

## Burwood East Brickworks - Amended Development Plan Consultation Summary

### Submissions open 15 October 2018 to 29 October 2018

Sub No.	Resident/ Organisation	Source	Submission Position	Submission Summary	Officer Comment
#1	resident	email / letter	Support	In full support of 6 screen cinema complex in Brickworks development.	Noted.  No change required.
#2	resident	email / letter	Support in part	Support cinemas only, NOT in favour of other entertainment such as gaming arcades, nightclubs, gaming venues	Support for cinema noted.  Under CI 22.12-3 Land Use and Function, it is policy that: "The responsible authority will encourage use and development that: "...Provides for entertainment facilities on the site such as restaurants, cafes, entertainment and leisure activities, and specialty retail uses." Therefore other entertainment uses than just cinema can be considered. Under the Commercial 1 Zone, uses such as Cinema and Cinema based entertainment facility, a Tavern and Hotel do not require a planning permit. A Nightclub would require a planning permit, however, the schedule to Clause 52.28 relating to Gaming, prohibits gaming machines from the Burwood Brickworks site.  No change required.
#3	resident	email / letter	Concerned / unrelated comments	Traffic concerns with regards to entire development:- <ul style="list-style-type: none"> <li>• traffic impacts on side streets to the west of Middleborough Road.</li> <li>• Middleborough Road is already congested; has resulted in increased traffic in local streets to bypass the congestion.</li> <li>• onsite parking provided in multi-dwelling sites is used for additional storage, not car parking, with residents parking in side streets instead. The brickworks development will exacerbate this problem.</li> <li>• proposed 'mitigation works' on the main roads is inadequate; the issues need to be fixed rather than maintain the "dismal status quo".</li> <li>• Speed limit (50kph) on Eley Road is not policed; Eley Road is being used as a bypass and this will be</li> </ul>	Traffic concerns are addressed in the Integrated Transport Plan.  It is noted that a number of the concerns raised have been dealt with previously in approving the existing Development Plan in July 2016. It is not proposed to revisit these concerns about the development in considering the proposed updates to the Development Plan that are before Council.  It is anticipated that the proposed amendments to the Development Plan relating to inclusion of entertainment uses, such as a cinema will make no material difference to the traffic assessment. Further, VicRoads has provided in principle support for the changes to the traffic assessment.  No change required.

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				exacerbated. No reference to the proposed inclusion of entertainment such as cinemas, but objects to any increase in the capacity of the development that will increase the above problems.	
#4	resident	email / letter	Opposed	Doesn't believe cinemas will be viable given the number of existing cinemas in and near Whitehorse. New Whitehorse Centre will also screen films by local groups so a cinema complex at Brickworks would put additional downward value on this activity.  Claims that the original proposal did not include cinemas and was strongly opposed.	Having considered existing cinemas in the local region, the Economic Impact Assessment supports the inclusion of entertainment and cinema uses.  To clarify, the original Development Plan approved when the site was owned by Reading Properties included a much larger, 17 screen cinema. This followed lengthy proceedings at a State planning policy level, then through a planning scheme amendment and subsequent consideration of the Development Plan at the time. Even with the existing cinema locations in the region, this use was in fact ultimately able to be contemplated.  No change required.
#5		email / letter	Opposed	no reason given	Noted.  No change required.
#6	resident	email / letter	Opposed	Increased traffic & noise. Car noise, pollution, and traffic especially on Middleborough Rd during and after cinema hours. Generally supports Burwood Brickworks site development.	Traffic concerns are addressed in the Integrated Transport Plan. It is considered that the proposed amendments to the Development Plan will make no material difference to the traffic assessment. Noise and pollution concerns will be governed by the EPA. The proposed cinema is located within and accessed via the shopping centre mall and therefore is not expected to result in an increase in noise from the development.  No change required.
#7		email / letter	Opposed	There will be noise problems if the cinema is increased.	To clarify, the scope for a cinema is not currently included in the existing Development Plan.  Noise concerns will be governed by the EPA. The proposed cinema is located within and accessed via the shopping centre mall and therefore is not expected to result in an increase in noise from the development.  No change required.

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#8	resident	email / letter	Concerned / unrelated comments	<p>No reference to the proposed inclusion of entertainment such as cinemas.</p> <p>Concerned with increased traffic especially in adjoining streets to the north west of the development. Suggests the development "...ban right hand turns from Middleborough Road into Mirabella/Eden and Joyhill during the mornings (say 7 until 9.30am). I believe this in conjunction with other traffic management options will assist in maintaining the amenity of the neighbouring streets."</p>	<p>Traffic concerns are addressed in the Integrated Transport Plan.</p> <p>It is noted that a number of the concerns raised have been dealt with previously in approving the existing Development Plan in July 2016. It is not proposed to revisit these concerns about the development in considering the proposed updates to the Development Plan that are before Council.</p> <p>It is anticipated that the proposed amendments to the Development Plan relating to inclusion of entertainment uses, such as a cinema will make no material difference to the traffic assessment. Further, VicRoads has provided in principle support for the changes to the traffic assessment.</p> <p>No change required.</p>
#9	Hoyts	email / letter	Opposed	<p>Supports the strategic direction of the Burwood Heights Activity Centre in general.</p> <p>Opposed to Cinema based entertainment use (but not other uses suggested such as 10 pin bowling).</p> <ul style="list-style-type: none"> <li>The 2006 Structure Plan references cinemas, however cinema trends and patronage have changed since 2006. The document is therefore out-of-date and should not be used by council to justify the current changes.</li> <li>Hoyts has upgraded its cinemas and provided facilities to improve the cinema experience in response to changing trends. "Hoyts Forest Hill used to be a 10-screen cinema complex. This became uneconomical...and in 2010 Hoyts permanently closed 4 screens to become a six-screen complex which was adequate based on the demand in the trade area." In 2018 "...the overall cinema capacity was reduced from 990 seats to 526 seats with the provision of more spacious, reclining seats introduced and the existing dining options upgraded." The cinema also obtained a liquor licence.</li> <li>Hoyts consider that a new cinema complex would have an unreasonable detrimental impact on existing cinemas within the catchment area. A new cinema will</li> </ul>	<p>Objections based on potential commercial competition cannot be considered as they are not within the scope of the Planning and Environment Act, 1987.</p> <p>The proposed changes to the Economic Impact Assessment are based on up to date information and is considered to be an accurate depiction of the current market.</p> <p>In regard to Hoyts concerns about a reliance on the previously approved Development Plan by Reading Properties (former owners of the brickworks site) for a 17 screen cinema being out of date with trends, the scale of the current proposal is arguably a response to the changing market. Further, regardless of the previous approval, the prospect of cinema and other entertainment uses was contemplated through State planning policy by nominating Burwood Heights as a Major Activity Centre in Melbourne 2030 and it remains a Major Activity Centre in Plan Melbourne 2017 - 2050. This was further reinforced via Whitehorse Amendment C50 and subsequently the Burwood Heights Structure Plan and policies inserted into the Whitehorse Planning Scheme through Amendments C63, C92 and C170.</p> <p>With Forest Hill / 6 screens and Pinewood / 4 screens, Glen Waverley /10 screens and Chadstone / 13 screens, Hoyts</p>

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				<p>undermine the recent investment and upgrade works completed at Hoyts Forest Hill earlier this year and "...may make cinemas at Forest Hill unviable in the future and lead to the closure in the medium term..."</p> <ul style="list-style-type: none"> <li>The Economic Impact Assessment "fails to consider current cinema trends and represents a simplistic geographical and population based assessment. The assessment also relies on the proposed cinemas being "substantially smaller" in scale to the previously 17 screen complex approved on the site back in 2008." Hoyts submit that cinema trends have changed significantly over the last decade.</li> <li>"We object to the proposition that the proposed six screen complex will be smaller than most of the cinemas serving this market. The proposed complex will be identical in size (6 screens) to Hoyts Forest Hill, and there is no dispute that this cinema will be subject to the greatest impact from this proposal."</li> </ul>	<p>correctly point out that the Burwood Brickworks proposal (6 screens) is not smaller than most cinemas in the market assessed by Urbis. Therefore change the second dot point on page 50 of the Economic Impact Assessment to read:</p> <p>"The six screen complex at Burwood Brickworks will be relatively small within the market and will not attract the same level of cinema visitation and spending as larger complexes."</p>
#10	EPA	email / letter	Concerned / unrelated comments	<p>EPA's primary consideration relates to potentially contaminated land, noting there is an Environmental Audit Overlay over the site and the environmental audit is being completed in stages. EPA recommends that Council ensure:</p> <ul style="list-style-type: none"> <li>the proposed uses align with the list of suitable land uses on any associated Certificate or Statement of Environmental Audit for the site.</li> <li>as consistent with the advice in the General Practice Note on Potentially Contaminated Land, Council satisfy itself that all the conditions of any Statement of Environmental Audit are complied with prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional and sign off must be in accordance with any requirements in the Statement conditions regarding verification of works. EPA notes there has been correspondence between the environmental auditor, Council and Frasers Property</li> </ul>	<p>The changes to the Development Plan do not relate to uses of concern identified by the EPA. The EPA notes there is communication between parties on any sensitive uses within the proposed development. Consequently the EPA's requirements are reflected in the conditions of the planning permit that has been issued for the retail centre which require that:</p> <ul style="list-style-type: none"> <li><i>- Prior to the commencement of the childcare centre use and prior to the planting of food production landscaping, the developer must provide a written declaration from the environmental auditor (or otherwise from a similarly qualified person) to demonstrate that these uses are in accordance with the requirements of the Statement of Environmental Audit for the subject land (Area 1); and</i></li> <li><i>- The conditions of the Statement of Environmental Audit that must be complied with at all times during the construction, landscaping and operation of the development.</i></li> </ul> <p>No change required.</p>

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				Australia Pty Ltd dated 24 August 2018 in the context of the proposed changes to the Development Plan and the list of suitable uses in the Statement of Environmental Audit for audit area 1. It provides advice on the suitability of the site for a childcare centre and urban farm proposed for level 1, EPA was consulted during this process.	
#11	Unknown	Your Say Whitehorse	Support	Supports the proposal. Looks like a good plan.	Noted. No change required.
#12	Unknown	Your Say Whitehorse	Concerned / unrelated comments	The layout of the development needs to be practical regarding provision of essential services (eg sub-stations, access for rubbish collection and emergency services, traffic management and drainage) and there needs to be measures to reduce waste and improve waste collection efficiency.	Noted, however the concerns are not relevant to the changes proposed to the Development Plan that are before Council.
#13	Unknown	Your Say Whitehorse	Support in part	Supports cinema and an upgraded Woolworths on the site. Opposes Dan Murphys / liquor stores as there are enough in the area. There should be fewer liquor stores, not more. Concerned about alcoholism, alcohol induced violence, and the impact on neighbourhoods.	Support for cinema is noted.  Scope for sale of liquor has already been approved as part of the existing Development Plan and is not relevant to consideration of the proposed updates to the Development Plan that is before Council.  No change required.
#14	Unknown	Your Say Whitehorse	Support	Supports the proposal. It will help energize the whole area and enrich the community life!	Noted. No change required.
#15	Unknown	Your Say Whitehorse	Opposed	Don't change the existing Development Plan. There are enough cinemas nearby such as Forest Hill Chase and The Glen. Concerned about traffic on Eley Road and if there is an entry/exit point from the development to this street.	Having considered existing cinemas in the local region, the Economic Impact Assessment supports the inclusion of entertainment and cinema uses.  There is limited access to Eley Road from the Development which has been approved as part of the existing Development Plan. This road does provide access through to the retail area.  No change required.

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#16	Unknown	Your Say Whitehorse	Unrelated comments	Supports inclusion of trees in the development	Noted. No change required.
#17	resident	Your Say Whitehorse	Support	Supports the inclusion of entertainment and the retail area. It will be convenient to the neighbourhood and improve local property values.	Noted. No change required.
#18	Unknown	Your Say Whitehorse	Support in part	Supports a cinema and the overall proposal with cafes and shopping within walking distance. The brickworks site has been an eyesore for so long! Concerned about increased traffic on Eley Road as it is already busy.	Noted. There is limited access to Eley Road from the Development which has been approved as part of the existing Development Plan. This road does provide access through to the retail area. No change required.
#19	Unknown	Your Say Whitehorse	Opposed	Disagrees with adding the entertainment-related uses. Shops are good enough.	Noted. The Economic Impact Assessment, Traffic Report and Retail Design reports supports the inclusion of entertainment and cinema uses. No change required.
#20	Unknown	Facebook	Support	A great initiative! We would love a cinema!	Noted. No change required.
#21	Unknown	Facebook	Unrelated comments	Nunawading Brickworks query - not relevant	Noted. No change required.