

**Planning Permit Application Report**  
**1160 Horseshoe Bend Road,**  
**Torquay**

MARCH 2016

Proposed Service Station

PREPARED BY  
10 Consulting Group Pty Ltd

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## Attachments

- 1 Certificate of Title

## 1 INTRODUCTION

### 1.1 Purpose

- 1 This report has been prepared to accompany a planning permit application for the use and development of a Caltex – Woolworths branded service station on land at 1160 Horseshoe Bend Road, Torquay (the '**subject site**').

### 1.2 Overview

- 2 The site is subject to the *Commercial 1 Zone* (C1Z) and is affected by *Design and Development Overlay – Schedule 1 and 23* (DD01 and DD023), *Development Plan Overlay – Schedule 8* (DPO8) and *Parking Overlay – Schedule 3* (PO3) under the provisions of the *Surf Coast Planning Scheme*.
- 3 A *Service station* is a discretionary, *Section 2 – permit required use* within the C1Z.
- 4 A permit granted to use or develop the land must accord with the provisions of the approved *Dunes Development Plan [East]*, which has been prepared to satisfy the requirements of DPO8 (Clause 43.04-1).
- 5 In this matter a planning permit is required to:
- Use and develop land (Clause 34.01-1 and Clause 34.01-4);
  - Construct and carry out works (Clause 43.02-2);
  - Erect and display advertising signage (Clause 34.01-9 and Clause 52.05-7);
  - Vary the loading bay requirements (Clause 52.07); and
  - Vary the requirements for a *Service station* in relation to the minimum site dimensions, building setbacks from roads and the width of crossovers (Clause 52.12-1).
- 6 This application is accompanied by:
- Development plans prepared by The Retail Group Pty Ltd;
  - A traffic and transport assessment prepared by Cardno Pty Ltd; and
  - A landscape Plan prepared by John Patrick Pty Ltd.

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### 1.3 Summary

- 7 The following considerations establish the strategic justification and merit for the proposal:
- The establishment of a neighbourhood activity centre at Torquay North has been strategically anticipated to support urban growth since at least 2007.
  - Current and long-term planning for land at and surrounding the site, and in the associated network of activity centres, encourages development of vibrant and economically viable centres as a focus for a wide range of commercial, retail and community services, facilities and activities.
  - The proposal must be evaluated in the context of current planning and approvals, including the approved neighbourhood activity centre (Torquay North NAC) on land adjacent to this site<sup>1</sup>.
  - That planning provides a large at-grade parking facility adjacent to the site, which ought to influence expectations about the visual and acoustic experience of this site and the surrounding locality.
  - The proposed service station would be the only service station in the locality of the site.
  - The service station would be conveniently located nearby the junction of two main traffic routes and centrally within the future neighbourhood activity centre and surrounding residential estate.
  - The service station would be readily identified and easily accessible.
  - It would integrate with and serve to enhance the convenience role and function of the approved Torquay North NAC.
  - It would assist to meet the convenience needs and requirements of existing and future residents of the area.

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<sup>1</sup> Planning Permit No. 15/0175 was issued on 9 November 2015 and allows the use and development of land at 1160 Horseshoe Bend Road for a supermarket, shops and a medical centre.

- The proposed design and layout have carefully considered the opportunities and constraints of the site, including the site's sensitive interfaces.
  - The proposed built form and landscape plan would assist to protect and enhance the amenity and experience of the adjoining streetscapes, neighbouring and nearby properties, and public open space.
  - The proposal would serve to 'anchor' the northwest corner of the approved Torquay North NAC and to assist to screen the car parking facility approved on the adjoining land from Fischer Street.
  - Adequate car parking provision is provided on the site.
  - The site is capable of accommodating large trucks to service the proposed facility.
  - The service station would function without detriment to local access or the surrounding road network.
- 8 The proposal is an appropriate response to the relevant policy setting of the Surf Coast Planning Scheme, including the strategic planning objectives and expectations about land use, development and growth at Torquay North.
- 9 It has carefully considered the interface, layout and impacts on the approved Torquay North NAC and surrounding residential development.
- 10 It would deliver complementary convenience services at the site to support the function and role of the activity centre with benefits for the area's existing and future community.

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Figure 1: Locality map





Figure 2: Aerial photo - site and surrounds

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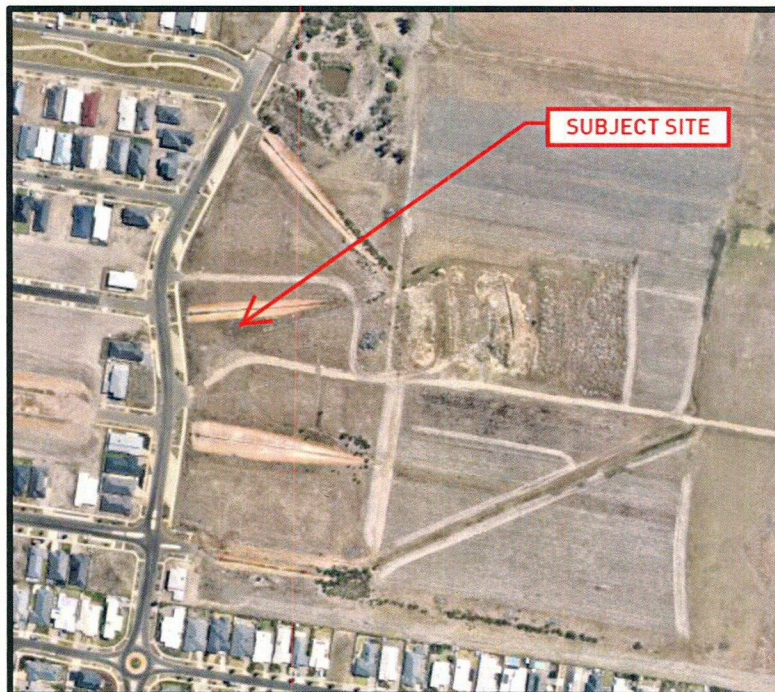
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## 2 THE SUBJECT SITE IN CONTEXT

### 2.1 Surrounding context

- 11 The progress of planning for this site and the surrounding emerging urban area is discussed in Chapters 4 and 5 of this report.
- 12 That planning identifies the subject site at the northwest corner of an approved neighbourhood activity centre and centrally located within an emerging residential area at Torquay North.
- 13 In particular, a 'patchwork' of development plans, including for this site and the adjoining land to the east and west of Fischer Street (known collectively as 'The Dunes'), have been prepared to support growth and provide for urban development and residential subdivision<sup>2</sup>.
- 14 Opportunities for a mixed range of uses and higher density development, including commercial and retail activities, community services and facilities and residential uses are foreshadowed in the surrounding locality.



*Figure 3: Aerial Photo - Subject Site*

<sup>2</sup> Refer development plans for 1095 Horseshoe Bend Road, 110 South Beach Road and 1505 Surf Coast Highway.

## 2.2 The site

- 15 The subject site is formally identified as part of Lot A on Plan of Subdivision 647751T described in Certificate of Title Volume 11445 Folio 487 (Attachment 1).
- 16 It comprises a discrete parcel of land which is located at the:
- Southeast corner of Fischer Street and Falcon Drive, north of Merrijig Drive, Torquay (Figure 3); and
  - Northwest corner of the activity centre approved at the corner of Fischer Street and Merrijig Drive.
- 17 The site:
- Is irregularly shaped;
  - Comprises approximately 1,949sqm of land; and
  - Has a frontage to Fischer Street of 56.92m, a frontage to Falcon Drive of 42.63m; and a minimum width of 28.17m at its southern edge.
- 18 Planning for the proposed activity centre anticipates the development of an internal access road to the immediate south of the site to integrate with an adjoining car park (refer Figure 4).

## 2.3 Surrounding use and development

- 19 The progress of surrounding development is illustrated in Figure 2. It demonstrates that:
- The site is currently located at the undeveloped edge of the urban hinterland at Torquay North.
  - Urban development has principally progressed from the south and currently extends to the north side of Centreside Drive.
  - Residential development has more recently commenced to the west of Fischer Street and the subject site.

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20 The newly completed residential development of lots on the western side of Fischer Street is characterised generally by conventional single detached dwellings with provision for onsite parking.

### 2.3.1 Neighbourhood activity centre

- 21 The Torquay North neighbourhood activity centre forms part of the development plan approval for the broader land parcel known as 1160 Horseshoe Bend Road (refer Chapter 5.4.1 of this report).
- 22 Planning anticipates that the site will abut a large at-grade parking facility to the east and retail and commercial activities to the south, including a Woolworths supermarket and a complementary range of speciality retail offers and community services and facilities.
- 23 Mixed use development, including higher density residential uses are anticipated north of Falcon Drive.

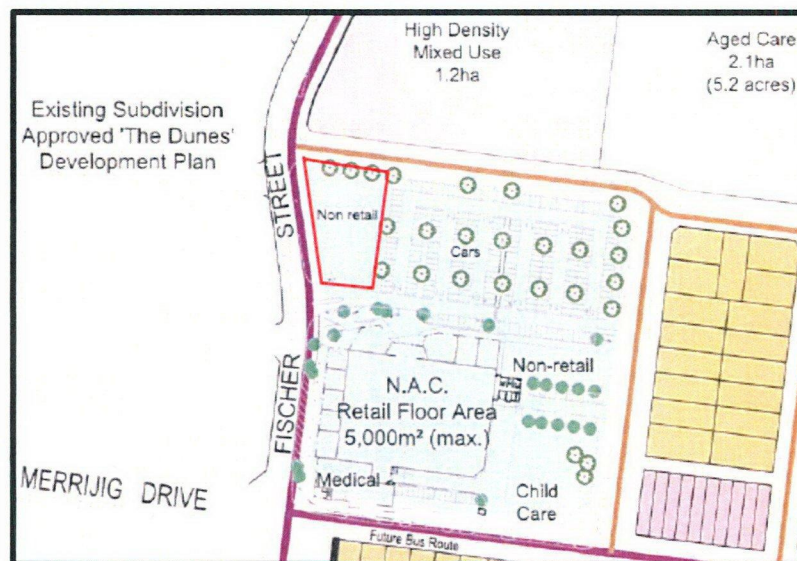


Figure 4: The Dunes Development Plan [East] Excerpt

## 2.4 Existing service stations

- 24 There are no other service stations in the immediate locality of the subject site.
- 25 The nearest existing facilities include:

## 2.2 The site

- 15 The subject site is formally identified as part of Lot A on Plan of Subdivision 647751T described in Certificate of Title Volume 11445 Folio 487 (Attachment 1).
- 16 It comprises a discrete parcel of land which is located at the:
- Southeast corner of Fischer Street and Falcon Drive, north of Merrijig Drive, Torquay (Figure 3); and
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- 17 The site:
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- A co-branded Woolworths – Caltex facility at 72-76 Surf Coast Highway, Torquay, approximately 2.7kms southwest of the subject site; and
- A Caltex facility at 55 Surf Coast Highway, Torquay, approximately 2.6kms southwest of the subject site.

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### 3 THE PLANNING PERMIT APPLICATION

#### 3.1 The proposal

26 The application seeks approval to use and develop the land on the east side of Fischer Street with a co-branded Caltex and Woolworths service station.

27 There are over 500 co-branded Caltex and Woolworths service stations across Australia. As national brands, Caltex and Woolworths rely upon a common suite of service station features, which are designed and employed to build customer recognition and to respond to the particular characteristics of a site.

##### 3.1.1 Design detail

28 The principal attributes of the proposed service station include:

- Four (4) petrol dispensers and one (1) LPG dispenser;
- A kiosk of approximately 120sqm, including a pay point and limited range of convenience goods;
- A canopy providing weather protection for the petrol and LPG dispensers;
- Three (3) underground fuel tanks and one (1) underground LPG tank;
- Ten (10) car parking spaces, including one disabled space and one 'air / water' space;
- One (1) loading bay;
- A signage scheme comprising a range business identification and promotional material (refer Chapter 5.6.1 of this report); and
- Proposed materials will include rendered blockwork, steel framework, and CFC sheeted fascias.

29 The kiosk and canopy structure will be finished using the branded Caltex and Woolworths external paint colour scheme comprising a Dulux colour palate of Graphite, Etching; Caltex Delta Grey, Dulux Caltex Red, and Grey.

- 30 It is proposed that the service station will operate 24 hours per day, Monday to Sunday inclusive.
- 31 Other features of the proposed site layout include:
- A landscaping around the periphery of the site;
  - Turning circles and access paths engineered for fuel delivery trucks to enter and exit the site in a single forward motion (without reversing);
  - A site layout and access paths to ensure a one-way flow of traffic through the site, with access to be signed and limited to a point from the south and egress to be signed and limited to a point from the west (onto Fischer Street);
  - Sufficient space for petrol tankers to be wholly located on site when storage tanks are being filled.

### 3.1.2 A considered response

- 32 The design response has carefully considered the site context, including the site's opportunities and constraints.
- 33 The proposal is an appropriate land use and built form outcome in so far as the proposal will:
- Utilise undeveloped land as part of an activity centre;
  - Provide for a service station on a principal local thoroughfare and corner site that is easily identifiable and accessible;
  - Integrate with a planned at-grade parking facility and convenience-shopping complex on the adjoining land;
  - Assist to 'buffer' and screen the principal site activity from residentially zoned land on the northern side of Falcon Drive; and
  - Assist to screen the use and development from the adjoining streets, residentially zoned land and public spaces through the inclusion of landscaping, including trees and shrubs, around the site.

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## 4 STRATEGIC PLANNING POLICY CONTEXT

### 4.1 Introduction

- 34 The proposal considers land use and development within a designated activity centre and growth corridor, on a site that:
- Has been zoned and strategically identified to deliver a range of commercial and community facilities to meet the convenience needs of existing and future residents of the emerging growth area;
  - Is currently vacant;
  - Is centrally located relative to the surrounding residential subdivision and nearby Surf Coast Highway;
  - Will be easily accessible to the future community and users of the approved Torquay North NAC;
  - Will be integrated with and well served by a car park facility on the adjoining land; and
  - Is capable of integrating with and enhancing the services to be offered by the activity centre use of the abutting land.

### 4.2 Settlement and activity centre policy

- 35 The overarching intent and objectives of *Settlement* policy (Clause 11) establish the clear expectation for planning to anticipate and respond to the needs of existing and future communities, including through the provision of zoned and serviced land for employment and commercial and community facilities and infrastructure.
- 36 In particular, planning is directed to facilitate sustainable development that takes full advantage of existing settlement patterns and to build up a network of activity centres as a focus for high-quality development and a diverse and accessible land use mix to:
- Foster **sustainable growth and development**;
  - Provide appropriate opportunities for **jobs and investment**; and

- Support the community and wider region through the provision of a **range of services and facilities.**
- 37 These broad policy objectives are reflected in Council's Municipal Strategic Statement (MSS) and the local policy provisions of the *Surf Coast Planning Scheme*, which establish the strategic basis and place for a well-designed neighbourhood activity centre at Torquay North to provide a focus for a range of local shopping and commercial services and activities.
- 38 The MSS:
- Acknowledges that Torquay-Jan Juc is amongst Victoria's fastest growing areas, expected to grow to 25,000-30,000 people by 2040 [Clause 21.08].
  - Identifies Torquay/Jan Juc as a major focus for municipal urban growth [Clause 21.01, Clause 21.02 and Figure 5].
- 39 Relevantly it is expected that the delivery of Council's vision for the Shire, for an engaged, innovative and sustainable community, will be underpinned by planning that **fosters healthy and sustainable communities.** In particular, Clause 21.01-3 foreshadows that **planning will encourage clean industries and development that respects the Surf Coast's environment and lifestyle.**
- 40 Clause 21.02, *Settlement, built environment, heritage and housing*, is directed to ensure that urban development minimises the impact on the environment, **makes efficient use of the land, infrastructure and resources, and is concentrated in accessible locations.**
- 41 Complementary policy to address *Activity centre planning* expects planning to "**Support a strong hierarchy of multi-functional, attractive, accessible activity centres across the municipality that deliver the best possible facilities to residents and visitors and that maintains a vibrant and sustainable local economy**" [Clause 21.02-2].
- 42 Associated strategies include:
- **Facilitate a diversity of uses and activities within activity centres to support local employment opportunities, which will make towns more self-contained and thus reduce motor vehicle dependency.**

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- ***Where appropriate, facilitate the establishment of neighbourhood activity centres in new growth areas, providing a range of retail, commercial and community facilities to service local residents.***

43 The use and development of adjacent residentially zoned land to the north and west of the subject site is addressed by local policy at Clause 22.09 (*Torquay-Jan Juc residential development and neighbourhood character policy*).

44 In particular, Clause 22.09 provides that the land is located within 'Housing Area 5 – Residential Growth', where Greenfield development is expected to support an overall general density of 15 lots/dwellings per hectare (Figure 6).

### **4.3 Strategic and structure planning for Torquay-Jan Juc**

45 The following relevant structure plans and strategies are incorporated by reference in the *Surf Coast Planning Scheme* (Clause 21.08) and apply to Torquay-Jan Juc.

#### **4.3.1 Torquay and Jan Juc Structure Plan**

46 The *Torquay and Jan Juc Structure Plan* was prepared in 2007 to establish strategic directions for future growth with a focus on sustainable development.

47 Figure 7 illustrates the key features of the plan, which included:

- Directing the Shire's population growth to Torquay / Jan Juc, as one of two main urban growth centres in the municipality.
- Identifying land at Torquay North for 'standard' and 'medium' density residential development.
- Identifying a 'Precinct Neighbourhood Centre' at Torquay North, proximate to the subject site.

#### **4.3.2 Sustainable Futures Plan Torquay-Jan Juc 2040**

48 Council prepared the *Sustainable Futures Plan Torquay-Jan Juc 2040* in 2012 to advance a growth management plan for Torquay-Jan Juc.

49 Figure 8 illustrates the key features of that plan, which included a location for a 'potential activity centre', urban consolidation, and a new neighbourhood hub at Torquay North.

### 4.3.3 Torquay North Outline Development Plan

50 The *Torquay North Outline Development Plan* was originally prepared in 2008 in response to the need to review the outline development plan for the Torquay North urban growth area arising from matters including:

- The proposed rezoning of the land for residential development;
- The fragmentation of land ownership and the necessity to integrate and coordinate development; and
- The proposal to establish a community civic precinct in the area, which differed from and impacted on the framework plan of the *Torquay-Jan Juc Structure Plan 2007*.

51 The plan was updated in 2012 to include key community facilities and basic infrastructure including a Community and Civic Precinct (Figure 9).

52 The revised version of the plan identified the subject site within a neighbourhood activity centre with direct access to Surf Coast Highway.

53 It also described the location for medium density housing to the immediate north and west of the site, and a route for future/existing bus services along Fischer Street.

## 4.4 Economic development

54 State *Economic development* policy is underpinned by policy and strategy that identifies the important role of commercial activity for economic development to meet the communities' needs for commercial services and to provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities (Clause 17.01-1).

55 In particular, Clause 17 directs planning to:

- **Resolve land use conflict;** and

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- **Locate commercial facilities, including new convenience shopping facilities, in existing or planned activity centres.**

56 The proposed service station responds positively to the relevant policy provisions, including the Council's particular objectives and strategies for investment, commercial and community activity in a neighbourhood activity centre at Torquay North (Figure 10).

57 In particular, Clause 21.08-4, *Economic development*, directs planning to:

- **Support a strong hierarchy of mixed use, sustainable and accessible activity centres in Torquay-Jan Juc and to ensure sufficient retail and commercial facilities are provided to cater for the growing population and visitors.**
- **Reinforce the hierarchy and role of the established and planned activity, tourist and employment centres in Torquay-Jan Juc** in accordance with Figure 11.
- **Encourage the establishment of a neighbourhood activity centre in Torquay North providing a range of shopping and commercial services, including full-line supermarket, to provide a hub to the growing community.**

#### 4.4.1 Environmental risk

58 The proposed service station is a positive response to policy which promotes the need to **prevent environmental risks, including those associated with noise and air quality, created by siting incompatible land uses close together** (Clause 13, *Environmental risks*).

59 Planning strategy which emphasises separation as a tool in amenity protection (Clause 13.04-1) is relevant to this proposal in so far as it has informed the design response and site layout to limit the potential for adverse impacts of the proposal on the amenity and experience of adjoining and nearby properties, including residential land.

60 This planning principle is reflected in the MSS and the need for planning to appropriately manage the sustainable use and development of land.

## 4.5 Built form and heritage

61 *Built Environment and Heritage* policy (Clause 15) is underpinned by a desire to create urban environments that are **safe, functional and provide good quality environments, which contribute to a sense of place and cultural identity.**

62 Consistent with this overarching principal, in local policy the MSS is directed to:

- **Ensure activity centres are designed and scaled to embrace the local character of the township or neighbourhood in which they are located** (Cause 21.02-2).
- **Limit the visual impact of large at-grade car parks from main roads** by placing them to the side or rear of buildings and breaking up large areas of parking with landscaping (Cause 21.02-2).
- **Ensure landscaping, including the provisions of shade trees, is integrated with the design of car parking areas, open space and streets** (Cause 21.02-2).
- **Ensure that advertising signage is consistent with the surrounding urban context** in terms of scale, format materials, colours and illumination and is designed to minimise visual clutter through integrating in the overall building form of the development (Cause 21.02-2).
- Ensure that development within activity centres is of **outstanding built form and design, using colours, materials and architectural features and landscaping** that promotes and celebrates the surfing, beach and coastal image of Torquay- Jan Juc (Clause 21.08-4).
- To promote the development of **co-ordinated and visually pleasing streetscapes** in residential, commercial and industrial areas (clause 22.02-1).

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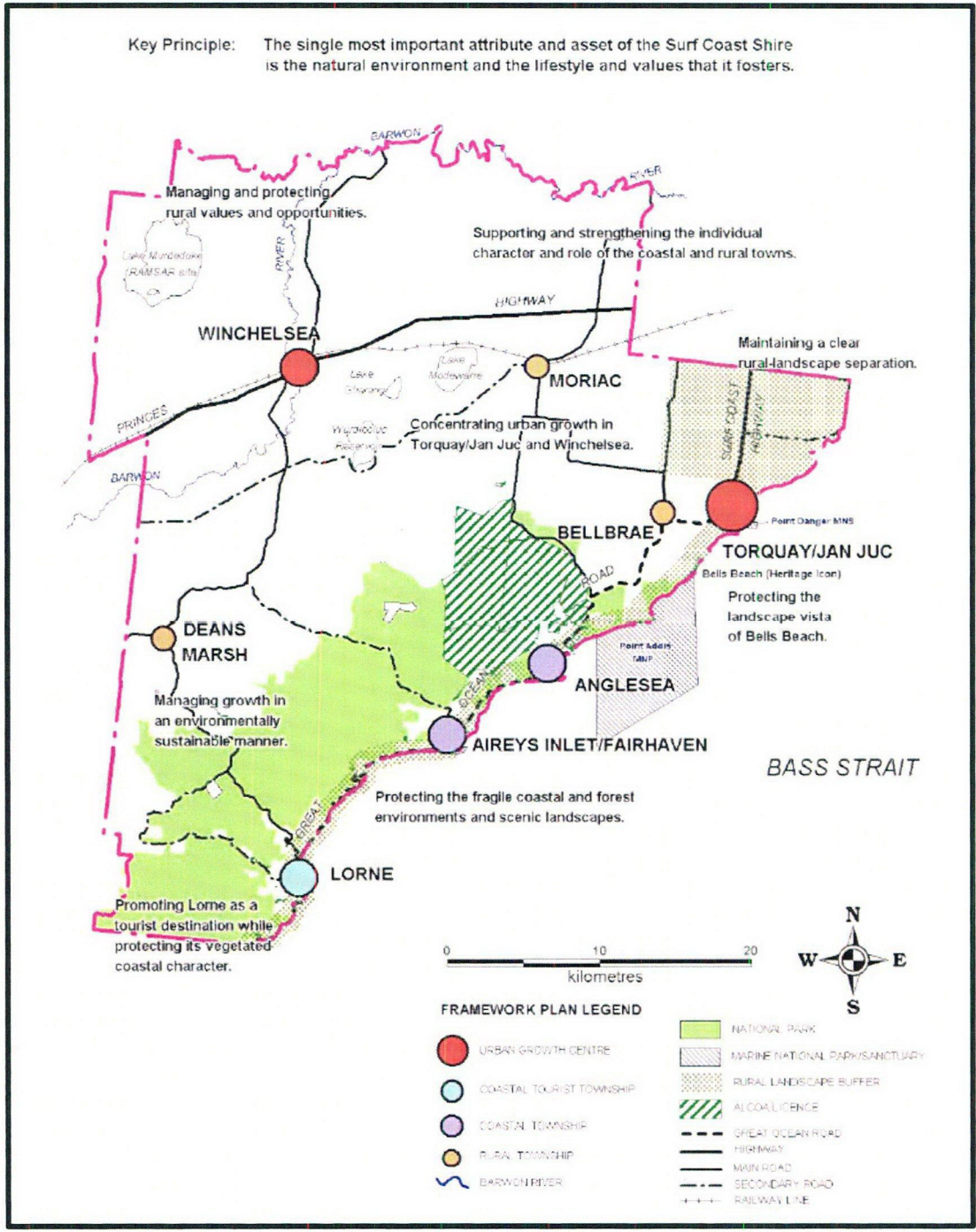


Figure 5: Municipal Land Use Framework Plan (Clause 21.01)



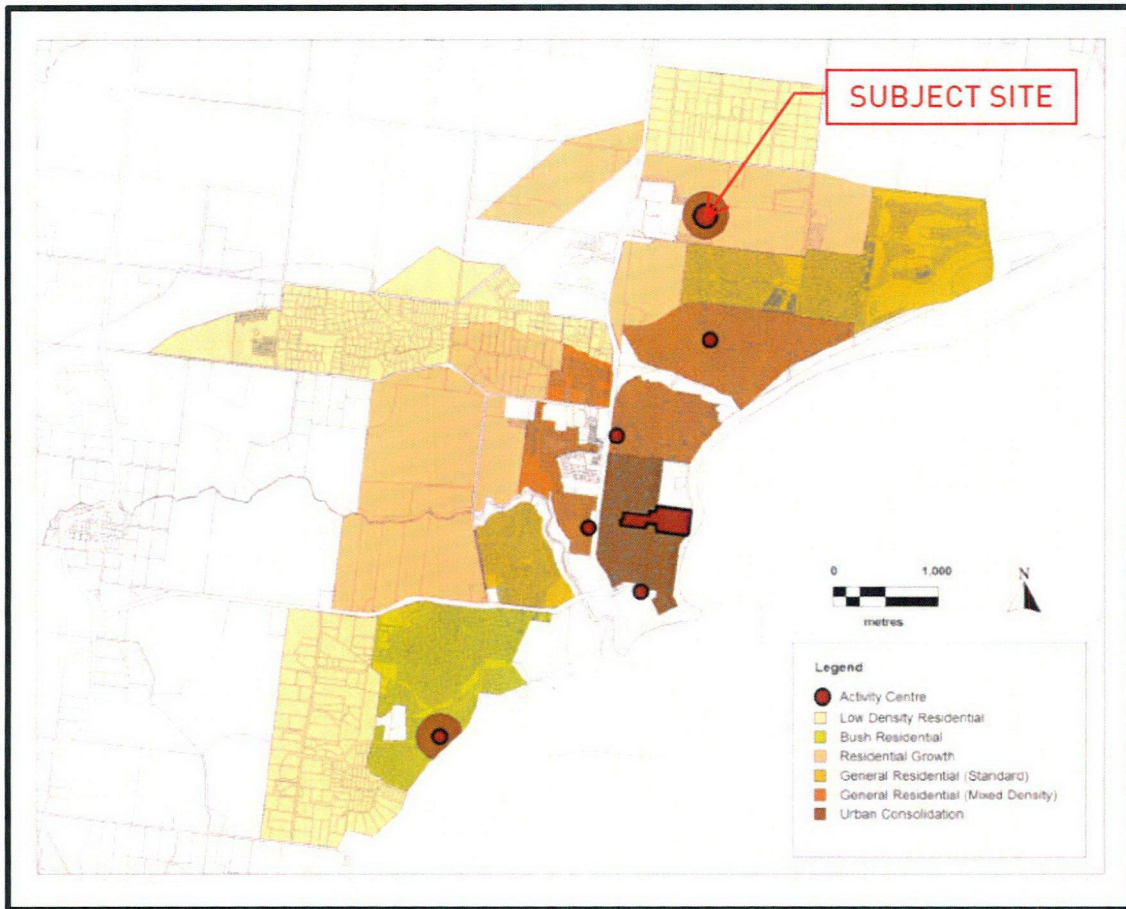


Figure 6: Torquay-Jan Juc residential development framework (Clause 22.09)

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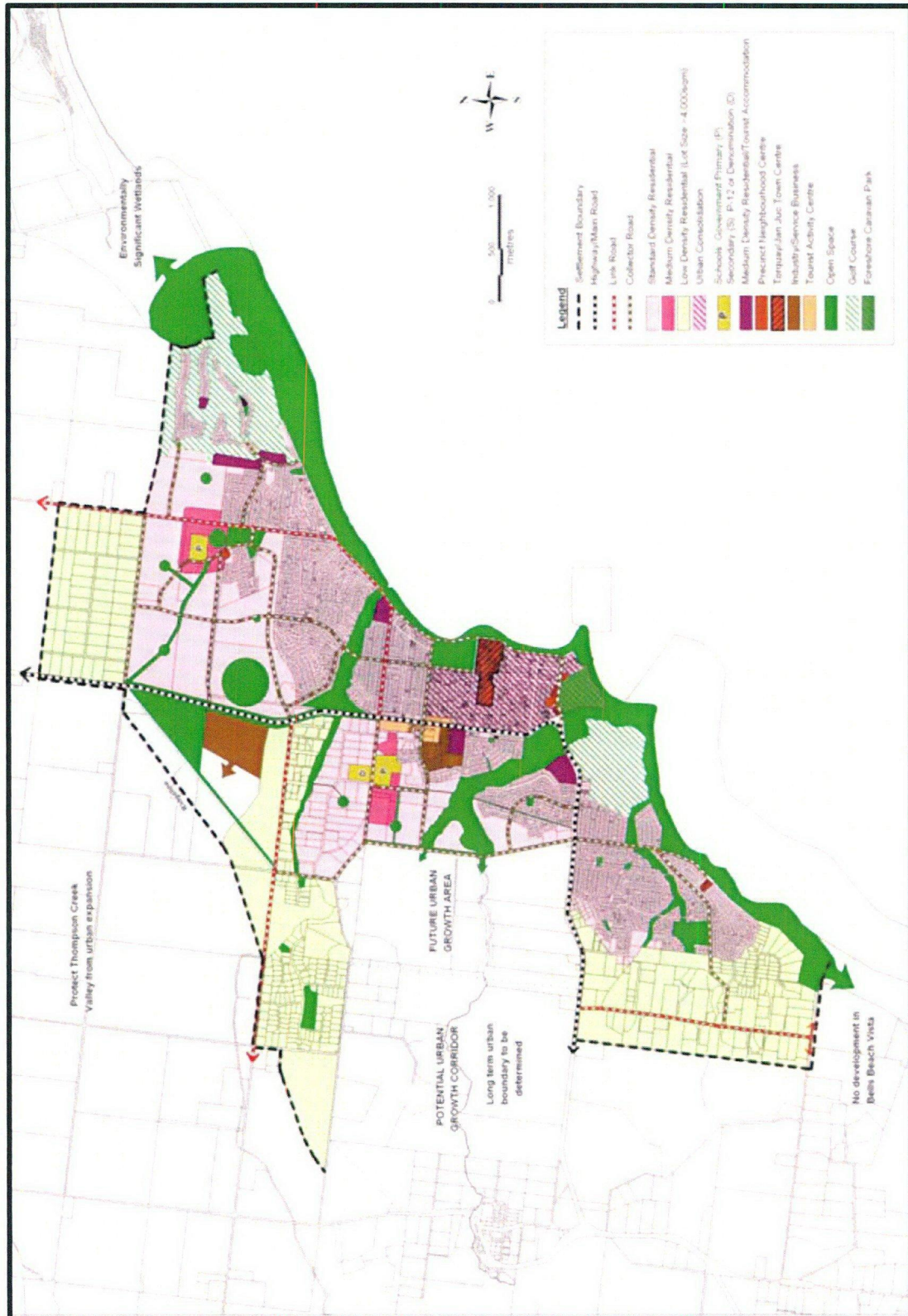


Figure 7: Torquay Jan Juc Structure Plan 2007

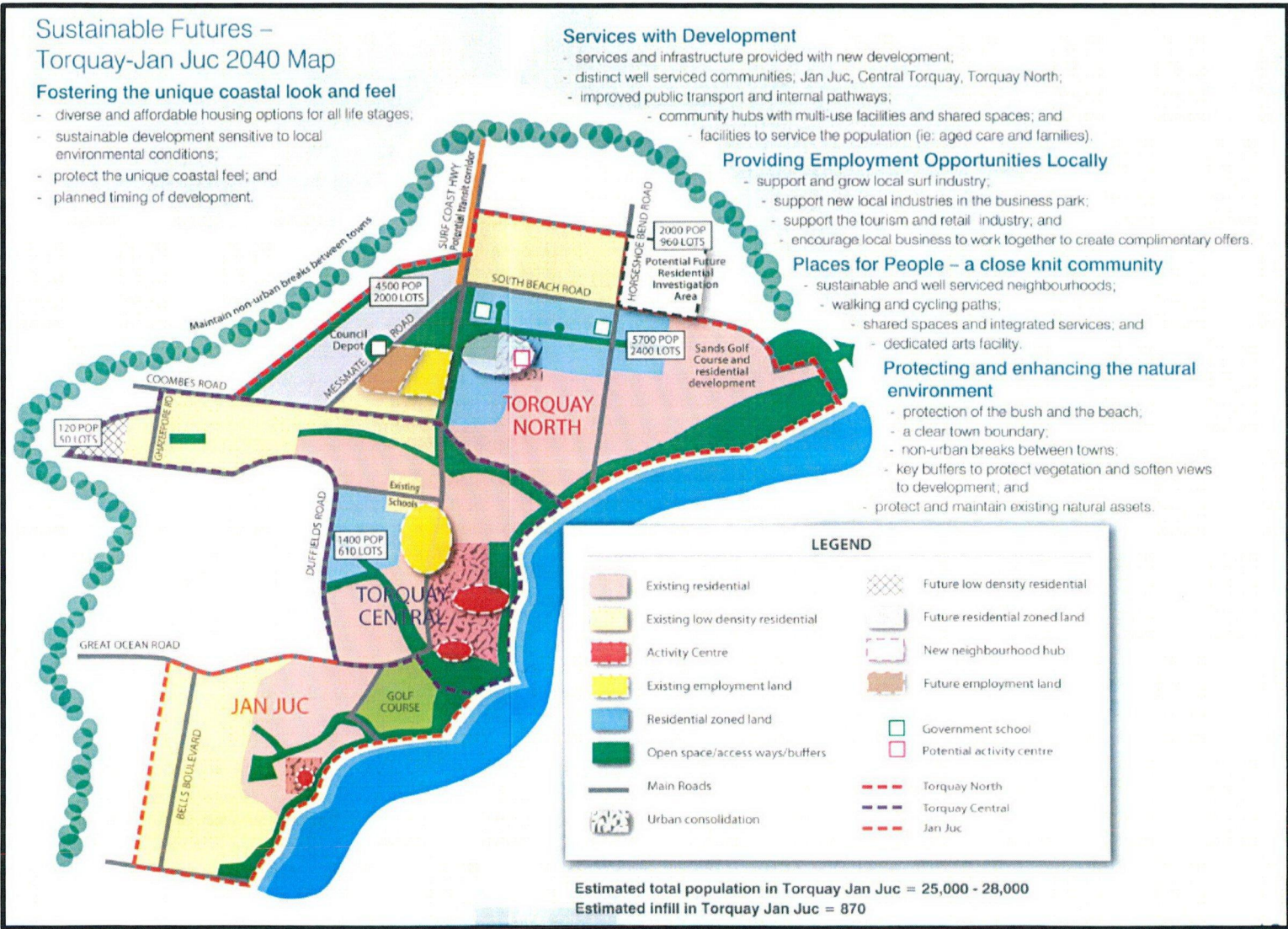


Figure 8: Sustainable Futures Plan Torquay-Jan Juc 2040

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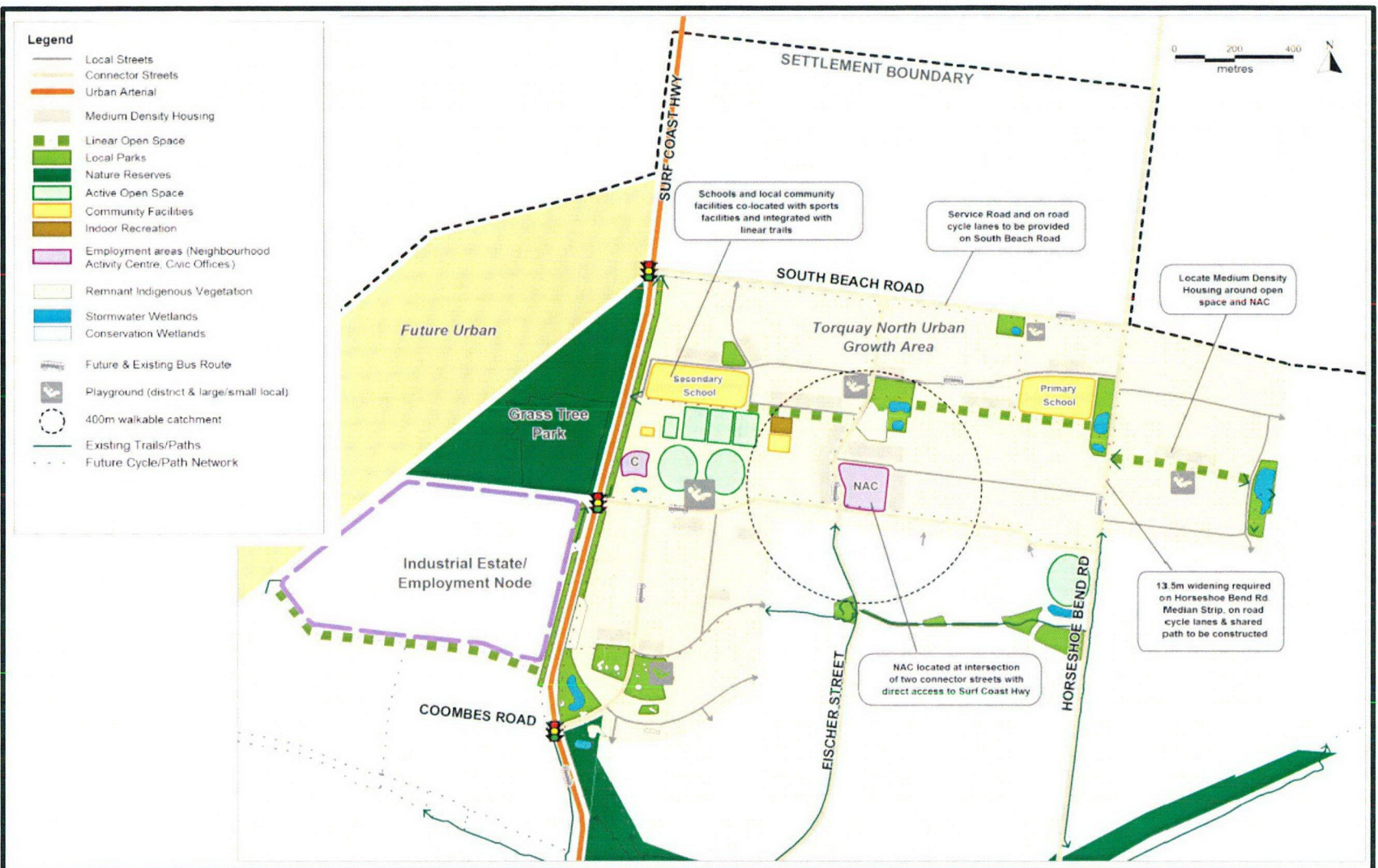


Figure 9: Revised Torquay North Outline Development Plan (2012)

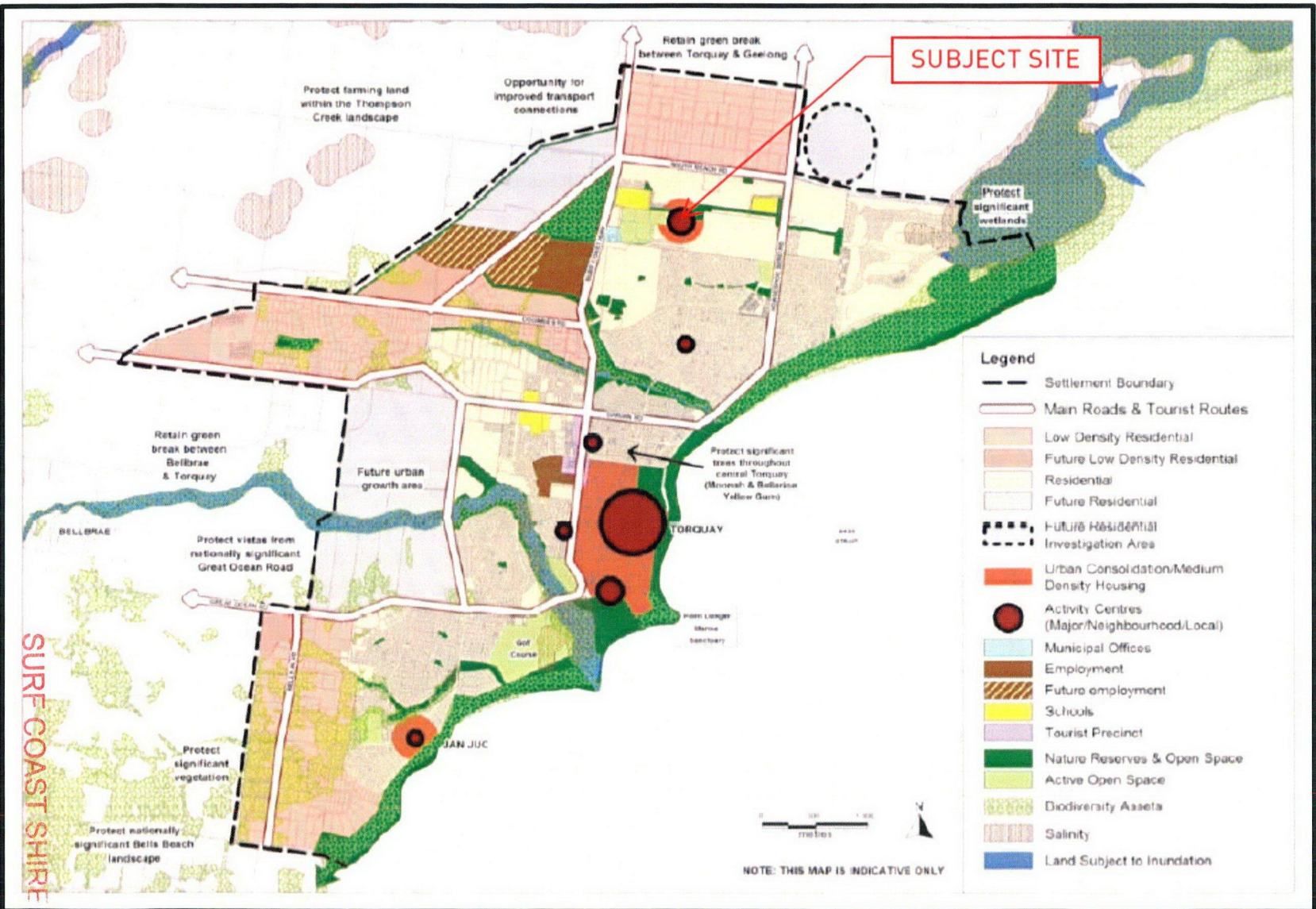


Figure 10: Torquay-Jan Juc Framework Map (Clause 21.08)

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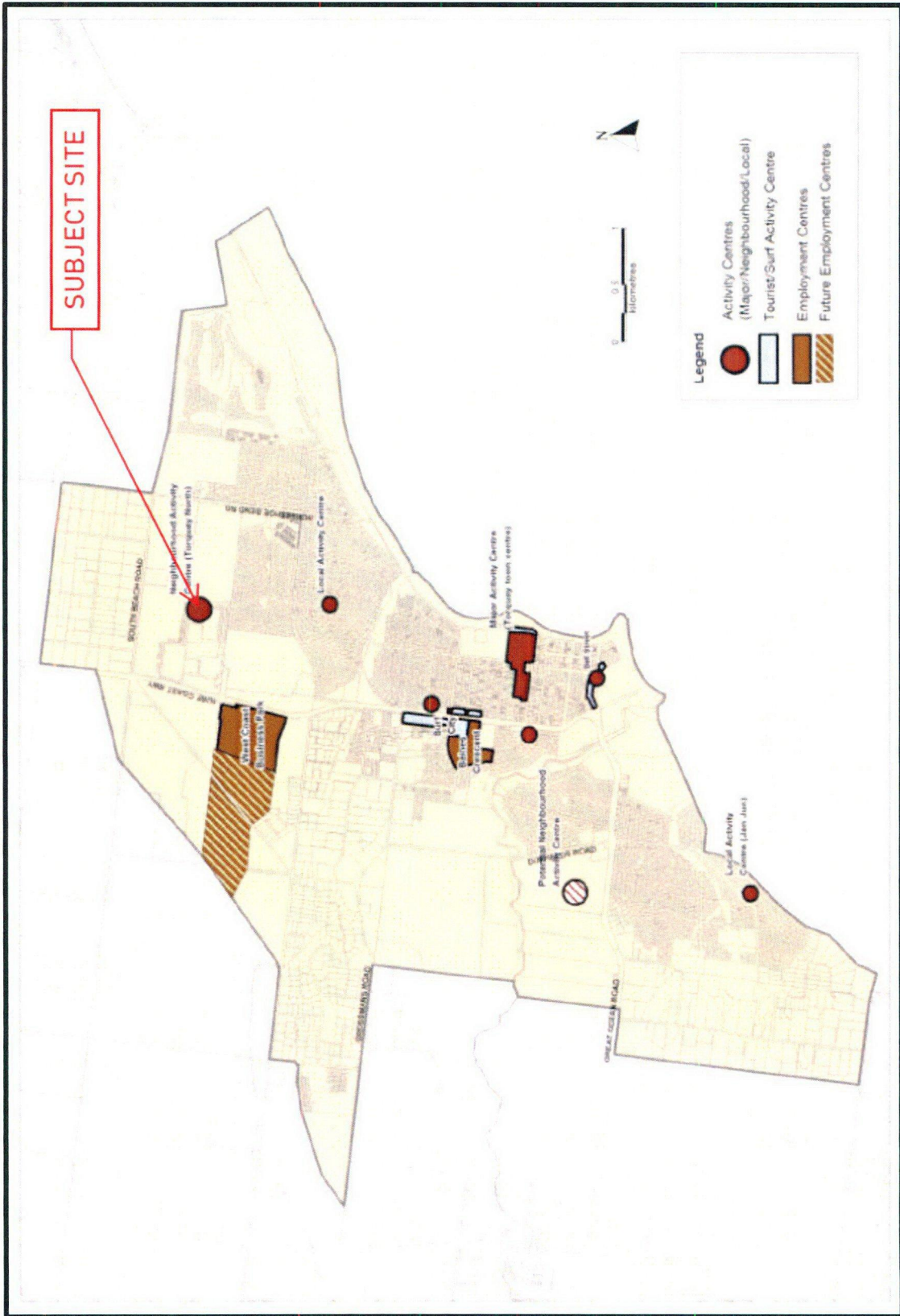


Figure 11: Activity Centre Hierarchy [Clause 21.08]

## 5 RELEVANT PLANNING PROVISIONS

### 5.1 Overview

63 The site is subject to the following zone and overlay provisions of the Surf Coast Planning Scheme:

- *Commercial 1 Zone* (Figure 12);
- *Design and Development Overlay – Schedule 1 and Schedule 23* (Figure 13);
- *Development Plan Overlay – Schedule 8* (Figure 14); and
- *Parking Overlay – Schedule 3* (Figure 17).

### 5.2 Commercial 1 Zone

64 The purpose of the *Commercial 1 Zone* (C1Z) is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

65 In the C1Z:

- A *Service station* is an innominate discretionary use (Clause 34.01-1).
- Use of land must not detrimentally affect the amenity of the neighbourhood, including through the use of:
  - Transport of materials, goods or commodities to or from the land.

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- Appearance of any building, works or materials.
- Emission of noise artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil (Clause 34.01-2).
- A permit is required to construct a building or construct or carry out works (Clause 34.01-4).

66 Abutting land to the north and west, outside the C1Z, is subject to the General Residential 1 Zone (GRZ1), where a diversity of housing types and moderate housing growth in locations offering good access to services and transport is to be expected.

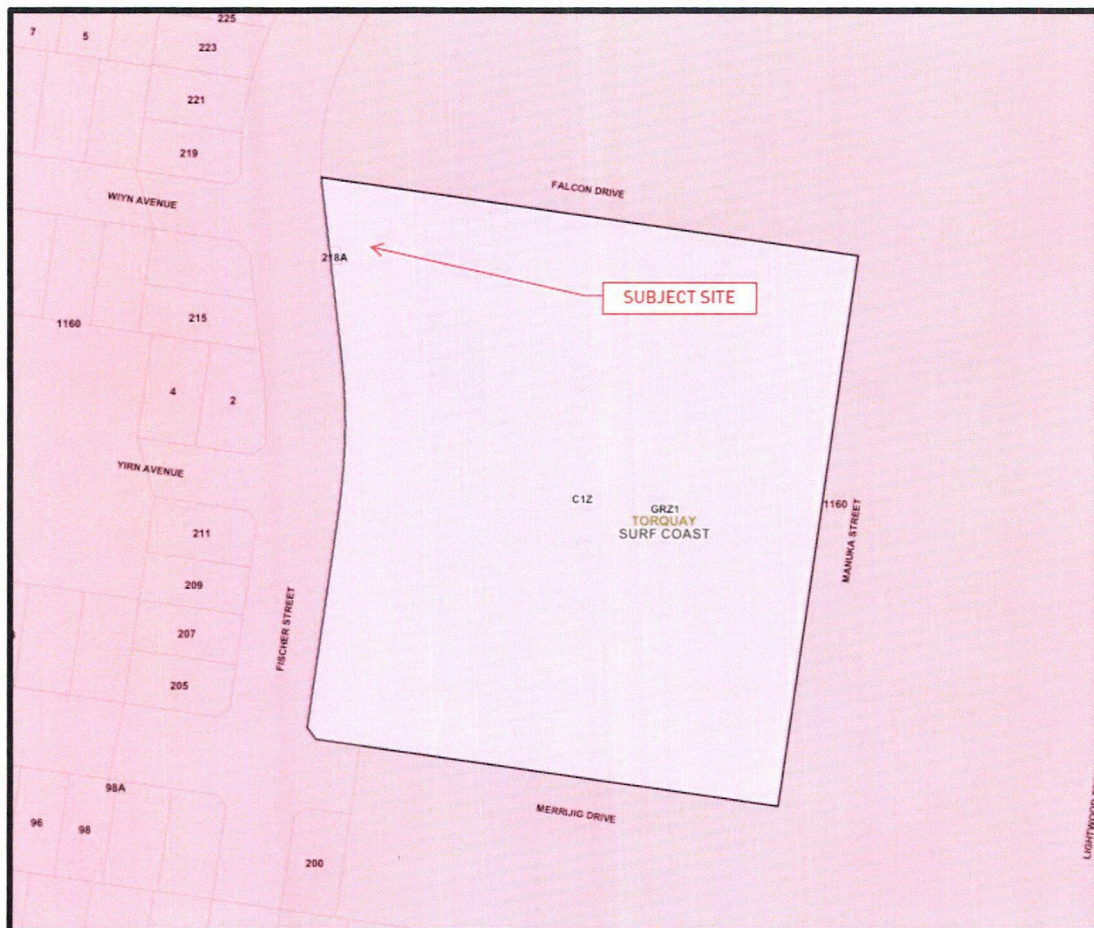


Figure 12: Zone Map



### 5.3 Design and Development Overlay

67 The purpose of the *Design and Development Overlay* (DDO) includes:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

68 A permit is required to construct a building or construct or carry out works unless a permit specifies otherwise.

69 Schedule 1 to the DDO (DDO1) relates to *Torquay Jan Jun Coastal Landscape Character*.

70 It seeks to:

- *Protect and enhance the low-rise coastal township character of Torquay Jan Juc.*
- *To minimise the visual prominence of development when viewed from the streetscape and adjoining properties, having regard to building height.*
- *To ensure the height of buildings is compatible with the existing scale and character of dwelling within the streetscape and neighbourhood.*

71 DDO1 exempts buildings and works under 7.5 metres in height above natural ground level from the requirement for a planning permit.

72 Schedule 23 to the DDO (DDO23) relates to the *Torquay North Neighbourhood Activity Centre*. It has the following design objectives:

- *To facilitate the development of a 'main street' type activity centre **with shops fronting directly** onto Merrijig Drive and **Fischer Street to provide an active and pedestrian focused interface.***
- ***To encourage a design and built form that reflects Torquay's coastal atmosphere**, emphasising strong associations with the beach and surfing culture of the township.*
- ***To ensure shops and cafes activate the street, with large car parking areas and larger format retail premises (e.g.***

**supermarket) that have large areas of blank walls being 'sleeved' by small retail or commercial premises.**

- *To promote development that is designed to cater for retail at ground level and office space or other professional type uses and dwellings on upper levels.*
- ***To create an environment conducive to walking, cycling and public transport use.***
- ***To ensure the landscaping of streets, public open spaces and private land contributes to a high quality environment.***
- ***To ensure the design and location of car parking and vehicular access does not detract from the amenity of the area.***
- ***To encourage interesting and innovative advertising signage that contributes to a vibrant centre and does not detract from the amenity of the area.***

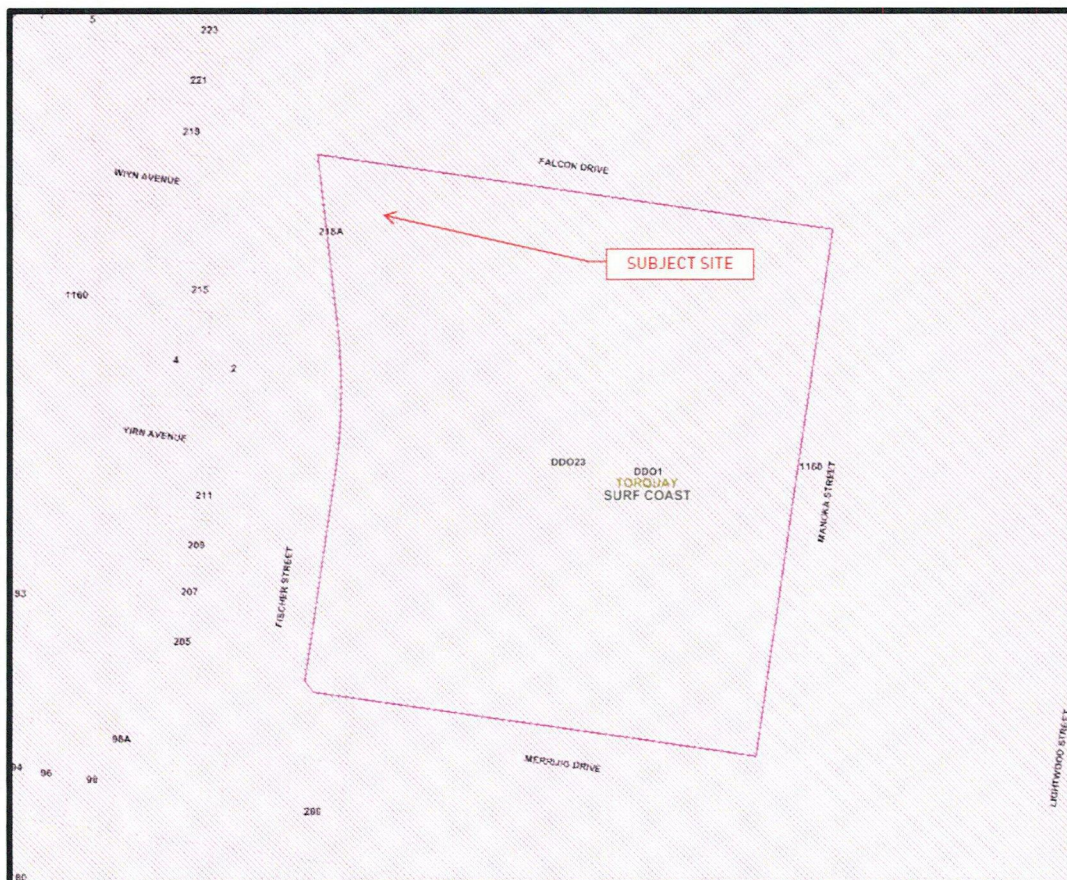


Figure 13: Design and Development Overlay

73 The following requirements of DD023 are relevant:

#### Building height

- *Buildings **should have a height of 2 storeys**, with the exception of larger format retail premises (e.g. supermarket), but not higher than 8 metres above natural ground level.*
- ***A minimum ground level floor to ceiling height of 3.5 metres is required for all buildings within the neighbourhood activity centre**, to allow for immediate or future commercial / retail ground floor use. The minimum upper level floor to ceiling height is 2.7 metres.*

#### Building setbacks

- ***Buildings should be set back from the Fischer Street and Merrijig Drive frontages to achieve a minimum 4 metre wide footpath between the back of kerb and front wall**, with some provision to be made for outdoor dining where appropriate.*
- ***Zero side boundary setbacks are encouraged to create a continuous building edge to the street.***

#### Building design

- ***Building facades should provide for individuality in shop front presentation and promote activity and interaction with the street.***
- *Provision is to be made for an awning over the footpath along Fischer Street and Merrijig Drive that extends the length of the shopping strip and has a consistent height.*
- ***Buildings should be scaled and orientated to maximise sunlight penetration to footpaths and alfresco areas during winter, where possible.***

#### Landscaping

- ***Planting visible from the public domain is to use species selected from the Torquay North street tree planting list** (refer Table 1 to DD023).*

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74 In addition, DDO23 provides the advertising controls for land within the overlay area are detailed at **Clause 52.05, Category 3**.

### 5.4 Development Plan Overlay

75 The purposes of the *Development Plan Overlay* (DPO) include:

- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

76 Schedule 8 to the DPO (DPO8) relates to *Torquay North Residential Precinct* and details the requirements for a development plan prepared to satisfy the overlay provisions.



Figure 14: Development Plan Overlay

#### 5.4.1 The Dunes Development Plan [East]

- 77 *The Dunes Development Plan [East]* (the 'development plan') has been prepared in accordance with the requirements of DPO8 (Figure 15).
- 78 It complements development plans approved for the surrounding land, including land to the west of Fischer Street (Figure 16).
- 79 The development plan identifies the subject site as forming part of a neighbourhood activity centre (NAC) at the northeast corner of Merrijig Drive and Fischer Street.
- 80 The NAC is expected to deliver a mix range of uses, including up to 5,000sqm retail floor area, child care and medical facilities, other innominate 'non-retail' uses and extensive car parking facilities .
- 81 The subject site is identified in the northwest corner of the NAC. It is expected to accommodate a 'non retail' use.
- 82 Other relevant features of the plan include:
- Land to the north is expected to deliver a higher density mixed use.
  - Bus services are identified in Fischer Street.
  - A local connector road is planned along the northern site boundary to link with residential subdivision to the east.
  - An aged care facility is planned on land to the northeast.
  - Vegetation is expected along the north site boundary.

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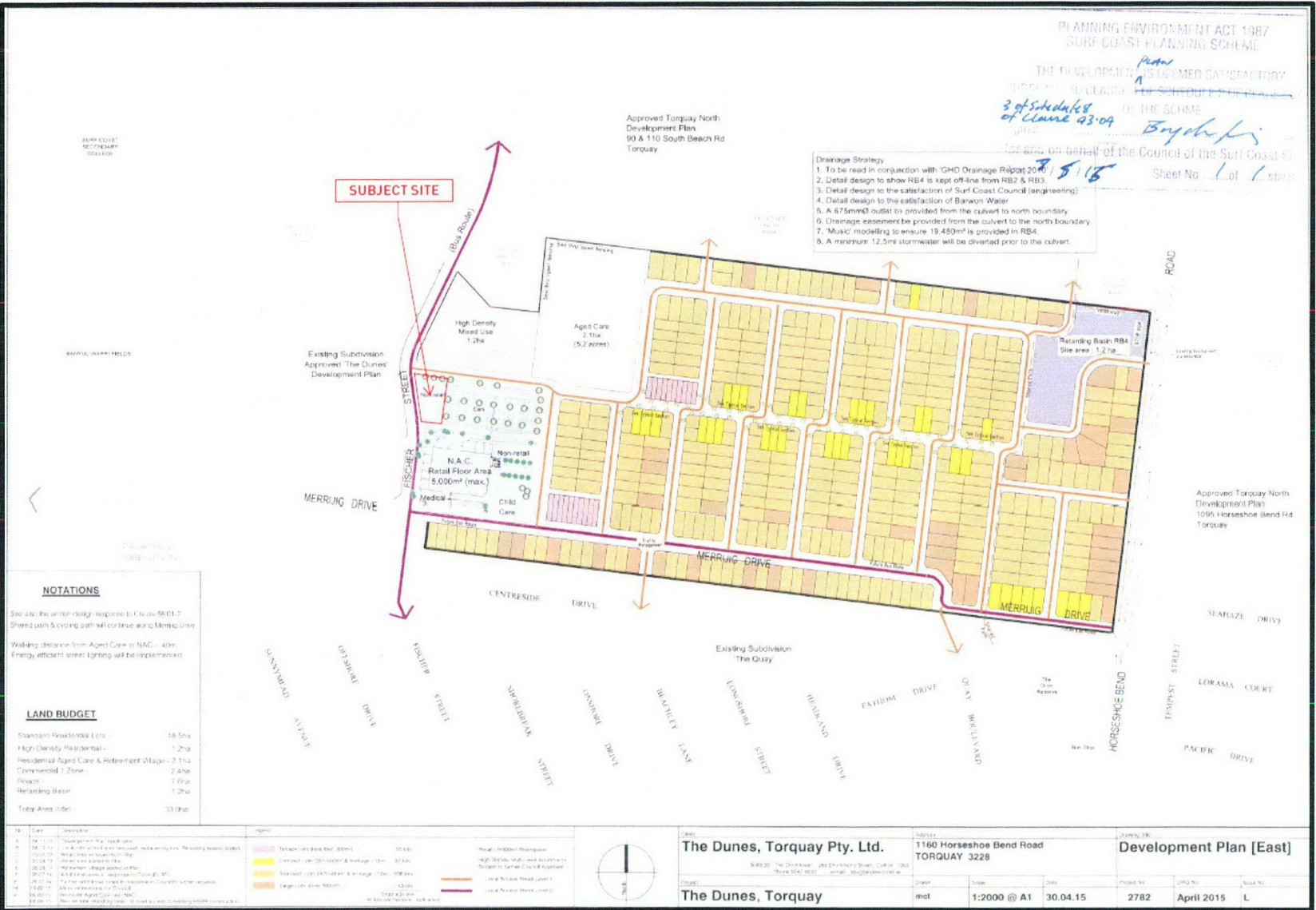


Figure 15: The Dunes Development Plan (East)

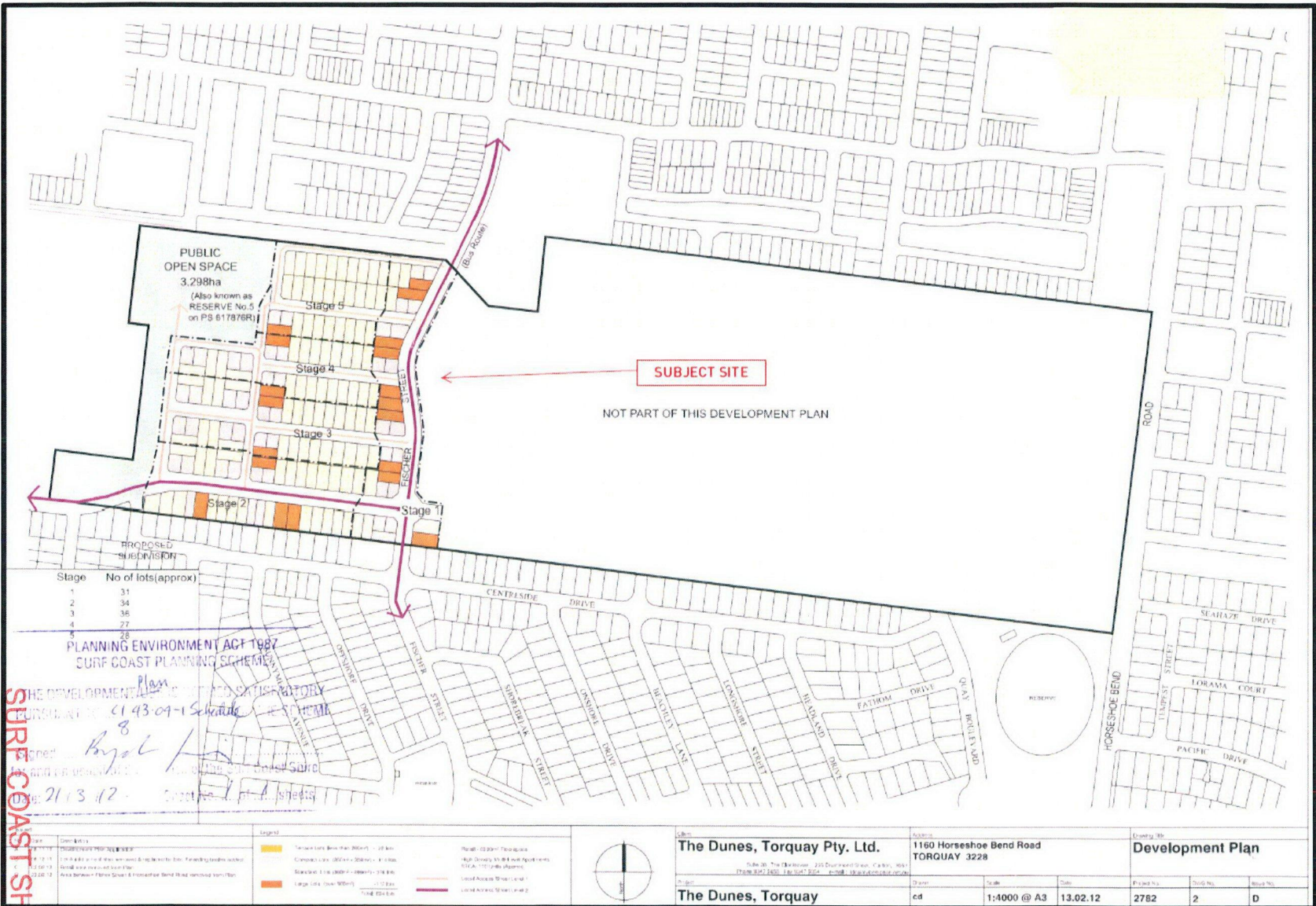


Figure 16: The Dunes Development Plan [West]

## 5.5 Parking Overlay

83 The purpose of the Parking Overlay (PO) includes:

- *To facilitate an appropriate provision of car parking spaces in an area.*

84 Schedule 3 to the PO (PO3) relates to *Torquay North Neighbourhood Activity Centre*. It applies to vary the number of car spaces to be provided within the overlay area to those detailed in Column B of Table 1 to Clause 53.06-5 (refer Section 5.6.2 of this report).

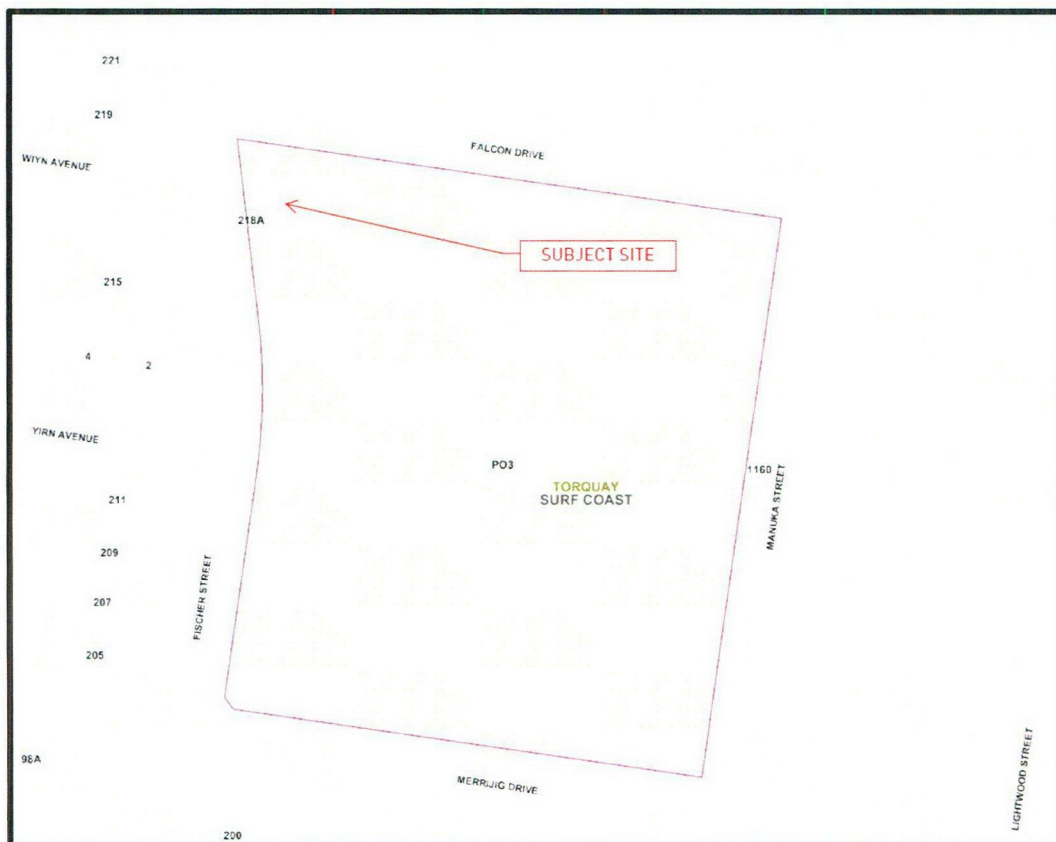


Figure 17: Parking Overlay



## 5.6 Particular Provisions

### 5.6.1 Advertising Signs – Clause 52.05

- 85 Under the provisions of Schedule 23 to the *Design and Development Overlay, Category 3 – High amenity areas* (medium limitation) advertising requirements apply to the *Torquay North Neighbourhood Activity Centre* under Clause 52.05-9.
- 86 A permit is required for the proposed signage (total 10 signs) including:
- Three (3) double sided promotional signs (also providing vehicle direction advice) located adjacent to the entry / exit points (1.125m x 0.55m each);
  - One (1) illuminated 'pay point'/kiosk facia mounted business identification sign (4.68m x 1m);
  - One (1) internally illuminated canopy facia mounted business identification sign (3.88m x 0.75m);
  - Four (4) above bowser 'spreader' promotional signs (1.53m x 0.75m each); and
  - One (1) internally illuminated business identification sign located in the setback to Fischer Street, also providing information about the nature of the business and availability/price of fuel (6.025 x 2.158);
- 87 The decision guidelines set out at Clause 52.05-3 require consideration of matters including:
- The character of the area;
  - Impacts on views and vistas;
  - The relationship to the streetscape, setting or landscape;
  - The relationship to the site or building;
  - The impact of structures associated with the signage;
  - The impact of any illumination;

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- The impact of any logo box associated with the sign;
- The need for identification and the opportunities for adequate identification on the site or locality; and
- The impact on road safety.

### 5.6.2 Car Parking – Clause 52.06

88 The detailed access and car parking implications of the proposal are addressed in the Traffic and Transport Assessment which accompanies the planning permit application.

89 Clause 52.06-2, *Car Parking*, provides that before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

90 A *Service station* is an innominate use in the Table to Clause 52.06-5.

91 Table 1 to Clause 52.06-5 provides that a *Convenience shop* (if the leasable floor area exceeds 80sqm) is required to provide 3.5 spaces to each 100sqm of leasable floor area<sup>3</sup>.

92 The proposal provides for ten (10) car parking spaces, including one disabled space and one 'air / water' space on the site. It satisfies the requirements of Clause 52.06-5.

### 5.6.3 Loading and Unloading of Vehicles – Clause 52.07

93 Clause 52.07 requires that a minimum loading bay area of 27.4sqm be provided for a commercial building with a floor area of 2,600sqm or less, including minimum dimensions of 7.6m (length), 3.6m (width) and 4m (height clearance).

94 This requirement is intended to service commercial buildings such as mainline supermarkets that are substantially larger than the 120sqm kiosk, which forms part of the proposed service station.

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<sup>3</sup> Clause 2.0 of Schedule 3 to the *Parking Overlay* (Clause 45.09) requires car parking to be calculated at the rate shown in Column B.

95 A permit is required to reduce these requirements to provide for a loading bay comprising approximately 20.4sqm, with dimensions of 6m (length) and 3.4m (wide) and no height restriction.

#### 5.6.4 Service Station – Clause 52.12

96 Clause 52.12 sets out the requirements that apply to the use and development of a *Service station*.

97 It has the following purposes:

- *To ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone.*
- *To ensure that use of land for a service station does not impair traffic flow or road safety.*

98 Land may only be used for a service station if the requirements of the clause are met, or a permit is issued to vary them. Requirements include provisions regarding site area, road setbacks and amenity.

99 In this matter a permit is required to vary the requirements relating to the minimum site dimensions, building setbacks and the width of crossovers (Clause 52.12-1).

100 The proposal seeks approval to vary:

- The minimum depth requirement for the site from 30m to 27.59m.
- The minimum setback of buildings from roads from 9 metres to 3 metres at the north of the site.
- The maximum width of crossovers from 7.7 metres to 12.675m and 10.245m in Fischer Street and along the southern site boundary respectively.

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## 6 ASSESSMENT FRAMEWORK

### 6.1 Introduction

101 The key issues for assessment in this matter are:

- Whether the proposed use of the subject site for a *Service station* is appropriate with regard to the objectives of activity centre and economic development policy;
- Whether the proposed built form and site layout responds appropriately to the site context, including the emerging character of the surrounding residential area and the relevant expectations about built form for the Torquay North Neighbourhood Activity Centre; and
- Whether the proposed use and development will minimise impacts on adjoining and proximate residential properties and residentially zoned land.

102 The following assessment demonstrates the proposal's response and compliance with the relevant objectives of State and local planning policy, the purposes and provisions of C1Z and DDO23 and the other relevant requirements, including the particular provisions, of *Surf Coast Planning Scheme*.

### 6.2 Commercial land use and the activity centre structure

103 The siting of a service station in this location is a sound strategic response to land use planning which envisages significant future growth and development at Torquay North.

104 Both the physical and strategic context of the site and locality advance an expectation for and conditions to support commercial and retail activity, including convenience services and facilities to meet the needs of the area's existing and future community.

105 The emerging land uses surrounding this site reflect the particular settlement structure and land use mix that underpins the detailed structure planning for the area.

- 106 The approved development of a neighbourhood activity centre adjacent to the site will support the function and role of a network of activity centres to meet the needs of the broader existing and future community in the Surf Coast Shire.
- 107 The proposed service station will contribute positively to those aspects of policy that require the site and land within the designated activity centre to develop as a focal point for community and commercial activity.
- 108 The proposal will serve to consolidate the future role and function of the activity centre and to enhance the convenience offer of the future shopping complex.
- 109 The following relevant matters are noted:
- The proposal will utilise vacant land, which will be located in a relatively prominent and accessible location for a use that benefits from high exposure.
  - The proposal will provide a land use compatible with planning which expects vehicle based activity associated with a planned large, at-grade car parking facility on the adjoining land.
  - While comprising a retail function, a service station does not of itself comprise 'traditional' retail activity.
  - The retail element is ancillary and complementary to the sale of fuel.
  - The proposed service station will serve a convenience and community function, directed primarily to enable access and transportation, and is an appropriate response to structure planning for the site, which expects 'non-retail activity'.
  - The proposed service station would not present any risk of inter-industry conflict; there are no other existing service stations in the proximate area.
  - The appropriateness of the site for a service station is reinforced by the ability to:
    - Accommodate car parking and traffic movements anticipated by the proposal on the site;

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- Integrate the built form with anticipated future commercial development on the adjoining land;
- Protect and maintain the amenity and experience of proximate and nearby residential properties; and
- Protect and maintain the amenity and experience of surrounding residentially zoned land.

### **6.3 A positive response to the emerging identity of the Torquay North Neighbourhood Activity Centre**

- 110 The proposal will make a positive contribution to the future Torquay North NAC and is an appropriate response to the *Design objectives* of Schedule 23 to the *Design and Development Overlay*.
- 111 The proposed service station will present as a simple contemporary form to complement the future shopping centre complex and nearby residential and mixed-use development of the abutting land.
- 112 The proposal will serve as an anchor to complete the northern car park entry and to distinguish the north-western extent of the activity centre precinct.
- 113 Key features of the design response include:
- A single storey building height to mark the 'end' of the activity centre precinct and to 'step down' and appropriately integrate with the approved at-grade car parking facility to the east of the site and the existing and future development of residentially zoned land to the east and west.
  - An active interface to Fischer Street to enhance the presentation and identity of the future activity centre and offering additional passive surveillance.
  - Articulated facade treatments including a contemporary and mixed palate of colours and finishes.
  - Opportunities for landscaping and screening within all site setbacks, including the interface to existing and future residential properties toward the north and the west. This will assist to enhance the

amenity of the area, including the future car park facility and the residential interface.

- A site layout that provides a visual buffer and relief for properties toward the north to the principal site activities, access ways, car parking, fuel dispensers and the active face of the proposed kiosk.
- On-site car parking and loading facilities located efficiently on-site.
- An advertising sign scheme is proposed to clearly identify the business and convey pricing information.

114 The proposed signs are simple and clear in form and expression, and relate to the scale and nature of the proposed service station.

#### 6.4 Amenity Impacts

115 Despite the sensitive interface to residential dwellings and residentially zoned land to the north and west of the site, an activity centre use and development is an expectation for the site and locality.

116 This report has drawn attention to the various attributes that contribute to the existing and future residential amenity of the immediate locality, including:

- Traffic and noise;
- Vacant land; and
- Commercial / activity centre character.

117 The abuttal of a future at-grade car park facility will establish an amenity that is defined by relatively high levels of traffic movement and noise and an illuminated car park at night.

118 The proposed use and development of the site would:

- Be wholly contained within the site;
- Be sited, orientated, and treated so as to screen and obscure views to nearby existing and future residential properties, principally in Falcon Drive;

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- Be developed and function to protect, as appropriate, the existing and future amenity and experience of adjoining properties;
- Be developed, sited, and orientated to integrate with the adjoining activity centre and car park and utilise planned access arrangements;
- Include landscaping to respect and integrate with the site context and adjoining streetscapes; and
- Include lighting and signage appropriate to the nature of the proposed business and locality.

119 A particular benefit of the proposed use and development will be the provision for landscape treatments in all site setbacks.

## **6.5 Business identification and advertising signs**

120 The expectation for business identification and advertising signs, including illuminated advertising signs, is partially established by the approval of the Torquay North NAC.

121 It will be expected that the majority of businesses that will establish in the centre will include a range of business identification and advertising signs, including illuminated material.

122 Given the size of the site, its exposure and corner location, and the relevant land use designation in C1Z, the proposed business identification and advertising signs are consistent with the expectations about character for the centre established by DDO23.

123 The proposed signage scheme has been designed to complement and integrate with the built form outcome and are proportionate to the scale of buildings and the respectful of the pedestrian scale of the streetscape.

124 The primary double-side business identification / 'price' sign will be located within the western frontage of the site, adjacent to Fischer Street. Approached by traffic from either direction, the double-sided sign will provide for adequate visibility for motorists to make an early and safe decision to enter the service station.



- 125 Internal illumination of the design will ensure the same level of identification outside of daylight hours.
- 126 Despite the proximity to residential land to the north and west of the site, the placement of internally illuminated business identification signage will have no detrimental impact on existing or future amenity taking into account:
- The orientatation of the double-sided business identificationsign in the setback to Fischer Street towards approaching traffic would be perpendicular to residential properties on the opposite of the street and will mean that no nearby existing or future dwellings would have a direct interface to the sign;
  - The canopy and kiosk facia mounted signs would both have a southern orientation and an interface to the future activity centre.
  - The presence, illumination and ambience that ought to be expect from the approved ajdacent car park.
- 127 Figure 13 provides an example of the proposed sign, which will emit no direct beam of light.

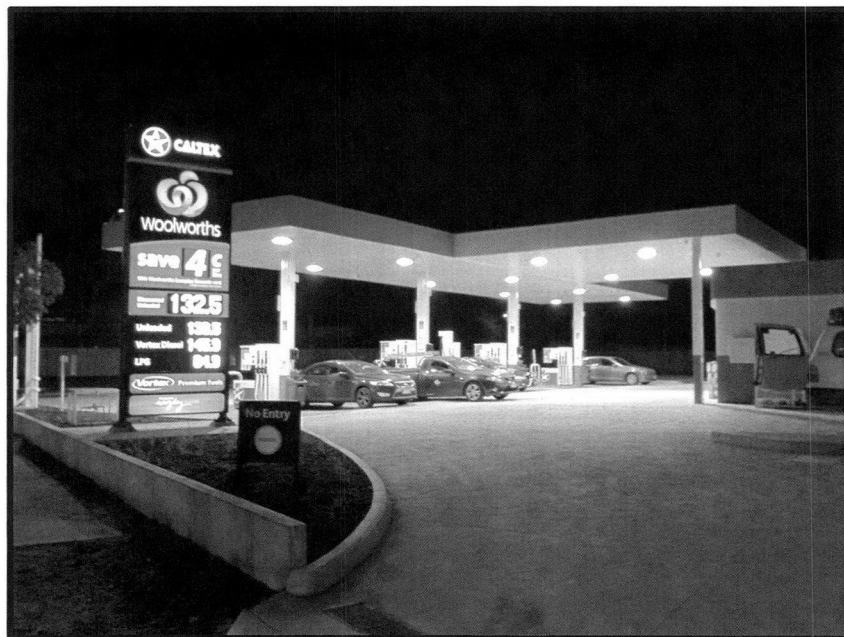


Figure 18: Example of a proposed double-sided 'price' sign

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## 6.6 Loading and unloading

- 128 The proposed service station includes a dedicated loading bay to the west of the proposed kiosk.
- 129 It has been designed to meet the reasonable loading and unloading needs of the service station while enhancing the safety and effective site operation.
- 130 Other than semi-trailers making fuel deliveries, the loading bay is of sufficient size and dimension to accommodate light rigid trucks and smaller vehicles which typically make deliveries to Caltex – Woolworths service stations.
- 131 No products will be delivered to the service station on pallets, nor would a forklift be required to unload any deliveries. Deliveries are typically made by hand and carried by couriers.
- 132 Other than fuel, deliveries typically include convenience goods and food /drink products. While some goods, such as newspapers, will be delivered on a daily basis, other products such as frozen goods are typically delivered fortnightly.
- 133 Given the intermittent delivery of goods, and based on empirical evidence, it is unlikely that multiple delivery vehicles would arrive at the service station concurrently.
- 134 The proposed loading bay will also provide sufficient space for refuse collection vehicles to park and access the bins located in front of the loading bay.
- 135 In the unlikely event that a larger delivery vehicle attends the site, it could be accommodated within the forecourt area without compromising safe and efficient operations.
- 136 The proposed loading bay has been designed in association with Cardno and consistent with the typical Caltex – Woolworths service station layout that has been implemented successfully throughout Victoria and Australia.

## 6.7 Service Station

137 The discussion and analysis of this report establishes the appropriateness of the site to accommodate the proposed service station.

138 This is in terms of both the delivery of complementary and convenience services to the locality and to accommodate the proposed built form and site operations.

139 A variation to the minimum requirements for a site depth of 30m and a setback of 9m for buildings from a road would result in an appropriate use and development outcome (Clause 52.12).

- The proposal provides for the effective and efficient use of the irregularly shaped site.
- The proposed site layout limits the opportunity for off-site impacts on Fischer Street and on residential land to the north and west of the site.
- A key component of the proposal is the provision of landscaping treatments to all site setbacks.
- The proposed location for the kiosk building at the northern end of the site would assist to screen the primary site activities from future residential uses to the north.

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PLANNING  
DEPARTMENT

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## 7 CONCLUSION

- 140 The proposed service station responds appropriately to the relevant policy framework. It would support the vibrancy and viability of the approved activity centre precinct by providing a use and development appropriate to the site.
- 141 The proposal will at the same time enhance the quality and appearance of the urban environment and will protect and maintain the reasonable amenity expectations of the existing and emerging residential area.