

**GREATER GEELONG PLANNING SCHEME**

**AMENDMENT C358**

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**RESOLUTION TO EXHIBIT AMENDMENT**

UNDER DELEGATION FROM THE COUNCIL I HEREBY RESOLVE TO:

1. Support the preparation and exhibition of Amendment C358 to the Greater Geelong Planning Scheme to rezone the land at 55, 57 and 59 Kilgour Street, Geelong and 322-328 Moorabool Street, Geelong from the General Residential Zone Schedule 1 to the Mixed Use Zone; and
2. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C358.

SIGNED: .....

*Peter Smith*

DATE: .....

*29/3/17*

**PETER SMITH  
COORDINATOR STRATEGIC IMPLEMENTATION  
CITY DEVELOPMENT**

*Planning and Environment Act 1987*  
**GREATER GEELONG PLANNING SCHEME**  
**DELEGATED AUTHORITY REPORT**  
**AMENDMENT C358**

**To:** Peter Smith - Coordinator, Strategic Implementation  
**From:** Peter Schembri - Senior Strategic Planner  
**Subject:** 55-59 Kilgour & 322-328 Moorabool Streets, Geelong  
**File number:** Amendment C358

## **Purpose**

This report seeks delegated Council support to exhibit a planning scheme amendment to rezone the property on the corner of Kilgour and Moorabool Streets, Geelong.

## **Summary**

- An Amendment request has been made by Sincock Planning on behalf of S. Li and F. Furnari, owners of three small commercial titles at 55, 57 and 59 Kilgour Street, Geelong.
- The ground floor tenancies together with 3 upper apartment levels (addressed as 322-328 Moorabool Street) form part of a single building complex that includes underground car parking spaces.
- The commercial spaces are currently vacant and have struggled to attract and retain tenants since the building was constructed in 2009-10.
- It is proposal to rezone the entire site from the General Residential Zone Schedule 1 to the Mixed Use Zone. The Mixed Use Zone will provide opportunity for a wider range of ground floor commercial uses including office uses.
- The rezoning applies to the upper level apartments where tenants will continue to enjoy as-of-right dwelling use. The apartments are owned by Loddon Mallee Housing Services Limited trading as Haven; Home Safe.
- It is recommended that the Amendment be placed on public exhibition subject to authorisation from the Minister for Planning.

## **Recommendation**

**That Council, under delegation, resolves to:**

- 1. Support the preparation and exhibition of Amendment C358 to the Greater Geelong Planning Scheme to rezone the land at 55, 57 and 59 Kilgour Street, Geelong and 322-328 Moorabool Street, Geelong from the General Residential Zone Schedule 1 to the Mixed Use Zone; and**
- 2. Request the Minister for Planning to authorise the preparation and exhibition of Amendment C358.**

## **Report**

### ***Background***

In March 2017 Sincock Planning on behalf of Mr Steven Li and Mt Frank Furnari submitted a planning scheme amendment request to rezone the land at

55, 57 & 59 Kilgour Street, Geelong and 322-328 Moorabool Street, Geelong from the General Residential Zone Schedule 1 (GRZ1) to the Mixed Use Zone (MUZ).

The Sincock planning report provides a thorough assessment of the site and locality on pages 3 to 5. On page 3 the report says:

*The subject site is located on the north-west corner of Kilgour Street and Moorabool Street Geelong. The site comprises a four storey building comprising 30 apartments at levels 1-3 (10 apartments per level) and three commercial tenancies along with common property car parking at the ground floor. Each apartment and each commercial tenancy is on a single title.*

*The building has road frontage to Faggs Place to the north and Eason Lane to the west, such that each of the neighbouring lots are located on the opposite side of one of the four roads.*

*The shopfronts at the ground floor level comprises three titles with the following floor areas:*

*55 Kilgour Street 73.4sq.m*

*57 Kilgour Street 73.05sq.m*

*59 Kilgour Street 78.6sq.m*

*Each of the ground floor tenancies has frontage to Kilgour Street, whilst 59 Kilgour Street is on the corner of the building and has dual street frontage to Kilgour and Moorabool Streets. The lots each have a single car space with vehicular access from Eason lane.*

The report states that the three tenancies were issued permits for Convenience shop and Restaurant in 2009; however all are vacant and have been for an extended period of time.

More broadly, the site is located on the southern edge of the Geelong CBD, close to Kardinia Park, South Geelong Train Station and the Moorabool Street commercial strip. The area includes a mix of housing types.

An aerial map is shown in Appendix 1 and zoning maps are shown in appendices 2 and 3. Images of the subject land are at Appendix 4.

## ***Discussion***

### **Background to the site**

The land proposed to be rezoned originally formed part of the larger Gordon Institute of TAFE site, which has now consolidated its campuses in the CBD close to the Geelong Train Station.

This created the opportunity for an urban renewal project managed by Places Victoria that delivered a mix of apartment living and inner city townhouses. The development also included ground level commercial tenancies to enliven the building and activate the intersection of Moorabool Street and Kilgour Street.

The Places Victoria website states that the site features 'convenience retail'. Given the site's high exposure a residential zone allowing a limited range of commercial opportunities was considered appropriate. This was reflected by the issuing of permits for convenience shops and a restaurant.

However commercial viability has proven unsuccessful with the tenancies struggling to attract and retain business ventures. All three tenancies have been vacant for an extended period of time and therefore not provided the street activation and employment opportunities as envisaged by Places Victoria.

In hindsight, selection of the Mixed Use at the time of redevelopment – particularly given the scale of the building, ground level commercial spaces and density of apartments – may have been more appropriate.

#### Rezoning the entire site

The commercial tenancies are located on the ground floor of the building. It is these tenancies that are sought to be rezoned to the Mixed Use Zone.

Council officers requested the applicant to investigate whether the rezoning could apply to the tenancies only and not the entire site covered by the building including the upper level apartments. The applicant advised:

*The proposal considered the potential to apply a vertical zoning system that would enable the ground floor tenancy's only to be rezoned, however the Mixed Use Zone does not provide that level of flexibility within the Schedule, and there is no other zone that is considered to approximately fit this site that would enable that level of flexibility.*

It is considered rezoning the entire site is appropriate and will not adversely impact on upper level residents or the apartment landowner (being Loddon Mallee Housing Services Limited). The use of the apartments 'as-of-right' is ongoing in the Mixed Use Zone.

#### Strategic planning merits

The General Residential Zone allows for a limited range of non-residential uses that could operate in these small tenancies, including Convenience shop and Food and drink premise. However, since the building was constructed in 2009-10, permitted commercial uses have failed to establish leading to the current vacancies.

Rezoning the site to the Mixed Use Zone will simply increase the range of allowable commercial uses, particularly office uses which would be suited to the small tenancy spaces, good exposure and limited on-site car parking.

While the site and immediately adjoining land to the north, east and west is also zoned General Residential Zone Schedule 1, other land close by is in the Residential Growth Zone, Commercial 2 Zone and Mixed Use Zone. The South Geelong Train Station and Kardinia Park are also less than 400 metres away. The area generally is considered to be mixed use in nature.

The site is identified in the 'Residential' precinct of the Central Geelong local strategy at Clause 21.09. The proposed Mixed Use Zone sits within the residential suite of zones and is therefore complimentary to the primary purpose of the precinct. The apartment complex will continue to function primarily as a residential use.

Given the small commercial floor area (total of 225 square metres), the proposed rezoning does not challenge the Greater Geelong Retail Activity Centre Hierarchy. It is considered the rezoning is supported by Council's retail policy by fostering small business opportunities and activating street frontages.

In terms of potential amenity impact to upper level and nearby residents, the Sincock Planning report provides a response on pages 15-18. The report finds that there are no offensive or potentially offensive uses in the Mixed Use Zone that are permitted without a planning permit. The report also says that given the size of the tenancies, only small scale uses will be able to occupy the spaces which of itself limits potential amenity impacts.

In summary, the proposed Mixed Use Zone accords with the existing use of the building and surrounding area, and better supports viable tenancy of the ground level floor spaces as originally planned.

#### ***Environmental Implications***

There are no environmental implications associated with rezoning the land.

#### ***Financial Implications***

There are no financial implications.

#### ***Policy/Legal/Statutory Implications***

The proposed Mixed Use Zone is considered to be the most appropriate Victorian Planning Provision zone for the site.

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.*

The Mixed Use Zone supports continued use of the building for dwellings and will improve commercial opportunities of the ground level tenancies.

#### ***Alignment to City Plan***

The Amendment supports the 'Growing our Economy' strategic direction of City Plan by broadening the range of commercial opportunities on the site.

#### ***Officer Direct or Indirect Interest***

No officers involved in this report have any direct or indirect interest in accordance with Section 80c of the *Local Government Act*.

#### ***Risk Assessment***

Processing of this Amendment is considered to be a low level risk for Council.

#### ***Social Considerations***

Supporting greater opportunity for commercial tenants will enliven the building, improve general amenity, activate the street and foster business growth.

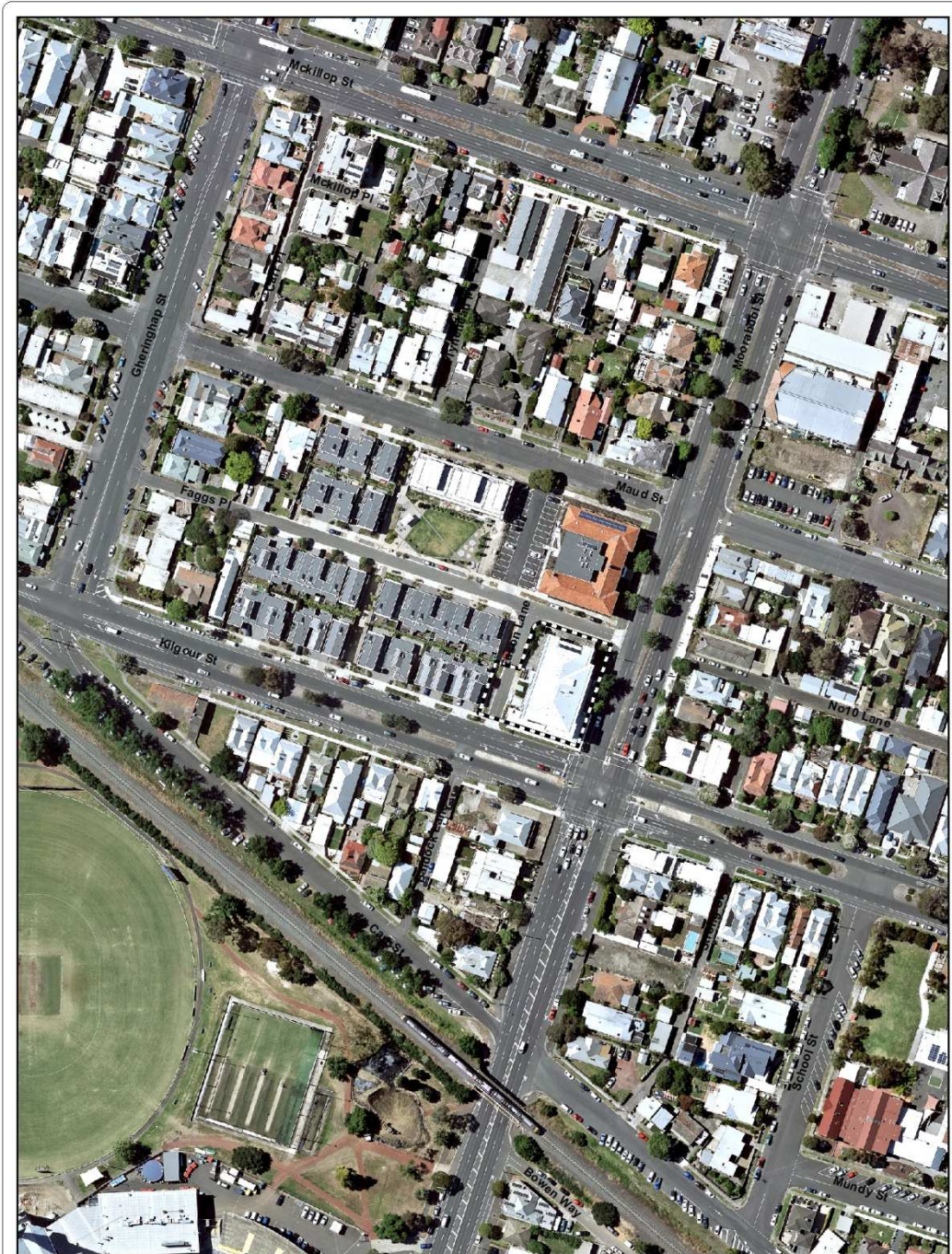
#### ***Human Rights Charter***

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.

***Communication***

All apartment tenants and nearby owners and occupiers will be notified of the amendment, as well as notices published in local newspapers and on the Geelong Australia website.

# Appendix 1 - Aerial Map



GREATER GEELONG - AERIAL

AMENDMENT C358

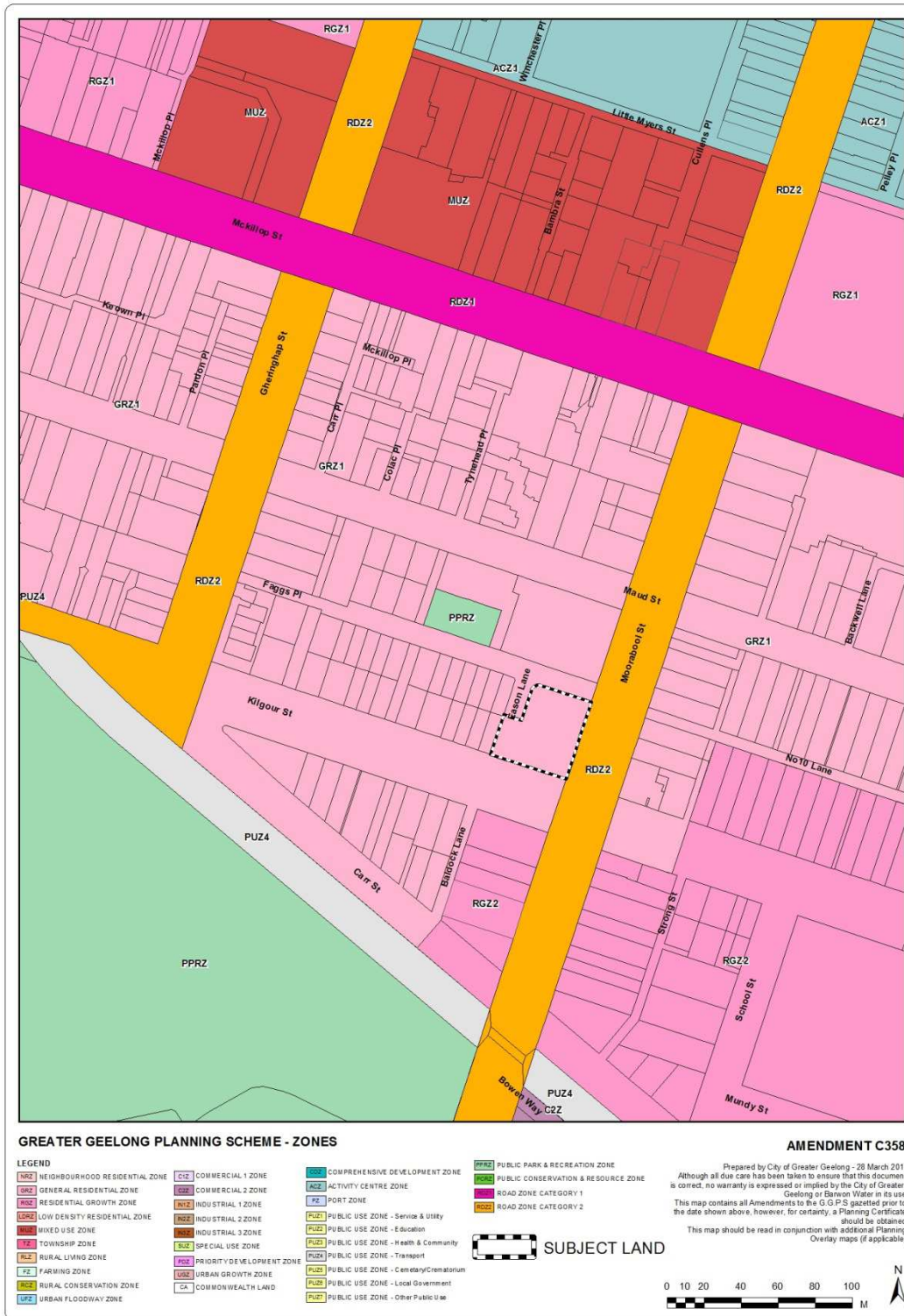


SUBJECT LAND

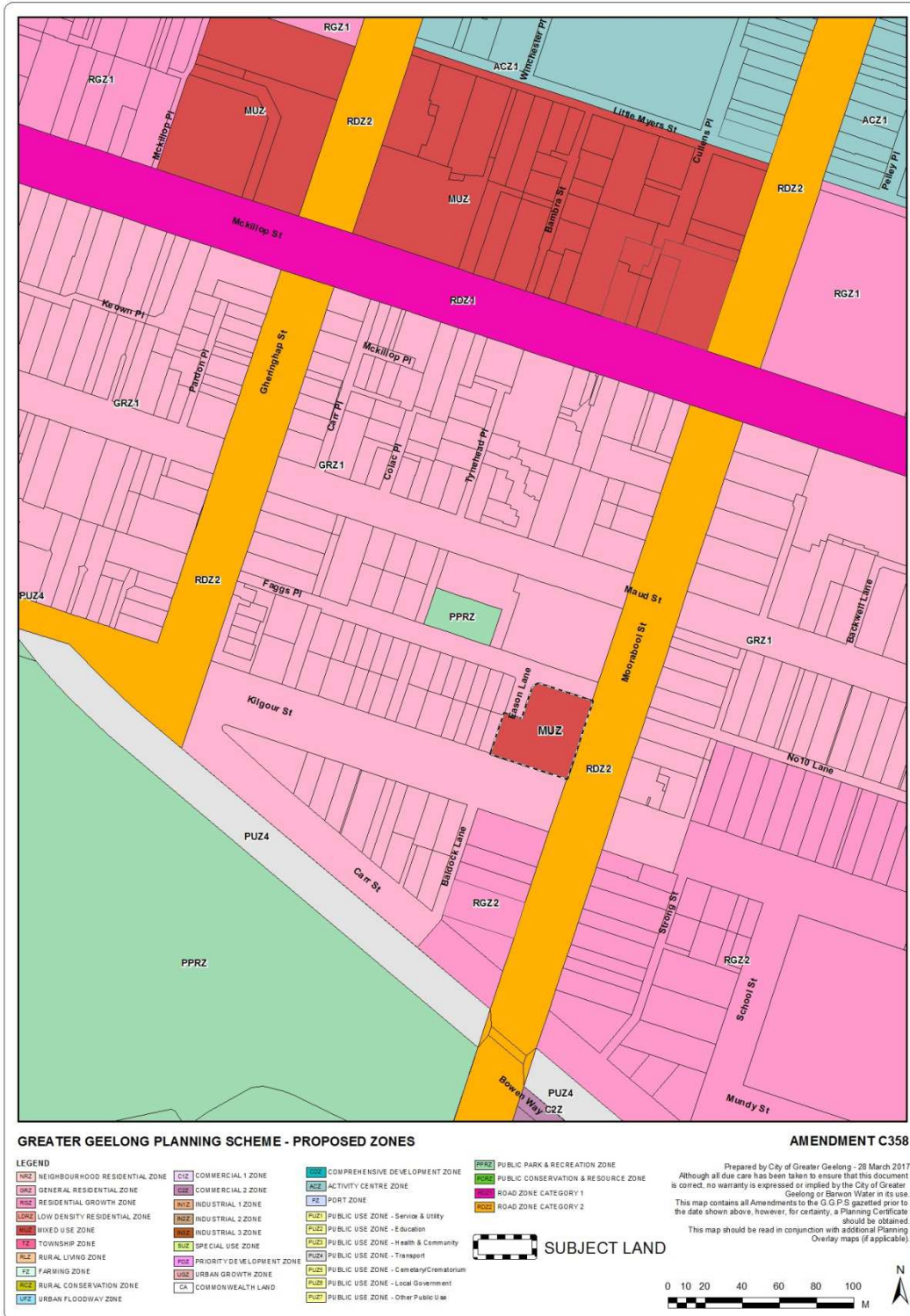
Prepared by City of Greater Geelong - 28 March 2017 (Aerial Imagery - November 2016)  
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## Appendix 2 - Existing Zoning Map



# Appendix 3 - Proposed Rezoning Map



## Appendix 4 - Site images



The three commercial tenancy's as seen from Kilgour Street at the ground level of the apartment building.



59 Kilgour Street visible in the bottom left corner of the apartment building, as seen from Moorabool Street.