

Ms Kathryn Mitchell
Panel Chair
Planning Panels Victoria
1 Spring Street
Melbourne VIC 3000

Our Ref: 16370P

20th April 2020

By email:



Dear Kathryn,

**RESPONSE TO OBJECTING SUBMISSION TO AMENDMENT C258 TO THE CASEY PLANNING SCHEME
BERWICK SPRINGS / EDEN RISE TOWN CENTRE**

We refer to the above matter and act on behalf of the owners and applicant of the development at Berwick Springs at 205 Michelle Drive, Berwick, Kameel Pty Ltd, and provide our response to the objection lodged by SJB Planning dated 23 December 2019, who were acting on behalf of Charbury Proprietary Limited, the owner and applicant of Eden Rise Shopping Centre.

Our client supports the Planning Scheme Amendment C258 as it currently stands.

In response to the above-mentioned objection lodged by SJB Planning, we note the principle objections made by the applicant and have provided the following response:

Response to key objections raised by Applicant

1. Suitability of Berwick Springs Site as a town centre

As the objection highlighted, Clause 22.01 notes that the majority of trips in the area are made by private vehicles. Furthermore, Casey is one the largest expanding Councils in Metropolitan Melbourne in terms of population growth and development (Clause 21.01-1, Casey Planning Scheme). The Berwick Springs site is located along two major roads and has existing car parking with the capacity for the retail and commercial functions to be expanded and the car parking to be increased to meet this demand. Furthermore, the site is in close proximity to residential areas with the provision of public transport nearby. As the site is well-located, is in close proximity to public transport and has the ability for significant expansion, it is our opinion that the site is suitable to accommodate a Medium Neighbourhood Town Centre and become joined with Eden Rise Town Centre to become an Aspiring Major Activity Centre.

At present, the strategic documents relating to the town centre site at Berwick Springs are outdated and in need of review. We acknowledge in the *Retail and Other Employment Floorspace Assessment* that the zoning is out of date for purpose of the area of Berwick Springs. Therefore, the implementation of the Activities Centres Strategy and PSA will enable this area to sustainably grow as a commercial and retail hub.

2. Joining of Eden Rise and Berwick Springs into Aspiration MAC

Plan Melbourne defines Major Activity Centres (MACs) as places that provide 'services, employment, housing, public transport and social interaction which have different attributes and provide different functions' to the community. Although there are retail premises located on the Berwick Springs site, there is also a significant amount of non-retail uses which have been incorporated into the proposed development by the City of Casey, which the applicant supports. Therefore, the joining of Berwick Springs with Eden Rise will not take away from Eden Rise Town Centre, but rather provide support and encourage diversified growth to the area.

It is our opinion that the Planning Scheme Amendment supports Clause 21.10, as the joining of the two sites will strengthen activity around the intersection of Greaves Road/O'Shea Road and Clyde Road which is identified as a key node for the area in the local planning policy. The two centres will complement each other to create a robust precinct that will support the needs of the rapidly expanding population of the area.

Another key concern that was raised in the applicant's letter was that the proposed PSA has significantly changed the activity centre hierarchy with little strategic justification which will result in development of an ad-hoc manner. However, the amendment has been supported and informed by a comprehensive economic assessment as well as both state and local planning policies as outlined above. Nonetheless, the draft Activities Centre Strategy has noted that further investigation will be undertaken to ensure that the merging of the two centres will occur in a sustainable, and well-planned manner that is justified and driven by the Planning Scheme. Our client is committed to working with the council to achieve these outcomes to create a shopping centre precinct that will thrive and prosper well into the future.

Eden Rise Section 72 Planning Permit Amendment

Council recently informed our client of a Section 72 Planning Permit Amendment at the Eden Rise Shopping Centre which we understand includes:

- The Aldi in the south of the centre to move to the north of the site (adjoining O'Shea Road) where there is currently some car parking at ground level. The store is proposed to be around 1600sqm. The car parking here will be located under the proposed Aldi as an undercroft/basement.
- The current Aldi in the south will be expanded into a 'large supermarket' and liquor store. The offices/medical centre fronting Cresthaven Boulevard will remain.
- The front of the centre will be expanded westwards encroaching into the car park with speciality shops being provided directly onto the street with an internal mall in front of Coles.
- The speciality shops/retail in the north will be relocated to the front of the store to allow the Aldi to move in there.
- The new 'large supermarket' is slightly smaller than the existing Coles and has been tentatively shown on indicative signage as being a 'Woolworths' supermarket.

Regarding the potential operator of the 'large supermarket' at Eden Rise we note that Woolworths has tentatively indicated to our client that they intend to operate their next new store in the catchment area at Berwick Springs, however due to planning delays out of our control, this has been put on hold.

We were able to view the plans for the proposed development at Eden Rise at Council's offices and were verbally informed that when Council received the response to the Request for Further Information the application was to proceed to notification. We have since been informed that as the site is subject to Development Plan Overlay – Schedule 1, and provided the proposal is generally in accordance with the adopted Development Plan it is exempt from notice and appeal and as such are not advertised.

Given the scope of the changes to the site submitted as part of the Section 72 planning permit application, we are of the view that it could be considered a transformation of the proposal and therefore warrant re-endorsement under the DPO as well as the s.72 amendment, which should without a doubt include formal advertising as it should not be considered “generally in accordance”.

Our client wishes to raise their objection to this application with Council as while we respect that this Section 72 Amendment issue is not technically forming part the Planning Scheme Amendment C258, we consider that Council permitting such a major development of the Eden Rise Shopping Centre, will only seek to undermine any potential for the combined success of the Aspiring Major comprising both Berwick Springs and Eden Rise. Allowing such intensive development on Eden Rise will dilute the need for retail and commercial uses on the Berwick Springs site, where a Woolworths supermarket is already planned, thereby compromising the designation as a combined Aspiring Major. Furthermore, the *Retail and Other Employment Floorspace Assessment* prepared in support of the PSA C258, outlines that the integration and development of the two halves of the Aspiring Major (Eden Rise & Berwick Springs) will need to be further investigated. It would therefore be premature for Council to approve this Section 72 Amendment prior to these further investigations occur.

Eden Rise already have one full line supermarket (Coles) (which is one of the highest grossing supermarkets in Victoria) plus an Aldi, therefore a further supermarket on this site is unsuitable when taking into account what is planned for Berwick Springs. The catchment analysis in the area indicates that the Woolworths should be located at Berwick Springs and not Eden Rise.

On this basis, we implore the Planning Panel and Council to take a fair and reasonable approach and refuse the Section 72 planning permit amendment for Eden Rise shopping centre, to support the vitality of the future development of Berwick Springs and allow it to become a viable shopping precinct.

Berwick Springs Shopping Centre

Our client also wishes to emphasis the amount of time and work has been put into the Berwick Springs project over the past seven years in order to progress the planning scheme amendment for the land at 20S Michelle Drive, Berwick. The Council have been working closely with our client and the planning officers fully support the re-zoning of the land from Residential 1 Zone to Comprehensive Development Zone to enable the site to be developed for a range of uses including a large supermarket, speciality shops, child care facility, offices and medium and high density residential.

Reeds Consulting and City of Casey are close to finalising the documentation to support the planning scheme amendment for Berwick Springs, however have been stymied by delays to the gazettal to the Activity Centres Strategy (C258). The proposed PSA for the Berwick Springs centre has been supported and supports the current and proposed planning strategies. However, the approval of the Section 72 Amendment for the Eden Rise centre would directly undermine this future Berwick Springs PSA as the additional development of a large supermarket at Eden Rise shopping centre will saturate the demand in the area. Furthermore, it would jeopardise the success of the two shopping centres as a combined Aspiring Major Centre which is a Council driven strategy that seeks to provide for the needs of the local community in terms of retail provision.

It is considered that the combined centres will have bring significant benefit to the community and meet the growing demands of the population. We hope that the Council and Planning Panels Victoria give our client's comments due consideration in regard to the SJB Planning response and we look forward to hearing from you soon as to the outcome of the proposed amendment.

Our client does not intend to make a verbal submission to the Panel at a public hearing, however it is kindly requested that this written submission be considered by the Panel when preparing the Panel Report.

Should you have any queries or wish to discuss the above, please do not hesitate to contact myself or Emily Ling.

Yours faithfully
REEDS CONSULTING PTY LTD

SARAH NORTH
Associate Director

cc Kameel Pty Ltd