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Council Submission Amendment C275case

Cranbourne Major Activity Centre strategic framework review

City of Casey as Planning Authority

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Acronyms

ACS	Activity Centres Strategy 2020
ACZ1	Existing schedule 1 to Clause 37.08 Activity Centre Zone
C278case	Amendment C278case to the Casey Planning Scheme – Cranbourne Town Centre Heritage Overlays Review interim controls
C275case/the amendment	Amendment C275case to the Casey Planning Scheme – Cranbourne Major Activity Centre strategic framework review
Cranbourne MAC	Cranbourne Major Activity Centre (previous referred to as Cranbourne Town Centre)
Incorporated documents schedule	Schedule to Clause 72.04 Documents incorporated in this planning scheme
The Amendment	Amendment C275case to the Casey Planning Scheme
The 2011 Structure Plan	Cranbourne Town Centre Plan 2011
The 2017 Structure Plan	Cranbourne Town Centre Structure Plan 2017
The 2018 Structure Plan	Cranbourne Town Centre Structure Plan 2018
The 2020 Structure Plan	Cranbourne Major Activity Centre Structure Plan 2020
Proposed ACZ1	New schedule 1 to Clause 37.08 Activity Centre Zone proposed through C275case

Introduction

1. This submission is made on behalf of the City of Casey and has been prepared by Elena Spanos, Principal Strategic Planner – Revitalisation at the City of Casey and reviewed by Dana Mizrachi, Team Leader Placemaking and Revitalisation, also at the City of Casey.
2. The purpose of this submission is to inform the Panel and submitters on Amendment C275case (the amendment) to the Casey Planning Scheme (the Planning Scheme). This submission includes background information, details of processing, an assessment of the amendment against relevant State and Local planning policies, Council's position on the submissions received during the exhibition period and other information as requested by the Panel.

Summary of the proposal

3. The amendment has been prepared by the City of Casey who is also the Planning Authority for the Amendment.
4. The amendment proposes to revise the planning framework for the Cranbourne Major Activity Centre (Cranbourne MAC) by implementing the *Cranbourne Major Activity Centre Structure Plan, City of Casey, 2020*, the *Casey Complex Urban Design Framework, City of Casey, 2019* and the *Cranbourne Town Centre Movement and Access Strategy, GTA Consultants, 2017* and the *Cranbourne Heritage Overlays Review, Plan Heritage, 2020* into the planning scheme. Specifically, the amendment proposes to:
 - 4.1. Replace schedule 1 to clause 37.08 Activity Centre Zone (ACZ1) with a new schedule (proposed ACZ1).
 - 4.2. Updates the schedule to clause 43.01 Heritage Overlay (HO) and planning scheme maps 11 and 15 to modify the curtilage of five existing heritage places so that only areas of local heritage significance are included in the HO, modify the description of 10 existing individual places and delete one place no longer considered to be of local heritage significance.
 - 4.3. Introduce a new schedule 2 to clause 45.09 Parking Overlay (PO2) to apply Column B parking rates (lower rates) throughout the Cranbourne MAC.

- 4.4. Amending the schedule to clause 53.01 Public Open Space Contribution and Subdivision (POS contribution) to reinstate the contribution amount already specified in the schedule for area of the Cranbourne MAC mapped in the schedule as well as improving clarity of the existing exemptions.
- 4.5. Amending the schedule to clause 72.04 Documents Incorporated in this Planning Scheme (Incorporated Documents Schedule) by adding statements of significance for places of local heritage significance within the Cranbourne MAC.
- 4.6. Make other administrative changes, such as:
 - 4.6.1. Correcting the split zoning of 236 South Gippsland Highway, Cranbourne so that the whole lot is zoned ACZ1.
 - 4.6.2. Correcting split zoning of 26 William Street, Cranbourne so that the whole property is zoned schedule 2 to the Residential Growth Zone (RGZ2).
 - 4.6.3. Rezoning 3 New Holland Drive, Cranbourne East from schedule 1 to the General Residential Zone to ACZ1 as the property is located within the Cranbourne MAC.
 - 4.6.4. Correcting the mapping position of a significant tree at 1-3 Lyall Street, Cranbourne which is included in schedule 8 to clause 42.01 Environmental Significance Overlay (ESO8).
 - 4.6.5. Deleting “Site-Specific Control – Units 2 & 3/270 South Gippsland Highway, Cranbourne, Use of the land as a shop for the sale of fishing supplies, November 2010” from the Incorporated Documents Schedule.
5. The amendment seeks to implement a planning framework which will support the Cranbourne MAC to become a more active, attractive and safe place for people to live, work and socialise. The amendment will do this by improving development outcomes for the Cranbourne MAC through a clearer and simplified planning framework, encouraging more sustainable development and active transport use as well as ensuring areas of local heritage significance are adequately protected.

Issues raised by submitters

6. The key issues raised by submitters to the amendment were:

- 6.1. A lack of detailed plans to support the amendment.
- 6.2. The local area already being very busy and the impact the amendment will have on rates, property values, noise and traffic conditions.
- 6.3. A request for further information about what the amendment is proposing and clarification as to whether it is seeking to make the Cranbourne MAC a “smart city”.
- 6.4. A request for a major arts/events centre to be developed in recognition of culture being integral to a cohesive society and sustainable planning.

The City of Casey

7. The City of Casey is located approximately 55km southeast of the Melbourne Central Business District encompassing an area of approximately 395 square kilometres. The majority of the population live in established suburbs such as Berwick, Cranbourne, Doveton, Endeavor Hills, Hallam, Hampton Park, Narre Warren and Narre Warren South.
8. The municipality is served by two railway lines (Cranbourne and Pakenham) and three main arterial roads (Western Port, South Gippsland and Princes Highway). Casey is serviced by a network of activity centres, most notably the Fountain Gate-Narre Warren CBD Metropolitan Activity Centre and the Cranbourne Major Activity Centre, which is identified in the *Casey Activity Centres Strategy, 2020* as “aspiring to Metropolitan”.
9. Casey has two distinct non-urban/rural areas. To the north are the Casey Foothills, a unique area including the townships of Narre Warren North and Harkaway. The area has important scenic and environmental qualities as well as being the gateway to the Dandenong Ranges. To the south is the Western Port green wedge which extends from the urban growth boundary all the way to the Western Port coast including the coastal villages of Warneet, Blind Bight, Cannons Creek and Tooradin and the township of Pearcedale.
10. The City of Casey is the most populous municipality in Victoria with an estimated of 390,793 people in 2021 and forecast to grow by 41% to 549,190 people by 2041 (Id the Population Experts). 2021 forecasts suggest there are 122,206 households in Casey (Id the Population experts).
11. Casey has and will continue to experience significant population growth over the next

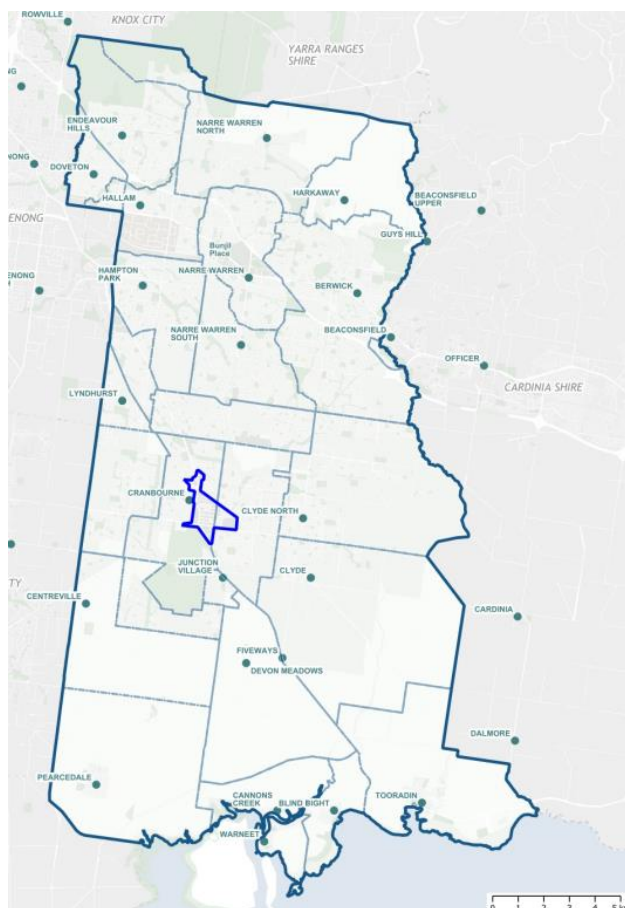
two to three decades. This has been a defining characteristic of the municipality for some time and will continue to be. While this growth is generally considered to occur in Casey's greenfield growth areas (through Clyde, Clyde North, Cranbourne West and parts of Berwick), the renewal and redevelopment of housing in the established suburbs of the municipality – such as Cranbourne – also accounts for a significant portion of this growth.

12. Casey's activity centres play an important role in providing jobs, services and opportunities to socialise close to home, fostering a sense of community and local identity. Investment and renewal of these centres is crucial to ensuring they remain economically viable and relevant.

The Subject Land and Surrounds

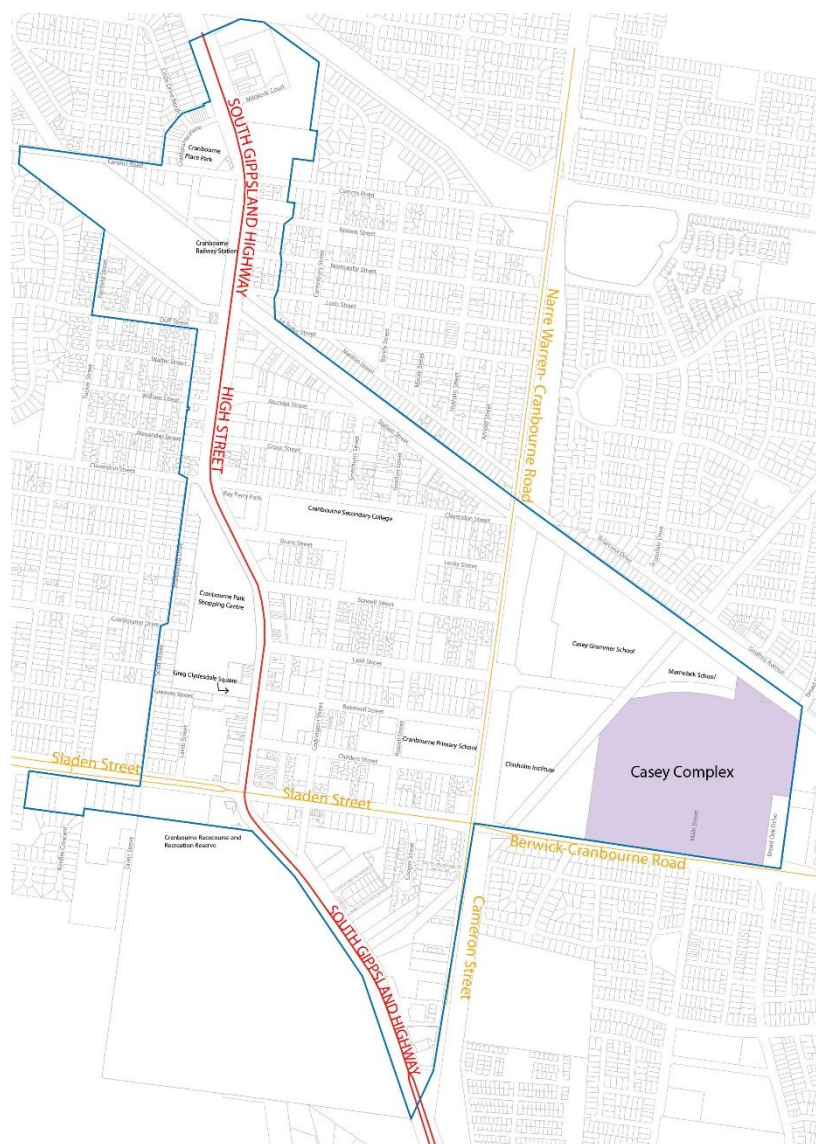
Location

13. The Amendment affects all land within the Cranbourne MAC in Cranbourne and Cranbourne East, as well as an adjoining site where a split zoning is being corrected.
14. The Cranbourne MAC is relatively centrally located within the City of Casey, towards the south of the established areas of the municipality – refer to Map 1 below. It comprises a mixed-use retail and commercial core, two pockets of light-industrial/employment land, residential areas and an area known as the Casey Complex which contains education, community and recreation facilities – refer to Map 2 below.



Map 1 Cranbourne MAC in the City of Casey

15. The Cranbourne Railway line terminates in the north of the Cranbourne MAC. There is a bus interchange at Cranbourne Railway Station as well as a larger and more-centrally located bus interchange at Lyall Street, near its intersection with the South Gippsland Highway.
16. Three arterial roads run through the Cranbourne MAC. The South Gippsland Highway/High Street and Narre Warren-Cranbourne Road/Cameron Street run north-south and Berwick-Cranbourne Road/Sladen Street runs east-west towards the south of the centre.



Map 2 Cranbourne MAC

Current Planning Controls

Subject area – Cranbourne MAC

17. Most of the land within the Cranbourne MAC is zoned ACZ1 with some land zoned schedule 1 to the General Residential Zone (GRZ1), Public Use Zone (PUZ), Public Park and Recreation Zone (PPRZ) and Transport Zone (TZ) – refer to Map 3.
18. There are several overlays which apply throughout the Cranbourne MAC: the HO which applies to 10 places of local heritage significance and one place of State heritage significance, the Environmental Audit Overlay (EAO), ESO8 and the Land Subject to Inundation Overlay (LSIO) – refer to Map 4.



Map 3 Cranbourne MAC zones



Map 4 Cranbourne MAC overlays

Surrounding context

19. Land surrounding the Cranbourne MAC is predominantly residential and is zoned GRZ1, schedule 2 to the General Residential Zone (GRZ2), RGZ2 and Urban Growth Zone (UGZ). South of the Cranbourne MAC is the Cranbourne Racecourse and Recreation Reserve which is zoned schedule 6 to the Special Use Zone (SUZ6) and adjoining this are the Cranbourne Gardens which are zoned Public Conservation and Resource Zone (PCRZ). These are both regionally significant attractions and key tourism destinations in the City of Casey drawing visitors from across Metropolitan Melbourne and beyond.

Cranbourne MAC strategic planning context

Amendment C157 to the Casey Planning Scheme

20. In 2011 the City of Casey adopted the Cranbourne Town Centre Plan 2011 (the 2011 Plan) which was then implemented through amendment C157 to the Casey Planning Scheme (C157). The amendment proposed to rezone all land within the Cranbourne Town Centre (excluding the Cranbourne Racecourse and Recreation Reserve, Cranbourne Secondary College, Cranbourne Primary School, Marnebek School, Casey Grammar School and Chisholm Institute) to ACZ1.
21. C157 was exhibited between 5 December 2011 and 30 January 2012 and was then re-exhibited between 16 July 2012 and 20 August 2012 due to an error in the originally exhibited zoning map. A Panel Hearing was held between 25 and 27 March 2013. Council adopted C157 on 2 July 2013 and then submitted it to the Minister for Planning for approval.
22. On 1 July 2013 – prior to the approval of C157 – reformed residential and commercial zones were introduced into the Victoria Planning Provisions (VPP) through amendments V008 and VC100 respectively. The “reformed residential zones [were meant] to provide greater clarity about the type of use and development that can be expected in any residential area”, while the “new commercial zones [aimed] to provide greater flexibility and growth opportunities for Victoria’s commercial and business centres, responding to the changing retail, commercial and housing markets by allowing for a wider range of uses to support mixed use employment”¹.
23. Amendment C157 was approved and gazetted on 15 March 2015.
24. Once C157 was gazetted it became apparent that there were difficulties in administering the ACZ1, particularly for residential development in Precinct 6: Residential Intensification. The ACZ1 contained more restrictive development controls than the surrounding GRZ. This was due to inconsistencies between the translation of precinct objectives, requirements and guidelines from the 2011 plan into the ACZ1 and the reforms introduced by V008 and VC100. The ACZ1 was drafted in-line with *Planning Practice Note 56: Activity Centre Zone* (PPN56) which suggests using existing VPP controls (such as the Commercial 1 Zone) as a guide when drafting controls for Activity Centre Zones. The timing of V008 and VC100 and lengthy approval process for

¹ Extract from VC100 Explanatory Report

C157 meant that the controls which guided the drafting of ACZ1 were out-dated by the time it was approved.

Amendment C204 to the Casey Planning Scheme

25. In mid-2016, officers commenced a review of the ACZ1 following concerns raised by Council's statutory planning teams and applicants in the ACZ1 area. The review sought to determine whether there were any interim updates which could be made to the ACZ1 while a broader review of the strategic framework for the Cranbourne MAC was being completed.
26. The review found that:
 - 26.1. The drafting of the ACZ1 had caused confusion or contradiction between centre-wide objectives and precinct-specific objectives, requirements and guidelines.
 - 26.2. The ACZ1 had more restrictive provisions than comparable commercial and residential zones, following the introduction of the reformed residential and commercial zones. This was not considered appropriate given the strategic context of the Cranbourne MAC. PPN56 under "use of land" states that it is "important to ensure consistence between the table of uses in the ACZ [...] and those uses included in other zones such as the Commercial 1 Zone and exempted uses listed at Clause 62.01 of the VPP".
 - 26.3. The drafting of section 3 Table of Uses in the ACZ1 resulted in some uses being prohibited which should not have been. For example "Medical centre" had not been un-nested from "office" and as a result was prohibited in Precinct 6: Residential Intensification of the ACZ1 where it may have been considered appropriate as an as-of-right or permit-required use.
 - 26.4. Areas which were identified as "primarily residential" in the 2011 Plan were not included in Precinct 6: Residential Intensification Precinct in the ACZ1, even where the table of uses treated them as residential. This caused difficulty in assessing these residential applications because precinct objectives and guidelines were aimed toward commercial and retail development.
 - 26.5. There were minor mapping errors throughout the ACZ1.
 - 26.6. The ACZ1 did not meet some of the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes* – primarily formatting and structure.

27. Following the review officers made minor updates to the 2011 Plan and on 4 July 2017 Council resolved to request the Minister for Planning authorise Amendment C204 (C204) to the Casey Planning Scheme and subject to being authorised, then exhibit it in accordance with s19 of the *Planning and Environment Act 1987* together with an updated structure plan – the Cranbourne Town Centre Structure Plan 2017 (the 2017 Structure Plan).
28. The changes proposed through C204 were largely to align the use and development requirements of Precinct 6: Residential Intensification to the RGZ, correct the table of uses and collapsing some sub-precincts which were adding little to no value.
29. C204 was exhibited between 2 November 2017 and 5 December 2017. 10 submissions were received, including one submission which objected to the amendment and several which provided comments for Council's consideration. Council considered submissions at its meeting on 6 March 2018 and resolved to refer submissions to a Panel. The Panel Hearing was conducted on 9 April 2018. Council considered the Panel's recommendations and adopted amendment C204 at its meeting on 21 August 2018.
30. Amendment C204 was approved and gazetted on 4 April 2019.

Cranbourne MAC Structure Plan 2018

31. In 2016-2017, Council commissioned a number of technical studies with the intention of preparing a new structure plan for the Cranbourne MAC.
32. Through the development of these studies Council and its consultants engaged with a range of internal subject matter experts and external stakeholders including the Department of Transport, Public Transport Victoria, local community service organisations, members of the local community, the Cranbourne Chamber of Commerce and other business owners/operators in the Cranbourne MAC.
33. Below is a list of the studies produced to inform the preparation of the *Cranbourne Town Centre Structure Plan 2018* (the 2018 Structure Plan)²:

² Most studies refer to the "Cranbourne Town Centre" as this is how the Cranbourne MAC was referred to at the time. DELWP has requested that Council updates reference to the centre in the Casey Planning Scheme to align with the name designated in *Plan Melbourne: 2017-2050*. The two terms are interchangeable and refer to the same geographic area.

- 33.1. *Cranbourne Town Centre: Economic Assessment*, SGS Economics and Planning, 2017 (Attachment A).
 - 33.2. *Cranbourne Town Centre Residential Demand Study*, SGS Economics and Planning, 2017 (Attachment B).
 - 33.3. *Cranbourne Town Centre Movement and Access Strategy*, GTA Consultants, 2017 (Attachment C).
 - 33.4. *Cranbourne Town Centre Community Facilities Analysis* (and background report – evidence base), K2 Planning, 2017.
 - 33.5. *Cranbourne Town Centre Places Audit*, SJB Urban, 2017
 - 33.6. *Cranbourne Town Centre Public Realm Analysis*, Alexander Urbanism, 2017³.
 - 33.7. *Cranbourne Town Centre Open Space Demand Assessment*, Thompson Berrill Landscape Design, 2017 (Attachment D).
34. A summary of the findings and recommendations of these studies were included in the *Cranbourne Town Centre Background Paper* which can be found at Attachment E. When Council considered a report to request the authorisation of the Minister for Planning to prepare and exhibit amendment C275case, Council also endorsed the *Cranborne Town Centre Movement and Access Strategy*, *Cranbourne Town Centre Open Space Demand Assessment* and a and the *Cranbourne Major Activity Centre: Open Space Analysis* (undertaken by officers – Attachment F. Refer to paragraph 46 onwards for further details on Amendment C275case.
35. While preparing the draft 2018 Structure Plan Council was also in the process of preparing a revised Activity Centre Strategy which involved a relatively large and comprehensive community engagement process. The information gathered related to which activity centres participants visited the most, the purpose of their visits, how they travelled to the centre, what they liked about the centre and what could be improved. As the second largest activity centre in the City of Casey, the Cranbourne MAC received the second highest response rate in terms of activity centre visitation. These community

³ The Community Facilities Analysis by K2 Planning, the Places Audit by SJB Urban and the Public Realm Analysis by Alexander Urbanism have not been attached to this submission or previously made public as they contains sensitive or commercial-in-confidence information. Relevant summaries, information and recommendations were included in the Cranbourne Town Centre Background Paper at Attachment E.

engagement findings were used alongside the technical reports to inform the development of the draft 2018 Structure Plan.

36. After a period of community consultation on the draft 2018 Structure Plan, at its meeting on 15 June 2018 Council considered submissions and adopted the *Cranbourne Town Centre Structure Plan 2018* – included as Attachment G.

Activity Centres Strategy and Amendment C258Case to the Casey Planning Scheme

37. On 1 September 2020 Council adopted the *Casey Activity Centre Strategy* (ACS) and Amendment C258case to the Casey Planning Scheme (C258case) following a comprehensive consultation and exhibition period. The ACS and C258case sought to proactively plan for activity centres and commercial development with regard to population growth, State Government Policy and strategic work that Council had completed. The ACS seeks to encourage more diverse employment opportunities within the municipality and promote local shopping.
38. C258case implemented the ACS by amending clause 21.05 Economic Development, replacing clause 22.01 Retail Policy with a new clause 22.01 titled “Activity Centre Policy” and amending clause 22.02 Non-Residential Uses in Residential and Future Residential Areas Policy in the Casey Planning Scheme. C258case also made changes to a number of clauses in the Municipal Strategic Statement to update activity centre hierarchies and the reference document in these clauses. C258 only sought changes to the ordinance and did not seek to amend any planning scheme maps.
39. Consistent with the hierarchy in *Plan Melbourne: 2017-2050* the ACS and C258case designated the Cranbourne MAC as a “Major Activity Centre” but also as an “Aspiring Metropolitan Activity Centre”. The “aspirational” classification recognises the role that the centre currently plays and is consistent with State policy, while also highlighting the potential for growth based on a floorspace demand assessment completed by Council.
40. C258case was approved by the Minister for Planning and came into effect on 28 January 2021.

Amendment C278case to the Casey Planning Scheme

41. In early 2020, while drafting an amendment to implement the 2018 Structure Plan, officers engaged Plan Heritage Consultants to undertake a review of all places of local

heritage significance within the Cranbourne MAC area. The purpose of the review was to ensure controls appropriately protected places of local heritage significance, consistent with *Planning Practice Note 1: Applying the Heritage Overlay (PPN1)*. This was also consistent with the objectives and an action of the 2018 Structure Plan.

42. Officers and Plan Heritage Consultants conducted site visits in the Cranbourne MAC and prepared the *Cranbourne Town Centre Heritage Overlays Review, Plan Heritage Consultants, 2020* (the Heritage Overlays Review – Attachment H). The review found:
 - 42.1. There are 10 individual places assessed to be of local significance.
 - 42.2. There is one individual heritage place assessed as no longer meeting the threshold for local significance.
 - 42.3. The curtilage for five heritage places should be amended.
 - 42.4. The schedule entry for 10 heritage places should be amended.
43. On 15 September 2020 at a Closed Council Meeting, Council resolved to request the Minister for Planning consider the preparation, adoption and approval of Amendment C278case to the Casey Planning Scheme (C278case) which would apply the recommendations of the Heritage Overlays Review on a temporary basis under s20(4) of the *Planning and Environment Act 1987*. The Closed Council report, its attachments and minutes of the meeting can be found at Attachment I. S20(4) allows the Minister for Planning to exempt themselves from for the display and exhibition requirements of a planning scheme amendment if they consider those requirements are not required or it is in the interest of Victoria or part of Victoria to make such an exemption. It is common practice to implement changes to existing or new HOs on an interim basis through a non-exhibited PSA so that the changes form part of a planning scheme sooner. This limits the possibility of buildings or works which may compromise the heritage significance of a place through what can be an otherwise lengthy public process.
44. Amendment C278case was approved and gazetted on 12 August 2021.
45. The interim controls introduced through C278case will expire on 30 June 2022. Council is preparing a prescribed amendment under s20A of the *Planning and Environment Act 1987* to seek an extension to the interim controls as the progress of C275case has taken longer than initially anticipated.

Preparation and exhibition of Amendment C275case

46. At its meeting on 15 December 2020 Council resolved to request the Minister for Planning authorise the preparation of C275case and subject to being authorised, then exhibit it in accordance with s19 of the *Planning and Environment Act 1987*. The Council report and its attachments and extract of minutes from the meeting can be found at Attachment J. Alongside the amendment, an updated version of the 2018 Structure Plan (the 2020 Structure Plan –included at Attachment K) was endorsed by Council to be concurrently exhibited with C275case. The changes include improving the clarity of maps, updating terminology, simplifying some of the content, such as the objectives/guidelines throughout the document and updating the indicative implementation plan.
47. On 4 January 2021 the Department of Environment, Land, Water and Planning (DELWP) advised Council that further review of the amendment would be required. On 26 February 2021 DELWP wrote to Council requesting further information which was provided on 1 April 2021. The amendment was authorised subject to conditions on 18 July 2021 – refer to Attachment L for the Minister for Planning’s authorisation letter. Paragraphs 79 to 79.11 detail how Council responded to each condition of authorisation.
48. The amendment was exhibited between 11 November 2021 and 17 December 2021. Council made the amendment documents, documents endorsed by Council and additional technical/background information on its community engagement website Casey Conversations – the site can be viewed [here](#). The Explanatory Report is included at Attachment M and the exhibited amendment at Attachment N
49. At its meeting on 15 March 2022 Council considered five submissions received in response to the exhibition of the amendment and resolved to refer those submissions to a Planning Panel. The Council report, its attachments⁴ and minutes of the meeting can be found at Attachment O. Refer to paragraphs 71 to 73.

⁴ The exhibited amendment was attached to this Council report as Attachment 2. This version includes an error in the incorporated documents schedule as it has inadvertently deleted documents that were approved since C275 was exhibited. C275case intends only to make changes to the incorporated documents schedule as described in the Explanatory Report.

Strategic Assessment

Objectives of Planning in Victoria

50. The Objectives of Planning in Victoria are outlined at s4 of the *Planning and Environment Act 1984* – aspects relevant to the amendment have been extracted and included below:

50.1. The objectives of planning in Victoria are –

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- (c) *To secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d), and (e);*
- (fa) to facilitate the provision of affordable housing in Victoria;*
- (g) *To balance the present and future interests of all Victorians.*

51. The amendment does these things by implementing a planning framework which seeks to realise the overarching principles of the 2020 Structure Plan being resilience, activity and sustainability. The amendment will support the Cranbourne MAC to become a more active, attractive and safe place for people to live, work and socialise. The amendment will encourage more sustainable development and active transport use as well as ensuring areas of local heritage significance are adequately protected.

Ministerial Directions

52. The following Ministerial Directions have been considered in the preparation of the amendment:

52.1. *Ministerial; Direction on the Form and Content of Planning Schemes* - the amendment has been drafted in accordance with this direction.

- 52.2. *Ministerial Direction 9: Metropolitan Planning Strategy* – the amendment has met the requirements of the direction by taking into account the role of the Cranbourne MAC as a Metropolitan Activity Centre and by including the Requirements to be met in the explanatory report as outlined in the Direction.
- 52.3. *Ministerial Direction 11: Strategic Assessment of Amendments* – the amendment has met the requirements of the direction by including the Requirements to be met in the explanatory report as outlined in the Direction.
- 52.4. *Ministerial Direction 15: the planning scheme amendment process* – the amendment has addressed the requirements of this direction and where timeframes have not been able to be met Council has sought and been granted exemptions by DELWP on behalf of the Minister for Planning.

Planning Practice Notes

- 53. The amendment has been prepared with regard to the following Planning Practice Notes (PPN):
 - 53.1. *PPN01: Applying the Heritage Overlay* – the amendment seeks to ensure that places of local heritage significance are appropriately protected by updating their HO schedule entries and incorporating Statements of Significance into the Planning Scheme.
 - 53.2. *PPN13: Incorporated and background documents* – the amendment deleted a redundant incorporated document and incorporated statements of significance for places of local heritage significance in the Cranbourne MAC.
 - 53.3. *PPN17: Urban Design Frameworks* – the Casey Complex UDF has been prepared using the guidance of this PPN.
 - 53.4. *PPN22: Using the Car Parking Provisions* – the parking overlay proposed as part of the amendment has been prepared using the guidance of this PPN.
 - 53.5. *PPN30: Potentially Contaminated Land* – the amendment does not propose to rezone any potentially contaminated land, however the initial application of the ACZ1 adopted the precautionary principal whereby the EAO was applied to sites which were previously included in an Industrial Zone and may now be developed with sensitive uses. These provisions are being retained through C275case.
 - 53.6. *PPN46: Strategic Assessment Guidelines* – the Explanatory Report for the

amendment include an evaluation and discussion against the Strategic Assessment Guidelines.

- 53.7. *PPN56: Activity Centre Zone* – the proposed ACZ1 has been prepared with the guidance of this PPN by implementing the associated structure plan (the 2020 Structure Plan) and adopting a clearly defined activity centre boundary. The proposed ACZ1 contains a framework plan and statement of the activity centre land use and development objectives to be achieved, as well as centre-wide and precinct provisions. Where appropriate additional planning controls have been avoided and incorporated into the proposed ACZ1; car parking, significant environmental features and heritage places continue to be managed through specific overlays in accordance with the guidance in PPN56.
- 53.8. *PPN57: The Parking Overlay* – the PO proposed has been prepared with the guidance of this PPN by identifying that Column B (lower) rates will apply across the whole Cranbourne MAC and including parking objectives to be achieved.
- 53.9. *PPN58: Structure Planning for Activity Centres* – the 2020 Structure Plan (and the earlier 2018 Structure Plan) has been prepared with the guidance of this PPN by adopting the structure planning process outlined and implementing it through amendment C275case.
- 53.10. *PPN59: the Role of Mandatory Provisions in Planning Schemes* – the amendment has been prepared with the guidance of this PPN. The proposed ACZ1 includes largely performance-based provisions (which is preferred in PPN60) with mandatory provisions only included where required.
- 53.11. *PPN60: Height and Setback Controls for Activity Centres* – the ACZ1 has been prepared with the guidance of this PPN by proposing discretionary height and setback controls across the Cranbourne MAC which is identified as the preferred form of controls.
- 53.12. *PPN74: Making planning documents available to the public* – documents associated with the amendment have been made publicly available as required by the *Planning and Environment Act 1987* using the guidance of this PPN.
- 53.13. *PPN77: Pre-setting panel hearing dates* – Council pre-set Panel Hearing dates using the guidance of this PPN.
- 53.14. *PPN94: Land use and transport integration* – the amendment was prepared prior to this PPN being published however it is generally consistent with the guidance provided.

Planning Policy Framework

54. The gives effect to and implements the following policies contained in the Planning Policy Framework (PPF):

- 54.1. Clause 11.01-1R (Settlement – Metropolitan Melbourne) by seeking to create a vibrant and active major activity centre which supports the role and function of surrounding Metropolitan Activity Centres and neighbourhood and local centres.
- 54.2. Clause 11.02-2S (Structure planning) by implementing the Cranbourne Major Activity Centre Structure Plan 2020 which was prepared as part of a comprehensive structure planning process.
- 54.3. Clause 11.03-1R (Activity centres – Metropolitan Melbourne) by attempting to attract and facilitate the establishment of a broad range of uses to service the needs of the local and regional community.
- 54.4. Clause 15.01-1R (Urban design – Metropolitan Melbourne) by encouraging the creation of well-designed, liveable places and spaces.
- 54.5. Clause 15.01-2S (Building design) by encouraging well-designed contemporary buildings and seeking to explore innovative building design practice.
- 54.6. Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne) by applying 20-minute neighbourhood principles and seeking to facilitate development and projects which improve and prioritise active and public transport
- 54.7. Clause 15.02-1S (Energy and resource efficiency) by inserting environmentally sustainable design requirements and encouraging vegetation and tree planting in new development to improve energy efficiency and reduce the urban heat island effect.
- 54.8. Clause 15.03-1S (Heritage conservation) by inserting permanent controls for existing places of local heritage significance to ensure they are appropriately protected.
- 54.9. Clause 16.01-1R (Housing supply – Metropolitan Melbourne) by creating opportunities for new housing and mixed-use development in a major activity centre.
- 54.10. Clause 16.01-2S (Housing affordability) by encouraging a greater diversity of dwelling types at higher densities and seeking to facilitate the delivery of

affordable housing.

- 54.11. Clause 17.01-1R (Diversified economy – Metropolitan Melbourne) by seeking to encourage and facilitate investment in an outer suburban area of Melbourne to improve local access to a range of employment and investment opportunities.
- 54.12. Clause 17.02-1S (Business) by encouraging a diverse range of uses in the Cranbourne Major Activity Centre with an emphasis on commercial employment-generating uses.
- 54.13. Clause 17.03-2S (Sustainable industry) by requiring appropriate separation of uses which may have an adverse amenity impact on more-sensitive uses.
- 54.14. Clause 18.01-1S (Land use and transport integration) by seeking to sustainably integrate transport and land use.
- 54.15. Clause 18.01-2S (Transport system) by considering all modes of transport in providing access to new development, particularly sustainable modes.
- 54.16. Clause 18.01-3R (Sustainable and safe transport – Metropolitan Melbourne) by requiring the consideration of pedestrian and cycle access to new development and ensuring sustainable modes are prioritised in public infrastructure upgrades in order to support 20 minute neighbourhood principles.
- 54.17. Clause 18.02-1S (Walking) by encouraging development which will make the Cranbourne MAC a more attractive and safe place to walk and requiring the consideration of pedestrian access in new development.
- 54.18. Clause 18.02-2R (Cycling) by encouraging development which will make the Cranbourne MAC a more attractive and safe place to cycle and requiring the consideration of cycle access and facilities in new development.
- 54.19. Clause 18.02-3S (Public transport) by ensuring new development near Cranbourne Railway Station considers access (particularly by means of active transport) to the station.
- 54.20. Clause 18.02-3R (Principal Public Transport Network) by advocating for the expansion of and seeking to maximise the use of the Principal Public Transport Network by applying Column B parking rates across the whole Cranbourne Major Activity Centre to encourage a mode-shift away from private vehicles.
- 54.21. Clause 18.02-4S (Roads) by identifying areas where active and public transport users are prioritised in and around roads to improve safety and perceptions of safety.
- 54.22. Clause 19.02-4S (Social and cultural infrastructure) by understanding the

demands for social and cultural infrastructure and balancing community and commercial space through the Cranbourne Major Activity Centre.

Local Planning Policy Framework

55. The amendment implements the Municipal Strategic Statement by updating the planning framework for the Cranbourne Major Activity Centre and specifically addressing policy and direction contained in:
- 55.1. Clause 21.02 (Key Issues and Strategic Vision) by seeking to facilitate the development of more diverse housing to suit the changing needs of the community, a greater diversity of employment-generating uses to create a more sustainable economy, improving access to and encouraging the up-take of more-sustainable modes of transport, encouraging quality development and adequately protecting places of local heritage significance.
 - 55.2. Clause 21.03 (Settlement and Housing) by consolidating the role of the Cranbourne Major Activity Centre.
 - 55.3. Clause 21.03 (Economic Development) by seeking to realise the potential of the Cranbourne Major Activity Centre as a regionally significant centre and maximising its future capacity.
 - 55.4. Clause 21.07 (Built Environment) by encouraging the development of the Cranbourne Major Activity Centre to become a more active, attractive and safe place for the community to live, work and recreate.
 - 55.5. Clause 21.15 (Cranbourne) by maintaining the role of the Cranbourne Major Activity Centre in its current role and aspiration to become a Metropolitan Activity Centre.
 - 55.6. Clause 21.16 (Cranbourne East) by encouraging and reinforcing the role of the Casey Complex as a significant leisure, recreation and education precinct and facilitating other complementary uses.
56. The amendment also addresses the following policy contained in the Local Planning Policy Framework:
- 56.1. Clause 22.01 (Activity Centres Policy) by seeking to increase the number of non-retail jobs, encouraging a broader range of uses which support the establishment of a night-time economy and improving the image, amenity and perceptions of

safety in the Cranbourne Major Activity Centre.

- 56.2. Clause 22.02 (Non-Residential Uses in Residential and Future Residential Areas Policy) by encouraging non-residential uses to locate in mixed-use commercial core, employment and services and Casey Complex and surrounds precincts and not in the residential intensification precinct.
- 56.3. Clause 22.03 (Industrial Development Policy) by seeking to facilitate appropriate and diverse industrial/employment-generating uses in the employment and services precinct and discouraging heavy industry and uses with adverse off-site amenity impacts to locate within the Cranbourne Major Activity Centre.

Strategic Assessment Guidelines

- 57. The amendment has been assessed against the Strategic Assessment Guidelines in-line with MD11 and PPN46. The assessment is contained in the Explanatory Report for the amendment which is included in Attachment K.

State Planning Policy

- 58. Plan Melbourne: 2017-2050 (Plan Melbourne) is the State Government's long-term plan to ensure Melbourne grows more sustainable, productive and liveable. The plan seeks to address challenges and create opportunities in terms of managing population growth, growing the economy, creating affordable and accessible housing, improving transport, responding to climate change and connective communities.
- 59. Plan Melbourne identified the Cranbourne MAC as a "Major Activity Centre". Major Activity Centres are "suburban centres that provide access to a wide range of goods and services. They have different attributes and provide different functions, with some serving larger subregional catchments. Plan Melbourne identified 121 major activity centres".
- 60. Plan Melbourne is comprised of: "9 principles that underpin a long-term vision for Melbourne", "7 outcomes to drive Melbourne as a competitive liveable and sustainable city", "32 directions setting out how these outcomes can be achieved" and "90 policies outlining how each outcome will be approached, delivered and achieved."
- 61. The policy and objectives contained in the 2020 Structure Plan is consistent-with and seeks to deliver on the outcomes, directions and policies in Plan Melbourne, particularly

those which focus on the provision of jobs, services and infrastructure close to where people live, to facilitate 20min neighbourhoods, improvements to transport infrastructure, housing affordability and environmental sustainability and resilience.

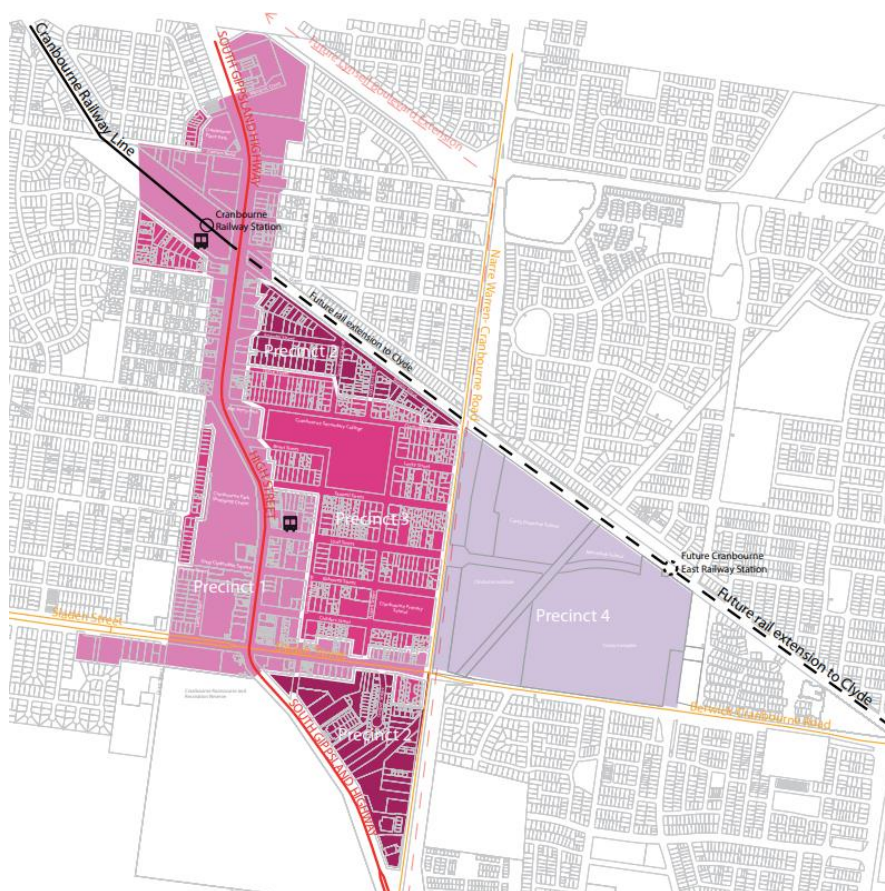
62. The *South East Growth Corridor Plan, 2012* is a high level integrated land use and transport plan which provides a strategy for the development of Melbourne’s growth corridors over a 30-40 year timeframe. While the Cranbourne MAC is not located within the growth areas, it is identified as an important higher-order activity centre⁵ that will service part of the south east growth corridor.

Local Planning Policy

63. The *Cranbourne Major Activity Centre Structure Plan 2020* (Attachment K) is a minor update of 2018 Structure Plan (Attachment G) improving the clarity of maps, terminology and simplifying some of the content such as the objectives/guidelines throughout the document. The 2020 Structure Plan includes overarching principles for the growth and development of the Cranbourne MC and employs a centre-wide thematic approach as well as providing more precinct-specific objectives and guidelines. It sets the vision for the Cranbourne MAC being “...a centre of choice, establishing itself as a regionally significant urban and civic destination. Innovation and growth are at the heart of providing a diversity of jobs, entertainment, transport, services, places and spaces which meet the needs of residents and the wider community set within a landscaped environment that draws inspiration from the local area.”
64. The three overarching principles – being Resilience, Activity and Sustainability – were developed following consultation with the community, stakeholders and analysis of technical reports and background information. These Principles were consistently raised as priorities and/or aspirations for how the Cranbourne MAC should grow and change over time. The intent of these principles is evident throughout the ACZ1 which seeks to ensure that the Cranbourne MAC develop with these principles in mind.

⁵ The South East Growth Corridor Plan identified the Cranbourne MAC as a “Principal Activity Centre” which is in an out-dated reference from an older version of the State’s metropolitan planning strategy.

65. The thematic approach has been drawn from the background research prepared to inform the structure plan. Each of the five themes – being Culture and Heritage, Access and Movement, Open Space, Services and Land Use and Built Form – have a corresponding goal, which acts almost as a thematic vision, for how the Cranbourne MAC will grow and change over time. The themes identified have informed the centre-wide objectives (predominantly) and other policy content in the proposed ACZ1.
66. The 2020 Structure Plan includes 4 distinct precincts for the Cranbourne MAC – refer to Map 5 below. Precinct 1 is the Mixed-Use Commercial Core, Precinct 2 is split across two areas of light-industrial/employment land towards the north and south of the centre and is the Employment and Services Precinct, Precinct 3 is the Residential Intensification Precinct located primarily in the area between the High Street and Casey Complex, with smaller pockets along the western periphery of the centre and Precinct 4 is the Casey Complex and Surrounds. The precinct-specific section of the 2020 Structure Plan has largely been translated into section 5 of the proposed ACZ1.



Map 5 Cranbourne MAC Precincts

67. The 2020 Structure Plan includes an indicative implementation program with statutory and non-statutory implementation actions. Amendment C275case covers the key

statutory implementation action by proposing a new suite of planning controls for the Cranbourne MAC. Key actions Council is actively working on include advocacy for an improved bus interchange at Lyall Street together with active transport improvements, preliminary work with DoT on the High Street streetscape improvements, applying for grant funding to make improvements to Greg Clydesdale Square and investigating an appropriate location and composition of additional community infrastructure. Council continues to advocate for improved public transport services in and around Cranbourne, particularly for the extension the Cranbourne Railway Line to Clyde.

68. The Casey Complex Urban Design Framework, 2019 (the UDF) (Attachment P) was completed as an action of the 2020 Structure Plan. It provides an integrated design vision for the desired future development of the Casey Complex. Unlike a masterplan, which provides a final vision for how an area is developed, the UDF provides flexibility by identifying key design/development principles, rather than finite solutions, which allows for the economic and functional viability of development or project proposals to be tested.
69. The Activity Centre Strategy, 2020 (ACS) (Attachment Q) includes an overarching goal “to provide a diverse range of non-residential uses in Casey primarily located within a network of vibrant activity centres, which are thriving economic and social hubs offering convenient access to goods, services, facilities, jobs and housing”. The strategy sets a hierarchy, consistent with Plan Melbourne: 2017-2050 and also identifies the Cranbourne MAC as an Aspirational Metropolitan Activity Centre.
70. The ACS includes 16 objectives which are arranged into three thematic chapters which are: a city-wide network of activity centres, activity centres are the economic engines of Casey and activity centres are great places for people. It provides overarching objectives and strategies for the development of activity centres throughout Casey and notes activity centre structure plans will provide a greater level of and more appropriate detail for any given location. The economic assessment underpinning the ACS was prepared in conjunction with the Cranbourne-specific economic assessment by SGS consultants.

Submissions

Consideration of issues raised in submissions

- 71. Council considered submissions and provided its position on each submission at its meeting on 15 March 2022 – refer to Attachment M.
- 72. Council is not proposing any changes to the amendment in response to submissions.
- 73. At the time of preparing this submission Council is not aware of any submitter requesting to be heard by the Panel and as such this submission does not address any additional information or submissions which may have been provided to the Panel since issuing its directions.

Matters raised by the Panel to be addressed

- 74. Following a Directions Hearing on 8 April 2022 the Panel directed Council to include the following information in its submission.

Background to the Amendment including chronology of events

- 75. A chronology of events and background to the Amendment has been provided in the “**Error! Reference source not found.**” section of this submission from paragraphs 46 to 49.

Strategic context and assessment

- 76. Paragraphs 20 to 49 in the “Background to the amendment” section of this submission includes a summary of relevant historic and recent amendments. Council has been working with DELWP to prepare a translation of the Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) of the Casey Planning Scheme into the new Planning Policy Framework (PPF) format which was introduced by VC148. It is anticipated that this amendment will be presented to Council in August 2022 to seek the authorisation of the Minister for Planning to prepare and subsequently exhibit proposed amendment C284case. C284case will constitute a complete re-write of the local policy aspects of the PPF by implementing a number of policies adopted by Council over the last few years into the Casey Planning Scheme.
- 77. As outlined at paragraph 45, the interim heritage controls introduced through C278case will expire on 30 June 2022. In consultation with DELWP, Council is progressing a prescribed amendment to extend this expiry date to 30 March 2022.

78. C275case did not intend to make any changes to the MSS or LPPF when originally drafted as it was intended C284case would cover this in translating the Casey Planning Scheme in response to VC148. Prior to being exhibited, duplicate and inconsistent information was removed from clauses 21.15 Cranbourne and 21.16 Cranbourne East in response to a condition of authorisation as it appeared it would still be some time before amendment C284case would progress. It was assumed C275case would be gazetted in advance of C284 case.
79. Council responded to all conditions of authorisation prior to the exhibition of amendment C275case in consultation with officers from DELWP. The Minister's letter of authorisation has been included as Attachment J. The exhibited amendment addressed all the Minister's conditions of authorisation.
- 79.1. In response to Condition 1, Council updated the explanatory report in consultation with officers from DELWP who were satisfied with the changes.
- 79.2. In response to Condition 2, Council deleted duplicate and inconsistent information from clause 21.15 Cranbourne and clause 21.16 Cranbourne East. All changes made to clauses 21.15 and 21.16 were in response to this condition of authorisation.
- 79.3. In response to Condition 3A, Council modified the additional building height criteria at section 5 of the proposed ACZ1 and added corresponding application requirements and decision guidelines at part 6 and 8 of the schedule respectively. In coming up with this solution, Council advised DELWP that the proposed ACZ1 includes preferred maximum building heights throughout the schedule which provides a level of certainty to the local community about the type of development which would be expected. While also discretionary, the defining particular circumstances where an application may exceed the preferred maximum building height provide some certainty that a building which exceeds the preferred heights specified is making a positive contribution in some way. The three criteria identified are:
- 79.3.1. Making a contribution to affordable housing, which would result in a net community benefit. A quantum of housing/contribution was purposefully not specified as research completed while preparing the *Casey Affordable Housing Strategy, 2020* suggested taking a flexible approach to contributions allowing a case-by-case assessment rather than having

a set requirement.

- 79.3.2. Allowing development to exceed the preferred maximum height criteria where the additional height supports the centre-wide objectives in the proposed ACZ1 and it does not having a greater overall amenity impact than a development which were to comply with the preferred maximum height criteria. This supports the potential for more substantial and integrated developments on larger strategic sites while still protecting the amenity of surrounding land.
- 79.3.3. Encouraging development which exhibits innovation and exemplary environmentally sustainable development (ESD) principles, beyond that which would otherwise be expected. While the proposed ACZ1 introduces ESD application requirements – these provisions will expire once replaced with an equivalent VPP or local policy – the intent of the exemplary ESD criteria is to encourage innovative building technologies/practice, including those which may not exist yet. The corresponding application requirements and decision guidelines also provide flexibility, with the primary purpose being an application must demonstrate how it is achieving a greater outcome that what would otherwise be expected. This provides greater longevity to this aspect of the proposed ACZ1 as a planning control as it does not refer back to a particular measure or requirement which may become outdated as building technology develops. This is one aspect of the proposed ACZ1 which is drawn from the overarching “resilience” and “sustainability” principles of the 2020 Structure Plan.
- 79.4. The Cranbourne MAC does not have a particular built-form character or type which Council seeks to preserve or maintain, rather the purpose of the ACZ1 is to establish a contemporary character of well-designed higher built form consistent with the scale and structure of the centre. The controls are discretionary which is consistent with PPN56, PPN59 and PPN60.
- 79.5. Council and DELWP officers had met to discuss how to best address condition 3A. DELWP subsequently wrote to Council on 15 October 2021 (refer to Attachment R) confirming their acceptance of the merits of the provisions proposed being tested through the PSA process.

- 79.6. In response to Condition 3B Council deleted reference to external documents from the ACZ1.
- 79.7. In response to Condition 3C Council reviewed the structure of the built form requirements tables for each precinct in the section 5 of ACZ1 to ensure they are easier to understand.
- 79.8. In response to Condition 4 Council made the change requested so that HO208 refers to the “Avenue of Honour”.
- 79.9. In response to Condition 5 Council prepared individual incorporated documents for each statement of significance – these were originally combined into one document for ease of transmission when the request for authorisation was made.
- 79.10. In response to Condition 6 Council made the changes requested to the schedule to clause 43.01.
- 79.11. In response to Condition 7 Council edited the map in the schedule to clause 53.01.

Overview of studies or strategic documents that have informed the amendment

- 80. An overview of strategic documents that have informed the amendment has been included at paragraphs 33 and 50 to 70.
- 81. An overview of the technical studies which informed the preparation of the 2018 Structure Plan is provided in the Cranbourne Town Centre Background Paper included as Attachment F.

Council’s final position on the amendment

- 82. Council does not propose any changes to the exhibited amendment.

Conclusion

83. Amendment C275case has progressed through the PSA process with submissions now being considered by a Planning Panel. Five submissions were received in response to the exhibition of the amendment, with three of those submissions opposing the amendment. Council has not proposed any changes to the amendment in response to submissions.
84. At the time of preparing this submission Council is unaware of any additional submissions which may have been made by submitters.
85. The Cranbourne MAC does and will continue to play a significant role within Casey's network of activity centres, providing, jobs, services and entertainment to a broad catchment. Amendment C275case is the culmination of a significant body of strategic work which seeks to implement a planning framework which will support the Cranbourne MAC to be an active, attractive and safe place for people to live, work and socialise. The amendment will ensure the Cranbourne MAC continues to grow and evolve into a sustainable and contemporary centre of choice for the Casey community.
86. Council commends the amendment to the Panel.

Attachments

Attachment A – Cranbourne Town Centre Economic Assessment, SGS Economics and Planning, 2017.

This document has been provided separately to reduce the file size.

**Attachment B – Cranbourne Town Centre Residential Demand Assessment, SGS
Economics and Planning, 2017.**

This document has been provided separately to reduce the file size.

Attachment C – Cranbourne Town Centre Movement and Access Strategy, GTA Consultants, 2017.

This document has been provided separately to reduce the file size.

**Attachment D – Cranbourne Town Centre Open Space Demand Assessment,
Thompson Berrill Landscape Design, 2017.**

This document has been provided separately to reduce the file size.

Attachment E – Cranbourne Town Centre Background Paper, City of Casey, 2017.

This document has been provided separately to reduce the file size.

Attachment F – Cranbourne Town Centre: Open Space Analysis, City of Casey, 2020.

This document has been provided separately to reduce the file size.

Attachment G – Cranbourne Town Centre Structure Plan, City of Casey, 2018.

This document has been provided separately to reduce the file size.

Attachment H – Cranbourne Town Centre Heritage Overlays Review, Plan Heritage, 2020.

This document has been provided separately to reduce the file size.

Attachment I – 15 September Closed Council report, attachments and minutes (request 20(4) C278case).

This document has been provided separately to reduce the file size.

Attachment J – 15 December 2020 Council report, attachments and minutes (request authorisation and subsequently exhibit C275case).

This document has been provided separately to reduce the file size.

Attachment K – Cranbourne Major Activity Centre Structure Plan, City of Casey, 2020.

This document has been provided separately to reduce the file size.

Attachment L – C275case Authorisation Letter.

This document has been provided separately to reduce the file size.

Attachment M – C275case Exhibited Explanatory Report.

This document has been provided separately to reduce the file size.

Attachment N – C275case Exhibited Amendment.

This document has been provided separately to reduce the file size.

Attachment O – 15 March 2022 Council report, attachments and minutes (consider submissions and request Panel).

This document has been provided separately to reduce the file size.

Attachment P – Casey Complex Urban Design Framework, City of Casey 2019.

This document has been provided separately to reduce the file size.

Attachment Q – Activity Centre Strategy, City of Casey, 2020.

This document has been provided separately to reduce the file size.

Attachment R – October 2021 letter from DELWP (confirmation C275case is authorised).

This document has been provided separately to reduce the file size.

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