

Agenda

Special Council Meeting for Hearing
Submissions

Tuesday, 11 May 2021

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 11 MAY 2021 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:

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1. PLANNING MATTERS

1.1 Draft Torquay-Jan Juc Retail and Employment Land Strategies

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

General Manager: Ransce Salan
File No: F19/349
Trim No: IC21/667

Appendix:

Nil

Officer 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 the Draft Torquay-Jan Juc Retail and Employment Land Strategy.

Summary

At its meeting held on 23 February 2021, Council resolved to publicly exhibit the draft Torquay-Jan Juc Retail and Employment Land Strategy for a period of one month from 25 February to 26 March 2021.

Notice was sent to land owners within Torquay-Jan Juc's employment areas, and to registered community groups. Notice also appeared in the Surf Coast Times and the draft Strategy was advertised on Council's website.

Summary of Submissions

A total number of 36 submissions were received during the exhibition period. Because many of the submissions covered common themes, they have been grouped and summarised in the table below. Councillors have also been provided with a full copy of each submission.

The order of items in the table is generally based on the number of times an issue was raised (highest to lowest). They are not in priority order.

Issue Raised / Supporting Comment (summarised and paraphrased)	Approximate No. of times raised
Building Height Quite a few submissions referenced building height, expressing concern in a number of different ways: <ul style="list-style-type: none"> • Should be 2-3 storey height limit in Torquay Town Centre • Height should be limited to 7.5 metres • We don't want tall buildings • We don't want 5 storey buildings in the TTC • Height should be limited along the Esplanade • Height limits along the Esplanade are needed to protect old weatherboard houses (including those used as restaurants) • There should be a 7.5m height limit in all commercial and industrial zones • Amend Action 6.2 to be clear in its meaning • Delete Action 6.2 • Confirm that Action 6.2 means five storeys or higher in appropriate locations 	20
Enterprise precinct	9

1.1 Draft Torquay-Jan Juc Retail and Employment Land Strategies

<p>There was a high level of support for the Enterprise Precinct element:</p> <ul style="list-style-type: none"> • Support the Enterprise Precinct concept at Baines Crescent • Believe the CZ3 would be an appropriate zone • Baines should be a secondary hub • Maintain the low key appearance of Baines Crescent 	
<p>General Support</p> <p>In addition to the supporting comments associated with the Enterprise Precinct, general support was expressed on the following matters:</p> <ul style="list-style-type: none"> • Clearer direction for commercial areas is welcome • Updated hierarchy and greater clarity for employment areas are supported 	5
<p>Torquay NE Investigation Area (Karaaf wetland)</p> <p>Potential impacts on the Karaaf wetlands to the east of the Torquay NE Investigation Area was raised as an issue in relation to the proposed inclusion of a Local Activity Centre if the Investigation Area was developed:</p> <ul style="list-style-type: none"> • There should be no development in the Torquay North East Investigation Area/development that would impact on the Karaaf wetlands 	5
<p>DAL</p> <p>Some submissions raised concern that the outcomes of the DAL process might have a significant impact on the Strategy:</p> <ul style="list-style-type: none"> • Postpone the TJJ REL Strategy process until the DAL process is complete • Action 7.1 (expansion of Torquay North Activity Centre) is at odds with the DAL 	6
<p>Walkability</p> <p>There were mixed responses on the subject of walkability with some encouraging walking, cycling and public transport and others showing concern over the 20 minute neighbourhood concept:</p> <ul style="list-style-type: none"> • Should encourage walking, cycling, and public transport over more carparking • 20 minute neighbourhoods is an urban principle that doesn't translate to regional areas 	4
<p>Servicing residents</p> <p>A small number of submissions welcomed recognition of the need to service residents, making reference to the Enterprise Precinct:</p> <ul style="list-style-type: none"> • We need to focus our attention on residents, rather than visitors • Would like greater choice of goods and services for residents • Especially support uses like office, creative industries, and niche production. 	3
<p>Torquay North</p> <p>In relation to the strategy's reference to the expansion of the Torquay North Activity Centre:</p> <ul style="list-style-type: none"> • The proposed increase of floor cap for 'shop' should be reconsidered • Ensure that an expansion of Torquay North AC does not undermine the primacy of the Torquay Town Centre • Oppose the expansion of the Torquay North Activity Centre 	3
<p>Specific Focus</p> <p>Matters that were raised in relation to specific sites were:</p> <ul style="list-style-type: none"> • Recognise the potential for non-residential uses or higher density development on the north-west corner at the intersection of Coombes Road and Surf Coast Highway • Need to consider the demand for Research Centres and skills based learning centres and healthcare 	2
<p>Specific Industries</p> <p>Concern was raised in some submissions that the strategy lacked a focus on certain</p>	2

1.1 Draft Torquay-Jan Juc Retail and Employment Land Strategies

<p>areas of the Torquay-Jan Juc economy:</p> <ul style="list-style-type: none"> The strategy lacks any focus on supporting micro businesses in Torquay The strategy ignores the Arts Industry 	
<p>COVID; On-line Shopping</p> <p>Concern was expressed about the impacts of COVID and on-line shopping and whether the strategy considered this:</p> <ul style="list-style-type: none"> The strategy fails to acknowledge the downturn in traditional retail as on-line shopping increases 	2
<p>Jan Juc Commercial Area</p> <ul style="list-style-type: none"> Upper level apartments should be encouraged in the Jan Juc Commercial 1 Zone. 	1
<p>Bell Street</p> <p>The difficulty in interpreting Action 7.6 relating to 48-50 Bell Street attracted some comment:</p> <ul style="list-style-type: none"> Oppose rezoning (and investigating rezoning) of 2-4 Geelong Road The land at 48-50 Bell Street should remain in the Commercial 1 Zone. This should be recognised in the strategy The existing DDO7 should be removed from the land at 48-50 Bell Street as DDO7 should be limited to residential outcomes and is not appropriate for a Commercial Zone Delete Action 7.6 relating to 48-50 Bell Street. 	1
<p>Growth</p> <ul style="list-style-type: none"> Be clear that rezoning requests for a LAC in Messmate Road Growth Area and in the Torquay NE Investigation Area must be supported by an Economic Impact Assessment, demonstrating a net community benefit and maintenance of the primacy of the Torquay Town Centre Oppose the inclusion of an Activity Centre within the Torquay North-West Growth Area at Messmate Road and the Torquay NE Investigation Area if developed Do not create new precincts; focus on the ones we have 	1
<p>Densification of Town Centre</p> <ul style="list-style-type: none"> The strategy should recognise the need to proactively transition to a higher density (including increasing maximum height limits) mixed use environment in the Torquay Town Centre The strategy should emphasise the importance of apartment development in the Torquay Town Centre and increase height limits Four storeys in TTC is OK provided the fourth storey is stepped back and underground car parking is included 	1
<p>Larger Retailers</p> <ul style="list-style-type: none"> The Town Centre is not an appropriate location for large scale retail spaces and/or further co-working spaces Should not allow major retailers in the town as it would change the character of the town It is not clear what is meant by larger retailers at action 6.3. 	
<p>Future Amendment</p> <ul style="list-style-type: none"> It is not clear how and when the strategy will be incorporated into future planning documents. It is not clear what the policy referenced in Action 6.1 is (ie. to provide strong policy support for the TTC as the primary retail centre) 	1
<p>Other matters</p> <ul style="list-style-type: none"> The text is difficult to read 	5

1.1 Draft Torquay-Jan Juc Retail and Employment Land Strategies

<ul style="list-style-type: none">• Taylor Park should be retained as a public green space and the Bowls Club should be restricted from expanding• Strategy offers no protection for beaches, forests (and other environmental assets)• Strategy has no interest in preserving character	
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In accordance with section 223(1)(b)(i) of the *Local Government Act 1989* submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

The issues raised in the submissions will be considered in further detail in a report to be presented to the 22 June 2021 Council meeting.

Recommendation

That Council receives and notes the submissions relating to the draft Torquay-Jan Juc Retail and Employment Land Strategy.

2. OTHER MATTERS

2.1 Review of Councillor and Mayoral Allowances

Author's Title: Coordinator Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: John Bertoldi
File No: F12/1924-3
Trim No: IC21/719

Appendix:

1. Order of Speakers (D21/79656)

Officer 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 Councillor and Mayoral Allowances.

Summary

At its meeting held on 23 March 2021, Council resolved to publicly exhibit the proposed remuneration levels for Councillor and Mayoral allowances, and publish a public notice inviting submissions in accordance with section 223 of the *Local Government Act 1989*.

Summary of Submissions

A total number of 3 submissions were received including 2 objections, 0 in support and 1 which is considered to neither be in objection to, nor in support of, the proposed remuneration rates. The submissions are summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual	Neutral	Submitter has suggested that Councillor and Mayoral allowances should be subject to Councillor's performance against performance success criteria.
2.	Individual	Objection	Submitter has expressed dissatisfaction with Council's performance, and submits that the amount paid is disproportionate to the hours worked by Councillors, and also suggests that an increase to Councillor allowance is inconsistent with current economic climate and wage growth.
3.	Individual	Objection	Submitter is unsatisfied with Council's performance and submits that an increase in allowance is inappropriate.

The issues raised in the submissions will be considered in detail in a report to be presented to the 25 May 2021 Council meeting.

Recommendation

That Council receives and notes the submissions relating to Councillor and Mayoral Allowances and considers Councillor and Mayoral Allowances at a future Council meeting.

APPENDIX 1 ORDER OF SPEAKERS



Special Council Meeting for Hearing Submissions
Tuesday 11 May 2021
6:00 pm
Via Video Conference (Zoom)

ORDER OF SPEAKERS

Item 1 - Torquay – Jan Juc Retail and Employment Land Strategy

	Submitter Name
1.	John Foss
2.	Simon Loader
3.	Anna Hurley
4.	Sue O'Shanassy, 3228RA
5.	Andrew Cherubin, Greater Torquay Alliance

Item 2 - Councillor and Mayoral Allowances

	Submitter Name
1.	Robert Bullen
2.	Russell Harris