



Minutes

Hearing of Submissions Committee
Tuesday, 5 April 2016

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

Council:

Cr Rose Hodge (Mayor)
Cr David Bell
Cr Libby Coker
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 5 APRIL 2016 COMMENCING AT 4.00PM

PRESENT:

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

In Attendance:

General Manager Environment & Development – Kate Sullivan
Manager Planning & Development – Bill Cathcart
Co-ordinator Statutory Planning – Phil Rosevear
5 members of the public

APOLOGIES:

Cr Clive Goldsworthy
Cr Libby Coker
Cr Eve Fisher
Cr Brian McKiterick

Committee Resolution

MOVED Cr Margot Smith, Seconded Cr David Bell

That an apology be received from Cr Clive Goldsworthy, Cr Libby Coker, Cr Eve Fisher and Cr Brian McKiterick.

CARRIED 5:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

1. Eve Mahlab
2. Peter Carruthers
3. Fadgyas Planning (applicant)

BUSINESS:

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1.1 Application 15/0295 130 Bells Road, Bells Beach..... 4

1. ENVIRONMENT & DEVELOPMENT

1.1 Application 15/0295 130 Bells Road, Bells Beach

Author's Title: Statutory Planning Officer

General Manager: Kate Sullivan

Department: Planning & Development

File No: 15/0295

Division: Environment & Development

Trim No: IC16/321

Appendix:

1. Submitters who have registered to speak (D16/28921)
2. List of all other Submissions (D16/28916)

Officer Direct or Indirect Conflict of Interest:

Status:

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

Information classified confidential under Section 77
of the Local Government Act:

Yes

No

Yes

No

Reason: Nil

Reason: Nil

Purpose

To receive and note submissions in relation to Planning Application 15/0295.

Summary

The application proposes to construct alterations and additions to the existing dwelling, construct a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal.

The application was placed on public notice and seventeen (17) objections were received. Some of the main issues raised in the objections are:

- Visual prominence from the Bells Beach surfing recreation reserve
- Impact on landscape character of the area
- Precedent set for other accommodation applications within proximity to the Bells Beach surfing recreation reserve
- Potential incremental expansion or intensification of the use of the subject site.
- Impact on fauna and flora
- Will not provide a net community benefit
- Contrary to policy within the *Surf Coast Planning Scheme*
- Contrary to the Coastal Management Plan for the Bells Beach surfing recreation reserve
- Impact on tourism due to visual prominence
- Increased traffic
- Impact on infrastructure
- Bushfire risk
- Future vegetation removal to maximise views from dwelling and group accommodation

Assessment of the proposal is continuing and the application will be presented for a decision by Council at the 22 April 2016 Council meeting.

Recommendation

That Council receive and note the submissions to the planning application 15/0295 for the construction of alterations and additions to the existing dwelling, construction of a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal at 130 Bells Road, Bells Beach.

Committee Resolution

MOVED Cr Heather Wellington, Seconded Cr Carol McGregor

That Council receive and note the submissions to the planning application 15/0295 for the construction of alterations and additions to the existing dwelling, construction of a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal at 130 Bells Road, Bells Beach.

CARRIED 5:0

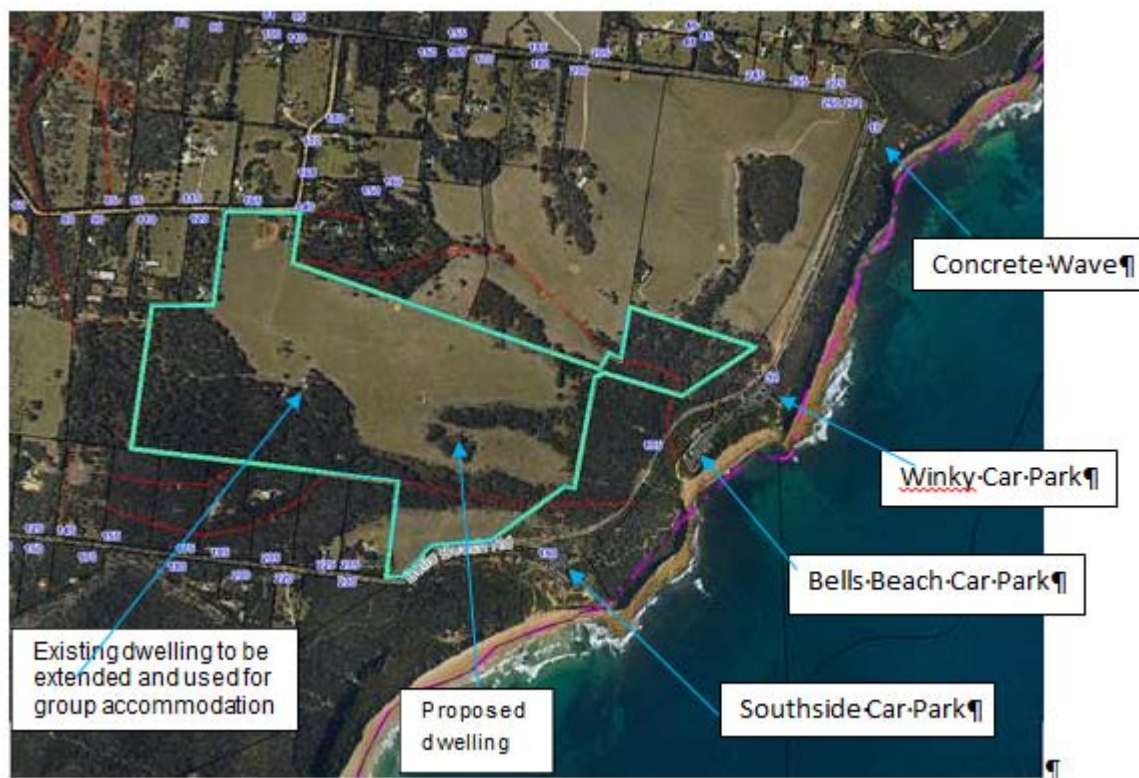
1.1 Application 15/0295 130 Bells Road, Bells Beach

Report

Background

The application seeks approval for the construction of alterations and additions to the existing dwelling, construction of a new dwelling attached to the existing dwelling and the use of these two dwellings for group accommodation and the use and development of a new dwelling and native vegetation removal.

Site Plan



The site is zoned Rural Conservation Zone, is covered by the Bushfire Management Overlay and the Significant Landscape Overlay – Schedule 1. The surrounding area is Rural Conservation Zone, with an area of Crown land to the south, which is zoned Public Park and Recreation Zone. To the northern side of Bones Road there is an area zoned Low Density Residential and an area of Farming Zone.

The *Surf Coast Planning Scheme* identifies 'group accommodation' and a 'dwelling' as a Section 2, permit required land use and the application is required to be assessed against the relevant planning provisions and issues associated with the site and its context.

Discussion

Seventeen submissions have been received for the proposal. The hearing of submissions meeting allows an opportunity for the submitters to present their concerns to Council and for the applicant to explain their proposal.

The issues raised in submissions will be considered in the overall assessment of the matter against the relevant provisions of the planning scheme and a report on the planning application will be presented to the 22 April 2016 Council meeting.

Financial Implications

No direct financial implications on Council are expected as a result of this application.

Processing and assessment of the application and attendance (if required) at the Tribunal can be undertaken within the current operational budget.

1.1 Application 15/0295 130 Bells Road, Bells Beach

Council Plan

Theme 5 Development and Growth
Objective 5.2 Encourage sustainable economic development and growth

Theme 5 Development and Growth
Objective 5.4 Transparent and responsive land use and strategic planning

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme and the *Planning Environment Act 1987*.

Officer Direct or Indirect Interest

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

Risk Assessment

The merits of the proposal will be considered against the relevant provisions of the *Surf Coast Planning Scheme* and the *Planning and Environment Act 1987*.

Any decision made by Council on this application can be challenged at the Victorian Civil and Administrative Tribunal.

In the event the application was refused and appealed to the Tribunal, Council is required by VCAT procedures to circulate draft "without prejudice" conditions to all parties at least 10 days prior to a hearing. This will be actioned if the circumstance arises. In the event that the Tribunal determines to grant a permit these conditions will form the basis of discussion between the parties.

Social Considerations

Impact on the amenity, health and safety of adjoining residents will be considered in accordance with the relevant provisions of the Surf Coast Planning Scheme and the *Planning and Environment Act 1987*.

Community Engagement

Public notice was provided in accordance with Section 52 of the *Planning and Environment Act 1987*.

Letters were sent to the adjoining land owners and occupiers, two (2) signs were displayed on the subject land and a notice was placed in the Surf Coast Times.

Public notification of the proposal generated seventeen (17) objections.

Environmental Implications

The proposal includes the removal of native vegetation, the development of buildings and works adjacent to native vegetation and relies on septic waste water treatment. Environmental impacts will be assessed and managed in accordance with the relevant provisions of the *Surf Coast Planning Scheme* and the *Planning and Environment Act 1987*.

Communication

Submitters will have the opportunity to address the Hearing of Submissions Committee and Council's final decision on this matter will be provided to the applicant and all submitters.

Conclusion

The objections received in relation to this application detail a number of significant matters that need to be considered and an assessment of these will be included in the report to the Council meeting.

1.1 Application 15/0295 130 Bells Road, Bells Beach

APPENDIX 1 SUBMITTERS WHO HAVE REGISTERED TO SPEAK

REGISTERED SPEAKERS

1. Eve Mahlab
2. Peter Carruthers
3. Richard Bennett (Surfrider Foundation)
4. Fadgyas Planning (applicant)

1.1 Application 15/0295 130 Bells Road, Bells Beach

APPENDIX 2 LIST OF ALL OTHER SUBMISSIONS

LIST OF ALL OTHER SUBMISSIONS

- S White
BELLS BEACH
- A Miles
JAN JUC
- R Firkin
BELLBRAE
- J Oliver
TORQUAY
- B Hebb
JAN JUC
- S Webb
JAN JUC
- J Horoch
- BELLS BEACH
- P & C Williams
BELLS BEACH
- I Foord
TORQUAY
- SANE Committee
TORQUAY
- J Law
JAN JUC
- P Stockton
JAN JUC
- L Thompson & R Finkelstein
BELLS BEACH
- B Hebb
JAN JUC

Close: There being no further items of business the meeting closed at 4.53pm.