

FURTHER DIRECTION – 1 November 2019

As discussed at the end of Day 4 on 31 October 2019, the Panel provides the following Directions for Council to respond to as part of its Part C closing submissions on Day 5, Thursday 7 November 2019.

The Panel notes its role is to provide advice on the Amendment to the Planning Authority on whether it should be adopted, adopted with modification or abandoned. It must provide reasons for its findings. If adopted subject to modification, its findings and recommendations must not result in what could be interpreted as a transformation.

Accepting that Council will respond to issues raised in submissions and evidence in its closing, the Panel directs that Council:

- Explain why it undertook a Retail Strategy rather than a broad-based Activity Centre Strategy
- Explain the further changes to the Retail Strategy it believes are necessary to make it suitable to be included in the Scheme as a reference document.
- Review the proposed shop floor space caps and provide a statement of benefits that might accrue to the retail centre, investors, communities and Council in having such caps.
- Review Clause 21.19 to address the submitted anomalies raised about the requirement for an EIA in various scenarios involving permits for 'use' and for 'buildings and works'.
- Review Clauses 21.19 and 22.03 in light of the issues raised in submissions and evidence. In particular, the issues raised about preparation of an EIA for low impact proposals and an EIS and NCB analyses for high impact proposals.
- Indicate how it intends to address the issue of 'no impact' proposals
- Provide commentary on proposed changes to the Retail Strategy and how these might be reconciled through this Amendment process. This includes commentary and any updates to the population forecasts, particularly for the Ocean Grove 'sub-region', the submitted anomalies in the transition from Tables 18 to 19, a revised Figure 14 and how it will address the submitted anomaly between this figure and the text immediate preceding it.
- In light of submissions and evidence, any recommended changes to the boundaries of the Leopold and Waurin Ponds sub-regional centres.
- Whether the Retail Strategy and associated Planning controls should be peer reviewed.
- Review the [VCAT Danahar v Whittlesea City Council \[2019\] decision](#) and advise if it has any implications for progression of this Amendment.

Kathy Mitchell, Panel Chair