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Glossary of Terms

Melbourne 2030

Melbourne@5 Million

Municipal Strategic Statement

C Amendment

VC Amendment

V Amendment

Planning and Environment Act 1987

Frankston 2025

Frankston Planning Scheme

VCAT

Preface

This (draft) document has been produced by Andrew Crack and Associates with the assistance of Frankston City Council Staff.

This document is current as of May 2014. There may have been changes to legislation, planning controls or other documents referenced in this report since May 2014, therefore please check with Council and/or the Department of Transport, Planning and Local Infrastructure.

1. Introduction

This document reports on the finding of the Frankston Planning Scheme Review 2013-2014 (the Review), which commenced in June 2013 and was completed in June 2014.

The Review is required by Section 12B of the *Planning and Environment Act 1987*, which requires all Councils to review its Planning Scheme within a year of the date of approval of its Council Plan and report the finding of the Review to the Minister for Planning. The Council Plan 2013 – 2017 was approved on 24 June 2013.

The Review must evaluate the Scheme to ensure that it is consistent with, and gives effect to, state and local policy directions. The Act requires the Municipal Strategic Statement (MSS) to be consistent with the Council Plan. Other legislation (the *Public Health and Wellbeing Act 2008*) requires consistency with Council's adopted Municipal Public Health Plan.

The Planning Scheme includes state and local provisions. This Review focuses on the local provisions particular to the municipality, and more specifically the Municipal Strategic Statement (MSS).

The Review findings are intended to form the basis for future initiatives to improve local planning policies and controls for Frankston City. These initiatives are set out as detailed recommendations in this report.

The Review has been undertaken in accordance with the *General Practice Note – Review of Planning Schemes – February 2006*, which states that the review is an audit of the performance of the planning scheme at a point in time and will inform the continuous improvement of the planning scheme by addressing:

- What has been achieved since the last review?
- Where are we now?
- Where to from here?

The Practice Note states that the report to the Minister should:

- Identify the major issues facing the municipality.
- Outline the key findings of the review and key matters requiring further strategic work to strengthen the strategic objectives of the planning scheme in terms of its efficiency and effectiveness to satisfy the requirements of Section 12 of the Act and indicate what action is proposed to be taken.
- Identify any operation and process improvements and proposed to be undertaken.
- Outline issues that require the engagement or assistance of the Department of Planning and Community Development (now Department of Transport, Planning and Local Infrastructure - DTPLI).

In response to the requirements of the Practice Note, the project comprises four stages:

- Phase 1 – consultation with targeted groups and a survey; and the preparation of the issues paper (June – September 2013)
- Phase 2 – review and drafting of documents (October 2013 – June 2014)
- Phase 3 – engagement with the community on the draft documents (July 2014)
- Phase 4 – finalisation of the review and report (August 2014)

2. Methodology

The Review project has been undertaken over 5 key stages to date. Collectively, the 5 stages form Phase 1 of the Planning Scheme Review project that will ultimately culminate in Phase 4 – Planning Scheme Implementation via a Planning Scheme Amendment(s). Phase 1 has included:

- 1) Scoping: establishing the project plan in consultation with the DTPLI and relevant council staff/departments.
- 2) Data collection: identified and reviewed State and Local Government initiatives and external reviews of the planning scheme (e.g. Panel reports and VCAT decisions) since the last Planning Scheme Review; and reviewed existing data prepared in relation to the performance of the statutory planning department. The outcomes and recommendations of the 2008/2010 Planning Scheme Review have also been revisited.
- 3) Consultation: facilitated extensive consultation with internal and external stakeholders (see detailed description of consultation undertaken below)
- 4) Data analysis: Desk-top assessment of the format and consistency of the LPPF and other local provisions (schedules to zones and overlays) against set criteria including the outcomes of the consultation with stakeholders; and identified areas of need in respect of further strategic work.
- 5) Reporting: consolidated key findings and recommendations into a final report.

Subsequent stages will include the following:

- 6) Phase 2 – Drafting of documents to reformat the LPPF into the new PPF
- 7) Phase 3 – engagement with the community on the draft Planning Scheme Review Report
- 8) Phase 4 – Planning Scheme Implementation

Phase 1a Consultation

The purpose of Phase 1 was to:-

- Gain from key community groups and external stakeholders a sense of issues central to the future of Frankston
- Build stakeholder awareness of the purpose of the MSS and its content

The consultation for Phase 1a was conducted over a five week period between 29 July 2013 and 30 August 2013 and comprised:

- Weekly notices in local newspapers
- Information on Council's Website
- On-line survey and feedback form
- Feedback sessions with
- Council officers

- Community members
- Industry experts
- Developers
- Feedback from consultants that advocate for Council at VCAT
- Feedback sessions with Council officers
- Discussions with Referral Agencies
- Discussions with adjoining municipalities – Kingston, Greater Dandenong, Casey, Mornington Peninsula.

Planisphere, planning consultants, were engaged to assist with Phase 1, particularly the feedback sessions and analysis of the survey responses. The feedback sessions were open discussions to scope the issues facing the City from the varied groups whilst the survey encompassed key elements of the previous MSS in a combination of targeted and open questions.

The above targeted approach to Phase 1a consultation resulted in the following engagement:

- 81 responses to the survey
- 9 feedback forms
- 33 invitees attending the feedback sessions
- 3 consultancies/firms
- 6 agencies
- 4 adjoining municipalities

Phase 1b Consultation

The internal consultation undertaken in December 2013 – February 2014 comprised:

- Completion of questionnaires by statutory and strategic planning staff. These questionnaires targeted all relevant aspects of the local provisions of the Frankston Planning Scheme and sought feedback in relation to examples of best practice in other planning schemes and the identification of any policy gaps.
- Completion of questionnaires by staff from the following departments and units within Council; Environment, Traffic and Drainage, Economic Development.
- Emails sent to staff from Physical Services (Waste Management), Community Development and (Family and Youth, Active, Ageing and Disability Services), seeking feedback regarding their experience with using the Frankston Planning Scheme, including responding to referrals from the statutory planning department
- A series of workshops/discussions with staff from the above Council departments and others including Governance.

A summary of the feedback received from each engagement is summarised in the Consultation Report. This is attached as Appendix 1.

The questionnaire circulated to Council staff is attached as Appendix 2.

3. Outcomes of 2008/2010 Planning Scheme Review

Issues raised during consultation

As part of the review of the Planning Scheme, Planisphere and the Council's Strategic Unit undertook extensive consultation with Councillors, Council staff and the broader community. The major issues that were identified in the Review Report are as follows:

- Acknowledge climate change in the MSS as an important issue.
- The incorporation of sustainability measures in the MSS particularly around development in the CAA, increased residential densities, environmentally sustainable design principles, development that provides local employment and the minimisation any ecological and environmental impacts on the ecosystems of creeks, wetlands, reserves and the foreshore.
- The inclusion and reference of *Frankston 2025* in the vision of the MSS.
- Prescription and performance measures such as: the introduction and monitoring of the Neighbourhood Character Policy; the form of preferred development pending the residential zone reforms; and design guidelines for retail, commercial and industrial.
- A focus on engaging with the community on strategic projects.
- Establish a mechanism to monitor the performance of statutory planning outcomes against the schemes strategic direction.
- Ensure local content in the planning scheme is clear and has realistic expectations.
- Improve urban design outcomes.
- Signage policy.
- The important economic and visual contribution of kerbside cafes and restaurants.
- Social impact assessment for major development proposals in the MSS.
- The need for further strategic work to identify and manage acid sulphate soils.
- Green Wedge management plans.
- Identify uses to be encouraged and discouraged in Activity Centres.
- Identify further strategic work, review and update coastal significance in light of the release of the Victorian Coastal Strategy.
- Remove/review redundant provisions such as: DPO1; the Business2 Zone in Carrum Downs; the B5 Zone north of the CAA; and updates and corrections to the planning scheme maps.

Recommendations to the Panel

SPPF

The translation of these issues resulted in various updates, revisions and the identification of further strategic work to be included in the planning scheme. The following key recommendations were made for changes to the Local Planning Policy Framework (LPPF) to better align with the State Planning Policy Framework (SPPF):

- An update of 2006 census figures.
- An update of content based on *Frankston Vegetation Study 2006*.
- The incorporation of Ecologically Sustainable Design principles.

- An emphasis on utilising existing infrastructure.
- Consider Development Contributions Plans for key areas.
- Monitor the impact of new major roads projects.
- Update all references to Outline Development Plans.
- Focus on design guidelines for retail, commercial and industrial development.

Further strategic work:

- Karingal Major Activity Centre Structure Plan.
- Design guidelines for neighbourhood centres.
- Review of Non-Residential Uses in Residential Zone Policy.
- Implementation of the new residential zones.
- Identify areas for medium density housing around activity centres.
- Affordable housing.
- Update and review the Industry and Commerce Overview and map.
- Review and update the Industrial Strategy, Transport Overview.

Melbourne 2030

There were further recommendations made to recognise the implementation of Melbourne 2030. These were as follows:

- Revise, update and implement the Activity Centres Strategy/Retail and Commercial Strategy.
- Prepare Structure Plans for Karingal Major Activity Centre and Carrum Downs Activity Centre.
- Update of Open Space and Recreation Map to include new directions from Open Space Strategy.
- Inclusion of relevant components of the Tourism Strategy 2003.
- The importance of minimising environmental impacts.
- Implement findings of Frankton City Vegetation Study 2006 and Significant Tree Register.

MSS format

- Align with the headings in the SPPF.
- Simplify and reduce bulk.

Local Policies and other Council Policies

- Reduce local policies through the incorporation in to the MSS or in overlays.
- Update, delete local policy content as required.
- Rationalise adopted Council Policies if strategically justified or discard.

The table at Appendix 3 shows the action taken in response to the further work supported by Council following the Panel Report. The table includes an extensive list of Further Strategic Work and Other Actions. The majority of the further work has been conducted or commenced with a number of matters being addressed by a few key projects. It is acknowledged that some of the

further work or actions identified require studies from other areas of Council which may not result in changes to the Planning Scheme controls. Further it is considered that the work not yet commenced on the list is still for Frankston's future.

4. Key amendments since the 2008/2010 Planning Scheme Review

V and VC Amendments

The key amendments to the planning scheme at state level have primarily centred on the introduction of new reformed zones. Amendment VC71 in operation from June 2013 introduced three new residential zones into the Victorian Planning Provisions (VPP) – Residential Growth, General Residential and Neighbourhood Residential. Amendment VC100 in operation from July 2013 changed the VPP and all planning schemes to primarily introduce the new Commercial Zones to replace the Business Zones. Two subsequent amendments brought in transitional provisions and reformed rural zones.

Amendment VC71 in operation from September 2010 amongst other things replaced Clauses 10 to 19 of the State Planning Policy Framework (SPPF) with new revised clauses and redistributed the former policies under new themes. The revisions also included updated references to Government documents and introduced new policies to give weight to the Victorian Integrated Housing Strategy and Melbourne 2030; A planning update Melbourne@5 Million.

Amendment VC105 Reforms to Native Vegetation and Biodiversity Provisions came into operation in December 2013 and introduced a new approach to the previous ‘net gain’, rationalised information requirements to streamline and simplify the determination of offsets, changed the referral requirements of high risk pathway assessments and replaced the incorporated document ‘Victoria’s Native Vegetation – Framework for Action’ with a new incorporated document ‘Permitted clearing of native vegetation – Biodiversity Assessment Guidelines’.

C Amendments

Since the previous Planning Scheme Review, the key local amendments that have been introduced centre around housing, neighbourhood character and built form controls.

Amendment C24 in operation from early 2009 brought in several key changes to the planning scheme. These changes included; replacing all land zoned Residential 2 with the Residential 1 Zone; revised *Clause 21.04 Housing* to include a strategic basis for implementing the recommendations for Council’s Housing Strategy and Neighbourhood Character Study; introduced a new Local Planning Policy *Clause 22.17 Neighbourhood Character*; modified schedules 1-7 of the Design and Development Overlay; rationalised the SLO3 and SLO4; and made changes to the coverage of the DDO6.

Amendment C65, in operation from August 2012, sought to be consistent with the outcomes of the 2008/2010 Planning Scheme Review. The Amendment introduced a revised Local Planning Policy Framework and reduced the extent of the Schedule 1 to the Development Plan Overlay.

New and revised built form controls were introduced in January 2014 through Amendment C78. This amendment sought to recognise the importance of the environs of the Sweetwater Creek valley and provide the framework for the appropriate response of built form.

5. Key State Government Initiatives since 2008/2010 Planning Scheme Review 4 April 2014

Reformed Zones

a) Commercial and Industrial

Reformed commercial and industrial zones for Victoria have been approved to better respond to present-day requirements.

The new Commercial 1 and Commercial 2 Zones and the reformed industrial zones were introduced into the Victoria Planning Provisions by Amendment VC100, gazetted on 15 July 2013.

The new commercial zones provide greater flexibility and growth opportunities for Victoria's commercial and business centres and respond to changing retail, commercial and housing markets by allowing for a wider range of uses that will support more mixed use employment.

In all cases, land zoned Business 1, Business 2 and Business 5 was converted to the Commercial 1 Zone. Land zoned Business 3 and Business 4 was converted to the Commercial 2 Zone.

The Commercial 1 Zone broadens the range of activities that land can be used for without the need for a planning permit and removes floor area restrictions (in most cases).

The Commercial 2 Zone provides more opportunities for office, commercial businesses, restricted retail premises, trade supplies and some limited retail activity. Floor area restrictions for office and some retail uses have been removed to create new opportunities for office and retail growth.

Reformed industrial zones are intended to support business investment and industry by responding to new and emerging trends regarding the mix of industry and office, and provide greater incentive for business investment.

The previous default floor area restriction for an office of 500 square metres in the Industrial 1 Zone, Industrial 2 Zone and Industrial 3 Zone has been removed. Councils have the ability to schedule in a floor space requirement where justified through a schedule to an industrial zone.

A new purpose has been included in the Industrial 3 Zone allowing limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

In the Industrial 3 Zone, small scale supermarkets of up to 1800 square metres and associated shops of up to 500 square metres in all metropolitan planning schemes are exempt from a permit. Supermarkets greater than 1800 square metres and shops without an associated supermarket are prohibited in metropolitan planning schemes in the Industrial 3 Zone. All supermarkets and shops are prohibited in rural areas in the Industrial 3 Zone.

b) Residential

Reformed residential zones for Victoria have been approved to better respond to present-day requirements and will give greater clarity about the type of development that can be expected in any residential area.

The Residential Growth Zone, General Residential Zone and Neighbourhood Residential Zone were introduced into the Victoria Planning Provisions by Amendment V8, gazetted on 1 July 2013.

The existing Low Density Residential, Mixed Use and Township Zones, amended to align with the features of the new residential zones, were introduced by Amendment VC100, gazetted on 15 July 2013.

Transitional provisions were also introduced into a number of the residential zones through Amendment VC104 gazetted on 22 August 2013.

New residential zones, together with existing zones such as the Activity Centre Zone, Comprehensive Development Zone and Mixed Use Zone have been identified as giving councils much better tools to identify where existing urban character will be protected.

Reformed residential zones also assist in identifying appropriate areas where urban densification will occur.

Key features are:

- setting a mandatory building height of 8 metres in the Neighbourhood Residential Zone
- improved purpose statements for the zones
- testing draft criteria to guide the application of the new zones (Rec 18) restricting non-residential uses in the Neighbourhood Residential Zone and the General Residential Zone
- allowing small-scale complementary commercial uses in the Residential Growth Zone.

Councils have until 1 July 2014 to introduce the new residential zones into their local planning schemes. Where councils have not finalised an amendment to implement the new residential zones by 1 July 2014, the General Residential Zone will be implemented to replace all land zoned Residential 1, 2 and 3.

Frankston City has sought to implement the new residential zones via Amendment C95. The Amendment has been considered by an independent Planning Panel and the report of the Panel is expected to be delivered by early May 2014.

c) Rural

Reformed rural zones for Victoria have also been approved to better respond to present-day requirements.

The improved rural zones support agricultural activity, allow more tourism related uses and support population retention to sustain rural communities. Unnecessary conditions and the prohibition of

some land uses have been removed and more permit exemptions have been introduced for farming related activity.

The reformed rural zones have been approved to:

- support agriculture by making most agricultural uses 'as of right' in most zones instead of needing a planning permit;
- assist farmers by removing permit requirements for farming related development such as netting and crop support structures;
- provide flexibility for farmers by allowing for the sale of farm produce without the need for a planning permit and removing restrictions on the sale of processed produce;
- support business by removing the prohibitions on complementary business uses, such as landscape gardening supplies;
- encourage tourism by reducing or removing permit limitations in the Farming Zone and Rural Conservation Zone relating to tourism uses, enabling applications to be considered on their merits;
- provide greater flexibility for councils to consider previously prohibited land uses, reflecting the government's election commitment to permit schools in urban fringe and rural areas;
- cut red tape for dwelling additions and farm buildings by increasing the permit exemption threshold for altering or extending a building;
- remove the limitation to subdivide a lot after an initial subdivision has been approved in all rural zones;
- attract and retain population in rural Victoria by reducing the current default minimum lot size in the Rural Living Zone from eight hectares to two hectares;
- include a purpose statement to the Green Wedge Zone and Green Wedge A Zone that provides for the use of land for agriculture;
- retaining permit requirements in the Green Wedge Zone and Green Wedge A Zone relating to many tourism uses; and
- include a purpose statement to the Farming Zone to encourage retention of employment as well as population to support rural communities.

Review of Developer Contributions System

The Minister for Planning appointed an Advisory Committee in September 2012 to advise on the final framework for a new standard development contributions system and to recommend standard levies.

The Advisory Committee's Report 1 - Setting the Framework December 2012 was released for comment.

In May 2012, the Minister announced the Government had chosen a preferred framework, prepared by the DPCD, for development contribution plans. The preferred framework includes a new system of standard levies that can be selected and applied to different development settings.

The new system proposes a set of standard development contribution levies for different development settings based around five infrastructure categories:

- Community facilities
- Open Space facilities
- Transport infrastructure
- Drainage infrastructure
- Public land

The new system proposes the ability to set a different levy for different development settings such as green field development, metropolitan infill development and regional and rural development, as well as a levy for residential and non-residential development.

The Advisory Committee submitted Report 2: Setting the Levies to the Minister for Planning on 31 May 2013. It is not clear when an announcement is to be made regarding the outcomes of the review.

Plan Melbourne and the Metropolitan Planning Authority

Plan Melbourne is the Victorian Government's vision for the city to 2050. It was released on 9 October 2013 (for public comment until 6 December 2013) and provides Victorians with a clear vision for a future that responds to the challenges of population growth and seeks to drive economic prosperity and liveability, while protecting the environment and heritage.

The Strategy addresses Melbourne's infrastructure, housing, employment and environmental challenges with an integrated approach to planning and development that includes land use, transport, and social and community infrastructure. It is aimed at guiding Melbourne's growth and change over the next 30-40 years and providing communities, businesses and local government with the confidence, flexibility and certainty needed to make informed decisions about the future.

The strategy will contribute to the overall vision for the State including links with regional Victoria.

The key aspects of Plan Melbourne include:

- A permanent urban growth boundary will be put in place to curb urban sprawl by distributing population growth to the regions. A "State of Cities" will be created as new major population and employment towns for growth across Victoria. This includes Bacchus Marsh, Ballan, Broadford, Kilmore, Warragul-Drouin and Wonthaggi.
- At least half of Melbourne's residential zoned land will be protected from high-rise apartment development with a Neighbourhood Residential Zone.
- Driving the growth of the City of Melbourne as Australia's largest jobs hub by 2040 as major new urban renewal precincts including Fisherman's Bend, E-Gate and Arden Macaulay begin and Docklands is completed.
- Implementing the Metropolitan Planning Authority which will play a critical role in managing and delivering Plan Melbourne along with the largest urban renewal pipeline in Victoria's history. The Authority is charged with working with local governments, landowners and

other stakeholders in delivering many of the initiatives of Plan Melbourne as well as the structure planning of a number of new precincts.

- Investigating a third airport for Melbourne's South East to serve Gippsland and Melbourne's South East. The airport would serve one-third of Victoria's population including the 300,000 residents of Gippsland.

Plan Melbourne responds to the discussion paper: Melbourne – Let's Talk about the Future, released in October 2012, which proposed nine strategic principles that informed discussion of Melbourne's future and the development of a metropolitan plan.

It is expected that Plan Melbourne will be finalised and released in the first half of 2014.

VicSmart

VicSmart is the proposed new assessment process for straightforward, low impact planning permit applications.

The new VicSmart permit process aims to:

- provide a simpler and more consistent permit process through standard State-wide requirements
- ensure timely and efficient processing of straightforward, low-impact applications
- ensure the level of assessment is proportional to the nature of the proposal
- reduce the regulatory and administrative burden on councils
- provide certainty to applicants and councils about the information required and the matters to be considered when making a decision.

The *Planning and Environment Amendment (VicSmart Planning Assessment) Act 2012* amends the Planning and Environment Act 1987 to enable a streamlined assessment process for straightforward planning permit applications to be set up in planning schemes.

The VicSmart process will be made operational through the Victoria Planning Provisions and planning schemes. New planning provisions and changes to the Planning and Environment Regulations 2005 are currently being drafted to implement VicSmart.

Once VicSmart is introduced into the Victorian planning system, two permit processes will apply in Victoria – VicSmart and the regular permit process.

The VicSmart process will be clearly set out in planning schemes so that councils, applicants and the community know in advance where it applies and how it works.

Draft Planning Policy Framework

A new Planning Policy Framework for Victoria has been released for consultation.

Reforming Victoria's State Planning Policy Framework (SPPF) is another step in the Victorian Government's ongoing review and improvement of the planning system.

At the time of writing, an Advisory Committee appointed by the Minister for Planning is seeking feedback on a revised format which includes:

- Making the SPPF easier to navigate
- Removing outdated policy
- Updating the framework to reflect Plan Melbourne and regional growth plans
- Bringing together state, regional and local policy on specific themes rather than split across different parts of the planning scheme.

The Minister for Planning appointed the Committee to review the SPPF in July 2013 and expanded their review in October 2013 to include how Local Planning Policy Frameworks could be better aligned with the reformed SPPF.

The Committee has worked closely with a small number of councils, including Frankston, State government departments and agencies and industry stakeholders to prepare the draft framework. Submissions on the draft Policy Framework must be made by 23 May 2014.

6. Performance of local content

Feedback to the existing local policies was received through the consultation conducted in Phase 1. In addition, a review of determinations made to planning applications by VCAT was conducted.

A compilation of VCAT decisions reported to Council between December 2011 and May 2013 were examined for an independent view of controls within the planning scheme, being local policies or other controls. Thirty one cases were reported to Council. The list of cases considered is provided at Appendix 4.

Comments considered to contribute in respect of the need for further improvement include:

- The Neighbourhood Character Policy is a clear document and often supported.
- Some locations in the city are not suited to subdivision for infill development due to the number of restraints on the site.
- Availability of transport and services in close proximity to sites is lacking, to support higher density housing.
- Housing Directions Map has 'encouragement' and 'constraints' areas. For areas where strategic intent is silent, the Neighbourhood Character Policy gave little guidance.
- Zoning of the Ebdale Precinct and its proximity supports higher density. Further strategic work to develop and incorporate the draft guidelines into the scheme should occur to provide guidance for the scale, design and landscaping of future developments in the area.
- There is a lack of guidance in the Ebdale Precinct regarding preferred built form, landscaping and shared development rights. Priority should be given by Council to the completion of a DDO and /or local policy for the Ebdale Precinct to provide clarity to all parties.
- Issues relating to the misuse of and abuse of alcohol and harm minimisation are not matters that can be considered by the Responsible Authority, and in turn the Tribunal. They are matters that can be considered by the Director of Liquor Licensing.
- Cumulative impact/cluster of licensed premises is considered to be 3 or more premises including proposed premises with a radius of 100 metres, or 15 or more licensed premises including the proposed premises within a radius of 500 metres.
- Council's Visitor Car Parking guideline has no statutory effect and Clause 52.06 is the requirement that needs to be applied.
- There are areas of concentrated medium density housing that predates the Neighbourhood Character Policy. This creates an anomaly within a precinct where a generic description applies.
- Trees are recognised by the planning scheme as significant e.g. through the application of the SLO4.
- Provision of secluded open space within the front setback is considered acceptable in some cases.
- Reducing the extent of an existing high front fence improves the interface with the street.

It is recognised that the Strategic Planning Unit of Council is currently undertaking work to address many of the above matters through the Draft FAA Structure Plan and affiliated Draft Typologies and

Guidelines for Precincts 3, 5 and 6 and the Draft Medical and Education Precinct Study. The work of the completed Housing Strategy and Amendment C95 New Residential Zones also addresses many of the issues. Recently approved built form controls for the Sweetwater Creek environs through Amendment C78, has addressed the concerns around changes to landscape and neighbourhood character with medium density housing development.

Housing and Neighbourhood Character Policy (NCP)

The concentration of comments relating to housing reflects the proportion of residential activity in the City. The emphasis of the need for policy and controls to support the preferred direction of the City is supported. The direction of the residential areas is being strongly led by the draft Housing Strategy which will guide the application of the new residential zones. It is important that the Neighbourhood Character Policy, which is now ten years old, be reviewed to support this direction as well as to respect areas that have undergone significant change and with it a change in character. This should also be extended to the structure plans for the FAA and Karingal Major Activity Centre areas.

The review of the Neighbourhood Character Policy should investigate direction of existing high fences in the street and the subsequent provision of secluded open space within the front setback to determine if clear statements are required and whether it is best placed in the policy or in the schedule to the zone.

Ebdale Precinct

This work has recently been completed with the Draft Typologies and Guidelines for Precincts 3, 5 and 6 (6 being the Ebdale Precinct). Work is underway on developing a Design and Development Overlay for this area and the other peripheral precincts of the FAA.

Alcohol

The majority of applications received by Council concerning alcohol relate to licensing of existing premises associated with sporting clubs and food premises. Council's primary concern relates to the social impact of retail outlets selling liquor. It is not considered that a local policy is warranted to address this issue due to the limitations of the planning consideration.

Council's Visitor Car Parking Guideline

This guideline has not been incorporated into the Planning Scheme and hence carries no weight in a consideration by VCAT. Consequently, parking in line with the guideline has never been supported by VCAT. However, the percentage of applications considered by VCAT is very low, thereby reflecting applicants' compliance with the guideline.

Since the last review, parking rates have been revised by the State Government. Parking rates for residential development has been relocated from ResCode to the Particular Provisions, Clause 52.06. The provisions allow variation, but only to removing the need for visitor parking provision. A higher provision of parking cannot be required.

As congestion in residential streets is a concern of residents, it is considered appropriate for Council to continue to implement this guideline.

7. Performance of the Statutory Planning Processes

The performance of the Statutory Planning has been a focus of Council management since 2008. The 2008/2010 Frankston Planning Scheme Review identified that times for processing applications often exceeded the statutory time frame and the number of VCAT appeals due to failure to determine as being above the state average.

Detailed monitoring of the outputs of the department has resulted in the implementation of process improvements, which has provided the following results:

- Deciding the same number of applications as received each year.
- Percentage of applications determined in 60 days has risen from approximately 30% in 2008/2009 to over 60% in 2012/2013, and meeting the metropolitan average.
- Average processing days for applications has reduced from over 200 days in 2008/2009 to 145 days in 2012/2013. The metropolitan average over this same period has continued to rise with Frankston now being only 8 days above the average.
- In addition to the above improved performances, failure to determine applications to VCAT has significantly reduced. Twenty five applications were lodged in 2008-2009 and only 5 in the 2012-2013 period.

It was also noted that maintaining current staff levels is necessary to achieve continued satisfactory service levels.

The continuous monitoring since 2008 sees Frankston as rating higher than the metropolitan average in requests for further information to an application and referrals. These two areas are identified as opportunities for further improvement.

Appendix 5 provides an overview of the performance of the Statutory Planning Unit.

8. Health and Wellbeing Plan

Under the provisions of the *Public Health and Wellbeing Act 2008*, the Council is required to prepare a municipal public health and wellbeing plan (MPHWP) every four years. The MPHWP must:

- be consistent with its council plan and the land use plan required by the MSS
- have regard to the current Victorian Public Health and Wellbeing Plan (currently 2011 – 2015)
- be reviewed annually.

The Frankston City Municipal Health and Wellbeing Plan 2013-2017 (“Frankston MPWHP”) was adopted by the Council in October 2013.

The Frankston MPWHP sets out the following priority areas:

Mental Health;

Ageing Well;

Children, Youth and Families;

Prevention and Better Health;

Culturally and Linguistically Diverse community;

Aboriginal and Torres Strait Islander Health; and

Access and Inclusion Priorities

The *Public Health and Wellbeing Act*, in aligning the planning cycle of MPWHPs with Council Plans, provides the opportunity for the Council to integrate its public health planning processes within strategic planning processes. This integrated approach to planning means that links can be made immediately between various action areas and duplication of separate planning for all the different council activities can be avoided.

Currently, a MPHWP must show how it aligns with a MSS. However, there is no requirement for a MSS to align with a MPHWP.

Giving planning for health and wellbeing more prominence, by clearly expressing its place in council plans, and by ensuring that concern for community health and wellbeing is integrated into a MSS is an initiative of *Plan Melbourne*. Relevantly, the following short term action has been included in *Plan Melbourne* as a response to the initiative:

- *Introduce a ministerial direction under the Planning and Environment Act 1987 to ensure that municipal public health and wellbeing plans are used to inform and shape municipal strategic statements.*

Recommendation

Given the above change is likely to occur in the near future, it is prudent that in drafting its new MSS, Council addresses the priority areas of the Frankston MPWHP to the extent that these either influence strategic land use planning or can be influenced by planning outcomes.

9. Housing

The MSS through Clauses 21.01 *Introduction* and Clause 21.04 *Settlement* sets out population forecasts for Frankston City including projected demographic changes to 2031.

Clauses 21.04 *Settlement* and 21.07 *Housing* contains clear objectives and strategies for housing in Frankston. The Housing Framework Plan identifies areas within the City where increased housing densities are encouraged, areas where development is constrained by neighbourhood character and landscape, restrictive covenants and ecological or environmental issues.

This clause has been revised and updated twice since the last planning scheme review, most relevantly as part of Planning Scheme Amendment C65 in 2012 which introduced a revised LPPF following the 2008/2010 review.

The Housing section of the MSS is supported by a local policy for Neighbourhood Character (Clause 22.08), approved as part of Planning Scheme Amendment C24 and updated under C65, and a Non-residential Uses in Residential Zone policy (Clause 22.04) which provides guidance about uses for which a permit can be sought in the Residential 1 Zone.

Both policies will require review upon the introduction of the new residential zones as discussed below.

The figures contained in Clauses 21.01 and 21.04 also require review, particularly in light of the adoption of the Frankston Housing Strategy (see below).

Housing Strategy

The Council has recently adopted the *Frankston Housing Strategy* September 2013 prepared by Planisphere (“Housing Strategy”). The Housing Strategy is guided by and builds upon the 2010 document *Identifying Potential for Housing Growth in Frankston City*.

The Housing Strategy provides a framework for housing growth and provides guidance to inform both strategic and day-to-day decision making in the municipality. It contains a series of objectives and actions under the themes: *Location & Capacity; Diversity & Specialised Housing; Affordability; and Design & Sustainability*.

An Implementation Plan formed part of the Housing Strategy considered by the Council at its 16 September 2013 meeting when the Strategy was then in draft form and subsequently adopted (the Implementation Plan was not adopted pending further review).

The adoption of the Housing Strategy was also subject to a revised Housing Framework Plan that made a number of refinements to the Housing Change Areas. All recommendations in this report that refer to the Housing Framework Plan are a reference to the adopted Framework Plan. Adoption of the Implementation Plan will guide specific actions including changes to the planning scheme. The Implementation Plan should therefore be consulted at the appropriate time for all actions other than recommended changes to the planning scheme and further strategic work identified in this section of the report.

Location & Capacity

A Housing Framework Plan is included, and delineates the housing change areas into four broad categories: *Activities Structure Plan Areas* (Frankston Central Activities Area and Karingal Major Activities Area); *Substantial Change Areas* (which include Substantial Change Opportunities Sites); *Incremental Change Areas*; and *Minimal Change Areas*.

The Framework Plan directs growth to those areas with the greatest capacity for change as well as those locations with high levels of accessibility to services and infrastructure. It represents a significant change to the existing framework in the MSS and should form the basis for a replacement Housing Framework Plan at Clause 21.07.

Other amendments to the planning scheme required to implement the key *Location & Capacity* directions of the Housing Strategy are:

- Amending the MSS, including Clauses 21.04 and 21.07 to include the policy objectives and directions for substantial, incremental and minimal change areas. (High Priority)
- Including the Housing Strategy as a Reference Document. (High Priority)
- Aligning the application of the new residential zones across the municipality with the findings and directions of the Housing Strategy (High Priority - see commentary on Planning Scheme Amendment C95 below).

Planning Scheme Amendment C95 (C95)

The Council has prepared and exhibited C95 to the Frankston Planning Scheme.

The amendment seeks to implement the new residential zones into the Planning Scheme generally in alignment with the Housing Strategy. The Residential Growth Zone (RGZ), General Residential Zone (GRZ) and Neighbourhood Residential Zone (NRZ) were introduced into the VPP on 1 July 2013.

The amendment applies the NRZ to the Minimal Change and Limited Incremental Change areas, the RGZ to the Ebdale precinct (located to the north of the Frankston Metropolitan Activity Centre [MAC]) and the GRZ to most of the remaining residential areas in the municipality. The introduction of schedules to each of the new zones together with the Low Density Residential Zone (LDRZ) is also proposed.

The LDRZ is being retained in the existing low density residential areas in Langwarrin and Langwarrin South.

It is noted that changes to Clauses 21.04 and 21.07 did not form part of C95 despite the Housing Strategy (and associated background document) forming much of the strategic basis for the implementation of the new residential zones as proposed.

The Council has resolved to pursue the rezoning of remaining Substantial Change Areas to RGZ as a separate planning scheme amendment once design guidelines have been developed for each of the areas to provide clarity around the preferred built form.

At the time of preparing this report, an independent Planning Panel had heard submissions in respect of C95 during a 4 day Panel hearing from 17 March 2014 to 20 March 2014 inclusive. The outcomes of the C95 Panel process will form an update to this report when available.

Servicing and Amenity

The Housing Strategy highlights the potential need to provide new or upgraded infrastructure in areas where growth is to be directed. The issue of Infrastructure is addressed in the *Infrastructure and Developer Contributions* section of this report.

Housing Diversity

The Housing Strategy notes that the current housing stock in Frankston City is dominated by separate houses and that the municipality is predicted to require an additional 11,100 – 17,200 new dwellings over the next 20 years. A diverse range of housing is needed to respond to the City's growing and changing population.

Amendments to the planning scheme required to implement the key *Diversity & Specialised Housing* directions of the Housing Strategy are:

- Updating the MSS to encourage the development of a diverse housing stock, consistent with the new Housing Framework Plan and identified housing needs for the city. (High Priority)
- Developing a local policy and guidelines that encourage housing typologies and provide design advice relevant to identified areas of change. This local policy should be prepared in conjunction with a review of the neighbourhood character policy (see below). (High Priority for all Substantial Change Areas. Medium to High Priority for other actions)
- Rezoning remaining Substantial Change Areas to RGZ once design guidelines have been prepared. (High Priority)
- Preparing guidelines for Neighbourhood Activity Centres which reflect the extent of housing growth and change envisaged by the Housing Framework Plan.

Housing Vulnerable Groups

Vulnerable Groups are considered to be: Lone person households; Youth & students; Older people; and People with a disability.

Relevant issues identified in the Housing Strategy are:

- A shortage of well located, affordable and appropriate housing suitable for single person households.
- A high proportion of unskilled and uneducated young people in Frankston without access to secure and affordable housing.
- An ageing population
- A shortage of appropriate, well located and adaptable housing and a range of specialist accommodation to support people with a disability.

Required strategic work to address the above issues includes:

- Developing a Lone Person Households Strategy
- Prepare design guidelines for retirement villages in Frankston City
- Develop a strategy to attract unbonded nursing home beds into the municipality for location in areas with the lowest socio-economic outcomes

- Develop a strategy to encourage an increased and broader range of accommodation choices catering to the less able and those in need of care.

Affordable Housing

A high and growing proportion of households in Frankston City experiencing housing stress is an issue identified by the Housing Strategy. This is attributed to rising housing costs and generally low education and skill attainment amongst residents. Relevant actions to respond to the issue involving an Amendment to the Planning Scheme are as per the recommendations under the *Location & Capacity* section of this chapter of the report.

Public and Social Housing

The Housing Strategy identifies the issue of an insufficient supply and uneven distribution of public and social housing stock across Frankston City. Relevant actions to respond to the issue involving an Amendment to the Planning Scheme are:

- Updating the MSS to encourage the provision of social housing throughout the municipality.

Rooming Houses

There is an extensive and growing supply of registered and unregistered rooming houses in Frankston, with rapid expansion over the 5 years to 2013, with evidence that demand is driven by issues of housing affordability and availability. The Housing Strategy highlights that planning approval is not required for rooming houses that contain 10 or less rooms, therefore Council's influence over their location is limited. Both the quality and increasing number of rooming houses is a growing issue within Frankston City. Relevant actions involving an Amendment to the Planning Scheme are:

- Develop a local Rooming House Policy to influence the location, design and quality of rooming houses (High Priority).

Caravan Parks

The Housing Strategy identifies the issue of a proportion of residents being currently housed inadequately in caravan parks across Frankston City. As the issue goes to a large extent to affordability, the required response is addressed under the Housing Affordability heading above.

Design Quality

The Housing Strategy highlights that significant future housing growth and change would threaten and potentially undermine established heritage and neighbourhood character values. In other areas, a change in character will be necessary and appropriate. The issue of neighbourhood character is touched on briefly above and is also addressed in the *Built Form* section of this report. Required Planning Scheme Amendments and other actions particular to housing in respect of neighbourhood character are:

- Amending the MSS to provide policy support for improving the design quality of residential development in the municipality (High Priority).

- Preparing and adopting design guidelines for identified opportunity sites to ensure their redevelopment positively contributes to their surrounding context, provides high levels of residential amenity for new and adjoining residents (High Priority).

Sustainability, Climate Change and Environmentally Sensitive Areas

In respect of ESD, the Housing Strategy notes the opportunities to improve the environmental performance of existing and new housing stock. The potential impacts of climate change are also noted, particularly in regard to the location and design of future housing. These issues overlap with broader issues of environmental significance and sensitivity. ESD actions and responding to Climate Change and Environmentally Sensitive Areas are explored more fully in the *Environmental Risks and Responding to Climate Change* section of this report.

Required Planning Scheme Amendments and other actions particular to housing in respect of ESD, Climate Change and protecting environmentally sensitive areas are:

- Amending the MSS to provide policy support for improving the environmental performance of new and existing dwellings (Medium Priority).
- Amending the MSS to include and address data and recommendations of the Victorian Coastal Climate Change Hazard Guidelines and the results of the Victorian Government's Future Coast Program.
- Preparing an Integrated Fire Management Plan for bushfire prone areas in collaboration with DSE and the CFA (Medium to High Priority).
- Reviewing DDO6 Frankston Seaford Coastal Strip to emphasise building resilience and adaptation to the likely effects of climate change (High Priority – see also recommendations in relation to DDO6 in the Built Form and Heritage section of this report).

Activity Centre Structure Planning

The Council has undertaken comprehensive structure planning for the Frankston Central Activities Area and the Karingal Major Activity Centre. Implementation of the Structure Plans (once both are adopted) will need to be the subject of separate Planning Scheme Amendments, with the former potentially involving the input of the new Metropolitan Planning Authority.

This Report recommends that a more limited form of structure planning could also occur for the larger neighbourhood centres of Carrum Downs, Station Street Seaford and Langwarrin and expands on the recommendations for the preparation of design guidelines in this regard. This should be identified as 'Further Strategic Work' in the MSS.

Activity Centre Structure Planning is addressed more fully in the Economic Development section of this report.

Advocacy Actions

The Housing Strategy sets out a range of 'advocacy actions' in relation to implementing a number of the directions of the strategy. These include advocating that Department of Transport undertake a review of public transport services and advocate the need (as necessary) for additional and

expanded transport services to cater for future housing growth and advocate Melbourne Water to undertake a capacity study of servicing infrastructure.

The Implementation Plan (once adopted) should be consulted for specific actions.

Other Actions

A range of other actions are set out in the strategy.

One action that needs to be emphasised in this report is the provision of targeted training to staff and Councillors to enhance skills in, and awareness of, design principles and practice. Whilst a specific recommendation to housing, the need for and benefits of training extend to all forms of development.

This will become more important as the key directions of the strategy are implemented and increasingly complex applications are received including for key sites where high standards of design and architecture are required. The review of VCAT decisions that has been undertaken as part of the review process has also highlighted a gap in this skill-set, particularly in relation to applications for medium density housing.

Clause 22.04 Non Residential Uses in Residential Zones Policy

This policy applies to land in a residential zone. It applies to a range of uses, including medical centres, child care centres, display homes, restaurants, home based businesses, tourist and visitor accommodation and similar uses.

The policy basis acknowledges that residential zones accommodate a range of non-residential uses that provide services to the local community and that the MSS seeks to ensure that non-residential uses are responsive to their residential setting and maintain appropriate standards of residential amenity.

Policy objectives address the location of the uses, the scale of development and amenity impacts on housing.

Local policies of this type are found in many Victorian planning schemes and provide considerable assistance to Council's in deciding permit applications for a broad range of non-residential uses in residential areas.

Whilst the policy continues to be relevant in the context of the existing residential zones, the introduction of the new residential zones will necessitate that a review of the policy be undertaken. Such review should be undertaken as soon as possible after the new zones are introduced into the Frankston Planning Scheme.

Clause 22.08 Neighbourhood Character Policy

This policy is addressed in detail in the *Built Form and Heritage* section of this report.

Recommendations

- Implement the key findings and directions of the Housing Strategy in the planning scheme as per the Implementation Plan (once adopted).
- Undertake a review of Clause 22.04 Non Residential Uses in Residential Zones Policy following the instruction of the new residential zones.

10. Economic Development

Economic Activity

Under the *Economic Activity* theme, Clause 21.02 *Key Issues* notes that retail is the largest employment sector, followed by the combined health and social assistance and education sectors with the manufacturing sector providing a smaller, but significant, proportion of the jobs in Frankston.

It highlights that a majority of workers in Frankston work outside the City and that diversification of the employment base to encourage economic activity to employ residents would be desirable.

Both of the above remain relevant.

The Carrum Downs industrial area is identified as an important employment node where hi-tech, sustainable industry is encouraged to locate. The strategic importance of the Carrum Downs Estate and the vision for its use and development is expanded on at Clause 21.08 *Economic Development* along with an objective and a range of strategies.

Whilst the Carrum Downs industrial area remains an important employment node, there is evidence that the vision for the area has not been achieved. This is addressed below as part of a broader consideration of industry within Frankston City.

Future growth areas are identified, with it being anticipated that there will be a greater demand for personal service industries, e.g. leisure and recreation, home businesses, childcare, business and finance.

Community Plan 2013-2017

The Frankston Community Plan relevantly notes that Frankston City is a hub for health, retail and education servicing the broader regional area of the Mornington Peninsula and Southern Metropolitan area.

Frankston's bay side location, transport infrastructure, size of the city centre, health and education precinct as well as its arts and library precinct provide a competitive advantage to attract business.

It highlights that economic prosperity is strongly influenced by education and employment and that the high levels of disadvantage experienced by many people in Frankston can be moderated by improving education and employment opportunities and attracting business and investment to build a strong local economy.

It also highlights that Frankston City Council has a strategic role to further facilitate the growth of an innovative, inclusive and sustainable business community. In addition to the city centre, other important centres and employment areas that will need to be harnessed for further growth and service delivery include industrial areas located at Carrum Downs, Seaford and Frankston along with smaller industrial precincts located at Langwarrin and Frankston East.

Council Plan 2013-2017

Key Strategies of the current Council Plan relevant to economic development within Frankston City are (as summarised):

- Working with other tiers of Government, industry and business to create more jobs and job skills in Frankston
- Enhancing transport connectivity
- Activating the city centre and encouraging more housing, leisure and retail options
- Improving the municipality's safety, image and pride

Much of the above is already reflected in the MSS however the MSS should be updated to fully reflect the Community Plan and Council Plan noting the above directions provide an update to the *Frankston 2025* document and replacement of the Council Plan respectively, both of which are currently referenced at Clause 21.03.

Strategic Framework Plan

The *Strategic Framework Plan* at Clause 21.03-3 builds upon a range of Key Issues identified at Clause 21.02 concerning *Environmental Sustainability; Frankston Central Activities District (CAD); Image and High Quality Design; Green Wedge Areas; Economic Activity; and Extractive Industry*.

It illustrates the following key strategic directions for land use planning and development in Frankston that have an economic development focus:

- *An Activity Centres hierarchy is defined in which the regional significance and dominance of the Frankston CAD is reinforced.*
- *Significant economic development opportunities exist in the Frankston to Langwarrin and Frankston to Carrum Downs corridors.*
- *Major industrial development and consequent job creation will be encouraged at Carrum Downs.*
- *The potential for tourism based on Frankston's bayside location, entertainment and commercial facilities and proximity to Mornington Peninsula is acknowledged.*
- *Extractive industry and landfill are significant transitory uses that require sensitive management and the end use of those sites needs to be investigated.*
- *Rural areas will be maintained and there will be an emphasis on encouraging agricultural production in the north and rural retreats and hobby farms in the south.*

These strategic directions are then expanded upon with a range of objectives and strategies set out in Clauses 21.04 *Settlement*; 21.08 *Economic Development* (including the Economic Development Framework); 21.09 *Natural Resource Management*; 22.01 *Carrum Downs Non Retail Commercial Areas Policy*; 22.05 *Outline Development Plans - Carrum Downs Skye and Langwarrin Policy*; and 22.06 *Protection of Potential Future Landfill Sites Policy*.

Frankston Economic Development Strategy 2011

The *Frankston Economic Development Strategy 2011* is listed as a reference document at Clause 21.08-3.

The Economic Development Strategy sets out Council's Economic Vision:

'Frankston City is the preferred place to live, learn, work, visit and invest based on a local economy that is sustainable, innovative and inclusive. These attributes are reflected in the

community's perception of the City and in the number and type of jobs available in the City in 2025'.

The strategy has a life of five years (2011-2015), with specific attention placed upon identified priority projects during this period.

Appendix 1 – Action Plan provides a full list of higher order activities identified as assisting Council to achieve its economic vision and include the priority actions referred to above.

Whilst some of the activities can be (and to some extent have been) included as strategies in the MSS such as strengthening the role of Frankston City as a health and wellbeing hub and developing a Green Wedge Management Plan(s), many others are activities to be undertaken outside of the formal planning process such as marketing and promotion campaigns; lobbying and advocacy; undertaking audits; and preparing investment attraction strategies.

Of particular relevance to the planning scheme review, the strategy also provides for the commencement of a full review in 2014 to ensure continuity with subsequent strategy and minimum bi-annual review of the actions listed in the strategy to ensure currency with current economic conditions, government policy and specific economic development needs that may change during the life of the strategy.

A full review of the Economic Development Strategy is now due and should be undertaken as a high priority.

Hierarchy of Commercial and Industrial Precincts

The Economic Development Strategy notes the clear hierarchy of commercial and industrial precincts in Frankston City with the sphere of influence of such precincts ranging from serving local needs through to regional needs.

To reflect its importance, the Frankston CAA (FAA) is placed at the centre, being the precinct of highest economic priority, with the Karingal Major Activity Centre and Carrum Downs/Seaford Industrial Estate being equal second only to the FAA.

The Strategy highlights that through the MSS, Frankston City has the opportunity to formalise this hierarchy of commercial centres.

This hierarchy is to some extent formalised through Clause 21.08 *Economic Development* (including the Economic Development Framework), however there is an opportunity to reinforce the hierarchy, particularly in relation to those precincts that sit below the FAA including those that are effectively of a medium to lower economic priority.

The importance of the FAA as being the precinct of highest economic priority is given sufficient emphasis in the MSS in the context of current policy settings, however the identification of FAA as a Metropolitan Activity Centre in *Plan Melbourne* (see below) and the future adoption by Council of the FAA Structure Plan require this local policy content to be updated, along with the removal of the now expired Clause 22.02 *Frankston Central Activities District Policy* and associated Schedule 5 to the Design and Development Overlay *Frankston Central Activities District* (DDO5) from the Planning Scheme.

Similarly, the key directions of the approved Karingal Structure Plan need to be reflected in the MSS. This should be undertaken as part of a planning scheme amendment to implement the Structure Plan into the planning scheme through the rezoning of land and application of a Design and Development Overlay(s).

Relevant Directions in Plan Melbourne and Activity Centre Structure Plans

The Metropolitan Melbourne Structure Plan has been designed to drive productivity and economic growth by accommodating employment and residential growth in designated locations across Melbourne City. In particular, National Employment Clusters, Metropolitan Activity Centres and Activity Centres will be identified and established to ensure employment growth occurs outside of the Central City. This structure is expected to deliver a range of benefits, including among others, reduced travel demand and improved access to employment.

Metropolitan Activity Centres

Plan Melbourne provides that Metropolitan Activity Centres (MAC) will maximise opportunities for a broad range of goods and services to be accessible to all. The eleven centres are a focus of public transport networks and will continue to attract broad investment in education, health and other services. As a result of this role, the centres will also provide a diverse range of jobs, activities and housing for subregional catchments.

Short term actions identified in *Plan Melbourne* include updating the SPPF to specify the role of Metropolitan Activity Centres and designate Frankston as one of eleven MAC across Melbourne, therefore identifying it as a place of State significance.

Medium terms actions will be the responsibility of the newly formed Metropolitan Planning Authority (MPA) and include updating the planning provisions in and around the eleven MAC to ensure they are investment-ready, as well as identifying sequencing requirements (including infrastructure provision, connections and public realm improvements).

Other Activity Centres

Plan Melbourne makes it clear that Principal, Major and Specialised Activity Centres that are not designated as either National Employment Clusters or Metropolitan Activity Centres will now simply be designated as Activity Centres and these will be distinguished from neighbourhood centres. Local governments will be responsible for the planning and management of Activity Centres. In Frankston City, this is of relevance to the Karingal Activity Centre, noting there are no National Employment Clusters within Frankston (see discussion below).

Under the '20 minute neighbourhood heading' Initiative 4.1.1 of *Plan Melbourne* is to 'Support a network of vibrant Neighbourhood Centres'. Short term actions include:

- *Update the State Planning Policy Framework to specify the role of Neighbourhood Centres. This will articulate the retail, residential and mixed-use role to assist decision makers, including local governments and the Victorian Civil and Administrative Tribunal.*
- *Prepare a practice note giving guidance for deciding permit applications for shops and supermarkets in the reformed commercial zones.*

These actions will assist the Council in guiding land use and development within the smaller neighbourhood centres in particular.

Transit Orientated Development

Direction 1.6 of *Plan Melbourne* advocates transit-oriented development as a key way to achieve employment and population growth, as well as achieve a broad range of economic, social and environmental benefits from co-locating employment, population and public transport.

Plan Melbourne outlines that some of these opportunities will come from major transport infrastructure and associated land development. Other opportunities will come from the development of National Employment Clusters, Metropolitan Activity Centres and health and education precincts. Relevant to Frankston City, the aim is to incorporate new commercial and housing activities around Frankston Station as part of the development of the Frankston Metropolitan Activity Centre.

Frankston City's submission to *Plan Melbourne*

In December 2013, Frankston City prepared a detailed written submission to the draft *Plan Melbourne* document released for public comment by DTPLI at that time.

The thrust of the submission is that the emerging Frankston Employment Cluster (FEC) based around the Frankston MAC and Health and Education Precinct is a National Employment Cluster (NEC) that takes in a geographic area of emerging national economic significance.

As noted above, the FEC is not identified in *Plan Melbourne* as a NEC and the final extent of identified NEC is unknown. To avoid confusion, the FEC is not referred to as a NEC in this report.

The submission advocates for the designation of the FEC as a NEC on the following basis (as summarised):

- The identification of the FAA as a MAC does not fully take into account the Frankston Health and Education Precinct or the significant growth in surrounding health and education nodes (an additional 10,000 employees). The fast growing health sector (which includes 4 hospitals) is of national significance and the largest employing industry in the region (2006-2011).
- The health sector is strongly integrated with the education sector with a strong focus on primary and allied health courses at Monash University servicing the greater region.
- Planned construction of a new Trade Training Centre at Chisholm TAFE will consolidate Frankston's role as an Education hub, with an additional 4000 students to be accommodated. The co-location of Chisholm TAFE and Monash University and their integration with the health sector facilitates a high number of professional placements at Frankston's hospitals annually. With over 300 tertiary courses offered across the two institutions, their role is seen as critical in servicing likely future growth in a white-collar employment base and industries associated with the Port of Hastings located 22 km away and planned as Melbourne's second international container port.

- The FEC is well positioned to play a service hub role for the Port of Hastings, noting the Stony Point Railway Line (continuation of the Frankston Line) is the only existing rail link to Hastings.
- The completion of EastLink and Peninsula Link has provided critical infrastructure assets to improve intra- and inter-regional connectivity and productivity. This will assist in job creation within Frankston City and the southeast region.
- Frankston is a key contributor to the Mornington Peninsula Tourism Region, which attracts 4.5-5M visitors, generating \$2.2B per annum.
- Significant employment growth in the Health, Education and Commercial sectors in Frankston is projected to 2031.
- With only 18,953 (29.5% of 64,221) people both living and working in Frankston City, there is a significant ability to increase local employment (and employment to the South via the Port of Hastings and related developments and within the South Eastern Growth Corridor).
- Considerable investment has been foreshadowed by all tiers of government and the private sector on a range of hallmark projects that are critical catalysts for urban renewal and job creation. Many of these projects are either under construction or are shovel ready.

It also outlines a number of changes that should be made to *Plan Melbourne* should the FEC not be identified as a NEC.

The submission essentially captures some of the more recent changes to a significant part of the local economy and identifies opportunities for future change and growth. Importantly what it highlights is that much has changed since the adoption by Council of the *Frankston Economic Development Strategy* 2011 and that such change, including a number of strategic directions, is not fully reflected in the planning scheme.

Whilst the final status of the FEC is beyond the reach of the Council, it does have the opportunity to both identify and emphasise the importance of the FEC to the Frankston economy and beyond through the MSS. This includes identifying opportunities for investment and potential synergies, such as in relation to the Port of Hastings.

Recommendations in relation to the FEC and broader issues such as strengthening Frankston's role as a regional capital are set out below.

FAA Structure Plan

The draft Frankston Activities Area Structure Plan outlines a 20 year vision for the renewal and revitalisation of the Frankston Activities Area. The plan supersedes the *TAFE to Bay Structure Plan* currently referenced in the planning scheme.

The Structure Plan is underpinned by a shared vision developed in partnership with the state government, the local community, businesses, Council officers and government agencies.

The Plan provides the framework to guide sustainable future growth and caters for the needs of the local community and services for the broader regional catchment and outlines a series of strategies and actions to achieve these goals.

The Plan sets out a series of key economic priorities including strengthening health and education uses through expanded facilities and improved links, promoting Frankston as a tourism destination and attracting businesses and government departments to high quality office spaces.

Implementation of the key strategies and actions into the planning scheme is a high priority for the Council and recognises the important role it will play in growing economic activity and employment within Frankston City.

Karingal Major Activity Centre - Karingal Structure Plan

The Karingal structure Plan was adopted by Council in April 2013 and a planning scheme amendment to implement the plan is currently being prepared. The structure plan will guide how the Karingal Major Activity Centre and surrounding land is used and developed over the next 20 years.

An analysis of economic influences forecasts that the centre will require up to an additional 30,500 square metres of floor space to cater for the future population growth in the activity centre's catchment. Expansion of the centre is expected to generate an additional 60 – 70 office jobs and 190 - 200 retail jobs, largely catering for weekly shopping needs.

Carrum Downs, Station Street Seaford and Langwarrin Neighbourhood Activity Centres

A more limited form of structure planning to that undertaken for the FAA and Karingal activity centres could be undertaken for these three larger neighbourhood activity centres of 22,230, 11,900 and 12,260 square metres respectively.

The advantage of preparing structure plans for these centres from an economic development perspective is a level of certainty for the community and potential investors in and around these centres.

Structure planning is considered to be a more appropriate tool to the preparation of a comprehensive Activity Centres Strategy which is identified as further strategic work at Clause 21.08 and can be used to determine the appropriate types and scale of activity within each activity centre, and the uses to be encouraged and discouraged in each.

Industry within Frankston

The Frankston Industrial Strategy 2009 is a reference document in the planning scheme. It applies to Frankston as a whole and specifically to its industrial areas.

The purpose of the strategy is to develop and reinforce Frankston's role as a major industrial focal point in south-eastern Melbourne by attracting clean and sustainable businesses that provide a stable and long-term employment base for the local economy.

The strategy distinguishes between the Carrum Downs Industrial Precinct and other industrial areas in Frankston City that are collectively referred to as the Established Industrial Precincts which take in areas such as Seaford and Frankston.

The strategic vision sees Carrum Downs as a sustainable industry park in a setting that showcases the highest quality urban, landscape and architectural design. By contrast, the vision for Frankston's

established industrial precincts sees them as vibrant business hubs that are functional and safe, providing a mix of environments from low cost spaces to high profile main road addresses.

This vision is largely reflected in the planning scheme in the MSS.

The strategy highlights that the significant effort made by Council, State Government and the private sector in the revitalisation of Frankston in recent years will be significantly enhanced or undermined by the nature of development in the Carrum Downs industry park, noting that a high profile, high amenity business estate will help the City considerably, whilst a low order service industry estate will not.

The vision for Carrum Downs as a “Flagship” Sustainable Industry Park has not been realised.

A lack of design and development controls and guidelines, including in relation to minimum lot sizes and requirements in respect of building and landscape setbacks, road layout and design together with a lack of strong policy guidance has resulted in a fairly ad hoc approach to development within the Carrum Downs Estate. The recommended development framework and design objectives and strategies in the Industrial Strategy have not been implemented in the planning scheme.

The market response to the estate has been a key driver in respect of use and development outcomes, with few ‘hi-tech manufacturing’ businesses taking up land. Overall the establishment of higher order business development generally has been lower than that sought by the strategy. By contrast the development of traditional service industries has been higher and in many respects ‘the horse has bolted’, however some large vacant parcels of land remain.

The Industrial Strategy sets a ‘business as usual’ vision for the established industrial areas, allowing the property market to determine business outcomes in these precincts.

An Action Plan does however seek to improve the appearance, functionality and amenity of the established areas and sets out a range of actions to facilitate the upgrading of the area.

As with the Carrum Downs Estate, there is little evidence of the vision being realised (however market forces have clearly determined the mix of uses in these areas).

It is considered that both the Industrial Strategy and its implementation in the Planning Scheme has been relatively ineffective in achieving good planning outcomes for the industrial areas within Frankston City and a complete review of the Strategy should be undertaken as a high priority.

Green Wedges and Clause 21.09 *Natural Resource Management*

The *Economic Development Strategy* 2011 relevantly lists the development of a Green Wedge Management Plan (GWMP) to assist in achieving Council’s Economic Vision. The Strategy outlines that the development of a GWMP should include:

- Analysis of marginal Green Wedge Zoned land
- Assessment of economic opportunities that are consistent with the Green Wedge Zoning; and
- Identification and implementation of projects which assist the Frankston community to deliver fresh food security

Importantly, Green Wedge land is seen as having the capacity to provide and protect productive agricultural areas, employment and potentially agri-tourism opportunities.

Plan Melbourne notes that many Melburnians now want to source food that is grown locally and that a number of global trends are creating new opportunities for Melbourne's food producers. The growing middle classes of Asia are likely to become significant and fast-growing markets for high-quality produce thanks to a temperate climate, high quality soils, clean water supply, agricultural skills and quality standards.

Relevantly, it identifies Melbourne's green wedges as being well-placed to take advantage of these opportunities.

The need to define the future roles of the Green Wedge is identified in the MSS at Clause 21.01 *Introduction*, whilst the need to prepare a GWMP for both of the Green Wedges is identified as one of the *Key Issues* at Clause 21.02. The commitment of resources, time and extensive consultation and research required to prepare these plans is also highlighted. Clause 21.04 *Settlement* also identifies managing the pressure for various uses in the Green Wedges areas and determining the future of agricultural and other uses in the Green Wedges as key issues. Further strategic work identified at Clause 21.04 relevantly includes the Preparation of Green Wedge Management Plans for the South East and Mornington Peninsula Green Wedges.

This need is taken a step further at Clause 21.09 *Natural Resource Management* where the relevant strategy is the preparation of Green Wedge Management Plans that assess the viability and long term future for agricultural activities and develop strategies to assist in retention of viable activities.

Clause 21.09 also sets out the key issues and a series of objectives and strategies in relation to extractive industry and rural industry, including the need to maintain appropriate buffers to sensitive uses.

The provisions of this clause remain relevant, noting that extractive industry operations continue within Frankston City and are likely to do so for the foreseeable future.

The development of a GWMP for both Green Wedges remains relevant to Frankston City and should be undertaken as a high priority. Importantly however, the investigation of the Green Wedges should be heavily focused on identifying economic opportunities rather than merely seeking to manage land use.

In respect of Frankston City's neighbouring municipalities, it is noted that Kingston City Council has recently prepared a Green Wedge Management Plan for that part of the South East Green Wedge within Kingston. Relevantly, the 2012 Plan addresses issues such as agricultural sustainability, land use viability and conflicts, resource management and major transport changes all of which have a bearing on economic activity within that municipality and beyond. A comprehensive Implementation Plan, including recommendations for planning scheme changes, forms the final chapter of the Plan.

Similarly, the Greater Dandenong City Council has prepared a Draft Green Wedge Management Plan (2013) whilst an Interim Green Wedge Management Plan has been prepared by the Mornington Shire Council (September 2012).

It is considered to be of critical importance that Frankston's Green Wedges be identified in the planning scheme as opportunity areas requiring investigation and that work on the preparation of relevant background documents required in the preparation of management plans is commenced as one of the highest strategic planning priorities for the Council.

The current lack of planning certainty surrounding the future of Green Wedge land is likely to be acting as an inhibitor to potential investment.

Frankston City as a Regional Capital

Increasingly, the benefits and potential benefits of Frankston as a Regional Capital are being seen, particularly as an administration and services hub. Frankston City's role of servicing the Mornington Peninsula and the growth areas of Casey and Cardinia needs to be reinforced in the MSS. Potential growth areas may include maritime services and defence noting that the development of major new transport gateways at the Port of Hastings will improve the number and type of jobs in the subregions.

Growing health and education sector

The FAA Structure Plan area incorporates a Health & Education Precinct (which also extends beyond the FAA boundary). As noted above, both the health and education sectors are growing sectors within Frankston City. Attracting additional investment in these sectors (both within and beyond the boundaries of the Precinct) should be one of the economic priorities for the Council.

Clause 22 policies

A number of local policies in the planning scheme provide land use directions that have a clear economic development focus. A number of these policies will require detailed review (or removal from the planning scheme) given recent and impending changes to strategic directions within Frankston City.

Clause 22.01 Carrum Downs Non-Retail Commercial Areas Policy

This policy applies to land in the Business 2 (Commercial 1) Zone near the intersection of Cadles Road and Hall Road, Carrum Downs. The policy is concerned with the need to identify the preferred mix of uses in the northern part of the Carrum Downs activity centre (being non-retail) to meet the needs of the local community and to complement core retailing which is provided on the southern side of Hall Road. The Carrum Downs Outline Development Plan is a policy reference.

This policy should be retained in its current form pending a decision on whether a limited form of structure planning should be undertaken for the Carrum Downs activity centre (as recommended above).

Clause 22.02 Frankston Central Activities District Policy

This policy applied to all applications in the area shown on the Frankston Central Activities District (CAD) Precinct Plan (forming part of the policy) and sought to implement the *Frankston TAFE to Bay Structure Plan* (2005). As the policy expired on 31 October 2012 it should be removed from the planning scheme.

Clause 22.03 Nepean Highway – Mile Bridge to Central Activity District Policy

This policy applies to land fronting Nepean Highway, Frankston between the Mile Bridge and Beach Street on the western side of the Highway and Sheridan Avenue on the eastern side of the Highway. The policy basis is centred on this strip of the Nepean Highway being one of the main entrances to Frankston and reflecting the MSS which relevantly encourages use and development of this section of the Highway to complement its treatment as a boulevard entry.

Relevant to economic development, the use element of the policy seeks to encourage uses that are appropriate to and enhance the entry, with offices (including medical centres), restaurants and motels specifically encouraged.

The *Frankston TAFE to Bay Structure Plan*, 2005 is one of three policy references.

Under the FAA Structure Plan, the area covered by the policy is within and forms the western part of Precinct 6 – Ebdale ('Ebdale Precinct'). The relevant provisions of the Plan identify future land use for the Ebdale Precinct as 'Residential intensification' and direct higher density housing to both sides of the Highway. By contrast, commercial office uses are encouraged to locate within the industrial area of the precinct.

There is a clear change in strategic direction for land use within the policy area. Accordingly, Clause 22.03 will need to be deleted (and replaced with a new policy as part of the FAA Structure Plan implementation) or undergo substantial revision. Consideration of built form issues are addressed in the built form section of this report.

Clause 22.05 Outline Development Plans – Carrum Downs Skye and Langwarrin Policy

This policy applies to the developing parts of Frankston City, at Carrum Downs, Skye and Langwarrin.

Relevantly, the *Outline Development Plan for Carrum Downs* is a policy reference.

Among other things, the policy basis refers to land to the west of Carrum Downs having the potential to attract sustainable industry capable of using recycled water and that coordination of development is necessary to realise that potential. The policy then refers to the 'Industry at Carrum Downs policy' at Clause 22.07.

Whilst the Outline Development Plans continue to be of some relevance (albeit of increasingly reduced relevance as the respective areas are developed) the policy needs to be amended to delete reference to the 'Industry at Carrum Downs policy' as such policy does not exist.

Clause 22.06 Protection of Potential Future Landfill Sites Policy.

This policy applies to seven extractive industry sites as listed in the policy together with land adjacent to these sites.

The extractive industry sites which are the subject of this policy have been recognised as potential future land fill sites in the report entitled 'Forward Planning for Potential Land fill Sites in the Cranbourne/Frankston Area, 1995'. The MSS recognises potential future land fill sites as an important resource for the City which should be protected from incompatible adjacent development. This policy seeks to provide such protection.

The policy notes that the *Metropolitan Waste and Resource Recovery Strategic Plan* (2009) does not identify any of these sites as being required for landfill to 2018.

On 16/12/2013 the Council endorsed the draft Submission to the 2013 *Consultation Draft Metropolitan Melbourne Waste & Resource Recovery Strategic Plan* that was lodged with the State Government in November 2013.

Relevantly, a gap in the south east region for a transfer station has been identified and Council's submission supports Frankston municipality as a likely location.

Council's submission also supports expediting the development of a new landfill in the south east given the long lead time for establishing such a facility. The submission also endorses the identified need for the State Government to provide support to municipalities to implement and use planning tools to protect resource recovery and landfill facilities from encroachment by inappropriate developments.

Council should await the release of the final *Metropolitan Melbourne Waste & Resource Recovery Strategic Plan* before deciding whether to review the provisions of Clause 22.06.

On balance, it is considered that the policy continues to serve a legitimate planning purpose and should be retained in its current form for the foreseeable future.

Other Considerations

Adaptive Building Design

One of the issues concerning the suitability of some of the older commercial and industrial building stock to current and emerging business demands is the limited utility of building designs and layouts. When long term users vacate sites, this often leaves large floor spaces that are not suited to a broad range of potential new uses and users resulting in higher vacancy rates. The cost of retrofitting can be prohibitive, resulting in missed investment opportunities in Frankston City. One means to address this issue would be to require new development to incorporate adaptive building designs so that buildings can be adapted with minimal investment to cater for new uses and users. This is increasingly common practice, particularly in strategic development areas identified in planning schemes such as activity centres.

Car Parking

There are two key issues concerning car parking associated with employment generating uses that Council can address through the planning scheme: - Investment incentives such as accepting reduced car parking rates where it is demonstrated by way of expert reports prepared by traffic engineers that it is appropriate to do so; and discouraging large at-grade car parks.

The practice of requiring car parking to be provided at the statutory rates set out at Clause 52.06 *Car parking* of the planning scheme can act as a disincentive to developers in commercial and industrial areas. A more flexible approach that is based on demonstrated car parking demand should be adopted in order to facilitate economic activity within Frankston City.

There is a tendency within Frankston City for large expanses of at-grade car parking to be provided for a range of new developments including restricted retailing. At grade car parking is also typically

proposed where lower property values mean that excavation costs associated with providing basement car parking often acts as a major disincentive to this form of car parking. Large at grade car parks are an extremely inefficient use of commercial land and should be discouraged through the local provisions of the planning scheme.

Car parking in the FAA

A car parking study is currently underway for the FAA Structure Plan area (April 2014). It is understood that the outcomes of the parking study will be implemented into the planning scheme upon the study being adopted by the Council. This is an important piece of strategic work and should be implemented in the form of a schedule to the Parking Overlay at Clause 45.09 of the planning scheme.

Temporary Permits

The issuing of temporary planning permits should be adopted as a practice where applications for change of use are made in circumstances where proposed uses may not be appropriate over the longer term or where the strategic directions for a particular area are unknown. Potential benefits of granting temporary permits of up to five (5) years are likely to include lower vacancy rates and economic activity that may otherwise be foregone.

Process Improvements

Establishing internal referral protocol

A clear protocol should be established between the statutory planning and economic development departments in relation to the type of permit applications that are referred by the former to the latter.

The protocol should also extend to pre-application enquiries so that proposals involving employment generating use and development (either directly or indirectly arising from the proposal) can be guided through a clear process which includes the involvement of all relevant Council departments.

It should address requirements in relation to applications for: use and/or development in commercial and industrial areas; the waiver of car parking; and mixed use developments if located within an activity centre.

Priority Planning Process

Council should adopt/expand a Commercial Priority process for planning applications that propose a new business or expansion to an existing business.

The aim should be to approve Commercial Priority Applications in the shortest time practicable and certainly in less than 60 days.

The Priority Process is a practical and meaningful way of acknowledging that new and expanding business, including local employment generation and investment in Frankston City can have significant benefits to the community, including by reducing the cost of delay to business.

The process should aim to give permit applicants greater certainty in both outcome and timeframe for a decision.

Guidelines for 'qualifying' for Commercial Priority would typically be an application that proposes:

- A new business in Frankston City, or
- Development for an expansion of an existing business where the cost of works is greater than \$100,000 or where it can be demonstrated that the development will result in significant additional local employment.

Other criteria would include:

- A mandatory pre-application meeting involving planning and economic development staff
- The submission of a complete application, including expert reports as considered necessary based on the scale and type of proposal

The Commercial Priority Process has been adopted by Moreland City Council and can be implemented by Frankston City without significant resource implications.

Adoption of the Commercial Priority Process should be formalised and set out in detail on Council's website.

Recommendations

- Reinforce the hierarchy of Frankston City's commercial centres in the MSS including an update to the Economic Framework Plan. This should not be undertaken until Plan Melbourne is finalised (High Priority).
- In partnership with the MPA, implement the key directions and provisions of the FAA Structure Plan into the Planning Scheme in accordance with the relevant resolutions of the Council at the time of its adoption (High Priority).
- Undertake a full review of the Frankston Economic Development Strategy 2011 (High Priority).
- Undertake a full review of the Frankston Industrial Strategy 2009 (High Priority).
- Undertake a review of Clause 22.03 Nepean Highway – Mile Bridge to Central Activity District Policy as part of the implementation of the FAA Structure Plan into the Planning Scheme (High Priority).
- Implement the key directions and provisions of the Karingal Structure Plan into the Planning Scheme in accordance with the relevant resolutions of the Council at the time of its adoption (April 2013) (High Priority).
- In implementing the key directions and provisions of FAA and Karingal Structure Plans into the Planning Scheme, the importance of incorporating adaptive building designs into new development should be emphasised in the local content. This may require amendments to each of the Structure Plans and should include a new reference to adaptive building design in the MSS and as part of new schedules to the Design and Development Overlay (High Priority).

- Remove the now expired Clause 22.02 Frankston Central Activities District Policy and associated Schedule 5 to the Design and Development Overlay Frankston Central Activities District (DDO5) from the Planning Scheme and review all objectives and strategies relating to the CAD at Clause 21.04 as part of the FAA Structure Plan implementation (High Priority).
- Undertake a limited form of structure planning for the larger neighbourhood activity centres of Carrum Downs, Station Street Seaford and Langwarrin and update the MSS to identify this work as further strategic work in lieu of an Activity Centres Strategy (Medium Priority).
- Identify Frankston's Green Wedges in the planning scheme as opportunity areas requiring investigation. Commence work on the preparation of relevant background documents required in the preparation of management plans as one of the highest strategic planning priorities for the Council. Funding should be sought from the DTPLI (High Priority).
- Reinforce and expand upon the existing reference at Clause 21.08 of the MSS to the role and importance of Frankston as a regional capital servicing the Mornington Peninsula and the growth areas of Casey and Cardinia. The potential to service the Port of Hastings should also be acknowledged (High Priority).
- Reinforce and expand upon existing references to health and education in the MSS (Clause 21.08), including in relation to the Health and Education Precinct within and adjoining the FAA. The regional significance of a growing health and education sector within Frankston City should be acknowledged and highlighted, noting the importance of the health and education sector to employment growth and wider contributions to economic development within Frankston and the region (High Priority).
- Reinforce and expand upon existing references to tourism in the MSS (Clauses 21.03 and 21.08) to the role that Frankston performs in the Mornington Peninsula Tourism Region and in turn its contribution to Victoria's Tourism Industry and promote tourism related use and development (High Priority).
- Acknowledge the importance of the now completed East Link and Peninsula Link to economic development within Frankston City by improving intra- and inter-regional connectivity and productivity. In particular, more convenient connections to Melbourne CBD, Dandenong, Port of Hastings, Mornington and the Monash Freeway should be highlighted (High Priority).
- Identify the extent of the Frankston Employment Cluster (FEC) and highlight future employment growth prospects in the Health, Education and Commercial sectors and the importance of the FEC at regional and national levels (High Priority).
- Update the Economic Development Framework (Plan) at Clause 21.08 to reflect the above changes (High Priority).
- Discourage the use of large at-grade car parks as part of new commercial developments, highlighting that they are an inefficient use of commercial zoned land (Medium Priority).
- Expand on references in Clause 21.08 to the potential economic development opportunities for Frankston City created through the expansion of the Port of Hastings by acknowledging Frankston's potential role as an administrative/commerce hub for the Port (High Priority).

- Undertake a review of Clause 22.04 Outline Development Plans – Carrum Downs Skye and Langwarrin Policy and delete reference to the 'Industry at Carrum Downs policy' (Medium Priority).
- Await the release of the final Metropolitan Melbourne Waste & Resource Recovery Strategic Plan before deciding whether to review the provisions of Clause 22.06 Protection of Potential Future Landfill Sites Policy prior to the next planning scheme review (Low Priority).
- Establish a clear protocol between the statutory planning and economic development departments in relation to the type of permit applications that are referred to economic development staff for comment. A protocol should also be established for pre-application meetings for these types of applications.
- Adopt/expand a Commercial Priority Process for planning applications that propose a new business or expansion to an existing business to reduce the cost of delay to business and help facilitate local employment generation and investment in Frankston City (High Priority).

11. Built Form and Heritage

Relevant key issues concerning the built form and heritage within Frankston City include encouraging increased residential development in appropriate areas of the City, while retaining the character of the City's established residential areas; incorporating the principles on environmental sustainability into development; and maintaining/enhancing views and vistas.

Clause 21.02 *Key Issues* under the heading *Image and High Quality Design* provides that "...The City needs to place high quality urban design as a key priority for future development in the public and private realms to ensure that the image of the City as an active, vibrant and economically sound environment is portrayed".

High quality urban design remains a key priority for all future development within Frankston City.

Key issues concerning built form and heritage issues are set out in more detail at Clause 21.10 of the planning scheme.

Clause 21.04 *Settlement* relevantly sets out further strategic work that relates to the built form of Frankston City:

- Preparing urban design guidelines to guide the form and height of development in the CAD
- Completing implementation of the Kananook Foreshore Development Structure Plan.
- Introducing satisfactory permanent planning scheme controls for the Frankston CAD.
- Developing plans to guide the future built form of Neighbourhood Centres as a longer term priority.
- Developing structure plans to guide the detailed redevelopment of areas identified for higher density housing around activity centres, and including guidelines for building envelopes, siting, car parking, landscaping and other amenity issues. Where appropriate, include these structure plans in the planning scheme to provide certainty for major stakeholders.

Clause 21.10 *Built Environment and Heritage* also identifies further strategic work:

- *Develop urban design guidelines for key sites, main roads, and retail, commercial and industrial areas.*
- *Prepare urban design guidelines for Neighbourhood activity centres.*
- *Develop advertising signage guidelines for inclusion as a Local Policy.*

The status and/or relevance of the further strategic work identified in Clauses 21.04 and 21.10 is addressed in this and other sections of the review report.

Clause 22 policies

A number of local policies in the planning scheme provide development directions that have a clear built form and heritage focus. A number of these policies will require detailed review (or removal from the planning scheme) given recent and impending changes to strategic directions within Frankston City.

Clause 22.03 Nepean Highway – Mile Bridge to Central Activity District Policy

A description of this policy and consideration of land use issues is included in the *economic development* section of this report, noting the policy area is within the FAA Structure Plan area.

Relevant to the built environment, the policy seeks development outcomes along this section of Nepean Highway to complement its treatment as a boulevard entry. Reference is made to the Streetscapes policy at Clause 22.07 (considered below) and the *Frankston TAFE to Bay Structure Plan*, 2005 is one of three policy references.

Under the FAA Structure Plan, the area covered by the policy is within and forms the western part of Precinct 6 – Ebdale ('Ebdale Precinct'). Figure 8 – *Building Heights and Setbacks* shows a preferred maximum building height of 12 metres which is consistent with the current DDO6 provisions. Figure 8 also nominates preferred minimum setbacks to Nepean Highway of 5 metres, a Kananook Creek interface with a minimum ground level setback of 6 metres and upper level recession; and residential frontage setbacks of between 3 and 5 metres.

There are now much clearer built form directions within the policy area, however no specific landscaping guidelines have been prepared (though see discussion below under Clause 22.07 in relation to Plan Melbourne and the creation of a boulevard). Accordingly, Clause 22.03 will need to be deleted (and replaced with a new policy as part of the FAA Structure Plan implementation and/or an amended DDO6) or undergo substantial revision.

Clause 22.07 Streetscapes Policy

This policy gives direction to the appropriate treatment of streetscapes throughout Frankston City. It applies to land in road reserves, those parts of properties adjoining road reserves set aside for landscaping, and buildings and works along major roads that form the gateways to the City as identified in Map 1 to the policy. The *Municipal Streetscape Strategy*, 1997 is a policy reference.

Clause 21.08 *Economic Development* identifies the use of the Streetscapes policy to ensure that landscape treatments and urban design of commercial and industrial development is consistent with any streetscape theme that has been developed for the area and relevant shopping centre master plans.

Much of the policy relates to street tree planting, street furniture, streetscape design and traffic management treatments, most of which are within the control of the Council on Council owned or managed land and not private land developed by private property developers.

Map 1 provides only limited information, including the location of major roads 'various zones', inner and outer gateways and the 'heart' being an apparent reference to the CAD.

The purpose and intended use of this policy is somewhat confusing and its usefulness is questioned. In particular, it is difficult to see how the policy can usefully guide decision making in relation to the development of private land despite it being policy that a high standard of architectural design, external finishes, identification/advertising signs and landscaping be achieved at gateway sites and along entry boulevards identified on Map 1 when no specific guidelines or performance measures are included.

The basis of the policy which includes the desirability of taking a consistent approach to streetscape development to improve urban form and visual amenity is generally clear and of continued

importance and relevance to Frankston City, however the policy is ineffective in meeting the policy objects and has been the subject of confusion and some criticism at VCAT hearings.

To the extent of the Nepean Highway (a major road that incorporates an inner and outer gateway under the policy), it is noted that in relation to Initiative 4.6.2 of *Plan Melbourne - Develop Melbourne's network of Boulevards*, DTPLI will work with VicRoads and local governments to prepare a long-term metropolitan boulevard strategy and implementation plan that identifies possible new boulevards. The Frankston stretch of the Nepean Highway is one of three major arterial roads/highways in Melbourne that will be investigated for boulevard treatments.

In light of the above observations, it is considered that a detailed review of Clause 22.07 is required and that alternative planning tools should be investigated, along with processes outside of the planning system. Options include one or more of: the preparation of urban design frameworks for gateways and boulevards and implementation via a DDO (or series of); the preparation of streetscape master plans/street tree planting strategies; and a revised local policy that provides much clearer direction in relation to the outcomes that are sought, including objectives, performance standards and design guidelines.

Outdoor advertising signage provisions are addressed separately below.

Clause 22.08 Neighbourhood Character Policy

This policy applies to development, (including subdivision) and works in the Residential 1 and Low Density Residential zones within the areas of Frankston City shown on Map 1 to the Clause.

The policy implements the findings of the *Frankston City Neighbourhood Character Study 2002*, which identifies the key existing characteristics and preferred future character of the City's residential areas. It provides design guidance to ensure that development and where relevant works, respond to the preferred neighbourhood character of residential areas.

The policy will require review and substantial revision so that it aligns with Council's adopted Housing Strategy and the new residential zones once implemented under C95 (or any subsequent amendment prior to 1 July 2014). It may also need to be revised earlier as part of the implementation of the adopted Karingal and soon to be adopted Frankston Activity Area Structure Plans in order to eliminate policy conflicts.

It is also noted that there a number of gaps where the policy should apply but does not. This appears to have arisen in relation to development that has occurred in more recent subdivisions that were not in existence when the Neighbourhood Character Study was prepared in 2002.

A comprehensive review of Clause 22.08 provides the opportunity to simplify what is a voluminous policy that in some areas duplicates the provisions of Design and Development Overlays. It is also noted that as part of C95 draft schedules to the GRZ and NRZ seek to vary a number of ResCode Standards including site coverage, permeability and private open space.

The review of Clause 22.08 should be cognisant of the need to avoid duplication with schedules to the DDO and set clear statements as to future neighbourhood character without seeking to be prescriptive as to planning outcomes. It should also clearly align and reflect the degree of change based on the zoning of the land (and schedules thereto) (based on the implementation of the new

residential zones) and directions of the Housing Strategy and not seek to elevate the status of local policy above its purpose of guiding decision making.

For substantial change areas (including substantial change opportunity sites), the use of design guidelines and/or new schedules to the DDO should be considered as potentially more appropriate planning tools than a local policy.

A comprehensive review of Clause 22.08 should be acknowledged as one of the highest priorities for the Council in respect of new strategic work.

Outdoor Advertising Signage

Council policies on Outdoor Advertising Signs are out-dated and have no statutory weight in the Frankston Planning Scheme.

The Council has prepared and exhibited new guidelines designed to assist in limiting proliferation of clutter, repetitive advertising signs and enable more consistent decision making by the Responsible Authority where planning permits are required. The 2008/2010 *Frankston Planning Scheme Review* was the catalyst for this project and the associated review report identifies the completion of further strategic work and completion of a Local Planning Policy for Outdoor Advertising Signs as one way of addressing the proliferation of Outdoor Advertising Signs. This further strategic work is also identified at Clause 21.10 *Built environment and heritage*.

The purpose of the Outdoor Advertising Signage Design Guidelines is to identify the preferred location, design, size and layout of outdoor advertising signs. It is intended that the guidelines will become a mandatory consideration via a local planning policy in cases where a planning permit is required for an outdoor advertising sign under the provisions of the Frankston Planning Scheme.

The Guidelines were adopted by Council on 20/01/2014.

Work underway towards the finalisation of a local policy and ultimately its implementation in the planning scheme should continue.

Activity Areas

Clause 21.10 relevantly identifies the preparation of urban design guidelines for Neighbourhood activity centres and the development of urban design guidelines for key sites, main roads, and retail, commercial and industrial areas as further strategic work.

The preparation of Structure Plans for the FAA and Karingal Major Activity Centre is addressed in the *economic development* section of this report where it is recommended that the directions and key provisions of the Structure Plans be implemented in the planning scheme as a high priority following their adoption (this will involve working with the MPA in the case of the former activity area). This includes the built form directions in both instances and it is considered that new schedules to the DDO (and potentially the DPO) will be the most appropriate planning tool(s) following the completion of design guidelines. The inclusion of a new activity areas local policy may also be required.

This report also makes recommendation in the *economic development* section in relation to undertaking a limited form of structure planning for the larger neighbourhood centres of Carrum

Downs, Station Street Seaford and Langwarrin. Structure planning for these centres should ultimately include the preparation of urban design guidelines and potentially the use of new schedules to the DDO to implement the key built form directions into the planning scheme.

In the case of the remaining neighbourhood centres (smaller), the preparation of urban design guidelines is considered to be a lower priority, noting that *Plan Melbourne* addresses the ‘protection’ of neighbourhood centres.

Initiative 4.2.2 of *Plan Melbourne* is to ‘Protect Melbourne’s Neighbourhood Centres, including provision for mandatory controls’.

Short term actions include updating the practice note and preparing and implementing planning tools to support local government to introduce mandatory building height and local character controls in neighbourhood centres; and investigating options for a fund to support local government to plan and manage Neighbourhood Centres, including assessing building height and local character to inform application of local mandatory controls.

Once available, the need to use planning tools to support the introduction of mandatory building height and local character controls in Frankston’s neighbourhood centres should be reviewed. Any available funding to assist Council in this process should also be sought.

Industrial Areas

Carrum Downs and Established Areas

The development framework for the industrial area of Carrum Downs and the Established Industrial Areas that forms part of the 2009 *Frankston Industrial Strategy* has not been implemented in the planning scheme, nor has the detailed *Carrum Downs Design Objectives and Standards* as set out at Section 4.5 of the strategy.

Recommendations in relation to a review of the Frankston Industrial Strategy are included in the *Economic Development* section of this report.

Design and Development Overlays

Design and Development Overlay 1 – Frankston South (DDO1)

DDO1 relates to a large area of Frankston South identified for its low-density treed character (generally the larger lots in Frankston South) and sets out requirements/establishes permit triggers in respect of building height and setbacks, site coverage, permeability, floor area of outbuildings, the number of dwellings on a lot and minimum lot size. Many of these provisions are mandatory requirements.

Planning Scheme Amendment C91 has been through the amendment process and seeks to introduce an additional design objective in relation to the environmental and infrastructure capacities of the area (with particular reference to the impact of development on waterways) and additional mandatory requirements in relation to setbacks from the Sweetwater Creek, fences backing onto the creek and the manner in which any second dwelling must be attached to the first dwelling.

C91 has been submitted to the Minister for Planning for approval (31/10/2013) and no decision had been made at the time of preparing this report.

Design and Development Overlay 2 – Olivers Hill (DDO2)

DDO2 relates to Olivers Hill, identified for its low-density treed character and sets out requirements/establishes permit triggers in respect of building height and setbacks, site coverage, permeability, floor area of outbuildings, keeping clear of areas of known soil instability, the number of dwellings on a lot and minimum lot size. Many of these provisions are mandatory requirements.

Part of the DDO2 area is covered by the Erosion Management Overlay 1 (EMO1).

Whilst the drafting of DDO2 could benefit from review to make a number of the mandatory provisions clearer (particularly in relation to the relationship between the maximum 2 dwellings on a lot), the provisions of the overlay remain relevant and generally effective in addressing a range of character, density and siting issues in respect of land stability.

Design and Development Overlay 3 - Frankston South (East)-1 (DDO3)

DDO3 relates to an area of Frankston South identified for its low-density treed character and sets out requirements/establishes permit triggers in respect of building height and setbacks, floor area of outbuildings, the number of dwellings on a lot and minimum lot size. Many of these provisions are mandatory requirements.

The provisions of the overlay remain relevant and generally effective in addressing a range of character and density issues.

Design and Development Overlay 4 - Langwarrin Rural Residential Area (DDO4)

DDO4 applies to land within the Low Density Residential Zone (LDRZ) in Langwarrin and sets out requirements/establishes permit triggers in respect of building height and setbacks, the number of dwellings on a lot and minimum lot size. Many of these provisions are mandatory requirements.

Among other things, C95 relevantly seeks to amend DDO4 by removing the subdivision requirements from the overlay and including them in a new schedule to the LDRZ.

Whilst the drafting of DDO4 could benefit from review to make a number of the mandatory provisions clearer, the provisions of the overlay remain relevant and generally effective in addressing a range of character, density and servicing issues.

Design and Development Overlay 5 - Frankston Central Activities District (DDO5)

The requirements of this overlay ceased to have effect after 31 October 2012. DD05 should therefore be removed from the planning scheme.

Design and Development Overlay 6 - Frankston Seaford Coastal Strip (DDO6)

This overlay sets mandatory maximum building heights for areas adjacent to Kananook Creek and foreshore, both north and south of the Mile Bridge. It also includes two setback controls: one relating to elevations facing the beach, the other concerning elevations facing Kananook Creek. Neither setback control is mandatory.

The overlay was most recently amended as part of Planning Scheme Amendment C78 (approved 16/1/2014) to refer to coastal areas only (reference to Sweetwater Creek was deleted) and land within the Sweetwater Creek environs was also deleted.

Schedule 6 to the overlay would be improved with the inclusion of a map highlighting the location of the Mile Bridge – a landmark that is unknown to many users of the planning scheme. Alternatively, identifying sub-precincts within DDO6 could be improved by adopting designations such as DDO6-A, DDO6-B, DDO6-C etc. in the relevant maps in the planning scheme to clearly distinguish between the extent of the respective height and setback controls.

The Kananook setback control has had varied interpretations applied to it and has been a source of some confusion. This part of the control should be re-drafted to remove any ambiguity and may also be assisted by the inclusion of a setback diagram. The ‘beach’ setback control should also be reviewed. This control refers only to setbacks in relation to the second storey component of a building and therefore on one view does not assume the potential for a third storey component despite that a building up to 10 metres in height is possible on a sloping site.

Part of the FAA Structure Plan area is affected by DDO6. For the area north of the DDO5 land (expired control) the structure plan via Figure 8 – *Building Heights and Setbacks* shows a preferred maximum building height of 12 metres which is consistent with the current DDO6 provisions. Figure 8 also nominates preferred minimum setbacks to Nepean Highway of 5 metres, a Kananook Creek interface with a minimum ground level setback of 6 metres and upper level recession; and residential frontage setbacks of between 3 and 5 metres.

An amendment to DDO6 would be a logical and convenient way of implementing these provisions of the structure plan into the planning scheme at the appropriate time.

For areas south of the DDO5 land, the structure plan indicates no change from the current DDO6 provisions where a 9 metre maximum height is specified for non-sloping sites. Consideration should be given to reviewing the mandatory maximum height in this area and default to the discretionary provisions of ResCode given it is at the edge of a precinct where intensive redevelopment is to occur.

Two remaining areas of DDO6 require consideration in respect of the appropriateness of the upper limit of the mandatory building heights: Long Island and the Seaford strip of land north of the Mile Bridge.

Both areas are proposed to be included in the NRZ with schedules based on the DDO6 provisions and both are identified in the Housing Strategy as Minimal Change areas.

It is considered that the height provisions should be reviewed. This may be guided by the findings of the C95 Panel Report once available.

Design and Development Overlay 7- Frankston South (East)-2 (DDO7)

DDO7 relates to two smaller pockets within Frankston South identified for its low-density treed character and sets out requirements/establishes permit triggers in respect of building height and setbacks, floor area of outbuildings, the number of dwellings on a lot and minimum lot size. Many of these provisions are mandatory requirements.

It is noted that the minimum lot size provision is not expressed as a mandatory requirement.

The provisions of the overlay remain relevant and generally effective in addressing a range of character issues.

Some of the decision guidelines raise matters not reflected in the Design Objectives, such as land capability and erosion risk. The land capability reference is also unusual given the land is zoned Residential 1. A review of the above provisions is recommended.

Design and Development Overlay 8 - Sweetwater Creek Frankston South – Immediate Environs (DDO8)

DDO8 extends along the edges of Sweetwater Creek and places emphasis on landscaping and the retention and enhancing of the character and environmental qualities of Sweetwater Creek and its environs and reducing stormwater runoff and minimising stormwater flows into Sweetwater Creek.

This overlay is new to the planning scheme having been introduced by C78 on 16/1/2014 and does not include any mandatory controls.

Given the recent inclusion of DDO8, no specific recommendations are made.

Design and Development Overlay 9 - Sweetwater Creek Frankston South – Wider Environs (DDO9)

DDO9 extends beyond the immediate edges of Sweetwater Creek and places emphasis on landscaping and the retention and enhancing of the character and environmental qualities of Sweetwater Creek and its environs and reducing stormwater runoff and minimising stormwater flows into Sweetwater Creek.

This overlay is new to the planning scheme having been introduced by C78 on 16/1/2014 and does not include any mandatory controls.

Given the recent inclusion of DDO9, no specific recommendations are made.

Design and Development Overlays Generally

The decision guidelines of DDO1, DDO2, DDO3, DDO4, DDO6 and DDO7 refer to the relevant Neighbourhood Character Study Character Statement. This approach is generally not recommended and a review of each of the identified schedules (along with DDO8 and DDO9) should be undertaken alongside the recommended review of the Neighbourhood Character Study with a view to incorporating relevant statements of preferred neighbourhood character within the DDO schedules to avoid duplication and strengthen the overlays.

The provisions of DDO1, DDO2, DDO3, DDO4, DDO6, DDO7, DDO8 and DDO9 may also need to be reviewed upon the introduction of the new residential zones and schedules thereto proposed by C95.

Development Plan Overlays

The Development Plan Overlay addresses both development and land use requirements, together with any permit conditions that must be included on planning permits. For convenience consideration of the schedules to the DPO is included in this section of the report despite that matters are not confined to built form and heritage issues.

Development Plan Overlay 1 - Carrum Downs, Langwarrin and Baxter Outline Development Plans (DPO1)

The extent of this overlay should be once again reviewed following the approval of C65 on 9/8/2012 which, among other things, substantially reduced the coverage of DPO1 to coincide with the extent of undeveloped urban land in the municipality. This is a medium priority action.

Development Plan Overlay 2 - Carrum Downs and Langwarrin Neighbourhood Activity Centres (DPO2)

The requirements of DPO2 apply to land zoned Commercial 1 in Carrum Downs (generally at the northwest corner of Ballarto and McCormicks Road) and land zoned Commercial 1 in Langwarrin (Langwarrin Plaza fronting Cranbourne – Frankston Road).

Carrum Downs is a substantially developed larger neighbourhood activity centre, comprising of a supermarket, specialty shops, offices, food and drink premises, a service station with convenience store and large at-grade car park. A small parcel of the land in the northwest corner of the activity centre appears to remain vacant.

For the purpose of the overlay, Langwarrin Plaza can be considered as a fully developed larger neighbourhood activity centre, comprising of a supermarket, a limited number of specialty shops/take away food premises, a service station with convenience store and large at-grade car park.

The removal of DPO2 from the planning scheme should be considered. The requirements of Section 2.0 of the schedule appear to have been fully satisfied for Langwarrin and all but satisfied for Carrum Downs and the retention of the overlay would appear to no longer serve its original purpose.

Undertaking a limited form of structure planning for these two centres forms a separate recommendation in this report.

Development Plan Overlay 3 - Restricted Retail area between McMahons Road and Bryan Street, Frankston (DPO3)

Land covered by DPO3 forms part of the Power Centre, a bulky goods precinct that includes a mix of large format retailers. DPO3 is confined to the western extent of the Power Centre, north of Gertrude Street and is developed with approximately six bulky goods tenancies and associated landscaped at grade car parking, all with frontage to McMahons Road. The northern part of the DPO3 land is developed with a service station, convenience shop and food and drink premises.

DPO3 land (as with the entire Power Centre) is identified in the FAA Structure Plan as being within Precinct 4 *Health, Education and Bulky Goods*. The Precinct overview relevantly provides that *‘The Power Centre will continue to play an important role in the economy of Frankston by providing large format retailing that is easily accessed’*. The relevant strategy for this precinct is *‘Focus additional large format retailing within this precinct where opportunities exist’*.

Figure 8 – *Building Heights and Setbacks* of the structure plan indicates ‘No Change’ for the DPO3 land or indeed for any of the Power Centre.

The DPO3 land can be considered as fully developed for the purposes of the overlay and the overlay should be removed from the planning scheme accordingly. As the land is within the FAA structure plan area, a final decision should be made on the removal of the overlay as part of the FAA structure plan implementation.

As the *Concept Plan March 2000, Restricted Retail Area Between McMahons Road and Bryan Street, Frankston* is an incorporated document, consideration should also be given to amending the schedule to Clause 81.01 to remove the Concept Plan from the schedule.

Development Plan Overlay 4 - Restricted Retail area between Gertrude Street and the Rail Line, Frankston (DPO4)

Land covered by DPO4 is zoned Commercial 2 and is located on the east side of McMahons Road. The land is occupied by a Bunnings Warehouse and associated large at-grade car park.

As with the DPO3 land, the Bunnings site is identified in the FAA Structure Plan as being within Precinct 4 *Health, Education and Bulky Goods*.

The DPO4 land can be considered as fully developed for the purposes of the overlay and the overlay should be removed from the planning scheme accordingly. As the land is within the FAA structure plan area, a final decision should be made on the removal of the overlay as part of the FAA structure plan implementation.

Development Plan Overlay 5 - Castlebrooke Estate, Langwarrin (DPO5)

DPO5 sets out a range of requirements including conditions that must be included on permits issued for the affected land which is zoned Residential 1. The Estate has a number of sensitive interfaces including concrete batching and bitumen plants to the north and land with high environmental values, including Boggy Creek.

The western part of the Estate appears yet to be fully developed, whilst the eastern part of the Estate can be considered as fully developed, with development at various stages in the Estate's northern part.

The overlay continues to perform a role in ensuring appropriate planning outcomes in relation to the Estate and adjoining land.

The extent of the overlay should however be reviewed and consideration given to the need for any on-going replacement controls. As the Estate is yet to be fully developed, this should be considered as a low priority action.

Development Plan Overlay 6 - McClelland Drive, Langwarrin (DPO6)

DPO6 sets out a range of requirements including conditions that must be included on permits issued for the affected land which is zoned Residential 1. Other provisions include requirements for Management Plans and a Subdivision Concept Plan.

The overlay continues to perform a role in ensuring appropriate planning outcomes in relation to the partially developed Estate. The extent of the overlay and provisions of the schedule should however be reviewed and consideration given to the need for any additional on-going replacement controls

at the appropriate time (noting that SLO1 applies). As the Estate is yet to be fully developed, this should be considered as a low priority action.

Development Plan Overlay 7 - (DPO7)

DPO7 applies to a large tract of land outside of the urban growth boundary, the majority of which is zoned Rural Conservation 4. Its southern extent fronting Frankston-Cranbourne Road is zoned Residential 1.

The indicative plan of subdivision that forms part of DPO7 identifies the RCZ4 land as 'future low density residential' with the balance comprising of conservation reserves.

DPO7 should be reviewed, particularly in light of the land sitting wholly outside of the urban growth boundary. This is a medium priority action.

Heritage

The schedule to the Heritage Overlay (HO) was most recently amended by Planning Scheme Amendment C77 on 17/10/2013 as part of a wider amendment to correct errors and remove anomalies in the planning scheme.

Prior to this, Planning Scheme Amendment C53 and Planning Scheme Amendment C60 applied the HO on a permanent basis to a number of sites on 28/4/2011 and 21/7/2011 respectively. All affected sites had been the subject of interim heritage controls (including sites within the Frankston CAD). Consequential changes to the schedule were made as part of these two amendments.

A relevant strategy listed under Clause 21.10 is '*Identify sites of "post settlement" heritage significance and maintain the values and integrity of those sites*'.

The Council has recently prepared and adopted Stage 1 of a Post-Modernist Heritage Study which focuses on the Frankston and Frankston South areas. Stage 2 of the Heritage Study is yet to be completed. Once completed and adopted, the directions and recommendations of the Heritage Study should form the basis of an amendment(s) that applies the HO to additional sites and makes corresponding changes to the schedule to the HO. No additional strategic work has been identified through the review process.

Recommendations

- Review Clause 22.03 Nepean Highway – Mile Bridge to Central Activity District Policy as part of the implementation of the FAA Structure Plan. This policy will need to undergo substantial revision or be deleted.
- Review Clause 22.07 Streetscapes Policy and investigate the use of alternative planning tools, along with processes outside of the planning system.
- Review the Neighbourhood Character Study 2002 and associated Clause 22.08 Neighbourhood Character Policy and ensure any revised/replacement policy and/or new/revised overlays align with the directions of Council's adopted Housing Strategy and the new residential zones once implemented under C95.
- Remove expired DDO5 from the planning scheme.
- Undertake a review of schedules to the DDO and DPO as guided by the above comments in this report.

12. Environmental Risks and Responding to Climate Change

Since the last planning scheme review, the Council has adopted a *Climate Change Impacts and Adaptation Plan* (May 2011) (“Climate Change Plan”).

The Climate Change Plan highlights that Frankston City is significantly exposed to climate extremes and natural hazards such as storm surges and coastal inundation, floods, bushfires and extreme temperatures and that as a result of climate change these hazards are projected to increase in frequency and severity.

The Climate Change Plan aims to provide a framework and guide to:

- *Facilitate action by Council in its operations and services to prepare for the impacts of climate change.*
- *Provide information and assistance to the community to reduce their vulnerability and facilitate an adaptive response to climate change impacts.*

The Climate Change Plan details specific risks that the municipality faces over the short (2015), medium (2030) and long (2070) terms with each identified risk being rated as Low, Medium, High or Extreme.

It identifies the most serious areas of emergent risk as health risks from higher ambient temperatures, coastal inundation and inland flooding especially in relation to Kananook Creek, the Eastern Treatment Plant and storm water drainage systems; as well as increasing costs of water associated with changes to average rainfall.

A review of the MSS highlights that whilst Clauses 21.02 *Key Issues*, 21.05 *Environmental Risk* and 21.06 *Environmental and Landscape Values* identify a range of environmental risks, including those as a result of climate change, the extent and seriousness of the threats as identified in the Climate Change Plan should be reinforced. In some cases, specific risks are not identified (such as the risk of flooding to the Eastern Treatment Plant).

Climate change adaptation measures should also be clearly identified or reinforced as strategies in the MSS to combat the effects of climate change.

Recommendations

- Reinforce the risks of climate change to Frankston City in the MSS and outline adaptation measures and other strategies to combat the effects of climate change. (High Priority)
- As part of the implementation of the directions of the Housing Strategy into the MSS, identify the constraints posed by environmental risks and the effects of climate change on accommodating housing change in parts of Frankston City. (High Priority)

ESD/EED ISSUES

One of the recommendations of the 2008 – 2010 planning scheme review was *“Seek to include environmental sustainability measures for new development in the Frankston Planning Scheme”*

The Council has since prepared and adopted the following:

- Ecologically Sustainable Development Design Guide – Buildings (Frankston City Council 2009) (“ESD Design Guide for Buildings”)
- Ecologically Sustainable Development Design Guide – Urban Design (Frankston City Council 2009) (“ESD Design Guide for Urban Design”)

Both documents are currently referenced in the MSS under Clause 21.07 *Housing* under the heading *Other Actions*: *“In new developments, encourage design in accordance with Council’s ESD Design Guide - Buildings and ESD Design Guide - Urban Design”*.

The ESD Design Guide for Buildings is intended to provide useful information and specific recommendations to improve the environmental credentials of a building project. It is specifically developed for non-residential buildings. That this Guide is referenced under the Housing theme of the MSS would appear to be in error given it does not apply to dwellings or residential buildings.

Presently the ESD Design Guides are promoted by Council rather than imposed upon developers and their consultants given the narrow focus given to them by the planning scheme. In this sense they complement State policies and particular provisions in the scheme that require consideration to be given to a range of ESD design principles.

Whilst direct references to ESD in the LPPF are limited to Clause 21.07, the term ‘*environmental sustainability*’ is in effect used as a substitute term at Clauses 21.02 *Key Issues*; 21.04 *Settlement*; 21.07 *Housing*; 21.08 *Economic Development*; and 21.10 *Built Environment and Heritage*. Under the heading *Other Actions*, a number of these clauses seek the inclusion of environmental sustainability measures for new development in the planning scheme and in doing so acknowledge the need for an ESD policy or similar.

The Council has also prepared the Frankston *Carbon Neutral Action Plan 2012 – 2016* (“Action Plan”) which was adopted in May 2012.

The Action Plan identifies actions the Council will take to reduce greenhouse gas emissions across its areas of responsibility (particularly in relation to Council assets), whilst also identifying and promoting reduction measures that can be taken by the community and industry.

Relevant to Planning and ESD, the Action Plan makes reference to the *Council Alliance for a Sustainable Built Environment* (CASBE) which originally formed around the joint implementation, promotion and support of the *Sustainable Design Assessment in the Planning Process* (SDAPP) program.

To facilitate the SDAPP program two design assessment tools have been developed for reducing environmental impacts beyond minimum legal requirements; *Sustainable Tools for Environmental Performance Strategy* (STEPS) project for residential developments and the *Sustainable Design Scorecard* (SDS) for non-residential developments.

Frankston City Council aspires to become involved in the SDAPP initiatives however the Action Plan acknowledges that this would require a specialised officer within the Planning Department to progress them effectively. This officer would be able to advise residents and developers and assess applications for their ESD design merits.

WSUD

The Frankston *Water Sensitive Urban Design Guidelines* (“WSUD Guidelines”) were endorsed by Council in January 2012 to provide clarity and consistency for the process of implementing WSUD projects in Frankston City.

These Guidelines are not referenced in the planning scheme. However, the incorporation of WSUD principles in the layout of new development is listed as a strategy in the MSS under Objective 4 of Clause 21.10 *Built Environment and Heritage* that encourages the adoption of environmental sustainability principles in the design and development of all new buildings.

The WSUD Guidelines outline Council’s expectations and targets for WSUD and have been developed for use by internal and external stakeholders such as developers and consultants.

The WSUD Guidelines are currently used in a similar way to that of the ESD Guides, i.e. whilst the Council applies them to its own development, they have tended to be adopted for use by others in designing larger scale developments more so than smaller scale developments with varying degrees of success.

Despite this, the review of VCAT decisions has highlighted that the Council has consistently had success at the Tribunal in seeking via permit condition some WSUD measures (albeit limited) as part of development approvals.

The Council does however face opposition by some permit holders when it comes to incorporating WSUD measures into designs, with WSUD outcomes often falling short of what the Council considers to be reasonable.

The importance of WSUD is emphasised both in the Guidelines and in the Climate Change Plan as a means of responding and adapting to Climate Change impacts. This review has highlighted that WSUD is not given sufficient emphasis in the MSS, nor is there a local policy that makes any reference to WSUD (other than the now expired *Frankston Central Activities District Policy* at Clause 22.02).

Integrated Transport

The *Frankston Integrated Transport Strategy* April 2013 notes that the use of sustainable modes of transport in Frankston City is relatively low compared with the metropolitan Melbourne average. One of the six objectives of the Transport vision for the municipality, *Sustainability*, is “*Providing a sustainable transport system that minimises negative impacts on the natural environment*”.

The MSS makes numerous references to public transport in terms of extent and frequency, including the need to advocate for improved services. Little emphasis is given to alternative sustainable transport modes and how integrated sustainable transport outcomes can be delivered.

The Promotion of a more integrated, sustainable transport system should be given greater emphasis in the MSS, particularly in relation to the adoption and implementation of Green Travel Plans and through travel behaviour change.

The development of a Green Travel Plan template for use by developers, particularly in relation to major new developments, should also be considered for use as part of the planning application process.

Policy Gap

This review has identified a key gap and deficiency of the Frankston Planning Scheme in relation to providing guidance through the planning process with respect to ESD/EED. Consultation has highlighted that whilst Council's existing ESD Design Guides continue to be relevant, they are complex documents that are not routinely utilised in the assessment of development proposals. The Design Guides have tended to influence the ESD design performance of larger scale developments, (typically on a voluntary basis for those undertaken by or on behalf of government and statutory authorities), with only limited success in the assessment of smaller scale development.

The Council sees the need to move away from this 'discretionary' application of the Design Guides to a situation where ESD/EED requirements are clearly expressed in the planning scheme. The most appropriate way of achieving this would be the preparation of a local policy that addresses the key principles of ESD (as covered by the Design Guides), with a broader focus on EED to include matters such as WSUD, sustainable travel and improved internal environments. The use of STEPS and SDS should be addressed in any local policy and the resources required to undertake ESD performance assessments within the planning department should be budgeted for.

A new local policy

It is considered that there is sufficient strategic justification for the inclusion of a new local ESD/EED policy in the Frankston Planning Scheme. Such policy would seek to:

- ensure consideration of ESD/EED principles in the design phase of the planning permit process. Among other things, this would include WSUD and Green Travel Plans
- increase awareness of ESD/EED
- ensure that development achieves ESD/EED outcomes that go beyond the minimum standards required to be met as part of the building approval process.

EED Advisory Committee and Panel

In November and December 2013, an *Environmentally Efficient Design Local Policy Advisory Committee* and Panel was tasked with the dual role of hearing submissions in response to six planning scheme amendments prepared by six metropolitan Councils and reviewing the appropriateness of the EED policies more broadly for inclusion within planning schemes.

The Amendments seek to introduce a local policy into the respective planning schemes that will require applicants to consider EED at the planning stage of development and submit information on how EED principles have been achieved.

The recommendations of the Advisory Committee and Panel and ultimately the decision of the Minister for Planning will be widely considered as a test case in the area of EED local policies. For this reason, final recommendations on the direction the Frankston Council should take in respect of pursuing an ESD or EED policy will not be made until there is a clear outcome on the six planning scheme amendments.

Recommendations

- Amend the MSS to promote and give greater emphasis to a more integrated sustainable transport system, particularly in relation to the adoption and implementation of Green Travel Plans and through travel behaviour change. (High Priority)
- Adopt the use of the Sustainable Design Assessment in the Planning Process (SDAPP) program in the consideration of planning applications by making use of the assessment tools: Sustainable Tools for Environmental Performance Strategy (STEPS) project for residential developments; and the Sustainable Design Scorecard (SDS) for non-residential developments. (Medium Priority)
- Provide funding for a specialised officer within the Planning Department to provide advice to Council on the SDAPP program, including undertaking reviews of STEPS and SDS assessments submitted as part of the planning permit application process. (Medium Priority)
- Await the findings of the EED Advisory Committee and Panel and report the outcomes to the Council once available. Review appropriate ESD or EED policy directions for inclusion in the planning scheme at this time. This may include the preparation of either a single local policy or multiple local policies to address ESD, WSUD and sustainable transport.
- Amend the MSS to include the Frankston Climate Change Impacts and Adaptation Plan May 2011; the Frankston Integrated Transport Strategy April 2013; and the Frankston Water Sensitive Urban Design Guidelines as reference documents. (High Priority)

Drainage

Frankston Council in conjunction with Melbourne Water has prepared the *Flood Management Plan for Frankston City Council and Melbourne Water June 2011* ("Flood Management Plan" or "FMP"). The FMP was used as the basis of a submission by the Council to the 2012 State government *Inquiry into Flood Mitigation Infrastructure in Victoria*.

Among other things, the Flood Management Plan details the key flood risks for the Municipality, particularly identifying 'hot spot' or problem areas and contains an improvement plan detailing the actions required to address key gaps in the development of the Plan.

Drainage Strategy & Flood Modelling and Mapping

The FMP notes that Frankston City does not have a municipality wide Drainage Strategy and that additional flood modelling and mapping of floodplains and overland paths is required to determine flood depths and delineate areas subject to inundation on floodplains and along overland flow paths.

The mapped information is required by a range of stakeholders including Melbourne Water (as floodplain management authority), Council's planning department, developers and other infrastructure providers.

The FMP identifies a number 'expectations' of the Council. Relevant to the planning scheme review, these include *'Incorporating flood mapping outputs into the Planning Scheme as appropriate zones and overlays and ensuring that the flood provisions are sufficient and consistent with assessed risk and the aim of reducing existing and future flood risk and damages.'*

Key issues identified in the FMP Improvement Plan requiring 'high priority' actions include:

- Flood mapping not yet undertaken in Council managed drains
- Inconsistencies with flood extents and the SBO and LSIO
- The extent of under capacity drains is not fully understood across the municipality

Those with 'medium priority' actions include:

- There are 5 drainage studies undertaken across Council (there is a need for a single drainage strategy)
- Increased storm intensities impacting on infrastructure

There are a number of strategies in the MSS at Clauses 21.04 *Settlement* and 21.08 *Economic Development* that seek to identify land with drainage and flood constraints (including in the CAD) and ensure that development responds to such constraints. Managing the impacts of flooding (including future flooding) is also identified as a key issue at Clause 21.05 *Environmental Risk*, together with an associated strategy of having regard to potential flooding in applying the precautionary principle in areas likely to be impacted by sea level rise or extreme weather events.

Council is yet to commence/complete work on flood mapping of its drains or on the preparation of a municipal wide drainage strategy. This work should be completed as a high priority, followed by appropriate changes to the planning scheme upon its completion to implement the key findings and outcomes, including mapping changes to the relevant overlays.

In the interim, the MSS should be updated to reflect the flood risk and associated need to undertake the flood mapping and drainage strategy work. It should also recognise that the FMP is a 'living document' that will be subject to change as it is to be reviewed by Council and Melbourne Water every year and revised every 5 years (or earlier as required).

Recommendation

- Reinforce in the MSS the seriousness and extent of flood risk in Frankston City and the need to undertake municipal wide flood mapping and drainage strategy work. (High Priority)
- Complete work on flood mapping across Frankston City and prepare a municipal wide drainage strategy for implementation in the planning scheme. (High Priority)

Internal Consultation

Consultation with Council Officers has also highlighted a need for ‘forward planning’ with respect to infrastructure provision, noting that existing drainage infrastructure is not adequate to cater for anticipated population and business growth. Drainage solutions tend to be implemented on an ad hoc basis and the lack of a framework for the imposition of development contributions is a significant impediment in funding infrastructure upgrades.

The issue of drainage infrastructure and developer contributions is considered elsewhere in this report.

13. Natural Environment (Environmental and Landscape Values)

Key Issues at Clause 21.02 relevantly identify that arresting vegetation loss and the consequent decline in biodiversity as being a significant challenge facing Frankston City. This continues to be a significant challenge arising from growing pressures for development in affected areas.

Balancing the need and demand for residential development in the low density residential areas at Frankston South and rural residential areas to the south and east of Langwarrin with the need to protect significant landscape and vegetation qualities is also identified, along with achieving overlapping aims for coastal and foreshore areas.

Key issues concerning the environmental and landscape values within Frankston City are set out in more detail at Clause 21.06 of the planning scheme.

Further strategic work identified under Clause 21.06 includes:

- *Introduce appropriate planning controls such as a Design and Development Overlay to control subdivision and built form at Burnett Crescent, Frankston South to protect the character of that precinct*
- *Investigate the development of a Coastal Overlay with the Departments of Sustainability and Environment, and Planning and Community Development, and other coastal Councils.*
- *Continue to explore ways in which recycled water can be used for business investment and household benefit.*
- *Implement the findings of the Frankston Vegetation Study 2006 and the Significant Tree Register through an amendment to the planning scheme.*
- *Conduct periodic, systematic and on-going monitoring of the status of indigenous vegetation, weed invasions, pest animals, revegetation and management strategies.*
- *Review the significance of coastal areas including vegetation, dunes, views and vistas, biodiversity, habitat and geomorphology in the light of the latest Victorian Coastal Strategy.*
- *Complete and implement the Banksia Study 2010.*

The status and/or relevance of the further strategic work identified in Clause 21.06 is addressed in this and other sections of the review report.

In a general sense, it is recommended that Clause 21.06 be amended to reinforce the need to protect locally significant vegetation whilst the *Environmental and Landscape Values* Map should be updated to reflect recent work, including the location of habitat corridors and links.

Zones

The appropriateness of the Public Park and Recreation Zone (PPRZ), Public Conservation and Resource Zone (PCRZ) and Rural Conservation Zone (RCZ) as applied to land within Frankston City has been reviewed, including the provisions of schedules to the zones.

There are no specific recommendations in relation to these zones and schedules.

Environmental Significance Overlay

Environment Significance Overlay 1 Areas of Botanical or Zoological Significance (ESO1)

The objectives of ESO1 are to ensure that the development and management of land within Areas of Botanical or Zoological Significance is compatible with the long term protection and enhancement of their botanical and zoological values and to protect populations or communities of native plants and/or fauna.

The control sets out permit requirements in relation to the removal of vegetation (subject to a number of exemptions including vegetation that is not native to Frankston and weed species listed in Table 2 to the schedule). Table 1: *Vegetation Communities and Quality for Vegetation Remnants* clearly identifies the range, significance, quality and extent of vegetation communities within Frankston.

The control is based on a vegetation study that dates back to 1997. A more recent Vegetation Study was prepared in 2006 but has not been implemented in the planning scheme (save for identifying its implementation as further strategic work). A review of the 2006 study is required and an updated study arising from the review should be implemented in the planning scheme (though see also comments regarding changes to the State native vegetation provisions in the planning scheme). This is a high priority action.

The importance of reviewing and updating the 2006 study has been elevated following changes to the State wide Biodiversity provisions (including at Clause 12.01 of the planning scheme) via amendment VC105 on 20/12/2013 (see general discussion below).

A permit is also required to construct a building or construct and carry out works other than two limited exemptions: the buildings or works are being constructed by or on behalf of Parks Victoria as a public land manager; or the buildings or works are associated with an extractive industry that has a current Work Authority.

The result of the above is that a planning permit is required for the majority of proposals involving buildings and works (unless otherwise exempt under Clause 62.02 of the planning scheme). A review of this requirement should be undertaken as a high priority. The control is generating a substantial number of permit applications annually without any value adding in terms of planning outcomes and is a waste of Council resources.

The extent of the ESO1 mapping also requires review. Areas covered by ESO1 include the Frankston Freeway, large parts of the fully constructed Peninsula Link and parts of EastLink.

The approach taken to the mapping also makes it difficult to determine what parts of particular sites are affected by the overlay.

Table 2 should also be reviewed to ensure there is no duplication with the provisions of the head clause and that the environmental weed species list is complete. The table should also be reviewed to ensure that any species that have incorrectly been identified as environmental weeds are not included.

In reviewing ESO1, consideration should be given to identifying areas where the use of the VPO would be more appropriate than the ESO. This would potentially include areas where there is no specific need for buildings and works controls associated with the protection of significant vegetation.

Environment Significance Overlay 2 - Eastern Treatment Plant Buffer Area (ESO2)

The purpose of ESO2 is to prevent the inappropriate establishment or siting of odour-sensitive uses which could otherwise impact on the operation of the Treatment Plant, a significant State asset that provides sewage and wastewater treatment facilities for most of eastern Melbourne.

It is noted that an identical overlay is included in the Greater Dandenong Planning Scheme in the form of ESO3 *Eastern Treatment Plant Buffer Area*.

Plan Melbourne notes that significant metropolitan infrastructure assets, including the Eastern Treatment Plant, are being pressured by encroaching sensitive and incompatible land uses. Some sewerage assets could also be subject to urban encroachment, resulting in risks to urban amenity and health.

ESO2 is of critical importance in safeguarding the existing and future operations of the treatment plant and must be retained in the planning scheme.

There is no need to review the ESO2 provisions however it is anticipated that investigations into future use and development in the Green Wedge including the preparation of a GWMP will consider and address relevant land use conflict issues.

Environment Significance Overlay 3 - Moreton Bay Fig Tree, Frankston (ESO3)

The Moreton Bay Fig Tree identified at 138 Cranbourne Road, Frankston has been removed.

As the sole purpose of ESO3 is to provide for the protection of this tree, ESO3 should be removed from the planning scheme.

Environment Significance Overlay 4 - Significant Trees and Areas of Vegetation (ESO4)

The purpose of ESO4 is to protect and enhance trees and areas of vegetation that have been identified as being significant (in the Frankston Significant Tree Register) and which are shown in the Table to the schedule. The *Frankston City Council Significant Trees Register - Tree Assessment Sheets, June 2011* is a reference document.

Clause 21.06 relevantly identifies the implementation of the findings of the Frankston Significant Tree Register through an amendment to the planning scheme.

ESO4 was amended via Planning Scheme Amendment C63 on 1/11/2012 to introduce permanent controls in relation to the trees and groups of trees identified in the table (as revised at the time of implementation).

The table should be periodically reviewed and amended to remove reference to trees that have been removed. This is a low priority action given the control was only recently amended.

Significant Landscape Overlay

Significant Landscape Overlay 1 - Langwarrin Hinterland and Baxter – Mt Eliza Escarpment (SLO1)

SLO1 covers a large area and relates to the significant contribution that remnant bushland makes to the landscape character of the area as well as the botanical and habitat significance of this vegetation.

A permit is required for specified buildings and works (in an area defined by Map 1 to the schedule) and mandatory maximum building heights apply. A permit is also required for the removal, destruction or lopping of vegetation (subject to a range of exemptions including weed species listed in the table to the schedule, vegetation within 10 metres of a dwelling and in specified circumstances when on a plan approved under DPO6).

While much of the SLO1 land is also affected by the BMO, there are pockets to the south that are not covered. A review of the provisions to the extent that they relate to the risk from fire should therefore be undertaken in consultation with the CFA.

Significant Landscape Overlay 2 - Stands of Red Gums in Carrum Downs Area (SLO2)

SLO2 is concerned with the conservation and enhancement of remnant stands of River Red Gums and associated indigenous vegetation for their intrinsic, habitat and landscape values.

The control sets out permit requirements in relation to the removal of vegetation (subject to the exemption relating to weed species listed in the table to the schedule) and for buildings and works within a specified distance of trees having a single trunk or stem circumference of more than 0.35 metres at a height of one metre above the ground.

It is noted that in relation to the buildings and works requirement there is no distinction between trees that are environmental weed species and those that are not. The provisions of the overlay should therefore be reviewed to determine if further exemptions should apply.

Significant Landscape Overlay 3 – Frankston South (SLO3)

SLO3 relates to the most elevated part of Frankston City making it prominent on the skyline when viewed from the north of Frankston, Port Phillip and the Moorooduc Plain. The area is one of typically large lots and most of the area is also covered by the BMO.

Permit requirements relate to the removal, destruction or lopping of vegetation (subject to a range of exemptions including weed species listed in the table to the schedule, exotic vegetation less than 3 metres high and vegetation within 10 metres of a dwelling). There are no buildings and works permit requirements.

There is an obvious error in the first paragraph of the decision guidelines which should be corrected.

The decision guidelines also refer to the 'biological values of the area'. The intent behind this reference is somewhat unclear as the *Statement of nature and key elements of landscape* refers to landscape quality without any reference to ecological values. SLO3 should therefore be reviewed to determine if the provisions need to be strengthened in relation to the biological values of the area (potentially through a different overlay or combination of overlays).

While much of the SLO3 land is also affected by the BMO, there are pockets that are not covered. A review of the provisions to the extent that they relate to the risk from fire should therefore be undertaken in consultation with the CFA.

Significant Landscape Overlay 4 – Frankston South – Sweetwater Creek Environs (SLO4)

SLO4 concerns the recognised importance of the Sweetwater Creek as a landscape and environmental feature of the Frankston South area.

Relevantly, Planning Scheme Amendment C78 came into operation on 16/1/2014 and amended SLO4 to delete buildings and works requirements (other than for a front fence) for areas covered by DDO8 and DDO9 also introduced by this amendment.

Permit requirements therefore primarily relate to the removal, destruction or lopping of substantial trees.

As SLO4 was recently amended (having been reviewed by an Independent planning panel), the overlay control does not require any specific review (however see general comments below).

Significant Landscape Overlay 5 - Former G.K. Tucker Brotherhood of St. Laurence Settlement (SLO5)

Planning Scheme Amendment C83 came into operation on 16/1/2014 and removed the Heritage and Environmental Significance Overlays from 1195 Frankston-Dandenong Road, Carrum Downs and applied SLO5 (to part of the land). The control sets out permit requirements in relation to the removal of vegetation and for buildings and works within the tree protection zone of trees identified in the Table to the schedule. More specifically, the control relates to remnant indigenous vegetation that is of environmental significance and planted trees that provide links to the former use of the site and as such are of historical landscape significance.

The table to the schedule is somewhat confusing as there is no reference document that details the tree numbering in the table, making it difficult to identify individual trees that are the subject of the permit requirements (the fragmented mapping of SLO5 adds to the confusion). Reference to 'Zone Map 2' should be corrected to be a reference to Planning Scheme Map 2. The control should therefore be reviewed.

Additionally, the table should be periodically reviewed and amended to remove reference to trees that have been removed. This is a low priority action given the control was only recently introduced into the planning scheme.

Significant Landscape Overlay 6 - Frankston South – Sweetwater Creek Fringe Area (SLO6)

SLO6 was introduced by C78 on 16/1/2014 to an area previously covered by the SLO4 but not covered by one of the new DDO introduced by C78 which implemented the findings of the *Sweetwater Creek Planning Controls Investigation, 2011*.

SLO6 is concerned with a defined landscaped character, partly derived from the density of trees and other vegetation and the setting of residential development within these trees.

Permit requirements include the removal, destruction or lopping of a substantial tree; the construction of a front fence; buildings where site coverage is 40% or more at ground level; and buildings and works within 5 metres of a substantial tree.

As SLO6 is a new control within the planning scheme, it does not require any specific review (however see general comments below).

Significant Landscape Overlays Generally

Among other things, the decision guidelines of SLO4 and SLO6 refer to maintaining the existing and preferred landscape qualities identified in the Neighbourhood Character Study. This approach is generally not recommended and a review of the schedule should be undertaken alongside the recommended review of the Neighbourhood Character Study with a view to incorporating relevant statements of preferred neighbourhood character within the respective SLO schedules to avoid duplication and strengthen the overlays.

Table 1 to SLO1, SLO2 and SLO3 should also be reviewed to ensure there is no duplication with the provisions of the head clause and that the environmental weed species list is complete. The tables should also be reviewed to ensure that any species that have incorrectly been identified as environmental weeds are not included.

Removing any overlapping Overlay provisions

A general review of overlays should be undertaken in order to identify and remove provisions that could be said to be 'overlapping'. This extends to sites covered by a DDO.

Banksia Study

The Banksia Study 2010 concerns remnant coastal banksias in Seaford. Once completed, the key directions and recommendations of this study should be implemented in the planning scheme. Implementation will need to be consistent with changes introduced into the planning scheme by Planning Scheme Amendment VC105 (as discussed below).

Changes to Victoria's Native Vegetation Controls and Need for New Vegetation Study

Changes to Victoria's native vegetation controls under clause 52.17 *Native Vegetation* of the Victoria Planning Provisions (VPP) came into force on 20/12/2013, introduced by VC105.

Key features of amendment VC105 include:

- A shift in the objective of clause 52.17 which introduces the concept of no net loss in the contribution made by native vegetation to Victoria's biodiversity. This replaces the net gain requirements of the former Native Vegetation Framework
- A classification system that applies to all permit applications based on the location of the native vegetation in question and the extent of native vegetation proposed to be removed
- New offset rules and guidance.

The Council must now apply the newly incorporated document '*Permitted clearing of native vegetation – Biodiversity Assessment Guidelines*' (BA Guidelines), alongside other requirements of the VPP, when:

- Considering applications for a planning permit to remove, lop or destroy native vegetation (permit application)
- Preparing Native Vegetation Precinct Plans.

The BA Guidelines replace '*Victoria's Native Vegetation – A Framework for Action*' and are supported by:

- The Native Vegetation Information Management System (NVIMS). This is an online system used to determine the risk-based assessment pathway for a permit application and to provide native vegetation information, including ecological vegetation classes (EVCs)
- The Biodiversity Assessment handbook. This is a handbook that provides guidance on the assessment of biodiversity impacts of a permit application under Clauses 52.16 and 52.17
- Transitional guidance. This is a DEPI online publication that offers guidance to councils faced with permit applicants who have already taken steps to meet the requirements of the former controls.

There is a potential conflict between existing site-specific biodiversity information (such as that which forms the basis of ESO1) and NVIMS mapping given the broad scale mapping approach that has been applied.

Application of the NVIMS mapping should not be to the exclusion of local biodiversity studies, unless the local studies are clearly superseded by the NVIMS mapping.

It is anticipated that disputes will arise in regard to the accuracy of the NVIMS mapping. It is recommended that until planning case law establishes clear principles in relation to the NVIMS mapping and general guidance in decision making in using the amended State provisions and the extent to which reliance should be placed on existing local provisions, the Council should continue to consider local and site specific data in deciding whether or not to grant a permit. The NVIMS mapping system should however be the primary tool to be relied upon in the assessment of permit applications.

Amendment VC105 increases the onus on the Council to carry out a strategic review of its biodiversity priorities, particularly where it is considered that biodiversity values are not adequately recognised through the NVIMS.

In the short term, it is recommended that the Council review:

- NVIMS mapping for consistency with existing vegetation controls (to the extent of native vegetation only), the 1997 and 2006 vegetation studies, and relevant strategies and policies to determine an appropriate policy response to amendment VC105
- further information requirements for permit applications
- permit conditions for native vegetation offsets

It is also recommended that Council consider engaging ecological consultants to carry out biodiversity studies in areas of concern for comparison with the NVIMS mapping and familiarise itself with the transitional guidance.

Recommendations

- Review and update the Environmental and Landscape Values Map at Clause 21.06 of the planning scheme.
- Undertake a review of schedules to the ESO and SLO as guided by the above comments in this report.
- Remove ESO3 from the planning scheme.
- Undertake a review of the 2006 Vegetation Study in consultation with DEPI and DTPLI.

14. Infrastructure, Open Space and Development Contributions

Infrastructure

A range of key Issues, objectives and strategies concerning the provision of infrastructure in Frankston City are set out in the Frankston Planning Scheme at Clause 21.12 *Infrastructure*.

Key Issues include (as summarised):

- The need for timely and adequate infrastructure provision in new and existing residential areas.
- The need for infrastructure provision to support the economic growth of Frankston City.

Further Strategic Work under this clause is the identification and ranking of infrastructure projects in terms of their capacity to stimulate investment and jobs growth, and the delivery of priority projects by working with other agencies and the private sector. This remains relevant to Frankston City.

The Issue

Frankston City currently has no formal framework for cost recovery when it comes to providing infrastructure associated with or required by new development, including soft infrastructure (this is a separate consideration to the Council's Capital Works Programmes).

There is a tendency for contributions towards infrastructure, including drainage infrastructure and public open space to be negotiated between Council and developers which is both uncertain and inefficient. This ad hoc approach is likely to be costing the Council considerable sums of money that it might otherwise be able to recover if an appropriate (and lawful) development contribution system(s) was in place.

Development and Public Open Space Contributions

Clauses 19 *Infrastructure* of the SPPF provides for the consideration of development contributions (levies) in the funding of infrastructure, specifically through the preparation and implementation of development contribution plans.

The only local provision in the Frankston planning scheme that imposes developer contribution requirements is Schedule 1 to the Comprehensive Development Zone (*Sandhurst Comprehensive Development Plan, May 1996*)

There is no amount of contribution for public open space specified in the schedule to Clause 52.01 *Public Open Space Contribution and Subdivision*. As no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988* ("Subdivision Act").

Recent changes

Stage 2 of the *Planning and Environment Amendment (General) Act 2013* commenced on Monday 28 October 2013, amending s18 of the Subdivision Act which relates to the provision of land or the payment of funds for public open space. As a result of the changes, s18(1) now only applies if a requirement for public open space is not specified in the planning scheme. A new s18A applies in

circumstances where there is a requirement for public open space in the planning scheme, i.e. in the schedule to Clause 52.01.

The effect of this change is that where there is a requirement for public open space in the schedule to Clause 52.01 of the planning scheme (as amended by VC102), a council need not have regard to the matters in existing s18(1A) in deciding whether there is a need for more open space (i.e. the 'need' test as considered by the Court of Appeal in *Maroondah City Council v Graham C Fletcher and Minister for Planning* [2009] VSCA 250) no longer applies in this situation).

Frankston Open Space Strategy

The Council is currently preparing a new Open Space Strategy. Completion of the Open Space Strategy is listed under Further Strategic Work at Clause 21.04 *Settlement* of the Planning Scheme.

The primary focus of the Frankston Open Space Strategy is to guide the future provision and quality of Frankston's open space network. This document will facilitate the social, recreational and ecological aspirations of the greater Frankston community for the next 10 years. The strategy will provide the strategic vision and direction for existing and future open space management and development.

Once completed, this work will provide the important strategic direction for inclusion within the Planning Scheme. Among other changes, the *Open Space and Recreation Network Plan* will need to be updated.

Recommendations

- Relevantly, the Open Space Strategy should address the need for open space contributions towards the provision and upgrade of open space and facilities. This strategy and the preparation of management plans/explicit statements of management objectives should provide the strategic justification for requiring open space contributions; and the management plans a clear demonstration that the contribution will be utilised appropriately.
- Once established, the contributions should be included in the Schedule to Clause 52.01 to provide certainty to developers, the Council and the community as to the funding of existing and future open space requirements.

Review of Development Contributions System

The background to the current review of the local development contributions system is set out at **Chapter X** of this report.

Whilst the findings of the review are yet to be released, it is likely that a new development contributions system will provide for three development settings (or similar to):

- Growth Areas;
- Urban Areas; and

- Strategic Development Areas (Large Scale and Small Scale).

The first category is not relevant to Frankston City. The second and third categories are of relevance.

Urban Areas

Relevant to Frankston, these would include all urban areas (areas of existing or planned urban development) other than those designated as Strategic Development Areas.

The areas to which an Urban Areas levy could potentially apply should be set out in the MSS, structure plan, framework plan or the like once the system has been implemented. Council would need to nominate the extent of each catchment at the time of implementing the levy scheme, which potentially could be applied over the whole municipality or in part.

Strategic Development Areas

These would be key sites or broader areas where significant development or redevelopment is proposed to occur and would generally be sites where intensification is planned. In Frankston City, land that would fall within this category would be the FAA Structure Plan Area and potentially land that comprises the Karingal Major Activity Centre (small scale).

In order for a Development Levy Scheme to be developed for the FAA Structure Plan Area it would need to be nominated as a Strategic Development Area through the MSS.

The new system would operate as a contribution towards infrastructure, and not full cost recovery.

It is likely that a Standard Levy would be the default position in each development setting (attributable to population growth in Urban Areas), but with the opportunity to apply a tailored Development Levy Scheme (replacement for the current Development Contributions Plan terminology) in Large Scale Strategic Development Areas if strategically justified. It is understood that a Development Levy Scheme would not be available for Urban Areas or Small Scale Strategic Development Areas.

Housing Strategy Infrastructure Recommendations

The Housing Strategy identifies as an issue the need to improve and upgrade servicing, transport and community infrastructure as increases in residential densities occur across Frankston City. In addition to a number of advocacy actions (in relation to drainage and transport considerations that are beyond Council's direct responsibility and which are addressed in a separate chapter of this report), the strategy lists a number of actions concerning infrastructure funding and the basis for such funding. Some of these actions are listed as recommendations below.

One action that is not included as a recommendation is giving consideration to the application of the Development Contributions Overlay or detailed policy to larger opportunity sites. These considerations should be deferred until the outcomes of the review of the development contributions system have been released and implemented.

Recommendations

- At the time of implementing the directions and key provisions of the Karingal and FAA Structure Plans into the Frankston Planning Scheme, the MSS should be amended to refer to these areas as Strategic Development Areas and highlight the need for future development contributions to fund the provision of infrastructure.
- Amend the MSS to highlight the need for future development contributions in other Urban Areas and distinguish between Urban Areas and Strategic Redevelopment Areas.
- Develop a Community Infrastructure Plan to identify shortfalls and gaps in existing facilities and services and establishing future community infrastructure requirements.
- Develop a Funding Strategy for the delivery of servicing and soft infrastructure needed to support future housing growth.

15. Transport

Clause 21.02 sets out the key planning issues for Frankston City. It is noted that the need for improved road and public transport links, improved public transport services and more sustainable transport options is not identified. As these matters are of particular importance to the future growth of Frankston they should be identified in this clause.

Key issues concerning transport are however set out in detail at Clauses 21.04 (to the extent of the need to improve public transport) and 21.11 *Transport* of the planning scheme. Among them are recognising a heavy and continuing reliance on private transport due to an inadequate extent and frequency of public transport; supporting and reinforcing public transport systems including upgrading, extending and increasing the frequency of services to meet the changing needs of the Frankston community; and the need to plan for a rail freight link between the Port of Hastings and a proposed “inland port”.

These issues remain relevant to Frankston.

As noted in Section X of this report, the MSS makes numerous references at Clause 21.11 to public transport in terms of extent and frequency, including the need to advocate for improved services. Little emphasis is given to alternative sustainable transport modes and how integrated sustainable transport outcomes can be delivered.

The issue of sustainable transport options, including as addressed by the *Frankston Integrated Transport Strategy* April 2013 is covered in Section X of this report.

Further strategic work identified at Clause 21.11 identifies the following:

- *Facilitate redevelopment of the Frankston railway station and modal interchange as part of the development of the Station precinct.*
- *Undertake an Activity Centres Strategy which will address, amongst other things, the issues of Highway retailing and ribbon commercial development along main roads.*
- *Monitor the impacts of the EastLink and Mornington Peninsula freeways on changes in transport and land use patterns and pressures.*

Other actions identified are:

- *Lobby the Victorian Government to achieve a more appropriate level of public transport and road funding.*
- *Advocate for increased public transport services and funding.*
- *Advocate for improved road and public transport linkages between the Frankston CAD and Frankston South, central Melbourne, Dandenong CAD, Cranbourne, Hastings and Mornington.*
- *Advocate to have any Port of Hastings rail link located in the Western Port Highway corridor.*
- *Implement the Frankston Bicycle Strategy, April 2010*

The status and/or relevance of the further strategic work identified in Clauses 21.04 and 21.11 is addressed in this and other sections of the review report.

Relevant *Plan Melbourne* initiatives

Plan Melbourne identifies that the government has allocated \$110 million to accelerate the development of the Port of Hastings to create needed capacity to supplement the Port of Melbourne from the mid-2020s.

To support the development of the Port of Hastings, *Plan Melbourne* outlines a commitment that key rail and road links will be adequate to deal with additional container movements. In addition to preserving a transport corridor along the Western Port Highway for enhanced rail and road connections to the Port of Hastings, options for a south-east rail link will also be investigated.

Short term actions include identifying a transport corridor for the Port of Hastings along the Western Port Highway corridor for both road and rail connections, whilst the relevant medium to long term action is to progressively convert the Western Port Highway to freeway standard along its entire length to service demand from the Port of Hastings.

Frankston Transit Interchange Precinct

SJB Urban has prepared an Urban Design Framework (UDF) for the future development of Frankston's Transit Interchange area, incorporating the train station, bus interchange, other transport modes, and future development opportunities.

The UDF includes extensive future development opportunities, incorporating podium car parking for commuters, the public and building occupants, as well as reconfigured public transport infrastructure, integrating trains, buses, taxis, cars, pedestrians and cyclists.

The project supports the wider urban renewal of Frankston and is being managed by the DTPLI. The draft concept plan is currently open to public comment (May 2014).

A final concept will be developed in the second half of 2014 with construction to follow.

Relevant 2013/14 State Budget announcements include the allocation of \$700,000 for 2013/14 for the Frankston transit interchange improvement project, with 13.3 million still to be completed by 2017. The funding will connect Frankston as a regional transport hub where people can easily catch a bus or train and get to Chisholm Institute of TAFE, Monash University, Frankston Hospital and Frankston Arts Centre.

A budget allocation of \$100 million to upgrade the Frankston line, with additional track, signalling, power and maintenance facility and station upgrades to improve service reliability and enable X'Trapolis trains to run on the Frankston line has also been announced.

Recommendations

- Identify Transport related issues as a key planning issue at Clause 21.02.
- Where appropriate, implement the recommendations of Frankston Integrated Transport Strategy April 2013 into the Planning Scheme (see also specific recommendation under the integrated transport heading in the environmental risk and responding to climate change section of this report).
- Continue to advocate for improved public transport services and funding.
- Continue to advocate for improved road and public transport linkages
- Update the Transport Framework Map to include Peninsula Link and identify the Frankston Transit Interchange Precinct.

16. Adapting Local Provisions to New (Draft) Planning Policy Framework

The SPPF Review Advisory Committee (“Advisory Committee”) has prepared a document called the draft Planning Policy Framework (PPF), which shows how a revised format for the SPPF and LPPF could work.

The draft Planning Policy Framework has been drafted to:

- drive a fundamental change in the way planners make decisions to a facilitation approach rather than a regulation approach
- be more user friendly by being easier to read, understand and navigate include more graphics to show spatial policies effectively
- link state, regional and local policy to better align policy matters ensuring local policy retains its important role.

In preparing the draft PPF, the Advisory Committee has endeavoured to bring the state and regional policy content of planning policy up to date including:

- ensuring that key strategic directions identified in the draft Plan Melbourne (October 2013) and regional growth plans are clearly articulated in the framework and can be implemented into planning schemes across Victoria
- ensuring the policy framework supports recent major reforms to the state's commercial, industrial, residential and rural zones, assisting councils to deliver certainty in achieving their strategic objectives.

The Advisory Committee is seeking feedback on the draft PPF until 23 May 2014.

A tailored version of the draft PPF for the Frankston Planning Scheme is available to demonstrate how the new structure can be applied to it. This is particularly useful for the purposes of the planning scheme review.

‘Drafting local content for an integrated PPF’ was made available in March 2014. This document has been prepared by the Advisory Committee to assist Councils that wish to road test the inclusion of local policy into an integrated PPF or seek further information on how local policy would be drafted.

Council Officers have begun the process of road testing the inclusion of local policy and have provided feedback to the Advisory Committee.

It is recommended that Council continue this process of road testing across all local policy areas so that the outcomes of the planning scheme review can be implemented using the draft new format.

In this regard, specific recommendations in this report concerning clauses in the MSS and Clause 22 local policies need to be read as recommendations that will fit into the PPF format. This review report has adopted a thematic based approach accordingly.

Recommendations

- That Council continue the process of 'road testing' the draft PPF across all local policy areas so that the outcomes of the planning scheme review can be implemented using the draft new format.
- Public consultation on the proposed changes to the local content should be undertaken using the draft new PPF format.

17.Recommendations and Conclusion

Appendix 1

Consultation Summary and Issues



FRANKSTON CITY COUNCIL

PLANNING SCHEME & MSS
REVIEW

CONSULTATION SUMMARY & ISSUES

SEPTEMBER 2013

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1 Introduction

Frankston City Council is currently undertaking a review of its Municipal Strategic Statement (MSS) as is required every four years under the *Planning and Environment Act 1987*.

The review process seeks to identify the broader issues currently facing the municipality and assess the performance of current scheme provisions to provide the basis for an updated MSS. Input from the community, interest groups, Council officers, and the development industry is important to this process and will be used to inform the future policy directions for Frankston.

Consultation on the review is being conducted in two phases. Phase one, which is the focus of this report, identifies the key issues for the future of Frankston. Phase two will involve further consultation seeking feedback on a draft new MSS.

Planisphere has been engaged to facilitate the first phase of consultation in conjunction with the Council. This report outlines the key findings and issues identified during the consultation process.

1.1 Consultation Process

Phase 1 consultation comprised an online community survey conducted by Council; and facilitated workshops and telephone interviews undertaken by Planisphere on behalf of Council. The following is an overview of the consultation completed to date. A full list of all participating persons and agencies can be found in [Appendix A](#).

Online survey

The Frankston Planning Survey was made available online between 29 July 2013 and 30 August 2013. A total of 81 responses were received. The 29 questions contained in the survey were a mix of closed and open-ended questions organised into key themes including the FAA Structure Plan, the Housing Strategy and the Planning Scheme Review. A summary of the survey responses is provided in [Appendix B](#).

Workshops

A total of four workshops were held on 4 and 6 September 2013. Participation was by invitation only. Individual workshops, held in the Planisphere and Frankston City Council offices, were targeted at planning experts, community groups, Council officers and development industry representatives.

At each workshop, participants were briefed on the planning scheme review and invited to contribute answers to a series of open questions and discussion points. General themes and comments were recorded by Planisphere facilitators. Notes from each of the meetings are provided in [Appendix C](#).

Telephone interviews

A number of stakeholder agencies were contacted by telephone and invited to contribute their comments on issues with the existing planning scheme. Feedback was received from representatives of the Country Fire Authority (CFA), Department of Transport Planning and Local Infrastructure (DTPLI), and Department of Environment and Primary Industry (DEPI), Melbourne Water and VicRoads.

The interviews were used to scope general issues facing the municipality. Some participants were asked specific questions on their future plans and policies for the area. Notes from each of the telephone interviews are provided in [Appendix D](#).

Advocate CONVERSTIONS

Conversations with consultants that act for Council as advocates, primarily at VCAT, were invited to provide feedback on their experience in use and performance of the planning scheme. Telephone conversations and meetings provided valuable feedback and suggestions on areas that could be improved with examples of how other Council's are managing similar situations. Notes from each of the conversations are provided in [Appendix E](#).

Discussion – Neighbouring Council's

A discussion with a strategic planner from each of the neighbouring municipalities occurred to understand the work they are conducting that they consider may be relevant or have impact on the shared boundary with Frankston. It was interesting to understand their approaches to their respective MSS Reviews and potential outcomes. Notes from each of the telephone discussions are provided in [Appendix F](#).

Feedback Forms

In addition to the online survey, respondents were able to complete a feedback form regarding planning results, important issues for the City and in making planning decisions, and the future land use threats and opportunities. A total of 9 submissions were received. Notes from the feedback forms are provided in [Appendix G](#).

1.2 Responses

Formal responses to the review process were comprised of:

- 81 online survey responses (SurveyMonkey)
- 32 individual participants in four workshop sessions
- Six telephone interviews.
- 3 advocacy consultants
- 4 adjoining municipalities
- 9 feedback forms

This report provides a thematic overview of the key issues raised during the consultation process. Summaries of the survey outcomes and detailed interview notes are provided as appendices.

2 Analysis of Responses

This section summarises the results of the consultation process. Eight key themes have been identified from the consultation process and are described below. A summary of these findings is provided in the final section of this report.

2.1 Biodiversity and Open Space

Workshop Responses

The **natural environment** of Frankston and the surrounding area was identified as a major asset to the municipality at all of the workshops. Natural features include the foreshore, protected reserves, the South East Green Wedge as well as the region's close proximity to farmland areas and the Mornington Peninsula. These contribute to the unique identity of the area and distinguish Frankston from much of Melbourne's metropolitan areas.

Opportunities to experience nature and open space were valued by planning experts and residents alike. The need to better promote **recreational spaces** such as the Frankston foreshore, beaches and reserves as part of the Frankston lifestyle and image was identified at all of the workshops.

Concern was raised about the **loss of biodiversity** associated with development and changes to planning provisions dealing with bushfire protection and native vegetation. Threats identified by Council officers included the rezoning of green wedge land and the sale of land that links open space. Residents noted the need for sensitive interfaces to open space and green wedge land to preserve vegetation and habitats.

The expert workshop believed that Frankston's green spaces should not be considered in isolation, but form part of a **network of open spaces**. The retention of flora and fauna corridors was highlighted during the Council's officers' workshop and reinforced during the community workshop where emphasis was placed on the need to protect the area's natural assets, retain existing open space and establish more landscaping within the public spaces of the municipality. This network was considered to be particularly important to residents in Frankston's northern suburbs, where open space was perceived to be less accessible.

Improved **physical connections** via footpaths, walkways and shared paths, to allow pedestrians to access open space along the foreshore from the city centre were considered important by all workshop groups. Activation of the foreshore area through new land uses was perceived to be positive in encouraging public use of the area. This is currently limited by the Nepean Highway, which acts as a physical and visual barrier to the foreshore.

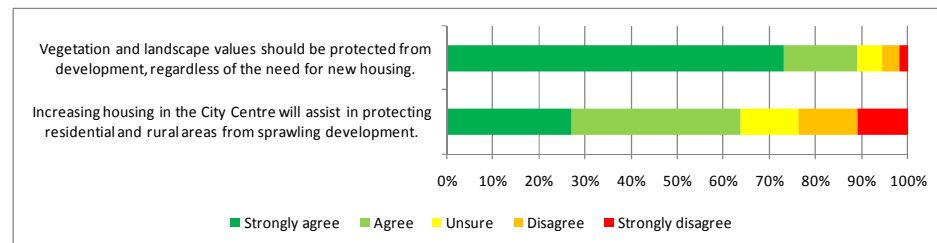
In light of population increases, higher density housing and greater demand for accessible recreational areas, the **value of green corridors and open space networks** will be increasingly important to residents. However, to enable better community use and encourage their protection from development, existing open spaces needed to be equipped for active recreation such as dog walking and cycling.

Survey responses

Survey respondents identified **nature features and open spaces** as the attributes that they most liked about their suburbs. Responses made reference to the beach and foreshore most often; followed by creeks and wetlands and associated trails; and open spaces, parks and playgrounds (Refer to [Appendix B, Q13](#)).

A strong majority of survey respondents agreed that **vegetation and landscape values** should be protected from development regardless of housing needs (89.3%). A smaller but significant majority agreed that increasing housing in the city centre would protect residential and **rural areas** from sprawl (63.7%) (Refer to [Figure 1](#) and [Appendix B, Q19](#)).

Figure 1: Protection of vegetation, landscape values and rural areas



2.2 The FAA as a Catalyst of Change

An update to *Melbourne: 2030, Melbourne @ 5 Million* designated Frankston as a Central Activity Area. This recognises the importance of the centre to the south-east region of metropolitan Melbourne. The **Frankston Activities Area (FAA)** encompasses the key retail and business locations within the City, and a *Draft Structure Plan* for the area was released by Council in May 2013. A framework towards logical and sustainable growth, the Structure Plan identifies preferred development outcomes over the next 20 years.

Workshop Responses

There was a general consensus throughout the workshops that both **public and private investment** into the FAA will have a positive economic and social impact on the surrounding areas and the greater south-east region. The experts workshop and community workshop noted the need to capitalise on the existing arts, community, and retail functions within the FAA to attract visitors and encourage residents to shop and recreate locally.

The existing **street pattern and infrastructure** were considered to provide favourable conditions to support population growth in central Frankston. Capitalising on the laneways and proximity to the foreshore was raised as a way to attract people and businesses onto the streets and out of internalised spaces such as the Bayside complex.

Anecdotal evidence regarding successful cafes and busy public spaces in adjacent areas, such as Mornington, suggested a desire among local residents for more **communal spaces and outdoor cafe facilities**. Workshop participants noted that this could be further developed upon to reverse the internalisation of Frankston's

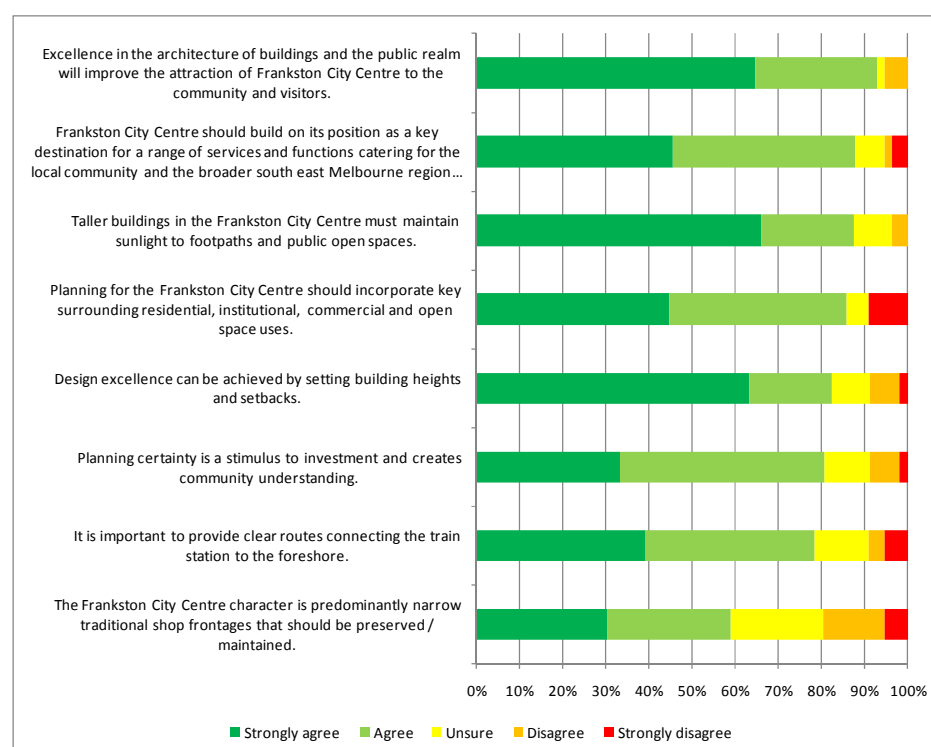
streets, bring life to the FAA and encourage developers to the area. A dedicated event space was recommended by Council officers.

The **role of housing** in achieving a permanent population within the FAA was emphasised across all workshops. While there was consensus on the capacity of FAA to accommodate additional housing, the developer workshop identified that low land values and Council policies were prohibitive to higher density development such as apartments at present. However, further public investment, such as the South East Water building, are expected to catalyse and nurture private investment.

Survey Responses

Survey respondents strongly supported the **regional role of the Frankston Activities Area**, with 87.7% agreeing or strongly agreeing that the FAA should build upon its position as a key destination for a range of services and functions catering for the local community and the broader south east Melbourne region (Refer to [Figure 2](#) and [Appendix B, Q5](#)).

Figure 2: General planning statements

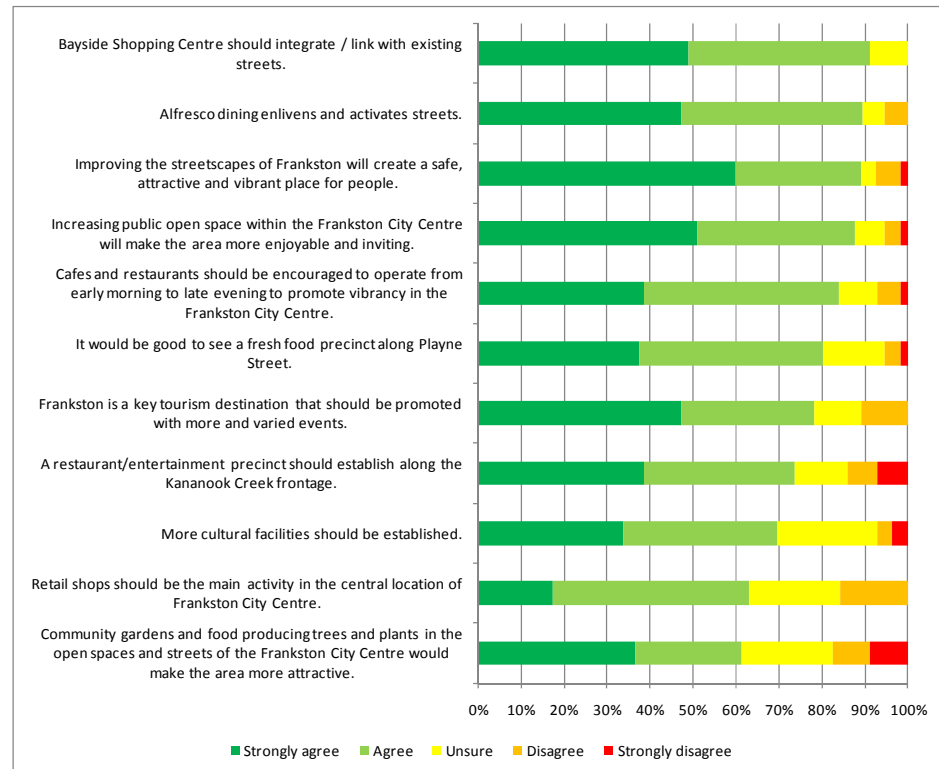


Survey respondents were clear in their support for the **enhancement of retail, tourism and entertainment activities** in the Frankston City Centre. The majority agreed or strongly agreed that ([Figure 3](#) and [Appendix B, Q8](#)):

- Bayside Shopping Centre should better integrate with existing streets (91.2%)
- Alfresco dining enlivens and activates streets (89.5%)
- Streetscape improvements will create safe, attractive and vibrant places (89.1%)
- Increasing public open space will make the area more enjoyable (87.7%)

- Cafes and restaurants should be encouraged to operate for longer hours (84.2%)
- It would be good to see a fresh food precinct established on Playne Street (80.4%).

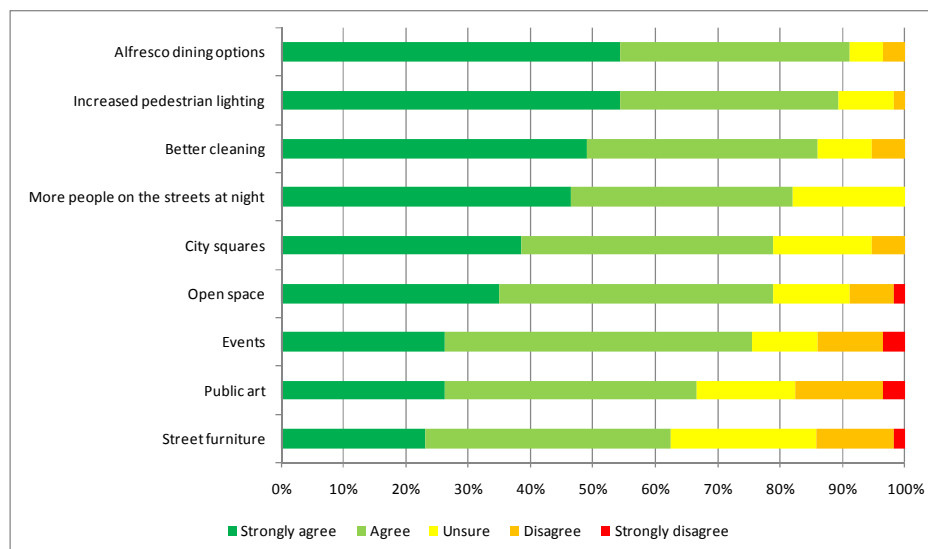
Figure 3: Retail, tourism and entertainment statements



These results were reinforced in relation to the **improvements** that respondents believed would likely increase use of the Frankston City Centre ([Figure 4](#) and [Appendix B, Q9](#)):

- Alfresco dining options (91.2% agreed or strongly agreed)
- Increased pedestrian lighting (89.5%)
- Better cleaning (85.9%)
- More people on the street at night (82.1%)
- City squares / Open space (79% each)
- Events (75.4%).

Figure 4: Features and activities likely to increase use of Frankston City Centre



2.3 Climate Change

Workshop Responses

Climate change was identified as a key planning issue in the previous MSS and remains an important concern to the municipality. Council officers noted that sea level rise will have significant impacts on much of the municipality, changing the appearance and use of coastal and low-lying inland areas. More work is needed to understand the hydrological impacts on urban and green wedge areas.

Extreme weather patterns associated with climate change were attributed to the loss of street trees and undue stresses on some of the local fauna. This remains an area that requires further development, with only 11 per cent of SurveyMonkey respondents believing that better planning outcomes have been achieved with regards to climate change.

Survey Responses

Climate change, environmental sustainability and quality urban design were key areas for improvement identified during the previous MSS review. Views about improvements in planning outcomes were mixed, with a large proportion of respondents offering no view. Of those who did response more believed there had not been an improvement in outcomes than those who believed that there had been improvement ([Figure 5](#) and [Appendix B, Q24](#)).

All three issues still remained strong priorities for the community, although fewer people viewed climate change as a priority (68.5%) than **environmental sustainability** (90.7%) and **quality urban design** (90.6%) ([Figure 6](#) and [Appendix B, Q25](#)).

Figure 5: Have better planning outcomes been achieved?

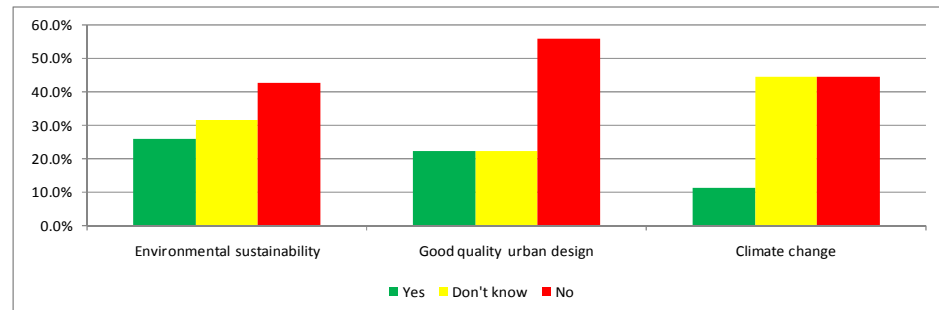
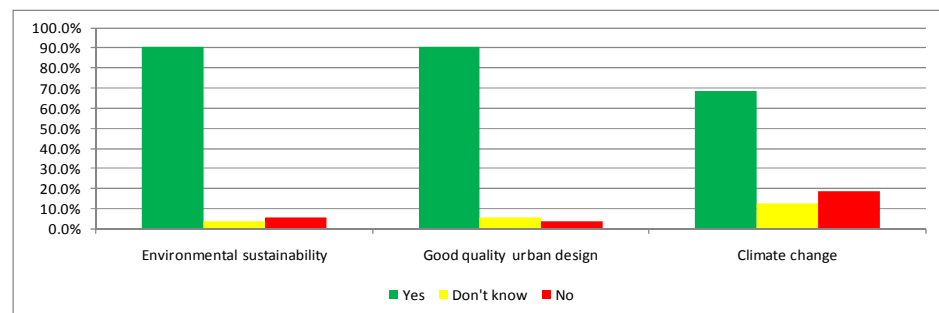


Figure 6: Are these issues still priorities?



2.4 Design and Neighbourhood Identity

Workshop Responses

A desire to improve the **quality and environmental responsiveness** of building design was raised during the Council officer workshop. While recent Council and government developments have placed greater emphasis on ESD design principles and building materials and forms suitable to the coastal environment, greater emphasis was needed on improving design outcomes on private land.

The **residential areas** of Frankston include a diverse mix of housing types, styles and ages. Residents noted a need for more sensitive and strategic development of Frankston's residential areas that better considers the local context and site capacity. This may be supported by establishing a vision for residential areas across the municipality.

The residents' workshop noted that neighbourhoods needed to better complement the greater natural environment of Frankston. This may be achieved through **landscaping** and more **sympathetic building design and material choices**.

The developers workshop raised the **neighbourhood character policy** as a major inhibitor to attracting new buildings and housing to existing residential areas given the strict interpretation applied by Council staff. Too much focus on existing character, and a lack of guidance and flexibility on preferred outcomes was experienced by many in the workshop, and the need for more performance-based guidelines was outlined by the workshop participants. This would need to be

supported by a faster and more balanced planning application process to regain developer confidence.

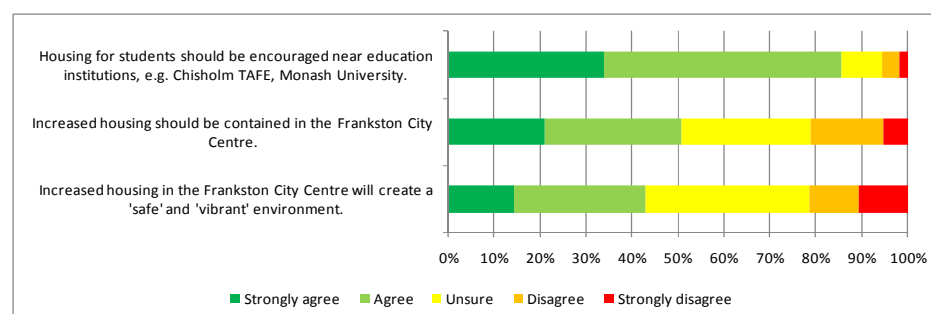
Survey Responses

Survey respondents strongly supported **high quality architecture and urban design** and the need for controls to support preferred outcomes ([Figure 2](#) and [Appendix B, Q5](#)):

- 93% agreed or strongly agreed that excellence in the architecture of buildings and the public realm would improve the attraction of Frankston City Centre to the community and visitors;
- 87.5% agreed or strongly agreed that taller buildings in the Frankston City Centre must maintain sunlight to footpaths and public open spaces;
- 82.5% agreed or strongly agreed that design excellence can be achieved by setting building heights and setbacks.

The challenge of responding to **population growth and housing diversity** brought mixed responses ([Figure 7](#) and [Appendix B, Q12](#)). A large majority – 85.7% - agreed or strongly agreed that student housing should be provided close to the main tertiary education institutions. A slight majority – 50.9% - agreed or strongly agreed that increased housing should be contained in the Frankston City Centre.

Figure 7: Housing statements



Respondents most frequently cited medium density and **'inappropriate' or 'over' development** as the attribute they disliked most about their suburb ([Appendix B, Q13](#)). The majority of respondents ([Figure 8](#) and [Appendix B, Q14](#)):

- Agreed or strongly agreed (73.6%) that they supported developments of only 1-2 dwellings in their suburb;
- Disagreed or strongly disagreed (55.8%) that they supported the development of multi-unit sites in their suburb;
- Disagreed or strongly disagreed (66%) that they supported the development of apartments in their suburb.

When asked where they preferred to see population and dwelling growth responses were equivocal. A slightly higher proportion of people agreed with **dispersing growth throughout the municipality** (52.7%) than **concentrated in key locations** (51.8%). However opinions about concentration were stronger with 22.2% agreeing strongly (compared to 9.1% who favoured dispersal) and 20.0% disagreeing

strongly with dispersal (compared to 13.0% for concentration) (Figure 9 and Appendix B, Q18).

The most frequently cited **negative impacts associated with high density housing** were traffic and parking issues, social problems, impacts on vegetation and the natural environment, and loss of neighbourhood character or ambience (Appendix B, Q17).

Figure 8: Support for different housing types in RESPONDENT'S own suburb

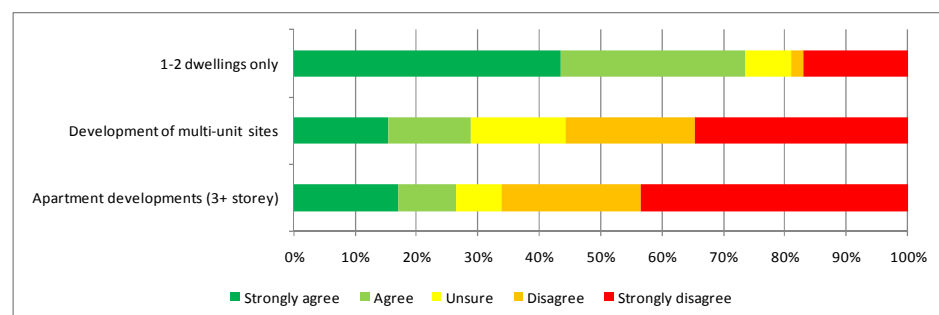
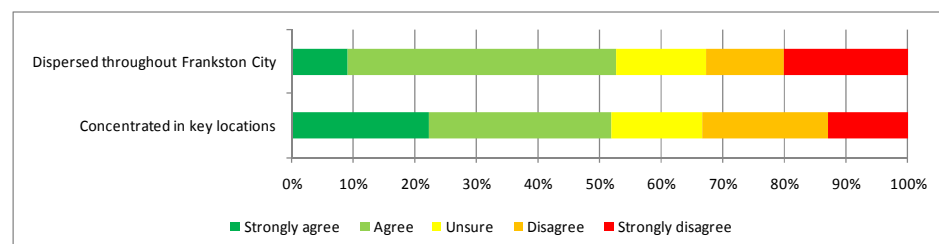
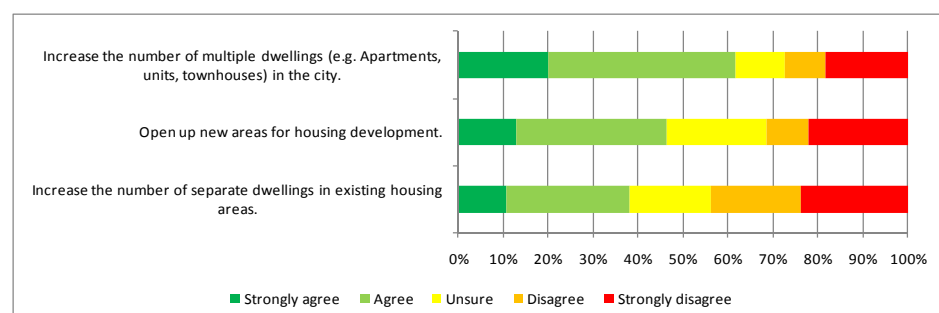


Figure 9: Growth management preferences



In terms of increasing housing diversity, the preferred option was to increase the number of **multiple dwellings in the city**, with 61.8% of respondents agreeing or strongly agreeing. On the other hand, 18.2% strongly disagreed. The least favoured option was to increase the number of separate dwellings in existing housing areas, where the total number of people agreeing with the option (38.2%) being exceeded by the total number in disagreement (43.6%) (Figure 10 and Appendix B, Q21).

Figure 10: Housing Diversity



A strong preference for 1-2 storey **height limits in suburban areas** was expressed, with 69.1% favouring low rise (1-2 storey) development. Notably, slightly over 30% of respondents supported taller development ([Figure 11](#) and [Appendix B, Q16](#)).

When asked where they believed **higher scale buildings** should be located the preferred options were in and near large shopping centres (65.5%), near public transport stops (52.7%) and along main roads (41.8%). The least preferred location was in suburban areas and streets (10.0%) ([Figure 12](#) and [Appendix B, Q20](#)).

Figure 11: Preferred suburban height limits

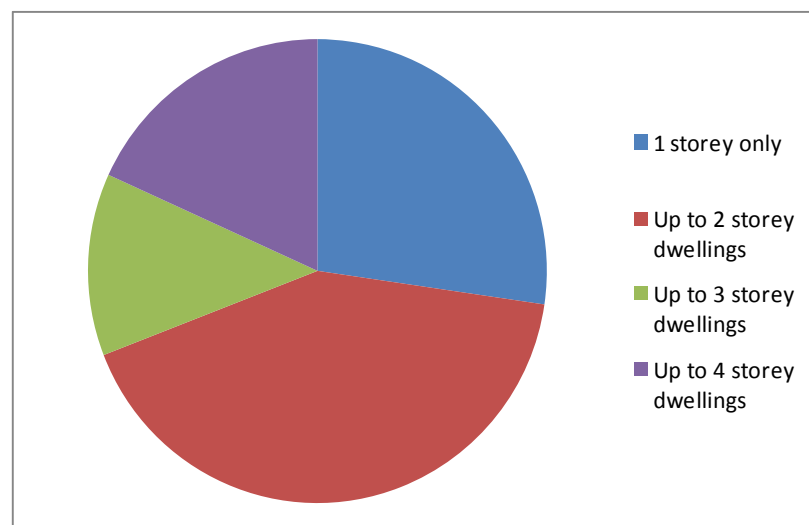
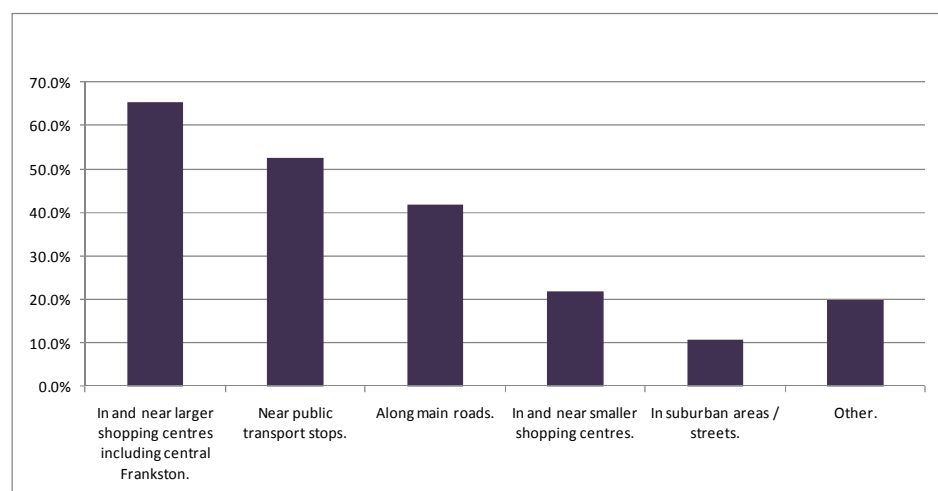


Figure 12: Preferred location for Higher Scale Buildings



When asked specifically about preferred building heights within the **Frankston City Centre** a significant majority of survey respondents supported the lowest category of heights – 5 to 10 storeys (71.2%) ([Appendix B, Q6](#)).

2.5 A Vision for the Green Wedge

Workshop Responses

Described by one workshop attendee as the '*green skirt that surrounds Frankston*', the Green Wedge is important to the definition of **Frankston's urban boundary**. Located to the northern and eastern boundaries of the municipality, the Green Wedge currently accommodates a **wide range of land uses**, including habitat reserves, farmland, quarries and the Eastern Treatment Plant.

The need to **rehabilitate** the Green Wedge was consistently raised during consultation. **Economic opportunities** were identified in some workshops with some productive and touristic land uses proposed. These included agri-tourism, food farms, and vineyards which could utilise Class-A recycled water from the Eastern Treatment Plant. The use of recycled water is strongly supported by Melbourne Water.

A **vision** for the Green Wedge areas of Frankston is required and should complement the current plans and developments occurring in adjacent municipalities of Greater Dandenong and Casey.

While some workshop participants raised questions about the economic feasibility and environmental impact of **golf courses** inside the urban growth boundary, others saw them as a tourism opportunity within the green wedge.

Stakeholder Responses

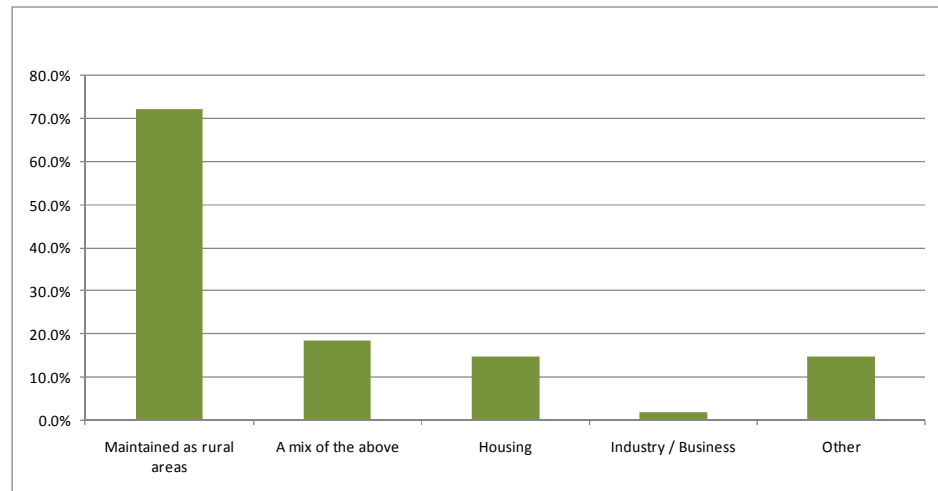
DEPI noted that some **quarry licenses** were likely to expire in the next ten years, with no new applications currently under consideration in the area. While the Department generally prefers a rural outcome for disestablished quarries, there may be opportunities for residential subdivision. However, workshop attendees noted a preference for environmental and recreational uses in rehabilitated quarry sites.

Melbourne Water would like to see Council encourage rural and agricultural uses land uses in the Green Wedge. This stems from strong concerns about the encroachment of development, particularly industry, into the odour buffer around the **Eastern Treatment plant**. Landowners are seeking to use and develop land adjacent to the treatment plant for non-agricultural purposes that will attract more people into the area. Development pressure has been somewhat higher within the City of Greater Dandenong than the City of Frankston due to the swampy nature of the land on the Frankston side of the boundary.

Survey Responses

A strong majority of survey respondents believed that Frankston's Green Wedge should be maintained as a **rural area** (72.2%). This preference far outweighed a mix of uses (18.5%) and housing (14.8%) as alternative uses. The results are summarised in [Figure 13 \(Appendix B, Q27\)](#).

Figure 13: Appropriate uses in the Green Wedge



2.6 A Connected Transport Network

Workshop Responses

The FAA is served by a number of **train and bus services**. Frankston Railway Station is located within the FAA, with commuter car parking located adjacent to this. A number of key transport networks service the municipality and surrounding regions, including Eastlink and Peninsula Link.

Public transport connectivity is poor across large areas of the municipality. Limited services to employment areas such as Carrum Downs increases reliance on motor vehicles. This issue is likely to become more significant as the population ages and levels of disability increase.

Workshop attendees noted that **Eastlink and Peninsula Link** have helped to alleviate traffic in and around the FAA. While this has affected some businesses located on Frankston's arterial roads, it has had positive outcomes for the City's streets, which are considered more accessible to residents and have contributed to better perceptions of many high-traffic streets.

Recent investment committed to **Frankston Railway Station** was welcomed, but it was considered that more needed to be done to increase public transport use. While the resident's workshop noted that this would need to be supported by better connections to bus services and better facilities for public transport users, it was recognised that this is outside of Council's jurisdiction. An advocacy role by Council was instead proposed.

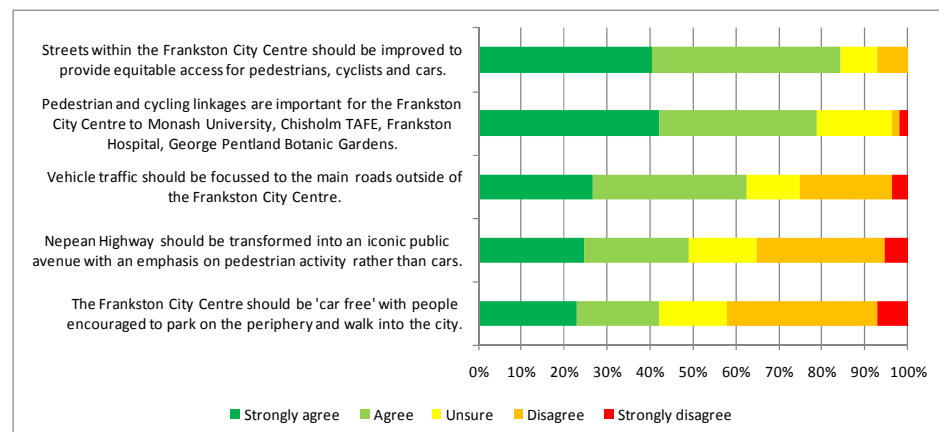
A **bicycle network** is being developed, but is currently fragmented and disconnected. Increased population density around the FAA will create opportunities to provide greater support for sustainable transport.

Survey Responses

Survey respondents supported improvements **to pedestrian and cycling access** into and around the Frankston City Centre, but were divided on the question of pedestrianisation (Figure 14 and Appendix B, Q7):

- 84.3% agreed or strongly agreed that streets within the Frankston City Centre should be improved to provide equitable access for pedestrians, cyclists and cars;
- 78.9% agreed or strongly agreed that pedestrian and cycling links between the Frankston City Centre and key institutions are important;
- 62.5% agreed or strongly agreed that vehicle traffic should be focused on the main roads outside of the Frankston City Centre;
- Just under half of respondents (49.2%) agreed or strongly agreed that the Nepean Highway should be transformed with an emphasis on pedestrian activity; and
- Respondents were equally split (42.1%) on the idea of Frankston City Centre being 'car free' (15.8% were unsure).

Figure 14: Transport and movement statements



2.7 A Self-sufficient Frankston

Workshop Responses

Workshop participants noted a need to establish **self-sufficient neighbourhoods** within the municipality. Renewed focus on the provision of local shops and community facilities will encourage more pedestrian activity outside key activity areas and reduce reliance on vehicular transport. This would support better physical and mental health outcomes for residents. While the FAA is a key site for economic growth, the future role of Karingal was also acknowledged during the community workshop.

It was recognised that a self-sufficient Frankston will require additional **employment** to the municipality. Sectors such as education, health, light manufacturing, and offices were welcomed during the Council officer workshop. Despite the development of Port of Hastings development nearby, the Council

workshop did not consider logistics a preferred use of land given the low employment rates associated with such uses.

The northern entry into the FAA, along the **Nepean Highway**, was highlighted as an opportunity area for office uses by the developer workshop. This would establish a gateway into the FAA and complement the current land uses along the highway. The recent development of bulky goods retailing out of centre on McMahons Road was seen as having a negative impact on the vitality of the core of the FAA.

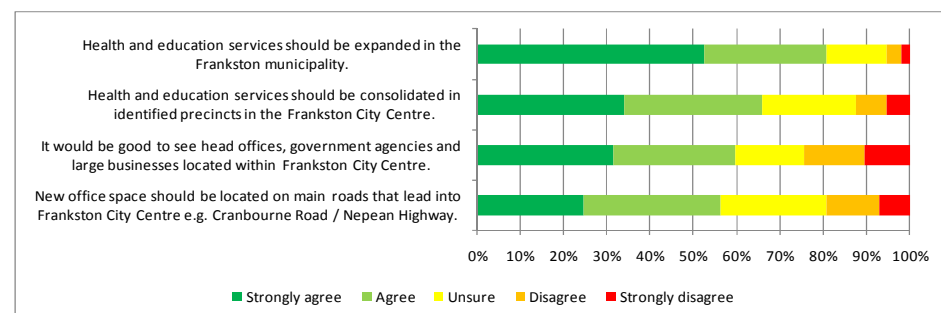
Opportunities exist to transform **redundant industrial land** into alternative uses, including commercial and residential. These have the potential to reinforce the role of the FAA and support self-sufficiency.

Survey Responses

Survey respondents supported the expansion of **health and education services** in the municipality (80.7% agreed/strongly agreed), with many agreeing that these activities should be consolidated in identified precincts within the city centre (66%) (Figure 15 and Appendix B, Q10).

Survey respondents were somewhat equivocal about the **preferred location for offices**, with 59.7% agreeing (or strongly agreeing) that it would be good to see head offices, government agencies and large businesses located within the city centre. On the other hand, 56.2% agreed (or strongly agreed) that new office space should be located on the main roads leading into the city centre (Figure 15 and Appendix B, Q10).

Figure 14: Health, education and office statements



2.8 Planning Processes

Workshop Responses

The developer workshop spent some time discussing concerns with planning processes. The perceived inflexibility and interpretation of some policies was raised in this workshop, specifically relating to **neighbourhood character and vegetation** provisions.

Time delays and a conservative approach to the application of the neighbourhood character policy were said to present a **development risk** in Frankston. Anecdotally these were believed to discourage investment. Pre-application meetings

were considered to be of limited value because they did not increase certainty about outcomes; therefore some developers chose not to undertake them.

The 'under the counter' **car parking policy** was also raised as a matter of concern, with developers noting the inefficiency of referrals to Councillors for car park exemptions. While the policy tended not to be supported by VCAT, the need to appeal decisions added considerably to costs and delays.

Greater **delegation** of decision making to planning officers was suggested to streamline application processes generally, as application delays add considerably to development costs. Examples of other Councils with higher levels of delegation were provided, such as Monash and Mornington Peninsula. Delays were also noted beyond the planning stages of development, for example during subdivision compliance stage.

Stakeholder Responses

Referral agencies were also asked for their comment on **planning processes** at Frankston. The Country Fire Authority noted that it is currently looking towards software upgrades that will allow electronic referrals. However, this remains at a preliminary stage.

Melbourne Water stated that it was happy with existing automated referral systems. Referrals to the agency will be further streamlined with the implementation of VicSmart across all Councils in October.

2.9 Other Issues

A number of other issues, not addressed in the above listed themes, were raised during consultation. These include the following:

- Arts and culture in Frankston – attracting the Guggenheim to Frankston
- Port of Hasting development
- Electrification of the Baxter line
- Social housing and services
- Development plans
- Drainage problems
- Frankston Safe Boat Harbour project.

Further detail about these issues can be found in the workshop and stakeholder interview summaries.

3 Conclusions

A **clear vision** for Frankston will be important to achieving better long-term outcomes for the municipality and the greater south-east region. A number of issues and opportunities were identified during consultation that require consideration by Council in the current review of the planning scheme and MSS. In particular, the review should offer directions on the following:

- Highlighting the importance of Frankston's natural assets
- Facilitating public and private investment into the FAA
- Mitigating the effects of climate change
- Clearly outlining residential growth areas and the preferred future character and identity of residential areas
- Identify a vision for the Green Wedge
- Achieving better outcomes for public transport users
- Encouraging appropriate employment opportunities to Frankston
- Improving clarity of planning policies and certainty about decisions.

APPENDIX A

The following summarises the workshop attendees and phone interview participants.

WORKSHOP ONE: PLANNING EXPERTS		4 September 2013
NAME	COMPANY	POSITION TITLE
Gill Austin	Aurecon	Associate
Greg Hunt	South East Councils Climate Change Alliance	Executive Office
Larry Parsons	Department of Transport , Planning and Local Infrastructure (DTPLI)	Director, Urban Design
Blair Warman	Charter Keck Cramer	Executive
Tracy Cooper	Mornington Peninsula Regional Tourism Board	Chair

WORKSHOP TWO: COMMUNITY MEMBERS		4 September 2013
NAME	INTEREST	
Peter Patterson	Greater Frankston Business Chamber	
Chris Godsell	Resident Frankston South – Architect	
Rae Higman	Langwarrin Local Area Plan	
Glenda Viner	Frankston Historical Society – Resident Karingal	
Jenny Hattingh	Secretary of Action Sweetwater Creek	
David Cross	Chair of the FEFN and Secretary of the Friends of Wallace Reserve	
Louise Morris	Local business owner	
Trudy Poole	Resident – Carrum Downs	
Lindsay Jackel	Resident – Frankston North	
Hilary Poad	Long Island Residents Group	

WORKSHOP THREE: COUNCIL OFFICERS**6 September 2013**

NAME	POSITION TITLE
Liz Daley	Manager – Community Development
Mandy Gatliff	Manager – Family & Youth
Craig Dinsdale	Manager – Asset Strategy
Thomas Tse	Traffic & Transport Coordinator
Noel Skehan	Infrastructure Development Coordinator
Libby Anthony	Manager Environment
Clare Warren	Environment – Biodiversity Coordinator
Sam Jackson	Manager – Economic Development (including tourism)
Mark McDowell	Public Realm Design and Development Coordinator
Michael Craighead	Manager – Governance & Customer Relations
Peter Murphy	Manager – Compliance and Safety

WORKSHOP FOUR: DEVELOPERS**6 September 2013**

NAME	COMPANY	POSITION TITLE
Aaron Goodall	KLM Spatial	Town Planning Manager
Con Kapnoullas	MK Building Group	Managing Director
Mark de Weerd	Modularc	Owner
Andrew Lovelock	Speedie Development Consultants Pty Ltd	Owner
Geoff Crowder	Nichols Crowder Real Estate	Commercial/Special Projects
Colby McDonough	Southern Planning Consultants	

TELEPHONE INTERVIEWS		6 September 2013
NAME	COMPANY	POSITION TITLE
Peter Walters	Country Fire Authority – Westernport Areas	Fire Safety Officer
David Bergin	Department of Transport, Planning and Local Infrastructure	Planning Manager
Ian McLeod	Department of Environment and Primary Industries	Manager Minerals and Extractive Operations (Melbourne District)
Steve Hadley	Department of Environment and Primary Industries	Environment Planner
Bruce Rush	Melbourne Water	Team Leader, Town Planning
Jeremy Beaver	VicRoads	Senior Road Access Planning Officer

ADVOCATE CONVERSATIONS	
NAME	POSITION TITLE
M. Marcus	Partner Maddocks Lawyers
A. Kellock	Director, Kellock Town Planning
A. Crack	Andrew Crack & Associates Pty Ltd

NEIGHBOURING COUNCILS		
NAME	MUNICIPALITY	
Urmi Buragohain	City of Kingston	Principal Strategic Planner
Ceinwen Gould	City of Greater Dandenong	Strategic Planner
Michael Pollard	City of Casey	Team Leader - Planning Scheme Implementation
Emma Wakefield & Roslyn Franklin	Mornington Peninsula Shire	Strategic Planners

FEEDBACK FORMS

SUBMITTER	LOCATION
Patricia Harper	Frankston South
Elizabeth Corcoran	Seaford
Jane Martin	Obesity Policy Coalition
Marjorie Beggs	Seaford
Patricia Bratulic, President & Eve Welsh, Secretary	Long Island Residents Group
David Cross, Chair	Frankston Environmental Friends Network
Kathleen Hassell	Frankston Beach Association Inc
Trevor Nock, President	Kananook Creek Association Inc
Jenny Hattingh	Frankston South

APPENDIX B

FRANKSTON PLANNING SURVEY RESULTS

The Frankston Planning Survey was made available online between 29 July 2013 and 30 August 2013. A total of 81 responses were received. The 29 questions contained in the survey were a mix of closed and open-ended questions organised into key themes including the FAA Structure Plan, the Housing Strategy and the Planning Scheme Review.

Who participated? (Q1-3)

A total of 81 people responded to the survey, with the largest age groups being 55-64 year olds (27.2%) and 45-54 year olds (25.9%). Only 6.1% of respondents were aged under 25 years old.

The majority of respondents were women (63.0%).

The best represented suburbs were Frankston South (28.4%), Frankston (21.0%) and Seaford (14.8%). No respondents originated from Sandhurst or Langwarrin South.

Engagement with strategies (Q4)

Almost a third of respondents had not read any of the relevant strategies (29.2%) and a fifth skipped the question asking whether they had read them (19.8%).

More than half of the respondents who did respond to the question had read the FAA Structure Plan (53.8%) and Draft Frankston Housing Strategy (50.8%); while slightly less than half had read the current MSS (41.5%).

Planning in general (Q5)

Survey question 5 asked respondents to indicate their level of agreement with a number of planning-related statements. [Figure 2 \(main report\)](#) ranks the responses to these statements from those that received the highest level of agreement to the least. All of the statements received the majority of responses in agreement. The majority of respondents (56-57) responded to these statements.

FAA building heights (Q6)

When asked specifically about preferred building heights within the Frankston City Centre a significant majority supported the lowest category of heights – 5 to 10 storeys (71.2%). Fifty-two people responded to this question.

Transport and movement (Q7)

Survey question 7 asked respondents to indicate their level of agreement with a number of transport and movement-related statements. [Figure 14 \(main report\)](#) ranks the responses to these statements from those that received the highest level of agreement to the least. The majority of respondents (56-57) responded to these statements.

Retail, tourism and entertainment (Q8)

Survey question 8 asked respondents to indicate their level of agreement with a number of retail, tourism and entertainment-related statements. [Figure 3 \(main report\)](#) ranks the responses to these statements from those that received the highest level of agreement to the least. All of the statements received the majority of responses in agreement. The majority of respondents (56-57) responded to these quest statements.

Use of Frankston City Centre (Q9)

Survey question 9 asked respondents to indicate what features or activities would make them more likely to use the Frankston City Centre. [Figure 4 \(main report\)](#) ranks the responses to these propositions from those that received the highest level of agreement to the least. The majority of respondents (56-57) responded to these statements.

Health, education and office (Q10)

Survey question 10 asked respondents to indicate their level of agreement with a number of health, education and office -related statements. [Figure 15 \(main report\)](#) ranks the responses to these statements from those that received the highest level of agreement to the least. All of the statements received the majority of responses in agreement. The majority of respondents (56-57) responded to these statements.

Comments and suggestions (Q11)

Twenty-three respondents took the opportunity to make comments or suggestions in response to the statements contained in Figures 1 to 5. The key themes raised in the comments were as follows. The number of responses is shown in brackets. Most respondents raised multiple points:

- | | |
|--|--|
| <ul style="list-style-type: none">▪ High rise buildings<ul style="list-style-type: none">– should not be located on the foreshore / Kananook Creek (5)– should be located on the east side of Nepean Highway (4)– should not be located in the city centre (2)– should be discouraged (1)▪ Trees / Landscaping<ul style="list-style-type: none">– plant more ornamental trees (1)– plant indigenous trees (1)– remove plane trees (1)– expand foreshore planting in to CBD (1)▪ Offices<ul style="list-style-type: none">– should not be located in the city centre (2)– should be located on the periphery (1) | <ul style="list-style-type: none">▪ Survey questions – are ambiguous/skewed (3)▪ Small shops and cafes – should be located in centre (1)▪ Seaford beachfront – should be improved (1)▪ Parks – should not be sold (1)▪ Open space – should be provided in the city centre (1)▪ Hospitality – should be encouraged on the Beach side of Nepean Highway (1)▪ Nepean Highway – should be the gateway to the foreshore and creek (1)▪ Heritage buildings – should be retained (1)▪ Unattractive shops – should be replaced (1) |
|--|--|

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Maintenance – improve cleaning, graffiti removal and rubbish removal (1) ▪ New businesses – should be encouraged in the city centre (1) ▪ Health centres – should be shared with other train stations (1) ▪ Urban design – improvement required (1) ▪ Shopping centres – should have peripheral connections to the street (1) | <ul style="list-style-type: none"> ▪ Kananook Creek – interface needs improvement (1) ▪ Development – rejuvenate existing buildings rather than establish new sites (1) ▪ Industrial zone – should be moved to Carrum Downs (1) ▪ Creek, wetlands and foreshore – 'hands off' (1) ▪ Business – Council should know about impacts that businesses have on Frankston (1) |
|---|---|

Housing supply (Q12)

Survey question 12 asked respondents to indicate their level of agreement with three housing-related statements. [Figure 7 \(main report\)](#) ranks the responses to these statements from those that received the highest level of agreement to the least. The majority of respondents (56-57) responded to these statements.

Suburb attributes (Q13)

Respondents were asked their views on the attributes they most and least liked or enjoyed about their suburb. Just over half of the survey respondents (47-48) provided feedback. Following is a summary of the responses. The number of responses is provided in brackets. Many respondents provided more than one response:

Likes:	Dislikes:
<ul style="list-style-type: none"> ▪ Beach / Foreshore (22) ▪ Creeks / Wetlands / Trails / Bike paths (13) ▪ Open spaces / parks / playgrounds (10) ▪ Trees / Landscape (8) ▪ Friendliness / Neighbours (5) ▪ Peacefulness (5) ▪ Proximity to Trains / Station (4) ▪ Large block(s) (4) ▪ Space (4) ▪ Proximity to central Frankston (3) ▪ Village / Country / Rural feel (3) ▪ Library / Community Centre (3) ▪ Environment / Fauna (3) ▪ Safety (2) ▪ Cafes / Shops (2) ▪ Access to peninsula (2) ▪ Low population (1) ▪ No graffiti / vandalism (1) ▪ 'On the move' (1) ▪ Proximity to industrial area (1) ▪ Low buildings (1) ▪ Peninsula Link (1) 	<ul style="list-style-type: none"> ▪ Units / Townhouses / MDH (8) ▪ Over/ Inappropriate development (5) ▪ Hoon driving / Jet skis (5) ▪ Shops / Cafes – Lack of (3) ▪ Vandalism / Graffiti (3) ▪ Maintenance levels of parks (3) ▪ Reputation of area (3) ▪ City centre – urbanisation / loss of identity / loss of Central Park (3) ▪ Behaviour – inconsiderate / drunk / drugged / loitering (3) ▪ Activity – Lack of (2) ▪ Future development – anticipated issues (2) ▪ Social housing (2) ▪ Public transport – frequency (2) ▪ Play equipment / Facilities – lack of (2) ▪ Vegetation removal (2) ▪ Traffic (2) ▪ Parking fees (1) ▪ Safety – Perceived lack of (1) ▪ Local laws – lack of enforcement (1) ▪ Architectural standards (1) ▪ Council – transparency / consultation (1)

Likes:	Dislikes:
<ul style="list-style-type: none"> ▪ Karingal Hub (1) ▪ Free parking (1) ▪ Beautiful Streets (1) ▪ Access to Melbourne (1) ▪ Roads (1) ▪ Nature strips / Footpaths (1) ▪ Green wedge (1) 	<ul style="list-style-type: none"> ▪ Shops – poor maintenance (1) ▪ Rental properties – number (1) ▪ Council land – sale of (1) ▪ First impressions at Station (1) ▪ Link from Station to CBD and Bayside (1) ▪ Community – lack of (1) ▪ Distance – to shops / transport (1) ▪ Planning – poor (1) ▪ Nepean Highway (1) ▪ Possums (1) ▪ Sporting facilities - quality (1) ▪ Industrial site (1) ▪ Beach (1) ▪ Shopping centre (1) ▪ Council services – quality (1) ▪ Trees – overhanging (1) ▪ Flooding of roads (1)

Housing diversity (Q14)

When asked about housing types a strong majority of respondents supported single and dual occupancy development ahead of multi-unit and apartment developments. The majority of respondents did not support medium and high density housing in their suburb. Responses to question 14 are summarised in [Figure 8 \(main report\)](#). The majority of respondents answered the questions (52-53).

Other suggestions on dwelling diversity (Q15)

Twenty-seven respondents offered alternative suggestions to accommodate housing diversity. The responses are summarised as follows. The number of respondents is shown in brackets. Some respondents made multiple suggestions:

Respondents identifying locations where diversity should be directed:	Respondents opposed to diversification or identifying locations where diversity should be discouraged:
<ul style="list-style-type: none"> ▪ City centre (6) ▪ East side of Nepean Highway only (3) ▪ Growth corridors – Langwarrin, Carrum Downs (1) ▪ High density and family housing in separate areas (1) ▪ Create new suburbs (1) ▪ North of Beach Street (low rise only) (1) ▪ Boulevard entrance to Frankston (1) ▪ 3 storeys or less (1) ▪ Units or dwellings only in suburbs (1) ▪ Divide Seaford into two suburbs (1) ▪ Close to railway stations (1) ▪ Main roads (1) ▪ Develop apartments in an attractive way (1) ▪ Near Monash University (1) ▪ The Pines / Frankston North (1) 	<ul style="list-style-type: none"> ▪ Langwarrin (2) ▪ Away from environmentally sensitive areas / nature reserves (2) ▪ High density not required (1) ▪ Existing suburbs (1) ▪ Provide GRZ near schools, not RGZ (1) ▪ Frankston (1) ▪ Beachside Seaford (1) ▪ One dwelling per lot (1)

Suburban building heights (Q16)

A strong preference for 1-2 storey height limits in suburban areas was expressed, with 69.1% favouring low rise development. Notably, slightly over 30% of respondents supported higher development. [Figure 11 \(main report\)](#) illustrates the spread of preferences. Fifty-five people responded to this question.

Impact of high density housing (Q17)

Respondents were asked their views about the impact of high density housing within their suburbs. Forty-seven respondents answered the question, some of whom provided multiple responses. The number of responses is provided in brackets:

Respondents who identified positive impacts associated with high density housing:	Respondents who identified negative impacts associated with high density housing:
<ul style="list-style-type: none"> ▪ Gentrification (2) ▪ Safety (1) ▪ Vitality (1) ▪ Public infrastructure investment (1) ▪ Public transport investment (1) ▪ Opportunities (1) ▪ Services (1) ▪ Quality buildings (1) 	<ul style="list-style-type: none"> ▪ Traffic and parking (17) ▪ Social problems (inc. alcohol & drugs) / Undesirables / Crime / Safety (14) ▪ Trees / Vegetation / Nature / Environment (8) ▪ Character / Appeal / Ambience / Uniqueness (8) ▪ Noise (7) ▪ Create slums (5) ▪ Space / Open space (5) ▪ Sense of belonging / community (4) ▪ Property values (4) ▪ Overshadowing / Loss of sunlight (4) ▪ Quality of life (3) ▪ Waste management / Litter (3) ▪ Demand on services (e.g. hospital) (3) ▪ Health and wellbeing / Disease (3) ▪ Overlooking / Privacy (2) ▪ Water management / Flooding (2) ▪ Home ownership (1) ▪ Bird life (1) ▪ Poor home maintenance (1) ▪ Graffiti (1) ▪ Overcrowding (1) ▪ Energy efficiency (1) ▪ Visibility (1) ▪ Loss of low density areas (1)

Managing population growth (Q18)

When asked where they preferred to see population and dwelling growth responses were equivocal. A slightly higher proportion of people agreed with dispersing growth throughout the municipality (52.7%) than concentrated in key locations (51.8%). However opinions about concentration were stronger with 22.2% agreeing strongly (compared to 9.1% who favoured dispersal) and 20.0% disagreeing strongly with dispersal (compared to 13.0% for concentration). [Figure 9](#) summarises these results. The majority of respondents answered this question (54-55).

Protective measures (Q19)

A strong majority of respondents agreed that vegetation and landscape values should be protected from development regardless of housing needs (89.3%). A smaller but significant majority agreed that increasing housing in the city centre would protect residential and rural areas from sprawl (63.7%). [Figure 1 \(main report\)](#) summarises these results. The majority of respondents answered this question (55-56).

Housing scale (Q20)

When asked where they believed higher scale buildings should be located the preferred options were in and near large shopping centres (65.5%), near public transport stops (52.7%) and along main roads (41.8%). The least preferred location was in suburban areas and streets (10.0%). [Figure 12 \(main report\)](#) summarises the responses, of which there were 55.

Alternative locations for higher scale housing

Eleven respondents made suggestions as to alternative locations for higher scale housing. Their responses are summarised and ranked below. The number of responses is shown in brackets:

- | | |
|---|---|
| <ul style="list-style-type: none">▪ Create new growth corridors (2)▪ Opposed to higher scale buildings (2)▪ No general rule – fit into landscape and surrounding (1)▪ City side of Nepean Highway (1)▪ Close to Monash University (1) | <ul style="list-style-type: none">▪ Outside of Frankston (e.g. Seaford) (1)▪ Ebdale Precinct / Frankston Industrial Zone (1)▪ Regional Victoria (1)▪ Seafront where there are no beaches (1) |
|---|---|

Housing diversity (Q21)

In terms of increasing housing diversity, the preferred option was to increase the number of multiple dwellings in the city, with 61.8% of respondents agreeing or strongly agreeing. On the other hand, 18.2% strongly disagreed. The least favoured option was to increase the number of separate dwellings in existing housing areas, where the total number of people disagreeing with the option (38.2%) being exceeded by the total number in disagreement (43.6%). [Figure 10 \(main report\)](#) illustrates the responses, of which there were 55.

Other ways to accommodate housing diversity (Q22)

When asked whether they believed there was another way to accommodate housing diversity, 25 respondents gave their opinions. These are summarised and ranked below. The number of responses is provided in brackets. Some respondents provided more than one answer:

- | | |
|---|--|
| <ul style="list-style-type: none">▪ Central Frankston (3)▪ East side of Nepean Highway only – lower rise on beach side (2)▪ Factory areas / Frankston Industrial Zone (2) | <ul style="list-style-type: none">▪ Near rail stations and bus depots (e.g. Shopping centres) (2)▪ No increase in population (2)▪ Empty / Unused spaces (1)▪ South of Frankston City Centre (1) |
|---|--|

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Plan for fewer dwellings and cap growth (1) ▪ Opposed to high density in Langwarrin (1) ▪ Plan for housing but protect the foreshore (1) ▪ Former Housing Commission areas (1) ▪ Need to better maintain built up areas (1) ▪ Don't know (1) ▪ Look at each project quickly and thoroughly (1) | <ul style="list-style-type: none"> ▪ Protect environmentally and landscape-sensitive areas (1) ▪ Maintain standards, avoid creating ghettos (1) ▪ Remove the RGZ from around Park and McKensy in Seaford (1) ▪ Outside Frankston (e.g. Seaford, Baxter, Somerville) (1) ▪ Regional Victoria and Geelong (1) ▪ Protect the Green Wedge (1) ▪ Carrum Downs, Skye, Frankston North, Seaford (1) |
|--|---|

Comments and suggestions (Q23)

Survey respondents were asked whether they had any comments or suggestions regarding any of the statements made so far. Twenty-four provided responses. These have been summarised and collated into themes as follows. Some respondents made multiple points:

- | | |
|--|--|
| <ul style="list-style-type: none"> ▪ Open spaces and parklands <ul style="list-style-type: none"> – Preservation of open spaces and parklands is essential as demand will grow. – Keep development off open space and away from the creek and foreshore. – There is sufficient open space. It's a furphy to imagine that increased space will be better utilized than existing spaces. ▪ High rise apartments/buildings <ul style="list-style-type: none"> – Should be located close to the station, not along the Nepean Highway gateway. – Don't become a Gold Coast with high rise on the beach side of Nepean Highway. – Should be located in Frankston Central, close to public transport. Not in residential streets. – Gold Coast style apartments in the city centre would be great; but one to two storey in residential areas. – Should not be located just in the cheaper areas. Should be more in Frankston South as well. | <ul style="list-style-type: none"> – Do not continue past planning mistakes in the suburbs. Place higher density housing next to transport. – Strongly agree in city centre. ▪ Environment <ul style="list-style-type: none"> – All new buildings should be environmentally friendly. – Energy efficiency is paramount. Frankston should be a model for the country. ▪ Accommodating growth <ul style="list-style-type: none"> – New suburban areas are needed. ▪ Capacity <ul style="list-style-type: none"> – There is a limit on the population that can be accommodated while maintaining amenities. – Don't overpopulate Frankston. ▪ Foreshore / Kananook Creek <ul style="list-style-type: none"> – Build cafes, restaurants and small boutique hotels on the beach side of Nepean Highway. – Maintain the beach as a major asset. Don't become a mini Gold Coast. ▪ Multi occupancy / Higher density <ul style="list-style-type: none"> – Do not approve one or more dwellings on existing house lots. |
|--|--|

- | | |
|---|--|
| <ul style="list-style-type: none"> – Do not want high density living in Seaford and Frankston. ▪ Diversity <ul style="list-style-type: none"> – Frankston and Frankston South have lost diversity due to townhouses and units. Prices are too high as a result. ▪ Other comments <ul style="list-style-type: none"> – Query whether comments will be taken on board. Development will go ahead regardless. | <ul style="list-style-type: none"> – If Council is putting high rise in residential streets they should advertise this. – Many of the questions do not allow enough flexibility. – What Frankston Council is doing is fantastic. Hopeful that decisions will have a positive impact for the future. – Put clear and consistent strategies in place. Stop listening to vocal minorities. Have more confidence in specialists. |
|---|--|

Priority issues (Q24-25)

Climate change, environmental sustainability and quality urban design were key areas for improvement identified during the previous MSS review. Views about improvements in planning outcomes were mixed, with a large proportion of respondents having no view. Of those who did response more believed there had not been an improvement in outcomes than those who believed that there had been improvement. [Figure 5 \(main report\)](#) illustrates the responses, of which there were 54.

All three issues still remained strong priorities for the community, although fewer people viewed climate change as a priority (68.5%) than environmental sustainability (90.7%) and quality urban design (90.6%). [Figure 6 \(main report\)](#) illustrates these responses, of which there were 54.

Other priorities (Q26)

Respondents were asked whether they believed there were other priorities that needed to be addressed. Twenty-two respondents gave answers. These are summarised below. The number of responses addressing each subject is provided in brackets. Some respondents provided multiple answers:

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Facilities and infrastructure (1) ▪ Preservation of open space / parkland / natural assets / environment / trees (4) ▪ Noise control in residential areas (1) ▪ Quality urban design / Public art (3) ▪ Financial viability (1) ▪ Health and wellbeing / Happiness (2) ▪ Economic sustainability / development (2) ▪ Foreshore protection (from high rise) (1) ▪ Transport (1) | <ul style="list-style-type: none"> ▪ Security and safety (1) ▪ Employment (1) ▪ Aesthetics (1) ▪ Wood fired heating (1) ▪ Environmentally sustainable design / Energy efficiency (3) ▪ Bike paths (1) ▪ Tree planting (1) ▪ Construction in swampy areas (1) ▪ Community input on decisions (1) ▪ Maintenance of sporting facilities (1) ▪ Overpopulation (1) ▪ Density (1) ▪ Clearer planning rules (1) |
|--|---|

Green wedges (Q27)

A strong majority of respondents believed that Frankston's Green Wedge should be maintained as a rural area (72.2%). This preference far outweighed a mix of uses (18.5%) and housing (14.8%) as alternative uses. The results are summarised in [Figure 13 \(main report\)](#). There were 54 respondents to this question.

Eight respondents provided suggestions as to what the rural (green wedge) of Frankston should be used for in future. Their responses are summarised as follows:

- Maintain as is / Nothing (4 responses)
- Parkland
- Community centres, churches and education
- Green living – housing with food gardens and land for wildlife
- Rural farmland could be developed. Bushland and nature reserves should be preserved.

Further suggestions (Q28)

Eighteen respondents provided further comments and suggestions. The key points raised are summarised below. Some respondents raised more than one point:

- | | |
|--|---|
| <ul style="list-style-type: none">▪ Frankston is located in a great spot and there have been some positive changes. This should not be compromised by big buildings and businesses.▪ Buildings should be a maximum of 5 storeys on the creek side of Nepean Highway. The east side can accommodate 5-12 storeys.▪ Council should not impinge on existing open spaces or parkland.▪ Greater enforcement of by-laws is needed to control noise. Population should not be increased until noise is controlled.▪ High density / high rise housing should also be promoted in the vicinity of small shopping strips.▪ Council should consider the demographics of people being encouraged to move into the area.▪ Clean up the streets. Encourage better retail, more cafes and support for dining. | <ul style="list-style-type: none">▪ The draft (FAA) strategy is flawed and should build upon the TAFE to Bay Strategy.▪ The foreshore should be protected against overdevelopment.▪ Stop developing every spare piece of land.▪ Beaches and parks should be a centerpiece of good urban design, not high rise.▪ Taller buildings in the CBD should have roof gardens, green spaces and vertical gardens.▪ Drainage barely copes with the existing population.▪ Hope that residents will be listened to.▪ Frankston should be greener, with an improved city centre. Insufficient money spent on the city centre.▪ Free energy assessments should be provided for business and homes.▪ The CAD (survey) outcome was a shock. Residential streets 700m from the CAD were included. |
|--|---|

- Protect the sensitive environment of the wetlands, creek and coastal areas from overdevelopment.
- Remove the RGZ from narrow streets and confine it to major roads.
- No more new developments. Revamp existing developments.
- Do not develop the Green Wedges.
- Frankston and surrounding areas have a bad reputation. Should work towards improving this not turning beach side suburbs into ghettos.

APPENDIX C: WORKSHOP NOTES

WORKSHOP 1: EXPERTS

ATTENDEES

Blair Warman, Charter Keck Cramer (economics)

Gill Austin, Aurecon (transport)

Greg Hunt, South East Council's Climate Change Alliance (climate change)

Larry Parsons, Department of Transport Planning and Local Infrastructure (urban design)

Tracy Cooper, Mornington Peninsula Regional Tourism Board (tourism)

Feedback

GREEN WEDGE

What is considered best practice for Green Wedge land generally? Farming? Tourism?

- There is potential in the area for productive and scenic landscapes
- Opportunity to use recycled water from the Eastern Treatment Plant
- The area has diverse soils
- The area needs to become a pretty landscape
- There is a concentration of population around the green wedge
- A catalyst needed. e.g. Red Hill Strawberry farms
- Kingston Green Wedge project has found the land is not very promising for a number of practical reasons including lot size, ageing owners etc.
- Daytripper numbers are up in Frankston - Feel Blue Touch Green research by Deakin University
- Remnant vegetation adds to the qualities of the area
- Quarries are gradually closing – what are the plans for remediation?
- There are increasing rezoning pressures at green wedge areas
- Golf courses are not feasible – only three are profitable

PORT OF HASTINGS

- Industrial areas will want to link to the Port
- Likely to be 20 years before electrification to the Baxter line
- Offers significant employment prospects
- While the Port is close to Frankston, it is still far away from everything else in Melbourne
- Newer industries near Eastlink freeway will stay, already doing distributions
- The Monash and Eastlink have also been major drivers of industrial level/ growth in the area
- Opportunity to establish offices, inland port, or logistics to service the Port

IMAGE of Frankston

- An important driver would be a better image for Frankston
- To achieve this, it has to become more liveable
- TAFE funding is declining
- Not many value-add businesses
- Potential to become a tourism/ visitor/ job hub / lifestyle area
- Fix the centre, it has a robust urban structure; the bones are there

- An amazing arts centre, McClelland Gallery, Melbourne's most used beach, people don't wander – they do a single destination in and out
- There are some key projects occurring
- Councilors are obsessed with traffic – won't lose traffic lane and parking
- The off street car parks are dead: you have to pay to use them
- Change the name of the Frankston line – Anything that occurs on the line is associated with Frankston.

Frankston CAA

- Step 1: get existing residential
- Nepean Highway as barrier to the beach / city
- Frankston wants students, yet TAFE decline- residents report that the tradie students can be intimidating
- Bus services, block in middle
- Bayside has sucked life out of the CAA
- Implementation of Structure Plan
- Good Visitors Information Centre (acts as City Centre)
- Residents want a place to connect
- Ten level apartment in Davey Street: only 6 sold
- CAA housing needs to better appeal to investors, not just residents
- Need well-off white collar people to pay the rent
- Need to stick to 3-4 storey height limit
- 700 employees in SE Water building will make a big difference
- CAA should be more than what it is, it should have higher density

TRANSPORT

- People are bypassing Frankston - Frankston used to be a gateway to the Peninsula
- Speed on Nepean Highway as a deterrent for pedestrians
- When people move to the area, they shouldn't need to rely on their car
- Major freeways / main road network complete; spare capacity to South
- Buses will be it, public transport wise
- Too many parents driving kids to school
- Neighbours are severed from each other by big roads- everyone drives

URBAN DESIGN

- Linkages to the beach should be the priority
- Council needs flexibility with building heights
- Preserve the low density character areas to help bring intensity to Frankston Centre and other areas
- Need to soften spaces in CAA – currently hard concrete surfaces
- Green link potential across municipality

CLIMATE CHANGE

- Flood management issues at Kananook Creek
- Storms/ high tide and rain increase risks
- Can't get insurance for a beach house
- A reasonably stable beach
- Breakwater needed for safe boat harbor - public money not likely for this

Key priorities

- Public sector investment as catalyst
 - Reduces perception of risk
- CAA: Linking the social and physical environment of the hinterland
 - An environment you want to be in
- Do everything possible to attract development
 - South East Water as an example
 - Use development to leverage public money
 - Money is going to regional centres
- Council needs to strategically pitch it's need for Government money
- Connectivity: socially / city friendly

WORKSHOP 2: COMMUNITY MEMBERS

ATTENDEES

Chris Godsell, Resident Frankston South – Architect

David Cross, Chair of the FEFN and Secretary of the Friends of Wallace Reserve

Glenda Viner, Frankston Historical Society – Resident Karingal

Hilary Poad, Long Island Residents Group

Jenny Hattingh, Secretary of Action Sweetwater Creek

Lindsay Jackel, Resident – Frankston North

Louise Morris, Local business owner

Peter Patterson, Greater Frankston Business Chamber

Rae Higman, Langwarrin Local Area Plan

Trudy Poole, Resident – Carrum Downs

Feedback

VISION FOR FRANKSTON

- What look like in 30 years – we talk about the journey but not about the destination
- Go up or out?
- 'Once you live here you realise how fantastic it is'
- Guggenheim in Frankston will catalyse revitalisation

TRANSPORT

- High water table means that basement car parks are not feasible
- Railway commuter parking is full early in the morning (6:30am) – move this to a station further south
- Activate the edge of carparks
- Train station is dirty, not welcoming. Hard edges with concrete and glass used
- Train station attracts anti-social activity
- Train station cuts city in half
- Train line to Hastings will bypass Frankston
- Management of cars and pedestrians required

EMPLOYMENT

- Monash University is nearby
- Hospital offers employment opportunity
- Aim for academic industries – training schools in CAA
- Geelong waterfront revitalised by Deakin University
- Use McClelland's old house as a tourist feature

CLIMATE CHANGE

- Sea level rise will affect half of Frankston
- Dunes are getting washed away
- Waves beneath boat sheds
- Seaford badly drained
- Frankston could be like Venice!

FRANKSTON CAA

- A bit like Melbourne CBD in the 1970s- FAA only busy between 9am and 5pm
- Cheap houses in Frankston suburbs mean flats in the FAA are too expensive
- Need for city food points/hubs
- Jobs: Monash/Chisholm- more tutoring/training
- Hospital (double it in size)
- Frankston is doing great stuff e.g. Farmers market popular
- High rise building needed to bring people, permanent population to city
- City is 'soulless' – people come in and out
- Apartments aren't going ahead, low property prices mean they don't pay off

RESIDENTIAL AREAS

- Not one size fits all
- Streets need to be looked at individually
- Some areas are large blocks, leafy – don't allow subdivision
- Others are good for medium density, but look at limit on capacity
- Historically quarter acre block after WWII
- Suburban sprawl not 'natural'
- More street tree planting
- Land prices are cheap meaning there is no incentive to intensify
- 17,000 people need to be accommodated
- Langwarrin is sprawling – need to make smaller communities
- Pre-1980s suburbs provided no localised infrastructure i.e. milk bars are gone
- Local shops are patronised – ideal for medium density housing
- Karingal: dreadful place i.e. four proposed double storey townhouses did not consider drainage, car parking issues of site – greed by developers
- Quarter acre block ideals are not necessary – lots can accommodate two houses
- Planting as part of beautification strategy – Bottlebrush, no gums
- Protect 'lazy holiday streets'
- No more housing near reserves and habitat corridors

GREEN WEDGE

- Keep the 'green skirt' of Frankston
- Use for hobby farms, growing produce, bike paths
- Needs good planning
- Habitat corridors to establish connectivity (it's currently at risk)
- Land banking by investors is occurring
- Golf course have bad returns
- Backyards are important to reserves for vegetation and habitat
- The Peninsula Link has eaten into natural features

AN AUTONOMOUS FRANKSTON

- Plan for a sustainable community
- Part of greater strategy for a multi-centered Melbourne
- Opportunities include wind power, tidal power, solar power – could be part of the unique identity of Frankston

Key priorities

- Image problems needs to be overcome
 - 'Franga' joke result of inner-city snobbery
 - Make Frankston a destination
- Bring people into the CAA
- Make streets less dangerous
- Emphasise natural features: beach, parks, reserves

WORKSHOP 3: COUNCIL OFFICERS

ATTENDEES

Clare Warren, Environment – Biodiversity Coordinator
Craig Dinsdale, Manager – Asset Strategy
Libby Anthony, Manager – Environment
Liz Daley, Manager – Community Development
Mandy Gatliff, Manager – Family & Youth
Mark McDowell, Public Realm Design and Development Coordinator
Michael Craighead, Manager – Governance & Customer Relations
Noel Skehan, Infrastructure Development Coordinator
Peter Murphy, Manager – Compliance and Safety
Sam Jackson, Manager – Economic Development (including tourism)
Thomas Tse, Traffic & Transport Coordinator

Feedback

SUSTAINABILITY

- Improvements happening with water sensitive urban design as a result of open dialogue with Melbourne Water
- ESD is priority in new Council developments
- Higher quality design being attracted - Greg Burgess, Robert Simione for Council buildings
- Better ESD properties in materials - life cycle issues need to be taken into account
- Better response to coastal environments are being incorporated into public sector designs, this needs to be translated into private development
- There is a growing priority for sustainability across Council
- There was a poor quality of public sector development, but the South East Water building has raised standards

Biodiversity

- Fire protection overlay is applied across municipality
- 10/30 rule led to anecdotal evidence of loss of biodiversity
- There needs to be greater enforcement
- We are currently chipping away at Green Wedge
- Foreshore improvements are occurring with Council expenditure and improvements to buildings

HYDROLOGY

- More drainage studies need to be done
- Melbourne Water investment- protection CAA, increase awareness
- Development instantly creating potential for new drainage problems
- Private drainage infrastructure
- Need to model potential development impact on drainage
- Need to identify potential blockage points
- MW doing flood studies on climate changes modelling

RESIDENTIAL AREAS

- Frankston is less dense compared to metropolitan Melbourne areas, but this comparison is not appropriate – better to compare to another interface Council
- Inward facing estates have an emphasis on cars
- New developments create drainage problems
- More drainage studies on where future problems will be

CLIMATE CHANGE

- Melbourne Water project on one-in-one-hundred year flooding in CAA
- Will result in loss of pier, street trees, possums
- Urban heat island effect could be mitigated with material choices

TRANSPORT

- Connectivity is an ongoing problem – links to employment missing
- There is a higher than average number of people with disabilities and an aging population
- Public transport not keeping up with employment trends- access to Carrum Downs industrial area and Seaford is limited
- Lack of footpaths
- No public transport to Frankston South and Carrum Downs – require advocacy for transport to these places
- Bike paths are fragmented, do not connect
- The bike strategy is not well-resourced
- There needs to be a path hierarchy within Frankston - share paths?
- The Eastern link and Peninsula link changed perception about Frankston and reduced traffic

OPEN SPACE

- Primarily bushland
- Lack of space for active recreation/ dogs/strolling
- Southern areas well serviced, not northern areas
- Council reluctant to purchase new open space areas
- There has been a push to sell Council land that links open space – bad idea
- Macedon's Hanging Rock as example of concert venue

IMAGE

- Investment in foreshore is occurring
- Bayside complex splits the city
- Frankston is more than a link to Mornington Peninsula

GREEN WEDGE

- Strategic review required: should look into biodiversity, agriculture, tourism, water
- Development pressures
- Buffer needed around Eastern Treatment Plant
- There is a perception that Green Wedge is low quality agricultural land
- Lack of vision exists for Green Wedge
- Predominantly private land
- The green wedge defines the city
- Opportunity for food production- Class A water available, soil types possibly suitable
- Food access network- primarily residents, looking for opportunities to grow food i.e. 'Bunyip Food Basin'

- Opportunity for agritourism, which is currently lacking in Frankston - Wineries, golf, farmers market.
- Interface issues and use conflict- need a mechanism to deal with conflict
- Organic emphasis on food production as point of difference
- Quarries – we need to plan for end of life uses
- Potential for recreation?
- Avoid housing
- Golf courses are being subdivided

EMPLOYMENT

- Inland port to service Hastings port? Don't want to be a logistics hub
- Concern about Carrum Downs industrial estate being overtaken by logistics businesses which provided limited employment opportunities
- Seeking niche manufacturing/business people- proximity to Carrum Downs business park
- Metro strategy mentions third airport – likely to be at Tooradin
- Business park should be service manufacturing, offices, 'clean manufacturing'
- Current infrastructure not supportive - requires public transport, recycling water
- Attract recreation, education, health services in CAA
- Sports tourism? BMX/motorcross
- Carrum Downs more attractive for manufacturing/ logistical

FAA

- We need dedicated event spaces

FORESHORE

- Council is strategically seeking to reorientate towards bay
- Nepean Highway as barrier- potential for highway to be narrowed down to provide open space and finer grain shopfronts
- Water taxi concept would attract city dwellers to the area

HEALTH

- Too many fast food outlets – need to address food access issues i.e. cost

HOUSING

- More social housing is required
- Lack of direction in housing growth at present
- Frankston North commenced as a natural housing area- became public housing
- The Pines has become seventh most disadvantaged in metropolitan Melbourne
- Student accommodation- mainly private investment but Monash report saw no need to establish any in Frankston
- No crisis accommodation- growth in unregistered rooming houses.
- Caravan parks under pressure, lack of fragile person accommodation
- Older home owners in the Pines unable to downsize due to property prices

VISION

- There is pressure to make things happen quickly, but what is the long-term vision?
- Frankston will be a construction site over the next 3 years
- Need consolidated vision about where development is heading
- We need a liveable CAA

- There should be a coordinated approach to living and working
- Attract 'some' jobs in Frankston- health, welfare, education, green (SE Water), organic agriculture
- More renewable energy
- Better public transport coverage
- Increase density and public transport to reduce cars
- Interactive community spaces
- Attract tourism
- Frankston as a recreational area: lack of low-cost or no cost activities, where people can just hang out
- Spaces for everyone
- Train lines from Langwarrin/ Frankston to Flinders
- More access to the beach

WORKSHOP 4: DEVELOPERS

ATTENDEES

Aaron Goodall, KLM Spatial

Andrew Lovelock, Speedie Development Consultants Pty Ltd

Colby McDonough, Southern Planning Consultants

Con Kapnoullas, MK Building Group

Geoff Crowder, Nichols Crowder Real Estate

Mark de Weerd, Modularc

Andrew Ferris, Andrew Ferris Drafting and Design (absentee, but contributed via email)

Feedback

DEVELOPMENT PLANS

- Development plans in Carrum Downs, Langwarrin are outdated (30 years old)
- Used to apply to remnant larger parcels, but some have been removed
- Resulted in inconsistent direction
- Process to amend development plans can be time consuming

NEIGHBOURHOOD CHARACTER

- Too much focus on existing character
- Arterials, main road could be treated differently particularly around CAD
- Single dwellings too great a constraint
- Need to plan ahead in areas where renewal is warranted
- Neighbourhood character provisions are discouraging investment
- Refusals are usually focused on neighbourhood character
- Statements not specific, not giving guidance on preferred character
- Scheme should give clear direction on where higher density should be supported
- Council not prepared to vary ResCode provisions - lack of flexibility
- Need stronger direction for strategies
- Lack of direction means that design defaults existing character

MUNICIPAL STRATEGIC STATEMENT

- Talks about what we've got but it lacks vision
- Results in Frankston being stagnant
- Dandenong and Mornington Peninsula have very clear industrial guidelines

CAA DRAFT STRUCTURE PLAN

- Cranbourne Road- car parking needed if offices to be extended- will need land behind properties as well
- Rental insufficient to warrant development - \$250/m2, but needs to be \$1300/m2. Cranbourne Road might work because of lower rental
- B5 Zone on northern outskirts of town – inappropriate – should be offices
- Northern entrance to CAA should be St Kilda Road type office development
- Properties on creek side are too narrow to develop properly- strong opposition from opposite side
- Return do not justify costs in CAA
- Height controls not necessary

- Lack of appeal of CBD
- Connect shopping centre to beach
- Improve infrastructure
- Safety, comfort
- Loitering
- Gentrification/ greater mix of people
- Great potential to be connected with beach
- Remove 'undesirable' elements of CBD e.g. needle exchange

PLANNING APPLICATION PROCESS

- Currently a 9-12 month delay for development- increased holding costs
- Example of development where existing dwelling needed to be retained- officer recommendation
- Staff 'opinion' influencing designs- despite compliance with ResCode
- Lack of confidence about likelihood of permit approval
- Inconsistent approach to balancing policies between staff members and managers
- Lack of understanding of policy hierarchy – State and local
- Delays across the board e.g. compliance stage of subdivision
- Developers losing money due to delays and therefore not investing in Frankston
- Processing times have improved
- Too much emphasis placed on trees
- Native trees too strongly protected, generally go to VCAT
- TPZ usually too large for feasible development
- Internal referrals given too much weight, planners should use own judgement - examples of refusals where environmental did not recognise that trees did not require retention
- More balanced approach to MSS needed especially regarding vegetation
- Councillors too closely involved in decisions
- Clause 52.06: New parking parameters for industrial requires extra 2 car spaces tenancy for warehouses – impacts feasibility

Delegation

- Lack of delegation for subdivision officer
- Reoccurring need for application to be referred to management for decision
- Council need to understand implications of lack of decision
- Visitors parking guidelines- reduces development feasibility
- Generally insufficient- lack of consistency in Council decisions
- Under counter policies-impact integrity of system
- Experienced planners request to refer applications to coordinator for approval- should be able to approve application - other Councils have taken this approach
- Some do not take part in pre- application meetings- negative attitude, lack of certainty, waste of time

DEVELOPMENT Feasibility

- Land prices too low to achieve returns
- Mixed messages from Councillors
- Property rates
- Eastlink has enhanced rates but GFC hard hit
- UGB located through centre of municipality, but growth is occurring immediately to east and north meaning Frankston has become an anomaly

- Big retail shops are filled with second hand stores, \$2 shops – Savers not renewing lease
- Bulky goods not successfully leased
- Peninsula Link is reducing business to some larger stores

PRIORITIES

- Clear up centre
- Safe boat harbour at pier
- Foreshore near yacht club- great potential for activities
- Lack of overall vision, piecemeal approach to development
- Coastguard should be in the centre not Olivers Hill
- Leverage investment off SE Water
- Wide footpaths, parking behind streets- get parking off street to widen footpaths
- High rise apartments, affordable (6-8 stories), 20-30 years
- Carparking- rail parking
- Cash in lieu for carparking
- Park & Ride at Langwarrin
- Electrification to Hastings
- Safe boat harbour at Pier
- Attract more government departments to the area
- Cafes/ Restaurants

APPENDIX D

TELEPHONE INTERVIEWS

STEVE HADLEY, ENVIRONMENTAL PLANNER

DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRY

- No specific views on Frankston City Council and on Green Wedge areas. Would need to see statement before making comment.
- Native Vegetation Framework is currently being updated and will impact the area. Will streamline application process for low risk in the future.
- Zoning changes to the Green Wedges are being prepared by DTPLI.

DAVID BERGIN, PLANNING MANAGER

DEPARTMENT OF TRANSPORT, PLANNING AND LOCAL INFRASTRUCTURE

- Largely involved with planning scheme amendments and other teams within the Department may be more appropriate to consult.
- Noted that the CAA may be underperforming. However, stressed that the CAA team was more appropriate for comment.
- No feedback to date on planning permit application processes from staff or public.
- DTPLI is undertaking a review of the SPFF. This may be limited to a response to the new zones and the MPS as a review was only completed very recently. This will influence the MSS themes, as required in the past in Stonnington – further discussion with appropriate team required.

IAN MCLEOD, MANAGER MINERAL & EXTRACTIVE OPERATIONS

DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRY

- Quarries in the region are likely to remain in the long term (10-50 years). However, this would depend on demand.
- No applications for new quarries have been received for the area.
- DEPI are involved in the auditing of sites to ensure they meet environmental requirements. Some complaints concerning dust and vibration are received by residents, but are usually addressed.
- The quarries appear to have good relations with residents.
- As part of quarry applications, DEPI generally prefer that a rural outcome is achieved after quarrying has been completed. There may be some opportunities for residential subdivision and this involves discussion with the GAA and Council.
- DEPI has a healthy relationship with Council, with no concerns about process.

PETE WALTERS, FIRE SAFETY OFFICER

COUNTRY FIRE AUTHORITY

- Changes for the existing BMO boundaries are likely in the future. Council should already be aware of these, as sessions have been held by the CFA. It may be a good idea to speak to someone in-house.
- Councils are generally moving towards electronic referral processes and the CFA are currently looking at software upgrades.
- Publications released by the CFA to Councils will be updated and there are moves towards more education on the referral process. This is in response to VC49, which allows exemptions to apply with regards to some BMO permit triggers.
- The CFA is keen to be part of the amendment process and would like to provide further advice on bushfire management in the area.

Bruce Rush, team leader town planning MELBOURNE WATER

Frankston MSS:

- Not aware of the specifics of Frankston's MSS, but has standard concerns about increased densities and impervious surfaces in growth areas. These may lead to drainage issues in the future.
- Melbourne Water is currently concerned about the environmental conditions of the Seaford Wetlands and Kananook Creek. However, issues concerning pollution and flooding are currently managed in conjunction with Parks Victoria and Council who are key landholders in both areas.
- It is recognised that Council's bayside location will make it susceptible to flooding. He is aware that Council is anxious about this issue.
- Melbourne Water has just spent \$60 million on the Sandgate Avenue Flood Alleviation project – They do not want that work to be undone, although it is not considered to be immediately at risk.
- Older residential areas are at risk to flooding due to historic pipes that can only withstand 1 in 5 year floods. While newer suburbs have similar pipes, they are equipped with other features (e.g. valley depressions) that help manage 1 in 100 year flows.
- Hope that Council will adopt 'whole-of-water-cycle' integrated water management, where water is recycled and used to maximum potential.

Waterway health:

- Boggy Creek in Langwarren – there are currently issues around the management of water due to increased impervious areas
- There is a risk of 'peaky flows', where unnaturally high levels of rainfall occur. This affects the health of the waterway.
- Yarra Ranges has just passed a schedule to the SBO to reduce the 'connectedness' of impervious surfaces. This allows flows of water to permeate the ground before reaching the streams. Melbourne Water would like to see this happen at Frankston.

Green Wedge:

- There are strong concerns about the encroachment of development, particularly industry, into the odor buffer around the Eastern Treatment plant. Landowners are seeking to use and develop land adjacent to the treatment plant for non-agricultural purposes that will attract more people into the area. Development pressure has been somewhat higher within the City of Greater Dandenong than the City of Frankston due to the swampy nature of the land on the Frankston side of the boundary.
- Guidelines are being drafted to determine acceptable and appropriate uses around treatment plants. Most of the proposed uses do not require a lot of people on site – i.e. rural.
- Noted the opportunity to access recycled water from Eastern Treatment. However, projects generally don't get up and going – unsure of reason why.

Planning Processes:

- Happy with existing automated referral systems. Thinks this will be further streamlined with the implementation of VicSmart, which is due to be implemented across all Councils in October.

JEREMY BEAVER, ROAD ACCESS PLANNING VICROADS

- The Port of Hastings has been given focus in the State budget and therefore is regarded as a live and current project. Consideration needs to be given to its relationship with the City of Frankston in the discussions surrounding the MSS review
- VicRoads had made comment to the Integrated Transport Strategy, so this report should be reflected in the MSS.

APPENDIX E

ADVOCATE CONVERSIONS

contributors

M. Marcus, Partner Maddocks Lawyers

A. Kellock, Director, Kellock Town Planning

A. Crack, Andrew Crack & Associates Pty Ltd

Feedback

planning scheme - general

- No specific issues when using the Frankston Planning Scheme that needs fixing.
- Scheme is well balanced, is good to use and generally supported by VCAT.

suggested improvements

neighbourhood character policy

- The policy is 'flat' and does not respond to the Framework Plan.
- Should clearly identify areas of preferred and non-preferred development, and when and what form of discretion is applied.
- Preferred areas for housing in MSS – VCAT throws out the Neighbourhood Character Policy in those areas.
- Settlement → Housing → Neighbourhood Character Policy ALL need to identify link and read consistently.
- Not delivering desired outcomes in Frankston South due to the overlays. Should be strengthened.

design and development overlays

- A challenge has been the different interpretations of the controls guiding setback to Kananook Creek. This could be sorted up with a diagram. E.g. Glen Eira Planning Scheme; Heidelberg DDO.
- If preferred area in scheme, needs to balance with the overlays affecting the areas e.g. Nepean Highway Seaford is shown in a preferred area yet is affected by the BMO, SLO which restrict housing density.

other

- VCAT will support covenant variations if identified in an area for change; or if silent on the area.
- Frankston South SLO control addresses visual and biodiversity matters. Schedule not strong on biodiversity making it difficult to argue at VCAT.
- ESO is based on a 2000 report. However there has been a more recent report in 2006. This should be implemented.
- Belvedere Neighbourhood Activity Centre not shown on map.
- Activity Centre hierarchy is not consistently shown on all maps.
- Terms used in scheme (text) need to be shown on map as not everyone knows where they are – Mile Bridge, Olivers Hill, Long Island
- Can give direction in Policies for exceptions to the rule, e.g. Glen Eira Housing Diversity Policy "if you are affected by the SBO or HO be cautious".

APPENDIX F

DISCUSSIONS - NEIGHBOURING COUNCILS

CITY OF KINGSTON

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CEINWEN

CITY OF GREATER DANDENONG

- Responding to the new residential zones by relying on the Neighborhood Character Policy to translate to using the 3 zones and implementing using section 20(4) of the Act.
- Green Wedge study is underway for the development of a Management Plan. Received a lot of interest – 91 submissions. Does not intend to alter the Urban Growth Boundary; drainage affects the capacity of the area. The community is keen for preserve and protection of the green wedge areas.
- Eastern Treatment Plant is important to ensure that the pressures of development are kept at the required buffer distance.

MICHAEL POLLARD

CITY OF CASEY

- Conducted a new MSS that is having Directions hearing October 2012, with Panel hearing in mid-November. Review bring in line with new SPPF structure. Key structure differences also include community based planning (Local Area Planning); where appropriate put Local Policy into the MSS with LAP map – consider this creates a stronger position than local policy. The statements on the map are at a high scale to avoid the need for an amendment each time the emphasis changes. E.g. has put DPO/ODPs into the MSS & LAP maps. This has resulted in a stripping back of local policies.
- Dealing with residential zones as a separate exercise. Greatest concern is the 4000m² reduction to 2000m² in Low Density Residential Zone as it has the potential to significantly alter the character of an area.

EMMA WAKEFIELD & ROSLYN FRANKLIN

MORNINGTON PENINSULA SHIRE

- starting their own MSS review now
- studies to be aware of – heritage review of Mt Eliza. This may adjust where heritage applies on the boundary ; Peninsula Planning Statement; review of EMO₄ & 5.
- Undertaking further work in regards to Green Wedge Management Plan (2012). Plan doesn't respond to new zones, and as if hasn't progressed to amendment, will be undertaking a Green Wedge dwelling policy by the end of the year.
- Considers issues for Frankston are coastal, crime prevention; health and ESD.
- Mornington advocates for better bus services. Could join together to make stronger case.

APPENDIX G

FEEDBACK FORMS

SUBMITTERS

Patricia Harper, Frankston South

Elizabeth Corcoran, Seaford

Jane Martin, Obesity Policy Coalition

Marjorie Beggs, Seaford

Long Island Residents Group (Patricia Bratulic, President & Eve Welsh, Secretary)

Frankston Environmental Friends Network (David Cross, Chair)

Frankston Beach Association Inc (Kathleen Hassell)

Kananook Creek Association Inc (Trevor Nock, President)

Jenny Hattingh, Frankston South

Feedback

In terms of the town planning results you are seeing in the Frankston municipality, do you believe the current Planning Scheme is delivering good results?

- No - dual occupancy to be allowed in South Frankston or subdivision below 2000 sq.m.
- Not in all areas e.g. Melbourne Water building will block views for Quest which has been improved (at last!) – a shame for Quest residents.
- generally delivering reasonably balanced results. However there is a need to ensure development is undertaken in appropriate locations and suitable means to ensure our existing natural environment is protected and enhanced.
- Neighbourhood character is not given enough weight and many dwellings do not respect the prevailing neighbourhood character.
- There is not enough emphasis on preserving the ecological quality of natural reserves, habitat corridors and creek valleys

What is important to the City in terms of planning?

- Preservation of low density occupancy in South Frankston
- Pedestrian traffic
- Traffic access and flow
- Remember the beach is our greatest asset and Seaford Wetlands
- Keep our green spaces – too much is being taken away.
- there needs to be a balance between development and protection of the existing natural environment in Frankston to get acknowledgement, preservation and protection of the Frankston beach and foreshore into the Local Planning Scheme now that serious inundation and erosion along the coastal areas is occurring as a result of the impacts of climate change.
- Frankston is unique with the bay and green wedge, and should maintain its character as separate from suburban Melbourne. High and medium density housing should only be accommodated without ruining the character of Frankston.

What do you think the focus should be in the consideration of planning applications?

- Height of buildings to be 3-4 storeys max.
- Car parking

- Not too dense - availability of safe access
- **make health a central consideration in planning decisions in Victoria to combat fast food outlets**
- It is vital that existing natural environment is maintained (and enhanced, where possible), and that adequate space is retained for further tree planting and permeable surface retention.
- mitigate inundation of Kananook Creek and its reserves, and other waterways as an impact of development
- high or medium density developments should be located in main activity centres near to shops and transport, be well designed for future residents, with a variety of size of dwellings and adequate outdoor space.

What future land use and development threats and opportunities does Frankston face?

Threats:

- Subdivision below 2500sq m in South Frankston will threaten environment, flora and fauna
- The gradual reclaiming of the Green Wedge
- Destruction of habitat
- Too much density of too small blocks
- High density living puts more traffic on the roads creating more accidents
- Overdevelopment - Higher density development must only be undertaken in appropriate areas, specifically along developed infrastructure corridors
- existing Green Wedge must be maintained – Frankston has lost a significant amount in recent years, especially with the Frankston Bypass
- overdevelopment in the leafy suburbs of Frankston threatens all the current habitat corridors and linkages.

Opportunities:

- Keep the community/village atmosphere at Seaford
- Remove rubbish from drains, wetlands and paths
- Maximum no. of houses on a standard block should be 2
- **Lobby for legislative reform to make health a central consideration in planning decisions in Victoria by developing a planning mechanism for use by local councils to limit the oversupply of fast food outlets in communities and facilitate supply of healthy food choices to Victorians.**
- Continue with controlled development by increasing population density in appropriate areas, especially around the CAA and other areas where there is already supporting infrastructure in place
- Larger water retention systems/ flood mitigating processes should be constructed in areas with SBOs
- potential to be the business, education and medical centre of the Peninsula.
- encourage “state of the art” high/medium density living designs incorporating excellent water reuse

OTHER COMMENTS:

- Keep the community/village atmosphere at Seaford
- underground car parks should be disallowed on Long Island because there is a very shallow aquifer and throughout Frankston beyond the footprint of the building to ensure space for canopy trees
- support for the Safe Boat Harbour/Marina should be taken out of the MSS as it is increasingly being shown that this would be environmentally destructive
- The foreshore area between Wells and Playne streets should be retained as an informal natural recreation area and no more buildings allowed e.g. A sound stage for performances.
- Frankston City Council has not developed a Green Wedge Management Plan (GWMP), even though it has been on the agenda for several years. It is disappointed that Frankston City Council does not recognise the importance of the Green Wedge within its boundaries by developing a GWMP, to ensure appropriate protection.

- The height limit of buildings along the west side of the Nepean Highway, parallel with Kananook Creek, between Beach Street and Mile Bridge should be limited to three storeys consistent with recent direction of development along Melbourne's waterways
- Update the relevant LSIO map to represent the flood prone areas along Kananook Creek. Currently there is a discrepancy (12 to 15 metres East to West) and it does not stand up to scrutiny, especially at VCAT.
- Statements in the MSS and LPP need to be robust enough to back up planning regulations at VCAT hearings, especially in regard to preservation of our wonderful reserves and waterways.

Appendix 3

List of key amendments since last planning scheme review

LIST OF KEY AMENDMENTS SINCE LAST PLANNING SCHEME REVIEW

LIST OF KEY V AMENDMENTS

Amendment number	In operation from	Brief description
VC71 (New Residential Zones)	25 JUN 2013	<p>Amendment V8 introduced the new residential planning zones, which have been reformed to ensure that they are still relevant and adequately reflect the aspirations of all Victorians. Amendment V8 changed the VPP by:</p> <ul style="list-style-type: none"> ▪ Introducing a new Clause 32.07 – Residential Growth Zone ▪ Introducing a new Clause 32.08 – General Residential Zone ▪ Introducing a new Clause 32.09 – Neighbourhood Residential Zone

LIST OF KEY VC AMENDMENTS

Amendment number	In operation from	Brief description
VC71 (Replacement SPPF)	20 SEP 2010	<p>Among other things, the Amendment replaced Clauses 10 to 19 of the SPPF with new revised Clauses 10 to 19 and redistributed the former policies under the following new SPPF themes: <i>Settlement, Environmental and landscape values, Environmental risk, Natural resource management, Built environment and heritage, Housing, Economic development, Transport and Infrastructure</i>. The revised SPPF updated references to various Government documents and Introduced new policies into the SPPF to give effect to The Victorian Integrated Housing Strategy (Clause 16) and Melbourne 2030: A planning update Melbourne @ 5 Million (Clauses 11, 12, 16, and 19).</p>
VC83 (New bushfire provisions)	18 NOV 2011	<p>Introduced a new bushfire planning policy in the SPPF to replace Clause 13.05; Introduced a new Bushfire Management Overlay (BMO) to replace the Wildfire Management Overlay at Clause 44.06; Introduced a new particular provision for Bushfire Protection at Clause 52.47 that applies objectives, standards and decision guidelines under the provisions of the BMO; Introduced a new particular provision at Clause 52.48 that consolidates and updates planning permit exemptions for bushfire protection purposes; Amended Clauses 42.01, 42.02, 42.03, 44.01, 44.02, 52.16 and 52.17 to address vegetation removal when creating defensible space and reducing the risk from bushfire; Introduced a range of consequential changes that include defining defensible space, changing WMO references to BMO and updating wildfire references to bushfire.</p>
VC90 (Changes to Car Parking provisions)	5 JUN 2012	<p>Changed the VPP to introduce a new Clause 45.09 – Parking Overlay. Changed the VPP and all planning schemes to amend Clause 52.06 – Car Parking and amended Clauses 54.03 and 55.03 to remove references to car parking rates and design. Amended Clause 37.05 of the VPP to align references to sub-clause numbers between the new Clause 52.06 and Clause 37.05.</p>

Amendment number	In operation from	Brief description
VC94	4 JUL 2012	Among other things, the amendment introduced new strategies in Clause 13.01 Climate change impacts related to sea level rise.
VC95 (Changes to Car Parking provisions)	19 APR 2013	<p>The amendment changed the Victoria Planning Provisions (VPP) and all planning schemes by amending Clauses 18, 52.06 and 55.03.</p> <p>The amendment changed all planning schemes by deleting the schedule to Clause 52.06.</p> <p>The amendment changed the VPP by deleting the parking precinct plan from the schedule to Clause 81.01; replacing Clause 45.09 Parking Overlay with a new Clause 45.09 and inserting schedules to the overlay.</p>
VC100 (Reformed Zones)	15 JUL 2013	<p>The amendment changed the <i>Victoria Planning Provisions</i> (VPP) and all planning schemes to introduce reformed zones. Among other things, the Amendment:</p> <p>Amended Clause 32.03 Low Density Residential Zone. Amended Clause 32.04 Mixed Use Zone and schedule to align them with the three residential zones introduced by Amendment V8;</p> <p>Amended Clause 33.01 Industrial 1 Zone and schedule to remove the default 500 square metre floor area cap for an Office use and to allow a local cap to be specified;</p> <p>Introduced a new Clause 34.01 Commercial 1 Zone and Clause 34.02 Commercial 2 Zone to the VPP. Replaced Clause 34.01 Business 1 Zone, Clause 34.02 Business 2 Zone and Clause 34.05 Business 5 Zone and schedules with the new Commercial 1 Zone and schedule in planning schemes. Replaced Clauses 34.03 Business 3 Zone and 34.04 Business 4 Zone and schedules with the new Commercial 2 Zone in planning schemes; and</p> <p>Made consequential changes to Clauses 15 and 17 of the State Planning Policy Framework, Clauses 52, 54, 55, 56 and 57 of the Particular Provisions and to other zones and overlays.</p>
VC104 (Reformed Zones)	22 AUG 2013	<p>The amendment changed the VPP and planning schemes by amending Clause 32.07 - Residential Growth Zone, Clause 32.08 - General Residential Zone and Clause 32.09 - Neighbourhood Residential Zone to include transitional provisions to exempt an existing application to construct or extend a residential development of four storeys from the requirements of clause 55 gazetted in Amendment VC100.</p> <p>Amended Clause 32.09 – Neighbourhood Residential Zone to include transitional provisions ensuring that approved development is not prohibited from being subdivided (Clause 32.09-2) and that existing applications lodged, but not yet decided, are not subject to the maximum number of dwellings (Clause 32.09-3) and maximum building height provisions (Clause 32.09-8).</p> <p>Amended Clause 32.01 - Residential 1 Zone to update the reference for development exempted from Clause 55 from four to five storeys to be consistent with other residential zones.</p> <p>Amended Clause 34.01 - Commercial 1 Zone to ensure that neighbourhood and site description and design response plans are provided for residential development subject to Clause 55 and to delete an unnecessary reference to precinct structure plans.</p>

Amendment number	In operation from	Brief description
VC103 (Reformed Zones)	5 SEP 2013	<p>The amendment changed the VPP and planning schemes to introduce reformed rural zones. Relevant to Frankston it amended Clause 35.04 – Green Wedge Zone, Clause 35.06 – Rural Conservation Zone and 4 schedules, and Clause 35.07 – Farming Zone. Among other things, the Amendment also:</p> <p>Made consequential changes to Clause 11 and Clause 16 of the SPPF to support the reformed rural zones;</p> <p>Amended Clause 57 of the Particular Provisions to align with the provisions of the reformed rural zones and to give effect to changes applying to green wedge land.</p>
VC102	28 OCT 2013	Among other things, the amendment changed the VPP and all planning schemes by amending Clause 52.01 – Public open space contribution and subdivision.
VC99 (Changes to ResCode (single dwellings & multi dwellings))	10 DEC 2013	The amendment changed the VPP and all planning schemes by modifying Standards A10, A11 and A13 in Clauses 54.04-1, 54.04-2 and 54.04-4 and Standards B17, B18 and B20 in Clauses 55.04-1, 55.04-2 and 55.04-4 in relation to side and rear building setbacks and heights of walls on boundaries.
VC105 Reforms to Native Vegetation & Biodiversity Provisions)	20 DEC 2013	<p>The amendment implemented reforms to Victoria's native vegetation and biodiversity provisions by:</p> <ul style="list-style-type: none"> Amending Clause 12.01 (Biodiversity) to reflect the new 'no net loss' approach rather than the previous 'net gain' approach; Amending Clause 52.16 (Native vegetation precinct plan) to reflect the intent of the native vegetation and biodiversity reform package; Amending Clause 52.17 (Native vegetation) to rationalise information requirements, implement the new risk-based assessment pathways, include a simplified approach for applications under a low-risk based pathway and streamline the determination of offset requirements; Amending Clause 66.02-2 (Native Vegetation - Referral and Notice Provisions) to require the class of application in the high risk pathway as defined in the document 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' (Department of Environment and Primary Industries, September 2013) be referred to the Secretary to the Department of Environment and Primary Industries as a recommending referral authority; and Amending Clause 81.01 (Table of incorporated documents in this scheme) to replace 'Victoria's Native Vegetation – Framework for Action' with a new incorporated document 'Permitted clearing of native vegetation – Biodiversity assessment guidelines' (Department of Environment and Primary Industries, September 2013). <p>The amendment also updated outdated references to the Department of Sustainability and Environment to reflect the department's new name, the Department of Environment and Primary Industries in relevant clauses.</p>
VC115	4 APR 2014	<p>Changes the Victorian Planning Provisions and relevant planning schemes by:</p> <ul style="list-style-type: none"> providing that the permit exemptions at Clauses 62.01, 62.02-1

Amendment number	In operation from	Brief description
		<p>and 62.02-2 so not apply to permit requirements in Clause 36.03 'Public Conservation and Resource Zone.'</p> <ul style="list-style-type: none"> amending Clause 36.03-1 'Table of Uses' to require a use listed in Clause 62.01 be subject to conditions that a use must be conducted by, on behalf of a public land manager or be specified in an incorporated plan; and amending Clause 36.03-3 to require an application for a permit to be accompanied by the written consent of the Secretary to the Department of Environment and Primary Industries where there is no public land manager for the subject land.
VC108	16 APR 2014	<ul style="list-style-type: none"> Amends Clause 52.38 (2009 Bushfire recovery) to extend the timeframe for continued use of a building for temporary accommodation without a planning permit to 30 April 2015. Amends Clause 52.39 (2009 Bushfire – Replacement buildings) to extend the timeframe for submitting a site plan to the responsible authority for rebuilding a dwelling, dependent person's unit or building used for agriculture to 30 April 2015.
VC111	16 APR 2014	<p>Amends Clause 37.07 – Urban Growth Zone in "Part A – Provisions for land where no precinct structure plan applies" to align with the reformed Farming Zone approved by VC103 by:</p> <ul style="list-style-type: none"> Reducing the restrictions for alterations and extensions to dwellings, out-buildings and farm buildings. Removing the requirement for a mandatory section 173 agreement which restricts future subdivision after an initial subdivision is approved. Removing the prohibition on camping and caravan park, funeral parlour, helicopter landing site, industry (other than rural industry), landscape gardening supplies, market, motor racing track, pleasure boat facility, service station, trade supplies, transport terminal, warehouse (other than rural store) and any use listed in Clause 62.01 if any requirement is not met. Removing conditions restricting group accommodation, place of assembly (other than carnival, circus and place of worship), residential hotel, restaurant and store (other than freezing and cool storage and rural store). Removing permit requirements for primary produce sales, rural industry (other than abattoir and sawmill) and rural store, if the condition opposite the use is met. Increasing the threshold for persons that can be accommodated in a bed and breakfast from six to 10 without a permit. Making amusement parlour and nightclub prohibited. Requiring applications for warehouse and industry uses to be to the Metropolitan Planning Authority (for applications within metropolitan Melbourne) or the Department of Transport, Planning and Local Infrastructure (for applications outside metropolitan Melbourne) referred in accordance with section 55 of the <i>Planning and Environment Act 1987</i> (the Act). <p>The Amendment also amends Clause 66 – Referral and Notice Provisions to replace "Growth Areas Authority" with "Metropolitan Planning Authority" to reflect the creation of the new planning authority.</p>

LIST OF KEY C AMENDMENTS

Amendment number	In operation from	Brief description
C24	29 JAN 2009	<p>The amendment:</p> <p>Rezoned all land within the municipality zoned Residential 2 Zone to Residential 1 Zone;</p> <p>Replaced MSS Clause 21.04 – <i>Housing</i>, with a revised clause, providing an appropriate strategic basis for implementing the recommendations of Council's Housing Strategy and Neighbourhood Character Study;</p> <p>Introduced a new Local Planning Policy, Clause 22.17 - <i>Neighbourhood Character</i> providing a preferred neighbourhood character statement, objectives and design responses for each of the 49 residential precincts in the municipality;</p> <p>Rationalised the boundaries of an existing Schedule 3 to the Significant Landscape Overlay (SLO3) and introduced a new Significant Landscape Overlay, (SLO4) and applied it to land generally north of Sweetwater Creek in Frankston South;</p> <p>Extended the area of coverage of a Design and Development Overlay (DDO6) along Sweetwater Creek, near Harcourt Avenue, Frankston South; and</p> <p>Modified Schedules 1 – 7 inclusive of the Design and Development Overlay (except Schedule 5) rationalising and simplifying the expression of height controls and required setbacks from creeks and the coast.</p>
C51	13 AUG 2009	The amendment amended PAO maps and the Schedules to Clauses 45.01, 52.03 and 81.01 by incorporating the "Peninsula Link Project, Incorporated Document, July 2009" into the planning scheme to facilitate the acquisition of land and the construction of the Peninsula Link.
C61	30 OCT 2009	The amendment extended the expiry dates of Clause 22.05 and Schedule 5 to the Design and Development Overlay by 3 years to 31 October 2012 and amended Clause 22.05 and Schedule 5 to the Design and Development Overlay to recognise the reclassification of Frankston from a Principal Activity Centre to a Central Activities District. Both DDO5 and Clause 22.05 have since expired.
C58	4 FEB 2010	The amendment introduced a new Clause 44.06 "Wildfire Management Overlay" and associated Wildfire Management Overlay Maps.
C46(Part 1)	1 MAR 2012	Among other things, the Amendment made changes to the Municipal Strategic Statement to strengthen the strategic justification for applying the Erosion Management Overlay. Applied the Erosion Management Overlay to land along Sweetwater Creek downstream of Baden Powell Drive at Frankston South. Introduced a schedule to provide exemptions for some vegetation removal and buildings and works and specify information that must be submitted with any permit application.
C65	9 AUG 2012	Consistent with the outcomes of the 2008/2010 Planning Scheme Review, the Amendment introduced a revised Local Planning Policy Framework consisting of a Municipal Strategic Statement and Local

Amendment number	In operation from	Brief description
		Planning Policies. The amendment also reduced the extent of Development Plan Overlay Schedule 1 to coincide with remaining undeveloped land within the Urban Growth Boundary.
C63	1 NOV 2012	The Amendment introduced a revised Schedule 4 to the Environmental Significance Overlay and applied the overlay on a permanent basis to protect trees, groups of trees or vegetation throughout City of Frankston.
C46(Part 2)	24 JAN 2013	Part 2 of the Amendment replaced interim Erosion Management Overlay Schedules 1 and 2 with a revised Erosion Management Overlay Schedule 1, on a permanent basis, and identified areas of landslide risk at Olivers Hill, Frankston South, providing permit exemptions for some vegetation removal and buildings, and works and specifying information that must be submitted with any permit application. The amendment also replaced Schedule 2 with the contents of the existing permanent Schedule 3 to the Environmental Management Overlay, and deleted Schedule 3.
C86	4 APR 2013	The amendment applied the Erosion Management Overlay Schedule 1 (EMO1) to land at Olivers Hill Frankston South including part of Gulls Way, 23 Gulls Way and the Olivers Hill Foreshore.
C90	26 APR 2013	The amendment introduced an incorporated document into the Frankston Planning Scheme for land at 7R Playne Street, Frankston for the use and development of the land for a multi-storey commercial mixed use building to be used as the head office of South East Water Corporation and associated retail uses.
C92	26 APR 2013	The Amendment extended the expiry dates for Clause 37.01 Schedule 3 to the Special Use Zone (Frankston Safe Boat Harbour) on an interim basis to expire on 1 November 2017 and 1 November 2022.
C77	17 OCT 2013	The Amendment corrected errors and removed anomalies in zone and overlay maps to reflect current ownership and land use. The Amendment also corrected anomalies and errors in Environmental Significance Overlay Schedule 1, Significant Landscape Overlay Schedule 1, Heritage Overlay Schedule, Design and Development Overlays Schedules 1, 2, 3, 4, 6 and 7, Development Plan Overlay Schedules 4, 5 and 6 and corrected an incorporated document.
C93	14 NOV 2013	The Amendment implemented the recommendations of the Urban Growth Boundary Anomalies Advisory Committee.
C74	19 DEC 2013	The Amendment rezoned the site of the Peninsula Private Hospital at 525–559 McClelland Drive, Langwarrin, from part Rural Conservation Zone 3 and part Road Zone Category 1 to Special Use Zone – Schedule 4 (SUZ4), introduced a new Schedule 4 to the SUZ, amended Schedule 1 to the Environmental Significance Overlay to remove 225 McClelland Drive developed under planning permit 353/1998, exempted SUZ4 from the Core Planning Provisions and introduced a new Incorporated Document – ‘Peninsula Private Hospital Master Plan August 2013’ to guide the future staged development of health care facilities on the site.
C78	16 JAN 2014	The Amendment implemented the recommendations of the Sweetwater Creek Planning Controls Investigation, 2011 by applying

Amendment number	In operation from	Brief description
		design and built form controls to provide neighbourhood character and landscape protection to reduce the impacts of development on the Sweetwater Creek corridor and the wider environs.

Appendix 4
VCAT decisions

VCAT Decisions reviewed – Issues arising (summary):

Modularc v Frankston CC [2013] VCAT 48

- 'Car parking policy' has no statutory effect. Clause 52.06 applies.
- The following standard conditions have been accepted:
 - *Provision of a Stormwater Detention System, with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value, to the satisfaction of the Responsible Authority.*
 - *Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:-*
 - *On-site stormwater detention and rainwater tanks;*
 - *Soil percolation;*
 - *Stormwater harvesting and re-use of stormwater for garden watering, toilet flushing, etc.; and*
 - *On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.*
 - *Unless otherwise agreed in writing by the Responsible Authority, prior to the commencement of the development hereby permitted, the owner/s of the land must enter into an Agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority which requires the owners of the property to provide for:*
 - *The care and management of the private roads, car parking areas, landscaping and other common areas;*
 - *The rights of the Frankston City Council and other servicing authorities to enter the land for the purposes of providing municipal and like services to the land;*
 - *The maintenance of suitable public liability insurance;*
 - *The provision of releases and indemnity to the Frankston City Council and other servicing authorities in connection with entry on to the land;*
 - *The acknowledgement that the Frankston City Council may withdraw the provision of municipal services to or from the land if the private roads become unsafe for vehicular traffic;*

I Form Creations Pty Ltd v Frankston CC & Anor [2013] VCAT 983

- Only issue was claim by resident that there was inadequate visitor parking. Clause 52.06 requirements were satisfied. Permit granted – no additional parking required. Note Council did not argue 'car parking policy'.

Blueprint Pty Ltd v Frankston CC [2012] VCAT 1313

- Council refusal (4 dwellings). Neighbourhood Character and amenity key issues raised by RA. Tribunal disagreed, proposal a satisfactory design response.

***Eighty Sixth Mayelda Pty Ltd v Frankston CC [2012] VCAT 1446* (20 September 2012)**

- Proposal for 3 lot subdivision (large site of 8208 square metres on Nepean Hwy in Frankston South). Council refusal.
- R1Z with multiple overlays (ESO1, SLO3, DDO2, ESO2, BMO)
- Council indicated 2 lots more appropriate than 3. Process resulted in multiple amendments and refinements of plans – the last being a significant improvement over the first set.
- Expert evidence identified veg as low conservation significance. Council officers identified as medium conservation significance. Tribunal agreed low conservation significance.
- CFA involved at hearing and gave conditional support. DSE no objection.
- Tribunal identified 3 key factors in play. It did not agree that proposal was contrary to neighbourhood character objectives for FS13 Precinct (first factor).
- It did not agree that the second key factor (the environmental and landscape attributes and constraints of the site) were such that a 2 lot subdivision was required. It noted that whilst a “complex interplay between retaining and removing vegetation, drainage, soil stability and landscape”, building envelopes significantly smaller and that difference in landscape quality would be marginal as between 2 & 3 lots. Drainage issues (and stability etc.) could be addressed.
- Third issue – fire protection etc., ok, noting CFA support subject to conditions.
- Permit granted.

Ingalsio v Frankston CC [2013] VCAT 1700 (3 October 2013)

- R1Z with 3 overlays (SLO3, DDO2, BMO).
- Single dwelling and veg removal. Dwelling over 7 metres height and 25% site coverage (DDO2).
- Only Council concern (in relation to DDO2) was height.
- Tribunal at Para 22 *“I acknowledge that the sloping nature of the site may mean that the dwelling, most particularly the upper level walls will be elevated in the streetscape and so be visible. Visibility does not mean however that the dwelling’s height is unacceptable. The combination of deep front setbacks and the vertical and horizontal articulation between each level and along the walls, the setback of walls behind verandahs and the mix of façade finishes all serve to reduce perceptions of building mass and visual bulk”*.
- The Tribunal found that the overall height above 7m was marginal, being a maximum of 0.97m and for the most part being less than this amount.
- The Tribunal found that the design response, as modified under the amended plans was acceptable and meets the objectives of DDO-2 and relevant character policy for the area.
- Objector concerns also included loss of views to the bay. Tribunal - the view is fortuitous and cannot be expected to be retained in perpetuity. As has been stated in *Healey* private views are not protected in law. Not all views will be lost.
- Planning Scheme does not specifically address views: *“The reference to coastal views for Frankston South 13 precinct in Clause 22.08 is made in the context of the existing character description. There is no accompanying design objective to protecting or sharing of these coastal views. I contrast this with other character precincts such as Frankston 4, 10 and 11 and Frankston South 12 in Clause 22.08, where coastal views form part of the character statement and a design objective is established to provide for reasonable sharing of such views. The absence of such a design objective for Frankston South 13 can be thus read as a deliberate decision when developing the design guidelines for this precinct that view sharing was and is not considered to be a higher order amenity/character matter”*.
- Re payment of fee for replacement of street tree: *“...the imposition of the fee is based on a Council policy and guidelines that are outside the Frankston Planning Scheme and in my*

view of questionable power to impose through a permit under the discretions of the Planning and Environment Act 1987.¹ . As such I find it is not appropriate to include this requirement as a permit condition. The Council may choose to include this information about a fee as permit note”.

- Permit granted.

Design Development Pty Ltd v Frankston CC [2013] VCAT 635 (30 April 2013)

- 43 Denbigh Street, Frankston
- Proposal for 4 dwellings – Council refusal.
- R1Z with DDO6 and SBO (no objection from Melbourne Water).
- Council’s concern largely based on neighbourhood character grounds and poor response to DDO6 objectives.
- Importance of site context emphasised by Tribunal, whilst the emphasis given to Clause 22.08 downplayed: *“In my view, this is the main failure of Mr Smith’s submissions. He has placed too much reliance on the policy objectives and has not given sufficient weight to the site’s context”.*
- Tribunal found the proposed development acceptably responds to the preferred character (including its streetscape) and that its visual bulk is acceptable.
- Council argued height, bulk and mass contrary to DDO6. Tribunal response: *“I disagree with his submissions. The Overlay seeks to protect the visual amenity of the coastal strip from Frankston to Seaford. This development is over 1 kilometre from the coast. It would be indiscernible when viewed from the coast. As its landscaping will strengthen the area’s garden character, it will become one of many developments where partial views of dwellings exist within the vegetation. This is an acceptable response to the Overlay’s objectives”.*
- Permit granted.

Jeffacom Pty Ltd v Frankston CC & Ors [2013] VCAT 1064 (24 June 2013)

- 4 Orchard Grove Frankston South (second appeal, see ***Webb v Frankston CC*** [2011] VCAT 891 where 4 x 3 storey dwellings were refused.)
- Proposal for 4 double storey dwellings and veg removal. Council refusal.
- R1Z and DDO6 & SLO4.
- As compared with the earlier 4 dwelling scheme, the proposed development was changed principally through the deletion of the third level within the mansard roof, reduced setbacks to the rear boundary and minor increases in setbacks to the side boundaries.
- FS14 Precinct.
- Amendment C78 given little weight given pre-Panel stage.
- Tribunal accepted that the development positively responds to the previous Tribunal’s concerns regarding its height, scale and massing.
- Whilst the Tribunal considered that the proposal did not comply with the emphasis in local policy regarding site coverage, minimising hard surfaces and providing landscaping, it did not consider that the Orchard Grove streetscape has the spaciousness and extensive landscaping described in policy and that was said to be evident in nearby streets. It considered that the character of Orchard Grove is different to the adjoining streets and the neighbourhood character described in local policy. Most dwellings in the street do not accord with the character statement.
- In the Tribunal’s view, the neighbourhood character policy has lesser application to Orchard Grove than to other streets in the precinct. The member indicated he would give greater weight to local policy if the review site was located in Grange Road and Bruarong Crescent.

¹ In particular the discretions to impose conditions under section 62 of the P&E Act.

- Subject to changes, including the retention of a Cypress Tree and improved articulation, the proposal was considered acceptable.
- Council relied on its adopted Parking Policy to support the provision of a visitor car parking space. As the policy is not included in the planning scheme. The Tribunal gave it no weight, noting it had not been the subject of appropriate consultation and review.
- Permit granted.
- In contrast to the *Ingalisio* decision, the Tribunal imposed the following condition re the removal/replacement of a street tree: *“Payment of \$794.00 (inc. GST) must be made to Frankston City Council tree removal account RC219 in accordance with Council’s Guidelines for Street Tree Removal for Private Development for the removal of tree 1 a Virgillia oroboides and for pruning works to be undertaken to uplift the canopy of tree 5 located on the nature strip at 4 Orchard Grove Frankston South to facilitate crossover construction. Proof of receipt of payment must be provided to Council’s Environment Department to action the street tree removal”*.

Stiegler v Frankston CC [2013] VCAT 226 (28 February 2013)

- 67 Wangarra Road, Frankston
- R1Z – no overlays.
- Council refusal – 2 dwellings (one additional) and 2 lot subdivision.
- Poor response to neighbourhood character and poor SPOS for one dwelling (Council submission re location within front setback and lack of 25 square metre dimension to rear or side of dwelling).
- SPOS ok (Tribunal) subject to changes that would improve existing streetscape presentation.
- For similar reasons, neighbourhood character was deemed to be acceptable, with the Tribunal also finding that visual bulk not a concern.
- Permit granted.

McEvoy v Frankston CC [2013] VCAT 799 (14 May 2013)

- 139 Kars Street Frankston South
- Proposal for 3 x double storey dwellings and vegetation removal. Council refusal.
- R1Z & SLO4.
- Tribunal: *“The proposed development responds to the design responses of clause 22.08 as it has a spacious front yard, avoids adverse impacts on the large canopy tree on the neighbour’s land to the east and proposes an appropriate level of on-site landscaping in the courtyard gardens of the dwellings and along the driveway”*.
- Single storey development at rear of sites not required by Clause 22.08.
- Tribunal gave little weight to submission that adjoining unit developments predated character policy as *“I find the proposed development complies with the design responses sought by that policy”*.
- Objectives of SLO4 met despite additional site coverage of 2% above trigger of 40% - *“The additional 16 square metres of site coverage is not fatal as it is compensated by the reasonably large courtyards of the dwellings”*.
- Tribunal conceded dwellings were relatively large but this was not particularly relevant in character terms. *“Combined with the undulating topography, it is likely that most new built form in this part of Frankston South will appear as large dwellings in some elevations, due to raised sub-floor areas used to accommodate the slope of the land”*.
- Tribunal noted that the preferred character statement and the objectives of the Significant Landscape overlay do not discourage large dwellings.

- Tribunal however found the height of the dwellings unacceptable, particularly as a response to the site's slope. Solution – reduce upper storey floor to ceiling heights from 2700mm to 2400mm.
- Tribunal – siting and mass of Dwelling 3 only acceptable if sited further off the rear boundary. Impact of retaining wall on existing vegetation on adjoining property requires retaining wall set back further.
- Tribunal also noted poor vehicle turning areas and lack of meaningful landscaping in areas.
- Above issues not enough to refuse proposal – permit granted with conditions requiring changes. A consequential change was a 1 metre reduction in the front setback.

Koutsikos v Frankston CC & Ors [2013] VCAT 166 (14 February 2013)

- 16 Reid Street Frankston
- Proposal for 4 x double storey dwellings. Council refusal.
- R1Z and SBO.
- Unresolved overland flow issue. Melbourne Water indicated that they had no concerns with the overland flood as this was a local issue.
- FFLs of RL45.8 nominated by RA. This would require floor levels to be raised by up to 1 metre.
- Tribunal was of the view that the visual impact, and the consequential shadow impact or overlooking impacts on adjoining properties could not be assessed without a proper resolution to this issue (floor level increase). Tribunal also had some concerns that a considered resolution may involve a different design outcome at both the front of the site and at the rear of the site.
- Re neighbourhood character, the Tribunal's inspection of the area indicated to it that council's preferred character objectives were not being strongly implemented in this location and that the objective of housing density and affordability has taken on a more significant role in the development of the area.
- The Tribunal did however identify neighbourhood character concerns – dominance of double garage (front dwelling) & resultant lack of opportunity for landscaping; and the width and length of the upper level wall as it presents to both the northern and southern elevation (deemed unacceptable), such that the extent of two storey built form proposed was not considered respectful to the surrounding development and presents as an unacceptable planning outcome (particularly to the rear having regard to the existing surrounding development).
- Extensive use of highlight and opaque windows considered a poor internal amenity response.
- Upper level of Dwelling 4 not sufficiently recessive.
- No permit granted.

Griffin v Frankston CC & Ors [2013] VCAT 171 (18 February 2013)

- 16 Watson Street Frankston South
- R1Z and SLO4
- Council approval.
- Second, double storey dwelling to rear of existing (2 dwellings in total). Second crossover proposed (existing dwelling with new carport).
- Property at end of cul de sac.
- Tribunal concerned with impact of proposal on an existing tree located on an adjoining property.

- Second crossover and driveway were also found by the Tribunal to have unacceptable impacts on existing vegetation and at odds with neighbourhood character (Crossovers would account for 100% of the site frontage).
- Council's environment officer had raised concerns with impacts on vegetation as part of the consideration of the permit application. The Tribunal agreed with the environment officers comments that Tree 5 had considerable street amenity.
- Tribunal: *"It is commendable that the applicant has sought to retain these trees. However, in doing so the retention of these trees becomes a significant constraint to the development of this site"*.
- Tribunal noted *"The importance of large canopy trees to the neighbourhood character of the area is reflected in the application of the Significant Landscape Overlay"*.
- Decision set aside. No permit granted.

Kealy v Frankston CC & Ors [2013] VCAT 1194 (11 July 2013)

- 44 Burgess Drive, Langwarrin.
- Council approval for second dwelling (single storey) to rear of existing objector appeal.
- Restrictive covenant in place, understood by objector to be single dwelling covenant.
- Tribunal – covenant not a single dwelling covenant. *"The burden of the covenant (and consequently the benefit) lifted upon the de-registration of the named company from whom consent for construction was required. Consequently, it no longer provides ongoing restrictions pertaining to the use or development of the land"*.
- There will be minimal change to neighbourhood character by addition of one dwelling at rear.
- Tribunal accepted the submissions made by Council, that the proposal demonstrates a good level of compliance with the objectives and design responses for Langwarrin Precinct 4.
- No unacceptable overlooking or overshadowing.
- Minor changes considered necessary – lowering of floor levels and additional screen planting to soften views from objector's property.
- Permit granted.

Point Architects v Frankston CC [2013] VCAT 1793 (18 October 2013)

- 42 Golconda Avenue Frankston.
- Construction of a single storey dwelling to the rear of existing dwelling (2 dwellings in total).
- R1Z – no overlays. Council refusal.
- Council submitted there was no strategic support for the proposal. This position was based on the fact that the Housing Framework Plan at Clause 21.07 of the planning scheme does not explicitly identify the subject site as being in an area targeted for new housing. The Tribunal disagreed with this approach – other sections of the PS support housing diversity, affordability etc.
- Re neighbourhood character, site within F9 precinct. The Tribunal considered that the new dwelling was respectful of both the existing and preferred neighbourhood character of the area, and that it therefore met the preferred neighbourhood character. It noted that the dwelling rhythm and spacing between the existing dwelling on the subject site and the dwelling at 40 Golconda Avenue would be maintained. That many trees would be retained also consistent with the preferred character.
- Permit granted.

Easton Consulting v Frankston CC [2013] VCAT 1750 (10 October 2013)

- 370 Ballarto Road Skye.

- Construction of 22 dwellings in addition to existing dwelling. Accommodation provided in 5 x two storey buildings.
- R1Z and PAO to part of Ballarto Road). Council would have refused the application.
- Proposal not included in neighbourhood character precinct. Therefore relied on other neighbourhood character provisions in the PS.
- Tribunal - Design presents inadequately in the street that will detract from neighbourhood character. There are a number of poorly resolved design features that fail to meet Clause 55 objectives.
- On the streetscape issue, the Tribunal considered that the ground floor presentation would be dominated by car accommodation and fencing to screen car spaces, incorporated only two windows and included poorly defined shared entry points. Design is at odds with the PS that seeks development that is oriented to and integrated with the street. Further, boundary construction visible to the street combined with a continuous, unarticulated building line incorporating no variation between upper and lower levels would create a building mass intrusive in an area where dwelling spacing is evident and buildings are well modulated. Two storey walls either side of the shared entry with no opportunity for landscaping would add to the imposing built form when viewed from the street.
- In the Tribunal's view the design failed to meet Clause 55 objectives that relate to dwelling entry and safety. The design did not provide sufficient potential for landscaping adjacent to the common vehicle access and therefore the objective of the parking location standard was not met. The poor provision of private open space was also identified as a deficiency of the proposal.
- No permit granted.

Drive By Media Pty Ltd v Frankston CC [2013] VCAT 2072 (6 December 2013)

- 5 Pascal Road, Seaford.
- Council refusal - the erection and display of two (2) floodlit major promotion sky signs.
- IN1Z. Advertising Sign Category 2.
- ConnectEast Pty Ltd also opposed the signage.
- Tribunal agreed with the submissions that the proposed signage needs to be considered in relation to how it fits into the look and feel of EastLink as a whole, though considered that the urban design elements are varied.
- The Tribunal noted that major promotional signs are currently positioned in eleven (11) locations within the EastLink corridor and considered that the proposal matches the existing materials and colour of the supporting structures associated with these signs. The size of the proposed V-panels was also considered to be consistent with most of the existing signs.
- The signage proposed conforms with the existing spacing between major promotional signs.
- Site is an appropriate location for such signage.
- The EastLink Advertising Code does not form part of the Frankston Planning Scheme. Also, unlike in Maroondah and Greater Dandenong, the advertising code is not currently part of a planning scheme amendment proposal.
- *"I have also afforded no weight to the tabled document (EastLink Advertising Code, dated 2010). I therefore do not think it is a basis for refusing the proposed signage that this Code prohibits major promotional signage in the "Mornington Peninsula Freeway Interchange".*
- The proposal does not contravene Clause 22.07 Streetscapes Policy of the PS: *"I agree with Council's interpretation that the subject site is located between the "Inner Gateway" and "Outer Gateway" as shown on Map 1 of Clause 22.07". "The terminology of this policy is confusing and ill-defined. Whilst Map 1 shows the location of the Inner and Outer Gateways, the policy does not clearly define the*

meaning of or location of the more generally used term of ‘gateway locations’ and ‘entry boulevards’. This is problematic in terms of applying this local policy. Suffice to say that the intent of this policy is to provide for a high standard of design, and that the policy does not contain any specific requirements which would preclude the proposed signage. This is because the proposed signage is consistent with the high design standard of the other signage located along the portion of EastLink defined as a “Major Road” on Map 1. I do not think that the Policy calls for any particular ‘gateway’ treatment at this location, other than something of a high quality which is consistent with streetscape character and other streetscape works”.

- *“I find that the proposed signage does not contravene the provisions of Clause 22.07 of the planning scheme”.*
- Tribunal: The subject site has the locational attributes which make it suitable for major promotional signage pursuant to Clause 52.05-6 of the planning scheme. By their very nature promotional signs are prominent and visually dominant to some extent. This is evident when viewing the existing promotional signage located within the EastLink corridor. The key consideration is whether they are too prominent or too visually dominant given the character of the area.
- Tribunal agreed with the position of Council and ConnectEast that the signage as proposed in the permit application plans would be too visually dominant. Provided that the height of the pole is reduced from 10 metres to 6 metres, the Tribunal member found that the proposed signage meets the relevant requirements of the planning scheme.
- In agreeing that a 10 year time limit for the sign was appropriate, the Tribunal considered it relevant that amendments to the local planning policy frameworks relating to promotional signage along and adjacent to EastLink may change the ‘desired character of the area’: *two Councils have committed to a planning scheme amendment process to introduce a new local advertising policy and Frankston City Council has ‘Draft Outdoor Advertising Guidelines’ which while not currently the subject of a planning scheme amendment process may be in the future.*
- Permit granted.

Modularc v Frankston CC & Anor [2013] VCAT 1120 (1 July 2013)

- 27 McCormicks Road, Carrum Downs
- R1Z – Council refusal of 10 dwellings.
- Parties referred to the Tribunal’s decision in *Modularc v Frankston CC*² given it granted permits for three similar developments proximate to the site on the opposite side of the street.
- Tribunal: intensity of medium density development on the review site is acceptable given it is identical to three similar developments approved nearby.
- Off-site amenity impacts acceptable.
- Site conditions did not warrant a departure from the earlier Tribunal decisions.
- Permit granted.

Kilkenny v Frankston CC & Anor [2013] VCAT 1301 (25 July 2013)

- 4 Park Street, Seaford
- Proposed two lot subdivision and construction of a 5 bedroom, double storey dwelling to rear of existing single storey dwelling.
- Council approval – objector appeal (abutting neighbour).
- R1Z and no overlays. Seaford Precinct 5.

- No argument as to suitability of location for two dwellings on a lot.
- Objector – dwelling excessively bulky and out of character with area.
- Tribunal – Area characterised by modest, single storey dwellings, all surrounded by space and gardens.
- Key issues or questions for determination were neighbourhood character and built form bulk, Rescode setbacks and walls on boundary as well as the quantity of secluded private open space for both dwellings.
- Reference by Tribunal to comments from Council’s urban designer – a suggestion that the building had an extensive upper floor and intrusive building mass and an opportunity was there to reduce this.
- Extent of required changes ultimately required by Council inadequate.
- Boundary wall height of 3.4 metres poor response.
- Tribunal agreed with Council’s urban designer that the SPOS was small for the size of the dwelling, stopping short of indicating it was a reason to reject the proposal.
- Tribunal member acknowledged that the Seaford 5 precinct within which the subject site sits is a very broad precinct and also sore it as very different to the neighbourhood within which the site sits.
- Proposal ruled an overdevelopment of the site in the context of the neighbourhood.
- No permit granted.

Modularc v Frankston CC [2012] VCAT 1575 (16 October 2012)

- 12 Bragge Street, Frankston
- Failure appeal – Council would have refused.
- 12 dwellings within a 4 storey building.
- B5Z (Ebdale Precinct), SBO and DDO6.
- No objection from Melbourne Water (amended plans)
- Tribunal - Proposal represented a test case for the Ebdale Precinct residential area prior to the introduction of the introduction of the Urban Design Guidelines (draft Ebdale Street Guidelines) and Design and Development Overlays given that no development of this scale had occurred in the precinct.
- Tribunal: “While the background paper has no formal status at this stage the paper and the proposed consequent guidelines and DDO have been in development for some time, and I consider it appropriate to give them some planning weight”.
- Car parking provision not a concern to the Tribunal.
- Application refused on scale, form and visual bulk grounds.
- No permit granted.

Point Architects Pty Ltd v Frankston CC & Ors [2013] VCAT 551 (17 April 2013)

- 6 Santa Barbara Drive Frankston
- R1Z – 4 x double storey dwellings on corner site.
- Council refusal.
- Tribunal’s concern with the proposed development was the strong contrast created by four prominent double storey dwellings compared to the consistent scale and density of the surrounding suburban area. In this context, the ‘visibility’ of any change to a higher density would be accentuated and therefore needed to be handled more sensitively than would be the case if the area contained a mix of styles and building forms.
- The proposed development attempted too much for the site and in a design sense, misread the relationship that needed to be created with the scale and density of housing in this area.

- Tribunal: *"The elements that define the character of the Karingal Estate are identified in the preferred neighbourhood character statement for Frankston Precinct 9, prepared in 2002 and reiterated at Clause 22.08, via amendment C65 in 2012. Despite the passage of some ten years since the character assessment was undertaken, the description translates well 'on the ground' today".*
- The design failed to give sufficient regard to the rhythm and character of the existing streetscape.
- The prospect of at least four cars (and possibly eight) reversing from two double driveways in proximity to the intersection creates an unacceptable access arrangement.
- Overdevelopment.
- No Permit granted.

Draft-Rite v Frankston CC & Ors [2013] VCAT 405 (5 April 2013)

- 71 Centenary Street, Seaford
- Double storey dwelling to rear of existing and two lot subdivision (corner site)
- R1Z and BMO. Council refusal.
- *"Essentially Council had concerns with the proposal not adequately responding to the character of the area through the inclusion of high fencing, a carport in the frontage of the existing dwelling, and the loss of several trees".*
- Tribunal: The subject site is located within 3 kilometres of Seaford township (including train station). The site is reasonably well located to accommodate a modest increase in density.
- *"...in conjunction, both the high fencing and the carport that is entirely located proud of the dwelling to Centenary Street, combine together to result in a quantum of inappropriate built form that militates against approval".*
- *"The siting is inappropriate and does not reflect the rhythm and spacing of the street, especially to the Centenary Street frontage".*
- The tribunal identified the carport as being problematic, with no real opportunity for screening.
- If existing dwelling was to be retained, more thought needed to be given to siting the carport to the rear.
- Tribunal: The double storey scale and bulk of the proposed dwelling to the rear is compatible with surrounding buildings and is appropriate.
- Not appropriate to include 1.8 metres high front fencing to the Ti Tree Crescent frontage.
- No permit granted.

Pitard v Frankston CC [2013] VCAT 800 (21 May 2013)

- 6 – 10 Ebdale Street Frankston (Ebdale Precinct)
- 31 dwellings within a 4 storey building and reduction in car parking (3 visitor)
- B5Z, DDO6 & SBO.
- 1672 square metre site (3 sites).
- Failure appeal – Council would have refused.
- Ran more as a conditions appeal.
- Tribunal:- Provision of three visitor spaces on site provides a reasonable response for the site and the existing parking conditions.
- Bedrooms and living areas to have 2.55 metre floor to ceiling heights.
- Some 'tweaking' of the building envelope required – including some side setbacks by 1.0 metre.
- Permit granted.

Papalia v Frankston CC & Ors [2013] VCAT 972 (14 June 2013)

- 71 Union Road, Langwarrin.
- R1Z & ESO1 (refers to road reserve only) - Council refusal (amendment to permit allowing 8 dwellings).
- Proposal involves a double garage to Unit 8. This would have involved the removal of two trees (including within road reserve) and a range of other consequential changes.
- Permit required for removal of Tree3.
- Clause 21.06 of the planning scheme identifies the subject site as being within a “Habitat Corridor”, adjacent or within an “Environmentally Sensitive Area” and adjacent to a creek (Boggy Creek). The subject site is located within the Langwarrin 2 Precinct pursuant to Clause 22.08 of the PS. The preferred Neighbourhood Character Statement is: *The spaciousness of the streetscapes will be maintained, and links with the surrounding landscape, including Boggy Creek will be strengthened.* The key Design Objective for this Precinct is: *To encourage the strengthening of the garden settings and encourage the retention and planting of indigenous vegetation.* The key related Design Response is to: *Retain large, established trees and provide for the planting of new native and indigenous trees wherever possible, particularly on larger sites.*
- That the applicant expressed a preference for creating an individual address for Unit 8 was considered an insufficient reason for allowing the removal of remnant vegetation.
- Inappropriate to amend condition re visitor parking location – 30 metre reverse movement unacceptable. Upheld comments of Council’s traffic engineers.
- Proposed development plans provide for a bulkier/ more intensive development than that sought by the amended plans condition.
- Decision affirmed – No amendments to permit.

AR Project Consultants Pty Ltd v Frankston CC [2013] VCAT 1928 (14 November 2013)

- 262 & 264 Seaford Road, Seaford
- 13 dwellings within two separate buildings. Council refusal.
- R1Z and SBO.
- Interim decision handed down on 4 July 2013 re outstanding issue of car parking and vehicle access matters. Permit Applicant to file with the Tribunal, and to serve on all parties, car parking, layout and footprint plans showing revised car parking in accordance with Design Standards 1 and 2 in Clause 52.06-8, and any related written submissions to these plans.
- Plans modified submitted 20 July 2013. Further amended plans and traffic report submitted 27 August 2013. Council requested a PD hearing.
- Tribunal continued to have reservations about the proposed car parking matters and how all proposed amendments would impact on the proposal as a whole.
- Agreed with Council that the amended plans and traffic report lacked sufficient detail making it difficult to make a proper and fair assessment on the merits of the proposal as a whole. Amended plans also raised fresh urban design issues with the proposed removal of garage doors and reversion to an undercroft car parking arrangement.
- Proposal “not ready yet for a planning permit”.
- *“Whilst the proposal does have merits, particularly from the perspective of a more diverse approach to housing stock and urban consolidation, which is supported by state and local policy³, on balance, as the proposal currently stands it still requires some fundamental refinement to bring it up to being a good planning outcome for the subject site”.*
- No permit granted.

Sluggett v Frankston CC [2013] VCAT 1362 (31 July 2013)

³ See Clause 16.01 Frankston Planning Scheme

- 21 Coogee Avenue, Frankston
- Variation of restrictive (single dwelling) covenant.
- Council refusal on the ground that it could be satisfied any owner of benefiting land will be unlikely to suffer detriment including perceived detriment as a result of the variation.⁴ – three objections received (including beneficiaries, only one of which filed Statement of Grounds)
- Variations allowed by Tribunal at 32 and 39 Coogee Avenue. A number of properties contain more than one dwelling.
- Tribunal noted that the objector who has lodged a statement of grounds also lives some distance from the subject site and in another street (42 Bondi Avenue).
- Tribunal unable to conclude that either the beneficiaries that objected to the Responsible Authority or the objectors who have objected to the Tribunal will be likely to suffer detriment including perceived detriment if the covenant is varied.
- Tribunal concluded that the objection lodged with the Tribunal by Mr and Mrs Dick was vexatious⁵ “*This leads me to conclude that their objections are to be regarded as vexatious, ‘if irrespective of their motive they are so obviously untenable or manifestly groundless as to be utterly hopeless’*”⁶.
- Permit granted.

Hone v Frankston CC & Ors [2013] VCAT 1167 (8 July 2013)

- 5A Marilyn Way, Frankston South
- Proposed subdivision of the land into 3 lots, works associated with subdivision and the removal of vegetation
- R1Z, DDO1 & SLO1 – Failure appeal, Council would have granted a permit with conditions.
- The dispute between Council and the applicant in relation to condition 4 of the draft conditions which seeks offsets for *all indigenous vegetation on the site except that vegetation which is exempt under clause 52.48*.
- CFA supported application subject to conditions.
- Council sought to apply the approach adopted by the tribunal in *Villawood properties PL v greater Bendigo CC* [2005] VCAT 2703 arguing that as a lots are less than (or only slightly larger than) 0.4 hectares then it is appropriate to assume that all indigenous vegetation is lost.
- Permit applicant argued that it is inappropriate to regard trees which are not to be removed as being inevitably removed in this case particularly because a permit would be required to remove any additional trees pursuant to SLO1.
- Council submitted that a failure to deal with the issue of vegetation offsets at the subdivision stage brings with it the possibility of inadequate decision-making and therefore deficient offsets as piecemeal applications are made for vegetation removal over time.
- The Tribunal identified Member Pots’ approach in the *Geelong Field Naturalists* case (referred to by the permit applicant) as being the appropriate approach in the particular circumstances of this case where the remaining trees on the land do not constitute a *patch*⁷ and in which a permit is required for the removal of any additional vegetation as a consequence of the operation of SLO1.
- Permit granted with conditions.

Naelfran Pty Ltd v Frankston CC [2013] VCAT 1558 (5 September 2013)

⁴ Section 60(5) (a) *Planning and Environment Act* 1987

⁵ Ibid

⁶ *Attorney General v Wentworth* (1988) NSWLR 481

⁷ It was common ground that the indigenous trees in question in this case are remnant trees set in mown grasses.

- No. 398 – 400 Nepean Highway, Frankston
- S87A application to amend Planning Permit No. 530/2006/P to provide for an increase in dwellings from 44 to 60 within a three storey apartment building plus basement.
- Commercial 1 Zone (formerly B5Z) and DDO6. Council opposed amendments, its grounds related to over-development, insufficient car parking, the extent of the amendments and a failure to comply with DDO6. Additional grounds raised by objectors.
- The overall design composition of the amended development had been modified with a more rectilinear form to replace the currently approved design with irregular setbacks from the side boundaries. The internal layout was also different.
- Confusion over interpreting DDO6 provisions: “There were different interpretations offered by the parties about the setback provisions in DDO6, with the Kananook Creek Association submitting that the setback formula includes balconies, a position with which Mr Little did not agree. I am aware from the Council’s comments that it, too, excludes balconies when determining if the second and third storeys of a building are setback from the Creek elevation a distance of at least the height of the storey below but I see no exclusion in DDO6 for balconies which are part of the meaning of “building” which is defined in the PEAct”.
- The Tribunal found that the changes along the side interfaces were problematic: *reducing the visual interest and variation that are found in the existing approval, bring the building closer to side boundaries and reduce meaningful landscaping opportunities. Additional visual impacts to the north and south would result.*
- Tribunal was unable to conclude that the revised development was an acceptable response in the physical and planning contexts that applied.
- The Tribunal also had significant concerns with the proposal’s creek interface, including being closer to the creek, the western elevation not being sufficiently set back to achieve the design objectives of DDO6, apparent loss of vegetation close to the creek, cantilevering an aggressive response and additional significant changes would follow in meeting Melbourne Water requirements.
- The rear part of the development would need to be significantly reworked in order to respond to the creek appropriately.
- Internal amenity issues.
- Application refused.

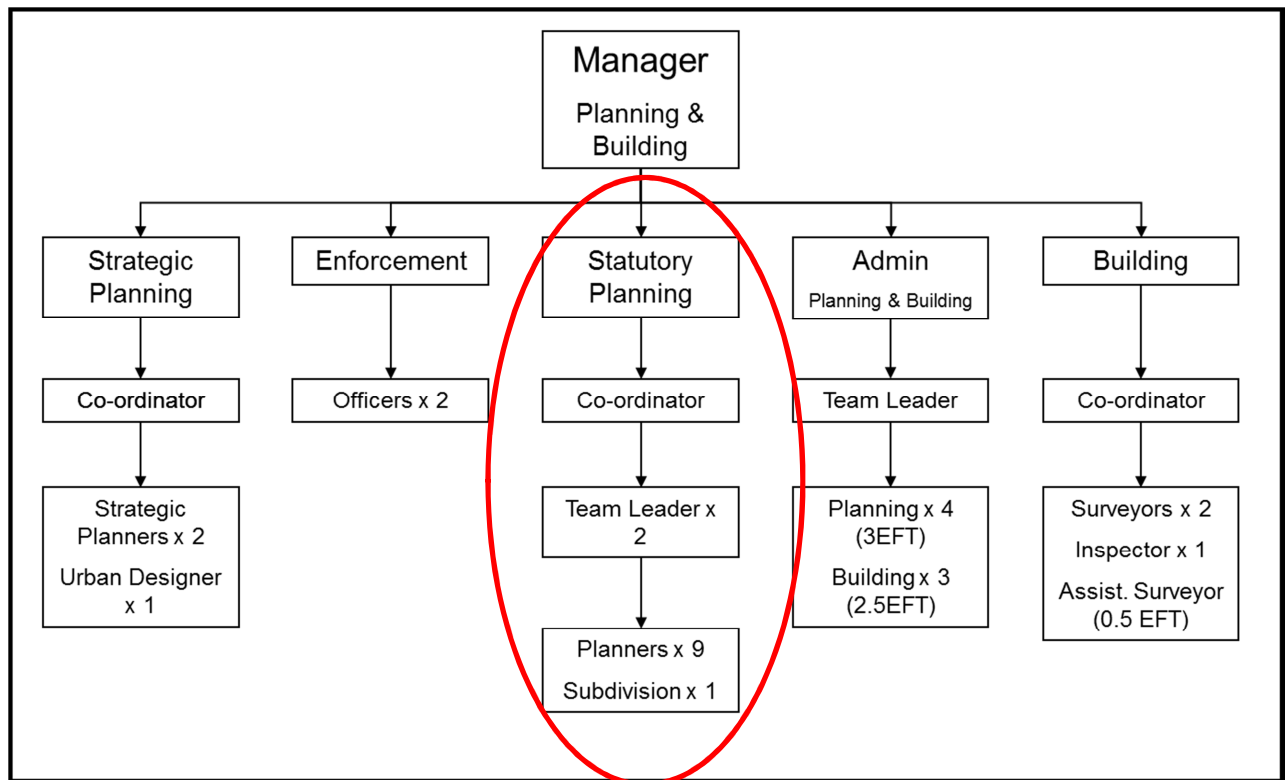
Adspace Group Pty Ltd v Frankston CC [2013] VCAT 1590 (12 September 2013)

- 33 Frankston Gardens Drive, Carrum Downs
- Proposal to erect a floodlit major promotional sky sign. Land zoned IN1Z, abutting Road Zone Category 1. Sign would have two faces- one each to the northern and southern legs of the Peninsula Link freeway.
- Council refusal.
- Issue: the visual impact of the sign, and the impact of the sign on the Peninsula Link. Linking Melbourne Authority objected to the proposed sign.
- Tribunal satisfied that the proposal met the Clause 52.05-2 requirements of the PS.
- “I also note that there is nothing within Local Planning Policy or within the Incorporated Document Peninsula Link Project July 2009 that seeks to manage the location of major promotion signs”.
- Tribunal could not find that there were any specific road safety concerns that would prevent the grant of a permit.
- Permit granted.

Appendix 5

Performance of Statutory Planning Unit

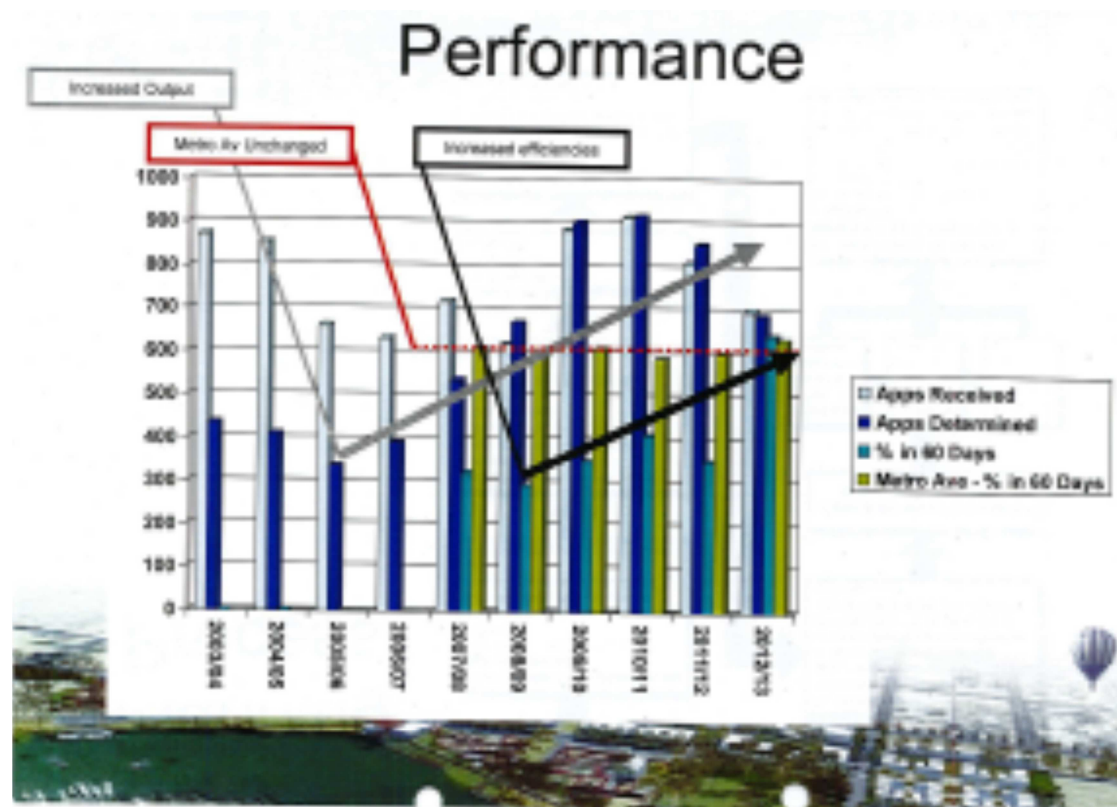
Department Structure



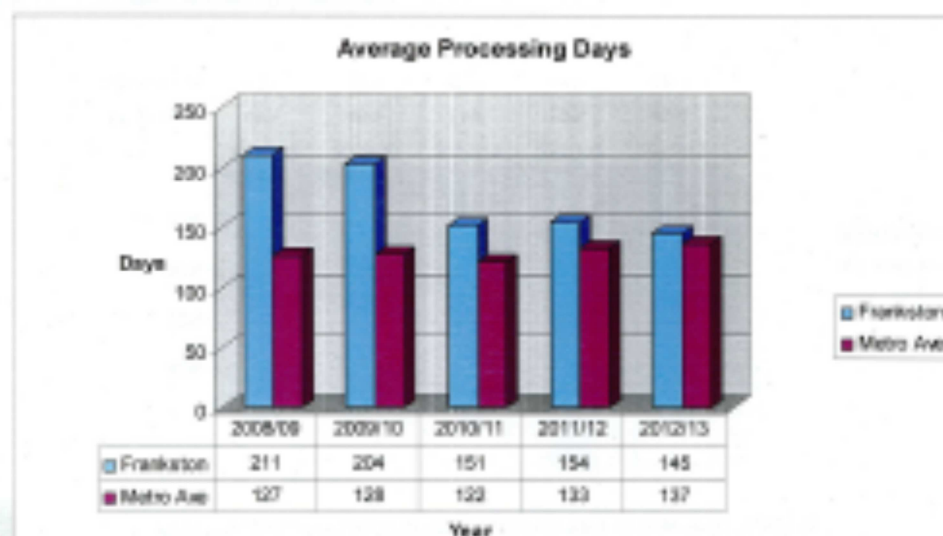
Income

Year	Income	Increase in fees	Cost of Service
2008/09	\$379K	1.3%	\$1.09M
2009/10	\$570K	2.9%	\$1.41M
2010/11	\$568K	0%	\$1.11M
2011/12	\$482K	0%	\$1.23M
2012/13	\$404K YTD \$487 EOFY	0%	\$729K YTD \$1.35M EOFY

Performance

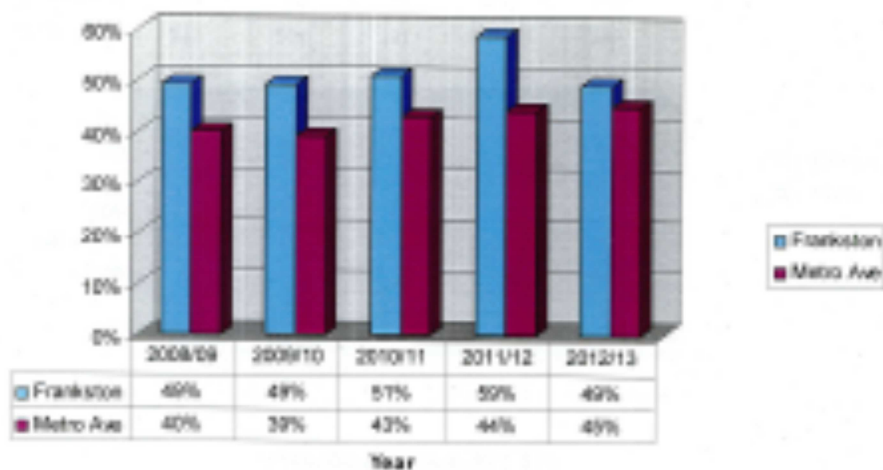


Performance



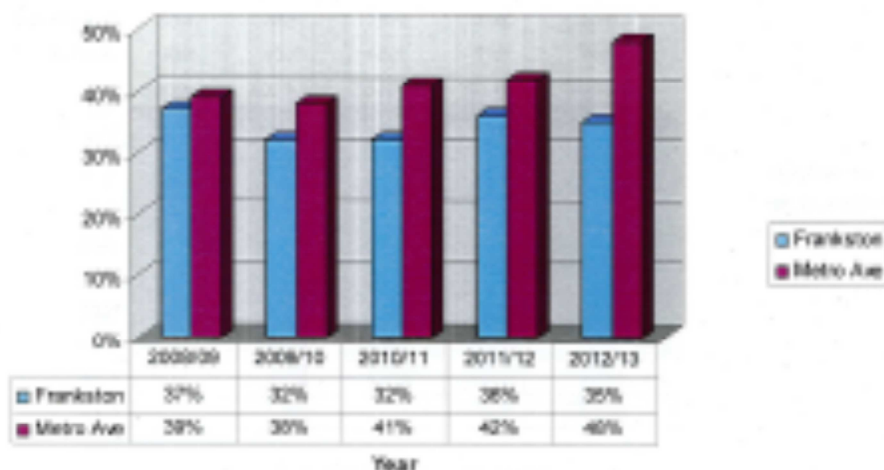
Performance

Percentage of Applications that require Further Information

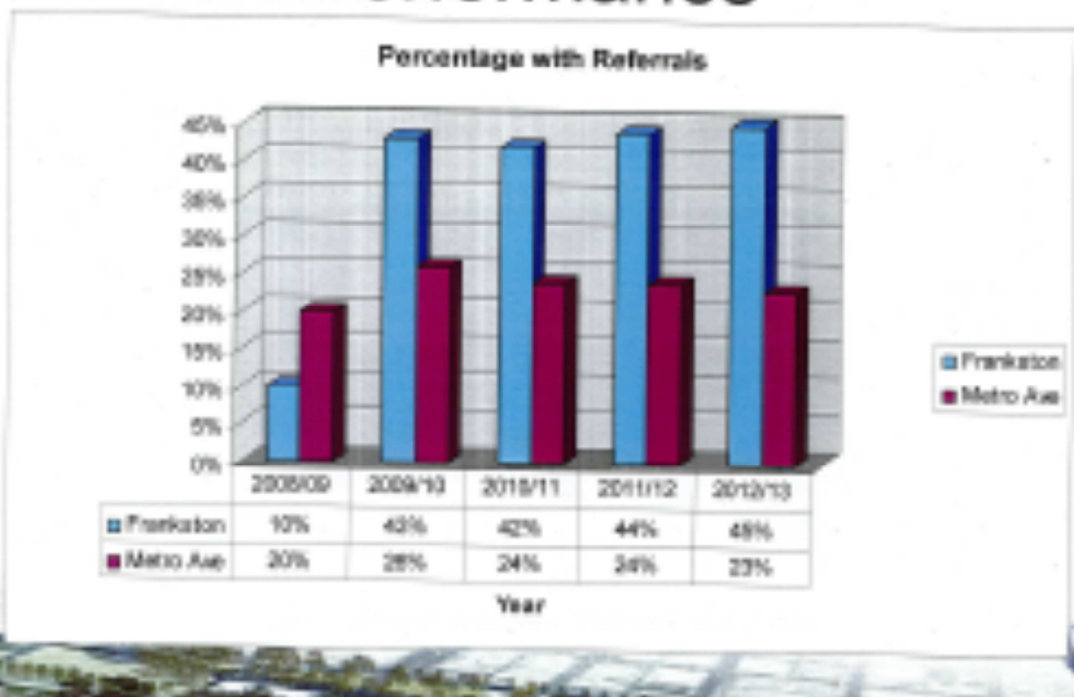


Performance

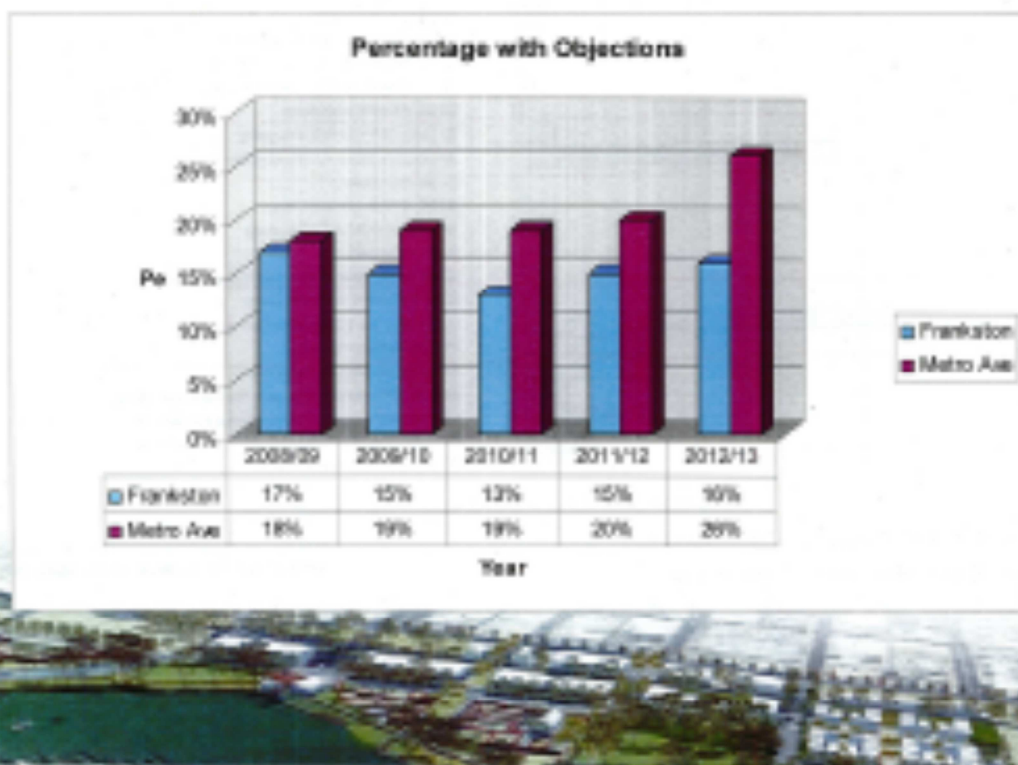
Percentage where Public Notice was Given



Performance



Performance

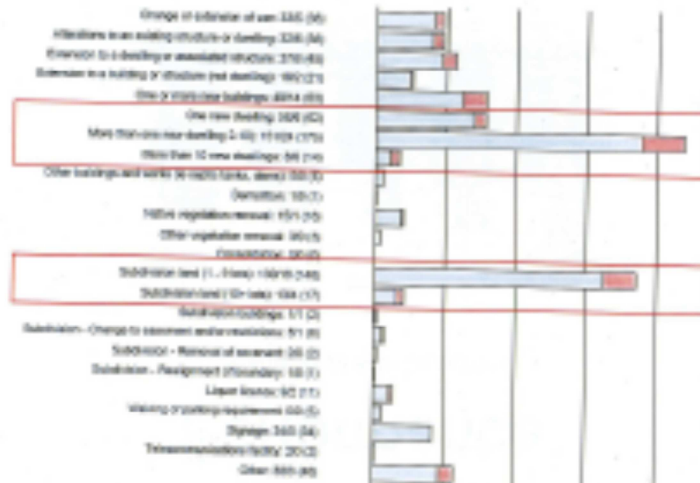


Application Types

Application categories for permits issued
Note: Permits may have more than one category

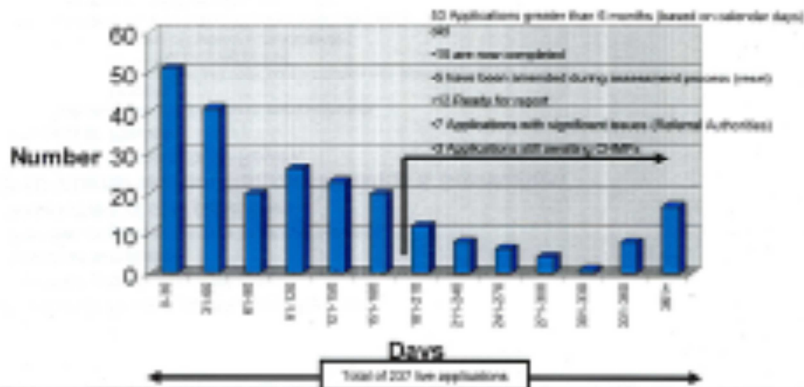
Multi Dwelling Development 25% (30%); and
Subdivision 18% (20%) of all development

Category: New permits, Amended & Combined permits (Total permits)



Current Application Spread

Current Application by Calendar Days
March 2013



Process Reviews

2008 - Internal Review (Statutory Planning)

- Updated processes (Pathway)
- Updated templates
- Review lodgement and allocation process
- Assessment of staff capabilities

2009/10 - Internal review (Statutory Planning and Subdivision)

- Roles and responsibility review
- Processes Review
 - Statutory planning process improvements
 - Templates
 - Introduction of electronic communication with referral authorities
 - New format planning permits
 - Purchase of Pathway enhancements
 - Compliance inspection process improvement
 - Integration of PPAR reporting
 - Conditions review
 - Risk analysis
 - Document register
- Communication Strategy
 - Web review
 - Fact Sheet review
 - Commencement of Developer Forum
- Introduction of SPEAR (subdivision permits and certifications)

2011 – Service Enhancement

- Section 173 agreement process
- SPEAR (development permits)

2012 Business Improvement Review (Statutory Planning)

- System/Process Mapping
- Review of Planning and Building Support roles
- Review of Record Management

Process Improvement Schemes

- CAA Streamline and Fast Track Applications Process
- Industrial Development Streamline Application Process
- Review of simple application process types
- Code Assess
 - Investigation of development opportunities (preliminary discussions held with Premiers office)
- Internal referral process
- Administration Review
 - Current support
 - Corporate support
- Resourcing
 - Dedicated Planning Environmental Officer (on trial)
 - Dedicated Planning Traffic and Drainage Officer
- Municipal Strategic Statement, Zone and Overlay review
 - Long identified issues being actioned
 - Structure Plans and Design Guidelines to promote quality design outcomes

Monitoring and Review

Lag Indicators

- Percentage of applications determined in 60 days
- Average processing days
- Number of live applications
- Number of days to allocate an application (from receipt to allocation)

Lead Indicators

- Percentage of applications where further information or advertised has been sought within 28 days