



Minutes

Hearing of Submissions Committee
Tuesday, 19 January 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 19 JANUARY 2016 COMMENCING AT 4.00PM

PRESENT:

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

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 – Jorgen Peeters
Team Leader Governance – Candice Holloway
2 members of the public

APOLOGIES:

Cr Libby Coker

Committee Resolution

MOVED Cr David Bell, Seconded Cr Clive Goldsworthy

That an apology be received from Cr Libby Coker.

CARRIED 8:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

1. John Foss, Surfriider Foundation, Surf Coast Branch
2. Cameron Gray, St Quentin Consulting (on behalf of proponent)

BUSINESS:

- 1. ENVIRONMENT & DEVELOPMENT 4**
- 1.1 *Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc .. 4*

1. ENVIRONMENT & DEVELOPMENT

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

Author's Title: Senior Strategic Planner

General Manager: Kate Sullivan

Department: Planning & Development

File No: F15/1232

Division: Environment & Development

Trim No: IC16/3

Appendix:

1. Submitters who have registered to speak (D16/579)
2. Summary of Submissions (D15/101163)
3. Jan Juc Zoning Map and Surrounds (D16/277)
4. Plan of Subdivision (D15/76302)

Officer Direct or Indirect Conflict of Interest:

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

Yes

No

Reason: Nil

Status:

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

Yes

No

Reason: Nil

Purpose

To receive and note submissions in relation to Amendment C99 and Planning Permit Application 14/0287 which seek approval for the rezoning and subdivision of land at 305 Great Ocean Road, Jan Juc.

Summary

Planning Scheme Amendment C99 and Planning Permit Application 14/0287 seek to rezone land at 305 Great Ocean Road, Jan Juc from Farming Zone to Low Density Residential Zone and to subdivide the land into 16 lots.

The amendment and permit application were publicly exhibited from 5 November 2015 to 7 December 2015. A total of nine (9) submissions were received, including four (4) from referral authorities, one from the proponent in support of the application and four (4) submissions objecting to the rezoning and subdivision.

The points raised by objectors mainly relate to the density of development, the overall level of development and urban sprawl in Torquay Jan Juc, the need for more housing, removal of native vegetation, impact on landscape amenity, and traffic and vehicle access.

Recommendation

That Council receive and note the submissions to Amendment C99 and Planning Permit Application 14/0287.

Committee Resolution

MOVED Cr Brian McKiterick, Seconded Cr Heather Wellington

That Council receive and note the submissions to Amendment C99 and Planning Permit Application 14/0287.

CARRIED 8:0

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

Report

Background

Amendment C99 and Planning Permit Application 14/0287 is a combined planning scheme amendment and permit application made under the provisions of Section 96A of the Planning and Environment Act 1987. The amendment and permit application, requested by St Quentin Consulting Pty Ltd on behalf of Great Ocean Road Projects Pty Ltd, seek to rezone land at 305 Great Ocean Road, Jan Juc from Farming Zone (FZ) to Low Density Residential Zone (LDRZ) to allow for the subdivision of the land into sixteen lots. The current zoning of the subject site and surrounds are shown in Appendix 1.

The 10.3 hectare site is located on the south-west corner of Great Ocean Road and Bells Boulevard. The subdivision will create lots ranging from 4,000sqm to 5,981sqm in area. Access to the subdivision will be provided via new internal roads with a single access point from Bells Boulevard, apart from the original dwelling which will retain its current access from the Great Ocean Road. New access points from the Great Ocean Road are not supported by VicRoads. Fifteen metre wide landscape buffers will be provided along Great Ocean Road and Bells Boulevard to minimise the visual impact of future development and a 5,094m² conservation reserve is proposed in the south-east corner of the site, which will accommodate an existing dam and a patch of remnant vegetation that is to be preserved. The proposed plan of subdivision is included at Appendix 3.

Discussion

The combined amendment and planning permit application were publicly exhibited from 5 November 2015 to 7 December 2015. A total of nine submissions were received, including four from referral authorities offering no objection (subject to conditions or changes), one from the proponent in support of the application and four submissions objecting to the rezoning and subdivision. A summary of the submissions is provided at Appendix 2. The hearing of submissions meeting allows an opportunity for submitters to present their concerns to Council and for the applicant to explain their proposal.

The key issues raised in submissions are:

- The density of development
- Overall level of development and urban sprawl in Torquay-Jan Juc
- Lack of strategic justification and need for more housing
- Traffic and vehicle access
- Removal of native vegetation
- Impact on landscape amenity

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

Financial Implications

This is a privately funded amendment request with no cost to Council. The proponent has entered into an agreement with Council to cover all statutory costs relating to processing the amendment and planning permit application, including panel costs.

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
Strategy 5.4.2 Utilise structure plans and planning processes to encourage a diversity of housing stock across the Shire.

Theme 1 Environment
Objective 1.1 Preserve and enhance the natural environment
Strategy 1.1.3 Protect and enhance biodiversity in Nature Reserves

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

Policy/Legal Implications

The application has been processed and assessed in accordance with relevant provisions of the Planning and Environment Act 1987.

Officer Direct or Indirect Interest

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

Risk Assessment

There are no risks to council associated with considering submissions.

Social Considerations

Impact on the amenity 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

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.
- 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 land capability assessment was prepared to assess environmental risks associated with wastewater disposal.

The flora and fauna assessment prepared to support the application identifies that the site is mostly highly modified with remnant vegetation limited to the south-east corner of the site and the road reserves. A small amount of native vegetation is proposed to be removed to facilitate road access to the site. Appropriate offsets are nominated and the majority of remnant vegetation will be preserved in a reserve, with further planting to be provided within the nominated landscape buffers.

A due diligence cultural heritage assessment undertaken for the site shows that the site is not within an area of cultural heritage sensitivity and is unlikely to contain any significant Aboriginal cultural heritage artefacts.

The site is not affected by the Bushfire Management Overlay, however a Bushfire Development Report was prepared to address any bushfire risk.

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 submissions received in relation to this combined amendment and permit application detail a number of matters that need to be considered and these are presented to Council via the Hearing of Submissions meeting.

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

APPENDIX 1 SUBMITTERS WHO HAVE REGISTERED TO SPEAK

Submitters who have registered to speak

1. John Foss, Surfrider Foundation, Surf Coast Branch
2. Cameron Gray, St Quentin Consulting (on behalf of proponent)

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

APPENDIX 2 SUMMARY OF SUBMISSIONS

1. Referral Authorities

No.	Authority	Summary of submission	Response
1	Southern Rural Water	No objection	Submission noted
2	Barwon Water	No objection to the rezoning of land or the issue of a planning permit subject to conditions regarding water supply.	Submission noted – Conditions to be included on planning permit.
3	VicRoads	No objection to the amendment or planning permit subject to the following conditions: <ul style="list-style-type: none"> At the subdivisional road/Bells Blvd intersection the following works must be completed: <ul style="list-style-type: none"> A left turn lane Widening of the eastern shoulder of Bells Blvd Intersection lighting The applicant must enter into a works agreement with VicRoads to confirm design plans and works approval processes. 	Submission noted – Conditions to be included on planning permit where appropriate. Further negotiation between proponent and VicRoads to follow regarding the required level of works in Bells Blvd.
4	Corangamite Catchment Management Authority	Offers in principle support for the rezoning, but does not support the subdivision in its current form. Expresses concerns about the impact of the proposed subdivision (in particular stormwater management) on the health of the designated waterway that traverses the property (upper tributary of Jan Juc Creek) and the removal of native vegetation. Requests an amendment to the subdivision plan to show a 30 metre buffer on both sides of the waterway held within reserve land and alterations to the proposed road network to ensure the waterway buffer is not encroached by the road and to minimise the removal of native vegetation.	Submission not supported – refer to Panel. The requested changes will have significant consequences for the subdivision design. The road access has been carefully positioned taking into consideration slope and sight distance as per the traffic assessment report. Vegetation removal has been minimised and appropriate offsets are proposed in accordance with the Biodiversity Impact and Offset Report.

2. Public Submissions

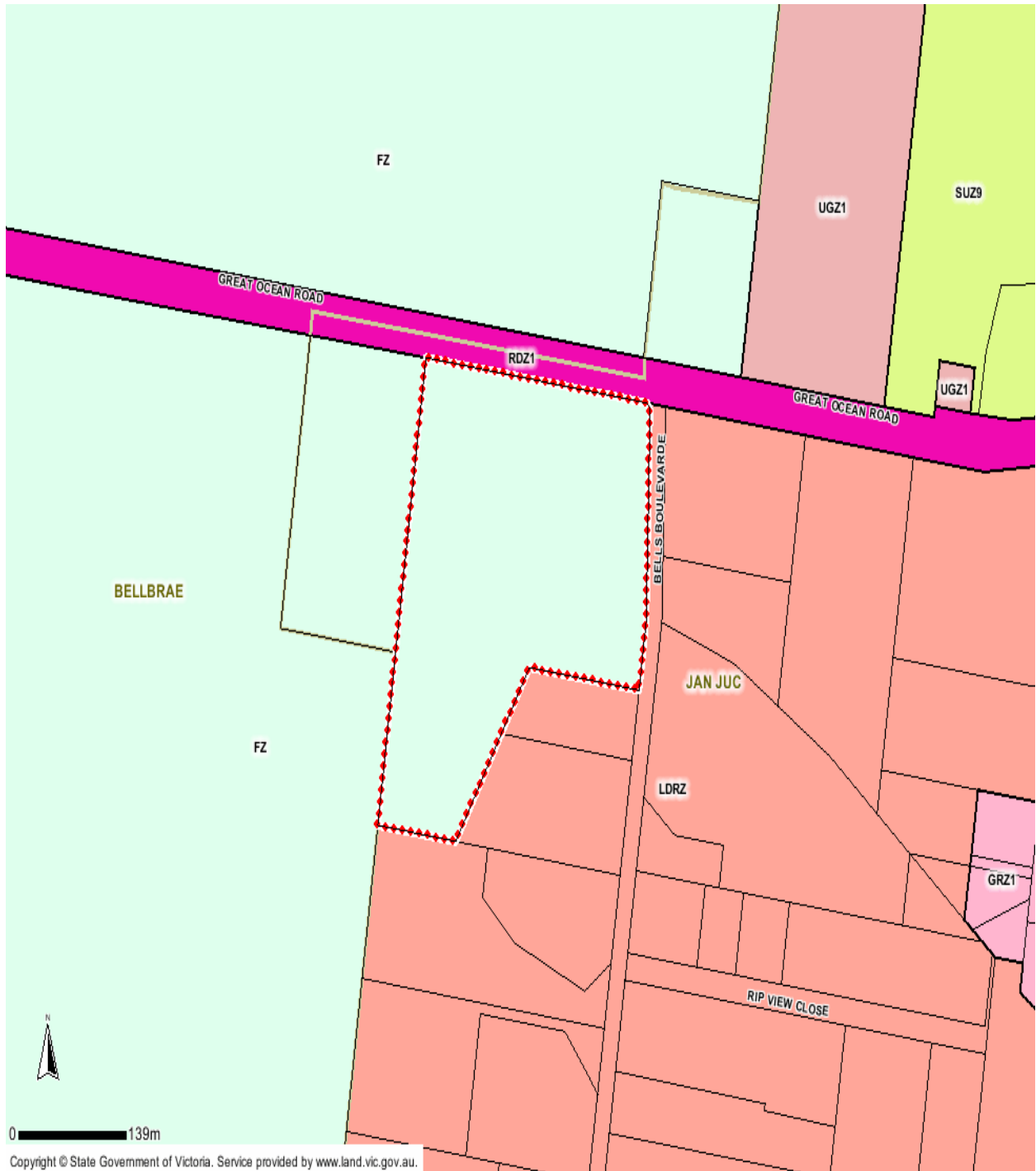
No.	Submitter	Type of submission	Summary of submission	Response
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5	Stephen and Melissa Sands – Jan Juc	Objection	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> • Proposed 4,000sqm lot sizes too high a density and inappropriate for the site. A 1.5ha minimum lot size should be adhered to, consistent with the surrounding area. • Future residential development should be focused within the designated growth corridor north of the Great Ocean Road and in Strathmore Drive. • Increase in traffic. Only one vehicle entry/exit point. There should be 2 entry points to the estate. • Development density is contrary to the Torquay-Jan Juc Strategy which encourages a transition from low density residential to rural land. The current proposal will be very visible and will have a high impact on the area. • The negative impact of the development on the environment, local community and Surf Coast culture outweighs any positives. 	Refer submission to panel.
6	Graeme Stockton and Charles Brooks - SANE (Surfers Appreciating the Natural Environment)	Objection	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> • No need for more housing. Results in urban sprawl. • Loss of natural landscape amenity and nature. • No support for subdivision as a given right. • Removal of native vegetation. • No adequate community consultation process. • Precedent for further subdivision of properties along Bells Boulevard and Great Ocean Rd. • Increased population in high fire risk area. 	Refer submission to panel.
7	John Foss - Surfrider Foundation Surf Coast Branch	Objection	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> • No strategic need for rezoning. Currently more than 25 years supply of vacant land (zoned and unzoned) in Torquay/Jan Juc. • Inconsistent with western boundary of Torquay/Jan Juc at 1km west of Duffields Road. Would set a precedent for further development of land south of the Great Ocean Rd. • Negative impact on local traffic and Great Ocean Rd. No safe opportunity for vehicles to entry/exit land. • Negative impact on driver experience on Great Ocean Rd and coastal vistas. • Removal of native vegetation and potential impact on native wildlife by introduction of dogs, cats and other non-indigenous 	Refer submission to panel.

			species. <ul style="list-style-type: none">• The land is situated in a high risk bushfire zone.	
8	Philip Stockton – Jan Juc	Objection	Objects on the following grounds: <ul style="list-style-type: none">• Loss of natural landscape amenity and nature.• Impact on character and soul of Surf Coast by development in every direction.• Precedent for further subdivision of properties along Bells Boulevard and Great Ocean Rd.	Refer submission to panel.
9	Cameron Gray - St Quentin Consulting (proponent)	Support	Supports Amendment C99 and the accompanying planning permit application as exhibited.	Submission noted.

1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

APPENDIX 3 JAN JUC ZONING MAP AND SURROUNDS



1.1 Amendment C99 and Planning Permit Application 14/0287 - 305 Great Ocean Road, Jan Juc

APPENDIX 4 PLAN OF SUBDIVISION



<p>NOTATIONS</p> <p>This plan is prepared from a combination of field survey and existing records for the purpose of showing the construction on the land and should not be used for any other purpose. The site boundaries shown herein were re-located and not marked by St Quentin Consulting Pty Ltd at the time of survey. Details shown herein have been checked and approved by field survey.</p> <p>Prior to any demolition, excavation or construction on the site, the relevant authority should be consulted.</p>		<p>ST. QUENTIN Surveyors, Town Planners, Engineers 31 LITTLE FLINDERS STREET, MELBOURNE VIC 3000</p>		<p>205 GREAT OCEAN ROAD, JURA JURA</p> <p>Scale: 1:1000 Date of Plan: 12/11/15 Prepared by: W. NAGEI</p>		<p>LEGEND</p> <ul style="list-style-type: none"> BAL 12.5 BAL 15 BAL 20 10m FIRE BUFFER 50m SETBACK REMANENT VEGETATION BUILDING ENVELOPE EPLACEMENT ENVELOPE DRIVEWAY ENVELOPE <p>SCALE: 0 10 20 30 40 50 LENGTH IN MET</p> <p>WILHELM NAGEI</p>	
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Close: There being no further items of business the meeting closed at 4:16pm.