

Planning and Environment Act 1987

Panel Report

Greater Geelong Planning Scheme Amendment C324

Planning Permit 1503/2014

8 October 2015

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Panel Report pursuant to Section 25 and Section 96A of the Act

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Trevor McCullough, Chair

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Overview

Details

The Amendment	Greater Geelong Planning Scheme Amendment C324 Planning Permit 1503/2014
Subject Site	Amendment - 357 and 359 Pakington Street, Newtown Planning Permit – 357 Pakington Street, Newtown
The Proponent	Sincock Planning on behalf of Mr Dale Whitford
Planning Authority	City of Greater Geelong
Authorisation	A03058 authorised on 29 April 2015
Exhibition	11 June to 20 July 2015
Submission	Mr Kenneth Smith

Panel Process

The Panel	Trevor McCullough (Chair)
Directions Hearing	A Directions Hearing was not held
Panel Hearing	23 September 2015 in Geelong
Site Inspections	Unaccompanied, 23 September 2015
Appearances	<ul style="list-style-type: none"> City of Greater Geelong represented by Ms Susan Williamson and Ms Emma Thurgood Mr Dale Whitford (Proponent) represented by Ms Toni Sincock of Sincock Planning Mr Kenneth Smith
Date of this Report	88 October 2015

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Executive Summary

(i) Summary

Amendment C324 to the Greater Geelong Planning Scheme proposes to rezone 357 and 359 Pakington Street, Newtown from the General Residential Zone Schedule 1 to the Commercial 1 Zone.

The concurrently exhibited planning permit application 1503/2014 proposes to develop 357 Pakington Street to construct a ground floor office with two dwellings above. The permit provides for a reduction in the car parking requirement for the office component of the development.

The submitter objected to the proposal on the grounds of insufficient car parking being provided with the development and the need for additional public off-street parking in the area.

The Panel has reviewed the submission, along with the traffic and parking report provided by the proponent, and concludes that the proposal meets the decision requirements of Clause 52.06-6 to justify a reduction in the car parking requirement.

The Panel concludes that the Amendment and permit should be supported.

The Panel does have some concerns about the cumulative effect of parking reductions across a number of developments, and concludes that Council should consider preparing a parking plan for the Activity Centre, including consideration of the need for a parking contribution scheme.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that:

- a) **Greater Geelong Planning Scheme Amendment C324 be adopted as exhibited.**
- b) **Planning Permit 1503/2014 be approved as exhibited.**

(iii) Further recommendation

The Panel recommends that Council consider the preparation of a parking plan for the Pakington Street, Newtown Neighbourhood Activity Centre, including consideration of whether a contributions scheme may be appropriate.

1 Introduction

1.1 The subject site

Greater Geelong Planning Scheme Amendment C324 (the Amendment) applies to land shown in Figure 1. The subject land comprises 2 properties: 357 Pakington Street, Newtown (approximately 450m²) and 359 Pakington Street (approximately 376m²). The land is in two different ownerships with 357 Pakington Street used for residential purposes and 359 Pakington Street as a café. Planning permit P145/2014 applies to 357 Pakington Street only.

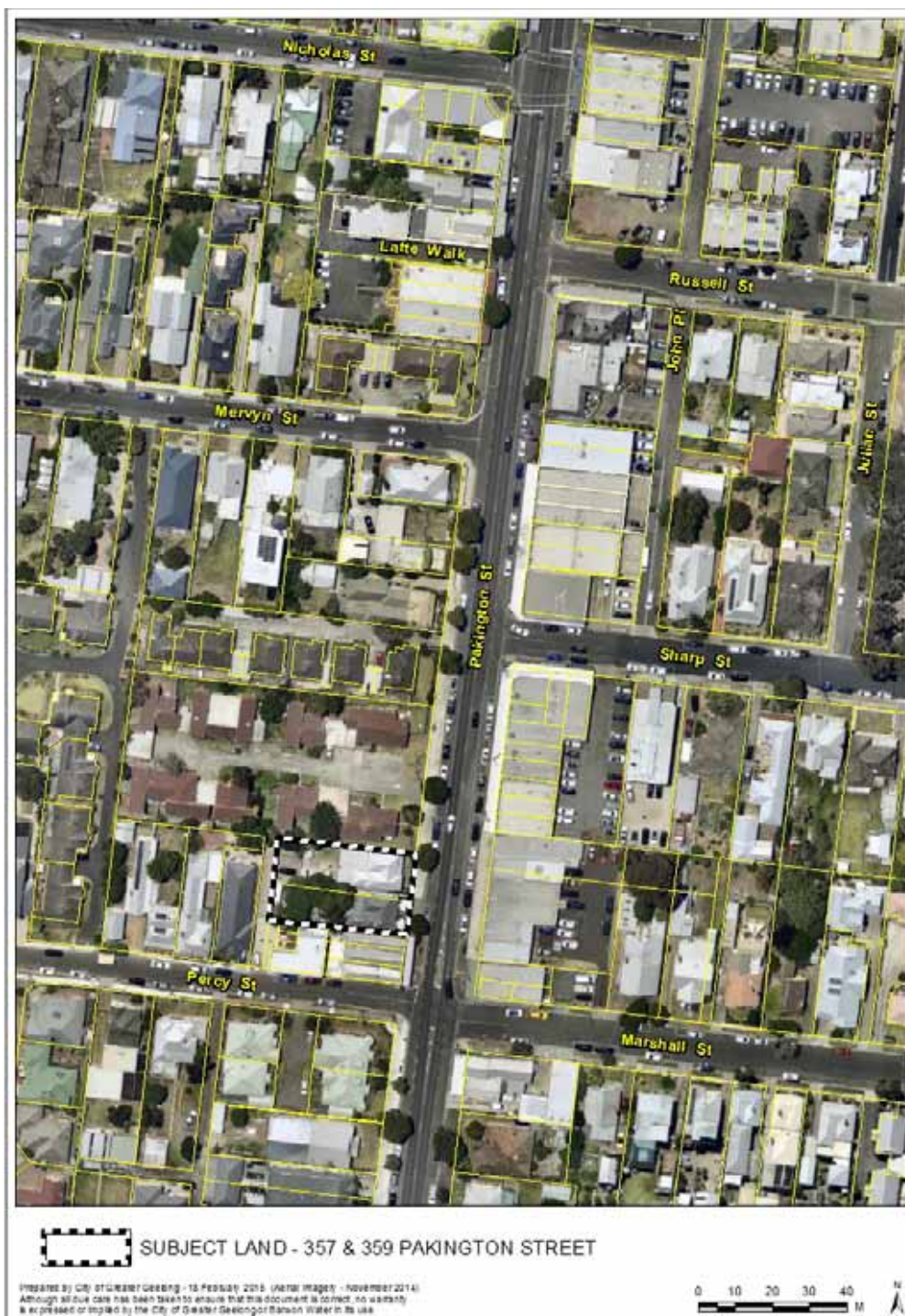


Figure 1 The subject site

1.2 The Amendment

The Amendment proposes to rezone the subject land from the General Residential Zone Schedule 1 to the Commercial 1 Zone.

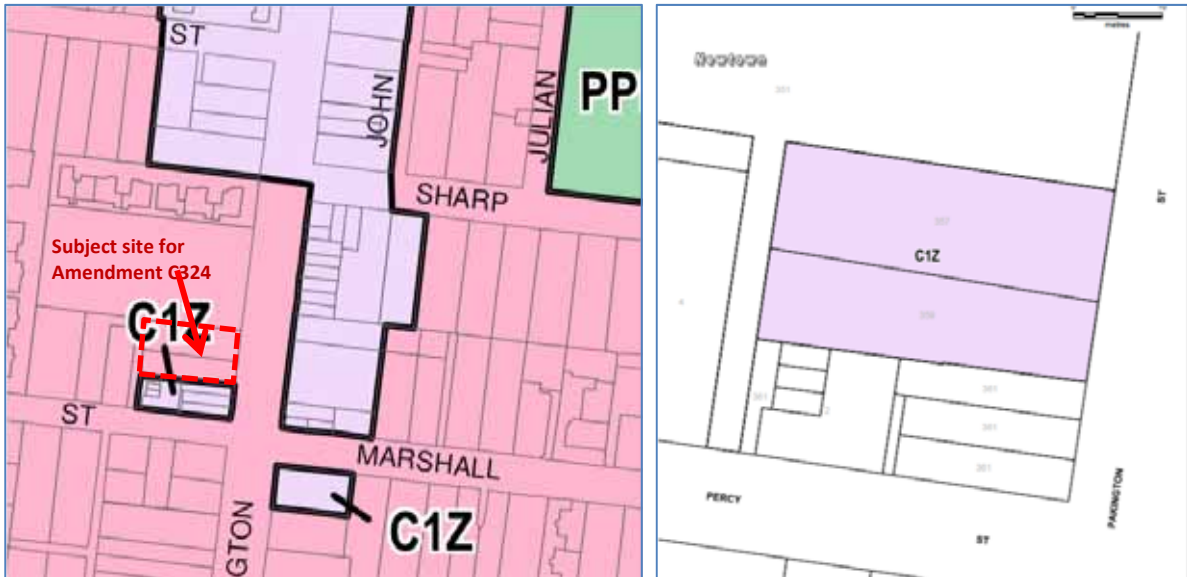


Figure 2 Existing and proposed zone

1.3 Planning permit 1503/2014

It is proposed to develop 357 Pakington Street to construct a ground floor office (223m²) with two dwellings above of 79.5m² and 84.5m². A total of 6 car parking spaces are proposed to the rear of the development as shown in Figure 3, one for each dwelling and four tandem spaces for the office. Access to the car parking spaces is via a rear right of way.



Figure 3 Proposed ground floor plan

The planning permit proposes to allow:

Buildings and works associated with an office and two (2) dwellings, reduction in car parking requirement and subdivision of the land into three (3) lots generally in accordance with the endorsed plans.

1.4 Issues dealt with in this report

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it as well as its observations from a site inspection.

The submitter objected to the proposal on the grounds of insufficient car parking being provided with the development and the need for additional public off-street parking in the area.

This report deals with the issues under the following headings:

- Planning Context
- The Amendment
- Planning Permit 1503/2014.

2 Planning Context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council and the proponent submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11.01 Activity Centres

The Amendment is consistent with this Clause as it facilitates the development of a high-quality office and residential development within the activity centre such that greater variety of land uses are available and accessible to the community.

11.04-2 – Housing choice and affordability

Providing a diversity of housing in locations that cater for different households and are close to jobs and services is the objective of this Clause. In this proposal, this is achieved by increasing, albeit very modestly, the housing supply near services and public transport. It also provides for the consolidation of existing urban land and provides an accommodation use above ground level floor space in an activity centre.

16.01-4 - Housing Diversity

The Amendment is consistent with this Clause as it facilitates the development of a high-quality office and residential development within the activity centre such that greater variety of land uses are available and accessible to the community. This development is providing two dwellings that will provide for a range of housing types to meet increasingly diverse needs in a well serviced location.

Clause 17 Economic Development

The proposal is consistent with this Clause as it provides for a small boutique office use within the existing neighbourhood centre, providing for net community benefit and accessibility to the community.

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

21.06 Settlement and Housing

This Clause builds upon the state policies with objectives to plan for growth, and to provide a range of housing choices for the population. This Amendment and development will implement these through the provision of new dwellings in an established activity centre. Specifically, the objectives of Clause 21.06-3 Urban consolidation are met through the provision of shop-top housing.

Clause 21.07 Economic Development and Employment

Clause 21.07 identifies that there is a need to ensure a mix of commercial uses in activity centres and that the retail hierarchy will be enhanced through high quality urban design and improved pedestrian and public transport accessibility. The Amendment is consistent with this clause, providing for a ground floor office use that is in high demand due to the limited provision of ground floor office space in this centre. The Amendment provides for a small additional commercial floor space that will positively contribute to the range of services within the neighbourhood centre without altering the retail hierarchy or changing the village atmosphere of the centre.

At Clause 21.07-3 Retail, the Scheme also supports accommodation uses above ground level floor space in activity centres subject to appropriate provision of parking and access requirements. This proposal provides the required level of parking on site for two proposed dwellings and can be readily accessed from the rear carriageway.

Clause 22.03 Assessment Criteria for Retail Planning Applications

This 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 Amendment seeks a very minor increase in floor space and therefore does not necessitate an economic impact assessment.

(iii) Other planning strategies or policies used in formulating the Amendment

The *City of Greater Geelong Retail Strategy 2006* identifies Pakington Street, Newtown as a Neighbourhood Activity Centre. The Strategy sets out a vision, objectives, principles and actions to support the development of Activity Centres.

2.2 Planning scheme provisions

(i) Zones

The site is proposed to be rezoned to the Commercial 1 Zone (C1Z). The purposes of the C1Z include:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The schedule to the C1Z does not specify any maximum leasable floor area for the Newtown Activity Centre.

Existing surrounding zones are shown in Figure 2.

(ii) Overlays

No overlays apply to the subject site.

(iii) Particular provisions

Clause 52.06 - Car Parking

Table 1 of clause 52.06 requires that:

- 3.5 car spaces are required for each 100m² of net floor area. The proposed office is a single tenancy and therefore the entire area of the tenancy (223m²) should be used to calculate the required car parking spaces. The required number of spaces for the proposed office is therefore (rounded down to) seven spaces. A permit is sought to reduce this provision to four on-site spaces and this is the main contested issue in the submission from Mr Smith. Clause 52.06-6 sets out the decision guidelines for assessing when a reduction in the number of car spaces might be granted. The appropriateness of the proposed reduction is discussed in Chapter 4.
- one car space is required for each one or two bedroom dwelling. The proposal complies with this requirement.

Clause 52.05 – Advertising Signs

A business identification sign is proposed as part of the development. Clause 52.05 specifies that a permit is not required provided the total sign area does not exceed 8m².

Clause 55 – Two or more dwellings on a lot

The proposal has been assessed for compliance with this clause.

2.3 Ministerial Directions and Practice Notes

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

This Amendment meets the requirements of Ministerial Direction 11: *Strategic Assessment of Amendments* and Planning Practice Note 46 *Strategic Assessment Guidelines*.

Planning Practice Note 22 *Using the car parking provisions* is also relevant to the assessment of the planning permit application.

2.4 Discussion

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is well founded and is strategically justified subject to addressing the more specific issues discussed in the following chapters.

3 The Amendment

3.1 The issue

Is the proposed rezoning appropriate?

3.2 Submissions

No submissions were received opposing the rezoning of the site from the General Residential Zone (GRZ) to the Commercial 1 Zone (C1Z).

Council submitted that the rezoning of this area forms a logical infill location to the Neighbourhood Shopping Centre. Council submitted that the proposed Amendment and draft planning permit is consistent with State and Local Planning Policies.

The Proponent relied on the planning assessment carried out by Sincock Planning which concluded as follows¹:

The combined application for Planning Scheme Amendment and Planning Permit will facilitate a natural extension to the Commercial 1 Zone and the Chillwell shopping strip in a manner that provides for an effective infill proposal within the current boundaries of the Neighbourhood Shopping Centre.

The small scale of the commercial development does not compete with the existing commercial activity, but rather provides an opportunity for a small office use at ground floor level, a floor space offering that is lacking within the existing centre.

...

The proposal does not result in the loss of residential uses, with two new dwellings proposed to replace the existing dwelling, therefore maintain supply of accommodation in the area.

3.3 Discussion

The Panel agrees that the proposed rezoning is a natural extension of the commercially zoned neighbourhood shopping centre. The site has main street frontage, is within the Pakington Street Neighbourhood Activity Centre boundaries, and the uses proposed, are compatible with surrounding land uses.

3.4 Recommendation

The Panel recommends that Amendment C324 to the Greater Geelong Planning Scheme be adopted as exhibited.

¹ Planning report prepared by Sincock Planning page 49

4 Planning Permit 1503/2014

4.1 The issue

Should the permit be approved and, if so, are the proposed permit conditions appropriate?

4.2 Response to submissions

(i) Submissions

Mr Smith submitted that the reduction on car spaces should not be approved. He submitted that a reduction is contrary to need for additional parking to support the businesses in the area.

Mr Smith submitted that his own informal surveys of available car parking revealed a consistent shortage of spaces. His feedback from customers is that they frequently struggle to find a car park close to his shop (near the corner of Pakington Street and Sharp Street). He submitted that Council should be acquiring suitable properties in the area to provide off street parking.

Mr Smith also raised concerns about the usage of existing private car parking behind the shops on the east side of Pakington Street. These issues are not related to the Amendment.

Council made the following comment on the availability of parking in the area²:

There has only been a minimal response to the exhibition of this combined amendment and planning permit with only the one submission received. No other businesses have raised concerns about the lack of parking in the area. The parking survey undertaken by Cardno Consultants for the applicant revealed that within 300 metres of the subject land that on all occasions there were a minimum of 77 spaces. The survey also revealed that on a Thursday a minimum of 7 long term spaces were available within Percy Street whilst there were 9 on a Saturday.

Council provided the following response to the question of reducing the parking requirement³:

The proposal will provide 2 on-site parking spaces for the apartments and 4 on-site spaces for the office (6 in total). The development is seeking a reduction of provision of 3 spaces for the office use. With the reclamation of one on-street parking space in lieu of the current vehicle cross-over to Pakington Street, the deficit is effectively only two parking spaces. As the site is only 450m² it is impossible to provide all car parking spaces on-site without affecting the design outcome or street presentation of the development.

Council's Traffic Engineering and Statutory Planning officers assessed the permit application seeking the partial reduction in the on-site car parking and determined that the supply of spaces in the area, combined with the proposed provision on-site was an acceptable parking outcome.

The proposal will provide bicycle parking in the front of the building and is along a public transport route. Due to the location of the on-site parking at the rear of the site and accessibility off a small carriageway, the spaces will be available for staff use rather than for visitors. Availability of on-street spaces is therefore most critical in servicing the needs of visitors. It might be the case that a parking spot is not always available right out

² Council Part A panel submission

³ Council Part B panel submission

the front of a shop/business, but as the parking survey has shown, there is availability of on-street spaces in the vicinity of the site.

In relation to the provision of further off street parking, Council submitted that it does not have a parking policy, parking precinct plan or parking overlay applicable to this neighbourhood activity centre. Council, however, did note that some car parking had previously been developed in the 1980's by Geelong West City Council through special rate schemes and a cash-in-lieu scheme.

Ms Williamson informed the Panel that there is a budget allocation for Council's Planning Strategy Unit to undertake strategic work around existing urban Geelong centres and any resulting Urban Design Frameworks may direct parking strategies to be prepared. It is too early to advise on whether the Pakington Street Newtown Centre will be included.

Ms Sincock, on behalf of the Proponent, submitted that the appropriate mechanism for Council to implement additional off street car parking would be to apply a parking overlay and 'cash in lieu' contribution scheme, and that this should be based on a parking precinct plan for the area. She noted that Council has not prepared parking precinct plans or parking overlays for any areas in Geelong.

In relation to the proposed reduction in car parking on site, Ms Sincock noted that no other commercial operators have raised concerns with the request to reduce parking, nor did they raise concern at the time Amendment C204 was sought which rezoned land at 339 & 343-347 Pakington Street Newtown and sought a reduction of 31 car parking spaces. Ms Sincock submitted that, in the context of Amendment C204, the waiving of 2 car spaces is inconsequential.

Ms Sincock referred to the Traffic and Parking Report prepared by Cardno⁴:

Cardno provided a traffic and parking assessment to accompany the application, and considered, amongst other things, the existing level of car parking occupancy within the general vicinity of the site. Surveys were undertaken on Thursday 15th May 2014 between 9am and 7pm, and Saturday 17th May 2014 between 9am and 1pm. A standard 300m area around the site was surveyed and this area included a mix of short term and unrestricted parking, with a total of 274 car spaces within the survey area. Of these spaces, 83 were short term spaces and 191 were long term spaces.

The survey indicated that the peak parking demand on the Thursday was 197 spaces at 1pm, representing a 72% occupancy. Of the 77 vacant spaces, 9 were short term spaces and 68 long term spaces, but of particular interest is that 7 long term and 1 short term space were available in Percy Street, between Pakington Street and Hamlan Place.

On the Saturday, the peak parking demand was 178 spaces at 12pm, being a 65% occupancy rate. Of the 96 spaces available, 21 were short term and 75 were long term, but again of particular interest was that 12 spaces were available on Percy Street between Pakington Street and Hamlan Place (3 short term and 9 long term).

Cardno noted that the provision of four spaces on site for the office component would generate a demand for 3 spaces off-site, with data indicating the peak office demand is 90% staff and 10% visitor parking. The peak parking demand for this proposal is 7 spaces being 6 staff and 1 visitor. Given the available short and long term parking within the vicinity of the site, and the additional on-street parking space resulting from the removal of a crossover, the off-site office parking demand of 2 staff spaces and 1 visitor space can easily be accommodated on-street.

⁴ Proponent Hearing submission paras 12 to 15

Ms Sincock submitted that the provision of additional on-site car parking is not feasible for the following reasons⁵:

The site has a width of 11.81m, and it is not feasible or physically possible to provide any additional car parking on site without severely impacting the design concept. Additional parking at the rear, behind the existing office spaces would also be very inefficient given the constraints of the site.

The entire parking requirement (with the exception of the additional on street car space proposed) could be provided on site with the deletion of the two dwellings. This however would be unviable for the developer and would be inconsistent with the policy thrust of the planning scheme which encourages development at a higher density, along with a greater mix of activity. It would also be inconsistent with the approach taken by the City of Greater Geelong to waive parking where it is not able to be provided by efficient and feasible means, and where it can be provided on-street within existing available parking spaces.

Finally, Ms Sincock submitted that *'it is a well-accepted principle that it is unreasonable to require every building in a shopping strip to provide parking for its own need within its title boundaries.'* She cited several VCAT cases supporting this contention.

(ii) Discussion

The Panel accepts the conclusions of the report by Cardno which suggests that there is sufficient available parking in the area. The Panel notes that the Cardno work is based on limited surveys and accepts Mr Smith's submission that there probably is a shortage of parking at certain times. On the Panel's own site inspections, a substantial number of cars were observed parked for some distance down side streets such as Percy and Sharp Streets.

The Panel nevertheless accepts that reasonable parking capacity exists and Council can appropriately exercise its discretion to reduce the car parking requirement in this case. The Panel accepts that this is common practice and consistent with a 'centre based approach' to most efficiently providing parking.

The Proponent has completed a Car Parking Demand Assessment as required under Clause 52.06-6. Council has appropriately balanced this assessment with other decision criteria set out in Clause 52.06-6, including⁶:

- The availability of alternative car parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared car parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non residential zones.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Access to or provision of alternative transport modes to and from the land.

⁵ Proponent Hearing submission paras 17 to 18

⁶ Extract of VPP Clause 52.06-6

The Panel accepts the practical difficulties of providing additional car spaces on site and the impact that this would have on the viability of the development. The Panel does not believe that the proposed development will have a substantial adverse affect on on-street parking in the surrounding streets.

The Panel does share some of Mr Smith's concerns about the cumulative effect of car parking reductions over a number of developments. The Panel believes that Council would benefit from having a parking plan in place for this activity centre. The development of a parking plan could more thoroughly review parking supply and demand, review the appropriateness of applying different rates of parking, and review whether a contributions scheme might be appropriate. A parking plan, and any subsequent parking overlay, would provide greater certainty for prospective developers as well as protect the viability of existing businesses.

(iii) Conclusion

The Panel concludes that:

- The proposed reduction of car parking spaces is supported in this instance.
- Council should consider the preparation of a parking plan for the Pakington Street, Newtown Neighbourhood Activity Centre, including consideration of whether a contributions scheme may be appropriate.

4.3 Proposed permit conditions

The Panel has reviewed the planning assessment provided by the Proponent, in particular the assessment against Clause 55, and reviewed the planning permit conditions proposed.

The Panel accepts Council's advice that the proposed development has a high level of compliance with the requirements of the planning scheme.

The Panel raised a concern about the existing window on the north wall of the café to the south of the proposed development. Ms Sincock advised that the window is to be removed and replaced with a skylight to overcome this problem.

Council provided the Panel with an explanation of each of the proposed permit conditions. The Panel is satisfied that the conditions are appropriate and should be supported.

4.4 Recommendation

The Panel recommends that Planning Permit 1503/2014 be approved as exhibited.