

Council has undertaken a preliminary review of the planning controls for residential development in the Sands Torquay.

### **Why undertake a review?**

The Sands has been steadily developing for over 15 years and is now a mature residential area that is almost fully developed. The controls have worked effectively to create a distinctive and consistent neighbourhood character. It is appropriate to now consider whether the same regime of control and process should be taken into the future.

### **Where are we now?**

The Sands Torquay is covered by Schedule 2 to the Comprehensive Development Zone (CDZ2). Under this zone a planning permit isn't required to construct a dwelling on a lot. However a dwelling must be in accordance with *The Sands Torquay Building Code* (the Code). This requires the dwelling plans to be approved by Council as being "to the satisfaction of the Responsible Authority."

The Code was prepared by The Sands Torquay Architectural Review Committee (ARC) constituted under an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* (the Agreement) as a requirement of the CDZ2. The ARC nominated the Sands Torquay Architect and Sands Torquay Planner to administer the Code.

The Sands Torquay Architect and Planner manage the Stage 1 and Stage 2 assessment process and make a recommendation to Council on compliance with the Code. A delegate in Council's planning department then makes a decision to approve or refuse the plans.

### **Are there issues with the current system?**

- With the sale of the final residential lots, the estate developer is no longer funding the Sands Torquay Architect and Planner.
- Under the terms of the Agreement the funding responsibility falls to a diminishing pool of individuals (owners of undeveloped lots).
- Owners Corporation No. 1 (OC1) has voluntarily funded the Sands Torquay Architect and Planner to maintain service.
- As the estate reaches maturity the need for architectural review of proposals diminishes and will become more intermittent (future extensions and rebuilds).
- With the passage of time comes a growing risk of discontinuity of service in the management of approvals.
- There will be a continuing burden on Council to process approvals for minor changes to existing dwellings and a cost to land owners in needing to seek approval.
- Other residential areas in Torquay do not have the same level of regulation.

### **What are the options?**

Council has considered three options: no change, amending the CDZ2 and rezoning the land. Due to the above noted issues it is considered that the current controls and process are unsustainable to maintain into the future.

Other zoning options for the estate have been reviewed but suitable alternatives haven't been identified. The CDZ2 is a tailored zone for the Sands Torquay, providing for a mix of residential and commercial development within the golf course setting. It includes a unique mix of uses within Sections 1, 2 and 3 (no permit required, permit required and prohibited). Other standard zones don't have the scope to be customised in the same way.

Therefore the review has developed the preferred approach of:

- Wind up the system of external review.
- Implement the key standards from the Code as permit exemptions under the CDZ2 – an incentive approach where development which meets the standards can proceed without a planning permit.

### **How would change occur?**

Changing the CDZ2 requires an amendment to the Surf Coast Planning Scheme. Council must first obtain approval from the Minister for Planning to prepare the amendment; it is publicly exhibited and submissions may be made opposing or supporting the amendment. If there are objecting submissions which are unable to be resolved they may be referred to an independent Panel to consider the amendment and make recommendations to Council. After considering those recommendations, Council adopts the amendment, with or without changes, and submits it for Ministerial approval. At any point Council may abandon the amendment.

The Agreement will also need to be amended. This would also be subject to public notice with objections able to be made. Council would consider all objections before making a decision and if not satisfied with that decision, objectors could apply to have that decision reviewed by the Victorian Civil and Administrative Tribunal (VCAT).

### **How is it proposed to amend the CDZ2?**

It is proposed to introduce a planning permit requirement to construct a dwelling or a lot, including alterations or extension to an existing dwelling. This replaces the need to have plans approved without a planning permit. It is also proposed to introduce an exemption from a permit where a number of criteria are met. If a planning permit wasn't required the development could proceed after obtaining a building permit (if required).

The exemption criteria have been drafted to capture the key performance measures of the Code.

It has been identified that a number of other drafting changes should be made to the zone to improve its operation and to align with modern practices. These changes are intended to be policy neutral.

A draft of the amended CDZ2 is attached.

### **What happens next?**

After considering feedback, a report will be prepared for Councillors recommending whether or not to proceed with an amendment to the scheme and an application to amend the Agreement. If Council proceeds it is likely to occur in the 2018/19 financial year.

## Feedback

Your feedback is welcome.

- Is moving away from Stage 1 and 2 assessments by external consultants the right approach?
- Is a high level of planning control still required for residential development across the estate?
- Are the permit exemption criteria appropriate?

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