

# MINUTES

## ORDINARY MEETING OF COUNCIL

**Tuesday, 22 April 2014**

Held at the  
Council Conference and Reception Centre  
City Hall, Little Malop Street, Geelong  
commencing at 7.00p.m.

COUNCIL:

Cr. D. Lyons <i>Mayor</i>	(G21 Geelong Regional Alliance, Finance, Governance, Regional Cities)
Cr. T. Ansett ( <i>Windermere</i> )	(Heritage, Rural Communities)
Cr. L. Ellis ( <i>Coryule</i> )	(Coastal Communities, Infrastructure, Parks and Gardens)
Cr. J. Farrell ( <i>Beangala</i> )	(Community Safety, Youth, Women in Community Life)
Cr. K. Fisher ( <i>Corio</i> )	(Community Development, Aboriginal Affairs)
Cr. B. Harwood ( <i>Kardinia</i> )	(Enterprise Geelong, Primary Industries)
Cr. M. Heagney ( <i>Brownbill</i> )	(Central Geelong, Planning)
Cr. J. Irvine ( <i>Austin</i> )	(Sport and Recreation)
Cr. E. Kontelj ( <i>Cowie</i> )	(Aboriginal Affairs, Multicultural Affairs, Finance)
Cr. Dr. S. Kontelj ( <i>Kildare</i> )	(Finance)
Cr. R. Macdonald ( <i>Cheetham</i> )	(Major Projects, Knowledge Economy & Education)
Cr. R. Nelson ( <i>Deakin</i> )	(Major Events, Tourism)
Cr. A. Richards ( <i>Buckley</i> )	(Environment & Sustainability, Transport, Arts & Culture)

**SECTION A - PROCEDURAL MATTERS**

Acknowledgements ..... 1

Apologies ..... 1

Confirmation of Minutes ..... 1

Declarations of Conflicts of Interest..... 2

Question Time..... 2-5

Petitions ..... 5

**SECTION B – REPORTS**

1. Hamlyn Reserve Mobile Phone Antenna ..... 6-14

2. Combined Amendment C283 Drysdale Urban Design Framework/Permit  
1060/2013 McHarry’s Buslines – Consideration of Submissions..... 15-27

3. Amendment C297 and Permit 765/2013 – Proposed Coles Supermarket  
on Murradoc Road, Drysdale ..... 28-46

4. Armstrong Creek Town Centre Precinct Structure Plan and Development  
Contributions Plan C267 – Adoption of Amendment ..... 47-48

5. Amendment C310 – Implementation of New Zones to the Armstrong Creek  
Urban Growth Area..... 49-52

6. Amendment C259 – Horseshoe Bend Precinct Structure Plan ..... 53-60

7. Geelong Municipal Early Years Plan 2013-2017..... 61-65

8. Central Geelong Marketing Committee – Annual Activities Report 2012-  
2013 ..... 66-74

9. Naming Rights on Council’s Sports Grounds ..... 75-81

10. Reserve Naming - Newtown ..... 82-84

11. CPL275.1 Flood Warning Policy Review..... 85

12. Municipal Association of Victoria State Council Meeting ..... 86-87

13. Procurement Policy ..... 88-90

14. Colac Road, Highton – Proposed Pathway SRC335 – Declaration of  
Charge ..... 91-102

15. Avalon Airport Agreement (*Confidential*)..... 103

**SECTION C – ASSEMBLY OF COUNCILLORS**

**SECTION D – PLANNING DELEGATIONS**

**SECTION E – CONFIDENTIAL**

### **3. AMENDMENT C297 AND PERMIT 765/2013 – PROPOSED COLES SUPERMARKET ON MURRADOC ROAD, DRYSDALE**

<b>Portfolio:</b>	<b>Planning - Cr Heagney</b>
<b>Source</b>	<b>Planning and Tourism - Strategic Implementation</b>
<b>General Manager:</b>	<b>Peter Bettess</b>
<b>Index Reference</b>	<b>Council Reports 2014</b>

#### **Purpose**

This report seeks Council approval to exhibit a combined planning scheme amendment and permit to facilitate the development of a supermarket on Murradoc Road, Drysdale.

#### **Summary**

- A planning scheme amendment request and planning permit application was made by ERM Australia on behalf of Coles Group Property for land at 24-32 Murradoc Road, Drysdale.
- The amendment proposes to rezone 32 Murradoc Road from the Commercial 2 Zone to the Commercial 1 Zone. The remainder of the subject land is presently in the Commercial 1 Zone.
- The permit application (765/2013) is for buildings and works to construct a supermarket, the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.
- The proposed supermarket has a total floor area of 3,892 sq metres, is of contemporary design and provides good connectivity with the adjacent ALDI store. Vehicle access is from Murradoc Road and a dedicated pedestrian path will connect the newly developing residential estate to the south, through the site, to Murradoc Road.
- The proposal is supported by Council's adopted Drysdale Urban Design Framework August 2012, which identifies the site for a supermarket.
- Relevant to the consideration of this application is the likely opening date of the supermarket and how this would impact on the nearby Jetty Road Neighbourhood Activity Centre, where a 3,200 sq metre Woolworths supermarket is to be constructed and operational by April 2015.
- The economic assessment submitted as part of the Amendment request concluded that the economic and social benefits from the Coles supermarket significantly outweigh any impacts on commercial competitors. The assessment however failed to factor-in the new Jetty Road Centre (instead expecting it to be developed over the medium to long term).
- Council officers commissioned consultant Tim Nott to provide an independent review of the likely economic impact of the proposal.
- The review clearly demonstrates that if the two supermarkets are developed as planned, the food and grocery segment throughout the trade area is likely to experience a very low level of turnover. Mr Nott finds that there is likely to be room for two supermarkets by the mid-2020s, in line with expected population growth.
- Mr Nott estimates that the Jetty Road NAC would suffer a significant loss of around 16% in total retail sales compared with what is currently anticipated.

- It would appear that both Coles and Woolworths are well aware of the likely economic challenges over the coming 10 year period, but still committed to establishing new supermarkets in the locality as soon as possible.
- The net community benefit of the proposed Coles, particularly in strengthening the role of the Drysdale Town Centre and improving the level of competition in the local food and grocery sector, is considered to outweigh the short to medium term negative impact on the Jetty Road NAC and potential reorganisation of retail space in the trade area.
- It is recommended that the Amendment be placed on public exhibition to allow interested parties, including other business owners and operators in the trade area, an opportunity to make submissions.

**Cr Heagney moved, Cr Macdonald seconded -**

**That Council resolves to:**

- 1) support the preparation and exhibition of Amendment C297 to the Greater Geelong Planning Scheme to rezone the land at 32 Murradoc Road, Drysdale, from the Commercial 2 Zone to the Commercial 1 Zone;**
- 2) consider the application for a planning permit for a Coles supermarket on the land at 24-26, 28-30 and 32 Murradoc Road, Drysdale, concurrently with the preparation of the Amendment in accordance with the *Planning and Environment Act*, and that draft Planning Permit 765/2013 be prepared and exhibited with the Amendment, subject to resolution of the detail of the permit conditions; and**
- 3) request the Minister for Planning to authorise the preparation and exhibition of Amendment C297 and Planning Permit 765/2013.**

**Carried.**

### ***Background***

On 28 June 2013 a combined Planning Scheme Amendment request and Planning Permit application was lodged by Environmental Resources Management (ERM) Australia on behalf of Coles Property Group, pursuant to Section 96A of the *Planning and Environment Act 1987*.

It is proposed to rezone the land at 32 Murradoc Road, Drysdale, from the Commercial 2 Zone to the Commercial 1 Zone and obtain a planning permit (765/2013) to construct a full-line supermarket on 24-26, 28-30 and 32 Murradoc Road, Drysdale. These three contiguous land parcels are currently vacant and sit between an ALDI store and an industrial storage building built to the common boundary with high concrete walls extending along its length. The properties are owned by Coles.

An aerial map of the subject land is shown at **Appendix 1** and a current zoning map is shown at **Appendix 2**. The proposed rezoning map is shown at **Appendix 3**.

In addition to the buildings and works, the permit is to allow the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.

The site plan (**Appendix 4**) shows that the proposed Coles supermarket, including a Liquorland, will have a total floor area of 3,892 square metres supported by 146 car parking spaces. The car parking layout is integrated with the adjacent ALDI store, as are entry/exit arrangements off Murradoc Road. A 2 metre wide dedicated pedestrian boardwalk is located parallel to the supermarket and parking areas to provide direct thru-access from Murradoc Road to the newly developing residential estate to the south. The path will also provide for the conveyance of overland stormwater flows under the boardwalk.

The building is of contemporary design as shown in perspective drawings at **Appendix 5**.

The rezoning request and permit application was supported by a planning report (ERM), economic impact assessment (MacroPlan Dimasi) and traffic assessment (Cardno) as well as site, development and landscaping plans. Following internal review by various Council departments, a number of changes were made to the plans and the addition of a stormwater management report (Cardno) was submitted in November 2013.

The application lodged in June 2013 followed a number of meetings between Council officers and representatives of Coles about the preferred design and layout for the supermarket.

### ***Discussion***

#### Strategic planning merits

In August 2012 Council adopted the Drysdale Urban Design Framework (UDF). The framework seeks to improve the functionality of the Drysdale Town Centre by providing guidance on future growth and development, built form, streetscapes, traffic and pedestrian movements, car parking and land use.

Planning Scheme Amendment C283 to implement the key recommendations of the Drysdale UDF was recently on exhibition. The overall framework plan is shown at **Appendix 6**. The plan identifies the subject land for retail, with objective No. 15 stating “*Support the development of large format retail on this site (supermarket)*”.

Added to this is the fact that two-thirds of the subject land is currently zoned Commercial 1 Zone (C1Z). The purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The use of the land for a supermarket in the C1Z is an ‘as-of-right’ use in the Greater Geelong Planning Scheme. The remainder of the subject land (to be rezoned) is a natural extension and end-point to the C1Z.

In this context, the proposal has overwhelming policy support. The Coles supermarket will consolidate the role of the Drysdale Town Centre and is consistent with the City’s retail strategy and activity centre hierarchy. The development will assist in the ongoing revitalisation of Murradoc Road within the core business district and “book-end” the convenience retail options for shoppers.

There are however concerns about the timing of the proposal in relation to the recently approved Jetty Road Neighbourhood Activity Centre (NAC). The Drysdale UDF Part B. (Background Report) notes that: “*The immediate demand for an alternative supermarket has now been met by the development of the Aldi supermarket along Murradoc Road and the approval of a new full line supermarket within the Jetty Road Growth area. However in the long term (10+ years) as the population of Drysdale and the surrounding catchment grows there is likely to be demand for a fourth supermarket*”.

A planning permit was issued on 22 January 2013 to develop land at 148-166 Jetty Road, Drysdale for a 3,200 sq metre supermarket and eleven specialty shops. The land is owned by Woolworths and Council officers have been advised that construction will commence in May/June 2014 and the anticipated opening date for the supermarket is April/May 2015.

The planning report submitted in support of the Jetty Road NAC outlined the extensive planning history of the Jetty Road Growth Area, commencing with Council adopting the Jetty Road Urban Growth Plan in June 2007. The growth area will ultimately accommodate a population of more than 8,000 people. The plan was implemented into the Greater Geelong Planning Scheme via Amendment C129 and then Amendment C188 further rezoned land to the Business 1 Zone for a NAC with provision for 6,000 sq metres of retail floor space. The NAC land was subsequently subject to a master planning phase, which was approved by Council in July 2011.

Irrespective of the policy arguments for and against the early establishment of the Jetty Road NAC, the fact remains that there is a valid planning permit allowing the buildings and works to construct a supermarket, with construction imminent.

What is relevant is the consideration of the economic impacts of the proposed Coles supermarket on the Drysdale Town Centre and other affected centres – primarily the Jetty Road NAC, and contribution to net community benefit.

#### Economic impact assessment

An economic impact assessment was submitted in support of the amendment request, dated February 2013 and prepared by MacroPlan Dimasi. The assessment identified the main trading area as the northern half of the Bellarine, including the townships of Drysdale, Clifton Springs, Portarlington, St Leonards and Indented Head.

The MacroPlan Dimasi assessment concludes that the economic and social benefits that are likely to arise from the proposed Coles Drysdale significantly outweigh any impacts that may occur to commercial competitors.

The assessment however failed to properly consider impacts on the nearby Jetty Road NAC, which includes a 3,200 sq metre Woolworths supermarket with construction to commence this year. The assessment stated: *“Whilst there is a supermarket proposed to establish within this growth area over time, on current development patterns a supermarket anchored centre in this growth area is some time off. A major supermarket generally requires around 3,000 households before it is developed. With the current growth rate of the Jetty Road growth area it may be at least 10 years until the Jetty Road area has sufficient residents to establish its own supermarket anchored centre”*.

Clause 22.03 of Council’s Municipal Strategic Statement provides assessment criteria for retail planning applications. It is policy that an economic impact assessment provides an assessment of any likely impact on existing or planned (i.e. approved) retail facilities.

In response to officer concerns about the proposed timing of the Coles application, an independent review of the MacroPlan Dimasi assessment and Clause 22.03 was commissioned from Mr Tim Nott. Mr Nott specialises in economic analysis and strategy and is familiar with retail economics on the Bellarine, having provided Council with advice on structure planning including preparation of the Drysdale Clifton Springs Structure Plan.

The review clearly demonstrates that if the two supermarkets are developed as planned, the food and grocery segment throughout the trade area is likely to experience a very low level of turnover. Mr Nott finds that there is likely to be room for two supermarkets by the mid-2020s, in line with expected population growth.

In his summary, Mr Nott states that:

- *I have prepared an alternative impact assessment in this report. I have assumed that the Jetty Road NAC and the proposed Coles development would have their first full year of operation in 2016 and I have provided detail about the likely impact on individual centres in the local and regional network.*
- *The present retail supply and demand situation in the Drysdale trade area indicates that there is now demand for a new full line supermarket. This would be satisfied to a very large extent by the planned NAC at Jetty Road. The planned Woolworths supermarket at Jetty Road, at 3,200 square metres, would be the largest supermarket in the trade area (without the proposed Coles development). The developers anticipate that this supermarket will open in mid-2015. Because the Jetty Road Growth Area is far from fully established, in order to be viable, the supermarket would need to serve the whole of the Drysdale trade area, effectively competing at the same level as the Drysdale town centre.*
- *If both the Coles development and the Jetty Road NAC were opened at around the same time, the food and grocery segment in the Drysdale trade area would suffer from very low sales per square metre by comparison with typical levels for major supermarkets. This would be likely to cause significant reorganisation of retail space in the trade area, with potential closures of food and grocery stores, particularly in Drysdale.*
- *The Coles proposal does not appear likely to challenge the role of existing centres in the trade area or elsewhere. The proposal will affect retail sales in surrounding centres, particularly Portarlington, Leopold and St Leonards. However, I estimate that in each case the loss of sales would be less than 5% of total sales, which is well within the 10%-15% loss that is usually considered significant.*
- *The impact of the Coles proposal on existing food and grocery facilities in Drysdale itself would be severe with potential for a loss of 35% in sales (and 22% of retail sales for the centre as a whole). However, including the Coles development as part of the mix, the retail sales in the centre would rise from \$64 million per year to \$89 million. The role of Drysdale as a large town centre would be maintained even though there may be some individual store closures.*
- *I estimate that the Jetty Road NAC would suffer a loss of around 16% in total retail sales compared with what is currently anticipated. This is significant and could mean that the investment as currently planned would not proceed.*
- *In my view the net gain in ongoing jobs as a result of the Coles proposal would be around 15, with total full time equivalent jobs of 134. The remaining jobs would effectively be transferred from other food and grocery providers in the district.*
- *To mitigate the impact of the Coles development, it may be possible to stage the growth of the activity centre serving the Jetty Road Growth Area, starting with a local centre and developing a supermarket facility in increments to match the growing neighbourhood demand. This would at least provide some service for Jetty Road residents.*
- *The retail assessment presented here updates that provided for the Drysdale Clifton Springs Structure Plan in 2008. However, the two are broadly consistent; that is, there is only sufficient demand for one additional full-line supermarket in the Drysdale trade area in the short to medium term.*

Mt Nott provides an estimate of the impact on existing retail centres, noting the impact will be felt most by the centres that have large food and grocery offerings and which are closest to Drysdale.

The findings are presented on the following table:

**Impact of Coles Drysdale on retail sales in surrounding activity centres, 2016 (\$2013)**

Centre	Sales at existing centres without Coles development	Share of sales at Coles Drysdale that would otherwise have gone to this centre	Change of sales at each centre	Sales to existing retailers with Coles development	Proportional impact on total retail sales of centre	Notional transfer of eft jobs to Coles development
	\$m	%	\$m		%	no.
Drysdale	\$64.3	37%	-\$13.9	\$50.4	-22%	-50
Jetty Road NAC	\$38.8	17%	-\$6.3	\$32.4	-16%	-23
Portarlington	\$35.8	2%	-\$0.7	\$35.0	-2%	-3
St Leonards	\$15.0	1%	-\$0.3	\$14.8	-2%	-1
Leopold	\$138.5	16%	-\$6.0	\$132.5	-4%	-21
Newcomb	\$135.8	7%	-\$2.5	\$133.3	-2%	-9
Geelong City Centre	\$646.4	7%	-\$2.7	\$643.7	0%	-10
Belmont	\$107.6	2%	-\$0.8	\$106.8	-1%	-3
Waurm Ponds	\$285.7	4%	-\$1.6	\$284.1	-1%	-6
Other Geelong		7%	-\$2.6			-9
Total		100%	-\$37.5			-134

The review also outlines the net community benefits of the Coles proposal as follows:

*“The Coles proposal will reduce the level of escape spending from the Drysdale trade area, meaning that local residents will not have to travel so far, so often for their shopping. This will result in travel time savings, reduce energy use and create more local jobs. However, most of these benefits would be achieved by the planned expansion of retail floor space at Jetty Road.*

*The proposed Coles development will improve the level of competition in the local food and grocery sector since there is presently no Coles within the trade area (although there is a Coles at Leopold nearby).*

*The proposed development would strengthen the Drysdale town centre, making that centre more attractive to shoppers and reinforcing the hierarchy of centres in the trade area.*

*Should the Jetty Road NAC be significantly delayed (because, for example, the investors feel that the NAC is not in a good location to attract a substantial share of its trade from beyond the growth area) then the Coles development would satisfy the demand that is undoubtedly present and growing.”*

Ultimately the review finds that with the addition of the Coles, the Drysdale commercial centre as a whole would expand its sales from a notional \$64 million to \$89 million in 2016, although this may result in the closure of other food and grocery traders. Council officers note that the only independent ‘fruit and vegetable’ retailer in town closed some 12 months ago, while other small traders – two convenience stores, a bakery and a boutique butcher, offer a very limited range of products.

To the extent that existing operators are “overtrading” (namely the Woolworths on Wyndham Street and possibly the ALDI store), Mr Nott says that a reduction in the extra sales would be offset by a benefit from the introduction of more competition and greater choice in the local market, particularly in the food and grocery sector.

Mr Nott finds that the trading impact on Jetty Road would be entirely negative – suggesting the Coles development is in a better position to capture the spending of the trade area because of its more central location and larger size. Council officers however consider the Jetty Road NAC to be easily accessible with less vehicle congestion, offering an attractive alternative to residents in Clifton Springs and parts of Drysdale in particular.

The prospect of the Jetty Road NAC effectively competing at the same level as the Drysdale Town Centre, inclusive of the largest supermarket in the trade area (should the Coles not go ahead), is also likely to have negative impacts to town centre traders.

Therefore the net community benefit of the proposed Coles supermarket in strengthening the role of the Town Centre is considered to outweigh the short to medium term negative impacts on the Jetty Road NAC.

Mr Nott’s review has been passed on to Coles so that MacroPlan Dimasi can revise their original economic impact assessment as part of the exhibition documents for Amendment C297.

#### Jetty Road Activity Centre Proprietors

On 20 February 2014 Council received an email from John Cicero of Best Hooper Solicitors, acting on behalf of the registered proprietors of land comprising the Bayview Activity Centre (i.e. the Jetty Road NAC). The email confirms that the first stage of the Activity Centre is scheduled to commence in March 2014 and comprises of a full line supermarket of 3,200 sq metres plus 11 specialty shops.

Best Hooper has reviewed the economic impact assessment from MacroPlan Dimasi and Mr Nott’s independent review. Best Hooper submits that the Council should not proceed with the Amendment. A copy of the email is shown in **Appendix 7**.

Council officers do not support the abandonment of the Amendment. Officers consider the Amendment should proceed to exhibition to allow any interested party an opportunity to make a submission – and have that submission considered by Council and potentially an Independent Planning Panel.

#### Built form and design

As noted above, there were several discussions between representatives of Coles and Council officers prior to the lodging of the application in June 2013. The design has been further revised post-lodgement.

The permit application (765/2013) is for buildings and works to construct a supermarket, the display of identification signage, a reduction of car parking requirements, the alteration of access to a road in a Road Zone Category 1 and to create a carriageway easement.

The design is considered to be generally in accordance with the adopted Drysdale UDF August 2012. The UDF (Part A) includes guidelines for the ‘Business Corridor’ along Murradoc Road – which includes the subject land. Key objectives and guidelines relevant to the site include to setback buildings a minimum of 12 metres from Murradoc Road to allow for future road widening and to encourage the development of a full line supermarket along Murradoc Road close to the town centre core.

The proposed design incorporates the following features:

- The construction of a full line Coles branded supermarket of 3,892 square metres inclusive of a Liquorland.
- An integrated car parking layout and access arrangements with the adjoining ALDI store, including the creation of a carriageway easement.
- A dedicated north-south 2 metre wide unencumbered boardwalk to provide convenient pedestrian and cycle access from Murradoc Road, through the Coles site, to the newly developing residential estate to the rear.
- A contemporary building design achieving a maximum height of 8.96 metres with clear glazing and entry façade fronting Murradoc Road and glazing along the western elevation (fronting the pedestrian walkway).
- A site stormwater management plan that captures and treats runoff and 100 year ARI overland flows by using a bio-retention lineal treatment system under the boardwalk.
- A 12 metre wide open landscaped setback from Murradoc Road consistent with the neighbouring ALDI store and Drysdale UDF guideline.
- Sheer concrete eastern boundary wall and loading bay to visually offset the existing industrial warehouse building on the adjoining property to the east and minimise amenity impacts.
- Landscaping and lighting to ensure the site provides adequate safety, surveillance and visual amenity.

The proposed design does not include a new north-south road from Murradoc Road to the developing Central Walk residential estate. The Drysdale UDF encourages the development of this connection. Due to the constraints of the site a road (or more realistically – a laneway) was not pursued. It is considered that a safe and attractive pedestrian connection, together with future road connections from the land to the south of the Coles site to Mortimer Street and Princess Street, will similarly improve access opportunities.

The Planning Permit to be prepared for exhibition will include conditions to address issues relating to built form, drainage, lighting, noise, access and car parking, loading, landscaping and signage.

#### ***Environmental Implications***

There are no environmental implications as a result of the Amendment.

#### ***Financial Implications***

No impact to budget.

#### ***Policy/Legal/Statutory Implications***

##### Zone provisions

Two-thirds of the subject land is currently zoned Commercial 1 Zone (C1Z). The purpose of the C1Z is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. The use of the land for a supermarket in the C1Z is an 'as-of-right' use in the Greater Geelong Planning Scheme. A permit is required for buildings and works.

The remainder of the land is in the Commercial 2 Zone (C2Z). The purpose of the C2Z includes encouraging commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

The use of the land for a supermarket in the C2Z is considered to be prohibited in the Greater Geelong Planning Scheme. The Section 2 Use condition for a 'Supermarket' states: "*The leasable floor area must not exceed 1800 square metres if located on land outside an urban growth boundary and in metropolitan Melbourne*".

Unfortunately, the condition is open to misinterpretation and officers have been informed by the Department of Transport, Planning and Local Infrastructure that a forthcoming Ministerial amendment will correct the wording. The intention of the condition is that supermarkets in the C2Z greater than 1800 sq metres are prohibited in non-metro Melbourne planning schemes.

The anomaly in this particular instance however is that while the leasable floor area is greater than 1800 sq metres (3,892 sq metres is proposed), the floor area located on land zoned C2Z is under 1800 sq metres. It is considered the intention of the condition is to prohibit supermarkets greater than 1800 sq metres irrespective of whether the building is in two zones.

A permit is also required for buildings and works in the C2Z.

Regardless of the interpretation of the C2Z, an amendment to rezone 32 Murradoc Road to the C1Z, combined with a permit to construct the Coles supermarket, most appropriately meets the objective of the *Planning and Environment Act* to provide for the fair, orderly, economic and sustainable use, and development of land.

#### Clause 21.07 Economic Development

The strategy notes that the City of Greater Geelong Retail Activity Centre Hierarchy has been established to articulate the role and function fulfilled by centres of different sizes. A key objective is to facilitate the development of vibrant and viable retail activity centres in accordance with the retail hierarchy.

The proposed Coles supermarket will strengthen the role and function of the Drysdale Town Centre. Town Centres are identified in the Hierarchy as the focus for convenience shopping and community facilities serving the surrounding township and rural hinterland. Neighbourhood centres play an important role in providing for the regular shopping needs of residents of their respective surrounding catchments.

#### Clause 21.14 The Bellarine Peninsula

Drysdale/Clifton Springs is recognised as a hub for development and service provision on the Bellarine. One of the strategies for Drysdale/Clifton Springs is to reinforce the Drysdale Town Centre as the primary retail centre including the development of an additional supermarket. The clause, under 'further work', identifies the bowling club site for a supermarket however this location was not considered suitable in the Drysdale Urban Design Framework 2012.

Another strategy is to support the development of the Jetty Road Urban Growth Area. A number of stages for residential subdivision have been approved and constructed or are under construction. Likewise, land has been rezoned to the Commercial 1 Zone for a neighbourhood activity centre.

### Clause 22.03 Assessment Criteria For Retail Planning Applications

This local policy sets out retail assessment criteria which are to be used as a basis for considering applications for new or expanded retail floor space. The information submitted to support the Amendment and Permit, particularly with an updated economic impact assessment that captures the Jetty Road NAC, is considered appropriate.

#### ***Alignment to City Plan***

The Amendment supports the 'Growing our Economy' strategic direction of City Plan, subject to a comprehensive assessment of the economic impacts and contribution to net community benefit and consideration of submissions from affected parties.

#### ***Officer Direct or Indirect Interest***

In accordance with Section 80C of the *Local Government Act* Peter Bettess, General Manager, Planning and Tourism, declares an indirect financial interest in that he owns Woolworths and Wesfarmers shares.

#### ***Risk Assessment***

There are no notable risks associated with implementing the recommendation contained in this report.

#### ***Social Considerations***

The proposed Coles supermarket is considered to result in a net community benefit by improving retail competition – particularly in the fresh food and groceries sector, reducing escape expenditure and securing additional employment opportunities for local residents.

#### ***Human Rights Charter***

The Amendment will not impact on any basic rights, freedoms and responsibilities as set out in the Charter. Planning legislation ensures an open community consultation process occurs, enabling people to freely express their views and if necessary obtain a fair hearing before an Independent Panel.

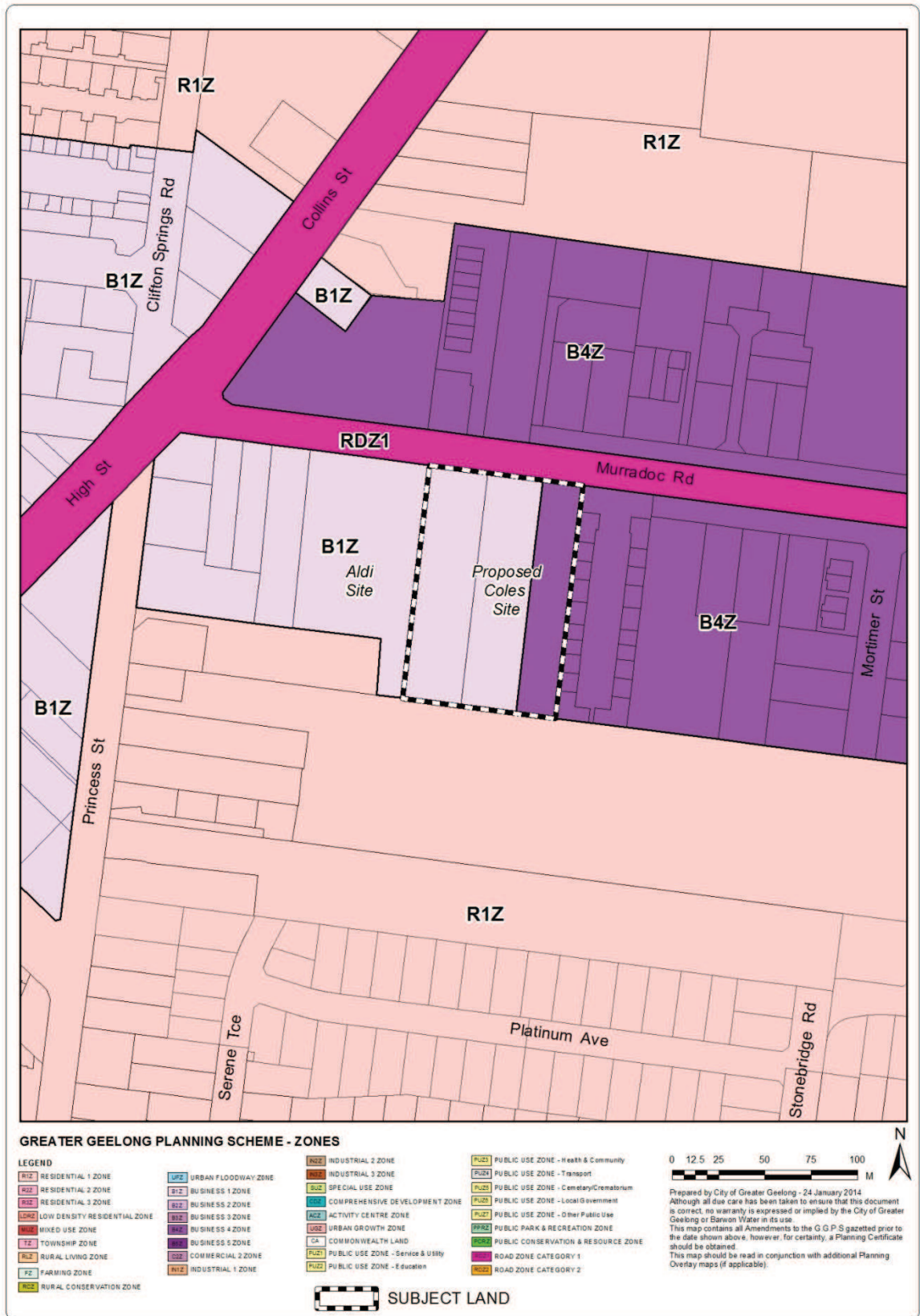
#### ***Consultation and Communication***

The Amendment will be exhibited in accordance with the notice provisions of the *Planning and Environment Act 1987*.

Appendix 1 - Aerial Map



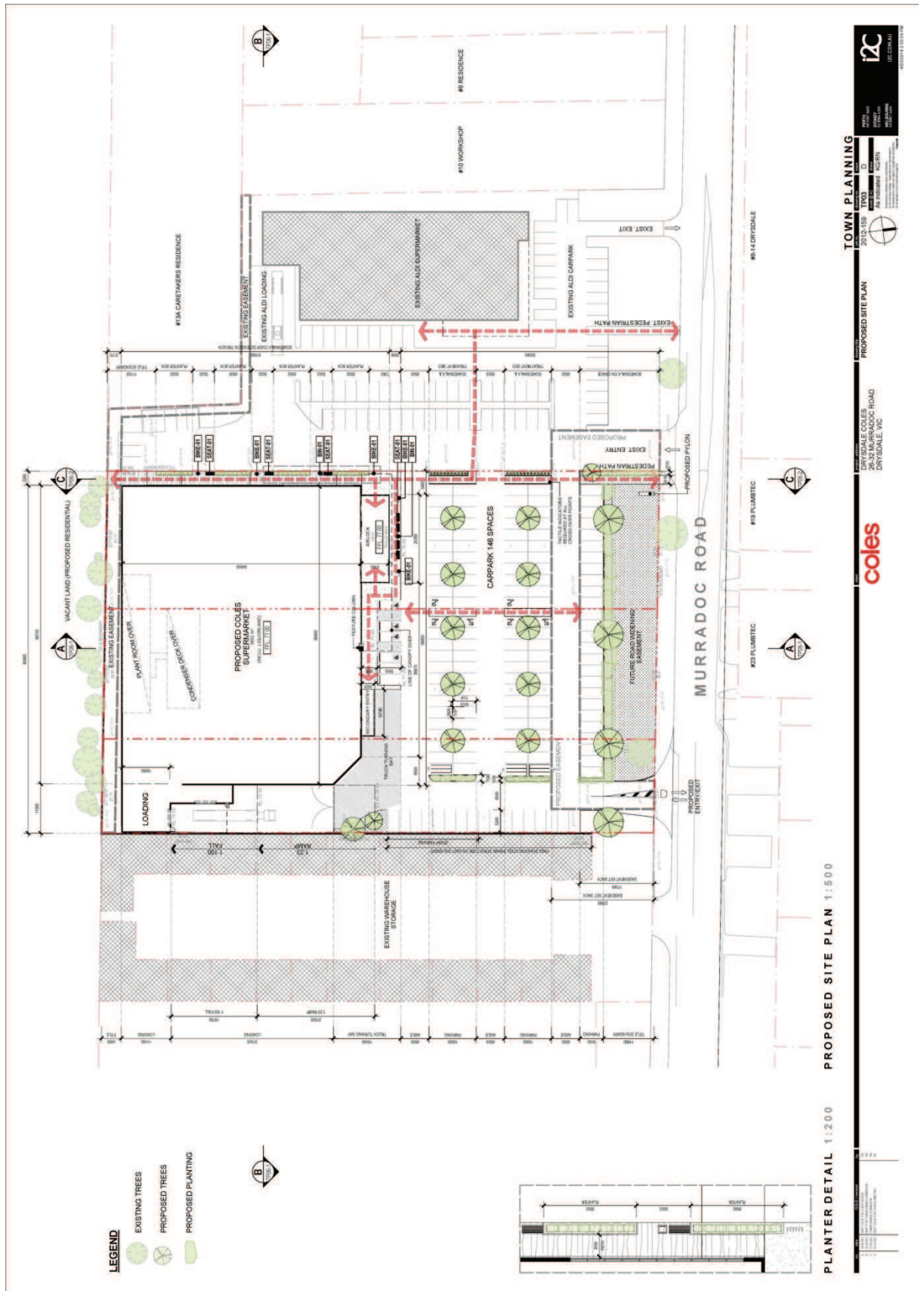
**Appendix 2 - Existing Zoning Map**



**Appendix 3 - Proposed Rezoning Map**



**Appendix 4 - Proposed supermarket site plan**



PROPOSED SITE PLAN 1:200

PLANTER DETAIL 1:200

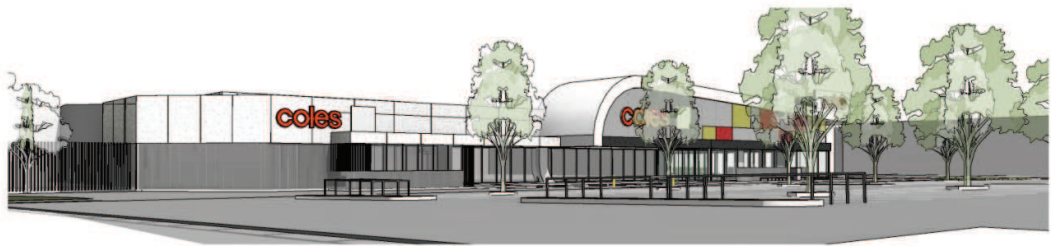
**coles**

DRYDALE COLES  
 26-32 MURRADOC ROAD  
 DRYDALE VIC 3214

**TOWN PLANNING**  
 2012-159 TPO3 D  
 PROPOSED SITE PLAN

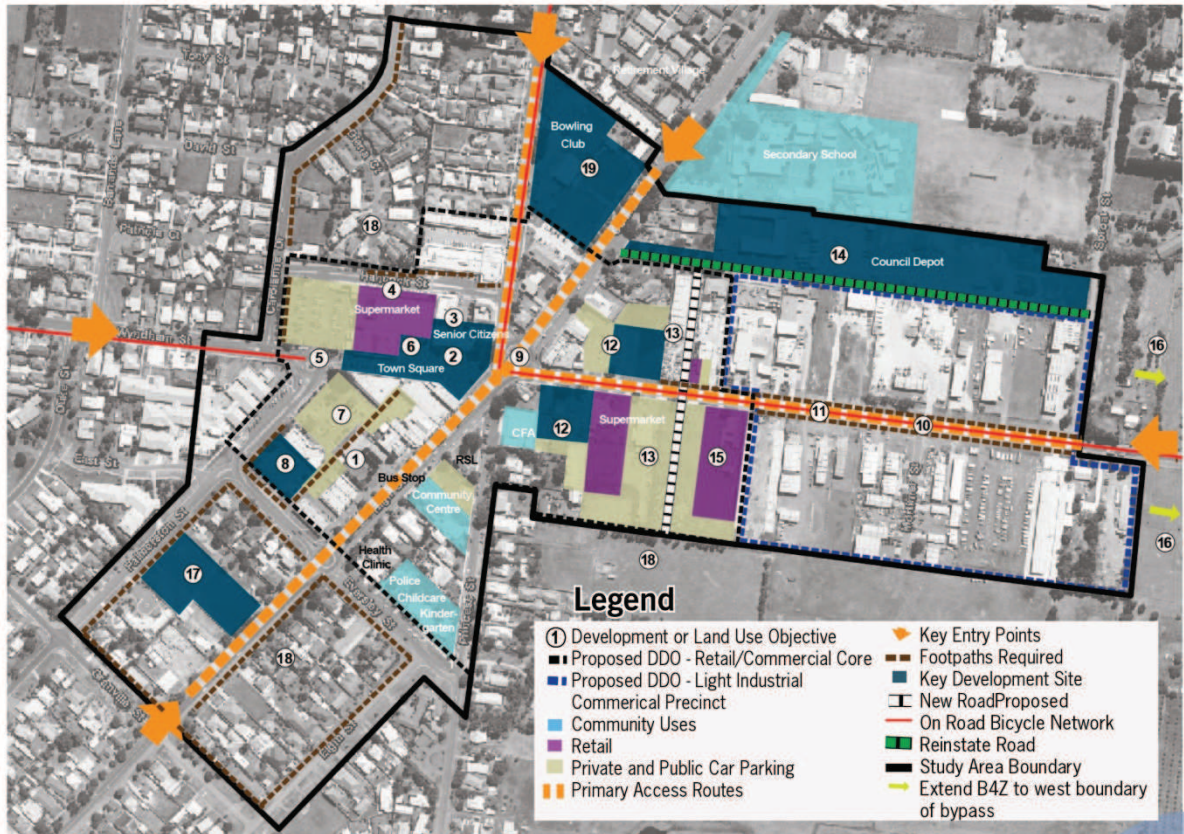
**i2c**  
 i2c CONSULTANTS  
 1/1100 BENTLEY ROAD  
 BENTLEY VIC 3084  
 PH: 03 9497 1100  
 WWW.I2C.COM.AU

**Appendix 5 - Proposed supermarket perspective drawings**





**Appendix 6 - Exhibited Drysdale Urban Design Framework**



# Drysdale

# Urban Design Framework

No.	Objective
1	Maintain the heritage and village characteristics of High Street while allowing an increase in height and built form up to 3 storeys. Encourage more active uses at ground level including shops and cafes with office and residential uses at the first and second levels.
2	Redevelop the town square to become a focal point and meeting place for the town incorporating landscaping, seating, public art, play space and a public event space.
3	Redevelop the Senior Citizens building into a community building that integrates with and opens up to the town square.
4	Redevelop the north façade of the existing supermarket to incorporate shops and offices to activate Hancock Street and replace the blank wall of the supermarket.
5	Reconfigure the western end of Wyndham Street to improve car park access, provide additional parking spaces and provide a public event space.
6	Opportunity for retail expansion with improved access, activity and connection to the town square.
7	Develop a more formal pedestrian link through the car park area located off Palmerston Street.
8	Encourage development that activates street frontages with development up to 3 storeys. Encourage shared car parking and vehicle access opportunities.

9	Replace the round-about with a signalised intersection.
10	Improve the functionality and appearance of the light industrial/commercial precinct along Murradoc Road.
11	Improve the Murradoc Road streetscape with the introduction of a service road and centre median strip that allows for street planting. Prepare a Streetscape Master Plan.
12	Expand the retail core to incorporate the western end of Murradoc Road including the Aldi Supermarket site. Encourage new retail development fronting Murradoc Road including shops and cafes.
13	Encourage the development of a north-south road connection.
14	Investigate the relocation of the Council depot and future redevelopment opportunities.
15	Support the development of large format retail on this site (supermarket).
16	Support the rezoning of land at the eastern end of Murradoc Road adjoining the Drysdale Bypass to a Business 4 Zone
17	Maximise opportunities to deliver community facilities and services while respecting residential interfaces.
18	Encourage the development of medium density housing around the town centre.
19	Discourage the use of the site for a supermarket.

### **Appendix 7 - Best Hooper Solicitors email 20 February 2014**

Dear Sir/Madam,

We act on behalf of Dalgo Pty Ltd and Libnom Pty Ltd which companies are the registered proprietors of the land comprising the Bayview Activity Centre (“the Activity Centre”).

The first stage of this Activity Centre is to comprise of a full line supermarket of 3200m<sup>2</sup> plus, 11 speciality shops comprising approximately 1244m<sup>2</sup>.

Construction of the first stage of the Activity Centre is scheduled to commence in March 2014.

We understand that Council will, at its meeting, most likely to occur, on 8 April 2014, consider a request to seek authorisation for Amendment C297 to the Greater Geelong Planning Scheme (“the Amendment”) and to exhibit the Amendment, assuming that authorisation is granted. As we understand it, the Amendment is required to facilitate the development of a full line Coles Supermarket on land adjoining the existing ALDI Store in Drysdale (“the Coles site”).

We have been provided with documentation in relation to the Amendment, including an economic impact assessment report from MacroPlan Dimasi (“Macro Plan”). We have also been provided with a copy of a report, commissioned by the Council, from Tim Nott, to review the matter generally and to make specific comment on the economic impact assessment of Marco Plan.

Our reading of Mr Nott’s report would support the proposition that Council should not resolve to proceed with the Amendment which our clients oppose. We have set out below a summary of the grounds upon which our clients rely in support of their position.

1. There is no evidence that has been submitted which make the case for the need for a supermarket at the Coles site in the short to medium term. Mr Nott’s assessment confirms that this.
2. Indeed, past analysis on the need of the fourth supermarket in Drysdale (allowing for the supermarket proposed at the Activity Centre) does not identify a need for any such supermarket until sometime after 2024.
3. The economic impact statement that accompanied the rezoning request and application for planning permit is fundamentally flawed as it proceeds on the basis that there will be no supermarket in the Activity Centre for at least 10 years. Accordingly, the economic impact assessment report filed in support of the application cannot be relied upon. Again, Mr Nott’s assessment supports this submission.
4. If a proper analysis were done the economic impact upon other trade area retailers would be at a level which would be deemed to be unacceptable. Again, the unacceptability of the economic impact is confirmed by Mr Nott.
5. Our clients have provided to the Council a preliminary assessment by Mr Ian Schimmin of Urbis, which supports the above submission.
6. A substantial investment has been made by the community in the Jetty Road Growth Area. That significant amount of investment has been predicated on assumptions including that a supermarket would be able to be established within the Activity Centre without the economic impact that would be occasioned if a third supermarket in the Drysdale Township was permitted prematurely. Such decisions have been made on the basis of strategic

planning that has occurred to date and it would be contrary to that strategic planning to allow a fourth supermarket as proposed by Amendment C297 at this stage.

### **Traffic and Connectivity**

7. The UDF provides strong guidance in relation to the future development of the Coles site, including the provision of a new north-south road connection.
8. In the plans submitted with the rezoning request, no such connection has been provided, which, it is submitted, will undermine the outcome sought under the UDF.
9. The north-south road between Murradoc Road and the Central Walk Estate is to provide an appropriate pedestrian and vehicle connectivity for residents within that estate and further to the south.
10. The absence of this road has also resulted in car parking being located primarily to the front of the Coles site, instead of within the site as, it is submitted, is intended by the UDF.
11. The Coles site has poor pedestrian connectivity with the existing Town Centre, and until substantial improvements are made to that connectivity, including the roundabout at the intersection of High and Murradoc Roads, this poor pedestrian connectivity will continue.
12. There is nothing in the application for permit that addresses the issue of connectivity to the existing Town Centre.

### **Car parking**

13. No case has been made for requiring a lesser provision of car parking spaces than the statutory rate of 5 spaces per 100m<sup>2</sup>.

### **Urban Design**

14. The UDF provides strong guidance for the future development of the Coles site, including locating car parking to the side or rear of the development, active frontages and perimeter block development.
15. The layout of the proposed supermarket fails in each of these respects.
16. The introduction of a new north-south road between Murradoc and the Central Walk Estate would at least advance those objectives by allowing the supermarket building to be moved closer to Murradoc Road and provide an active frontage with specialty retail shops and by locating a car park along the western side of the Coles site adjacent to the new road.
17. Our clients' submit that the Council should not be proceeding with the Amendment.

Regards

**John Cicero**

Principal

Sent by:

**Jessica Farrugia**

Legal Secretary

On behalf of **John Cicero**, Principal

**Best Hooper Solicitors**

563 Little Lonsdale Street, Melbourne VIC 3000