

Minutes of Planning Committee Meeting No. 475 held at 5.00pm Monday 26 June 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.06 pm

2. PRESENT

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

3. APOLOGIES

K Grange

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 15 May 2017

Moved: Robert Troup Seconded: Wesley McClendon

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Item	Applicant	Objectors
8.1	Ahmed Elzahbi	Peter Redding Carl Dalton Julie Baker * Bianca Finch * *no objection lodged
8.2	Anthony Sang	

7. CONSIDERATION OF THE AGENDA

As presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 63 Hesse Street, Winchelsea (17/0029).....Page 3
 Use and Development of a Childcare Centre, Reduction in the
 Standard Car Parking Requirements and Display of Business
 Identification Signage

Item 8.2 1/8 & 5/8 The Esplanade, Torquay (17/0099).....Page 19
 Construction of Buildings and Works Associated with an
 Existing Dwelling

9. RECENT VCAT DECISIONS

Application Number: 16/0060
 VCAT Ref: P1293/2016
 Address: 5 Broadbeach Road, Jan Juc
 Officer Recommendation: Approval – Issue Notice of Decision
 Planning Committee Resolution: Officer Recommendation Supported – Notice of Decision Issued
 VCAT Decision: Decision of Responsible upheld with varied conditions
 Proposal: Construction of a Dwelling and Removal of Vegetation in
 Significant Landscape Overlay Schedule 1; Removal of Native
 Vegetation.

Application Number: 16/0098
VCAT Ref: P1794/2016
Address: 14 Bambra Road, Aireys Inlet
Officer Recommendation: Issue Notice of Decision
Planning Committee Resolution: Officer Recommendation Supported – Notice of Decision Issued
VCAT Decision: Decision of Responsible Varied – Permit Issued with Varied Conditions
Proposal: The construction of a two storey dwelling in a General Residential Zone with Neighbourhood Character Overlay Schedule 1, Environmental Significance Overlay Schedule 4 and Design and Development Overlay schedule 10.
In accordance with the endorsed plans:

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

6.25 pm

NEXT MEETING – 10 July 2017

ITEM NO: 8.1
PLANNING REF: 17/0029
PROPOSAL: Use and Development of a Childcare Centre, Reduction in the Standard Car Parking Requirements and Display of Business Identification Signage
APPLICANT: Ahmed Elzahbi
DATE RECEIVED: 10 February 2017
SUBJECT LAND: 63 Hesse Street, Winchelsea (Lot: 1 TP: 575897)
ZONE: General Residential Zone – Schedule 1
OVERLAYS: Nil
PERMIT REQUIRED UNDER CLAUSES:

- Clause 32.08-2 – Use of the land as a child care centre;
- Clause 32.08-8– Buildings and works associated with a Section 2 use;
- Clause 32.08-13– Display business identification signage;
- Clause 52.06-3– Reduce the number of car parking spaces required under Clause 52.06-5.

EXISTING USE: Dwelling
REPORTING OFFICER: Michelle Warren

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received – Six

MOVED: Robert Troup **SECONDED:** Wesley McClendon **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Some of the concerns raised don't specifically relate to planning law and under planning law it is appropriate.
Some of the concerns about history and competition aren't relevant. It is hoped the existing kindergarten continues to flourish.
The corner site at the edge of a residential area is appropriate. Access is good, long length of lot is appropriate.
Perhaps a consultation meeting could have been undertaken.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 17/0029 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 in respect of the land known and described as 63 Hesse Street, Winchelsea for the Use and Development of a Childcare Centre, Reduction in the Standard Car Parking Requirements and Display of Business Identification Signage in accordance with the endorsed plans, subject to the following conditions:

Amended Plans

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of materials and colours;
 - b) The provision of an area for the storage of waste. This area should be appropriately screened from the street;

- c) A reduction in height for the business identification sign located on the Armytage Street frontage of the site; this sign should be reduced to 2.5 metres in height;
- d) The deletion of the sign shown on the northern wall of the building;
- e) A notation on the plan that a mural to the satisfaction of the Responsible Authority will be installed on the northern wall;
- f) A notation on the plan that an anti-graffiti treatment will be applied to the northern wall;
- g) A roof plan detailing the location of all plant and equipment;
- h) A blind aisle adjacent to car spaces 7 and 8 so that vehicles using these spaces can turn and exit the site in a forward motion;
- i) Correct labelling of elevation drawings;
- j) Corrected spelling for Armytage Street.

Endorsed Plans

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

Landscaping

3. Before the release of the approved plan for the approved development, 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:
 - a) details of surface finishes of pathways and driveways;
 - b) 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;
 - c) landscaping and planting within all open areas of the site.

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. When approved, the plans will be endorsed and will then form part of this Permit.

Landscaping Bond

4. Before the release of the approved plan for the approved development, a cash bond or bank guarantee to the value of \$3,000 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 have been fulfilled to the satisfaction of the responsible authority.

Number of Children

5. No more than 70 children may be present at the site at any one time.

Hours

6. The use of the child care centre must only operate between the hours of Monday-Friday between 7:30am-6.30pm (excluding ancillary functions i.e. cleaning, maintenance and administration).
7. The use of the outside play areas must be limited to the hours between 8.30am and 5.30pm.

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.
9. Prior to the commencement of the development, the permit holder must prepare and have approved in writing by the Responsible Authority a Waste Management Plan (WMP) for the site with respect to the collection and disposal of waste and recyclables associated with the proposed uses on the site to the satisfaction of the Responsible Authority. The WMP must provide for the following:
 - a) The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority. Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
 - b) Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
 - c) Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
 - d) Times of waste collection, which are to be outside of peak pick up and drop off times, and details of the size of the waste collection vehicle.
 - e) Details for best practice waste management once operating.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Mural

10. Prior to the commencement of the use, the mural must be displayed on the northern wall of the building and the wall treated with an anti-graffiti treatment.

Acoustic Fence

11. Prior to the commencement of the use, an acoustic fence must be erected along the length of the western boundary of the site to a minimum height of 2.0m above natural ground level. The design of the fence and first floor barrier must be prepared in consultation with a suitably qualified acoustic engineer. Details of the design and acoustic qualities of the fence must be submitted to, and approved by, the Responsible Authority.
12. The acoustic fence must be maintained to the satisfaction of the Responsible Authority.

Car Parking

13. Before the use starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed
 - b) properly formed to such levels that they can be used in accordance with the plans
 - c) surfaced with an all-weather-seal coat
 - d) drained
 - 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.

Plant

14. No plant, equipment, services and substations other than those shown on the endorsed plans are permitted without the prior written consent of the Responsible Authority.

Security Alarm

15. 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

16. 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.

Sign

17. The location of the sign(s) (including the size, nature, panels, position and construction) shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
18. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
19. The sign must not be illuminated.

Expiry

20. 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:

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.

CARRIED

ITEM NO: 8.2
PLANNING REF: 17/0099
PROPOSAL: Construction of Buildings and Works Associated with an Existing Dwelling
APPLICANT: St Quentin Consulting
DATE RECEIVED: 19-Apr-2017
SUBJECT LAND: 1/8 and 5/8 The Esplanade, Torquay. (UN: 1;12 and 5 RP: 14406)
ZONE: General Residential 1
OVERLAYS: Design and Development - Schedule 13, Significant Landscape - Schedule 6, Development Contributions Plan - Schedule 2
PERMIT REQUIRED UNDER CLAUSES: Clause 32.08-5, Clause 43.02-2
EXISTING USE: Single dwelling
REPORTING OFFICER: Maya Dougherty

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

No objections received

MOVED: Robert Troup **SECONDED:** Wesley McClendon **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Doesn't enhance the streetscape and is heading in the wrong direction in this prominent street in Torquay.
Contrary to the character theme Council is trying to achieve in this area.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 17/0099 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 32.08-5, 43.02.2 and 2.0 Schedule 13 to 43.02 of the Surf Coast Planning Scheme in respect of the land known and described as 1/8 and 5/8 The Esplanade, Torquay, for the Construction of Buildings and Works Associated with an Existing Dwelling for the following reasons:

1. Site coverage, including hard surface areas, is more than 50% of the site which decreases opportunities for landscaping on the site and is contrary to the design objectives of Design and Development Overlay – Schedule 13 and Clause 54.02-1 – Neighbourhood Character.
2. The wall on the southern boundary of the site does not provide for space around dwellings, as encouraged by Design and Development Overlay – Schedule 13, reducing the visual permeability of the development when viewed from foreshore areas and the street.
3. The siting of the development does not have appropriate regard to the preferred neighbourhood, streetscape and vegetation character of the area as described in the Torquay Jan Juc Neighbourhood Character Study and Vegetation Assessment (2006) and Torquay-Jan Juc Neighbourhood Character Study Review (2012), both of which place a strong emphasis for this area on providing vegetation and sufficient side setbacks, which is contrary to the decision guidelines of Design and Development Overlay – Schedule 13.

CARRIED