

SURF COAST PLANNING SCHEME AMENDMENT C123

PLANNING PERMIT APPLICATION 17/0207 EXPLANATORY REPORT

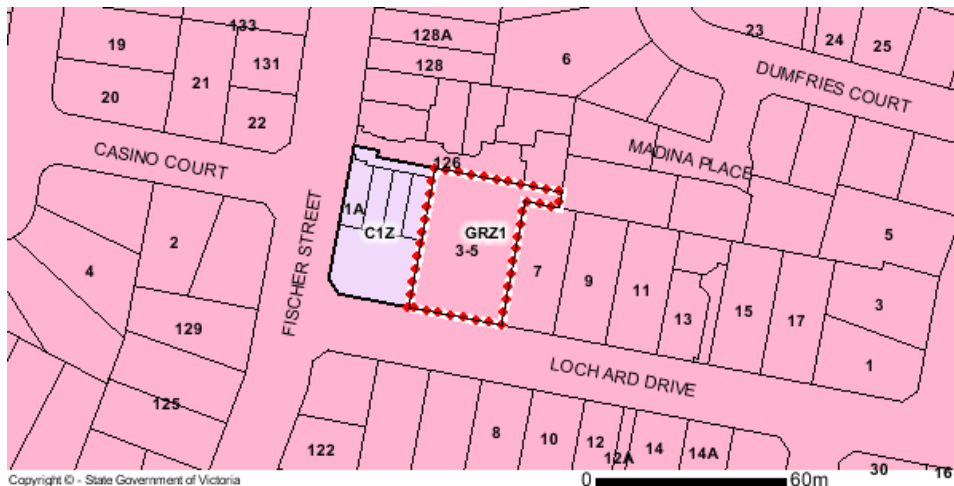
Who is the planning authority?

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

The Amendment has been made at the request of GELD Investments Pty Ltd.

Land affected by the Amendment

The Amendment applies to land at 3-5 Loch Ard Drive, Torquay (Lot S2 on PS410328D contained in Certificate of Title Volume 10536 Folio 294).



The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to 3-5 Loch Ard Drive, Torquay.

What the amendment does

The Amendment rezones the land from General Residential Zone Schedule 1 to Commercial 1 Zone to facilitate the use and development of the land for commercial purposes.

The Amendment:

- Rezones the land from General Residential Zone Schedule 1 to Commercial 1 Zone
- Deletes Schedule 21 to Clause 43.02 Design and Development Overlay from the land

The planning permit application seeks approval for:

- Buildings and works associated with the construction of four commercial premises and a dwelling
- Reduction of the number of car parking spaces required under Clause 52.06-5
- Waiving of the loading requirements of Clause 52.07

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

The subject land at 3-5 Loch Ard Drive Torquay was formerly part of a parent property described as 1 Loch Ard Drive (Lot 135 L/P 132299). The property was zoned Local Business Zone under the old format Surf Coast Planning Scheme and was identified as a Local Business Area in the 1992 Torquay/Jan Juc Structure Plan and 1996 Comprehensive Strategy Plan for Torquay/Jan Juc, servicing the Torquay North area. The centre is shown as a Local Activity Centre on the Torquay-Jan Juc Framework Map at Clause 21.08.

In 1990 the site was the subject of a planning permit for the construction of eight commercial premises. Four premises (stage 1 of the development) were constructed on land now contained within 1 Loch Ard Drive. Construction of the remaining four premises (stage 2) on 3-5 Loch Ard Drive never proceeded and the land is currently vacant.

Both 1 and 3-5 Loch Ard Drive were zoned Residential 1 Zone upon gazettal of the New Format Surf Coast Planning Scheme in 2000, despite the commercial use of the land and its designation as a Local Business Centre in strategic plans. No. 1 Loch Ard Drive was rezoned to Business 1 Zone (now the Commercial 1 Zone) in 2010 in recognition of its commercial use. No. 3-5 Loch Ard Drive remained within the residential zone and is currently zoned General Residential Zone.

The Amendment is required to rezone the subject land and remove the Design and Development Overlay (Schedule 21) to facilitate the development of the land for commercial purposes consistent with the established local activity centre and as originally intended and formerly approved.

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

The Amendment implements the objectives of planning in Victoria by addressing the relevant objectives set out in Section 4 of the *Planning and Environment Act 1987*. The rezoning of the land to Commercial 1 Zone and the removal of the Design and Development Overlay (Schedule 21) will allow the development of the land for commercial and residential purposes as intended and will support the existing pattern of commercial and urban development in the area, which will provide a net benefit to both the local and broader community.

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

The Amendment will generate positive social and economic effects. It will support the existing pattern of commercial premises within the local centre, provide more choice in retail and commercial services for the local community within a walkable catchment, and increase employment opportunities and the supply of commercial spaces to meet local demand. The small scale of the development is conducive to attracting a diverse range of commercial enterprises, in particular start-up and small businesses that generate a variety of local jobs. The small expansion of commercial floor space is not expected to undermine the retail hierarchy in Torquay or detrimentally affect the role and performance of other activity centres.

The Amendment will not have adverse environmental impacts. The subject land does not contain any native vegetation or other identified elements of environmental significance, and is not subject to any environmental hazards such as flooding, erosion or bushfire. The centre is accessible by sustainable modes of transport, including walking, cycling and public transport.

Does the Amendment address relevant bushfire risk?

No bushfire risk has been identified in relation to the rezoning. The land affected by the Amendment is not contained within the Bushfire Management Overlay.

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

The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* and is consistent with Ministerial Direction No. 11.

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

The Amendment supports and implements the following provisions of the SPPF:

Clause 10 – Operation of the SPPF

The operation of the SPPF states that planning in Victoria is to provide for the fair, orderly, economic and sustainable use and development of land. The use and development of the land for commercial purposes

is constrained by the restrictive nature of the General Residential Zone. Rezoning the land to a Commercial 1 Zone will allow for better opportunities for commercial development and uses.

Clause 11 - Settlement

The land is most suited to commercial use and development due to its locational advantages adjoining existing commercial uses within a local activity centre. State Planning Policy confirms that planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space.

Clause 12 – Environmental and landscape values

This clause recognises the significant role the planning process has to protect the health of ecological systems and to conserve areas of biological significance. The subject land does not contain any significant flora or fauna or any biological significance that would be impacted by future development as a result of rezoning the land to a Commercial 1 Zone.

Clause 13 – Environmental risks

The land has not been identified as either being subject to flooding or erosion or any other environmental hazard including bushfire risk. There is no native vegetation located on the subject land.

Clause 15 – Built environment and heritage

The Amendment will ensure the use and development of the land will be safe, functional and will provide a good quality urban environment with a sense of place and identity. The Amendment will also ensure that the built environment supports the social, cultural, economic and environmental wellbeing of the community.

Clause 17 – Economic development

Planning is to contribute to the economic wellbeing of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential. The site is suitably located for commercial development and uses, with an immediate abuttal to existing commercial premises within a local activity centre. It will support the existing local activity centre and attract residents and visitors into the area which will increase demand for goods and services and provide future employment prospects. The Amendment will ensure that the development on the land meets the community's needs for commercial uses and will provide a net benefit in relation to accessibility and efficient existing infrastructure use.

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

The Amendment supports the Local Planning Policy Framework, in particular Clauses 21.02-2 (Activity Centre Planning) and 21.08-4 (Torquay-Jan Juc Strategy – Economic Development) of the Municipal Strategic Statement, and will:

- Not prejudice or undermine the existing activity centres within Torquay-Jan Juc and the Surf Coast Shire.
- Support and strengthen the role of the existing local activity centre and provide convenient services within walking distance for the local community.
- Provide scope for improvements to the appearance of the group of commercial premises, the amenity of the pedestrian environment and the public realm.
- Encourage the use of public transport and sustainable transport modes due to the proximity of the land to bus services and the pedestrian and bicycle network.
- Ensure that new development is sympathetic to the character of the surrounding buildings.

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

The Commercial 1 Zone is the most appropriate zone to facilitate the development of the site for commercial purposes and is consistent with the adjoining commercially zoned land. The deletion of the Design and Development Overlay Schedule 21 is warranted due to the intended zoning of the land.

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

The views of relevant agencies will be sought through public exhibition of the Amendment.

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

No requirements of the Transport Integration Act are relevant to the Amendment.

Resource and administrative costs

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

The rezoning of the land and the deletion of the Design and Development Overlay (Schedule 21) will not have any significant impact on the resource and administrative costs of 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 Offices, 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.

Submissions

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and/or planning permit must be received by **[insert submissions due date]**.

A submission must be sent to: Surf Coast Shire, PO Box 350, Torquay VIC 3228 or emailed to 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**
- panel hearing: **TBC**