

This response to submissions outlines the submissions received to Amendment C126 and the original response to the issues raised. The 'Proposed Changes following review' column provides an updated response (where relevant) and how the review of the Small Activity Centres Strategy 2014 and Amendment C126 impacts the submission and/or Council's original response. Not all issues raised require a revised response and only those where there is a difference have been outlined. This will be revised once the Amendment is re-exhibited.

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
1	<p><u>Keys Street centre, Beaumaris</u> Opposes the amendment, proposes changes:</p> <ol style="list-style-type: none"> The amendment has not included pedestrian safety including connectivity from Keys Street to the park opposite (across Beach Road) as there is no pedestrian refuge. The existing power poles in Keys Street and fronting Beach Road (commercial area) are unsightly and should be put underground in particular with further development up to two storeys on Keys Street. Extend the park reserve from near the car park in Beach Road (Keys Street) to the lookout (Bodley Street) for new residents in apartments. Enforce shop activation rather than people living in shop fronts opposite Council car park. 	<ol style="list-style-type: none"> The amendment relates specifically to the buildings within the Keys Street centre and does not propose to undertake physical works to Beach Road. The possible installation of a pedestrian refuge has been referred to Council's Sustainability and Transport departments for investigation as part of its active transport/pedestrian refuge installation program. The undergrounding of power lines is beyond the scope of the amendment and also outside Council's control. United Energy owns the electricity infrastructure however given the significant cost associated with undergrounding power, it is unlikely that this activity centre area will receive priority attention. Changes to the foreshore area are beyond the scope of Amendment C126. This feedback has been provided to Council's Open Space, Recreation and Wellbeing department for consideration as part of foreshore management and any future works in this area. The DDO17 encourages active ground floor uses for shopfronts. As the centre is within the Commercial 1 Zone, a planning permit is required to use land at the ground floor for a residential use, where the use has a frontage of greater than 2 metres. Council cannot compel existing occupiers to change the use operating at a site unless there is a compliance problem. By including a framework where active ground floor commercial uses are encouraged, and stimulating greater activity in the centre, this may assist owners to ensure that ground floor uses are contributing to the vitality and viability of the centres. 	<ol style="list-style-type: none"> An additional action in Further Strategic Work has been outlined at Clause 21.11 which will require Council to undertake further investigations as to how it can improve coastal activity centres integration with the foreshore.
2	<p><u>Seaview Shopping Centre, Beaumaris</u> Opposes the amendment, due to:</p> <ol style="list-style-type: none"> Development should be four storeys in this centre. Imposing a two storey height limit is missing an opportunity, as shopping areas are the ideal locations for infill development. This keeps development out of residential areas and helps businesses by having more residents in the catchment. 	<ol style="list-style-type: none"> The <i>Bayside Housing Strategy</i> 2012 identifies the Seaview Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council's objectives relating to the level of growth to be encouraged within the centre. 	<ol style="list-style-type: none"> The review recommends that the Seaview Shopping Centre be provided with a two storey discretionary height control and a three storey mandatory height control. Council's considers that a four storey height control is not suitable for this centre.
3.	<p><u>Nepean Highway and Centre Road centre, Brighton East</u></p> <ol style="list-style-type: none"> Supportive of the amendment and the two storey height restriction. Concerned about traffic control and parking, and access to residential driveways in narrow street. 	<p>Support for the amendment is noted. These comments have been referred to Council's Sustainability and Transport department for noting. Traffic and parking conditions in the centre can be monitored by Sustainability and Transport with appropriate action taken as required.</p>	<ol style="list-style-type: none"> The height controls for this centre have been revised and it is considered that the centre can potentially accommodate increased height than originally proposed. This will be subject to further community consultation in relation to this centre.
4.	<p><u>Keys Street centre, Beaumaris</u> Supportive of the amendment due to the consideration of small businesses in the area, however provides the following comments for consideration:</p>	<ol style="list-style-type: none"> Support for the amendment is noted. The changes outlined for the road network have been referred to Council's Sustainability and Transport department for consideration. Any changes to traffic flows in the area are beyond the scope of the amendment and will be subject to separate processes outside of the Planning Scheme Amendment process. 	<p>No further changes proposed.</p>

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	<ol style="list-style-type: none"> 1. Suggests that Keys Street should be made one way, accessible only from Beach Road. The visibility is poor at this location for traffic turning into Beach Road, particularly in low/small vehicles. Sight distance is better from Bodley and Sparks Streets and though it might be inconvenient for some, the safety improvements would justify any inconvenience. 2. The laneways in the neighbouring blocks should be made one way to move traffic away from Keys Street. This change will offer the opportunity to increase parking in Keys Street and as a result, increase local business clientele and revenue. 		
5.	<p><u>Brighton Beach (Were Street) Centre, Brighton</u></p> <ol style="list-style-type: none"> 1. Supports Amendment C126 as submitter believes C126 will stop overdevelopments in the area and hence avoid putting even more pressure on the road traffic in Were Street. 	<ol style="list-style-type: none"> 1. Support for the amendment is noted. 	<p>No further changes proposed.</p>
6.	<p><u>South Road and Esplanade Avenue Centre, Brighton</u></p> <p>Opposes the amendment but seeks a change to the amendment in that 1A Esplanade Avenue should remain within the Commercial 1 Zone and not rezoned to the Neighbourhood Residential Zone.</p> <ol style="list-style-type: none"> 1. Purchased 1A Esplanade Avenue in 1987 as a commercial property. Permission was granted in 1989 to use the site as an office and residence, a use which continues today, despite being addressing Esplanade Avenue unlike the other commercially zoned properties in the centre. The property should remain in the Commercial 1 Zone. 2. The site is designated in the <i>Bayside Housing Strategy 2012</i> as it meets the criteria for this classification. As such, the owner intends on redeveloping the property to get a better development outcome. Plans have been developed for the site based on the Commercial 1 Zone applying to the land. 	<ol style="list-style-type: none"> 1. As the SNAC Strategy considered this property was residential, it was intended to be rezoned so as to no longer form part of the centre. Following discussions with the current owner, it is intended that the site will remain a commercial site once redevelopment occurs. It is recommended that this site remain within the Commercial 1 Zone however stronger wording may be provided within the DDO17 to ensure that any future development at this site is designed to address the railway station walkway, rather than fronting Esplanade Avenue. 2. The South Road and Esplanade Avenue centre is identified in the <i>Bayside Housing Strategy 2012</i> as being a strategic redevelopment site as the centre is: <ol style="list-style-type: none"> a. In or beside a centre served by public transport; b. Abutting a train line that is part of the Principal Public Transport Network; c. Able to provide ten or more dwelling units, close to activity centres and well served by public transport. <p>The centre is classified in the Housing Strategy as a minimal residential growth area where the predominant low density scale is to be maintained. The site is identified as being outside the study area boundary and is not considered to play a valued role in the future operations of the centre. A home office will still be permitted within the NRZ and it is recommended that this zone more closely aligns with the role this property will play in relation to the centre.</p> 	<ol style="list-style-type: none"> 1. Retain 1A Esplanade Avenue within the Commercial 1 Zone. 2. Low rise infill development is encouraged for the coastal centres where the two storey height control provided within the existing DDO1 is proposed to be translated to a 2 storey mandatory height control within the DDO17.

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7.	<p><u>Beach Road and Georgiana Street Centre, Sandringham</u> Supports the proposed amendment however recommends some changes be made to the amendment.</p> <ol style="list-style-type: none"> 1. Considers that 72 Beach Road (the petrol station) should not be rezoned to Commercial 1 Zone in order to ensure that residential amenity can be retained for residents to the north of this section of the property. 2. Currently, the commercial property at the rear of 4 Arthur Street is set back 7 metres from its rear boundary. The submitter proposes to change the wording to retain the existing setback or provide the setbacks nominated in the DDO17, whichever is the greater. 3. Considers the DDO17 should be amended to ensure that no plant, equipment, services or other infrastructure should be allowed to encroach within the rear setbacks. These setbacks should be retained solely for landscaping to soften the impacts of buildings. 4. Additional standards should be included in the DDO17 to prevent overlooking into adjoining residential properties in Arthur Street. 	<p>Support for the amendment is noted.</p> <ol style="list-style-type: none"> 1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council's approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <i>Bayside Housing Strategy 2012</i>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. It is noted that other adjoining buildings in the centre have a reduced setback to the properties in Arthur Street. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 4. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.</p>
8.	<p><u>New Street and Martin Street centre, Brighton</u> Opposes the amendment and considers Council should abandon C126.</p> <ol style="list-style-type: none"> 1. It is a consistent theme through both State and Local policy to encourage higher density residential development within activity centres. The imposition of an inflexible and inappropriate 2 storey mandatory height on this centre does not enable the centre to be developed to its fullest potential and does not align with policy. 2. The amendment is not consistent with Plan Melbourne as the amendment restricts the ability for the New Street and Martin Street activity centre to grow. 3. Discretionary controls should be favoured over mandatory controls, as 	<ol style="list-style-type: none"> 1. The future role of the New Street and Martin Street centre was determined through the development of the <i>Small Activity Centre Strategy</i>. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction. 2. The classification of the New Street and Martin Street within the proposed activity centre hierarchy is consistent with Plan Melbourne. Centres designated for growth are outlined within the framework, of which the New St and Martin St Centre is one with limited recommended growth. 3. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. 4. The design objective and decision guidelines within the DDO2 provide for a preferred height control of 2 storeys. Whilst written differently to the other DDOs prescribing height controls, the intent of the discretionary 2 storey control is clear within the DDO2. 5. It is noted that there are existing buildings within the centre which exceed the height control proposed. 6. The objectives for Small Commercial Activity Centres – Mixed Use relate to ensuring that development of shop top housing is in keeping with the surrounding residential context. In relation to the New St and 	<p>It is proposed to include this centre within the revised DDO14 which allows a discretionary third storey to be permitted for the centre. Given the location of the centre, discretionary controls are not favoured as the future economic role of the centre is limited. Therefore, the role of the centre will be to provide small scale mixed uses which do not detrimentally affect the residential surrounds.</p>

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	<p>this allows for unforeseen circumstances to be accommodated. There is no justification to warrant the inclusion of mandatory controls.</p> <p>4. The existing DDO2, whilst outdated and no longer relevant, triggers the need for a planning permit exceeding two storeys. This does not specify that 2 storeys should be a maximum nor mandatory control and allows for taller buildings to exceed this height where the massing and design are appropriate.</p> <p>5. There are recently constructed buildings in the centre which exceed 2 storeys on smaller lots than the submitters site. Therefore, the centre is capable of accommodating greater than 2 storeys.</p> <p>6. Given the amended heights allowed for the Neighbourhood Residential Zone and the General Residential Zone, the imposition of a 2 storey/9 metre height in this mixed use centre is not appropriate.</p> <p>7. Classifying the centre as a 'minimal change' centre whilst retaining the centre within the Commercial 1 Zone appear to contradict each other, having regard to the purpose of the C1Z.</p> <p>8. Council should consider the future floorspace requirements for the centres as part of the Retail, Commercial and Employment Strategy and the imposition of mandatory height controls is premature until the forecasts have been completed.</p> <p>9. There is a wording conflict between Clauses 21.02-4 and 21.11-10 as one seeks to ensure shop top housing respects the local built form context, the other seeks to ensure development has is in keeping with the adjoining residential context.</p> <p>10. Proposes a wording clarification to the DDO13 which should be corrected to refer to plant / equipment and architectural features above the first floor must not be visually intrusive. The</p>	<p>Martin St centre, the height control proposed is consistent with the surrounding Neighbourhood Residential Zoned land.</p> <p>7. The application of the Commercial 1 Zone will allow Council to have greater weight to enforce active commercial frontages beyond the control afforded by the Mixed Use Zone, a residential zone. Analysis of centres zoned Mixed Use sees a greater level of residential uses at the ground floor than those centres zoned Commercial 1. It is considered that the use of the DDO13 will provide clarity on how Council intends on achieving its objectives from growth in this centre.</p> <p>8. The <i>Retail, Commercial and Employment Strategy 2016</i> was developed to guide the future commercial growth of Bayside's activity centres. Whilst catchments and floor areas were projected for Bayside's larger activity centres, centres identified within the SAC Strategy were excluded. Further work will be undertaken to guide the future commercial growth of these centres however given the classification as a SCACMU, additional growth of the centre is unlikely to be supported beyond the current centre boundaries.</p> <p>9. It is considered that the wording of these two objectives is complementary rather than conflicting, as both outcomes are sought. Development should respect the local built form context (predominantly 2 storeys) whilst ensuring that development is in keeping with the adjoining residential context, through the use of setbacks and mandatory height controls.</p> <p>10. It is agreed that the wording should be clarified to ensure this is clearly articulated.</p>	

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	<p>current wording implies this wording indicates second storey. This should be clarified.</p>		
9.	<p><u>Bay Road and Jack Road centre, Cheltenham</u> Opposes the amendment as submitter believes that the Planning Scheme can be simplified by making the following changes:</p> <ol style="list-style-type: none"> 1. Believes the DDO2 should be removed from all of the Cheltenham/Pennydale area and not just the shopping centre. 2. Considers that the General Residential Zone should be used to enforce height controls and not the DDO2 for the Pennydale area. 	<ol style="list-style-type: none"> 1. The controls proposed for the Bay Road and Jack Road centre were developed through the preparation of the <i>Small Activity Centre Strategy</i>. As such, any changes for the broader Pennydale area are beyond the scope of this amendment. The SAC Strategy provides the vision for the shopping precinct only and informs how this part of the suburb will accommodate housing growth. The future planning controls for the Pennydale area of Cheltenham are to be developed through the Southland Structure Plan process, currently underway. It is expected that the final Structure Plan will inform the future planning controls for remainder of the precinct. 2. The General Residential Zone provides a mandatory three storey height control, consistent with the height within the DDO14 proposed for the centre. The DDO2 provides a discretionary height control of 2 storeys, less than the mandatory height control of 3 storeys in the GRZ. It is likely that this difference between the two controls will be addressed through the Southland Structure Plan process and is outside the scope of this amendment. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
10 to 18	<p><u>Beach Road and Georgiana Street Centre, Sandringham</u> Nine identical but separately signed submissions were received in support of C126 with changes.</p> <ol style="list-style-type: none"> 1. Supports the two storey mandatory height limit. 2. Council should not rezone 72 Beach Road and the site should remain within two zones. 3. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained. 4. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas. 5. Greater control should be provided to prevent overlooking into residential properties. 	<ol style="list-style-type: none"> 1. It is noted that Council is not proposing to alter the existing 2 storey coastal height control as part of C126, and this will continue to apply. 2. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council's approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <i>Bayside Housing Strategy 2012</i>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 3. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 4. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 5. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.</p>
19 to 25	<p><u>Beach Road and Georgiana Street Centre, Sandringham</u> Seven identical but separately signed submissions were received in support of C126 with changes.</p> <ol style="list-style-type: none"> 1. Council should not rezone 72 Beach Road and the site should remain within two zones. 	<ol style="list-style-type: none"> 1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council's approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <i>Bayside Housing Strategy 2012</i>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land.</p>

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	<ol style="list-style-type: none"> 2. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained. 3. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas. 4. Greater control should be provided to prevent overlooking into residential properties. 	<ol style="list-style-type: none"> 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 4. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily. 	<p>These will be subject to further community consultation.</p>
26.	<p><u>Thomas Street and Egan Street Centre, Brighton East</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. Of the seven properties in the centre, two already exceed two storeys with permits granted for taller buildings on other sites. A mandatory two storey control unfairly inhibits the remaining property owners ability to develop their sites in keeping with adjoining properties. 2. The height should be increased to three storeys for this centre as this height better achieves Council's strategic planning objectives and is consistent with the existing built form of the centre. 	<ol style="list-style-type: none"> 1. It is noted that there are existing buildings within the centre which exceed the height control proposed. 2. The <i>Bayside Housing Strategy</i> 2012 identifies the Thomas Street and Egan Street Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
27.	<p><u>Bay Road and Jack Road centre, Cheltenham</u> Supports the amendment subject to recommended changes:</p> <ol style="list-style-type: none"> 1. Proper setbacks are required for shop top housing to protect the village feel of the centre. 2. Shop awnings should not extend beyond the pavement. 3. Current car parking for shops (along Bay Road) should be retained. 4. Any additional resident parking should be provided from the rear laneway. 	<ol style="list-style-type: none"> 1. The setbacks proposed in the DDO14 will provide sufficient setbacks to ensure that future development within the centre provides an acceptable interface to residential properties in Jack Road and Mernda Avenue. 2. The DDO14 does not presently include guidance on this matter. It is considered reasonable to allow this level of detail to be considered as part of any future planning permit application. 3. There is no proposal to alter the current car parking configuration for the on-street car parking supply. 4. Resident parking accessed from rear laneways is encouraged within the DDO14. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate. Setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land.</p>
28.	<p><u>East Brighton Shopping Centre, Brighton East</u> Supports the amendment but recommends changes be made:</p>	<ol style="list-style-type: none"> 1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 	<p>The DDO16 has been amended to provide greater emphasis on 1 Clive Street, Brighton and to ensure that development east of Hawthorn Road provides and appropriate interface to Otley.</p>

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	<ol style="list-style-type: none"> 1. Supportive of the two storey mandatory height control. 2. Changes to the DDO16 should be made to provide greater protection for the heritage building at 1 Clive Street. 3. The setbacks to adjoining residential areas should not be allowed include the laneway widths. These should be mandatory setbacks measured from title boundaries. 	<ol style="list-style-type: none"> 3. The intention of the wording through the development of the Small Activity Centres Strategy is that laneway widths could form part of the setbacks between commercial buildings and residential areas. It is considered that there is insufficient justification to increase this setback requirement in this location. 	<p>The application of ResCode setbacks is considered reasonable given the width of the laneway separating the buildings from Otley and the additional emphasis on protecting views to Otley.</p>
29.	<p><u>East Brighton Shopping Centre, Brighton East</u> Supports the amendment but recommends changes be made:</p> <ol style="list-style-type: none"> 1. Supports the two storey mandatory height control. 2. The DDO16 should be amended to include greater protection of the heritage building at 1 Clive Street. 	<ol style="list-style-type: none"> 1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 	<p>The DDO16 has been amended to provide greater emphasis on 1 Clive Street, Brighton and to ensure that development east of Hawthorn Road provides and appropriate interface to Otley.</p> <p>The application of ResCode setbacks is considered reasonable given the width of the laneway separating the buildings from Otley and the additional emphasis on protecting views to Otley.</p>
30.	<p><u>Nepean Highway and Centre Road centre, Brighton East</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The owner presently has a planning permit for a three level mixed use development at this site. There are also a number of buildings within the centre which also contain three storey buildings. 2. The Nepean Highway is robust enough to accommodate higher built form. 3. A two storey height limit undermines the ability to achieve the objectives of the Commercial 1 Zone, restricts the commercial viability for the use of the site and does not achieve affordable housing objectives. 4. Submitter indicated that no direct notice of the amendment was provided. 	<ol style="list-style-type: none"> 1. As the owner presently has planning permission for a taller building, C126 does impact the land owners rights to act on that permit and develop the site in accordance with his planning permit. 2. It is noted that there are existing buildings within the centre which exceed the height control proposed. It may be suitable to amend the height control to three storeys for this centre given the extent of three storey buildings. However, this may require the amendment to be split with this change re-exhibited in order for this change to occur. 3. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed. 4. Notice was provided to the owners and occupiers listed at the time that public exhibition of the amendment was undertaken. No return to sender notices were received in relation to the owner/occupiers of the two subject properties. 	<p>The height controls for this centre have been revised and it is considered that the centre can potentially accommodate increased height than originally proposed. This will be subject to further community consultation in relation to this centre.</p>
31.	<p><u>Parks Victoria Submission</u> Supports the amendment without specific comments provided.</p>	<ol style="list-style-type: none"> 1. Support for the amendment is noted. 	
32.	<p><u>Seaview Shopping Centre, Beaumaris</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. Council has previously determined that 3 storeys is appropriate in this centre and the imposition of a 2 storey height control should be changed. 	<ol style="list-style-type: none"> 1. The <i>Bayside Housing Strategy</i> 2012 identifies the Seaview Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. 2. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. This is consistent with State and Local Planning Policy. 	<p>The review recommends that the Seaview Shopping Centre be provided with a two storey discretionary height control and a three storey mandatory height control. Council's considers that a four storey height control is not suitable for this centre.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>2. The amendment is not consistent with State Government planning policies to encourage higher density housing into activity centres, ensuring the density and scale is appropriate for the centre.</p>		
33.	<p><u>Nepean Highway and Centre Road centre, Brighton East</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The centre is realistically divided into two halves. The centre should be broken up with the northern half classified as a Small Neighbourhood Activity Centre (or at least Mixed Use) given the level of residential development already experienced in this part of the centre. The second half should be retained as a Small Commercial Activity Centre – Highway Oriented as it is almost wholly business oriented with no residential apartments. 	<ol style="list-style-type: none"> 1. It is noted that there are existing buildings within the centre which exceed the height control proposed. It is proposed to retain the centre as one centre. 	<p>The height controls for this centre have been revised and it is considered that the centre can potentially accommodate increased height than originally proposed. This will be subject to further community consultation in relation to this centre.</p>
34.	<p><u>New Street and Bay Street centre, Brighton</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. Supports the need for Council to strategically plan for the centre and remove the inappropriate DDO2 from the centre. 2. The role of activity centres are to encourage higher density residential development with a range of commercial and other uses. Given the strategic context of the site and the ever growing imperative to ensure opportunities for urban consolidation are not unnecessarily squandered, the imposition of a 2 storey mandatory building height does not allow the site to be developed to its fullest potential, nor is it consistent with State policies. 3. The boundaries of the centre should be redrawn to encompass those parcels of land surrounding the commercial core and which presently form part of the centre. 4. The controls should be performance based and not mandatory provisions. There are no exceptional circumstances to warrant the 	<ol style="list-style-type: none"> 1. Support for the process and removal of the DDO2 is noted. 2. The future role of the New Street and Bay Street centre was determined through the development of the <i>Small Activity Centre Strategy</i>. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction. 3. Given the classification of the centre in relation to Council's activity centre hierarchy, the boundaries of the centre relating only to the commercially zoned land is considered appropriate. 4. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. 5. The design objective and decision guidelines within the DDO2 provide for a preferred height control of 2 storeys. Whilst written differently to the other DDOs prescribing height controls, the intent of the discretionary 2 storey control is clear within the DDO2. 6. It is understood that there is a current planning permit application before the Tribunal for a six storey mixed use development. As demonstrated through Council's opposition to this application, Council considers that a lower scale of development is appropriate for this centre. 7. Comment noted. Council does not intend to alter its approach to the classification of the centres at this time. Whilst the subject site is presently vacant, it is intended that future development will accord with Council's strategic framework for the precinct, which nominates this site as an area for low residential growth. 8. The encouragement of offices and residential developments are facilitated by the Mixed Use Zone. The key changes relate to the consideration of residential character, which is a lesser focus within the Commercial 1 Zone. 	<p>Given the recent developments and VCAT permits granted within this centre, the proposed controls have been reviewed and a new urban form concept plan prepared. The controls proposed for this centre now reflect the opportunity for this centre to provide a greater role in the activity centre hierarchy and the revised controls reflect this. The proposed controls will be subject to community consultation.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>application of mandatory controls to this precinct, particularly where there are other buildings which already exceed the proposed height.</p> <p>5. The existing DDO2, whilst outdated and no longer relevant, triggers the need for a planning permit exceeding two storeys. This does not specify that 2 storeys should be a maximum nor mandatory control and allows for taller buildings to exceed this height where the massing and design are appropriate.</p> <p>6. There are a range of strategic, contextual and design circumstances associated with the site which warrant building heights in excess of 2 storeys.</p> <p>7. Disagrees with the 'one size fits all' approach to the Small Commercial Activity Centres – Mixed Use. This centre is different to the other centres with this classification as there is not an existing fine-grained local character to be protected.</p> <p>8. The rezoning of the centre from Commercial 1 Zone to the Mixed Use Zone is not in keeping with the outcomes sought for the centre.</p> <p>9. The Mixed Use Zone is the highest order of the residential zones and greater height should be accommodated than 2 storeys in this zone.</p> <p>10. Council should consider the future floorspace requirements for the centres as part of the Retail, Commercial and Employment Strategy and the imposition of mandatory height controls is premature until the forecasts have been completed.</p> <p>11. There is a wording conflict between Clauses 21.02-4 and 21.11-10 as one seeks to ensure shop top housing respects the local built form context, the other seeks to ensure development has is in keeping with the adjoining residential context.</p> <p>12. Proposes a wording clarification to the DDO13 which should be corrected to refer to plant / equipment and</p>	<p>9. The comments made in relation to the suitability of the Mixed Use Zone are noted. Council is encouraging office development in the western end of the Bay Street activity centre, which does not include the Bay Street/New Street centre. The policy intent for this centre is of a much lower order than what is encouraged within Council's Major Activity Centres. The height control has been determined to have regard to the intended role of the centre however given there are already buildings which exceed the proposed height control, this may be reviewed.</p> <p>10. The <i>Retail, Commercial and Employment Strategy 2016</i> was developed to guide the future commercial growth of Bayside's activity centres. Whilst catchments and floor areas were projected for Bayside's larger activity centres, centres identified within the SAC Strategy were excluded. Further work will be undertaken to guide the future commercial growth of these centres however given the classification as a SCACMU, additional growth of the centre is unlikely to be supported beyond the current centre boundaries.</p> <p>11. It is considered that the wording of these two objectives is complementary rather than conflicting, as both outcomes are sought. Development should respect the local built form context (predominantly 2 storeys) whilst ensuring that development is in keeping with the adjoining residential context, through the use of setbacks and mandatory height controls.</p> <p>12. It is agreed that the wording should be clarified to ensure this is clearly articulated.</p> <p>13. Council has considered the wording in partnership with the Department of Land, Environment, Water and Planning and considers the wording is sufficiently clear.</p>	

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>architectural features above the first floor must not be visually intrusive. The current wording implies this wording indicates second storey. This should be clarified.</p> <p>13. Requests Council obtain legal advice in relation to the exemption provided in the DDO13 about land within the Special Building Overlay. Requests that the advice be obtained to ensure that an exemption is appropriately worded.</p>		
36.	<p><u>East Brighton Shopping Centre, Brighton East</u> Supports the amendment and provides the following comments:</p> <ol style="list-style-type: none"> 1. Supports the 2 storey height limit. 2. Traffic, parking and vehicle loading issues are already present and will be exacerbated with new development. 3. Greater protection should be provided for the heritage listed property at 1 Clive Street, Brighton East. 	<ol style="list-style-type: none"> 1. Support for the amendment and proposed height control are noted. 2. These comments have been referred to Council's Sustainability and Transport department for noting. Traffic and parking conditions in the centre can be monitored by Sustainability and Transport with appropriate action taken as required. 3. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 	<p>The DDO16 has been amended to provide greater emphasis on 1 Clive Street, Brighton and to ensure that development east of Hawthorn Road provides and appropriate interface to Otley.</p> <p>The application of ResCode setbacks is considered reasonable given the width of the laneway separating the buildings from Otley and the additional emphasis on protecting views to Otley.</p>
37 to 51	<p><u>Beach Road and Georgiana Street centre, Sandringham</u> <u>14 similar submissions were received</u> which in support of C126 with changes:</p> <ol style="list-style-type: none"> 1. Council should not rezone 72 Beach Road and the site should remain within two zones. 2. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained. 3. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas. <p>Greater control should be provided to prevent overlooking into residential properties.</p>	<ol style="list-style-type: none"> 1. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council's approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <i>Bayside Housing Strategy 2012</i>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 4. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.</p>
52.	<p><u>Bluff Road and Highett Road Centre, Hampton</u> Supports the amendment but seeks changes:</p>	<ol style="list-style-type: none"> 1. Support for the amendment is noted. The planning controls for the site will facilitate the potential redevelopment and expansion of a supermarket proposal in this location. Any application for such would need to be considered on its merits. 	<p>The proposed controls for this site have been reconsidered as part of the review. The opportunity for the redevelopment of the supermarket site within this centre have the potential to grow the role of this centre</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<ol style="list-style-type: none"> 1. Land owner has been exploring redeveloping the existing supermarket on the site with a mixed use development, which is supported by the Small Neighbourhood Activity Centre classification proposed. 2. Concerned that a three storey development on the property will not be able to be achieved within the 11 metre height proposed, given the headroom and services requirements for modern supermarkets which require 5-6 metres. Considers that a 4 storey/15 metre height could be appropriate if setbacks are appropriately applied to minimise the impact of the height. Submits that the three storey height should be revised to be 13 metres as a discretionary control. 	<ol style="list-style-type: none"> 2. The <i>Bayside Housing Strategy 2012</i> identifies the Bluff Road and Highett Road Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. The proposed three storey height limit is considered appropriate as this provides a transition to the lower density surrounding locality and achieves Council's objectives relating to the level of growth to be encouraged within the centre. If greater ground floor height is required to facilitate a supermarket facility, this can be incorporated within the 11 metre building height. The level of residential above the development may need to compromise in order to achieve the mandatory building height proposed in the DD014. This may be further addressed if the recommended review of the Strategy and Amendment are undertaken. 	<p>beyond a Small Neighbourhood Activity Centre into a Large Neighbourhood Activity Centre in the longer term. The revised controls and future role of this centre will be subject to further consultation with the community as part of the next stages of the Amendment.</p>
53.	<p><u>East Brighton Shopping Centre, Brighton East</u> Supports the amendment but seeks changes:</p> <ol style="list-style-type: none"> 1. Supports the 2 storey/9 metre height proposed as this will allow a small level of growth whilst preserving the village character of the centre and protecting residential amenity. 2. Greater protection should be provided to the heritage listed property at 1 Clive Street, Brighton East. 	<ol style="list-style-type: none"> 1. Support for the proposed height control is noted. 2. Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 	<p>The DDO16 has been amended to provide greater emphasis on 1 Clive Street, Brighton and to ensure that development east of Hawthorn Road provides and appropriate interface to Otley.</p> <p>The application of ResCode setbacks is considered reasonable given the width of the laneway separating the buildings from Otley and the additional emphasis on protecting views to Otley.</p>
54.	<p><u>Nepean Highway and Milroy Street centre, Brighton East</u> Supports the amendment but seeks changes:</p> <ol style="list-style-type: none"> 1. The subject property is a residential property, separately titled with a street frontage to Cambridge Street. Whilst within a Commercial 1 Zone, the site is entirely residential and should be afforded the protection the DDO15 provides other residential properties. 2. The DDO15 does not require any setbacks to be provided from new development of the commercially zoned land in the centre. This would potentially result in two 4 storey walls being constructed immediately adjacent to the submitters courtyard, 	<ol style="list-style-type: none"> 1. VCAT has commonly found that residents of activity centres cannot expect the same level of amenity as residents of other residential areas. In this circumstance, the site is oriented to address Cambridge Street, appears as a standalone dwelling and is located behind an existing commercial building forming part of the centre. Removing this property from the centre would require an amendment to the centre boundary and rezoning the site from Commercial 1 to be part of the surrounding Neighbourhood Residential Zone. It is not proposed to amend the centre boundaries at this time. 2. It is noted that the DDO15 does not provide any specified setbacks from this property. Given the narrow shape of the lots immediately adjoining this site, it is recommended that future development of these lots be performance based rather than specifying setbacks, as setbacks on these narrow lots can substantially impact the development potential of these sites. 3. The dead end laneway behind the three narrow commercial properties may be accessed from the rear laneway however given the constraints of these properties, it is likely that any traffic numbers will be able to be absorbed by the existing road network without substantial impact. Any potential redevelopment of the BMW building will likely require a traffic report to be provided and access will be from the service road given there is limited access to the laneway at the rear. This will result in minimal impacts on the subject property from additional traffic. 	<p>There are no substantial changes proposed in relation to this centre beyond the application of ResCode side and rear setbacks where land interfaces with a residential zone. The extent of the four storey area has been considered in relation to this centre and a criteria added where development in this centre should not exceed three storeys unless the land exceeds 600 square metres.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>resulting in a substantial decrease of amenity from light, shadow and ventilation reductions.</p> <p>3. A four storey development would result in considerable additional traffic at the site.</p> <p>4. A potential solution for new development could be imposing the setbacks to the property as mandatory controls to provide some protection.</p>	<p>4. It is recommended that future development of these lots be performance based rather than specifying setbacks, as setbacks on these narrow lots can substantially impact the development potential of these sites.</p>	
55.	<p><u>Thomas Street and Egan Street centre, Brighton East</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. Opposes the imposition of a two storey height given the number of three storey buildings which exist and have been approved for the centre. 2. The information relied upon for the planning controls is now too old to be useful, as there has been substantial change in the centre. 3. Objects to the need for shopfronts to provide an active frontage as this should be left to the users to determine. For example, a medical office or similar should be allowed to use obscure glazing or signage to prevent views into the premises. 	<ol style="list-style-type: none"> 1. It is noted that there are existing buildings within the centre which exceed the height control proposed. 2. It is acknowledged that there has been change in the centre since the development of the strategy commenced. 3. Active frontages are a key element of shopping centres to ensure safe and vibrant streetscapes and create safety for pedestrians and users of the centre. Any application to obscure frontages will likely require planning permission to be obtained and will be considered on its merits. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
56.	<p><u>Bluff Road and Edward Street, Black Rock/Sandringham</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The site is incorrectly zoned Neighbourhood Residential Zone and should be rezoned to a Commercial 1 Zone to address this anomaly. 2. There has been no previous consultation with the land owner about the urban design concept plan underpinning the controls for the centre. 3. The site is a corner location and should be amended to provide greater development opportunity, given the limited constraints of this site when compared with the rest of the centre. 	<ol style="list-style-type: none"> 1. It is considered that the site is correctly zoned as Neighbourhood Residential Zone given that the controls or the centre are focused around preserving the residential setback and providing a sensitive transition to the adjoining residential properties. The subject land is operating in accordance with its existing planning permit which does not necessitate any need to change the zone of the property. If this site were to be redeveloped in the future, it is likely that the site would transition back to a residential use as it is easily separated from the buildings on the western side of the centre. 2. A comprehensive community consultation program was undertaken in the past through the development of the Small Activity Centres Strategy, which initially commenced in 2005. In addition to direct mail, council undertook notification through the Bayside Leader and Let's Talk Bayside publications. As a submission has now been received for this property, the submitter will be kept up to date as C126 progresses through the Planning Panel process. The submitter will be given an opportunity to present its case before an independent Planning Panel to consider whether the changes proposed should be implemented. 3. Whilst nominated as being within the centre boundaries, the subject site represents a site independent of the rest of the centre and warrants controls which differ to the rest of the centre. The proposed two storey mandatory height control is consistent with the surrounding Neighbourhood Residential Zoned land and achieves the residential interface and transition objectives sought within the DDO13. 	<p>There are no substantial changes proposed which relate to this submission beyond the application of ResCode setbacks.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
57.	<p><u>Beach Road and Georgiana Street centre, Sandringham</u> Supports the amendment but seeks changes:</p> <ol style="list-style-type: none"> 1. Greater guidance should be provided in the DDO17 in respect to overlooking and overshadowing. 2. Rear setbacks should be restricted to no less than the current setback adjacent to the property. 3. Noise sources, plant and equipment should not be located at the rear of the commercial properties to protect residential amenity. 4. Expects that impacts on parking need to be considered with any new development. 5. New development within the centre should ensure a high standard of architecture, and embrace the unique character of the area. 	<ol style="list-style-type: none"> 1. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking and overshadowing from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking and overshadowing satisfactorily. 2. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. It is noted that other adjoining buildings in the centre have a reduced setback to the properties in Arthur Street. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. 3. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. 4. Any parking impacts associated with new development will be considered at the time application is made. 5. All new development on land within the Commercial 1 Zone will require the need for a planning permit to be obtained. Council will have an opportunity to consider the quality of new development and ensure it meets the objectives of the Planning Scheme. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.</p>
58.	<p><u>South East Water submission</u> Supports the amendment without specific comments provided.</p>	<p>Support for the amendment is noted.</p>	
59.	<p><u>New Street and Bay Street Centre, Brighton</u> Opposes the amendment and recommends the following changes be made:</p> <ol style="list-style-type: none"> 1. Do not rezone the site from the Commercial 1 Zone to the Mixed Use Zone as this is contrary to Council's economic development objectives. 2. The activity centre should be reclassified from a Minimal Residential Growth Area as it has the potential to provide a significant contribution to accommodating residential growth. 3. The building heights should be amended to reflect the actual height of buildings in the centre, being 4 storeys/13.5 metres, plus the exemption for land within the SBO. 4. The primary street frontage criteria should reflect existing and approved scale and design of development and setbacks from other boundaries should reflect not only the nature of adjoining uses but also orientation. 	<ol style="list-style-type: none"> 1. The encouragement of offices and residential developments are facilitated by the Mixed Use Zone. The key changes relate to the consideration of residential character, which is a lesser focus within the Commercial 1 Zone. This will allow Council to achieve its objectives for the centre. 2. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing use, and has been translated from a previous Business 5 Zone with a focus on providing offices. The majority of growth in this area is concentrated into the Bay Street MAC, with this centre providing a significantly lesser focus on accommodating growth. 3. Council notes that there is an existing four storey building within this centre. 4. Comment noted. It is not proposed to alter the primary street frontage wording. 5. Urban form concept plans were prepared for the centres which Council was anticipating would seek residential growth. As this centre is only going to see limited growth, with housing growth concentrated within the Bay Street MAC, it is considered that the controls proposed can proceed without the need to be informed by an urban design concept plan. 6. The centre is not proposed to be included in the list of centres where electronic gaming machines are prohibited. 	<p>Given the recent developments and VCAT permits granted within this centre, the proposed controls have been reviewed and a new urban form concept plan prepared. The controls proposed for this centre now reflect the opportunity for this centre to provide a greater role in the activity centre hierarchy and the revised controls reflect this. The proposed controls will be subject to community consultation.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>5. There is no justification for the controls proposed given the absence of any urban form concept plan.</p> <p>6. The gaming policy should continue to not apply to the centre.</p>		
60.	<p><u>New Street and Bay Street Centre, Brighton</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed two storey height control will create inconsistencies and confusion, given there are already buildings (and buildings approved) which exceed this height. 2. The New Street and Bay Street centre is ideally placed to accommodate growth, which is not recognised by the Strategy and the locational attributes ignored. 3. The New Street and Bay Street centre is the western gateway to the Bay Street MAC and does not exhibit 'typical' residential neighbourhood characteristics but predominantly commercial uses. 4. The amendment is not consistent with State Policy as it discourages residential growth and restricts the opportunity to provide housing diversity. 5. The proposed rezone effectively creates a 'strip shopping centre' where electronic gaming machines would be prohibited. Given the potential redevelopment of the NewBay Hotel, the site should remain within the Commercial 1 Zone. 	<ol style="list-style-type: none"> 1. Council notes that there is an existing four storey building within this centre. 2. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing use, and has been translated from a previous Business 5 Zone with a focus on providing offices, the majority of growth in this area is concentrated into the Bay Street MAC with this centre providing a significantly lesser focus on accommodating growth. 3. The site is its own centre and the reference to this centre being the 'western gateway' to the Bay Street MAC is not supported in policy. The role of this centre is a small office based precinct and development in this centre is likely to be at the expense of development in the MAC rather than being complementary. 4. The future role of the New Street and Bay Street centre was determined through the development of the <i>Small Activity Centre Strategy</i>. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of the proposed 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction. 5. Currently, the description of the area meets the criteria at Clause 52.28-4 for the centre to be a strip shopping centre as it is zoned for commercial use, contains at least two separate buildings on at least two separate and adjoining lots and is in an area where the lots abut a road accessible to the public. The criteria to be tested under the current controls would be whether it is an area where a significant proportion of the buildings are shops. Council's local policy at Clause 22.09 provides further guidance on applications for electronic gaming machines. 	<p>Given the recent developments and VCAT permits granted within this centre, the proposed controls have been reviewed and a new urban form concept plan prepared. The controls proposed for this centre now reflect the opportunity for this centre to provide a greater role in the activity centre hierarchy and the revised controls reflect this. The proposed controls will be subject to community consultation.</p>
61.	<p><u>Bay Road and Jack Road Centre, Cheltenham</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed three storey mandatory height control is unreasonable as this is identical to the surrounding General Residential zoned land. At least four stories should be provided for. 	<ol style="list-style-type: none"> 1. The controls proposed for the Bay Road and Jack Road centre were developed through the preparation of the <i>Small Activity Centre Strategy</i>. The SAC Strategy provides the vision for the shopping precinct only and informs how this part of the suburb will accommodate housing growth. Three storeys was determined to be appropriate having regard to the sites context. Further residential growth in the surrounding locality will be investigated throughout the development of the Southland Structure Plan. 2. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	2. The application of a mandatory control is inappropriate and a discretionary control should be provided.		
62.	<p><u>Nepean Highway and Centre Road Centre, Brighton East</u> Supports the amendment subject to the following change being made:</p> <ol style="list-style-type: none"> Given the number of three storey buildings already within the centre, including new buildings approved but not yet constructed, a mandatory three storey height control should be imposed. 	1. It is noted that there are existing buildings within the centre which exceed the height control proposed.	An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.
63.	<p><u>Nepean Highway and Centre Road Centre, Brighton East</u> Supports the amendment subject to the following change being made:</p> <ol style="list-style-type: none"> Given the number of three storey buildings already within the centre, including new buildings approved but not yet constructed, a three storey discretionary height control should be imposed. 	1. It is noted that there are existing buildings within the centre which exceed the height control proposed.	An approach to reviewing the Small Activity Centres Strategy and Amendment C126 will be presented to Council to consider. The controls proposed for this centre should be reviewed.
64.	<p><u>EPA submission</u> Support the amendment, with no specific comments provided.</p>	Support for the amendment is noted.	
65.	<p><u>Bay Road and Jack Road Centre, Cheltenham</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> The proposed setbacks, mandating of three storeys, street wall heights are inappropriate and will lead to an overdevelopment of the centre. 	1. Comment noted. The intention of C126 is to provide certainty in relation to future built form. The controls proposed for this centre will assist to guide building design which has regard to the future role of the centre.	The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.
66.	<p><u>Nepean Highway and Milroy Street Centre, Brighton East</u> Opposes the amendment and recommends changes:</p> <ol style="list-style-type: none"> The height for highway oriented centres should be increased to between 4-6 storeys due to the constraints on growth across Bayside. Discretionary heights should be used in place of the mandatory controls proposed. Similar to C113, C114 and C115, Council has no justification to support mandatory height controls. 	<ol style="list-style-type: none"> The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The <i>Bayside Housing Strategy</i> 2012 directs growth primarily into Bayside's larger activity centres. As this centre is proximate to the Bay Street MAC, the four storey height control proposed is considered reasonable having regard to the expected built form at the eastern end of the Bay Street MAC. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. Council's application of mandatory controls is considered to comply with the requirements of <i>Practice Note 60: Height and setback controls for activity centres</i>. The setbacks proposed have been designed having regard to the local conditions and provide the transitional interface to residential areas anticipated in the Small Activity Centres Strategy. These setbacks are discretionary and can be varied if an applicant can provide an alternative satisfactory design response. 	There are no substantial changes proposed in relation to this centre beyond the application of ResCode side and rear setbacks where land interfaces with a residential zone. The extent of the four storey area has been considered in relation to this centre and a criteria added where development in this centre should not exceed three storeys unless the land exceeds 600 square metres.

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>3. Delete the prescribed building setbacks as sufficient guidance is provided within the Clause 58 provisions.</p> <p>4. Clause 21.07 and 22.11 should encourage residential development that is not limited to 'shop top housing' and will complement the office and associated commercial uses.</p> <p>5. The pedestrian link dissecting the site in the urban form concept plan should be removed.</p>	<p>4. It is considered that the intent of the wording is clear, and that this does not imply that all ground floor uses must be 'shops'.</p> <p>5. There is no justification provided for why the pedestrian link should be removed. This will provide a pedestrian link through the site connecting to the laneway at the rear of the site.</p>	
67.	<p><u>Nepean Highway and Union Street Centre, Brighton East</u> Opposes the amendment and recommends the following changes:</p> <p>1. The height for highway oriented centres should be increased to between 4-6 storeys due to the constraints on growth across Bayside.</p> <p>2. Discretionary heights should be used in place of the mandatory controls proposed. Similar to C113, C114 and C115, Council has no justification to support mandatory height controls.</p> <p>3. Delete the prescribed building setbacks as sufficient guidance is provided within the Clause 58 provisions.</p> <p>4. Clause 21.07 and 22.11 should encourage residential development that is not limited to 'shop top housing' and will complement the office and associated commercial uses.</p>	<p>1. The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The <i>Bayside Housing Strategy 2012</i> directs growth primarily into Bayside's larger activity centres.</p> <p>2. Council considered the need for discretionary controls throughout the development of the SAC Strategy. The need to provide certainty for the future growth of Bayside's small activity centres is a key purpose of the strategy. The use of mandatory controls is supported in local policy, is appropriate for the majority of proposals and will achieve the outcomes preferred for each centre. Council's application of mandatory controls is considered to comply with the requirements of <i>Practice Note 60: Height and setback controls for activity centres</i>.</p> <p>3. The setbacks proposed have been designed having regard to the local conditions and provide the transitional interface to residential areas anticipated in the Small Activity Centres Strategy. These setbacks are discretionary and can be varied if an applicant can provide an alternative satisfactory design response.</p> <p>4. It is considered that the intent of the wording is clear, and that this does not imply that all ground floor uses must be 'shops'.</p>	<p>The proposed controls for this centre have been revised as part of the review. The revised controls will be subject to public consultation as part of the next stages of the amendment.</p>
68.	<p><u>Bluff Road and Highett Road Centre, Hampton</u> Opposes the amendment and recommends the following changes:</p> <p>1. Objects to the mandatory three storey height and building setback controls proposed for the centre.</p>	<p>1. The <i>Bayside Housing Strategy 2012</i> identifies the Bluff Road and Highett Road Shopping Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary. The proposed three storey height limit is considered appropriate as this provides a transition to the lower density surrounding locality and achieves Council's objectives relating to the level of growth to be encouraged within the centre.</p>	<p>The proposed controls for this site have been reconsidered as part of the review. The opportunity for the redevelopment of the supermarket site within this centre have the potential to grow the role of this centre beyond a Small Neighbourhood Activity Centre into a Large Neighbourhood Activity Centre in the longer term. The revised controls and future role of this centre will be subject to further consultation with the community as part of the next stages of the Amendment.</p>
69.	<p><u>Keys Street Shopping Centre, Beaumaris</u> Supports the amendment subject to the following changes being made:</p> <p>1. The centre should be removed from its designation as a Minimal Residential Growth Area as it provides a significant contribution to residential growth</p>	<p>1. The centre is classified in the Housing Strategy as a minimal residential growth area where the predominant low density scale is to be maintained. The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council's objectives relating to the level of growth to be encouraged within the centre. It is noted that despite the majority of the centre and its surrounds being low density, there is one three storey development in the form of the Beaumaris Hotel development. The DDO17 provides the framework to guide the future development of the centre having regard to the urban form concept plan prepared and previous community consultation.</p>	<p>The review has recommended that a 2 storey discretionary height control be applied to the centre with the opportunity to reach a 3 storey mandatory height control where a proposal meets the criteria. The setbacks have been revised to comply with the ResCode requirements where a development interfaces with residential zoned land.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>whilst maintaining the commercial role of the centre.</p> <p>The statements relating to the centre being a low density centre ignore the Beaumaris Hotel site redevelopment and is therefore inappropriate.</p> <p>2. The building height parameters in the DDO17 should be amended to reflect the scale of development within the centre, noting the three storey building.</p> <p>3. The primary street frontage criteria should reflect the existing scale and design of development.</p> <p>4. Setbacks from upper boundaries should reflect major developments within the activity centre.</p>	<p>2. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed.</p> <p>3. Comment noted. It is not proposed to alter the primary street frontage wording.</p> <p>4. The setbacks proposed have been informed by the urban form concept plan for the centre. The Beaumaris Hotel redevelopment is a unique building within the centre and should not be considered a benchmark for development in the centre as its characteristics are not replicated elsewhere in the centre. New development will need to have regard to the proposed design controls specified within the DDO17.</p>	
70.	<p><u>New Street and Bay Street Centre, Brighton</u> Opposes the amendment for the following reasons:</p> <p>1. The proposed two storey mandatory height is inappropriate as there are existing developments in the centre which exceed two storeys.</p> <p>2. The proposed amendment will prohibit the redevelopment of the NewBay Hotel site, which has plans drawn for a four storey residential development at the site.</p> <p>3. The amendment does not acknowledge that the centre is ideally located for higher density development as it is close to transport, services and other facilities.</p>	<p>1. Council notes that there is an existing four storey building within this centre. Council considers that a lower scale of development is appropriate for this centre given its intended future role.</p> <p>2. If C126 is approved as exhibited, the controls will apply to any planning application subsequently lodged with Council. Any application made and determined prior will be subject to the current controls affected the site.</p> <p>3. The Bayside Housing Strategy 2012 identifies locations for increased residential development in Bayside. The primary focus for increased residential development is in the Principal and Major Activity Centres, with some additional development in the Large Neighbourhood Activity Centres and identified Strategic Redevelopment Sites. The Housing Strategy also identifies Small Neighbourhood Activity Centres as locations where additional small scale residential development can be accommodated, in the form of shop top housing that respects the local built form context. As the site does not contain a convenience retailing use, and has been translated from a previous Business 5 Zone with a focus on providing offices, the majority of growth in this area is concentrated into the Bay Street MAC with this centre providing a significantly lesser focus on accommodating growth.</p>	<p>Given the recent developments and VCAT permits granted within this centre, the proposed controls have been reviewed and a new urban form concept plan prepared. The controls proposed for this centre now reflect the opportunity for this centre to provide a greater role in the activity centre hierarchy and the revised controls reflect this. The proposed controls will be subject to community consultation.</p>
71.	<p><u>Thomas Street and Egan Street Centre, Brighton East</u> Supports the amendment but recommends changes to be made:</p> <p>1. Introducing a two storey height limit is pointless given the number of three storey buildings within the centre.</p> <p>2. This height control results in property devaluation for the remaining two storey building owners in the centre as the development potential is compromised.</p>	<p>1. It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed particularly given the centre's location amongst significant Neighbourhood Residential Zoned land.</p> <p>2. It is noted that impacts on property valuation are not a relevant consideration for planning scheme amendment matters.</p>	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
72.	<p><u>East Brighton Shopping Centre, Brighton East</u></p>	<p>1. Support for the proposed height control is noted.</p>	<p>The DDO16 has been amended to provide greater emphasis on 1 Clive Street, Brighton and to ensure that</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>Supports the amendment and recommends the following changes:</p> <ol style="list-style-type: none"> Supportive of the two storey height control as this will allow an incremental amount of growth in the centre whilst protecting the character and amenity of the centre. Greater protection should be provided for the heritage property at 1 Clive Street as it is an important historical part of the neighbourhood and should be protected from development. 	<ol style="list-style-type: none"> Some wording changes are proposed to the DDO16 to more clearly articulate the need for new development to respond sensitively to the heritage significance of the building at 1 Clive Street. This wording will ensure that any development does not detract from the significance of the property. 	<p>development east of Hawthorn Road provides and appropriate interface to Otley.</p> <p>The application of ResCode setbacks is considered reasonable given the width of the laneway separating the buildings from Otley and the additional emphasis on protecting views to Otley.</p>
<p>73-80.</p>	<p><u>Beach Road and Georgiana Street Centre, Sandringham</u></p> <p>Supports the amendment and recommends the following changes:</p> <ol style="list-style-type: none"> Support the two storey height control for the centre. Recommends that 72 Beach Road be retained within the split zones between the Neighbourhood Residential Zone and Commercial 1 Zone. Rear building setbacks should be changed to be mandatory at 3.5m/5.5m, or if currently larger, the existing setback should be retained. Provision should be made that plant or noise sources should not be located within areas set aside as setbacks, with greenery proposed in these areas. Greater control should be provided to prevent overlooking into residential properties. 	<ol style="list-style-type: none"> It is noted that Council is not proposing to alter the existing 2 storey coastal height control as part of C126, and this will continue to apply. The Caltex petrol station at 72 Beach Road is split between the Neighbourhood Residential Zone (NRZ) and the Commercial 1 Zone (C1Z). Amendment C126 is proposing to rezone this site to be entirely within the Commercial 1 Zone as it is considered to be a zoning anomaly. The property being located partially within a Neighbourhood Residential Zone contrasts with Council's approach for encouraging limited growth at the centre. Council has applied the NRZ to areas where minimal housing growth is encouraged. As this centre is designated as a Strategic Redevelopment Site in the <i>Bayside Housing Strategy 2012</i>, the site should be located within a Commercial 1 Zone to ensure that both the commercial and residential objectives for the centre can be achieved without being restricted by the Neighbourhood Residential Zone. The existing rear setback for the property at 76-78 Beach Road is approximately 6 metres. The other sites within this centre have lesser setbacks. The discretionary setbacks proposed within the DDO17 would see this setback reduced to 3.5 metres at the ground floor and 5.5 metres at the first floor were the site to be redeveloped. Council officers consider that the setbacks as proposed will be sufficient to manage this interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time. The intention of providing setbacks to the residential areas is to ensure that the amenity of adjoining residential properties is not detrimentally affected. It is considered that sufficient guidance exists within the existing planning framework to respond to this issue without the need for specific reference in the DDO17. If land within the centre is to be developed for residential land, a decision guideline of the Commercial 1 Zone is the objectives, standards and decision guidelines of Clauses 54 and 55. These clauses provide guidance in relation to the management of overlooking from new development. These clauses, when combined with the setback requirements to be imposed in the DDO17 are considered to manage the risk of potential overlooking satisfactorily. 	<p>The proposed height controls for this centre have been reviewed having regard to the future economic role of the centre. A 2 storey discretionary height control is proposed, with a 3 storey mandatory height control. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.</p>
<p>81.</p>	<p><u>Nepean Highway and Centre Road Centre, Brighton East</u></p> <p>Opposes the amendment but recommends the following changes:</p> <ol style="list-style-type: none"> The centre has infrastructure in place to accommodate growth beyond what 2 storeys will provide. Any development south of Centre Road will have only minimal impacts on residential amenity. 	<ol style="list-style-type: none"> It is noted that there are existing buildings within the centre which exceed the height control proposed. However, as the strategic role of the centre has been nominated through the C126 process, it is recommended to retain the height control as proposed. <p>It may be suitable to amend the height control to three storeys for this centre given the extent of three storey buildings. However, this may require the amendment to be split with this change re-exhibited in order for this change to occur.</p> <ol style="list-style-type: none"> Comment noted. The controls proposed aim to ensure that new development has minimal impacts on surrounding residential properties through the use of the DDO. Impacts on property values are not generally relevant when preparing planning scheme amendments as property values are influenced by a variety of factors, including market conditions. I 	<p>The height controls for this centre have been revised and it is considered that the centre can potentially accommodate increased height than originally proposed. This will be subject to further community consultation in relation to this centre.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>3. A two storey height control will result in a detrimental impact on property values.</p>		
82.	<p><u>Balcombe Park Centre, Beaumaris</u> Opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. The current DDO2 allows permission to be granted for a development of greater than 2 storeys. The proposed mandatory two storey height control does not appear to be justified adequately and should not proceed. 2. The laneway at the south of the centre provides a buffer which can facilitate greater growth of the centre than proposed. 3. A milk bar may be re-established in the centre in the future and the centre classification should provide for this growth. 	<p>The <i>Bayside Housing Strategy 2012</i> identifies the Balcombe Park Centre (a Small Neighbourhood Activity Centre) as a housing growth area. The centre is classified as a Moderate Residential Growth Area, defined as being an area where medium density development will occur. Moderate Residential Growth Areas will provide an appropriate transition to both adjoining Key Focus growth areas and Minimal growth areas. The design of medium density housing in these areas will demonstrate sensitivity to the existing residential context and amenity standards in these areas, particularly at the housing growth area boundary.</p> <p>The proposed two storey height limit is considered appropriate as this is consistent with the surrounding residential area and achieves Council's objectives relating to the level of growth to be encouraged within the centre.</p>	<p>No further changes proposed. Setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land.</p>
83.	<p><u>Bluff Road and Spring Street Centre, Sandringham</u> This petition with four signatures opposes the amendment for the following reasons:</p> <ol style="list-style-type: none"> 1. Opposes the rezoning of the centre from a Mixed Use Zone to a Commercial 1 Zone. 2. Council should encourage small convenience retailing in this centre and change its classification from a Small Commercial Activity Centre - Mixed Use to a Small Neighbourhood Activity Centre. This centre has greater capacity for growth than the nearby Bluff Road and Edward Street centre, a smaller centre recommended for increased growth. 3. As no urban design guidelines were prepared for this centre, the submitter has prepared their own guidelines which are consistent with Council's approach for the Small Neighbourhood Activity Centres. 	<ol style="list-style-type: none"> 1. The application of the Commercial 1 Zone will allow Council to have greater weight to enforce active commercial frontages beyond the control afforded by the Mixed Use Zone, a residential zone. Analysis of centres zoned Mixed Use sees a greater level of residential uses at the ground floor than those centres zoned Commercial 1. It is considered that the use of the DDO13 will provide clarity on how Council intends on achieving its objectives from growth in this centre. 2. The centre is not identified in the <i>Bayside Housing Strategy 2012</i> as an area to accommodate future housing growth. The role of this centre as a Small Commercial Activity Centre – Mixed Use is one which will accommodate limited growth as its classification is as a lesser activity centre than others. The imposition of a 2 storey mandatory height is consistent with the height of surrounding residential areas under the Neighbourhood Residential Zone, and has regard to the vision of the Strategy relating to creating shop-top housing in keeping with the surrounding residential context. Growth will be accommodated in other centres where there is a greater capacity to grow consistent with policy direction. 3. The submitters Urban Design Guidelines are noted. 	<p>The potential role of this centre in the activity centre hierarchy has been increased to a Small Neighbourhood Activity Centre based on its economic potential. As a result, the controls proposed for the centre have been revised. This will be subject to further community consultation as part of the next stage of the Amendment.</p>
84.	<p><u>Nepean Highway and Milroy Street centre, Brighton East</u> Supports the amendment but recommends changes be made:</p> <ol style="list-style-type: none"> 1. The Urban Form Concept Plan for the centre should be amended as the land owner has recently purchased the 	<ol style="list-style-type: none"> 1. It is considered that given the change in laneway ownership (for part of the northern link), the laneway connections encouraged by the Urban Form Concept plan should be revisited. Some redrafting of the DDO15 will be required to ensure the wording and intent is clear. 2. It is considered that given the sites access to a service road and the sale of part of the laneway to a private owner, the majority of the centre has sufficient frontage that an access point can be provided without significantly impacting pedestrian movements along the Nepean Highway. It is recommended that the DDO15 be reworded to provide a lesser focus on providing vehicle access from rear laneways. 	<p>Update the DDO15 to have regard to the change in ownership of part of the laneway. Update the DDO15 to provide a lesser focus on vehicle access being provided from rear laneways.</p> <p>There are no substantial changes proposed in relation to this centre beyond the application of ResCode side and</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>majority of the laneway from Council. As such, it is unlikely that the laneway between the BMW site accessed from Cambridge Street will be reinstated. As such, the Urban Form Concept Plan is no longer relevant and should be updated.</p> <p>2. Given the considerable frontage of the BMW site to the Nepean Highway, vehicle access from laneways should be discouraged given the potential residential amenity impacts.</p> <p>3. Given the potential visual bulk impacts, the setbacks proposed should be mandatory rather than discretionary controls.</p> <p>4. Development should be encouraged to provide green walls at residential interfaces.</p>	<p>3. Council officers consider that the setbacks as proposed will be sufficient to manage the residential interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.</p> <p>4. The provision of green walls will be a way to potentially minimise the impacts of new development in the centre. It is considered that this can be deferred to individual future developments and the design responses can provide green walls as required.</p>	<p>rear setbacks where land interfaces with a residential zone. The extent of the four storey area has been considered in relation to this centre and a criteria added where development in this centre should not exceed three storeys unless the land exceeds 600 square metres.</p>
85.	<p><u>Nepean Highway and Milroy Street Centre, Brighton East</u> Supports the amendment but recommends the following changes be made:</p> <p>1. Concerned that a four storey development would impact residential amenity, in particular solar access and privacy.</p> <p>2. The height of development should be limited to three storeys in this centre.</p> <p>3. The building setbacks should be mandatory and not discretionary controls.</p>	<p>1. The setback controls proposed within the DDO15 aim to minimise amenity impacts for nearby residential properties. Sufficient guidance exists within Clause 55 and Clause 58 of the Planning Scheme to guide the design of future development to ensure amenity impacts are appropriately considered through the planning permit process.</p> <p>2. The urban design concept plans prepared for the centre have indicated that the proposed height control is suitable at four storeys. The <i>Bayside Housing Strategy 2012</i> directs growth primarily into Bayside's larger activity centres. As this centre is proximate to the Bay Street MAC, the four storey height control proposed is considered reasonable having regard to the expected built form at the eastern end of the Bay Street MAC.</p> <p>3. Council officers consider that the setbacks as proposed will be sufficient to manage the residential interface and that the distances proposed are reasonable. It is not recommended that these setbacks be altered at this time.</p>	<p>There are no substantial changes proposed in relation to this centre beyond the application of ResCode side and rear setbacks where land interfaces with a residential zone. The extent of the four storey area has been considered in relation to this centre and a criteria added where development in this centre should not exceed three storeys unless the land exceeds 600 square metres.</p>
86.	<p><u>Bay Road and Jack Road centre, Cheltenham</u> Supports the amendment but recommends the following changes be made:</p> <p>1. There are no three storey street wall heights within the centre and this should be amended in the DDO to aim for a more recessed approach.</p> <p>2. The predominant neighbourhood character of the area is single storey post war dwellings. Three storey buildings without upper floor front setbacks are not consistent with the character of the area.</p>	<p>1. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</p> <p>2. The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre.</p> <p>3. Support for the change is noted.</p> <p>4. It is considered that this can be addressed by way of individual planning permit applications and does not need to be explicitly referred to in the DDO.</p>	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
	<p>3. Rezoning the dwellings on the corner of Jack Road and Bay Road is supported.</p> <p>4. Shop awnings should not be allowed to encroach over the car parking area on Bay Road.</p>		
87.	<p><u>Bay Road and Jack Road centre, Cheltenham</u> Recommends the following change to the DDO14:</p> <ol style="list-style-type: none"> The 11 metre proposed street wall height should not be required as this is out of keeping with the area. 	<ol style="list-style-type: none"> The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
88.	<p><u>Bay Road and Jack Road Centre, Cheltenham</u> Recommends the following change to the DDO14:</p> <ol style="list-style-type: none"> The 11 metre proposed street wall height should not be required as this is out of keeping with the area. 	<ol style="list-style-type: none"> The recommended review of the Strategy and amendment documents may result in potential changes to the controls proposed for this centre. 	<p>The revised DDO14 proposed for the centre provides a discretionary 2 storey height control which allows development to be constructed to 3 storeys where appropriate.</p>
89.	<p><u>Ludstone Street Centre</u></p> <ol style="list-style-type: none"> Seeks clarification on the proposed height control for the centre as to whether it is two or three storeys. If two storeys, the submitter considers the amendment is inconsistent with State Policy which encourages more intensive and responsive development in and around neighbourhood centres. 	<p>As this was a late submission, there was no previous officer response presented to Council.</p>	<ol style="list-style-type: none"> The centre is proposed to be within the DDO13 which proposes a two storey mandatory height control, consistent with the surrounding Neighbourhood Residential Zoned land. Given the limited economic role of the centre, it is not proposed to increase the prominence of the centre. Council considers that the amendment is consistent with State Policy as outlined throughout the amendment documents. The limited economic role of the centre and the relatively isolated location indicate that more intensive population growth is not appropriate within this centre.
90.	<p><u>South Road and Esplanade Avenue Centre</u></p> <ol style="list-style-type: none"> The amendment should provide greater transitional heights to ensure the submitters property is not detrimentally affected by new development. Considers that the subject property (currently outside the activity centre boundary) should be included within the centre boundary so that the property can provide the transition to lower density residential. The role of the centre should grow to include a convenience retail use (eg. Supermarket) to provide for the increased potential of this centre. 	<p>As this was a late submission, there was no previous officer response presented to Council.</p>	<ol style="list-style-type: none"> The amendment seeks to provide transitional heights in accordance with the urban form concept plan for this centre. Given the proposed 2 storey height control, and mandatory 3 storey height, it is not expected that there will be major interface concerns for this property. It is not proposed to extend the boundary of this centre. The subject property is within a side street which contains residential uses and it is not considered appropriate to expand commercial uses into this location. Despite the centre's location close to public transport, the role of the centre has been defined within the Small Activity Centres Strategy as a location where limited growth is encouraged. A discretionary two storey height control and

No.	Comments/Summary	Council's Original Response to Submission	Proposed Changes following review
91.	<p><u>Beach Road and Georgiana Street Centre</u></p> <ol style="list-style-type: none"> 1. Considers that a mandatory maximum height of 2 storeys is not appropriate for the centre. 2. Considers that the proposed height control is not consistent with State Policy as it limits the potential future growth of the centre. 3. Considers that the proposed setbacks to residential zoned land are excessive. 	<p>As this was a late submission, there was no previous officer response presented to Council.</p>	<p>mandatory 3 storey control is appropriate to facilitate the level of growth envisaged for the centre.</p> <ol style="list-style-type: none"> 1. The review of the controls proposed for the centre have resulted in the height controls for the centre being amended. This has resulted in a discretionary 2 storey height control being provided with a mandatory 3 storey height control. These will be subject to further community consultation. 2. Council considers that the amendment is consistent with State Policy as outlined throughout the amendment documents. Rather than limiting growth, the Amendment provides guidance in relation to the economic role and future vision for the centre consistent with State Policy. 3. Discretionary setbacks beyond the ResCode requirements are recommended to respond to community concerns. In other circumstances, setbacks are required to be applied in accordance with ResCode for upper floors where a site interfaces with residential zoned land. These will be subject to further community consultation.