

Minutes of Planning Committee Meeting No. 464 held at 5.00pm Monday 11 July 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

2. PRESENT: Wayne Reid (Chair), Lesley Evans, Robert Troup, Geoff Fulton, Bill Cathcart, Karen Hose

3. APOLOGIES
Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 16 May 2016

Moved: Lesley Evans Seconded: Geoff Fulton

Minutes of the Planning Committee Meeting held on Monday 27 June 2016

Moved: Lesley Evans Seconded: Geoff Fulton

5. DISCLOSURE OF CONFLICTS OF INTEREST
Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)
Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objectors
8.1	Angela Frank Emma Williams	Ewhen & Olga Holowko Lea Quail

An apology was received from Graeme Compton. (Objector)

7. CONSIDERATION OF THE AGENDA
As presented.

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 119 Great Ocean Road, Anglesea (10/0418B).....Page 3
Amendment to Planning Permit

9. RECENT VCAT DECISIONS
Nil

10. POLICY ISSUES
Nil

11. OTHER MATTERS
Nil

12. CLOSE OF MEETING
6.35 pm

NEXT MEETING –25 July 2016

ITEM NO: 8.1
PLANNING REF: 10/0418B
PROPOSAL: Amendment to planning permit to:

- Include use of the land for the sale and consumption of liquor on the premises under a Restaurant and Café Licence
- Amend the endorsed plan to extend the area of use of the land for restaurant
- Amend Condition 1 to allow a maximum of 80 patrons within the restaurant
- Amend Condition 2 to extend trading hours to 6:00am to 8:00pm seven days a week between 27 December and 27 January inclusive and 7:00am to 8:00pm all other days
- Delete Condition 8 to remove the requirement to load and unload on the land

APPLICANT: Fishes and Loaves Miraculous Catering Concepts Pty Ltd
DATE RECEIVED: 20 August 2015
SUBJECT LAND: 119 Great Ocean Road Anglesea (Lot 1 LP147075M)
ZONE: Special Use Schedule 8
OVERLAYS: Schedule 25 to the Design and Development Overlay, Schedule 94 to the Heritage Overlay and Salinity Management Overlay
EXISTING USE: General Store and Restaurant
REPORTING OFFICER: Ben Schmied

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received x 7

MOVED: Robert Troup **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The Committee considered that the change in zone to Special Use Zone was significant in the consideration of this proposal. It was considered necessary to ensure a balance between the use of the site and sympathy to the neighbours and the residential interface. On balance the permit with the amended conditions required by the Committee would provide a good outcome.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Amendment to condition 2 of amended conditions: full stop after 7.00am and delete "and the area west of the boat house must not be used between 6.00pm and 8.00pm". Delete condition 1(d) of new conditions list and add to 1(e): "and the deletion of seating". New condition 1 (f) added: planter boxes are to be moved to the western boundary to prevent access within the 5 metre setback from the western boundary.

Conditions to be renumbered accordingly.

The committee also recommended that Council puts a high priority on investigations and solutions to solve parking problems in Minifie Avenue.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Permit Amendment Application No. 10/0418B 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 an Amendment to Permit 10/0418, in respect of the land known and described as 119 Great Ocean Road Anglesea, to:

- Include use of the land for the sale and consumption of liquor on the premises under a Restaurant and Café Licence;
- Amend the endorsed plan to extend the area of use of the land for restaurant;
- Amend Condition 1 to allow a maximum of 80 patrons within the restaurant; and
- Amend Condition 2 to extend trading hours to 6:00am to 8:00pm seven days a week between 27 December and 27 January inclusive and 7:00am to 8:00pm all other days;

subject to the following conditions:

Amended Conditions

1. Not more than 80 patrons shall be permitted within the restaurant premises (including both indoor and outdoor areas) at any one time.
2. Except with the written consent of the responsible authority the restaurant use may operate only between the hours of 6:00 am and 8:00 pm (inclusive) between 27 December and 27 January (inclusive) and 7:00 am and 8:00 pm (inclusive) on all other days. Outdoor dining areas must not be used between 6:00 am and 7:00 am.
3. The provision of entertainment on the premises shall be limited to background music or entertainment by performers using non-amplified instruments. Entertainment must not be provided within the outdoor area west of the boat house.

New Conditions

1. Before the expanded use of the land for restaurant and the use of the land for the sale and consumption of liquor, as allowed for by amendment of this permit, is commenced, 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, superseding any previously endorsed plans. 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) The provision of two tandem staff car parking spaces adjacent the western boundary. Each space must meet the design requirements of Clause 52.06-8 of the Surf Coast Planning Scheme. An area of 7.6 metres long by 3.6 metres long must be maintained in this area for the loading and unloading of vehicles on the land.
 - b) An indicative seating plan clearly nominating the maximum number of seats in each area of the use. No more than 16 seats shall be provided within the outdoor area west of the boat house.
 - c) An amended 'red line' area within which liquor may be consumed on the premises which must be setback at least 5.0 metres from the western boundary.
 - d) Details of the bar constructed under the verandah and the deletion of seating.
 - e) planter boxes are to be moved to the western boundary to prevent access within the 5 metre setback from the western boundary.
2. Before the expanded use of the land for restaurant and the use of the land for the sale and consumption of liquor, as allowed for by amendment of this permit, is commenced, a waste 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 include:
 - a) An estimate of waste generation by the use of the land;

- b) The type and number of waste storage containers;
- c) The location for the storage of waste containers;
- d) The collection regime, including the methodology and location of collection.

The storage and collection of waste from the property must thereafter be undertaken in accordance with the endorsed plan to the satisfaction of the Responsible Authority.

- 3. The operator shall park or direct staff to park in the staff parking shown on the endorsed plans. These car spaces must be kept available for this purpose at all times.
- 4. The hours of operation shall be clearly displayed in a prominent position on the exterior window of the premises and also within the interior of the premises.
- 5. The predominant activity carried on at the premises must be the preparation and serving of meals for consumption on the premises. The serving of liquor must be associated with the serving of meals.
- 6. Except with the written consent of the responsible authority, the use of the land for the sale and consumption of liquor on the premises must only operate within the following hours:
 - a) 11:00 am to 8:00 pm Monday to Saturday
 - b) 11:00 am to 8:00 pm Sunday
 - c) 12:00 pm to 8:00 pm ANZAC Day and Good Friday

CARRIED

Minutes of Planning Committee Meeting No. 465 held at 5.00pm Monday 25 July 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.00pm

2. PRESENT

Wayne Reid (Chair), Robert Troup, Geoff Fulton, Wesley McClendon, Karen Hose

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 11 July 2016

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	Objectors
8.1	Paul Upham	Lou Ramunno
8.2	Mark Naughton for Mark & Marianne Griffith	

7. CONSIDERATION OF THE AGENDA

As Presented.

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 176-178 Great Ocean Road, Lorne (16/0024).....Page 3
Construct Buildings and Works (Marquee)

Item 8.2 4 Moorhouse Street, Lorne (12/0033C).....Page 19
Amend Permit 12/0033: Construction of a Dwelling and Removal of
Native Vegetation

13. RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

6.15pm

NEXT MEETING –8 August 2016

ITEM NO: 8.1
PLANNING REF: 16/0024
PROPOSAL: Construct building and works (marquee)
APPLICANT: CASEY TYDENS CONSULTING PTY LTD
DATE RECEIVED: 15-Jan-2016
SUBJECT LAND: 176-178 MOUNTJOY PARADE, LORNE. (LOT 1 PS329753)
ZONE: General Residential 1 Zone (Clause 32.08)
OVERLAYS: Design and Development Overlay - Schedule 4 (Clause 34.02) ,
Heritage Overlay – Schedule 64 (Clause 43.01)
PERMIT REQUIRED UNDER CLAUSES: 32.08-6, 43.02-2 and 43.01-1
EXISTING USE: Lorne Hotel
REPORTING OFFICER: Jennifer Davidson

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received x Two (2)

MOVED: Robert Troup **SECONDED:** Wesley McClendon **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION



ALTERNATIVE RECOMMENDATION



POINTS OF DISCUSSION:

The addition of the marquee was considered as virtually an extension of the building. The marquee will affect the view of the units behind, and they have a right to a view.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0024 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 Clauses 32.08-6, 43.02-2 and 43.01-1 of the Surf Coast Planning Scheme in respect of the land known and described as 176-178 Mountjoy Parade, Lorne for the construction of buildings and works (temporary marquee) for the following reasons:

Grounds of Refusal:

1. The proposal is contrary to Schedule 4 to Clause 43.03, Design and Development Overlay (DDO4) to protect residential amenity derived from the availability of view of landscape features.

CARRIED

ITEM NO: 8.2
PLANNING REF: 12/0033C
PROPOSAL: Amend Permit 12/0033: Construction of a dwelling & removal of native vegetation
APPLICANT: Mark Iscaro First Angle
DATE RECEIVED: 29 October 2014
SUBJECT LAND: 4 MOORHOUSE STREET, LORNE. (Lot: 2 LP 444)
ZONE: General Residential 1
OVERLAYS: Design & Development Overlay 12, Significant Landscape Overlay Schedule 4, Neighbourhood Character Overlay 2
PERMIT REQUIRED UNDER CLAUSES: 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Maggie Juniper

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
- Objections received x 5

MOVED: Robert Troup **SECONDED:** Geoffrey Fulton **FOR: 4** **AGAINST: 0**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The roof as constructed would not normally be approved under the planning scheme and therefore the decision should not be changed now. A lot of consideration went into the original assessment of the proposal. The situation is an unfortunate error. The committee did not accept that the roof colour sits in context. Glare is a major issue and will impact on neighbours.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 12/0033C 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 Amend Permit 12/0033 in respect of the land known and described as 4 Moorhouse Road Lorne, for the following reasons.

1. The amendment fails to meet Standard A19 Design Detail, Schedule 3 NCO and the preferred neighbourhood character attributes for Lorne with respect to colours, materials and finishes.
2. The amendment fails to meet the NCO3 neighbourhood character objectives:
 - *To encourage building design that complements the cultural, environmental and landscape values of Lorne, with emphasis on small footprints, large setbacks and avoidance of visual bulk or prominence.*
 - *To encourage development that reflects a lightweight coastal image and avoids design repetition and blends with the vegetation using subtle, neutral and unobtrusive colours.*
 - *To maintain, to a reasonable level, the residential amenity derived from the availability of views of landscape features, privacy and access to sunlight.*
3. The amendment fails to meet the Clause 65 Decision Guidelines with respect to:
 - The purpose of the zone, overlay or other provision.
 - Any matter required to be considered in the zone, overlay or other provision.

- The orderly planning of the area.
- The effect on the amenity of the area

CARRIED