



# Agenda

## Planning Review Meeting

Wednesday 10 July 2013 at 7:00pm

Queenscliff Town Hall  
50 Learmonth Street, Queenscliff

### **Distribution**

#### **Councillors**

Cr. Helene Cameron (Mayor)  
Cr. Bob Merriman (Deputy Mayor)  
Cr. Graham J Christie, JP  
Cr. Susan Salter  
Cr. Sue Wasterval

#### **Officers**

Phil Josipovic, Acting Chief Executive Officer  
Anthony Sang, Acting Senior Planner

In accordance with the Borough of Queenscliffe Local Law No 1, 2010, the information contained within this Agenda is for the confidential and privileged use of Councillors until at least 48 hours prior to this 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**

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#### 4. PLANNING & DEVELOPMENT

##### 4.1 32 FELLOWS ROAD, POINT LONSDALE

Planning Permit Application: 2013/019

#### SUMMARY

<b>Proposal</b>	The development of two dwellings (two storey), subdivision of the land into two (2) lots, variation to the site coverage and setback requirements of Design and Development Overlay - Schedule 4 and the removal of native vegetation  Application and plans: <i>Refer Appendix 1</i>
<b>Zone/Overlays</b>	Residential 1 Zone Design and Development Overlay – Schedule 4 Vegetation Protection Overlay – Schedule 1
<b>Permit Triggers</b>	Clause 32.01 – Subdivision Clause 43.02 – Buildings and works, subdivision Clause 42.02 – Removal of native vegetation
<b>Public Notification</b>	Advertised by registered post to adjoining property owners and occupiers, two signs on the site, a notice in The Echo newspaper and notice in the municipal offices for 14 days.
<b>Submissions</b>	One (1) submission received. <i>Refer (Confidential) Appendix 2</i>
<b>Key issues raised by submitters</b>	Removal of native vegetation Visual impact and over-development Amenity impact.



**4.1.1. Applicant to present to Council**

**4.1.2. Submitters to present to Council**

**4.1.3. Applicant to readdress Council**

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#### 4.2 18 MERCER STREET, QUEENSCLIFF

##### Planning Permit Application: 2013/022

##### SUMMARY

<b>Proposal</b>	Demolition of a dwelling, outbuildings and fence in a heritage overlay, development of a dwelling (two storey), installation of a swimming pool and variation to the front, side and rear setback requirements of Design and Development Overlay - Schedule 1  Application and plans: <i>Refer Appendix 3</i>
<b>Zone/Overlays</b>	Residential 1 Zone Design and Development Overlay – Schedule 1 Heritage Overlay – Schedule 11
<b>Permit Triggers</b>	Clause 43.02 – Buildings and works Clause 42.01 – Buildings and works, demolition
<b>Public Notification</b>	Advertised by registered post to adjoining property owners and occupiers, a sign on the site, a notice in The Echo newspaper and notice in the municipal offices for 14 days.
<b>Submissions</b>	Four (4) submissions received <i>Refer (Confidential) Appendix 4</i>  Applicants response to submissions <i>Refer Appendix 5</i>
<b>Key issues raised by submitters</b>	Amenity impact, privacy. Accuracy of drawings Impact on street, height, bulk, setbacks, materials, Heritage View sharing



**4.2.1. Applicant to present to Council**

**4.2.2. Submitters to present to Council**

**4.2.3. Applicant to readdress Council**

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## 5. APPENDIX 1 – APPLICATION DOCUMENTS



Planning Enquiries  
Phone: (03) 5258 1377  
Web: <http://www.queenscliffe.vic.gov.au>

QP 760.3200

Office Use Only	\$490-	
Application No.:	# 189778	Date Lodged: / /
Application for 2013/019		
<b>Planning Permit</b>		
If you need help to complete this form, read <a href="#">How to Complete the Application for Planning Permit form</a> .		
<p>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 <i>Planning and Environment Act 1987</i>. If you have any concerns, please contact Council's planning department.</p>		
Questions marked with an asterisk (*) are mandatory and must be completed.		

### The Land

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

#### Street Address \*

Unit No.:	St. No.:	St. Name:
	32	FELLOWS ROAD
Suburb/Locality: POINT LONGDAVE		Postcode: 3225

#### Formal Land Description \*

Complete either A or B.

This information can be found on the certificate of title.

A	Lot No.: 3	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: 022056
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. If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This may 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](#)

CONSTRUCT TWO DWELLINGS AND SUBDIVIDE THE LAND INTO TWO SEPARATE ALLOTMENTS.
<input checked="" type="checkbox"/> Provide additional information providing details of 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 \$ 600,000	<p>You may be required to verify this estimate.</p>
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.

VACANT LAND
<input checked="" type="checkbox"/> Provide a plan of the existing conditions. Photos are also helpful.



## **APPLICATION FOR PLANNING APPROVAL**

**Use and develop the land by subdividing the land and constructing two 2 storey residences.**

**32 Alexander Crescent, Point Lonsdale.**

OWNER – Chris O'Dowd.

DESIGNER - A Thoms Building Designs.

BUILDER – O'Dowd Design & Construction.

### **55.2 - NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE**

#### **55.02-1 - Neighbourhood character**

The vacant site on the corner of Fellows Road and Alexander Crescent is relatively flat, has many native trees both on the site and on the road reserves.

Two small houses have been designed with the aim of maintaining the natural character of the area by blending in with the trees rather than standing out from them. The houses and driveways have been sited where the least number of trees will need to be removed. The houses have an upper storey element to reduce site coverage and are set back within the building to reduce the overall mass. Natural materials and colours have been selected to blend in with the trees.

#### **55.02-2 - Residential policy**

State Planning and Local Planning Policy Framework.

There is a general view our coastal towns such as Point Lonsdale should not expand, although there is a strong need for more housing due to an increasing local population. The inclusion of two houses on this site meets the needs of a growing population without contributing to urban sprawl.

#### **55.02-3 - Dwelling diversity**

The development is for two dwellings; therefore this objective does not apply.

#### **55.02-4 - Infrastructure**

Electricity, water, gas, sewer drainage and telecommunications are all available to the site. An additional house is being applied for on this allotment and will not unreasonably exceed the capacity of services, including roads.

#### **55.02-5 - Integration with the street**

Both houses are oriented to Alexander Crescent with clear and uninterrupted access from the street. There will be no front fencing to enhance integration with the street.







### **55.3 - SITE LAYOUT AND BUILDING MASSING**

#### **55.03-1 - Street setback**

Street setback to Alexander Crescent is to be 3.15m, there is no dwelling on the adjacent allotment, to align with.

Street setback to Fellows Road is to be 3.01m, this is less than the adjoining dwelling, but not much closer than at no 28, 30 & 38 Fellows Road. The number of existing trees to remain both on the nature strip and on the site, combined with the natural building materials will make the houses setback barely noticeable from the street.

#### **55.03-2 - Building height**

It is proposed to have a maximum overall height of 6.5m.

The maximum allowable height for this area is 8.5 metres.

#### **55.03-3 - Site coverage**

Site area – 528.7m<sup>2</sup>, Building area -216.7m<sup>2</sup>

Site coverage is 40.99%, we are asking for the additional 0.99% as the allotment is a corner site and is slightly smaller due to the corner splay, there is a large nature strip to both streets to compensate for this.

#### **55.03-4 - Permeability**

59% of the site is not covered by impervious surfaces. In excess of the 30% required.

#### **55.03-5 - Energy efficiency**

There is more than adequate access to daylight to all rooms through the use of large windows. Living areas are north west facing, being protected with large eaves. These factors combine to reduce the need for fossil fuel consumption. A six star energy ratings will be achieved for both houses.

#### **55.03-6 - Open space**

There is no Common property.

#### **55.03-7 - Safety**

Both entries are oriented to the street and are clearly visible.

#### **55.03-8 - Landscaping**

The majority of existing trees are to remain, only those within the building outline are to be removed. Any additional planting will be native, and compliment the existing.

#### **55.03-9 - Access**

Individual 3.0 metre wide gravel driveways allow easy access from Alexander Crescent.

#### **55.03-10 - Parking location**

Each car space is convenient to the entry of each house.

### **52.06 – Car Parking**





Each house has been provided with a single garage measuring 3.5 x 6 metres, and additional parking in front measuring 3.5m x 6.75m

#### **55.4 - AMENITY IMPACTS**

##### **55.04-1 - Side and rear setbacks**

Rear setbacks are 1.2 m, with a height of 3.15m, within the required height to boundary setback rules.

Garages are to be built on the boundary, within the required height to boundary setback rules.

##### **55.04-2 - Walls on boundaries**

Garage /store walls are to be built on boundaries with a max height of 3.6m and an average of 3.0m. 7.29m long, within the allowable 10m length.

##### **55.04-3 - Daylight to existing windows**

The new houses are set back beyond the minimum 3m x 1m area to neighbouring habitable room windows.

##### **55.04-4 - North-facing windows**

No existing north facing windows are affected.

##### **55.04-5 - Overshadowing open space**

The only overshadowing to affect neighbouring properties is to the vacant allotment to the east and does not shade much more than a solid boundary fence would if one were to be built in the future. Refer shadow diagram.

##### **55.04-6 - Overlooking**

Highlight windows 1.7m above floor level prevent overlooking into adjacent properties. Refer overlooking diagram.

##### **55.04-7 - Internal views**

There is no overlooking.

##### **55.04-8 - Noise impacts**

Any mechanical plant (air-conditioning units, if wanted) will be located to minimise noise impacting on neighbouring residences and each other.

#### **55.5 - ON-SITE AMENITY**

##### **55.05-1 - Accessibility**

The site is relatively flat, making access easy for people of limited mobility.

##### **55.05-2 - Dwelling entry**

The entries to both houses are sheltered, clearly evident and identifiable from the street.

##### **55.05-3 - Daylight to new windows**







All habitable room windows face an outdoor space in excess the minimum 3m x 1m.

**55.05-4 - Private open space**

Private open space for each house measures 80m<sup>2</sup>, with 50m<sup>2</sup> being secluded.

**55.05-5 - Solar access to open space**

Both houses have outdoor spaces with access to north west sunlight.

**55.05-6 - Storage**

Storage of 9m<sup>2</sup> is accesses at the rear of the garage.

**55.6 - DETAILED DESIGN**

**55.06-1 - Design detail**

The two houses are of a costal architecture, with lightweight materials of vertical and horizontal hardwood cladding, parapet & flat roofs, are well articulated and will blend in with both with the neighbouring properties and existing vegetation.

**55.06-2 - Front fences**

The existing post & wire fence will remain.

**55.06-3 - Common property**

There is to be no common property.

**55.06-4 - Site services**

There is sufficient space around each dwelling for services and future access to services. An individual letterbox for each house will be located either side of the driveway.

**SCHEDULE 4 TO THE DESIGN & DEVELOPMENT OVERLAY**

**DD04 Point Lonsdale Natural Coastal**

**Design objectives**

By maintaining the vast majority of Ti Tree & Moonah vegetation on both street verges, and as many as possible within the site, the prevailing natural coastal and informal village atmosphere is protected.

The proposal will present to Alexander Crescent, which is an informal roadway as relatively low density.

The combination of flat roofs, building articulation, natural colours and materials create a low scale that recedes within the vegetation of the site.

The houses are of a contemporary design, which enhances the diversity of building types within the town.

An adjacent house straddles two blocks, set within remnant vegetation, and the proposed two houses set within the same vegetation will not detract from the native coastal sense of place.

The grassed road shoulder with no kerb & channel will not alter.





The front boundary will be relatively indistinguishable due to the lack of front fencing and by maintaining densely vegetated road reserve.

Significant view lines towards Port Phillip Bay will not be affected.

The buildings natural materials along with no front fencing and informal gravel driveways will not visually dominate the natural coastal appearance of the area.

**Queenscliffe Urban Character Study Building Siting & Design Guidelines**

**Building height**

The houses are two storeys with a height of 6.5m, have a bottom down design, meet the 21.05 objectives and the siting & design guidelines, are only marginally higher than adjoining single story houses with pitched roofs, do not protrude above the vegetation canopy and do not obstruct any views.

**Building setback**

Street setback to Alexander Crescent is to be 3.15m, as there is no dwelling on the adjacent allotment, to align with.

Street setback to Fellows Road is to be 3.01m, this is less than the adjoining dwelling, but not much closer than at no 28, 30 & 38 Fellows Road.

Rear setbacks are 1.2 m, with a height of 3.15m, within the required height to boundary setback rules.

Garages are to be built on the boundary, within the required height to boundary setback rules. Garage /store walls are to be built on boundaries with a max height of 3.6m and an average of 3.0m. 7.29m long, within the allowable 10m length.

**Permeable surface area**

59% of the site is not covered by impervious surfaces. In excess of the 30% required.

**Site coverage**

Site coverage is 40.99%, we are asking for the additional 0.99% as the allotment is a corner site and is slightly smaller due to the corner splay, there is a large nature strip to both streets to compensate for this.

**Adjacent to heritage overlay**

There are no heritage buildings or works adjacent to the site.

**Vegetation protection overlay VP01**

The proposed houses has been designed and positioned to have the least impact on the actual site, and the affect it has on the surrounding area.

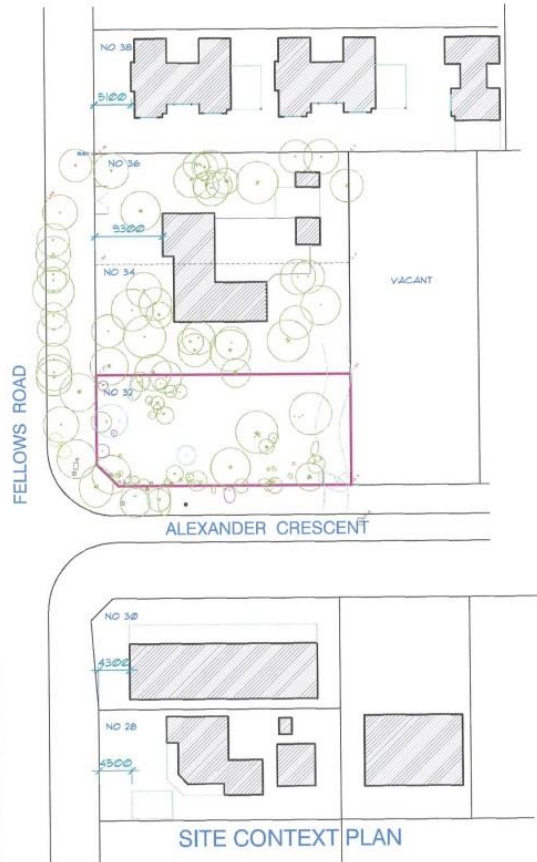
The only trees to be removed are within the outline of the building, or trees too close that will have a detrimental effect on the structure now or in the future. (Falling tree, falling limbs, tree roots effecting footings). There will be a significant number of trees still shielding the house from both the streets.



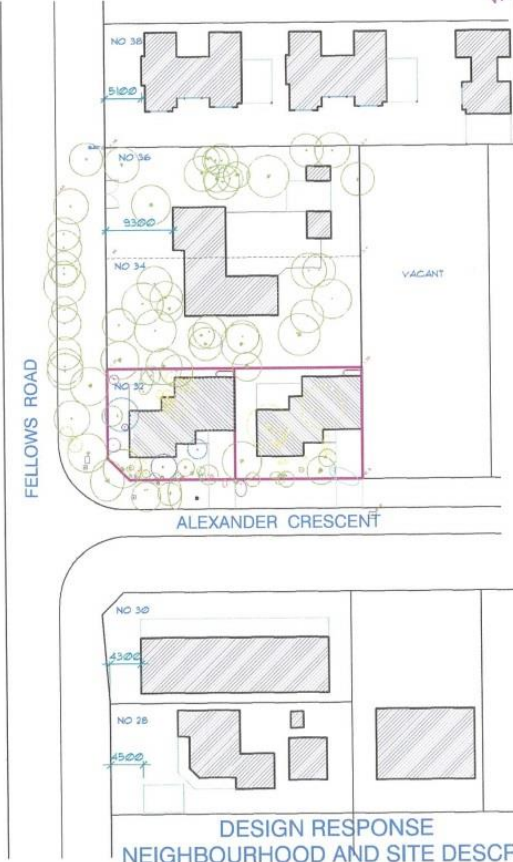


O DOWD

DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



SITE CONTEXT PLAN



DESIGN RESPONSE  
NEIGHBOURHOOD AND SITE DESCRIPTION

SCALE 1:500



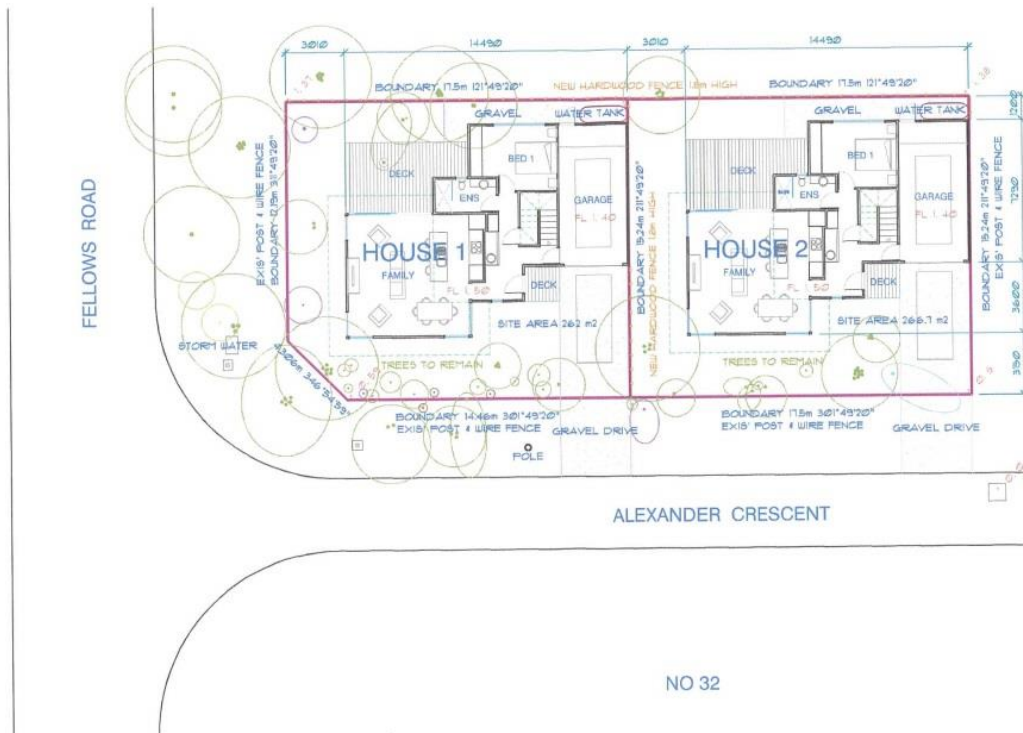
O'DOWD UNIT DEVELOPMENT, CNR FELLOWS RD & ALEXANDER CRES, POINT LONSDALE.

A. THOMS DESIGNS. DP 2104. REF 1208 PP - 28/2/2013



O DOWD

DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



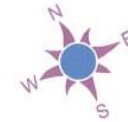
SITE PLAN  
SCALE 1:200





O DOWD

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TOTAL FLOOR AREA - 149m<sup>2</sup> 16sq



HOUSE 1  
FLOOR PLAN  
SCALE 1:100



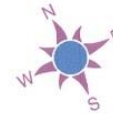
O'DOWD UNIT DEVELOPMENT, CNR FELLOWS RD & ALEXANDER CRES', POINT LONSDALE.

A. THOMS DESIGNS. DP 2104. REF 1208 PP - 28/2/2013



O DOWD

DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



TOTAL FLOOR AREA - 149m<sup>2</sup> 10sq



HOUSE 2  
FLOOR PLAN  
SCALE 1:100



O'DOWD UNIT DEVELOPMENT, CNR FELLOWS RD & ALEXANDER CRES, POINT LONSDALE.

A. THOMS DESIGNS. DP 2104. REF 1208 PP - 28/2/2013



O DOWD

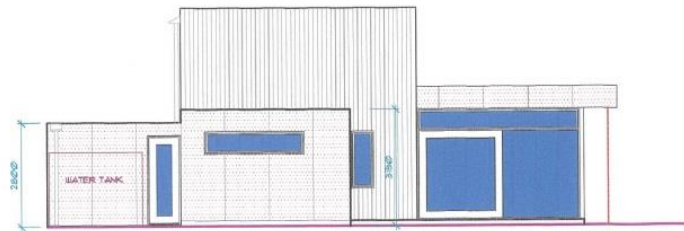
DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



SOUTH ELEVATION



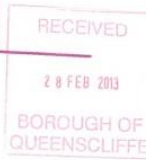
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



HOUSE 1  
ELEVATIONS  
SCALE 1:120



O'DOWD UNIT DEVELOPMENT, CNR FELLOWS RD & ALEXANDER CRES, POINT LONSDALE.

A. THOMS DESIGNS. DP 2104. REF 1208 PP - 28/2/2013



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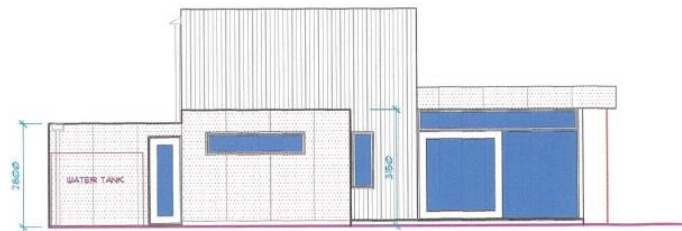
DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

RECEIVED  
20 FEB 2013  
BOROUGH OF  
QUEENSLIFFE

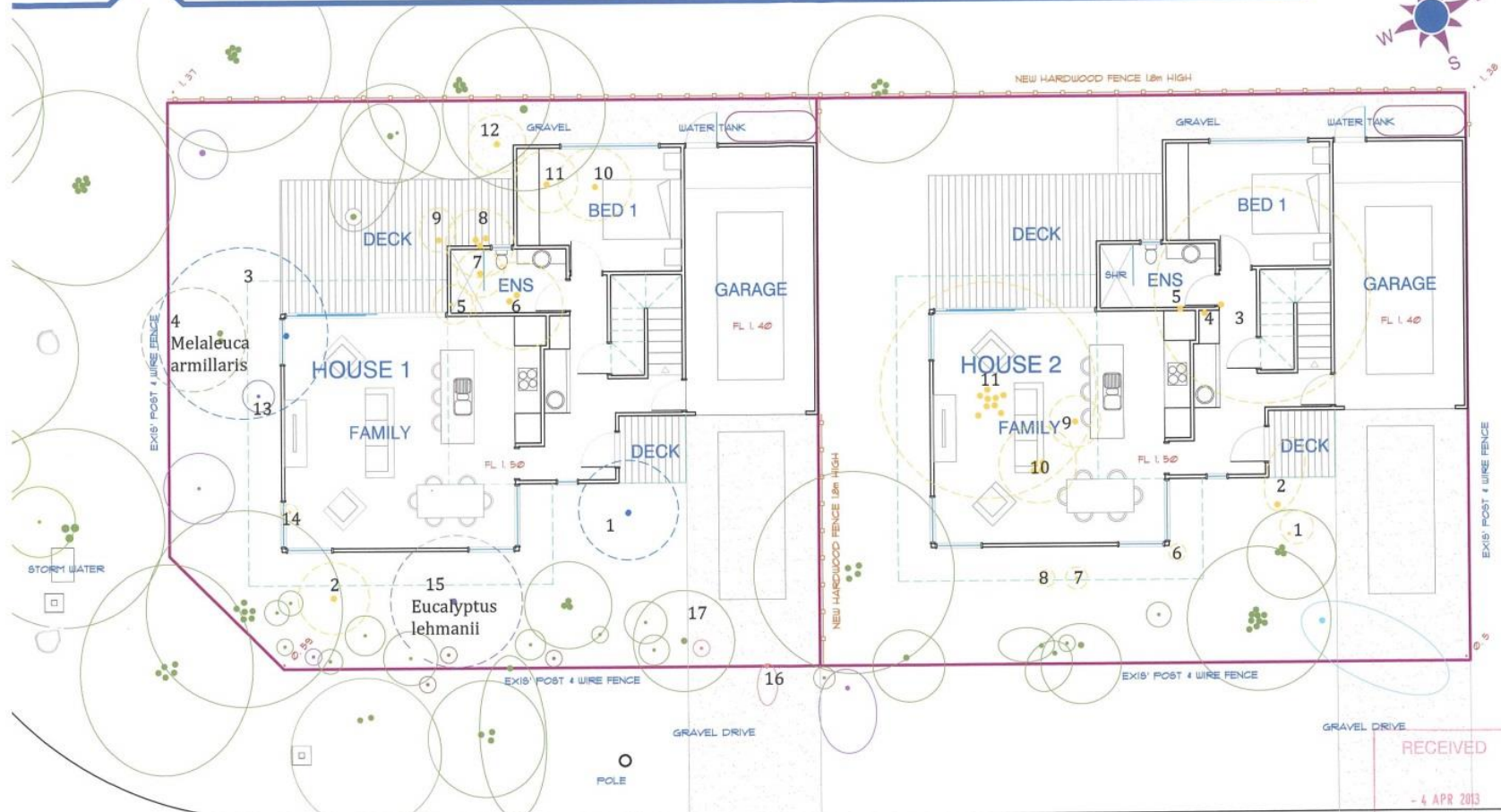
HOUSE 2  
ELEVATIONS  
SCALE 1:100





O DOWD

DESIGN & CONSTRUCTION. CNR FELLOWS RD AND McNAUGHT ST, POINT LONSDALE. PH 52581634, 0427345700 FAX 52583024



MOONAHS TO REMAIN  
T1 TREES TO REMAIN  
POONAHS TO BE REMOVED  
SHEOAKS TO REMAIN  
SHEOAKS TO BE REMOVED  
WATTLES TO REMAIN  
WATTLES TO BE REMOVED  
LEUCO OGAN TO REMAIN  
LEUCO OGAN TO BE REMOVED

ALEXANDER CRESCENT

LANDSCAPE PLAN  
SCALE 1:100

RECEIVED  
- 4 APR 2013  
BOROUGH OF QUEENSLIFFE



CORONAL UNIT DEVELOPMENT, CNR FELLOWS RD & ALEXANDER CRESC, POINT LONSDALE

A THOMAS DESIGNS DP 2104 REF 1202 DP - 28/3/2013



**6. APPENDIX 2 (CONFIDENTIAL) – SUBMISSION**

Provided to Councillors under separate cover



## 7. APPENDIX 3 – APPLICATION DOCUMENTS



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

Office Use Only

Application No.: 2013/022

Date Lodged:

RECEIVED

#190714  
14 MAR 2013  
\$490  
BOROUGH OF  
QUEENSLIFFE

### 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.

Clear Form

#### The Land

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

Street Address \*

Unit No.:	St. No.: 18	St. Name: MERCER STREET
Suburb/Locality: QUEENSLIFF		Postcode: 3225

Formal Land Description \*  
Complete either A or B.

This information can be found on the certificate of title.

A	Lot No.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 863230E
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 DWELLING, FENCE AND OUTBUILDINGS IN A HERITAGE OVERLAY, CONSTRUCTION OF A NEW 2 STOREY DWELLING AND OUTBUILDINGS NOT EXCEEDING 8.5M ABOVE GROUND LEVEL, CONSTRUCTION OF AN INGROUND SWIMMING POOL AND VARIATION TO THE FRONT BOUNDARY SETBACK REQUIREMENTS OF DDO1

☒ 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 \$900,000

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 STOREY DWELLING, FRONT FENCE AND OUTBUILDINGS

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



TOWN PLANNING SUBMISSION  
FOR A SITE COVERED  
BY A PLANNING OVERLAY  
OF THE  
BOROUGH OF QUEENSCLIFFE PLANNING  
SCHEME



FOR

**18 MERCER STREET**

**QUEENSCLIFF**





RESCODE/GLADMAN/REPORTS

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- **EXECUTIVE SUMMARY**
- **INTRODUCTION**
- **GENERAL PROJECT DESCRIPTION**
- **SPECIFIC SITE/AREA CONTROL**
- **CLAUSE 43.01 HERITAGE OVERLAY**
- **CLAUSE 22.03 HERITAGE POLICY**
- **CLAUSE 22.04-1 URBAN CHARACTER POLICY**
- **CLAUSE 43.02 SCHEDULE 1 DEVELOPMENT OVERLAY SCHEDULE**
- **APPENDICES**
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RESCODE/GLADMAN/REPORTS

## EXECUTIVE SUMMARY

This report outlines a proposal to construct a 2 storey dwelling on a site at 18 Mercer Street, Queenscliff. The existing single storey dwelling which is not individually listed in the Heritage Schedule of the Borough of Queenscliffe Planning Scheme but is in a Heritage Overlay, will be demolished.

The site adjoins an individually listed building, H046, "Clutha Cottage" at 20 Mercer Street.

The site, of 736m<sup>2</sup>, is in a residential zoned area of Queenscliff a short distance from the principal shopping precinct to the East in Hesse Street.

This development is a unique opportunity for a new dwelling to be incorporated into a location which has had a varied history of use from the mid1800's and will contribute to the vibrancy of this location.

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 DDO1.

This submission is presented in support of the issue, by council, of a planning permit for the development of a new 2 storey dwelling, attached outbuilding and swimming pool.

## 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 or the requirements of decision guides lines of a zone, then the provisions of clause 54 of ResCode may come into effect. Although this is not the case within the Borough of Queenscliffe for DDO1 it is considered appropriate that 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 DDO1 and Heritage Overlay H011.

In support of this submission drawn documents have been prepared by Kandu Consultants, 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 building next to an individually listed building.



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### GENERAL PROJECT DESCRIPTION

This project involves works to demolish an existing single storey dwelling and construct a new dwelling of 2 storeys high.

The site is zoned "Residential 1" and is covered by an urban character overlay "Queenscliff Urban Heritage" and schedule DDO1; it is in a Heritage Overlay area but is not individually listed in the Queenscliffe Planning Scheme. It does adjoin an individually listed site HO46. Consideration of any impact on the listed building on the site has formed an important part of the design brief.

This site sits at a high point of Mercer Street towards the northern end almost at the Hobson Street junction.

The new owners are now seeking to fully redevelop the site to meet their own needs as a family of 5. The brief requires for living, dining, kitchen and master bedroom area at the first floor and 4 bedrooms rumpus room, study and facilities at ground floor. Car accommodation and storage areas would be constructed along the North side of the site with the North wall on the boundary.

There is proposed to be a roof top viewing platform, external decking at ground and first floors and an inground swimming pool.

The architecture of the proposed works is deliberately contemporary so as to clearly distinguish the development eras of the site. This criterion has continually been tested at VCAT with tribunalists, in the main, supporting the idea of old and new architecture sitting side by side.

A schedule of works is outlined in this submission both as drawings and a written report. The extent of the project is outlined in point form below;

- ❖ Demolish all structures on site including dwelling and outbuildings;
- ❖ Construct new dwelling over 2 levels with rooftop viewing deck;
- ❖ Construct inground swimming pool to rear of site inclusive of regulatory safety fencing;
- ❖ Landscape elements at ground level in Mercer Street;



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### **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 DDO1 and a Heritage Overlay listing HO11. The site is zoned Residential 1, R1Z and has a frontage to a Non Road Zone category.

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 minimal fall from the rear North West corner to the front South East corner of approximately 0.5m, however the site is generally quite level for the majority of the area.

The site is in an area overlay of the heritage provisions of the planning scheme but is not individually listed in the schedule to the Heritage Overlay. The site adjoins an individually listed property

The site is connected to all required services for the proposed development and there are no restrictive easements shown on title.





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## CLAUSE 43.01 HERITAGE OVERLAY

### GENERAL COMMENTS

Although the subject site is within a Heritage Overlay of the Borough of Queenscliffe Planning Scheme, the site is not individually listed, nor is the house on the site typical of the coastal theme of many new and older surrounding buildings. There is however an individually listed building adjoining the site to the South. This building is known as H046, "Clutha Cottage" and has a number of unusual features for Queenscliff. The building has a slate roof and accordingly a higher than normal roof pitch. The barge boards and other trim elements are highly decorated and yet the building is a modest simple form cottage.

Clutha Cottage is listed within the Queenscliffe urban conservation study of 1982 and relisted in 2008. Principally the building has significance as being one of the few examples of the "Gothic Style" concept typical of the mid 19<sup>th</sup> century built in timber rather than masonry. There have been changes to the building over time and the roof has been modified from shingles to slate to corrugated sheeting back to slate. The front verandah has been modified and is a simple skillion in lieu of the original concave form. Additions have been attached to the rear of the building and internal alteration undertaken.

Many people admire "Clutha Cottage" because of the unusual form it presents to the street and how it is free standing against its neighbours. The house is set well back from the street and has simple garden areas visible from the public domain.

The concepts prepared have been shown and discussed with council's heritage advisor and senior statutory planner on at least 2 occasions with a number of imperatives required in any final submission. Of primary significance is the visibility of "Clutha Cottage" from the public domain. Being set well back from the street any structures on adjoining sites will need to respect this aspect and continue to provide view lines for both single and double storey structures.

The presented proposal has considered these requirements and a series of setbacks have been provided to limit the loss of any public views of "Clutha Cottage".

In summary the current listed building at 20 Mercer Street will have limited impact on it from the current proposal at 18 Mercer Street. The new dwelling will be higher than the structure to be removed but it will be set back further from the street frontage at ground level and even further at the upper level. Any overshadowing from the new structure will be limited to the driveway and not impose any loss of amenity on the use of the garden areas of "Clutha".



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## DECISION GUIDELINES

There are a number of decision guidelines that relate to the whole of the Borough and across a range of issues, some of which are not relevant to this application. We believe of the decision guidelines stated the first 5 dot points are relevant and are detailed below. The balance of 6 dot points relates to subdivision, demolition or alteration to a heritage building or vegetation matters, none of which apply to 18 Mercer Street.

- **Assessment against the SPPF, LPPF including the MSS and local planning policies:** Within the body of this report details of the proposal are assessed against prevailing statutory controls. In particular assessment against Local Planning Policies Clauses 22.03 and 22.04 are specifically detailed.

### The SPPF

- **Significance of heritage place and whether the proposal will adversely affect the natural or cultural significance of the place:** *The subject site is within a Heritage overlay but is not in itself a listed site. It adjoins a listed site and particular attention has been paid to both heights and setbacks as they may affect the adjoining property. The application proposal still retains the salient features of the location being a single stand alone dwelling;*
- **Any applicable statement of significance, heritage study and applicable conservation study:** *The site is within an overall classification within the planning scheme of HO11 within which there are a number of specific citations for buildings, sites and vegetation. The application proposal does address any issues within the design to minimize any impact on the relevant citations;*
- **Whether the location, bulk, form, or appearance of the proposed building will adversely affect the significance of the heritage place:** *The sitting and scale of the proposed dwelling will have an impact on the current streetscape. The selection of materials and the articulation of the building and varying roof forms have been incorporated to address the issue of compatibility to the location. An adverse affect will be in perception rather than physical dominance;*
- **Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place:** *The proposed dwelling will impact on the streetscape from its current position. The new dwelling will be 2 storey whereas the adjoin buildings are single storey. The architectural design is not of replica nature but embodies current*



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*residential design with the use of applicable materials for the location. The building will, in the context of a heritage overlay area, introduce an alternate design element not necessarily consistent with expectations*

#### **CLAUSE 22.03-10 HERITAGE POLICY HERITAGE OVERLAY 11, CENTRAL QUEENSCLIFF**

##### **OBJECTIVES**

- To provide an appropriate setting for the urban heritage and historically significant buildings of Queenscliff: *The specific location of this site is on the fringe of the more intact heritage clusters of Queenscliff. To the North and West many buildings are of the 20<sup>th</sup> and 21<sup>st</sup> century design and construction. The site itself is currently occupied by a suburban style red brick building of the 1940's. Care has been taken to create an interface between this site and the heritage buildings to the South. It does not impact on the significance of the individually listed adjoining building to an extent more than the current structure;*
- To ensure that new development does not detract from the significance of the identified heritage overlays 1-10: *Within the context of the balance of the Heritage Overlays the location of this site will have little impact. It has both modern and heritage dwellings surrounding it and would not be deemed to be intrusive in the qualities of adjacent overlays;*
- To encourage new buildings or works to be in harmony with buildings, works or objects listed in the heritage overlays: *The proposed development is, by definition, a contemporary design. This will indicate that the building will not be a replica of the 19<sup>th</sup> century cottage architecture in many areas of the Borough. However there are substantial buildings or a range of styles, ages and designs within all areas of the Borough. In fact this is considered to be one of the eclectic attractions of the area that it does demonstrate the evolution and development of the town ship. In particular to the North East of the site is the St. George Church, school house and vicarage. All substantial buildings within a residential area. The proposed development will not challenge any of these structures but will present a new and different approach to residential architecture in Mercer Street;*
- To encourage new planning to respect the historic significance of the buildings listed in heritage overlays: *The proposed development has given particular consideration to the adjoining "Clutha Cottage" and provided setbacks and heights to maximize the public views of this building. The cottage itself is setback well from the road and side boundaries and will still sit within its existing context of a single stylized dwelling;*
- To protect the uniformity in scale and massing of buildings: *The challenge for redevelopment within heritage areas, which include urban character overlays limiting site usage, is to meet the occupation requirements of the owners and still respect the location. To achieve this balance a 2 storey dwelling has been designed to meet the needs of the occupying family and take advantage of all*





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*the site has to offer. The design is within an area that has a number of substantial buildings of a past era and some of a more modern time. However, the adjoining and opposite sites are lower in scale and generally single storey. The building is therefore not within the character of the immediate buildings. However the combination of large and small, single and 2 storey buildings is not uncommon throughout Queenscliff and it could be argued that this is part of the "uniformity" of development. The subject site is not within an intact area of cottage style buildings and whilst larger than its neighbours, completely complies with the provisions of the DDO;*

- To protect the prominence of the church and old parsonage on the sky line of the town and the dramatic view of the church itself: *The subject site is within view of the church but will in no way impact on the views of this building from the public domain.*

## CLAUSE 22.04 URBAN CHARACTER POLICY

### OBJECTIVES

The development of a design proposal for this site has had a number of competing elements, not least of which is the preservation of the public perception of "Clutha Cottage".

In considering the accommodation brief of the owners, the site size and orientation, the opportunities for sea views and the general character of the area a position has been taken to adopt a contemporary architectural design. In doing so this may counter aspects of the objectives of the prevailing DDO 1 and this is acknowledged. We are aware of the Urban Character policies within the local planning provisions of Clause 22 and the subsequent Schedule DDO1. We are not intending to defy or ignore the design objectives but believe there is scope for alternative interpretations than "replication" designs slavish to 19<sup>th</sup> century architecture.

In considering the Building and Works requirements of DDO1 we have substantially complied with the empirical requirements regarding heights, setbacks, site cover and the like.

In the interpretation of Design Objectives we have relied upon a number of statements that give support to our proposal. Within the dot points of the Design Objectives we believe those relevant to this location are:

1. "The unique mix of historic building scales and types varying from grand freestanding hotels and landmark buildings to intimate single storey cottages";
2. "The informality of streetscape materials and finishes including front fences";



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3. *"The broad straight streets with buildings abutting or close to the street frontage and side boundaries which creates a distinctive and relatively high density urban environment";*
4. *"The opportunities for long views towards Swan bay or port philip Bay and shorter views to intact historic buildings and streetscapes";*

These distinguishing elements of Queenscliff paint a picture of diversity over a long period of time where architecture of the day and individual preferences has shaped the current townscape. Mercer Street from its Northern end to its Southern end is of such a mixture as to afford the opportunity to allow a 21<sup>st</sup> century contribution to the streetscape.

The proposed building, whilst not heritage in concept, has adopted many of the features set out above. Diversity in a non pristine area, grand against intimate, availing the site of the views without restricting others and providing a combination of external finishes that depart from an urban stereotype.

Queenscliff will develop as residents' expectations demand the amenities in living requirements that have evolved over the past decades. This does not mean that owners are any less respectful of their local environment but that they understand that evolution is inevitable. The new owners of 18 Mercer Street are not newcomers to Queenscliff. In fact their families stretch back several generations of being locals. They are the now new generation as their ancestors were in their time. Houses built in the early 1900's were radical then as were the 1950's and 1960's. These structures still survive and add to the mix of what makes Queenscliff, or any town for that matter, reflective of what different eras bring to our community.

The design for 18 Mercer Street will require consideration by all the conflicting views to arrive at the consensus of what is acceptable in 2013 in an environment where change has been the common ingredient of residential design.

- To recognize and protect the significant cultural heritage and natural coastal atmosphere of the Borough which distinguishes its special character: *The proposed building, when viewed against the wider neighbourhood is not inconsistent with the development over recent years. The site and proposed building will not preclude views too or from the coastal areas and the selected materials have a coastal influence;*
- To ensure new development in Queenscliff maintains, enhances and is harmonies with the distinguishing cultural and heritage identity of the town ship: *Queenscliff is noted for its cottage feel in certain areas*



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*of the township and the spread of dwellings used for purposes associated with the early settlement of the area. The town boasts fishermen cottages, pilot cottages, grand holiday homes for early notable Victorians and large commercial buildings scattered throughout Queenscliff. The proposed dwelling, as previously mentioned, has a contemporary design influence which has been proposed to support the diversity of the town's architecture. Recent VCAT decisions have endorsed this philosophy approving contemporary designs alongside some of the towns notable buildings. One tribunalists went so far as to suggest that the introduction of contemporary design in heritage areas was preferable to replication of early architecture trying to recreate the past;*

- To require all new development to have regard to the sitting and design objectives and guidelines of the Borough of Queenscliffe Urban Character Study: *As is detailed later in this report an assessment against these design objectives has been provided.*



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## CLAUSE 22.04-1 QUEENSCLIFF

### OBJECTIVES

To protect the following distinguishing elements of the character of the Queenscliff Urban Areas:

- The substantial and intact groupings of historic one and two storey Victorian and Edwardian buildings: *The subject site is on the perimeter of groupings of earlier houses. It sits within an area that has seen redevelopment over the few decades. As such the proposed development does not intrude in the more sensitive areas of the township;*
- The unique mix of historic buildings scales and types varying from grand freestanding hotels and landmark buildings to the intimate single storey cottages precinct known as Fisherman's Flat: *The current proposal is perhaps a modern interpretation of the nature of Queenscliff's development. It is a larger building than its neighbours but does comply with the criteria of the DDO. Whilst it would not bring to the street a larger element than currently exists it is never the less still a single dwelling that stands alone on the allotment;*
- The informality of streetscape materials and finishes including front fences: *The selected street setting includes the use of natural sandstone elements, rendered surfaces and weatherboard claddings. The roofing is both low and medium pitch with corrugated sheeting in evidence. There is not intended to be a front fence and the building will be set well back from the street frontage enabling a garden setting to be created in sympathy with other properties on the West side of Mercer Street;*
- Broad straight streets with buildings abutting or close to the street frontage and side boundaries which creates a distinctive and relatively high density urban environment: *This objective is more appropriate to the remaining 19<sup>th</sup> century cottages that exist to the East and South of the site. The immediate environs for this site are generally of a new era and whilst some remnants of the "higher" density still exist most house in the immediate surrounds are free standing with side and rear setbacks with perhaps garage walls on the boundary. The proposed dwelling is more in tune with its surroundings that the higher density areas of the town;*



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- The opportunities for long views towards Swan bay or port Phillip Bay and the shorter views to intact historic buildings and streetscapes: *This development will not interfere with any public or neighbour views of the town ship or coastal areas.*

## POLICY STATEMENT

This project involves works to demolish an existing single storey, stand alone, dwelling at 18 Mercer Street, Queenscliff and construct a new 2 storey dwelling on the site. This site is covered by a Heritage overlay HO11 but the house is not individually listed in the schedule to the overlay but does adjoin a listed site "Clutha Cottage". The site is also part of Design Development Overlay DDO1 as per amendment C7 of the planning scheme.



EXISTING HOUSE VIEWED FROM MERCER STREET

The building in question is a typical example of an urban brick clad building of the mid 1900's. It has timber window frames, terra cotta tiles to the pitched roof and some minor decorative elements to the front verandah. The site also contains a number of outbuildings not consistent with the age or style of the house.

Mercer Street has an interesting mixture of dwellings varying from new structures completed within the last 12 – 18 months to 19<sup>th</sup> century cottages built to the footpath boundary. Within the section of Mercer Street from Hobson to Stokes Street on the West side there are substantial dwellings set well back from the street down to small cottages with no setback. On the East side there is a relatively unchanged group of houses that are late 19<sup>th</sup> century to mid 20<sup>th</sup> century. Many of these buildings have been upgrade over the years some with 2 storey components. The setbacks to the east side of Mercer Street are relatively uniform at around 4.5m – 6.0m.





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16 MERCER STREET

The subject site is at the Northern end of Mercer Street towards Hobson Street. The adjoining dwelling to the North has, of recent times, been upgraded albeit it has remained as a single storey structure. The building is not of an historic design and sits comfortably within the streetscape heading towards Swan Bay. Beyond Hobson Street to the North there are mostly more recent dwellings and mainly 2 storey in nature along the West side. Along the East side heading towards Swan Bay the street is dominated for the first 200m by St George's Church and the original vicarage building. Both structures are imposing in nature and listed in local and federal heritage overlays.

To the South of the subject site is the locally listed building, "Clutha Cottage". This building and the overall site was the subject of a subdivision some years ago with a subsequent 2 storey dwelling being constructed to the rear allotments. The cottage itself is setback from the North boundary to allow vehicle access to garaging for both dwellings on the site. The cottage is then setback a further distance to be some 5.5m from the common boundary. The cottage is setback from Mercer Street approximately 18.0m.



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**"CLUTHA COTTAGE" VIEWED FROM FRONT GARDEN**

**The character of "Clutha Cottage" is dominated by the step pitched roof line with slate cladding and ornamented gable barge boards. The overall height of the building is approximately 6.0m above ground level.**



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## **SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY**

### **BUILDING AND WORKS**

#### **BUILDING HEIGHT**

The proposed building is to be constructed as a 2 storey dwelling with a section of upper level uncovered decking to the North side. 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 North East corner of the main skillion roof at the junction with the roof deck balustrading.

The proposed maximum height translates to AHD 25.77m compared with the Southern building of 23.12m and the Northern building of 22.95m. The new building is therefore some 3.0m higher than either adjoining building. The maximum height occurs some 12.0m from the street frontage and some 10.0m from the Southern boundary.

Other roof lines are set at lower heights and these are generally around AHD 24.75m.

A streetscape elevation is provided with this submission to put these height variances in context.

\*This proposal meets the objective in that the overall height does not exceed the maximum allowable but is higher than adjoining and adjacent buildings.

#### **SITE COVERAGE**

The proposal presented has a gross new building area, inclusive car accommodation and outbuildings of approximately 295m<sup>2</sup>, located on a site of 736m<sup>2</sup>. This represents maximum site coverage of 40%.

The DDO1 requires an objective of 40% site cover within this area of Queenscliff. As the proposed building is set well back from the street frontage and offers a large expanse of garden area to the public domain the concept of site cover becomes somewhat blurred. There will, as indicated in Standard A6, be suitable permeable areas and the building will appear to be a standalone structures as for other houses in the street.

\*This proposal meets the objective in that it covers 40% of the site as required under the DDO.



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#### **PERMEABILITY**

This proposal retains 441m<sup>2</sup> of open space inclusive of gardens and courtyard areas to the North elevation, representing a potential total permeable area of 58% of the site.

It is intended to have an impervious driveway of some 50m<sup>2</sup> and a swimming pool and surrounds of 55m<sup>2</sup>, a total of 105m<sup>2</sup>. This means an impervious area of 336m<sup>2</sup> or 46% of the site.

This allowance is greater than the 30% required under the DDO1 and is considered reasonable for a residentially zoned site.

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

#### **SIDE AND REAR SETBACKS**

In this proposal the new building is to be constructed clear of site boundaries to the North, South and West at ground floor and partially to the boundary on the North as detailed section below.

The building will have a 1.5m minimum setback to the South boundary for a wall height of 4.0m. The upper walls are setback varying dimensions with a minimum of 2.0m for a wall height of 7.1m. All these setbacks comply with Rescode for the relevant heights given.

The lower West walls of the habitable rooms will have a height above natural ground level of 3.6m requiring a minimum setback under DDO1 of 1.0m. The proposed setback is 1.0m. The upper West wall will be 3.84m from the boundary for a wall height of 8.3m. There is no DDO policy on this setback but Rescode requires 3.4m.

The lower North walls are setback at the closest point 6.43m for a height of 4.3m. This falls within the parameters of the DDO requirements with the Rescode requirement being 1.2m. The upper walls are setback 3.1m at the closest point for a building height of 7.5m. There is no DDO policy on this setback but Rescode requires 2.6m.





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A section of the outbuilding wall is 0.5m from the North boundary to permit a light court to the adjoining property (see section below). Approval would therefore be sought to allow this setback in lieu of the normal 1.0m or applying for building on the boundary.

\* This proposal generally meets the objective in that setbacks given comply with the DDO and are permitted under Rescode. A variation to setback is sought for the section of the outbuilding along the north boundary

#### WALLS ON BOUNDARIES

This proposal has a requirement for construction of walls on the North boundary. Under the DDO it is permitted to construct walls on boundaries under certain circumstances and for given heights and lengths.

The current proposal requires the following construction of walls on boundaries:

North boundary – This boundary adjoins an existing single storey residence with 2 windows and 1 glazed door in the South elevation. Of these it is presumed that 1 window is to a habitable room and the other glazed elements are to a laundry and bathroom. The first window, to a habitable room, is approximately 16.0m from the street frontage. The other glazed items are either side of this window.



VIEW OF SOUTH WALL OF PROPERTY AT 16 MERCER STREET





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The proposed walls of the store rooms and an outside toilet start at 14.0m from the street boundary and extend for 6.0m to the West. This means the window to the habitable room will be within 1.2m of the proposed wall, as will the bathroom window, however the laundry door will not be affected.

The proposed walls will be a maximum of 2.7m high and would be finished to the approval of the adjoining neighbour. To comply with Rescode standards a portion of the wall in front of the habitable room window will be setback 0.5m from the boundary to provide a light well as detailed in standard A12.

Under Building Setbacks objectives of DDO1 walls are permitted on boundaries if it is a dominant feature of buildings in the street. In the circumstance of 18 Mercer Street there are numerous examples of walls on boundaries particularly for out buildings but also for the older dwellings where weatherboard walls are often on the boundary line. The proposed wall is modest in height, only 6.0m long and commences some 14.0m back from the street frontage.

\*This proposal addresses the objective of DDO1 in that the proposed wall on the boundary is modest in height and length and is not uncommon within the surrounding streets.



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#### OVERLOOKING

The construction of 2 storey dwellings on suburban sized sites creates issues about what constitutes overlooking in an intrusive manner. The site in question is elevated and has neighboring properties to three boundaries. Drawing TP3.03 indicates a range of 9.0m arcs from potential view areas on the proposed building.

There is no overlooking from any ground floor area as floor levels are less than 0.8m above ground level and there are screen fences to all adjoin properties.

Drawing TP3.03 shows a range of view lines that need to be considered.

- There is a proposed roof top deck centrally located within the front portion of the building approximately 7.0m from the north boundary, 7.2m from the South boundary, 13.0m from the front boundary and 20.0m from the West boundary.

With these boundary setbacks there is viewing possible to the front garden and driveway of the property to the South. This will not impact on the private secluded open space or have direct views into any windows. The property to the north has only a narrow walkway along the southern side and 1 habitable room window which will be shielded from view by the construction of the garage and storage areas of the proposed dwelling;

- There is potential for overlooking from the South elevation of the proposed dwelling from a highlight kitchen window and a dining area. The overlooking diagrams show that in the main the views would be to the front garden areas and the driveway of "Clutha Cottage". There is some potential for views of a North facing habitable room window from the kitchen area, however as there will be benches in front of this window downward viewing will be limited;



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- The main area for overlooking potential will be from the North elevation of the building and the attached deck area. As shown on the overlooking drawing a view from the Bedroom 5 window at a 45° angle will overlook the Northern boundary to the side of the building at 16 Mercer Street at this point there are no habitable room windows and the area is not used for recreation purposes.

The upper deck area is shown to have a 9.0m viewing arc that may impact on the property to the north and West. The property to the North will be overlooked to the roof, side setback and a portion of a rear garden area. There is currently a fence along the North boundary and this could be raised if required to afford greater overlooking protection albeit the fence would comply with the rescode requirements for preventing overlooking.

There is potential for overlooking to the property to the West for a fence line distance of 7.0m. Of this distance more than half would be compliant with rescode because of the existing fence. The other portion would be screened from downward viewing by the rear portion of the proposed building. Again the boundary fence height could be raised to afford additional comfort to the neighbours.

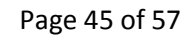
The above explanations relate to an interpretation of Rescode 54 guidelines and those used in Part 4 of the building regulations. As the Borough of Queenscliffe planning overlay does not have decision guidelines relevant to these matters we have provided this information to clarify what we believe would be required for the issue of a Building Permit at a later time.

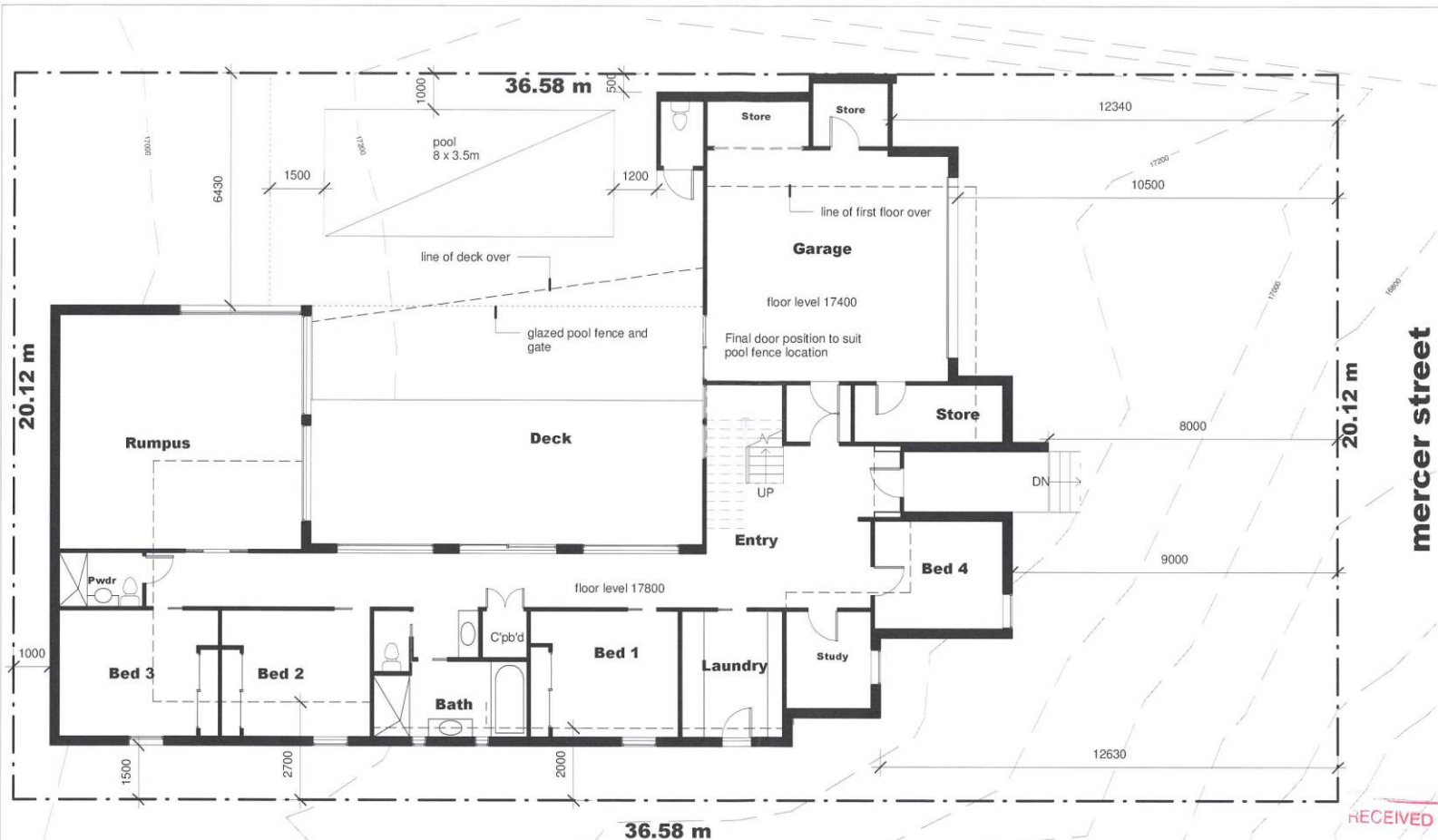
**\*This proposal has addressed the objectives of overlooking to private open spaces of adjoining properties and believes the measures taken are appropriate in this residential area and do not "unduly" affect the amenity of adjoining property owners.**

#### **FRONT FENCES**

The existing front fencing will be demolished and no new fencing will be installed.

**\*This proposal meets the objective in that the front boundary has no fence.**

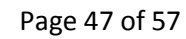


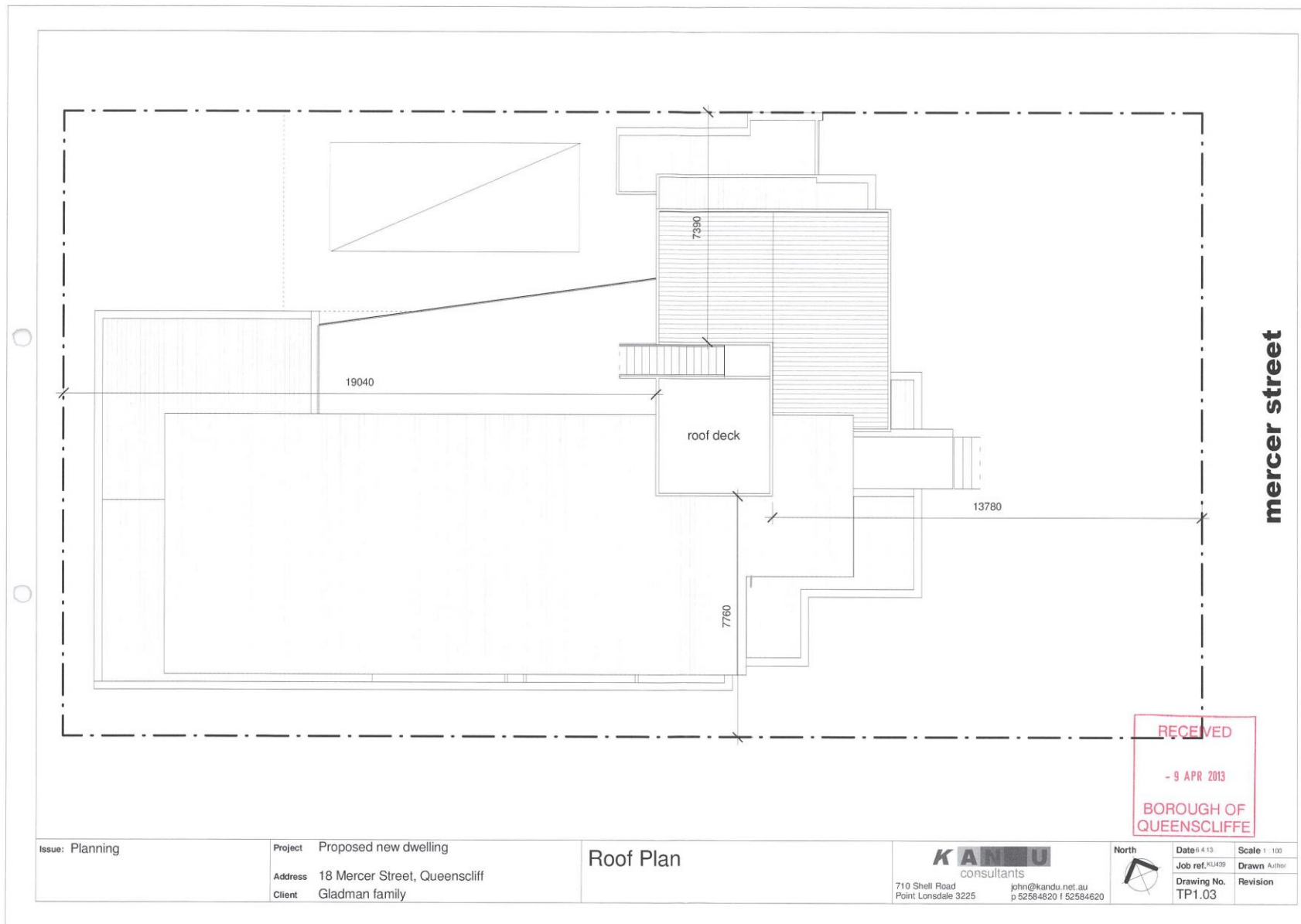


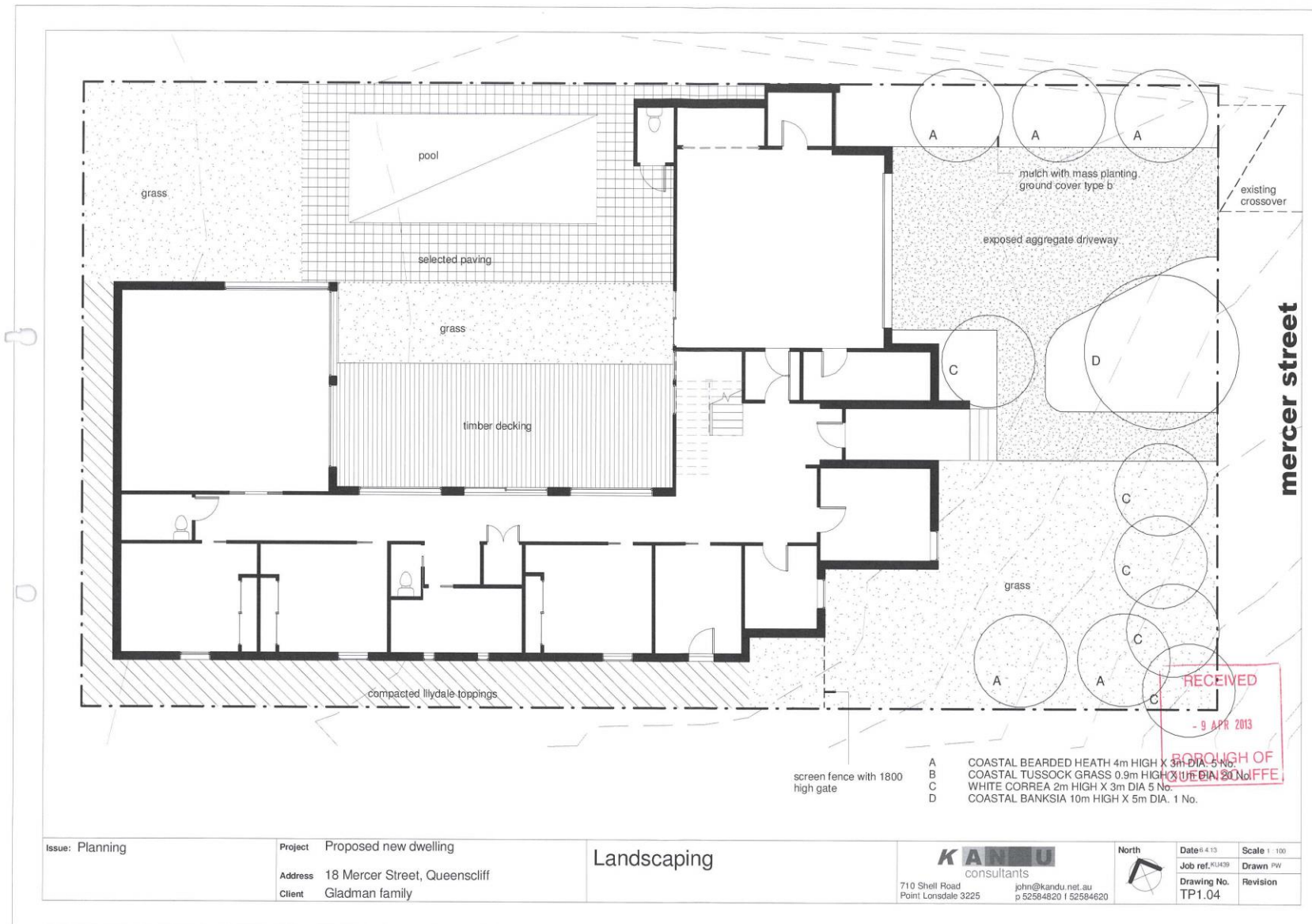
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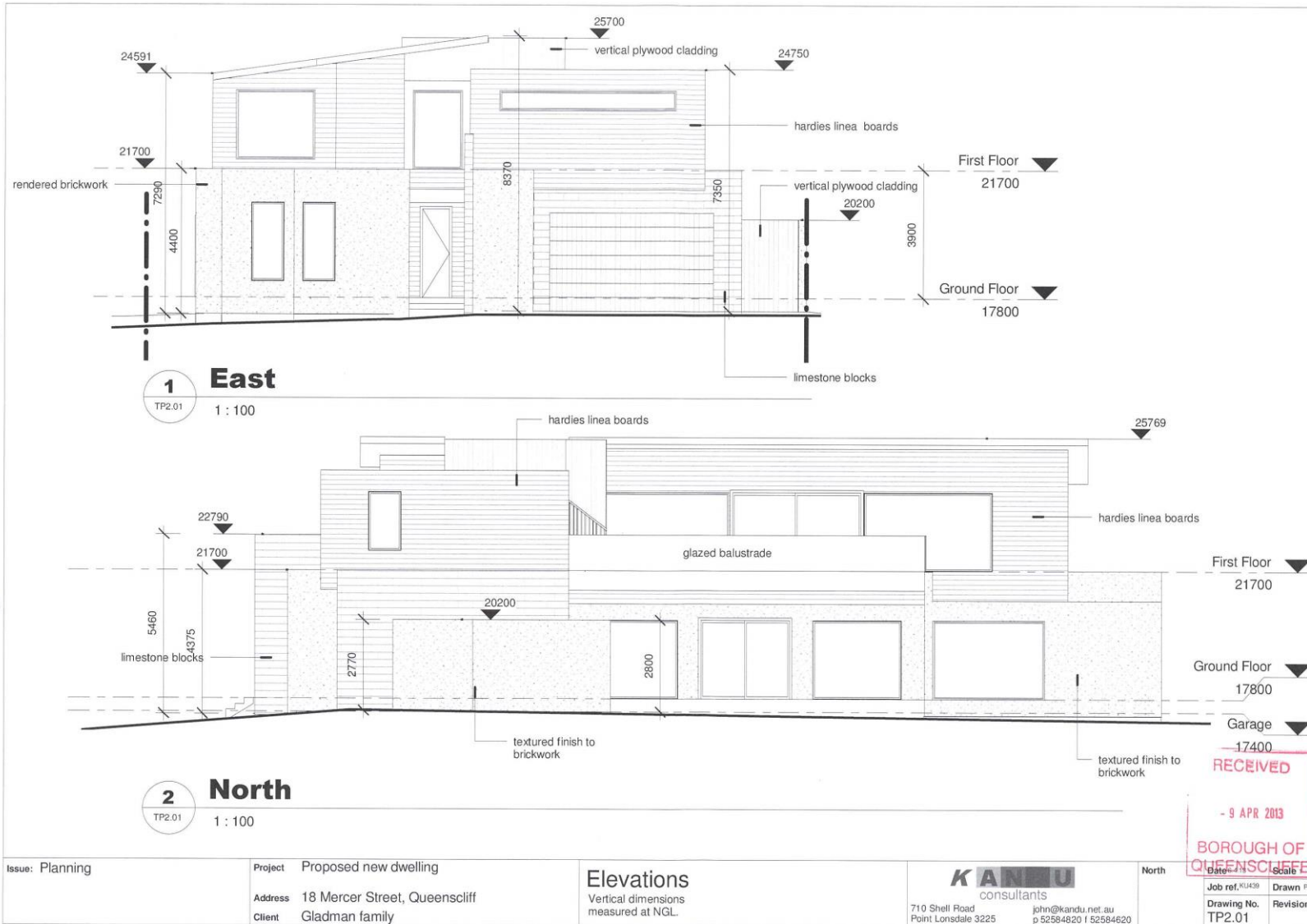
<b>1</b> TP1.01		<b>Ground Floor</b>	
Issue: Planning		Project: Proposed new dwelling	Ground Floor Plan
Address: 18 Mercer Street, Queenscliff		KANDU consultants	
Client: Gladman family		710 Shell Road Point Lonsdale 3225 john@kandu.net.au p 52584820 f 52584620	
		North	Date: 6.4.13 Job ref: P13439 Drawing No: TP1.01
			Scale: 1 : 100 Drawn: Author Revision:

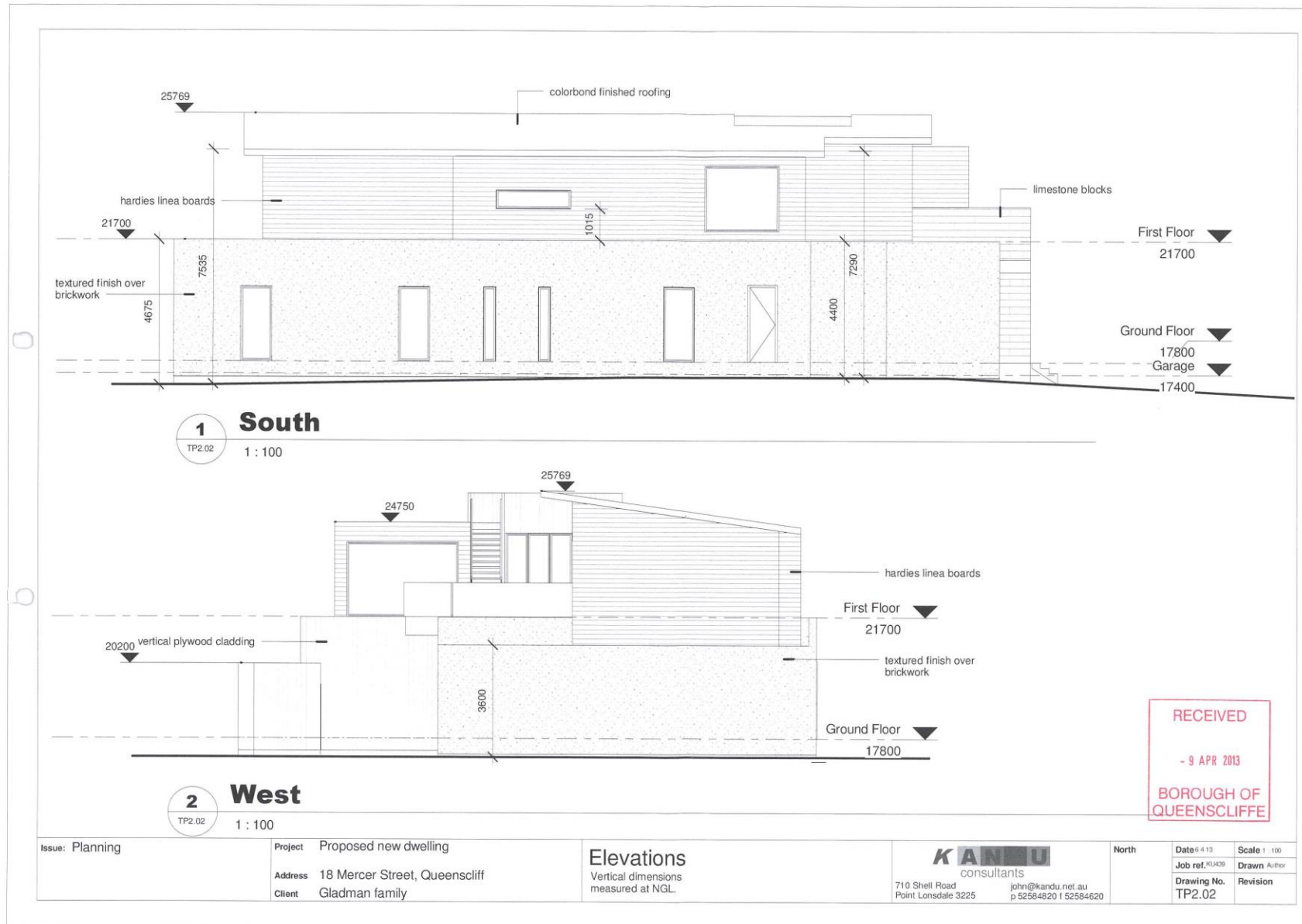








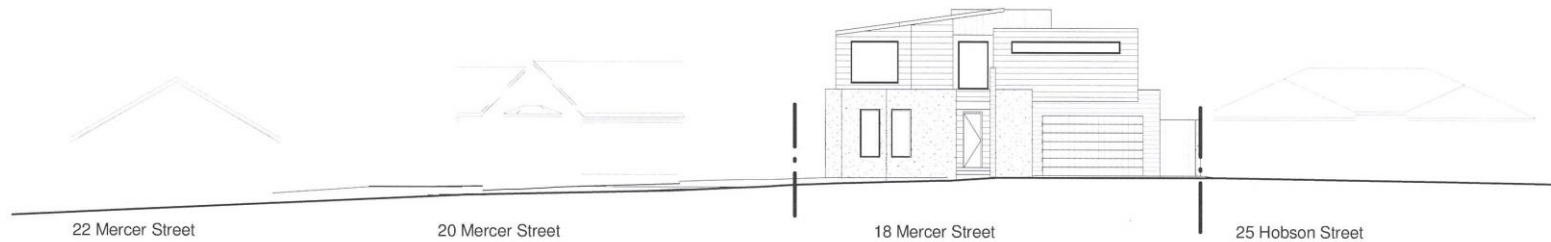








**1 Streetscape**  
TP2.03 1 : 200



**2 Streetscape 02**  
TP2.03 1 : 200

RECEIVED  
- 9 APR 2013  
BOROUGH OF  
QUEENSCLIFFE

Issue: Planning	Project: Proposed new dwelling	Streetscape	KANDU consultants	North	Date: 4.13	Scale: 1 : 200
	Address: 18 Mercer Street, Queenscliff		710 Shell Road Point Lonsdale 3225		Job ref: KU439	Drawn: Author
	Client: Gladman family		john@kandu.net.au p 52584820 f 52584620		Drawing No. TP2.03	Revision



**8. APPENDIX 4 (CONFIDENTIAL)– SUBMISSIONS**

Provided to Councillors under separate cover



## 9. APPENDIX 5 - APPLICANTS RESPONSE TO SUBMISSIONS

Rescode/gladman /correspondence/letter 4

**K A N D U**  
c o n s u l t a n t s  
"building industry advisory services"

20<sup>th</sup> May, 2013

Mr. A. Sang,  
Acting Senior Statutory Planner,  
Borough of Queenscliffe,  
50 Learmonth Street,  
3225

Dear Anthony,

**RE: PROPOSED DEMOLITION AND NEW DWELLING**  
**AT**  
**18 MERCER STREET, QUEENSLIFF**  
**OBJECTOR RESPONSE**

We are in receipt of objections from 3 adjoining neighbours and wish to formally respond on behalf of our client.

Generally we believe that each objector has raised similar concerns and therefore we will address the issues collectively where appropriate and then specifically to suit individual properties.

1. **SIZE AND MASS OF BUILDING:** Each objector has raised the issue of the design and size of the building. We have acknowledged in our submission that the building approach was not the normally anticipated response but does not breach any of the standards requirements of DDO1. We have spent considerable time discussing the project with council officers and amended elements of the design to be respectful of Clutha Cottage and maintain public views of the building. The site, whilst in an heritage overlay and adjacent to an individually listed building, is nonetheless at the periphery of what could be described as an intact heritage area. The house to the North and subsequent houses West along Hobson Street and North along Mercer Street are not of a heritage nature with a number being less than 10 years old. The significance of the site rests mainly with Clutha Cottage and every effort has been made to minimize any impact on this building. The size, height, site coverage and setbacks of the building are all generally in accordance with the DDO.
2. **FRONT SETBACK:** The front setback of the habitable Area of the house has been set at a distance beyond the existing 8m with the exception of a front porch. The building is stepped further back towards the South to maintain views of Clutha Cottage with distances of 9.0m, 12.6m and 15.0m. A dispensation from the average front setback requirements of the DDO has been requested and is considered reasonable given the unusual aspect of Clutha Cottage's setback. In applying a "predominant setback" method to arrive at a reasonable setback consideration has been given to the current building on site, other buildings in the street on both sides and a consideration of public views of Clutha Cottage. The distances shown on our drawings TP1.01 and TP1.02 have been arrived at following discussions with council officers and a practical outcome in respect to the current footprint on site;

p 52584820 f 52584620 m 0407 101947 email [john@kandu.net.au](mailto:john@kandu.net.au)  
710 SHELL ROAD, POINT LONSDALE 3225  
KANDU CONSULTANTS PTY. LTD. ABN 20 221 556 612



Rescode/gladman /correspondence/letter 4

3. **BUILDING HEIGHT:** The height of the building is set slightly below 8.5m above natural ground line. It is therefore not in breach of the DDO but is higher than either adjoining building. Components of the building are at a lower height and there are numerous setbacks for upper and lower wall lines. The height is not disrespectful of Clutha Cottage as the proposed building is some 7.0m away from the Northern side of Clutha Cottage and separated by the driveway. As has been pointed out in our written submission the character of Queenscliff as described within council's own Urban Character Statements is that there are many examples of substantial grand buildings beside smaller cottages and that this has been one of the unique characteristics of the town's development;
4. **SIDE AND REAR SETBACKS:** Side and rear setbacks have been applied in accordance with DDO1 requirements for the relevant building heights. There is a portion of a store room built along the Northern boundary for a distance of approximately 2.4m with a maximum height of 2.8m above ground level. This portion of wall does not contravene any statutory requirements for natural light to a habitable room window on an adjoining property. There is a further section of wall of a similar height setback 500mm from the boundary for a length of approximately 4.0m. This setback is a Rescode requirement to provide 1.0m clear to sky natural light to the window of a habitable room other than a North facing window. The wall of this store area would be over 1.7m from the South wall of the adjacent building. The applied for variation to side setbacks is therefore only for this portion of wall as a consequence of the provision of a light well. All other side and rear setbacks are at or greater than required under Rescode or the DDO;
5. **OVERSHADOWING:** The owners of 20 Mercer Street, Clutha Cottage, have objected to overshadowing on the basis of "overshadowing property and buildings for considerable periods of the year". We have provided overshadowing diagrams to Mr. Clarke, the sole owner, albeit council expressly instructed us not to include in our submission as this amenity issue is not a decision guideline under DDO1. Our diagrams show that for the equinox there would be overshadowing of the driveway only of 20 Mercer Street at 9.00am and then reducing to no impact beyond the current boundary fence at 12.00noon and no incursion onto the site for the rest of the day. These diagrams show that at no point does a shadow fall on the buildings at 20 Mercer Street and any additional shadow cast by our proposal over current shadows would be limited to driveway only not any garden or recreation area. Under Rescode 54 or Part 4 of the Building Code we are only required to show shadows at the equinox and these show no statutory loss of amenity to the owners of 20 Mercer Street;
6. **WALL HEIGHT ON WEST BOUNDARY:** The owners of the property to the rear of the site have indicated that there is a wall 8.3m high within 1.0m of their boundary. Our drawings show there is a wall approximately 11.5m long 1.0m from the West boundary for a maximum wall height of 3.6m. This is a conforming setback to height calculation under the DDO and Rescode. There is a wall approximately 6.5m long setback 3.8m from the rear West boundary for a minimum wall height of 7.53m to a maximum wall height of 8.37m. The DDO requires an upper level wall, up to 6.0m in height, to be setback 1.92m and then set further back in accordance with Rescode for heights above 6.0m. Rescode requires a wall of 8.3m in height to be setback a minimum of 3.5m. Our distance of 3.8m exceeds this requirement and is also compliant with the DDO above the 3.6m height;



Rescode/gladman /correspondence/letter 4

7. UPPER LEVEL WINDOWS AND DECKS: We have shown in our submission a drawing that outlines 9.0m viewing archs from potential overlooking locations. The diagram shows some minor incursions beyond the boundaries in a plan form but when viewed in a sectional manner existing or new fencing would comply with the overlooking controls of Rescode. The DDO does not specifically deal with overlooking but rather encompasses the idea of "reasonable incursions". We believe that our diagrams show that under the "reasonable" definition this proposal would comply with Part 4 of the building code under which this amenity issue would ultimately be dealt with;
8. ROOF TOP VIEWING DECK: There is proposed to be a roof top deck approximately in the middle of the site from this deck we have shown 9.0m overlooking archs that suggest that there would be no intrusion into any property that would result in a loss of amenity as interpreted by Rescode or Part 4 of the building regulations. To the South any overlooking up to 9.0m would only be on a driveway and to the North generally overlooking a roofed area;

We would be happy to discuss these matters with you or attend any mediation with the objectors convened by council.

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





## **10. CLOSE OF MEETING**