

Agenda

Special Council Meeting for Hearing
Submissions

Tuesday, 1 December 2020

To be held via video conference
(Zoom)

Commencing at 6:00pm

Council:

Cr Libby Stapleton (Mayor)
Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Heather Wellington

AGENDA FOR THE SPECIAL COUNCIL MEETING FOR HEARING SUBMISSIONS
OF SURF COAST SHIRE COUNCIL
TO BE HELD VIA VIDEO CONFERENCE (ZOOM)
ON TUESDAY 1 DECEMBER 2020 AT 6:00PM

PRESENT:

APOLOGIES:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

In accordance with Section 130 of the Local Government Act 2020 (the Act), there is an obligation to declare a conflict of interest in certain situations including matters being considered by Council.

A conflict of interest can be a general conflict of interest under section 127 of the Act, or a material conflict of interest under section 128 of the Act.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner contrary to their public duty.

A Councillor, a non-Councillor member of a delegated committee or member of Council staff has a material conflict of interest in respect of a matter if they or another affected person (as defined in section 128(3)) would gain a benefit or suffer a loss depending on the outcome of the matter.

Please note that some general exemptions apply and are set out in section 129 of the Act.

Disclosure of Interest

A Councillor must make full disclosure of a conflict of interest by either advising Council at the meeting immediately before the matter is considered at the meeting, or advising the Chief Executive Officer in writing prior to the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that they are doing so. This notification must include the nature of the conflict and whether the interest is a general or material conflict of interest.

A Council officer must disclose the conflict of interest when providing information and before the information is considered.

Councillors and Council staff will also be required to complete a conflict of interest declaration form.

BUSINESS:

1. PLANNING MATTERS..... 4

1.1 *Planning Application 20/0283 - Construct a Three Store Residential Apartment Building and Native Vegetation Removal - 86-92 The Esplanade Torquay 4*

1. PLANNING MATTERS

1.1 Planning Application 20/0283 - Construct a Three Store Residential Apartment Building and Native Vegetation Removal - 86-92 The Esplanade Torquay

Author's Title: Principal Statutory Planner
Department: Planning & Development
Division: Environment & Development

General Manager: Ransce Salan
File No: 20/0283
Trim No: IC20/1545

Appendix:

1. 2020-12-01 Hearing of Submissions - Order of Speakers - Planning Permit 20/0283 (D20/219063)

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 2020 – Section 130:

Yes

No

Reason: Nil

Status:

Defined as confidential information in accordance with Local Government Act 2020, Section 3(1):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to hear submissions relating to Planning Permit Application 20/0283. The application seeks approval for the Construction of a Three Storey Residential Apartment Building and Native Vegetation Removal.

Summary

In September/October the application was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

Summary of Submissions

A total number of 58 submissions have been received (as of 10 November 2020) including:

- 55 objections from individuals (representing 51 properties)
- 1 objection from a body corporate
- 1 objection from a committee
- 1 in support from an individual

The issues raised by objectors are summarised in the following table. In summarising the issues similar concerns have been grouped together.

Issue
Loss of residential amenity from: <ul style="list-style-type: none"> • Overshadowing of residential properties from proposed buildings • Overlooking • Noise including from equipment, residents, vehicles • Change of outlook and building bulk • Loss of views
Devaluation of property
Inconsistent with the neighbourhood character in relation to: <ul style="list-style-type: none"> • Height • Scale • Setbacks • Landscaping area provided • Site coverage
Visual impact of development from the Esplanade and coastal foreshore
Density of proposal not suited to this location of Torquay
Loss of vegetation
Insufficient and lack of appropriate access to parking being provided on the site
Waste removal trucks restricted from movement within carpark
Removal of existing parking within the Esplanade

1.1 Planning Application 20/0283 - Construct a Three Store Residential Apartment Building and Native Vegetation Removal - 86-92 The Esplanade Torquay

Increase in traffic and impact on the function of the Esplanade
Lack of storage associated with apartments
Lack of Deep Soil Area
Appropriate drainage
Potential for future subdivision resulting in individual tenancies
Use of apartments as short stay accommodation, and the potential for ill behaviour associated with short term accommodation.
Increase in animals to the area
Compliance with planning provisions: <ul style="list-style-type: none">• Non consistent with Clauses 15.01 – Built Environment and 16.01 - Residential Development• Non consistent with Clause 21.08 – Torquay Jan Juc Strategy• Non consistent with Clause 22.09 – Torquay Jan Juc Residential Development and Neighbourhood Character Policy• Non consistent with Design and Development Overlay – Schedule 2.

A copy of all the submissions have been made available to Council via the Councillors Portal.

The submission in support of the proposal is summarised as:

- Looks great
- Good opportunity for the local trades
- Improvement on existing housing.

The issues raised in the submissions will be considered in detail in a report to be presented to the 8 December 2020 Council meeting.

Recommendation

That Council receives and notes the submissions relating to Planning Permit Application 20/0283 and forward to Council for consideration.

1.1 Planning Application 20/0283 - Construct a Three Store Residential Apartment Building and Native Vegetation Removal - 86-92 The Esplanade Torquay

APPENDIX 1 2020-12-01 HEARING OF SUBMISSIONS - ORDER OF SPEAKERS - PLANNING PERMIT 20/0283



**Special Council Meeting for Hearing Submissions
Tuesday 1 December 2020 – 6:00pm
Via Video Conference (Zoom)**

Purpose: Planning Permit 20/0283: Construction of a Three Storey Residential Apartment Building and Removal of Native Vegetation- 86-92 The Esplanade Torquay

ORDER OF SPEAKERS

Item	Name
1.	Peter Donnelly
2.	Meredith De Leenheer
3.	Carol Collins
4.	Fiona & Tim Latrobe
5.	Helen Robarts
6.	Representative from 3228 Residents Association
7.	Richard Glawitsch
8.	Julie Castieau
9.	David Merrett (speaking on behalf of multiple submitters)
10.	Stephen Coleiro – G2 Urban Planning (speaking on behalf of the Applicant)