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This document has been prepared by:



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1.0 Introduction

1.1 Name and address

1. My name is Timothy Robert Pegg and I am a Planning Director at Ethos Urban, an urban planning and development consultancy located at Level 8, 30 Collins Street, Melbourne.

1.2 Qualifications and experience

2. I hold the following qualifications:
 - a. Bachelor of Arts (Planning) – Melbourne University
 - b. Bachelor of Commerce (Economics) – Melbourne University

1.3 Area of expertise

3. I have substantial experience in strategic and statutory planning, including the preparation and implementation of numerous masterplans, precinct structure plans and planning scheme amendments specifically in the Growth Areas of Melbourne.
4. A copy of my curriculum vitae is provided at Appendix A.

1.4 Instructions

5. On 20 May 2020, I received instruction from Reeds Consulting on behalf of Kameel Pty Ltd to prepare an expert witness statement for the purposes of the Casey Amendment C258 Panel Hearing.
6. Specifically, I was asked to:
 - Review the background documents as relevant to my area of expertise and as they apply to the Berwick Springs Medium Neighbourhood Activity Centre and Eden Rise Medium Neighbourhood Activity Centre;
 - Consider submissions relating to the Berwick Springs Medium Neighbourhood Activity Centre and Eden Rise Medium Neighbourhood Activity Centre which raise issues relating to my area of expertise; and
 - Provide an opinion on the merits of Amendment in so far as the strategic treatment and designation of the Berwick Springs and Eden Rise Medium Neighbourhood Activity Centres.

1.5 Facts, matters and assumptions

7. In preparing this statement I make reference to and have relied upon:
 - C258 Explanatory Report Exhibition
 - Full Amendment Clauses - Exhibition - Showing changes, 16 October 2019
 - City of Casey Activity Centres Strategy, 2019
 - Casey Activity Centres Retail and Other Employment Floorspace Assessment (SGS Economics and Planning), November 2017
 - Activity Centres Strategy Background Paper, 2019

- Council Agenda - Officers Report, 3 March 2020
 - Submissions, 5 March 2020
 - Council Summary of Submissions issues and position at Panel
 - Proposed edits to Activity Centre Strategy - Post exhibition
 - Draft text to potentially address non-retail use in special zones - Daniel Borton, 7 January 2019
 - Cell T Development Plan, City of Casey, Approved March 2009
 - Berwick South Development Plan, City of Casey – Draft for adoption August 2018
 - Cell T Development Plan, City of Casey, Approved 2005
 - Casey C21 – Building a Great City, City of Casey, July 2011
 - Activities Areas and Non-Residential Uses Strategy Volume 1 Amended December 2012
 - Planning Practice Note 58: Structure Planning for Activity Centres, September 2018
 - City of Casey Activity Centres Strategy, 17 October 2006
 - Plan Melbourne 2017-2050 – Metropolitan Planning Strategy
 - Melbourne Industrial and Commercial Land Use Plan - 2020
8. When considering the land area associated with the Berwick Springs Medium Neighbourhood Activity Centre, I assume this to be all commercial land holdings and vacant private land west of Clyde Road and north of Greaves Road including the development known as Clyde Corner.
9. I visited the site and surrounding precinct on 1st June 2020.

1.6 Declaration

10. In preparing this statement:
11. (a) I acknowledge that, as a witness giving evidence (by report, or otherwise) in a proceeding as an expert, I have a duty to assist the Panel and that this duty overrides any obligation that I may have to any party to the proceeding or to any person who is liable for my fee or expenses in this matter;
12. (b) I have neither received nor accepted any instructions to adopt or reject any particular opinion in preparing this report.

2.0 Summary of opinion

2.1 Summary Statement

13. In my opinion Amendment C258 of the Casey Planning Scheme is a necessary and timely initiative required to translate the intent of the *City of Casey Activity Centres Strategy 2019* (the 'Strategy') into the Casey Planning Scheme. The amendment will provide a relevant and current policy framework that enables a strong and vibrant network of activity centres in the City of Casey and provides guidance on how to accomplish this vision through specific policy directions.
14. I consider that the Strategy and accompanying amendment are based on well founded and thoughtful research and policy insights, as well as a thorough process of stakeholder engagement. The Strategy builds upon Casey's previous activity centre strategies and contains a new emphasis on non-retail job creation within activity centres. A revised hierarchy of centres is also introduced in the Strategy, which conforms to the latest Metropolitan Planning Strategy, Plan Melbourne 2017-2050. I think the strategy also sits comfortably with the broader intent of Plan Melbourne, the Melbourne Industrial and Commercial Land Use Plan (MICLUP) and the State Planning Policy Framework (SPPF). Specific amendments to the MSS and LPPF of the Casey Planning Scheme ensure consistency of strategic intent.
15. The amendment also identifies future activity centres and identifies activity centres currently in one category of the hierarchy that have aspirations to grow to another.
16. In my opinion the Strategy and accompanying amendment takes a practical and proactive approach that is to be commended by making clear the ambition to enable the identification of both the Berwick Springs Neighbourhood Activity Centre ('Berwick Springs') and the Eden Rise Neighbourhood Activity Centre ('Eden Rise') as Medium Neighbourhood Activity Centres that are "aspiring" to ultimately be considered holistically as a single Major Activity Centre.
17. Despite its current General Residential Zoning, the existing offer and scale of commercial and retail outcomes at Berwick Springs makes it a larger centre by floorspace than many of the other Neighbourhood Centres identified by the Strategy across the municipality.
18. I consider that not identifying Berwick Springs as an Activity Centre would be tantamount to ignoring what is currently a centre that serves the needs of the surrounding community by providing convenient access to a variety of local goods, services and employment opportunities and has the capacity to grow and diversify in the future. In my opinion, failing to properly designate Berwick Springs in the Activity Centre hierarchy and leaving it without appropriate strategic intent would be a sub-optimal planning outcome.
19. The concept of considering the two areas of Berwick Springs and Eden Rise as a broader entity and complementary in nature is not an original concept of the Strategy alone and has been a consistent approach by Council over a number of years.
20. My opinion is that the Medium Neighbourhood Activity Centre outcomes at Berwick Springs will directly benefit from the thoughtful and clear strategic intent that is to be provided by the Strategy. The Strategy and accompanying planning scheme amendment will provide both direct strategic intention and a suite of informed policy to guide the future development and use at Berwick Springs.

21. Given the future scale of growth of the City of Casey, as foreshadowed by the Strategy and reinforced by the MICLUP and Plan Melbourne, the concept of Berwick Springs and Eden Rise ultimately being considered holistically as a consolidated Major Activity Centre is desirable and a commendable ambition of the Council.
22. Whilst I consider that the arterial road network is a current barrier to some degree, I note that this is not an issue that is isolated to this centre alone, with both Berwick and Cranbourne activity centres having similar issues. The concept of Berwick Springs and Eden Rise ultimately being considered holistically as a consolidated Berwick South Central Major Activity Centre will be more achievable if pedestrian and cyclists are given greater priority and greater amenity.
23. Clearly the ambition to integrate Berwick Springs and Eden Rise into a unified Major Activity Centre requires the City of Casey to exercise both sound strategic intent as well as strong implementation. I am satisfied that the proposed Strategy and accompanying amendment to the planning scheme enables both these aspects to be front of mind as both Berwick Springs and Eden Rise evolve and prosper in the short and longer term.
24. Having reviewed all of the materials accompanying the amendment and the key issues raised in submissions, it is my view that the amendment should be supported in its current form.

3.0 Amendment overview

25. I consider that Amendment C258 of the Casey Planning Scheme is a necessary and timely initiative required to translate the intent of the *City of Casey Activity Centres Strategy 2019* (the 'Strategy') into the Casey Planning Scheme. It is my opinion that the amendment will ensure a relevant and current policy framework that enables a strong and vibrant network of activity centres in Casey and provides guidance on how to accomplish this vision through specific policy directions.
26. The existing Activity Centre policy and strategy in the Casey Planning Scheme relates to the 2006 Strategy. It is out of date and has now lost all currency due to the substantial expansion of the Urban Growth Boundary (UGB) and the subsequent introduction of Plan Melbourne into planning policy.
27. The Strategy and accompanying amendment rely on a strong basis of strategic research and background reports, as well as a thorough process of stakeholder engagement. The Strategy builds upon Casey's previous activity centre strategies and contains a new emphasis on non-retail job creation within activity centres. Applying to the entirety of the municipality, the Strategy refines the hierarchy of Activity Centres and conforms to the latest Metropolitan Planning Strategy, Plan Melbourne 2107-2050. The strategy also sits comfortably with the broader intent of Plan Melbourne 2017-2050, the Melbourne Industrial and Commercial Land Use Strategy (MICLUP) and the State Planning Policy Framework (SPPF).
28. The Strategy and accompanying amendment identify the future activity centre hierarchy and identifies activity centres currently in one category of the hierarchy that have aspirations to grow to another.
29. Specific amendments to the MSS and LPPF of the Casey Planning Scheme ensure consistency of strategic intent and with regard to my evidence specifically include changes to:
 - a. The activity centre hierarchy via Clause 21.05 that is reinforced by a new Activity Centre Strategy at Clause 22.01, and
 - b. Changes to Clause 21.10 – Berwick Southern Area

4.0 Specific Implications of Amendment on Berwick Springs and Eden Rise

30. In regard to the Berwick Springs and the Eden Rise Activity Centres, the Strategy and accompanying changes to the planning scheme, specifically Clauses 21.05, 21.10, and 22.01 have made very clear the ambition to enable the identification of both of these centres as *Medium Neighbourhood Activity Centres* in the Activity Centre hierarchy. Beyond this, the Strategy and amendment documents are consistent in demonstrating that the two centres are "aspiring" to ultimately be considered holistically as a single Major Activity Centre.

5.0 Evolution and Development of the Two Centres

31. The evolution and development of both Berwick Springs and Eden Rise Activity Centres has occurred over the last 15-20 years. The key operative and strategic documents that have driven the outcomes of both Berwick Springs and Eden Rise are the separate Development Plans approved under the Development Plan Overlay (Schedule 1). In addition, *Clause 21.10 – Berwick Southern Area* has provided higher order policy guidance.

32. The approved Development Plan that guides land use and development outcomes at Berwick Springs is the Cell T Development Plan (Approved March 2009). This plan clearly demonstrates Berwick Springs and annotates the area as “Comprehensive Development”. The Development Plan also provides detail in regards to commercial development fronting Clyde Road that has developed subsequent to the approval of the development plan.
33. The *Cell T Development Plan (Approved March 2009)* also provides explicit acknowledgement of the Comprehensive Development area, stating that: “*The proposed use and development is considered to be appropriate for this site, subject to detailed conditions. The site is one of the few sites in the part of Berwick south of the Freeway that is suitable and available for commercial development to service the needs of the local community*”.
34. The Berwick South Development Plan applies to Eden Rise. The Development Plan provides for an Activity Centre as identified in Councils Retail Policy. The scale of the Centre is related to its defined catchment population. Its role and function is to provide a wide range of retail and commercial activities within the Centre to support the anchor/s, provide for a diverse range of goods and services, and service the wider catchment population. In a retail context, it is anchored by supermarket(s) and provides a wide range of food based merchandise supported by a variety of non-food stores.

6.0 Strategic Merits of recognising Berwick Springs as a Medium Neighbourhood Activity Centre

35. The current Berwick Springs centre provides for a multitude of different commercial and retail uses, including (inter alia) a strong presence of food and drink premises and convenience restaurants, a large Hotel/ Tavern, A service Station and ancillary convenience store, a medical centre, some limited office uses, a fitness centre, a veterinary surgery and a child care centre.
36. Despite this, to date, Berwick Springs has not been explicitly designated as an activity centre in planning policy and has been established over time through a series of discretionary planning permit approvals guided by the strategic intent provided through the approval of the *Cell T Development Plan (Approved March 2009)*.
37. I consider that this is anomalous, as is the underlying General Residential Zoning. The existing offer and scale of commercial and retail outcomes at Berwick Springs is significant. It is, by means of comparison, a much larger centre by current floorspace (and future development capacity) than many of the other similar existing Medium Neighbourhood Activity Centres identified in the Strategy. For example, I estimate it is larger by means of commercial and retail floor area than Amberly Place, Sandhurst Centre, Kirkwood Crescent, The Hunt Club, Selandra Rise, Avenue Village and Heatherton Road all of which are similarly identified in the Strategy as Medium Neighbourhood Activity Centres.
38. Plan Melbourne provides a useful insight into the differing nature of activity centres and specifically notes their “*varying size, role and function*” (P37). Plan Melbourne is also useful as it clearly acknowledges Activity Centres “*can range in size and intensity of use from large shopping centres to small local strip-shopping centres*” (P37).

39. Importantly Plan Melbourne also reinforces the importance that *“activity centres have the capacity to continue to grow and diversify the range of activities they offer”* (P37). Clearly, Berwick Springs has significant locational attributes (that it shares in common with the adjacent Eden Rise centre) that make it an attractive destination within its local catchment. In addition, it has the ability to intensify and further develop as the surrounding area matures.
40. Plan Melbourne defines Neighbourhood Activity Centres as *“Local centres that provide access to local goods, services and employment opportunities and serve the needs of the surrounding community”*.
41. Further, Planning Practice Note 58 (September 2018) – Structure Planning for Activity Centres provides a useful description of what constitutes an Activity centre, noting that *“Activity centres are a focus for housing, commercial, retailing, community, employment, transport, leisure, open space, entertainment and other services and are places where people shop, work, meet, relax and live”*.
42. Whilst I note that it is evident that the current mix of commercial and retail outcomes at Berwick Springs is somewhat different to Eden Rise, I observe that it currently achieves many of the objectives of the Strategy relating to broadening the mix of uses. Beyond this, it is my opinion that the current land use outcomes at Berwick Springs are reflective of the prevailing function of a Neighbourhood Activity Centre as defined by Plan Melbourne, and more particularly that Berwick Springs is directly accordant with the definition of a Medium Neighbourhood Activity Centre as outlined in the Strategy that defines these centres as, *“Centres that provide access to local goods, services, and employment opportunities and serve the needs of the surrounding community. They are dominated by small businesses. They are accessible to a viable user population by walking/cycling, have access to at least some local bus services, and provide an important community focal point for a range of community, educational, health and recreational needs”* (P3).
43. In my experience, all activity centres have differing characteristics and strengths that enhance the vitality and vibrancy of the broader activity centre network. In this sense, I think that the nomination of Berwick Springs as a medium Neighbourhood Activity Centre is sound and will further add to the diversity of the activity centre network to the benefit of the local community and more specifically encourage a further diversification in the mix of uses and create further employment generation.
44. In my opinion, not identifying Berwick Springs as an Activity Centre would be tantamount to ignoring what is in fact, a significant activity centre of commercial and retail uses that has the capacity to grow and intensively develop in the future. In my opinion, failing to properly designate Berwick Springs in the Activity Centre hierarchy and leaving it without appropriate strategic intent would be a sub-optimal planning outcome.
45. I note that the Strategy and Clause 22.01 – Activity Centres seek to encourage a greater amount of commercial office space and cater for an increase in non-retail jobs in activity centres and deliberately sets ambitious targets to deliver approximately 25 per cent non-retail commercial, institutional and community uses floor area for Medium Neighbourhood Activity Centres. Berwick Springs currently consists of a variety of commercial uses that are not defined as retail including medical centre, veterinary clinic, some limited offices and a fitness centre. I note that the service station and the car washes also are not within the definition of retail. I consider that a 25% target, whilst perhaps not being achieved at present, could perhaps be achievable at Berwick Springs as the centre continues to evolve.

46. The Strategy and accompanying amendment, in my opinion, take a forward thinking, practical and proactive approach by acknowledging Berwick Springs and Eden Rise as Medium Neighbourhood Centres. In this context, I think that Objective 7 of the Strategy – *Proactive planning and management of centres*, is a thoughtful and useful policy that clearly articulates the desire of Council to “*provide proactive planning for all activity centres within Casey through the preparation of structure plans, urban design frameworks, and ongoing place management*”. I am confident that this policy reaffirms the benefit of both identifying Berwick Springs and thereafter implementing subsequent action to best plan for its future land use and development outcomes.
47. It is my opinion that the Strategy and accompanying amendment have appropriately identified Berwick Springs for the role it will play in the Activity Centre hierarchy. I believe it is self evident as to role and function that Berwick Springs plays in the Activity Centre network and that the proactive approach taken by the Strategy in first identifying this location and the subsequent requirements to actively manage and plan Berwick Springs in the future will provide sound outcomes for the broader community.
48. The acknowledgement of Berwick Springs as a Medium Neighbourhood Activity Centre will ensure the appropriate future use and development of the centre and reinforce the role and function the centre plays in serving the needs of the local community (in line with the principles of the 20-minute neighbourhood as outlined in Plan Melbourne) and lead to the broader economic prosperity of the municipality.

7.0 Integration and holistic approach provides platform for future Major Activity Centre

49. In regard to the Berwick Springs Neighbourhood Activity Centre ('Berwick Springs') and the Eden Rise Neighbourhood Activity Centre ('Eden Rise') the Strategy and accompanying changes to the planning scheme have made very clear the ambition to enable the identification of both of these centres as Medium Neighbourhood Activity Centres that are “aspiring” to ultimately be considered holistically as a single Major Activity Centre.
50. I consider that there is distinct merit in aspiring to such a designation. The concept of considering the two centres of Berwick Springs and Eden Rise as a broader entity is not an original concept of the 2019 strategy alone. In fact, the now redundant *2012 Activity Areas and Non-Residential Uses Strategy* (as adopted by Casey Council and prepared by Ratio Consultants) provided clear policy direction to prepare a consolidated structure plan for the Berwick South (Berwick Springs)/ Eden Rise Large Neighbourhood Activity Area.
51. In addition, the *2005 approved Cell T development plan* clearly stated that the development of Berwick Springs “*is complementary commercial development to the core Berwick South Activity Centre (located to the south east corner of the intersection) as part of Council’s Activity Centres Strategy and is comprised of a comprehensive ‘package’ of uses. Together, these developments will create an important place of activity, and a focus for the rapidly developing local community*”.
52. The complementary nature of Berwick Springs and Eden Rise is further reinforced in current policy at Clause 21.10 where it is noted on the Berwick Southern Area Local Map (21.10-5) that Berwick Springs should be developed “*in a manner complementary to Eden Rise Neighbourhood Activity Centre*”.

53. I support the idea of providing acknowledgement of the potential for the future consolidation and establishment of a Berwick South Central Major Activity Centre that would be the combination of the Eden Rise (No. 9a) and Berwick Springs (No.9b) Medium Neighbourhood Activity Centres into a single entity. Evidently, as the City of Casey continues to grow, develop and evolve the scale and importance of these centres will also increase and become closer to a Major Activity Centre in their role and function.
54. I believe that the clear acknowledgement by Council of this “aspirational major” designation provides market participants and the Community with an understanding of the future intent of the centre. It will also assist Council to advocate for the recognition of the role and function of the centre at a higher level, including designation under further updates to Plan Melbourne. I think there are clear benefits that accrue from the acknowledgment of the potential future Major Activity Centre concept in the interim period as further planning occurs at both Berwick Springs and Eden Rise, specifically with the regard to informing infrastructure improvements and broader employment outcomes including further retail, service uses, office and institutional uses as well as higher density residential.
55. It has been raised by other parties that the Arterial Road Network and specifically Clyde Road will undermine the capacity of Berwick Waters and Eden Rise to properly aspire to a Major Activity Centre designation. I consider that whilst the Road network is a current barrier to some degree, the concept of Berwick Springs and Eden Rise ultimately being considered holistically as a consolidated Berwick South Central Major Activity Centre is realisable, particularly if pedestrian and cyclists are given greater priority and greater amenity in the movement network.
56. I note that the issue of Arterial Roads bisecting Major Activity Centres is an attribute that is shared by many successful activity centres around Melbourne, particularly those with a Major activity centre designation. It is apparent that within the municipality, both Berwick Village to the north and Cranbourne Town Centre to the south are examples of vibrant and prosperous activity centres that are bisected by major arterial roads.
57. I recommend that the issues of improved pedestrian and cyclist movement and safety as well as interconnectivity to both Berwick Springs and Eden Rise should feature heavily in the future planning for both centres, particularly focussing on the connection between the two sides of Clyde Road.
58. Given the future scale of growth of the City of Casey, as foreshadowed by the Strategy and reinforced by the MICLUP and Plan Melbourne, I am satisfied that the concept of Berwick Springs and Eden Rise ultimately being considered holistically as a consolidated Berwick South Central Major Activity Centre is a desirable outcome and a commendable ambition of the Council.

8.0 Strategic Intent and Subsequent Implementation

59. Whilst there is a spatial separation between Berwick Springs and Eden Rise, there is clearly the ambition by the Council to integrate Berwick Springs and Eden Rise into a unified Major Activity Centre. I consider that the Strategy and accompanying amendment as presented ensures both sound strategic intent, as well as providing a platform for strong implementation (that is underpinned by the thorough nature of the policies and guidelines contained in the Strategy and the amendment documents).
60. Ultimately the consolidation of the centres into a Berwick South Central Activity Centre will have great benefits to the broader community. In my opinion the creation of a vibrant Major Activity Centre serving a

broader sub-regional catchment will provide a focus for employment generation. As the centres evolve and mature they will increase their role and function and have the capacity to provide a broader mix of housing, commercial, retailing, community, leisure, open space, entertainment and other services that will serve as a focal point of the broader Berwick South community and feature as a critical element in the network of activity centres in the City of Casey.

9.0 Conclusion

61. In my opinion Amendment C258 of the Casey Planning Scheme is a necessary and timely initiative required to ensure a relevant and current policy framework that enables a strong and vibrant network of activity centres in Casey and provides guidance on how to accomplish this vision through specific policy directions.
62. I consider that designating Berwick Springs as a Medium Neighbourhood Centre has merit and is well justified. In my opinion, not identifying the existing Berwick Springs as an Activity Centre would be tantamount to ignoring what is currently a significant Activity Centre of commercial and retail uses that has the capacity to grow and intensively develop in the future. Failing to properly designate Berwick Springs in the Activity Centre hierarchy and leaving it without appropriate strategic intent would be a sub-optimal planning outcome
63. Clearly the ambition to integrate Berwick Springs and Eden Rise into a unified Major Activity Centre requires the City of Casey to exercise both sound strategic intent as well ensure subsequent robust implementation. It is my opinion that this concept is meritorious and should be pursued. As a rapidly developing municipality, I think it is incumbent on the City of Casey to advocate and pursue the concept of a Berwick South Central Activity Centre as this will have great benefits to the broader community and will create a strong and vibrant Major Activity centre that will be a critical element in the broader network of activity centres across the City of Casey.



Tim Peggie,
Director, Planning
Ethos Urban

Appendix A. Curricula vitae

Tim Peggie

Director — Planning

Bachelor Arts, Bachelor Commerce

MVPELA

Tim has more than 20 years' experience in statutory and strategic planning in both the public and private sector, including several years in local government in the UK.

Tim brings to the Ethos Urban team, a breadth of experience from his time at the Victorian Planning Authority (VPA) where he was Executive Director of Precinct Structure Planning and led the preparation and delivery of Precinct Structure Plans in Melbourne's growth areas. He also held the role of Executive Director of Regional Planning at the VPA.

His broader experience encompasses a wide range of large-scale, masterplanned estates, strategic projects and infill development sites across metropolitan Melbourne and regional Victoria. Tim specialises in unlocking the potential of greenfield land within the Victorian context, delivering successful planning and design outcomes.

Tim excels in the management of multidisciplinary project teams and is dedicated to delivering integrated solutions to complex problems ensuring the timely delivery of sound planning outcomes.

Tim has a wealth of experience in the forum of Planning Panels and has been involved in a number of complex growth area planning amendments both on behalf of government and private clients.

In addition, Tim is a long standing member of the RMIT Planning Advisory Committee and is also a member of the UDIA Planning Committee.

