

SCHEDULE 5 TO CLAUSE 37.01 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 to the 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
- 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.

1.0**Table of uses****Section 1 - Permit not required**

| Use | Condition |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exhibition centre | Must be in Precincts T1 or T2. |
| Home based business | |
| Informal outdoor recreation | |
| 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) | |

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| Use | Condition |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 product shop, 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 other use not in Section 1 or 3 | |

Section 3 - Prohibited

| Use |
|-------------------------------------|
| Adult sex product shop |
| Agriculture (other than Apiculture) |
| Bank |
| Corrective institution |
| Department store |
| Funeral parlour |

Use**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**06/02/2020
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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

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- 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

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- 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.

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Subdivision

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and design response demonstrating how the proposal addresses Clause 56, as appropriate.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- 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.

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Buildings and works

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

Application requirements

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site.

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- 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 this schedule.
- The constraints of the site and locality.
- The surrounding streetscape and vegetation character.
- The coastal town character of Torquay.
- The Streetscape and Landscaping Policy (Clause 22).
- Clause 54 or 55 as appropriate.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- 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.

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Signs

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.

The following decision guidelines apply to an application for a permit to display a sign, in addition to those specified in Clause 52.05 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether signs are designed to integrate with the architectural style and character of a building.
- Whether signs are included as an integral part of the design theme of a development.
- Whether signs attached to buildings obscure architectural features and supporting structures.
- Whether 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.

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

