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**Amendment C258case to the
Casey Planning Scheme**
Casey Activity Centres Strategy

Council Closing Submission: Part C



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1. This closing submission is made on behalf of Casey City Council (**Council**). Council is the Planning Authority for Amendment C258case (**the Amendment**) to the Casey Planning Scheme (**Scheme**). The Amendment applies to all land in the municipality.
2. This closing submission will respond to the issues raised through the course of the Panel Hearing. By way of overview, however, it is submitted that by and large the parties are content with the Activity Centres Strategy and the Amendment documents implementing it. There is one notable exception which we now take the opportunity to respond to and Woolworths which took a different view to how an activity centre strategy should be prepared.

3. The most important things to note about Charbury's, what we say are essentially commercially motivated submissions, are that: (per Mr Duane's evidence)
- 3.1 Eden Rise is a strongly performing, mature activity centre which is relatively fully developed (after Woolworths).
- 3.2 There is no harm nor should there be a concern with a number of small scale shops or offices being established at Berwick Springs.
- 3.3 Eden Rise does not provide for all aspects of the role and function of a medium NAC.
4. To make the 3rd proposition clearer, we have set out the various roles of a Medium NAC below in table format to identify what it is and what it is not doing using Table 1 at clause 21.05-7 as it's guide:

Role and Function satisfied	Role and Function partly satisfied	Role and Function not satisfied.
	A broad range of activities to provide for day to day and weekly retail and service needs at a neighbourhood level	
		Approximately 25% non- retail commercial and community uses floor are for the whole of the centre.
A strong focus on supermarkets with a mix of full line and small format supermarkets		

Role and Function satisfied	Role and Function partly satisfied	Role and Function not satisfied.
	Medium focus on specialty retail and hospitality uses	
Total floor space between 5000 and 20,000 m2		
		Buildings of at least 2 storeys.
		Focus on medium density residential development.

5. The point we hopefully made through the cross examination is that a combined offering of two neighbourhood centres or one combined centre will provide the community with what is expected from a neighbourhood centre in a way that Eden Rise does not and could never provide on its own. This is what community benefit is about.
6. But based on the present zone pattern, no scale of shop or office (whether big or small) can occur without some form of rezoning at Berwick Springs. While rezoning is a matter for another day, given Council's long standing approach to activity centre planning, and out of centre development, some formal recognition should be given to the real and practical status of Berwick Springs before one embarks on a rezoning. The action plan identifies a CDZ as the appropriate way forward for that centre.
7. Council's concern in this case is not to be a champion for Berwick Springs. It is to make submissions in support of the approach of the Activity Centre Strategy and the implementation provisions. Whether it is Berwick Springs or Cranbourne MAC, Council expresses views based on its analysis and its strategy as formed prior to this Panel process.
8. The **current** retail policy at clause 22.01-4, consistent with case law¹, warns that:

The regulation of commercial competition between individual business and activity centres should only occur where there is a prospect of an overall adverse impact upon the extent and adequacy of facilities available to the local community.
9. We submit that on the evidence, (Duane and Stephens) there is no prospect of an overall adverse impact upon the extent and adequacy of facilities available to the local community

¹In [Kentucky Fried Chicken Pty Ltd v Gantidis & Anor \(1979\) 140 CLR 675](#) the High Court relevantly held as follows:

"[h]owever the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration" (see [17]).

occurring given the established nature of Eden Rise, which all relevant experts concede is trading strongly.

10. The restraint of Berwick Springs, by denying it a status such that would merit a facilitating a rezoning to an appropriate zone that allows a broader range of uses would be tantamount to the regulation, and worse, the restraint of reasonable commercial competition happily for Charbury but ultimately to the detriment of the community.
11. Not identifying Berwick Springs as some form of activity centre (which Peggie and Stephens and SGS and Charter Keck Cramer all recognise it is but is not formally designated) would serve no planning policy purpose and will:
 - prevent legitimate, harmless but helpful commercial competition; and
 - prevent a broader offering of complementary goods and services –to the detriment of the community.
12. The *Berwick South Retail and Commercial Needs Assessment (Charter Keck Cramer, 2016) (CKC Assessment)*, a document that Ms Brennan SC referred to (in support of her client's argument that there was no warrant to identify Eden Rise as a MAC), also made the following other pertinent observations under Chapter 12 - Net Community Benefit²:

These guidelines have been applied in assessing the Net Community Benefit of a new neighbourhood activity centre at the three potential sites with respect to the opportunity for choice; accessibility and convenience; and viability and efficiency.

A new neighbourhood activity centre within Berwick South will provide residents with the choice of all three major supermarket chains as well as a wider choice of specialty retailers and other businesses. The proposed Berwick Springs Neighbourhood Activity Centre would consolidate retail and commercial activity around Eden Rise Village and the adjacent commercial precinct, thereby potentially supporting a greater number of higher-order retailers. This will provide households with a wider choice of retail goods and services that if a new centre were located elsewhere, as well as providing the benefits of a more competitive retail environment.
13. It is true that the CKC Assessment contemplated that a 3rd supermarket might locate at Berwick Springs and its analysis was largely on that basis. But what is relevant is that clearly CKC did not regard that prospect as contrary to a net community benefit outcome - which seems to be Charbury's argument. However, given that Woolworths is now proposing to locate at Eden Rise, it is even more difficult to understand how Eden Rise's concerns

² At page 87.

could be strategically (as in community benefit) based rather than competition based perhaps in fear of losing Woolworths at the 11th hour as it were.

14. As for the issue of integration which has also been put to all of the experts by Charbury, the CKC Assessment relevantly goes on to comment in the same section of the document:

Accessibility via various transport modes is comparable across all three potential neighbourhood centre locations, although the Berwick Springs site offers better access from the Clyde Road north-south arterial and the convenience of potentially still visiting Eden Rise Village as part of a single trip. The Berwick Springs site also offers the opportunity to consolidate activity into a single, centrally located retail / commercial precinct, thereby providing greater opportunity to support a range of non-retail activities including business services, health services, hospitality and entertainment. Consolidating retail activity into Berwick Springs / Eden Rise would also be expected to support the precinct's competitiveness relative to both new neighbourhood activity centres to the south and the expanded Casey Central. Similarly, through servicing a wider trade area, businesses will attract a more diverse range of households.

Any competitive impacts of a new centre upon Eden Rise Village are more likely to be moderated by locating such a centre on the Berwick Springs site compared to alternative locations, as Eden Rise Village will have greater opportunity to compete for household expenditure than if shoppers were split between two separate centres.

15. Consequently, the CKC Assessment went on to conclude and recommend (as per Executive Summary of the document):

The consolidation of retail and other commercial activity into the Eden Rise / Berwick Springs precinct will provide the opportunity for higher-order activities. However, this is not expected to warrant the elevation of the centre to that of a major activity centre.

In order to facilitate development of a new neighbourhood centre at Berwick Springs via a planning scheme amendment, the City of Casey Activity Areas and Non-Residential Uses Strategy will need to be reviewed based upon updated municipal retail floorspace projections and the findings of this assessment.

A Commercial 1 zone or an equivalent zoning such as a Comprehensive Development Zone would be appropriate for the Berwick Springs site to facilitate retail and other commercial development. There will be the opportunity for Council to control design, infrastructure and development outcomes for the site via an appropriate Design and Development Overlay or Development Plan Overlay.

16. The rest of the relevant analysis is found at section 11.5 on page 86, section 12.5 at page 90 and section 13.3 at page 92 of the CKC Assessment. Council submits that the Panel should refer to that analysis and those thoughts in preparing its recommendations.

17. Our final observation on this issue is that the formal designation of Berwick Rise has been a long established policy aspiration. For instance in the document known as *Activities Areas and Non-Residential Uses Strategy Volume 1 Amendment December 2012* (Document 49) at page 25:

In the **Berwick South / Eden Rise Large Neighbourhood Activities Area**, a small supermarket and associated speciality is supported (no more than 2000m² GLFA) on land known as Unit 2/248-296 Clyde Road Berwick subject to an appropriate Structure Plan being prepared. A rezoning of the land must be facilitated to allow any retail uses on the site. The Structure Plan must include this land and surrounds, including the Eden Rise Shopping Centre, the tavern at 288-296 Clyde Road and other properties fronting Clyde Road. Any increase in retail floor space on land known as Unit 2/248-296 Clyde Road Berwick is also subject to an appropriate retail demand study being approved by Council.

[emphasis added]

18. We also submit that it is incorrect to read the table at proposed clause 21.05-7 as being a list of the ingredients that all MACs or NACs must have to be a MAC or a NAC. In this regard, we agree with Mr Stephen's evidence in response to cross examination from Ms Brennan SC. If it were to be the case that every activity centre had to have a supermarket, in Casey, the following centres would be delisted as they lack supermarkets or lack a full line supermarket:

Local Neighbourhood - 14 existing centres in total at 2016, 9 don't have a supermarket.

- Box Street (Doveton)
- Camms Road (Cranbourne)
- Doveton Avenue (Doveton/Eumemmering)
- Llewellyn Place (Doveton/Eumemmering)
- Somerville Road (Hampton Park)
- Hotham Street (Cranbourne)
- Lurline Street (Cranbourne)
- The Arcade (Devon Meadows)
- Freeway Sports - supermarket prohibited (Doveton/Eumemmering)

Others where the supermarket is inconsistent with the hierarchy.

- Major - Hampton Park – Only has one supermarket.
- Medium NAC - Autumn Place (Doveton) – Small format only (under 500m2)
- Medium NAC - Kirkwood Crescent (Hallam)– Only Aldi
- Heatherton Road designated Medium NAC – no supermarket.

19. Furthermore, it should be noted that the following **new** centres have been designated in addition to Berwick Springs. These are currently not designated in the list of convenience centres at clause 22.01-3 of the **existing** Retail Policy:

- Saffron Drive (Narre Warren)
- Marshall Place (Hallam)
- Hallam Station (Hallam).

20. All three centres are smaller than Berwick Springs but have been formally designated as local NACs under the Strategy notwithstanding that they are not currently designated. So, Berwick Springs is not the only centre being **newly** designated. Furthermore, there are a number of centres that have been **elevated** up the hierarchy from local to medium NACS.

21. Finally, it must be noted that while Mr Szafraniec stated at paragraph 123 of his evidence statement, that he believed that Berwick Springs was not required in the activity centre framework, he did go on to state that it should be “appropriately acknowledged and properly planned for”.

22. Accordingly, as to the first strategy, we submit that it is entirely appropriate to recognise and designate Berwick Springs as an activity centre. As for whether that should be of one type or another, we regard that as less relevant to the primary issue of designation. However, for its part, Council submits that a medium NAC is the correct designation.

23. As for the second strategy, namely the *aspiration* for a combined Berwick Springs/Eden Rise centre, this initiative comes straight out of the SGS Assessment Report. The Panel will find the initiative in the Strategy reflected in the amendment at the proposed amendments to clause 21.10-3:

Support the consolidation of Eden Rise and Berwick Springs Medium Neighbourhood Activity centres into a Major Activity Centre.

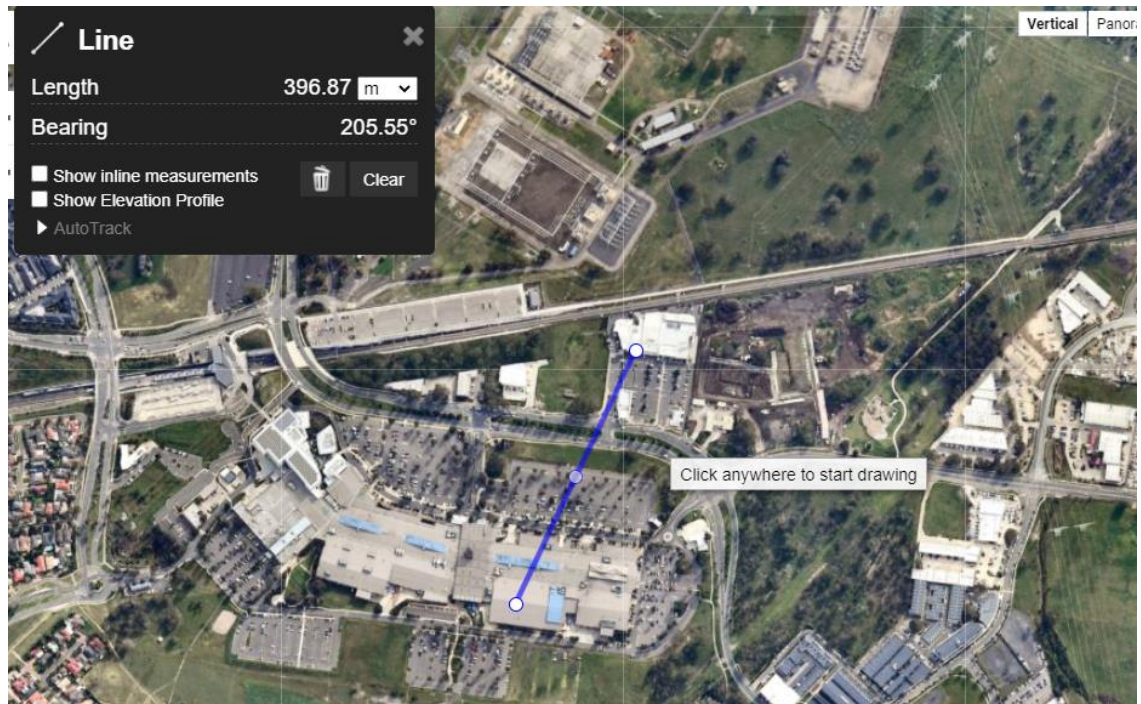
24. A question we did not ask the experts for Charbury is whether they opposed being elevated to a MAC or whether they opposed that because Berwick Springs would also be part of that elevation?
25. It seems surprising that a centre owner would not aspire to grow except for the fact that it would then have expectations to provide more for the community. Accordingly, we assume that Charbury objects to being identified *as a joint centre* rather than the mere policy aspiration towards MAC status. If that is correct, it may be that determining the first issue (as to the designation of Berwick Springs) resolves the second issue.

Integration

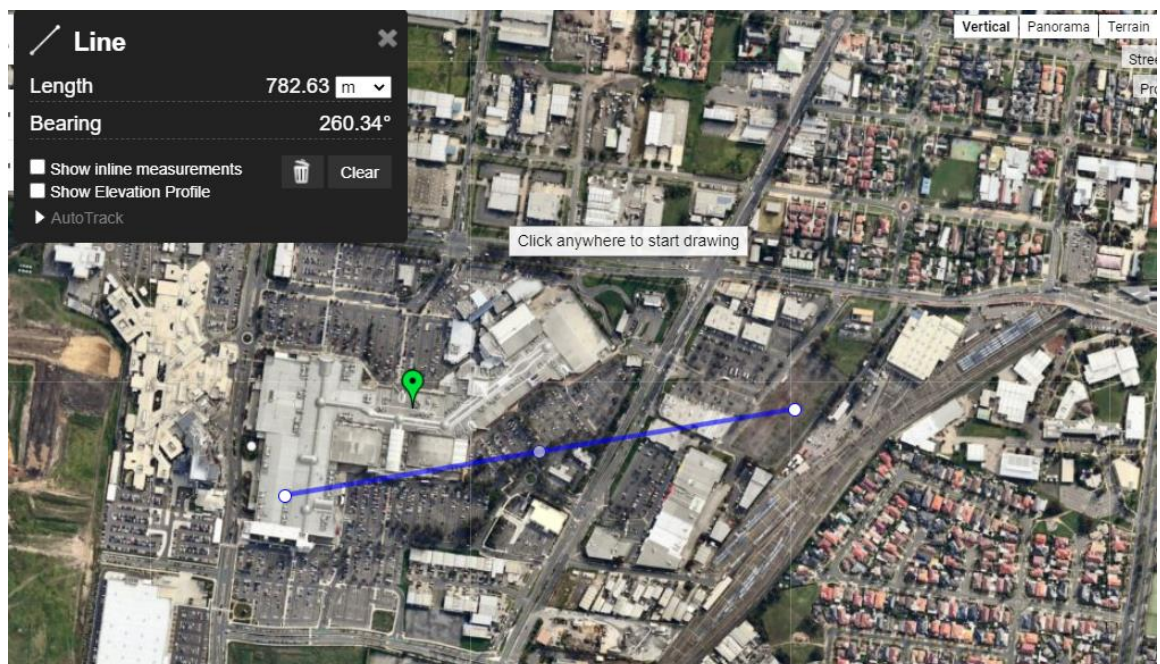
26. There seems to be a concern that the two centres are separated by major roads and therefore they should not be regarded as a combined centre. Of course they are separated. That is an existing condition and is unlikely to change. There may be ameliorating measures put in place but the two roads will always present a fixed condition. Designation or no designation, the two centres will always have that sense of separation. But that should not be a reason to not formally designate Berwick Springs as a centre. To provide a complementary offer to Eden Rise does not necessarily mean that there should be direct paths between the two centres. The notion of complementarity is in many respects more important than physical integration which will always be limited.
27. To illustrate how major road barriers have not been regarded as a block to proper decisions, see the following:



South Morang – MAC between supermarkets across a divided Main Road.



Epping Central Metropolitan Centre between a permitted Kaufland and core supermarkets at the Epping Centre



28. The aerial maps illustrate that there are other cases involving no less than full line supermarkets which have not seen a major road as a bar to integration. Narre Warren Metropolitan Centre is an example of having multiple precincts to an activity centre separated by major roads. In Melbourne there are a number of examples of centres being close to each other and serving different functions. Just within 3km of my residence, there is Canterbury NAC (IGA supermarket) and Maling Road NAC (no supermarket), Deepdene NAC (no supermarket) and Balwyn NAC (Woolworths supermarket) only 800 metres away. With a bit more time we would find many other examples.

Alleged inconsistencies

29. Charbury noted the inconsistencies in maps. This is addressed below. They also suggested that Council was changing course proposing first two centres then one centre.
30. In relation to Council's position on whether there are one or two centres at Eden Rise/Berwick Springs, Council's position is not inconsistent. To be very clear, our position is that Berwick Springs should be designated as a separate NAC. The appropriate size is medium. We submitted as per the amendment that it should be identified as an aspirational MAC combined with Eden Rise. As part of our arguments we cross examined Mr Duane and Mr McGurn on the centre and how it could complement Eden Rise whether as either a single or dual centres. That is an entirely logical line of questioning. The answers to the questions make the point that together (whether as one or two centres) the combined offering to the community is better than what it can be with the current state of affairs given the its practical limitations on Eden Rise in terms of future expansions.

Mapping issues

31. First as to mapping errors, in a digital world, sometimes there are errors and mapping errors seem to be commonplace. The move to ATS mapping has caused Council difficulties in this case. This has resulted in an inconsistency between plans in the amendment docs. Simply put, the exhibited Strategic Framework Plan at clause 21.02-6 contained errors (ie omissions and misdescriptions) compared to the Casey Activity Centre Network Plan at clause 21.05-8 which did not contain any omissions or misdescriptions. As relevant to Charbury, the plan did not show Berwick Springs as a medium NAC.
32. The Strategic Framework Plan that was the subject of the Council authorisation resolution and submitted for Authorisation were correct. However, the uploading of ATS plans onto the DELWP website for exhibition is where the error occurred. That error did not occur for the plan at 21.-5-8 which identified the Activity Centre Network. Relevant to the submissions made by Charbury, the exhibited Strategic Framework Plan (but not the Casey Activity Centre Network Plan at clause 21.05-8) failed to identify the Berwick South NAC as per the

version of the map lodged for Authorisation and as per the Activity Centre Network map referred to.

33. The Regional Context map at clause 21.01 had labels which are incorrect (Town centre instead of MAC) and CBD instead of Metropolitan Activity Centre. These were picked up in the course of considering submissions.
34. So far as the Berwick Southern Areas Local Area Map is concerned at clause 21.10-5 three errors were made in preparing the map for exhibition. Two of these were picked up in submission 1 and addressed by Council's response to submissions.
 - Identify Centre Road centre a future NAC
 - Delete the breakout box relating to *Preparing a PSP for Berwick Waterways*.
 - Delete *Mixed Use* from the legend, as there is no use of this on the map.
35. To be clear, the Activity Centre Strategy (as exhibited) very clearly identified the two activity centres designated as 9a and 9b on the activity centre map at page 27. On the following page 28 it clearly identified the centres as two separate centres as 9a and 9b with a note "Two Medium Neighbourhoods (Aspiring to a single Major)".
36. It was only the strategic framework plan/map deep in at clause 21.02-6 which was wrong. Also it is to be noted that most participants would have noted the interactive map on Council's engagement website was also correct.
37. As to the concern expressed by Charbury that they would be denied third party rights if a Comprehensive Development Zone were to be applied that is not a matter for this panel. Having said that, if a CDZ is put forward for the Berwick Springs site, that would require a planning scheme amendment which would require full 3rd party participation. That said, we note that existing planning controls for both Berwick Springs and Eden Rise remove third party rights. There is no difference in the way the two sites are dealt with so far as third party rights are concerned.
38. In the appendix to this Part C submission we have set out the plans as they appeared in the form they were submitted for authorisation and exhibited.

ISPT and Vicinity Centres

39. Below we respond to the suggested drafting changes requested in the ISPT and Vicinity Centres submission, presented by Ms Robinson of Rigby Cooke.
40. At paragraph 14, the submission suggests the removal of the last sentence of Strategy 11.1 of the Activity Centres Strategy, which states:

Construct any new non-residential floorspace in centres in a way that allows for feasible future adaptive reuse (e.g. grocery store adaptively reused as office, etc).

41. Council does not support this change to the Activity Centres Strategy. While minor changes could be made to this strategy 11.1 to recognise it as aspirational if thought necessary, the Panel well understands the role of the strategy in this Amendment. We do agree that the example can conveniently be removed. Further, clause 22.01-5 of the Amendment (see first dot point under the policy) has been drafted with sufficient flexibility, particularly following changes submitted to the Panel as part of Council's Part A submission.
42. At paragraph 20, the ISPT and Vicinity Centres submission suggests changes to the drafting in Table 1 of clause 21.05-7. Specifically to include an additional dot point which states:
 - Only small format supermarkets where appropriate with large format supermarkets to be discouraged.
43. Council does not oppose this change. However, the proposed wording appears more flexible than what Council would prefer. While small format supermarkets are currently as of right in the Commercial 2 Zone, this may change.
44. To address this issue, Council's preference would be to add a new Strategy 3.10 to clause 21.05-4 which states:

Discourage supermarkets and other non-restricted retail uses from establishing in restricted retail precincts and other designated employment areas outside Metropolitan, Major and Neighbourhood Activity Centres.
45. This goes further than what ISPT sought but is consistent with its submission.
46. At paragraphs 21 and 22, the ISPT and Vicinity Centres suggests changes to clauses 21.15-2 and 21.15-3. Council supports the changes sought.

Woolworths

47. We note that Woolworths submission to the Panel is now the document circulated on the evening of 16th June 2020 which is a modification of the document it presented during its allotted time at the Panel hearing. The Urbis report has been withdrawn.
48. Woolworth's submission (at paragraph #10) is critical of Council's submission in relation to not using Woolworth's trade data (as provided in its original submission presumably) and our proposition that the location of activity centres are primarily guided by the concept of providing for 20-Minute neighbourhoods rather than on the trading performance of existing supermarkets.

49. We stand by those submissions.
50. As for the lack of usage of supermarket specific trading data, it is of course correct that SGS did not use supermarket specific trade data. It is not normally available. Indeed, not even Woolworths was willing to identify which supermarket was trading at what level. They were only content to provide data for 11 supermarkets without identifying which was which.
51. The panel can check for itself the way that SGS assessed current retail expenditure. It is set out at part 5.2 - Retail Expenditure Forecasts. As explained at page 58 in "Step 1" this is based on Marketinfo data which is regarded as an industry standard. The data is recorded at the SA1 level to enable fine grained estimates for retail expenditure forecasting. Furthermore, the SGS report notes that the Marketinfo expenditure data is based on ABS household expenditure survey commodity categories. These are grouped into 5 store types. The annual per capita spend is then set out in Table 12. The SGS evidence then in acknowledgement of different assumptions did a sensitive analysis. At paragraph 54 of the SGS evidence, the sensitivity analysis indicates that the SGS Assessment Report is still appropriate for the purpose of informing the Activity Centre Strategy.
52. The relevant DELWP practice guidance states as follows on the 20 minute neighbourhood policy:

The role and function of neighbourhood activity centres

Traditionally, the focal point for neighbourhoods were its high streets and local villages. While the structure of local shopping centres has changed over time, these places are integral part of community life and fundamental to creating a city of 20-minute neighbourhoods.

'Neighbourhood activity centres' is the land-use planning term used to describe these local shopping centres. Community services and infrastructure are generally co-located with these places, planned and managed by local government.

Neighbourhood activity centres provide retail services and goods (newsagent, bakery, supermarket), local entertainment facilities (cafes and restaurants) and local health services and facilities to meet daily needs.

While individually these places may only serve a local community's needs, the network of these places across the city plays a significant role in creating a sustainable, equitable, and accessible city.

53. So Council stands by its response. State policy requires that identification of activity centres are guided by the 20-Minute neighbourhood policy. Therefore, there will be more supermarkets and associated facilities in future. This is not Casey policy; this is State policy.
54. Finally, we now respond to the specific changes to the Amendment sought in the Woolworths submission.

55. At paragraph 34, Woolworths requests that the Activity Centres Strategy be reviewed further prior to the Amendment proceeding having regard to:
 - the most recent available data, including population growth, turnover data and trading performance at both a municipal and a local scale.
56. In response to questions from the Panel, Mr Fetterplace responded that he was not in a position to release the identity of any of the stores in Table 9 of the Urbis report. The reason provided being that the data utilised is subject to confidentiality associated with lease agreements for those individual centres. Putting aside the procedural difficulties caused by entering into confidential discussions with any particular submitter, the information is not required to properly undertake an activity centres strategy. We also refer to the sensitivity analysis that was conducted by the SGS Evidence Report.
57. At paragraph 49, Woolworths further requests that the Activity Centres Strategy be reviewed further prior to the Amendment proceeding to:
 - Identify potential gaps within the existing network of Centres and recommend changes to the retail hierarchy where Centres may be clustered too close together or too far apart.
58. For reasons set out above, this is not reasonable. Council does not get to undo or change State policy on 20 minute neighbourhoods.
59. At paragraph 57, Woolworths further requests that the Activity Centres Strategy be reviewed further prior to the Amendment proceeding having regard to:
 - The Amendment and Strategy should revise the definition of Medium Neighbourhood Activity Centres to simplify the role and/or review the allocation of supermarket floorspace so as to ensure there is not an over-supply; and
 - The Amendment should remove references to the term 'aspiration' as a policy direction.
60. We do not think that this is an appropriate approach. The whole of the strategy is based on a designation which is directly consistent with Plan Melbourne as to Metro, Major and Neighbourhood centres. The differentiation between local (previously convenience centres) and medium NACs is a Casey refinement so as to differentiate between very different centres within the same designation. Recall that it is based on an understanding of the broad range of centres that exist currently (refer tables 9 and 27 of SGS Assessment Report).

61. Finally at paragraph 67, Woolworths requests that Clause 22.01 – Activity Centres be amended prior to the Amendment proceeding in accordance with ‘Appendix 2’ of the Woolworths submission.

62. Council’s response is set out in an Appendix B to this closing submission.

Council’s final position

63. Accordingly, we submit that the Amendment is sound, strategic and superior to the current iteration of policy as found in the planning scheme. The only real challenge to it has been on the basis of a perceived economic impact brought about by perceived competition if the changes made are advanced (Berwick Springs NAC). It takes a sledge hammer approach to cracking a nut being dealing with a very localised issue

64. Finally, below we confirm changes to the Amendment documentation that Council supports for the purposes of this Panel Hearing which have arisen as a result of the submissions and evidence.

Changes to Activity Centres Strategy

65. The changes Council supports to the Activity Centres Strategy include those set out at Attachment 6.2.3 to the Council meeting report of 3 March 2020.

Clause 21.01 – Introduction

66. The changes Council supports to clause 21.01 (Introduction) include:

Change supported	Reason
Amend the names of the Cranbourne Town Centre, Fountain-Gate Narre Warren and Berwick Village on the regional context map to be consistent with Plan Melbourne	In response to submission 8 (ISPT Pty Ltd). This was overlooked when preparing the Amendment for exhibition.

Clause 21.02 – Key issues and strategic vision

67. The changes Council supports to clause 21.02 (key issues and strategic vision) include:

Change supported	Reason
Update clause 21.02-6 to correctly reflect the future Berwick Waterways Neighbourhood Centre, and all future medium neighbourhood centres.	In response to submission 1 (Reech Pty Ltd). An error with ATS drafting resulted in the incorrect map being included (Authorisation was prepared pre-ATS, exhibition post-ATS). It omitted a number of new Medium Neighbourhood centres. The correct map was included in the Part A submission, but it’s only just been identified the incorrect one was exhibited.

Clause 21.03 – Settlement and housing

68. The changes Council supports to clause 21.03 (settlement and housing) include:

Change supported	Reason
Revise new strategy at clause 21.03 to: <i>Support housing development in and adjoining activity centres that seeks to minimise adverse amenity impacts such as noise and visual impacts, that existing and proposed non-residential uses will have upon new residential uses.</i>	In response to submission 13 (Woolworths Group).

Clause 21.05 – Economic Development

69. The changes Council supports to clause 21.05 (Economic Development) include:

Change supported	Reason
Insert new Strategy 3.10 to clause 21.05-4 to state: <i>Discourage supermarkets and other non-restricted retail uses from establishing in restricted retail precincts and other designated employment areas outside Metropolitan, Major and Neighbourhood Activity Centres.</i>	Responds to ISPT Submission at paragraph 20
Revise note at end of clause 21.05-7 to state: <i>For any activity centres within the Urban Growth Zone, Comprehensive Development Zone or Activity Centre Zone, outcomes relating to specific retail and/or commercial floorspace target should primarily be guided by any relevant requirement or guideline set out in the relevant plan in the zone schedule or incorporated into the Casey Planning Scheme</i>	In response to submissions 6 (Scentre Group) and 8 (ISPT Pty Ltd). Council considers that where specific structure planning has been undertaken for a centre and development is consistent with that planning, such as in the Fountain-Gate Narre Warren Activity Centre, the requirement should not apply.

Clause 21.10 – Berwick southern area

70. The changes Council supports to clause 21.10 (Berwick southern area) include:

Change supported	Reason
Update the Berwick Southern area map to reference the approval of the Berwick Waterways PSP	In response to submission 1 (Reech Pty Ltd). This was an error in the exhibited Amendment. The reference to 'Prepare a PSP for Berwick

	Waterways' has been deleted from the Scheme and should not be shown on this map.
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Clause 21.15 – Cranbourne

71. The changes Council supports to clause 21.15 (Cranbourne) include:

Change supported	Reason
Amend the fifth bullet point in clause 21.15-2 to include the following amendment: <i>To ensure the Cranbourne Major Activity Centre maintains its present role and aspiration to become a Metropolitan Activity Centre whilst serving the additional significant residential growth forecast for the area.</i>	Per ISPT submission at paragraphs 21
Include the following strategy in the third dot point of clause 21.15-3 <i>Support the designation of Cranbourne Town Centre as a metropolitan activity centre and the development of the town centre consistent with the Cranbourne Town Centre Structure Plan 2018.</i>	Per ISPT submission at paragraph 22

Clause 21.24 – Narre Warren

72. The changes Council supports to clause 21.24 (Narre Warren) include:

Change supported	Reason
Update clause 21.24 to show that the land in Golf Links Road zoned for residential development as recommended by the Panel appointed to consider Amendment C198 to the Scheme and designate the site at 193 Golf Links Road for medium density development.	In response to submission 1 (Reech Pty Ltd) and to reflect the approved Amendment C198. This should now be reflected in the final Amendment C258 documentation. These changes were made as a part of C198, but that amendment hadn't been gazetted at the time C258 was exhibited.

Clause 22.01 – Activity Centres Policy

73. Council supports the amended version of clause 22.01 as attached to the Part A submission and discussed in the Part B submission. In addition to those changes, Council supports the following change:

Change supported	Reason
Amend clause 22.01-6 to read as follows: <i>To support the on-going economic viability of activity centres across the network, having regard to evolving technology, retail and commercial trends.</i>	Responds to Woolworths Submission.

74. This completes the Part C submissions for the Council.

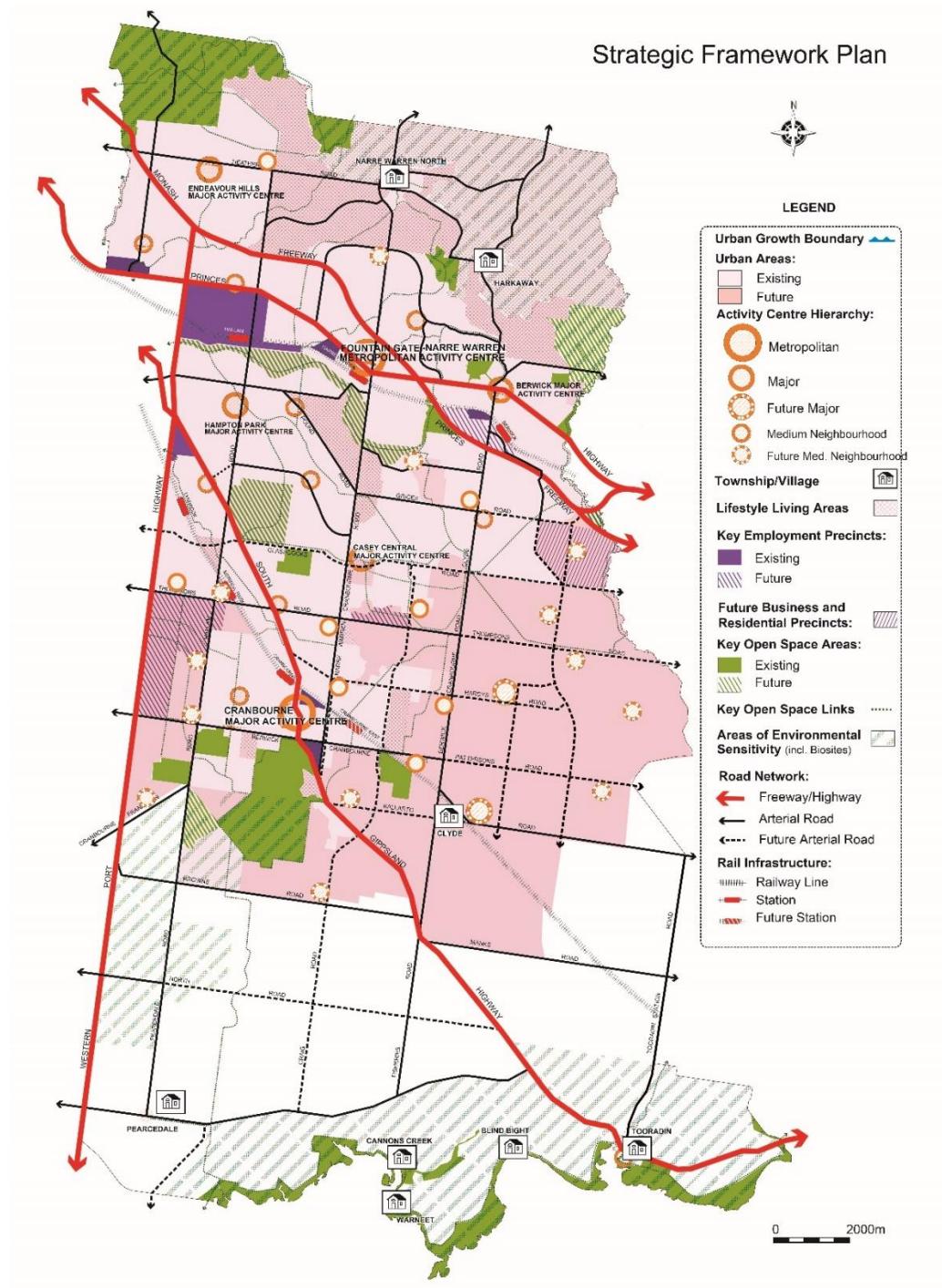
Maddocks
Per Terry Montebello
Partner
Lawyers for the Planning Authority
17 June 2020

Appendix A – Mapping issues

Casey C258 - Clause 21.02 Strategic framework plan.

Authorisation Plan

This (below) is the plan was prepared for authorisation, and included in the Council report dated 2 April 2019 (made public), and then submitted to DELWP for authorisation. It correctly shows all activity centres existing and future including Berwick Springs.



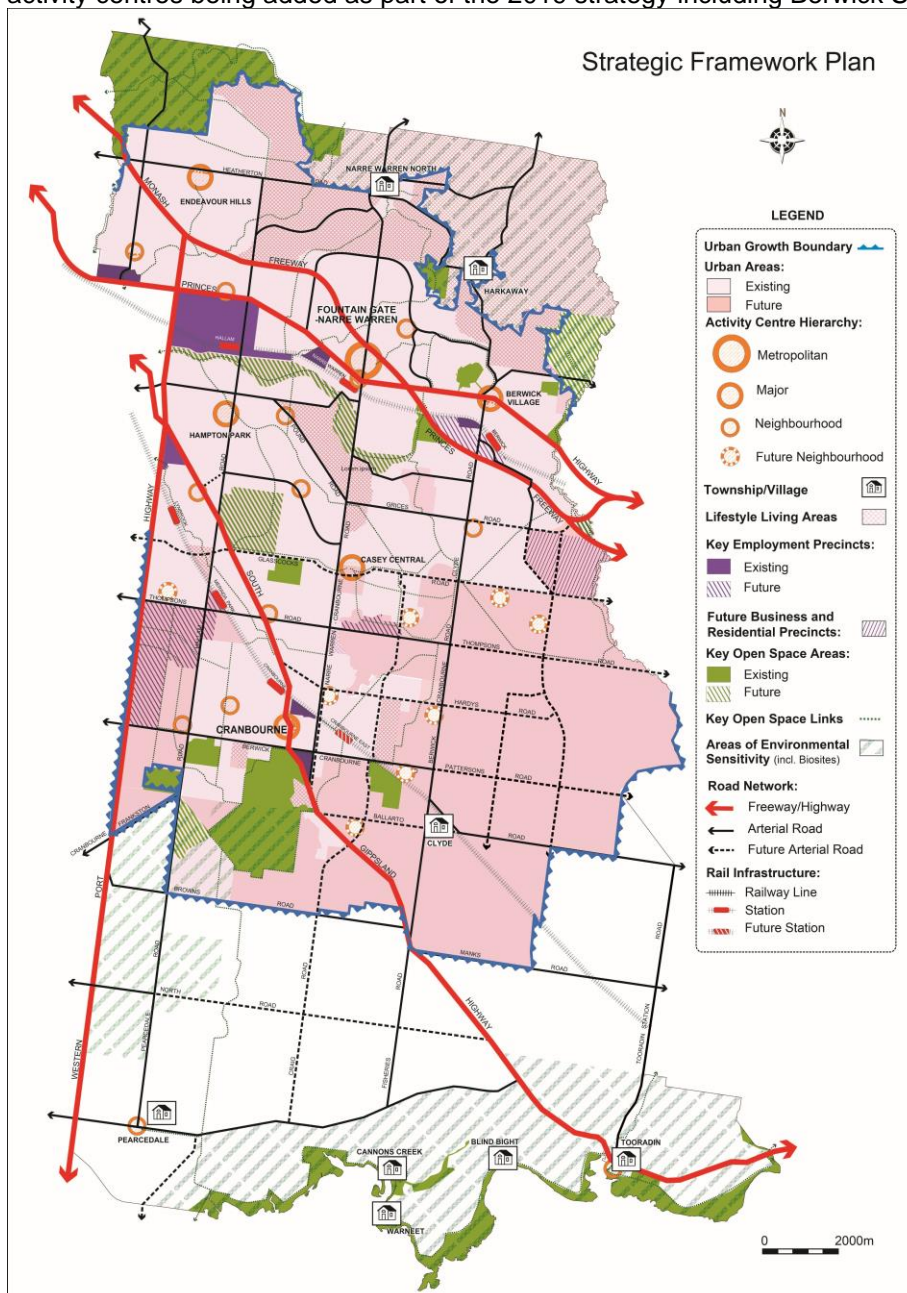
The DELWP Authorisation required an updating of the names of the Major Activity Centres. This was initially done using the then current base map. This error was realised, and the above map was updated to correct the names (creating a new version).

When inserting the map into ATS, there were technical difficulties with ultimately the incorrect map being inserted into clause 21.02.

Exhibition Plan

When inserting the map into ATS, there were technical difficulties with ultimately the incorrect map being inserted into clause 21.02.

Consequently, the map below is what was exhibited. This **did not** show any new (or new proposed) activity centres being added as part of the 2019 strategy including Berwick Springs NAC.

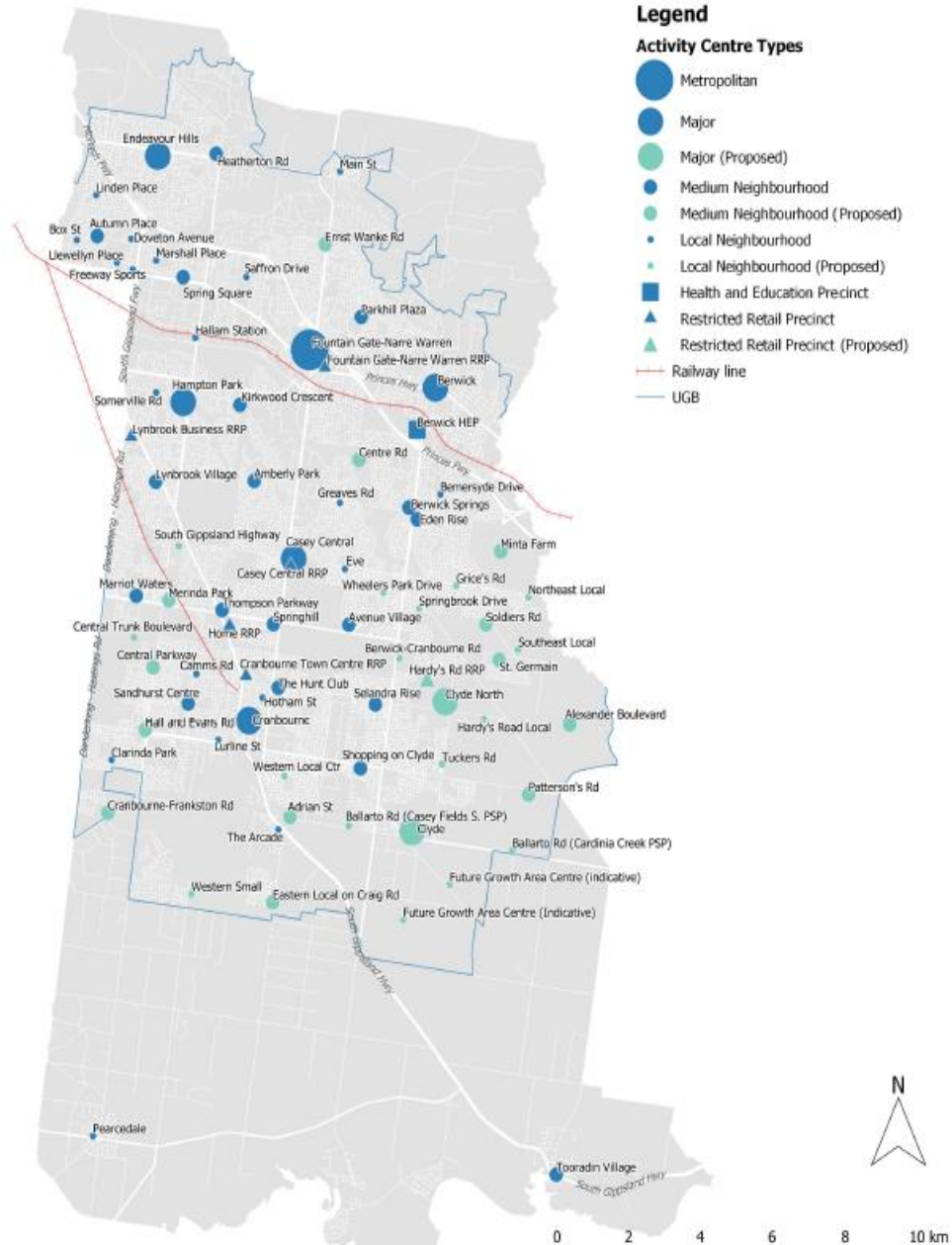




However in the exhibited amendment, the map below being the Activity Centres map is what was exhibited. It **correctly** showed **all** of the activity centres and their designation.

21.05-8 Casey activity centre network

Proposed C258case





Maddocks

Appendix B

Woolworths Revised clause 22.01

See attached WORD doc.