

02/03/2017
C113**SCHEDULE 5 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ5**.

Torquay Tourism Development Precincts**Purpose**

To encourage tourism development in the following high profile precincts shown on Map 1 of this schedule to Clause 37.01:

- Precinct T1 - Surf Coast Gateway Precinct, Surf Coast Highway, Torquay
- Precinct T2 - Surf City Precinct, Surf Coast Highway, Torquay
- Precinct T3 - Town Centre Foreshore Precinct, The Esplanade, Torquay
- Precinct T4 - Corner Bristol Road and Surf Coast Highway, Torquay

To encourage a range of tourism related land uses, including:

- diverse forms of medium density tourist accommodation;
- tourist activities and attractions; and
- tourism-related retailing in appropriate locations.

To promote a mix of tourism related uses, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices predominantly at upper floor levels.

To ensure that Precincts T1 and T2 are not dominated by restaurants, cafes and take-away food premises.

To promote the use of environmentally responsive designs, materials and colours to develop a distinct image for the Shire which reflects and complements its environmental and cultural attributes.

1.002/03/2017
C113**Table of uses****Section 1 - Permit not required**

Use	Condition
Exhibition centre	Must be in Precincts T1 or T2.
Home occupation	
Informal outdoor recreation	
Minor utility installation	
Railway	
Restaurant	Within Precincts T1 and T2, the combined leasable floor area of all food and drink premises must not exceed 25% of the total leasable ground level floor area of all buildings within the Precinct.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Accommodation (other than Dwelling and Corrective Institution)	
Arts and craft centre	
Car park	The site must contain another use in Sections 1 or 2.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Dwelling	In Precincts T1 and T2, any frontage to the Surf Coast Highway at ground floor level must not exceed 2 metres. In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.
Food and drink premises (other than Restaurant)	
Hairdresser	Must be in Precinct T1 or T2.
Market	
Medical centre	In Precinct T3 any frontage to The Esplanade, Gilbert Street or Zeally Bay Road at ground floor level must not exceed 2 metres.
Office (other than Bank, Medical centre, Real estate agency and Travel agency)	Any frontage at ground floor level must not exceed 2 metres, unless the floorspace adjoining the frontage is a customer service area accessible to the public.
Place of assembly (other than Carnival, Circus and Exhibition centre in Precincts T1 or T2)	
Real estate agency	Must be in Precinct T3.
Service station	Must be in Precinct T1 (and on Lot 3 of LP213066W) or T4. In Precinct T4 the site must: <ul style="list-style-type: none"> ▪ not exceed 3000 square metres ▪ adjoin Surf Coast Highway.
Shop (other than Adult sex bookshop, Beauty salon, Convenience shop, Department store, Hairdresser, Restricted retail premises, and Supermarket)	Must only sell or hire goods and services predominantly associated with the tourism industry and tourist activities and pastimes. In Precinct T3 may also sell other goods and services provided the business is normally open for business 7 days a week.
Travel agency	
Veterinary centre	Must be in T2.
Any use not in Section 1 or 3.	

Section 3 - Prohibited

Use
Adult sex bookshop
Agriculture (other than Apiculture)
Bank
Corrective Institution
Department store
Funeral parlour
Hospital
Industry
Major sports and recreation facility
Motor racing track
Restricted retail premises
Retail premises (other than Food and drink premises, Gaming premises, Market and Shop)
Saleyard
Supermarket
Transport terminal (other than Bus terminal)
Warehouse

2.0

19/05/2016
C97

Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Goods and services predominantly associated with the tourism industry and tourist activities and pastimes are deemed to include:

- Clothing, footwear and accessories associated with the beach and beach activities, bushwalking and the natural environment, including other recreational and recreational branded clothing and accessories.
- Recreational and sporting goods associated with the beach and beach activities and other tourist activities and pastimes.
- Art and craft works, souvenirs, jewellery and the like.
- Books.
- Health and well being services.
- Artisan or boutique foods or beverages that are predominantly locally produced or grown.
- Goods and services ancillary to an approved tourism use on the site.

Application requirements

An application to use land for a Shop must be accompanied by a report detailing the range of goods and services to be offered for sale or hire in accordance with the Section 2 condition of Clause 1.0 Table of uses of this schedule to the satisfaction of the responsible authority.

Decision guidelines

Before deciding on an application to use land the responsible authority must consider, as appropriate:

- The interface with adjoining zones, especially the relationship with residential zones.
- Whether the Accommodation use supports the tourist emphasis of the locality.
- The need to restrict land uses likely to generate high rates of vehicle movement to sites with direct frontage to main roads.
- The need to protect the core retail and service functions of the Torquay Town Centre.
- The need to protect the residential amenity of surrounding dwellings from off-site impacts such as noise, odour, traffic congestion and on-street parking.
- Whether a mix of land uses within each precinct (except T4) is provided, with food and drink premises and tourism-related retail predominantly at ground floor level, and accommodation and offices at upper floor levels.
- The effect that existing uses may have on the proposed use.
- The drainage of land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

3.0

19/05/2016
C97

Subdivision

Application requirements

An application to subdivide land must be accompanied by a site analysis and design response demonstrating how the proposal addresses clause 56, as appropriate.

Decision guidelines

Before deciding on an application to subdivide land the responsible authority must consider, as appropriate:

- Clause 56.
- The suitability of the subdivision design to accommodate a range of land uses.
- The effect the subdivision will have on the potential of the area to achieve the purpose of this schedule to the zone.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.

4.019/05/2016
C97**Buildings and works**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Application requirements

An application to construct a building or to construct and carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.
 - Adjoining roads.
 - The location, height and purpose of buildings and works on adjoining land.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - All driveway, car parking and loading areas.
 - Proposed landscape areas.
 - All external storage and waste treatment areas.
 - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct a building or to construct and carry out works (except for minor buildings and works associated with an existing building) must be accompanied by a site analysis and design response demonstrating how the proposal addresses:

- The provisions of the zone and schedule.
- The constraints of the site and locality.
- The surrounding streetscape and vegetation character.
- The coastal town character of Anglesea.
- The Streetscape and Landscaping Policy (Clause 22).
- Clause 54 or 55.

Decision guidelines

Before deciding on an application to construct a building or to construct and carry out works the responsible authority must consider, as appropriate:

- Whether development demonstrates a high quality of design that respects and enhances the town character.
- The flexibility of the building design and floor plan to accommodate a range of uses over time.

- The objectives and standards of Clauses 54 or 55, as appropriate, should be used to assess amenity standards for all types of Accommodation.
- The integration of car parking and loading areas with the building design and layout so as to avoid excessive voids and potential vehicle-pedestrian conflict.
- Whether the buildings should incorporate noise attenuation measures into the design.
- All types of Accommodation must provide a high level of amenity for occupants and be designed according to principles of energy and water efficiency.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking as a result of buildings and works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

5.0

19/05/2016
C97

Advertising signs

Advertising sign requirements are at Clause 52.05. Precincts T1 and T2 of this schedule are in Category 1. Precincts T3 and T4 of this schedule are in Category 3.

Decision guidelines

Before deciding on an application to display an advertising sign the responsible authority must consider, as appropriate:

- Whether advertising signs are designed to integrate with the architectural style and character of a building.
- Whether advertising signs are included as an integral part of the design theme of a development.
- Whether advertising signs attached to buildings obscure architectural features and supporting structures.
- Whether advertising signs are obtrusive when viewed from public areas.
- Whether the advertising area is proportionate to the building or structure on which the sign is to be located and whether it unreasonably obscures views to surrounding signs.
- Whether advertising schemes incorporate graphics, symbols and colours that reflect themes of the beach, ocean and natural environment as well as being dominated by images and pictures rather than words and logos.
- The need to discourage above-verandah signs in Precinct T3, and in other precincts the need to ensure above-verandah signs do not project above the wall or parapet of the building to which they are attached.

- Whether the level of illumination of flood-lit and Internally-illuminated signs cause detriment to the amenity of nearby dwellings.
- The need to discourage pole signs and promotion signs.

Map 1 to Schedule 5 to Clause 37.01 – Torquay Tourism Development Precincts

