

# Minutes

Hearing of Submissions Committee  
Wednesday, 6 November 2019

Held in the  
Council Chambers  
1 Merrijig Drive, Torquay  
Commencing at 6:00pm

**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

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MINUTES FOR THE HEARING OF SUBMISSIONS MEETING OF SURF COAST SHIRE COUNCIL  
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON WEDNESDAY 6 NOVEMBER 2019 COMMENING AT 6:00PM

**PRESENT:**

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

**In Attendance:**

Chief Executive Officer – Keith Baillie  
General Manager Environment and Development – Ransce Salan  
Coordinator Statutory Planning – Michelle Watt

20 members of the public

**APOLOGIES:**

**Committee Resolution**

**MOVED Cr Margot Smith, SECONDED Cr Martin Duke**

That an apology be received from Cr David Bell and Cr Brian McKiterick.

CARRIED 7:0

**CONFIRMATION OF MINUTES**

**Committee Resolution**

**MOVED Cr Clive Goldsworthy, Seconded Cr James McIntyre**

That the Hearing of Submissions Committee note the minutes of the meeting held on 3 September 2019 as a correct record of the meeting.

CARRIED 7:0

**CONFLICTS OF INTEREST:**

Nil

**SUBMITTERS HEARD**

1. Norman Houghton
2. Donna Elliot and Carol Walker
3. Lisa Keddie
4. Richard McVean
5. Helen Newell
6. Juliette Beatty
7. Phil Rosevear and Brett Smart (applicant)

**BUSINESS:**

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## 1. PLANNING MATTERS

### 1.1 Planning Permit 19/0099 - 30 Railway Terrace, Deans Marsh

**Author's Title:** Coordinator Statutory Planning  
**Department:** Statutory Planning  
**Division:** Environment & Development

**General Manager:** Ransce Salan  
**File No:** 19/0099  
**Trim No:** IC19/1764

#### Appendix:

1. Order of Speakers (D19/162903)

#### 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 19/0099 – Use of the land for the disposal of clean fill, the development of earthworks and alterations to access in a Road Zone at 30 Railway Terrace, Winchelsea.

#### Summary

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

#### Summary of Submissions

At the time of writing this report, a total number of 50 submissions were received including 33 objections and 17 in support, including a petition with ten signatures in support. Council can continue to receive submissions on this application up until the time it makes a decision.

The themes raised by objectors are summarised as follows:

#### Dust and health impacts

- When soil was previously received at the site nearby residents and their pets experienced ill health from the effects of dust.
- The application will impact on the quiet enjoyment of our property and our ability to live in a clean and healthy environment.
- No detail is provided about dust management and it is unclear how the use will be managed in high winds.
- Has the sprinkler system been proven to control dust.

#### Noise

- The noise impact from the operation was constant and had a negative impact. Noise impacts have been experienced from trucks, earth moving machinery and the warning beeps on this machinery. Previous experiences include earth moving machinery being used on the site every second day.
- The noise from trucks braking is piercing and is heard from inside homes.

#### Trucks and safety

- Increased truck movements on Deans Marsh Birregurra Road and through the township will increase the risk of accidents.
- When soil was previously received at the site, the landowner seemed unaware of the trucks entering and exiting the property.
- Truck movements should be restricted to avoid accidents with children walking to and from school.
- Increased truck movements could impact on cyclists safety.
- Poor quality roads will be further degraded by increased truck movements.
- The intersection of Lorne Deans Marsh Road and Birregurra Deans Marsh Road is already precarious and truck movements will make the situation worse.

#### Tourism

- The use will negatively impact on the tourist industry in the town, which may affect local businesses;
- The application is not consistent with Surf Coast's Hinterland Strategy.

## 1.1 Planning Permit 19/0099 - 30 Railway Terrace, Deans Marsh

### Amenity

- Properties on the eastern side of Railway Terrace are located in a residential zone and are entitled to residential amenity.
- There is no buffer zone between this proposed activity and nearby dwellings

### Contamination and weeds

- It is unclear how only clean fill will be accepted onto the land. Unclean fill could pose a risk to animals, water sources and the community.
- As dairy farmers on nearby farms we are required to manage biosecurity risks.
- The dumping activities already undertaken have resulted in weed growth.
- It is common knowledge that clean fill uses are often not clean and contain arsenic, lead, mercury and asbestos. Water catchments could be contaminated.
- Unwanted soil should be delivered to a Council facility that is appropriately monitored and managed, not individual property owners motivated by profit.

### Precedent and industrial operation

- A precedent could be set for industrial scale activity being conducted within metres of a township and neighbouring residences.
- The level of filling proposed equates to an industrial type operation.
- The activity is not an agricultural activity but is industrial in nature.

### Impact on heritage

- The filling of the cutting will negatively impact on the heritage values of the site, with the land having historic value and referenced in a book titled Sawdust and Steam by Norman Houghton.
- It would be a loss to the cultural heritage for Western Victoria if a permit is granted and the cutting filled.

### Compliance

- Who will ensure compliance with requirements if a Planning Permit is issued?
- The use has already been in operation illegally and therefore the impacts are known; there have been unacceptable impacts on surrounding residents.

### Community harmony

- The application has impacted on community harmony.

Supporting submissions are summarised as follows:

- The land will be remediated and brought back to productive agricultural use.
- The receipt of fill on the land will address the problem of what to do with clean fill from development in Lorne, keeping trucks on an inland route, off the Great Ocean Road.
- People come to Deans Marsh because of its rural aspect and should not recognise it's not urban;
- The application will assist in the control of weeds.
- There are cost savings with associated with the disposal of fill on this land and also reduces transportation costs.

The issues raised in the submissions are 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 19/0099 – Use of the land for the disposal of clean fill, the development of earthworks and alterations to access in a Road Zone at 30 Railway Terrace, Deans Marsh and forward to Council for consideration.

### Committee Resolution

#### **MOVED Cr James McIntyre, Seconded Cr Heather Wellington**

That the Hearing of Submissions Committee receives and notes the submissions relating to Planning Permit Application 19/0099 – Use of the land for the disposal of clean fill, the development of earthworks and alterations to access in a Road Zone at 30 Railway Terrace, Deans Marsh and forward to Council for consideration.

CARRIED 7:0

**1.1 Planning Permit 19/0099 - 30 Railway Terrace, Deans Marsh**

**APPENDIX 1 ORDER OF SPEAKERS**



**Hearing of Submissions  
Wednesday 6 November 2019  
6.00 pm  
Council Chambers  
1 Merrijig Drive, Torquay**

**Planning Permit application –19/0099 - 30 RAILWAY TERRACE, DEANS MARSH  
Use of the land for the Disposal of Clean Fill, the Development of Earthworks and Alterations to  
Access in a Road Zone**

**ORDER OF SPEAKERS**

<b>Item</b>	<b>Time</b>	<b>Submitter</b>
1.		Donna Elliot
2.		Norman Houghton (powerpoint)
3.		Carol Walker
4.,		Richard McVean
5.		Juliette Beatty
6.		Helen Newell
7.		Phil Rosevear (and Brett Smart) Applicant

**Close:** There being no further items of business the meeting closed at 7:12pm.