



Reference: A5303037
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25 September 2024

Martina Johnson – Activity Centres Program
Victorian Planning Authority / Activity Centre Unit
Department of Transport and Planning
GPO 2392
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Sent via e-mail: frankston@vpa.vic.gov.au

Dear Martina

**DRAFT FRANKSTON ACTIVITY CENTRE PLAN –
FRANKSTON CITY COUNCIL OFFICER SUBMISSION**

We refer to above and enclose Frankston City Council's officer submission to the Victorian Planning Authority's (VPA) engagement for the *Draft Frankston Activity Centre Plan - VPA, August 2024* (the draft Activity Centre Plan).

As noted above, this submission has been prepared by Council officers, and is unable to be tested with Councillors, given the staggered release of information and the submission due date, due to the caretaker period (commenced on 17 September 2024). We look forward to, and welcome additional engagement on the catchment area with both the community and Council to ensure transparency, post the conclusion of the caretaker period.

Council officers welcome the retention of the *Frankston Metropolitan Activity Centre Structure Plan – Tract, September 2024* (the FMAC Structure Plan) and the Activity Centre Zone – Schedule 1 (ACZ1) to the 'core area' as outlined in the draft Activity Centre Plan and the *Activity Centre Program Urban Design Draft Background Summary Report - VPA, August 2024*, especially given the significant resources committed to this project by Council, which has seen this work taken from inception to being submitted for approval in three (3) years.

On 9 September 2024, it was resolved that Council:

1. *Notes that the Victorian Planning Authority (VPA) on behalf of the State Government is undertaking community consultation on their Activity Centre Program which includes the Frankston Metropolitan Activity Centre (FMAC). As part of this consultation, the State Government have identified 'catchment areas' extending 800 metres from the boundary of the FMAC as areas where residential change and particularly, increased residential densities could occur, as part of the State Government's implementation of their State-wide Housing Strategy;*



2. *Reaffirms its strong support for the current Frankston Metropolitan Activity Centre (FMAC) Structure Plan – September 2024, recognising its critical role in guiding sustainable and strategic development within Frankston;*
3. *Notes that the Council adopted the FMAC Structure Plan in June 2023, solidifying its commitment to the plan's vision for balanced growth and community well-being;*
4. *Expresses deep concern regarding the Victorian Government's proposed changes in the Activity Centres consultation, particularly the introduction of new catchment areas outside the established FMAC boundaries. These changes could pave the way for the construction of tall buildings (3-6 storeys) and small apartments, which risk leading to overdevelopment and could significantly alter the character and amenity of sensitive residential neighbourhoods, particularly in Frankston South and parts of Seaford;*
5. *Supports Council Officers in preparing and submitting a comprehensive submission to the Victorian Government, articulating the Council's strong opposition to the proposed catchment areas and advocating passionately for the protection and preservation of Frankston's established residential areas.*
6. *Encourages community members to also make their thoughts known by writing directly to the Victorian Government on this matter;*
7. *Notes that the State Government are also proposing changes to ResCode, which they have engaged Councils to respond to by 11 September 2024. ResCode is the tool in the Planning Scheme by which most, if not all, new residential development planning application are assessed against. These changes seek to reduce the requirements on new development in terms of open space provision, shadowing, overlooking to name a few and may have a significant impact on the local character of the area; and*
8. *Supports Council Officers in making a submission to the Victorian Government on proposed ResCode changes.*

Council is currently undertaking two (2) planning scheme amendments for the Frankston Metropolitan Activity Centre (the FMAC):

1. **Planning Scheme Amendment C160fran** which seeks to implement the *Frankston Metropolitan Activity Centre Structure Plan (Tract, September 2024)* (the FMAC Structure Plan) into the Frankston Planning Scheme through the introduction of the Activity Centre Zone and a new Schedule, as well as other ordinance changes.
2. **Planning Scheme Amendment C161fran** which seeks to implement the *Frankston Metropolitan Activity Centre Development Contributions Plan (HillPDA, April 2024)* (the FMAC DCP) into the Frankston Planning Scheme through the introduction of the Development Contributions Plan Overlay and a new Schedule, and also seeks to apply the Public Acquisition Overlay to two properties to facilitate two new pedestrian links identified in the FMAC Structure Plan.

In relation to Amendment C160fran, on 16 September 2024, it was resolved that Council:

1. *Receives and considers the Panel Report for Planning Scheme Amendment C160fran pursuant to Section 27 of the Planning and Environment Act 1987;*
2. *Adopts Planning Scheme Amendment C160fran pursuant to Section 29 of the Planning and Environment Act 1987 with changes as set out in Attachments B and C to item 3.1 in the City Planning Report of the Council Meeting Report of 16 September 2024.*



3. *Authorises Council officers to submit the adopted Planning Scheme Amendment C160fran to the Minister for Planning for approval pursuant to Section 31 of the Planning and Environment Act 1987;*
4. *Authorises the Director Communities to revise the adopted Planning Scheme Amendment C160fran if changes are sought from the Department of Transport and Planning;*
5. *Adopts the Frankston Metropolitan Activity Centre Structure Plan (Tract, September 2024); and*
6. *Notes that Council officers will notify all submitters of the decision.*

On 18 September 2024, the documentation for Amendment C160fran was submitted for approval.

Council officers strongly encourage the Minister for Planning to approve Amendment C160fran, with the *Frankston Metropolitan Activity Centre Structure Plan (Tract, September 2024)* and the *Activity Centre Zone Schedule 1 (ACZ1)* as adopted by Council.

In relation to Amendment C161fran, on 9 September 2024, it was resolved that Council:

1. *Notes that Planning Scheme Amendment C161fran was publicly exhibited from 9 May to 5 July 2024 for a period of eight (8) weeks;*
2. *Notes that a total of 10 written submissions (including 1 late submission) were received to Planning Scheme Amendment C161fran;*
3. *Notes and considers all submissions received in response to the exhibition of Planning Scheme Amendment C161fran in accordance with Section 22(1) of the Planning and Environment Act 1987;*
4. *Notes and considers the late submission received in response to Planning Scheme Amendment C161fran in accordance with Section 22(2) of the Planning and Environment Act 1987;*
5. *Endorses Officers' response to submissions to Planning Scheme Amendment C161fran as shown at Attachment A;*
6. *Requests the Minister for Planning appoint a Planning Panel under Part 8 of the Planning and Environment Act 1987 to hear and consider submissions made to Planning Scheme Amendment C161fran;*
7. *Refers all submissions on Planning Scheme Amendment C161fran (including the late submission) to the Planning Panel appointed by the Minister for Planning in accordance with Section 23 of the Planning and Environment Act 1987;*
8. *Endorses the recommended changes to Planning Scheme Amendment C161fran outlined in the Officer Report and Attachment A for the purposes of Council's advocacy position before the Planning Panel;*
9. *Authorises the Director Communities to make any minor or necessary changes to Planning Scheme Amendment C161fran documentation prior to the Planning Panel hearing, that do not change the intent of the amendment for the purpose of Council's advocacy position before the Panel; and*
10. *Writes to all submitters to inform them of Council's decision.*

On September 19 2024, a Planning Panel was appointed by Planning Panels Victoria under delegation from the Minister for Planning. The Directions Hearing is scheduled for 11 November and the Panel Hearing for 9 December 2024.



Given the above, the attached submission primarily relates to the catchment area identified in the draft Activity Centre plan and Council officers have significant concerns about the extent of, and the planning approach to the catchment area, and request substantial changes including reductions to the catchment area boundary and the proposed height limits.

Strategic justification has not been provided for the catchment area of the draft Activity Centre Plan. It is understood that background documents relating to community infrastructure, transport infrastructure, urban design and flooding have been undertaken by the VPA, however these have not yet been provided. In addition, details on the infrastructure required to support this proposed increase in population and the associated funding mechanism have not yet been provided. This lack of information makes it extremely difficult for Council officers to prepare an informed submission.

It is unclear how the usual steps that Council are required (by the Minister for Planning) to undertake to facilitate orderly planning and robust strategic outcomes to ensure the liveability and viability of our suburbs have been undertaken on this project. The various parts of the *Planning and Environment Act 1987*, the various Planning Practice Notes, background technical studies, extensive community engagement at key project stages and the planning scheme amendment process (including an independent Planning Panel) play an important role in ensuring that planning is appropriate and well considered.

These are all steps that Council undertook in preparing the FMAC Structure Plan, and the FMAC DCP, and will also undertake as part of the development of the *draft Frankston City Housing Strategy* (currently under preparation). A similar level of rigour is considered necessary for planning for the catchment area and there is legitimate concern that this area will undermine the intent of the FMAC Structure Plan (the clear delineation of the 'City' and appropriate transition down in height to the peripheral residential areas) and create poor outcomes for future generations.

Council officers request that further information is provided as soon as possible, including all background technical reports undertaken, and details of infrastructure provision and the funding mechanism. We look forward to further engagement opportunities and information sharing with both Council and the community on the catchment area.

Should you have any questions, or require anything further, please contact Brooke Whatmough – Coordinator Strategic Planning on (03) 9784 1989 or email on brooke.whatmough@frankston.vic.gov.au

Yours faithfully

A handwritten signature in blue ink, appearing to read "Phil Cantillon".

Phil Cantillon
CHIEF EXECUTIVE OFFICER

Enclosed:

- Attachment 1:** Catchment Area: Walkable Catchments Zone – Officer comments
- Attachment 2:** Catchment Area: Clause 58 – Officer comments
- Attachment 3:** RAZ Pty Ltd & NH Family Holdings Pty Ltd v Frankston CC