



Agenda

Planning Review Meeting

Wednesday 1 June 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

Karen Hose - General Manager Planning & Places

Mitch Hodgson - Senior Planner

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THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



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1. OPENING OF MEETING

2. APOLOGIES

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES



4. Planning Development

4.1 73 Nelson Road, Queenscliff

Planning Permit Application: 2010/105

SUMMARY

Proposal	The development of a second dwelling (two storey) and carport and subdivision of the land into two lots. Application: Refer Appendix 1
Zone/Overlays	Residential 1 Zone
Permit Triggers	R1Z – a permit is required to construct two or more dwellings on a lot. R1Z – a permit is required to subdivide land. DDO5 – construct a double storey dwelling
Public Notification	Advertised by registered post to adjoining property owners and occupiers, two (2) notices on site for 14 days, notice in municipal offices and public notice in the Echo.
Submissions	1 Refer Appendix 2
Key Issues raised by objectors	Inappropriate development Affect on landscape and character Devaluation of property Privacy



APPENDIX 1:



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

RECEIVED		OP 450-7300
Office Use Only		
Application No.: 2010/105	10 NOV 2010	Date Lodged: / /
Application for Planning Permit		604.00 193.00 797.00 #155293
BOROUGH OF QUEENSClIFFE		

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

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

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

The Land

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

Street Address *

Unit No.:	St. No.: 73	St. Name: Nelson Road.
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.: ☐ Lodged Plan ☐ Title Plan ☐ Plan of Subdivision No.:

OR

B ☐ Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

- ▲ You must give full details of your proposal and attach the information required to assess the application. If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This may delay your application.

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

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

Subdivide block and build one ^{double} storey dwelling on subdivided block and keeping existing dwelling on remaining block.

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

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

Cost \$ 2,0000.00.

▲ You may be required to verify this estimate.

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

Existing Conditions

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

Single dwelling.

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



Title Information

⑤ Encumbrances on title *

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

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

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

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

Applicant and Owner Details

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

Applicant *

The person or organisation who wants the permit.

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

Please provide at least one contact phone number *

Owner *

The person or organisation who owns the land

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

Name:
Title: Mr First Name: Travis Surname: McGee
Organisation (if applicable):
Postal Address:
Unit No.: St. No.: 73 St. Name: Nelson Rd
Suburb/Locality: Queenscliff State: Victoria Postcode: 3225

Contact person's details * Same as applicant (if so, go to 'contact information') ☐
Name:
Title: Ms First Name: Carly Surname: Douglas
Organisation (if applicable):
Postal Address:
Unit No.: St. No.: 73 St. Name: Nelson Rd
Suburb/Locality: Queenscliff State: Victoria Postcode: 3225

Contact information
Business Phone: Email:
Mobile Phone: 0409168738 Fax:

Name: Same as applicant ☒
Title: Mr First Name: Travis Surname: McGee
Organisation (if applicable):
Postal Address:
Unit No.: St. No.: 73 St. Name: Nelson Rd
Suburb/Locality: Queenscliff State: Victoria Postcode: 3225
Owner's Signature (Optional): C Douglas Date: 17 11 10
day / month / year

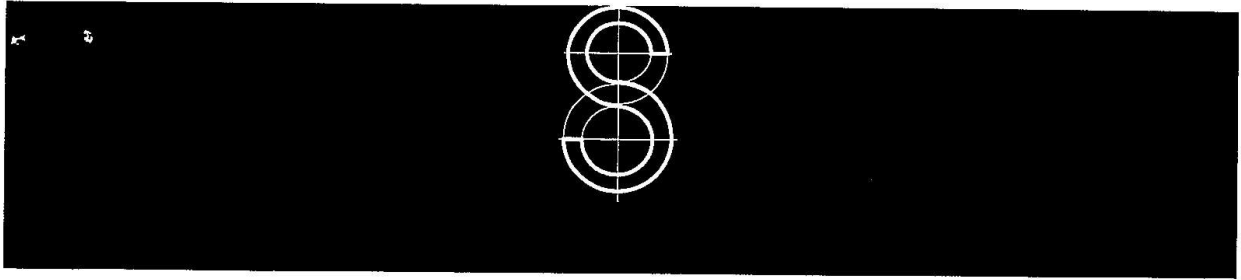
Declaration

⑦ This form must be signed by the applicant *

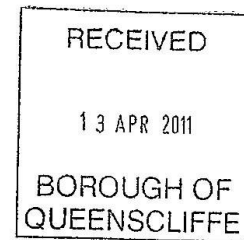
⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

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: C Douglas Date: 17 11 10
day / month / year



**Planning Report
for
73 Nelson Road, Point Lonsdale**



**Development of a second dwelling and removal of native
vegetation**

April 2011



1. Introduction

Sincock Planning has been engaged by Carly Douglas to prepare a planning report for the development of a second dwelling, two lot subdivision and removal of native vegetation at 73 Nelson Road, Point Lonsdale.

The site is zoned Residential 1 and is affected by a Vegetation Protection Overlay Schedule 1 and Design and Development Overlay Schedule 5. A permit is triggered for removal of native vegetation, for works exceeding 6m and single storey height, and for a second dwelling.

2. Proposal

As described above, the application proposes the development of a second dwelling and the removal of native vegetation.

The new dwelling is proposed to be located to the rear (west) of the existing dwelling with frontage to Noma Court. The dwelling has a minimum setback of 3m to Noma Court and maximum setback of 3.88m to the garage.

The single storey component of the dwelling has a 4.245m setback to the west boundary and 2.12m setback to the north boundary. The upper level is further setback from the north and west boundaries.

The dwelling has been designed with all living areas located at the ground floor level and the three bedrooms at the upper level. The primary living area comprising the kitchen, meals and family room is located at the north side of the dwelling and has direct access to an alferesco area in the north west corner of the dwelling and the open space to the north and west.

The lower level will have a face brickwork finish, whilst the upper level is finished with a lightweight cladding with the exception of the south wall of bedroom 1 which uses face brickwork.

North and west facing windows of the upper level are either 1.7m above floor level or use obscure glazing to prevent overlooking.

The existing dwelling is to be retained and the garage demolished to enable the second dwelling to be constructed. A new single carport is proposed to the south of the dwelling with a 2.05m setback to Noma Court and 7.45m setback to Nelson Road.

Two new deck areas are proposed adjacent to the living areas of the dwelling, one to the south west corner of the dwelling and one to the east of the lounge room. A new timber fence with a height of 1650mm is proposed along the Nelson Road frontage to provide privacy to the open space areas in front of the dwelling.

The application also proposes the removal of one peppermint gum which is located to the west of the existing garage. The plans accompanying the application include a landscape plan which provides for 81 new native plants throughout the site.

A two lot subdivision is also proposed.



3. Existing site and neighbourhood conditions

The subject site is located on the north west corner of Nelson road and Noma Court, Point Lonsdale. The site is developed with a single storey brick veneer dwelling and metal garage, both of which are accessed from Nelson Road. The site has limited vegetation with the front and rear yards primarily containing lawn. The dwelling is setback approximately 7.5m from Nelson Road, whilst the garage is setback 2.25m from Noma Court. A 1650mm paling fence is located on the Noma Court frontage and there is no fence to Nelson Road.

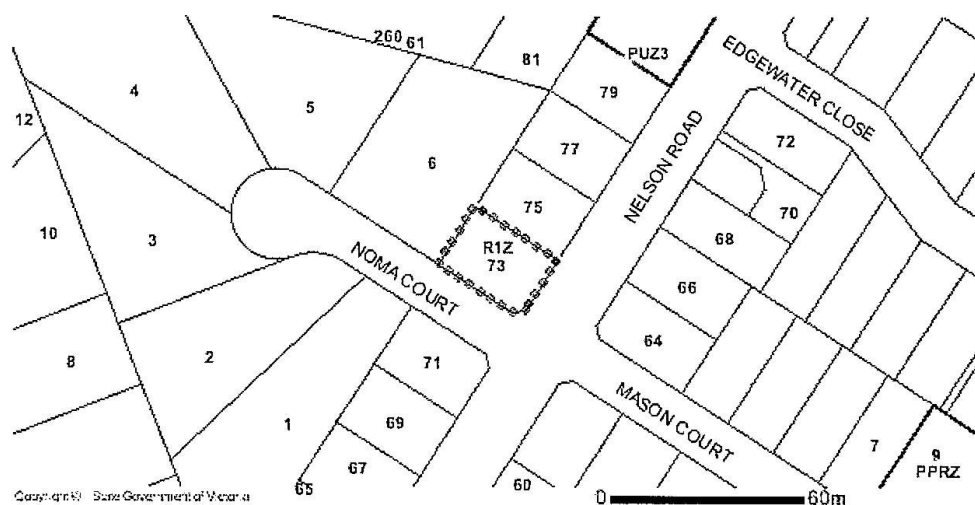
The site is located at the western edge of the town in an area that is primarily single storey in scale, although there are two storey dwellings scattered through the neighbourhood, including one adjoining dwelling on the south east corner of Mason Court and Nelson Road.

The dwelling at 6 Noma Court, to the west of the subject site, has a 10.1m setback to the street. This dwelling is also a single storey brick veneer with a tiled roof. Most of the remaining dwellings in the court are also single storey, brick veneer with colorbond roofs. There are 6 dwellings in total with frontage to Noma Court.

4. Zoning Provisions

The property is within the Residential 1 Zone, the purpose of which is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.





Planning Report – 73 Nelson Road, Point Lonsdale

A permit is required for the subdivision of the land pursuant to Clause 32.01-2 and for the development of two or more dwellings on a lot pursuant to Clause 32.01-4. A development must meet the requirements of Clause 55.

Comment

Medium density housing is an outcome encouraged by the Residential 1 Zone where higher density housing can be accommodated by the existing infrastructure and have access to a range of services. In this instance the site is located at the northern edge of the town yet still retains good access to all services available within Point Lonsdale and Queenscliff. Public transport, education facilities, shops, beaches and other recreational opportunities are all available within a 2.5km distance, many of which can be easily accessed by foot.

The zone also requires development to be designed in a manner which is respectful of the character of the area which we believe has been achieved. The dwelling is sited such that both the proposed and the existing dwellings have their own street frontage, the dwellings are detached, a low two storey height is proposed and materials match those of the surrounding dwellings. The scale and form of the dwelling is not unfamiliar in this locale and a good separation between the proposed dwelling and the neighbour at 6 Noma Court will reflect the detached nature of this court.

Although double garaging does tend to be dominant in the area, the proposal only seeks a single garage to maximize separation between dwellings and retain vegetation along the boundary and provide for opportunities to plant more vegetation. Only one native tree is proposed to be removed and the replacement of this tree with 81 other native plants via the landscape plan will provide for an outcome that enhances the landscape character and positively contributes to the garden character of the area.

The materials proposed for the new dwelling include brick, light weight cladding to the upper level and a tiled roof. These materials have been chosen to reflect the materials used in dwellings surrounding the subject site. Most of the surrounding dwellings are brick and have tiled roofs, and although tiles are not encouraged within the Borough of Queenscliff via the urban character study, it is a material that dominates the immediate area and as such the proposal has sought to reflect that existing character as it is unlikely that the area will undergo substantial change and move away from tiles.

The existing dwelling requires minimal change in order to enable the proposed dwelling to be constructed, with the metal garage to be removed and a new carport constructed to the south of the dwelling. The carport will utilize the existing crossover and be sited to enable another vehicle to park in tandem without impacting light to the existing window of the meal area. A carport in this location is not at odds with the character of the area in which garaging does tend to be more dominant than other parts of the municipality.

The site presents an excellent opportunity to increase the number of dwellings in the area by developing an underutilised part of the property without causing any loss of amenity to the neighbouring dwellings, or compromising the character of the area and as such we submit that the proposal complies with the objectives of the residential 1 zone.



5. Overlay Controls

Clause 43.02 Design and Development Overlay

Pursuant to Clause 43.02-2 a planning permit is required to construct a building or to construct or carry out works. Under Schedule 5 of the DDO a planning permit is required for all buildings and works exceeding 6m or single storey height apart from routine and maintenance work.

Design and Development Overlay – Schedule 5 (Point Lonsdale Contributory Area)

The design objectives are:

To ensure new development maintains, protects and enhances the distinguishing elements of natural coastal character that typifies Point Lonsdale, especially the more established parts, such as:

- The undulating dune topography and dense coastal tea tree and moonah vegetation within private gardens, road verges and foreshore areas, which creates a prevailing natural coastal and informal village atmosphere for the area.
- Predominantly low density development and informal roadways.
- Prevailing low scale, detached early 20th Century residential buildings that recede within the vegetated coastal environment.
- Unique mix and diversity of intact historic holiday town building types varying from Californian, Art Deco, Post War, 1960s and contemporary design.
- Substantial estate properties with large dwellings set within significant areas of remnant vegetation which significantly contributes to the native coastal sense of place.
- The informal road network with limited use of kerb and channel and predominantly grassed road shoulders.
- The predominantly broad and densely vegetated road reserves and relatively indistinguishable front boundaries of private properties.
- Significant viewlines towards Port Phillip Bay and shorter corridor views to well vegetated dunes.

To encourage respect for existing built forms through compatible building heights and setbacks for new development.

To ensure new development in the area makes a positive contribution to the prevailing natural coastal character of more established areas of Point Lonsdale.

To encourage new development to have regard to the urban character policies contained in the MSS and to the *Building Siting and Design Guidelines* contained in the *Borough of Queenscliffe Urban Character Study*.



Planning Report – 73 Nelson Road, Point Lonsdale

A permit is required pursuant to this overlay to construct a two storey building or a single storey building of more than 6 metres in height.

	Requirement	Complies	Comment
Building Height	No building can exceed the height of: <ul style="list-style-type: none">• Two storeys; and• 8.5 metres above NGL Only to be varied when alterations and additions are sought for existing buildings exceeding the height specifications but which do not increase the maximum height of the building.	Yes	The proposal is double storey in scale with a maximum height of 6.69 metres above NGL.
Site Coverage	Buildings should not occupy more than 40% of the area of the site.	Yes	The site coverage is less than 40%.

The design and development overlay schedule 5 applies to a larger part of the municipality and seeks to protect and enhance the natural coastal character of the township. In particular the dune topography, coastal tea tree vegetation and low density development are design characteristics that the overlay seeks to protect and enhance.

The subject site doesn't necessarily display all of these characteristics, nor does the immediate area, however it is apparent that the low density form of development, detached nature of dwellings and native vegetation are characteristics of the immediate area. The proposal has sought to enhance these characteristics by developing a two storey dwelling with a very low overall height, articulated upper level, articulation across the front of the dwelling and detached design that allows landscaping to be established along the western boundary of the property which also provides a substantial open space area for the new dwelling and gives a level of separation to the adjoining neighbour which reflects the separation of other dwellings in the area, in particular within Noma Court. This is also reflected in the very low site coverage of the proposal.

The application is consistent with the requirements of this overlay and as such could be supported.

Vegetation Protection Overlay Schedule 1

The vegetation protection objectives to be achieved are:

To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.

To ensure that subdivision and development proposals have proper regard to the landscape character of the township areas.

To ensure that new development has proper regard for the established landscape, streetscape and development pattern in terms of being consistent with the existing balance between vegetation and built form in the local area and contributing to the landscape character of the area.

To protect and ensure the long-term future of significant remnant vegetation.

To protect existing native vegetation, particularly Tea Tree (*Leptospermum laevigatum* and *Leptospermum juniperinum*) Coastal Heath (*Leucopogon parviflorus*) and Moonah (*Melaleuca lanceolata*), which are integral to the natural coastal character of Point Lonsdale.

To ensure development and use does not impact on significant remnant vegetation.

To encourage regeneration of significant remnant and native vegetation.

To promote the use of locally indigenous and native plants for regeneration and revegetation.



Planning Report – 73 Nelson Road, Point Lonsdale

To ensure the siting and design of development and works maintains the physical and biological integrity of the natural system.

To encourage the use of Tea Tree (*Leptospermum laevigatum* and *Leptospermum juniperinum*) Coastal Heath (*Leucopogon parviflorus*) and Moonah (*Melaleuca lanceolata*) in landscaping and street planting throughout the overlay area.

To ensure that driveways, road works, fences, and service trenches have a minimum impact on existing vegetation.

To encourage strategic replanting to provide for the long term maintenance of landscape and environmental values within townships.

To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

A permit is required to remove the Peppermint Gum (*Eucalyptus Nicholi*) from the property (located to the west of the existing garage).

Before deciding on an application for a permit the responsible authority must consider:

- The vegetation protection objectives of this schedule.
- The value of the native vegetation to be removed in terms of its habitat, landscape and environmental values, age, physical condition, rarity or variety.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- Whether there is any reasonable alternative means of siting building and works in order to conserve the native vegetation of the area.
- The conservation and enhancement of the native and indigenous vegetation;
- The preservation of the biodiversity of the vegetation community and landscape values;
- The extent and diversity of proposed replacement planting;
- The need to undertake fire prevention works;
- The Building Siting and Design Guidelines contained in the Borough of Queenscliffe Urban Character Study, where relevant.
- The role of the vegetation in conserving the flora and fauna in the provision of food and habitat.

The application only proposes the removal of one native tree to enable the second dwelling to be constructed. This single tree is proposed to be replaced with 81 native plants throughout the site, as such we believe its removal will not be detrimental to the landscape character of the area and in fact the landscape treatment proposed will enhance the subject site and positively contribute to the landscape character of the area.

The immediate neighbourhood doesn't display the landscape character of the VPO1, however it does display a native vegetation cover that this application seeks to respect via the submitted landscape plan.

The siting of the proposed dwelling provides good opportunities for landscaping particularly along the western boundary of the site. Landscaping along the property boundaries is dominant in this immediate area and this landscaping opportunity along the western boundary achieves an appropriate balance between building form and landscaping and as such achieves the character outcomes sought by this overlay, the DDO5 and the local policy context.

Given the limited vegetation removal proposed and the replacement planting to occur as a result of the development, we submit that the application is consistent with the VPO1.



Planning Report – 73 Nelson Road, Point Lonsdale

6. State & Local Planning Policy Framework

There are a number of policies that require consideration and these are listed below.

6.1 12.02-2 – Appropriate development of coastal areas

The objective is:

To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

Relevant strategies include:

Ensure development is sensitively sited and designed and respects the character of coastal settlements.

6.2 15.01-5 Cultural identity and neighbourhood character

The objective is:

To recognise and protect cultural identity, neighbourhood character and sense of place.

Relevant strategies include:

Ensure development responds and contributes to existing sense of place and cultural identity.

Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising:

- ☐ The underlying natural landscape character.
- ☐ The heritage values and built form that reflect community identity.
- ☐ The values, needs and aspirations of the community.

6.3 16.01-4 Housing diversity

The objective is:

To provide for a range of housing types to meet increasingly diverse needs.

The strategies are:

Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

Encourage the development of well-designed medium-density housing which:

- ☐ Respects the neighbourhood character.
- ☐ Improves housing choice.
- ☐ Makes better use of existing infrastructure.
- ☐ Improves energy efficiency of housing.

Support opportunities for a wide range of income groups to choose housing in well serviced locations.

Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.



Planning Report – 73 Nelson Road, Point Lonsdale

6.4 22.04-2 Point Lonsdale

The subject site is located within the Point Lonsdale Contributory Area.

The general objectives are:

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

- The undulating dune topography and dense coastal tea tree and moonah vegetation within private gardens, road verges and foreshore areas which creates a prevailing natural coastal and informal village atmosphere for the area;
- Predominantly low density development and informal roadways;
- Prevailing low scale, detached early 20th Century residential buildings that recede within the vegetated coastal environment;
- Unique mix and diversity of intact historic holiday town building types varying from Californian, Art Deco, Post War, 1960s and contemporary design;
- Substantial estate properties with large dwellings set within significant areas of remnant vegetation which significantly contributes to the native coastal sense of place;
- The informal road network with limited use of kerb and channel and predominantly grassed road shoulders;
- The predominantly broad and densely vegetated road reserves and relatively indistinguishable front boundaries of private properties; and
- Significant viewlines towards Port Phillip Bay and shorter corridor views to well vegetated dunes.

Comment

The state and local planning policy framework seeks to ensure development enhances and respects the neighbourhood character, provides for varied housing types to cater for the living arrangements of all of the community, maximize solar orientation and energy efficiency to use energy efficiently and minimise greenhouse gas emissions, and protects the coastal character setting of the town.

It is our submission that the site is located appropriately to provide for a higher density of development and take advantage of the services and facilities within Point Lonsdale and Queenscliff.

The proposal provides for a better use of the site than the current single dwelling enabling more people to have easy access to the beach and town centre whilst ensuring that the proposal is consistent with the character of the area and positively contributes to this character. The matter of character has been previously discussed.

Solar access is achieved for the proposed dwelling with north facing living areas and open space areas that achieve good solar access all day. The dwelling will need to meet solar efficiency objectives of the Building Regulations prior to a building permit being issued and as such the solar efficiency will be addressed to a standard that is appropriate at the time of construction.



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Open space has been maximized with useable spaces created to the north and west of the proposed dwelling and the east and south of the existing dwelling that can be used for outdoor dining/living and recreational opportunities. These outdoor living spaces are well connected to the living rooms and provide for great outdoor spaces. These spaces also provide much greater levels of open space than is required and will contribute to a much higher level of amenity for future residents.

The proposal provides an opportunity for greater housing choice within an established area which is consistent with the state government's urban consolidation policies, which seek to reduce residential pressure on the greenbelts and rural environments surrounding the urban areas, whilst also protecting the residential character of existing neighbourhoods and it is our submission that for all of the above reasons, the proposal is consistent with both the state and local planning policy framework.

Specifically within the local planning policy framework is the Point Lonsdale policy that provides clearer policy direction for development within the Point Lonsdale Contributory Area. Following is an assessment of the proposed buildings and works against the policy contained within this Clause:

Site Layout

- The development has been designed and sited to minimise visual intrusion into the area via appropriate setbacks, low building form and provisions of landscaping opportunities around the dwelling.
- The development will be softened by the landscaping proposed along the southern boundary of the site, and garaging has been minimised to reduce bulk and visual impact of car parking on site.
- A high quality of living is proposed with great indoor and outdoor spaces and separation of these spaces between the two dwellings on site and the adjoining neighbours.
- Only one tree is proposed to be removed and this can be replaced with 81 native plants throughout the site.
- Minimal earthworks are required due to the flat nature of the property.
- North facing windows are maximised.
- There are no view sharing consequences as a result of the proposal.
- The 40% total site coverage and 30% permeable surface area requirements are easily met.



Planning Report – 73 Nelson Road, Point Lonsdale

Building Design

- The design of the dwelling is consistent with the form, scale and height of dwellings found within the surrounding area.
- The dwelling utilises building materials that are common within the area (particularly in Noma Court), namely brick, light weight cladding and tiled roofing.
- Overlooking into neighbouring properties is avoided via the use of obscure glazing and highlight windows.
- The building has been designed to maximise the vegetation retention onsite.

Building Height & Setback

- The height of the proposed dwelling is consistent with the prevailing heights of surrounding dwellings with a maximum height of 6.69m.
- The dwelling is not built boundary to boundary and appropriately setback from the property frontage as required by Clause 55.

Fencing, Driveways & Landscaping

- The existing garage structure is to be demolished and a carport constructed to the south of the existing dwelling with similar setbacks to the side boundary as the existing structure.
- The existing driveway is to be retained for the existing dwelling and a small single width driveway is proposed for the new dwelling.
- A substantial setback is proposed to the western boundary to maximise separation between dwellings and provide for enhanced open space areas for the proposed dwelling.

It is considered that the proposed development is consistent with the policies and design standards contained at Clause 22.04-2.



Planning Report – 73 Nelson Road, Point Lonsdale

6. Particular Provisions

55 – Two or more dwellings on a lot and residential buildings

The purpose of Clause 55 is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Comment

55.02-1

NEIGHBOURHOOD CHARACTER

Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Comment

This issue has been addressed throughout the report, and in summary proposal is considered to sit comfortably within the streetscape, as it adopts elements from the surrounding neighbourhood which assists in its integration.

We believe that the development has been sensitive to the characteristics of this area and sought to reflect them in the design of the development, and we submit that the development meets the neighbourhood character objective.

55.02-2

RESIDENTIAL POLICY

Standard B2

An application must be accompanied by a written statement to the satisfaction of the Responsible Authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Comment

As discussed earlier in the submission in response to the policy provisions of the scheme.

The development meets the residential policy objective.



Planning Report – 73 Nelson Road, Point Lonsdale

55.02-3

DWELLING DIVERSITY
Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.

At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

Comment
Not applicable.

55.02-4

INFRASTRUCTURE
Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Comment
The development of the dwellings will be connected to all infrastructure as required by Council's engineers.

55.02-5

INTEGRATION WITH THE STREET
Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Comment
The dwellings are proposed to be sited so that the existing dwelling retains frontage to Nelson Road and the proposed dwelling has frontage to Noma Court. A fence is proposed to Nelson Road however the entry area is not obscured with a recycled sleeper entry providing clear access to the deck and the front door.

The development meets the integration with the street objective.



Planning Report – 73 Nelson Road, Point Lonsdale

55.03-1
STREET SETBACK
Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in the schedule to the zone, or
- If no distance is specified in the schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Comment

The application proposes a front setback of 3 metres which meets the standard being located on a corner allotment.

The development meets the street setback standard.

55.03-2
BUILDING HEIGHT
Standard B7

The maximum building height should not exceed:

- The maximum height specified in the schedule to the zone, or
- If no maximum height is specified in the schedule to the zone, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Comment

The maximum building height in this location is 8.5 metres according to DDO5 and the application seeks a maximum height of 6.69m which is very low and only slightly exceeds the triggered height of 6m pursuant to the overlay.

The overall height of the dwellings is similar to the surrounding two storey dwellings.



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55.03-3

SITE COVERAGE

Standard B8

The site area covered by buildings should not exceed:

- The maximum site coverage specified in the schedule to the zone, or
- If no maximum site coverage is specified in the schedule to the zone, 60 per cent.

Comment

The site coverage for the development is well below the 40% maximum of the DDO5 and the 60% maximum site coverage allowed by ResCode.

The development meets the site coverage objective.

55.03-4

PERMEABILITY

Standard B9

At least 20 per cent of the site should not be covered by impervious surfaces.

Comment

Well in excess of 20% of the site is not covered by impervious surfaces and this further demonstrates the landscaping opportunities on the site, and will also allow for water to penetrate the site.

The development meets the permeability objective.

55.03-5

ENERGY EFFICIENCY

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north facing windows is maximised.

Comment

The dwelling is designed to provide for northern solar access to the main living areas at the ground floor level, whilst a small number of west facing windows are used to provide outlook to the secluded open space area, and these will not have a detrimental impact on solar efficiency on site.

The open space area of both dwellings will receive optimal sunlight access and their location will not have a detrimental impact on the amenity of any adjoining dwellings.

A five star energy rating will be required under the building regulations and it is considered that the development will easily satisfy this requirement.



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The development meets the energy efficiency objective.

55.03-6
OPEN SPACE
Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Comment
Not applicable.

55.03-7
SAFETY
Standard B12

Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Comment
The entry to the dwellings are visible from the street and there is no planting which will create unsafe spaces.

The development meets the safety objective.



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55.03-8
LANDSCAPING
Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention of planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Comment

A landscape plan has been submitted with the application and it provides for landscaping throughout the site including a mix of trees, shrubs and grasses which will contribute to a safe, functional and attractive outcome in the long term as discussed earlier in the submission.

The development meets the landscape objective.

55.03-9
ACCESS
Standard B14

Accessways should:

- Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.
- Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone.
Be at least 3 metres wide.
Have an internal radius of at least 4 metres at changes of direction.
- Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone.

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.



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The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Comment

The application proposes two single crossovers (one per street) which are less than 33% of each street frontage and is not uncommon on a corner site.

The development meets the access objectives.

55.03-10

PARKING LOCATION

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be designed to allow safe and efficient movements within the development.
- Be well ventilated or enclosed.

Large parking areas should be broken up with trees, buildings or different surface treatments.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Comment

Car parking for the proposed dwelling is provided with a single garage in the south west corner of the dwelling.

Car parking for the existing dwelling is provided via a single carport and this space has access to the front deck adjacent to the main door entry to the dwelling.

This space is secure, and provides for safe and efficient vehicle movements as such meeting this standard.



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55.03-11
PARKING PROVISION
Standard B16

Car parking for residents should be provided as follows:

- One space for each one or two bedroom dwelling.
- Two spaces for each three or more bedroom dwelling, with one space under cover.

Studies or studios that are separate rooms must be counted as bedrooms.

Developments of five or more dwellings should provide visitor car parking of one space for every five dwellings. The spaces should be clearly marked as visitor parking.

In developments of five or more dwellings, bicycle parking spaces should be provided.

Car spaces and accessways should have the minimum dimensions specified in Table B2.

A building may project into the space if it is at least 2.1 metres above the space.

Car spaces in garages, carports or otherwise constrained by walls should be at least 6 metres long and 3.5m wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Car parking facilities should:

- Be designed for efficient use and management.
- Minimise the area of hard surface.
- Be designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.
- Be lit.

Comment

Both of the dwellings consist of three bedrooms and as such two car spaces are required for each dwelling.

A second car space has not been provided as it was instead determined that the provision of landscaping and outdoor spaces was preferred over the provision of a second car space. The roadside provides substantial opportunities for car parking such that the reduction of this one space on site will not impact the parking opportunities within the street and for neighbouring dwellings.

The application also includes a single carport and a second space in tandem for the existing dwelling and this complies with the standard.

The development meets the parking provision objective.



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55.04-1

SIDE AND REAR SETBACKS

Standard B17

A new building not on or within 150mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in the schedule to the zone, or
- If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Comment

All walls comply with the setback standards from side boundaries.

The development meets the relevant standard in this instance.

55.04-2

WALLS ON BOUNDARIES

Standard B18

A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length or more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports,

Whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 150mm from a boundary.

The height of a new wall constructed on or within 150mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.



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Comment
N/A

55.04-3
DAYLIGHT TO EXISTING WINDOWS
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Comment
Due to the separation between the existing dwelling to the west and the proposed dwelling 2, there are no impacts with light courts not being achieved.

The proposal meets the standard.

55.04-4
NORTH-FACING WINDOWS
Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building not on or within 150mm of the boundary should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Comment
Not applicable.

55.04-5
OVERSHADOWING OPEN SPACE
Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of 5 hours of sunlight between 9am and 3pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.



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Comment

Due to the orientation of the property there will be no shadow impacts on adjacent secluded private open space.

The proposal satisfies the overshadowing objective.

55.04-6

OVERLOOKING
Standard B22

A habitable window, balcony, terrace, deck or patio should be located and designed to avoid the direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have fixed obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Comment

There is no overlooking resulting from the proposed dwelling as all windows which could have resulted in some form of overlooking have been designed as either highlight windows or with obscure glazing.



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The development meets the overlooking objective.

55.04-7

INTERNAL VIEWS OBJECTIVE

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

Comment

Internal overlooking into secluded private open space or habitable room windows does not occur due to the design of the upper level of the proposed dwelling which has no habitable room windows on the east side of the building.

55.04-8

NOISE IMPACTS OBJECTIVES

Standard B24

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Comment

There are no significant noise sources on adjacent properties which could impact on this development, nor will the proposed dwelling result in noise impacts for any adjacent dwelling.

55.05-1

ACCESSIBILITY

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Comment

The dwelling is accessible to people with limited mobility at the lower level only, however the dwelling has living spaces and open space areas available at this level.

The development meets the accessibility objective.



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55.05-2

DWELLING ENTRY
Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Comment

The entry of the proposed dwelling is visible from Noma Court, and the existing dwelling entry is identified via a railway sleeper path that leads to the front door from Nelson Road.

55.05-3

DAYLIGHT TO NEW WINDOWS
Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Comment

All new windows within the development are located to face an outdoor space clear to the sky and all will receive more than adequate daylight to ensure a reasonable level of amenity for future residents.

55.05-4

PRIVATE OPEN SPACE
Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.

If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
- A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.



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Comment

Private open space is provided to the proposed dwelling to the north and west of the dwelling, with these areas exceeding the required 40sq.m.

The existing dwelling is provided with two areas of open space, one to the south of the meals area and one to the east of the dwelling within the main frontage of the site. Again these areas exceed the required 40sq.m and provide sufficient area for the recreational needs of the future residents.

The proposal meets the standard and objective.

55.05-5

SOLAR ACCESS TO OPEN SPACE
Standard B29

The private open space should be located on the north side of the dwelling or residential building, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Comment

The private open spaces for the proposed dwellings are located to achieve northern solar access to these spaces.

The development meets the solar access to open space objective.

55.05-6

STORAGE
Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

Comment

Although storage has not been shown on site, the lots have substantial areas of open space in which storage facilities can be provided.

The development meets the storage objective.

55.06-1

DESIGN DETAIL
Standard B31

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

Should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.



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Comment

The proposal has been designed to respect the form, scale and design features of the surrounding area and the preferred neighbourhood character as defined in the urban character study as discussed earlier in the submission.

The development meets the design detail objective.

55.06-2

FRONT FENCES
Standard B32

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in the schedule to the zone, or

Comment

A front fence is proposed to Nelson Road in order to provide privacy to the secluded open space of the existing dwelling. The adjoining property at 75 Nelson Road has a similar timber fence to the street and as such we submit that the proposed fence will complement the existing fence on the adjoining property.

55.06-3

COMMON PROPERTY
Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

Comment

N/A

55.06-4

SITE SERVICES
Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.

Comment

All services can be provided within the property boundary, and letter boxes will be able to be located in front of the proposed dwelling.



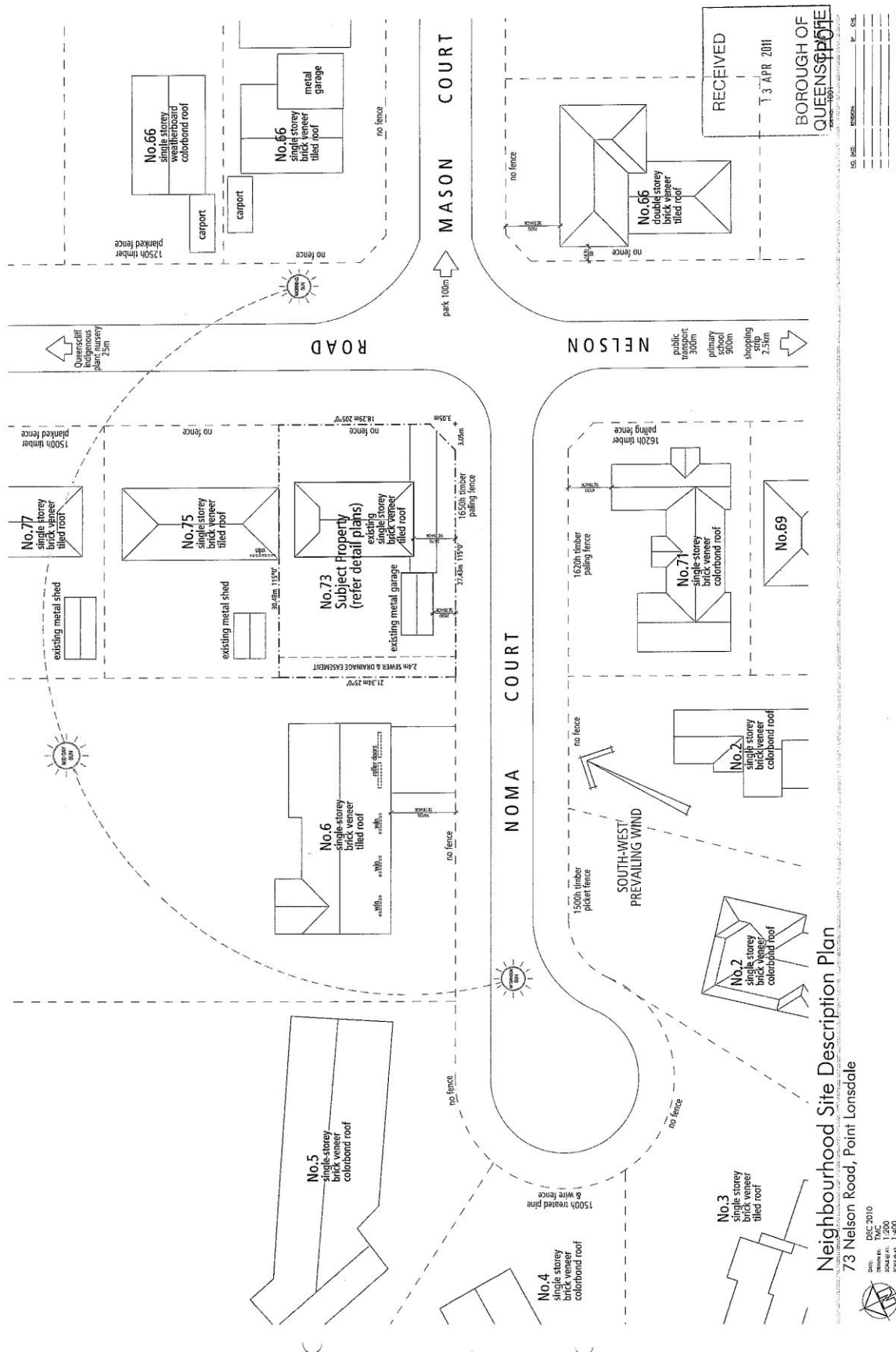
Planning Report – 73 Nelson Road, Point Lonsdale

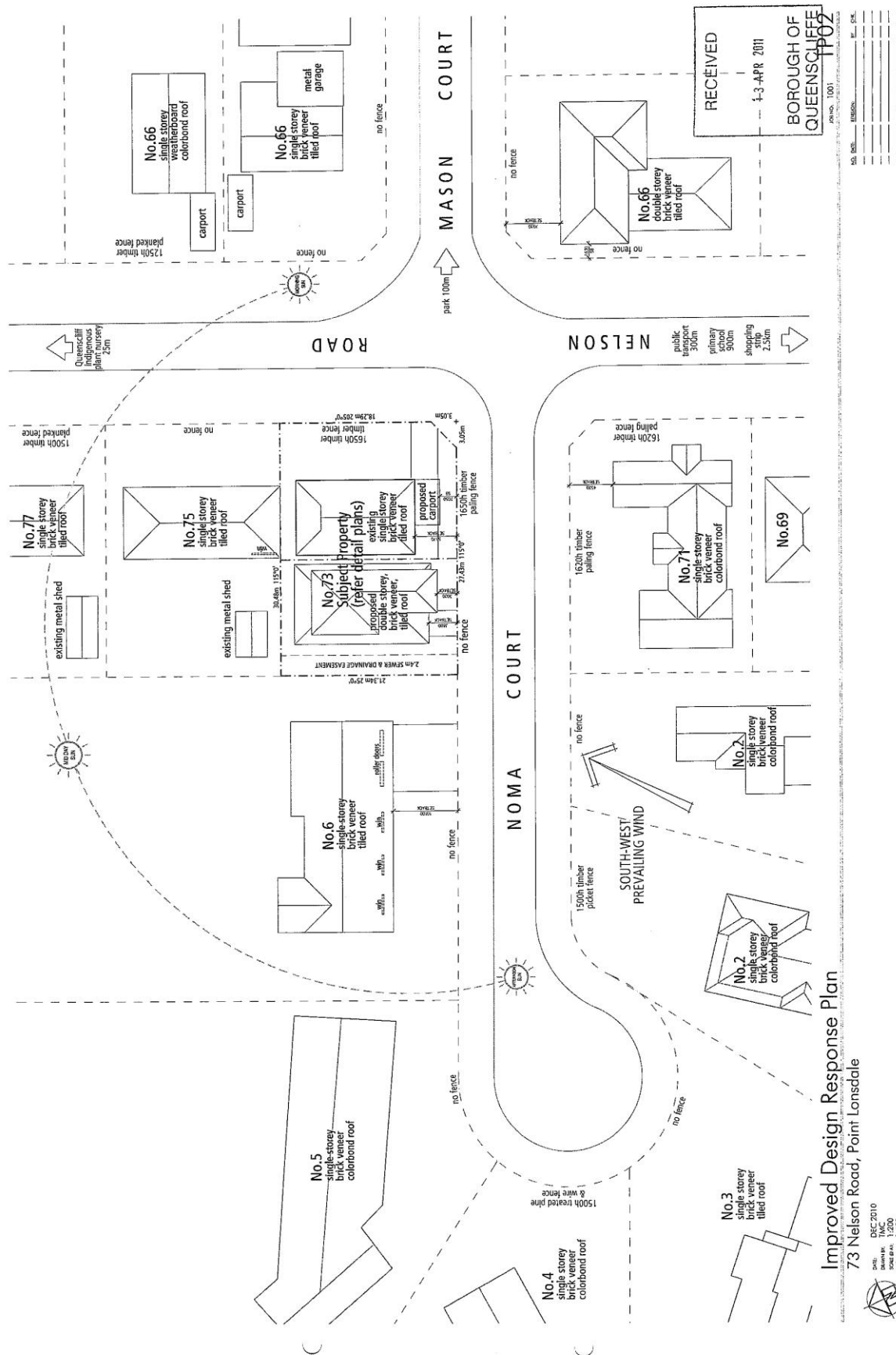
7. Conclusion

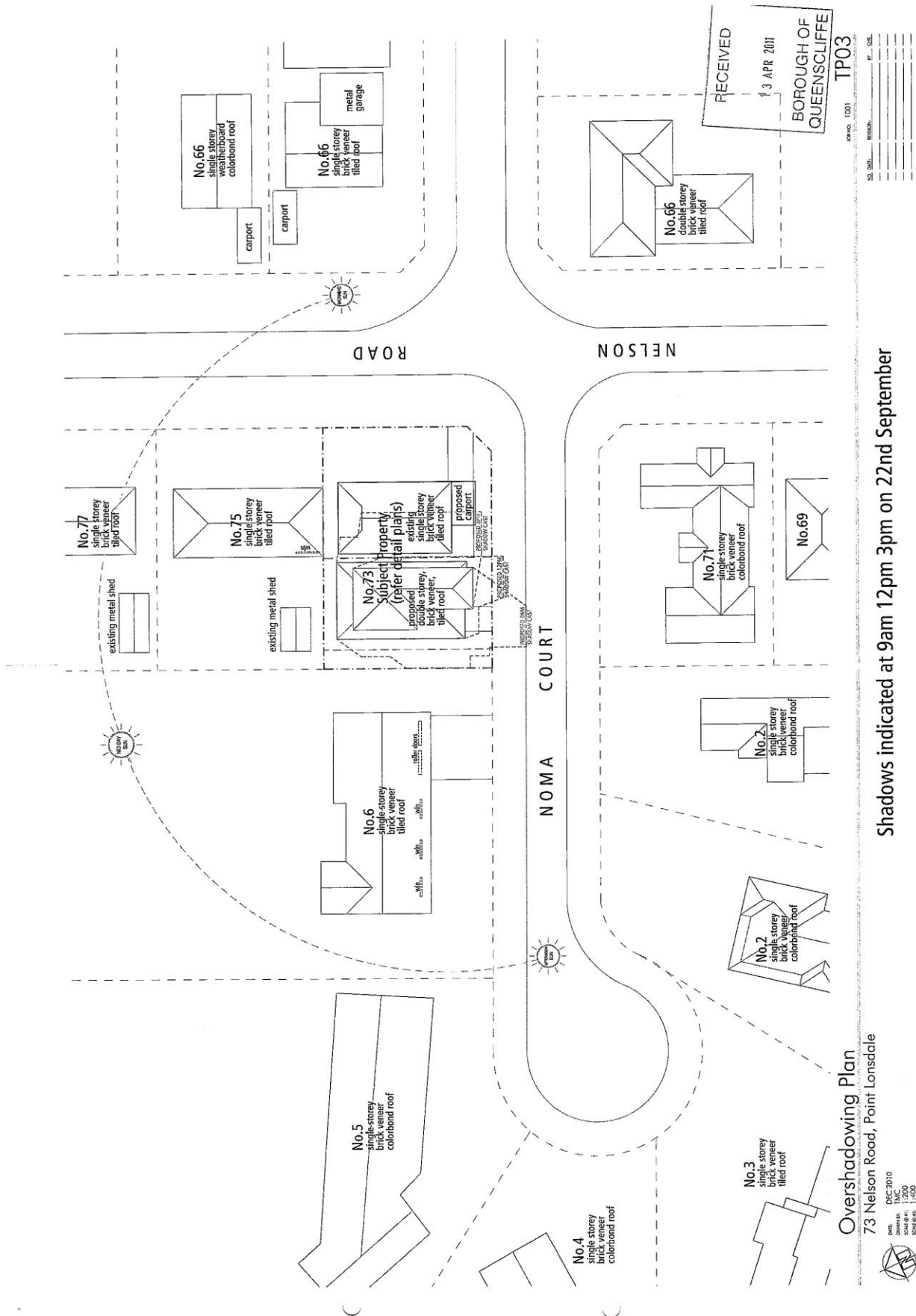
We submit that the proposal is appropriate in this location and well designed such that it will provide for an attractive medium density housing solution within this established residential environment with access to services and facilities within the Point Lonsdale town centre.

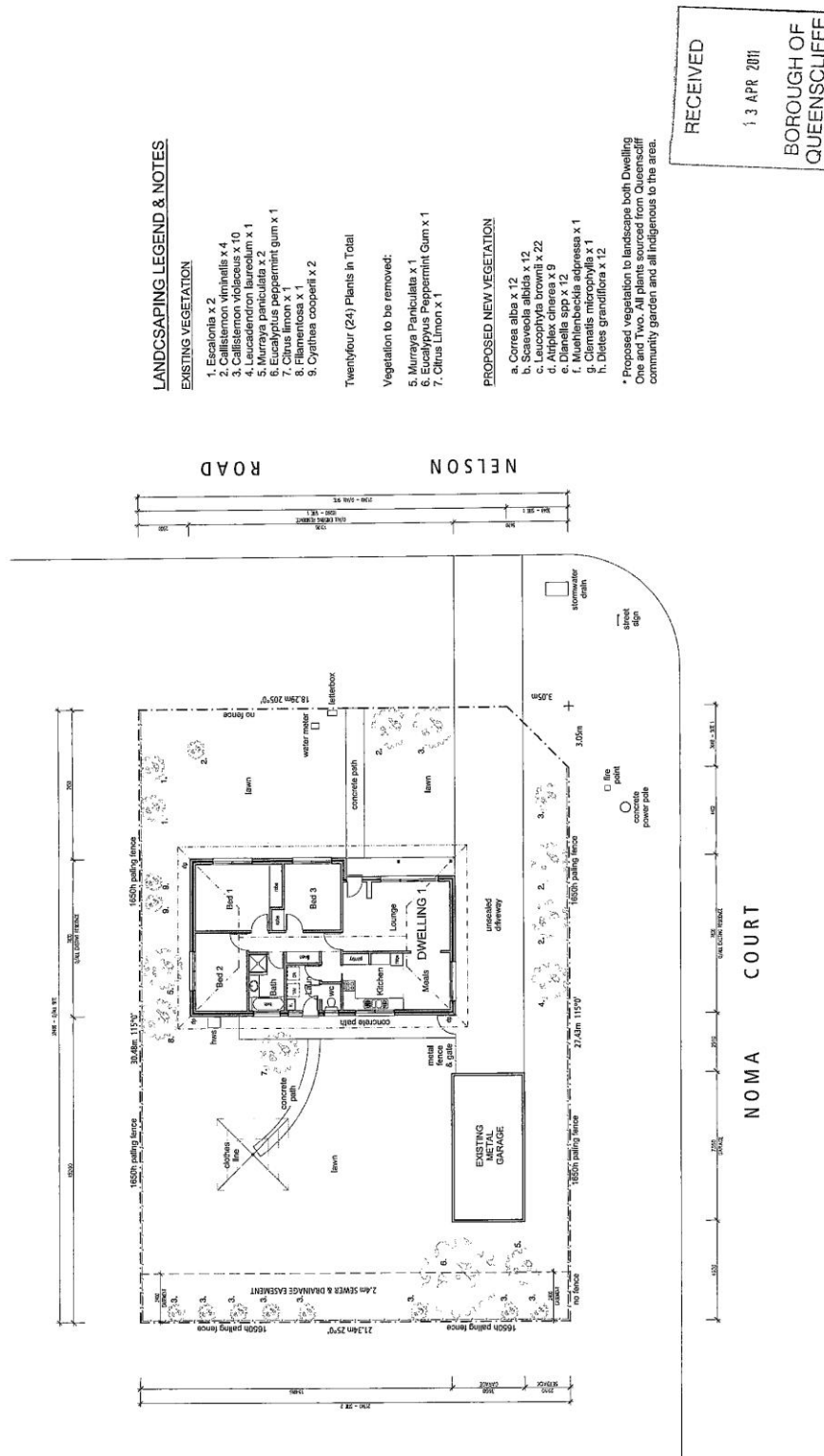
The proposal achieves the objectives of Clause 55 and the state and local policy framework, and as such we look forward to the issue of a planning permit.

SINCOCK PLANNING









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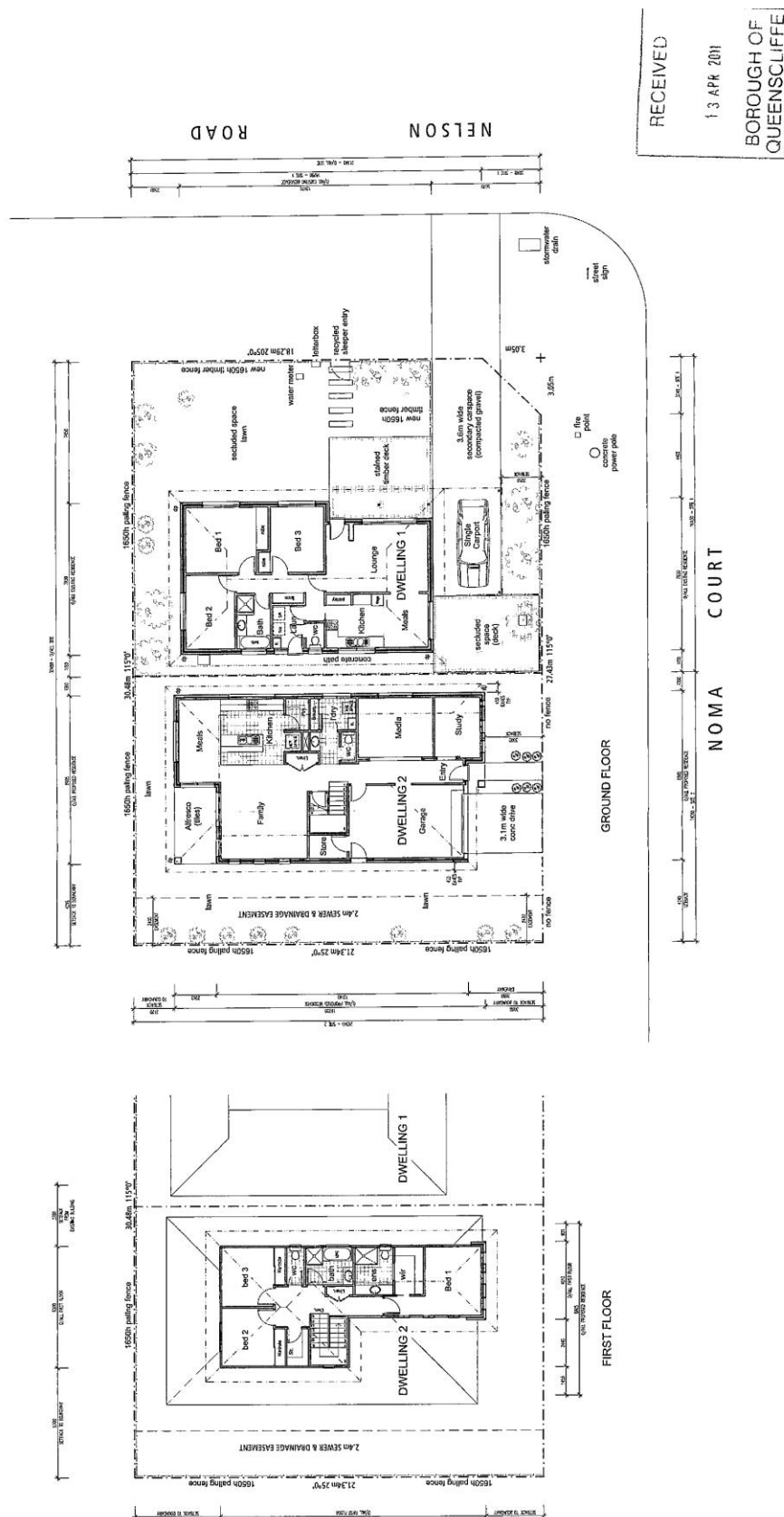
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Improved Site Layout Plan
73 Nelson Road, Point Lonsdale

DATE: DEC 2010
DRAWN BY: TMC
SCALE @ A3: 1:100
SCALE @ A2: 1:200



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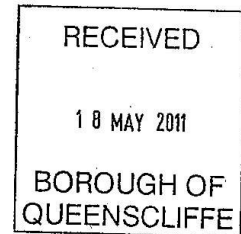
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APPENDIX 2:

13th May 2010

Borough of Queenscliff
50 Learmonth Street
Queenscliff 3225



RE; APPLICATION REFERNECE NUMBER 2010/15 – 73 Nelson Road Queenscliff

Dear Sir/Madam,

We are responding to a letter received regarding a building application for 73 Nelson road.

We purchased 75 Nelson road with a view to retiring there. Important considerations for us was the area, streetscape, large blocks and aesthetic appeal.

We do not consider a double story house appropriate for that small pocket of surrounding homes, including our own, and object for the following reasons that we strongly feel will affect us.

- a double story house would significantly affect the landscape and housing character of the surrounding homes
- we feel that a double story home directly next to our home with visual access will devalue and affect the saleability of our home.
- the potential impact on the privacy of our back yard and house.
- it will overpower our home and the surrounding homes.
- it is not keeping within the current streetscape of good size homes on large blocks, and if the planning permit were accepted, we are concerned that this will set a precedent for similar requests.

Yours Sincerely

David and Vicki Callow



5. CLOSE OF MEETING
