

Proposed Amendment C88 to the Hobsons Bay Planning Scheme

PLANNING REPORT

November 2017

Town Planning Evidence



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1 SUMMARY OF EVIDENCE

The production of the Comprehensive Development Plan (CDP) and Schedule 2 to the Comprehensive Development Zones (CDZ2) will bring about the urban renewal of this large well-located area. The area is held under complex and multiple ownerships with varying time frames for site clean-up and redevelopment. The provision of a medium to high density residential precinct with retail, business and community facilities will introduce a new character to the area.

The objectives set out in the CDP are supported and provide a vision of the outcomes.

The urban renewal of this large area will be undertaken by multiple parties and occur over a decade or longer. This context will see variations in approaches and in market responses.

These variations across owners/investors on factors of development timing, development vision and in market assessment will play out across the precinct, in line with the Outcome objectives. However, the inclusion of some 'Requirements' and many of the 'Design Guidelines' seek to implement a specific design outcome that is unlikely to be delivered, and may negatively affect urban renewal. This is particularly the situation in the ways that the combination of the CDP and CDZ2 deal with the Town Centre.

The Town Centre, centrally located on Blackshaws Road, will be a mixed use, retail/commercial centre with housing on upper levels. The likely long-term continuation of the adjacent Shaw Business Park provides a 'springboard' for the new Town Centre, but also will require negotiated outcomes as to interface treatments and access. This leads me to conclude that, as exhibited;

- Figure 10: *Altona North Local Town Centre Concept Plan*;
- Table 4: *Town Centre Design Guidelines*; and
- Table 5: *Forecast Commercial and Retail Floorspace, Altona North (from Figure 10)*

are more likely to be counter-productive to the achievement of the outcome consistent with the objectives.

The limitation of the supermarket size along with the inclusion of a larger than likely number of 'fine grain retail' has no support in terms of likely viability and will impact negatively on the objectives and purpose of a mixed-use town centre.

The challenges of urban renewal should have caused the inclusion of guidelines to be directional in application, rather than mandatory in style. In relation to the treatment of Town Centre within the CDP, I recommend that:

- Figure 10 should be deleted.
- Requirement 20 should be deleted and Requirement 24 rewritten consistent with the deletion of Figure 10.
- Requirement 22 be rewritten.
- Table 2 should be rewritten to be consistent with the rewritten Table 4 as set out in Section 6.2.
- Table 4 should be rewritten as set out in Section 6.2 and re-titled as *Preferred Town Centre Design Guidelines*.
- Table 5 should be deleted.

The statutory construction of the CDZ2 which draws in the contents of the CDP that ‘must be met’ will introduce a level of mandatory control which is at odds with the principles of a performance-based planning system. The conditions requiring the use of mandatory provisions have not been satisfied. The wording in the CDZ2 should be altered to make in clear the CDP is incorporated as a guide to assessment only.

CDP should operate so that applications under CDZ2 are to be *generally in accordance with the CDP*.

Dwellings: The redevelopment of the Precinct may lead to more 3,000 dwelling being submitted. I do not see the trigger that is recommended in CDZ2 that would generate additional assessments as reasonable, given the wider context of the metropolitan planning policy support for a more densely developed ‘established areas. (I am also unclear how it would operate for each subdivision application.) The density and form of the Precinct 15 should be managed through the layout plan and preferred building height controls. This would provide a more readily understandable development scale for all land holders and for residents.

The inclusion of the Small Lot Housing Code within the Hobson Bay Planning Scheme could provide a moderate benefit in some part of the precinct.

2 INTRODUCTION

2.1 Instructions

By letter Gadens of 19 September 2017, I was requested to review provide planning advice in relation to the issues raised by Ouson (via Ratio Consultants) in its submission on the proposed Hobsons Bay Amendment C88.

Specifically, I have been requested to consider:

- The role and composition of the Town Centre;
- The effect of the provisions of the CDZ2 and CDP on the achievement of a viable and sustainable town centre;
- The floorspace requirements proposed for the Town Centre uses;
- The appropriateness of the inclusion of different assessment triggers above 3,000 dwelling for the Precinct; and
- The requirement for a planning permit for a dwelling on a lot less than 300sqm.

3 SITE CONTEXT

Precinct 15 consists of 67 hectares (approximately) of land generally bounded by the West Gate Freeway, New Street, Blackshaws Road and Kyle Road in Altona North and South Kingsville. Precinct 15 currently consists of vacant land, industrial uses and the Brooklyn Terminal Station.

The proposed Town Centre is situated on the front section of 200-214 Blackshaws Road.

The identified Town Centre site has a frontage of 120 metres to Blackshaws Road. The frontage of the Site is occupied by a low-rise industrial office-type building with the taller (larger) industrial buildings to the rear. The office building is set back about 5 metres from the title boundary with the frontage land occupied by lawn and one very large gum tree.

The 'Shaw Business Park' adjoins the Town Centre to the west (216 Blackshaws Road). The site consists of a development of Food and Drink premises, Australia Post, Children's Play centre, Medical consulting rooms, warehouses and a training facility.

The existence of this active working group of businesses provides a commercial facility that could serve as a resource in the early years. These are operating assets. To my knowledge the property is held in multiple titles. This suggests that these businesses might continue for some years.

4 PROPOSED PLANNING CONTROLS

Amendment C88 seeks to facilitate the redevelopment and urban renewal of Precinct 15 as a well-designed, medium density residential area with a mixed-use town centre, incorporating retail, commercial, community and residential uses.

The proposed Amendment seeks to rezone the urban renewal areas of Precinct 15 to the Comprehensive Development Zone – Schedule 2 (CDZ2). A Comprehensive Development Plan (CDP) will be incorporated under CDZ2 to govern the use and development of land in Precinct 15. 'The CDP is a 'long-term plan'. (CDP p.2).

Specifically, the Amendment:

- *Implements relevant parts of the Hobsons Bay Industrial Land Use Strategy;*
- *Rezones the land from Industrial 1 Zone (IN1Z) and Industrial 3 Zone (IN3Z) to Comprehensive Development Zone (CDZ2) except for the Brooklyn Terminal Station which is rezoned to Special Use Zone (SUZ6);*
- *Introduces Schedule 2 to Clause 37.02 Comprehensive Development Zone;*
- *Introduces Schedule 6 to the Special Use Zone;*
- *Applies the Development Contributions Plan Overlay (DCPO2) to the land;*
- *Introduces Schedule 2 to Clause 45.06 Development Contributions Plan Overlay*
- *Applies the Environmental Audit Overlay (EAO) to all but one property in the amendment area.*
- *Deletes the Heritage Overlay (HO166) from the former Gilbertson Meatworks site.*
- *Delete the entry for HO166 in the Schedule to Clause 43.01 Heritage Overlay.*
- *Inserts a new entry in the Schedule to Clause 52.01 requiring 9.2% of the land (or cash equivalent as relevant) to be contributed as public open space at subdivision.*
- *Inserts a new row in Schedule 4 to Clause 52.28 to prohibit gaming machines in the town centre.*
- *Includes maps 3DCPO and 4DCPO in the list of planning scheme maps at Clause 61.03.*
- *Incorporates the Altona North Comprehensive Development Plan June 2017 and the Altona North Development Contributions Plan June 2017 by listing them in the Schedule to Clause 81.01.*

The proposed CDP sets out Precinct 'Objectives' as well as specific 'Requirements' which must be met. The CDP also includes Guidelines and Design Guidelines which appear to be made mandatory by the wording of the CDP requirements.

4.1 Proposed Town Centre

Included in the CDP is the '*Altona North Local Town Centre Concept Plan*' (Figure 10). The plan identifies town centre which would occupy a rectangular site containing a major store (supermarket) sleeved on all four sides with small tenancies and with a town square located within a central northern part.

The site dimensions are approximately 120 metres along Blackshaws Road with a depth to an internal road of about 200 metres. This provides a site area of 2.4ha. (2.15ha is nominated in the Table 1 -Summary Land use Budget, CDP, p.5)

The diagram makes very little provision for car parking, with some (on my count) 68 car spaces shown on the western side requiring Shaw Business Park access.

For a centre of this size and composition (Supermarket 2,420sqm, Shops 3,060sqm forecast in the CDP) the Planning Scheme would require about 230 car spaces. The diagram assumes an amount of deck or basement car parking.

Local centres require convenient access for success. The Altona North Local Town Centre Concept Plan (Figure 10, CDP) provides two entry roads into Precinct 15 from Blackshaws Road. The main entry road is located adjacent to the intersection of The Broadway and Blackshaws Road. This is west of the Town Centre. The second access road into Precinct 15 runs north along the eastern boundary of the Site. These two intersections are to be signalised with recommended turning lanes and approach lane road makings.

There is also the existing (all movements) access into the Shaw Business Park. The diagram provides for a merging of sorts between the existing business park and the planned new Town Centre. The proposed loading area for the supermarket is located so that it is accessed from the Shaw Business Park land. While this makes 'diagram sense', I expect it will involve a negotiation as to access rights from the owners of 216 Blackshaws Road.

A result of these intersections along this section of Blackshaws Road (with provision for right hand turn lanes), is that there will be very limited kerbside car parking on the northern side of the arterial road. This has implications for the shops facing directly onto Blackshaws Road.

5 URBAN RENEWAL – POLICY REVIEW

Precinct 15 is an urban renewal area within an established metropolitan area. The proposed Amendment is considered against the relevant State Planning Policy Framework and Local State Planning Framework and Plan Melbourne as follows:

5.1 Plan Melbourne

Plan Melbourne places a major emphasis on urban renewal areas and the re-use of brownfields sites as a major opportunity to increase housing accommodation in established areas.

Polinices that support the redevelopment of urban renewal sites are as follows:

- Policy 1.3.1 Plan for and facilitate the development of urban renewal precincts
- Policy 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport
- Policy 2.1.3 Plan for and define expected housing needs across Melbourne's regions
- Policy 2.2.1 Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne's central city
- Policy 2.2.2 Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne
- Policy 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport
- Policy 2.4.1 Support streamlined approval processes in defined locations
- Policy 2.4.2 Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development
- Policy 2.5.1 Facilitate housing that offers choice and meets changing household needs
- Policy 5.1.1 Create mixed-use neighbourhoods at varying densities
- Policy 5.2.1 Improve neighbourhoods to enable walking and cycling as a part of daily life
- Policy 5.3.1 Facilitate a whole-of-government approach to the delivery of social infrastructure
- Policy 5.4.1 Develop a network of accessible, high-quality, local open spaces

5.1.1 Direction 1.3 - Create development opportunities at urban renewal precincts across Melbourne**Policy 1.3.1 Plan for and facilitate the development of urban renewal precincts**

The Policy supports the redevelopment of urban renewal precincts as mixed-use neighbourhoods. Opportunities are to be identified to ease development pressure on established areas.

5.1.2 Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city**Policy 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport**

The Policy seeks to facilitate new housing in established areas to create a network of well connected, 20-minute neighbourhoods.

Policy 2.1.3 Plan for and define expected housing needs across Melbourne's regions

The Policy emphasis the need to provide housing choice across Melbourne's regions to cater for expected housing needs of the community. Initiatives across all Metropolitan regions should identify opportunities for additional housing areas.

5.1.3 Direction 2.2 Deliver more housing closer to jobs and public transport**Policy 2.2.1 Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne's central city**

The Policy seeks to ensure urban renewal sites are redeveloped using high quality design. In particular, the policy recognises the need for the planning process to facilitate and maximise development opportunities in key urban renewal areas, using innovative approaches where appropriate.

Policy 2.2.2 Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne

The Policy emphasises the importance of urban renewal sites to create more diversity in the housing market, jobs and community services. Particularly, the Policy identifies that '*urban renewal precincts will be major sources of medium- and higher-density mixed-use development*' (p.50).

Policy 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport

The Policy supports the development of new housing in in activity centres and areas the offer good access to jobs, services and public transport.

Given this Policy position the town planning provisions for Precinct 15 Activity Centre must be crafted so that they optimise commercial and housing opportunities within and connected to the planned Town Centre or restrict the growth of the Town Centre.

5.1.4 Direction 2.4 Facilitate decision-making processes for housing in the right locations**Policy 2.4.1 Support streamlined approval processes in defined locations**

The policy advocates the development of a streamlined planning approval process to facilitate the development of housing in strategic locations.

As a 'change area' (industrial to mixed-use/residential), Precinct 15 presents as a location where a codified approvals process could be implemented if a process was developed. A codified planning application process has not yet been developed/implemented for urban renewal areas.

Policy 2.4.2 Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development

The Policy seeks to integrate the land use planning and environmental processes for the remediation of potentially contaminated land to support safe redevelopment.

5.1.5 Direction 2.5 Provide greater choice and diversity of housing**Policy 2.5.1 Facilitate housing that offers choice and meets changing household needs**

The Policy emphasis the '*creation of a greater choice of housing across the city.*' Precinct 15 presents as a 'blank canvas' with opportunities to provide a bold mix of dwellings to accommodate a range of household types.

5.1.6 Direction 5.1 - Create a city of 20-minute Neighbourhoods**Policy 5.1.1 Create mixed-use neighbourhoods at varying densities**

The Policy supports the development of neighbourhoods that offer '*more choice in housing so they can accommodate a more diverse population, create opportunities for local businesses and new jobs, and deliver better access to local services and facilities.*'

Precinct 15 is a substantial urban renewal precinct in an area well connected to jobs and services. In contrast to the relatively low-density area of Altona North and Kingsville, Precinct 15 can provide a mix of dwelling types, thereby introducing a range of dwellings suited to different lifestyles and ages.

Direction 5.2 Create neighbourhoods that support safe communities and healthy lifestyles

Policy 5.2.1 Improve neighbourhoods to enable walking and cycling as a part of daily life

The Policy seeks promote cycling and walking through the design and layout of new suburbs and urban renewal sites.

5.1.7 Direction 5.3 Deliver social infrastructure to support strong communities**Policy 5.3.1 Facilitate a whole-of-government approach to the delivery of social infrastructure**

The Policy supports the development of adaptable and flexible community facilities that respond to the needs of the local community. The CDP includes a site on Blackshaws Road that will accommodate community services.

5.1.8 Direction 5.4 Deliver local parks and green neighbourhoods in collaboration with communities

Policy 5.4.1 Develop a network of accessible, high-quality, local open spaces

The Policy emphasises the importance of providing accessible, public open space in urban redevelopment projects. The CDP provides these facilities.

5.2 State Planning Policy Framework

5.2.1 Clause 11 Settlement

11.02 Urban Growth

The objective of the Clause is:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The objective is supported by the following strategies relevant to the proposed Amendment

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Planning for urban growth should consider:
 - Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
 - Neighbourhood character and landscape considerations.
 - The limits of land capability and natural hazards and environmental quality.
 - Service limitations and the costs of providing infrastructure.

The Clause seeks to ensure the adequate supply of land to support residential, commercial, retail, industrial, recreational, institutional and other community uses. The proposed Amendment seeks to repurpose underutilised industrial land for residential, commercial and community uses.

11.03- Activity Centre Network

The objective of the Clause is:

‘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.’

The objective is supported by the following strategies relevant to the proposed Amendment

- *‘Develop a network of activity centres that:*
 - *Comprises a range of centres that differ in size and function.*
 - *Is a focus for business, shopping, working, leisure and community facilities.*
 - *Provides different types of housing, including forms of higher density housing.*
 - *Is connected by public transport and cycling networks.*
 - *Maximises choices in services, employment and social interaction.*
- *Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.’*

The Precinct 15 town centre will expand the Hobsons Bay Activity Centre Network. As a Neighbourhood Activity Centre, the centre should provide convenience retail to meet the needs of local residents.

5.2.2 Clause 16 Housing

16.01-1 Integrated Housing

The objective of the Clause is:

‘To promote a housing market that meets community needs.’

The objective is supported by the following strategies relevant to the proposed Amendment:

- *‘Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*
- *Ensure that the planning system supports the appropriate quantity, quality and type of housing, including the provision of aged care facilities, supported accommodation for people with disability, rooming houses, student accommodation and social housing.*
- *Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.*
- *Encourage housing that is both water efficient and energy efficient.*
- *Facilitate the delivery of high quality social housing to meet the needs of Victorians.’*

The redevelopment of the area to increase the supply of housing for metropolitan Melbourne is consistent with the Clause objective and strategies.

16.01-2 Location of Residential Development

The objective of the Clause is:

‘To locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.’

The objective is supported by the following strategies relevant to the proposed Amendment

- *‘Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*
- *Identify opportunities for increased residential densities to help consolidate urban areas.’*

As an urban renewal precinct, located about 8km from the Melbourne CBD, Precinct 15 can introduce a neighbourhood which is ‘best practice’ in terms of safety, community, services, environmental sustainability and jobs. This will be achieved through the provision of higher density housing, consistent with the Clause objective and strategies.

16.01-4 Housing Diversity

The objective of the Clause is:

‘To provide for a range of housing types to meet increasingly diverse needs.’

The objective is supported by the following strategies relevant to the proposed Amendment

- *‘Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.*
- *Encourage the development of well-designed medium-density housing which:*
 - *Respects the neighbourhood character.*
 - *Improves housing choice.*
 - *Makes better use of existing infrastructure.*

Precinct 15 presents an opportunity to develop a well-designed, medium to high density built form in a predominantly suburban region of Melbourne. Increasing the housing diversity available to current and future residents of the region.

5.2.3 Clause 17 Economic Development

17.07-1 Business

The objective of the Clause is:

‘To encourage development which meet the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.’

The objective is supported by the following strategies relevant to the proposed Amendment

- *Locate commercial facilities in existing or planned activity centres.*
- *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.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*

When considering the rezoning and redevelopment of Precinct 15 must be noted that the town centre is to act as a neighbourhood retail centre and as such a new Neighbourhood Activity Centre in Hobsons Bay. From this perspective the provision of commercial facilities on the Subject Site is fully supported by policy.

Under policy, the role of the Precinct 15 town centre is to:

- Provide a local centre for residents, both within Precinct 15 and in nearby areas;
- Set opportunities for new businesses
- Create opportunities for housing above ground floor levels;
- Become a community focus; and
- Build on the the business base as the area changes over time.

5.3 Local Planning Policy Framework

5.3.1 Clause 21.02 Hobsons Bay Key Issues and Strategic Vision

21.02-3 Economic Development

The Clause notes ‘responding appropriately to development pressure and activity to support the growth of other sustainable activity centres’ as a key influence.

The development of a Neighbourhood Activity Centre at Precinct 15 is an effective response to the development pressures present in Hobsons Bay.

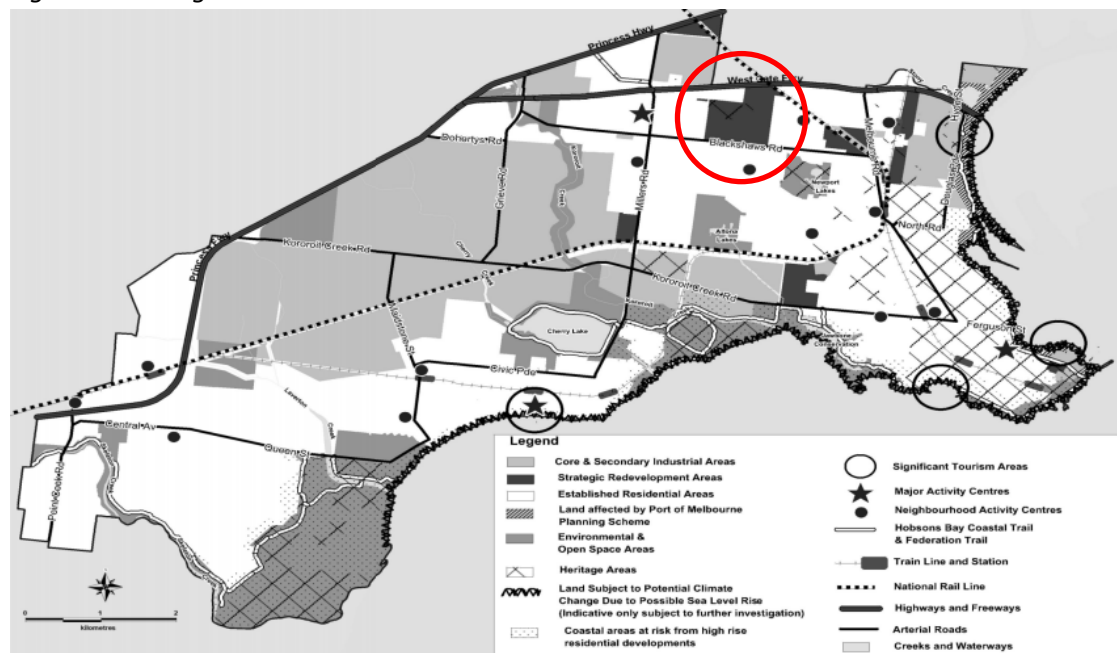
21.02-5 Strategic Framework Plan

Relevant ‘Major strategic directions’ nominated in the Hobsons Bay Strategic Framework Plan include:

- ‘Transitioning appropriate Strategic Redevelopment Areas and major activity centres to accommodate urban growth.’

The Clause includes a Strategic Framework Plan which identifies the Precinct 15 as a ‘Strategic Redevelopment Area’ (Figure 1).

Figure 1. Strategic Framework Plan



5.3.2 Clause 21.03 Settlement

21.03-1 Activity Centres

The Clause nominates a vision *‘to create vibrant activity centres providing a range of retail and social opportunities which meet the needs of the community; provide a focus for community life; encourage ongoing employment and business opportunities; enhance liveability for the local community; and attract visitors and encourage investment.’*

Objective 2 of the Clause is *‘to encourage further commercial and service business development within activity centres.’*

The Clause seeks to encourage the provision of retail floorspace in Activity Centres. Of particular importance is the strategy to *‘Discourage the location of new commercial uses outside activity centres unless the proposed location is in response to a specific demonstrated need.’*

There is an acknowledged need for a new retail Neighbourhood Activity Centre at Precinct 15. The Precinct will be home for more than 7,000 new residents. What is at issue is how best to manage the development of the Town Centre and whether its operation should be constrained through a detailed specification of floor areas and design requirements.

21.03-2 Strategic Redevelopment Areas

Precinct 15 is identified in the Strategic Framework Plan as ‘Strategic Redevelopment Area’. The precinct offers the opportunity for the precinct a new and distinct character within the wider urban context of Hobsons Bay.

The Objective of the sub-clause is *‘to successfully manage the transition and strategic redevelopment of redundant industrial areas identified as Strategic Redevelopment Areas through the development of Outline Development Plans (i.e. a master plan) or other appropriate planning controls to achieve net community benefit.’*

- *‘The following strategies are considered relevant to the proposed Amendment*
- *Where appropriate, consider the potential for new character in future residential areas of the Strategic Redevelopment Areas.*
- *Ensure the provision of appropriate community infrastructure or an adequate contribution to support new communities.’*

5.3.3 21.08 Economic Development

Objective 1: *To stimulate and facilitate appropriate industrial activity and employment opportunities.*

The following strategies are considered relevant to the proposed Amendment

- *‘Protect Core and Secondary Industrial Areas from the impacts of encroachment of residential and other sensitive land uses.*
- *Manage the successful transition of identified Strategic Redevelopment Areas through the development of Outline Development Plans, (i.e. a master plan), Development Plan Overlays and Design and Development Overlays, as appropriate.’*

The policy seeks to manage the transition of areas to provide an adequate supply of land for employment generating uses. Precinct 15 will transition out of industrial uses and largely become a higher density residential area. Some opportunities for new businesses will emerge within tenancies in the Town Centre and elsewhere, providing new employment in the City of Hobsons Bay.

5.3.4 **Clause 21.10 Infrastructure**

Objective 1 is *‘to deliver necessary community infrastructure to enhance the liveability of Hobsons Bay residents.’*

The objective is supported by the following strategies relevant to the proposed Amendment:

- *‘Provide appropriately located community facilities and services in response to community needs.’*
- *‘Facilitate the provision of a range of well-designed community facilities and services which meets the needs and lifestyles of the community to provide for a better quality of life.’*

The Clause seeks to ensure that the current and future needs of the Hobsons Bay community are served through the development of appropriate community centres. The CDP provides for Precinct 15 include the provision of a Community Centre to be located at 248-26 Blackshaws Road.

5.3.5 **Activity Centre Strategy 2006**

The 2006 Strategy is not incorporated or referenced in the Hobsons Bay Planning Scheme. The Strategy was adopted by Council to assist in the management of the existing Activity Centre hierarchy.

The 2006 Strategy forecasts the future retail floorspace needs for Hobsons Bay from 2004-2021, driven by a forecast increase in population of 13,300 persons (16%) over the period. The Strategy nominates that the provision of retail floorspace will occur in existing centres and not require the development of any new neighbourhood centres.

The Strategy assumed a redevelopment of Precinct 15 to provide an additional 1,600 dwellings, whereas in all likelihood, there will be more than 3,000 dwellings over time. The primary neighbourhood centre for residents will be the new Town Centre. The Strategy recommended the inclusion of convenience shopping facilities included *‘limited-line supermarket green grocer, chemist and a 24-hour convenience store’*. The Strategy did not forecast additional floorspace for ‘The Circle’ or ‘Borrack Square’ centres (the two closest existing centres to Precinct 15).

The Activity Centre Strategy (2006) identifies the following development opportunities in existing Activity Centres near Precinct 15:

- Borrack Square: *‘Limited opportunities exist for any physical expansion in the floorspace of this centre.’*

- The Circle: ‘Maintain existing provision of retail floorspace.’
- Altona Gate: ‘Existing centre performance may support additional floorspace in line with population growth’

Council has begun the process of replacing the Strategy by commissioning a technical review of the Strategy.

5.3.6 Hobsons Bay Activity Centres Strategy: Technical Report, Hobsons Bay City Council (Essential Economics) (December 2016)

The Technical Report has been prepared by Essential Economics for Hobsons Bay City Council to inform an updated Activity Centres Strategy following further review and consultation.

The report forecasts that there is potential for an additional 43,000sqm-61,000sqm of retail floorspace in Hobsons Bay over the period 2014-2036 driven by economic and population growth in the municipality. The Technical Report does not nominate how this retail floor spaces might be distributed, nor does it suggest that this increase in retail floor space is only to occur in established centres.

The Technical Report has not been adopted by Council.

5.3.7 Hobsons Bay Industrial Land Strategy, Hobsons Bay Strategic Development Unit (2008)

The document recognises Precinct 15 as a ‘Strategic Redevelopment Area’ In Hobsons Bay. The Strategy envisages Precinct 15 as a residential and mixed-use area with appropriate buffers to, and retention of viable industry.

The Strategy nominated the following analysis of Precinct 15:

‘The redevelopment of part of this precinct will represent one of the more significant regeneration projects in Melbourne. It is recommended that the Council, in conjunction with the State Government and land owners facilitate the redevelopment process, including investigating solutions that maintain the viable future of Don Smallgoods on its current site within this precinct.

There are significant contamination issues, and potential noise and odour issues to be dealt with in this precinct. These issues will have to be carefully managed in conjunction with the EPA in order to ensure that the land is suitable for redevelopment for sensitive uses. Any sensitive uses must not impact on the viability of industry in the precinct and these sensitive uses must include appropriate measures to attenuate amenity impacts arising from adjacent industry such as potential noise and odour impacts.

Prior to development a social impact assessment must be undertaken to determine appropriate social and community infrastructure requirements. Provision of affordable housing, with a range of dwelling sizes and types should be provided.

Any redevelopment of the site must include Environmental Sustainable Design (ESD) principles including but not limited to Water Sensitive Urban Design (WSUD), energy efficient development and water reuse within the site. A traffic management plan must be undertaken.

Any traffic management plan should provide for appropriate east-west link through the site connecting to Brunel Street, provide for a new north-south link, allowing for suitable traffic calming devices along New Street, and signalised access to Blackshaws Road from Kyle Road, and the new north-south link.

As part of any development plan, appropriate pedestrian and bike paths must be provided throughout the site and linkages provided to other pathways where possible.’ (p. 15-17)

5.3.8 Economic Development Strategy 2015-2020, Hobsons City Council (2017)

The strategy, developed by Hobsons Bay City Council, sets out Objectives to support economic growth in Hobsons Bay. The Strategy is not a planning document nor is it referenced in the Hobsons Bay Planning Scheme. However, the following Objectives are considered relevant to the proposed Amendment:

- *Objective 2.1 Promote Hobsons as a place to invest and do business and do business, raising awareness of Council’s commitment to investment attraction and facilitation.*
- *Objective 2.3 – Establish Hobsons Bay as an attractive location for business, where processes are streamlined and business owners and Council work together to achieve outcomes.*
- *Objective 2.4 Encourage diversity in local activity centres to minimise vacancy rates, increase business sustainability and align the local retail offering with community needs.*
- *Objective 3.3 Build a strong local job market and increase the number of local residents employed in the municipality.*

With the transition of Precinct 15 to a Comprehensive Development Zone, the draft strategy has limited relevance.

5.3.9 Panel Report, Hobsons Bay Planning Scheme Amendment C109 and Planning Permit Application PA1533038, Former Cabots site Millers Road, Altona North (18 August 2017)

The Panel report considered the proposed rezoning of the former Cabot’s site at 290-298 Millers Road and 24-42 Cabot Drive, Altona North (approximately 2km south—east of the subject site).

The Panel supported the rezoning of the former Cabot’s site from Industrial 3 Zone (IN3Z) to Commercial 2 Zone (C2Z). The Panel accepted economic evidence from Mr Ganley that there was a current need for additional supermarket floorspace in Hobsons Bay. The evidence was provided on the basis that a 3,500sqm supermarket at Precinct 15 in Altona North (if approved) is expected to be at least 5 years from operation.

Hobsons Bay City Council submitted that the proposed Amendment was supported by the following Clauses of the State and Local Planning Policy Framework:

State Planning Policy Framework

- *Clause 11 Settlement*
- *Clause 13: Environmental Risks*
- *Clause 15: Built Environment and Heritage*
- *Clause 16 Housing*
- *Clause 17 Economic Development*

- *Clause 18: Transport*
- *Clause 19: Infrastructure*

Local Planning Policy Framework

- *Clause 21.02 Hobsons Bay Key Issues and Strategic Vision*
- *Clause 21.03 Settlement*
- *Clause 21.04 Open Space*
- *Clause 21.06 Built Environment and Heritage*
- *Clause 21.08 Economic Development*
- *Clause 21.10 Infrastructure*

The Panel considered the retail development of the former Cabot's site to be an 'out of centre development.' The Panel acknowledged that 'out of centre' development is not supported by state and local policy, but added that the site's 'out of centre' location is "just one of the factors the Panel must consider" (p. 22). The Panel noted that the local activity centre policy is "somewhat out of date," acknowledging that Council has begun a process of replacing the Activity Centre Strategy (2006), which will be completed over the coming years.

It is noteworthy that the Panel acknowledged that the "structure planning process should be flexible and responsive to both the site and the circumstances" (p. 23).

6 PRECINCT 15 TOWN CENTRE; ROLE AND COMPOSITION

6.1 Purpose of the Town Centres

It is my view that the Precinct 15 Town Centre should develop to become a mixed used Neighbourhood Activity Centre, providing the following:

A new interface for Precinct 15

Given the Town Centre's location on land fronting on to Blackshaws Road, the Town Centre will occupy a prominent location of Precinct 15. The Town Centre will form part of the emerging character for this urban renewal area by developing a new, mixed-use built form. The town centre offers the opportunity to establish a visual identity for the Precinct, with a new architectural presence.

Convenience Retail

The centre should provide retailing to serve the day-to-day convenience shopping needs for residents of Precinct 15 and nearby residential areas.

Community Focus

The centre should act as a community hub for the new residential population of Precinct 15, through the provision of shopping, services, cafes and public space.

Local Employment

The activity centre should provide land for employment generating uses including commercial/retail floorspace. The provision of the employment generating uses will assist the vitality of the centre.

Integration with commercial areas (Shaw Business Park)

The town centre should integrate with the existing Shaw Business Park (providing it with a 'springboard') that will strengthen the sustainability of both areas through the creation of a broader-based town centre.

Provide a different experience

Through innovative design and new uses, the Town Centre can become a different, enriching place in Altona North. While at its core, there needs to be solid convenience retailing, the addition of new business, dwellings, cafes and open spaces can produce a different, safe, busy, and welcoming community resource.

Town Centre Objectives as set out in the CDP at 2.2

The role of the Town Centre summarised above is consistent with the relevant Objectives identified in the CDP.

Under 2.2 Objectives, those relevant to the development of the Town Centre include:

- *Objective 1: To establish well designed development that contributes to high quality, integrated built form throughout the precinct.*
- *Objective 11: To create a safe and vibrant mixed use local town centre with pleasant public spaces and a range of jobs and services appropriate to the scale of the centre*
- *Objective 12: Encourage local jobs through the provision of a mixed use town centre and business area.*

- *Objective 13: To encourage high quality commercial development that fronts Blackshaws road around the town centre and business area to enhance the presentation of the precinct.*
- *Objective 16: To establish appropriate landscaping that contributes to a high amenity public realm throughout the precinct.*
- *Objective 24: To ensure that first-acting development does not prevent the realisation of cohesive and integrated neighbourhoods.*

CDP Table 2: Sub Precinct Preferred Land Use and Built Form Outcomes

Under this table, the Town Centre outcomes are set out:

Proposed Land Use:

- *A mixed use town centre made up of fine grained retail, a supermarket, offices, and cafes.*
- *Residential can be located above.*
- *A civic space will provide the community with a flexible, central meeting space.*

Preferred Development Outcomes:

- *Encourage the town centre to be oriented towards a 'main' street.*
- *The supermarket will include an overhead/underground car park or a car park at grade that could convert in the future to a more intense town centre development.*
- *Car parking should not be visible from key street frontages. Buildings should be either built to the property boundary adjoining the street frontage or should allow a front setback for on-street dining.*
- *Ground level facades should be articulated into sections no greater than 8m wide in order to establish a fine-grain built form. Shops along Blackshaws Road should ensure an active frontage is provided.*
- *Maximum Building Height: 16.8m*
- *Maximum Front Façade Height: 4 storeys*
- *Preferred Front Setback: 2m (except Blackshaws Road which is 3m)*

A Town Centre consistent with the objectives of the CDP should be realised as a mixed-use Neighbourhood Activity Centre, with Precinct 15 forecast to be developed over a 10 or so years' time frame, a flexible approach to the drafting of planning objectives and controls should be adopted; to allow the Town Centre to be developed in stages, as the commercial base changes, and the residential population increases. This approach needs also to provide the investor with the 'tools' to implement; a need for flexibility and a market-responsive approach.

Instead, the Built Form Outcomes propose the establishment of a fairly rigid 'recipe', unlike the Objectives which are 'directional'.

Addressing the items in Table 2 individually:

Fine grain retail: The wording in Table 2 places an emphasis on 'fine grain' retail on multiple frontages. This will be very difficult to achieve in a local town centre. Elsewhere in my evidence I have expressed concern as to the likely viability of a large number of small shops, particularly if they are to be co-located with a limited sized supermarket. I doubt that some sections of shops on the Figure 10 diagram will be built.

Car parking: There is a preference for overhead or basement car parking. Prior to any reduction under Clause 52.06, the retail floor areas alone would require 240 car spaces. The reason that

car parking, (a normal land use in a town centre) should not be visible from a key street is not given. I assume that this is a designer's preference, which in my assessment is an extreme position. This guideline should be modified to 'Views from key street frontages should be of buildings, with limited views of car parking.'

I support the development outcome which seeks to have any ground level car park areas designed in such a way that they will accommodate redevelopment in the future. It is certainly my expectation that the town centre will have some ground level parking in its early stages. As to overhead or basement parking? If overhead (first level) parking were proposed, combined with the maximum building height of 4 storeys, this would only deliver a maximum of two levels of accommodation. There would be significant viability issues with this model.

Maximum Building Height 16.8m and Maximum Front Façade Height (4 storeys): (*I am curious as to why the limit has been set strictly at 16.8m.*) I fail to see a basis for including maximum building heights. The case for requiring mandatory provisions seems to have become a standard approach which should be questioned as to its necessity rather than assumed.

The maximum building height would dictate that Town Centre buildings would be limited to 4-5 storeys. These building heights appear to have origins from the David Lock Associates report which recommends 4 storeys along Blackshaws Road (DLA p. 20).

Summing up this section: Whereas the objectives for the Town Centre are well stated in CDP 2.2, from that point, the CDP unnecessarily descends into mandatory 'Requirements' and 'Design Guidelines' which, through their rigidity and specific design selection, are likely to impact negatively on the realisation of a vibrant town centre. The likely development patterns of the town centre (and that of the wider precinct that it will serve), will be staggered. It will require objectives which set clear directions and then allow flexibility in delivery options. This leads me to recommend the removal of some Design Guidelines and the rewriting of others to adopt a performance-based approach to the delivery of the Town Centre.

I contrast the very specific treatment of design guidelines with the 'Activity Centre Urban Design Principles' contained within the David Lock Associates Report, 2015 (DLA Report). Accepting these as 'principles', they none-the-less set a level of what guidance is appropriate. DLA also aimed to ensure that the Town Centre is developed so that it attracts a 'high level of passing trade.' This is implicit support for an unconstrained supermarket.

Table 1: DLA Activity Centre Urban Design Principles

Theme	Objectives	Principles
Urban Structure and Public Realm	<ul style="list-style-type: none"> To deliver a highly vibrant and accessible urban environment. 	<ul style="list-style-type: none"> Provide a compact and vibrant centre anchored off a main route(s) that is likely to attract the highest level of passing trade. Concentrate commercial premises into continuous active frontages, built on or close to the street boundary. Design public spaces (including streets) to be well proportioned, unique and integrated with the buildings that surround them.

		<ul style="list-style-type: none"> • Incorporate higher density housing within and around the proposed activity centre in response to Clause 21.07. • Design streets to provide for all modes of transport but particularly prioritise pedestrians, cyclists and public transport. • Avoid large car parks at road frontages. If unavoidable, locate surface car parks on local streets and design them to form safe and attractive public spaces, with active frontages along their edges to provide passive surveillance. • Locate loading bays and other 'back of house' aspects away from public spaces, streets and residential areas to minimise amenity issues.
Street Network	<ul style="list-style-type: none"> ▪ To deliver a well integrated and highly accessible street network. 	<ul style="list-style-type: none"> • Create clear, legible links through the proposed activity centre. • Develop an interconnected street network that is safe, easy to navigate and has logical links from new development to the core of the proposed activity centre. • Implement a block size and shape that improves permeability and accessibility. • Provide direct links to the existing surrounding neighbourhoods, particularly for pedestrians and cyclists.
Built Form	<ul style="list-style-type: none"> ▪ To deliver built form that contributes to an appealing and safe public realm. 	<ul style="list-style-type: none"> • Provide visual interest at a walking pace through richly detailed façades at lower levels with frequent vertical articulation. • Define street edges by introducing built form on or close to the street boundary to achieve good definition of the public realm and avoid creating potential places of concealment and entrapment.

Source: DLA 'Precinct 15 Strategic Redevelopment Area, Altona North Density and Design Principles Report Final' November 2015 (p. 22)

6.2 Will the CDP Design Guidelines assist the Purpose and Objectives of the Town Centre?

The development of the Precinct 15 will be managed through the relevant Objectives, Requirements, and Design Guidelines nominated in the CDP and by the substantial number of provisions set out in CDZ2. The documents themselves are a means to an end. The effectiveness of the CDP and CDZ2 will only be known if a Town Centre that achieves the Objectives under CDP 2.2 (and the purposes that I have set out in 6.1) is the outcome.

Precinct 15 presents a specific urban renewal precinct within metropolitan Melbourne. The role of planning in urban renewal precincts is to facilitate development and support the creation of successful urban areas. It should not be the role of planning to predetermine a detailed design response, particularly given the complex nature of urban renewal sites; contributed to by the number of land owners and the unclear timelines.

In general, I am supportive of the relevant Objectives nominated in the CDZ2 and CDP, however when I examine the Design Guidelines there is evidence of ‘over-reach’ in the provisions. These are more likely to inhibit rather than facilitate the development of a town centre, consistent with its purpose and Objectives.

My concern commences at ‘Requirement 24’ of the CDP which nominates that *‘The final design and configuration of the civic/town square must consider the town centre concept plan and demonstrate that each of the Town Centre Design Guidelines has been met at Figure 11 (sic-Figure 10) and Table 4.’*

Requirement 24 effectively transforms the Design Guidelines into mandatory design requirements. I am unclear if this is intended but if so, it is ill-considered. By stipulating that the guidelines are ‘mandatory’, the controls create a contradiction in terms, being both mandatory and ‘guidelines’? This level of design control is more likely than not to retard development of at least the Town Centre. Such an outcome will be contrary to the objectives. From a planning perspective, design guidelines should guide the detailed design process towards the outcome objective, with an acceptance that in all but some very specific situations, there is more than one way in which this objective may be achieved.

The CDZ2 CI 4.0 Buildings and works, states ‘all requirements in the CDP must be met’. At first, this appears to be a level of urban management similar to the approach which can be found in the PSP approach. However, when I compare the PSP approach to the proposed CDP Town Centre ‘Requirements’, I find a significant difference. In a PSP for a neighbourhood (Local Town Centre) the Requirements are expressed as guidelines which relate back to Local Town Centre ‘Principles’ or *‘matters which should be generally in accordance with.’* The PSP Requirements are worded generally, allowing the outcome to be achieved with variations in the centre layout and composition. Major changes to the diagram have been accepted by the authorities.

It is not the role of design guidelines to act as mandatory controls. An outcome of this Panel hearing process should be to identify what needs to be mandatory within the amendment, and what should be provided as performance-based directives.

I have set out my specific concerns with the Town Centre Design Guidelines below.

CDP Table 4 Town Centre Design Guidelines: Assessment and recommendations

CDP Table 4 sets out the Town Centre Design Guidelines. (Requirement) R24 requires that the final design needs to show that all of the Town Centre Design Guidelines have been met at Figure 10 and Table 4. In the CDP at Section 1.1 (How to read this Document'), it is stated that 'Requirements must be adhered to' and the Guidelines are to express how discretion will be exercised. (p.2). I don't see this, discretion in my reading in the coupling of R24 and Table 4.

In contrast, the structure of the CDP and CDZ2 will result in significant restrictions on town centre development form. This will not encourage innovation, investment or best-case outcomes. The controls represent a move away from a performance-based approach, with a high degree of 'lock-in' on various items.

In this section, I have addressed the Guidelines (requirements) in Table 4, and provided my assessment on their capacity to deliver, or interfere with the delivery of the Town Centre. Where appropriate, I have suggested some alternative wording that might be substituted.

DG1 A centralised town square to act as a focal point for surrounding retail and commercial uses and to provide public space for community activities such as a local market.

Comment: A workable guideline but better if the word '*centralised*' is removed since the preferred layout might use the town square/public space as a 'connector' to Shaw Business Park and not centralised, or as a link from the connector road on the eastern side.

Recommendation: Delete '*centralised*'.

DG2 Pedestrian and cyclist friendly north-south main street that connects the town centre core with surrounding neighbourhoods, public transport and community facilities.

DG3 The local town centre should be surrounded by a pattern of smaller scale individual tenancies that sleeve a central supermarket to attract investment and encourage opportunities for local business investment.

Comment: DG2 is a benign statement except that I am unclear as to the main street reference. DG3 is part design guideline and part aspirational. Figure 10 shows the diagrammatic layout of the town centre. The town centre model is not a 'main street' design. The town centre layout as shown, is a trying to be 'all things to all people'.

It shows:

- Shops fronting Blackshaws Road, onto the rear wall of the small supermarket;
- Shops and the loading bay along the western wall of the supermarket, facing the car park, part of which is on Shaw Business Park land;
- The supermarket with its entry to the north but with shops covering the entrance;
- Shops sleeving the northern wall of the supermarket to the west and east of the Town Square;
- Shops to the north of the small east-west street;
- Shops along the east wall of the supermarket, fronting the Connector Street, facing residential uses opposite.

In my experience, I have not seen a small centre with so many ‘personalities’. I consider that there will be little prospect of a successful centre being designed that could reflect most of these design guidelines, which *‘must consider and demonstrate that each of the Design Guidelines have been met’* (CDP Requirement 24, p.25)

If the drawing areas are scaled approximately, the floor areas indicated are:

Supermarket	2,400 sqm	
Shops fronting Blackshaws Road		990 sqm
Shops along the western wall		500 sqm
Shops along northern wall and separate shops west and east of the Town Square;		1,050 sqm
Shops north of the small east-west street;		1,090 sqm
Shops along the east wall of the supermarket		400 sqm
Supermarket - Shops	2,400 sqm	4,030 sqm
Ground level retail/ commercial area as scaled		6,400sqm

Floor area 6,400sqm: This is a result of a measuring of the drawing. I note that Table 5 nominates the ground floor retail/commercial area at 5,480sqm. To reduce my scaled area version to 5,500sqm approx. I would need to provide narrower speciality shops compared with what I see being provided in projects that I am involved with. This could be achieved but this would not be helpful for businesses.

As diagrammatic as Figure 10 is intended to be, the layout holds significant problems for the potential investor and for prospective tenants.

The Shops facing onto Blackshaws Road have good arterial road exposure, but as I have commented earlier, they are unlikely to have kerbside car parking, which is a high priority for shops along a main road. This will limit their commercial viability.

The Shops facing west have the advantages of facing directly onto a car park and should be successful. Visitors to the centre would walk from the car park into these shops and then continue to the anchor store (supermarket).

Shops facing north: The diagram shows no carparking around these shops, but there may be a small amount of car parking. Residents walking into the centre from north would assist the trading levels of these shops. The shops to the west of the entry are on ‘the car park route’ and should trade successfully, but the shops to the east might not. The shops shown across the mouth of the supermarket would indicate that there could be an internal mall of shops leading into the supermarket entry. A small internal mall is a design normally associated with large supermarkets.

Some of the Shops north of the east-west road might work but more as services and offices (lower rent).

Shops on the east side would need kerbside parking. Figure 12 Connector Street (25.0m) indicates that parking will be included. (about 12 spaces). These shops have good exposure to residents accessing the precinct.

The supermarket with a floor area of 2,420 sqm is provided at a size that is unusual and is below the level required to appeal to the main supermarket chains that operate in Australia. I discuss this in more detail in Section 6.4.

The main concern I have about the diagram is the imbalance between the major store and the small tenancies. Table 5 forecasts from Figure 10:

Supermarket:	2,420 sqm;
Retail (Food and Beverage)	3,060 sqm

For neighbourhood level centres, the observed retail floor area proportions are about 60-70% major and 30-40% specialty shops. This leads me to the view that the diagram in Figure 10 may impact negatively and may prevent the sustainable development of the town centre.

There are examples of specific mandatory planning regulations causing other town centres to be halted, requiring that (later) the controls and guidelines to be re-written into a more standardised and more flexible form. The VPA is presently undertaking such an exercise with the Officer Town Centre. An over-zealous PSP from 2011 has delivered no retail or commercial investment within the designated major town centre in over 6 years. Instead, retail development has occurred in other section of the south-east region, meaning that the Officer Town Centre is unlikely to fulfil the role considered as needed in 2011. This will lead to a consequent reduction in the level of service available, locally. While well-intentioned, the Officer Town Centre controls show what can result from over-design and planning ‘over-reach’. I would not like to see a version of that occur here.

Recommendation: Change DG3 to: *‘The layout of the town local centre should encourage investment in smaller scale tenancies through the provision of good trading exposure and, where practical, use these shops to sleeve the supermarket building.’*

DG4 Encourage mid-rise residential properties above the retail tenancies to deliver a vibrant, diverse and mixed-use outcome in the town centre.

Comment: The development of mixed use projects which consist of retail/supermarket uses at ground floor level with mid-rise (and high rise) residential above is occurring within Melbourne’s inner and middle suburbs. The driver for this is the strength of the apartment market, meaning that sites with residential potential are higher in value than retail sites. However, it does not follow that there is always sufficient, viable, retail businesses that can occupy the ground level of apartment buildings. But in the case of tall apartment buildings, the ground level retail tenancies are not critical to the project’s financial success.

This is not the case here, where the CDP directs building heights to be not more than 5 storeys in the Town Centre. In low rise projects, the ground level tenancies need to provide the majority of the investment return. There is the implication within the CDP that, with 3,000 sqm of shops and ‘fine grain’ retail, there will be circa 30+ shops. Such a number is not supported by any economic assessment. A better design and practical outcome would be to accept that sections of ground level use will not be ‘retail tenancies’. A better design guideline would be to plan for residential frontages within parts of the Town Centre. From my assessments of the Town Centre site, this would be a simple task.

This means that the incorporation of upper level residential or office uses should be provided in ways that complement the ground level uses. This may require:

- Construction the Town centre components in stages with some (earlier) sections as ground level only, or as 'temporary buildings which might be replaced by a larger and more complex structure as the market for commercial and residential uses matures. Or,
- The utilisation of building forms which at ground level and above are best suited to multi-level structures. This directs the location of multi-level buildings to be a combination of shops, with apartments/offices over; in preference to trying to marry the supermarket form/structure with narrower commercial/ apartment formats. This is not to say that air space above a supermarket can't be utilised as commercial/apartment levels. It is however probably more complicated with cost/revenue penalties that this relatively low-scale project would need to absorb.

In summary, because the CDP dictates both low-rise buildings and a desire for active frontages within the Town Centre, ground level occupancies will require land uses other than shops or offices. There will simply not be sufficient shops or businesses in a small centre to fill the tenancies. A better approach would be to focus the retail and service uses and locate multi-level residential on other frontages. The priority is the achievement of a well-designed and sustainable town centre at a reasonably early time in the development of the precinct. I expect that this will require a less expansive retail design plan. A practical approach is required.

Recommendation: Insert '*where practical*', in DG4 after '*properties*.'

DG5 All buildings are to have their main entrance point onto the street frontage.

Comment: The diagram shows shops with frontages to the car park and what appears to be shops in the mouth of the supermarket which logically would face inwards, facing onto the supermarket entrance.

Recommendation: Delete '*are to*' and insert '*should where practical*.'

DG6 Development blocks should be based on a flexible layout to enable a variety of land uses and allow viable short-term development as well as efficient long-term evolution and adaption.

Comment: I agree with this direction. This acknowledges the likely staged development of the town centre.

Recommendation: no change

DG7 Main streets are to be designed to include canopy trees, outdoor dining, pedestrian activity and on-street parking

Comment: I reiterate, that the layout and form of the Town Centre is not that of a 'main street' design. The centre will do well to focus its strengths along certain frontages; particularly frontages which are likely to be more active and with better weather protection/benefits. Other frontages might be better for the inclusion of more parking, services and entrances to other uses.

Recommendation: Delete "*Main*". Insert '*Streets with retail frontages*'

DG8 Development surrounding the town square must not be overshadowed by surrounding buildings.

Comment: I find this direction curious in that it is absolute, and because it refers to development around the town square, but not the town square itself. I can imagine situations where say, sections of the supermarket roof abutting the town square might be in shadow while the town square is receiving sunlight. I also see this guideline as contrary to the performance-based system which constitutes the VPP's. I reference Rescode where there is discretionary requirement for the area of open space that is to receive sunlight over certain hours (CI 54.04-5). Here is a further example of new planning controls being proposed that seek to remove the performance-based approach.

Recommendation: The Guideline be reworded as: *'The design and orientation of the town square should optimise the penetration of sunlight over the day. Buildings should not cast shadows over the town square between the hours of 10.00 am and 3.00pm on 21 September.'*

DG9 On-site parking areas must be sleeved behind buildings on main streets.

Comment: I am assuming that 'main streets' means the Connector Road to the east and the small east-west street. The road on the eastern boundary of the Town Centre is a Connector Road (26m). The design of Connector Street is set out in Figure 11. This shows kerbside parking, which is inconsistent with DG9. The CDP does not contain a design diagram on the small east west street. The Town Centre is simply too small to achieve this arrangement. A similar (unworkable) provision was included in the Officer Town Centre, mentioned above.

Recommendation: Change to: *'On-site parking should be designed so that it is safe, easy to access and with views to the parking area broken by buildings.'*

Change CDP Table 2 'Town Centre Preferred Development Outcome' from 'Car parking should not be visible from key street frontages' to *'On-site parking should be designed so that it is safe, easy to access and with views to the parking area broken by buildings'* to ensure consistency with the revised DG9.

DG10 The Local Town Centre must integrate with the existing mixed use area at Shaw Business Park and allow for connections into the development.

Comment: Agree.

Recommendation: no change

DG11 At least 80 per cent of each building façade at ground level in the town centre precinct should be maintained as an entry or window with clear glazing.

Comment: This needs to be a discretionary condition; A similar requirement exists within Boroondara Planning Scheme DDO16 where in neighbourhood centres, a permit is required where it is proposed to provide less than 80 percent of the façade as entry or glazing.

Recommendation: Change to: *'Where practical, 80 per cent of each building façade at ground level in the town centre precinct should be maintained as an entry or windows with clear glazing.'*

DG12 The town square should be designed in such a way to enable a variety of community activities to be held within it including consideration of appropriate paving, utility services, lighting, landscaping, street furniture and weather protection including awnings.

Comment: Agree.

Recommendation: no change

CDP DG1-DG12: Their role in delivering a Town Centre.

With regard to the physical realisation of plans into a town centre, there are lessons can be learnt from the development of town centres in the growth areas of Melbourne.

In the drafting of PSP provisions, guidelines are not mandatory elements ‘which must be met’ but rather they are included as general guidelines which promote the successful development of town centres to fulfil the objectives of the PSP.

As I will illustrate in the local town centre design examples in the next section, the physical developed form of successful town centres has not always followed the diagram that was included within the respective PSP. These alternative neighbourhood activity centre layouts were approved by the authorities, having been assessed as consistent with the objectives of the PSP. The investors were not required to follow diagrams which (probably) were accepted as likely to be less successful should these have been developed. These examples highlight the importance of flexibility in planning controls; to allow a Town Centre to be delivered. (see 6.2)

In an urban renewal area such as Precinct 15, the need for flexibility and adaptability in planning controls is heightened.

Given the fragmentation of ownership, site contamination challenges and with some existing industrial uses likely continue for some time, the development of Precinct 15 will be more complex, with different timelines than what is generally experienced in the growth areas. In such circumstances, a flexible approach to planning controls will allow the Town Centre the maximum opportunity to develop over time.

6.3 How do the proposed CDP provisions compare with successful Town Centres in the growth areas?

It is instructive to compare the ‘Town Centre Concept Plan’ (Figure 10) with its Requirements and Design Guidelines with what has occurred in the roll-out of Local Town Centres in the growth areas. These local centres are of a similar retail floor areas scale to Precinct 15 Town Centre. In the following examples, the ‘as built’ Town Centre varied in degrees from the design nominated in the PSP.

I have selected the planned and approved designs of the following town centres:

- Cranbourne East (Shopping on Clyde): PSP
- Cranbourne East (Selandra Rise): PSP
- Kalkallo (Pending Approval) PSP
- Cranbourne North (The Avenue) PSP

In these examples, the final approved town centre design and layout has varied significantly from the design diagrams. The examples highlight the need for planning controls to be flexible in order to allow objectives to be met.

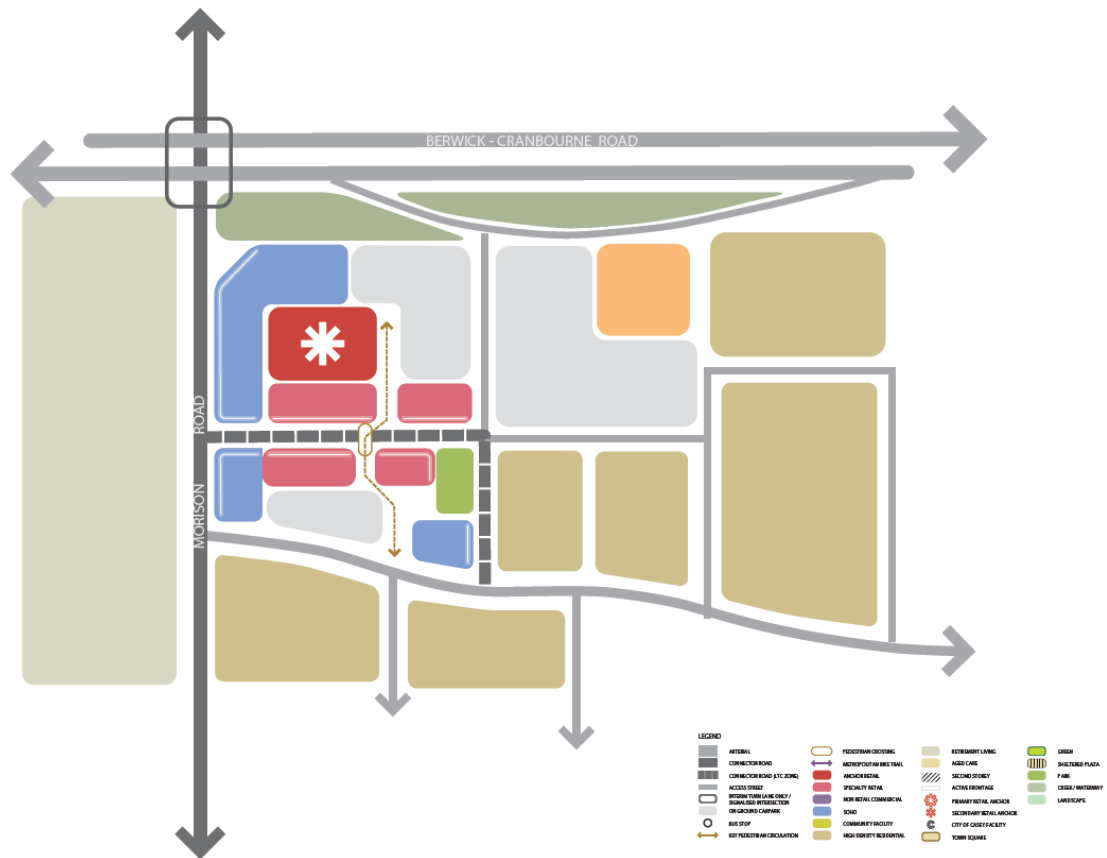
Shopping on Clyde is considered a high-quality design and well regarded in the community. Selandra Rise is often nominated as an example of excellent growth area planning. The PSP diagram layout of the Kallo local town centre (which my firm is directly involved with) has been acknowledged by the authorities as not being well suited to the site when fully examined.

The Avenue local town centre in Cranbourne North follows the diagram but with some areas designated as specialty tenancies having been developed for at-grade car parking. The PSP layout is a workable diagram, and is being (generally) implemented. This might be the case in many PSP town centre diagrams, and not as mandatory requirements. The aerial photo of the Avenue also illustrates that development of the centre will be in stages; a process over time. The development of at-grade car parking in this example does not prejudice future development of future specialty retail on the land. Rather it allows the land to be effectively utilised in the short term while allowing the provision of retail to respond to the needs of the community and expand as required in the future.

Another observation that is relevant to the DCP Figure 10 is that none of these centres (of similar floor areas) has fine grain tenancies sleeving the supermarket on all sides.

Shopping on Clyde (Cranbourne East PSP, 2010)

As Planned

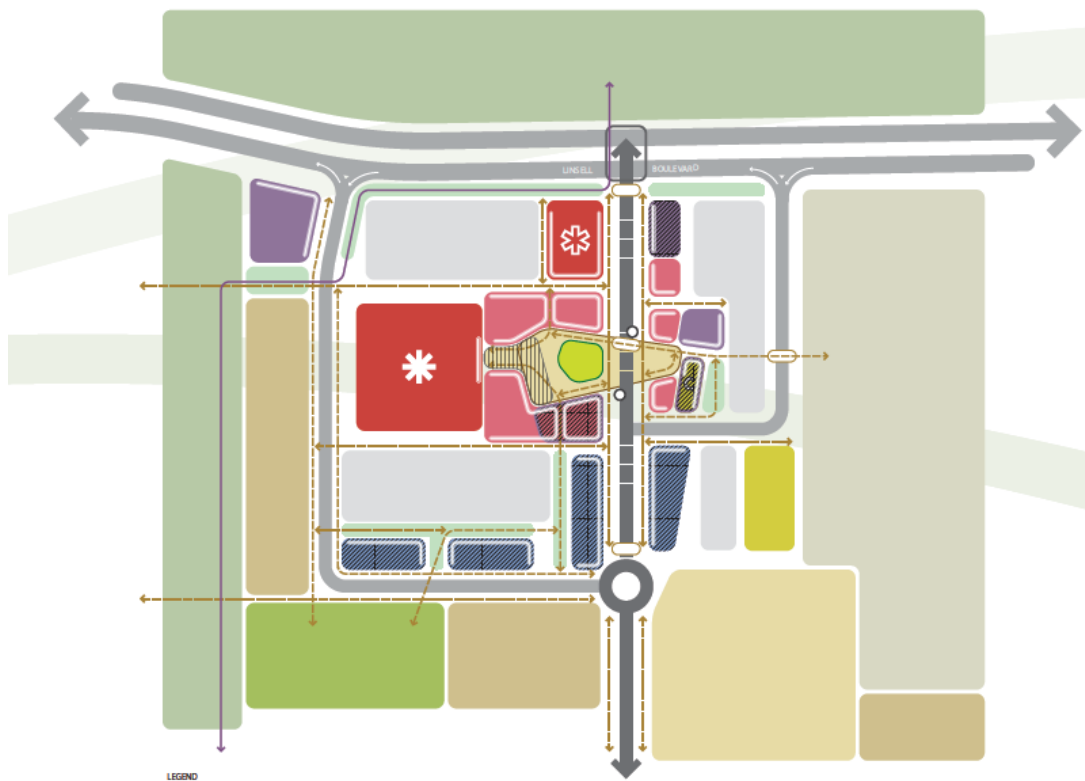


As Approved (Google Earth 2015)



Selandra Rise (Cranbourne East PSP, 2010)

As Planned

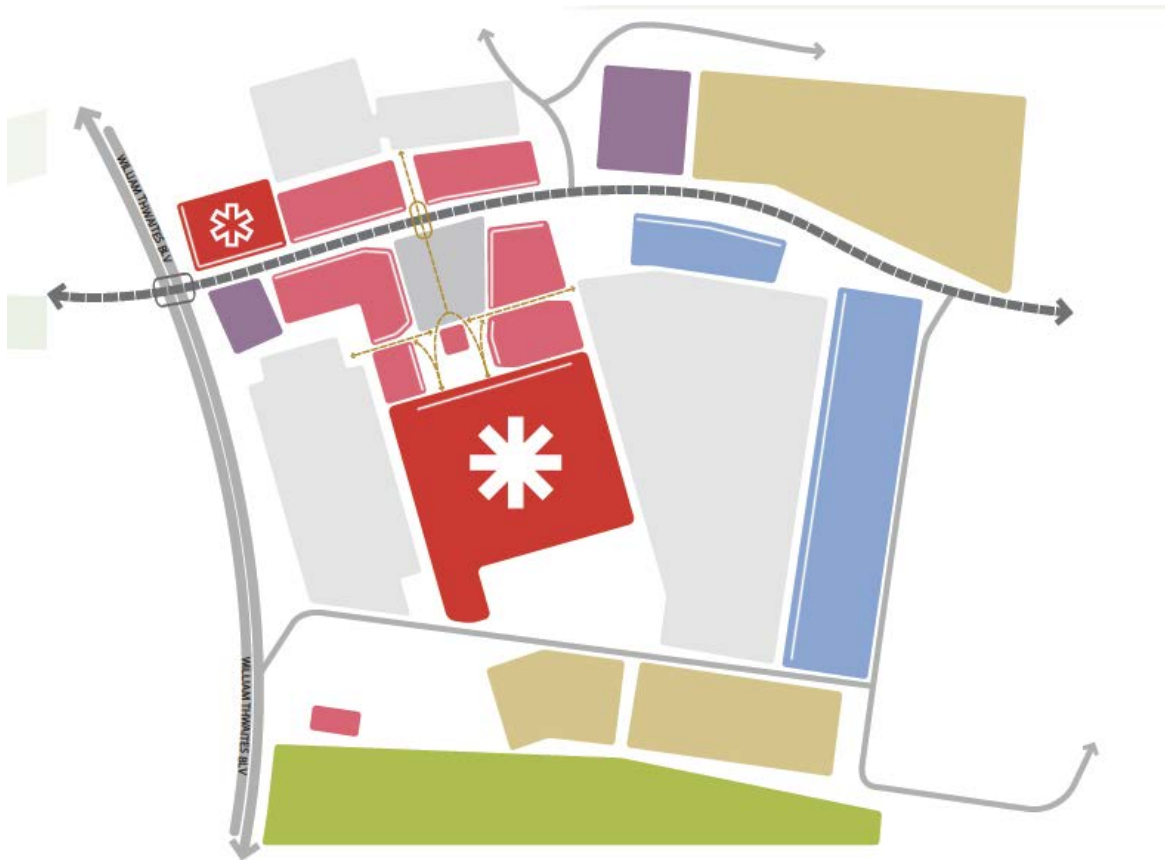


As Approved/Built (Google Earth, 2015)



Cranbourne North (The Avenue) (Cranbourne North – Stage 2 PSP, 2011)

As Planned

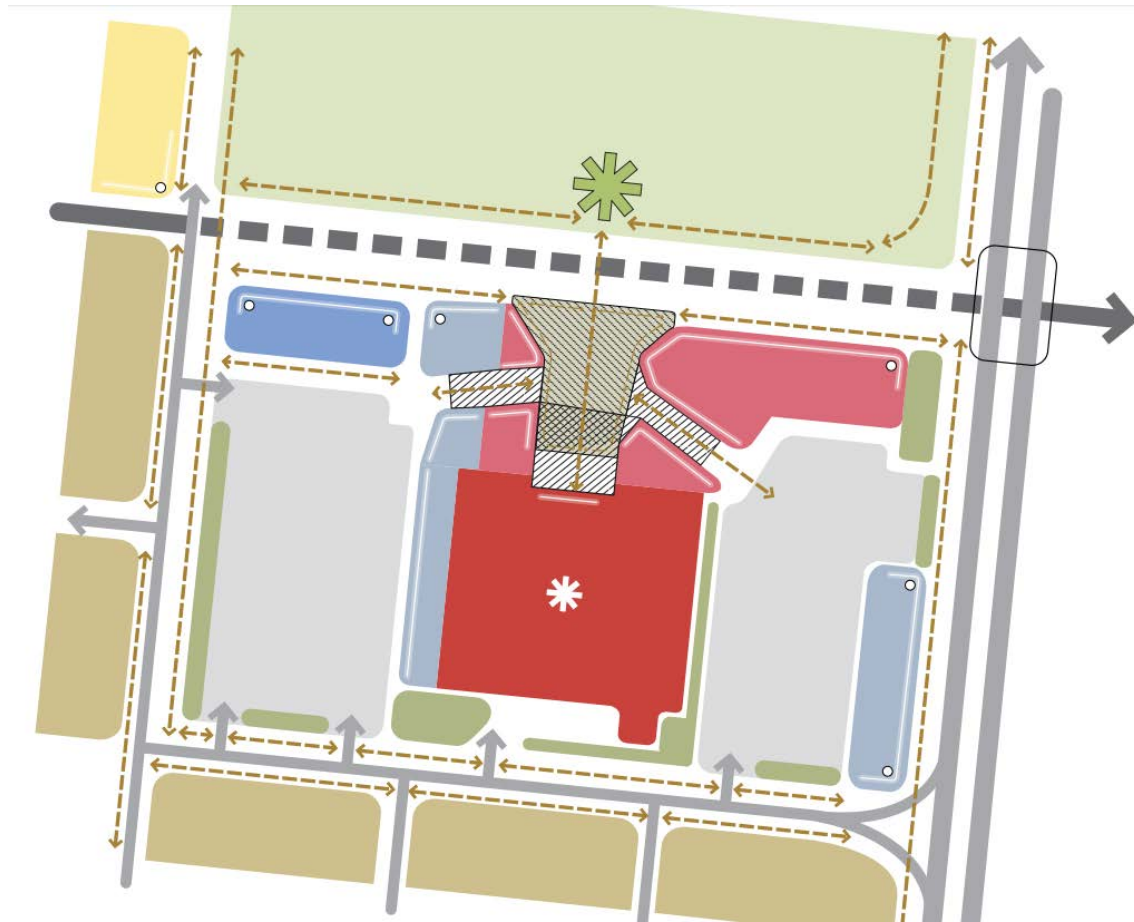


As Approved/Built (Google Earth, 2015)

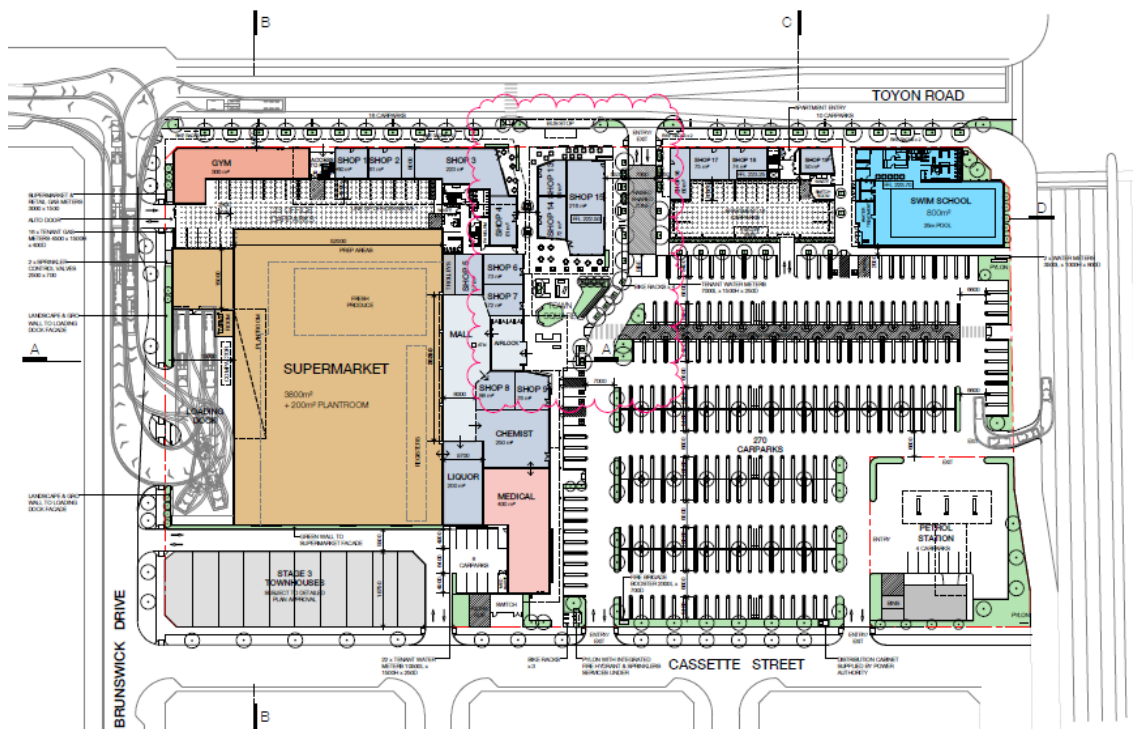


Kalkallo (Lockerbie PSP, 2012)

As Planned



As Proposed (in final approval stage; following multiple Hume CC and VPA design workshops)



6.4 Will the development of the Town Centre benefit from a limit on supermarket floorspace?

Under CDZ2, Table of Uses, Retail Premises (Shop) is a Section 1 use (Permit not required) but Supermarket is a Section 2 use (Permit required). Given that a Supermarket is the anchor use of the town centre, this is a strange inclusion. I assume that it is included as a means of controlling the overall floor area of the major store. In this section I examine whether this approach is a sound town planning regulatory inclusion.

The VPA Background Report limited the supermarket floor area to 3,200sqm. (p.30). CDP Table 5 nominates 2,420sqm for the supermarket floor area.

From my experience working with a major supermarket operator, there is a clear preference in the market for the provision of a minimum of 3,800sqm and preferably about 4,200sqm floor area in order to accommodate a full line supermarket.

A full line supermarket provides a customer with the broad offering including large areas of fresh produce, serviced counter areas for bakery, deli, meat, and perishables with comfortable aisles. adequate space for the operation of checkouts and for the necessary back-of-house operations. From the gross floor area of a supermarket, around 30% of the floor area will be used as back of house areas including staff facilities, storerooms, freezer/cool rooms, waste management and receiving areas.

The nature of floor space requirements means that a reduction of floor area below a full-line module causes a greater proportional reduction in the selling floor area, because much of the back of house operations cannot be reduced in size as the store footprint reduces. In the case of Precinct 15 the suggested (non-standard) 2,420 sqm supermarket would have a selling area floor area of 1,400-1,700sqm in comparison with 2,600-2,700 sqm for a 3,800sqm gross floorspace.

There is no hard and fast 'science' on supermarket floor areas. There is a supermarket of 5,500sqm in Melbourne's west. It was concluded from its performance, that at that size, the store was too large to merchandise effectively. Recent projects which my firm has been involved with have delivered supermarket store floor areas between 3,800-4,150 sqm. Stores on constrained site have been accepted as smaller and compromised. A supermarket limited to 2,420 sqm is unlikely to be attractive to the main operators. Importantly in the case of Precinct 15, a supermarket of this size is unlikely to support more than a few specialty shops. This provides a further challenge to Figure 10.

Leaving to one side the Aldi model, consumers are attracted to supermarkets which offer a full range. (*And, later model Aldi supermarkets are getting larger.*) As I have stated in Section 6.4 the prescribed CDP split between specialty (3,060sqm and supermarket 2,420sqm) has no industry or commercial support from both my experience and from my discussions with retail developers and retail business operators. If this is correct, it means that Figure 10 is problematic and should not be considered as a fixed or a mandatory part of the CDP-CDZ2 coupling.

The role of this new centre is that of a neighbourhood level centre, able to support the new precinct and surrounding areas for the purposes of local shopping, day-to-day services, some employment, accommodation, community services and community building. This will be achieved with an overall retail floor area nomination, a designated town centre area, objectives and with generalised design guidelines. These 'controls' are sufficient.

The key question for the specification of supermarket floorspace is how it will affect the development of Town Centre as a *‘vibrant mixed use local town centre’*? Or, in other words, is it as good planning decision to specify the floor areas of some retail stores? As a new centre in an established area, the centre will have to establish itself in order to support the range of uses envisaged. I do not consider that the limiting of any floorspace will assist in this process.

The objectives, strategies and policies nominated in the State and Local Planning Policy Framework are concerned with the adequate provision of retail and commercial land, and ensuring the needs of the local community are met. No Clause of the State or Local Planning Policy seek to limit or forecast the size of activity centres, nor does policy seek to define the ratio between specialty retail and supermarket floorspace within centres.

I am familiar with the specification of forecast floor space figures for Neighbourhood Activity Centres within the growth areas. However, I consider that on this point, there to be significant differences between the growth areas and the urban renewal area being planned.

For growth areas, the purpose for nominating the provision Neighbourhood Activity Centre floor space in the Precinct Structure Plan is to preserve retail catchment opportunities for designated Neighbourhood Activity Centres in the yet-to-be released areas. In contrast, the Town Centre planned for Precinct 15 will be developed within a part urban renewal but also service parts of an established area.

The Town Centre will be located within an area where shopping patterns are established, both in terms of type and location. This is a different competitive environment, requiring the new centre to provide a community benefit for it to be accepted. The economic evidence on the undersupply of supermarket floor space will be one point of difference. Design, mixed use, and the existence of resident, extended day population will be others.

The experience from the growth areas is that the residential market around new centres occurs rapidly. In urban renewal areas, with multiple owners, development is likely to occur at a slower rate. An operating Town Centre will be a driver of this urban renewal; performing a place-making and a ‘branding’ role. The retail composition of the centre should be allowed to incorporate ‘best practice’ convenience retailing as part of this community role.

If the Town Centre is to become the vibrant retail hub of Precinct 15, the planning provisions of the CDZ2 and CDP should seek to facilitate development in the centre; not limit it. The Objective 11 for the Precinct seeks *‘to create a safe and vibrant mixed use town centre’* This should not operate to exclude a supermarket of a size that the community might expect to be developed; an anchor store that has the capability of supporting ‘fine grain retail’.

In summary,

- A Supermarket should be a Section 1 use, being a primary use that is needed for the Town Centre to be realised, and
- he CDP Objective (O11) adequately sets out the role and composition of the local Town Centre. The floor area of the Supermarket should not be specified. The CDZ2 schedule could adopt the UGZ approach whereby Shop in the Town Centre is Section 1 Use to preferred scale, with the ability to seek a permit above that floor area level.

6.5 Are mandatory controls appropriate for the Precinct 15 Town Centre?

The Victorian Planning Provisions is a performance-based system, providing land use and development application with a degree of freedom to meet objectives. In exceptional circumstances, a Planning Scheme may apply mandatory controls which must be met.

The CDZ2 and CDP as exhibited, seek to apply mandatory controls to the town centre design and layout. I have concerns that the mandatory controls as drafted, will be detrimental to a well-managed, extended period of urban renewal.

The following questions are set out in *Planning Practice Note 59 – The role of mandatory provisions in planning schemes* to determine whether a mandatory control is appropriate:

- *Is the mandatory provision strategically supported?*
- *Is the mandatory provision appropriate to the majority of proposals?*
- *Does the mandatory provision provide for the preferred outcome?*
- *Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?*
- *Will the mandatory provision reduce administrative costs?*

I do not consider that the proposed mandatory provisions of the CDP and CDZ2 are consistent with the Practice Note.

- *Is the mandatory provision strategically supported?*

Objectives relevant to the development of the Precinct 15 Town Centre include:

- *Objective 1: To establish well designed development that contributes to high quality, integrated built form throughout the precinct.*
- *Objective 11: To create a safe and vibrant mixed use local town centre with pleasant public spaces and a range of jobs and services appropriate to the scale of the centre*
- *Objective 12: Encourage local jobs through the provision of a mixed use town centre and business area.*
- *Objective 13: To encourage high quality commercial development that fronts Blackshaws road around the town centre and business area to enhance the presentation of the precinct.*
- *Objective 16: To establish appropriate landscaping that contributes to a high amenity public realm throughout the precinct.*
- *Objective 24: To ensure that first-acting development does not prevent the realisation of cohesive and integrated neighbourhoods.*

None of the objectives of the CDP appear to require a mandatory control. The mandatory controls appear to lock in a single town centre layout/design which is one of many possible Town Centre designs which could be consistent with the objectives. However, the mandatory controls unduly restrict development that would implement the objectives of the CDP through a different design response.

- *Is the mandatory provision appropriate to the majority of proposals?*

From a review of State and Local Planning Policy, there is considerable policy support for a well-designed, mixed-use town centre at Precinct 15 which responds to the needs of the community.

The inclusion of mandatory design guidelines is unnecessary and may be counter-productive for the reasons I have set out elsewhere.

Does the mandatory provision provide for the preferred outcome?

My assessment leads me to expect that the mandatory provision will harm and not enhance the outcomes as described in the Objectives.

- *Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?*

The Design Guidelines may not have been drafted as mandatory controls but have effectively been made so by Requirement 24.

Given my assessment, I consider that a practical, viable outcome will require a design not in accordance with Figure 10. For example, it is not clear how a proposal could be clearly unacceptable under mandatory Design Guideline 3 *'The local town centre should be surrounded by a pattern of smaller scale individual tenancies that sleeve a central supermarket to attract investment and encourage opportunities for local business investment.'*

If I consider a proposal which included a medium/high density residential development (at ground level and above) that would sleeve one wall of the supermarket; would this be unacceptable? Such a design would be consistent with the purpose and Objectives of the CDP. Design Guideline 3 is illustrative of the problematic approach which results when design guidelines are effectively transformed into subjective, mandatory controls.

- *Will the mandatory provision reduce administrative costs?*

I do not see this as a relevant consideration.

7 PRECINCT 15 RESIDENTIAL AREAS

7.1 How Accommodation should be managed in Precinct 15?

Precinct 15 will have a ‘new character’ distinct from other neighbourhoods in Hobsons Bay. With the emphasis in Plan Melbourne to ensure that urban renewal sites are optimised, an opportunity exists in Precinct 15 to develop a higher density of development and a more compact urban form.

The CDP and CDZ2 are structured around a completed development level of 3,000 dwellings. This dwelling number appears to have emerged from work by Tract Consultants and traffic projections. David Lock Associates converted this number into a density by site owner allocation based on site design matters. ‘Precinct 15 Redevelopment Area Altona North Density and Design Principles, November 2015.

In this report DLA uses a range of dwelling densities over different sections of the site to allocate an overall dwelling number of 3,000 dwellings. DLA selected dwelling types and storey levels based on its preferred layout of Precinct 15 which considered interface issues including with adjoining residential areas. DLA concludes (from a study of four projects) that *a density of approximately 45-60 dwellings per hectare for Precinct 15 is considered appropriate.* (DLA p.11)

DLA’s numbers are based on three building types:

- 2-3 level town houses: 39 dwellings/ha
- 3-4 storey town houses: 39 dwellings /ha
- 5-6 storey apartments: 200 dwellings/ha.

Under CDZ2, CI 3.0 Subdivision, a requirement is *‘A land use budget setting out the proposed land use areas or the number of premises e.g. dwellings in the plan, including details about how the development is contributing to the overall target of 3,000 dwellings.’*

Under CI 2.0 Use of land, where an application would result in the number of dwellings exceeding 3,000 in the precinct, a new level of assessments is required, that must include:

- Integrated Network Transport Study
- A Utility Services Report
- A Social Impact Assessment

DLA forecasts 2-3 storey townhouses will yield 39 dwellings /ha. I agree with this forecast yield calculation.

DLA forecasts 3-4 storey town houses will yield 39 dwellings /ha. I disagree with this forecast yield calculation. From studies of net dwellings /ha that I have compiled, 3-4 storey town houses should yield in the range of 50-60 dwellings/ha.

DLA forecasts 5-6 storey apartments will yield 200 dwellings /ha: I agree with this forecast yield calculation.

I note that the CDP includes a definition for Medium Density Housing as *‘an average density of around 50 dwellings per net developable hectare’.* ((p.56) This reinforces my view that the

density achieved in the 3-4 storey town houses will yield a higher number of dwellings than projected.

This brings me to question whether the level of 3,000 dwellings under CDZ2 should trigger a different set of assessment for an application for dwellings above that level. My reading of the recent Arden -Macaulay urban renewal controls see this area managed under a Mixed Use Zone with a DDO. There are no additional density triggers included.

If the provision of dwelling numbers above 3,000 dwellings is likely to trigger significant infrastructure or social requirements, then this should be made clear. On Council's own forecasts, the North Precinct of Hobsons Bay municipality is expected to increase in population by 14,000 persons by 2036. This translates to about 6-7,000 dwellings meaning that Precinct 15 will be about 50% of this. And unlike Precinct 15, the general municipality will not be subject to a DCP.

The range of housing to be provided in Precinct 15 will reflect market aspirations, price and type. The difficulty in delivery of the precinct is increased by the multiplicity of owners who will have different expectations, challenges, skill sets and timings.

In my experience, large projects, with dwelling sizes and types (and commercial floor areas and types) are subject to changes over the life of the project. Locking in dwelling numbers by landholder under a land use budget is possible, but may not result in the 'right housing being in the right place', impacted as it will be because of the required provision of social housing.

7.2 Should a Planning Permit be required a for single dwelling on a lot of less than 300sqm if the proposal is in accordance with the 'Small Lot Housing Code'?

Precinct 15 offers a specific brownfield, urban renewal site within urban Melbourne. The redevelopment of such large site is not common in Melbourne land development and as such, some standard planning provisions are not appropriate for this site.

Given the scale and development of potential of the site I consider it appropriate to allow buildings and works for a dwelling on a lot less than 300sqm to be allowed without a planning permit if the design complies with the Small Lot Housing Code.

The Small Lot Housing Code is normally applied to greenfield developments in the Urban Growth Zone. However, the 'Small Lot Housing Code – Practice Note, August 2014) does not restrict the application of the Code to Urban Growth Zone Areas only.

Such an approach is consistent with Plan Melbourne Policy 2.4.1 to support streamlined approval processes in defined locations.

For this to operate in Hobsons Bay Planning Scheme, the Small Lot Housing Code would need to be incorporated under Cl.81 and have additions to Cl.4.0 Buildings and works.

8 RECOMMENDED CHANGES TO CDZ2 SCHEDULE AND CDP

8.1 Supermarket a Section 1 Use

A supermarket is a key use identified for the Precinct 15 town centre area. It is not clear why a permit would be required for a use that is nominated for the land in the Comprehensive Development Plan (CDP). It is noted that a supermarket is a Section 1 (as of right) use in the Commercial 1 zone which is commonly applied to neighbourhood centres in metropolitan Melbourne.

8.2 The CDZ2 should be reworded to allow greater flexibility

The exhibited CDZ2 specifies the 'All requirements in the CDP must be met' for a Planning Permit to be granted for the use of land, subdivision and buildings and works. The approach is presented as a much more prescriptive and limiting drafting than wording used in the Schedules to the Urban Growth Zone. Given the complex nature of redevelopment Precinct 15 it is not clear why more prescriptive wording is being applied.

As a global change, the word '*must*' in almost all occasions that it is used, should be replaced by '*should*', to ensure that some variation in implementation is available.

To allow appropriate flexibility and for applications under CDZ2 and CDP, the CDZ2 should be reworded to '*The use of land/subdivision of land/buildings should be generally in accordance with the requirements of the CDP.*' This wording will ensure a consistency of approach with the practice within the Urban Growth Zone and ensure the urban renewal is not unduly restricted.

8.3 The CDP should not include mandatory/prescriptive design controls

Precinct 15 is a long term, strategic redevelopment site which will evolve as redevelopment of the site occurs. Such a complex site requires flexible planning controls. By specifying that requirements '*must be met*' the planning controls do not allow sufficient flexibility for site responsive and effective design solutions to be implemented.

8.4 The CDP should not specify the provision of Shop or Supermarket floor area in the Neighbourhood Activity Centre

The supermarket will form the anchor retail attractor for the urban renewal/activity centre area. The successful operation of the anchor attractor will be an important factor in the successful creation of a Town Centre consistent with the objectives and the viability of specialty retail.

I consider that there is a lack of planning policy support for the inclusion of floorspace in new activity centres in an established area where a need for a new centre has been recognised. The role of the activity centre should dictate the general (retail) size of the centre informed by the Objectives of the CDP and the demand for retail floorspace generated in the catchment area.

APPENDIX A

Expert witness inclusions

Appendix A

Hobsons Bay Planning Scheme Am C88

Expert Witness Inclusions

Name and Address: Bernard McNamara,

Principal, BMDA Development Advisory, Ground Level 312 St Kilda Road, Southbank 3006

Qualifications and Experience:

Bachelor of Town and Regional Planning, University of Melbourne

Graduate Diploma of Management, RMIT University

Professional Experience: Practising Town Planner for over 30 years in local government, private consulting, a private development corporation and a publicly listed development corporation.

2007-current: Principal of BMDA Development Advisory, providing property development and town planning services to a range of development companies and organisations in residential, retail/commercial, infrastructure and mixed-use fields.

Areas of Expertise relevant to this matter

- Retail, entertainment and commercial development planning
- Statutory and Strategic Planning practice
- Commercial development feasibility analysis assessment
- Master planning and concept design planning of major developments
- Retirement housing estates
- Strategic planning policy formulation via government advisory forums/committees
- Project management of development approvals for retail, commercial, infrastructure and residential projects, as a single use and in mixed use
- Urban renewal analysis and development planning
- Town planning due diligence

Planning Project and Policy work that is relevant to this statement:

Plan Melbourne: Member, Ministerial Advisory Committee 2012-2013 for *Plan Melbourne 2014* and re-appointed 2015-17 for *Plan Melbourne 2017-2050*.

Judge of the Urban Development Institute of Australia (Vic) Awards for Excellence 2009-2016: assessing (inter alia), residential and mixed-use projects in growth areas, special purpose uses including aged care facilities.

Epping Central: Pacific Epping: Retail and Mixed-Use developments (major projects, planning scheme amendments, development contributions agreements, infrastructure agreements for Pacific Group of Companies) 2010-Current

Sunshine Town Centre and St Albans activity centre: commercial and strategic property advice for Brimbank City Council: 2013-current

Northcote urban renewal: 1.5ha industrial site to mixed use residential, retail and commercial uses, planning scheme amendment, development plans and planning permit processes.2012-14

School sports facilities: Planning scheme amendment for Coles and St Kevins to allow for sports-related education site development, Tooronga 2014-5

Vic Urban and Places Victoria: Town Centre and residential estate development advice, Officer 2012

Land Management Authority, South Australia; Advice on new estate and town centre, 2009.

Town planning and project management development roles on major retail centres including Chadstone, Northland, Brisbane Myer Centre, Frankston Bayside, Rosebud Plaza 1991-2007

Curlewis activity centre, planning scheme amendment, residential estate and development contributions scheme negotiations: Dalgo Pty Ltd; 2013-14 and 2017.

Expertise to make this report: Experience with the planning and design of retail, commercial, residential, and institutional uses. Experience with retail, commercial and mixed-use projects and development of feasibilities for residential, retail and mixed-use projects and in the assessment of potential acquisitions and projects for clients. Strategic planning policy analysis.

Declaration of any business interests with the party for whom the report is commissioned: I have no business interests with the applicant or associated other than the fees for this report.

Instructions: I have been instructed by Gadens to prepare expert evidence in relation to the exhibited amendment.

Facts, Matters and Assumptions: I have visited the site and surroundings. References to the material I have used are contained in my report.

Persons involved in the report content: Self and staff within BMDA consultancy

Summary of Opinions See statement

Declaration: I have made all the inquiries that I believe are appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Bernard McNamara

APPENDIX B

Proposed CDP Table 2, Table 4, Table 5 and 3.3.1 Employment and Local Centre – Bernard McNamara Track Changes

Table 2 - Sub Precincts: Preferred Land Use and Built Form Outcomes

SUB-PRECINCT	PROPOSED LAND USE	PREFERRED DEVELOPMENT OUTCOMES	MAXIMUM BUILDING HEIGHT	MAXIMUM FRONT FACADE HEIGHT	PREFERRED FRONT SETBACK
Local Road Frontages	Residential. New Street includes a row of industrial premises that will convert to residential over time.	Townhouse or terrace style built form, appropriate to the scale of existing dwellings on the opposite side of the street.	9.0m	2 storeys	4m setback
Blackshaws Road Frontage	Residential. Does not include the frontage in the Business Area or Town Centre.	Townhouses or apartments, appropriate to the scale of existing dwellings on the opposite side of the street. Buildings should front onto Blackshaws Road and provide an active frontage where possible. Rear accessways are required at rear of dwellings to reduce car movements at the front of the site.	13.6m	3 storeys	4m setback
Internal Residential Areas	Residential with provision of a centrally located larger open space that should support a diverse range of activities. A distribution of smaller local parks should provide a specific role for the surrounding community.	A mix of townhouses and terrace style dwellings with occasional medium-rise apartments located away from existing neighbourhoods and focussed along connector roads, open spaces, near to the town centre and business area or where it can be demonstrated that it is providing a noise attenuation function. All apartments should include some open space on site. Encourage apartment buildings that capitalise on key views and vistas to Port Phillip Bay and the central Melbourne skyline. Public open space areas should be a focal point for the surrounding residential uses.	20m	3 storeys	3m setback
Business Area	Mixed use for the existing commercial area comprising of commercial, light industrial uses and residential above. In the unestablished area, predominantly offices and other suitable uses at ground	The existing commercial area at Shaws Business Park will continue in its existing capacity and over time may intensify and integrate further with the new development for this area and the proposed town centre. Physical linkages between the existing and	16.8m	4 storeys	None specified (except Blackshaws Road which is 3m)

	<p>floor with the potential for residential properties to be located above ground floor. Some residential uses may be appropriate at ground floor if it can be demonstrated that it is not a prominent location and allows for the Boulevard connector to remain punctuated with active frontages at street level.</p> <p>Includes a location for a new community centre opposite the Broadway.</p>	<p>proposed centre should be encouraged to assist in the transition towards an integrated centre in the future.</p> <p>Buildings should be built to the property boundary adjoining the street frontage, or otherwise have activity within the front setback. Active frontages should be located on street corners, along Blackshaws Road and distributed along the Boulevard connector to ensure activity at ground level.</p> <p>Car parking and service infrastructure should be located to the rear of primary pedestrian access points.</p>			
Town Centre	<p>A mixed use town centre made up of fine grain retail, a supermarket, offices and cafes.</p> <p>Residential can be located above.</p> <p>A civic space will provide the community with a flexible, central meeting space.</p>	<p>Encourage the town centre to be oriented toward a 'main' street.</p> <p>The supermarket will include an overhead/underground car park or a car park at grade that could convert in the future to a more intense town centre development. Car parking should not be visible from key street frontages.</p> <p><u>On-site parking should be designed so that it is safe, easy to access and with views to the parking area broken by buildings</u> Buildings should either be built to the property boundary adjoining the street frontage or should allow a front setback for on-street dining. Ground level facades should be articulated into sections no greater than 8m wide in order to establish a fine grain built form. Shops along Blackshaws Road should ensure an active frontage is provided.</p>	16.8m	4 storeys	2m (except Blackshaws Road which is 3m)

Woodlands, Alphington

Yarra's Edge, Docklands

3.3 Employment and Local Centres

3.3.1 Employment and Local Centre

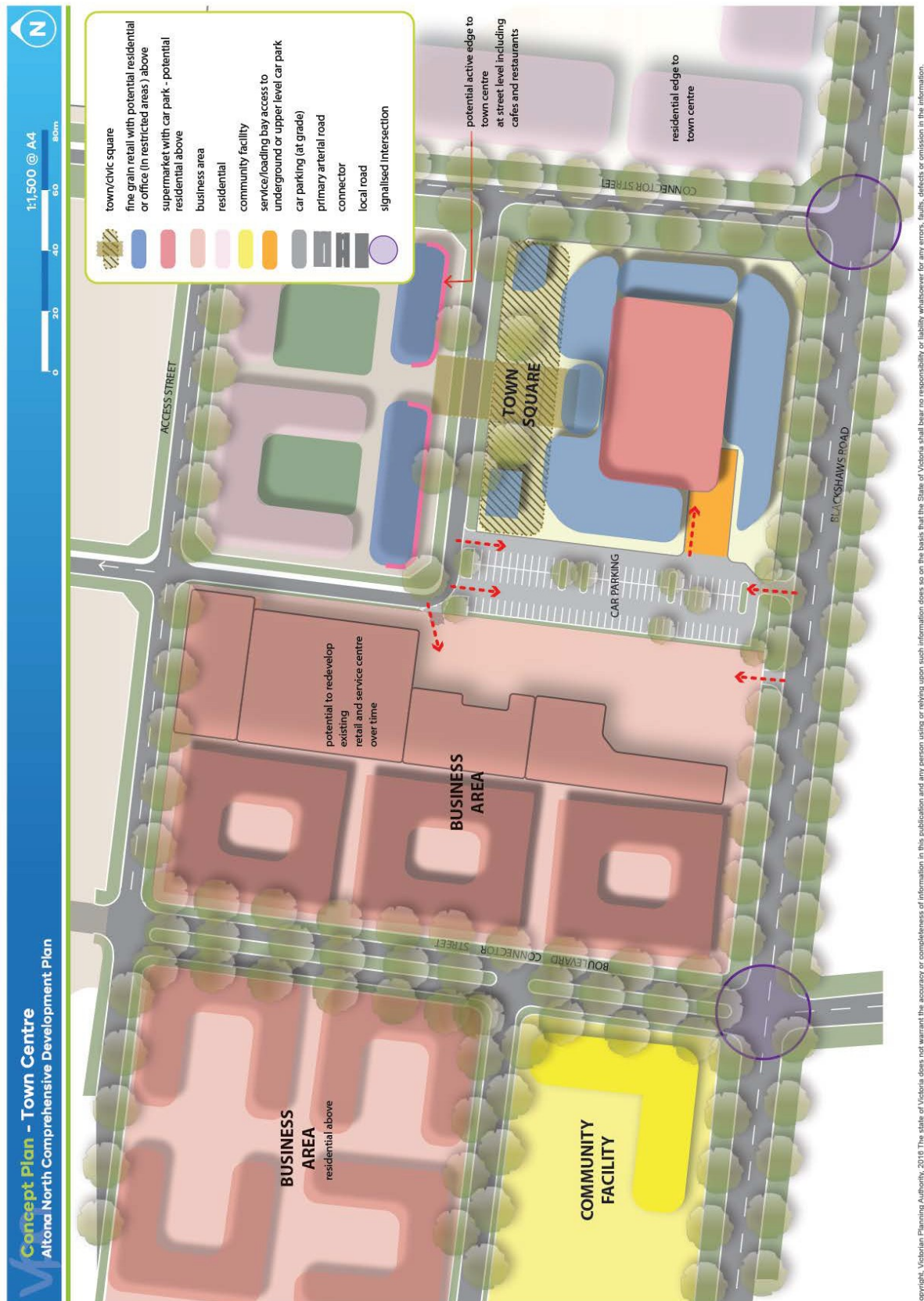
REQUIREMENTS	
R18	Development proposals in the town centre and business area must take into account the Crime Prevention Through Environmental Design (CPTED) and Safer Design Guidelines.
R19	New development is encouraged to provide connection points into the existing mixed use commercial precinct at 216-230 Blackshaws Road to encourage integration with the proposed town centre and mixed use area.
R20	Subdivision, land use and development within the Local Town Centre must be broadly developed in accordance with the Town Centre Concept Plan. Alternative concepts may be considered where it can be demonstrated that the key design elements have been achieved to the satisfaction of the responsible authority.
R21	Pedestrian activities including outdoor dining is encouraged within the town centre, along the north south connector streets and within the civic square.
R22	Where practical, Buildings within the town centre must <u>should</u> provide: <ul style="list-style-type: none"> Primary access to tenancies from the connector street Active and articulated frontages to the adjoining street network Sensitive design of loading requirements that does not impact the surrounding residential area or detract from the design of the centre.
R23	Consideration must be given to pedestrian access to the site, including opportunities for pedestrian crossings and cycling paths in proximity to bus stop locations.
R24	The final design and configuration of the civic/town square must <u>should</u> consider the town centre concept plan and demonstrate that each of <u>be generally in accordance with</u> the <u>Preferred</u> Town Centre Design Guidelines have been met at Figure 11 and Table 4.
R25	Residential dwellings located above shops and offices are encouraged within the Local Town Centre and Business Area.

GUIDELINES	
G15	Side streets within the town centre should be activated by locating cafes, restaurants and other uses that generate movement on street corners, including outdoor dining, to encourage the spill of activity along side streets.
G16	Residential dwellings located above shops and offices are encouraged within the Local Town Centre and Business Areas.

Table 3 – Anticipated Employment Creation in Altona North Precinct

LAND USE	EMPLOYMENT MEASURE UNIT	JOBS PER MEASURE UNIT	ANTICIPATED QUANTITY IN PSP	ESTIMATED JOBS
Community Centre	Jobs per centre	10	1	10
Local Town Centre (retail)	Jobs per sqm	0.03	5500	165
Commercial/Mixed Use (Existing)	Jobs per hectare	250	1.13	282
Commercial/Mixed Use (New)	Jobs per hectare	250	1.73	432
Home based business	Jobs per dwelling	0.05	3,000	150
Total jobs				1038

Figure 10—Altona North Local Town Centre Concept Plan



Note: This is a concept of the town centre only and is only intended to illustrate a preferred outcome. Variations to this design can occur as long as it is generally in accordance with the rest of the CDP and town centre design guidelines.

Table 4 – Preferred Town Centre Design Guidelines

DESIGN GUIDELINES	
DG1	A centralised town square to act as a focal point for surrounding retail and commercial uses and to provide public space for community activities such as a local market.
DG2	Pedestrian and cyclist friendly north-south main street that connects the town centre core with surrounding neighbourhoods, public transport and community facilities.
DG3	The local town centre should be surrounded by a pattern of smaller scale individual tenancies that sleeve a central supermarket to attract investment and encourage opportunities for local business investment. The layout of the town local centre should encourage investment in smaller scale tenancies through the provision of good trading exposure and, where practical, use these shops to sleeve the supermarket building.
DG4	Encourage mid-rise residential properties <u>where practical</u> above the retail tenancies to deliver a vibrant, diverse and mixed use outcome in the town centre.
DG5	All buildings are to <u>should, where practical</u> , have their main entrance point onto the street frontage.
DG6	Development blocks should be based on a flexible layout to enable a variety of land uses and allow viable short-term development as well as efficient long term evolution and adaption.
DG7	Main streets <u>Streets with retail frontages</u> are to be designed to include canopy trees, outdoor dining, pedestrian activity and on-street parking.
DG8	Development surrounding the town square must not be overshadowed by surrounding buildings. The design and orientation of the town square should optimise the penetration of sunlight over the day. Buildings should not cast shadows over the town square between the hours of 10.00 am and 3.00pm on 21 September.
DG9	On-site parking areas must be sleeved behind buildings on main streets. On-site parking should be designed so that it is safe, easy to access and with views to the parking area broken by buildings.
DG10	The Local Town Centre must integrate with the existing mixed use area at Shaw's Business Park and allow for connections into the development.
DG11	At least <u>Where practical</u> , 80 per cent of each building façade at ground level in the town centre precinct should be maintained as an entry or window with clear glazing.
DG12	The town square should be designed in such a way to enable a variety of community activities to be held within it including consideration of appropriate paving, utility services, lighting, landscaping, street furniture and weather protection including awnings.

Table 5 – Forecast Commercial and Retail Floorspace, Altona North (from Figure 10)

LOCAL TOWN CENTRE – Retail and Commercial Yields (Gross Areas, m ²)		
Yields (m ²)	Commercial	Retail
Retail (Food and Beverage)		3,060
Supermarket		2,420
Commercial (first floor)	1,300	
BUSINESS AREAS – Commercial Yields (m ²)		
Yields (m ²)	Commercial	Retail
Existing (new commercial above, Prop# 10)	5,400	
Proposed (2 storey, Prop #9)	13,320	
Proposed (2 storey, Prop #8)	13,020	
TOTAL	33,040	5,480
ROUNDED TOTAL	33,000	5,500