

GREATER GEELONG PLANNING STRUCTURE Am C395

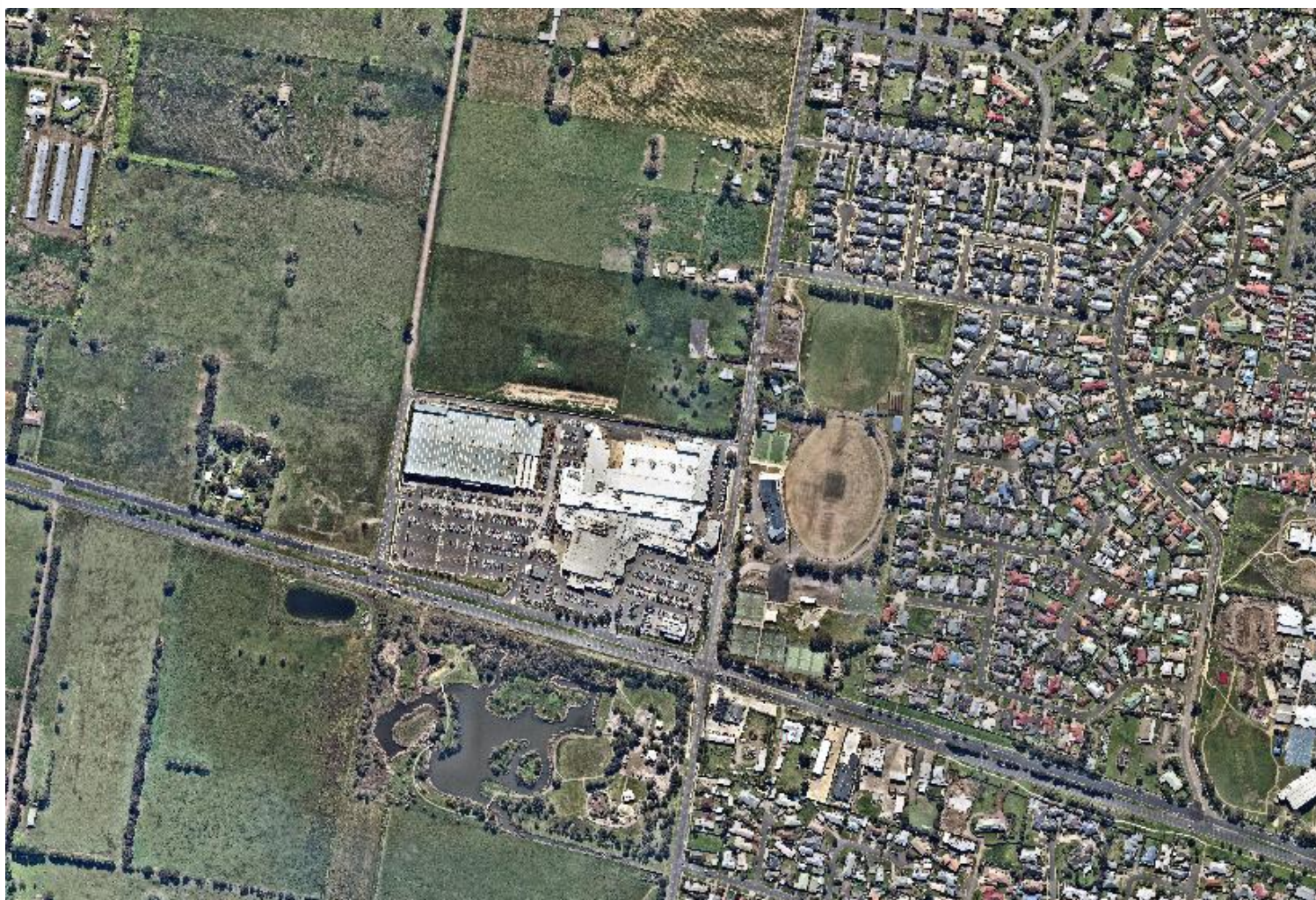
Leopold activity centre and surrounds

Submitted on behalf of Leopold Commercial Pty Ltd

bmda⁺
Development Advisory

PLANNING REPORT

March 2020



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1 INTRODUCTION

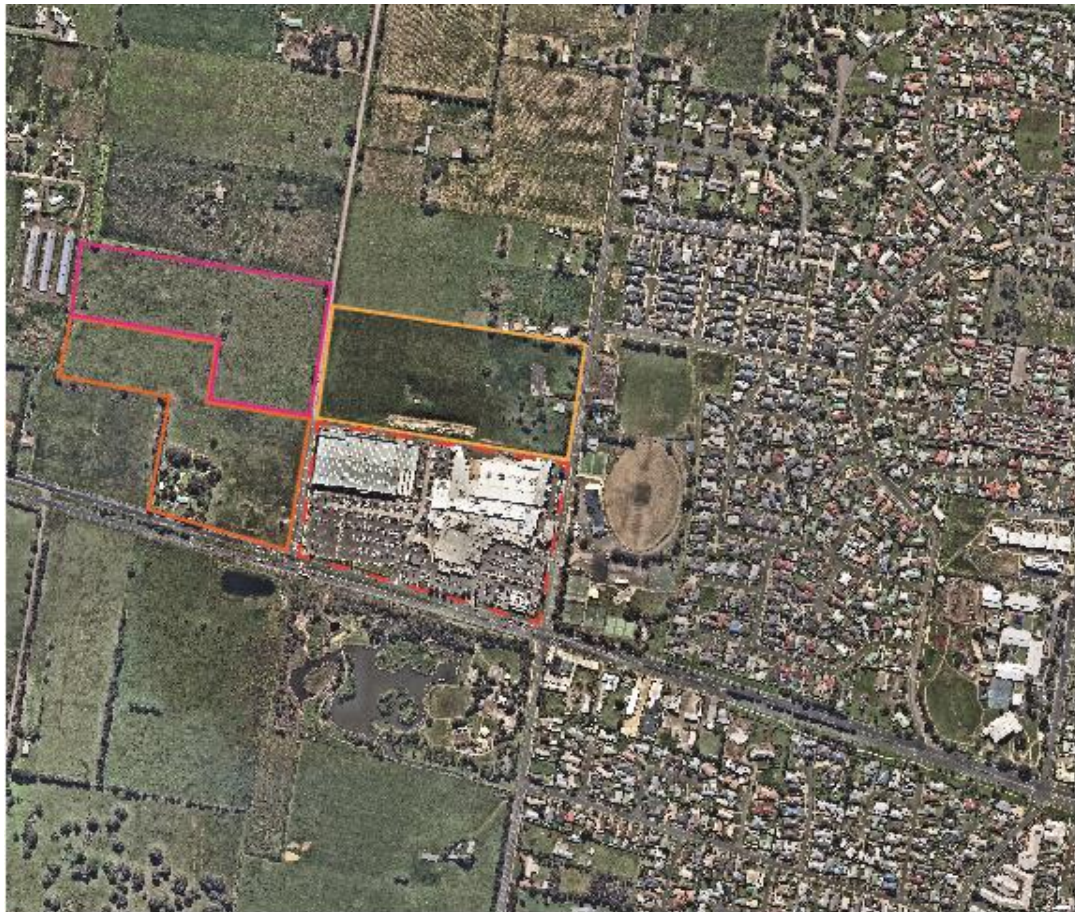
1. I have been requested by Leopold Commercial Pty Ltd to provide town planning assessment of the impacts of proposed Greater Geelong Planning Scheme Amendment C395 the company's land at
 - 601 Bellarine Highway, Leopold, immediately west of the Bellarine Gateway Plaza
 - 21-39 Clifton Avenue a land parcel which abuts No. 601 to its north.

In doing so, I have also addressed needed to address land within, and adjoining the sub-regional activity centre immediately opposite in Clifton Avenue:

- Bellarine Gateway Plaza Sub-regional Shopping Centre at 621-639 and 641-659 Bellarine Highway; and land to the north
 - 92 Melaluka Road Leopold
2. In preparing my evidence, I state that I also provided evidence for Lascorp on the impacts of proposed Greater Geelong Planning Scheme Amendment C393 (Retail Strategy) on the same land. I also provided evidence in regard to the introduction of policies under Am C254 in 2012. I have attached my recent evidence in the AM 393 hearing as an appendix (Appendix 2).

2 LEOPOLD, 601 BELLARINE HIGHWAY ('THE SITE') AND SURROUNDS

3. The Site and Surrounds: 601 Bellarine Highway, Leopold: is situated on the north-western corner of Bellarine Highway and Clifton Avenue. The land is in rural form. A single lot of 6.3 hectares, with a frontage to the Bellarine Highway of about 217 metres and a depth of 210 metres, irregularly shaped with a 'pan handle' section extending in the north-west (*shaded orange in Figure 1*).
4. 21-39 Clifton Avenue, Leopold is situated tot the north of No.601. It has an area of 6.2ha. with a frontage of 201 metres to Clifton Avenue and east-west depth of 385metrs approx.
5. Bellarine Gateway Shopping Centre, 621-659 Bellarine Highway: Occupies the Highway frontage between Clifton Avenue and Melaluka Road. A subregional shopping centre, which includes Coles, Kmart, Aldi, and shops, with a separated, large Bunning store close to Clifton Avenue.
6. 92 Melaluka Road: The other relevant property is a vacant site of 6.6ha which sits to the north. This lot has been identified in Council strategic plans as the preferred expansion site for principally bulky goods retail store since 2011.



-  Gateway Plaza Leopold
-  601 Bellarine Highway
-  92 Melaluka Road
-  21-39 Clifton Avenue

Figure 1. Aerial map of Leopold (amended Nearmap, 2019).

3 SUMMARY OF OPINION

3.1 RECOMMENDED CHANGES

7. Cl. 21.14 should be amended as:

8. Cl. 21.14-3 Strategies under the sub-heading, Leopold, Dot Point 5: Replace with,

Encourage the northerly and westerly expansion of the Sub-Regional Activity Centre to provide for additional retail, commercial, service and residential uses to complement the existing centre and community facilities, together with enhancements in appearance and functionality.

9. Cl. 21.14-4 Implementation, Applying Zones and overlay, Leopold: Replace second point with,

Review Leopold Structure Plan map to include a section of land, west of Clifton Avenue (601 Bellarine Highway) within a Commercial 1 Zone and lots to the north of 621-659 Bellarine Highway in a commercial zone and overlay controls as required.

10. Cl. 21.14-4 'Further work': Include an additional sentence:

Review the Leopold Structure Plan to allow for western and northern land extensions for commercial and residential expansion.

These changes are consistent with and expand on my evidence provided to the Panel hearing for Am C393 (and generally with the recommendations contained in the Panel Report, dated 3 February 2020).

4.2 OVERLAYS

16. No overlays apply the Site, but shopping centre site to the east 621-659 Bellarine Highway and the lot to the north 92 Melaluka Road are covered by a DPO30.

17. Bushfire controls also apply.



Figure 3: Bellarine Gateway Plaza Development Plan Overlay 30 (Greater Geelong Planning Scheme 2019).

18. Design Plan Overlay (DPO)

19. The purpose of the Design Plan Overlay is:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.'*

20. Design Plan Overlay – Schedule 30 (DPO30) indicates the site is located within the *Leopold Sub-Regional Activity Centre*. The schedule ensure development occurs in accordance with the objectives of the *Leopold Sub-Regional Activity Centre Urban Design Framework 2011*.

21. Conditions and requirements for permits includes:

- *'A new signalised intersection at Clifton Avenue and Bellarine Highway;*
- *Upgrades to Melaluka Road and Clifton Avenue adjoining the site;*
- *Construction of the new central east-west street and the northern service road;*
- *Extensions and improvements to the existing, off-site footpath and shared pathway network; and*
- *Off-site stormwater management systems.'*

22. These works, for all intents and purposes are in place.

23. Requirements for development plan includes:

- An overall **Urban Design Masterplan** which includes:
 - i) The total amount of "shop" leasable floor space (other than restricted retail premises) limited to a total of 35,000 square metres within the area covered by this overlay including: no more than 30,000 square metres shop on the existing and southern expansion site; and no more than 5,000 square metres of shop on the northern expansion site;
 - ii) A pedestrian based, main street treatment along Melaluka Road that is consistent for both the southern and northern expansion sites;
 - iii) Concept sketches and plans showing elevations of building frontages to all streets and public spaces, including:
 - A high standard of design treatment and activation of frontages to the public realm in particular Bellarine Highway and Melaluka Road;
 - High quality building design for the south west corner of the site as the western gateway to Leopold and the Bellarine Peninsula;
 - Avoidance of elevations that are blank and clad in a single material where they are visible from the public realm;
 - Elevations of significant size broken down through a combination of window openings, projections and recessions, and the use of different materials;
 - The use of awnings and shade canopies to provide pedestrian protection from inclement weather (excluding car park areas); and

– The use of public artwork in accordance with Council's Public Art Strategy.

- A Traffic Management Plan;
- A detailed Flooding, Stormwater and Drainage Management Plan;
- A Landscape Masterplan;
- An Economic Impact Assessment;
- A Staging Plan.

5 AMENDMENT Am C395 AS RELEVANT TO LEOPOLD

25. Amendment Am C395 seeks to implement the City of Greater Geelong Settlement Strategy (2018) and the Northern and Western Geelong Growth Areas Framework Plan (2019) into the Planning Scheme. However, no changes are proposed over the Leopold activity centre and surrounds.

26. Changes proposed in the exhibited amendment include Cl. 21.14 The Bellarine Peninsula to implement the Settlement Strategy.

27. Relevant Strategies include:

This change is a result of the Settlement Strategy which seeks to reduce the share of regional residential growth directed towards the Bellarine Peninsula.

28. No change in wording for Leopold: the application of Cl. 21.14 to Leopold (Bellarine Gateway Centre and 601 Bellarine Highway) is not amended by Am C395. However, there are implications that have arisen from the proposed retail centre strategy under Am C393, and now because of the recommendations of the AmC393 Panel.

29. Under Cl. 21.14-3 Strategies, the wording for Leopold under the settlement policy applying to the Leopold Sub-Regional Retail Activity Centre would continue as:

- *Support Leopold as a Sub-Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold's residents.*
- *Ensure the retention of Leopold as an urban island – supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.*
- *Support increased housing densities around the Sub-Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities and enhances its appearance and functionality.*
- *Encourage the northerly expansion of the Sub-Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities, and enhances its appearance and functionality.*

30. Under Cl. 21.14-4 Implementation, Applying Zones and overlays, Leopold the words would remain as:

- *Apply the General Residential Zone Schedule 1 and the Development Plan Overlay to land designated for future residential growth shown on the Leopold Structure Plan map included in this clause.*
- *Apply a combination of commercial zones, a Design and Development Overlay and a Development Plan Overlay to facilitate the expansion of the Leopold Sub-Regional Retail Activity Centre.*

AmC395 does not alter the strategic policy wording covering Leopold, nor does it propose any actual changes to the zones.

31. The land designated for future residential growth, to be rezoned to General Residential Zone plus a Development Plan Overlay is located 1-1.5 kms south of Bellarine Highway.
32. For expansion of the Sub-Regional Retail Activity Centre, the land immediately north of the Gateway (92 Melaluka Road) is proposed to be rezoned Commercial Zone plus be the subject of both a DDO and DPO.
33. The settlement boundary around Leopold is shown in Cl. 21.14-9 (Figure 11), unchanged.
34. In 'Further Work', I note the inclusion of
Review housing opportunities within townships to determine if localised housing intensification is provided.
35. Other provisions remain unchanged, including:
 - *Implement the Leopold Activity Centre Urban Design Framework, June 2011;*
 - *Undertake further assessment to this Clause (two areas of large lot subdivisions, (unrelated to the activity centre surrounds); and*
 - *Undertake a Flood Study to introduce controls over areas identified appropriate for Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).*
36. In summary, the Council's intention for the Leopold settlement remain unchanged from strategic planning work completed in 2011. I note that the process under AmC393, where (inter alia) some of the settlement issues for Leopold were examined, has overlapped with Am C395.



Figure 5. from Figure 11. GGPS Clause 21.14.9 – Leopold Structure Plan Map (and Am C395).

6 CITY OF GEELONG SETTLEMENT STRATEGY 2018 AS IT APPLIES TO LEOPOLD

37. The Purpose and Scope of the City of Greater Geelong Settlement Strategy 2018 (Strategy Strategy), states that the Strategy does not make specific recommendations for settlement boundaries for growth areas and townships. (Settlement Strategy 2018. P.15)
38. The Explanatory statement of Am C395 states that setting of these the boundaries is the purpose of the amendment. *The Amendment proposes to implement the City of Greater Geelong's Settlement Strategy (2018.)*
39. The Settlement Boundary for Leopold is unchanged under Am C395 (CI 21.14-9).
40. Combined with the Distinctive Area and Landscape Process – Bellarine Peninsula, the outcomes of Am C395 have far reaching implications.
41. Under the process as outlined in the Settlement Strategy, the determination of the settlement boundary in the Bellarine Peninsula *should be based on existing residential areas and strategic plans.* (Settlement Strategy 2018. P.75).
42. The Settlement Strategy set out a process that the authors expect to be followed in defining the settlement boundaries (*similar to the 'logical inclusions process for Melbourne's UGB*). The process would include:
- Establish assessment and decision criteria (enduring boundaries, servicing, land contiguous with existing urban areas.)
 - Confirming that the current district town boundaries are appropriate
 - A consultation and submissions process
 - Timing of land release as applicable
 - Independent oversight.
43. In the case of Leopold, (and in the absence of any recent work that I am aware of) the Am C395 process seeks to implement the settlement boundaries, based on the 2010-12 work which was approved in May 2013 as Am C254. (Leopold Structure Plan).
44. The Council's Part A Submission states when addressing the Bellarine Peninsula:
- support the district towns of Ocean Grove, Drysdale and Leopold to fulfil their role as service hubs for the Bellarine Peninsula. In all other townships provide retail, commercial and community uses and facilities that serve the daily needs of the community.*
- manage the release of new growth areas to efficiently deliver infrastructure, services and facilities (Council Part A, Para 137)*

45. The Council's part B submission states in relation to settlements on the Bellarine Peninsula,

36.4. contains growth within the existing settlements on the Bellarine Peninsula and maintain the significant landscape character of this area,

36.5. encourages the provisions of a diversity of housing types.

46. In the shift of growth objectives from the Bellarine Peninsula, the strategy seeks to move the designation of Leopold from a growth area to a 'district town' with the proportion of new housing going to the Peninsula to decrease over time. With the releases of the Armstrong Creek, the northern and the western growth areas this decrease will be achieved.

47. And with the new roles as 'district towns, the Council's approach will include planning tasks:

d. Review housing opportunities within townships to determine if further localised housing intensification can be achieved.

e. Ensure development reflects the preferred character of the townships. (Council Part B Para 62)

48. Housing opportunities: For Leopold, area, housing opportunities are identified. Areas in the south-eastern part of the township area are identified for additional housing. This housing area appears to be in the form of conventional lot development, being 2-3kms from the services and transport.

49. A further relevant statement is that the Council supports a change of wording from 'permanent settlement boundary' to 'long term settlement boundary'.

50. While the document reviews and comments on the Ocean Grove settlement boundary there does not appear to be a specific section on Leopold.

51. What I consider missing in the retention of the settlement boundary for Leopold (under CI 21.14-9) is any strategic review of the adopted position from 2013. This same, un-reviewed position applied to the land area designated for the Leopold sub-regional activity centre activity in the Am C393 Panel hearing. This position was held despite the evidence of the undesirable consequences that have resulted from the current activity centre settlement. The

52. I set out my position on the problems with the plan for the Leopold sub-regional activity centre in Section 7. I consider that the Leopold is a place in need of some 'remedial planning'.

53. *Housing diversity*: The other question I have relates to the how the objective to encourage a mix of housing types within townships might be achieved.

54. The Leopold plan in CI 21.14-9, as retained since 2013, does not provide any prospects of providing diverse and different (medium density) housing in any location that is 'walkable' and can be efficiently serviced.
55. I consider that the submissions and evidence provided on behalf of Leopold Commercial Pty Ltd and the recommendations of the Panel for Am C393 would have given rise to Council needing to review the settlement boundary which has stood for seven plus years.
56. A review should consider the:
- The case for including as part of the retail commercial section, the land for the Sub-regional activity centre to include a section of 601 Bellarine Highway.
 - Opportunities for land to the north and possibly north-west of the existing shopping centre site for commercial/service uses and for medium density residential use; and,
 - Examine the Biofilta drainage infrastructure report (table in Am C393) which would alter the land areas at risk of inundation.
57. On the drainage matter, my reading of the Biofilta evidence indicates that development of the land to the north of the existing shopping centre, and the land immediately west of Clifton Avenue would require drainage works to reduce the flood water inundation risk. The works as designed would deliver broader benefits that would reduce the risks across other sections of Leopold. An additional benefit is that the drainage works would reduce operational costs to Council, in its role as the drainage authority. The works would remove the need for the authority to pump the stormwater instead through re-grading for the water to flow naturally into the wetlands and to Reedy Lake.
58. I would expect that the outcomes from a review of the settlement boundary for Leopold to be positive. This position is reinforced by my view that these changes would be fully consistent with the altered role of Leopold as a 'district town'. I say this because:
- The areas added to the western boundary of Leopold would sit close to the main activity centre of the town, assisting to an extent its 'centrality'.
 - The extension of the town to the land immediately west and north would align better with practical use of land, being
 - (i) commercial to the Highway (served by the signalised Clifton Avenue intersection); and
 - (ii) residential/mixed use in the land to the north and north-west.
 - The availability of land for residential development abutting and close to the activity centre and public transport has obvious urban planning benefits.
 - The opportunities for medium density and 'village housing' located near to the activity centre would follow.
 - The non-urban break would be retained, through the retention of the Rural Living Zone land, which extends to Moolap, The Farming Zone land applying to parts of 601 Bellarine Highway and a section of 21-39 Clifton Avenue.

- When the Distinctive Area and Landscape legislation for Bellarine Highway comes into force, the boundary as finalised will be fixed for the *'long term'*.
59. What needs to be finalised is the assessment of the lands areas around the sub-regional activity centre to ensure that the 'the centre is
- 'broadened' in its role.
 - made 'walkable' through the surrounding the centre with a more diverse housing neighbourhood, and
 - achieves a more productive, self-contained business/services base.
60. These advantages are all achievable though a progressive, but policy supported approach the settlement boundary for Leopold.

7 PLANNING ASSESSMENT

61. In my Am C393 report, my conclusions about the application of the Retail Strategy and its relationship with the settlement boundary was that it would not deliver community benefits and superior land use planning outcomes.
62. These conclusions arose from my assessment on the development/non-development that has occurred on:
- the Shopping Centre Site,
 - at the Clifton Avenue interface
 - along Melaluka Road
 - on 92 Melaluka Road
63. For the shopping centre, the development of the Bunnings store on the retail core site has been sub-optimal, and in my view, has delivered an unintended outcome.

The competing objectives of a tight 'settlement boundary' with

- (i) the non-urban break commencing from Clifton Avenue; and
- (ii) the desire to strengthen and consolidate the Sub-regional retail centre,

has operated (in conflict) for over a decade. These policies have resulted in built, and unbuilt outcomes that are not to the benefit of the community.

The major Restricted Retail Premises building is now located on the nominated retail section of the Sub-regional centre, compromising longer term options. The northern area nominated for restricted retail premises remains vacant and is likely to remain so.

The Site at 601 Bellarine Highway remains vacant but subject to acceptance would probably have been developed for the Bunnings store, in a way that would not have threatened the non-urban break between Leopold and Moolap.

64. The Clifton Avenue interface is very different from the structure plan intention which prescribed a landscape buffer, closing it off from the land to the west. Instead, the signalised intersection at the Highway now provides the main access to the shopping centre. The Clifton Avenue frontage presents as a standard shopping centre car park.
65. The Melauka Road shopping centre has not been developed along the western side, as a 'main street'. Instead, shops are located, set back behind a landscape verge and a car park. The eastern side of Melauka Road is unchanged with the rear of Council sporting pavilions spread along the area.
66. No.92 Melaluka Road remains in an undeveloped state.

67. These developments and non-developments have resulted in a Leopold activity centre that is substantially different from the planning scheme vision. Given the situation, my view was (and remains) that Leopold would be a better centre if commercial uses are permitted on 601 Bellarine Highway with the northern lots used for a mix of denser housing and service uses. I attached my opinion of this options as Appendix 3.

68. In the Panel recommendation for AmC393, these findings were supported in general.

69. The Panel concluded on Leopold activity centre:

- *The location of Bunnings is not consistent with the planning policy outcomes for the Leopold centre.*
- *No clear evidence exists that there have been any significant steps towards developing Melaluka Road as a 'main street' and significant constraints exist.*
- *Locating future development to the north of the existing centre, to make the centre more walkable is not reason enough to preclude further investigation of development west of Clifton Avenue.*
- *An acceptable case has been made for a review of policy which supports the future direction of development of the centre.*

(Planning Panels Victoria, Greater Geelong Amendment C393 Panel Report, 31 January 2020, P31).

70. In this report, I have re-stated my views as to why changes to the Settlement boundary to include land in short walkable reach of the sub-regional activity centre land to the north, and west, would be beneficial for the development of Leopold as a whole. I recognise that, in plan form, this will result in a northern and western extension of the settlement boundary, but I consider this to be appropriate because:

- The Sub-regional activity centre is positioned on the western edge of the settlement boundary;
- Incorporation of the northern and western lands into the settlement boundary would deliver a broader-based activity centre with a mix of retail, commercial, and community uses, including medium density housing
- The extension would not remove the local planning policy that supports a non-urban break provided by the land areas to the west.

7.1 Leopold

71. The land use zones applying to the Leopold Township (and showing the areas identified for residential development is contained in Figure 2 (Figure 11 in GGPS Cl. 21.14.9)).

72. My view is that a shift to a western expansion of the Sub-Regional Retail Centre would produce better community outcomes.

73. I consider that benefits are likely to include increased prospects of business viability with the connected benefits of more retained retail expenditure, a more active and concentrated centre, and with a higher number of jobs.

74. A second and connected benefit is that lands directly north and north west of the activity centre would become available for service or residential uses; consistent with a range of urban planning policies (and specifically CI 21.14-3) and with the shift in recent years for housing to be a primary use within activity centres.

75. I reached this conclusion by addressing these questions/tasks:

- Have the planning policies and controls that have been applied to Leopold delivered a successful outcome for the community?
- Would the retention of the policy wording for Leopold as contained in the Greater Geelong Settlement Strategy (under Am C395) be a positive outcome for the Leopold activity centre (and for Leopold a whole)?
- Do the options threaten the 'Urban Island' policy position that applies to Leopold?
- What changes would I recommend that would deliver a better Leopold sub-regional activity centre?

7.2 Have the planning policies and controls applying to Leopold Sub-Regional Retail Centre delivered a successful outcome for the community?

76. At the independent panel hearings into Am C254 and Am C393, I provided planning evidence in support of the western expansion of the centre, onto the 601 Bellarine Highway. (This was consistent with Concept 2 (option) in the Leopold Sub-Regional Activity Centre Urban Design Framework 2010 prepared for Council (Beca)). In 2019, in assessing what has occurred since the western extension of the activity centre was not approved, I am convinced that the planning authority's decision (and what has since occurred) has produced an outcome which is not in the community's interest.

77. In 2012, the owners proposed a western expansion onto the shopping centre site to replace the old Stage 1 shops located in the north-eastern section of the shopping centre site with a discount department store, an extended mall and a second major supermarket, to be situated to the west. Combined with this would be a large hardware store to be located on 601 Bellarine Highway. The owners produced a 'master plan' which provided a plan for the shopping centre site, the northern lot and the western land (this is shown in Figure 3). (*CHC Architects proposed Leopold Sub-regional Activity Centre Plan 0752/CP500A 2012*).

78. The plan showed:

- Shopping Centre site: Retail and car parking, town square, cafes, F&B,
- Northern land: Mixed use, offices, medical, childcare, cinemas, a supermarket dwellings and trade outlets, other uses
- West (601 Bellarine Highway): Large Hardware, 13,000sqm.

79. In Am C254, the Council supported a centre layout concept which directed development onto the northern site (92 Melauka Road) and provided a strong landscape border to Clifton Avenue; intended as a non-commercial frontage to contain any western extension. The intended outcome from Council was that a large format hardware business was left with no option (it was thought) but to locate the store on the northern land (Figure 14).

80. In my evidence I considered that main road exposure, (particularly in a regional location) would be a determining factor in a decision to locate a major hardware store in this area. My recommendations were to locate the hardware store on the western site (601 Bellarine Highway) and use the northern land for complementary commercial/employment uses. Council's rejection of the proposal was re-affirmed in DPO30 and in 2015 (see Figure 15).
81. The built outcome, by a later owner of Bellarine Gateway Plaza, has seen the large format hardware store established with a highway frontage, but within the shopping centre site (see Figure 16). This outcome was not in accordance with the Council's planning intent but reflected a commercial reality, in regard to major store location criteria. No development has yet occurred on the northern land. I consider that the Bunnings store location to be unfortunate and an unintended outcome of the planning decision. While I can accept a large hardware use being located close to shops in some situations, I see the location on the Gateway site (with no doubt significant lease controls over car parking areas) as compromising longer-term activity centre development options.
82. The layout has also created major challenges for any larger retail centre integration that is encouraged under CI 21.14-3. The combination of the long building forms of Kmart, Aldi, Bunnings and sundry loading arrangements along the northern side of the buildings has created a significant 'break' to any possible physical extension option. My assessment of any future northern expansion would indicate that if this were to occur, it will always be separate and probably struggle for viability.
83. My other disappointment in the built outcome is how the shopping centre fails to achieve any relationship with Melaluka Road; as an important community/commercial interface. This failure is partly a function of there being no 'shared vision' between the shopping centre owner and Council. For this to occur, on Council's part, it would have been required to be pro-active by excising some land off the Council reserve and then make this available for retail and F&B; to create a two-sided commercial road opposite the shopping centre.



Figure 6. CHC proposed Leopold Sub-regional Activity Centre Plan 0752/CP500A 2012

7.3 Would the retention of the policy wording for Leopold as contained in the Greater Geelong Settlement Strategy (under Am C395) be a positive outcome for the Leopold activity centre (and for Leopold a whole)?

84. This question returns to that addressed in the Leopold Sub-regional Activity Centre Urban Design Framework 2010. That study tested the options of a northern expansion of the activity centre (onto 92 Melaluka Road) over a western expansion (onto 601 Bellarine Highway). The decision placed 92 Melaluka Road within the Settlement boundary but excluded 601 Bellarine Highway.

85. I have revisited the planning opportunities/ threats, and policy alignment of developing the Leopold activity centre as:

- North only, as per the current and Proposed Settlement Boundary; and
- North and West, as per the current and proposed Settlement Boundary and (north), plus, onto 601 Bellarine Highway.

The benefit I have, in 2020, is that there has been a decade over which the Council's preferred option has operated, with the outcome that sees the preferred land use for the northern expansion (restricted retail/bulky goods i.e. Bunnings) situated within the area nominated for core retail use; and no development to the north.

86. The diagram and notes illustrate the unusual form that is apparent at Leopold. The activity centre is not at or near the centre of its community; but is located on the western edge; with no residential land on all sides apart from the east. And even on the eastern side, a non-residential park separates the centre from its residential community.

87. This has significant consequences for:

- the level and range of activities to be found at the sub-regional activity centre are less than what otherwise be found in a centre with adjoining developable land.
- the lack of site for uses to locate in or near the busiest area; forcing these to locate elsewhere through the lack of available land;
- an inability to provide increased living options close to facilities and transport;
- the 'walkability' to the centre for residents being very low; and
- Premises rental levels being probably higher because of building/land scarcity.

88. In preparing these options for Am C393, I focused on the retail policy implications, identifying the benefits of a retail centre that extended west over Clifton Avenue. I identified a new buffer treatment to define the extent of the activity centre to the west.

89. I considered that the northern land would be better placed to accommodate services and residential uses.

90. I also considered that the land north of 92 Melaluka Road (Nos, 72 and 80-90 Melaluka Road) might also be considered for residential development.
91. If this were the case, I see the land at 21-39 Clifton Avenue also forming part of the surrounding neighbourhood. I note in Figure 7 that the lands at 601 Clifton Avenue, 21-39 Clifton Avenue, 92 Melaluka Road and 72, 80-90 Melaluka Road are all within 800 metres of the activity centre; making these more walkable than almost any of the existing residential areas to the east and south-east.
92. *Setting the boundary:* In my report I drew a tight line around the activity centre. My report did not focus on the wider opportunities to review the settlement boundary. I also did not anticipate the operation of the Distinctive Areas and Landscape legislation which would introduce long term boundary; and which would not be relocatable or frangible.
93. What follows is the text (edited as necessary) from the Am C393 Report



North Only Expansion (Figure A)

94. The Northern expansion option aligns with the Council recommended wording of CI 21.19 and CI 22.03 (and with CI 21.14 in exhibited Am C395). Council's Retail Strategy and recommendations see the northern lands as accommodating restricted retail uses. For successful expansion of the retail functions, the diagram relies on the extension of specialty shops etc in a centrally located northern spine that has been reserved for this development; between the existing retail mall and the Bunnings 'box'. Access and commercial exposure (to a very limited extent) would be available from Melaluka Road and Clifton Avenue.
95. I consider that such an extension might be possible, but any central connection would rely on the location of a major store as an anchor to the retail extension. This might be achievable were the retail centre be expanding towards being a regional shopping centre, but unlikely for a sub-regional. I note that in Figure 6 of the Retail Strategy, the intention for the Northern land is for Restricted Retail purposes, i.e. homemaker and large format retail uses. With such limited commercial exposure, I would doubt that the site would attract any of the more high-profile businesses that are associated with a homemaker centre; nor to a major retailer tenant.
96. A preferred 'anchor' store would be a large (third) supermarket with a separate array of fresh food and general traders. In the world of retail centre design, I would think that the introduction of a second and separate mall running off the longer east-west mall would be considered very unorthodox and high risk.
97. Complicating this is the requirement to deal with the existing internal east-west service road running behind the major stores. If this is truncated it will need to operate in separate parts, requiring large truck (semi-trailer turning movements). Alternatively, it could be made into a street which people must cross (e.g. Knox activity centre).

98. But above this, I consider that the inferior exposure to the highway location (in comparison with the existing competitors) will remain the issue that will deter major retailer commitments; illustrated by the Bunnings decision.
99. Should a northern retail/commercial/homemaker expansion occur, there might be unintended consequences, impacting on land west of Clifton Avenue, and to the north of 601 Bellarine Highway. It is possible that development of the northern commercial land use might lead to new pressure on the planning authority to review the land use controls on that land (further to the north and west of the centre).
100. *Transition from Retail Centre to Activity Centre?* The disadvantage of the northern option is that it does not address the absence of a residential population that can walk into the centre. The nominated future residential land areas in Leopold are mainly well to the south of the Highway; between 1 and 2 kilometres from the centre (see Figure 17). Cl 21.14-9, to be unchanged in Am C395). In contrast the northern land would be within the 800 metres distance as nominated as preferable in Cl 22.03. This is a significant (and avoidable) failure of activity centre planning policy.



Legend

-  Signalised Intersection
-  Internal Major Access Roads

Notes:

- 1** Internal centre road heads north with retail shops along strips of land retained between Aldi and Bunnings.
- 2** Layout and lease arrangements will require retention of east-west loading access as an internal road. This will lead to any retail development north of the access road being separate.
- 3** Required 'new anchor' to be located to north along 'desire line': new retail major?/cinema/restaurant complex?
- 4** Melaluka Road retail commercial frontage opportunity, but west side only.
- 5** With northern extension, commercial interface along Clifton Avenue will be established for about 400 metres north of the Highway. Will raise/increase land use pressure for western side.
- 6** Existing 'Town Square' not assisted by expansion will be further removed from the centre's 'energy'. The connection to Melaluka Road south remains as a 'lost space'.

Figure A. North Option - Leopold Sub-Regional Retail Activity Centre.

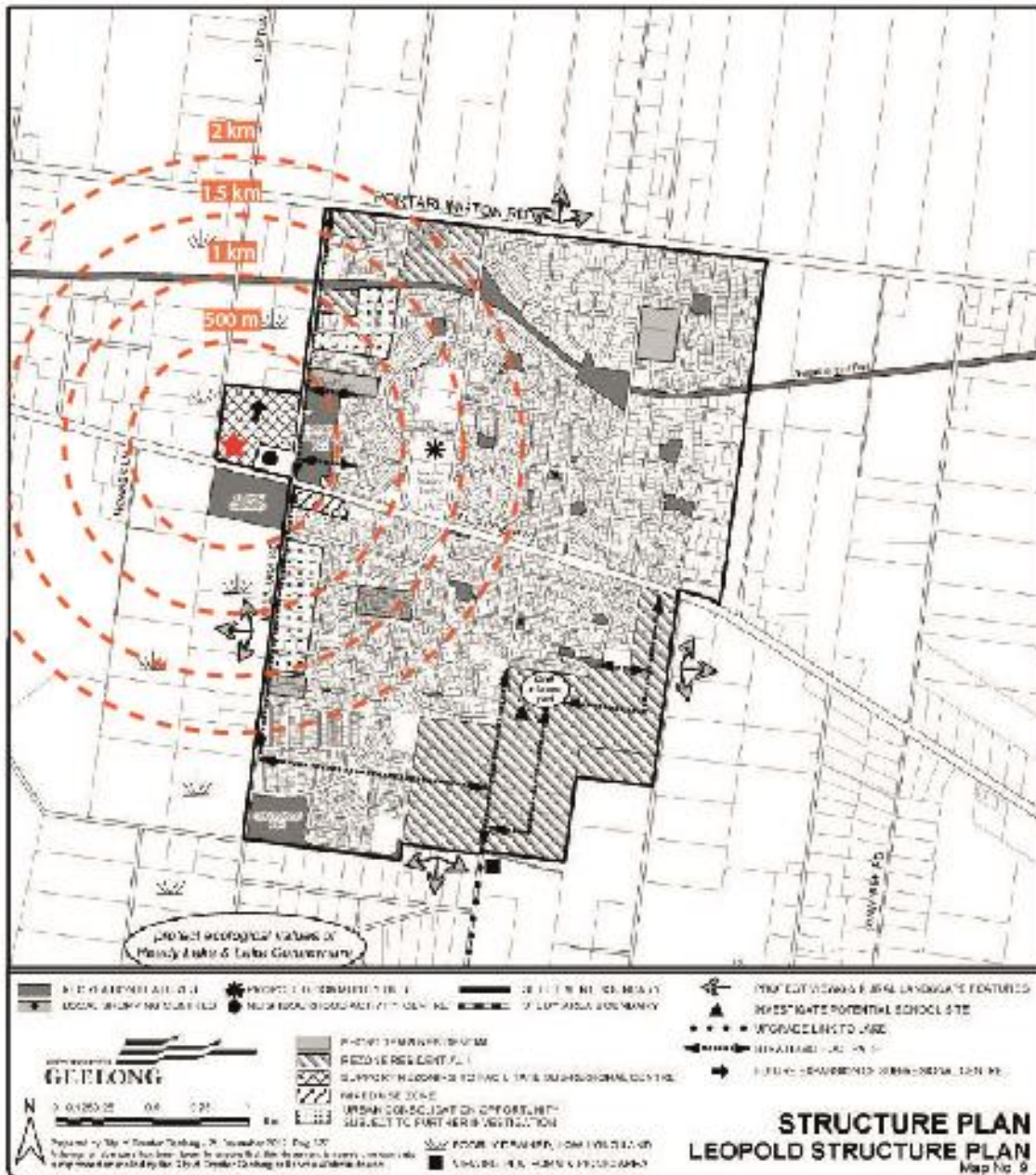


Figure 7. from Figure 17. Leopold Structure Plan Map with distance radii (showing distance from Sub-regional Retail Activity Centre).

101. North and West (Figure B)

102. The obvious difference with this option is that it embraces both the northern and the western land parcels and re-purposes them for land uses to which they are better suited. That is, retail land uses on the highway frontage site and residential uses to the north of the existing centre.

103. The plan, as with Figure A, is required to accept the Bunnings store on the shopping centre site as a long-term tenant. The signalised intersection of Clifton Avenue with the Bellarine Highway is operational and would allow access into the western lot. The option assumes a more intensive development and redevelopment of the shopping centre site as I have seen in other large and mid-range centres. This intensification might address the weaker eastern side of the centre (from my observations). This might see a new module or entertainment/F&B/cinemas section close to the corner with Melaluka Road, potentially incorporating the McDonalds premises.
104. The 'retail' expansion option overcomes the unlikelihood of requiring a new anchor store or section to the north. Instead the established pattern of a strong east-west mall is extended; possibly east with new, internalised and external shops; and west, as a dedicated pedestrian pathway across the frontage of Bunnings. (Some smaller shops might be situated across the Bunnings frontage.) To integrate and provide a more 'human-scale', (across the large Bunnings form), the pedestrian path would continue west and cross Clifton Avenue, to the new retail site/development. I note that the drainage reserve area, south of the Highway would be directly opposite this site area for connection. And the planned drainage upgrade works prepared by Biofilta would deliver wider land use and development benefits.
105. The northern lands would provide mixed use and residential opportunities that would provide commercial synergies and a walk-in residential market to the centre and community facilities situated around the centre., There is potential for 800-1,200 dwellings at medium density ,or for a mix of commercial/service uses with a lesser requirement for commercial exposure/association.
106. The east-west pedestrian line of about 500 metres from Melaluka Road to over Clifton Avenue is similar in length to other sub-regional centre mall distances.
107. The introduction of the western land into the activity centre comes with the incorporation of a substantial, 30 metre wide landscape and drainage land buffer area running along the western boundary from the Highway and then retuning east to Clifton Avenue in line with the northern boundary of the existing shopping centre site. This would exclude that part of the title which is situated in a north-western extension (this part would need to be consolidated with a Farming Zone lot). This arrangement is designed to separate the activity centre land from the Farming Zone land, to the north. After allowance for the landscape buffer, a development site of about 3ha would be available (see Figure 8).



Legend

- Signalised Intersection
- ▲ Internal Major Access Roads

Notes:

- 1** Retain retail 'footprint' along Highway with expansion land to west of Clifton Avenue. Better visibility.
- 2** Opportunity to strengthen eastern section of the centre.
- 3** Replace Stage 1 with new retail major/cinema/entertainment on key location (integrate with McDonalds?).
- 4** Eastern redevelopment provides opportunities to add retail/F&B/service uses close to Melaluka Road.
- 5** Opportunity to partner with Council creating Melaluka Road as a two-sided commercial street.
- 6** Create a new central space as a public area/central linking space.
- 7** Locate shops/retail to frontage locations along sections of Bunnings. New east-west pedestrian environment.
- 8** New retail/homemaker/other use with Highway exposure.
- 9** Locate higher density residential, well located to retail and community facility and transport. 800-1,200 dwellings, potential.
- 10** Provide landscape/acoustic buffer between retail loading area and residential.
- 11** Incorporate 30 metre wide landscape buffer/drainage channel on FZ/LDZ boundary to reinforce west and northern settlement boundary.

Figure B. North and West Option - Leopold Sub-Regional Retail Activity Centre.

108. Should the centre invest in a new retail/entertainment development closer to Melaluka Road, there would be the opportunity for Council to complement this by releasing land along the eastern side of Melaluka Road.

109. *Transition from Retail Centre to Activity Centre?* The northern and western option has stronger planning policy support. The location of housing adjacent to facilities and public transport is supported under policy by:

Cl 16 Housing, specifically:

- Cl 16.01-S Integrated housing
- Cl 16.01-2S Location of residential development
- Cl 16.01-3S Housing diversity
- Cl 16.01-4S Housing affordability
- Cl 16.01-7S Residential aged care facilities.
- Cl 17.02-2S Business. The location of commercial facilities on the highway exposed land is more strongly supported.

And locally

- Cl 21.06-2 Urban growth
- Cl 21.06-3 Urban consolidation

7.4 Do the options threaten the 'Urban Island' policy position that applies to Leopold?

110. I do not consider that either option would threaten the urban island characteristic of the Leopold area.

111. The separation of the Leopold town from the greater Geelong would remain. The implementation of the strong buffer area (wider and less exposed than Clifton Avenue) would operate with the large lot, low density, landscaped residential area which forms a major non-urban break to the west. The combination of zone, landscape/environmental and lot segmentation 'barriers to change' should achieve an outcome similar in effect to the current arrangement but with net community benefits for Leopold in increased viability, better connectivity, more jobs, better located dwellings and a diverse range of housing.

112. With the introduction of the Distinctive Areas and Landscape legislation, it is even more critical that the setting of the settlement boundary is fully assessed. The new settlement boundary must achieve its purpose, but without any undesirable or unintended consequences that have already occurred at Leopold as a result of previous planning decisions.

113. The introduction of the DAL allows a settlement boundary to be set without an over-reliance on natural features. Rather as with the Urban Growth Boundary around Melbourne, the boundary when set and legislated, on a lot boundary or similar carries long term significance.

7.5 'Settlement boundary' directions for change

114. Based on the above, I consider that the settlement boundary at Leopold should be reviewed to consider land parcels to the north, and the west so that land within 800-1,000 approx. metres might be included as urban. Both the community benefits and the comfort of orderly land use management are clear.

- The drainage infrastructure would be expanded, and flooding risk reduced.
- The benefits of providing a walkable catchment, (*better than a 20-minute neighbourhood*) would for the first time become available
- A diverse and probably more affordable level of housing would be provided
- The benefits of a rounded activity centre on additional commercial land with more services and jobs,
- Homes for people with better access to public transport and services
- The capacity to achieve a strong boundary around the set area can now be confidently

115. In assessing where the boundary might be located, I have included the land parcels to immediate the north, north-west and west for review. These are shown in Figure 8.

116. Figure 9 shows theses a generally applied to the Figure at Cl.21.04-9

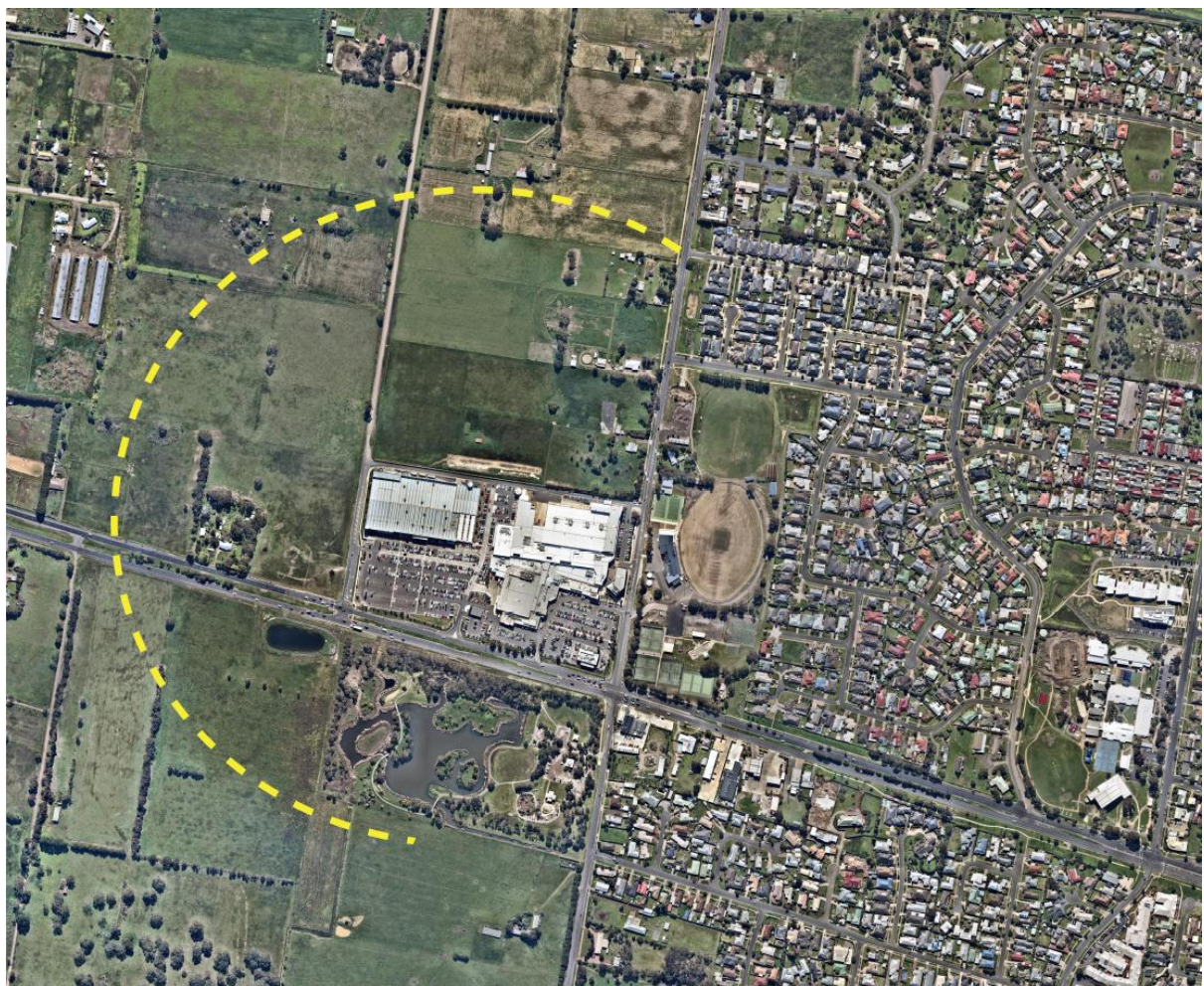


Figure 8. BMDA Am C395 Report, Recommended Settlement Boundary Investigation Area (Nearmap 2020, annotated by BMDA).



Figure 9. Leopold Sub-Regional Activity Centre – Recommended Boundary Change (BMDA Am C393 Report).

APPENDIX 1
Expert Witness Declaration

Expert Report Statement, Greater Geelong Planning Scheme Am C395

Name and Address: Bernard McNamara,
Principal, BMDA Development Advisory, Ground Level 312 St Kilda Road, Southbank 3006

Qualifications and Experience:

Bachelor of Town and Regional Planning, University of Melbourne
Graduate Diploma of Management, RMIT University

Professional Experience: Practising Town Planner for over 30 years in local government, private consulting, a private development corporation and a publicly listed development corporation.

2007-current: Principal of BMDA Development Advisory, providing property development and town planning services to a range of development companies and organisations in retail/commercial, residential, infrastructure and mixed-use fields.

Areas of Expertise relevant to this matter

- Statutory and Strategic Planning practice
- Master planning and concept design planning of major developments
- Commercial building project design and street-based precinct planning
- Management of multi-level residential and commercial buildings within inner Melbourne
- Project management of development approvals for retail, commercial, infrastructure and residential projects, as a single use and in mixed use
- Commercial development feasibility analysis assessment
- Urban renewal analysis and development planning
- Town planning due diligence

Planning Project and Policy work that is relevant to this statement:

Plan Melbourne: Member, Ministerial Advisory Committee 2012-2013 for *Plan Melbourne 2014* and re-appointed 2015-17 for *Plan Melbourne 2017-2050*.

Judge of the Urban Development Institute of Australia (Vic) Awards for Excellence 2009-2016: assessing (inter alia) retail centres, activity centres, residential and mixed-use projects in growth areas, for assessment for design, environmental and commercial performance.

Epping Central: Pacific Epping: Retail and Mixed-Use developments (major projects, planning scheme amendments, development contributions agreements, infrastructure agreements for Pacific Group of Companies) 2010-Current

Responsibility for development approvals in Central Melbourne, Southbank, Box Hill, Richmond, Northcote, and Central Dandenong for commercial and retail town planning Permit application processes, involving tall building subject to detailed design and development overlay controls.

Preparation of planning scheme amendments on behalf of private clients and carriage of these through the amendment process. Chadstone, Pacific Epping Plaza, Pacific Werribee, Dandenong Plaza, plus numerous representations for clients whose properties have been the subject to planning scheme amendments.

Town planning and project management development roles on major retail centres including Pacific Epping, Pacific Werribee, Dandenong Plaza, Myer centre Albury, Hoppers Crossing, growth area local town centres, Coles supermarket projects.

Sunshine Town Centre and St Albans activity centre: commercial and strategic property advice for Brimbank City Council: 2013-current

Expertise to make this report: Activity centre planning policy analysis, Strategic planning policy analysis. Site design expertise. Experience with the planning and design of new residential areas, including medium and high density areas, commercial buildings, residential apartment buildings, retail and activity centres, retail, commercial and mixed-use projects and development of feasibilities for residential, retail and mixed-use projects and in the assessment of potential acquisitions and projects for clients.

Declaration of any business interests with the party for whom the report is commissioned: I have no business interests with the applicant or associated other than the commission for this report and earlier reports.

I declare that in 2012, I provided an expert planning report in relation to Greater Geelong Planning Scheme Am C254 which related to Leopold, also on behalf of Lascorp Development Group. In 2019, I provided town planning evidence on relation to GGPS Am C393 as it was proposed for the Leopold and Ocean Grove areas. I have provided this report as an appendix.

Instructions: I have been instructed by Amy Golvan, Legal Counsel at Lascorp Development Group to prepare town planning advice in relation to planning scheme amendment as it relates to the Properties.

Facts Matters and Assumptions: I have visited the site and surroundings. References to the material that I have used are contained in my report. Assumptions and any exclusions are set out in the report.

Persons involved in the report content: Self and staff within BMDA consultancy

Summary of Opinions See statement

Declaration:

I have made all the inquiries that I believe are appropriate and that no matters of significance which I regard as relevant has to my knowledge been withheld from the Panel

Bernard McNamara

2 March 2020

APPENDIX 4

Bernard McNamara GGPS Am C393 Report, 16 October 2019

Greater Geelong Planning Structure Am C393

Planning report for:

- 601 Bellarine Highway (and Leopold Sub-Regional Retail Centre)
- Kings Down Neighbourhood Activity Centre, Grubb Road, Ocean Grove

16 OCTOBER 2019



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Figure 3: 601 Bellarine Highway Planning Controls (Map Share Vic 2019)

Figure 4: Bellarine Gateway Plaza Planning Controls (Map Share Vic 2019)

Figure 5: Bellarine Gateway Plaza Development Plan Overlay 30 (DPO30) (Greater Geelong Planning Scheme 2019)

Figure 6: Leopold Sub-Regional Activity Centre Concept Plan, DPO30

Figure 7: Kingston Downs, Planning Controls (Map Share Vic 2019)

Figure 8: Kingston Downs Design and Development Overlay 39 (DDO39) (Greater Geelong Planning Scheme 2019)

Figure 9: Kingston Downs Development Plan Overlay 22 (DPO22) (Greater Geelong Planning Scheme 2019)

Figure 10: Ocean Grove Growth Area Masterplan (Greater Geelong Planning Scheme)

Figure 11. GGPS Clause 21.14.9 – Leopold Structure Plan Map (and Am C395)

Figure 12. Leopold Area – Land Use Zones (GGPS)

Figure 13. CHC proposed Leopold Sub-regional Activity Centre Plan 0752/CP500A 2012

Figure 14. Activity Centre Urban Design Leopold Structure Plan, GGPS Am C254, (2012)

Figure 15. Leopold Sub-regional Activity Centre Endorsed Development Plan (2015)

Figure 16. CHC Leopold Shopping Centre Endorsed Plan PP 1469-2014, June 2016

Figure A. North Option - Leopold Sub-Regional Retail Activity Centre

Figure 17. Leopold Structure Plan Map (showing distance from Sub-regional Retail Activity Centre)

Figure B. North and West Option - Leopold Sub-Regional Retail Activity Centre

Figure 18. Part of 601 Bellarine Highway with Landscape Buffer

Figure 19. CHC Kingston Village Plan 14113/TP04h

Figure A. North Option - Leopold Sub-Regional Retail Activity Centre (Appendix 2)

Figure B. North and West Option - Leopold Sub-Regional Retail Activity Centre (Appendix 2)

APPENDICES:

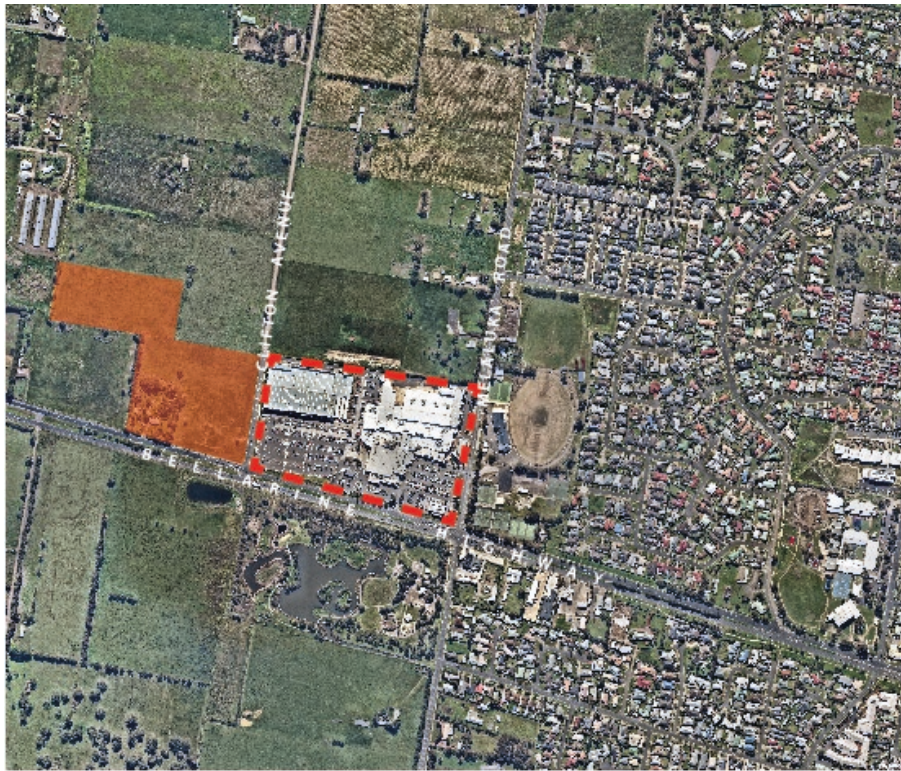
- Appendix 1: Expert Witness Declaration
- Appendix 2: Leopold Sub-Regional Retail Activity Centre, comparison of expansion options: North and North and West Options
- Appendix 3: Bernard McNamara GGPS Am C254 Report, 25 September 2012

1 INTRODUCTION

1. I have been requested by Lascorp to provide town planning assessment of the impacts of proposed Greater Geelong Planning Scheme Amendment C393 on the company's land holdings at:
 - 601 Bellarine Highway, Leopold, immediately west of the Bellarine Gateway Plaza Sub-regional Shopping Centre at 621-639 and 641-659 Bellarine Highway, Leopold; and,
 - Kingston Downs Neighbourhood Shopping Centre, Grubb Road, Ocean Grove.
2. In doing so, I have also been required to examine and assess the proposed GGPS Am C395 which will have significant strategic planning implications over what changes might occur under Am C393.
3. In preparing my evidence, I note that I also provided evidence for Lascorp on the introduction of policies under Am C254 in 2012. I have attached my previous evidence as an appendix (Appendix 3).

1.1 The Affected Sites

4. Leopold: 601 Bellarine Highway, situated on the north-western corner of Bellarine Highway and Clifton Avenue. A single lot of 6.3 hectares, with a frontage to the Bellarine Highway of about 217 metres and a depth of 210 metres, irregularly shaped with a 'pan handle' section extending in the north-west (See Figure 1).
5. Ocean Gove: Kingston Downs Neighbourhood Activity Centre, Grubb Road (See Figure 2).



601 Bellarine Highway

Gateway Plaza Leopold

Figure 1. Aerial map of Leopold



Kingston Village

Figure 2. Aerial map of Kingston Down, Ocean Grove

2 SUMMARY OF OPINION

2.1 Leopold, 601 Bellarine Highway ('Affected Site')

6. The competing objectives of a tight 'settlement boundary' with
 - (i) the non-urban break commencing from Clifton Avenue; and
 - (ii) the desire to strengthen and consolidate the Sub-regional retail centre,
7. has operated (in conflict) for over a decade. These policies have resulted in built, and unbuilt outcomes that are not to the benefit of the community.
8. The major restricted retail premises building is now located on the nominated retail section of the Sub-regional centre, compromising longer term options. The northern area nominated for restricted retail premises remains vacant and is likely to remain so.
9. The Affected Site at 601 Bellarine Highway remains vacant but subject to acceptance would probably have been developed for the Bunnings store, in a way that would not have threatened the non-urban break between Leopold and Moolap.
10. The continuing adherence to the structure plan in CI 21.14-9 (and under DPO30) which would be affirmed in the changes in Am C393 to CI 21.19 and CI 22.03 (and within the supporting documents of the Retail Strategy), will prolong these unsatisfactory outcomes.
11. The design of statutory controls for the Sub-regional centre on the western edge of an urban area requires a solution which I consider would have considerable benefits; set out in the North and West option, in Appendix 2 of my report. This option provides a commercially attractive retail site, on the Affected Site, with a landscape and drainage buffer to secure the 'urban island' planning policy objective. The re-direction of land immediately north of the retail centre to mixed use and medium density residential uses would have broader policy and community benefits.

2.2 Kingston Downs Neighbourhood Activity Centre ('Affected Site')

12. If a retail floor space cap is to be applied within the Schedule to CI 34.01, this should be set at the level of the entire centre, at 10,395sqm. The Council recommendation to set this at 7,650sqm risks the ability of the owners and business stakeholders to adjust within a competitive and changing retail environment. The case for 'micro-managing' a neighbourhood centre so that a change in use of a small number of tenancies would trigger a mandatory requirement for an economic impact

assessment is hard to reconcile against the objectives of the Planning and Environment Act.

13. I consider that the role and function of the neighbourhood centre will not change if the number of specialty shops fluctuates. The focus of planning controls should be on supporting the growth of small businesses to support new communities, rather than the reverse.

2.3 Comments in response to the Planning Authority's Part A Submission

Leopold

14. Council sets out its position in response to the Lascorp submission in paragraphs 146-149.
15. I remain of the view that the policy and urban design framework that Council has persisted with must at this time to be recognised as being outdated and having failed to deliver the outcomes that were intended. That is, Council's long promoted northern expansion of the sub-regional retail centre is for all intents and purposes unrealisable, now that the Bunning is built on what was to be the core retail section. The opportunity should now be taken to make a strategic planning change; to deliver a better and more rounded sub-regional activity centre, consisting of a strengthened business component with a mix of activity centre uses in support; including services, residential and community uses.

Kingston Downs

16. Council sets out its position in response to the Lascorp submission in paragraphs 115-116.
17. My opinion is set out in paragraphs 12 and 13 above.

3 Am C393 OVERVIEW (Summary of Day 1 Version)

18. Clause 21.07 *Economic Development and Employment*. Delete the retail policy provisions at 21.07-1.
19. Insert a new Clause 21.19 *Activity Centres* that includes an updated Geelong Retail Centre Hierarchy and identifies the *City of Greater Geelong Retail Strategy 2016-2036, November 2018 ('Retail Strategy')* as a background document.
20. Table 1 Supportable Retail Floor Space Guidelines to 2036 is recommended to be deleted from CI 21.19.
21. Replace Clause 22.03 *Assessment Criteria for Retail Planning Applications* with a new Clause 22.03
22. Amend the Schedule to Clause 34.01 Commercial 1 Zone in respect of the maximum leasable floor area (m²) for Shop (other than restricted retail premises) that may be developed before the use would be subject to a Section 2 -Permit requirement:
 - Bellarine Gateway Plaza, 621-639 and 641-659 Highway, Leopold: 30,000sqm (*exhibited at 23,000sqm*)
 - Kingston Downs Neighbourhood Activity Centre, Grubb Road, Ocean Grove: introduced at 7,650sqm.
23. Changes to the Retail Strategy, recommended by Council in its Day 1 version Response to Submissions include:
 - A new Figure 6: Location of Retail Centres: (as Appendix 1 1 in Day 1 version)
 - Leopold as 'Existing Sub-regional' with 'Future Restricted Retail' to its north
 - Kingston Downs Grubb Rd Neighbourhood Centre shown as 'Future Neighbourhood'.
 - Council's Day 1 version provides a revised section on Kingston Downs Neighbourhood Activity Centre, Grubb Road, Ocean Grove which specifies calculations and an explanation as to retail and non-retail floor uses, resulting in a floor space cap of 7,650sqm. '*Any further development will then trigger an economic impact assessment...*'
 - A new Figure 18: Kingston Neighbourhood Activity Centre and Industrial Estate Development Plan approved October 2016 (Appendix 3 in Day 1 version)
 - Changes to Table 7: Proposed Floor Space Caps and Table 8 Supportable Retail Floor Space Guidelines to 2036.
 - Amends the Schedule to Clause 72.08 Background Documents.

4 PLANNING CONTROLS, GREATER GEELONG PLANNING SCHEME

4.1 Leopold

4.1.1 Zoning

The subject site, 601 Bellarine Highway, Leopold is located within the Farming Zone. Land may be used for a range of farming and non-urban purposes. The land is within a Bushfire prone designated area.

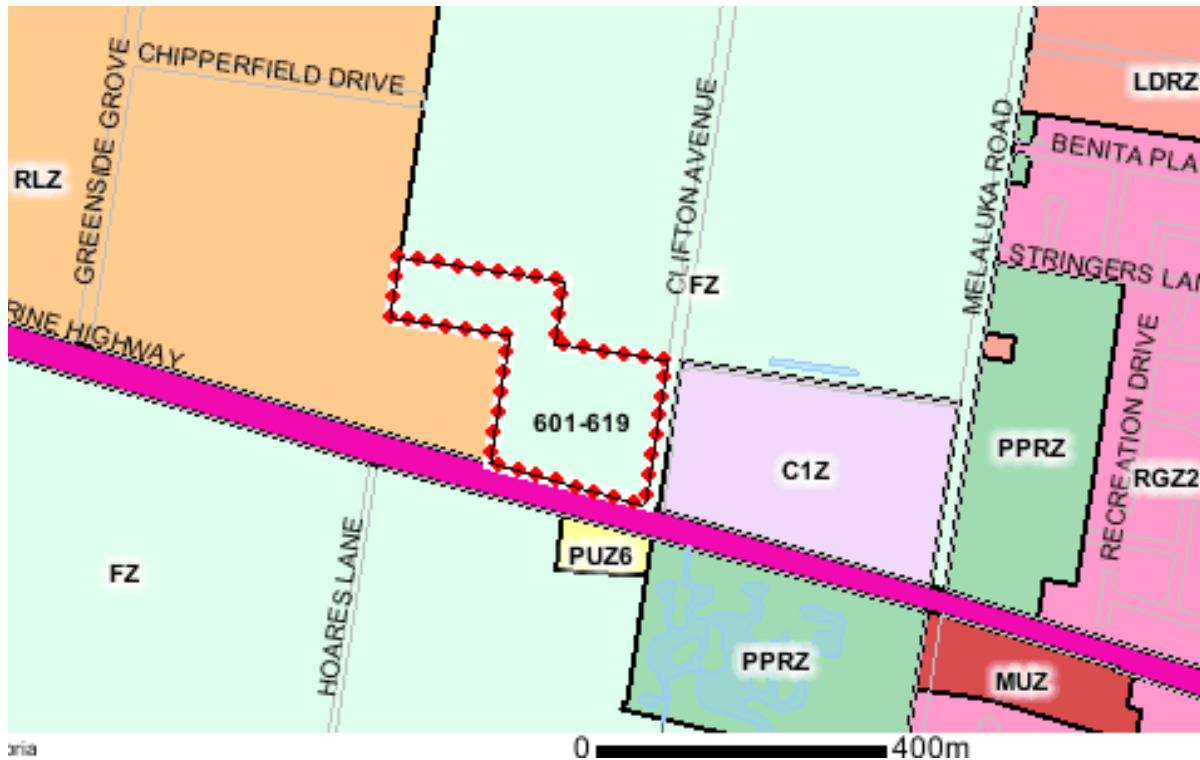


Figure 3: 601 Bellarine Highway Planning Controls (Map Share Vic 2019)

The Bellarine Gateway Shopping Centre is zoned Commercial 1 Zone.

The purpose of the zone is:

- *'To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.'*

The use of shop is under Section 1 use.

Building and works require a permit.

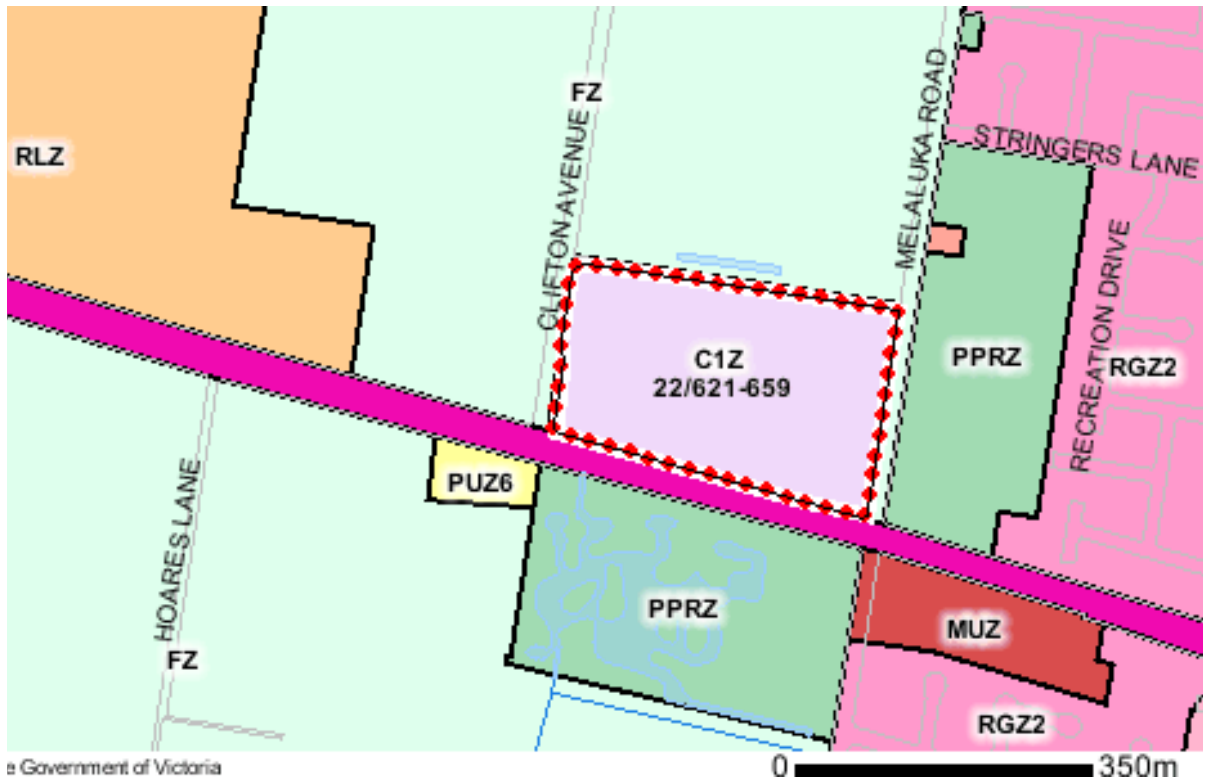


Figure 4: Bellarine Gateway Plaza Planning Controls (Map Share Vic 2019)

4.1.2 Overlays

The following overlays apply to the subject site.

- Development Plan Overlay (DPO)
- Development Plan Overlay – Schedule 30 (DPO30) applies to the shopping centre site (southern land) and to the northern land (92 Melaluka Road).

Bushfire controls also apply.

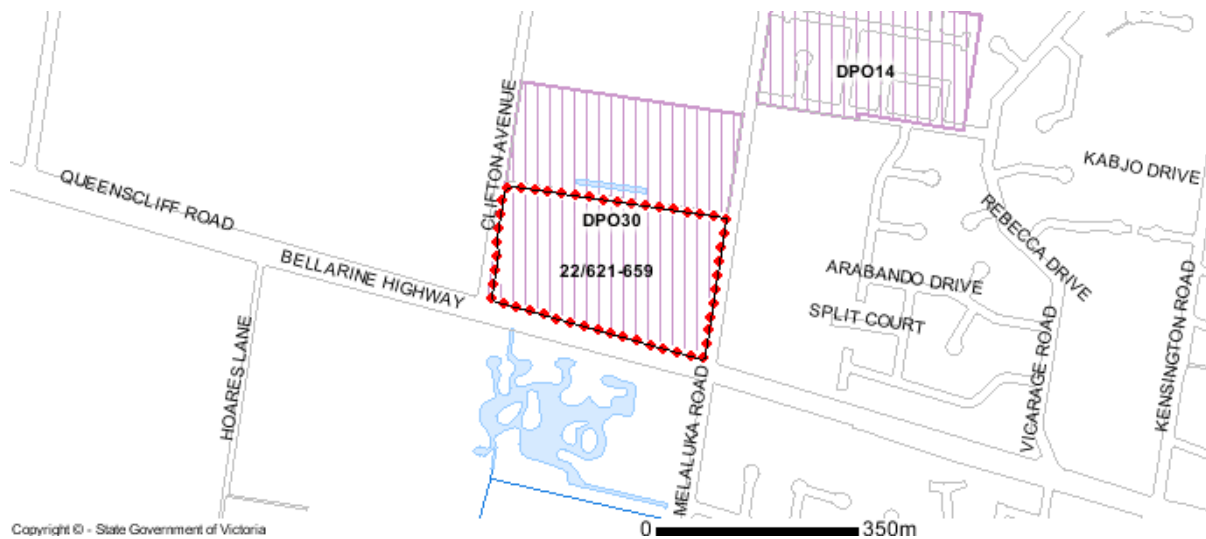


Figure 5: Bellarine Gateway Plaza Development Plan Overlay 30 (DPO30) (Greater Geelong Planning Scheme 2019)

Design Plan Overlay (DPO)

The purpose of the Design Plan Overlay is:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.'*

Design Plan Overlay – Schedule 30 (DPO30) indicates the site is located within the *Leopold Sub-Regional Activity Centre*. The schedule ensure development occurs in accordance with the objectives of the *Leopold Sub-Regional Activity Centre Urban Design Framework 2011*.

Conditions and requirements for permits includes:

- *'A new signalised intersection at Clifton Avenue and Bellarine Highway;*
- *Upgrades to Melaluka Road and Clifton Avenue adjoining the site;*
- *Construction of the new central east-west street and the northern service road;*
- *Extensions and improvements to the existing, off-site footpath and shared pathway network; and*
- *Off-site stormwater management systems.'*

Requirements for development plan includes:

- An overall **Urban Design Masterplan** which includes:
 - i) The total amount of “shop” leasable floor space (other than restricted retail premises) limited to a total of 35,000 square metres within the area covered by this overlay including: no more than 30,000 square metres shop on the existing and southern expansion site; and no more than 5,000 square metres of shop on the northern expansion site;
 - ii) A pedestrian based, main street treatment along Melaluka Road that is consistent for both the southern and northern expansion sites;
 - iii) Concept sketches and plans showing elevations of building frontages to all streets and public spaces, including:
 - A high standard of design treatment and activation of frontages to the public realm in particular Bellarine Highway and Melaluka Road;
 - High quality building design for the south west corner of the site as the western gateway to Leopold and the Bellarine Peninsula;
 - Avoidance of elevations that are blank and clad in a single material where they are visible from the public realm.
 - Elevations of significant size broken down through a combination of window openings, projections and recessions, and the use of different materials.
 - The use of awnings and shade canopies to provide pedestrian protection from inclement weather (excluding car park areas)
 - The use of public art work in accordance with Council’s Public Art Strategy.
- A Traffic Management Plan
- A detailed Flooding, Stormwater and Drainage Management Plan
- A Landscape Masterplan
- An Economic Impact Assessment
- A Staging Plan

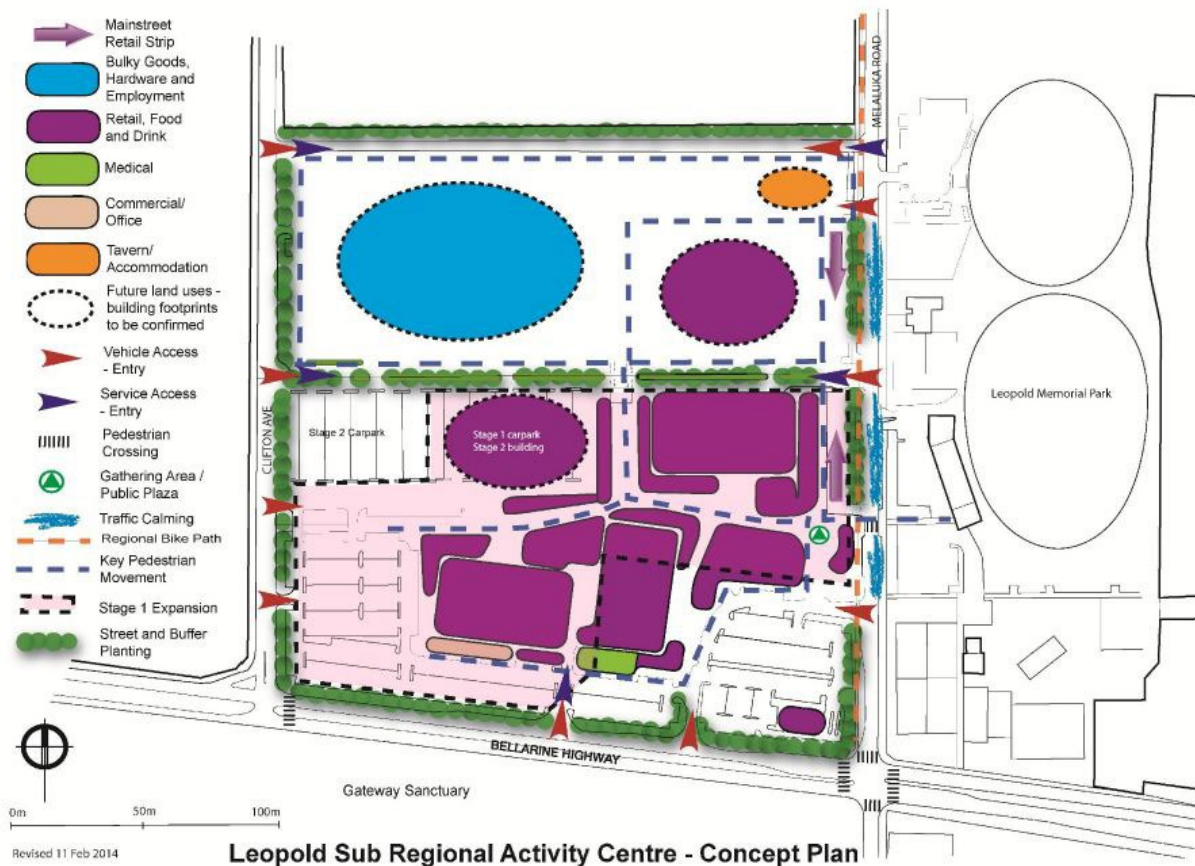


Figure 6: Leopold Sub-Regional Activity Centre Concept Plan, DPO30

The diagram within DPO30 continues and confirms the strategic directions set out in the earlier concepts, with a street and buffer planting along the eastern side of Clifton Avenue as the edge of the commercial (and urban area). Bulky goods/hardware uses are located behind an expanded retail centre. A main street is shown along one side only of Melaluka Road.

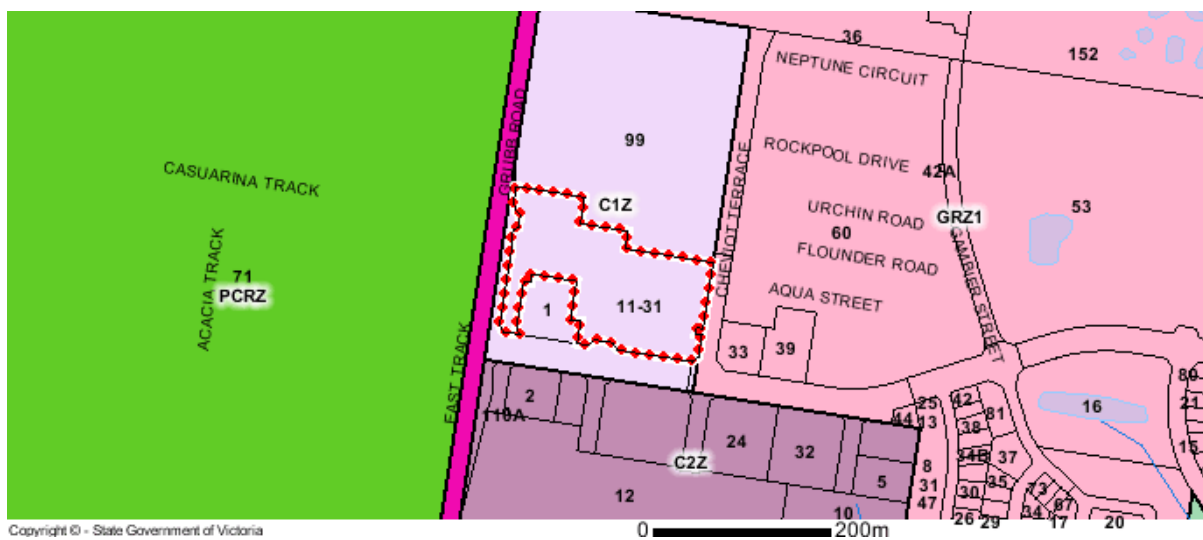
4.2 Kingston Downs, Grubb Road, Ocean Grove

4.2.1 Zoning

The subject site, Lot 1 PS805378 is located within the Commercial 1 Zone (C1Z) under the Greater Geelong Planning Scheme.

The purpose of the zone is:

- *‘To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.’*



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Figure 7: Kingston Downs, Planning Controls (Map Share Vic 2019)

The use of Shop is a Section 1 use.

Building and works requires a permit.

4.2.2 Overlays

The following overlays apply to the subject site.

- Bushfire Management Overlay (BMO)
- Design and Development Overlay (DDO)
- Design and Development Overlay – Schedule 39 (DDO39)
- Development Plan Overlay (DPO)
- Development Plan Overlay – Schedule 22 (DPO22)

Design and Development Overlay (DDO39)

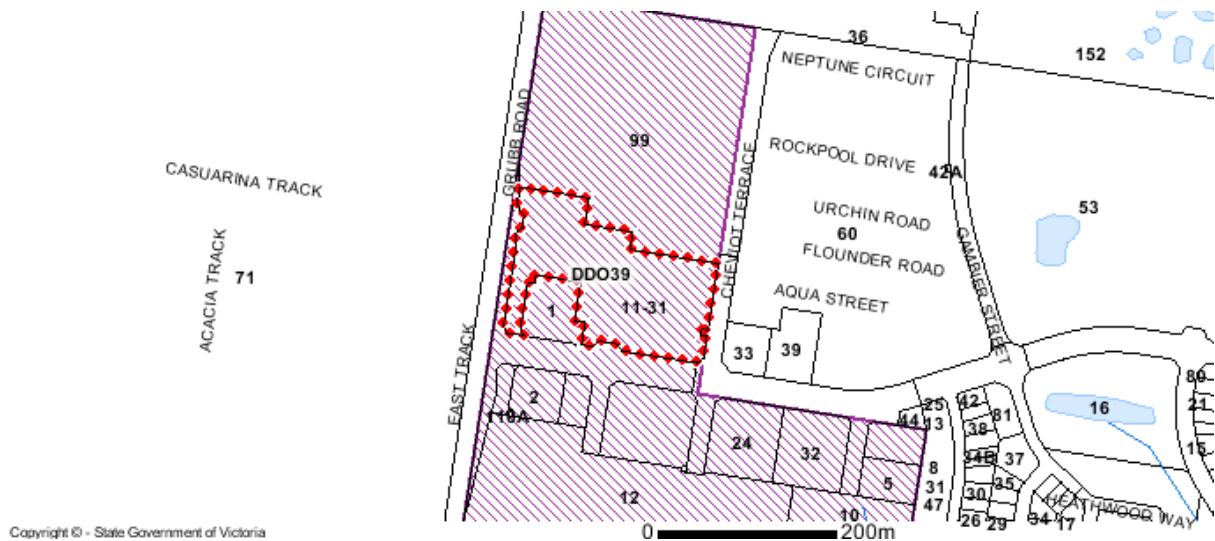


Figure 8: Kingston Downs Design and Development Overlay 39 (DDO39) (Greater Geelong Planning Scheme 2019)

Design and Development Overlay – Schedule 39 (DDO39) indicates that the subject site is located within the *Grubb Road Activity Centre and Restricted Retail Precinct*.

The buildings and works under this overlay should satisfy the design principles stated in the schedule.

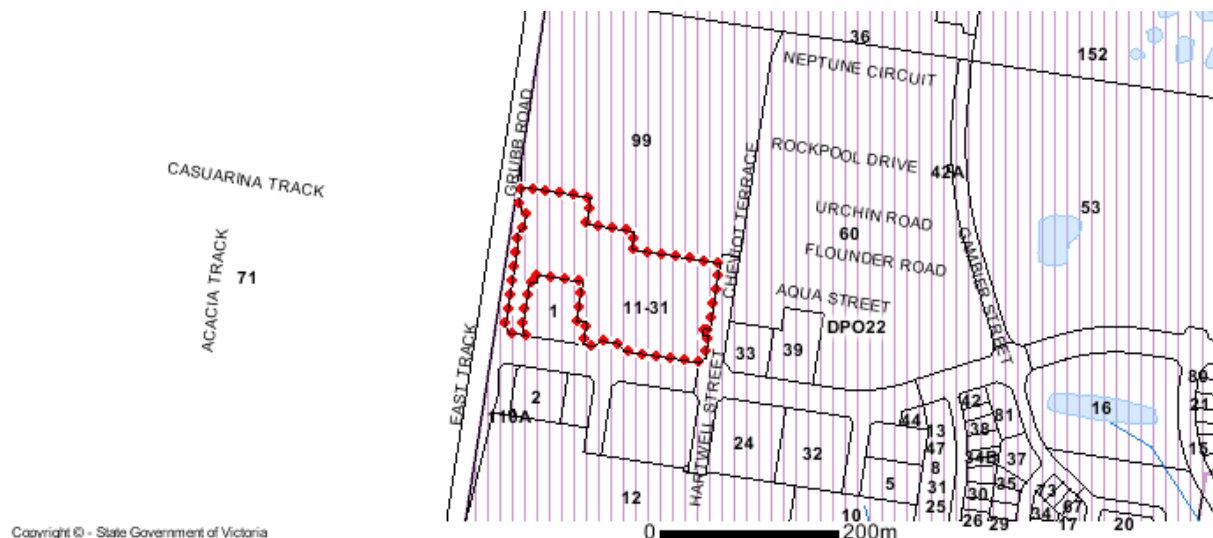
The subdivision of land under this overlay should satisfy the principles stated in the Schedule.

The advertising of signs under this overlay should satisfy the design principles stated in the schedule.

Development Plan Overlay (DPO)

The purpose of the Development Plan Overlay (DPO) are:

- 'To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
- To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.'



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Figure 9: Kingston Downs Development Plan Overlay 22 (DPO22) (Greater Geelong Planning Scheme 2019)

Development Plan Overlay – Schedule 22 indicates that the site is located within the *Ocean Grove Growth Area*. The schedule ensures that the development occurs generally in accordance with the *Ocean Grove Structure Plan 2007*.

Requirements for Development Plan

A Development Plan must be generally consistent with the Ocean Grove Growth Area Master Plan (Clause 4.0) and the:

- Community Design Objectives;
- Open Space Objectives;
- Movement Network Objectives; and
- Sustainable Development Objectives as stated in the schedule.

A Development Plan must include:

- An Urban Design Masterplan;
- An Activity Centre Urban Design;
- A Restricted Retail and Industrial Area Urban Design plan;
- A Road Network and Traffic Management Plan;
- A Stormwater Management Masterplan;
- A Water Sensitive Urban Design;
- An Environmental Management Plan;
- An Open Space Landscape Masterplan; and
- A Development Staging Plan.

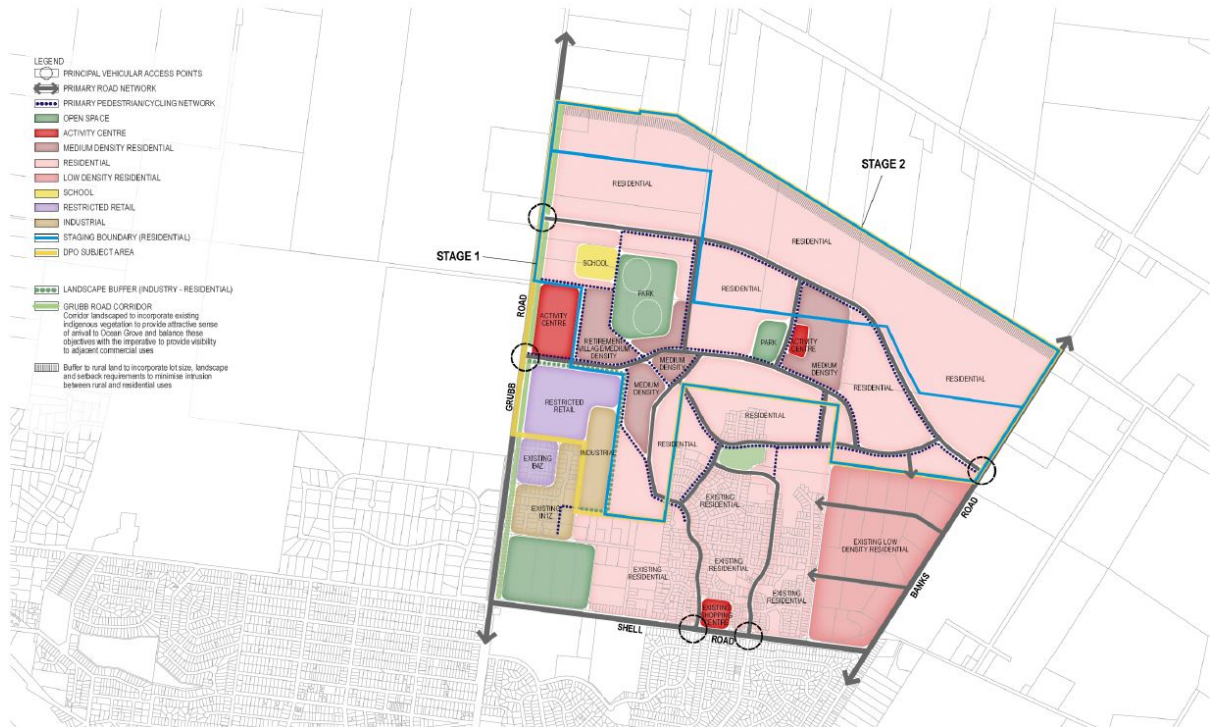


Figure 10: Ocean Grove Growth Area Masterplan (Greater Geelong Planning Scheme)

5 HOW WOULD Am C393 AFFECT THE AFFECTED SITES, SPECIFICALLY?

24. Cl 21.19 includes a separate Activity Centre policy, drawn from the Retail Strategy with Objectives and Strategies which, in general support the growth and consolidation of existing centres plus the establishment of new retail centres in the Greater Geelong growth areas.
25. Cl 21.19-2 Objectives states the importance of sustaining the Geelong Retail Centre Hierarchy and delivering over time a diversity of uses, to become activity centres.
26. Cl 21.19-3 Strategies includes, under sub-headings (as relevant to my evidence)
- General: *mix of retail, office, cafes, higher density housing community uses within centres*
 - Retail hierarchy: *support in centre or edge of centre retail development subject to no adverse impacts*
 - Planned Centres: *control retail floor space in greenfield areas*
 - Uses: *encourage diversity and competition between supermarkets*
 - Residential Growth Zoned Land: (this category was added post exhibition): *Ensure retail and higher density residential development can operate without amenity impacts*
 - Preferred Location: *maximum 800 metres walking distance to residential zoned land preferred*
 - Design and Layout: *Encourage the redevelopment of car parking areas for commercial and residential uses; support increased intensity and vertical growth of centres.*
 - Retail Demand: *support for the use of maximum leasable floor areas for sub-regional centres in greenfield locations to protect the retail hierarchy.*
27. Cl 21.19-5: Under the Geelong Retail Centre Hierarchy, Leopold is nominated as 'Existing Sub Regional. This is defined as: *A major retail centre that serves a wide catchment (but smaller than a regional centre) and is anchored by one or more discount department stores, supermarket(s), mini major(s) and speciality stores. An indicative floor space range is 15,000 to 60,000sqm.*
28. Kingston Downs is 'Future Neighbourhood'. *A retail centre that serves a neighbourhood catchment and is anchored by one or more supermarkets plus speciality stores. An indicative floor space range is 2,000 to 15,000sqm.*
29. Cl 21.19-4 Implementation identifies that 'Further work' is required for various centres. Leopold and Kingston Downs are not included in this list of centres.

30. Proposals for use applications at these and other retail centres would be subject to Cl.22.03 Assessment Criteria for Retail Planning Applications.
31. Cl 22.03 *Assessment Criteria for Retail Planning Applications* sets out how proposals will be evaluated. Linking back to the Retail Strategy, proposals are to be assessed as 'low' or 'high' impact.
32. The determination of low or high impact is to be determined by:
- whether the proposal is in centre, edge of centre or out of centre; and
 - whether the proposal conforms with the role and function identified in the Retail Hierarchy identified in Cl 21.19-5.
33. A low impact proposal must provide an economic assessment. A proposal deemed to be high impact must provide both an economic assessment and a net community benefit assessment.

5.1 The Lascorp Submission to Am C393

34. Leopold: The submission seeks for Council to revisit the position which seeks to ensure that any expansion of the Sub-Regional Retail Centre occurs over the land to the north and also incorporates retail uses on 601 Bellarine Highway as a western extension of the activity centre.
35. Kingston Downs: The centre has a leasable floor area approved at 10,935sqm. The schedule would introduce a section 1 use provision of 7,650sqm, with a requirement to apply for a Permit to use floor space for Shop use above that level (excluding floor area used for restricted retail premises).

6 AMENDMENT Am C395

36. While not the subject of this Panel hearing Am C395 is intertwined with Am C393, and, if approved the changes will have direct consequences on the application of the Activity Centre policy and upon the assessments of proposals. The amendment was exhibited in June and July 2019 and has since been referred to PPV. The amendment references the City of Greater Geelong Settlement Strategy, October 2018 ('Settlement Strategy').
37. Cl 21.14 of the exhibited amendment includes overlapping the policies for the Bellarine Peninsula.
38. Relevant strategies include:
- *Support the district towns of Ocean Grove, Drysdale and Leopold to fulfil their role as service hubs for the Bellarine Peninsula.*
39. The strategies also remove from the policy:
- *'Direct the bulk of residential growth and retail development to Ocean Grove,...and Leopold .. '.*
40. This change is a result of the Settlement Strategy which seeks to reduce the share of regional residential growth directed towards the Bellarine Peninsula.
41. In specific terms, the application of Cl 21.14 to Ocean Grove (Kingston Downs) and to Leopold (Bellarine Gateway centre and 601 Bellarine Highway is not amended by Am C395. However, there are implication, set out below.
42. Cl 21.14 as it applies states:
43. Cl 21.14 -3 Strategies: Ocean Grove (*dot point 9*),
- Supports the development of a new Neighbourhood Activity Centre, including community uses, in the north-east growth area adjacent to Grubb Road. (now known as *Kingston Downs*).
44. Cl 21.14-3 Strategies; Leopold (*dot points that are applicable to the Sub-Regional Retail activity centre and 601 Bellarine Highway*)
- Support Leopold as a Sub Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold's residents.

- Ensure the retention of Leopold as an urban island - **supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland** (my emphasis).
- Support increased housing densities around the Sub Regional Retail Activity Centre (my emphasis) and neighbourhood shopping strips at Ash Road and Dorothy Street.
- Encourage the northerly expansion of the Sub Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities and enhances its appearance and functionality.
- Provide an improved transport network which includes better traffic movements, pedestrian and cyclist linkages and public transport options.

45. Under Cl 21.14-4 Implementation,

Ocean Grove: the application of DDOs and C1 and C2 Zones are to continue to be used

Leopold: Land identified for future residential growth is to be rezoned to General Residential Zone plus a Development Plan Overlay. This land is located 1-1.5kms south of Bellarine Highway.

46. For expansion of the Sub-Regional Retail Activity Centre, the land immediately north of the Gateway Plaza is to be rezoned Commercial Zone plus a DDO and a DPO.

47. The settlement boundary around Leopold is shown in Cl 21.14-9 (Figure 11).

48. In 'Further Work,' I note the inclusion of: *Review housing opportunities within townships to determine if localised housing intensification can be provided.*

49. Other provisions remain unchanged, including:

- *Implement the Leopold Activity Centre Urban Design Framework, 2011.*
- *Undertake further assessment of sites nominated as "Urban Consolidation" in the plan attached to this Clause. (two areas of old large lot subdivisions)*
- *Undertake a Flood Study to introduce controls over areas identified appropriate for Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).*

50. Ocean Grove:

- *Review the structure plan by no later than 2021.*



Figure 11. GGPS Clause 21.14.9 – Leopold Structure Plan Map (and Am C395)

7 PLANNING ASSESSMENT

51. In dealing with Am C393 and any implication by Council's exhibited Am C395, I will deal with Leopold first and later with Kingston Downs.

7.1 Leopold

52. The land use zones applying to the Leopold Township (and showing the areas identified for residential development is contained in Figure 12).

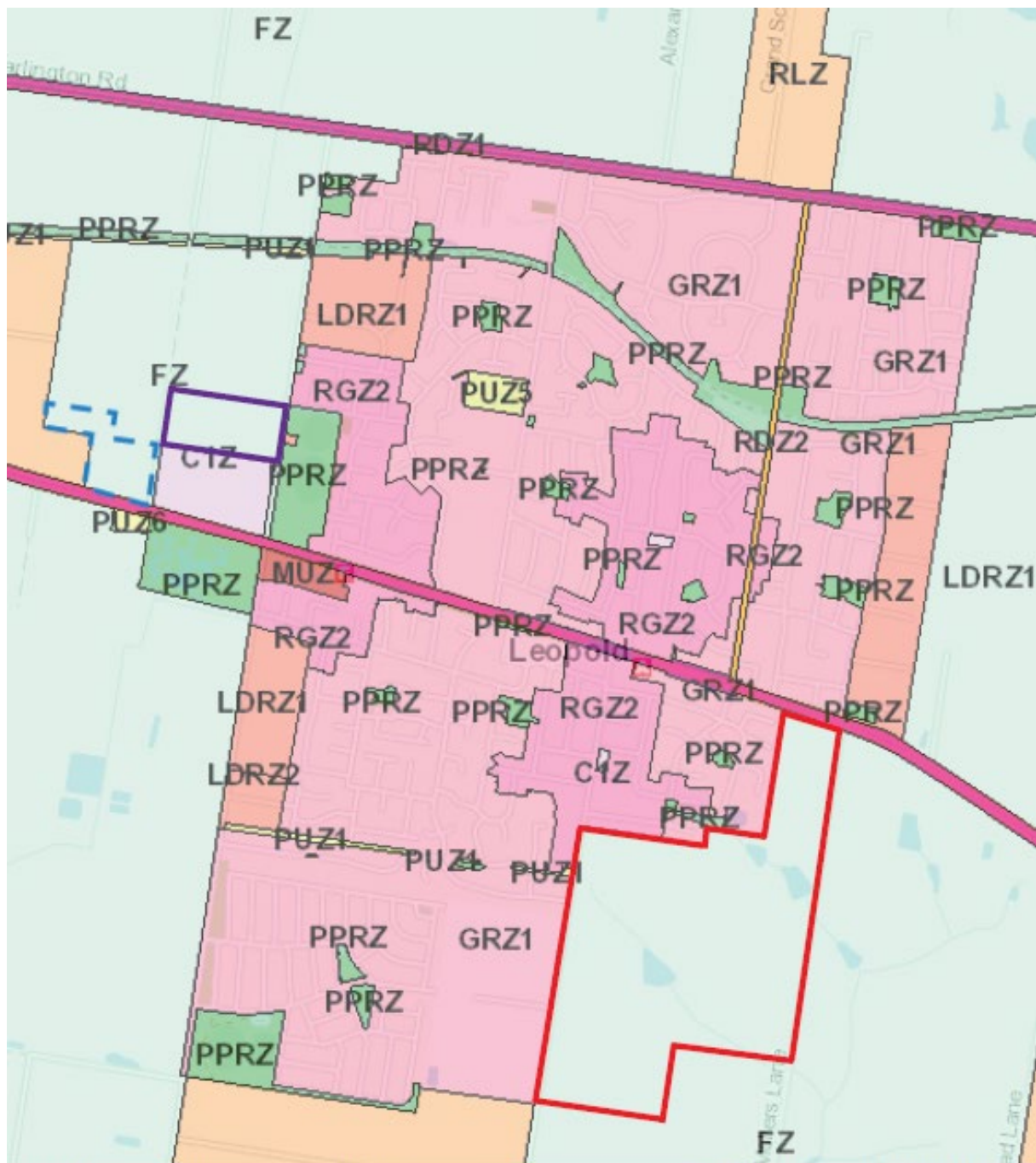
53. My view is that a shift to a limited western expansion of the Sub-Regional Retail Centre would produce better community outcomes.

54. These benefits are highly likely to produce increased prospects of business viability with the connected benefits of more retained retail expenditure, a more active and concentrated centre, and with a higher number of jobs.



55. A second and connected benefit is that land directly connected to (and immediately north of) the activity centre would become available for residential use; consistent with a range of urban planning policies and the shift in recent years for housing to be core use within activity centres.

56. I reached this conclusion by addressing these questions/tasks:

- Have the planning policies and controls that have applied to Leopold Sub-Regional Retail Centre (and Leopold) delivered a successful outcome for the community?
- Will the policies in Am C393 provide a net community benefit to Leopold residents?
- Activity Centre expansion options, revisited in 2019
- Do the options threaten the 'Urban Island' policy position that applies to Leopold?
- What changes would I recommend that would deliver a better Leopold sub-regional activity centre?



- | | | |
|-------------------------------------|---|--|
| Planning Scheme Zones | Rural Zones | Special Purpose Zones |
| Residential Zones | RLZ - Rural Living Zone | PCRZ - Public Conservation and Resource Zone |
| LDRZ - Low Density Residential Zone | FZ - Farming Zone | RDZ1 - Road Zone-Category 1 |
| MUZ - Mixed Use Zone | Public Land Zones | RDZ2 - Road Zone-Category 2 |
| RGZ - Residential Growth Zone | PUZ1 - Public Use Zone-Service and Utility | CDZ - Comprehensive Development Zone |
| GRZ - General Residential Zone | PUZ5 - Public Use Zone-Cemetery/Crematorium | |
| Commercial Zones | PPRZ - Public Park and Recreation Zone | |
| C1Z - Commercial 1 Zone | | |

-  601 Bellarine Highway, Leopold
-  Council Proposed Sub-regional Centre Expansion

-  Land Available for Residential Development

Figure 12. Leopold Area – Land Use Zones (GGPS)

7.2 Have the planning policies and controls applying to Leopold Sub-Regional Retail Centre delivered a successful outcome for the community?

57. In 2012, at the independent panel hearing into Am C254, I provided planning evidence in support of the western expansion of the centre, onto the 601 Bellarine Highway. (This was consistent with Concept 2 (option) in the Leopold Sub-Regional Activity Centre Urban Design Framework 2010 prepared for Council (Beca)). In assessing what has occurred since the western extension of the activity centre was not approved, I am convinced that the planning authority's decision (and what has since occurred) has produced an outcome which is not in the community's interest.
58. In 2012, the owners proposed a western expansion onto the shopping centre site to replace the old Stage 1 shops located in the north-eastern section of the shopping centre site with a discount department store, an extended mall and a second major supermarket, to be situated to the west. Combined with this would be a large hardware store to be located on 601 Bellarine Highway. The owners produced a 'master plan' which provided a plan for the shopping centre site, the northern lot and the western land (this is showed in Figure 13).
- Shopping Centre site: Retail and car parking, town square, cafes, F&B,
 - Northern land: Mixed use, offices, medical, childcare, cinemas, a supermarket dwellings and trade outlets, other uses
 - West (601 Bellarine Highway): Large Hardware, 13,000sqm.
59. In Am C254, the Council supported a centre layout concept which directed development onto the northern site (92 Melauka Road) and provided a strong landscape border to Clifton Avenue; intended as a non-commercial frontage to contain any western extension. The intended outcome from Council was that a large format hardware business was left with no option (it was thought) but to locate the store on the northern land (Figure 14).
60. In my evidence I considered that main road exposure, (particularly in a regional location) would be a determining factor in a decision to locate a major hardware store in this area. My recommendations were to locate the hardware store on the western site (601 Bellarine Highway) and use the northern land for complementary commercial/employment uses. Council's rejection of the proposal was re-affirmed in DPO30 and in 2015 (see Figure 15).
61. The built outcome, by a later owner of Bellarine Gateway Plaza, has seen the large format hardware store established with a highway frontage, but within the shopping centre site (see Figure 16). This outcome was not in accordance with the Council's

planning intent but reflected a commercial reality, in regard to major store location criteria. No development has yet occurred on the northern land. I consider that the Bunnings store location to be unfortunate and an unintended outcome of the planning decision. While I can accept a large hardware use being located close to shops in some situations, I see the location on the Gateway site (with no doubt significant lease controls over car parking areas) as compromising longer-term activity centre development options.

62. The layout has also created major challenges for any larger retail centre integration that is encouraged under CI 21.14-3. The combination of the long building forms of Kmart, Aldi, Bunnings and sundry loading arrangements along the northern side of the buildings has created a significant 'break' to any possible physical extension option. My assessment of any future northern expansion would indicate that if this were to occur, it will always be separate and probably struggle for viability.
63. My other disappointment in the built outcome is how the shopping centre fails to achieve any relationship with Melaluka Road; as an important community/commercial interface. This failure is partly a function of there being no 'shared vision' between the shopping centre owner and Council. For this to occur, on Council's part, it would have been required to be pro-active by excising some land off the Council reserve and then make this available for retail and F&B; to create a two-sided commercial road opposite the shopping centre.



Figure 13. CHC proposed Leopold Sub-regional Activity Centre Plan 0752/CP500A 2012

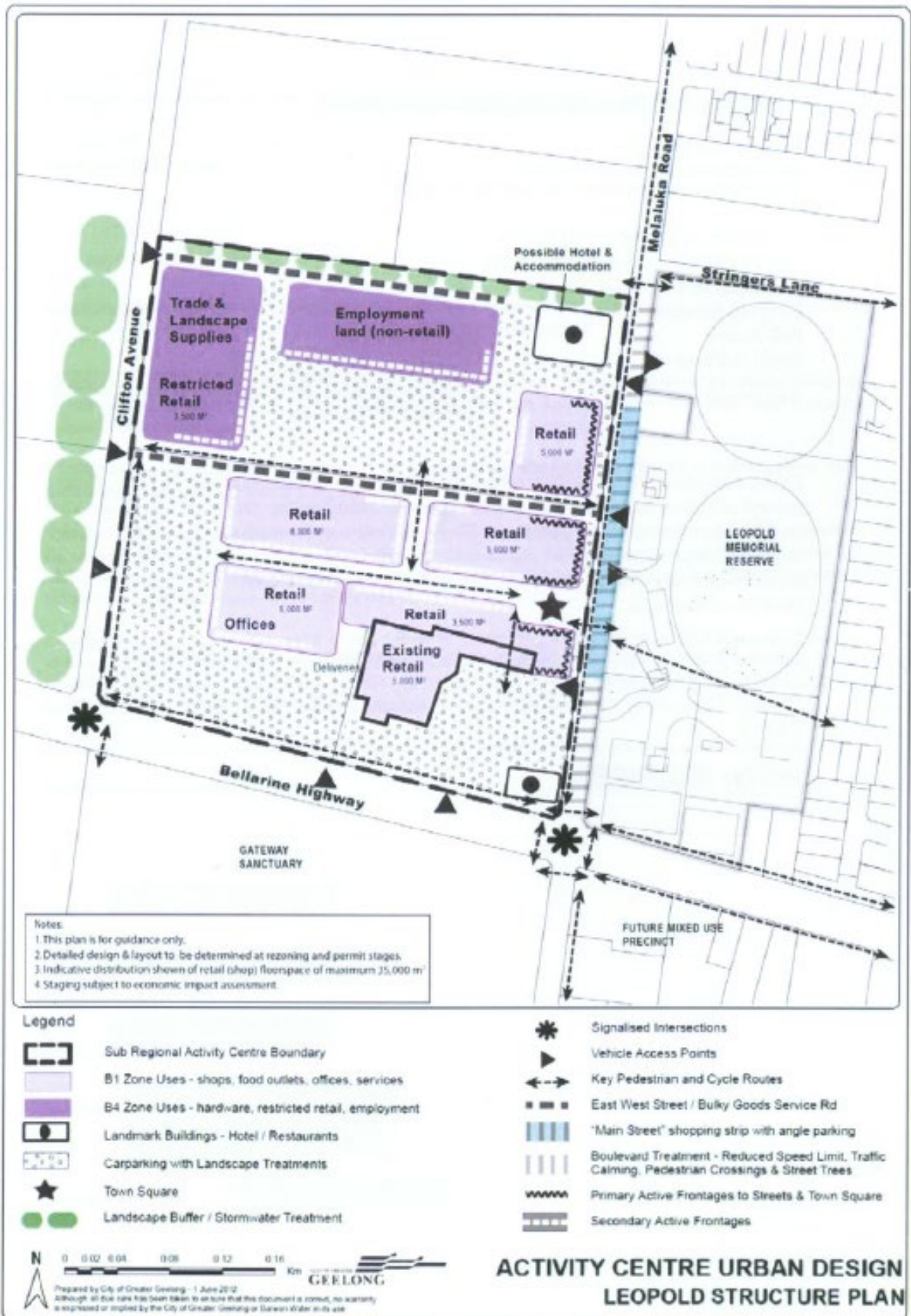
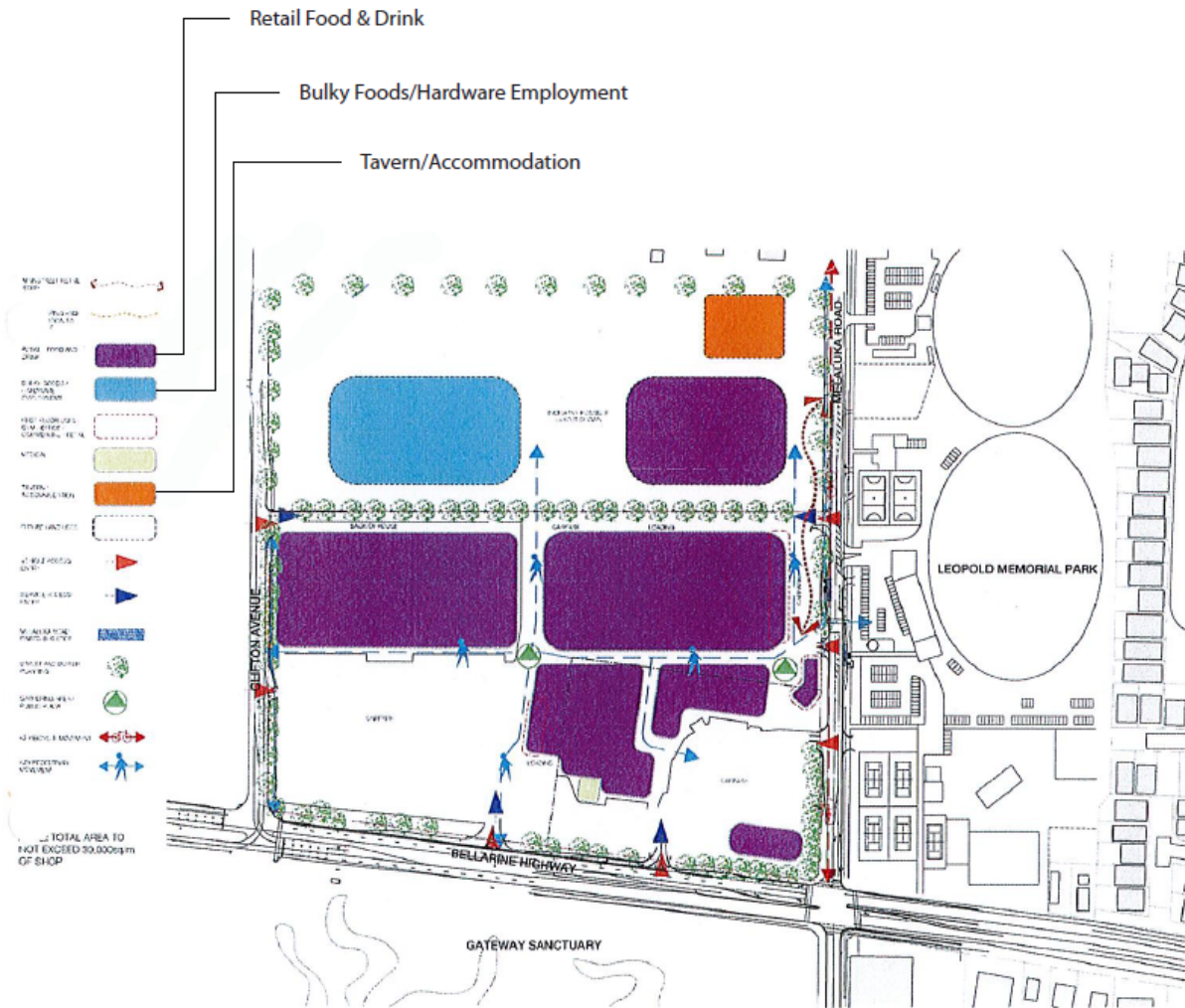


Figure 14. Activity Centre Urban Design Leopold Structure Plan, GGPS Am C254, (2012)



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John Sker
Signature
13/07/2015
Date

Figure 15. Leopold Sub-regional Activity Centre Endorsed Development Plan (2015)

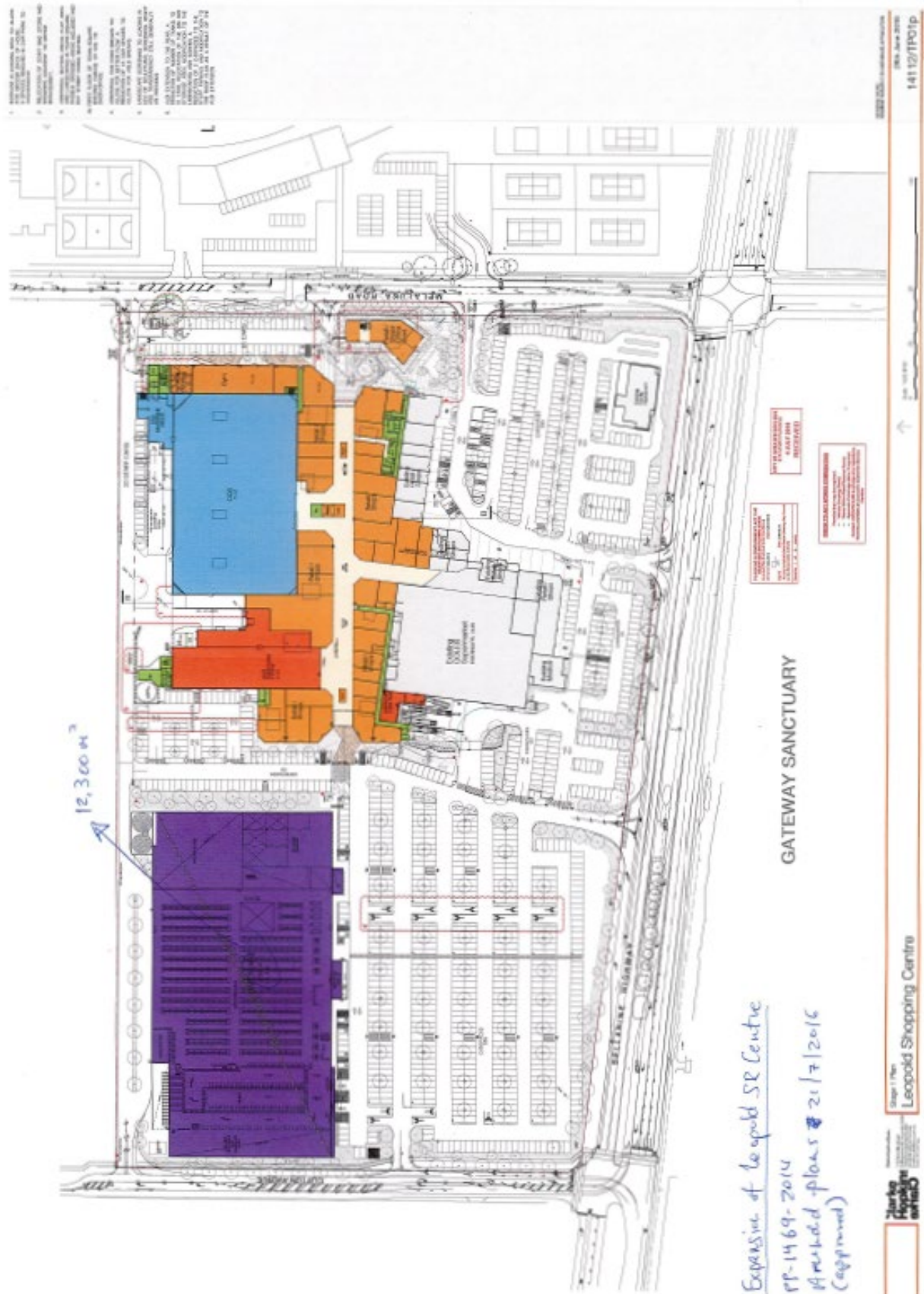


Figure 16. CHC Leopold Shopping Centre Endorsed Plan PP 1469-2014, June 2016

7.3 Will the policies in new CI 21.19 provide a net community benefit to Leopold residents?

64. No. The policies and provisions in Am C393 in CI 21.9 and CI 22.03, in the main, would perpetuate the situation as it stands. The clauses would hold to the current unsuccessful settlement boundary arrangement as it applies to the retail centre (and as delineated in the Retail Strategy).
65. In the case of Leopold, the boundary extends over the existing centre and over the northern land, (the existing situation). The eastern edge of the Council Reserve along Melaluka Road and the western site (601 Bellarine Highway) are outside the boundary. Reinforcing this position, CI 21.19-4 does not provide for the Leopold centre to be the subject of any 'Further Work'.
66. However, there are positives in the policy extensions under CI 21.19-2 and 3 (Objectives and Strategies) to view the centre more as an Activity Centre rather than a Sub-regional retail centre.
67. The evidence of this is provided in the wording of:
- *encouraging a mix of uses, including higher density housing within the centre,*
 - *the support for a more intense, vertically developed centre, and*
 - *(added post exhibition) for the direction to integrate retail and Residential Growth Zone residential development.*
68. CI 21.19 and CI 22.03 retain the alignment with State Planning Policy (CI 17.02-2S), in the preference for retail development to be in-centre, or edge of centre, rather than out of centre. Consideration for retail purposes of the lands at 601 Bellarine Highway, and the eastern edge of the Council reserve along Melaluka Road would satisfy both State level and local level planning policies as being 'edge of centre'.

7.4 Activity Centre expansion options, revisited in 2019

69. I have revisited the planning opportunities/ threats, and policy alignment of developing the Leopold activity centre as:
- North only, as per the current and proposed structure plan and policies; and
 - North and West, as per the current and proposed structure plan and policies; plus, onto 601 Bellarine Highway. (These diagrams and note are set out in Appendix 2).

70. I note that in dealing with these land parcels that separate ownerships apply; to the Shopping Centre, the northern land, 601 Bellarine Highway and to the Council reserve. (In 2012, there were three owners).
71. The diagram and notes identify the major issue that is apparent at Leopold, in that the activity centre is not at the centre of its community, but on the western edge; with no residential land on all sides apart from the east. And even on the eastern side, a non-residential park separates the centre from its residential community.
72. This has significant consequences for:
- the level and range of activities that might occur at the centre,
 - the lack of centrality for functions forced to go elsewhere through the lack of available land
 - an inability to provide increased living options close to facilities and transport
 - Premises rental levels being probably higher because of building/land scarcity.
73. In considering the two options in 2019, I am forced to deal with the location of the Bunnings in the sub-optimal location within the main shopping centre site.
74. North Only Expansion
75. On Appendix 2, Figure A, the Northern expansion option aligns with the Council recommended wording of CI 21.19 and CI 22.03 (and with CI 21.14 in exhibited Am C395). Council's Retail Strategy and recommendations see the northern lands as accommodating restricted retail uses. For successful expansion of the retail functions, the diagram relies on the extension of specialty shops etc in a centrally located northern spine that has been reserved for this development; between the existing retail mall and the Bunnings 'box'. Access and commercial exposure (to a very limited extent) would be available from Melaluka Road and Clifton Avenue.
76. I consider that such an extension might be possible, but any central connection would rely on the location of a major store as an anchor to the retail extension. This might be achievable were the retail centre be expanding towards being a regional shopping centre, but unlikely for a sub-regional. I note that in Figure 6 of the Retail Strategy, the intention for the Northern land is for Restricted Retail purposes, i.e. homemaker and large format retail uses. With such limited commercial exposure, I would doubt that the site would attract any of the more high-profile businesses that are associated with a homemaker centre; nor to a major retailer tenant.
77. A preferred 'anchor' store would be a large (third) supermarket with a separate array of fresh food and general traders. In the world of retail centre design, I would think

that the introduction of a second and separate mall running off the longer east-west mall would be considered very unorthodox and high risk.

78. Complicating this is the requirement to deal with the existing internal east-west service road running behind the major stores. If this is truncated it will need to operate in separate parts, requiring large truck (semi-trailer turning movements). Alternatively, it could be made into a street which people must cross (e.g. Knox).
79. But above this, I consider that the inferior exposure to the highway location (in comparison with the existing competitors) will remain the issue that will deter major retailer commitments; illustrated by the Bunnings decision.
80. Should a northern retail/commercial/homemaker expansion occur, there might be unintended consequences, impacting on land west of Clifton Avenue, and to the north of 601 Bellarine Highway. It is possible that development of the northern commercial land use might lead to new pressure on the planning authority to review the land use controls on that land (further to the north and west of the centre).
81. *Transition from Retail Centre to Activity Centre?* The disadvantage of the northern option is that it does not address the absence of a residential population that can walk into the centre. The nominated future residential land areas in Leopold are mainly well to the south of the Highway; between 1 and 2 kilometres from the centre (see Figure 17). Cl 21.14-9, to be unchanged in Am C395). In contrast the northern land would be within the 800 metres distance as nominated as preferable in Cl 22.03. This is a significant (and avoidable) failure of activity centre planning policy.



Legend

- Signalised Intersection
- Internal Major Access Roads

Notes:

- 1** Internal centre road heads north with retail shops along strips of land retained between Aldi and Bunnings.
- 2** Layout and lease arrangements will require retention of east-west loading access as an internal road. This will lead to any retail development north of the access road being separate.
- 3** Required 'new anchor' to be located to north along 'desire line': new retail major?/cinema/restaurant complex?
- 4** Melaluka Road retail commercial frontage opportunity, but west side only.
- 5** With northern extension, commercial interface along Clifton Avenue will be established for about 400 metres north of the Highway. Will raise/increase land use pressure for western side.
- 6** Existing 'Town Square' not assisted by expansion will be further removed from the centre's 'energy'. The connection to Melaluka Road south remains as a 'lost space'.

Figure A. North Option - Leopold Sub-Regional Retail Activity Centre

82. North and West (Appendix 2, Figure B)

83. The obvious difference with this option is that it embraces both the northern and the western land parcels and re-purposes them for land uses to which they are better suited. That is, retail land uses on the highway frontage site and residential uses to the north of the existing centre.

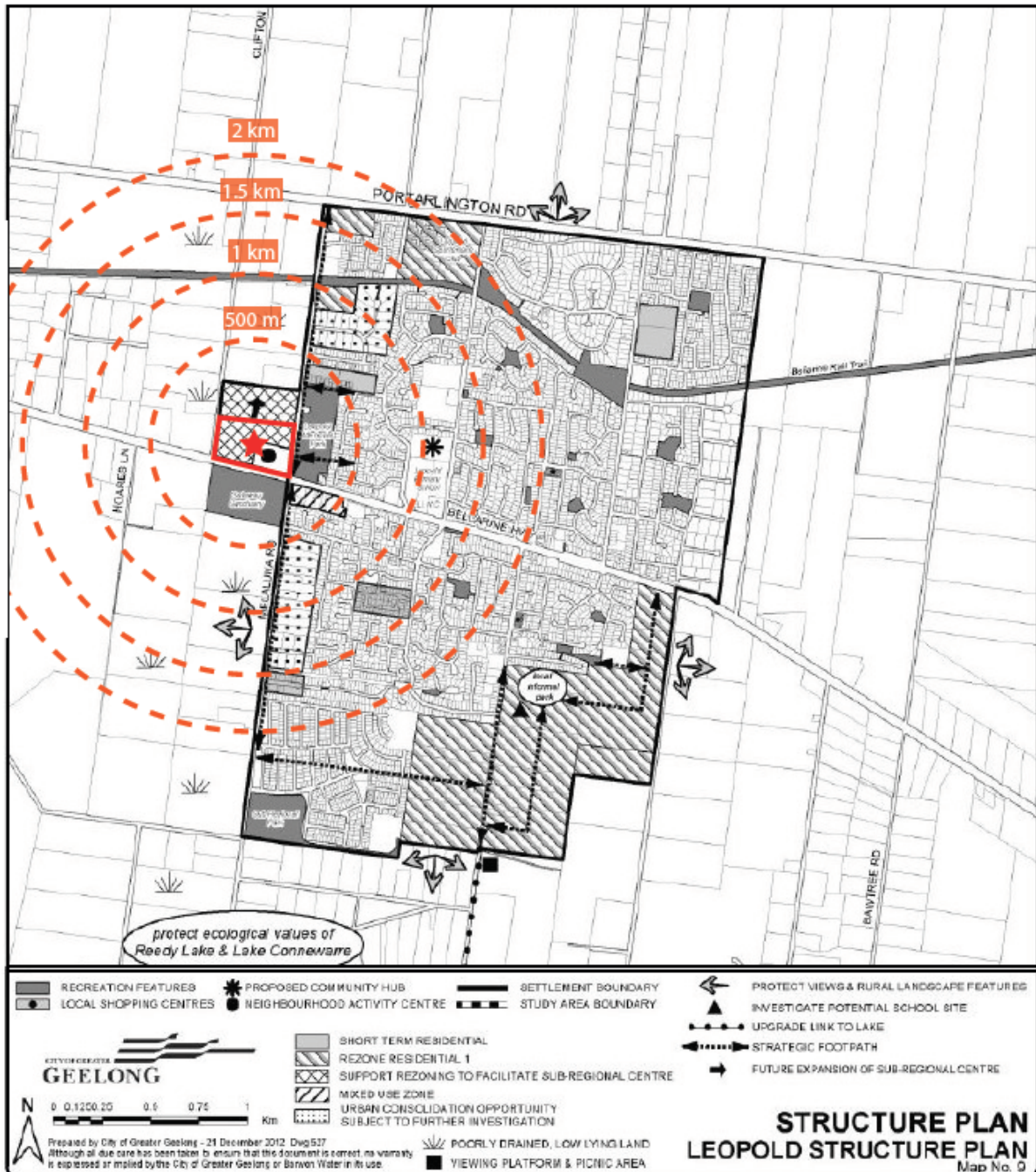




Figure 17. Leopold Structure Plan Map (showing distance from Sub-regional Retail Activity Centre)

84. The plan, as with Figure A, is required to accept the Bunnings store on the shopping centre site as a long-term tenant. The signalised intersection of Clifton Avenue with the Bellarine Highway is operational and would allow access into the western lot. The option assumes a more intensive development and redevelopment of the shopping centre site as I have seen in other large and mid-range centres. This intensification might address the weaker eastern side of the centre (from my observations). This might see a new module or entertainment/F&B/cinemas section close to the corner with Melaluka Road, potentially incorporating the McDonalds premises.
85. The 'retail' expansion option overcomes the unlikelihood of requiring a new anchor store or section to the north. Instead the established pattern of a strong east-west mall is extended; possibly east with new, internalised and external shops; and west, as a dedicated pedestrian pathway across the frontage of Bunnings. Some smaller shops might be situated across the Bunnings frontage. To integrate and provide a more 'human-scale' the large form, the pedestrian path would continue west and cross Clifton Avenue, to the new retail site/development. I note that the drainage reserve area, south of the Highway would be directly opposite this site area for connection.
86. The northern lands would provide mixed use and residential opportunities that would provide commercial synergies and a walk-in residential market to the centre and community facilities situated around the centre., There is potential for 800-1,200 dwellings at medium density ,or for a mix of commercial/service uses with a lesser requirement for commercial exposure/association.
87. The east-west pedestrian line of about 500 metres from Melaluka Road to over Clifton Avenue is similar in length to other sub-regional centre mall distances.
88. A new settlement boundary: The introduction of the western land into the activity centre comes with the incorporation of a substantial, 30 metre wide landscape and drainage land buffer area running along the western boundary from the Highway and then retuning east to Clifton Avenue in line with the northern boundary of the existing shopping centre site. This would exclude that part of the title which is situated in a north-western extension (this part would need to be consolidated with a Farming Zone lot). This arrangement is designed to separate the activity centre land from the Farming Zone land, to the north. After allowance for the landscape buffer, a development site of about 3ha would be available (see Figure 18).



Legend

-  Signalled Intersection
-  Internal Major Access Roads

Notes:

- 1** Retain retail 'footprint' along Highway with expansion land to west of Clifton Avenue. Better visibility.
- 2** Opportunity to strengthen eastern section of the centre.
- 3** Replace Stage 1 with new retail major/cinema/entertainment on key location (integrate with McDonalds?).
- 4** Eastern redevelopment provides opportunities to add retail/F&B/service uses close to Melaluka Road.
- 5** Opportunity to partner with Council creating Melaluka Road as a two-sided commercial street.
- 6** Create a new central space as a public area/central linking space.
- 7** Locate shops/retail to frontage locations along sections of Bunnings. New east-west pedestrian environment.
- 8** New retail/homemaker/other use with Highway exposure.
- 9** Locate higher density residential, well located to retail and community facility and transport. 800-1,200 dwellings, potential.
- 10** Provide landscape/acoustic buffer between retail loading area and residential.
- 11** Incorporate 30 metre wide landscape buffer/drainage channel on FZ/LDZ boundary to reinforce west and northern settlement boundary.

Figure B. North and West Option - Leopold Sub-Regional Retail Activity Centre

89. Should the centre invest in a new retail/entertainment development closer to Melaluka Road, there would be the opportunity for Council to complement this by releasing land along the eastern side of Melaluka Road.

90. *Transition from Retail Centre to Activity Centre?* The northern and western option has stronger planning policy support. The location of housing adjacent to facilities and public transport is supported under policy by:

Cl 16 Housing, specifically:

- Cl 16.01-S Integrated housing
- Cl 16.01-2S Location of residential development
- Cl 16.01-3S Housing diversity
- Cl 16.01-4S Housing affordability
- Cl 16.01-7S Residential aged care facilities.
- Cl 17.02-2S Business. The location of commercial facilities on the highway exposed land is more strongly supported.

And locally

- Cl 21.06-2 Urban growth
- Cl 21.06-3 Urban consolidation

7.5 Do the options threaten the 'Urban Island' policy position that applies to Leopold?

91. I do not consider that either option would threaten the urban island characteristic of the Leopold area. The separation of the Leopold town from the greater Geelong area would remain. The implementation of the strong buffer area (wider and less exposed than Clifton Avenue) would operate with the large lot low density residential area which forms a major non-urban break to the west. The combination of zone, landscape/environmental and lot segmentation 'barriers to change' should achieve an outcome similar in effect to the current arrangement but with net community benefits for Leopold in increased viability, better connectivity, more jobs and better located dwellings.

7.6 What changes would I recommend that would deliver a better Leopold sub-regional activity centre?

92. From my statements above, I would recommend:

93. Retail Strategy:

- Include the specified section of the land at 601 Bellarine Highway within the Leopold settlement boundary and within the Leopold Sub-Regional centre (as shown in Figure 18).
- On Council Day 1 version (Appendix 1 in Day 1 Version), Figure 6, remove the 'Future Restricted Retail' designation from the plan.
- Cl 21.19-4 Implementation to include: *make changes to the Leopold Sub-Regional Retail Centre boundary to incorporate as section of the land to the west of Clifton Avenue and nominating the northern lands for mixed use purposes.*
- Amend DPO30 to add the western land into the sub-regional centre land
- Other changes required would need to be made to Cl 21.14, the subject of Am C395.

LP123094
EDITION 1
APPROVED 9/16/17

PLAN OF SUBDIVISION
PART OF CROWN ALLOTMENT 4 BLOCK 1
PARISH OF MOOLAP
COUNTY OF GRANT

Measurements are in Links
Conversion Factor
LINKS X 0.201168 = METRES

VOL. 770 FOL. 895
VOL. 9022 FOL. 608

COLOUR CONVERSION
R1 = BROWN

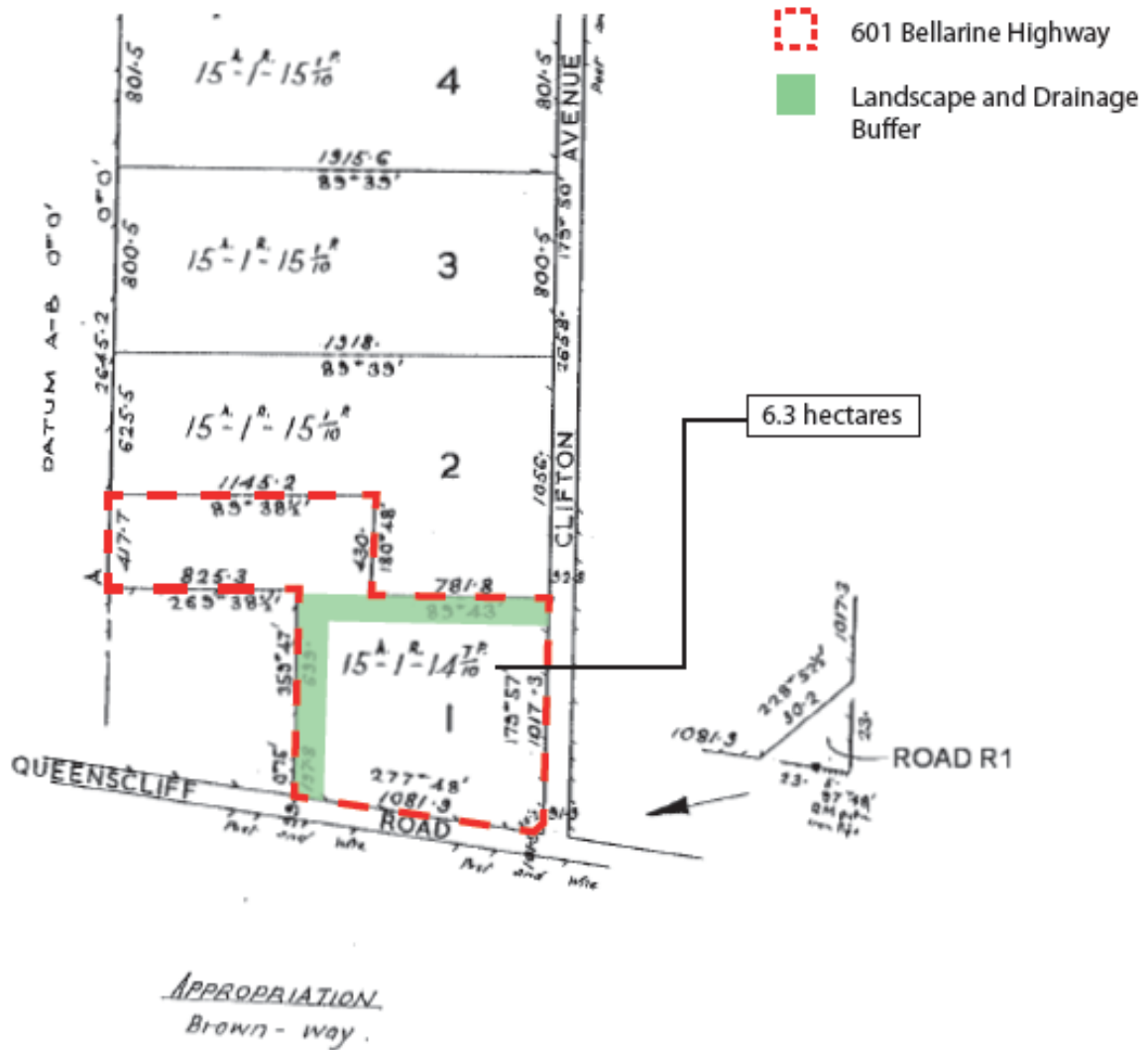


Figure 18. Part of 601 Bellarine Highway with Landscape Buffer

7.7 Kingston Downs Neighbourhood Activity Centre, Grubb Road, Ocean Grove

94. This centre fall into the Neighbourhood Centre category.
95. The matter under Am 393 involves the application of a retail floor space cap under the Schedule to CI 34.01 of 7,650sqm.
96. The case for the retail cap of 7,650 sqm is set out in the Retail Strategy dealing with Kingston Downs Neighbourhood Activity Centre, Grubb Road, Ocean Grove. The centre has an approved floor area totalling 10,395sqm (See Figure 19).
97. The Council case for a cap of 7,650sqm is that this will control the scale of retail floor area use until the responsible authority is satisfied that no material adverse economic impact will occur to other centres. A permit will be required for the centre to exceed this total retail floor area figure and under Day 1 CI 22.03, an economic impact statement must be submitted with the application. The figure specified is set at a margin above a calculated assumption of the ratio of retail to non-retail floor area use in the centre.

7.8 Is this approach reasonable and in line with policy?

98. Retail planning and retail centre planning policies are now more fluid and less controlling that was the case some years ago; and particularly after Am VC100 in 2013. Planning policy retains the use of retail floor space controls in developing/growth area locations. Typically, in this era, these are contained within Precinct Structure Plans under the Urban Growth Zone. And, one of the challenges in current retail developments is attracting and sustaining specialty retailers in neighbourhood centres.
99. The risk in applying a tight cap to Kingston Downs centre is the impact this may have on business flexibility, business attraction, business viability and jobs.
100. Retailing and food and beverage services are subject to large swings in patronage and sustainability.
101. I find it concerning that a planning authority would seek to manage, at the specialty shop level, retail/commercial floor area usage within a neighbourhood centre.
102. The role and function of the centre will not change to any extent if the number of specialty 'Shops' fluctuates, or if minor sections of additional shops are added. A change in the number of specialty shops at Kingston Downs, above the Council nominated and assumed 50% level, would trigger a requirement for an economic impact assessment. I note that no such mandatory requirement exists within the PSP model.

103. It is my opinion that if the floor space cap is to apply, it should be nominated at the total centre size, giving the owners and operators and business owners the flexibility to move in, move out and move within the centre; including changes and additions to tenancy sizes and formats. None of these changes will alter the role and function of the centre as generally configured. It will only be when a new major store is added will there be a step change. And, under that scenario, the responsible may require all necessary planning and economic impact assessment of any such proposal, whether or not a floor space limit applies under Schedule to 34.01.

7.9 What changes would I recommend relating to Kingston Downs?

100. Retail Strategy:

- Amend pages 72-73:
- Delete all text below 'Planned retail floor space total:10,395 square metres'
- Insert:
- Current floor space cap: No
- Recommendation: Floor space cap of 10,395 square metres
- In Schedule to CI 34.01 Commercial 1 Zone:
- Kingston Downs Neighbourhood Activity Centre Grubb Road, Ocean Grove:
- Under '*Maximum leasable floor area (m²) for shop (other than restricted retail premises)*': 10,395.

APPENDIX 1
Expert Witness Declaration

Expert Report Statement, Greater Dandenong Planning Scheme Am C393

Properties: 601 Bellarine Highway, Leopold and Kingston Downs Activity Centre, Grubb Road Ocean Grove.

Name and Address: Bernard McNamara,
Principal, BMDA Development Advisory, Ground Level 312 St Kilda Road, Southbank 3006

Qualifications and Experience:

Bachelor of Town and Regional Planning, University of Melbourne
Graduate Diploma of Management, RMIT University

Professional Experience: Practising Town Planner for over 30 years in local government, private consulting, a private development corporation and a publicly listed development corporation.

2007-current: Principal of BMDA Development Advisory, providing property development and town planning services to a range of development companies and organisations in retail/commercial, residential, infrastructure and mixed-use fields.

Areas of Expertise relevant to this matter

- Statutory and Strategic Planning practice
- Commercial building project design and street-based precinct planning
- Management of multi-level residential and commercial buildings within inner Melbourne
- Master planning and concept design planning of major developments
- Project management of development approvals for retail, commercial, infrastructure and residential projects, as a single use and in mixed use
- Commercial development feasibility analysis assessment
- Urban renewal analysis and development planning
- Town planning due diligence

Planning Project and Policy work that is relevant to this statement:

Plan Melbourne: Member, Ministerial Advisory Committee 2012-2013 for *Plan Melbourne 2014* and re-appointed 2015-17 for *Plan Melbourne 2017-2050*.

Judge of the Urban Development Institute of Australia (Vic) Awards for Excellence 2009-2016: assessing (inter alia) retail centres, activity centres, residential and mixed-use projects in growth areas, for assessment for design, environmental and commercial performance.

Epping Central: Pacific Epping: Retail and Mixed-Use developments (major projects, planning scheme amendments, development contributions agreements, infrastructure agreements for Pacific Group of Companies) 2010-Current

Responsibility for development approvals in Central Melbourne, Southbank, Box Hill, Richmond, Northcote, and Central Dandenong for commercial and retail town planning Permit application processes, involving tall building subject to detailed design and development overlay controls.

Preparation of planning scheme amendments on behalf of private clients and carriage of these through the amendment process. Chadstone, Pacific Epping Plaza, Pacific Werribee, Dandenong Plaza, plus numerous representations for clients whose properties have been the subject to planning scheme amendments.

Town planning and project management development roles on major retail centres including Pacific Epping, Pacific Werribee, Dandenong Plaza, Myer centre Albury, Hoppers Crossing, growth area local town centres, Coles supermarket projects.

Sunshine Town Centre and St Albans activity centre: commercial and strategic property advice for Brimbank City Council: 2013-current

Expertise to make this report: Activity centre planning policy analysis, Strategic planning policy analysis. Site design expertise. Experience with the planning and design of commercial buildings, residential apartment buildings, retail and activity centres, retail, commercial and mixed-use projects and development of feasibilities for residential, retail and mixed-use projects and in the assessment of potential acquisitions and projects for clients.

Declaration of any business interests with the party for whom the report is commissioned: I have no business interests with the applicant or associated other than the commission for this report.

I declare that in 2012, I provided an expert planning report in relation to Greater Geelong Planning Scheme Am C254 which related to Leopold, also on behalf of Lascorp Development Group. I have provided this report as an appendix to this October 2019 report.

Instructions: I have been instructed by Amy Golvan, Legal Counsel at Lascorp Development Group to prepare town planning advice in relation to planning scheme amendment as it relates to the Properties.

Facts Matters and Assumptions: I have visited the site and surroundings. References to the material that I have used are contained in my report. Assumptions and any exclusions are set out in the report.

Persons involved in the report content: Self and staff within BMDA consultancy

Summary of Opinions See statement

Declaration:

I have made all the inquiries that I believe are appropriate and that no matters of significance which I regard as relevant has to my knowledge been withheld from the Panel



Bernard McNamara

Date



16/10/2019.

APPENDIX 2

Leopold Sub-Regional Retail Activity Centre, comparison of expansion options: North and North West



Legend

-  Signalised Intersection
-  Internal Major Access Roads



Notes:

- ① Internal centre road heads north with retail shops along strips of land retained between Aldi and Bunnings.
- ② Layout and lease arrangements will require retention of east-west loading access as an internal road. This will lead to any retail development north of the access road being separate.
- ③ Required 'new anchor' to be located to north along 'desire line': new retail major?/cinema/restaurant complex?
- ④ Melaluka Road retail commercial frontage opportunity, but west side only.
- ⑤ With northern extension, commercial interface along Clifton Avenue will be established for about 400 metres north of the Highway. Will raise/increase land use pressure for western side.
- ⑥ Existing 'Town Square' not assisted by expansion will be further removed from the centre's 'energy'. The connection to Melaluka Road south remains as a 'lost space'.

Figure A. North Option - Leopold Sub-Regional Retail Activity Centre



Legend

-  Signalled Intersection
-  Internal Major Access Roads

Notes:

- 1** Retain retail 'footprint' along Highway with expansion land to west of Clifton Avenue. Better visibility.
- 2** Opportunity to strengthen eastern section of the centre.
- 3** Replace Stage 1 with new retail major/cinema/entertainment on key location (integrate with McDonalds?).
- 4** Eastern redevelopment provides opportunities to add retail/F&B/service uses close to Melaluka Road.
- 5** Opportunity to partner with Council creating Melaluka Road as a two-sided commercial street.
- 6** Create a new central space as a public area/central linking space.
- 7** Locate shops/retail to frontage locations along sections of Bunnings. New east-west pedestrian environment.
- 8** New retail/homemaker/other use with Highway exposure.
- 9** Locate higher density residential, well located to retail and community facility and transport. 800-1,200 dwellings, potential.
- 10** Provide landscape/acoustic buffer between retail loading area and residential.
- 11** Incorporate 30 metre wide landscape buffer/drainage channel on FZ/LDZ boundary to reinforce west and northern settlement boundary.

Figure B. North and West Option - Leopold Sub-Regional Retail Activity Centre

APPENDIX 3

Bernard McNamara GGPS Am C254 Report, September 2012

Greater Geelong Planning Scheme Amendment C254

Leopold Structure Plan

DATE: 25th September





1. INTRODUCTION

I have been requested by Melaluka Commercial Pty Ltd (Lascorp) to provide comment in relation to the planning scheme amendment as it relates to the Bellarine Gateway Shopping Centre in its current and in its proposed forms. The company is the owner of the shopping centre and vacant land to the north and west of the centre, including land to the west of Clifton Avenue.

In my comments I am applying the lessons from my extensive work in shopping centre design and commercial assessments and from my work in retail and commercial business districts. My comments relate to the amendment and structure plan recommendations as these will apply. This report assesses the recommended planning scheme controls against what I consider to be the mutually beneficial outcomes for retail development form and functions and to “place making” elements within Leopold.

I have previously provided advice on behalf of Lascorp through participation in meetings, attendance at the two design workshops in Geelong (convened by Council). I provided a written report in support of AmC254 which supported the amendment but recommended some changes.

2. SUMMARY OF OPINIONS CONTAINED WITHIN THIS REPORT

This report contains my opinion on the amendment and addresses the Council’s adopted position of 24th July 2012. It also contains a summary of the key items in my submission dated March 2012.

Cl. 21.14-2: I support the replacement of the strategies applying to Leopold with the deletion of dot points 2 (“*urban Island*”) and 5 (*northerly expansion only*)

Cl. 21.14-8: The diagram should be amended to show the highway land to the west of Clifton Avenue as an integral part of the Leopold sub-regional activity centre with consequent changes to arrows and changes to the legend wording.

UDF Changes:

Replace the proposed plan in the UDF with a plan that includes an expanded area within the activity centre and which incorporates the land use and landscaped buffer inclusions.

Correction to the retail floor space numbers on the plan



3. SUMMARY OF MY POSITION ON EXHIBITED AM C254, THE PROPOSED LEOPOLD STRUCTURE PLAN (LSP) AND THE LEOPOLD SUB REGIONAL ACTIVITY CENTRE URBAN DESIGN FRAMEWORK, DECEMBER 2010 (UDF). *(These documents are to be included as a Reference Document to the Greater Geelong Planning Scheme).*
 1. Am C254 provides statutory effect to the location of Leopold as the sub-regional activity centre, and identifies the Gateway Plaza as the logical site, capable of extending to the north and west. The amendment encourages investment and the enhancement of the centre's appearance and functionality.
 2. Due to the location of the sub-regional activity centre being at the western edge of its primary trade area, there will need to be a "non-standard" solution that will achieve a central public element within the centre. This will impact on the design of the shopping centre and on how access is organised.
 3. Role of Melaluka Road: The link from the shopping centre into the town is through the connection with Leopold Memorial Recreation Reserve. If the community and recreational objectives for the activity centre are to be achieved, this "non-standard" approach will involve incorporating this Reserve as part of the activity centre. The public space element needs to focus on Melaluka Road. The road should form the centre of the "public place" function. An innovative design solution is needed for a section of Melaluka Road and for the two sections of property that abut it: the shopping centre; and the Reserve.
 4. The treatment of Melaluka Road will involve setting up the road with varying characteristics.
 - Bellarine Highway to southern entry to the shopping centre (and into the Reserve): high traffic activity, including the intersection configuration at Bellarine Highway.
 - "Main street" section, from southern shopping centre access and north to close to Stringers Lane:
 - From Stringers Lane north: standard collector road function
 5. Leopold Recreation Reserve: Prior to the activity centre design workshops in 2012, Council adopted a master plan for the future development of the Leopold Memorial Recreation Reserve. In my opinion, this should now be re-thought. The main street role for Melaluka Road creates opportunities for the positioning of community and commercial shop-front type uses along the eastern (Reserve) street edge. These uses would complement the retail shops to be situated to the west. This would transform Melaluka Road into a two sided street with a higher likelihood of becoming a successful place.
 6. Clifton Avenue: With the new role for Melaluka Road, Clifton Avenue will be called upon to play a higher traffic access role. However, the nominated treatment within the exhibited structure plan documents called for a 30 metre buffer planting along the eastern side of Clifton Avenue. This treatment would operate contrary to this required emphasis and should be changed.



7. In any circumstances, the implementation of a buffer planting strip needs to be revisited. The alienation of a 30 metre-wide strip of land for a distance of 375 metres within an activity centre is highly unorthodox, wasteful and incongruous. *(During the workshops the Council advised that the inclusion of this buffer will not be insisted upon.)*
8. Northern land in the activity centre (Perez): Land within the activity centre to the north of the highway frontage land will be commercially attractive because of the planned expansion of the shopping centre. (This change in value and development take-up will occur over time.) The frontage areas to Melaluka Road offer locations for retail, commercial and service uses. Opportunities to provide sites for local businesses and other commercial uses within other areas of the centre should support this demand. More intensive residential uses would also be appropriate.
9. Activity centre road pattern: With the size of the nominated activity centre being over 15 ha, connections within the activity centre need to be set into the conceptual plans. Safe pedestrian, service vehicle and public transport access will need to form part of this approach. A new east-west road should straddle the title boundaries of the shopping centre site and the Perez sites. North-south road/s will be required within the Perez land to service smaller-scale businesses/ employment uses.
10. Precinct planning: The logical planning of the shopping centre will extend development west from the existing convenience centre. The main street functions close to Melaluka Road will be predominantly occupied by service uses, niche businesses and food and drink premises some of which will operate over extended hours. Moving west into the centre, the convenience/everyday uses will remain and increase. The higher order retail, commercial and service functions will be extend west within a pedestrian-priority environment (served by adequate car parking). Areas close to Clifton Avenue offers the opportunity for safe, controlled access for non-local traffic and for the location of a higher proportion of car parking. Logically, more "drive-in" and larger format retail uses could be positioned closer to the western end. This includes locating Restricted Retail Premises/Trade Supplies uses on the land to the west of Clifton Avenue.
11. Western area location for retail uses: Two sub-regional activity centre master plan options were presented in the Leopold Sub Regional Activity Centre Master Plan; Strategic Directions Report, December 2010 (Master Plan) and in the UDF. I considered that "Concept B-Western Growth" would work better and provide the more effective land use structure. "Concept B" located highway retail uses on the western land over Clifton Avenue with exposure to the Bellarine Highway. Council preferred "Concept A-Northern Growth", with no commercial development over Clifton Avenue.
12. In my March report I included a graphical interpretation of my recommended precinct approach (See Figure 1 attached.)

Since that time, I have also provided a report in support of a combined planning scheme amendment and planning permit application for expansion of the shopping centre (7th August 2012).



4. COUNCIL’S POSITION FOLLOWING SUBMISSIONS AND COMMENTS IN RESPONSE

Council supports the Amendment, with some changes relevant to the activity centre. Council has retained the option for expansion of the activity centre to the west of Clifton Avenue in Cl.21.14-8 whereas the recommended changes to the UDF increase the level of prescription over the form and direction of development (north)

The replacement of Strategies for Leopold in Cl. 21.14-2 recognised the lift in status to a sub-regional centre in line with its growth identifying this in its wider context of an employment and services location. The wording identifies the northerly expansion of the activity centre, and makes no reference to the potential westerly expansion.

The wording also seeks to lock in a settlement boundary, using the term of “urban island” almost as a brand. At the same time this raises questions as to how the strategy to increase housing densities around the sub-regional activity centre might be achieved if no additional land is to be considered. The strategies in C. 21.14-2 are much changed from the existing ones. I set out the current and proposed strategies in the given order, starting with a “matching pair.”

Cl. 21.14-2 Introduces new wording within Cl.21.14-2 Objectives and Strategies covering Leopold

Existing Strategies	Proposed Strategies
	<ul style="list-style-type: none"> Support Leopold as a Sub Regional Retail Activity Centre for the Bellarine Peninsula, whilst providing local community, recreational and employment facilities to Leopold’s residents.
	<ul style="list-style-type: none"> Ensure the retention of Leopold as an urban island - supporting urban growth contained to the settlement boundary and preserving the surrounding rural hinterland.
	<ul style="list-style-type: none"> Support the development of the Ash Road Growth Area and other areas identified for residential development on the Structure Plan map.
	<ul style="list-style-type: none"> Support increased housing densities around the Sub Regional Retail Activity Centre and neighbourhood shopping strips at Ash Road and Dorothy Street.
	<ul style="list-style-type: none"> Encourage the northerly expansion of the Sub Regional Retail Activity Centre, ensuring any development integrates with the existing centre and surrounding community facilities, and enhances its appearance and functionality.
Discourage further expansion of the two existing local shopping centres in Ash Road and Dorothy Street.	Support the local convenience role of the Ash Road and Dorothy Street neighbourhood shopping centres, whilst restricting any future expansion of these centres.



<ul style="list-style-type: none"> Support acquisition of additional school land on Ferguson Road and Kensington Road for the development of additional school facilities. 	<p><i>Support the development of Council's Kensington Road Community Hub to provide a wide range of community, health, education and civic services/facilities.</i></p>
<ul style="list-style-type: none"> Support rezoning of Areas 1, 2 and 3 as shown on the Structure Plan map for short term urban development. 	<ul style="list-style-type: none"> <i>Encourage the creation of an additional local mixed use centre on the south east corner of Bellarine Highway and Melaluka Road. Any redevelopment of this site could accommodate restaurants, convenience shops, offices and residential development.</i>
<ul style="list-style-type: none"> Support Area 4, as shown on the Structure Plan map, for longer term residential growth, after the preparation of an outline development plan. 	<p><i>Provide public open space within existing and proposed residential areas to cater for the passive and active recreation needs of the community.</i></p>
<ul style="list-style-type: none"> Maintain a non-urban break between Geelong and Leopold. 	<ul style="list-style-type: none"> <i>Provide an improved transport network which includes better traffic movements, pedestrian and cyclist linkages and public transport options.</i>
<ul style="list-style-type: none"> Prevent urban development crossing north of Portarlington Road. 	<ul style="list-style-type: none"> <i>Ensure environmentally sensitive areas including Lake Connewarre and Reedy Lake are protected from localised development pressure.</i>
<ul style="list-style-type: none"> Where appropriate, ensure new development contributes to the provision of a bicycle-pedestrian path throughout Leopold linking key community sites. 	<p><i>Investigate opportunities for public access to Port Phillip Bay.</i></p>

Cl. 21.14-8: Council resolved to retain the diagram in this clause as exhibited notwithstanding that the Council officer's report had recommended that the diagram be altered by the removal of the arrow west of Clifton Avenue which was labelled "Alternative future expansion of the sub-regional centre". (This diagram is now in conflict with the diagram that Council recommends be substituted in the UDF (see below)).

Leopold Sub-Regional Activity Centre Urban Design Framework

New Activity Centre Urban Design Plan: The Council has proposed a new diagram that would replace Concept 1 and Concept 2 as contained in the UDF. This plan is shown as "Appendix 1-5 in Council's report.

This plan includes a note which states:

- This plan is for guidance only*
- Detailed design & layout to be determined at rezoning and permit stages
- Indicative distribution shown of retail (shop) Floorspace of maximum 35,000m²
- Staging subject to economic impact assessment.



This plan diverts from the exhibited Concepts as set out below:

- Redraws the Activity Centre boundary (*now includes only the Lascorp and Perez land holdings west of Melaluka Road*). The exhibited plans covered a wider study area including Leopold Memorial Reserve, commercial premises on the south-west corner of Bellarine Highway and Melaluka Road, and the Gateway Sanctuary.
- Removes any land to the west of Clifton Avenue,
- Relocates the Landscape buffer shown on the eastern boundary of Clifton Avenue to the west side of the road; with the area to serve also as a stormwater detention area. The northern landscape buffer along the Perez land is retained.
- Melaluka Road: This road is to be treated as a "boulevard" with reduced traffic speeds, traffic calming, pedestrian crossings and trees for two sections: close to Bellarine Highway, and north of the "retail section". The 'retail section' for about 200metres is to be a "Main Street" shopping strip with angle parking.
- A new east-west road is shown along the northern boundary of the Lascorp land running between Melaluka Road and Clifton Avenue.
- Shopping Centre site: The generalised "blob" formations of "Retail" shown as extensions to the existing shopping centre have been replaced with more specific "polygons" with nominated retail floor space areas. The polygons are marked:

Existing Retail	5,000m ²
Retail	3,500m ²
Retail	5,000m ²
Retail	8,000m ²
Retail	<u>5,000m²</u>
Total (not shown)	26,500m ²
- Landmark Buildings introduced: shown at the intersection of Bellarine Highway/Melaluka Road and at the northern end of the activity centre boundary with Melaluka Road.

Changes to the northern (Perez) land: Changed (from east to west):

<u>Was</u>		<u>Proposed</u>
Retail-	to	Retail 5,000m ²
Car Park-		Possible Hotel & Accommodation,
Non-Retail		Employment land (non-retail)
		Trade and Landscape Supplies
		Restricted Retail 3,500m ² .

- Clifton Avenue: Was shown as an unsignalised intersection at Bellarine Highway, as a pedestrian link, and as "Strategic Pedestrian Entrance". Now proposed as a "Signalised Intersection" with pedestrian links retained. The new plan recognises the more prominent traffic role that Clifton Avenue will be called onto play when Melaluka Road is transformed



into its main street/traffic calmed status. Clifton Avenue will become a prominent access route to the expanded shopping centre and to the uses developed on the northern sections of the activity centre.

5. MY RESPONSE TO THE RECOMMENDED POSITION

Of the changes, I support:

- Cl. 21.14-2: The recognition of the sub-regional status of the Leopold activity centre and the complementary strategies that would allow it to become broad based and accommodate a diversity of accommodation in close proximity. *But I do not support dot points 2 and 5 which seek to limit practical and manageable development around the centre including the logical addition of the Bellarine Highway land west of Clifton Avenue.*
- Cl. 21.14-8: The retention of the diagram which identifies a western and a northern expansion of the activity centre (but I do not consider that these are alternatives).
- The removal of the Landscape Buffer from the activity centre land; and
- The recognition of and enhancement of the role of Clifton Avenue.

The other changes, I would classify as either “opportunities not taken” or “matters I would change”. It is my opinion that some of these stem from the position that Council has adopted over the strategic planning around Leopold which I will address first.

5.1. The Strategic Planning Question: Would the extension of the activity centre over Clifton Avenue threaten the non-urban break?

A repeated term within the policy documents is the concept of the “urban island”; a country town surrounded by agricultural activities with a clear settlement boundary. This holds true except that the form of the boundary has varying forms.

I have examined the land use and planning scheme zones that apply to the area from suburban Newcomb, about 5 kms west of Leopold, across the Moolap area and into the Leopold area.

My findings indicate that the Farming Zone and non-urban zones are in place to the north of Portarlinton Road and south of Bellarine Highway. However between these two arterial roads there is almost a complete “corridor” of low density residential development extending for about 4.3 kms from the Residential 1 Zone in Newcomb across the whole of the Moolap area and finishing between 600 to 800 metres from the Residential 1 Zone land of Leopold (south of the Bellarine bike trail). The land use zones in this 4.3km corridor are Low Density Residential Zone and Rural Living Zone where lots can range from 1.0 ha in size. The 600-800 metre wide “gap” to the Leopold residential areas is within the Farming Zone. North of the Bellarine bike trail the Farming Zone extends in width to about 1,400 metres.



The reality therefore is that the break between Newcomb and Leopold between the two major arterial roads is achieved by a series of landscaped residential uses. Farming uses as the “non-urban break” hold true in the areas to the north and south of the arterials, reinforced by the natural features of the Bay and Lake Connewarre.

Adding to this situation; if the commonly “agreed” position of the expansion of the activity centre land to Clifton Avenue occurs, then the width of Farming Zone land at Bellarine Highway will reduce to 200 metres.

It is difficult to see farming practices being effectively deployed on these land holdings. This leads me to see the narrow Farming Zone land to the west of Clifton Avenue as providing potential for use consistent with activity centre development and providing a positive injection into the town’s commercial and service functions. The integrity of the non-urban break created by the Rural Living Zone and the open land to the south can be secured without this narrow area remaining vacant.

In Cl. 21.14-2, I see no reason why one of the existing dot points “*Maintain a non-urban break between Geelong and Leopold*” should not be retained in place of the proposed second dot point “*Ensure the retention of Leopold as an urban island etc...*”

Recommended Activity Centre Urban Design Framework Plan

In previous comments on the situation at Leopold, I have identified that the situation where the activity centre is on the extreme west of the residential area has called for “non-standard” solutions to activity centre planning. While this off-centre situation will continue, a re-appraisal of the use of land around the activity centre may show advantages.

My recommendation would be to consider a new approach to the western edge of Leopold by managing the transition to beneficial uses. I would use the important elements that operate to provide this now:

- the very different (and low) lot density; and
- the use of strong landscape elements.

The landscaping can be combined with the necessary requirement of managing stormwater in this slow draining environment

My approach to the structure of the activity centre involves:

- Recognising the opportunity and importance of siting the Trade Supplies, Restricted Retail Premises on the western site fronting the highway, with a 30 m wide landscape buffer/ stormwater treatment area along the western boundary. This buffer land could be transferred to Council ownership if desired.



- Extending this landscape buffer/ stormwater management area north and then eastwards to Clifton Avenue.
- Linking this landscape corridor with the nominated northern landscape buffer along the northern boundary of the Perez land
- Extending the landscape buffer /stormwater management corridor in a reservation along the western side of the properties along the western side of Clifton Avenue to the Bellarine bike trail.
- Land use:
- Highway section: Business 1 or Business 4 of Commercial 1 or 2 or similar
- Areas west of Clifton Avenue: Rural Living
- Areas east of Clifton Avenue, north of Perez: Residential 1 or similar

I have set out this arrangement on the attached plan (Figure 2). I consider that this plan should form the basis of the plan that should be included if the Urban Design Framework document is to be included as a reference document.

I note that the use of the lands to the north of the Perez land for residential use is not supported in the Structure Plan; with areas on the southern edge of the town being preferred. Among the reasons for this is Council's position on retaining the "non-urban" break, and also concerns on drainage. I accept that drainage would need to be a consideration in any re-appraisal.

I also note that the Structure Plan identifies that beyond delivery of the sub-regional shopping activity centre, there are requirements for increases in housing types and diversity (including medium density development and aged persons housing) plus a second primary school site and child care facilities. The lands to the north of the activity centre are well located for these purposes.

One of the criticisms being levelled at the growth area town centres is that they are too "precise" and planned. Critics argue that these centres leave little land areas for new uses which are not identified at the outset. My view is that the incorporation of the Lascorp and Perez lands east of Clifton Avenue and to the Lascorp highway frontage land the west of Clifton Avenue provides opportunities for business and services location and for changes that will be needed longer term.

The bottom line on all this discussion is that the documentation in the UDF and the CI. 22.14-8 should recognise the potential and the benefits of incorporating the nominated western land as an important and integral component of the activity centre. It is not an "either /or" situation. Council should also rethink the beneficial planning of the remaining Farming Zone land between Bellarine Highway.



5.2. Opportunities not taken and Matters I would change

In the remaining sections I deal with specific matters which are consistent with my views set out in the previous section.

Cl.21.14-2 Strategies for Leopold

The amendment would replace the strategies for the area with a number of additional dot points. Importantly the sub-regional status of the centre is identified, with support for encouragement of employment within and increased housing densities around the sub-regional activity centre.

I support the changes with the exception of dot point 2 and dot point 5. For the reasons contained above, these strategies ignore the situation as it stands and if included will prevent well-founded commercial and retail development that will be an integral part of the activity centre. If both the northern and western directions for growth are included, the extent of land within the sub-regional activity centre would alter from 15 to about 20 ha. On any measure for a mixed use activity centre this is not a large area; and in Leopold I would expect the site uses to intensify over the next decade and longer. For reason I set out later, my view is that the proposed development of the western highway site will be beneficial for the northern parts of the activity centre. A possible use for these areas (and for the areas further to the north) is for higher density housing and group accommodation. I consider that the dot points that I have nominated for deletion could well prevent the achievement of these opportunities through the absence of well located land.

I would support retention of the strategy within the existing strategies in Cl. 21.14-2
"Maintain a non-urban break between Geelong and Leopold."

In my mind this sets up a different context from the more ambitious, exhibited strategy which focuses on a settlement boundary and rural activities that do not in effect exist between Bellarine Highway and Portarlington Road.

Melaluka Road as a "two-sided street"

Council has elected not to see the activity centre in its complete context. As I stated in my submission on AmC254, the location of a shopping centre/activity centre on the western end of the town calls for "non-standard" solutions to the way that land use is planned and in the way that public/community ownership is accommodated. My assessment directed me to see Melaluka Road in a substantially different role, as an active public space (with traffic calming), linking between the shopping centre and the Leopold Memorial Reserve. I stated that for this to be successfully implemented, the eastern side of Melaluka Road, along the Reserve, needs to be re-designed to incorporate active frontage uses. Unfortunately it seems that Council is committed to the Memorial Reserve Master Plan which was adopted prior to the Leopold activity centre design workshops where the changed role for Melaluka Road was agreed. The Reserve Master Plan does not engage with Melaluka Road except for access points. It is recommended that the Urban Design Plan and the Memorial Reserve Master Plan be reconciled to promote this outcome.



Retail Floor space missing allocation:

There is a mismatch in the Shop floor areas on the proposed plan Appendix1-5 Activity Centre Design Plan with the intent of the Structure Plan. The plan is to allow for 35,000m² of Shop floor space with a total of 30,000m² within the main shopping centre site and 5,000m² on the Perez land. The areas on the plan total 26,500m² in the shopping centre land. I believe that the error lies in the inclusion of major store areas for some sections with the omission of specialty shops. The plan should be amended to include an additional 4,500m² of "Retail".

Clifton Avenue:

This road will become a key access point for this sub-regional centre. It should be promoted as the preferred access point for non-local traffic. This tactic will allow Melaluka Road to play the local access role with less traffic, but remaining a trafficable and active road.

Land west of Clifton Avenue

Having accepted that Clifton Avenue will be a main access point into the activity centre, Council has then reacted by relocating the Landscape Buffer/Stormwater Treatment onto the land immediately to the west of the road. This cuts across the alternate expansion for the sub-regional centre, which I would argue will provide a more productive and logical outcome.

In my opinion this shift lacks a logical position. In a flippant moment, I could ask: Q. "What do you call a 30 metre wide buffer area in a Farming Zone? Answer: "A paddock!"

The facts are that a relatively large and active centre is to be developed on the eastern side of the road. I would recommend that the western side of the road be utilised for complementary purposes rather than assume that it will operate as rural land within a Farming Zone. But in any event, currently the Minister for Planning is seeking comments on changes to zones, including the Farming Zone. Permissible uses would include Accommodation, Landscape Gardening Supplies, Market, Restaurant, School and Trade Supplies.

As stated in my submission in the exhibition phase, there is logical placement of retail uses across the centre from the more pedestrian-based activities close to Melaluka Road to the larger format drive in uses (and main car park access close to Clifton Avenue.

This provides me with a context which prefers the location of the larger regional retail uses, particularly Trade Supplies and Restricted Retail Premises to be situated on the Bellarine Highway rather than possibly in a non-highway location. The Trade Supplies building as proposed by Lascorp would be sited as a "bookend" to commercial development with the landscape buffer/drainage catchment to its immediate west blending into the pine tree-rows on the adjoining property.

This buffer planting area/stormwater treatment area could become public land and form a legally enforceable edge. This transfer of land is unlikely to occur if the buffer is sited where Council is now proposing.



The difficulties facing Council's land use preference for positioning the Trade Supplies use on the north-western corner of the Activity centre land.

Council holds to the position that the appropriate location for any trade supplies or restricted retail premises uses should be to the north of the retail centre, east of Clifton Avenue. While I can acknowledge some points in its case, I do not consider many of these as being convincing. In my AmC254 report I made the point that bulky goods/homemaker type uses have a different sequence in their development to that of shopping centres. In a typical area they appear earlier than sub-regional shopping centres; and they rely more on having excellent regional highway access and exposure than do shopping centres which rely increasingly upon the drawing power of a more extensive range of shops and majors. If I am correct a trade supplies use on the northern land would be some 200 plus metres off the highway with probably nothing around it for some years.

I acknowledge that positioning the Trade Supplies use on the diagram to the north of the shopping centre might be "neater" but might not be in my view "likely".

From industry knowledge, I would be surprised if a major store operator would agree to take the northern site in this greenfields location. While it might be possible for a very major store to make this location work I believe that it would only accept the site if there was already a group of homemaker type uses established towards the highway.

Without a major hardware/homemaker-type store providing a highway presence, I would not see the northern site being accepted by any smaller restricted retail premises store operator or group of bulky goods stores. Thus ironically by insisting that the first major store must be located 200 plus metres back from the highway, the authorities are likely to cause the highway location to be rejected, plus (without the first major store) cause the northern site to remain vacant for longer, at least. Without the major locator on the highway, the northern site as a secondary location will struggle to attract like businesses

Location Requirements of the new generation of large hardware stores

I note in the Council report that it is contended that major hardware stores don't require a main road/highway location; and that Council officers are researching other Masters Stores and similar developments that are not directly on an arterial road.

I have carried out this exercise.

Confining the exercise to Bunnings Warehouse and Masters stores in Victoria, I have examined the location of 62 major hardware stores: 51 Bunnings Warehouses and 11 Masters. I have failed to find any store that does not have a frontage to a main road. Some have access connections from a minor road, but all have frontages to a major road. (See attached table). While in the future, new stores may be developed without a main roads presence, this is unlikely to be the case in less established retail hubs.



It follows that I am of the opinion that if Council wishes to see activity centre development, together with the growth of subsidiary and other businesses on the northern land, it should support the use of the western land over Clifton Avenue for retail purposes. Council will have capacity to limit the extent of activity centre development west of Clifton Avenue. It is my understanding that the Lascorp proposal would transfer a landscaped buffer area/ stormwater catchment area along the western boundary to Council, thereby creating a practical edge (unlike the road edge proposed.) This area could form part of a linear park function.

6. CONCLUSIONS

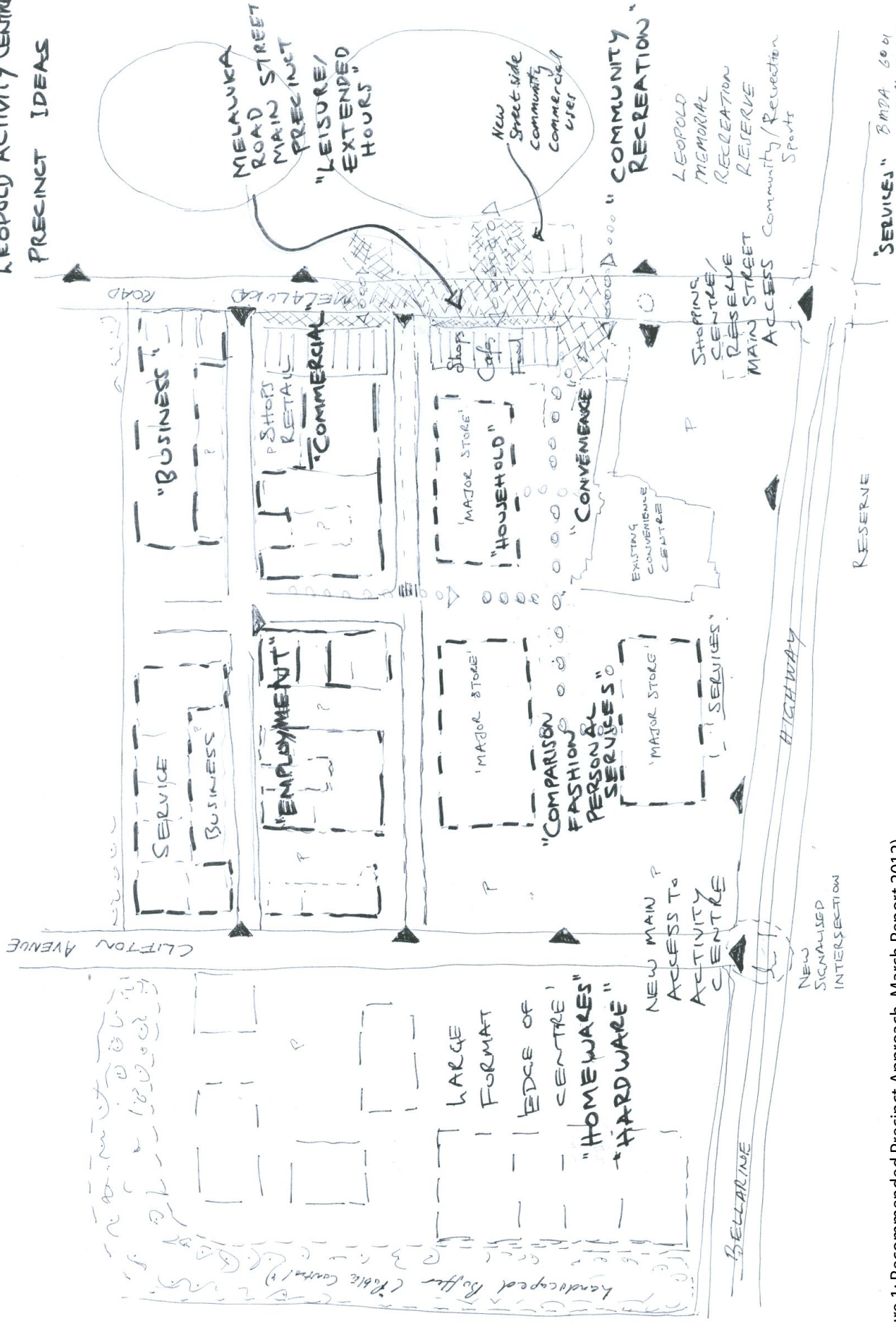
From my assessment, it is my opinion that the planning scheme amendment should be supported with the changes as set out and with alterations to the activity land area that incorporate both the northern activity centre land and the western land as contained in the diagram (Figure 2).

In addition, Council should be strongly advised to review the opportunities that the Farming Zone land (that is to the immediate north and west of the activity centre) might provide for a diversity of residential formats and for required community uses. These lands are well located close to facilities and subject to natural constraints could achieve the change from town to landscape by using a combination of zoning, landscape laneways and subdivision controls.

I have made all enquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Bernard McNamara
Principal
BMDA Development Advisory

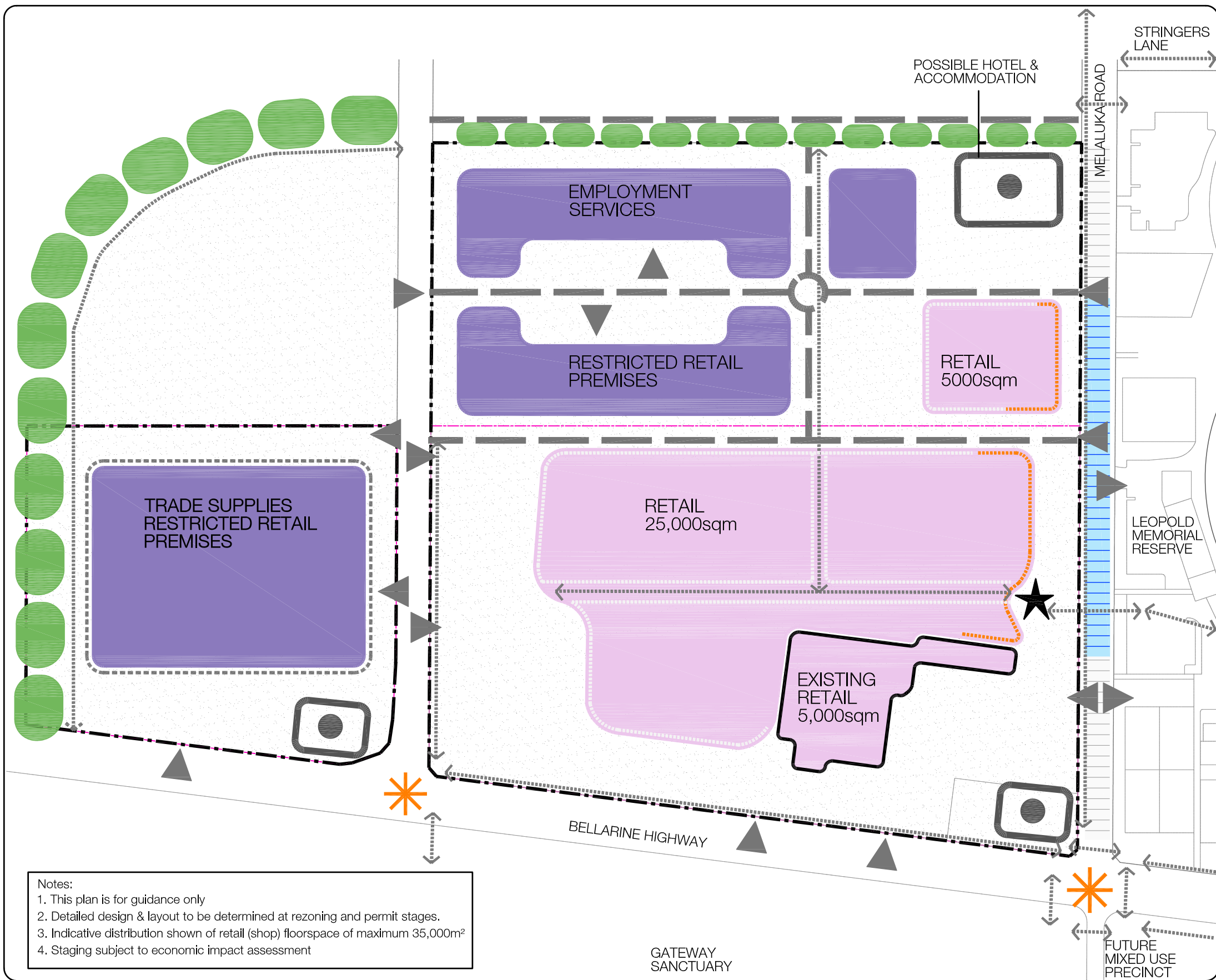
LEOPOLD ACTIVITY CENTRE
PRECINCT IDEAS



"SERVICE" BMDA 6001
7th March 2012

(Figure 1: Recommended Precinct Approach, March Report 2012)

Figure 2: Basis Plan For The Urban Design Framework



LEGEND

- | | | | |
|--|--|--|---|
| | SUB REGIONAL ACTIVITY BOUNDARY | | SIGNALISED INTERSECTIONS |
| | B1 ZONE USES - SHOPS, FOOD OUTLETS, OFFICES, SERVICES | | VEHICLE ACCESS POINTS |
| | B4 ZONE USES - HARDWARE, RESTRICTED RETAIL, EMPLOYMENT | | KEY PEDESTRIAN & CYCLE ROUTES |
| | LANDMARK BUILDINGS - HOTEL / RESTAURANTS | | BULKY GOODS SERVICE ROADS |
| | CAR PARKING WITH LANDSCAPE TREATMENTS | | 'MAIN STREET' SHOPPING STRIP WITH ANGLE PARKING |
| | TOWN SQUARE | | BOULEVARD TREATMENT - REDUCED SPEED LIMIT, TRAFFIC CALMING, PEDESTRIAN CROSSINGS & STREET TREES |
| | LANDSCAPE BUFFER / STORMWATER TREATMENT | | PRIMARY ACTIVE FRONTAGES TO STREETS & TOWN SQUARE |
| | | | SECONDARY ACTIVE FRONTAGES |



Bunnings Warehouse and Masters Store (Highway and Arterial Road) Locations**September 2012**

Bunnings Warehouse Stores		
Store Location	Main Road Yes/No	Road
Altona	Yes	Millers Road
Bairnsdale	Yes	Princes Highway
Ballarat	Yes	Creswick Road
Bayswater	Yes	Canterbury Road
Bendigo	Yes	Midland Highway
Box Hill	Yes	Middleborough Road/Clarice Rd
Broadmeadows	Yes	Pascoe Vale Road
Caroline Springs	Yes	Ballarat Road
Coburg	Yes	Gaffney Street
Corio	Yes	Princes Highway
Craigieburn	Yes	Hume Freeway
Cranbourne	Yes	Thompsons Road/ South Gippsland Freeway
Croydon	Yes	Maroondah Highway
Dandenong	Yes	Princes Highway/ Gladstone Road
Echuca	Yes	Murray Valley Highway
Eltham	Yes	Bridge Road
Epping	Yes	Epping Road
Fountain Gate	Yes	Narre Warren North Road
Frankston	Yes	McMahons Road
Hastings	Yes	Frankston-Flinders Road
Hawthorn	Yes	Burwood Road
Hoppers Crossing	Yes	Old Geelong Road
Keysborough	Yes	Cheltenham Road
Maribyrnong	Yes	Rosamond Road
Melton	Yes	Western Highway
Mentone	Yes	Nepean Highway
Mildura	Yes	Calder Highway
Mill Park	Yes	Plenty Road/ Bush Boulevard
Moorabbin	Yes	Warrigal Road/ Fairchild Street
Mornington	Yes	Nepean Highway
Morwell	Yes	Princes Drive
Notting Hill	Yes	Ferntree Gully Road
Nunawading	Yes	Whitehorse Road
Oakleigh	Yes	Centre Road
Pakenham	Yes	Princes Highway
Port Melbourne	Yes	Williamstown Road/Bridge Street
Preston	Yes	Murray Road/ Chifley Drive
Rosebud	Yes	Boneo Road
Scoresby	Yes	Ferntree Gully Road
Shepparton	Yes	Benalla Road

Springvale	Yes	Princes Highway
Sunbury	Yes	Vineyard Road/McDougall Road
Sunshine	Yes	Ballarat Road
Taylors Lake	Yes	Melton Highway
Thomastown	Yes	Dalton Road
Torquay	Yes	Surfcoast Road
Vermont	Yes	Burwood Highway
Wangaratta	Yes	Wangaratta Road
Warrnambool	Yes	Raglan Parade
Waurin Ponds	Yes	Princes Highway
Wodonga	Yes	Murray Valley Highway

Masters Stores		
Store Location	Main Road Yes/No	Road
Braybrook	Yes	Ballarat Road
Burnside	Yes	Ballarat Road
Carrum Downs	Yes	Dandenong Valley Highway
Coolaroo	Yes	Pascoe Vale Road
Hawthorn East	Yes	Toorak Road
Knoxfield	Yes	Ferntree Gully Road
Mornington	Yes	Mornington-Tyabb Road
Oakleigh	Yes	Warrigal Road
Preston(Northland)	Yes	Chifley Drive main connection Murray Road and Bell Street
South Morang	Yes	McDonalds and Plenty Road
Wendouree	Yes	Learmonth Road

Panel AM C254

Expert Witness Inclusions

Name and Address: Bernard McNamara, Principal BMDA Development Advisory, Ground Level, 312 St Kilda Road, Southbank 3006

Qualifications and Experience:

Bachelor of Town and Regional Planning, University of Melbourne
Graduate Diploma of Management RMIT University

Professional Experience:

Practising Town Planner for over 30 years

1990-1997 Planning Manager and later Development Manager with Gandel Group of Companies engaged in the development of residential property for Gandel Residential Developments in Sydney and Melbourne. The acquisition and development of shopping centres across Australia, including Chadstone, Northland, Rosebud Plaza and Broadmeadows

1994-2007: Development and Planning Manager, with Gandel Retail Management, and the Colonial First State Property Management, responsible for development management of projects at Roxburgh Park, Frankston, Lake Haven(NSW), Elizabeth (SA), Noosa Fair(Qld), Chatswood Chase (NSW) and other projects.

2007-current: Principal of BMDA Development Advisory, providing development and planning advice to a range of development companies and organisations in the retail and mixed use fields.

Area of Expertise: The planning, design and development of retail and mixed use projects; residential projects, development feasibilities, development project management, planning policies, the application of demographic and economic research to retail assessments. Assessment of properties for acquisition

Other Relevant Experience: Judge of the Urban Development Institute of Australia (Vic) Awards for Excellence 2009-current: assessing residential and mixed use projects for assessment for design, environmental and commercial performance. Member Ministerial Advisory Committee preparing the new Metropolitan Strategy for Melbourne, 2012.

Expertise to make this report: Extensive involvement with the analysis, design and development of shopping centres, business centres and bulky goods centres.

Instructions: I have been instructed by Mr. John Turnbull, Corporate Solicitor of the Lascorp to prepare a report assessing the retail and place making issues affecting the planning scheme amendment.

Facts, Matters and Assumptions: I have visited the site and surroundings. References to the material I have used are contained in my report. I rely on my experience in the assessment of other projects in my assessment and in the material I have referenced

Persons involved in the report content: Self

Summary of Opinions See statement

Documents Taken into Account: The strategic planning documents related to the Leopold area, listed in this report. The Greater Geelong Planning Scheme

Declaration: I have made all the inquiries that I believe are appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal