

Minutes of Planning Committee Meeting No. 462 held at 5.00pm Monday 6 June 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.15 pm

2. PRESENT

Tony Hobba, Robert Troup, Geoff Fulton, Wesley McClendon, Phil Rosevear

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

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

– Minutes have been 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	Objectors
8.1	Robert Malon David Seeley	Mal Cameron
8.2		Paul Edwards
8.3	Andrew Mitchell	Fiona Nicholls Brian Burch

7. CONSIDERATION OF THE AGENDA

Item 8.2 heard first.

Item 8.4 was withdrawn from the agenda prior to the meeting.

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 5 Broadbeach Road, Jan Juc (16/0060).....Page 3
Construction of a Dwelling and Removal of Native Vegetation

Item 8.2 42 Bristol Road, Torquay (15/0398).....Page 33
Construction of Four Dwellings and Subdivision of the Land
Into Four Lots

Item 8.3 1370 Anglesea Road, Bellbrae (15/0480).....Page 61
Earthworks – Alterations to an Existing Accessway

Item 8.4 840 Barrabool Road, Barrabool (15/0150).....Page 73
Two Lot Subdivision of the Land

9. RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. **CLOSE OF MEETING**
6.50pm

NEXT MEETING –27 June 2016

ITEM NO: 8.1
PLANNING REF: 16/0060
PROPOSAL: Construction of building and works (dwelling) and removal of native vegetation
APPLICANT: AC MALON
DATE RECEIVED: 12-Feb-2016
SUBJECT LAND: 5 BROADBEACH ROAD, JAN JUC. (LOT: 1 LP: 143085)
ZONE: Low Density Residential
OVERLAYS: Significant Landscape - Schedule 1, Development Contributions Plan Overlay 2
PERMIT REQUIRED UNDER CLAUSES: 42.03-2
EXISTING USE: Vacant
REPORTING OFFICER: Maggie Juniper

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received x 11, 1 withdrawn

MOVED: Robert Troup

SECONDED: Wesley McClendon

POINTS OF DISCUSSION:

The Committee considered the proposal to be a well designed modest development which made a good response to the site.

A reasonable sharing of views will be achieved and the impact on the coastal walk results from the small vegetation buffer in this area. The landscape response proposed will reduce the visual impact.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Delete Condition 1.a) and amend Condition 5. as drafted.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0060 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 42.03-2 of the Surf Coast Planning Scheme in respect of the land known and described as 5 BROADBEACH ROAD, JAN JUC., for the Construction of building and works (dwelling) and removal of native vegetation in accordance with the endorsed plans, subject to the following conditions:

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:
 - a) A final schedule of external materials finishes and colours incorporating colour samples. External colours should be neutral, muted and subdued to assist in visually blending the building with the surrounding natural coastal landscape;

Landscape plans required for endorsement

2. Before the development starts, a landscape plan 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 be drawn to scale with dimensions and three (3) copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan Site Plan date TP 02-A dated 12 February 2016 prepared by Seeley Architects, except that the plan must show.
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) the location of the septic irrigation area;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) vegetated landscaping and planting consistent with Site Plan date TP 02-A dated 12 February 2016 at the site and within the near coastal reserve;
 - f) only the use of plant species indigenous to the locality and representative of EVC 161;

All species selected must be 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.

Landscaping completion and maintenance

3. Within 3 months of the date of completion of the development hereby permitted the site whether occupied or not, shall be landscaped in accordance with the endorsed landscape plan. 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.

Bond

4. Before the release of the approved plans for the approved development, a cash bond or bank guarantee to the value of \$1000 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 will only be refunded or discharged by the responsible authority 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.

Rooftop appurtenances

5. 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. This condition does not apply to standard television aerials and flues to the satisfaction of the Responsible Authority.

Maximum building height - RL

6. The maximum building height must not exceed RL 60.80 in accordance with the endorsed plans and to the satisfaction of the responsible authority.

Surveyor's certificate – setout and frame

7. A written statement from a licensed surveyor must be submitted for approval to the responsible authority confirming:
 - a) that the building has 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 statement shall be submitted to the responsible authority at completion of the frame of the building.

Waste Water

8. The onsite wastewater management system must comply with the Land Capability Assessment undertaken by P. J. Yuttrup & Associates Pty Ltd, report number 21684, dated November 2015.
9. A secondary treatment wastewater management system must be installed capable of achieving a 20/30 standard effluent and pressure compensating sub-surface irrigation must be installed.
10. A "Septic Tank Application (install/alter septic tank system)" must be submitted to Council.
11. The dedicated effluent disposal areas must be protected against damage from any works undertaken on the site.
12. Installation and operation of the Septic Tank System shall be in accordance with the Environmental Protection Act 1970 , AS/NZS 1547:2012, Council's Permit to Install and Certificate to Use, Environmental Protection Authority Certificates of Approval, and any other direction made by the relevant authority.
13. Backwash water from swimming pool shall not be discharged directly to the septic system or the stormwater system. Backwash water shall be discharged to a separate open grassed, vegetated or garden area - well clear of the building, septic system and stormwater outfall. In the event of disposal of the entire pool volume, disposal to land is not permitted, and must be done using a licensed waste contractor.
14. A surface and sub-surface cut off drain shall be provided above the disposal field to reduce run on to this area.

Expiry of Permit

15. This permit will expire if one of the following circumstances applies:

- The development is not started within two 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.

Note 2.0.1 – Consistency with building plans

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

CARRIED

ITEM NO: 8.2
PLANNING REF: 15/0398
PROPOSAL: Construction of Four Dwellings and Subdivision of the land into Four Lots
APPLICANT: Alldraw Design
DATE RECEIVED: 21-Sep-2015
SUBJECT LAND: 42 Bristol Road, TORQUAY. (Lot 27, PS 002210)
ZONE: Residential 1
OVERLAYS: Design and Development - Schedule 20, Significant Landscape - Schedule 6, Development Plan - Schedule 2
PERMIT REQUIRED UNDER CLAUSES: 32.08 and 43.02
EXISTING USE: Dwelling
REPORTING OFFICER: Julie Giguere

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received – 5

MOVED: Robert Troup

SECONDED: Wesley McClendon

POINTS OF DISCUSSION:

The Committee identified that the proposed development made a poor response to Standard B10, contrary to the assessment of the planning officer (not helped by incorrect north point shown on plans), but did not consider this sufficient to refuse the application.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 15/0398 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 32.08 and 43.02 of the Surf Coast Planning Scheme in respect of the land known and described as 42 Bristol Road, TORQUAY., for the Construction of Four Dwellings and Subdivision of the land into Four Lots in accordance with the endorsed plans, subject to the following conditions:

Amended plans required for endorsement

1. Before the use and 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) Consequential changes to relevant plans be made as a result of the amendments site plan by All Draw Building Design dated 03/05/2016 and submitted to Council 03/05/16;
 - b) Finished levels to AHD, including but not limited to roof and floor levels;
 - c) The replacement of two highlight windows by two full length windows on either the bedroom 1 of unit 1 or 2 and for bedroom 1 of unit 3 and 4 without creating an additional non-compliance with the objectives of Clause 55 (overlooking)

- d) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, ventilation systems, service metres, which are to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant shall be appropriately screened;
- e) a schedule of external materials, finishes and colours incorporating colour samples. External colours should be muted and non-reflective.

Landscape plans required for endorsement

2. Before the development starts, a landscape plan 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 be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 12/04/2016 prepared by All Draw Building Design, except that the plan must show:

- a) a) Consequential changes to relevant plans be made as a result of the amendments site plan by All Draw Building Design dated 03/05/2016 and submitted to Council 03/05/16;
- b) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- c) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- d) details of surface finishes of pathways and driveways;
- e) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- f) front fencing which is to be at a maximum of 1.5m in height with at least 25% transparency.
- g) At least 20% of the site should not be covered by impervious surface. This includes, amongst other things paving in the private open space of each unit.

All species selected must be 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.

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.

Construction management plan

4. 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) measures to minimise the impact of construction vehicles arriving at, queuing, and departing from the land;
- b) details of a 24 hour hotline for access to a contact person or project manager accountable for the project and compliance with the CMP;

All works on the site must be carried out in accordance with the endorsed plan to the satisfaction of the Responsible Authority.

Landscape Bond

5. Before the development commences, a cash bond or bank guarantee to the value of \$1000 per dwelling or other specified amount must be deposited with the responsible authority by the developer of the land as security against failure to comply with the landscape plan endorsed under this permit.

The bond or bank guarantee will only be refunded or discharged by the responsible authority 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.

Surveyor's certificate – set out and frame

6. 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.

Stormwater Management Plan

7. 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 site.
 - b) Reduce peak stormwater discharge from the development to that of the existing development.
 - c) Connection Council infrastructure.

Parking and Access

8. Before the use starts, the area(s) set-aside for 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, gravel or crushed rock;
 - d) Drainedto the satisfaction of the responsible authority;
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. The following requirements shall apply to vehicle crossings and driveways that shall be constructed to the satisfaction of the responsible authority:
 - a) Vehicle crossings shall be constructed in reinforced concrete or other approved material;
 - b) New vehicle crossings to suit the proposed driveways shall be constructed;
 - c) Redundant vehicle crossing shall be removed and kerb and channel or other approved road edgings reinstated to suit existing works;
 - d) A "Non-Utility – Minor Works" permit shall be obtained from the Coordinating Road Authority defined in the Roads Management Act 2004 prior to any works being undertaken in road reserves.

Construction phase

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

Subdivision

Amended Plans - Subdivision

11. Before the plan of subdivision is certified under the *Subdivision Act 1988*:
 - a) 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:
 - i) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements;

- ii) Easements in favour of lots on the plan to the satisfaction of the responsible authority.
- b) The approved development must be completed to at least frame stage to the satisfaction of the responsible authority.

Layout not to be altered - Subdivision

12. The layout and site dimensions of the proposed subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Developer contributions

13. 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.
14. Please note that the Development Infrastructure Levy amount required to be paid in Condition 22 of the planning permit will be adjusted annually on 1 July each year to cover inflation, by applying the Building Price Index June Quarter for Melbourne in Rawlinsons Australian Construction Handbook. You will be advised of this amount after your plan of subdivision has been certified, however you will need to contact Council within 28 days prior to payment being issued to confirm the amount due.

Statement of Compliance

15. Before a statement of compliance is issued under the *Subdivision Act 1988*:
- a) The development approved by this permit must be completed to lock up stage, to the satisfaction of the responsible authority.
 - b) Access to each lot in accordance with the plans endorsed under the permit;
 - c) Provide drainage to each lot including those shown on plans endorsed under Condition 7 of the permit.
- To the satisfaction of the responsible authority.
16. 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.

Telecommunication

17. The owner of the land must enter into an agreement with:
- a) 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
 - b) 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.

Easements

18. 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.
19. 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.

Service Authorities

Tenix

20. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Powercor

21. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
22. The applicant shall:-
- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor.
 - b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor and provide to Powercor Australia Ltd a completed Electrical Safety Certificate in accordance with Electricity Safe Victoria's Electrical Safety System.
 - c) The applicant shall provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
 - d) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
 - e) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Barwon Water

General

23. The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewers located within the subdivision. The width of these easements shall be 2.4m located at the northern boundary line.
24. The certified plan must create implied easements under Section 12 (2) of the Subdivision Act, over all proposed existing water and sewerage works within the subdivision.
25. The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.
26. The creation of an Owners Corporation to encumber all lots within the subdivision.
27. The proposed storage shed for unit 4 does not conform with Barwon Water's Asset Protection policy. Structures are generally to be no closer than 1.0m to a sewer main or 3.0m to a water main. If you propose to construct a structure closer then consent from Barwon Water is required. This application form can be downloaded via www.barwonwater.vic.gov.au - Business Customers - Property Connections. Works must not commence until written approval has been issued and all fees paid. The lodgement of an application does not constitute approval of this development. Build over proposals, please call 1300 656 007 and request to speak to the Connections team about a build over related mater.

Water

28. The provision and installation of individual water services including meters to all lots in the subdivision. A dimensioned plan showing location of all meters relative to the allotment boundaries, and its number(s), is to be submitted.
29. The payment of New Customer Contributions for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for water supply.
30. An additional tapping is to be supplied to service the proposed development. A dimensioned plan showing location of all new tapplings relative to the allotment boundaries is to be submitted, where a meter is not being fitted. Note that tapplings and services are not to be located under existing or proposed driveways.

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31. Barwon Water's records indicate that an existing water service and meter is located on this property. A dimensioned plan showing the location of existing meters, and the location of the meter relative to the existing boundaries, and its number, is to be submitted. Private water service pipes are not permitted to cross allotment boundaries and must be plugged and abandoned at the boundaries of such allotments.

Sewer

32. The provision of sewerage services to all lots in the subdivision. Individual allotment house connection drains are to be provided for and extend into each allotment. Note that if any common drain or drain from another allotment crosses under a proposed dwelling, a "modification to consent" is to be obtained from the Victorian Building Association and presented to Barwon Water with the required drainage plan. It should be noted that the property service sewer drain remains the responsibility of the property owner(s).
33. The payment of New Customer Contributions for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered (for water supply).
34. Any existing house connection branch that is to be utilised for additional connections or altered to serve the development is to be CCTV inspected with the report and/or video submitted to Barwon Water for condition assessment. If it is deemed by Barwon Water that the house connection branch is unsatisfactory for use, it is to be removed and replaced at the developer's expense. If the branch being replaced is greater than 4.0 metres deep, a new sewer manhole is to be constructed with the new house connection branch connected to this structure. Any property connection branch no longer required is to be decommissioned in accordance with Barwon Water's "Property connection decommissioning process". Details of this process are available on Barwon Water's website under the business -> property connections section. Also, any existing house connection drain that traverses through the proposed allotments shall be relocated so not to inhibit future development.

Note: The developer is to apply to Barwon Water for details relating to costs

Permit Expiry

35. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit
 - The development is not completed within four years of the date of this permit
 - The plan of subdivision is not certified under the Subdivision Act 1988 within two years of the completion of the development
 - 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: 15/0480
PROPOSAL: Earthworks – (alterations to an existing accessway)
APPLICANT: AS MITCHELL
DATE RECEIVED: 16-Nov-2015
SUBJECT LAND: 1370 ANGLESEA ROAD, BELLBRAE. (LOT: 1 PS: 318778)
ZONE: Farming Zone
OVERLAYS: Bushfire Management
PERMIT REQUIRED UNDER CLAUSES: 35.7-4
EXISTING USE: Vacant
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 4

MOVED: Wesley McClendon

CARRIED: Robert Troup

POINTS OF DISCUSSION:

The Committee considered that the proposed conditions as amended responded adequately to the concerns of the objectors and the needs of the applicant.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Modify Condition 1.

Add Condition 1.c) and 1.d)

Add Condition 8 – and renumber remaining conditions accordingly.

COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 15/0480 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 Clause 35.7-4 of the Surf Coast Planning Scheme in respect of the land known and described as 1370 ANGLESEA ROAD, BELLBRAE., for earthworks - alterations to the accessway in accordance with the endorsed plans

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 drawn by Waterfront Design, May 2012 including that the culvert must be located as shown, but modified to show:
 - a) a site plan indicating the proposed earthworks to widen the internal driveway including all dimensions of the works notated on plan
 - b) a scaled section plan showing a proposed 300 mm culvert through the elevated driveway set at natural ground level
 - c) flow path from the spill way to the culvert to be installed under the driveway

- d) set back distance from the proposed dam wall to the driveway
2. No rubbish of any description including building rubble must be used in the construction of the earthworks without the prior written consent of the responsible authority
 3. Earthworks must be kept to a minimum and disturbed areas rehabilitated as soon as practicable following the works. Earthworks must be staged, drained and stabilised and generally carried out in such a manner that soil erosion and slumping are minimised.
 4. All earthworks associated with the the internal driveway and realignment of the existing dam wall must be carried out in a manner that ensures that surface runoff does not cause sediment transport.
 5. Earthworks must follow sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA 1991).
 6. All earthworks must be undertaken in accordance with the mitigation measures identified in the Phipps Consulting Drainage Report,1370 Anglesea Road Bellbrae, September 2015.
 7. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
 8. No other works affecting the natural flow of this catchment shall be constructed without the further consent of the responsible authority.

Expiry of Permit

9. This permit will expire if one of the following circumstances applies:
 - The development is not started within two 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

ITEM NO: 8.4
PLANNING REF: 15/0150
PROPOSAL: 2 Lot Subdivision of the Land
APPLICANT: K & J Deppeler
DATE RECEIVED: 20-Apr-2015
SUBJECT LAND: 840 BARRABOOL ROAD, BARRABOOL. (LOT: 2 PS: 330020)
ZONE: Farming Zone
OVERLAYS: Salinity Management Overlay
PERMIT REQUIRED UNDER CLAUSES: 35.07-3
EXISTING USE: Grazing
REPORTING OFFICER: Brenton Hann

This item was withdrawn prior to the Meeting.

Minutes of Planning Committee Meeting No. 463 held at 5.00pm Monday 27 June 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5:00 pm

2. PRESENT

Tony Hobba, Geoff Fulton, Wayne Reid, Lesley Evans, Phil Rosevear

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 16 May 2016
Held over until the next meeting that is attended by two sitting members.

Minutes of the Planning Committee Meeting held on Monday 6 June 2016

Moved: Geoff Fulton Seconded: Tony Hobba

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objectors
8.1	Steven Mack	Timm McErvale Christine McErvale Anne Cutts Jenene Delahoy
8.2	-	-
8.3		Richard Pyke Val Parker Bernard Condon Rick Burchell
8.4	Darryl Wilson	

7. CONSIDERATION OF THE AGENDA

Item: 8.2 withdrawn prior to the meeting.

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 2 Cliff Street, Torquay (15/0420A).....Page 3
Request to Amend a Planning Permit by including Liquor Licensing,
Amplified Music and Extension to Opening Hours to Development
of Buildings and Works in Association with the Use of the Land
for a Restaurant and Construction of a Fence.

Item 8.2	4 Moorhouse Street, Lorne (12/0033C).....Page17 Amend Permit 12/0033: Construction of a Dwelling and Removal of Native Vegetation
Item 8.3	23 The Esplanade, Torquay (03/0657E).....Page19 Amendment to Permit Conditions
Item 8.4	3610 Princes Highway, Winchelsea (14/0357).....Page 25 Use and Development of a Store

10. RECENT VCAT DECISIONS

Application Number:	15/0012
VCAT Ref:	P2482/2015
Address:	1710 Barrabool Road GNARWARRE
Officer Recommendation:	Refusal of Permit
Committee Resolution:	Officer Recommendation Supported – Permit Refused
VCAT Decision:	Council Decision Upheld – Permit Refused
Proposal:	Two Lot Resubdivision
Application Number:	15/0009
VCAT Ref:	P8/2016
Address:	76-78 Great Ocean Road AIREYS INLET
Officer Recommendation:	Issue Notice of Decision to Grant Permit
Committee Resolution:	Support Officer Recommendation – With Additional Conditions
VCAT Decision:	Permit Issued With Additional Condition
Proposal:	Construction of Five Dwellings; Construction of an Outdoor Swimming Pool and Construction of Fences
Application Number:	15/0009
VCAT Ref:	P284/2016
Address:	76-78 Great Ocean Road AIREYS INLET
Officer Recommendation:	Issue Notice of Decision to Grant Permit
Committee Resolution:	Support Officer Recommendation – With Additional Conditions
VCAT Decision:	Withdrawn
Proposal:	Construction of Five Dwellings; Construction of an Outdoor Swimming Pool and Construction of Fences

10. POLICY ISSUES

11. OTHER MATTERS

12. CLOSE OF MEETING

6:13 pm

NEXT MEETING –11 July 2016

ITEM NO:	8.1
PLANNING REF:	15/0420A
PROPOSAL:	Request to Amend a Planning Permit by including Liquor Licensing, Amplified Music and Extension to Opening Hours to Development of Buildings and Works in Association with the Use of the Land for a Restaurant and Construction of a Fence
APPLICANT:	EPICE ENTERPRISES PTY LTD
DATE RECEIVED:	02-Oct-2015
SUBJECT LAND:	2 CLIFF ST, TORQUAY. (LOT: 2 PS: 529742E)
ZONE:	Commercial 1
OVERLAYS:	Parking Overlay - Schedule 2, Design and Development - Schedule 6, Development Plan - Schedule 2
PERMIT REQUIRED UNDER CLAUSES:	52.27
EXISTING USE:	Restaurant
REPORTING OFFICER:	Julie Giguere

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal; and,
- Eight Objections received

MOVED: Wayne Reid

SECONDED: Lesley Evans

POINTS OF DISCUSSION:

Prior to the Committees consideration of this item apologies and supplemental information provided by a number of objectors was circulated.

The objectors clearly established that the noise levels emanating from the site are problematic and the outdoor nature of the venue makes it particularly difficult to respond to this issue.

The nature of the use is more appropriately suited to an indoor venue where offsite amenity impacts can be managed.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

See modification to grounds of Refusal.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application 15/0420A 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 the request for an Amendment to include a liquor license and amplified music to a Permit under the provisions of Clause 52.27 of the Surf Coast Planning Scheme in respect of the land known and described as 2 CLIFF ST, TORQUAY for the following reasons:

The proposed amendments to the permit will result in:

- Unreasonable amenity impacts through noise onto the neighbouring residential allotments
- Inability to appropriately mitigate noise in an open-air context
- Excessive cumulative impact in relation to licensed premises
- On-going enforcement issues.

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

This item was withdrawn from the agenda prior to the meeting.

ITEM NO: 8.3
PLANNING REF: 03/0657E
PROPOSAL: Amendment to Permit Conditions
APPLICANT: Peter Hansen
DATE RECEIVED: 8 September 2015
SUBJECT LAND: 23 The Esplanade, Torquay (Lot 2; TP711879)
ZONE: General Residential Schedule 1
OVERLAYS: Significant Landscape Schedule 6, Development Contributions Plan Schedule 2, Design & Development Schedule 13
PERMIT REQUIRED UNDER CLAUSES: 52.27
EXISTING USE: Restaurant
REPORTING OFFICER: Cameron Hayes

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
- Objections received x 7

MOVED: Geoff Fulton

SECONDED: Lesley Evans

POINTS OF DISCUSSION:

Prior to the Committees consideration of this item apologies and supplemental information provided by a number of objectors was circulated.

No Support from Committee.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

See modifications to grounds of Refusal.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 03/0657E 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 52.27 of the Surf Coast Planning Scheme in respect of the land known and described as 23 The Esplanade, Torquay for the Amendment to the Permit for the following reasons:

- The intensification of a Non-Residential Use within a Residential Zone is contrary to the Torquay-Jan Juc Residential Strategy
- The proposal will result in unreasonable amenity impacts through noise onto the neighbouring residential allotments
- The proposed hours of operation are beyond the standard operating hours for Outdoor Venues
- There are on-going compliance issues with the site which should be resolved prior to any further amendments to the permit

CARRIED

ITEM NO: 8.4
PLANNING REF: 14/0357
PROPOSAL: Use and development of a store
APPLICANT: D W WILSON
DATE RECEIVED: 19-Sep-2014
SUBJECT LAND: 3610 PRINCES HIGHWAY, WINCHELSEA. (LOT: 1 PS:
330515)
ZONE: Farming
OVERLAYS: Public Acquisition Overlay
PERMIT REQUIRED UNDER CLAUSES: 35.07-1, 35.07-4
EXISTING USE: Dwelling
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received

MOVED: Lesley Evans **SECONDED:** Wayne Reid

POINTS OF DISCUSSION:

The Committee considered that the proposed Use and Development would be more appropriately located within the Winchelsea Industrial Estate.

The application requires a much more complete justification to understand the full impacts of the uses proposed.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 14/0357 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 35.07-1, 35.07-4 of the Surf Coast Planning Scheme in respect of the land known and described as 3610 PRINCES HIGHWAY, WINCHELSEA., for the Use and development of a store for the following reasons:

1. The proposed Use and Development is contrary to the orderly planning and development of the area.
2. The proposed Use and Development would have a detrimental impact on the amenity and landscape values of the area
3. The proposed Use and Development is not consistent with the Purpose and Decision Guidelines of the Farming Zone in that it:
 - a. Is not consistent with sustainable land management practices and infrastructure provision,
 - b. Is not compatible with adjoining and nearby land uses.

CARRIED