

**Amendment C12  
Central Goldfields Planning Scheme**

**Reply for the proponent, Pomersan Pty Ltd**

**Rezoning**

1. The proponent submits that the rezoning is justified independently of the proposal. Nonetheless, if the Panel has any concern as to the justification for the rezoning, the proponent will accept a section 173 agreement tying the development of the land to the proposal. The agreement can be provided to Council before Council refers a recommendation for rezoning to the Minister.

**Economic evidence**

2. The benchmark referred to by Mr Dally and Mr Quick is just a guide and should not be given any greater status than that. The issue for the Panel is not whether this area has more supermarket floorspace than other areas. The issue is whether the proposed increase in supermarket floorspace, and the rest of the proposal, will deliver net community benefit and sustainable development.
3. Mr Quick assessed the impact of the proposal on the Safeway supermarket and the IGA supermarket at about 30 per cent and on other traders at about 15 per cent. His evidence was that:
  - a) Neither the Safeway supermarket nor the IGA supermarket would close and that there would be about three to five store closures or relocations amongst the other traders.
  - b) He accepted that there would be a benefit in the introduction of a DDS; that there would be an increase resulting from the proposed development in consumer choice and competition; that there would be an increase in the number of jobs; and that there would be a reduction of escape expenditure.
  - c) He identified the disbenefits from the proposal as being the possible reduction in service levels and range of stock amongst the traders, and possibly the Safeway supermarket, and a reduction in the ability of traders who are presently trading at below average levels to take the necessary steps to compete with new competition through refurbishing their stores or undertaking other measures.
4. The disbenefits identified by Mr Quick are competition related or individual trader issues, rather than issues resulting in a net loss of facilities to the community. Mr Dally's evidence was to similar effect to that of Mr Quick.
5. On the view of any of the economic witnesses, the proposal clearly results in net community benefit.

6. The economic initiatives announced by Council may well make a significant difference to economic activity and the level of jobs in Maryborough. There is the prospect of a significant boost for the local economy. It is the Council's view that there is a higher level of building activity and population growth than the economic witnesses have allowed for. The Panel can take comfort from the fact that the level of growth may be materially greater than that assumed by the economic witnesses.

#### **Planning evidence**

7. Mr Cameron, Mr Milner, Ms Opperman, Mr Quick and Mr Dally regarded the site as being within the CBA. Mr Gold was the only witness who regarded the site as being outside the CBA. It is not semantics. The MSS supports retail development within the CBA. If the Panel accepts that the site is within the CBA, Mr Gold's views as to the lack of strategic support for the proposal should be discounted.
8. Mr Gold was also not aware of the support in the UDF for a new national supermarket and for a variety store. His view that there was no Council support for a new supermarket before this proposal came forward is wrong. He appears to have misdirected himself on a number of matters that would appear to be important to his conclusions on strategic support for the proposal.
9. As Mr Milner put it, the strategic direction for the CBA is already set; this proposal provides some fine tuning. It is unrealistic to expect that a MSS will provide site specific support for a proposal or that the MSS will be up to date in respect of all aspects.
10. Ms Opperman criticised the proposal for not having sufficient strategic support to warrant bringing it before a Panel. The argument would appear to be that, with a proper strategic assessment, the potential uses of the surrounding land would be identified and the need for car parking and other matters, presumably such as linkages and the proper land use, would be identified. Mr Gold put forward a similar proposition.
11. There is little to be gained relevant to this project from further strategic work:
  - a) There is strategic guidance in the planning scheme for the consolidation and development of activity centres and for the consolidation and development of the Maryborough CBA.
  - b) The likely future land use of the surrounding area is indicated by the current use and the current zoning. There is opportunity for restricted retail or other Business 4 development in the Business 4 zone to the north, west and east of the subject site. There may be further development along the Tuaggra Street corridor. The land use to the south has been well outlined by the UDF and by the Council initiative in relocating the municipal offices.
  - c) There are clear urban design guidelines.

- d) There are unlikely to be any significant interface or linkage issues that are not apparent now or which cannot otherwise be addressed at a practical level without further strategic planning work.
  - e) The issue of the use of the public domain for car parking for the proposed development will still be an issue that will need to be addressed by the planning authority regardless of whatever further strategic work is undertaken.
  - f) The likely development sites are apparent now and assessments can be made now as to development. There is a limited range of land within the CBA. It is unlikely that further strategic work will alter the reality that there is one key site for a development of this type and that is the MKM site.
  - g) Further strategic work as to the amount of sustainable floorspace for the CBA will likely give rise to the same debate as has arisen before this Panel: should there be any increase in Business 1 land of the size proposed. This Panel is as well placed as any other to resolve that issue.
  - h) It would place a significant burden on a council that already has an appreciable planning load. It is not a necessary task.
12. The subject site is strategically located to form a key link in the chain of connectivity between the 2 key nodes of the CBA as identified in the UDF.
  13. The proposal is criticised by Woolworths and IGA for not including the car parking on site. The proponent and Council have quite a different view: a smaller rather than larger car parking area is consistent with and respectful of the Maryborough streetscape; the use of the streets is justified by the prior use of the site; the use of the streets is justified by the fairly low current usage of those areas; the use of the streets allows for the introduction of an important retail facility to Maryborough and at the same time adequately accommodating the likely parking demand. Sharing of parking is not an uncommon outcome. Where there is adequate on street parking to absorb some of the permit load, it is a sensible use of infrastructure to use that parking rather than duplicate what presently exists in an expanse of private car park.
  14. Mr O'Brien provided examples of like sharing in metropolitan and regional Victoria. He referred to Colac, Echuca, Bright and Col in Bendigo. IGA is an example in Maryborough itself.
  15. Ms Opperman accepted that the continued industrial use of the site is an anomaly.
  16. Ms Opperman was not prepared to concede that the Tuaggra Street frontage was the most important frontage for the site. In her assessment, it was the least important. That may explain the importance she placed on the proposal conforming with the UDF proposed linkages. It is difficult, however, to think that it allows for a fair

assessment of the proposal and its ability to integrate satisfactorily with the existing retail and commercial centre or to Council's vision for the entry to the town.

17. It is instructive that the author of the planning scheme, the Council, sees absolutely no difficulty in the development of the MKM site for Business 1 purposes and sees that development as being entirely consistent with the language and intent of the planning scheme.
18. The reliance on the 2005 review of the MSS as constituting an affirmation of the currency of the floorspace forecast is misplaced. The review clearly did not undertake any analysis of floorspace demand. It is also unlikely that the review meant to re-endorse the location of the supermarket precinct given that, at 2005, there was no space within the precinct for any more supermarket development. The review appears to have been, in reality, an editorial review of the MSS.

#### **Urban design**

19. As to the design of the proposal:
  - a) The criticism that the development turns its back on Nolan Street should be rejected. It is appropriate that the development open up the Tuaggra Street frontage: Tuaggra Street is the busiest of the street frontages to the site and is the entrance to Maryborough from the east.
  - b) The criticism that the development is not consistent with a key outcome of the UDF in failing to provide a pedestrian link from Bourke Street to Burns Street is misplaced. The pedestrian link cannot properly be characterised as a key outcome of the UDF. Further, the proposal does provide a pedestrian link between Bourke Street and Bourke Street, albeit towards the eastern end of the site. Mr Milner's recommendation is that the Council have the opportunity of securing that link.
  - c) The Burns Street wall is 68 m long. The Burke Street wall, from the loading bay to the liquor store is 62 m. There is nothing to be gained by a setback of these walls. The Bourke Street frontage has some articulation in the wall of the retail store, the entry to them all and in the wall to the liquor store. The rest of the Burke Street wall and the Burns Street will have been designed to provide interest and articulation through the use of finishes and materials. The proponent accepts Mr Milner's recommendation for a mural along part of the Burns Street wall.
20. As to the pedestrian link between Burke Street and Burns Street as proposed by the UDF:
  - a) The proponent acknowledges Mr Milner's recommendation that the opportunity to provide for a link be provided to Council, should it want to take up the opportunity.

- b) Nonetheless, the proponent submits that the creation of a public pathway along the south western boundary of the site, within the limited space available and along the dogleg alignment of the site, would result in a less than satisfactory thoroughfare. The site has three street frontages. That is a constraint on the location of the loading bays for Coles and K-Mart. The better urban design solution is to provide for the loading bays along the south western side of the site. A pathway along this side of the site is unlikely to achieve the outcome envisaged by the UDF.
  - c) The better pedestrian link will be provided along the front of the proposal: it provides a link in a highly visible location; it will create an aesthetically pleasing pathway along the new shopping activity precinct; it will provide landscaping and seating breaks for the elderly, frail and young; and it eliminates any public safety issues as a result of its high visibility.
  - d) It also is to be noted that the linkage is not a key or fundamental proposal of the UDF. Figure 5 places the connection to the west of the site and refers to it as "Possible long term connection subject to land acquisition". Figure 9 locates the connection to the west of the GELC site and refers to it as "Possible connection subject to land acquisition".
21. An area for garbage collection can be provided inside the mall on the outside wall of the second retail premises.

#### **Traffic evidence**

22. There are alternative layouts for the street component of the parking provision. One is supported by Mr O'Brien and one supported by both Mr O'Brien and Mr Robertson, save for the use of Station Street. The provision of car parking in Station Street will provide community benefit through providing spaces for shared community use.
23. The proponent accepts the need for a loading bay for the specialty stores. That can be provided alongside the existing taxi/minibus drop-off zone. It will take up two car parking spaces.

#### **Other**

24. As to Mr Crameri's request to limit the noise from the site, the SEPPs N1 and N2 control the generation of noise and music. There is no need to limit should the hours of operation of the development. It is to be remembered that Mr Crameri's house is in an industrial 1 zone and adjoins a Business 4 zone. The expectation of residential amenity is reduced.

#### **Net community benefit**

25. The proposed permit conditions require the proponent to construct a roundabout at the intersection of Tuaggra Street and Burns Street. The need for a roundabout, or

some other traffic measure, is existing. The provision of a roundabout, at the proponent's cost, is a significant contribution by the proponent: it will cost in the order of \$300,000. The contribution is a true community benefit given that the difficulty with the intersection is existing and not created by the proposed development.

26. There is strong community support for this proposal: the Chamber of Commerce, Salvation Army, 2 High Street traders, GELC, Cramer. It is telling that the only opposition comes from the competing retailers. Not one trader from the High Street or from Nolan Street or elsewhere in the area has objected to the proposal on the grounds of economic impact.
27. This proposal has the prospect of giving a significant boost to the Maryborough CBA. It is likely to stimulate other development. It provides net community benefit and provides sustainable development.

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