

Minutes of Planning Committee Meeting No. 451 held at 5.00pm Monday 6 July 2015 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.10 pm

2. PRESENT

Wayne Reid, Geoff Fulton, Robert Troup, Wesley McClendon, Phil Rosevear

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 22 June 2015

Moved: Robert Troup Seconded: Geoff Fulton

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objector
8.1	Toni Sincock	Jarrah Lukjanov Martin Scott

7. CONSIDERATION OF THE AGENDA

As presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 26 Yandanah Road, Fairhaven (14/0391).....Page 3
Construction of a dwelling and removal of native vegetation

9. RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

6.30 pm

NEXT MEETING – 3 August 2015

ITEM NO: 8.1
PLANNING REF: 14/0391
PROPOSAL: Construction of a dwelling and removal of native vegetation
APPLICANT: Sincock Planning
DATE RECEIVED: 07-Oct-2014
SUBJECT LAND: 26 YANDANAH RD, FAIRHAVEN. (LOT: 159 LP: 26947)
ZONE: Residential 1
OVERLAYS: Neighbourhood Character - Schedule 1, Environmental Significance - Schedule 4, Design and Development - Schedule 10
PERMIT REQUIRED UNDER CLAUSES: 42.01-2, 43.02-2 and 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Ben Schmied

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received x 4

MOVED: Robert Troup

SECONDED:

Geoff Fulton

POINTS OF DISCUSSION:

The Committee was concerned that the building heights shown proximate to the retaining wall result in a misleading maximum building height which is a particular concern given the policy context which seeks to deliver low scale development located within a bush setting where the landscape is dominant over the built form.

The Committee was comfortable that the building design was appropriate and would deliver an outcome consistent with the objectives of the NC01.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Amend Condition 1.c)

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 14/0391 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clauses 42.01-2, 43.02-2 and 43.05-2 of the Surf Coast Planning Scheme in respect of the land known and described as 26 YANDANAH RD, FAIRHAVEN., for the Construction of a dwelling and removal of native vegetation in accordance with the endorsed plans, subject to the following conditions:

1. Before the development starts amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) A reduction in the height of the building by 0.5 metres to the roof over the living, dining, kitchen and to the roof over the master bedroom, WIR, ensuite 2, pantry and to the southern edge of the roof over the study.

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- (b) A detailed schedule of external materials and colours incorporating colour samples. Colours shall be subdued and muted to assist with the building blending with the surrounding vegetated landscape.
 - (c) The location of roof top external plant and equipment including but not limited to service units for heating, cooling and hot water and solar panels, which must be located so as not to cause additional view loss from properties to the north.
 2. Before the development starts a construction management plan (three copies) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following matters:
 - (a) The delineation of a vegetation protection zone beyond the construction area.
 - (b) Methods to undertake excavation within the building envelope without encroaching on the vegetation protection zone.
 - (c) The stockpiling or disposal of soil.
 - (d) Details of the location of all construction equipment and facilities as required, including delivery points, storerooms, toilets, temporary office, waste storage and workers facilities.
 3. Before the development commences a bond or bank guarantee to the value of \$1,000 must be deposited with the Responsible Authority by the developer of the land as security against failure to protect existing native vegetation to be retained or to comply with the landscape plan endorsed under this permit. The bond or bank guarantee must be refunded by the responsible authority upon being satisfied that the requirements of the landscape plan have been fulfilled to the satisfaction of the responsible authority.
 4. Before any construction commences, including driveway or footings excavation:
 - (a) A vegetation protection zone must be delineated in accordance with the endorsed construction management plan.
 - (b) The protection zones must be fenced and signed (as provided for in condition 5), to the satisfaction of the responsible authority in a manner that does not compromise the trees' root zones.
 5. During construction works:
 - (a) The areas within the fenced off tree protection zones must not be used for any other purpose, including storage or building materials or machinery, except as provided for in this permit.
 - (b) All contractors and subcontractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection.
 - (c) Signs to the same effect must be displayed at all times on the tree protection zone fences.
 6. All development and works must be carried out in accordance with the Construction Management Plan required by Condition 2 and endorsed under this permit.
 7. Written statements from a licensed surveyor shall be submitted for approval to the responsible authority confirming:
 - (a) That the buildings have been set out in accordance with the endorsed plan; and
 - (b) That the roof levels will not exceed the roof levels specified on the endorsed plan.

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

8. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
9. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
10. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Conditions required by Department of Sustainability and Environment

11. To prevent damage to remaining native vegetation, temporary barriers are to be erected prior to commencing construction to ensure that workers, materials, equipment and vehicles stay within the target works area. The barriers must remain in place until all works are complete to the satisfaction of the responsible authority.
12. All equipment to be used in the construction and earthworks must be thoroughly cleaned of all soil and vegetable matter prior to entering the site to prevent the spread of weed species and pathogens.

Expiry of Permit

13. This permit will expire if one of the following circumstances applies:
 - The development is not started within three years of the date of this permit
 - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the period for commencement of the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which the development must be completed if the request for an extension of time is made in writing within twelve months after the permit expires and the development or stage started lawfully before the permit expired.

CARRIED