

Minutes of Planning Committee Meeting No. 470 held at 5.00pm Monday 12 December 2016 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING
 5.05 pm

2. PRESENT
 Robert Troup (Chairman), Wesley McClendon, Lesley Evans, Austin Swain, Mich Watt

3. APOLOGIES
 Nil

4. CONFIRMATION OF MINUTES
 Minutes of the Planning Committee Meeting held on Monday 14 November 2016
 Moved: Wesley McClendon Seconded: Robert Troup

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

6. PUBLIC PRESENTATIONS

Item	Applicant	Objector
8.1	Christina Metcalfe (Nook Architecture)	Helen Adams
8.2	Chris Hay	-

7. CONSIDERATION OF THE AGENDA
 As Presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

- Item 8.1 6-8 Boston Road, Torquay (16/0210).....Page 3
 Construction of a Two Storey Building Comprising of
 6 Retail Tenancies and 2 Offices and a Reduction of
 Standard Car Parking Requirements
- Item 8.2 8 Winki Way, Torquay (16/0227).....Page 27
 Use of the Land for an Education Facility (Music School)
 and a Rehearsal and Sound Recording Studio and
 the display of Advertising Signage and the Waiving of the Standard
 Car Parking Requirements

9. RECENT VCAT DECISIONS

Application Number: 06/0204J
 VCAT Ref: P874/2016
 Address: 350 Grossmans Road, Torquay
 Officer Recommendation: Issue Notice of Decision to Amend Permit
 Resolution: Officer Recommendation Overturned – Amendment Refused
 VCAT Decision: Decision of Responsible Authority Affirmed – Planning Permit Must
 Not Be Amended
 Proposal: Amend condition of permit – change to requirement for on-site
 Manager at all times

Application Number: 16/0049
 VCAT Ref: P1026/2016
 Address: 645 Cape Otway Road, Moriac

Officer Recommendation:	Issue Notice of Decision to Issue Permit
Resolution:	Officer Recommendation Upheld – Notice of Decision Issued
VCAT Decision:	Decision of Responsible Authority Affirmed – Planning Permit Issued
Proposal:	Use and Development of a Telecommunications Facility
Application Number:	15/0533
VCAT Ref:	P949/2016 & P1151/2016
Address:	4 Ridge Road, Fairhaven
Officer Recommendation:	Issue Notice of Decision to Issue Permit
Resolution:	Officer Recommendation Upheld – Notice of Decision Issued
VCAT Decision:	Decision of Responsible Authority Affirmed – Planning Permit Issued with Varied Condition
Proposal:	Construction of a Dwelling and Swimming Pool, Construction of a Fence and Vegetation Removal in Accordance with the Endorsed Plans

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

6.00 pm

NEXT MEETING – 2017 (Date to be confirmed)

ITEM NO: 8.1
PLANNING REF: 16/0210
PROPOSAL: Construction of a Two Story Building comprising of 6 Retail Tenancies and 2 Offices and a reduction of Standard car parking requirements
APPLICANT: Nook Architecture Pty Ltd
DATE RECEIVED: 24-May-2016
SUBJECT LAND: 6-8 BOSTON ROAD, TORQUAY. (LOT: 84 PLN: 2210)
ZONE: Commercial 1
OVERLAYS: Parking Overlay - Schedule 2, Design and Development - Schedule 6, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 34.01-4, 43.02-2, 43.02-4 & 45.09-3
EXISTING USE: Retail & Vacant
REPORTING OFFICER: Cameron Hayes

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received 4

MOVED: Wesley McClendon **SECONDED:** Austin Swain **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

The Committee discussed modifications to permit conditions.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Additional Conditions 1.a.vi.,vii, and viii

Additional Condition 1.b.ix.

Change to Condition 4.a.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0210 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 34.01-4, 43.02-2, 43.02-4 & 45.09-3 of the Surf Coast Planning Scheme in respect of the land known and described as 6-8 BOSTON ROAD, TORQUAY., for the Construction of a Two Story Building comprising of 6 Retail Tenancies and 2 Offices and a reduction of Standard car parking requirements in accordance with the endorsed plans, subject to the following conditions:

Amended plans required for endorsement

1. Before the release of the endorsed plans for the approved development:
 - 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 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:
 - i. Car parking complying with Design Standard 2 of Clause 52.06-8 of the planning scheme.

- ii. Details of how tenancies 01-04 will be protected from storm water runoff from the car park.
- iii. Details of wheel stops to be installed in car spaces 1-17 in accordance with AS2890.1-2004
- iv. 2m high acoustic barrier to be installed along the Western Boundary
- v. a schedule of external materials, finishes and colours incorporating colour samples, including details of the roof cladding. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
- vi. relocation of bin storage area away from the residential interface and not visible from the street, without a reduction in on site car parking
- vii. Provision of a green wall on the western elevation
- viii. The use of anti-graffiti treatment on the northern wall of Tenancy 1 ground floor

Landscape plans required for endorsement

- b. 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;
 - iv. 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;
 - v. landscaping and planting within all open areas of the site;
 - vi. canopy trees of an appropriate size to be planted within the car park
 - vii. landscaping treatment to prevent unsafe spaces in Pearl Street within the landscape indents
 - viii. only the use of plant species indigenous to the locality;
 - ix. a maintenance arrangement and irrigation for the green wallAll species selected must be to the satisfaction of the responsible authority

Bond

- c. A cash bond or bank guarantee to the value of \$5000 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.

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.

Landscaping before commencement of use/occupation

3. Before the occupation of the development or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed 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.

Car park

4. Before the starts:
 - a. a payment of \$43,245.00 for three (3) car parking spaces must be paid to the responsible authority.
 - i. This amount is to be indexed annually on 1st July in accordance with increases in construction costs as per the appropriate edition of Rawlinsons Australian Construction Handbook.
 - ii. The contribution must be made before the use and/or development commences, unless a permit condition allows payment in instalments through an agreement under Section 173 of the Planning and Environment Act 1987.
 - b. the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - i. constructed
 - ii. properly formed to such levels that they can be used in accordance with the plans
 - iii. surfaced with an all-weather-seal coat
 - iv. drained
 - v. line marked to indicate each car space and all access lanes
 - vi. 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.

Acoustic Barrier

5. Prior to the use of the car park commencing the acoustic barrier as required by condition 1a iv must be installed and maintained at all times to the satisfaction of the responsible authority.

Vehicle crossings

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. 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.

Maximum building height - RL

7. The maximum building height must not exceed RL 26.35 in accordance with the endorsed plans and to the satisfaction of the responsible authority.

Amenity

8. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any buildings, works or materials;
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin.

Control of light spill

9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

Regulation of delivery times

10. Deliveries to and from the site (including waste collection) must only take place between:
 - a. 7:00 am and 10:00 pm Monday to Saturday
 - b. 9:00 am and 10:00 pm Sunday

Developer Contributions

11. 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.

Advertising signs

12. The sign lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land.
13. The sign(s) must not contain any flashing light.
14. The sign(s) must be constructed and maintained to the satisfaction of the responsible authority.
15. All signs must be located within the boundary of the land.

Expiry

16. 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 use is not started within two years after the completion of the development
 - The use is discontinued for a period of two years.

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.

Note – Developer Contributions

Please note that the Development Infrastructure Levy amount required to be paid in Condition 11 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.

CARRIED

ITEM: 8.2
PLANNING REF: 16/0227
PROPOSAL Use of the Land for an Education Facility (Music School) and a Rehearsal and Sound Recording Studio and the display of Advertising Signage and the Waiving of the Standard Car Parking Requirements
APPLICANT Waves Music Co.
DATE RECEIVED 03-Jun-2016
PROPERTY ADDRESS 8 WINKI WAY, TORQUAY, VIC 3228
ZONE Industrial 3
OVERLAY/S Design and Development - Schedule 5, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 33.03-1 and 43.02-4 and 52.06
ALLOCATED OFFICER Michelle Warren

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

MOVED: Austin Swain **SECONDED:** Wesley McClendon **FOR:** 3 **AGAINST:**

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Committee discussed conditions for permit.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Officer recommendation overturned and permit issued.

PLANNING COMMITTEE RESOLUTION

That Council having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of the Surf Coast Planning Scheme in respect of the land known and described as 8 WINKI Way, Torquay for the Use of the Land for an Education Facility (Music School) and a Rehearsal and Sound Recording Studio and the Erection of Advertising Signage subject to the following conditions:

Amended plans required for endorsement

1. Within one month of the date of the permit, 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) The site layout that includes identification of the area to be used by the approved use;
 - b) The internal layout of the building;
 - c) Details of acoustic/noise attenuation measures associated with the Rehearsal and Sound Recording Studio.

Use

2. Except with the prior written consent of the responsible authority the use may operate only between the following hours:
 - a) Music Lessons

Monday – Friday (inclusive)
9am – 10am and 5.15pm – 9pm

- b) Shop
Monday – Friday (inclusive)
10am – 5.15 pm
- c) Rehearsal and Sound Recording Studio
Monday to Sunday (inclusive)
8pm - 6am

3. The hours of operation shall be clearly displayed in a prominent position on the exterior window of the premises and also within the interior of the premises.
4. Except with the prior written consent of the Responsible Authority, no more than 3 Music Students shall be present for music lessons on the site at any one time.

Plans to be endorsed

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

Advertising Signs

6. Within one month of the date of the permit, 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 the siting, dimensions and graphics to the satisfaction of the responsible authority.
7. The sign(s) must be constructed and maintained to the satisfaction of the responsible authority.
8. All signs must be located within the boundary of the land.
9. The approval of this permit to display advertising signs expires fifteen years after the date of the permit.

General Amenity

10. The use must be conducted to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected by the use or development, through the:
- a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any buildings, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.

Expiry of Permit

11. This permit will expire if one of the following circumstances applies:
- The use is not started within two years of the date of this permit
 - The use is discontinued for a period of two years or more.

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