

# Agenda

Hearing of Submissions Committee  
Tuesday, 20 August 2019

To be held in the  
Council Chambers  
1 Merrijig Drive, Torquay

Commencing at 5:00pm

**Council:**

Cr Rose Hodge (Mayor)  
Cr David Bell  
Cr Martin Duke  
Cr Clive Goldsworthy  
Cr James McIntyre  
Cr Brian McKiterick  
Cr Margot Smith  
Cr Heather Wellington

AGENDA FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 20 AUGUST 2019 COMMENCING AT 5:00PM

**PRESENT:**

**APOLOGIES:**

**CONFIRMATION OF MINUTES:**

**Recommendation**

That the Hearing of Submissions Committee note the minutes of the meeting held on 16 July 2019 as a correct record of the meeting.

**CONFLICTS OF INTEREST:**

**Note to Committee Members and Officers**

***Declaration of Interest***

*Committee Members and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.*

*A conflict of interest can be a direct or indirect interest in a matter.*

*A person has a direct interest if:*

*There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.*

*A person has an indirect interest if the person has:*

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

***Disclosure of Interest***

*A Committee Member or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Committee Member with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.*

**BUSINESS:**

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## 1. PLANNING MATTERS

### 1.1 Amendment C130surf - The Sands Planning Review

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

**General Manager:** Ransce Salan  
**File No:** F18/2026  
**Trim No:** IC19/1234

**Appendix:**

1. C130 - Submissions - List of speakers (D19/104755)

**Officer Direct or Indirect Conflict of Interest:**

In accordance with Local Government Act 1989 –  
Section 80C:

☐

Yes

☒

No

**Reason:** Nil

**Status:**

Information classified confidential in accordance with  
Local Government Act 1989 – Section 77(2)(c):

☐

Yes

☒

No

**Reason:** Nil

#### Purpose

The purpose of this report is to hear submissions relating to planning scheme amendment C130surf – Implementation of the Sands Planning Review.

#### Summary

At its meeting held on 21 January 2019, the Council resolved to publicly exhibit planning scheme amendment C130surf relating to the Implementation of the Sands Planning Review. The amendment was exhibited for a period of one month from June – July 2019.

#### Summary of Submissions

A total number of four (4) submissions were received during the exhibition period. One has been resolved and has been withdrawn but is included in the table below for information. The submissions are summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual submitter	Comments ( <b>submission resolved and withdrawn</b> )	<p>The submitter:</p> <ul style="list-style-type: none"><li>sought clarification on the ongoing status of the Building and Environmental Management Code (the Code) and the body responsible for administering the Code;</li><li>sought clarification on the range of paint colours referred to in the S173 Agreement;</li><li>requested changes to section 12 of the S173 Agreement;</li><li>requested minor changes to the heading at section 13 of the S173 Agreement and to the wording at section 13.1.2(d)(ii) of the S173 Agreement;</li><li>questioned the duplication of schedule 6 in the S173 Agreement.</li></ul> <p>Information was provided to the submitter in response to these matters including confirmation that minor corrections to the amendment documents could be made. <b>The matter was resolved to the satisfaction of the submitter.</b></p>

## 1.1 Amendment C130surf - The Sands Planning Review

2.	St Quentins Consulting	Conditional objection	<p>The submitter:</p> <ul style="list-style-type: none"> <li>requests the inclusion of transitional provisions to ensure that a planning permit would not be required on approval of C130surf. The transition provisions would provide an exemption from needing a planning permit if an existing proposal had been submitted to the Architectural Review Committee (ARC) for review and had progressed to an identified stage in the existing pre-approval process.</li> <li>requests that the transitional provisions not rely on an existing proposal having been approved by responsible authority under the existing process.</li> </ul>
3.	Individual submitter	Objection	<p>The submitter:</p> <ul style="list-style-type: none"> <li>agrees that taking action is appropriate but does not agree with the construct of the amendment.</li> <li>suggests that standard zones and overlays would provide the best long term protection for the Sands Estate and that they should be considered in lieu of the Comprehensive Development Zone (CDZ) schedule.</li> <li>requests that the amendment is abandoned and an amendment responding to the second dot point is prepared.</li> </ul>
4.	The Sands Owners Corporation	Support	<p>The submitter supports the amendment and includes that:</p> <ul style="list-style-type: none"> <li>the Owners Corporation 1 for the Sands estate has invested heavily in the process (to advance the amendment).</li> <li>the selected suite of controls protects the integrity of the Sands estate and streamlines planning approvals.</li> <li>the proposed amendment conforms to State Government planning requirements/guidelines.</li> <li>the proposed amendment will ensure conformity (to other planning systems) by placing the authority with council in lieu of the ARC.</li> <li>the existing dispersed planning controls will be brought into the scheme.</li> <li>The amendment maintains the status quo for environment, social and economic effects.</li> </ul>

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

### Recommendation

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Scheme Amendment C130surf relating to the Implementation of the Sands Planning Review and forward to Council for consideration.

**1.1 Amendment C130surf - The Sands Planning Review**

**APPENDIX 1 C130 - SUBMISSIONS - LIST OF SPEAKERS**



**Hearing of Submissions  
Tuesday 20 August 2019  
5.00 pm  
Council Chambers  
1 Merrijig Drive, Torquay**

**Planning Scheme Amendment C130 – The Sands Estate, Torquay.**

**ORDER OF SPEAKERS**

Item	Time	Submitter
1.		Cameron Gray, St Quentin
2.		Tim Kottek
3		Jan Selvay, The Sands OC No. 1 (applicant)