



Agenda

Planning Review Meeting

Wednesday 7 December 2011 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Councillors

Cr. Bob Merriman

Cr. Helene Butler

Cr. Lloyd Davies

Cr. David Mitchell

Cr. John Burgess

Officers

Lenny Jenner, Chief Executive Officer

Phil Josipovic, General Manager Planning & Infrastructure

Mitch Hodgson - Senior Planner

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

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Planning Review Meeting

A guide to understanding meeting protocol

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

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



Planning Review Meeting A guide to understanding meeting protocol.....	2
1. OPENING OF MEETING	4
2. APOLOGIES	4
3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES	4
4. Planning Development.....	5
4.1 20-26 Hesse Street, Queenscliff	5
5. CLOSE OF MEETING	66



1. OPENING OF MEETING

2. APOLOGIES

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES



4. Planning Development

4.1 20-26 Hesse Street, Queenscliff

Planning Permit Application: 2011/057

SUMMARY

Proposal	Buildings and works for the construction of a two storey building comprising eight (8) shops and eight (8) dwellings, reduction of the standard car parking requirement of Clause 52.06, waiver of loading bay requirement of Clause 52.07, alteration to access to a road in a Road Zone Category 1 and subdivision of the land into sixteen (16) lots with common property. <i>Application and current plans: Refer Appendix 1 (Note: amended plans lodged 28 November 2011)</i>	
Zone/Overlays	Business 1 Zone Design and Development Overlay – Schedule 1 (DDO1) Heritage Overlay – Schedule 7, Hesse Street Commercial Urban Conservation Precinct (HO7)	
Permit Triggers	Clause 34.01-3 - Subdivision Clause 43.01-1 - Buildings and works and subdivision Clause 43.02-2 – Building and works Clause 52.06 – Reduction in car parking requirement Clause 52.07 – Waiver of loading bay requirement	
Public Notification	Advertised by registered post to adjoining property owners and occupiers, a notice on site for 14 days, notice in municipal offices and public notice in the Echo.	
Submissions	10 (2 letters of support and 8 objections) <i>Refer Appendix 2</i> Applicants response to submissions <i>Refer Appendix 3 (Note: Plans SK02, SK07 & SK08 included in Appendix 1)</i>	
Key Issues raised by objectors	Setback Vehicle access and parking Design, bulk, size, scale, height Neighbourhood character Economic impact	Landscaping Materials and colours Amenity Heritage values Pedestrian safety and emergency access



APPENDIX 1:



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

Office Use Only

Application No.: 2011/057

Date Lodged: 27/05/2011

Application for Planning Permit

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

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

Questions marked with an asterisk (*) are mandatory and must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

The Land

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

Street Address *

Unit No.:	St. No.: 22-26	St. Name: Hesse Street
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.: 1, 2, 3	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 608352R
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

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

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

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

Buildings and works under Clauses 34.01, 43.01 and 43.02 of the Queenscliffe Planning Scheme for the purpose of eight shops and eight dwellings, reduction to standard car parking provision under Clause 52.06 of the Planning Scheme, waiver of the requirement of a loading bay under Clause 52.07 of the Planning Scheme, ~~reduction to the standard bicycle parking provision under Clause 52.34 of the Planning Scheme~~, alter access to a Road Zone Category 1 (Hesse St), and the subdivision of the land into 16 lots.

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

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

Cost \$3,500,000

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.

vacant site (former nursing home)

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



Title Information

5 Encumbrances on title *

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

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

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

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

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

Please provide at least one contact phone number *

Owner *

The person or organisation who owns the land

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

Name:		
Title:	First Name:	Surname:
Organisation (if applicable): Citiprop Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: c/- Level 4, 136	St. Name: Exhibition Street
Suburb/Locality: Melbourne		State: VIC
Postcode: 3000		

Contact person's details *		
Same as applicant (if so, go to 'contact information') <input type="checkbox"/>		
Name:		
Title: Ms	First Name: Sandra	Surname: Rigo
Organisation (if applicable): Hansen Partnership Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: Level 4, 136	St. Name: Exhibition Street
Suburb/Locality: Melbourne		State: VIC
Postcode: 3000		

Contact Information	
Business Phone: 9654 8844	Email: srigo@hansen-online.com.au
Mobile Phone: 0418 530 210	Fax: 9654 8088

Name:		
Same as applicant <input type="checkbox"/>		
Title:	First Name:	Surname:
Organisation (if applicable): Citiprop Pty Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: Level 3 Yarra Tow	St. Name: World Trade Centre, Siderley 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: *Sandra Rigo (agent for applicant)* Date: 27/5/11
day / month / year



application for retail and residential development at
20-26 hesse street, queenscliff
submission prepared on behalf of the permit applicant Citiprop Pty Ltd
by hansen partnership pty ltd
may 2011

hansen partnership pty ltd
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table of contents

1	introduction	2
2	subject site and environs	3
2.1	subject site	3
2.2	environs	3
3	the proposal	10
3.1	permit triggers	12
4	the planning context	12
4.1	state planning policy framework	12
4.2	local planning policy framework	13
4.3	land use zoning	13
4.4	overlays	14
4.5	particular provisions	15
5	the planning considerations	16
5.1	heritage	16
5.2	urban character	18
5.3	amenity	19
5.4	car parking, access and traffic	21
6	conclusion	23

table of figures

Figure 1	Site Location	3
Figure 2	Melways Map	4
Figure 3	Context Analysis	7
Figure 4	Site Analysis Plan	8
Figure 5	Design Response Plan	9
Figure 6	Zoning Map	13
Figure 7	Design and Development Overlay Map	14
Figure 8	Heritage Overlay Map	15

appendices

- Appendix 1 – Locality Map
- Appendix 2 – Traffic Report prepared by Traffix Group Pty Ltd



1 introduction

Hansen Partnership Pty Ltd has been engaged by Citiprop Pty Ltd to prepare a planning permit application for the development of the former nursing home at 20-26 Hesse Street Queenscliff, into a mixed retail and residential development, comprising eight shops fronting Hesse Street and eight dwellings above, with associated car parking. The proposal also includes the subdivision of the land and development.

The site's large size and location in the main retail and commercial strip of Queenscliff presents a key opportunity to design an integrated development which strengthens the commercial character of Hesse Street by providing infill retail shop fronts to the street, whilst contributing to the diversity of housing available in the township. The development follows a traditional 'shop top housing' form and provides ample car parking on the site, concealed from the street for staff and residents, flexible living spaces and high amenity for its residents.

This planning report details:

- A description of the site and surrounding context;
- The buildings and works proposed for the site;
- The planning framework; and
- The relevant planning considerations.

The proposed development opts for a different design response to that approved by the Victorian Civil and Administrative Tribunal (VCAT) in March 2008 (*Japara Holdings Pty Ltd v Queenscliffe Borough Council*). It proposes eight individual dwellings over retail floorspace at ground level, with a similarly placed vehicular access point to that previously approved. However, the orientation and placement of buildings towards the Hesse Street frontage of the site, together with a significant reduction in the number of apartments, provides an opportunity to eliminate the need for a basement car park.

Instead, car parking is provided at ground level in a designated parking compound for retail tenancies and by utilising the slope of the land to provide undercroft car parking for each dwelling. This design response also ensures that buildings are well setback from the rear of the site compared to the approved development, enabling a reasonable landscape buffer to be provided along the rear of the property.

It is submitted that this proposal appropriately responds to the purpose of the zone and various overlay controls and will result in a built form outcome which is respectful of its context, the heritage values of Queenscliff, relevant local planning policies and the previous decision of the Tribunal.



2 subject site and environs

2.1 subject site

The site is located on the west side of Hesse Street, between Hobson Street to the south and Symonds Street to the north. Hesse Street is the main street of Queenscliff, containing the commercial centre of Queenscliff as well as providing a key vehicular route to and from the Queenscliff ferry terminal, which links Queenscliff to the Mornington Peninsula at Sorrento. The site location is illustrated in Figure 1 below, and in the Locality Map with aerial in Appendix 1.



Figure 1 Site Location

The site is irregularly shaped, with a frontage of 61.01 metres to Hesse Street and a depth which varies from 36.52 metres (south) to 52.27 metres (north). Overall, the site has an area of 2,630sqm. The site has a fall of approximately 3.2 metres from south to north, with parts of the site having a pronounced drop from behind the Hesse Street frontage.

The site was formerly occupied by a single storey, flat-roofed, brick nursing home building which has since been demolished (under the current permit for the site), and is now vacant. Car parking for the former use was located at ground level off Hesse Street at the southern end of the property. The former building had no heritage value and made little contribution to the valued qualities of the Hesse Street streetscape.

2.2 environs

The site is located towards the northern end of Hesse Street, being the commercial centre of the Queenscliff township. This northern end of the commercial centre is characterised by its



open outlook towards Swan Bay due to the changing topography, broad street and low scale of buildings.

The northern end of Hesse Street comprises a mix of heritage and more contemporary buildings of one and two storeys. Buildings are generally built to the Hesse Street frontage, with the presence of some verandahs over footpaths, although this is notably absent along the site's frontage and adjoining properties to the north. Buildings have either a commercial and/or residential frontage to Hesse Street.

In paragraph 18-20 of *Japara Holdings Pty Ltd v Queenscliffe Borough Council*, the Tribunal noted the following in relation to the environs of the site:

"This section of Hesse Street is known as the lower end or fringe of the main Queenscliffe Activity Centre.

Buildings further south in Hesse Street is predominately Victorian and Edwardian in style, and generally with high heritage integrity.

There are substantial views in a northward direction down Hesse Street towards Swan Bay and the Queenscliffe Railway Station and there are also some views across the current building towards Swan Bay. The built form to this northern section of Hesse Street is different in character from the more commercial built form further to the south of the proposed site and exhibits more of a variety of building styles and building heights."

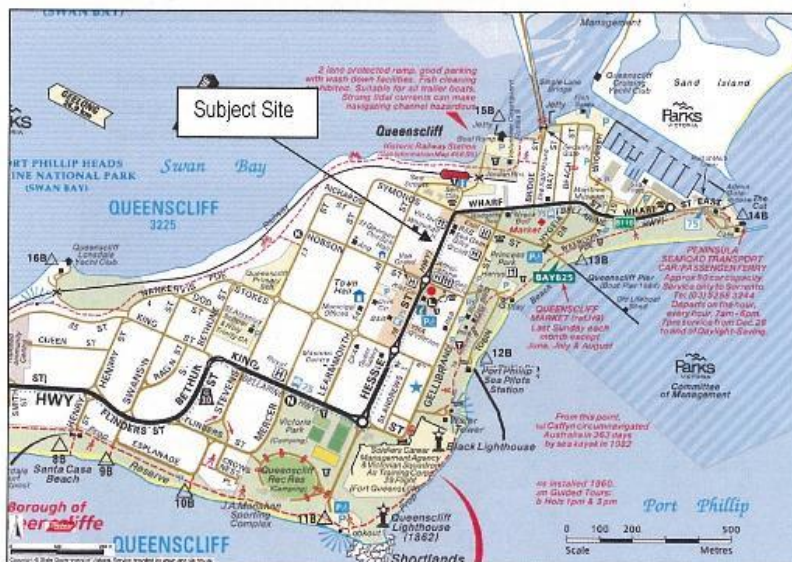


Figure 2 Melways Map

Adjoining the site to the **north** is the Victoria Hotel which is sited on the Hesse Street frontage at single storey. Behind this façade, the building increases to two levels as the land drops away from Hesse Street. It is a Victorian Era building and noted as having heritage significance in Clause 22.03-7 of the Planning Scheme, being the local Heritage Policy. It is not individually listed in the Heritage Overlay but rather, included within the HO7 precinct.



To the north - Victoria Hotel

To the **south** of the site is a two storey red brick, pitched roof building built in the 1990s and formerly known as the Wyuna Motel. It is positioned on the east boundary at a higher relative level than the subject site given the topography along Hesse Street falls down towards Swan Bay.



To the south - Wyuna Motel



To the **east** of the site on the opposite side of Hesse Street are one and two storey shops and dwellings.



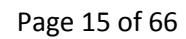
To the east - opposite side of Hesse Street

Adjoining the site to the **west** is the Whitehall Guest House, a 1920s style, three storeys high guest house building. Some views towards Port Phillip Bay and Swan Bay are available from this building over the subject site. The rear of a dwelling fronting Learmonth Street also shares a boundary with the subject site.



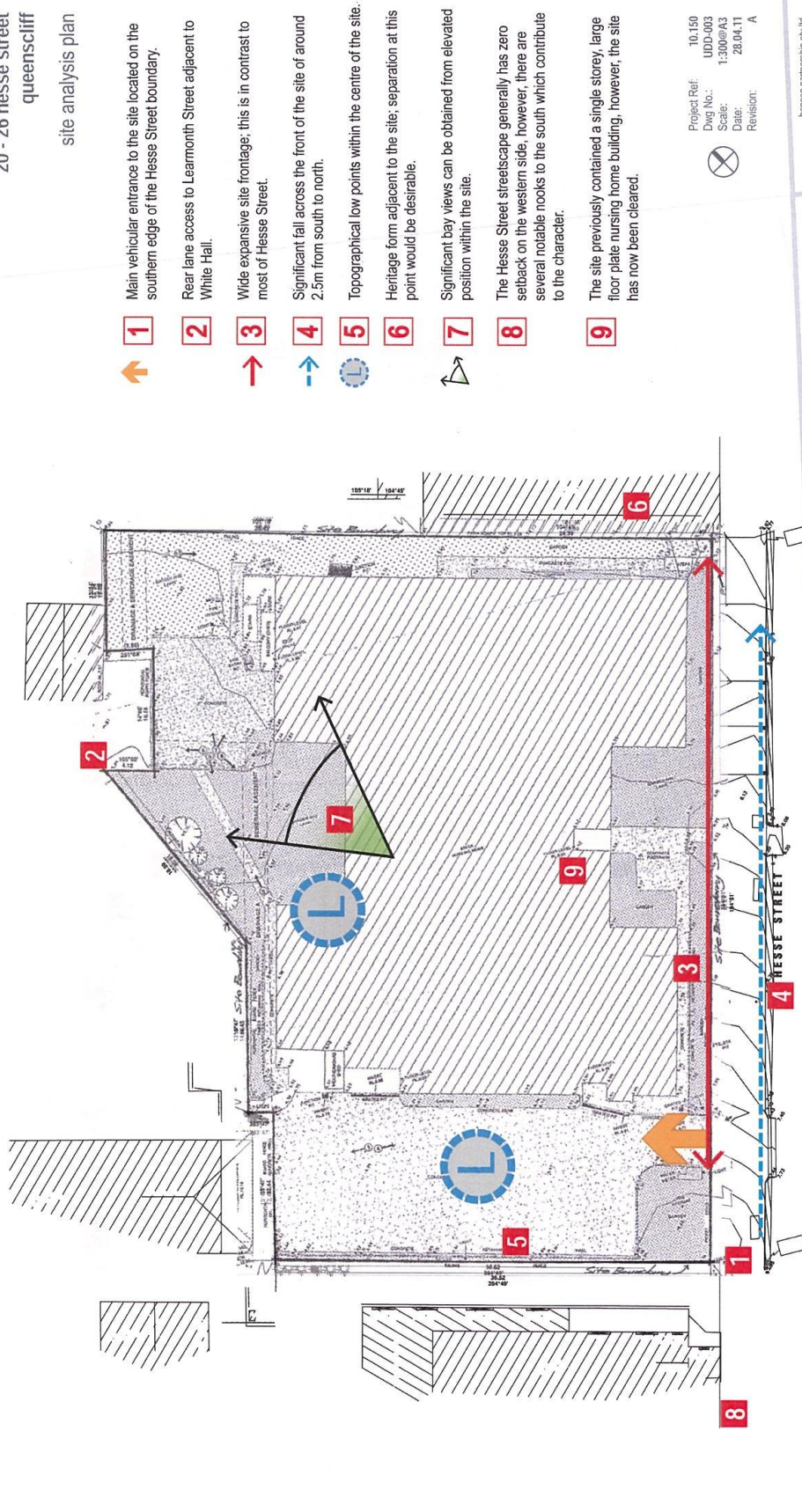
To the west - Whitehall Guest House (view from within subject site prior to demolition)

The context analysis in Figure 3 and site analysis plan in Figure 4 illustrate the characteristics of the subject site and surrounds.





20 - 26 hesse street
queenscliff
site analysis plan



- 1 Main vehicular entrance to the site located on the southern edge of the Hesse Street boundary.
- 2 Rear lane access to Learmonth Street adjacent to White Hall.
- 3 Wide expansive site frontage; this is in contrast to most of Hesse Street.
- 4 Significant fall across the front of the site of around 2.5m from south to north.
- 5 Topographical low points within the centre of the site.
- 6 Heritage form adjacent to the site; separation at this point would be desirable.
- 7 Significant bay views can be obtained from elevated position within the site.
- 8 The Hesse Street streetscape generally has zero setback on the western side, however, there are several notable nooks to the south which contribute to the character.
- 9 The site previously contained a single storey, large floor plate nursing home building, however, the site has now been cleared.

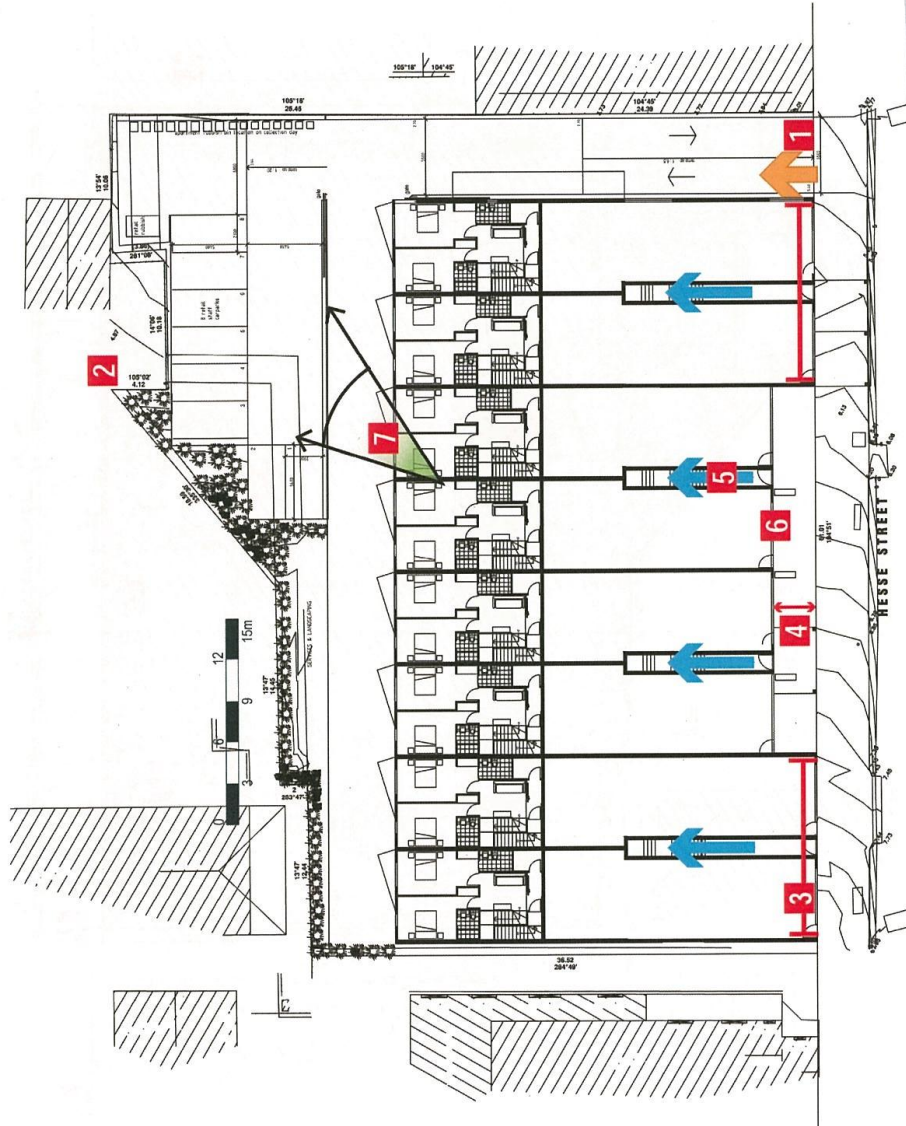
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Scale: 1:300@A3
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Revision: A



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20 - 26 hesse street
queenscliff
design response plan



Project Ref: 10.150
Dwg No.: UDD-004
Scale: 1:300@A3
Date: 28.04.11
Revision: A



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3 the proposal

The design response plan in Figure 5 summarises the key ways in which the design has addressed the characteristics of the site and its urban coastal context.

The application proposes the development of eight (8) east-west oriented shops at ground floor fronting Hesse Street. The outer two shops at either end of the development are proposed to be sited on the Hesse Street boundary with the middle four shops indented or setback 3.07 metres from Hesse Street. This provides an opportunity for activity from the shops to 'spill over' into outdoor areas. Every set of two shops is indented with a passageway leading to stair access to the dwellings above.

Behind and above the shops are eight (8) proposed dwellings designed in a traditional 'shop top' format. The fall in the land from Hesse Street enables car parking to be provided for each dwelling partially below ground with stair access to the dwelling above. Each dwelling is provided either three or four car parking spaces, which will adequately cater for residents as well as visitors to the dwelling.

Attached to the rear of the shops is the lower level of each dwelling, comprising two bedrooms, each with ensuite. The main living area is provided on the next level (immediately above each shop), comprising the main bedroom with ensuite at the rear of the building, and open plan living towards the front (Hesse Street) of the dwelling, each leading onto a balcony. The balconies are aligned with the shops below with respect to siting on and back from Hesse Street. Dwelling 8 at the northern end of the development includes a small extended living space which cantilevers over the driveway, setback 4.145m from the north boundary.

Stairway access from the living area leads to a large roof top terrace for each dwelling. The roof top terraces are setback between 5.25m to 8.32m from the Hesse Street boundary.

The building adopts a contemporary design, utilising different materials, textures and finishes to differentiate between the individual shops and dwellings. Simple, modern verandahs are provided for two of the shops (one over the Hesse Street footpath) to provide further articulation as well as shelter for pedestrians. A traditional shop top format has been proposed, albeit with contemporary styling, but retaining a reasonably simple design so that it does not visually dominate buildings in the streetscape with heritage significance.

Vehicular access has been provided at the northern end of the Hesse Street frontage, consistent with the previous proposal approved for the site. This will also ensure separation between the proposed contemporary development and the Victoria Hotel to the north which is cited as a significant building in the local heritage policy.

The development steps down the Hesse Street frontage, following the fall of the land, consistent with the previous proposal and VCAT's decision. More specifically, the proposed development:

- Is setback from the rear boundary between 6.1m and 20.3m;
- Is setback a minimum 0.88m from the south boundary and between 4.14m and 6.18m from the north boundary of the site;
- Reaches a maximum height of 8.5m from existing ground level along the Hesse Street frontage;
- Has a site coverage of 55% (site area of 2630sqm with 1467sqm building footprint);



- Provides for three to four covered car parking spaces under each of the eight dwellings and a car parking compound in the north west of the site, providing secured car parking for the shop retailers (one parking space per shop) in addition to waste storage areas and bicycle parking for employees;
- Has made provision for private waste collection within the site;
- Includes provision for a landscaping buffer to be provided along the south side and rear of the development;
- Incorporates a mix of corrugated, rendered, metal and timber walls with zincalume roofing; and
- Minor excavation works to incorporate the undercroft car parking for the dwellings.

The proposed subdivision seeks to subdivide the development into eight dwellings and eight shops, a total of 16 lots following the alignment of the development, with common space for the accessway and car parking area as required.



3.1 permit triggers

The proposed development requires a planning permit under the following provisions of the Queenscliffe Planning Scheme:

- Buildings and works under Clause 34.01 (Business 1 Zone);
- Buildings and works under Clause 43.02 (DDO – Schedule 1);
- Buildings and works under Clause 43.01 (Heritage Overlay), noting demolition of all buildings on the site has been undertaken under the existing permit for the site;
- Alter access to a Road Zone – Category 1 under Clause 52.29 as it is proposed to close the existing vehicular access point and create a new access point at the northern end of the site;
- Reduction in standard car parking requirements under Clause 52.06;
- Dispensation of loading bay facility under Clause 52.07; and
- For the subdivision of the land into sixteen lots (8 shops and 8 dwellings with common property).

4 the planning context

Clause 65 identifies the relevant decision guidelines that the Responsible Authority must consider as appropriate. The following are relevant to the proposed development:

- The matters set out in Section 60 of the Act;
- The State Planning Policy Framework and the Local Planning Policy Framework; including the Municipal Strategic Statement and the local planning policies;
- The purpose of the zone, overlay and other provisions;
- Any matter required to be considered in the zone, overlay or other provision;
- The orderly planning of the area; and
- The effect on the amenity of the area.

These matters form the framework of the following sections of this submission.

4.1 state planning policy framework

The following provisions of the State Planning Policy Framework (SPPF) are relevant to this application:

- Clause 11.05: Regional Development
- Clause 15: Built Environment and Heritage
- Clause 16.01: Residential Development
- Clause 17.01: Commercial
- Clause 17.03: Tourism



4.2 local planning policy framework

The following provisions of the Local Planning Policy Framework (LPPF) are relevant to this application:

- Clause 21.03: Key Influences
- Clause 21.04: Vision - Strategic Framework
- Clause 21.05: Objectives - Strategies - Implementation
- Clause 22.03: Heritage Policy
- Clause 22.04: Urban Character Policy

4.3 land use zoning

The site is located within the **Business 1 Zone (B1Z)** shown in Figure 5 below, which applies to commercial development fronting Hesse Street.

Clause 34.01 of the Queenscliffe Planning Scheme establishes the purpose of the B1Z as follows:

"To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses"

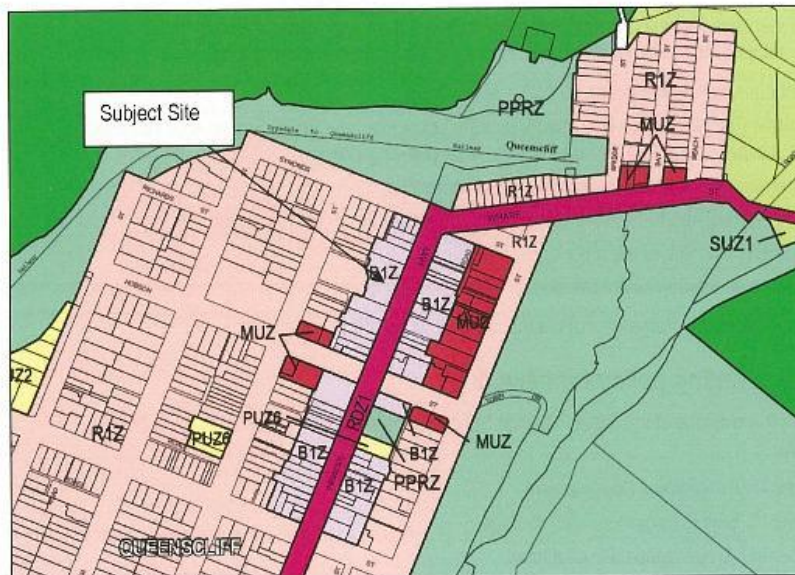


Figure 6 Zoning Map



4.4 overlays

The site is also included within both the Design and Development Overlay (DDO) and Heritage Overlay (HO). A summary of each together with relevant maps are provided below:

Design and Development Overlay - Schedule 1 (Queenscliff)

The objective of DDO1 is to ensure new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township. The DDO schedule contains a number of design objectives and requirements such as building height, building setbacks, landscaping, front fence, site coverage and heritage.

A permit will only be granted to vary the requirements if the responsible authority is satisfied that compliance is unreasonable or unnecessary, and that the variation satisfies the design objectives of this schedule and the *Building Siting and Design Guidelines* contained in the *Borough of Queenscliffe Urban Character Study*.



Figure 7 Design and Development Overlay Map

Heritage Overlay - Schedule 7 (Hesse Street Commercial Urban Conservation Precinct)

The overlay is not site specific but rather, relates to the properties fronting Hesse Street between Stokes Street and Symonds Street not covered by an individual heritage overlay.

Clause 43.01 establishes the purposes of the Heritage Overlay as follows:

"To conserve and enhance heritage places of natural or cultural significance."

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place"

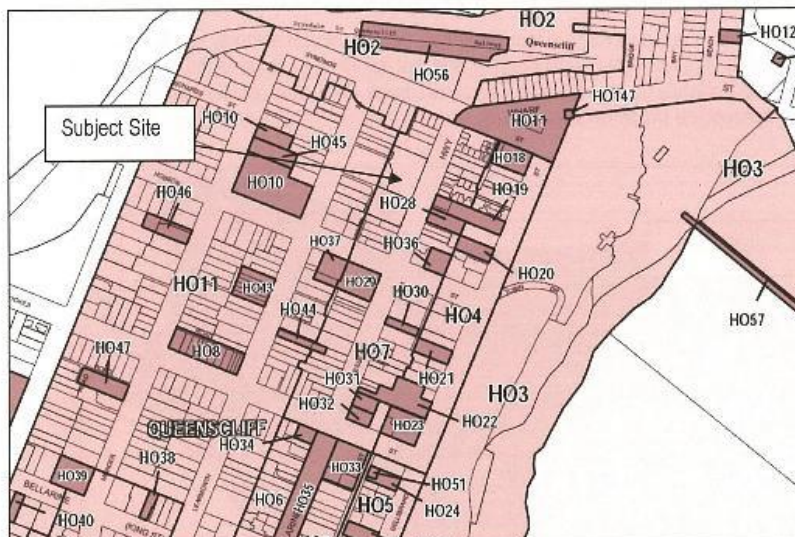


Figure 8 Heritage Overlay Map

4.5 particular provisions

The following particular provisions are relevant in the consideration of the proposed development:

- Clause 52.06 – Car Parking;
- Clause 52.07 – Loading and Unloading of Vehicles;
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road; and
- Clause 52.34 – Bicycle Facilities.



5 the planning considerations

Based on the provisions of the Queenscliffe Planning Scheme and the decision guidelines of Clause 65, the following are the key considerations relevant to the proposed development of the subject site:

- The effect of the proposed development on the heritage values and context of Hesse Street;
- The contribution that the proposed development will make to maintaining, protecting and enhancing the urban character of the town centre;
- The effect of the proposal on the amenity of the area, both off site as well as the internal amenity of the development; and
- The provision of car parking, access arrangements and traffic.

Each of these matters is further considered below.

5.1 heritage

The objectives for heritage in Clause 15 of the State Planning Policy Framework are further detailed and reinforced in the local policy and the Heritage Overlay. The subject site is located within the Hesse Street Commercial Area (CI 22.03-7 and HO7 in the Heritage Overlay).

The Precinct Citation prepared by Lovell Chen (HO7 Precinct) in the Queenscliffe Heritage Study 2009 states the Hesse Street Commercial Precinct is of local significance as the commercial centre of Queenscliff since the 1850s and 1860s. The Statement of Significance notes:

"...Having developed in a relatively ad hoc manner over a number of decades, through its history, this part of Hesse Street has accommodated everything from stables and boarding houses, hotels, shops, churches, residences and civic buildings. Whilst in some respects much altered and with some unsympathetic later twentieth century buildings, equally the precinct retains a significant proportion of buildings both from the mid- to late nineteenth century and the Federation and Interwar periods. The surviving building stock clearly demonstrates the pattern of commercial development in the township, retaining buildings from all eras in this history, including modest 1860s shops, flamboyant hotels and substantial shops from the boom era of the 1880s, distinctive Federation period commercial buildings and stripped interwar shops."

The site has been cleared of all buildings and works under the current planning permit issued at the direction of VCAT. Undoubtedly, the former nursing home building and associated open car park arrangement made little contribution to the heritage values of the Queenscliff town centre. Indeed, it could be reasonably argued that the design and layout of the former buildings on the site detracted from the historic context of Hesse Street and the character of the streetscape.

Having regard to the Statement of Significance and the objectives of the local policy (Clause 22.03) and Heritage Overlay, the proposed development of a traditional shop top housing form across the Hesse Street frontage of the site, with car parking and associated activities concealed from the street, will reinforce the historic role of Hesse Street as the commercial centre of Queenscliff. It will reintroduce retail use at ground level, linking the northern and



southern ends of the commercial strip together, encouraging greater pedestrian activity and 'street life' to this part of Hesse Street.

The repetition of shops across the frontage of the site reinforces the predominately fine grain of subdivision along the commercial strip of Hesse Street, noting there are notable variations to this fine grain particularly with the larger hotels and churches in the street.

Whilst there is a repetition of shop widths across the frontage of the site together with a consistent stepping down of the built form to the north, the detailing and combination of materials and finishes ensures there is an appropriate level of variation, consistent with the diverse building styles in the streetscape. The two storey scale of the development will sit comfortably within the streetscape and will not compete with the landmark buildings in the area.

As indicated in the Statement of Significance, the town centre's built form is diverse and has developed in a somewhat ad hoc fashion. There is enough diversity in Hesse Street to accommodate and absorb part of the proposed development being setback from the street boundary alignment (being the middle four shops). This not only assists to break up the otherwise repetitious form of the development down the site, it creates an important opportunity to enhance street life in this part of Hesse Street, in an attractive, safe setting without compromising the historic integrity of the town centre.

It is noted that the inclusion of a verandah to the street boundary of the site, over part of Shop 3 and 4 will assist to minimise the extent to which the middle of the development is setback from the street boundary.

The proposed development is respectful of the heritage significance and values of the town centre in the following ways:

- it reintroduces a retail use across the site, consistent with the historic pattern of commercial development in Hesse Street and the role of Hesse Street as the commercial centre of Queenscliff;
- it adopts a traditional low scale shop top housing format in a contemporary way;
- it maintains a two storey scale, appropriately stepping down the site with the slope;
- it minimises the extent of floor to ceiling windows on the ground floor, consistent with the pattern of fenestration in the area;
- it adopts the use of traditional materials in a contemporary form, consistent with many of the preferred design characteristics for the area;
- it does not seek to mimic the past but rather adopt a more traditional form, scale, siting, height and materials in a modern way;
- the mix of retail and residential uses on the site is consistent with retaining the diversity of the commercial area;
- it retains the uniformity in facades on the west side of Hesse Street, consistent with policy objectives;
- it positions the development primarily along the street boundary of the site, far more consistent with the preferred policy direction than the previous buildings on the site; and
- the siting and scale of buildings in the development is respectful of the heritage values of the adjoining Victoria Hotel and Whitehall Guest House adjoining the rear of the site.



The design of the proposed development has been carefully considered to ensure it is respectful of the historic integrity of Queenscliff which is much valued by the local community as well as visitors.

The subdivision proposed as part of this application seeks to divide the development into sixteen individual Titles with common property as required. The proposed boundaries of each lot simply follow the layout and configuration of the development.

It is noted that Clause 22.03-7 of the Planning Scheme identifies 18 Hesse St (Victoria Hotel), adjoining the north of the site, as a heritage building requiring 'special consideration' under the policy. In the previous VCAT decision, the Members noted that this building required special consideration with regard to both heritage and urban design. It stated:

"We consider that the proposed building in a general urban design sense has responded well to the Hesse Street streetscape that slopes down from the south to the north toward Swan Bay. This building follows a similar general pattern of stepping down the Hesse Street streetscape and produces a building form and rhythm that is suited to the Heritage area without competing or dominating significant Heritage buildings nominated in the policy and the Heritage streetscape generally." (para 51)

These comments apply equally to the proposed development.

It is for all of these reasons, that it is considered that the proposed development satisfies and appropriately balances the objectives and provisions of both the local heritage policy (Clause 22.03) and the Heritage Overlay.

5.2 urban character

The proposed development will incorporate eight (8) new apartments with flexible living arrangements, which will make a positive contribution to the diversity and availability of housing in the town centre. The proposed development accords with both State and local planning objectives for housing with respect to meeting housing requirements for an ageing population, increased demand for medium density housing and tourist/visitor demand.

Clause 15 of the Planning Scheme sets out the State objectives for the Built Environment and Heritage. With respect to urban design, the following objectives are sought:

- "Planning should achieve high quality urban design and architecture that:*
- Contributes positively to local urban character and sense of place.*
 - Reflects the particular characteristics, aspirations and cultural identity of the community.*
 - Enhances liveability, diversity, amenity and safety of the public realm.*
 - Promotes attractiveness of towns and cities within broader strategic contexts.*
 - Minimises detrimental impact on neighbouring properties"*

These objectives are further articulated in the local policy for urban character (Clause 22.04) and DDO1, both of which have their origins in the *Borough of Queenscliffe Urban Character Study 1999*.

Clause 22.04 notes that the Borough of Queenscliffe has throughout its history, positioned itself as one of the State's premier coastal townships and a tourist destination. Accordingly, new



development should seek to maintain, protect and enhance the distinguishing qualities of the Queenscliff town centre which gives it its valued character. Whilst much of this character is imbedded in the town's heritage, there are other elements of urban character, as provided for in both Clause 22.04-1 and DDO1 which are necessary to consider.

The subject site is not located within an intact grouping of historic Victorian and Edwardian buildings, which are sought to be protected in the policy and overlay. Nor is the site within a residential area of the town, which have a greater focus in the policy and overlay.

However, there are elements of the policy and overlay which are particularly applicable to the development of the subject site, including:

- Ensuring the layout, height, form, mass, siting, style and materials of new development is responsive to the heritage qualities of the town, and the scale and proportions of the streetscape;
- New development which makes efficient use of the site without compromising the historic streetscape;
- Protecting the opportunities for long views toward Swan Bay;
- Providing a high quality of living for occupants whilst protecting the amenity of neighbouring properties; and
- Retaining a general uniformity in scale and massing of buildings, setbacks and heights.

The comments made previously with regard to heritage (Section 5.1 of this report) address many of the objectives of DDO1 and Clause 22.04-1. In addition:

- The stepping down of the building following the slope ensures the development blends into the prevailing one and two storey streetscape of Hesse Street;
- The complete detachment of any new building from the adjoining property to the north (Victoria Hotel building) is respectful of the identified heritage values of the building and its presence in the streetscape;
- The impact of long views to Swan Bay over the site has been previously considered by the Tribunal and determined to be reasonable and acceptable, the current proposal will have a similar impact on these current views; and
- The stepping down of the built form together with the two storey scale, mix of materials and finishes ensures an appropriate level of modulation across the site's frontage, consistent with the diversity of the built form at this end of Hesse Street.

Based on these comments and those in Section 5.1 above, it is submitted that the proposed development has had due regard to the objectives and policy directions in Clause 22.04 and DDO1 and will result in a development that blends into the Hesse Street streetscape and reinvigorates the northern end of the town's commercial centre.

5.3 amenity

The issue of amenity relates both to ensuring the proposed development has minimal impacts on the amenity of adjoining properties as well as providing a high level of internal amenity for future occupants of the dwellings.

The effect of the development on the amenity of the area is a relevant consideration under Clause 65 of the Planning Scheme. Clause 55 of the Planning Scheme provides a number of



objectives and standards which, given the business zoning of the site, can be used as a guide in determining the impact of the proposal on the amenity of neighbouring properties.

With respect to the relevant objectives of Clause 55, it is noted:

- the built form of the development is well setback from the rear of the site and thus minimises any direct visual impact to the adjoining property to the west (Whitehall Guest House), noting the approved development is built to the boundary immediately adjoining the Whitehall building;
- the setback of the proposed development from the west (rear) boundary provides an opportunity for a landscaped buffer to be provided along much of this edge, signalling a transition from the business zone to the residential zone to the west;
- screening and/or highlight windows are provided to the upper level and roof top deck of Dwellings 1 and 2 to prevent any direct overlooking to the west (being within 9 metres of the Title boundary);
- the development is fully detached from the adjoining property to the north, thus respecting the identified heritage values of this building;
- the proposed development removes all windows from the southern elevation of the building thus eliminating any potential overlooking from Dwelling 1 to the adjoining property to the south (noting the approved development included windows and balconies along this edge);
- the shadows cast by the proposed development satisfy the relevant objective in Clause 55 and are considered acceptable given the business zoning of the land;
- the rear elevation of the building has been modulated and broken up using a number of materials and finishes, which together with generous setbacks from the rear boundary will effectively minimise any perceived visual bulk to adjoining properties in the residential zone; and
- car parking for the residential component of the development, as well as employee car parking for the retail use is provided on site.

In addition to the objectives of Clause 55, it is acknowledged that DDO1 makes reference to the opportunities for long views towards Swan Bay or Port Phillip Bay as well as shorter views to intact historic buildings and streetscapes. The issue of views are a relevant amenity consideration where these are specifically provided for in the Planning Scheme.

The Tribunal, in its decision in *Japara Holdings Pty Ltd v Queenscliffe Borough Council [2008] VCAT 468*, considered the issue of view sharing particularly with regard to the Whitehall Guest House adjoining the west of the site. The Tribunal noted that the views from the eastern balcony of Whitehall would be lost but the primary or quality views in the whole panorama would be either maintained or adequately shared. In making this finding, the Tribunal examined the views available from windows in bedrooms and balconies in Whitehall.

Given the relative level of the eastern verandah of Whitehall (RL12.12), the proposed development will have a similar impact on the views from this part of the building to Port Phillip Bay. As per the approved scheme, the proposed development does not unreasonably impact on the identified primary or quality views in the total panorama from Whitehall.



With regard to windows and balconies along the northern wall of the adjoining property to the south (former Wyuna Motel), the proposed development will similarly impact on any views from these parts of the building as the approved development.

Accordingly, the proposed development will not unreasonably impact on the amenity of the area and adjoining properties by way of visual bulk, overlooking, overshadowing, car parking or loss of view.

With regard to the internal amenity of the proposed development, it is submitted that the proposal will provide a high level of amenity for its future occupants, and a superior level of amenity compared to the approved scheme for the site.

In particular, the layout of the proposed development includes the generous provision of car parking and storage for each dwelling, flexible living space, generous areas of private open space, alternative areas of private open space (balcony off living space or roof top deck), bedrooms located at the rear of the dwelling away from potential noise and activity along Hesse Street and proximity to a range of services and facilities.

5.4 car parking, access and traffic

The provision of car parking and access arrangements (both for owners/occupiers of the site as well as waste management) has been addressed in the *Traffic Impact Assessment* report prepared by Traffix Group and included in Appendix 2 of this report.

The proposed development seeks to close the existing vehicular access point to the site and open a new access point at the northern end of the Hesse Street frontage. From this point, access is proposed to be provided via a two way, 5.5m wide driveway to the rear of the site where the car parking is split between a secured at grade compound for retailers and individual enclosed car parking for each dwelling.

Either three or four car parking spaces are provided for each dwelling within an enclosed garage, well in excess of the provision required for medium density housing in Clause 55. Whilst Clause 55 requires the provision of two visitor spaces on the site for a medium density development of eight dwellings, it is noted that Clause 55 does not apply given the Business 1 Zone of the site, but rather, is a consideration in determining the adequacy of car parking on the site.

Under Clause 52.06, each dwelling is required to provide two car parking spaces. Given each dwelling will be provided with three or four car parking spaces, and the site is located within the commercial centre of the town, there is no identifiable need for the provision of on site visitor car parking. This is consistent with the Tribunal's findings in the Japara Holdings case.

With respect to the provision of car parking for the retail use, Clause 52.06 requires the provision of 8 car parking spaces per 100sqm of leasable floor area. The proposed development seeks to provide one car parking space per retail shop for use by an employee / shopkeeper, thus a total of 8 car parking spaces within a secured parking area. This provision of car parking for the retail use is consistent with the Tribunal's finding in the Japara Holdings case.

The secured car parking compound will also house waste storage facilities for the retail use and an area for domestic rubbish bins to be positioned for collection on waste collection days. The



accessway and the car park have been designed to enable private rubbish collection for both the retail and residential uses on the site.

In summary, the *Traffic Impact Assessment* report supports the access and car parking arrangements for the proposed development as follows:

- peak occupancy during the survey period was less than 50% therefore there is ample scope for customer parking demand to be accommodated on streets within the vicinity of the subject site;
- the proposed use will not add to the parking demands generated by the centre as a whole during peak periods (holidays, weekends);
- accordingly, a reduction in the provision of on site car parking is justified;
- on site parking will satisfy the likely parking demands of residents and the long term parking demands of staff of the proposed retail tenancies. The customer parking demand will be able to be readily accommodated within the parking supply in the vicinity of the subject site;
- the proposed car park and access design is in accordance with relevant standards and requirements and current practice; and
- the volume of traffic likely to be generated to and from the site is small and will have a negligible impact on the capacity and operation of the road network.



6 conclusion

It is submitted that the proposal is consistent with the matters set out in Clause 65 of the Queenscliffe Planning Scheme as detailed throughout this report, including the relevant policies and provisions of the SPPF and the LPPF (including the MSS) for the following reasons:

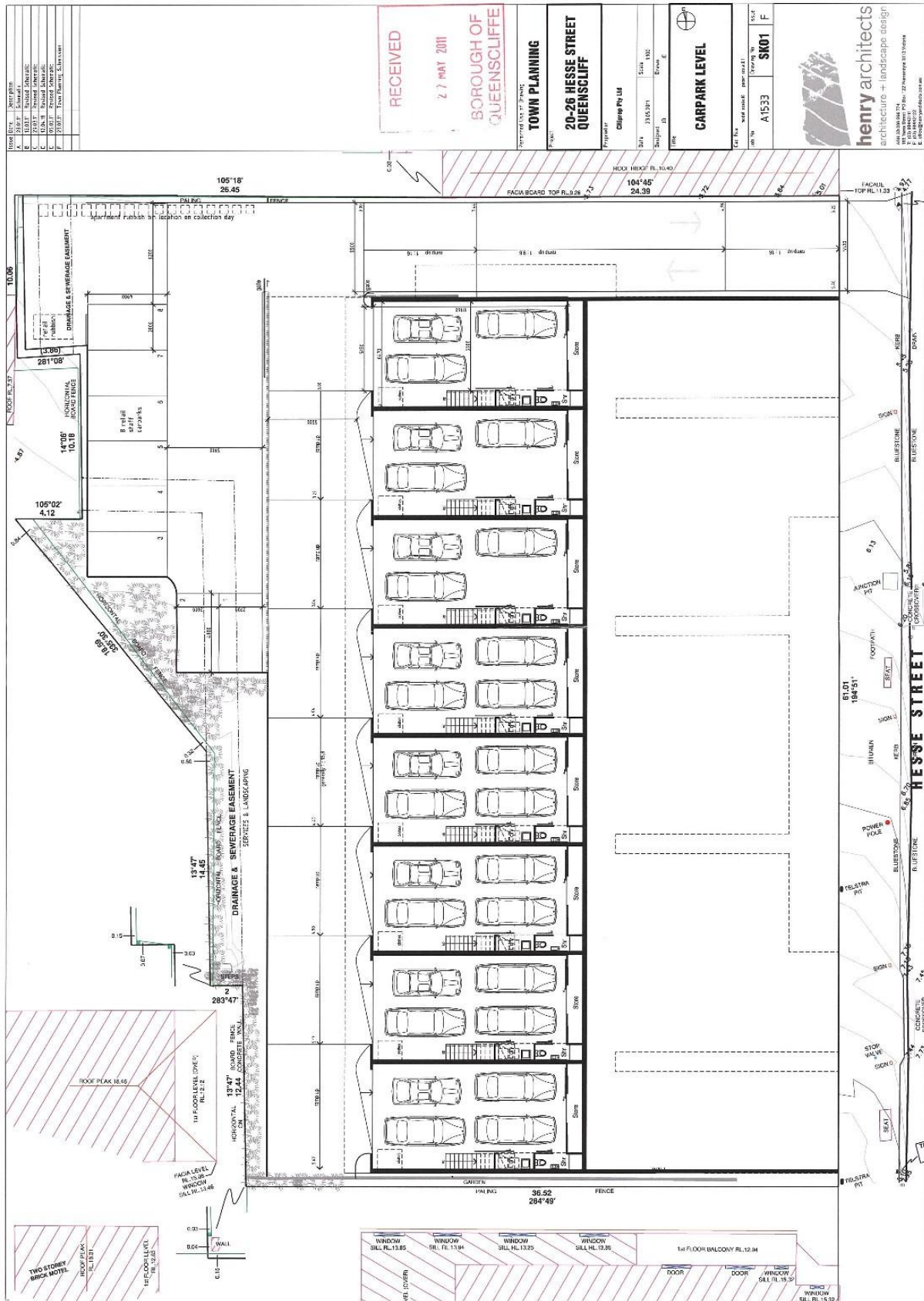
- The scale, form, height and detailing of the proposed development is respectful of the heritage qualities of Queenscliff and more particularly, the commercial centre of Hesse Street;
- The proposed development will make a positive contribution to the built form character of Hesse Street consistent with urban character objectives for the central township area;
- The proposal will provide a high level of amenity for its future occupants;
- The proposed development will not significantly impact on the amenity of adjoining properties;
- Access and car parking arrangements for the proposal have been properly addressed through the input of expert traffic consultants during the design phase; and
- The proposed development is consistent with the previous findings and conclusions of the Tribunal with respect to the previously approved scheme for the site.

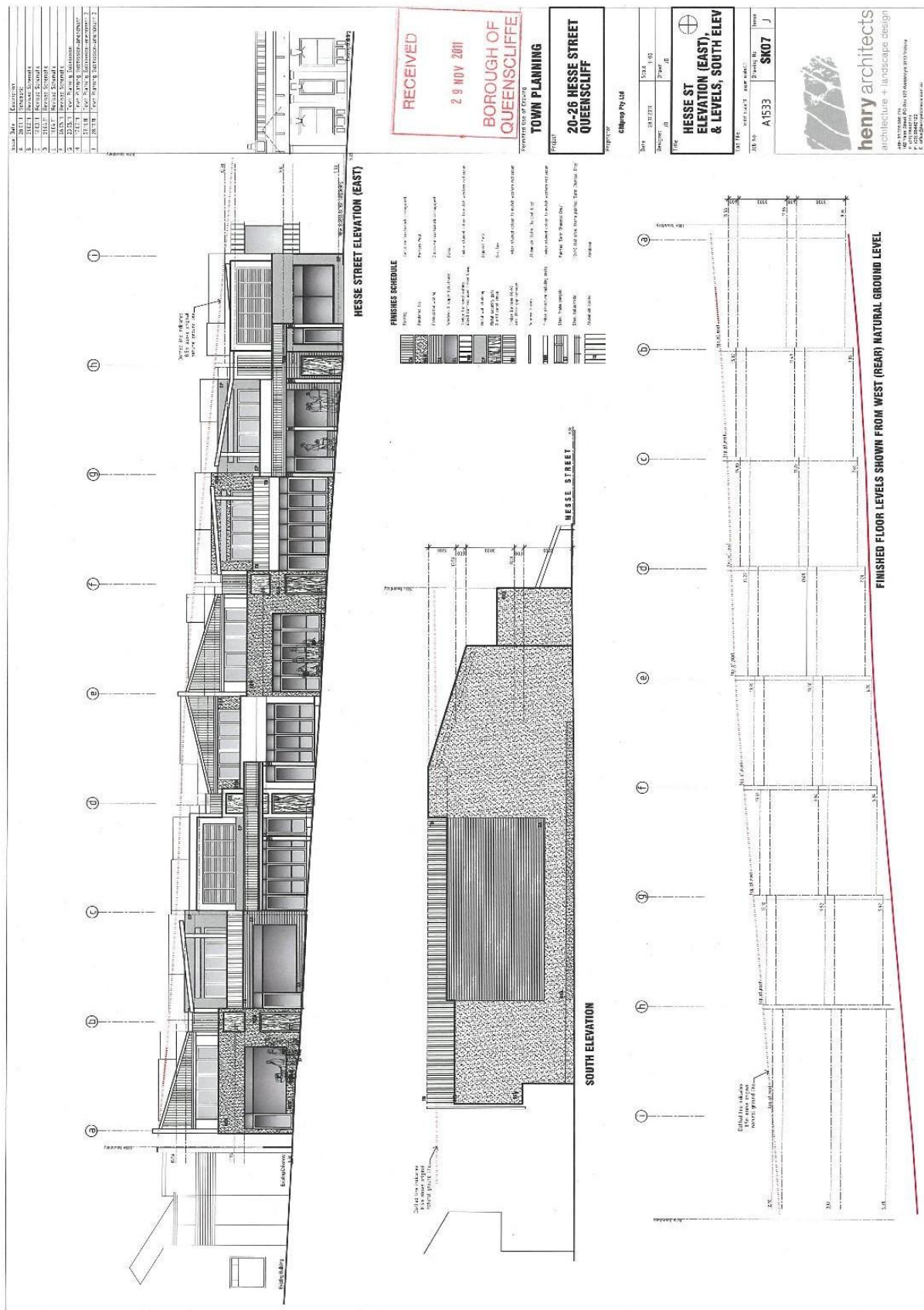
It is concluded that the proposed development will make a valuable contribution to the town centre of Queenscliff, worthy of its position as a premier coastal township.

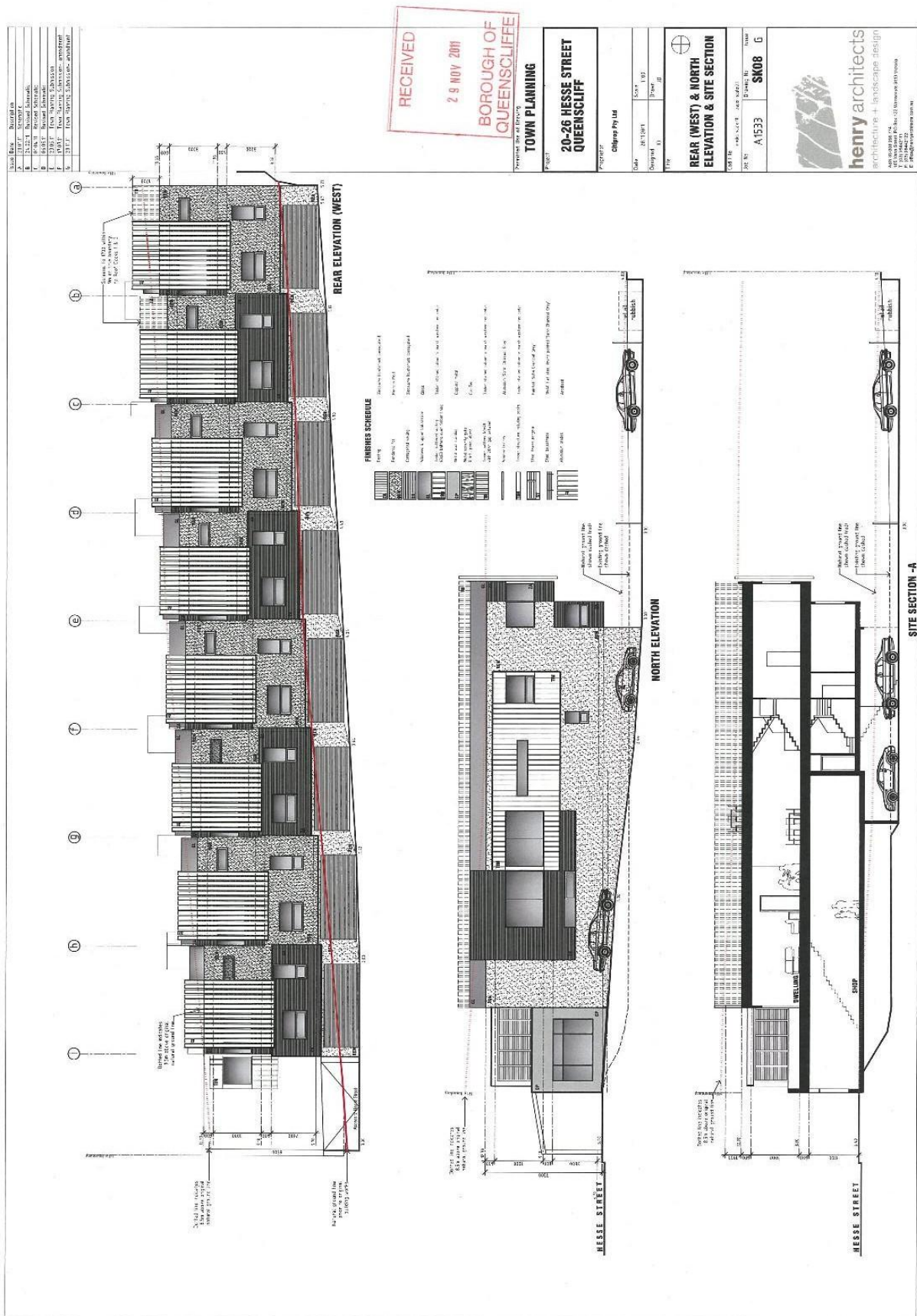
It is therefore respectfully requested that Council support the application through the issue of a planning permit.

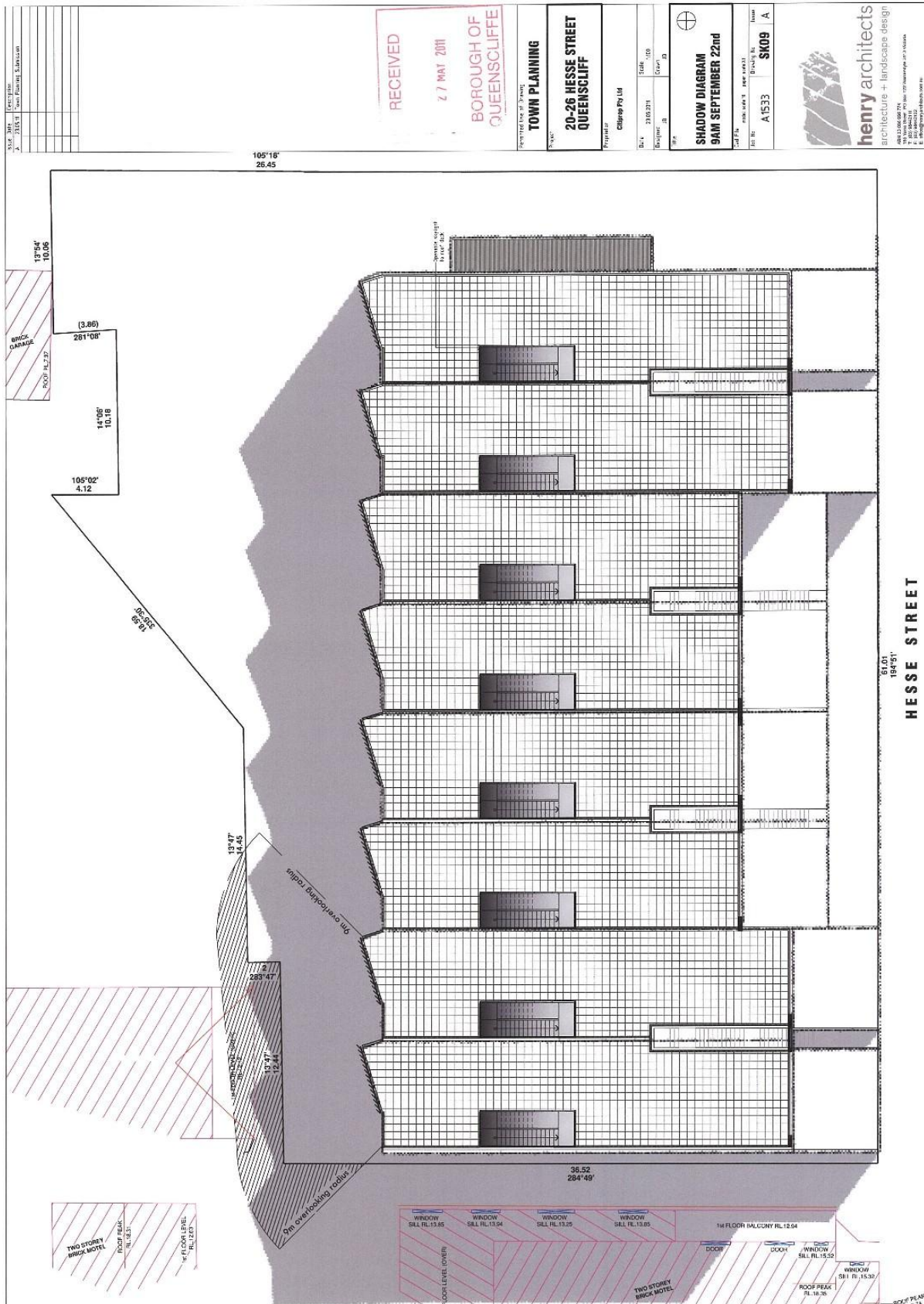
HANSEN PARTNERSHIP

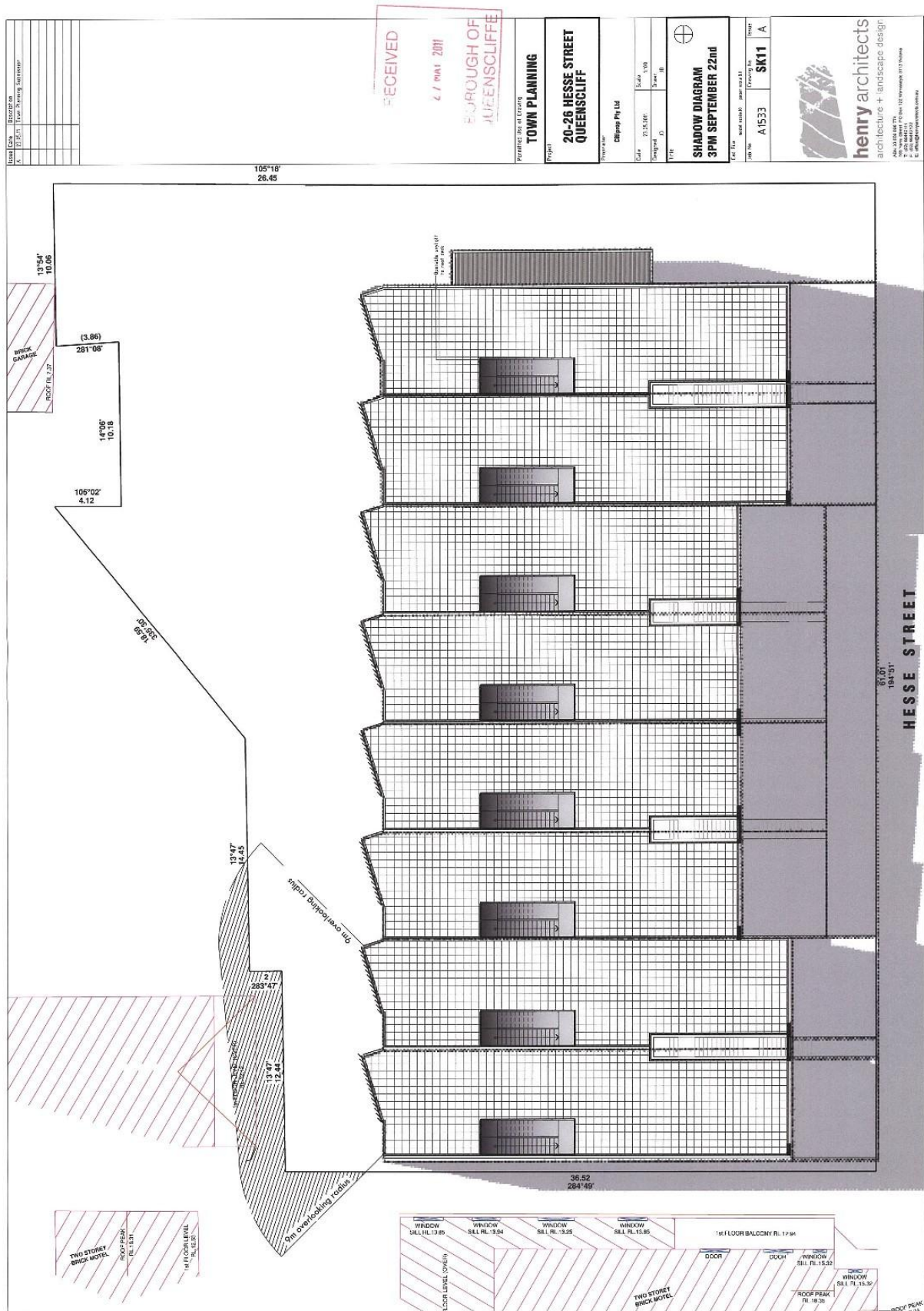
May 2011













APPENDIX 2:

Wednesday, 14 September 2011



BIG4 BEACON RESORT

An Independent Member of
BIG4 Holiday Parks of Australia Pty Ltd

78 Bellarine Highway
Queenscliff VIC 3225

Tel: 03 5258 1133

Fax: 03 5258 1152

ABN: 30 961 786 616

ACN: 006 933 035

Email: book@beaconresort.com.au

www.beaconresort.com.au

Borough Of Queenscliffe

ATT: Lenny Jenner and Councillors

Learmonth St

Queenscliff 3225

Dear Mayor and Councillors

Redevelopment of No. 20-26 Hesse Street, Queenscliff

I fully support the redevelopment of this significant site of 20-26 Hesse St Queenscliff for the proposal of "Buildings and works for the construction of a two storey building comprising eight (8) shops and eight (8) dwellings, reduction of the standard car parking requirement of Clause 52.06, waiver of loading bay requirement of Clause 52.07, alteration to access to a road in a Road Zone Category 1 and subdivision of the land into sixteen (16) lots with common property."

The design is in keeping and compliments the historical buildings in Hesse St.

As a business owner and operator in Queenscliffe for over 40 years, we have seen a continued decline in visitation including day and overnight stays.

BIG4 Beacon Resort encourages major reinvestment into our township whilst keeping the ambience of why we are a recognised tourist destination and a sort after town to reside. This type of redevelopment will ensure that we can compete on an international scale with other Victorian coastal townships. Such a quality redevelopment is a vital key to complete this missing link of the overall ambience of our wonderful Hesse St.

This development is another essential part of the long term viability, residents long term employment, encouragement for a more permanent residency in our Borough, higher visitation to ensure we as residence have all the retail and restaurants to patron throughout the year, this will also assist in levelling out of seasonality's that we currently experience.

I ask that the councillors work in collaboration with the redevelopment principles as a collective to move along at a pace that does not escalate any unnecessary costs for developer and the ratepayers.

Regards

Lorraine Seligley

Director



Mitch Hodgson

From: Peter Negri <pnegri@bigpond.net.au>
Sent: Wednesday, 24 August 2011 9:33 AM
To: Mitch Hodgson
Subject: Notice of planning permit 20-26 Hesse Street

Mr Mitch Hodgson
Planning Manager
Borough of Queenscliffe

Dear Mitch

Re: Notice of Planning Permit Application 2011/057
20-26 Hesse Street, Queenscliff

We have viewed the documents sent by Hansen Partnership Pty Ltd on 9 August. This application is an improvement on the initial application we received some years ago. We are happy to support the Borough of Queenscliffe's decision on the application.

Yours sincerely

Peter and June Negri
PO Box 132,
Queenscliff Vic 3225



Domain Hill Property Group Pty Ltd
a growth enterprise
Loft 1, 49 Smith Street
Fitzroy, VIC Australia 3066
P + 61 3 9418 8588
F + 61 3 9417 3620
ABN 16 003 565 040
www.domainhill.com.au

5 September 2011

The Senior Planning Coordinator
Borough of Queenscliff
50 Learmonth Street
Queenscliff 3225

Dear Sir/Madam

**Re: Planning Application 2011/057
20-26 Hesse Street Queenscliff**

I have received a notice of the above application in the mail.

Through Marisni Pty Ltd, I am the owner of units 22 and 23 at 'Wyuna' 32 Hesse Street Queenscliff located immediately adjacent to the proposed development.

I met with the developer Mr Luke Adams of Citiprop Pty Ltd and Ms Sandra Rigo of Hansen Partnership on Monday 22 August 2011.

At that meeting I requested the developer consider a deeper setback of the two townhouses at the South end of the site so that their building frontages would be in line with the middle four townhouses. The plans at hand do not include a clear numbering system for the townhouses.

In a subsequent telephone call from Ms Sandra Rigo I was advised that the design amendment request was not acceptable to the developer.

I would ask that Council please give consideration to this specific design amendment in which case I would like to offer my full support for the development.

I note that there is also a setback of the building of 860mm off the Southern boundary with provision for a garden and walkway - a design feature that is appreciated from my perspective. Whilst I do not profess to be a landscape designer, I would like to suggest that instead of a dedicated impermeable walkway, perhaps Council and the developer should consider the full width of this area being dedicated to landscaping with individual pavers then laid on top. This would allow pedestrians to 'meander' through the garden.



The purpose of this suggestion is to increase the permeable surface and to allow for a more generous garden area. This would provide greater flexibility for plant and tree selection. It would also negate the need for a long and costly garden retaining wall and walkway.

I would also ask that Council please ensure that the garden area includes a row of vertical shaped trees (eg pencil pines or similar) and possibly other creepers that would help vertically 'greenerise' the large wall and soften its impact.

If Council is supportive of these two suggestions I would ask them to be incorporated into Council's approval as conditions of the planning permit.

Thank you for your consideration.

Yours sincerely

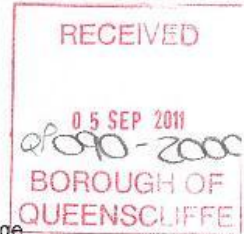
A handwritten signature in blue ink, appearing to read "Peter J Cahill". The signature is stylized with a large, sweeping loop on the left and a sharp, upward-pointing stroke on the right.

PETER J CAHILL



Info

From: Robbie and Jenny Main <dolphin-swims@aapt.net.au>
Sent: Monday, 5 September 2011 9:00 AM
To: info@queenscliffe.vic.gov.au
Subject: ATT town planner Ref; to Lane Way at 9 Learmonth st Queenscliff.



Dear Sir,

It has been brought to the Council's attention that there is a narrow lane which services a private garage at 9 Learmonth st.

After meeting with the town planner I was advised to put in writing the use of that lane.

In the early days it serviced the night man for the toilet disposal.

It has not been in service except to access the garage my father's car.

All access for the new development in Hesse st. should be serviced entirely from Hesse st.

The property of 9 Learmonth st. was built on the boundary and any traffic could disrupt the foundations of this property and cause plaster to crack etc.

There are young children in the home also and it would not be tolerated to have vehicles accessing the laneway as it was never designed for this purpose.

The previous town planner Natalie Walker had this situation explained to her and understood my concerns.

I hope that the new town planner can also appreciate this situation.

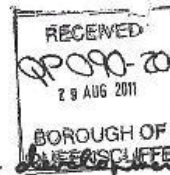
If you have any other questions regarding this matter please do not hesitate to contact me.

Sincerely
Rob
Main

11 MURRAY RD
QUEENSCLIFF 3225



Re: 20-26 Hesse St
Queenscliff



Rosemary Mokhtar
1 Murray Rd.
Queenscliff 5258 2582

I have a personal interest in the development of this site because for years I visited my mother several times a week when she was a resident of the Queenscliff Nursing Home. I am keen for this development to be a real success.

Hence: suggestions with some criticism.

Given the developer's hopes + requirements, in my view this proposal is reasonable + well thought-out.

On the plan it has achieved classic balance with harmonious rhythm of shapes. The central set-back relieves what could be monotonous and provides scope for something of interest at the footpath zone.

However, there are details on the Hesse St. facade, like frames etc., which are not easy to see on the black + white plan.

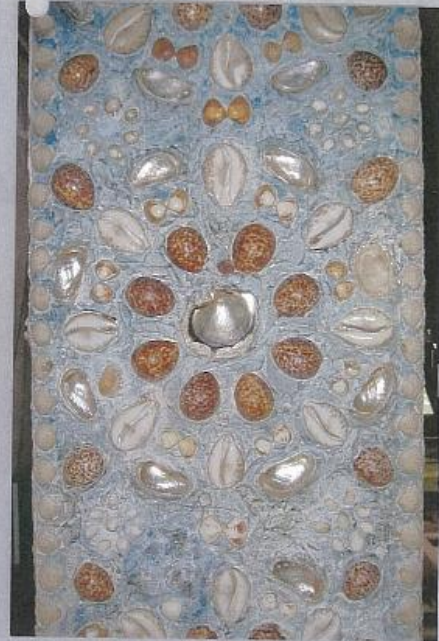
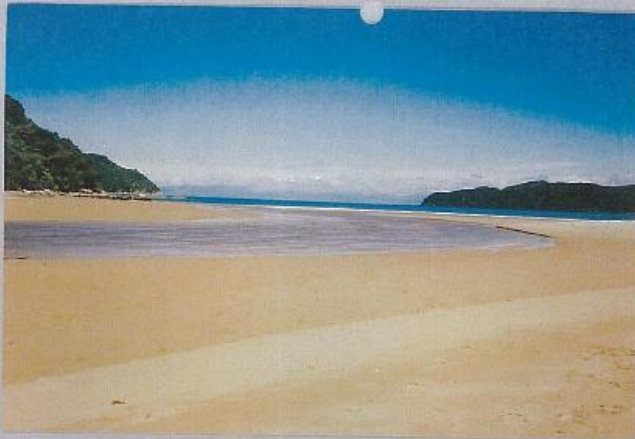
To me, any additions which are not structurally necessary would jingle and distort the integrity of design which is essentially there.

There is no need to individualize the shops and apartments. The component shops already have variety within a harmonious whole and the choice of materials used will add further variety.

Materials, colour and landscaping will be vitally important, especially to relieve the dark heaviness of the Wyuna Apartments, and to complement the light and decorative facade of the Vic Hotel next door down the street.

Some shrubs, trees or raised flower beds in the footpath zone would give life. For the other face of the development backing onto Whitehall, see my other sheet for suggestions.

Sorry this is hand-written.



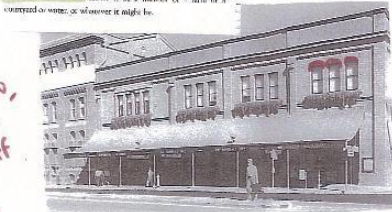
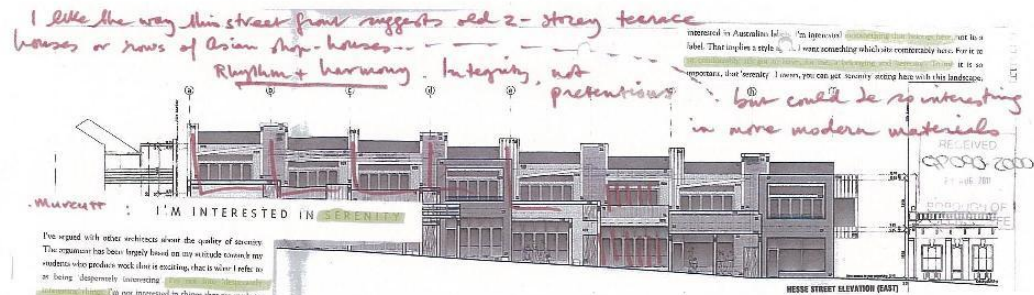
that's the other thing. They are not violent, they are beautiful peaceful colours, nothing fashionable, they're real colours. All colours are real, I guess, but they're real for here.
For too long now, we have been interested in what they're doing over there, over in America, Europe and what have you. There are things here that are really relevant to me. This is a great place to be right now. It's a terrific time to be in [Australia].

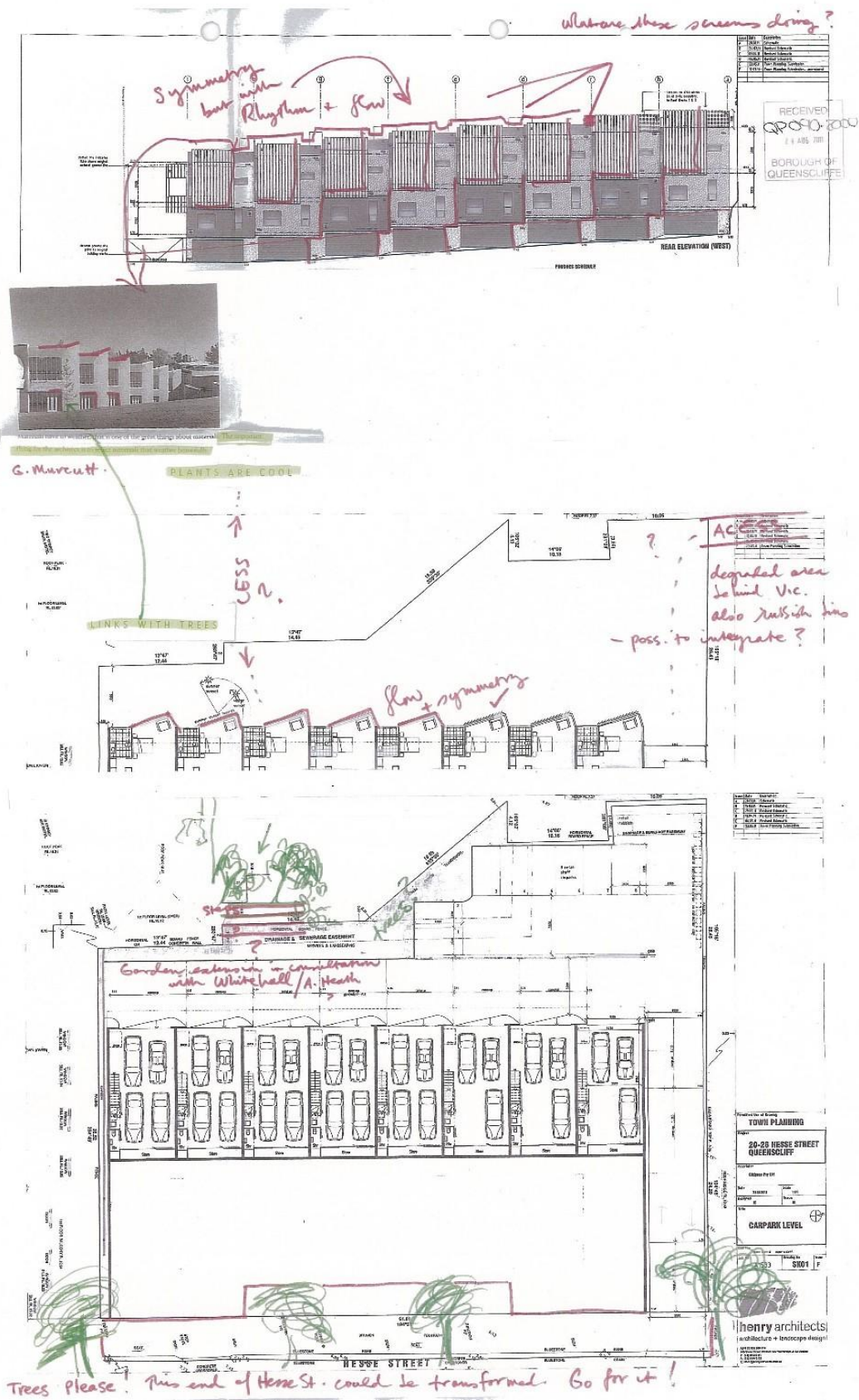
STEALING THE COLOURS OF LANDSCAPE

PD: Another thing is the choice of colour for a building. And here Henry David Thoreau, writing in *Walden*, expresses his concern about having colours which relate, which belong to and which derive from the landscape.



RECEIVED
QPO90-200
29 AUG 2011
BOROUGH OF
QUEENSLIFFE







26/8/2011

Submission to Queenscliffe borough Council on the
Permit Application for 20 to 26 Hesse Street Queenscliff.

Application No 2011/057

I wish to object to the above application. I am a business operator and building owner in Hesse Street. I have maintained my building in a condition which adds to the amenity of the streetscape rather than detracting from it...The economic values of the street are partly dependent on the attractiveness, the historic atmosphere and the maintenance of the buildings.



Many visitors are attracted to Queenscliff due to their interest in the historic values of the town and surrounds and the scenic attractiveness of the whole area.

My opinion of the proposed development is that it will be a large intrusion into an otherwise attractive street. I can see nothing in the design which either blends with or complements the amenity of the town. I do not believe that the proposal complies with any form of neighbourhood character as defined in the planning scheme.

I wish to present a more detailed objection to any further hearing as a result of this application

Joan Lindros

50 - 54 Hesse Street



Fax from : 61 3 52721560

26-08-11 13:45 Pg: 1



David Kenwood

73 Learmonth Street

Queenscliff, Vic 3225

Mayor & Councillors

Queenscliffe Borough Council

PO Box 93

Queenscliff Vic 3225

By Facsimile 5258 3315 and Post

Dear Mayor and Councillors

**Re: Proposed development at 20 to 26 Hesse Street, Queenscliff.
Application Reference 2011/057**

As a former Councillor and long time resident who greatly values the heritage and cultural aspects of Queenscliff I wish to object to the above proposal for reasons listed below.

My principal reasons for objecting are that I am concerned for the welfare of the township and the impact of such an out of character complex of buildings will have on the Hesse Street streetscape, which lies in the most important heritage precinct in the Borough. I will be affected because it will change the nature of Hesse Street and detract from Queenscliff's appeal as a heritage town for both residents and visitors. Such a contemporary development of this nature would not be permitted in the heart of heritage towns such as Port Fairy or Maldon – why would Council consider doing this to Queenscliff. We need something on this site that is far more sympathetic and consistent with its surroundings, which include key historic buildings in Hesse Street. Genteel Queenscliff deserves better than this architecturally designed contemporary monstrosity.

This proposal to construct 8 shops with 8 dwellings including a subdivision of the property into 16 lots with common property is totally out of character with the streetscape and will detract from the heritage values of the Hesse Street commercial area. In my view it will create and unwelcome precedent in the township and represents poor planning in such an important commercial area of the town. I note there does not appear to be any vegetation/trees included in the front the proposal which is one of the principal aspects of the planned Hesse Street revitalisation.

Further:



Fax from : 61 3 52721560

26-08-11 13:45 Pg: 2

1. The development of 8 new shops in the central activity area when there are a multitude of empty shops and buildings in Queenscliff will lead to an over supply of retail premises at a time when many traders in the town centre and the harbour are struggling to survive.
2. This clunky style development with its non functional box designs on the façade represent the worst aspects of contemporary design which are unsympathetic with its setting and other important heritage buildings to the south in Hesse Street.
3. The sheer bulk, size, scale and poor design of the development does not suit the streetscape.
4. The proposed flat roof design, including viewing areas, does not reflect the predominant pitched rooflines of most of the key historic buildings in Hesse, Hobson and Learmonth Streets.
5. Driveways in and out of proposed development will become a danger to pedestrians using the footpath in Hesse Street, particularly during the summer period when pedestrian activity along the footpath is high.
6. A mixed sub division of this type (16 lots) is not common in heritage Queenscliff and I am therefore concerned about its aesthetic impact and potential economic viability. Indeed a similar sub division on the Ozone Hotel site was not economically viable and went into receivership recently. The previous developer/owner of the former nursing home site also suffered a large financial loss with their previous development proposal and subsequent planning battles. I would not like to see a staged development or indeed a half finished development on the site as we saw with the interior of the Ozone. It should be noted that the former adjoining motel development was also not viable before it was converted.
7. Depending on the activity of the proposed retail premises (food etc premises which can generate smells, noise, waste and the like) that can create amenity problems with upstairs residential dwellings (same building – different ownerships) as was found in similar mixed use developments at Point Lonsdale in recent times.
8. There should be no waiver of car parking for this large commercial development when car parking in Hesse Street is at a premium. Car parking for new commercial premises is a requirement embodied in the Planning Scheme and should be enforced.
9. The development proposal fails to meet many of the key requirements contained in the following Planning Scheme provisions:
 - SPPF 15. Built Environment & Heritage
 - LPPF Schedule 1 to the Design & Development Overlay DDO1
 - LPPF 22.03-7 Heritage Overlay 7 Hesse Street Commercial Area
 - Clause 52.06 Car Parking



Fax from : 61 3 52721560

26-08-11 13:45 Pg: 3

- Clause 65 Decision Guidelines

Thank you for the opportunity to make a submission. I wish to speak to Council at the first available opportunity regarding this very unsympathetic development proposal in a key part of "Classic Queenscliff".

In conclusion I would like to see a redesign of the proposal which was more in keeping with the older style of buildings found in Hesse Street, for instance the recent additions to the Uniting Church or the adjoining residential building are notable examples. Also I recently saw a nice example of a two storey development on the seaward side of Geelong Grammar School which was in keeping with the substantial heritage school buildings on the site. A new development at 20 Hesse Street doesn't have to be "mock heritage" but designed more sympathetically to suit the existing character of the built environment in the precinct in which it is located. Council previously fought and won planning battles in VCAT to ensure the façade of the adjoining Victoria Tavern and the design of the former motel were in keeping with heritage provisions of the precinct.

Queenscliff too nice to spoil for a quick buck.

David Kenwood

26/8/11



To
The Mayor and Councillors
Borough of Queenscliffe
Town Hall Learmonth Street
QUEENSCLIFF Vic.3225

Dear *Mr Mayor and Councillors,*

Re: Development on former Nursing Home site in Hesse Street

At a recent meeting of the Queenscliff Community Association, I had the opportunity to view the proposed plan for the redevelopment on the former nursing home site in Hesse Street. This is an important proposition which may well have a seminal effect on how this town centre will develop in the foreseeable future.

My first reaction to the overall design was one of "shock, horror"! On further consideration, though, as I tried to imagine the proposal in context with the existing Hesse Street commercial streetscape and sense what the designer is trying to achieve for the site I have come to the conclusion that the design could work. The plan avoids frivolous reproduction of Victorian or Edwardian building designs and offers a concept which provides a variegated face to the street which could merge with the existing non-homogeneous streetscape. The plan shows the upper storeys set back from the building line which reduces the risk of giving an "overcrowded" appearance. However, I do not understand why there are rather dominant timber columns and beams at the front of the upper levels: to my mind these seem to detract from the overall simplicity of the design and invite possible "filling-in" of the built form at some future date.

In summary, I believe the proposed development could work and provide an exciting completion to the last part of the Hesse Street frontage of our village.

Yours sincerely

Dr Ben Wadham
50 King Street
Queenscliff, Vic. 3225

26 AUG 2011



Queenscliffe Community Association Inc.

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

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QP090-2000
26 AUG 2011

BOROUGH OF
QUEENSLIFFE

The Queenscliffe Community Association (QCA) wishes to object to a planning permit (Form 4.3) for 20-26 Hesse Street Queenscliff 3225.

The Associations objection is based on the following grounds:

SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

(Shown on the planning scheme map as **DDO1**) under **1.0 Design objectives** states '...new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township' and 'To ensure the height, form, mass, siting, style and materials of new development is responsive to the heritage qualities of the town of Queenscliff.

The QCA fails to see how a building that consists of 8 shops with first floor residences (taken from drawing NoSK07) has height, form, mass, style and materials that meet these requirements.

22.03-7 HERITAGE OVERLAY 7 HESSE STREET COMMERCIAL AREA

This policy applies to all that land designated on the Heritage Policy Map 7 Heritage Overlay 7 - the area known as the Hesse Street commercial area between Stokes and Symonds Streets.

Objectives

The objectives of this policy are:

'To retain the diverse historic and architectural character of the area and the mixture of commercial, public, residential and community building types which together form the commercial centre of Queenscliff;

Policy It is policy that within Heritage Overlay 7:

- The objectives of the policy will be taken into account in assessing any planning permit application.

Preference will be given to buildings that incorporate the following design characteristics:

- Corrugated iron pitched roofs;
- Continuous facades and narrow eaves;
- Vertical rectangular timber or metal windows;
- Timber weatherboard, plain, painted or rendered brick;
- Verandahs;

The QCA's understanding from the drawings provided (Drawing NoSK04) is that the roof is flat, that although there are 'veranda' elements they do not appear to connect to the heritage elements of existing verandas in the streetscape, plus the bulk and mass of the building does not fit with the diverse historic and architectural character of the streetscape.

'MUNICIPAL STRATEGIC STATEMENT - CLAUSE 21.05 Urban Character

The Study reveals the continuing evolution of development within the municipality from its maritime beginnings, to its major military functions, to its role as a tourist and holiday destination, to its place as a permanent residence for a limited population.



2

Under Objective it states:

'To ensure new development maintains, enhances and harmonises with the distinguishing cultural heritage identity of the township of Queenscliffe.'

The strategies for achieving the objectives are:

'To require new development in Queenscliff to have regard to the prevailing scale, style, height, siting, fencing, building materials and finishes of buildings in the core heritage centre of the town.'

The QCA fails to see how this development due to its bulk, mass and scale achieves these requirements in the core heritage centre of the township of Queenscliff.

The QCA has some concerns about fire exits from the commercial component as they all have only one entry. This also covers waste disposal. Should any of the commercial element become food premises how are fume removal units / refrigeration units and their potential noise taken into consideration? The QCA is also concerned about the open able skylights to the roof deck (drawing No SK04).

Yours sincerely

Chris Johnson Hon. Secretary on behalf
of the Queenscliffe Community Association



I wish to object to a planning permit for 20-26 Hesse Street Queenscliff 3225 (Public Notices ECHO18/8/11). I have looked at the file in the Queenscliffe Council Offices.

I am particularly concerned about the bulk, scale, height and mass of the building. The DDO1 refers to 2 storeys or 8.5 metres

DDO1

Building height

No building can exceed a height of:
two storeys; and
8.5 metres above natural ground level.



If you include the basement car parking and the flat roof (which has access through a sky light) then the building is 4 storeys high. The Vic Tavern which is the nearest building on the Symonds Street side of the site is 2 storeys with one at street level. The developer appears to want to return to the level at which the Vic Tavern is built on. My concern is that this could create a precedent (The Vic Tavern is not a protected building) with buildings of this height ending up the length of Hesse Street. The building also has a flat roof which does not take into account that **HO7** has a preference for buildings that incorporate 'Corrugated iron pitched roofs'.

This also fits with a concern that the development does not meet the objectives of **54.03-5 Energy efficiency Standard A7** Buildings should be: Oriented to make appropriate use of solar energy. At the very least a pitch roof would be able to incorporate solar panels on the north side of the pitched roof.

The DDO1 under 1.0 Design objectives:

To ensure new development maintains, protects and enhances the distinguishing elements of the urban character of the Queenscliff township, such as:

To ensure the height, form, mass, siting, style and materials of new development is responsive to the heritage qualities of the town of Queenscliff.

I fail to see how this development meets these requirements.

I also fail to see how this building meets the requirements of **22.03-7 HERITAGE OVERLAY 7 (HO7) HESSE STREET COMMERCIAL AREA** which under its objectives refers to a need to retain the diverse historic and architectural character of this commercial area. The bulk, scale and mass of the building is such that it dominates this part of Hesse Street (**Design Objectives DDO1**). I walked the length of this Heritage Overlay and could not find a building of this mass, scale and bulk. Those that may be considered similar are iconic buildings protected under individual listings eg The Vue Grand & the Queenscliff Post office. There is also a concern that if a building of this mass and scale appears in the streetscape it will detract from the focus of the previously mentioned buildings. The buildings in the street also vary in height with one and two storey building and 2 storey buildings with a level below street level. Some are even set a metre below street level as in the Osprey Muse'.

Under Clause 21.05 Urban Character which refers to the *Queenscliffe Urban Character Study*. 'The Study found that the pressure for high buildings is so great in parts of the municipality, especially in foreshore areas and other places that provide the opportunity for bay views, that control over the height of buildings is justified.

Further it found that the natural coastal and heritage character qualities of the municipality are so sensitive to adverse impacts from taller buildings, that control over building height **QUEENSCLIFFE PLANNING SCHEME** should be mandatory rather than discretionary. Mandatory controls are justified to ensure that ad hoc approvals for taller buildings, which



2

would occur over time if discretion existed, do not lead to the gradual dissolution of the valued character elements of the Borough. The study identified that two storeys (and 8.5m) was an appropriate maximum building height across the whole of the municipality. It identified that buildings of more than two storeys had considerable potential to threaten both the heritage character values of Queenscliff....

A single, municipal wide two storey maximum height control is justified because of the small size of the municipality and the consistently high character values that exist across the whole of the Borough.

The approach used in determining the appropriate height of new buildings should be "bottom up" rather than "top down"

The two storey height control does not establish a "right to develop" up to that limit. Rather it is the maximum limit up to which a building may be constructed.'

While I have quoted a slab of clause 21.05 I believe it is essential to look at this aspect of the development. If you include the basement and the roof deck the development could be seen as a four (4) storey building. Plus the 2 storey height control does not establish a 'right to develop' to that limit.

Finally I made enquires with the planner about the height limit and was directed to **72 GENERAL TERMS from the Queenscliffe Planning Scheme.**

The following sections of the table lists general terms .

'Basement A storey below ground level, or that projects no more than 1.2 metres above ground level.'

The basement in this case would be the area for cars (I refer to Drawing SK06). It is my understanding from the Planner that the existing ground level on the site is considered the ground level. The basement protrudes above this level and is therefore considered as part of the overall height limit of 8.5 metres.

Building height The vertical distance from natural ground level to the roof or parapet at any point.

Mean building height The vertical distance between the mean ground level and the finished roof height at its highest point.

As for the building height and mean building height I am concerned that it does not include the highest point of the building and that it does not include the basement as part of the overall height of the building.

Storey That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine. If a storey may consider a basement (particularly if the basement is not below the ground level) then the building is a three (3) storey building and fails to meet the mandatory requirements of 8.5 metres or 2 storeys.

I therefore request that the council refuse the permit.

I believe this development will have a negative impact on my amenity.

Yours sincerely

C. Johnson

66 Gellibrand Street , Queenscliff 3225 25/8/11



APPENDIX 3:



28 November 2011

our reference: 2010.150

Mr Mitch Hodgson
Senior Planner
Borough of Queenscliffe
P.O. Box 93
Queenscliff VIC 3225

Dear Mitch,

re: **planning permit application 2011/057**
20-26 hesse street, queenscliff

Hansen Partnership Pty Ltd acts on behalf of the permit applicant 'Citiprop Pty Ltd' in relation to the redevelopment of the former nursing home site into 8 shops and 8 dwellings.

We write in response to the eight (8) objections received to date in relation to the permit application and the concerns raised by Council's Heritage Advisor, Mr Justin Francis.

In summary, the key issues raised in the objections are:

- Heritage, with respect to Clause 22.03-7 'Heritage Overlay 7 Hesse Street Commercial Area' and the impact of the proposed development on the heritage qualities of Queenscliff;
- Non-compliance with DDO1 objectives, building height limit of '2 storeys' and *Queenscliffe Urban Character Study*;
- Bulk, scale and design of the proposed development;
- Subdivision of the property into 16 lots (or 8 with street frontage);
- Internal amenity issues with first floor residential above retail on ground level;
- Waiver of car parking requirements for the commercial premises; and
- Request from the owner of two apartments at 32 Hesse Street to increase the setback of the two southernmost dwellings.

We note that a further two letters were also received that provided overall support to the proposal, whilst also suggesting minor changes for improvement.

We address each of these issues below, firstly in relation to heritage.

heritage

The majority of objections were principally concerned with the impact of the proposed development on the heritage qualities of Queenscliff, in addition to specifics with the design detailing. These issues were reinforced in the comments received from Council's

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Heritage Advisor dated 20 September 2011 and in subsequent meetings and comments by Mr Francis. We note Mr Francis's detailed comments on an ongoing basis and thank him for making himself available to attend various meetings and provide comments in a timely manner.

In giving careful consideration to Mr Francis's comments and those more generally raised with respect to heritage in the objections, our client engaged Mr Peter Lovell of Lovell Chen Architects and Heritage Consultants, the authors of Queenscliff's conservation studies to review the proposal in detail with respect to relevant heritage controls and policies of the Queenscliffe Planning Scheme.

In our opinion, it was common ground between Council's Heritage Advisor and our heritage expert that:

- The mix of retail land use on ground floor and residential land use above is appropriate;
- This end (between Hobson and Symonds Streets) of Hesse Street has a more varied streetscape than the central parts of the commercial centre of Hesse Street;
- The layout of the proposed development, with the middle four shops/dwellings indented back from the street alignment is appropriate;
- The use of verandahs at ground level in a varied way is appropriate;
- Contemporary architecture is appropriate; and
- Some of the façade treatments at first floor level, including materials and finishes \ need to be fine-tuned.

Our client has sought to address the issues raised by Council's Heritage Advisor through:

- Meeting with you and Mr Francis on the 25 October 2011 to gain a better understanding of the key issues;
- Revising the front façade design detail in response to the issues raised (31/10/11);
- Meeting with you and Mr Francis on the 9 November 2011 to continue discussions based on proposed modifications to the façade of the development;
- Revising the design detailing of the front façade in response to comments from Mr Francis dated 14 November 2011; and
- Revising the design detailing of the front façade again, in response to comments from Mr Francis dated 21 November 2011, to incorporate a pitched roof element to three of the dwellings through design modifications and the reduction in the upper level floor to ceiling height.

In our opinion, these meetings and consequent liaison with you and Mr Francis have been beneficial in developing a final set of amended plans which we believe provide a reasonable and balanced response to the issues raised by Council's Heritage Advisor and our own expert advice.



The plans accompanying this letter have been modified in response to the original and subsequent comments provided by Mr Francis (20/09/11, 14/11/11, 21/11/11 and 25/11/11) in the following key ways:

- Doorways to three of the shops have been recessed;
- The ground floor verandah (shop 7) has been extended and form simplified;
- The roof profile of the stairwells between the buildings have been lowered;
- The first floor 'box' to dwellings 3 and 8 have been reduced and timber louvres added;
- Wall materials to first floor have been varied, similar to ground level;
- Greater variety to pergola treatment (first floor);
- Inclusion of some angled parapets as a silhouette;
- Some of the upper verandahs have had a corrugated roof form added which also act as balustrading for the roof top deck;
- Inclusion of hipped corrugated steel roof for three of the dwellings which also pushes the roof top deck of these dwellings back a further three metres; and
- The floor to ceiling heights of all dwellings have been reduced to 3 metres.

We are of the opinion that the combination of these modifications to the detailing of the dwellings on the upper floor of the development as well as the selection of materials and finishes will produce a built form outcome which:

- Is respectful of the heritage qualities of this part of Hesse Street and Queenscliff more generally;
- Protects the heritage values of Hesse St (the HO7 area);
- Adopts traditional built form elements in a contemporary architectural expression;
- Addresses the more varied nature of the built form in this part of Hesse Street;
- Is of a scale commensurate with the built form character of Hesse Street; and
- Ensures an appropriate level of variation within the development to create visual interest in the streetscape and to the passing pedestrian.

We note the variation is not confined to the design detailing and must be considered together with the siting of the first floor and roof top deck. At a minimum, the wall of the first floor will be setback 5.2 metres from the street boundary of Hesse St, with the roof top deck aligned with the wall. This setback increases to over 8 metres for the central four shops/dwellings which are set back from the street boundary.

The combination of setbacks of upper levels, design detailing of the first floor and inclusion of pitched roofs and parapet forms will ensure that the proposal will read as a series of layers in the streetscape rather than a flat form. We believe this approach is consistent with the intent of the recommendations made by Council's Heritage Advisor.

The following responds to the remaining objections summarised above.

schedule 1 to the design and development overlay and building design



The proposed development complies with the DDO1 requirement for buildings with a maximum of 2 storeys or 8.5m above natural ground level. The basement level and roof terrace do not constitute a 'storey' as defined by the Planning Scheme. In addition, the floor to ceiling level of the first floor has been reduced in the amended plans to ensure compliance with the height provisions in DDO1.

In our opinion the two storey scale of the development is commensurate with other two storey buildings in Hesse Street and the varied built form scale of Hesse St more generally.

In relation to the bulk, scale and design of the proposed development it is noted the subject site is not located within an intact grouping of historic Victorian and Edwardian buildings, which are sought to be protected in Clause 22.04-1 and the DDO1. Nor is the site within a residential area of the town, which have a greater focus in the policy and overlay. In addition:

- The stepping down of the building following the slope ensures the development blends into the prevailing one and two storey streetscape of Hesse Street; and
- The mix of materials and finishes ensures an appropriate level of modulation across the site's frontage, consistent with the diversity of the built form at this end of Hesse Street.

Given the siting of the upper levels of the development, the roof top deck will not be readily visible from the street. The area set aside for vehicular access along the northern boundary allows for an appropriate transition to the adjoining single storey hotel.

other objections

In response to remaining key issues raised in the objections as summarised above:

The subdivision of the property into 16 lots (or 8 units which front Hesse Street) and the repetition of shops across the frontage of the site reinforces the predominately fine grain of subdivision along the central commercial strip of Hesse Street. The centralised setback to the middle four shops and combination of materials and finishes ensures there is an appropriate level of variation, consistent with the diverse building styles in the streetscape.

In relation to the objection on internal amenity, it is reasonable and increasingly common for upper level balconies to face the street, which has the added benefit of engaging the public realm. Furthermore, each dwelling is provided with a roof top terrace for additional private open space and bedrooms are located at the rear, away from potential noise and activity along Hesse Street.

Regarding the waiver of car parking for the commercial use, the proposed development seeks to provide one car parking space per retail shop for use by an employee / shopkeeper. This provision of car parking for the retail use is consistent with the Tribunal's finding in *Japara Holdings Pty Ltd v Queenscliffe Borough Council [2008] VCAT 468*.



Finally, it is submitted the two southernmost dwellings should not be setback in line with the middle four dwellings, as this would only interrupt the rhythm of the building in the streetscape and is counterproductive to the protection of the heritage values of the area.

We note the first floor of the development (dwelling 1) is sited further back from the Hesse Street boundary of the site than the (VCAT) approved development. Accordingly, the current proposal will produce an improved outcome for the objector to the south.

If you have any questions, please contact the undersigned on 0418 530 210 or 9664 9825.

Yours faithfully,
hansen partnership Pty Ltd

A handwritten signature in black ink, appearing to read "S. Rigo".

sandra rigo
director



5. CLOSE OF MEETING
