



Minutes

Hearing of Submissions Committee
Tuesday, 5 December 2017

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 5.00pm

Council:

Cr David Bell (Mayor)
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith
Cr Heather Wellington

MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON TUESDAY 5 DECEMBER 2017 COMMENCING AT 5.00PM

PRESENT:

Cr David Bell (Mayor)
Cr Martin Duke
Cr Rose Hodge
Cr Carol McGregor
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Environment & Development – Ransce Salan
Senior Strategic Planner – Jorgen Peeters
Co-ordinator Strategic Planning - Karen Hose

6 members of the public
0 members of the press

APOLOGIES:

Cr Libby Coker
Cr Clive Goldsworthy
Cr Brian McKiterick

Committee Resolution

MOVED Cr Rose Hodge, Seconded Cr Martin Duke

That apologies be received from Cr Libby Coker, Cr Clive Goldsworthy and Cr Brian McKiterick.

CARRIED 6:0

CONFLICTS OF INTEREST:

Nil.

SUBMITTERS HEARD

1. Michael Wilson
2. Caitlin Dobie
3. Zoran Sajinovic (applicant)

BUSINESS:

- 1. ENVIRONMENT & DEVELOPMENT 4**
- 1.1 *Amendment C123 & Planning Permit Application No. 17/0207: 3-5 Loch Ard Drive Torquay 4*

1. ENVIRONMENT & DEVELOPMENT

1.1 Amendment C123 & Planning Permit Application No. 17/0207: 3-5 Loch Ard Drive Torquay

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

General Manager: Ransce Salan
File No: F17/978
Trim No: IC17/1449

Appendix:

1. Order of Speakers (D17/137938)

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 provide an overview of the issues raised in submissions received during exhibition to Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207.

Summary

Combined Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 seeks to rezone land at 3-5 Loch Ard Drive, Torquay from General Residential Zone to Commercial 1 Zone and to develop the land for four commercial premises, a dwelling and associated car parking. The site is located adjacent to the existing local activity centre on the corner of Loch Ard Drive and Fischer Street and is currently vacant.

The amendment/permit application was publicly exhibited from 12 October to 13 November 2017. A total of five submissions were received, including two from referral authorities offering no objection and three from adjoining residents objecting to the rezoning and development.

A range of matters have been raised in the submissions, including the lack of need for more commercial development, the impact on existing businesses, amenity and visual impacts, the design, scale and height of the development, increased traffic, insufficient car parking and the lack of loading facilities.

Recommendation

That Council receive and note submissions received in relation to Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 – 3-5 Loch Ard Drive, Torquay.

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That Council receive and note submissions received in relation to Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 – 3-5 Loch Ard Drive, Torquay.

CARRIED 6:0

1.1 Amendment C123 & Planning Permit Application No. 17/0207: 3-5 Loch Ard Drive Torquay

Report

Background

Combined Planning Scheme Amendment C123 and Planning Permit Application No. 17/0207 seeks to rezone land at 3-5 Loch Ard Drive, Torquay from General Residential Zone to Commercial 1 Zone and to develop the land for four commercial premises, a dwelling and associated car parking. The site is located adjacent to the existing local activity centre on the corner of Loch Ard Drive and Fischer Street and is currently vacant.

The amendment/permit application was publicly exhibited from 12 October to 13 November 2017. A total of five submissions were received, including two from referral authorities offering no objection and three from adjoining residents objecting to the rezoning and development.

Discussion

The issues raised in the submissions are summarised as follows:

- Lack of need for more commercial premises or evidence of financial viability
- Impact of commercial development on current convenience shop and Torquay North businesses
- Inappropriate location for commercial development given residential neighbourhood
- Building scale, design and height
- Inconsistency with neighbourhood character
- Amenity impacts – noise, overlooking, overshadowing, visual, loss of views, pollution
- Increased traffic and insufficient car parking
- Lack of loading bay facilities
- Safety issues
- Poor maintenance of existing commercial building
- The rezoning and development is contrary to the Council Plan objective of balancing growth with infrastructure
- Concerns about the quality and robustness of supporting documentation.

The submissions will be considered in detail in a report to the 12 December 2017 Council meeting.

Financial Implications

This is a private planning scheme amendment request that is funded by the proponent.

Council Plan

Theme 3 Balancing Growth

Objective 3.2 Ensure infrastructure is in place to support existing communities and provide for growth

Strategy Nil

Theme 4 Vibrant Economy

Objective 4.1 Support the creation and retention of jobs in existing and new businesses to meet the needs of a growing community

Strategy 4.1.4 Plan for industrial and commercial zones in growing communities

Theme 5 High Performing Council

Objective 5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed

Strategy Nil

Policy/Legal Implications

In accordance with Section 22 of the *Planning and Environment Act 1987* a planning authority must consider all submissions made on or before the date set out in the notice and may consider late submissions.

In accordance with Section 23 after considering a submission which requests a change to the amendment, Council as the planning authority must:

- a) change the amendment in the manner requested; or
- b) refer the submission to a panel appointed under Part 8; or
- c) abandon the amendment or part of the amendment.

1.1 Amendment C123 & Planning Permit Application No. 17/0207: 3-5 Loch Ard Drive Torquay

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has any conflicts of interest.

Risk Assessment

No risks to Council have been identified with considering submissions.

Social Considerations

The submissions received raise a number of matters which may be classed as social impacts, including the visual impact of the development and amenity impacts such as noise, overlooking and overshadowing. These social impacts will be assessed in the context of relevant planning policies and provisions.

Community Engagement

The combined planning scheme amendment and permit application was publicly exhibited in accordance with the requirements of the *Planning and Environment Act 1987*. Notices were sent to adjoining and nearby landowners and occupiers. A notice was published in the Government Gazette, Surf Coast Times and The Echo on 12 October 2017.

Environmental Implications

Environmental impacts will be assessed in the context of relevant planning policies and provisions.

Communication

The submitters and the proponent have been invited to attend and present at the Hearing of Submissions meeting. All submitters and the proponent will be advised of Council's decision on the amendment/permit application following the 12 December 2017 Council meeting.

Conclusion

The submissions detail a number of matters that must be considered by Council before deciding on the amendment/permit application. To receive and note the submissions is an appropriate course of action, followed by detailed consideration at the 12 December 2017 Council meeting.

1.1 Amendment C123 & Planning Permit Application No. 17/0207: 3-5 Loch Ard Drive Torquay

APPENDIX 1 ORDER OF SPEAKERS



Hearing of Submissions
Tuesday 5 December 2017, 5.00 pm
Council Chambers
1 Merrijig Drive, Torquay

Planning Scheme Amendment C123 & Planning Permit Application No. 17/0207

ORDER OF SPEAKERS

	Submitter
1	Michael Wilson
2	Caitlin Doble
3	Zoran Sajinovic (applicant)

Close: There being no further items of business the meeting closed at 5.37pm.