

Minutes

Hearing of Submissions Committee
Tuesday, 12 November 2019

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

Committee:

Cr Rose Hodge (Chair)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr James McIntyre
Cr Brian McKiterick
Cr Tony Revell
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 12 NOVEMBER 2019, AT 5.00PM

PRESENT:

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

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance and Infrastructure – Anne Howard
General Manager Environment and Development – Ransce Salan
Manager Planning and Development - Bill Cathcart
Coordinator Statutory Planning – Michelle Watt
Principal Statutory Planner - Ben Schmied

19 members of the public.

Not in Attendance:

General Manager Culture and Community – Chris Pike

APOLOGIES:

Nil

CONFIRMATION OF MINUTES

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Margot Smith

That the Hearing of Submissions Committee notes the minutes of the meeting held on 6 November 2019 as a correct record of the meeting.

CARRIED 8:0

CONFLICTS OF INTEREST:

Cr Martin Duke has sought legal advice and stated that he does not have a Conflict of Interest with respect to the Planning Permit Application 18/0274 - 85 Geelong Road, Torquay.

Cr Heather Wellington arrived at the meeting at 5.02pm.

SUBMITTERS HEARD

- 1.1 Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay.
 1. John Dunne
 2. Andrew Cherubin - Representative from 3228RA Inc. Committee
 3. John McDonald
 4. Jacqui Scott

- 1.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale.
 1. Kevin McCormack
 2. Ross Parker
 3. Carola Sahler
 4. Heather Robinson
 5. Brett McCormack
 6. Phil Rosevear (Applicant)

BUSINESS:

- 1. PLANNING MATTERS..... 4**
- 1.1 *Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay 4*
- 1.2 *Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale..... 8*

1. PLANNING MATTERS

1.1 Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay

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

General Manager: Ransce Salan
File No: 18/0274
Trim No: IC19/1832

Appendix:

1. Nil

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 Permit Application (PPA) 18/0274. The application seeks approval for Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Door Premises, Signage, Reduction of Standard Car Parking Requirements and Alteration of Access to a Road in Road Zone Category 1.

Summary

In August 2019 the application was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

Summary of Submissions

A total number of 18 submissions were received including 17 objections and one in support, summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual	In support	<ul style="list-style-type: none"> Continued investment and development in Torquay Increased rates revenue Employment opportunities Increased choice and convenience for professional services, cinema and retail Opportunity for community use of cinema Subdued design and two storey scale appropriate
2.	Individual	Objection	<ul style="list-style-type: none"> Overshadowing Outlook to concrete wall Location of bin storage and collection – odour Property devaluation Overlooking from medical centre Impact on residential streetscape – height of medical centre at end of street Fence is not a sufficient barrier Retention of fencing – rails on Geelong Rd site, security issue Landscaping - lack of details and time to establish Noise impacts from equipment Light spill Reduced safety Service station – lack of need

1.1 Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay

3.	Individual	Objection	<ul style="list-style-type: none"> • Impact on residential streetscape – height of medical centre at end of street • Landscaping - lack of details and time to establish • Overlooking from medical centre • Overshadowing • Reduced safety • Traffic impacts on Geelong and Grossmans Roads • Noise from people using walkway to Pimelea Way • Parking overflow onto Pimelea Way and church car park
4.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts on Grossmans Rd and road safety • Lack of need • Litter • Pollution and fumes • Does not fit the character of Torquay
5.	Individual	Objection	<ul style="list-style-type: none"> • Overshadowing • Outlook to concrete wall • Location of bin storage and collection – odour • Property devaluation • Overlooking from medical centre • Impact on residential streetscape – height of medical centre at end of street • Fence is not a sufficient barrier • Retention of fencing – rails on Geelong Rd site, security issue • Landscaping - lack of details and time to establish • Noise impacts from equipment • Light spill • Reduced safety • Service station – lack of need
6.	Individual	Objection	<ul style="list-style-type: none"> • Overshadowing • Outlook to concrete wall • Location of bin storage and collection – odour • Property devaluation • Overlooking from medical centre • Impact on residential streetscape – height of medical centre at end of street • Fence is not a sufficient barrier • Retention of fencing – rails on Geelong Rd site, security issue • Landscaping - lack of details and time to establish • Noise impacts from equipment • Light spill • Reduced safety • Service station – lack of need
7.	Individual	Objection	<ul style="list-style-type: none"> • Insufficient doctors coming to region to staff existing medical centres. Another centre will be detrimental to existing • Lack of need for medical centre which may not be staffed
8.	Individual	Objection	<ul style="list-style-type: none"> • Poor quality development and uses for entrance to Torquay

1.1 Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay

9.	Individual	Objection	<ul style="list-style-type: none"> Noise Light spill Fumes Health risks from petrol station Service station – lack of need Increased foot traffic in Pimelea Way – vandalism and safety Parking pressure in Pimelea Way Retention of fencing – rails on Geelong Rd site, security issue Landscaping - lack of details and time to establish
10.	Individual	Objection	<ul style="list-style-type: none"> Increased foot traffic in Pimelea Way – vandalism, safety and noise Parking pressure in Pimelea Way Car fumes Need for mature landscaping buffer and retention of existing trees Cooking odours Fast food outlets – lack of need, unhealthy for community Service station – lack of need Traffic impacts on Grossmans Rd, including impact on emergency vehicles Electromagnetic interference (on mobile phone signal, Wi-Fi, television, etc.)
11.	Individual	Objection	<ul style="list-style-type: none"> Impact on residential streetscape – height of medical centre at end of street Landscaping - lack of details and time to establish Overlooking from medical centre Overshadowing Reduced safety Traffic impacts on Geelong and Grossmans Roads Noise from people using walkway to Pimelea Way Parking overflow onto Pimelea Way and church car park
12.	Individual	Objection	<p>Support proposal except for:</p> <ul style="list-style-type: none"> Traffic impacts on Geelong and Grossmans Roads, including impact on emergency vehicles
13.	Individual	Objection	<ul style="list-style-type: none"> Inclusion of fast food restaurants and service station Fast food and drive-throughs - unhealthy for community Proximity to primary schools and proposed child care centre Loss of small town feel Increase in traffic impacting on pedestrians and cyclists
14.	Individual	Objection	<ul style="list-style-type: none"> Traffic impacts on Geelong and Grossmans Roads, including impact on emergency vehicles Fast food and drive-throughs - unhealthy for community Layout lacks activation particularly to internal road Spaces at the back of buildings not inviting for users
15.	Individual	Objection	<ul style="list-style-type: none"> Detrimental outlook to service station Quality of food offering Fast food and drive-throughs - unhealthy for community
16.	Individual	Objection	<ul style="list-style-type: none"> Traffic impacts on Geelong and Grossmans Roads, including impact on emergency vehicles

1.1 Planning Permit Application 18/0274 - Use and Development of Place of Assembly (Cinema), Child Care Centre, Medical Centre, Service Station, Two Convenience Restaurants, Take Away Food Premises, Signage, Reduction of Car Parking and Creation and Alteration of Access from a Road Zone 1 - 85 Geelong Road Torquay

17.	Committee	Objection	<ul style="list-style-type: none"> • Supports building of convenience store, medical centre and cinema. • Supports access from Pimelea Way • Need for a new fence • Noise from businesses • Fumes from petrol station • Inadequacy of landscaping
18.	Committee	Objection	<ul style="list-style-type: none"> • Substantially different from concept plan under s173 agreement • Opposition to parking reduction • Issues with design and location of car parking • Poor design presentation of cinema • Increased traffic on Grossmans Rd leading to congestion and reduced safety • Safety and amenity impacts of service station • Proposed uses not consistent with the purpose of the zone • Lack of iconic building • Noise • Light pollution • Signage doesn't comply and not reflective of Surf Coast

The issues raised in the submissions will be considered in detail in a report to be presented to the 10 December 2019 Council meeting.

Recommendation

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0274 and forward to Council for consideration.

Committee Resolution

MOVED Cr Brian McKiterick, Seconded Cr James McIntyre

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 18/0274 and forward to Council for consideration.

CARRIED 9:0

1.2 Planning Permit Application 19/0098 - Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor - 105 Gum Flats Road Wensleydale

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

General Manager: Ransce Salan
File No: 19/0098
Trim No: IC19/1886

Appendix:

1. Nil

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 Permit Application 19/0098 – Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor at 105 Gum Flats Road, Wensleydale.

Summary

In May 2019 the application was publicly exhibited in accordance with the *Planning and Environment Act 1987*.

Summary of Submissions

A total number of 18 submissions were received including 17 objections and one in support, summarised as follows:

No.	Submitter	Position	Summary of Submission
1.	Individual	In Support	<ul style="list-style-type: none"> • Appropriate tourism use for the area • Benefit to the town
2.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Amenity impacts • Appropriateness of use in the Farming Zone
3.	Individual	Objection	<ul style="list-style-type: none"> • Traffic Impacts • Impact to soils • Bushfire risk
4.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Amenity impacts
5.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Bushfire risk • Amenity impacts • Appropriateness of use in the Farming Zone
6.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Appropriateness of use in the Farming Zone • Wastewater impacts
7.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Environmental impacts • Appropriateness of use in the Farming Zone • Amenity impacts
8.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Wastewater impacts
9.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts
10.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts

11.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts
12.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Wastewater impacts • Amenity impacts • Appropriateness of use in the Farming Zone
13.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Amenity impacts
14.	Individual	Objection	<ul style="list-style-type: none"> • Amenity impacts • Bushfire risk • Traffic impacts • Appropriateness of use in the Farming Zone
15.	Individual	Objection	<ul style="list-style-type: none"> • Amenity impacts • Bushfire risk • Appropriateness of use in the Farming Zone
16.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts
17.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts • Wastewater impacts • Appropriateness of use in the Farming Zone
18.	Individual	Objection	<ul style="list-style-type: none"> • Traffic impacts

The issues raised in the submissions will be considered in detail in a report to be presented to the 26 November 2019 Council meeting.

Recommendation

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 19/0098 – Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor at 105 Gum Flats Road, Wensleydale and forward to Council for consideration.

Committee Resolution

MOVED Cr David Bell, Seconded Cr Tony Revell

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 19/0098 – Use and Development of the Land for a Restaurant, Group Accommodation and Associated Sale of Liquor at 105 Gum Flats Road, Wensleydale and forward to Council for consideration.

CARRIED 9:0

Close: There being no further items of business the meeting closed at 6.11pm.