

MINUTES

PLANNING COMMITTEE MEETING No. 241

Thursday 29 May 2025
6pm

City Hall

ALSO LIVE STREAMED ON THE CITY'S WEBSITE:

www.geelongaustralia.com.au/meetings

PANEL:

Cr A Katos (Chair)
Cr S Kontelj
Cr R Nelson
Cr A Aitken
Cr E Sinclair
Cr E Wilkinson

PRESENT

Present: Cr A Katos (Chair)
Cr S Kontelj
Cr R Nelson
Cr A Aitken
Cr E Sinclair
Cr E Wilkinson

Council Officers: Verity Bright, Principal Planner
Rory O'Loughlen, Team Leader Statutory Planning
John Rush, Coordinator Statutory Planning
Joanne Van Slageren, Manager City Development
Jacquilyn Douglas, Manger Council and Corporate Governance
Danielle Pangrazio, Governance Administration Officer
Tessa English, City Development Administration Officer

Opening: The Chair declared the meeting open at 6:01pm.

1. PROCEDURAL MATTERS

Acknowledgement Of Country

The Committee acknowledges the Wadawurrung People as the Traditional Owners of the Land, Waterways and Skies. We pay our respects to their Elders, past, present and emerging. We Acknowledge all Aboriginal and Torres Strait Islander people who are part of our Greater Geelong community today.

1.2. Introduce the Panel Members

1.3. Apologies

Cr C Burson, Cr M Cadwell, Cr E Kontelj, Cr T Sullivan, Cr R Story

1.4. Declarations of Conflicts Of Interest

NIL

1.5. Confirmation of Minutes

Moved: Cr R Nelson

Seconded: Cr A Aitken

That the Minutes of the Planning Committee Meeting held on 24 April 2025 be confirmed.

CARRIED

2. MATTER(S) FOR CONSIDERATION

2.1. PP-457-2024

Application No: PP-475-2024

Applicant: Context Planning Pty Ltd

Subject Land: 550 Latrobe Boulevard, Newtown

Zone: Mixed use zone

Overlays: Significant landscape overlay – Schedule 16
Heritage overlay – Schedule 1306 and Schedule 1618
Design and development overlay – Schedule 26
Floodway overlay – Schedule 1
Environmental audit overlay

Existing Use: Existing Retail (Antiques Shop), Restricted Recreation (Gym) and Food and Drink Premises (Cafe)

Proposed Use: Partial demolition, use and development of offices, retail including food and drink premises and a restaurant, the sale and consumption of liquor associated with a general licence and reduction in car parking

Summary

- The site is located at 550 Latrobe Boulevard, Newtown, adjacent to the Barwon River.
- The site is located within a Mixed Use Zone and the following overlays apply:
 - Significant Landscape Overlay – Schedule 16 – Rivers of the Barwon: Barwon River (Parwan) Corridor Environs
 - Heritage Overlay – Schedule 1618 (Woollen Mills Heritage Area) and Schedule 1306 (Albion Woollen & Worsted Mills – former)
 - Design and Development Overlay – Schedule 26 – West Fyans – Fyans Street Structure Plan Area. The site is within Precinct 4 – Mixed Use – High Density.
 - Floodway Overlay – Schedule 1
 - Environmental Audit Overlay
- The site has a street frontage to 121 metres to Latrobe Boulevard and 30 metres to the Barwon River. It has a total area of 3655 square metres.

More information on the site is located within the [Site/ Locality section](#) of this report.

What is the application for?

- The application seeks partial demolition to the existing building. New works include new window openings, two levels of outdoor deck areas to the southern end of the building, and mezzanine levels within the building.
- Use of the land for offices, retail premises including food and drink premises and a 250 patron restaurant and up to 350 patrons, 6 events a year.
- The restaurant is proposed have a general liquor license and operate 10am to midnight, 7 days a week.
- The total number of proposed on-site car space is 49, comprising 44 spaces within a new basement and 5 spaces at ground level.
- A reduction of 179 car spaces is required for the proposal. A total of 228 spaces are required under the Car Parking provisions within the Planning Scheme.

More information is provided within the [Proposal section](#) of this report.

How was the application advertised? How many objections were received?

- Public notice was undertaken by way of signs on site and letters to the adjoining owners and occupiers. A total of 10 objections were received.
- The main objector concerns were flooding, lack of parking, impacts to on-street parking, increase of traffic, acoustic impacts, stormwater management, loss of privacy and heritage impacts.

More information is within the [Public Notice Section](#) of this report.

Referrals

- The application was externally referred to the Corangamite Catchment Management Authority, who did not object, subject to conditions.
- Council's Heritage, ESD, Environment, Environmental Health, Parks and Waste Departments were supportive of the application, subject to conditions
- However, Council's Engineering, Urban Design and Strategic Planning Departments were not supportive of the application.

More information is within the Referrals Section of this report.

How was the application assessed and against what provisions?

- The application was assessed against the relevant parts of the Greater Geelong Planning Scheme including:
 - Municipal Planning Strategy
 - Planning Policy Framework
 - Mixed Use Zone
 - The relevant Overlays
 - Clause 52.06 Car Parking
 - Clause 52.34 Bicycle Facilities
 - West Fyans-Fyans Street Structure Plan (an incorporated document within the Planning Scheme)

More information is included in the Zone, Policy and Particular Provisions of this report.

What is the recommendation?

On balance and having considered all the relevant matters within the Planning Scheme, Officers recommend to refuse the application, subject to the grounds of refusal outlined within the Recommendation Section of this report.

Essentially, the proposed land uses (particularly the Office use) are at odds with the *West Fyans –Fyans Street Precinct Structure Plan*. The combination of land uses would require a significant waiver of car parking which would adversely affect the amenity of the locality.

Recommendation

Moved: Cr E Sinclair

Seconded: Cr E Wilkinson

That the Responsible Authority having considered all matters which the Planning and Environment Act 1987, requires it to consider decides to Refuse to Grant a Planning Permit for Partial Demolition, Use and Development of Offices, Retail Including Food and Drink Premises and a Restaurant, the Sale and Consumption of Liquor Associated with a General Licence and Reduction in Car Parking at 550 Latrobe Boulevard, NEWTOWN on the following grounds:

1. The proposal is contrary to the design objectives and the policy requirements of the Design and Development Overlay 26 of the Greater Geelong Planning Scheme as:
 - a) The proposal does not incorporate best practise Environmentally Sustainable Design including but not limited to energy and water including stormwater quality and reuse initiatives
 - b) The proposal does not limit the need for vehicles to park on the street as it does not provide car parking consistent with the requirements of Clauses 52.06
2. The proposal is contrary to the Planning Policy Framework of the Greater Geelong Planning Scheme as it has not adequately demonstrated that the proposal complies with:
 - a) Clause 11.03-6L-04 West Fyans - Fyans Street in that the proposed land uses do not achieve the strategies for Precinct 4 (Mixed Use- High Density) and it does not achieve the outcomes within the *West Fyans – Fyans Street Precinct Structure Plan* (City of Greater Geelong, 2009).
 - b) Clause 16.01-1R Infill housing – Geelong G21 and Clause 16.01-1L-01 Integrated housing and housing diversity in that infill development has not been accommodated in a Key Development Area
3. The proposal is contrary to the purpose of Clause 52.06 Car Parking and the decisions guidelines of the Greater Geelong Planning Scheme, in particular relating to the reduction of car parking in that:
 - a) An appropriate number of car parking spaces has not been provided on the land having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
 - a) The car parking reduction will adversely affect the amenity of the locality.
 - b) The role and function of nearby roads and the ease and safety with which vehicles gain access to the site will be impacted by the development
 - c) A car park allocation plan has not been provided and it is unknown how the tandem spaces will be shared.
 - d) The development relies on on-street parking within proximity to the site, which has little to no pedestrian accessibility and does not enhance the safety and security of people using off street parking areas particularly at night.
4. The proposal is inconsistent with the Decision Guidelines at Clause 65 of the Greater Geelong Planning Scheme in that it does not provide an orderly planning outcome for the area.

LOST

Resolution

Moved: Cr S Kontelj

Seconded: Cr R Nelson

PLANNING APPLICATION	PP-475-2024
ADDRESS	550 Latrobe Boulevard NEWTOWN

Planning Scheme Clause	Matter for which the permit has been granted
32.04-2	Use the land for an Office, Retail, Food and Drink Premises and Restaurant
32.04-10	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.
43.01-1	Demolish or remove a building Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
44.03-2	Construct a building or construct or carry out works
52.06-3	Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5
52.27	Use the land to sell or consume liquor for a license that is required under the Liquor Control Reform Act 1998 (General License)

That the Responsible Authority having considered all matters which the *Planning and Environment Act, 1987* requires it to consider, decides to Issue a Notice of Decision to Grant a planning permit for Partial Demolition, Use and Development of Offices, Retail Including Food and Drink Premises and a Restaurant, the Sale and Consumption of Liquor Associated with a General Licence and Reduction in Car Parking at 550 Latrobe Boulevard NEWTOWN on the following conditions:

Amended Plans

1. Prior to works commencing, 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 24 May 2023 but modified to show:
 - a) A note that details the demolition will be in accordance with the Demolition Method Statement in accordance with condition 9.
 - b) Detail of the construction, finish and colour of any new window sills.
 - c) Detail of the profile, construction and colour of replacement rain heads and downpipes. Note: the proposed east elevation drawings do not show these rainwater goods which are original/early to the building and form part of its character and appearance. Provision of replacement rain heads and downpipes on the east elevation is suggested.
 - d) The construction (and colour/s) of the proposed stairs and deck structures, and stair balustrades being documented.
 - e) Details of acoustic treatments as per the acoustic report.
 - f) Details of the finish and colour of the garage door of the enlarged vehicular opening at the south end of the east elevation.
 - g) Initiatives contained within the Sustainability Management Plan (SMP) report along with the proposed changes as required by condition 2 of this permit.
 - h) Nominate the land use of each tenancy.
 - i) Landscape plan in accordance with condition 10.
 - j) Signage as required by Clause 52.34-7.

2. Prior to the commencement of the works, a Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The SMP must demonstrate compliance with Clause 15.01-2L to the satisfaction of the Responsible Authority. Any building fabric that is not updated due to heritage constraints may be scoped out or omitted from the SMP report.

Endorsed Plans

3. The use and development as shown on the endorsed plan(s) must not be altered without the prior written consent of the Responsible Authority.
4. The landscaping shown on any endorsed plans must be completed and maintained to the satisfaction of the Responsible Authority. The endorsed landscape plans must not be altered without the prior written consent of the Responsible Authority.
5. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) report and plans to the satisfaction of the Responsible Authority.
6. Before occupation of the development, a report from a suitably qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the Sustainability Management Plan (SMP) have been implemented in accordance with the approved Plan.

Waste Management Plan

7. Prior to the use commencing, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the Permit. The management of waste must be conducted at all times, in accordance with the endorsed Waste Management Plan.
8. Unless otherwise approved in writing by the Responsible Authority, all waste collection from the site must be in accordance with the endorsed waste management plan.

Demolition Method Statement

9. Prior to the commencement of the works permitted by this permit, including any demolition works, a fully detailed Demolition Method Statement prepared by a qualified structural engineer must be submitted to and approved by the responsible authority. When approved, the statement will be endorsed and will then form part of the permit.

The Demolition Method Statement must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the endorsed plans will be safeguarded during and after the demolition process has occurred. The demolition method statement may need to include reference to staging of demolitions on site in some instances. The statement must detail the necessary protection works required to retain individual walls, chimneys, roofs during demolition. The following information must also be document:

- a) Any additional structural remedial works that introduce new fabric.
- b) Conservation remedial measures, such as mortar mix/es
- c) Method of removal of the introduced paintwork to the brickwork on the west elevation (by approved poultice method).

Landscape Plan

10. Prior to the works commencing, 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 use

11. Prior to the commencement of the use, the developer must:

- a) Construct the site stormwater system into the existing internal stormwater drainage system that discharges into the existing legal point of discharge (LPOD), 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 vehicular crossings in accordance with the requirements and standards of the City of Greater Geelong.
- c) Any proposed vehicular crossing shall have satisfactory clearance to any existing crossover, side-entry pit, power, lighting or telecommunication pole, manhole cover or marker, fire hydrant or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- d) Remove any redundant vehicular crossings with kerb and channel and the footpath/nature strip area reinstated to match existing construction in the street;
- e) Must linemark the car spaces in the basement car park and at the southern end of the building and be in accordance with the endorsed plan.
- f) Complete all landscaping in accordance with the endorsed landscape plan as required by condition 10
- g) Complete all works as per the endorsed plans required by condition 14 and 15 – Site Access Plans and Condition 16 – Functional Layout Plans – Latrobe Boulevard.
- h) Submit a car park allocation plan for approval and endorsement in accordance with condition 19.
- i) Construct all the acoustic measures in accordance with the submitted acoustic report in accordance with condition 24.

All to the satisfaction of the Responsible Authority.

Drainage

12. The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties.

Stormwater Quality and Management

13. The site stormwater system must be designed and installed such that;

- a) The site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual may be required;
- b) Runoff is to be treated to achieve current best practice pollutant removal targets by connection to an appropriate Water Treatment Facility, with capacity to treat at least a 3 month ARI storm event, unless approved otherwise by the Responsible Authority. The Water Treatment Facility must be maintained to the satisfaction of the Responsible Authority.

Drainage Construction Plans

14. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, Engineer designed drainage construction plans must be submitted to and Endorsed by the Responsible Authority. The plans are to be in accordance with the design standards of the City of Greater Geelong and the Infrastructure Design Manual, with no adverse external impacts, to achieve an acceptable standard of aesthetics (including landscaping) which can be maintained in perpetuity, to the satisfaction of the Responsible Authority.

Site runoff must be limited to equivalent pre-developed levels for rainfall events up to and including the critical 100yr ARI event in accordance with the Drainage and Water Sensitive Urban Design Strategy. The stormwater drainage system on the site must be designed such that stormwater runoff exiting the land meets the current best practice performance objectives for stormwater quality as follows:

- a) 80% retention of the typical annual load of suspended solids;
- b) 45% retention of the typical annual load of total phosphorous;
- c) 45% retention of the typical annual load of total nitrogen; and;
- d) 70% retention of the typical annual load of gross pollutants.

All to the satisfaction of the Responsible Authority.

Site Access

15. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, engineering drawings must be provided to show the design of the vehicle crossing and footpath to access the Basement car park and approved by the Responsible Authority. This vehicle crossing must be separate from the vehicle crossing that will provide access to the southern end of the building. A longitudinal section of the footpath must be included as part of the drawings to show the existing and design levels.
16. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, engineering drawings must be provided to show the design of the vehicle crossing and footpath to access the parking spaces at the southern end of the building. This vehicle crossing must be separate from the vehicle crossing that will provide access to the Basement car park.

Functional Layout Plan – Latrobe Boulevard

17. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works, a Functional Layout Plan must be developed and submitted to show all changes to the car parking on the western side of Latrobe Boulevard, including linemarking and signage. The Functional Layout Plan will be approved by the Responsible Authority and all costs associated with the works will be at the permit holder's expense.

Environmental Construction Management Plan (ECMP)

18. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of works for each relevant stage of the subdivision, an Environmental Construction Management Plan (ECMP) shall be submitted to and Endorsed by the Responsible Authority. When Endorsed, all conditions on the ECMP will form part of the permit. The plan must address, but not be limited to, the following:
- a) Hours of works, demolition or construction;
 - b) Methods to contain dirt and mud within the site, and the method and frequency of clean up procedures;
 - c) Methods used with regards to Dust suppression which may include but not limited to the following:
 - i. Water truck to be retained on site at all times;

- ii. Soil stockpiles to be retained on site must be seeded or provide a treatment to provide a crusted surface;
- iii. Cease all works on site during high wind incidences;
- iv. Vehicle/truck movements to be limited to a reduced speed to prevent dust emissions;
- v. Dust suppression measures including fencing in locations to existing dwelling;
- d) The protection measures for site features to be retained (e.g. vegetation, retaining walls, buildings, other structures and pathways, etc.);
- e) Delivery and unloading points and expected frequency;
- f) A liaison personnel for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
- g) The movement of construction vehicles to and from the site must be regulated to ensure that no traffic hazards are created in and around the site;
- h) Parking facilities for machinery and construction workers;
- i) Measures to minimise the impact of construction vehicles arriving at / departing from the land;
- j) Any other measures that are consistent with the following Environmental Protection Authority publications: 'Environmental Management Guidelines for Major Construction Sites', 'Construction Techniques for Sediment and Pollution Control' and 'Doing it Right on Subdivisions';
- k) Handling, tracking and testing of all imported fill;
- l) Measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period; and;
- m) Any other condition as required by the Responsible Authority that addresses any other issues i.e. location of earth mound / soil stockpiles, rumble grids, construction of and materials used for all whether access roads up to 30 meters on entry and exit to the site entry.
- n) The measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period.
- o) Weed control measures including the identification of infestations and the proposed treatment measures for any species identified;
- p) Plant and vehicle hygiene measures;
- q) Intended access for construction vehicles;

Once the Environmental Construction Management Plan (ECMP) has been endorsed by the Responsible Authority under this permit it must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority. Any non-compliance identified by the Responsible Authority must be rectified immediately and at no cost to Council.

Car Park Management Plan

19. Before the use commences, a Car Park Management Plan (CPMP) must be submitted to and approved by the Responsible Authority. When approved, it will become an endorsed plan forming part of the permit and must not be varied except with the written approval of the Responsible Authority. It must include the following:
- a) Allocation of car spaces within the basement
 - b) How the tandem car spaces will be managed
 - c) Allocation of the at grade car spaces
 - d) Operation of basement car spaces after standard business hours.

Restaurant – Hours of Operation

20. Unless otherwise approved in writing by the Responsible Authority, the Restaurant is hereby permitted may only operate during the following times:
- a) 10.00am to Midnight, every day, all to the satisfaction of the Responsible Authority.

External Areas – Hours of Operation

21. The premises must only operate the external decks/balconies during the following times:
- a) Monday to Thursday – 10.00am to 8.00pm
 - b) Friday to Saturday – 10.00am to 10.00pm.
 - c) Sunday and Public Holidays – 10.00am to 8.00pm.

Patrons

22. Unless otherwise approved in writing by the Responsible Authority, the Restaurant is permitted to only have a maximum of 250 patrons on site at any one time.
23. Unless otherwise approved in writing by the Responsible Authority, the restaurant is permitted to have six (6) events per calendar year with more than 250 patrons but no more than 350 patrons. A log must be kept and presented to the Responsible Authority when requested.

Environmental Health

24. Prior to the restaurant use commencing the acoustic measures outlined in Section 4 Recommendations of the *Acoustic Report for Town Planning Application by Enfield Acoustics Noise Vibration DOC. REF: V1971-01-P ACOUSTIC REPORT (R0)19 JULY 2024*, must be constructed.

Audible Music or Announcements

25. No amplified music, including live amplified music, must be played, or piped to external areas without the further written consent of the Responsible Authority.

Patron Management Plan

26. Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of use, a Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the plan. The plan must include:
- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - b) signage to be used to encourage responsible off-site patron behaviour;
 - c) the training of staff in the management of patron behaviour;
 - d) staff communication arrangements;
 - e) and measures to control noise emissions from the premises.
27. A notice to the satisfaction of the Responsible Authority shall be fixed in a prominent position visible to all patrons as they leave the premises. The notice shall be clearly legible and draw attention to the requirements for considerate and quiet behaviour of patrons on departing from the premises.

Disposal of Bottles

28. Bottles shall be bagged during operation times and shall not be emptied into any external refuse bins between the hours of 10pm and 8am.

Security Alarms

29. 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 monitored security service.

Plant and Equipment Insulation

30. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
31. All air-conditioning units are to be placed in an appropriate location or alternatively acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.

Light Emissions

32. Outdoor lighting must be designed, baffled, and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.

General Amenity

33. 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, wastewater, waste products, grit or oil;
 - d) Presence of vermin;

All to the satisfaction of the Responsible Authority.

Garbage Storage

34. The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the Responsible Authority.
35. All waste material must be regularly removed from the site to the satisfaction of the Responsible Authority.

Corangamite Catchment Management Authority

36. The works associated with the vegetation removal within the Barwon River escarpment, the developer must comply with the following:
 - a) Stumps must be removed, and all target vegetation removed from the site.
 - b) All costs and expenses must be paid by the applicant.
 - c) Prior to commencement of any works, the applicant will need to notify the Corangamite CMA when works are planned, and a permit is required to access and conduct works in the area. Please use the following email address to make contact for a permit application: btgevents@ccma.vic.gov.au.
 - d) Pedestrian traffic management will be required for the duration of the works.

Expiry

37. 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 has 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.
3. A Vehicle Crossing Permit must be obtained prior to commencement of works.

Flooding

4. As the site is subject to flooding, the applicant is advised that any new habitable floors must be set above the applicable site flood level as determined by the Building Surveyor.

Flooding – Overland Flow Paths

5. The Applicant is also advised to seek comment from the building surveyor on the requirement, if any, for overland flow paths to be provided on the site to convey major flows through the site in accordance with Clause 5.4.2 of AS/NZS 3500.3
6. A pre-commencement meeting with Council's engineering department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426

CARRIED

REPORT

PERMIT TRIGGER:

Planning Scheme Clause	Matter for which the permit is required
32.04-2	Use the land for an Office, Retail, Food and Drink Premises and Restaurant
32.04-10	Construct a building or construct or carry out works for an Office, Retail, Food and Drink Premises and Restaurant
43.01-1	Demolish or remove a building Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
44.03-2	Construct a building or construct or carry out works
52.06-3	Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5
52.27	Use land to sell or consume liquor associated with a General Licence

DEFINITIONS

- Pursuant to Clause 73.03 of the Planning Scheme an office is defined as:

Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.

Pursuant to Clause 73.04-8 of the Planning Scheme an office is nested in the office group.

- Pursuant to Clause 73.03 of the Planning Scheme a retail premises is defined as:

Land used to:

- sell goods by retail, or by retail and wholesale;*
- sell services; or*
- hire goods.*

- Pursuant to Clause 73.03 of the Planning Scheme a food and drink premises is defined as:

Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.

- Pursuant to Clause 73.03 of the Planning Scheme a restaurant is defined as:

Land used to prepare and sell food and drink, for consumption on the premises. It may include:

- entertainment and dancing; and*
 - the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.*
- It does not include the sale of packaged liquor.*

Pursuant to Clause 73.04-11 of the Planning Scheme a retail premises, food and drink premises and restaurant are all nested in the retail premises group.

- Pursuant to Clause 73.01 of the Planning Scheme net floor area is defined as:

The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways,

or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.

- Pursuant to Clause 73.01 of the Planning Scheme gross floor area is defined as:

The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.

RESTRICTIVE COVENANT OR SECTION 173 AGREEMENT:

The subject site is not burdened by a Restrictive Covenant or Section 173 Agreement.

OFFICER DIRECT OR INDIRECT INTEREST:

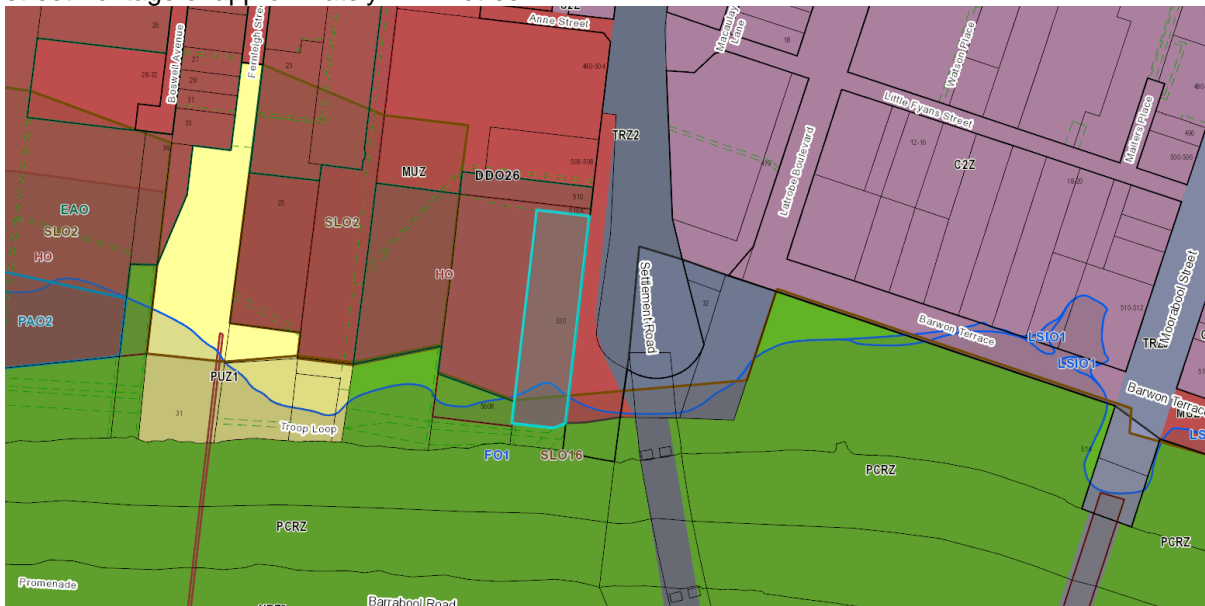
No officer involved in the preparation of this report declared a general or material conflict of interest.

SITE/LOCALITY:

The site is located within the Mixed Use Zone and is covered by the following overlays:

- Significant Landscape Overlay – Schedule 16 – Rivers of the Barwon: Barwon River (Parwan) Corridor Environs
- Heritage Overlay – Schedule 1618 (Woollen Mills Heritage Area) and Schedule 1306 (Albion Woollen & Worsted Mills – former)
- Design and Development Overlay – Schedule 26 – West Fyans – Fyans Street Structure Plan Area. The site is within Precinct 4 – Mixed Use – High Density.
- Floodway Overlay – Schedule 1
- Environmental Audit Overlay

The site has an overall area of 3655m2 and has a frontage to the river of approximately 30 metres, and a street frontage of approximately 121 metres.



Subject site and surrounding area. The area is included within the West Fyans –Fyans Precinct Structure Plan area.



Aerial of the subject site and surrounding area, the site is accessed from Latrobe Boulevard.



Officer photo from the south side of the river, looking north towards the subject site.



Officer photo from the south side of the river, looking north to the subject site. Existing tree line on the south side of the building are within CCMA managed land and are proposed to be removed.



Officer photo from the south side of the river, looking north to the subject site, eastern side of the building where the majority of the demolition work will take place.

The existing building has been used for commercial and retail activities for a number of years and is commonly known as ‘Pegasus.’ The retail activities were mainly an antique store. The site also has an operating gym and previously there was a café operating from temporary buildings to the south of the building abutting the Barwon River. The café (Sweet Adeline) ceased operating in late 2024.

The southern end of the site abuts an unsealed informal public carpark. This area appears to form part of the Latrobe Boulevard road reserve and provides access to the walking track along the river. The site also has a vehicle crossing from Latrobe Boulevard to the area previously used as the café and to a roller door for internal access to the building. There is an existing footpath along the eastern side of the building connecting to the Barwon River. The road reserve contains powerpoles, street signs and a street tree.

Latrobe Boulevard has no standing signs on the western side, south of the existing crossovers into the building, but does allow for timed 2 hour and 30 minute parking. There is also on street parking on the eastern side, which is untimed. Latrobe Boulevard is not accessed via the Settlement Road bridge, and is accessed via Fyans Street.

The applicant has noted the following existing floor area:

- Net floor area: 4378 square metres (breakdown below)
- Existing retail: 2955 square metres
- Food and drink: 88 square metres
- Gym: 1214 square metres

Existing – Net Floor Area TP-700	
Name	Area
Zone A	1423
Zone B	1336
Zone C	1227
Total	3986m2.

PROPOSAL:

The application includes different components that require planning permission.

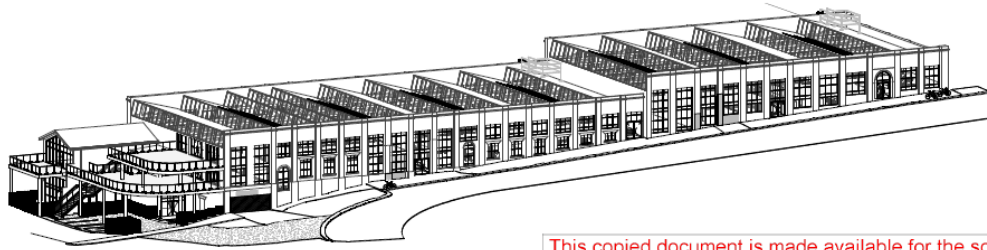
The works include:

- To retrofit the existing building to allow for a variety of smaller commercial tenancies, the works also include the addition of internal mezzanine levels.
- Upgrades to the façade that will include new steel framed window arrangements designed to reflect the proportions of the façade along with new glass doors at relevant entry points.
- An extension to the rear includes two decks with a staircase and service area on the ground floor.
- Part demolition of the building, including removal of various windows and portions of external brick walls to allow for new windows, doorways and entrances.



2 | 3D VIEW - DEMOLITION

Proposed 3D view of proposed demolition – application plans date received 22/08/2024.



Proposed 3D render – application plans received 22/08/2024.

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Floor areas:

Proposed – Gross Floor Area TP-701		
Name	Area	Change from existing +/-
Basement	1418	+1418
Zone A	1753	+330
Zone A – Deck areas	307	+307
Zone B	1412	+76
Zone C	1849	+622
Total	6739m2.	+2753m2

Zone A:

- This is the southern part of the building with the largest volume of space overall. This area includes entrance to the basement and one lower ground level tenancy accessible from the rear of the site, and two ground level tenancies.
- Zone A includes the food and drink premises which will include the red line area
- The tenancies in this zone range from 656m2 to 916m2.
- It has a total area of 1753m2.

Zone B:

- This is located towards the middle of the building and a total of 7 tenancies will be within this zone and have a range of 122-237m2.
- It has a total area of 1412m2.

Zone C:

- This area is within the northern part of the building and will have a single storey with internal mezzanine spaces.
- There will be a total of 10 tenancies and the areas will range from 128-277m2.
- It has a total area of 1849m2.

Uses:

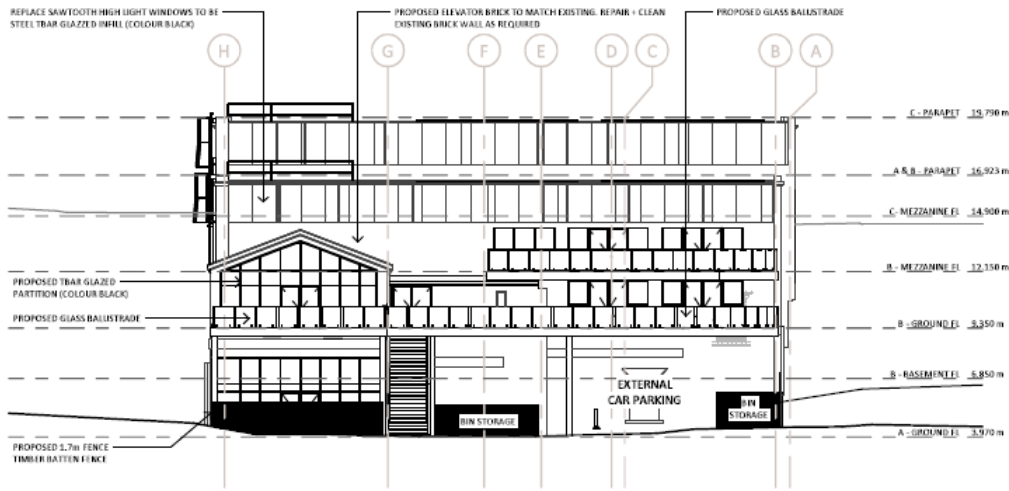
- Unlike most applications, a use has not been assigned to each individual tenancy.
- Instead, it is proposed that the building would contain 80% of the floor area as office and 20% as commercial tenancies, which includes small scale shops. The applicant then seeks conditions that limit commercial uses to 20% of the floor area.
- The commercial tenancies will range from 122 to 680m2.

Office:

- A total of 2884m2 will be allocated to the office use, which is 80% of the total floor space.

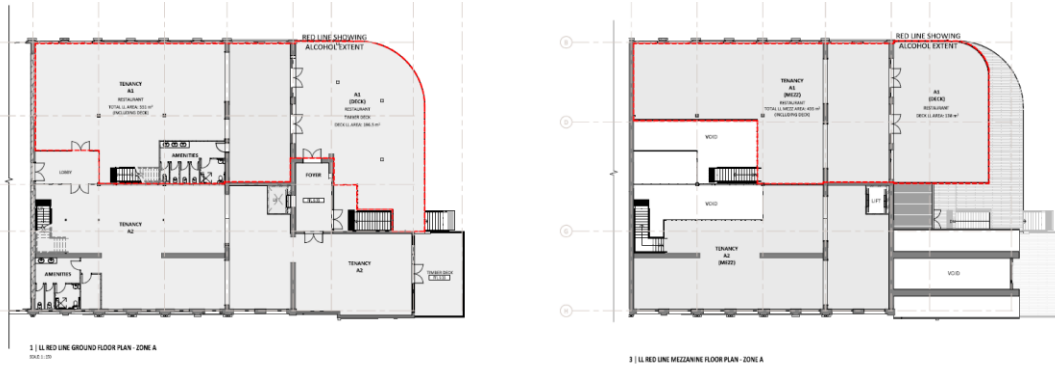
Food and Drink (Restaurant)

- The restaurant will be one of the largest tenancies within the building and have a total floor area of 986m2 also including the deck.
- The application sought to have a total of 350 patrons included in the restaurant. However, through the application process, the applicant agreed to reducing this to 250 patrons, with the option of 350 up to 6 times per year.
- Hours of operation 10am to midnight, 7 days a week.
- A general liquor licence has been applied for and includes the deck area.



3 | ELEVATION - SOUTH - PROPOSED
SCALE: 1:200

Proposed south elevation from the Barwon River – application plans received 22/08/2024.



Red line area for the licensed area associated with the restaurant – application plans date received 22/08/2024.

Retail:

- The total leasable floor area is 720m², which is 20% of the site.
- This is less than the existing retail area of 2266m².

Car Parking:

- The site currently has no formal car parking and patrons visiting the site use the informal gravel car parking area.
- The proposal seeks to add a basement and car parking will be provided at grade level towards the southern end of the site. A total of 49 car spaces will be provided on the site.
- The additional car spaces to the southern end of the site, will include 5 spaces, 1 space being DDA compliant.
- The basement will contain 44 car spaces.
- A total of 179 car spaces are required to be waived for this proposed development. A majority of the car parking reduction is required due to the number of patrons related to the restaurant use.
- The restaurant proposes to have 350 patrons, however during the application process, the applicant agreed to reduce this to 250, with the option of having up to 350 patrons, 6 times a year.
- Some of the basement spaces will be provided in tandem arrangement. This would require a car parking management plan to ensure the useability of the spaces.
- The provision of 38 bicycle spaces is being provided across the site.
- The basement has a total area of 1418m².

Land Use	Size	Rate	Requirement
Office	2,884m ²	3.5 per 100m ²	100 spaces
Retail/ Shop	720m ²	4.0 of 100m ²	28 spaces
Restaurant	986m ² or 250 patrons And 350 patrons (only 6 times a year)	0.4 spaces to each patron	100 spaces 140 spaces (only 6 times a year)
Total Required		228 spaces (268 when including 350 patrons 6 times a year)	
Total Reduction Required		179 spaces (219 when including 350 patrons 6 times a year)	



Proposed basement car park with tandem car spaces – application plans received 22/08/2024.

PERMIT/SITE HISTORY:

There have been number of permits issued for the site since the early 1990s. The permits issued more recently that are relevant to this application are:

- PP-159-2014 – Use of the land for a restricted recreation facility (gym). Permit issued.
- PP-988-2015 – Business identification signage. Permit issued.

Relevant site history for 510A Latrobe Boulevard (land to west)

- PP-1360-2020 - Development of 17 Townhouses 57 Apartments with ancillary pool and gym; Development of a food and drink premise (cafe); Demolition and buildings and works in a Heritage Overlay; Associated vegetation removal. Council refused the application and VCAT affirmed this decision. [Desbrowe Developments Pty Ltd v Greater Geelong CC \[2022\] VCAT 1392 \(6 December 2022\)](#).
- PP-1180-2021 - 2 Lot Re-Subdivision and Removal of Easement. Application withdrawn.
- PP-1179-2023 - Development of 17 Townhouses and 57 Apartments with Ancillary Pool and Gym, Use and Development of a Food and Drink Premise (cafe), Partial Demolition and Buildings and Works in a Heritage Overlay, Associated Vegetation Removal and Reduction in Car Parking Requirement for the Food and Drink Premises. Council informally refused; applicant appealed to VCAT for failure to determine. Through the VCAT process, Council amended their position to support the application. VCAT ultimately decided to grant a planning permit.

REFERRALS:

The following referrals were undertaken:

SECTION 55:

Authority:	CCMA (Due to works in the FO1)
Response:	In consideration of the above information Corangamite CMA does not object to the granting of a permit subject to the following conditions: <ol style="list-style-type: none"> 1. Flood resistant materials must be used for the construction of all foundations, footings, floor and walls up to the Nominal Flood Protection Level (NFPL) of 6.04 metres AHD. 2. Sub floor ventilation must be designed to the satisfaction of the Responsible Authority to ensure that the timbers dry out soon after a flood event. 3. Adequate storage areas and shelving should be provided above 6.04 metres AHD for the storage of valuable goods. 4. All plumbing and electrical works must meet the applicable standards, of the relevant authority, for areas subject to flooding up to the Nominal Flood Protection Level (NFPL) of 6.04 metres AHD
Officer Comment: Noted, conditions would be added to any permit that is issued.	

SECTION 52:

Authority:	CCMA (for the removal of trees on the adjoining property, land managed by the CCMA)
Response:	In consideration of the above information Corangamite CMA does not object to the granting of a permit subject to the following conditions: <ol style="list-style-type: none"> 1. Stumps must be removed, and all target vegetation removed from the site. 2. All costs and expenses must be paid by the applicant. 3. Prior to commencement of any works, the applicant will need to notify the Corangamite CMA when works are planned, and a permit is required to access and conduct works in the area. Please use the following email address to make contact for a permit application: btgevents@ccma.vic.gov.au. 4. Pedestrian traffic management will be required for the duration of the works.
Officer Comment: Whilst the CCMA do not object to the removal of trees, ideally the trees would be retained to limit the change of the area from the river area and enhance the landscape setting. However, no permit is required to remove the trees so there are little protection measures in place to be able to retain the non native trees.	

INTERNAL

Department:	Engineering Services
Response:	Not supportive due to a lack of parking (both on-site and on-road). The proposal appears to be an over-development of the site. Traffic Engineering response The existing uses on the site appear to be restricted retail, a recreational facility (a gym) and a café. The proposal consists of the following (taken from the applicant's Traffic Impact Assessment):

Table 4.1: Statutory Car Parking Requirements

Land Use	Size	Statutory Car Parking Rate	Statutory Car Parking requirement
Office	2,884sqm	3.5 car spaces to each 100sqm of net floor area	100 spaces
Retail / Shop	720sqm	4.0 car spaces to each 100sqm of net floor area	28 spaces
Restaurant	986sqm (capacity to accommodate up to 350 patrons)	0.4 car spaces to each patron permitted	140 spaces
Total			268 spaces

On the basis of the above, the proposal has a statutory requirement to provide a total of 268 car parking spaces associated with the proposal. A total of 49 car parking spaces are proposed and accordingly the proposal seeks a reduction of 219 car parking spaces against the statutory requirements of the Greater Geelong Planning Scheme.

The amount of parking to be waived is not acceptable, as it will place a lot of pressure on the entire on-road parking provision in the immediate area that will be unsustainable and force the problem into areas that may not have any parking intrusion. There are no footpaths in LaTrobe Bvd for people to walk to the site.

When considering the potential for 510 + 510A LaTrobe Bvd to get a permit for a residential and café use, this development will add to the parking pressures in the area. It is proposed that all parking on the eastern side of LaTrobe Bvd will have its parking prohibited as parking on both sides leaves inadequate space for efficient and safe two-way traffic flow.

Other sections of LaTrobe Bvd are prone to illegal parking in 'No Stopping' areas and on grass verges. As a result of both developments this will need to be tightened up with additional signage, bollards/fencing and more enforcement.

The application proposes around 28 bicycle spaces however there doesn't appear to be any provision of 'end of trip' facilities.

The amount of tandem parking provided in the car park is not generally supported unless the designation of each tandem space is to one tenancy.

It is recommended that the application not be supported for a lack of car parking.

Final Response:

Traffic Engineering response

These comments are supplementary to the comments dated 18 July 2024 and are in response to the reply provided by the applicant's town planning consultant in Part 11 on Page 6.

It is acknowledged that the design response includes on-site parking under the existing building and under an extension to the building, i.e. two separate areas. In the car park under the existing building, 14 car spaces proposed in a tandem to other car spaces.

The Traffic Impact Assessment (TIA) suggests that the office area is 2,884 m² and has a statutory parking demand of 100 car spaces. The office parking component is the area of concern as this will generate the daily long term parking demand.

For the existing uses, i.e. a retail outlet, a gym and a café, only a small number of staff will generate the long-term parking demand. All other demand is generated by visitors who rely on the restricted on-street parking supply.

The plans show what look to be 20 No. office tenancies with a variety of floor area. Each column of tandem parking can only be assigned to one tenancy. There is no car parking allocation plan provided in the TIA, and it is recommended that the applicant provides such a plan or provided as part of a permit condition.

The car spaces under the existing building are all assumed to be for the office component, and these total 44 car spaces. A waiver of 56 car spaces in an area that has a very limited on-street long term parking supply, poor public transport and remote from residential areas is too much in my opinion. Relying on employees to walk, ride a bike or scooter, etc, is only going to apply to a small percentage of < 20 %.

There is no guarantee that some of the long-term parking claimed in the TIA will be available in the future. For example, the parking on the eastern side of LaTrobe Bvd will have to be removed if the development at 510A LaTrobe Bvd goes ahead.

It is recommended that the office component be provided with at least 80% of its statutory car parking demand, i.e. 80 car spaces. If the 80 car spaces cannot be provided, then the office space will need to be scaled back.

The small car park under the extension only contains five car spaces (includes a disabled space). It is not explained how this car park will operate: for visitors, employees? This car park must be constructed entirely in concrete and not have a gravel surface.

The retail, gym and restaurant/café components do not appear to have any allocated parking space. It may be possible that some of the single car spaces for the office component could be shared, however this is not adequately explained in the TIA.

The parking in LaTrobe Bvd directly outside of the building has existing 2P parking restrictions and should gain three additional spaces with the removal of the two redundant vehicle crossings. The parking restrictions will have to remain in some form so that the retail components will be viable, there is some visitor parking for the offices and for other businesses in the area.

The 2P restrictions may need to be changed to a mix of 1/4P, 1P and some 2P to operate during normal business hours (8 am – 6 pm Mon-Fri). It is not known what this exact mix should be until the business of the retail components is known. A situation where office staff as able to move their vehicles every two hours must be avoided.

It is recommended that as part of a permit condition that a plan be provided to show the linemarking of all car spaces on the western side of LaTrobe Bvd. Changes to the parking restrictions can be considered during the development of this plan.

Conclusion

Striking a balance between providing adequate car parking with the benefits the applicant suggests the development will bring to the area is acknowledged, however it cannot come at the expense of impacting the existing area-wide car parking that it becomes unsustainable and forces long-term parking further afield.

It is recommended that the amount of office space is scaled down, and that some designated on-site parking for staff be provided for the retail and food & drink premises.

Comments by: Grant Edmonds (Senior Development Traffic Engineer) – 8 November 2024

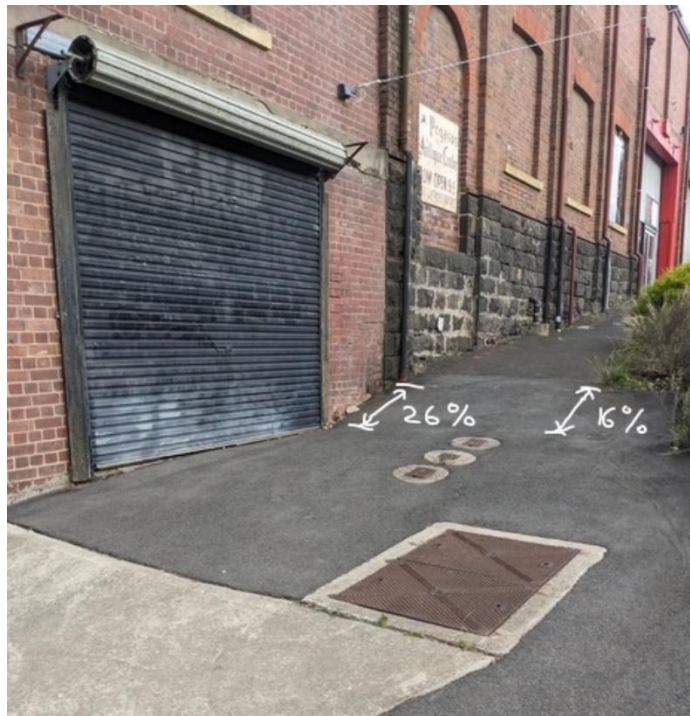
Footpath Comments

The height differential between LaTrobe Bvd and the level at the garage door is something that could be designed out for the vehicle crossing.

The grades of the footpath just north of the garage door vary. It is about 26 % adjacent to the building, and about 16 % on its eastern edge. Being over such a short distance it is not really noticeable, and the pedestrians I observed had no problems.

I believe if we put on a condition to improve or reduce the longitudinal grade of the footpath, it will create a longer length of footpath that is steeper to what it currently is, and I'm concerned about the impact to the building and the downpipes.

I would only want to see the developer install concrete in front of the garage door (i.e. the vehicle crossing) and not to alter the existing levels of the footpath.





Officer Comment:

The car parking reduction will be assessed within the response to Clause 52.06 within this report. In the event a permit is granted, a car park management plan can be submitted post permit to deal with the allocation of car parking within the basement. It is currently unknown what types of shops/ retail and/or the tenants of the building. Therefore, it is unknown how the basement car parking would be allocated and/or managed. The DDO26 has a car parking objective where developments should be providing car parking in accordance with Clause 52.06, but where it is not, at least one space is provided per tenancy. This has not been demonstrated that it can be complied with through the application. It is also unknown if this could be achieved with the tandem car parking arrangement in the basement.

A condition can also deal with the required changes to the footpath. This will ensure the slope is not increased any further and is still user friendly for pedestrians.

Engineering have made valid comments in relation to the reduction of car parking. It is acknowledged that there needs to be a balance between provided adequate car parking with benefits the development will bring to the area however it cannot be at the expense of impacting the existing area wide car parking conditions.

The area is isolated and has poor public transport. Therefore, existing businesses rely on the on street parking, which has a limited number of untimed spaces. Other on street spaces are a mix of 30 minutes to 2 hours. It will be difficult to rely on staff to walk, cycle etc to the site, if they do it will be a very small percentage of the overall staff numbers.

The existing car parking demand is likely low for all day parking due to a small number of staff for the gym and the previous antiques store. The other demand would be from visitors to the site which would tend to rely on the short term on street parking.

Engineering did provide drainage conditions in the event a permit is granted.

Department:	ESD Response
Response:	<p>15.01-2L states that a SMP must be prepared for: “An extension to an existing non-residential building creating 1500 square metres or more of additional gross floor area.”</p> <p>While the building floorplate is not significantly altered, I do still believe it is appropriate to request a Sustainability Management Plan given the extent of demolition and internal works, the building will essentially be “new”.</p> <ul style="list-style-type: none"> • Floor structures removed from ground floor and upper ground/ mezzanine. • Significant façade demolition to allow new windows and doors. • Significant internal works. <p>With significant demolition and internal works, I believe there is ample opportunity to implement ESD initiatives in a cost-effective manner. I would only expect ESD requirements apply to updated building works. If limitations develop as a consequence of the heritage fabric, I am willing to provide dispensation as necessary.</p> <p><u>Summary</u></p> <p>Council’s ESD Officer has reviewed the below documents in accordance with Council’s ESD Local Planning Policy (15.01-2L and 53.18), this development has <u>not met</u> all the ESD requirements.</p> <p>Documents reviewed:</p> <ul style="list-style-type: none"> • Plan set by Hamilton Clark dated 29/05/2024, received by Council on 11/06/2024. • Cover letter by Context Planning dated 04/06/2024, received by Council on 11/06/2024. • Town Planning Report by Context Planning dated 04/06/2024, received by Council on 11/06/2024. • Version F01 Transport Impact Assessment Report by Traverse Transport dated 04/06/2024, received by Council on 11/06/2024. • Version F01 Waste Management Plan by Traverse Transport dated 04/06/2024, received by Council on 11/06/2024. <p><u>ESD Response</u></p> <p>Given the extensive demolition and internal works the following documentation should be provided as required by Greater Geelong planning scheme 15.01-2L.</p> <ul style="list-style-type: none"> • Without Draft mark ESD report. • STORM or MUSIC assessment demonstrating the building works satisfies the Urban Stormwater Best Practice Environmental Management Guidelines.

	<ul style="list-style-type: none"> • ESD and WSUD drawings (specific ESD and WSUD drawings that highlight all initiatives targeted within ESD report). • Published BESS report, or commitment to achieving alternative benchmark such as a certified Green Star rating. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Non-residential</p> <p>Consider as relevant:</p> <p>A Sustainable Design Assessment (including an assessment using BESS, STORM, MUSIC or other methods) for:</p> <ul style="list-style-type: none"> • A non-residential building with a gross floor area between 300 square metres and 1500 square metres. • An extension to an existing non-residential building creating between 300 square metres and 1500 square metres of additional gross floor area. <p>A Sustainability Management Plan (including an assessment using BESS, STORM, Green star, MUSIC or other methods) and a Green Travel Plan for:</p> <ul style="list-style-type: none"> • A non-residential building with a gross floor area of 1500 square metres or more. • An extension to an existing non-residential building creating 1500 square metres or more of additional gross floor area. </div> <p><i>Extract from the Greater Geelong planning scheme 15.01-2L.</i></p>										
<p>Final Response</p>	<p>Response</p> <p>This application seeks to renew and reuse important heritage buildings, not develop new buildings and while there are works being undertaken to large parts of the building and the façade, these are designed to protect the heritage values of the building.</p> <p>As such, the application is undertaken with the heritage overlay as its key priority and is designed to ensure that the heritage values of the site are continued; this has allowed Council’s Heritage Advisor to support the application.</p> <p>We acknowledge that there is potential for some sustainable development outcomes to be achieved in the building design, and these are detailed as notes on the updated architectural plans.</p> <p><i>Provided ESD response to further information.</i></p> <p>CoGG ESD unit appreciate the heritage constraints and desires associated with the site. However, ESD initiatives extend beyond the physical fabric of the building. Regardless, the proposal includes significant demolition and internal works which will present opportunity to improve building thermal fabric.</p> <p>It is not clear how much additional floor area is provided, the submitted drawings note 2603m² of new additional floor area which triggers the requirement to respond to 15.01-2L of the Greater Geelong planning scheme.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>AREA SCHEDULE:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">TOTAL SITE AREA:</td> <td style="text-align: right;">3669m²</td> </tr> <tr> <td>EXISTING TOTAL FLOOR AREA (GFA):</td> <td style="text-align: right;">4378m²</td> </tr> <tr> <td>PROPOSED TOTAL FLOOR AREA (GFA):</td> <td style="text-align: right;">6981m²</td> </tr> <tr> <td colspan="2"><small>(INCLUDING DECK + CAR PARK BASEMENT)</small></td> </tr> <tr> <td>NEW ADDITIONAL FLOOR AREA:</td> <td style="text-align: right;">2603m²</td> </tr> </table> </div> <p><i>Excerpt from the submitted plans.</i></p>	TOTAL SITE AREA:	3669m ²	EXISTING TOTAL FLOOR AREA (GFA):	4378m ²	PROPOSED TOTAL FLOOR AREA (GFA):	6981m ²	<small>(INCLUDING DECK + CAR PARK BASEMENT)</small>		NEW ADDITIONAL FLOOR AREA:	2603m²
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	<p>Council’s ESD acknowledge that heritage requirements take precedence over ESD objectives. There are numerous ESD aspects which are not inherently limited by heritage, ESD elements noted on the drawings are supported and appreciated.</p> <p><u>For information only</u></p> <p>The Victorian Building Authority Building Practice Note EE-02 details the requirement for alterations to meet building code. While it is expected that the RBS will allow discretion for the existing fabric/ heritage requirements to some extent, it is expected that some of the building works must meet regulations.</p> <p>Council’s ESD unit are not seeking this application to exceed building code requirements and are satisfied with the thermal fabric design to be resolved with the RBS at building permit stage.</p> <table border="1"> <thead> <tr> <th>Volume alteration</th> <th>Application & Limitations</th> <th>Consent to partial compliance</th> </tr> </thead> <tbody> <tr> <td>Less than 50% of existing building, including work done in the past 3 years</td> <td> <ul style="list-style-type: none"> • New building work only must comply with the Regulations - reg 233(1) & (2) </td> <td>Available</td> </tr> <tr> <td>50% of existing building or greater, including work done in the past 3 years</td> <td> <ul style="list-style-type: none"> • New building work and existing building must comply with the Regulations - reg 233(1) & (2) • Existing building may be considered in partial compliance determination - reg 233(3) • Limitations on partial compliance remain present for new additions - see Table 2 </td> <td>Available</td> </tr> </tbody> </table> <p>Table 1: Application of Regulations and availability of partial compliance for alterations to existing buildings <i>Excerpt from Victorian Building Authority Building Practice Note EE-02</i></p>	Volume alteration	Application & Limitations	Consent to partial compliance	Less than 50% of existing building, including work done in the past 3 years	<ul style="list-style-type: none"> • New building work only must comply with the Regulations - reg 233(1) & (2) 	Available	50% of existing building or greater, including work done in the past 3 years	<ul style="list-style-type: none"> • New building work and existing building must comply with the Regulations - reg 233(1) & (2) • Existing building may be considered in partial compliance determination - reg 233(3) • Limitations on partial compliance remain present for new additions - see Table 2 	Available
Volume alteration	Application & Limitations	Consent to partial compliance								
Less than 50% of existing building, including work done in the past 3 years	<ul style="list-style-type: none"> • New building work only must comply with the Regulations - reg 233(1) & (2) 	Available								
50% of existing building or greater, including work done in the past 3 years	<ul style="list-style-type: none"> • New building work and existing building must comply with the Regulations - reg 233(1) & (2) • Existing building may be considered in partial compliance determination - reg 233(3) • Limitations on partial compliance remain present for new additions - see Table 2 	Available								

Officer Comment:

Comments from the ESD officer have been noted and the thermal fabric will be resolved through the building permit process.

The application has failed to respond and provide best practise Environmental Sustainable Design initiatives including but not limited to energy and water including stormwater quality and reuse initiatives, so this has been added to the grounds of the refusal.

The ESD response has been provided in a way that the heritage principles and significant fabric should be prioritised over ESD initiatives. The applicants have suggested that the ESD policy does not apply, however given the increase in floor area, it is applicable.

There is scope for ESD initiatives to be incorporated into the development and has not been addressed by the applicant.

In the event a permit is issued, ESD conditions have been recommended.

Department:	Heritage
Response:	<p>I have reviewed the submitted drawings and planning report (both date-stamped 11 June 2024) in relation to the partial demolition, alterations and additions and redevelopment of the former Albion Woollen Mills, 550 Latrobe Boulevard, Newtown, as part its adaptation into food and drink premises, and office tenancies, and a basement car park. Preliminary pre-application advice on the basic concept of supporting the reintroducing fenestration in the east elevation was provided as part to assist with the preparation of schematic drawings for a pre-application meeting that never eventuated. I provide the following comments.</p> <p>Historical Evolution of the Site since Colonisation</p> <p>The first buildings on the site were built in 1847 for William Gray as the Bridge Flour Mill.¹ These buildings included a two storey gabled stone mills structure (and attic) will single storey rear skillion wing and gabled outbuildings (in timber and stone) at the rear (north), a fluted square chimney stack near the river bank (south) and a single</p>

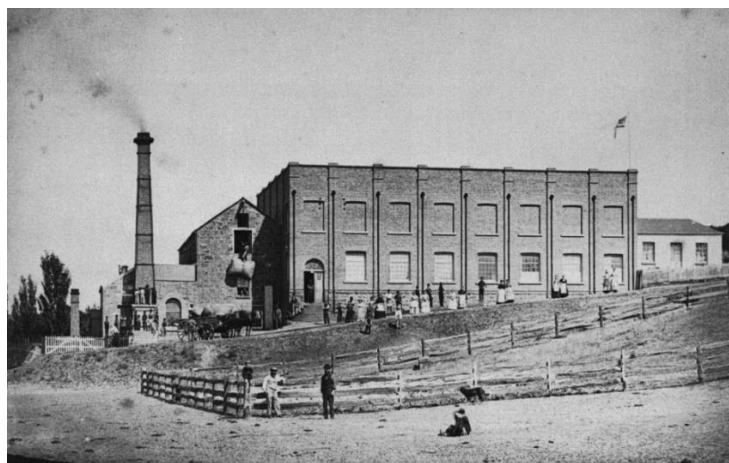
¹ D. Rowe, *About Corayo: A Thematic History of Greater Geelong*, City of Greater Geelong, 2021.

storey hipped roofed masonry dwelling to the north, fronting Latrobe Boulevard. These buildings are shown in a photograph by John Norton in c.1866 as follows:

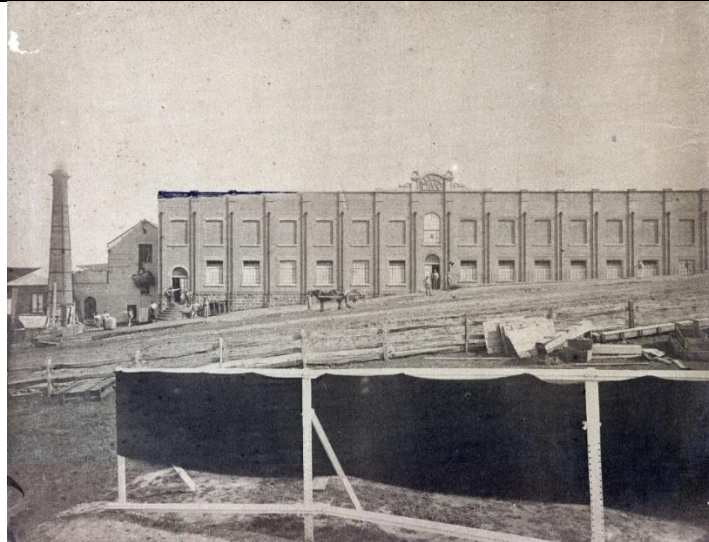


J. Norton, Gray's Flour Mill, Geelong, c.1866. Source: GRS 2009/02172, Geelong Heritage Centre Collection.

As outlined in the City of Newtown Urban Conservation heritage citation, the old flour mill was converted into a textile factory c.1869. *About Corayo: A Thematic History of Greater Geelong* (2021) confirms the construction of the Albion Woollen Mill in 1869. It involved the demolition of the rear (northern) skillion and gabled wings to the original stone flour mill, and the building of a substantial two storey parapeted brick building with a bluestone base. This was the enterprise of Alexander Gray and R.H. Robinson. The mill was doubled in size in 1874 with a northern extension. Both the original and early mills buildings are shown in the following historical photographs:



Albion Woollen Mill, 1870. Source: GRS 2009/332, Geelong Heritage Centre collection



Albion Woollen Mill, 1880 showing additions. Source: GRS 2009/002241, Geelong Heritage Centre collection.

Not mentioned in the heritage citation is that mill buildings were substantially destroyed by a fire in 1916. The ruins of the mill was illustrated in the *News of the Week* at this time:

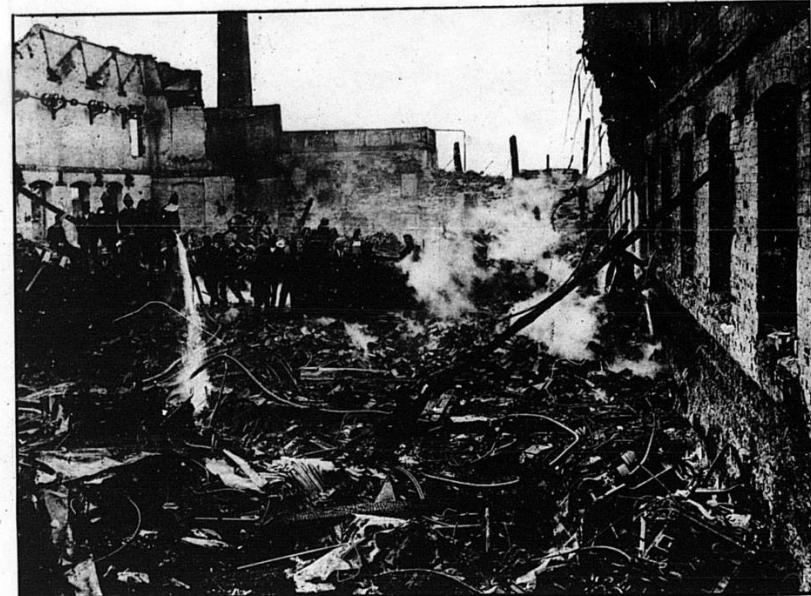
14 NEWS OF THE WEEK FEBRUARY 24th, 1916

ALBION MILLS (GEELONG) BURNED

—"N.O.W." Photos.



AN OUTSIDE VIEW OF THE RUINS AND CROWD



AN INSIDE VIEW—A TAN-HELD MASS OF METALWORK.

In 1917, the mill buildings were rebuilt using the surviving existing external walls. It involved elevating the existing walls with new brickwork, bricking up original window and door openings, and replacing the original flour mill structure with a new southern brick bay. The original flour mill chimney stack had also been extended in height. A number of lightweight structures were built to the river bank at this time or in the ensuing years. A gabled brick southern brick, and the brick skillion wing, would appear to date from the c.1930s (they are not shown in an aerial image dated c.1926-1936).



Albion Woollen Mill soon after rebuilding, c.1918. Source: *Geelong for Business, Health, Pleasure*, The Geelong City Council and Geelong Progress Association, Geelong, 1918.



C. Pratt, Aerial view showing the Albion Mill 1 (subject building in middle ground) and Albion Mill 2 (foreground), c.1926-36. Source: Accession H91.160/624, State Library of Victoria.

Today, the former Albion Mill complex reflects its evolved development from 1869 until 1917. The brick walls and openings of the 1869 and 1874 construction remain evident.



Former Albion Mill, east and part south elevations, December 2023. Source: David Rowe.



Former Albion Mill, east elevation (south wing and southern portion east elevation of main building), December 2023. Source: David Rowe.



Former Albion Mill (left) showing the west elevation and the overpainting to the brickwork, December 2023. Source: David Rowe.

Significance and Heritage Status

Notwithstanding that the City of Newtown Heritage Study citation is silent about the original development of the site, and the fire of 1916, the statement of significance (which is outlined in the submitted planning report) remains relevant. The mill building has historical significance at a regional level 'as one of Geelong's major woollen mills.' The historical significance of the mill is embodied in the surviving fabric. This is also outlined in the statement of significance:

The remaining building form is an important reminder of the private ventures of both the Albion and Union Mills and represents a key site of spinning, carding and finishing (in the upper section) and scouring and dyeing (in the lower section near to the river).

The former Albion Mill is identified as HO1306. External paint controls and solar energy system controls apply. Prohibited uses may be considered (permitted). No internal alteration controls and no tree controls apply, and there are no outbuildings or fences of note.

Proposed Partial Demolition

The partial demolition involves the removed of the introduced (c.1917) brick infill to the original (1869 and 1874) window and door openings (east and west elevations), brickwork of c.1918 construction to allow for new window and door openings (east and west elevations), brickwork to the south elevation of the main building (including an early bricked up window on the east side), and brick walls and openings to the gabled and skillion wings at the south end (the fabric dated from the c.1930s which has been altered).

At issue is whether the proposed partial demolition will have an adverse affect on the significance of the heritage place (when considering the relevant Decision Guidelines at Clause 43.01-8). In considering this, it is important to appreciate that the former Albion Mill has historical (and not architectural/aesthetic) significance, and that this historical significance is embodied in the physical fabric. It is also important to note that this building complex is not intact to one particular design and era, but a number of eras of construction, each forming part of an overall appreciation of the whole, as an evolved place. The proposed partial demolition involves the reinstatement of original and early openings that were bricked up following the devastating fire in 1917 as part of an adapted (and streamlined) reconstruction, and additional openings

where there have traditionally been solid brick walls. It also involves the removal of larger introduced openings and reconstruction of earlier bays. Conceptually, the proposed demolition is not considered to have an adverse affect on the significance of this heritage place as the demolition is part reinstatement of an originally intended appearance, and part alteration in a manner that celebrates the strong geometry of the regular bays of the parapeted wall planes. The southern gabled and skillion bays have not been documented in the heritage citation or made clear in the statement of significance. This proposal is to retain the key forms of these wings whilst removal walls and openings. Given the altered nature of these wings, the extent of this partial demolition is also not considered to have any adverse affect on the significance of the heritage place.

More at issue is how the existing fabric will be safeguarded during demolition and construction, and details on the proposed conservation/remedial works. While the following should not be considered formal structural engineering advice (as I am not qualified to provide structural engineering advice), the provision of numerous openings in the brick walls has the potential to weaken its current structural integrity. There are some annotations about safeguarding the building but it is suggested that specific demolition and construction methodology is submitted (or conditioned to the permit) addresses these issues. This methodology should also include the proposed mortar repair. New mortar should match existing in strength (composition/mix), texture and colour, and given the numerous eras of construction, particular expertise may be required in order to address this complexity.

No details have been given for the construction and finish of any window sills for the new works (where brickwork is proposed below them). This should be clarified.

The existing rain heads and downpipes – which are also a feature in emphasising the regular rhythm of the bays of the elevations – are to be replaced (as shown on the demolition drawings). The rain heads appear to be original although there appears to be replacement downpipes and there is evidence of falling damp in the staining of the brickwork and breakdown of some of the mortar. Replacements are shown on the west elevation drawing but not the east elevation drawing. This should be clarified, along with the profiles and construction of the rain heads and downpipes (profiles matching existing is advised)

Proposed Alterations and Additions and Adaptation

Black steel framed windows and doors are proposed for the reintroduced and new openings, and some brick piers and base walls are to be reconstructed using existing bricks. The large introduced rectangular openings on the east elevation are to be removed and windows and piers reinstated. The introduced garage door opening at the south end of the east elevation (in the bay introduced in 1917), a larger vehicular opening with a garage door is proposed. The construction and colour of the garage door has not been documented.

The southern wings are to be glazed and decks with glazed balustrades are proposed. The construction and colour of the stair construction and balustrades are unclear, but they are to be supported by steel columns painted black.

Brick retaining walls are proposed at the south end on the east boundary. The brickwork is to match existing.

Ultimately, no adverse affect on the significance, character and appearance of this heritage place should result from the proposed alterations and adaptation. The three dimensional integrity of this building complex of historical significance will be retained, and the principal design and fabric that celebrates its original industrial function (over a number of eras) will remain intact. The extent of change may be notable, but much of this external change is to already-altered fabric. The historical significance of this heritage place will be maintained with this proposal.

	<p>Proposed Use The proposed use (while not prohibited under the zone) of office tenancies and food and drink premises may not align with the original industrial function of this building, but it will allow opportunities to interpret the original use through the careful alterations and adaptation in a manner that exposes and celebrates the significant fabric. These uses will ensure the ongoing longer term viability of this important historical asset in Greater Geelong.</p> <p>Recommendations It is recommended that this application is supported subject to:</p> <ol style="list-style-type: none"> 1. Provision of a demolition and construction methodology to ensure that the building is safeguarded during demolition and construction, and any additional structural remedial works that introduce new fabric. Conservation remedial measures, such as mortar mix/es such also be documented (as outlined), method of removal of the introduced paintwork to the brickwork on the west elevation (by approved poultice method). This could be conditioned to any planning permit. 2. Drawing details on the construction, finish and colour of any new window sills. 3. Documentation on the profile, construction and colour of replacement rain heads and downpipes. The proposed east elevation drawings do not show these rainwater goods which are original/early to the building and form part of its character and appearance. Provision of replacement rain heads and downpipes on the east elevation is suggested. 4. The construction (and colour/s) of the proposed stairs and deck structures, and stair balustrades being documented. 5. The proposed construction and colour of the garage door to the enlarged vehicular opening at the south end of the east elevation is documented.
<p>Officer Comment: The recommendations as outlined above can be included as permit conditions if the application is supported.</p>	

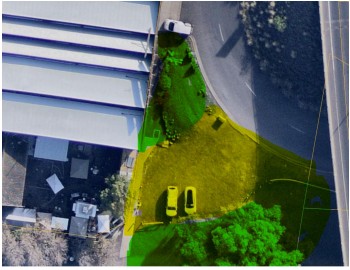
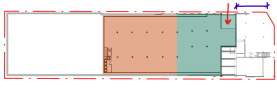
Department:	Environment
Response:	<p>In addition to review of aerials, zones and overlays for the property, I have reviewed the following documents relevant to our unit:</p> <ul style="list-style-type: none"> • Plan Set • Planning Report <p>I note the following planning controls:</p> <ul style="list-style-type: none"> • Tree controls apply under the HO1306- I will defer comment to the Heritage Advisor. • SLO16 at the southern end of the property- I have reviewed Parks Unit's response, site aerials and the photos provided in the Planning report and am satisfied that no native vegetation will be impacted by the proposal, hence no permit triggers under SLO16 for the removal of native vegetation apply. <p>I generally have no issues with the proposal, pending receipt and review of the following information:</p>


	<p><u>Request for Further Information</u></p> <p>I note the following request from the ESD Unit - <i>STORM or MUSIC assessment demonstrating the building works satisfies the Urban Stormwater Best Practice Environmental Management Guidelines.</i></p> <p>Given the close vicinity to the Barwon River Environs and noting that the stormwater discharges into the river, we request review of the STORM or MUSIC assessment once it has been submitted.</p> <p><u>Other comments</u></p> <p>Recommendation for planting and revegetation</p> <p>The planting of indigenous species as part of site landscaping is recommended, which will complement the surrounding Barwon River environs, provide habitat, shade and screening, increase biodiversity and require less watering and maintenance once established.</p> <p>Species selection should refer to the indigenous plants list for Zone 7.</p> <p>Species selection must not include species listed on the City of Greater Geelong Environmental Weeds list.</p>
<p>Final Response</p>	<p>Thanks for referring the application back to the Environment Unit. I have reviewed the response letter against my previous request and have the following comments:</p> <p>I have reviewed the permit triggers under SLO16 and can confirm that no permit is required for the removal of native vegetation, which is not present on site.</p> <p>Noting the application proposes a significant renovation but limited demolition, I accept the applicant's response to stormwater management. I have included a note below, should their works determine that stormwater drainage infrastructure upgrade is required. This includes any condition imposed by ESD or engineering for the management of stormwater.</p>
<p>Conditions</p>	<p>Other Comments from Environment</p> <p>Stormwater management, access, vegetation removal and works on PCRZ. In the event that stormwater drainage infrastructure requires upsizing to meet the capacity of flows into the Barwon River, an application that addresses Clause 52.17 will be required to assess the proposed impacts to native vegetation. This may be as an amendment to any approved Planning permit or a new permit for the works.</p> <p>Amended condition – This permit does not allow works within, access to or storage on the Council or Crown Land Reserves adjacent the project in the Barwon River Corridor.</p> <p>Construction Environmental Management Plan</p> <p>Prior to works commencing a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. When approved this Construction Environmental Management Plan will form part of this permit. This plan must incorporate, but is not limited to, the following information:</p> <ul style="list-style-type: none"> a) The control of site emissions during construction and the defects liability period to the satisfaction of the Responsible Authority. b) The measures to be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the construction period. c) The CMP must be prepared in accordance with the <i>EPA – Civil Construction, building and demolition guide Publication 1834.1, September 2023.</i>

	<p>d) Measures to protect native vegetation and/or trees to be retained;</p> <p>e) Weed control measures including the identification of infestations and the proposed treatment measures for any species identified;</p> <p>f) Plant and vehicle hygiene measures;</p> <p>g) Intended access for construction vehicles;</p> <p>h) Dust suppression measures;</p> <p>i) Stockpile locations and laydown areas;</p> <p>j) Parking locations for machinery and construction personnel.</p> <p>All development and works must be carried out in accordance with the approved Construction Management Plan, to the satisfaction of the Responsible Authority. Any non-compliance identified by the Responsible Authority must be rectified immediately and at no cost to Council.</p> <p>Unless otherwise agreed in writing, the plan must be fully implemented within 12 months of works completing to the satisfaction of the Responsible Authority.</p>
<p>Officer Comment:</p> <p>Environments comments have been noted and the recommended conditions can be added to the permit, if approved.</p>	

Department:	Urban Design
Response:	<p>Key aspects</p> <ul style="list-style-type: none"> • The subject site is located on the southern bend of Latrobe Boulevard, directly beside the James Harrison Bridge and the southern interface of the subject site adjoins the Barwon River and is the only site which has a direct interface with the walking track and riverbank. • The subject site sits within Precinct 4 (outside of the ‘commercial node’) of the West Fyans Structure Plan which envisages high-density mixed-use outcomes. • The existing building has been used for commercial and retail activities for many years and is commonly referred to as ‘Pegasus’. The Retail Premises activities includes the sale of antiques, homewares, indoor and outdoor furniture, artwork, pottery, books and a wide range of other products. The site also supports a Gymnasium and Food and Drink Premises (Café).

Consideration	Relevant control	Achieved	Comments
Land use appropriateness	<p>MUZ</p> <p><i>Clause 11.03-6L-04 – West Fyans - Fyans Street “Limit non-residential uses outside the Commercial Node to areas with convenient access to and from the river environment. Encourage medium to high density residential development in the remainder of the precinct 4.</i></p>	<p>Yes</p> <p>No</p>	<p>We acknowledge that the proposal is a renewal project aimed at transforming the existing use into a mixed-use precinct featuring contemporary office spaces and a restaurant overlooking the Barwon River, along with retail and commercial activities. However, the proposed use does not align with the Council's vision for Precinct 4. The structure plan has designated a specific commercial node for such uses, and this location is not part of it.</p> <p>The West Fyans Structure Plan encourages high-density residential development of 2-5 storeys, especially facing the river, with opportunities for ground-floor retail, cafes, restaurants, and commercial uses. However, the proposed development primarily features office spaces, which is not recommended, and it underutilizes the site. The Urban Design team supports food and drink establishments on the ground floor along with some offices use but recommends including residential development on the upper levels to meet the requirements of Precinct 4.</p> <p>We also note that the West Fyans Structure Plan is currently in the process of being updated.</p>

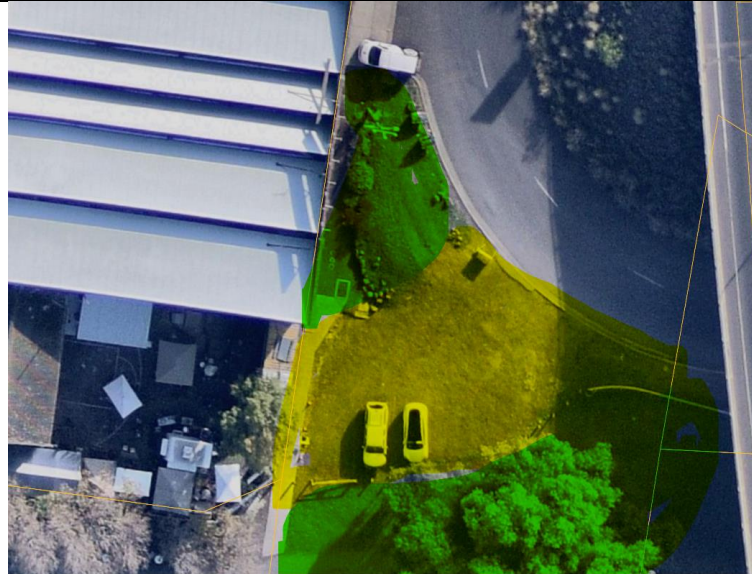
Site Planning and Access			
Consideration	Relevant control	Achieved	Comments
<p>Overall site layout + Interface management (side and rear interfaces)</p>	<p><i>Create public space in the form of a road or shared path between development west of Latrobe Terrace and the river corridor.</i></p> <p><i>DDO26 – “Provide opportunities for passive surveillance.”</i></p>	<p>No</p> <p>Partially</p>	<p>We note that the subject site is a corner location with public interfaces on the south and east sides and a private/sensitive interface on the west. It is essential for the building to respond appropriately to each of these interfaces. Special attention should be given to the public realm along La Trobe Boulevard, as it serves as the main entry point to the site. Currently, the entry consists of an unsealed car parking.</p> <p>The design proposal should address street activation, opportunities for passive surveillance, car parking management, and the overall aesthetic of the site's entry. Areas for improvement are highlighted in the image below.</p>  <p>Additionally, the traffic team should evaluate the safety of the vehicular entry to the basement car park from the corner site and determine the minimum distance required for this entry. Please refer to the image below for details. It is recommended to provide a site plan with measurements for all entry and exit points.</p>  <p>Western interface:</p> <p>Considering the development on the neighboring property at 510 La Trobe Blvd to the west, we recognize that, regardless of</p>

			<p>the status of that application, there will be overlooking issues with the proposed addition of windows on the western side. It's important to prevent direct overlooking into the property at 510 La Trobe Blvd. Windows should be screened or placed at least 1.7 meters above the finished floor level. Relying on the assumption that no development will occur at 510 La Trobe Blvd to protect views and access to daylight/sunlight is not fair. This could impact the privacy of future developments or occupants at 510.</p> 
	Landscaping and communal space		<p>Landscape Plan to be provided to adequately assess the proposed landscaping opportunities.</p>

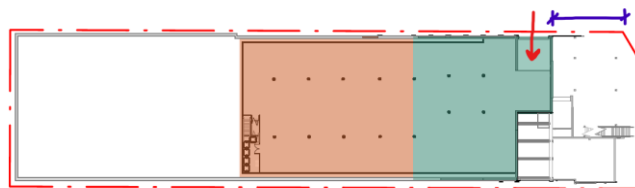
Carparking and services

Consideration	Relevant control	Achieved	Comments
Carparking		No	<p>La Trobe Boulevard has limited on-street parking and is challenging to access. A 350-patron café, along with offices and retail spaces, will need significant parking. The basement and lower ground floors combined provide only 49 car parking spaces, which is insufficient to meet the statutory requirements.</p> <p>West Fyans Structure Plan is currently undergoing a refresh which will also contain upgrades to streets and riverfront areas. Hence, we cannot at this point assume that the Latrobe Boulevard and Barwon terrace will always have car parking.</p> <p>Traffic and Statutory planners to further comment.</p>

	Bicycle Parking and end of trip facilities		Partially	<p>There are 38 bike parking spaces provided at the basement level but there is no end of trip facility provided for the staff.</p> <p>No short-term bike parking has been provided on the lower ground level along with the 5 car parking spaces. It's important to provide bike parking spaces, especially since there will be many cyclists along the river.</p> <p>We encourage the applicant to consider a end of trip facility in the basement and also a visitors/ short term bike parking along the south/west edge. Further, applicant is to ensure that bike parking is clearly visible and accessible from the street.</p>
	Waste management		Yes	
	<p>Other Comments from Urban Design</p> <ul style="list-style-type: none"> • Strategic Planning to comment on whether the proposed use sits in line with the ambitions for "higher density residential" in this area. • Statutory planners and traffic to comment on the provided car parking - 49 spaces for the food, retail and office precinct. • Provide a Landscape Plan. • Traffic team to provide feedback on the entry to the basement and the overall parking strategy in the proposed design. 			
Final Response	<p>As per your comment, I've reviewed the referral response from Context Planning. While they've addressed most of our urban design concerns in their response, it seems there was a misunderstanding regarding some of the UD comments.</p> <p>Our main point was that the proposal doesn't align with the Council's vision. In light of the recent housing statement, we were exploring the possibility of supporting residential development outside the designated commercial node, which was the basis for our comment.</p> <p>Since the revised plans have not been submitted, I am unable to provide additional comments on them. Therefore, I have revisited and updated my previous feedback to align with their response and have included a permit condition accordingly.</p> <p>The proposal lacks the following elements and does not show any updates to the plan set based on the comments provided in the initial response.</p> <ul style="list-style-type: none"> • In response to the feedback from the initial referral, the design proposal should address the following key areas: street activation, opportunities for passive surveillance, car parking management, and enhancing the overall aesthetic of the site's entry. The areas requiring improvement are highlighted in the image below 			



- Additionally, the traffic team should evaluate the safety of the vehicular entry to the basement car park from the corner site and determine the minimum distance required for this entry. Please refer to the image below for details. It is recommended to provide a site plan with measurements for all entry and exit points.



- A detailed Landscape Plan is required to adequately assess the proposed landscaping opportunities.
- While 38 bike parking spaces are provided at the basement level, there is no end-of-trip facility for staff. Additionally, no short-term bike parking has been allocated on the lower ground level, alongside the five car parking spaces. Given the expected number of cyclists along the river, it's important to incorporate bike parking. We strongly encourage the applicant to include an end-of-trip facility in the basement, as well as visitor/short-term bike parking along the south/west edge. Furthermore, bike parking should be clearly visible and easily accessible from the street.

Standard Conditions

- 1) Prior to commencement of development, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans forming part of the application but amended to show the following details:
 - a. Provide a detailed landscaping plan to illustrate how it has been incorporated into the design at all levels.
 - b. Provide a public realm plan that illustrates improvements to street activation, passive surveillance, and the overall aesthetics of the site's entry.
 - c. Update all the plans based on the comments provided under urban design response.

Officer Comment:

The site has existing constraints in terms of open space for landscaping. The plans have indicated that public realm works would be undertaken in terms of adding landscaping along the Latrobe Boulevard frontage. Detailed plans of this can be requested through a condition on a permit. Urban Design raised concerns that the EOT facilities had not been provided, however the EOT facilities have been provided. The Transport Impact Assessment states:

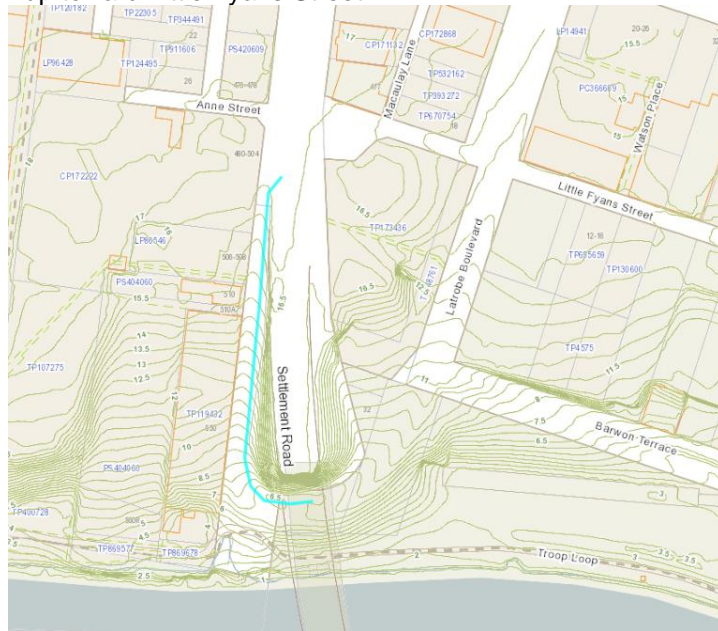
proposed development has a statutory requirement to provide four showers. It is proposed to provide four showers as follows:

- 1 x shower within the accessible bathroom on ground floor of Tenancy A1.
- 1 x shower within the accessible bathroom on ground floor of Tenancy A2.
- 1 x communal shower within the accessible bathroom on ground floor of Zone B.
- 1 x communal shower within the accessible bathroom on ground floor of Zone C.

Department:	Strategic Planning
Response:	<p><u>Clause 11.03-6L-04 + 16.01-1L-01</u></p> <p><i>Limit non-residential uses outside the Industrial 1 Zone and the Commercial Node to areas with convenient access to and from the river environment.</i></p> <p><i>Accommodate medium and high density housing in Key Development Areas as identified by the Key Development Area maps in this clause.</i></p> <ul style="list-style-type: none"> • I have concerns with the land use. The current West Fyans policy for precinct 4 in the scheme seeks to support a limited number of non residential uses in precinct 4 outside the commercial node and IN1Z zone. I don't support the application in its current form in terms of land use. There is a policy position to support housing in this location. West Fyans is a key development area, which is at the top of our housing hierarchy, we should be pushing for housing outcomes in this location. The structure plan has identified the preferred location for commercial uses as the commercial core and industrial land. My concern is the whole building is commercial, some commercial uses would be ok e.g. Café and perhaps ground floor, but given the key housing development policy in conjunction with the West Fyans SP objectives to limit non-residential uses, housing outcomes should have been considered for this site. This development should have a mixed use outcome. <p><u>Parking Assessment</u></p> <ul style="list-style-type: none"> • There are also a number of concerns relating to car parking and waiver of 219 spaces is not supported, There is limited on street car parking on Latrobe blv as it is a challenging street to access. • A 350-patron café will require significant car parking which is limited in the area and will compete with on street car parking from existing land uses such as car yard and events at the river and landy fields, other development etc. • If the Development at 510a Latrobe terrace is supported there will be significant pressure in this street for car parking for future residents and visitors to the café that is proposed along the river next door to this site/café. There were changes/concerns raised by VCAT regarding parking impact from this development. We need to start taking a more holistic approach to car parking to future proof this area. We need to consider the cumulative impacts from parking waiver from new development as on street car parking will only become more challenging. Other general questions relating to car parking in response to TA: <ul style="list-style-type: none"> ○ The car parking assessment needs to look at the likelihood of people accessing the site and actually parking in the areas nominated on the east side of Latrobe Terrace. They might be within 400m but the only convenient pedestrian access to the site is via the river underpass. The topography is not conducive to walking for some people given the

hill and lack of footpaths and perceptions of safety particularly at night (CPTED). The pedestrian lights at West Fyans/Fyans Street are inconveniently located to the site and unlikely to be the closest crossing point to where people park, there are no other safe crossing points across LaTroabe Terrace/Settlement Road.

Contours showing how steep the walking path is under the bridge connecting back up toward Little Fyans Street.



- There was a single large foot print shop tenancy selling antiques, It was unlikely this land use would have ever had demand for 98 spaces. The 24hr Gym use would have mainly membership users only. – These are not a comparable land uses to an office use.
- The food and drink premises is a mobile food van which has only been at the site for a few years. It has relied on, on-street car parking and the informal car parking in the gravel space at the southern end of the site as well as passing ped traffic along the river. This is very different to a permanent café/restaurant with high amenity and formal outdoor dining.
- Using existing land uses which operate under different conditions to justify a deficiency of over 200 spaces does not adequately reflect or justify amenity impacts from car parking based on the changes proposed to use of the land under this application

Pg 22 Therefore, the reduction in car parking is reduced to just 64 spaces² once factoring in the car parking deficiency associated with the existing use of the land.

- From an amenity/impact point of view - would a residential outcome result in less car parking demand??? We are trying to create a high amenity pedestrian orientated, residential precinct. This perhaps demonstrates that this is not a good land use outcome for the site. The below quote is from the traffic report. The constraints in providing car parking should be taking into consideration when determining an appropriate use for the site.

The Practicality of Providing Car Parking On-Site

There are constraints to providing more on-site car parking for the subject site, noting that is proposed to retain and refurbish the existing heritage building which makes it difficult to provide more area for onsite car parking. It is considered that the provision of 49 car parking spaces represents an effective use of the land.

- Public parking is currently occurring in an ad hoc arrangement at the southern end of this site. Perhaps discussion with Council to formalise this space with public car parking and incorporating it with the driveway to the undercroft of the Café deck could be considered. This would also benefit visitors to the Barwon River etc.
- A review of car parking comments in the VCAT decision for 510 LaTrobe Blv should be considered in terms of intersection upgrades and acknowledgement of limited convenience on street parking (para 9, 47, 54, 73). The cumulative effect of parking taking into consideration this application and the current revised application at 510 Latrobe Blv should be taken into account.
- Such a heavy reliance of on street parking, which is not easily accessible or convenient to this site and the waiver of a significant number of spaces (64 as suggested by traffic report or 219 if using 52.06) is not supported.
- Car parking within the site should be shared, not provided for individual tenancies, to maximise their use and limit use of on street car parking, particularly for the after-hours restaurant operations.

Health comments and Noise – DDO26

Concern with noise attenuation – comments from Health indicate that they are not aware of the planning application for residential development at 510 Latrobe Blv. We support health's comments that an acoustic report should be submitted with this application. As required by Clause 5.0 of DDO26 to limit the transmission of noise out of the building. The mixed use zone is primarily a residential zone and consideration should be given the potential impacts on future land uses as per policy which will see many more houses in this area and also to protect the amenity of workers within the subject site.

Given the long term vision for this area being primarily residential restrictions on hours of operation and maximum number of patrons for the restaurant should be considered. A reduction in the max number of people well below 350 should be considered to help reduce on street car parking demand.

Overlooking

There is concern that the new additional windows on the western elevation will overlook the open space of the proposed development at 510 La Trobe Blv. See plan demonstrating the proposed layout below to the west of the subject site.

Regardless of the status of this application consideration should be given to preventing direct overlooking into the property at 510 La Trobe Blv. Windows should be screened or 1.7m above finished floor level. There is an insufficient setback from the western boundary approx 1-1.5m to the wall with the new windows. It is not an equitable development outcome if windows are relying on no development occurring at 510 La Trobe Blv to protect views and access to daylight/sunlight and the impact on the privacy of future development/occupants at 510 is compromised.



Flooding

The application should be referred to the CCMA for comment regarding new development within the flood overlay. There may be concern with new building and car parking being located within flood prone land. There may need to be access to the extension through the new building not just from the southern elevation to eliminate risk to life.

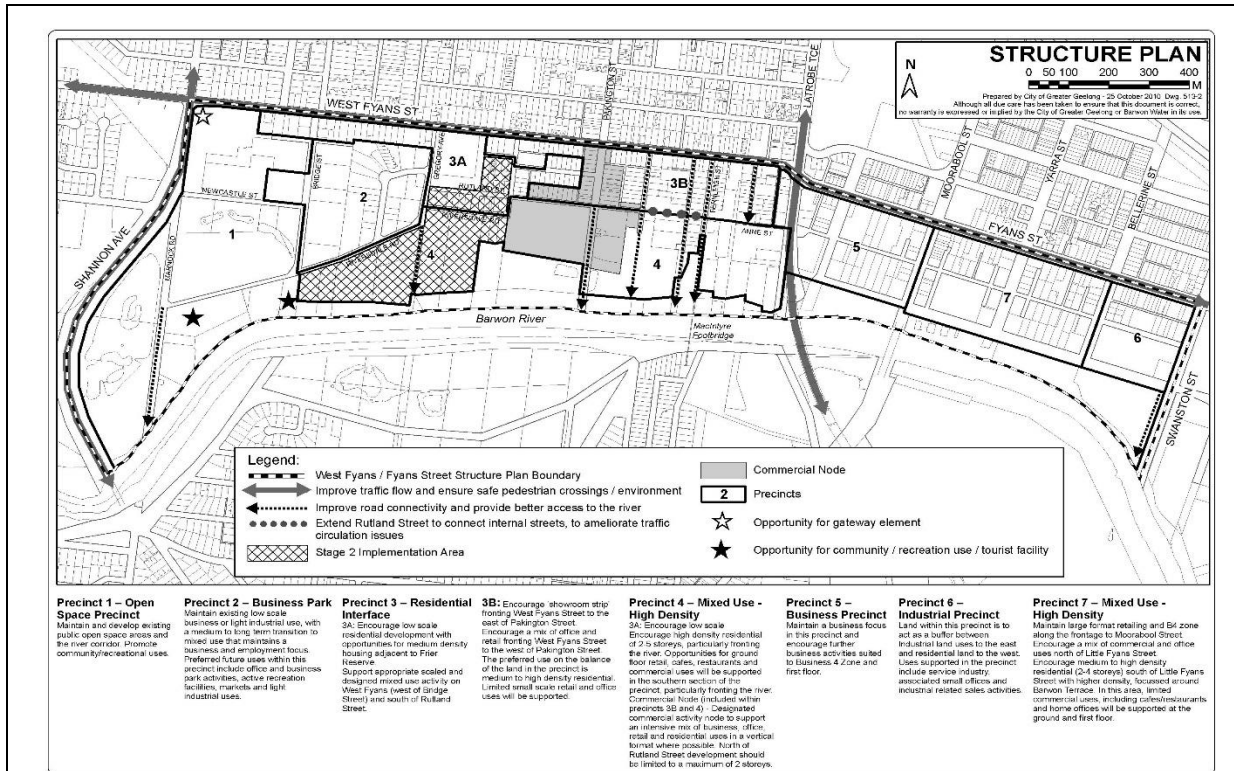
Officer Comment:

Clause 11.03-6L-04 and Clause 16.01-1L-01

Due to the floor area proposed, the new uses become section 2 uses within the Mixed Use Zone. Clause 11.03-6L-04 and Clause 16.01-1L-01 and the West-Fyans Fyans Street Structure Plan guide where certain uses are preferred.

West-Fyans Fyans Street Structure Plans seeks that Precinct 4 (which this site is within) contain commercial uses within the south. It considers that commercial uses can be supported on the ground level particular fronting the river, and the remainder of the precinct is encouraged to contain medium to high density residential. In comparison, Precinct 2 within the structure plan area, is nominated as a business park. It directs preferred uses within this area to be offices and business park activities. Other precincts allow for offices and commercial uses.

Further to this, precinct 4 guides commercial activity to the designated commercial node, which considers an intensive mix of businesses including office and retail. This site is not within the commercial node.



Given the commercial land uses do not have a high level of policy support through the structure plan, a critical analysis of the uses in this location is required. This also leads to consideration of the car parking reduction and how this waiver of 179 spaces, and its associated impacts, will affect the locality and the future development of other sites within the structure plan area.

The Structure Plan does consider a mixed form of development on this site where café and other commercial uses could be supported along with the mix of a residential component. Given the site is within a Key Development area, this sets out support for residential development, which is at the top of Council’s housing hierarchy.

Parking Assessment

This has been considered throughout the report and further within Clause 52.06.

The proposed uses result in the high reduction of car parking being considered for this application. Throughout the application process it has been relayed to the applicant that the main concern has been with the amount of car spaces not being provided. No changes the floor areas or proposed uses have occurred. Informally the number of patrons associated with the resultant has been reduced, which has helped in car parking demand reducing, but not to a point where the application can be supported.

The unknown tenants make it unknown how the car parking within the basement will be allocated and if each tenancy will have access to a car parking space, and how this will operate given the tandem car parking layout. The proposed waiver is significant in an area that already heavily relies on on-street parking, not only by this site, but the surrounding existing business.

It is noted that the proposed uses are more car parking reliant compared to the existing uses that operate from the site. Whilst it could be considered that a residential development may result in less car parking requirements or a reduced waiver, we must consider the application that is before Council.

Health comments and Noise – DDO26

Environmental health has provided comments on the acoustic report.

Overlooking

Overlooking does not apply from commercial developments.

Flooding

The application was referred to the CCMA for comments in accordance with the requirements of the Floodway Overlay. Conditions have been provided.

Department:	Environmental Health
Response:	<p>As outlined in the provided Town Planning Report, prepared by Context Planning and dated 4th June 2024, this development proposal includes a 986m² food and drink premises, including an open deck, with a potential maximum capacity of 350 patrons. The proposed hours of operation are from 10am to midnight, seven days per week. Sale and consumption of liquor on site will also be included.</p> <p>Section 7.2.1 of the Town Planning Report suggest that “Given the site will operate partially as a restaurant with liquor license and large deck spaces, it is reasonable to consider that the venue will likely have live music playing from time to time. Of the potential amenity impacts to surrounding properties, this is the most likely to cause concern”. The proposed response to this is that a venue management plan, including limitations on when live music may be permitted externally and internally of the building.</p> <p>Although the proposed development is located in a mixed-use zone and mainly surrounded by commercial premises that are unlikely to be impacted by music outside of normal business hours, there is the potential for disturbance in the residential areas to the West of the development on the other side of the Barwon river. In particular, the Barwon River Holiday Park, which is located 110m from the proposed site of the open deck of the food premises, has the potential to be impacted by noise generated from the venue. Open space between the two sites gives the potential for sound to travel significantly.</p> <p>Given the significant size and maximum capacity of the venue, which is significantly larger than the 88m² food premises that previously occupied the premises, an acoustic report detailing appropriate mitigation measures should be provided. The recommendations of the report will allow conditions to be put in place to ensure that the amenity of the surrounding area is not disrupted and an appropriate venue management plan with mitigation measures can be developed by the venue, including appropriate restrictions on live music.</p> <p>Given the size of the development, consideration also needs to be given to the location of plant equipment throughout the building as this may be a significant source noise. Further information regarding the location of the equipment, including kitchen exhaust has been requested and the acoustic report, when received should address potential noise impacts from these sources.</p> <p>As an additional note, Environmental Health also suggest that the developers consider the impact that a large-scale food and beverage premises may have on surrounding tenants in the development. Consideration should be given to impacts of noise from patrons, music and plant equipment, as well as other potential impact such as odour. Mitigation measures should be put in place during the construction phase to limit these impacts.</p> <p><u>Further Information Required:</u></p> <ol style="list-style-type: none"> 1. Please provide an acoustic report prepared by a suitably qualified person to demonstrate how the proposal will comply with relevant noise legislation and mitigate amenity impacts on nearby residences. 2. Please provide further details on the location of the plant equipment throughout the proposed development, including kitchen exhaust.

<p>Final Response:</p>	<p>Regardless of Environment Protection Regulations 2021 and Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, consideration needs to be made for the Public Health & Wellbeing Act 2008 with respect to nuisance. While there are no measurable limits, consideration for people living close by need to be considered. Under the Public Health and Wellbeing Act 2008 Act a nuisance is defined as being liable to be dangerous to health or offensive. In particular nuisances arising from or constituted by any premises; noise or emission; or condition or activity— which is or is liable to be dangerous to health.</p> <p>In its current state, there are no acoustic attenuation measures apart from a balustrade along the edges of the balconies. This is the only thing between up to 350 patrons and people residing at the caravan park, nursing home and dwellings across the Barwon River. This has the potential to allow uninterrupted sound waves to effect numerous people, especially as trading hours are listed as 10am to midnight 7 days per week.</p> <p>The acoustic report does mention that as the nearest noise sensitive use is >280m away there is no material risk of noise impact. However, that does not mean a nuisance will not occur under the Public Health and Wellbeing Act. Council believes the likelihood of a nuisance occurring is too great without acoustic attenuation measures and/or planning permit controls on the use of the balconies.</p> <p>The proposed conditions are to limit the potential for a nuisance to arise which may be dangerous to the health to nearby residents.</p>
<p>Conditions</p>	<p><u>Noise Management</u></p> <p>At the written request of the Responsible Authority, the permit holder must submit a report prepared by a suitably qualified Acoustic Engineer which assesses any impacts of the site or impacts to the site, using any relevant legislation. Where non-compliance is identified, the report must provide any necessary recommendations to achieve compliance or address any other issues as appropriate. Any recommendations of the assessment deemed appropriate by the Responsible Authority must be implemented within a timeframe specified by the Responsible Authority.</p> <p>The premises must reasonably comply with all noise legislation and regulations in force and the level of noise emitted from the premises does not exceed permissible noise levels including EPA publication 1826.4 “Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues”</p> <p>The premises must reasonably comply with all noise legislation and regulations in force including EPA publication 1254.2 “Noise control guidelines”</p> <p>Comply with EPA publication 1834 “Civil construction, building and demolition guide”</p> <p><u>Audible Music or Announcements</u></p> <p>No amplified music, including live amplified music, must be played, or piped to external areas without the further written consent of the Responsible Authority.</p> <p>No music or announcements may be audible outside the boundaries of the site to the satisfaction of the Responsible Authority.</p> <p><u>Noise and Amenity Plan/Patron Management Plan</u></p> <p>Unless otherwise approved in writing by the Responsible Authority, prior to the commencement of use, a Noise and Amenity Plan / Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the plan. The plan must include:</p>

- staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
- signage to be used to encourage responsible off-site patron behaviour;
- the training of staff in the management of patron behaviour;
- staff communication arrangements;
- and measures to control noise emissions from the premises.

Contact Person

The telephone number of a person responsible for the operation of the premises shall be displayed in a prominent position on the external façade at all times such that adjoining neighbours and shop owners have a point of contact regarding excessive noise, unruly behaviour or any other concerns. This shall at all times be maintained to the satisfaction of the Responsible Authority.

Person in charge

At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality.

Manage noise of patrons leaving

A notice to the satisfaction of the Responsible Authority shall be fixed in a prominent position visible to all patrons as they leave the premises. The notice shall be clearly legible and draw attention to the requirements for considerate and quiet behaviour of patrons on departing from the premises.

Restrictions on operating time

The premises must only operate the external decks/balconies during the following times:

- Monday to Thursday – 10am to 8pm;
- Friday to Saturday –10am to 10pm.
- Sunday and Public Holidays –10am to 8pm.

Disposal of Bottles

Bottles shall be bagged during operation times and shall not be emptied into any external refuse bins between the hours of 10pm and 8am.

Security Alarms

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 monitored security service.

Plant and Equipment Insulation

All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

All air-conditioning units are to be placed in an appropriate location or alternatively acoustically treated to reduce noise to a level satisfactory to the Responsible Authority.

Light Emissions

Outdoor lighting must be designed, baffled, and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties.

General Amenity

The amenity of the area must not be detrimentally affected by the use or development through the:


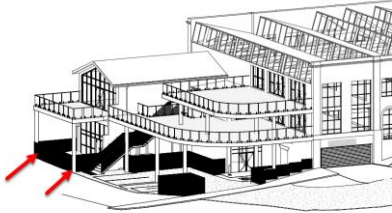
- Transport of materials, goods or commodities to or from the land;
- Appearance of any building, works or materials;

	<ul style="list-style-type: none"> ○ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; ○ Presence of vermin; <p>to the satisfaction of the Responsible Authority.</p> <p><u>Garbage Storage</u></p> <p>The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the Responsible Authority.</p> <p><u>Regular Waste Removal</u></p> <p>All waste material must be regularly removed from the site to the satisfaction of the Responsible Authority.</p> <p><i>Notes:</i> <i>Environmental Health has considered the information submitted with the application for a planning permit at the abovementioned property. Environmental Health has no objection to the granting of a planning permit providing the following notes are included within:</i></p> <p><u>Noise</u></p> <p>Ensure compliance with any Commercial Noise regulations, Councils Local Laws and obtain permits where and when required.</p>
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Officer Comment:

The relevant conditions and notes would be added to the permit.
 If a permit is granted, the general amenity will be recommended

Department:	Parks
Response:	<p>I have inspected the site and make the following comments,</p> <ul style="list-style-type: none"> • The trees located directly south of the boundary fence are a mature stand of <i>Populus nigra</i> 'Italica' (Lombardy Poplar). The SRZ's (Structural Root Zones) and TPZ's (Tree Protection Zones) of these trees would extend into the proposed works area for this design. An AIA would be required to determine the level of encroachment to these trees as a result of this project. • After reviewing the plans, I can confidently determine that the new fence and support beams will be within the SRZ's of several trees. <p>Managed by Barwon Water / CCMA?</p>

		
<p>Final Response</p>	<p>The applicant submitted a request to Council’s Tree Management Unit for the trees in question to be removed, and were informed that Council does not manage this land, and that the CCMA should be contacted in relation to any requests regarding these established trees.</p> <p>If the applicant has written confirmation that the CCMA has no objection to the removal of the established row of <i>Populus nigra</i> ‘Italica’ (Lombardy Poplar) trees, then I have no objection to the tree removals.</p>	
<p>Officer Comment:</p> <p>The CCMA have provided a response that the trees can be removed. Ideally the trees would be retained to protect the landscape area, however as no permit is required and the trees are outside the property boundary, Council is unable to enforce the protection of the trees.</p>		

<p>Department:</p>	<p>Waste</p>
<p>Response:</p>	<p>The Waste Management Plan is satisfactory. Private collections, bins are stored inside property envelope.</p>
<p>Officer Comment:</p> <p>A condition will ensure an appropriate waste management plan is endorsed and form part of the permit.</p>	

AMENDMENT OF THE PROPOSAL PRIOR TO PUBLIC NOTIFICATION:

The application was not formally amended prior to public notification however updated plans were submitted as further information to gain a better understanding of the floor areas. Updated associated documents were also submitted as part of the further information.

These are the plans that form the basis of this report.

PUBLIC NOTIFICATION:

The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act and pursuant to Section 52 of the Planning and Environment Act 1987 the following forms of advertising were undertaken:

- Notices were sent to owners and occupiers of adjoining land.
- A2 sign(s) were placed on the land.

10 Objections have been lodged with Council (see a summary under Objections)

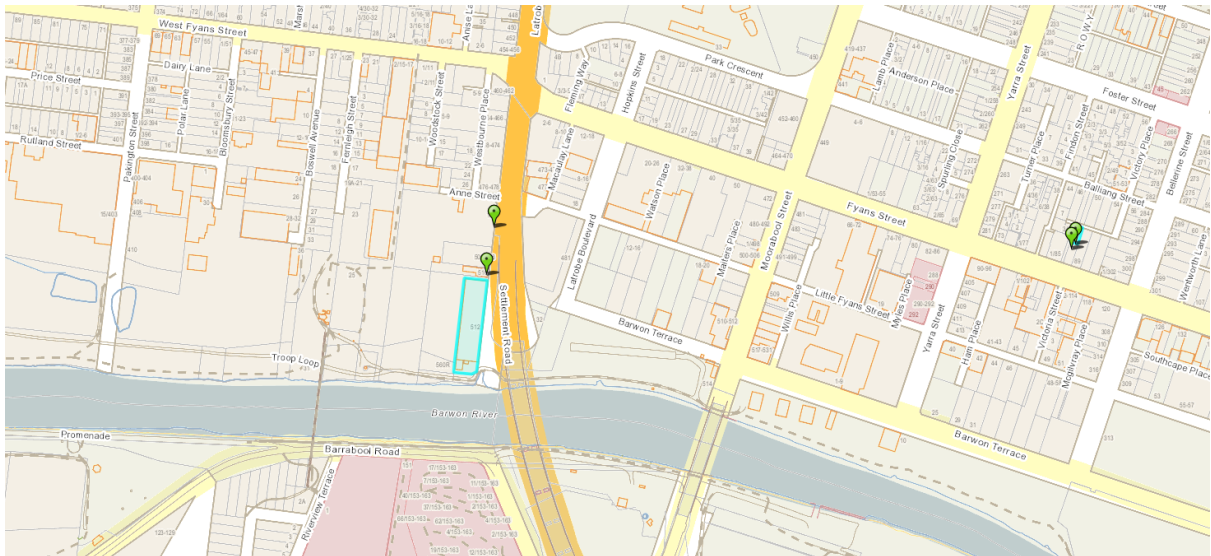
CONSULTATION:

A consultation meeting was not held. The applicant chose to provide a written response which was circulated to the objectors. No objections were withdrawn.

AMENDMENT OF THE APPLICATION FOLLOWING PUBLIC NOTIFICATION

The application was not amended following public notification.

OBJECTIONS:



The locations of nearby objectors are shown above - due to the location of other objectors not all have been shown on the map.

The concerns of objectors are summarised and commented on below:

Objection – Flooding

Response

The application was referred to the CCMA due to part of the land being located in the Floodway Overlay. The CCMA did not object to the application subject to conditions.

Objection – Lack of car parking, impacts to on street parking, increase of traffic, lack of information and consideration in the traffic assessment, impacts to existing loading and unloading

Response

A full detailed response to Clause 52.06 – Car Parking and all this clause entails is included further below within this assessment.

Objection – Acoustic impacts, live music, restaurant to operate as a bar, potential for bad customer behaviour, noise impacts to the caravan park

Response

An acoustic report has been lodged with the application and assessed and considered appropriate by the Environmental Health team. In the event a permit is issued, permit conditions would be recommended to ensure that noise was within acceptable limits.

The application has not applied for the provision of live music or to operate as a bar. If the restaurant wants to operate as a Bar, additional planning permission would be required, and it would be assessed on its merits.

The onus is on the tenants of the restaurant to manage their patrons.

Objection – Stormwater management

Response

The site already manages their stormwater and appropriate measures have been put in place to cater for any increased from the proposed development. This has been addressed through the recommended conditions from the Drainage Engineers.

Objection – Loss of privacy

Response

Overlooking does not apply from commercial developments. If overlooking did apply, the adjoining property is currently vacant and does not look into any habitable room windows or secluded private open space. Whilst an application is being considered at the adjoining property, it has not been approved or built. Applications must be assessed against the provisions of the Planning Scheme and on the conditions at the time.

Objection – Heritage impacts – openings on the east elevations on Latrobe Boulevard, impacts to rainheads and downpipes, bluestone foundations not being conserved, retention of gantry, retention of trees to the south

Response

The application was referred to Council's Heritage Advisor who supported the application, subject to conditions. Further commentary will be provided in response to the Heritage Overlay.

ASSESSMENT:

ZONE:

Clause 32.04 Mixed Use Zone

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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.

OVERLAY:

Clause 42.03 Significant Landscape Overlay

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Schedule 16 (Rivers of the Barwon: Barwon River (Parwan) Corridor Environs

- To enhance the continuous riparian corridor landscape.
- To retain canopy trees as a dominant landscape feature and vegetation that contributes to landscape character, heritage values and neighbourhood character, ensuring it responds to the bushfire risk of a location.
- To ensure buildings and works are not visually dominant when viewed from the waterway corridor.
- To encourage buildings and works to be set back from the banks of the river to avoid overshadowing and visual intrusion within the landscape and maintain an open waterway corridor.
- To ensure the location and size of earthworks minimises alterations to natural topography and is consistent with the landscape character

Clause 43.01 Heritage Overlay

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Schedule 1306 - Albion Woollen & Worsted Mills (former)

Schedule 1618 - Woollen Mills Heritage Area

Barwon River, Latrobe Terrace, Hampton Street, Rutland Street and Pakington Street, Newtown

Clause 43.02 Design and Development Overlay

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Schedule 26 – West Fyans-Fyans Street Precinct Structure Plan

Design objectives

- To encourage high quality, innovative and contemporary design that is contextually relevant and responds to the unique historical and landscape setting of the area.
- To encourage building forms, finishes and colours that make a positive contribution to the public realm.
- To ensure that the height and massing of new development is sympathetic and responsive to the topography of the land
- To ensure that development adjacent to the Barwon River corridor and open space provides an appropriate interface.
- To maximise development opportunities through the consolidation of smaller lots.
- To ensure that subdivision design maximises and enhances the development potential of land.
- To promote public safety in the public and private realm.
- To ensure new built form is sensitive to existing heritage sites and areas of high environmental and landscape value.
- To promote best practise Environmental Sustainable Design including but not limited to energy and water including stormwater quality and reuse initiatives.
- Promote development which creates a high level of amenity to residents, workers and visitors.
- To ensure that buildings are designed to allow for adaptive reuse to meet the long term vision for each precinct.

Design and Built Form

Development, where relevant should:

- Ensure the height of buildings is consistent with table 1 of this clause. Where the height of a building exceeds the height of adjoining buildings by more than one storey a high level of articulation and visual interest must be achieved.
- Meet the design objectives for the relevant precinct as detailed in table 1 and in Map 1 - Access and Amenity Improvement Map attached to this clause.
- Avoid blank walls where they abut a street or the public realm.
- Create access links, pedestrian routes and spaces in accordance with the Access and Amenity Improvement Map attached to this Schedule.
- Incorporate best practice stormwater quality and reuse measures into the design of new buildings.
- Provide active frontages in the locations identified in Map 1 - Access and Amenity Improvement Plan attached to this clause.

- Discourage the use of reflective material on walls and roofs of buildings where they are visible from the street and the public realm.
- Ensure fences are designed to allow for visual surveillance of both the public and private realm and constructed of materials or painted a colour that compliments the building and surrounding area.
- Ensure plant and equipment is adequately screened and not visible from the public realm.
- Ensure that development includes appropriate acoustic measures to limit the transmission of noise both into and out of buildings to create a liveable mixed use environment.
- Protect the scale and setting of heritage places by ensuring there is a transition in height and spacing between new development and buildings of heritage significance.
- Enhance the appearance and identity of the original entrance to Barwon Grange as a vehicle access and pedestrian route as identified in Map 1 - Access and Amenity Improvement Plan through the use of landscaping and signage.

Car Parking and Vehicle Access

Car parks and vehicle access to new development should be designed to:

- Incorporate landscaping and design elements which limit car parking spaces, structures and access ways from dominating street frontages.
- Minimise the width and number of vehicle crossing points to a site.
- Locate and design car park entries to minimise adverse impacts on pedestrians.
- Where appropriate, direct vehicle access to the rear or side of properties where the site abuts more than one road or a laneway.
- Ensure all vehicle crossings, accessways and parking areas are sealed with an all weather seal coat
- Where appropriate ensure that the layout of a site allows for the loading and unloading of goods to occur within the site and does not impact on the ability of vehicles to enter or exit the site.
- Limit the need for vehicles to park on the street by providing car parking consistent with the requirements of Clauses 55 and 52.06. Where a variation to these requirements can be adequately justified a minimum of one car parking space per tenant must be provided on the site.

Traffic and Pedestrian Movements

The design of new development should incorporate:

- Improved traffic connections between Woodstock Street, Westbourne Place and Anne Street to improve manoeuvrability and limit impacts on Latrobe Terrace and West Fyans Street as identified in Map 1 - Access and Amenity Improvement Plan
- Pedestrian and bicycle connections between Anne, Woodstock and Fernleigh Streets as identified in Map 1 - Access and Amenity Improvement Plan
- Pedestrian and bicycle connections through to the Barwon River Environs in the locations identified in Map 1 - Access and Amenity Improvement Plan

Public Spaces

Development adjacent to public space (including roads) should:

- Ensure the setback of buildings provides opportunities for planting to improve the overall appearance of the streetscape.
- Include the construction of a footpath to all street frontages if a footpath is not already provided.
- Provide opportunities for passive surveillance.

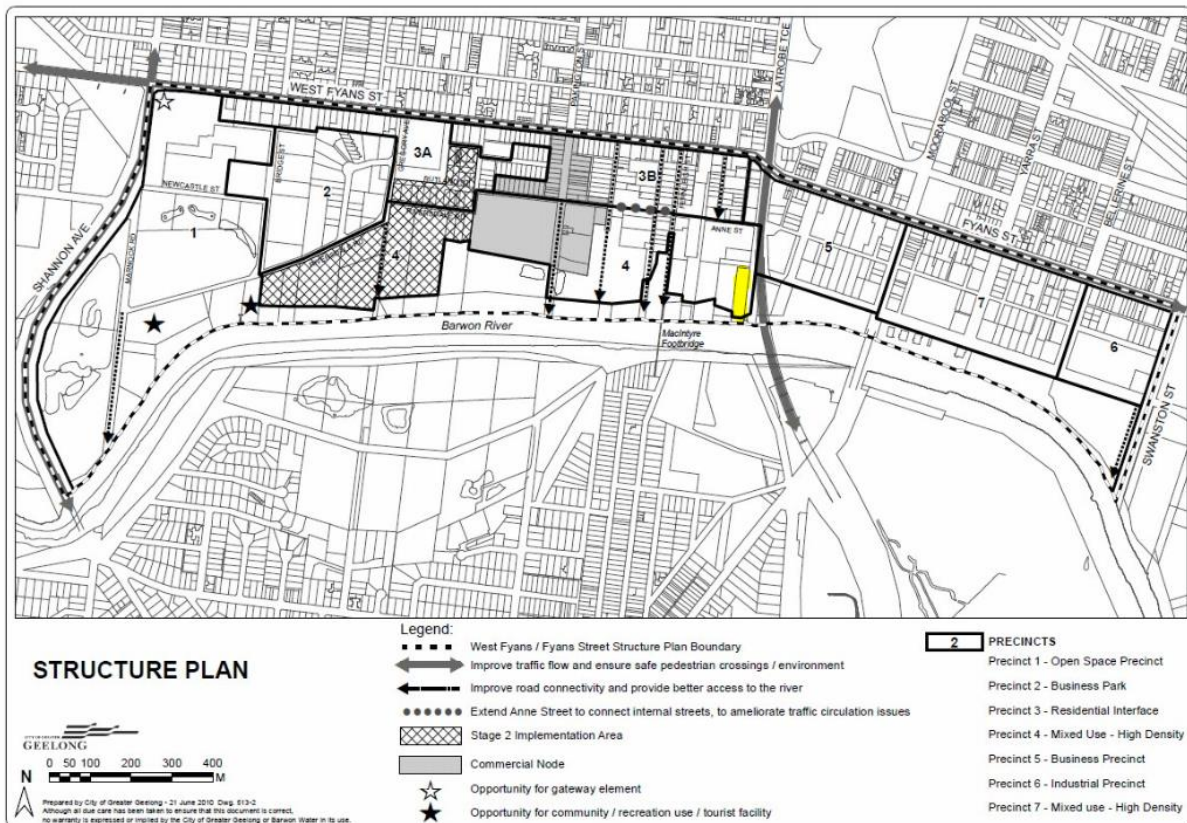
Landscaping

- Where a setback is proposed as part of a development landscaping must be incorporated into the design of the site including the provision of canopy trees where appropriate, to improve the appearance of streetscapes and the public realm.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development achieves the design objectives for the West Fyans-Fyans Street Precinct Structure Plan 2009 including the objectives of each precinct.
- Whether the subdivision is associated with a development proposal that supports the strategies of Clause 11.03-6L-04 West Fyans-Fyans Street and does not result in the fragmentation of sites.
- The interface with adjoining zones.
- The impact of the buildings or works on the amenity of the Barwon River environs or any area of existing or proposed public open space.
- The impact of the development and/or works on identified heritage buildings.
- The incorporation of environmentally sustainable building design techniques and materials to reduce energy use and impacts on the environment.
- Whether the development achieves the enhancement and creation of pedestrian and bicycle links to the Barwon River Corridor as identified in Map 1 - Access and Amenity Improvement Plan.
- Sign Guidelines (City of Greater Geelong, 1997).
- Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017), as appropriate.



West Fyans – Fyans Street Structure Plan, subject site highlighted

The decision objectives in Table 1 of the DDO26 relevant to the Precinct 4 are outlined below:

Design objectives	Preferred building height	Preferred setback and landscaping
<p>Ensure new development is designed to address adjacent open space and/or the Barwon River corridor.</p> <p>Where land abuts a Public Acquisition Overlay, encourage the design of new buildings to have a frontage to land within that Public Acquisition Overlay.</p> <p>Buildings of 4 to 5 storeys in height should take advantage of the topography and views without adversely impacting on the visual landscape and existing amenity of surrounding properties.</p> <p>Where non residential uses are proposed encourage buildings to have an active frontage on the ground floor, with a clearly identifiable entry</p> <p>Where alternative vehicle access can not be achieved, encourage car parking at the front of buildings adjacent to West Fyans and Fyans Streets.</p>	<p>Within precincts 3B, 4 and 7 encourage buildings of between 2 and 5 storeys, not exceeding 16.5 metres. Buildings up to five storeys should be located adjacent to the Barwon River Corridor with lower levels of such buildings located closest to the river with higher levels to the north.</p> <p>Buildings within precinct 3A, not located within a residential zone, should have a height of up to 3 storeys not exceeding 10.5 metres.</p> <p>Buildings within a residential zone within precinct 3A should have a height up to 2 storeys not exceeding 9 metres.</p>	<p>A building should have a setback consistent with surrounding buildings. A reduced setback may be appropriate where it can be demonstrated that the development will make a positive contribution to the streetscape and will not impact on the amenity of adjacent land uses and buildings .</p> <p>Where a site is located on a corner the development must be setback a minimum of 2 metres to enable the incorporation of appropriate landscape treatments. This setback may be reduced where a non residential use is proposed on the ground floor abutting the side street or where the treatment of a side wall incorporates visually interesting elements, makes a positive contribution to the streetscape and will not impact on the amenity of adjacent land uses.</p>

Clause 44.03 Floodway Overlay

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Schedule 1 – Riverine Flooding

- To identify areas at high risk from flooding.
- To ensure development is commensurate with flood risk.

Clause 45.03 Environmental Audit Overlay

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

RESPONSE

Mixed Use Zone and Design and Development Overlay – Schedule 26

A full assessment of the use and development in response to the zone and the requirements of DDO26 have been undertaken in the policy response below.

Heritage Overlay

The site contains a building that is “B Listed” –Regional Significant being the former Albion Woollen and Worsted Mills and once operated as one of Geelong’s major woollen mills.

The former Albion Mill is identified as HO1306, where external paint controls and solar energy system controls apply, and prohibited uses may be considered (permitted). No internal alteration controls and no tree controls apply, and there are no outbuildings or fences of note.

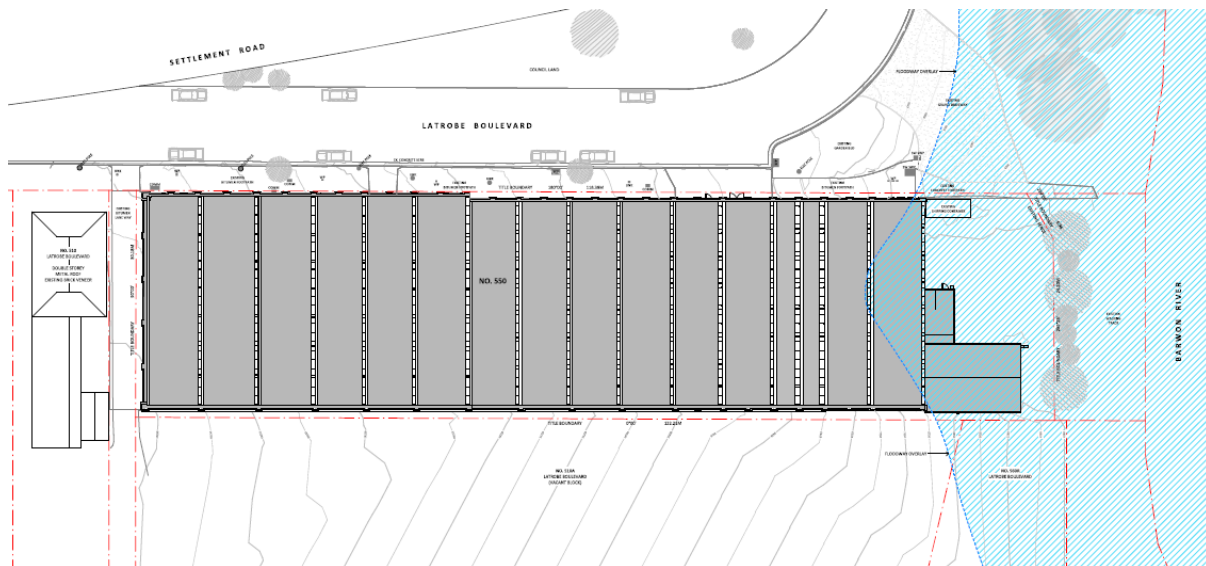
The works to the heritage building have been supported by Council’s Heritage Advisor and the works are unlikely to impact the significance of the building. Whilst the external changes will be noticeable, it is mostly resulted from changes to already altered or introduced fabric.

Significant Landscape Overlay

The landscape values of the overlay area are identified in the schedule as being characterised by the Rivers of The Barwon: Barwon River (Parwan) Corridor Environs. Only the southern portion of the site is affected by the overlay and there are no permit triggers to remove any vegetation.

Floodway Overlay

The Floodway Overlay Schedule 1 covers the southern portion of the subject site:



The proposed works do extend to within the mapped extent of the Floodway Overlay. The application has been referred to the Corangamite Catchment Management Authority who have no objection to the grant of a permit, subject to conditions.

The CCMA referral response confirms flood extents and levels for the 1% Annual Exceedance Probability (AEP) flood event have been modelled for this area through the Lower Barwon & Moorabool Flood Study Update (2024). The applicable 1% AEP flood level for the proposed development described above is 5.74 metres AHD.

In view of the above it is not considered that the proposed buildings and works would result in an unreasonable risk to the community, infrastructure, life, health and wellbeing associated with flooding, nor would it result in unreasonable loss of floodplain storage.

Environmental Audit Overlay

The Environmental Audit Overlay does not trigger a planning permit or have application requirements. Any contamination must be rectified prior to a sensitive land use commencing. No sensitive land uses are proposed in the application.

CULTURAL HERITAGE MANAGEMENT PLAN (CHMP):

The Aboriginal Heritage Regulations 2018 specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity. Division 2 of the Aboriginal Heritage Regulations 2018 specifies exempt activities which do not require a cultural heritage management plan. The proposal is not listed as an exempt activity.

Areas of cultural heritage sensitivity are defined within Divisions 3 and 4 of the Aboriginal Heritage Regulations 2018. Division 3 identifies the site or part of the site as within an area of cultural heritage sensitivity. High impact activities are defined within Division 5 of the Aboriginal Heritage Regulations 2018. Division 5 lists the proposal as a high impact activity.

The site is considered to have been the subject of significant ground disturbance which is defined as 'disturbance of (a) the topsoil or surface rock layer of the ground or (b) a way - by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

In accordance with the above assessment, a cultural heritage management plan is not required.

LANDFILL GAS RISK ASSESSMENT

The subject site is not located within 500 metres of an identified former landfill site, a risk assessment is not required.

DEVELOPMENTS IN BUSHFIRE PRONE AREAS

The site is not located within a designated bushfire prone.

MUNICIPAL PLANNING STRATEGY

The following Municipal Planning Strategy are applicable to this application:

2.02 VISION

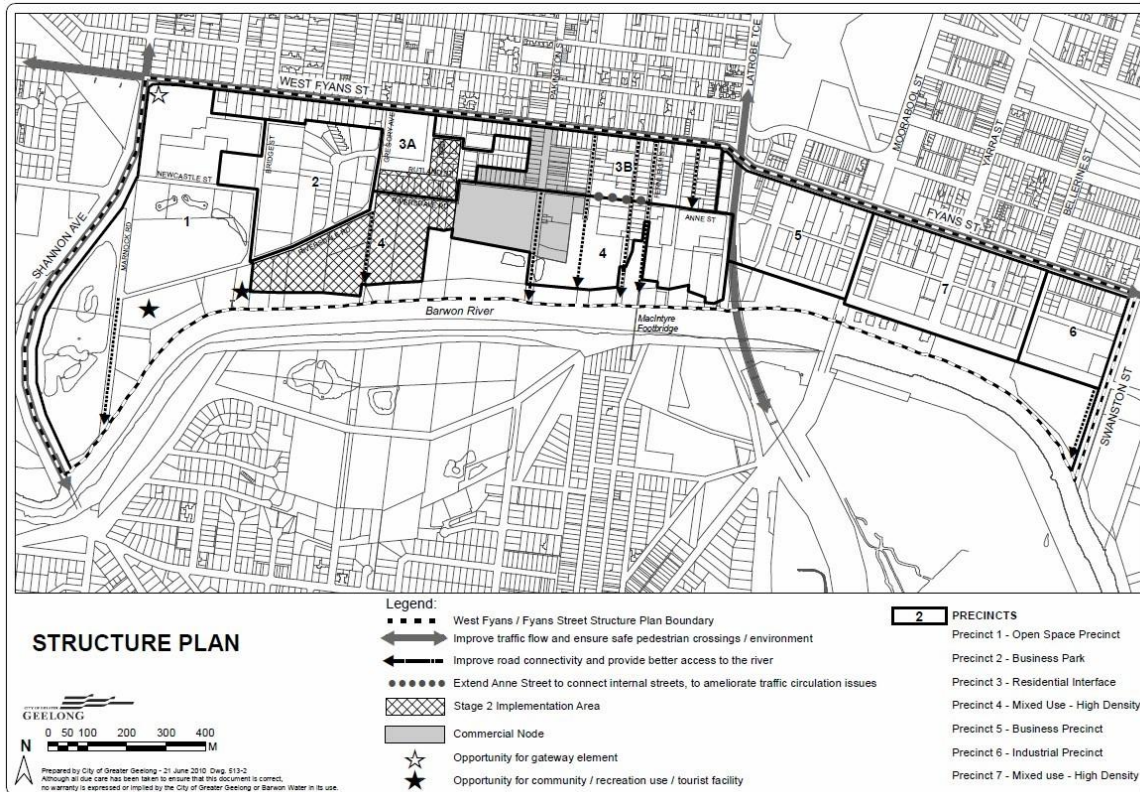
- 02.03-1 Settlement**
- 02.03-2 Environmental and landscape values**
- 02.03-5 Built environment and sustainability**
- 02.03-8 Transport**

PLANNING POLICY FRAMEWORK (PPF):

The following Planning Policy Framework are applicable to this application:

11.03 PLANNING FOR PLACES

- 11.03-6L-04 West Fyans – Fyans Street**



Mixed use - Precinct 4 strategies

- Within the Commercial Node support a mix of accommodation and commercial activity including retail, food and drink premises, office, community and recreation uses.
- Limit non-residential uses outside the Industrial 1 Zone and the Commercial Node to areas with convenient access to and from the river environment.
- Encourage medium to high density residential development in the remainder of the precinct.
- Within Industrial 1 zoned areas support a range of activities complementary to the long-term mixed-use vision for the area including office, service industry, leisure and recreation activities.
- Discourage industrial uses that do not meet Clause 53.10 buffer requirements.
- Promote the adaptive reuse of heritage buildings including the former heritage woollen mills.
- Design development to provide for or improve pedestrian and bicycle linkages to the river environment and the Rutland Street extension connecting to Pakington Street.

12.03 WATER BODIES AND WETLANDS

12.03-1R Rivers of the Barwon

12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES

12.05-1S Environmentally sensitive areas

12.05-2S Landscapes

13.03 FLOODPLAINS

13.03-1S Floodplain management

13.03-1L Floodplain management

13.05 NOISE

13.05-1S Noise management

13.07 AMENITY, HUMAN HEALTH AND SAFETY

13.07-1S Land use compatibility

15.01 BUILT ENVIRONMENT

15.01-1S Urban design

15.01-2S Building design

15.01-2L Environmentally sustainable development

15.03 HERITAGE

15.03-1S Heritage conservation

15.03-1L Heritage conservation

16.01 RESIDENTIAL DEVELOPMENT

16.01-1S Housing supply

16.01-1R Infill housing - Geelong G21

16.01-1L-01 Integrated housing and housing diversity

West Fyans Key Development Area Map





Subject site highlighted above within the West Fyans Key Development Area.

17.02 COMMERCIAL

17.02-2S Out-of-centre development

17.02-2L Out-of-centre development

19 INFRASTRUCTURE

19.03-3S Integrated water management

19.03-3L Integrated water management

RESPONSE TO THE MUNICIPAL PLANNING STRATEGY (MPS):

Clause 02.03-1 Settlement identifies the West Fyans- Fyans Street precinct as an identified key housing development area with the potential to undergo substantial change and redevelopment overtime. The strategic direction also includes supporting a range of medium to high density residential development. The precinct as a whole will facilitate a mix of uses incorporating a complementary range of residential and employment activities.

It is acknowledged that, at a site specific level, it could be said that a mix of uses has been provided, consistent with its Mixed Use zoning. The West Fyans- Fyans Street precinct must be considered on a macro level and how this site interacts and adds to the West Fyans- Fyans Street Structure Plan area.

The development does improve the connections to public open space and provides an improved landscape response to the Barwon River. Given the heritage significance of the site, the streetscape has largely remained intact on the ground level along Latrobe Boulevard, with the changes to the facades and addition of windows allows for improved visual interest and improved public safety through and around the site.

Clause 02.03-2 Environmental and landscape values encourage the protection of the Municipality's significant natural environments. The application will removed the existing trees within the Barwon River, whilst the CCMA have supported this, it is unclear how this protects or enhances the environment.

Built environment encourages environmentally sustainable design in all development, which has not been achieved to a satisfactory level within this application, failing to address Clause 02.03-5. In addition to this, Clause 02.03-8 provides a high level strategic direction for transport. It considers prioritising active and public transport modes over private vehicle use, with the aim to reduce car dependency. The site has poor access to public transport, where visitors and workers would be reliant on vehicles to get from and the site.

RESPONSE TO THE PLANNING POLICY FRAMEWORK (PPF):

The application seeks approval for the use of the land for offices and retail including a restaurant. These uses require a planning permit within the Mixed Use due to their total floor area sizes. The applicant sought a permit that allowed individual tenancies to be used interchangeably provided maximum floor space percentages were maintained. This is considered an unacceptable approach. Allowing a permit for multiple unknown section 2 uses, creates an unknown car parking requirements and an unknown reduction. Given these unknowns, it cannot be accurately assessed how the on street parking and overflow issue might be impacted.

The proposed uses trigger a planning permit in the Mixed Use Zone. The West Fyans-Fyans Street Structure Plan then provides guidance on the appropriate locations for certain land uses. Notably, the structure plan is an Incorporated Document within the Planning Scheme, and carries the same weight as the Planning Policy Framework. The proposed land uses (including their appropriateness in certain locations) then informs likely car parking demand, including whether the proposed provision of car parking is appropriate.

Clause 11.01-1L-01 Settlement - Greater Geelong, seeks to direct the housing needs to the urban Geelong area and allows for a fair, orderly, economic and sustainable use and development within an established infill area (*Clause 11.02-2S Structure Planning*). Whilst this application does not propose dwellings or residential development, it is strategically located in a Key Development Area (a strategically located area for in fill, higher density residential development).

The West Fyans-Fyans Street Structure Plan is given specific acknowledgment in the planning scheme through DDO26 and *Clause 11.03-6L-04*.

The site is located within the Mixed Use Precinct 4 area. The Structure Plan states: *Precinct 4 is identified as the focus for high density housing. This precinct is characterised by large sites, proximate to the river, with limited fragmentation in land ownership, creating a real opportunity for change in the short to medium term.*

It is acknowledged that a Precinct 4 Strategy in *Clause 11.03-6L-04* is to *'limit non-residential uses outside the Industrial 1 Zone and the Commercial Node to areas with convenient access to and from the river environment'* and, as such, this site could be preferred for non-residential uses. However, the Structure Plan gives further meaning to this (at p8) in stating that *"opportunities for ground floor retail, cafes, restaurant and commercial uses will be supported in the southern section of the precinct, particularly fronting the river."*

It is noted that the Structure Plan advocates a precinct based approach to different land uses. Notably, there are other precincts where office uses are encouraged (eg Precinct 2 – Business Park, Precinct 5 – Business Precinct and, indeed, Precinct 4 (within the Commercial Node)).

It is also acknowledged that the application would enhance the connectivity to the Barwon River with the upgrade of the pedestrian path through the site. Policy also encourages the adaptive reuse of heritage buildings, which has been achieved through the balance of retaining significant fabric and allowing new uses for the ongoing preservation.

It is the view of Officers that there is little, if any, policy support for an Office use, particularly of the scale proposed, in this location. There is some policy support for retail and restaurant uses where they have proximity to the Barwon River. Whilst the restaurant is not limited to ground level, the benefits associated with its connection and passive surveillance of the river corridor are noted. The location of the retail uses within the building are not known. However, nearly all tenancies would be accessed via internal arcades rather than doorways to the street.

The application has failed to address *Clause 16.01-1R* which directly encourages and facilitates infill development in the West Fyans development area. This policy is further supported through *Clause 16.01-1L-01*, which contains the *West Fyans Key Development Area Map*. Through the state and locally policies, the proposal is well located and provides a high density development, with a mix of housing choice, in an identified area that is well located to services and facilities. This clause aims to:

- *Accommodate medium and high density housing in Key Development Areas as identified by the Key Development Area maps in this clause.*
- *Increase housing diversity in growth areas through the delivery of a broad range of lot sizes, capable of accommodating a variety of different housing types, including mixed use and high and medium density housing in strategically identified locations.*

The structure plan encourages residential dwellings in this location through precinct 4 in *Clause 11.03-6L-04*, which encourages medium to high density residential development. Both the planning scheme policies and the incorporated document, work together to achieve a certain outcome, which this application has failed to achieve, through the inappropriate uses which causes the flow on effect of the car parking reduction.

Clause 17.02-2S and *Clause 17.02-2L* require the consideration of out of centre development and discourage the expansion of single use retail, commercial and recreation facilities outside activity centres. The area is identified as a 'dispersed centre' in the *City of Greater Geelong Retail Strategy 2020-36 (City of Greater Geelong and SGS Economics and Planning, August 2020)*. The future role and opportunities for the area state:

- The West Fyans end of this precinct is similar to the Fyans Street end in that there is a large proportion of low-density restricted retail (car yards) but, unlike the Fyans Street end, the area has started to evolve with a number of artistic businesses, offices and recreation uses appearing amongst older, more established industry.
- This area is located in precincts 3A, 3B and *4. These precincts encourage office, and retail uses to front West Fyans Street, with the remainder of the areas to be developed with low to high density residential uses.*
- It is recommended that the West Fyans Area be identified as dispersed restricted retail, as current planning policy *supports a significant shift away from retail uses to residential uses over time.*

It is acknowledged that development does:

- Allow for urban renewal and infill redevelopment.
- Has good access to the Barwon River.

The site has a unique context with three different interfaces to respond to. This has been achieved through the built form responding to the heritage context by the retention of significant fabric and the setback of upper levels to ensure the street façade is maintained as the principal heritage feature. The addition of the windows allows for increase passive surveillance and street activation. The southern interface is stepped back to respond to the Barwon River interface, which allows for connections to the Barwon River. This outdoor space also allows for passive surveillance of the river corridor.

Clause 15.01-2S has been met through the considerations of the Heritage Overlay and built form has addressed the Design and Development Overlay – Schedule 26, through the response to the height, scale, massing and context of the development site. The development responds to all varying interfaces and supports public safety and protects the views and vistas and in particular, protects the Barwon River sensitive area.

The development has been assessed against the requirements within *Clause 15.01-2L* and does not achieve best practice in environmentally sustainable design. Conditions will be required to finalise the outstanding ESD requirements to ensure the best outcome is achieved. Given the increase in floor area, the ESD initiative must be implemented, which is a policy requirement of the DDO26 and the local ESD policy.

The development responds to its context and is in keeping with the value of the sense of place, in accordance with *Clause 15.01-5S*. It is considered that, on balance, the proposed demolition and

development of the building will not result in an unreasonable adverse affect on the significance of the place. The proposed buildings provide reference to the existing heritage built forms and materials, whilst avoiding the incorporation of mimicry or pastiche replicas of heritage fabric. The development supports adaptive reuse and ongoing uses of the heritage buildings and will ensure the identified heritage values are protected and conserved.

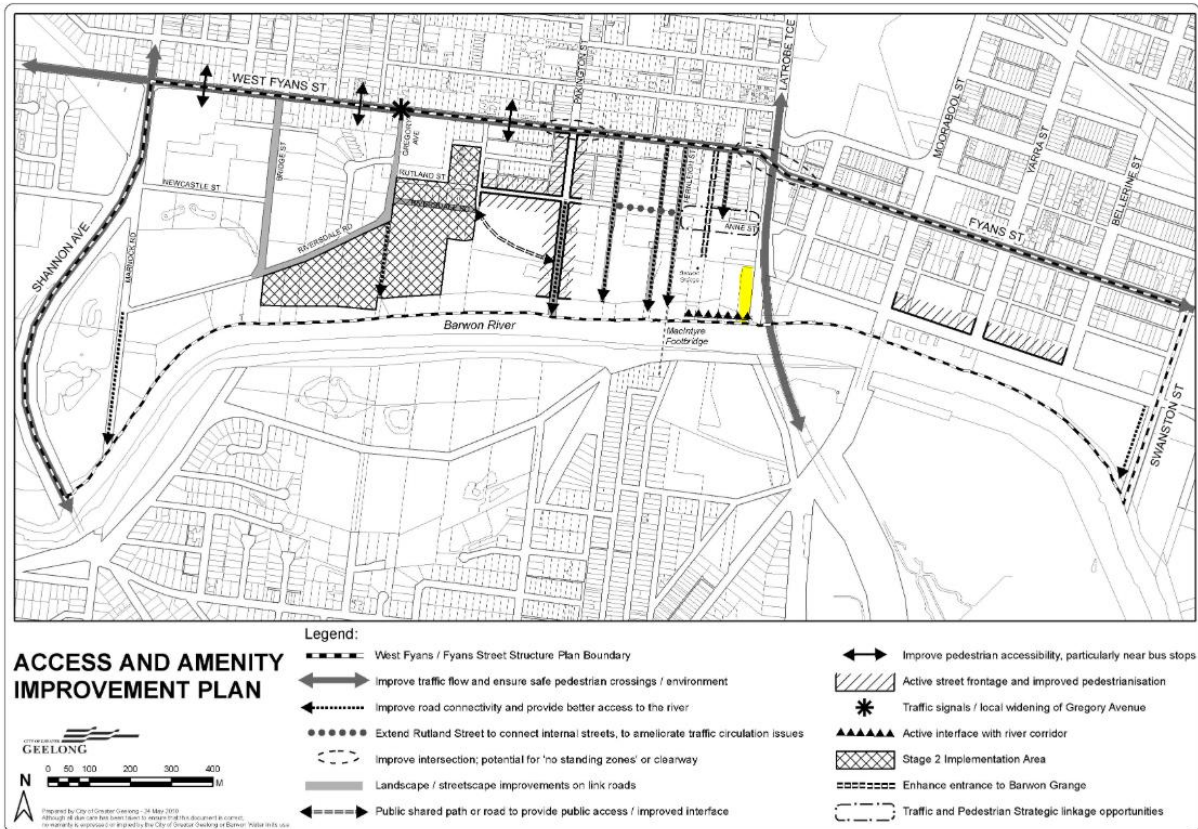
Through *Clause 15.03-1S*, the development has been designed to provide a contemporary interpretation that relates to the location, bulk, form, and materials of existing or neighbouring significant heritage places. The development accepted through the conservation and restoration of the contributory place. It supports an adaptive reuse of an existing heritage building. The conservation of the heritage place allows for an ongoing life for the building.

The development accords with *Clause 15.03-1L* in that the building is being retained and conserved, and the significance is contributing to the long term conservation. The significant fabric is being retained, whilst there is a lot of demolition works proposed for the façade, this enhances the building in allowing for streetscape activation and passive surveillance. The proposal allows for the building to contribute to its longevity whilst contributing to the local community. Whilst the addition of the extent of windows is a change to heritage fabric, it allows for a contemporary interpretation of the materials and bulk within the existing heritage places. Whilst the HO covers the subject site, it does not extend into the road reserve, and no changes to the streetscape assets require considering against the heritage overlay.

The accessways do not impact on the attractiveness and safety of the public realm nor does it impact on the heritage significance of the building. The development would be provided with 49 car spaces on the site. The development will not only have an increase in traffic movements, but also like to affect the safety and efficiency of the roads, to a point where they will be significantly impacted. A total of 179 car parking spaces are required to be reduced as part of this development. Again, it is acknowledged that any development on this site, there will be a change in the capacity and the number of vehicle movements to and from the site, however the concerns relate to where the overflow parking will occur. This development is likely to occupy all the remaining all day parking, leaving little to no unrestricted parking for any future nearby developments. This is likely to impact the future development of the Structure Plan area.

With the proximity of the site to the Barwon River and walking paths, this encourages visitors to the site to foster a healthy and active community, through the consideration of *Clause 15.01-4S*. However, the site is isolated in terms of public transport and the area, and the site has and will continue to have a high car dependency for visitors and workers. This is at odds with *Clause 17.02-2L*, where out of centre developments can be supported in locations that will reduce travel times for the community. This is not met as the area is wholly reliant on accessing the area by cars.

The table within DDO26 nominates a height of 16.5m, between 2 and 5 storeys in height and the existing building and development complies with this requirement.



Access and amenity improvement plan – subject site highlighted above

RELEVANT PARTICULAR PROVISIONS:

The following particular provisions are applicable to this application:

CLAUSE 52.06 – CAR PARKING

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Response

Land Use	Size	Rate	Requirement
Office	2,884m ²	3.5 per 100m ²	100 spaces
Retail/ Shop	720m ²	4.0 of 100m ²	28 spaces
Restaurant	986m ² or 250 patrons And 350 patrons (only 6 times a year)	0.4 spaces to each patron	100 spaces 140 spaces (only 6 times a year)
Total Required		228 spaces (268 when including 350 patrons 6 times a year)	
Total Reduction Required		179 spaces (219 when including 350 patrons 6 times a year)	

Clause 52.06 requires the provision of 179 car spaces to be located on the land. A total of 49 car spaces are provided, therefore a waiver of 130 spaces is required. A total waiver of 228 would be required when the restaurant is proposed to 350 patrons for 6 events per year.

For applications to reduce the car parking requirement a number of matters require consideration. This includes (but not limited to) a car parking demand assessment, short and long stay parking, availability of public transport, bicycle provisions, reductions associated with the existing use.

Multi-purpose trips within an area

There is the possibility that the restaurant will draw some of its trade from local office workers who will have already travelled to the area for work, creating the multipurpose trips. There is the possibility that the retail spaces and the restaurant will create a destination for people utilising the walking track along the Barwon River. However, it is expected that most of the visitors to the site will be people traveling there for work and this will be their main destination.

Conclusion: limited likelihood of multi-purpose trips tends not in favour of the car parking reduction

Variation of car parking demand over time

There will be variation of carparking demand over different hours and different days across the site. The peak will be when the office workers are coming and going from the site, whereas the restaurant is likely to have peak periods later in the day and the evenings. This is when the surrounding businesses are also less reliant on street car parking spaces. It is unclear if the on site car parking spaces would be available after office business hours for staff or other users. Given the tandem arrangement it is unlikely that this is a feasible option, or there is likely to be a crossover in the uses that would make this impracticable.

Conclusion: variation of parking demand not in favour of the car parking reduction

Short-stay and long-stay parking demand

The office use is long stay demand parking, and the retail and restaurant uses are likely to have short stay requirements. There are timed on street car parking spaces and informal car spaces in the road reserve which could accommodate the demand of shorter stays. However, the area does not have an adequate supply. The area is already in high demand for car parking and is not an area that has a surplus of on street parking to benefit the local existing and proposed businesses.

The existing car parking demand is likely low for all day parking due to a small number of staff for the gym and the previous antiques store. The other demand would be from visitors to the site which would rely solely on the timed on street parking, which ranges from 30mins to 2 hours. There is a small amount, if any, all day parking that can be utilised.

Conclusion: parking demand not in favour of the car parking reduction

Availability of public transport in the locality

There is no convenient public transport that would reduce the need to provide car parking. The site is not located near a train station and the closest bus stop is approximately 300 metres from the site as the crow flies (or approx. 500m walk). The site is not conveniently accessible from the bus stops on Fyans Street with crossings on Settlement Road not convenient to the subject site. It is unlikely that these two bus stops would adequately service the site in order to help mitigate the reduction required.

The area is isolated in terms of poor public transport and the existing businesses rely on the on street parking, which has a limited number of untimed spaces. Other on street spaces are a mix of 30 minutes to 2 hours. It will be hard to rely on staff to walk, cycle etc to the site, if they do it will be a very small percentage of the overall staff numbers.

Conclusion: lack of easily accessible public transport not in favour of the car parking reduction

Convenience of pedestrian and bicycle facilities

Pedestrian access, cycling access, the provision of bicycle parking and end of trip facilities for cyclists, can reduce the need for car parking, which the bicycle provisions are being met on the site in accordance with the requirements of Clause 52.34. There is the possibility that people may cycle to the site with the proximity to the Barwon River tracks and the provisions and the available of end of trip facilities. Given the high reduction required, it is unlikely that people traveling the site via cycling will negate the full reduction of car parking. It will assist but there is still likely to be an unacceptable traffic and parking issue within the area.

Conclusion: tends to favour of the car parking reduction

Anticipated car ownership rates of occupants

The use of the land for office, restaurant and retail are all high demand and can expect high rates of car ownership. It is likely that the majority of office workers will drive themselves to the site in a single car. The area of office requires 100 spaces alone, to which it is unclear how many spaces have been allocated to the offices within the basement.

The restaurant is more likely to involve people traveling to the site together, however the peak rates would likely be after normal business hours and in the evening.

The retail uses could expect some multi purpose trips and walk ups to the site. It is likely to have a higher demand on the weekend when the office workers are not on site.

Conclusion: The anticipated high car ownership rates of workers, is not in favour of the car parking reduction

Any empirical assessment or case study

Office demand:

The traffic report submitted with the application touched on parking demand associated with the office use. *The Column A statutory car parking rate of 3.5 car spaces per 100sqm applies to the office use. Based on empirical data of other office developments within the City of Greater Geelong (such as the Federal Mills site at 13-35 Mackey Street, North Geelong), it is anticipated that the proposed office tenancies may generate a peak car parking demand of slightly lower than the statutory car parking rate.*

Office generation:

The report then considered the traffic generation and the empirical evidence suggests that staff of commercial developments have typical traffic generations rates of:

- 2 vehicle trips per parking space per day.
- 0.5 vehicle trips per parking space in each of the AM and PM peak hours.

The above rates show the proposed 49 on-site car parking spaces results in a traffic generation of 98 daily vehicle movements, with 25 vehicle movements in both the AM and PM peak hours (equating to one vehicle movement approximately every two to three minutes on average during peak hour periods).

It is expected that the commercial staff trips would be predominately arriving in the AM peak (10% out and 90% in) and departing in the PM peak (90% out and 10% in).

It is expected that staff traffic generation outside of the commuter peak hours would be significantly reduced.

Restaurant demand:

The Column A statutory car parking rate of 0.4 car space per patron applies to the restaurant. The restaurant is likely to draw some of its trade from walk-up from the surrounding business and from the Barwon River Trail. This is expected to lower the demand for car parking associated with the restaurant below the statutory car parking rate, particularly during weekday lunchtime periods. Furthermore, given that the restaurant is proposed to be licensed, some patrons are expected to consume alcohol on-site. It is therefore anticipated that some patrons will choose to utilise taxi and ride-sharing services in accessing the site which will lower the demand for car parking below the statutory rate.

Restaurant generation:

Based on guidance provided within the RTA Guide to Traffic Generating Developments, it is estimated that the restaurant could generate an evening peak hour traffic generation rate of 5 vehicle trips per 100sqm of gross floor area. Application of this rate to the restaurant floor area of 986sqm results in a peak hour traffic generation rate of 50 vehicle movements. This peak hour traffic generation would primarily be associated with customers arriving to the site in the early evening (10% out and 90% in) and departing later in the evening (90% out and 10% in).

Combined office and restaurant generation

It is likely that office and restaurant uses will have alternative peak periods. The PM peak for the office will see vehicles leaving the site (23 movements out, 2 movements in) compared to the arriving restaurant PM peaks (45 movements in, 5 movements out.) However, it is unclear through the application where the 45 movement in, for the restaurant will be catered for. It has not been demonstrated through the application that the basement parking will be available after office hours for restaurant visitors. This is 45 spaces that need to be accommodated with the surrounding street network.

The two hour on street parking, is limited to two hours regardless of the time. Compared to the 30 minutes on street parks, are between 9am and 5:30pm, which opens up more on street spaces after 5:30pm. The no standing areas prevent on street parking at all times. The informal car park east of Settlement Road, adjacent to the car sales businesses, does not provide for safe and pedestrian friendly access to the site.

Conclusion: the generation and the demand tend not to favour the car parking reduction

Any relevant local planning policy or incorporated document

West Fyans-Fyans Street Precinct Structure Plan 2009 sets out guidelines for further development within the precinct. Guideline 3.1 states

3.1 Carparking

The character of the local street network in the area bounded by West Fyans Street, Latrobe Terrace and Pakington Street presents a number of challenges for redevelopment, including: dead end streets, double frontage lots and narrow street pavements. To improve the local street network a connection from Anne Street east-west to Pakington Street is recommended by the structure plan. All new development within this area should provide the full carparking requirement generated by the use in accordance with the Greater Geelong Planning Scheme on site wherever possible. Planning permits seeking to waive or reduce carparking requirements should not be supported unless justified by a traffic impact assessment by a suitably qualified professional. In multistorey developments of greater than two storeys, basement carparking is encouraged. All applications for planning permits should address on-street and off-street carparking, road traffic capacity, access and egress from the site, and impact on the local street network.

The application has been assessed by a suitably qualified person however this has not been supported by Council's traffic engineers and consider the reduction to significantly impact on the surrounding street network.

The office use is not directly encouraged in this location or this precinct and this requires a significant car parking reduction.

The original Traffic report undertaken in 2008 for the West Fyans-Fyans Street Precinct Structure Plan amendment suggested that development of narrow streets, could create potential for capacity and operational issues. The Traffic report was considering the structure plan area as a whole and not for any individual planning application. Even with the report dating back to 2008, that evidence remains true, as it would come to fruition if this application is approved. The inappropriate high car parking demand generating uses will cause operational issues within the narrow street network.

Conclusion: The West Fyans-Fyans Street Precinct Structure Plan is not in favour of the car parking reduction

Availability of car parking

Assessing the number of available existing off-site spaces can be complex, especially in this application as it relies heavily on the on-street parking supply. The proposal will require a mix of longer term spaces (for the office) and short stay spaces more for the retail uses.

Given the area is already in high demand, it is unclear how the required reduction can be absorbed into the surrounding network, with an unacceptable amenity impact being caused.

Off-site parking that is close the site and accessible is considered an acceptable general rule, that accessible parking withing 100m from the site is considered to be nearby for short say uses. Greater distances over 100 metres may be appropriate in certain circumstances. The area is limited in carparking that is not already in high demand around the site. The area is utilised by existing businesses and their workers, which is contributing to the high demand of on street and informal car parking.

Car parking spaces on other land should be carefully considered when assessing the availability of car parking for a proposal. The area has seen ad hoc and informal car parks being utilised by nearby businesses and people using the Barwon River.

The informal car parking arrangements do alleviate the pressure from the on street car parking. For example, CP2 and CP1 on the map further below. However, given uncertainty as to future availability for parking and supply depends on how efficient cars are parked, caution should be applied when relying on these car parking areas.

The traffic report states that the site has 'good access' to public transport, which therefore means that staff, customers and visitors can travel to and from the site without the relying on the use of a car.

The traffic report speaks to the availability of the on street car parking surveys which the area can be shown on the map below

Figure 2.5: Parking Survey Area



Areas D, G and H are all timed spaces 1 or 2 hour parking (Monday to Saturday) and areas G and H are approximately a 300m walk from the subject site. Whilst the survey indicates there are spaces available, people are more likely to park as close to the site as they are able to. The area is dominated by car yards and servicing centres, which is not a pedestrian friendly environment, and it does not have great walkability to the site from this area.

The unrestricted areas, which would be likely to be utilised by office workers, are:

Map Reference	Capacity	9am Occupancy	Available
B	9 spaces	7	2
E	7 spaces	5	2
I	26 spaces	20	6
J	26 spaces	11	15
K	8 spaces	5	3
L	13 spaces	9	4
CP1	6 spaces	0	6
CP2	35 spaces	23	12
	130	80	50

A car park management plan has not been submitted with the application, so it is unclear how the 49 proposed on site car spaces will be allocated. The statutory rate for the office would require 100 spaces (3.5 to each 100m² of NFA) even if all on site 49 space were available to the office, 51 spaces are still required to be available within the area, meaning that all available spaces will be occupied at 9am (plus being 1 space short.)

The traffic report submitted with the application has advocated a slightly reduced vehicle rate based upon the Federal Mills development in North Geelong. Even with this rate, it would result in the office essentially occupying all the long term available spaces currently available. This is not a reasonable or equitable outcome. The structure plan encourages and considered a greater and more intensive development over time which will future increase the existing car parking pressures.

It is not equitable for one development to occupy all available long term on street car parking.

In addition to this, it is likely workers associated with the food and drink, restaurant and retail premises will also require all day parking, which based on the above, will be difficult to find within proximity to the subject site.

The traffic report suggests the site would benefit from making the on site car spaces available for customers outside of weekday business hours. Again, with a lack of car park management plan, it is unclear how this would operate, especially due to the tandem car space arrangement and gates on the basement accessway.

It is also worth noting that the approval at 510 Latrobe Boulevard will require the removal of two on street car spaces opposite the crossover to facilitate vehicle access for an 8.8 metre truck.

Conclusion: the lack of available on street parking tend not to favour the car parking reduction

On-street parking in residential zones in the locality of the land that is intended to be for residential use

In addition to the response above, if the application is supported and the development occupies all long term on street car parking spaces, it is likely this will begin to push traffic to residential areas. Whilst the structure plan is a mixed use area and included in the Mixed Use Zone, the nearby residential areas are likely to feel the increased on street car parking pressures.

The practicality of providing car parking on the site, particularly for lots of less than 300 square metres

The site makes the most of the existing heritage building. Currently there are no formal on site car parking spaces. The proposal makes allowance for an additional 49 spaces on the site, however, still requires a reduction of 179 spaces. Given the site is within a heritage overlay, there are constraints in providing any more additional on site car parking spaces.

The site is adding approximately 1300m² of additional floor space (this is not including the addition 1418m² of basement car parking). This increase of floor area is driving the demand for the car parking requirements and the reduction of car parking that is being considered. It is acknowledged that the building needs and should be used for something, and that will create a parking demand. The change to the floor area and the reduction of car parking needs to find the right balance.

Conclusion: site constraints and heritage considerations tend to favour the car parking reduction

An adverse economic impact that a shortfall of car parking may have on an activity centre

A car parking reduction associated with a new use or small extension can be considered appropriate where it is consistent with the strategic plan for the area and car parking cannot easily be provided.

In this case, the extension to the building is adding over 2000m² of additional floor area, which is not considered a small extension. The restaurant is a new use, which seeks 250 patrons and 350 patrons, 6 times year. The new use and the combined new floor area may provide an economic benefit, however it is not a site that has excellent public transport access, ample car parking or mainly serve local customers who arrive on foot.

Conclusion: does not favour the car parking reduction

The future growth and development of an activity centre

Car parking should be considered on a centre-wide basis rather than on a site-by-site basis, to support a centre's long-term viability. The site and area have been nominated as a Key Development Area from 2007 within the Increased Housing Diversity Strategy and then supported through the West Fyans- Fyans Street

Precinct Structure Plan. The development of this site undermines the policy of the Key Development Area, which has been assessed within this report. Both the Key Development Area policy and within DDO26 seeks an increase in residential density.

The original decision for 510 Latrobe Boulevard (which was refused) *Desbrowe Developments Pty Ltd v Greater Geelong CC [2022] VCAT 1392* (6 December 2022) went through the issues for Latrobe Boulevard access and touched on the longer term implications access and traffic to Latrobe Boulevard may have if development as intensively as expected by DDO26.

50. The shared zone arrangement is a solution that seeks to overcome the obvious difficulties and potential conflicts between users. There is no contrary expert evidence in this proceeding. The material before us shows that the proposal could be workable but will also have off-site and internal implications. For example, the logistics and impacts around the need to remove bollards for large trucks to enter and exit. Vehicles will be required to wait within the site, at the entry and potentially into Latrobe Boulevard. Larger vehicles will need rely on the full width of Latrobe Boulevard for turning movements. This may not be an issue today with respect to traffic volumes, as most sites have not been redeveloped to the intensity expected by DDO26. It may have longer term implications.

As discussed, it is a concern that this development will occupy all currently available long term on street car parking spaces. Any future development will have no option for longer term on street car parking. This is an unequitable outcome. The West Fyans- Fyans Street Structure Plan has not seen development as quickly as envisaged. However, when considering the intensification the structure plan envisages, it limits the opportunities for other developments and may hinder the overall desired outcome of the structure plan.

Conclusion: does not favour the car parking reduction

Car parking deficiency associated with the existing use of the land

The guidance from the Planning Practice Note provides the following the information:

Just because a site has not supplied car parking in the past, does not mean that it can have a 'car parking credit' in perpetuity.

New development should conform to current planning requirements. Reducing the provision of car parking might be appropriate on other grounds. An empirical assessment of any shortfall should be taken into account.

Existing Use

The subject site has historically operated without any formal on-site car parking and accordingly the existing use of the land is deficient in car parking by 155 car spaces. The car parking demands generated by the existing use of the land have historically been accommodated within the surrounding off-site car parking supply.

The traffic report concluded, therefore, the reduction in car parking is reduced to 64 spaces, once factoring in the car parking deficiency associated with the existing use of the land. This assessment has not been accepted by Council, as the existing retail space was mainly used for an antiques store. Whilst also defined as a shop in the planning scheme, an antique store, is likely to generate less traffic movements to and from the site and less parking demand, as compared to a smaller speciality retail uses and offices. Smaller retail shops are likely to generate higher turn of traffic movements to and from the site. It is likely that if a visitor cannot find a car parking space they will not stop at the site. The area does not provide a generous amount of on street parking and the road network does not have footpaths to enable pedestrians to travel easily to and from the site.

Conclusion: does favour the car parking reduction.

Car parking spaces provided on common land

The site would require a car park management plan due to the number of difference tenancies and the tandem car parking arrangements. It is unclear how many car parking spaces are allocated to the different uses and if they would be made available to other uses outside of business/ peak times. As mentioned throughout the report a car park management plan has not been provided. The future tenants are unknown and it is unclear how the tandem spaces would be managed.

Conclusion: does not favour the car parking reduction.

Car parking spaces provided by a financial contribution

N/A

Local traffic management

The immediate area mainly contains short stay spaces within proximity to the subject site and the office uses are likely to create a longer time car parking requirement.

The approval at 510A Latrobe Boulevard requires works to the road reserve to be undertaken and the removal or relocation of some on street parking is require. This is detailed within the VCAT decision, *Desbrowe Developments Pty Ltd v Greater Geelong CC [2025] VCAT 304 (9 April 2025)*, at paragraph 103:

103. The current design has modified the previous access arrangements. It has been re-worked including avoiding the need for removable bollards, proposing additional protection of the existing heritage fabric through heavy duty steel bollards linked with cable wire,[\[31\]](#) and signage. Relocation/removal of some on-street parking is also needed to assist to manage vehicle entry and exit based on road authority advice. The plans include a detailed fire services plan.

The unknown changes to the parking within the road reserve may impact the number of on street car spaces being relied upon within the traffic survey.

Local amenity

The reduction of car parking may have an adverse impact on the amenity of the area and a loss of pedestrian amenity. The increase of traffic movements and the lack of on street car parking may create an unsafe area of pedestrians to travel to the site. There is already an existing demand for on street parking and if people are unable to find a park or need to park and walk to the site, the area is lacking in footpaths, east of the subject site.

The increase in traffic and on street car parking demand may impact the local businesses and their existing trading capacity.

The need to create safe, functional and attractive car parking areas

The car park will not be visible from the streetscape and is only functional to the tenants of the building and this can only be managed through a car park management plan. The responsibility of the management of the functionality of the space is up to the tenancies that will benefit from the basement parking.

The potential to access the site by public transport, bicycle and walking

The area is served by bicycle and pedestrian facilities to an extent through the Barwon River Corridor. However, this is not enough to reduce the demand for car parking, particularly from uses that attract young people, the elderly or other groups that have a low rate of car ownership. The area to the north has bus stops, however the site is not close to a train station or multi bus routes, the site and the area is underserved in terms of public transport. The site is isolated in terms of public transport and creates a car dependency for workers and visitors associated with the site.

Local area carparking shortfall

It is important to assess any proposal to reduce car parking provision in the context of any earlier car parking arrangements for the locality. New development should be accountable for the car parking demand it generates but cannot be expected to fix problems of a car parking shortfall in an area.

The area is in high demand for on street car parking and the area benefits from informal off street carparking. The area is largely dominated by businesses that require a high amount of all day parking. This has resulted in ad hoc car parking approaches and a lot of informal car parking areas being utilised. On street parking on Latrobe Boulevard is in high demand and then causes issues for two way traffic in this area. Given there are already existing issues, which as above are not expected to fix these issues. These issues will be worsened over time if the reduction of 179 (or 228 for the possible 350 patrons) spaces is approved.

The need to respect the character of the neighbourhood or achieve a quality urban outcome

The addition of the parking that is being provided within the existing heritage building and will not impact the quality of the urban design outcome or impact the neighbourhood character.

Response on design standards for car parking – 52.06-9

Design standard 1 – Accessways	
Accessways must: Be at least 3 metres wide.	Complies The on-site accessways have been designed with a width in excess of 3.0 metres.
Accessways must: Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.	Complies There is 6m at the change of direction.
Accessways must: Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.	Complies The swept path shows that the end space and manoeuvre and exit in a forward direction.
Accessways must: Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheelbase of 2.8 metres.	Complies
Accessways must: If the accessway serves four or more car spaces or connects to a road in a Transport Zone, the accessway must be designed so that cars can exit the site in a forward direction.	Complies The cars can move on site in order to exit in a forward direction as shown in the transport impact assessment report.
Accessways must: Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.	Complies The accessways at the entrance to both car parks comprise dimensions of at least 6.1 metres for in excess of 7.0 metres ensuring compliance with this standard.
Accessways must: Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent	Does not comply – consider acceptable Corner splays cannot be provided adjacent to the exit points to the on-site car parking areas due to the structure of the existing heritage building. It is proposed to provide convex mirrors to ensure adequate sightlines between vehicles departing the on-site car parking areas and any pedestrians walking along the footpath fronting the site.

landscaped areas, provided the landscaping in those areas is less than 900mm in height.	Pedestrians will also have visual and audible cues of the imminent departure of a vehicle from the on-site car park due to the opening of the security gates
If an accessway to four or more car parking spaces is from land in a Transport Zone, the access to the car spaces must be at least 6 metres from the road carriageway.	Complies Access to the car spaces in excess of 6 metres from the road carriageway.
If entry to the car space is from a road, the width of the accessway may include the road.	N/A

Design standard 2 – Car parking spaces

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

Table 2: Minimum dimensions of car parking spaces and accessways

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
Parallel	3.6 m	2.3 m	6.7 m
45°	3.5 m	2.6 m	4.9 m

Angle of car parking spaces to access way	Accessway width	Car space width	Car space length
60°	4.9 m	2.6 m	4.9 m
90°	6.4 m	2.6 m	4.9 m
	5.8 m	2.8 m	4.9 m
	5.2 m	3.0 m	4.9 m
	4.8 m	3.2 m	4.9 m

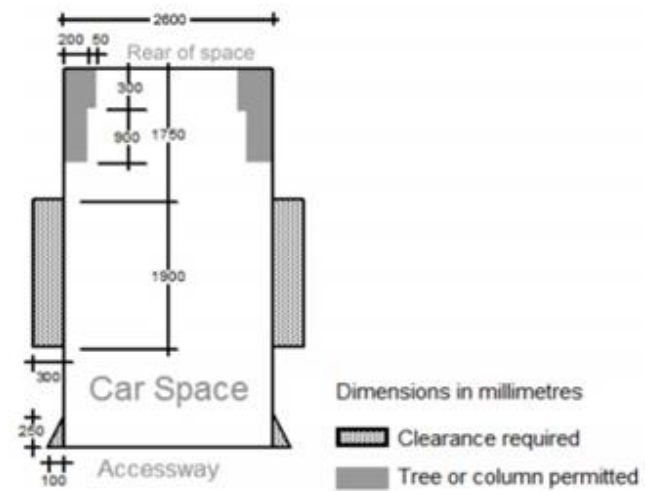
Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

Complies
All car parking spaces have been designed in accordance with Table 2 with dimensions of 2.6 metres in width by 4.9 metres in length accessed via a parking aisle in excess of 6.4 metres.

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked 'clearance required' on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked 'tree or column permitted' on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces



Does not Comply – considered acceptable
Car parking spaces comply with Diagram 1. It is noted that there are some columns that are located within the parking aisle. This is due to the structure of the existing heritage building on the subject site. The swept path assessment demonstrates that vehicles can access the car parking spaces with the columns in their proposed locations and therefore this is considered to be an acceptable arrangement.

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

N/A

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.	Complies An additional 500mm in length has been provided between the car parking spaces in tandem.
Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.	N/A
Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.	Complies A disabled car parking space and adjacent shared zone has been provided within the southern car park. This space comprises dimensions of at least 2.4 metres in width by 5.4 metres in length which complies with AS2890.6-2009. A headroom clearance in excess of 2.5 metres has been provided above this space.

Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.	Complies The accessway to the basement car park comprises a 1:10 grade for the first 5 metres complying with this standard. The accessway to the southern car park is essentially flat for the first 5 metres from the frontage and therefore complies with this standard.													
Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction. Table 3: Ramp gradients	Complies A maximum gradient of 1:10 is provided along all on-site accessways which complies with this standard.													
<table border="1"> <thead> <tr> <th>Type of car park</th> <th>Length of ramp</th> <th>Maximum grade</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Public car parks</td> <td>20 metres or less</td> <td>1:5 (20%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:6 (16.7%)</td> </tr> <tr> <td rowspan="2">Private or residential car parks</td> <td>20 metres or less</td> <td>1:4 (25%)</td> </tr> <tr> <td>longer than 20 metres</td> <td>1:5 (20%)</td> </tr> </tbody> </table>	Type of car park	Length of ramp	Maximum grade	Public car parks	20 metres or less	1:5 (20%)	longer than 20 metres	1:6 (16.7%)	Private or residential car parks	20 metres or less	1:4 (25%)	longer than 20 metres	1:5 (20%)	
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Private or residential car parks	20 metres or less	1:4 (25%)												
	longer than 20 metres	1:5 (20%)												
Where the difference in grade between two sections of ramp or floor is greater than 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.	Complies													
Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.	N/A													

The Traffic Assessment nominated:

An assessment of the grades of the driveway based on the existing levels from the survey plan has been undertaken and it is considered that the grades along the driveway are acceptable and in accordance with the relevant sections of Design Standard 3. This is illustrated within the Gradient Plan provided on Sheet 12 of Appendix C. It is recommended that a more detailed design of the new driveway and footpath be undertaken as a condition of any permit granted.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space.	Complies
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	The at grade car parks are an existing area that is being formalised.
Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.	Complies The basement is submerged and is all contained within the building so no additional screening is required. The vehicle points are existing or the openings are being widened to cater for vehicle access.
Design of car parks must take into account their use as entry points to the site.	Complies As above.
Design of new internal streets in developments must maximise on street parking opportunities.	N/A

Design standard 6: Safety	
Car parking must be well lit and clearly signed.	Complies
The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.	N/A
Pedestrian access to car parking areas from the street must be convenient.	Does not comply The basement parking is for works of the commercial tenancies and are likely to be driving into the basement. No separate pedestrian path within the basement has been provided. It is expected that pedestrians visiting the site will not access the basement and access the commercial tenancies via the street level.
Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.	N/A As above.

CLAUSE 52.27 – LICENSED PREMISES

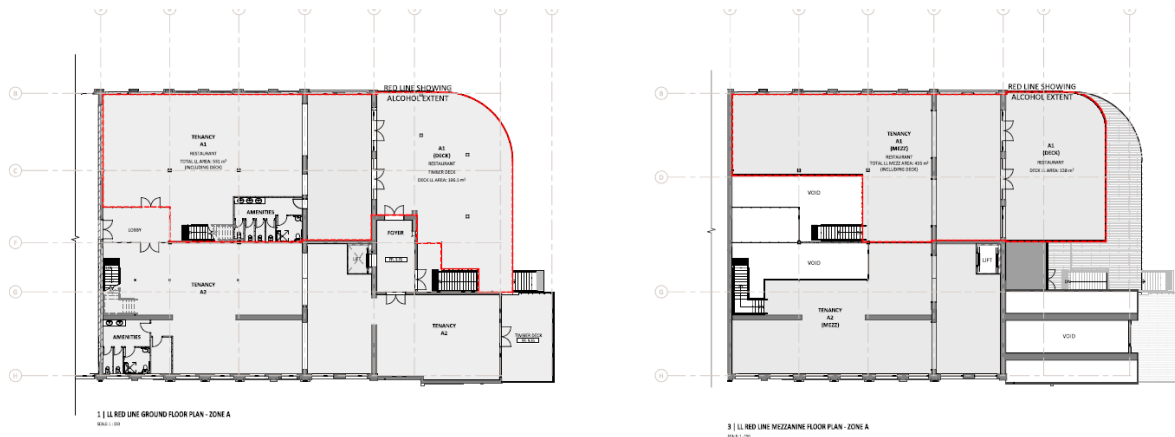
The purpose of the Licensed Premises Particular Provision is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered

Response

The application seeks permission for a general licence associated with the restaurant which has proposed house of 10am to midnight, 7 days a week. The application applied for 350 patrons for the restaurant, however throughout the process, agreed to reduce this to 250 patrons with the exception of 350 patrons, 6 times per year. There are other licensed venues within 500 metres of the site and no other licenses within 100 metres of the site.

It is noted that of 1 July 2025, this provision will be removed from the Planning Scheme, and licenses will be issued as the discretion of the Victoria Liquor Commission.



Proposed red line area, including the outdoor deck area.

There are amenity concerns that relate to the red line area extending to out to the deck area and how the noise might travel from the site. The acoustic report does specify treatment required on the balustrade to limit any noise impacts. If a permit is granted, conditions would be required to control the hours of operation on the deck area. This will be to ensure that no unreasonable off site amenity impacts occur, and to ensure the acoustic treatments from the acoustic report are implemented. No live music has been applied for or will be permitted on the deck.

A patron management plan could also be conditioned on the permit if one was to be issued. The numbers around the patrons would also require a condition on the permit.

Generally, the General Licence is not detrimental to the application in isolation.

CLAUSE 52.34 – BICYCLE FACILITIES

The purpose of the Bicycle Facilities Particular Provision is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Response

Clause 52.34-5 - Required bicycle facilities

Table 1 – Bicycle spaces

Proposed land use	Employee / resident rate and measure	Visitor / shopper / student rate and measure	Required bicycle spaces
Office	1 to each 300m2 of net floor area if the net floor area exceeds 1000m2	1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m	10 employee 3 visitor
Restaurant	1 to each 100 sq m of floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.	10 employee 7 visitor
Retail	1 to each 300 sq m of leasable floor area	1 to each 500 sq m of leasable floor area	2 employee 1 visitor

22 employee spaces are required and 22 are provided.

11 visitor spaces are required and 16 are provided

In accordance with Clause 52.34-5, all spaces are provided in bike rails in the basement. The bike rails comply with all the following requirements:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

Table 2 - Showers

Proposed land use	Employee / resident rate and measure	Visitor / shopper / student rate and measure
Any use listed in Table 1	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter	None

Communal show facilities have been provided. A total of 4 showers are provided across the site.

- 1 x shower within the accessible bathroom on ground floor of Tenancy A1.
- 1 x shower within the accessible bathroom on ground floor of Tenancy A2.
- 1 x communal shower within the accessible bathroom on ground floor of Zone B.
- 1 x communal shower within the accessible bathroom on ground floor of Zone C.

Table 3 – Change rooms

Proposed land use	Employee / resident rate and measure	Visitor / shopper / student rate and measure
Any use listed in Table 1	1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room	None

The four showers are combined with a change room (i.e. the accessible bathroom) which ensures compliance with the statutory requirements.

Clause 52.34-7 - Bicycle signage

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:

- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.

The signage would be a condition requirement, should one be issued.

DECISION GUIDELINES OF CLAUSE 65:

CLAUSE 65.01 – APPROVAL OF AN APPLICATION OR PLAN

Clause 65.01 of the Greater Geelong Planning Scheme outlines the decision guidelines to be considered by the Responsible Authority when making decisions on applications. These decision guidelines include:

- The matters set out in Section 60 of the Act.

- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Response

The application has been considered based upon the MPS, the PPF, the Zone, the overlays, the particular provisions and has been guided throughout these considerations through the incorporated document of the West Fyans-Fyans Street Structure Plan. All these policies individually and collectively direct uses to appropriate locations within the Mixed Use precinct of the West Fyans-Fyans street area. Throughout the assessment, the application has failed to address the overall desired outcomes of the structure plan. The MPS and the PPF directs increased density of housing through the Key Development Area which is a missed opportunity in this application.

In terms of the development, it does respond to the character of the area by the retention and enhancement of the heritage building. The development also promotes connectivity to the Barwon River.

It is acknowledged that the development responds to the DDO26 in that:

- The development has provided a high quality, innovative and contemporary design that is contextually relevant and responds to the unique historical of the area. It has not responded to the landscape setting of the area.
- The development has a building forms, finishes and colours that make a positive contribution to the public realm. The addition of the windows improves the public realm outlook.
- The development built form is sensitive to existing heritage sites. However has not responded well to the high environmental and landscape value.

The Mixed Used Zone and the West Fyans – Fyans Street Structure Plan directs appropriate land uses to the preferred locations. The DDO26 is to allow for the outcomes of the West Fyans-Fyans Street Structure Plan to be implemented in terms of the built form outcome. The structure plan directs development and certain uses to each precinct. This precinct-based approach seeks to ensure the business and office uses are directed to the business precinct and commercial node whilst allowing for the higher density residential areas to contain only ground level commercial uses that will create active street frontages particularly in proximity of the river corridor.

As assessed through this report, the policy balance has not been acceptably changed for a site that is included in a Key Development Area.

The Environmental Audit Overlay requires contamination assessments to be undertaken prior to a sensitive use commences, given no residential uses are proposed at this time, the requirements are not triggered. It is noted that the extent of the contamination is still unknown at this time, and it was not able to be quantified when it was put to the applicant. It is unknown if the contamination will impact on the ability for the site to be developed.

The floodway overlay has been addressed through comments from the CCMA.

The development in terms of the built form provides for an outcome the DDO26 is trying to achieve. The reduction of car parking and the impact the overflow may have to the area, does not lend itself to orderly planning. The reduction of car parking is like to cause amenity, traffic flow and road safety impacts. The surrounding road network is awkward and has a mix of on street parking and no standing areas, that will require further unknown changes, through the approved planning permit at 510 Latrobe Boulevard. There are informal off street car parking spaces that are utilised by visitors to the Barwon River and workers of the surrounding businesses. The area is already in high demand of car parking and is an area that is no serviced well or at all by a good public transport service. The site is not located near a train station, and it is unlikely that office workers would park elsewhere and walk to the site for work.

Overall, whilst the built form has been considered acceptable, the reduction of car parking associated with the development has been considered an unacceptable outcome for the site and for the area, as further described within the response to Clause 52.06. It is acknowledged that the site is provided 49 more car parking spaces than the existing arrangement, however the overall reduction of 179 spaces cannot be accommodate effectively and safely within the surrounding area, without impact on the existing traffic and road network.

Whilst it is not a requirement for the permit applicant to fix any existing traffic or car parking issues, the development, if approved, would greatly affect the surrounding area due to the required amount of car parking spaces not being provided. This is pushing the problem to the street networks and causes an unreasonable impact to the local network. The proposed land use that is not consistent with the strategic direction for the area that is exacerbating the problem the existing car parking and traffic issues. The office and likely workers for the retail and restaurant will require all day parking, which as discussed within Clause 52.06 will be at a premium. This is likely to push the all day parking requirement, further from the site. Which creates the potential for the traffic and parking to start impacting on the surrounding residential area.

The development is likely to occupy all the existing all day on street car parking, making it inequitable for future developments and impact on the delivery of the West Fyans- Fyans Street Structure Plan.

Based on all that has been considered above, the application is considered that it has not reached an acceptable outcome to warrant a planning permit being issued.

CLOSE OF MEETING

As there was no further business the meeting closed at 7:18pm on 29 May 2025

X

Cr Katos
Chair