

Minutes of Planning Committee Meeting No. 468 held at 5.00pm Monday 3 October 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5:00pm

2. PRESENT

Austin Swain, Geoff Fulton, Lesley Evans, Dr. Wesley McClendon

3. APOLOGIES

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 19 September 2016

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objector
8.1	Charlie Mina Jan Cussen Maurice Heading	Martyn Gilbert Andrea Camilleri Danielle Debon Peter Moss
8.2		Neville Millen Rhonda Millen Lachlan Richardson Jane Herman Peter Garvin Brian Hayden
8.3	Mehmet M Saban Ozan Saban	Leigh Bennett Sue Bennett

7. CONSIDERATION OF THE AGENDA

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

- Item 8.1 50 Polwarth Road, Lorne (15/0477).....Page 3
 Construction of a dwelling
- Item 8.2 6 Federal Street, Aireys Inlet (16/0157).....Page 41
 Construction of a Dwelling, Removal of Native Vegetation,
 Swimming Pool and Associated Fencing
- Item 8.3 205 Mount Duneed, Mount Duneed (16/0290).....Page 69
 Use and Development of a Caretaker's House

9. RECENT VCAT DECISIONS

10. POLICY ISSUES

11. OTHER MATTERS

12. CLOSE OF MEETING
7:50pm

NEXT MEETING –31 October 2016

ITEM NO: 8.1
PLANNING REF: 15/0477
PROPOSAL: Construction of a dwelling
APPLICANT: HILLANDALE PROPERTIES PTY LTD
DATE RECEIVED: 26-Oct-2015
SUBJECT LAND: 50 POLWARTH ROAD, LORNE. (LOT: 27 & 28 LP: 3101)
ZONE: General Residential 1
OVERLAYS: Neighbourhood Character - Schedule 2, Design and Development -
Schedule 12, Significant Landscape - Schedule 4, Bushfire Management
Overlay
**PERMIT REQUIRED UNDER
CLAUSES:** 43.05-2, 44.06
EXISTING USE: Dwelling
REPORTING OFFICER: Maggie Juniper

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 14

MOVED: Wesley McClendon **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

POINTS OF DISCUSSION:

1st motion defeated

2nd motion deferral – pending submission of: landscape plan, colours of the proposed dwelling, minimum 3.8m from the northern boundary, details of natural ground level, with a survey done by an independent licensed land surveyor, confirming natural ground level and applied to elevations, confirming maximum building heights, use of Woodland Grey Colorbond roofing and a reduction in the rear portion of the building by approximately 1 metre (to RL 69.5) and adopt a flat roof form with the box gutter included on the east side of the building.

This item was deferred and will be heard at a later meeting.

ITEM NO: 8.2
PLANNING REF: 16/0157
PROPOSAL: Construction of a Dwelling, Removal of Native Vegetation, Swimming Pool and Associated Fencing
APPLICANT: Urbis
DATE RECEIVED: 15-Apr-2016
SUBJECT LAND: 6 FEDERAL ST, AIREYS INLET. (LOT: 9 LP: 14034)
ZONE: General Residential
OVERLAYS: Neighbourhood Character - Schedule 1, Environmental Significance - Schedule 4, Design and Development - Schedule 10
PERMIT REQUIRED UNDER CLAUSES: 42.01-2, 43.02 -2 , 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Julie Giguere

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received 7

MOVED: Lesley Evans

SECONDED: Wesley McClendon

FOR: 4

AGAINST: 0

OFFICERS RECOMMENDATION



ALTERNATIVE RECOMMENDATION



POINTS OF DISCUSSION:

Too big. Swimming pool is inappropriate. Refusal should be pursued at VCAT.

PLANNING COMMITTEE RESOLUTION

That Council having considered all matters which the Planning and Environment Act, 1987, decides to pursue refusal of this Planning Permit for the construction of a dwelling, removal of native vegetation, swimming pool and associate fencing at 6 Federal Avenue, Aireys Inlet at the upcoming VCAT hearing on the following grounds:

1. The development contradicts the State Planning Policy Framework. In particular, State Planning Policy Clause 11.06-9 - Cultural Heritage and Landscapes, Clause 12.02-4 Coastal Tourism, Clause 12.02-6 - The Great Ocean Road Region, Clause 15.01-5 - Cultural Identity and Neighbourhood Character) by competing with iconic features of the area being the Split Point Lighthouse and the dramatic coastline views that attracts tourists to the area.
2. The development contradicts the State Planning Policy Framework. In particular, State Planning Policy Clause 11.06-9 - Cultural Heritage and Landscapes, Clause 12.02-4 Coastal Tourism, Clause 12.02-6 - The Great Ocean Road Region, Clause 15.01-5 - Cultural Identity and Neighbourhood Character) by competing with iconic features of the area being the Split Point Lighthouse and the dramatic coastline views that attracts tourists to the area.
3. The development contradicts the Local Planning Policy Framework. In particular, Local Planning Policy Clause 15.01-5 - Cultural Identity and Neighbourhood Character, Clause 21.04 – Tourism, Clause 21.12 - Aireys Inlet To Eastern View Strategy, Clause 21.12-2 Settlement, Built Environment and Heritage, Clause 21.12-3 - Environment. The development is out of scale and character and results in being detrimental to the strong iconic identity of the area. The proposal detrimentally affects the cultural and environmental character of the area by being prominent in the landscape and

detracting from views of the Split Point lighthouse and coastal features.

4. The development fails to comply with the standards and the objectives of the Neighbourhood Character Overlay, Schedule 1. In particular, the proposal is at odds with the standards and objectives for bulk, setbacks, height and prominence of the dwelling from public viewpoints.
5. The proposed swimming pool is inconsistent with the standards and objectives of the Neighbourhood Character Overlay, Schedule 1. In particular, the proposal is not consistent with the preferred setback and character of the area being by providing sufficient space between buildings to provide landscaping and provides development that is “ nestled in the trees”.
6. The development fails to comply with the preferred character of the area, in particular with the Design and Development Overlay, Schedule 10. In particular, it fails to provide fencing which is compliant with the standards and objectives of the DDO10.

CARRIED

ITEM NO: 8.3
PLANNING REF: 16/0290
PROPOSAL: Use and Development of a Caretaker's House
APPLICANT: MM & T Saban
DATE RECEIVED: 12-Jul-2016
SUBJECT LAND: 205 MT DUNEED ROAD, MOUNT DUNEED. (LOT: C SEC: 38)
ZONE: Farming Zone
OVERLAYS: Nil
PERMIT REQUIRED UNDER CLAUSES:

- Clause 35.07-1 – Use of land;
- Clause 35.07-4 – Buildings and works associated with a Section 2 Use; Clause 52.29 – Create or alter access to a Category 1 Road.

EXISTING USE: Dwelling
REPORTING OFFICER: Jennifer Davidson

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

MOVED: Wesley McClendon **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Unfortunate but not supported by the rules.

PLANNING COMMITTEE RESOLUTION

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refuse to Grant a Planning Permit in respect of the land known and described as 205 Mt Duneed Road, Mt Duneed for the use and development of a caretaker's house the following reasons:

1. It has not been demonstrated that there is a need for a caretaker's house from an agricultural perspective and given the proximity of the site to Geelong and Torquay, there are opportunities for a site manager to live off site or to live in the existing dwelling located on the land.
2. The development of a caretaker's house will undermine the non-urban break between Geelong and Torquay which is contrary to Clause 21.06-2 – Rural Landscape.
3. The caretaker's house does not comply with the decision guidelines of the Farming Zone in that the dwelling is not required to support the agricultural activities of the land, it provides for a concentration of dwellings in the area which could impact on the use of the land for agriculture and the dwelling and its vehicle access arrangements reduce the amount of land that is available for productive agricultural purposes on the land.
4. The two dwellings which are proposed on the land have not been located in one area of the site in order to maximise the potential for productive agriculture to be undertaken on the land which is contrary to the decision guidelines of the Farming Zone.

CARRIED