

## Referral 2: Common matters across all activity centres

Activity Centres Standing Advisory Committee Report

12 November 2024

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

*Planning and Environment Act 1987*

Activity Centres Standing Advisory Committee Report

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**12 November 2024**



Con Tsotsoros, Chair



Annabel Paul



John Roney



Kate Partenio, Member



Simon Shiel, Member

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## Glossary and abbreviations

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

## Overview

### Referral summary

Referral	Referral 2: Common matters across all referred activity centres
Brief description	Advice sought on specified key issues raised by submitters relating to common matters that apply to many of the referred activity centres
Referred submissions and information	See Appendix C
Referred issues	<p>Advice sought on:</p> <ul style="list-style-type: none"> <li>- deemed to comply, mandatory and discretionary controls</li> <li>- sun access</li> <li>- wind</li> <li>- active frontage</li> <li>- heritage</li> <li>- Large Opportunity Sites and Enclosed Shopping Centres</li> <li>- tree canopy</li> <li>- catchment boundary</li> </ul> <p>Advice not to be provided on any other matter</p>

### Committee

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

# 1 Introduction

## 1.1 Terms of Reference and referral letter

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

... provide timely advice to the Minister for Planning on specific matters referred to it relating to strategic and built form work undertaken in relation to the ACP<sup>1</sup> to inform the preparation of clear new planning controls in and around the 10 activity centres identified in *Victoria's Housing Statement, The decade ahead, 2024-2034* to deliver 60,000 more homes.

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

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

## 1.2 The Committee's approach

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

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

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

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

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

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

## 1.3 Limitations

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

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

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<sup>1</sup> Activity Centres Program

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

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

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

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

## 2 Summary of referred issues and findings

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

**Table 1** Summary of referred issues findings

Issue	Summary	Findings
Deemed to comply, mandatory and discretionary controls	<p>It is proposed that consistent built form standards, including building heights and setbacks, be established for application to activity centres across Victoria, depending on the precinct typology allocated.</p> <p>Given the variety of centres and the importance of contextual response in development, please advise on whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology:</p> <ul style="list-style-type: none"> <li>- Building height</li> <li>- Street wall/podium height</li> <li>- Front setback above street wall</li> <li>- Side and rear setbacks.</li> </ul>	<p><b>Building height</b></p> <ul style="list-style-type: none"> <li>- The Heritage Main Street Core and Residential areas of the activity centre should have a discretionary building height standard.</li> <li>- The deemed to comply standard is likely to have unintended consequences and may compromise heritage places.</li> </ul> <p><b>Street wall/podium height</b></p> <ul style="list-style-type: none"> <li>- The proposed deemed to comply street wall standard is appropriate for Non-Heritage Main Street Core, Fringe and Limited Sensitivities precincts.</li> <li>- The street wall height for Residential areas should be discretionary.</li> <li>- The proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary.</li> </ul> <p><b>Front setback above street wall</b></p> <ul style="list-style-type: none"> <li>- The standard for the Heritage Main Street Core should be discretionary given that the significance of heritage sites are not uniform and a different design response may be warranted.</li> <li>- The proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary.</li> </ul> <p><b>Side and rear setbacks</b></p> <ul style="list-style-type: none"> <li>- The side and rear setback standards should be discretionary for Heritage Main Street Core and Residential typologies.</li> <li>- The discretionary controls for Large Opportunity Sites and Enclosed Shopping centres are appropriate.</li> </ul>

Issue	Summary	Findings
Sun access	It is proposed that the sun access standards vary depending on the type of street or the level of protection required for open parks and space. Please advise whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for open parks and space.	<ul style="list-style-type: none"> <li>- All levels of discretion proposed for streets, parks and open space are generally appropriate.</li> <li>- The Urban Design Background Report and BFO Schedule should benefit from clarifying what is meant by 'Other streets' and 'Other parks and open space'.</li> <li>- The BFO provisions should be revised as outlined in this report to support the implementation of the level of discretion for sun access.</li> </ul>
Wind	The proposed standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas. Please advise whether the provision is suitably drafted to achieve the provision's intended purpose.	<ul style="list-style-type: none"> <li>- Wind standard findings should be read in conjunction with comments in the Referral 1 Report.</li> <li>- The wind provision is suitable to achieve the provision's intended purpose subject to the drafting changes recommended in the Referral 1 Report.</li> </ul>
Active frontage	<p>The proposed standard aims to support a vibrant, active and safe pedestrian environment. It is proposed that active frontages vary depending on whether they are a primary or secondary frontage. Please advise whether:</p> <ul style="list-style-type: none"> <li>- the standards are drafted to suitably achieve the intended purpose</li> <li>- the additional guidance included in the <i>Urban Design Draft Background Summary Report</i> will be beneficial in guiding a responsible authority's decision making.</li> </ul>	<ul style="list-style-type: none"> <li>- The active frontage standard is suitable to achieve the provision's intended purpose.</li> <li>- Matters of scale and visual interest appear unrelated to active frontages and it is unclear how they would assist in achieving the intended purpose.</li> </ul>

Issue	Summary	Findings
Heritage	<p>The proposed standards seek to ensure new development appropriately responds to the significance of identified heritage places. Please advise whether:</p> <ul style="list-style-type: none"><li>- the application of discretionary standards are appropriate in this context</li><li>- the appropriateness of deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites.</li></ul>	<ul style="list-style-type: none"><li>- It is appropriate to apply discretionary standards with respect to places of heritage significance.</li><li>- Mandatory and deemed to comply standards should not be applied to heritage places unless the specific circumstances of the heritage place are known, and the standard ensures the significance of the place is appropriately protected.</li></ul>

Issue	Summary	Findings
Large opportunity sites and enclosed shopping centres	<p>The proposed standards seek to manage development of sites over 5,000sqm. Please advise of the appropriateness of the following standards:</p> <ul style="list-style-type: none"> <li>- 5,000sqm threshold standard</li> <li>- master planning requirement</li> <li>- tower floor plate size standard</li> <li>- building separation standard</li> <li>- deep soil standard</li> <li>- pedestrian link standard.</li> </ul>	<p><b>5,000sqm threshold standard</b></p> <ul style="list-style-type: none"> <li>- The proposed 5,000 square metre threshold guidance generally achieves the intended outcome, however there is no information to explain 5,000 square metres is an appropriate measure for designating large opportunity sites.</li> <li>- There should be flexibility to consider moderately smaller sites that would benefit from the same process.</li> </ul> <p><b>Master planning requirement</b></p> <ul style="list-style-type: none"> <li>- The master planning provisions are suitable to achieve the intended purpose subject to changes recommended in the Referral 1 Report.</li> </ul> <p><b>Tower floor plate size standard</b></p> <ul style="list-style-type: none"> <li>- The proposed discretionary tower plate size standard is suitable to achieve part of the intended purpose, as it only applies to apartments.</li> <li>- A suitable standard should be considered for non-residential tower floor plates.</li> </ul> <p><b>Building separation standard</b></p> <ul style="list-style-type: none"> <li>- The discretionary building separation standards in Table 12 of the Urban Design Background report and Table 12 of the example BFO Schedule are suitable to achieve the intended purpose.</li> </ul> <p><b>Deep soil standard</b></p> <ul style="list-style-type: none"> <li>- The discretionary deep soil standard is suitable to achieve the intended purpose.</li> </ul> <p><b>Pedestrian link standard</b></p> <ul style="list-style-type: none"> <li>- The discretionary pedestrian link standard is suitable to achieve the intended purpose.</li> <li>- There would be benefit in providing guidance through a diagram showing how the standard is intended to operate.</li> </ul>

Issue	Summary	Findings
Tree canopy	The proposed inclusion of further canopy tree guidance in the <i>Urban Design Draft Background Summary Report</i> seeks to enhance the amenity of established areas. Please advise whether the additional guidance will be beneficial in guiding a responsible authority's decision making.	<ul style="list-style-type: none"> <li>- The proposed decision guideline would be appropriate in circumstances where a canopy tree may be considered desirable in a landscaped setback.</li> <li>- The BFO header provision provides very general decision guidelines and it would seem incongruous to include a detailed matter dealing with canopy trees in this provision.</li> </ul>
Catchment boundary	<p>It is proposed that the catchment is the area within walking distance of the local jobs, services and public transport of the Activity Centre. Please advise whether:</p> <ul style="list-style-type: none"> <li>- Defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose.</li> <li>- The proposed boundaries respond adequately to station locations, where stations are located outside the activity centre.</li> <li>- Other considerations should inform the setting of the boundary.</li> </ul>	<p><b>Defining the catchment</b></p> <ul style="list-style-type: none"> <li>- The Victoria Planning Authority's (VPA's) methodology for defining the catchment to be generally sound, but has not been applied consistently across the activity centres.</li> <li>- The Walkable Catchment boundary should be defined no more than 800 walkable metres (10 minutes) from the activity centre 'core' and from a train station located within the activity centre boundary.</li> <li>- Activity centre plans that do not show any Built Form Typologies should be revised to define the Main Street Core to enable their walkable catchment areas to be measured.</li> <li>- Chadstone, Epping and Broadmeadows should have separate consideration and criteria because they differ from all other referred centres.</li> </ul> <p><b>The proposed boundaries</b></p> <ul style="list-style-type: none"> <li>- The proposed boundaries respond adequately to stations outside the activity centre.</li> <li>- The existence of a train station alone outside the identified activity centre boundary should not be applied as criteria for measuring the catchment boundary.</li> </ul> <p><b>Other considerations</b></p> <p>The walkable catchment boundary for each activity centre should:</p> <ul style="list-style-type: none"> <li>- ensure that the average walker takes up to about 10 minutes to walk to the activity centre core</li> </ul>

Issue	Summary	Findings
		<ul style="list-style-type: none"><li>- align along roads, rail, rivers or other easily discernible and consistent boundaries, including zone boundaries</li><li>- avoid creating small pockets at the edge, where a more consistent edge could be created nearby</li><li>- avoid aligning along rear or side boundaries between residential properties</li><li>- avoid any area separated by built or topographic barriers such as divided arterial roads and steep topography with restrictive, hostile or unsafe connectivity.</li></ul>

## 3 Analysis

### 3.1 Key policy drivers

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

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

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

- introduce clear planning controls to deliver an additional 60,000 homes around an initial 10 activity centres across Melbourne: Broadmeadows, Camberwell Junction, Chadstone, Epping, Frankston, Moorabbin, Niddrie (Keilor Road), North Essendon, Preston (High Street) and Ringwood
- introduce activity centre plans to guide investment in the things a growing suburb needs like community facilities, public spaces and parks
- incentivise affordable housing.

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

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

### 3.2 Deemed to comply, mandatory and discretionary controls

**Whether the level of discretion (eg. Deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology:**

- **Building height**
- **Street wall/podium height**
- **Front setbacks above the street wall**
- **Side and rear setbacks.**

#### General comments

The Urban Design Background Report, at Chapter 3, sets out the Built form standards proposed in the activity centre plans and states that they will be Mandatory (standards that must be met), Discretionary (standards that should be met) or Deemed to comply.

The standards differ depending on the Activity Centre Density Index Type. All activity centres referred to the Committee are classified as Type Two, Three or Four. No activity centre referred to the Committee is Type One, therefore the Committee's consideration about the appropriate level of discretion for these types of centres is theoretical.

The Committee was referred a draft schedule to the Built Form Overlay (BFO) for Moorabbin, but not the parent clause to the BFO. However, the Referral 2 Committee Members have referred to the parent provisions of the BFO to inform itself.

The BFO provisions define and explain each level of discretion. The Committee has relied on these provisions to understand the meaning of each level of discretion.

For some standards such as the 'Front setback above street wall or podium' and 'Side and rear setback', the Urban Design Background Report states:

If a proposed setback is greater than the standard the setback will still be considered 'deemed to comply'.

The proposed setback would have to be expressed as a minimum to enable any greater setback to also be considered deemed to comply.

For 'Building heights' and 'Street wall / podium heights', there is no similar notation in the Urban Design Background Report. The deemed to comply standards provide only one measure. For example, 21 metres (six storeys) in the Heritage Main Street Core in a Category 1 or 2 centre (Table 2).

The example BFO Schedule provides 'minimum building height' and 'maximum building height' associated with a deemed to comply standard and the provision states:

Buildings and works should not be lower than the discretionary or minimum deemed to comply building height or exceed the discretionary or maximum deemed to comply building height specified in Plan 3 and Table 2 of this schedule.

In this instance, it is assumed that any height equal to the minimum building height and up to, but not greater than the maximum building height meets the deemed to comply provisions. This should be clarified in the BFO or its schedule.

For the 'Street Wall/Podium', Table 3 in the Urban Design Background Summary Report (SAC version) provides one height for each built form typology. It is not clear whether a lesser height would still be considered deemed to comply.

The Committee has been asked to advise on the level of discretion, but not whether the provisions of the standards are appropriate. For example, the building height, number of storeys or setback distances. The Committee has not commented on the appropriateness of the standards themselves.

### **Building height**

The Committee considers the deemed to comply provisions are appropriate for building heights in the following precinct types:

- Fringe
- Limited Sensitivities.

The Committee does not support a deemed to comply building height standard for the Heritage Main Street Core. These building heights should be discretionary to enable an appropriate response to protect the significance of a heritage place. This may include a response to a lower scale intact heritage streetscape or individual heritage property.

The Committee does not support a deemed to comply standard for Residential areas of the activity centre. It is difficult to know whether these residential areas are within the defined activity area itself or relate to the surrounding residential areas in the proposed walkable

catchment areas. The Committee has assumed for the purposes of this advice that they are residential areas within the defined activity centre and would be affected by the BFO.

Given the potential sensitivities and amenity impacts associated with residential land, the Committee considers the building height standard should be discretionary. This is because these residential areas typically abut residential land outside the activity centre and therefore will need to consider interfaces.

The Committee agrees with the VPA that discretionary building heights should apply to:

- Large Opportunity Sites
- Enclosed Shopping Centres.

### **Street wall/podium height**

The Committee considers the proposed deemed to comply street wall standard is appropriate for Non-Heritage Main Street Core, Fringe and Limited Sensitivities precincts.

However, the street wall height should be discretionary for Heritage Main Street Core areas rather than deemed to comply, given that new development should sensitively respond to heritage streetscapes that may have a different or varied street wall character (for example two storeys).

Additional standards are proposed for *'heritage sites and buildings under the heritage overlay, as well as consideration of neighbouring properties'* (Section 3.9 of the Urban Design Draft Background Summary Report, SAC version). These are discretionary controls and the Committee considers that there should be consistency in the application of the standards for heritage areas.

The street wall height for Residential areas should be discretionary given the potential urban design and amenity impacts on these generally lower scale areas.

The Committee agrees the proposed standards for Large Opportunity Sites and Enclosed Shopping Centres should be discretionary.

### **Front setback above street wall**

The rationale for the front setbacks above street wall standards is discussed in the City of Centres Report for the various Built Form Typologies.

Deemed to comply standards appear appropriate for the nominated typologies of Non-Heritage Main Street Core, Fringe, Limited Sensitivities and Residential precincts.

However, the standard for the Heritage Main Street Core should be discretionary given that the significance of heritage sites are not uniform and a different design response may be warranted.

The Committee agrees that for Large Opportunity Sites and Enclosed Shopping Centres that the standard should be discretionary.

### **Side and rear setbacks**

In response to submissions, the exhibited side and rear setback standards have been amended by VPA to be broadly consistent with those in Activity Centre Zone Schedule 1 of the Geelong Planning Scheme. It is noted in this example the side and rear setbacks standards are 'preferred minimum setback to boundary line' and are therefore discretionary controls.

The side and rear setback standard is proposed to be deemed to comply for all typologies except for Large Opportunity Sites and Enclosed Shopping Centres, in which it is proposed to be discretionary.

The Committee considers that these standards should also be discretionary for Heritage Main Street Core and Residential typologies. For similar reasons to previously described, these typologies have greater variation between sites and greater potential to impact on heritage significance or cause amenity impacts on adjacent properties.

The discretionary controls for Large Opportunity Sites and Enclosed Shopping centres are appropriate.

### 3.3 Sun access

**Whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for parks and open space.**

The Committee has interpreted the referral question as limited to the appropriateness of the level of discretion for streets and parks and open spaces as set out in Table 8 of the Urban Design Background Report.

The proposed sun access standards adopt a hierarchical approach to the level of protection and the level of discretion. The Committee broadly supports this approach and understands the street and open space types will be identified on plans in the BFO Schedule.

The Committee considers all levels of discretion proposed for streets, parks and open space are generally appropriate.

It is unclear what is meant by 'Other streets' in Table 8 of the Urban Design Background Report and Table 4 of the example BFO Schedule. This may be interpreted as all other streets in an activity centre or specially identified other streets. The report and schedule would both benefit from clarifying the intent.

Similarly, it is unclear what is meant by 'Other parks and open spaces' in Table 8 of the Urban Design Background Report.

To support the implementation of the level of discretion, the Committee considers the BFO provisions should:

- specify the date of the winter control as 21 June to align with the date applied in the Victorian Planning Provisions
- measure the protected footpath zone in 'Key pedestrian streets/green streets' from the back-of-kerb rather than 5 metres from the property boundary to protect solar access to the footpath and any planted area.

When preparing the relevant BFO Schedule map, the planning authority should consider whether it is appropriate to designate carparking, hardstand areas and incidental buildings as park or open space.

### 3.4 Wind

#### **Whether the provision is suitably drafted to achieve the provision's intended purpose.**

Regarding the wind provision, the Urban Design Background Report states:

This standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas.

The wind provision appears in both the draft BFO provided through Referral 1 and the draft BFO Schedule provided through Referral 2. This chapter should be read in conjunction with comments on the BFO wind provisions in the Referral 1 Report.

The example BFO Schedule and Table 9 of the Urban Design Background Report define comfortable and unsafe wind conditions and apply specific provisions associated with each condition. The Committee compared these with the Clause 58.04-4 Standard 17 which applies to 5 or more storeys.

The Committee considers the wind provision is suitable to achieve the provision's intended purpose subject to the drafting changes recommended in the Referral 1 Report. This includes applying:

- the wind provisions to development of five or more storeys excluding the basement, consistent with Clause 58.04-4 Standard 17
- mandatory provisions that ensure development does not cause unsafe wind conditions
- discretionary provisions that ensure development achieves comfortable wind conditions.

### 3.5 Active frontage

#### **Whether the standards are drafted to achieve the provision's intended purpose to support a vibrant, active and safe pedestrian environment.**

The standard states that it is proposed that active frontages will vary depending on whether they are a primary or secondary frontage. As outlined in the Referral 1 report, not all activity centre plans appear to identify active frontages, nor show primary and secondary active frontages. This would be required for the standard to be implemented.

The Committee considers that the standards will achieve what is intended. The standard for an area identified as primary active frontages (preferred minimum 80 per cent clear glazing) generally reflects the permit trigger requirement in the Commercial 1 Zone and is suitable to achieve the provision's intended purpose.

The secondary active frontage standard (preferred minimum 60 per cent clear glazing) also appears suitable to achieve the intended outcome. The Committee notes that the provision is intended to be discretionary, which is appropriate given that site circumstances will vary.

In response to submissions, the VPA has recommended strengthening the standard by further guidance in the activity centre plans, considering whether the application provides high quality human scale environment at ground level that provides visual interest, comfortable scale and safe edge to the public realm. While these appear to be generally sound urban design principles, matters of scale and visual interest appear to be somewhat unrelated to active frontages it is unclear how this would assist in achieving the intended purpose.

### 3.6 Heritage

#### **Whether the application of discretionary standards is appropriate.**

The Committee considers it is appropriate to apply discretionary standards with respect to places of heritage significance. This will ensure new built form responds to the significance of the place and its heritage context. Heritage places often require bespoke built form outcomes that respond to the significance of the place. Discretionary standards are best able to manage these circumstances within the proposed suite of built form controls.

Mandatory and deemed to comply standards should not be applied to heritage places unless the specific circumstances of the heritage place are known, and the standard ensures the significance of the place is appropriately protected. As the standards have been drafted to apply in relative generic circumstances, discretionary standards are appropriate.

The Committee has not been asked to make any comment with respect to the specific standards referred to in Table 11 in the Urban Design Draft Background Summary Report (SAC version). Its comments have been limited to whether the standards should be discretionary.

#### **Whether deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites are appropriate.**

For the reasons outlined above, the Committee does not consider it is appropriate to apply deemed to comply provisions to sites adjacent to sites on the Victorian Heritage Register or to sites adjacent to significant or contributory heritage places in a Heritage Overlay. These standards should be discretionary to ensure that development responds appropriately to the heritage significant fabric on the adjoining land.

It is unclear to the Committee how deemed to comply provisions could adequately protect the heritage significance of an adjoining property without having regard to the circumstances of the heritage place. In this context, discretionary standards are appropriate.

### 3.7 Large opportunity sites and enclosed shopping centres

#### **Whether the following controls are suitable to achieve the intended purpose:**

##### **5,000sqm threshold standard**

It is the Committee's understanding that the proposed 5,000 square metre threshold is intended to guide land to be identified as a large opportunity site and enclosed shopping centre in the BFO Schedule Built Form Typology Plan. Some of these sites can then be identified for master planning.

The proposed 5,000 square metre threshold guidance generally achieves the intended outcome, however there is no information to explain why the 5,000 square metre threshold is appropriate for designating large opportunity sites. The Committee is concerned this threshold may exclude moderately smaller sites that warrant special consideration and master planning. While there may be benefit in specifying an indicative threshold, there should be flexibility to consider sites that would benefit from the same process.

##### **Master planning requirement**

Regarding master planning on large opportunity sites and enclosed shopping centres, the Urban Design Background Report states:

The master planning process can provide certainty regarding the nature of use and development proposal. It ensures that permits granted are generally in accordance with the master plan. Additionally, it provides an opportunity for local councils and developers to align on the holistic vision and different aspects of the development, thereby avoiding a lengthy and resource-intensive application process and reduces VCAT appeals.

The content and operation of the master plan is outlined in the parent BFO. The Committee considers the master planning provisions are suitable to achieve the intended purpose subject to changes recommended in the Referral 1 report.

### **Tower floor plate size standard**

Regarding the tower floor plate size standard, the Urban Design Background Report states:

The preferred maximum tower floor plate size, in combination with building separation create architectural interest and visually reduces the overall scale of the building's mass. This approach minimises the loss of sky views from the public realm and facilitates natural light penetration into interior spaces. It also minimises shadow impacts and adverse wind conditions on surrounding streets, parks, open space and properties.

This intended purpose does not specify any building type. However, the tower floor plate size standard proposes *residential* built form above the preferred maximum street wall height to apply a preferred maximum floorplate size of not more than 1,000 square metres per tower.

The Committee considers the proposed discretionary tower plate size standard is suitable to achieve part of the intended purpose. This is because the Urban Design Background Report is intended to only apply to residential built form, as expressed in the example BFO Schedule. A suitable standard should be considered for non-residential tower floor plates.

### **Building separation standards**

The intended purpose of the building separation standards is embedded within the purpose of the tower floor plate standard, as shown in the previous section.

The Committee considers the discretionary building separation standards in Table 12 of the Urban Design Background report and Table 12 of the example BFO Schedule are suitable to achieve the intended purpose. The discretionary provisions enable flexibility to consider different circumstances such as where building facades are not parallel or windows are offset.

### **Deep soil standard**

Regarding the deep soil standard, the Urban Design Background Report states:

Providing adequate space for deep soil planting for canopy trees at the ground level will enhance the public realm's amenity and help reduce the urban heat island effect.

The Report acknowledges that apartment developments are currently required to provide 10 per cent of the site for deep soil planting at ground level through Planning Scheme Clause 58. The Report applies the same deep soil standard to commercial developments within Large Opportunity Sites and Enclosed Shopping Centres:

Commercial developments within Large Opportunity Sites and Enclosed Shopping Centres will also be required to allocate a minimum 10 per cent of the site for deep soil planting at ground level.

The Committee considers the discretionary deep soil standard is suitable to achieve the intended purpose. This is because applying the standard to apartments and commercial developments in Large Opportunity Sites and Enclosed Shopping Centres will help respond to urban heat island effect.

## **Pedestrian link standard**

Regarding the pedestrian link standard, the Urban Design Background Report states:

The inclusion of pedestrian links aims to facilitate access to and from the activity centre as well as transport interchanges, train stations, and public open space.

The proposed pedestrian link standard is:

Where the average urban block length exceeds 100 metres, development abutting to two or more streets or laneways should provide a new through-block pedestrian connection.

The Committee considers the discretionary pedestrian link standard is suitable to achieve the intended purpose. There would be benefit in providing guidance through a diagram showing how the standard is intended to operate like the wind standard diagram shown in the parent BFO. This should explain how the 'average block length' is measured.

## **3.8 Tree canopy**

**Whether the additional guidance regarding the sufficiency of the landscape setback to provide for canopy trees will be beneficial in guiding a responsible authority's decision making.**

The Committee understands that it is proposed to include an additional decision guideline:

Whether the landscape setback provides sufficient depth and deep soil area to accommodate landscaping including canopy trees without impeding site services, infrastructure and building footings.

It is unclear where this decision guideline may be inserted.

The Committee observes that identical wording is included in the example BFO Schedule provided by the DTP in Attachment E. This decision guideline was included under the heading 'Front setback, street wall height and setback above the street wall'. There was no such guideline under the heading 'Side and rear setbacks, separation within a site and sensitive interfaces'.

The Committee considers the proposed decision guideline would be appropriate in circumstances where a canopy tree may be considered desirable in a landscaped setback. This could be for a front, side or rear landscaped setback depending upon the circumstances.

The Committee understands this is a matter that would be included in a BFO Schedule specific to the circumstances of the relevant activity centre. This is appropriate.

BFO Clause 43.06-12 (Decision guidelines) in the parent provision provides very general decision guidelines and it would seem incongruous to include a detailed matter dealing with canopy trees in this provision.

## **3.9 Catchment boundary and heights**

### **Background**

The Moorabbin, Niddrie and North Essendon Activity Centre Plans identify 'Built Form Typologies' that include a Heritage Main Street Core and/or Non-Heritage Main Street Core. The City of Centres Report identify the same Built Form Typologies for the remaining referred centres. However, the extent of the activity centre boundary varies between the activity centre plans and the plans included in the City of Centres Report.

The Broadmeadows, Epping and Chadstone activity centres differ from the above groups because their Built Form Typologies do not include a Heritage or Non-Heritage Main Street Core.

**Whether defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose.**

VPA explains in its *Universal Submissions Key Matters Report* that it applied the following methodology to determine the walkable catchment:

- Identify the activity centre's residential and non-residential areas.
- From the edge of the activity centre core's non-residential areas, identify an 800-metre walkable catchment using streets, rather than 'as the crow flies'.
- Refine this catchment area to generally apply to whole blocks.
- Further reduce where there are:
  - natural and physical barriers
  - limiting planning controls or environmental constraints that make these areas inappropriate for the proposed residential change
  - areas subject to future planning investigations.

The Committee considers the VPA's methodology for defining the catchment to be generally sound. However, it has not been applied consistently across all centres and the mapping of the centres does not appear to have taken these criteria into account in some circumstances. For example, there appear to be minimal change areas with heritage, flooding or other constraints included in parts of the walkable catchments.

The Walkable Catchment boundary should be defined as no more than 800 walkable metres (10 minutes) from the activity centre 'core' and from a train station located within the activity centre boundary. The VPA defines the core as the 'Heritage Main Street Core' and the 'Non-Heritage Main Street Core' precincts. This approach is consistent with Plan Melbourne which seeks a maximum 10-minute walk to and from daily needs such as local health facilities and services, schools and supermarkets.

Planning Practice Note 58 also refers to a walkability measure of 800 metres, being 10 minutes.

The walkable catchment boundary should not be measured from the edge of the whole activity centre area. This is because many activity centres, as defined in the plans, include land uses that do not relate to the need for day-to-day walkability such as service trades and other peripheral uses. These land use types should be excluded when measuring to the walkable catchment boundary. Specifically, the catchment boundary should be measured from points that exclude:

- Fringe precincts
- Large Opportunity Sites and areas with Limited Sensitivities (depending on their current land use)
- Residential areas.

Measuring the walkable catchment from the boundary of these areas has resulted in parts of walkable catchments being up to 1.6 kilometres from the activity centre's core. This represents:

- a 40-minute return trip (or greater where there are barriers)
- more than double the maximum time people are willing to walk to meet their daily needs.

If public open space located on the periphery of the activity centre core is included, it can have the effect of inflating the real walkable distance from the walkable catchment boundary to the retail core of the centre. Public open space located on the periphery of the activity centre core should be excluded when calculating the walkable catchment area. Where public open spaces are located within the retail core, then they should be included when measuring the catchment area.

Some Large Opportunity Sites and areas with Limited Sensitivities may include existing land uses that could be categorised as part of the activity centre core. If these land uses serve the day-to-day needs of the local community then it is appropriate to include them within the defined core of the Activity Centre. This is a matter to be determined on a case-by-case basis for each Activity Centre.

Activity centre plans that do not show any Built Form Typologies should be revised to define the Main Street Core. This will enable their walkable catchment areas to be measured.

Chadstone Shopping Centre is a freestanding centre with unique attributes and requires separate consideration and criteria. Similarly, Epping and Broadmeadows comprise a freestanding centre surrounded by large opportunity sites and land with limited sensitivities so requires separate consideration.

**Whether the proposed boundaries respond adequately to station locations, where stations are located outside the activity centre.**

The proposed boundaries respond adequately to stations outside the activity centre. This approach is consistent with the Walkable Catchment Zone purpose which seeks:

To provide housing at increased densities in locations within walking distance to employment, services and public transport.

This purpose seeks increased housing densities within walking distance to areas that meet all these criteria. The existence of a train station alone outside the identified activity centre boundary does not meet with this purpose so a station should not be applied as criteria for measuring the catchment boundary. This does not preclude the ability to consider intensified housing density around such stations through another process and for different purposes.

**Whether other considerations should inform the boundary setting.**

The Committee considers the criteria, described in Section 7.1 in the draft activity centre plans, for applying the catchment boundary to be generally appropriate. However, they have not been applied correctly across all activity centres and the boundaries should be further refined having regard to these criteria.

It is appropriate to apply a walkable route to the activity centre rather than a measurement 'as the crow flies'. However, walkability should consider the time it takes to walk to the Activity Centre core, not just the distance (in metres) to the centre. Although it typically takes around 10 minutes to walk about 800 metres, it can take significantly longer if the walker has to cross busy roads or other barriers. Crossing multiple sequences of pedestrian lights can add significant time to a trip and the metric of 800 metres may need to be adjusted in some instances to balance the additional time it takes to walk to the core. Further, poor pedestrian amenity is a factor that will limit use of some routes. The walkable catchment boundary should be further refined to ensure that the average walker takes up to about 10 minutes to walk to the activity centre core.

Catchment boundaries should also be revised consistent with the criteria to:

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

**Whether the building heights allowable within the catchment should be graduated by the level of access to activity centres and public transport.**

It is appropriate to apply different building heights within the walking catchment area that graduate based on the level of access to the activity centre and public transport. This should be determined having regard to the site context and conditions of the area. A Schedule to the Walkable Catchment Zone should facilitate local variations to building heights in the walking catchment to reflect the local characteristics of each catchment. This would limit consequences of isolated six storey development at the edges of walkable catchments with adverse impacts on neighbourhood character and amenity.

## Appendix A Terms of Reference

Relevant clauses are extracted below.

### **Purpose**

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

### **Referral**

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

### **Advisory committee report and recommendations**

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

## Appendix B Referral letter

25 October 2024

Sarah Raso  
Lead Chair  
Activity Centres Standing Advisory Committee  
Planning Panels Victoria  
[planning.panels@transport.vic.gov.au](mailto:planning.panels@transport.vic.gov.au)

Dear Sarah,

### **Referral No. 2: Common matters across activity centres Referral to the Activity Centres Standing Advisory Committee**

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

This referral relates to “common” matters that apply to many of the activity centres within the ACP. Many of these matters were raised a program-wide matters by peak industry bodies.

### **Background**

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

The VPA has prepared draft Activity Centre Plans that will form part of the Activity Centre Program amendment package along with new ordinance including a Built Form Overlay schedule. The draft Activity Centre Plan consolidates the strategic work undertaken to prepare new planning controls for activity centres.

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

Between 22 August and 29 September 2024, DTP and VPA undertook public consultation in relation to the 10 activity centres. The ACP generated significant community interest with a total 1,091 written submissions and 8,801 survey responses received from current and potential future residents, businesses, government agencies, authorities, community groups, members of the development industry and councils. There were also a series of meetings held with community reference groups, councils and other stakeholders as well as in-person pop-ups in activity centre locations where in-person feedback was sought.

A summary of engagement undertaken, analysis of the matters raised stakeholders and the community, and changes proposed to the draft Activity Centre Plans in response to these submissions, is included in the referral documentation.

### **Referral**

In accordance with Clause 14 of your Terms of Reference (August 2024), and delegation provided to me, I have determined to seek advice and recommendations from the Committee on the proposed activity centre built form standards and other common matters raised in submissions. Only select submissions received during consultation which are relevant to the common matters are being referred to the Committee, and the Committee's advice is only sought on the matters outlined in the table below.

MATTER	ADVICE TO BE PROVIDED
Deemed to comply, mandatory and discretionary controls.	<p>It is proposed that consistent built form standards, including building heights and setbacks, be established for application to activity centres across Victoria, depending on the precinct typology allocated.</p> <p>Given the variety of centres and the importance of contextual response in development, please advise on whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the following standards in each precinct typology:</p> <ul style="list-style-type: none"> <li>• Building height</li> <li>• Street wall/podium height</li> <li>• Front setback above street wall</li> <li>• Side and rear setbacks</li> </ul>
Sun Access	It is proposed that the sun access standards vary depending on the type of street or the level of protection required for open parks & space. Please advise whether the level of discretion (e.g. deemed to comply, mandatory or discretionary) is appropriate for the type of street and the level of protection required for parks & open space.
Wind	The proposed standard aims to ensure that the built form, design, and layout of new developments does not generate unacceptable wind impacts within the site or on surrounding areas. Please advise whether the provision is suitably drafted to achieve the provision's intended purpose.
Active Frontage	<p>The proposed standard aims to support a vibrant, active and safe pedestrian environment. It is proposed that active frontages vary depending on whether they are a primary or secondary frontage. Please advise whether:</p> <ul style="list-style-type: none"> <li>• the standards are drafted to suitably achieve the intended purpose.</li> <li>• the additional guidance included in the <i>Urban Design Draft Background Summary Report</i> will be beneficial in guiding a responsible authority's decision making.</li> </ul>
Heritage	<p>The proposed standards seek to ensure new development appropriately responds to the significance of identified heritage places. Please advise whether:</p> <ul style="list-style-type: none"> <li>• the application of discretionary standards are appropriate in this context.</li> <li>• The appropriateness of deemed to comply provisions for sites adjacent to sites on the Victorian Heritage Register, and/or contributory/significant sites.</li> </ul>
Large Opportunity Sites and Enclosed Shopping Centres	<p>The proposed standards seek to manage development of sites over 5,000sqm. Please advise whether the following controls are suitable to achieve the intended purpose:</p> <ul style="list-style-type: none"> <li>• 5,000sqm threshold standard</li> <li>• master planning requirement,</li> <li>• tower floor plate size standard,</li> <li>• building separation standard,</li> <li>• deep soil standard</li> <li>• pedestrian link standard.</li> </ul>
Tree canopy	The proposed inclusion of further canopy tree guidance in the <i>Urban Design Draft Background Summary Report</i> seeks to enhance the amenity of established areas. Please advise whether the additional guidance will be

	beneficial in guiding a responsible authority's decision making.
Catchment boundary	<p>It is proposed that the catchment is the area within walking distance of the local jobs, services and public transport of the Activity Centre. Please advise whether:</p> <ul style="list-style-type: none"> <li>Defining the catchment from the edge of the activity centre or from the edge of commercial areas of the activity centre is suitable to achieve the intended purpose.</li> <li>The proposed boundaries respond adequately to station locations, where stations are located outside the activity centre.</li> <li>Other considerations should inform the setting of the boundary</li> <li>The building heights allowable within the catchment should be graduated by the level of access to activity centres and public transport</li> </ul>

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

Please find enclosed the supporting documents required by Clause 15 of the terms of reference.

If you have any questions about this matter, please contact Stefan Bettiol, Planning Manager at the Department of Transport and Planning.

Yours sincerely,



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

Encl. The following referral documents have been shared with you electronically:

- Att A: Report addressing key matters
- Att B: Urban Design Draft Background Summary Report
- Att C: Urban Design Draft Background Summary Report (Engagement version)
- Att D: City of Centres Report, Sheppard & Cull
- Att E: Schedule to the Built Form Overlay (example)
- Att F: Submissions
- Att G: Document list.

cc. Stuart Moseley, CEO, VPA  
Emily Mottram, Executive Director - Activity Centres, DTP

## Appendix C Referred information

No.	Date	Description	Provided by
1	28 Oct 24	Referral Letter dated 25 October 2024	Department of Transport and Planning (DTP)
2	28 Oct 24	Activity Centre Program Universal Submissions, Key Matters Report, VPA, October 2024	DTP
3	28 Oct 24	<i>City of Centres: Development of typology-based built form controls</i> , Sheppard & Cull, May 2024	DTP
4	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, August 2024 (engagement version)	DTP
5	28 Oct 24	<i>Activity Centre Program Urban Design draft background summary report</i> , VPA, October 2024 (Committee version) including Appendices	DTP
6	28 Oct 24	Built Form Overlay Schedule (Example)	DTP
7	28 Oct 24	Submission – Vicinity Centres	DTP
8	28 Oct 24	Submission – Essendon Fields Airport	DTP
9	28 Oct 24	Submission – Urban Design Forum	DTP
10	28 Oct 24	Submission – Property Council Australia	DTP
11	28 Oct 24	Submission – Urbis Pty Ltd	DTP
12	28 Oct 24	Submission – Banyule City Council	DTP
13	28 Oct 24	Submission – Planning Institute of Victoria	DTP
14	28 Oct 24	Submission – YIMBY Melbourne	DTP
17	28 Oct 24	Common matters – Document List	DTP