

## 1. Referral Authorities

No.	Authority	Summary of submission	Response
1	VicRoads	No objection to amendment.	Submission noted.

## 2. Public Submissions

No.	Type of submission	Summary of submission	Response
1	Objection  D Watkins	<p><i>Amenity, Health &amp; Safety Issues</i> Objects on grounds of site's proximity to schools and child care centres.</p> <p><i>Provision of Community Infrastructure</i> Does not believe the Amendment addresses more pressing community infrastructure needs.</p> <p><i>Alternative Sites for a Service Station</i> View that West Coast Business Park would be a more appropriate site for a service station.</p>	<p><i>Amenity, Health &amp; Safety Issues</i> The subject site is a large site of over 25,000sqm. It is located on the Surf Coast Highway and has a commercially based zoning. It is not unusual for a service station to be located within towns, near to residential areas and other community facilities. A future planning permit application for a service station would need to address amenity, health, safety and traffic management issues as set out in the Surf Coast Planning Scheme.</p> <p><i>Provision of Community Infrastructure</i> The provision of community infrastructure on this privately owned site is not a requirement of the Surf Coast Planning Scheme.</p> <p><i>Alternative Sites for a Service Station</i> Council needs to consider the appropriateness of this site for a possible service station as requested. There may be other suitable sites in Torquay.</p> <p>Refer submission to panel.</p>
2	Objection  P Brancatisano	<p>Resides adjacent to the subject site.</p> <p><i>Amenity, Health &amp; Safety Issues</i> Objects on grounds of potential health and environmental impacts, conflicting uses proposed for the site, the danger of increased traffic near schools and along school walking routes.</p> <p><i>Consistency with Gateway Status</i> Does not believe it complies with current Council policy</p>	<p><i>Amenity, Health &amp; Safety Issues</i> Refer to the response at Submission 1 above.</p> <p><i>Consistency with Gateway Status</i> It is considered that the proposed use warrants further consideration in this location. It is suggested that significant development up to 1km north of the site including the West Coast Business Park, the Surf Coast Shire Municipal Offices opposite the business park, and considerable planned and built residential development in this vicinity has meant that the significance of the land as the premier gateway site for Torquay is</p>

		<p>for the site. Suggests that this important “gateway” site should be used to promote local trade without opening it up to large chain businesses.</p>	<p>somewhat diminished. Notwithstanding this, the land is still in a very prominent location on the Surf Coast Highway and provides a lead up to the Surf City development to the south. It is considered that the proposed change would not be contrary to the zone provisions and that design requirements relating to the site as a “landmark” site would continue to apply and ensure a favourable built form outcome for the site as a whole.</p> <p>It should be emphasised that the Planning Scheme cannot control the brand of business seeking to use or develop land (eg. whether a business is part of a wider chain) but may only control the type of land use and development design.</p> <p>Refer submission to a panel.</p>
3	<p>Objection</p> <p>L Desmond</p>	<p><i>Amenity, Health &amp; Safety Issues</i> Objects based on safety concerns relating to potential conflicting movements between increased vehicle traffic, school children and petrol tankers.</p> <p><i>Alternative Sites for a Service Station</i> Acknowledges need for another petrol station to cater for growing population, but does not believe the subject site to be a suitable location.</p>	<p><i>Amenity, Health &amp; Safety Issues</i> Refer to the response at Submission 1 above.</p> <p><i>Alternative Sites for a Service Station</i> Refer to the response at Submission 1 above.</p> <p>Refer submission to a panel.</p>
4	<p>Support</p> <p>G Barton, associated with Torquay Theatre Troupe</p>	<p><i>Provision of Community Infrastructure</i> Supports the Amendment provided that the development outcome includes the provision of an arts space available and accessible to community groups. Believes that a service station on the site may provide more flexibility to support other development including the potential for community/performing arts infrastructure.</p> <p><i>Amenity, Health &amp; Safety Issues</i> Recognises the need for additional service stations in Torquay and that traffic and amenity risks associated with a service station could be carefully managed, as per other forms of development.</p>	<p><i>Provision of Community Infrastructure</i> As noted above, the provision of community infrastructure on this privately owned site is not a requirement of the Surf Coast Planning Scheme. The proponent submitted a Concept Plan with the Amendment which outlined a possible future multi use development outcome for the site. This Concept Plan included a potential “cinema/multi-purpose function centre” and “community/outdoor amphitheatre”. The landowners entered into a Section 173 Agreement with Council committing the landowner to developing the site generally in accordance with this Concept Plan should the Amendment proceed. There was no agreement however, that future development should provide a Council managed arts facility and it cannot be assumed or guaranteed that this will eventuate on the site.</p> <p>It is noted that the Development Contributions Plan Overlay applies to the site and it is technically possible that Council could negotiate the</p>

			<p>provision of works in kind rather than the specified payment amount, however the content of the Development Contributions Plan for Torquay Jan Juc would need to be amended to reflect this and no investigation into likely costs of such a facility has currently been undertaken.</p> <p><i>Amenity, Health &amp; Safety Issues</i> The submitter's comments are noted.</p> <p>Refer submission to a panel.</p>
<b>5</b>	<p>Objection</p> <p>P Newson on behalf of Lions Village, Torquay</p>	<p>The Lions Village Torquay is a retirement village located adjacent to the subject site.</p> <p><i>Amenity, Health &amp; Safety Issues</i> Objects on the basis of amenity impacts on the existing retirement village near the subject site. Raises concern with potential 24-hour operation of a service station on the site, the lack of detail around the size of any potential service station, possible traffic problems, overlooking and the intensity of development on the Concept Plans for the site exhibited alongside Amendment C113.</p> <p><i>Consistency with Gateway Status</i> Does not believe it complies with current Council policy for the site.</p>	<p><i>Amenity, Health &amp; Safety Issues</i> Refer to the response at Submission 1 above.</p> <p><i>Consistency with Gateway Status</i> Refer to the response at Submission 2 above.</p> <p>Refer submission to a panel.</p>
<b>6</b>	<p>Support</p> <p>M Liuzzi</p>	<p>Support on the basis that a service station is needed to support continued population and tourism growth in Torquay.</p>	<p>Submission noted.</p> <p>Refer submission to a panel.</p>
<b>7</b>	<p>Support</p> <p>E Liuzzi for Amerl Industries P/L</p>	<p>Expresses general support for the Amendment.</p>	<p>Submission noted.</p> <p>Refer submission to a panel.</p>
<b>7a</b>	<p>Support</p> <p>E Liuzzi for Famiglia Liuzzi P/L</p>	<p>Expresses general support for the Amendment.</p>	<p>Submission noted.</p> <p>Refer submission to a panel.</p>

8	<p>Objection</p> <p>A Reiter &amp; H Bleazby</p>	<p>Opposition on the basis of health concerns relating to potential proximity of any potential service station on the site to existing housing, the retirement village, and potential childcare/aged care facilities shown in Concept Plan.</p>	<p><i>Amenity, Health &amp; Safety Issues</i> Refer to the response at Submission 1 above.</p> <p>In addition to the standard reports required to address amenity issues, it would be pertinent in this case to request a “Neighbourhood Air Quality Assessment” given the site adjoins a number of residential properties and based on possible sensitive uses that might also be proposed for the site, including child care and aged care facilities.</p> <p>Refer submission to panel.</p>
9	<p>Support</p> <p>C &amp; F Cole</p>	<p>Support based on population growth, development’s potential contribution for employment and the Concept Plan exhibited alongside Amendment C113.</p> <p>Particular support for an arts facility and an electric vehicle charging station.</p>	<p>Submission noted.</p> <p><i>Provision of Community Infrastructure</i> Refer to the response at Submission 4 above.</p> <p>Refer submission to panel.</p>
10	<p>Objection</p> <p>S O’Shannassy</p>	<p><i>Consistency with Gateway Status</i> Objection based on view that a service station is inappropriate at this “iconic” site in Torquay, and lack of strategic justification for the Planning Scheme to be amended to allow permit applications for service stations</p> <p><i>Alternative Sites for a Service Station</i> View that West Coast Business Park would be a more appropriate site for a service station.</p> <p><i>Provision of Community Infrastructure</i> The possibility of an arts facility should not be used as an enticement for this Amendment to proceed.</p> <p><i>Other Points</i> Objects to the possibility of convenience food outlets close to schools.</p>	<p>Submission noted.</p> <p><i>Consistency with Gateway Status</i> Refer to the response at Submission 2 above.</p> <p><i>Alternative Sites for a Service Station</i> Refer to the response at Submission 1 above.</p> <p><i>Provision of Community Infrastructure</i> Refer to the response at Submission 4 above.</p> <p><i>Other Points</i> Shops, Food and Drink Premises and Convenience Shops are already permit-required uses on the site under the SUZ5.</p> <p>Refer submission to panel.</p>
11	<p>Support</p> <p>L Smith</p>	<p>Support based on view that the subject site is appropriate for a service station.</p> <p>Support for other uses mooted in development Concept Plan exhibited alongside Amendment C113.</p>	<p>Submission noted.</p> <p>Refer submission to panel.</p>

12	Support E Hayes	Support based on location and uses detailed in Concept Plan exhibited alongside Amendment C113.	Submission noted.  Refer submission to panel.
13	Objection  3228 Residents Association	<p><i>Consistency with Gateway Status</i> Objects on the basis that a service station in Precinct T1 is not appropriate and there is no justification for a change to this policy. Changes to policy should not be made without considerable consultation and reference to the Torquay Jan Juc Strategy.</p> <p><i>Alternative Sites for a Service Station</i> View that West Coast Business Park would be a more appropriate site for a service station.</p> <p><i>Other Points</i> If Council should proceed with the Amendment, it should include controls to not allow a service station to be located directly on the Grossmans Road Corner, and that any service station's capacity should be limited to four bowsers.</p>	<p><i>Consistency with Gateway Status</i> Refer to the response at Submission 2 above.</p> <p><i>Alternative Sites for a Service Station</i> Refer to the response at Submission 1 above.</p> <p><i>Other Points</i> Given the prominent position of the site, its size and proximity to nearby schools and residential areas it would be reasonable to apply some additional criteria through this Amendment C113. It is proposed that Council recommend the following conditions in the Special Use Zone, Schedule 5 be referred to a Panel alongside the Amendment:</p> <p>In Precinct T1 the site must:</p> <ul style="list-style-type: none"> <li>• Be accessed only from the Surf Coast Highway or a service road running parallel to the Surf Coast Highway.</li> <li>• Not be located on the Grossmans Road frontage or have access from Grossmans Road.</li> </ul> <p>It should also be noted that the Design and Development Overlay, Schedule 7 which applies to the site requires a 40m landscape setback at the Grossmans Road corner, along with a 20m building setback to the Surf Coast Highway and 10m minimum setback to Grossmans Road.</p> <p>In terms of the number of bowsers, a limit on the number provided is not supported at this stage and the merits of any development application should be assessed through the planning permit application.</p> <p>Refer submission to panel.</p>
14	Support Late submission  C McGree	Support based on the need for development on the site as a gateway area. Proposes that the configuration of uses on the concept plan exhibited alongside Amendment C113 be amended to separate traffic movements and encourage interaction between childcare and aged	Submission noted.  The Concept Plan exhibited alongside Amendment C113 is not part of a formal planning permit application at this time.  Refer submission to panel.

		care centres.	
15	Objection  S Barker	<p><i>Consistency with Gateway Status</i>  Objection based on changing Council policy for this site. Contends that a service station would not be consistent with the site as a critical landmark property on the Surf Coast Highway. A service station would not meet the design objectives of the Design and Development Overlay, Schedule 7 (DDO7) as built form outcomes would be driven by safe access and egress, signage and visibility, and substantial paved areas for vehicles. Service stations are not landmark uses. The submission asserts that the importance of the Surf Coast Highway, and this site in particular, should not be underestimated in terms of its role to reinforce Torquay as the surfing capital and contribute to the experience that visitors and locals have when they traverse the Surf Coast Highway. It suggests that the proposal goes against the intent of Amendment C36 which introduced the DDO7 to acknowledge the critical importance of this site to Torquay.</p>	<p><i>Consistency with Gateway Status</i>  Refer to the response at Submission 2 above.</p> <p>There is no written record as part of Amendment C36 which considers the appropriateness of Precinct T1 for a service station. There is much discussion around shop type uses and what might constitute “tourist related retail”. Precinct T4 which permits service stations falls under the same purpose as Precinct T1 in terms of providing for tourist related uses, and thus a service station cannot be seen as contrary to the purposes of the SUZ5. Through public consultation a question was raised about the appropriateness of the 3,000sqm site area limit for a service station and the response at the time was that “it is appropriate to apply the site area limit in the Special Use Zone as this is not a use that should be encouraged to dominate in this zone”. As such, Amendment C78 was prepared and exhibited with no change made to the provisions regarding service stations. The primary limiting purpose of Precinct T1 continued to be to ensure that it would not be dominated by restaurants, cafes and takeaway food premises.</p> <p>It is not considered that the Amendment would lead to a “domination” of the zone by service stations, nor would it destabilise the retail hierarchy for Torquay and the primacy of the Torquay Town Centre – which was one of the main drivers behind the establishment of the SUZ5.</p> <p>Refer submission to panel.</p>