

Minutes of Planning Committee Meeting No. 476 held at 5.00pm Monday 10 July 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.00 pm

2. PRESENT

Wayne Reid (Chairman), Geoff Fulton, Wesley McClendon, Mich Watt

3. APOLOGIES

Robert Troup

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 26 June 2017

Moved: Wesley McClendon

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	P Barbuto S D'Agostino	J Palmer M Rossack B Gough (for S Colbert)
8.2	M Traitsis C Shipsides	

7. CONSIDERATION OF THE AGENDA

As presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 75 Simmonds Road, Mount Moriac (16/0184).....Page 3
 The use and development of the land for the disposal of clean fill
 and earthworks which change the rate of flow across
 property boundaries

Item 8.2 1342 Horseshoe Bend Road, Torquay (17/0016).....Page 17
 Two Lot Subdivision

50 Polwarth Road, Lorne (15/0477)
 Construction of a Dwelling
This item was withdrawn from the meeting prior to preparation of agenda.

9. RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING
6.03 pm

NEXT MEETING – 24 July 2017

ITEM NO: 8.1
PLANNING REF: 16/0184
PROPOSAL: The use and development of the land for the disposal of clean fill and earthworks which change the rate of flow across property boundaries
APPLICANT: Wilcon Projects
DATE RECEIVED: 03-May-2016
SUBJECT LAND: 75 Simmonds Road, Mount Moriac (LOT: 1 PS: 448139T)
ZONE: Farming Zone
OVERLAYS: None
PERMIT REQUIRED UNDER CLAUSES: 35.07-1, 35.07-4
EXISTING USE: Agriculture and Dwelling
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

MOVED: Wesley McClendon **SECONDED:** Geoff Fulton **FOR:** 3 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Two different stories being told about the proposal.

Key question – are agricultural outcomes being enhanced? No, both on the site and on adjoining properties.

PLANNING COMMITTEE RESOLUTION

That Council: having caused notice of planning application No. **16/0184** to be given under Section 52 of the *Planning and Environment Act 1987* and/or the Surf Coast Planning Scheme; 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 Surf Coast Planning Scheme in respect of the land known and described as **LOT: 1 PS: 448139T** commonly known as **75 SIMMONDS ROAD, MOUNT MORIAC**, for **The use and development of the land for the disposal of clean fill and earthworks which change the rate of flow across property boundaries**, for the following reasons:

Grounds of Refusal:

1. The application does not result in the orderly and sustainable development of land and does not achieve net community benefit.
2. The application will result in unreasonable amenity impacts on nearby dwellings by way of noise and dust and as a result of truck movements to and from the site;
3. The application impacts on water flows to nearby land which will have a negative impact on productive agriculture, which is contrary to Clause 14.01-1 and Clause 21.05-2.
4. The application provides for a non-agricultural use which has the potential to adversely impact on the use of adjoining land for agriculture.
5. The application does not to support an enhanced agricultural outcome on the land.

6. The use of the land for the disposal of clean fill has the potential to remove the land from a productive agricultural use for ten years. No detail has been provided about sequencing, internal roads, or the ability to continue to use the land for an agricultural purpose while the use is in operation.
7. The application is contrary to a number of decision guidelines within the Farming Zone, particularly those which seek to manage land use conflicts and ensure that adjoining agricultural uses are not impacted.
8. The proposed dwelling pad is a piece meal application and does not allow for an assessment of the proposed dwelling and its appropriateness from a planning policy context.

CARRIED

ITEM NO: 8.2
PLANNING REF: 17/0016
PROPOSAL: Two Lot Subdivision
APPLICANT: BC & C SHIPSIDES
DATE RECEIVED: 25-Jan-2017
SUBJECT LAND: 1342 HORSESHOE BEND ROAD, TORQUAY. (PS)
ZONE: Residential 1
OVERLAYS: Design and Development - Schedule 21, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 32.08-3
EXISTING USE: Single Dwelling
REPORTING OFFICER: Maya Dougherty

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
- Objections received x 3

Alternate Recommendation

MOVED: Geoffrey Fulton **SECONDED:** Wesley McClendon **FOR:** 3 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Happy with altered recommendation.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Notice of Decision issued with conditions as per alternate recommendation.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 17/0016 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 32.08-3 of the Surf Coast Planning Scheme in respect of the land known and described as 1342 HORSESHOE BEND ROAD, TORQUAY., for the Two Lot Subdivision in accordance with the endorsed plans, subject to the following conditions:

Amended plans required for endorsement

1. Before the subdivision 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) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.

Landscape plans required for endorsement

2. Before a statement of compliance is issued under the Subdivision Act 1988:

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- a) 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 plan must show:
- i) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - ii) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - iii) details of surface finishes of pathways and driveways for Lot 1;
 - iv) landscaping and planting within all open areas of Lot 1 and a related 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;
 - v) 2 canopy trees in the front setback;
 - vi) the predominant use of plant species indigenous to the locality;
 - vii) no fence along the northern side of the driveway

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.

- b) Landscaping must be carried out in accordance with the approved plans referenced at condition 3 of this permit.

Vehicle access

3. Before the plan of subdivision is certified under the Subdivision Act 1988, 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.

Development Infrastructure Levy (Community Infrastructure)

4. A Community Infrastructure Levy (additional dwelling) 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 commencement of the approved development.

Subdivision Conditions:

5. Before a statement of compliance is issued under the *Subdivision Act 1988* the applicant must:
- a) Provide access to Lot 2 to the satisfaction of the Responsible Authority.
6. 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 crossings shall be removed and kerb and channel or other approved road edgings reinstated to suit existing works;
 - d) Pathways shall be replaced with a section capable of sustaining traffic loadings where vehicle crossings are constructed or relocated;

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- e) Entrance culverts with endwalls and suitable pavement material must be constructed to suit the proposed driveways to the satisfaction of the responsible authority.
 - f) 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.
7. The layout and site dimensions of the proposed subdivision as shown on the endorsed plan(s) shall not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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) 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
 - b) 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.
 13. 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.

Expiry

Subdivision

14. This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit
 - b) Five years after the certification of the plan of subdivision under the *Subdivision Act 1988*.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

CARRIED

Minutes of Planning Committee Meeting No. 477 held at 5.00pm Monday 24 July 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

- 1. **OPENING OF MEETING**
5.05 pm
- 2. **PRESENT**
Wayne Reid (Chairman), Lesley Evans, Geoff Fulton, Wesley McClendon, Maggie Juniper
- 3. **APOLOGIES**
Nil
- 4. **CONFIRMATION OF MINUTES**
Minutes of the Planning Committee Meeting held on Monday 10 July 2017
 Moved: Geoff Fulton Seconded: Wesley McClendon

- 5. **DISCLOSURE OF CONFLICTS OF INTEREST**
Nil
- DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)**
Nil

6. **PUBLIC PRESENTATIONS**

Item	Applicant	Objector
8.1	M Heading	P Moss
	C Mina	M Gilbert D De Bon
8.2	B King	L Lea
	L Walsh	

- 7. **CONSIDERATION OF THE AGENDA**
As presented

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 29 Boston Road, Torquay (17/0088).....Page 35
Use of the Land for a Medical Centre (Osteopathic and Massage Clinic)
- 12 The Esplanade, Torquay (17/0005)
Development of Five Dwellings
This item was withdrawn from the meeting prior to preparation of the agenda.

- 10. **RECENT VCAT DECISIONS**
Nil
- 11. **POLICY ISSUES**
Nil
- 12. **OTHER MATTERS**
Nil
- 13. **CLOSE OF MEETING**
7.10 pm

NEXT MEETING – 7 August 2017

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:** Geoff Fulton **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

- Ongoing concern with bulk and height
 - Amended plans do not respond to all the issues raised by the Planning Committee
 - Acknowledge quality of architecture but still unreasonable impact on views and streetscape due to height and bulk
 - Landscaping does not respond to bushfire hazard of area.
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ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Issue of Refusal on grounds listed.

PLANNING COMMITTEE RESOLUTION

REFUSAL

That Council: having caused notice of planning application No. **15/0477** to be given under Section 52 of the *Planning and Environment Act 1987* and/or the Surf Coast Planning Scheme; 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 Surf Coast Planning Scheme in respect of the land known and described as **LOT: 27 & 28 PS 3101** commonly known as **50 POLWARTH ROAD, LORNE.**, for the **Construction of a dwelling**, for the following reasons:

Grounds of Refusal:

1. The proposed development is considered to be contrary to the preferred neighbourhood character of Lorne and will result in excessive building height and bulk in the streetscape, in relation to existing adjoining dwellings and in the landscape.
 2. The proposed development will have an unreasonable impact on the coastal views of existing adjoining dwellings.
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3. The proposed development fails to meet Modified Clause 54 Standard A4 (Building Height objective), of Schedule 2, Neighbourhood Character Overlay;
 4. The proposed development fails to meet Standard A10 (Side and rear setbacks objective), Clause 54.04-1 Rescode;
 5. The proposed landscaping of the development site is not responsive to the bushfire hazard of the area and does not minimise risk to property.

CARRIED

ITEM NO: 8.2
PLANNING REF: 17/0088
PROPOSAL: Use of the Land for a Medical Centre (Osteopathic and Massage Clinic)
APPLICANT: Quay Osteo
DATE RECEIVED: 03-Apr-2017
SUBJECT LAND: 29 BOSTON RD, TORQUAY. (LOT: 163 LP: 2210)
ZONE: General Residential Zone - Schedule 1
OVERLAYS: Design and Development - Schedule 20, Significant Landscape - Schedule 6, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 32.08-2
EXISTING USE: Single Dwelling
REPORTING OFFICER: Maya Dougherty

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 6

MOVED: Geoff Fulton **SECONDED:** Wesley McClendon **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

- Accords with strategy for Torquay central area
 - Low vehicle movements do not warrant sealing of carpark nor acoustic fence – excessive given low numbers of practitioners
 - Increased plantings on west boundary to improve screening
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ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Amend Condition 1.a)

Insert new Condition 1.b)

Amend Condition 7.c)

Delete Condition 8. and renumber conditions following

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 17/0088 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 32.08-2 of the Surf Coast Planning Scheme in respect of the land known and described as 29 BOSTON RD, TORQUAY., for the Use of the Land for a Medical Centre (Osteopathic and Massage Clinic) in accordance with the endorsed plans, subject to the following conditions:

Amended Plans

1. Before the use starts, 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 show:
 - a) the car park surface as 'crushed rock'
 - b) details of screen plantings to west side boundary
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Endorsed Plans

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

Directional Signage

3. Before the use starts a sign must be displayed above the carport to show car parking is located to the rear, to the satisfaction of the responsible authority.

Number of Practitioners

4. Unless otherwise approved in writing by the responsible authority, at no time may more than two (2) practitioners operate or conduct consultations from the medical centre.

Operation via Appointment

5. The use must only operate via appointments unless in case of emergency.

Developer Contribution

6. Prior to the commencement of the use 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.

Car Parking

7. 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 'crushed rock';
 - d) drained;
 - e) line marked to indicate each car space and all access lanes;
 - f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the responsible authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Waste

8. Adequate provision must be made for the storage and collection of garbage, bottles and other solid wastes in bins or receptacles, to the satisfaction of the Responsible Authority.

All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view, to the satisfaction of the Responsible Authority.

All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour, to the satisfaction of the Responsible Authority.

Security Alarm

9. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

Lighting

10. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.

Expiry

11. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years after the completion of the development
 - b) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

CARRIED