

Minutes of Planning Committee Meeting No. 457 held at 5.00pm Monday 7 March 2016 in the Council Chambers, Surf Coast Shire Offices, Torquay.

1. **OPENING OF MEETING**
5:00pm
2. **PRESENT**
Tony Hobba, Geoffrey Fulton, Austin Swain, Robert Troop, Phil Rosevear
3. **APOLOGIES**
Nil
4. **CONFIRMATION OF MINUTES**
Minutes of the Planning Committee Meeting held on Monday 22 February 2016 – held over until the next meeting attended by two sitting members
5. **DISCLOSURE OF CONFLICTS OF INTEREST**
Nil
DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)
Nil
6. **PUBLIC PRESENTATIONS**

Item	Applicant	Objector
8.1 330 Grossmans Road, Torquay	Julie Baxter	Anne McCaffrey Ron Collins Kaylene Collins Nola Trotman Marrienne Bloomfield Jennifer Logan
8.2 7 Grandview Road, Torquay		
8.3 85 Grossmans Road, Torquay	Glen Skien	

7. **CONSIDERATION OF THE AGENDA**
Item 8.2 will be heard last
8. **CONSIDERATION OF APPLICATIONS FOR A PERMIT**
 - Item 8.1 330 Grossmans Road, Torquay (06/0204J).....Page 3
 - Item 8.2 7 Grandview Road, Torquay (15/0365).....Page 7
Construction of two dwellings on a lot and a front fence >1.5 metres in height and subdivision of the land into two lots
 - Item 8.3 85 Grossmans Road, Torquay (15/0469).....Page 33
Construct telecommunications facility

9. RECENT VCAT DECISIONS

Application Number:	15/0017
VCAT Ref:	P2166/2015
Address:	15-21 Peal Street, Torquay
Officer Recommendation:	Permit Approved
VCAT Decision:	Permit Varied
Proposal:	Construction of a building for an office, three retail premises and four dwellings, use of the land for four dwellings, reduction of the requirement for loading bays specified in clause 52.07 Surf Coast Planning Scheme

Application Number: 14/0477
VCAT Ref: P2006/2015
Address: 3 Topp Street, Lorne
Officer Recommendation: Permit Refused
VCAT Decision: Permit Refused
Proposal: Construction of a second dwelling and subdivision of the land into two lots

10. POLICY ISSUES

11. OTHER MATTERS
Nil

12. CLOSE OF MEETING
6.18pm

NEXT MEETING – 21st March 2016

ITEM NO: 8.1
PLANNING REF: 06/0204J
PROPOSAL: Amend Permit – Amend Condition no 19
APPLICANT: Kithbrooke Park Country Club
DATE RECEIVED: 18-Nov-2015
SUBJECT LAND: 350 GROSSMANS ROAD, TORQUAY
ZONE: Low Density Residential Zone (Clause 32.03)
OVERLAYS: Development Contribution Plan Overlay (Clause 45.06)
PERMIT REQUIRED UNDER CLAUSES: 32.03-1
EXISTING USE: Retirement Village
REPORTING OFFICER: Phil Rosevear

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending approval
 Objections received x seven (7), and nineteen (19) letters of support

MOVED: Austin Swain **SECONDED:** Geoff Fulton **FOR:** X4 **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The Planning Permit was issued by the Minister for Planning and included condition 19 as a response to the specifics of the proposal. The requirement for an onsite Manager is appropriate given the location of the Kithbrooke Park Country Club outside the main Torquay residential areas. The proposal will erode the rights and expectations of Residents and is driven by economic reasons which should be addressed by the developer/owner.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

The Committee resolved to refuse the application on the following grounds:

1. Condition 19 of the permit is appropriate and necessary, given the location of Kithbrooke Park Country Club outside the residential areas of Torquay.
 2. The loss of an on-site Manager will result in a loss of amenity for the Residents perceived security.
 3. The provision of an on-site Manager was a factor for Residents when choosing to purchase and reside at Kithbrooke Park Country Club. The proposed amendment to condition 19 would be an erosion of these expectations and a loss of service and care.
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COMMITTEE RESOLUTION

That Council:

- having caused notice of Planning Application No. 06/0204 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Refusal to Grant a Permit under Section 72 to amend Condition No. 19 for the following reasons
 1. Condition 19 of the Permit is appropriate and necessary, given the location of Kithbrooke Park Country Club outside the residential areas of Torquay
 2. The loss of an on-site Manager will result in a loss of amenity for the Residents perceived security.
 3. The provision of an on-site Manager was a factor for Residents when choosing to purchase and reside at Kithbrooke Park Country Club. The proposed amendment to condition 19 would be an erosion of these expectations and a loss of service and car.

CARRIED

ITEM NO: 8.2
PLANNING REF: 15/0365
PROPOSAL: Construction of two dwellings on a lot and a front fence >1.5 metres in height and subdivision of the land into two lots
APPLICANT: MG Design & Building Pty Ltd
DATE RECEIVED: 28-Aug-2015
SUBJECT LAND: 7 GRANDVIEW ROAD, TORQUAY. (LOT: 58 LP: 28623)
ZONE: General Residential Zone 1
OVERLAYS: Design and Development Overlay - Schedule 21 (Clause 43.02)
Significant Landscape Overlay - Schedule 6 (Clause 42.03)
Development Contributions Plan Overlay (Clause 45.06)
PERMIT REQUIRED UNDER CLAUSES: 35.03-2, 35.03-3, 43.02-2
EXISTING USE: Dwelling
REPORTING OFFICER: Maggie Juniper

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received x four (4)

MOVED: Robert Troop **SECONDED:** Geoff Fulton **FOR:** X4 **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The proposal dual occupancy is particularly tight for the lot, however, the amended plans dated 18/1/2016 do make a better response. No other issues raised.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 15/0365 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 the Surf Coast Planning Scheme in respect of the land known and described as 7 GRANDVIEW ROAD, TORQUAY for the Construction of two dwellings on a lot and a front fence >1.5 metres in height and subdivision of the land into two lots in accordance with the endorsed plans, subject to the following conditions:

DEVELOPMENT***Amended plans required for endorsement***

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:

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- a) A full set of development plans (site layout & elevations and landscape plan) to scale consistent with the Ground Floor Plan DWG 339.2 Rev C dated 18th January 2016 by MG Design and Building Pty Ltd;
 - b) Details of privacy screening to Bedroom 3 window W37, Level 1, Dwelling Unit 7B;
 - c) Details of the screen fencing to the front boundary with Grandview Road
 - d) Details of the roofing material finish and colour
 - e) At least 6^{m³} of externally accessible storage for each dwelling unit (may be shelf space within each garage)

Plans to be endorsed

2. The plans to be endorsed and which will then form part of the permit are the plans submitted with the application.

Layout not to be altered - development of land

3. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Stormwater Management Plan

4. Before the development starts a stormwater 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 ensure that stormwater and drainage discharge from the development site meets current best practice performance objectives for stormwater (Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO 1999)) and must include:
 - a. The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export from the site;
 - b. Reduce peak discharge from the site to that of the existing development on the site;
 - c. Connection to council infrastructure;

Landscape Bond

5. Before the release of the approved plan for the approved development, a cash bond or bank guarantee to the value of \$1500 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. On completion of development, upon being satisfied that the requirements of the landscape plan and protection of native vegetation have been fulfilled to the satisfaction of the responsible authority the bond or bank guarantee will be refunded or discharged by the responsible authority.

Car Parking and access

6. Before the use starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Constructed;
 - b. Properly formed to such levels that they can be used in accordance with the plans;
 - c. Surfaced with an all-weather-seal coat;
 - d. Drained;to the satisfaction of the responsible authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Rooftop appurtenances

7. 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.

Construction phase

8. During the construction stage the developer shall take all reasonable action necessary to protect adjoining residents from dust, rubbish and undue noise.

Community Infrastructure Levy

9. A Community Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land. The payment must be made before the development commences.

SUBDIVISION

10. Before the plan of subdivision is certified under the *Subdivision Act 1988*, 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 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:
- All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;
 - Drainage easement along the south boundary of the lot in favour of the responsible authority to the satisfaction of the responsible authority;
 - Drainage easement across Lot 2 in favour of Lot 1;

Creation of restriction - mandatory condition

11. This permit authorises the creation of a restriction pursuant to Section 23 of the Subdivision Act 1988.

Creation of restriction - units

12. The Plan of Subdivision:
- must not be submitted for certification until the development allowed by this permit is substantially complete; or
 - must create a restriction to the effect that the land must not be developed except in accordance with the endorsed plans of this permit unless a fresh planning permit is issued for the development of the land;
- to the satisfaction of the responsible authority.

Mandatory conditions – non-referred subdivisions

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
14. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
15. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
16. The owner of the land must enter into an agreement with:
- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
17. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
18. Before a statement of compliance is issued under the Subdivision Act 1988 the owner must provide:
- Access to each lot;
 - Drainage of each lot including those works shown on plans endorsed under Condition 3 of the permit;

To the satisfaction of the responsible authority.

Developer contributions

19. A Development Infrastructure Levy must be paid to the Collecting Agency (Surf Coast Shire Council) based on the net change in demand units in accordance with the provisions of the incorporated Torquay – Jan Juc Development Contributions Plan applying to the land. The payment must be made after certification of the relevant plan of subdivision but not more than 21 days before a Statement of Compliance is issued under the Subdivision Act 1988.

Permit Expiry

- 20 This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit
 - b) The development is not completed within four years of the date of this permit
 - c) The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the completion of the development
 - d) Five years after the certification of the plan of subdivision under the Subdivision Act 1988.

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

ITEM NO: 8.3
PLANNING REF: 15/0469
PROPOSAL: Construct Telecommunication Facility
APPLICANT: Barwon Region Water Authority
DATE RECEIVED: 02-Nov-2015
SUBJECT LAND: 85 GROSSMANS RD, TORQUAY. (LOT: 1 PLN: 119717)
ZONE: Public Use
OVERLAYS: Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 52.19
EXISTING USE: Utility installation (Barwon Water)
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 4

MOVED: Austin Swain **SECONDED:** Robert Troop **FOR:** X4 **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The Committee did not identify any issues with the application

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 15/0469 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 52.19 of the Surf Coast Planning Scheme in respect of the land known and described as 85 GROSSMANS RD, TORQUAY., to Construct a Telecommunication Facility in accordance with the endorsed plans, subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. The development is to be constructed of non-reflective material.
3. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit
 - b) 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.

Note: Any plan approved under the Building Act and Regulations must not differ from the endorsed plan forming part of this Permit.
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CARRIED