



Addendum

Planning Review Meeting

Wednesday 8 May 2013 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

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4 PLANNING & DEVELOPMENT

4.1 57-59 POINT LONSDALE ROAD, POINT LONSDALE

Planning Permit Application: 2013/004

Please find enclosed an additional submission from the applicant.

This should be read in conjunction with **Appendix 1**.



QP920.5 700

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- 8 MAY 2013

BOROUGH OF
QUEENSLIFFE

ADDENDUM TO AGENDA FOR PLANNING REVIEW MEETING OF 8 MAY 2013

PROPOSAL: VARIATION TO CARRIAGEWAY EASEMENT

ADDRESS: 57-59 POINT LONSDALE ROAD, POINT LONSDALE

PLANNING PERMIT APPLICATION NO. 2013/004

We refer to the above application and to objections received, and summarise our client's position as follows:

- The subject site (57-59 Point Lonsdale Road) and the adjoining lot (51-55 Point Lonsdale Road) originally formed one parcel, and was subdivided into two lots in approximately 1980. The existing 3.6 metre wide carriageway easement (shown on plan below) was created over our client's site at that time, as 51-55 Point Lonsdale Road did not have access to Admans Street due to a high paling fence along this street frontage. That is no longer the case, as the common property area to 51-55 Point Lonsdale Road has direct vehicular access from Admans Street.
- For approximately 15 years, the common boundary between the two lots was defined by a solid fence without a gate. Our client made enquiries with respect to removing the disused easement at that time, however a gate was subsequently added to the fence along this common boundary.
- Since then, 51-55 Point Lonsdale Road has been redeveloped, a roller door to a store room has been installed along the boundary, and gas meters for the development have been unlawfully located inside our client's site. As a result of the redevelopment of 51-55 Point Lonsdale Road, the premises that the carriageway easement was intended to service no longer exists.
- The existing carriageway easement is unnecessary and poses a restrictive and onerous constraint over our client's site. It is no longer required given that direct vehicle access to 51-55 Point Lonsdale Road is now available from Admans Street.
- The existing carriageway easement is primarily used to access the gas meters by meter readers on foot.
- It is not used for deliveries to the shops and cannot legally be used for vehicle access, as given the lack of a turning area, it is not possible to manoeuvre on-site without trespassing onto our clients land (ie. outside the easement area).
- Our client could have sought to remove the easement and gas meters altogether, but has instead offered an alternative through this proposal, that still allows access to the common property area, roller door and gas meters to the benefit of all lots in Plan of Subdivision 518891X. See proposed plan of proposed 1.5 metre wide easement below.
- The proposal also limits the height of the proposed easement to 2.5 metres above natural ground level to potentially enable future development over it.
- The retention of the existing carriageway easement is unreasonable and poses a significant and unacceptable constraint on our client's site. It is inappropriate to require this easement to be preserved for vehicle access, given that cannot lawfully be used for this purpose.
- The variation to the carriageway easement as proposed will not have any material detriment to the beneficiaries of the existing carriageway easement.

We trust that the above clarifies the issues relating to this application, and look forward to Council support of this proposal.

Yours sincerely,

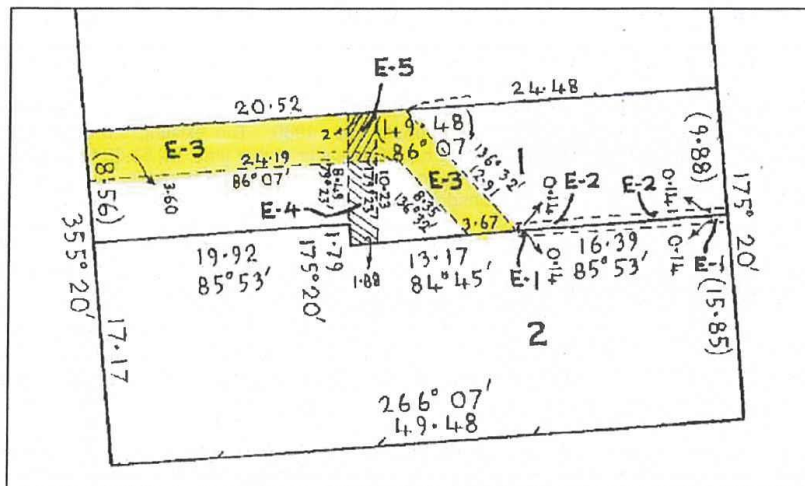
TGM GROUP PTY LTD

Chris Marshall
Group Manager - Town Planning



**ATTACHMENT TO ADDENDUM
AGENDA FOR PLANNING REVIEW MEETING OF 8 MAY 2013**

EXISTING CARRIAGEWAY EASEMENT (E-3)



PROPOSED CARRIAGEWAY EASEMENT (E-1)

