



Minutes

Hearing of Submissions Committee
Tuesday, 9 May 2017

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

Council:

Cr Brian McKiterick (Mayor)
Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
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 MAY 2017 COMMENCING AT 5.00PM

PRESENT:

Cr Brian McKitterick (Mayor)
Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Environment and Development – Ransce Salan
Manager Planning – Bill Cathcart

7 members of the public

APOLOGIES:

Cr Libby Coker
Cr Margot Smith
Cr Heather Wellington

Committee Resolution

MOVED Cr Martin Duke, Seconded Cr Rose Hodge

That Council accept the apologies from Cr Lobby Coker, Cr Margot Smith and Cr Heather Wellington.

CARRIED 6:0

CONFLICTS OF INTEREST:

Nil

SUBMITTERS HEARD

Item 1.1 16/0353 - 82-84 Mountjoy Parade, Lorne – Hearing of Submissions

1. Shelly Fanning / Abraham Cohen on behalf of Stay at Lorne Pty Ltd
2. Shelly Fanning / Abraham Cohen on behalf of Lorne Cinema and Retail Complex
3. Toni Sincock and Nick Khallouf (applicant)

BUSINESS:

1. **ENVIRONMENT & DEVELOPMENT**ERROR! BOOKMARK NOT DEFINED.
- 1.1 *16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions***Error! Bookmark not defined.**

1. ENVIRONMENT & DEVELOPMENT

1.1 16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions

Author's Title: Statutory Planner

General Manager: Ransce Salan

Department: Planning & Development

File No: 16/0353

Division: Environment & Development

Trim No: IC17/395

Appendix:

- 16/0353 - List of Speakers (D17/48030)

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

The purpose of this report is to hear submissions from the applicant and objectors in relation to planning permit application 16/0353 for 82-84 Mountjoy Parade Lorne.

Summary

An application has been received to redevelop the property with a four storey building, including basement car park. The new building would accommodate two side by side taverns at ground floor and two apartments on each of the second and third floors. The third floor apartments each have a rooftop deck with spa. The application includes increasing the maximum number of patrons permitted across the taverns to 360 (an increase of 178 above the limit of the existing tavern) and reducing standard car parking and loading bay requirements.

Two objections to the grant of a permit have been received from the owners of adjoining properties. Council must have regard to these objections in making a decision on the application.

Recommendation

That Council receive and note the submissions to Planning Permit 16/0353 for 82-84 Mountjoy Parade Lorne.

Committee Resolution

MOVED Cr Carol McGregor, Seconded Cr Martin Duke

That Council receive and note the submissions to Planning Permit 16/0353 for 82-84 Mountjoy Parade, Lorne.

CARRIED 6:0

1.1 16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions

Report

Background

82-84 Mountjoy Parade Lorne is presently developed by a single storey building, setback from the street, which is used as a tavern, including large forecourt and deck within the street setback. An application has been received to redevelop the property with a four storey building, including basement car park. The new building would accommodate two side by side taverns at ground floor and two apartments on each of the second and third floors. The third floor apartments each have a rooftop deck with spa. The application includes increasing the maximum number of patrons permitted across the taverns to 360 (an increase of 178 above the limit of the existing tavern) and reducing standard car parking and loading bay requirements.

Two objections to the grant of a permit have been received from the owners of adjoining properties. Council must have regard to these objections in making a decision on the application.

Discussion

Proposal

The application seeks approval for Buildings & Works associated with the Construction of a Four Storey Building containing a Basement Car Park, Two Taverns and Four Dwellings, an Increase in Patron Numbers and Increase in Licenced Area (associated with use for Tavern), a Reduction in Car Parking and Loading Bay Requirement (associated with use for Tavern).

Basement Carpark

The basement will provide parking for eight (8) vehicles and include storage facilities and domestic waste storage associated with the dwellings, two offices, toilets and staff rooms associated with the proposed taverns, a pedestrian elevator and stair.

Ground Floor/Taverns

The Taverns will have a combined floor area of approx.406sqm and will have frontage to Mountjoy Parade through an external roofed terrace adjacent to the footpath. Separate amenities, kitchens and cool rooms etc will be provided for each Tavern at the west (rear) end of the building together with a common area for bin storage at the rear of the site with access via rear stairs.

First and Second Floor/Roof Level Dwellings

The 1st floor will contain two (2) Dwellings, designated as 'Apartment 1 & 2', each comprising 3 bedrooms (master with ensuite), a separate bathroom, laundry, and powder room and an open plan kitchen living and meals area opening onto a balcony overlooking Mountjoy Parade.

The second floor will also contain two dwellings designated as 'Penthouse 1 & 2', each comprising 3 bedrooms (master with ensuite and dual walk in robes), a separate bathroom, laundry and powder room and an open plan kitchen living and meals area opening onto a balcony overlooking Mountjoy Parade. The roof level will include two roof top decks, each with a spa pool associated with the proposed penthouses.

Access to the dwellings will be via the basement carpark pedestrian lift and/or a stairway at each side of the proposed building from Mountjoy Parade. Each dwelling will be allocated 2 car spaces in the basement.

Built Form

The proposed development will generally step back from the Mountjoy Parade street boundary and will have a maximum building level of RL20.10 AHD at the central dividing wall of the roof decks, equivalent to a height of 11.27 metres measured to the back of the Mountjoy Pde footpath - as applied by the Design & Development Overlay Schedule 4 (DDO4). The spa balustrade will be RL19.90 AHD and the deck balustrade RL19.30 equivalent to a maximum height of 11.11 metres and 10.51 metres respectively measured to the back of the Mountjoy Pde footpath. The remainder of the roof parapet will be RL 18.870 AHD – the later equivalent to a maximum height of 9.51 metres measured to the back of the Mountjoy Pde footpath.

The external building materials and colours would be as follows:

- Walls - Stone cladding (columns), render finish concrete (side walls) Dulux "Grey Pebble", Alucobond cladding 'natural zinc' and 'bronze metallic', vertical aluminium louvre screens (side walls)
- Windows - Powder coated aluminium
- Balustrades - Glazed panels 'grey' and vertical aluminium slats 'bronze metallic'
- Roof - Colorbond Traydeck * colour to be approved

1.1 16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions

The application does not involve the removal of native vegetation.

Site context

The subject site (Lot 2 LP141746) is located on the west side of Mountjoy Parade Lorne near the corner of Grove Road within the Central Retail Core (DDO4) commercial precinct. The site has a 'front row' position and benefits from coastal views to the foreshore reserve and Loutitt Bay. To the north the site directly adjoins the Lorne Picture Theatre and on the south, a vacant treed lot, forming part of the Anglican Church gardens that extend further south to the church building itself.

The 461sqm rectangular shaped site has a relatively narrow street frontage of 12.19 metres for a depth of 37.90 metres and benefits from a carriageway easement at the rear, which connects with Grove Road and passes behind the Lorne Picture Theatre.

The site is currently used and developed for a tavern trading as Cuda Bar. The tavern operates under Permit 09/0220 (amended) and an On-Premises Licence and has permission to trade up to 1.00am each day except Good Friday and Anzac Day with a capacity of 180 patrons (110 internal and 70 external). The tavern also benefits from a recent Alfresco Dining Permit which allows use of the footpath up to 10.00pm each day with seating for 32 patrons. No car parking is currently provided on the site.

The properties adjoining the site are described as follows:

- North at 76 Mountjoy Parade Lorne – The Lorne Cinema, a large two storey building constructed in 1937 in the Art Deco style and which is within a Heritage Overlay; the building substantially abuts the common side boundary and the rear easement but steps away at the rear and has a maximum height of around 12 metres
- South at 86-88 Mountjoy Parade Lorne – a vacant lot and a dwelling (at a deep street setback) both associated with the Anglican Uniting Church further south at 90-92 Mountjoy Parade; the church property comprises an undeveloped landscaped lot adjacent the subject site, the dwelling then a larger lot developed by a front garden setting and the church building set on higher ground and within a Heritage Overlay
- Northwest at 1-3 Grove Road Lorne – a part two storey dwelling that appears to be used for short term accommodation
- West at 25 Smith Street Lorne – the former Masonic Hall building, sited on elevated ground and with an open area adjoining the site;

The surrounding land is characterised by commercial and tourist accommodation development in and around Mountjoy Parade that gives way to single dwelling development on the elevated land to the west within the General Residential 1 zone.

Permit requirements

A permit is required to construct buildings and works under Clause 34.01 Commercial 1 zone and Schedule 4 to Clause 43.02 Design and Development Overlay; to reduce the parking requirement of Clause 52.06 associated with an increase in tavern patron numbers; to waive the loading bay requirements of Clause 52.07 and under Clause 52.27 to increase the licensed area and number of patrons permitted on the licensed premises.

Submissions

In response to public notice under section 52 of the Act, two objections were received and are summarised as:

1. **Lorne Cinema, Theatre and Retail Complex 76-80 Mountjoy Parade Lorne**

- Inconsistent with the coastal character of the area.
- Overdevelopment of the site & lack of vegetation.
- Detrimental impact on amenity arising from waste collection and conflict with pedestrian and vehicle traffic.
- The development does not provide a dedicated loading bay and the proposed use of on street facilities will disrupt traffic.
- The proposal to access the site via the 3m wide carriageway easement does not comply with relevant planning requirements.
- Inadequate car parking response considering significant waiver required
- Potential land use conflict arising from Accommodation and Tavern use

1.1 16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions

2. Stay at Lorne Pty Ltd 25 Smith Street Lorne

- Inconsistent with the coastal character of the area.
- Lacks respectful articulation to upper levels and integration with adjoining site to south
- Lacks meaningful response to heritage listed cinema
- Design response in no way '*improves the character*'
- Overdevelopment of the site & lack of vegetation.

Financial Implications

There are no direct financial impacts to Council for the processing of the application which occurs via operational budgets.

Council Plan

Theme 2 Governance
Objective 2.4 Transparency in decision making and access to information
Strategy 2.4.3 Ensure decision-making is as transparent as possible.

Theme 5 Development and Growth
Objective 5.2 Encourage sustainable economic development and growth
Strategy 5.2.3 Support and grow Surf Coast Shire's key industry sectors of Surfing, Tourism, Retail, Agriculture and Construction.

Policy/Legal Implications

The application has been assessed against relevant provisions of the Surf Coast Planning Scheme in accordance with the requirements of 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 *Planning & Environment Act 1987*.

Social Considerations

The submissions received raise a number of matters which may be classed as social impacts including the impact of the development on the coastal character of the area; amenity impacts from waste collection, deliveries and vehicle movements; car parking pressure and land use conflict.

Community Engagement

Public notice of the application has been carried out in accordance with the requirements of the *Planning & Environment Act 1987*.

Environmental Implications

The submissions do not raise any issues of environmental impact associated with the proposed development.

Communication

The application was subject to Public notice. The two objectors are presenting to the Hearing of Submissions meeting.

Conclusion

The objections received detail a number of matters that must be considered by Council before deciding on planning permit application 16/0353. The Hearing of Submissions provides the parties to elaborate their position.

1.1 16/0353 - 82-84 Mountjoy Parade Lorne - Hearing of Submissions

APPENDIX 1 16/0353 - LIST OF SPEAKERS

Hearing of Submissions – 16/0353

List of Speakers

1. Stay at Lorne Pty Ltd - Representative
2. Lorne Cinema Theatre and Retail Complex - Representative
3. Toni Sincock (Applicant)

Close: There being no further items of business the meeting closed at 5.37pm.