

SURF COAST PLANNING SCHEME

AMENDMENT C115

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 ALDI Stores Pty Ltd.

Land affected by the Amendment

The Amendment applies to Lots 312-314, on PS711644P, Winki Way, Torquay, Vic, 3228.

What the amendment does

The Amendment incorporates the subject site into Clause 52.03 (Specific Sites and Exclusions), excluding it from the requirements of Clause 33.03-1 (Table of Uses), enabling the Responsible Authority to consider a planning permit at the site for the use and development of a Supermarket, provided the floor area does not exceed 1,800 square metres.

The Amendment does not exclude the subject site from the purpose or decision guidelines of Clause 33.03 (Industrial Use Zone), nor any other planning provisions of the Surf Coast Planning Scheme that are relevant to the land.

The Amendment will include the following changes to the Surf Coast Planning Scheme:

- Amend the Schedule to Clause 52.03 (Specific Sites and Exclusions) to incorporate land at 312-314 PS711644P, Winki Way and list the proposed incorporated document; and
- Amend the Schedule to 81.01 (Table of Documents incorporated in this Scheme) to include *Lots 312-314 on PS711644P, Winki Way, Torquay - West Coast Business Park, April 2016* as an incorporated document.

Under Section 96A of the *Planning and Environment Act 1987* the Amendment includes an application for a planning permit for:

- Use of Land for a Supermarket with a floor area of less than 1,800 square metres.
- Buildings and works associated with the development of the site.
- Use of Land to sell liquor as part of a liquor licence for the supermarket.
- Erect and display internally illuminated business identification signage.

Strategic assessment of the Amendment

Why is the Amendment required?

Over the past 15 years, the economy of the Surf Coast Shire has expanded at almost four times the rate of regional Victoria and 1.6 times the State average, with the vast majority of growth focused within Torquay-Jan Juc. Economic prosperity has coincided with considerable population growth, which makes Torquay-Jan Juc one of the fastest growing regions outside of Metropolitan Melbourne.

In an effort to respond to this additional demand for groceries, ALDI Stores Pty Ltd has been actively searching for a suitable location to develop an ALDI Store in Torquay for the past

eight years. This process has been challenged by the difficulties of amalgamating fragmented land, commercial competition and identifying suitable sites.

The proposed Amendment is part of a combined Planning Permit and Amendment application which has used the sequential approach to select a site. It seeks to respond to the expected growth of the municipality and will enable ALDI to establish its business on a suitably sized piece of land in a location that has been identified by many in the community as an acceptable location for an ALDI Supermarket in Torquay.

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

The Amendment implements the objectives of planning in Victoria (sections 4(1) of the *Planning and Environment Act 1987*) by logical planning controls for the fair, orderly, economic and sustainable use and development of land, which will meet the current and future needs to the Torquay / Jan Juc community and the wider area.

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

The Amendment will not have an adverse effect on the environment and will not compromise the achievement of any environmental objectives in the Planning Scheme.

The site is currently a vacant site in a new estate that fronts onto the Surf Coast Highway and does not contain any significant features.

Torquay overall, has a unique character that is highly valued by its residents and visitors. It is this character that attracts people in the first place and provides an alternative lifestyle destination away from the more suburban built form and densities of metropolitan Melbourne and Geelong. 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 competitiveness of local grocery and retail shopping providers.
- Provide local employment opportunities both pre and post construction.
- Ensure the development of an ALDI Store in a location that is easily accessible to all members of the Torquay-Jan Juc community and the wider area.
- Contribute to the economic growth of Torquay-Jan Juc and contribute to the continued vitality of existing industry and commercial uses in the surrounding area.
- An economic impact assessment by Essential Economics has indicated that the proposed development will not impact the vitality or growth of existing activity centres or the Torquay-Jan Juc retail hierarchy.
- ALDI Customers of Torquay are currently forced to travel to either ALDI Grovedale or Highton. It is therefore considered that the development of an ALDI Store in the proposed location will reduce escaped grocery expenditure.
- The surrounding road network and future development of Winki Way has been designed to support large vehicular movements and high levels of traffic and will not be affected by the development of an ALDI Store.
- A major bus stop is located on the corner of Merrijig Drive and the Surf Coast Highway, providing public transport access between the subject site in Torquay North, Torquay / Jan Juc and Geelong.
- The surrounding road network and future development of Winki Way has been designed to support large vehicular movements.
- The proposed amendment and subsequent development will improve the public realm by providing for attractive uses along the Surf Coast Highway frontage of the West Coast Business Park.

The subject site does not contain any significant vegetation and the proposed amendment will not result in any environmental effects. Does the Amendment address relevant bushfire risk?

The Amendment does not affect any land in identified high bushfire risk areas.

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

The Amendment is not affected by any of the Minister's Directions under section 12 of the Planning and Environment Act 1987.

The Amendment complies with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Amendment complies with the requirements of Minister's Direction No.11 Strategic Assessment of Amendments.

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 recognises the need for planning to contribute towards a diversity of choice and will build on the region's economy to ensure a sufficient supply of grocery and retail in a location that is easily accessible to the wider community.

Clause 17 (Economic Development)

The amendment will ensure that Torquay-Jan Juc and the surrounding region will have the same variety of choice for groceries as other regional towns in Victoria. Economic analysis does not anticipate that the proposed amendment will adversely impact the provision of retail facilities and services currently provided to local residents or trading performance of grocery competitors. Furthermore, it is expected that the amendment will allow for increased retail spending in the municipality and provide positive net community benefits due to its contribution to local investment, local employment and expanded level of retail choice.

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 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 to the prevailing rhythm and scale of the area and have an active frontage. *Clause 21.08 (Torquay-Jan Juc Strategy)*

The proposal is considered to be highly consistent with Clause 21.08 (Torquay-Jan Juc Strategy) as the proposed location is a greenfield site in an identified employment node.

The Amendment will allow an ALDI Store to be developed whilst protecting the valued characteristics of old Torquay and the attractiveness of the township.

Economic analysis of the Amendment has concluded that it will not impact the hierarchy of mixed use, sustainable, attractive and accessible activity centres in Torquay-Jan Juc and surrounding areas. Furthermore, it is anticipated that the level of retail spending to existing and new retailers in the Torquay Main Trade Area will continue to expand over time with continued growth in population and visitor numbers and their spending. As such, the proposed Amendment will contribute positively to a net community benefit due to its contribution to local investment, local employment and expanded level of retail choice.

The development is generally considered to be consistent with objectives to protect land within employment precincts and maximise local employment growth. Furthermore, despite generally being considered a 'supermarket', the business model of ALDI with non-grocery goods will ensure that the proposal is generally consistent with policies which seek to encourage bulky goods retail in the West Coast Business Park.

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

ALDI's attempt to obtain a suitable site in Torquay over the past eight years has come up against a series of unique and extraordinary circumstances that have prevented ALDI from obtaining a suitable piece of land in an existing commercial area. As a result, ALDI and Council have begun to consider accepted planning practices in Metropolitan Melbourne, which allows for certain retail uses to establish on Industrial 3 Zoned land in appropriate locations, near arterial roads.

The proposed use of Clause 52.03 (Specific Sites and Exclusions) has been selected for the following key reasons:

- The characteristics of population growth in Torquay are significantly different from other settlements across the Surf Coast Shire and it is therefore considered important to protect Industrial 3 Zoned land in other townships in the municipality.
- An amendment to the Industrial 3 Zone to include Industrial land in Torquay would not permit a Supermarket to be developed on the subject site, as it does not have direct access to a road in a Road Zone and is more than 30 metres (32 metres) away from the Surf Coast Highway.
- Amending the Industrial 3 Zone, (such as varying distances) is not considered appropriate as it will have flow on effects for the entire state.
- The use of Clause 52.03 (Specific Sites and Exclusions) is consistent with the findings of the Ministerial Committee Report for Amendment C6 which concluded that uses that were considered appropriate but were not specifically permitted by the Industrial 3 Zone could be considered by the Responsible Authority through this Clause.
- Undertaking a site specific rezoning to either a Commercial 1 or Commercial 2 Zone is considered inappropriate as these zones could potentially result in unwanted uses (including residential); and would be inconsistent with the findings of the Ministerial Committee Report that was prepared when the land was originally rezoned to Industrial 3 Zone.
- A site specific rezoning of the land to a Commercial Zone may create expectations that the subject site and surrounding land will expand into a future activity centre of Torquay, which is not the purpose of the proposed amendment and is inconsistent with local policy.
- The use of Clause 52.03 (Specific Sites and Exclusions) will ensure that the site continues to be affected by the purpose and Decision Guidelines of the Industrial 3 Zone.

It is therefore considered that the Amendment makes proper use of the Victorian Planning Provisions, adopting the most appropriate planning tool to address an exceptional circumstance which is unique to the Surf Coast Shire.

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

The views of relevant agencies will be considered as part of this Amendment. Any referral comments will be taken into consideration following exhibition of the Amendment and the receipt of any submissions. 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 new planning provisions are considered to have limited impact on the resource and administrative costs of Council.

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.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection or the Surf Coast Shire website www.surfcoast.vic.gov.au.

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 **[insert submissions due date]**.

A submission must be sent to:

Strategic Planning Co-ordinator
Surf Coast Shire
PO Box 350
Torquay VIC 3228

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: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]]**