

7.1.3 ACTIVITY CENTRE PROGRAM - OAKLEIGH, HUGHESDALE AND HOLMESGLEN

Responsible Manager:	Sean McNamee, Manager Strategic Planning
Responsible Director:	Peter Panagakos, Director City Development

RECOMMENDATION

That Council

1. Notes that as part of the Activity Centre program (ACP), the Department of Transport and Planning (DTP) have released *Phase2: Sharing our draft maps* and that this mapping shows indicative increased building heights for the Oakleigh, Hughesdale and Holmesglen Activity Centres and their surrounding residential catchments.
2. Endorses this report, and the draft submission at Attachment 10, as Councils submission to DTP for the ACP – Phase 2 consultation.
3. Notes the potential windfall gains liability for Council relating to some properties that Council owns as detailed in this report.

INTRODUCTION

The State Government's Activity Centre Program (ACP) is part of a range of projects aimed at facilitating more housing in Victoria. The ACP arises from the Victorian Housing Statement, September 2023.

In October 2024 Hughesdale and Oakleigh Stations were included in the first tranche of 25 centres under the ACP.

In February 2025, the second tranche of 25 centres under the ACP was announced adding Holmesglen Station.

COUNCIL PLAN STRATEGIC OBJECTIVES

A well-planned and future ready city

An attractive and well-designed city with connected neighbourhoods, active transport, open spaces, facilities and infrastructure that meets the current and future needs of our community.

A city that promotes environmental sustainability

Where neighbourhoods are designed and developed along environmentally sustainable development and urban design principles, in sympathy with the natural environment.

BACKGROUND

The State Government's Activity Program (program) seeks to provide for increased housing capacity at 60 activity centres across Melbourne.

The program seeks to:

- Increase the capacity for housing in an area by changing planning controls to allow for a greater intensity of development.
- Provide a built form control over core and fringe areas to encourage a greater density.
- Streamline permit approval processes, resulting in removed notice and appeal rights where development complies with Deemed to Comply Provisions.

Pilot Program – Chadstone Activity Centre

In 2024 a pilot of ten activity centres in 2024 that included Chadstone (shopping centre) and the surrounding catchments taking in parts of Oakleigh and Hughesdale was undertaken.

As part of the pilot program, following consultation, the ten pilot areas were referred to a Standing Advisory Committee (SAC) to review and provide advice to the Minister before planning scheme changes were approved.

Whilst the SAC were supportive of the objectives of the program overall, the report raised a number of issues with the ACP process and the matters they were able to review. These concerns included:

- The absence of proposed detailed planning controls.
- The referral of only 6 submissions from a total of the 812 submissions received for Chadstone Activity.

The SAC report made recommendations for the improvement of the ACP.

Copies of the SAC reports for Common Issues across all centres, Draft Planning Controls and Chadstone Activity Centre are attached as **Attachments 4-6** to this report.

DISCUSSION

The current round of the ACP includes Oakleigh, Hughesdale and Holmesglen activity centres.

Early this year and as part of the development of the draft plans officers have provided feedback to DTP on initial issues such as:

- the extent of the study area
- heritage and other potential sensitive issues or constraints
- basic traffic information
- planning background including the Oakleigh Structure; and
- preferred consultation methods.

The State Government undertook an initial consultation in May and June 2025, writing to occupiers (but not land-owners), informing them of the program and seeking general feedback on what was important to people about the activity centre in their neighbourhood.

Community reference groups (CRG) were also established to provide advice to DTP on each Activity Centre.

The intent of the CRGs was to inform the ACP plans and provide advice on what the community values, the type of future they see and what could be improved. Copies of the CRG – Statement of Advice for each activity centre is provided at **Attachment 7**. An officer assessment of the how the draft plans address the CRG Key Messages for Planners is provided at **Attachment 8**.

Phase 2 draft maps

The State Government have now released the draft AC maps. The maps consist of a 3 map set for each activity centre showing:

- current conditions for the central area,
- proposed building heights for the central area, and
- the proposed residential catchment areas likely to be rezoned to facilitate greater densities at 4 to 6 storeys.

It should be noted that the material released does not include planning controls, infrastructure identification or other planning elements required as part of a structure plan process. The plans simply show proposed building heights.

The maps for each of the three activity centres in the current program are attached to this report as **Attachments 1-3**.

Officers have identified issues with both the process and the proposed outcomes.

Key issues with the proposed changes are:

- The proposed building heights.
- The extent of the residential catchments likely to be rezoned (see **Attachments 1-3**).
- Residential properties in the Heritage Overlay.
- Overshadowing of public realm.
- Conflicts with Huntingdale Structure Plan - Monash Amendment C173.
- The overall lack of coordination of approach across State Government in undertaking planning reform projects.

These issues are common across the three activity centres and addressed in more detail in the draft submission at Attachment 10.

Oakleigh Activity Centre

Oakleigh Activity Centre is the largest of the 3 centres included in this round of the program. It also has a well-established character and role in the community. This is reinforced by the detailed planning controls and structure plan that have been in place since 2012.

A high degree of change is proposed in Oakleigh.

The draft plans propose building heights of:

- 16 storeys along Hanover Street,
- 12 storeys in the Eaton Mall central core (Portman Street, Chester Street and Atherton Road), and
- 8 storeys through some heritage areas, including the Station Street heritage precinct as shown in **Image 1**.

Oakleigh Station train and tram zone

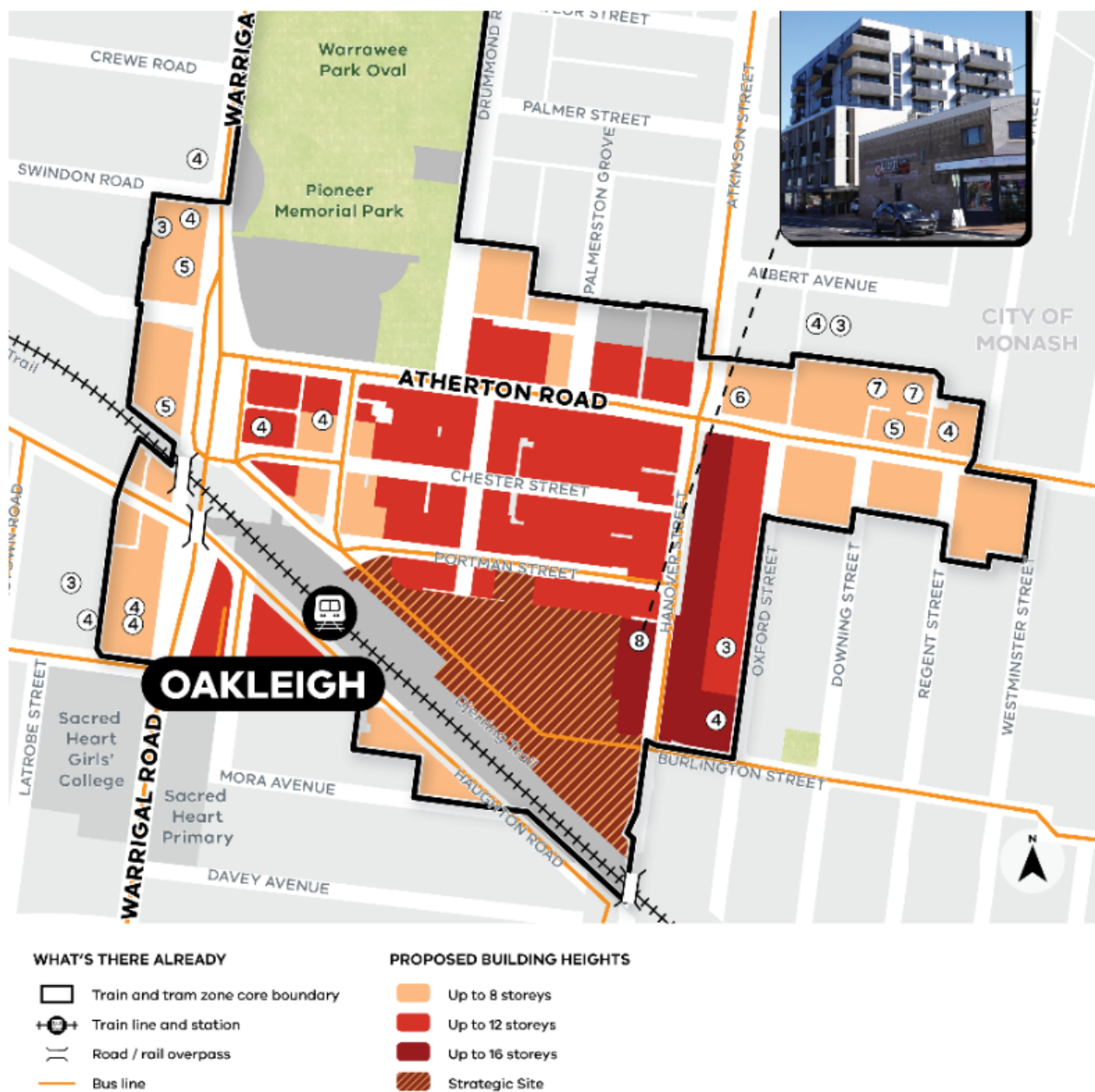


Image 1.

The Oakleigh Structure Plan is a key Council policy or strategy linked to this proposal. The implementation included local policies and a Design and Development Overlay (DDO) over the commercial part of Oakleigh and some residential areas. It included building heights, and other design and development requirements and policy guidance.

As DTP have not provided draft controls it is not clear which (if any) current aspects of policy or the planning provisions will be retained.

Table 1 below compares the current building heights of the Oakleigh Structure Plan to the proposed building heights of the ACP program.

Precinct Area	Monash Structure Plan	State AC Plan
Eaton Mall - central core bounded by both sides of Atherton Road, Station Street, Portman Street and the west side of Hanover Street.	4 Storey	12 Storey
Station Street heritage precinct	4 Storey	8 Storey
Oakleigh Market building and Chester Street carpark	5 Storey	12 Storey
West side of Warrigal Road	4 Storey	8 Storey
East side of Warrigal Road	8 Storey	12 Storey
Traingle site bounded by Haughton Road, Mills Street and Johnson Street.	5 Storey	12 Storey
Vicinity Shopping Centre site.	5 and 8 Storey	Undefined – Strategic Site.
East side of Hanover Street and 19-35 Hanover Street	7 Storey	16 Storey
West side of Oxford Street	3 Storey, some 4 Storey	12 Storey, some 16 Storey.

Table 1. Note this is a general comparison only and some individual sites may vary.

Hughesdale Activity Centre

Hughesdale is a smaller activity centre based around Poath Road, Hughesdale.

Although the area is less extensive than Oakleigh, there are significant increases in building heights proposed as shown in **Image 2**.

The retail strip along Poath Road is proposed for up to 8 eight storeys.

The existing single storey public housing site on Arthur Street, adjacent to Galbally Reserve, has a proposed height limit of 12 storeys.

Hughesdale Station train and tram zone



Holmesglen

There are no changes proposed to building heights or planning controls on the Monash side of the Holmesglen Activity Centre as shown in **Attachment 3**.

Officers also have concerns regarding the process that has been followed. At early meetings, staff from the State Government acknowledged many of the shortcomings of the process in the pilot program and gave an undertaking to improve the process with Councils. There have been some improvements, however the overall process has still been poor. Key issues are:

- The significant volume of input required of Council officers.

- The lack of reflection of Council officer information in the documentation (with the exception of correcting errors).
- Releasing information to the media prior to Councils, despite all correspondence and presentations showing it would be provided to Councils before the public.
- The indicated lack of independent review prior to implementation.
- The lack of drafted planning controls being provided to Councils for review (only limited information has been).
- The decision not to hold any community sessions in Oakleigh or any part of City of Monash, despite holding two in person sessions in Carnegie.

FINANCIAL IMPLICATIONS

The program is anticipated to have significant financial impacts on Council over the longer term. This is both from the perspective of requiring additional community infrastructure that Council must fund and creating a liability for Windfall Gains Tax by rezoning Council owned land.

Infrastructure Contributions

New residents accommodated in the new dwellings will place increased demand on services and community infrastructure provided by Councils. No assessment of infrastructure requirements, or funding costs has been undertaken. We understand that the State Government is working on a development contribution model for activity centres, but we are unsure as to what level of funding this will provide, who will administer it, and what sort of process will see funding allocated. It is likely that this will not cover the full cost of infrastructure demand driven by the additional population.

Windfall Gains Tax (WGT)

State Government Planners and documentation provided indicates that no land in the City of Monash in the core activity centre areas will be rezoned. However, it is likely that land in the residential catchments will be rezoned to the HCTZ.

A detailed analysis of Council landholdings in the activity centre areas has not yet been completed. A preliminary analysis has identified nine parcels of land in residential areas that would likely be rezoned, triggering a WGT Liability.

This land is used for a range of purposes, including parks, community services, car parks, and affordable housing provision.

Council officers have written to State Government planners to seek urgent advice on whether Council land would be rezoned as part of this amendment triggering a WGT liability.

It is not possible to determine with certainty whether Council land will be subject to WGT without a clear understanding of what land will be rezoned, and this will not be provided to us for this consultation.

POLICY IMPLICATIONS

The policy of directing additional growth to activity centres is consistent with the Monash Planning Scheme, Monash Housing Strategy and broader State policy.

CONSULTATION

The consultation is being undertaken by the Department of Transport and Planning, via the Engage Victoria platform.

The consultation consists of drop in sessions and direct notification via a letterbox drop.

Officers have expressed concerns to DTP with this process given the number of activity centres involved and the tight time frames. Specific issues included:

Notification Process

Owners and occupiers in impacted areas received postcards via letterbox drop, while absentee owners were sent letters. However, the postcards were generic and simply directed recipients to the Engage Victoria website, offering limited detail about the proposed changes.

Timing Issues

Many residents received the postcards one to two weeks after media coverage had already begun. Additionally, the consultation period coincided with school holidays, which may have reduced engagement due to travel or overlooked mail.

Drop-in Sessions

The State Government scheduled two in-person sessions for each activity centre cluster:

Tooronga to Holmesglen: Held at Phoenix Park Community Centre, Malvern East.

Carnegie to Oakleigh: Both sessions were held in Carnegie (Library and Dutch Club).

Despite requests from Council officers, no dedicated sessions were held in Oakleigh. This was disappointing given the scale of proposed changes in the area.

Walk-by Sessions

On October 7, DTP advised that two “walk-by” sessions would be held in Oakleigh:

- Tuesday 7 October, 4:30pm – 6:00pm
- Saturday 11 October, 12:00pm – 1:30pm (at Oakleigh Central)

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

There are no Gender Impact implications to this report as this report is not for a service or policy.

CONCLUSION

The State Government has released limited mapping for the Oakleigh, Hughesdale, and Holmesglen Activity Centres as part of the current phase of the Activity Centre Program (ACP). The material released publicly only includes indicative building heights and expanded catchment areas. There is little detail on planning controls or infrastructure provision.

This consultation represents the final opportunity for public input before the State government introduces new planning controls.

The proposed changes include building heights of up to 16 storeys in Oakleigh and up to 12 storeys in Hughesdale, which may result in overshadowing of key public spaces such as Eaton Mall, Portman and Chester Streets, and Galbally Reserve.

Additionally, the draft plans propose rezoning surrounding residential areas to support higher-density development. This includes land located up to 1.2 km from the Oakleigh Activity Centre's core retail precinct, raising concerns about the appropriateness of such changes given their distance from key services and infrastructure.

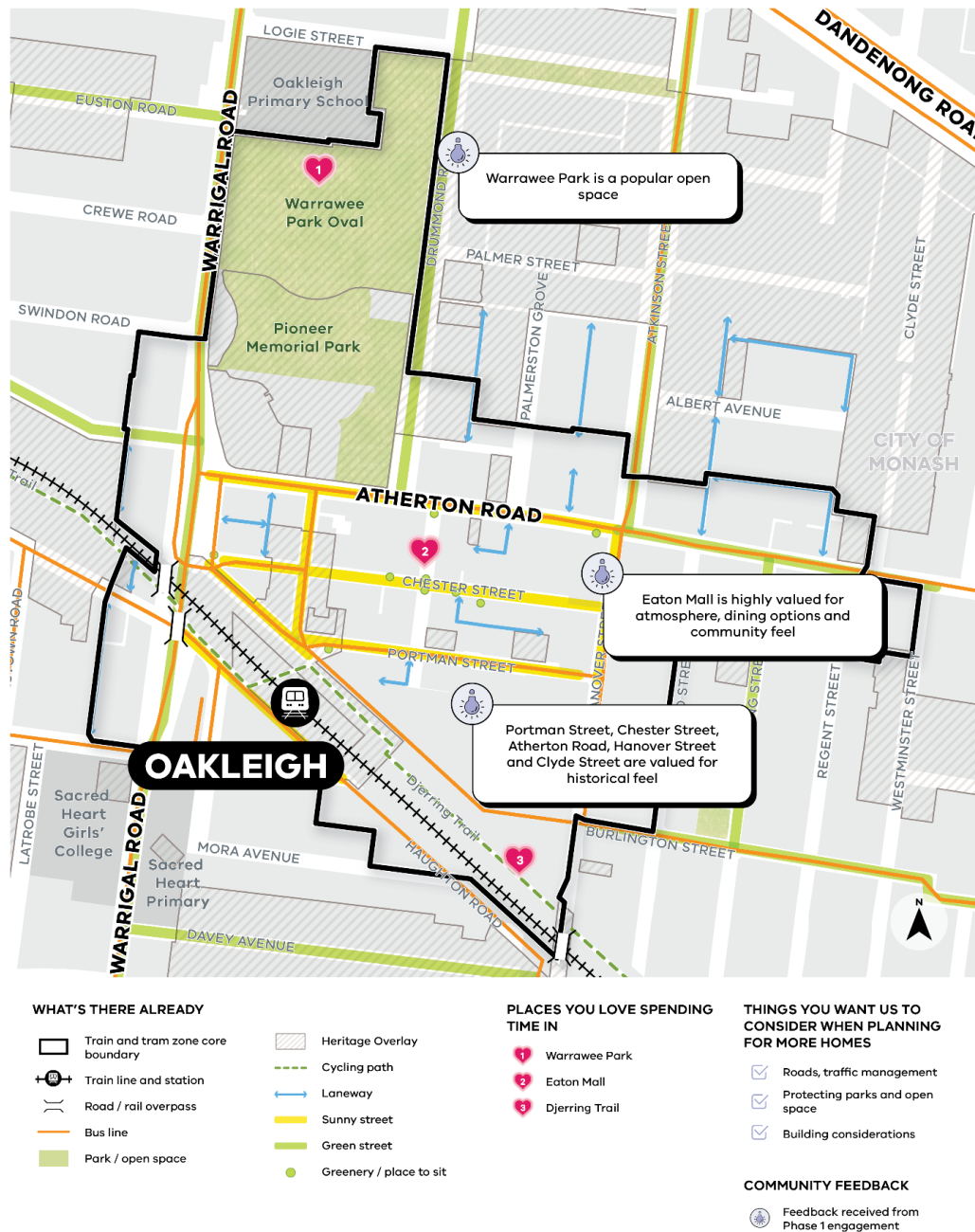
Despite commitments made during the pilot phase to improve engagement and transparency, several shortcomings remain. These include limited detail in the consultation materials, inadequate representation of Council feedback, and a lack of meaningful engagement with affected communities. Many of the same issues identified in the pilot phase have persisted, undermining community confidence in the process and its outcomes.

ATTACHMENT LIST

1. Activity Centre Maps Oakleigh [7.1.3.1 - 3 pages]
2. Activity Centre Maps Hughesdale [7.1.3.2 - 3 pages]
3. Activity Centre Maps Holmesglen [7.1.3.3 - 3 pages]
4. Activity Centres Pilot SAC Report - Planning Controls [7.1.3.4 - 80 pages]
5. Activity Centres Pilot SAC Report - Common Issues [7.1.3.5 - 29 pages]
6. Activity Centres Pilot SAC Report - Chadstone [7.1.3.6 - 34 pages]
7. Community Reference Groups - Statements of Advice [7.1.3.7 - 21 pages]
8. Officer Responses - Key Messages for Planners from Statements of Advice from Community Reference Groups [7.1.3.8 - 6 pages]
9. FAQs - Train and Tram Zone Activity Centre Program [7.1.3.9 - 10 pages]
10. City of Monash Submission - Activity Centre Program [7.1.3.10 - 20 pages]

Activity Centre Program Released Maps - Oakleigh

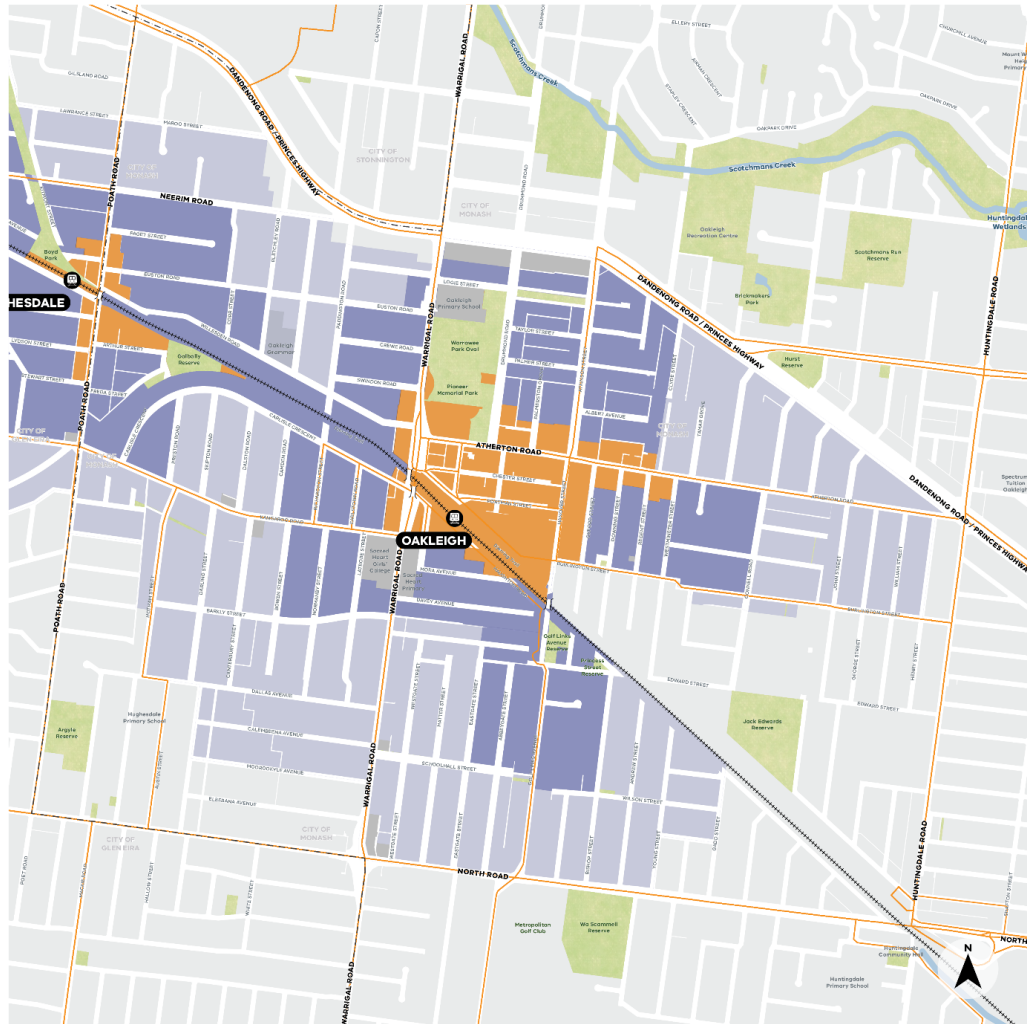
Map 1 – Starting Point – Oakleigh



Map 2 – Proposed Maximum Building Heights - Oakleigh



Map 3 – Proposed Catchments - Oakleigh



LEGEND

- Train line and station
- LGA boundary
- Road / rail overpass
- Bus line
- Park and open space
- Generally non-residential land use
(includes commercial areas / public use zones / schools)

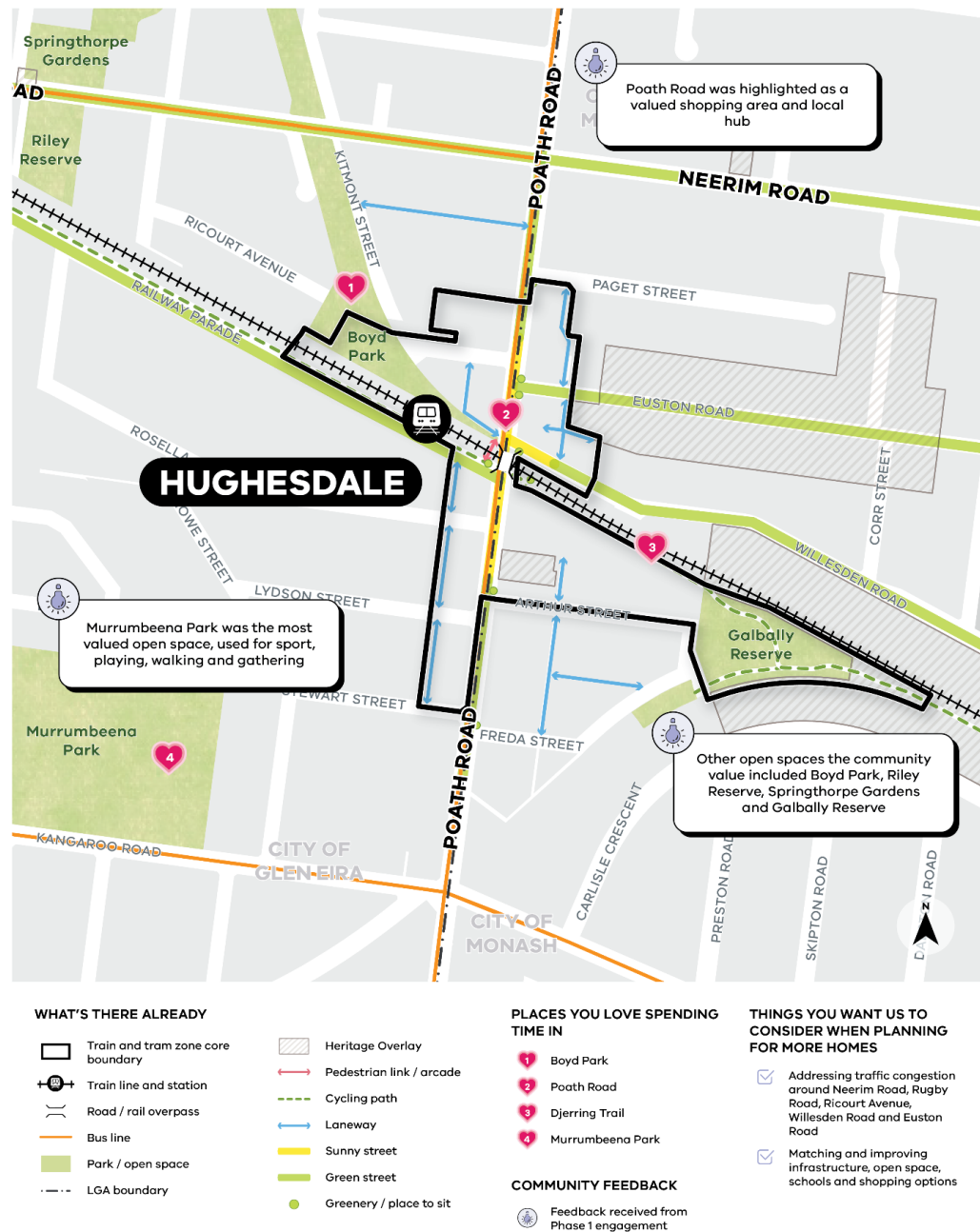
CATCHMENT AREAS

- Train and tram zone core
- Inner Catchment
- Outer Catchment

Note: proposed changes on Homes Victoria or Department of Families, Fairness and Housing land do not imply future redevelopment.

Activity Centre Program Released Maps - Hughesdale

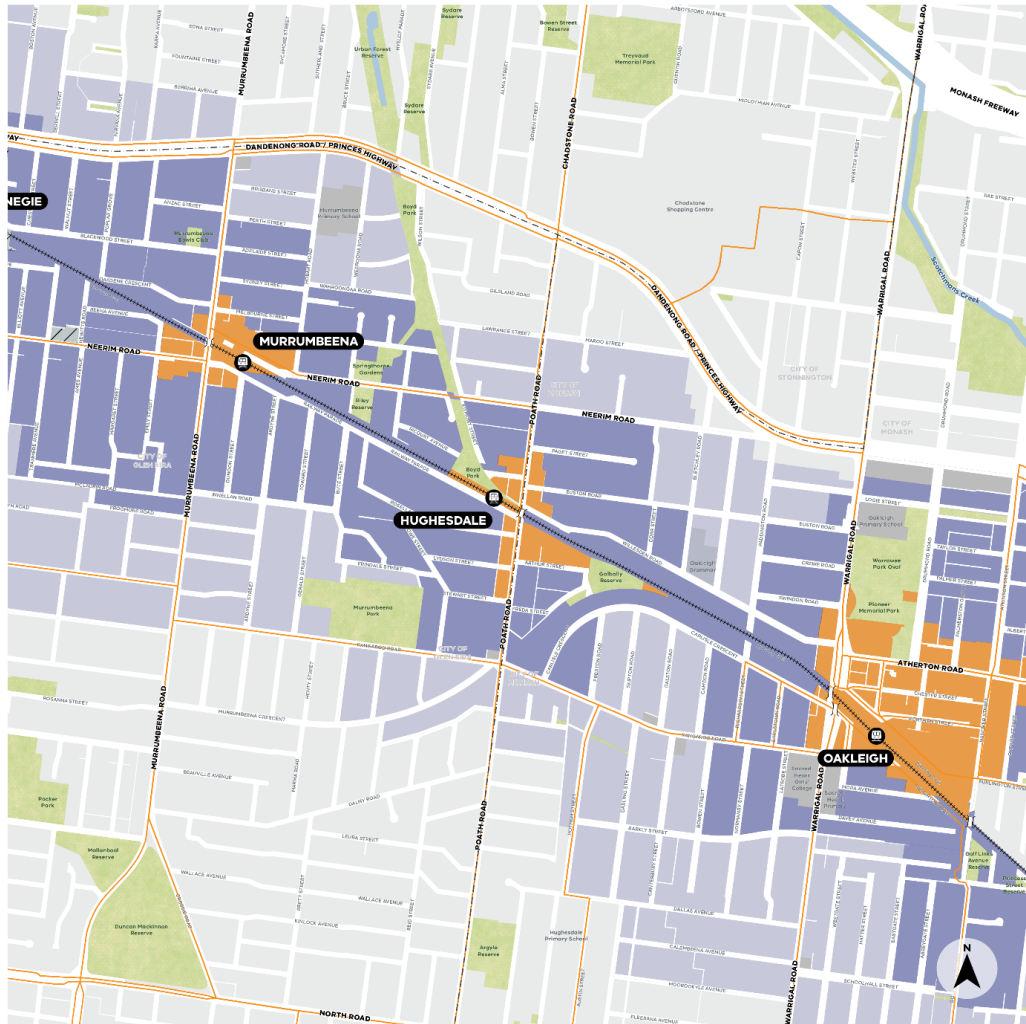
Map 1 – Starting Point - Hughesdale



Map 2 – Proposed Maximum Building Heights – Hughesdale



Map 3 – Proposed Catchments – Hughesdale



WHAT'S THERE ALREADY

- Train line and station
- LGA boundary
- Road / rail overpass
- Bus line
- Park / open space
- Generally non-residential land use
(includes commercial areas / public use zones / schools)

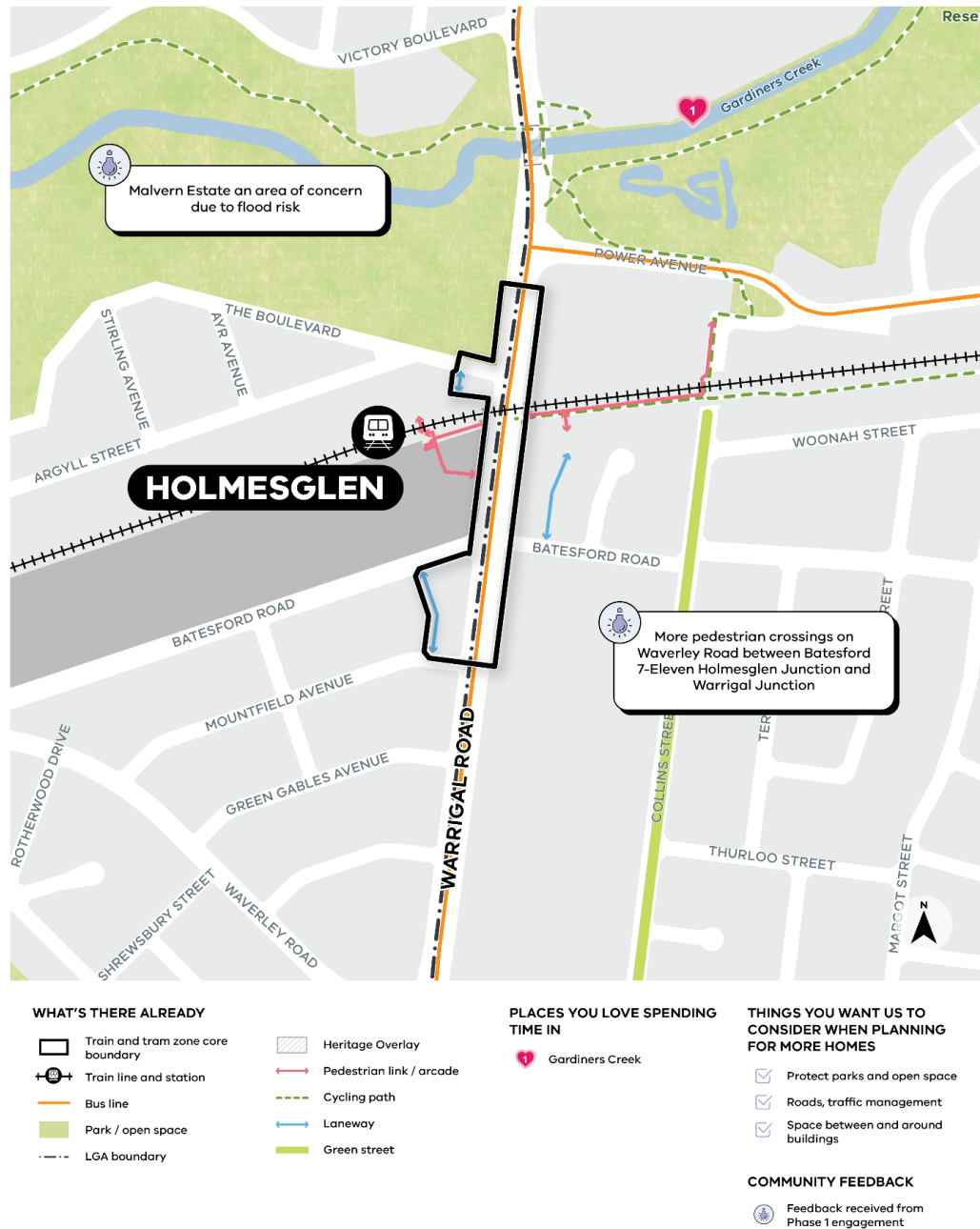
CATCHMENT AREAS

- Train and tram zone core
- Inner Catchment
- Outer Catchment

Note: proposed divisions on Homes Victoria or Department of Families, Fairness and Housing land do not imply future redevelopment.

Activity Centre Program Released Maps - Holmesglen

Map 1 – Starting Point - Holmesglen



Map 2 – Proposed Maximum Building Heights - Holmesglen



Map 3 – Proposed Catchments - Holmesglen



LEGEND

- Train line and station
- LGA boundary
- Bus line
- Park / open space
- Generally non-residential land use
(includes commercial areas / public use zones / schools)

CATCHMENT AREAS

- Train and tram zone core
- Inner Catchment
- Outer Catchment

Note: proposed on Homes Victoria or Department of Families, Fairness and Housing land do not imply future redevelopment.

**Planning
Panels
Victoria**

Referral 1: Draft Built Form Overlay and draft Walkable Catchment Zone

Activity Centres Standing Advisory Committee Report

6 November 2024



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

Planning and Environment Act 1987

Activity Centres Standing Advisory Committee Report

Referral 1: Draft Built Form Overlay and draft Walkable Catchment Zone

6 November 2024



Sarah Carlisle, Chair



Dr Meredith Gibbs, Deputy Chair



Dianne King, Member

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Glossary and abbreviations

ACZ	Activity Centre Zone
BFO	draft Built Form Overlay
CBF	community benefit framework
Committee	Activity Centres Standing Advisory Committee
DTP	Department of Transport and Planning
DTP Report	Report responding to key matters to be considered by Standing Advisory Committee (Document 3)
GRZ	General Residential Zone
Minister	Minister for Planning
MUZ	Mixed Use Zone
NRZ	Neighbourhood Residential Zone
Referred Matters	the matters specified in the table in the referral letter
RGZ	Residential Growth Zone
SAC	Standing Advisory Committee
VPA	Victorian Planning Authority
WCZ	draft Walkable Catchment Zone

Overview

Referral summary	
Referral	Referral 1 Draft Built Form Overlay (BFO) and draft Walkable Catchment Zone (WCZ)
Brief description	Advice sought on specified key issues relating to the BFO and WCZ head clauses
Planning Authority	Department of Transport and Planning (DTP) on behalf of the Minister for Planning
Referred material	Received on 22 October 2024: - Report responding to key matters to be considered by the Committee (DTP Report) - Draft BFO head clause (targeted engagement version) - Draft BFO head clause ((Standard Advisory Committee (SAC) version tracked against consultation version) - Draft WCZ head clause (targeted engagement version) - Draft WCZ head clause (SAC version tracked against consultation version) - Video presentation explaining the BFO
Referred Matters	Draft Built Form Overlay: - Purposes - Development Framework - Master planned sites - Community benefit framework - Application of outcomes and standards - Open space provisions - Locally responsive design Draft Walkable Catchment Zone: - Purposes - Building heights - Locally responsive design Advice not to be provided on: - Any other matter

Committee	
The Committee	Sarah Carlisle (Chair), Meredith Gibbs and Dianne King
Supported by	Georgia Brodrick
Hearings	Not required
Site inspection	Not required
Date of this report	6 November 2024

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1 Introduction

1.1 Terms of Reference and referral letter

The Minister for Planning appointed the Activity Centres Standing Advisory Committee (the Committee) on 22 August 2024. The purpose of the Committee is set out in its Terms of Reference dated 22 August 2024:

... provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the [Activity Centres Program] ACP to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.

This is Referral 1. The Minister for Planning's referral letter was dated 22 October 2024. The referral letter is included in 3.4.

The Minister for Planning seeks the Committee's advice on specific issues as outlined in the table in the referral letter (the Referred Matters). The referral letter indicated the Committee should not provide advice on matters outside these specific matters.

1.2 The Committee's approach

The Committee has conducted its assessment process in accordance with the procedural requirements of the Terms of Reference, in particular Clauses 9, 10, 12 and 18. It has reported on Referred Matters in accordance with its Terms of Reference, particularly Clause 16.

Clause 12 of its Terms of Reference require the Committee to:

... conduct its work with a view to maximising efficiency and timeliness. This may include conducting reviews 'on the papers' without oral hearings where the Committee considers it appropriate depending on the nature of the matter referred.

Clause 18 requires the Committee to submit its report to the Minister for Planning and DTP no later than 10 business days from receipt of the referral. This timeframe did not allow for a Hearing to consider oral submissions or evidence on the Referred Matters.

Given the targeted nature of the Committee's scope, issues to be considered and advice required, and reporting timeframes, the Committee considered an on the papers process to be appropriate.

1.3 Limitations

The Committee has confined its consideration to the Referred Matters, as directed in the referral letter (see Appendix A).

The DTP Report set out the matters on which advice is sought in:

- Section 1 (Referral matters), in a table that is similar to (but not the same as) the table in the referral letter
- Section 4 (Issues with specific BFO clauses) and Section 5 (the WCZ).

There are inconsistencies between the Referred Matters as described in the referral letter, and the matters on which advice is sought as set out in the DTP Report. Further, the DTP Report includes commentary on matters that do not directly relate to the Referred Matters.

This Report responds to the Referred Matters as recorded in the referral letter.

The referred material for Referral 1 did not include a template schedule for the BFO. The head clause was difficult to understand without a template schedule. While the Committee was provided with 'sample schedules' (for Moorabbin and Preston) as 'pre-reading', these schedules did not include all of the information contemplated by the head clause. For example, neither contained any machinery or other text about a community benefit framework.

The Committee requested and was provided with a template schedule, but the headings and terminology used did not match the head clause and it was not of great assistance in understanding how the head clause will operate in tandem with the schedules.

The Committee has done its best to respond to the matters on which advice is sought based on the materials referred to it, but notes it would have aided the Committee's understanding of the BFO head clause had it been accompanied by an up to date and accurate template schedule.

The 'pre-reading' material included the City of Centres report by Sheppard and Cull, a draft Urban Design Background Summary Report prepared by the Victorian Planning Authority (VPA), and a consultation draft of proposed changes to Clause 58 (Apartment developments). This material was not included in the referred material for Referral 1. In the time available, the Committee has not been able to review this material in preparing this Report.

No submissions were referred to the Committee. The Committee has only considered the summary of key matters (including analysis) in the DTP Report (and only insofar as it relates to the Referred Matters). The Committee has not been able to independently verify the accuracy or comprehensiveness of the summary of issues raised in submissions in the DTP Report.

The Committee did not have the benefit of a public Hearing or any discussions or evidence (in support or contradictory) that may have assisted it to better understand the strategic basis of the draft BFO or WCZ, or their intended operation. While the video presentation on the draft BFO was helpful, the Committee would have been aided by being able to ask questions in relation to the intended operation of the controls.

Clause 13 of the Committee's Terms of Reference states:

13. The Committee may invite the Department of Transport and Planning (DTP), the Victorian Planning Authority (VPA), a relevant Council and/or any other party to identify or address any matters through further written comments (noting that this does not extend the time for provision of a Report as required by Clause 19).

Given the 10 business day reporting timeframe, the Committee chose not to request face to face discussions with any DTP officers pursuant to Clause 13, as it would not have been practical and may have compromised the process from a procedural fairness perspective.

Given the limitations outlined above, the Committee has largely had to accept the material at face value. The advice contained in this Report should not be taken as a comprehensive merits review of the draft BFO or WCZ or their strategic basis. It is targeted advice confined to the Referred Matters.

Finally and perhaps most importantly, this Committee did not have the benefit of the final Referral 2 Report on common issues when it prepared this Report. There is overlap between some of the matters on which advice is sought in Referrals 1 and 2. This Committee's advice on the following Referral 1 matters needs to be read in conjunction with the forthcoming advice of the Referral 2 Committee:

- master planning (which potentially overlaps with the advice sought from the Referral 2 Committee on large opportunity sites)

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- application of Outcomes and Standards (which potentially overlaps with the advice sought from the Referral 2 Committee on deemed to comply, mandatory and discretionary controls)
- the purposes of the WCZ (which potentially overlaps with the advice sought from the Referral 2 Committee on the catchment boundary issue)
- locally responsive design (which potentially overlaps with the advice sought from the Referral 2 Committee on the tree canopy issue).

This Committee's recommended drafting in relevant provisions of the BFO head clause (in Appendix D:1) needs to be read in conjunction with the Referral 2 Committee's forthcoming advice on the following issues:

- sun access
- wind
- active frontages.

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2 Summary

The identification of issues and the advice sought on each issue are translated directly into Table 1 from the referral letter.

Table 1 Summary of referred issues, advice sought and key findings

Issue	Advice sought	Key findings
Built Form Overlay		
The purposes listed in the overlay	The overlay is proposed to only be applied in areas designated for built form intensification, please advise whether: - the purposes should be amended to include a specific purpose enabling diverse and affordable housing, noting the potential broadscale application of the overlay across metropolitan Melbourne - the draft purposes sufficiently guide a responsible authority's discretion.	Affordable housing is a land use issue, not a built form issue. It would not be appropriate to include a purpose in the BFO relating to affordable housing. With some amendments, the purposes of the BFO will sufficiently guide discretion.
The Development Framework	The proposed provision seeks a map or maps to be prepared which express the strategic considerations of an activity centre. Please advise whether the proposed instrument will be beneficial in guiding a responsible authority's discretion.	Changes are needed to the BFO to ensure Development Frameworks will be beneficial in guiding discretion.
Master planned sites	The proposed provision seeks to guide development outcomes on identified sites. Please advise whether the provision will be beneficial in guiding a responsible authority's discretion for such sites.	Changes are needed to the BFO to ensure master plans will be beneficial in guiding discretion.

Issue	Advice sought	Key findings
Community benefit framework (CBF)	The proposed provision provides a mechanism for planning authorities to prepare and incorporate a community benefit framework into the scheme. Please advise whether: - the provision is suitably drafted to achieve the provision's intended purpose - the provision is suitably drafted to facilitate affordable housing - it would be reasonable to amend the provision to: - only apply in circumstances that a deemed to comply standard (compared to a mandatory standard) is not met, and - only facilitate affordable housing, commensurate to how much it exceeds the standard drafting sufficiently reflects the intended purpose.	The proposed CBF provision requires drafting changes if it is to achieve its intended purpose. The provision is suitably drafted to facilitate affordable housing. It is not reasonable to amend the provision to only apply in circumstances where a deemed to comply standard is not met. It is not reasonable to amend the provision to only facilitate affordable housing (and no other community benefits). The 'uplift' gained in return for providing the community benefit (or the amount of the exceedance) should be proportionate to the community benefit provided by a developer.
Application of outcomes and standards	The proposed overlay seeks to apply outcomes and standards. Please advise whether the proposed application of outcomes and standards will be beneficial in guiding a responsible authority's decision making.	Changes are needed to the BFO operational provision and to the outcomes and standards themselves to ensure they will be effective in guiding decision making. There is a risk that the overuse of deemed to comply standards will result in poor outcomes.
Open space provisions	The public open space contribution mechanism integrated within the provision intends to override the provisions of Clause 53.01. Please advise whether the integration of the open space provision within the overlay simplifies the interpretation of open space requirements for permit applicants and responsible authorities.	The integration of the open space provision within the BFO simplifies the interpretation of open space requirements for permit applicants and responsible authorities.
Locally responsive design	Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.	The BFO should facilitate landscaping, but minor changes are needed to facilitate canopy trees. The BFO should, in principle, facilitate locally responsive design, provided standards and outcomes in schedules are appropriately tailored to the local context.

Issue	Advice sought	Key findings
Walkable Catchment Zone*		
The purpose of the zone	The zone is proposed to be applied in areas designated for built form intensification. Please advise whether the draft purposes sufficiently guide a responsible authority's discretion.	The purposes of the WCZ will not sufficiently guide discretion.
Building heights	Please advise whether: - the building height thresholds for above and below 1000sqm are appropriate - the provision is suitably drafted to achieve the intended purpose of facilitating more intense development in the catchment.	It is not possible to advise whether the metrics of the proposed building heights are appropriate. They will apply in a wide range of contexts, and their appropriateness will depend on local factors. In the absence of strategic justification for a mandatory three storey height limit for smaller sites, the limit should be discretionary. With changes, the building height provision should facilitate more intense development in the catchments, but the Committee is concerned it may not result in locally responsive design and good planning outcomes in all cases.
Locally responsive design	Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.	The WCZ will not facilitate landscaping or tree canopy outcomes. The WCZ will only facilitate locally responsive design outcomes to a limited extent. Other planning tools that apply within the catchments may facilitate locally responsive design, provided they are retained. The WCZ should not be applied to areas that are within a Heritage Overlay or a Neighbourhood Character Overlay (NCO).

* The Committee's primary position is that the WCZ should not be applied at this time. Its responses to the specific questions on the WCZ have informed this view. The key findings on the WCZ should be read in that context.

3 Analysis

3.1 Key policy drivers

The Terms of Reference (in Clause 16) require the Committee to address the Referred Matters and its recommendations in the context of:

- Victoria's Housing Statement, The Decade Ahead 2024-2034
- Plan Melbourne 2017-2050 or any equivalent replacement planning strategy.

Key policy drivers in the Housing Statement relevant to planning for activity centres include, to:

- introduce clear planning controls to deliver an additional 60,000 homes around the 10 'pilot' activity centres¹
- introduce activity centre plans to guide investment in the things a growing suburb needs like community facilities, public spaces and parks
- incentivise affordable housing.

Key policy drivers in Plan Melbourne relevant to planning for activity centres include, to:

- encourage increased housing diversity and density in activity centres
- create inclusive, vibrant and healthy neighbourhoods
- provide a diverse range of jobs, activities and housing in centres that are well served by public transport
- provide certainty about the scale of growth in the suburbs
- support a network of vibrant neighbourhood activity centres
- support new housing in activity centres and other places that offer good access to jobs, services and public transport
- facilitate housing that offers choice and meets changing household needs.

3.2 Draft Built Form Overlay

The Committee has undertaken a detailed drafting review of the BFO head clause, as this was required to properly address the Referred Matters. The Committee recommended version is in Appendix D:1. It is based on the SAC version included in the referred materials (with changes in that version accepted) and applies the drafting principles in *A Practitioner's Guide to Victorian Planning Schemes*.

3.2.1 Purposes

Subject to the Committee's recommended changes in Appendix D:1, the Committee considers the draft purposes will sufficiently guide discretion to achieve the intended purpose of the BFO, namely, to achieve built form intensification and specific development outcomes in areas nominated for growth.

The key recommended drafting improvements are to:

- simplify language to use plain English and minimise ambiguity

¹ Broadmeadows, Camberwell Junction, Chadstone, Epping, Frankston, Moorabbin, Niddrie (Keilor Road), North Essendon, Preston (High Street) and Ringwood.

- remove language that is not consistent with the outcomes and standards within the BFO head clause
- consolidate and streamline the purposes.

While the Committee acknowledges the language of the second purpose has been taken from the Design and Development Overlay, the drafting of the BFO is an opportunity to improve drafting to simplify the language used.

Regarding the third purpose, the Committee considers reference to 'sustainable development' does not directly align with the outcomes and standards within the BFO head clause and is better addressed in other planning scheme policies and provisions.

There is repetition between the third and fifth purposes that can be avoided through consolidation.

The last purpose reads:

To encourage land consolidation in identified locations to facilitate higher density development.

Clause 43.06-1 states that the Development Framework or a schedule should identify:

- Areas where consolidation of sites will be encouraged to facilitate the preferred scale of development.

The Committee recommended version of the BFO head clause retains this purpose, but the Committee notes it may restrict flexibility by implying that consolidation is encouraged only in those areas identified. DTP should further consider whether this is consistent with the intent.

DTP sought the Committee's advice (in the DTP Report) on whether the BFO purposes should be amended to include a specific purpose enabling diverse and affordable housing. No context or explanation is provided for this request in the DTP Report. Affordable housing is a land use issue, not a built form issue. It would not be appropriate to include a purpose in the BFO relating to affordable housing.

Recommendation

The Committee recommends:

- 1. Amend the purposes in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.2 Development Framework

The Development Framework is the overarching guide to the future development of an activity centre. If the Development Framework is to effectively achieve its purpose and help guide a responsible authority's discretion, it is critical that:

- it contains the right information
- the information is clear, legible and free from internal inconsistencies
- it works together with the built form outcomes and standards specified in the BFO head clause and in schedules.

Changes are required to the BFO head clause to ensure Development Frameworks effectively guide discretion. These include clarification as to what forms part of the Development Framework, and what is a requirement specified in a schedule.

What the Development Framework should show

Clause 43.06-1 sets out what a Development Framework 'should' contain. The first item listed in Clause 43.06-1 is the planned urban structure. This is fundamental to the Development Framework, and critical in guiding discretion. This should be a 'must' inclusion in a Development Framework rather than a 'should'.

Clause 43.06-1 states the Development Framework should include "*topic based plans*" that identify "*the preferred built form character or typology of each part of the land, if relevant*". Plans or maps are not the best way to present preferred typologies and built form character. They need to be described in text. The table of preferred building typologies and built form character should therefore form part of the Development Framework. The maps or plans can cross reference the relevant typology types in the table.

Like the future urban structure, the preferred building typologies and built form character are critical in guiding discretion and should be a 'must' inclusion in a Development Framework.

The Committee supports the other items listed in Clause 43.06-1 as inclusions in a Development Framework. However, additional items (all of which are easily mapped) should be included to ensure the Development Framework works effectively with the built form outcomes and standards to guide discretion. This includes:

- sites where a floor area ratio is intended to apply
- sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area
- locations where landscaped setbacks capable of accommodating canopy trees are to be provided
- streets where active frontages are required
- specific or indicative pedestrian links
- street and lanes along which continuous weather protection should be provided
- streets and lanes identified where loading access or vehicle access to carparks are discouraged
- new streets, lanes, arcades or through building connections (assuming these are different to specific or indicative pedestrian links)
- open space, public realm or streets for which sun protections apply.

The DTP Report indicated that submitters suggested the following items should not be included in a Development Framework, which DTP does not support (pages 11 and 12):

- a map using Victoria's Movement and Place Framework
- a public open space framework
- areas where consolidation of sites will be encouraged to facilitate the preferred scale of development.

The DTP Report did not explain why submitters considered these matters should not be included in a Development Framework.

Clause 43.06-1 states that these are all items that 'should' be included in a Development Framework (not 'must'). If they are not required in the context of any particular centre, they need not be included. However, the Committee anticipates they will be relevant in a majority of cases for the reasons set out in the DTP Report. They should therefore be retained.

Regarding the requirement for 'a map using Victoria's Movement and Place Framework', *Movement and Place in Victoria* is adopted government policy referenced in Clause 18.01-1S of the

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Victoria Planning Provisions. It is appropriate for Development Frameworks to be consistent with that policy. That said, the requirement needs to be reworded to “*provide a movement and place framework that is consistent with Movement and Place in Victoria*”. This drafting is included in Appendix D:1.

Development yield

The Committee notes the advice in the DTP Report (page 12) that the intent is for schedules to set out the intended dwelling and floorspace yields, although this has not been documented (and was presumably not part of the consultation) for the 10 pilot centres.

The Committee supports including anticipated dwelling numbers and floorspace yields in a Development Framework where appropriate (which may only be for larger centres). This information would be useful in guiding discretion. That said, the dwelling numbers and floorspace yields for each centre would need to be strategically justified and supported by appropriate background information, including capacity and demand analysis, an assessment of impacts on other neighbouring activity centres and the like.

Guidance (such as a planning practice note) should be provided on how dwelling numbers and floor space yields should be derived, to ensure a consistent approach.

Other drafting changes

The Committee also recommends the following key drafting improvements to the BFO head clause, which are included in Appendix O:

- define the term ‘Development Framework’
- clearly state the purpose of the Development Framework
- ensure the content of a Development Framework is clearly described
- explicitly reference the Development Framework in relevant outcomes and standards, to ensure it appropriately guides decision making.

The Committee recommends:

- 2. Amend the development outcomes provision in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.3 Master planned sites

The Committee considers that, subject to its recommended drafting changes in Appendix D:1 and subject to the advice below, the master planning provision in Clause 43.06-1 should produce master plans that will be beneficial in guiding a responsibly authority’s discretion for such sites.

The Committee’s key recommended drafting improvements are:

- accurately recording where master planned sites are identified (they should be identified in the Development Framework)
- adding a requirement that the scale of development shown in a master plan is to be consistent with the Development Framework
- removing unnecessary repetition in the drafting of the provision.

Additional specifications for a master plan

In terms of the content of a master plan, the Committee notes the advice in the DTP Report (page 13) that the master planning requirements are based on the Development Plan Overlay, and that master plans are conceived as a “*development plan lite*”. While the Committee acknowledges this,

and supports the items listed in Clause 43.06-1 that should be included in a master plan, in many cases more content will be required if the master plan is to be beneficial in guiding discretion.

An example is a traffic and transport management plan. While the Development Framework may identify broad network considerations (consistent with *Movement and Place in Victoria*) at a high level, more detailed traffic management measures (such as new or upgraded streets, lanes or intersections) will often need to be identified where large or strategic sites are redeveloped.

The BFO head clause allows additional master plan requirements to be specified in a schedule. Guidance should be provided to ensure master planning requirements in schedules are appropriately drafted, to ensure:

- master plans contain all of the information needed to effectively guide discretion
- a consistent approach across similar centres.

Standard exemptions

The Committee notes DTP's position outlined in the DTP Report (page 14). While it may be difficult to identify a standard set of exemptions, the Committee considers that one standard exemption where a permit should be able to be granted is for minor works to existing buildings before a master plan is approved. Master planning is intended to guide the future redevelopment of a site, not existing uses and development. That said, major works in connection with existing uses could compromise the future intended role of the site and should not be exempt.

The Committee has included an appropriately worded exemption in Appendix D:1.

'Prepared' or 'approved'

The BFO head clause provides that a master plan must be 'prepared to the satisfaction of the responsible authority', consistent with the text used in the Development Plan Overlay. The DTP Report indicated (at pages 13 and 14) that some submitters thought master plans should be 'approved by' the responsible authority. The Committee prefers 'prepared to the satisfaction of...', noting that it will trigger rights of review under section 149 of the *Planning and Environment Act 1987*.

The Committee recommends:

- 3. Amend the master planned sites provision in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.4 Community benefit framework

In considering the proposed CBF provision, the Committee has assumed:

- at a general level, a CBF is legally valid
- the proposed provision is intended to provide a framework for the actual CBF which would appear in a schedule (and could include reference to other document(s))
- a CBF must be robust and strategically justified before being included in a schedule.

On the basis of the above assumptions, the Committee's responses to the specific matters on which advice is sought are:

- the proposed CBF provision requires drafting changes if it is to achieve its intended purpose
- the provision is suitably drafted to facilitate affordable housing
- it is not reasonable to amend the provision to only apply in circumstances where a deemed to comply standard is not met

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- it is not reasonable to amend the provision to only facilitate affordable housing (and no other community benefits)
- the 'uplift' gained in return for providing the community benefit (or the amount of the exceedance) should be proportionate to the community benefit provided by a developer.

The Committee's key recommended drafting improvements are to:

- define the term 'community benefit framework'
- clarify what must be included in a schedule if a CBF is to apply
- require inclusion (in the schedule) of a table that links the relevant standard that can be exceeded, and the degree (including the maximum) to which the relevant standard can be exceeded, with the relevant community benefit(s) to be provided.

Guidance will be needed to ensure CBFs are robustly prepared and strategically justified, and that a consistent and proportional approach is taken to preparing and implementing CBFs.

Intended purpose

The referral letter states "*the proposed [CBF] provision provides a mechanism for planning authorities to prepare and incorporate a community benefit framework into the scheme*". The DTP Report elaborates on the purpose of the CBF provision:

The issue is whether the provisions relating to the community benefit framework are clear and enable planning authorities to secure appropriate benefits through its utilisation. [page 14]

...

The community benefit framework mechanism has been included primarily for future users of the BFO, who may have ambitions to implement an uplift scheme tied to a community benefit framework. The purpose of including this text in the BFO is to ensure there is an appropriate mechanism to operationalise an uplift framework should it be found to be appropriate on its merits. [page 15]

While the Committee's advice has not been sought on whether a CBF is legally valid, it notes the comments in the DTP Report (page 15) regarding the need for a CBF to:

- include specific text about how the scheme would work
- apply the principles of equality, consistency, accountability and transparency in the securing of benefits
- ensure clear implementation
- ensure consistent outcomes.

The Committee considers the SAC version of the proposed CBF provision does not fully achieve these requirements.

As currently drafted, it is not clear what constitutes the 'community benefit framework'. Is it the CBF document to be specified in a schedule (which could be a separate document), the mechanism contained in the schedule, or both? The Committee's proposed definition of 'community benefit framework' clarifies that it includes the mechanism, the eligible community benefits and how they are calculated, regardless of whether these matters sit within a schedule or in a separate document. The Committee's drafting also ensures that:

- a CBF is 'anchored' in the relevant schedule
- the schedule includes the key matters that most users of an uplift scheme will be interested in, with the detail provided, as needed, in a separate (specified) document.

This approach improves readability and transparency.

The proposed CBF provision (SAC version) not explicitly require the allowable community benefit(s) and the calculation method to be 'tied' to the specific standard that can be exceeded. This is essential to provide clarity and consistency in application of the CBF. To overcome this, the Committee considers that where a CBF applies, the schedule must clearly:

- set out the relevant standard that can be exceeded
- set out the degree (including the maximum) to which the relevant standard can be exceeded
- 'tie' the relevant community benefit(s) to the relevant standard that can be exceeded.

The Committee considers a table would be the clearest and simplest way to achieve this. This should be included in the template BFO schedule that will need to accompany the BFO head clause. For complex CBFs, the contents of the table could refer to specific provisions of a separate CBF document. When this would be appropriate should be further explained in guidance material.

The Committee considers that any 'uplift' provided by the framework should be proportionate to the value of the community benefit delivered. This is required for consistency and transparency. It is likely that those considering 'opting in' to the CBF would expect to see a clear link between the value of the uplift and the community benefit(s) being delivered. It would also be necessary to enable users of the mechanism to assess the financial viability of participation.

The Committee's drafting requires the following to be included in a schedule (in the required table):

The degree (including the maximum) to which the relevant standard can be exceeded, based on the extent of the community benefit provided.

The degree of permitted exceedance should be proportionate to the value of the community benefit delivered, which is a matter that a planning authority would need to address in its strategic justification of the CBF and should be further explained in guidance material.

Due to the many variations in community benefit uplift mechanisms, the Committee does not consider that the BFO head clause should seek to specify matters further.

With these modifications, the Committee considers that the CBF provision should successfully operationalise an uplift framework (subject to its legal validity).

Facilitating affordable housing

The CBF provision is drafted in a neutral manner and can facilitate any type of community benefit the planning authority considers appropriate, including affordable housing, provided that the CBF properly specifies affordable housing as a relevant 'community benefit' and provides sufficient clarity on how the uplift would operate.

The note at the end of the CBF provision (in the SAC version of the BFO) indicates that community benefits in this context "*are intended to relate to site specific or local area benefits such as new pedestrian links or improvements to the public realm*". This note suggests that affordable housing is not the type of community benefit contemplated by the proposed provision, despite there being nothing in the drafting of the provision itself which so limits it.

The DTP Report (page 15) indicates that the exhibited version of this note included reference to affordable housing. No specific explanation is provided for its removal.

The DTP Report states (page 15) that legal advice "*has confirmed that requiring a contribution (works, services or facilities) outside the DCP/ICP framework would need to directly and physically relate to the development for it to be lawful*". From the information provided, it is unclear whether

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the legal advice was referring to the benefit needing to be directly and physically related to the development (site) or the 'works, services or facilities' needing to be directly and physically related to the development. The Committee is therefore unclear as to whether the reference in the note to affordable housing was removed because it was not considered to be a site specific benefit.

At a general level, if greater support for the use of the CBF mechanism to deliver affordable housing is required, the note could be amended to include reference to affordable housing. Plan Melbourne and the Housing Strategy clearly support efforts to increase affordable housing in the mix of housing to be supplied. However, the Committee does not consider it appropriate to provide any specific drafting suggestions given it has not been provided with the legal advice.

DTP also seeks advice on whether it would be reasonable to amend the CBF provision to "*only facilitate affordable housing, commensurate with how much it exceeds the standard*". This request for advice can be interpreted a couple of ways.

If the Committee's advice is being sought on whether the CBF provision should only facilitate affordable housing in situations where the uplift is proportionate to the number of affordable housing units provided, then the Committee has already stated its view that the uplift should always be proportionate to the benefit provided.

If the Committee's advice is being sought on whether the CBF provision should only apply to affordable housing and no other type of community benefit, the Committee sees no reason why the mechanism should be so limited. Although Plan Melbourne and the Housing Strategy clearly support the provision of affordable housing, they do not do so at the cost of other public benefits.

Application to 'deemed to comply' standards

DTP seeks advice on whether it would be reasonable to amend the CBF provision to only apply in circumstances where a deemed to comply standard (as compared to a mandatory standard) is not met. This matter is not addressed or further explained in the DTP Report.

The SAC version of the CBF provision can apply to any type of standard. This means that it can apply to a:

- discretionary standard
- mandatory standard
- discretionary standard that is also deemed to comply
- mandatory standard that is also deemed to comply.

The reference to a deemed to comply standard "*as compared to a mandatory standard*" suggests a misunderstanding about the type of standards included in the BFO, because a deemed to comply standard can be either discretionary or mandatory.

It is unclear to the Committee what the intended benefits are of limiting a CBF to only deemed to comply standards.

An 'uplift' mechanism most often operates in relation to a mandatory standard or requirement, allowing that mandatory limit to be exceeded where that would otherwise not be possible, in return for providing a specified benefit(s). The value that the exceedance of the mandatory limit provides to a developer needs to exceed the value of the benefit provided by the developer in order to make it worthwhile to opt in.

Such a mechanism could also apply to a discretionary standard, as a means to exceed a 'preferred' standard and ensure that a permit could not be refused on this ground. This achieves a similar

result to a deemed to comply standard (where a permit cannot be refused on the ground that the relevant outcome is not met). But they are not the same:

- in the first case the relevant standard is not met (in return for the benefit provided)
- in the latter the standard is met (regardless of the benefit provided).

It is unclear how attractive to a developer a CBF that applies to a 'preferred' or discretionary standard (deemed to comply or not) would be. A developer may prefer to design around a discretionary standard and argue that the relevant outcome has been achieved, rather than provide a community benefit.

The Committee also raises the question of whether the factors a planning authority would consider when deciding whether a standard should be deemed to comply or not are the same (or similar) to those relevant when deciding which standards can be exceeded under a CBF. When considering whether a standard should be deemed to comply or not, one factor a planning authority would likely consider is whether the outcome(s) should be assumed to be delivered if the relevant standard is met. That is a different consideration to the outcome(s) a planning authority may decide to forgo (because the standard is not met) in return for a specified community benefit.

As a result, the Committee considers that only having the CBF provision apply to deemed to comply standards is not reasonable and may have unintended results. It doubts a CBF that applies to discretionary standards would be effective. Hence the Committee's drafting in Appendix D:1 refers to mandatory standards only.

The Committee recommends:

- 4. Amend the community benefit framework provision in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.5 Application of outcomes and standards

The Committee supports the use of discretionary, mandatory and deemed to comply measures within the control, and considers they will be beneficial in guiding a responsible authority's decision making, but with some reservations.

Classifying standards as mandatory, discretionary and deemed to comply

The operational provision (Clause 43.06-2) needs to be amended to clarify that all standards are either discretionary or mandatory, and that both may be 'deemed to comply'. With these clarifications, the outcomes and standards, combined with the Development Framework within the schedules, should be beneficial in guiding a responsible authority's decision making and will simplify the preparation of schedules for councils.

Drafting of the outcomes and standards

It is essential that the drafting of the outcomes and standards relate directly to the BFO purposes and the title for each outcome and standard. For the most part the SAC version achieves this, but the Committee has recommended some changes in Appendix D:1.

Outcomes should generalise what the standards intend to achieve, but provide the responsible authority with the discretion on how it may be achieved. This is important as standards may not necessarily be deemed to comply.

The operational provision (Clause 43.06-2) states that development must meet the outcomes and should meet the discretionary standards. Several of the outcomes refer to built form requirements identified in a schedule. By including this in the outcome (which must be met), the

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BFO head clause could inadvertently convert discretionary standards specified in a schedule to mandatory. The Committee assumes this is not the intent and has removed references to standards from the descriptions of the outcomes sought to be achieved.

The operational provision states that development must meet the outcomes unless specified otherwise in the relevant standard. The BFO head clause only contemplates one outcome where the standard may specify that the outcome does not apply (the outcome in Clause 43.06-6.1 relating to building layout and adaptability). The Committee queries whether this is the intent.

The division of standards across the BFO head clause and the schedules increases the complexity in drafting and applying standards. Some parts of the BFO head clause do not contain standards, but rather contain carveouts from standards that may or may not be specified in a schedule, or describe circumstances where the standard in a schedule (if specified) would not apply (see Standards BF02, BF03, BF05 and BF06). This makes the BFO head clause hard to understand.

Where the BFO head clause does not include any standard, that section of the BFO head clause should include a reference to the Development Framework and/or any standards that may be specified in a schedule as a matter of clarity.

The risk of deemed to comply standards being overused

The BFO head clause provides that if a deemed to comply standard is met, the corresponding outcome for that standard is deemed to be met. If all standards were deemed to comply, and a particular development proposal meets all the standards, the outcomes in the BFO would also be met and there would be no exercise of discretion in relation to the permit application. The grant of a permit would appear to be an automatic result in such a case.

Deemed to comply standards would streamline the planning process by providing greater certainty and faster approvals for development that meets these standards. However, the overuse of deemed to comply standards may compromise outcomes, by effectively removing the opportunity for any professional evaluation of a proposed development through the permit application process. This is not a desirable outcome.

Standards should only be able to be identified as deemed to comply when:

- the standard is one where it will be clear in all cases whether or not it is met
- there is a high level of certainty that development that meets the standard will result in good outcomes (such as good urban design outcomes).

In terms of it being clear when a standard is met, metric based standards are more appropriate as deemed to comply than qualitative standards that require the exercise of professional judgement.

The first part of Standard BF17 provides examples of both:

- the second dot point has clear metrics and may be appropriate as a deemed to comply standard
- the first dot point requires judgement as to whether depth and a balance of light and shadow are achieved and appropriate and may not be appropriate as a deemed to comply standard.

Guidance is needed to accompany the controls to ensure the deemed to comply mechanism is used appropriately.

Specific standards

Standard BF02 relates to building heights. It is not clear from the BFO head clause whether heights will be expressed in the schedules in storeys or metres or both. The Committee considers they

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should be expressed in both (as they are in the WCZ). This should be explained in guidance material accompanying the new controls.

For Standard BF03, the section 173 condition should be redrafted as a requirement, rather than being included within the Standard.

Standard BF07 includes:

- Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.

DTP should further consider whether this should only apply to non-residential development. The Committee has included a note to this effect in Appendix D:1.

Regarding Clause 43.06-6.2 (Wind effects on the public realm), it is unclear why a schedule would vary a requirement to avoid unsafe wind conditions or deliver comfortable wind conditions in accordance with Standard BF08. The Committee has included a note to this effect in Appendix D:1. The Committee also recommends that a building height be applied within Standard BF08, to make the provision clearer. The Committee has recommended five stories based on the sample schedule for Moorabbin, although a metric in metres might also be appropriate.

Regarding Standard BF10, not all Activity Centre Plans appear to identify active frontages. It is not clear whether the active frontage requirements are intended to apply only on streets identified as such in Activity Centre Plans (which the Committee assumes will be translated into the schedules via the Development Frameworks), or on all streets. The same query applies to pedestrian connections (Standard BF11).

In both cases, the Committee recommends the standards (at least those in the head clause) only require active frontages or pedestrian connections to be delivered in the locations identified in the Development Framework. That said, guidance could encourage other standards to be included in schedules to ensure all streets will be pedestrian friendly and activated where appropriate.

Standard BF16 requires loading bays not to be located on relevant streets and lanes identified in a schedule (the Committee thinks this should be identified in the Development Framework, rather than the schedule). Further consideration should be given to whether this should be extended to cover access to waste collection areas and carparks. The Committee has included a note to this effect in Appendix D:1.

The Committee has made other general redrafting recommendations to simplify the outcomes and standards and improve clarity and readability.

Recommendation

The Committee recommends:

- 5. Amend the operational provision and the outcomes and standards in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.6 Open space provision

The Committee understands the intent of the public open space provision is to override Clause 53.01 where specified and to provide greater transparency around the location of open space. Subject to the recommended drafting changes in Appendix D:1, the inclusion of the open space provision in the BFO simplifies the interpretation of open space requirements for permit applicants and responsible authorities. The key drafting changes are:

- to remove duplication that a permit granted must include any condition specified in a schedule (as this appears in the first part of Clause 43.06-9 and applies to all subdivision permits)
- minor amendments for consistency.

Recommendation

The Committee recommends:

- 6. Amend the open space provision in the Built Form Overlay head clause as shown in Appendix D:1.**

3.2.7 Locally responsive design

Facilitating landscaping/tree canopy

The BFO head clause:

- includes landscaping outcomes and standards in Clause 43.06-7.4 that summer shade be provided (among other things)
- empowers a schedule to specify tree canopy requirements, landscape themes and vegetation (location and species)
- empowers a schedule to identify landscaped setbacks (and requires setback standards specified in a schedule to support landscaped setbacks where they are specified)
- includes an outcome of side and rear setbacks that provide for landscaping
- includes standard BF11 that pedestrian links be landscaped.

These provisions should facilitate landscaping, but to ensure canopy trees will be facilitated schedules should specify:

- sufficiently large setbacks to accommodate canopy trees
- deep soil planting requirements to support canopy trees.

The Committee has included appropriate drafting in Appendix D:1.

Recommendation

The Committee recommends:

- 7. Amend the provisions in the Built Form Overlay head clause dealing with landscaping as shown in Appendix D:1.**

Facilitating locally responsive design

The BFO head clause (SAC version) states that a schedule may include standards relating to (among other things) urban scale and character, building layout and 'any other matter'. These are matters that can contribute to locally responsive design. Provided outcomes and standards are appropriately tailored to the local context, the BFO should, in principle, facilitate locally responsive design.

3.3 Draft Walkable Catchment Zone

For the reasons set out in this Chapter, the Committee's primary position is that the need for the WCZ has not been demonstrated, and it should not be applied at this time. The Committee considers the objective of intensified development around activity centre cores can be achieved under existing planning tools. Further, existing planning tools can better achieve locally responsive

design than the WCZ. The Committee therefore considers that using existing planning tools is a better approach.

That said, the Committee has recommended changes to the WCZ in response to the Referred Matters, in case DTP does not accept the Committee's primary position. It has not undertaken a detailed drafting review of the WCZ head clause.

The Committee's recommended changes are contained in Appendix O, which is based on the SAC version included in the referred materials (with changes in that version accepted).

3.3.1 Purposes

The DTP Report states (page 44) that *"it is important that the purpose of the zone effectively states the planning outcomes that the zone seeks to achieve."* It states (page 43):

The WCZ is a residential zone supporting development between an activity centre where more intensive development will occur and acts as a transition zone to other residential zoned land where lower scale residential development will occur. The density and intensity of residential development outcomes in the WCZ is expected to be greater than a Residential Growth Zone on consolidated lots.

The referred material also indicates the WCZ has been drafted *"to facilitate a step-change in residential development density in the walkable catchments"*.

The Committee assumes DTP's question about whether the draft purposes sufficiently guide a responsible authority's discretion is aimed at whether the purposes achieve these outcomes summarised in the DTP Report.

DTP has not requested advice on whether a new control is needed. However, the Committee considers the intent of increased residential densification in walkable catchments can be achieved under existing planning tools – namely the Residential Growth Zone (RGZ) or the Mixed Use Zone (MUZ), because:

- These are the current preferred zones to achieve increased housing density in areas with access to services and public transport.
- While the purposes of the RGZ refer to residential development *"up to and including four storeys"*, and the default maximum building height for residential buildings in the head clause is 13.5 metres (which is consistent with four storeys), the head clause enables RGZ schedules to specify higher height limits. Some RGZ schedules specify heights of six storeys or more.
- While the purposes of the MUZ may emphasise non-residential uses more than is intended for walkable catchments, the purposes include *"To provide for housing at higher densities"*.
- Neither the RGZ nor the MUZ have an upper limit on heights that can be specified in schedules (unlike the WCZ, which has a discretionary upper limit of six storeys).

The WCZ seems therefore to be adding another residential zone that is not sufficiently distinguishable from existing tools.

Turning to DTP's question about whether the WCZ purposes sufficiently guide discretion, the DTP Report indicates that submissions considered the WCZ purposes duplicate the purposes in the RGZ and the MUZ. The Committee agrees. The purposes in all three zones refer to housing at increased or higher densities. The WCZ purposes are not sufficiently distinct from the purposes of the RGZ and the MUZ to indicate an expectation of a 'step change' or what that might mean, or what sort of densities are expected under the WCZ as compared to the RGZ or the MUZ.

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If DTP intends to proceed with the WCZ:

- The Committee recommends the WCZ purposes be more tailored to the activity centre context, and the objectives outlined in the referred material. The Committee has included recommended changes in Appendix O.
- The Committee has not included changes that better differentiate the WCZ purposes from those of the RGZ, or clarify what 'increased densities' means in the WCZ context, because it does not have sufficient information to do so, or to understand what this means in comparison to what can be achieved under the RGZ or the MUZ.
- The Committee supports the addition of a specific reference to diverse housing in Purpose 4 (in the SAC version) but considers the new purpose should also include an express reference to affordable housing. This is consistent with policy outcomes sought under Plan Melbourne and the Housing Statement.

Recommendation

The Committee recommends:

- 8. If the Walkable Catchment Zone is applied, amend the purposes in the head clause as shown in Appendix O.**

3.3.2 Building heights

The WCZ proposes to apply a mandatory three storey height control for residential development except on larger sites which achieve both:

- a 20 metre street frontage
- a minimum lot size of 1000 square metres.

On these larger sites, a discretionary height limit of six storeys will apply, with the ability to exceed six storeys where appropriate.

The height limits do not apply to non-residential development.

The Activity Centre Plans refer to "*small apartment buildings ... up to three to six storeys*" in the catchments, and larger blocks being able to build "*up to five to six storeys*". This language suggests the intent may be a mandatory six storey cap on larger sites, rather than a discretionary one. But this is not how the WCZ is drafted.

Are the metrics appropriate?

DTP seeks advice on the metrics of the proposed building heights under the WCZ for both smaller and larger sites. It is not possible to advise whether the metrics are appropriate. They will apply in a wide range of contexts, and their appropriateness will depend on local factors. Further, there is no capacity to vary the building heights in schedules to reflect the local context.

Will the building height provision achieve the intended purpose?

The building height provision could facilitate more intense development in the catchments, but not in all instances. Further, the Committee is concerned it may not result in locally responsive design and good planning outcomes in all cases (see Chapter 3.3.3 for more detail).

The proposed mandatory three storey limit in the WCZ for smaller sites is:

- consistent with the default maximum height limit in the General Residential Zone (GRZ)
- one storey higher than the default maximum height limit in the Neighbourhood Residential Zone (NRZ)

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- one storey lower than the default maximum height limit in the RGZ.

Specifying a higher height limit than the default limit under the NRZ is consistent with the intended purpose of the WCZ of seeing built form intensification in the catchments. A height limit that matches the default height limit in the GRZ is not consistent with a 'step change' in built form intensity. A mandatory height limit that is less than the default limit in the RGZ seems directly at odds with the intended purpose of the WCZ.

Further, the default heights can be varied under the GRZ, NRZ and RGZ. While it would be rare for a height limit of more than two storeys to be specified for the NRZ, GRZ and RGZ schedules often specify height limits that are higher than the default limits of three and four storeys (and are often discretionary rather than mandatory).

The mandatory three storey height limit should be discretionary

Planning Practice Note 59 provides guidance on the application of mandatory provisions. The advice states:

Mandatory provisions may be considered if it can be demonstrated, through a detailed assessment and evidence-base, that discretionary provisions are insufficient to achieve desired outcomes.

The Committee has not been provided with material that includes a detailed assessment and evidence base demonstrating that a mandatory three storey height control is needed in activity centre catchments, as required under Planning Practice Note 59. In the absence of material strategically justifying a mandatory limit, the Committee considers it should be discretionary. This is particularly the case given that a mandatory three storey limit will potentially be lower than existing height limits that apply in the catchments under the GRZ, the RGZ or their schedules, as discussed above.

The Committee acknowledges that a mandatory height limit provides greater certainty for developers and for the community, and reduces the potential for disputes in VCAT over whether the proposed height of a particular development is appropriate.

However, a discretionary height control:

- allows development in the catchments (on both smaller and larger lots) to respond to the site context
- better facilitates transitional heights between the higher built form in activity centre cores and the generally lower scale development in the surrounding residential hinterlands, consistent with the WCZ purposes
- allows for heights in the catchments to be graduated depending on the level of access to transport and services (for example, depending on the site and local context, higher built form may be considered acceptable closer to the core, with lower built form at the outer edges of the catchment)
- may assist in avoiding a 'canyon' effect around some activity centres.

Camberwell Junction is a good example of where the 'canyon' effect might arise. The activity centre core is generally surrounded by smaller lots in a fine grained subdivision pattern, many of which are within the Heritage Overlay. Larger sites are located around the southern periphery of the catchment. Without widespread lot consolidation in the inner parts of the catchment, the application of a mandatory three storey limit close to the core, and a discretionary six storey limit on the periphery, may result in an abrupt transition from the more intense built form in the core

down to the inner parts of the catchment, with a resumption of taller built form around the periphery. This is unlikely to deliver good urban design outcomes.

Discretionary maximum heights may not be appropriate for all sites within all walkable catchments. However, in the absence of a detailed assessment and evidence base supporting a mandatory three storey height control for residential development, the Committee considers the better approach is to allow discretion and rely on the decision guidelines assisting responsible authorities to appropriately exercise their discretion.

The decision guidelines for 'Dwellings, small second dwellings and residential buildings' in the WCZ includes consideration of Clauses 54, 55 and 58 as well as lot size and site context. These include consideration of urban context, neighbourhood character and integration with the street, which will assist in guiding discretion as to when it might be appropriate to exceed the maximum building height requirements. The Committee recommends additional decision guidelines be provided that require the decision maker to have regard to the preferred heights of adjoining and nearby sites, and the need for a transition in scale to adjacent areas with less or more intensive built form expectations.

The first decision guideline for 'Dwellings, small second dwellings and residential buildings' relates to whether the lot size and site context enable the maximum building height requirement to be exceeded. This should equally be considered for non-residential development and should be moved to the general decision guidelines (which apply to both residential and non-residential development).

The general decision guidelines require consideration of overlooking and overshadowing impacts to adjoining land in a conventional residential zone, but not to residential land within the catchment. The relevant decision guideline should be redrafted to provide for the consideration of amenity impacts within the WCZ as well as adjacent land in a conventional residential zone.

The Committee has included suitable drafting in Appendix C:2.

Recommendation

The Committee recommends:

- 9. If the Walkable Catchment Zone is applied, amend the decision guidelines as shown in Appendix 0.**

3.3.3 Locally responsive design

Facilitating landscaping/tree canopy

The Committee does not consider the WCZ will facilitate landscaping/tree canopy outcomes. It contains no requirements relating to landscaping or tree canopy other than a decision guideline for non-residential development that requires consideration of the proposed landscaping. This alone will not facilitate landscaping or tree canopy outcomes across the catchments.

Facilitating locally responsive design

The decision guidelines for 'Dwellings, small second dwellings and residential buildings' in the WCZ include consideration of Clauses 54, 55 and 58 as well as lot size and site context. Clauses 54 and 55 include objectives and standards regarding neighbourhood character and integration with the street. Clause 58 includes objectives and standards regarding urban context and integration with the street, as well as Objective 58.02-2 (to support higher density residential development). These objectives and standards will go some way to delivering locally responsive design.

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However, unlike the BFO, the WCZ will not have schedules, so there is no capacity for local variations to Clauses 54, 55 and 58 to be specified, or for the preferred character of the catchments to be defined. This will limit the extent to which the WCZ can facilitate locally responsive design. Further, the purposes of the WCZ do not require consideration of matters that might result in locally responsive design.

The Committee has assumed existing overlay controls such as the Heritage Overlay and NCOs will be retained in the catchments. These, rather than the WCZ, will be the main tools guiding locally responsive design.

DTP has sought advice on whether the WCZ should be applied to areas within a Heritage Overlay or NCO. Including areas within these overlays in walkable catchment boundaries is inconsistent with the VPA's methodology for defining the boundaries, which includes excluding areas with *"limiting planning controls or environmental constraints that make these areas inappropriate for the proposed residential change"*.²

While not necessarily the case in all circumstances, the Committee anticipates that in the vast majority of cases, residential development between three and six storeys will be inconsistent with the objectives and purposes of the Heritage Overlay and NCOs. This creates an inherent conflict between planning controls, which is undesirable. The WCZ should not be applied to these areas.

Recommendation

The Committee recommends:

10. **If the Walkable Catchment Zone is applied, do not apply it to areas where:**
 - a) **the Heritage Overlay or the Neighbourhood Character Overlay applies**
 - b) **other planning controls or constraints on development apply such that the scale of development envisaged under the Walkable Catchment Zone would not be appropriate.**

3.4 Other matters

This section of the Report addresses:

- matters that the Committee considers important to bring to the attention of DTP
- matters raised in the DTP Report that (while not strictly related to the Referred Matters) require some commentary from the Committee.

3.4.1 Conflicts with underlying planning controls

The Committee has not been provided with information as to whether existing controls in either activity centre cores or the walkable catchments will be retained or modified once the BFO and WCZ are applied.

The referred material indicates that the BFO is intended to apply to activity centre cores in tandem with 'standard' zones. Some activity centres are in the Activity Centre Zone. Some have built form controls in a Design and Development Overlay. If the underlying zoning of these centres is not changed, or the existing overlays are retained, there is the potential for conflict between the built

² The methodology for defining the walkable catchment boundaries is explained in the VPA's *Universal Submissions Key Matters Report* which is part of the referred material in Referral 2.

form controls in the existing controls and those that will be applied under the BFO. Any potential for conflict will need to be explicitly addressed.

The Committee has assumed existing overlays in the catchments will be retained, but this is not confirmed in the referred material. As noted in Chapter 3.3.3, if they are retained there is likely to be an inherent conflict between the built form expectations under the WCZ and those under existing overlay controls (particularly the Heritage Overlay). Hence the Committee has recommended the WCZ not be applied in these areas.

See also item 3.4.2 below.

3.4.2 Inadvertently supressing existing development rights

Further to the previous point, there is a potential that the application of the new controls may inadvertently suppress development rights under existing controls. One example is the situation identified in Chapter 3.3.2, where the WCZ replaces a RGZ with a height limit of more than three storeys.

The Committee is aware of another site specific example in the Preston walkable catchment. The site is in a Mixed Use Zone and currently has a mandatory six storey height control applied under Design and Development Overlay Schedule 3. The site is under 1000 square metres, so the application of the WCZ will result in a three storey mandatory height control – resulting in a reduction in density.

The Committee has included some drafting in the WCZ that seeks to address this issue in the catchments. There may be cases within the activity centre cores where proposed built form standards in the BFO schedules inadvertently suppress existing development rights. This would need to be carefully checked as each BFO schedule is prepared.

3.4.3 Ensuring consistent and replicable controls

There is an inherent tension between the BFO objectives of ensuring consistent and replicable controls, and facilitating locally responsive design. The BFO head clause gives schedules the ability to specify additional standards, vary, delete, or replace any standards or provide outcomes and standards in relation to ‘any other matter’. This will aid in ensuring locally responsive design, but will reduce consistency.

3.4.4 Using appropriate empowering language

There should be no doubt about what a BFO schedule is empowered to do. The BFO head clause should specifically empower a schedule to do certain things (by using “*A schedule may specify...*”), rather than implicitly empowering the schedule (by using language such as “*Where a schedule specifies...*”).

In the absence of a fit for purpose template schedule, the Committee has had to make some assumptions about the intent with regard to what the BFO schedules are empowered to do, based on references to ‘schedule’ in the BFO head clause and on the two sample schedules provided by way of ‘pre-reading’. For example, the sample schedules contain Section 6.0 (Application requirements) and Section 8.0 (Decision guidelines), so presumably the intent is that the head clause will empower the schedules to include additional application requirements and decision guidelines. The Committee has included drafting changes in Appendix D:1 to this effect, but it cannot be sure it has captured all of the things the BFO head clause is intended to empower schedules to do.

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3.4.5 Template BFO schedule

A comprehensive and accurate template BFO schedule will be critical going forward to ensure BFO schedules are valid, properly and consistently drafted, and can be understood in conjunction with the head clause.

3.4.6 Where should the scope of the BFO be presented

This issue was raised in the DTP Report.

The BFO (SAC version includes text in Clause 43.06-1 under the heading 'Standards'. The Committee understand this text seeks to define the scope of a schedule, and make clear the inter-relationship between the outcomes in the head clause, the general standards in the head clause and the metric based standards in the schedules.

In response to submissions, DTP proposed moving the text up to be the first matter presented under development outcomes (in Clause 43.06-1). While the Committee notes the explanation in section 4.6.1 of the DTP Report, it considers the text is in the wrong place. This is operational text, and should be located in Clause 43.06-2.

The Committee also recommends drafting changes to avoid unnecessary and confusing repetition. These are contained in Appendix D:1.

3.4.7 Introducing density controls

Density controls and the way they interact with built form controls can be complex. It will be important that adequate guidance is published along with the introduction of the new controls explaining what floor area ratios are, and how they should be calculated to ensure the desired built form outcomes can also be achieved.

3.4.8 Whether the BFO should prevail over other provisions

This issue was raised in the DTP Report.

The DTP Report states (page 22) that some submitters considered the BFO should prevail over any inconsistent provisions in the planning scheme. DTP's position is that it would be inappropriate for the BFO to prevail over all other provisions in all circumstances without the ability for this to be turned on or off in a schedule.

Any 'switching off' of other provisions would need to be strategically justified on a case by case basis. It requires a detailed consideration of the other provisions that apply, and a careful balancing of the relevant policy objectives and outcomes sought to be achieved under the existing controls and under the BFO. The Committee agrees with DTP the BFO head clause should not prevail over other provisions as a default position, and this should only be allowed when specified in a schedule (and after a strategic assessment). Guidance should be provided to this effect.

3.4.9 Exemptions from notice and review

The default position under the BFO head clause is that third party notice and review rights do not apply, unless they are 'switched on' by the schedule. Given the built form intensification and transformational change proposed under the Activity Centres Program, the Committee considers the default position should be that third party notice and review rights apply unless they are switched off by a schedule. Guidance should be provided on when it is appropriate to switch off

third party rights (for example where a schedule has been prepared following a robust community consultation process involving independent review by a planning panel).

3.4.10 Providing for and funding infrastructure

The BFO and WCZ have the potential to dramatically increase the population in and around activity centres. It is critical that appropriate infrastructure is provided to support the level of development that could potentially occur. At present, it is unclear to the Committee how infrastructure upgrades or new infrastructure would be funded. This is an important piece in the puzzle and the Committee has concerns about introducing the new controls without accompanying infrastructure funding solutions.

3.4.11 Car parking rates

The BFO head clause includes car parking design standards, but not car parking rates. Not all parts of the cores (or catchments) are well served by high quality public transport within easy walking distance. Given the built form intensification and transformational change proposed under the Activity Centres Program, it will be important to ensure that locally responsive car parking rates are determined and applied when the new controls are introduced, both for the activity centre cores and for the catchments. The default rates in Clause 52.06-5 may not always be appropriate.

Appendix A Referral letter

22 October 2024

Sarah Raso
Lead Chair
Activity Centres Standing Advisory Committee
Planning Panels Victoria
planning.panels@transport.vic.gov.au

Dear Sarah,

REFERRAL TO THE ACTIVITY CENTRES STANDING ADVISORY COMMITTEE: REFERRAL NO. 1: DRAFT BUILT FORM OVERLAY AND DRAFT WALKABLE CATCHMENT ZONE

I refer to planning matters that form part of the Activity Centres Program (ACP), an initiative from *Victoria's Housing Statement, The decade ahead, 2024-2034*.

This referral relates to two proposed new planning mechanisms, the Built Form Overlay and the Walkable Catchment Zone.

Background

The ACP seeks to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne. The Department of Transport and Planning (DTP) is leading the program in partnership with the Victorian Planning Authority (VPA).

DTP has prepared the draft Built Form Overlay and draft Walkable Catchment Zone as complementary elements of the ACP amendment package. The draft overlay and draft zone are designed to be tailored to place and to create clearer rules, provide for increased certainty and shorter amendment pathways, and enable a replicable process.

On 22 August 2024 the Minister for Planning appointed the Activity Centres Standing Advisory Committee to provide consistent advice on activity centre planning and outcomes in relation to the ACP in a transparent, timely and cost efficient process on any matter referred to it.

Between 20 September and 4 October 2024, DTP undertook targeted engagement with councils and industry on the draft Built Form Overlay and draft Walkable Catchment Zone. A summary of the targeted engagement undertaken, analysis of the issues raised through engagement and changes proposed in response to engagement is included in the referred documentation.

Referral

In accordance with Clause 14 of your Terms of Reference (August 2024), I am writing to refer the following specific matters on which the Committee is to provide advice. The Committee's advice is to be confined to the matters outlined in the table below.

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MATTER	ADVICE TO BE PROVIDED
Built Form Overlay	
The purposes listed in the overlay	The overlay is proposed to only be applied in areas designated for built form intensification, please advise whether: - the purposes should be amended to include a specific purpose enabling diverse and affordable housing, noting the potential broadscale application of the overlay across metropolitan Melbourne. - the draft purposes sufficiently guide a responsible authority's discretion.
The Development Framework Plan	The proposed provision seeks a map or maps to be prepared which express the strategic considerations of an activity centre. Please advise whether the proposed instrument will be beneficial in guiding a responsible authority's discretion.
Master planned sites	The proposed provision seeks to guide development outcomes on identified sites. Please advise whether the provision will be beneficial in guiding a responsible authority's discretion for such sites.
Community benefit framework	The proposed provision provides a mechanism for planning authorities to prepare and incorporate a community benefit framework into the scheme. Please advise whether: - the provision is suitably drafted to achieve the provision's intended purpose. - the provision is suitably drafted to facilitate affordable housing. - it would be reasonable to amend the provision to: - only apply in circumstances that a deemed to comply standard (compared to a mandatory standard) is not met, and - only facilitate affordable housing, commensurate to how much it exceeds the standard.
Application of outcomes and standards.	The proposed overlay seeks to apply outcomes and standards. Please advise whether the proposed application of outcomes and standards will be beneficial in guiding a responsible authority's decision making.
Open space provisions	The public open space contribution mechanism within the provision intends to override the provisions of Clause 53.01. Please advise whether the integration of the open space provision within the overlay simplifies the interpretation of open space requirements for permit applicants and responsible authorities.

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Locally responsive design	Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.
Walkable Catchment Zone	
The purpose of the zone	The zone is proposed to be applied in areas designated for built form intensification. Please advise whether the draft purposes sufficiently guide a responsible authority's discretion.
Building heights	Please advise whether: - the building height thresholds for above and below 1000sqm are appropriate. - the provision is suitably drafted to achieve the intended purpose of facilitating more intense development in the catchment.
Locally responsive design	Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.

In accordance with Clause 12 of your Terms of Reference, the Committee must conduct its work with a view to maximising efficiency and timeliness. As such, I look forward to the Committee providing its report to the Minister for Planning no later than 10 business days from receipt of this referral, in accordance with clause 18 of the Terms of Reference.

Please find enclosed the supporting documents required by Clause 15 of the Terms of Reference.

If you have any questions about this matter, please contact Emily Mottram, Executive Director Activity Centres at DTP via Emily.Mottram@transport.vic.gov.au.

Yours sincerely,



Natalie Reiter
Deputy Secretary Strategy and Precincts
Department of Transport and Planning

22 October 2024

Encl. Report responding to key matters being considered by SAC
App A: Built Form Overlay (targeted engagement version)
App B: Built Form Overlay (SAC version, tracked)
App C: Walkable Catchment Zone (targeted engagement version)
App D: Walkable Catchment Zone (SAC version, tracked)
App E: Video presentation explaining the BFO (link to be provided separately).

cc. Stuart Moseley, CEO, Victorian Planning Authority
Emily Mottram, Executive Director Activity Centres, Department of Transport and Planning

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Appendix B Terms of Reference

Relevant clauses are extracted below.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the ACP to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.
5. The objective of the Committee is to provide consistent advice for activity centre planning and outcomes in relation to the Activity Centres Program in a transparent, timely and cost-efficient process on any matter referred to it.

Referral

14. A referral may be provided by the Minister or delegate. A referral letter will set out the specific matters on which the Committee is to provide advice, as well as any specific matters on which advice is not to be provided. The referral letter to the Committee will be a public document.
15. Any referral must be accompanied by relevant information to assist the Committee's review provided by DTP and/or the VPA. This may include (but will not necessarily be limited to):
 - a. Relevant strategic work undertaken by Council, DTP or VPA for the relevant activity centre
 - b. Referred submissions
 - c. A summary of key issues raised in submissions
 - d. Proposed changes in response to issues raised in submissions
 - e. An index listing each document referred to the Committee.

Advisory committee report and recommendations

16. For each matter referred, the Committee must produce a written report that provides a succinct summary of the key issues and its recommendations. The report must address the referred matters and its recommendations in the context of:
 - a. *Victoria's Housing Statement, The Decade Ahead 2024-2034*;
 - b. Plan Melbourne 2017-2050 or any equivalent replacement planning strategy;
17. The Committee may address more than one referred matter and combine its assessment of these in a single report.
18. The Committee is required to submit each report to the Minister and DTP no later than 10 business days from receipt of the referral and all accompanying information required by clause 15. DTP must give at least five business days' notice of each likely referral to ensure the Committee is able to source appropriately skilled Members.

Appendix C Referred material

No.	Date	Description	Provided by
1	22 Aug 24	Terms of Reference	Department of Transport and Planning (DTP)
2	22 Oct 24	Letter of Referral	DTP
3	22 Oct 24	Report responding to key matters being considered by SAC	DTP
4	22 Oct 24	Built Form Overlay (targeted engagement version)	DTP
5	22 Oct 24	Built Form Overlay (tracked version)	DTP
6	22 Oct 24	Walking Catchment Zone (targeted engagement version)	DTP
7	22 Oct 24	Walking Catchment Zone (tracked version)	DTP
8	22 Oct 24	Built Form Overlay explainer video	DTP

Appendix D Committee recommended versions of BFO and WCZ

Tracked against SAC versions

[Committee recommended addition](#)

~~Committee recommended deletion~~

Shifted text

If there are any inconsistencies between the clean and tracked version of the BFO, the clean version represents the Committee’s recommended drafting.

D:1 Built Form Overlay (clean and tracked versions)

Clean version

43.06 ACTIVITY CENTRE BUILT FORM OVERLAY

Shown on the planning scheme map as BFO with a number.

Committee note: The Committee has assumed the BFO will only be used for activity centres (as identified in Plan Melbourne). If this is not the intention, the additions of highlighted references in the title and purposes may not be appropriate

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas where specific design and built form requirements apply.

To facilitate higher density buildings **in activity centres** which provide for high amenity living and working environments close to infrastructure and public transport.

To facilitate development that reflects the particular significance and role of the **activity centre** as identified in a schedule.

Committee note: It is not clear how the BFO will deliver public infrastructure. Consider deleting, and see the commentary in Chapter 3.4.10.

To deliver **public infrastructure**, public realm improvements and (where appropriate) additional community benefits at the same time as new development.

Committee note: The following purpose may restrict flexibility by implying that consolidation is encouraged only in those area identified. DTP should further consider this purpose.

To encourage land consolidation in identified locations to facilitate higher density development.

43.06-1 DEVELOPMENT OUTCOMES

Development objectives

A schedule may contain development objectives.

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Development Framework

A schedule must contain a Development Framework that identifies the preferred built form character of the land.

The Development Framework must:

- Be consistent with any adopted Activity Centre Plan.

Committee note: The meaning of the highlighted words in the next dot point needs to be clarified. It may not be required given the Committee's addition of a reference below to "Sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area."

- Identify the planned urban structure of the land including the distribution of building heights and any **transitional locations**.
- Contain a table setting out the preferred building typologies and built form character for the land or each part of the land.

The Development Framework should identify the following where appropriate:

- Sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area.
- A movement and place framework that is consistent with *Movement and Place in Victoria*.
- A public open space framework.
- Areas where consolidation of sites will be encouraged to facilitate the preferred scale of development.
- Sites that require master planning before the issue of a permit.
- Sites where a Floor Area Ratio applies.
- Locations where landscaped setbacks that can accommodate deep soil planting and canopy trees are to be provided.
- New streets, lanes, arcades or through building connections.
- Specific or indicative pedestrian links.
- Streets where active frontages are required.
- Street and lanes along which continuous weather protection should be provided.

Committee note: See the note in Clause 43.06-8.2 in relation to the highlighted text below

- Streets and lanes where **[access to waste collection areas,]**loading access or vehicle access to car parks is discouraged.
- Open space, public realm or streets for which sun protections apply.
- Views to significant landmarks or features that should be maintained.
- Sites with significant terminating vistas in the public realm that require distinctive development.
- The anticipated dwelling number and floorspace yields for the land or each part of the land.

Master planned sites

Where a Development Framework identifies a site that requires master planning, a master plan must be prepared to the satisfaction of the responsible authority.

The master plan must address the following:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any staging or sequencing of development needed.
- The scale of development on the site, which must be consistent with the Development Framework.
- The siting and orientation of buildings.

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- Any open space or pedestrian links required.
- Key interfaces.

A schedule may specify additional requirements for a master plan.

The master plan may be amended to the satisfaction of the responsible authority.

Unless specified otherwise in a schedule, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works on a site that requires master planning unless a master plan has been prepared to the satisfaction of the responsible authority.

This does not apply to minor works to existing buildings or structures on the land. A schedule may specify additional circumstances in which a permit may be granted before a master plan has been prepared to the satisfaction of the responsible authority.

A schedule may specify conditions that must be included in a permit for a site that requires master planning.

A permit granted must be generally in accordance with the master plan for the site and must include any conditions that are specified in a schedule.

Community Benefit Framework

A schedule may specify that a mandatory standard may be exceeded if a community benefit specified in a Community Benefit Framework is provided.

Where this is specified, the schedule must include the following in **Section XX**:

- The Community Benefit Framework that applies.
- A table that specifies:
 - The standard(s) that may be exceeded.
 - The degree (including the maximum) to which the relevant standard can be exceeded, based on the extent of the community benefit provided.
 - The community benefit(s) to be provided for exceeding the relevant standard.

Note: Community benefits under this provision are calculated over and above any requirements set out in Clause 45.01 (Public Acquisition Overlay), Clause 45.06 (Development Contributions Plan), Clause 45.09 (Parking Overlay), Clause 45.10 (Infrastructure Contributions Plan Overlay), Clause 45.11 (Infrastructure Contributions Plan) or Clause 53.01 (Public Open Space Contribution and Subdivision) in this scheme and any open space requirement specified in a schedule.

A permit to construct a building or construct or carry out works that exceeds a standard on the basis that a community benefit is provided can only be granted or amended (unless the amendment does not increase the extent of non-compliance) if the permit includes a condition that requires the provision of the community benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987* or another appropriate mechanism.

Note: In activity centres community benefits are intended to relate to site specific or local area benefits such as new pedestrian links or improvements to the public realm.

43.06-2 OPERATION

A schedule may specify that if there is any inconsistency between the built form requirements of this clause and any another provision of this planning scheme, this clause prevails.

Application of outcomes and standards

This overlay includes:

- **Outcomes.** An outcome sets out the expectations of what will be achieved in a development.
- **Standards.** A standard contains the requirements to meet the corresponding outcomes identified in this overlay.

Each standard must be identified as:

- A **discretionary** standard expressed using 'should' or labelled as 'discretionary'.
- A **mandatory** standard expressed using 'must' or labelled as 'mandatory'.

A standard (whether mandatory or discretionary) may also be nominated as a **deemed to comply** standard, using 'complies if' or labelled as 'deemed to comply'.

If a development meets a deemed to comply standard, it is deemed to meet the corresponding outcome for that standard.

Quantitative standards (where a specified metric is to be achieved) must be expressed using the terms **minimum**, **maximum**, or **preferred**.

A schedule may:

- Specify additional standards for any outcome.
- Vary, delete, replace or make mandatory any of the standards for any outcome.
- Provide outcomes and standards in relation to any other matter.

Note: The relevant metrics for standards will typically be presented in a schedule to this overlay as maps or tables. The maps and tables in a schedule are to be read in conjunction with the applicable standard in the overlay.

Requirements

Except where a community benefit is provided in accordance with a Community Benefit Framework to the satisfaction of the responsible authority, development:

Committee note: In relation to the highlighted text below, the only outcome where it is contemplated the standard may specify the outcome does not apply is the outcome relating to building layout and adaptability. The Committee queries whether this is the intent.

- Must meet the outcomes specified in this overlay or a schedule **unless specified otherwise in a corresponding standard**.
- Must meet any mandatory standard specified in this overlay or a schedule.
- Should meet any discretionary standard specified in this overlay or a schedule. However, if the responsible authority is satisfied that an application for an alternative design solution meets the outcome, the alternative design solution may be considered.

43.06-3 Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works.
- Construct a fence if a schedule includes a standard for a fence.

A schedule may specify that this permit requirement does not apply.

The requirement for a permit does not apply:

- If a schedule specifically states that a permit is not required.
- To the installation of an automatic teller machine.
- To an alteration to an existing building facade if:
 - The alteration does not include the installation of an external roller shutter.
 - Standard BF10 is met.
- To an awning that projects over a road if it is authorised by the relevant public land manager.
- To buildings and works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- To external works to provide access for persons with disabilities that comply with all legislative requirements.

A schedule may specify any conditions that must be included in a permit granted under this clause.

A permit must include any conditions specified in a schedule.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for: A carport, garage, pergola, verandah, deck, shed or similar structure. An outdoor swimming pool. The buildings and works must be associated with a dwelling.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, [Proposed New Precincts Zone], Priority Development, Activity Centre Zone or Urban Development Zone.	Clause 59.05

43.06-4 URBAN SCALE AND CHARACTER**43.06-4.1 Building typology and future character****Outcome**

Building types and character that:

- Respond to the planned urban structure for the land outlined in the Development Framework.
- Respond appropriately to sites with heritage significance and any transition areas identified in the Development Framework.
- Deliver walkable neighbourhoods with a high-quality, permeable pedestrian network through the creation of new streets, lanes, arcades or connections through buildings.
- Protect views to significant landmarks or features identified in the Development Framework.
- Encourage the consolidation of sites in locations identified in the Development Framework to support the preferred scale and character of development.

Standard BF01

Development must be consistent with the preferred building typologies and built form character and urban structure specified in the Development Framework.

43.06-5 BUILDING FORM**43.06-5.1 Building height and floor to ceiling heights****Outcomes**

Building heights that:

- Are consistent with the preferred building heights for the area.
- Maintain an inviting and comfortable environment within the public realm in terms of its sense of sunlight, daylight and wind conditions.
- Provide a transition in scale to adjacent areas with less intensive built form expectations.

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- Protect views to significant landmarks or features identified in the Development Framework.

Floor to ceiling heights that:

- Allow retail and commercial uses that support a high level of internal amenity and adaptation over time.
- Have ground floor heights that allow both retail and commercial uses.

Standard BF02

Buildings should align with the building heights identified in the Development Framework. Buildings must align with any mandatory building height standard specified in a schedule.

Maximum building heights do not apply to:

- Non habitable architectural features.
- Service equipment and structures including plant rooms, lift overruns, structures associated with green roof areas, including access stairs and lifts, unenclosed pergolas for communal areas, shading devices, and other such equipment.

Floor to ceiling heights should be consistent with any standard specified in a schedule, and must be consistent with any mandatory standard specified in a schedule.

43.06-5.2 Floor Area Ratio

Outcome

Floor Area Ratios that provide a scale and density to support population and employment growth, consistent with the preferred building typologies and built form character specified in the Development Framework.

Standard BF03

Development should deliver densities consistent with:

- The building typologies and built form character as specified in the Development Framework.
- Any Floor Area Ratio specified in a schedule.

Development must be consistent with any mandatory Floor Area Ratio specified in a schedule.

Requirements

Where a schedule specifies a Floor Area Ratio for a site, a permit for the development of part of that site must include a condition that an agreement be entered into pursuant to s 173 of the *Planning and Environment Act 1987* specifying the floor area ratio applicable to the balance of the site.

43.06-5.3 Overshadowing of open space or public realm

Outcome

Development that:

- Maintains solar access to key pedestrian and open space areas identified in the Development Framework.
- Achieves a balance between supporting growth and delivering high levels of amenity in the context of the outcomes that apply to the land.

Standard BF04

Buildings should not cast any additional shadow beyond that cast by the applicable preferred or maximum street wall height and existing buildings over:

- The existing or proposed public open spaces identified in the Development Framework for the hours specified in a schedule.
- The existing or proposed key pedestrian streets identified in the Development Framework for the hours specified in a schedule.

This does not apply to shadow cast by:

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- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

43.06-5.4 Front setback, street wall height and setback above the street wall and landscaped setbacks

Outcomes

Front setbacks, street wall heights and setbacks above the street wall that:

- Provide strong spatial definition to the public realm while maintaining good daylight access to open spaces, streets and lower levels of buildings and clear views to the sky, where possible.
- Avoid visually overwhelming the public realm.
- Are sympathetic to heritage values and preferred built form character.
- Contribute to the privacy of any ground floor dwellings.
- Visually define key intersections identified in the Development Framework.
- Distinguish upper levels from the street wall.

Landscaped setbacks, including landscaped setbacks that can accommodate deep soil planting and canopy trees in locations identified in the Development Framework.

Standard BF05

Development should deliver front setbacks, street wall heights, setbacks above the street wall and landscaped setbacks consistent with:

- The preferred building typologies and built form character specified in the Development Framework.
- Any standards specified in a schedule.

Development must be consistent with any mandatory standard specified in a schedule.

Any standard for maximum street wall heights may be exceeded by non-habitable architectural features not more than 3.0 metres high.

Where a new building is on a corner with two different street wall heights specified, the taller maximum street wall height applies to the frontage with the lower maximum street wall height for a distance of 20 metres along the street frontage.

43.06-5.5 Side and rear setbacks and separation within a site

Outcomes

Side and rear setbacks that:

- Respond to sensitive interfaces.
- Provide for landscaping.
- Maintain access to daylight and sunlight in streets, laneways and pedestrian connections.
- Deliver high levels of amenity within buildings having regard to outlook, daylight, and overlooking.
- Achieve privacy through setbacks rather than screening.

Separation between buildings within the same site that:

- Delivers high levels of amenity within buildings having regard to outlook, daylight, and overlooking.
- Offsets direct views between buildings.
- Achieves privacy by building separation rather than screening.

Standard BF06

Development should deliver side and rear setbacks and building separation within a site consistent with any standards specified in a schedule. Development must be consistent with any mandatory standard specified in a schedule.

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Any standard for the maximum length for a new wall constructed on a side or rear boundary of a lot does not apply where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into side and rear setbacks.

Landings with an area of not more than 2 square metres and a height of less than 1 metre, stairways, ramps, pergolas, shade sails and carports may encroach into side and rear setbacks provided they do not overshadow neighbouring open space.

43.06-6 BUILDING LAYOUT

43.06-6.1 Building layout and adaptability

Outcome

Buildings that:

- Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.
- Maximise passive surveillance and interaction with the public realm.
- Provide an appropriate interface with the public realm.

A schedule may include a standard that specifies locations or building typologies where this outcome does not apply.

Standard BF07

Committee note: Further consideration should be given to whether the highlighted requirement below should only apply to non-residential development

Development should:

- Include upper level balconies and windows with a direct visual connection to the public realm.
- Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.
- Sleeve large floorplate tenancies, carpark or service areas where they interface with the public realm.
- Avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.
- Avoid entrapment areas and areas with limited passive surveillance.

Committee note: There is no empowering provision for a schedule to specify adaptability opportunities. Consider whether 'opportunities' below should be replaced with 'standards', or include appropriate empowering language.

Building elements should incorporate any adaptability opportunities identified in a schedule.

43.06-6.2 Wind effects on the public realm

Committee note: The Committee queries whether this outcome and standard should be able to be varied by a schedule. The 5 storeys was taken from the sample BFO schedule for Moorabbin.

Outcome

Development that minimises wind impacts to create and maintain a safe and pleasant environment in the public realm for pedestrians to walk, sit or stand.

Standard BF08

Development of five or more storeys or **X** or more metres, excluding a basement:

- must not cause new or exacerbate existing unsafe wind conditions (as specified in Table 1) in public land, publicly accessible areas on private land, private open space and communal open space; and
- should achieve comfortable wind conditions (as specified in Table 1) in public land and publicly accessible areas on private land

within the assessment distance as shown in Figure 1.

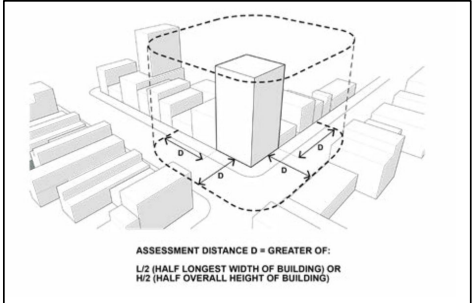
Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Table 1 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: 3 metres per second for sitting areas, 4 metres per second for standing areas, 5 metres per second for walking areas.

Figure 1: Assessment distance for wind effects



43.06-7 PUBLIC INTERFACES

43.06-7.1 Active frontages

Committee note: Some Activity Centre Plans identify active frontages, some do not. It is not clear whether the active frontage requirements are intended to apply only on streets identified as such in Activity Centre Plans, or on all streets (or other streets identified in a schedule). The Committee assumes the former. If this is not correct, the highlighted words will need to be removed.

Outcome

Active frontages that:

- Contribute to the use, activity, safety and interest of the public realm.
- Provide continuity of ground floor activity along streets and laneways.
- Allow for clear identification of building entries and unobstructed views through openings into the ground floor of buildings.

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Standard BF10

On streets identified in the Development Framework as 'active frontage' streets, an entry or window should be provided for at least the percentage of the combined length of the ground level interfaces of a building. The entry or window measurement includes:

- Stall-risers to a height of 700mm.
- Pilasters.
- Window and door frames.
- Windows that have clear glazing without stickers or paint that obscures views.

For corner sites, active frontages on the main street should extend along the side street to create a sense of address with clear glazing and allow for side entry where appropriate.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

The ground level frontage requirements do not apply to the development of a contributory or significant building in a Heritage Overlay. Development of a contributory or significant building in a Heritage Overlay should not reduce existing compliance with this standard.

43.06-7.2 Pedestrian connections**Outcome**

Pedestrian connections that are:

- Safe and attractive.
- Accessible by people of all abilities.
- Easily identified and legible.
- Designed to enable extended stays within a space such as sitting and eating.

Standard BF11

Committee note: It is not clear whether the intent is that pedestrian connections will only be required where identified in the Development Framework. If they can be required in other locations, the highlighted words will need to be removed. The Committee is unclear on what is intended by 'interim and ultimate forms'.

Development should deliver pedestrian connections in the locations identified in the Development Framework.

Where the Development Framework identifies a pedestrian connection as:

- 'Specific', development should provide the connection along the alignment indicated.
- 'Indicative', development should provide the connection along the alignment indicated or a different alignment that provides the same connectivity.

Pedestrian connections should be:

- Direct, attractive, well-lit and provide a line of sight from one end to the other.
- Safe and free of entrapment spaces and areas with limited passive surveillance.
- Publicly accessible at ground level and appropriately secured by an appropriate mechanism where relevant.
- Overlooked by windows, balconies or both on both sides, including at ground floor level.
- Designed to consider the function and design of the full length and width of the link in both its interim and ultimate forms, including the functional layout, levels and landscaping where it spans multiple lots.

43.06-7.3 Weather protection**Outcome**

Weather protection that:

- Delivers pedestrian comfort in the public realm via protection from rain, wind and summer sun.
- Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.

Standard BF12

Development should deliver continuous weather protection along the streets and lanes identified in the Development Framework except where a heritage place warrants an alternative approach.

Weather protection canopies should be:

- Between 3.5 metres and 5 metres above ground measured to the underside of the soffit.
- Designed to minimise impact on existing or proposed street trees.
- Broken in design to reflect the prevailing grain and width of building frontages.

43.06-7.4 Landscaping and fencing**Outcome**

Landscaping and fencing that:

- Delivers a safe and attractive public and private realm.
- Balances occupant privacy with activation and surveillance of the public realm.
- Reinforces underlying natural landscape character including biodiversity values.
- Provides shade in summer, including from canopy trees.
- Does not create long expanses of blank wall facing the public realm.
- Provides appropriate delineation between the public and private realm.

This outcome only applies to fences if a schedule includes a standard for a fence.

Standard BF13

Landscaping should:

- Provide shade to outdoor areas exposed to summer sun by canopy trees or shade structures
- Provide space for sufficient soil depth to support the proposed vegetation including canopy trees.
- Use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Include climbing plants or smaller plants in planters and in outdoor areas, including communal outdoor open space.
- Respond to the soil type and drainage patterns of the site.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.

Committee note: The empowering provision that previously appeared at the end of Clause 4306-7.4 has been deleted because the empowering provision is contained in Clause 43.06-2. If a specific empowering provision is included in some standards but not others it will create confusion.

43.06-8 DESIGN DETAIL**43.06-8.1 Carparking design****Outcome**

Car parking that:

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- Minimises the impact of car parking on the public realm.
- Minimises adverse impact on pedestrian and movement networks.
- Uses land efficiently.
- May be adapted for alternative uses in future.

Standard BF15

Vehicle access to car parks should not be located on the streets and lanes identified in the Development Framework where vehicle access to carparks is discouraged.

Gates or doors to carparks should be fitted close to the building alignment to avoid the creation of unsafe entrapment space, and designed as integrated elements of the building facade.

The location and width of car park entries should:

- Minimise the impacts on the pedestrian network.
- Avoid car parking entries on sites, where they impact on the activation and safety of the public realm.

Car parks should be designed to enable future adaptation without the need for demolition or significant rebuilding. This may include:

- Minimising load bearing walls.
- Minimising ramped areas.

Above ground level car parking should:

- Be sleeved to streets and open spaces with active frontages if possible.
- Have a floor to ceiling height of:
 - 3.6 metres for the ground floor.
 - At least 3.2 metres for other floors.

Mechanical systems may be used to reduce floor area for car parking.

43.06-8.2 Building services**Outcome****Outcome**

Building services that:

- Are integrated in the building design and minimise impacts on the public realm.
- Maximise the quality and activation of the public realm.
- Do not dominate the pedestrian experience and are designed as an integrated design element.

Standard BF16

The location and width of loading bays should minimise the impacts on the pedestrian network.

Committee note: Further consideration should be given to whether the highlighted words should be replaced with 'waste, loading and parking access' (in which case the same change should be made to the corresponding dot point in Clause 43.06-1). The mandatory 'percentage of ground floor area' standard has been deleted as (where applicable) this will be specified in a schedule.

Ground floor building services including waste, loading and parking access should be minimised and located away from streets and public spaces, or within basements or upper levels. **Loading bays** should not be located on the streets and lanes identified in the Development Framework as streets and lanes where loading access is discouraged.

Spaces for waste or loading should not adversely impact safety and continuity of the public realm. Access doors to any waste, parking or loading area should:

- Be positioned no more than 500 millimetres from the street edge.
- Be designed as an integrated element of the building.

Service cabinets should:

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- Be located internally with loading, waste or parking areas where possible.
- Not visually dominate street frontages and should use high quality materials.

Rooftop plant, services and antennae should be integrated into the overall building form.

43.06-8.3 Exterior design

Outcome

Exterior design that:

- Responds to the preferred built form character of its context.
- Is visually interesting when viewed up close and from a distance.
- Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.
- Delivers high quality design on all visible sides of a building and on rooftops visible from the public realm.
- Provides visual connection between the public realm and interior spaces at the ground level interface.
- Provides adequate clearance heights that do not obstruct the service functions of a street or laneway.

Standard BF17

Facades should:

- Provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.
- Avoid finishes with a perpendicular reflectivity of more than 15 per cent, measured at 90 degrees to the facade surface or as specified in a schedule.

Committee note: The first dot point below is unclear and should be rephrased.

Blank walls that are visible from the public realm should:

- Be designed as an integrated component of the building composition.
- Be articulated by textured materials, patterning or artwork.

Facade projections and balconies should:

- Be at least 5 metres above any public space measured from ground level.
- Allow for growth of existing and planned street trees in upper level projections and canopies.
- Limit upper level projections such as adjustable screens or windows, cornices or other architectural features into streets or laneways to up to 300 mm.
- Not include enclosed balconies or habitable floor space projecting over the public realm.

Materials should be:

- Natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.
- Durable, robust and low maintenance in the higher parts of a building.

Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.

43.06-9 SUBDIVISION

A schedule may specify:

- Lot size standards or other standards related to subdivision.
- A public open space contribution amount for when land is subdivided.
- Conditions that must be included on any permit granted for subdivision, including in relation to open space.

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Permit requirements

A permit is required to subdivide land.

Committee note: The use of 'must' below will effectively make all standards in relation to subdivision mandatory. Is this the intent?

Subdivision **must** occur in accordance with any lot size standard or other standard specified in a schedule.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

A permit granted must include any condition specified in a schedule.

Open space contribution

A schedule may specify an open space contribution. If the contribution is specified as a percentage, this is a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both.

If an open space contribution is specified in a schedule:

- A person who proposes to subdivide land must make a contribution to the council for public open space in the amount specified.
- No contribution is required under Clause 53.01.
- The exemptions at Clause 53.01-1 (Exemption from public open space requirement specified in the scheme) and Clause 53.01-2 (Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988) apply.

If no contribution is specified in a schedule the requirements of Clause 53.01 apply.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: The area of either lot is reduced by less than 15 percent. The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.	Clause 59.02
Subdivide land into 2 lots if: The construction of a building or the construction or	Clause 59.02

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carrying out of works on the land:
 Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
 Has started lawfully.
 The subdivision does not create a vacant lot.

43.06-10 APPLICATION REQUIREMENTS

An application must be accompanied by:

- A design response that explains how the proposed design responds to the Development Framework and any development objectives specified in the schedule.
- Correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

A schedule may specify additional application requirements for permits under this Clause.

If in the opinion of the responsible authority any of the above application requirements, or any application requirements specified in a schedule, are not relevant to the evaluation of an application, it may waive or reduce the requirement.

43.06-11 EXEMPTION FROM NOTICE AND REVIEW

A schedule may specify that an application under this overlay or any other provision of this scheme is exempt from any of the following:

- The notice requirements of section 52(1)(a), (b) and (d).
- The decision requirements of section 64(1), (2) and (3).
- The review rights of section 82(1) of the Act.

43.06-12 DECISION GUIDELINES

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The Development Framework.
- Any applicable Community Benefit Framework.
- *Movement and Place in Victoria* (Department of Transport, February 2019)
- The level of amenity for building occupants.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Movement systems through and around the site including the movement of pedestrians and cyclists, vehicles providing for supplies, waste removal, emergency services and public transport and carparking.

A schedule may specify additional decision guidelines for permits under this Clause.

43.06-13 SIGNS

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule.

43.06-14 MEANING OF TERMS

In this overlay the following terms have the meaning set out below:

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- **Building services:** Areas used for the purposes of loading, waste management and electrical, communications, gas, water and fire prevention infrastructure.
- **Community Benefit Framework:** A framework included or explicitly referenced in **Section XX** of a schedule that sets out allowable community benefits and the way community benefit will be calculated.
- **Development Framework:** The framework for preferred development in **Section 1.0** of a schedule which may be presented as maps, plans, character statements and/or tables.
- **Floor Area Ratio:** The gross floor area of all buildings on a site plus the area of voids associated with lifts, car stackers and similar service elements considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor, divided by the area of the site.
- **Laneway:** A road reserve of a public highway 9 metres wide or less.
- **Pedestrian connection:** A publicly accessible street with a defined footpath, a shared zone, a pedestrian only laneway (covered or open), an arcade, a through building connections and an atrium.
- **Sleeve:** To position active uses between large floorplate tenancies, carpark or service areas and the public realm.
- **Street wall:** Any part of a building constructed within 0.3 metres of an existing or proposed street, laneway or public open space.

Tracked version

43.06 **ACTIVITY CENTRE BUILT FORM OVERLAY**

Shown on the planning scheme map as BFO with a number.

Committee note: The Committee has assumed the BFO will only be used for activity centres (as identified in Plan Melbourne). If this is not the intention, the additions of highlighted references in the title and purposes may not be appropriate

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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

To facilitate ~~sustainable development through~~ higher density buildings in activity centres which provide for high amenity living and working environments close to ~~maximise the use of~~ infrastructure and public transport.

To facilitate development that reflects the particular significance and role of the area-activity centre ~~as identified in a schedule~~ by this overlay.

~~To facilitate the development of higher density buildings that are well designed and provide for living and working environments with high levels of amenity.~~

Committee note: It is not clear how the BFO will deliver public infrastructure. Consider deleting, and see the commentary in Chapter 3.4.10.

To deliver ~~additional community benefits, public infrastructure, and~~ public realm improvements and (where appropriate) additional community benefits, at the same time as new development.

Committee note: The following purpose may restrict flexibility by implying that consolidation is encouraged only in those area identified. DTP should further consider.

To encourage land consolidation of sites which could in identified locations to facilitate higher density development.

43.06-1 **DEVELOPMENT OUTCOMES**

Development objectives

A schedule may contain development objectives.

Development Eframework ~~and typologies~~

A schedule must contain a Development Framework that identifies the preferred built form character of ~~(which may be presented as a set of topic based plans) for~~ the land.

The Development Framework ~~A schedule~~ must:

- Be consistent with any adopted Activity Centre Plan.

Committee note: The meaning of the highlighted words in the next dot point needs to be clarified. It may not be required given the Committee's addition of a reference below to "Sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area."

- Identify ~~t~~he planned urban structure of the land including the distribution of building heights and any transitional locations.

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- ~~C-~~contain a table setting out the preferred building typologies and built form character for the land or each part of the land ~~if this detail is not provided on the Development Framework.~~
The Development Framework to which a schedule applies and should identify the following where appropriate:
 - ~~The preferred built form character or typology of each part of the land, if relevant.~~
 - Sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area.
 - A movement and place framework that is consistent with ~~map using Victoria's Movement and Place in Victoria. Framework.~~
 - A public open space framework.
 - Areas where consolidation of sites will be encouraged to facilitate the preferred scale of development.
 - Sites that require master planning before the issue of a permit.
 - Sites where a Floor Area Ratio applies.
 - Locations where landscaped setbacks that can accommodate deep soil planting and canopy trees are to be provided.
 - New streets, lanes, arcades or through building connections.
 - Specific or indicative pedestrian links.
 - Streets where active frontages are required.
 - Street and lanes along which continuous weather protection should be provided.
- Committee note:** See the note in Clause 43.06-8.2 in relation to the highlighted text below
- Streets and lanes where access to waste collection areas. loading access or vehicle access to car parks is discouraged.
 - Open space, public realm or streets for which sun protections apply.
 - Views to significant landmarks or features that should be maintained.
 - Sites with significant terminating vistas in the public realm that require distinctive development.
 - ~~T~~~~A schedule should contain~~ the anticipated dwelling number and floorspace yields for the land or each part of the land ~~or precinct.~~

Standards

~~A schedule may include standards related to:~~

- ~~Urban scale and character.~~
- ~~Building form.~~
- ~~Building layout.~~
- ~~Public interfaces.~~
- ~~Detailed design.~~

~~A schedule may:~~

- ~~Express standards in a singular summary table or map if the standard is expressed as a measure.~~
- ~~Specify additional standards for any outcome.~~
- ~~Vary, delete, replace or make mandatory any of the standards for any outcome in the overlay.~~
- ~~Provide outcomes and standards in relation to any other matter.~~

~~A schedule may specify that if there is any inconsistency between the built form requirements of this clause and any another provision of this planning scheme, this clause prevails.~~

Master planned sites

Where a Development Framework identifies a site that requires master planning, a ~~A schedule may identify sites that require a~~ master plan must be prepared to the satisfaction of the responsible authority ~~before the issue of a permit for the site.~~

The master plan must address the following ~~to the satisfaction of the responsible authority:~~

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any staging or sequencing of development needed.
- The sScale of development on the site, which must be consistent with the Development Framework.
- The sSiting and orientation of buildings.
- Any open space or pedestrian links required.
- Key interfaces.

~~Any other requirements specified for the plan in a schedule.~~

A schedule may specify additional requirements for a master plan.

The master plan may be amended to the satisfaction of the responsible authority.

Unless specified otherwise in a schedule, a permit must not be granted to use or subdivide land, construct a building or construct or carry out works on a site that requires s ~~subject to~~ master planning unless a master plan has been prepared to the satisfaction of the responsible authority.

This does not apply to minor works to existing buildings or structures on the land. A schedule may specify additional circumstances in which a permit may be granted before a master plan has been prepared to the satisfaction of the responsible authority.

A schedule may specify conditions that must be included in a permit for a site that requires master planning.

~~This does not apply if a schedule specifically states that a permit may be granted before a master plan has been prepared to the satisfaction of the responsible authority.~~

A permit granted must be generally in accordance with the master plan for the site and must include any conditions that are specified in a schedule.

Community Benefit Framework

A schedule may specify that a ~~standard (including a mandatory standard) does not have to be met~~ may be exceeded if a community benefit specified in a Community Benefit Framework is provided. ~~and, i~~

Where this is specified, the ~~f this is included, a~~ schedule must include the following in Section XX:

- ~~▪ Specify the maximum value to which a standard can be exceeded.~~
- ~~▪ Include, or explicitly reference, a community benefit framework that sets out allowable community benefits and the way community benefit will be calculated.~~
- The Community Benefit Framework that applies.
- A table that specifies:
 - The standard(s) that may be exceeded.
 - The degree (including the maximum) to which the relevant standard can be exceeded, based on the extent of the community benefit provided.
 - The community benefit(s) to be provided for exceeding the relevant standard.

~~A schedule may reference other provisions in the planning scheme that have a relationship with the community benefit framework.~~

Note: Community benefits under this provision are calculated over and above any requirements set out in Clause 45.01 (Public Acquisition Overlay), Clause 45.06 (Development Contributions Plan), Clause 45.09 (Parking Overlay), Clause 45.10 (Infrastructure Contributions Plan Overlay), Clause 45.11 (Infrastructure Contributions Plan) or Clause 53.01 (Public Open Space Contribution and Subdivision) in this scheme and any open space requirement specified in a schedule.

A permit to construct a building or construct or carry out works that exceeds a standard ~~must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works~~ on the basis that ~~a standard is not met because~~ a community benefit is provided can only be granted or amended (unless the amendment does not increase the extent of non-compliance) if the permit includes a condition that ~~in accordance with the relevant community benefit framework is agreed to unless, both:~~

~~The community benefit is calculated and specified in a manner set out in a Community Benefit Framework in a schedule.~~

The permit requires the provision of ~~the a~~ community benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987* or another appropriate mechanism.

Note: In activity centres community benefits are intended to relate to site specific or local area benefits such as new pedestrian links or improvements to the public realm.

43.06-2 OPERATION

A schedule may specify that if there is any inconsistency between the built form requirements of this clause and any another provision of this planning scheme, this clause prevails.

Application of outcomes and standards

This overlay includes:

- **Outcomes.** An outcome sets out the expectations of what will be achieved in a development.
- **Standards.** A standard contains the requirements to meet the corresponding outcomes identified in this overlay.

Each standard ~~may~~ must be identified as:

- ~~A deemed to comply standard expressed using 'complies if' or labelled as 'deemed to comply'.~~
- A **discretionary** standard expressed using 'should' or labelled as 'discretionary'.
- A **mandatory** standard expressed using 'must' or labelled as 'mandatory'.

A standard (whether mandatory or discretionary) may also be nominated as a deemed to comply standard, using 'complies if' or labelled as 'deemed to comply'.

If a development meets a deemed to comply standard, it is deemed to meet the corresponding outcome for that standard.

Quantitative standards ~~must be expressed using the terms minimum, maximum, or preferred (where a specified metric is to be achieved)~~ must be expressed using the terms minimum, maximum, or preferred.

~~Where a standard is labelled in table as 'deemed to comply', 'discretionary' or 'mandatory':~~

- ~~A cell label takes precedence over a row or column label.~~
- ~~A row label takes precedence over a column label.~~

A schedule may:

- ~~Express standards in a singular summary table or map if the standard is expressed as a measure.~~
- Specify additional standards for any outcome.
- Vary, delete, replace or make mandatory any of the standards for any outcome.
- Provide outcomes and standards in relation to any other matter.

Note: The relevant metrics for standards will typically be presented in a schedule to this overlay as maps or tables. The maps and tables in a schedule are to be read in conjunction with the applicable standard in the overlay.

Requirements

Except, where a community benefit is provided in accordance with a Community Benefit Framework to the satisfaction of the responsible authority, ~~A~~ development:

Committee note: In relation to the highlighted text below, the only outcome where it is contemplated the standard may specify the outcome does not apply is the outcome relating to building layout and adaptability. The Committee queries whether this is the

- Must meet the outcomes specified in this overlay or a schedule unless specified otherwise in a corresponding standard.
- Must meet any mandatory standard specified in this overlay or a schedule.

- Should meet any discretionary standard specified in this overlay or a schedule. However, if the responsible authority is satisfied that an application for an alternative design solution meets the outcome, the alternative design solution may be considered. ~~Should meet any deemed to comply standard specified in a schedule.~~
- ~~• A discretionary or deemed to comply standard should normally be met.~~
- ~~Must meet any mandatory standard specified in this overlay or a schedule. A permit cannot be granted to construct a building or construct or carry out works which do not meet a mandatory standard.~~

43.06-3 BUILDINGS AND WORKS

Permit requirements

A permit is required to:

- Construct a building or construct or carry out works.
- Construct a fence if a schedule includes a standard for a fence.

A schedule may specify that this permit requirement does not apply.

The requirement for a permit does not apply:

- If a schedule specifically states that a permit is not required.
- To the installation of an automatic teller machine.
- To an alteration to an existing building facade if:
 - The alteration does not include the installation of an external roller shutter.
 - Standard BF10 is met.
- To an awning that projects over a road if it is authorised by the relevant public land manager.
- To buildings and works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- To external works to provide access for persons with disabilities that comply with all legislative requirements.

A schedule may specify any conditions that must be included in a permit granted under this clause.

A permit ~~granted~~ must include any conditions ~~or requirements~~ specified in a schedule.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for: ▪ A carport, garage, pergola, verandah, deck, shed or similar structure. ▪ An outdoor swimming pool. The buildings and works must be associated with a dwelling.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is in a commercial zone or a Special Use, Comprehensive Development, Capital City, Docklands, [Proposed New Precincts Zone], Priority Development, Activity Centre Zone or Urban Development Zone.	Clause 59.05

43.06-4 URBAN SCALE AND CHARACTER**43.06-4.1 Building typology and future character****Outcome**

Building types and character that:

- ~~• Align with the building scale and distribution of building heights, identified in a schedule.~~
- Respond to the planned urban structure for the land outlined in the Development Framework.
- Respond appropriately to their intended future urban context, including sites with heritage significance and any transition areas identified in the Development Framework ~~to adjacent areas.~~
- Deliver walkable neighbourhoods with a high-quality, permeable pedestrian network through the creation of new streets, lanes, arcades or connections through buildings ~~connections.~~
- Protect views to significant landmarks or features identified ~~shown on~~ in the Development Framework.
- Encourage the consolidation of sites in locations identified in the Development Framework to support the preferred scale and character of development.

Standard BF01

Development ~~should~~ must be consistent with the preferred building typologies and built form character and urban structure ~~as~~ specified in ~~:~~

~~The Development Framework in a schedule.~~

~~Any table setting out the preferred building typologies and built form character in a schedule.~~

43.06-5 BUILDING FORM**43.06-5.1 Building height and floor to ceiling heights****Outcomes**

Building ~~height and floor to ceiling~~ heights that:

- ~~• Align with the building scale identified in a schedule.~~
- Are consistent with the preferred building heights for the area.
- Maintain an inviting and comfortable ~~microclimate~~ environment within the public realm in terms of its sense of sunlight, daylight and wind conditions.
- Provide a transition in scale to adjacent areas with less intensive built form expectations ~~neighbourhoods located in a different zone or which have a different building height requirement.~~
- Protect views to significant landmarks or features identified in ~~shown on~~ the Development Framework.

~~• Have ground floor heights that allow retail and commercial uses.~~

Floor to ceiling heights that:

- Allow retail and commercial uses that support a high level of internal amenity and adaptation over time.
- Have ground floor heights that allow both retail and commercial uses.

Standard BF02

Buildings should align with the building heights identified in the Development Framework.

Buildings must align with any mandatory building height standard specified in a schedule.

Maximum building heights do not apply to ~~The following may exceed a specified maximum building height:~~

- Non habitable architectural features.
- Service equipment and structures including plant rooms, lift overruns, structures associated with green roof areas, including access stairs and lifts, unenclosed pergolas for communal areas, shading devices, and other such equipment.

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Floor to ceiling heights should be consistent with any standard specified in a schedule, and must be consistent with any mandatory standard specified in a schedule.

43.06-5.2 Floor ~~A~~area ~~R~~ratio ~~and density~~

Outcome

Floor ~~A~~area ~~R~~ratios ~~and densities~~ that:

~~Align with the building scale and density identified in a schedule.~~

~~P~~provide a scale and density to support population and employment growth, consistent with the preferred building typologies and built form character specified in the Development Framework.

Standard BF03

Development should deliver densities consistent with:

- The building typologies and built form character as specified in the Development Framework.
- Any Floor Area Ratio specified in a schedule.

Development must be consistent with any mandatory Floor Area Ratio specified in a schedule.

Requirements

Where a schedule specifies a ~~F~~floor ~~A~~area ~~R~~ratio for a site, a permit for the development of part of that site ~~should~~ must include a condition that an agreement be entered into pursuant to s 173 of the *Planning and Environment Act 1987* ~~into~~ specifying the floor area ratio applicable to the balance of the site.

43.06-5.3 Overshadowing of open space or public realm

Outcome

Development that:

- Maintains solar access to key pedestrian and open space areas ~~as~~ identified in the Development Framework ~~a schedule~~.
- Achieves a balance between supporting growth and delivering high levels of amenity in the context of the outcomes ~~objectives~~ that apply to the land.

Standard BF04

Buildings should not cast any additional shadow beyond that cast by the applicable preferred or maximum street wall height and existing buildings over:

- The existing or proposed public open spaces identified in the Development Framework ~~a schedule~~ for the hours specified in a schedule.
- The existing or proposed key pedestrian streets identified in the Development Framework ~~a schedule~~ for the hours specified in a schedule.

This ~~Any requirement on overshadowing~~ does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

43.06-5.4 Front setback, street wall height and setback above the street wall and landscaped setbacks

Outcomes

Front setbacks, street wall heights and setbacks above the street wall that:

- ~~Align with the front setbacks, street wall heights and upper level setbacks identified a schedule.~~
- Provide strong spatial definition to the public realm while maintaining good daylight access to open spaces, streets and lower levels of buildings and clear views to the sky, where possible.
- Avoid visually overwhelming the public realm.

- Are sympathetic to heritage values and preferred built form character.
- Contribute to the privacy of any ground floor dwellings.
- Visually define key intersections identified in the Development Framework.
- ~~Support the inclusion of landscaped setbacks where they are identified a schedule.~~
- Distinguish upper levels from the street wall.

Landscaped setbacks, including landscaped setbacks that can accommodate deep soil planting and canopy trees in locations identified in the Development Framework.

Standard BF05

Development should deliver front setbacks, street wall heights, setbacks above the street wall and landscaped setbacks consistent with:

- The preferred building typologies and built form character specified in the Development Framework.
- Any standards specified in a schedule.

Development must be consistent with any mandatory standard specified in a schedule.

Any standard for maximum street wall heights may be exceeded by non-habitable architectural features not more than 3.0 metres high. ~~high may exceed a maximum street wall height.~~

Where a new building is on a corner with two different street wall heights specified, any the taller maximum street wall height applies to the a frontage with a the lower maximum street wall height for a distance of 20 metres along the street frontage ~~or as specified in a schedule.~~

43.06-5.5 Side and rear setbacks and separation within a site

Outcomes

Side and rear setbacks that:

- Respond to sensitive interfaces ~~identified in a schedule.~~
- Provide for landscaping.
- Maintain access to daylight and sunlight in streets, laneways and pedestrian connections.
- Delivers high levels of amenity within buildings having regard to outlook, daylight, and overlooking.
- Achieve privacy through setbacks rather than screening.

Separation between buildings separation within a the same site site that:

- Delivers high levels of amenity within buildings having regard to outlook, daylight, and overlooking.
- Offsets direct views between buildings ~~within the same site.~~
- Achieves privacy by building separation rather than screening.

Standard BF06

Development should deliver side and rear setbacks and building separation within a site consistent with any standards specified in a schedule. Development must be consistent with any mandatory standard specified in a schedule.

Any standard for the maximum length for a new wall constructed on a side or rear boundary of a lot does not apply where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

~~A side or rear setback does not apply to:~~

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services ~~that may~~ encroach not more than 0.5 metres into side and rear the setbacks ~~of any standard specified in a schedule.~~

Landings ~~having with~~ an area of not more than 2 square metres and a height of less than 1 metre ~~high~~, stairways, ramps, pergolas, shade sails and carports may encroach into ~~the side and rear~~ setbacks ~~of any standard specified in a schedule~~ provided they do not overshadow neighbouring open space.

43.06-6 BUILDING LAYOUT**43.06-6.1 Building layout and adaptability****Outcome**

~~A position and configuration of internal spaces of a building~~ Buildings that:

- Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.
- Maximises passive surveillance and interaction with the public realm.
- Provide an appropriate interface with the public realm.

A schedule may include a standard that specifies locations or building typologies where this outcome does not apply.

Standard BF07

Committee note: Further consideration should be given to whether the highlighted requirement below should only apply to non-residential development

Development should:

- Include upper level balconies and windows with a direct visual connection to the public realm.
- Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.
- Sleeve large floorplate tenancies, carpark or service areas where they interface with the public realm.
- Avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.
- Avoid entrapment areas and areas with limited passive surveillance.

Committee note: There is no empowering provision for a schedule to specify adaptability opportunities. Consider whether 'opportunities' below should be replaced with 'standards', or include appropriate empowering language.

Building elements should incorporate any adaptability opportunities identified in a schedule.

~~Development should:~~

•

43.06-6.2 Wind effects on the public realm

Committee note: The Committee queries whether this outcome and standard should be able to be varied by a schedule. The 5 storeys was taken from the sample BFO schedule for Moorabbin.

Outcome

Development that minimises wind impacts to create and m

~~Maintains~~ a safe and pleasant environment in the public realm for pedestrians to walk, sit or stand ~~on footpaths and other public spaces.~~

~~Creates pleasant environments where the impact of wind effects on the comfort and amenity of public spaces for pedestrians is minimised.~~

Standard BF08

Development of five or more storeys or 15 or more metres, excluding a basement ~~the height or more than the height specified in the schedule:~~

- must not cause new or exacerbate existing unsafe wind conditions (as specified in Table 1) in public land, publicly accessible areas on private land, private open space and communal open space; and

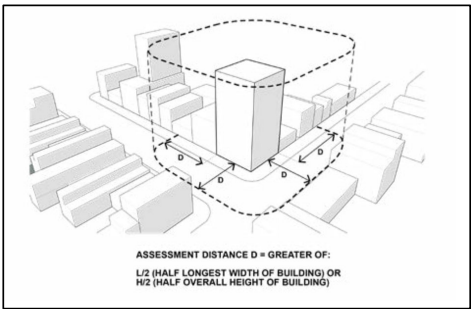
- should achieve comfortable wind conditions (as specified in Table 1) in public land and publicly accessible areas on private land within the assessment a distance ~~half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building facade, whichever is greater~~ as shown in Figure 1.

Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Table 1 Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: ▪ 3 metres per second for sitting areas, ▪ 4 metres per second for standing areas, ▪ 5 metres per second for walking areas.

Figure 1: Assessment distance for ~~Calculation of~~ wind effects



43.06-7 PUBLIC INTERFACES

43.06-7.1 Active frontages

Committee note: Some Activity Centre Plans identify active frontages, some do not. It is not clear whether the active frontage requirements are intended to apply only on streets identified as such in Activity Centre Plans, or on all streets (or other streets identified in a schedule). The Committee assumes the former. If this is not correct, the highlighted words will need to be removed.

Outcome

Active frontages that:

- Contribute to the use, activity, safety and interest of the public realm.
- Provide continuity of ground floor activity along streets and laneways.
- Allows for clear identification of building entries and unobstructed views through openings into the ground floor of buildings.

Standard BF10

On streets identified in the Development Framework as 'active frontage' streets, ~~a~~An entry or window should be provided for at least the ~~specified~~ percentage of the combined length of the

ground level interfaces of a building ~~on frontages specified in a schedule~~. The entry or window measurement includes:

- Stall-risers to a height of 700mm.
- Pilasters.
- Window and door frames.
- Windows that have clear glazing without stickers or paint that obscures views.

For corner sites, active frontages on the main street should extend along the side street to create a sense of address with clear glazing and allow for side entry where appropriate.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

The ground level frontage requirements do not apply to the development of a contributory or significant building in a Heritage Overlay. Development of a contributory or significant building in a Heritage Overlay should not reduce existing compliance with [this standard](#) ~~the public interface design outcomes~~.

43.06-7.2 Pedestrian connections

Outcome

Pedestrian connections that are:

- Safe and attractive.
- Accessible by people of all abilities.
- Easily identified and legible.
- Designed to enable extended stays within a space such as sitting and eating.

Standard BF11

Committee note: It is not clear whether the intent is that pedestrian connections will only be required where identified in the Development Framework. If they can be required in other locations, the highlighted words will need to be removed. The Committee is unclear on what is intended by 'interim and ultimate forms'.

[Development should deliver pedestrian connections in the locations identified in the Development Framework.](#)

[Where the Development Framework identifies a pedestrian connection as:](#)

- [‘Specific’, development should provide the connection along the alignment indicated.](#)
- [‘Indicative’, development should provide the connection along the alignment indicated or a different alignment that provides the same connectivity.](#)

Pedestrian connections should be:

- Direct, attractive, well-lit and provide a line of sight from one end to the other.
- Safe and free of entrapment spaces and areas with limited passive surveillance.
- Publicly accessible at ground level and appropriately secured by an appropriate mechanism where relevant.
- Overlooked by windows, ~~or~~ balconies or both on both sides, including at ground floor level.
- Designed to consider the function and design of the full length and width of the link in both its [interim and ultimate forms](#), including the functional layout, levels and landscaping where it spans multiple lots.

~~Development should provide a new, or retain and improve an existing, through block pedestrian connection where a link is identified as in a schedule as:~~

~~‘Specific’ along the alignment indicated.~~

~~• ‘Indicative’ along the alignment indicated or a different alignment that provides the same connectivity.~~

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43.06-7.3 Weather protection**Outcome**

Weather protection that:

- Delivers pedestrian comfort in the public realm via protection from rain, wind and summer sun.
- Uses canopies that are functional, of high quality design, and contribute to the human scale of the street.

Standard BF12

Development should ~~deliver include~~ continuous weather protection along the streets and lanes identified in ~~the Development Framework a schedule~~ except where a heritage place warrants an alternative approach.

Weather protection canopies should ~~be~~:

- ~~Be b~~Between 3.5 metres and 5 metres above ground measured to the underside of the soffit.
- ~~Be d~~Designed to minimise impact on existing or proposed street trees.
- ~~Be b~~Broken in design to reflect the prevailing grain and width of building frontages.

43.06-7.4 Landscaping and fencing**Outcome**

Landscaping and fencing that:

- Delivers a safe and attractive public and private realm.
- Balances occupant privacy with activation and surveillance of the public realm.
- Reinforces underlying natural landscape character including biodiversity values.
- Provides shade in summer, ~~including from canopy trees~~.
- Does not create long expanses of blank wall facing the public realm.
- Provides appropriate delineation between the public and private realm.

~~This~~ ~~An~~ outcome only applies to fences if a schedule includes a standard for a fence.

Standard BF13

Landscaping should:

- Provide shade to outdoor areas exposed to summer sun by canopy trees or shade structures
- Provide space for sufficient soil depth to support the proposed vegetation ~~including canopy trees~~.
- Use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Include climbing plants or smaller plants in planters and in outdoor areas, including communal outdoor open space.
- Respond to the soil type and drainage patterns of the site.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.

Committee note: The empowering provision below has been deleted because the empowering provision is contained in Clause 43.06-2. If a specific empowering provision is included in some standards but not others it will create confusion.

~~A schedule may specify (among other things):~~

- ~~Tree canopy requirements, landscape themes, vegetation (location and species), paving and lighting.~~
- ~~The height and style of fences.~~

43.06-8 DESIGN DETAIL

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43.06-8.1 Carparking design**Outcome**

Car parking that:

- Minimises the impact of car parking on the public realm.
- Minimises adverse impact on pedestrian and movement networks.
- Uses land efficiently.
- May be adapted for alternative uses in future.

Standard BF15

Vehicle access to car parks should not be located on the streets and lanes identified [in the Development Framework where vehicle access to car parks is discouraged](#) ~~as 'limit car park entries' in a schedule.~~

Gates or doors to car parks should be fitted close to the building alignment to avoid the creation of unsafe entrapment space, and designed as integrated elements of the building facade.

The location and width of car park entries should:

- Minimise the impacts on the pedestrian network.
- Avoid car parking entries on sites, where they impact on the activation and safety of the public realm.

Car parks should be designed to enable future adaptation without the need for demolition or significant rebuilding. This may include:

- Minimising load bearing walls.
- Minimising ramped areas.

Above ground level car parking should:

- Be sleeved to streets and open spaces with active frontages if possible.
- Have a floor to ceiling height of:
 - 3.6 metres for the ground floor.
 - At least 3.2 metres for other floors.

Mechanical systems may be used to reduce floor area for car parking.

43.06-8.2 Building services**Outcome**

Building services that:

- [Are integrated in the building design and m](#)Minimise impacts on the public realm.
- Maximise the quality and activation of the public realm.
- Do not dominate the pedestrian experience and are designed as an integrated design element.
- ~~Provide waste collection facilities as an integrated part of the building design.~~

Standard BF16

~~Loading bays should not be located on the streets and lanes identified as 'limit loading access' in a schedule.~~

The location and width of loading bays should minimise the impacts on the pedestrian network.

Committee note: Further consideration should be given to whether the highlighted words should be replaced with 'waste, loading and parking access' (in which case the same change should be made to the corresponding dot point in Clause 43.06-1). The mandatory 'percentage of ground floor area' standard has been deleted as (where applicable) this will be specified in a schedule.

Ground floor building services, including waste, loading and parking access [s](#);

~~S~~hould be minimised [and](#) ~~.~~

~~Must not occupy more than the percentage of the ground floor area of the site area specified in a schedule.~~

~~Services, loading and waste areas should be~~ located away from streets and public spaces, or within basements or upper levels. ~~Loading bays~~ should not be located on the streets and lanes identified in the Development Framework as ~~streets and lanes where loading access is discouraged~~ ~~limited loading access' in a schedule.~~

Spaces for waste or loading should not adversely impact safety and continuity of the public realm. Access doors to any waste, parking or loading area should:

- Be positioned no more than 500 millimetres from the street edge.
- Be designed as an integrated element of the building.

Service cabinets should:

- Be located internally with loading, waste or parking areas where possible.
- Not visually dominate street frontages and should use high quality materials.

Rooftop plant, services and antennae should be integrated into the overall building form.

43.06-8.3 Exterior design

Outcome

Exterior design that:

- Responds to the preferred built form character of its context.
- Is visually interesting when viewed up close and from a distance.
- Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.
- Delivers high quality design on all visible sides of a building and on rooftops visible from the public realm.
- ~~At the ground level interface, p~~ provides visual connection between the public realm and interior spaces ~~at the ground level interface.~~
- ~~Provides adequate clearance heights that dD~~ Do not obstruct the service functions of a street or laneway ~~through adequate clearance heights.~~

Standard BF17

Facades should:

- Provide for depth and a balance of light and shadow on the street wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.
- Avoid finishes with a perpendicular reflectivity of more than 15 per cent, measured at 90 degrees to the facade surface or as specified in a schedule.

Committee note: The first dot point below is unclear and should be rephrased.

Blank walls that are visible from the public realm should:

- **Be designed as an integrated component of the building composition.**
- Be articulated by textured materials, patterning or artwork.

Facade projections and balconies should:

- Be at least 5 metres above any public space measured from ground level.
- Allow for growth of existing and planned street trees in upper level projections and canopies.
- Limit upper level projections such as adjustable screens or windows, cornices or other architectural features into streets or laneways to up to 300 mm.
- Not include enclosed balconies or habitable floor space projecting over the public realm.

Materials should be:

- Natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.

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- Durable, robust and low maintenance in the higher parts of a building.
Materials and finishes such as painted concrete or ventilation louvres should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.

43.06-9 SUBDIVISION

[A schedule may specify:](#)

- [Lot size standards or other standards related to subdivision.](#)
- A public open space contribution amount [for when land is subdivided.](#)
- [Conditions that must be included on any permit granted for subdivision, including in relation to open space.](#)

Permit requirements

A permit is required to subdivide land.

Committee note: The use of 'must' below will effectively make all standards in relation to subdivision mandatory. Is this the intent?

Subdivision **must** occur in accordance with any lot size standard or other standard specified in a schedule.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

A permit granted must include any condition specified in a schedule.

Open space contribution

[A schedule may specify an open space contribution. If the contribution is specified as a](#) percentage, this is a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both.

If an [open space](#) contribution is specified ~~in a schedule~~ [in a schedule](#):

A person who proposes to subdivide land must make a contribution to the council for public open space in the amount specified ~~in a schedule~~.

- No contribution is required under Clause 53.01.
- The exemptions at Clause 53.01-1 (Exemption from public open space requirement specified in the scheme) and Clause 53.01-2 (Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988) apply.

~~A permit granted must include any condition specified in a schedule.~~

If no [contribution amount](#) is specified in a schedule ~~to this overlay~~ the requirements of Clause 53.01 apply.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change.	Clause 59.01

Subdivide land into lots each containing an existing building or car parking space where: - The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. - An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.	Clause 59.02
Subdivide land into 2 lots if: - The construction of a building or the construction or carrying out of works on the land: - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. - Has started lawfully. - The subdivision does not create a vacant lot.	Clause 59.02

43.06-10 APPLICATION REQUIREMENTS

An application must be accompanied by:

- A design response that explains how the proposed design [responds to the Development Framework and](#) ~~Responds to any specified development objectives specified in the schedule.~~
- ~~Responds to the Development Framework.~~
~~Responds to any specified preferred building typologies and built form character.~~
- ~~A design response must contain:~~
 - Correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.
~~If specified in a schedule, a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority.~~
- ~~Any application requirements specified in a schedule.~~

[A schedule may specify additional application requirements for permits under this Clause.](#)

If in the opinion of the responsible authority any of the above application requirements, or any application requirements specified in a schedule ~~of this overlay~~, are not relevant to the evaluation of an application, it may waive or reduce the requirement.

43.06-11 EXEMPTION FROM NOTICE AND REVIEW

~~Unless a~~ [A](#) schedule [may specify that specifies otherwise](#), an application under this overlay or any other provision of this scheme is exempt from any of the following:

- The notice requirements of section 52(1)(a), (b) and (d).
- The decision requirements of section 64(1), (2) and (3).
- The review rights of section 82(1) of the Act.

43.06-12 DECISION GUIDELINES

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The Development Framework ~~specified in a schedule.~~
- Any applicable Community Benefit Framework ~~specified in a schedule.~~
- *Movement and Place in Victoria* (Department of Transport, February 2019)
- The level of amenity for building occupants.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Movement~~s~~ systems through and around the site including the movement of pedestrians and cyclists, vehicles providing for supplies, waste removal, emergency services and public transport and carparking.

A schedule may specify additional decision guidelines for permits under this Clause.

43.06-13 SIGNS

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule.

43.06-14 MEANING OF TERMS

In this overlay the following terms have the meaning set out ~~beside them~~ below:

- **Building services:** Areas used for the purposes of loading, waste management and electrical, communications, gas, water and fire prevention infrastructure.
- **Community Benefit Framework:** A framework included or explicitly referenced in Section XX of a schedule that sets out allowable community benefits and the way community benefit will be calculated.
- **Development Framework:** The framework for preferred development in Section 1.0 of a schedule which may be presented as maps, plans, character statements and/or tables.
- **Floor Area Ratio:** The gross floor area of all buildings on a site plus the area of voids associated with lifts, car stackers and similar service elements considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor, divided by the area of the site.
- **Laneway:** A road reserve of a public highway 9 metres wide or less.
- **Pedestrian connection:** A publicly accessible street with a defined footpath, a shared zone, a pedestrian only laneway (covered or open), an arcade, a through building connections and an atrium~~a~~.
- **Sleeve:** To position active uses between large floorplate tenancies, carpark or service areas and the public realm.
- ~~**Stationary activity:** Activities by pedestrians that involve extended stays within a space, such as sitting and eating, rather than walking through.~~
- **Street wall:** Any part of a building constructed within 0.3 metres of an existing or proposed street, laneway or public open space.

D:2 Walkable Catchment Zone (tracked version only)

2.0XX ACTIVITY CENTRE WALKABLE CATCHMENT ZONE

Shown on the planning scheme map as WCZ with a number.

Purpose

Committee note: The Committee has assumed the WCZ will only be used for catchments around activity centres (as identified in Plan Melbourne). If this is not the intention, the additions of the highlighted references in the title and purposes may not be appropriate

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide housing at increased densities around activity centres, in locations within walking distance to employment, services and public transport within the activity centre.

To encourage a scale of development that provides a transition between ~~areas of~~ more intense development in an activity centre core and surrounding lower scale residential areas.

To encourage a diversity of housing types including affordable housing ~~particularly~~ in locations around activity centres ~~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 around activity centres.

32.XX Table of uses

Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Home based business Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building buildings , or part of a building, used for the small second dwelling.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling) Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Food and drink premises (other than Convenience restaurant and Take away food premises) Grazing animal production Leisure and recreation (other than Informal outdoor recreation and Motor racing track) Market	
Office (other than Medical centre)	The land must be located within 100 metres of a commercial zone. The land must have the same street frontage as the land in the commercial zone. The leasable floor area must not exceed 250 square metres.

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Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)
Plant nursery

Retail premises (other than Food and drink premises, Market, Plant nursery and Shop) The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.

Service station The site must either:
Adjoin a commercial zone or industrial zone.
Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
The site must not exceed either:
3000 square metres.
3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.

Shop (other than Adult sex product shop, Bottle shop and Convenience shop) The land must be located within 100 metres of a [C](#)ommercial [Z](#)one or Mixed Use Zone.
The land must have the same street frontage as the land in the [C](#)ommercial [Z](#)one or Mixed Use Zone.

Store Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

Take away food premises The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

Utility installation (other than Minor utility installation and Telecommunications facility)

Any other use not in Section 1 or 3

Section 3 – Prohibited

Use

Adult sex product shop
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Bottle shop
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
Horse husbandry
Industry (other than Automated collection point and Car wash)
Motor racing track
Nightclub
Saleyard
Small second dwelling – if the Section 1 condition is not met
Transport terminal

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Warehouse (other than Store)**32.XX****Subdivision****Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change.	
Subdivide land into lots each containing an existing building or car parking space where:	Clause 59.02
▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.	

Subdivide land into 2 lots if:	Clause 59.02
▪ The construction of a building or the construction or carrying out of works on the land: • Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. • Has started lawfully. ▪ The subdivision does not create a vacant lot.	

32.XX Construction and extension of one dwelling on a lot**Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres. A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54: ▪ A3 Street setback. ▪ A10 Side and rear setbacks. ▪ A11 Walls on boundaries. ▪ A12 Daylight to existing windows. ▪ A13 North-facing windows. ▪ A14 Overshadowing open space. ▪ A15 Overlooking. For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	Clause 59.14

32.XX Construction and extension of a small second dwelling on a lot**Permit requirement**

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
----------------------	--

Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:

- A3 Street setback.
- A9 Building setback.
- A9.1 Safety and accessibility.
- A10 Side and rear setbacks.
- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

32.XX Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

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

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

32.XX Residential aged care facility**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

32.XX Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.XX-X.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works where: - The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or - The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and - The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: - A10 Side and rear setbacks. - A11 Walls on boundaries. - A12 Daylight to existing windows. - A13 North-facing windows. - A14 Overshadowing open space. - A15 Overlooking. For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.	Clause 59.04

32.XX Maximum building height requirement for a dwelling, small second dwelling or residential building

For the purposes of this zone, a large site is defined as land with:

- A frontage of at least 20 metres; and
- An area of at least 1,000 square metres.

For small sites, ~~the~~ building height of a building constructed for use as a dwelling, small second dwelling or a residential building should ~~must~~ not exceed 11 metres and should ~~must~~ not contain more than 3 storeys at any point.

For large sites, ~~unless all of the following are met, in which case~~ the building height should not exceed 21.5 metres and should not contain more than 6 storeys at any point.

~~▪ The frontage must be at least 20 metres.~~

~~▪ The land area must be at least 1,000 square metres.~~

~~This~~ These building height requirements ~~replaces~~ the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if any of the following apply:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- The site is affected by a height control within an Overlay which exceeds the maximum height specified in the Walkable Catchment Zone.
- Immediately before the introduction of the Walkable Catchment Zone, the site was affected by a height control within another Zone which exceeded the maximum height specified in the Walkable Catchment Zone.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height 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.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone apply whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

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 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.

32.XX Application requirements

An application must be accompanied by the following information, as appropriate:

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- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.XX Exemption from notice and review

Subdivision

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

32.XX Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- [Whether the proposed height is appropriate having regard to the lot size and site context.](#)
- ~~Consideration of the e~~Overlooking and overshadowing ~~impacts to as a result of building or works affecting~~ adjoining land in [the Walkable Catchment Zone](#) or a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in [the Walkable Catchment Zone](#) or a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings, small second dwellings and residential buildings

- [The preferred building heights of adjoining and nearby sites.](#)
- Whether the [proposed](#) building height provides for a transition in scale to adjacent areas with less or more intensive built form expectations.

- ### Non-residential use and development

- ## 32.XX Signs

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**Planning
Panels
Victoria**

Referral 2: Common matters across all activity centres

Activity Centres Standing Advisory Committee Report

12 November 2024



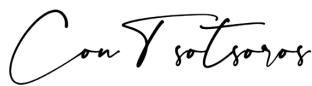
Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Activity Centres Standing Advisory Committee Report

Referral 2: Common matters across activity centres

12 November 2024



Con Tsotsoros, Chair



Annabel Paul



John Roney



Kate Partenio, Member



Simon Shiel, Member

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Glossary and abbreviations

BFO	Built Form Overlay
City of Centres Report	<i>City of Centres: Development of typology-based built form controls</i> , Sheppard & Cull, May 2024
Committee	Activity Centres Standing Advisory Committee
DTP	Department of Transport and Planning
Minister	Minister for Planning
Urban Design Background Report	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, October 2024 (Committee version) including Appendices
VPA	Victorian Planning Authority

Overview

Referral summary

Referral	Referral 2: Common matters across all referred activity centres
Brief description	Advice sought on specified key issues raised by submitters relating to common matters that apply to many of the referred activity centres
Referred submissions and information	See Appendix C
Referred issues	Advice sought on: - deemed to comply, mandatory and discretionary controls - sun access - wind - active frontage - heritage - Large Opportunity Sites and Enclosed Shopping Centres - tree canopy - catchment boundary Advice not to be provided on any other matter

Committee

Referral 2 Committee Members	Con Tsotsoros (Chair), Annabel Paul, John Roney, Simon Shiel, Kate Partenio
Supported by	Georgia Brodrick (Planning Panels Victoria)
Site inspection	Unaccompanied, 31 October 2024
Date of this report	12 November 2024

1 Introduction

1.1 Terms of Reference and referral letter

The Minister for Planning (Minister) appointed the Activity Centres Standing Advisory Committee (Committee) on 22 August 2024. The purpose of the Committee is set out in its Terms of Reference dated 22 August 2024:

... provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the ACP¹ to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.

This is Referral 2. The Minister's referral letter dated 25 October 2024 is included in Appendix B.

The Minister seeks the Committee's advice on specific issues as outlined in the letter of referral and shown in the Overview.

1.2 The Committee's approach

The Committee has conducted its assessment process in accordance with the procedural requirements of the Terms of Reference, particularly Clauses 9, 10, 12 and 18. It has reported on all relevant matters in accordance with its Terms of Reference, particularly Clause 16.

Eight submissions were referred to the Committee for consideration. The Committee has considered these with the summary of key matters (including analysis) prepared by the Department of Transport and Planning (DTP) and other information referred to the Committee (see Appendix C).

Clause 12 of its Terms of Reference require the Committee to:

... conduct its work with a view to maximising efficiency and timeliness. This may include conducting reviews 'on the papers' without oral hearings where the Committee considers it appropriate depending on the nature of the matter referred.

Clause 18 requires the Committee to submit its report to the Minister for Planning and the Department of Transport and Planning no later than 10 business days from receipt of the referral. This timeframe did not allow for a Hearing to consider oral submissions or evidence on the Referral.

Given the very targeted nature of the Committee's scope, issues to be considered and advice required, and reporting timeframes, the Committee was only able to consider them through a written process.

1.3 Limitations

The Committee was referred two background urban design reports, which relate to the Activity Centres Program more broadly:

- *City of Centres: Development of typology-based built form controls*, Sheppard & Cull, May 2024 (City of Centres Report)

¹ Activity Centres Program

- *Activity Centre Program Urban Design draft background summary report*, Victorian Planning Authority, 2024 (Committee version) (Urban Design Background Report).

The Committee has confined its consideration to the referred matters, as directed in the referral letter (see Appendix B). The Committee did not have the benefit of:

- a public Hearing or any discussions
- any evidence (in support or contradictory) that may have assisted it to better understand the strategic basis of the planning documents which support the proposed standards and provisions
- hearing from those in State Government who prepared the proposed planning provisions
- discussion with the consultants who prepared the supporting documents.
- discussing any aspect of this work with the relevant local Council officers.

The Committee has prepared this report taking these limitations into account within the 10 day timeframe available to it. It has had to accept the referred information before it at face value.

2 Summary of referred issues and findings

The issues and summary of the referred matters is taken directly from the referral letter

Table 1 Summary of referred issues findings

Issue	Summary	Findings
Deemed to comply, mandatory and discretionary controls	It is proposed that consistent built form standards, including building heights and setbacks, be established for application to activity centres across Victoria, depending on the precinct typology allocated. Given the variety of centres and the importance of contextual response in development, please advise on whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology: - Building height - Street wall/podium height - Front setback above street wall - Side and rear setbacks.	Building height - The Heritage Main Street Core and Residential areas of the activity centre should have a discretionary building height standard. - The deemed to comply standard is likely to have unintended consequences and may compromise heritage places. Street wall/podium height - The proposed deemed to comply street wall standard is appropriate for Non-Heritage Main Street Core, Fringe and Limited Sensitivities precincts. - The street wall height for Residential areas should be discretionary. - The proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary. Front setback above street wall - The standard for the Heritage Main Street Core should be discretionary given that the significance of heritage sites are not uniform and a different design response may be warranted. - The proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary. Side and rear setbacks - The side and rear setback standards should be discretionary for Heritage Main Street Core and Residential typologies. - The discretionary controls for Large Opportunity Sites and Enclosed Shopping centres are appropriate.

Issue	Summary	Findings
Sun access	It is proposed that the sun access standards vary depending on the type of street or the level of protection required for open parks and space. Please advise whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for open parks and space.	- All levels of discretion proposed for streets, parks and open space are generally appropriate. - The Urban Design Background Report and BFO Schedule should benefit from clarifying what is meant by 'Other streets' and 'Other parks and open space'. - The BFO provisions should be revised as outlined in this report to support the implementation of the level of discretion for sun access.
Wind	The proposed standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas. Please advise whether the provision is suitably drafted to achieve the provision's intended purpose.	- Wind standard findings should be read in conjunction with comments in the Referral 1 Report. - The wind provision is suitable to achieve the provision's intended purpose subject to the drafting changes recommended in the Referral 1 Report.
Active frontage	The proposed standard aims to support a vibrant, active and safe pedestrian environment. It is proposed that active frontages vary depending on whether they are a primary or secondary frontage. Please advise whether: - the standards are drafted to suitably achieve the intended purpose - the additional guidance included in the <i>Urban Design Draft Background Summary Report</i> will be beneficial in guiding a responsible authority's decision making.	- The active frontage standard is suitable to achieve the provision's intended purpose. - Matters of scale and visual interest appear unrelated to active frontages and it is unclear how they would assist in achieving the intended purpose.

Issue	Summary	Findings
Heritage	The proposed standards seek to ensure new development appropriately responds to the significance of identified heritage places. Please advise whether: - the application of discretionary standards are appropriate in this context - the appropriateness of deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites.	- It is appropriate to apply discretionary standards with respect to places of heritage significance. - Mandatory and deemed to comply standards should not be applied to heritage places unless the specific circumstances of the heritage place are known, and the standard ensures the significance of the place is appropriately protected.

Issue	Summary	Findings
Large opportunity sites and enclosed shopping centres	The proposed standards seek to manage development of sites over 5,000sqm. Please advise of the appropriateness of the following standards: - 5,000sqm threshold standard - master planning requirement - tower floor plate size standard - building separation standard - deep soil standard - pedestrian link standard.	5,000sqm threshold standard - The proposed 5,000 square metre threshold guidance generally achieves the intended outcome, however there is no information to explain 5,000 square metres is an appropriate measure for designating large opportunity sites. - There should be flexibility to consider moderately smaller sites that would benefit from the same process. Master planning requirement - The master planning provisions are suitable to achieve the intended purpose subject to changes recommended in the Referral 1 Report. Tower floor plate size standard - The proposed discretionary tower plate size standard is suitable to achieve part of the intended purpose, as it only applies to apartments. - A suitable standard should be considered for non-residential tower floor plates. Building separation standard - The discretionary building separation standards in Table 12 of the Urban Design Background report and Table 12 of the example BFO Schedule are suitable to achieve the intended purpose. Deep soil standard - The discretionary deep soil standard is suitable to achieve the intended purpose. Pedestrian link standard - The discretionary pedestrian link standard is suitable to achieve the intended purpose. - There would be benefit in providing guidance through a diagram showing how the standard is intended to operate.

Issue	Summary	Findings
Tree canopy	The proposed inclusion of further canopy tree guidance in the <i>Urban Design Draft Background Summary Report</i> seeks to enhance the amenity of established areas. Please advise whether the additional guidance will be beneficial in guiding a responsible authority's decision making.	- The proposed decision guideline would be appropriate in circumstances where a canopy tree may be considered desirable in a landscaped setback. - The BFO header provision provides very general decision guidelines and it would seem incongruous to include a detailed matter dealing with canopy trees in this provision.
Catchment boundary	It is proposed that the catchment is the area within walking distance of the local jobs, services and public transport of the Activity Centre. Please advise whether: - Defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose. - The proposed boundaries respond adequately to station locations, where stations are located outside the activity centre. - Other considerations should inform the setting of the boundary.	Defining the catchment - The Victoria Planning Authority's (VPA's) methodology for defining the catchment to be generally sound, but has not been applied consistently across the activity centres. - The Walkable Catchment boundary should be defined no more than 800 walkable metres (10 minutes) from the activity centre 'core' and from a train station located within the activity centre boundary. - Activity centre plans that do not show any Built Form Typologies should be revised to define the Main Street Core to enable their walkable catchment areas to be measured. - Chadstone, Epping and Broadmeadows should have separate consideration and criteria because they differ from all other referred centres. The proposed boundaries - The proposed boundaries respond adequately to stations outside the activity centre. - The existence of a train station alone outside the identified activity centre boundary should not be applied as criteria for measuring the catchment boundary. Other considerations The walkable catchment boundary for each activity centre should: - ensure that the average walker takes up to about 10 minutes to walk to the activity centre core

Issue	Summary	Findings
		- align along roads, rail, rivers or other easily discernible and consistent boundaries, including zone boundaries - avoid creating small pockets at the edge, where a more consistent edge could be created nearby - avoid aligning along rear or side boundaries between residential properties - avoid any area separated by built or topographic barriers such as divided arterial roads and steep topography with restrictive, hostile or unsafe connectivity.

3 Analysis

3.1 Key policy drivers

The Terms of Reference (in Clause 16) require the Committee to address the referred matters and its recommendations in the context of:

- Victoria's Housing Statement, The Decade Ahead 2024-2034
- Plan Melbourne 2017-2050 or any equivalent replacement planning strategy.

Key policy drivers in the Housing Statement relevant to planning for activity centres include, to:

- introduce clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne: Broadmeadows, Camberwell Junction, Chadstone, Epping, Frankston, Moorabbin, Niddrie (Keilor Road), North Essendon, Preston (High Street) and Ringwood
- introduce activity centre plans to guide investment in the things a growing suburb needs like community facilities, public spaces and parks
- incentivise affordable housing.

Key policy drivers in Plan Melbourne relevant to planning for activity centres include, to:

- encourage increased housing diversity and density in activity centres
- create inclusive, vibrant and healthy neighbourhoods
- provide a diverse range of jobs, activities and housing in centres that are well served by public transport
- provide certainty about the scale of growth in the suburbs
- support a network of vibrant neighbourhood activity centres Support new housing in activity centres and other places that offer good access to jobs, services and public transport
- facilitate housing that offers choice and meets changing household needs.

3.2 Deemed to comply, mandatory and discretionary controls

Whether the level of discretion (eg. Deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology:

- Building height
- Street wall/podium height
- Front setbacks above the street wall
- Side and rear setbacks.

General comments

The Urban Design Background Report, at Chapter 3, sets out the Built form standards proposed in the activity centre plans and states that they will be Mandatory (standards that must be met), Discretionary (standards that should be met) or Deemed to comply.

The standards differ depending on the Activity Centre Density Index Type. All activity centres referred to the Committee are classified as Type Two, Three or Four. No activity centre referred to the Committee is Type One, therefore the Committee's consideration about the appropriate level of discretion for these types of centres is theoretical.

The Committee was referred a draft schedule to the Built Form Overlay (BFO) for Moorabbin, but not the parent clause to the BFO. However, the Referral 2 Committee Members have referred to the parent provisions of the BFO to inform itself.

The BFO provisions define and explain each level of discretion. The Committee has relied on these provisions to understand the meaning of each level of discretion.

For some standards such as the 'Front setback above street wall or podium' and 'Side and rear setback', the Urban Design Background Report states:

If a proposed setback is greater than the standard the setback will still be considered 'deemed to comply'.

The proposed setback would have to be expressed as a minimum to enable any greater setback to also be considered deemed to comply.

For 'Building heights' and 'Street wall / podium heights', there is no similar notation in the Urban Design Background Report. The deemed to comply standards provide only one measure. For example, 21 metres (six storeys) in the Heritage Main Street Core in a Category 1 or 2 centre (Table 2).

The example BFO Schedule provides 'minimum building height' and 'maximum building height' associated with a deemed to comply standard and the provision states:

Buildings and works should not be lower than the discretionary or minimum deemed to comply building height or exceed the discretionary or maximum deemed to comply building height specified in Plan 3 and Table 2 of this schedule.

In this instance, it is assumed that any height equal to the minimum building height and up to, but not greater than the maximum building height meets the deemed to comply provisions. This should be clarified in the BFO or its schedule.

For the 'Street Wall/Podium', Table 3 in the Urban Design Background Summary Report (SAC version) provides one height for each built form typology. It is not clear whether a lesser height would still be considered deemed to comply.

The Committee has been asked to advise on the level of discretion, but not whether the provisions of the standards are appropriate. For example, the building height, number of storeys or setback distances. The Committee has not commented on the appropriateness of the standards themselves.

Building height

The Committee considers the deemed to comply provisions are appropriate for building heights in the following precinct types:

- Fringe
- Limited Sensitivities.

The Committee does not support a deemed to comply building height standard for the Heritage Main Street Core. These building heights should be discretionary to enable an appropriate response to protect the significance of a heritage place. This may include a response to a lower scale intact heritage streetscape or individual heritage property.

The Committee does not support a deemed to comply standard for Residential areas of the activity centre. It is difficult to know whether these residential areas are within the defined activity area itself or relate to the surrounding residential areas in the proposed walkable

catchment areas. The Committee has assumed for the purposes of this advice that they are residential areas within the defined activity centre and would be affected by the BFO.

Given the potential sensitivities and amenity impacts associated with residential land, the Committee considers the building height standard should be discretionary. This is because these residential areas typically abut residential land outside the activity centre and therefore will need to consider interfaces.

The Committee agrees with the VPA that discretionary building heights should apply to:

- Large Opportunity Sites
- Enclosed Shopping Centres.

Street wall/podium height

The Committee considers the proposed deemed to comply street wall standard is appropriate for Non-Heritage Main Street Core, Fringe and Limited Sensitivities precincts.

However, the street wall height should be discretionary for Heritage Main Street Core areas rather than deemed to comply, given that new development should sensitively respond to heritage streetscapes that may have a different or varied street wall character (for example two storeys).

Additional standards are proposed for *'heritage sites and buildings under the heritage overlay, as well as consideration of neighbouring properties'* (Section 3.9 of the Urban Design Draft Background Summary Report, SAC version). These are discretionary controls and the Committee considers that there should be consistency in the application of the standards for heritage areas.

The street wall height for Residential areas should be discretionary given the potential urban design and amenity impacts on these generally lower scale areas.

The Committee agrees the proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary.

Front setback above street wall

The rationale for the front setbacks above street wall standards is discussed in the City of Centres Report for the various Built Form Typologies.

Deemed to comply standards appear appropriate for the nominated typologies of Non-Heritage Main Street Core, Fringe, Limited Sensitivities and Residential precincts.

However, the standard for the Heritage Main Street Core should be discretionary given that the significance of heritage sites are not uniform and a different design response may be warranted.

The Committee agrees that for Large Opportunity Sites and Enclosed Shopping Centres that the standard should be discretionary.

Side and rear setbacks

In response to submissions, the exhibited side and rear setback standards have been amended by VPA to be broadly consistent with those in Activity Centre Zone Schedule 1 of the Geelong Planning Scheme. It is noted in this example the side and rear setbacks standards are 'preferred minimum setback to boundary line' and are therefore discretionary controls.

The side and rear setback standard is proposed to be deemed to comply for all typologies except for Large Opportunity Sites and Enclosed Shopping Centres, in which it is proposed to be discretionary.

The Committee considers that these standards should also be discretionary for Heritage Main Street Core and Residential typologies. For similar reasons to previously described, these typologies have greater variation between sites and greater potential to impact on heritage significance or cause amenity impacts on adjacent properties.

The discretionary controls for Large Opportunity Sites and Enclosed Shopping centres are appropriate.

3.3 Sun access

Whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for parks and open space.

The Committee has interpreted the referral question as limited to the appropriateness of the level of discretion for streets and parks and open spaces as set out in Table 8 of the Urban Design Background Report.

The proposed sun access standards adopt a hierarchical approach to the level of protection and the level of discretion. The Committee broadly supports this approach and understands the street and open space types will be identified on plans in the BFO Schedule.

The Committee considers all levels of discretion proposed for streets, parks and open space are generally appropriate.

It is unclear what is meant by 'Other streets' in Table 8 of the Urban Design Background Report and Table 4 of the example BFO Schedule. This may be interpreted as all other streets in an activity centre or specially identified other streets. The report and schedule would both benefit from clarifying the intent.

Similarly, it is unclear what is meant by 'Other parks and open spaces' in Table 8 of the Urban Design Background Report.

To support the implementation of the level of discretion, the Committee considers the BFO provisions should:

- specify the date of the winter control as 21 June to align with the date applied in the Victorian Planning Provisions
- measure the protected footpath zone in 'Key pedestrian streets/green streets' from the back-of-kerb rather than 5 metres from the property boundary to protect solar access to the footpath and any planted area.

When preparing the relevant BFO Schedule map, the planning authority should consider whether it is appropriate to designate carparking, hardstand areas and incidental buildings as park or open space.

3.4 Wind

Whether the provision is suitably drafted to achieve the provision's intended purpose.

Regarding the wind provision, the Urban Design Background Report states:

This standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas.

The wind provision appears in both the draft BFO provided through Referral 1 and the draft BFO Schedule provided through Referral 2. This chapter should be read in conjunction with comments on the BFO wind provisions in the Referral 1 Report.

The example BFO Schedule and Table 9 of the Urban Design Background Report define comfortable and unsafe wind conditions and apply specific provisions associated with each condition. The Committee compared these with the Clause 58.04-4 Standard 17 which applies to 5 or more storeys.

The Committee considers the wind provision is suitable to achieve the provision's intended purpose subject to the drafting changes recommended in the Referral 1 Report. This includes applying:

- the wind provisions to development of five or more storeys excluding the basement, consistent with Clause 58.04-4 Standard 17
- mandatory provisions that ensure development does not cause unsafe wind conditions
- discretionary provisions that ensure development achieves comfortable wind conditions.

3.5 Active frontage

Whether the standards are drafted to achieve the provision's intended purpose to support a vibrant, active and safe pedestrian environment.

The standard states that it is proposed that active frontages will vary depending on whether they are a primary or secondary frontage. As outlined in the Referral 1 report, not all activity centre plans appear to identify active frontages, nor show primary and secondary active frontages. This would be required for the standard to be implemented.

The Committee considers that the standards will achieve what is intended. The standard for an area identified as primary active frontages (preferred minimum 80 per cent clear glazing) generally reflects the permit trigger requirement in the Commercial 1 Zone and is suitable to achieve the provision's intended purpose.

The secondary active frontage standard (preferred minimum 60 per cent clear glazing) also appears suitable to achieve the intended outcome. The Committee notes that the provision is intended to be discretionary, which is appropriate given that site circumstances will vary.

In response to submissions, the VPA has recommended strengthening the standard by further guidance in the activity centre plans, considering whether the application provides high quality human scale environment at ground level that provides visual interest, comfortable scale and safe edge to the public realm. While these appear to be generally sound urban design principles, matters of scale and visual interest appear to be somewhat unrelated to active frontages it is unclear how this would assist in achieving the intended purpose.

3.6 Heritage

Whether the application of discretionary standards is appropriate.

The Committee considers it is appropriate to apply discretionary standards with respect to places of heritage significance. This will ensure new built form responds to the significance of the place and its heritage context. Heritage places often require bespoke built form outcomes that respond to the significance of the place. Discretionary standards are best able to manage these circumstances within the proposed suite of built form controls.

Mandatory and deemed to comply standards should not be applied to heritage places unless the specific circumstances of the heritage place are known, and the standard ensures the significance of the place is appropriately protected. As the standards have been drafted to apply in relative generic circumstances, discretionary standards are appropriate.

The Committee has not been asked to make any comment with respect to the specific standards referred to in Table 11 in the Urban Design Draft Background Summary Report (SAC version). Its comments have been limited to whether the standards should be discretionary.

Whether deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites are appropriate.

For the reasons outlined above, the Committee does not consider it is appropriate to apply deemed to comply provisions to sites adjacent to sites on the Victorian Heritage Register or to sites adjacent to significant or contributory heritage places in a Heritage Overlay. These standards should be discretionary to ensure that development responds appropriately to the heritage significant fabric on the adjoining land.

It is unclear to the Committee how deemed to comply provisions could adequately protect the heritage significance of an adjoining property without having regard to the circumstances of the heritage place. In this context, discretionary standards are appropriate.

3.7 Large opportunity sites and enclosed shopping centres

Whether the following controls are suitable to achieve the intended purpose:

5,000sqm threshold standard

It is the Committee's understanding that the proposed 5,000 square metre threshold is intended to guide land to be identified as a large opportunity site and enclosed shopping centre in the BFO Schedule Built Form Typology Plan. Some of these sites can then be identified for master planning.

The proposed 5,000 square metre threshold guidance generally achieves the intended outcome, however there is no information to explain why the 5,000 square metre threshold is appropriate for designating large opportunity sites. The Committee is concerned this threshold may exclude moderately smaller sites that warrant special consideration and master planning. While there may be benefit in specifying an indicative threshold, there should be flexibility to consider sites that would benefit from the same process.

Master planning requirement

Regarding master planning on large opportunity sites and enclosed shopping centres, the Urban Design Background Report states:

The master planning process can provide certainty regarding the nature of use and development proposal. It ensures that permits granted are generally in accordance with the master plan. Additionally, it provides an opportunity for local councils and developers to align on the holistic vision and different aspects of the development, thereby avoiding a lengthy and resource-intensive application process and reduces VCAT appeals.

The content and operation of the master plan is outlined in the parent BFO. The Committee considers the master planning provisions are suitable to achieve the intended purpose subject to changes recommended in the Referral 1 report.

Tower floor plate size standard

Regarding the tower floor plate size standard, the Urban Design Background Report states:

The preferred maximum tower floor plate size, in combination with building separation create architectural interest and visually reduces the overall scale of the building's mass. This approach minimises the loss of sky views from the public realm and facilitates natural light penetration into interior spaces. It also minimises shadow impacts and adverse wind conditions on surrounding streets, parks, open space and properties.

This intended purpose does not specify any building type. However, the tower floor plate size standard proposes *residential* built form above the preferred maximum street wall height to apply a preferred maximum floorplate size of not more than 1,000 square metres per tower.

The Committee considers the proposed discretionary tower plate size standard is suitable to achieve part of the intended purpose. This is because the Urban Design Background Report is intended to only apply to residential built form, as expressed in the example BFO Schedule. A suitable standard should be considered for non-residential tower floor plates.

Building separation standards

The intended purpose of the building separation standards is embedded within the purpose of the tower floor plate standard, as shown in the previous section.

The Committee considers the discretionary building separation standards in Table 12 of the Urban Design Background report and Table 12 of the example BFO Schedule are suitable to achieve the intended purpose. The discretionary provisions enable flexibility to consider different circumstances such as where building facades are not parallel or windows are offset.

Deep soil standard

Regarding the deep soil standard, the Urban Design Background Report states:

Providing adequate space for deep soil planting for canopy trees at the ground level will enhance the public realm's amenity and help reduce the urban heat island effect.

The Report acknowledges that apartment developments are currently required to provide 10 per cent of the site for deep soil planting at ground level through Planning Scheme Clause 58. The Report applies the same deep soil standard to commercial developments within Large Opportunity Sites and Enclosed Shopping Centres:

Commercial developments within Large Opportunity Sites and Enclosed Shopping Centres will also be required to allocate a minimum 10 per cent of the site for deep soil planting at ground level.

The Committee considers the discretionary deep soil standard is suitable to achieve the intended purpose. This is because applying the standard to apartments and commercial developments in Large Opportunity Sites and Enclosed Shopping Centres will help respond to urban heat island effect.

Pedestrian link standard

Regarding the pedestrian link standard, the Urban Design Background Report states:

The inclusion of pedestrian links aims to facilitate access to and from the activity centre as well as transport interchanges, train stations, and public open space.

The proposed pedestrian link standard is:

Where the average urban block length exceeds 100 metres, development abutting to two or more streets or laneways should provide a new through-block pedestrian connection.

The Committee considers the discretionary pedestrian link standard is suitable to achieve the intended purpose. There would be benefit in providing guidance through a diagram showing how the standard is intended to operate like the wind standard diagram shown in the parent BFO. This should explain how the 'average block length' is measured.

3.8 Tree canopy

Whether the additional guidance regarding the sufficiency of the landscape setback to provide for canopy trees will be beneficial in guiding a responsible authority's decision making.

The Committee understands that it is proposed to include an additional decision guideline:

Whether the landscape setback provides sufficient depth and deep soil area to accommodate landscaping including canopy trees without impeding site services, infrastructure and building footings.

It is unclear where this decision guideline may be inserted.

The Committee observes that identical wording is included in the example BFO Schedule provided by the DTP in Attachment E. This decision guideline was included under the heading 'Front setback, street wall height and setback above the street wall'. There was no such guideline under the heading 'Side and rear setbacks, separation within a site and sensitive interfaces'.

The Committee considers the proposed decision guideline would be appropriate in circumstances where a canopy tree may be considered desirable in a landscaped setback. This could be for a front, side or rear landscaped setback depending upon the circumstances.

The Committee understands this is a matter that would be included in a BFO Schedule specific to the circumstances of the relevant activity centre. This is appropriate.

BFO Clause 43.06-12 (Decision guidelines) in the parent provision provides very general decision guidelines and it would seem incongruous to include a detailed matter dealing with canopy trees in this provision.

3.9 Catchment boundary and heights**Background**

The Moorabbin, Niddrie and North Essendon Activity Centre Plans identify 'Built Form Typologies' that include a Heritage Main Street Core and/or Non-Heritage Main Street Core. The City of Centres Report identify the same Built Form Typologies for the remaining referred centres. However, the extent of the activity centre boundary varies between the activity centre plans and the plans included in the City of Centres Report.

The Broadmeadows, Epping and Chadstone activity centres differ from the above groups because their Built Form Typologies do not include a Heritage or Non-Heritage Main Street Core.

Whether defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose.

VPA explains in its *Universal Submissions Key Matters Report* that it applied the following methodology to determine the walkable catchment:

- Identify the activity centre's residential and non-residential areas.
- From the edge of the activity centre core's non-residential areas, identify an 800-metre walkable catchment using streets, rather than 'as the crow flies'.
- Refine this catchment area to generally apply to whole blocks.
- Further reduce where there are:
 - natural and physical barriers
 - limiting planning controls or environmental constraints that make these areas inappropriate for the proposed residential change
 - areas subject to future planning investigations.

The Committee considers the VPA's methodology for defining the catchment to be generally sound. However, it has not been applied consistently across all centres and the mapping of the centres does not appear to have taken these criteria into account in some circumstances. For example, there appear to be minimal change areas with heritage, flooding or other constraints included in parts of the walkable catchments.

The Walkable Catchment boundary should be defined as no more than 800 walkable metres (10 minutes) from the activity centre 'core' and from a train station located within the activity centre boundary. The VPA defines the core as the 'Heritage Main Street Core' and the 'Non-Heritage Main Street Core' precincts. This approach is consistent with Plan Melbourne which seeks a maximum 10-minute walk to and from daily needs such as local health facilities and services, schools and supermarkets.

Planning Practice Note 58 also refers to a walkability measure of 800 metres, being 10 minutes.

The walkable catchment boundary should not be measured from the edge of the whole activity centre area. This is because many activity centres, as defined in the plans, include land uses that do not relate to the need for day-to-day walkability such as service trades and other peripheral uses. These land use types should be excluded when measuring to the walkable catchment boundary. Specifically, the catchment boundary should be measured from points that exclude:

- Fringe precincts
- Large Opportunity Sites and areas with Limited Sensitivities (depending on their current land use)
- Residential areas.

Measuring the walkable catchment from the boundary of these areas has resulted in parts of walkable catchments being up to 1.6 kilometres from the activity centre's core. This represents:

- a 40-minute return trip (or greater where there are barriers)
- more than double the maximum time people are willing to walk to meet their daily needs.

If public open space located on the periphery of the activity centre core is included, it can have the effect of inflating the real walkable distance from the walkable catchment boundary to the retail core of the centre. Public open space located on the periphery of the activity centre core should be excluded when calculating the walkable catchment area. Where public open spaces are located within the retail core, then they should be included when measuring the catchment area.

Some Large Opportunity Sites and areas with Limited Sensitivities may include existing land uses that could be categorised as part of the activity centre core. If these land uses serve the day-to-day needs of the local community then it is appropriate to include them within the defined core of the Activity Centre. This is a matter to be determined on a case-by-case basis for each Activity Centre.

Activity centre plans that do not show any Built Form Typologies should be revised to define the Main Street Core. This will enable their walkable catchment areas to be measured.

Chadstone Shopping Centre is a freestanding centre with unique attributes and requires separate consideration and criteria. Similarly, Epping and Broadmeadows comprise a freestanding centre surrounded by large opportunity sites and land with limited sensitivities so requires separate consideration.

Whether the proposed boundaries respond adequately to station locations, where stations are located outside the activity centre.

The proposed boundaries respond adequately to stations outside the activity centre. This approach is consistent with the Walkable Catchment Zone purpose which seeks:

To provide housing at increased densities in locations within walking distance to employment, services and public transport.

This purpose seeks increased housing densities within walking distance to areas that meet all these criteria. The existence of a train station alone outside the identified activity centre boundary does not meet with this purpose so a station should not be applied as criteria for measuring the catchment boundary. This does not preclude the ability to consider intensified housing density around such stations through another process and for different purposes.

Whether other considerations should inform the boundary setting.

The Committee considers the criteria, described in Section 7.1 in the draft activity centre plans, for applying the catchment boundary to be generally appropriate. However, they have not been applied correctly across all activity centres and the boundaries should be further refined having regard to these criteria.

It is appropriate to apply a walkable route to the activity centre rather than a measurement 'as the crow flies'. However, walkability should consider the time it takes to walk to the Activity Centre core, not just the distance (in metres) to the centre. Although it typically takes around 10 minutes to walk about 800 metres, it can take significantly longer if the walker has to cross busy roads or other barriers. Crossing multiple sequences of pedestrian lights can add significant time to a trip and the metric of 800 metres may need to be adjusted in some instances to balance the additional time it takes to walk to the core. Further, poor pedestrian amenity is a factor that will limit use of some routes. The walkable catchment boundary should be further refined to ensure that the average walker takes up to about 10 minutes to walk to the activity centre core.

Catchment boundaries should also be revised consistent with the criteria to:

- align along roads, rail, rivers or other easily discernible and consistent boundaries, including zone boundaries
- avoid creating small pockets at the edge, where a more consistent edge could be created nearby
- avoid aligning along rear or side boundaries between residential properties
- avoid any area separated by built or topographic barriers such as divided arterial roads and steep topography with restrictive, hostile or unsafe connectivity.

Whether the building heights allowable within the catchment should be graduated by the level of access to activity centres and public transport.

It is appropriate to apply different building heights within the walking catchment area that graduate based on the level of access to the activity centre and public transport. This should be determined having regard to the site context and conditions of the area. A Schedule to the Walkable Catchment Zone should facilitate local variations to building heights in the walking catchment to reflect the local characteristics of each catchment. This would limit consequences of isolated six storey development at the edges of walkable catchments with adverse impacts on neighbourhood character and amenity.

Appendix A Terms of Reference

Relevant clauses are extracted below.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the ACP to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.
5. The objective of the Committee is to provide consistent advice for activity centre planning and outcomes in relation to the Activity Centres Program in a transparent, timely and cost-efficient process on any matter referred to it.

Referral

14. A referral may be provided by the Minister or delegate. A referral letter will set out the specific matters on which the Committee is to provide advice, as well as any specific matters on which advice is not to be provided. The referral letter to the Committee will be a public document.
15. Any referral must be accompanied by relevant information to assist the Committee's review provided by DTP and/or the VPA. This may include (but will not necessarily be limited to):
 - a. Relevant strategic work undertaken by Council, DTP or VPA for the relevant activity centre
 - b. Referred submissions
 - c. A summary of key issues raised in submissions
 - d. Proposed changes in response to issues raised in submissions
 - e. An index listing each document referred to the Committee.

Advisory committee report and recommendations

16. For each matter referred, the Committee must produce a written report that provides a succinct summary of the key issues and its recommendations. The report must address the referred matters and its recommendations in the context of:
 - a. *Victoria's Housing Statement, The Decade Ahead 2024-2034*;
 - b. Plan Melbourne 2017-2050 or any equivalent replacement planning strategy;
17. The Committee may address more than one referred matter and combine its assessment of these in a single report.
18. The Committee is required to submit each report to the Minister and DTP no later than 10 business days from receipt of the referral and all accompanying information required by clause 15. DTP must give at least five business days' notice of each likely referral to ensure the Committee is able to source appropriately skilled Members.

Appendix B Referral letter

25 October 2024

Sarah Raso
Lead Chair
Activity Centres Standing Advisory Committee
Planning Panels Victoria
planning.panels@transport.vic.gov.au

Dear Sarah,

Referral No. 2: Common matters across activity centres Referral to the Activity Centres Standing Advisory Committee

I refer to planning matters that form part of the Activity Centres Program (ACP), an initiative from *Victoria's Housing Statement, The decade ahead, 2024-2034*.

This referral relates to "common" matters that apply to many of the activity centres within the ACP. Many of these matters were raised a program-wide matters by peak industry bodies.

Background

The Activity Centres program seeks to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne. The Department of Transport and Planning (DTP) is leading the Activity Centres Program in partnership with the Victorian Planning Authority (VPA).

The VPA has prepared draft Activity Centre Plans that will form part of the Activity Centre Program amendment package along with new ordinance including a Built Form Overlay schedule. The draft Activity Centre Plan consolidates the strategic work undertaken to prepare new planning controls for activity centres.

On 22 August 2024, the Minister for Planning appointed the Activity Centres Standing Advisory Committee (the Committee) to provide consistent advice for activity centre planning and outcomes in relation to the Activity Centres Program in a transparent, timely and cost-efficient process on any matter referred to it.

Between 22 August and 29 September 2024, DTP and VPA undertook public consultation in relation to the 10 activity centres. The ACP generated significant community interest with a total 1,091 written submissions and 8,801 survey responses received from current and potential future residents, businesses, government agencies, authorities, community groups, members of the development industry and councils. There were also a series of meetings held with community reference groups, councils and other stakeholders as well as in-person pop-ups in activity centre locations where in-person feedback was sought.

A summary of engagement undertaken, analysis of the matters raised stakeholders and the community, and changes proposed to the draft Activity Centre Plans in response to these submissions, is included in the referral documentation.

Referral

In accordance with Clause 14 of your Terms of Reference (August 2024), and delegation provided to me, I have determined to seek advice and recommendations from the Committee on the proposed activity centre built form standards and other common matters raised in submissions. Only select submissions received during consultation which are relevant to the common matters are being referred to the Committee, and the Committee's advice is only sought on the matters outlined in the table below.

MATTER	ADVICE TO BE PROVIDED
Deemed to comply, mandatory and discretionary controls.	It is proposed that consistent built form standards, including building heights and setbacks, be established for application to activity centres across Victoria, depending on the precinct typology allocated. Given the variety of centres and the importance of contextual response in development, please advise on whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology: • Building height • Street wall/podium height • Front setback above street wall • Side and rear setbacks
Sun Access	It is proposed that the sun access standards vary depending on the type of street or the level of protection required for open parks & space. Please advise whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for parks & open space.
Wind	The proposed standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas. Please advise whether the provision is suitably drafted to achieve the provision's intended purpose.
Active Frontage	The proposed standard aims to support a vibrant, active and safe pedestrian environment. It is proposed that active frontages vary depending on whether they are a primary or secondary frontage. Please advise whether: • the standards are drafted to suitably achieve the intended purpose. • the additional guidance included in the <i>Urban Design Draft Background Summary Report</i> will be beneficial in guiding a responsible authority's decision making.
Heritage	The proposed standards seek to ensure new development appropriately responds to the significance of identified heritage places. Please advise whether: • the application of discretionary standards are appropriate in this context. • The appropriateness of deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites.
Large Opportunity Sites and Enclosed Shopping Centres	The proposed standards seek to manage development of sites over 5,000sqm. Please advise whether the following controls are suitable to achieve the intended purpose: • 5,000sqm threshold standard • master planning requirement, • tower floor plate size standard, • building separation standard, • deep soil standard • pedestrian link standard.
Tree canopy	The proposed inclusion of further canopy tree guidance in the <i>Urban Design Draft Background Summary Report</i> seeks to enhance the amenity of established areas. Please advise whether the additional guidance will be

	beneficial in guiding a responsible authority's decision making.
Catchment boundary	It is proposed that the catchment is the area within walking distance of the local jobs, services and public transport of the Activity Centre. Please advise whether: - Defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose. - The proposed boundaries respond adequately to station locations, where stations are located outside the activity centre. - Other considerations should inform the setting of the boundary - The building heights allowable within the catchment should be graduated by the level of access to activity centres and public transport

In accordance with Clause 12 of your Terms of Reference, the Committee must conduct its work with a view to maximising efficiency and timeliness. As such, I look forward to the Committee providing its report to the Minister for Planning no later than 10 business days from receipt of this referral, in accordance with Clause 18 of the Terms of Reference.

Please find enclosed the supporting documents required by Clause 15 of the terms of reference.

If you have any questions about this matter, please contact Stefan Bettiol, Planning Manager at the Department of Transport and Planning.

Yours sincerely,



Natalie Reiter
Deputy Secretary Strategy & Precincts
Department of Transport and Planning

Encl. The following referral documents have been shared with you electronically:

- Att A: Report addressing key matters
- Att B: Urban Design Draft Background Summary Report
- Att C: Urban Design Draft Background Summary Report (Engagement version)
- Att D: City of Centres Report, Sheppard & Cull
- Att E: Schedule to the Built Form Overlay (example)
- Att F: Submissions
- Att G: Document list.

cc. Stuart Moseley, CEO, VPA
Emily Mottram, Executive Director - Activity Centres, DTP

Appendix C Referred information

No.	Date	Description	Provided by
1	28 Oct 24	Referral Letter dated 25 October 2024	Department of Transport and Planning (DTP)
2	28 Oct 24	Activity Centre Program Universal Submissions, Key Matters Report, VPA, October 2024	DTP
3	28 Oct 24	<i>City of Centres: Development of typology-based built form controls</i> , Sheppard & Cull, May 2024	DTP
4	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, August 2024 (engagement version)	DTP
5	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, October 2024 (Committee version) including Appendices	DTP
6	28 Oct 24	Built Form Overlay Schedule (Example)	DTP
7	28 Oct 24	Submission – Vicinity Centres	DTP
8	28 Oct 24	Submission – Essendon Fields Airport	DTP
9	28 Oct 24	Submission – Urban Design Forum	DTP
10	28 Oct 24	Submission – Property Council Australia	DTP
11	28 Oct 24	Submission – Urbis Pty Ltd	DTP
12	28 Oct 24	Submission – Banyule City Council	DTP
13	28 Oct 24	Submission – Planning Institute of Victoria	DTP
14	28 Oct 24	Submission – YIMBY Melbourne	DTP
17	28 Oct 24	Common matters – Document List	DTP

**Planning
Panels
Victoria**

Referral 5: Chadstone Activity Centre

Activity Centres Standing Advisory Committee Report

12 November 2024



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

Planning and Environment Act 1987

Activity Centres Standing Advisory Committee Report

Referral 5: Chadstone Activity Centre

12 November 2024



Sarah Carlisle, Chair



Elizabeth McIntosh, Member



Rebecca Finn, Member



Peter Edwards, Member

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Glossary and abbreviations

ACP	Activity Centres Program
the Activity Centre	Chadstone Activity Centre
the Activity Centre Plan	draft Chadstone Activity Centre Plan, VPA, 2024
BFO	Built Form Overlay
City of Centres Report	<i>City of Centres: Development of typology-based built form controls</i> , Sheppard & Cull, May 2024
Committee	Activity Centres Standing Advisory Committee
DTP	Department of Transport and Planning
Glen Eira	Glen Eira City Council
IPO2	Incorporated Plan Overlay Schedule 2
Minister	Minister for Planning
Monash	Monash City Council
MUZ	Mixed Use Zone
NCO	Neighbourhood Character Overlay
shopping centre site	Chadstone Shopping Centre site
Stonnington	Stonnington City Council
Urban Design Background Report	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, 2024
Urban Design Framework	Monash Boulevards Urban Design Framework
Vicinity	Vicinity Centres Pty Ltd
VPA	Victorian Planning Authority
VPA Report	Chadstone Key Matters Report, VPA, 2024
WCZ	Walkable Catchment Zone

Overview

Referral summary

Referral	5: Chadstone
Subject land	See Figure 1
Referred submissions and information	See Appendix C
Referred issues	Advice sought on: - landscape setbacks - sun access - active frontages - master plans - building height - street wall podium height - catchment boundary Advice not to be provided on: - any other matter

Committee

The Committee	Sarah Carlisle (Chair), Elizabeth McIntosh, Rebecca Finn, Peter Edwards
Supported by	Georgia Brodrick (Planning Panels Victoria)
Site inspection	23 October 2024
Date of this report	12 November 2024

1 Introduction

1.1 Terms of Reference and referral letter

The Minister for Planning (Minister) appointed the Activity Centres Standing Advisory Committee (Committee) on 22 August 2024. The purpose of the Committee is set out in its Terms of Reference dated 22 August 2024 (see Appendix A):

... provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the [Activity Centres Program] ACP to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.

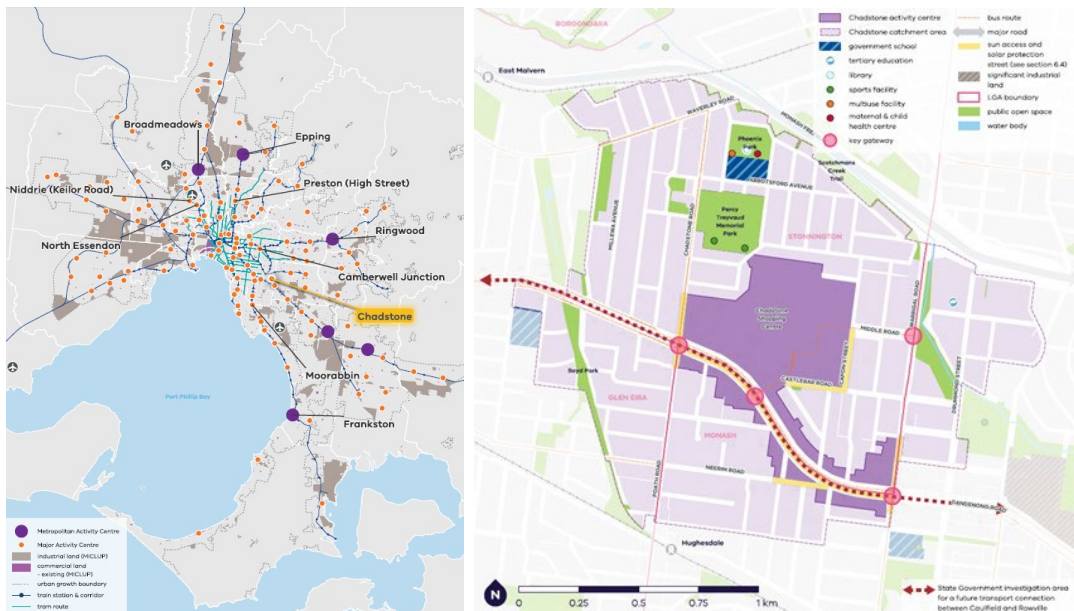
This is Referral 5. The Minister's referral letter for Chadstone dated 25 October 2024 is included in Appendix B.

The Minister seeks the Committee's advice on specific issues as outlined in the referral letter and shown in the Overview.

1.2 Chadstone Activity Centre

The Chadstone Activity Centre (the Activity Centre) is located around 17 kilometres from the Melbourne CBD. The Activity Centre is shown in dark purple, and the proposed walkable catchment in light purple, in Figure 1 (right image).

Figure 1 Chadstone Activity Centre – regional context (left) and extent of the Activity Centre and proposed walkable catchment (right)



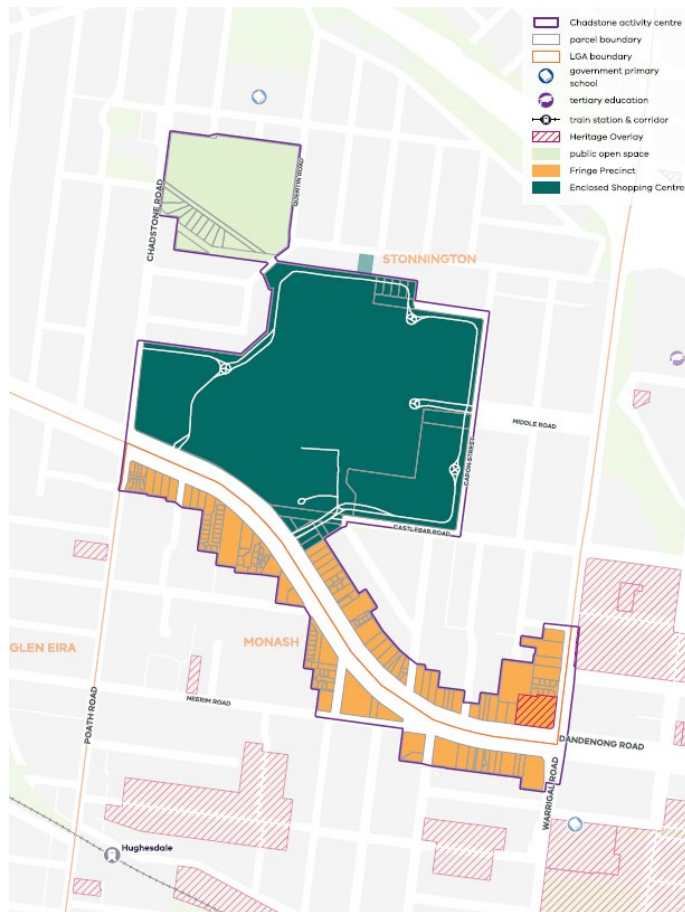
Source: Draft Chadstone Activity Centre Plan, Plan 1 (left) and Figure 1 (right)

The Activity Centre is partially located within the municipalities of Stonnington and Monash. It is around 53 hectares. The walkable catchment includes areas within municipality of Glen Eira.

The Activity Centre features a mix of commercial, retail, civic and residential uses. It is recognised as a regionally significant commercial area, principally because of the inclusion of Chadstone Shopping Centre, which is Melbourne's largest freestanding shopping centre.

The draft Chadstone Activity Centre Plan, Victorian Planning Authority, 2024 (the Activity Centre Plan) identifies two built form typologies in the Activity Centre – 'Enclosed Shopping Centre' and 'Fringe Precinct' (see Figure 2). Much (but not all) of the Enclosed Shopping Centre typology area is taken up by Chadstone Shopping Centre site (shopping centre site), owned by Vicinity Centres Pty Ltd (Vicinity).

Figure 2 Chadstone Activity Centre built form typologies



Source: Chadstone Activity Centre Plan, Plan 4

The Incorporated Plan Overlay Schedule 2 (IPO2) under the Stonnington Planning Scheme applies to the shopping centre site. No detail was provided on whether the IPO2 will be retained. The Committee understands the Chadstone Shopping Centre Incorporated Plan, August 2012 has been approved under the IPO2, but it was not provided with a copy.

The Activity Centre Plan sets out the built form outcomes supported within the Activity Centre in Section 5 and the built form standards in Section 6. Local variations are proposed in relation to (as relevant to the referred matters):¹

- building heights in the Enclosed Shopping Centre typology
- street wall heights and landscape setbacks in the Fringe Precinct.

The extent of the catchment and the proposed types of housing in the catchment are described in Section 7 (Catchment area) of the Activity Centre Plan, which states:²

Implementation of the preferred built form outcome in the catchments is under investigation.

1.3 The Committee's approach

The Committee has conducted its assessment process in accordance with the procedural requirements of the Terms of Reference, in particular Clauses 9, 10, 12 and 18. It has reported on all relevant matters in accordance with its Terms of Reference, particularly Clause 16.

Clause 12 of its Terms of Reference require the Committee to:

... conduct its work with a view to maximising efficiency and timeliness. This may include conducting reviews 'on the papers' without oral hearings where the Committee considers it appropriate depending on the nature of the matter referred.

Clause 18 requires the Committee to submit its report to the Minister and the Department of Transport and Planning (DTP) no later than 10 business days from receipt of the referral. This timeframe did not allow for a Hearing to consider oral submissions or evidence on the Referral.

Given the very targeted nature of the Committee's scope, issues to be considered and advice required, and reporting timeframes, the Committee considered an on the papers process to be appropriate.

1.4 Limitations

The Committee has confined its consideration to the matters in the table in the referral letter, as directed in the referral letter.

Despite the confined nature of the matters on which the Committee's advice is sought, a substantial amount of information was referred to the Committee (see Appendix C). This did not include draft controls for the Activity Centre, although a sample Built Form Overlay (BFO) schedule (for Moorabbin) was provided. In the time available, the Committee has not been able to comprehensively review the referred material. It has focussed on those parts which relate to the matters on which the Committee's advice is sought.

The targeted consultation in relation to the Activity Centre resulted in 812 submissions. Only six submissions were referred to the Committee. The referred submissions are listed in Appendix C. The Committee has only considered the referred submissions, and only insofar as they relate to the referred matters.

The Activity Centre Plan is a form of structure plan. Ordinarily, structure plans would be supported by a number of centre specific background reports covering a range of technical

¹ Updated Urban Design Report (Document 6), Table 14

² See Section 2.2

disciplines, for example strategic planning, future population targets and yields, capacity analysis, built form and urban design analysis, economic analysis, traffic and transport assessments, community infrastructure needs assessments and so on.

The Committee was referred two background urban design reports, which relate to the Activity Centre Program (ACP) more broadly:

- *City of Centres: Development of typology-based built form controls*, Sheppard & Cull, May 2024 (City of Centres Report)
- *Activity Centre Program Urban Design draft background summary report*, Victorian Planning Authority, 2024 (engagement version and Committee version) (Urban Design Background Report).

The referred material did not include any background material relating specifically to the Chadstone Activity Centre or the Chadstone Activity Centre Plan.

The Committee did not have the benefit of a public Hearing or any discussions or evidence (in support or contradictory) that may have assisted it to better understand the strategic basis of those aspects of the Activity Centre Plan related to the referred matters. Further, while the referred information included submissions from Stonnington City Council (Stonnington), Monash City Council (Monash) and Glen Eira City Council (Glen Eira), the Committee did not have the benefit of discussing any aspect of the Activity Centre Plan or the Council submissions with the relevant Council officers, or with the main landowner of the shopping centre site (Vicinity).

Clause 13 of the Committee's Terms of Reference state:

13. The Committee may invite the Department of Transport and Planning (DTP), the Victorian Planning Authority (VPA), a relevant Council and/or any other party to identify or address any matters through further written comments (noting that this does not extend the time for provision of a Report as required by Clause 19).

Given the 10 day reporting timeframe, the Committee chose not to request further information under Clause 13, as it would not have been practical and may have resulted in procedural fairness concerns.

The Committee has prepared this Report within the 10 day timeframe under the Terms of Reference. Given the limitations outlined above, the Committee has largely had to accept the material at face value. The advice contained in this Report should not be taken as a comprehensive merits review of the Chadstone Activity Centre Plan. It is targeted advice confined to the referred matters.

2 Summary of referred issues and findings

The issue and summary of the referred matters is taken directly from the referral letter.

Table 1 Summary of referred issues and findings and recommendations

Issue	Summary	Committee findings
Landscape setbacks	It is proposed that landscape setbacks will support urban greening. Please advise whether: - the designated locations in <i>the draft Chadstone Activity Centre Plan (September 2024)</i> for landscape setbacks are suitable to achieve the intended purpose, including: - 7.6 metre deemed to comply front landscaping setback as a (local variation) along Dandenong Road is appropriate to provide opportunity for large canopy tree planting and to contribute to an improved boulevard character.	Additional locations for landscaped setbacks will need to be designated in the Activity Centre Plan to achieve the intended purpose. The setback on the north side of Dandenong Road should be extended along the shopping centre site frontage. Landscape setbacks should be designated along the shopping centre site frontages on Chadstone Road, Castlebar Road and Capon Street. The Committee does not have sufficient information to advise how wide the setbacks need to be on Chadstone Road, Castlebar Road and Capon Street. The proposed 7.6 metre landscape setback along Dandenong Road is appropriate to provide an opportunity for large canopy tree planting and to contribute to an improved boulevard character along Dandenong Road.

Issue	Summary	Committee findings
Sun access	It is proposed that sun access and protection is vital for public spaces and the open space network. It is proposed that sun and solar access standards are applied to streets, parks and open spaces. Please advise whether: - modifying the designated locations in the <i>draft Chadstone Activity Centre Plan (September 2024)</i> is suitable to achieve the intended purpose, specifically the: - removal of 'Boulevard' classification as a (local variation) as it relates to sun access and solar protection for the section of Dandenong Road between Chadstone Road and the intersection of Maroo Street / Dandenong Road to support the long-term strategic development of Chadstone Shopping Centre, and - removal of the 'Key pedestrian streets / green streets' classification as a (local variation) on Chadstone Road to support the long-term development opportunities in the south-west corner of Chadstone Shopping Centre.	It is appropriate to remove the: - 'Boulevard' designation along the section of Dandenong Road fronting the shopping centre site - 'key pedestrian/green streets' designation on Chadstone Road. These are not pedestrian friendly streets or places where people are likely to stop and rest and enjoy sun access. This may require further consideration if the Committee's recommendation for a landscape setback to be designated along Chadstone Road is accepted.
Active Frontages	It is proposed that some public interfaces should be designed to contribute to the use, activity, safety and interest of the public realm. Please advise whether: - the designated locations in the <i>draft Chadstone Activity Centre Plan (September 2024)</i> are suitable to achieve the intended purpose.	Additional locations will need to be designated as active frontages if the intended purpose is to be achieved. The Committee does not have sufficient information to advise where additional active frontages should be designated. Areas to be considered include: - external edges of the shopping centre site - internal locations within the shopping centre site, depending on its future layout and activity nodes. Active frontages for the shopping centre site should be considered as part of the master plan (see below).

Issue	Summary	Committee findings
Master plans	Master planning requirements are not proposed in the <i>draft Chadstone Activity Centre Plan (September 2024)</i>. Please advise whether a site-specific approach to Chadstone Shopping Centre beyond what is proposed for 'Enclosed Shopping Centre typology' is appropriate, noting the preferred mechanism to support future development of the site will be considered through further engagement with key stakeholders (Vicinity / City of Stonnington).	It is essential that the shopping centre site be subject to master planning requirements. The Committee is not in a position to advise whether the master planning requirement should be located in the BFO schedule, or some other planning tool Advice is provided in Chapter 3.6 in relation to the required content of the master plan.
Building Height	Please advise whether the proposed changes to the Building Height standard provide sufficient clear guidance for responsible authority's decision-making. Specifically: - 60m preferred building height for Chadstone Shopping Centre as a (local variation)	The building height standard for the shopping centre site (40 metres, proposed to be revised to 60 metres) does not provide sufficient clear guidance for decision making. Height limits on the shopping centre site should be graduated. While 60 metres may be appropriate for some parts of the site, it will not be appropriate as a blanket control across the whole site. Graduated heights within the shopping centre site should be addressed in the master plan.
Street wall podium height	Please advise whether the proposed changes to the Street wall / podium height standard provide sufficient clear guidance for responsible authority's decision making. Specifically: - 15m / 4 storey deemed to comply 'Street wall / podium height) as a (local variation)	The proposed 15 metre (four storey) street wall height in the Fringe Precinct areas is appropriate. Street wall heights should be designated within the shopping centre site (internally and around its edges). If not already addressed under the IPO2, this should be addressed in the master plan.
Catchment boundary	Having regard to the advice sought on the catchment boundary in the common matters (Referral 2), please advise if the recommended change to the extent of the proposed catchment boundary for Chadstone is consistent with the intended purpose.	A catchment should not be applied to the Chadstone Activity Centre.

3 Analysis

3.1 Key policy drivers

The Terms of Reference (in Clause 16) require the Committee to address the referred matters and its recommendations in the context of:

- Victoria's Housing Statement, The Decade Ahead 2024-2034
- Plan Melbourne 2017-2050 or any equivalent replacement planning strategy.

Key policy drivers in the Housing Statement relevant to planning for activity centres include, to:

- introduce clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne: Broadmeadows, Camberwell Junction, Chadstone, Epping, Frankston, Moorabbin, Niddrie (Keilor Road), North Essendon, Preston (High Street) and Ringwood
- introduce activity centre plans to guide investment in the things a growing suburb needs like community facilities, public spaces and parks
- incentivise affordable housing.

Key policy drivers in Plan Melbourne relevant to planning for Activity Centres include, to:

- encourage increased housing diversity and density in activity centres
- create inclusive, vibrant and healthy neighbourhoods
- provide a diverse range of jobs, activities and housing in centres that are well served by public transport
- provide certainty about the scale of growth in the suburbs
- support a network of vibrant neighbourhood activity centres
- support new housing in activity centres and other places that offer good access to jobs, services and public transport
- facilitate housing that offers choice and meets changing household needs.

Plan Melbourne identifies Chadstone as one of 121 major activity centres. Plan Melbourne includes a number of directions in relation to major activity centres. Of relevance:

- Direction 1.2 notes the distribution of jobs across Melbourne is uneven, with outer suburbs and growth areas generally having less access to jobs than middle and inner Melbourne. It states that major activity centres will ensure employment growth occurs outside of the central city, and transport projects will better connect people to job opportunities in key areas.
- Direction 2.2 states that locating medium and higher density development near services, jobs and public transport supports the objectives of consolidation and housing choice. It states there are opportunities for medium and higher density development in middle suburbs including in major activity centres.

The Plan Melbourne Implementation Plan identifies no particular actions for Chadstone.

No strategic work specific to Chadstone was referred to the Committee. Nor was the incorporated plan approved under the IPO2.

The Committee has had regard to the publicly available Monash Boulevards Urban Design Framework (Urban Design Framework), which was referenced in the Chadstone Key Matters Report, VPA, 2024 (VPA Report) in relation to street wall/podium heights.

3.2 General observations

The built form standards in the Activity Centre Plan are focussed on the Fringe Precinct areas within the Activity Centre, with less detail about what happens on the shopping centre site. For example, while the Plan specifies an overall height limit for the shopping centre site, it does not specify street wall heights, setbacks above the street wall, landscape setback requirements or active frontage requirements for the shopping centre site.

This may be because the IPO2 will be retained, and the plan approved under the IPO2 provides detailed built form requirements. However this is not clear from the information before the Committee.

The lack of guidance in the Plan on built form outcomes and standards for the shopping centre site is concerning. It is a large site that has sensitive interfaces with surrounding residential development. Unless other controls are in place that guide the future redevelopment of the shopping centre site (such as the IPO2), its future redevelopment may not deliver good planning outcomes that are consistent with the vision for the Activity Centre set out in Section 3.4 of the Plan.

3.3 Landscape setbacks

(i) What is proposed?

Plan 8 in the Activity Centre Plan identifies the following landscape setbacks along street frontages within the Fringe Precinct areas:

- 7.6 metre landscape setbacks along Dandenong Road except along the shopping centre site frontage
- 3.0 metre landscape setbacks along the side streets off Dandenong Road.

The Plan indicates the landscape setback standards will be deemed to comply, but does not indicate whether they will be mandatory or discretionary.

The intended purpose of the landscape setbacks outlined in the Plan is to support urban greening, soften edges and ensure an appropriate transition. The Committee's advice is sought generally on whether these landscape setback standards will achieve the intended purpose, and specifically whether 7.6 metre landscape setbacks along Dandenong Road will provide opportunity for large canopy tree planting.

(ii) Submissions

Two relevant submissions were provided to the Committee. Stonnington generally supported the landscape setback standards but recommended that landscaping also be required along side and rear setbacks. Vivace Malvern East Pty Ltd (owner of 1393 Dandenong Road, Malvern East) recommended reducing the proposed 7.6 metre setbacks along Dandenong Road to better align with existing properties (anecdotally described as 2 to 5 metres) to allow greater flexibility and improve feasibility of development along Dandenong Road.

(iii) Committee findings and rationale

Landscape setbacks are an important feature of the Activity Centre Plans and that they will provide space required to facilitate urban greening efforts beyond road reserves, which can only deliver so much in terms of urban greening.

It is not clear whether landscape setback requirements apply under the IPO2, or whether they will be retained.

The vision for the Activity Centre set out in Section 3.4 of the Activity Centre Plan includes to transform Dandenong Road into a Boulevard. The proposed 7.6 metre landscape setbacks along Dandenong Road will assist in delivering this vision, as the Committee understands a setback of this size is sufficient to facilitate a minimum 12 metre canopy spread on both sides of the road.

However, if the vision is to be achieved, a consistent 7.6 metre landscape setback should extend along the entire north side of Dandenong Road, including the shopping centre site frontage. Unless this is required under the plan approved under the IPO2 (and the IPO2 will be retained), Plan 8 in the Activity Centre Plan should be amended to extend the landscape setback along the north side of Dandenong Road to Chadstone Road. Deep soil requirements will also be needed, to ensure a greater likelihood of a future significant canopy.

While the Committee acknowledges the submission of Vivace Malvern East that many of the existing landscape setbacks along Dandenong Road are less than 7.6 metres wide, the Committee sees value in increasing the landscape setback for future development to soften Dandenong Road. Dandenong Road is a wide road with little canopy and currently constitutes a hostile and pedestrian unfriendly micro-climate.

The 3 metre landscape setbacks proposed for side streets will not accommodate trees with sizeable canopies, but will allow for planting that contributes to urban greening through the use of small trees and shrubs.

To achieve the intended purpose of supporting urban greening, softening edges and ensuring appropriate transitions, landscape setbacks should be specified along all the shopping centre site's street frontages, including its Chadstone Road, Castlebar Road and Capon Street frontages. This will help soften the more intense built form on the shopping centre site. The Committee is not in a position to recommend a width for the landscape setbacks along these streets. This should be addressed in the master plan for the shopping centre site (see Chapter 3.6 below).

The Committee notes Stonnington's submission that landscape setback requirements should apply to side and rear boundaries in addition to front boundaries. While the Committee agrees this would further enhance urban greening and help facilitate appropriate transitions, it would introduce new side and rear setbacks or increase the side and rear setbacks that are proposed in Table 5 in the Activity Centre Plan, which would reduce the developable area of land. The Committee does not have enough information to understand the impacts this might have on development feasibility.

(iv) Recommendation

The Committee recommends:

- 1. Unless already required under the plan approved under the Incorporated Plan Overlay Schedule 2, amend Plan 8 in the Chadstone Activity Centre Plan to:**
 - a) extend the 7.6 metre landscape setback on the north side of Dandenong Road to Chadstone Road**
 - b) designate landscape setbacks along the shopping centre site frontages on Chadstone Road, Castlebar Road and Capon Street (widths to be determined).**

3.4 Sun access

(i) What is proposed?

The Activity Centre Plan references three sun access standards for streets based on the level of pedestrian activity. Mandatory sun access standards apply to 'high pedestrian activity' streets, namely:

- 'boulevards' (Dandenong Road and Warrigal Road)
- 'key pedestrian streets/green streets' (parts of Castlebar Road, Capon Street, Chadstone Road and Neerim Road).

A discretionary sun access standard applies to 'other streets'.

The VPA proposes to remove the:

- 'boulevard' designation from Dandenong Road along the shopping centre site frontage
- 'key pedestrian streets/green streets' designation from Chadstone Road.

The VPA Report states removal of the designation from Dandenong Road is to support the long term development of the Centre. No reason is stated for removing the designation from Chadstone Road.

The Committee's advice is sought on whether the proposed modifications to sun access locations achieve the intended purpose. The Activity Centre Plan states that sun access is vital for public spaces and the open space network – the Committee assumes this to be the 'intended purpose'.

The Committee assumes the 'other streets' standards (which don't appear to be mapped in any of the centres) will apply to unmapped streets, but this is not explicit in the Activity Centre Plan. The Committee assumes the discretionary 'other streets' standard will apply to:

- the sections of Dandenong Road and Chadstone Road from which the 'boulevard' and 'key pedestrian streets/green streets' designations are proposed to be removed
- other streets within the Activity Centre, including internal streets within the shopping centre site.

(ii) Submissions

Both Glen Eira and Monash generally supported the sun access provisions, including the mandatory equinox and solstice controls for Boulevards and key pedestrian/green streets respectively. Stonnington sought rewording of the controls to clarify the intended outcomes. Vicinity opposed the sun access standards along Dandenong Road as they are more restrictive than the existing IPO2 and existing buildings would not meet the standards.

(iii) Committee finding and rationale

It is not clear whether sun access provisions to streets apply under the IPO2, or whether they will be retained.

Central to the Committee's consideration of whether the proposed reductions in sun access protections are appropriate is the purpose of sun access for these streets. Pedestrians are the key beneficiaries of sun access along streets. The Activity Centre Plan states sun access is vital

for public spaces. According to the Urban Design Guidelines of Victoria, sun access helps make public spaces more comfortable (objective 3.1.5).

The VPA's proposed changes would potentially result in:

- inconsistent outcomes for Dandenong Road, with decreased sun access to southern side footpaths between Poath and Maroo Roads, but not between Maroo and Warrigal Roads
- compromising the realisation of the vision for a boulevard effect along Dandenong Road, if canopy trees do not receive sufficient sun to thrive
- decreased sun access along Chadstone Road.

Sun access should be protected for public spaces, particularly those with high activity or in which people rest. However, the Committee questions the classification of Dandenong Road and Chadstone Road as 'high pedestrian activity' streets.

The Chadstone Shopping Centre is a large retail complex with limited pedestrian access, bordered by Dandenong and Chadstone Roads. Neither of these roads are pedestrian friendly due to heavy traffic and wide reservations. Dandenong Road is a particularly hostile pedestrian environment, being 60 metres wide, with six lanes of traffic and services roads to cross. While Chadstone Road is less hostile, the north-south alignment affords this road with greater sun access.

The Committee acknowledges the Councils generally supported sun access to key pedestrian streets, but observes the proposed 60 metre height limit on the shopping centre site together with the 60 metre wide road reservation along Dandenong Road will likely limit the extent of additional shadow on the southern footpath of Dandenong Road. Provided the landscape setback on the north side of the road is extended in accordance with the Committee's recommendation, the boulevard vision for Dandenong Road could still be achieved even without the sun access standards. This may require the selection of shade tolerant species.

The Boulevard sun access standard for the remaining section of Dandenong Road (between Maroo and Warrigal Roads) could be revised to protect the southern footpath only, not the central median. There is only a small section of central median along the section of Dandenong Road that traverses the Activity Centre, and it is not a pedestrian friendly environment or a place where people might stop to rest. Nor is it sufficient to support canopy trees.

The Committee assumes that even if the 'Boulevard' and 'key pedestrian/green streets' designations are removed from Dandenong Road and Chadstone Road, they will still receive the sun protections that apply to 'other streets'.

For these reasons, the Committee considers that removing the sun access classifications from Dandenong Road and Chadstone Road is appropriate.

(iv) Recommendation

The Committee recommends:

2. **Amend Plan 9 in the Activity Centre Plan to remove the:**
 - a) **'boulevard' designation from the section of Dandenong Road fronting the shopping centre site**
 - b) **'key pedestrian streets/green streets' designation from Chadstone Road.**

3.5 Active frontages

(i) What is proposed?

The Urban Design Background Report and City of Centres Report specify two types of active frontages which vary on the required extent of ground plane glazing. The Activity Centre Plan only proposes 'secondary' active frontage standards for Chadstone, within the Mixed Use Zone (MUZ) areas along Neerim Road and Bletchley Road. Sixty percent clear glazing is required for these frontages. It is not clear whether the standard will be discretionary or mandatory.

The Committee's advice is sought on whether the designated locations for active frontages in the Activity Centre Plan achieve the intended purpose. The Committee understands the intended purpose of active frontages is to contribute to use, activity, safety and interest of the public realm.

(ii) Submissions

The VPA Report did not express a position about active frontages in the Activity Centre, or explain why only the sections of Neerim and Bletchley Roads shown on Plan 10 in the Activity Centre Plan have been identified as active frontage streets. Monash requested additional active frontages beyond the MUZ area, but did not specify where. Stonnington considered the ground plane to be a key determinant of good public realm placemaking and requested active frontage standards not be 'deemed to comply'.

(iii) Committee finding and rationale

It is not clear whether active frontage requirements apply under the IPO2, or whether they will be retained.

The Committee agrees with the principle of providing active frontages, particularly in commercial areas. Active frontages provide better safety outcomes, activity, and visual interest and encourage walkability. In turn this facilitates greater activity and vibrancy in the public realm.

The Committee supports the active frontages proposed in the MUZ area. Activation in this location will improve existing conditions. That said, no analysis was provided to explain why these streets were nominated for active frontages and others not.

The Committee has considered whether other locations would be suitable as active frontages, including on the shopping centre site. It considers some external edges of the shopping centre site would likely be suitable for active frontages, but this will depend on future site layout and location of activity nodes. Active frontages should also apply to internal streets within the shopping centre site where appropriate. This should be considered in the future master planning for the shopping centre site discussed in Chapter 3.6.

The Committee makes the following further observations about the proposed active frontages:

- Commercial spaces work well with active frontages, but residential uses require privacy for residents. Some design responses will need to balance privacy and passive surveillance, both on the active frontages designated in the Activity Centre Plan and in other active frontage locations identified in the Activity Centre Plan or the future master plan for the shopping centre site.

- Certain components of commercial uses, such as loading docks, may not be suitable for active frontages and would require site responsive design and assessment. Consideration should be given to designating the active frontage streets as streets where loading access is discouraged in the BFO schedule.

The Committee agrees with Stonnington that active frontage standards should not be deemed to comply. The controls should allow for site-specific responses. This would ensure other design elements that contribute to safety, comfort and visibility are considered, not just the extent of glazing. Other important matters include lighting, awnings, and ensuring active frontages directly face footpaths rather than being located behind steps or landscaped areas. These types of matters may be intended to be addressed by the VPA proposed 'further guidance' on the active frontages within the Urban Design Background Report. However, no information was provided to the Committee on this.

(iv) Recommendation

The Committee recommends:

3. **Unless already required under the plan approved under the Incorporated Plan Overlay Schedule 2, identify active frontages:**
 - a) **on the external edges of the shopping centre site:**
 - **on Plan 9 in the Activity Centre Plan (if there is sufficient information at this stage to do so), or**
 - **as part of the master plan for the shopping centre site.**
 - b) **internally within the shopping centre site as part of the master plan.**

3.6 Master plans

(i) What is proposed?

The Activity Centre Plan states (in Section 6.7):

Separate to the planning controls identified at [Sections 6.1 to 6.6], it is recognised that the regional commercial and retail significance of the Chadstone Shopping Centre..., as the largest freestanding shopping centre in Australia, requires a specific planning response beyond what is proposed for the Enclosed Shopping Centre Typology.

The Activity Centre Plan does not specify what that 'specific planning response' may be. It does however go on to set out other built form controls that should be considered for the shopping centre site (presumably in addition to the 'default' Enclosed Shopping Centre typology standards). They include:

- scale of future development
- tower floor plate size
- building separation requirements
- siting and orientation of buildings
- deep soil requirements complimenting the landscape approach to compliment Dandenong Road
- open space or pedestrian links
- key interfaces with new planning controls in adjacent activity centre catchments.

The BFO head clause requires a master plan to be prepared before a permit issues if the schedule requires it.

(ii) Submissions

The submissions expressed concern about the lack of an explicit master planning requirement for the shopping centre site in the Activity Centre Plan. Issues included lost opportunity for integrated planning and further expansion, and negative impacts on other nearby centres.

Stonnington submitted the Activity Centre Plan lacked detail and could not sufficiently plan for liveability, 20-minute neighbourhoods, infrastructure, open space, streetscape upgrades and shared parking opportunities in the Activity Centre.

Glen Eira submitted no information was provided that considered impacts of the Activity Centre planning on other nearby centres.

Vicinity submitted a master plan approach for the shopping centre site was needed. It stated numerous planning panels and tribunals consistently supported such an approach. It sought a review and revision to the existing IPO2 as the mechanism for implementing a master plan. It considered the benefits of a master plan included:

- ensuring sufficient land for commercial expansion
- orderly planning to manage development in and around the shopping centre
- exploring opportunities for diversifying land use
- embedding good urban design principles
- investing in infrastructure and transport changes.

The VPA Report did not mention or discuss any of these submissions, but indicated VPA's preliminary position is:

Adopt a site-specific approach to Chadstone Shopping Centre beyond what is proposed for the Enclosed Shopping Centre typology. The preferred mechanism to support future development of the site will be considered through further engagement with key stakeholders (Vicinity / Stonnington).

The Committee takes this to mean the VPA considers something more is required rather than just relying on the 'default' built form standards that apply to the Enclosed Shopping Centre typology. It is not, however, clear whether the VPA considers a master plan approach is appropriate.

(iii) Committee findings and rationale

The Committee understands the advice being sought is whether a master plan approach is needed for the shopping centre site. This may be a master plan under the BFO schedule, or some other form of master planning control (such as the IPO2).

The shopping centre site has many of the typical features of the Enclosed Shopping Centre typology as described in Section 4.2 of the Activity Centre Plan. It is a very large site, held largely in one ownership and occupied by a large format enclosed shopping centre. It has underutilised land at its edges used for car parking, which provides opportunity for redevelopment.

The Urban Design Background Report says a master plan is preferred for sites:

- over 5,000 square metres
- that need internal roads
- with unusual shape or interfaces
- that would benefit from a master plan prior to planning permit application.

The shopping centre site meets these criteria.

In the Committee's view, a master plan will be essential to guide the future redevelopment of the shopping centre site. A master plan would holistically plan its future redevelopment in a way that facilitates achievement of the vision for the Activity Centre set out in Section 3.4 of the Activity Centre Plan.

There are several key risks if a master plan is not required:

- the Activity Centre Plan provides limited built form guidance for the shopping centre site, which could result in poor urban design outcomes
- the Activity Centre Plan prioritises growth targets (dwelling numbers) over actual site capacity and quality of outcomes, risking poor urban design and low liveability
- potential underdevelopment of the site, which would compromise achievement of the vision for residential growth and commercial expansion
- without coordination, commercial and residential uses could develop incompatibly, limiting the potential for both
- the lack of a master plan could lead to inadequate transport and community infrastructure and essential services, resulting in poor liveability (and the potential for state or local government to have to take responsibility for planning and funding shortfalls)
- potential negative economic impacts on surrounding activity centres.

The master plan should be prepared with input from key stakeholders including Vicinity, the three surrounding councils and service authorities. It should include all of the matters outlined in the BFO head clause for master plans. In addition, it should:

- allocate land uses across the site to manage conflicts, noise and amenity
- assess the impacts of commercial expansion on activity centre hierarchies (given the regional commercial status of the site)
- provide guidance on built form expectations and appropriately scale of development including transitions at the edges (discussed further below)
- identify and plan for traffic, transport infrastructure, access and car parking requirements (included relocated at grade car parking)
- facilitate the provision of better pedestrian access and active transport links within the shopping centre and to the surrounding areas
- identify and plan for service infrastructure upgrades and community infrastructure needs
- plan for drainage (noting that parts of the site are affected by the Special Building Overlay).

Based on the information before it, the Committee expresses no particular view about whether the master plan should be secured through the BFO or some other appropriate planning tool (such as a revision to the IPO2 or the plan approved under the IPO2).

The Committee notes that the IPO2 already addresses matters such as staging of development, land use and transport infrastructure upgrades, built form siting, orientation and scale, and pedestrian links. However, the IPO2 is focussed predominantly on commercial uses which service visitors and workers who access the site by car or bus, and mostly during business hours. The Activity Centre Plan envisages a significant shift by introducing substantial residential growth (6,500 to 8,000 dwellings) into the Activity Centre, and at significant scale (60

metres). Much of this will have to be delivered on the shopping centre site. Residents will require different building typologies, have different (higher) amenity needs and have different (higher) infrastructure needs (such as open spaces and community spaces). This will need to be carefully balanced with the increased commercial opportunities envisaged under the IPO2, and if the IPO2 is to be retained as the only master planning tool, it will require substantial revision.

(iv) Recommendation

The Committee recommends:

4. Amend the Activity Centre Plan to:

a) include the following paragraph above the heading for Section 6.1:

“A master plan will be required to support future development of the Chadstone Shopping Centre. This will be considered further through engagement with key stakeholders – see Section 6.7 Chadstone Shopping Centre and Section 8.4 Aligning existing controls for further information. Indicative building heights and the typology classification for the shopping centre are detailed within Section 6 Activity centre built form standards. However, built form controls and standards will not be determined until the master plan is developed.”

b) delete the third paragraph in Section 6.1

c) add the following sentence to the paragraph in Section 6.7:

“This will require a master plan”.

5. Apply a master planning requirement to the shopping centre site, either through the Built Form Overlay or through another appropriate planning tool.

3.7 Building height

(i) What is proposed?

The VPA proposes a local variation to the building height standard for the shopping centre site, from 27 metres (the ‘default’ standard for the Enclosed Shopping Centre typology in Type 2 centres) to 60 metres. The Committee assumes this will be a discretionary height limit, as the referral letter describes it as a ‘preferred’ 60 metre height limit.

The Activity Centre Plan states (in Section 5.1.1) that the building height standards will be deemed to comply. However, Table 1 (which specifies the building heights) indicates ‘subject to future determination...’ in the column headed ‘Mandatory (or) discretionary (or) deemed to comply’.

Table 1 specifies a building height for the shopping centre site of 40 metres or 12 storeys. Presumably this was the height that was the subject of consultation. The VPA’s proposed change represents an additional 20 metres. The VPA’s justification for the change is that the preferred building height should align with existing buildings along Dandenong Road and with the existing IPO2.

The ‘default’ height limit for Fringe Precinct areas in Type 2 centres (21 metres and six storeys) is not proposed to be varied.

The Activity Centre Plan states:

Additional provisions will be included as part of the amendment/planning tool to prevent under development within the activity centre's core boundary (for example, deemed to comply minimum building height). The minimum building height will generally be 50% of the deemed to comply height.

(ii) Submissions

The Committee received three relevant submissions.

Monash was generally supportive of the proposed heights outlined in the Activity Centre Plan (40 metres or 12 storeys) and submitted the shopping centre site could support additional height given its 'inward nature'. However, it submitted no consideration had been given to the impact of building height where it interfaces with lower scale residential areas.

Stonnington observed the Activity Centre Plan included minimal provisions for building height on the shopping centre site.

Glen Eira submitted it was unclear if building heights were proposed to be maximum (presumably mandatory) heights. It submitted there are no safeguards nor decision guidelines for exceeding the heights, and no controls to prevent underdevelopment.

Vicinity identified a misalignment between the proposed number of storeys and height in metres for the shopping centre site. It contended that 40 metres (12 storeys) appears to be calculated on typical residential floor to floor heights, and that 12 commercial floor levels would exceed the height in metres as demonstrated by the existing office building.

Vicinity recommended a revised preferred height of 60 metres to reflect existing conditions along Dandenong Road. It submitted the incorporated plan approved under the IPO2 allows buildings up to RL110, which equates to 60 metres. It also submitted it was unclear how the deemed to comply building heights would be applied.

(iii) Committee findings and rationale

The VPA Report states the building height standards will be supported by other standards to ensure appropriate design outcomes. These include street wall/podium heights, setbacks and solar protections. The Committee has considered the proposed 60 metre building height for the shopping centre in the context of those other standards, although it notes that no street wall/podium height is proposed for the shopping centre site.

The Committee assumes that Vicinity is correct in submitting that:

- the incorporated plan approved under the IPO2 allows for a height equal to RL110
- this equates to a height limit of 60 metres.

Commercial floor to floor heights are greater than residential floor to floor heights and this should be reflected in the proposed storey height for Enclosed Shopping Centre typology in Table 1 in the Activity Centre Plan.

The shopping centre site, or at least parts of it, could probably accommodate greater heights than the 12 storeys (40 metres) proposed in the Activity Centre Plan given its size and location within the Activity Centre and its position along Dandenong Road. The Committee notes the existing Hotel Chadstone building on the corner of Dandenong Road and City Circuit is greater than 12 storeys, which further supports the proposal for taller forms on the shopping centre site.

However, it is important for the shopping centre to be a 'good neighbour' and any tall building forms must still consider good transitions and appropriate interfaces, and not inappropriately encroach on solar access within and around the shopping centre site.

The Committee has not been provided with any built form or shadow modelling that demonstrates whether a 60 metre discretionary height limit across the whole of the shopping centre site can achieve these objectives and deliver good planning outcomes.³

In the Committee's view, a blanket 60 metre height limit across the whole of the shopping centre site would not be appropriate. Heights will likely need to be graduated across the site, stepping down on parts of the site (particularly along the northern edges that have a direct interface with surrounding residential development) to provide a more sympathetic and gradual transition to the existing or preferred heights in the surrounding areas.

Given the varying conditions across the shopping centre site, deemed to comply height standards are unlikely to be appropriate.

A master planned approach would assist to ensure the site can be developed in a way that achieves the vision for growth and expansion while ensuring good urban design outcomes internal and external to the site. The graduated heights across the shopping centre site should be guided by the types of considerations listed in the IPO2, such as bulk and appearance, character and amenity of the surrounding area including overshadowing, and transition to residential edges.

In the absence of a BFO schedule for Chadstone, it is not clear to the Committee:

- whether the maximum building heights on both the shopping centre site and in the Fringe Precinct areas can be exceeded, and if so under what circumstances
- how the deemed to comply minimum building height proposed in the Fringe Precinct should be applied
- how underdevelopment on the shopping centre site will be managed.

The Activity Centre Plan should be amended to provide guidance on these matters.

Alternatively, this guidance could be provided in the BFO schedule. The schedule should also include:

- application requirements needed to assess building heights (such as 3D modelling)
- decision guidelines that require consideration of public and private realm amenity impacts including overlooking, overshadowing and visual bulk (additional considerations may be appropriate for impacts on nearby residential development).

(iv) Recommendation

The Committee recommends:

- 6. Amend the first sentence in Section 5.1.1 of the Activity Centre Plan to add 'unless otherwise specified'.**
- 7. Amend Table 1 in the Activity Centre Plan to replace '40 metres (12 storeys)' with 'Subject to future determination'.**

³ This work may have been done as part of the strategic justification for the heights in the incorporated plan approved under the IPO2. However, it has not been provided to the Committee.

8. Determine appropriate graduated height limits across the shopping centre site as part of the master plan.

3.8 Street wall height

(i) What is proposed?

The Activity Centre Plan proposes a local variation to the 'default' street wall/podium height standard for Fringe Precinct, to increase the standard from 11 metres (three storeys) to 15 metres (four storeys). No maximum street wall heights are proposed for the shopping centre site.

The proposed 15 metres (four storeys) will apply in the context of a building height of 21 metres (6 storeys) in the Fringe Precinct areas, and behind the proposed landscape setbacks (7.6 metres along Dandenong Road, three metres along other street frontages).

The Activity Centre Plan indicates both the street wall height and building height standards in the Fringe Precinct areas will be deemed to comply. Deemed to comply standards can be exceeded unless they are mandatory. In the absence of a draft BFO schedule, it is unclear whether the standards are intended to be mandatory or discretionary.

(ii) Submissions

No referred submissions raised street wall/podium heights.

(iii) Committee findings and rationale

The Committee supports a street wall height of 15 metres (four storeys) in the Chadstone Fringe Precinct. Although it is not clear to the Committee that the prevailing street wall height for existing development along Dandenong Road is four storeys, the Committee is inclined to agree that four storey street walls are appropriate given the scale of Dandenong Road and its adjacency to the shopping centre. The Committee considers that Dandenong Road is wide enough to be able to accommodate this scale of street wall while still creating a comfortable and human-scaled environment.

The Committee is also guided by the preferred street wall height proposed in the Urban Design Framework, which applies to the sections of Dandenong Road within the Monash municipality. The Urban Design Framework supports an overall building height of six storeys with a four storey street wall.

That said, there is a need for further clarity and guidance on how to apply and assess the street wall heights, particularly if they are to be discretionary. The Activity Centre Plan should be changed to provide:

- clarity in terminology (for consistency with the BFO head clause, it should only refer to street wall heights, not podiums)
- clear guidance on whether the street wall height can be exceeded, and if so, under what circumstances
- guidance on what considerations are relevant when assessing street wall heights, including the influence of different land uses (residential and commercial) and the Urban Design Framework

- guidance on the acceptability of street walls lower than 15 metres and how this be assessed
- guidance on what amenity impacts are relevant when considering street wall heights
- guidance on how street walls contribute to the creation of boulevards and preferred character
- guidance on how the street wall heights relate to the solar protection standards, including how solar impacts on open spaces and parks would be considered if discretionary street wall heights are exceeded.

The Activity Centre Plan indicates that street wall heights will not apply on the shopping centre site. This may be because street wall heights on the shopping centre site are addressed in the incorporated plan approved under the IPO2, but this information is not before the Committee.

The Committee considers street wall height standards should apply to the shopping centre site, particularly for external edges. The standards should be discretionary, to enable flexibility in design response.

The Committee does not have sufficient information before it to nominate an appropriate metric for a street wall height standard on the shopping centre site. The appropriate metric might vary across different parts of the shopping centre site, given the Committee's recommendation that graduated heights are required across the site. Street wall heights should be considered as part of the master plan for the shopping centre site.

(iv) Recommendation

The Committee recommends:

9. Amend the Activity Centre Plan to:

- refer to street wall heights, not podiums**
- provide clear guidance on:**
 - whether street wall heights can be exceeded, and if so, under what circumstances
 - what considerations are relevant when assessing street wall heights, including the influence of different land uses (residential and commercial) and the Monash Boulevards Urban Design Framework
 - the acceptability of street walls lower than 15 metres and how this be assessed
 - what amenity impacts are relevant when considering street wall heights
 - how street walls contribute to the creation of boulevards and preferred character
 - how street wall heights relate to the solar protection standards, including how solar impacts on open spaces and parks would be considered if discretionary street wall heights are exceeded.

- Unless already required under the plan approved under the Incorporated Plan Overlay Schedule 2, identify street wall heights on the external edges of the shopping centre site and internally within the shopping centre site as part of the master plan.**

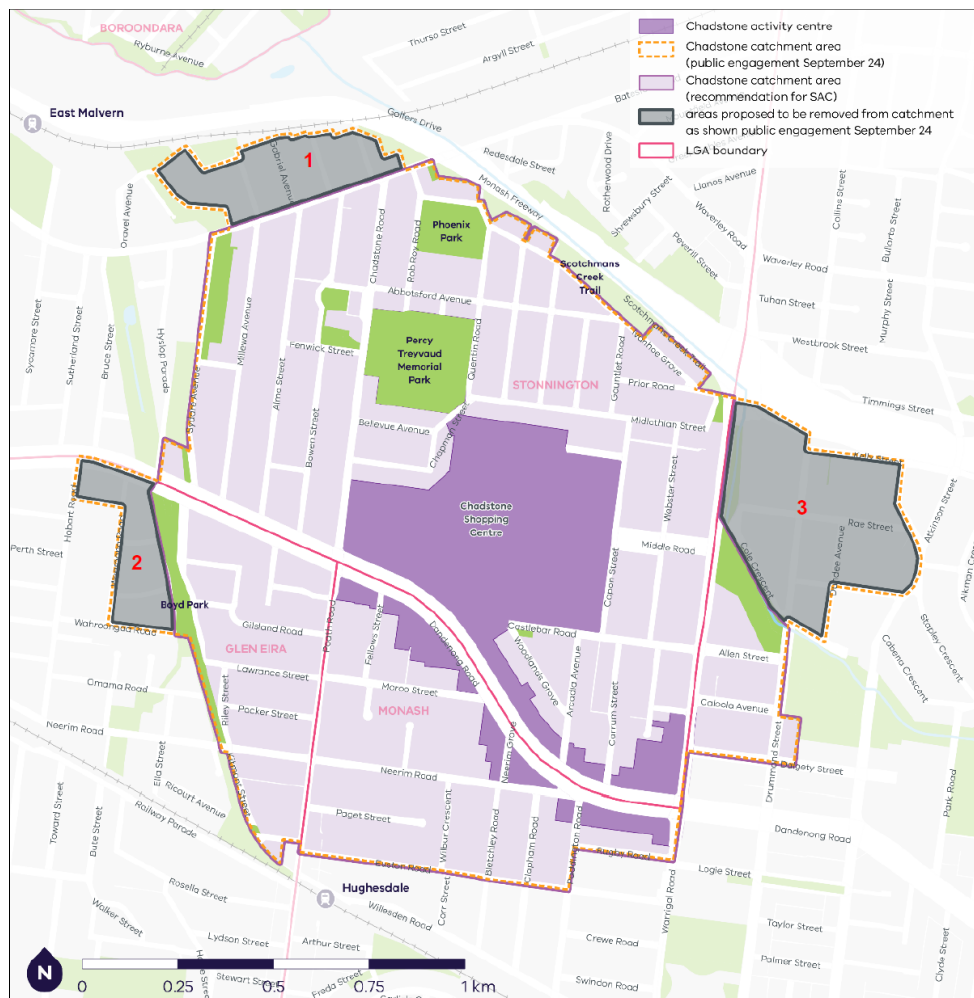
3.9 Catchment boundary

(i) What is proposed?

The VPA proposes to change the catchment boundary to exclude the grey shaded areas in Figure 2 for the following reasons:

- Area 1 – distance to core commercial amenities and services of the Activity Centre
- Area 2 – distance to core commercial amenities and services, and the physical barrier of Boyd Park
- Area 3 – the barriers presented by Scotchman's Creek and the Monash Freeway.

Figure 3 Proposed change to catchment boundary



Source: VPA Report Appendix A

(ii) Submissions

Stonnington submitted the catchment area should not be included in the Activity Centre Plan, suggesting Stonnington is better placed to manage housing growth within the Activity Centre's hinterland. It suggested any catchment boundary (if retained) should not extend beyond Percy

Treyvaud Memorial Park (which the Committee notes is included in the Activity Centre boundary).

Stonnington made specific recommendations that the following areas be removed:

- the north-west area of the catchment, because of its distance from the commercial amenities in the Activity Centre
- areas affected by the Heritage Overlay and Neighbourhood Character Overlay (NCO) within the north-west corner of the catchment area.

Monash also submitted the catchment area should not be included in the Activity Centre Plan, suggesting a distance of 800 metres from the edge of the shopping centre is excessive. It specifically recommended removal of Area 3 on Figure 3, as it includes heritage areas and is separated from the Activity Centre by a significant physical barrier (Warrigal Road).

Glen Eira submitted the area west of Boyd Park (Area 2 on Figure 3) should be removed.

Vicinity made submissions that the Activity Centre boundary should be expanded, but this is not a referred matter.

The VPA Report states:

VPA seeks ... general consideration on matters of consistency and replicability of the catchment boundary approach for future 'train and tram zone' Activity Centre work.

The Committee is unclear what the VPA is referring to with regard to "*future 'train and tram zone' Activity Centre Work*", but this appears to be beyond the scope of the referred matters.

(iii) Committee findings and rationale

The Referral 1 Committee did not support the application of the Walkable Catchment Zone (WCZ) at this time. It found that the WCZ (if applied) should not be applied to areas within the Heritage Overlay or the NCO.

In its discussion of walkable catchment boundaries, the Referral 2 Committee noted that Chadstone is a freestanding centre with unique attributes and requires separate consideration. In terms of general principles, the Referral 2 Committee found boundaries:

- should extend 800 metres (walkable distance) from the services and amenities in the activity centre that serve day to day needs
- should be measured from points that exclude (among others):
 - fringe precincts
 - residential areas
 - public open space located on the periphery of the Activity Centre core.

The Committee does not support the application of a walkable catchment to the Chadstone Activity Centre.

The shopping centre site and its immediate surrounds are not pedestrian friendly environments. The shopping centre has been designed around access by car and bus. The shopping centre is not permeable, and there are few pedestrian entries into the shopping centre. The surrounding roads (including the key entry points into the shopping centre) present a hostile environment for pedestrians. It is not a walkable environment.

The Committee sees no initiatives in the Activity Centre Plan that seek to address these fundamental limitations to the walkability of the centre's catchment, other than the conversion

of Dandenong Road into a boulevard. This will take time, and will only address some of the above constraints.

If, contrary to the Committee's recommendation, the WCZ is applied, the catchment boundaries should be redrawn based on the following principles and guidance from the Referral 2 Committee:

- exclude Areas 1, 2 and 3 identified in Figure 3 as they are too distant from the services within the Activity Centre that serve day to day needs (and are separated by physical barriers)
- exclude areas south of Dandenong Road and east of Warrigal Road, as these major roads present significant physical barriers to pedestrian access to the shopping centre
- measure the 800 metres walkable distance from the commercial services within the centre that serve day to day needs (not the outer edges of the carparks)
- exclude all Fringe Precinct areas and the Percy Treyvaud Memorial Park from the area from which the 800 metres is measured.

Consistent with the findings of the Referral 1 Committee, any areas within the Heritage Overlay or a NCO should be excluded from the redefined catchment.

(iv) Recommendation

The Committee recommends:

- 11. Do not apply a walkable catchment to the Chadstone Activity Centre.**

Appendix A Terms of Reference

Relevant clauses are extracted below.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the ACP to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.
5. The objective of the Committee is to provide consistent advice for activity centre planning and outcomes in relation to the Activity Centres Program in a transparent, timely and cost-efficient process on any matter referred to it.

Referral

14. A referral may be provided by the Minister or delegate. A referral letter will set out the specific matters on which the Committee is to provide advice, as well as any specific matters on which advice is not to be provided. The referral letter to the Committee will be a public document.
15. Any referral must be accompanied by relevant information to assist the Committee's review provided by DTP and/or the VPA. This may include (but will not necessarily be limited to):
 - a. Relevant strategic work undertaken by Council, DTP or VPA for the relevant activity centre
 - b. Referred submissions
 - c. A summary of key issues raised in submissions
 - d. Proposed changes in response to issues raised in submissions
 - e. An index listing each document referred to the Committee.

Advisory committee report and recommendations

16. For each matter referred, the Committee must produce a written report that provides a succinct summary of the key issues and its recommendations. The report must address the referred matters and its recommendations in the context of:
 - a. *Victoria's Housing Statement, The Decade Ahead 2024-2034*;
 - b. Plan Melbourne 2017-2050 or any equivalent replacement planning strategy;
17. The Committee may address more than one referred matter and combine its assessment of these in a single report.
18. The Committee is required to submit each report to the Minister and DTP no later than 10 business days from receipt of the referral and all accompanying information required by clause 15. DTP must give at least five business days' notice of each likely referral to ensure the Committee is able to source appropriately skilled Members.

Appendix B Referral Letter

25 October 2024

Sarah Raso
Lead Chair
Activity Centres Standing Advisory Committee
Planning Panels Victoria
planning.panels@transport.vic.gov.au

Dear Sarah,

Referral No. 5: Activity Centres Program - Chadstone Activity Centre Plan Referral to the Activity Centres Standing Advisory Committee

I refer to planning matters that form part of the Activity Centres Program (ACP), an initiative from *Victoria's Housing Statement, The decade ahead, 2024-2034*.

This referral relates specifically to the Chadstone Activity Centre Plan. The Chadstone Activity Plan will be implemented through a forthcoming Planning Scheme Amendment to introduce new planning controls for the activity centre.

Background

The Activity Centres program is included in the Victorian Government's Housing Statement and seeks to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne. The Department of Transport and Planning (DTP) is leading the Activity Centres Program in partnership with the Victorian Planning Authority (VPA).

The Chadstone Activity Centre plan has been prepared by the VPA on behalf of DTP and will enable delivery of approximately 6,500 to 8,000 dwellings in proximity to established jobs, services and public transport.

On 22 August 2024, the Minister for Planning appointed the Activity Centres Standing Advisory Committee (the Committee) to provide consistent advice for activity centre planning and outcomes in relation to the Activity Centres Program in a transparent, timely and cost-efficient process on any matter referred to it.

Between 22 August and 29 September 2024, DTP and the VPA undertook public consultation for the Chadstone Activity Centre plan. The project has generated significant community interest and a total of 812 submissions, including survey responses (numeric and free text), in-person feedback at consultation events, and written submissions were received for the Chadstone activity centre. Responses were received from current and potential future residents, businesses, government agencies, authorities, community groups, members of the development industry, Glen Eira City Council, Monash City Council and the City of Stonnington.

A summary of the targeted engagement undertaken and analysis of the matters raised following the targeted engagement; and changes proposed to the Chadstone Activity Centre plan in response to these submissions; is included with the referral of documentation.

Referral

In accordance with Clause 14 of your Terms of Reference (August 2024), and delegation provided to me, I have determined to seek advice and recommendations from the Committee on activity centre planning matters. Only select submissions received during consultation which are relevant to the matters listed in the table below are being referred to the Committee. The Committee's advice is only sought on the matters listed in the table below.

MATTER	ADVICE TO BE PROVIDED
Landscape setbacks	It is proposed that landscape setbacks will support urban greening. Please advise whether: - the designated locations in the <i>draft Chadstone Activity Centre Plan (September 2024)</i> for landscape setbacks are suitable to achieve the intended purpose, including 7.6m deemed to comply front landscaping setback as a (local variation) along Dandenong Road is appropriate to provide opportunity for large canopy tree planting and to contribute to an improved boulevard character.
Sun access	It is proposed that sun access and protection is vital for public spaces and the open space network. It is proposed that sun and solar access standards are applied to streets, parks and open spaces. Please advise whether: - modifying the designated locations in the <i>draft Chadstone Activity Centre Plan (September 2024)</i> is suitable to achieve the intended purpose, specifically the: - removal of 'Boulevard' classification as a (local variation) as it relates to sun access and solar protection for the section of Dandenong Road between Chadstone Road and the intersection of Maroo Street / Dandenong Road to support the long-term strategic development of Chadstone Shopping Centre, and - removal of the 'Key pedestrian streets / green streets' classification as a (local variation) on Chadstone Road to support the long-term development opportunities in the south-west corner of Chadstone Shopping Centre.
Active Frontages	It is proposed that some public interfaces should be designed to contribute to the use, activity, safety and interest of the public realm. Please advise whether: the designated locations in the <i>draft Chadstone Activity Centre Plan (September 2024)</i> are suitable to achieve the intended purpose.
Master plans	Master planning requirements are not proposed in the <i>draft Chadstone Activity Centre Plan (September 2024)</i>. Please advise whether a site-specific approach to Chadstone Shopping Centre beyond what is proposed for 'Enclosed Shopping Centre typology' is appropriate, noting the preferred mechanism to support future development of the site will be considered through further engagement with key stakeholders (Vicinity / City of Stonnington).
Building Height	Please advise whether the proposed changes to the Building Height standard provide sufficient clear guidance for responsible authority's decision-making. Specifically: 60m preferred building height for Chadstone Shopping Centre as a (local variation)
Street wall podium height	Please advise whether the proposed changes to the Street wall / podium height standard provide sufficient

	clear guidance for responsible authority's decision-making. Specifically: 15m / 4 storey deemed to comply 'Street wall / podium height) as a (local variation)
Catchment boundary	Having regard to the advice sought on the catchment boundary in the common matters (Referral 2), please advise if the recommended change to the extent of the proposed catchment boundary for Chadstone is consistent with the intended purpose.

In accordance with Clause 12 of your Terms of Reference, the Committee must conduct its work with a view to maximising efficiency and timeliness. As such, I look forward to the Committee providing its report to the Minister for Planning no later than 10 business days from receipt of this referral, in accordance with Clause 18 of the Terms of Reference.

Please find enclosed the supporting documents required by Clause 15 of the terms of reference.

If you have any questions about this matter, please contact Stefan Bettiol, Planning Manager at the Department of Transport and Planning.

Yours sincerely,



Natalie Reiter
Deputy Secretary Strategy & Precincts
Department of Transport and Planning

Encl. Att A: Report addressing matters
Att B: Urban Design Draft Background Summary Report
Att C: Urban Design Draft Background Summary Report (engagement version)
Att D: City of Centres Report
Att E: Schedule to the Built Form Overlay (example)
Att F: Chadstone Draft Activity Centre Plan
Att G: Submissions
Att H: Document list

cc. Stuart Moseley, CEO, Victorian Planning Authority
Emily Mottram, Executive Director - Activity Centres, Department of Transport and Planning

Appendix C Referred information

No.	Date	Description	Provided by
1	28 Oct 24	Referral letter dated 25 October 2024	Department of Transport and Planning (DTP)
2	28 Oct 24	Chadstone Key Matters Report, VPA, 2024	DTP
3	28 Oct 24	Chadstone Draft Activity Centre Plan, VPA, 2024	DTP
4	28 Oct 24	<i>City of Centres: Development of typology-based built form controls</i> , Sheppard & Cull, May 2024	DTP
5	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, August 2024 (engagement version)	DTP
6	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, October 2024 (Committee version) including Appendices	DTP
7	28 Oct 24	Built Form Overlay Schedule (BFO1 Moorabbin example)	DTP
8	28 Oct 24	Universal Submissions Key Matters Report	DTP
9	28 Oct 24	Submission – Stonnington City Council	DTP
10	28 Oct 24	Submission – Monash City Council	DTP
11	28 Oct 24	Submission – Glen Eira City Council	DTP
12	28 Oct 24	Submission – Vicinity Centres Pty Ltd	DTP
13	28 Oct 24	Submission – owner of 1393 Dandenong Road, Malvern East	DTP
14	28 Oct 24	Submission – Ratio Consultants on behalf of the owner of 1316 Dandenong Road, Hughesdale	DTP
15	28 Oct 24	Chadstone Document List	DTP

Community Reference Group – Statement of Advice

Overview

Community Reference Groups (CRGs) were established for each Activity Centre to provide advice to the Department of Transport and Planning in developing its Activity Centre Plans. The advice was developed over 3 sessions in June 2025.

All Statements of Advice will be released publicly alongside other engagement outcomes during Phase 2 engagement planned for September 2025.

Statement of Advice – Oakleigh Station

What we value about the Activity Centre:

A summary of what CRG members believe makes the place unique and worth protecting.

The Oakleigh Activity Centre holds a special place in the hearts of our community. Its distinct character, vibrant culture, and welcoming atmosphere make it more than just a local hub-it is a place we cherish and wish to protect for future generations. Below are the aspects that define its value to us.

A Distinctive and Welcoming Character

- Character and Atmosphere
- The Centre has a vibrant yet relaxed vibe, offering a balance of energy and ease.
- It reflects a strong sense of community, where locals and visitors alike feel welcome.
- A distinctive European influence, particularly Greek, gives the area a unique cultural identity.
- It is a popular destination for food and entertainment, known for drawing people together.
- Surrounding residential areas are family-oriented, reinforcing the area's sense of stability and connection.

What Makes Oakleigh Special

- It boasts an outstanding food scene, especially celebrated for Greek cuisine and high-quality baked goods.
- The strong community spirit and friendliness of locals contribute to a warm and inclusive atmosphere.
- Green spaces enhance everyday life and community well-being.
- The architecture around Oakleigh Mall adds visual interest and character to the streetscape.
- Heritage-listed buildings and classic California bungalows enrich the area's historical value and aesthetic appeal.

Role of the Natural Environment

- Parks and playgrounds are cherished and actively used, particularly by families with children and pets.

- Open spaces provide sunlight, visibility, and a pleasant atmosphere, which encourage outdoor activity and social interaction.
- The lack of overshadowing preserves the light and openness that make the area feel inviting.
- Recreational traditions, such as regular bocce games by local Greek residents, soccer, cricket and football reflect the community's connection to outdoor spaces.

How People Move and Use Public Space

- Driving is a preferred mode of transport for shopping, leisure, and connecting with others, contributing to traffic congestion.
- Public spaces and parks are widely used for picnics, play, and socialising, reinforcing their importance in daily life.
- While many drive, walking is also common, especially during weekends and school hours.
- Despite this, the layout continues to support active street life.

Key Landmarks and Community Anchors

- Eaton Mall, Portman Street, Atherton Road and Chester Street are central gathering points, well-known for their lively atmosphere and dining options.
- Jack Edwards Reserve, and Warrawee Park are valued green and recreational spaces.
- The Sunday Market brings energy and connection each week, supporting local businesses and social interaction.
- Important public facilities include the Library, Mechanics Hall, and Masonic Hall, which serve as cultural and civic hubs for the community.

Our Advice

Part A: General Advice

How do we plan for more homes in and around Oakleigh while strengthening the things that make it unique?

- Prioritise liveability alongside growth. Oakleigh's strength lies in its vibrant community life, open spaces, multicultural vibrancy, and access to essential amenities. These must not be diluted by densification.
- Invest in maintaining and expanding public amenities such as parks, playgrounds, and sports facilities to meet the needs of a growing population.
- Encourage community events and local markets to sustain social connection and identity as more residents move into the area.
- Protect and enhance green spaces like Warrawee Park by making them more accessible and better utilised for community-focused activities.
- Ensure infrastructure and public services (including drainage)—such as schools, healthcare, and transport—keep pace with housing development to avoid a decline in service quality.
- Maintain the area's safety and connectivity through lighting, law enforcement, and reliable transport options to preserve the high quality of life.
- Recognise that open space, safety, ease of movement, and access to essential services are not extras, but critical to Oakleigh's ongoing appeal and resilience.

- No affordability criteria in commitment from government in the current building requirements (i.e. properties could be sold for investment).

Part B: Thematic advice across four key areas:

Public and Green Space

- Warrawee Park is a central community hub, regularly used for:
 - Playground activities
 - BBQs and picnics
 - Sunday markets (Hanover St carpark)
 - Sporting events including use of the sports oval, swimming pool, and sports arenas at Bushman's Park, Jack Edwards Park and Oakleigh Recreation Centre.
- There is community concern that Warrawee Park could be better utilised for regular community events. Some feel its potential is underused.
- Public green space is vital for:
 - Mental and physical health
 - Community gathering and interaction
 - Play and recreation for families
 - Climate resilience, especially as urban density increases
- As more homes are developed in Oakleigh, these spaces become even more important. Residents will increasingly rely on shared open spaces for relaxation and exercise.
- Recommendation: Retain, enhance, and promote public green areas as "shared backyards" for new and existing residents.

Moving Around

- Public Transport Improvements:
 - Increase frequency of services to reduce wait times.
 - Expand public transport routes to better connect Oakleigh with surrounding areas.
- Walking and Accessibility:
 - Footpaths are incomplete, missing in sections, or in poor condition. This poses a safety risk, especially for the elderly and people with disabilities.
 - Crossings are either insufficient or hazardous. Improvements would benefit both pedestrians and cyclists.
 - Poor lighting adds to discomfort and reduces the perceived safety of using these paths at night.
- Vegetation Management:
 - Overgrown vegetation on public paths restricts accessibility and can force pedestrians onto roads, creating safety risks.
- Residents believe:
 - Well-maintained paths, better lighting, and thoughtful landscaping will encourage walking and cycling, helping reduce car dependence.
 - These changes will also improve perceptions of safety, particularly after dark.

Safety

- Key safety concerns voiced by the community:
 - Low police presence in public areas
 - Limited police station opening hours (not currently open 24 hours), leaving residents feeling vulnerable
 - A rise in crime and perception of anti-social behaviour has increased calls for better law enforcement

- Lighting is a recurring theme—people feel safer in well-lit streets, parks, and pedestrian areas.
- Security cameras in high-traffic or poorly lit areas are seen as essential deterrents.
- Community and youth engagement play a role in crime prevention:
 - Youth programs can provide meaningful activities to reduce delinquency.
 - Community events and social cohesion create stronger networks that contribute to natural surveillance.
- The Oakleigh Station underpass was specifically flagged as a location where people feel unsafe and improvements are urgently needed.

Local Infrastructure

- Transport infrastructure needs urgent attention:
 - Hanover Street Bridge (Flyover) is seen as outdated and in need of an upgrade to support current and future usage.
 - The Oakleigh Station underpass is perceived as unsafe—both structurally and due to a lack of visibility/security.
- With more housing comes increased demand on infrastructure. Residents strongly support upgrades and expansions in:
 - Street lighting – crucial for visibility and public safety
 - Drainage systems – to prevent flooding, especially with more impermeable surfaces
 - Footpaths and bicycle paths – to promote walking and cycling safely
 - Schools and childcare – to support growing families moving into the area
 - Healthcare services – including hospitals, GP clinics, and aged care
 - Ambulance services – to reduce response times
 - Parking availability – particularly around Oakleigh train station, where it is insufficient
 - Internet infrastructure (NBN) – critical for those working from home
- Residents are concerned that without proactive investment in infrastructure, the liveability of Oakleigh could decline as population grows.

Areas of Agreement

- Public green space is essential and should be expanded and protected.
- Public transport needs to be more frequent and reliable, with expanded routes.
- There is a strong desire for safer walking and cycling infrastructure, including better lighting, footpath repairs, and traffic crossings.
- Residents want greater police visibility and a 24-hour police station to improve security.
- Upgrades to existing infrastructure—from bridges and lighting to schools and health care—are seen as urgent, not optional.
- There is broad support for community-focused solutions, including youth engagement and events in public spaces.

Areas of Disagreement or Differing Views

- While most see Warrawee Park as valuable, some feel it is not used to its full potential—there is no consensus on how best to activate the space.
- While security cameras are supported by many, others may have privacy concerns (not explicitly stated but often present in broader discourse).
- There is general agreement that more housing is needed, but **no clear consensus on where or how** it should be integrated—some fear it will threaten Oakleigh's unique character if not carefully managed.

Considerations

Areas where the community was open to acceptable compromises, and areas where compromise was not supported.

Housing Change and Design

- There is strong resistance to any overshadowing in the central Oakleigh area due to its impact on local character and vibrancy.
- Green space must be integrated into any new housing developments.
- Increased housing should include a focus on energy efficiency and sustainability.
- Housing developments should ensure a clear separation between residential and commercial access for privacy and security.
- Adequate parking and visitor access must be provided in all new developments.

Preferred Locations for Growth

- Dandenong Road (between Chadstone and Ferntree Gully Road) is considered suitable due to its ability to handle vehicle traffic efficiently.
- The railway corridor between Huntingdale Road and Burlington Street is acceptable for increased housing due to its proximity to two train stations.
- Areas around Brickmakers Park are seen as appropriate for more housing, given their access to green space and transport.

Protection of Local Character

- Key elements to be protected include alfresco dining culture, market-style vibrancy, green spaces, and ample public seating.
- Streetscape quality, availability of open space, and the preservation of light (no overshadowing) are considered vital.
- Existing weekend markets, parks, and reserve areas are viewed as essential components of Oakleigh's identity.

Community Expectations for Implementation

- The community calls for a staged rollout plan for any increases in building heights, with clear, defined steps.
- There is a strong desire for continuous consultation and education throughout the planning process.
- Planning controls must be fixed and reliable - changes after community agreement are seen as unacceptable.

Where the Community is Open to Acceptable Compromises

Support for Thoughtful Development:

- Community members agree that certain areas, particularly those near major roads and transport corridors, can accommodate more housing.
- There is shared support for ensuring that public transport access and green space are central considerations in identifying growth areas.

Protection of Public and Heritage Spaces:

- There is consistent agreement that parks, green spaces, and public facilities must be protected and enhanced, not compromised.

- Heritage overlays and traditional building materials (e.g. brick) should be respected in new developments.

Demand for Transparency and Certainty:

- Both activity centres emphasised the need for clear, reliable planning rules and transparency about how community input shapes final decisions.
- Community confidence hinges on honest engagement and clear outcomes from the consultation process.

Where the Community Does Not Support Compromise

Overshadowing in Central Oakleigh:

- The Oakleigh community was firm that no compromise is acceptable if it leads to overshadowing, especially in the core retail and dining areas.
- This was viewed as a direct threat to the unique local character.

Parking and Access:

- There is no flexibility in the community's view that increased housing density must come with adequate parking and access solutions.

Changing Controls After Agreement:

- Community members do not support any changes to planning controls once community agreement has been reached—they seek binding outcomes from consultation.

Key Messages for Planners – Oakleigh Station

Final key messages the group would like to leave with decision-makers.

1. Protect Oakleigh's Unique Character and Atmosphere

- The community values Oakleigh's European cultural influence, welcoming environment, and strong local identity.
- Alfresco dining, community events, and the local market are key to its charm—these must be preserved.
- Overshadowing in central areas is non-negotiable; it threatens the area's light, energy, and appeal.

2. Prioritise Green Spaces as 'Shared Backyards'

- Public parks like Warrawee Park and Jack Edwards Reserve are essential for recreation, wellbeing, and community life.
- As density increases, green spaces must be protected, expanded, and better activated for all residents.
- These areas are not optional extras—they are critical for liveability, climate resilience, and social connection.

3. Plan Infrastructure to Match Growth

- Roads, schools, healthcare, drainage, and public transport must keep pace with new housing to avoid decline in service quality.
- Community members support more housing in select areas (e.g. Dandenong Rd corridor) but only if infrastructure is upgraded first.
- Adequate parking and safe access must be included in all developments—this is a core community expectation.

4. Make Oakleigh Safe, Walkable and Connected

- Footpaths, crossings, lighting, and vegetation maintenance are vital for pedestrian safety and mobility, especially at night.
- The Oakleigh Station underpass urgently needs upgrades to improve safety and confidence.
- A 24-hour police presence and youth engagement programs are seen as important for long-term safety.

5. Respect Community Input and Ensure Planning Certainty

- The community expects honest, ongoing consultation and clear, enforceable planning controls.
- Once agreement is reached, planning rules must not change—this is a matter of trust and transparency.
- Residents support thoughtful development where it reflects local values, protects heritage, and strengthens liveability.

Overview

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All Statements of Advice will be released publicly alongside other engagement outcomes during Phase 2 engagement planned for September 2025.

Statement of Advice – Hughesdale Station

What we value about the Activity Centre:

A summary of what CRG members believe makes the place unique and worth protecting.

The Hughesdale Activity Centre holds a special place in the hearts of its community. It is a functional, walkable, and welcoming neighbourhood that blends old and new, offering a mix of practical amenities, local charm, and strong connections to nearby green spaces. The following points highlight what the community values most about this area and why it is considered worthy of protection and careful planning.

Character and Atmosphere

- Hughesdale feels safe, small-scale, and community-oriented, with a laid-back, friendly vibe.
- Makes it easy to get around on foot or by bike.
- The area includes a mix of old and new developments, reflecting its evolving identity.
- While the main shopping strip is seen by some as lacking visual cohesion or feeling a bit tired, others appreciate its functionality and potential for renewal.
- The quieter side streets are especially valued for their charm and stronger sense of community appeal.

What Makes Hughesdale Special

- Hughesdale is known for its diverse and friendly community.
- It is highly walkable, with essential services, shops, transport, schools, and parks all within close reach.
- Its location offers convenient access to a wider network of suburbs and Melbourne's broader amenities.
- The sky rail reserve is used by locals and visitors for walking, cycling, and recreation.

Natural Environment and Open Space

-
- While Hughesdale has limited green space within the Activity Centre itself, nearby parks and gardens are appreciated for offering places to relax, play, and connect.
 - The surrounding reserves and community trails help bring nature into the daily routines of residents and visitors, especially along the sky rail corridor.
 - The community values any opportunity to enhance or protect open space in and around the Centre, recognising the role it plays in wellbeing and neighbourhood appeal.

Movement and Public Space Use

- Walking and cycling are central to how people move through the area, supported by flat, accessible streets and pathways.
- Public transport is available, particularly via Hughesdale Station, though some community members note limitations in its frequency and reach of buses.
- The public realm, while generally functional, presents opportunities for improvement—more seating, shade, greenery, and gathering spaces would enhance everyday use.

Places and Landmarks We Recognise

- Key places that give Hughesdale its identity include the local Post Office, Hughesdale Station, and popular commercial spots like the pharmacy, OC Bar, and Wines on Poath.
- The Sky rail Reserve stands out as both a recreational and visual landmark, creating a linear open space used by many.
- Mural art adds colour and cultural interest, reflecting community identity and creativity.
- There is no dominant architectural style—rather, a mix of building types and eras contributes to the area’s unique, lived-in feel*

*The CRG disagreed on this point.

Our Advice

Part A: General Advice

How do we plan for more homes in and around Hughesdale while strengthening the things that make it unique?

- Preserve and enhance what already works: Hughesdale’s walkability, access to local parks, and village feel are cherished. Any future planning must safeguard these features while accommodating more residents.
- Public spaces must grow with the population: As density increases, especially through apartment developments, accessible and quality open spaces will become crucial for community wellbeing. These areas function as “backyards” for apartment dwellers.
- Respect Hughesdale’s character: High-density development is accepted, [but it must reflect the area’s existing charm. This includes thoughtful architectural design, appropriate building materials, and diverse, human-scale streetscapes]. Note- there was disagreement within CRG on this point.
- Ensure homes are liveable for all types of residents: There is strong support for ensuring new apartments are suitable for families—this means minimum size requirements and more affordable three-bedroom options, not just premium penthouses.

- Involve the community early: Collaborative design and planning processes are encouraged, especially when it comes to shared infrastructure, green space, and visual aesthetics.
- Development to encourage apartments to bring people into the area. Developers need certainty and scale for commercial viability*

**Strong CRG divergence with agreement and disagreement on this statement.*

Part B: Thematic advice across four key areas:

Public and Green Space

- Green space is valued and insufficient:
 - Boyd Park, while popular, is narrow and often dominated by many user groups in a small space.
 - From Dandenong Road to the train line and Poath Road to Warrigal Road, there are no green spaces—this area needs urgent attention.
 - As more high-density housing is developed, existing green areas will face more pressure and new ones will be essential.
- Parks are multi-purpose and must serve diverse needs:
 - Residents want spaces where children can play, adults can work remotely, and families can gather—this includes shaded seating, tables, and infrastructure like gazebos and playgrounds.
 - Galbally Reserve is appreciated for its quieter environment and good connectivity for cycling.
 - Boyd Park is praised for its native trees and facilities but noted to be intimidating for those uncomfortable around off-leash dogs.
 - Town plaza is needed.
- Larger recreational spaces are lacking:
 - The community wants facilities for sport and recreation such as football, basketball, and netball to accommodate population growth.
 - Some existing parks are already nearing full capacity.
- Call for more trees and natural elements:
 - Strong support for more large, climate-resilient canopy trees, especially along major thoroughfares like Poath Road*

**Notes of CRG disagreement.*

Moving Around

- Walkability is a key strength:
 - Hughesdale is highly walkable, with a well-connected network of footpaths and short distances between key destinations.
 - People appreciate the ease of walking to shops, parks, and transport but want safer and better-lit walking paths, especially after dark.
- Cycling infrastructure needs improvement:
 - While some enjoy cycling, it's seen as unsafe due to busy roads. More separated bike lanes are requested. Resolving pain chokepoints in existing paths.
 - Bike safety concerns limit uptake, especially among less experienced riders.
- Driving is increasingly difficult. Pain points include:
 - Poath Road and Kangaroo Road roundabout

- Euston Road intersections (Poath and Warrigal intersections)
 - Chadstone traffic backing up into Hughesdale
 - Traffic congestion is worsening and needs attention before adding more residents.
 - New developments should be encouraging active transport.
- Signage and parking need attention:
 - Better directional signage to key places (e.g., Chadstone, parks) is requested.
 - Railway Parade is too narrow for its current use and needs redesign to improve safety and parking.
 - More off-street parking maybe needed, especially as more homes are built. Permit systems should balance resident needs with visitor access*
- Public transport is good but buses need work:
 - Trains are well used and appreciated.
 - Bus services are limited by route coverage, infrequency, and poor connectivity—especially important for those unable to walk or cycle.

** Note of disagreement.*

Safety

Overall, Hughesdale is considered safe:

- Residents report generally feeling safe walking around, even after dark, but there are key areas of concern.
- Lighting is a recurring issue:
 - More maintenance around lighting is needed in:
 - Parks (e.g., Boyd Park, Galbally Reserve)
 - The Hughesdale–Oakleigh bike path
 - Warrigal Road underpass
 - Better lighting would encourage active transport and increase nighttime usage of public space.
- Design should support safety without over-policing:
 - Open, active, and well-lit spaces encourage community use and natural surveillance.
 - There is resistance to excessive lighting in parks, which may conflict with their character and biodiversity.
- Gendered experiences of safety noted:
 - While many men report feeling safe in all areas, some women avoid places like Boyd Park after dark, suggesting a need to design with inclusive safety in mind.
- Station presence supports security:
 - Protective Services Officers (PSOs) at Hughesdale Station are seen as positive, though some residents are unclear if they patrol ground areas or only platforms.
- Traffic safety is linked to congestion and design:
 - A dedicated right-turn arrow at Poath and Neerim Roads is requested to reduce crashes and delays.
 - A redesign of narrow roads could prevent accidents and improve overall accessibility.

Local Infrastructure

Infrastructure must match growth:

- As population increases, services such as schools, roads, water, sewage, and electricity must be upgraded to avoid strain.
- Questions remain about school capacity, particularly for state secondary options.
- Emergency services and local GPs already feel overstretched—expansion is needed.
- Streetscapes need trees and bins:

- Tree planting along Poath Road and other main routes is essential for climate resilience and comfort.
 - More bins, particularly between Chadstone and Hughesdale Station, are needed to handle litter from foot traffic.
- Need for more inclusive community spaces:
 - More tables and seating in public areas are desired for meals, gathering, and remote work.
 - A new community centre at or near the station is suggested to activate the area and support local engagement (e.g., art displays, yoga, pop-ups), including vacant shops.
- Balance density with quality design:
 - High-density development is acceptable if it comes with strong architectural standards, well-considered colours and materials, and appropriate street interfaces. Some CRG members agreed that this needs to be counter balanced with re-vitality and commercial viability.
 - Developers should contribute to local infrastructure (e.g., childcare centres, public amenities).
- Childcare and maternal services are insufficient:
 - Limited hours and availability are a concern. These services must be expanded alongside housing growth.
- Need for stronger inter-council cooperation:
 - Hughesdale straddles the boundary between Monash and Glen Eira councils.
 - Residents want a more coordinated approach to planning, infrastructure, and services across the two jurisdictions.

Key Areas of Agreement and Disagreement

Strong Areas of Agreement

- More green space is essential: There's a consistent call for expanding and improving public parks, especially in underserved areas.
- Infrastructure must scale with population: Roads, schools, services, and public transport need upgrades concurrently with density increases.
- Walkability and active transport are valued: Residents want to walk and cycle safely; better lighting and pathways will support this.
- Community interaction is a priority: Public spaces that bring people together—like seating, plazas, and community centres—are seen as vital. And parks.
- Architectural standards matter: High-density living is acceptable if it reflects good design and community character and build quality.
- Safety needs to be inclusive: While generally safe, lighting and design improvements can help everyone feel secure.

Divergent Views or Open Questions

- Extent of lighting in parks: Some residents desire more lighting for safety; others worry about disrupting the natural environment or ambience.
- Permit parking vs. visitor access: Calls for more permit zones exist, but there's also concern about ensuring enough visitor parking and not over-regulating street use.
- Dog access in parks: While some appreciate dog-friendly areas, others find off-leash dogs in the way. Clearer designations or separated areas in parks may help through more parks.
- How best to activate underused spaces: Ideas like pop-up shops and multifunctional community centres were suggested, but more work is needed to decide location, funding, and programming.

Considerations

Areas where the community was open to acceptable compromises, and areas where compromise was not supported.

Considerations for the Hughesdale Activity Centre

- The community is open to more townhouses, apartments, and shop-top housing, provided there is certainty around building quality, height limits, and materials.
- Public transport routes—such as Poath Road, Dandenong Road, Warrigal Road, and Neerim Road—are seen as logical places for additional housing due to accessibility and need to include bus routes.
- There is recognition that the elevated rail line sets a benchmark for acceptable building height in certain areas.
- Materials and colours are critical to ensure that new developments blend into the existing character; brick and mixed materials are preferred over monolithic finishes.
- Concerns were raised about the overlap between Hughesdale and Chadstone Activity Centres, which could lead to inconsistent planning controls.
- The community supports protecting heritage areas, particularly where a Heritage Overlay is in place. [There is a call for clear alignment between heritage controls and allowable building heights.]* one CRG member disagreed with this section.
- Tree canopy retention and enhancement are seen as important to soften the visual impact of new buildings and preserve a green outlook.
- Overshadowing of local parks and the use of sheer walls adjacent to them are strongly discouraged.
- In areas with unique physical constraints (such as narrow or dead-end streets), special care should be taken with development scale and parking needs.

Key Areas of Agreement and Disagreement

Areas of Agreement (Community Consensus)

- Support for Medium Density: There is a general willingness to support increased housing—particularly townhouses and shop-top apartments—so long as development respects the area's look and feel.
- Transit-Oriented Development: Public transport corridors are widely accepted as suitable locations for increased housing.
- Respect for Heritage and Character: Strong consensus exists around protecting heritage areas and maintaining the visual identity of Hughesdale. **one CRG member does not agree that Hughesdale has a unique visual identity. This should be assessed on a street-by-street basis.*
- Importance of Materiality: Developments should reflect the architectural language of the area, with a mixture of textures and finishes.
- Transparency and Feedback: Community members want to see the results of public engagement and how feedback has shaped planning outcomes.

Areas of No Compromise

- Short-Stay Rentals: There is strong resistance to the growth of short-term accommodation (like Airbnb), due to its impact on housing affordability and availability. The community sees this as incompatible with long-term housing goals.
- Visual and Environmental Impact on Parks: No compromise is supported on issues like overshadowing of parks or sheer walls adjacent to them. Parks are seen as vital assets deserving full protection.

Areas of Disagreement

- Areas of disagreement - Heritage vs. Height Conflicts: The community insists that heritage overlays must take precedence over height allowances. Developments that exceed what's appropriate for heritage zones are unacceptable. **Disagreement within CRG on this point.*
- Contextual Design: There is little tolerance for developments that ignore street width, local parking limitations, or create a "caved-in" feeling in tightly knit neighbourhoods.

Key Messages for Planners – Hughesdale Station

Final key messages the group would like to leave with decision-makers.

1. Protect Hughesdale's Walkable, Village Feel

- The community deeply values Hughesdale's safe, walkable streets and have a desire to develop a close-knit atmosphere. Future development must keep this human-scale character intact, with thoughtful design that supports walking, cycling, and connection to local shops, parks, and transport.

2. Green Spaces Are Essential, Not Optional

- Parks and open spaces are in short supply and already under pressure. As the population grows, new and improved green areas must be delivered to meet the everyday needs of residents for relaxation, play, and connection.

3. Good Design Builds Community Trust

- While more housing is accepted, people want developments that reflect the local look and feel. This means using quality materials, respecting street context, and ensuring new buildings add to—not overwhelm—the neighbourhood character. **One CRG member disagrees with this statement.*

4. Plan for Growth, Not Just Buildings

- Infrastructure and services must grow with the population. This includes schools, childcare, health services, roads, and public transport. The community expects these upgrades to happen alongside new development—not after it.

5. Put the Community at the Centre

- Residents want a say in shaping their area. Involving the community early and clearly showing how their feedback.

Community Reference Group – Statement of Advice

Overview

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Statement of Advice – Holmesglen

What we value about the Activity Centre:

A summary of what CRG members believe makes the place unique and worth protecting.

The Holmesglen Activity Centre is a distinctive and evolving part of our community. It offers a blend of educational, residential, and green space features that make it both dynamic and full of potential. As a community, we value the Centre's unique identity and seek thoughtful protection and enhancement of its character.

A Diverse and Mixed-Use Community Hub

- The area is centred around Holmesglen TAFE, a major educational institution shaping the local landscape and economy.
- A mix of housing types, including public and private dwellings, reflects the Centre's diversity.
- There is a clear need for increased residential options and enhanced social supports, including for people living with disability.
- Concerns about safety, anti-social behaviour, and insufficient services highlight the need for greater investment in community wellbeing.

Key Landmarks and Public Features

- Holmesglen TAFE serves as the defining landmark of the precinct.
- A combination of retail centres—both large chains and smaller shops—support local commerce.
- Nearby parks and a local golf course provide important recreational and environmental benefits.
- The area currently lacks essential services such as medical care, maternal health, childcare, and schooling, which limits the Centre's capacity to support families and long-term community development.

Valued Natural Environment and Green Space

- Parks near the golf course and the Scotchmans Creek Trail are popular for walking, cycling, and outdoor activity, providing essential green relief in an urban setting.
- The community appreciates access to trails that connect to broader destinations, including walking access to Chadstone Shopping Centre.
- Flooding is a growing concern, with current water management proving inadequate. There is an urgent need for effective flood mitigation to protect homes, infrastructure, and public safety.

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- Lomond Park is underutilised and needs to be cleaned up and revitalised to serve as a usable public space.
 - A promised playground from earlier developments remains unbuilt, and fulfilling this commitment is important for local families.

Movement and Access Challenges

- Steep terrain reduces walkability, making the area heavily reliant on cars.
- Public transport is present (notably the railway station), but access is hindered by poor drop-off zones and limited carpark exits.
- Traffic congestion is a serious issue, particularly around key intersections. Better coordination with VicRoads to synchronise traffic lights could ease the burden.
- Residents are calling for improved safety for pedestrians and cyclists, especially in high-traffic zones.
- Strategic parking measures—such as time limits and resident-only zones—could alleviate pressure near public transport hubs.
- Increasing crossover access to private developments has led to a loss of valuable street parking for the wider community.

What Makes Holmesglen Special

- Holmesglen is a green, connected, and diverse community with the foundations of a thriving urban village.
- Its open spaces and trails are central to its appeal, offering health, social, and environmental benefits.
- Residents take pride in the area's potential and seek a future that includes better services, safer streets, and the protection of what makes Holmesglen unique

Our Advice

Part A: General Advice

How do we plan for more homes in and around Holmesglen while strengthening the things that make it unique?

Areas of Agreement

- Protect green spaces: There is strong consensus around protecting the golf course, parks, and trails. These areas are essential to Holmesglen's identity, wellbeing, and lifestyle. They are widely used for walking, dog-walking, cycling, and relaxation.
- Balance density with design quality: Many residents accept that more homes are needed but urge for larger, high-quality apartments (3–4 bedrooms, 2 bathrooms, 2 car parks) to enable and attract families and downsizers, rather than small units which may attract transient tenants. This would also encourage people to stay in the area rather than moving out of the area when circumstances change.
- Require infrastructure before approving growth: Housing development must be matched by investment in services—such as schools, childcare, healthcare, and community safety. Residents highlight that these are already lacking.

- Engage landowners and residents: Residents want transparency and early consultation with major landowners (e.g. Holmesglen TAFE, Matthew Flinders site) to ensure development reflects local needs and values.
- Enhance liveability to raise appeal: Clean streets, safety, walkability, access to nature, and quality services are seen as crucial to attracting long-term residents and investment. Many believe improving these will support housing growth sustainably.

Areas of Disagreement

- Social and public housing: Some residents associate public housing and NDIS-funded housing with crime and social disruption. Others believe that with proper support and enforcement, inclusive housing can work. Stronger government coordination with safety and support services is widely requested, regardless of housing type.
- Density limits vs. housing need: Some residents oppose any high-density development near residential streets (e.g. 615 Warrigal Road), citing safety and traffic issues. Others suggest that with better design and infrastructure, density can be integrated responsibly

Part B: Thematic advice across four key areas:

Public and Green Space

Areas of Agreement

- Green space is central to local identity: The golf course, Scotchmans Creek and Gardiners Creek trails, and local parks are seen as defining features. They support mental health, community interaction, exercise, and local biodiversity.
- Upgrade and activate underused parks: Parks such as Lomond Park are underutilised. Residents suggest adding seating, dog parks, shaded rest areas, water fountains, and lighting to make these areas more welcoming.
- Maintain public access: Public access to parks, trails, and open spaces must be protected and prioritised in all development proposals. These areas should not be overshadowed or made inaccessible by large buildings or road infrastructure.
- Improve cleanliness and maintenance: Rubbish dumping, particularly from nearby developments, is diminishing the quality of open spaces. More frequent clean-ups and stronger enforcement are needed.

Areas of Disagreement

- Use of public space around trails and housing: Some residents feel unsafe using trails near housing commission areas due to loitering, substance use, or perceived anti-social behaviour. Others may see trails as shared spaces that need better oversight, not exclusion.

Moving Around

Areas of Agreement

- Traffic congestion is a critical issue: Major roads—especially Warrigal Road, Batesford Road, and intersections like Atkinson/Waverley/Collins—are often congested. Residents cite long delays, unsafe crossings, and frequent accidents.
- Footpath and bike path upgrades are needed: Pedestrian access is poor in many areas, especially along Warrigal Road. Better footpaths and wider, connected bike paths are seen as vital for walkability and safety.
- Improve transport safety and access: Train stations, bus stops, and freeway underpasses need better lighting, safer drop-off zones, and clearer pedestrian crossings. Holmesglen Station's car park lacks adequate entry/exit access and signage.

- Synchronise traffic lights: Many support better coordination of traffic signals on major roads to reduce backups and increase pedestrian safety. Coordination with VicRoads is seen as essential.

Areas of Disagreement

- Impact of development at 615 Warrigal Road: There is strong concern this approved development will worsen congestion, especially near cul-de-sacs like Argyll Street. Some suggest traffic calming or entry restrictions; others argue better planning could integrate development without compromising road safety.

Safety

Areas of Agreement

- Lighting is essential: Well-lit public areas (near TAFE, underpasses, trails, and intersections) make residents feel safer and are seen as a top priority. Poor lighting near the Monash Freeway and walking trails is especially problematic.
- Need for CCTV and emergency response infrastructure: Residents suggest CCTV cameras, SOS emergency phones, and improved mobile network coverage in underpasses and remote trails to deter crime and assist in emergencies.
- Enforce speed limits and address dangerous driving: Speeding and reckless driving—especially on Bullarto Street (used as a cut-through)—pose risks to children, pets, and pedestrians. Speed calming infrastructure is strongly supported.

Areas of Disagreement

- Linking housing types to crime: Some residents attribute thefts, abuse, and anti-social behaviour to residents of public housing or NDIS accommodation, citing specific individuals. Others point to the need for better policing and social services rather than blame based on housing tenure.
- Police presence and response times: Many feel that law enforcement response is slow or absent despite repeated reports of harassment, theft, or drug activity. There is wide agreement on the need for more visible, active policing in known problem areas like Power Avenue and Salisbury Street

Local Infrastructure

Areas of Agreement

- Basic services are lacking. Residents are united in calling for better local services to support population growth. These include:
 - Government primary and secondary schools
 - Childcare and kindergartens
 - A local GP and maternal health care
 - Aged care facilities
- Retail and café options are needed: Warrigal Road has the potential to host a vibrant retail strip. There is community support for more local shops, cafés, and grocery options, especially near large development sites like 615 Warrigal Road. Small hubs where dog-walkers, cyclists, and neighbours can gather are widely desired.
- Waste management must be improved: Larger developments are increasing waste issues, especially around hard rubbish collection. Residents want developers held accountable for rubbish and more regular Council intervention.
- Better planning around cul-de-sacs and narrow streets: Developments must consider street width, parking pressure, and traffic flow—especially around Argyll Street and surrounding lanes. Residents warn that uncoordinated development will worsen gridlock and safety hazards.

Areas of Disagreement

- Type of development at 615 Warrigal Road: Many are opposed to the current development approval, citing increased pressure on an already strained road network. Some argue that if it goes ahead, it must include:
 - Family-sized apartments with adequate parking or banning car registration
 - Onsite community infrastructure (e.g. aged care groceries, childcare, health clinic)
 - Built-in traffic solutions and safe pedestrian access.

Considerations

Areas where the community was open to acceptable compromises, and areas where compromise was not supported.

Where the Community is Open to Acceptable Compromises

Housing Growth with Conditions

- Residents accept the need for more homes, particularly if they are designed to attract families and downsizers rather than transient tenants.
- Preferred developments include 3–4 bedroom apartments with two bathrooms and two car spaces to retain property values and encourage long-term residents.
- Any new development must include appropriate support infrastructure (e.g. roads, childcare, GP services, schools) before approval or occupancy.

Improved Transport and Movement

- There is strong community support for improved coordination of traffic lights (especially along Waverley, Power, and Batesford Roads) to manage growing congestion.
- Residents would welcome more accessible and safer footpaths and bike paths, particularly near the golf course and along Warrigal Road.
- Residents support better design of train station car parks and safer pedestrian crossings near busy intersections.

Retail and Public Gathering Spaces

- There is openness to creating more retail spaces, especially along Warrigal Road, to provide a local hub for shopping, cafés, and community interaction.
- Community members support creating inclusive spaces where dog walkers, families, people with disabilities, and culturally diverse residents can gather safely and comfortably.
- Suggested features include shaded seating, water fountains, dog parks, and aged care–friendly facilities.

Use of Trails and Green Corridors

- Trails like Scotchmans Creek and Gardiners Creek are seen as key assets, and there is support for expanding their use for both leisure and commuting.
- Suggestions for improvement include more lighting, CCTV, emergency SOS phones, and safe zones to accommodate both fast cyclists and walkers

Where the Community Does Not Support Compromise

Loss of Green Space

- The community is firm in its desire to retain public green spaces, including the Malvern Valley Golf Course and nearby parks. These areas are seen as essential to quality of life and local character.
- Development that compromises access to or the integrity of green space is strongly opposed.

Inadequate Infrastructure to Support Growth

- Residents oppose any high-density development that proceeds without proper traffic planning, street upgrades, and community infrastructure.
- The 615 Warrigal Road development is repeatedly cited as an example of growth that was approved without addressing its safety and traffic impacts.

Safety and Social Behaviour Concerns

- There is significant opposition to concentrated public housing or NDIS housing without support services. Reports of anti-social behaviour, drug use, and verbal abuse—particularly near Power Avenue and Salisbury—have raised strong concerns.
- Residents are calling for increased police presence, quicker response times, and better enforcement to address repeat offenders and visible street crime.
- There is no support for placing more vulnerable residents into the area without proper care, oversight, and social integration programs.

Threats to Community Safety

- Several intersections are seen as dangerous, particularly for pedestrians. Daily crashes, speeding, and jaywalking are common around Atkinson/Waverley/Collins and Batesford/Power.
- Community members reject any development or road changes that further endanger walkers, cyclists, or children in these areas.

Overdevelopment in Narrow or Inaccessible Streets

- The community firmly opposes developments that funnel traffic into cul-de-sacs or residential lanes such as Argyll Street, which are already under pressure.
- Residents have asked for developer accountability in addressing localised traffic and safety issues resulting from new builds

Key Messages for Planners - Holmesglen

Final key messages the group would like to leave with decision-makers.

1. Protect and Enhance Green and Open Spaces

- The community places strong and consistent value on the golf course, creek trails, and local parks, which define Holmesglen's character and contribute to public health and wellbeing.
- These spaces should not be compromised or overshadowed by development. Public access must be preserved, and upgrades should include lighting, seating, dog parks, and regular maintenance.
- Flooding risks around green spaces must be addressed with effective stormwater and infrastructure planning.

2. Plan Housing Growth with Design Quality and Infrastructure First

- Residents accept the need for more homes but stress the importance of quality over quantity. Preferred housing includes spacious, family-oriented apartments with adequate parking and amenities.
- High-density development is only supported when accompanied by upgrades to local infrastructure such as schools, childcare, health services, aged care, and local road networks.
- New developments must consider cumulative impacts, especially traffic and parking pressure on narrow residential streets and cul-de-sacs like Argyll Street.

3. Improve Movement, Access, and Safety for All

- Congestion is a daily issue. Residents support coordinated traffic light systems, especially along Warrigal, Batesford, Power, and Waverley Roads, and call for partnership with VicRoads.
- Better footpaths and dedicated bike paths are needed to promote safe, active transport—particularly along Warrigal Road and around the Holmesglen TAFE precinct.
- Car park design, public transport drop-off points, and pedestrian crossings need improvement to support safe and accessible movement for all users, including those with mobility needs.

4. Prioritise Safety in Public Spaces and Residential Areas

- Residents strongly support more lighting, CCTV, and emergency SOS systems in public areas including underpasses, walking trails, and key intersections.
- There is deep concern about anti-social behaviour linked to under-supported public and NDIS housing. While views vary, there is agreement that government must ensure stronger coordination between housing services and community safety enforcement.
- Police presence and responsiveness must improve, especially in known hot spots like Power Avenue, Salisbury Street, and near TAFE.

5. Support a Complete Community Through Services and Gathering Spaces

- The area currently lacks essential services including government schools, maternal and GP health care, childcare, and aged care—these must be addressed before further residential development proceeds.
- Residents want well-designed local hubs with shops, cafés, and spaces where people from diverse backgrounds—including families, the elderly, dog walkers, and people with disabilities—can meet and feel welcome.
- Retail improvements, particularly along Warrigal Road, are seen as opportunities to strengthen community cohesion and economic vitality.

Key Messages for Planners from Statements of Advice from Community Reference Groups

Oakleigh

Key Message	City of Monash Officer response
1. Protect Oakleigh's Unique Character and Atmosphere - The community values Oakleigh's European cultural influence, welcoming environment, and strong local identity. - Alfresco dining, community events, and the local market are key to its charm—these must be preserved. - Overshadowing in central areas is non-negotiable; it threatens the area's light, energy, and appeal.	The proposed building heights in the central areas is almost certain to lead to overshadowing well beyond the current levels. This risks impacting the alfresco dining and community events. Overshadowing controls must be implemented to minimise this overshadowing, and they must use the Winter Solstice as a test given that these are such significant public areas, where outdoor spaces are used so heavily. These key messages have not been addressed in the information provided to date.
2. Prioritise Green Spaces as 'Shared Backyards' - Public parks like Warrawee Park and Jack Edwards Reserve are essential for recreation, wellbeing, and community life. - As density increases, green spaces must be protected, expanded, and better activated for all residents. - These areas are not optional extras—they are critical for liveability, climate resilience, and social connection.	Given the locations of these parks, it is unlikely that they will be affected by increased overshadowing, with the exception of the south east corner of Pioneer Park potentially being subject to morning overshadowing (particularly in winter), and the western side potentially being overshadowed by taller buildings along the western side of Warragul Road. As density expands, competing interests for this open space will also expand. Melbourne Water have identified part of Warrawee Park as a potential location for a water treatment feature that will be required as density increases.

3. Plan Infrastructure to Match Growth • Roads, schools, healthcare, drainage, and public transport must keep pace with new housing to avoid decline in service quality. • Community members support more housing in select areas (e.g. Dandenong Rd corridor) but only if infrastructure is upgraded first. • Adequate parking and safe access must be included in all developments—this is a core community expectation.	No infrastructure development is planned or proposed as part of this program. These key messages have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
4. Make Oakleigh Safe, Walkable and Connected • Footpaths, crossings, lighting, and vegetation maintenance are vital for pedestrian safety and mobility, especially at night. • The Oakleigh Station underpass urgently needs upgrades to improve safety and confidence. • A 24-hour police presence and youth engagement programs are seen as important for long-term safety.	While these aspects all contribute to making activity centres great places to live, visit and work, these are not considered as part of the activity centre program. The program only looks at increasing housing capacity. These key messages have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
5. Respect Community Input and Ensure Planning Certainty • The community expects honest, ongoing consultation and clear, enforceable planning controls. • Once agreement is reached, planning rules must not change—this is a matter of trust and transparency. • Residents support thoughtful development where it reflects local values, protects heritage, and strengthens liveability.	Only limited information has been provided to date. There is limited evidence to indicate these considerations have been addressed. While height limits in the central area have been reduced on heritage site, these have been reduced from 12 storeys to 8 storeys, providing little protection to heritage. These key messages have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.

Hughesdale

Key Message	City of Monash Officer response
1. Protect Hughesdale's Walkable, Village Feel The community deeply values Hughesdale's safe, walkable streets and have a desire to develop a close-knit atmosphere. Future development must keep this human-scale character intact, with thoughtful design that supports walking, cycling, and connection to local shops, parks, and transport.	There are no proposals to address walkability, cycling and other connections. The building heights are considerably lower in Hughesdale, generally being limited to six and eight storeys along Poath Road, however this is taller than is proposed for the Majority of Clayton Road and Kingsway in SRL precincts.
2. Green Spaces Are Essential, Not Optional Parks and open spaces are in short supply and already under pressure. As the population grows, new and improved green areas must be delivered to meet the everyday needs of residents for relaxation, play, and connection.	No additional open space is proposed as part of this amendment. Hughesdale is one of the most underserved suburbs in Monash for open space. Therefore it is even more important to ensure that Galbally Reserve (the only Public Open Space in Monash the Hughesdale Activity Centre and catchment) is not overshadowed. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
3. Good Design Builds Community Trust While more housing is accepted, people want developments that reflect the local look and feel. This means using quality materials, respecting street context, and ensuring new buildings add to—not overwhelm—the neighbourhood character. <i>*One CRG member disagrees with this statement.</i>	There have been no planning controls released, so we are unable to determine if this key message is met. However recent government reforms have removed neighbourhood character from consideration for residential development, and provided development complies with specified metrics that relate more to building form then it must be approved. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program
4. Plan for Growth, Not Just Buildings	No infrastructure is planned as part of this program. While State Government have advised an infrastructure contributions system

Infrastructure and services must grow with the population. This includes schools, childcare, health services, roads, and public transport. The community expects these upgrades to happen alongside new development—not after it.	will be released at the end of this year and come into effect at the beginning of 2027, we do not have any information as to the adequacy of this, and how funding will be split between state and local government. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
5. Put the Community at the Centre Residents want a say in shaping their area. Involving the community early and clearly showing how their feedback.	We are unsure if this has been done.

Holmesglen

Key Message	City of Monash Officer response
1. Protect and Enhance Green and Open Spaces - The community places strong and consistent value on the golf course, creek trails, and local parks, which define Holmesglen’s character and contribute to public health and wellbeing. - These spaces should not be compromised or overshadowed by development. Public access must be preserved, and upgrades should include lighting, seating, dog parks, and regular maintenance. - Flooding risks around green spaces must be addressed with effective stormwater and infrastructure planning.	Only residential land is affected in Monash, and this land has limited interfaces with public open space to risk overshadowing. Most of these risks are more likely to occur in Stonnington. No drainage infrastructure is planned as part of this program. We are unsure as to whether any funding will be available through development contributions until the State Government releases the contributions model.

	This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
2. Plan Housing Growth with Design Quality and Infrastructure First - Residents accept the need for more homes but stress the importance of quality over quantity. Preferred housing includes spacious, family-oriented apartments with adequate parking and amenities. - High-density development is only supported when accompanied by upgrades to local infrastructure such as schools, childcare, health services, aged care, and local road networks. - New developments must consider cumulative impacts, especially traffic and parking pressure on narrow residential streets and cul-de-sacs like Argyll Street.	No infrastructure is planned as part of this program. We are unsure as to whether any funding will be available through development contributions until the State Government releases the contributions model. The road network of affected land in Monash provides easy access to Batesford Road, a collector level local road. Increased development in the area is likely to lead to increased traffic on Batesford Road and Winbirra Parade, and increased congestion at the intersection of Batesford Road and Warragul Road. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.
3. Improve Movement, Access, and Safety for All - Congestion is a daily issue. Residents support coordinated traffic light systems, especially along Warrigal, Batesford, Power, and Waverley Roads, and call for partnership with VicRoads. - Better footpaths and dedicated bike paths are needed to promote safe, active transport—particularly along Warrigal Road and around the Holmesglen TAFE precinct. - Car park design, public transport drop-off points, and pedestrian crossings need improvement to support safe and accessible movement for all users, including those with mobility needs.	No road, footpath, active transport or car park improvement projects have been proposed as part of this program. Council officers believe it is unlikely that the State Government will take the lead in implementation of any of these improvements. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.

4. Prioritise Safety in Public Spaces and Residential Areas - Residents strongly support more lighting, CCTV, and emergency SOS systems in public areas including underpasses, walking trails, and key intersections. - There is deep concern about anti-social behaviour linked to under-supported public and NDIS housing. While views vary, there is agreement that government must ensure stronger coordination between housing services and community safety enforcement. - Police presence and responsiveness must improve, especially in known hot spots like Power Avenue, Salisbury Street, and near TAFE.	This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program. While on face value they are outside the scope of the program, they are still issues that the community is experiencing, and the community are concerned will increase as population increases.
5. Support a Complete Community Through Services and Gathering Spaces - The area currently lacks essential services including government schools, maternal and GP health care, childcare, and aged care—these must be addressed before further residential development proceeds. - Residents want well-designed local hubs with shops, cafés, and spaces where people from diverse backgrounds—including families, the elderly, dog walkers, and people with disabilities—can meet and feel welcome. - Retail improvements, particularly along Warrigal Road, are seen as opportunities to strengthen community cohesion and economic vitality.	No new schools or medical facilities are proposed as part of the program, nor are any community facilities. There is no evidence of government intervention being considered regarding retail improvements, with that likely left to the market. This key message have not been addressed in the information provided to date, and it appears will not be addressed as part of the program.

TRAIN *and* TRAM ZONE ACTIVITY CENTRES PROGRAM



Commonly asked questions

What is an activity centre?

Activity centres are vibrant places where people shop, work, access public transport, connect with family and friends, as well as live.

There are many activity centres across Melbourne. They range from small centres around suburban train stations, to clusters of shops and services along high streets, to major centres with universities, hospitals, and large shopping centres.

They are great locations for more homes, but they are so much more. Activity centres can be places to work, socialise, shop and access essential daily needs close to home.

How have you chosen these train and tram zone activity centres?

Housing is one of the biggest challenges we face in Victoria. By 2051, it's estimated 10 million people will call Victoria home. Everyone should have the opportunity to live in a well-designed home, at an affordable price, in a place they can thrive. Melbourne can't just keep growing out.

We need a choice of new homes and different types of homes to meet our diverse needs.

Melbourne's train network has completely transformed over the past ten years, with more frequent services, more than 50 new or upgraded stations, 84 level crossings removed, and the Metro Tunnel opening later in 2025.

With more capacity coming onto our train network, this program is focused on locating more homes close to train stations and along tram lines that have the highest capacity now and into the future.

The identification of train and tram zone activity centres near train stations or tram corridors follows community feedback during consultation for the first 10 pilot centres, where we heard that people want more homes near public transport.

How do I know if my home is part of a train and tram zone activity centre?

We're currently in our second phase of consultation for 25 train and tram zone activity centres. During this phase, we're showing draft maps with proposed 'core' and 'catchment' boundaries for each centre. If your home property is within these proposed boundaries, your home may be rezoned.

The proposed core is the train station or tram line and its surrounding commercial/shopping area.

In cases where the train station is in a more residential area or where there is no train station, the core may be smaller, with more modest height limits compared to larger centres.

Catchment areas are proposed to be 800 metres from the core. In the catchment areas, the vision is for gentler, scaled height limits and more low-rise apartments and townhouses alongside existing homes.

Plans for all centres will be different, because all communities are different. We're working with councils and locals to understand their priorities and help enhance what's important about their neighbourhood.

To view the maps, visit the [Engage Victoria website](#) and click on the link relevant to your area.

How many homes are planned for each train and tram zone activity centre?

Our Train and Tram Zone Activity Centres Program -covering 60 centres across Melbourne - will support the creation of more than 300,000 new homes near train and tram lines, jobs, and services by 2051.

The program is one of several initiatives within the Plan for Victoria that set housing targets for every municipality across the state.

You can find the housing targets for each local government area on the Victorian Government's Planning website: [Housing targets](#)

The modelling, which informed development of the housing targets can be viewed in the 'Victoria in Future' report: [Victoria in Future 2023 Population and Household Projections to 2051 November 2023](#).

However, it is important to know that while we are aiming to meet housing targets, we are also encouraging the development of homes that are appropriate to each train and tram zone activity centre.

Why has my area been chosen as a train and tram zone activity centre?

The decision to identify train and tram zone activity centres close to train stations or tram stops follows community feedback on our 10 pilot activity centres last year, where locals emphasised the importance of good transport connections.

We've identified the activity centres in this program based on:

- public transport capacity – areas with public transport capacity, particularly through Big Build investment
- access to jobs and services – availability of schools, open space and shops
- market viability – ability for new homes to be delivered in the short to medium term
- hazard risks – consideration of local environmental constraints such as areas with flood or bushfire risk.

What are you planning to do and where?

We're proposing to update planning controls to deliver more homes in the right locations and improve housing affordability and choice.

The new planning controls may include specific provisions for taller buildings in each activity centre's core, and low-rise apartments and townhouses in catchment areas, within walking distance of the core.

These changes would work alongside other actions outlined in the Plan for Victoria. These include:

- council housing targets
- updates to Better Apartment Design Standards
- parking reform
- heights
- open space standards and
- tree canopy protection, and
- infrastructure funding.

How will my local area change over time?

Once plans for all 60 train and tram zone activity centres are finalised and put in place (subject to approval by the Minister for Planning), each centre may slowly change over the next few decades, providing the new homes we need between now and 2051.

We expect larger, unused blocks of land will be developed first. They provide the best opportunities to deliver new homes the soonest. Development in other areas, such as streets with existing homes on smaller blocks, is dependent on what the landowner wishes to do. These will develop more slowly or may experience very little change at all.

How will you ensure that housing is affordable?

We know one of the biggest drivers contributing to the rising housing costs is supply. The Train and Tram zone Activity Centres Program seeks to increase the supply of homes in areas close to jobs, services and public transport.

Most new homes in activity centres will be built by private developers and landowners, not by the Victorian Government. The Train and Tram zone Activity Centres Program will provide certainty to these developers about the types of homes that can be built, and where. We expect development to occur gradually, over the next 20 to 30 years.

We are also reviewing State Government landholdings in activity centres, including opportunities to deliver more homes on land that isn't needed for other government uses any more.

These sites could include underutilised rail land, institutional uses which have relocated or have a reduced footprint, or vacant/surplus sites.

Planning for train and tram zone activity centres

How do you determine building heights in train and tram zone activity centres?

As we develop our plans, we'll seek to put controls in place to ensure the right types of homes are built in the places they fit best. We expect the plan for each train and tram zone activity centre to be based on the types of buildings, homes and businesses that are already there and the types we want to see in the future. Each plan will have proposed rules for heights and setbacks, to allow the right levels of development for each place.

How big will my train and tram zone activity centre be?

The plans for the majority of train and tram zone activity centres will include a **core** and a **catchment**.

In May and June 2025, we met with local people from 25 proposed centres, to help us develop our draft maps.

We are now sharing proposed boundary maps for the core and catchment for all 25 activity centres. You can view them online or attend one of our drop-in sessions. For details, visit the [Engage Victoria website](#).

Can you explain 'core' and 'catchment' areas?

The **core** is the central part of the train and tram zone activity centre, closest to public transport, jobs, shops and services. This area is best suited to accommodate more homes.

In the pilot activity centre program from 2024, the plans allowed for various building heights between 6 and 12 storeys in most activity centres, and taller heights on larger sites in the largest activity centres, where it was supported by existing plans by council.

The height of buildings in these areas depends on the local considerations, and we are doing extensive consultation to understand community values and needs.

The **catchment** is the surrounding area within approximately 10 minutes' walk of the activity centre core (around 800 metres).

Most train and tram zone activity centres are expected to have an inner and outer catchment. Here, the heights being considered are:

Inner catchment: Up to 6 storeys on blocks larger than 1,000m², and up to 4 storeys in all other places.

Outer catchment: Up to 4 storeys on blocks larger than 1,000m², and up to 3 storeys in all other places.

As you move away from the commercial and community core of the activity centre, we expect the proposed building heights to gradually decrease, creating a transition between the activity centre and the surrounding suburb.

What are the new planning tools for train and tram zone activity centres?

We have created two new planning tools to allow the delivery of more homes in train and tram zone activity centres.

A new **Built Form Overlay (BFO)** has been developed to make planning controls in activity centre 'cores' clearer and more consistent across Melbourne. The overlay determines building heights and design rules and introduces a new streamlined planning pathway to allow more homes to be built faster. If an application is 'deemed' to comply' with the BFO standards, it cannot be refused a permit on the basis of those standards.

The new **Housing Choice and Transport Zone (HCTZ)** has been developed to enable a diversity of housing in the catchments, and other well-serviced locations with convenient access to jobs, public transport and services. The HCTZ only applies to residential zoned land.

What are the 'deemed to comply' standards?

Proposals within a BFO that meet the building height, street wall height, and setback requirements will be assessed against a 'deemed to comply' planning application pathway.

Under this pathway, if an application meets the deemed to comply standards, then that planning application cannot be refused on the basis of those standards.

Deemed to comply controls are useful because they provide developers and the community with greater certainty about the likely expected scale and intensity of future development, while still allowing for innovative design responses on a case-by-case basis if the deemed to comply requirements are not met.

'Deemed to comply' standards also exist in other planning initiatives, for example the [Townhouse and Low-Rise Code](#).

Can you explain the planning application process for train and tram zone activity centres?

We have a new streamlined process for planning applications for good quality developments in activity centre cores.

Where development meets new 'deemed to comply' standards in the BFO, third party notice and review no longer applies.

Under this new approach, applications for new developments within the BFO – which meet the deemed to comply standards – would not be subject to a public notice period. This means council would not notify nearby landowners about the planning application, nor provide 14 days to lodge an objection. New developments would not be subject to review by the Victorian Civil and Administrative Tribunal (VCAT). An appeal against an application can still be lodged for controls not included in the deemed to comply standards.

This approach to notice and review provisions is not new – in other key parts of Victoria such as within the Capital City Zone in Melbourne and Central Geelong, exemptions from notice and review also exist.

How will the program ensure that the streamlined planning controls do not result in poor quality housing or reduced community input?

A faster planning process does not mean a poorer outcome or that the community doesn't have a say.

If a development proposal meets a deemed to comply standard in the BFO, it will benefit from a streamlined planning approval pathway. These exemptions are designed to improve investment conditions and get more homes built faster via:

- faster application processing
- greater certainty about application outcomes
- time and money saved in holding costs
- reducing costly VCAT hearings.

In most cases, your local council will remain the responsible authority for assessing whether a proposal is acceptable and will be able to review the proposed design of the development to ensure the design is of a high standard and will not unnecessarily affect neighbouring properties.

Who will be the decision maker for planning permits?

Councils will remain the responsible authority for planning applications and permits in most cases.

If applied, the BFO streamlines planning controls in train and tram activity centre 'cores' and determines 'deemed to comply' building heights and design rules. It also applies a new streamlined planning pathway to allow more homes to be built faster.

The streamlined process for planning applications makes it faster and easier to build more quality homes in the cores, including removing notice and review requirements for certain planning applications.

These new planning tools make it easier for councils to encourage more homes to be built close to public transport, jobs and services in their own municipalities, helping all levels of government to play their part in delivering more homes for Victorians.

Will I still be able to object or appeal an application?

In the activity centre core, if the BFO is applied, it is likely that there will be no third-party notice and review related to matters such as heights and setbacks (however, there are often other triggers for notice in the planning scheme). The responsible authority (usually the council) will still consider relevant building design matters in granting a permit.

This will include having regard to the relevant council's planning scheme, including local policy, and any other relevant applicable provisions.

In catchments, notice and review and third-party appeal rights for planning applications remain for 4 to 6 storey buildings if the Housing Choice Transport Zone (HCTZ) is applied.

For developments that involve 2 or more dwellings on a lot up to 3 storeys, the new Townhouse and Low-Rise Code applies.

The code requires developers to meet requirements around things such as street setback, tree canopy, front fences, access, and coverage.

For more information about the code, visit the Victorian Government's planning website: [Townhouse and Low-Rise Code](#)

How will you make sure that the new homes will be of a good standard and aesthetically pleasing?

New developments will be subject to a range of design controls that ensure good design. This includes existing provisions such as the Better Apartment Design Standards (BADs).

If new built form controls are implemented in the centres, these are likely to include additional design considerations including setbacks, and active frontage requirements to ensure that new buildings are appropriate for the area and provide for good internal amenity.

Will you be acquiring land as part of this program?

No. We're seeking to introduce clear planning controls to allow the right housing to be built in the right places. While planning regulates the location and types of new housing, property owners and developers build and deliver new housing.

How will you manage overshadowing in train and tram zone activity centres?

All proposals must comply with overshadowing standards in both the core and catchment areas if the BFO and HCTZ is applied.

If applied in the core area, specific standards can address sun protection of open and public spaces identified within each train and tram zone activity centre. Additional standards related to built form, or the size and shape of the building and how tall they are (how the building sits on the street) setbacks and street wall heights (the part of building that faces the street) - can help preserve daylight access to open spaces, streets, and the lower levels of buildings where possible.

In the catchment areas, overshadowing can be managed in accordance with ResCode standards. These standards are designed to ensure that new buildings do not significantly overshadow secluded private open spaces. You can read more about the ResCode standards on the Victorian Government's Planning website: [Residential development](#)

Community infrastructure and services

Will infrastructure and services be upgraded to support more homes?

The tram and train zone activity centres have been identified because of their proximity to public transport, services, jobs and facilities. However, needs change as populations change. When we plan for more homes, we need to consider what else helps a community thrive. To ensure places remain vibrant and accessible, we need to plan new and upgraded infrastructure.

We're working to deliver long-term change that links infrastructure with more homes. We're developing a consistent model that will give developers, councils and communities certainty how future infrastructure will be funded.

The Victorian Government is also delivering the \$30 million Pick My Park Program, which allows communities to vote for and submit their own ideas for parks, playgrounds and open spaces. For more information, visit: [Pick My Park](#).

If more people move into my area, how will you manage car parking and traffic issues?

We're doing transport studies right now to understand local traffic conditions. These studies will help us to consider what might be needed to help manage traffic increases in the areas, as well as to consider the funding that might be needed.

Your feedback helps us to understand how you move around the area now, and how you would like it to change into the future. By identifying train and tram zone activity centres close to existing public transport and services, we're also encouraging Victorians to change the way they move around, reducing reliance on cars and encouraging a shift to active transport such as walking and cycling.

One of the actions under Plan for Victoria is to reduce the number of car parks required for development in locations well-served by public transport. This is one way in which traffic congestion and the cost of housing can be reduced.

How will you maintain the unique feel of areas if more housing is built?

While many properties are expected to change in these areas over time, many will remain as they are.

If changes are applied, there are also many things that can be retained and enhanced to ensure that the places do not lose their unique character and feel. For example:

- heritage overlays will remain intact, and development around these buildings will need to be sympathetic to those heritage traits
- open space will be retained and protected from overshadowing.

How will your plans address open space, tree canopy cover, tree protection, and landscaping?

No public open space will be removed as part of the Train and Tram Zone Activity Centres Program. This aligns with one of the key pillars of the Plan for Victoria, [‘Great places, suburbs and Towns’](#).

As more people call these areas home, we want to make sure the local services and infrastructure, including public open space, have the funding they need to grow.

We’re developing a consistent funding model that will give developers, councils and communities certainty how future infrastructure will be funded.

Our draft plans will also consider the public realm. This includes opportunities for urban greening, improving pedestrian connections and increasing canopy cover within activity centres.

We are working with the local council to understand strategic work they have undertaken or planned projects, such as streetscape upgrades and improving pedestrian connections.

In addition, the Victorian Government is delivering the \$30 million Pick My Park Program, which allows communities to vote for and submit their own ideas for parks, playgrounds and open spaces. For more information, visit: [Pick My Park](#).

Heritage protections in activity centres

Will current heritage provisions be maintained?

Maintaining the heritage of each activity centre is important. We want to maintain the heritage of these areas while still providing more homes for more Victorians. Our proposed new planning controls do not change existing heritage overlays in train and tram zone activity centres.

When a development application is submitted, heritage considerations, as set out in the heritage overlay, remain a key part of the assessment process.

Community consultation

What public consultation has occurred for my train and tram zone activity centre?

We consulted with local communities on 25 train and tram zone activity centres in May and June 2025 to learn what you love about your area. This included local drop-in sessions and online sessions, where there was the opportunity to meet with us to learn more about the

program and share your feedback. Our Engage Victoria webpage had more than 100,000 page views and more than 3,200 surveys were completed.

The first phase of consultation was about understanding what places are important to you, and what local characteristics you want to protect and enhance.

A Community Reference Group (CRG) was established for each group of activity centres to review the community feedback we've received and to make sure it aligns with local needs. This initial feedback has helped us develop draft maps for each activity centre that we are sharing as part of the phase 2 consultation.

Will there be further public consultation?

This phase of consultation for these 25 activity centres (starting in September) is your chance to provide feedback and input.

We want your feedback now that we've captured the things that are important to your community. This will allow us to make any necessary changes before we finalise and implement our plans (subject to approval by the Minister for Planning)

The draft maps are on the Engage Victoria website, as well as at our in-person and online information sessions.

What sorts of things will people be able to provide feedback on in Phase 2?

During Phase 2 engagement, we are asking you to comment on things such as:

- proposed heights
- proposed core and catchment boundaries
- important public spaces
- whether we have captured the vibrant and people-friendly, including active, sunny and / or green streets that you'd like us to protect
- what would make your local train and tram zone activity centre better.

What happens when Phase 2 engagement ends?

In late 2025 to early 2026, we'll finalise and implement our plans (subject to approval by Minister for Planning) for this group of 25 train and tram zone activity centres.

Along with associated planning scheme amendments, the plans will propose new rules for building heights, setbacks, and other design rules, to allow for more homes to be built in each location.

If approved, this process includes the publication of the plans in the Victorian Government Gazette, which makes them law from the publication date.

For more information, please see the [Timeline page on the Engage Victoria website](#).

Can community feedback influence activity centre planning?

Feedback we received during our phase 1 consultation has helped us to develop our draft maps.

We've listened closely to what you have told us about your train and tram zone activity centres, the places you care about and what makes those places special.

Your feedback has helped to shape our plans by identifying areas you want to protect and enhance.

It's also helped us to:

- propose core and catchment boundaries
- identify public spaces, street and parks that need extra care to protect from overshadowing
- highlight the streets that you consider to be vibrant and people friendly, including active, sunny and/or green streets that you'd like us to protect.

Many councils are already planning for more homes, have councils been consulted?

We've been meeting regularly with local councils in the train and tram zone activity centres about how we can work with them to deliver these plans.

Councils gave us feedback on their own planning work for these activity centres. We listened, and we've updated the timing for some of the activity centres in our program. We will continue to work closely with local councils to draw on their work to date and to learn about these neighbourhoods from the local experts.

Activity Centre Program

Oakleigh, Hughesdale and Holmesglen

Submission on behalf of Monash City Council

28 October 2025



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1 Introduction

This submission is in response to the State Governments *Phase 2 – Sharing our draft maps* for the first tranche of the Activity Centre Program (the Program) following a pilot program undertaken in 2024 and gazetted in 2025. This tranche of the Program affects Oakleigh, Hughesdale and Holmesglen activity centres in Monash.

The Program seeks to:

- Increase the capacity for housing in an area by changing planning controls to allow for a greater intensity of development.
- Provide a built form control over core and fringe areas to encourage a greater density.
- Streamline permit approval processes, resulting in removed notice and appeal rights where development complies with Deemed to Comply Provisions.

While only draft mapping has been provided, staff from the Program have advised Monash officers that this will be the last opportunity for input, and as such this submission will not be confined to comments on the draft maps or the specific questions posed on the Engage Victoria website.

The Programs goal of increased density around activity centres is a valid and appropriate objective, however increased density should not be pursued “at all costs” or in a theoretical framework, that ignores the existing role and values of these centres and absent of any underpinning urban planning review. The application of increased building heights based on where a train station sits in a hierarchy is not a sound nor appropriate approach to planning activity centres.

This submission outlines a range of concerns about the Program, the consultation process and the potential for bad outcomes that should be addressed.

The submission is divided into seven sections, being:

1. Issues with the proposed mapping.
2. Concerns about the process including consultation.
3. Issues with the proposed controls, negative impact on liveability.
4. How this fits in with the context of overall State Government planning reform.
5. The absence of any assessment of infrastructure needs.
6. Potential Windfall Gains Tax liability.
7. Inconsistencies with adopted Council Structure Plans and amendments.

2 Key issues – Draft Mapping

2.1 Heights

The draft mapping demonstrates proposed maximum building heights. Officers have assumed that these are discretionary heights only, as implemented for the pilot activity centres in the Program, however this is not clear in the documentation provided.

More importantly there is no analysis or explanation as to:

- How the heights were arrived at and relate to the current activity centres.
- What impact that built form will have on the liveability of the area.
- What are the shadow and wind impact of those heights.
- What is the expected population growth.
- What is the expected infrastructure need.

All of these considerations should have informed the proposed building heights. The Program appears to be running in reverse order.

2.1.1 Oakleigh

In Oakleigh building heights ranging from 8 to 16 storeys are proposed.

- 8 storeys are proposed along the western side of Warrigal Road, east of Oxford Street, along Haughton Road south of Mill Road and on land in the Heritage Overlay.
- 16 storeys are proposed on the eastern side of Hanover Street and part of the western sided.
- 12 storeys are proposed generally everywhere else except for the Oakleigh Central site which is flagged as a strategic site with no height limit.

The 12 storey height limit applies to most of the land in the main centre of Oakleigh, including Atherton Road, Chester Street, and Portman Street. Of particular concern is the 12 storey height limit applying to the Eaton Mall precinct.

While Council supports more housing in Oakleigh, we strongly object to the heights proposed in the core, particularly to the eight and 12 storey limits in Atherton Road, Chester Street, and Portman Street between Station Street and Hanover Street, and on both sides of Station Street.

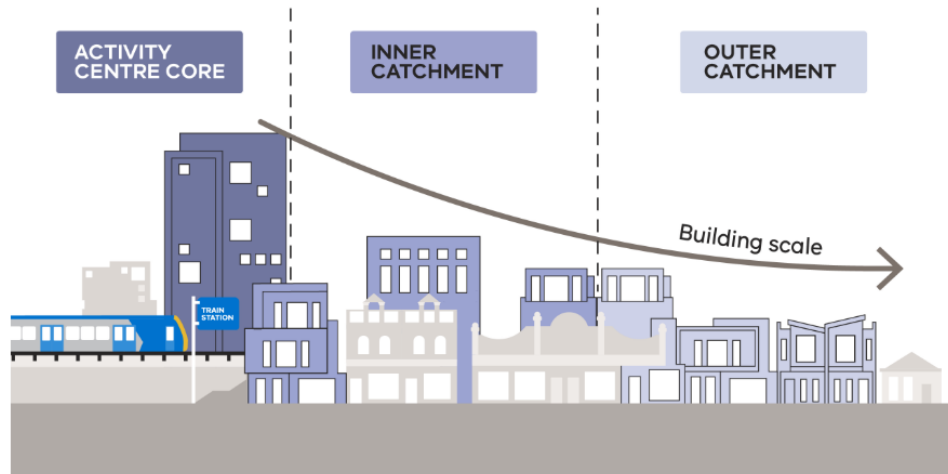
The current Oakleigh Structure Plan has a discretionary height limit in this area of four storeys (with site specific exceptions), and this should remain the height limit, with applications above this height to be tested on a site by site basis. The fragmentation of ownership in this area means that development even at these heights is likely to be challenging.

Council objects to the proposed 12 storey height limit in the central core of Oakleigh and submits that the current height limits envisaged in the Oakleigh Structure Plan should remain for this area, with any taller buildings able to be assessed on a case by case basis at application time under the objectives of the Oakleigh Structure Plan.

2.1.2 Hughesdale

In Hughesdale, proposed maximum building heights are generally 8 storeys on the Monash side of Poath Road, with a 6 storey height limit proposed for land in the Heritage Overlay, and the site on the corner of Paget Street and Poath Road.

In the residential areas, a 12 storey height limit is proposed for the Department of Families, Fairness and Housing site in Arthur Street. This site is currently a single storey residential development. There is no explanation as to why the height limit on the site is proposed to be quadrupled. It is noted that the residential area on the southern side of Arthur Street is proposed to be 4 storeys. This is completely contrary to proper planning and the material on the Departments website.



Creating draft maps is the starting point – local character and opportunities, council input, technical analysis and community feedback are what shape them into practical, place-based planning rules.

There is a risk of properties in Poath Road north of the Railway line significantly overshadowing residential properties to the east in the afternoon, particularly if built to their full maximum height. There is a need for planning controls to be drafted to ensure that existing dwellings still receive sunlight to their private open space.

Council objects to the building heights in Hughesdale.

2.1.3 Holmesglen

No changes are proposed to the commercial area of Holmesglen.

2.2 Extent of Catchments

It is noted that the current consultation does not include the Housing Choice and Transport zone (HCTZ), and the consultation is primarily focused on the draft building heights. Based on the pilot program officers conclude that the Inner and Outer Catchments will be translated into HCTZ1 and HCTZ2 respectively as part of the next step.

In addition to the identification of the activity centre Core, the consultation maps identify an Inner Catchment and Outer Catchment in the areas around the activity centre retail Core.

The proposed heights for the catchment areas are shown in the table below.

Area	Small lots	Large lots*
Inner catchment	4 storeys	6 storeys
Outer catchment	3 storeys	4 storeys

**Large lots is a site over 1000sqm and with over 20m of frontage under the HCTZ.*

The catchment boundaries have been measured based on the Programs own definition of Activity centre core boundaries. These arbitrary boundaries have included all commercial land, some residential land and parks. The boundaries also ignore physical barriers such as main roads and distance from public transport.

The establishment of the catchment boundaries should be taken from the boundary of the core of the activity centre, based on the places that people regularly visit, rather than simply using the edge of the Commercial 1 zone as a starting point.

The methodology used results in properties, 1.2km walk from the edge of the retail area, and 1.7km walk from the train station being included in the catchment area.

The methodology preferred by Council officers is consistent with the findings of the SAC 41 review into the ACP pilot program.

Council objects to the extent of application of the Inner and Outer Catchments and submits that the catchments for Oakleigh and Hughesdale should be applied as per Appendix 1 to this submission.

2.3 Heritage Overlays

There are limited Heritage Overlays in Monash. As one of the early settlements outside of Melbourne there are significant heritage precincts in Oakleigh and Hughesdale. There are also within the Neighbourhood Residential Zone (NRZ), recognising the heritage values and providing a lower level of development opportunity.

The inclusion of properties subject to a Heritage Overlay in the Inner and Outer Catchments, and the then likely application of the HCTZ to give effect to those building heights, will create an unsustainable conflict between the heritage values and character and greater building heights.

The key objectives of the heritage precincts and the Programs proposed building heights, are completely add odds. This will make it extremely unlikely that heritage places and the character of heritage precincts will be retained. This again is not consistent with the Programs goal of liveable places, where people are connected.

The inclusion of land in Heritage Overlays (HO) in the Inner and Outer catchments, and by extension the HCTZ, whilst being geographically correct, is not supported.

This position is consistent with the findings of the SAC 41 review into the ACP pilot program.

Council objects to the inclusion of land in a Heritage Overlays and submits that the catchment boundaries for Oakleigh and Hughesdale should be applied as per Appendix 1 to this submission.

Overshadowing

It is of serious concern that contrary to the material on Engage Victoria promoting liveable places, the proposed street wall heights are set as “default” when it comes to the issue of overshadowing of the public realm or public open space.

This not called out in any of the publicly available material.

6.2-2 Overshadowing of open space or public realm

The following standards replace Standard BF04 at Clause 43.06-7.4:

Buildings should not cast any additional shadow beyond that cast by the applicable preferred or maximum street wall height specified at standard BF05 of this Schedule and existing buildings over the overshadowing area as shown on Map 1 for the hours specified at Table 3.

Table 3: Overshadowing of open space or public realm

2.4 Overshadowing in Oakleigh

A key message from the Programs Community Reference Group for Oakleigh was:

Protect Oakleigh’s Unique Character and Atmosphere

- *Overshadowing in central areas is non-negotiable; it threatens the area's light, energy, and appeal.*

As noted earlier, there appears to have been no consideration given to the effect of overshadowing when setting building heights. This is concerning, particularly given that outdoor dining is such a key attraction point of the area.

A 12 storey height limit is proposed throughout most of the central core of Oakleigh, tripling the four storey limit in the core that is currently allowed. The BFO template allows for overshadowing of some streets and open space. There has not been any information provided to date showing which overshadowing controls will be applied to which areas.

Given the prevalence of outdoor dining in Oakleigh, sunlight to footpaths (particularly the southern side) and Eaton Mall is a key issue throughout the year.

Overshadowing provisions should be introduced so that there is no overshadowing beyond that cast by the current built form of Eaton Mall at the winter solstice, and key pedestrian streets being Portman, Chester and Station Streets and parts of Atherton Road in Oakleigh at the spring equinox.

2.5 Overshadowing in Hughesdale

While most commercial sites in Hughesdale are six and eight storeys, there is a public housing site of around 9400 sqm on Arthur Street between the rear of the Poath Road shops and Galbally Reserve with a proposed height limit of 12 storeys.

The height of this building has significant potential to overshadow Galbally Reserve in the afternoon, and properties on the south side of Arthur Street throughout the day.

Hughesdale has an undersupply of public open space, having the equal lowest provision of open space of any suburb in Monash, with a rate of five sqm per 1000 people. It is the second largest reserve in Hughesdale within the City of Monash, behind Argyle Reserve, a large oval towards North Road, and experiences significant public use.

Overshadowing controls should be drafted so that there is no overshadowing beyond that cast by the current built form to Galbally Reserve in winter. As areas densify and residents rely more on the public realm for outdoor space and sunlight in winter, sunlight to key public areas in winter becomes more important.

Due to the level of change, and increase in pedestrian activity, Arthur Street will also likely experience increased pedestrian activity and should receive sunlight to the southern footpath. The planning controls should ensure that any development on the northern side of Arthur Street does not cast a shadow to the southern footpath of Arthur Street between 10.00am and 3pm on 22 June (winter solstice).

3 Key issues - Process

3.1 Consultation with Council officers

At early meetings staff from the Program acknowledged many of the shortcomings of the process in the pilot and advised that they had learnt many lessons from that and would improve the process. While there has been some improved transparency over the pilot, there have still been many shortcomings.

Officers have participated in numerous consultation sessions and provided feedback as requested. This has included where areas can be expanded and should be contracted. In reviewing the draft documents, other than in the correction of basic mapping errors, we cannot see where any of our officer contributions have led to changes.

3.2 Lack of SAC Review

The pilot program was referred to a Standing Advisory Committee (SAC) to review. State government staff have advised that a similar process will not be followed this time, as the SAC findings from the pilot could be replicated for the remainder of the program.

The SAC found many issues with the pilot program and made recommendations to improve the Program. Whilst some of these were followed, some were not. Many of the recommendations of the SAC into the pilot in relation to how the HCTZ is applied are the same as Council have raised above.

It is unclear why and disappointing that these significant activity centre programs and submissions will not benefit from an open and independent review, as usually occurs for planning scheme amendments of this nature, particularly with the range of issues and impacts on the commercial and residential areas as identified in this submission.

3.3 Lack of Planning Controls

Council has been advised that draft planning controls will not be provided for review. Initially only the draft maps showing very limited information such as building heights were provided to Councils. Additional information was provided almost two weeks later which gave some guidance as to some of anticipated planning controls relating to setback, street activation and overshadowing amongst others.

It is unacceptable for a change of this scale that Council cannot review and participate in the development of planning provisions for our community and that Council will ultimately be required to administer.

3.4 Lack of information

There is only limited information provided to the public and Council officers to review. The proposed planning controls, and the area they will be applied to are unknown.

Whilst some further information has been provided to Council, it has not provided much more in the way of detail and hampers our ability to respond to the consultation.

3.5 Community Engagement

For a project of this size the community engagement has been inadequate.

The Carnegie to Oakleigh section contains 4 activity centres, yet only two in person information sessions were held for the Carnegie to Oakleigh Cluster.

These were held in Carnegie with no sessions held in Oakleigh or Hughesdale.

In fact, not a single information session was held in the City of Monash, despite three activity centres forming part of this tranche being in Monash.

We have heard from our community that they are disappointed there was not a local option for them to attend in Oakleigh.

Council officers made requests to State Government staff to hold a session in Oakleigh, both at the initial workshop on the day of release, and in writing after feedback from our residents.

Feedback Council received from residents on the Phase 1 consultation made it clear that the biggest issue for their community was increased building heights.

The Phase 1 Consultation Report confirms building height as one of the top five interests, and one of the top five things to consider is managing building scale. The draft maps have not addressed this issue at all, and in fact have proposed substantially increased building heights.

We have also concerns with the communications to residents. Owner occupiers and tenants were notified by a postcard drop in their mailbox that may appear to be junk mail. The timing of the consultation also meant that many residents would have received this postcard during school holidays.

Given the normal notification requirements under the *Planning and Environment Act 1987* when a resident's land is being rezoned is for a letter, and a copy of the Notice of Amendment specifying what the planning scheme amendment is actually doing, the current consultation falls well short of community expectations of what will happen if it is proposed to rezone their land.

4 Key issues – Planning Controls

As discussed in Section 3.1 of this submission, officers have spent considerable time reviewing documents and providing feedback. We have also spent considerable time reviewing the information distributed on 22 September, and hope that our feedback is taken into consideration.

The late distribution of this information combined with Council meeting deadlines has limited our ability to fully analyse this information.

The information presented is incomplete, with the BFO schedule being the empty template, without any information populated, and a PowerPoint presentation providing some of the information graphically.

This section does not contain any information about Holmesglen, as it the program does not affect commercial land in the Holmesglen Activity Centre in the City of Monash.

4.1 BFO Typologies

The description of the typologies identifies that the Fringe Precinct will mark a transition between the main street and lower- scale residential areas by providing a reduction in height and increased setbacks to residential interfaces.

For Oakleigh, the Fringe Precinct has the same proposed 12 storey building heights as the Non-Heritage Main Street Core, with no reduction in building heights. The information distributed does not demonstrate any unique interface treatments to be applied where properties abut a residential property.

In contrast, Hughesdale has reduced building heights for the fringe areas. But again, there are no varied setbacks proposed for residential interfaces.

4.2 BFO Standards – Oakleigh

The table below sets out Council's responses as to how to address each standard in each of BFO standards in Oakleigh.

Standard	Response	Rationale
Minimum Building Height	No minimum building height should be applied.	There has been limited redevelopment in Oakleigh. While discretionary, it is a risk that setting a minimum height would discourage redevelopment, particularly considering lot sizes and fragmented ownership.
Overshadowing - High protection public open space	Eaton Mall requires additional protection.	Eaton Mall is the key public space in Oakleigh. This is discussed further in Section 2.4.
Overshadowing – Key Pedestrian Streets	Atherton Road (west of Hanover Street), Chester Street, Portman Street	These are all key pedestrian streets in the central core of the activity centre. Sunlight to footpaths is a key consideration.

	and Station Street are all key pedestrian streets.	
Landscaped Front Setbacks	Require review	The landscaped setbacks (side street frontage) of at least two properties are greater than their one third of the width of the property. These landscaped setbacks are unreasonable and act to discourage development.
Street wall heights	All areas should be classed as Area 1 or Area 2.	A 21 metre (6 storey) street wall height is not appropriate in Oakleigh given the street widths.
Side and Rear setbacks	Unable to comment	This standard references sensitive interfaces on Map 1. We have not been provided with Map 1, or any sensitive interfaces on other documents provided.
Active Frontages	Threshold required	The dilution of activation to nothing more than a percentage of clear glazing risks poor outcomes. While glazing is a component of activation, relying solely on glazing to assess activation risks leading to poor streetscape outcomes.
Pedestrian Connections	Deliverability	The proposed planning controls plan shows four specific pedestrian connections for Oakleigh. One is on VicTrack land and three are on Council owned and managed laneways. It is unlikely any development will occur on these laneways, so unsure how they will be delivered. Two of these laneways are service laneways to the rear of main streets providing vehicle access to car parks and providing loading areas. It is unclear how these will service pedestrians, or what they should provide access to.
Car Parking Design	Should be avoided on key pedestrian streets	Atherton Road, Chester Street and Portman Street between Station Street and Hanover Street, and on Station Street are key pedestrian priority streets.

Table 2 – Response to BFO controls - Oakleigh

4.3 BFO Standards – Hughesdale

The table below sets out Council's responses as to how to address each standard in each of BFO standards in Hughesdale.

Standard	Response	Rationale
Overshadowing - High protection public open space	Galbally Reserve should be a high protection public open space.	The standard is incorrectly designed as it allows overshadowing up to the preferred height Hughesdale has the equal lowest provision of public open space of any suburb in Monash. Galbally Reserve is the most significant, second largest and prime public park in Hughesdale. Access to sunlight is key and will become more important as population density increases.
Overshadowing – Key Pedestrian Streets	Poath Road, Willesden Road and Arthur Street should be identified as key pedestrian streets.	Poath Road is the main activated street front, and Willesden Road serves a similar but lower order role to Poath Road. Arthur Street provides a key public access to Galbally Reserve.
Street wall heights	All areas should be classed as Area 1 or Area 2.	A 21 metre (6 storey) street wall height is not appropriate in Hughesdale.
Side and Rear setbacks	Unable to comment	This standard references sensitive interfaces on Map 1. We have not been provided with Map 1, or any sensitive interfaces on other documents provided.
Active Frontages	Threshold required	The dilution of activation to nothing more than a percentage of clear glazing risks poor outcomes. While glazing is a component of activation, relying solely on glazing to assess activation risks leading to poor streetscape outcomes.
Pedestrian Connections	Deliverability	The proposed planning controls plan shows three specific pedestrian connections for Hughesdale, two of which are on VicTrack land. The remaining is on a Council laneway, running parallel to Poath Road about 42m away. This is currently a 3 metre wide vehicular laneway providing vehicle access to car parks and providing loading areas.

		With the increase in development in this area, it is likely that more cars and delivery vehicles will use this laneway. The location provides limited value and sharing the 3m width with vehicles presents safety risks.
Car Parking Design	Should be avoided on key pedestrian streets.	Poath Road and Willesden Street are key pedestrian priority streets.

Table 3 – Response to BFO controls - Hughesdale

4.4 Other Planning Changes

The package of information indicates the following changes to the commercial areas:

- Removal of the DDO11 from Oakleigh.
- Changes to clause 11.03-1L-06, local policy for Oakleigh.
- Rezoning of 3-17 Arthur Street Hughesdale (Department of Families, Fairness and Housing site) from General Residential Zone 2 to Mixed Use Zone.
- No other rezonings or overlay changes.

The existing Design and Development Overlay (DDO11) will be removed from the Oakleigh Activity Centre. Further discussion on the variations between building heights of the existing DDO11 and the proposed controls are addressed in Section 8 of this submission.

No drafting or indication of how the local policy for Oakleigh (Clause 11.03-1L-06) is proposed to be redrafted have been provided, so it is not possible for Council to comment.

5 State Planning Reform

5.1 Context

The State Government are undertaking a significant volume of planning reform work across the state, all to drive increased housing provision through the planning system. This includes:

- Suburban Rail Loop.
- Replacing ResCode with the Low-rise and Townhouse Code.
- Moving two lot subdivisions to a VicSmart process.
- New single dwelling permit exemptions.
- Great Design Fast track process.
- Future Homes.
- Small Second dwellings.

It appears that there is no or a limited overall co-ordinated approach to these projects, with the reforms appear ad hoc at best.

Many of the reforms conflict with each other, and some even undermine others. For example, the ability to build a small second dwelling on land in an activity centre increases the property's value significantly. This reduces the likelihood of that site being consolidated with adjoining land for redevelopment. Future Homes sought to introduce a streamlined process for well-designed apartments in well located areas, however the Deemed to Comply (DTC) provisions of the Low-rise and Townhouse Code provide for a streamlined process for poorer quality development in most locations.

5.2 Suburban Rail Loop

The densities and building heights proposed in Oakleigh and Hughesdale are higher than proposed in some comparable areas of SRL precincts.

In Oakleigh, the central core is 12 storeys, with land along Hanover and part of Burlington Streets being up to 16 storeys in height. In Hughesdale, eight storey height limits are proposed for the majority of Poath Road, with six storey limits proposed at the ends and on heritage sites along with a single 10 storey site in Glen Eira.

In Clayton, the SRL structure plan proposes maximum height for most of the retail area south of the railway line of six storeys, 10 or 11 storeys north of Remembrance Gardens and eight storeys between Hourigan Avenue and North Road. Land south of Clayton Hall to Carinish Road and fronting Carinish Road to Mary Street has a proposed 14 storey height limit, the tallest in the precinct. This is lower than the tallest buildings proposed in Oakleigh.

In Glen Waverley, a maximum height limit of 25 storeys is proposed on key sites around the station and larger sites north of Coleman Parade. In retail areas such as Kingsway (south of Coleman Parade), Coleman Parade east and Railway Parade North the maximum proposed height limit is six storeys.

While 6 storeys is the maximum building height for Main Street retail in SRL East precincts, heights of 12 and 8 storeys are proposed in Oakleigh and Hughesdale.

6 Infrastructure Contributions

New residents accommodated in the new dwellings will place increased demand on services and community infrastructure provided by Councils. No assessment of infrastructure requirements, or funding costs has been undertaken.

Whilst we understand that the State Government is working on a development contribution model for activity centres, that does not remove the need to identify population growth and infrastructure needed prior to nominating building heights.

This situation inappropriate and there should be no uplift in development potential and building height until population and infrastructure provisions has been resolved.

We consider it poor planning that the planning controls are being changed to allow for such transformational change without a funding mechanism in place to support infrastructure for the growth, and no understanding of what that funding mechanism will provide for.

7 Windfall Gains Tax (WGT)

Whilst we have been advised that there is no plan to rezone any land in the central core of activity centres. We are yet to see any planning controls so are unable to confirm this. However, it is likely that land in the residential catchments will be rezoned to the HCTZ.

A detailed analysis of Council landholdings in the activity centre areas has not yet been completed. A preliminary analysis has identified nine parcels of land in residential areas that would likely be rezoned, triggering a WGT Liability.

This land is used for a range of purposes, including parks, community services, car parks, and affordable housing provision. While exemptions do apply for single dwellings, none of these exemptions apply to Council's land holdings.

It is not possible to determine whether Council land will be subject to WGT without a clear understanding of what land will be rezoned, and this will not be provided to us for this consultation.

Council objects to the levying of WGT on the rezoning of any Council owned land. This land is all used to serve broader community purposes, and any rezoning of this land must be exempt from WGT or must not be excluded from any rezoning that creates a WGT liability for Council.

8 Adopted Council Structure Plans

Council has not prepared a Structure Plan for Hughesdale. The Structure Plan for Holmesglen only considers the land in the Commercial 1 Zone south of Batesford Road, which is outside scope of the Activity Centre Program.

The Oakleigh Structure Plan was adopted by Council in August 2012. The implementation included local policies and a Design and Development Overlay (DDO) over the commercial part of Oakleigh and some residential areas. It included building heights, and other design and development requirements and policy guidance. As we have not been provided with planning controls, we are unable to ascertain which (if any) current aspects of policy or the DDO will be retained.

The only real information of what is proposed in the provided maps is the building heights and the extent of the catchments. Table 4 below compares building heights in the adopted Oakleigh Structure Plan to the building heights in the proposed State Government Activity Centre Plan.

Area	Structure Plan	State AC Plan
Central core bounded by both sides of Atherton Road, Station Street, Portman Street and the west side of Hanover Street.	4 Storey	12 Storey
Station Street heritage precinct	4 Storey	8 Storey
Oakleigh Market building and Chester Street carpark	5 Storey	12 Storey
West side of Warrigal Road	4 Storey	8 Storey
East side of Warrigal Road	8 Storey	12 Storey
Triangle site bounded by Haughton Road, Mills Street and Johnson Street.	5 Storey	12 Storey
Vicinity Shopping Centre site.	5 and 8 Storey	Undefined – Strategic Site.
East side of Hanover Street and 19-35 Hanover Street	7 Storey	16 Storey
West side of Oxford Street	3 Storey, some 4 Storey	12 Storey, some 16 Storey.

Table 4 – General comparison between maximum building heights of Oakleigh Structure Plan and proposed State Government Activity Centre Plan.

Please note this is a general comparison, and some individual sites may vary.

9 Amendment C173

Amendment C173 was adopted by Council in March 2025 and submitted to the Minister for Planning. This implemented the Huntingdale Precinct Plan and proposed to rezone 19 properties on the south side of Burlington Street to a new General Residential Zone Schedule 12. Council undertook extensive consultation with these owners and occupiers, including writing to them with specific proposed controls, giving a clear explanation of what is proposed.

While these are awaiting approval from the Minister for Planning, the State Government are now proposing different controls, leading to confusion for residents.

Further the State Government will not be advising home owners of what the planning controls specifically entail (as Council was required to do), rather more generic aspirations for activity centre catchment planning. This is likely to cause anger from residents who are anticipating development consistent with what Council wrote to them about, but in the future may experience development contrary to this.

