

SURF COAST PLANNING SCHEME

AMENDMENT C103

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 Surf Coast Shire Council.

Land affected by the Amendment

The Amendment applies to

- 116 Mountjoy Parade, Lorne
- 4 Anderson Street, Torquay
- 17-19 Anderson Street, Torquay
- 27 Anderson Street, Torquay
- 41 Hesse Street, Winchelsea
- 33 Main Street, Winchelsea
- 1135 Barrabool Road, Barrabool
- Bimbadeen Drive / Narani Way, Fairhaven
- 1 Beacon Boulevard, Torquay
- Pimelea Way, Torquay (former Council depot site)
- 15-17 Boundary Road, Aireys Inlet
- 10 Lorne Terrace, Lorne
- Pt Impossible / Breamlea area and 365 The Esplanade, Torquay
- St Georges Way and abutting 365 The Esplanade, Torquay
- 35 Boyd Avenue, Moggs Creek
- 85 Torquay Boulevard, Jan Juc
- 460 Grossmans Rd, Bellbrae
- Low Density Residential Zone Areas in Torquay/Jan Juc
- Lorne Residential areas

What the amendment does

The Amendment proposes to amend various provisions in the Surf Coast Planning Scheme to correct a number of items by making the following changes:

Planning Scheme Map Changes

1. Delete Heritage Overlay (HO63) from land at 116 Mountjoy Parade, Lorne.
2. Delete Heritage Overlay (HO90) from land at 4 Anderson Street, Torquay and apply HO90 to 2A Pearl Street.

3. Delete Heritage Overlay (HO120) from part of land at 17-19 Anderson Street, Torquay and apply HO120 to Lot 2 PS711120B and associated heritage outbuildings.
4. Delete Heritage Overlay (HO121) from 27 Anderson Street and 8 Beale Street, Torquay and apply HO121 to 27 Anderson Street only.
5. Delete Heritage Overlay (HO140) from land at 41 Hesse Street, Winchelsea and apply HO140 to Lot 1 PS 729111C of the subject land.
6. Delete Heritage Overlay (HO19) from land at 33 Main Street, Winchelsea and apply HO19 to Lot 2 PS 734342C of the subject land.
7. Delete Development Plan Overlay (DPO1) affecting land at Bimbadeen Drive and Narani Way, Fairhaven.
8. Apply the Wildfire Management Overlay (WMO) to the northern strip of the land at 1 Beacon Boulevard, Torquay.
9. Delete the Design and Development Overlay (DDO14) affecting land at Pimelea Way, Torquay (Former Council depot site).
10. Apply the Neighborhood Character Overlay (NCO1) to part of land at 15-17 Boundary Road, Aireys Inlet.
11. Apply Restructure Overlay (RO2) to 10 Lorne Terrace, Lorne.
12. Rezone land at the Point Impossible / Breamlea area including 365 The Esplanade, Torquay and part of the Thompson Creek, Torquay from part Rural Conservation Zone (RCZ) and part Comprehensive Development Zone (CDZ2) to Public Conservation Resource Zone (PCRZ).
13. Rezone 9,747 sq m parcel of land abutting St George Way, The Sands, Torquay from Comprehensive Development Zone (CDZ2) to Public Conservation Resource Zone (PCRZ).
14. Rezone part of land at 35 Boyd Avenue, Moggs Creek from part Public Conservation Resource Zone (PCRZ) and part General Residential Zone (GRZ1) to Rural Conservation Zone (RCZ).
15. Rezone strip of land at 85 Torquay Boulevard, Jan Juc, from Public Purposes and Recreation Zone (PPRZ) to General Residential Zone (GRZ1).

Planning Scheme Ordinance Changes

16. Amend 'Map 1 to Clause 21.08: Torquay/Jan Juc Framework Map'; 'Map 2 to Clause 21.08: Residential Development Framework' and 'Map 3 to Clause 21.08: Activity Centre' to align settlement boundary at 460 Grossmans Rd with the boundary of the Low Density Residential Zone in Amendment C84.
17. Amend Table 1 to Clause 22.09 – Torquay–Jan Juc Residential Development and Neighbourhood Character Policy to replace the preferred housing density of 2,500 sq m for sewerred Low Density Residential Zone (LDRZ) lots with 2,000 sq m, except where a schedule to the LDRZ specifies a local variation to the minimum lot size.
18. Amend Clause 43.01 in the Schedule to the Heritage Overlay, "Heritage Place" HO3 relating to 1135 Barrabool Road, Barrabool, to include the Church, former Manse and mature exotic garden setting. Apply external paint control to both Church and former Manse. Apply internal alteration controls to the Church, and apply specific tree controls on the property.
19. Amend Clause 43.01 Schedule to the Heritage Overlay to delete HO63 relating to the former Ozone Milk Bar 116 Mountjoy Parade, Lorne.
20. Amend Clause 43.02 Schedule 12 to the Design and Development Overlay (DDO12) – Lorne Residential Areas, to include subdivision exemption provisions.
21. Delete Clause 43.02 Schedule 14 (DDO14) – affecting land at Pimelea Way, Torquay (Old Council depot).

22. Delete Clause 43.04 Schedule 1 (DPO1) – affecting land at Bimbadeen Drive and Narani Way.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to correct various map and ordinance provisions in the Surf Coast Planning Scheme. This will ensure that the planning scheme is accurate and up-to-date and improves its effectiveness and efficiency in achieving the objectives of planning in Victoria. Therefore, the amendment will have a net community benefit. A summary of each item of correction to the planning scheme including the location and reasons for the amendment is provided in **Appendix 1**.

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

The amendment implements the objectives of planning Victoria by correcting items in the planning scheme which impede the achievement of these objectives. The corrections ensure that the controls which apply to the land affected by the amendment:

- *provide for the fair, orderly, economic and sustainable use, and development of land;*
- *provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- *secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- *conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- *balance the present and future interests of all Victorians.*

In particular the amendment supports the fair, orderly, use and development of land by ensuring that the controls which apply to the land are appropriate.

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

The amendment will not have any significant environmental, social or economic effects. The amendment is correctional in nature and will not result in any direct changes to land use or character outcomes. Carrying out the amendments will have a positive impact by enhancing the effectiveness and efficiency of the Surf Coast Planning Scheme in achieving environmental, social and economic objectives.

Does the Amendment address relevant bushfire risk?

The amendment is not likely to impact upon bushfire risk.

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

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

The amendment addresses the requirements of Ministerial Direction No. 11 which seeks to ensure a comprehensive strategic evaluation is undertaken by the planning authority. This is provided in the explanatory report.

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. The amendment ensures that the provisions which apply to land within the Surf Coast Planning Scheme are accurate and consistent with relevant state policy.

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

The proposed amendment is consistent with the objectives and strategies of the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS) of the Surf Coast Planning Scheme.

The amendment ensures that the provisions which apply to land within the Surf Coast Planning Scheme are accurate and consistent with relevant local policy.

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

The amendment makes proper use of the Victorian Planning Provisions (VPP's) by improving upon the accuracy and effectiveness of the planning scheme provisions.

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

Preliminary consultation was undertaken with the Department of Environment, Land, Water and Planning regarding Crown land at the Point Impossible / Breamlea area. Further consultation with relevant agencies will be undertaken during the public exhibition of the amendment.

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

The amendment is not expected to have any significant impact on the transport system.

Resource and administrative costs

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

It is not expected that the new planning provisions will 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 Council, 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.dtpli.vic.gov.au/publicinspection .

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: [insert Council's address]

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]]