

GREATER GEELONG PLANNING SCHEME

AMENDMENT C361

RESOLUTION TO EXHIBIT AMENDMENT

UNDER DELEGATION FROM COUNCIL I HEREBY RESOLVE TO:

- 1) Support the preparation and exhibition of Amendment C361 to the Greater Geelong Planning Scheme to rezone 1 Fyans Street and 4 Park Crescent, South Geelong, from General Residential Zone Schedule 1 to Residential Growth Zone Schedule 1;
- 2) Consider the application for planning permit for "Shop" use, buildings and works extensions & waiver of 6 car parking spaces at 1 Fyans Street South Geelong (Planning Permit 1000/2016) concurrently with the preparation of the Amendment in accordance with the Planning & Environment Act, and that draft Planning Permit 1000/2016 be prepared and exhibited with the Amendment; and
- 3) Request the Minister for Planning to authorise the preparation and exhibition of Amendment C361 & Planning Permit 1000/2016.

SIGNED: 

DATE: 2/2/17

PETER SMITH
COORDINATOR STRATEGIC IMPLEMENTATION

GREATER GEELONG PLANNING SCHEME
DELEGATED AUTHORITY REPORT
AMENDMENT C361 RESOLUTION TO EXHIBIT

To: Peter Smith – Coordinator Strategic Implementation
From: Ian McCartney – Senior Strategic Planner
Subject: Combined Rezoning/Permit 1 Fyans Street & 4 Park Crescent, South Geelong
File number: C-361
Date of Report: 1 February 2017

Purpose

The purpose of this report is to seek Council support to proceed with the preparation and exhibition of a combined Planning Scheme Amendment and draft Planning Permit for land at 1 Fyans Street & 4 Park Crescent, South Geelong, subject to authorisation being obtained from the Minister for Planning.

Summary

- A combined Planning Scheme Amendment and Planning Permit application has been made by Fadgyas Planning Associates P/L on behalf of Totally Workwear to rezone 1 Fyans Street and 4 Park Crescent, South Geelong from General Residential Zone Schedule 1 (GRZ1) to Residential Growth Zone Schedule 1 (RGZ1).
- The accompanying permit application seeks approval for the existing “Shop” use and to extend the existing buildings at 1 Fyans Street together with a waiver of 6 car parking spaces.
- Whilst the property at 1 Fyans Street has accommodated a range of retail/commercial uses over many years, the proposed shop extensions cannot be undertaken in accordance with the existing zoning provisions.
- The RGZ1 is considered to be the most suitable zone to enable a permit to be issued for the use and modest building extensions, being the same zone already applied to properties opposite the subject land on the west side of LaTrobe Terrace.
- The expansion of the Shop use at 1 Fyans Street is considered unlikely to result in adverse amenity impacts on adjoining or nearby property owners.
- It is recommended the combined Amendment/Planning Permit as described above be exhibited subject to receipt of the Minister’s authorisation.

Recommendation

That Council:

- 1) Supports the preparation and exhibition of Amendment C361 to the Greater Geelong Planning Scheme to rezone 1 Fyans Street and 4 Park Crescent, South Geelong, from General Residential Zone Schedule 1 to Residential Growth Zone Schedule 1;**
- 2) Considers the application for planning permit for “Shop” use, buildings and works extensions and the waiver of 6 car parking spaces at 1 Fyans Street South Geelong (Planning Permit 1000/2016) concurrently with the preparation of the Amendment in accordance with the Planning and Environment Act, and that draft Planning Permit 1000/2016 be prepared and exhibited with the Amendment; and**
- 3) Requests the Minister for Planning to authorise the preparation and exhibition of Amendment C361 & Planning Permit 1000/2016.**

Background

A combined Planning Scheme Amendment and Planning Permit application has been made by Fadgyas Planning Associates P/L on behalf of Totally Workwear to rezone 1 Fyans Street and 5 Park Crescent, South Geelong from GRZ1 To RGZ1.

The accompanying permit application seeks approval for the existing “Shop” use and to extend the existing premises at 1 Fyans Street, together with a waiver of 6 car parking spaces. The company has owned the site and operated the showroom/shop for many years from where it sells specialised (safety and/or embossed) workwear. The business has now expanded to such an extent that the premises are insufficiently large to display the products and service customer demand, hence the need to seek building extensions to provide additional showroom, storage & staff amenities.

The adjoining property at 4 Park Crescent in the same ownership is occupied by a detached house used as a Medical Centre. This site has a Planning Permit for a pair of 2 storey attached townhouses (Permit 64/20916).

The property at 1 Fyans Street has a very long history of various retail/commercial uses including drive-in bottle shop, car sales, car accessory sales, furniture sales and now clothing and footwear (workwear) sales. Despite the long-established history of commercial uses, the shop extensions being proposed by the current permit application cannot be undertaken in accordance with the existing zone provisions, thus requiring the proposed rezoning.

As both properties are owned by Totally Workwear they have been included in the rezoning application to ensure consistency of zoning of all of the land in the one ownership.

Appendix 1 shows the existing zoning of the subject land and the surrounding area and **Appendix 2** shows the proposed building extensions at 1 Fyans Street subject to the accompanying planning permit.

Discussion

The subject land is located at a high profile location at the north east corner of La Trobe Terrace and Fyans Street, South Geelong, one of the city's busiest intersections. It is situated at the western edge of a pocket of residential development between Park Crescent and Fyans Street, whilst Commercial 2 zoned land to the south and south west is occupied by a range of commercial uses, dominated by car sales. Park Crescent forms the southern boundary of Kardinia Park opposite the subject land.

Appendix 3 is an aerial photo showing the development of the subject land and surrounding area. A detached house and 2 storey block of 6 flats abut the eastern boundary of the subject land.

The Residential Growth Zone Schedule 1 is considered to be the most suitable zone which can be applied to the subject land within which a permit can be issued for the "Shop" use and the proposed modest extensions to the existing premises. The RGZ1 has already been applied to large portions of the western side of Latrobe Terrace extending between West Fyans Street (opposite the subject land) and Aberdeen Street.

Under the provisions of the RGZ1 a "Shop" is a Section 1 use subject to the following conditions.

- The land must be located within 100 metres of a commercial zone or Mixed Use Zone and must adjoin or have access to, a road in a Road Zone.
- The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.
- The leasable floor area must not exceed 100 sq metres.

This proposal complies with the first two of the above conditions but not the third, with the existing and proposed leasable floor area well in excess of 100 square metres. In these circumstances, "Shop" becomes a Section 2 use subject to compliance with the first two of the above conditions.

To remove any lingering doubt about existing use rights associated with the current operation of the Totally Workwear business on the subject land, the permit application seeks approval for the "Shop" use together with approval for the proposed buildings and works (Clause 32.07-6) and a car parking waiver.

Fadgyas Planning Associates submit that the existing use will continue to operate in a similar manner as it has been doing for many years without any impact on neighbouring properties. It is argued that the modest building extensions and any increase in activity resulting from the expanded premises will have no impact on amenity or the operation of existing access arrangements from Latrobe Terrace and Park Crescent. These views are supported.

The permit application has been subject to a detailed assessment by Council's Statutory Planning Department which has concluded that the proposed use and modest building extensions are unlikely to result in any adverse amenity impacts with the use operating in essentially the same manner as it has been doing for many years.

The proposed combined rezoning/permit application will enable the long-established commercial/retail useage of the subject land to continue and

provide an opportunity for the existing Totally Workwear retail outlet to expand its business in a relatively unpretentious manner.

Appendix 4 is Amendment C361 recommended to be exhibited and **Appendix 5** is the accompanying draft planning permit 1000/2016.

Environmental Implications

The proposed Amendment and associated permit have no environmental consequences.

Financial Implications

This proposal will not result in any financial implications for Council.

Policy/Legal/Statutory Implications

The proposal is consistent with the overall thrust of State and Council Planning policies of responding to and supporting urban consolidation, sustainable development and community needs. It is consistent with the Local Policy at Clause 22.01 Discretionary Uses in Residential Areas which support uses providing for the needs of the local community without adversely impacting on the amenity of surrounding residential areas.

Alignment to City Plan

The Amendment and Permit are consistent with City Plan's Growing our Economy priority by providing for additional development capitalising on existing infrastructure.

Officer Direct or Indirect Interest

No Council officers have direct or indirect interest, in accordance with Section 80(c) of the Local Government Act to which this Amendment and Permit relate.

Risk Assessment

No risks have been identified in exhibiting Amendment C361 and accompanying permit as being recommended by this report.

Social Considerations

The proposal will have a positive outcome in that it will provide the opportunity for employment of additional staff.

Human Rights Charter

The Amendment and Permit 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.

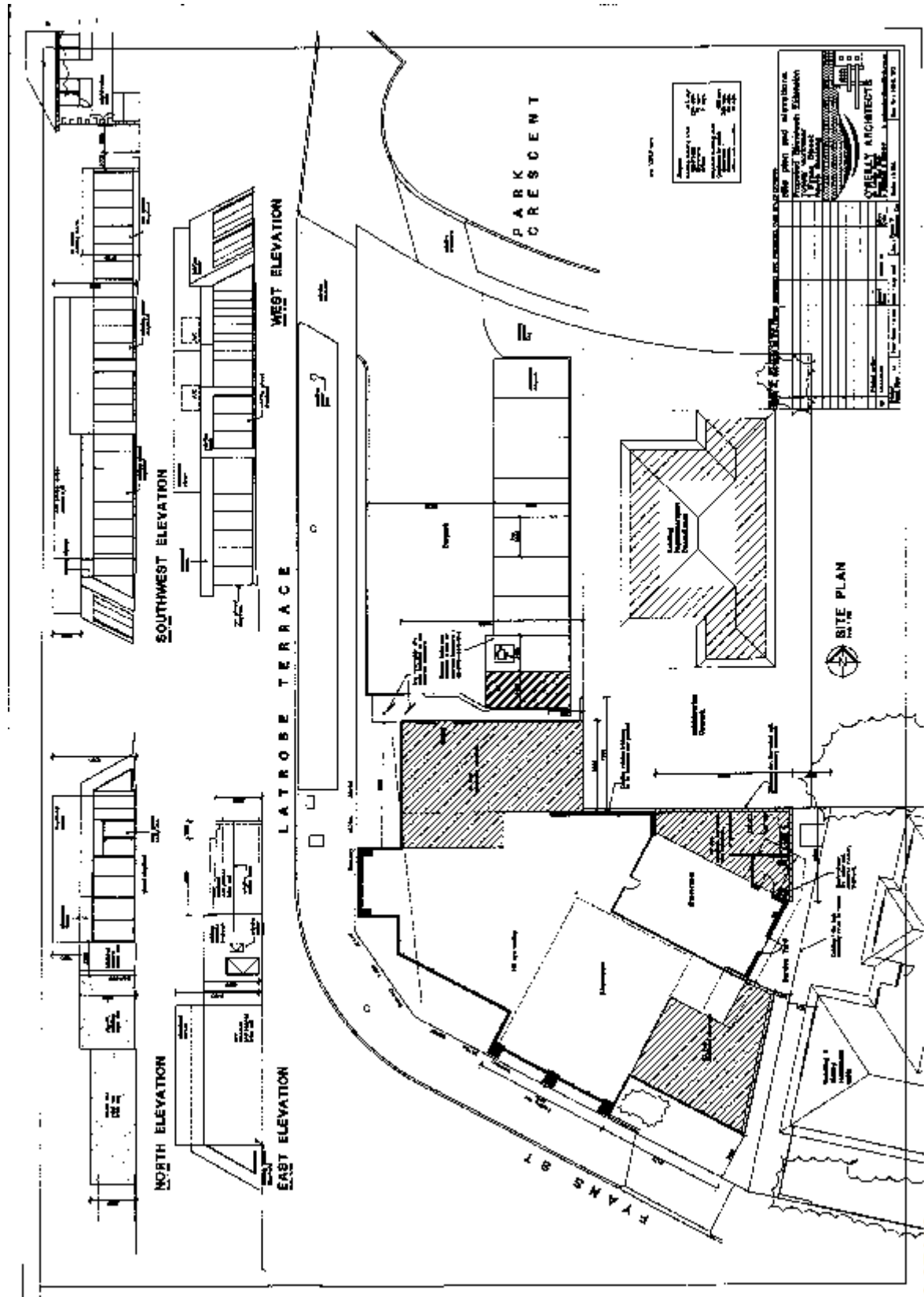
Consultation and Communication

All nearby property owners and occupiers will be notified at the time of the exhibition of this Amendment to enable them to make a submission and appear before an Independent Panel appointed by the Minister for Planning if they wish.

Appendix 1 – Existing Zoning



Appendix 2 – Proposed Building Extensions



D16-37162

Appendix 3 – Aerial Photo



Appendix 4 – Amendment Documents

Planning and Environment Act 1987 **GREATER GEELONG PLANNING SCHEME**

AMENDMENT C361

INSTRUCTION SHEET

The planning authority for this amendment is Greater Geelong City Council.

The Greater Geelong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 1 attached map.

Zoning Maps

Amend Planning Scheme Map No. 49 is amended as shown on the attached map.

Planning Scheme Ordinance

There are no changes to the Planning Scheme Ordinance

End of document



(Planning Mapping Services)
(Planning Information Services)
(Planning)



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Appendix 5 – Draft Planning Permit

PLANNING PERMIT

Permit No.	PP-1000-2016
Planning Scheme	Greater Geelong Planning Scheme
Responsible Authority	Greater Geelong City Council

ADDRESS OF THE LAND

1 FYANS STREET, SOUTH GEELONG

THE PERMIT ALLOWS

USE AND DEVELOPMENT OF A SHOP, AND REDUCTION IN CAR PARKING REQUIREMENT GENERALLY IN ACCORDANCE WITH THE ENDORSED PLANS

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the use and/or development, three (3) copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A security gate to prevent public access to the service yard along the east lot boundary.
 - b) Designated area on the site for loading and unloading of vehicles and dimensioned in accordance with Clause 52.07 of the Scheme.

Endorsed Plans

2. The use and development as shown on the endorsed plan(s) must not be altered without the written consent of the Responsible Authority.

Landscaping

3. Prior to the commencement of the development, three (3) copies of a landscape plan prepared by a suitably qualified or experienced, person to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plan(s) must be drawn to scale and show:
 - a) Details of surface finishes of pathways and driveways;
 - b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - c) Landscaping and planting within all open areas of the site.

When approved, the plan will be endorsed and form part of the permit, all to the satisfaction of the Responsible Authority.

Prior to the Commencement of the Use

4. Prior to the commencement of the use, the developer must:
- a) Construct the site stormwater system including all connections into the underground drain Latrobe Terrace, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.
 - b) Construct and drain the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans.
 - c) Complete all landscaping in accordance with the endorsed plans.
 - d) Complete all buildings and works in accordance with the endorsed plans.

all to the satisfaction of the Responsible Authority.

Operating Times

5. Unless otherwise approved in writing by the Responsible Authority, the use hereby permitted may only operate during the following times:

- Monday to Friday - 8.30am to 5.30pm.
- Saturday - 9.00am to 3.00pm.

to the satisfaction of the Responsible Authority.

6. Unless otherwise approved in writing, deliveries and privately contracted waste collection activities must occur on the land and during the operating times prescribed at Condition 5, to the satisfaction of the Responsible Authority.

Maximum Staff Numbers

7. No more than seven (7) staff may work in the shop at any one time, to the satisfaction of the Responsible Authority.

General Amenity

8. The amenity of the area must not be detrimentally affected by the use or development through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;

to the satisfaction of the Responsible Authority.

9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
10. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the Responsible Authority.
11. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service to the satisfaction of the Responsible Authority.

Car Parking

12. Car spaces, access lanes, pedestrian paths and driveways must be kept available for these purposes at all times.
13. The car park as shown on the endorsed plan(s) must be closed and entry precluded by means of a gate or chain or other device, to the satisfaction of the Responsible Authority when the use hereby permitted is not being conducted.

Permit Expiry

14. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.
- c) The use is not commenced within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires; or

- a) within six (6) months after the permit expires where the use or development has not yet started; or
- b) within twelve (12) months after the permit expires, where the development allowed by the permit has lawfully commenced before the permit expiry.

Notes:

- 1. Construction of the site stormwater connection/s is to be inspected by Council Representative prior to any backfilling. An appropriate fee equivalent to 3.25% of total cost of civil works, excluding GST (a minimum fee of \$100 applies if the 3.25% amount is less than \$100), is to be paid to Council for inspection. Relevant evidential documentation of the cost is to be provided.
- 2. All internal property drainage must be designed and constructed to satisfy AS/NZS 3500.