

Amendment C160bays to the Bayside Planning Scheme

Part A Submission

Bayside City Council

Date: 28 February 2020



Contents

INTRODUCTION	3
Overview of the Amendment	3
STRATEGIC BACKGROUND.....	6
Bayside Strategic Context	6
Bayside Housing Strategy 2012	7
Bayside Housing Strategy 2019	10
Overview of the strategy	10
Highett Structure Plan, 2004	15
Consideration of planning controls for the CSIRO site	18
Retail, Commercial and Employment Strategy 2016.....	21
Highett Structure Plan Review 2017	23
The Highett Structure Plan 2018	27
Overview of the Structure Plan	27
The Key Elements of the Highett Structure Plan 2018	28
Community Consultation and Engagement on the Highett Structure Plan, 2018	30
PREPARATION AND EXHIBITION OF THE AMENDMENT	32
Request to prepare the Amendment	32
Authorisation	33
Exhibition.....	35
CONSIDERATION OF SUBMISSIONS	35
Issues raised in submissions and response.....	35
Post-exhibition changes	36
Request the appointment of a Planning Panel.....	37
STRATEGIC CONTEXT AND ASSESSMENT	38
Planning and Environment Act 1987	38
Plan Melbourne 2017-2050	39
Plan Melbourne Addendum	42
State Planning Policy Framework	42
Local Planning Policy Framework	46
Current Permit Applications.....	54
Other Relevant Amendments	55
Relevant Practice Notes	55
Consistency with Planning Practice Note 90 and 91	56
<i>Response to Planning Practice Note 90</i>	57
<i>Response to Planning Practice Note 91</i>	57
CONCLUSION	59

List of Attachments

- A. C160bays Chronology of events
- B. Comparison of Existing and Proposed Planning Provisions Table
- C. DDO Table and Maps
- D. Bayside Housing Strategy 2012
- E. Bayside Housing Strategy 2019
- F. Highett Structure Plan 2006
- G. Amendment C46 Panel Report
- H. Bayside Retail, Commercial and Employment Strategy 2016
- I. Highett Structure Plan Review 2017
- J. Combined Background Traffic Report, Highett and Southland-Pennydale Structure Plans, Cardno, 24 November 2017
- K. Traffic and Transport Plan, Highett Structure Plan, Cardno, 17 April 2018
- L. Urban Design Advice Highett Neighbourhood Activity Centre, SJB Urban, April 2018
- M. Vegetation Assessment of Southland-Pennydale Structure Plan Area, Biosis February 2018
- N. Highett and Southland-Pennydale Economic Advice, SGS Economics, 31 January 2018
- O. Highett Structure Plan 2018
- P. Highett Structure Plan Community Consultation Summary Report
- Q. 18 September 2018 Council Report and Minutes
- R. Amendment C160bays Authorisation Letter
- S. Letter to Parties regarding Authorisation compliance error
- T. Submissions made to Amendment C160bays
- U. 17 December Ordinary Meeting of Council and Minutes
- V. Map of Recent Planning Permit Approvals
- W. Neighbourhood Character Precinct Brochure – Precinct G1
- X. Post exhibition Amendment Documents with tracked changes
- Y. Planning permit and proposed plans for 32-40 Graham Road, Highett.

INTRODUCTION

1. This submission is made on behalf of Bayside City Council. Council is the Planning Authority for the purposes of Amendment C160bays to the Bayside Planning Scheme ('the Scheme').
2. In accordance with the direction of the Panel, this Part A submission outlines the following matters:
 - Background to the Amendment;
 - Chronology of events (Appendix A);
 - Strategic context and assessment;
 - Identification of the issues raised in submissions and its response; and
 - Any changes to the Amendment documentation proposed as a result of the issues raised in submissions.
3. Council's 'Part B' submission will be delivered at the Panel hearing and will address:
 - A summary of key issues raised in submissions;
 - Council's response to evidence tabled; and
 - Council's final position on the Amendment.

Overview of the Amendment

4. The Amendment applies to the Hihett Neighbourhood Activity Centre within the City of Bayside.
5. The amendment is required to update planning controls within the Scheme to give effect to the *Hihett Structure Plan 2018* ('the Structure Plan').
6. The Amendment implements the Structure Plan by way of introducing new planning controls and amending local policies within the Bayside Planning Scheme.
7. More specifically, the amendment proposes to change the Scheme as follows:

- a) Amend Clause 21.02 'Bayside Key Issues and Strategic Vision' to reflect the new boundary of the Highett Activity Centre and changes the date of the Highett Structure Plan to September 2018 as a reference document;
- b) Amend Clause 21.04 'Environmental and Landscape Values' to include a new objective regarding protection of the Highett Grassy Woodland and changes the date of the Highett Structure Plan to September 2018 as a reference document;
- c) Amend Clause 21.06 'Built Environment and Heritage' to simplify the wording regarding built form in Activity Centres, add a strategy for introducing an Environmental Sustainability Strategy and changes the date of the Highett Structure Plan to September 2018 as a reference document;
- d) Amend Clause 21.07 'Economic Development' to update the reference from the 2004 Highett Structure Plan to the 2018 Structure Plan;
- e) Amend Clause 21.08 'Open Space' to include reference to an open space link at 36-40 Graham Road and changes the date of the Highett Structure Plan to September 2018 as a reference document;
- f) Amend Clause 21.09 'Transport and Access' to clarify the strategy for the Highett Railway Station interface upgrade and changes the date of the Highett Structure Plan to September 2018 as a reference document;
- g) Amend Clause 21.10 'Infrastructure' to remove reference to a future educational facility at the Commonwealth Scientific and Industrial Research Organisation ('CSIRO') site in Highett;
- h) Amend Clause 21.11 'Local Areas' to update the Vision for Highett and introduce new strategies in accordance with the Highett Structure Plan, September 2018, including changes to Map 1 to reflect the updated activity centre boundary and amend the date of the Highett Structure Plan to September 2018 in the reference document section;
- i) Delete Clause 32.08 General Residential Zone Schedule 1 from the Structure Plan Area;

- j) Delete Clause 32.08 General Residential Zone Schedule 5 from the Structure Plan Area;
- k) Delete Clause 32.09 Neighbourhood Residential Zone Schedule 3 from the Structure Plan Area;
- l) Introduce a new Clause 32.08 General Residential Zone Schedule 12;
- m) Introduce a new Clause 32.08 General Residential Zone Schedule 13;
- n) Introduce a new Clause 32.08 General Residential Zone Schedule 14;
- o) Introduce a new Clause 32.08 General Residential Zone Schedule 15;
- p) Introduce a new Clause 32.08 General Residential Zone Schedule 16;
- q) Introduce a new Clause 32.09 Neighbourhood Residential Zone Schedule 1;
- r) Amend Clause 43.02 Design and Development Overlay Schedule 4 to include updated objectives and strategies from the Highett Structure Plan;
- s) Delete Clause 43.02 Design and Development Overlay Schedule 2 from the Structure Plan Area;
- t) Delete Clause 43.02 Design and Development Overlay Schedule 3 from the Structure Plan Area; and
- u) Delete Clause 43.02 Design and Development Overlay Schedule 5 from the Structure Plan Area.

8. The primary feature of the Amendment relates to the introduction of new schedules to the General Residential Zone ('GRZ') in order to implement precinct-specific built form controls. The existing and exhibited proposed provisions for each precinct including the overall vision for each area is contained at Appendix B. Due to the introduction of new, more detailed Schedules to the General Residential Zone which contain the built form provisions required, the Design and Development Overlays 2, 3 and 5 are proposed to be deleted and Design and Development Overlay 4 has been amended to reflect the updated objectives for the commercial core. A detailed comparison, including a location map of the changes to the Design and Development Overlays is included at Appendix C.

9. The new schedules to the GRZ contain the following key features:
- A series of neighbourhood character objectives;
 - Specified requirements relating to building heights depending on location;
 - Specified requirements relating to building setbacks depending on location;
 - More detailed built form requirements relating to passive surveillance, interface treatments and other general matters; and
 - A series of decision guidelines.
10. A timeline showing important milestones in the preparation of Amendment C160bays is contained at Appendix A.
11. The previous Structure Plan Area was affected by the Heritage Overlay (HO) which applied to four sites within the centre (HO561, HO562, HO563 and HO566). Only HO561 – Highett Railway Station remains within in the new Structure Plan boundary. HO561 is not proposed to be altered or removed as part of Amendment C160bays.
12. In addition the Special Building Overlay (SBO) and the Environmental Audit Overlay (EAO) apply to land within the Structure Plan Area. An Environmental Audit Overlay applies to 270 Highett Road, 1/487 Highett Road and 32-40 Highett Road. The EAO and SBO are not proposed to be altered or removed as part of Amendment C160bays. The Development Contributions Plan Overlay (DCPO1) covers all land in Bayside and outlines the financial contribution developments must make towards drainage in the City of Bayside. This overlay is not proposed to be altered as part of Amendment C160bays.

STRATEGIC BACKGROUND

Bayside Strategic Context

13. The Amendment is preceded by several Council adopted strategic planning documents which are relevant to the context and preparation of the Amendment. Documents include:

- The Bayside Housing Strategy 2012;
 - The Bayside Housing Strategy 2019;
 - The Highett Structure Plan 2004 ;
 - The Retail, Commercial and Employment Strategy 2016;
 - The Highett Structure Plan Review, 2017; and
 - The Highett Structure Plan 2018.
14. An overview of each of these documents is provided below, as well as within the chronology at Appendix A.

Bayside Housing Strategy 2012

15. The *Bayside Housing Strategy* 2012 ('the Housing Strategy') is a reference document to the Bayside Planning Scheme. It provides the strategic framework for housing and residential development in Bayside over the next 20 years (noting that it was adopted in 2012).
16. The Strategy also considers the location and type of residential development required to be delivered in Bayside in order to meet population growth forecasts and to respond to the changing needs of the Bayside community.
17. The Housing Strategy used a spatial approach to achieve the Vision for the future of housing in Bayside. This was done by dividing the municipality into a hierarchy of residential areas. These categories were:
- Key Focus Residential Growth Areas;
 - Moderate Residential Growth areas;
 - Strategic Redevelopment Sites; and
 - Minimal Residential Growth Areas.
18. In relation to Highett, the Housing Strategy identified the commercial portion of the *Highett Structure Plan* 2004 as a Key Focus Residential Growth Area and the surrounding residential area located within the structure plan boundary as a Moderate

Residential Growth Area. The Housing Strategy also designates the CSIRO Highett site as a Key Redevelopment Site.

19. A number of objectives specific to the Highett Neighbourhood Activity Centre are outlined in the Housing Strategy. These include:
- To develop the Highett Neighbourhood Activity Centre as a neighbourhood focus for future residential development, taking advantage of its location along the Frankston railway line;
 - To recognise the character of Highett's established residential areas and manage change in a way that responds to their character; and
 - To revitalise the Highett Road shopping centre as an attractive, vibrant and well used main street and community focal point that provides a wide range of local shopping, business and community services suited to the needs of people living and working in the area.
20. The review of the Highett Structure Plan was identified as an action in the Housing Strategy.

Implementation of the Bayside Housing Strategy into the Planning Scheme

21. Council adopted the Housing Strategy at its Ordinary Meeting of 11 September 2012 and at the same time resolved to seek authorisation from the Minister for Planning to prepare Amendment C106 to the Bayside Planning Scheme.
22. Conditional authorisation for Amendment C106 was received from the Minister for Planning on 8 March 2013. The conditions were a result of the new reformed residential zones:
- *The amendment must be modified to utilise the suite of reformed residential zones that will be introduced into the VPPs on or before 1 July 2013. Please note that implementation criteria and procedures are being developed for use of the new zones. These will be based on the methodology for applying the reformed residential zones as detailed on pages 48-50 of the Advisory Committee's Progress Report;*
 - *Exhibition of the amendment must not proceed until after the reformed residential zones have been gazetted into the VPPs;*

- *Strategic justification for the variation of ResCode standard B28 should be provided in the amendment documentation or in the form of a background report;*
 - *The amendment identifies Southland and Moorabbin activity centres as being locations for future high density development, which is defined in the housing strategy as being four storeys or above, but the proposed changes to Clause 21.11 state that development in these centres is envisaged to not be greater than 3 storeys. Please address this apparent contradiction in the amendment documentation.*
23. Amendment C106 was revised to comply with the conditions for authorisation. The application of the new zones was carefully considered to ensure that the translation of the intent of the policy direction adopted as part of the Housing Strategy was achieved.
24. Amendment C106 was gazetted on 19 June 2014 and applied the reformed residential zones into the Bayside Planning Scheme, being the Residential Growth Zone, the General Residential Zone and the Neighbourhood Residential Zone and associated schedules in accordance with the Housing Strategy.
25. Following this, the Minister for Planning prepared and approved Amendment C134, which amended the Municipal Strategic Statement to ensure maps were consistent with the application of the residential zones through Amendment C106.
26. Following the approval of Amendment C106, at the request of the Minister for Planning, Council identified new proposed areas to be rezoned to the Residential Growth Zone. In doing so, Council submitted that these new areas were not necessary to accommodate the housing yield required to meet the forecast population growth and associated needs.
27. Amendment C125 considered the rezoning of residential areas along the Frankston Rail corridor and within close proximity to Hampton East (Moorabbin), Highett, Southland and Cheltenham to the Residential Growth Zone. Amendment C125 was exhibited from 8 September to 3 October 2014 and received strong opposition from the community. As a result, the Amendment was referred to the Residential Zones Standing Advisory Committee for consideration. The Hearing ran between 21 and 28 October 2014.

28. The Residential Zones Standing Advisory Committee considered Amendment C125 and recommended that the amendment not proceed:

“Applying the Residential Growth Zone to existing residential areas around activity centres at Hampton East (Moorabbin), Highett, Southland and Cheltenham is considered sensible and is supported by state and local planning policy and the strategic directions of Plan Melbourne. However, the detail of where the zone is to be applied based on a 400/800/1200 metres walking distance circumference around train stations at Moorabbin, Highett, Southland and Cheltenham is unsupported by detailed strategic rationale. Although the use of the Residential Growth Zone has broad strategic and policy support, the justification for the more detailed provisions of the schedules and overlay controls is inadequate.”

29. A recommendation of the Residential Zones Standing Advisory Committee was that:

“Council should review the Highett Structure Plan 2004, in conjunction with the City of Kingston, to identify a robust basis on which to apply the Residential Growth Zone.”

30. The Minister for Planning wrote to Council on 1 April 2015 confirming that he had decided not to prepare, adopt and approve draft Amendment C125.
31. The Housing Strategy is included at Appendix D.

Bayside Housing Strategy 2019

Overview of the strategy

32. The Housing Strategy was updated in 2019 following an extensive review. The outcome of the review was that the overarching strategic direction of the Housing Strategy was not amended. The review included analysis of the current and emerging needs of the community by examining updated demographic information. This information was then compared to the existing housing stock to determine if it will meet current and future needs of the Bayside community. Analysis of housing development data shows that the Housing Strategy has been effective in directing medium and high density development to Bayside’s activity centres and strategic redevelopment sites, whilst retaining the low-rise nature of the established residential areas. For that reason the overarching strategic direction of the Housing Strategy has

not been amended and the review focused primarily on revising the implementation actions.

33. In considering the key challenges associated with managing housing growth (section 7.0) the 2019 update to the Housing Strategy acknowledges:

“In planning for future housing growth, there are a number of challenges that need to be addressed to ensure development is undertaken in an equitable and appropriate manner.”

34. Some of the key challenges identified in the 2019 Strategy include:

- Balancing the need for growth with the community’s desire to protect the village feel of activity centres; the green, leafy and garden character of residential areas; and ensuring the protection of preferred character;
- Ensuring the diverse housing needs of the community are met by locating higher density housing in activity centres, whilst preserving the amenity of existing dwellings;
- The difficulties in preserving the character of locations that are identified as change areas, and the importance of having a clearly articulated preferred future character.

35. A key challenge addressed through Amendment C160bays is to balance the need to provide additional and diverse housing for a growing and changing population with community aspirations to protect the green and leafy, low scale housing character of Bayside. In considering how to accommodate future housing growth it is important to recognise that not all areas within the municipality have the same capacity to accommodate residential growth.

36. The Housing Strategy provides future medium and high density development to be directed to identified housing growth areas, being areas that have good access to shops, public transport, and other services. Within these housing growth areas, medium and high density development will be directed to key focus residential growth areas, generally the commercial core of the activity centres. Page 22 of Appendix 4 provides a visual representation of the identified key focus growth areas and housing growth areas.

37. In relation to balancing State and local expectations, the *Bayside Housing Strategy 2019* acknowledges:

“The fundamental challenge for the Bayside Housing Strategy 2019 is to balance the need for growth with the existing community’s desire to protect the village feel and green and leafy, low scale housing character of Bayside. This can be achieved by focusing development in locations close to public transport, shops and services, whilst limiting development in other areas of the municipality. This is the approach taken in this Strategy.”

38. In relation to the economic development and sustainability challenges, the *Bayside Housing Strategy 2019* acknowledges:

“While there is a focus on providing residential development within activity centres, activity centres also perform a vital commercial role. It is important to ensure that increased residential development in activity centres and other commercial areas does not occur at the expense of commercial activities. In addition, there has been increasing pressure to develop land in the Bayside Business District for residential purposes.”

Objectives of the Bayside Housing Strategy, 2019

39. The objectives¹ outlined within the updated Housing Strategy that are of relevance to Amendment C160bays include:

- To direct medium and high density residential development to identified housing growth areas whilst enabling a low density, incremental housing development in identified Minimal Residential Growth Areas;
- To facilitate the development of identified strategic redevelopment sites;
- To encourage a diversity of housing to meet the current and future needs of the population;
- To ensure residential development within Housing Growth Areas contributes to and does not compromise the economic viability of commercial areas;

¹ Bayside Housing Strategy 2019, Pages 24-28

- To protect and enhance vegetation for the role it plays in contributing to biodiversity and in defining the character of Bayside;
 - To ensure new development in Minimal Residential Growth Areas respects the existing preferred neighbourhood character and that new development in Housing Growth Areas responds to the preferred future character of the area; and
 - To ensure development achieves high levels of environmentally sustainable development.
40. Key strategies² to achieve these objectives as relevant to Amendment C160bays are outlined below:
- Direct increased residential development to housing growth areas;
 - Define and maintain clear boundaries around identified housing growth areas;
 - Support the redevelopment of identified strategic redevelopment sites;
 - Ensure the layout and built form responds appropriately to and respects the streetscape and sensitive adjoining uses;
 - Ensure developments within housing growth areas provide a diversity of housing options include a range of housing types, tenures and a variety of bedroom numbers;
 - Ensure new development incorporates adaptable design principles in accordance with the relevant Australian Design Standard;
 - Ensure development responds to its context and preferred character;
 - Ensure new development improves the streetscape and promotes good streetscape design;
 - Ensure all development responds positively to the public realm;

² Bayside Housing Strategy 2019, Pages 24-28

- Ensure development within housing growth areas adopts contemporary design which focuses on creating a vibrant and interactive street interface;
- Provide an appropriate transition between housing growth areas and established residential areas. The transition is to be provided within the housing growth area;
- Ensure development within identified Strategic Redevelopment Sites provides an appropriate transition to neighbouring growth areas;
- Ensure developments are designed to incorporate appropriate safety and crime prevention in accordance with best practice;
- Identify the commercial floor space requirements and mix of commercial uses necessary within Activity Centres to support the needs of the future population;
- Encourage a diversity of commercial uses within Activity Centres to meet the needs of the future population;
- Retain an active commercial focus on the ground floor with offices/residential above to ensure active street frontages at ground level are provided and to maintain the commercial viability of Activity Centres;
- Provide vehicular access to developments via rear laneways within housing growth areas where available, to minimise the impact of entering/exiting vehicles on pedestrian and traffic movements, reduce the visual impact on the streetscape and maintain active street frontages;
- Ensure traffic impacts associated with new residential development are adequately addressed;
- Ensure residential and commercial developments incorporate appropriate measures to ameliorate potential impacts associated with nearby commercial uses such as noise, light, odour, etc; and
- Ensure residents in commercial areas are aware of differences in amenity expectations between commercial and residential areas.

41. The Bayside Housing Strategy 2019 is included at Appendix E.

Highett Structure Plan, 2004

42. Highett is defined as a Neighbourhood Activity Centre in Local Planning Policy³. Residential development and growth is supported within Neighbourhood Centres which have local access to public transport, community facilities, employment and commercial services. The former CSIRO site in Highett is also identified as a strategic redevelopment site where higher density is encouraged.
43. It is noted that Bayside City Council adopted the *Highett Structure Plan* in 2004 whereas the City of Kingston adopted a modified version of the document in 2006. The changes to the Plan following Bayside Council's adoption of the Structure Plan do not have a substantial impact on consideration of issues in Bayside. The version provided with this submission is the 2006 version of the Structure Plan so that the Panel has the benefit of understanding the current adopted controls for the Kingston side of the activity centre.
44. The principles underlying the original *Highett Structure Plan* are detailed on page 4 of the Structure Plan. The key elements of the Plan, incorporating both Bayside and Kingston areas, are as follows:
- a) Significantly upgrading the appearance of Nepean Highway;
 - b) Creating a high density mixed use precinct to the west of Nepean Highway on the vacant GasCorp site and on other former industrial land;
 - c) Upgrading the Sir William Fry Reserve in Kingston;
 - d) Further investigating the possibility of establishing a new railway station at Southland;
 - e) Redeveloping the CSIRO site, when vacated by CSIRO, for housing or educational purposes incorporating public open space and conservation reserve areas;
 - f) Opening up views and access to the Lyle Anderson Reserve from Graham Road and provide an open space connection to future public open space to be provided on the CSIRO site;

³ Clause 21.03-1

- g) Providing new pedestrian access across the railway line and across Nepean Highway;
 - h) Promoting well designed medium density redevelopment along the north side of Bay Road;
 - i) Promoting well designed medium density residential apartment redevelopment in designated preferred medium density residential areas;
 - j) Managing redevelopment in those residential areas not identified as preferred areas for medium density housing, pursuant to existing Council policies and ResCode;
 - k) Managing traffic flows in Graham Road to improve residential amenity and safety; and
 - l) Numerous initiatives to revitalise the Highett Road Shopping Centre, including initiatives on identified redevelopment sites, building heights, community services and facilities, streetscape improvements.
45. Key elements of the Structure Plan included a 'Village Activity Centre' in the commercial core, areas of 'Medium Density Residential' development to the north and south of Highett Road, surrounded by 'Incremental Change' areas in the remainder of the Structure Plan Area. There was also provision for a 'Mixed Use Medium Density' area on Bay Road at the intersection with the Frankston Railway line.
46. The *Highett Structure Plan 2006* is included at Appendix F.
47. Amendment C46 sought to introduce the elements of the draft Highett Structure Plan 2004. A Panel was appointed in October of 2005 to consider submissions. The Panel concluded that:
- *Highett is an important opportunity for Bayside to meet the housing needs of the future population, and the opportunity should not be missed. Further, Amendment C46 does provide for significant intensification of activity. Amendment C46 is consistent with the need to achieve housing and population needs in Bayside City;*

- *The Panel has accepted that a neighbourhood activity centre is not the same as a major activity centre, even though the two types of centres have common features. The implication is that the Panel has considered the Amendment in terms of meeting all of the objectives of Melbourne 2030, but has been less willing to forgo the quality of neighbourhood character in the interests of intensification than it would be in a major activity centre;*
- *The analysis, planning, design and consultation processes adopted by Bayside Council (and Kingston Council) and the consultants in preparing the Highett Structure Plan were all satisfactory;*
- *The future development of the CSIRO site is of critical significance to the future of Highett. Its planning should take account of the protection of the Highett Grassy Woodland, while its future planning should be integrated with planning for the former Telstra site at 329 Bay Road, Cheltenham; and*
- Various changes should be made to the amendment to improve clarity and better reflect the Structure Plan.

48. The Panel Report for Amendment C46 is contained at Appendix G.

49. In February 2006, Amendment C46 introduced elements of the Structure Plan into the Bayside Planning Scheme, primarily through the introduction of Schedules to the Design and Development Overlay that set out expected building heights and setbacks and encouraged lot consolidation in certain areas. Changes to the Municipal Strategic Statement were also made. Amendment C46 made a number of modifications to Bayside's Municipal Strategic Statement (MSS) including the introduction of a new Local Policy 22.08 Highett Neighbourhood Activity Centre.

50. Amendment C46 also implemented a number zone changes:

- Rezone land in the Bay Road corridor not affected by Amendment C39 to Mixed Use;
- Rezone all Business 2 areas to Business 1; and
- Rezone one property currently within the shopping centre from Residential 1 to Business 1.

51. Amendment C46 introduced two Design and Development Overlays – DDO4 and DDO5 – to identify areas that have specific requirements relating to the design and built form of new development. The DDO4 proposes a three storey height limit to commercial areas west of the railway line in the Highett Neighbourhood Activity Centre within Bayside. The DD05 encourages consolidation of lots to promote apartment-style development to a maximum of three-storey or nine-metre height in the residential areas adjoining the Highett Neighbourhood Activity Centre.

Consideration of planning controls for the CSIRO site

52. Council was initially advised of the Commonwealth sale of the CSIRO Highett site in 2011. Council considered a report at its 29 March 2011 Ordinary Meeting that stated:

In view of the recognition of the Highett Grassy Woodland in the Bayside Planning Scheme, the findings in the draft Open Space Strategy, and the forthcoming disposal of the CSIRO Highett site, Council resolves to:

- 1. Advocate urgently for the retention of substantial areas, amounting to perhaps three or four hectares, of the CSIRO Highett site to provide for the conservation – as naturally as possible – of the very significant vegetation community and passive recreation, together with appropriate access;*
 - 2. Be prepared to accept such areas into the Council's ownership and management;*
 - 3. Pursue advocacy on this basis, to the relevant State and Federal Ministers and Members of Parliament, including through deputations, and to others as appropriate;*
 - 4. Advocate for the Council to be fully engaged in the determination of the planning controls in relation to the CSIRO site; and*
 - 5. Receive a further report on this matter at the earliest opportunity, given the possibility of this matter advancing rapidly.*
53. Council originally adopted its preferred planning controls for the CSIRO site at its 3 May 2011 Ordinary Meeting, where further to its 29 March 2011 resolution, it was resolved that Council:

1. *Advocates for the following planning provisions to be applied to the site as part of the rezoning, consistent with the Highett Structure Plan and Bayside Planning Scheme:*
 - a. *Residential 1 Zone (R1Z), with the potential to apply the Public Park and Recreation Zone (PPRZ) to open space the Public Conservation and Resource Zone (PCRZ) to conservation areas;*
 - b. *Environmental Audit Overlay (EAO), Vegetation Protection Overlay (VPO) and Development Plan Overlay (DPO); and*
 - c. *The Development Plan Overlay Schedule will reflect the directions of the Highett Structure Plan and Clause 22.08 Highett Neighbourhood Activity Centre Policy and include prescriptive design guidelines for development form and height, including controls to manage the adjoining residential interface.*
2. *Advocates for Clause 52.01 of the Bayside Planning Scheme to be amended to require an open space contribution in the order of 3 to 4 hectares of the site pursuant to Council's previous resolution;*
3. *Advocates to the Minister for Planning for these Planning Scheme provisions and controls; and*
4. *In the event that Council receives the open space, a masterplan is formulated taking into account:*
 - a. *Environmentally sensitive areas;*
 - b. *Passive areas;*
 - c. *Active areas.*
54. Following changes to the Victoria Planning Provisions in July 2014 to introduce the reformed residential zones, Council commissioned Niche Planning Studio to review Council's adopted position and provide advice in relation to the applicable planning controls for the CSIRO site.
55. At its 26 May 2015 Ordinary Meeting, it was resolved that Council:

1. *Confirms its position of the following package of Planning Provisions to be applied to the site, which includes the:*
 - a. *Public Conservation and Resource Zone (PCRZ) to the area of conservation value;*
 - b. *Public Park and Recreation Zone (PPRZ) to the 1ha of open space for active and passive recreation;*
 - c. *Residential Growth Zone (RGZ) as per Attachment 4;*
 - d. *Development Plan Overlay (DPO) which includes design guidelines for development form and height, including prescriptive recommendations to manage the adjoining residential interface as per Attachment 5; and*
 - e. *Vegetation Protection Overlay (VPO) to the entire site as per Attachment 6.*
 2. *Authorises the Director City Strategy to make minor editorial changes to the Development Plan Overlay Schedule;*
 3. *Advises the CSIRO, the Commonwealth Minister for Finance and the Commonwealth Special Minister of State of its adopted position on the package of Planning Scheme Provisions for the site;*
 4. *Requests the CSIRO and the Commonwealth include Council's adopted package of Planning Scheme Provisions as part of the Contract of Sale documentation to clearly articulate Council's position to any prospective purchaser of the site;*
 5. *Seeks the support of the Victorian Minister for Planning to apply Council's adopted package of Planning Scheme Provisions to the site;*
 6. *Advises the Local Members for Parliament of Council's position.*
56. The buildings located on the site have been demolished and the CSIRO has been undertaking remediation works in response to soil contamination issues. This process has resulted in some vegetation removal and the current status of the remediation works are not known by Council.

57. Council is aware that the property has been sold to the Wolf International Group however understands that the property is yet to settle. As the property is still owned by the Crown, the site presently sits outside the control of the Planning Scheme and the controls that the Minister for Planning will apply are presently unknown.

Retail, Commercial and Employment Strategy 2016

58. The Bayside Retail, Commercial and Employment Strategy 2016 ('the RCE Strategy') is a municipal-wide strategy that provides policy direction on the future of Bayside's activity centres and commercial land.
59. The RCE Strategy includes a summary of the key macro-economic and spatial trends relevant to Bayside to determine the employment future of Bayside.
60. The Executive Summary of the RCE Strategy acknowledges:

“Generally speaking, Bayside’s activity centres are best practice examples of local activity centres, performing well and providing high quality offerings without the anchors often present in large activity centres of similar sizes. Rather than changing policy direction, as these are working well, the options are somewhat limited to addressing location specific themes and responding to the growing demand for health services. Providing an appropriate balance between the medium and high density housing envisioned by the Bayside Housing Strategy 2012 and accommodating future retail and commercial growth to preserve the viability of the activity centres is a key focus for activity centres.”

61. In considering the strategic context of Bayside's employment land, the RCE Strategy acknowledges:

“An important shaping factor of Bayside’s retail precincts has been the rail network. Most of Bayside’s activity centres are located at or near major railway stations of the principal public transport network. These stations not only provide important access to employment opportunities elsewhere in the metropolis, but they also help to concentrate foot traffic and retail expenditure for their respective Activity Centres and the traders within those activity centres.”

“This is an important element to the evolution and growth of those Activity Centres, as specialty shops generally trade better when Activity Centre visitors arrive by train or by foot – whereas major anchors possess the financial clout to invest in large car parks, which in turn they can specifically design to ensure foot traffic is funnelled into their large franchised stores. The presence of the rail network also helps to alleviate some of the private motor vehicle and car parking demands which are placed on these Activity Centres.”

62. The RCE Strategy identifies the activity centre hierarchy of Bayside’s many activity centres, identifying that centres with an area of less than 10,000 square metres of floorspace can be described as neighbourhood centres. The RCE Strategy identifies Highett as one of these centres, observing that Neighbourhood Centres will generally serve the weekly shopping needs of its population catchment however some will play a more specialised role that draws customers and visitation from across the metropolitan area. The strategy envisages that Highett will grow into a Large Neighbourhood Activity Centre by 2031.
63. The RCE Strategy identified the opportunities for retail floorspace expansion to 2031, observing that Highett will require an additional 14,900 square metres of additional floorspace at this time. Figure 13 from the RCE Strategy outlines the need for an additional 400 square metres of commercial floorspace by 2031.
64. The RCE Strategy provides a recommendation that the Highett Activity Centre may form part of an economic triangle with the Southland Shopping Centre and the Bayside Business District, given the strategic direction to develop the Bayside Business District into an advanced business services area.
65. It is noted that the Planning Panel considering Amendment C150, which implemented the RCE Strategy into the Scheme and included it as a reference document, considered that the economic triangle concept included insufficient information to explain the areas existing attributes and how these would be transformed into an integrated and interactive economic triangle. The Panel observed:

“It is unclear how branding and marketing an economic triangle concept translates to a strategic land use response and it should therefore not be included in the Planning Scheme. Council can continue to market the concept through marketing and branding mechanisms outside of the Planning Scheme.”

66. In considering the Panel's recommendations in relation to this issue, Council resolved to remove reference to the economic triangle from the amendment, including at map 3 at Clause 21.02 which outlines the spatial economic structure of Bayside's activity centres. The RCE Strategy is included at Appendix H.

Highett Structure Plan Review 2017

67. Council commenced a review of the Structure Plan in late 2016 and published a review report in February 2017 which evaluated the effectiveness of the previous Structure Plan. The Review was not intended to replace the Structure Plan, but rather to review
68. The Highett Structure Plan Review report noted that since the implementation of the original Structure Plan into the Bayside Planning Scheme in 2007, *'a considerable amount of development, land use and demographic change has occurred in Highett as well as changes in State Planning Policy.'*
69. The Review acknowledged that *'Ideally, a joint structure plan review could have been undertaken with Kingston City Council. However, as Kingston was not currently progressing a structure plan review for their part of the centre, this review addressed the Bayside part of the Highett Structure Plan Area.'*
70. The Review found that many of the objectives and strategies of the Structure Plan are still relevant with many of the actions in the Structure Plan being successfully implemented. The review was informed by an understanding of:
- State and local policy changes since the implementation of the Highett Structure Plan;
 - Relevant Council strategies and policies;
 - Demographic change since the preparation of the Structure Plan;
 - Current housing and economic composition of the centre;
 - Planning Panels and Victorian Civil and Administrative Tribunal (VCAT) findings; and
 - Previous community feedback on:
 - Planning permit applications (from 2005-2016);
 - Planning Scheme Amendment C140 which sought to implement the Bayside Housing Strategy;

- Draft C125 Amendment which sought to introduce the Residential Growth Zone in the activity centres along the Frankston train line; and
 - The development of the Bayside Community Plan 2025.
71. The Review, in conjunction with extensive community consultation and expert reports on traffic, urban design, vegetation and economic advice, were used to inform the updated *Highbett Structure Plan 2018*. These reports are contained at Appendix I, J, K, L, M and N.
72. The findings and recommended updates from the Review are summarised in the sections below.

Policy context

73. This section examined any relevant changes that occurred in state and local planning policy since the original Structure Plan was developed. Of particular relevance was the introduction of the new residential zones in 2014 which enabled mandatory building heights to be specified in the Schedule to the Zones. The review found that the following work needed to be undertaken:
- The ‘influences’ section of the Structure Plan would need to be updated to reflect the policies of Plan Melbourne rather than Melbourne 2030 and the current Municipal Strategic Statement;
 - The activity centre boundary should be reassessed using the criteria identified Planning Practice Note 58;
 - The ‘Key Principles’ section of the Structure Plan should be reworded to ‘Vision and Objectives’ and reflect the wording in Clause 21.11-6;
 - Investigate whether lots immediately adjoining the north side of Bay Road should be rezoned to MUZ; and
 - Review the suite of overlays currently covering the Highbett Structure Plan Area to determine whether some of their content could be transferred to Schedules to the Zones.

People and Housing

74. The review found that a choice of small and medium housing types will be increasingly important to meet the needs of an aging population and the increasing

number of couple without children households and lone person households. However, there also needs to continue to be housing for families as the dominant demographic in the area. This led to the recommendation that it should be clearly stated that a mix of housing types are encouraged in the Highett Structure Plan Area.

The Economy

75. In the years since the Structure Plan was originally developed, Bayside prepared and adopted the RCE Strategy. In addition a number of new commercial developments were completed on Highett Road. The review found that the following actions should be undertaken:

- Update the Structure Plan to reflect the findings of the RCE Strategy as well as recommending locations for additional retail and commercial floorspace;
- Update the Structure Plan to recognise the completion of the supermarket complex, the mixed use development at the Graham Road/ Highett Road intersection and the approval/ development of the two apartment complexes with ground floor retail along Highett Road; and
- Include reference to strengthening the connection between the Highett Activity Centre, Southland Activity Centre and the Bayside Business District *and detail how this will be achieved.*

Movement and Transport

76. The opening of the Southland Railway Station and its impact on movement and transport was considered as part of the review. It was found that the Southland Station will improve access to Highett residents in the southern part of the Structure Plan Area working in the city and along the Frankston line. The review found that there were a number of ways that walkability could be improved within the centre.

Social and Physical Infrastructure

77. The review found that the Structure Plan Area is currently relatively well located with respect to access to community services and facilities however with an increase in population, community services and facilities may come under pressure. The Review found that further work will be required to understand the social infrastructure requirements of the additional population anticipated in the Highett Structure Plan Area.

Built Form

78. Under the current planning provisions, land within the Structure Plan Area has a mixture of two and three storey buildings in the residential areas, with a range of three to five storeys in the commercial area along Highett Road. These heights are generally in line with the intent of the original structure plan to allow increased density in close proximity to the train station, in and adjacent to the commercial strip along Highett Road and in the residential areas bound by the Frankston train line and the CSIRO site.
79. When the vision of the *Highett Structure Plan 2004* was compared to the development outcomes on the ground, it was found that the planning controls were generally working as intended. Medium density residential development with setbacks for landscaping are being built in the areas provided for them. However, within the DDO5 area along Highett Road, two VCAT decisions allowed developments with limited or no front setbacks, with one allowing a development of four storeys, one storey greater than the 3 storeys anticipated by the Structure Plan. These approvals are a result of the discretionary nature of DDO5. The rest of the Structure Plan Area was found to be developing generally in accordance with the Structure Plan. The Review recommended the following changes to the Highett Structure Plan/Planning Controls:
- Consider making the height controls in DDO5 mandatory;
 - Investigate the feasibility of including a requirement for communal open space in developments of 8 or more dwellings given the limited open space available in Highett;
 - Investigate whether setbacks as part of new development along Bay Road could help deliver new cycle paths;
 - Update the structure plan to reflect Council's adopted preferred planning controls for the CSIRO site;
 - Update the structure plan to refer to the pocket of land between Bay Road, Graham Road and Lyle Anderson Reserve as a 'Medium Density Residential Area' in line with the *Bayside Housing Strategy 2012* and the land's existing zoning and that DDO5 be extended to cover this area; and

- Review Clause 22.06 Neighbourhood Character to acknowledge that there will be a high degree of change in the Medium Density Residential Areas of the Highett Structure Plan Area.

Open Space and Recreation Facilities

80. The Review found that Highett has the lowest amount per capita of open space by area in Bayside and pressure on this open space will only increase as Highett's population grows. In addition, the few open spaces available in Highett (Lyle Anderson Reserve and Sir William Fry Reserve) are not easily accessible to residents in the west of Highett as the former CSIRO site is a barrier to movement. Improving access to these existing open spaces was a primary recommendation for the updated Structure Plan. Actions were also identified in the *Bayside Open Space Suburb Analysis and Action Plan 2012* to be reflected in the updated Structure Plan such as improving cycle links along the Frankston train line and improve pedestrian links throughout the centre.

Environment and sustainability

81. The Structure Plan Review found that the most significant habitat located in the Structure Plan area is the Highett Grassy Woodland, located on the former CSIRO site. The recommendations mainly related to ensuring the protection of this resource for biodiversity. The review also found that there are underutilised opportunities to protect and enhance biodiversity through increasing vegetation and landscaping. It was also recommended that a new requirement be introduced which requires best practice in environmentally sustainable development.

The Highett Structure Plan 2018

Overview of the Structure Plan

82. The *Highett Structure Plan 2018* aims to manage, influence and facilitate change and provide an implementation program which articulates the actions and strategies necessary to achieve the plan's vision and objectives. The Structure Plan was developed by reviewing the original Structure Plan and retaining actions that are still relevant and including updated actions and strategies where appropriate to achieve the vision for the Highett Activity Centre.
83. The updated Structure Plan provides guidance in relation to land use, built form, access and movement and public realm within the Structure Plan area.

84. The preparation of the Highett Structure Plan involved two rounds of community consultation (in addition to the planning scheme amendment public exhibition process) and input from traffic, vegetation, economic and urban design technical experts. The traffic and urban design expert reports contained several stages of research.

The Key Elements of the Highett Structure Plan 2018

Land Use

85. The review of the Highett Structure Plan revealed that the land use objectives are generally being achieved. The Structure Plan proposes to expand the Highett retail strip by rezoning land from the General Residential Zone and Neighbourhood Residential Zone to the Commercial 1 Zone along Highett Road to Worthing Road and Donald Street.

Building Heights

86. The existing planning controls have been amended to make clear what built form outcomes are expected along Highett Road and to ensure the built form controls for the residential areas reflect state and local policy and existing and proposed developments. The Structure Plan outlines the following building heights:
- In Precinct 1 (Highett Road) - four storeys, with a three storey street wall. The existing planning controls allow for heights of up to four storeys in the commercial areas of Highett Road, subject to a number of conditions being met. The wording of the existing planning controls have resulted in different interpretations of what built form is appropriate on Highett Road. Having a clear four storey height limit, with clear setbacks will provide more certainty for both developers and the community as to what is expected along Highett Road. To ensure an appropriate transition with the adjacent Neighbourhood Residential Zone on the south side of Highett Road, a side setback of three metres and a street wall height of two storeys at this interface is proposed.
 - In Precinct 2A (station environs), building height is to reach four storeys, with the fourth storey set back five metres. Currently three storey development is allowed in this area. However, given the area's proximity to the train station, its interface with the railway line and the existing four storey development being completed

on Highett Road, it is considered four stories is a more appropriate height for this location.

- In Precinct 2B (station environs), building height is to reach three storeys, with the third storey set back 3 metres from the second storey façade.
 - In Precinct 3 (residential hinterland) will remain at three storeys, which is allowed under the existing GRZ.
 - In Precinct 5 (the CSIRO interface along Middleton Street), building height will remain at two storeys, as is currently allowed under the existing NRZ.
 - In Precinct 6 (Bay Road) buildings are to reach three storeys in height, with buildings set back 6 metres from the street.
87. A detailed table outlining how these Built Form concepts from the Structure Plan have been translated into Planning Provisions through Amendment C160bays is contained at Appendix B.

Access and Movement

88. The Highett Activity Centre is well serviced by public transport in the form of bus and rail services departing from Highett Railway Station. The structure Plan focusses more intense development in direct proximity to Highett Railway Station and encourages other sustainable modes of transport in order to reduce dependence on the private motor vehicle.
89. Prioritising active transport modes (walking and cycling) is an important objective of ensuring efficient and safe movement through the Structure Plan Area. This will be achieved through improving footpaths in the activity centre (Thistle Grove, Highett Grove, Highett Road, Train Street, and Worthing Road) to make it easier and safer for pedestrians to access shops and the train station and by introducing on-road bike paths for more connectivity north and south with proposed on road cycle infrastructure on Middleton Street, Worthing Road and Wickham Road.
90. To promote safe and efficient car movement in the activity centre, the Structure Plan recommends investigating upgrades to Bay Road to improve the congestion at the Bay Road, Middleton Streets and Graham Road intersections.

Public Realm

91. The Highett Structure Plan aims to retain green and leafy streetscapes and create safer and better quality pedestrian spaces within the activity centre. To achieve this, strategies include the enhancement of pedestrian access, improving the amenity of existing open spaces, continuing to improve the treed streetscape character and protecting the biologically significant Highett Grassy Woodland. A pedestrian and visual open space link through 36 Graham Road to connect the proposed open space on the CSIRO site and Lyle Anderson Reserve is also an important strategy from the original structure plan that has been retained.
92. The Highett Structure Plan 2018 is included at Appendix O.

Community Consultation and Engagement on the Highett Structure Plan, 2018

93. The Consultation and Engagement Program for the development of the Highett Structure Plan 2018 was divided into three stages. Stage 1 gathered broad information on the Issues and Opportunities, which was then combined with expert technical reports to inform the Highett Structure Plan Review 2017. Stage 2 sought comment from the community on the draft Highett Structure Plan Review. The feedback gained in this stage was incorporated into the draft Structure Plan. The third and final stage of community engagement sought feedback on the draft Structure Plan.
94. The second round of community consultation took place from April to June 2017 with the aim of enabling the Highett community to influence the future of their area by verifying the findings of the Highett Structure Plan Review, explore ideas set out in the Review and gain ideas for the future of Highett. In total there were over 900 participant interactions by approximately 740 individuals, with a broad cross section of the Highett community. Engagement opportunities included:
- A survey of apartment residents to understand who was living in apartments in Highett and their hopes for the future of Highett;
 - A mail out to all businesses, land owners and occupiers within an approximate 1000m radius of the train station. The mail out was also sent to local community groups, government agencies and partners, infrastructure/service providers and

developers active in the area. The mail out included a brochure summarising the project and opportunities to get involved;

- A release of the Highett Structure Plan Review document, videos and fact sheets on Have Your Say webpage, and online ideas and voting;
- An online and hard copy surveys relating to the questions in the Highett Structure Plan Review document;
- 2 x Café Conversations, where people could drop in for 1 on 1 conversations about Highett and the Structure Plan review;
- 3 x Listening Posts and drop in sessions;
- 2 x 'Walkshops' (walking tours);
- Targeted outreach engagement activities, held at the Peterson Reserve Youth Centre and Dunkley Fox Housing Estate;
- Individual meetings upon request; and
- Advertising in The Leader newspaper and targeted Facebook adverts.

95. The third round of community engagement took place between April – May 2018 and sought feedback on the draft revised Highett Structure Plan. Community engagement opportunities included:

- Direct mail to residents/property owners in Highett that would be highly affected by the changes proposed in the draft revised Highett Structure Plan. These community residents were directly written to and informed prior to the public release of the Structure Plan and given the opportunity to meet with senior council officers to discuss the implications of the proposed changes and provide feedback;
- A mail out to all businesses, land owners and occupiers within an approximate 1000m radius of the Highett train station. The mail out was also sent to local community groups, government agencies and partners, infrastructure/service providers and developers active in the area. The mail out included a brochure summarising the project and opportunities to get involved;

- E-newsletter sent to Highett Structure Plan email subscriber list;
 - Information on the Bayside 'Have Your Say' website;
 - An online and hard copy survey relating to the objectives and strategies in the draft revised Highett Structure Plan;
 - 3 community drop-in sessions held in Highett where people could drop in and ask questions about the draft Structure Plan;
 - Individual meetings upon request; and
 - Advertising in the Leader newspaper.
96. The findings from this consultation and the expert technical advice were combined to produce a draft Structure Plan. This was then presented to the community for comment from April-May 2018. Participants were asked to rate their level of support for the various aspects of the draft Structure Plan. The Community Consultation Summary Report is contained at Appendix P.

PREPARATION AND EXHIBITION OF THE AMENDMENT

Request to prepare the Amendment

97. At its 18 September 2018 Ordinary Meeting, Council resolved to:
1. *adopt the Highett Structure Plan as contained in Attachment No: 1;*
 2. *commence a Planning Scheme Amendment to facilitate the implementation of the Structure Plan;*
 3. *authorise the Director City Planning and Community Services to make editorial changes to the amendment documentation and submit it to the Minister for Planning for authorisation to undertake a Planning Scheme Amendment; and*
 4. *write to all submitters to inform them of Council's decision.*
98. A copy of the 18 September 2018 Council Report and Minutes is contained at Appendix Q.
99. The Amendment documents were submitted for authorisation on 30 October 2018.

Authorisation

100. Ministerial Authorisation to prepare Amendment C160bays to implement the Highett Structure Plan 2018 into the Scheme was granted on 28 August 2019 with the following conditions:

- *Author the amendment in ATS Authoring.*
- *All amendment documentation be amended to refer to the amendment as C160bays.*
- *Amend Clause 21.11 by removing strategies relating to council advocacy for the CSIRO site as these provisions do not meet the entry rules of A Practitioner's Guide to Victorian Planning Schemes.*
- *Amend Map 1 to Clause 21.11-6 by removing any designation of built form requirements such as height from the plan and remove the application of any structure plan policy for the CSIRO site.*
- *Amend the General Residential Zone and Neighbourhood Residential Zone schedules generally in accordance with the track change versions provided, which includes:*
 - *Remove built form requirements relating to recessed upper storeys from the maximum building height;*
 - *Remove the description of each schedule*
 - *Ensure the drafting of the Schedule requirements are quantitative. Non-quantitative performance based policy, e.g overshadowing policy and canopy tree provision if deep soil cannot be met, should be redrafted to be objectives and decision guidelines;*
 - *Remove the maximum building height requirement for land and 36-40 Graham Street, Highett and associated open space requirements from GRZ14.*
- *Prepare a new GRZ16 for 36-40 Graham Street, Highett which allows for a maximum building height of 4 storeys. The requirements of this schedule should be drafted to be generally in accordance with the track change version provided.*
- *Amendment Schedule 4 to the DDO generally in accordance with the track change version provided, which includes:*
 - *Delete the permit exemption for works on public use zone land.*
- *Delete the application of DDO4 from Public Use Zone land. Removing application of DDO4 from PUZ simplifies the control by allowing the removal of the permit exemption for public land managers.*

101. A copy of the authorisation letter is included at Appendix R.
102. Following exhibition, during preparation of this Part A Submission, it became apparent that one of the conditions of authorisation has not been complied with. From Council's investigations and conversations with the Department of Environment, Land, Water and Planning, the exhibited version of Clause 21.11 differs from the version that Council submitted to DELWP and the version that DELWP subsequently exhibited. The condition of authorisation required by DELWP relates to the deletion of the following wording from Clause 21.11-6:

Objective 3:

To support the redevelopment of the CSIRO site for medium density residential use and a new public open space and conservation area for the community.

Strategies:

Advocate for Council's adopted package of Planning Provisions for the CSIRO site to facilitate redevelopment as follows:

- *Apply the Public Conservation and Resource Zone (PCRZ) to 3 hectares of land, the area of conservation value generally to the south of the site around the Highett Grassy Woodland. The exact boundary of the area should be determined following the sale of the CSIRO land. This zoning will protect the land for conservation purposes;*
- *Apply the Public Park and Recreation Zone (PPRZ) to the 1ha of open space for active and passive recreation. This should be provided within the centre of the site to link with the Lyle Anderson Reserve to the east of the site and broader Highett to the west; – Apply the Residential Growth Zone to the remainder of the site;*
- *Apply a Development Plan Overlay (DPO) which includes design guidelines for development form and height, including prescriptive recommendations to manage the adjoining residential interface. It allows for buildings of up to 5 storeys in the northern portion of the site, up to four storeys towards the centre of the site with development immediately adjacent to the residential areas to the east and west to be 2 storeys; and*
- *Apply a Vegetation Protection Overlay (VPO) to the entire site. There are a large number of substantive, mostly native trees that provide an important landscape feature of the site. As these trees have been planted by the CSIRO they are not remnant indigenous vegetation and are not protected by the Native Vegetation Framework.*

103. Council submitted a compliant version of Clause 21.11 to DELWP through the Amendment Tracking System (ATS), however due to an apparent system error, the

content appears to have been reinserted in the exhibited documents. Council had altered all Amendment documents to comply with conditions, and had not identified this error until recently. Council then contacted the Panel and subsequently circulated an explanatory letter and the updated Clause to all parties on Friday 21 February 2020. The letter advising of the issue is included at Appendix S.

Exhibition

104. The Amendment was exhibited between 10 October and 11 November 2019 with 23 submissions (including late submissions) received.

105. Exhibition followed the statutory process prescribed by the Act, as follows:

- Notice of preparation of an Amendment, published on Council’s website and in the Government Gazette; on 10 October 2019;
- Notices and advertisements in the Bayside leader; on 8 October 2019;
- Notice to affected and nearby property owners and occupiers; on 7 October 2019;
- Notice to the prescribed Ministers under the Act, the relevant referral authorities affected by the Amendment and other State and Federal Members on 10 October 2019; and
- Notice to relevant public authorities on 30 December 2019.

CONSIDERATION OF SUBMISSIONS

Issues raised in submissions and response

106. Council received a total of 23 submissions in response to the exhibition of the Amendment. Many submissions state that they are generally supportive of the amendment however request a number of changes to be incorporated.

107. The key matters raised in submissions relate to:

- General support for the amendment as it addresses the changes to the area since the original Structure Plan was initially prepared;
 - Concerns were raised regarding increased traffic congestion that may result from additional development;
 - An insufficient amount of on-street parking;
 - A range of both minor general and site specific issues; and
 - Supporters of the amendment were positive about the protection of the Highett Grassy Woodland, objectives for improving the commercial precinct on Highett Road and the requirements for landscaping especially within front setbacks of residential areas.
108. The Submissions received to Amendment C160bays are included at Appendix T.
109. A detailed officer response to each submission was provided as attachments to the 17 December 2019 Ordinary Meeting of Council Report at Appendix U. This will be expanded upon as relevant in Council's Part B submission.

Post-exhibition changes

110. Following the exhibition of Amendment C160bays, Council considered a number of changes to the amendment in response to the submissions received. These changes include:
- a) Amend Clause 21.11-6 - Under Land Use Objectives, to remove Objective 3: to *"To support the redevelopment of the CSIRO site for residential uses at a range of densities and a new public open space and conservation area for the community."* This was in response to a submission that highlighted the wording should reference medium/high density as some parts of the CSIRO may exceed 5 storeys. Under the updated Housing Strategy, 'high density' is any property over 4 storeys high. Councils adopted preferred suite of controls nominate a section of the site to be for 5 storey development. This entire objective will be removed to satisfy the conditions of exhibition.
 - b) Insert a new map at Clause 21.11-6 which does not show setbacks on the CSIRO site. This map is taken from the Access and Movement section of the

Highett Structure Plan. This is an error and will be amended to a map that does not show any planning provisions for the CSIRO site.

- c) It was submitted that 'Frontage' should be changed to 'street' in Clause 32.08-12 so it is consistent with Clause 54 and 55 requirements. 'Frontage' will be changed to 'street' in all relevant clauses for consistency.
- d) For sites on the corner, the setback requirement should specify that where the site is on a corner, the primary street setback applies to the wider frontage of the site to avoid the situation where the reduced setback requirement of 2 metres or 3 metres, associated with the "side street" is taken advantage of as part of the development which will produce an inferior development presentation to the key street interface of the site. It is agreed that this would be an unwanted outcome. For this reason, this change will be made.
- e) There are a number of other drafting changes that Council is proposing that are related to submissions, and upon further review, Council considers are appropriate changes to include in the Amendment to improve clarity and better reflect the intent of the Structure Plan. These can be outlined in further detail at the Hearing.

111. In addition, 3 errors will be corrected in the Planning Scheme maps to rectify incorrect boundary lines on the Zoning map for two Commercial Zone, Schedule 1 sites.

112. The Amendment documents with these changes shown in tracked changes are included at Appendix V.

Request the appointment of a Planning Panel

113. Pursuant to Section 22 of the Act, all submissions were considered by Council at its Ordinary Meeting of 17 December 2019. It was resolved that Council:

- Requests the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C160bays in accordance with Section 23(1)(b) of the Act;
- Writes to all submitters to advise them accordingly.

STRATEGIC CONTEXT AND ASSESSMENT

Planning and Environment Act 1987

114. Section 4(1) of the Act sets out the objectives of planning in Victoria. The amendment supports the objectives at:
- Section 4(1)(a) – to provide for the fair, orderly, economic and sustainable use, and development of land;
 - Section 4(1)(c) – to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and
 - Section 4(1)(g) – to balance the present and future interests of all Victorians.
115. The Amendment seeks to achieve the objectives listed above by providing a strategic framework for the growth and development of the Highett Activity Centre over the next 20-30 years. The Amendment implements these objectives by introducing land use and built form controls to the Bayside Planning Scheme in the form of amendments to Local Planning Policies and the introduction of new Schedules to the General Residential and Neighbourhood Residential Zones.
116. The Structure Plan aims to provide for the fair, orderly, economic and sustainable use and development of the land, through the provision of precinct guidelines that allow for a range of uses and higher density development within the Centre. The expected improvements to access and movement within the Centre in addition to the enhancement of the Centre's landscaped character will contribute to a secure, pleasant and safe place for the community to live and work. The Structure Plan aims to facilitate the expected population growth in the Activity Centre whilst providing a balance for the present and future interests of the community.
117. The Plan provides for sustainable development through higher residential densities in close proximity to public transport with actions to improve sustainable modes of transport for access, in accordance with the Act. The increase in commercial floor space to service growth and provide jobs for increased population in close proximity to where people will live which provides economic and sustainable development as required by the Act. Limits on the scale of the built form and associated population

increase based on the expected role the centre in accordance with orderly development as required by the Act.

Plan Melbourne 2017-2050

118. *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* outlines principles that underpin a long-term vision for Melbourne, outcomes to drive Melbourne as a competitive, liveable and sustainable city, directions which set out how these outcomes can be achieved and policies which outline how each outcome will be approached, delivered and achieved.
119. Plan Melbourne acknowledges that Melbourne is expected to grow by 3.4 million people to a population of almost 8 million by 2051, with Victoria's growth expected to reach 10.1 million. A population increase of that magnitude requires another 1.6 million dwellings and 1.5 million jobs. It also acknowledges that the global economy has changed rapidly in the past two decades, becoming more digital and mobile through digital disruption, more competitive through the further industrialisation of nations such as China, and more uncertain through the impact of climate change.
120. These changes are expected to accelerate in the coming years, testing the capabilities of nations and states with aging populations.

Outcome 1 – Melbourne is a productive city that attracts investment, supports innovation and creates jobs

121. Direction 1.2 is to 'improve access to jobs across Melbourne and closer to where people live.' This direction acknowledges that supporting investment and job creation across the city will drive productivity and economic growth and accommodate employment in designated locations across the city.
122. Policy 1.2.1 is to 'support the development of a network of activity centres linked by transport', and acknowledges that activity centres fill diverse roles, including housing, retail, commercial and civic services, and are a focus for services, employment and social interaction. Whilst focusing largely on Metropolitan and Major Activity Centres, the policy acknowledges that all activity centres have the capacity to continue to grow and diversify the range of activities they offer. Opportunities to partner with the private sector to enable future diversification, investment and employment growth should be explored and, where appropriate, facilitated through planning provisions.

123. It is further acknowledged that to capture and accommodate future growth opportunities, activity centres will need greater flexibility in planning controls than surrounding residential areas. Local plans undertaken in consultation with the community will identify the scope and nature of future growth within each activity centre.
124. Facilitating residential development in Bayside's activity centres is a key action in Bayside's Housing Strategy and underpins all strategic work at Bayside.
125. Amendment C160bays ensures that the balance between commercial and residential uses can be struck by nominating the future roles of the activity centres and aiming to ensure that residential development occurs in close proximity to shops and services.

Outcome 2 – Melbourne provides housing choice in locations close to jobs and services

126. Direction 2.1 is to 'manage the supply of new housing in the right locations to meet population growth and create a sustainable city.' It is acknowledged that for Melbourne to become more equitable and accessible, local residents need to have a choice of housing in their neighbourhood. It further states that growth needs to be planned and managed in a way that maintains the city's liveability. Middle-ring suburbs are well served with jobs and services and can provide greater housing choices in these locations, but development must be carefully managed.
127. Policy 2.1.2 seeks to 'facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.' It states that planning will be undertaken to ensure that the best parts of Melbourne are maintained and the benefits experienced in established inner and middle suburbs of Melbourne from compact, walkable neighbourhoods can also be realised in middle and outer areas. This approach will support greater housing diversity and offer better access to services and jobs. It will also encourage the right mix of housing by enabling local residents to downsize or upsize without leaving their neighbourhood.
128. Amendment C160bays delivers this outcome as it facilitates new housing co-located with employment generating uses in the Highett Activity Centre.
129. Policy 2.1.4 seeks to 'provide certainty about the scale of growth in the suburbs.' It is acknowledged that there is a need to provide greater certainty and facilitate long-term growth and housing choice in the right locations. Local government and the

community also need confidence that the built form objectives they sign up to will be adhered to.

130. Amendment C160bays seeks to provide this certainty through the use precinct-based controls which respond to the needs and limitations of each part of the Structure Plan Area.
131. Direction 2.2 is to 'deliver more housing close to jobs and public transport.' Amendment C160bays achieves this by facilitating increased residential development in close proximity to the Highett Railway Station and the commercial area of Highett.
132. Policy 2.2.3 seeks to 'support new housing in activity centres and other places that offer good access to jobs, services and public transport.' It is acknowledged that to support increased housing supply in established areas, it will be necessary to define locations best able to support increased densities. It is stated that activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.
133. It is further stated that activity centres with the greatest potential to attract investment and support more medium and higher density housing need to be identified. Once identified, appropriate policies, provisions and guidelines must be developed and put in place to encourage and support planned growth.
134. The *Bayside Housing Strategy* 2012 nominates that Bayside's Major Activity Centres are the primary locations to accommodate future population growth, with some lesser capacity in Bayside's smaller order centres. Amendment C160bays directs an a level of growth appropriate to Highett's designation as a Moderate Residential Growth Area by providing specific built form controls and more certainty as to how the area will be developed in the future.

Outcome 5 – Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

135. Direction 5.1 is to 'create a city of 20-minute neighbourhoods.' The 20-minute city concept is about 'living locally' – giving people the ability to meet most of their everyday needs within a 20 minute walk, cycle or public transport trip. It is acknowledged that Neighbourhood Activity Centres such as Highett are an integral part of the city's vibrant community life and critical to the creation of 20-minute

neighbourhoods. These high streets and specialised strips of shops, cafes, small supermarkets, service businesses, community services and public spaces serve the needs of the surrounding community and provide a focus not only for local jobs but also for social interaction and community participation.

136. Policy 5.1.1 seeks to 'create mixed-use neighbourhoods at varying densities.' It is stated that neighbourhoods need to offer more choice in housing so that they can accommodate a more diverse population, create opportunities for local businesses and new jobs, and deliver better access to local services and facilities. Amendment C160bays implements outcomes 2 and 5 of Plan Melbourne by providing for housing diversity close to services, jobs and public transport.

Plan Melbourne Addendum

137. An addendum to Plan Melbourne was released in late 2019 which included updated population and employment projections, additional information on industrial and commercial land requirements, information not available in 2017 and which further support Plan Melbourne's directions and policies. It also includes reference to the major road and rail infrastructure projects underway and potential further improvements.

138. There are no significant implications arising from the Plan Melbourne addendum beyond the employment and commercial floorspace projections referred to. On page 4, it acknowledges:

*Options to accommodate projected demand for commercial floorspace in other locations will need to be identified within existing commercial areas.
Consideration will also need to be given to areas that could be rezoned to accommodate future floorspace requirements.*

State Planning Policy Framework

139. Amendment C160bays implements the relevant objective of the SPPF as outlined below.
140. **Clause 11 (Settlement)** acknowledges that 'planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and

community facilities and infrastructure. Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety;
- Diversity of choice;
- Adaptation in response to changing technology;
- Economic viability;
- A high standard of urban design and amenity;
- Energy efficiency;
- Prevention of pollution to land, water and air;
- Protection of environmentally sensitive areas and natural resources;
- Accessibility;
- Land use and transport integration.'

141. **Clause 11.01-1S (Settlement)**, which aims to 'promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.'

142. **Clause 11.02-1S (Supply of Urban Land)**, which aims to 'ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.'

143. **Clause 11.02-2S (Structure Planning)**, which aims to 'facilitate the orderly development of urban areas.'

144. **Clause 11.03-1S (Activity Centres)**, which aims to 'encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.'

145. Amendment C160bays meets these objectives by providing mixed-use development in the commercial core and specific guidance for the development of the CSIRO urban renewal site. The Amendment also provides for the orderly planning of the

Highett Structure Plan Area to support its role and function as an Activity Centre into the future.

146. **Clause 15.01-1S (Urban Design)**, which aims to ‘create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.’
147. **Clause 15.01-1R (Urban Design – Metropolitan Melbourne)**, which aims to ‘create a distinctive and liveable city with quality design and amenity.’
148. **Clause 15.01-2S (Building Design)**, which aims to ‘achieve building design outcomes that contribute positively to the local context and enhance the public realm.’
149. **Clause 15.01-4S (Healthy Neighbourhoods)**, which aims to ‘achieve neighbourhoods that foster healthy and active living and community wellbeing.’
150. **Clause 15.01-5R (Healthy Neighbourhoods – Metropolitan Melbourne)**, which aims to ‘create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.’
151. **Clause 16.01-1S (Integrated Housing)**, which aims to ‘promote a housing market that meets community needs.’
152. Clause 15 seeks to create urban environments that are engaging, safe, inclusive and provide a sense of place and protect areas of identified cultural identity and heritage. The Amendment supports the objectives of Clause 15 by providing appropriate design guidance to ensure that residential development is site responsive and responds to the anticipated population growth in the area, whilst also incorporating personal safety and accessibility measures.
153. **Clause 16.01-1R (Integrated Housing – Metropolitan Melbourne)**, which includes the strategies to ‘provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas’ and to ‘allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing’.

154. **Clause 16.01-2S (Location of residential development)**, which aims to 'locate new housing in designated locations that offer good access to jobs, services and transport.'
155. **Clause 16.01-3S (Housing Diversity)**, which aims to 'provide for a range of housing types to meet diverse needs.'
156. This Clause is of particular relevance to Amendment C160bays as the overarching strategic vision for the Highett Activity Centre is a place that provides increased housing in a family friendly, leafy, garden character setting. Amendment C160bays seeks to introduce provisions into the Bayside Planning Scheme that prescribe built form outcomes specific to the context of each precinct in order to provide a range of housing types and densities to meet the current and changing needs of Highett residents. From four storeys in the commercial core near public transport, to two storeys in the established Neighbourhood Residential zone, to three storeys in the GRZ areas which acts as an important interface between these two, combined with a range of setback and landscaping requirements, the provisions proposed by Amendment C160bays aim to seamlessly merge high change areas with low change areas with precinct specific requirements that consider development potential alongside amenity impacts.
157. **Clause 17.01-1S (Diversified economy)**, which aims to strengthen and diversify the economy'. The relevant strategies to achieve this include the need to 'facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region', as well as to 'improve access to jobs closer to where people live.'
158. **Clause 17.02-1S (Business)**, which aims to 'encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.'
159. Amendment C160bays implements the objectives of Clause 17 by encouraging an increased provision of employment generating use by expanding the commercial area as well as a range of higher density housing options housing within the Highett Activity Centre. Encouraging employment and housing growth in this area will aim to support the future growth and economic sustainability of the Highett Activity Centre.

160. **Clause 18.01-1S (Land use and transport planning)**, which aims to ‘create a safe and sustainable transport system by integrating land use and transport.’
161. **Clause 18.02-1S (Sustainable Personal Transport)**, which aims to ‘promote the use of sustainable personal transport.’
162. **Clause 18.02-1R (Sustainable Personal Transport – Metropolitan Melbourne)**, which includes a strategy to ‘improve local travel options for walking and cycling to support 20 minute neighbourhoods.’
163. **Clause 18.02-2S (Public Transport)**, which aims to ‘facilitate greater use of public transport and promote increased development close to high-quality public transport routes.’
164. **Clause 18.02-4S (Car parking)**, which aims to ‘ensure an adequate supply of car parking that is appropriately designed and located.’
165. In support of the objectives in Clause 18, Amendment C160bays concentrates higher density residential development close to Highett Railway Station and several bus routes. In addition the Amendment the commitment to advocate for the improvement of pedestrian access to public transport services and connections for improved safety and amenity for railway users.
166. This Amendment encourages the use of walking and cycling by creating environments that are safe and attractive. This will be achieved through establishing improved pedestrian networks within the centre.
167. The Amendment C160bays builds on all the above objectives and strategies by ensuring that new development in activity centre locations aligns with community expectations. The built form controls proposed will provide the certainty sought and ensure that economic and housing growth is delivered in these locations.

Local Planning Policy Framework

168. The location of increased population growth in activity centres, and the growth of commercial uses in small neighbourhood centres is outlined throughout the Local Planning Policy Framework. The following clauses are particularly relevant to the Amendment.

169. **Clause 21.02-3 (Bayside Key Issues and Strategic Vision)** identifies the key issues facing Bayside as (inter alia):

Settlement and housing

- The need to manage growth associated with population growth and its impacts;
- The need to direct population growth into appropriate locations;
- The provision of housing to meet the changing needs of the community;

Environmental values

- The important habitat role of vegetation, including established trees and gardens on private property;

Economic Development:

- The need to support and strengthen economic development within appropriate locations;
- Population growth is likely to result in a commensurate increase in demand for retail services and non-retail commercial businesses that serve consumers. Additional commercial and retail floorspace with supporting infrastructure needs to be accommodated in existing commercial areas to maintain optimal trade and service levels;

Built form and Heritage:

- The need to protect the quality and character of the urban environment;
- The need to provide certainty in relation to the preferred future character for residential areas;
- The need to protect vegetation within the urban environment, both on public and private land.

170. **Clause 21.03-1 (Activity Centres)** states at Objective 1 the need to:

- To direct new medium density housing to Major Activity Centres, Neighbourhood Activity Centres and residential opportunity areas, particularly those with good

access to public transport routes as identified in the Residential Strategic Framework Plan.

171. The strategies to achieve this include:

- Incorporate a range of suitable accommodation options, including for older people and affordable housing; and
- Facilitate the renovation and use of shop top dwellings.

172. Objective 2 at Clause 21.03-1 is:

- To deliver increased housing densities and diversity of dwellings within activity centres.

173. The strategies to achieve this include:

- Provide for increased diversity and density of housing to meet the needs of the community and increased activity in activity centres.
- Encourage the use, renovation and development of shop top dwellings.
- Discourage the replacement and construction of single dwellings.

174. **Clause 21.04-1 (Environmental and Landscape Values)** provides guidance for managing and preserving important habitats in Bayside. Objective 1 at Clause 21.04-1 seeks:

- To assist the conservation of biodiversity through retention of native vegetation, protection of habitat and control of pest plants and animals.

175. Amendment C160bays seeks to achieve this by introducing additional objectives and strategies for the protection of the Highett Grassy Woodland through provisions in the Neighbourhood Residential Zone, Schedule 1 which aim to minimise impacts on the Highett Grassy Woodland by adjoining properties.

176. **Clause 21.06-1 (Character and Identity)** provides an overview of the local content to support Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework. It notes:

Bayside is predominantly residential and defined by the character of its residential areas. Bayside is renowned for its 'village' environment with distinct community precincts along the foreshore and based on local shopping centres. Highett is an example of one of Bayside's valued local shopping and living 'villages' that are so valued by the community.

177. **Clause 21.06-1.1 (Residential Areas)** includes at Objective 1 the need to:

- To achieve quality design outcomes which improve the image of land use and development in Bayside and contribute to a sense of place appropriate to Bayside's character and maintains, strengthens and enhances local character.

178. The strategies to achieve this include:

- Protect and enhance the quality and local character of the built and natural environment, including leafy streetscapes.
- Ensure that safety and security remain key elements in how development responds to the streetscape.
- Ensure that redevelopment and subdivision outside residential opportunity areas does not significantly erode the prevailing scale and density of housing.

179. Objective 2 at Clause 21.06-1.1 is:

- To facilitate quality design outcomes which make a positive contribution to the character of residential areas.

180. The strategies to achieve this as relevant to Amendment C160bays include:

- Ensure that new medium density housing is designed to be site responsive and respectful of its surroundings.

181. **Clause 21.06-1.2 (Activity Centres)** states the objective:

- To achieve high quality built form and public realm design that conserves and enhances valued urban character and heritage places.

182. The strategies to achieve this include:

- Ensure new development is compatible with the vision for the centre and avoids materially altering the scale of the centre.
- Maintain and enhance the traditional, fine grain streetscape rhythm and building scale of activity centres.
- Enhance the 'village' focus of neighbourhood Activity Centres.
- Ensure that the interface between Activity Centres and adjacent residential areas is appropriate in terms of built form and amenity.

183. Objective 3 at Clause 21.06-1.2 is to:

- To protect the amenity of dwellings within and adjacent to activity centres.

184. The strategies to achieve this as relevant to Amendment C160bays include:

- Ensure that buildings are designed to provide a transition in built form at the interface between business and residential precincts.
- Ensure that commercial buildings at the interface between business and residential precincts are designed to respect the amenity of existing residential uses, particularly in relation to noise generating uses and equipment.
- Ensure that buildings and access ways are located and designed to protect significant street trees.
- Maintain the spacious, low scale landscaped character of residential precincts, with residential buildings set back within vegetated front gardens and streetscapes.

185. **Clause 21.07-1 (Activity Centres)** states the objective:

- To support the economic and social sustainability of activity centres.

186. The relevant strategies to achieve this as relevant to Amendment C160bays include:

- Ensure new retail and commercial development supports and strengthens the activity centre hierarchy in Bayside.

- Encourage a diversity of retail, commercial and community activities in activity centres to serve the needs of the local community and support tourism.
- Encourage community services that cater to the needs of residents and visitors to be located in activity centres.
- Ensure the individual strengths of each centre are maintained.
- Enhance opportunities for appropriate services catering to needs of residents.
- Ensure all office development in Activity Centres is of a high quality.

187. Objective 2 of this clause seeks:

- To encourage new economic development which maintains and enhances the supply of and access to a range of employment and training uses.

188. **Clause 21.09-1 (Land use and transport planning)** includes at objective 1:

- To integrate transport and land use so that sustainable transport is an attractive and viable alternative to private vehicle use in Bayside.

189. Strategies to achieve this include:

- Concentrate new land use and development which increases housing density, employment and visitation in accessible locations that offer the greatest access to public transport and facilitate walking and cycling.
- Co-locate compatible land uses to reduce trip numbers and lengths, provide viable transport choice and encourage walking and cycling between activities.

190. **Clause 21.09-4 (Car parking and loading)** provides the following objective:

191. To provide adequate car parking facilities in and around shopping centres, employment areas and in appropriate locations along the coast.

192. The strategies to achieve this are:

- Provide continuous service and car park access lanes at the rear of shops and future housing.
- Encourage the loading and servicing of business premises from the rear.

- Improve parking provision and access.
 - Improve parking provision within and around Activity Centres.
 - Encourage rear loading and unloading facilities to serve activities.
193. The amendment is broadly consistent with the strategic direction of Clause 21 as it provides for growth to be accommodated in Bayside's smaller order activity centres whilst aiming to preserve the local character and amenity that makes these centres valued. By ensuring that the centres retain a local role and provide an amount of housing growth proportionate to the local context, Amendment C160bays ensures that new development can occur without substantially altering the character and role of these centres.
194. Clause 22.06 provides Council's Neighbourhood Character Policy, which applies to land within the Neighbourhood Residential, General Residential and Mixed Use Zones in Bayside.
195. Clause 22.06-1 states that:

Development in residential areas needs to respond to the particular built form and natural environment elements that make up the neighbourhood character of Bayside. These elements include topography, vegetation, building form, scale, siting, materials and front fencing.

196. The objectives are stated at Clause 22.06-2 as being:
- To ensure that development is responsive to the preferred future character of the area;
 - To retain and enhance the identified elements that contribute to the character of the area;
 - To implement the recommendations of the *Bayside Neighbourhood Character Review 2004* and the *Bayside Neighbourhood Character Review Stage 2, July 2008 (Revised August 2011)*;
 - To recognise the need for change around activity centres while respecting the desired future character of the area; and

- To recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.

197. Clause 22.06-3 requires that where a permit is required to develop or subdivide land in residential areas, it is policy to take into account:

- The preferred future character and the precinct guidelines including objectives, design responses and avoid statements for each precinct as described in the policy;
- The extent to which the characteristics of the built and natural environment in the immediate vicinity of the site may determine a preferred future character that is different from that applying to the remainder of the precinct in which the site is located; and
- Whether the site is located within a residential opportunity area as shown on the Strategic Framework Plan of the Municipal Strategic Statement and the extent to which this may alter the relevance of the design responses to consideration of the proposal.

198. The majority of the suburb of Highett is located within Precinct G1. The preferred future character for this precinct is stated as being:

The well-articulated dwellings sit within landscaped gardens, some with established trees. New buildings are frequent and are designed to respond to the site, and include a pitched roof form to reflect the dominant forms in the area. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within garden settings due to the regular front setbacks, well vegetated front yard and additional street tree planting in the area.

199. The precinct guidelines specify the following objectives:

- To maintain and enhance the garden settings of the dwellings;
- To maintain the rhythm of visual separation between buildings;
- To ensure that new buildings provide an articulated and interesting façade to the street; and

- To maintain the openness of the streetscape.

200. The design response to achieve these objectives is stated as being:

- Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and vegetation;
- Retain large, established trees and provide for the planting of new trees wherever possible;
- Buildings should be sited to allow space for the planting of trees and shrubs;
- Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation;
- Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of colours and materials, textures or colours or other elements providing appropriate articulation.
- Use pitched roof forms with eaves.

201. The characteristics to avoid in this precinct are the:

- Lack of landscaping and substantial vegetation;
- Removal of large trees;
- Planting of environmental weeds;
- Large, bulky buildings with poorly articulated front and side wall surfaces; and
- High, solid front fencing.

202. The Neighbourhood Character Precinct Brochure for G1 is included at Appendix W.

Current Permit Applications

203. Appendix X outlines the spatial representation of planning permits relating to the activity centre area. The majority of these applications have been constructed, with a limited number of permits granted that are yet to be acted upon.

204. Of most relevance is the permit granted for the redevelopment of 32-40 Graham Road, which provides for the use and development of land for a retirement village. No plans have presently been endorsed, however the ground floor and elevation plans submitted by the Applicant for consideration as well as the Planning Permit are included at Appendix Y.

Other Relevant Amendments

Amendment C163 – Pennydale Structure Plan

205. The Pennydale Structure Plan relates to the General Residential Zoned land south of Bay Road and north of Park Road in Cheltenham, to an area known locally as Pennydale.

206. Given Pennydale's location close to both the Southland and Cheltenham train stations, the Westfield Southland Shopping Centre, the Cheltenham shopping strip and the Bayside Business District (a key employment precinct in Bayside), it is identified in the Bayside Planning Scheme as an area where moderate increased housing density is encouraged.

207. The Structure Plans for Highett and Pennydale were developed concurrently to ensure consistency given their proximity, with much of the background work undertaken in conjunction. This was to ensure that any assessment took into consideration the interaction between the two areas.

208. Amendment C163 is currently with DELWP awaiting Authorisation to Exhibit the amendment.

Relevant Practice Notes

209. The following practice notes have been considered through the preparation of the Highett Structure Plan and Amendment C160bays:

- PPN04: Writing a Municipal Strategic Statement;
- PPN13: Incorporated and Background Documents;
- PPN46: Strategic Assessment Guidelines;

- PPN58: Structure Planning for Activity Centres; and
 - PPN60 Height and Setback Controls for Activity Centres.
210. Planning Practice Note 4 clarifies the role of a Municipal Strategic Statement (MSS) and provides guidance on the preferred format of the MSS and how an MSS should be written.
211. Planning Practice Note 46 outlines what should be considered as part of Ministerial Direction 11, which requires a planning authority to evaluate and discuss how an amendment addresses a number of strategic considerations.
212. Planning Practice Note 58 provides guidance to Councils on the activity centre structure planning process for metropolitan and major activity centres, though the process contained within PPN58 can be tailored to all types of activity centres.
213. The review of the Highett Structure Plan 2004 and revised Structure Plan have been carried out in accordance with the requirements of PPN58.
214. PPN60 provides guidance on the preferred approach to the application of height and setback controls for activity centres. The drafting of Amendment C160bays has had regard to PPN60.
215. The consistency of the Amendment in relation to PPN58 and 60 will be further discussed in Council's Part B submission.

Consistency with Planning Practice Note 90 and 91

216. Planning Practice Notes provide advice about the operation of the Victoria Planning Provisions and planning schemes as well as planning processes and topics, in December 2019 (2 months after Exhibition of Amendment C160bays). While PN90 and 91 were not available at the time of preparation of this amendment, the following section outlines how Amendment C160bays responds to the contents of these Practice Notes.
217. *Planning Practice Note 90: Planning for Housing* (PPN90) provides information and guidance about how to plan for housing growth and protect neighbourhood character to ensure a balanced approach to managing residential development in Planning Schemes.

218. *Planning Practice Note 91: Using the Residential Zones (PPN91)* provides instructions to Victorian Councils about how to use the residential zones, schedules, overlays and local policies to implement strategic planning work and to make use of the key features of the residential zones.

Response to Planning Practice Note 90

219. *Planning Practice Note 90: Planning for Housing* requires Councils to meet a 15 year housing supply to accommodate population growth. The balanced approach of planning for growth and protecting neighbourhood character outlined in the Practice Note largely aligns with the approach Council has undertaken in completing both its 2012 and 2019 Bayside Housing Strategies.
220. The updated Housing Strategy continues to direct moderate growth to Neighbourhood Activity Centres (NACs) at Gardenvale, Highett, Beaumaris and Black Rock. According to the Strategy:

Moderate growth areas are areas where medium density development will occur and the design of new medium density housing will demonstrate sensitivity to the existing residential context and amenity standards in these areas.

221. Structure Plans have been implemented for all of Bayside's MACs except for Cheltenham to guide how moderate growth will occur.
222. To meet the 15 year housing supply threshold required under PPN90, Council is expected to plan for housing needs from 2020 to at least 2035. The *Bayside Housing Strategy 2012* provided clear direction on where housing growth should occur to meet population needs to 2031. With the 2019 revisions to the Strategy, Council's framework provides for housing growth to 2036.
223. The controls proposed within the Highett Structure Plan 2018 will not compromise Council's ability to plan for growth beyond 2036.

Response to Planning Practice Note 91

224. Bayside's application of the residential zones aligned with the strategic direction of the *Bayside Housing Strategy 2012*, which identified the locations for minimal and moderate housing growth. Bayside's application of the zones generally meets the requirements of PPN91, however there are specific matters that need to be considered. PPN91 states:

“The General Residential Zone (GRZ) should be applied to areas where housing development of three storeys exists or is planned for. It is inappropriate for a Planning Authority to apply the GRZ to areas where the existing single and double storey character is to be respected.”

225. PPN91 recommends that GRZ should not exceed 3 storeys. However GRZ with a schedule that exceeds 3 storeys as a balance between managing community expectations while facilitating a limited increase in the GRZ.
226. Amendment C160bays varies from this at Precincts 2A (proposed GRZ13) and at 32-40 Graham Road (proposed GRZ16). The proposed height controls for these locations are for 4 storeys.
227. PPN91 does not preclude the ability for a height that exceeds the default 3 storey height specified in the General Residential Zone.
228. In many areas within Bayside, DDOs have been often used to control building heights, as well as providing other design related controls. According to PPN91, building heights should align with the maximum building height allowable in the zone. Variations in building height control should generally be specified under a schedule to the zone unless other built form outcomes are also sought or more stringent controls are sought. As PPN91 explains:
- Overlays play an important role to give effect to preferred built form outcomes when a zone will not fully achieve the identified housing or neighbourhood character objectives for an area.*
229. For this reason, DDO2, DDO3 and DDO5 are proposed to be removed as part of Amendment C160bays as these controls are inconsistent with how the General Residential Zone is to be applied. The DDO4 will guide height in relation to land within the Commercial 1 Zone.

CONCLUSION

230. This completes the Part A submission for Council.

231. Council will provide its Part B Submission at the Panel Hearing which will include:

- An overview of the amendment, including the proposed tools and the Highett Structure Plan;
- Council's response to submissions;
- Its final position on the amendment including any further changes it proposes to make to the Amendment.