



City of Darebin

Preston (High Street)

Officer Submission: Draft Activity Centre Controls

4/10/2024

Note: This submission contains officer-level feedback that has not been endorsed by Council due to the caretaker period

Acknowledgement of Country

Darebin City Council acknowledges the Wurundjeri Woi-wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin and affirms that Wurundjeri Woi-wurrung people have lived on this land for millennia, practising their customs and ceremonies of celebration, initiation and renewal. Council acknowledges that Elders past, present and emerging are central to the cohesion, intergenerational wellbeing and ongoing self-determination of Aboriginal and Torres Strait Islander communities. They have played and continue to play a pivotal role in maintaining and transmitting culture, history and language.

Council respects and recognises Aboriginal and Torres Strait Islander communities' values, living culture and practices, including their continuing spiritual connection to the land and waters and their right to self-determination. Council also recognises the diversity within Aboriginal and Torres Strait Islander communities.

Aboriginal and Torres Strait Islander people and communities have had and continue to play a unique role in the life of the Darebin municipality. Council recognises and values this ongoing contribution and its significant value for



Introduction

We welcome the opportunity to partner with the Victorian Government to enhance planning and investment in the Preston (High Street) Activity Centre (the Centre). We support your government's vision with the Housing Statement and Activity Centre Program to update planning controls, which aim to increase housing supply and diversity while improving public spaces and community infrastructure.

Our previous submission, which was based on key advocacy principles resolved at the Special Council meeting on August 14, 2024, has already provided important local perspective on the draft Preston (High Street) Activity Centre Plan focused on: (i) engagement process, (ii) built form and housing, (iii) infrastructure planning, (iv) transport planning, and (v) place making and should be read in conjunction with this submission.

We are pleased to offer further officer-level feedback on the draft controls for the Built Form Overlay, Walkable Catchment Zone controls and Clause 58 standards reforms for the Centre, received on Friday, September 20, 2024. We note, however, the limited timeframe given for our response, compounded by the timing of the documentation's release during the Council caretaker period, has significantly reduced our ability to undertake a thorough evaluation of proposed controls.

We welcome Victorian Government's reform efforts to tackle the housing crisis and strongly advocate for a transparent process that builds trust and ensures that all voices are heard in shaping our urban environment. We are encouraged by the state government's intention to align built form and land use outcomes with our Draft Preston Central Structure Plan for the activity centre's commercial and civic core and we ask that our officers be involved in finalising the Built Form Overlay schedule.

We have significant concerns about process that has been undertaken, and our previous submission stands. This submission will not repeat these points unless they relate to the further information provided.

Overall officers have significant concerns about the proposed Walkable Catchment Zone in its current form and application and recommend it be removed from this phase of the Activity Centre Program. It is unclear what additional benefits this zone would provide beyond the existing zoning tools. The community and elected representatives at Council have not had the opportunity to consider these proposed draft planning controls.

Technical officer submission

The proposals set out in the Built Form Overlay, Walkable Catchment Zone controls and Clause 58 standards reforms for the Centre, if implemented in their current form, would be a major change and that officers consider risk reducing current and future liveability for Preston Central.

For this reason, officers are submitting a technical officer submission to meet the department's two-week timeline, aligned with Council's relevant policies, strategies and Council resolutions. **This officer submission must be kept in the strictest of confidence by the Department of Transport and Planning.**

We remain concerned that this decision-making process does not meaningfully allow our community to participate in decisions that will significantly change their place. Engaging the community in our Preston Central work has been a vital input to Council's decision making.

After the caretaker period, Council may make another submission.



Activity Centre Program

Context-sensitive housing targets

An analysis of housing targets by centres within the Activity Centre Program suggests Preston is set to accommodate between 11,800 and 15,300 new dwellings, making it a Centre with the highest target among others in this program.

Table 1 Cumulative housing targets for activity centre core and catchment areas

Activity Centre	Cumulative housing target for centres and their catchments
Preston High St	11,800 – 15,300
Epping	9,800 – 13,900
Ringwood	8,200 – 12,200
Camberwell Junction	7,500 – 10,100
Chadston	6,500 – 8,000
Moorabbin	5,000 – 6,800
North Essendon	5,100 – 6,200
Frankston	4,000 – 6,300
Broadmeadows	3,000 – 4,500
Niddrie	3,400 – 3,900

Curiously, some of the centres with the most advanced planning have some of the highest housing targets. We are concerned that the larger catchment area that is being considered for the new zone in Preston is likely to place excessive strain on local infrastructure and services. Together this raises questions about the methodology used to determine cumulative housing targets. We recommend a comprehensive review and release of the methodologies used to determine housing targets, ensuring that they are appropriate for the local context and infrastructure capabilities.

Extent of planning reform and limited consultation

We commend the state government's initiative to improve and clarify planning mechanisms and standards. And are encouraged by the intent to incorporate the Council's innovative built form controls into a new Built Form Overlay (BFO) schedule.

Reform and streamlined amendments are appropriate in some instances to expedite the planning process for issues and areas of regional significance and importance. However, they can have the effect of limiting opportunities for adequate stakeholder consultation and should only be used in special circumstances. The undersupply of housing is a systemic issue with a combination of factors contributing to the problem that will not be effectively addressed by band aid solutions.

The extent of planning reform proposed in an expedited process with limited meaningful community and stakeholder engagement also runs the risk of resulting in ill-considered planning controls that could lead to poor development outcomes that we'll have to live with for decades to come. The extent of planning reforms proposed by the Activity Centre Program are characterised by:

- the introduction and wide span application of a new intensive residential zone in the Walkable Catchment Zone
- the extent of new deemed to comply mechanisms for high density buildings that limit the ability of councils to negotiate good design outcomes
- increased heights and density that could have offsite amenity impacts on landowners and occupants in these areas.



For such substantial reforms, the introduction of new controls must follow the well-established principles of formal consultation and independent review of draft planning provisions. We recommend implementing a more structured consultation process and independent panel review to effectively engage all stakeholders and the community and receive adequate input into long term plans for our city, with the removal of the Walkable Catchment Zone provision from this phase of the Activity Centre Program. Additionally, the inability to vary provisions and the introduction of deemed-to-comply mechanisms warrant further discussion.

A more detailed response is provided below, addressing key themes for each of these controls and standards.

Balancing innovation and standardisation

Council's development of controls for Preston Central has informed the state government's proposed schedule to the Built Form Overlay for the Centre and broader activity centre planning. Council officers commend state governments intent at incorporating bespoke planning approaches alongside standards, as these can address unique local contexts, promoting community identity and cohesive urban fabric.

Bespoke approaches are sometimes criticised for resulting in lengthy planning schemes with repetitive text. However, local specific adaptations can result in innovations that cater to specific needs of place and community rather than forcing a one-size-fits-all approach. Over-reliance on standardised guidance and training can stifle innovation and local adaptation to suit local needs.

The proposed Activity Centre Program allows for both bespoke and standardised planning methodologies for activity centres which is commendable as it allows councils to utilise a simple or more complex approach depending on the needs of the centre. However, the degree of standardisation proposed by the broader Activity Centres Program in its application in many of the other 10 centres appears at odds with the principle of bespoke solutions for local contexts. This is compounded by the introduction of a very blunt and widespread tool in the Walkable Catchments Zone.

We understand that the proposed 'deemed-to-comply' provisions aim to streamline the planning process by offering developers greater certainty and faster approvals for projects that meet set guidelines, such as heights and setbacks. However, these provisions risk creating a 'check-box' approach, potentially compromising design quality. By focusing solely on compliance with technical standards, the provisions reduce opportunities to evaluate whether developments deliver good design outcomes that respond to the local context and character and should be used only where good design outcomes are certain.

Role of structure planning

The Activity Centre Program is proposed as a simpler and quicker alternative to structure plans. More guidance and refined tools are welcome. However the introduction of a rigid structure plan methodology and extensive deemed to comply mechanisms risks imposing a rigid one-size-fits-all approach and homogenous and poor quality design across Melbourne's varied urban environments.

Council's draft structure plan introduces innovative built form controls that deliver outcomes in line with the community vision, developed with a thorough understanding of the local context in consultation with the local community and key stakeholders.

Further, the state's expansion of the activity centre boundary (proposed walkable catchment area) extends 800m from the activity centre core. This approach does not adequately consider the range of criteria to develop a contextually responsive planning framework as outlined in the planning practice notes for defining structure plans.

We recommend that the state government develops clear guidance for activity centre planning to align with established planning practices and to ensure clarity and consistency for future planning of other centres.



What we would like to see:

- Separate out implementation of the Walkable Catchment Zone from the current phase of the Activity Centre Program, and refine and test it further in consultation with Councils and community. Darebin City Council has a resolution to partner with you – through an MoU - to pilot new approaches for our residential transitional areas around the core of the activity centre. Our proposed inclusions for the MoU were shared with Departmental officials on 21 June this year for the Department’s consideration and endorsement.
- Review and release the methodologies used to determine housing targets for activity centres by conducting a comprehensive analysis to ensure they are appropriate for local contexts and infrastructure capabilities. There is no apparent strategic justification for the proposed yield of 15,300 for Preston Activity Centre.
- Maintain quality and fairness in strategic planning processes by balancing faster amendment processes with structured stakeholder consultation to improve community engagement and consideration of long-term impacts on our cities.
- Balance standardisation and simplification with local innovation by ensuring that unique local contexts can be effectively addressed in new planning controls.

Built Form Overlay controls and draft schedule

The proposed Built Form Overlay (BFO) has the potential to guide future development effectively, but it requires refinement. Establishing a robust community benefit framework and ensuring consistency in built form controls, including clear definitions, will support context-responsive development.

Officers also recommend a stronger alignment of the draft BFO schedule with Council’s draft Built Form Framework (BFF) and draft Activity Centre Zone 2 (ACZ2) provisions.

Value capture framework and contribution mechanisms

Council welcomes the development outcomes that integrates various planning tools, such as development framework and typologies, master planned sites, and value capture frameworks within the BFO.

However, the current draft BFO lacks clear guidance for developing a cohesive value capture framework for these centres. Without this framework, there is a risk that new developments may fail to deliver essential community benefits, including affordable housing, public realm enhancements, and improved transport infrastructure.

Additionally, the interaction between the Development Contributions Plan Overlay (DCP) and Open Space Levy (OSL) mechanisms with the proposed development levy remains unclear. We recommend that the state government provide clear guidance to develop integrated value capture mechanisms. This will ensure that developers contribute appropriately to community benefits, including affordable housing and improved transport, open space, and civic realm enhancements within activity centres.

We recommend establishing clear standards and best practices for the value capture framework to maximise its effectiveness and ensure consistency across local governments, enabling better investment in public amenities and infrastructure.

The need for affordable housing exists across various contexts, including city centres and middle Melbourne. Uplift provisions can be part of the solution to address the housing crisis, but should not be a replacement for a broader mandatory affordable housing mechanism.

However, potential to utilise the value capture control will be limited in many non-CBD or Major Activity Centre locations. For example, uplift provisions for smaller centres are not always possible due to sensitive interfaces



limiting greater intensification and density. There may therefore be very limited application of this clause outside of the CBD context and therefore limited value capture through uplift provisions.

Officers recommend developing context-sensitive uplift provisions and strategies that reflect the specific characteristics of each centre and its catchment.

Naming and Definitions

The title of the new proposed 'Built Form Overlay' is not clear and there is an opportunity to align the title with its purpose, particularly distinguishing it from the other built form overlay – a Design and Development Overlay. Its name should be more contextual to its intended purpose and application – e.g. Activity Centre Overlay or Intensive Development Overlay.

Several key planning terms, including "building separation," "transitional locations," and "building envelope," remain undefined in the draft Built Form Overlay (BFO). This lack of clarity can lead to inconsistencies in how the draft BFO is applied across different developments.

Additionally, while the concept of building separation outcomes is referenced, critical definitions such as "primary and secondary outlooks" are omitted in the draft BFO schedule. We recommend providing clear definitions for these essential terms to ensure consistent application of standards across all developments within the Centre and its catchment.

The term "transitional locations" lacks clarity within the draft BFO. It is unclear how these locations are defined or treated. This ambiguity creates uncertainty for local governments in applying the overlay. Establishing a standard approach will reduce confusion and facilitate better planning outcomes. We recommend that the draft BFO clearly define "transitional locations" and outline their treatment in relation to the core.

Built form outcomes and standards

The following comments are provided on built form matters:

- The introduction of outcomes and standards into an overlay control may cause confusion and clash with the Clause 58 apartments controls that also provide similar outcomes and standards.
- Does not adequately address building site coverage. It is noted that the head provision also incorporates opportunities for future centres to accommodate FAR based controls but lack clear pairing with site coverage requirements. Implementing FAR without addressing site coverage may lead to poor design outcomes. For example, without site coverage controls, there is a risk that new developments can propose large floor plates at lower levels, which can negatively impact the amenity of future occupants and neighbouring properties.
- Only specifies building heights as the key measure to manage development outcomes. In contrast, the Walkable Catchment Zone (WCZ) considers both heights and storeys. Council's draft Built Form Framework (BFF) recognises storeys as a vital control measure. This approach offers greater flexibility in accommodating built form outcomes that respond effectively to context and manage amenity impacts and environmental risks, such as flooding. We recommend that the draft BFO specify both building heights and storeys.

Public realm and interface requirements

- The draft BFO schedule introduces a standard stating that pedestrian connections through laneways within new developments must be clear-to-sky "where possible." However, this standard lacks a defined proportion of clear-to-sky area, making it difficult to implement effectively. We recommend providing a clear specification of the percentage of the laneway that must remain open to the sky.



- The draft BFO schedule omits the glazing percentage requirement at ground level for active frontages, as specified in the draft Activity Centre Zone 2 (ACZ2). This omission weakens the schedule's capacity to ensure safety and transparency on the street. We recommend retaining the glazing percentage requirement to enhance street-level engagement and improve safety for pedestrians.
- While Council supports the draft BFO's focus on minimising impacts on proposed street trees, more measures are needed to create vibrant and active streetscapes. We recommend strengthening guidelines for better public realm integration along main street frontages within private developments. This will foster lively, pedestrian-friendly environments that encourage community interaction.

Setbacks, separation, and solar access

- The standards regarding basement extensions and the treatment of walls above ground level require greater clarity as these aspects directly affect street-level activation and the pedestrian experience. We recommend providing clearer guidance on how standards for basement extensions and walls apply to new developments in the Centre, ensuring that there is extensive activation at ground level, particularly along High Street.
- We support the introduction of standards that require assessment of additional overshadowing impacts from stairways and ramps on adjacent private open space.

Exemptions to notice and review:

The proposed exemption from notice and review requirements under the schedule to the draft BFO aims to streamline planning processes to address housing supply. We recognise the same restrictions apply in current Activity Centre Zones. However, this exemption was formed on the basis that the control provides a comprehensive planning control that is developed with extensive strategic planning and community consultation, and with review by an independent panel.

That is not the case with the Activity Centres Program. The amendment process is rushed with little community and council engagement and no panel hearing. Further, the introduction of deemed to comply mechanisms reduce Council's ability to use discretion to ensure good design outcomes. This exemption should be reconsidered in this light.

Growth and lack of clarity on transport provisions

The draft BFO currently lacks defined standards for car parking rates, and therefore it remains unclear whether access to public transport connections is prioritised alongside walkability over private vehicle use.

Council's own transport modelling for Preston Central indicates that Preston will face significant congestion by 2031 by becoming grid-locked under current planning settings. Improving alternative transport modes can alleviate congestion and improve the overall experience for residents and visitors.

We recommend that the state government collaborates with Council to identify and discuss transport provisions and infrastructure and service needs in and around the Centre and supports direct transport investment into projects that assist in alleviating congestion while improving alternative sustainable modes of transport.

We recommend that the state government brings leadership in establishing clear parking standards that prioritise public transport access and walkability within the Centre. To achieve a cohesive approach, an integrated transport assessment is necessary.

Draft Darebin Built Form Schedule

The following comments are provided on the draft schedule:



- The state government's intent to incorporate Council's Floor Area Ratio (FAR) approach into the draft BFO schedule is very welcome. We ask that you please continue to work directly with Council to refine it.
- The current draft schedule to the BFO does not include an affordable housing mechanism and the uplift provisions do not apply (see our comments on problems with uplift mechanisms in lower order centres). This represents significant uplift in the centre compared to current planning heights with no requirement to share this value with the community by way of affordable housing contributions.
- The draft BFO schedule aims to define preferred scale and character across different precincts. We recommend you work with Council to ensure these definitions are consistent with the character and outcomes outlined in the draft BFF and draft Activity Centre Zone 2 (ACZ2) precinct guidelines. This alignment is crucial for achieving cohesive urban development within each precinct.
- Council's draft ACZ2 for the Centre identifies large sites as those that are 1,000sqm or more. However, the proposed BFO schedule removes this reference, which risks hindering comprehensive planning of sites that offer significant development opportunities. Without clear guidance on the master planning of such sites, there is a risk of uniform and suboptimal development outcomes. We recommend defining large sites that can accommodate significant new developments while ensuring that the master planning requirement for large sites is included in BFO schedule.
- Changes to solar access requirements within the draft BFO schedule are concerning. For example, the draft BFO schedule shifts the assessment time for overshadowing of the opposite side of the High Street footpath from the spring equinox to the winter solstice. It remains unclear why this change has been made, and whether further modelling work has been undertaken to support this standard. We are concerned that this introduces new risks on whether the intended development outcomes can be achieved within the Centre. We recommend that the state government either align solar access with the documentation in C218dare or provide additional information used to assess impacts on solar access at these locations.

Zoning uncertainty for Preston activity centre core

We understand the new Built Form Overlay approach for the commercial core seeks to separate out the built form from the land use zoning. Preston Central and Council's draft planning controls in its C218dare amendment utilise special purposes zones, the Priority Development Zone and Activity Centre Zone (ACZ) respectively.

The implications of rezoning for the activity centre core are significant. It remains unclear whether the state government plans to rezone or retain the current zoning for the commercial and civic core of the Centre. The Council's draft ACZ clearly defines the land use and built form outcomes it seeks to implement. It proposes transitioning the activity centre core from a Priority Development Zone to an Activity Centre Zone. This proposal aligns with Ministerial guidance included in the 2018 Planning Advisory Note, confirming that future use of the PDZ will be restricted and phased out.

We recommend that any new amendment utilises Council's ACZ or retain current zoning, potentially with the built form aspects stripped out, to align with current and planned more bespoke land use outcomes. Council's draft zone includes targeted land uses in specific precincts, opportunities for creative industries, vertical zoning to encourage diverse uses above the ground floor, mixed-use outcomes in the civic precinct.



What we would like to see:

- Ensure AC Plans align with best practice guidelines for developing structure plan by refining catchment areas based on detailed local analysis and allow local variations in methodology.
- In the Activity Centres Program new structure planning approach, balance standardisation of controls with local discretion and variations. The extensive application of deemed to comply mechanisms in some other Melbourne centres is concerning.
- There is no proposed zoning for Preston High Street to pair with the proposed Built Form Overlay. Either apply Council's preferred Activity Centre Zone or fully integrate the targeted land-use outcomes of Amendment C218 into any proposed zoning for the activity centre commercial and civic core.
- Provide detailed guidance on value capture frameworks to ensure community benefits are clearly implemented to enhance the planning outcomes for the Centre.
- Include standard on site coverage, particularly integrating site coverage with FAR based standards to ensure development is responsive to local conditions and provides adequate landscaping.
- Consider more useful value capture tool framework for moderate density centres and integrate findings into BFO schedules for Preston Central to ensure the equitable distribution of community benefits.
- Establish parking provisions by undertaking integrated transport assessments to manage car parking rates within the Centre and its catchment and develop sleeving controls to prioritise public transport, walkability, and vibrant street environments.
- Work with Council to carefully integrate the Built Form Overlay (BFO) schedule with the Council's Built Form Framework (BFF) and draft ACZ2 outcomes, including an affordable housing requirement.
- Provide detailed modelling to justify changes regarding Council's schedule overshadowing impacts on High Street interface to ensure that public amenity is not compromised.

Walkable catchment

The rationale behind a Walkable Catchment Zone (WCZ) to incentivise greater development opportunities in areas closest to activity centres is supported and has the potential to represent a promising planning reform for enhancing urban density and promoting walkability by channelling growth around activity centres.

However, the current format, proposed application and process will present councils with considerably challenges in implementation and undermine its effectiveness.

Key issues include the apparently unrefined and widespan application of the WCZ in the Preston Activity Centre hinterland, a rigid application of standards and insufficient flexibility with the zoning control, and inadequate consideration of local contexts. These are discussed further below.

Currently, the WCZ lacks adequate safeguards to ensure appropriate transitions from the activity centre core to residential areas. Therefore, we strongly urge the state government to reconsider and delay the introduction of the WCZ in its present form and application.

Instead, we urge state agencies to collaborate with local authorities to refine the proposed WCZ as part of a second stage to the Activity Centre Program. We have made this offer in our 21 June MOU request as we remain committed to partner with you. Such collaboration is crucial to prevent hurried and ill-considered implementation of controls that could have significant impacts on our community for decades to come.



Title and Purpose

The purpose, when considering the typical Residential Growth Zone, appears to be to incentivise lot consolidation and mid-rise apartment buildings, and remove ability for councils to introduce local variations to achieve neighbourhood character or other contextual planning needs.

The draft title of this zone describes a characteristic of an area rather than alignment with the general objective of the control. For example, it sounds like a transport provision which could create confusion with the community. Its name should be more contextual to its intended purpose and application and residential nature – e.g. Residential Opportunity Zone, Accessible Areas Residential Zone, etc. Or indeed amend the Residential Growth Zone to accommodate intended reforms.

Walkable Catchment Zone extent

The intention to increase density within an 800m-radius of local jobs, services, and public transport is commendable. Yet, the blanket application of this catchment radius does not take into account effective walkability to key destinations and does not integrate essential local factors, such as topography, variations in lot sizes, and the presence of heritage areas.

In contrast, Council's draft Preston Central Structure Plan and draft Residential Development Framework (RDF) employs a more nuanced approach that takes such local characteristics into consideration. We recommend the State's work with Council to implement a broader application of the Residential growth zone around the Preston Activity centre in line with our draft housing strategy.

Inflexibility of standards and risk of poor development outcomes

The rigid implementation of ResCode standards with no ability for Councils to introduce local variations through schedules constrains the WCZ's ability to deliver liveable activity centres. Specifically, the WCZ lacks provisions for adapting site coverage, landscape controls, and canopy tree requirements which hampers the integration of new developments into the local context and manage the unique context and character of Melbourne's diverse neighbourhoods.

A tool intended for such widespread application should not be so rigid. For example, if the WCZ is creating demonstrably poor outcomes in an area, Council would have to "backzone" in order to address a potentially straightforward contextual issue. The introduction of a schedule to the zone allowing rescode variations would fix this, noting it needn't be utilised unless strategically justified through a planning scheme amendment process.

We recommend revising the WCZ to allow local councils to adapt development standards while specifically introducing provisions for varying site coverage, landscape controls, and canopy tree requirements.

Lot consolidation and development incentives

Council broadly supports lot consolidation mechanisms, however Council officers have concerns about the lack of sophistication in the proposed 'planning tool' and incentive approach. Without a developer having the luck to source and purchase and consolidate two to three adjacent lots, most properties in the Preston proposed walkable catchment zone have mandatory height caps at three storeys, limiting the WCZ's potential for achieving desired densification more broadly.

We recommend a more targeted application of the Residential Growth Zone with lot consolidation mechanisms and incentives built into an overlying Design and Development Overlay.

The outcome of the proposed control will is very likely to lead developers to favour side-loaded and poorly designed townhouse construction (typically two or three storeys) over three-plus storey apartment buildings, especially if economic feasibility for higher-density developments is not assured.



The lack of a clear underdevelopment policy allows many areas to continue operating under “business as usual,” which risks suboptimal outcomes despite new zoning provisions.

To avoid underdevelopment, mechanisms should be introduced to ensure higher densities are achieved; for example, proposals for one dwelling on a lot should necessitate a planning permit regardless of lot size. This would empower local councils to evaluate development appropriateness, particularly in areas where higher densities are desired.

Stronger incentives for lot consolidation must be created to achieve smoother transitions in height and density, thus preventing abrupt shifts in built form between the activity centre core and surrounding residential areas.

Additionally, options for achieving appropriate six-storey outcomes on corner lots or land adjacent to parklands and other non-sensitive interfaces should be evaluated. We recommend establishing robust incentives for lot consolidation and clear underdevelopment policies to facilitate appropriate transitions.

Discretionary 6 Storey Heights in WCZ

The absence of mandatory height limits for the defined larger lots within the WCZ generates uncertainty, as the preferred height is stated as three storeys with a maximum of six storeys but lacks binding restrictions.

This ambiguity allows developers to exploit the permissive language of “should” instead of “must,” potentially resulting in poor development outcomes on larger lots that misalign with community objectives.

Establishing mandatory height limits will provide necessary certainty regarding height and storeys within the WCZ.

Integration of building heights in low density areas

Officers are concerned about how six-storey developments integrate with the existing one- and two-storey context, particularly those with heritage controls. Without proper transitions, these taller buildings could appear visually jarring and create significant amenity impacts on adjacent residential properties.

We recommend revisiting the proposed building height provisions in the spatial context of the Centre and improving transition standards to ensure a more seamless integration of taller buildings within lower-scale neighbourhoods.

Further consideration needs to be given to the interaction of allowing these heights in predominantly single-storey residential heritage areas and areas of strong neighbourhood character. Maintaining safeguards is essential for maintaining planning quality, particularly in heritage precincts and minimal change areas, which require sensitive approaches to development proposals.

Additionally, given Clause 58.04-1, which addresses amenity standards, have been relaxed and replaced with new provisions, it is necessary to model and understand the potential amenity impacts from taller developments on neighbouring residents. We recommend enhancing the existing standards to better safeguard the amenity of existing residents while considering the interplay between varying built forms in the area. This will help ensure that new developments contribute positively to the neighbourhood.

Housing diversity and community needs

A significant concern is the omission of housing diversity from the WCZ’s purpose. Unlike the Residential Growth Zone (RGZ), which explicitly supports diverse housing types, the WCZ lacks a similar focus, thereby restricting the potential for a variety of housing options to meet diverse community needs. While it is acknowledged that existing single detached dwellings and infill developments can coexist with new developments, promoting housing diversity should be integral to WCZ’s purpose. We recommend integrating housing diversity into the WCZ’s objectives to ensure a broader range of housing options are planned and delivered.



Car parking provisions

Variations to car parking provisions should be considered as part of the change to the WCZ. The current standards often attract objections, particularly when reductions in car parking are advertised. State leadership is needed to reform this strategy to mitigate such objections. For example, the state government could rely on census data to amend Clause 52.06 specifically.

It is also important to recognise that even after lot consolidation, development feasibility hinges on car parking provisions at ground level. Aligning car parking standards such as those proposed under the Future Homes initiative, where one car parking space per dwelling is proposed regardless of bedroom count, can potentially assist in improving development feasibility while prioritising more sustainable modes of transport. We recommend reforming the parking policy and rates for WCZ to achieve its intent for urban intensification and improve walkability.

What we would like to see:

- Remove the Walkable Catchment Zone from the current phase of the Activity Centre Program so it can be further refined in consultation with local councils and community.
- Reduce and refine the proposed widespread application of the 800m catchment criteria for the High Street Preston catchment area in consultation with Darebin council.
- Reassess the impacts of allowing six-plus storey developments in broad single storey residential areas by refining the application of the control, the type of control, and appropriate character and amenity protections to prevent abrupt shifts in built form between the activity centre core and surrounding residential area.
- Reconsider effectiveness of proposed lot consolidation incentives, including considering working with property and financial sectors to identify broader lot consolidation impediments.
- Consider interaction of control with heritage places and precincts by ensuring respectful transitions in built form that achieve appropriate and sensitive development adjacent to heritage and 'minimal change' areas.
- Introduce the ability to 'schedule in' flexibility in the application of ResCode standards to allowing local variations in site coverage, landscape controls, and canopy tree provisions.
- Reconsider the type of planning control and its ability to achieve intended outcomes, and consider whether reforms to current suite of controls can achieve desired outcomes.
- Due to the level of housing intensification proposed in catchment areas, reform parking policies and rates in the WCZ to mitigate undesirable transport impacts of urban intensification and promote the use of more sustainable modes of transport.

Clause 58 reforms for WCZ

New Clause 58 reforms are proposed to be introduced for apartments within the proposed WCZ and aim to encourage apartment development that delivers reasonable standards of amenity for both existing and new residents.

In summary, while the new Clause 58 standards offer potential for enhancing urban development, they must be adaptable to local contexts. We recommend a thorough review of these provisions to ensure they promote balanced growth and protect community interests. Collaboration between state agencies and local authorities is essential to refine these standards. This collaboration will ensure they are thoughtfully developed and rigorously evaluated, leading to more successful outcomes.

Detail comments are provided:



- The new Clause 58 standards are intended to mitigate amenity impacts for apartments in low density areas as allowed by the WCZ. Their discretionary nature may present challenges in achieving good quality outcomes for such a critical new issue being introduced by the proposed reforms.
- It remains unclear how these or similar provisions apply for lower-scale but intensive developments such as townhouses in the context of Clause 55 standards. We recommend providing clearer guidance for lower-scale developments to protect amenity in the proposed WCZ, particularly in the absence of a proposed schedule.
- Strengthen other important apartment standards in clause 58 provisions related to sunlight access, privacy, and overshadowing controls should be strengthened to achieve protection for the living conditions of neighbouring properties, especially in transition zones.

Front setbacks

- *Proposed street setbacks:* We support the proposed street setbacks, particularly the average of 4.5m from neighbouring buildings. This approach is a good starting point for enhancing the streetscape. However, for developments featuring ground-floor apartments, a minimum setback of 3m should be established. This requirement will ensure adequate internal amenity for residents while promoting passive surveillance of the street. We recommend implementing this minimum setback to balance amenity and safety effectively.
- *Addressing the challenges of matching adjoining setbacks:* The current requirement for developments to match the setbacks of adjoining buildings can lead to challenges, particularly in areas where neighbouring properties are built to the front edge. This could result in new developments having zero setbacks for ground-floor apartments, negatively impacting amenity. To prevent this, we recommend that a minimum setback of 2.3m to 3m be provided for ground-floor apartments, irrespective of adjacent buildings' setbacks. This measure will help maintain consistent amenity standards throughout the precinct.
- *Tailoring setback requirements to local context:* The Preston Walkable Catchment Zone (WCZ) encompasses a variety of streets, including St. Georges Road and residential avenues, each with distinct characters and preferred land uses. A generalised setback approach may not be suitable for these diverse contexts and could lead to undesirable outcomes. We recommend that street setbacks be tailored to specific land uses and the desired future character of each street. This approach will ensure that new developments complement the existing urban fabric and meet community amenity considerations.
- *Enhancing flexibility for corner sites:* In corner sites where there are no existing side buildings, the minimum required setback can limit design flexibility, activation, and street presentation. Limiting height to 11m may also unnecessarily restrict development potential, particularly if taller buildings are envisioned. We recommend allowing for greater flexibility in setbacks on corner sites to encourage innovative design solutions that enhance street vitality and the creation of local landmarks. Additionally, any setback requirements should consider the intended ground-floor use—especially if it is retail or commercial—rather than relying solely on zoning considerations.
- The guidelines for street setbacks contribute positively to the urban landscape. However, concerns arise when new developments have smaller setbacks than neighbouring buildings. This can disrupt street alignment. We recommend reconsidering setback requirements on corner sites to ensure street alignment is preserved while allowing for appropriate design flexibility.



- Zero setbacks for ground-floor retail or commercial spaces in residential areas are essential for vibrant streetscapes. We recommend establishing setback requirements based on land use rather than zoning categories to facilitate effective street activation.

Side and rear setbacks

- *Consistency of height limits and simplifying setback standards:* The height limit of 25m referenced in the standards is inconsistent with the maximum height limit of 21m for the Walkable Catchment Zone (WCZ). This inconsistency may create confusion for developers and hinder effective planning. We recommend aligning the height and setback references to ensure clarity and compliance.
- *Clarifying wall definitions:* Clear definitions of wall types are essential for effective planning. Differentiating between primary and secondary outlooks as well as blank walls will help developers understand design expectations. We recommend providing clear guidelines on wall types to facilitate better design outcomes.
- *Avoiding wedding-cake like designs:* The rear setback requirement that increases by 1m for every meter of height over 9m could lead to a "wedding cake" effect. This design outcome may not be visually appealing and could result in poor aesthetics. We recommend clearly defining the maximum setbacks to avoid this issue and create more cohesive built forms.
- *Tiered setback requirements:* While the setback from residential interfaces is generally aligned with Council's design excellence framework, taller buildings should adhere to stricter requirements. A 3m setback is appropriate for most developments, but a 5.5m setback should apply to buildings exceeding three storeys. We recommend implementing these tiered setback requirements to enhance amenity and design quality.
- *Guidelines for narrow sites:* The application of setbacks on narrow sites remains unclear, which could complicate development outcomes. We recommend developing specific guidelines for setbacks on narrow sites to ensure consistency and practicality.
- *Considering laneway access:* The inclusion of motorable laneways should be considered when determining side and rear setbacks. This flexibility can help create better design outcomes and enhance accessibility and permeability of the street network. We recommend incorporating laneway considerations into the setback guidelines to support improved urban design.

Walls on boundaries

- The provision regarding walls on boundaries, which permits construction only if there is a simultaneously built wall on the adjoining site, raises questions about its intent. This is particularly relevant for heritage buildings. We recommend clarifying this provision to enhance its applicability in various contexts particularly in heritage / minimal change areas.

Building separation within a site

- We support the introduction of building separation within a site standard. However, we note that these standards vary from Council's draft ACZ2 which is based on its design excellence framework. This variance could create inconsistent outcomes within the Centre's core and catchment areas.
- *Variability in building separation standards:* Building separation standards are linked to building heights and exhibit variation from Council's design excellence framework also referenced in the draft ACZ2, with greater separation proposed for the first four floors but lesser separation for floors above. We



recommend establishing consistent separation criteria for the core and catchment areas to simplify compliance and maintain consistent design outcomes.

- *Guidance for narrow lots:* The proposed standards do not adequately address developments on narrow or smaller lots. These lots present unique challenges that require tailored solutions. We recommend developing specific building separation guidelines for narrow lots to ensure that standards are practical and effective in such contexts.

Light courts

- The standards for light courts are generally satisfactory. However, there is a need to specify that light courts should only be used for secondary outlooks or bedroom areas. Living rooms with balconies should not rely solely on light courts for their outlook, as this arrangement may not provide sufficient light or amenity.
- We recommend explicitly defining these uses to enhance the liveability of residential units and ensure adequate natural light and ventilation. Clear guidelines will lead to better design outcomes and improved quality of life for residents.
- Council officers also recommend establishing clear triggers against large floor plates to ensure that developments remain contextually appropriate and do not create amenity and visual impact.

What we would like to see:

- ➔ Provide clearer built form guidance for more intensive built form in the proposed catchment areas as outlined in this submission, including townhouse developments under 4 storeys to achieve context-specific outcomes and maintaining design quality (in WCZ in particular).
 - ➔ Enhance design flexibility for corner sites by allowing more adaptable setback requirements to achieve innovative designs and street activation that positively contribute to the public realm while maintaining urban design integrity.
 - ➔ Strengthen amenity standards for taller buildings by enhancing existing apartment standards in clause 58 provisions related to sunlight access, privacy, and overshadowing controls to achieve protection for the living conditions of neighbouring properties, especially in transition zones.
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