

Minutes of Planning Committee Meeting No. 471 held at 5.00pm Monday 20 February 2017 in the Council Chambers, Surf Coast Shire Offices Torquay.

1. OPENING OF MEETING

5.05 pm

2. PRESENT

Wayne Reid (Chairman), Geoffrey Fulton, Lesley Evans, Wesley McClendon, Mich Watt

3. APOLOGIES

Nil

4. CONFIRMATION OF MINUTES

Minutes of the Planning Committee Meeting held on Monday 12 December 2016

Moved: Lesley Evans Seconded: Wesley McClendon

5. DISCLOSURE OF CONFLICTS OF INTEREST

Nil

DISCLOSURE OF INTERESTS (AT DISCRETION OF COMMITTEE)

Nil

6. PUBLIC PRESENTATIONS

Nil

7. CONSIDERATION OF THE AGENDA

As presented.

8. CONSIDERATION OF APPLICATIONS FOR A PERMIT

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Development of a Four Storey Building and Associated Buildings
and Works Comprising Two Shops and Ten Dwellings in a
Commercial 1 Zone and a Design and Development Overlay
and the Waiving of a Loading and Unloading Bay and
Variation of Bicycle Requirements

Item 8.2 6 Federal Street, Aireys Inlet (16/0157).....Page 15
Construction of a Dwelling, Swimming Pool and Removal of
Native Vegetation

9. RECENT VCAT DECISIONS

Application Number: 13/0386G
VCAT Ref: P1271/2016
Address: 22 Bonair Street, Anglesea (15/143D Great Ocean Road,
Anglesea)
Officer Recommendation: Refusal
Resolution: Officer Recommendation Supported – Refusal Issued
VCAT Decision: Decision of Responsible Authority Set Aside, Planning Permit
Amended
Proposal: Amend Plans Endorsed Under Permit 13/0386 – Construct Front
Balcony (West) to 1st Floor Unit 1

10. POLICY ISSUES

Nil

11. OTHER MATTERS

Nil

12. CLOSE OF MEETING

5.35 pm

NEXT MEETING – 6 March 2017

ITEM NO: 8.1
PLANNING REF: 12/0445B
PROPOSAL: Development of a Four Storey Building and Associated Buildings and Works Comprising Two Shops and Ten Dwellings in a Commercial 1 Zone and a Design and Development Overlay and the Waiving of a Loading and Unloading Bay and Variation of Bicycle Requirements
APPLICANT: C Kairouz Architects
DATE RECEIVED: 23 March 2015
SUBJECT LAND: 3 Zeally Bay Road, Torquay
ZONE: Commercial 1 Zone
OVERLAYS: Design and Development Overlay – Schedule 6
Development Contributions Plan Overlay – Schedule 2
Parking Overlay – Schedule 2
PERMIT REQUIRED UNDER CLAUSES: 34.01-4, 43.02-2
EXISTING USE: Dwelling
REPORTING OFFICER: Mich Watt

REASON FOR REFERRAL TO PLANNING COMMITTEE:

Planning Officer recommending Council pursue refusal of the application at the upcoming VCAT hearing

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

OFFICERS RECOMMENDATION

ALTERNATIVE RECOMMENDATION

POINTS OF DISCUSSION:

Asking for too much from the site.

Too high.

Council should be clear on height limits as part of Torquay Town Centre.

PLANNING COMMITTEE RESOLUTION

As noted, an appeal against Council's failure to decide on the application within 60 statutory days has been lodged with VCAT.

It is submitted that the key amendment increasing the building to four storeys is inappropriate being contrary to the objectives and requirements of DDO6 and detrimental to the low rise character of Torquay and it is recommended that Council pursues refusal of the application at the upcoming VCAT hearing.

CARRIED

ITEM NO: 8.2
PLANNING REF: 16/0157
PROPOSAL: Construction of a Dwelling, Swimming Pool and Removal of Native Vegetation
APPLICANT: Urbis
DATE RECEIVED: 20 January 2017
SUBJECT LAND: 6 Federal Street, Aireys Inlet
ZONE: General Residential Zone – Schedule 1
OVERLAYS: Neighbourhood Character Overlay – Schedule 1, Environmental Significance Overlay – Schedule 4, Design and Development Overlay – Schedule 10
PERMIT REQUIRED UNDER CLAUSES: 42.01-1, 43.02-2, 43.05-2
EXISTING USE: Dwelling
REPORTING OFFICER: Mich Watt

REASON FOR REFERRAL TO PLANNING COMMITTEE:

This application was put to the Planning Committee for a decision and it was decided that Council should pursue refusal of the application at VCAT. Amended plans have since been submitted as part of the appeal of the application to VCAT, so the plans are referred back to the Committee for a position on the amended plans.

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

OFFICERS RECOMMENDATION **ALTERNATIVE RECOMMENDATION**

POINTS OF DISCUSSION:

Concern that section is not achievable. Improvement
Have previous grounds been addressed? Yes
Lighthouse is not being obstructed, improved use of materials.

ALTERATIONS TO PLANNING OFFICER RECOMMENDATION:

Pursue support.

PLANNING COMMITTEE RESOLUTION

That Council having considered all the matters required under Section 60 of *the Planning and Environment Act 1987* decides to pursue approval of this Planning Permit under the Surf Coast Planning Scheme in respect of the land known and described as **LOT: 9 LP: 14034** commonly known as **6 Federal Street, Aireys Inlet**, for the Construction of a Dwelling, Removal of Native Vegetation, Swimming Pool and Associated Fencing in accordance with the plans received by the Responsible Authority, subject to the following conditions:

Conditions:

Amended plans required for endorsement

1. Before the development 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) A schedule of external materials, finishes and colours incorporating colour samples. External colours should be neutral and muted to assist in visually blending the building with the surrounding natural landscape;
 - b) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, which is to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant shall be appropriately screened;
 - c) Confirmation of the location of the pool fence. The fence should not be setback at least three metres of the property boundary.

Plans to be endorsed

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

Rooftop appurtenances

3. 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.

Landscaping

4. Prior to the occupation of the dwelling the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Surveyor's certificate – setout and frame

5. Written statements from a licensed surveyor must be submitted for approval to the responsible authority confirming:
 - a) that the buildings have been set out in accordance with the endorsed plan; and
 - b) that the roof levels will not exceed the roof levels specified on the endorsed plan.

The statements shall be submitted to the responsible authority at completion of the set out of the building and at completion of the frame of the building.

No damage to surrounding vegetation

6. Vegetation must be removed and disposed of without causing any damage to surrounding vegetation stands or habitat.

Protection of vegetation – before construction

7. Before any works start
 - a) a tree protection zone must be delineated around the trees to be retained as per the endorsed landscape plan;
 - b) the tree protection zones must be fenced and signed, to the satisfaction of the Responsible Authority, in a manner that does not compromise the trees' root zones.

Protection of vegetation - during construction

8. During construction works:
- a) the areas within the fenced off tree protection zones must not be used for any other purpose, including storage or building materials or machinery, except as provided for in this permit.
 - b) all contractors and subcontractors engaged to undertake construction work on the site must have included in their contract a reference to the retention of trees and these planning permit requirements for their protection.
 - c) signs to the same effect must be displayed at all times on the tree protection zone fences.

Pruning of trees to be retained

9. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Vehicle access

10. Before the dwelling is occupied, the area(s) set-aside for access ways 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, gravel or crushed rock
 - d) drained
- to the satisfaction of the responsible authority.

Expiry

11. 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 1 – Vehicle Crossings

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) 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.

CARRIED