



# **Amendment C123 - Moreland Planning Scheme**

## **Coburg Activity Centre**

### **Planning peer review and evidence**

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## Contents

<b>1</b>	<b>Overview</b>	<b>3</b>
1.1	<i>Purpose</i>	3
1.2	<i>Justification for a structure plan for Central Coburg</i>	3
1.3	<i>The iterative process of structure planning</i>	4
1.4	<i>The strategic status of Central Coburg</i>	7
1.5	<i>Summary</i>	9
<b>2</b>	<b>Strategic Context</b>	<b>10</b>
<b>3</b>	<b>Economic Development Strategy</b>	<b>12</b>
3.1	<i>Strategy</i>	12
3.1.1	<b>Floor space yield – theory and practice</b>	12
3.1.2	<b>Built form implications</b>	14
3.1.3	<b>Underdevelopment of land</b>	14
3.2	<i>Amendment</i>	15
<b>4</b>	<b>Land use and built form strategy - objectives</b>	<b>16</b>
4.1	<i>The vision, principles and concept plan</i>	16
4.2	<i>Land use and development objectives</i>	16
4.2.1	<b>Precincts 6-8</b>	16
4.2.2	<b>Large format retailing</b>	16
4.2.3	<b>Affordability</b>	17
4.3	<i>Built form objectives</i>	17
4.3.1	<b>The urban design outcome</b>	17
4.4	<i>Environmentally sustainable development objectives and provisions</i>	19
4.5	<i>Amendment</i>	19
<b>5</b>	<b>Design and development provisions</b>	<b>21</b>
5.1	<i>Mandatory and discretionary height controls</i>	21
5.2	<i>The basis of the height controls</i>	22
5.3	<i>Application of mandatory controls</i>	23
5.3.1	<b>Securing the quality and experience of the street space</b>	23
5.3.2	<b>Protecting solar access to key public spaces and linkages</b>	23
5.3.3	<b>Protecting amenity at the interfaces</b>	24
5.4	<i>Application of preferred heights</i>	24
5.5	<i>Heights or storeys</i>	25
5.6	<i>Streetscape improvements</i>	25
5.7	<i>Amendment</i>	26
<b>6</b>	<b>Precinct requirements</b>	<b>27</b>
6.1	<i>Precinct 1</i>	27
6.1.1	<b>Grade separation</b>	27
6.1.2	<b>Precinct Requirement Plans</b>	27
6.1.3	<b>Large format retailing</b>	27
6.1.4	<b>Vehicle access</b>	27
6.2	<i>Precinct 2</i>	28



6.2.1	Transitional objective	28
6.2.2	Mapping	28
6.2.3	Pedestrian linkages	28
6.2.4	Landmark buildings	28
6.3	<i>Precinct 3</i>	28
6.3.1	Height controls	28
6.4	<i>Precinct 5 and landmark buildings</i>	28
6.4.1	Precinct height limits	28
6.4.2	Landmark buildings	29
6.5	<i>Amendment</i>	29
7	<b>Application requirements, notice and review provisions</b>	<b>31</b>
7.1	<i>Application requirements</i>	31
7.2	<i>Notice requirements</i>	31
7.3	<i>Amendment</i>	31
8	<b>Conclusions</b>	<b>33</b>
	<b>Attachment 1 – Declaration</b>	<b>34</b>
	<b>Attachment 2 – Curriculum Vitae</b>	<b>36</b>



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## 1 Overview

### 1.1 Purpose

This report is a strategic peer review of the structure planning processes and outcomes recommended to apply to the Coburg Activity Centre and the provisions of the associated Amendment C123 to the *Moreland Planning Scheme*.

### 1.2 Justification for a structure plan for Central Coburg

Higher order activity centres (that is Central Activities Areas, Principal and Major Activity Centres and the earlier District Centres) have been expected to undertake a considerable proportion of the 'heavy lifting' when it comes to delivering on a broad range of social and economic development and community expectations.

As centres of retail, administration, commerce, entertainment, education, community facilities and higher density housing they have been expected to diversify, broaden their base, be centres of greater activity extending over longer time periods and be more intensely developed.

The urban design of activity centres is intended to attract users and development and enhance the daily experience of the place.

The policy support for such expectations and the application of the Activity Centre Zone does not need to be reproduced at length. It has been found variously in metropolitan development strategies, State Planning Policy, Municipal Strategic Statements and local policies through out the metropolitan area for years. The following are some of the current relevant references.

- Clause 11.01-2 *Activity Centre Planning* of the *Moreland Planning Scheme* provides a clear mandate that activity centre structure planning be undertaken to give a clear direction to the preferred location and form of use and development.
- Clause 11.01-2, *Activity Centre Design Guidelines* (2005) and the following Practice Notes provide the strategic justification for Amendment C123 to the *Moreland Planning Scheme*.
  - Practice Note 56 – *Activity Centre Zone*.
  - Practice Note 58 – *Structure planning for activity centres*.
  - Practice Note 60 – *Height and setback controls for activity centres*.

It follows that higher order activity centres will be areas subject to considerable change and that if orderly development is to occur and their potential as centres of growth and investment is to be efficiently and effectively realised then structure planning is a core requirement.



Recommendations

*There is a strategic justification for Central Coburg to be the subject of a Structure Plan referenced in the planning scheme.*

*It is appropriate that as Central Coburg is an acknowledged higher order activity centre that it be the subject of the Activity Centre Zone and a suitably developed schedule that reflects the objectives and strategies of the approved Structure Plan.*

**1.3 The iterative process of structure planning**

Amendment C123 to the Moreland Planning Scheme is the culmination of a long and incremental journey. It is the product of a program of work that started almost 14 years ago.

Table 1 charts the evolution and major events that have marked the formative stages of the adopted version of The Coburg Initiative, (TCI) Central Coburg 2020 (CC2020) and Amendment C123.

The process has been comprehensive, protracted and iterative. The spatial boundaries of the various phases of structure planning have not been consistent.

Unlike similar structure plan processes applied to other centres it has not concluded with a single consolidated statement of intent but rather a composite of plans sourced from two pieces of work (CC2020 and TCI) completed 4 years apart.

The CC2020 plan defined the overall boundaries of the activity centre and advances strategies for each of its precincts.

Amendment C80, gazetted in October 2007, gave interim statutory effect to CC2020.

Amendment C123 provides for the deletion of the interim policy that ceased to have effect from August 2012.

The TCI has replaced the statements of policy intent for the central precincts identified in CC2020 leaving the statements of policy for the more remote precincts in place.

There are policy themes associated with housing, affordability and environmental sustainability that can be followed through both phases of structure planning to appreciate some of the recommended provisions of Amendment C123.

During the course of the work part of structure plan was an expression of intent for a joint venture partnership between Council and a private development interest. When that relationship failed the TCI was recast, retaining similar scenarios and targets for growth.





Table 1. Coburg Activity Centre Major events and changes in height provisions 2000-2014

Key Event	Date	Main Event	Built Form and Height Controls										Precincts			Mandatory/ Discretionary/ Mixture
			P1 - Railway	P2 - Supermarket/ Car Park	P3 - Sydney Road Retail	P4 - Bridges Reserve and Environs	P5 - Sydney Road - South Commercial Gateway	P6 - Sydney Road/Bell Street Commercial	P7 - Sydney Road - North Commercial Gateway	P8 - Village Reserve	P9 - Pentridge Redevelopment	P10 - Sydney Road - Moreland				
1	2000	Amendment NPS1 – Moreland Planning Scheme	<ul style="list-style-type: none"><li>Does not have height controls in current Coburg Activity Centre</li></ul>													
2	2001	Background Research and analysis													D	
3	June 2003	Adoption of Central Coburg 2020 Vision														
4	Aug 2006	Adoption of Structure plan of Coburg 2020	11m (3st)	21.5m (6st)	21.5m (6st)	11m (3st)	18m (5st)	18m (5st)	14.5m (4st)	Preserve character of free standing buildings Masterplan being prepared	Masterplan being prepared	18m (5st)		D		
		Long-term plan to guide decisions in the Coburg Activity Centre														
5	May 2007	Amendment C80 – Clause 22.12 – Coburg Activity Centre	(2-3st)	(5-6st)	(5-6st)	(2-3st)	(4-5st)	(2-6st)	(3-4st)			(5st)		D		
		<ul style="list-style-type: none"><li>Introduces Central Coburg 2020 into planning scheme on an interim basis</li><li>Varies preferred heights of the adopted structure plan to express as a range</li></ul>														
6	April 2009	Draft Coburg Initiative Baseline Research	7-11m (2-3st)	18-21.5m (5-6st)	11-21.5m (3-6st)	11m (3st)	11-18m (3-5st)	11-21.5m (3-6st)	11-21.5m (3-6st)	35.5m (10st)	N/A	18m (5st)	M/D			
		<ul style="list-style-type: none"><li>Background research to The Coburg Initiative</li><li>Provides for podiums at 3 storeys</li></ul>														
7	Aug 2009	Pentridge Redevelopment - Design Guidelines and Masterplan	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	P. Coburg (1-18st) P. Village (1-16st)	N/A				
8	Dec 2009	Schedule to CDZ1 for Pentridge	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	P9 (1-18st) P10 (1-16st)	N/A	D			
9	Dec 2010	The Coburg Initiative (Version 1)	P4 7.2-36m (2-10st)	P1&P3 18-36m (5-10st)	P1 18-28.8m (5-8st)	P3 N/A	N/A	P2 18-36m (5-10st) P3 7.2-14.4m (2-8st)	N/A	P3 N/A	N/A	N/A	D			
		<ul style="list-style-type: none"><li>Indicates precinct heights but deletes gateway locations</li><li>Recommends discretionary height controls</li></ul>														

10	April 2012	The Coburg Initiative (Version 2)		AS ABOVE	AS ABOVE	AS ABOVE	AS ABOVE					
11	July 2012	Built Form Rationale and Building Envelopes	<ul style="list-style-type: none"><li>Sub precinct 1.18, 4.10 is limited to 10.8m (3storeys)</li></ul>	P4 14.4-36m (2-10st)	P1 18-36m (5-10st) P4 21.6-28.8m (6-8st)	P4 10.8-28.8m (2-8st)	P6 14.4-18m (2-5st)	P2 14.4-36m (2-10st)	P3 N/A P5 21.6-36m (6-10st)	P7 18m (5st)	P9&P10 Refer to Masterplan	P7 18m (5st)
12	Oct 2012	Amendment C123 Activity Centre Zone Exhibited	<ul style="list-style-type: none"><li>Translates heights detailed in July 2012 Built Form Rational and Building Envelopes</li></ul>	P4 14.4-36m (2-10st)	P1 18-36m (5-10st) P4 21.6-28.8m (6-8st)	P4 10.8-28.8m (2-8st)	P6 14.4-18m (2-5st)	P2 14.4-36m (2-10st)	P3 N/A P5 21.6-36m (6-10st)	P7 18m (5st)	P9 3.6-64.8m P10 3.6-57.6m (1-16st)	P7 18m (5st)
13	Mar 2013	Amendment C134 – Brunswick Major Activity Centre Structure Plan	<ul style="list-style-type: none"><li>Amendment exhibited as preferred maximum height controls providing for discretion</li></ul>	P4 14.4-36m (2-10st)	P1 18-36m (5-10st) P4 21.6-28.8m (6-8st)	P4 10.8-28.8m (2-8st)	P6 14.4-18m (2-5st)	P2 14.4-36m (2-10st)	P3 N/A P5 21.6-36m (6-10st)	P7 18m (5st)	P9 3.6-64.8m P10 3.6-57.6m (1-16st)	P7 18m (5st)
14	Oct 2013	Revision of Built Form Rationale and Building Envelopes and Amendment C123	<ul style="list-style-type: none"><li>Some heights reduced – in sub-precincts 2.1, 2.2, 2.3, 2.4, 2.5, 2.6.</li><li>This version is an officers draft for council consideration</li></ul>	P4 14.4-28.8m	P1 18-36m P4 21.6-28.8m	P4 10.8-28.8m	P6 14.4-18m	P2 14.4-28.8m	P3 N/A P5 21.6-36m	P7 18m	P9 3.6-64.8m P10 3.6-57.6m	P7 18m
15	Oct 2013	Amendment 134 Brunswick Major Activity Centre Structure Plan	<ul style="list-style-type: none"><li>Council determines to seek a mandatory rather than discretionary control over heights</li></ul>	P4 14.4-28.8m	P4 18-28.8m	P4 10.8-28.8m	N/A	P2 14.4-28.8m	N/A	N/A	N/A	N/A
16	Nov 2013	Council Meeting – Amendment C123 Coburg Activity Centre	<ul style="list-style-type: none"><li>Officers recommend different heights for Precincts 2 &amp; 4</li><li>Council defers decision until December 2013</li></ul>	P4 14.4-28.8m	P4 18-28.8m	P4 10.8-28.8m	N/A	P2 14.4-28.8m	N/A	N/A	N/A	N/A
17	Dec 2013	Council Meeting – Amendment C123 Coburg Activity Centre	<ul style="list-style-type: none"><li>Heights changed for the following sub-precincts 1.1, 1.5, 1.9, 1.10, 1.14, 1.15, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 4.1</li><li>Buildings in the core area be reduced room 10 to 8 storeys</li><li>Buildings at the edge of the centre are reduced from 10 to 6 storeys</li><li>Note: The report referenced storeys but the recommendation required storeys to be converted to absolute heights in metres</li><li>Carried and passed</li></ul>	P4 (2-6st)	P1 (5-10st)	P1 (5-10st)	N/A	P2 (2-6st)	N/A	N/A	N/A	N/A
18	2014	Re-exhibition of Amendment C123 Coburg Activity Centre	<ul style="list-style-type: none"><li>Heights varied to reflect December 2013 decision</li><li>Incorrect heights shown in exhibited Feb 2014 Built Form Rationale and Building Envelops</li></ul>	P4 14.4-21.6m	P1 18-28.8m P4 28.8m	P4 10.8-28.8m	P6 14.5-18m	P2 14.4-21.6m	P3 N/A P5 21.6-36m	P7 18m	P9 3.6-64.8m P10 3.6-57.6m	P7 18m





During ‘the journey’ the scale and form of development in the centre as a whole and in particular precincts has both expanded and contracted. Supplementary urban design and built form modelling has been undertaken and documented in three different versions of a report entitled *Coburg Principal Activity Centre – built form rationale and building envelopes*. This is recorded in Table 1.

These observations record the realities of working in a changing policy, development and political environment. The observations emphasise how concepts and development scenarios evolve and why expectation of on going change are inherently part of the challenge of activity centre policy.

This is particularly relevant when it comes to considering the merits of having mandatory controls on the scale of development. In some precincts in Central Coburg the built form outcomes have changed on numerous occasions over the last 10 years. The appropriateness of mandatory controls in this centre, under these circumstances, is discussed fully at Section 5.1 of this report.

The final outcome is a hybrid style of amendment that relies upon and proposes to reference four different documents. This is a cumbersome outcome given the repetition and occasional inconsistencies between the reference documents.

**Recommendation**

*After the amendment has been settled and gazetted a policy neutral rewrite of the structure plan should be undertaken to succinctly capture in one document the agreed content of the plan.*

**1.4 The strategic status of Central Coburg**

For only a short period has Coburg held the status of a Principal Activity Centre in metropolitan development planning.

Up until 2002 and the release of *Melbourne 2030* Coburg was not recognised as a higher order centre. From 1954 to 2002 it was Preston and later Preston / Northland that enjoyed the standing of a ‘District Centre’.

*Melbourne 2030* changed that. Coburg was elevated for a short period of time to the same status as Preston / Northland, Box Hill and 23 other centres as a ‘Principal Activity Centre.’

The concurrent reference to Box Hill is with some significance. The *Economic Development Strategy* of *The Coburg Initiative* (TCI) notes that throughout the analysis of the strategy Box Hill, as a highly successful Principal Activity Centre, provided one of two benchmarks, influencing the quantum of change (total jobs, floor space and investment required) and the diversity of uses that might be located in Central Coburg.

Within 5 years the distinction between Box Hill and Central Coburg changed again.



*Melbourne @5 million* provided for a new metropolitan structure based upon a ‘polycentric’ metropolis. Box Hill was elevated to be one of 6 Central Activities Districts.

Most recently *Plan Melbourne* (May 2014) has confirmed the polycentric city and nominated Box Hill as one of 12 ‘Metropolitan Activity Centres’.

Central Coburg has been identified as one of many lower order *Activity Centres* (formerly Principal / Major and Specialised) as well as forming part of an urban renewal spine located on the Upfield railway line corridor, extending between Jewell and Batman stations.

The strategic direction and distinction between a *Metropolitan Activity Centre* and an *Activity Centre* is captured in the following statements from *Plan Melbourne*.

- A *Metropolitan Activity Centre* is expected “to maximise access to goods and services in a limited number of major centres with good public transport networks. These centres will play a major service delivery role, including government, health, justice and educational services, retail and commercial and provide for a diverse range of jobs, activities and housing for a subregional catchment”.
- An *Activity Centre* will “enable 20 minute neighbourhoods by providing access to a wide range of goods and services in centres that are planned and coordinated by local government. The centres will provide employment and vibrant local economies. Some will serve larger subregional catchments. Through the removal of retail floor space and office caps, activity centres may grow unrestricted.”

In summary for five years during the formative years of the current structure plan process Central Coburg enjoyed an elevated standing in terms of its metropolitan role.

It is appropriate that Central Coburg should continue to aspire to attract and support as much growth in employment and floor space as it can but it would be inappropriate to take it as a given or constant that it can literally replicate the performance and achievements of another activity centre such as Box Hill, because they have been similarly classified.

Each centre has a quite different DNA, strategic context, opportunities and constraints. The expectations for each centre in strategic policy is similarly different and should reflect their unique strengths and constraints.

### **Recommendation**

*Recognise in local strategy Central Coburg’s revised classification within the metropolitan urban structure and hierarchy established by Plan Melbourne and remove the word ‘Principal’ as a descriptor of the activity centre from the Amendment .*



## 1.5 Summary

- Amendment C123 will result in a net community benefit and ensure sustainable development.
- The process and steps taken to develop the structure plans have had proper regard to and implemented the recommendations of the relevant Practice Notes.
- Rigorous, comprehensive and multifaceted research and strategy development has been combined with iterative processes of community engagement and stakeholder participation.
- The application and structure of the Activity Centre Zone is appropriate.
- A number of aspects of the amendment warrant further change or refinement. These are detailed as recommendations in the report and include:
  - Rewording the housing affordability provisions.
  - Rewriting the overall built form objectives to provide a clearer appreciation of the preferred outcomes.
  - Limiting the use of mandatory height controls to protect the residential interface amenity, solar access to key public spaces and the securing of the appropriate podium heights.
  - Providing for preferred maximum building heights within an overarching objective that built form in the centre will be medium rise.
  - Providing some additional flexibility in height to accommodate appropriate development.
  - Simplifying the sub-precinct framework and requirements.
  - Detailed changes to various precinct controls.
  - Reducing the extent of reporting to accompany permit applications.
  - Other detailed matters.



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## 2 Strategic Context

The contextual, strategic, matters that will influence the next stage of the centre's redevelopment and inform the appropriateness of the structure plan for Central Coburg are identified below.

### Time for redevelopment

Central Coburg is a mature, established centre comprising well used building stock and infrastructure in which further growth and change will be measured by incremental, infill, redevelopment and intensification. It is a centre that warrants and is ready for a major 'make over' with important roles and contributions to be made by both the public and private sectors.

### Diversity of ownership / fragmentation of land

Central Coburg comprises a substantial body of fine-grained, separately owned smaller-medium sized lots and properties with a few larger holdings. The public sector and Council in particular own a substantial portion of central area with at grade parking being a dominant use. Existing commitments and diversity of ownership present major constraints and challenges in progressing redevelopment.

### Interest but limited investment

Interest has been shown by the private sector in major redevelopments, most notably the partnership that underpinned the earlier version of TCI and the issue of planning permits on a number of sites for major developments and higher-rise development. However there is limited evidence of redevelopment and investment within the older part of the centre over the last decade.

### Pentridge redevelopment

The redevelopment of Pentridge is the exception to the above trend. The availability of large parcels of consolidated land in single ownership has provided a platform for a progressive redevelopment of principally apartment style development in a unique and integrated residential environment. The opportunities of this setting are to be contrasted with the challenges of site assembly and the different living environment presented by some other parts of the older centre.

In time the Pentridge community and the more distant 'Kodak site' community will provide a significant injection of new demand and expenditure into the local economy providing a stimulus for a broader range of retail and personal services.

### The railway

The grade separation of the rail crossing on Bell Street and the redevelopment of the station environs has been a long held 'game changing' project for Coburg. However the grade separation is not identified as a priority in *Plan Melbourne*, Amendment C123 makes mention of the separation but excludes the area from the Activity Centre Zone, and in the foreseeable future it is unlikely that the 'barrier' formed by the railway and the



under-utilisation of land to its west will materially change. The connection between Central Coburg and its western hinterland remains divided.

**Interface with residential hinterland**

Central Coburg is partially buffered from direct and immediate sensitivities uses and established residential areas. However, particular in the north-west quadrant formed by Bell Street and Sydney Road there is a long established stock of fine grained cottage style homes that immediately abut areas with significant development potential.

Redevelopment on sensitive interfaces has to account for and reasonably protect the amenity of these areas and recognise that while some redevelopment may occur it will be smaller scale and lower rise.

**Part of a network of established centres**

Central Coburg has evolved along side and within a network of other higher and lower activity centres in a role that offers predominantly convenience and personal services and facilities to a culturally diverse local community and catchment.

The centre performs strongly as a centre of community with a broad range of recreation, and community facilities.

While a centre of local government and other local commercial and business services Central Coburg is neither recognised nor operates as a significant corporate address.

**Accessible but congested and fragmented by vehicles**

Central Coburg is highly accessible by a range and choice of transport.

However it is also a congested and fragmented centre in which the presence, passage and parking of vehicles is a dominant and divisive experience that has a deleterious impact on the perception, character and usability of the centre. This also detracts from the existing centre's attraction as a living environment.



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## 3 Economic Development Strategy

### 3.1 Strategy

#### 3.1.1 *Floor space yield – theory and practice*

The *Economic Development Strategy*, which is a major part of the TCI, is a key driver of the floor space and built form expectations of the structure plan. The strategy is premised upon Central Coburg being able to fulfil its role as a ‘Principal’ Activity Centre and arose from a concern that CC2020 might not fulfil such an outcome.

The strategy notes that Central Coburg has to provide 4 key features:

- A mix of activities that generate a high number of trips;
- Be well served by public transport;
- A very large catchment covering several suburbs and attracting activities that meet regional needs;
- The potential to grow and support intensive housing developments without conflicting with surrounding land uses.

Most of these objectives are appropriate for a higher order centre but the challenging feature from both a strategic policy and practical delivery perspective is the reference to ‘large catchments’ and ‘meeting regional needs.’

The research underpinning the strategies and the observations of the centre serve to show that Coburg has not historically demonstrated a capacity to establish ‘very large catchments’ or meet regional needs. In fact the converse has been the dominant experience with the centre’s strength being in serving more localised catchments and needs. This observation is confirmed at page 24 of the *Economic Development Strategy*.

The change in metropolitan strategy and the distinction between *Metropolitan Activity Centres* and *Activity Centres* tends to favour the former types of activity centres as the preferred location to primarily serve large catchments and regional needs.

This latest statement of metropolitan development policy does not discount that lower order centres can seek to attract and establish uses with large catchments and serving regional needs but it is not their primary purposes, being more focused upon being ‘20 Minute Neighbourhoods’ as provided for at Clause 11.04-4.

The *Economic Development Strategy* advances three economic development scenarios – High, Medium and Low - and compares those with the outcomes that would have arisen under CC2020.

This is detailed at Tables 18 and 25 in the *Economic Development Strategy* as employment and allocations of floor space by precincts. At each stage Box Hill is used as the benchmark and comparison to substantiate the figures and projections.





The high yield scenario was adopted. An “*economic transformation*” is foreshadowed.

- Overall floor space is proposed to increase by 444% (80,283 square metres to 356,836 square metres and this excludes increases in residential floor space.
- Office floor space is projected to increase by 640%.
- Retail floor space is proposed to increase by 268%.
- Health and community services would increase by 838%.
- Other increases are detailed in the Table.

The modelling of the economic development strategy is based upon a desk-top analysis without accounting for the unique combination of factors that differentiate the circumstances of Box Hill and Coburg.

The transformation that took place in Box Hill between 1980 and the present day was principally influenced by the following combination of circumstances fortuitously coming together for a short period of time.

- The deregulation of the banking sector by the Federal Government culminating in a period of enormous speculative commercial development.
- The identification of older residential precincts suitable for redevelopment around the activity centre that were planned and rezoned for commercial development.
- A Council that strongly supported commercial development and was proactive in attracting major developments by using its land assets (e.g. the Tax Office and the Whitehorse Plaza Shopping Centre) and by undertaking major public works.
- A period of time when the State and Federal Governments as well as the private sector were particularly keen upon seeking to decentralise their services.
- The established presence of existing regional services including a TAFE College and a regional hospital and private consulting services offering regionally based infrastructure and technology, all within the activity centre.
- The lowering of the rail line and development of the airspace with what is now Box Hill Central Shopping Centre provided a catalyst project and major investment in the centre.
- The planning and design of precincts specifically conceived to meet the expectations of the commercial property market.

While the TCI commendably seeks to establish some similar initiatives such as secure a regional medical centre; redevelop the station precinct / lower the railway line, undertake important public works and create enhanced public spaces, it is also constrained in realising similar opportunities that would stimulate a comparable transformation.

- Central Coburg does not have the diverse and established regional uses with their catchments as a starting point.
- It does not provide for ‘new areas’ for business and commercial growth. The redevelopment of Pentridge might be likened to some of the growth and



transformational precinct initiatives in Box Hill however it has been for a residential rather than an economic role.

- It does not seek to establish a dedicated commercial precinct but favours mixing office, residential and retail services in one locality which has not to date been particularly attractive to the suburban office and corporate market.
- Wide ranging speculative development is not a feature of the prevailing commercial property market.
- While decentralisation of employment and office activity is prevalent it is strongly associated with industrial, warehouse and distribution activities located outside activity centres.

The above observations confirm the broad economic directions of the structure plan are appropriate however expectations of replicating the economic achievements, floor space and employment of Box Hill may be optimistic.

While a long-term goal to achieve 'economic transformation' is appropriate, the foreseeable planning time frame (10–20 years) should also account for the consequences of an outcome in which floor space and employment growth may be more tempered than projected.

The timing and implementation of public 'place making' and other major catalytic projects will have a marked bearing upon the perception of the centre and the level of confidence in redeveloping and investing in Central Coburg.

### ***3.1.2 Built form implications***

The above observations do not require a variation in strategy or the Amendment as it applies to economic development but they do have a built form implication.

The urban design and built form rationale is advanced upon modelling of the built form to be satisfied that the high proposed projection of floor space growth can be accommodated in the boundaries of the centre.

The analysis illustrated that if there was a comprehensive redevelopment of the centre and development was spread across all sites, the floor space could be accommodated in the modelled built form.

In practice within the planning time frame a comprehensive redevelopment of an entire centre is unlikely. The expectation that growth may not be as bullish as projected would be off set by the partial rather than comprehensive redevelopment of the centre. As a consequence I am satisfied that in practical terms the built form will not constrain the growth potential.

### ***3.1.3 Underdevelopment of land***

The manner in which the Amendment approaches the matter of underdevelopment warrants review. The optimistic floor space projections and modelling of built form are relied upon in the Amendment to try and ensure that land is not underdeveloped.



The '*Application requirements*' at Clause 6.0 of the proposed Schedule to the Activity Centre Zone require an applicant to justify why a building that would be three or more storeys less than the maximum permitted height should be approved.

While appreciating that the strategy seeks to encourage growth in Central Coburg and does not want to see land wasted or inefficiently used I find this requirement is both onerous and without strategic justification.

Because of a range of considerations including:

- Fragmentation of ownership,
- Size and shape of developable parcels,
- Market conditions, costs and viability of construction,
- Urban character and heritage values,

there could be multiple legitimate grounds upon which arbitrary thresholds on the requirement of a minimum supply of floor space cannot be achieved.

The preferable course is to retain and pursue those objectives and strategies that encourage development and address any serious underdevelopment of land at the time, if and when it occurs.

### 3.2 Amendment

#### Recommendations

- *That the reference to the need to justify a minimum floor space be deleted from Clause 6 – 'Application Requirements.'*



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## 4 Land use and built form strategy - objectives

### 4.1 The vision, principles and concept plan

The *Vision, the Coburg Initiative Delivery Brief Principles* and *Concept Plan*, which are reproduced at the outset of the three themes that comprise *The Coburg Initiative*, are appropriate and strategically justified given the research and process that has underpinned the structure planning.

The vision conveys an appropriate sense of the attributes and experience of an effectively developed and planned activity centre.

The land use concept plan that applies to the TCI simplifies the earlier precinct based approach advanced by CC2020 in a manner that orders land use appropriately given the established patterns and strategic context of land uses, transport networks and barriers.

Applied consistently and conscientiously Central Coburg as addressed by the TCI would evolve under the broad direction of these guidelines as a markedly enhanced and rewarding centre. Its development would result in a raft of community benefits; the useability and attractiveness of the centre ought to be vastly enhanced and the overall functioning of the centre as well as individual development would have the hallmark of a positive contribution to sustainable development.

It is appropriate that a vision for the centre is to be reproduced at Clause 21.04-2 as part of the '*Focus Areas of Change*'.

### 4.2 Land use and development objectives

There are three matters warranting review regarding the land use objectives.

#### 4.2.1 *Precincts 6-8*

The land use objective "*to support light industrial business*" in the northern and southern corridors of Sydney Road (Precincts 6-8) does not adequately define the role set for these precincts in either the CC2020 strategy or the detailed precinct specific statements in the amendment. The strategy advocates a broader role, which should be reflected in the overall land use objectives as recommended below.

#### 4.2.2 *Large format retailing*

The inclusion of a land use objective to discouraging large format retail uses adjoining public squares at ground level should be changed. '*Large format retail uses*' is not defined in the amendment or planning scheme and is open to diverse interpretation. For instance, main line supermarkets have floor areas in the order of 5,000 – 6,000 square metres and yet would be entirely appropriate opposite a public square provided that their active frontages engaged with the public space.



It is not the size of the use as opposed to its layout, design and engagement with the public space that should be qualified. I recommend deletion of this provision in favour of provisions that address active frontages adjacent to public spaces.

#### 4.2.3 *Affordability*

The affordability objective that forms part of the land use objectives should be reworded as detailed in the recommendation below.

The centre wide provisions at proposed Clause 4.4 - *Design and Development* - include a requirement that development of 10 or more dwellings must ensure that 20% of dwellings are affordable and targeted to people in the lowest 40% of income groups. This requirement should also be deleted.

The creation of affordable housing is part of the State Planning Policy Framework (Clause 11.04-2) and provided for in the new metropolitan strategy plan - *Plan Melbourne*. It is entirely appropriate that Council seek to secure affordable housing outcomes through out Moreland.

The shortcoming of the amendment is not the intent of the objective but the chosen action. It is ad hoc and arbitrary. There is no strategic justifications for the thresholds nominated, the provisions are impractical and would serve to unreasonably penalise developing in the Central Coburg. It would be less onerous developing elsewhere in Moreland.

It is beyond the scope of this evidence to address the scope of issues presented in materially addressing affordability through the planning scheme. Any particular actions applicable to Coburg Central need to be set within a suite of integrated provisions apply to the whole municipality and arguably should be seen as a potentially negotiated community benefit arising from an enhanced development opportunity rather than as a cost burden applied to some of the smallest of projects.

The first positive step towards improving affordability is to facilitate supply and provision of housing which would be assisted by assured outcomes and streamlined approval processes, times and costs.

### 4.3 **Built form objectives**

#### 4.3.1 *The urban design outcome*

The built form objectives draw upon those detailed in the land use and built form strategy but outcomes have varied with the passage of time and no longer reflect the objective.

The city-shaping objective reads:

*Aside from Precinct 9 - Pentridge Coburg and Precinct 10 - Pentridge Village to establish an overall built form pattern of tallest buildings in Precinct 1 and fronting Bell Street, transitioning down to more modest buildings at the fringe of the centre, ensuring a transition in scale of 1-2 storeys to the suburban hinterland.*



As illustrated in Table 1 and the precinct plans in the amendment, neither the strategy nor the amendment give effect to that objective.

- The tallest buildings would not be in Precinct 1 but rather in Precinct 5 to the east of the Council offices. The greater proportion of Precinct 1 would have heights restricted to significantly less than the tallest buildings.
- The fringes of the centre are not consistently the subject of the more modest buildings.
- Height controls on Bell Street have been modified such that on the north side of the street the buildings would no longer be among the tallest in the centre.
- The proposed interface treatment does not ensure a transition of 1-2 storeys at the suburban edge. The 1-2 storeys at the urban edge are provided by existing development however the strategy envisaged interface of 2-4 storeys and the amendment provides for podiums up to 4 storeys.

The TCI as adopted provided for both sides of Bell Street; land in the north west precinct with frontage to Sydney Road and a number of blocks in Precinct 1 to be developed to a preferred maximum height of 10 storeys.

In the amendment before the Panel none of that land would be permitted to rise beyond the equivalent of 8 storeys, with some limited to 6 storeys.

The built form objectives of the centre should be partially rewritten to more clearly and effectively convey the outcomes that are sought.

While it is not stated the various iterations of height controls that have occurred during the structure plan process have a common theme – they seek to provide for a greater order of density and more prominent medium rise built form without creating a complete disconnect with the low-rise hinterland.

It would assist if that outcome were clearly stated at the outset, in the following terms:

*To encourage Central Coburg to be redeveloped as a medium rise centre with buildings ranging from 6-10 storeys, except at the interfaces with the established suburban hinterland where a 2-4 transition in built form will be sought.*

Aside from the above overarching objective there is a number of additional objectives addressing built form and adapted from the strategy including:

- Active frontages,
- Pedestrian links
- The pedestrian environment,





- Solar access to key public spaces and links,
- Internal amenity and noise,
- Protection of heritage buildings,
- Independent access.

This review has identified that solar access to key nominated public spaces and linkages has been a major influence on the built form provisions as has a wish to create a comfortable street level pedestrian experience of development, by relying upon a podium as a consistent lower element to buildings, except along Bell Street where the character of a corridor is nominated as the preferred design outcome.

The amendment would be assisted by fewer, clearer, overarching built form objectives and relying upon the Centre-wide *Design and Development* provisions at Clause 4.4 to ensure the relevant considerations are covered. Accordingly I recommend a revised statement of built form objectives below.

#### 4.4 Environmentally sustainable development objectives and provisions

Other evidence will assist the Panel regarding the merits and appropriateness of the ESD objectives and provisions.

The attention and priority given to ESD in the strategy is to be commended. From a strategic and statutory perspective it is desirable that Council, having been a leader in the introduction of broad based ESD provisions into the *Moreland Planning Scheme* through Amendment C71, optimises the use made of those provisions and minimises duplication and repetition when they are gazetted. That amendment is awaiting Ministerial approval.

It is to be recalled that the ESD provisions of the structure plan predate the recent work upon Amendment C71.

#### 4.5 Amendment

##### Recommendation

*Amend the Coburg Framework Plan at Clause 1 to Schedule 1 with a plan that also details an overall land use framework.*

*Delete all references to large format retailing in the amendment.*

*Add a clause under built form that all retail space with abuttal to public squares and spaces provide active frontages and engagement with those spaces.*

*Amend the objective referencing affordability to read – “To encourage the inclusion of affordable housing in Central Coburg”.*

*Delete the affordable housing provisions from proposed Clause 4.4.*

*Replace the first dot point at Clause 2 under the heading of built form with the following objective:*



*To encourage the redevelopment of Coburg Central as a medium rise centre with buildings ranging from 6–10 storeys, except at the interfaces with the established suburban hinterland where a 2–4 transition in built form will be sought.*

*Replace the subsequent objectives under the same clause and heading with the following:*

- *To prevent excessive overshadowing of the proposed Victoria Street Mall and pedestrian spine and other identified key public open spaces and pedestrian linkages.*
- *To create consistent podium forms to define street edges, except in Bell Street.*
- *To ensure that development contributes active street frontages and passive surveillance of streets and public spaces.*
- *To enhance the pedestrian network with additional, attractive and safe streets, laneways and other public spaces.*
- *To encourage contemporary architecture and built form that is respectful of proximate heritage buildings.*
- *To ensure that new development will provide a high quality internal amenity with particular regard to natural light and ventilation, dignified and independent access for all and acoustic attributes that consider both occupants and neighbouring development.*
- *To ensure that the design and layout of development adjacent to the railway corridor has regard to the possible implications of a grade separation of the Coburg Train station and railway line.*



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## 5 Design and development provisions

Proposed Clause 4.4 addresses the various design and development considerations some of which warrant comment and recommendations.

### 5.1 Mandatory and discretionary height controls

The amendment provides for mandatory overall building height and podium controls throughout the boundaries of the activity centre with the exception of the land at Pentridge and the municipal precinct bound by Bell Street, Elm Grove, Urquhart Street and Drummond Street.

The appropriateness of mandatory controls has been raised as a matter to be resolved in the amendment authorisation advice from the Minister's office.

As a guiding principle mandatory controls are discouraged in Activity Centres except in exceptional circumstances. Practice Notes 60 – *Height and setback controls for activity centres* has strongly advocated the application of discretionary controls combined with clear design objectives as the preferred form of height and setback controls. “Mandatory height and setback controls will only be considered in exceptional circumstances” and “should only be applied where they are absolutely necessary to achieve built form outcomes.”

The TCI, as adopted, references preferred building heights.

However a justification for the use of mandatory height controls has been advanced in the three versions of the *Coburg Principal Activity Centre Built Form Rationale and Building Envelopes Report* on the basis that mandatory controls will provide clarity and certainty to the community, developers and council in consideration of permit applications.

The built form rationale reports have referenced support for the use of mandatory controls from findings of other Panels that have suggested that in certain circumstances, where it can be demonstrated that appropriate background analysis has been undertaken to warrant the need for specific urban design and amenity outcomes, mandatory height controls may be a justifiable approach to ensure appropriate development.

It is notable that while performance based outcomes have been upheld as a hallmark of the new format planning schemes, *Plan Melbourne* and the new suite of residential zones provide for greater use of mandatory height controls both in residential areas and neighbourhood centres. This might in part be seen as a progression towards greater codification of planning approvals. It has not been recommended for higher order activity centres.

The recent review of the Kew and Glenferrie Road Structure Plans by Planning Panels (Amendments C138 and 139 *Boroondara Planning Scheme*) has again challenged attempts to introduce mandatory controls across higher order activity centres. The only case of such



a control applying across a centre has been in Mentone as a result of Amendment C84 to the *Kingston Planning Scheme* where protection of existing built form and heritage provisions provided the strategic justification.

I cannot support the blanket application of mandatory height controls as proposed in part of Amendment C123. However I recommend a revised approach that combines targeted mandatory controls where particular outcomes are essential combined with clear direction on preferred maximum height for the balance of the centre.

## 5.2 The basis of the height controls

I accept that the planning authority has undertaken considerable background work in modelling built form. As noted earlier the original conclusions regarding height were driven from the ground up by the *Economic Development Strategy*, to be satisfied that the volume of the built form would accommodate the economic transformation and order of floor space anticipated.

*“...the building heights were established to accommodate the development yields necessary to provide the quantum of change and diversity of uses required to realise the Principal Activity Centre status of Coburg.”*

On this basis a different economic projections would have resulted in different recommended heights.

The various built form rationale reports advise that the resultant building envelopes were refined and modified to account for:

- Environmental considerations,
- The highest densities located in the core,
- The “*creation of rational building envelopes*”,
- Overshadowing of key public spaces,
- A defined streetscape character,
- Internal amenity,
- Heritage.

As a result of the consideration of the submissions to the Amendment the Council has moved to reduce the overall development potential of the activity centre by a reduction of heights across many sites.

These changes appear motivated by stakeholder and community concerns about factors not fully accounted for in the parameters listed above as setting the building envelopes, namely issues of perceived amenity impact experienced by excessive overshadowing, overlooking and building bulk both within the centre or at its boundaries.

The decision to reduce building heights implicitly suggests an acceptance that the original floor space target was optimistic and is not expected to be achieved and /or that greater



weight needs to be given to amenity considerations within and at the boundaries of the activity centre.

The result, as illustrated in Table 1, has been that overtime there has been a process of on going change about appropriate heights rather than evidence of a proposed policy on building height that once set has consistently withstood the tests of time and public consultation.

The lack of consistency over time is complemented by a lack of consistency in application. Thus, as noted above, there are three precincts within the activity centre where discretion is to be retained, including Council land where the greatest height is advocated. While the historical development of planning provisions (particularly for Pentridge) has influenced this outcome it raises question of equity, fairness and consistency. It is also worth noting that in the commercial corridors to the north and south of the boundaries of the activity centre mandatory controls do not apply.

There are some circumstances within the centre where mandatory controls can be justified and others where a preferred maximum, with an opportunity to explore some tolerance to the preferred maximum, might apply. These are discussed below.

### 5.3 Application of mandatory controls

Mandatory controls should apply to deliver key pedestrian environment outcomes, ensure sunlight to key public spaces and protect the amenity of directly abutting established residential development.

#### 5.3.1 *Securing the quality and experience of the street space*

The quality of the public and pedestrian experience of the street space is a matter of importance to the built form and urban design strategy. The height of the built form at the street edge and its relationship to the street space is an important spatial relationship. It depends upon a consistency of building height along a street edge and should not be open to negotiation on a site-by-site basis. The setback of built form behind the edge of the podium should also have a mandatory minimum dimension.

#### 5.3.2 *Protecting solar access to key public spaces and linkages*

It is appropriate that the activity centre schedule mandate, which spaces and linkages are to be protected from overshadowing and the extent of solar access to be protected. As currently presented it is unclear whether the height and setback controls seek to protect solar access to the south side of all streets or have some other urban design purpose.

Clause 4.4 addresses the *Public Realm*. It establishes at Table 2 a specification for the solar access performance to be achieved.

For the purposes of clarity of statutory interpretation the specification would be improved by a precise definition of the boundaries of the spaces. Generalised descriptions will prove frustrating and open to interpretation.



Seeking to protect these areas of open space by mandatory controls on the buildings that surround the space has short-comings. The control presumes that all sites surrounding the key space can and will be redeveloped by filling their respective conceptual building envelope.

In practice that may not occur and the consequences would be that land, particularly in Precinct 1, could be underdeveloped protecting a theoretical envelope.

A more effective control would be a decision guideline that requires consideration of the extent of overshadowing of key public spaces by the proposal and whether appropriate regard has been had to the potential development of proximate land and its impact upon on the shadowing of the same spaces.

#### 5.3.3 *Protecting amenity at the interfaces*

It is desirable that the community, located at the direct interface between the Activity Centre Zone and low-rise development, is protected by provisions that are consistently applied to protect amenity.

This recommendation should apply to Precinct 2 where substantial redevelopment might occur with immediate abuttal to residential properties. In other precincts where similar sensitivities may exist the precinct is separated from residential properties by a road and or the recommended heights are not substantial.

#### 5.4 **Application of preferred heights**

With the above exceptions I consider that heights could appropriately and effectively be addressed by converting the nominated mandatory heights in to preferred maximum heights and controlled in the same terms that are proposed for Precincts 5, 9 and 10.

Having established the following:

- The mid rise built form and height of the centre,
- Residential interfaces,
- Street space and key public space appropriately protected by suitable objectives,
- Clear statements of preferred height and,
- Suitable mandatory provisions,

the recommended discretionary approach would be able to operate to achieve design, economic development and public benefits.

The agreed strategic objectives would be unfortunately frustrated if sought after economic development in a well designed, essentially mid rise building that offered a high level of on and off site amenity and perhaps broader public benefits was denied consideration based upon an arbitrary mandatory height.

Others will address detailed comments and advice upon the specific built form and urban design outcomes.





## 5.5 Heights or storeys

The structure plans have been prepared rely principally upon a reference to storeys rather than a specific nominated height in metres.

At the direction of Council the amendment before the Panel has been converted to specific heights, relying on a floor-to-floor height per storey of 3.6 metres.

The amendment has literally converted the previous statements of storeys into multiples of 3.6 metres to set the mandatory and discretionary heights.

There is a critical problem with this approach as it provides no flexibility for such matters as the impact of topography the use of slightly raised pediments, the use over sized ground floors, the reduced heights of above ground car parking levels and the treatment of parapets to rooves.

The use of the term ‘average floor to floor height’ was used with a purpose to acknowledge the idiosyncrasies and differences between buildings and to acknowledge that not all buildings are built to the same template.

This issue is complicated by a further provision in the *Design and Development* requirements that seeks that - “*Development should have floor to floor heights consistent with adjacent development and that complement the character of the existing streetscape. A hospital use may exceed adjacent floor-to-floor heights.*”

This is an impractical provision that neither recognises the nature of neighbouring uses or the period in which neighbouring development occurred. Coburg retains a building stock with floor-to-floor height of more and less than 3.6metres. New development should not be driven by historical examples that may not be worthy of emulation. This provision could be abandoned, as the podium height provisions, as discussed above, will drive the character of the streetscape.

I recommend either reverting to the earlier reference to storeys or alternatively provide some degree of flexibility to building design by increasing each of the nominated heights for the podium and the overall height of the building by 2 metres to allow for a range of the factors identified above.

## 5.6 Streetscape improvements

The amendment requires that “*development must include, as appropriate the upgrading of adjacent footpaths and laneways to the satisfaction of the responsible authority.*”

The intent of an overall objective to improve the streetscape of the centre is justified but it is unclear how this provision is intended to work. Applied on a site-by-site basis, as



applications for development come forward, would result in sporadic and incomplete works or no actions.

Streetscape improvements are ordinarily undertaken on a street by street as a complete and integrated project. It would be inequitable if the responsibility for the up grade of sections of a street or lane fell to the first parties who made application for development, regardless of the scale or nature of the project.

It is recommended that this provision be deleted and rethought with a view to it being linked to some form of development contribution scheme, which enables Council to progressively assemble funding towards broader streetscape improvements.

## 5.7 Amendment

### Recommendations

- *Rely upon mandatory height and set back controls to ensure appropriate built form outcomes at the interface of Precinct 2 and the abutting low rise residential areas and the provision of consistent podium heights throughout the centre.*
- *Amend the mandatory height limits elsewhere in the centre to preferred maximum heights.*
- *Retain the requirement for the protection of key public spaces from overshadowing and add an additional guideline to precincts 1 and 4 that requires the consideration of how the development has accounted for the protection of excessive overshadowing of the nominated key public spaces having regard to the use and development of other land that may contribute to overshadowing the same spaces.*
- *Add 2 metres to the overall height nominated for built form to provide for acceptable variations and differences in built form.*
- *Delete the reference to streetscape improvements in Clause 4.4 and consider alternative means to secure works and funding.*



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## 6 Precinct requirements

In this section of the report matters warranting comment or amendment to particular precincts are addressed.

### 6.1 Precinct 1

#### 6.1.1 *Grade separation*

The built form objectives of Clause 2 of the ACZ Schedule draw attention to the potential grade separation of the station and the railway line.

However in the detail of the relevant precinct not only is the station excluded from the Activity Centre Zone, but no urban design guidance is provided on the possible siting and form of development.

This omission leaves the earlier objective without any direction. In the event that the grade separation occurred and it took the form of a similar project that was delivered in Box Hill its implications on the form and structure of the centre would be significant and are not accounted for in the precinct provisions.

The observation does not warrant a direct change to the amendment but draws attention to the need develop some guidance about the expectation of parties regarding development proximate to the rail corridor.

I have reviewed the recently prepared, joint funding case, proposal between Moreland and Darebin Councils and NORTH Link for the grade separation of 8 grade rail crossings as part of a transformational urban renewal project. The undergrounding of Coburg Station and the prospect of developing the air rights over the station forms part of this package. The proposal may have the benefit of securing early funding form this project.

#### 6.1.2 *Precinct Requirement Plans*

The '*Precinct Requirements Plan*' at 5.1-3 (and the similar plans for most of the other precincts) is unnecessarily complex. Subject to the expert urban design advice it is recommended that a major revision and simplification be made to these plans and table to consolidate common and repeated provisions and significantly reduce the number of sub-precincts, as they do not reflect development parcels.

#### 6.1.3 *Large format retailing*

Delete the reference to "large format retail uses", for the reasons discussed in section 4.2.2 of this report from the '*Precinct Guidelines*' and rely upon the provisions addressing '*Active Frontages*' under the centre wide *Design and Development* requirements of Clause 4.

#### 6.1.4 *Vehicle access*

Amend the *Precinct Guideline* addressing vehicle access to pedestrian priority streets to make it clear that it is access to individual properties that is to be avoided.



## **6.2 Precinct 2**

### **6.2.1 *Transitional objective***

The precinct objectives would be assisted by an additional provision that references the need to provide a transition to and respecting the amenity of the immediately adjacent established residential areas.

### **6.2.2 *Mapping***

The correct precinct map should be provided at Clause 5.2.1.

### **6.2.3 *Pedestrian linkages***

The reference to requiring pedestrian links through a site of 5,000 square metres or larger should be deleted. If a link is desirable (regardless of site size) it should be identified on the precinct plan. Such an approach is identified earlier in the same provisions for a link shown on the Precinct Plan.

The provision of new streets and lanes over private property will provide a public benefit but it is an inequitable provision if the effected party is expected to absorb that cost when others who may benefit make no contribution.

It is beyond the scope of this evidence to examine and recommend a particular technique for equitably acquiring land for the public but a strategy should be identified and implemented. It would be appropriate to consider this matter in the context of how to secure funding from development to wards streetscape improvements.

### **6.2.4 *Landmark buildings***

The issue of landmark buildings in this precinct is addressed below in comments upon Precinct 5.

## **6.3 Precinct 3**

### **6.3.1 *Height controls***

Despite being nominated in Clause 4.4, under the heading of *Building Height*, as a precinct where mandatory heights apply, the wording of this clause leaves the height and form of development entirely discretionary as no heights are nominated and “*should be appropriate to the existing use, heritage, and landscape character of the area.*”

While part of the precinct is of heritage significance, the balance of the precinct is excluded from the ACZ. Redevelopment may not be anticipated but it cannot be discounted and might take a form and scale that meets the precinct requirement but in a form not envisaged by the authors. I recommend that a specific preferred height limit be nominated for this precinct to manage it consistently with all other precincts.

## **6.4 Precinct 5 and landmark buildings**

### **6.4.1 *Precinct height limits***



This precinct provides for the tallest development with discretionary height controls and seeks to establish a contemporary landmark building in the precinct “*creating a sense of arrival to central Coburg from the east*”.

Having regard to the above it is not clear why part of a small precinct has been assigned a height of 21.6 metres or 14.4 metres less than the balance. Given that one of the precinct guidelines is to encourage a comprehensive redevelopment of all the land in the precinct I would recommend that all sub-precincts be deleted and the whole precinct have the same preferred maximum height of 36.6 metres.

#### 6.4.2 *Landmark buildings*

The design objective to create “*a sense of arrival from the east*” raises an urban design question regarding a similar provision that was provided for the west but has been abandoned, without explanation, in the most recent iterations of the amendment.

The *Central Coburg 2020* strategy provided for landmark buildings to be located immediately to the west of the railway line on Bell Street. The TCI absorbed this recommendation by providing for taller 10 storey buildings on the north and south of Bell Street. This in turn converted in to a planning permit for a 10 and 7 storey tower issued by VCAT and supported by Council on land at 146 Bell Street. That permit remains valid.

As noted above the most recent iteration of the amendment has now reduced the urban design intent for the Bell Street corridor without revisiting whether there remains a need for a sense of arrival from the west expressed by a landmark building.

A landmark building does not need to be a tall building but if the original intent of the plan were to be delivered it would be of assistance that an additional objective be added to Precinct 2 stating that an architecturally distinctive building is sought on the land to the immediate west of the railway. This could then be considered in the context of the recommended mandatory height controls.

### 6.5 **Amendment**

#### Recommendations

- *Review and simplify all Precinct Requirements Maps and Tables.*
- *In Precinct 1 amend the references to large format retailing and vehicle access as noted above.*
- *In Precinct 2 add objectives referencing the need to secure a suitable transition to the low-rise residential abuttal and for landmark buildings to established on Bell Street immediately west of the railway line; correct mapping errors and delete the reference to the provision of laneways on lots greater than 5,000 square metres.*
- *In Precinct 3 nominate a preferred height limit.*



- *In Precinct 5 consolidate all the sub-precincts into a single precinct with an overall height of 38.6 metres, including the 2 additional metres recommended for building flexibility.*





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## 7 Application requirements, notice and review provisions

### 7.1 Application requirements

The scope and detail of the proposed application requirements are excessive and onerous given the desire to encourage invest, growth and development. In particular I recommend that there should not be a need to submit the following separate reports for all developments regardless of size, form or height.

- Accessibility
- Housing affordability
- Wind impact
- An explanation for development of 3 or more storeys less than the nominated maximum height.

A preferable approach would be to modify the first dot point under information requirements to read “*A report outlining how the application meets all the relevant requirements of this schedule including as appropriate advice on accessibility, housing affordability and any possible wind impacts.*”

The ESD reporting should be reviewed in the context of the ESD provisions and application requirements detailed in Amendment C71 of the *Moreland Planning Scheme*.

The need for additional requirement for developments of 4 or more storeys should be rationalised with the outcomes of amendment C71 to reduce duplication.

### 7.2 Notice requirements

This report has recommended rationalising and simplifying the complexity of sub-precincts and this would have the effect of rendering the wording of Clause 7.0 partially redundant.

The need to give notice of application has been protected for circumstances in which an application is made for use and development on land that is opposite, adjacent or abutting a residential zone. The wording of the clause ought to reflect this.

Given that this report recommends greater use of discretionary preferred height controls it is also recommended that applications to exceed those height provisions should also be subject to the notice provisions.

### 7.3 Amendment

#### Recommendations

- *Amend the application requirements by deleting reference to specified reports and varying the scope of information to be addressed in a report accompanying the application.*



- *Amend the notice requirements to align with the revisions to the Precinct Requirements and require for notice to be given for applications to vary the preferred height controls.*



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## 8 Conclusions

- Amendment C123 will result in a net community benefit and ensure sustainable development.
- The process and steps taken to develop the structure plans have had proper regard to and implemented the recommendations of the relevant Practice Notes.
- Rigorous, comprehensive and multifaceted research and strategy development has been combined with iterative processes of community engagement and stakeholder participation.
- The application and structure of the Activity Centre Zone is appropriate.
- A number of aspects of the amendment warrant further change or refinement. These are detailed as recommendations in the report and include:
  - Rewording the housing affordability provisions.
  - Rewriting the overall built form objectives to provide a clearer appreciation of the preferred outcomes.
  - Limiting the use of mandatory height controls to protect the residential interface amenity, solar access to key public spaces and the securing of the appropriate podium heights.
  - Providing for preferred maximum building heights within an overarching objective that built form in the centre will be medium rise.
  - Providing some additional flexibility in height to accommodate appropriate development.
  - Simplifying the sub-precinct framework and requirements.
  - Detailed changes to various precinct controls.
  - Reducing the extent of reporting to accompany permit applications.
  - Other detailed matters.



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## Attachment 1 – Declaration

### **The name and address of the expert**

Robert Milner, Director of 10 Consulting Group Pty Ltd, 3/2 Yarra Street, South Melbourne, Victoria, 3205.

### **The expert's qualifications and experience**

Robert Milner holds an Honours Diploma in Town and Country Planning from Liverpool Polytechnic. He is a Life Fellow of the Planning Institute of Australia and a Fellow of the Victorian Planning and Environmental Law Association.

A Curriculum Vitae is included at Attachment 1.

### **The expert's area of expertise to make this report**

Robert has a broad range of expertise in planning and development matters enabling him to comment on a wide spectrum of urban and rural, statutory and strategic planning issues and processes.

### **Other significant contributors to the report**

None.

### **Instructions that define the scope of this report**

Robert Milner has been instructed by Maddocks Lawyers acting on behalf of Moreland City Council.

### **The identity of an person who carried out tests or experiments upon which the expert has relied on an the qualifications of that person**

Not applicable.

### **The facts, matters and all assumptions upon which this report proceeds**

There are no facts, matters or assumptions upon which the report relies other than those explicitly stated in the report.

### **Documents and other materials the expert has been instructed to consider or take into account in preparing his report, and the literature or other material used in making the report**

- Amendment C123 to the *Moreland Planning Scheme*
- Documents.
  - Moreland Planning Scheme
  - *The Coburg Initiative: Colours of Coburg* (2012) – Moreland City Council
  - *Central Coburg 2020 Structure Plan Vol. 1 & 2* (2006) – Moreland City Council



- *Central Coburg 2020 Structure Plan Vol. 1 & 2* (2006) – Moreland City Council
- *Coburg Initiative Area Development Scenario Analysis* (2010) – Compelling Economics
- *Built Form Rationale and Building Envelopes* (2012 & 2014) – Moreland City Council
- *Urban Renewal: Transformational Regional Project* (2014) – Moreland City Council, Darebin City Council and NORTH Link
- *Practice Note 56: Activity Centre Zone* (2009) – Victorian Government Department of Planning and Community Development
- *Practice Note 58: Structure planning for activity centres* (2010) – Victorian Government Department of Planning and Community Development
- *Practice Note 60: Height and setback controls for activity centres* (2010) – Victorian Government Department of Planning and Community Development
- *The Coburg Initiative: Draft Baseline Research* (2009) – Moreland City Council and Equiset
- *Amendment C134: Brunswick Major Activity Centre* (2013) – Moreland City Council

**A summary of the opinion or the opinions of the expert**

A summary of Robert Milner's opinions are provided within the body of the report.

**Any provisions or opinions that are not fully researched for any reason**

Not applicable.

**Questions falling outside the expert's expertise and completeness of the report**

Robert Milner has not been instructed to answer any questions falling outside his area of expertise. The following report is complete.

**Expert declaration**

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

**Robert Milner**

**June 2014**



**10 CONSULTING GROUP**

Moreland Planning Scheme  
Amendment C123  
Planning Peer Review

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## Attachment 2 – Curriculum Vitae







## 10 CONSULTING GROUP

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### Robert Milner – Director

#### Qualifications and Positions

- Director 10 Consulting Group Pty Ltd and The Milner Group Pty Ltd
- Diploma in Town and Country Planning (First Class Honours) Liverpool Polytechnic
- Life Fellow Planning Institute of Australia
- Fellow of the Victoria Planning and Environmental Law Association
- Former State and National President of the Planning Institute of Australia
- Member, Planning and Local Government Advisory Council (1994 – 1999)
- Deputy Chairman, Future Farming Expert Advisory Group (2009)

#### Employment History

2010 – Current	Director 10 Consulting Group Pty Ltd
1999 – 2010	General Manager, Senior Principal and Adjunct Senior Planning Counsel – Planning, CPG Australia Pty Ltd (Formerly the Coomes Consulting Group)
1994 – 1999	Director, Rob Milner Planning Pty Ltd and Savage Milner
1991 - 1994	Project Director, Collie Planning and Development Services
1988 – 1991	General Manager, Town Planning, Jones Lang Wootton
1980 - 1988	City Planner, City of Box Hill
1977 – 1980	Planner, Perrott Lyon Mathieson, Architects and Planners
1976 – 1977	Planner, Kirklees Metropolitan Borough Council

#### Career Overview

Rob Milner is a respected strategic and statutory planner. He is equally competent in urban and regional practice.

He is recognised as a leader of the planning profession in Victoria. He has had a high profile career spanning almost 35 years with extended periods of experience working for local government and private practice.

Until 2010 he worked with CPG Australia building that planning team to be one of the larger and most respected strategic and statutory practices in Victoria. The team was twice awarded planning consultant of the year in Victoria.

He now directs 10 Consulting Group, as a small boutique consultancy offering the highest level of advice and service to clients wanting the benefit of Rob's considerable experience, knowledge and understanding of planning in Victoria.



## **10 CONSULTING GROUP**

He is regularly retained to provide expert evidence to courts, panels and tribunals on the broadest range of land use and development planning issues. He is usually involved in 4 or 5 different matters monthly and has a reputation for objectivity, an original style of evidence and for providing clear and fearless advice. Particular expertise is in complex and controversial projects, gaming matters, acquisitions and compensation and restrictive covenants.

He is an acknowledged advocate and negotiator and is regularly engaged in development approval and rezoning projects where process and relationships need to be carefully nurtured to insure a viable and timely outcome.

His ability to communicate effectively among a broad range of stakeholders means that he is regularly engaged to facilitate workshops, conferences, consultation and other situations where leadership and engagement of groups is required.

His clients have included many State government agencies (including planning, community development, justice, roads, growth areas and regional development), municipalities throughout metropolitan Melbourne and regional Victoria, as well as a broad range of corporate and other private sector interests.

Robert Milner brings a high level of integrity to his work, choosing to participate on those projects that accord with his professional opinion.

### **Areas of Expertise and Experience**

#### **Strategic studies, policy development and statutory implementation**

Rob is widely acknowledged for his capacity to take a strategic perspective to urban and regional and planning challenges and provide direction and leadership that is responsive, creative and thoughtful in its strategic intent and detail. When combined with his depth of experience with strategic policy based planning schemes he is powerfully equipped to deliver sound advice on the spectrum of land use and development planning issues.

His strategic planning skills are ground in work experience at the State, regional, local and site specific levels dealing with the issues that affect a town or sub region or examining themes or subjects that span geographical areas. While working for CPG Australia he lead multi disciplinary planning teams that worked for clients that included DPCD, Department of Justice, Department of Innovation, Industry and Regional Development, and many municipal councils in metropolitan Melbourne and regional Victoria.

In 1994 he lead the planning consultancy that recommended the model for the Victorian Planning Provisions, the strategic policy driven planning scheme that is now consistently used throughout Victoria.



## **10 CONSULTING GROUP**

In 2009 Robert served as the Deputy Chairman on the Future Farming Expert Advisory Group reporting to the Minister for Planning. That work addressed a broad range of issues facing the next three decades of land use and development in regional Victoria. Projects that he has lead or made a major contribution to have included the following:

- Settlement strategies for regions and municipalities
  - Moyne and Warrnambool (2009 – 2010)
  - Colac Otway (2009 – 2010)
  - Macedon Ranges (2010)
- Structure Plans
  - Broadmeadows Central Activities District 2010
  - Wonthaggi and Dalyston 2006 and 2009
  - Wonthaggi Development Plan 2009
  - Cobram 2006
  - Cowes Ventnor and Silverleaves 2008
- Strategies
  - Greater Shepparton 2030
  - City of Bairnsdale – Building a Better Bairnsdale

### **Expert evidence and advocacy**

Rob is regularly called upon to provide expert evidence and reports to clients, courts, Independent Panels and VCAT. He has acted in this capacity or as an advocate in over 800 cases during his career.

He is often retained to provide the strategic perspective to planning disputes. He is equally capable in commenting on matters of urban design, design detail and compliance with planning policy and provisions.

The scope of matters that he has addressed in this capacity is extremely diverse and includes the following.

- Medium density and high rise residential development,
- Greenfield, master planned communities in growth areas,
- Waste management, quarries and landfill proposals,
- Major shopping centres and mixed use developments,
- Industrial and residential subdivisions
- Hotels, motels, restaurants and other leisure facilities
- Retirement villages
- Coastal developments



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- Office and CBD projects
- Heritage projects
- Compensation and land acquisition matters,
- Liquor licence and gaming proposal,
- Freeway service centres and petrol stations,
- Agribusiness centres.

### **Legislative and planning scheme reviews and amendments**

Aside from Rob's leadership of the consultant planning team that conceived the model for the Victorian Planning Provisions, he has been associated with many reviews of municipal planning schemes and amendments.

Planning scheme review usually takes the form of comprehensive research examining both the merits of the strategic policies as well as the statutory provisions. Wide ranging consultation is involved in the task.

Work associated with planning scheme amendments usually includes strategic justification of the proposal as well as statutory documentation and management of the process. The provision of expert evidence to independent panels is often involved.

In more recent times Rob has been involved in projects that entail a review of allied legislation as well as amendments to planning schemes. Recent relevant projects have included the following:

### **Reviews of Victorian planning provisions and allied legislation**

- Activity Centre Zone construction and application in Footscray, Doncaster, Knox and Sunshine
- Tramway infrastructure and the VPP's
- Higher density living adjacent to tramway corridors
- Liquor Licensing legislation and planning provisions
- Gaming (EGM) policy and provisions for Councils
- Review of the Farming and Green Wedge zones for their economic implications

### **Planning scheme reviews**

- Shire of Surf Coast 2007
- Shire of Wellington 2009 -10
- Rural City of Horsham 2010
- Borough of Queenscliff 2011-2012



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### **Organisation audits and process reviews**

Rob has a long and established career providing reviews of planning documents, teams and processes, particularly in a local government environment. Trained as a LARP facilitator in 1990 as part of a Commonwealth Government initiative his experience in this area commenced with the development of planning and building specifications for tenders as part of Compulsory Competitive tendering process and the coaching of bid teams. Since then Rob has developed a specialisation in providing reviews and recommendations to State and Local Government, which audit planning schemes, the performance of planning teams and departments and development approvals processes.

In the last 20 years he has worked with the majority of metropolitan councils and many regional municipalities; he prepared the model audit process for the Department of Sustainability and Environment in 2003 and recently provided a facilitated program for the Department of Planning and Community Development reviewing how it processes planning scheme amendments. He has worked with Councils in Victoria, New South Wales and South Australia.

He uses a range of audit techniques, extensive consultation with users of the processes and provides detailed strategies on necessary reforms.



**10 CONSULTING GROUP**

Expert Evidence  
Strategic Advice  
Development Approvals

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