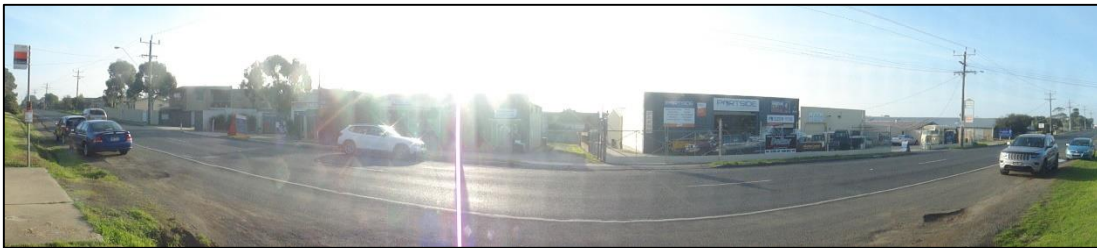




GREATER GEELONG PLANNING SCHEME
AMENDMENT C321
PLANNING PERMIT APPLICATION 1234/2014

30-42 GEELONG ROAD, PORTARLINGTON



STATEMENT OF EVIDENCE BY ANDREW CLARKE
ON PLANNING ISSUES

Prepared for Mr Sam Casa

JUNE 2016

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1 INTRODUCTION: PRACTICE NOTE – EXPERT EVIDENCE

Name and Address of Expert

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Qualifications of Expert

Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1982
Member, Planning Institute of Australia
Refer Curriculum Vitae at Attachment 1.

Any Private or Business Relationship between the Expert Witness and the Party for Whom the Report is Prepared

None.

Instructions

Verbal instructions from Kings Lawyers, acting on behalf of Mr Sam Casa, as follows:

- a) Provide a preliminary view whether I am able to support the Amendment and planning permit application, and
- b) If not, to prepare this report for presentation to the Panel.

Facts, Matters and Assumptions

Facts, matters and assumptions on which opinions expressed in the report are based are set out in the report.

Documents and Materials Taken Into Account

The documents and any literature or other materials taken into account in preparing the report are identified in the report.

Examinations, Tests and Investigations

All examinations, tests and investigations have been undertaken by me.

Summary of Opinion

A summary of opinion is included in the Conclusion.

Provisional Opinion

There are no provisional opinions.

Relevant Questions Outside of Expertise

There are no matters of relevance outside of my expertise.

Whether the report is incomplete or inaccurate in any respect

As far as I am aware the report is not incomplete or inaccurate in any respect.

Declaration

I have made all the enquiries which I believe are desirable and appropriate, and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

2 SUBJECT SITES & ENVIRONS

I refer to the site subject of Amendment C321 to the Greater Geelong Planning Scheme as “the amendment site”. I refer to the site subject of the permit application as “the development site”.

The amendment site comprises 30-42 Geelong Road, Portarlington. The development site comprises 30-32 Geelong Road, Portarlington. The amendment site comprises 6 lots of various sizes and dimensions used as follows:

- 30 Geelong Road: single storey weatherboard building with a flat metal roof used as an art gallery;
- 32 Geelong Road: vacant single storey metal warehouse building with a gabled metal roof;
- 34 Geelong Road: vacant single storey metal warehouse building with a gabled metal roof;
- 36 Geelong Road: vacant single storey metal warehouse building with a gabled metal roof formerly used as a blinds supplier;
- 38 Geelong Road: single storey steel industrial building with a skillion steel roof used as a marine automotive repairer;
- 40 Geelong Road: single storey commercial brick building used as an op-shop and massage centre;
- 42 Geelong Road: single storey commercial building with a gable roof used as a seafood retailer.

The amendment site and development site are depicted in the aerial photographs and photographs below.



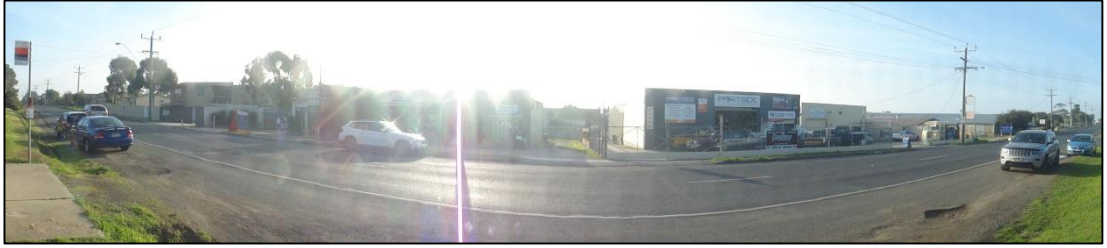
Aerial Photo 1



Aerial Photo 2



Aerial Photo 3



The amendment site



30 Geelong Road



32 Geelong Road



34 Geelong Road



36 Geelong Road



38 Geelong Road



40 Geelong Road



42 Geelong Road

None of the lots comprising the amendment site are currently in residential use.

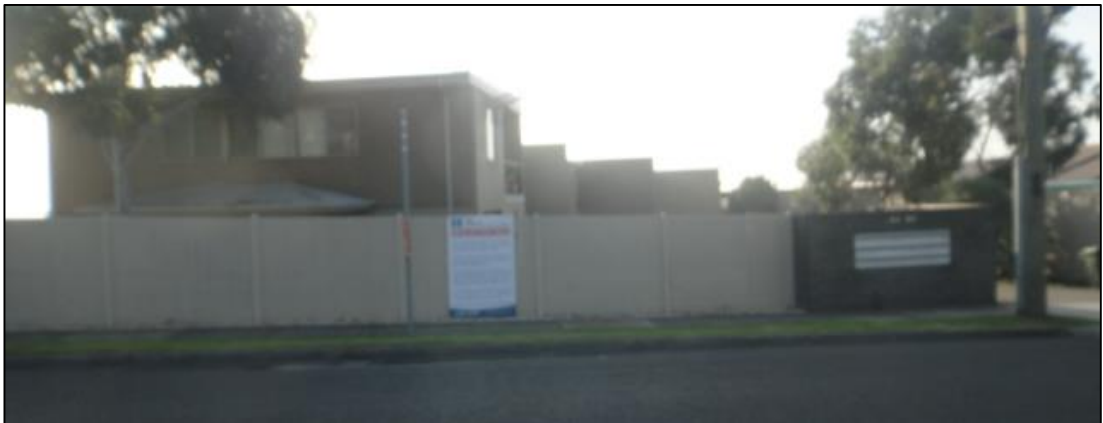
The amendment site is located 600 metres south-west of the Portarlington town centre (refer Aerial Photo 1). There is no particular characteristic of the site's location that makes it prominent or at a prominent intersection, a gateway site or gives it a sense of entry or arrival, with the urban edge of Portarlington being a further 2 km to the south-west along Geelong Road (refer Aerial Photo 1; the urban edge of Portarlington is out of view).

To the immediate north-east of the subject site is my client's property at 28 Geelong Road. It comprises a single storey weatherboard house with a gabled metal roof. There are no habitable room windows facing the development site but it has a large rear yard with a small shed on the common property boundary.



28 Geelong Road

To the immediate south-west and north of the subject site is a two storey townhouse development at 44 Geelong Road.



44 Geelong Road

The amendment site abuts a large open space reserve to its north-west. It is lower in topography than the amendment site with an escarpment behind those properties fronting the north side of Geelong Road. The reserve functions as a wetlands and active sports fields.



Reserve to the rear of the amendment site

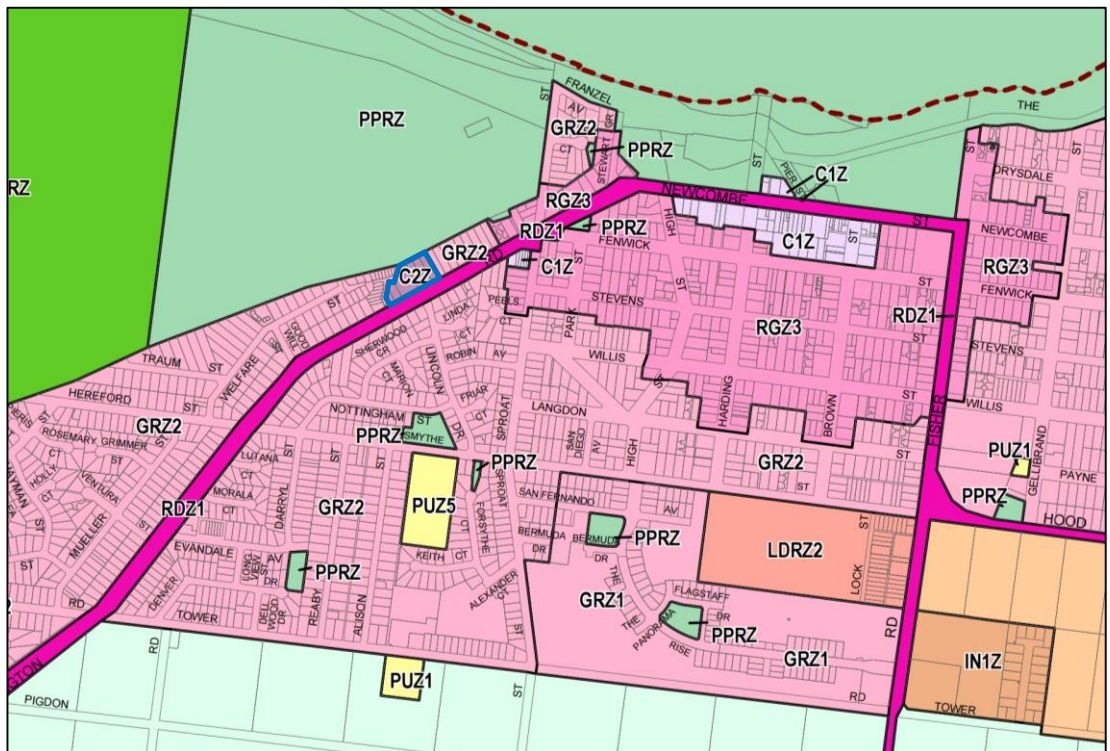
The opposite side of Geelong Road is characterised by 1 and 2 storey detached dwellings of various architectural styles and periods of construction. Indeed that description accounts for the wider area generally. In the environs of the amendment site I did not observe any dwellings or other buildings exceeding 2 storeys.



View opposite the amendment site across Geelong Road

3 EXISTING PLANNING CONTROLS

The amendment site is currently zoned Commercial 2 Zone under the Greater Geelong Planning Scheme (refer Map 1)



Map 1 Zoning

The purposes of the Commercial 2 Zone are:

“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

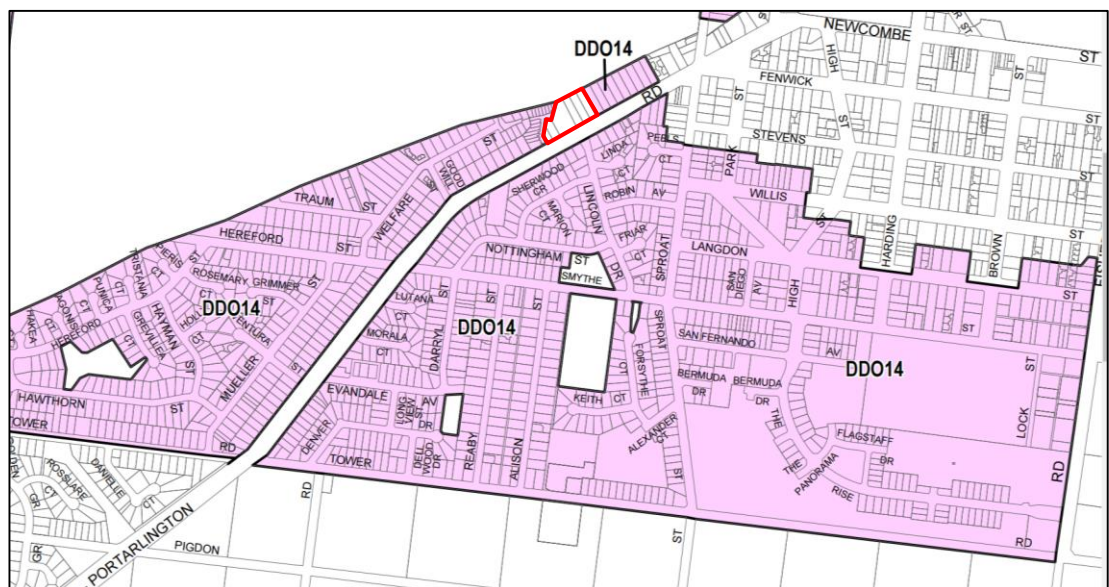
To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.”

Accommodation (which includes dwelling and other than caretaker’s house, motel and residential hotel) are prohibited. Food and drink premises exceeding 100m² leasable floor area and shop require a permit.

Planning permission is required for buildings and works.

Map 1 indicates that the surrounding zoning (other than Geelong Road and the open space reserve) is in a General Residential Zone (GRZ2).

All land in the General Residential Zone is also covered by a Design and Development Overlay (DDO14: Dwellings Over 7.5 Metres With Access to Views; refer Map 2). The DDO requires a permit for building and works over 7.5 metres height above natural ground level so as to achieve a reasonable sharing of views.



Map 2: DDO 14

4 THE AMENDMENT

Amendment C321 to the Greater Geelong Planning Scheme seeks to:

- Rezone the amendment site from Commercial 2 Zone to Mixed Use Zone;
- Apply the Environmental Audit Overlay over the site; and
- Replace the Portarlington Structure Plan map at Clause 21.14 with a new map that removes the notation “Retain Business 4 Zone” over the amendment site.

The purposes of the Mixed Use Zone are:

“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.”

The Mixed Use Zone is characterised as a residential zone that also allows a wider range of uses than other residential zones.

Uses not requiring a permit include dwelling (although a permit is required to develop more than one dwelling on a lot), food and drink premises and shop (up to 150 m² leasable floor area), medical centre and office (up to 250 m² leasable floor area).

Prohibited uses are limited to adult sex bookshop, brothel, materials recycling, transfer station and stone extraction.

Uses such as food and drink premises (greater than 150 m² leasable floor area), medical centre and office (greater than 250 m² leasable floor area) and industry (including service industry) provided it is not a purpose listed in Clause 52.10 require a permit.

Clause 32.04-3 is a mandatory requirement that use of land for industry and warehouse must not adversely affect the amenity of the neighbourhood.

Clause 32.04-8 requires planning permission for buildings and works associated with a Section 2 permit required use.

Clause 32.04-9 is a mandatory requirement that any building must comply with ResCode Clauses 55.04-1 (side and rear setbacks), 55.04-2 (walls on boundaries), 55.04-3 (daylight to existing windows), 55.04-4 (north facing windows) 55.04-5 (overshadowing) and 55.04-6 (overlooking) where a site abuts land in another residential zone.

Advertising sign provisions are the same as occurs in other residential zones (Category 3).

5 THE PERMIT APPLICATION

The amendment was jointly exhibited under Section 96A of the *Planning and Environment Act 1987* with a planning permit application to use and develop 30-32 Geelong Road for accommodation (apartment dwellings) and retail premises, multi-lot subdivision, display of advertising signs, reduction of car parking requirements, waiver of loading bay and bicycle parking, and creation of access to a road in a Road Zone Category 1.

The exhibited development plans depict a contemporary four storey building plus basement.

The basement would accommodate a ramp from Geelong Road along the north-east property boundary. 57 car spaces are proposed and a café and bin storage area.

Ground floor comprises a reception/arrival area, 6 commercial tenancies and four apartments.

First, second and third floors are identical in layout and comprise apartments.

A communal roof top garden is proposed.

A total of 34 x 1-bedroom and 21 x 2-bedroom apartments are proposed (Total: 55 apartments).

6 EXISTING PLANNING POLICIES

6.1 STATE PLANNING POLICY FRAMEWORK

The State Planning Policy Framework is the enunciation of State planning policies common to all Victorian new format planning schemes. State planning policies relevant to the Amendment and permit application include:

- Clause 11.05-1: Regional Settlement Networks. Portarlinton is not identified as a regional city or centre where urban growth and development should be directed;
- Clause 11.05-5: Coastal Settlement. Relevant strategies include encouraging urban renewal and urban redevelopment opportunities within existing settlements to reduce the demand for urban sprawl and direct residential and other urban development within defined settlement boundaries of existing settlements that are capable of accommodating growth;
- Clause 11.07-1: Geelong (G21) Regional Growth: Planning for Growth. Portarlinton is not identified as one of the townships that will attract growth;
- Clause 11.07-7 Geelong (G21) Regional Growth: A Diversified Economy. The relevant strategies are:

“Support diversity in the region’s economy that builds on its competitive strengths, including tourism and agricultural land resources and economic, social and natural assets.”

“Protect and strengthen existing and planned employment areas and plan for new employment nodes.”

- Clause 16.01-2: Location of Residential Development. The relevant strategy seeks to encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport. The amendment site’s location does not satisfy these criteria;
- Clause 16.01-3: Strategic Redevelopment Sites. The amendment site does not meet the criteria for a strategic redevelopment site;
- Clause 17.03-1: Facilitating Tourism. The relevant strategy is:

“Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.”

6.2 LOCAL PLANNING POLICY FRAMEWORK

6.2.1 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is the expression of the planning vision, objectives and strategies at the municipal level of consideration.

Clause 21.06-1 identifies that new infill development should be directed to well serviced areas and should be of a high design quality and respond to the locality.

Clause 21.06-3 deals with Urban Consolidation. The relevant strategies include:

“Manage urban consolidation and housing change across the municipality, by:

- *Accommodating medium and high density housing in Key Development Areas (as defined by the maps included in this clause);*
- *Maximising opportunities for housing within Increased Housing Diversity Areas (as defined in Clause 22.63 Increased Housing Diversity Areas) by accommodating:*
 - *high density housing in the activity centres consistent with their primary commercial and retail role; and*
 - *medium density housing in residential areas with more intensive development being located closest to the core of activity centres.*
- *Supporting appropriate medium density housing in the General Residential Zone (Schedule 1) areas.*
- *Providing for incremental change in the General Residential Zone (Schedule 2) areas.*

- *Limiting change in the Neighbourhood Residential Zone areas.*
- *Encourage medium density housing in the Mixed Use Zone.”*

Clause 21.06-4 deals with Neighbourhood Character. Relevant strategies include:

“Acknowledge that neighbourhood character in the Increased Housing Diversity Areas will adapt and evolve over time, particularly within and on the edges of activity centres, where land use and development will intensify.

Ensure that development is responsive to the established character of the area.

Support appropriate medium density housing that respects the existing neighbourhood character in the General Residential Zone areas.”

In relation to Industry (Clause 21.07-1), the MSS identifies:

“There is a need to provide support for ongoing employment and economic development in the Geelong region.

There is a need to provide a diverse range of appropriately located, well serviced industrial land which meets the needs of a range of industry types and minimises land use conflicts.”

The relevant strategy is:

“Protect existing and designated future industrial areas from encroachment by incompatible land uses.”

In relation to Tourism the MSS states at Clause 21.07-2:

“Tourism is a key part of the economy of the Geelong region. The region includes major tourism destinations such as the Bellarine Peninsula and the coast.”

Clause 21.14 specifically deals with the Bellarine Peninsula. It includes general strategies at Clause 21.14-2 to:

“Ensure that development responds to the identity and character of the individual township in which it is located.”

“Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.”

In relation to Portarlington Clause 21.14 states:

“Support a mix of retail, commercial, community and entertainment uses within the town centre.

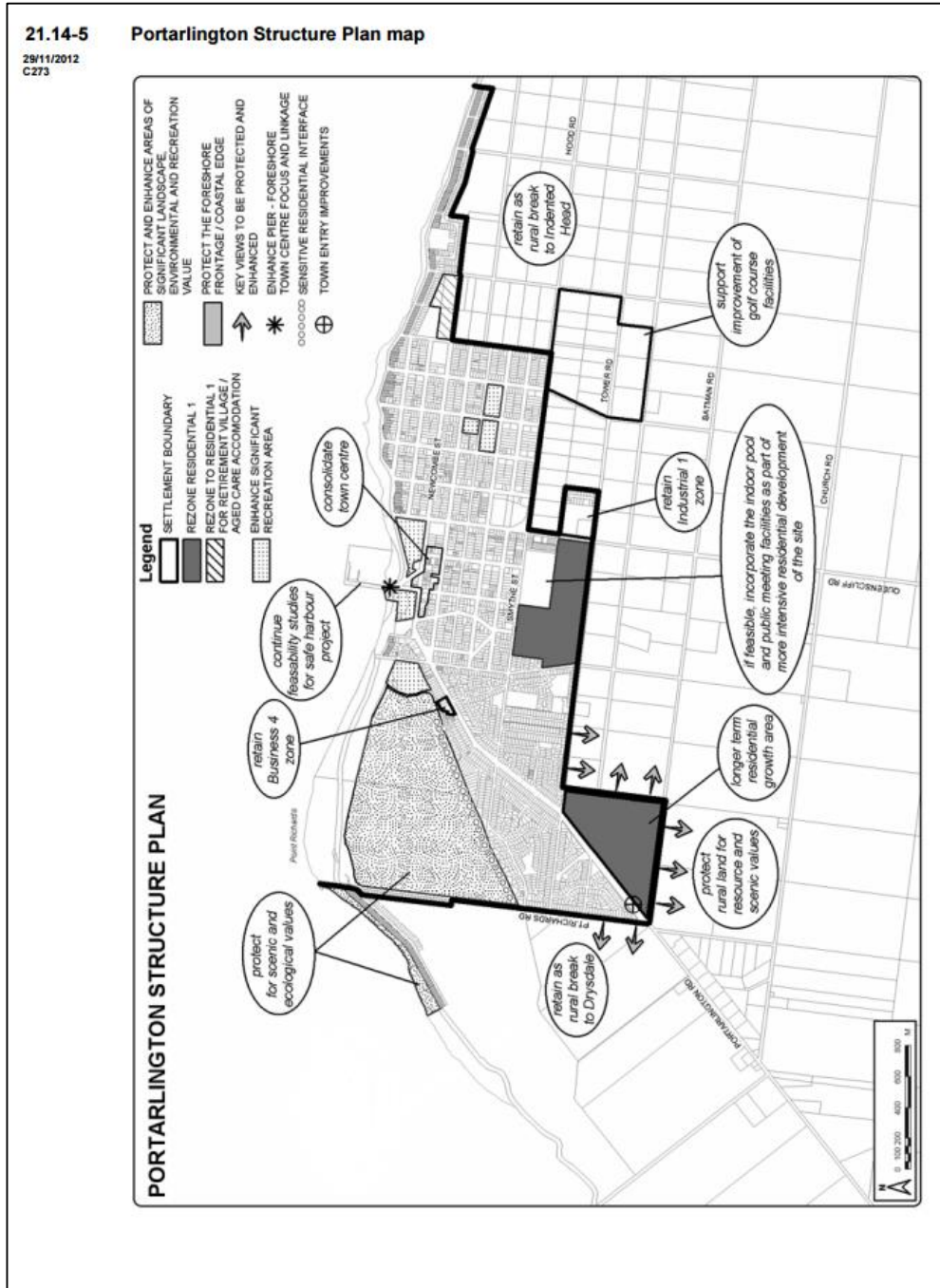
Encourage development which respects the coastal landscape setting of Portarlington by:

- *Providing reasonable sharing of views of the coast and foreshore*
- *Promoting contemporary design that reflects the existing scale,*

setbacks, spacing, forms and materials of the buildings in the locality.”

“Support development in the Portarlington town centre incorporating accommodation uses above ground level retail floor space, where such development meets all parking and access requirements.”

The Portarlington Structure Plan map specifically seeks to retain the Business 4 Zone over the amendment site.



6.2.2 Local Planning Policies

There are a number of Local Planning Policies relevant to the Amendment and permit application, including:

- Clause 22.01: Discretionary Uses in Residential Areas
- Clause 22.03: Assessment Criteria for Retail Planning Applications
- Clause 22.63: Increased Housing Diversity Areas (noting that the subject site is outside the Portarlington designated area).

6.3 PORTARLINGTON STRUCTURE PLAN

The Portarlington Structure Plan was prepared by the City of Greater Geelong (amended September 2008). It is referenced in the Greater Geelong Planning Scheme including a copy of the structure plan map (above).

The rationale for retention of the then Business 4 (now Commercial 2) Zone over the amendment area is set out at page 15:

“The existing Business 4 zoned land on Geelong Road should be retained to cater for smaller scale local service businesses and uses related to fishing/aquaculture, local produce, tourism and wineries.”

In May 2016 Council adopted a new structure plan. It now states for the amendment area:

“Rezone to Mixed Use Zone”

Page 14 of the “updated” structure plan states:

“The second area is located at 30 to 42 Geelong Road and comprises a mix of light industry/ service commercial, retail and vacant land. The site is currently subject to a planning scheme amendment to rezone the area from Commercial 2 to Mixed Use (C321). An associated planning application is proposing to develop a four storey accommodation and ground floor retail/office complex at 30 and 32 Geelong Road. The change to a mixed use zone will retain the ability for the area to cater for smaller scale, local service businesses and uses related to local produce. It will be important to encourage non-accommodation and activated uses on the street front at the ground floor level within the area. Development design should recognise the prominent entry location of the site to Portarlington. Development should also ensure that a pedestrian connection is provided from Geelong Road to the Portarlington Recreation Reserve.”

The new structure plan is otherwise very similar in form and content to the 2008 version. It is evident from the above passage that the Amendment has preceded the structure plan review and in this regard is driving this aspect of the review rather than the review driving the selection of planning controls.

7 PLANNING CONSIDERATIONS

I have been asked to comment on the proposed planning scheme amendment and the proposed development.

7.1 THE PROPOSED PLANNING SCHEME AMENDMENT

7.1.1 Lack of Strategic Justification

The only justification I find in the Council officer's report to substantiate the rezoning is the following:

"A discussion about tourism and holiday accommodation is at Section 5.3 [of the Portarlington Structure Plan], 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."

I find that the Amendment directly flies in the face of the structure plan which is referenced and copied in the MSS. The MSS and the structure plan specifically identifies that the amendment site should be retained in the then Business 4 (now Commercial 2) Zone.

As indicated, whilst there is an updated adopted version of the structure plan, the Amendment is driving this aspect of the review rather than the review driving the selection of zones. For example, there is no discussion in the structure plan about potential conflicts and consequences of co-locating non-residential and residential uses, the impact on the town centre if commercial development is encouraged at the ground floor of all of these properties potentially resulting in further fragmentation of the retail/commercial floorspace outside of the town centre, and details of how links to the public reserve are to be accommodated across the escarpment. It is noted that the revised structure plan does not explore what are the desired outcomes for the amendment site in relation to neighbourhood character, height and integration with the town centre for what it describes as a prominent entry location. These are the sorts of matters that should be addressed in the structure plan before determining zone selection.

Since introduction of VPP based planning schemes there has been a heightened awareness to strategically justify planning scheme amendments and to avoid ad hoc zoning changes that are not supported by a robust strategic planning approach. In my view, the Amendment is exactly the type of ad hoc zoning change that Planning Panels Victoria in particular has sought to discourage in favour of a more holistic strategic planning approach.

If Council is of the view that this part of the structure plan is now wrong the correct approach is:

- Review the structure plan in a comprehensive manner. The Amendment should not

drive the structure plan review.

- Determine the most appropriate outcome for the site in land use terms (this is now very unclear if the Amendment is approved and is unclear in the updated structure plan);
- Apply the appropriate controls.

Rezoning the site to Mixed Use Zone is a confusing approach. On the one hand there appears to be abandonment of the business outcome previously sought in the structure plan which excluded residential activity so as to provide protection for those businesses. However there is no redefinition of the desired outcome. There is a desire not to make existing non-residential uses “non-conforming” by choice of the Mixed Use Zone. However that muddies rather than clarifies the long term land use outcome for the amendment area. It should be a residential or a non-residential outcome, and not attempt to be a combination of both. The Mixed Use Zone will simply potentially create conflict between existing businesses, some of which already generate potential off-site amenity impacts and new residential uses.

This lack of clear vision arises because of the lack of a strategic approach to resolving the long-term land use outcomes for the amendment area. It highlights why ad hoc decision making on zoning changes should be avoided and instead adopt a strategic planning approach.

Again, the sole reason I can see in the material for abandoning the recommended zoning under the structure plan is because one of the businesses has changed from mussel processing and retail sales to general seafood retail sales. My inspection of the current use indicated there are still off-site impacts in terms of seafood odours which I could clearly detect from outside the premises, so the need to limit residential encroachment may still be relevant. There is also another industrial use at 38 Geelong Road that is directly supportive of the 2008 structure plan outcome, being the marine automotive repairer. It is clearly supportive of the local fishing and tourism trade.

The art gallery use is also supportive of local tourism and local “produce”.

Are these uses still encouraged at this location? If the Amendment proceeds the answer is unclear.

7.1.2 Strategic Justification for Higher Density Housing

By choosing the Mixed Use Zone as the proposed zone, there is implicit support that this location is suitable for higher density residential development, given the third zone purpose of the Mixed Use Zone to provide for housing at higher densities.

The amendment site is located some 600 metres from the Portarlington Activity Centre and therefore is not in, adjacent to or within what is usually regarded as a reasonable walking distance from an activity centre that would justify application of higher residential densities.

If a residential zone were proposed, that first prompt of the most suitable zoning would be the zoning of residential areas closest to the amendment site. That is, the General Residential Zone (GRZ2), not the Mixed Use Zone. I note a band of Residential Growth Zone encircles

the activity centre at about 400 metres radius, but the amendment area is outside of that area. Therefore, if a residential outcome for the site is supported, the obvious candidate zone would be the General Residential Zone (GRZ2).

The amendment site is located at a bus stop, but the bus route is a regional route to Geelong, not a local route and buses operate infrequently.

Portarlinton is not identified as a growth town or centre under either policy framework. The site does not qualify as a preferred location for higher density residential development close to an activity centre. It is not at a prominent intersection, town entry or gateway location. It is located at a mid-block location in the middle of a “conventional” residential area at a non-prominent point along the Geelong Road. It is not a strategic redevelopment site (noting these are arguably confined to metropolitan Melbourne, but even if that was ignored, it still would not meet the criteria for a strategic redevelopment site).

The amendment site is not in a Key Development Area (see Clause 21.06-3) where higher density housing is encouraged.

The amendment site is not in a Housing Diversity Area where maximising opportunities for housing is encouraged. In Portarlinton, this is confined to the Residential Growth Zone closer to the Portarlinton Activity Centre (see Clause 22.63).

The zoning surrounding the amendment area is the General Residential Zone (GRZ2) where only incremental change is envisaged (see Clause 21.06-3).

In short, the amendment area does not exhibit the normal locational characteristics that would warrant a zone that encouraged higher residential densities than those of its immediate surrounds.

If a residential zone over the amendment area can be justified, the Mixed Use Zone is the incorrect zone to apply.

7.2 THE DEVELOPMENT APPLICATION

I have assessed the exhibited development plans against the provisions of ResCode (Clause 55 of the Greater Geelong Planning Scheme) as if it were in a Mixed Use Zone. I make the following comments.

Clause 55.02-1: Neighbourhood Character (Standard B1)

The surrounding residential neighbourhood is characterised by 1 and 2 storey detached houses. The only unit development proximate to the subject site is the 2 storey townhouses at 44 Geelong Road. There are no other apartment complexes and this style of unit development is foreign to this locality.

At 4 storeys the proposal will be significantly higher than its surrounds, which includes my client’s low profile single storey house at 28 Geelong Road. The predominant building height along this side of Geelong Road is single storey and the proposal has no regard to this.

The proposal therefore fails to meet the objective to respect the existing neighbourhood character.

Clause 55.2-2: Residential Policy Objectives (Standard B2)

For reasons I have set out in Section 7.1 of this report the proposal is inconsistent with State and local policy with respect to preferred areas for accommodating higher density residential development. The proposal is therefore inconsistent with both residential policy objectives.

Clause 55.03-1: Street Setback (Standard B6)

My client's house is setback some 12.4 metres from the street. (The plans incorrectly depict the setback from the eaves and not the front wall). The neighbouring non-residential development to the south of the site has a frontage setback of 12.7 metres. Therefore, the minimum setback provided should be 9.0 metres under the ResCode standard. The proposed front setback is 7.2 metres closest to my client's property which significantly fails the standard. I find no reason to justify departure from the standard.

In my view the front setback proposed does not satisfy the objective to respect the existing neighbourhood character.

Clause 55.03-2: Building Height (Standard B7)

The standard specifies a maximum building height of 9 or 10 metres (depending on the slope of the land which has been unnecessary for me to calculate). The proposed building height in the east elevation to third floor parapet level (that is not even including roof top services and communal open space enclosure) is approximately 15 metres which vastly exceeds the standard. I see no reason to justify divergence from the standard.

I further note that the standard calls for changes in building height between existing and new buildings to be graduated. Generally, that means no more than one storey difference in height. There has been no attempt to graduate building heights between the subject site and my client's property with virtually sheer four storey walls in the north-east elevation opposite a low profile single storey dwelling.

Clause 55.03-4: Permeability (Standard B9)

Other than an approximate 1 metre setback at the site frontage, the basement occupies the entire site area.

Clause 55.03-8: Landscaping (Standard B13)

It is unclear how any meaningful landscaping could be provided on-site when the basement occupies almost all of the site area, including the full width of the site. Given the height and scale of the proposed four storey walls, significant landscaping along the north-eastern side boundary is essential.

Clause 55.04-1: Side and Rear Setbacks (Standard B17)

There is a lack of existing ground level survey points along the northern boundary, so the measurement of building height is approximate only.

The eastern end of the north-eastern wall has a height above existing ground level of 13.7 metres (RL 24.6 – RL 10.9) requiring a side setback of 8.8 metres under the ResCode standard. The western end of the north-eastern wall has a height above existing ground level of approximately 15 metres (RL 24.6 – RL 9.4) requiring a side setback of 10.1 metres. The proposed side setback is 6 metres only, indicating substantial non-compliance with the

standard. Given the presence of secluded private open space on my client's property adjacent, I can see no reason to justify a setback lesser than the ResCode standard.

I note that Mixed Use Zone mandatorily requires that the requirements of this clause must be met (Clause 32.04-9).

Clause 55.4-6: Overlooking (Standard B22)

The Design Response Plan states "Windows at Level 1-3 to prevent overlooking of adjoining properties to have obscured glass". These windows are generally 6 metres from the common property boundary of my client's secluded private open space. There is no detail provided in the plans or elevations how this is to be achieved, so I assume the obscuring is to the full height of the glass pane. It might also mean obscure glass to a height of 1.7 metres above FFL. Either way, the outlook from living areas along the north-east elevation will be highly compromised for future occupiers.

There is no screening of balconies depicted, and the balconies are within 4.7 metres of my client's rear yard and overlooking will occur. If screening of the balconies was provided it would further limit the utility of those balconies, most of which are already substandard (see below) as well as potentially cause additional built form impacts to adjoining neighbours.

I note that Mixed Use Zone mandatorily requires that the requirements of this clause must be met (Clause 32.04-9).

Clause 55.05-4: Private Open Space (Standard B28)

42 of the upper level units have balcony widths of 1.25-1.35 metres, well below the ResCode standard of 1.6 metres. In addition, 18 units have balcony areas of only 5.6 m², well below the ResCode standard of 8 m². Whilst an area of rooftop communal open space is provided, communal open space performs a different function to private open space.

Clause 55.05-6: Storage (Standard B30)

No individual storage lockers are provided for any units. Four storage lockers in the basement are proposed but these would be potentially inaccessible if cars are parked adjacent to them.

There is no provision for any bicycle storage.

If the purpose of the units is to promote tourism opportunities I would have considered general storage (eg for beach gear) and bicycles was essential for every unit.

Clause 55.06-4: Site Services (Standard B34)

There is no provision for mail boxes although I expect this could be easily rectified.

Car parking

The traffic report accompanying the permit application identifies a demand for 94 car spaces and a supply of 57 car spaces in the basement and 5 on-street spaces at the site frontage (Total: 62). This indicates a shortfall of 32 car spaces (excluding the 5 on-street spaces relied on at the site frontage). The report refers to a nexus between the residential and retail/café components. However I have doubts that 6 individual commercial uses comprising 255m² and a 45 seat café would be solely or even predominantly used by the apartment residents.

I also note that the traffic report takes no account of the car parking generated by the basement café and the ground floor reception/arrival area. Utilising the generation rates of the other café referred to in the traffic report the basement café would generate approximately 40 seats @ 0.4 car spaces seat. Therefore a further 16 spaces are required. Applying the office rate (3.5 spaces/100 m² leasable area) would generate a further demand of 2 spaces for the reception/arrival area.

There is no indication provided in the report how the shortfall is to be provided other than a reliance on on-street parking supply at the front of other residential or commercial properties.

The draft permit calls for the provision of another 6 spaces by deleting the basement café. This would still leave a shortfall of 26 spaces based on the traffic report rates specified or 28 spaces if the reception area is accounted for.

Conclusions on the Development Application

The proposed development of 4 storeys above ground level is totally inconsistent with the prevailing 1-2 storey character of the development site's environs (both residential and non-residential).

In addition, the proposal is an overdevelopment of the site. The symptoms of this are:

- An inability to even closely meet the ResCode standards and objectives for building height and side setback, with extensive four storey high sheer walls with little or no articulation in either their horizontal and vertical planes (the 3 upper level apartment floors are identical);
- Insufficient front setback;
- A basement that almost occupies the entire site leaving no space for meaningful landscaping, which would be essential for a building of this scale;
- A need to screen every upper level north-east facing habitable room window;
- Extensive overlooking from upper level balconies;
- Inadequate car parking, bicycle and storage provision;
- Inadequate private open space provision both in width and area. Despite the provision of a rooftop communal open space area, communal open space performs a different role to private open space.

I am therefore unable to support the proposed development.

8 CONCLUSIONS

I am of the view that both Amendment C321 to the Greater Geelong Planning Scheme and Planning Permit Application 1234/2014 should not be supported by the Panel. My reasons for this view are:

1. The location is inconsistent with State and local planning policy for encouraging higher density residential development.
2. The Amendment is not supported by local policy referenced in the planning scheme which specifically deals with the continued non-residential zoning of the amendment site. The Amendment is an ad hoc rezoning which lacks any strategic justification. As a result there is no clear vision how this locality is to be developed in the future.
3. Even if a residential zoning over the amendment site could be justified, the Mixed Use Zone is the incorrect zone to apply in this location.
4. The proposed development is inconsistent with the existing neighbourhood character.
5. The proposed development is an overdevelopment of the site.
6. The proposed development will lead to adverse built form impacts to neighbours.
7. Inadequate provision has been made for car parking and bicycles.

I have made all of the enquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge, been withheld from the Panel.

Andrew Clarke B.TRP (Hons.), MPIA
6 June 2016

ATTACHMENT 1: ANDREW CLARKE CURRICULUM VITAE

CURRICULUM VITAE

ANDREW CLARKE

OCCUPATION: Consultant Town Planner

DATE OF BIRTH: 9th July 1960

NATIONALITY: Australian

ACADEMIC QUALIFICATIONS:

Bachelor of Town and Regional Planning (Hons.), University of Melbourne, 1982

PROFESSIONAL AFFILIATIONS:

Corporate Member, Planning Institute of Australia

Member, Victorian Planning and Environmental Law Association

SUMMARY OF CAREER HISTORY:

- Director, Matrix Planning Australia Pty Ltd, 2001-present
- Planning Manager, Fisher Stewart Pty Ltd, 1995-2001
- Senior Planner, SJB Planning Pty Ltd, 1993-1995
- Senior Planner, Fisher Stewart Pty Ltd, 1992-1993
- Town Planner/Senior Planner/Associate, Wilson Sayer Pty Ltd/Wilson Sayer Core Pty Ltd, 1982-1991

OVERVIEW OF EXPERIENCE AND EXPERTISE

Since 1982, Andrew Clarke has been employed as a consultant town planner, providing advice to private individuals and firms, as well as Commonwealth, State and local government.

The particular expertise of Andrew Clarke has been in the area of planning and development approvals associated with a range of residential, commercial, industrial, recreational and institutional development projects.

Andrew regularly appears as an expert witness in planning panels, tribunals and courts. Between 1988 and 2015, Andrew was regularly appointed by the Minister for Planning to sit on and chair planning panels and enquiries including advisory committees, environment effects statements and planning scheme amendments.

Andrew is a former secretary (1990-91 and 1992-93) and chair (1993-94) of the Australian Association of Planning Consultants (Victoria Division).

Andrew established Matrix Planning Australia Pty Ltd in June 2001 as a town planning consultancy.

Representative projects undertaken by Andrew under the Matrix Planning Australia Pty Ltd banner include:

- Melbourne Cricket Ground Northern Stand Redevelopment for MCG5 Sports Architects on behalf of the Melbourne Cricket Club and Melbourne Cricket Ground Trust (2001)
 - Central Creek Grasslands Residential Subdivision and Conservation Project for the Urban and Regional Land Corporation (2001)
 - Pharmacy College, Redevelopment, Royal Parade Parkville for the City of Melbourne (2001)
 - Watt Road Mornington, Residential Rezoning and 100 Lot Subdivision for private client (2001-2002)
 - CSIRO Division of Petroleum Resources, Syndal, Subdivision Development, for CSIRO (2002)
 - Hutchison Telecommunications Mobile Phone Towers Visual Impact Assessment, Hoppers Crossing (2001)
 - Marlows Ltd, Marlows automotive outlets, Sunshine and Preston (2001-2002)
 - Melbourne Sports and Aquatic Centre, Stage 2 Redevelopment for 2006 Melbourne Commonwealth Games (2002)
 - The Esplanade Hotel, St Kilda Redevelopment for the City of Port Phillip (2002)
 - Deakin University Melbourne Campus, Burwood, development control advice for Deakin University (2002)
 - BassGas Project Environmental Effects Statement Panel Inquiry Chair for Victorian Department of Infrastructure (2002)
 - Cheltenham Green: Land Subdivision, Apartment and Townhouse Complex, Cheltenham for VicUrban (2003) (2008 Winner Urban Development Institute of Australia (Vic) Award for Excellence in the category of Urban Renewal Projects)
 - West Field Coal Mine Hazelwood Project, for International Power – Hazelwood (2004-2005)
 - Various School Building and Site Extensions for Brighton Grammar School (2004)
 - Parkside Gardens Residential Subdivision, Shepparton, for VicUrban (2004)
 - South Melbourne Supermarket and Mixed Use Commercial Development, for private client (2005)
 - Mortlake Gas Fired Power Station, for Origin Energy (2005-2006)
 - School Expansion Planning Scheme Amendment and Stage 1 Buildings Permit, for Donvale Christian College (2005-2006) and Plenty Valley Christian College (2008-2009)
 - Princes Highway, Traralgon Bypass, for Department of Primary Industries (2007)
 - Shaw River Gas Fired Power Station and Gas Pipeline, for Santos Ltd (2009-2010)
 - Planning Controls Assessment, Nelson Place, Williamstown for Nelson Place Village Pty Ltd (2011)
 - Numerous Licensed Premises Amenity Impact Assessments (ongoing)
 - Numerous residential unit and land subdivision proposals for various private clients (ongoing)
 - Numerous highest and best use advices and opinions in relation to land acquisition and compensation cases
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