

# SEAFORD COMMUNITY COMMITTEE

FRANKSTON PLANNING SCHEME  
AMENDMENT C95: REFORMED  
RESIDENTIAL ZONES



## MARCH 2014

Presentation to Planning Panels Victoria

Presented on behalf of the residents of Seaford,  
Noel Tudball,  
Chairman,  
Seaford Community Committee (SCC)  
[www.seafordcc.org](http://www.seafordcc.org)

# Seaford Community Committee

2

- ❑ In response to a Public Meeting of Seaford residents, the Committee was formed in February 2013 with the help of Frankston City Council
- ❑ The Seaford Community Committee was formed with a charter to ensure adherence to:
  - the Seaford Local Area Plan
  - the amenity of Seaford residents
- ❑ Frankston City Council's proposed allocation of Residential Zones is contrary to both.

The residents of Seaford are deeply protective of their community, with strong views of how it should be developed.

The most notable feature of that first public meeting of residents in February 2012, was the topic of development.

Participants were quick to voice their fears that Seaford would be over-developed and that the character of the community would be buried under higher density housing.

Pressures from an increasing population featured strongly and were at the heart of many of the other issues discussed.

# Executive Summary

3

- ❑ Seaford Community Committee is concerned that Frankston City Planning has:
  - Not given sufficient consideration to neighbourhood character nor existing overlays in determining the application of their proposed Residential Zones
  - Proposed an overly complicated structure of Zones (with 24 sub zones so far)
  - Left too much detail hidden in Design overlays or default clauses - “None Specified”
  - Postponed the decision on RGZ (Growth) areas within Seaford as a means of disguising their intent

The Planning Panel directed Council to clarify similar concerns:

- a) The differences between schedules 4, 5 and 7 to the General Residential Zone.
- b) The possibility of consolidating schedules with similar content.
- c) How any conflict between the schedules to the new residential zones and existing schedules to the Design and Development Overlay will be addressed.

This presentation was prepared prior to any Council clarification.

# The Planning Process so far..

4

- ❑ Draft Frankston Housing Strategy, June 2013
- ❑ Public Ward Meetings, August 2013
- ❑ Public Feedback due September 2013
  - Majority received from Seaford
- ❑ FCC C95 Amendment, November 2013
- ❑ North Ward Presentation, November 2013
  - How does this differ to current zones: “It is very complicated..!”
- ❑ Public Feedback due December 2013

Despite the planning work preceding it, the North Ward presentation in November was very disappointing:

- It was not Seaford-specific
- It concentrated on Site Use, e.g. medical centre
- It was not informative e.g. when asked:
  - Can you outline the differences between the current and proposed zone schedules, the response was: “**It is very complicated..!**”
- Frankston Planning confirmed they had **not** consulted all relevant council departments for input e.g. Stormwater Management, which is of paramount importance to Seaford since heavy rainfall frequently results in road closures &/or warnings.

SCC members acknowledge that planning requires a degree of complication but the planning process in Frankston is **exceedingly** complicated.

# Planisphere – Interpretations

5

- ❑ Change Areas in Frankston Housing Strategy were:
  - Minimal Change
  - Limited Incremental Change
  - Incremental Change
  - Substantial Change
- ❑ Resulted in a confused Public attempting to translate them to Plan Melbourne Residential Zones
- ❑ Classified “20 minutes” as 500m walking distance!

By not clearly designating areas based on Plan Melbourne Residential Zones too much was left to interpretation.

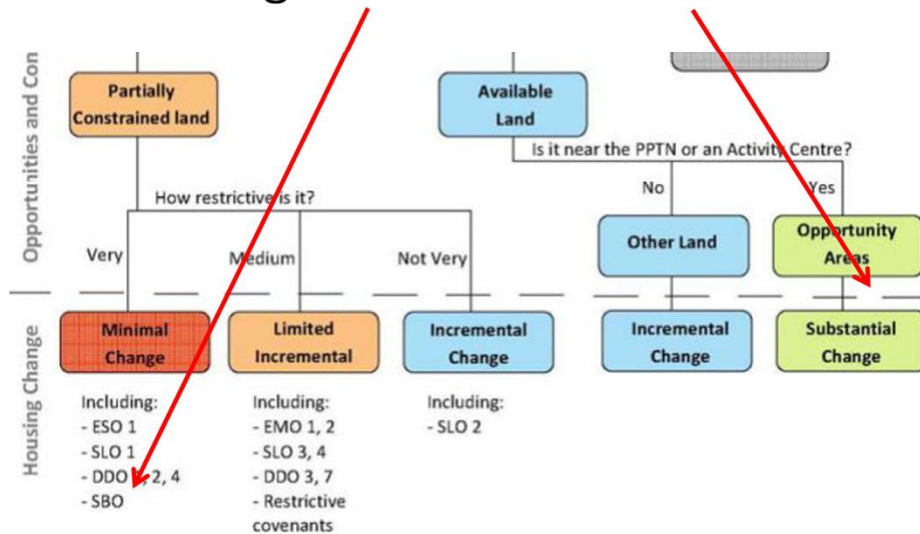
The manner of constructing and applying the zones is a reflection of this confusion.

An allowance of only 500m for a “20 minute city” is over-restrictive and limits Council’s opportunities to meet housing needs whilst still considering building constraints.

# Planisphere – Overlays Ignored

6

- Seaford is subject to: BMO, LSIO, SBO
- Which translates as: Minimal Change
- But was designated: Incremental & Substantial



FCC Expert Witness Statement P12-13 states:

*"Minimal Change - predominantly Constrained or Partially Constrained Land*

- *Vulnerable coastal areas*
- *SBO area with significant flooding constraints"*

This "process" does NOT support the allocation of **Incremental and Substantial Change to Seaford**, as much of the area is subject to:

- Bushfire Management (BMO)
- Land Subject to Inundation i.e. overland flooding (LSIO)
- Special Building Overlays to control floor levels in areas subject to stormwater flooding (SBO)



# Inconsistent Application of Zones

7

- ❑ FCC's number of sub zones will make the planning confusing:
  - 16 NRZ Schedules defined
  - 7 GRZ Schedules defined
  - 1 RGZ Schedule defined
- ❑ Within Seaford, the application of the new Residential Zones is not consistent with the principles defined for the Zone

FCC Expert Statement P21 states:

*"Planisphere was not involved in translating the Housing Change Areas contained in the Frankston Housing Strategy 2013 into the new residential zones and preparing the associated Schedules. It is understood that this work was completed by Council Officers."*

Is this a Get Out of Jail Free card to say that Planisphere did not get C95 wrong - Frankston did?

We believe they have BOTH misinterpreted the guidelines, with the result that schedules attached to zones are not indicative of the zone they represent.

# Detail Hidden in Design Overlays

8

- ❑ Design & Development Overlays (DDO) will further complicate each zone
- ❑ From Council Minutes 20 January 2014:
  - *“In the Neighbourhood Residential Zone Schedule 10 (NRZ10), delete reference to setting back the second and third storeys of buildings that adjoin Kananook Creek, as it remains an applicable control in the DD06”*

This is just one example where details have been removed from the Zone Schedules and hidden from the casual observer.

In many Zone Schedules, the detail has been left as “None Specified”, requiring reference to other planning clauses to determine the actual requirements of the Zone.

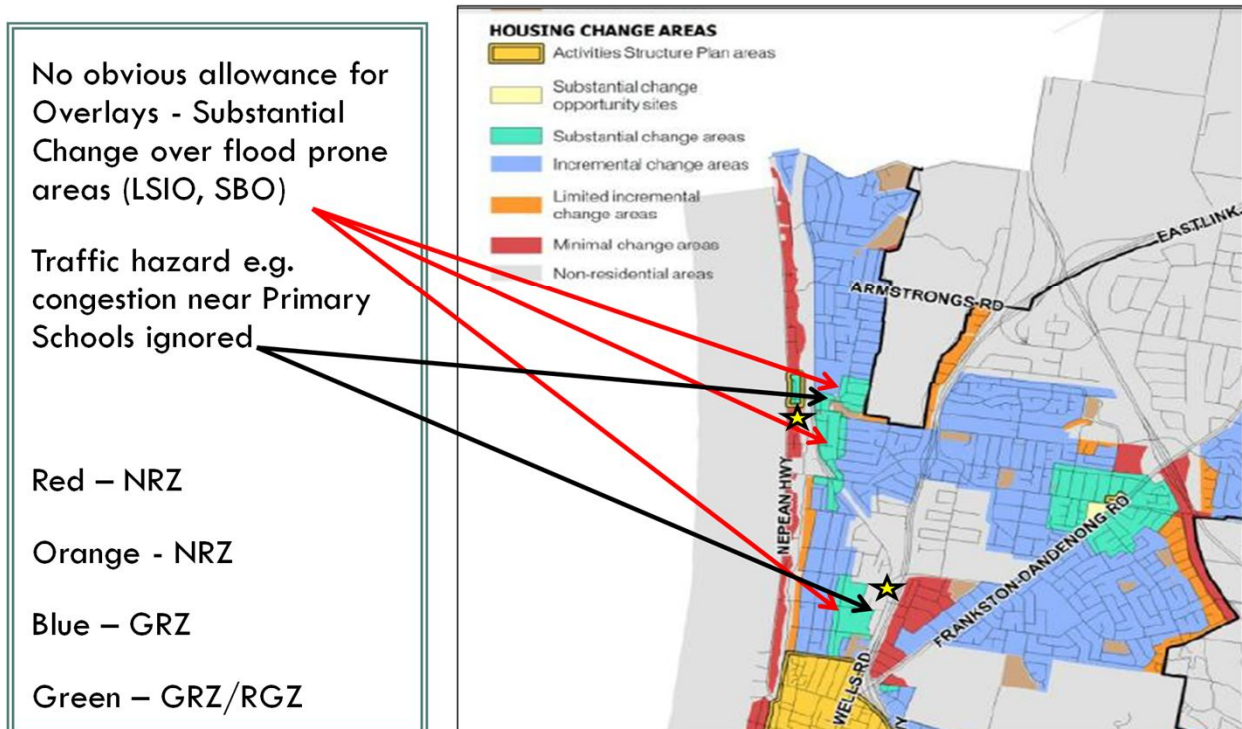
It could be said that the *Fog Index is so high on Frankston Residential Zone schedules that aircraft have been advised to avoid Frankston.*

We don't want tourism, residents and responsible developers to do the same.



# Draft Housing Strategy

9



FCC Expert Statement P22 states:

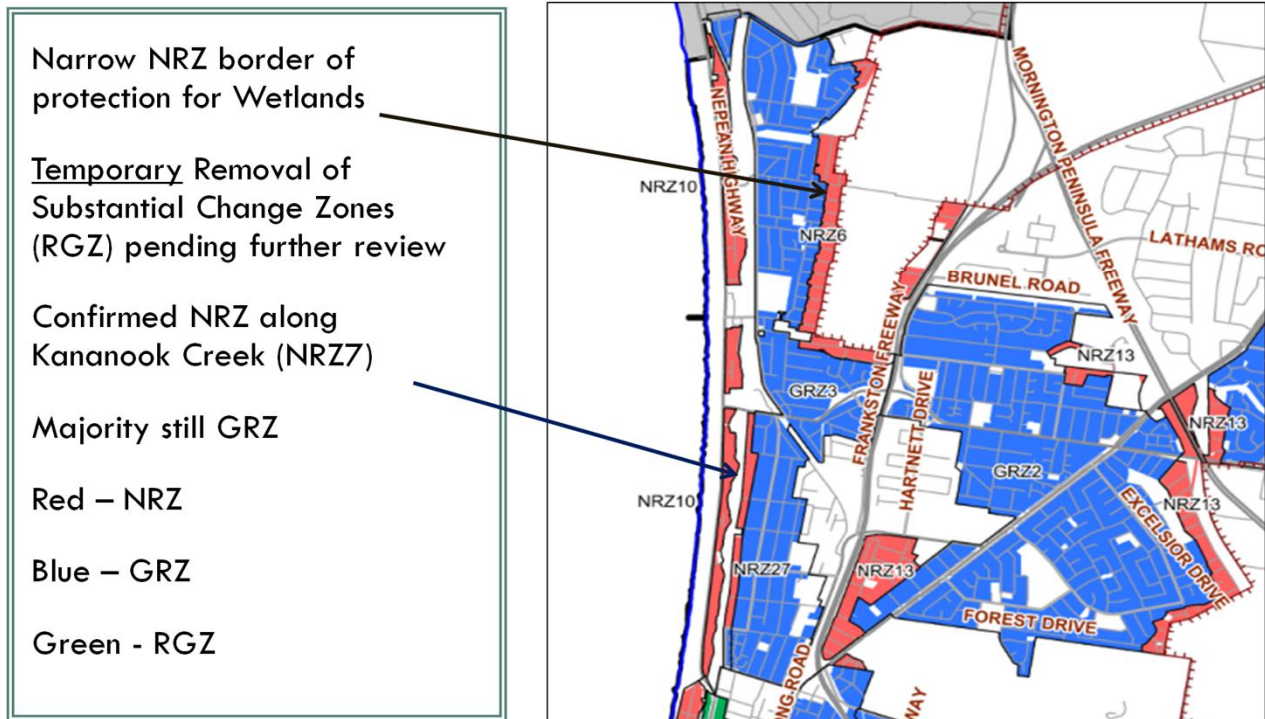
"The Frankston Housing Strategy identifies the majority of land in Seaford in the Incremental Change Area and some in a Substantial Change Area. **This is due to its proximity to the Activity Centre and public transport.**"

And this appears to have been the ONLY basis for selection i.e. near Railway Station = RGZ without any consideration to building constraints.

They have also shown total disregard to traffic hazards e.g. congestion near Primary Schools.

# Minimal Correction in C95

10



Many residents have been confused into thinking that C95 is much better, but in fact for Seaford very little has changed. Those changes are essentially Kananook Creek confirmed as NRZ (but not with expected NRZ schedules, e.g. heights), the original "Areas" now have Zone names and decisions on Substantial change areas (RGZ) have merely been postponed.

FCC Expert own Statement (P4 and P23) confirms this:

"A subsequent planning scheme amendment is necessary to apply the Residential Growth Zone to areas identified as Substantial Change, **in order to ensure that the municipality has sufficient land supply to accommodate forecast population growth.** It is understood that Council will pursue this once detailed design guidelines have been prepared for the respective areas."

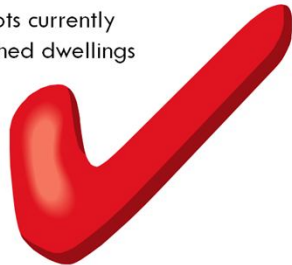
The statement goes on to say: "It is my conclusion that Amendment C95 is generally consistent with and implements the directions of the Frankston Housing Strategy, 2013." = minimal correction.

# Neighbourhood Residential (NRZ)

11

## Plan Melbourne:

- Restricts housing growth in areas identified for urban preservation.
- Likely applications:
  - Areas where single dwellings prevail and change is not identified, such as recognized neighbourhood character, environmental or landscape significance
- Principles for applying:
  - More than 80% of lots currently accommodate detached dwellings



## Frankston City:

- To recognise areas of predominantly single and double storey residential development.
- To limit opportunities for increased residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.

These are the NRZ guidelines presented by Plan Melbourne and FCC.

Based on the guidelines alone, it looks like Frankston and Plan Melbourne are in agreement.

In particular:

"Areas where **SINGLE** dwellings prevail and change is not identified".

# Application of NRZ10

12

- Seaford, Nepean Hwy (Precinct 7) DDO6
- Character Precinct extract: *“reflecting the Council’s strategy for the Area ... These newer dwellings are both taller and much bulkier than the older dwellings, covering a much larger proportion of the site.”*



**DDO6 has a Max Height 12m – far in excess of Plan Melbourne’s default NRZ of 8M and FCC’s 9m.**

This is quite different to “single dwellings”.

This does not mean we support the growth already existing in this precinct as sustainable.

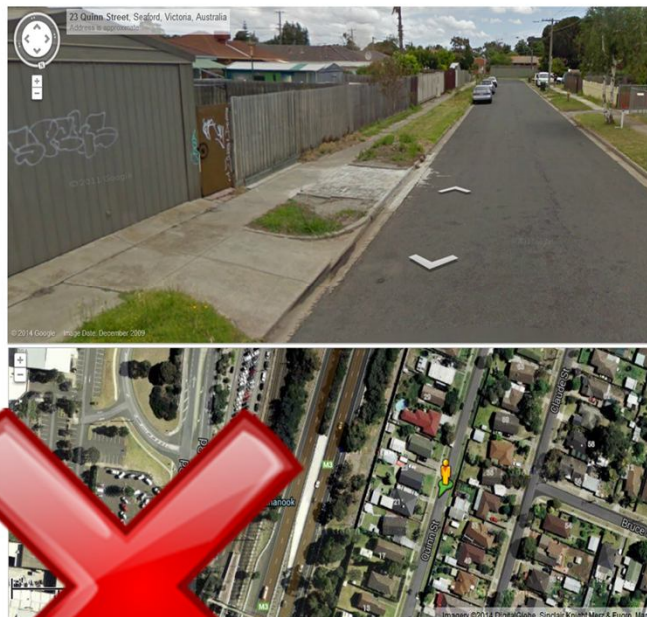
It is simply given as a demonstration of an existing area that does not meet the principles for a **Neighbourhood** Residential Zone.



# Application of NRZ13

13

- Seaford-Frankston North (Precinct 9).
- *Character Precinct extract:*  
“An area with smaller, simpler dwellings from the earlier post war eras set in informal, garden settings and sandwiched between freeway noise, attenuation walls and Frankston-Dandenong Road”
- Close to Kananook Railway Station
- Not constrained by ESO, WMO nor LSIO
- Is constrained by SBO.



Quinn Street, Seaford North

I mean no offence to the people living there, but does this look like an area deserving of preservation?

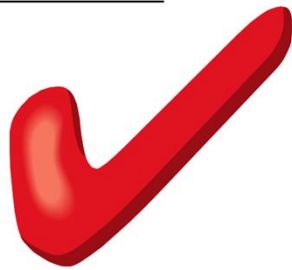
Again, this does not meet the principles of a Neighbourhood Residential Zone.

# General Residential Zone (GRZ)

14

## Plan Melbourne:

- Respects and preserves neighbourhood character while allowing moderate housing growth and diversity.
- Likely applications:
- In areas where moderate growth and diversity of housing is consistent with existing neighbourhood character.



## Frankston City:

- To encourage development that respects the neighbourhood character of the area.
- To implement neighbourhood character policy and adopted neighbourhood character guidelines.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.
- The General Residential Zone to have a minimum lot size of 300 square metres

The guidelines agree.



# Application of GRZ3

15

## Seaford Wetlands

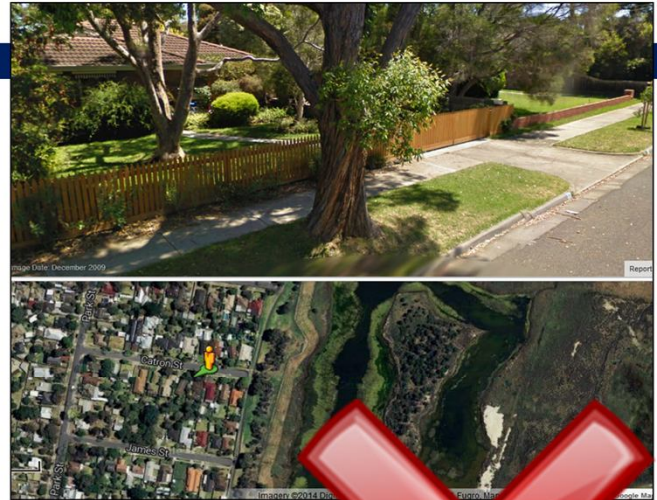
Precincts 5/6

Constrained by:

ESO, WMO, LSIO, SBO

Character Precinct extract:

*“The spaciousness of the streetscape is to be maintained, and the coastal garden settings and relationship with the creek and wetlands environs are to be strengthened by.. ensuring new buildings respect the low scale of the existing dwellings”*



Catron Street, Seaford (Precinct 5)

To designate this a General Residential Zone with a minimum lot size of 300 square metres, and a height limit of 9 or 10 metres

- Does not retain the existing character of the area
- Does not consider the sensitive environmental area
- Does not consider restricted road access in times of emergency

How does one put the Wetlands Precinct in General Residential?

# Residential Growth Zone (RGZ)

16

## Plan Melbourne:

- Enables new housing growth and diversity in appropriate locations.
- Likely applications:
  - Near activity areas, train stations and other areas suitable for increased housing activity.
- Principles for applying:
  - Areas which provide a transition between more intense use and development and areas of restricted housing growth
  - Areas where there is a mature market demanding higher density housing.



## Frankston City:

- To provide housing at increased densities in buildings up to and including four storey
- To encourage a diversity of housing types in locations offering good access to services and
- transport including activities area
- To encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth buildings

The guidelines agree.

However, in C95, Frankston has deferred decisions on many of the areas proposed as Growth Zones in the original Housing strategy.

When and how will this be done?

# Proposed RGZ

17

*“Frankston plans to pursue all the proposed Residential Growth Zones apart from the Ebdale Precinct as a separate planning scheme amendment once design guidelines have been developed for each of the areas to provide clarity around the preferred built form”*

Original draft cited:

- Station Street, Railway Parade, Mitchell Street & Park Street Seaford
- Kananook (off Wells Road)
- Belvedere Shopping Precinct

Frankston has many areas more suitable to the housing density required for RGZ.

Referenced from Endorsement of Draft Frankston Housing Strategy, Oct 2013

In order to ensure that the municipality has sufficient land supply to accommodate forecast population growth, FCC needs to take a harder look at other areas of Frankston.

It should consider areas NOT impacted by environmental overlays or constraints and already in the process of being developed e.g. High Street Frankston South, Dandenong Road Seaford North.

Most importantly, development should be on MAIN Roads which have the capacity to handle increased traffic flow – not RESIDENTIAL streets with restricted access.

The ones proposed for Seaford are predominantly all family areas adjacent to primary schools, with restricted road access and impacted by sensitive overlays.

# Seaford Local Knowledge

18

- ❑ Our focus and information relates to Seaford, however, we believe the whole of Frankston has been poorly represented by the people employed and elected to look after our interests.
- ❑ The State Government is relying on local knowledge to appropriately apply the new residential zones.
- ❑ It's disappointing that the Frankston Housing Strategy was prepared by an urban developer based in Fitzroy – who seemingly ignored the overlay constraints they presented

As C95 clearly states: "Frankston City Council IS the planning authority for this amendment". Zone allocations are firmly within Council's control.

This is Council's opportunity to regain control of their local planning but only if sound decisions are made NOW.

Council must eliminate confusion and uncertainty by setting appropriate and clear differences between Zones, which include height, coverage, permeable land and boundary setbacks.

The SCC understands that Overlays are designed to control land development.

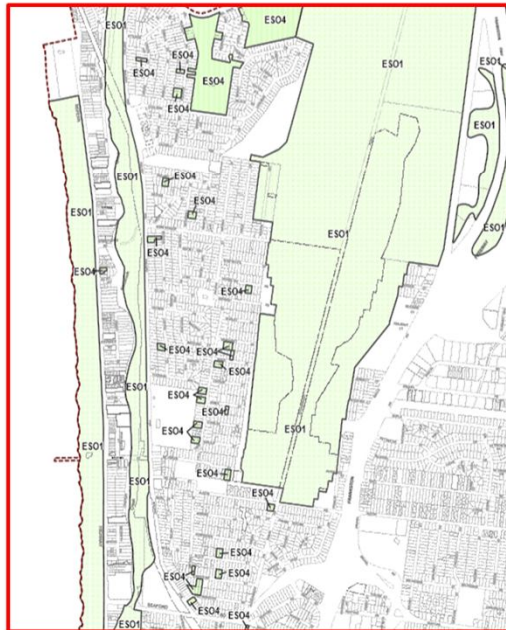
The next slides highlight the overlays that SHOULD have been considered when allocating the Seaford Residential Zones.



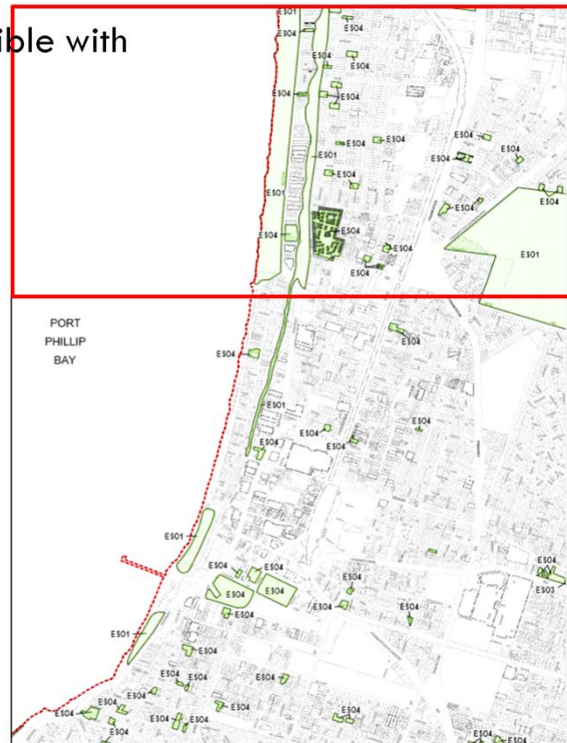
# Environmental Significance ES01 /ES04

19

To ensure that development is compatible with identified environmental values



DPCD - Grid Areas 01 and 04



Environmental Significance appears to be the only consideration in the C95 allocation of the Seaford Residential Zones (i.e. Seaford Wetlands). But C95 has ONLY considered the actual wetlands and not any impact from **adjacent** land.

The loss of the Moreton Bay Fig (ESO3) in Cranbourne Road highlights that dense development and large trees DO NOT MIX so ESO4 is just as important.

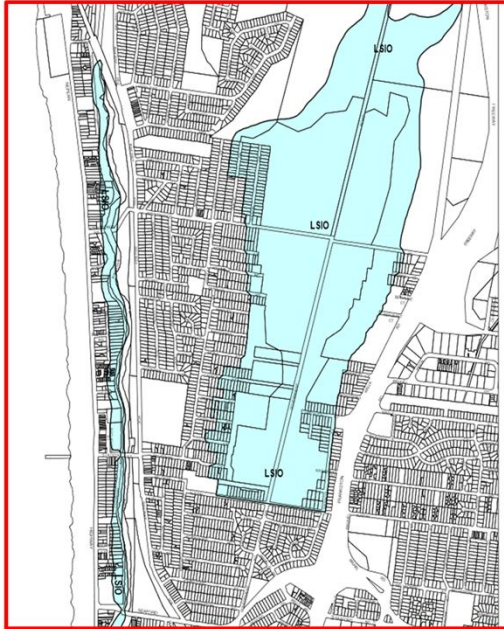
ES01: Significant Environmental Areas: "development compatible with the long term protection and enhancement of their botanical and zoological values"  
In Seaford this is primarily the Foreshore, Kananook Creek environs and the Ramsar recognized Seaford Wetlands.

ES04: Significant Trees: "To protect and enhance trees and areas of vegetation that have been identified as being significant " presents constraints to individual properties only.

# Land Subject to Inundation (LSIO)

20

Flooding from waterways and open drainage systems



DPCD - Grid Areas 01 and 04



Land Subject to Inundation does not appear to have been considered when allocating the Seaford Residential Zones

Melbourne Water states:

Land subject to inundation overlays are planning scheme controls that apply to land affected by flooding associated with waterways and open drainage systems. Such areas are commonly known as floodplains.

Overlays are based upon the extent of flooding that would result from a 1 in 100 year storm OR a 1% chance of occurring in any given year.



# Special Building Overlay (SBO)

21

Identify areas prone to overland flooding.



DPCD - Grid Areas 01 and 04



Special Building Overlays should have been considered when allocating the Seaford Residential Zones – and it does not appear to have been.

Melbourne Water states:

Special building overlays are planning scheme controls that identify areas prone to overland flooding.

The purpose of these overlays is to set appropriate conditions and floor levels to address any flood risk to developments.

Proposed zoning with a minimum of only 20% permeable land in and around these areas will seriously compromise them.

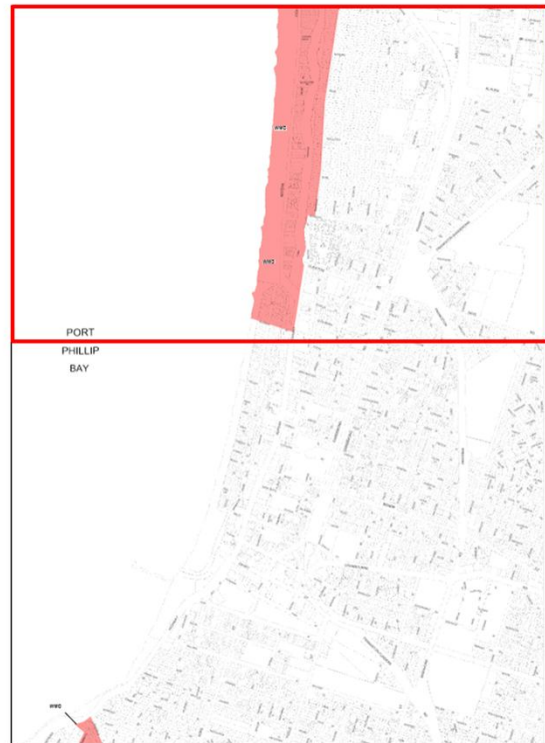
# Bushfire-Prone Overlay (BMO)

22

Land that may be significantly affected by a bushfire



DPCD - Grid Areas 01 and 04



The Bushfire Management Overlay (formerly WMO) should have been considered when allocating the Seaford Residential Zones – and it does not appear to have been.

BMO requires that new development implements appropriate bushfire protection measures.

Guidelines aim to "*substantially restrict new developments and subdivisions in those areas of highest risk.*"

Endorsed plans need to address:

- construction standards
- minimum defendable space
- water supply and
- access

(Department of Transport, Planning and Local Infrastructure)

# Consolidation of Overlays

23

Most is either subject to overlay or surrounded by sensitive areas



When the Overlays are consolidated, a very clear picture presents itself.

There is only a **very small area** of Seaford that is not directly impacted by at least one sensitive overlay, but even it could be surrounded by wildfire in the event of a disaster.

During the recent drought, major fires occurred in the wetlands area and along the reserves adjacent to the railway line. Thankfully, CFA was able to contain them.

Over-development **anywhere** in Seaford can impact the overlaid areas, through:

- Loss of permeable land
- Increase risk of stormwater flooding in the neighbouring areas



# Coastal Acid Sulphate Soils (CASS)

24

- ❑ Low occurrence of CASS within Victoria
- ❑ Maps designed to: “indicate to land managers where caution is needed”
  - Step 1 – Identify
  - Step 2 – Avoid it
- ❑ Disturbance of CASS in NSW & QLD has already resulted in “degradation of lowland environments and estuarine water quality”
- ❑ Undisturbed they are harmless

Department of Primary Industries 2003 – Acid Sulphate Soil Hazard Maps, Guidelines for Coastal Victoria.

And then there is the “elephant in the room”: Coastal Acid Sulphate Soils (CASS) Recorded disturbance of acid sulfate soils in Victoria has been quite low (so far). This may be due to the relatively low occurrence of acid sulfate soils within the state.

As further pressure for housing development occurs in the coastal zone, the likelihood of disturbance of CASS increases due to increased engineering works.

Being aware of the existence of CASS is the first management step.

Second step is for land managers (planners) to identify those areas where development is either best avoided, or is going to need some special treatment.

Left undisturbed, these soils are harmless. In order to preserve such sensitive environments as Kananook Creek and the Seaford Wetlands we need to look to adjacent land development. Run-off can be just as devastating.

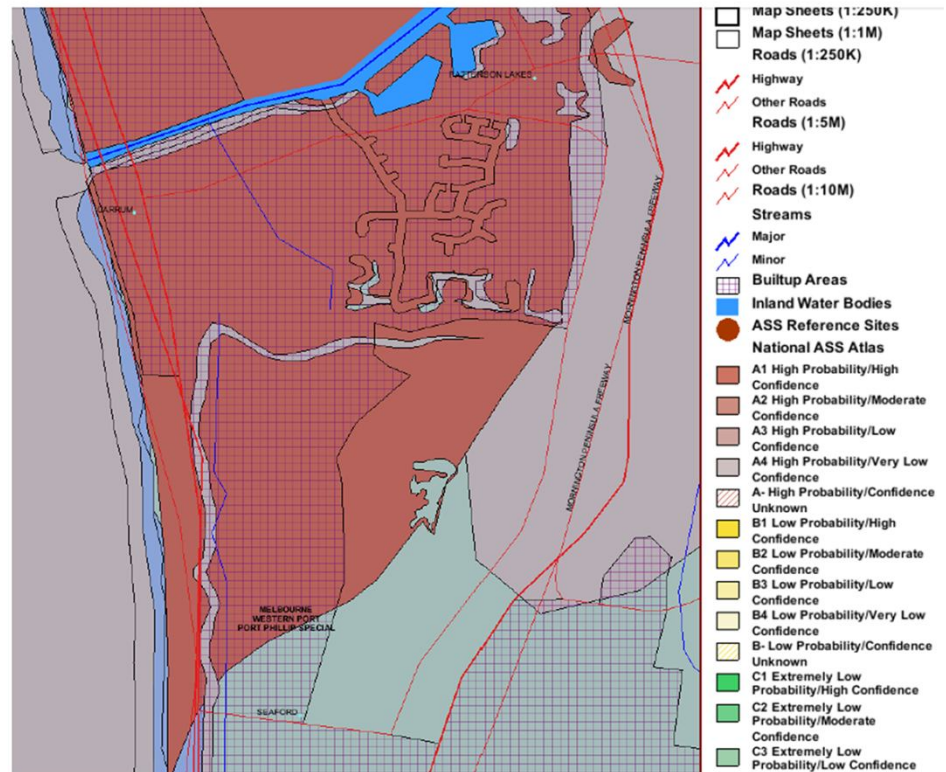
CSIRO <http://www.clw.csiro.au/acidsulfatesoils/>

# CASS in Seaford

25

Most of Seaford is designated as “High Probability” for Coastal Acid Sulphate Soils (CASS).

Map from CSIRO - ASRIS



CSIRO extract:

“Local and state governments around Australia are beginning to respond, producing planning policies and guidelines mindful of the risks associated with acid sulfate soils. Some are more developed than others - Victoria is not one of them.

It is hoped that the Atlas of Australian Acid Sulphate Soils will enable informed risk management, both in terms of the maintenance of existing development and the assessment of future development proposals.”

We do not pretend to be environmental experts – but a small amount of research shows that the potential for major environmental damage if these soils are ignored is **extremely** high and that far more professional research is needed if major disasters are to be avoided.

# State Planning Policy Framework

26

## □ Clause 12.02-1

- Principle 4: Ensure development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed
- Planning must consider as relevant - The Victorian Coastal Strategy, 2008

“Better land management within catchments is essential for the survival of habitats and the flora and fauna that live within them”

As shown, most of Seaford is designated as “High Probability” for CASS.

With inadequate research into the ACTUAL instance of CASS within the Seaford area, we remain a HIGH RISK option for growth development and cannot be considered a RESILIENT ENVIRONMENT.



# Protect our Neighbourhood

27

- ❑ When you consider Seaford's:
  - Neighbourhood character
  - Environmental Constraints
  - Safety Issues in case of Wild Fire
- ❑ Seaford MUST be designated a **TRUE Neighbourhood Residential Zone**, with
  - Appropriate height restrictions (maximum 8m)
  - Appropriate setbacks (front and side)
  - Appropriate Permeable Land (minimum 40%)

In conclusion, Amendment C95 may be consistent with the direction of the Frankston Housing Strategy, 2013.

The problem is that the Frankston Housing Strategy, 2013 DOES NOT adequately address the many constraints to development in the Seaford area. These remain unaddressed.

We are fortunate that ALL of Frankston offers good access to services, transport and other infrastructure.

Determining where to best position Growth vs Neighbourhood Zones MUST consider more fundamental aspects of the area than it's proximity to a railway station!

# References Used

28

- DPCD – Frankston Planning Overlays
- FCC - C95 Amendment
- FCC - Frankston Housing Strategy 2013
- FCC – Planisphere’s Expert Statement
- FCC - Neighbourhood Character Precincts
- Victorian Coastal Acid Sulphate Soils Strategy 2003
- CSIRO
- State Planning Policy Framework (April 2013)

In preparing this presentation, we considered many documents including, but not limited to:

## **Frankston City Council (FCC)**

- C95 Amendment
- Frankston Housing Strategy 2013 (prepared by Planisphere)
- Expert Statement prepared by Planisphere in support of FCC presentation

## **Department of Planning & Community Development (DPCD)**

- Planning Overlays for Frankston Grid Areas 01 and 04

## **Department of Environment & Primary Industries**

- Victorian Coastal Acid Sulphate Soils Strategy 2003

## **Some of the URLs used.**

[http://www.frankston.vic.gov.au/Planning\\_and\\_Building/Planning/Strategic\\_Planning/Amendments -  
\\_Frankston\\_Planning\\_Scheme/Amendment\\_C95](http://www.frankston.vic.gov.au/Planning_and_Building/Planning/Strategic_Planning/Amendments_-_Frankston_Planning_Scheme/Amendment_C95)

<http://planningschemes.dpcd.vic.gov.au/schemes/frankston/maps>

<http://www.vcc.vic.gov.au/resources/VCS2008/home.htm>

[http://vro.depi.vic.gov.au/dpi/vro/vrosite.nsf/pages/soil\\_acid\\_sulfate\\_soils](http://vro.depi.vic.gov.au/dpi/vro/vrosite.nsf/pages/soil_acid_sulfate_soils)