

Minutes of Planning Committee Meeting No. 473 held at 5.00pm Monday 1 May 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.04pm

2. PRESENT

Robert Troup (Chairman), Wesley McClendon, Lesley Evans, Geoff Fulton, Mich Watt

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 20 March 2017

Moved: Geoff Fulton Seconded: Wesley McClendon

Minutes of the Planning Committee Meeting held on Monday 20 February 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	Objectors
8.1	M Podnar (Latitude Architects)	K & B Carey Cameron Gray
8.2	G Mahoney (Cactus Design)	
8.3	C Partington A Sang (St Quentin Consulting)	

7. CONSIDERATION OF THE AGENDA

As presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 13 Boston Road, Torquay (16/0393).....Page 3
Development of Five Dwellings

Item 8.2 17 Cowrie Road, Torquay (15/0220A).....Page 25
Amend Planning Permit 15/0220 – Construction of Two (2)
Dwellings and Subdivision of the Land into Two Lots at
17 Cowrie Road, Torquay (Lot 24 SEC 3 LP 23793279)

Item 8.3 435 Blackgate Road, and 1105 Horseshoe Bend Road, Connewarre (16/0556)
(Lot 2 TP 005211X, Lot 1 PS 402471T)).....Page 43
Re-Subdivision of the Land

9. RECENT VCAT DECISIONS

Nil

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

6.37 pm

NEXT MEETING – 15 May 2017

ITEM NO: 8.1
PLANNING REF: 16/0393
PROPOSAL: Development of Five Dwellings
APPLICANT: Latitude Architects
DATE RECEIVED: 05-Sep-2016
SUBJECT LAND: 13 Boston Road, Torquay
ZONE: Residential 1
OVERLAYS: Design and Development - Schedule 20, Significant Landscape - Schedule 6, Development Contributions Plan
PERMIT REQUIRED UNDER CLAUSES: 43.02-2, 32.08-6
EXISTING USE: Dwelling
REPORTING OFFICER: Mich Watt

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Objections received x 4

MOVED: Lesley Evans **SECONDED:** Geoff Fulton **FOR:** 3 **AGAINST:** 1

OFFICERS RECOMMENDATION

ALTERNATIVE RECOMMENDATION

POINTS OF DISCUSSION:

Density. Design. Internal amenity concerns about daylight to living rooms and open space, along with landscaping.

Ultimately supported because of policy direction.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Modify Condition 2.a) ii) to delete reference to paling fence.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0393 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 13 Boston Road, Torquay for the Development of Five Dwellings subject to the following conditions:

Stormwater Management Plan

1. Before the development starts and endorsement of the development plans, 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) Reducing the peak stormwater discharge from the overall site to that of the existing development.
 - b) Connection to Council infrastructure.

Amended Plans

2. Before the development starts:

- 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) Stormwater management infrastructure identified in the endorsed Stormwater Management Plan required by Condition 1.
 - ii) A fence to a height of 1.7 metres above finished floor level of Dwellings 2-5 on the eastern boundary of the land. A notation must be included that the construction of the fence will be at the full cost of the developer.
 - iii) Notations on plans that set out that the screening provided for the balconies of Dwellings 2-4 complies with Standard B22.
 - iv) Dimensions on the eastern elevation of the plans that demonstrate that all first floor windows are located at 1.7 metres above ffl.
 - v) A reduction in height for the fence which provides for the privacy of the secluded private open space provided for Dwelling 1, with the fence along Payne Street reduced to 1.8 metres in height.
 - vi) All rooftop plant.
 - vii) Modifications to the location of vehicle crossings to achieve 6.7 metres between vehicle crossings to provide for on street parking opportunities.
- b) 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.
 - 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) Two canopy trees, a minimum of 1.8 metres high at planting, which grow to a minimum of five metres in height in the front setback area of Dwelling 1.
 - vii) One canopy tree, a minimum of 1.8 metres high at planting, which grows to a minimum of five metres in height in the secluded private open space area for Dwelling 1.
 - viii) One canopy tree, a minimum of 1.8 metres high at planting, which grows to a minimum of 4 metres in height in the front setback of Dwellings 2, 3, 4 and 5.
 - ix) One canopy tree, a minimum of 1.8 metres high at planting, which grows to a minimum of 4 metres in height in the secluded private open space area of Dwellings 2, 3, 4 and 5.

All species selected must be to the satisfaction of the responsible authority.

Endorsed Plans

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

Driveways and Parking Areas

4. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and driveways 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.

Landscaping

5. Unless otherwise approved in writing by the Responsible Authority, prior to the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. Before the release of the approved plan for the approved development, a cash bond or bank guarantee to the value of \$5000 [\$1000 per dwelling] 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.

Community Infrastructure Levy

7. Prior to the issue of a Building Permit for the development, a Community Infrastructure Levy payment of \$3600 (\$900 per new dwelling) must be made to the Responsible Authority.

Surveyor's certificate – frame stage

8. A written statement from a licensed surveyor must be submitted for approval to the responsible authority confirming:
- that the buildings have been set out in accordance with the endorsed plan; and
 - 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.

Rooftop appurtenances

9. 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.

Expiry

10. 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:

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;
 - e) 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: 15/0220A
PROPOSAL: Amend Planning Permit 15/0220 - Construction of two (2) dwellings and subdivision of the land into two (2) lots at 17 Cowrie Road, Torquay (Lot 24 SEC 3 LP 23793279)
APPLICANT: Cactus Design
DATE RECEIVED: 12 December 2016
SUBJECT LAND: 17 Cowrie Road, Torquay
ZONE: General Residential Zone, Schedule 1 (GRZ1).
OVERLAYS: Design and Development Overlay - Schedule 21 (DDO21), Development Contribution Plan Overlay – Schedule 2 (DCPO2), Significant Landscape Overlay Schedule 6 (SLO6)
PERMIT REQUIRED UNDER CLAUSES: Section 72 Planning and Environment Act
EXISTING USE: Dwelling
REPORTING OFFICER: Jennifer Davidson

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received

MOVED: Wesley McClendon **SECONDED:** Robert Troup **FOR:** 2 **AGAINST:** 2 + Casting Vote

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

“When is a garage a garage?” Some concern about design outcome, half of the panel thought it a poor outcome, the other half thought it ingenious.

The casting vote was used to refuse the application as it was against policy.

PLANNING COMMITTEE RESOLUTION

That Council, having caused notice of Planning Application No. 15/0220A 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 15/0220A under the provisions of Section 72 of the Planning and Environment Act in respect of the land known and described as 17 Cowrie Road, Torquay for the following reasons:

1. The amendment fails to meet the car parking and access and landscaping requirements of the Design and Development Overlay Schedule 21.
2. The amendment fails to meet the Design and Development Overlay Schedule 21 design objectives:
 - *To encourage building design that respects and contributes to Torquay’s coastal character and complements the streetscape with respect to building form, height, massing, setbacks, colours and materials.*
 - *To ensure driveways and parking areas are designed to be visually recessive in the streetscape and complement the design of buildings.*

CARRIED

ITEM NO: 8.3
PLANNING REF: 16/0556
PROPOSAL: Re-Subdivision of the Land
APPLICANT: St Quentin Consulting
DATE RECEIVED: 14-Dec-2016
SUBJECT LAND: 435 BLACKGATE RD & 1105 HORSESHOE BEND RD, CONNEWARRE.
(Lot 2 TP005211X, LOT: 1 PS 402471T)
ZONE: Farm Zone
OVERLAYS: None
PERMIT REQUIRED UNDER CLAUSES: 35.07-3
EXISTING USE: Farming
REPORTING OFFICER: Carol Mitchell

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
 Objections received – Nil

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

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

It's appropriate and it's clear that the landowner has a legitimate farming enterprise.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Approval subject to standard conditions. Endorsed plans, conditions of 66.01 (excluding telecommunications condition), and expiry condition.

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0556 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 Planning Permit** under the provisions of 35.07-3 of the Surf Coast Planning Scheme in respect of the land known and described as 435 Blackgate Road Torquay and 1105 Horseshoe Bend Road, Torquay, for the Re-Subdivision of the Land in accordance with the endorsed plans, with the following conditions:

1. 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.
 2. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
 3. 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.
-

-
4. 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.
 5. 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.
 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

Minutes of Planning Committee Meeting No. 474 held at 5.00pm Monday 15 May 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.03 pm

2. PRESENT

Wayne Reid (Chairman), Robert Troup, Lesley Evans, Wesley McClendon, Mich Watt

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 1 May 2017

Moved: Lesley Evans 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	Peter Hood Tony Hood	
8.2		

7. CONSIDERATION OF THE AGENDA

As Presented

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

Item 8.1 82 Smith Street, Lorne (16/0498).....Page 3
Alterations and Additions to the Existing Dwelling

Item 8.2 139-143 Great Ocean Road, Anglesea (14/0026).....Page 15
Installation (*retrospective*) of exhaust equipment for kitchen
and toilet exhaust and a screen associated with the
restaurant tenancy below

9. RECENT VCAT DECISIONS

Application Number: 16/0157
VCAT Ref: P1837/2016
Address: 6 Federal Street, Aireys Inlet
Officer Recommendation: Refusal
Planning Committee Resolution: Officer Recommendation Supported – Refusal Issued
VCAT Decision: Decision of Responsible Authority Set Aside, Planning Permit
Issued
Proposal: Construction of a Dwelling, Swimming Pool and Removal of
Native Vegetation

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

5.36 pm

NEXT MEETING – 26 June 2016

ITEM NO: 8.1
PLANNING REF: 16/0498
PROPOSAL: Alteration & Additions to the Existing Dwelling
APPLICANT: PM & RN HOOD
DATE RECEIVED: 02-Nov-2016
SUBJECT LAND: 82 SMITH STREET, LORNE. (Lot 1 TP 371547)
ZONE: General Residential Zone
OVERLAYS: Neighbourhood Character - Schedule 2, Design and Development -
Schedule 12, Significant Landscape - Schedule 4
PERMIT REQUIRED UNDER CLAUSES: 43.05s2
EXISTING USE: Dwelling
REPORTING OFFICER: Michelle Warren

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending refusal

Objections received x 0

MOVED: Robert Troup **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

- Small lot has constraints
 - Limited landscaping opportunities
 - Extent of built form and site coverage
 - Another solution is available which would be more sensitive
-

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 16/0498 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 clause 43.05-2 of the Surf Coast Planning Scheme in respect of the land known and described as 82 SMITH STREET, LORNE., for Alterations and Additions to the Existing Dwelling in accordance with the endorsed plans for the following reasons:

Grounds of Refusal:

1. The application fails to demonstrate that a treed setting character is reinforced or established.
2. The proposed development fails to complement the cultural, environmental and landscape values of Lorne.
3. The application fails to consider the need to accommodate future demand for undercover parking in a manner that is consistent with the objectives and requirements of clause 43.05-s2.

CARRIED

ITEM NO: 8.2
PLANNING REF: 14/0026F
PROPOSAL: Installation (*retrospective*) of exhaust equipment for kitchen and toilet exhaust and a screen associated with the restaurant tenancy below
APPLICANT: Kala Developments
DATE RECEIVED: 10 November 2017
SUBJECT LAND: 139-143 Great Ocean Road, Anglesea (Lot: 1 & 2 PS: 500604)
ZONE: Special Use Schedule 8, Part General Residential
OVERLAYS: Design and Development Overlay – Schedule 25
PERMIT REQUIRED UNDER CLAUSES: 37.01-4 and 43.02-2
EXISTING USE: Vacant commercial tenancy and dwellings
REPORTING OFFICER: Roger Curnow

REASON FOR REFERRAL TO PLANNING COMMITTEE:

- Planning Officer recommending refusal
- Five Objections received

MOVED: Wesley McClendon **SECONDED:** Lesley Evans **FOR:** 4 **AGAINST:** 0

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

- Unacceptable
 - Alternatives should be explored
-

PLANNING COMMITTEE RESOLUTION

That Council having caused notice of Planning Application No. 14/0026 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 a Planning Permit in respect of the land known and described as 139-143 GREAT OCEAN RD, ANGLESEA for Installation (*retrospective*) of exhaust equipment for kitchen and toilet exhaust and a screen associated with the restaurant tenancy below on the following grounds:

1. The exhaust equipment impacts on the residential amenity of surrounding dwellings, by way of noise, odour and loss of view, which is contrary to the decision guidelines of the Special Use Zone – Schedule 8.

CARRIED