
Officers' Reports



**Amendment C258 – Casey Activity Centres Strategy –
Consideration of submissions
City Planning and Infrastructure
Growth and Investment
Kathryn Seirlis**

ITEM: 6.2.

Ward: NA

Purpose of Report: To consider submissions to the Casey Activity Centres Strategy, and Amendment C258 to the Casey Planning Scheme which implements the strategy.

Council Plan Reference

- 2. A Place to Prosper
- 2.2 A thriving economy with local jobs, investment and new industries
- 2.3 A city that sustainably plans and manages growth while protecting its diverse landscape

Executive Summary

Council endorsed the draft Casey Activity Centres Strategy and Planning Scheme Amendment C258 (to implement initial planning recommendations of the strategy) on 2 April 2019. The amendment was exhibited from 14 October 2019 to 24 December 2019.

A total of 14 submissions were received, including one late submission. Ten submissions sought changes to the amendment or the strategy. Most submissions supported the strategy and its objectives overall, but opposed specific implementation measures of the strategy, most commonly strategies to increase non-retail commercial floorspace.

Under section 23 of the *Planning and Environment Act 1987*, given the nature of submissions received Council must now either abandon the amendment or refer all of the submissions to a panel. The most appropriate way to address all of the submissions to the amendment is to request the Minister for Planning appoint an independent planning panel to consider submissions.

Background

Council has prepared the draft Casey Activity Centres Strategy (Strategy) which was endorsed for exhibition by Council on 2 April 2019. Amendment C258 to implement the strategy into the Casey Planning Scheme. The provisions introduced by the amendment (which are all based on the Strategy) will guide the development of 81 existing and planned activity centres in the municipality through to 2036.

The Strategy and the amendment seek to encourage or promote:

- More non-retail employment opportunities in activity centres.
- Greater development densities in activity centres.
- Local shopping and twenty-minute neighbourhoods.
- Better design of activity centres, to make them better places for people to spend more time.
- Clearer guidelines for commercial and community land uses in residential areas.

On 2 April 2019, Council resolved to seek authorisation from the Minister for Planning to prepare the amendment and to exhibit the amendment.

Authorisation was requested on 17 April 2019 and received on 13 September 2019. During this period there were a number of discussions with DELWP officers on the structure of the amendment, with some rewording of clauses and a number of objectives and strategies being relocated to other clauses to allow for better translation when the local planning policy section of the Casey Planning Scheme is restructured later this year.

Context

Authorisation was subject to three administrative conditions. One was to restructure the amendment in accordance with those discussions and drafts exchanged with DELWP officers. The second was to ensure Metropolitan and Major Activity Centre naming was consistent with Plan Melbourne. The third was to update documentation to reflect the recent gazettal of amendment C224 to the Casey Planning Scheme which implemented the Fountain Gate-Narre Warren CBD Structure Plan. These conditions were met prior to exhibition.

The amendment was exhibited from 14 October 2019, with submissions closing on 24 December 2019. Thirteen submissions were received during this time, and one late submission was received from the CFA.

Of these submissions, three did not request any changes or object to the amendment, one sought a document be considered in the formulation of the strategy (which the strategy already addressed), and ten sought changes or objected to parts of the amendment. Each of the submissions are also considered in detail in Attachment 7.4.2 to this report. That attachment also identifies the officer response to each of the submissions and identifies what is proposed in relation to that submission as we proceed to the panel hearing.

The adoption of the Casey Activity Centres Strategy and its implementation by a planning scheme amendment are key priority actions from the Casey Planning Scheme Review 2018.

Consultation

The amendment was exhibited from 14 October 2019 to 24 December 2019. The Strategy was also exhibited concurrently with the amendment as part of the process.

The following notices were given in accordance with section 19 of the *Planning and Environment Act 1987*.

- Notice to prescribed Ministers – 14 October 2019.
- Notice to relevant agencies – 17 October 2019.
- Notice published in the Berwick and Cranbourne Star Newspapers – 17 October 2019.
- Notice published in the Victorian Government Gazette – 24 October 2019.

A broad-based public notification was undertaken for this amendment on the basis that it is considered to be impractical to notify every commercial and residential property owner and occupier individually.

The broad-based public notification included:

- One on one discussions with eight key stakeholders prior to exhibition, and further notification to them during exhibition (a further three stakeholders did not take up the invitation for consultation).

- Notification in the Casey Cardinia Business network newsletter (approximately 5,000 businesses in the local area).
- Presentation at the Casey Developers Forum, attended by a wide range of local developers, businesses and community leaders (28 October 2019).
- Publication in the Casey Development Industry Newsletter (25 September 2019).
- Media Release (issued 4 November 2019).
- Article in Casey Community News (9 November 2019).
- Publication in The Casey Catch Up November 2019 edition.
- Notification to local business groups/chambers of commerce.
- Notification to planning consultants that work in the area, inviting them to forward on to their clients.
- Head's up notification in City News prior to exhibition (advising readers to watch for exhibition).
- Numerous posts on Casey's Facebook page and Casey Cardinia Region Facebook page, linking to the amendment.
- Public Information session at Bunjil Place.
- Drop-in information sessions where officers worked from Lynbrook Community Centre, Selandra Rise Community Centre and Autumn Place Community Centre for a day to enable interested people to drop in and discuss locally.

As a result of the public notification process, several questions were asked by the public along the way, with fourteen submissions (which includes one late submission) being made to the amendment. The submissions addressed the amendment and the Strategy which provides the strategic basis for the amendment.

While investigating or addressing these questions officers identified several minor errors or issues with the Strategy, such as formatting, or where intent was not clear.

Officers have held discussions with some submitters to try and address issues where possible, or to seek further clarification of issues raised in the submission. This has not resulted in the withdrawal of any submissions but has helped to find a way to resolve some issues.

Statutory Implications

Under Section 23 of the *Planning and Environment Act 1987*, Council has three options to address submissions.

- (1) *After considering a submission which requests a change to the amendment, the planning authority must—*
- (a) *change the amendment in the manner requested; or*
 - (b) *refer the submission to a panel appointed under Part 8; or*
 - (c) *abandon the amendment or part of the amendment.*

Given some of the submissions conflict with each other, changing the amendment to satisfy all submissions is not possible.

Abandonment of the amendment would result in an obsolete activity centres strategy from 2006 remaining in the Planning Scheme as the key directing policy in this area. This is not a viable option given the changes and growth context of Casey.

The most suitable option remaining is to request the Minister for Planning appoint an independent planning panel to consider submissions to amendment C258.

Issues

Submissions

A detailed summary of all submissions, the issues raised, and the officer recommendation is included as attachment 7.4.2 to this report. Full copies of all submissions are attached to this report as confidential attachment 7.4.1.

Most submissions supported the overall aspirations of the amendment, but many opposed specific implementation strategies.

Four submissions raised issues that can be addressed by proposing changes to the amendment. These were generally administrative, correcting errors or reflecting changes proposed as part of other planning scheme amendments that had not yet come into effect. These are discussed in more detail in attachment 7.4.2 to this report.

Eight submissions raise issues or request changes that would undermine the intent of the amendment or are outside the scope of what planning can control. All issues are addressed in attachment 7.4.2 to this report, but common themes include:

- Reduction or removal of requirements around minimum building heights.
- Removal of requirement for non-retail commercial floorspace.
- Issues raised with methodology or level of detail in reports informing the strategy.
- Changes to the way specific sites are treated.
- Strengthen framework to assess out of centre proposals.
- Relax framework to assess out of centre proposals.
- Issues with design guidelines (such as car parking, Main Streets, and pedestrian priority).

Other changes to the Draft Activity Centres Strategy

Through the consultation period, officers have also identified 11 minor changes that should be made to the Strategy. These include formatting issues, issues that need better explanation and omissions. These are all listed in attachment 7.4.3. Nine of these are immaterial corrections or better explanation, one is a correction that changes the intent, and one is an additional strategy. The two more significant changes are:

- Correcting Strategy 2.1 which current wording restricts retail expansion at Fountain Gate Narre Warren Metropolitan Activity Centre. The corrected wording does not restrict retail, but only promotes expansion of non-retail commercial floorspace.
- Adding a strategy to encourage private landowners of activity centres to consider options to encourage turnover of car parking. Options could include time limited parking with enforcement or paid parking, possibly with a free period.

Ordinarily Council would not consider correction changes like these to the Strategy until adoption of the strategy. These have been proposed at this stage so that they are in the public realm at the earliest opportunity, providing the panel and submitters an opportunity to review.

Financial Implications

Considerable resourcing has been invested to date to progress the strategy and amendment to their current stage. There will also be financial costs and officer time to progress the amendment through a planning panel. These costs can be contained within current budget allocations.

The Strategy lists actions that will require implementation over the short, medium and long term. Council will need to consider these actions against other priorities each year when preparing the annual budget and business plan.

The implementation of Amendment C258 is not anticipated to have any significant impact on resourcing. It will not result in any change to the number of planning permits but should lead to a small reduction in officer time assessing some permits, and fewer VCAT appeals as it provides clearer guidance to applicants and planners.

Officer Direct or Indirect Interest

No Council officers involved in the preparation of this report have a direct or indirect interest in matters for consideration.

Conclusion

Planning Scheme Amendment C258 has been exhibited for two months. The Strategy which was also informally exhibited at the same time as Amendment C258 seeks to promote more local jobs, make our activity centres places that people want to spend more time, reduce multiple destination trips and congestions and encourage local shopping.

A total of fourteen submissions were received including one late submission. Ten of the submissions requested changes. Some of these changes will improve the amendment and should be supported, however many of the requested changes would undermine Council's objectives the Strategy seeks to promote or are outside the scope of the planning scheme amendment.

Council has three statutory options to address submissions. It can either change the amendment to satisfy a submission (which is not practically possible given the range of submissions made), abandon part or all of the amendment, or request the Minister for Planning to appoint an independent planning panel to consider all of the submissions. The most appropriate way to address the submissions is to request the Minister for Planning to appoint an independent planning panel to consider all of them.

Attachments

1. Confidential - Full submissions to Amendment C 258 [6.2.1 - 1 page]
2. Amendment C 258 - Submissions issues and position at panel [6.2.2 - 15 pages]
3. Proposed edits to Activity Centre Strategy - Post exhibition [6.2.3 - 2 pages]

Recommendation

That Council, having considered all submissions to Amendment C258 including the late submission from the CFA received on 8 January 2020, resolves to:

- 1. Request the Minister for Planning appoint a Panel under Section 153 of the *Planning and Environment Act 1987* to consider the submissions received in response to Amendment C258 to the Casey Planning Scheme.**
- 2. Refer all submissions to Amendment C258 to the Panel, in accordance with Sections 23(1)(b) and 23(2) of the Act.**
- 3. Make a submission to the Panel in support of Amendment C258, as generally shown in Attachment 7.4.2.**
- 4. Endorse the changes to the Casey Activity Centres Strategy 2019, as generally shown in attachment 7.4.3.**
- 5. Notify all submitters to Amendment C258 of Council's decision.**