



Minutes

Hearing of Submissions Committee
Tuesday, 9 August 2016

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commencing at 4.00pm

Council:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Eve Fisher
Cr Clive Goldsworthy
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 9 AUGUST 2016 COMMENCING AT 4.00PM

PRESENT:

Cr Rose Hodge (Mayor)
Cr Eve Fisher
Cr Clive Goldsworthy
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Environment & Development – Kate Sullivan
Manager Planning & Development – Bill Cathcart
Coordinator Strategic Planning – Karen Hose
Senior Strategic Planner – Barbara Noelker
7 members of the public

APOLOGIES:

Cr David Bell
Cr Heather Wellington

Committee Resolution

MOVED Cr Brian McKiterick, Seconded Cr Clive Goldsworthy

That an apology be received from Cr David Bell and Cr Heather Wellington..

CARRIED 6:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

1. Chris Gadsden
2. Rob MacDonald
3. Chris Marshall (TGM Group) & Tony Belcher (Proponent)

BUSINESS:

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1. ENVIRONMENT & DEVELOPMENT

1.1 C108 - 69B Harvey Street, Anglesea

Author's Title: Senior Strategic Planner

General Manager: Kate Sullivan

Department: Planning & Development

File No: F15/1368

Division: Environment & Development

Trim No: IC16/796

Appendix:

1. Submitters who have registered to speak (D16/66217)
2. Summary of Submissions (D16/59720)

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To hear from submitters in relation to Amendment C108.

Summary

Amendment C108 seeks:

- To rezone a disused public utility site at 69B Harvey Street, Anglesea from Public Use Zone 1 (PUZ1) to General Residential Zone (GRZ1).
- To apply an amended version of the Design and Development Overlay Schedule 19 (DDO19) and the Neighbourhood Character Overlay Schedule 3 (NCO3) to the site.
- The closure of Sparrow Avenue (where it abuts the site) to create a small local park.

Planning permit 15/0372 seeks to:

- Re-subdivide the existing 7 lots into 10 lots.

The amendment was publicly exhibited from 5 May 2016 to 6 June 2016. A total of sixteen (16) submissions were received and are summarised as follows:

- One (1) supported the amendment.
- Two (2) submissions were from referral authorities (no objection).
- Thirteen (13) objected, primarily to the proposed subdivision and its perceived impacts on the area's character. There were mixed views presented in relation to the closure of Sparrow Avenue and provision of footpaths.

The issues raised in the submissions will be considered in detail in a report to be presented to the 23 August 2016 Council meeting.

Recommendation

That Council receive and note all submissions to Amendment C108.

Committee Resolution

MOVED Cr Eve Fisher, Seconded Cr Margot Smith

That Council receive and note all submissions to Amendment C108.

CARRIED 6:0

1.1 C108 - 69B Harvey Street, Anglesea

Report

Background

The water supply basin located at 69B Harvey Street ceased to be operational in the mid-1990s and since that time has fallen into disrepair. The site is zoned Public Use Zone – Service and Utility (PUZ1), recognising the historic use of the land as a water basin. Amendment C108 seeks to rezone the subject land to General Residential Zone Schedule 1 (GRZ1), per Figure 1, to enable residential development to occur.



Figure 1: Proposed rezoning to GRZ1

The amendment proposes to apply a revised version of the Design and Development Overlay Schedule 19 (DDO19) and Neighbourhood Character Overlay Schedule 3 (NCO3) in conjunction with the GRZ1. The purpose of these overlay schedules is to protect and enhance the low density, low profile, vegetated, non-suburban coastal township character of Anglesea. Both schedules have been modified to enable a lot size and front setback variation to occur on the subject site to respond to its unusual land configuration. Importantly the controls are site specific to ensure the variations do not set an unwanted precedent beyond the subject site. The NCO3 includes building envelopes on lots to ensure future development has sufficient space for planting to occur and site coverage to be limited, reflecting fundamental components of the surrounding neighbourhood character.

A planning permit is concurrently sought to re-subdivide the existing 7 lots into 10 lots, as shown in Figure 2 below.



Figure 2: Proposed subdivision layout, including building envelopes.

1.1 C108 - 69B Harvey Street, Anglesea

Discussion

The amendment was publicly exhibited from 5 May 2016 to 6 June 2016. Sixteen (16) submissions were received, summarised as follows:

- One (1) supported the amendment including residential subdivision, closure of Sparrow Avenue and the provision of a park.
- Two (2) submissions were from referral authorities (no objection raised, conditions provided to be included on the planning permit).
- Thirteen (13) objected to the subdivision and creation of smaller lots, although there was support for rezoning the land to residential. Sentiment was mixed in relation to the closure of Sparrow Avenue to create a small park and provision of footpaths.

Key comments made in support of the proposal include:

- Rezoning the land from a public utility to residential is perceived to be a positive change to the site.
- Safety to pedestrians with new footpaths being constructed.
- Sparrow Avenue generates dust in the summer and its rehabilitation into a park would be a community asset.

Opponents of the Amendment are generally concerned with loss of neighbourhood character and amenity.

Key issues raised through opposing submissions include:

- The lots are too small and will result in a loss of character in an area that has predominantly large, treed lots.
- New development will overlook existing dwellings in Harvey Street.
- The development will increase traffic in Harvey, Parker and the Harvey/Parker Street intersection.
- The closure of Sparrow Avenue will result in higher traffic volumes in Parker and Harvey Street. Sparrow Avenue provides access in an emergency situation.
- The proposal contravenes the Anglesea Structure plan.
- Footpaths (particularly concrete construction) will urbanise the area and be out of character.
- Access to properties should be restricted to Harvey Street only.
- Access to properties should be restricted to Parker Street only.

Some suggestions were also made for changes to the layout of the concept plan.

The issues raised in the submissions and a thorough assessment of the proposal will be considered in a report to be presented to the 23 August 2016 Council meeting.

A more detailed summary of submissions is provided at Appendix 1.

Financial Implications

The proponent has signed a legal agreement to cover costs associated with processing a planning scheme amendment, including statutory fees and panel costs.

Council Plan

Theme 5 Development and Growth

Objective 5.4 Transparent and responsive land use and strategic planning

Policy/Legal Implications

Ministerial Direction No. 15 (The Planning Scheme Amendment Process) requires a planning authority to request the appointment of a panel within 40 business days of the closing date for submissions, unless a panel is not required.

In accordance with Section 23 of the Planning and Environment Act 1987, after considering a submission that requests a change to the amendment Council 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.

Officer Direct or Indirect Interest

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

1.1 C108 - 69B Harvey Street, Anglesea

Risk Assessment

There are no risks to Council associated with considering submissions.

Social Considerations

Submitters have supported the rezoning of the public utility to General Residential and the rehabilitation of the disused water basin. There is mixed sentiment in relation to the closure of Sparrow Avenue with some submitters expressing concern that the road provides an alternative route in an emergency and others expressing support for the unsealed road being redeveloped as public open space.

Although there is some support for the proposed subdivision, many submitters are concerned with the deviation from the 800sqm lot size specified for the area under the DDO19.

Community Engagement

The amendment and permit application were placed on public exhibition in accordance with the requirements of the *Planning and Environment Act 1987*. Notice was given in the following manner:

- Notices were sent to surrounding landowners.
- Two signs were erected on site.
- A notice was placed in the Surf Coast Times and Government Gazette.

The amendment and supporting documents were available for viewing at the Council office, on Council's website and on the website of the Department of Environment, Land, Water and Planning.

Environmental Implications

A vegetation assessment was prepared by Mark Trengove Ecological Services for the site, which found that the basin itself is devoid of vegetation but small patches of remnant vegetation (predominantly ground covers) are still present along the periphery of the site and within the street reservation. There is an Otway Grey Gum, listed as vulnerable on the State advisory listing, within the street reservation in Harvey Street. As all significant vegetation within the site is located along the perimeter, the inclusion of building envelopes will enable the majority of indigenous vegetation remaining on site to be retained. All indigenous vegetation currently in the street reserve is proposed to be retained.

Communication

All submitters have been invited to attend and present at the Hearing of Submissions. Submitters will be advised of Council's decision on the Amendment following the August Council meeting.

Conclusion

The submissions received in relation to Amendment C108 detail a number of matters that need to be considered and these are presented to Council via the Hearing of Submissions meeting.

1.1 C108 - 69B Harvey Street, Anglesea

APPENDIX 1 SUBMITTERS WHO HAVE REGISTERED TO SPEAK

**Planning Scheme Amendment C108 and Planning Permit App No 15/0372
69B Harvey Street, Anglesea**

Registered speakers:

1. Chris Marshall (TGM Group) & Tony Belcher (Proponent)
2. Chris Gadsden
3. Rob MacDonald

1.1 C108 - 69B Harvey Street, Anglesea

APPENDIX 2 SUMMARY OF SUBMISSIONS

1. Referral Authorities

No.	Authority/ Submitter	Type of submission	Summary of submission
1	(S3) Barwon Water	Support	Supports the amendment subject to conditions being included on the planning permit.
2	(S4) Powercor	Support	Supports the amendment subject to conditions being included on the planning permit.

2. Public Submissions

No.	Submitter	Type of submission	Summary of submission
3	(S1) Michael McConnell	Support	<p><i>Rezoning of the land to residential</i> Supports the rezoning of the land.</p> <p><i>Closure of Sparrow Avenue</i> Supports the closure of Sparrow Avenue to vehicles - pedestrian access only.</p> <p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Supports the resubdivision of the site into an additional 3 lots. Believes this will lead to an improved subdivision layout.</p>
4	(S2) Dr Ian McLeod & Christine Walker	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of smaller lots (less than 800sqm) and believes it will set an unwanted precedent.</p> <p><i>Proposal contravenes the Anglesea Structure Plan</i> Believes the proposal is at odds with the Anglesea Structure plan.</p> <p><i>Proposal will impact on the low density vegetated character</i> Believes the proposal will impact on the low density vegetated character.</p> <p><i>Closure of Sparrow Avenue</i> Objects to the proposed closure of Sparrow Avenue to vehicular traffic on the grounds that it provides an alternative route to traffic between Harvey and Parker Street.</p> <p><i>Footpaths</i> Objects to the proposed footpath in Harvey Street and through the Sparrow Ave reserve.</p> <p><i>Restrictions on street access</i> Believes access should only be permitted from Harvey Street.</p>
5	(S5) Simone Shaw	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of smaller lots (less than 800sqm as stipulated by the DDO19) as the smaller lot sizes are out of character. Believes a re-subdivision should not occur and the current 7 lots be retained as is.</p> <p>Suggests an overlay be applied to the property - controlling setbacks, fencing and vegetation enhancement.</p> <p>Also suggests that the subdivision layout be amended to avoid double frontages but provide 6 lots instead of 7 – provided a concept plan.</p> <p><i>Footpaths</i> Supports the provision of footpaths.</p>
6	(S6) Harry Wendt	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of smaller lots (less than 800sqm as stipulated by the DDO19).</p>

			<p><i>Increased traffic</i> Concerned that the development will result in increased traffic parking in Harvey Street. The street network will become more hazardous to cyclists and walkers as a result.</p> <p><i>Proposal will impact on the low density vegetated character</i> Believes the smaller lots will result in housing that is out of character.</p> <p><i>Closure of Sparrow Avenue</i> Does not support the closure of Sparrow Avenue.</p>
7	(S7) Robert McDonald	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of smaller lots (less than 800sqm as stipulated by the DDO19) and believes it will set an unwanted precedent.</p> <p><i>Proposal contravenes the Anglesea Structure Plan</i> Believes the proposal is at odds with the Anglesea Structure plan as it will not protect the low density vegetated character.</p> <p><i>Closure of Sparrow Avenue</i> Objects to the proposed closure of Sparrow Avenue to vehicular traffic on the grounds that it provides an alternative route to traffic between Harvey and Parker Street.</p> <p><i>Footpaths</i> Objects to the proposed footpath in Harvey Street and through the Sparrow Ave reserve.</p> <p><i>Restrictions on street access</i> Believes access should only be permitted from Harvey Street.</p>
8	(S8) Elizabeth Rickey	Objection	<p><i>Rezoning of the land to residential</i> Supports the rezoning of land from a public utility to residential.</p> <p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the smaller lot sizes (less than 800sqm). Believes approval of smaller lots in Precinct A will set an unwanted precedent.</p> <p><i>Proposal will impact on the low density vegetated character</i> Believe smaller lots will result in less trees which is at odds with the streetscape character.</p> <p><i>Proposal contravenes the Anglesea Structure Plan</i> Believes the proposal is at odds with the Anglesea Structure plan as it will not protect the low density vegetated character.</p> <p><i>Closure of Sparrow Avenue</i> Objects to the proposed closure of Sparrow Avenue to vehicular traffic on the grounds that it provides an alternative route to traffic between Harvey and Parker Street.</p> <p><i>Footpaths</i> Objects to the proposed footpath in Harvey Street and through the Sparrow Ave reserve.</p> <p><i>Restrictions on street access</i> Believes access should only be permitted from Harvey Street.</p>
9	(S9) Mark Hannan	Objection	<p><i>Closure of Sparrow Avenue</i> Objects to the closure of Sparrow Avenue to vehicular traffic on the grounds that there will increased usage of the Harvey/Parker Street intersection. Believes the closure may lead to vehicles increasing their speed in Parker Street. Also concerned that in a bushfire event Sparrow Avenue is an important escape route. Suggests that two of the proposed lots use Sparrow Avenue as their</p>

			<p>frontage to reduce number of frontages onto Harvey and Parker.</p> <p><i>Footpaths</i> Supports a footpath but queries concrete construction. Notes the high volume of walkers who are forced to walk on the road and feels this is a safety issue. Suggests that a gravel track be constructed instead of a concrete footpath but also suggests that Council connect the path from the lookout in Harvey Street to the heathland.</p>
10	(S10) John Cummings & Margaret Burmeister	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of smaller lots (less than 800sqm as stipulated by the DDO19) and believes it will set an unwanted precedent.</p> <p><i>Proposal contravenes the Anglesea Structure Plan</i> Believes the proposal is at odds with the Anglesea Structure plan as it will not protect the low density vegetated character.</p> <p><i>Closure of Sparrow Avenue</i> Objects to the proposed closure of Sparrow Avenue to vehicular traffic on the grounds that it provides an alternative route to traffic between Harvey and Parker Street.</p> <p><i>Footpaths</i> Objects to the proposed footpath in Harvey Street and through the Sparrow Ave reserve.</p> <p><i>Restrictions on street access</i> Believes access should only be permitted from Harvey Street.</p>
11	(S11) John Coles –	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the smaller lots (less than 800sqm) and the lack of space left on the allotment for vegetation. Believes the density is too high compared with the surrounding area.</p>
12	(S12) Chris Gadsden	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the smaller lots (less than 800sqm) and believes it is out of context with the surrounding area which has lots greatly in excess of 800sqm. Objects to housing being located closer to the street compared with other houses in the area which have deeper blocks. Doesn't support smaller blocks in order to avoid double frontages and believes prescriptive controls relating to fencing and outbuildings should be used instead.</p> <p><i>Overlooking</i> Is concerned that the new houses will overlook their property as their decking is located on the northern side of the house. This will be exacerbated by the land being elevated.</p> <p><i>Closure of Sparrow Avenue</i> Is also concerned with the potential closure of Sparrow Avenue to vehicles as believes it is an evacuation route during a bush fire event.</p>
13	(S13) Bill Hale & Ben Navis	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to smaller lots and opposes variation to 800sqm minimum lot size. Submits that the 7 lot subdivision is consistent with the subdivision pattern of the area.</p> <p><i>Footpaths</i> Believes there will be a negative impact on the character resulting from a concrete footpath and potential concrete crossovers.</p> <p><i>Rezoning of the land to residential</i> Supports rezoning of land to residential.</p>

			<p><i>Restrictions on street access</i> Is concerned that the proposed 6m setback will add to the urbanisation of the land. Suggests access should be from Parker Street only with the backs of lots fronting Harvey Street (and substantially landscaped).</p>
14	(S14) Jennifer Jackson	Objection	<p><i>Rezoning of the land to residential</i> Supports the rezoning of the land to residential.</p> <p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the smaller lot sizes. Objects to lots of 600+ in precinct A (800+ lot size) and believes it will reduce the land available for landscaping. Objects to the proposed changes to the DDO19 & NCO3 permitting a variation to lot size and setbacks on the subject site.</p> <p><i>Proposal contravenes the Anglesea Structure Plan</i> Submits that Amendment C79 (Anglesea) supported the site being use as public open space.</p> <p><i>Footpaths</i> Objects to the footpaths being concrete as this will be out of character.</p>
15	(S15) Rowan Neilson	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the smaller lot sizes and believes that all lots should be 800smq + to ensure consistency with the DDO19. Submits that the smaller lot sizes will have a negative impact on the character.</p>
16	(S16) John and Sally McKenzie –	Objection	<p><i>Smaller lot sizes – less than stipulated by the DDO19</i> Objects to the creation of 11 lots on the site. Objects to over development of the site stating that the smaller lot sizes will be inconsistent with the surrounding subdivision pattern particularly in Harvey Street which supports large lot sizes. Argues that this is at odds with the DDO19. Highlights that proposed lots 1-3 still have double frontages. Objects that the smaller lots will result in reduced front and side setbacks when new development occurs.</p> <p><i>Increased traffic</i> Objects on the basis of increased traffic in Harvey and Parker Streets.</p> <p><i>Change in ground levels & overlooking</i> Objects to the creation of new ground levels as part of water basin site rehabilitation and the potential of new houses to overlook existing lots.</p> <p><i>Community consultation</i> Objects to the way Barwon Water undertook the pre consultation process submitting that the recording of opinions was not accurate.</p> <p><i>Site management</i> Objects to the management of site issues including contamination, mess and disruption during the filling of the water basin.</p>

Close: There being no further items of business the meeting closed at 4.34pm.