Town Planning Expert Evidence

Amendment C171 to Melton Planning Scheme
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1.1 Introduction

1.1.1 I have been requested by Tract Consultants on behalf of Ranfurlie Developments Pty Ltd to undertake a town planning assessment with respect to the merits of Amendment C171 to the Melton Planning Scheme.

1.1.2 I have been engaged to appear as an expert witness to provide my opinion on Amendment C171 and how it impacts the Burnside Hub Activity Centre.

1.2 Name and Address

1.2.1 My name is David Charles Crowder. I am a Director at Ratio Consultants Pty. Ltd., which conducts its business at 9 Clifton Street, Richmond.

1.3 Qualifications and Expertise

1.3.1 I am a qualified Town Planner and have practiced town planning since 1987. My experience includes positions as Team Leader of Statutory Planning at the City of Casey and the former City / Shire of Cranbourne. I also worked at the London Borough of Hackney for 18 months, and joined Ratio Consultants in June 2000.

1.3.2 I hold a Bachelor of Town and Regional Planning (Hons) Melbourne University.

1.3.3 I am also a member of the Victorian Planning and Environmental Law Association (VPELA) and the Planning Institute of Australia (PIA).

1.4 Relevant Expertise

1.4.1 As a Team Leader in local government for some 7 years, and now as a Director at Ratio Consultants Pty Ltd, I have had to assess and provide strategic and land-use planning advice on a wide range of town planning issues. This experience has included the giving of evidence at Planning Tribunals and Panels.

1.5 Declaration

1.5.1 I have made all the enquiries that I believe are desirable and appropriate and no matters of significance that I regard as relevant have, to my knowledge, been withheld from the Panel.

1.5.2 I further advise that:

- I was briefed by Tract Consultants on 10 February 2017.
- I was formally engaged by Ranfurlie Developments Pty Ltd on 28 February 2017.
- I inspected the site and surrounds on 8 March 2017.
- I was assisted by Alice Maloney of this office in preparing this evidence statement.
- I have no relationship with the client other than a business engagement to comment on this matter.

1.5.3 I understand the Panel will have the benefit of separate expert evidence from the following persons:

- John Kiriakidis regarding traffic.
- Chris Avery regarding economics.
- Tony Dimasi regarding economics.
1.6 Summary Opinion

1.6.1 In summary:

— I commend the City of Melton in updating its retail and activity centre strategies to guide the existing and future provision of activity centres to serve the current and future needs of the community.

— I support the majority of the provisions contained in the proposed planning scheme provisions, including the designation of the Burnside Hub AC as an ‘Activity Centre’ in its activity centre hierarchy.

— I recommend that the amendment be adjusted to remove the specification of a soft floor area range for ‘activity centres’ and the requirement for at least 40% of non-retail floor space in activity centres.
2.1 Physical Context

2.1.1 The Burnside Hub Activity Centre is located on the northwestern corner of the intersection between the Western Highway and Westwood Drive, in Burnside.

Figure 1
Site context

Source: online.melway.com.au

2.1.2 The Burnside Hub was established in the early 2000s and further expanded through the approval of various developments plans and amendments (including Amendment C112).

2.1.3 The Burnside Hub contains two supermarkets and various specialty shops, take-away food and a medical centre and is sited midway along the Westwood Drive frontage of the site. It is accessible via Westwood Drive, with extensive car parking located within the front setback.

2.1.4 As I understand it, the Burnside Hub activity centre currently comprises:
- Approximately 10,000 GLFA retail and
- 13,500 GLFA bulky goods

2.1.5 A former Masters Home Improvement warehouse is located along the site’s western boundary and has extensive car parking located in its front setback to the Western Highway. Vehicle access is provided to this building from both the Western Highway and Chisholm Drive.

2.1.6 The balance of the review site is vacant grassland.
2.1.7 The site is located within a wider precinct which contains Caroline Springs and substantial growth areas to the west (including the Koroit\textsuperscript{1}, Plumpton and Mt Atkinson precincts\textsuperscript{2}).

\textsuperscript{1} Amendment C147

\textsuperscript{2} Being facilitated via Amendment C162
2.1.8 The area has good access to public transport through bus routes along both Western Highway and Westwood Drive.

Source: ptv.vic.gov.au
2.1.9 Importantly, Westwood Drive is to be upgraded as part of the Palmers Road Corridor between the Western Freeway in the south and the Calder Freeway in the north.

![Palmers Road Corridor Upgrade](image)

Source: Amendment C143 explanatory report

2.1.10 Additionally, the future Outer Metropolitan Ring Road is to be located further to the west of the review site.

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3 The Environmental Effects Statement Enquiry and Panel Report for Amendment C143 (Melton) and Amendment C157 (Brimbank) recommended the project be approved subject to recommended changes. I understand the amendments are now with the Minister awaiting gazettal.
3.1 State Planning Policy Framework (SPPF)

3.1.1 There are a number of policies in the State Planning Policy Framework (SPPF) that are relevant to this application. These include (inter alia):

- Clause 10.02 Goal
- Clause 11.01 Activity Centres
- Clause 17.01-1 Business
- Clause 18.01-1 Land Use and Transport Planning
- Clause 18.01-2 Transport System

3.1.2 In a general sense these policies seek:

- To build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres (Clause 11.01-1).
- To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community (Clause 11.01-2).
- To encourage developments that meet the community's need for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities (Clause 17.01-1).
- Locate commercial facilities in existing or planned activity centres (Clause 17.01-1).
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres (Clause 17.01-1).
- Provide small scale shopping opportunities that meets the needs of local residents and workers in convenient locations (Clause 17.01-1).
- To create a safe and sustainable transport system by integrating land-use and transport (Clause 18.01-1).
- To coordinate development of all transport modes to provide a comprehensive transport system (Clause 18.01-2).

3.1.3 Plan Melbourne, which has been given effect via Amendment VC106, supersedes Melbourne 2030 and Melbourne @ 5 Million and provides a strategic plan for Melbourne until 2050, where the population is expected to reach 7.7 million in 2051. Part of the focus of Plan Melbourne revolves around the creation of an integrated economic triangle.

3.1.4 The integrated economic triangle incorporates the linking of productive employment centres around an enhanced transport network (linking the expanded central city, national employment clusters and state-significant industrial precincts).
3.1.5 More specifically, the western sub region (where the review site is located) envisages a population growth of 370,000 to 430,000 and future job growth of 90,000 to 125,000 up to 2031.

3.1.6 This is highlighted in the following Figure, which indicates:
- New activity centre at Hopkins Road;
- No reference to the review site as an activity centre;
- Residential and business in the northern portion of the Mt Atkinson precinct;
- Remainder of the Mt Atkinson precinct and surrounds as being State-significant future industrial precinct;
- Future Western Interstate Freight Terminal to southwest of site;
- Sunshine consolidated as a National Employment Cluster.

3.1.7 I deal separately with the recently released ‘Plan Melbourne Refresh 2017 (2017-2050) later in this statement.
3.2 Local Planning Policy Framework (LPPF)

3.2.1 Relevant provisions from the MSS include:

— Clause 21.01 (Snapshot of Melton City in 2014) notes that the land between the Eastern Corridor and Melton Township was included within the Urban Growth Boundary in 2014 and is subject to the West Growth Corridor Plan and development of this area will need to be in accordance with PSPs. It notes that the West Growth Corridor Plan identifies:

- that a majority of the land between Melton Township and the Eastern Corridor will be developed for residential purposes, including the land surrounding the existing township of Rockbank.
- that three employment nodes are to be developed. One in Toolern, one on the Melton Highway, and the other being the expansion of the Western Industrial Node to include the land around the existing Boral Quarry site in Ravenhall.
- land to be retained for the protection of biodiversity and drainage.
- the location of new transport infrastructure including new railway stations, arterial roads and the Outer Metropolitan Ring to service the needs of an increased population.

Clause 21.01-5 (Employment Characteristics) notes that only 16,139 jobs are provided in Melton, which only equates to a Job Provision Ratio of 0.3 jobs per employed resident.

Clause 21.01-6 (Melton’s Economic Base) outlines the major existing employment areas within the municipality. It notes that additional employment areas are identified in the West Growth Corridor Plan, including the expansion of the Western Industrial Node and on the Melton Highway. It also states:
In 2013 Melton had a total provision of approximately 145,600 square metres of retail floor space. The Melton town centre, High Street, Woodgrove and Caroline Springs are the main shopping centres within the municipality. A range of smaller shopping centres complement these shopping centres.

Clause 21.01-7 (Residential Development) notes that land within the Urban Growth Zone will be the next major population growth locations within the municipality and that these areas are guided by PSPs.

— Clause 21.03 (Planning Visions and Objectives for Melton) contains the following overarching vision for the City to the year 2015:

The Council believes that urban development within the City will occur within the Urban Growth Boundary and will be supported by small villages (with constrained boundaries) all of which are surrounded and supported by non-urban land which fulfills a variety of agricultural, environmental, visual and tourist functions which Council is invigorating through innovative practices and environmental incentives.

Clause 21.03-2 contains the following relevant objectives:

- To create sustainable and livable communities that are attractive and desirable places in which to live.
- To create an environment conducive to economic growth and wealth generation.
- To encourage the growth and development of vibrant and dynamic retail centres.
- To develop an efficient and integrated transport infrastructure that allows people choice about how they move within and through the City.

— Clause 22.05 (Employment Policy) applies to all land within the municipality. Relevant local policy includes:

- To attract a range of new industry and employment-generating uses to the municipality.
- To direct the majority of new employment growth to either the Melton township, Toolern Precinct Structure Plan area or the Melton East Growth Area.
- To co-ordinate the development and location of commercial centres, industrial areas and other employment opportunities in the municipality so that the length and frequency of vehicle trips is minimised.
- Facilitate the expansion of local shopping centres subject to appropriate market feasibility and analysis.
- Develop a local economic development strategy to co-ordinate marketing, tourism and industry assistance programmes.

— Clause 22.06 (Retailing Policy) applies to all land within the municipality zoned for commercial purposes. Policy objectives are as follows:

- To provide a clear and concise hierarchy of retailing facilities across the municipality.
- To encourage and support the establishment of an economically and socially thriving and diverse retail sector, which provides the community with a range of quality retail facilities and options.
- To provide direct, safe and convenient access and car parking to commercial areas for local residents and the general public.
- To develop, encourage and support measures that reduce the level of escape expenditure from the local economy.
- To facilitate the regular refurbishment and upgrading of centres and retail streetscapes within the municipality.
• To improve amenity levels for shoppers and businesses.
• To encourage shopping centres to incorporate natural and built features surrounding the centres.
• To encourage a broader range of activities to locate in and around shopping precincts.

— It is ‘policy’ to:
• Implement a hierarchy of commercial centres across the municipality (as identified in Clause 21) which takes into account current and projected population growth and distribution, existing and committed retail floor space levels and private and public transport infrastructure.
• Promote the development and expansion of retail facilities in accordance with the adopted commercial centre hierarchy.
• Provide opportunities for higher density housing around existing and proposed shopping centres.
• Ensure that any future rezonings or expansions of commercial centres only occur as a result of demonstrated need.

— Clause 22.07 (Transport and Movement Policy) applies to all land within the municipality. One relevant policy objective seeks:
• To support the integration of transport systems with land use planning, community and economic development.
• To provide options for people to use alternative means of travel by maximizing access to public transport, pedestrian and cyclist routes.
• To support the integration of transport systems with land use planning, community and economic development.
• To achieve greater efficiencies in public transport by locating higher density housing around areas with high public transport availability

### 3.3 Planning Controls

#### Zoning

3.3.1 The Burnside Hub AC is affected by three zones:
— Commercial 2 Zone (Clause 34.02)
— Commercial 1 Zone (Clause 34.01)
— Mixed Use Zone (Clause 32.04)
3.3.2 The purposes of the Commercial 1 Zone seek:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

3.3.3 Use of land for a ‘shop’ and ‘retail premises’ are as-of-right pursuant to Clause 34.01-1.

3.3.4 The purposes of the Commercial 2 Zone seek:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

3.3.5 Pursuant to Clause 34.02-1, ‘shop’ and ‘restricted retail premises’ are as-of-right uses, while a permit is required to use land for ‘retail premises’.

3.3.6 The purposes of the Mixed Use Zone seek:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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4 Must adjoin, or be on the same land, as a supermarket when the use commences. The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500sqm. The site must adjoin, or have access to, a road in a Road Zone. If these conditions are not met, then a permit is required for use of land for ‘shop’.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

3.3.7 No permit is required for use of land for ‘shop’. A permit is required for use of land for ‘retail premises’.

3.3.8 The review site is affected by Development Plan Overlay, Schedule 17.

Figure 8
Development Plan Overlay

Source: planningschemes.dpcd.vic.gov.au

3.3.9 Schedule 17 refers to the ‘Burnside Activity Centre’. While a permit can be granted for use, buildings or works without an approved development plan in place, they cannot prejudice the preparation of the development plan.

3.3.10 Clause 2.0 of Schedule 17 outlines the requirements for the Development Plan. Relevant requirements include:

- A mix of appropriate uses on the site.
- The use, location and approximate floorspace of existing and proposed buildings and car parking areas on the site.
- Active frontages to key pedestrian interfaces.
- Safe, direct and attractive pedestrian linkages through the site from key access points including connections to car parking,

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5 Provided the leasable floor area does not exceed 150sqm, otherwise a permit is required.
public transport, and residential land (where practicable and appropriate).

- Linkages from car parks to the shops and offices by pedestrian routes which are appropriately landscaped and have active frontages to maximise pedestrian safety (where practicable and appropriate).
- Activation of Westwood Drive and the Western Highway streetscapes through the siting of built form and landscaping (where practicable and appropriate).

3.3.11 The schedule does not seek to regulate the amount, type or location of shop / commercial floor space.

3.3.12 I understand a Development Plan is being prepared for the site.

3.4 West Growth Corridor Plan

3.4.1 This document notes that Melbourne’s western region is one of the fastest growing in Australia. It identifies that while the region has a strong manufacturing and logistics base, communities are heavily reliant on the Melbourne CBD and inner west for jobs and services. It seeks to create greater local self-containment, job and housing diversity and improved transport links.

3.4.2 The review site does not form an identified activity centre (specialised town centre, central activity area, principal town centre or major town centre).

3.4.3 Future land uses for land between the existing urban area and Melton township to the west include:
- A specialised town centre;
- Business and residential uses;
- Business uses within the buffer area;
- Industrial uses; and
- Utilities (transmission area).

Figure 9

West Growth Corridor Plan
3.5 Plan Melbourne 2017-2050

3.5.1 This document, also known as 'Plan Melbourne Refresh' has recently been released, but not incorporated into the planning scheme via a State-wide amendment at the time of finalising my report.

3.5.2 It outlines areas of State significance (central city, National Employment and Innovation Clusters, metropolitan activity centres, State-significant industrial precincts, transport gateways, health and education precincts and major urban renewal precincts).

3.5.3 Direction 2.2 identifies the metropolitan and major activity centres. Burnside Hub is not listed as a Major Activity Centre, however, Caroline Springs is. It is noted with regard to Major Activity Centres:

Each of these centres has different development potential and is subject to local strategic planning.

3.5.4 'Major activity centres' are defined as:

Suburban centres that provide access to a wide range of goods and services. They have different attributes and provide different functions, with some serving larger subregional catchments. Plan Melbourne identifies 121 major activity centres.

3.5.5 'Neighbourhood activity centres' are defined as follows:

Local centres that provide access to local goods, services and employment opportunities and serve the needs of the surrounding community.

3.6 Amendment VC100

3.6.1 The Commercial 1 and Commercial 2 Zones were introduced into the VPP's by Amendment VC100, and gazetted on 15 July 2013.

3.6.2 One of the motivations behind the new commercial zones was to provide greater flexibility and growth opportunities for Victoria’s commercial and business centres. By removing floor area restrictions for (inter alia) 'shop', and in many cases allowing 'supermarket' and 'shop' use, the intent was to (inter alia) increase retail supply and facilitate improved competition.

3.6.3 It is likely this was a response to concerns over supermarket prices and the impact this has on the community. For example, the ‘Report of the ACCC inquiry into the competitiveness of retail prices for standard groceries, July 2008’ concluded that zoning and planning regimes act as an artificial barrier to new supermarkets establishing in areas with a, likely unintended, consequence of thereby potentially impacting on competition between supermarkets to supply consumers. In particular, it found the common ‘activity centres’ policy is likely to lead to a greater concentration of supermarket sites in the hands of the Major supermarkets. Whilst the ACCC recognised that zoning and planning policies are designed to preserve public amenity, it recommended that all appropriate levels of government consider ways in which zoning and planning laws and decisions in respect of individual planning applications.

3.6.4 In essence, it found that the traditional notions of proper and orderly planning with respect to activity centre planning were a potential contributor to reduced competition and consequential higher grocery prices. This imposes a social and economic cost on the community.

6 As-of right (without a permit) or with a permit
3.6.5 The effects of this for the Burnside Hub site are (inter alia) that on the Commercial 1 Zoned land, ‘Office’ and ‘Retail premises’ (including ‘Shop’, ‘Department store’ and ‘Supermarket) are all as-of-right uses.

3.7 Amendment C112

3.7.1 Amendment C112 introduced the current planning controls affecting the Burnside activity centre.

3.7.2 A Panel report dated 21 September 2012 concluded that the Amendment should be abandoned. Part of the reason for this was that, if approved, there would be a substantial departure from the policy framework as it existed at the time in the planning scheme.

3.7.3 Notably:

— Considerable weight was given to the Melton East Structure Plan as referenced at Clause 21.04-2, and Clause 21.04-2 in general which dealt specifically with the Melton East Growth Area. Notably, this clause outlined a ‘retailing hierarchy’ for the area, with Caroline Springs nominated as a ‘sub-regional centre’ (20,000 GLFA) and Burnside nominated as a ‘community centre’ (6,000sqm). This clause has subsequently been replaced7 with a new Clause 21.04-2 and now does not reference the Melton East Structure Plan, specify a ‘retail hierarchy’ for Melton East, or display the Melton East Structure Plan8.

— The Panel report acknowledged9 that there had been announcements regarding intended revisions of the VPP’s as they related to activity centre planning, resulting in a more ‘market led’ approach to same. It said that if the Commercial 1 Zone was introduced, with no ability to ‘schedule in’ a floor space cap, its present deliberations about the appropriate size and function of the centres might be a ‘pointless exercise’. However, as the new zones / provisions had not been introduced it assessed the Amendments under the provisions that were in place at that time.

— The Panel noted10 that approving the amendment as proposed would effectively elevate the Burnside Hub centre to a ‘higher order centre’, making it ‘consistent with’ the characteristics of a MAC. Indeed, it concluded that should (despite its recommendations to the contrary) the Amendment be adopted, the Council should consider requesting the State Department to re-grade the centre within the metropolitan hierarchy.

— While the Panel did not conclude that the trading levels of other centres would be significantly affected, it concluded that the Burnside Hub expansion had implications for the proposed expansion of Caroline Springs (under Amendment C91).

3.7.4 The Amendment was approved on 5 March 2015, and was said to be consistent with the intent of Amendment C154 (a separate Amendment requested by the Dennis Family) which was made redundant. In the intervening time between the Panel’s report (21/9/12) and the approval of Amendment C112 (5/3/15), the following occurred:

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7 Amendment C157, approved on 24 July 2014.

8 Which showed the site as being part of a ‘community activity centre’, and Caroline Springs as being a ‘sub-regional town centre’.

9 At pages 23 and 75

10 Pages 26, 69 and 70
Amendment C171 was approved, as detailed above (15/7/2013).

The LPPF was substantially overhauled by Amendment C134 (3/10/2013) and Amendment C157 (24/7/2014).

3.7.5 The approved ‘Explanatory Report’ for Amendment C112 makes the following relevant commentary:

- Melbourne has experienced considerable population growth in recent years. Close to half of new Melburnians are expected to be accommodated in new housing on the city’s fringe. The amendment is required to reconfigure and simplify the land use framework affecting the site to facilitate the development of the Burnside Hub Town Centre to support Melbourne’s population growth in the western subregion, and to correct mapping anomalies affecting the site.

- The amendment will facilitate a development that will have a number of positive economic effects including:
  - Employment opportunities through the creation of new commercial and retail space for businesses
  - Opportunities for new economic activity and business and expanded retail areas
  - The expansion of an existing commercial centre within walking distance of public transport services increases access and choice for shopping for daily convenience goods and will not detrimentally impact on any existing activity centre
  - Significant economic investment in the Burnside community through the construction of an integrated activity centre.

21.03 PLANNING VISIONS AND OBJECTIVES FOR MELTON

This Clause presents an overarching planning vision for the municipality. In particular, Clause 21.03-2 Planning Objectives articulates the following vision for employment and retailing:

- To create an environment conducive to economic growth and wealth generation.
- To encourage the growth and development of vibrant and dynamic retail centres.

The amendment is consistent with this policy as it will facilitate the expansion of the Burnside Town Centre generating employment retail services to the surrounding catchment.

22.05 EMPLOYMENT POLICY

The policy basis is to recognise that the expansion of local employment opportunities within the municipality is necessary to ensure the development of a viable and sustainable community in the long term. The following key policy objectives are in place to achieve this:

- To attract a range of new industry and employment-generating uses to the municipality.
- To direct the majority of new employment growth to either the Melton Township, Toolern Precinct Structure Plan area or the Melton East Growth Area.
- To encourage a range of employment opportunities for a variety of skill levels and qualifications.

The amendment is consistent with this policy as it will facilitate the expansion of a local shopping centre within the Melton East Growth Area and will provide for a range of employment opportunities through the expansion of the Burnside Town Centre.
22.06 RETAILING POLICY

This basis of the retailing policy is to recognise the variety of roles and functions retail centres play in our communities whilst recognising that the location of shopping areas offers opportunities to promote community interaction and define a sense of place.

The expansion of the Burnside Hub Town Centre will provide for an integrated centre comprising a range of retail, commercial, residential and community uses and will encourage the development of a vibrant and dynamic retail centre.

The current amendment differs to that which was originally exhibited particularly surrounding the designation of zones across the site. The current amendment is required to correct a mapping anomaly in addition the revised amendment will simplify the land use framework affecting the site to facilitate the development of the Burnside Hub Town Centre to support Melbourne’s population growth in the western subregion.
4.1 Summary

4.1.1 The amendment seeks to implement the recommendations of the City of Melton Retail and Activity Centres Strategy, March 2014.

4.1.2 The amendment entails:
- Renumbering Clause 21.05 (Implementation and Review) to Clause 21.06.
- Inserting a new Clause 21.05 (Activity Centres and Retail Provision) which introduces a hierarchy of activity centres (existing and future) within the municipality.
- Deleting existing Clause 22.06 (Retailing Policy) and replacing it with a new Clause 22.06 (Retail Policy).

4.2 Proposed new Clause 21.05

4.2.1 This proposed clause includes a hierarchy of activity centres.

4.2.2 Burnside is identified as an existing activity centre that is proximate to the Caroline Springs existing activity centre (to the northwest) and the Hopkins Road planned activity centre (to the west).

Figure 10
Activity Centre Hierarchy

Source: proposed Clause 21.05

4.2.3 Only the Toolern metropolitan activity centre (planned) is higher in the hierarchy.

4.2.4 Objectives at Clause 21.05-4 seek:
- To identify and support a network and hierarchy of activity centres;
- To ensure centres in the City of Melton develop as genuine mixed use areas;
- To ensure residents in the City of Melton have access to a range of fresh food and convenience goods and services within a reasonable distance to their homes (and preferably within walking distance);
- To ensure appropriate provision of restricted retail opportunities.
• To ensure centres have access to adequate land.
• To recognise other areas of economic importance.

4.2.5 One of the strategies for Objective 1 seeks to direct retail development and investment into the hierarchy of identified activity centres. Table 1 lists the categories of activity centres and seeks to encourage the following for ‘activity centres’:

• A broad mix of integrated sub regional land uses such as retail (discount department store as well as supermarkets and specialty stores), office, business, community (e.g. education, health and recreation), entertainment and residential. The provision of at least 40% of non-retail floor space to generate a breadth of employment choices.
• Residential development (usually above ground floor level) and medium and higher density residential housing in close proximity to provide access particularly to small households.
• Accessibility via public transport including a public transport interchange and pedestrian and cycling networks.
• Extensive public open space.
• Approximately 35,000 square metres of conventional retail floor space and up to 20,000 square metres of restricted retail floor space based on a catchment of approximately 50,000 people.

4.2.6 The City of Melton Retail and Activity Centres Strategy, March 2014 and the City of Melton Retail and Activity Centres Strategy: Background Analysis and Discussion, March 2014 are both listed as reference documents at Clause 21.05-7.

4.3 Proposed Clause 22.06

4.3.1 This policy applies to all land in the municipality.
4.3.2 The policy objectives seek:

• To support a network of activity centres as defined within the City of Melton Activity Centre Hierarchy unless otherwise provided for in this policy.
• To protect the viability of existing and planned activity centres identified in the City of Melton Activity Centre Hierarchy.
• To ensure equitable access to retail provision for all residents.
• To support the introduction of local activity centres into areas of need where there is a demonstrated geographical gap in the activity centre hierarchy.
• To ensure activity centres have a mix of retail and non-retail uses to maximise the number and diversity of local employment opportunities.
• To support minor retail provision to support rural or tourism enterprises.

4.3.3 The policy is to:

• Discourage retail development that is not within a nominated activity centre in the City of Melton Activity Centre Hierarchy.
• Ensure new local activity centres are between 300sqm and 800sqm and located on a connector road, preferably at the confluence of local pedestrian and cycle trails.
• Ensure no cap is set on non-retail uses and that non-retail uses account for approximately 40% of all floor space in activity centres and 30% of all floor space in neighbourhood activity centres.
• Ensure minor retail provision ancillary to rural or tourism enterprises amounts to no more than that of a local activity centre.
4.3.4 For existing activity centres, any application should demonstrate that non-retail uses account for a minimum of approximately 40% of floor space allocation in activity centres and 30% of floor space allocation in neighbourhood centres respectively. Any application to vary the floor space allocation for retail and non-retail uses in activity centres and neighbourhood activity centres has to demonstrate how the varied floor space allocation will be viable in a particular catchment and if there is any impact on other centres within the Hierarchy.

4.3.5 Justification is to include (but not limited to):

- Identification of the proposed allocation of retail and non retail uses.
- Identification of the proposed retail catchment including population.
- A demonstration as to why the varied floor space allocation is viable in the catchment (for example higher than expected population levels).

An analysis of the proposed floor space allocation’s impact on surrounding centres catchments as well as the overall City of Melton Activity Centre
5.1 Introduction / Overview

5.1.1 My role in this matter is to review the proposed Amendment with respect to my town planning expertise, with particular reference to the Burnside Hub activity centre.

5.1.2 I defer to separate expert evidence in addressing economic and traffic / car parking considerations.

5.1.3 In a broad sense I am supportive of the proposed Amendment and believe it has been prepared in accordance with DELWP's Strategic Assessment Guidelines.

5.1.4 I note the Amendment seeks to implement the objectives and recommendations of the ‘City of Melton Retail and Activity Centres Strategy, March 2014’ (‘the strategy’) by amending the Municipal Strategic Statement (MSS) and Local Planning Policy (LPP) in the Melton Planning Scheme. The strategy establishes an activity centre hierarchy that nominates where new retail development will be directed in the City.

5.1.5 I am familiar with the traditional notions of ‘proper and orderly planning’ with respect to activity centre planning. Specifically I note:

— Proper and orderly planning typically seeks to create structure through the establishment of an activity centre network and hierarchy. This ‘structure’ usually seeks to achieve a range of centres with different sizes and functions designed to ensure the community is adequately and conveniently serviced with various services and facilities.

— Centre policy is based on an economic development, agglomeration, efficiency and clustering approach emphasising a network of centres (or activity areas) that deliver net community benefits by co-locating facilities. This approach typically offers greater access to a range of services for the community and better utilises existing transport, social and physical infrastructure.

5.1.6 Given the pace and scale of redevelopment and associated population growth in the City of Melton and beyond, it is commendable that the Council has sought to update its retail and activity centre strategies to guide the existing and future provision of activity centres to serve the current and future needs of the community.

5.1.7 With specific reference to the Burnside Hub Activity Centre, the Amendment proposes to:

— Identify the centre as an ‘Activity Centre (existing)’\(^{11}\).

— For ‘Activity Centres’, under ‘Land Use Strategies’\(^{12}\) encourage:
  - A broad mix of integrated sub regional land uses such as retail (discount department stores as well as supermarkets and specialty stores), office, business, community (e.g. education, health and recreation), entertainment and residential. The provision of at least 40% of non-retail floor space to generate a breadth of employment choices.
  - Residential development (usually above ground floor level) and medium and higher density residential housing in close proximity to provide access particularly to small households.

\(^{11}\) Noting proposed Clause 21.05-3 states the hierarchy is based on Plan Melbourne’s hierarchy of activity centres.

\(^{12}\) At proposed Clause 21.05
Accessibility via public transport including a public transport interchange and pedestrian and cycling networks.

Extensive public open space.

Approximately 35,000 square metres of conventional retail floor space and up to 20,000 square metres of restricted retail floor space based on a catchment of approximately 50,000 people.

For ‘Activity Centres’\(^{13}\), it is ‘policy’ to ensure no cap is set on non-retail uses and that non-retail uses account for approximately 40% of all floor space in activity centres. This is also expressed as an ‘application requirement’ where an application for the use and/or development of an ‘activity centre’ should demonstrate to the satisfaction of the responsible authority, that non-retail uses account for a minimum of approximately 40% of floor space allocation.

For ‘activity centres’, it is an ‘application requirement’ that, where an application is received to vary the floor space allocation for retail and non-retail uses in (inter alia) ‘activity centres’, justification be provided to the satisfaction of the responsible authority to demonstrate how the varied floor space allocation will be viable in a particular catchment and its impact (if any) on other centres in the Activity Centre Hierarchy.

5.1.8 I am supportive of the proposed designation of the Burnside activity centre as an ‘Activity Centre’, and will expand upon this below.

5.1.9 I query the need to specify soft floor space parameters, and a minimum % for non-retail floor space, for the activity centres. I will also expand upon this below.

5.2 Burnside – ‘Activity Centre’ designation

5.2.1 In my opinion it is appropriate to classify Burnside as an ‘activity centre’.

5.2.2 I believe this designation identifies the potential of the site given the existing zoning of the land, and the areas of this zoning, which I estimate to be:

- C1Z – 9.8ha
- C2Z – 5.5ha
- MUZ – 6.0ha

Total – 21.3ha

5.2.3 There is clearly the potential to establish an activity centre at a scale, and with a variety of services and facilities, that will serve a broader sub-regional catchment. This potential will be further enhanced by the site’s locational attributes, which includes its abuttal to a major highway, a future major north-south primary arterial road and the PPTN.

5.2.4 Whilst the future form of development on the site will be resolved by the approval of plans under DPO17, I note there are no floor area limitations in the C1Z for office or shop uses (including Department store and supermarket), and discretion (as-of-right or permit required) for same in the C2Z and MUZ. I also note there is no requirement in DPO17 to regulate the amount, type or location of shop / commercial floor space (other than a reference to providing a mix of appropriate uses on the site).

5.2.5 I understand a Development Plan is being prepared for the site, which is likely to demonstrate that the size and zoning of the site makes it capable of accommodating a number of sub-regional uses including a DDS and supermarkets.

\(^{13}\) At proposed Clause 22.06
5.2.6  In light of the changes to the planning scheme resulting from Amendment VC100, in my opinion the proper classification of the site as an ‘activity centre’ was effectively established (in a practical / functional sense at least) once Amendment C112 (with the associated zone changes) was approved. I believe this was acknowledged by the Panel for Amendment C112, and indeed by the Explanatory Report for the Amendment.

5.2.7  In my opinion, to return the Burnside Hub AC to a NAC that serves mainly local needs and the local community,

5.2.8  would require a substantial back-zoning and adjustment to DPO17.

5.2.9  I defer to separate expert economic evidence with respect to the potential impact of the proposed Amendment on other existing activity centres, and specifically the Caroline Springs Activity Centre. However, it is relevant that ‘shop’ is an as-of-right use on at least approximately 10ha of the Burnside site. Removing floor area caps in the C1Z, and making supermarket an as-of-right use in various zones, was a deliberate policy shift designed to increase retail supply and facilitate improved competition. Allowing, for example, the greater dispersal of supermarkets, as now contemplated by the planning scheme, comes at a potential social and economic cost. Whilst this may be at odds with the traditional (or former) notions of retail planning, it was determined such costs would be offset (to some degree) by the community benefits to be derived from facilitating lower grocery prices.

5.2.10  Further, significant or unacceptable economic impact does not relate to commercial competition. The planning system does not seek to protect private economic concerns. I acknowledge the fact that individual businesses or centres (existing or planned) can potentially be affected by new or expanded activity centres, and this is not necessarily irrelevant. Indeed, such an impact may be relevant if it results in a net adverse social or economic impact upon the community, including the timing of the provision of such services or a reduction in the provision of services. However, in this case this needs to be assessed in light of what the existing planning scheme controls already allow on the Burnside site, and what can reasonably be contemplated given the size and contextual attributes of the subject site.

5.2.11  While the Burnside Hub centre is not listed specifically as an activity centre under Plan Melbourne (or a Major Activity Centre under Plan Melbourne 2017-2050) like Caroline Springs has been, I do not consider this to be an impediment to Council’s proposed categorisation. Plan Melbourne (and Plan Melbourne 2017-2050) both indicate that there are centres of State significance and centres of local significance. In both documents, it is noted that local governments are responsible for the planning of activity centres (including Major Activity Centres)15. The definition of ‘major activity centres’ and ‘neighbourhood activity centres’ in Plan Melbourne 2017-2050 make it clear that MAC’s provide access to a wide range of goods and services, with some serving larger sub-

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14 Other than they may now choose to call it a MAC, assuming Plan Melbourne 2017-2050 is given statutory effect

15 I am aware that, as an example of local government categorising activity centres differently to State government, a good example is in Stonnington. Plan Melbourne Refresh (and, previously Plan Melbourne and Melbourne 2030) lists Toorak Village as a Major Activity Centre. However, Clause 21.04-1 (Activity Centres) of the Stonnington Planning Scheme lists Toorak Village as a neighbourhood centre.
regional catchments. It also states such centres may have different attributes and provide different functions\(^\text{16}\). By contrast, NAC’s are defined as local centres that provide access to local goods, services, and employment opportunities and serve the needs of the surrounding community. Whilst the existing commercial offer on the Burnside site may fit this latter categorisation, clearly the ultimate development of the centre in accordance with the existing zoning of the land would serve a much broader sub-regional catchment. Accordingly, while the Burnside Hub is not listed as a Major Activity Centre in Plan Melbourne 2017-2050, I do not consider this an impediment to the approval of Amendment C171\(^\text{17}\).

5.2.12 In summary, in my opinion the designation of the site as ‘activity centre’ is appropriate given (inter alia):

― The size of the site, and the extent of land that has been rezoned to facilitate an activity centre with substantial sub-regional facilities.
― The ability of the land (given its size and single ownership) to establish a comprehensive and integrated centre with a variety of complementary uses based around a ‘main street’ retail format.
― The site’s abuttal to a major highway and a future major north-south primary arterial road.
― The site’s proximity to existing public transport networks, including the PPTN.
― The significant growth forecast with the various growth precincts to the west.
― The site’s potential to generate service and employment benefits to the region in an accessible and convenient location.

5.3 Floor ‘area’ / ‘type’ designations

5.3.1 I again defer to separate expert economic evidence in commenting on the technical merits (or otherwise) of specifying a soft floor area range for ‘activity centres’ and the requirement for at least 40% of non-retail floor space in activity centres.

5.3.2 However, in my opinion the introduction of soft caps on floor space is misguided in light of the Amendment VC100 and the current construction of the commercial zones\(^\text{18}\). The potential commercial floor space for the Burnside Hub AC should be performance based and determined by the ultimate configuration of the site (as determined by the zone controls and DPO17) and market forces. At best a ‘range’ of floor areas could be provided to give a broad estimation of the sorts of commercial floor area that can be accommodated in activity centres of this order (and indeed the other categories of activity centres).

5.3.3 Likewise with respect to the requirement that 40% of all floor space in activity centres be for non-retail uses. This would be difficult to achieve in zones that allow Shop and Restricted retail sales as-of-right. I understand the intent (ie – to make activity centres more than a group of shops, and to generate a breadth of employment and community

\(^{16}\) Relevant to the different natures of the Caroline Springs AC compared to the Burnside AC

\(^{17}\) Noting it is likely this document will be updated when the centre is further developed

\(^{18}\) Where Shop and Restricted retail premises are as-of-right uses in the C1Z, and Restricted retail premises is also as-of-right in the C2Z
choices). However, I again believe the potential floor space allocation of a centre on zoned land should be performance based and determined by the ultimate configuration of the site (as determined by the zone controls and DPO17) and market forces.

5.3.4 In light of my comments above, I also do not believe proposed Clause 22.06 needs to include a provision requiring technical justification for varying floor space allocation for retail and non-retail uses in activity centres.

5.4 Other

5.4.1 I am comfortable with the formatting and other requirements of the proposed planning provisions. However, I query the appropriateness of referencing Schedule 17 to Clause 43.04 in the Melton Planning Scheme as a ‘reference document’ at proposed Clauses 21.05-7 and Clause 22.06.
6.1.1 There are many positive aspects associated with proposed Amendment C171, and I applaud Council in undertaking this important strategic initiative.

6.1.2 I support the majority of the provisions contained in the proposed planning scheme provisions, including the designation of the Burnside Hub AC as an ‘Activity Centre’ in its activity centre hierarchy.

6.1.3 However, I recommend that the amendment be adjusted to remove the specification of a soft floor area range for ‘activity centres’ and the requirement for at least 40% of non-retail floor space in activity centres.

6.1.4 Subject to these adjustments I believe the proposed Amendment should be supported.

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