

Executive Summary**11.2 Draft Frankston Metropolitan Activity Centre Structure Plan**

Enquiries: (Brooke Whatmough: Communities)

Council Plan

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| Level 1: | 4. Well Planned and Liveable City |
| Level 2: | 4.1 Integrate land use planning and revitalise and protect the identity and character of the City |

Purpose

For Council to adopt the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022*, note the background reports that underpin this work and endorse associated community engagement program.

Recommendation (Director Communities)

That Council:

1. Adopts the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022*;
2. Notes the background reports that underpin the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022*;
3. Notes that work has commenced investigating opportunities to leverage Council's current landholdings within the Frankston Metropolitan Activity Centre to attract and enable investment in civic, community and commercial projects;
4. Commits now an additional staffing position in the 2022/23 budget which will be accommodated in the Mid-Year Budget and is intended to facilitate and advocate for public and private investment in projects that support the place making and urban revitalisation initiatives identified in the *Frankston Metropolitan Activity Centre Structure Plan – October 2022*, once adopted; and
5. Supports the next steps involving community engagement on the draft Plan, which will return to Council for further consideration in 2023.

Key Points / Issues

- From 1 April to 30 May 2022, community consultation was undertaken on the *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper* (April 2022) as Stage 1 in developing a Structure Plan for our City Centre.
- A total of seventeen (17) written submissions were received and a report was presented to Council at the 27 July 2022 Council Meeting outlining the community consultation process and the written submissions.
- At the 27 July 2022 Council Meeting, ten (10) of those submitters provided Council with verbal submissions.
- Both the written and verbal feedback received as part of the Emerging Ideas consultation process, have informed, and been considered in the preparation of the *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022* (the draft Structure Plan) which was presented to Council at the 22 August 2022 Council Briefing.
- The draft Structure Plan outlines a vision for the City Centre with a decreased and more refined overall boundary taking into consideration State Government Planning Practice Notes, road and rail infrastructure, the implementation of the Activity Centre Zone (ACZ) and other strategic planning work being undertaken.

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- This vision is underpinned by the four (4) overarching themes of Land Use, Built Form and Development, Public Realm and Movement and Transport.
- The themes inform six (6) Precincts which provide objectives, requirements and guidelines for specific areas within the City Centre, providing more guidance and clarity in terms of land use, built form and preferred heights.
- A key difference between the 2015 Structure Plan and the draft Structure Plan is the creation of Precinct 4 – Waterfront. This precinct encompasses all of the properties fronting Kananook Creek and seeks to connect the City Centre with the Foreshore and Kananook Creek.
- Additional changes include the deletion of a number of peripheral precincts including the removal of the Power Centre site, Monash University and the Frankston Hospital.
- The vision is generally consistent with the 2015 Structure Plan, but has been amended to include the recently adopted Community Vision and feedback received during the Emerging Ideas consultation.
- The draft Structure Plan will be tested and explored with the community during consultation which will run from 31 October 2022 to 12 December 2022.
- Officers have commenced an exciting piece of work, investigating opportunities to leverage Council's current landholdings within the Frankston Metropolitan Activity Centre, to provide greater benefit beyond the provision of standard Council services. Progressing this work will attract and enable investment in civic, community and commercial projects, and presents an opportunity for innovation and progress towards implementation of the Vision of the draft Structure Plan. The objective of this work is to balance social and community objectives with value for money outcomes, and would require Council to potentially play a greater role in the development of land, realised by taking a mature approach to understanding and mitigating any risk that comes with this. Further information on this work will be presented to Council in due course.
- To support this work, an additional FTE (up to Band 8) is required to facilitate and advocate for public and private investment in development opportunities, as well as identifying and coordinating projects that will harness the strategic use of Council-owned land. This will support the delivery of the place making and urban revitalisation initiatives identified in the draft Structure Plan.
- This role will be highly experienced with extensive industry networks and will drive the vision and strategic direction with the support of Council's Property Unit. Recruitment for this role will commence this financial year. There will be an addition to the labour cost for 2022/23 and onward.

Financial Impact

There are financial costs, however, these costs can be accommodated within existing budgets.

Consultation**1. External Stakeholders**

An extensive community engagement program will run from Monday 31 October 2022 to Monday 12 December 2022, facilitated by Capire Consulting Group.

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Face to face/facilitated engagement will occur during the month of November and consist of (but not limited to) the following:

- Pop up's;
- Facilitated workshops with youth, community, key stakeholders, developers, a number of community groups and State Agencies;
- Information stalls (where possible) at Council and community events; and
- Walking tours to key locations within the City Centre.

Online / media engagement will occur during the entire program utilising a range of methods and existing networks.

An extensive database has been developed from the consultation undertaken as part of the Emerging Ideas stage and these people will be notified directly as well as a postcard sent to all owners and occupiers within and adjacent to the boundary of the Structure Plan.

2. Other Stakeholders

There are a wide range of stakeholders across the organisation that are consulted on a regular basis regarding the various elements of this work. A facilitated workshop with internal key stakeholders will be held during the consultation period

Analysis (Environmental / Economic / Social Implications)

The preparation of the draft Structure Plan provides a detailed overview of a revised framework for the City Centre by taking a detailed precinct level approach and it will provide a level of certainty about how the City Centre should develop now and into the future. This framework aims to encourage investment and revitalisation which will have a number of positive environmental, economic and social impacts not only for the City Centre, but for the municipality.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

The draft Structure Plan has been developed in accordance with the relevant Planning Practice Notes and the consultation phase will be undertaken in accordance with the *Planning and Environment Act 1987* (the Act) to ensure that the work completed does not prejudice the future Planning Scheme Amendment.

Policy Impacts

Since the adoption of the Structure Plan in 2015, the State Government has updated its Metropolitan Planning Policy, *Plan Melbourne 2017-2050* (Plan Melbourne) which identifies the City Centre as one of the eleven (11) Metropolitan Activity Centres (MAC).

The State Government has also prepared a number of Planning Practice Notes to guide the development of structure plans and their implementation. These practice notes underpin the preparation of this document and the consultation phase will be undertaken in accordance with the Act to ensure that the work completed does not prejudice the future Planning Scheme Amendment.

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Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

Planning Scheme Amendment (which sought to implement the 2015 Structure Plan into the Frankston Planning Scheme through the application of the ACZ) C123 lapsed for two (2) reasons. These being:

1. The technical language used in Council's resolution on the Amendment which specifically, that Council 'Approved' the Amendment, instead Council needed to use the word 'Adopt' to meet the requirements of the Act.
2. Non-compliance with Section 31 (1) of the Act which related to the changes made at the 3 April 2018 Council meeting.

With regard to Point 2 (above), one of these changes was to make mandatory a 20m building height for the properties that fronted Kananook Creek and along the Boulevard and Promenade. The State Government's view was that this change was not strategically justified and did not meet the objectives of the MAC as identified in *Plan Melbourne*.

It is anticipated that certain objectives of the draft Structure Plan will be controversial, particularly in terms of proposed building heights. It is not unusual for proposed increases in building height to be a contentious matter, as it signals a significant departure from the built form that currently exists and seeks to change the existing character of an area.

Given this officers have commissioned rigorous testing and analysis of built form outcomes for all of the areas within the draft Structure Plan boundary to ensure that the outcomes are well justified, the directions of the draft Structure Plan are realised and high quality public realm outcomes are achieved (particularly solar access). In addition, an attempt has been made to balance the needs of the community with development outcomes and the need to meet the State Government requirements of a MAC.

The draft Structure Plan has been prepared in accordance with the relevant Planning Practice Notes and Council officers have been meeting regularly and working closely with planning officers from the Department of Environment, Land Water and Planning (DELWP) to minimise and mitigate any potential risks to achieving Authorisation for the future Planning Scheme Amendment.

Conclusion

The *draft Frankston Metropolitan Activity Centre Structure Plan – October 2022* builds on the 2015 Structure Plan, a range of technical background reports, the *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper (April 2022)* and its associated consultation.

It provides a detailed precinct-level approach to guide decision making on use and development within the City Centre and affords Council the opportunity to test the detailed objectives, requirements and guidelines with the community and key stakeholders during the community engagement process from 31 October to 12 December 2022.

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- Attachment A: ➡ FMAC Structure Plan - Transport and Movement Assessment and Analysis (June 2022) Institute of Sensible Transport (*Under Separate Cover*)
- Attachment B: ➡ Frankston MAC Structure Plan: Economic Assessment and Land Use Capacity (August 2022) SGS Economics (*Under Separate Cover*)
- Attachment C: ➡ Kananook Creek Built Form Review (September 2022) - TRACT (*Under Separate Cover*)
- Attachment D: ➡ Planning and Urban Design Assessment (September 2022) TRACT (*Under Separate Cover*)
- Attachment E: ➡ Draft Frankston Metropolitan Activity Centre Structure Plan (October 2022) TRACT (*Under Separate Cover*)

**11.2 Draft Frankston Metropolitan Activity Centre Structure Plan
Officers' Assessment****Background**

- **2015 Structure Plan**

In 2015, Council prepared the *Frankston Metropolitan Activity Centre Structure Plan - May 2015* which was partially implemented into the Frankston Planning Scheme through Planning Scheme Amendment C124, introducing planning controls on the periphery of the FMAC (Precincts 4, 5, 6, 7, 8 and 9).

In 2016, Planning Scheme Amendment C123 was exhibited, proposing to implement the vision and objectives of the 2015 Structure Plan as it related to the city centre (Precincts 1, 2, 3 and 11), predominantly through the implementation of the Activity Centre Zone (ACZ).

At the 3 April 2018 Ordinary Meeting, Council made a number of resolutions in relation to Amendment C123, the Panel and the *FMAC Illustrative Guidelines – Neighbourhood Character & Urban Design Outcomes for Precincts 1A and 1B (2017)*.

One of these resolutions was to make *mandatory a maximum building height of 20 metres to apply to that part of Precinct 1(b) between the Nepean Highway and Kananook Creek*.

Subsequently, the Amendment was lodged with the Minister for Planning for approval, however, the validity of the Amendment was challenged at the Victorian Civil and Administrative Tribunal (VCAT).

The outcome of the hearing was that VCAT determined that Planning Scheme Amendment C123 had lapsed for the reasons outlined in the Tribunal order issued on 31 October 2019 (*Steller 250 Pty Ltd v Frankston City Council [P2368] VCAT 2018*), for failing to comply with various Sections of the Act.

The lapsing of Amendment C123 has left the City Centre without tailored planning controls which results in a level of uncertainty for the community, investors, developers and Council.

- **Refreshed Structure Plan**

In order to resolve this, four (4) options were put forward to Council in order to implement planning controls into the Planning Scheme for the City Centre. Council resolved to undertake a review and refresh of the *Frankston Metropolitan Activity Centre Structure Plan (May 2015)* – Precincts 1, 2, 3 and 11.

Tract Consultants were engaged to undertake the development of the Emerging Ideas Paper, the draft and the final Structure Plan.

- **Emerging Ideas Paper**

Community consultation on the *Frankston Metropolitan Activity Centre Structure Plan – Emerging Ideas Paper - April 2022* was undertaken from 1 April to 30 May 2022. During this time (through a range of engagement activities) 856 comments were received and the process concluded with a total of seventeen (17) written submissions.

Of the 17 submissions received:

- Seven (7) were in support;
- Two (2) were in support with changes; and
- Eight (8) did not support (based on currently proposed building heights and a desire for more car parking).

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Officers' Assessment**

A report was presented at the July 2022 Council Meeting outlining the community consultation process and the written submissions received. At that meeting, ten (10) of those submitters provided Council with verbal submissions.

The written and verbal feedback received as part of the Emerging Ideas consultation process has informed, and been considered, in the preparation of the draft Structure Plan.

Issues and Discussion

Plan Melbourne outlines that MACs are higher order centres that are intended to provide a diverse range of jobs, activities and housing for regional catchments that are well served by public transport. These centres play a major service delivery role, including government health, justice and education services, as well as retail and commercial opportunities.

These centres are Box Hill, Broadmeadows, Dandenong, Epping, Footscray, Fountain Gate-Narre Warren, Frankston, Lockerbie, Ringwood, Sunshine and Toolern.

The 2015 Structure Plan was prepared prior to the preparation of *Plan Melbourne* and a number of Planning Practice Notes, however, it did provide a range of built form recommendations. These recommendations were never fully implemented into the Frankston Planning Scheme because of the lapsing of Amendment C123 (outlined earlier in this report). This has left the City Centre without contemporary and effective planning controls.

Council is currently experiencing a high level of developer interest with a number of development applications within the City Centre. Without clear planning controls or guidelines in place, it is difficult for Council to achieve the exemplary, high quality built form outcomes that are expected for development sites located within a Major Activity Centre. This has an additional impact of a lack of certainty for investors.

With consideration of the above, the adoption of the draft Structure Plan is a key step in developing planning controls to guide the use and development of the City Centre.

Options Available including Financial Implications

There are no financial implications associated with the report.