



Agenda

Planning Review Meeting

Wednesday 5 September 2012 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Councillors

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Officers

Lenny Jenner, Chief Executive Officer

Phil Josipovic, General Manager Planning & Infrastructure

Mitch Hodgson, Senior Planner

Information contained in this Agenda is for the CONFIDENTIAL and PRIVILEGED use of Councillors until 5:00pm on the Friday before the meeting.

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Planning Review Meeting

A guide to understanding meeting protocol

There is a need to cover some simple protocols as each meeting will often involve people attending for the first time.

1. Planning Review meetings are held to provide additional information to Councillors in preparation for the following formal council meeting. The meetings are informal and proponents and submitters to any planning matter are encouraged to address council.
 2. This is not a debating forum – we are trying to obtain the best possible understanding of the matter.
 3. We ask that parties addressing Council speak to the chair and not involve the gallery.
 4. Submitters are asked to elaborate on their written submissions – not just read out their letter – all councillors have a copy of written material.
 5. The meeting process will typically adopt the following sequence:
 - Introduction and welcome by the Chairperson.
 - Overview presentation by Council's Planning Officer.
 - The Applicant is given 5-10 minutes to outline their proposal – longer time may be given at the discretion of the chair depending on the complexity of the matter.
 - We ask submitters to limit their comments to 5 minutes bearing in mind we are seeking elaboration on the comments already received in their submission.
 - Following the last submitter the Applicant will be given an opportunity to clarify any matter of fact – but not to comment on matters of opinion.
 - Throughout this process Councillors will be able to ask questions of the Applicant, submitters or a Council Officer.
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1. OPENING OF MEETING

2. APOLOGIES

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES



4. PLANNING & DEVELOPMENT

4.1 79 HESSE STREET, QUEENSCLIFF

Planning Permit Application: 2012/054

SUMMARY

Proposal	Creation of access to a road in a Road Zone, Category 1 and the construction of fences in a Heritage Overlay Application and plans: <i>Refer Appendix 1</i>
Zone/Overlays	Business 1 Zone Design and Development Overlay – Schedule 1 Heritage Overlay – Schedule 31
Permit Triggers	Clauses 43.02-2 & 43.01-1 – construction of fences Clause 34.01-4 – buildings and works in a Business 1 Zone Clause 52.29 – creating access to a road in a Road Zone – Category 1
Public Notification	Advertised by registered post to adjoining property owners and occupiers, notice on site for 14 days and notice in municipal offices
Objections	Nil
Key issues raised by objectors	Not applicable



4.1.1. Applicant to present to Council

4.1.2. Submitters to present to Council

4.1.3. Applicant to readdress Council



4.2 10 CHESHUNT STREET, POINT LONSDALE

Planning Permit Application: 2012/051

SUMMARY

Proposal	The development of a dwelling (two storey), removal of native vegetation and variation to the site coverage and setback requirements of Design and Development Overlay – Schedule 4 Application and plans: <i>Refer Appendix 2</i>
Zone/Overlays	Residential 1 Zone Design and Development Overlay – Schedule 4 Vegetation Protection Overlay – Schedule 1
Permit Triggers	Clause 43.02-2 Buildings and works Clause 42.02-2 Removal of native vegetation
Public Notification	Advertised by registered post to adjoining property owners and occupiers, notice on site for 14 days and notice in municipal offices
Objections	Five (5) objections: <i>Refer Appendix 3</i> Applicants response to submissions: <i>Refer Appendix 4</i>
Key issues raised by objectors	Overdevelopment and impact on streetscape Site coverage and setbacks Vegetation Car parking Overlooking and overshadowing Noise



4.2.1. Applicant to present to Council

4.2.2. Submitters to present to Council

4.2.3. Applicant to readdress Council

5. CLOSE OF MEETING



APPENDIX 1 – APPLICATION DOCUMENTS - 79 Hesse Street, Queenscliff



Planning Enquiries
Phone:
Web: <http://www.queenscliffe.vic.gov.au>

Office Use Only

Application No.: 2012/054

Date Lodged: / /

#179610 \$102

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05 JUN 2012
BOROUGH OF QUEENSCLIFFE

Application for Planning Permit

If you need help to complete this form, read [How to Complete the Application for Planning Permit form](#).

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

- Questions marked with an asterisk () are mandatory and must be completed.
- If the space provided on the form is insufficient, attach a separate sheet.

The Land

- 1 Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Unit No.: St. No.: 79 St. Name: Hesse Street

Suburb/Locality: Queenscliff VIC Postcode: 3225

Formal Land Description

Complete either A or B.

This information can be found on the certificate of title.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

- You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

- 2 For what use, development or other matter do you require a permit?

If you need help about the proposal, read:
[How to Complete the Application for Planning Permit Form](#)

To construct a crossover to provide vehicle access for onsite carparking

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

- 3 Estimated cost of development for which the permit is required

Cost \$ 8000

You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

- 4 Describe how the land is used and developed now
eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Land is currently fully fenced with off street parking only.

Provide a plan of the existing conditions. Photos are also helpful.



Title Information

5 Encumbrances on title

If you need help about the title, read:
[How to Complete the Application for Planning Permit Form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
☒ No
☐ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

6 Provide details of the applicant and the owner of the land.

Applicant

The person who wants the permit.

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Please provide at least one contact phone number

Owner

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:
Title: MRS First Name: KATHERINE Surname: BOURKE

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.: 17

If it is a P.O. Box, enter the details here:

St. Name:

FLINDERS ST

Suburb/Locality:

QUEENSLIFF

State: VIC

Postcode: 3225

Contact person's details *

Name:

Same as applicant (if so, go to 'contact information') ☐

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name:

Suburb/Locality:

State:

Postcode:

Contact information

Business Phone:

Email: Katherine.bourke@bigpond.com

Mobile Phone:

0439583091

Fax:

Name:

Same as applicant ☐

Title: MRS

First Name: KATHERINE

Surname: BOURKE

Organisation (if applicable):

THE APOSTLE GROUP PTY LTD

Postal Address:

Unit No.:

St. No.: 17

If it is a P.O. Box, enter the details here:

St. Name:

FLINDERS ST

Suburb/Locality:

QUEENSLIFF

State: VIC

Postcode: 3225

Owner's Signature (Optional):

Date:

day / month / year

Declaration

7 This form must be signed by the applicant

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

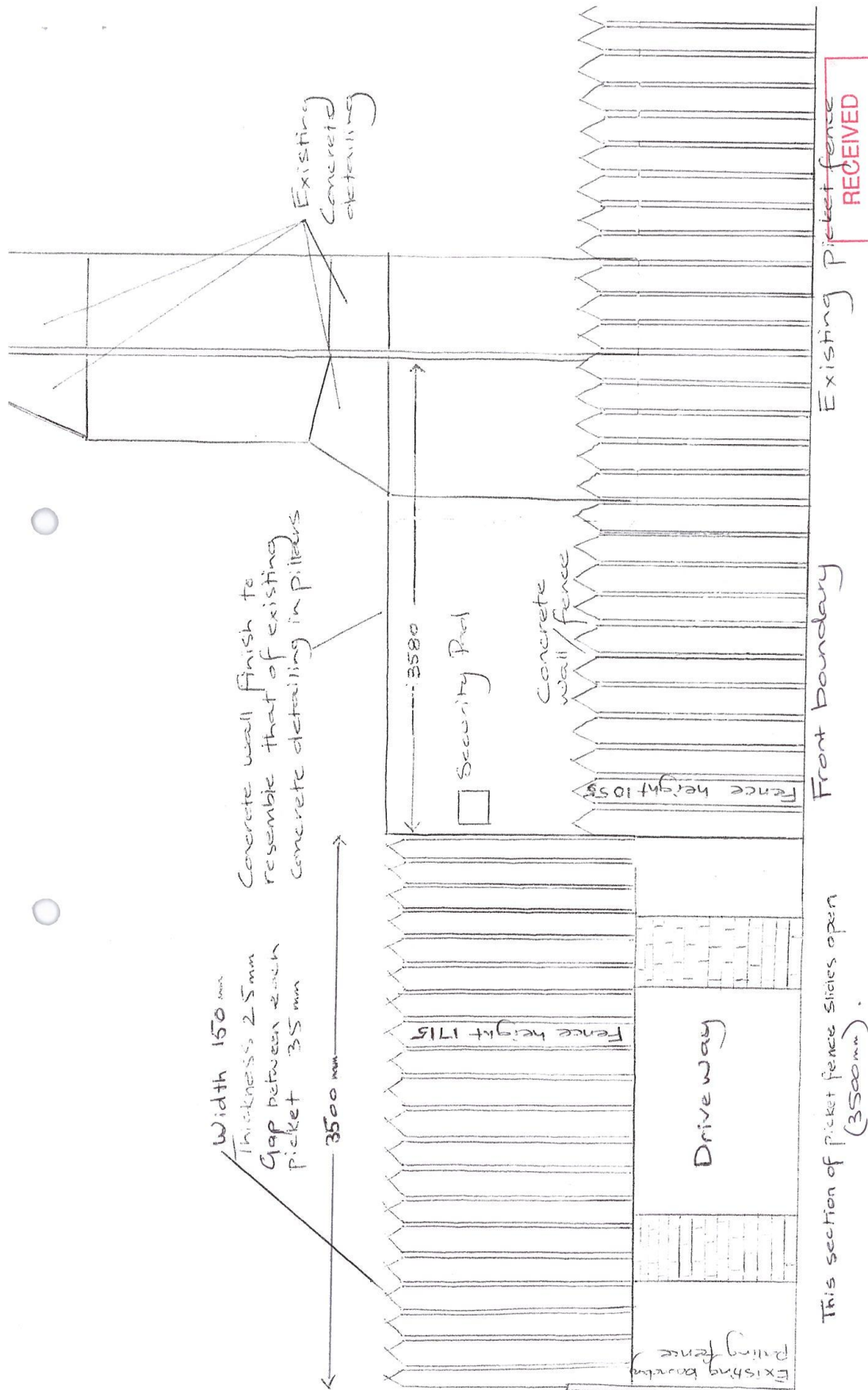
I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date:

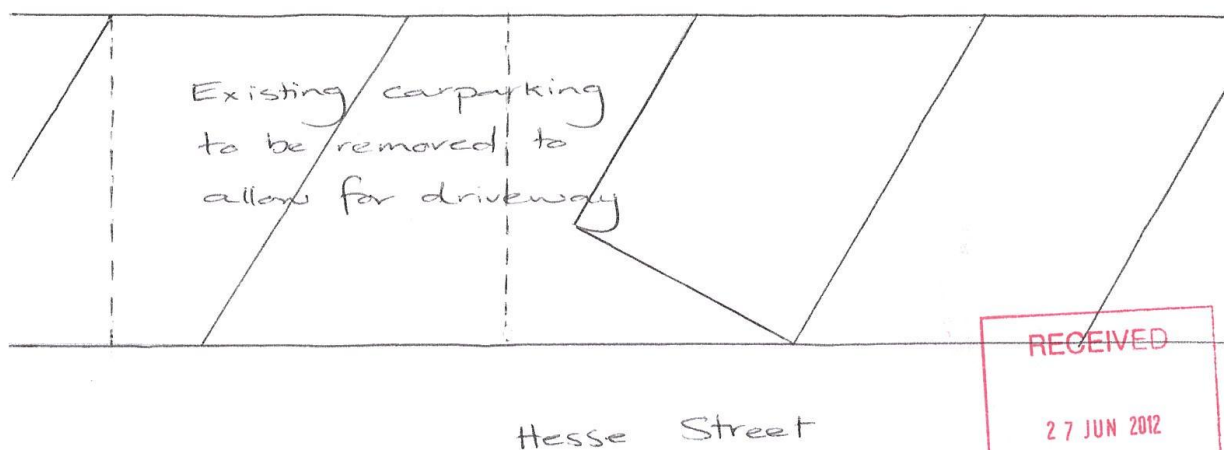
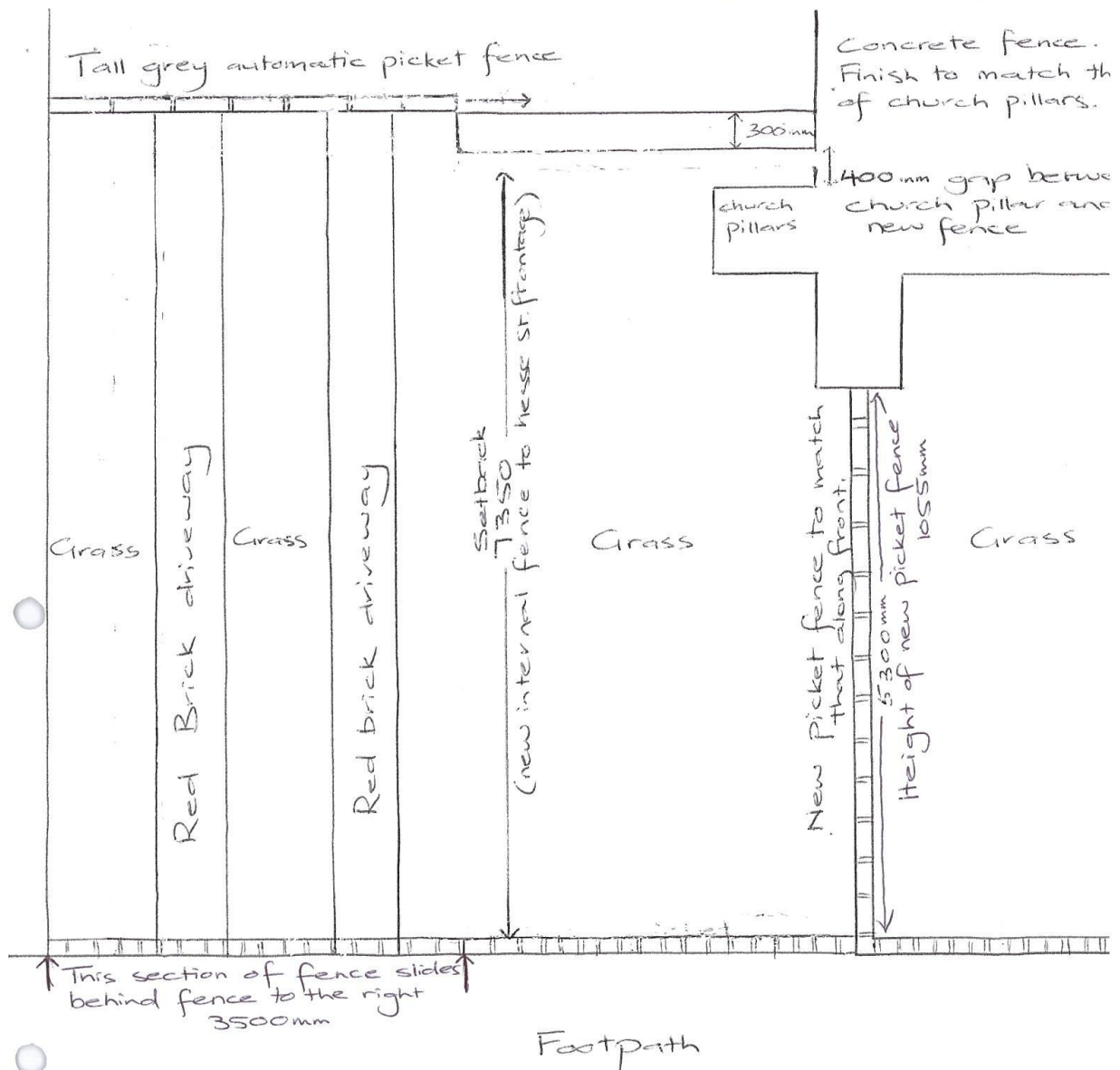
4.6.12

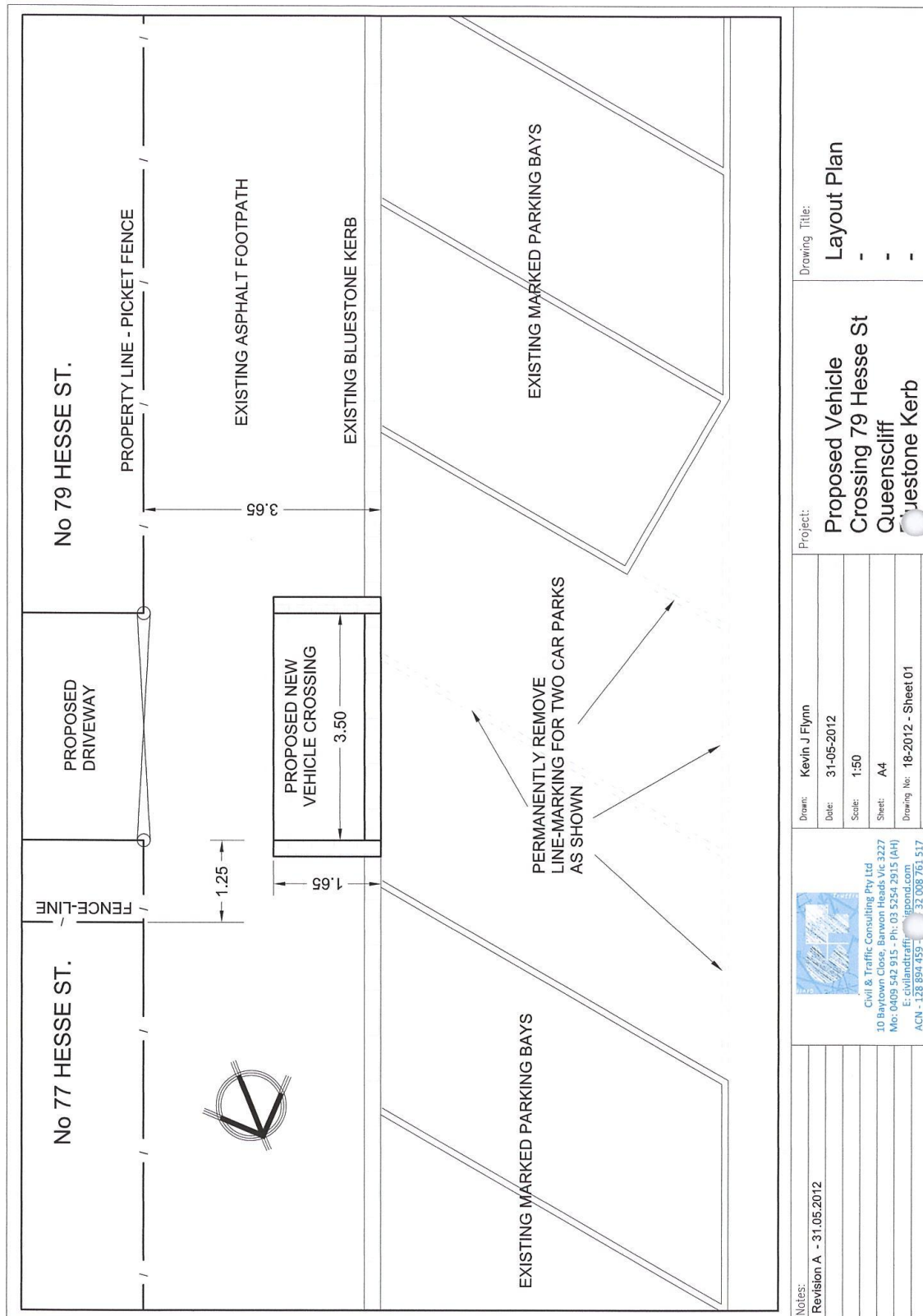
day / month / year

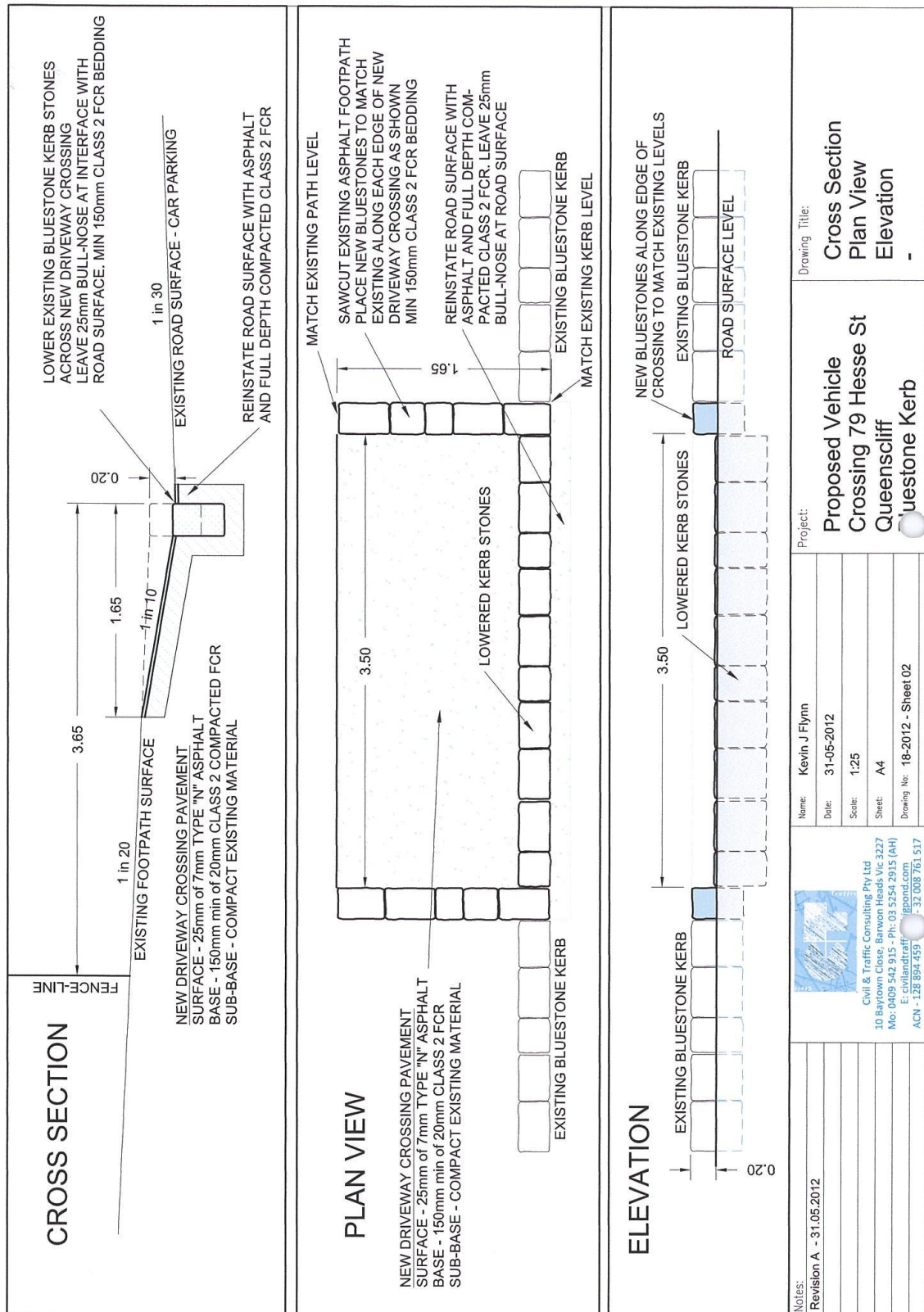


This section of picket fence slides open (3500mm).

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BOROUGH OF
QUEENSLIFFE









Planning Permit Application

Crossover at 79 Hesse St Queenscliff

Proposed alterations:

Front picket fence

Remove left hand side gate and brick walkway up to courtyard.

From left hand side boundary allow 3.5 m of front picket fence to slide open on rollers behind pickets to the right to allow cars to access property.

Elevation drawing does not show pickets all the way across to the left to allow visibility of the driveway, however they do run the entire span of the front boundary. Pickets to be unpainted so they turn gray naturally.

Height of front picket fence is unchanged at 1055mm.

New internal fence

This will be set back 7350mm from front boundary fence and 400mm from church pillar as shown in site plan. This space is to potentially install smart meters and gas meter so accessible but now visible from the street.

Height of fence is 1715mm. Height from base of front of church building is 1735mm.

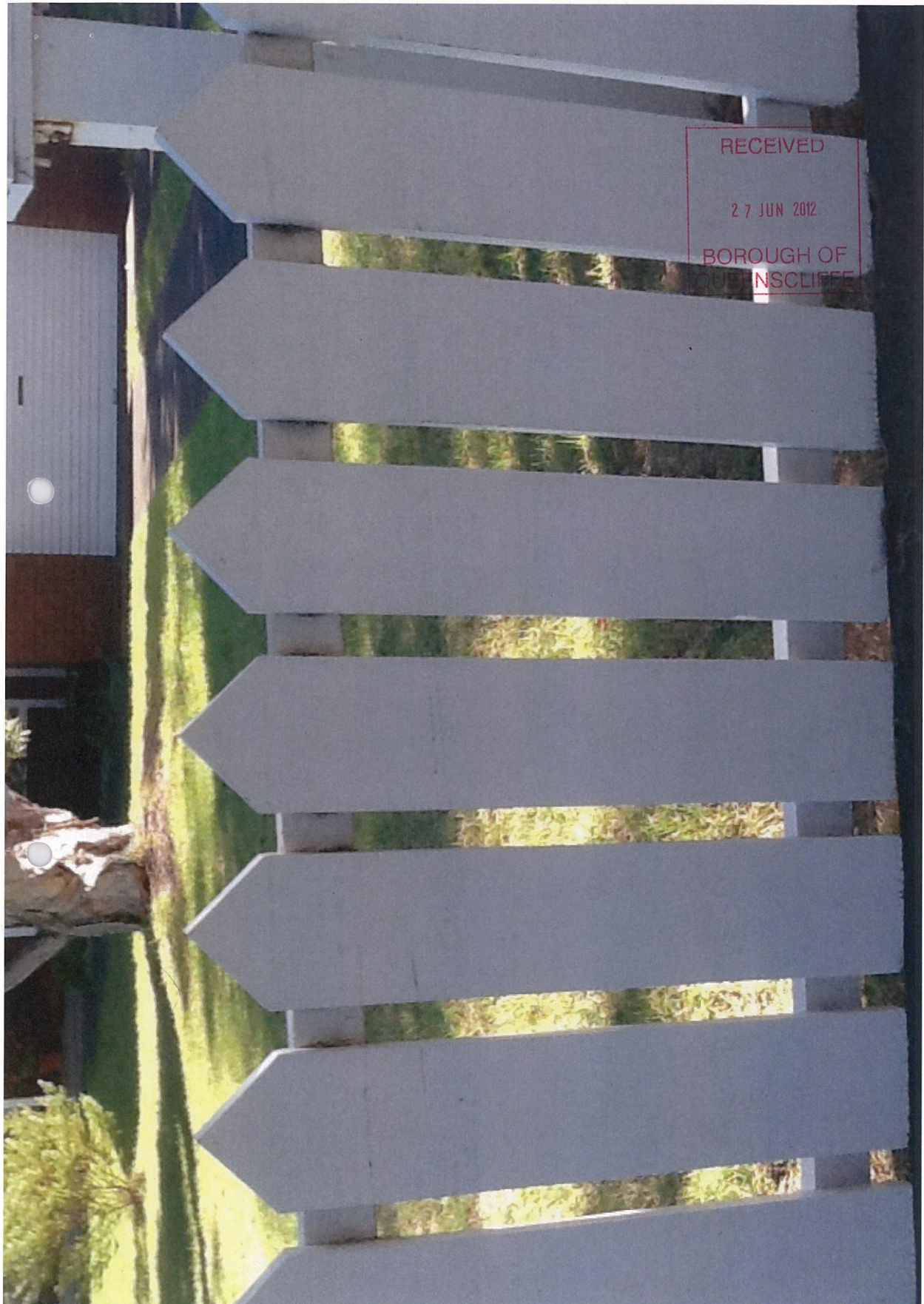
Concrete section of fence to be finished to match existing concrete detailing in front of church. I have included photos to show finish. Height is 1715mm.

I have also included photos of picket fence section. Colour finish however will be left unpainted to go gray naturally and pickets will be 1715mm high.

Dividing picket fence

This will be a new picket fence to divide retail space from residence space. Height of 1055mm to match height of front fence. Colour unpainted to turn gray naturally.











APPENDIX 2 – APPLICATION DOCUMENTS – 10 Cheshunt Street, Point Lonsdale



Planning Enquiries
Phone: 03 52581377
Web: <http://www.queenscliffe.vic.gov.au>

Office Use Only	
Application No.: 2012/051	Date Lodged: / /
Application for Planning Permit	
If you need help to complete this form, read How to Complete the Application for Planning Permit form .	

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25 MAY 2012

BOROUGH OF
QUEENSCLIFFE

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

- ⚠ Questions marked with an asterisk (*) are mandatory and must be completed.
- ⚠ If the space provided on the form is insufficient, attach a separate sheet.

The Land

- ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 10	St. Name: CHESHUNT STREET
Suburb/Locality: POINT LONSDALE		Postcode: 3225

Formal Land Description *
Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lot No.: 61 ☐ Lodged Plan ☐ Title Plan ☒ Plan of Subdivision No.: 001554

OR

B Crown Allotment No.: Section No.:
Parish/Township Name:

The Proposal

- ⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

- ② For what use, development or other matter do you require a permit? *

If you need help about the proposal, read:
[How to Complete the Application for Planning Permit Form](#)

DEMOLITION OF AN EXISTING SINGLE STOREY DWELLING AND THE CONSTRUCTION OF A SINGLE DWELLING 2 STOREYS IN HEIGHT NOT EXCEEDING 8.5M IN HEIGHT, REMOVAL OF NATIVE VEGETATION AND AMENDMENT TO THE SITE COVER ALLOWANCE OF DDO4

☒ Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

- ③ Estimated cost of development for which the permit is required *

Cost \$1,200,000 ⚠ You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

- ④ Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

SINGLE DWELLING SINGLE STOREY

☒ Provide a plan of the existing conditions. Photos are also helpful.



Title Information

5 Encumbrances on title *

If you need help about the title, read:
[How to Complete the Application for Planning Permit Form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
☐ No
☒ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

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25 MAY 2012

BOROUGH OF
QUEENSLIFFE

Applicant and Owner Details

6 Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title: Mr	First Name: JOHN	Surname: GULLAN
Organisation (if applicable): KANDU CONSULTANTS		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 710	St. Name: SHELL ROAD
Suburb/Locality: POINT LONSDALE	State: VIC	Postcode: 3225

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details *		Same as applicant (if so, go to 'contact information') <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number *

Contact information	
Business Phone:	Email:
Mobile Phone:	Fax:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		Same as applicant <input type="checkbox"/>
Title: Mr	First Name: ROSS	Surname: PALAZZESI
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 3A	St. Name: DUNDEE STREET
Suburb/Locality: BALWYN	State: VIC	Postcode: 3103
Owner's Signature (Optional):		Date:
		day / month / year

Declaration

7 This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:	Date: 26 May 2012
	day / month / year



RESCODE/PALAZZESI/REPORTS

EXECUTIVE SUMMARY

This report outlines a proposal to construct a stand alone, 2 storey dwelling with basement car parking on land at 10 Cheshunt Street, Point Lonsdale. The land has a single storey dwelling and outbuildings on site, all of which are to be completely removed.

As part of the proposal up to 7 native trees are required to be removed from the front of the site. Arborist and landscape reports are attached to this submission.

The site, of 613m², is in a desirable area of Point Lonsdale being a short distance from the main bay beach and close to the shopping area of Point Lonsdale. There are no sea views from the site and none have been considered as part of the building design.

This development is a unique opportunity for a new dwelling to be incorporated into a location which has a varied and dominant array of larger dwellings and accommodation structures already constructed.

This submission considers the requirements of the now local and State planning requirements and addresses, in detail, the new provisions of clause 54 of Rescode and amendment C7 of the Queenscliffe Planning Scheme including schedule DDO4 and VPO1.

This submission is presented in support of the issue, by council, of a planning permit for the development of a new 2 storey stand alone dwelling.





RESCODE/PALAZZESI/REPORTS



INTRODUCTION

Since August 24, 2001, it is a requirement that where a single residence or an alteration to an existing residence comes under the jurisdiction of an Urban Character Overlay, then the provisions of clause 54 of ResCode may come into effect. Although this is not the case within the Borough of Queenscliff this report considers clause 54 in its totality.

This submission is based on the fact that the subject site is in an Urban Character Overlay Area of the Borough of Queenscliffe Planning Scheme DDO4 and Vegetation Protection Overlay VPO1.

In support of this submission drawn documents have been prepared by Kandu Consultants P/L, together with this report and a photographic essay of the general surrounding area.

Each of the 20 specific objectives of clause 54 has been addressed along with an assessment of the neighbourhood character of the area and the consequences of native tree removal.

GENERAL PROJECT DESCRIPTION

The plans presented represent a single dwelling, of 504m², to be constructed over 2 levels with basement car parking, located to the center of the site with a 7.9m setback to the rear boundary, 6.45m to the front and over 1.2m to each side boundary. The emphasis of the design is to capture the North facing rear garden area into the living and outdoor recreation spaces at both levels. The overall height of the structure does not exceed the 8.5m maximum under the DDO although there is basement car parking all below ground level.

As later described the neighbourhood character is quite varied with a number of original and new or renovated residential buildings surrounding the site. The proposed design reflects a style of architecture compatible with both the adjoining residential buildings and the commercial buildings nearby in Point Lonsdale Road, with a preferred choice of materials and colours as outlined in the objectives of the character overlay.

The existing building and outbuildings are to be demolished and the site generally cleared of any existing services or structures. A new vehicle access point will be created to the west of the site in lieu of an existing graveled access along the east side. As a consequence of the design and location of the building and vehicle access it will be required to remove up to 7 native trees as later detailed within this report and attachments.



RESCODE/PALAZZESI/REPORTS



SPECIFIC SITE / AREA CONTROLS

The subject site is in the BOROUGH OF QUEENSCLIFFE and is covered under an "URBAN CHARACTER POLICY" & "DESIGN DEVELOPMENT OVERLAY" of the planning scheme schedule DDO4 and a Vegetation Protection Overlay VPO1.

The site is part of a typical rectangular sub division setout similar in size to adjoining properties and those to the rear and opposite. There is a fall from the rear North West corner to the front South East corner of approximately 1.6m.

The site is not listed in the schedule to the Heritage Overlay, is not in a Heritage Overlay of the planning scheme and is not adjacent to any listed building or site.

NEIGHBOURHOOD & SITE DESCRIPTION & DESIGN RESPONSE

• NEIGHBOURHOOD & SITE DESCRIPTION

Cheshunt Street is one of the most desirable locations in Point Lonsdale. The street runs from Point Lonsdale Road at the East to Glaneuse Road at the West. As one progresses from the east to the West the street character changes dramatically. The further West the allotments and public areas are still well represented with native trees and older styled houses. Whilst there have been some development works along the whole length of the street the most intensive is at the Eastern or bay end.

Along the Southern side of the street heading West from Point Lonsdale Road there are no original "beach houses" until number 15. All houses from 1 to 13 have been constructed with the last 30 years and some as recently as 2010/11. There is little native vegetation to this side of the street either in the public domain or private gardens. Houses are, in the main 2 storeys and some obtain water views to the North East.



RESCODE/PALAZZESI/REPORTS



CURRENT VIEW SOUTH SIDE OF CHESHUNT STREET LOOKING EAST

The Northern side of the street is a little different as there are generally no water views available and houses have remained as the original style until recently. In the last year the properties at 4 & 6 Cheshunt Street have undergone significant changes. Number 4 is a completely new dwelling part 2 storey, whilst number 6 has been modified and added to, to more than double its size. Numbers 2, 8, 10 and 12 are basically original 1920 style buildings albeit 8 and 12 have had second storey works added to them. Number 14 is a single storey flat roofed brick dwelling probably some 30-40 years old.



CURRENT VIEW NORTH SIDE OF CHESHUNT STREET LOOKING EAST



RESCODE/PALAZZESI/REPORTS

With the development works to both sides of the street for the first 7-8 houses in from the Eastern end much of the native vegetation has been removed. The main exceptions to this are the subject site at number 10 and in front of number 8. It is not until one is further to the West that native vegetation become more prevalent.

Cheshunt Street, even at the Eastern end, has an informality about it. There are no made footpaths, kerb and channel or concrete street crossovers. There is below ground drainage and side entry pits in the street, along with power, gas and sewerage.

As indicated the street architecture is varied from early 1900's to 2010/11. What is consistent is that buildings are stand alone, generally do not build boundary to boundary and are setback from the street frontages. Of the first 15 houses in Cheshunt Street only 3 are single storey and one of those has recently been approved for a second storey addition. One could say then that the dominate character of this section of the street is for 2 storey stand alone dwellings with side and front setbacks all of varying architectural styles.





RESCODE/PALAZZESI/REPORTS

• **DESIGN RESPONSE**

For all of the reasons the site proximity has developed in the manner it has over many years so to the brief for this proposal has demanded certain criteria. Taking advantage of the Northerly aspect to the rear for ground level and elevated living spaces. As well, the sheer dominance of the other buildings adjacent to site does not favor timid architecture. The design response presented with this submission has incorporated the surrounding attributes but then sought to involve specific owner requirements for accommodation of an extended family group.

As expectations grow for the longer term use of properties together with the limitations of modest sized land areas so to must more creative solutions be sought for optimizing the site. In the case of this proposal it is intended to provide multiple car accommodation in a basement structure accessed from Cheshunt Street via a ramped driveway within the property. This solution will provide more than the required car accommodation and allow for other non habitable areas such as plant rooms and storage to be provided.

Whilst there are no other examples of this style of car accommodation in the street, there are numerous examples of garages being very visible from the public domain for 2 or more cars. This proposal will only require a single car width access with the garage door being some 8.0m from the street frontage.

The result of this combination of influences is presented in the drawings accompanying this report. The building has a distinctly coastal flavor to the architecture but is not slavish to the cottage style more commonly expected. The surrounding buildings are an extreme mixture of ages, styles and accommodation types to the extent that a single theme is not evident.

Architecturally the proposal incorporates a low pitched skillion roof, a common occurrence on houses in Point Lonsdale from another era and more recent examples, but none the less relevant in the environment of this site. The base walls are to be of texture render finish with the opportunity for the introduction of selected highlight components including sandstone and timber elements. Upper walls will be a combination of lightweight sheet cladding and timber battening over plywood linings.

The resultant design meets all the overlay guidelines with the exception of site cover, which is detailed later. Side, front and rear setbacks all respond to both statutory requirements and the general theme of this section of Cheshunt Street.





RESCODE/PALAZZESI/REPORTS

NEIGHBOURHOOD CHARACTER

Issues related to retaining the existing street character or addressing preferred directions.

- **NEIGHBOURHOOD CHARACTER OBJECTIVE STANDARD A1**

The current street/neighbourhood character has been assessed against visual observations, heritage implications and the evaluation of current planning overlays. An opinion has been formed of the relevant issues impacting on any design proposal and incorporates them into a design response. In particular, attention has been given to the character of the existing buildings in the vicinity including the trend for multilevel structures. Native flora has also been considered within the building concept. The height of the building is not inconsistent with a range of other existing buildings, albeit that a underground garage is part of this proposal.

*This proposal meets the objective in that it has been prepared against criteria developed following the provision of a neighbourhood character statement.

- **INTEGRATION WITH THE STREET
- STANDARD A2**

This proposal recognizes the importance of the location and addresses the likelihood of visibility from the public domain. The proposed building will have a screened vista to the street by the retention of 3 mature native trees to the South East section of the front garden. The balance of the house will be visible as are most other properties on both sides of Cheshunt Street. There is a very visible and formal entry point to the dwelling from Cheshunt Street separate from the vehicle access point. Vehicles are to be accommodated in the basement garage for family and visitors alike allowing all house access to be from within the site. The garage entry point will be via a ramp and a single width garage door. Overlooking to neighboring properties has also been addressed in the design response.

*This proposal meets the objective in that the focus of the design is to present the building to the street with a common setback to other properties.





RESCODE/PALAZZESI/REPORTS

SITE LAYOUT & BUILDING MASSING

Issues related to appropriate utilization of the site and infrastructure.

- **STREET SETBACK - STANDARD A3**

The proposal has considered front setback against adjoining and adjacent properties as well as the DDO. The average setback for the properties on either side is 9.25m. Both these dwellings are from the early part of the 1900's and do not reflect the now normal setbacks. The DDO allows for this contingency and stipulates that 6.0m is the minimum setback or the average of properties to either side, whichever is the lesser.

The current proposal has the closest portion of the habitable are of the building setback 6.475m and the front of a cantilevered first floor balcony as 5.275m.

*This proposal meets the objective in that setback to habitable walls is over 6.0m.

- **BUILDING HEIGHT - STANDARD A4**

The proposed building is to be constructed as a 2 storey dwelling with a basement garage. The building will not exceed 8.5m at its maximum height above natural ground level at any location. The maximum height will occur at the South West corner of the skillion roof over the home theatre.

As indicated earlier in this report most adjoining and adjacent buildings are 2 storey and this current proposal will not be out of character with the overall streetscape.

The inclusion of a basement car park is not considered to breach the DDO requirement of no more than 2 storeys. As has been assessed in recent applications provided no part of the basement wall is more than 1.2m above natural ground level and the area is not used as habitable space, it is not considered a storey under the definition of the DDO. Accordingly no wall of the basement is higher than 700mm above natural ground level.

*This proposal meets the objective in that the overall height does not exceed the maximum allowable and is similar to adjoining and adjacent buildings.





RESCODE/PALAZZESI/REPORTS



- **SITE COVERAGE - STANDARD A5**

The proposal presented has a gross building area, exclusive of basement car accommodation and of covered verandahs, of approximately 277m², located on a site of 613.26m². This represents maximum site coverage of 45%.

The DDO requires an objective of 40% site cover within this area of Point Lonsdale. As has been discussed with council officers along with a desk top audit of adjoining properties, both recent and within the last 20 years, it was considered that 45% was not inappropriate. The site still provides a significant front setback, has ample room at the rear for external recreation space and allows for side setbacks to comply with the DDO.

The visual impact of the additional site cover will not be apparent from the public domain and scope for landscaping will be more than adequate.

*This proposal exceeds the objective in that it covers more than 40% of the site as required under the DDO. Approval is sought for an increase in site cover of 5%.

- **PERMEABILITY - STANDARD A6**

This proposal retains over 336m² of open space, at the rear, sides and front of the site and an impervious drive, rear patio and entry area of 78m² representing a total of 258m² of permeable area or 42% of the site.

* This proposal meets the objective in that permeable area exceeds the nominated DDO requirement of 30% coverage as a minimum.

- **ENERGY EFFICIENCY PROTECTION
STANDARD A7**

This proposal has considered energy efficient principles to the extent that the site size and street orientation permit. The main living areas at the lower and upper levels have large windows, to the North and West, onto garden and deck areas. These and other North facing external windows are protected from summer sun by decking or pergolas.

All walls and ceilings are to be thermally insulated to a minimum level of R2.0 & R3.5 respectively.

* This proposal meets the objective in that it considers the benefits of solar energy and provides for insulation.



RESCODE/PALAZZESI/REPORTS

- **SIGNIFICANT TREES - STANDARD A8**

The site is within a VPO of the planning scheme which requires approval for the pruning or removal of native or classified vegetation. A site survey of vegetation has been undertaken by David Shepherd, Arborist and his full report is appended to this submission.

David has identified that of the 20 trees on site or on adjoining properties at fence line there are 11 *Melaleuca Lanceolata* (10 semi mature and 1 mature), commonly called Coastal Moonah. Of these 11 trees 10 are within the front of the existing house and up to 7 are proposed to be removed. The remaining 3 in the front garden are to remain along with the mature tree in the rear garden.

Of the remaining 9 trees identified most are non native, in adjoining owner's sites or classified as weeds. It is intended that 5 will be retained. Overall of the trees listed as being relevant for consideration under the VPO 12 are scheduled for removal and 8 retained.

The arborist report gives specific details of each tree in respect to its species, size, form and health and tabulates these findings on pages 5 and 6 of the report. On page 10 of the report each tree is identified and its retention or removal noted and the reasons given.



VIEW OF EXISTING TREES, TREES TO THE RIGHT ARE TO BE RETAINED





RESCODE/PALAZZESI/REPORTS

The report was commissioned by Kandou Consultants to assist in the final assessment of how to respond to the objectives of the VPO. Kandou Consultants are not professional arborists and can only draw conclusions from the report as presented to them. The tables on pages 4 & 5 describe the trees in detail and offer an assessment of the trees condition and opinions on their health and retention suitability. We note that of the trees to be removed from the front garden their health and form ranges from poor to average only. Their failure value is rated as medium to high and their retention value at medium to low.

These assessments are further clarified with comments about why the classifications were arrived at. The 3 trees to be retained in the front garden are, on average, at the better end of the assessment spectrum but even then tree 11 is considered to be of poor form and low retention value.



**NORTH EAST CORNER OF SITE WITH LARGE MOONAH
TO BE RETAINED**



RESCODE/PALAZZESI/REPORTS



The arborist further indicates that in his opinion the removal of the trees would permit some recovery of the remaining trees and allow more than adequate opportunity for offset planting to be considered. To this end we have engaged Andrew Blizzard, landscape architect to prepare concepts for a "whole of site" treatment inclusive of 2 for 1 offset planting for the 7 Moonahs to be removed. Andrews's documents are included in the appendices to this report.

At this time we also believe it is relevant to consider the impact of clause 52.48 of the planning scheme as introduced in November 2011. In effect this clause exempts any property owner who's house was built before September 2009 to remove any trees with 10m of the dwelling without the need for a permit, irrespective of whether the site is in a VPO or not. The only exception is where a tree is classified as being endangered on under Federal or State Acts of Parliament. The trees concerned in this report are not so classified.

This does suggest that there is some confusion between different sections of the planning scheme where the VPO suggests that Moonahs are considered to be a special case and removal is not considered lightly and yet clause 52.48 would permit the owner of the subject property to remove all the trees in the front yard whilst ever the existing house remained. This premise was tested at VCAT in 2010 (under interim controls now permanent in 52.48) and the rights of the property owner were upheld in a red dot decision.

We are seeking to find a mutually agreeable position to allow new development on the site and retention of some of the existing trees with applicable offset planting being provided.

*This proposal meets the objective in that there will be considered removal of semi mature native trees, generally within the front garden and offset planting provided at the ratio of 2-1.



RESCODE/PALAZZESI/REPORTS



- **PARKING - STANDARD A9**

This proposal includes the construction of a 7 car garage at basement level on the site with the access visible only from Cheshunt Street. Interior dimensions are significantly in excess of Rescode standards.

Access will be via a ramp from Cheshunt Street with a single width garage door setback some 8.0m from the property boundary.

* This proposal meets the objective in that car accommodation in excess of 2 is to be provided on the property.

AMENITY IMPACTS

Issues related to the impact on adjoining residents and occupiers of facilities on the same site.

- **SIDE AND REAR SETBACKS - STANDARD A10**

In this proposal the new building is to be constructed 1.245m from the Western boundary at ground level and 2.085m at first floor level. As the land slopes from North to South the highest wall along the West boundary is at the Southern end of approximately 7.0m. Rescode requires the side setback to be 2.0m.

The East side setback is 1.255m at ground level and 2.090m at first floor level. As the land slopes from North to South the highest wall along the East boundary is at the Southern end of approximately 7.4m. Rescode requires the side setback to be 2.2m.

The rear boundary is 7.9m from the North wall of the house.

* This proposal generally meets the objective in that setbacks given meet DDO guidelines of a minimum of 1.2m to side boundaries up to 3.6m and respect adjoining owner's amenity with the exception of a small portion of the South East end of the building for which consent is requested.

- **WALLS ON BOUNDARIES - STANDARD A11**

This proposal has no requirement for construction on or within 1.0m of any boundary.

*This proposal meets the objective in that it does not have any walls on boundaries.



RESCODE/PALAZZESI/REPORTS

- **DAYLIGHT TO EXISTING WINDOWS
STANDARD A12**

The location of houses on adjoining sites is such that this proposal is in compliance with Rescode standards for existing windows to habitable rooms.

The property to the East has habitable windows along the West elevation approximately 1.5m from the common boundary. With a 1.2 setback for the proposed dwelling no part of the new works will be within 2.7m of any window at ground floor level and 3.5m at first floor level.

The property to the West has habitable windows along the East elevation approximately 3.2m from the common boundary. With a 1.2 setback for the proposed dwelling no part of the new works will be within 4.4m of any window at ground floor level and 5.2mm at first floor level.

*This proposal meets the objective in that windows to adjoining buildings habitable areas are with Rescode guidelines.

- **NORTH FACING WINDOWS - STANDARD A13**

There are no North facing windows to habitable rooms on any adjoining property that will be impacted upon by this proposal as the South side of the site is the Cheshunt Street frontage.

* This proposal meets the objective in that no existing North facing windows are denied solar access.

- **OVERSHADOWING OPEN SPACE - STANDARD A14**

The orientation of this site is such that there is only overshadowing to the Eastern property late in the afternoon. This overshadowing is shown on drawing TP5.02. It would appear that the dominant exterior living area of the adjoining property is to the North East of the site which is not impacted upon by this proposal.

The property to the West will have some shading in the morning to driveway not affecting external recreation space.

* This proposal meets the objective in that it has minimal impact on the amount of sunlight into the adjoining properties private secluded area.





RESCODE/PALAZZESI/REPORTS



• **OVERLOOKING - STANDARD A15**

The construction of 2 storey dwellings on suburban sized sites creates issues about what constitutes overlooking in an intrusive manner. The site in question compounds the situation with a ground fall to the South. The overlooking diagram provided on drawing TP5.03 indicates the possible areas to be considered. These are discussed below.

Eastern Property

In general terms any overlooking of this property is restricted to a side setback area not used as the principal external private open space. There is the possibility of direct overlooking of windows within a 9.0m arc from the first floor study and bathroom. These windows will have screening provided or obscure glass.

Western Property

The provided diagram suggests that there is potential for overlooking from first floor areas from windows and deck areas.

As the ground floor level will be less than 800mm above natural ground level at the fence line overlooking will be controlled by existing or new boundary fencing.

At first floor level the overlooking is from the bedroom/dressing room area and from the North/West end of the external decking. The bedroom window is to be set at 1.7m above floor level and the dressing room windows will be obscure glass to the transom set at 1.7m above level. The opening sash is above the transom and will be clear glazed.

The rear deck area will have the potential to overlook a portion of the rear garden of 12 Cheshunt Street. It will not overlook the rear of the property in Albert Street. The overlooking into the rear of 12 Cheshunt Street will be the subject of discussion with the neighbours regarding the degree to which privacy is required. Current discussions suggest only limited screening will be required. This will be finally resolved as part of the building permit process should planning approval be granted for the overall project.

*This proposal has addressed the objectives of overlooking to private open spaces of adjoining properties and believes the loss of amenity to any other property will be within acceptable limits given the nature of expectations in this area.



RESCODE/PALAZZESI/REPORTS

ON-SITE AMENITY & FACILITIES

Issues related to natural comfort of occupants and Neighbours.

- **DAYLIGHT TO NEW WINDOWS - STANDARD A16**

The proposed dwelling has windows to all habitable rooms positioned to allow clear access to natural light. No window is less than 1.2m from the boundary inclusive of any eave projection.

* This proposal meets the objective in that no new windows will suffer loss of direct sunlight.

- **PRIVATE OPEN SPACE - STANDARD A17**

Private open space will be provided as both open garden areas and constructed external decking. There will be 258m² of open space on the site exclusive of driveways, paved areas or decks.

There will be over 118m² of natural garden area as private open space to the North rear garden area with dimensions of 15.0m x 7.9m.

*This proposal meets the objective in that open space is to be provided in excess of ResCode guidelines.

- **SOLAR ACCESS TO OPEN SPACE
STANDARD A18**

Direct North sunlight will be available to all of the usable external recreation space in the rear of the site.

*This proposal meets the objective in that solar access to private open space is provided for by this development.





RESCODE/PALAZZESI/REPORTS

DETAILED DESIGN

Issues related to presentation to the general street environment.

- **DESIGN DETAIL - STANDARD A19**

The proposed development is consistent with the theme evident in the area being more than 1 storey high. It has echoed the use of rendered walls and has included elements more identifiable with Point Lonsdale such as corrugated roofing and wide open covered verandahs. It has been set back from side boundaries to lessen the impact of the building bulk from any possible public viewing point.

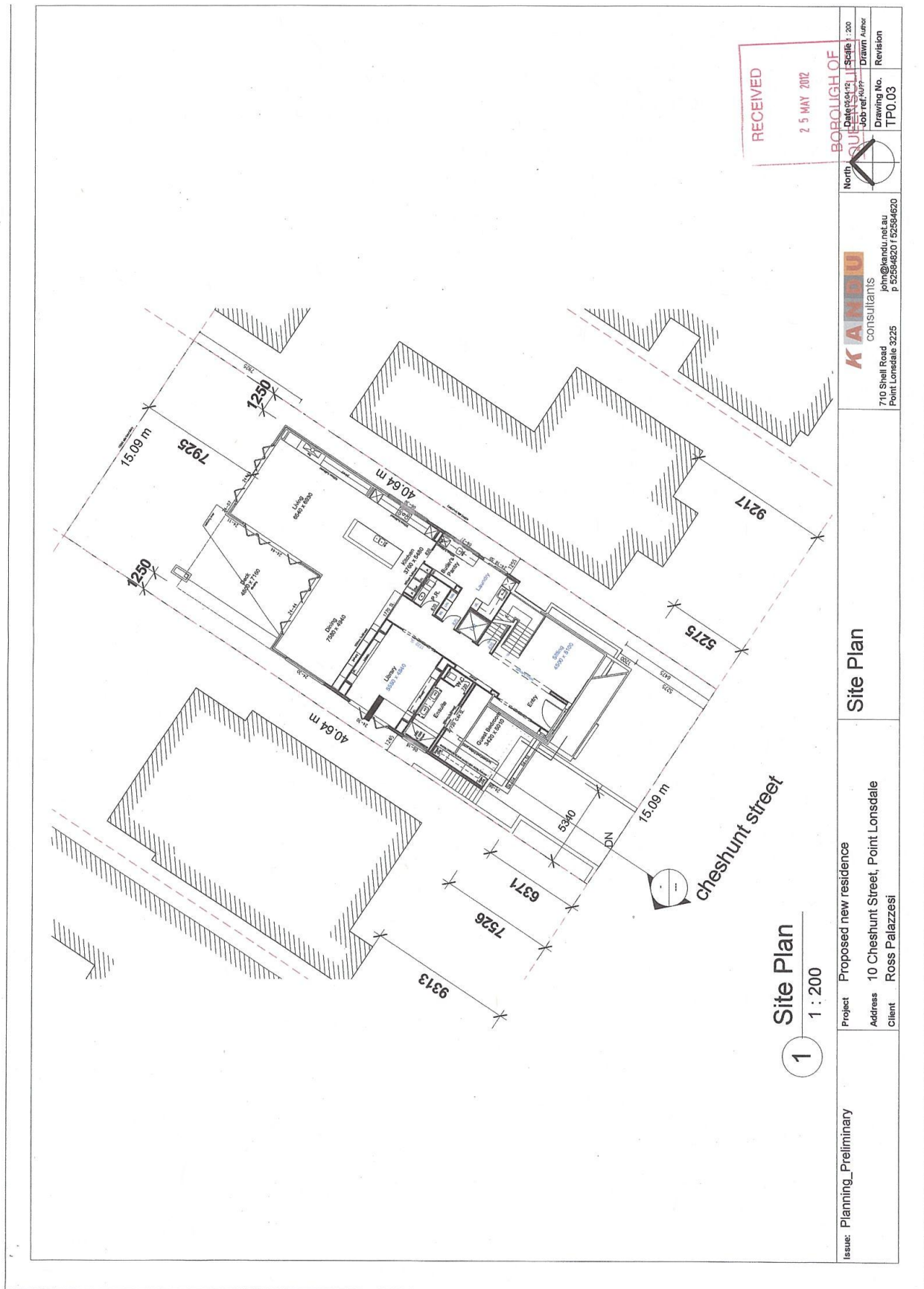
* This proposal meets the objective in that it is consistent with and enhances the current neighbourhood character.

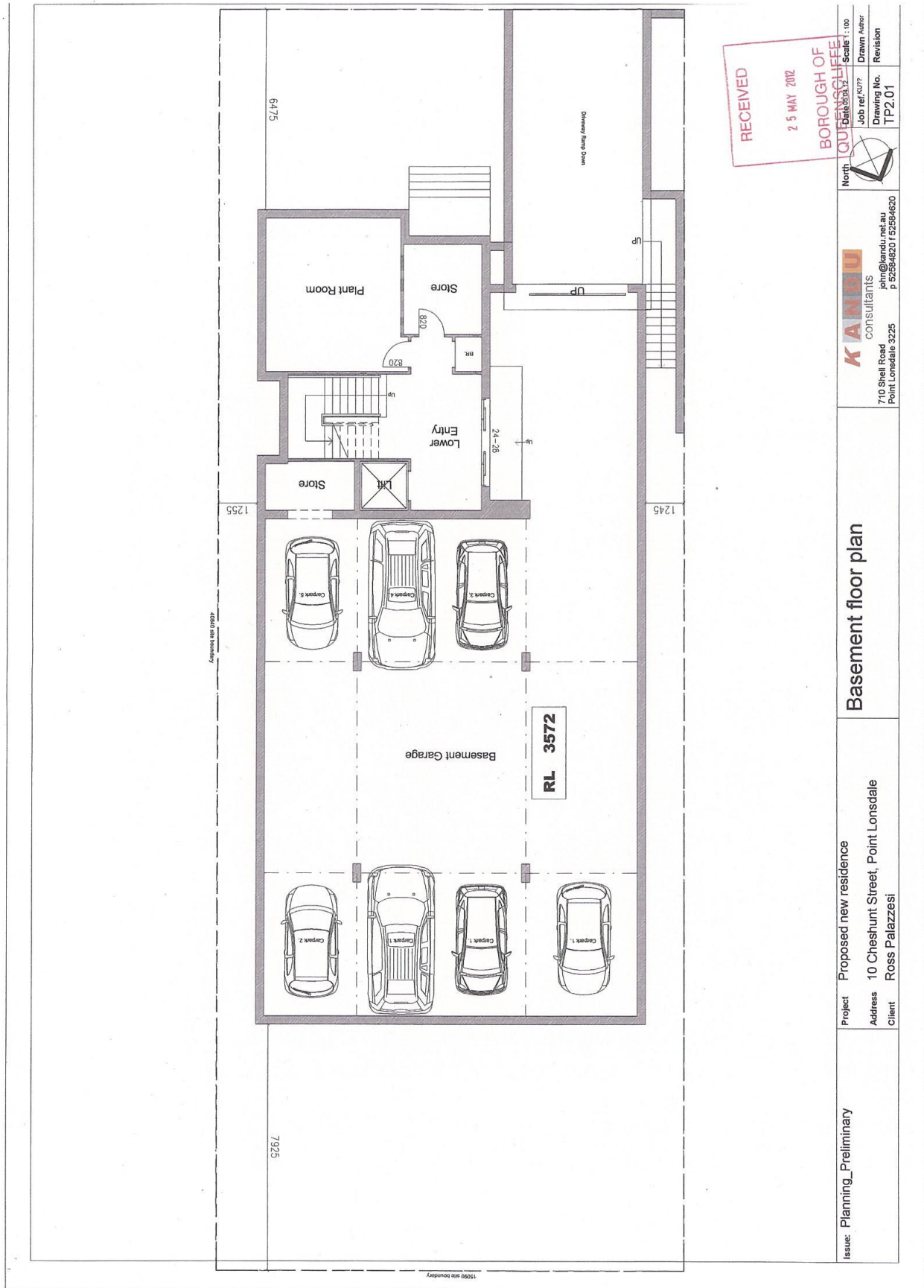
- **FRONT FENCES - STANDARD A20**

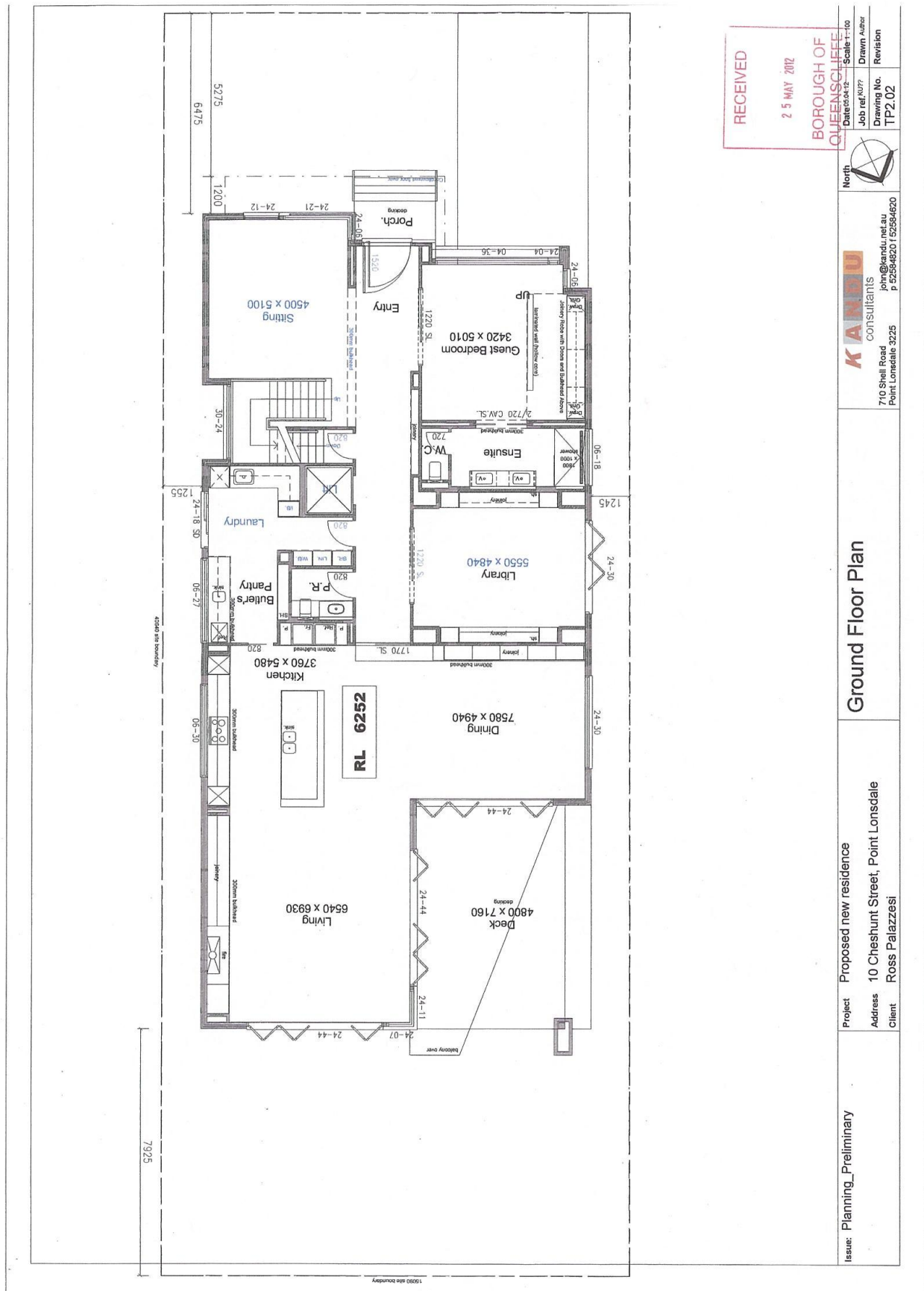
There will be no front fencing as is the street character.

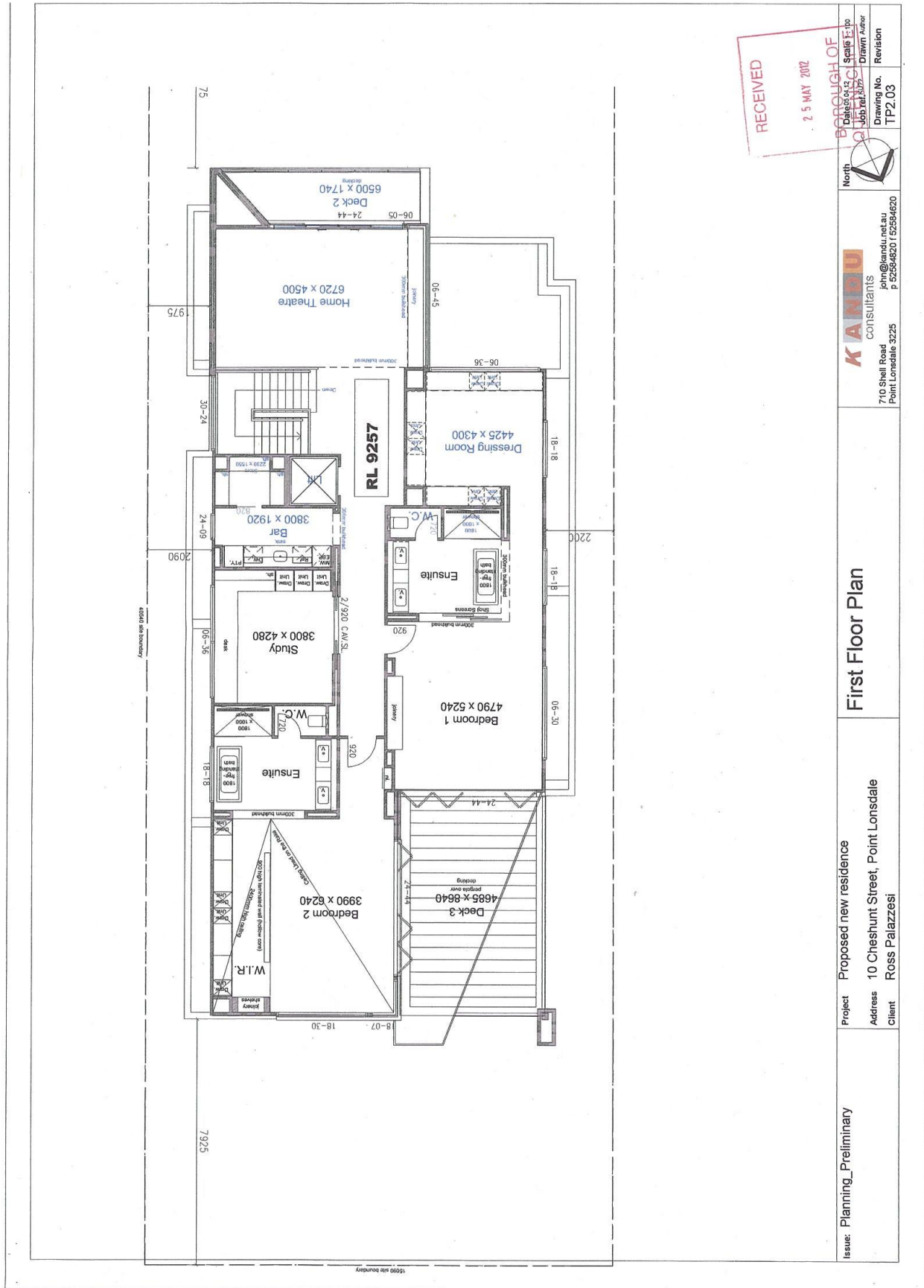
*This proposal meets the objective in that the only street boundary will not have fencing.

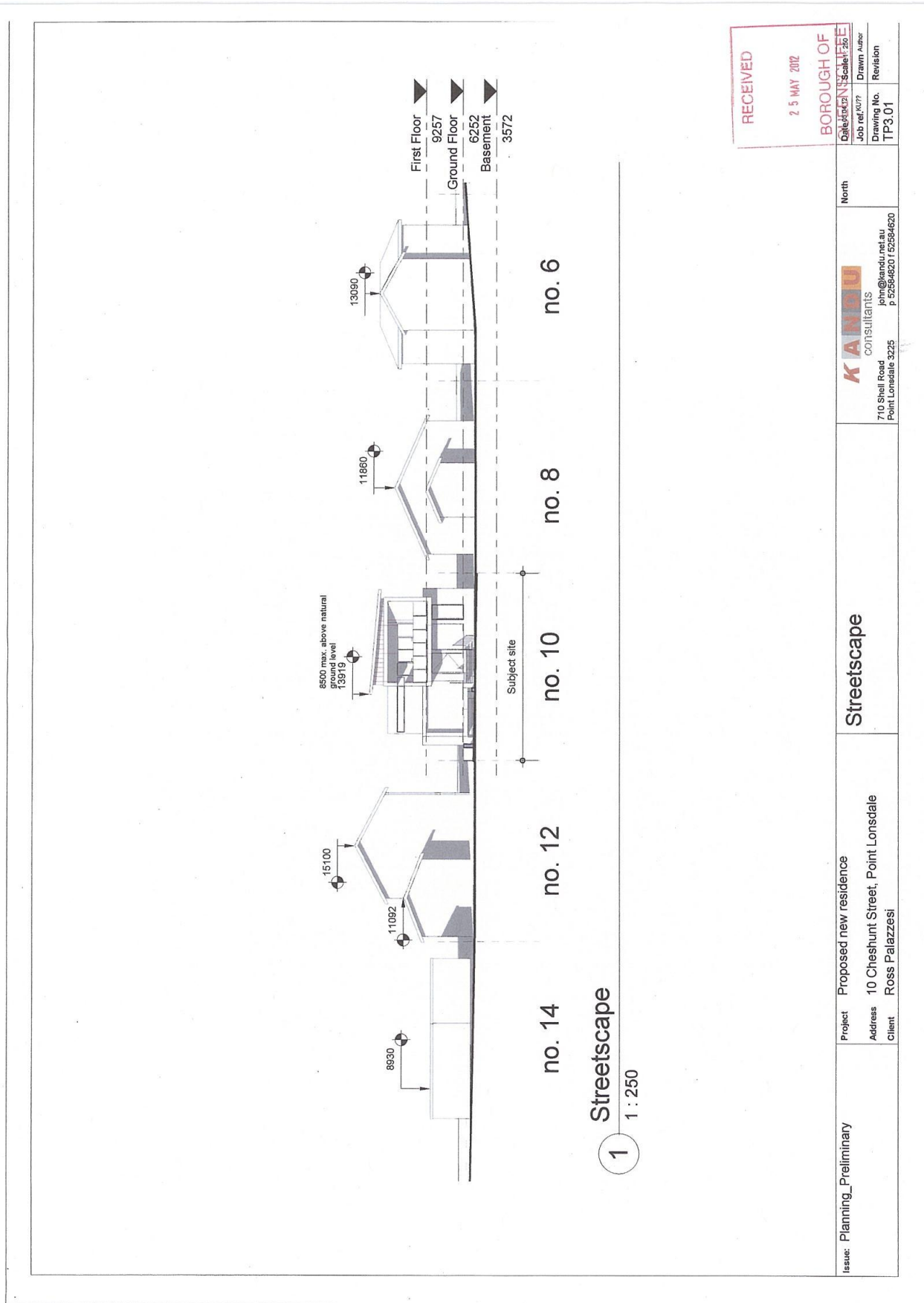


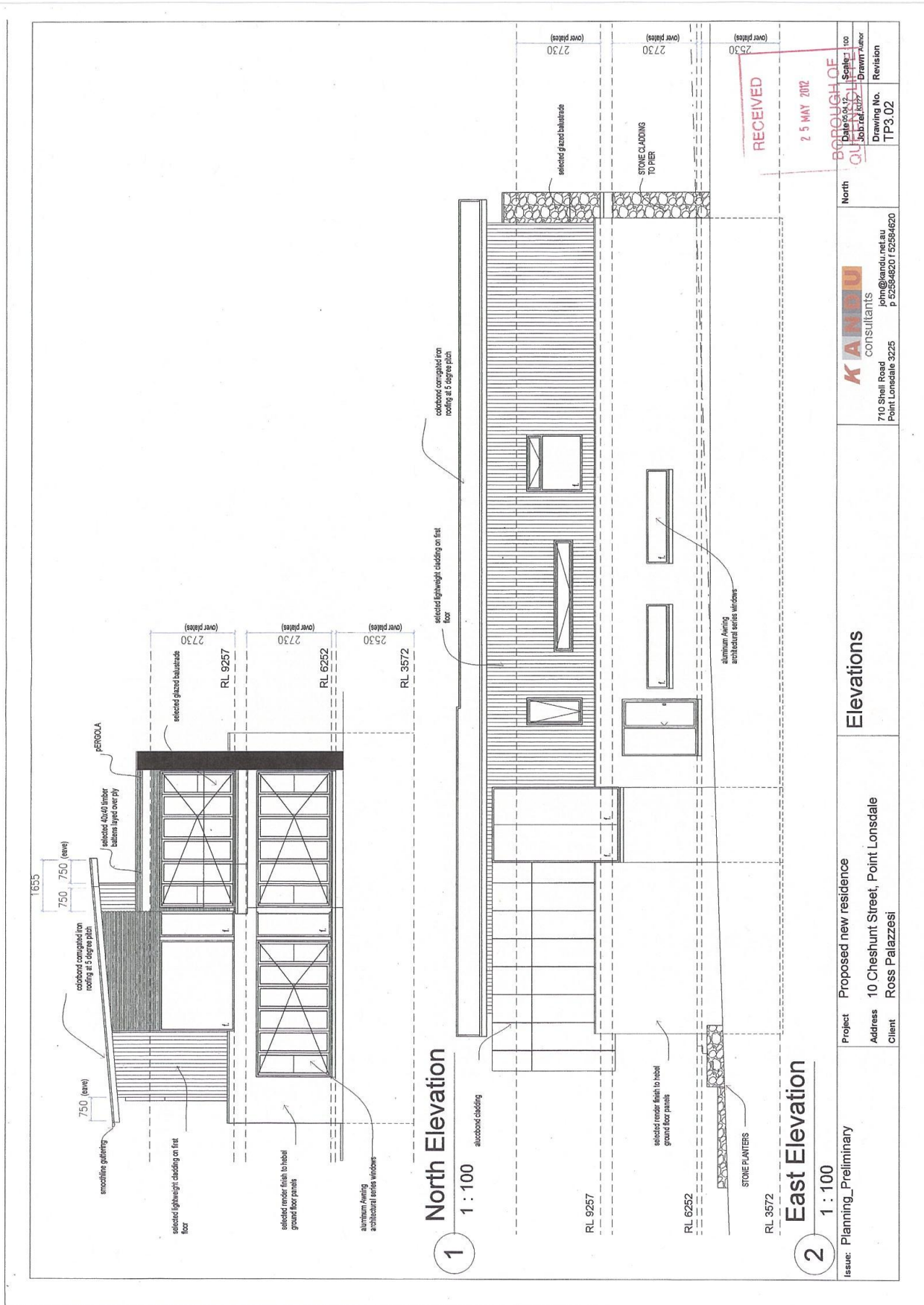


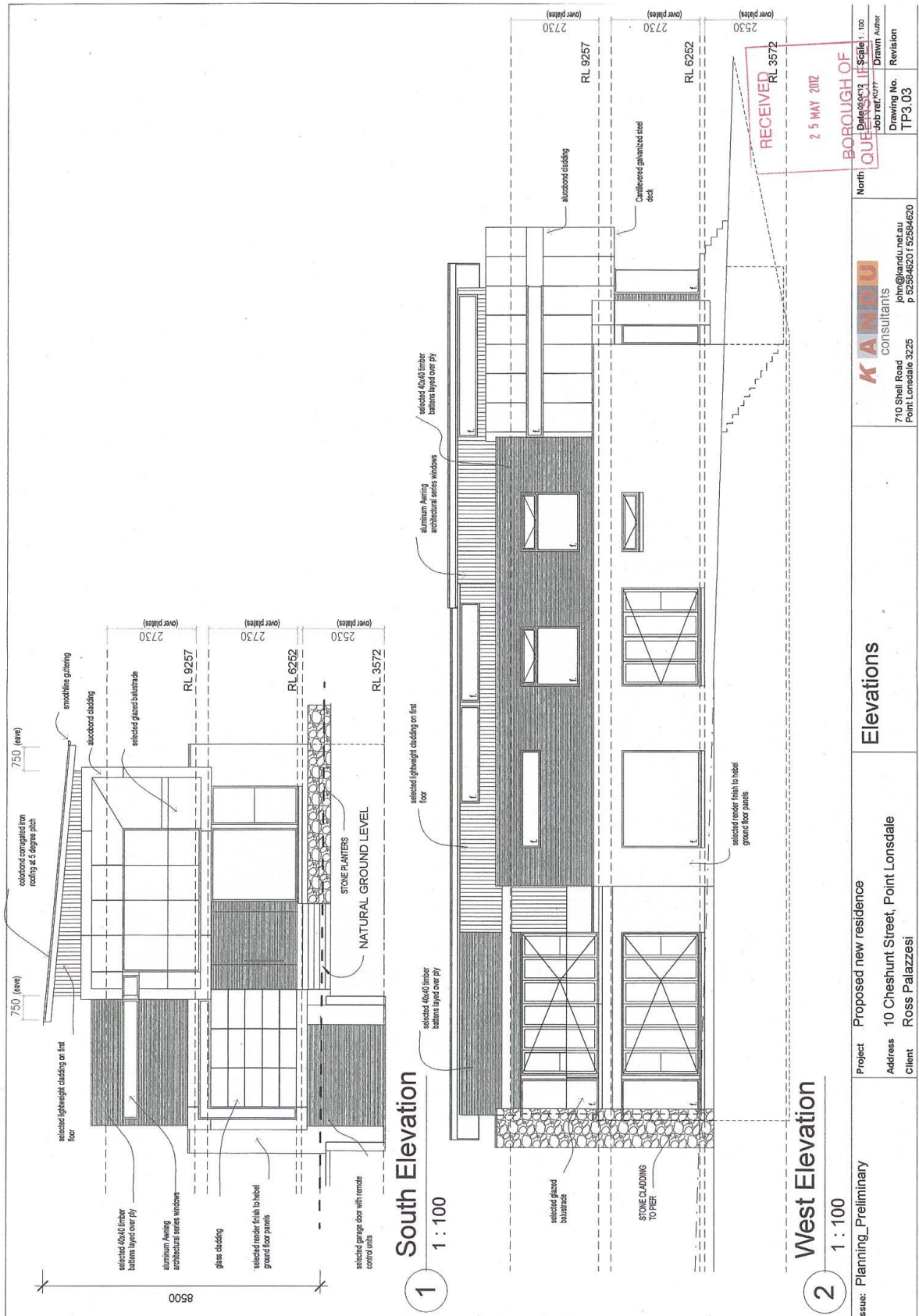




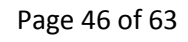


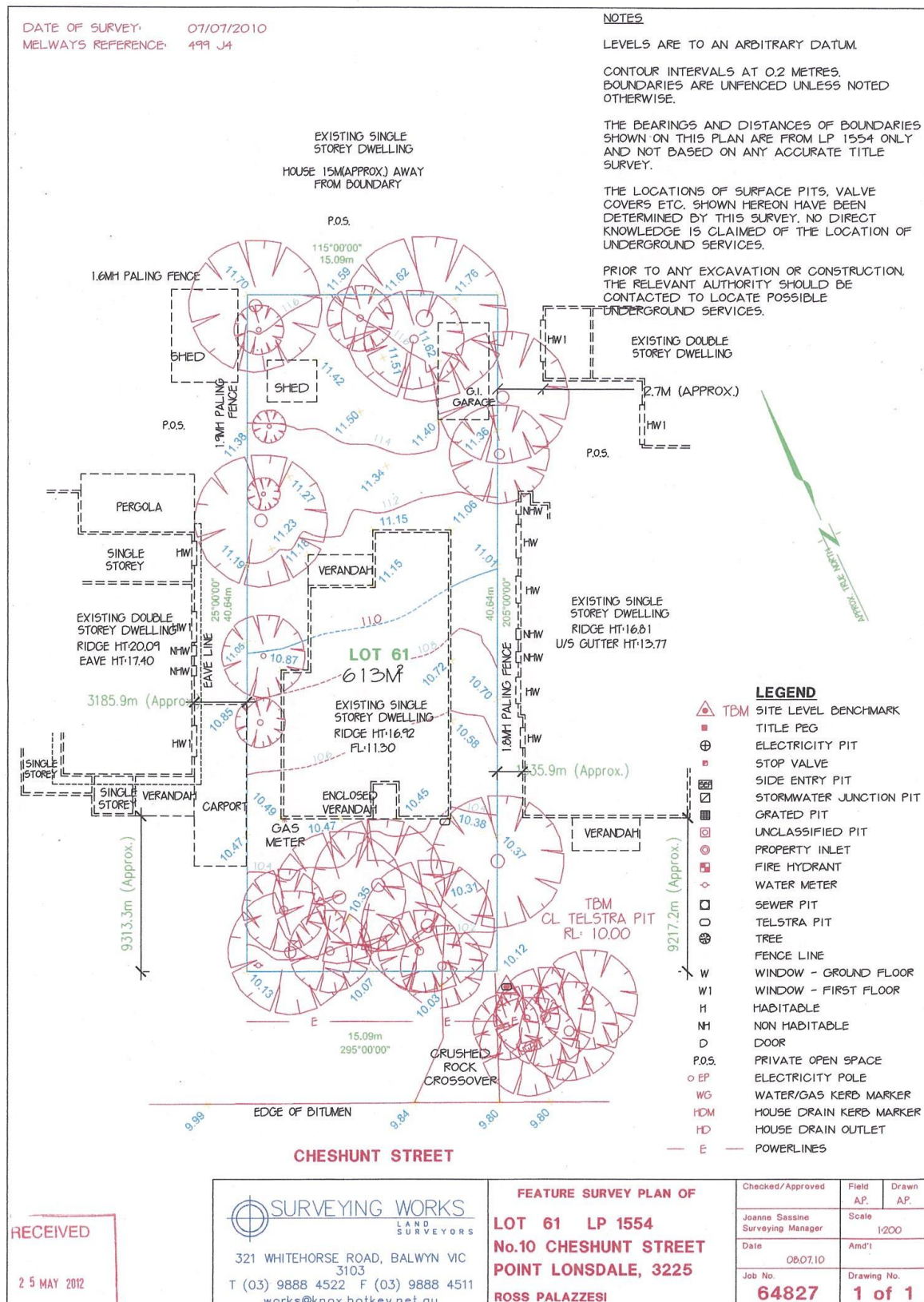


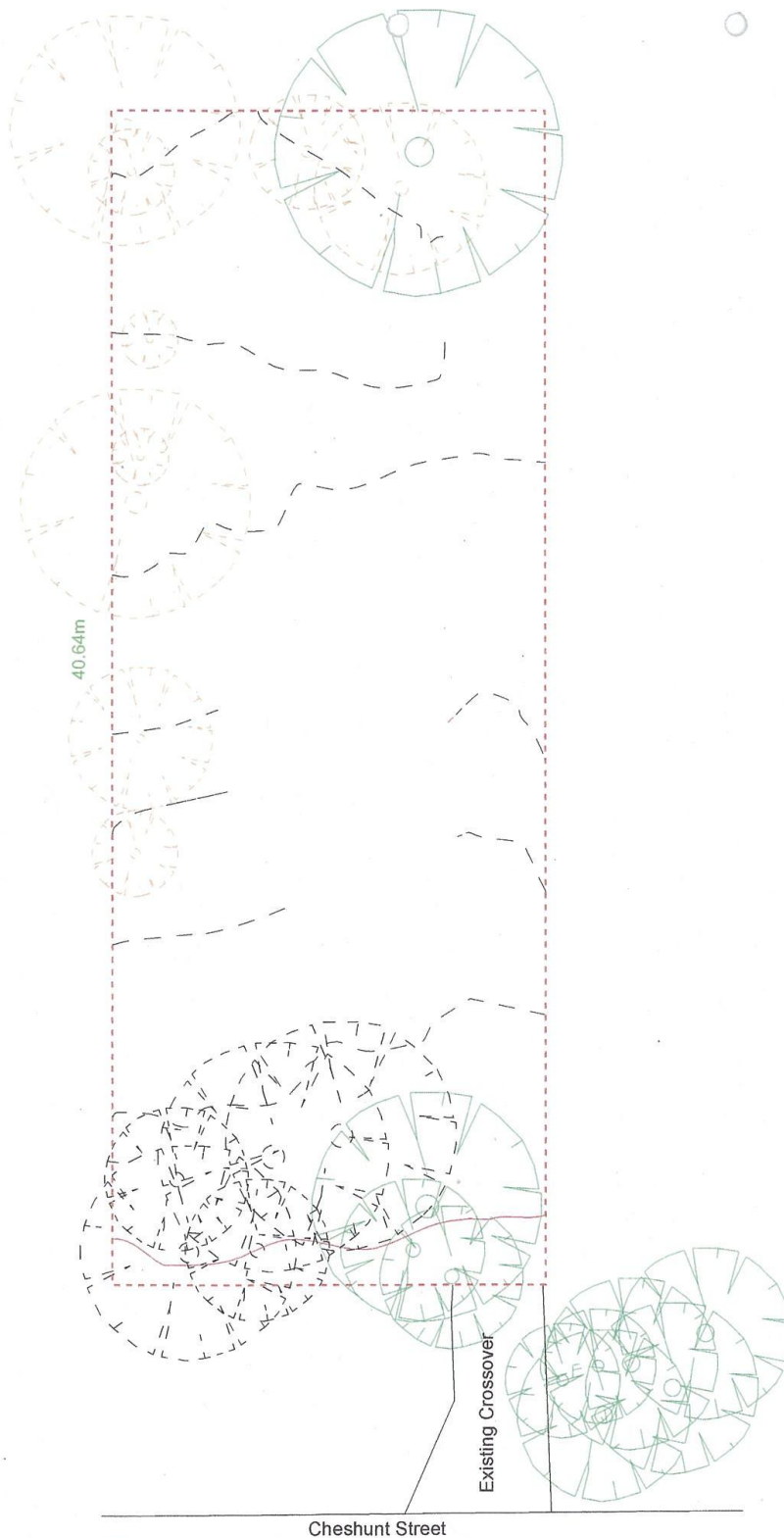












KEY



Existing Moonah to retain

Existing exotic species to remove



Existing Moonah to
remove

Title Boundary

Rev	Date	Amendment

Rev	Date	Amendment
Client:	ROSS PALAZESSI	
Address:	10 CHESHUNT STREET POINT LONSDALE VIC 3225	

Title: PROPOSED VEGETATION
REMOVAL PLAN

scale:

Landscape Architecture Pty Ltd
6 Troon Avenue
Jan Juc Victoria 3228
Tel: 0429006667

Drawing No: L01

Project No:0412

Drawn by: AB

Checked/Signed By: AB

Scale: 1:200 at A3 size

Date: APRIL 2012



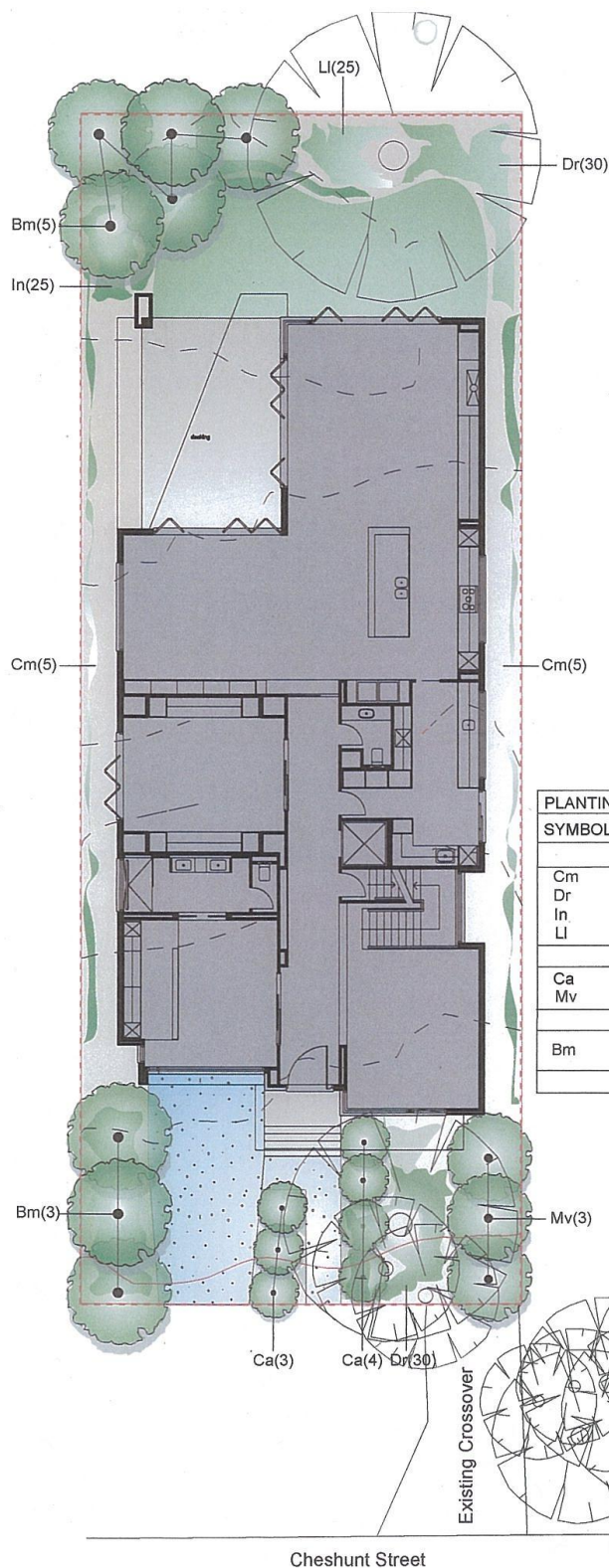
NORTH



RECEIVED

25 MAY 2012

BOROUGH OF
QUEENSCLIFFE



KEY

- Existing Moonah to retain.
- Proposed tree.
- Proposed shrub.
- Title Boundary
- Proposed exposed aggregate driveway.
- Mass planting of grasses / groundcovers.
- Native leaf mulch.
- Santa Anna Couch Lawn

PLANTING SCHEDULE

SYMBOL	BOTANIC NAME	COMMON NAME	POT SIZE	QTY	HEIGHT AT MATURITY
GRASSES, SEDGES & CLIMBERS					
Cm	<i>Clematis macrophylla</i>	Old Mans Beard	tubestock	10	0.25m
Dr	<i>Dianella revoluta</i>	Flax Lily	tubestock	60	1m
In	<i>Isolepis nedosa</i>	Knobby Club Rush	tubestock	25	1m
Li	<i>Lomandra longifolia</i>	Spiny Headed Matt Rush	tubestock	25	1m
SHRUBS					
Ca	<i>Correa alba</i>	White Correa	tubestock	7	1m
Mv	<i>Myoporum viscosum</i>	Sticky Boobialla	tubestock	5	3m
TREES					
Bm	<i>Banksia marginata</i>	Coastal Banksia	tubestock	8	5m
Total				140	

Rev	Date	Amendment
Client:	ROSS PALAZESSI	
Address:	10 CHESHUNT STREET	
	POINT LONSDALE VIC 3225	
Title: LANDSCAPE CONCEPT PLAN		

scale:

Landscape Architecture Pty Ltd

6 Troon Avenue
Jan Juc Victoria 3228
Tel: 0429006667

Drawing No: L02

Project No: 0412

Drawn by: AB

Checked/Signed By: AB

Scale: 1:200 at A3 size

Date: APRIL 2012



NORTH





APPENDIX 3 – OBJECTIONS – 10 Cheshunt Street, Point Lonsdale

10 Cheshunt
8 Cheshunt St
Point Lonsdale
2-7-2012

Dear Sir

We live at number eight
Cheshunt Street and are very
concerned about the shadowing
over our house with the construction
of maben ten.

Also we object to the house plan
being forward of the building line.
Not only for ourselves but for the
whole of Cheshunt Street for
future developments.

Yours faithfully

S. Tovey

SHEILA TOVEY

DERICK TOVEY.





Queenscliffe Community Association Inc.

Reg. No. A00 323 01V
PO Box 19 Queenscliff 3225



TO: The Mayor and councillors
FROM: The Queenscliffe Community Association

The Queenscliffe Community Association (QCA) wishes to object to a planning permit 10 Cheshunt Street, Pt Lonsdale., 3225 on the following grounds.

It is the QCA's understanding that the removal of native vegetation requires a permit under the Flora and Fauna Guarantee Act. Has the vegetation been assessed and an appropriate permit granted?

Under Urban Character Clause 22.04-2 POINT LONSDALE

This policy applies to all land in the Point Lonsdale Natural Coastal and Point Lonsdale Contributory Areas shown on the Urban Character Policy Map 2 Pt Lonsdale Natural Coastal & Contributory Areas.

Objectives:

To protect the following distinguishing elements of the character of the Point Lonsdale Natural Coastal Areas:

The predominantly broad and densely vegetated road reserves and relatively indistinguishable front boundaries of private properties;

Policy

Site Layout It is policy that:

- ☐ The layout of new development minimises any visual intrusion into the natural coastal appearance of the area.
- ☐ The layout of new development on land where vegetative screens are insubstantial, provide the opportunity for landscaped areas in appropriate locations to be planted with tea-tree and moonah to screen buildings from view, extend the roadside vegetation corridor into the site, and reinstate the natural coastal environment.

Provides for the retention and additional native coastal screen planting in front of the building and between adjacent buildings

Building Design New development should meet the following design standards:

- ☐ Retain as much of the existing vegetation on the land and road reserve along the front of the land as possible;

Fencing, Driveways and Landscaping

- ☐ Existing vegetation, particularly tea tree, moonah and coastal heath between the building and front boundary and within the road reserve along the front of the site is retained, and complemented by appropriate new planting using predominantly native or indigenous species.

The continuing loss and removal of vegetation in Pt Lonsdale is destroying its urban character please stop this by ensuring that if a permit is granted it includes the protection of the native vegetation.

Yours sincerely,  C. Johnson secretary Queenscliffe Community Association



*Dr. Jane Tovey MB BS, MPM, FRANZCP
Dr. Gregory Lyon S.C. LLB, SJD
8 Cheshunt Street
POINT LONSDALE, VIC. 3225*

RECEIVED

- 5 JUL 2012

BOROUGH OF
QUEENSLIFFE

4 July 2012

The Councillors and Planning Officer
Borough of Queenscliffe
50 Learmonth Street
QUEENSLIFF, VIC. 3225

Dear Councillor/Planning Officer,

**Re: Objection to Application for planning permit
10 Cheshunt Street, Point Lonsdale**

My parents own and reside permanently at 8 Cheshunt Street. We come to Point Lonsdale many weekends and most holidays. As we use the house extensively, we consider that we will be adversely affected by the proposed development at no. 10 Cheshunt Street. We therefore object to and query aspects of the design proposal.

The objections we make are to:

- Removal of native vegetation
- Amenity
- Set back

We query:

- Overshadowing
- Site coverage and permeable space
- Noise potential from plant room.

We request that the Councillors and Planning Officers undertake a site review before any decision is made in relation to this application.

In order to state our objections succinctly, we shall first consider briefly aspects of the Queenscliffe Planning Scheme.

Queenscliffe Planning Scheme

The MSS

As you are aware, the Queenscliffe Planning Scheme encompasses the Point Lonsdale area. The Municipal Strategic Statement defines the urban character of Point Lonsdale in the following terms:



Tea tree moonah and coastal heath grow throughout Point Lonsdale and create its distinct character. Built development has largely been contained within the scale of the existing vegetation.

The strategies for urban character seek to achieve the objective to (*inter alia*):

Ensure that all new development compliments the prevailing urban character of the area.

The strategy is implemented by:

- applying the Design and Development Overlays to control the scale, setback, bulk and height of development to those areas identified as having a distinct urban character.
- ...
- maintaining, replacing and extending ... road reservation planting in Point Lonsdale.

Accordingly, new housing developments must have regard to the predominant character of the area in which they are built.

In addition to the MSS, Cheshunt Street is controlled by a Residential 1 Zone, Design and Development Overlay Schedule 4, a Vegetation Protection Overlay and clause 52.17 of the Planning Scheme.

Essentially, the key features of the MSS are again emphasised through the implementation of these controls.

Design & Development Overlay 4

DDO4 seeks to ensure (in part) that new development maintains, protects and enhances the distinguishing elements of the urban character of Point Lonsdale, such as:

- The predominantly broad and densely vegetated road reserves and relatively indistinguishable front boundaries of private properties;
- That buildings, fences and driveways do not dominate the prevailing natural coastal appearance of the area;
- To protect the substantial vegetation cover ... by ensuring new development retains natural or established vegetation;
- To respect ... set backs.

As a consequence, DDO4 requires (*inter alia*):

- Front set backs of at least 6 metres;
- At least 30% of a site to have a permeable surface;
- Buildings not to occupy more than 40% of the site area.

Native Vegetation Clause 52.17

Clause 52.17 is incorporated into the Local Planning Scheme by State law. The State law imposes the native vegetation framework, which mandates a priority of "avoid, minimise and/or offset". In other words, the first priority of the land owner is to avoid the removal of native vegetation. The second ranking priority is to minimise its removal, coupled with the need to provide offset replanting of species indigenous to



the area within the same biodiversity region. The native vegetation framework applies to private and public land owners and managers.

The native vegetation framework generally requires a permit for removal of native vegetation and for such applications to be referred to the Department of Sustainability and Environment for approval.

The native vegetation provision is reinforced in Cheshunt Street by the Vegetation Protection Overlay. The overlay (which similarly requires a permit for removal of native vegetation, and expressly requires a permit for the removal of tea tree) serves in this case to reinforce the importance placed on the retention and maintaining of existing native vegetation, as opposed to a reorganisation of vegetation by removal and offset for new planting.

The Present Planning Application

Set Back

The application seeks a set back of 5.275m from the front boundary. The set back does not incorporate an existing building.

Permeable Surface Area

The plan does not appear to calculate the permeable surface area.

Site Coverage

The proposed building area is 45%.

Overshadowing

The application shows considerable overshadowing of the whole western aspect of our house from midday and extending considerably into our backyard at 3:00pm. The shadowing report is dated 5 April 2012.

Plant Room

The application depicts a plant room to be constructed in the south east corner of the house.

Native Vegetation

Finally, the application proposes the removal of an old established Moonah trees from the front and rear of the property.

Statement of Objections

Native Vegetation

We object to the removal of the existing Moonah trees for three reasons:



- Regardless of any replacement planting, these old established and irregularly planted trees have a natural look. They are a true feature of the lower end of Cheshunt Street. No ordinary symmetrical or conventional planting of young trees will replace or compensate for their iconic Point Lonsdale look.
- Further, there has been a progressive denuding of the road reserve as one moves east down Cheshunt Street towards the beach. The existing trees are old and established, of considerable character and size. The removal of trees adds to the deteriorating loss of amenity and character in the lower part of this 'old Lonsdale' Street.
- Thirdly, the removal of the Moonahs at the front is necessitated (at least in part) by the decrease in the setback distance of the proposed house.
- We object to the removal of the Moonahs from the back yard for the same reason.

Setback

The setback proposal creeps forward on the planning requirements of DDO 4. In turn, the forward creep on the setback requirements contributes to the need to remove trees and to the loss of amenity.

The setback on no.6 Cheshunt was allowed because it was incorporating part of the original building and building envelope.

Loss of Amenity

The proposed construction contributes to the continued drastic change to the streetscape.

The construction of another large house completes the dwarfing of our house at no.8; more importantly, the trend to build such large houses leaves little opportunity or room at the front and rear for adequate tree replacement and sympathetic landscaping.

We query the following & consider that further information ought to be required to properly consider the application:

Site Coverage and Permeable Area

The proposed plan for site coverage of 45% exceeds the DDO 4 requirements and demonstrates vividly that this block is dominated by the site coverage.

We should be grateful for the calculations as to the site coverage. The proposal should also provide the permeable area calculation.

Shadowing

The shadow plan shows that in the month of April, the proposal puts the whole western aspect of our house in shadow at somewhere between 9:00am and midday.



Between midday and 3:00pm, the shadow extends over the house and into a considerable portion of the backyard.

We consider that the shadow report should report the maximum shadow that will be extended over the house and yard – *i.e.* the time of year and time of day. Further, given the large shadow cast on this plan, we consider that it should be necessary to provide further details of the average shadow effect – and not simply a snapshot at 3 times of day on a single date.

Plant Room

The proposal notes the construction of a “plant room”. We presume this will house (in addition to heating, cooling and hot water systems) plant to operate the lift.

We are concerned about the concentration of such equipment adjacent to our house, and in particular its proximity to the bedroom in the southwest corner. We consider that it is necessary to furnish a noise report as to the operation times and maximum noise capacity of this equipment and plant.

Conclusion

We submit that there are a number of aspects of this application which could justify its rejection by Council. We consider that a site visit by the Councillors and Planning Officers would bear this out, and we urge this course at a mutually convenient time.

It is also preferable that, if the owners of no.10 are happy to do so, the parties meet with the Councillors and Planning officers to chart a course that is agreed upon by all.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Jane Tovey'.

Dr Jane Tovey
0407 778 630

A handwritten signature in black ink, appearing to read 'Gregory Lyon'.

Dr Gregory Lyon
0408 586 791



Fax sent by : 0392818188

TOORAK POST SHOP

13-07-12 15:28

Pg: 1

PO Box 43N
ARMADALE NTH VIC 3143
14/2A Burnie Street
TOORAK VIC 3142
Phone (03) 9804 7901
Mobile 0418 13 08 56

13 July 2012

Planning Department
Borough of Queenscliffe
Fax ~~52 58 13 77~~

(03)

52583315

Dear Sir/Madam

Objection to 10 Cheshunt St
Point Lonsdale

I am objecting to the development at 10 Cheshunt Street Pt Lonsdale
for the
following reasons:

- Overdevelopment for the site coverage
- Front site coverage
- Why at Pt Lonsdale have an underground carpark and such a large one?
- If the developer has to have an underground car park why can't the developer save the Moonah trees in the front garden by building a smaller underground car park?
- Where is the landscape plan?

Please organize for a consultative meeting and/or call it up at a council meeting.

Yours faithfully


Lynette Stewart (Ms)

PS ph on receipt
please





APPENDIX 4 – APPLICANTS RESPONSE TO OBJECTIONS – 10 Cheshunt Street, Point Lonsdale

Town planning/palazzesi3/correspondence/ letter 5 BoQ



9th July, 2012

Mr. M. Hodgson,
Senior Statutory Planner,
Borough of Queenscliffe
3225

Dear Mitch,

RE: PROPOSED SITE DEVELOPMENT
AT
10 CHESHUNT STREET, POINT LONSDALE
2012/052

Thank you for forwarding the responses to the public advertising phase of the above application. We have assessed the content of the provided letters and wish to respond to each, individually. We have set out our responses below.

1. Derick and Shelia Tovey: This objection is from adjoining property owners to the East of the subject site. They have objected to 2 aspects of the design:
 - Overshadowing of the Western side of their existing house and windows. This overshadowing is shown on our drawings as occurring progressively from early afternoon onwards at the equinox (March & September). Under clause 54 Standard A12 it is required to provide a minimum of 1.0m clear to sky for all existing habitable room windows on an adjoining site. Our surveyor's details indicate that the adjoining property is 1.5m from the common boundary with an eave dimension of approximately 0.5m to 0.6m. This would give a worst case situation that the existing windows are 0.9m from the boundary. The closest the proposed building is to the common boundary is 1.25m giving a clear to sky for the existing windows of a minimum of 2.15m, well in excess of Rescode standards. Standard A12 does not deal with overshadowing merely access to sky;
 - Building being forward of the recommended setback. The main building frontage at ground floor level is setback 6.37m from the front boundary, with an upper deck area setback 5.275m. The DDO requirements are the average of the adjoining properties or 6.0m whichever is the lesser. The ground floor setback complies with this requirement. The first floor deck area does encroach on this setback but there are exemptions applicable for this non enclosed, non habitable space to have this encroachment.

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A review of surrounding properties in Cheshunt Street indicates the following existing front setbacks:

4- 3.8m to house, 6- 4.1m to house, 8- 7.2m to porch, 12- 5.8m to carport, 14- 5.2m to garage, 3- 4.8m to house, 5- 5.6m to balcony
7- 3.6m to balcony, 9- 5.75 to garage and 11- 4.4m to carport giving an average over these 10 properties of approximately 5.0m.

These existing setbacks would suggest that the documented balcony setback of 5.27m is not inconsistent with the average of the surrounding buildings.

2. Dr. J. Tovey and Dr. G. Lyon: This objection is in support of the adjoining property owners to the East of the subject site as family members. They have objected to 3 aspects of the design and query 3 other areas:

- Removal of native vegetation. This is covered extensively in the written component of the submission and is supported by a full arborist report and a complete relandscaping plan. The VPO applicable to the site does not prohibit the removal of native vegetation and requires that where this is proposed that offset planting occur, an arborist report be provided and that a landscape proposal be included. All of these requirements have been met in the submission.

There is no requirement for native vegetation removal to seek a permit or approval from DSE on private land unless the area is covered by an Interim Conservation Order. No such order applies in Cheshunt Street and reference is therefore only made to the VPO in the planning scheme. The provided written and drawn information details each tree on site by species, condition and suitability for retention. There are no Moonahs to be removed from the rear garden;

- Front setback. This relates to the projection of the upper front balcony into the minimum 6.0m setback. The lower floor level is over 6.0m. Details of other setbacks are shown in objector 1 details;
- Amenity to neighbours. This objection relates to the size and style of the proposed dwelling. The site is covered by DDO4 of the planning scheme which requires a range of criteria to be exhibited in any proposal. These relate to height, articulation, architectural style, building materials, siting, setback, site cover and compatibility with the general streetscape.

The proposed design has been the subject of considerable discussion with council's statutory planner requiring a number of amendments to be undertaken prior to submission. The presented design is considered to have met the DDO criteria other than those areas highlighted in the submission regarding front setback and site cover. These issues will form part of council's discretionary responsibility in assessing the overall compliance of the proposal;



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- Site coverage and permeability. The site cover as presented in the submission is 45% and the permeable area 42% of the site. The DDO recommends 40% site cover but this is not an absolute. In conjunction with the statutory town planner an assessment of surrounding properties revealed an average cover of 45% and consequently the original proposal was amended to this figure. Permeable site area is required to be a minimum of 30% and the 42% provided is therefore well in excess;
 - The overshadowing drawings provided are for the March, September equinox in accordance with Rescode requirements. The times shown of 9.00am, 12.00 noon and 3.00pm cover the range of hours required by rescode. As pointed out in the earlier response to D & S Tovey, Rescode requires certain setbacks from windows for natural light, not direct sunlight or overshadowing, and these have more than been complied with. The overshadowing more specifically relates to the private secluded open space of the adjoining property as determined in Standard A14. Overshadowing of the property at 8 Cheshunt Street to the private secluded open space will only occur late in the afternoon as shown on drawing TP5.02. This diagram shows that more than 40m² of space will receive sunlight at anytime of the day at the Equinox;
 - Plant room use. The plant room shown on the drawings will be below ground with masonry retaining walls and will contain various pieces of mechanical equipment of a residential nature. These pieces of equipment are required to meet minimum sound level output under Australian Standards and therefore are regulated. It is also the responsibility of local bylaws to determine amenity loss in regards to this item and does not form part of the planning requirement for a single dwelling. The lift to be used will be an electrically operated unit with all components housed within the lift shaft. These types of lifts are used extensively in residential properties and are not known to cause noise issues with neighbours.
3. Mr C. Tsernjavski: This objection is in support of the adjoining property owners to the North of the subject site as a family member. He has objected to 2 aspects of the design:
- Overlooking. This aspect of a design proposal is covered by Standard A15 of Rescode. This standard sets out specific criteria in regards to windows to habitable rooms and external recreation space. As the Borough of Queenscliffe planning scheme does not call up amenity issues as part of the DDO this aspect of the design will become the domain of a building surveyor at the time of lodgment for a building permit under part 4 of the Building regulations.

In preparing the current proposal overlooking has been considered to avoid any future conflict with the building application. The rear of the proposed dwelling will be 7.9m from the rear North boundary. Rescode requires a setback of 9.0m to negate the issue of overlooking where the floor level is more than 0.8m above ground level at the fence line. Obviously the first floor areas of the proposed dwelling exceed 0.8m and hence any component that could be used for occupant viewing within 9.0m of the boundary would need to be addressed.



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The building on the adjoining site to the North is approximately 14.5m away from the common boundary and therefore habitable room windows will not be overlooked by the current proposal.

In assessing overlooking of private secluded open space the building regulations require a sectional diagram be presented that shows that from a viewing height of 1.7m above floor level to a point 9.0m from the wall of the viewing area at ground level, a view line be drawn. If any component of the proposed works or fence intersects this line overlooking is considered to have been negated.

Using this formula a 1.2m high boundary fence would intersect the view line from the proposed building. A 1.8m high standard paling fence would cut the view line off even more and a higher fence could be installed to provide even greater view protection. Coupled with the fact that there will be mature trees retained along the rear boundary the overlooking provisions of Rescode will be met by the installation of a boundary fence higher than 1.2m. The final height and type can be determined by the adjoining property owners;

- Tree protection. As part of the provided arborist report a methodology is given for the protection of existing trees to be retained. This will form part of the conditions of permit should one be issued.

4. Queenscliff Community Association Inc.: This objection is specifically regarding tree removal. As indicated in previous sections of this response there is no requirement for DSE approval under any act for a permit for native trees on private property. This has been confirmed by DSE in response to a request from the statutory town planner in regards to this application. It has further been pointed out by DSE that under clause 52.48 of the planning scheme any tree can be removed within 10.0m of the existing house if it was built before September 2009, without need for any form of permit even in areas under a VPO. This is the case with 10 Cheshunt Street.

The objector sites a number of aspects of the planning scheme that should be considered in this application and we believe we have done so. The application was supported by an arborist report, a landscape proposal and an assessment of offset planting. Overall, whilst the removal of trees is not taken lightly, where sites in existing built up areas are redeveloped in accordance with the relevant statutory controls trees do often require removal. In this application we have retained all Moonahs in the rear garden and also kept 3 Moonahs in the front garden. Exotic trees in the rear garden are to be removed. No trees in the public domain are affected by this application.

We trust this response covers the issues raised but should you have any questions please do not hesitate to contact John Gullan at any time.

Yours Sincerely,

John Gullan

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