

## SURF COAST SHIRE PLANNING SCHEME

### AMENDMENT C119

#### EXPLANATORY REPORT

#### Who is the planning authority?

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

The Amendment has been made at the request of the Surf Coast Shire Council.

#### Land affected by the Amendment

The Amendment applies to land at 7, 7A and 7B Walker Street, Torquay. (Refer Figure 1).

**Figure 1 – Subject Land**



#### What the amendment does

The Amendment proposes to remove the Public Acquisition Overlay (PAO2) from 7, 7A and 7B Walker Street, Torquay.

The Amendment in more detail proposes to:

##### *Ordinance Amendment*

- Amend Clause 21.08-6 Torquay-Jan Juc Strategy by deleting the requirement to apply the Public Acquisition Overlay to properties required for car parking in the Torquay town centre.
- Amend the schedule to Clause 45.01 Public Acquisition Overlay by deleting PAO2 – Land required for a public car park from the table.
- Amend the schedule to Clause 61.03 by deleting 20PAO from the list of maps comprising part of the scheme.

##### *Map Amendment*

- Delete PAO2 affecting land at 7, 7A, and 7B Walker Street, Torquay.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Amendment is required as a result of a Council resolution on 13 September 2016 to request authorisation from the Minister for Planning to prepare a planning scheme amendment to remove the Public Acquisition Overlay Schedule 2 (PAO2) from 7, 7A and 7B Walker Street, Torquay as a result of the overlay having become redundant following a review of car parking in the Torquay town centre.

The current PAO2 applies to the 3 subject properties in Walker Street, Torquay, arising out of a recommendation of the previous 'Torquay Town Centre Parking and Access Strategy 2011-16,' (2011) and its predecessor.

The removal of the PAO2 is a recommendation from the 'Torquay Town Centre Access and Parking Strategy Review 2016-2021,' (2016). Public consultation on the remaining recommendations of this document is scheduled to occur later this year as part of a broader Torquay CBD strategic investment facilitation project. It is expected that this consultation and project may lead to a future planning scheme amendment which will include much broader public notification.

The Strategy Review (2016) conducted an analysis of current and estimated parking demands and determined that the purchase of properties by Council to provide additional public parking is not required. The removal of the PAO2 is based upon and justified only by the identification in the Strategy Review (2016) of alternative options that would allow the delivery of public parking on existing public land in a more cost effective manner. The Strategy Review (2016) proposes to provide 82 new parking spaces on public land within the town centre. The review identified a number of alternative options that can provide sufficient spaces to meet forecast car parking demand up to 2036 in a more cost efficient manner that:

- ~~• Results in a better urban design outcome (enable shops/cafés and offices to front the street and avoid large surface carparks in the public realm).~~
- ~~• Can be funded and delivered within a shorter timeframe.~~
- ~~• Distributes parking throughout the centre which is more equitable for all traders.~~

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The PAO2 site is capable of providing only 25 spaces which can be provided in more suitable locations that allow for better urban design at a lower cost, without the need to acquire private land. Given that more efficient and effective means of providing car parking have been identified, it is proposed to remove the Public Acquisition Overlay from these properties via a planning scheme amendment. This would also provide certainty to the owners of these properties.

~~In addition, the Strategy Review (2016) proposes to provide 82 new parking spaces on public land within the town centre, with a forecast of another 321 to be provided in association with private developments up until 2036. This would easily meet forecast long term demand for car parking.~~

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

The amendment is consistent with the objectives of planning in Victoria to provide for a fair, orderly and sustainable development of land.

The removal of the Public Acquisition Overlay corrects the planning scheme and provides certainty to the land owners.

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

The State Planning Policy Framework (SPPF) includes the following goals and objectives:

Clause 10.02 (Goal) of the SPPF seeks "to ensure that the objectives of planning in Victoria (as set out in Section 4 of the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate

*relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.”*

It is considered that the proposed amendment is consistent with the above objective and the other objectives and strategies contained within the State Planning Policy Framework including:

Clause 15 – Built Environment and Heritage  
Clause 18 – Transport

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

The amendment is consistent with the Local Planning Policy Framework including:

21.02-2 Activity Centre Planning  
21.08-4 Torquay-Jan Juc Strategy – Economic Development

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

The amendment makes proper use of the Victorian Planning Provisions as it proposes the deletion of a tool (Public Acquisition Overlay) that is no longer required.

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

The proposed amendment accords with the recommendations of the *Torquay Town Centre Parking and Access Strategy Review 2016-21*. Public consultation of this document is scheduled to occur later this year as part of a broader Torquay CBD project. It is expected that this consultation and project may lead to a future planning scheme amendment which will include much broader notification to relevant agencies.

The Barwon South West Region office of the Department of Environment, Land, Water and Planning was initially consulted about the amendment and advises that it is comfortable to proceed with the amendment authorisation and a request for exemption from full notification under s19 of the Planning and Environment Act 1987.

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

The amendment will not have any significant impact on the transport system as defined in Section 3 of 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 amendment is not expected to place any substantial resource or administrative cost burden on the responsible authority as it proposes to remove a planning scheme overlay affecting the subject land.

### **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 Council  
1 Merrijig Drive  
Torquay Vic 3228

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

### **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 17 February 2017.

A submission must be sent to:

The Coordinator Strategic Land Use Planning

Surf Coast Shire Council

1 Merrijig Drive

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: To commence week of 22 May, 2017.
- panel hearing: To commence week of 19 June 2017.