



Agenda

Planning Review Meeting

Wednesday 7 October at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Councillors

Cr. Bob Merriman (Mayor)

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Officers

Lenny Jenner - Chief Executive Officer

Michelle Watt - Senior Planner

Information contained in this Agenda is for the CONFIDENTIAL and PRIVILEGED use of Councillors until 10:00am on the Monday before the meeting.

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



1.	OPENING OF MEETING.....	3
2.	APOLOGIES	3
3.	PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES.....	3
4.1	34 Ocean Road, Point Lonsdale	4
4.2	1 Wharf Street East, Queenscliff	38
4.3	2 Wharf Street East, Queenscliff	50
5.	CLOSE OF MEETING.....	97



1. OPENING OF MEETING

2. APOLOGIES

Karen Hose - General Manager Planning & Places

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES



4. Planning Development

4.1 34 Ocean Road, Point Lonsdale

Planning Application: 2009/083

Summary:

Proposal	Alterations and extensions (deck at upper floor) to an existing dwelling Refer Appendix 1
Zone/Overlays	Residential 1 Zone Design and Development Overlay 4 Vegetation Protection Overlay 1
Permit triggers	Clause 43.02-2 - Buildings and works require a permit
Submissions	Application lodged, 17 July 2009 Public notification requested 3 August 2009 Advertised by registered post to adjoining property owners, a notice on site for 14 days and a notice in municipal offices. Public notification completed 20 August 2009 Two objections lodged: Refer Appendix 2 Response to objections: Refer Appendix 3
Key Issues	<ul style="list-style-type: none">▪ Privacy and outlook/view.▪ Impact on amenity - overlooking, noise, loss of privacy, visual intrusion



APPENDIX 1:



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

Office Use Only \$232.00

Application No.: _____ Date Lodged: / /

**Application for
Planning Permit**

RECEIVED
17 JUL 2009
BOROUGH OF QUEENSCLIFFE

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.

The Land

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

Street Address *

Unit No.: _____ St. No.: 34 St. Name: OCEAN 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.: 20 ☐ Lodged Plan ☒ Title Plan ☐ Plan of Subdivision No.: _____

OR

B Crown Allotment No.: _____ Section No.: _____

Parish/Township Name: _____

The Proposal

- ① 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](#)

PROPOSED EXTENSION OF EXISTING REAR
TIMBER DECK AREA - & RENOVATION OF
- AS PER PLANS ATTACHED EXISTING

☒ 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 \$ 14,200.00

☒ 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.

EXISTING DOUBLE STOREY RESIDENCE

☒ 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 or organisation who wants the permit.

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

Please provide at least one contact phone number *

Owner *

The person or organisation who owns the land

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

Name:
Title: MR First Name: JOHN Surname: EKBERG
Organisation (if applicable): COASTYCE BUILDING SOLUTIONS P/L
Postal Address:
Unit No.: St. No.: 21-25 St. Name: GLENKANA DRIVE
Suburb/Locality: INDENTED HEAD State: VIC Postcode: 3223

Contact person's details *

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

Name:
Title: First Name: Surname:
Organisation (if applicable):
Postal Address:
Unit No.: St. No.: St. Name:
Suburb/Locality: State: Postcode:

Contact information

Business Phone: 0418 332 081 Email: john_ekberg@bigpond.com
Mobile Phone: 0418 332 081 Fax: (03) 5257 3796

Name:
Title: MR First Name: BRUCE Surname: LEVY
Organisation (if applicable):
Postal Address:
Unit No.: St. No.: 85 St. Name: ORRONG RD
Suburb/Locality: ELSTERNWICK State: VIC Postcode: 3185
Owner's Signature (Optional): Date: day / month / year

Declaration

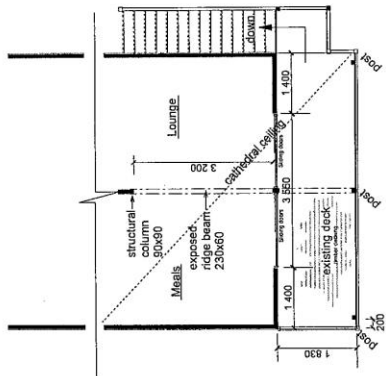
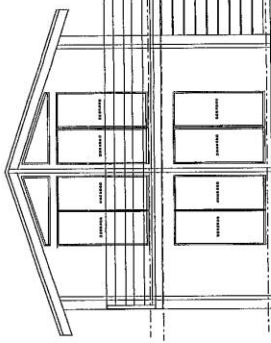
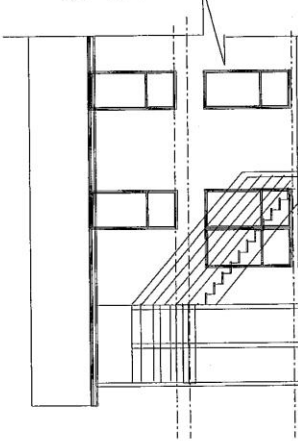
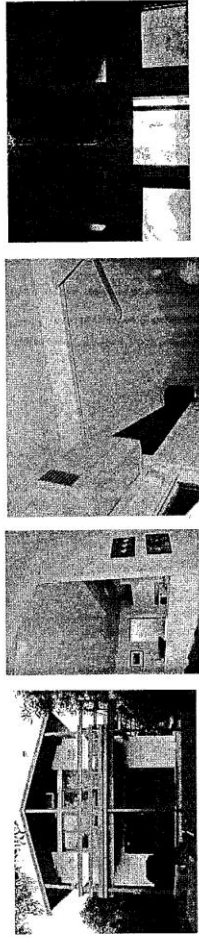
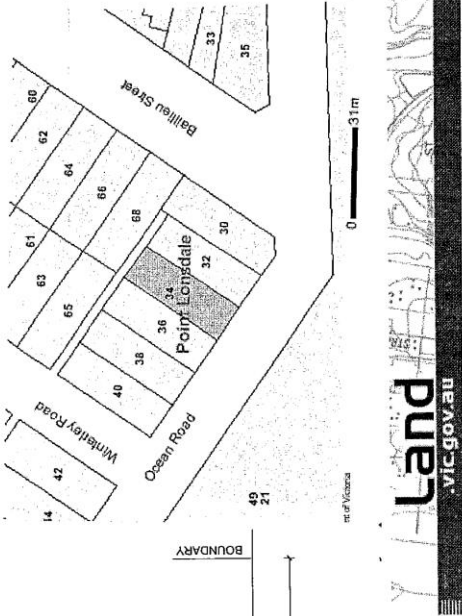
7 This form must be signed by the applicant *

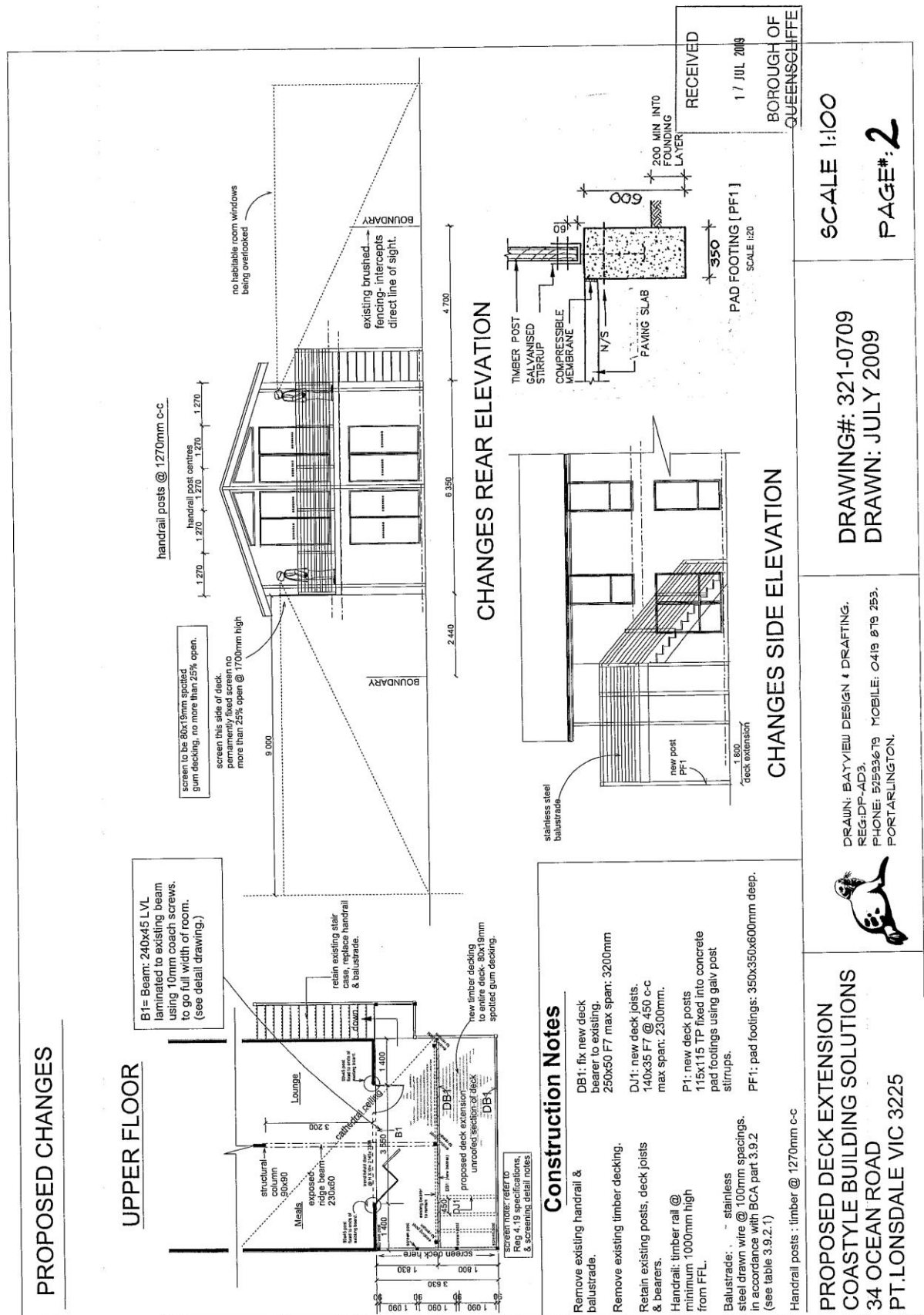
Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

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: 17/07/09
day / month / year

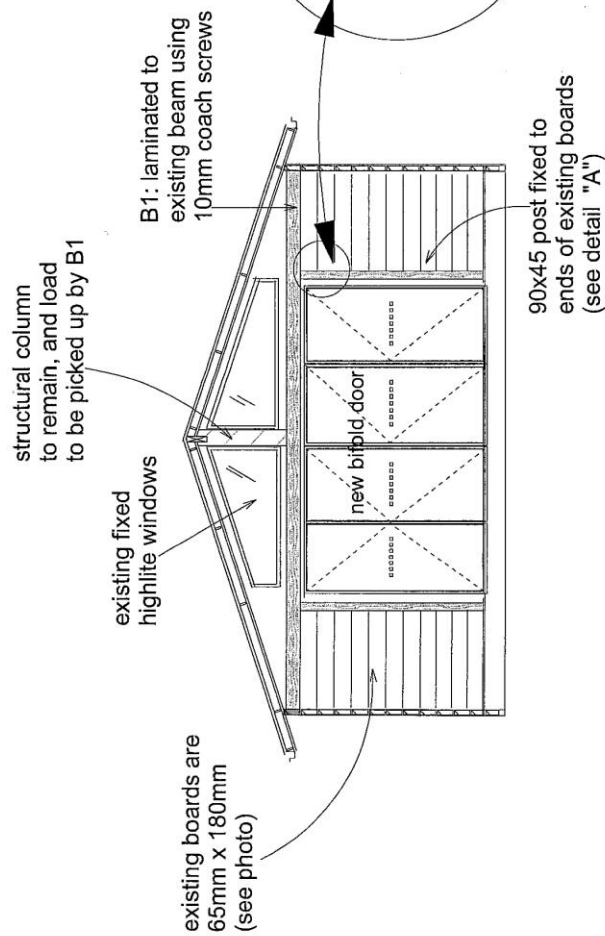


EXISTING CONDITIONS		PROPOSED DECK EXTENSION COASTYLE BUILDING SOLUTIONS 34 OCEAN ROAD PT. LONSDALE VIC 3225			
 <p>UPPER FLOOR</p>		 <p>EXISTING REAR ELEVATION</p>			
 <p>EXISTING SIDE ELEVATION</p>					
<p>Brief description of proposed works:</p> <ul style="list-style-type: none">* Remove existing upper sliding doors.* Install new bifold doors to existing opening.* Remove existing handrail & balustrade from deck.* Remove existing timber decking.* Retain existing posts, deck joists & bearers.* Construct new deck extension.* new decking to entire deck.* New handrail & Balustrade to entire deck.		<p>RECEIVED 17 JUL 2009 BOROUGH OF QUEENSCLIFFE</p>			
 <p>Land VIC.GOV.AU</p>		<p>Property Report from www.land.vic.gov.au on 16 July 2009 09:24 AM Address: 34 OCEAN ROAD POINT LONSDALE 3225 Lot / Plan: Lot 1 TP175892 SPL (Standard Parcel Identifier): 1TP175892 Local Government (Council): QUEENSCLIFFE Council Property Number: 390003400 Directory Reference: Melway 499 H6</p>			
<p>Parcel Details</p> <table border="1"><thead><tr><th>Lot/Plan or Crown Description</th></tr></thead><tbody><tr><td>Lot 1 TP175892</td></tr></tbody></table>		Lot/Plan or Crown Description	Lot 1 TP175892	<p>SCALE 1:100 PAGE#:</p>	
Lot/Plan or Crown Description					
Lot 1 TP175892					

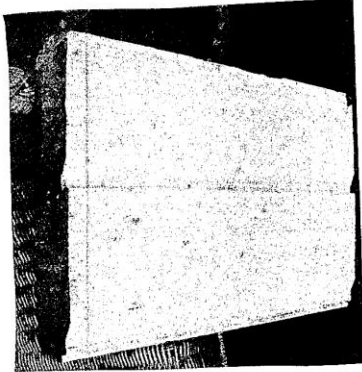


PROPOSED CHANGES

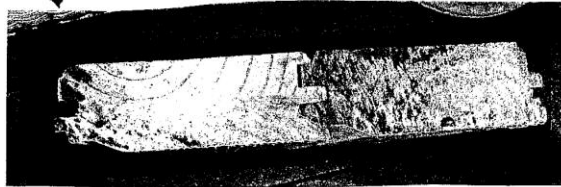
SECTION "A-A"



SCALE 1:50



↑ Existing boards.



RECEIVED

17 JUL 2009

BOROUGH OF QUEENSCLIFFE

PROPOSED DECK EXTENSION
COASTYLE BUILDING SOLUTIONS
34 OCEAN ROAD
PT. LONSDALE VIC 3225



DRAWN: BATTVIEW DESIGN & DRAFTING.
REG: DP-AD3.
PHONE: 52593673 MOBILE: 0419 879 253.
PORTARLINGTON.

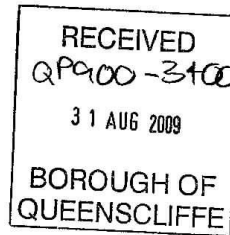
DRAWING#: 321-0709
DRAWN: JULY 2009

SCALE 1:50

PAGE#: 3



APPENDIX 2:



31/8/09

Re: Permit No - 2009/083

I Dennis Hurley of 32 Ocean Rd
Pt Lonsdale object to the
above extension on the grounds
that it affects my privacy &
outlook affecting my view of
sunlight & sunsets and the
surrounding area with established
trees, these elements that I hope
to still enjoy ~~will~~ be compro-
-mised by such an extension.

Signed
Dennis Hurley.
5258 1810



Objection to a Planning Permit Application

How will you be affected if a permit is granted?

PLEASE REFER TO THE ATTACHED LETTER
DATED 16 AUGUST 2009

Any person who may be affected by the granting of a permit may object.

- If you object, Council must consider the objection unless you withdraw it.
- If you object you must state the reasons why and say how you would be affected by the grant of a permit.
- Council must reject an objection that it considers has been primarily made to secure or maintain a direct or indirect commercial advantage for the objector.
- Council must make a copy of every objection available at its office for any person to inspect during office hours.
- Council will not decide on an application until after the latest date shown on the notice you received or the notice in The Echo or on the site.
- If you object you will be notified in writing of Council's decision.
- If you object and are not satisfied with Council's decision you may appeal to the Victorian Civil and Administrative Tribunal.

Could the application be modified to alleviate your concerns? ☐ Yes ☒ No (tick box)

If yes, would you like to discuss possible modifications with a Council officer?

☐ Yes ☐ No

You may ring the Statutory Planning Department on 5258 1377 to discuss the application

What changes would you like to see made to the application to satisfy your concerns?

Signature:

Elise Schwab + Stuart McMillan

Date:

17/8/09

Privacy Statement

The personal information requested on this form is being collected by Council to assist Council in the registration of your objection and assessment of the issues that you have raised. The personal information will be used solely by Council for that purpose or directly related purposes. Council may disclose this information to the applicant and their representatives, neighbouring property owners and/or occupiers and any other parties who may have an interest in the application. Council must make this information available to comply with the *Planning and Environment Act 1987*.

If this information is not collected, Council will be unable to thoroughly consider your comments, inform you of its decision on the application or notify you of any further action. The person(s) objecting understands that the personal information provided is for the registration of their objection and the processing and assessment of a planning application.

Send to: Borough of Queenscliffe
PO Box 93
QUEENSLIFF VIC 3225
www.queenscliffe.vic.gov.au

Fax: 03 5258 3315
Email: info@queenscliffe.vic.gov.au
Phone enquiries: 03 5258 1377



S.A. McMillan and M.E. Schwab
36 Ocean Road
POINT LONSDALE VIC 3225

16 August 2009

Manager Planning and Development
Borough of Queenscliffe
50 Learmonth Street
QUEENSCLIFF VIC 3225

Dear Sir/Madam

Application for Planning Permit No.: 2009/083
34 Ocean Road, Point Lonsdale

We refer to the Notice of an Application for Planning Permit (undated – but which we received on 7 August 2009) together with plans for a proposed deck extension to the existing dwelling at 34 Ocean Road.

We take note from the Notice that the Responsible Authority will not decide on the application before 19 August 2009 and that any person who may be affected by the granting of the permit may object or make a submission to the Responsible Authority.

We are the owners and occupiers of the adjoining dwelling at 36 Ocean Road and we make this written objection.

We request that the Responsible Authority refuse the grant of a permit for the proposed works on the basis that we will be significantly and adversely affected by the deck extension.

We outline the following reasons for our objection:

1. The proposed extension by reason of its size, width and massing would have an unacceptably adverse impact on the amenity of our property which is immediately adjacent to the site by reason of overlooking, noise, loss of privacy and visually overbearing impact.
2. The proposed extension by reason of its siting, would result in an unacceptable loss of privacy as a result of overlooking, adversely affecting the amenities enjoyed



by us in the adjacent dwelling.

3. The development is located in a quiet beachside residential area where occupiers could reasonably expect a level of amenity concurrent with this sleepy beachside location. The proposed deck extension introduces a diverse element that by reason of its use is likely to result in noise, disturbance and nuisance to the detriment of our residential amenity.
4. The mass, bulk and proximity of the proposed extension would present a visually overbearing and intrusive element to our adjoining dwelling, limiting our views to sky and access to natural light.
5. The proposed extension, by reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties.

The following comments and attached photographs more clearly articulate how we would be affected by the proposed deck extension:

1. The users and occupiers of 34 Ocean Road would be able to overlook more directly into our living room, our dining room and our rear garden resulting in a significant loss of privacy and amenity.

In this regard, we wish to point out that the Applicant's drawings are misleading to the extent that they claim that "no habitable room windows being overlooked".

As the attached photographs show, the entire rear and side elevation of our dwelling has windows and therefore overlooking into both our living room and dining room will be significantly increased as a result of the proposed extension.

2. The size of the proposed deck will allow the users and occupiers of 34 Ocean Road to significantly alter the use from the current balcony to a large deck for entertaining, allowing a greater number of people and activities in that space. This will be disruptive to the quiet enjoyment of our garden and our home, by reason of noise, disturbance and nuisance.

The pitched nature of the roof (which covers the current extent of the balcony) already acts as an amplifier. The extent of noise emanating from the likely use of the proposed deck extension will be significantly increased.

We have chosen to live in this house because of the quiet nature of this sleepy beachside suburb. The quiet enjoyment of our home and garden will be significantly impacted by the altered use of the deck and the likely increase and intensity in activity.



3. The proposed extension will effectively double the size of the existing balcony, which would then be of a mass and bulk that would present an overbearing and intrusive element in such close proximity to our adjoining dwelling. This will significantly limit the views to sky and access to natural light we currently enjoy.

Finally, we would like to draw your attention to recent correspondence with the Borough relating to works occurring at 34 Ocean Road (copies attached).

On 24 November 2006 we noticed some illegal building works at 34 Ocean Road, for which the Borough subsequently required a planning permit. The works led to the construction of an external stair leading to the existing balcony, which for the reasons we outlined above has severely affected the amenity and the quiet enjoyment of our home and garden.

Since the installation of the stair there has been a significant increase activity on the stair and balcony, including barking dogs, flapping towels, people speaking loudly on mobile phones and peering into our home and garden. As a consequence we have felt the need to construct a high brush fence (which we had hoped would provide some noise attenuation) and to keep our blinds shut reducing our views to sky and natural light.

We remain disappointed that the Borough did not give us the opportunity to comment on that application and that not more attention was given to our pleas to halt the works at that time, despite the consequences having had a clear adverse impact on our amenity. We nevertheless look forward to a more thorough consideration by the Responsible Authority of our concerns as part of this Application.

For the reasons outlined in this letter we urge the Responsible Authority to refuse the grant of a permit for the proposed works on the basis that we will be significantly and adversely affected by the deck extension.

We would be delighted to talk through our concerns with the Borough's officers personally and invite them to visit our home to assist them with their evaluation of this Application. Upon an inspection the reasons for our objection will no doubt become abundantly clear.

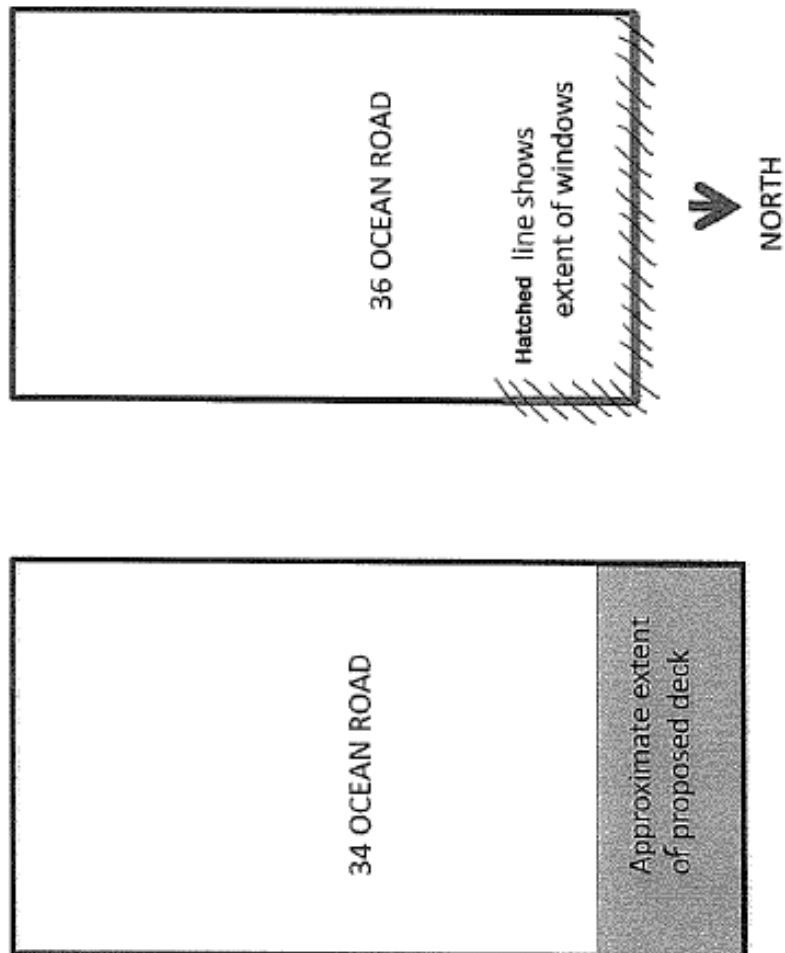
As we work in Melbourne during the week could you please contact Ellie on 0400 359 610 should you wish to make an appointment or request clarification of our objection. Please send any further correspondence to 9 Church Street, South Melbourne, VIC 3205.

Yours sincerely

S.A. McMillan and M.E. Schwab

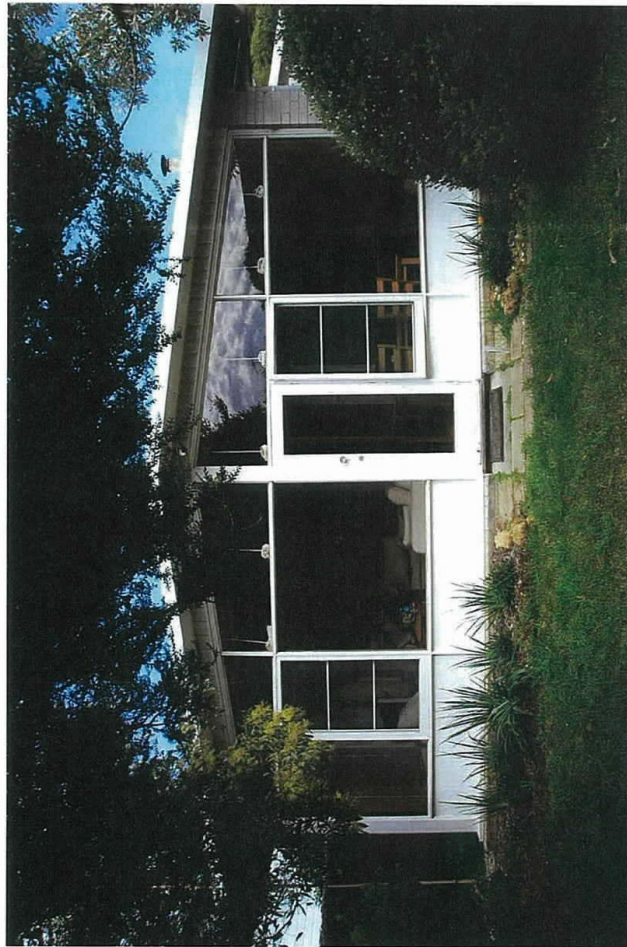


Indicative only – not to scale





Property at 36 Ocean Road



Rear north facing windows



Rear north east facing windows



View of existing balcony and stair



Outlook from living room

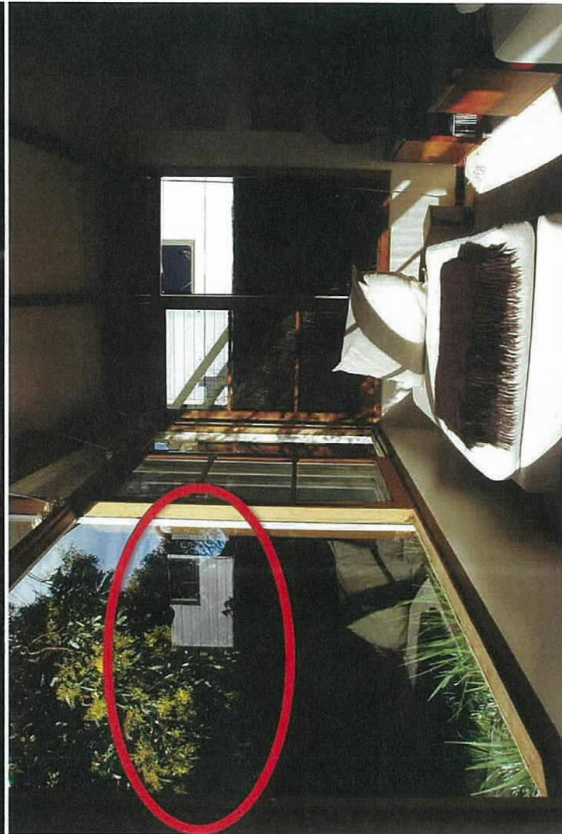


Extent of current balcony

Area of proposed deck extension – extent
of loss of views to sky and natural light

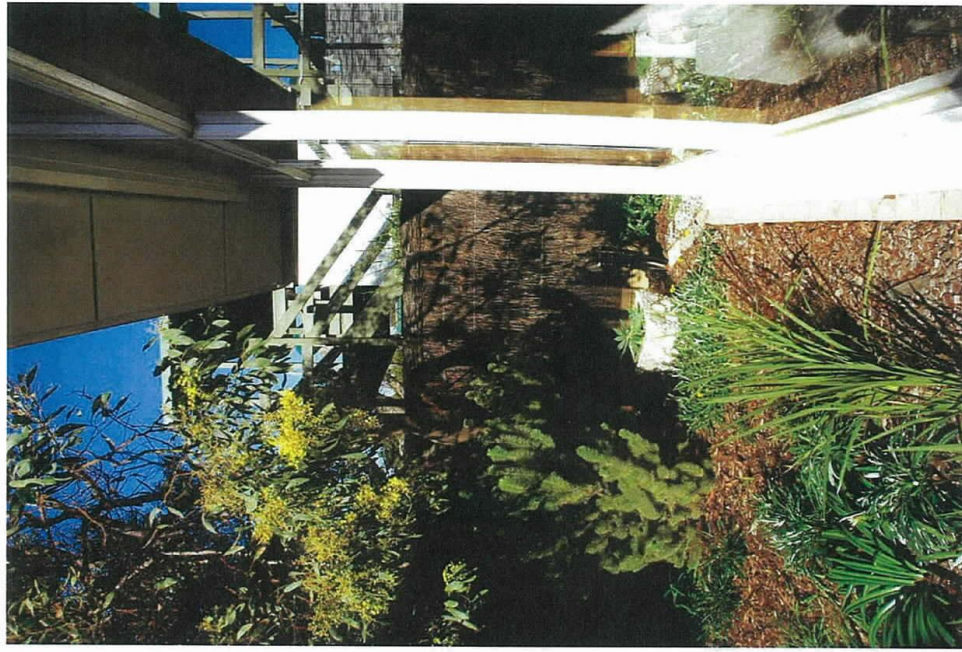


Being observed by
barking dogs



View from dining room
table – the white
element is a reflection
of the building, but is
the location of the
proposed deck

Views into the garden



Measures that we had to put in place to mitigate impact of recent stair works



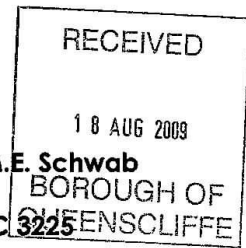
Internal blinds



A high, noise attenuating, brush fence



S.A. McMillan and M.E. Schwab
36 Ocean Road
POINT LONSDALE VIC 3225



24 November 2006

Building Services
Borough of Queenscliffe
PO Box 93
QUEENSCLIFF VIC 3225

Dear Sirs

Building Works
34 Ocean Road, Point Lonsdale

We refer to our telephone conversation with your Council officers today, when we were asked to put our request in writing.

We seek clarification on the status of building works at 34 Ocean Road.

Today works commenced on the veranda on the northern façade of the adjoining property. We have not been notified of these works (nor has our consent been obtained) and are concerned that they may impact on the aspect from and amenity of our property.

Would you kindly advise the extent of the works and confirm whether necessary approvals have been sought from relevant authorities.

Yours faithfully

S.A. McMILLAN and M.E. SCHWAB



BOROUGH OF QUEENSCLIFFE

Our Ref: QP900-3400
Njw/atc

10 January 2007

S A McMillan & M E Schwab
36 Ocean Road
POINT LONSDALE VIC 3225

Dear Sir/Madam,

Re: 34 Ocean Road, Point Lonsdale

I refer to your letter of 28 November 2006 regarding works carried out at the above property.

I have had discussions with the owner regarding these works. A planning permit is required and I understand that the works are completed. Council has requested the owner lodge an application for these works to enable Council to consider the matter. You will be advised of the application when lodged.

If you have any queries in relation to this matter, please contact me on (03) 5258 1377 or email: natalie.walker@queenscliffe.vic.gov.au.

Yours faithfully,

Natalie Walker
MANAGER, PLANNING & DEVELOPMENT



Our Ref: QP900-3400
Njw/atc

23 July 2007

S A McMillan & M E Schwab
36 Ocean Road
POINT LONSDALE VIC 3225

Dear Sir/Madam,

Application for Planning Permit No: 2007/09
Address: 34 Ocean Road, Point Lonsdale
Proposal: Alterations to an existing dwelling in accordance with the endorsed plans.

I refer to our letter to you dated 10 January 2007 regarding works to 34 Ocean Road, Point Lonsdale.

I wish to advise that a planning permit has been issued for the construction of stairs. The construction of stairs are not considered a habitable space and therefore exempt from the overlooking provisions of the Building Regulations.

If you have any queries in relation to this matter, please contact me on (03) 5258 1377 or email: natalie.walker@queenscliffe.vic.gov.au.

Yours faithfully,


Natalie Walker
MANAGER, PLANNING & DEVELOPMENT



S.A. McMillan and M.E. Schwab
36 Ocean Road
POINT LONSDALE VIC 3225

6 October 2007

Natalie Walker
Manager, Planning and Development
Borough of Queenscliffe
PO Box 93
QUEENSCLIFF VIC 3225

Dear Natalie

Application for Planning Permit No.: 2007/09
34 Ocean Road, Point Lonsdale

Thank you for your letter of 23 July 2007 advising us that a permit was issued for the construction of external stairs at 34 Ocean Road.

We acknowledge that Council has given detailed consideration to these works based on the planning documentation provided and we therefore do not propose to challenge the decision.

We also acknowledge that the recent works appear to have added to our new neighbours' enjoyment of their holiday home, and hence we do not wish to pursue the issue any further.

But since we do not believe we were notified of the planning application (as noted in your letter of 10 January 2007), nor given the chance to comment on the application, we would like to submit some photographs for Council's file to demonstrate why we raised concerns that our amenity would be affected by the works.

As you can see from the photographs, there are now clear view lines from the new stairs directly into our living room and we are often disturbed by people and dogs peering into our window.



We have partly been able to mitigate the impacts on our loss of privacy by closing our blinds and by installing a fence extension. Sadly we have lost the aspect to the garden landscape and the privacy we previously had.

As noted above, we acknowledge Council's decision to approve the works and do not propose to pursue the issue further. We would however, be grateful if our letter was placed on the Council's file.

Yours faithfully

S.A. McMILLAN and M.E. SCHWAB

34 Ocean Road



View of stair from Ocean Road



View of stair from rear of 36 Ocean Road



View of stair from sofa



View of stair from living room



View of stair from garden



View of stair from outside living room



Lowered internal blind to reduce impacts of overlooking



Lattice erected to provide some privacy



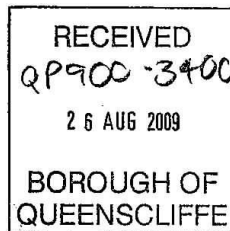
APPENDIX 3:

Coastyle Building Solutions Pty Ltd

21-25 Glenrana Drive
Indented Head VIC 3223
ACN: 108 820 319

Registered Building Practitioner: DB-U 31391

Phone: 0418 332 081
Email: john@coastyle.com.au
Fax: 03 5257 3796



Wednesday, 26 August 2009

Borough of Queenscliffe
Municipal Offices
50 Learmonth Street
Queenscliff, VIC 3225

Attention: Michelle Watt – Town Planning

Planning Permit Application: 2009/083

Address: 34 Ocean Road, Point Lonsdale

Re: Response to Objection from 36 Ocean Road

Dear Michelle,

My clients are keen to progress with their Planning Permit Application & feel that by & large the lengthy objection from 'S.A. McMullan & M.E. Schwab' (the objectors) is either based on previous issues (side stairs to existing deck, which has been resolved with a planning permit issued 20 July 2007) or is not really relevant to the extension of an existing deck (increase in noise levels & use, etc).

As 34 Ocean Road is a double storey residence with a 1st floor rear deck & has been on the property in excess of 30 years (well before the current owners of 36 Ocean Rd acquired their property), all the points that the objectors are now so rigorously objecting to were there when they purchased the property in the first place.

We feel the proposed extension to an existing-deck falls within the rules & guidelines governing the design of a 'raised open space' & we could argue is really not 'habitable space'. As you will see on the plans submitted, the new deck (which is in effect an extension of approx 1.8m on the existing deck) is 4.7m from the west side boundary & is actually further away from the rear of the residence at 36 Ocean Road than the existing decking. Further it is our belief that it is not overbearing nor does it in any way create greater loss of privacy than the existing deck & stairs. As such we feel that the design of the proposed extension does not breach the overlooking provisions of the Building Regulations and accordingly should receive planning approval by the Council.

Lastly we note that in the design of the new deck we intend to refurbish the existing bulky timber balustrading on the existing deck & stairs with stainless steel wires; this will serve to reduce the mass & bulk of the deck in its current form and should improve the general vista as viewed by the objectors.

Also please find attached a response from my clients, the owners of 34 Ocean Road who felt compelled to respond to some of the more 'emotive' claims made by the objectors

Regards,

John Ekberg
Registered Building Practitioner No: DB-U 31391
0418 332 081
john@coastyle.com.au

Coastyle Building Solutions Pty Ltd as Trustee for Ekberg Family Trust ABN: 91 655 383 599





Coastyle Building Solutions Pty Ltd
21-25 Glenrana Drive
Indented Head VIC 3223
ACN: 108 820 319

Registered Building Practitioner: DB-U 31391

Phone: 0418 332 081
Email: john@coastyle.com.au
Fax: 03 5257 3796



John as discussed, here are our responses to the reasons put forward by our neighbours at 36 Ocean Road; could I ask that you pass this on to the Council with your response::

1. *The Proposed extension by reason of its size, width and massing would have an unacceptably adverse impact on the amenity of our property which is immediately adjacent to the site by reason of overlooking, noise, loss of privacy and visually overbearing impact.*

Response:

- The **size** and **width** of the extension is in keeping with the dimensions of the existing dwelling and balcony both of which have existed on the site in excess of 30 years; in fact by not extending the roof line which covers the existing balcony, the **massing** of the extension of the balcony is less than exists today.
- The works proposed include stainless steel balustrade to both the extension and the stairs running alongside the dwelling – by replacing the existing balustrade on the stairs it will significantly reduce the **massing** as viewed from 36 Ocean Road as the existing balustrade is quite bulky made from heavy timbers.
- The design of the proposed balcony extension is not **visually overbearing** and in fact from ground level it would be very difficult to see due to the height of the existing boundary fence.
- The proposed extension will not impose any additional **overlooking** as it runs along the line of the existing dwelling;
- The existing dwelling, which has been in the site in its current design in excess of 30 years (well before the current owners of 36 Ocean Rd acquired their property), because of its construct, ie, 2 stories with external balcony, results in a certain impact on the privacy and amenity of adjacent properties. In consideration of this we have planted trees, retained existing bush and, without being requested to do so, constructed higher boundary fencing. The proposed extension does no more to the **loss of privacy** or adds to the **visual impact** that already exists between 34 and 36 Ocean Rd.
- The objection citing noise is inappropriate and irrelevant as an objection. We as the owners of 34 Ocean Rd are entitled to use our property, including any associated **noises** that come with residing in the dwelling. Of course all such noise needs to be within the appropriate limits and no complaints have ever been raised by the occupiers of 36 Ocean Rd, nor for that matter, any of the other neighbours. This can be confirmed by the owner of 32 Ocean Rd (the nearest adjacent neighbour) if required.
- The existing balcony is not large and with the proposed extension only adding a width of 1.8m it will not create a living area that would bring with it any unique use and noise that

Coastyle Building Solutions Pty Ltd as Trustee for Ekberg Family Trust ABN: 91 655 383 599





Coastyle Building Solutions Pty Ltd

21-25 Glenrana Drive
Indented Head VIC 3223
ACN: 108 820 319

Registered Building Practitioner: DB-U 31391

Phone: 0418 332 081
Email: john@coastyle.com.au
Fax: 03 5257 3796



could not occur by utilizing the considerable area in the existing back and side areas on the grounds of the dwelling

2. *The Proposed extension by reason of its siting, would result in an unacceptable loss of privacy as a result of overlooking, adversely affecting amenities enjoyed.*

Response:

- There would be no **loss of privacy** by reason that the size and width of the extension is in keeping with the dimensions of the existing dwelling and balcony both of which have existed on the site in excess of 30 years. There would be no marked impact on privacy by overlooking created by extending the existing balcony decking.
- The setback of the proposed balcony from the boundary fence line, together with the height of the existing boundary fence, results in no marked change in the **privacy** between the 2 dwellings.

3. *The Proposed extension will effectively double the size of the existing balcony, which would then be of a mass and bulk that would present an overbearing and intrusive element in such close proximity to our adjoining dwelling. This will significantly limit the views to sky and access to natural light we currently enjoy.*

Response:

- The proposed extension is only 1.8m wide, which by way of any description cannot be considered to be excessive, **bulky**, or of a **mass** that could present an **overbearing** or **intrusive** element
- The dwelling at 36 Ocean Rd is not an 'adjoining dwelling' (defined by the Oxford dictionary as 'next to and joins with'), but in fact at its closest point is approx 5m from the proposed extension and the extension does not bring the dwelling any closer to the dwelling at 36 Ocean Rd (it running parallel to the backyard, not the dwelling).
- To say that the proposed extension "*will significantly limit the views to sky and access to natural light*" is simply wrong as, if ground levels, setbacks and fence heights are considered there is no impact on views and access to natural light. An inspection of the site will confirm this.

It is noted that the issue of the external stairs remains a point of consternation for the owners of 36 Ocean Road (in fact their comments on this issue takes up more commentary in their letter of objection than the objections to the proposed deck works themselves). Accordingly the following comments are made:

- The external stairs are an approved construction having a planning permit issued by Council (see Planning Permit issued 20 July 2007).

Coastyle Building Solutions Pty Ltd as Trustee for Ekberg Family Trust ABN: 91 655 383 599





Coastyle Building Solutions Pty Ltd

21-25 Glenrana Drive
Indented Head VIC 3223
ACN: 108 820 319

Registered Building Practitioner: DB-U 31391

Phone: 0418 332 081
Email: john@coastyle.com.au
Fax: 03 5257 3796



- This matter for a planning permit for the extension balcony decking has nothing to do with the construction or approval of the external stairs.
- As per the correspondence the Council has received (see letter of 10 Feb 2007), we were misinformed by the contractor engaged to construct and install the stairs (ie as the works were below a certain cost, no planning permit was required).
- Once contacted by the Borough officers, we fully complied with the process dictated by the Borough. It was not a matter for us to determine the process or for that matter what notice was provided to adjacent occupiers.
- The specific amenity issues complained of (barking dogs, towels flapping, people talking, etc) are (a) irrelevant to the construction of the stairs (the balcony always existed), (b) trifling in the extreme (the complaints are about normal daily living activities), and (c) reflective of occupiers who clearly do not like the fact that the property they acquired had a pre-existing 2 story dwelling which had an open balcony at its rear (with the consequence they will exaggerate events or issues to create a perception that does not exist – ie, we utilize our dwelling outside appropriate and acceptable norms).
- The reference to constructing a high brush fence is similarly misleading – firstly the fence was replaced as the existing one was falling down; second we contributed to the cost; thirdly the reason both occupiers moved from a paling fence to a brush fence was aesthetics; and finally the height was actually proposed by us and not (as is implied) the owners of 36 Ocean Rd (there is correspondence between the owners to confirm these points).
- The reference to now being required to keep their internal blinds at 'half mast' due to the loss of privacy by way of the stairs and increased use of the balcony area is similarly wrong – we have a photo of the blinds in that position circa well before the stairs were built

Conclusion

The proposed extension is not excessive, overbearing nor creates any greater loss of privacy than exists today when a 2 storey dwelling is adjacent to a single storey one constructed at a date after the 2 story one. In fact the design of the extension should improve the visual amenity by replacing bulky balustrade with a slim-line design.

There is no loss of light, skyline or amenity to the occupiers of 36 Ocean Rd (nor for that matter the occupiers of other adjacent properties – especially 32 Ocean Rd which happens to be closer to the actual dwelling at 34 Ocean Rd – as attested by the lack of objection by all other neighbours; in fact occupiers at 32 Ocean Rd and 65 Winterly Rd have advised that they are supportive of the proposed works - this can be confirmed if necessary).

It is disappointing that the issue about the construct of the external stairs has caused such consternation to the owners of 36 Ocean Rd, but this is not a matter relevant to this application

Bruce & Jeannette Levy

24th August 2009

Coastyle Building Solutions Pty Ltd as Trustee for Ekberg Family Trust ABN: 91 655 383 599

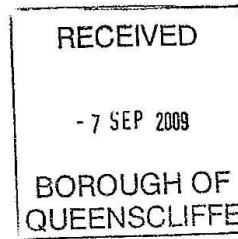




Coastyle Building Solutions Pty Ltd
21-25 Glenrana Drive
Indented Head VIC 3223
ACN: 108 820 319

Registered Building Practitioner: DB-U 31391

Phone: 0418 332 081
Email: john@coastyle.com.au
Fax: 03 5257 3796



Friday, 4th September 2009

Borough of Queenscliffe
Municipal Offices
50 Learmonth Street
Queenscliff, VIC 3225

Attention: Michelle Watt – Town Planning

Planning Permit Application: 2009/083
Address: 34 Ocean Road, Point Lonsdale

Re: Response to Objection from 32 Ocean Road

Michelle,

As with the previous objection my clients would like to proceed with the planning application.

The proposed deck is 2.44 from the South East boundary (of 32 Ocean Rd), being cognisant of this, we have already incorporated in the proposed design a permanently fixed timber screen to a height of 1700mm, being no more than 25% open. This screen will be built in spotted gum, which should be aesthetically pleasing & is not only part of the proposed deck extension but will also be built on the existing deck, thus actually improving the privacy issue that already exists.

With this measure in place we again feel the proposed extension - to an existing-deck - falls within the rules & guidelines governing the design of a 'raised open space'.

Regards,

John Ekberg
Registered Building Practitioner No: DB-U 31391
0418 332 081
john@coastyle.com.au

Coastyle Building Solutions Pty Ltd as Trustee for Ekberg Family Trust ABN: 91 655 383 599





4.2 1 Wharf Street East, Queenscliff

Planning Application– 2009/096

Summary:

Proposal	The development of fencing and gates Refer Appendix 4
Zone/Overlays	Special Use Zone 1 Environmental Significance Overlay Schedule 1 Environmental Significance Overlay Schedule 2
Permit triggers	Clause 42.01-2 - Permit required to construct a fence if specified in a schedule to this overlay
Submissions	Application lodged, 7 August 2009 Public notification required, 19 August 2009 Advertised by registered post to adjoining property owners, a notice on site for 14 days and a notice in municipal offices. Public notification completed, 8 September 2009 Coastal Management Act Consent issued, 23 September 2009 No objections lodged



APPENDIX 4:



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

QP 295-100

Office Use Only		RECEIVED
Application No: 586 -	2009/096	Date Lodged: / /

Application for Planning Permit

- 7 AUG 2009
135982
BOROUGH OF
QUEENSLIFFE

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.

The Land

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

Street Address *

Unit No.:	St. No.: 1	St. Name: Wharf Street, East
Suburb/Locality: Queenscliff		Postcode: 3225

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

A Lot No.: 1212 ☒ Lodged Plan ☐ Title Plan ☐ Plan of Subdivision No.: 112669

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

Replace existing fence and gates on our western boundary. Build new fence with gates between our administration building and foot passenger terminal/cafe. Within this fence gates include staff gate, emergency exit gate, automatic gate (ferry traffic exit) foot passenger exit turnstile /gate (prams bikes etc) The purpose of this is to protect our infrastructure and comply with our Risk Management Plan fulfilling our legal requirements under the Anti Terrorism (Community Protection) Act 2003 and signed off by the Minister of Transport 9.12.2006.

☒ 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 \$ 6,000

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.

Peninsula Searoad Transport operate a ferry service between Queenscliff and Sorrento 365 days a year. Two vessels simultaneously cross hourly between 7am and 6pm with an extra 7pm trip during daylight saving. Queenscliff terminal houses two buildings, one administration and vehicle ticketing, the second building is a cafe, plus foot passenger ticketing and lounge. The site also houses two berthing stations plus a layup berth.

☒ 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.)

RECEIVED

7 AUG 2009
BOROUGH OF
QUEENSCLIFFE

Applicant and Owner Details

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

Applicant *

The person or organisation who wants the permit.

Name:		
Title: Mr	First Name: John (Jack)	Surname: Mackeddle
Organisation (if applicable): Peninsula Seaward Transport		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: P.O.Box 214
Suburb/Locality: Queenscliff		State: VIC
		Postcode: 3225

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

Contact person's details *		
Same as applicant (if so, go to 'contact information') <input type="checkbox"/>		
Name:		
Title: Mr	First Name: John (Jack)	Surname: Mackeddle
Organisation (if applicable): Peninsula Seaward Transport		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: P.O.Box 214
Suburb/Locality: Queenscliff		State: VIC
		Postcode: 3225

Please provide at least one contact phone number *

Contact information	
Business Phone: 52583244	Email: jacmac@seaward.com.au
Mobile Phone:	Fax: 52581877

Owner *

The person or organisation who owns the land

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

Name:		
Title: Mr	First Name: John (Jack)	Surname: Mackeddle
Organisation (if applicable): Peninsula Seaward Transport		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: P.O.Box 214
Suburb/Locality: Queenscliff		State: VIC
		Postcode: 3225
Owner's Signature (Optional):		Date:
		day / month / year

Declaration

7 This form must be signed by the applicant *

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

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

Signature:	Date: 03/08/09.
	day / month / year

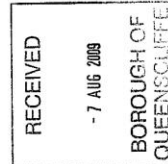
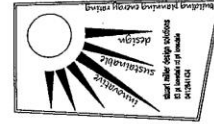


proposed security fencing

for

PENINSULA SEAROAD TRANSPORT

QUEENSCLIFF TERMINAL

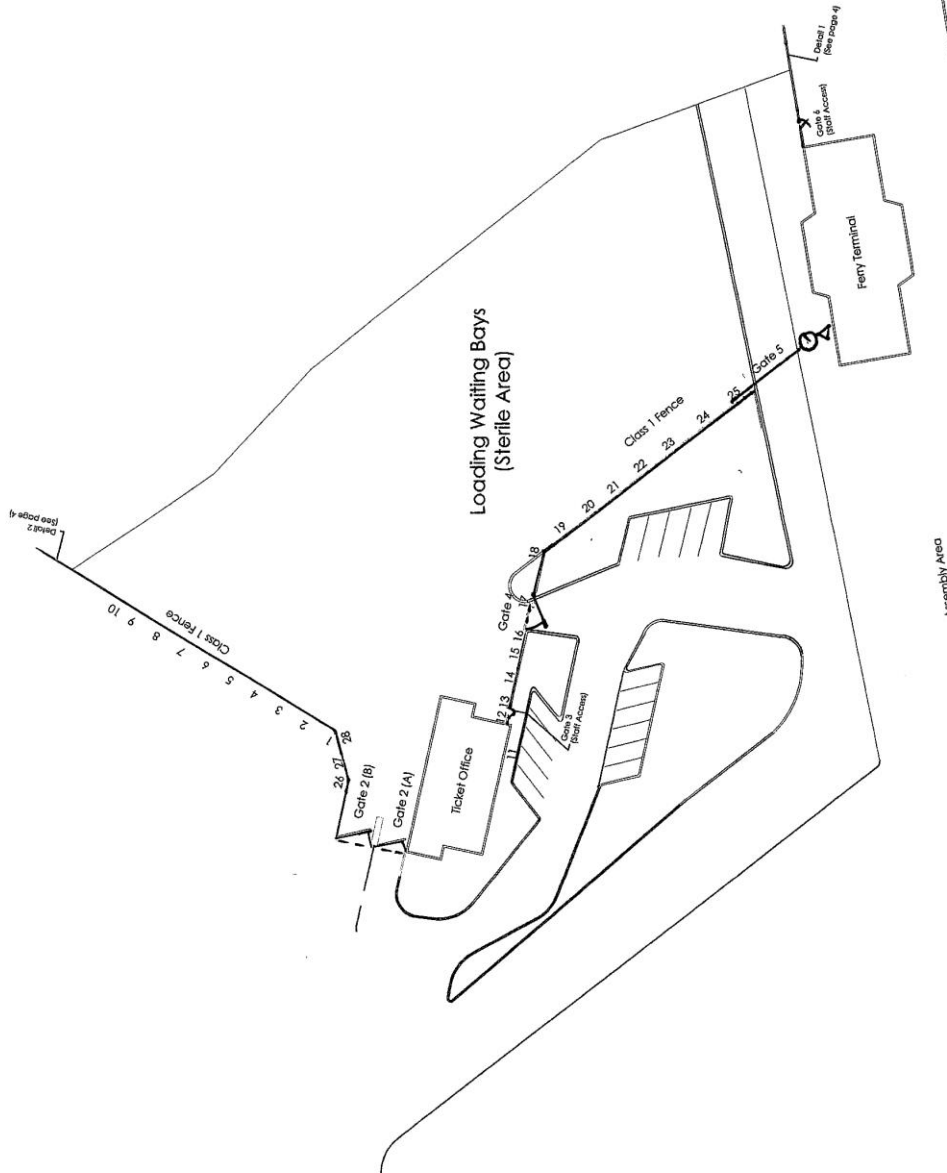


01 January, 2000



Notes:

- The turnstile and accompanying gate next to gate 5 are not numbered or detailed because they are "off the shelf" standard equipment. They are constructed to a standard exceeding the construction of the proposed gates and fences so will be adequate. There is a 1500mm turnstile and a 1200mm gate/door next to it to provide disabled access.



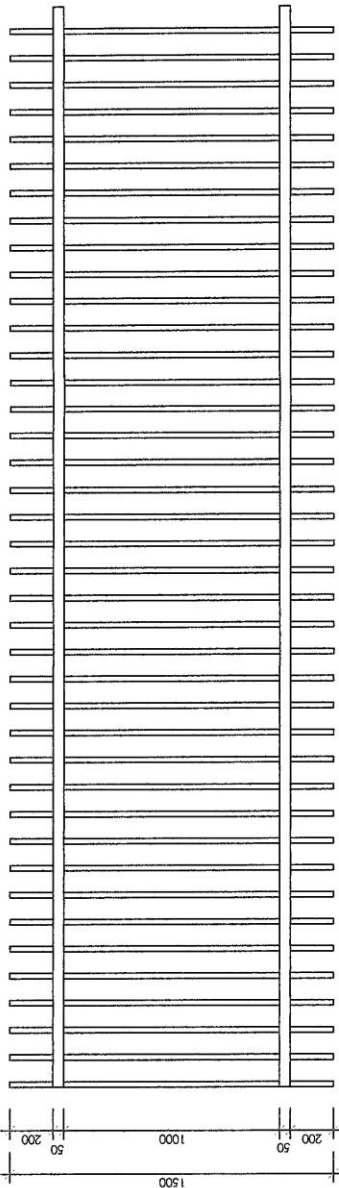
Drawn By	Lachlan Miller
Project	Queenscliff Ferry Terminal
SHEET TITLE	Site Plan
SCALE	1:200
SHEET NO.	1 OF 4
DATE	11/03/2009
FORMAT	A3
REVISION / AMENDMENT	

Site Plan

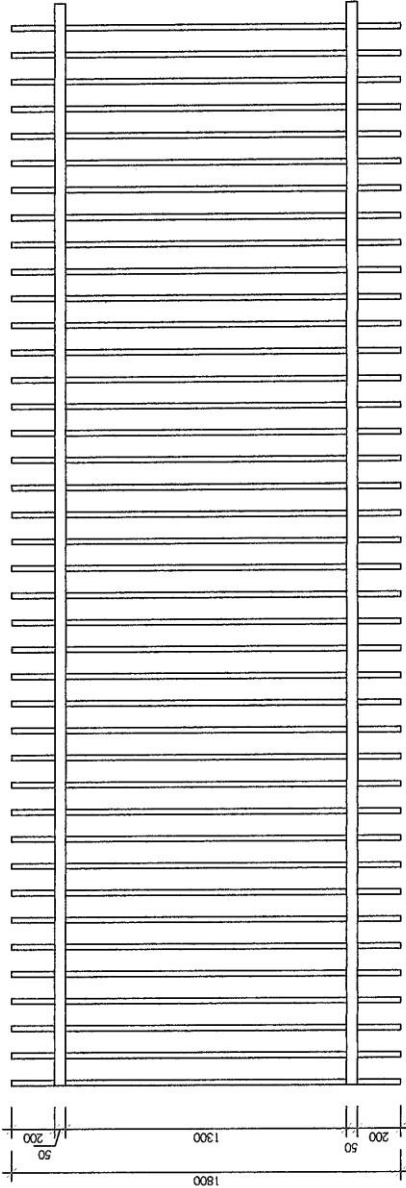


Notes:

- Class 1 Fence
 - > 1.8 m high panels
 - > Rectangular hollow section (RHS); cut back at the top to make a point; 3 mm thickness; 25mm x 50mm; fabricated panels; hot-dip galvanised; welded in-situ (no bolting); posts are set in concrete;
 - > Similar to the fence at Geelong Yacht Club
- Class 2 Fence
 - > 1.5m high panels
 - > Rectangular hollow section (RHS); cut back at the top to make a point; 3 mm thickness; 25mm x 50mm; fabricated panels; hot-dip galvanised; welded in-situ (no bolting); posts are set in concrete;
 - > Similar to the fence at Geelong Yacht Club
- Fence Panels are connected together via a steaming RHS welded to posts, of same integrity as top and bottom chords.



Class 2 Fence



Class 1 Fence
RECEIVED
- 7 AUG 2009
BOROUGH OF
QUEENSCLIFFE

Drawn By	Lachlan Miller
Project	Queenscliff Ferry Terminal
SHEET TITLE	Fence Class 1 & Class 2
SCALE	1:20
SHEET NO.	2 OF 4
DATE	11/03/2009
FORMAT	A3
REVISION / AMENDMENT	

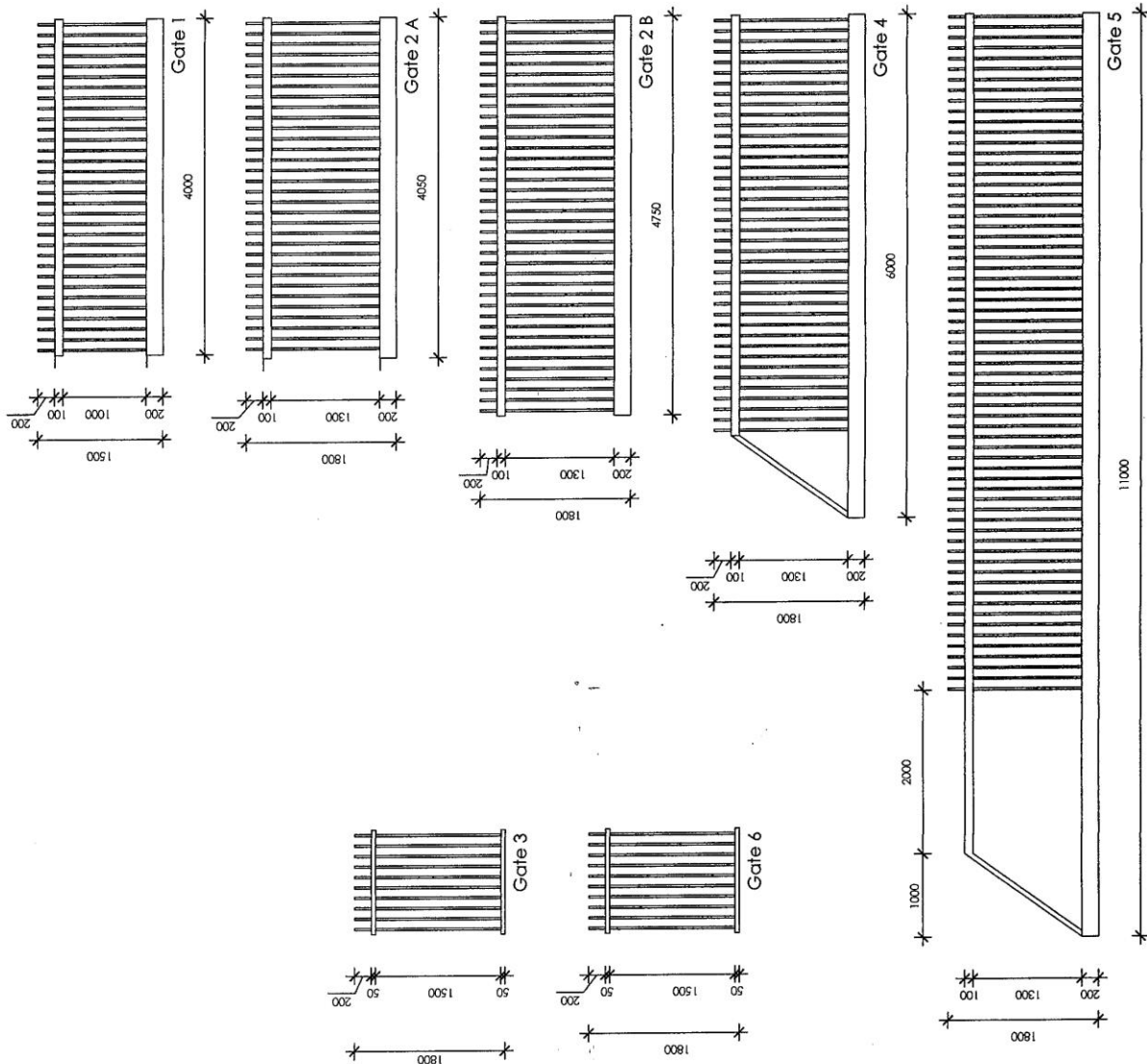


Notes:

- The top chord on both fence type a, and type b is 50x50, the bottom chord is 50x50, and the vertical bars are 50x25
- Gate 1
 - > Sliding gate
 - > Manual control
 - > Construction consistent with adjoining fence
 - > Normally closed
- Gate 2
 - > Two swinging gates
 - > Manual controlled
 - > Substantial locking device to be provided
 - > The gates must be constructed and engineered in such a manner as to prevent penetration of a 2 tonne vehicle travelling at 40kph.
- Gate 4/5
 - > Sliding gate
 - > Powered via remote control (nb., also requires key-operated manual control override)
 - > The gates must be constructed and engineered in such a manner as to prevent penetration of a 2 tonne vehicle travelling at 40kph.
 - > Normally closed
 - > Gate 5 is only opened during ferry unloading.
- Gate 3/6
 - > RFD controlled staff access swinging gate



Drawn By	Lachlan Miller
Project	Queenscliff Ferry Terminal
SHEET TITLE	Gates
SCALE	1:50
SHEET NO.	3 OF 4
DATE	11/03/2009
FORMAT	A3
REVISION / AMENDMENT	



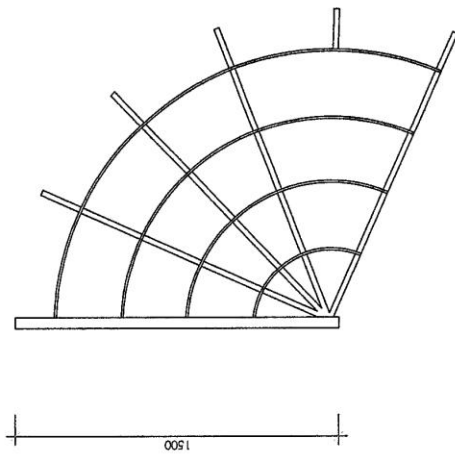
Gates
Scale 1:50



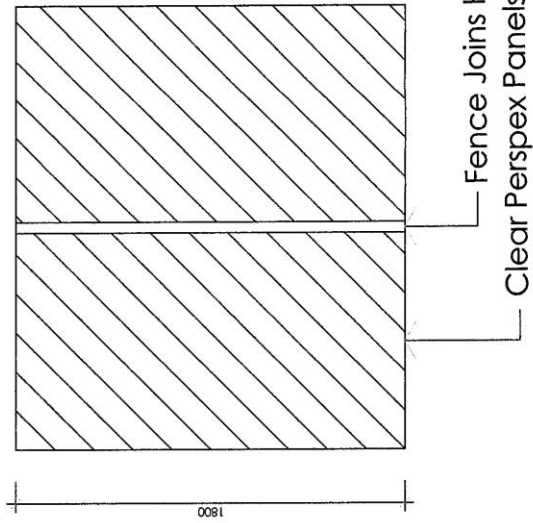
Notes:

- Details 1 and 2, illustrate how the fence crosses into the water, to prevent pedestrians entering the sterile area, by walking around the fence.
- Top and side members are made from 50x50 RHS, the fan members are made from 50x25 steel, cut to a point at the end.
- The bar that is almost horizontal has been removed, so that pedestrians can not walk along it and step around the fence. However its spike has been left to further prevent pedestrians stepping around the fence.

Detail 1

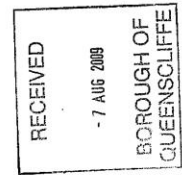
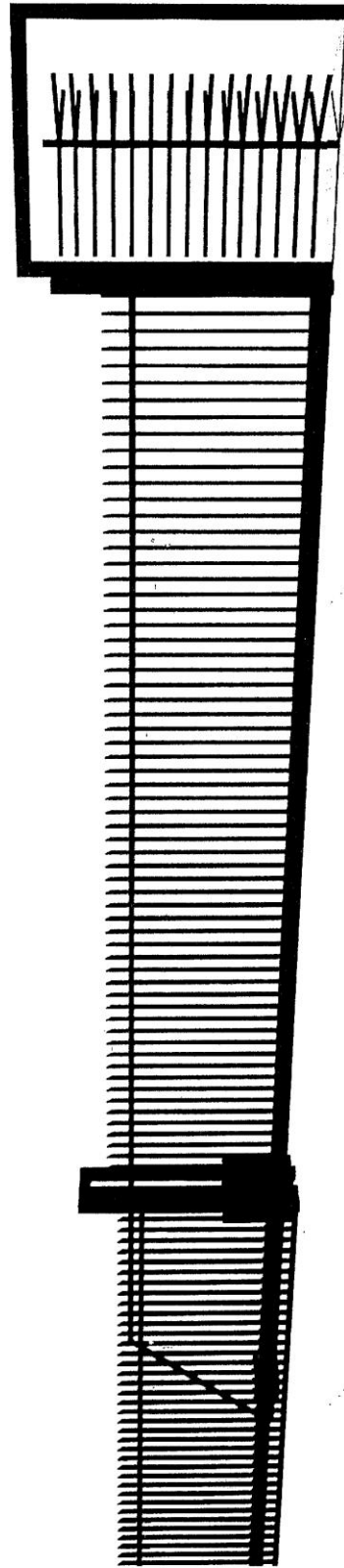


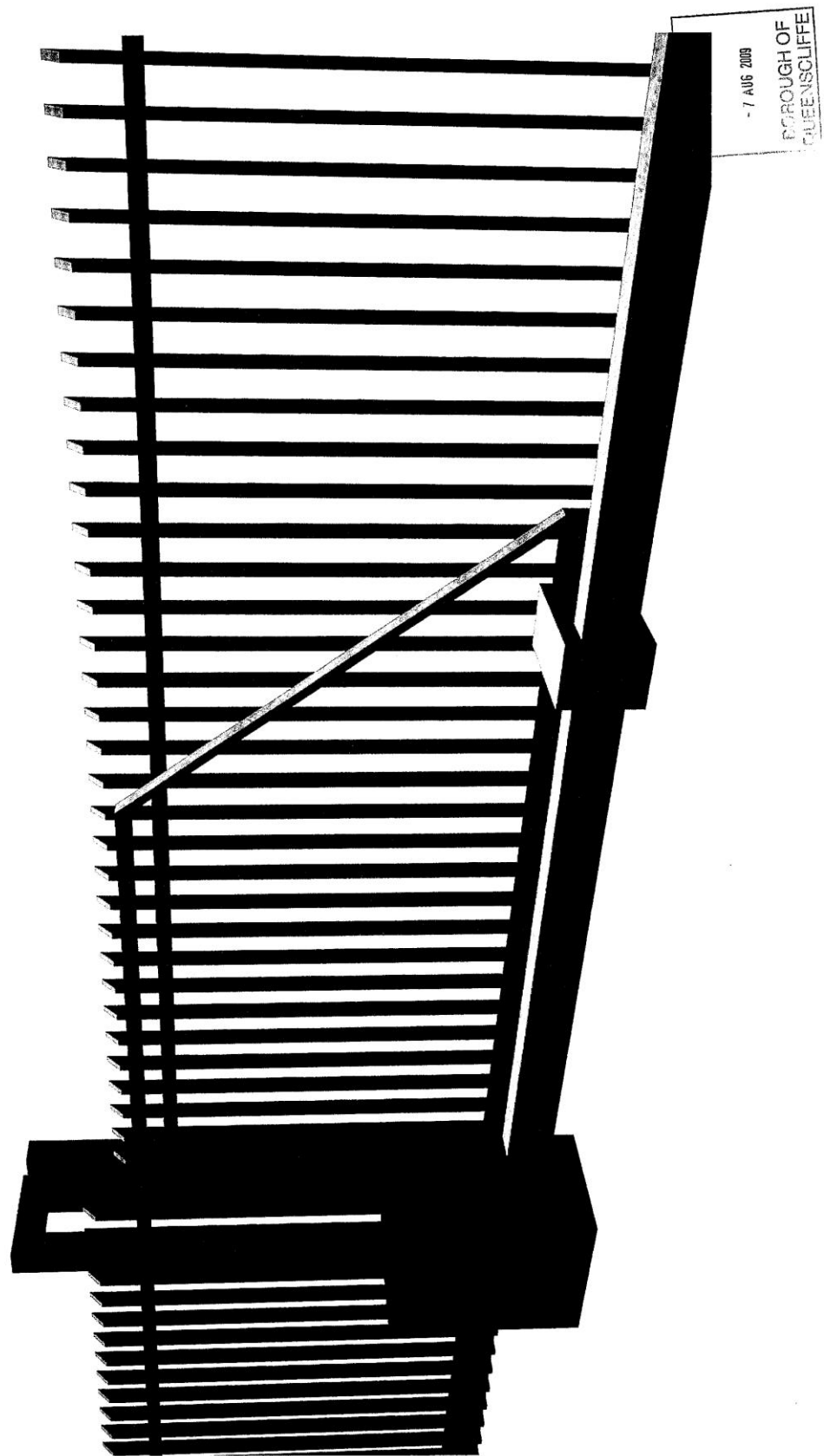
Detail 2



Drawn By	Lochlan Miller
Project	Queenscliff Ferry Terminal
SHEET TITLE	Details
SCALE	1:20
SHEET NO.	4 OF 4
DATE	11/03/2009
FORMAT	A3
REVISION / AMENDMENT	





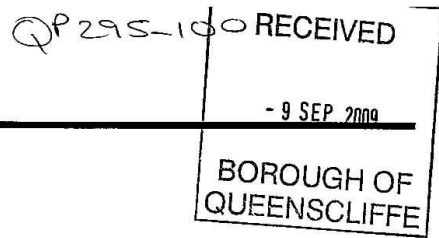




Info

From: Jack Mackeddle [jacmac@searoad.com.au]
Sent: Wednesday, 9 September 2009 9:24 AM
To: Info
Subject: Planning Permit No 2009/096
Attachments: Geelong Yatch Club 007.jpg

Follow Up Flag: Follow up
Flag Status: Flagged



For the attention of Karen Hose, General Manager, Planning

Dear Karen,

Further to the discussion yesterday and my previous response to Michelle Watt regarding the letter ref. no. QP295-100 request for additional information.

In reference to the pedestrian gate treatment.

We are mindful of the need to make ferry travellers and tourists feel welcome and comfortable when using the service.

With this in mind we have opted to make the turnstiles at each terminal look as best we can and to have a "softer feel" for those using them. The outer part of the turnstile is powder coated in a grey colour and the internal turning part that people touch is to be polished stainless steel. This has added an extra \$9,000 to the cost of each turnstile, but our company decided that the extra expenditure is required in order to achieve a more welcoming experience for our passengers.

In reference to the Perspex panels.

We feel that the use of a clear polycarbonate sheet which is to form an end where the West fence terminates at the concrete edge of the creek seawall would be less visual and have no intrusion past the edge of the seawall as would be required with that shown in detail 1.

There is a need to stop the ability of someone using the fence structure to climb around the end of the fence, the clear polycarbonate sheet removes the ability to use the fence for foot or handholds.

Also by having the clear sheet in effect terminating the fence at the edge of the seawall there is no part of the fence protruding into the creek which could cause a problem if a boat got into difficulties and came to close to the seawall. A similar arrangement has been used at the RGYC, see photo attached. Although the difference with our proposal is to have the panel at 90 degrees to the fence as mentioned above.

I hope this helps to explain the issues raised,

Regards,

John (Jack) Mackeddle
Managing Director
Peninsula Searoad Transport
+61 (0) 3 5258 3244 ext 81
+61 (0) 3 5258 1877 fax
+61 (0) 418 222 970 mob
www.searoad.com.au
www.platinumcharters.com.au

email jacmac@searoad.com.au





4.3 2 Wharf Street East, Queenscliff

Planning Application: 2009/094 and

Amendment to Development Plan 2007/99

Summary

Proposals	<p>Change of use for Queenscliff Harbour East Building to a licensed food and drink premises, including the provision for the sale/supply of liquor on and away from the premises under the provisions of a general licence</p> <p>Refer Appendix 5</p> <p>Amendment to Development Plan to allow changes to the specified operating hours</p> <p>Refer Appendix 6</p>
Zone/Overlays	Special Use Zone 1
Permit triggers for planning permit application	Clause 52.29- Licensed premises
Submissions	<p>Application lodged, 3 August 2009</p> <p>Public notification requested 21 August 2009 Advertised by registered post to adjoining property owners, a notice on site for 14 days and a notice in municipal offices.</p> <p>Public notification completed 22 September 2009</p> <p>Three objections lodged to planning application.</p> <p>Refer Appendix 7</p> <p>One submission lodged to development plan amendment application (submission is to both the permit application and amendment to Development Plan).</p> <p>Refer Appendix 8</p> <p>Response to objections/submission.</p> <p>Refer Appendix 9</p>



Summary of key issues to planning application	<ul style="list-style-type: none">▪ Off premises license is not appropriate▪ There are enough licensed premises in the town▪ Safety and security issues at the Ferry▪ Drunk patrons may cause a risk with vehicle traffic associated with the ferry▪ Drunk patrons may try and force entry into vehicles▪ Drunk patrons may harass and fight ferry patrons and staff
Summary of key issues to development plan application	<ul style="list-style-type: none">▪ There will be inconvenience and exposure to harassment and possible injury to ferry customers and personnel.

Note:

The applicant is seeking permission to limit the sale of packaged liquor for consumption off the premises to wines produced or distributed by the Rathbone Wine Group. A condition on permit could secure this commitment.

Current hours approved under the Development Plan

Packaged liquor sales	8am to 8pm
Café/ restaurant/ bar	8am to 12am

Hours sought

Packaged liquor	Sunday 10am- 11pm Anzac/ Good Friday 12 noon- 11pm Any other day 9am-11pm
Café/ restaurant/ bar	Sunday 10am- 11pm Anzac/ Good Friday 12 noon- 11pm Monday- Wednesday 9am-11pm Thursday- Saturday 9am- 1am Other public holidays 9am-1am



APPENDIX 5:



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

Office Use Only

Application No.: 2009/094 Date Lodged: RECEIVED

Application for
Planning Permit

- 3 AUG 2009

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

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.

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:
Suburb/Locality:		Postcode:

Formal Land Description *
Complete either A or B.

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

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.: 4A		Section No.: 6A		
Parish/Township Name: Paywit					

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *
Complete either A or B.

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

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.: 2014		Section No.:		
Parish/Township Name: Paywit					

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](#)

The purpose of the application is for the issue of a planning permit for the use of the East Building, Queenscliff Harbour, as licensed food and drink premises, with the sale/supply of liquor for consumption on and away from the licensed premises, under the provisions of a General Licence. The sale of packaged liquor, for consumption off the premises, is to be limited to wines produced or distributed by the Rathbone wine group.

☒ 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 \$0

⚠ 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.

The land is currently being developed for a boatharbour and associated landside boating and commercial uses. The east building, the subject of the application, is currently under construction in accordance with the approved development plan for the site.

☒ 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 or organisation who wants the permit.

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

Please provide at least one contact phone number *

Name:		
Title: Mr	First Name: Angus	Surname: Witherby
Organisation (if applicable): Wakefield Planning		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 5450
Suburb/Locality: Mordialloc		State: VIC
		Postcode: 3195
Contact person's details *		
Same as applicant (if so, go to 'contact information') <input type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State:
		Postcode:
Contact information		
Business Phone: 03 9588 1998		Email: angus.witherby@wakefieldplanning.com.au
Mobile Phone: 0427 257 244		Fax: 03 9588 0038



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:	First Name:	Surname:
Organisation (if applicable): Crown Land - C/- Parks Victoria		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: Level 10/535	St. Name: Bourke Street
Suburb/Locality: Melbourne		State: VIC
		Postcode: 3000
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: 31 July 2009
	day / month / year



**Planning permit application
Liquor licence
East building**

QUEENSCLIFF HARBOUR REDEVELOPMENT

JULY 2009

Queenscliff Harbour Pty Ltd
Level 1, 460 Bourke St
Melbourne VIC 3000 Australia
Tel: (03) 9938 9888

Rev. C. Issue Date: 30 July 2009 - for Submission

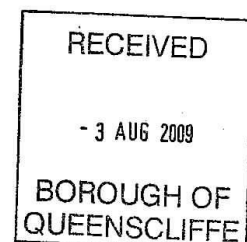




TABLE OF CONTENTS

1	Proposal	3
1.1	Background	3
1.2	Characterisation of use	3
1.3	Operating profile	3
1.4	Relationship to Previous Approvals	3
2	Planning Scheme Requirements	6
2.1	Clause 52.27 licensed premises	6
2.1.1	Location of the licensed premises	6
2.1.2	Decision guidelines	6
3	Summary	8
	APPENDIX A	9
	APPENDIX B	10



1 PROPOSAL

The purpose of the application is for the issue of a planning permit for the use of the East Building, Queenscliff Harbour, as licensed food and drink premises, with the sale/supply of liquor for consumption on and away from the licensed premises, under the provisions of a General Licence. It is proposed that the sale of packaged liquor, for consumption off the premises, be limited to wines produced or distributed by the Rathbone wine group.

1.1 BACKGROUND

The Queenscliff Harbour redevelopment has been proceeding on the basis of a staged Development Plan approved under the provisions of the Queenscliff Planning Scheme, in particular under Schedule 1 to the Special Use Zone. Planning permit applications have been required for matters outside the scope of the Development Plan framework facilitated by the Schedule. Under Clause 52.27, licensed premises, a planning permit application is required for liquor licences within the development site.

1.2 CHARACTERISATION OF USE

The approved uses on the site include restaurant, cafe, bar, and packaged liquor sales (retail premises). It is proposed that packaged liquor sales for off-site consumption be restricted to wines produced or sold by the Rathbone wine group. The overall characterisation of the uses would therefore best be described as "food and drink premises" noting that the uses would be under an integrated management and subject to the same liquor licence application.

1.3 OPERATING PROFILE

The operating profile of the proposed uses is as follows:

Supply of liquor for consumption off the premises: Sunday: 10am to 11pm; Anzac Day & Good Friday: 12noon to 11pm; Any other day: 9am to 11pm.

Supply of liquor for consumption on the premises: Sunday: 10am to 11pm; Monday-Wednesday 9am to 12 Midnight; Thursday-Saturday 9am – 1am the following day; Anzac Day & Good Friday: 12noon to 11pm. Any other public holiday: 9am to 1am the following day.

1.4 RELATIONSHIP TO PREVIOUS APPROVALS

As the uses have not commenced, there are no existing operating hours in place. Approved hours as outlined in the Stage 3 planning report are as follows: Restaurant (including lounge and bar) 8am-12am; Cafe 8am – 12am; retail sales (packaged liquor sales) 8am-8pm. Overall the changes proposed to the hours are modest. Note that opening times for the restaurant and cafe have been proposed for 7am rather than 8am as currently approved, although opening hours for the packaged liquor sales would reflect the liquor licensing hours. As a result of the proposed changes to the hours, a revision to the Development Plan is required. This is provided as a separate application.



A table outlining the approved opening hours, proposed liquor licence hours and changes to total opening hours is shown below to allow an easy comparison between the hours.

Use	Currently approved opening	Proposed hours for liquor sales	Difference in hours (liquor sales as compared to current opening hours)	Change in total opening hours
Packaged Liquor Sales	8am-8pm	Sunday 10am-11pm	+1	+1
		Anzac/Good Friday 12noon-11pm	-1	-1
		Any other day 9am-11pm	+2	+2
Cafe and Restaurant (including lounge and bar)	8am-12am	Sunday 10am-11pm	-3	+1
		Anzac/Good Friday 12noon-11pm	-5	+1
		Monday-Wednesday 9am-11pm	-2	+1
		Thursday-Saturday 9am-1am	0	+2
		Other public holidays 9am-1am	0	+2

Under the development plan process, approval has been given in Stage 3B for the commercial and retail building known as the East building, which is presently under construction. The location of the East building and its relationship to the balance of the development site and the town of Queenscliff is shown on the context plan at Appendix A.

This building constituted the core of Stage 3B and is located on the triangle of land adjacent to the eastern Harbour basin. This building is the main focus of food retailing on the site and incorporates the principle café/restaurant offer.

The building was designed with an emphasis on providing an opportunity for both indoor and outdoor eating with views both over the Harbour and Sand Island as well as through the heads towards Point Nepean. In this regard it provides a distinctive "offer" not elsewhere available within Queenscliff.

The building was described in the Stage 3B application as containing a variety of uses and floor spaces. Indicative tenancies identified for the building at that time included:



- Bottle Shop/Food
- Restaurant/Café
- Bar/Restaurant

These were used to identify the relevant floor areas and seating capacities for the various uses as shown in Table 1, below.

Table 1 – Eastern Building Uses and Areas

Use	Area m2	Comment
General Retail	67	Non-marine retail is restricted to 2110m2 across the site under the Schedule to the SUZ
Office	10.1	The office is for management of the proposed restaurant and café, which will be managed as an integrated operation. As such, they impose no additional parking demand over and above the proposed uses. They are not a separate leasable area.
Services	n/a	These include toilets, together with the garbage store and also facilities such as kitchens to service the café and restaurant.
Food Retailing	200 seats	Includes outdoor seating
Lounge area	60.2	Includes 49.5m2 in the main building together with 10.7m2 waiting area
Bar area	53.3	Includes the lookout platform, which is intended to provide a drinks service.

As shown on the Stage 3B plans at Appendix B, the general retail component included liquor sales and an area for produce. There have been some minor modifications to the internal layout of the building. These are shown in the plans at Appendix A.

The changes involve internal connections between components of the building, and do not affect the areas proposed for the various uses.

The proposed uses, the subject of the licence application, are therefore entirely consistent with the current Stage 3B use approvals, noting some slight changes to internal building connectivity.



2 PLANNING SCHEME REQUIREMENTS

2.1 CLAUSE 52.27 LICENSED PREMISES

The key requirements relating to liquor licences within the scheme, relate to two key objectives:

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

2.1.1 Location of the licensed premises

The proposed licensed premises are located within the East building and are shown on the accompanying plans which outline the proposed boundaries of the licensed area. Plans include the ground floor, first floor and observation deck areas. (See Appendix A). The East building is at the far eastern end of the Harbour redevelopment site, and is located some 330m from the nearest residential dwelling, in Beach St, as shown on the context plan at Appendix A.

The building is within a commercial precinct with a strong focus on tourist visitation associated with the commercial buildings. The premises are appropriately located within the site to complement the other commercial offerings associated with the site, and to take advantage of the ambience offered by the redeveloped harbour. Potential amenity impacts, required to be addressed under the second objective, are covered in the decision guidelines. These are reviewed below.

2.1.2 Decision guidelines

The State Planning Policy Framework

The proposal supports the objectives of planning in Victoria in that it is intended to provide a pleasant recreational environment for Victorians and visitors to Victoria.

The proposal is consistent with Clause 11.03-5 in that it supports economic well-being by providing facilities that will be of benefit to both the tourist industry, a major economic elements within the Queenscliff economy, and also to local people.

The proposal is also consistent with Clause 15.08 in that the proposal is part of a redevelopment that has occurred through an integrated planning approach and contributes to diversification in the range of tourist opportunities in the Queenscliff region.

In considering Clause 17.02, the proposal will contribute to both the provision of entertainment and commercial services and will also assist to support the overall viability of the redeveloped harbour precinct.

The development is also consistent with Clause 17.04, in that it enhances the tourist offer and provides additional employment within the Queenscliff area.



The Local Planning Policy Framework

Clause 21.02 identifies the developing tourist profile of Queenscliff. In particular, the Clause identifies the growth of restaurants to meet the needs of relatively high income residents and tourist demand. The Clause also confirms tourism as the main economic underpinning of the borough. In addition, Queenscliff Harbour is specifically identified as an important component in attracting recreational boating. The substantial temporary population identified by the Clause is one of the key drivers of tourist facilities. In addition, the identified limited employment opportunities are noted as is the role of the Harbour in providing employment.

The location of the proposal is such that it will contribute to tourism whilst minimising amenity impacts. This is consistent with Clause 21.04 which also supports the role of the Harbour in providing improved services and facilities.

The proposal is also consistent with Clause 21.05, which includes strategies supporting the redevelopment of Queenscliff Harbour in a way complementary to existing services and facilities. The Clause also reinforces the importance of tourism to the overall economy. Tourism is noted to be growing by 6-7% annually. The proposal is consistent with the intent of the Clause to encourage a limited number of foreshore food premises and encouragement of tourist facilities in locations where they will have minimal amenity impact.

The impact of the sale or consumption of liquor on amenity

Amenity impacts associated with the sale or consumption of liquor are anticipated to be minimal. In this regard, the premises are proposed for a variety of uses including restaurant, cafe, lounge, bar and restricted packaged liquor sales. The premises do not constitute a hotel and will not contain gaming facilities. The majority of liquor sold from the premises would be associated with the service of food, either at the cafe or the restaurant. Packaged liquor sales for consumption on the premises are proposed to be restricted to wines produced and sold by the Rathbone Wine Group. No general packaged liquor sales for consumption off the premises are proposed.

The impact of the hours of operation on amenity

A minor amenity issue associated with patron and staff departures from the restaurant facility may occur in the evenings. In this regard, it should be noted that the road servicing the development is a state highway and not a local road, although due to the operation of the ferry use of the highway is limited after 7 PM during the summer period, and 6 PM during the winter period.

The impact of the number of patrons on amenity

Total seating for the cafe and restaurant combined (including outdoor seating) is for 200 patrons. The downstairs cafe, including outdoor seating, is anticipated to operate generally during daylight hours, with the upstairs restaurant focusing on evening and, depending upon demand, lunchtime periods. The upstairs restaurant may also be utilised for corporate functions, receptions and the like.

Unlike a hotel facility, there is not likely to be a substantial movement of patrons upon closing time. Instead, it is anticipated that patrons would come and go from the facility progressively, noting some minor peaks may be associated with the end of specific functions. Given the distance to the nearest residential dwelling, the



number of patrons is not anticipated to generate specific amenity impacts, other than minor impacts associated with motor vehicle use.

Cumulative impact

Queenscliff currently has some 13 restaurant/cafes. These include restaurants associated with accommodation, restaurants associated with hotels, and cafes. The proposed development complements existing offerings in that Queenscliff does not currently have a waterfront dining opportunity. The overall cumulative impact of the development will be low in the context of the number of restaurants and cafes in the vicinity. In addition, the location of the premises some 600m from Hesse Street, the main commercial street of Queenscliff, means that there is no cumulative impact on the main street

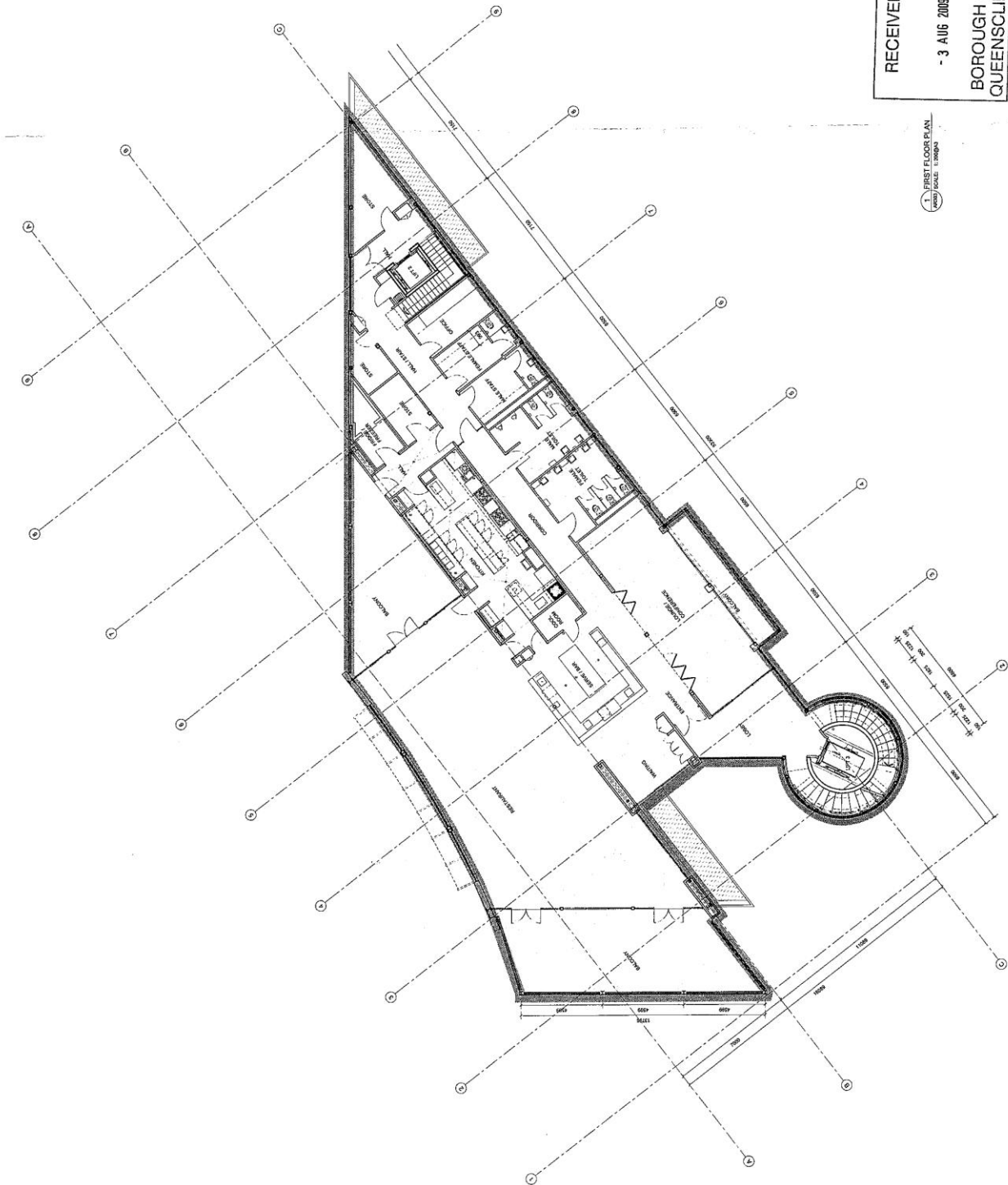
3 SUMMARY

The proposal has been reviewed against the schedule to the special use zone. As outlined, the uses proposed for the East building are permissible uses within the zone. The granting of a permit for a liquor licence (being a general licence for food and drink premises with restrictions on the sale of packaged liquor to only include packaged liquor sold or distributed by the Rathbone wine group) is an essential element in the viability of those uses. The development will complement the existing tourist offer within Queenscliff and will have minimal amenity impacts on surrounding areas.



APPENDIX A







DIMENSIONING AND STANDARD NOTES:

- 1) All dimensions taken from FFL (Finished Floor Level) unless noted otherwise.
- 2) All figured dimensions to take precedence over scaled dimensions.
- 3) Prior to commencement of any work, check all site and nominal dimensions (NOM or N), including all increase dimensions.
- 4) All discrepancies in or between the architectural drawings and consultants drawings should be directed with the architect or where noted CHECK (CHK).
- 5) Architectural drawings should be read in conjunction with the specifications and all relevant consultants drawings and specifications.
- 6) All things exposed to view shall be concealed from direct sight unless noted otherwise.

DRAWING REVISION:

DATE: REV NO: NOTES:

LEGEND

PROPOSED LIQUOR
LICENSED AREA



OBSERVATION DECK PLAN

QUEENSCLIFF HARBOUR
REDEVELOPMENT

QUEENSCLIFF HARBOUR PTY LTD

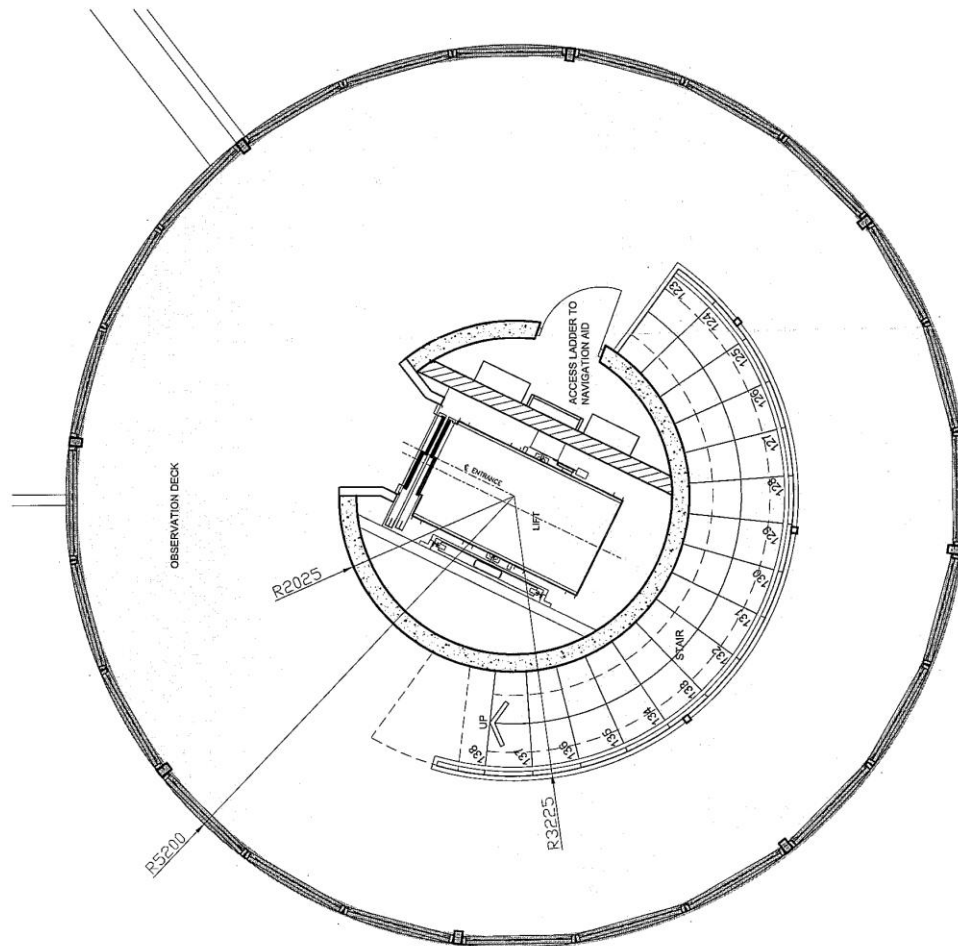
DATE: 15 JULY 2009 JOB NO: 04004

SCALE: 1:50@A3 DRAWN: RH CHECKED: RC

TP 305

CONFIRMS: PLY LTD
Architect: PLY LTD
1: 03 5947 2979 / 03 5947 2905
e: mail@confirms.com.au
www.confirms.com.au

RECEIVED
- 3 AUG 2009
BOROUGH OF
QUEENSCLIFFE



1 OBSERVATION DECK PLAN
SCALE: 1:50@A3



APPENDIX B



APPENDIX 6:



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

Office Use Only

Application No.:

Date Lodged: / /

Application for Development Plan Amendment

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 use by the Council 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.

- 3 AUG 2009

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:
Suburb/Locality:		
Postcode:		

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.: 4A			Section No.: 6A	
Parish/Township Name: Paywit					

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		
Postcode:		

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.: 2014			Section No.:	
Parish/Township Name: Paywit					

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](#)

The purpose of the application is to vary the approved operating hours in the Stage 3B Development Plan to align with the proposed licencing hours in the planning permit application for a liquor licence for the East Building at Queenscliff Harbour

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 \$0

⚠ 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.

The land is currently being developed for a boatharbour and associated landside boating and commercial uses. The east building, the subject of the application, is currently under construction in accordance with the approved development plan for the site.

☒ 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 or organisation who wants the permit.

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

Please provide at least one contact phone number *

Name:		
Title: Mr	First Name: Angus	Surname: Witherby
Organisation (if applicable): Wakefield Planning		
Postal Address:		
Unit No.:	St. No.:	St. Name: PO Box 5450
Suburb/Locality: Mordialloc		State: VIC
		Postcode: 3195
Contact person's details *		
Same as applicant (if so, go to 'contact information') <input type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State:
		Postcode:
Contact information		
Business Phone: 03 9588 1998		Email: angus.witherby@wakefieldplanning.com.au
Mobile Phone: 0427 257 244		Fax: 03 9588 0038



Owner *

The person or organisation
who owns the land

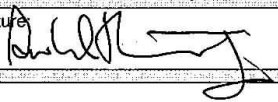
*Where the owner is different
from the applicant, provide
the details of that person or
organisation.*

Name:			Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:	
Organisation (if applicable): Crown Land - C/- Parks Victoria			
Postal Address:		If it is a P.O. Box, enter the details here:	
Unit No.:	St. No.: Level 10/535	St. Name: Bourke Street	
Suburb/Locality: Melbourne		State: VIC	Postcode: 3000
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: 31 July 2009
	day / month / year



**Development Plan Amendment
Hours of Operation
East Building**

QUEENSCLIFF HARBOUR REDEVELOPMENT

JULY 2009

Queenscliff Harbour Pty Ltd
Level 1, 460 Bourke St
Melbourne VIC 3000 Australia
Tel: (03) 9938 9888

Rev. B. Issue Date: 30 July 2009 - for submission

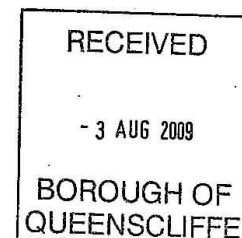




TABLE OF CONTENTS

1	Proposal	3
1.1	Background	3
1.2	Proposed hours	3
2	Planning Scheme Requirements	4
2.1	Amenity impacts	5
2.2	Development Plan considerations	6
2.2.2	Amendment of the Environmental Management Plan	6
2.3	Decision Guidelines	6
3	Summary	6
	Appendix A	7



1 PROPOSAL

The purpose of the application is for the amendment of the operating hours associated with the East Building at Queenscliff Harbour. The application should be read in conjunction with the planning permit application for a liquor licence for this building.

This application proposes changes to the closing times of the development to accommodate the proposed times in the liquor licence application. It also proposes the restaurant and cafe being permitted to open from 7 AM rather than the existing approved time of 8 AM.

1.1 BACKGROUND

The Queenscliff Harbour redevelopment has been proceeding on the basis of a staged Development Plan approved under the provisions of the Queenscliff Planning Scheme, in particular under Schedule 1 to the Special Use Zone. Planning permit applications have been required for matters outside the scope of the Development Plan framework facilitated by the Schedule.

Under Clause 52.27, licensed premises, a planning permit application is required for liquor licences within the development site. The planning permit application is for different hours to those currently approved under the Development Plan for Stage 3B.

Accordingly amendment of that Development Plan approval is required if the planning permit application for the liquor licence is to be approved.

1.2 PROPOSED HOURS

The following table (see over) outlines changes to the proposed hours of the development to coincide with hours proposed under the liquor licensing application. It also outlines changes to overall opening hours.

As approved, opening hours commence at 8 AM. Under the proposal, the restaurant and cafe would be permitted to open from 7 AM, noting that liquor sales would commence later in the day.

Opening hours for the packaged liquor sales would coincide with the proposed liquor licensing hours. In this regard, opening hours would be later than 8 AM for all days. Closing hours for packaged liquor sales are proposed to extend beyond 8 PM to 11 PM.

Closing hours for the cafe and restaurant (including lounge and bar) are proposed to extend past midnight Thursday-Saturday and public holidays (other than Anzac Day and Good Friday) to provide for a 1 AM closing time as compared to the current approved time of midnight.



Use	Currently approved opening	Proposed hours for liquor sales	Difference in hours (liquor sales as compared to current opening hours)	Change in total opening hours
Packaged Liquor Sales	8am-8pm	Sunday 10am-11pm	+1	-1
		Anzac/Good Friday 12noon-11pm	-1	-1
		Any other day 9am-11pm	+2	+2
Cafe and Restaurant (including lounge and bar)	8am-12am	Sunday 10am-11pm	-3	+1
		Anzac/Good Friday 12noon-11pm	-5	+1
		Monday-Wednesday 9am-11pm	-2	+1
		Thursday-Saturday 9am-1am	0	+2
		Other public holidays 9am-1am	0	+2

2 PLANNING SCHEME REQUIREMENTS

The planning scheme requirements regarding the Development Plan are outlined in the Schedule 1 to the Special Use Zone.

These have been reviewed. The proposal to amend the operating hours is consistent with the purposes of the Schedule to the Zone, in that it proposes an expansion to tourist facilities. In addition, the expansion of the hours will facilitate the development of employment generation, associated with the expanded hours of operation. The uses are permissible, and there is no provision within the Schedule relating to operating hours.

With regard to the application requirements, the main issue is the potential impact of the extension of the proposed hours of use, as outlined at Clause 2.0. The types of activities include restaurant, cafe, bar, lounge, and restricted packaged liquor sales for consumption off premises. These would be restricted to wines made or sold by the Rathbone Wine Group. Plans are attached at Appendix A.



2.1 AMENITY IMPACTS

Amenity issues are as outlined below:

The impact of the sale or consumption of liquor on amenity

Amenity impacts associated with the sale or consumption of liquor are anticipated to be minimal. In this regard, the premises are proposed for a variety of uses including restaurant, cafe, lounge, bar and restricted packaged liquor sales. The premises do not constitute a hotel and will not contain gaming facilities. The majority of liquor sold from the premises would be associated with the service of food, either at the cafe or the restaurant. Packaged liquor sales for consumption of the premises are proposed to be restricted to wines produced and sold by the Rathbone Wine Group. No general packaged liquor sales for consumption off the premises are proposed.

The impact of the hours of operation on amenity

A minor amenity issue associated with patron and staff departures from the restaurant facility may occur in the evenings. In this regard, it should be noted that the road servicing the development is a state highway and not a local road, although due to the operation of the ferry use of the highway is limited after 7 PM during the summer period, and 6 PM during the winter period.

The impact of the number of patrons on amenity

Total seating for the cafe and restaurant combined (including outdoor seating) is for 200 patrons. The downstairs cafe, including outdoor seating, is anticipated to operate generally during daylight hours, with the upstairs restaurant focusing on evening and, depending upon demand, lunchtime periods. The upstairs restaurant may also be utilised for corporate functions, receptions and the like.

Unlike a hotel facility, there is not likely to be a substantial movement of patrons upon closing time. Instead, it is anticipated that patrons would come and go from the facility progressively, noting some peaks may be associated with the end of specific functions. Given the distance to the nearest residential dwelling, the number of patrons is not anticipated to generate specific amenity impacts, other than minor impacts associated with motor vehicle use.

Cumulative impact

Queenscliff currently has some 13 restaurant/cafes. These include restaurants associated with accommodation, restaurants associated with hotels, and cafes. The proposed development complements existing offerings in that Queenscliff does not currently have a waterfront dining opportunity. The overall cumulative impact of the development will be low in the context of the number of restaurants and cafes in the vicinity. In addition, the location of the premises some 600m from Hesse Street, the main commercial street of Queenscliff, means that there is no cumulative impact on the main street



2.2 DEVELOPMENT PLAN CONSIDERATIONS

Development Plan information requirements have been satisfied by the approved Stage 3B Development Plan, which provided the relevant documentation. This proposal represents an amendment of operating hours only.

The hours of operation are proposed to be amended in accordance with the table outlined in this application.

No issues are foreseen that would require revision to existing plans of management with regard to traffic, events management, parking, or the environmental management plan, except as outlined below. Similarly, the proposal would have no impact on the provision of parking, as approved under the current Development Plan approvals.

2.2.2 Amendment of the Environmental Management Plan

An amendment to the environmental management plan is proposed to provide signage advice to patrons departing the premises after 10pm of the need to respect the residential environment when leaving. This signage is proposed adjacent to exit doors to the premises.

2.3 DECISION GUIDELINES

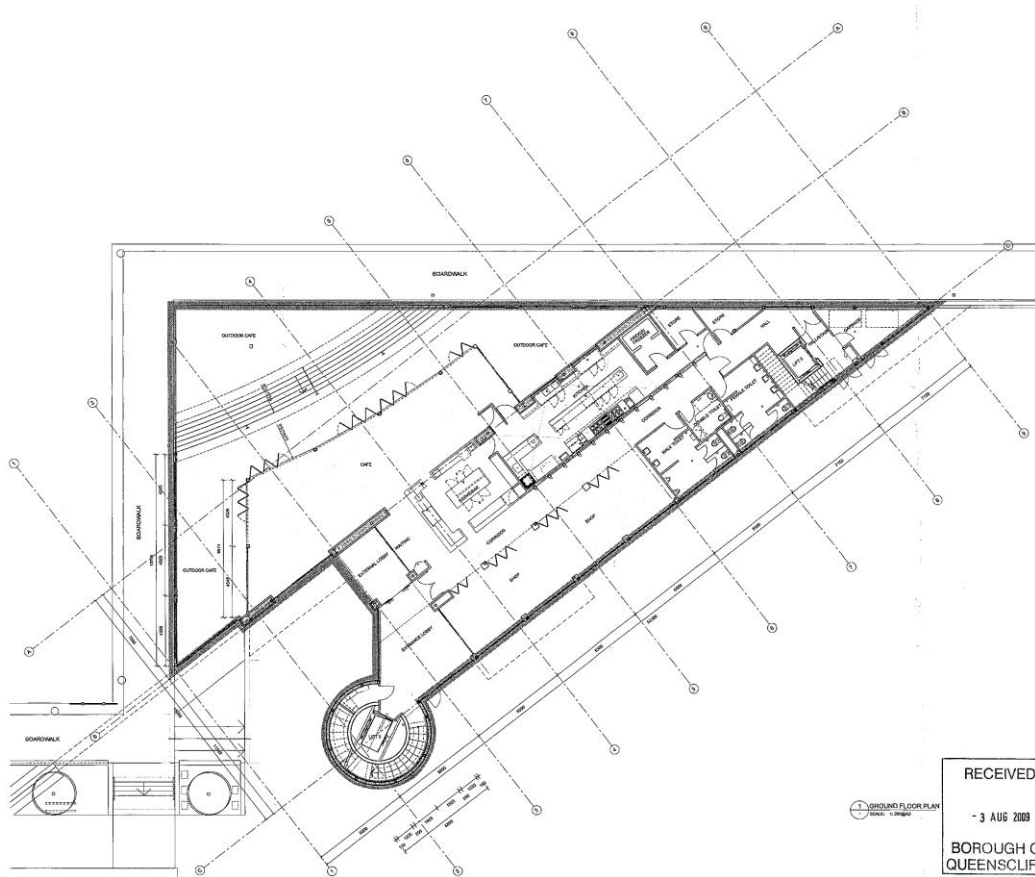
The amendment to the operating hours is considered to be consistent with the decision guidelines to Schedule 1 of the Special Uses Zone, as the proposed liquor licence is consistent with the state and local planning framework, and will positively impact on the provision of tourist facilities. In addition, the proposal will have minimal impact on the amenity of adjoining lands and will not increase traffic demands.

3 SUMMARY

The proposal has been reviewed against the schedule to the special use zone. As outlined, the uses proposed for the East building are permissible uses within the zone. The approval of an increase to the operating hours of the East building supports the viability of the approved uses. The development will complement the existing tourist offer within Queenscliff and will have minimal amenity impacts on surrounding areas.



APPENDIX A



DRAWING AND STANDARD NOTES:
1. All dimensions are in metres (m).
2. All dimensions are to the centre of the wall unless otherwise stated.
3. All dimensions are to the centre of the wall unless otherwise stated.
4. All dimensions are to the centre of the wall unless otherwise stated.
5. All dimensions are to the centre of the wall unless otherwise stated.
6. All dimensions are to the centre of the wall unless otherwise stated.
7. All dimensions are to the centre of the wall unless otherwise stated.
8. All dimensions are to the centre of the wall unless otherwise stated.
9. All dimensions are to the centre of the wall unless otherwise stated.
10. All dimensions are to the centre of the wall unless otherwise stated.

DRAWING REVISION:
DATE: 01/08/09
BY: [Signature]
NOTES:

LEGEND

PROPOSED LIQUOR
LICENSED AREA



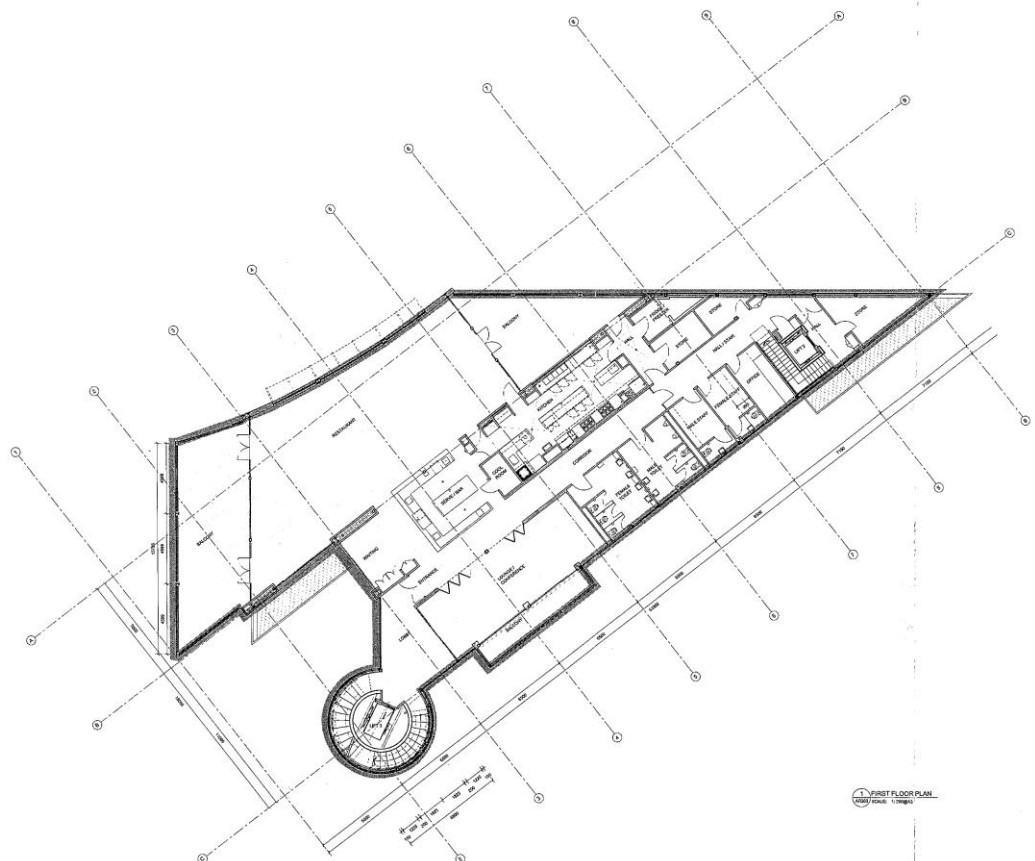
RESTAURANT
GROUND FLOOR PLAN

RECEIVED

- 3 AUG 2009

BOROUGH OF
QUEENSLIFFE

QUEENSLIFF HARBOUR
REDEVELOPMENT
QUEENSLIFF HARBOUR PT LTD
10 JULY 2009
TP 302
Cord Architects Pty Ltd
10/100 Sturt Street
Geelong VIC 3220
03 5244 1111
www.cordarchitects.com.au



DRAWING AND STANDARD NOTES:
1. All dimensions are in metres (m).
2. All dimensions are to the centre of the wall unless otherwise stated.
3. All dimensions are to the centre of the wall unless otherwise stated.
4. All dimensions are to the centre of the wall unless otherwise stated.
5. All dimensions are to the centre of the wall unless otherwise stated.
6. All dimensions are to the centre of the wall unless otherwise stated.
7. All dimensions are to the centre of the wall unless otherwise stated.
8. All dimensions are to the centre of the wall unless otherwise stated.
9. All dimensions are to the centre of the wall unless otherwise stated.
10. All dimensions are to the centre of the wall unless otherwise stated.

DRAWING REVISION:
DATE: 01/08/09
BY: [Signature]
NOTES:

LEGEND

PROPOSED LIQUOR
LICENSED AREA



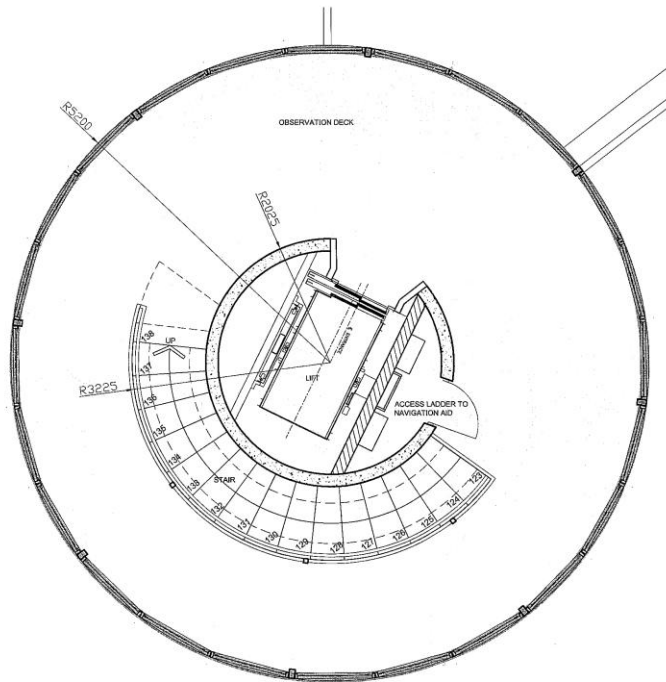
RESTAURANT
FIRST FLOOR PLAN

RECEIVED

- 3 AUG 2009

BOROUGH OF
QUEENSLIFFE

QUEENSLIFF HARBOUR
REDEVELOPMENT
QUEENSLIFF HARBOUR PT LTD
10 JULY 2009
AR 303
Cord Architects Pty Ltd
10/100 Sturt Street
Geelong VIC 3220
03 5244 1111
www.cordarchitects.com.au



1 OBSERVATION DECK PLAN
SCALE: 1:50@A3

- DIMENSIONING AND STANDARD NOTES:**
1. All dimensions taken from FFL (Finished Floor Level) unless noted otherwise.
 2. All figured dimensions to take precedence over scaled dimensions.
 3. Prior to commencement of any work, check all site and nominal dimensions (NOM or N), including site access dimensions.
 4. All discrepancies in or between the architectural drawings and construction drawings should be checked with the architect or where noted CHECK (CNS).
 5. Architectural drawings should be used in conjunction with the specifications and all relevant construction drawings and specifications.
 6. All fittings exposed to view shall be executed from direct sight unless noted otherwise.

DRAWING REVISION:
DATE: REV NO: NOTES:

LEGEND
 PROPOSED LIQUOR
LICENSED AREA

OBSERVATION DECK PLAN

QUEENSLIFF HARBOUR
REDEVELOPMENT

RECEIVED

3 AUG 2009

BOROUGH OF
QUEENSLIFF

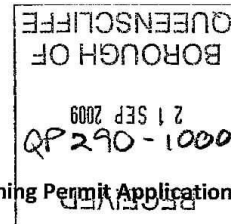
QUEENSLIFF HARBOUR PTY LTD
DATE: 16 JULY 2009 DRAWN: JAMES
SCALE: 1:50@A3 DESIGNED: TP 305
DRAWN BY: CHECKED BY: JAMES
Correll Architects Pty Ltd
10/111 The Esplanade
Caulfield, Victoria 3222 Australia
t: 03 9547 2004 f: 03 9547 2005
e: mail@correllarchitects.com.au
www.correllarchitects.com.au



APPENDIX 7:



Objection to a Planning Permit Application



Please note: Your objection will be made available for public viewing and copies may be made to interested parties for the sole purpose of enabling consideration and review as part of the planning process under the Planning and Environment Act 1987. Please print clearly and read the notes on the back before completing this form. There is no requirement that you use any particular form to make an objection. This form is provided to help you provide the information required by the Planning and Environment Act 1987. If there is not enough space on the form, you may like to add pages.

Name: PENINSULA SEAROAD HOLDINGS Pty Ltd:	
Postal Address: P.O. Box 214 QUEENSClIFF VIC 3225	
Telephone: Home:	Work: 52583244 Mobile: 0418 222470
Email address: jamac@searoad.com.au	
Which application are you responding to?	Planning application number: 2009/094
Address of the application land: 2 Wharf Street East QUEENSClIFF VIC 3225	
What is the application for? Change of use for Queenscliff Harbour East Building to a licensed food + drink premises, including the provision for the	
Who has applied? (Applicant) WAKEFIELD PLANNING	
Do you own or occupy land near the subject land? <input checked="" type="checkbox"/> Yes (tick) <input type="checkbox"/> No (tick)	
Address (if the same as your postal address write 'as above') 1 Wharf Street East QUEENSClIFF VIC 3225	
Reasons for objection:	
See Attached.	
Sale/supply of liquor on and away from the premises under the provisions of a general licence.	

Send to: Borough of Queenscliffe
PO Box 93
QUEENSClIFF VIC 3225
www.queenscliffe.vic.gov.au

Fax: 03 5258 3315
Email: info@queenscliffe.vic.gov.au
Phone enquiries: 03 5258 1377



Objection to a Planning Permit Application

How will you be affected if a permit is granted?

See Attached.

Any person who may be affected by the granting of a permit may object.

- If you object, Council must consider the objection unless you withdraw it.
- If you object you must state the reasons why and say how you would be affected by the grant of a permit.
- Council must reject an objection that it considers has been primarily made to secure or maintain a direct or indirect commercial advantage for the objector.
- Council must make a copy of every objection available at its office for any person to inspect during office hours.
- Council will not decide on an application until after the latest date shown on the notice you received or the notice in The Echo or on the site.
- If you object you will be notified in writing of Council's decision.
- If you object and are not satisfied with Council's decision you may appeal to the Victorian Civil and Administrative Tribunal.

Could the application be modified to alleviate your concerns? ☒ Yes ☐ No (tick box)

If yes, would you like to discuss possible modifications with a Council officer?

☒ Yes ☐ No

You may ring the Statutory Planning Department on 5258 1377 to discuss the application

What changes would you like to see made to the application to satisfy your concerns?

See Attached.

Signature:

Date: 18-09-2009

Privacy Statement

The personal information requested on this form is being collected by Council to assist Council in the registration of your objection and assessment of the issues that you have raised. The personal information will be used solely by Council for that purpose or directly related purposes. Council may disclose this information to the applicant and their representatives, neighbouring property owners and/or occupiers and any other parties who may have an interest in the application. Council must make this information available to comply with the *Planning and Environment Act 1987*.

If this information is not collected, Council will be unable to thoroughly consider your comments, inform you of its decision on the application or notify you of any further action. The person(s) objecting understands that the personal information provided is for the registration of their objection and the processing and assessment of a planning application.

Send to: Borough of Queenscliffe
PO Box 93
QUEENSLIFF VIC 3225
www.queenscliffe.vic.gov.au

Fax: 03 5258 3315
Email: info@queenscliffe.vic.gov.au
Phone enquiries: 03 5258 1377



ATTACHMENT 1

Reasons for objection

1. The Applicant's premises are adjacent to the queuing lanes for the ferry as well as being less than 50 metres from the vehicle ticketing gates and administration building.
2. While ferry departures are hourly from 7.00am to 6.00pm in the winter and 7.00pm in the summer, ferry operation times are from around 6.00am in preparation for the first sailing and end around 8.15pm in summer (7.15pm in winter), when the vessel which departed Queenscliff on the 7.00pm sailing (6.00pm during winter) returns and is shut down by the crew. Cleaners and night watchmen then remain on board during the evening and night.
3. Page 7 of the Application states – "the road servicing the development is a state highway and not a local road". It should be noted that the road east of the roundabout is designated as a queuing area for vehicles queuing to enter the ferry terminal to board the ferry. The area serves as a vehicle holding area during busy periods and for vehicle inspections if necessary for security purposes. The vehicle access to the rear of the Applicant's premises, from the ferry queuing lanes was only permitted by Vic Roads (and in agreement with our company) on the basis that it be used only for staff parking and service access and not be accessible to the public.
4. If patron's cars are allowed to park in the ferry queuing lanes or if patrons seek to use the staff car park off the queuing lane, they would obstruct vehicles seeking to board the ferry.
5. Alcohol affected patrons may walk across the ferry queuing lanes in front of vehicles arriving to catch the ferry, posing a significant risk of injury to the patron and the occupants of oncoming vehicles.
6. Alcohol affected patrons would disrupt vehicle ticketing operations if they seek to 'take a short cut' through the vehicle ticketing gates to the ferry terminal.
7. Our experience at Sorrento, where the hotel is closer to the terminal, indicates that alcohol affected patrons may create significant problems by forcing entry to vehicles queuing to board the ferry, causing extreme discomfort to the occupants of those vehicles.
8. Our experience is that alcohol affected patrons, can cause significant problems for ferry operations by fighting and harassing ferry passengers and personnel on board the ferry. In several instances, police have been called and the vessel turned around to return to the terminal and waiting police.
9. Alcohol affected patrons cause property damage, leave bottles, glasses and a mess which has to be cleaned up the next morning.

ATTACHMENT 2

How will you be affected if a Permit is granted:

1. Unless conditions are placed on the licence and suitable fencing and controls put in place, the Applicant's proposed Amendment to the Development Plan will cause inconvenience,



exposure to harassment and possible injury to ferry customers and personnel, as set out above.

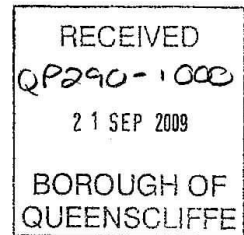
ATTACHMENT 3

What Changes would you like to see made to the application:

1. A safety and security fence needs to be constructed between the Applicant's premises and the ferry queuing lanes with a single wide opening to serve as an entrance and exit at the western end, closest to the tower and pedestrian crossing. This will assist in keeping patrons away from the ferry queuing lanes, vehicle ticketing gates and direct them towards the pedestrian crossing.
 2. The area at the rear of the Applicant's premises should be limited to parking for staff and service vehicle access and clearly be signed 'Staff Only'- 'No Public Access'. The security fence will separate this area from the ferry queuing lanes.
 3. 'No Standing' signs need to be deployed to make it illegal to stand or park in the ferry queuing lanes. This area should only be for boarding vehicles.
 4. Sales of packaged beverages other than wines produced by the Rathbone Wine Group should be prohibited.
 5. Responsible service of alcohol should be strictly adhered to, to minimise the risk of inconvenience and harassment to ferry passengers and personnel by alcohol affected patrons.
 6. The Applicant should assume responsibility for cleaning up any mess and rectifying property damage caused by its patrons.
 7. Any amplified music from the Applicant's premises needs to be controlled to minimise discomfort to ferry passengers and personnel.
 8. The proposed extended trading hours are not a concern for the ferry operation.
-



Royal Hotel
34-38 King Street,
Queenscliff 3225



Mayor and Councillors
Borough of Queenscliff
Learmonth Street,
Queenscliff 3225

15th September, 2009

Dear Mayor and Councillors,

I write to you concerning the application by the new Queenscliff Harbour Company to apply for a planning permit to operate a liquor license.

This application is before Council with operating hours ranging from 9am to 1am on some evenings, or should I say mornings, to operate a take away off premises facility and more importantly to operate a General License.

I have been in business in Queenscliff almost two (2) decades and at that am obviously the longest serving licensee and indeed one of the longest resident business operators. I generally attempt to run the business the best I can and keep out of local politics and concerns as much as I possibly can. However I feel on this occasion I must say something. I am also aware that I cannot object to any application on the grounds of competition I am writing only to express my concerns.

When the Harbour was being developed I was and still am a supporter of the project. I admittedly was concerned at the idea of another restaurant and café in the town as I believe we already have enough licenses. We all relish the thoughts of so many more people coming to town to visit the harbor and make us all busier but in reality this will not be the end result. Others will feel the effect very swiftly and within a couple of years more businesses will close their doors.



The Harbour is asking for a liquor license that will effectively allow it to trade as a hotel on the beach. They may well say that this is not their intention however once they have the license they have the ability to do as they wish. Also if the complex is to operate for the purposes of their original intention eg a restaurant/café then the license they are applying for in effect is an overkill. It will become another drinking hole with hours longer than already existing premises. Yachtees who once wandered up the street can now sit there and drink till the early hours of the morning.

This will mean that once other licensed premises have closed for the evening it offers another late night option. The residents along those streets will see an increase in foot traffic as other patrons leave existing premises and head in that direction.

To think that we need more hotels and restaurants is outrageous. Most of the ones that here today struggle to get through 9 months of the year. This will make the slice of pie even thinner. The Ozone Hotel closed because it was no longer financially viable and when the next major hotel comes up for sale prospective purchasers will also to the same.

We are asked as custodians of local history to maintain and operate these huge heritage buildings for everyone else's sake. We cannot continue to do so. I wish I could bring the building up to modern standards but the heritage restrictions will never allow me to do so. I must do best with what I have.

Again I know I cannot object, it would appear to be sour grapes. And the Harbour will not want to work in with me if I did. But then again, with the license they are asking for and the magnitude of their operation they have no intention of doing so anyway. They can say they are going to work with everyone but they are a business like anyone else and they will be filling their seats before they think about others.

I read in the Rip Rumour as to Council questioning why they have lost some recent hearings at VCAT. It is not the purpose of my letter to go into those issues. However for too long and no Council as long as I can remember has ever been any different, this has happened. We must be listening to everyone in this town not just the minority groups,, not just the Civic Associations, not just the Tourism Business Bodies. Listen to others.



Instead of knocking the supermarket on the head at Pont Lonsdale come to an arrangement early in the piece. Most of the community is happy with it BUT we want you to retain the petrol pumps. If not then we will take it to VCAT and if we lose at least the public understood why we fought it. Our perception of most of your battles is that only a minority wanted it that way in the first place. A local told me the other day that he doesn't want to see his rate monies being spent on the ideals of minorities. Stockland was another example. It was not just the finished result that would help all of us it was the years of building with tradesmen etc. that would keep us going through the year. Once again all of the supporters kept quiet knowing the repercussions from some locals. Anyway enough said, most things will never change.

I will continue to operate the Royal as long as I can, but without some development, and without some sensible decisions, no doubt the Royal will one day suffer the same fate as the Ozone.

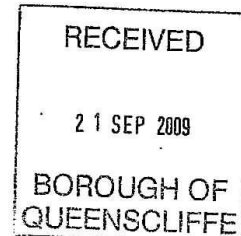
Regards

Stephen Wilson



Queenscliffe Community Association Inc.

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



To: The mayor and Councillors
Permit Number 2009/094 2 Warf Street East
18/9/09

The QCA wishes to object to the sale of alcohol that can be removed from the premises. We understand that the owner wishes to sell their own product (Rathbone wines) however we are concerned that if this is permitted that it will open the opportunity to sell other types of alcohol.

The Borough already has two hotels and two licences grocers that provide alcohol that can be removed from the premises.

Yours sincerely

C. Johnson secretary QCA



15/09/2009 17:45 0352581877

PST

PAGE 03/04



Objection to a Planning Permit Application

How will you be affected if a permit is granted?

SEE ATTACHED

Any person who may be affected by the granting of a permit may object.

- If you object, Council must consider the objection unless you withdraw it.
- If you object you must state the reasons why and say how you would be affected by the grant of a permit.
- Council must reject an objection that it considers has been primarily made to secure or maintain a direct or indirect commercial advantage for the objector.
- Council must make a copy of every objection available at its office for any person to inspect during office hours.
- Council will not decide on an application until after the latest date shown on the notice you received or the notice in The Echo or on the site.
- If you object you will be notified in writing of Council's decision.
- If you object and are not satisfied with Council's decision you may appeal to the Victorian Civil and Administrative Tribunal.

Could the application be modified to alleviate your concerns? ☒ Yes ☐ No (tick box)

If yes, would you like to discuss possible modifications with a Council officer?

☒ Yes ☐ No You may ring the Statutory Planning Department on 5258 1377 to discuss the application

What changes would you like to see made to the application to satisfy your concerns?

SEE ATTACHED

Signature: [Signature]
Privacy Statement

Date: 18/09/2009

The personal information requested on this form is being collected by Council to assist Council in the registration of your objection and assessment of the issues that you have raised. The personal information will be used solely by Council for that purpose or directly related purposes. Council may disclose this information to the applicant and their representatives, neighbouring property owners and/or occupiers and any other parties who may have an interest in the application. Council must make this information available to comply with the *Planning and Environment Act 1987*.

If this information is not collected, Council will be unable to thoroughly consider your comments, inform you of its decision on the application or notify you of any further action. The person(s) objecting understands that the personal information provided is for the registration of their objection and the processing and assessment of a planning application.

Send to: Borough of Queenscliffe
PO Box 93,
QUEENSLIFF VIC 3225
www.queenscliffe.vic.gov.au

Fax: 03 5258 3315
Email: info@queenscliffe.vic.gov.au
Phone enquiries: 03 5258 1377



2007/99

ATTACHMENT 1

Reasons for objection

1. The Applicant's premises are adjacent to the queuing lanes for the ferry as well as being less than 50 metres from the vehicle ticketing gates and administration building.
2. While ferry departures are hourly from 7.00am to 6.00pm in the winter and 7.00pm in the summer, ferry operation times are from around 6.00am in preparation for the first sailing and end around 8.15pm in summer (7.15pm in winter), when the vessel which departed Queenscliff on the 7.00pm sailing (6.00pm during winter) returns and is shut down by the crew. Cleaners and night watchmen then remain on board during the evening and night.
3. Page 7 of the Application states – "the road servicing the development is a state highway and not a local road". It should be noted that the road east of the roundabout is designated as a queuing area for vehicles queuing to enter the ferry terminal to board the ferry. The area serves as a vehicle holding area during busy periods and for vehicle inspections if necessary for security purposes. The vehicle access to the rear of the Applicant's premises, from the ferry queuing lanes was only permitted by Vic Roads (and in agreement with our company) on the basis that it be used only for staff parking and service access and not be accessible to the public.
4. If patron's cars are allowed to park in the ferry queuing lanes or if patrons seek to use the staff car park off the queuing lane, they would obstruct vehicles seeking to board the ferry.
5. Alcohol affected patrons may walk across the ferry queuing lanes in front of vehicles arriving to catch the ferry, posing a significant risk of injury to the patron and the occupants of oncoming vehicles.
6. Alcohol affected patrons would disrupt vehicle ticketing operations if they seek to 'take a short cut' through the vehicle ticketing gates to the ferry terminal.
7. Our experience at Sorrento, where the hotel is closer to the terminal, indicates that alcohol affected patrons may create significant problems by forcing entry to vehicles queuing to board the ferry, causing extreme discomfort to the occupants of those vehicles.
8. Our experience is that alcohol affected patrons, can cause significant problems for ferry operations by fighting and harassing ferry passengers and personnel on board the ferry. In several instances, police have been called and the vessel turned around to return to the terminal and waiting police.
9. Alcohol affected patrons cause property damage, leave bottles, glasses and a mess which has to be cleaned up the next morning.

ATTACHMENT 2

How will you be affected if a Permit is granted:

1. Unless conditions are placed on the licence and suitable fencing and controls put in place, the Applicant's proposed Amendment to the Development Plan will cause inconvenience,



exposure to harassment and possible injury to ferry customers and personnel, as set out above.

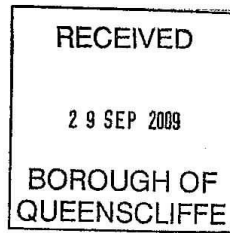
ATTACHMENT 3

What Changes would you like to see made to the application:

1. A safety and security fence needs to be constructed between the Applicant's premises and the ferry queuing lanes with a single wide opening to serve as an entrance and exit at the western end, closest to the tower and pedestrian crossing. This will assist in keeping patrons away from the ferry queuing lanes, vehicle ticketing gates and direct them towards the pedestrian crossing.
 2. The area at the rear of the Applicant's premises should be limited to parking for staff and service vehicle access and clearly be signed 'Staff Only' - 'No Public Access'. The security fence will separate this area from the ferry queuing lanes.
 3. 'No Standing' signs need to be deployed to make it illegal to stand or park in the ferry queuing lanes. This area should only be for boarding vehicles.
 4. Sales of packaged beverages other than wines produced by the Rathbone Wine Group should be prohibited.
 5. Responsible service of alcohol should be strictly adhered to, to minimise the risk of inconvenience and harassment to ferry passengers and personnel by alcohol affected patrons.
 6. The Applicant should assume responsibility for cleaning up any mess and rectifying property damage caused by its patrons.
 7. Any amplified music from the Applicant's premises needs to be controlled to minimise discomfort to ferry passengers and personnel.
 8. The proposed extended trading hours are not a concern for the ferry operation.
-



APPENDIX 9:



Wakefield planning 

AWTM Pty Ltd ATF Witherby Family Trust ABN 50 285 185 541

3/92 Chute Street
PO Box 5450
MORDIALLOC VIC 3195

T: 03 9588 1988

M: 0427 257 244

F: 03 9588 0038

E: melbourne@wakefieldplanning.com.au

W: wakefieldplanning.com.au

Our ref: 6167 Rathbone
Your ref: Permit No 2009/094 and 2007/99

29 September 2009

The Chief Executive Officer
Borough of Queenscliffe
P.O. Box 93
Queenscliff VIC 3225

Attn: Michelle Watt

Dear Michelle

Re: Objections to planning permit application and associated development plan amendment - liquor licence for the restaurant building, Queenscliff Harbour.

Thank you for forwarding copies of the objections to us. Please find outlined below our response to those objections and the issues raised therein.

Objection to liquor that can be removed from the premises

This concern was raised by the Queenscliff Community Association. Their concern related to the issue that granting of a licence for the sale of Rathbone wines would lead to an opportunity to sell other forms of liquor for removal from the premises. In response, we would like to indicate that consideration was given to this issue as part of the preparation of the planning permit application, which specifically excludes the sale of general packaged liquor. In this circumstance, if packaged liquor sales were extended to all types of packaged liquor, the development, overall, could be characterised as a hotel. Hotels are a prohibited use within the zone, and accordingly, this would act to avoid such a situation arising in the future.

Licensing hours

Concern was raised by the Royal Hotel on several grounds. The main ground was the proposed licensing hours, and the potential for patrons from other venues within Queenscliff to re-locate to the Harbour premises on closing of these other venues. The proposal for Queenscliff Harbour should not be characterised as a hotel. Although there is a bar area that would provide for the service of alcohol without meals, this element of the proposal is not the dominant element. In this regard, the restaurant/cafe/function uses are the main focus of the operation.

The extended hours proposed are to cover the situation where functions may extend beyond midnight. These hours would not apply to packaged liquor sales, which would have more limited hours. A solution which has been applied in similar situations is the development of an "accord" where venues that have opening hours extending beyond the closing hours of other premises in the area agree that they will not permit new patrons to enter after that closing time. This allows existing patrons to continue in the venue, but would prevent the specific circumstances raised as a concern. There would be no objection to the imposition of such a condition on the development.



Impact on other operations

The Royal Hotel also raised concern regarding the impacts on other operations. Whilst there may be some competitive impact associated with the development it should be noted that the style of facility being provided is very different to that of Queenscliff's hotels. In particular, the focus is on the Harbour dining experience rather than a hotel style drinking and meal establishment. In addition, the new proposal does not offer the heritage ambience of Queenscliff's hotels and does not offer accommodation. Consumers are likely to exercise choice between the new facility and facilities with which they are familiar. Overall, the effect of the Harbour redevelopment is to substantially increase the number of boating users, as well as bring additional patrons to Queenscliff to experience the restaurant facilities. Therefore the total clientele base should increase.

Impact on ferry terminal operations

Objection was received from Peninsula Searoad Holdings on a number of grounds. These are addressed below.

Use of car parking area and adjacent queueing lanes

The concerns relate to conflict with the vehicle holding area during busy periods and times of security concern. In this respect, no change to the approved conditions as attaching to the Development Plan Stage 3B have been contemplated as part of this application. Accordingly, therefore, this issue is not seen as relevant to the liquor licence applications.

Impact of alcohol affected patrons

The concerns outlined appear to relate to a perception that the proposal would operate as a hotel. In this regard we refer to earlier comments indicating the emphasis of the East building. There are a variety of licensed premises and liquor outlets currently in Queenscliff, and on this basis it would not be expected that the proposed development would exacerbate any issues relating to alcohol affected patrons. In particular, in the absence of general packaged liquor sales from the premises, concerns relating to bottles and the like would not eventuate. In addition, licensing regulations are clear regarding the service of alcohol to affected persons. Should breaches of licensing conditions occur in this regard, rectification is available through the complaints process. There is little or no risk of additional alcohol affected patrons disrupting ferry operations.

With respect to the suggested changes proposed, the following comments are made:

Safety and security fence

The East building has always been proposed for restaurant/cafe/bar purposes. In this regard, the merit considerations of the proposal at that time did not lead to the imposition of such a condition. Accordingly, the construction of such a fence is not considered to be necessary purely as a consequence of the liquor licence application.

Imposition of parking limitations

The existing development plan approval addresses the issue of parking limitations. This area has always been intended as a set-down area/loading area/staff parking area. Appropriate signage was addressed as part of the development plan application and approval. On this basis no additional signage is considered necessary.

Sale of packaged beverage apart from Rathbone Wine Group wines be prohibited

The applications have been prepared the basis that packaged liquor other than wines produced or distributed by the Rathbone Wine Group would be prohibited, and it would be expected that a suitable condition would be imposed to this effect. The Wine Group will be distributing local wines, in particular Bellarine Peninsular products.



Wakefield planning 

Responsible service of alcohol policy should be adhered to

This is a requirement of any liquor licence, and earlier comments regarding breaches of such a licence should address any issues in this regard.

Responsibility for cleaning mess and rectifying property damage

The applicants would assume responsibility for the East building site and surrounds, within the leasehold area. With respect to the possible activities of persons outside this area, it would be difficult to identify whether or not such people were or had been patrons of the proposed development. In this regard, and given the prohibition on the sale of packaged liquor and other than Rathbone wines, it is considered that the likelihood of additional property damage or littering is minimal.

Control of amplified music

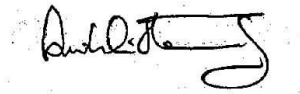
Amplified music is most likely to be utilised during night-time functions. In this regard, there is unlikely to be any significant overlap between the ferry operations and evening functions. In this regard, little disturbance to the ferry passengers and personnel would be likely to occur. The application of suitable controls on amplified sound at the nearest sensitive receiver could be considered, if this were identified as an issue by Council. (Note: it is understood that a watchkeeper is on board the vessel during night-time hours. Convention is that watchkeepers should be awake and alert at all times and therefore it would not be expected that functions would disrupt sleep for such a person).

Extended trading hours

It is noted there is no objection to this.

Should Council wish to facilitate a mediation meeting with the objectors, we would be pleased to attend such a meeting and also to meet with Councillors as required.

Yours sincerely



Angus Witherby
Director



5. CLOSE OF MEETING