



Agenda

Planning Review Meeting

Wednesday 1 February 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 as this could be intimidating.
 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

4.1 153 Point Lonsdale Road, Point Lonsdale

Planning Permit Application: 2011/106

SUMMARY

Proposal	The development of two dwellings (two storey up to 7.1 metres) and fence and subdivision of the land into two lots Application and plans: <i>Refer Appendix 1</i>
Zone/Overlays	Residential 1 Zone Design and Development Overlay, Schedule 3 Vegetation Protection Overlay – Schedule 1
Permit Triggers	Clause 43.02-2: Buildings and works, subdivision Clause 32.01-2: Subdivision and construction of two dwellings
Public Notification	Advertised by registered post to adjoining property owners and occupiers, notice on site for 14 days, notice in municipal offices and public notice in the Echo newspaper.
Submissions	1 <i>Refer Appendix 2</i> Applicants response to submissions <i>Refer Appendix 3</i>
Key Issue raised by objector	View sharing



APPENDIX 1:



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

Office Use Only

Application No.:

2011/106

Date Lodged:

#169286
RECEIVED
\$882-
18 OCT 2011

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.: 153	St. Name: POINT LONSDALE ROAD
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.: 11 ☐ 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](#)

PROPOSED DEVELOPMENT OF TWO DWELLINGS, 2 STOREYS, NOT EXCEEDING 7.1M IN HEIGHT, SUBDIVISION OF LAND INTO 2 ALLOTMENTS, REMOVAL OF NON INDIGENOUS VEGETATION AND DEMOLITION OF AN EXISTING 2 STOREY DWELLING AND PERIMETER FENCING

☒ 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 \$950,000 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 PART 2 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.)

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:		
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 *		
Name: Same as applicant (if so, go to 'contact information') <input type="checkbox"/>		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		
State:		Postcode:

Please provide at least one contact phone number *

Contact information	
Business Phone: 52584820	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.

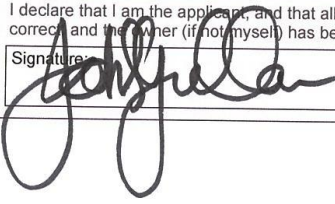
Name: Same as applicant <input type="checkbox"/>		
Title: Ms	First Name: ANNE	Surname: BAKER
Organisation (if applicable): BENDIGO DIOCESAN TRUSTS CORPORATION		
Postal Address:		
Unit No.:	St. No.: 4	St. Name: MYERS
Suburb/Locality: BENDIGO		
State: VIC		Postcode: 3550
Owner's Signature (Optional):		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: 19/10/11 day / month / year



**SUPPORTING INFORMATION
FOR PLANNING PERMIT
UNDER CLAUSE 55 & 56 OF THE
PLANNING SCHEME**



FOR

NUMBER 153 POINT LONSDALE ROAD

POINT LONSDALE

KU381/ ANGLICAN DIOCESE BENDIGO/OCT 2011





RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

EXECUTIVE SUMMARY

This submission outlines a proposal to subdivide a parcel of land, at 153 Point Lonsdale Road, Point Lonsdale, into 2 lots and construct 2 new dwellings. The existing site already has a dwelling which is to be removed together with outbuildings. There is to be new car accommodation for both new residences with car access from Nicholas Court generally in the location of the existing driveway.

The total building area for existing and proposed, inclusive of garages, is 311m². The total site area is 838m² giving 37.1% site utilization in DDO3 which permits up to 55%. New building heights are less than 7.0m well below the DDO maximum of 8.5m.

This submission considers the requirements of local and State planning requirements and addresses, in detail, provisions of clauses 55 & 56 of the planning scheme.

This submission, together with other supporting information and documents, is presented in support of the issue, by council, of a planning permit for the construction of 2 new dwellings on a single site and subdivision into 2 lots.

INTRODUCTION

On August 24, 2001, the Victorian Government enacted the requirement for all residential buildings and sub-divisions to be considered under the new provisions of rescode. It is now a requirement that where more than one dwelling is to be constructed on a single site that the provisions of Clause 55 are applicable and to some extent Clause 56.

In support of this submission Kandou Consultants have prepared drawn documents, together with this report including a photographic essay of the general surrounding area.

Each of the 34 specific objectives of clause 55 has been addressed along with an assessment of the neighbourhood character of the area and completion of council's Neighbourhood Character Analysis. A consideration of relevant aspects of clause 56 has been identified and presented.

The whole proposal has been considered for its design solution against the outcomes of maintaining current street character or assisting in the creation of new design directions.



RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

GENERAL PROJECT DESCRIPTION

This submission puts forward a proposal to develop a site at 153 Point Lonsdale Road, (corner Point Lonsdale Road and Nicholas Court), Point Lonsdale, on which a single dwelling is already constructed. The existing dwelling is to be demolished together with an attached apartment and carport.

The current site has a driveway along the Northern, Nicholas Court boundary some 32m from the Point Lonsdale Road front boundary. As there are no footpaths or kerb and channel to this side of Nicholas Court there is no formal cross over that can be retained. A new common driveway further to the West will service both new dwellings, a new crossover and enclosed garages will be constructed for each new dwelling. Each new allotment will therefore be serviced from an existing roadway via common property but with individual car accommodation and pedestrian access.

The existing allotment is some 20.4m wide and will be divided longitudinally with Lot 1 being 10.4m wide and Lot 2 10.0m wide.

The new dwellings will consist of Lot 1 being 4 bedrooms, sitting room, 3 bathrooms, laundry, and kitchen/living/meals area. There will also be a 2 car garage and store area provided. Lot 2 will be slightly bigger and contain 5 bedrooms and 4 bathrooms. Each dwelling will be a standalone structure and comply with statutory boundary setbacks.

Materials for the new dwellings will be sympathetic with the general location and existing architecture within the street and surrounding areas and will generally be painted render and lightweight cladding. Roofing will be colorbond corrugated sheeting.

SPECIFIC SITE / AREA CONTROLS

This area of Point Lonsdale is under the control of the Borough of Queenscliffe Planning Scheme. At present the proposed site is zoned Residential 1 and is covered by a Design & Development Overlay DDO3 and Vegetation Protection Overlay VPO1.

Overall the site is generally regular in shape with a 21.0m frontage to Point Lonsdale Road and a 39.0m boundary to Nicholas Court. The site could be classified as sloping with a 2.0m fall from the South West corner to the North East corner. There are no indigenous existing trees on site within the area of the new dwellings. An arborist's report is attached to this report.

The existing dwelling will be completely removed together with all other structures currently on site.



RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

CLAUSE 55 CONSIDERATIONS

NEIGHBOURHOOD & SITE DESCRIPTION & DESIGN RESPONSE

• NEIGHBOURHOOD & SITE DESCRIPTION

Point Lonsdale Road is the principal entry point to the shopping village, beaches and tourist areas of Point Lonsdale. The road travels through an older established area with homes and other structures to both sides from the Bellarine Highway to Lawrence Road, from this point on there is only development on the Western side through to Admans Street towards its Southern extremity.

As could be expected on such a main thoroughfare the developments are many and varied. There are shops, a service station, fire station, caravan park and community oval along the Eastern side. On the Western side there is a small shopping area, elderly person's complex, residential properties, the local cemetery and finally the main shopping centre and accommodation facilities. All of this with the backdrop of Port Philip bay and glimpses to Portsea and Sorrento.



CORNER WILLIAMS ROAD LOOKING SOUTH

The road is one of the earlier areas to be developed and there still remain signs of buildings from the late 1800's and early part of the 20th century. The bulk of the buildings however have been constructed during the mid to late 20th century when the area became popular as a holiday destination for families where big blocks of land and small houses ruled the day. Progressively these land holdings have either been redeveloped or sub divided or both.



RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

The premier locations are to the Southern end where commanding views are obtained out to the Rip and across the bay area. These sites are almost exclusively now 2 stories and have significant property value. Heading along past the cemetery to the North views become less expansive and, in some locations, nonexistent.

The subject site is considered to be at the commencement of the premier locations with expansive views to the East across the bay and out to the heads. Houses along this section of the road from Williams Road heading South are almost exclusively 2 storey to capture the available views. Other properties within the side streets are also capable of views and therefore are also 2 stories. The existing house on the site is an older style dwelling probably from the 1930's to 1940's period and has been amended to some extent and a 2 storey addition was built many years ago along the Southern elevation.



SUBJECT SITE LOOKING FROM POINT LONSDALE ROAD

In the main there are unmade footpaths to most of the areas South of Williams Road until one is closer to the shopping centre, with the public areas having native Moonahs and the like still healthy and in abundance. The road is of a normal suburban type albeit a busy inlet during holiday periods and at other times of the year. There are also many intersecting roads that travel through to other traffic ways and some that lead into courts.



RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

Overall Point Lonsdale Road epitomizes the coastal nature of the area and exhibits the tastes and trends of the public in its private architecture. Recent planning changes have added a level of control over the types of developments considered appropriate and have seen the demise of face brickwork and tiled roof structures. Today we see render and weatherboards, natural timbers and stone, timber windows and doors and angled roofs with sheet cladding in various colors and profiles.

The natural environment is not forgotten either with a Vegetation Protection Overlay in place to assess and protect the natural and introduced landscape elements.

The current site is a large parcel of land, on a corner and within one of point Lonsdale's most desirable locations. The proposal to develop 2 new dwellings on the site as standalone structures constructed to the front of the site, echoing setbacks of adjacent buildings, to infill the current space within the otherwise intact streetscape along this important public thoroughfare, will contribute to the overall streetscape.

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 views to the bay with elevated viewing areas facing East and North are required. As well the varied mix of public and private development adds to the interest of this avenue into Point Lonsdale proper. The design response presented with this submission has incorporated the surrounding attributes but then sought to involve specific owner requirements for accommodation needs of the Anglican clergy and their families.

Views are a cherished commodity in this area of Point Lonsdale and consideration has been given to neighboring properties to the extent we are able to evaluate them. We are aware of 4 properties that may be impacted upon by the proposed development.

Number 3 Nicholas Court is to the West of the site and on the same side of Nicholas Court. The property has a recently built 2 storey structure with an upper floor level of 13.73 AHD. From this level the occupants can see over the current building's roof line at 153 Point Lonsdale Road which is 14.74 AHD. We have therefore set all new roof lines below this height with the new maximum being 14.50 AHD.

Properties at 2, 4 & 6 Nicholas Court, on the Northern side, all enjoy some degree of views over the current site albeit the existing building does obscure much of the views to the South East. Drawings TP0.01, 02 & 03 show the proposed view corridor for 6 Nicholas Court which is the most affected building.



RESCODE/ANGLICAN DIOCESE BENDIGO/REPORTS 2

Numbers 2 & 4 Nicholas Court will also benefit from this view corridor although their view lines are not specifically shown.

The view arc for 6 Nicholas Court has been discussed with the occupants and common ground has not been reached. It is however considered that the view arc provided over the subject property is a "reasonable sharing" of views and allows retention of approximately 85% of the current water views from 6 Nicholas Court at the same time as allowing a reasonable accommodation solution for the owners of the subject site.

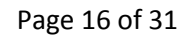
The result of this combination of influences is presented in the drawings accompanying this report. The buildings have a distinctly coastal flavor to their architecture but are not slavish to the cottage style more commonly expected. The surrounding buildings are an extreme mixture of ages, styles and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

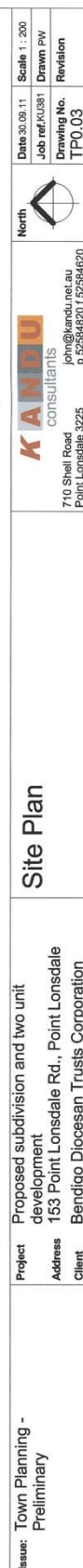
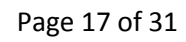


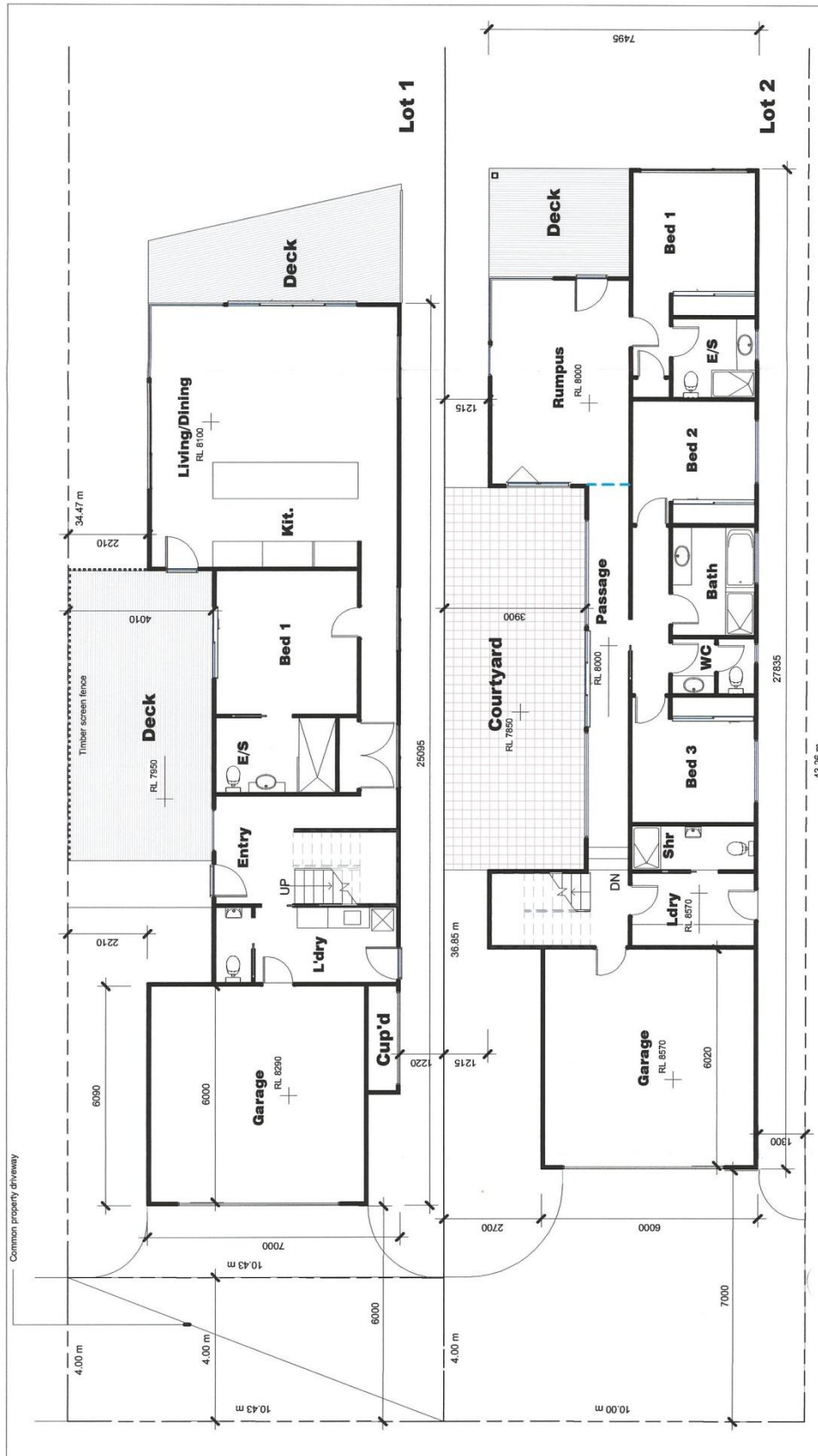
NEW HOUSE UNDER CONSTRUCTION 7 NICHOLAS COURT

Architecturally the proposal incorporates a combination of skillion and low pitched corrugated roofing, a common occurrence on houses in Point Lonsdale from another era, but none the less relevant in the environment of this site. In addition the use of low pitch tray deck roofing behind parapet walls is incorporated in some sections to retain low level heights and protect adjoining property views. The base walls are to be of texture render finish with the opportunity for the introduction of selected highlight components including timber and weatherboard elements.

The site is uniquely qualified to provide 2 level accommodation as is evidenced by the number of similar properties from the second half of the 20th century still occupied in this entrance to Point Lonsdale.



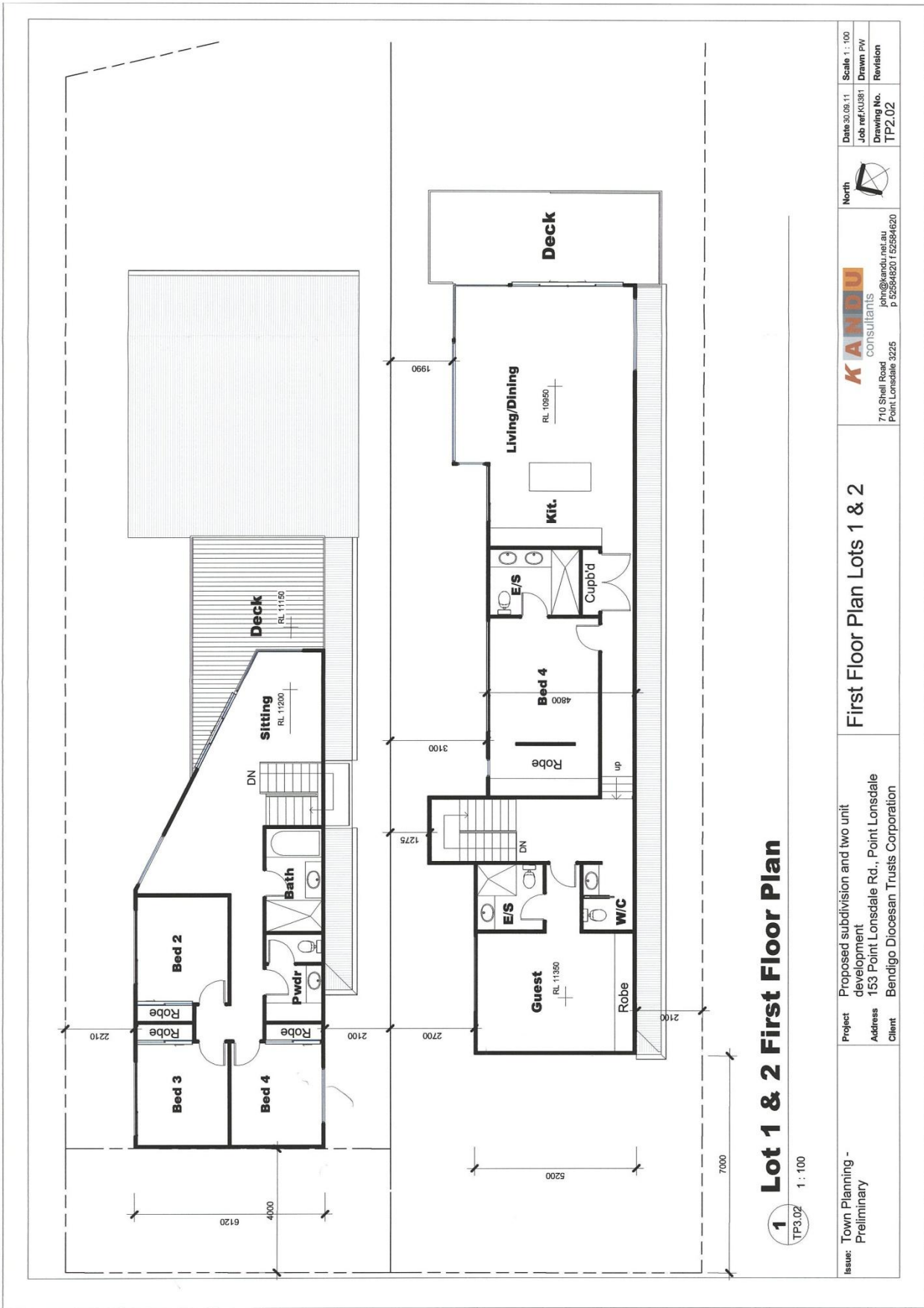




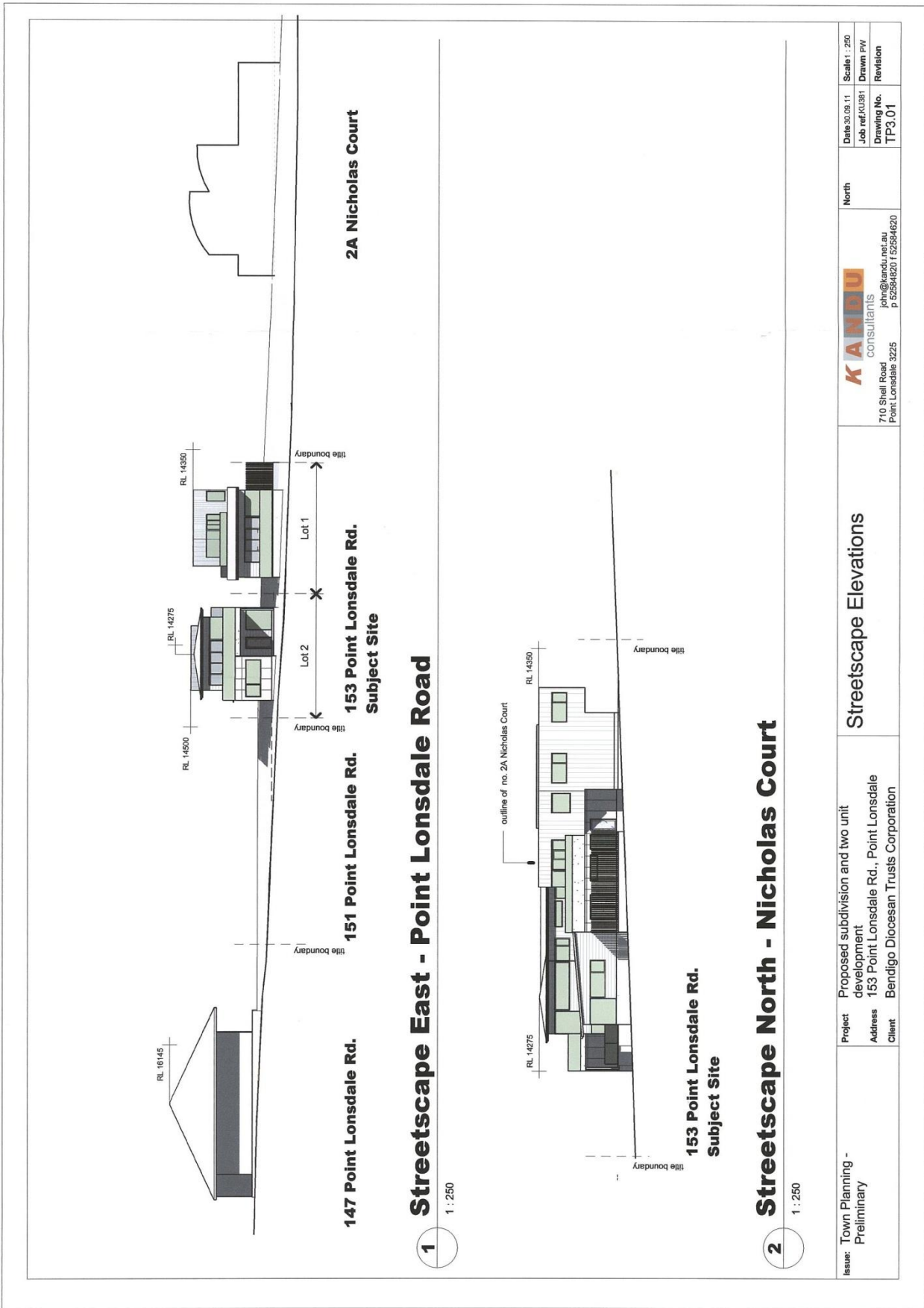
1 Lot 1 & 2 Ground Floor Plan

TP3.02 1 : 100

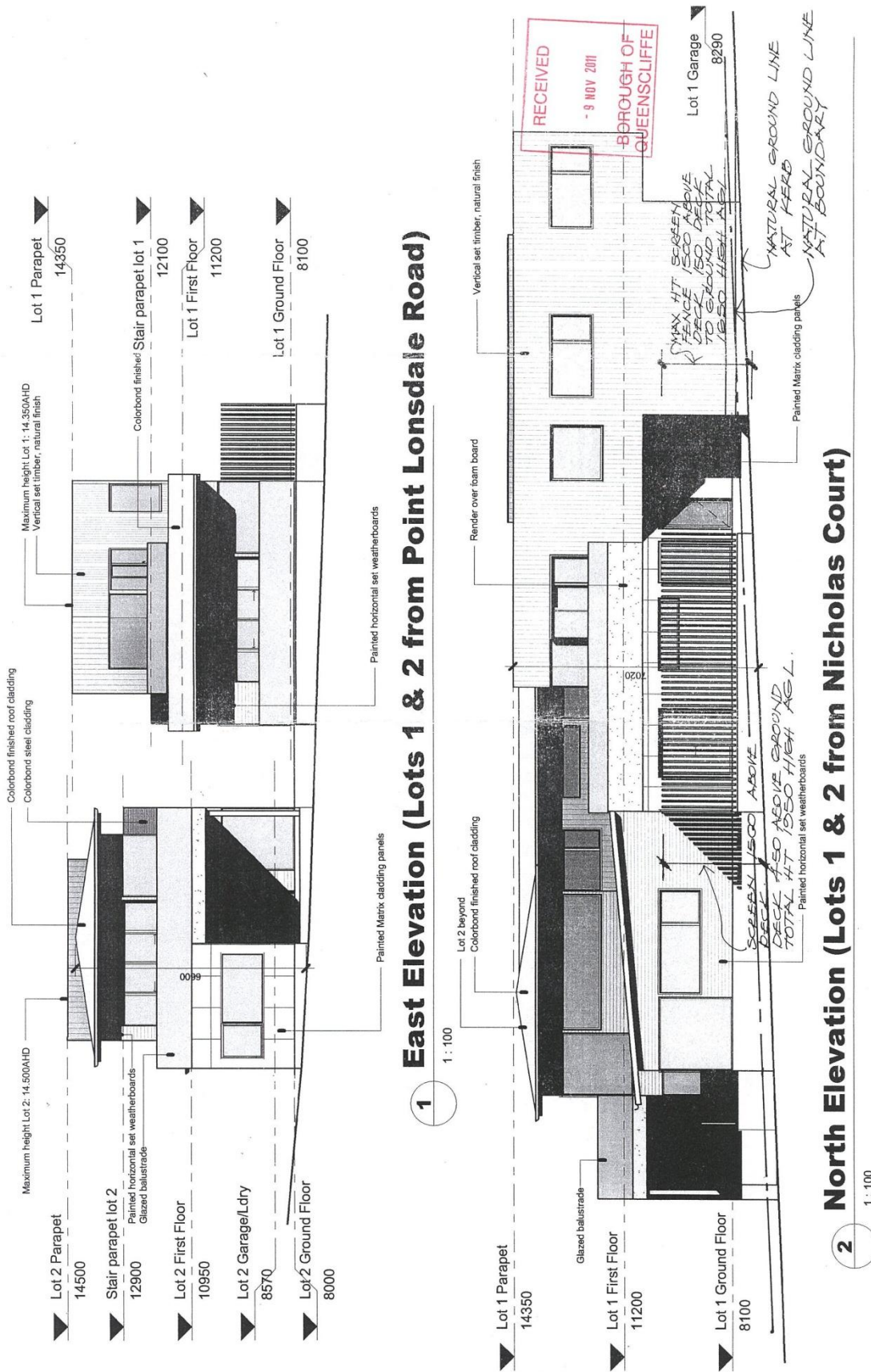
Issue: Town Planning - Preliminary	Project Proposed subdivision and two unit development 153 Point Lonsdale Rd., Point Lonsdale Bendigo Diocesan Trusts Corporation	Ground Floor Plan Lots 1 & 2	<div><div>KANDU</div><div>consultants</div><div>john@kandu.net.au p 52554820 f 52554820 710 Shell Road Point Lonsdale 3225</div></div>	<div>North</div> <div></div>	Date: 30.09.11	Scale 1 : 100
					Job ref: KU381	Drawn: PW
					Drawing No. TP2.01	Revision



Issue: Town Planning - Preliminary	Project: Proposed subdivision and two unit development 153 Point Lonsdale Rd., Point Lonsdale	Address: 153 Point Lonsdale Rd., Point Lonsdale	Client: Bendigo Diocesan Trusts Corporation	First Floor Plan Lots 1 & 2		 KANDU consultants john@kandu.net.au p 52594820 f 52594620	North 	Date 30.09.11	Scale 1:100
								Job ref KU081	Drawn PW
								Drawing No. TP2.02	Revision

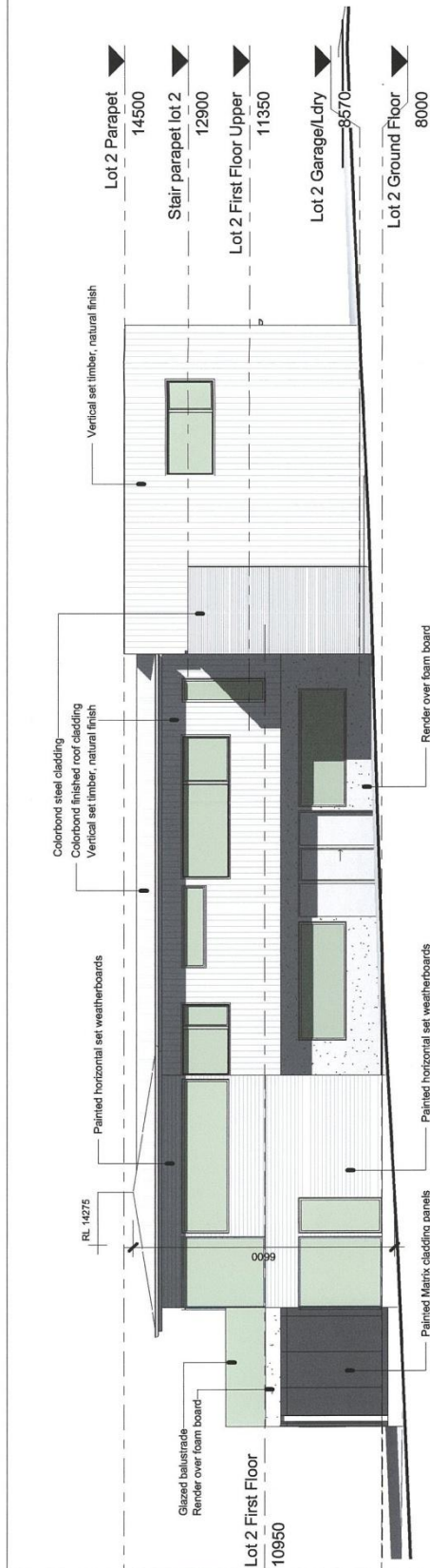


Issue: Town Planning - Preliminary	Project	Proposed subdivision and two unit development		Streetscape Elevations	 KANDU consultants john@kandu.net.au p 52594820 f 52594820 710 Shell Road Point Lonsdale 3225	North
	Address	153 Point Lonsdale Rd., Point Lonsdale				
	Client	Bendigo Diocesan Trusts Corporation				
			Date 30.09.11	Scale 1: 250		
			Job ref KU381	Drawn PW		
			Drawing No. TP3.01	Revision		



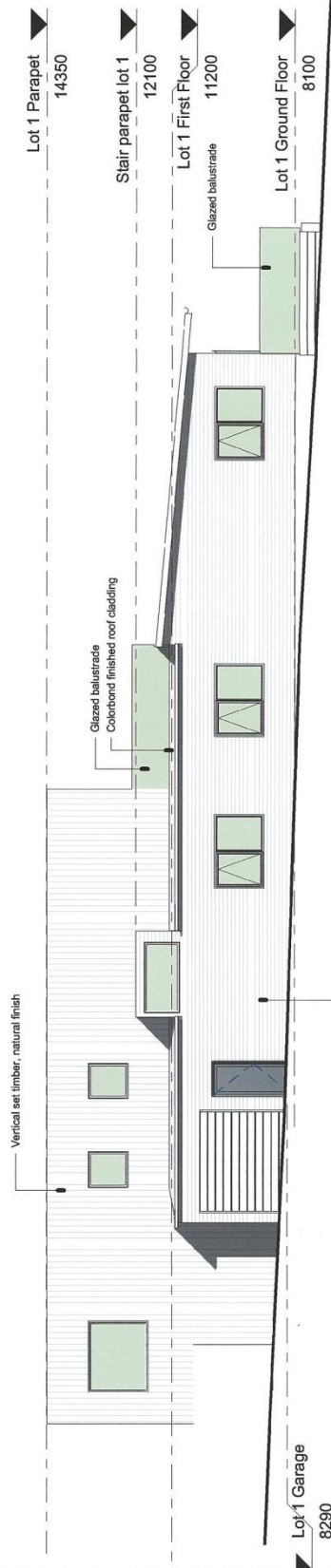
Issue: Town Planning - Preliminary	Project	Proposed subdivision and two unit development		North	Scale 1 : 100
	Address	153 Point Lonsdale Rd., Point Lonsdale			
	Client	Bendigo Diocesan Trusts Corporation			
Elevations					K A CONSULTANTS 710 Shell Road Point Lonsdale 3225 john@kandu.net.au p 52594820 f 52594620
Job ref: KU381					
Drawing No. TP3.02					
Date 30.09.11					Revision
Drawn PW					
Checked					





1 North Elevation (Lot 2)

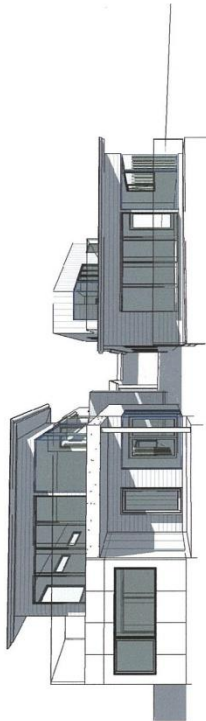
1 : 100



2 South Elevation (Lot 1)

1 : 100

Issue: Town Planning - Preliminary	Project Proposed subdivision and two unit development 153 Point Lonsdale Rd., Point Lonsdale Address Client Bendigo Diocesan Trusts Corporation	<div><div><div>K</div><div>A</div><div>N</div><div>D</div><div>U</div></div><div>consultants</div></div> <div>710 Shell Road Point Lonsdale 3225 john@kandu.net.au p 52554820 f 52554820</div>	North	Date 30.09.11	Scale 1 : 100
				Job ref: KU381	Drawn: Author
				Drawing No. TP3.04	Revision



View from Point Lonsdale Road

1



View from Nicholas Crt., Point Lonsdale Rd. intersection

2

Issue: Town Planning - Preliminary	Project Address Client	Proposed subdivision and two unit development 153 Point Lonsdale Rd., Point Lonsdale Bendigo Diocesan Trusts Corporation	Perspective Views	 consultants john@kandu.net.au p 52594620 f 52594620 710 Shell Road Point Lonsdale 3225	North	Date 30.09.11	Scale		
						Job ref KU381	Drawn Author		
								Drawing No.	Revision
								TP4.01	



APPENDIX 2:



88 Prospect Road
NEWTOWN;3220
6th December 2011

The Planning Officer,
Borough of Queenscliffe
50 Learmonth Street
Queenscliff 3225
Dear Sir/Madam,

Re: Proposed 2 New Dwellings and 2 Lot Subdivision

At

153 Pt Lonsdale Road, Pt Lonsdale (Previous Ref QP 920.15300)

I refer to a letter from Kandru Consultants dated 14th November 2011 (actually received on 24th November) enclosing details of the above development.

We have had a number of discussions with Mr John Gullan of Kandru Consultants regarding the development and he has kept us informed of the proposal from time to time. We have highlighted our concerns regarding the impact the proposal will have on the vista from **our property at 6 Nicholas Court, Pt Lonsdale**. These have been documented in correspondence to Kandru (7th August 2011 and 20th October 2011) –copies are attached for your information.

Unfortunately the documents enclosed with Kandru's recent letter have not reduced nor removed our concerns and as such I request that this letter be recorded as our formal objection to the proposal as detailed.

To highlight the concerns outlined previously;

- In percentage terms the overall impact on our view is much greater compared to the broader views the proposed development would have -- and we consider our request/position clearly falls into the principle of "reasonable sharing of views" -- the new development already has a substantial view/vista and hence it would seem unreasonable to impact so much on our vista. We note, as your records will show, the extent to which changes had to be made to our current property to satisfy Council and adjoining owners when that development occurred. We would hope Council will act similarly in relation to protecting our somewhat limited views.
- Mr Gullan erected sight poles on the development property to assist us in understanding the impact. The following comments relate to those sight poles. Aligning the northern extremity of the second storey of the development (Lot1) with a line through the Nicholas Crt sight pole, the existing **roof ridge peak** and the pole on the main road, when viewed from our window, would lessen the impact. We have advised Mr Gullan that if this could have been achieved we would have been less concerned about the **total blocking of our view to the right** (southern) side of the above view line by the second storey of the proposed dwelling on Lot1. The documentation provided, does not, in my view achieve this



request/goal with the proposed building line extending much further to the north and impacting more of the current vista.

In relation to the documentation provided, specifically TPO 01 , Neighbourhood Context and TPO 02, Development Plan, I am of the opinion that the view arc shown understates our current view line, particularly the lower or southern view line shown on the drawings and hence understates the overall impact. The southern view line, as drawn, suggests our current view line is restricted/constrained by a point on the existing roof (parallel to Nicholas court) close to the front of the existing house (ie Pt Lonsdale Road end of the roof). Our current view extends further south east.

As indicated in the second dot point above, a view line from our window, over the actual ridge line of the existing house roof and to the sight pole on Pt Lonsdale Road would have given us less concern. I appreciate the scale of the drawings makes this difficult to assess accurately but from my assessment the southern view line on TPO 01 is more representative of the view after development -- not the current situation which allows far great views, ocean and trees, to the south east over the top of the existing roof line all of which would be totally blocked by the second storey of the dwelling on Lot 1.

As indicated above we genuinely believe that the development will severely reduce our vista and accordingly we will have no alternative but to seek Council's intervention, as it has in the past, to ensure any impact on our view is minimised. We are prepared to continue to pursue our objection through the various avenues available to us should that be necessary.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Barry Norman', with a long horizontal flourish extending to the right.

Barry Norman

Director,

Manlaw Enterprises

Cc : Mr John Gullan, Kandu consultants



88 Prospect Road
NEWTOWN;3220
20th October 2011

Mr John Gullan,
Kandu Consultants
710 Shell Road
Point Lonsdale, 3225
Dear John,

Re: Planning Permit Application – 153 Pt Lonsdale Road, Pt Lonsdale (Ref QP 920.15300)

Thank you for your letter of 17th October regarding the status of the above development and the outcome of your investigations/assessment of aligning the extremity of the development with the Nicholas Crt pole, the existing roof ridge peak and the pole on the main road (when viewed from our window). As indicated in my email of 13th September if this could be achieved we would have been less concerned about the total blocking of any view to right (southern) side of the above alignment by effectively a solid wall/roof.

We are obviously very disappointed a compromise layout could not be achieved.

We have appreciated you making the effort to visit our house and explain the extent of the proposed development and, more importantly from our perspective, seeing firsthand the impact the development would have on our already limited view/vista – in percentage terms the overall impact on our view is very significant compared to the boarder views the proposed development would be afforded -- and we consider our request/position clearly falls into the principle of "reasonable sharing of views" -- the development already has a substantial view and hence it would seem unreasonable to impact so much on our vista.

Based on your latest advice it would appear that the development will continue to severely reduce our vista and accordingly we will have no alternative but to continue to pursue our objection through the various avenues available to us.

Yours Sincerely,

Barry Norman

Director,

Manlaw Enterprises

Cc : Planning Officer ,Borough of Queenscliffe



Copy

88 Prospect Road
NEWTOWN;3220
7th August 2011

Mr John Gullan,
Kandu Consultants
710 Shell Road
Point Lonsdale, 3225
Dear John,

Re: Planning Permit Application – 153 Pt Lonsdale Road, Pt Lonsdale (Ref QP 920.15300)

Thank you for your letter of 19th July regarding the above development.

Faye and I appreciated you making the effort to visit our house and explain the extent of the proposed development and, more importantly from our perspective, seeing firsthand the impact the development would have on our already limited view/vista.

Based on your advice it is evident that the development, as originally proposed, would severely reduce our vista and accordingly we would have no alternative but to continue our objection through the various avenues unless a suitable alternative/rearrangement of the development is possible that eliminates our concern.

We also appreciate your offer to review the development in light of having physically seen our view and the impact caused by the development.

We look forward to hearing from you in due course

Yours Sincerely,

Barry Norman
Director,
Manlaw Enterprises



APPENDIX 3:

* Rescode/bendigo diocese/correspondence/letter 24



14th December, 2011

Mr. M. Hodgson,
Statutory planner,
Borough of Queenscliffe,
50 Learmonth Street,
3225

Dear Mitch,



RE: PROPOSED 2 NEW DWELLINGS AND 2 LOT SUB DIVISION
AT
153 POINT LONSDALE ROAD, POINT LONSDALE

We have been forwarded directly by Mr. Barry Norman, Director, Manlaw Enterprises, his objection in regards to our application.

As indicated in the letter of objection Mr. Norman and I have met to discuss the application and I have visited his house and erected site poles to assist him in assessing the impact the proposal may have on his views.

The current proposal was arrived at after a previous application attracted 3 objections, all to do with view issues. In exploring options to remedy this we established that it would not be feasible to amend our proposed dwelling to satisfy the objections and retain our client's brief. Accordingly, in consultation with our clients, we approached the application in a different manner that afforded more scope to amend heights and site lines.

In general we have now made all buildings lower in height than any developments currently on site. We have angled the first floor of the building facing Nicholas Court to provide overviewing of the site from Mr. Norman's property. We have reduced the need for 2 driveways to one and given both dwellings the ability to access Nicholas Court in a forward direction.

Overall the application has addressed a number of issues raised in the earlier application which we have withdrawn.

Mr. Norman's objection relates specifically to his perceived "loss of vistas". The implication in the objection is that anything higher than the existing building in its current footprint would not be acceptable requiring no 2 storey element on either proposed building within 30m of the Point Lonsdale frontage. We cannot accede to this position and believe the current proposal is more than reasonable and beyond what could be considered obligatory.

Mr. Norman challenges our drawings on the basis that the real view lines are much wider than shown and that they have more expansive views to the South East incorporating trees and glimpses of the top of ships as they enter the heads. Our drawings however show the view line that is achievable from his window of actual water vistas which would be deemed to be the priority in most instances. Our proposed development allows at least 85% of these water vistas to be retained.

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The argument that there are expansive views available from the subject site because of its location is not a relevant argument. Whilst the site has a frontage to Point Lonsdale Road, water views are only obtained from the upper level of the proposed developments. To imply that the retention of all current views from 6 Nicholas Court should be retained at the expense of our client's enjoyment of those same views is an unacceptable argument.

We strongly believe that the proposal before council is responsive to the prevailing planning controls, has taken on board amenity issues for all neighbours and provides for a complimentary addition to the Point Lonsdale Road streetscape. The provision of overlooking of the subject site for neighbours on the North side of Nicholas Court is a significant contribution to the edict of "reasonable sharing of views" albeit VCAT has always adopted the position that "no one has the right to views over private property".

We do not believe there is any reason to amend our application to address Mr. Norman's objections as we have taken on board his earlier requests to allow viewing over our client's property to retain as much of his existing views as possible. We now request you assess the application on the basis of the information currently provided in our application and, if we are required to attend a mediation session at council, please advise us of the selected date and time.

Please do not hesitate to call me if you have any questions regarding the information supplied or if you wish to discuss the application in any way.

Yours Sincerely,

John Gullan



5. CLOSE OF MEETING
