

## **SURF COAST PLANNING SCHEME**

### **AMENDMENT C107**

#### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

This Amendment has been prepared by the Surf Coast Shire, who is the planning authority for this amendment.

The Amendment has been made at the request of Select Planners on behalf of ALDI Stores Pty Ltd.

#### **Land affected by the Amendment**

The Amendment applies to the following land:

- 2 Geelong Road, Torquay (Lot 4 LP211532);
- 4 Geelong Road, Torquay (Lot 1 LP30103);
- Part of Geelong Road, Torquay (Lot 1 TP921182);
- Part of 36 Bell Street, Torquay (Lot 3 LP211532);
- Part of 42 Bell Street, Torquay (Lot 2 PS340183R);
- 48-50 Bell Street, Torquay (Lot 1 TP433735, Lot 1 TP449830); and
- 1A Rudd Avenue, Torquay (Lot 1 PS340183).



*Figure 1: Land subject to Planning Permit Applications and Amendment Application.*

#### **What the amendment does**

The Amendment undertakes site specific zoning and overlay changes that extends the Bell Street Activity Centre northwards between the Surf Coast Highway and Rudd Avenue.

The amendment proposes to:

- Rezone land at 2 and 4 Geelong Road, part of Geelong Road (part of Lot 1 TP921182), 1A Rudd Avenue, part of 36 Bell Street, and part of 42 Bell Street, Torquay, from General Residential Zone – Schedule 1 (GRZ1) to Commercial 1 Zone (C1Z).
- Delete the Significant Landscape Overlay Schedule 6 'Central Torquay and Jan Juc Residential Areas' (SLO6) from land at 2 and 4 Geelong Road and part of 36 Bell Street, Torquay.
- Delete Design and Development Overlay Schedule 20 'Old Torquay North' (DDO20) from part of 36 Bell Street, and 1A Rudd Avenue, Torquay.
- Apply Design and Development Overlay Schedule 7 'Surf Coast Boulevard' (DDO7) to land at part of 36 Bell Street, and 1A Rudd Avenue, Torquay.
- Amend Design and Development Overlay Schedule 7 'Surf Coast Boulevard' (DDO7) to create a new precinct, 'Precinct 6 – Retail' which will apply to land at 2 Geelong Road, 4 Geelong Road, part of Geelong Road, part of 36 Bell Street, 48 – 50 Bell Street and 1A Rudd Avenue.

Pursuant to Section 96A of the *Planning and Environment Act 1987* the proposal also includes two planning permit applications. The details of each are summarised below:

#### Planning Permit Application 1

Affects land at:

- 2 Geelong Road, Torquay (Lot 4, LP211532)
- 4 Geelong Road, Torquay (Lot 1 LP30103)
- Part 36 Bell Street, Torquay (Lot 3, LP211532)

Proposes to:

- Develop the land for a 'shop' (ALDI supermarket) and car parking.
- Use the land to sell liquor as part of a liquor licence for the proposed supermarket.
- Erect internally illuminated business signs and a promotion sign.
- Alter the existing access from a Road Zone Category 1.

#### Planning Permit Application 2

Affects land at:

- 36 Bell Street, Torquay (Lot 3, LP211532)

Proposes to:

- Subdivide land at 36 Bell Street, Torquay into two lots.
- Undertake buildings and works associated with the rearrangement of the car park to create additional parking on the Hotel site.
- Waive 43 car parking spaces currently required by Planning Permit 00/0263 for the Torquay Hotel.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The proposed Amendment is required to allow the subject land to be used and developed with a supermarket (ALDI), which is not permitted under the current General Residential Zone. The Amendment also proposes to remove or amend overlays that have been designed to apply to residentially zoned land.

The Amendment would facilitate the provision of additional commercially zoned land adjacent to the Bell Street Activity Centre, which at present has little convenience retailing.

### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the objectives of planning in Victoria (Section 4(1) of the *Planning and Environment Act 1987*) by providing a clear policy framework and logical planning controls for the fair, orderly, economic and sustainable use and development of land, which will meet the current and future needs of the Torquay-Jan Juc community.

### **How does the Amendment address any environmental, social and economic effects?**

The Amendment is not expected to have an adverse effect on the environment, nor compromise the achievement of any environmental objectives in the Surf Coast Planning Scheme. The site currently contains little vegetation. It is proposed to remove two, non-indigenous trees as part of future development of the site.

Whilst proposed landscaping on the development site is minimal, the application includes an offer to contribute financially to the landscaping of the public reserve west of the subject site in order to soften the appearance of the development when viewed from the Surf Coast Highway.

Torquay overall, has a unique character that is highly valued by its residents and visitors. It is this character that attracts people residents and tourists and provides an alternative lifestyle destination away from the more suburban built form and densities of metropolitan Melbourne and Geelong. The proposed development is to include a large art work on the western elevation, prepared by a local Surf Coast artist, in order to ensure the development when viewed from the Surf Coast Highway is complementary to the character of Torquay and the Great Ocean Road experience. Supermarket signage has also been minimised in keeping with local policy.

This Amendment seeks to protect Torquay's unique character whilst delivering positive economic and social benefits including:

- The encouragement of economic and retail investment into Torquay-Jan Juc, which will improve the competitive retail shopping service and assist in maintaining the viability of the Bell Street Activity Centre as a social hub for the surrounding community and;
- Provide local employment opportunities both pre and post construction.

Potential impacts on the amenity of nearby residents, such as traffic, noise and privacy, would be addressed as part of consideration of the development application.

### **Does the Amendment address relevant bushfire risk?**

The Amendment does not rezone any land in identified high bushfire risk areas. The land to be rezoned is not affected by the Bushfire Management Overlay or in a Bushfire Prone Area as determined under Building Regulations.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

This Amendment is affected by, and complies with:

- . Ministerial Direction Section 7(5) – Form and Content of Planning Schemes
- . Ministerial Direction Section 11 – Strategic Assessment of Amendments

The Amendment is not affected by Ministerial Direction No. 13 - Managing Coastal Hazards and the Coastal Impacts of Climate Change as the land is above the 5.0m AHD contour and set inland from the coast.

## **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with and supports the objectives and strategies of the SPPF as follows:

### *Clause 11 (Settlement)*

The Amendment will build the region's economy and ensure a sufficient supply of commercial land is available to meet current and forecast retail demands. It is consistent with the G21 Regional Growth Plan (Geelong Region Alliance, 2013).

### *Clause 12 (Environmental and Landscape Values)*

The Amendment will not impact on any significant environmental values and is consistent with relevant strategies for coastal areas including the Victorian Coastal Strategy (VCC updated in 2014) and the Great Ocean Road Landscape Assessment Study (Department of Sustainability and Environment, 2004).

More specifically, Clause 12.02-6 (The Great Ocean Road Region) states that the growth of towns should be managed by directing urban growth to strategically identified areas. It references the *Great Ocean Road Region – A Land Use and Transport Strategy* (Department of Sustainability and Environment, 2004) as a guiding document for this area, which nominates Torquay as a 'gateway' to the region capable of accommodating substantial new development.

### *Clause 17 (Economic Development)*

The Amendment will support the provision of new retail shopping facilities by the small expansion of an existing commercial centre. It will enable new commercial development to leverage off of existing infrastructure and services and provide increased choice in services and employment in an accessible location.

### *Clause 19 (Infrastructure)*

The Amendment will allow for the efficient use of infrastructure and the proponent will be contributing to the cost of utilities and community infrastructure in accordance with the Development Contributions Plan Overlay (DCPO) which applies to the subject site.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) and Local Policies, establishes a local context for the Amendment.

The Amendment respects the desired balance between development and Torquay-Jan Juc's coastal atmosphere and is consistent with the following relevant clauses of the LPPF:

### *Clause 21.01 (Profile and Vision)*

The Amendment does not compromise Council's vision to accommodate substantial, sustainable growth in Torquay whilst protecting the traditional coastal town character.

### *Clause 21.02 (Settlement, Built Environment and Heritage)*

The Amendment complies with the objectives of this Clause which encourages the built form of large format retail premises to be integrated into the surrounding area, conform with the prevailing rhythm and scale of the street and have an active frontage.

### *Clause 21.08 (Torquay-Jan Juc Strategy)*

The Amendment will contribute to consumer retail choice in Torquay-Jan Juc, which is *'the main urban growth centre of the Surf Coast Shire. It is a popular destination for surfers, tourists, holiday makers and retirees, and the sea-change movement has resulted in the town becoming increasingly popular for permanent settlement.'*

The Amendment will support a strong hierarchy of mixed use, sustainable, attractive and accessible activity centres in Torquay-Jan Juc and ensure sufficient retail and commercial facilities are provided to cater for the growing population and visitors.

The Amendment will add an additional supermarket with a gross floor area of 1,844m<sup>2</sup> to the existing Bell Street Activity Centre, which is a local centre in the hierarchy of activity centres in the adopted *Torquay Jan Juc Retail Strategy 2011* and Activity Centre Hierarchy at Clause 21.08 of the Surf Coast Planning Scheme. The Bell Street Activity Centre has a strong visitor servicing role due to the adjacent caravan park and commercial accommodation. The additional commercial floor area will add to the food and grocery provision in the centre.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victorian Planning Provisions, adopting the most appropriate zoning and overlay provisions for the site in accordance with State and Local planning policies.

### **How does the Amendment address the views of any relevant agency?**

The views of relevant agencies will be taken into consideration as part of the formal amendment exhibition and referral process. The Amendment does not contain any new referral provisions.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will have no significant impact on the transport system as defined by the *Transport Integration Act, 2010*.

### **Resource and administrative costs**

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The proposed Amendment will not impose any unreasonable resource and/or administrative costs on Council in its capacity as the responsible authority.

### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- Surf Coast Shire Municipal Office, 1 Merrijig Drive, Torquay VIC 3228.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.dtpli.vic.gov.au/publicinspection](http://www.dtpli.vic.gov.au/publicinspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **XXXX**.

A submission must be sent to:

Manager Planning and Development  
Surf Coast Shire  
PO Box 350  
Torquay VIC 3228

Or by Email to: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **TBC prior to exhibition**
- panel hearing: **TBC prior to exhibition**