



**Presentation to Planning Panel
on behalf of
Torquay Commerce and Tourism**

Surf Coast Planning Scheme Amendment C66

Prepared for

Torquay Commerce and Tourism Inc

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Prepared by

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1 Introduction and background

1.1 *The scope of this presentation*

This presentation augments key points included in the submission on Amendment C66 to the Surf Coast Planning Scheme made by Torquay Commerce and Tourism Inc (TCT) dated March 2013. It should also be noted that 127 'post card' submissions supporting the TCT's objection to Amendment C66 were also lodged in response to the amendment. In essence, TCT objected to Amendment C66 because it:

- proposes discount department stores
- provides for big box retailers
- is not in keeping with the Torquay culture
- ignored the views of Torquay's existing retailers when developing the Shire's *Retail Strategy*
- foreshadows approval of a new retail centre in North Torquay when the Gilbert and Bell Streets shopping centres are barely viable.

To provide an appropriate context, this presentation firstly sets out some information about TCT, its views and concerns about the future of Torquay in general and the central business area in particular and its main recent activity in relation to its voluntary efforts developing and communicating ***Torquay – Town of Tomorrow - Action Agenda*** vision for Torquay's central area (see Figure 1). If implemented, this ***Action Agenda*** would equip Torquay to meet the expected multi-faceted demands on the town centre from the increased population and visitors over the next 15 years.

The presentation then sets out TCT's concerns about aspects of Amendment C66 that it believes will not assist in the development of the type of town centre that is appropriate to Torquay's unique situation, culture and character.

1.2 *Background to Torquay Commerce and Tourism*

The background to, charter and membership, and recent activities of TCT are relevant to the issues raised by the group in relation to Amendment C66.

1.2.1 *TCT's history*

TCT was created in 1976 through the amalgamation of several business interest groups - Pearl Street and Gilbert Street traders and B&B operators. At that stage, Torquay township was administered by two Councils:

- South Barwon City Council - the area east of Surf Coast Highway including Gilbert Street
- Shire of Barabool – the area west of Surf Coast Highway which includes the Surf City retail precinct.

As the boundary of the then two LGAs divided the business areas in Torquay, there was a need to have a cohesive and combined voice when dealing with both local government bodies. The formation of Surf Coast Shire Council in March 1994 from the amalgamation of the two LGAs improved the efficiency of the group's representation.



Figure 1 Torquay's central area

Originally called 'Torquay Traders' and, at the recommendation of Council in the 1990s, the name of the group was altered to include Tourism. Several years ago, the name of the group was changed again to 'Torquay Commerce and Tourism' to reflect the wider scope of involvement of local businesses. TCT is affiliated with the Geelong Chamber of Commerce.

TCT's Charter and membership

TCT exists to assist its membership to develop and grow their businesses, representing and lobbying for them on issues relating to the strategic operation of their businesses. Torquay is located at the northern end of the Great Ocean Road and the home of surfing in Australia. As a result, it is unique and internationally known and needs to have a town centre that recognizes its location and culture which is intimately intertwined with surfing – not just as a recreational activity but now as an important industry on which over 3,000 people rely.

All registered businesses operating from the 3228 postcode area which covers Torquay, Jan Juc and Bellbrae are eligible to join TCT. This includes businesses in the categories of Tourism, Accommodation, Retail, Surf industry, Trades, Home-based, Finance and Arts. Currently, TCT is a voice for the Torquay business community with an email data base of approximately 250 businesses and individuals.

TCT manages a strategic relationship with the Surf Coast Shire and Surf Coast Tourism for the benefit of its membership and the rate-paying community at large.

TCT also fosters the accumulation and transfer of business knowledge and experiences through its membership networking processes.

TCT is committed to providing quality outcomes for its members, even when the decision-making process may not be within the control of Torquay Commerce & Tourism. This requires specific and focused lobbying to Local, State and Federal government personnel, departments and organisations. Such lobbying takes into account:

- the impact on the membership
- district and business development strategies
- improvements to local infrastructure and services.

TCT operates with the following set of values:

- is unified in its approach to business
- solves problems or creates opportunities using good practices and process
- communicates effectively with all stakeholders
- demonstrates professionalism at all times
- is inclusive of members and stakeholders in processes
- is results focused.

1.2. TCT's recent activities

In addition to the on-going activities of TCT such as the annual Bell Street Fiesta in October to promote local businesses, lobbying for the provision of toilets in Gilbert Street and opposing the introduction of metered parking, an important recent activity has been the preparation of its vision for the Torquay central business area - ***Torquay – Town of Tomorrow - Action Agenda.***

From May 2012 to January 2013, TCT spent nine months developing this **Action Agenda** for the Torquay central business area in association with the Economic Development and Tourism Unit of the Surf Coast Shire Council. A range of community people was involved including business owners (including home businesses, street traders, surfing industry/ warehouse and real estate) and residents.

The group preparing the **Action Agenda** met regularly over this nine month period and invited all Councillors, Council's Planning Team representatives and other relevant people to be involved. Representatives of Council's Planning team were invited to all workshops but attended only once - when a presentation was requested about planning controls in the town centre.

Development of TCT's vision involved two phases:

- in May 2012, the TCT team under facilitator guidance determined two key aspects that underpin Torquay's growth and popularity were non-negotiable in developing a vision for Torquay, namely:
 - **Torquay's Culture** – surfing and beaches
 - **Torquay's Character** – relaxed and casual
- in September 2012 under the guidance of the Surf Coast Shire Council's Economic Development group, additional stakeholders were acquired and the vision was expanded and refined.

The **Action Agenda** document is appended to this presentation as Appendix A.

The **Action Agenda** identifies what TCT believes is imperative and must commence immediately if Torquay's central business area is to be successful, recognise retail commerce reality and participate as a prominent part of Torquay – the town for tomorrow.

The **Action Agenda** was presented to the Surf Coast Council in a briefing on 4 March 2013. While there was no formal response from Council, TCT received 'in principle' support from a number of Councillors and it is understood that \$50,000 was included in the Council budget¹ to prepare a submission for a \$150,000 grant from the State Government's Regional Development Victoria.

TCT's believes that the Torquay central business area must plan to serve approximately 28,000 residents and 10 million visitors annually in the next 30 years.

Additionally, Torquay needs to plan for the impact of the growing neighbourhood population in Armstrong Creek, 8 km to the north at its closest point. With a forecast resident population of approximately 55,000 people by 2035, this development will create a new 'regular visitor' population for Torquay and its central business area.

¹ Budget items as follows:

- Retail Strategy (\$50,000)
- Australian Surf Capital Precinct Plan Stage 2 (Surf □City) (\$50,000) (Surf Coast Council Annual Budget 2013-14 p 24)

The key visions of the **Action Agenda** for the Torquay central business area are:

Principle	Actions
Torquay central business area must prepare for transformation.	Key transformations include: <ul style="list-style-type: none"> - improve streetscapes - encourage eclectic and boutique shopping opportunity for taller buildings with height limits determined by visual parameters etc - development with active street frontages at ground level - increase the use of upper level office/commercial spaces - higher density housing opposite Taylor Park to strengthen inner core of Torquay and reduce urban sprawl.
Torquay must be innovative to plan for future parking and traffic needs.	<ul style="list-style-type: none"> - require all future car parking to be underground - redevelop Gilbert Street precinct - improve the public transport interchange - improve long term car parking availability near the central business area
The natural spaces surrounding the central business area are important in a vibrant retail community.	<ul style="list-style-type: none"> - upgrade Taylor Park and Elephant Walk to provide family-friendly leisure area in the town centre with improved lighting and measures to activate the Park and improve its safety - increase the connectedness of Torquay town centre to its history and natural environment - encourage walking and cycling to and within the town centre. - Central Park concept – see the shadowed part on Figure 1.

This **Action Agenda** is what all TCT members are passionate about and sets the context for its concern about elements of Amendment C66.

TCT notes that Council officers are now recognising the need for community engagement in relation to the planning of the Torquay town centre as stated in the Minutes of the Council meeting of 23 April 2013, namely:

The efforts by the TCT to revitalize the Town Centre and prepare it for the future are commendable and should start a process of mutual engagement between the TCT, Council and the broader community. (Council Meeting Minutes, 23 April 2013, 17)

TCT acknowledges that its **Action Agenda** is multi-faceted but emphasizes that comprehensive and community-based strategic planning is essential to underpin town centre improvements.

1.3 TCT's concern's about Amendment C66

As the Panel is aware, the Explanatory Report for the amendment notes that the scope of the Amendment covers the implementation of the recommendations of the following strategic studies:

- *Torquay-Jan Juc Neighbourhood Character Study & Vegetation Assessment (2006) and Torquay-Jan Juc Neighbourhood Character Study Review (2012)*
- *Sustainable Futures Plan Torquay-Jan Juc 2040 (2012)*
- *Torquay/Jan Juc Retail Strategy (2011)*
- *Torquay Town Centre Parking and Access Strategy 2011-16 (2011)*
- *Torquay North Outline Development Plan (Revised, 2012).*

The amendment also undertakes several site-specific zoning and overlay changes.

TCT generally supports the inclusion into the Scheme of the relevant aspects of the *Sustainable Futures Plan Torquay-Jan Juc 2040 (2012)* – with the exception of the potential for residential growth to the north-west of Messmate Road (see Section 4 below). TCT is supportive of population growth with a range of residential densities to encourage population diversity. TCT does not have a view on the issues of development in the Duffields Road area and the location of the town boundary.

The aspects of the Amendment that are of particular concern to TCT and which are addressed in this presentation are:

- changes related to the *Torquay/Jan Juc Retail Strategy (2011)*;
- the continued application of arbitrary height limits in and around the Town Centre based on findings of the *Torquay-Jan Juc Neighbourhood Character Study Review (2012)*;
- the potential for long term residential to the north-west of Messmate Road that would constrain economic and industrial development in this area.

These concerns and suggested recommendations that TCT would like the Panel to include in its report are addressed in the following sections.

2 The Retail Strategy

2.1 TCT's concerns

TCT's concern about the inclusion of aspects of the *Torquay/Jan Juc Retail Strategy* (2011) (the Retail Strategy) into the Activity Centre Planning section of the MSS (Clause 21.02) as well as into the *Torquay-Jan Juc Strategy* and as a Reference Document (Clause 21.08) is based on what TCT sees as serious shortcomings in both the process for preparing the Retail Strategy as well as the outdated information about retail trends and local information on which the *Retail Strategy* is based.

These concerns are now reinforced by the significant differences between the retail experts (Tim Nott and Gavin Duane) that have recently emerged in the *Joint Statement by Expert Witnesses on Retail Strategy and Economics* (9 August 2103) (the Joint Statement). These differences involve both statistics (escape expenditure) as well as views about the type, size, timing and location of major additional retail development in Torquay (retail floor space in North Torquay, location of DDS, and bulky goods development). Any or all of these issues are likely to have significant implications for the role and character of the Toquay central area.

2.2 The preparation of the Retail Strategy

TCT's main concern about the preparation of the Retail Strategy in 2011 is that there was no opportunity for input from the business community which could have significantly informed and, arguably, improved the content of that document.

It is understood that the Retail Strategy was prepared in order to give Council a better understanding of how the retail network should develop to service the future Torquay/Jan Juc community to assist the development of the *Torquay Jan Juc Sustainable Futures* project.

In the TCT's opinion, as a result of no actual consultation during its preparation with local stakeholders such as TCT, the Retail Strategy report is an out of date 'desk study' with little relationship to the commercial and economic realities prevailing in and influencing the development of the Torquay Town Centre in particular. These latter issues were addressed in TCT's submission and are not repeated here.

The TCT notes that Surf Coast Council has an established policy framework in relation to community engagement which creates the realistic expectation that there would be opportunity for stakeholder input into a study that would be used to provide policy guidance for the main retail centre in the municipality. For example, Surf Coast Council's *Governance Manual* (adopted on 7 December 2011) states that:

Surf Coast Shire Council believes in participative governance – that is community involvement in governance processes. A key element of this is community consultation. **Surf Coast Shire Council values the opinions of those who could be affected by its decisions and that responsive and accountable governance is predicated on the belief that those impacted by an issue have important information and contributions to make.**

Good consultation means that processes are in place that gives affected community members the opportunity to express their opinions and provide information to the

decision makers, prior to a decision being made.

Surf Coast Shire Council has a community engagement framework to ensure that these good processes exist and continue to be developed.

Surf Coast Shire Council fully complies with the section 223 of the Local Government Act 1989 that require public consultation and the invitation of public submissions. (p 8) **(emphasis added)**

While the *Governance Manual* was presumably being prepared in 2011 concurrent with preparation of the Retail Strategy, Council already had adopted its *Community Engagement Policy* (on 28 April 2010) which states in relation to 'Purpose':

Council is committed to community engagement that embraces ongoing dialogue with Surf Coast communities. **Council seeks to improve its' decision making processes through inclusive, influential and deliberative citizen participation.**

and in relation to 'Scope':

This policy applies to all community engagement activity undertaken by Council, including work undertaken by Consultants. (emphasis added)

The 'desk study' approach embodied in the Retail Strategy arguably results in the situation where Chapter 6 of the Retail Strategy – which is entitled 'Local Factors affecting Retail Development' - makes no explicit comment on the Torquay central business/town centre area other than referring to existing Council policy to maintain the primacy of the existing town centre. In TCT's view, the Retail Strategy reflects a 'planning by numbers' approach with no local grounding or reflection of the 'sense of place' that arguably is a key contributor to the continued popularity of Torquay as a place to live or to visit.

In the TCT's view, in the absence of consultation with key stakeholders, the Retail Strategy lacks a well-founded understanding of the retail and business sector in Torquay and nearby areas. As a result of this lack of consultation with the business community and other stakeholders, it is open to question what 'real' local information the scenarios presented in Chapter 7 of the Retail Strategy are based on. Indeed the earlier *Torquay and Jan Juc Retail Strategy Review 2005* (Essential Economics) appeared to take a similar 'desk study' approach to retail assessment.

In TCT's view, the need for stakeholder and community involvement in the preparation of an agreed retail strategy for Torquay/Jan Juc is reinforced by the differences that have emerged in the Joint Statement. In addition to TCT's other concerns about the retail strategy, the areas of disagreement that have emerged between the two expert witnesses are significant and underline the TCT's view that the Retail Strategy in its current form not be incorporated into the Planning Scheme and that an updated Retail Strategy be prepared including detailed consultation with local stakeholders.

2.3 Current trends in retailing

As the Panel would be aware, the retail sector in Australia generally is facing very significant changes to the way it operates in the face of trends including increased competition from internet shopping and international retail chains entering an already crowded Australian retail sector.

In the TCT's view, these trends have significantly accelerated in the two years since the Retail Strategy was completed and are now arguably having an effect on the traditional approach to retail investment on which the Retail Strategy is predicated.

The intent of the Retail Strategy appears to be to apply a standard retail template to Torquay that would erode and perhaps ultimately eliminate the aspects of the existing retail activity that make Torquay different to the 'suburban' areas in Geelong, Melbourne and elsewhere. TCT does not want to see the Torquay town centre and retail offering planned only by numbers and, as a result, become in effect 'Caroline Springs by the sea'.

Unlike a lot of towns with a rapidly growing population, a significant component of the retail spend in Torquay is by local, interstate and international visitors who, arguably, often look for 'different' types of retail and food and beverage experiences – not just another franchise experience that they can have in their home locations. As noted and agreed in the Joint Statement, visitor expenditure is **approximately 40% of total sales in the main trade area** comprising Torquay/Jan Juc and surrounds and the coastal settlements from Anglesea to Lorne. It is TCT's view that many of the visitors who will make such a significant contribution to spending locally will be looking for a retail offering that reflects the character and spirit of the Surf Coast – not just another big box/DDS/Franchise experience.

As currently written, the Retail Strategy appears to be virtually entirely focused on the remaining 60% of expenditure – some of which arguably will be reduced by 'escape expenditure' to the Geelong area – rather than the 40% of sales that can particularly support Torquay's local character and culture and its town centre. (Indeed TCT considers that stronger efforts should be made by Surf Coast Council to ensure that future mainstream retail development in Torquay also appropriately reflect the local character and culture).

2.4 Need for a 'big box retailer' in Torquay

TCT is opposed to the establishment of 'big box retailing' and a discount department store (DDS) in Torquay when this sector is and will continue to be adequately served by such developments in Geelong and in the developing area of Armstrong Creek in particular some 8 km north of Torquay and because this type of development would be inconsistent with the **Action Agenda** and Torquay's culture and character.

TCT notes that the Council has already amended aspects of the proposed changes to Clause 21 that relate to development of a 'department store' as opposed to a 'discount department store'. Is this semantics or something else? TCT suggests that Council needs to pin down the character of Torquay and put in place policies and controls that will reflect and enhance this particular character. For example, the Surfing Precinct on Surf Coast Highway should keep and develop its surfing character and not be diluted or changed by the introduction of 'big box retailing'.

TCT objects to Council's inclusion of the amended first dot point under 'key issues and influence' in relation to Economic Development which now reads that:

Pressure is growing for the establishment of a department store within the town. Development of this type of retail outlet in an inappropriate location could undermine the essence and attractiveness of the town resulting in a net community loss.

TCT, as the key representative body for the retail sector in Torquay, is at a loss as to where and how this 'pressure for the establishment of a department store' is being manifest within the Torquay community. Consistent with contemporary 'evidence-

based planning practice, TCT asks 'where is the evidence for this assertion?' It does not appear to be in the Retail Strategy. In the absence of any reliable evidence, TCT requests that this reference in the *Torquay Jan Juc Strategy* be removed.

2.5 Torquay North Activity Centre

TCT opposes the extent of retail development proposed for Torquay North centre because the establishment of one or two full line supermarket there would erode the primacy of the Torquay town centre – especially as this area is likely to soon have two full line supermarkets as well as the smaller IGA supermarket.

TCT considers that the Torquay central area focused on Gilbert Street should be developed and supported as the prime retail area in Torquay and that other local retail centres within the town should be just that – local centres - not centres that will compete directly with the established higher level retail in the town centre.

2.6 Requested recommendations

TCT requests the Panel to recommend that:

- The *Torquay Jan Juc Retail Strategy* and the *Torquay Parking Strategy* are not referred to in Clause 21.02 and that they not be included in the Scheme as a Reference Documents;
- Before amendments are made to Clause 21.02 in relation to retail development in Torquay, Surf Coast Council undertake detailed consultation with relevant stakeholders – using TCT's **Action Agenda** as a starting point - as well as the wider community in relation to the preferred development strategy for the Torquay Town Centre/central business area including formulation of an updated Retail Strategy for the town.

3 Arbitrary height limits in and around the Town Centre

3.1 TCT's concerns

A key element of TCT's **Action Agenda** is the desirability of encouraging higher density and more diverse housing opposite Taylor Park and mixed use development within the Town Centre. Taylor Park is a key community asset within 200 metres of the town centre and which is, arguably, underutilised because of under investment in its infrastructure and surrounding low density residential development. Increased density in and around Torquay's town centre would strengthen the viability and diversity of the inner core of Torquay, assist the feasibility of providing underground parking, and help reduce the town's urban sprawl.

TCT objects to the inclusion of 'arbitrary' height limits for the simple reason – that they are arbitrary and do not respond to a range of development principles and community values.

As the Panel would be aware, there are contemporary urban design techniques that could be applied in nominated areas of the 'Old Torquay' (south of Beach Road) and the Old Torquay (north of Beach Road) precincts that could enable higher density development which would support the revitalization of the Torquay town centre.

Residential development could be facilitated that is higher than the specified 7.5 metre height limit but which respects and reflects the environmental and community character of these precincts. For example, design policies and guidelines could be developed in relation to aspects such as protection of view lines/lines of sight across Taylor Park from the low water mark on Front Beach, protection of Taylor Park from unacceptable overshadowing and application of design elements (upper level setbacks, materials etc) that reflect the 'Surf Coast architectural style'.

TCT notes that under Schedule 20 to the DDO for Old Torquay South a planning permit is required for any development above 7.5 metres and that the requirements for two or more dwellings on a lot include that 'buildings should not exceed a height of 7.5 metres above natural ground level'.

3.2 Requested recommendations

TCT requests the Panel to recommend that:

- Schedule 20 to the Design and Development Overlay for Old Torquay South be amended to:
 - give encouragement for appropriately located higher density development around the Torquay Town Centre as expressed in the TCT's **Action Agenda**;
 - remove arbitrary height limits of 7.5 metres for areas around Taylor Park in particular.

4 Messmate Road – long term residential

4.1 TCT's concerns

TCT opposes the changes to Clause 21.08 (text and Map 1) that nominate an area to the north-west of Messmate Road as an area for long term residential development.

TCT supports the identification of part of this land on the north-west side of Messmate Drive (from approximately the southern boundary of the nominated future industrial land on the east side of Messmate Drive to John Pawson Junior Lane) for long term industrial or a 'clean/green' business park use because:

- part of this area is already identified for long term consideration for industrial land as noted in Clause 21-08-1 of the Scheme as follows:

In 2004, 26ha of land on the north-west edge of Torquay fronting the Surf Coast Highway was rezoned to cater for the growing demand for industrial land, **with approximately 20ha of vacant rural land immediately to the west on Messmate Road identified for long term expansion as demand warrants.** This estate has capacity to accommodate a range of industrial activities, including corporate enterprises that may be attracted by Torquay's surfing and lifestyle image. (**emphasis added**)

It is the only area available in and around Torquay to cater for such future development once the constrained Baines Crescent area is fully developed.

- the future nature of land use in this area should be influenced by the recent establishment of the Council Depot on the north-west side of Messmate Road. It would be inappropriate for residential development to occur around the Depot – otherwise it would need to be relocated – presumably at expense to the ratepayers;
- in order to support objectives for growth in employment within Torquay (as presented in Objective 2 in Clause 21.08-4), there will need to be an adequate supply of industrial land so that future industrial and employment-generating activities can establish without the threat of being 'ring-fenced' by residential development as has occurred in the Baines Crescent area;

4.2 Requested recommendations

Based on the preceding discussion, TCT requests the Panel to recommend that:

- the following wording be deleted from Clause 21.08-2 – *Settlement, Built Environment and Housing*:

Facilitate new residential growth in Torquay North up to South Beach Road, ~~and to the north-west of Messmate Road up to the ridgeline.~~ Promote a range of lot sizes.....

- the following wording be amended in Clause 21.08-4 – Economic Development:

*Preserve long term options on the **west and** east side of Messmate Road for employment generating land uses.*

- *Map 1 to Clause 21.08: Torquay- Jan Jac Framework Plan* be amended to reflect the above changes in relation to the land to the north-west of Messmate Road.

5 Conclusion

In conclusion in relation to aspects of Amendment C66, TCT requests the Panel to recommend that:

Retail Strategy and Parking Strategy

- The *Torquay Jan Juc Retail Strategy* and the *Torquay Parking Strategy* are not referred to in Clause 21.02 and that they not be included in the Scheme as a Reference Documents;
- Before amendments are made to Clause 21.02 in relation to retail development in Torquay, Surf Coast Council undertake detailed consultation with relevant stakeholders – using TCT’s **Action Agenda** as a starting point - as well as the wider community in relation to the preferred development strategy for the Torquay Town Centre/central business area including formulation of an updated Retail Strategy for the town.

Arbitrary height limits under DDO 20 for Old Torquay South

- Schedule 20 to the Design and Development Overlay for Old Torquay South be amended to:
 - give encouragement for appropriately located higher density development around the Torquay Town Centre as expressed in the TCT’s **Action Agenda**;
 - remove arbitrary height limits of 7.5 metres for areas around Taylor Park in particular.

Messmate Road

- the following wording be deleted from Clause 21.08-2 – *Settlement, Built Environment and Housing*:

Facilitate new residential growth in Torquay North up to South Beach Road, ~~and to the north-west of Messmate Road up to the ridgeline~~. Promote a range of lot sizes.....

- the following wording be amended in Clause 21.08-4 – Economic Development:

*Preserve long term options on the **west and** east side of Messmate Road for employment generating land uses.*

- *Map 1 to Clause 21.08: Torquay- Jan Jac Framework Plan* be amended to reflect the above changes in relation to the land to the north-west of Messmate Road.

Appendix A

TCT's *Torquay – Town of Tomorrow - Action Agenda*