

**Minutes of Planning Committee Meeting No. 450 held at 5.00pm Monday 22 June 2015 in the Council Chambers, Surf Coast Shire Offices Torquay.**

**1. OPENING OF MEETING**

5.00 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 27 April 2015

Moved: Geoff Fulton                      Seconded: Robert Troup

**5. DISCLOSURE OF CONFLICTS OF INTEREST**

Nil

**DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)**

Nil

**6. PUBLIC PRESENTATIONS**

Item	Applicant	Objector
8.1	Tony Hobba Michael Rodd Angela Rodd	-
8.2	-	-

**7. CONSIDERATION OF THE AGENDA**

As presented

**8. CONSIDERATION OF APPLICATIONS FOR A PERMIT**

Item 8.1      40 McMillan Street, Anglesea (14/0400).....Page 3  
Construction of a tennis court and removal of native vegetation

Item 8.2      4/8 Inlet Crescent, Aireys Inlet (14/0314).....Page 17  
Additions to an Existing Dwelling (Deck)

**9 RECENT VCAT DECISIONS**

Application Number:                      13/0360  
VCAT Ref:                                      P2425/2014 & P277/2015  
Address:                                        250 Ballanlea Road, Barrabool  
Officer Recommendation:                Refusal of Permit  
Committee Resolution:                    Officer Recommendation Overturned - Permit granted with conditions  
VCAT Decision:                              Decision of Responsible Authority varied – Permit issued with changed conditions  
Proposal:                                        The use of the land for a place of assembly (function centre)

**10 POLICY ISSUES**

Nil

**11 OTHER MATTERS**

Nil

**12. CLOSE OF MEETING**

7.30 pm

**NEXT MEETING – 6 July 2015**

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**ITEM NO:** 8.1  
**PLANNING REF:** 14/0400  
**PROPOSAL:** Construction of a tennis court and removal of native vegetation  
**APPLICANT:** Tony Hobba Architects Pty Ltd  
**DATE RECEIVED:** 15-Oct-2014  
**SUBJECT LAND:** 40 MCMILLAN STREET, ANGLESEA. (LOT: 1 PLN: 24151)  
**ZONE:** General Residential 1  
**OVERLAYS:** Design and Development Overlay-Schedule 19, Significant Landscape Overlay - Schedule 3, Neighbourhood Character Overlay –Schedule 3  
**EXISTING USE:** Vacant  
**REPORTING OFFICER:** Roger Curnow

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**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- Planning Officer recommending refusal  
 Objections received - one objection

**MOVED:** Robert Troup

**SECONDED:** Wayne Reid

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**POINTS OF DISCUSSION:**

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The Committee debated various modifications to make the application more acceptable but eventually concluded that the direction provided in the NC03, Neighbour Character objectives and the impact of the court being elevated proximate to the objectors dwelling were sufficient reasons for the application to be refused.

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**COMMITTEE RESOLUTION**

That Council having caused notice of Planning Application No. 14/0400 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 Refuse to Grant a Permit under the provisions of Clause 42.03 and 43.05 of the Surf Coast Planning Scheme in respect of the land known and described as 40 MCMILLAN STREET, ANGLESEA., for the Construction of a tennis court and removal of native vegetation for the following reasons:

1. The proposed tennis court and removal of native vegetation is contrary to Clause 21.11, Anglesea Strategy objectives.
2. The proposed tennis court and removal of native vegetation is contrary to the Landscape Character objective to be achieved under Schedule 3 to Clause 42.03, Significant Landscape Overlay Schedule – SLO3 –Anglesea in particular

To reinforce a landscape character that comprises:

- A low scale, non-suburban residential environment dominated by native vegetation, where the built form is visually recessive in the landscape and contained in a bushland setting
3. The proposed tennis court and removal of native vegetation is contrary to the Statement of Neighbourhood Character under Schedule 3 to Clause 43.05, Neighbourhood Character Overlay-NCO3 – Anglesea Residential Areas.
  4. The proposed tennis court and removal of native vegetation is contrary to Schedule 3 to Clause 43.05, Neighbourhood Character Overlay- NCO3 – Anglesea Residential areas, Neighbourhood Character objectives as follows:
    - To discourage the establishment of recreational structures such as tennis courts and

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swimming pools that prevent long term enhancement of the vegetation cover.

- To preserve and enhance the low density non-suburban coastal village character of Anglesea and retain the sense of houses in a bush setting.
- To retain and enhance the existing cover of indigenous vegetation with particular emphasis on Messmate Stringybark and Coastal Moonah Woodland species, where this does not increase bushfire risk.
- To encourage development and infrastructure that retains a non-suburban and informal appearance, reflective of the coastal character of the town and its bushland / heathland environment
- To maintain a sense of space around buildings to support the preservation and reestablishment of vegetation that enhances screening of the development from adjoining properties and public areas, and to enable the creation and management of defensible space for bushfire protection.

**CARRIED**

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**ITEM NO:** 8.2  
**PLANNING REF:** 14/0314  
**PROPOSAL:** Additions to an Existing Dwelling (Deck)  
**APPLICANT:** Wayne Mactaggart & Assoc  
**DATE RECEIVED:** 22-Aug-2014  
**SUBJECT LAND:** 4/8 INLET CRS, AIREYS INLET. (Lot: 4 PS: 505390U)  
**ZONE:** General Residential – Schedule 1  
**OVERLAYS:** Neighbourhood Character - Schedule 1, Environmental Significance - Schedule 4, Design and Development - Schedule 10  
**PERMIT REQUIRED UNDER CLAUSES:** 32.08-3, 43.05-2, 42.01-2  
**EXISTING USE:** Dwelling  
**REPORTING OFFICER:** Cameron Hayes

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**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- Planning Officer recommending refusal  
 Objections received

**MOVED:** Robert Troup

**SECONDED:** Wesley McClendon

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**POINTS OF DISCUSSION:**

No support

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**COMMITTEE RESOLUTION**

That Council having caused notice of Planning Application No. 14/0314 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 Refuse to Grant a Permit under the provisions of 32.08-3, 43.05-2, 42.01-2 of the Surf Coast Planning Scheme in respect of the land known and described as 4/8 INLET CRS, AIREYS INLET., for the Additions to an Existing Dwelling (Deck) for the following reasons:

1. Proposal would result in breach of the registered restriction AC319747B as registered on title
2. Proposal fails to meet the varied standards of the Neighbourhood Character Overlay Schedule 1
3. Proposal fails to meet the non-varied standards of Clause 54

**CARRIED**