



**GREATER GEELONG PLANNING SCHEME
AMENDMENT C321 & PLANNING PERMIT 1234/2014**

**REZONING TO THE MUZ & ACCOMMODATION/
RETAIL COMPLEX 30-42 GEELONG ROAD,
PORTARLINGTON**

Closing Submission to the Independent Panel

Panel: David Merrett (Chair), Peter Edwards

Date: Friday 17 June 2016

Presented by: Peter Schembri, Senior Strategic Planner &
Roger Munn, Acting Statutory Planning Team Leader
on behalf of the City of Greater Geelong

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1 Introduction

These are Council's closing submissions to Amendment C321 and concurrent Planning Permit No. 1234/2014.

They respond to the submissions and evidence put by others under the following headings:

- Mr Sam Casa
- Mr Gray Barton

This submission also responds to clarifications sought by the Panel during the course of the Hearing.

Council continues to rely on its Part A and B Submissions and verbal and visual submissions at the Hearing.

2 Mr Sam Casa

What is the issue?

The submissions of Mr King on behalf of his client, Mr Sam Casa of 28 Geelong Road, Portarlington state that;

- The amendment should be abandoned
- The amendment is without strategic justification
- There is no net community benefit
- The rezoning and proposed development will have a significant detrimental impact on the amenity of the area and nearby residents
- The development is an overdevelopment of the site

Council in reply

Council considers the submissions of Mr King are overstated and in many cases misleading.

Council is very clear about what the permit will allow; being *'use and development of land for accommodation (apartment dwellings) and retail premises'*.

Council equally supports accommodation uses for permanent residency and short term tourist serviced apartments. The Mixed Use Zone encourages housing at higher densities and commercial uses that complement the area.

Council maintains that Portarlington needs to consolidate, diversify and play to its competitive strengths.

Council views the subject land as an urban renewal site and redevelopment opportunity within the Portarlington Settlement Boundary

Concerns about retail impacts of the rezoning fail to understand that impacts are potentially greater under the Commercial 2 Zone. An ALDI could be constructed in the current zone with no assessment of retail impacts on the Town Centre.

New and necessary public access to reserves through private land, at no cost to Council, are rare opportunities and should be pursued at all costs. It is better to secure the land in the first instance and allow Council to plan for improvements in the future.

Should the permit be granted, Council will seek legal advice (and most likely draft the agreement) to ensure public access is available at all times.

Mr King questions the status of the Adopted 2016 Portarlington Structure Plan and whether it will even receive Ministerial Authorisation. This is folly, and the Amendment C352 will be exhibited in early August 2016. It will include identifying the subject land as 'rezone to MUZ'. Council notes that this amendment received Authorisation.

Assertions about the status of the GG&B Tourism Development Plan 2016, are responded by Roger Grant, Tourism Manager City of Greater Geelong & Executive Director Tourism Greater Geelong and The Bellarine Inc:

The Development Plan was supported (and part funded) by State Government (Regional Development Victoria) .

Further to this the Plan has been accepted and endorsed by the Board of Tourism Greater Geelong and The Bellarine Inc in its capacity as the recognised and State funded Regional Tourism Board .

It should be noted that State Government (Regional Development Victoria and Tourism Victoria) consider the Plan and recommendations in the plan when considering the merit of projects seeking State funding support .

The Tourism Development Plan has been presented to both G21 and Regional Development Australia and is considered as the most relevant guiding document to direct and prioritise tourism related infrastructure in Greater Geelong and The Bellarine region.

Extensive review of the VCAT decision of 1 Newcombe St failed to refer to Member Fong's conclusion at paragraph 41 "*Without an in-depth design analysis, I am not prepared to accept that the height, scale and massing of the proposed four storey building as befitting its context of Portarlington*". Council has prepared an in-depth design analysis which shows the proposed development sits comfortably within its context.

The amended plans presented at the hearing (though acknowledged not considered), demonstrate how simply the functionality, height and amenity impacts can be improved.

Council reminds the Panel that the owners/operators of Jenkins Fish Shop did not object to the amendment.

The development opportunity identified for the land at 24-32 Newcombe Street, remains a development opportunity. There is nothing in this amendment or development proposal to restrict redevelopment of that site.

Supporting submissions from Lyndsay Sharp and the PBDA should be given significant weight. These are organisations that have invested in the region and understand the challenges and opportunities of the tourism sector.

There has been no expert traffic engineering evidence presented claiming the proposed rezoning and development will have adverse impacts on road safety and operational efficiency. Likewise there is ample on-street car parking availability.

Evidence of Mr Clarke

In response to Mr Clarke's comments that Council has failed to justify how objectives of Clause 55 have been met where relevant standards have not, Council notes the Appendix 1 of its Part A Submission provides the relevant justification.

In response to Mr Clarke's comments about screening to prevent unreasonable overlooking, and the potential for such screening to compromise the internal amenity of the proposed apartments, we submit:

- There are options available to the proponent which will not significantly diminish internal amenity and may actually increase the visual interest to the building and break up the built form.
- Such options might include horizontal screens projecting from the balconies to prevent overlooking into Mr Casa's property.

Mr Clarke has acknowledged that there will be numerous benefits from the proposal.

Mr Clarke has acknowledged that the Mixed Use zone is an inherently better zone than the Commercial 2 Zone at this location.

Mr Clarke has acknowledged that the subject land is a 'Development opportunity', but seems to suggest that this should only encompass development opportunities allowable in the C2Z.

By supporting the retention of the C2Z which was first established in 1975, and not supporting the Mixed Use Zone, Mr Clarke seems to prefer to allow this urban renewal site to languish until at least 2031. This flies in the face of the Objectives of Planning in Victoria which seek to 'facilitate development'.

Mr Clarke has acknowledged that retail uses are prohibited in the General Residential Zone and the Residential Growth Zone.

In his verbal evidence, Mr Clarke stated that 'redevelopment can occur in any area' and noted that dwellings can be constructed to 9 metres (10m with slope) in the General Residential Zone Schedule 2. At this height, 3 storey dwellings are possible.

The Evidence has not considered the Victorian Coastal Strategy, the Bellarine Peninsula Localised Planning Statement, The GG&B Tourism Development Plan, and only very briefly referred to the Geelong G21 Regional Growth Plan.

Mr Clarke does not consider the Accommodation to be a Residential hotel nor does he have concerns with the dwellings being used as serviced apartments or for permanent residency.

3 Mr Gray Barton

Mr Barton's submissions mirror the submission made at the time of exhibition of the amendment.

Council in reply

Council relies on earlier responses to Mr Barton's submissions.

Council considers that it stands to reason that the introduction of the Mixed Use Zone – which allows residential uses – will significantly improve the general amenity of the area over time.

Council has presented evidence that Mr Barton will retain substantive views if the building is constructed.

4 Matters raised by the Panel

The following responses are made to clarifications sought by the Panel.

Car parking

Council accepts Ms Wright's position that the 'Food and Drink Premises' rate of 4 spaces per 100sqm of leasable floor area should be applied to the cafés.

It should be noted that the leasable floor area for the ground floor café is not clear due to the *outdoor café seating* area not being clearly delineated. The following calculations do not consider the *outdoor café seating* area.

Basement café: $85 + 28$ (BOH) = 113m^2

Ground floor café: $96 + 40$ (BOH) = 136m^2

Total café leasable floor area = 249m^2

Land use	Number	Parking rate	Parking spaces
1 & 2 bed dwellings	55	1 per dwelling	55
Residential visitors		1 per 5 dwellings	11
Retail/commercial	255sqm	4 per 100sqm GFA	10
Café	249sqm	4 per 100sqm LFA	9
TOTAL REQUIRED			85

Car parking requirement of 85 car spaces. With 57 spaces proposed, **a reduction in parking of 28 spaces is proposed.**

In response to Mr Clarke's evidence, Council has not considered car parking associated with the Reception/Arrival area as this space is considered ancillary to the use of the apartments.

Traffic

VicRoads provided responses to both the rezoning and the permit application. In both responses VicRoads did not object.

Following the Panel's query about traffic movements should the balance of the future MUZ be redeveloped in a similar way to 30-32 Geelong Road, the opinion of Council's Traffic Engineering Unit has been sought.

In response to the Panel's query, we advise:

- One way of addressing a future increase in the number of traffic movements in and out of the MUZ could be to increase the length of the right turn lane that VicRoads has required for PP1234/2014. Other preferred alternatives may be possible.
- An increase in the length of the right turn lane would likely require alterations to the intersection with Lincoln Drive. There appears to be adequate road reserve available to accommodate such alterations.
- The consent of both Council and VicRoads would be required for the alterations to the Lincoln Drive intersection.

5 Conclusion

These are the closing submissions to the Panel.