

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 17 November 2015

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, Climate Change)
Cr. J. Farrell (<i>Beangala</i>)	(Community Safety, Youth, Women in Community Life, Finance)
Cr. K. Fisher (<i>Corio</i>)	(Community Development, Tourism)
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. R. Macdonald (<i>Cheetham</i>)	(Major Projects, Knowledge Economy & Education, Veteran Affairs)
Cr. P. Murrhly (<i>Kildare</i>)	
Cr. R. Nelson (<i>Deakin</i>)	(Major Events)
Cr. A. Richards (<i>Buckley</i>)	(Environment & Sustainability, Transport, Arts & Culture, Climate Change)

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3. AMENDMENT C321 & PERMIT 1234/2014 - PROPOSED REZONING AND ACCOMMODATION/RETAIL COMPLEX, GEELONG RD PORTARLINGTON

Portfolio:	Planning - Cr Heagney
Source	Planning and Tourism - Strategic Implementation
General Manager:	Peter Bettess
Index Reference	Council Reports 2015 Amendment C321 & Permit 1234/2014

Purpose

This report seeks Council approval to exhibit a planning scheme amendment concurrent with a permit to facilitate the development of a multi-storey accommodation and retail complex on Geelong Road, Portarlington.

Summary

- A Planning Scheme Amendment request and Planning Permit Application has been made by St Quentin Consulting on behalf of the proponent, Grabble Pty Ltd.
- The Amendment proposes to rezone 30-42 Geelong Road, Portarlington, from the Commercial 2 Zone to the Mixed Use Zone. The proponent is the owner of 30 and 32 Geelong Road.
- The Amendment will also apply the Environmental Audit Overlay to all the land being rezoned.
- The permit application (1234/2014) applies to 30 and 32 Geelong Road, and seeks to allow the development and use of the land for a multi storey accommodation and retail complex together with other permit requirements.
- The proposed building will be 4 storeys containing 55 one and two bedroom dwellings, ground floor retail premises and a basement car park. Each apartment will be made available for either short-term accommodation (through a serviced apartment model) or for long term occupancy by owners.
- This accommodation use is prohibited in the Commercial 2 Zone hence the need to rezone the land.
- The Mixed Use Zone is considered to be the appropriate zone for the proposed use while not restricting the operations of the existing commercial premises in the precinct.
- Given the existing role and function of this commercial precinct, the proposed Mixed Use Zone and development will not adversely impact on nearby residents. While the accommodation complex represents a new built form feature for Portarlington, it is of high quality, architecturally appealing and complementary to its coastal setting and prominent town entry location.
- The proposal is considered to be consistent with State and Local planning policies and directly supports the local tourism industry by providing quality short term accommodation. The Portarlington map at Clause 21.14-5 of the Greater Geelong Planning Scheme will also be changed to reflect the removal of the commercial zone.
- It is recommended that the Amendment and Permit be placed on public exhibition to allow local residents and the business community an opportunity to make submissions.

Cr Heagney moved, Cr Ellis seconded -

That Council resolves to:

- 1) Support the preparation and exhibition of Amendment C321 to the Greater Geelong Planning Scheme to:**
 - a) Rezone the land at 30, 32, 34, 36-38, 40 and 42 Geelong Road, Portarlington, from the Commercial 2 Zone to the Mixed Use Zone;**
 - b) Apply the Environmental Audit Overlay to the land being rezoned; and**
 - c) Replace the Portarlington Structure Plan map at Clause 21.14-5 with a new map that removes the notation 'retain Business 4 Zone'.**
- 2) Consider the application for a planning permit for a multi storey accommodation complex on the land at 30-32 Geelong Road, Portarlington, concurrently with the preparation of the Amendment in accordance with the *Planning and Environment Act*, and that draft Planning Permit 1234/2014 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 C321 and Planning Permit 1234/2014.**
- 4) Send the authorisation request immediately following this resolution, and subject to receiving authorisation, exhibit the Amendment and Permit thereafter, including over the summer holiday season.**

Carried.

Background

On 25 September 2014 a request from St Quentin Consulting for a combined Planning Scheme Amendment and Permit Application under Section 96A of the *Planning and Environment Act 1987* was received by Council. The request was made on behalf of the proponent, Grabble Pty Ltd, owner of the land at 30, 32 and 34 Geelong Road, Portarlington.

The application seeks to rezone the land at 30, 32, 34, 36-38, 40 and 42 Geelong Road, Portarlington, from the Commercial 2 Zone to the Mixed Use Zone. The Amendment also proposes to apply the Environmental Audit Overlay to all the land being rezoned.

The Portarlington Structure Plan map at Clause 21.14-5 of the Greater Geelong Planning Scheme will be changed as part of Amendment C321 to reflect the removal of this commercial zone. The proposed new map is shown at **Appendix 1** with the notation: "*retain Business 4 Zone*" redlined.

This commercial precinct is developed with buildings used for seafood retail, recycled clothing and furniture, automotive and marine repairs, blinds sales, as well as some vacancies. The precinct is surrounded by residential land other than to the north where the Portarlington Recreation Reserve is located. The precinct gains access from Geelong Road, the primary road into Portarlington.

An aerial map of the area is shown at **Appendix 2** and a current zoning map is shown at **Appendix 3**. The proposed rezoning and overlay maps are shown at **Appendix 4** and **5** respectively.

Concurrent with the Amendment the request seeks a planning permit (1234/2014) to construct a multi storey accommodation and retail complex on 30 and 32 Geelong Road. More specifically, the proponent seeks approval for:

Development and use of land for Accommodation and Retail premises, subdivision, reduction of car parking requirements, display of advertising signs, waiver requirement for loading and unloading of vehicles, waiver requirement for provision of bicycle facilities and creation of access to a road in a Road Zone, Category 1.

The proponent has advised that the 55 apartments will be made available for either short-term accommodation (through a serviced apartment model) or for longer term occupancy by owners.

The building is of contemporary design as shown on the plans at **Appendix 6** and **7**. Access to the complex will be from Geelong Road via a ramp to the basement car park with 57 spaces. The ground floor level includes a lobby, café and retail/office space, as well as 4 apartments. A public walkway along the western edge will activate the shops and provide thru access to the Portarlington Recreation Reserve.

The first, second and third floors will consist of a combination 1 and 2 bedroom apartments and there is a proposed roof top garden. Floor plans are shown at **Appendix 8**. Materials and finishes will comprise of timber and stone cladding, cement render and performance glazing.

The application lodged in September 2014 followed a number of meetings between Council officers and the proponent's architect. Officers also advised that the preferred zone would be the Mixed use Zone and that this zone should be applied to all the properties zoned Commercial 2.

The rezoning request and permit application was supported by a planning report (St Quentin) and architectural plans (Architecton Pty Ltd). Following internal review by Council engineers, the proposed basement plan was redesigned in conjunction with the submission of a Traffic Impact Assessment by Civil and Traffic Consulting Pty Ltd.

All landowners and occupiers in the commercial precinct to which this rezoning amendment applies have been informed of the proposal.

Discussion

Strategic planning merits

The Commercial 2 Zone precinct on Geelong Road is identified in both the Portarlington Structure Plan 2007 and the Greater Geelong Planning Scheme as '*retain Business 4 Zone*'. The Structure Plan says this precinct should be retained to cater for smaller scale local service businesses related to fishing/aquaculture, local produce, tourism and wineries.

More generally, Council's strategies seek to support a mix of retail, commercial and community uses in the Portarlington Town Centre and to encourage development which respects the coastal landscape setting. For the Bellarine as a whole, policy seeks to protect rural and coastal environments from inappropriate urban encroachment and direct development to locations within existing township boundaries.

Since the preparation and adoption of the 2007 Portarlington Structure Plan, changes to State Planning Policy have resulted in the Business 4 Zone being replaced by the Commercial 2 Zone. The Commercial 2 Zone now allows a greater range of uses including shops and small scale supermarkets, but still prohibits accommodation (other than a motel and residential hotel).

Council has been presented with an innovative and attractive proposal for a multi storey accommodation and retail complex at 30-32 Geelong Road.

In order to support the proposal it is considered appropriate to transition the whole commercial precinct to the Mixed Use Zone. This zone will allow for existing uses to continue and provide for new uses such as the one proposed.

The precinct is ideally located to take advantage of views to the bay; access to the municipal reserve, foreshore and caravan parks; proximity to the Town Centre; and prominent position on Geelong Road. The proposed Mixed Use Zone and development supports the local tourism and business community by providing quality short term accommodation and retail/office opportunities which the northern Bellarine lacks.

The proposal therefore directly supports the diversification of the regions economy and builds on the competitive strength of the Bellarine as a tourist destination. This is a key objective of the G21 Regional Growth Plan.

The loss of Commercial 2 zoned land in Portarlington is offset by opportunities for businesses to establish in the Industrial 1 Zone on Tower Road or the newly expanded Commercial 2 precinct on Murradoc Road in Drysdale. The use of the Mixed Use Zone (and not the Commercial 1 Zone) will also ensure that the Portarlington Town Centre retains its role and function as the primary retail centre in the town.

Critically, the rezoning and development are located within the existing urban settlement boundary of Portarlington meaning no encroachment into the rural and coastal environment. Further still, the investment will assist in the renewal and uplift of this precinct and provide valuable short and long term job opportunities.

The Portarlington Structure Plan makes reference to supporting the local seafood industry. Seafood processing is prohibited in the proposed Mixed Use Zone however there is no seafood processing currently in operation in the precinct. Seafood processing is allowed in the surrounding Farming Zone, where businesses such as Sea Bounty P/L, Advance Mussel Supply and Jade Tiger Abalone P/L are established.

Built form and design

As noted above, there were several discussions between the proponent's architect and Council officers prior to the lodging of the application in September 2014. The design of the basement car park has been further revised post-lodgement.

The proposed building is a departure from the traditional housing and commercial stock located along Geelong Road and the town more generally. However it is considered to be of high quality and visually appealing. Council's Urban Design Unit consider the architectural massing offers articulation and interest with a mix of timber, glass, masonry and textured concrete finishes.

There are no planning overlays on the development site though the surrounding residentially zoned land is covered by the Design and Development Overlay Schedule 14. The objective of this control is to ensure that the siting, height and visual bulk of dwellings achieve a reasonable sharing of views.

The properties most affected by views would be 27, 29 and 31 Geelong Road. However all these dwellings are single storey and, while at an elevated level to the subject site, do not command views out to the bay. It is important to note that large commercial buildings such as warehouses can be constructed in the Commercial 2 Zone with little regard to impact on views.

The application includes an assessment against the requirements of Clause 55 of the Greater Geelong Planning Scheme (ResCode) and is found to be compliant. The neighbouring residential property at 28 Geelong Road will not be adversely impacted by overshadowing or overlooking.

The proposed design incorporates the following features which are supported:

- Four storeys plus a rooftop garden.
- 55 one and two bedroom dwellings made available for either short-term accommodation (through a serviced apartment model) or for longer term occupancy by owners.
- A basement car park with 57 spaces, areas for storage and waste, and access via a ramp to Geelong Portarlington Road.
- A recessed and activated ground floor level containing a lobby, café and specialty shops/office opportunities.
- A dedicated north-south path along the western edge of the building to provide convenient public pedestrian access from Geelong Road, through the site, to the Portarlington Recreation Reserve.
- Contemporary external materials such as timber and stone cladding, cement render and performance glazing.

The Traffic Impact Assessment finds that traffic generation from the new development will have minimal impact on the performance and safety of the road network. VicRoads, as the Responsible Authority for Geelong Road, does not object to the rezoning or application subject to permit conditions.

The accommodation and retail complex will require a waiver of 37 car parking spaces. The planned 57 basement spaces will satisfy residential demand and it is considered the retail and café component can be provided by the available nearby on-street parking opportunities. The assessment also recommends that bicycle storage facilities be provided within the development for residents and shop employees and customers.

The draft Planning Permit to be prepared for exhibition will include conditions relating to built form, drainage, lighting, vehicle access and car parking, loading, signage, bicycle facilities and public access.

Potentially contaminated land

In preparing an amendment the Planning Authority is required, pursuant to Ministerial Direction No. 1, to satisfy itself that the environmental conditions are or will be suitable for allowable uses. In this case, the proposed new Mixed Use Zone allows 'sensitive uses' such as residential accommodation and child care uses.

Review of the zoning history of the precinct shows that it was first zoned Service Business, before changing to the Business 4 Zone and now the Commercial 2 Zone. These zones provide for appropriate manufacturing and industries. Past and present uses include panel beating, metal works, fencing supplies, auto marine services, printing, mussel washing and a plant nursery.

The adjoining land at 44-46 Geelong Road, which was rezoned from the Business 4 Zone to the Residential 1 Zone in 2002, also applied an Environmental Audit Overlay. The land was previously used as a hardware store. A Statement of Environmental Audit was prepared prior to development of the site for dwellings.

It is considered appropriate to apply the EAO to all the properties being rezoned.

Environmental Implications

The land proposed to be redeveloped at 30-32 Geelong Road contains existing buildings and paved areas and has no environmental values.

However the municipal and conservation reserves located to the north of the development site are environmentally diverse and contain native aquatic vegetation and a large frog population. Conditions have been drafted for inclusion on the permit to ensure appropriate capture and treatment of stormwater runoff from the site.

Financial Implications

No impact to budget.

Policy/Legal/Statutory Implications

Zone provisions

The Mixed Use Zone is considered to be the most appropriate Victorian Planning Provision zone for the site and proposed development. The existing Commercial 2 Zone prohibits the use of the land for Accommodation as sought in this proposal.

The purpose of the Mixed Use Zone includes:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*

The Mixed Use Zone supports the proposed development and other businesses located in the precinct. The zone specifically provides for higher density housing. While the proposed 4 level multi purpose building is a departure from the traditional one and two storey dwellings typical along Geelong Road, the built form represents a dynamic and appealing new feature in a precinct that is commercial in nature.

The Mixed Use Zone is also preferred as it will not undermine the primary retail hierarchy role of the Portarlington Town Centre. Any proposed new shop greater than 150 square metres will trigger the need for a 'use' planning permit.

State Planning Policy Framework

At a state level, the key relevant policies are Clauses 11.07 and 17.03. Clause 11.07 contains policies about economic growth in the Geelong region and recognises that the region must build on its competitive strengths including tourism. Strategies support infill housing and employment diversity. Clause 17.03-1 encourages the development of a range of well designed and sited tourist facilities.

The proposal will support these policies. The accommodation and retail complex will deliver a significant economic boost to Portarlington during the construction period and then directly support the local tourism industry, as well as offering opportunities for small businesses to establish and greater housing diversity.

Local Planning Policy Framework

Council's Municipal Strategic Statement contains policy directions in relation to economic development and employment (Clause 21.07).

Clause 21.07 notes that tourism is a key part of the Geelong region's economy and identifies it as a strategic economic growth sector. Clause 21.07-6 specifically directs that major accommodation facilities establish in urban areas.

Clause 21.14 relates to the Bellarine Peninsula, noting that the area is highly valued for its tourism function and lifestyle appeal.

Objectives include to; provide for sustainable commercial, retail and tourist development in designated locations to service the wider Bellarine community; and to preserve the individual character, identity and role of the townships.

The proposal is considered to be consistent with these policies and will provide for a diversity of business, employment and housing opportunities.

Portarlington Structure Plan 2007

The Portarlington Structure Plan was prepared in 2006 and adopted by Council in 2007. The Plan is a reference document under Clause 21.14 of the Greater Geelong Planning Scheme. The Structure Plan states that the existing Business 4 zoned land on Geelong Road should be retained to cater for local service uses related to fishing/aquaculture, local produce and wineries.

A discussion about tourism and holiday accommodation is at Section 5.3, and at Section 5.5, the land at 42 Geelong Road is recognised as the location of a mussel processing business. The processor is no longer operational and has been replaced by a seafood retail business. Rezoning the precinct supports the existing businesses and improves tourist accommodation options consistent with Portarlington's policy framework.

Alignment to City Plan

The Amendment supports the 'Growing our Economy' strategic direction of City Plan by providing additional local jobs, tourist accommodation, alternative forms of housing and small business opportunities on the northern Bellarine.

Officer Direct or Indirect Interest

No Council officer involved in the report has any direct or indirect interest, in accordance with Section 80(c) of the Local Government Act.

Risk Assessment

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

Social Considerations

The proposed rezoning and development is located in an established commercial area within a wider residential and municipal reserve context. The use of the proposed building for accommodation and retail purposes is compatible with surrounding uses and will generate employment opportunities. The development will also provide for thru public access from Geelong Road to the recreation reserve.

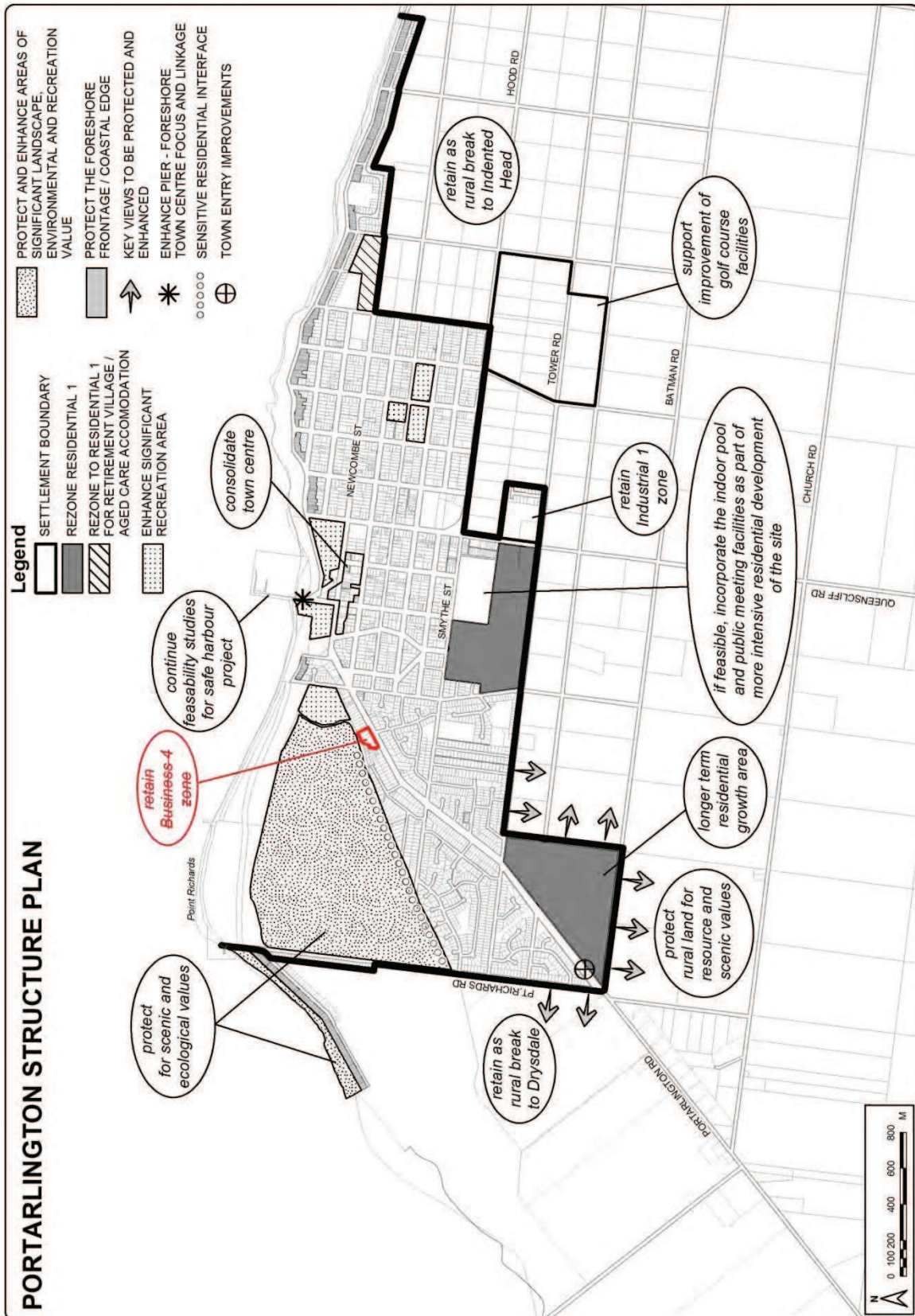
Human Rights Charter

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*

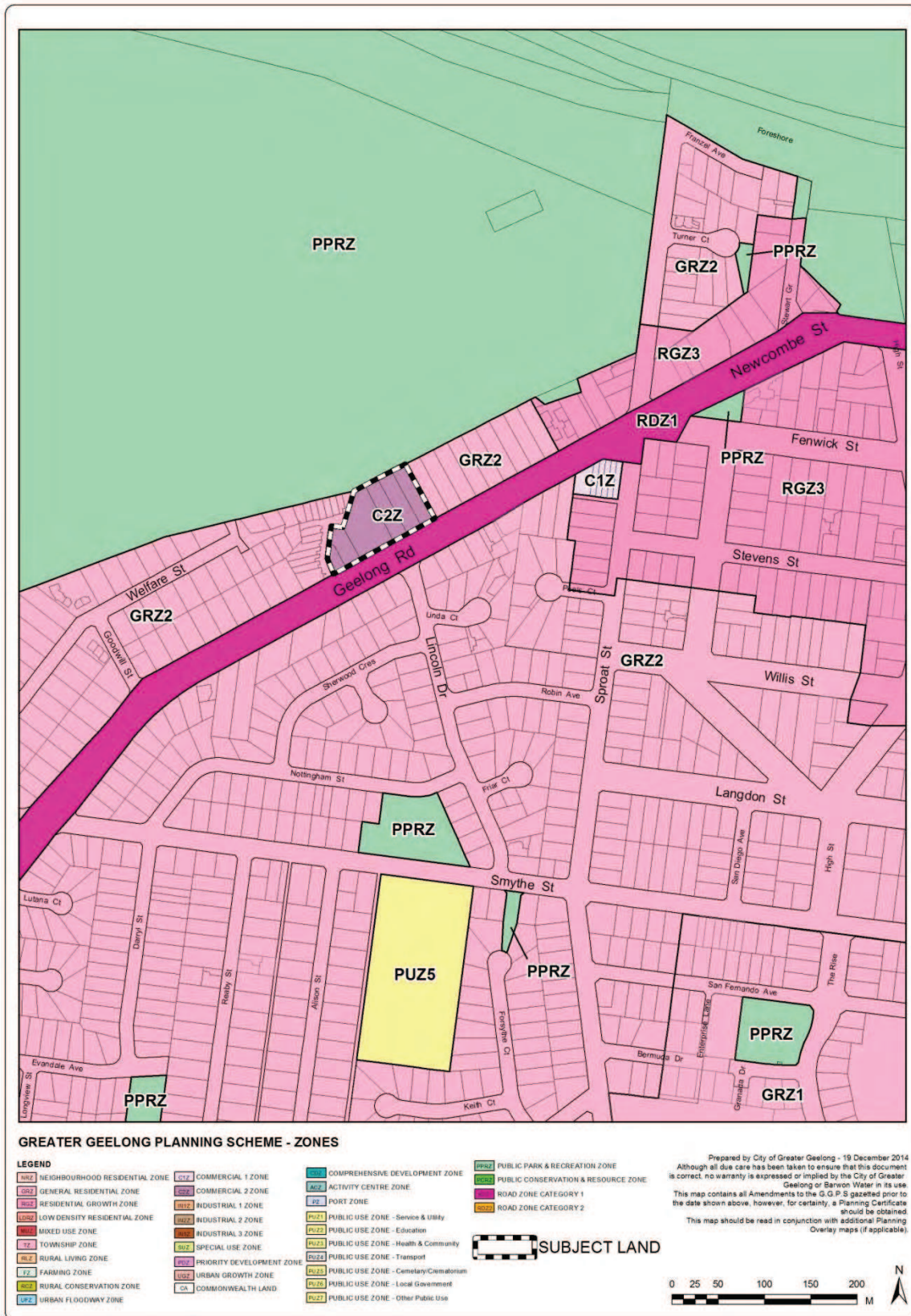
Appendix 1 - Amended Clause 21.14-5



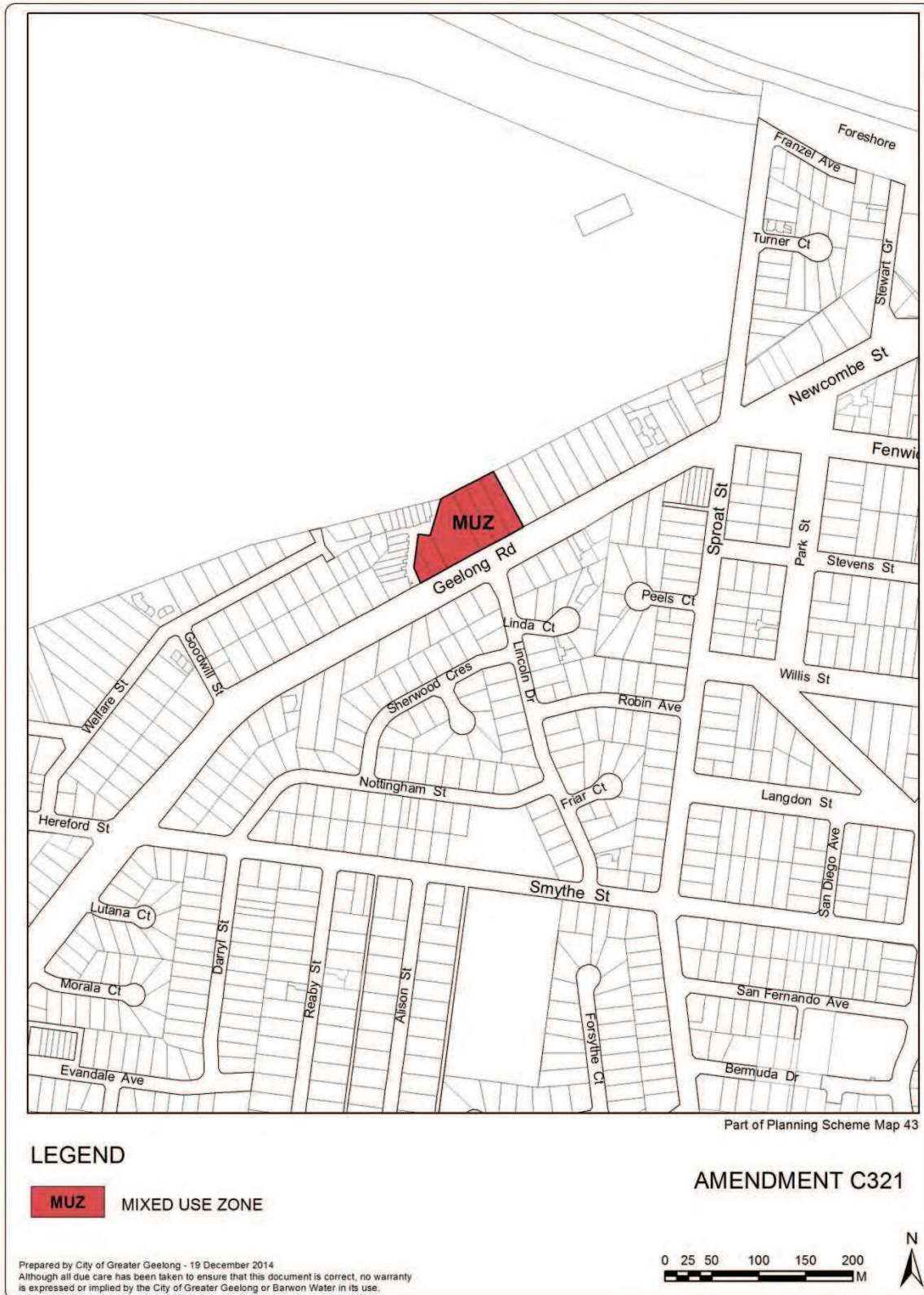
Appendix 2 - Aerial Map



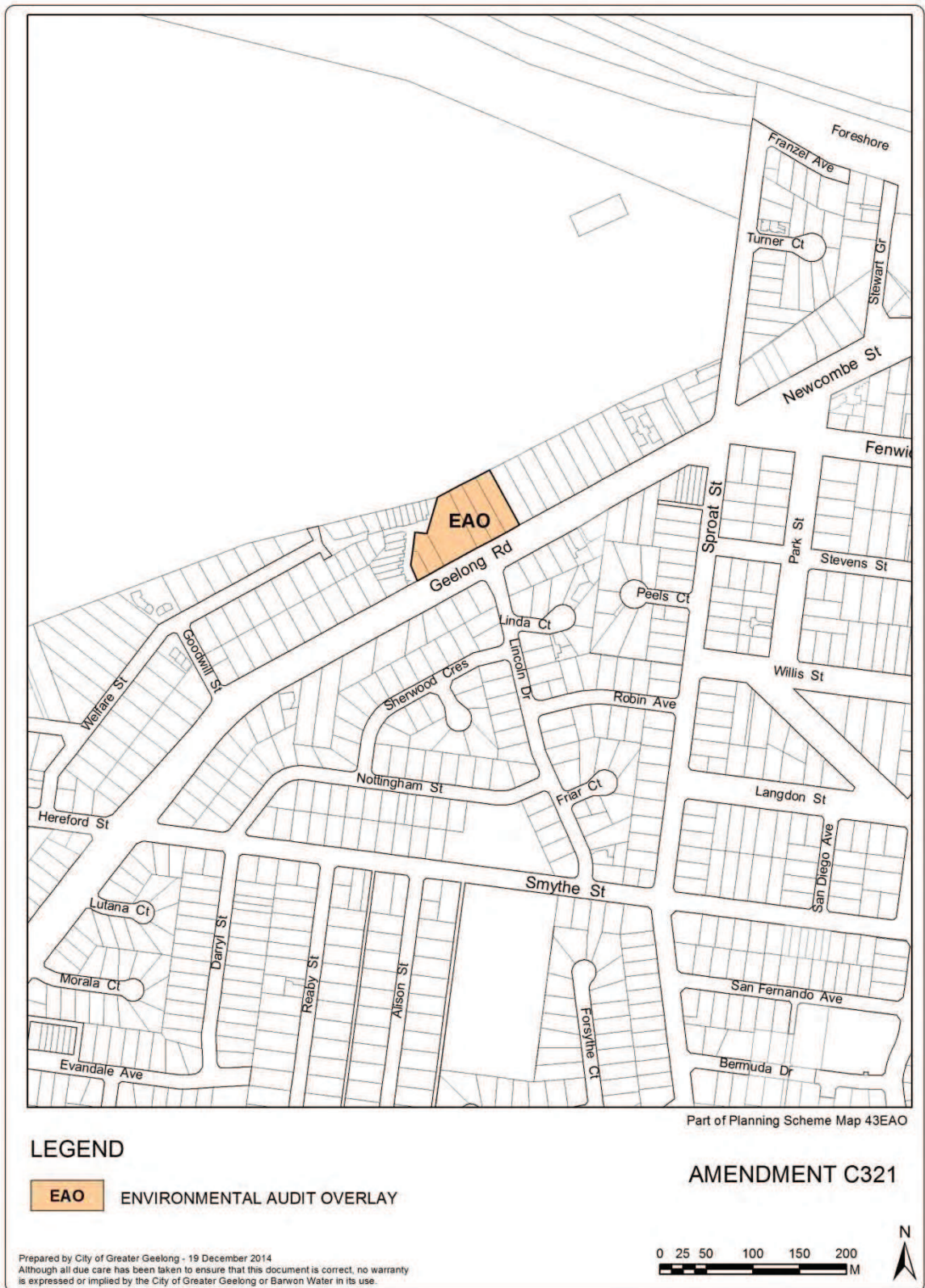
Appendix 3 - Existing Zoning Map



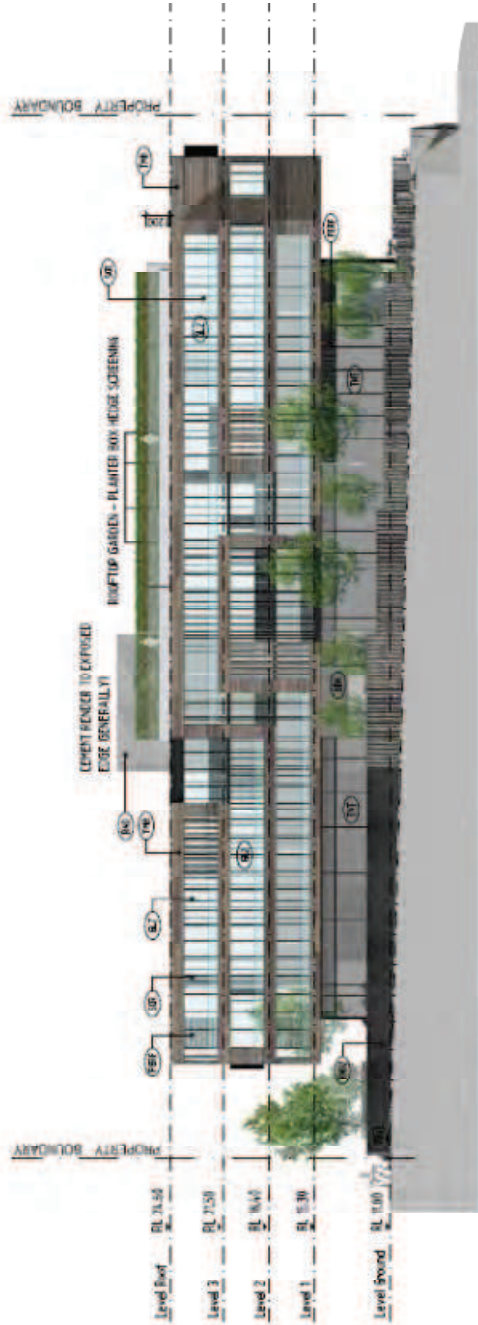
Appendix 4 - Proposed Rezoning Map



Appendix 5 - Proposed Environmental Audit Overlay Map



Appendix 7 - Elevation Plans



1 EAST ELEVATION



3 WEST ELEVATION

