



Department of Transport and Planning

22 October 2024

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

Dear Sarah,

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

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

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

Background

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

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

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

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

Referral

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

MATTER	ADVICE TO BE PROVIDED
Built Form Overlay	
The purposes listed in the overlay	<p>The overlay is proposed to only be applied in areas designated for built form intensification, please advise whether:</p> <ul style="list-style-type: none"> the purposes should be amended to include a specific purpose enabling diverse and affordable housing, noting the potential broadscale application of the overlay across metropolitan Melbourne. the draft purposes sufficiently guide a responsible authority's discretion.
The Development Framework Plan	<p>The proposed provision seeks a map or maps to be prepared which express the strategic considerations of an activity centre. Please advise whether the proposed instrument will be beneficial in guiding a responsible authority's discretion.</p>
Master planned sites	<p>The proposed provision seeks to guide development outcomes on identified sites. Please advise whether the provision will be beneficial in guiding a responsible authority's discretion for such sites.</p>
Community benefit framework	<p>The proposed provision provides a mechanism for planning authorities to prepare and incorporate a community benefit framework into the scheme. Please advise whether:</p> <ul style="list-style-type: none"> the provision is suitably drafted to achieve the provision's intended purpose. the provision is suitably drafted to facilitate affordable housing. it would be reasonable to amend the provision to: <ul style="list-style-type: none"> only apply in circumstances that a deemed to comply standard (compared to a mandatory standard) is not met, and only facilitate affordable housing, commensurate to how much it exceeds the standard.
Application of outcomes and standards.	<p>The proposed overlay seeks to apply outcomes and standards. Please advise whether the proposed application of outcomes and standards will be beneficial in guiding a responsible authority's decision making.</p>
Open space provisions	<p>The public open space contribution mechanism within the provision intends to override the provisions of Clause 53.01. Please advise whether the integration of the open space provision within the overlay simplifies the interpretation of open space requirements for permit applicants and responsible authorities.</p>
Locally responsive design	<p>Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.</p>
Walkable Catchment Zone	
The purpose of the zone	<p>The zone is proposed to be applied in areas designated for built form intensification. Please advise whether the draft purposes sufficiently guide a responsible authority's discretion.</p>

Building heights	Please advise whether: <ul style="list-style-type: none"> the building height thresholds for above and below 1000sqm are appropriate. the provision is suitably drafted to achieve the intended purpose of facilitating more intense development in the catchment.
Locally responsive design	Please advise whether the proposed controls, in combination with the other, existing elements of the planning scheme are capable of facilitating landscaping/tree canopy and locally responsive design outcomes and are suitably drafted.

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

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

If you have any questions about this matter, please contact Emily Mottram, Executive Director Activity Centres at DTP via [REDACTED]

Yours sincerely,



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

22 October 2024

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

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