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**Minutes of Planning Committee Meeting No. 469 held at 5.00pm Monday 14 November 2016 in the Council Chambers, Surf Coast Shire Offices, Torquay.**

**1. OPENING OF MEETING**

5:03 pm

**2. PRESENT**

Wayne Reid, Geoff Fulton, Robert Troup, Wesley McClendon, Mich Watt

**3. APOLOGIES**

S & J Templar

**4. CONFIRMATION OF MINUTES**

Minutes of the Planning Committee Meeting held on Monday 3 October 2016

Moved: Geoff Fulton

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**

Item 8.1      28 Aquilla Avenue, Torquay (16/0085).....Page 3  
Construction of a Second Dwelling and Alterations to an  
Existing Dwelling

**9. RECENT VCAT DECISIONS**

Nil

**10. POLICY ISSUES**

Nil

**11. OTHER MATTERS**

Nil

**12. CLOSE OF MEETING**

5:15 pm

**NEXT MEETING – 28 November 2016**

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**ITEM NO:** 8.1  
**PLANNING REF:** 16/0085  
**PROPOSAL:** Construction of a Second Dwelling and Alterations to an Existing Dwelling  
**APPLICANT:** Z L & J M RAMSEY  
**DATE RECEIVED:** 25-Feb-2016  
**SUBJECT LAND:** 28 AQUILLA AVENUE, TORQUAY. (LOT: 223 LP: 135002)  
**ZONE:** Residential 1  
**OVERLAYS:** Design and Development - Schedule 21, Development Plan - Schedule 2  
**PERMIT REQUIRED UNDER CLAUSES:** 32.08, 43.02  
**EXISTING USE:** Dwelling  
**REPORTING OFFICER:** Julie Giguere

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**REASON FOR REFERRAL TO PLANNING COMMITTEE:**

- ☐ Planning Officer recommending refusal  
☒ Objections received – 7 Objections

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

**OFFICERS RECOMMENDATION**      ☒      **ALTERNATIVE RECOMMENDATION**      ☐

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**POINTS OF DISCUSSION:**

Improvements to design has addressed major concerns of objectors, particularly changes to roof line and moving building back.

Noted error in report on Page 8 referred to 7.45m instead of 6.8m.

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**Planning Committee Resolution**

That Council having caused notice of Planning Application No. 16/0085 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 28 AQUILLA AVENUE, TORQUAY, for Construction of a Second Dwelling and Alterations to an Existing Dwelling in accordance with the endorsed plans, subject to the following conditions:

***Amended plans required for endorsement***

1. Before the use and/or 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 by Xpress Building Design Group on 22 September 2016 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 landscape. The schedule is to comply with registered restriction J762851 on Lot 223 on LP135002;
  - b) Demonstration of compliance with the objectives of Clause 55 ( overlooking) for Bed 4 on the north elevation of proposed dwelling;

- c) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, ventilation systems, service metres, which are 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;
- d) A minimum of 1.8 m fence along the perimeter of the site except within the front setback area of the existing dwelling.
- e) Deletion of the concreted area shown in the front setback of existing dwelling;

***Landscape plans required for endorsement***

2. Before the development starts, 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 landscaping plan must be generally in accordance with the landscape concept plan dated 22 September 2016 prepared by Xpress Building Design Group, except that the plan must show:

- a) Consequential changes resulting from the changes stated in Condition 1 above;
- b) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- c) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
- d) details of surface finishes of pathways and driveways;
- e) 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;
- f) At least 20% of the site should not be covered by impervious surface. This includes, amongst other things paving in the private open space of each unit.

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.

***Layout not to be altered - development of land***

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

***Landscape Bond***

4. Before the development commences, a cash bond or bank guarantee to the value of \$1000 per dwelling (\$2000) or other specified amount must be deposited with the responsible authority by the developer of the land as security against failure 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.

***Stormwater Management Plan***

5. Before the development starts 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) The incorporation of on-site retention/infiltration, storage and re-use stormwater management techniques where practicable to reduce pollutant export from the site;
- b) Reduce peak discharge from the site to that of the existing development;

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- c) Connection to council infrastructure.

***Car parking***

6. 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, gravel or crushed rock
  - 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.

***Maximum building height - metres***

7. The maximum building height must not exceed 6.8 metres above natural ground level in accordance with the endorsed plans and to the satisfaction of 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:
- 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 statement shall be submitted to the responsible authority at completion of the frame of the building.

***Development Infrastructure Levy (Community Infrastructure)***

9. 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.

***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 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.

**CARRIED**