools in the Planning Scheme to consider the future development of the Laminex site consistent with its existing zoning. Pursuing a different planning outcome for the site

³⁵ Closing submission paragraph 30

should be considered strategically in the context of the site's location and role and is a matter for further process beyond this Amendment.

The Panel considers that the Structure Plan boundaries are appropriate and reflect the areas around the Highett Road Shopping strip, Highett Station and adjacent residential areas appropriate for additional retail and commercial floor space and modest housing growth and denser built form within a walkable catchment. The Structure Plan and Activity Centre boundaries are consistent with the guidance on Activity Centre boundaries included in PPN58.

The issues regarding the Structure Plan giving greater emphasis to the connections with the Southland Activity Centre was addressed in Chapter 3. The traffic issues within the Structure Plan area and wider area are addressed in Chapter 6.

(iv) Conclusion

The Panel concludes:

- It is unnecessary to include the Laminex site within the Structure Plan and Highett Activity Centre boundaries as adequate policy guidance exists within the Planning Scheme to manage development within the Bayside Business District.
- Identifying the Laminex site as a strategic redevelopment site is out of scope of the Amendment and without strategic justification.

6 Other issues

6.1 Traffic

(i) The issues

The issues are:

- whether the Structure Plan should contain more direction regarding traffic management intervention
- whether further planning tools to provide for additional road infrastructure upgrades should be identified or introduced as a result of the Amendment
- whether the Amendment will exacerbate existing traffic issues.

(ii) Evidence and submissions

Many submissions³⁶ expressed concern about the existing level of traffic in and around Highett, and the prospect that it would worsen as a consequence of the Amendment. This was generally considered to be result of increased resulting densities and future development that would likely occur within the Activity Centre.

References were made in submissions to congested intersections along the road network (including arterial road), issues of queuing at intersections, safety concerns and experience of increased carparking issues due to previous development activity within the precinct.

The traffic evidence of Mr Walsh³⁷ was called by Chandos Bay Pty Ltd³⁸ (represented by Mr Little of Planning and Property Partners) who own a parcel of land in the BBD fronting Chandos Street and Hamlett Street (which also services a bus depot) identified that *“The road network immediately within and surrounding the Highett Structure Plan area is established and is comprised of a network of arterials and local roads. There is a distinct lack of connector roads in the structure plan area.”* He identified that the existing network did not adopt the *“one Mile Grid”* and lacked the usual spacings of arterial and connector roads which compounded existing traffic conditions.

Mr Walsh described the immediate road network as follows (refer to Figure 9):

- **Bay Road**, a state arterial road, operating east-west providing connection providing a connection between Beach Road in the west and Nepean Highway in the east.
- **Highett Road**, a major Council road, operating east-west providing a connection between Hampton Street in the west and Nepean Highway in the east. It is listed in Council’s Road Register as a ‘limited arterial’ road.
- **Middleton Road** is a local Council road operating north-south between Highett Road at the north and Bay Road at the south. It is nominated within Council’s Road Register as a Collector Road. Its intersections at the northern and southern ends are sign controlled, and at Bay Road movements are restricted to left-in / left-out.

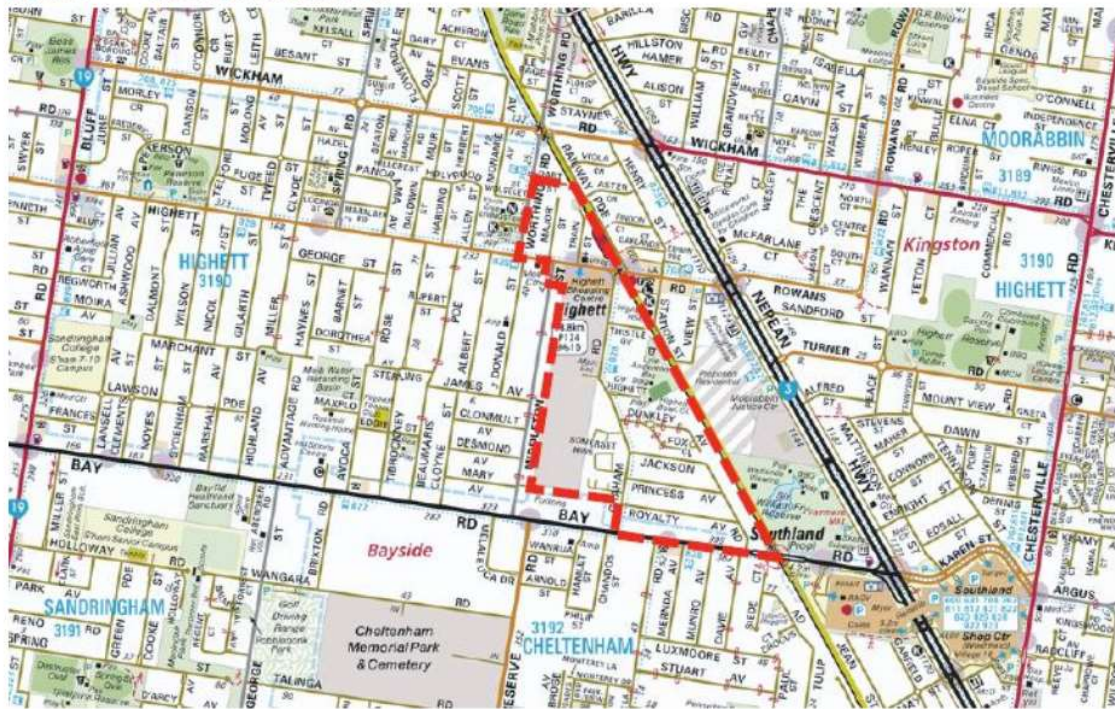
³⁶ Submission numbers 1, 3, 4, 6, 8, 10, 12 13, 14, 18, 21 and 23

³⁷ Document 6

³⁸ Submission 13 and Document 26

- **Graham Road** is a local Council road operating in a general north-south direction between Hightett Road in the north and Bay Road at the south. It is also nominated on Council’s Road Register as a Collector Road. At its southern end, Graham Road forms a sign controlled T-intersection with Bay Road. At its northern end, Graham Road intersects Hightett Road immediately west of the railway crossing and is signalised in a complex intersection that includes the Hightett Shopping Centre car park signals to the west.

Figure 9 Existing Road Network



Source: Walsh evidence Page 10

Mr Walsh’s evidence included crash statistics for the Bay Road intersections with Graham Road and Middleton Street.

Mr Perry observed that the Structure Plan notes that:

the Hightett Activity Centre and Structure Plan area is well served in terms of access to public transport, however, it is less well served by local road infrastructure. While Hightett Road and Bay Road provide the key east west road connections servicing the area the north-south connections through are already under pressure.

Outside of the Structure Plan area, Jack Road and extended areas of Bay Road were also raised as being of concern in terms of the broader network.³⁹ However, the submissions focused on a number of key intersections, including:

- Bay and Graham Road
- Graham and Hightett Road
- Hightett and Worthing Road

³⁹ Submission 8 and 24

- Highett and Middleton Road
- Middleton and Bay Road.

Ms Robinson observed that over time there had been increases in traffic due to increased development in the area. She reflected on recent approvals and recently constructed developments as well as her experiences at VCAT and the fact that incremental approvals were causing further congestion in and around Highett.

Ms Boileau focussed her traffic concerns on the Graham and Bay road intersection, suggesting a range of options for traffic management. She also highlighted that the new Highett Road Woolworths development had been required to install traffic lights which had resulted in traffic using the supermarket car park to get through to Graham Road.

Mr Screen reiterated similar concerns, providing an outline to the Panel of his experience and extensive observations relating to vehicle traffic and bicycle traffic in and around the Activity Centre.

Most submitters raised concern that the development of the CSIRO site would result in significant pressure on the existing road network. The impacts were anticipated to cause greater congestion, safety issues and exacerbate traffic issues in and around the Structure Plan area, as well as on the broader road network.

Mr Little and Mr Perry submitted that the Structure Plan did not provide any detail on the expected number of vehicle movements along either Middleton Street or Graham Road as the precinct develops. They submitted that the Structure Plan should have given more regard to the fact that Graham Road already carries heavy traffic volumes for local road traffic management and that as a result, infrastructure improvements should be a priority given increased pollution projections. Both Mr Little and Mr Perry considered that the existing traffic issues and the cumulated impact of the CSIRO site's development required improvements to the road network to avoid impacting on the redevelopment of sites within the BBD.

Mr Walsh in preparing his evidence reviewed the Cardno Traffic Impact Assessment (2017) report which informed the Structure Plan. He opined:

In general, I am comfortable the Structure Plan Objectives in relation to transport matters are appropriate and respond to the future needs of the area. However, I have responded as follows to some of the key objectives that in my view are potentially not achievable, or do not go far enough to secure certainty about delivery'.

- Objective 11. Prioritise walking and cycling through the Activity Centre, with convenient, safe and connected local infrastructure network.

...

- Objective 13: Manage safe and efficient vehicular movement throughout the Highett Activity Centre.

...

Mr Walsh's recommended solutions for these issues focused on amending the Structure Plan and the possible introduction of an Infrastructure Contributions Plan (ICP) or a Development Contributions Plan (DCP). Specifically, he outlined:

- the need for the signalisation of Graham Road and Bay Road (which would include a requirement for land acquisition and application of a Public Acquisition Overlay)
- the Structure Plan identifying an appropriate plan for implementation of a signalised intersection and how it is to be funded without relying on only advocacy to VicRoads
- the Structure Plan should remove reference to providing bicycle facilities along Bay Road as these cannot be provided in the existing reservation
- the Structure Plan should remove reference to bicycle improvements along Middleton Street as these are unable be provided in the existing reservation
- the Structure Plan should better identify the works necessary to facilitate the strategy to improve the safety and amenity along Graham Road.

Ms Horsfield opined that she did not believe that a DCP or ICP would be appropriate in this instance. In her evidence she detailed that the issues of increased traffic and congestions caused by the CSIRO development could be adequately considered through input into the DPO.

During the Hearing, Council produced a summary document that formed part of the consultation with VicRoads⁴⁰ during the development of the Structure Plan. The document outlined each of the proposed actions within the Structure Plan, Priority and Comments from VicRoads. There were no formal submissions from VicRoads or Department of Transport to the Amendment.

Council noted that the Structure Plan identifies various upgrades and alterations to the Activity Centre as part of the 15-20-year vision for the centre. Council maintained, that although they acknowledged existing congestion, it is not expected that the increased capacity created will generate a significant increase in traffic volume. Council stated that they will continue to monitor traffic conditions in the area to ensure that the road network is operating efficiently. Council further identified that the management of the Graham Road and Bay Road intersection is the responsibility of the Department of Transport and that future changes would not be the sole responsibility of the Council. It indicated that identifying the intersection for a proposed upgrade⁴¹ as Council's policy position through the Structure Plan was an important step for advocacy to the Department for improvements.

Council outlined that the proposed DPO requirements for CSIRO site included the development of a comprehensive transport analysis for the site. It anticipated that this analysis would consider both expected traffic volumes associated with the site and measures to address the impacts of traffic generated by the development on the surrounding road network including any required network upgrades or modifications.

In response to suggested changes to the Structure Plan to remove directions relating to bicycle linkages, Council noted that the Structure Plan represents an overall vision and policy position for the Highett Activity Centre. As part of that vision, an east-west bicycle link proposes to connect the coast to the Frankston Railway line and Nepean Highway. It identified that as part of the non-statutory stages of implementation of the Structure Plan, further work including

⁴⁰ Document 18 Summary of VicRoads responses to Structure Plan (Note: VicRoads now referred to Department of Transport)

⁴¹ Highett Structure Plan 2018, Figure 7: Access and Movement Plan.

discussion with Department of Transport would be undertaken about the options for achieving the goal of improving cycling infrastructure in Highett. It submitted that the high level nature of the Structure Plan means that it does not contain specific action plans for each street. It considered detailed works plans part of the non-statutory implementation actions of the Structure Plan and not within the scope of the Amendment.

(iii) Discussion

The Panel acknowledges the extent of concerns raised in submissions and evidence around traffic reflects the significance of this issue to the community.

Many of the submissions stated that Highett Road, Bay Road, and Graham Road already have high rates of traffic that would be exacerbated by additional development within and adjacent to the Activity Centre. The Panel inspected the locality and drove around the road network to observe general traffic movement and activity. It appreciates that this is a busy area with respect to traffic utilising key roads to travel to and through the Activity Centre.

The Panel observed that it is likely historical traffic congestion is further compounded by the at grade level rail crossing and lack of signalised (or other) traffic treatment at the intersection of Bay Road and Graham Road. The Panel notes that this was common ground between the Council, submitters and Mr Walsh. The Panel accepts that there are significant existing traffic issues associated with the environs of Bay Road and the Activity Centre. This was confirmed through the expert evidence presented to the Panel with no contrary evidence provided.

The Panel is mindful that the issue of congestion is common to many existing suburban Activity Centres and it is not incumbent on a Structure Plan to resolve those issues but to balance existing conditions and constraints with higher order strategic aspirations and directions. This includes State planning objectives (including those in Plan Melbourne) that require Councils to plan for the development of Activity Centres to provide retail and commercial services, employment and higher density housing and a diversity of housing, particularly adjacent to major transport hubs and by enhancing active transport such as walking and cycling. The higher order strategic visioning associated with Structure Plan does not usually entail the development of detailed designs, solutions or specific infrastructure implementation outcomes particularly for those elements not fully within the control of the planning authority (such as major works on arterial roads and improvements to public transport services and infrastructure). This level of detailed planning follows the Structure Planning process and as identified could include the preparation of a DCP or ICP based on design work and costing analysis. The Panel therefore considers that existing traffic challenges should not be an impediment to the appropriate development of a strategically significant Neighbourhood Activity Centre within the municipality and one with an important redevelopment site (CSIRO site).

The question for the Panel is what level of development activity is appropriate given on one hand the existing traffic challenges and on the other its strategic Activity Centre role and the broader promotion of public and active transport modes and linkages? In reaching an appropriate balance the Panel has considered:

- whether the Structure Plan should contain more direction regarding traffic management intervention

- whether further planning tools to provide for additional road upgrades should be introduced as a result of the Amendment
- whether the Amendment will exacerbate existing traffic issues.

The Panel was not convinced by the evidence of Mr Walsh that there is a strong strategic basis to recommend changes to the Structure Plan regarding traffic network improvements. The Panel has been mindful to ensure that there is sufficient nexus between recommending traffic infrastructure directions and the basis on which the need for such upgrades is based. It is satisfied that Council have adequately considered the traffic matters, including upgrades to Bay Road/Graham Road and bicycle movements within and adjacent to the precinct. While it acknowledges Mr Walsh's observations about the capacity of road widths to achieve the bicycle linages identified in the Structure Plan, the Structure Plan is a high level strategic document. While these objectives are appropriate for a Structure Plan they will necessarily require more detailed planning.

The Panel is comfortable that the transport directions in the Structure Plan have had the benefit of appropriate technical advice and is founded on traffic analysis and advice from Cardno.⁴² The traffic advice outlines the recommendations required to ensure that the Activity Centre responds to future needs in terms of traffic and congestion within the precinct as well as in the broader environs.

Having reviewed the Department of Transport responses⁴³ to the issues outlined in the Structure Plan, the Panel considers that Council will be afforded the opportunity to advocate to the Department at appropriate times to facilitate implementation of the transport strategies. Such an advocacy strategy in the context of accommodating growth within an Activity Centre is entirely appropriate in a Structure Plan.

In relation to the introduction of additional Planning Scheme tools, the Panel agrees with the evidence of Ms Horsfield who did not support the use a DCP in this instance, because it would be unable to fully fund a traffic intersection due to broader traffic flows and the historical issues of congestion. She opined that it would be too simplistic to attribute the funding of a full intersection upgrade to a couple of future developments in the precinct. The Panel does not accept the evidence of Mr Walsh or the submission of Chandos Bay Pty Ltd that a DCP or ICP is an appropriate tool to flag in the Structure Plan or include in local planning policy at this stage of the planning process. There has simply been no strategic work to establish a basis for it. The Panel considers that the benefit of traffic lights at the Graham/Bay Road intersection would extend well beyond the existing Activity Centre and require a larger DCP collection area. There was no evidence to identify what an appropriate charge area or apportionment rates would be or if there would be a sufficient level of development over a short time frame to fund such works.

While the Panel considers integrated planning critical, it is acknowledged that most of the foreseeable growth within the precinct, which will be generated by the development of the CSIRO site, is largely unknown. The Panel accepts that broad assumptions were considered in the background analysis to understand the potential impact of future development on this

⁴² Combined Background Report - Highett & Southland-Pennydale Structure Plan (2017) and Traffic and Transport Plan – Highett Structure Plan (2018)

⁴³ Document 18 (Note refers to VicRoads).

site. There are, however, other planning processes to be undertaken, through Amendment C162 and other development assessments that will more fully explore the issues of traffic. This includes a preparation and approval process for the Development Plan for the CSIRO site which will be critical to understand the extent and impacts of additional traffic and appropriate design responses. This process is best placed to understand the level of change, future projections of dwelling numbers and development form proposed for the site.

The Panel notes that existing Planning Scheme provisions will continue to provide tools to consider the impacts of traffic associated with new development. It is common planning practice for permit applications for larger scale residential and commercial development to be supported by Traffic Impact Assessments appropriate to the scale of the project. These assessments can assist the road manager in identifying appropriate and reasonable traffic related works and network improvements.

It is unreasonable for the developer of the CSIRO site (or other development sites) to be required to resolve historical traffic issues. It is appropriate for new developments to address and respond to traffic conditions in a reasonable manner which reflects the established planning principles of need, nexus and equity.

The Panel believes that there is limited scope to require the Structure Plan or Planning Scheme to identify further specific traffic management works or solutions at this time.

The Panel has not been presented with any evidence that suggests that the Amendment will exacerbate existing traffic issues. The increase in development capacity beyond the CSIRO site is not likely to be substantial, as there are only a few areas where controls are proposed to change to facilitate further increased housing or development change. Many of the controls proposed by the Amendment will result in minimal change, in some instances it will result in reducing the heights of development that is permissible within the existing suite of zones.

The exception to this is the 4-storey maximum in Precinct 2A and Precinct 3 (32-40 Graham Road) and the changes resulting from rezoning Precinct 1A from GRZ1 to C1Z. Having inspected these areas the Panel is satisfied that there is likely to be minimal opportunity for significant development based on lot numbers and the more recent development of existing building stock in the area. It is more appropriate for Council to consider the potential traffic impacts of development at the time that development occurs through the planning permit process rather than identify particular traffic response through this Amendment.

Mr Little questioned what the catalyst for improvements to the Graham/Bay Road intersection should be, and whether it should be the Amendment. The Panel does not consider the Amendment to be the catalyst for those works, nor is it the Panels view, that the Amendment in itself will have a significant impact or substantial net increase in traffic generation within the Activity Centre. Any increase is, in the Panel's opinion, reasonable given strong State and local policy basis for supporting the growth of Activity Centres that are well serviced by public transport.

(iv) Conclusion

The Panel concludes:

- That the Structure Plan directions regarding traffic management intervention are appropriate.
- Further planning tools to provide for additional road infrastructure upgrades are not appropriate to be identified or applied through this Amendment without additional strategic work.
- Any impacts associated with the development of the CSIRO site will be appropriately managed through the DPO to be introduced through Bayside Planning Scheme Amendment C162.
- The Amendment is not likely to significantly exacerbate existing traffic issues.

6.2 Car parking

(i) The issues

The issues are:

- whether the Structure Plan should contain more direction regarding car parking
- whether the Amendment will exacerbate existing parking issues.

(ii) Submissions

Several submissions⁴⁴ raised concerns that existing car parking problems will be exacerbated by new development, which has been their experience to date.

Ms Robinson submitted that major Street was used for overflow on-street parking from residential developments in Dart Street during busy periods, causing problems because of the narrow street. She told the Panel that when existing parking restrictions were relaxed, Major Street became regularly clogged with vehicles, creating an unsafe environment for pedestrians, cyclists and making it difficult for vehicles to navigate.

Submission 1 outlined the issues of carparking caused by increased development in Royalty Avenue. Similar to Ms Robinson's experience these issues included visitor and overflow parking occurring on street causing congestion and difficulty for vehicles to navigate the street network. Submission 3 raised similar concerns with respect to Beaumaris Parade resulting from overflow parking from the station carpark.

Ms Boileau submission identified existing concerns with the removal of parking spaces and the inconsistent application of No Standing signs in Highett Road and the impacts associated with the lack of short term carparking in the commercial centre.

Council submitted that it had considered matters of carparking, but purposefully did not propose to increase parking provisions in the Highett Activity Centre. This was because the Structure Plan and the Amendment prioritised active transport modes by improving walking and cycling infrastructure in the centre and locating increased density within 400 metres of Highett train station.

Council identified that during the development of the Structure Plan, Cardno undertook car parking surveys as part of its background work, revealing car parking occupancy rates to be

⁴⁴ 1, 10, 12, 14, 20

below capacity. It also outlined that when future population increases lead to a change in parking demand, its '*Managing On-Street Carparking Demand*' policy would be used by its Traffic Management Team to assess the demand and consider appropriate alterations to restrictions. Council further highlighted that it was developing a car parking strategy however, this has not progressed to a stage to enable it to provide a defined, municipal-wide position on car parking.

(iii) Discussion

During its inspection of the residential areas around the station and Highett Road shopping strip, the Panel observed the narrowness of Major Street and the development near and along Dart Street. The Panel accepts that development may contribute to additional on-street carparking for one reason or another. This can at times be further exacerbated by the limited provision of parking at train station's resulting possible overflow carparking in the area.

However, the Panel is not persuaded that the Amendment will exacerbate existing carparking issues. There will be minimal change to development capacity as a result of the Amendment.

Notwithstanding the controls introduced through this Amendment, carparking is an issue that is afforded consideration at a development approval stage, whether through approval of a Development Plan or a planning permit, through the existing provisions of the Bayside Planning Scheme.

The Panel is satisfied that Council is proactively monitoring the carparking situation and has indicated an ongoing commitment to this through the work of its Traffic Management Team and its carparking policies. The Panel is also persuaded that appropriate regard has been given to the issue through investigations into carparking ratios through the development of the Structure Plan.

The Panel notes that State and local planning policy supports mode shift to public transport and decreased reliance on private cars, particularly in areas well served by public transport. The Structure Plan cap parking directions reflect that Council is well advanced in the development of strategies and policies encouraging sustainable travel, including the *Bayside Integrated Transport Strategy 2018*, the *Bayside Bicycle Action Plan 2019* and the *Bayside Walking Strategy 2015* in addition to its development of a municipal wide carparking strategy. This work will enable the proper consideration of any evidence that justifies a reduction in parking rates and, in particular, evidence about the success of efforts to achieve mode shift from private cars to public transport and other modes.

(iv) Conclusion

The Panel concludes:

- Sufficient tools exist within the Planning Scheme to consider and manage car parking issues in balance with other considerations of the Planning Scheme.
- No directions regarding carparking in the Structure Plan and other local planning policy provisions is appropriate until such time as further strategic work is completed.

6.3 Environmentally Sustainable Design

(i) The issue

The issue is:

- whether there should be higher standards for Environmentally Sustainable Design applied within the Structure Plan area.

(ii) Submissions

Submissions 14 and 21 requested additional minimum standards for Environmentally Sustainable Design (ESD) within the Structure Plan and the Bayside Planning Scheme.

Ms Robinson's submission outlined that Bayside Council does not mandate minimum standards of sustainability, but simply "*encourages*". She supported Council's recent adoption of the Built Environment Sustainability Scorecard (BESS) program and that it had recommended it as a tool within the planning scheme.

The Amendment proposes to include in Clause 21.06-2 under 'Sustainability' and 'Further strategic work':

Introduce a municipal wide Environmentally Sustainable Design Policy to assist in the assessment of the environmental performance of new developments (eg. BESS).

Council outlined that it anticipated a state-wide ESD policy to be released by the State Government and that it would apply to all new development in Bayside. Council noted that Clauses 21.11 and DDO4 encourage the use of green roofs and walls where possible, particularly in commercial areas where there are limited landscaping opportunities at ground level.

At the Hearing, the Panel asked Council if it was usual practice for a further work provision to specifically identify a particular approach or tool (BESS in this instance). Council advised that they have recently signed up to the BESS program which can now be used to assess any new planning applications.

Council further identified that one of the non-statutory objectives included in Structure Plan proposes that streetscape and open space upgrades will incorporate green sustainable infrastructure, including increased canopy cover and landscaping, stormwater management and Water Sensitive Urban Design strategies and energy capture.

(iii) Discussion

The Panel notes the concern of submitters and understands that they believe that the Highett Structure Plan is not up to date in terms of ESD requirements.

It is beyond the scope of the Amendment for the Panel to recommend that Council instigate or update ESD policy changes beyond the further work proposed in Clause 21.06-2. It considers that introducing such policy would first require more detailed strategic assessment and analysis to ensure these measures are appropriate and applied consistently across the municipality rather than at a local level. The Panel agrees that Council has proposed an acceptable way to respond to the raised concerns as well as provide commitment that work will be undertaken for the entire municipality.

The Panel considers that the phrases used by Council are acceptable and do not lock them into adopting a specific tool but rather suggests one measure for assessing the environmental performance of new developments and does not exclude others.

(iv) Conclusion

The Panel concludes:

- The proposed Further strategic work provision in Clause 21.06-2 is appropriate and no additional policy changes are required until such time as Council develops a municipal wide Environmentally Sustainable Design Policy.

6.4 Infrastructure impacts

(i) The issue

The issue is:

- whether the Structure Plan should be altered to include key infrastructure upgrade directions.

(ii) Submissions

Submission 3, made reference to the possible removal of the level crossing at Highett Road and that the Structure Plan was silent regarding this significant change. Ms Robinson identified similar concerns:

Residents of Highett are regularly told removal of the Highett Road rail crossing is a possibility, but as it currently ranks 86 on the government's list of dangerous crossings it will be decades before it is removed.

Council's submission outlined that the works to remove the at level crossing, was not currently scheduled or funded, and it is unclear as to if and when this project will proceed. Council did not believe that the Amendment would prejudice the removal of the level crossing.

Other submissions⁴⁵ outlined that increased density of development in Highett has not been accompanied by the appropriate infrastructure upgrades of roads, footpaths, open space and community facilities.

Council submitted that the development of a future streetscape masterplan for the Activity Centre would provide for footpath and road infrastructure improvements consistent with the Structure Plan's directions. It pointed out that Council had already resolved to purchase a portion of the CSIRO site for a new community facility and that other infrastructure implementation actions would continue outside the planning scheme amendment process.

(iii) Discussion

The Panel accepts Council's position that that the Structure Plan and the provisions within Amendment do not prejudice the potential removal of the level crossing and that there is scope to ensure that any benefits of the works can be clearly articulated at the time detailed planning occurs.

⁴⁵ 1, 6 and 18

The Panel considers that at such time as funding or works become available, it may be necessary for Council to revisit the Structure Plan to ensure that any land use related impacts are appropriately considered.

The Panel considers the directions of the Structure Plan to improve open space provision and linkage to it, enhance pedestrian and bicycle connections and other road improvements in addition to Council's intention to purchase land in the CSIRO site for community infrastructure appropriately respond to the identified infrastructure needs for the modest growth anticipated in the Activity Centre.

(iv) Conclusion

The Panel concludes:

- The Structure Plan directions regarding infrastructure provision are adequate and appropriate to the level of development anticipated in the Highett Activity Centre.

7 Form and content of the Amendment

7.1 Zoning corrections

As identified in Chapter 4, Council's proposed post exhibition changes involve minor zone boundary adjustments to reflect zone boundary mapping guidance, site boundaries and site development. These are included in the Zone map in Appendix C1. The Panel has outlined why it supports those proposed changes. The map in Appendix C1 does not show the zoning of Train Street and this should be rectified in the final version of the Amendment.

The Panel recommends:

1. **Amend the exhibited boundaries of the Commercial 1 Zone, General Residential Zone 12, General Residential Zone 13, General Residential Zone 14 and General Residential 16 Zone as shown in Appendix C1.**

7.2 Final form of Local Planning Policy

(i) Structure Plan

As identified in Chapter 3, the Panel does not support the identification of the Structure Plan as a reference document. The proposed deletion of the Highett Structure Plan, 2004 is supported.

The Panel recommends:

2. **Delete the Highett Structure Plan, September 2018 from the list of Reference Documents in Clauses 21.02-6, 21.04, 21.06, 21.07, 21.08, 21.09-5 and 21.11-6.**

(ii) Clause 21.02

Council's tracked changes post exhibition version of Clause 21.02 included a revised 'Map 2 – Residential Framework Plan' which included other changes proposed through Bayside Planning Scheme Amendment C126. Council advised that this Amendment has not been approved by the Minister and should not be used, and that the correct map for this Amendment was the exhibited Map 2 altered to show the extent of the Highett Activity Centre consistent with the extent of the Structure Plan. Council, however, were not able to provide an updated Map 2. No submissions were made in relation to Clause 21.02. The Panel supports this change as it is consistent with the Structure Plan and the intent of the Amendment and appropriately links this Clause with Clause 21.11-06. The Panel notes that this map may change following the approval of Amendment C126 before this Amendment is finalised. In this case the new Map 2 can be administratively amended to reflect the new extent of the Activity Centre.

The Panel recommends that:

3. **Amend 'Map 2 – Residential Strategic Framework Plan' in Clause 21.02 to align the boundaries of the Highett Activity Centre with the Highett Structure Plan, September 2018.**

(iii) Clause 21.04-1

Council's tracked changes post exhibition version of Clause 21.04-1 proposed to amend the Biodiversity Objective 3 Strategies to:

- clarify that that the buffer to the Highett Grassy Woodlands did not apply to land within the CSIRO site
- add a new strategy to *"Ensure new development does not overshadow the Highett Grassy Woodland"*.

The Panel supports this change as discussed in Chapters 4 and 5.

The Panel does not support the proposed application of the Public Conservation and Resource Zone to the CSIRO site as discussed in Chapter 5.

The Panel recommends:

4. Amend Clause 21.04-1 to replace the strategies under Objective 3 with the following strategies:
 - *Apply a 3 metre wide buffer zone around the perimeter of the Highett Grassy Woodland on adjoining properties, outside the CSIRO site.*
 - *Ensure new development does not overshadow the Highett Grassy Woodland.*
5. Amend Clause 21.04 to delete the following action under 'Application of zones and overlays':
 - *Apply the Public Conservation and Resource Zone to 3 hectares of land with conservation value in the southern portion of the CSIRO site which contains the Highett Grassy Woodlands.*

(iv) Clause 21.11-6

Council's tracked changes post exhibition version of Clause 21.11-6 included:

- deleting objectives 3, 11, 14, 16 and 18 and strategies relating to transport infrastructure advocacy, streetscape and public improvements and the CSIRO site that sit outside the Planning Scheme, are duplicated or replicate State policy
- reorder the remaining objectives and strategies
- reword several objectives and strategies including clarifying that the Highett Grassy Woodland buffer does not apply to the CSIRO site
- amend the 'Further strategic work section' to remove the development of a Highett Road Streetscape Plan and rephrase the intent of the Urban Design Framework for the CSIRO site
- including an amended 'Map 1 to Clause 21.11-6' (refer Figure 10) which:
 - greys out the CSIRO site removing the Precinct number and designation of the Highett Grassy Woodland and proposed open space and the '6m Minimum Landscaped Setbacks' linework from that site
 - extends the 'Transitional Height and Setback' linework for Precincts 1A and 1B to include the boundaries of those Precincts with Precinct 5 and the adjoining residential areas outside the Structure Plan area south of Precinct 1B between Donald and Middleton Streets.

Figure 10 Council proposed post exhibition Map 1 to Clause 21.11-6



Wolf International Group's submission and the evidence of Ms Horsfield did not support the preparation of the Urban Design Framework, considering its scope unclear and duplicates the DPO process. Council's submission clarified that the Urban Design Framework was focused on ensuring the public realm integrates and enhances the Activity Centre's public transport infrastructure. The Panel considers that given the CSIRO site represents a significant portion of the Activity Centre and is where most new residential development growth will occur an overall Urban Design Framework Plan linking the public realm within and adjoining that site with the rest of the centre appropriate and would not conflict with the proposed DPO provisions. It is likely the development of an Urban Design Framework Plan by Council will take some time to fund and complete and will likely follow the DPO process and involve the land owner in the process.

The Panel considers that generally the proposed post exhibition changes to Clause 21.11-6 are appropriate as they reduce duplication and focus on the land use, built form and linkages elements of the Structure Plan that can be implemented through the planning permit process. The Panel notes that there is still some duplication in the post exhibition period relating to investigating the use of Green Travel Plans and provision of a public open space link as part of the redevelopment of 36-40 Graham Street. The Panel considers the language used for Green Travel Plans implies further investigation by Council and appropriately sits under 'Further Strategic work'.

The Panel notes that many of the urban design strategies of the exhibited Clause relating to building articulation and activation, weather protection have been stripped out in the post exhibition version. Council did not explain why this was proposed although the Panel assumes it is because most of those strategy elements are included in DDO4. While the Panel supports the simplification of the policy provisions it suggests that Council may wish to reconsider whether some of these original strategies may be required to guide development outcomes and link to the provisions of DDO4.

The Panel's preferred version of Clause 21.11-6 based on Council's post exhibition version is included in Appendix C2⁴⁶. It includes the changes supported by the Panel relating to the CSIRO site as discussed in Chapter 5 and the deletion of the reference to the Structure Plan. It does not include the built form strategies removed by Council as the Panel does not consider it appropriate for it to determine which of these strategies should be retained to provide a link with the objectives and requirements of DDO4 in the absence of a Council position.

The Panel recommends:

6. Amend Clause 21.11-6 as shown in Appendix C2.

7.3 Final form of the Zone Schedules

Council proposed post exhibition changes to each of the GRZ and the NRZ schedules. The key changes included alterations to character objectives and the ResCode variations. These changes were discussed in Chapter and the Panel supports those changes considering that they either add clarification or distinguish between objectives and standards and that they are consistent with the intent of the Amendment and properly reflect the directions in the Structure Plan.

Other proposed changes identified by Council included:

- varying the ResCode standard requirements table to:
 - replace the word 'frontage', with 'street' for 'Minimum street setback' in GRZ12, GRZ13, GRZ14 and GRZ15
 - including dimensions for deep soil for 'Landscaping' in GRZ12 and GRZ13
 - removing from 'Front fence height' requirements for Road Zone frontages in GRZ12, GRZ13, and removing fencing transparency requirement for GRZ15
- amending 'Application requirements' to:
 - identify opportunities for canopy tree planting in GRZ12, GRZ13, GRZ14, GRZ15, GRZ16 and add this as a new requirement for NRZ1
- amending 'Decision guidelines' to:
 - to extend consideration to the provision of new vegetation in addition to existing canopy trees and vegetation for all proposed GRZ schedules and add it as a consideration in the NRZ1 (although the Panel notes this did not include consideration of new plantings in the NRZ1)
 - simplify deep soil considerations in GRZ12, GRZ13, GRZ14 and GRZ16
 - reference 'preferred' character in GRZ14 and GRZ16

⁴⁶ The Panel's version does not include as tracked changes the removal of underlining under Objectives and Strategies. These have been removed to ensure consistency with the format shown throughout Clause 21.11

- including consideration of surveillance and activation in GRZ15.

The Panel generally considers these changes appropriate and minor in nature and consistent with the intent of the Amendment and attributable to content in the exhibited Structure Plan.

The Panel has included its preferred version of the proposed zone schedules based on Council’s post exhibition version in Appendix C3. The Panel’s preferred version includes minor grammatical corrections, replacement of terms such as ‘2nd’ with words, clarifying the decision guidelines regarding new vegetation consistent with Council’s intended approach and ensuring changes are consistent across the schedules.

The Panel suggests that Council should undertake a final check of the Schedules to see that the language and provisions are correctly transcribed.

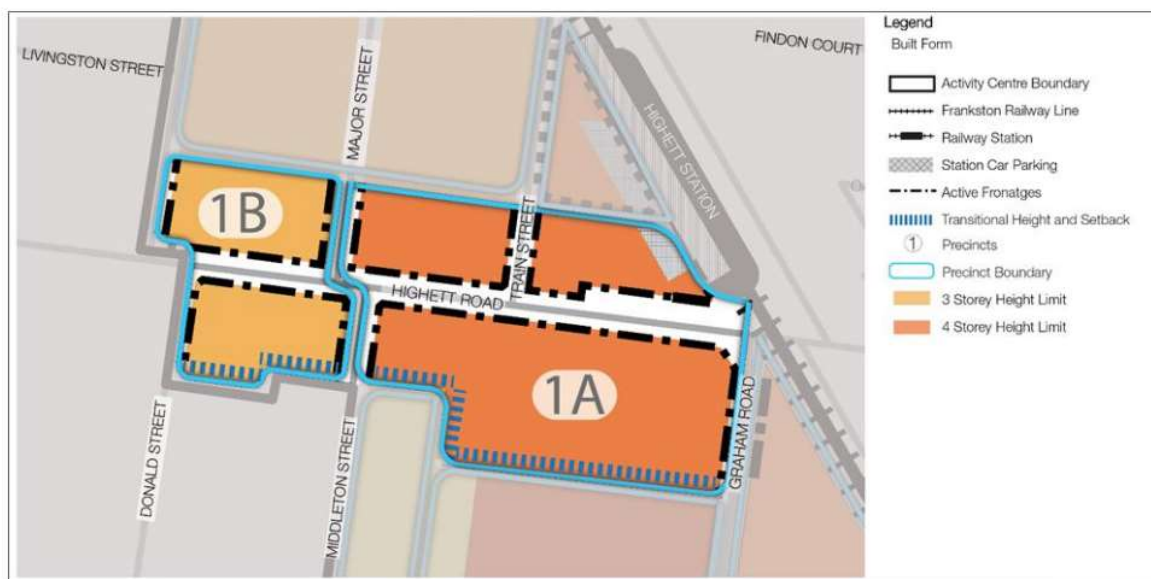
The Panel recommends:

7. Amend the Schedules to Clause 32.08 for General Residential Zone 12, General Residential Zone 13, General Residential Zone 14, General Residential Zone 15 and General Residential Zone 16 as shown in Appendix C3.
8. Amend the Schedule to Clause 32.09 for Neighbourhood Residential Zone 1 as shown in Appendix C3.

7.4 Final form of the Design and Development Schedule 4

As identified in Chapter 4, Council’s post exhibition changes to DDO4 included the simplification of design objectives and amending ‘Map 1: Highett Activity Centre Built Form Provisions’ to extend the ‘Transitional Height and Setback’ linework along the boundaries with precincts to the south and remove legend references to 5 and 2 storey maximums and open space/pedestrian linkages which are not relevant (as shown in Figure 11).

Figure 11 Council’s post exhibition changes to Map 1: Highett Activity Centre Built Form Provisions



The Panel generally supports the changes to Map 1. While it supports the continuation the Transitional Height and Setback linework to Precinct 5 and adjoining GRZ1 areas it does not support the continuation of this provision adjacent to the CSIRO site. The built form of Precinct 1A adjacent to the CSIRO site is largely established and the CSIRO site is likely to have taller development elements towards this end of the site removing the need for this transition provision. The Panel notes that the urban design advice informing the Structure Plan does not propose this transition element to the CSIRO site (it does for the other areas proposed by Council). Council's revised Map 1 to Clause 21.11-6 does not show this extent either.

Council identified that the design objective and mapping changes were consistent with the intent of the Amendment, the Structure Plan and the informing urban design advice and are referred to in the Schedule. Council has proposed to replace the word 'should' with the word 'must' in building requirements for setbacks consistent with the other building requirements in the Schedule. Council identified that the word 'must' was appropriate but still enabled discretion to be applied. Other minor changes were proposed to correct grammatical errors. The Panel supports these proposed changes and considers them relatively minor but useful enhancements. It does not support the use of abbreviated height references such as '4th' and recommends they be written in words.

Council sought the Panel's advice on whether:

- a defined height measuring point should be nominated in Table 1
- criteria should be added to provide guidance on how applications to vary discretionary height provisions should be considered.

PPN60 says the following about identifying height:

References to building heights and setbacks

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

...

Dealing with sloping blocks

The ordinary definition of building height used across Victoria is as set out at Clause 73.01 of the VPP and is the vertical distance from natural ground level to the roof or parapet at any point. This approach should be applied for sloping sites located within activity centres.

In order to allow for some flexibility on sloping sites, a mandatory maximum building height should allow for an exceedance by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

This approach will ensure that the built form responds to the underlying landform, usually by stepping down the built form.

The Panel considers that in this instance there is no need to define a measurement point for height in DDO4 given the term is already defined in Clause 73.01, it is not defined in the current DDO4, the height provisions are intended to be discretionary and land in the most part (beyond the Woolworth's site) in the C1Z is relatively flat. Not defining a measurement point provides some scope to Council to consider proposals on a site by site basis. However, if

Council wishes to pursue this applying the Clause 73.01 definition approach would be most appropriate to respond to particular site conditions.

The Panel does not consider it necessary to provide guidance on how applications to vary discretionary height provisions should be considered. While Council identified some examples of what could be considered (for example high standard of architectural design, innovative environmental design and public realm enhancements among others) sufficient scope exists within the C1Z provisions, Clause 21.11-6 and DDO4 to consider this issue based on design merit and the particular circumstances. Without additional analysis it is difficult for the Panel to offer any suggested guidance.

The Panel has included its preferred version of DDO4 based on Council's post exhibition version in Appendix C4. This version includes a notation regarding reducing the proposed extent of the height and setback transition linework as discussed and the deletion of the reference to the Structure Plan.

The Panel recommends:

- 9. Amend Schedule 4: Highett Road Shopping Strip to Clause 43.02 as shown in Appendix C4 including removing the 'Transition Height and Setback' linework from the edge of Precinct 1A adjoining the CSIRO site in 'Map 1: Highett Activity Centre Built Form Provisions'.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Sallyanne Tangney
2	Aleks and Heidi Zec
3	Marie and Stuart Bowker
4	Amanda O'Connell
5	Stanislaw Drozdowski
6	Gary McCulloch
7	Grazyna Drozdowski
8	Derek Screen
9	Jennifer Hare
10	Gaynor Ramsay
11	Kristen Murphy
12	Geoff Mullins
13	Chandos Bay Pty Ltd
14	C Robinson
15	Peter Dojlida
16	Friends of the Highett Grassy Woodland
17	Jake Adelman
18	Gail Bartlett
19	Wolf International Group
20	Rob and Yvonne Hawker
21	Jane Davidson
22	Shem Curry and Amy Clements
23	Fletcher Building Limited
24	Simone Boileau (late submission)
25	Environment Protection Authority (late submission)

Appendix B Document list

No.	Date	Description	Provided by
1	18/2/2020	Copy of Bayside Housing Strategy and Amendment submissions	Council
2	20/2/2020	Letter to Panel regarding authorisation and exhibited document error	Council
3	28/2/2020	Submission from Ms Boileau forwarded by Council	Council
4	"	Council's Part A submission	Council
5	2/3/2020	Planning evidence of Ms Horsfield	Norton Rose Fulbright
6	"	Traffic evidence of Mr Walsh	Chandos Bay Pty Ltd
7	3/3/2020	Tracked changes document	Council
8	11/3/2020	C160 submitter map	Council
9	"	Mr Screen submission	Mr Screen
10	"	Exhibition brochure	Council
11	"	Council Part B submission	Council
12	"	Fletcher Building Limited (Laminex Industries) submission	Perry Town Planning
13	"	Ms Robinson submission	Ms Robinson
14	"	Friends of Grassy Heath Woodland submission	Mr Norris
15	"	Ms Boileau submission	Ms Boileau
16	12/3/2020	Response to PPN59	Council
17	"	EPA submission to Amendment (submission 25)	Council
18	"	Summary of VicRoads responses to Structure Plan	Council
19	"	Revised summary of Precinct zone changes proposed by the Amendment	Council
20	"	Revised Zoning Map and post exhibition policy and schedule changes without track changes	Council
21	"	Amended Structure Plan Map	Council
22	"	Post exhibition policy and schedule changes with tracked changes	Council
23	"	Example of translation to new PPF structure	Council
24	"	Post exhibition comparison table with Council comments	Council
25	"	Package of letters sent by Council to land owners and occupiers relating to Amendment exhibition	Council

No.	Date	Description	Provided by
26	"	Chandos Bay Pty Ltd submission	Planning Property Partners
27	"	Wolf International Group submission	Norton Rose Fulbright
28	"	Example of translation to new PPF structure	Council

Appendix C Panel preferred version of the Amendment

Tracked Added

~~Tracked Deleted~~

APPENDIX C1 Post exhibition zone mapping



APPENDIX C2 Clause 21.11-6

21.11-6 Highett

Proposed C160

Vision

To revitalise the Highett Road shopping strip as a leafy attractive, vibrant and well used main street and community focal point that provides a wide range of local shopping, business and community services suited to the needs of people living and working in the area, with sufficient transport options to meet the needs of business and residents.

To provide the opportunity for a mix of retail, employment, other associated activities and residential in that part of the Highett shopping strip to the west of the railway, in a form that complements the rest of the centre located to the east of the train line, and to better link the two parts of the centre.

To provide an opportunity for increased housing, supported by the necessary improvement to infrastructure, to enable more people to live and work in Highett, with access to public transport and within walking and cycling distance of shops, services and open space.

To better facilitate movement of people around and through Highett by all modes of transport and to enhance the natural environment by providing new and improved green spaces.

To recognise the family friendly, leafy, garden character of Highett's established residential areas and managing change in a way that responds to this character, and retains a continued focus on community services and welcoming, family friendly, safe spaces for everyone to thrive.

To ensure that development of the CSIRO site is sympathetic to neighbouring properties and provides open space for active and passive recreation and the conservation of biodiversity.

Objectives and Strategies**Land Use****Objective 1**

To maintain a viable and vibrant mixed use corridor along Highett Road

Strategies

- Accommodate additional retail and commercial floor space through the expansion of the Highett shopping strip along Highett Road to Worthing Road and Donald Street.
- Encourage the establishment of offices and dwellings above and at the rear of shops fronting Highett Road within the Highett shopping centre.

Objective 2

To reinforce Bay Road as a key connector between the Southland Shopping Centre, Southland Station and the Bayside Business District.

Strategies

- Support the Bay Road corridor as a key redevelopment opportunity for better integration between Southland and the Bayside Business District.
- Ensure new residential development along Bay Road provides passive surveillance of the Bay Road footpath.

Built Form

Objective 3

To provide a range of housing typologies to cater to all ages and circumstances and meet expected population growth.

Strategies

- Encourage the consolidation of lots within Precincts 1, 2 and 6 to provide for greater efficiency in housing development.
- Encourage opportunities for affordable housing.

Objective 4

To encourage development to contribute to a high quality public realm.

Strategies

- Encourage new development to front and activate key pedestrian links and public open space (existing and proposed) to facilitate natural surveillance.
- Increase the amount of greenery and vegetation within the Highett Road Shopping Strip.

Objective 5

To create high quality, liveable buildings that respect the existing valued neighbourhood character.

Strategies

- Encourage the use of green roofs and walls, particularly in commercial areas where there are limited landscaping opportunities at ground level.
- Encourage canopy tree retention and planting in front and rear setbacks to retain the areas leafy character and biodiversity.

Objective 6

To promote excellence in architectural and design quality.

Strategies

- Support the development of adaptable housing typologies that can change to meet the needs of multiple users.
- Ensure that development is environmentally sustainable by employing Environmentally Sustainable Design.

Access and Movement

Objective 7

To prioritise walking and cycling through the Activity Centre, with a convenient, safe and connected local infrastructure network.

Strategies

- Improve pedestrian access to Highett Station from Highett Road and Train Street by improving the public realm, way finding and access.

- Improve pedestrian safety and amenity along Bay Road, Worthing Road, Highett Road, Train Street, Middleton Street, Graham Road and the pedestrian link along the railway line through improved lighting, smooth and level walking surfaces, safe crossing points, passive surveillance and increased amenity.
- ~~As part of any redevelopment of 36-40 Graham Road, Highett, require a public open space link to be delivered through the site to link Lyle Anderson Reserve and the new public open space to be provided on the CSIRO site. This link must be direct, legible and provide a strong visual and pedestrian link between Lyle Anderson Reserve and the public open space to be provided on the CSIRO site.~~
- Ensure any redevelopment of the CSIRO site provides public shared pedestrian and bicycle paths that connect Highett Road to Bay Road and Graham Road to Middleton Street.

Objective 8

To mitigate traffic and car parking impacts of future population growth.

Strategies

- Ensure developments provide the required number of car parking spaces under the Bayside Planning Scheme.

Objective 9

To improve the provision of public open space and enhance the amenity of and access to existing open space assets.

Strategies

- ~~Investigate the feasibility of requiring new developments to provide Green Travel Plans that outline alternative transport options in the local area, incentives for use of alternative transport options, and consider partnering with transport services to provide bike or car share programs.~~
- As part of any redevelopment of 36-40 Graham Road, Highett, require a public open space link to be delivered through the site to link Lyle Anderson Reserve and the new public open space to be provided on the CSIRO site. This link must be direct, legible and provide a strong visual and pedestrian link between Lyle Anderson Reserve and the public open space to be provided on the CSIRO site.

Objective 10

To protect the biologically significant Highett Grassy Woodland.

Strategies

- For sites abutting the Highett Grassy Woodland provide a 3 metre wide buffer zone along the perimeter of the Highett Grassy Woodland, outside the CSIRO land.
- Minimise shading of the Highett Grassy Woodland.

Local Area Implementation

- Ensure that proposed developments within the Highett Activity Centre are consistent with the plan contained in Map 1 to this Clause.

Further strategic work

- Investigate the introduction of a municipal wide Environmentally Sustainable Design Policy to assist in the assessment of the environmental performance of new development (eg. BESS).
- Undertake an Urban Design Framework to ensure that the housing, open space and community facilities provided on the CSIRO site are well connected and integrated with the existing Highett Road shopping strip, the train station and the Livingston Street Community Hub. As part of this, investigate ways to make Highett Road more pedestrian and cycling friendly and to improve the public transport experience for users.
- Investigate opportunities for improving connectivity to the Highett train station by linking Worthing Road and Major Street in the west to Train Street in the east
- Investigate the feasibility of requiring new developments to provide Green Travel Plans that outline alternative transport options in the local area, incentives for use of alternative transport options, and consider partnering with transport services to provide bike or car share programs.
- Investigate whether a Vegetation Protection Overlay or Significant Landscape Overlay is justifiable and appropriate for some or all of the residential areas of the Highett Activity Centre.

Reference Documents

[Highett Structure Plan, September 2018](#)

Graham Road, Highett: Traffic Management Plan 2004

Flora and Fauna Assessment of CSIRO Land, Highett, Victoria 2004

Map 1 to Clause 21.11-6



APPENDIX C3 Zone Schedules

--/20--
Proposed
C160bays

SCHEDULE 12 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ12**

HIGHETT STRUCTURE PLAN – PRECINCT 2B STATION ENVIRONS

1.0 Neighbourhood character objectives

--/20--
Proposed
C160bays

To encourage apartment style residential redevelopment of up to three storeys in height in residential areas close to the Highett train station.

To ensure new development allows for the retention of mature vegetation and provides canopy trees in front setbacks.

To ensure that new buildings provide an articulated and well designed façade to provide interest at street level and reinforce the human scale.

To ensure buildings provide fine grain frontages to integrate with and contribute positively to the street life and public realm.

To limit the impact of new development on the amenity of existing low density residential development.

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

--/20--
Proposed
C160bays

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

Yes

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

--/20--
Proposed
C160bays

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

Yes

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

No.

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C160bays

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings in Train Street should be set back at least 3 metres from the street. Walls of buildings in other areas should be set back at least 6 metres from the street. The t hird storey should be setback at least 3 metres from the second 2 nd storey facade. If the site is on a corner, the minimum setback from a side street requirements of A3 and B6 apply.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified

	Standard	Requirement
Landscaping	B13	Properties fronting Train Street - Development should provide deep soil (at least 15 m ³ of soil volume, with a minimum dimension of 3m) within the front setback, and plant a 6 metre wide canopy tree within this deep soil area. All other areas - Development should provide deep soil (at least 41 m ³ of soil volume, with a minimum dimension of 3m) within the front setback, and plant a 10 metre wide canopy tree within this deep soil area.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres in 'other streets'.

5.0 Maximum building height requirement for a dwelling or residential building

--/~/20--
Proposed
C160bays

None specified

6.0 Application requirements

--/~/20--
Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/~/20--
Proposed
C160bays

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

- The extent to which existing canopy trees and vegetation have been retained and new canopy trees provided.
- The extent to which the deep soil planting has been addressed.

SCHEDULE 13 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

--/20--
Proposed
C160bays

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

HIGHETT STRUCTURE PLAN – PRECINCT 2A – STATION ENVIRONS

1.0 Neighbourhood character objectives

--/20--
Proposed
C160bays

To encourage apartment style residential redevelopment of up to four storeys in height in residential areas close to the Highett train station.

To ensure new development allows for the retention of mature vegetation and provides canopy trees in front setbacks.

To ensure that new buildings provide an articulated and well designed façade to provide interest at street level and reinforce the human scale.

To ensure buildings provide fine **grain** **grain** frontages to integrate with and contribute positively to the street life and public realm.

To limit the impact of new development on the amenity of existing low density residential development.

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

--/20--
Proposed
C160bays

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

Yes

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

--/20--
Proposed
C160bays

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

Yes

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

No

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C160bays

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be setback at least 3 metres from the street. The f Fourth storey should be setback at least 5 metres from the third 3rd storey façade. If the site is on a corner, the minimum setback from a side street requirements of A3 and B6 apply.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified

	Standard	Requirement
Landscaping	B13	Development should provide deep soil (at least 15m ³ of soil volume, with a minimum dimension of 3m) within the front setback, and plant a 6 metre wide canopy tree within this deep soil area.
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres in 'other streets'.

5.0 Maximum building height requirement for a dwelling or residential building

--/20--
Proposed
C160bays

A building used as a dwelling or a residential building must not exceed a height of 14 metres and 4 storeys.

6.0 Application requirements

--/20--
Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/20--
Proposed
C160bays

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

The extent to which existing canopy trees and vegetation have been retained and [new canopy trees](#) provided.

The extent to which the deep soil planting has been addressed.

SCHEDULE 14 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

--/20--
Proposed
C160bays

Shown on the planning scheme map as **GRZ14**

HIGETT STRUCTURE PLAN – PRECINCT 3 – RESIDENTIAL HINTERLAND

1.0 Neighbourhood character objectives

--/20--
Proposed
C160bays

To encourage a mix of townhouses and detached dwellings amongst a garden setting.
To ensure new development retains existing vegetation and provides canopy trees within the front and rear setbacks.
To maintain the visual separation between buildings.
To minimise the visual impacts of the [third](#) 3rd storey on preferred neighbourhood character.

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

--/20--
Proposed
C160bays

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

No.

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

--/20--
Proposed
C160bays

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

Yes

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

No.

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C160bays

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be setback at least 8 metres from the street for properties that front Jackson Road, Princess Avenue and Royalty Avenue Walls of buildings should be setback at least 6 metres from the street for properties in all other areas If the site is on a corner, the minimum setback from a side street requirements of A3 and B6 apply.
Site coverage	A5 and B8	50 per cent
Permeability	A6 and B9	None specified
Landscaping	B13	Development should provide deep soil (at least 41m ³ of soil volume) within the front or rear setback, and plant a 10 metre wide canopy tree within this deep soil area.

	Standard	Requirement
Side and rear setbacks	A10 and B17	<p>A new building not on or within 200mm of a boundary should be setback 2 metres from the side boundary and 3 metres from the rear boundary, plus 0.6 metres for every metres of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.</p> <p>For sites abutting the Highett Grassy Woodland:</p> <p>A new building not on or within 200mm of a boundary should be setback 3 metres from the property boundary abutting the Highett Grassy Woodland, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.</p> <p>Buildings should be designed to minimise overshadowing of the Highett Grassy Woodland between 10am and 2pm on September 22 (the equinox).</p>
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres.

5.0 Maximum building height requirement for a dwelling or residential building

--/~/20--

Proposed
C160bays

None specified.

6.0 Application requirements

--/~/20--

Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/~/20--

Proposed
C160bays

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

- The extent to which existing canopy trees and vegetation have been retained and [new canopy trees](#) provided.
- Whether the proposed siting, height, design, building setbacks and landscaping will be in keeping with the preferred character of the area.

SCHEDULE 15 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

--/20--
Proposed
C160bays

Shown on the planning scheme map as **GRZ15**

HIGHETT ACTIVITY CENTRE – PRECINCT 6 – BAY ROAD

1.0 Neighbourhood character objectives

--/20--
Proposed
C160bays

To encourage apartment style residential development, with a street wall of up to three stories.

To ensure new development allows for the retention of mature vegetation and provides canopy trees in front and rear setbacks.

To ensure that buildings provide fine grain frontages to integrate with and contribute positively to the street life and public realm.

To ensure buildings provide passive surveillance of Bay Road.

To limit the impact of new development on the amenity of existing low density residential development.

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

--/20--
Proposed
C160bays

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

Yes

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

--/20--
Proposed
C160bays

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

Yes

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

Yes

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C160bays

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be setback at least 6 metres from the street. If the site is on a corner, the minimum setback from a side street requirements of A3 and B6 apply.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	Development should provide deep soil (at least 41m ³ of soil volume) within the front and rear setback, and plant a 10 metre wide canopy tree within this deep soil area.
Side and rear setbacks	A10 and B17	A new should be setback 3 metres from the rear boundary, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence addressing Graham Road and Jackson Road within 3 metres of a street should not exceed 1.2 metres. Front fence height in streets in a Road Zone, Category 1 as specified in the Tables to Standard A20 and Standard B32 continue to apply. Front fences must have a minimum of 25% transparency.

5.0 Maximum building height requirement for a dwelling or residential building

--/~/20--
Proposed
C160bays

None specified

6.0 Application requirements

--/~/20--
Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/~/20--
Proposed
C160bays

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

- The extent to which existing canopy trees and vegetation have been retained and [new canopy](#) trees provided.
- The level of activation and surveillance provided to Bay Road.

SCHEDULE 16 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

--/20--
Proposed
C160bays

Shown on the planning scheme map as **GRZ16**

HIGHETT STRUCTURE PLAN – PRECINCT 3 – 362-40 GRAHAM ROAD, HIGHETT

1.0 Neighbourhood character objectives

--/20--
Proposed
C160bays

To encourage apartment style residential development of up to four storeys, with recessed upper floors.

To ensure new development retains existing vegetation and provides canopy trees within the front, side and rear setbacks.

To maintain the visual separation between buildings.

To limit the impact of new development on the amenity of existing low density residential development.

To create a safe, landscaped, attractive and publicly accessible link through the site from the Lyle Anderson Reserve to Graham Road.

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

--/20--
Proposed
C160bays

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

No.

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

--/20--
Proposed
C160bays

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

Yes

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

No.

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C160bays

	Standard	Requirement
Minimum street setback	A3 and B6	Walls of buildings should be setback at least 6 metres from the frontage.
Site coverage	A5 and B8	None specified
Permeability	A6 and B9	None specified
Landscaping	B13	Development should provide deep soil (at least 41m ³ of soil volume) within the front and rear setback, and plant a 10 metre wide canopy tree within this deep soil area.
Side and rear setbacks	A10 and B17	A new building not on or within 200mm of a boundary should be setback 2 metres from the side boundary and 3 metres from the rear boundary, plus 0.6 metres for every metres of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.

	Standard	Requirement
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres.

5.0 Maximum building height requirement for a dwelling or residential building

--/~/20--

Proposed
C160bays

A building used as a dwelling or a residential building must not exceed a height 14 metres and 4 storeys.

6.0 Application requirements

--/~/20--

Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/~/20--

Proposed
C160bays

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

- The extent to which existing canopy trees and vegetation have been retained and provided [and new canopy trees provided](#).
- Whether the proposed siting, height, design, building setbacks and landscaping will be in keeping with the preferred character of the area.
- Whether a direct, legible, publicly accessible open space link between Graham Road and Lyle Anderson Reserve can be provided.

SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

--/~/20--

Proposed
C160baysShown on the planning scheme map as **NRZ1**.

HIGHETT ACTIVITY CENTRE – CSIRO INTERFACE

1.0 Neighbourhood character objectives

--/~/20--

Proposed
C160bays

To encourage a mix of townhouses and detached dwellings

To ensure new development retains existing vegetation and provides canopy trees within front and rear setbacks.

To maintain the visual separation between buildings.

To ensure that development provides an appropriate interface to and does not negatively impact the Highett Grassy Woodland.

2.0 Minimum subdivision area

--/~/20--

Proposed
C160bays

None specified.

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

--/~/20--

Proposed
C160bays

	Requirement
Permit requirement for the construction or extension of one dwelling on a lot	500 square metres
Permit requirement to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot	500 square metres

4.0 Requirements of Clause 54 and Clause 55

--/~/20--

Proposed
C160bays

Minimum street setback	A3 and B6	Where there is an existing building on both the abutting allotments facing the same street the following minimum setback from the front street applies: <ul style="list-style-type: none"> The greater distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. All other minimum setbacks from front streets and side streets as specified in the Tables
Site coverage	A5 and B8	50 percent
Permeability	A6 and B9	None specified
Landscaping	B13	Development should provide deep soil (at least 41m ³ of soil volume) within the front or rear setback, and plant a 10 metre wide canopy tree within this deep soil area.

Side and rear setbacks	A10 and B17	<p>A new building not on or within 200mm of a boundary should be set back 2 metres from the side boundary, and 3 metres from the rear boundary, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.</p> <p>For sites abutting the Highett Grassy Woodland:</p> <p>A new building not on or within 200mm of a boundary should be setback 3 metres from the property boundary abutting the Highett Grassy Woodland, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 2 metres for every metre of height over 6.9 metres.</p> <p>Buildings should be designed to minimise overshadowing of the Highett Grassy Woodland between 10am and 2pm on September 22 (the equinox).</p>
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	A front fence within 3 metres of a street should not exceed 1.2 metres.

5.0 Maximum building height requirement for a dwelling or residential building

--/~/20--
Proposed
C160bays

None Specified

6.0 Application requirements

--/~/20--
Proposed
C160bays

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

- A design response which identifies opportunities for canopy tree planting, in accordance with the minimum dimensions specified.

7.0 Decision guidelines

--/~/20--
Proposed
C160bays

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

- The extent to which existing canopy trees and vegetation have been retained and [new canopy trees](#) provided.

APPENDIX C4 Design and Development Overlay Schedule 4

21/01/2016

Proposed
C160bays

SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO4**

HIGHETT ROAD SHOPPING STRIP

1.0 Design objectives

Proposed
C160bays

To create a proportionate 3 storey street wall along the Highett Road Shopping Strip, with any 4th fourth storey set back from the street wall.

To provide weather protection for pedestrians, such as verandahs or canopies, along the Highett Road Shopping Strip.

To provide interest at street level and reinforce the human scale of the Highett Road Shopping Strip.

To increase the amount of greenery within the Highett Road Shopping Strip.

To minimise the adverse amenity impacts of increased building heights in the Highett Shopping Strip on surrounding residential areas.

2.0 Buildings and works

21/01/2016

Proposed
C160bays

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

- A building must not exceed the maximum building height (in metres and storeys) specified in Table 1- Built Form Precinct Provisions below.
- A building must not be set back from Highett Road at the ground floor and must be set back 5 metres from the 4th fourth storey.
- A building must meet the side and rear setback specified in Table 1- Built Form Precinct Provisions below.
- A building must present a fine grained, human scale to streets.
- A building must provide active frontages, articulated and well designed facades, fenestrations and parapet treatments and include detailing and materials to provide interest at street level.
- A building fronting Highett Road must provide weather protection for pedestrians.
- Screen planting and landscaping must be provided in side and rear setbacks that abut land within a Residential Zone to reduce amenity impacts and to increase the amount of greenery in the Highett Road Shopping Strip. Green roofs and walls will be considered where landscaping opportunities at ground floor level are limited.

Table 1: Built form precinct provisions. Refer to Map 1 at end of schedule.

Precinct	Maximum building height	Side and rear setbacks
1A	4 storeys (14 metres)	0 metres from a side or rear boundary that adjoins land in a commercial zone.
1B	3 storeys (11 metres)	3 metres from a rear boundary that adjoins land in a residential zone, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Where a side or rear boundary adjoins a rear laneway that is less than 4.5 metres, part of the ground floor setback should be set aside to achieve a 4.5 metre laneway.

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

3.0 Subdivision

21/01/2016
Proposed
C160bays

None specified.

4.0 Advertising signs

21/01/2016
Proposed
C160bays

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

21/01/2016

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

Proposed
C160bays

- Whether the heights and setbacks set out in Table 1 – Built Form Precinct Provisions have been met.
- Whether the building provides interest at street level and reinforces the human scale of the Highett Road Shopping Strip.
- Whether the building provides active frontages and weather protection for pedestrians,
- Whether the landscaping increases the greening of the Highett Road Shopping Strip.
- The amenity impacts on any adjoining land in a Residential Zone particularly with respect to overshadowing, privacy and visual bulk.

6.0 Reference documents

21/01/2016

[Highett Structure Plan, September 2018](#)

Proposed
C160bays

Map 1: Highett Activity Centre Built Form Provisions

