



# **Addendum**

## **Ordinary Meeting of Council**

Wednesday 17 October 2012 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

**15.2      No 79 Hesse Street, Queenscliff**



## **15.2 No. 79 Hesse Street, Queenscliff**

**File:** QP90-7900  
**Report Author:** Senior Planner

### **Planning Permit Application: 2011/054**

Documents included in this addendum:

Objection from J Ritchie.

Total number of objections now received: 1

#### **Public notification**

In accordance with Section 52 of the Planning and Environment Act 1987, the application was required to be advertised by sending a set of the proposed plans by registered post to adjoining and surrounding property owners, maintaining a notice on site for a minimum of fourteen (14) days, and erecting a public notice in the municipal offices for fourteen (14) days.

A late objection was received by Council on Sunday 14<sup>th</sup> October, 2012. The objection has raised concern regarding consistency between the advice from Council's Heritage Advisor, and comments made by the Senior Planner, in the context of previous VCAT decisions for the subject site and adjoining property to the north/east.

This objection is included within the Addendum to the Meeting Agenda.

The matters raised are listed below, with a response provided to each:

*The report is flawed and misrepresents the VCAT determinations from Sykes v Queenscliffe Borough Council [2006].*

The difference in wording between the VCAT Order and the Heritage Advisor's report has been reflected upon by the Heritage Advisor, who has confirmed that the report was in agreement with the VCAT Order, and the difference in wording was simply a result of the Heritage Advisor restating the VCAT direction in his own words.

Design and operational requirements were included in the Heritage Advisor's recommendation to ensure the proposal does not undermine the heritage integrity of the building, consistent with the concerns of the Tribunal.

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It is further noted that the VCAT Order referenced by the objector was discussing the provision of car parking for between 25 and 30 vehicles on the site in the context of the use of the land as a reception centre and restaurant. VCAT waived the requirement for 25-30 car parking spaces on the site, in part, because this requirement would undermine the heritage integrity of the site. The current application seeks to provide accommodation for a maximum of two (2) vehicles, with design requirements specified within the conditions of the permit to ensure that the heritage character of the building is not undermined.

*The comment of the Senior Planner misrepresents the previous VCAT comments regarding the crossover at the adjoining site.*

This matter has been reviewed and it is not considered to be a misrepresentation, as the report simply states a fact that a crossover previously existed adjacent to the subject site.

Aside from the above, the recommendation listed within the report is to be amended to require a Notice of Decision to be issued, rather than a Planning Permit.

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**Fiona Hunter-Evans**

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**Subject:** FW: Urgent Attention - Planning Application 79 Hesse Street Queenscliff

**From:** Jo Ritchie <jritchie52@bigpond.com>  
**Date:** 14 October 2012 10:26:42 PM AEDT  
**To:** <bob.merriman@queenscliffe.vic.gov.au>, <helene.butler@queenscliffe.vic.gov.au>, <lloyd.davies@queenscliffe.vic.gov.au>, <john.burgess@queenscliffe.vic.gov.au>, <david.mitchell@queenscliffe.vic.gov.au>, <lenny.jenner@queenscliffe.vic.gov.au>  
**Subject:** Urgent Attention - Planning Application 79 Hesse Street Queenscliff

Mayor, Councillors and CEO

Today I spoke on the telephone with Mayor Bob Merriman, who suggested I email my concerns regarding the Senior Planner's Report and the Heritage Advisor's advice contained within this Report, prepared for Council in the Agenda for the Ordinary Meeting of Council, Wednesday 17 October 2012, regarding item 15.2, No. 79 Hesse Street, Queenscliff.

The report is flawed and misrepresents the VCAT determinations from Sykes v Queenscliffe Borough Council [2006] VCAT 2657 (22 December 2006), as referenced by the Heritage Advisor in his *Recommended Operational Requirements* page 34 of 50 in the Agenda Paper.

The Heritage Advisor states that .....*"taking into account the 2006 VCAT determination on this site, which indicated that the provision of on-site parking should not undermine the heritage integrity of the site, ....."*

In fact the 2006 VCAT determination accepted Ms D. Donald's evidence that .....*"Provision of on-site parking would undermine the heritage integrity of the site and potentially create conflicts with pedestrians in Hesse Street. [5]"*

The Heritage Advisors advice needs to read .... *"would undermine the heritage integrity of the site" not ...."should not undermine the heritage integrity of the site"*.

In regard to the comments contained in the Senior Planner's Report relating to the pre-existing driveway adjacent to the Fish and Chip Shop, the notation [5] as referenced in the above VCAT determination, refers to an earlier determination being NFTM Properties v Queenscliffe Borough (Red Dot) [2005] VCAT 2600 (9 December 2005) paragraph 59 which states that .....*"We acknowledge that the strip of land in Hesse Street adjacent to the fish and chip shop has traditionally provided vehicle access to the site. However, we would be concerned about the potential for increased conflict between vehicles entering and exiting the site and pedestrians walking along the footpath."*

This earlier VCAT determination is also misrepresented by the Senior Planners comment on page 31 of 50 in the Agenda Paper which states favourably .....*"It is noted that a crossover previously existed on the other side of the northern boundary of the site, which was removed as part of the Ozone Hotel redevelopment"*.

I am concerned that the recommendations of the Senior Planner and Heritage Advisor to Council are in direct conflict with two previous VCAT decisions and that the recommendations are flawed and constitute a critical misrepresentation.

I now ask



1. That the CEO provide me with an explanation of how these misrepresentations of the above referred VCAT determinations have occurred and
2. that as a consequence of the above VCAT determinations, Council reject the application for on-site car parking at 79 Hesse Street, Queenscliff.

Yours sincerely,

Jo Ritchie  
52 Mercer Street, Queenscliff 3225  
0422 202 682

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