



**CENTRAL
GOLDFIELDS
SHIRE
COUNCIL**

PLANNING SCHEME AMENDMENT C12

&

PLANNING PERMIT APPLICATION 116/06

RESPONSE TO PLANNING PANEL HEARING

at

COUNCIL CHAMBER

CLARENDON STREET, MARYBOROUGH

19th JUNE 2007

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1.0 INTRODUCTION

- 1.1 Council presented a written submission to the independent Planning Panel on 12th June 2007.
- 1.2 A total of seven addenda were subsequently tabled:
 1. Shire Building Approval Rates: Impact on Population Projections
 2. Proposed Site Rezoning B4 to B1: Impact on Other Possible Uses
 3. Planning Permit 116/06 – Hours of Operation
 4. Car Parking Data Pertaining to Safeway and IGA Supermarkets
 5. Community Bus Provision
 6. Site Contours
 7. Station Street Road Reservation
- 1.3 In the main, Council holds to the submission as presented and the following sections of this response reiterate and where necessary clarifies Council's position.
- 1.4 Council remains strongly in favour of the proposed Amendment C12 and Planning Permit 116/06.
- 1.5 A contemporaneous planning scheme amendment and planning permit application is clearly something which is allowed.

2.0 STRATEGIC PLANNING MATTERS

2.1 Underpinnings

- The strategic planning exercises that Council has undertaken from 1997 onwards justify the rezoning amendment and proposed development as previously outlined in its written submission.
- These documents resulting from these exercises are 'not convenient', they are substantive and practical.
- Clause 21.12 objectives and implementation strategies clearly provide the key strategic justification for the proposed amendment.
- The site is unequivocally located within 'the black area' of the defined Central Business Area (CBA) plan and identified¹ as a site held in 'reserve' for a Business 1 rezoning development when retail demand necessitated this.
- The unavailability of alternate sites suitable for Business 1 activities of this scale, identified either within the CBA Structure Plan or other locations brought to attention through the Panel Hearing process, has resulted in this necessity.

2.2 Other sites

- A strategy identified in Clause 21.12 called for the investigation of the Alma Street car park site.
When considered, it has been demonstrated that consolidation of titles, heritage issues, commercial issues and rezoning matters are all fraught.
- Despite suggestions by expert planning witnesses that other sites should be able to be identified for large format supermarket and DDS activities, when tested, no such sites were readily identified.
- Given the size and single ownership of the proposed site, it is the next key redevelopment retail opportunity site.

2.3 Distance and Periphery

- It has been suggested that the proposal should be viewed as isolated from the core retail area.
- The subject area site was clearly anticipated in the Strategy Plan of 1997 and is within the CBA boundary and diagonally apart from the competing Safeway supermarket.
- The proposed site continues the retail trend into the Tuaggra Street corridor.
- The Maryborough town centre is compact and at 350 metres from the High Street, the site is not an unreasonable distance from High Street and comparable to its length.

¹ In the 1997 Adopted Strategy Plan

- The MUDF identified the need to protect the compact form of Maryborough and in no way is the proposal comparable to the out of centre development identified in the MUDF – i.e. the Lyall Eales store three kilometres north of the High Street.

2.4 Loss of Business 4 Zoning

- Business 4 sites will remain after this rezoning and Addendum 2 identified a number of options for small scale bulky goods / restricted retail and manufacturing industry.
- Given the nature of this site, as a key precinct on a gateway road (Tuaggra Street), within the CBA, a large industrial user would not be welcomed by Council.
- The rezoning to Business 1 will continue to allow for retail functions, with a permit.
- The rezoning, rather than decreasing business opportunities, actually increases them.
- The B4 block bounded by Cross, Napier, Tuaggra and Burke streets, currently contains a mixture of uses, including non-conforming residences.
- Given the compact nature of Maryborough, this block does not present as a barrier in terms of distance between the proposal and the High Street. Nor does it present as an issue in terms of land use, because Council retains planning control.

2.5 Anchors and Key Attractors

- The MKM site will be a catalyst for the revitalisation of the southern part of the CBA. If redevelopment of this site does not occur in the near future, then this broader area is in danger of becoming seriously under-utilised.
- The relocation of Council's administrative function to and a creation of a Community Hub on the former Nolan Campus of the regional college will also add to this reinvigoration.
- That is, in recent time the Nolan campus accommodated 700+ students and 100+ staff. It was visited by school buses and parents on a daily basis. With the campus closure, this activity has ceased.
- Council will accommodate between 51 and 55 staff and up to a further 30 persons, at any one time, utilising the community hub or the recreation facility. Without Council's activity, this area would be in danger of dying.
- Council vacating its existing office accommodation will enable other commercial and community services (e.g. health) to expand.
- It needs to be emphasised that the Maryborough Railway Station is not visited by passenger service. The key current users of this precinct are restaurant patrons and tourists visiting the antique market. While this brings some vitality, it is spasmodic and has no significant, day to day local visitation.

2.6 Urban Design Framework

- Council views its Maryborough Urban Design Framework of August 2005 as an essential guide for the implementation of activities.
- The MUDF went through a public consultation process, prior to its adoption by Council and comments received were considered by Council. It does not need changing.
- Council has used the framework as a tool in determining its infrastructure works programs and funding submissions.

3.0 TRAFFIC AND CAR PARKING

- 3.1 Both expert traffic witnesses indicate that ~298 car spaces is sufficient, providing a ratio of 4.18 / 100m²
- Council endorses this ratio, after hearing the evidence and arguments.
- 3.2 This level provision mirrors that existing at the two other existing supermarkets²:
- Safeway – 5.0
 - Mid-city Plaza – 3.54
- noting that both currently use the public domain, to varying degrees.
- 3.3 Council continues to accept that there will be alterations as the car parking and delivery designs are further developed, and is of the view that the quantum proposed in Andrew O'Brien' & Associates supplementary advice tabled 18th June 2007, can be achieved.
- 3.4 This includes:
- Parallel bays to the street frontages opposite the proposal in Burns and Burke streets;
 - Raised pedestrian crossings, and
 - New bays in the existing Station Street.
- 3.5 The provision of parallel parking on one side of Burns Street addresses, in part, the road hierarchy of this road.
- That is, when the Regional College was operating, the road was classified Urban Collector (UC) under Council's Road Management Plan and the associated Public Road Register.
 - This plan and register is subject to periodic review and will next consider whether Burns Street should be reclassified Urban Access 1 (UA1), the same designation as Burke Street.
 - This will in turn place a stronger emphasis on Napier Street, which is classified as a VicRoads by-pass of High Street, between Tuaggra and Inkerman streets.
- 3.6 The Urban Design Framework and Council's bicycle strategy identified Burns Street as a bicycle route at the time the Regional College occupied its Nolan Street campus.
- The design of the proposed, reopened Station Street will allow a review of bicycle movement to occur with greater certainty and which will probably include an off-road path through the public common and possible utilisation of Victoria Street North

² Council Addendum 4

- 3.7 **Clause 52.06** does not preclude sharing of car parking. Asset Management and Environmental Sustainability principles in the efficient use of land are also honoured.

4.0 URBAN DESIGN CONSIDERATIONS

- 4.1 In Council's opinion the proposed development does not represent an overdevelopment of the site.
- 4.2 A Business 1 zoning provides for better urban design solutions as those inherent in a Business 4 zone.
- 4.3 In Council's opinion the Tuaggra Street's arterial road frontage is the most important retail frontage and the development addresses this.
- 4.4 The building set backs are consistent with other large uses in Tuaggra Street and relocation to another façade is viewed to be counter productive.
- 4.5 Most of the discussion focussed on treatments of the Burns and Burke Street walls of the site. The proposed development will result in less visual bulk but a more intensive development, particularly the inclusion of tree-lines in the road reserve along the built frontages of Burke and Burns street.
- 4.6 The development of the railway common is a long term proposal, with incremental development highly likely.
- 4.7 Council is satisfied that the detailed landscaping plan will address concerns regarding landscaping.
- 4.8 A 1-2m set back on the Burns and Burke streets frontages was suggested as a design alternative. This set back is not sustainable, attractive or an efficient use of space and consistent with other locations in Maryborough.
- 4.9 The Nolan Street linkage is important but the reasons why need to be understood:
 - It links the Civic Square, High Street, the Visitor Information Centre and in turn the tourist icon of Maryborough Railway Station. The linkage is about demonstrating the history and development of Maryborough to visitors.
 - This linkage and promotion of the town's architectural heritage serves this tourist need and fits comfortably within Council's third corporate objective of "promotability".
 - Council's MUDF contains a preliminary design of the re-opened former Station Street as part of reinforcing this linkage.
 - The transition of civic, to retail to commercial to residential to public open space and the associated icons is an extremely valid transition.
 - Having said this, Tuaggra Street provides the key pedestrian link for residents of Maryborough and importantly East Maryborough.

4.10 Cross Street

- Council is convinced that the through-block extension of Cross street pathways, envisaged in the MUDF, has been included in the proposal.
- It has been noted that the through-block extension varied in location from plan to plan which clearly demonstrates the difficulty in achieving the physical outcome.
- The front-of-store thoroughfare included in the proposal provides a safe and active pathway and is only 55m further travel along Burke Street than the most southerly proposed through-block linkage³.
- It serves the purpose of encouraging pedestrian movement to more than one destination; while a through-block linkage will bring pedestrians into the middle of the frontage of an under-developed common with no destination point at that point.
- It is also economically unsound for Council to support this through-block extension, when another exists within the proposal.
- Council currently has a \$20m+ asset maintenance gap. It is looking at ways of reducing its assets and ongoing maintenance and liabilities, not increasing them by way of a duplication of service.
- There are also amenity and safety issues to be considered.

³ MUDF Figure 9

5.0 ECONOMIC IMPACT

5.1 Key planning consideration is Nett Community Benefit, with contributing factors being:

- Level of offer;
- Quality of offer;
- Quality of presentation;
- Level of stock, and
- Losses not made good by the development

5.2 While often contradictory, the three different analyses, all said:

- A handful of High Street (Nolan street) shops may close or relocate;
- There would be a nett increase in employment ;
- That vacancies would be addressed over time;
- Existing stores would take some time to get back to existing trading levels;
- Population growth would make some difference but there was disagreement on the speed on impact;
- Neither existing supermarket would cease to operate;
- There would be a reduction in escape expenditure, particularly for DDS items;
- There would be an increase in choice and comparison shopping;
- The proposed development will not have negative impacts on other centres; and

therefore, there would be a resulting Nett Community Benefit.

5.3 Each existing proprietor has some power to stall any impact of new entrants and competition will benefit residents.

5.4 The Chamber of Commerce as well as a range of individual traders have expressed support and the absolute lack of objections from individual traders is worthy of note.

5.5 The proposed development will result in long term benefits for the centre as a whole;

Having considered all the arguments, Council is of the view that the proposed development will provide stiff competition, not urban or economic blight and create significant Nett Community Benefit.

6.0 PLANNING PERMIT CONDITIONS

6.1 Appreciating that planning permit conditions have been discussed without prejudice prior to the presentation of Council's response, it is confirmed that the following issues have been addressed satisfactorily:

- S. 173 Agreement between Council and the Proponent in respect to development certainty prior to the proposed Amendment being put to the Minister for Planning;
- Inclusion of tree-lines along the built frontages of Burke and Burns Street, in the road reserve;
- Hours of operation – 7.00 am to midnight, as detailed in Addendum 3;
- Design of fence and operating lighting to backyard of adjoining residence;
- Safety barriers to all corners, but particularly the west corner of the roundabout, as part of the design of the roundabout;
- Potential change to GELC's request for an additional pedestrian crossing, subject VicRoads agreement;
- Potential relocation of the required bus stop to Tuaggra Street, subject to Dol's agreement.

7.0 CONCLUSION

- 7.1 A contemporaneous planning scheme amendment and planning permit application is unmistakably something which is allowed.
- 7.2 Council maintains its strategic planning processes and documents identify this site as being appropriate for a Business 1 zoning and that it was anticipated in Council's previous strategic planning works.
- 7.3 As such, the proposal is not a stand-alone centre – it is in the CBA, which of itself is compact.
- 7.4 The location and size of the site will always bring inherent urban design issues to be addressed. However, the proposal addresses what Council views to be the most important street frontage, namely Tuaggra Street.
- 7.5 Council has confidence that the highlighted urban design challenges, the facades to both Burns and Burke Streets, can be addressed through design development and comprehensive landscape treatments and guaranteed through permit conditions.
- 7.6 The expert witness statements and ensuing discussion focussed on the through-block linkage and vagaries of its proposed location. Council believes discussion of this has taken somewhat of a tangent, as the end point of the proposed linkage is not a destination, but more “and where to now?” point of confusion.
- 7.7 Similarly, the discussion on the Nolan Street linkage has also taken somewhat of another tangent – predicated on a tourism experience. Council's relocation to the former Nolan campus goes some way to reinstating activity along this linkage.
- 7.8 Council deems that the revised and agreed car parking solution is appropriate as demand will be met on-site for the majority of the time, with peak, whether twice per week (on Friday afternoons and late Saturday mornings, or less frequent peaks (such as Christmas Eve) being accommodated in what is effectively a shared environment the rest of the time – making good Asset Management sense.
- 7.9 Having listened to the expert witness statements, it is clear that a Nett Community Benefit will accrue⁴ from the proposal. This is important in all communities, but even more so in a municipality that is demonstrably disadvantaged.
- 7.10 The Amendment C12 and Planning Permit 116/06 will strengthen the retail role of Maryborough and allow the optimum large retail opportunity site to be developed.

⁴ Including the more personal benefits of choice reduced travel time and cost to the individual.