



Glen Eira City Council

80 MCGs of parklands
enough footpaths to reach Sydney
enough drains to reach Mildura
enough roads to reach South Australia
\$170m of town planning projects
2,000 food safety inspections
3,400 off-street car spaces
11,000 tonnes of recycling
40,000 tonnes of waste
one million library loans
care for 4,800 elderly
services for 5,000 children
6,200 immunisations
44 school crossings
46,000 street trees
8,500 street lights
45 sportsgrounds
45 playgrounds
and much more

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27th February 2009

Retail Policy Review
Department of Planning and Community Development
GPO Box 2392
MELBOURNE VIC 3001

Dear Sir/Madam,

RETAIL POLICY REVIEW OCTOBER 2008

Thank you for the opportunity to comment on the Retail Policy Review 2008.

Council supports the undertaking of a program of improved monitoring and reporting on retail development to provide a greater understanding of supply and demand for retail in Metropolitan Melbourne. The development of Regional Retail Assessments will be beneficial in providing an overview of retail development trends in particular regions. Council supports the state government's lead and involvement in this process. The review has to start at the metropolitan or regional level before individual councils can begin looking at individual centres. As some commercial centres cross municipal boundaries, it is important that they are viewed from a regional perspective. Without an accurate projection of increasing retail requirements at a regional level, it is difficult for Council's to look at expanding activity centres to cater for potential future increase in retail activity.

The flow on effect of a Regional Retail Assessment will be the preparation of a municipal retail assessment which demonstrates how each council will accommodate the projected retail demand. This assessment will need to identify actions required by Council such as rezoning of land at in-centre and edge-of-centre locations to provide for growth. This will be a very political, time consuming and expensive process.

It is important to note that prior to the commencement of any retail assessment, there needs to be more strategic analysis of the future location of Melbourne's projected population growth. We need to ensure that any expansion of retail/commercial centres occurs where the increased population is going to reside.

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Bentleigh • Bentleigh East • Carnegie
Caulfield • Elsternwick • Gardenvale • Glen Huntly
McKinnon • Murrumbeena • Ormond • St Kilda East

The Review suggests the designation of activity centres in Melbourne 2030 should be reviewed with a view to re-grading some designations. Glen Eira would like to take this opportunity to again state that the classification of Glen Huntly as a Major Activity Centre is incorrect and should be down-graded to a Neighbourhood Centre.

Council agrees that planning policies need to be refined to provide greater clarity and guidance for retail proposals. Decisions regarding retail development need to take into account the broader network of centres and the identified role and function of individual centres.

Council agrees with the proposal to amend the industrial zones so that restricted retail premises becomes a prohibited use. Any proposal to use industrial land for the purpose of retailing of any kind should be subject to a strategic assessment and be required to demonstrate the proposal does not undermine the network of activity centres. The impact of the loss of industry in the area should also be assessed as part of this amendment process. The existing allowance of restricted retailing in industrial areas undermines activity centre policy. Council welcomes the development of Retail Assessment Criteria (based on a sequential test approach) to be used in the assessment of rezonings to allow for major retail.

A review of the design guidelines for retail premises is welcomed to consolidate advice, minimise duplication and ensure consistency with policy objectives. Glen Eira Council strives to provide good design outcomes for developments in commercial areas, however many applications that are refused by Council on design grounds are subsequently approved by VCAT. A good example of this is the Spotlight development that VCAT approved on the corner of Koornang and Dandenong Roads in Carnegie. Proposals should contribute to a sense of place and should not turn their back on the street. This is a common problem that councils are seeing approved at VCAT time and again.

An emerging issue for many councils is the need to manage the competing interests of commercial and residential tenants of activity centres. As more residential buildings are constructed in activity centres, we are seeing conflicts between residents and commercial uses in terms of noise from early morning deliveries, rubbish collection and street cleaning. Planning policy needs to ensure that retail and commercial uses remain the most important uses in an activity centre.

This review presents an opportunity for DPCD to look at the Victoria Planning Provisions to close the loophole which currently allows sexually explicit adult entertainment venues to establish in activity centres in close proximity to residential properties and commercial properties where residential development is now being encouraged.

Sexually explicit adult entertainment venues are not defined in the Victoria Planning Provisions. Consequently they are not subject to the same type of distance limitation criteria that brothels, adult sex bookshops and adult cinemas are. Clearly though they pose a greater potential for adverse amenity impacts when in close proximity to land which is used for residential purposes.

This loophole has the potential to undermine State and local planning policies which encourage higher density housing in activity centres. This view is strongly supported by VCAT in Planning Appeal P3054/2002 Babalis & Others vs Glen Eira CC & Others.

It is suggested that the solution to this problem is to:

- (a) include in the Victoria Planning Provisions a definition for a sexually explicit adult entertainment venue
- (b) treat sexually explicit adult entertainment venues in the same manner as adult sex book shops and adult cinemas (and subjecting them to a distance limitation of 200m from a residential zone, Business 5 zone, hospital or school)

It is considered that the issues and challenges outlined in this report are valid and the proposed responses, when implemented, will result in the DPCD and councils being more informed with regard the retailing trends and forecasts for Melbourne into the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Akehurst', with a stylized flourish at the end.

JEFF AKEHURST
DIRECTOR CITY DEVELOPMENT