

**Minutes of Planning Committee Meeting No. 460 held at 5.00pm Monday 2 May 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.**

**1. OPENING OF MEETING**

5.05 pm

**2. PRESENT**

Tony Hobba, Robert Troup, Austin Swain, Wesley McClendon, Phil Rosevear

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES**

Minutes of the Planning Committee Meeting held on Monday 18 April 2016

Moved: Austin Swain                      Seconded: Robert Troup

**5. DISCLOSURE OF CONFLICTS OF INTEREST**

Nil

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

Nil

**6. PUBLIC PRESENTATIONS**

Item	Applicant	Objectors
8.1	Josh Gould Matt Evans	Kelly Sirca Sharolyn Kewish Antonino Portaro Amanda Reeves Rhonda Bentley Mark Reeves Harold Bentley Andrew Stewart
8.2	Andrew Iser (on behalf of J & R Lewis, Applicants)	

**7. CONSIDERATION OF THE AGENDA**

Item 8.2 heard first.

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

Item 8.1      645 Cape Otway Road, Moriac (16/0049).....Page 3  
Use and Development of a Telecommunications Facility (40m high monopole for nbn™)

Item 8.2      24 Bonair Ave. Anglesea (13/0386G).....Page 13  
Amend Permit 13/0386 (Construction of Two Dwellings and a 3 Lot Subdivision at 15/143D GREAT OCEAN ROAD, ANGLESEA. (LOT: 15 PS: 443144D)

Item 8.3      42 Bristol Road, Torquay (15/0398)  
Construction of Four Dwellings and Subdivision of the land into Four Lots  
**Item 8.3 was deferred from this meeting prior to preparation of the agenda.**

**9. RECENT VCAT DECISIONS**

NIL

10. **POLICY ISSUES**  
NIL

11. **OTHER MATTERS**  
NIL

12. **CLOSE OF MEETING**  
7.15 PM

**NEXT MEETING** –16 May 2016

---

**ITEM NO:** 8.1  
**PLANNING REF:** 16/0049  
**PROPOSAL:** Use and development of a telecommunications facility (40 m high monopole for **nbn™**)  
**APPLICANT:** Aurecon  
**DATE RECEIVED:** 08-Feb-2016  
**SUBJECT LAND:** 645 CAPE OTWAY RD, MORIAC. (LOT: 1 PLN: 14652)  
**ZONE:** Farming zone  
**OVERLAYS:** Land Subject to Inundation  
**PERMIT REQUIRED UNDER CLAUSES:** 52.19  
**EXISTING USE:** Vacant farmland  
**REPORTING OFFICER:** Roger Curnow

---

**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- Planning Officer recommending refusal  
 Objections received x 20

**MOVED:** Austin Swain

**SECONDED:** Tony Hobba

---

**POINTS OF DISCUSSION:**

---

Submission provided by Rebecca Bartlett was read prior to the Committees consideration of this matter: The Committee acknowledged the height of the tower but noted the direction in the planning scheme that telecommunications are an important element of modern society: The Committee indicated that a greater level of Public Notice may have been preferable even though Council had fulfilled its obligations under the Act.

---

**PLANNING COMMITTEE RESOLUTION**

That Council having caused notice of Planning Application No. 16/0049 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 52.19 of the Surf Coast Planning Scheme in respect of the land known and described as 645 CAPE OTWAY RD, MORIAC., for the Use and development of a telecommunications facility

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.

**CARRIED**

---

**ITEM NO:** 8.2  
**PLANNING REF:** 13/0386G  
**PROPOSAL:** Amend Planning Permit 13/0386 (Construction of two Dwellings and a Three Lot Subdivision at 15/143D Great Ocean Road Anglesea. (LOT: 15:PS:443144D)  
**APPLICANT:** John & Robyn Lewis  
**DATE RECEIVED:** 1 February 2016  
**SUBJECT LAND:** 24 Bonair Ave. Anglesea  
**ZONE:** General Residential Zone, Schedule 1.  
**OVERLAYS:** Design and Development Overlay Schedule 19, Neighbourhood Character Overlay Schedule 3, Significant Landscape Overlay Schedule 3.  
**PERMIT REQUIRED UNDER CLAUSES:** Section 72 Planning and Environment Act  
**EXISTING USE:** Dwelling  
**REPORTING OFFICER:** Maggie Juniper

---

**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- Planning Officer recommending refusal
- Objections received x 1

**MOVED:** Robert Troup

**SECONDED:** Austin Swain

---

**POINTS OF DISCUSSION:**

---

The Committee agreed with the Planning Officer's assessment that the Consent Order by which the original permit was approved gave the objector a reasonable expectation that the proposed deck would not be built.

If not for the Consent Order the Committee indicated that the proposal would achieve a reasonable sharing of views and could have been supported.

---

**PLANNING COMMITTEE RESOLUTION**

That Council, having caused notice of Planning Application No. 13/0386G 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 Planning Permit 13/0386 under the provisions of Section 72 of the Planning and Environment Act in respect of the land known and described as 15/143D Great Ocean Road Anglesea for the following reasons:

1. The proposed amendment is inconsistent with Consent Orders dated September 2014 which were filed with VCAT and were a relevant consideration in the Tribunal's Order P725/2014 which directed the granting of the original permit (13/0386).

**CARRIED**

**Minutes of Planning Committee Meeting No. 461 held at 5.00pm Monday 16 May 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.**

**1. OPENING OF MEETING**

5:00 pm

**2. PRESENT**

Wayne Reid, Robert Troup, Austin Swain, Lesley Evans, Phil Rosevear

**3. APOLOGIES**

Nil

**4. CONFIRMATION OF MINUTES**

Minutes of the Planning Committee Meeting held on Monday 2 May 2016

Moved: Robert Troup                      Seconded: Austin Swain

**5. DISCLOSURE OF CONFLICTS OF INTEREST**

Nil

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

Nil

**6. PUBLIC PRESENTATIONS**

Item	Applicant	Objectors
8.1	Andrew Hickford Adam O'Halloran	Rod Joyce

**7. CONSIDERATION OF THE AGENDA**

As presented.

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

Item 8.1      1 & 2 Bachli Court, Anglesea (16/0021).....Page 3  
Two Lot Re-Subdivision

**9. RECENT VCAT DECISIONS**

Nil

**10. POLICY ISSUES**

Nil

**11. OTHER MATTERS**

Nil

**12. CLOSE OF MEETING**

6.45 pm

**NEXT MEETING** –6 June 2016

**ITEM NO:** 8.1  
**PLANNING REF:** 16/0021  
**PROPOSAL:** Two Lot Re-Subdivision  
**APPLICANT:** Adam Ohalloran & Associates  
**DATE RECEIVED:** 13-Jan-2016  
**SUBJECT LAND:** 1 and 2 BACHLI CRT, ANGLESEA. (Lot 83 PS032739 and Lot 1 TP139537R)  
**ZONE:** General Residential Zone  
**OVERLAYS:** Neighbourhood Character - Schedule 3, Design and Development - Schedule 19, Significant Landscape - Schedule 3  
**PERMIT REQUIRED UNDER CLAUSES:** 32.08-2 and 43.02-3  
**EXISTING USE:** Residential  
**REPORTING OFFICER:** Carol Mitchell

---

**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- Planning Officer recommending refusal  
 Objections received x 5

**MOVED:** Austin Swain      **Seconded:** Lesley Evans

---

**POINTS OF DISCUSSION:**

---

The Committee was satisfied that the existing covenant was sufficient to prevent further subdivision of the land, however given the level of concern raised by objectors and the willingness of the applicant to accept a modified outcome that would ensure no further subdivision could occur it was resolved to add a new Condition 1. Requiring an amended Plan of Subdivision to show the southern boundary of Lot 1 relocated a further 2.7m to the south.

This will reduce the size of Lot 2 to 1.737.4m<sup>2</sup> which will be too small to allow a 2 lot subdivision which achieves the minimum 800m<sup>2</sup> minimum lot size when the land providing access to the rear lot is excluded as required under Schedule 19 of the Design and Development Overlay. This outcome is show on the diagram attached.

---

**ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:**

---

1. **Add new Condition 1.** 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, titled ADAM O'HALLORAN VERSION: 01 but modified to show:
    - a) The south boundary of Lot 1 relocated 2.7 metres further south and remaining parallel with the proposed alignment for the south boundary of Lot 1.
- 

**PLANNING COMMITTEE RESOLUTION**

That Council having caused notice of Planning Application No. 16/0021 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 32.08-2 and 43.02-3 of the Surf Coast Planning Scheme in respect of the land known and

described as 1 and 2 Bachli Court, Anglesea, for the two Lot Re-Subdivision in accordance with the endorsed plans, subject to the following conditions:

1. 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, titled ADAM O'HALLORAN VERSION: 01 but modified to show:
  - a) The south boundary of Lot 1 relocated 2.7 metres further south and remaining parallel with the proposed alignment for the south boundary of Lot 1.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. 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.
4. 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.
5. 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.
6. This permit will expire if one of the following circumstances applies:
  - The plan of subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit
  - 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**