



Agenda

Planning Review Meeting

Wednesday 8 October 2014 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Distribution

Councillors

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

Officers

Lenny Jenner, Chief Executive Officer
Phil Josipovic, General Manager Planning & Infrastructure
Anthony Sang, Acting Senior Planner

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

THIS MATERIAL DOES NOT NECESSARILY REFLECT THE VIEWS OF COUNCIL



Planning Review Meeting

A guide to understanding meeting protocol

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

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



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 38 KIRK ROAD, POINT LONSDALE	5
4.1.1 Applicant to present to Council	6
4.1.2 Submitters to present to Council.....	6
4.1.2 Applicant to readdress Council.....	6
4.2 18 MERCER STREET, QUEENSCLIFF	7
4.2.1 Applicant to present to Council	8
4.2.2 Submitters to present to Council.....	8
4.2.2 Applicant to readdress Council.....	8
5. APPENDIX 1 – APPLICATION DOCUMENTS, 38 Kirk Road, Point Lonsdale	9
6. APPENDIX 2 (CONFIDENTIAL) – SUBMISSIONS, 38 Kirk Road, Point Lonsdale	21
7. APPENDIX 3- APPLICANTS RESPONSE TO SUBMISSIONS, 38 Kirk Road, Point Lonsdale	22
8. APPENDIX 4 – APPLICATION DOCUMENTS, 18 Mercer Street, Queenscliff	24
9. APPENDIX 5 (CONFIDENTIAL) – SUBMISSIONS, 18 Mercer Street, Queenscliff	54
10. APPENDIX 6- APPLICANTS RESPONSE TO SUBMISSIONS, 18 Mercer Street, Queenscliff ...	55
11. CLOSE OF MEETING	58



1. OPENING OF MEETING

2. APOLOGIES

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES



4. PLANNING & DEVELOPMENT

4.1 38 KIRK ROAD, POINT LONSDALE

Planning Permit Application: 2014/050

SUMMARY

Proposal	Development of a Double Storey Dwelling Application and plans: <i>Refer Appendix 1</i>
Zone/Overlays	General Residential Zone – Schedule 1 (GRZ1) Vegetation Protection Overlay – Schedule 1 (VPO1) <i>'Remnant and Vegetation Protection Area'</i> Design and Development Overlay - Schedule 4 (DDO4) <i>'Point Lonsdale Natural Coastal Area'</i>
Permit Triggers	Clause 43.02-2 A permit is required to: Construct a building or construct or carry out works
Public Notification	Advertised by registered post to adjoining property owners and occupiers, sign on site, a notice in The Echo newspaper and notice in municipal offices for 14 days.
Submissions	Five (5) submissions received. Copies of submissions provided to Councillors: <i>Refer Confidential Appendix 2</i> Applicants response to submissions <i>Refer Appendix 3</i>
Key issues raised by submitters	Visual bulk, overlooking, loss of views, Old Point Lonsdale' character eroded by new, large scale development



4.1.1 Applicant to present to Council

4.1.2 Submitters to present to Council

4.1.2 Applicant to readdress Council



4.2 18 MERCER STREET, QUEENSCLIFF

Planning Permit Application: 2014/047

SUMMARY

Proposal	<p>Demolition of a dwelling, outbuildings and fence in the Heritage Overlay, development of a dwelling (two storey) and swimming pool and variation to the site coverage and setback requirements of Design and Development Overlay - Schedule 1</p> <p>Application and plans: <i>Refer Appendix 4</i></p>
Zone/Overlays	<p>Neighbourhood Residential Zone – Schedule 1 (NRZ1) Heritage Overlay (HO11) <i>'Central Queenscliff – Urban Conservation Precinct'</i> Design and Development Overlay - Schedule 1 (DDO1) <i>'Queenscliff'</i></p>
Permit Triggers	<p>Clause 43.02-2 A permit is required to:</p> <ul style="list-style-type: none">- Construct a building or construct or carry out works;- Variation to site coverage;- Variations to side and rear setbacks. <p>Clause 43.01-1 A permit is required to:</p> <ul style="list-style-type: none">- Demolish or remove a building;- Construct a building or construct or carry out works.
Public Notification	<p>Advertised by registered post to adjoining property owners and occupiers, sign on site, a notice in The Echo newspaper and notice in municipal offices for 14 days.</p>
Submissions	<p>Five (5) submissions received. Copies of submissions provided to Councillors: <i>Refer Confidential Appendix 5</i></p> <p>Applicants response to submissions <i>Refer Appendix 6</i></p>
Key issues raised by submitters	<p>Adverse impact on heritage value of adjoining individually listed Heritage Place, not in keeping with character of Heritage Place (Precinct), height, variations to side and rear setbacks, site coverage, overlooking, loss of views (both to and from streetscape).</p>



4.2.1 Applicant to present to Council

4.2.2 Submitters to present to Council

4.2.2 Applicant to readdress Council



5. APPENDIX 1 – APPLICATION DOCUMENTS, 38 Kirk Road, Point Lonsdale

INTRODUCTION

This report has been prepared on behalf of Mr. Graeme Caldwell and Mrs. Catherine Caldwell. It has been prepared in support of the development of a three bedroom dwelling at Lot 2, 38 Kirk Road, Point Lonsdale.

THE SUBJECT SITE

The subject site is known as Lot 2 No. 38 Kirk Road, Point Lonsdale and is located in between Point Lonsdale Road and Fellows Rd. The subject site is a "battle axe block" and has only 4 metres driveway frontage to the street. The driveway then extends approximately 45 metres into the block before widening into a space 15.2 metres deep and 24.8 metres wide. There are several small trees and shrubs on the site that do not warrant retention, and one large banksia (see arborist report for full details).

SUMMARY OF PROPOSAL

In accordance with the submitted plans, the proposed development consists of the following main elements:

- The existing vegetation on site will be removed, except for the large banksia situated in the north eastern section of the site.
- The block, which slopes from its north western corner to it's south eastern corner will be levelled with a 50/50 split cut, with a maximum of 500mm excavation.
- In the eastern portion of the block a double story section will contain a double garage, an entrance passage, and a powder room downstairs, and two bedrooms, a bathroom and a deck space upstairs.
- In the Western portion of the block a single story section will contain a living space, kitchen, laundry, a study space and a master bedroom and ensuite.
- An outdoor covered courtyard space will be on the northern boundary adjacent to the main living space downstairs.
- The materials used will include a combination of corrugated steel cladding and roofing over lightweight construction, painted timber screening and glass with timber framing.
- The development will have a maximum height of 6m from natural ground level.



H.K. BUILDING DESIGN

LOT 2, 38 KIRK ROAD, POINT LONSDALE

TOWN PLANNING APPLICATION

AUGUST 2014



AREA ANALYSIS	
SITE AREA	636m ²
PROPOSED DWELLING	
BUILDING FOOTPRINT	215.5m ²
SITE COVERAGE	33.8%
PERMEABLE SURFACES	389.2m ²
PROPOSED AREAS	
GROUND FLOOR	203.7m ²
FIRST FLOOR	56.5m ²
TOTAL AREA	260.2m ²

H.K. BUILDING DESIGN

LOT 2, 38 KIRK ROAD, POINT LONSDALE

TOWN PLANNING APPLICATION

AUGUST 2014





OBJECTIVES

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

Unique mix and diversity of intact historic holiday town building types varying from Californian, Art Deco, Post War, 1960's and contemporary design.

POLICY

SITE LAYOUT WITH RESPONSES

It is a policy that:

The layout of new development minimises any visual intrusion into the natural coastal appearance of the area.

House not visible from street.

The layout of the new development, paved areas and driveways, car parking, active outdoor living areas and landscape areas is site responsive, having regard to the lands physical, historic and environmental features and the location and form of buildings on adjacent land.

House is designed to allow conservation of large banksia, is north facing, and provides minimal impact to surrounding properties. House texture and colour scheme is taken from the palette of its surrounds, and is designed to blend harmoniously and compliment its context.

New development is sited on the flattest portion of the land wherever possible, so as to minimise the need for earthworks and significant disturbance of the land.

Development is placed on flattest portion with no more than 0.5m leveling required. *See sections and elevations

Where possible, provide north facing indoor and outdoors living areas to maximise solar access.

All living space is north facing including an outdoor courtyard space.
*See ground floor plan

H. K. BUILDING DESIGN

A landscape plan which nominates the existing, proposed removal and additional landscaping for the site.

Preservation of large banksia with no other pre-existing indigenous plants to keep - See new landscape design.

Layout of buildings which minimise visibility from the street or from other private public areas.

Not visible from street, and inwardly focussed living space for privacy.

Maximum site coverage of 40%, and minimal hard surface areas in the Point Lonsdale Natural Coastal Area.

Permeable area left at 55-60%

Layout of buildings which minimise visibility from the street or from other private public areas.

Not visible from street, and inwardly focussed living space for privacy.

Maximum site coverage of 40%, and minimal hard surface areas in the Point Lonsdale Natural Coastal Area.

Permeable area left at 55-60%

BUILDING DESIGN

It is a policy that:

New development is designed to respect and blend in with the existing natural coastal character of the area.

New building designed for minimal impact on neighbouring properties and surrounds.

New development is designed to make efficient use of sites, especially natural ventilation, daylight and solar energy, without compromising the natural coastal quality of the area.

Building maximises efficient use of site for solar energy, ventilation and light. *See floor plan for evidence of buildings ability to cross-ventilate and allow maximum winter sun into interiors.

Use of building materials and finishes which are of natural and muted tones and blend into the surrounding natural coastal conditions.

Exterior cladding chosen to blend with particularly large banksia on site. Windows and doors finished in natural timber.

Avoid direct overlooking into neighbouring properties and minimise the loss of longer distance views across the site from neighbouring properties.

Timber slats finished with same colour as external cladding to screen views into private open space.

The incorporation of coastal heath in the landscaping of private gardens.

Space surrounding new building only allows for minimal landscaping but priority will be given to the use of coastal heath and indigenous shrubs.



AUGUST 2014

TOWN PLANNING APPLICATION

LOT 2, 38 KIRK ROAD, POINT LONSDALE



DDO4

VP01

QUEENSLIFFE PLANNING SCHEME

1.0 DESIGN OBJECTIVES

To respect the existing built form through compatible building heights and set backs for new development.

All building regulations adhered to regarding heights and set backs.

Building Heights:

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

Build of double storey section is to max 6 metres.

Building Setbacks:

Side and rear setbacks are to be a minimum of 1.2 metres for a single storey building (up to a wall height of 3.6 metres) and a minimum of 1.92 metres for a two storey building with a wall height of up to 6.0 metres (i.e. an additional 100mm setback for every 300mm above 3.6 metres).

South elevation setback is 1.2 metres at single storey section and 2 metres at double storey area.

West Elevation is 1.5m setback.

North Elevation is to easement being 2 metres setback.

Permeable Surface Area:

At least 30% of the area of a site should have a permeable surface.

55-60% of site will have permeable surface

4.0 DECISION GUIDELINES

The vegetation protection objectives of this schedule

The need for a report, by 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.

See response to Paragraph 2.0

House has been specially sited to allow for protection of banksia tree whilst maximising use of available space for a comfortable residential dwelling.

2.0 VEGETATION PROTECTION OBJECTIVE TO BE ACHIEVED

Every effort to be made to preserve large banksia in north eastern corner of site.

See enclosed arborist report, which will be strictly adhered to.

No other indigenous vegetation exists that requires preservation.

H.K. BUILDING DESIGN

LOT 2, 38 KIRK ROAD, POINT LONSDALE

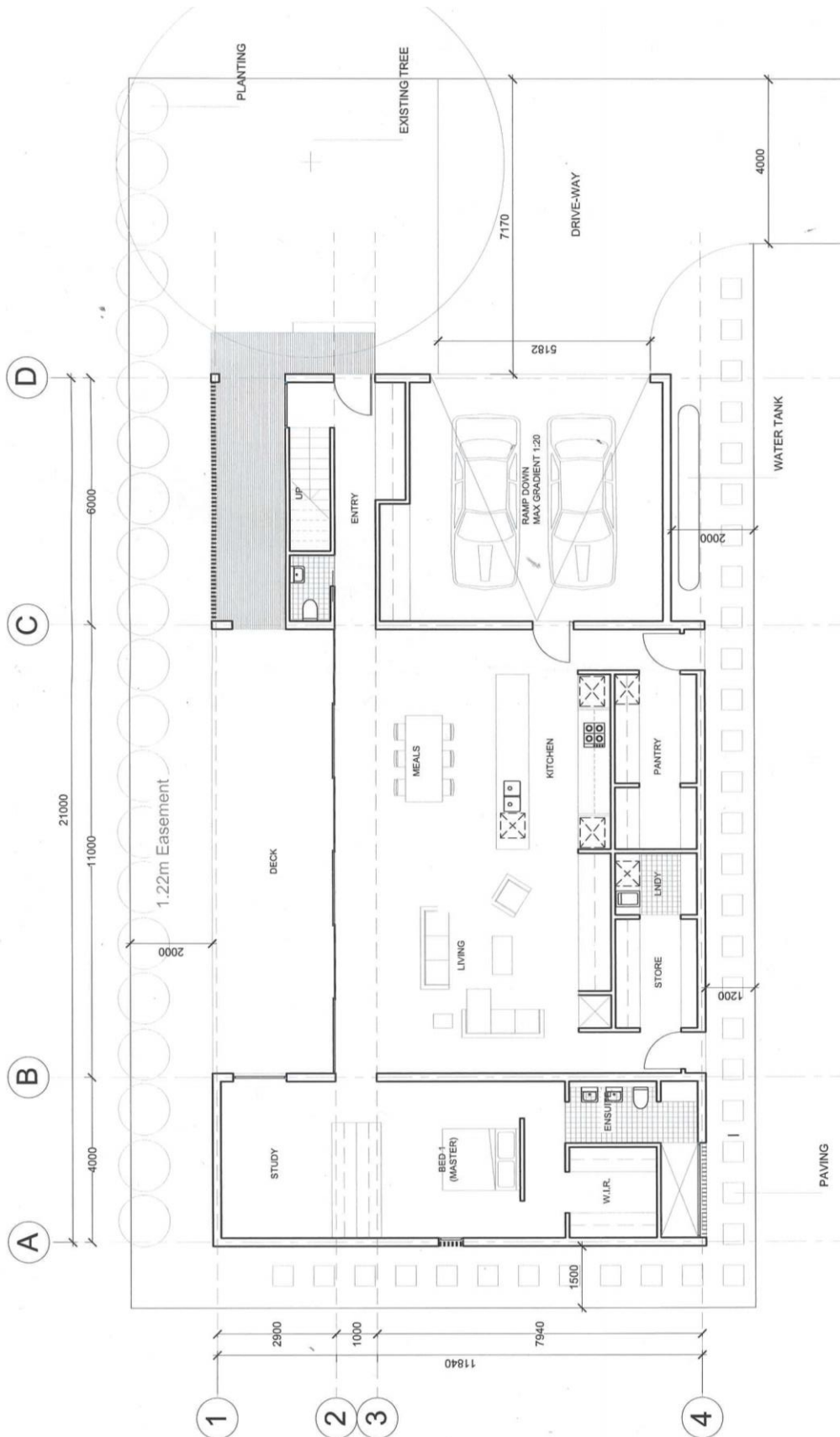
TOWN PLANNING APPLICATION

AUGUST 2014



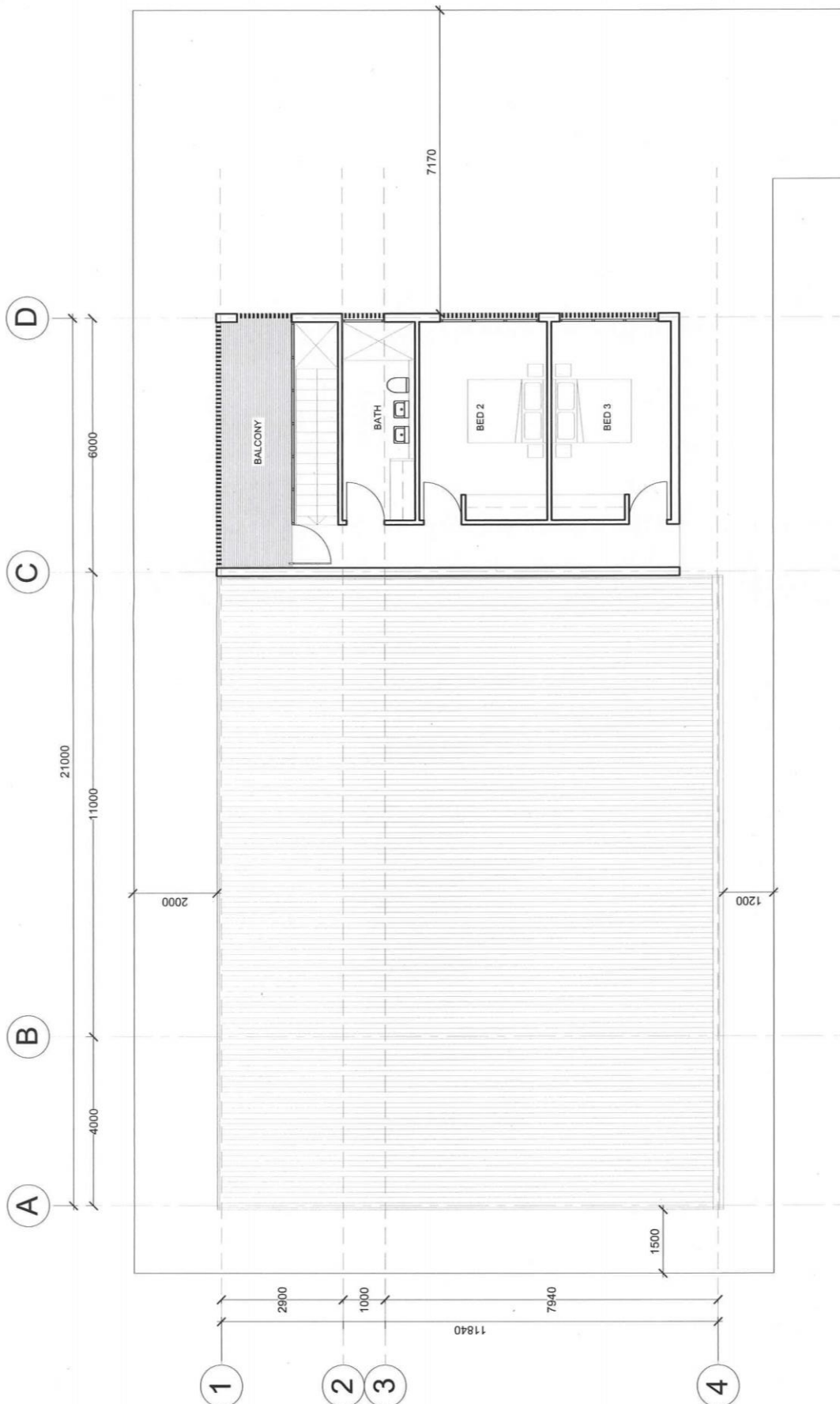


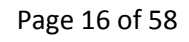
GROUND FLOOR PLAN (SCALE 1:100)

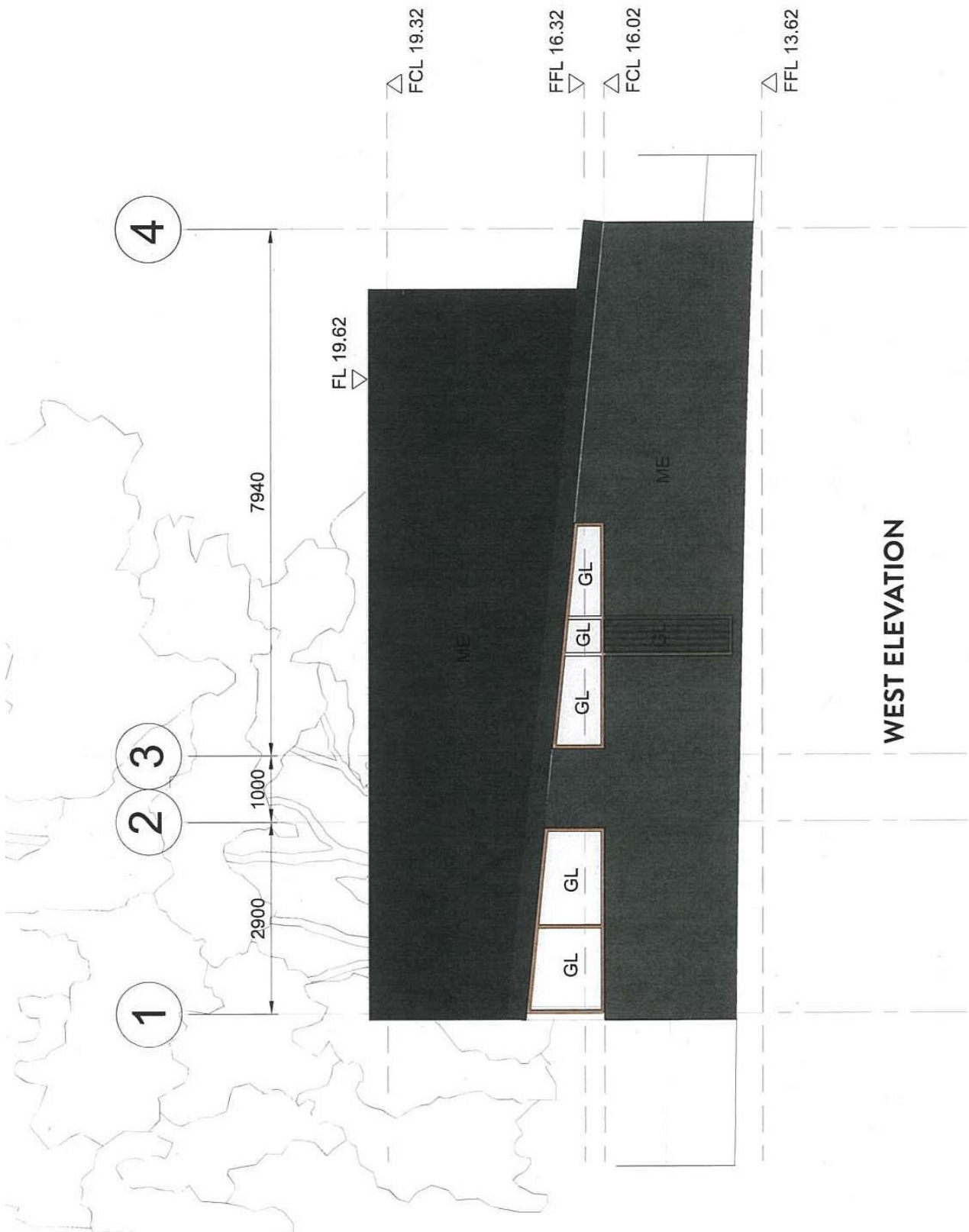


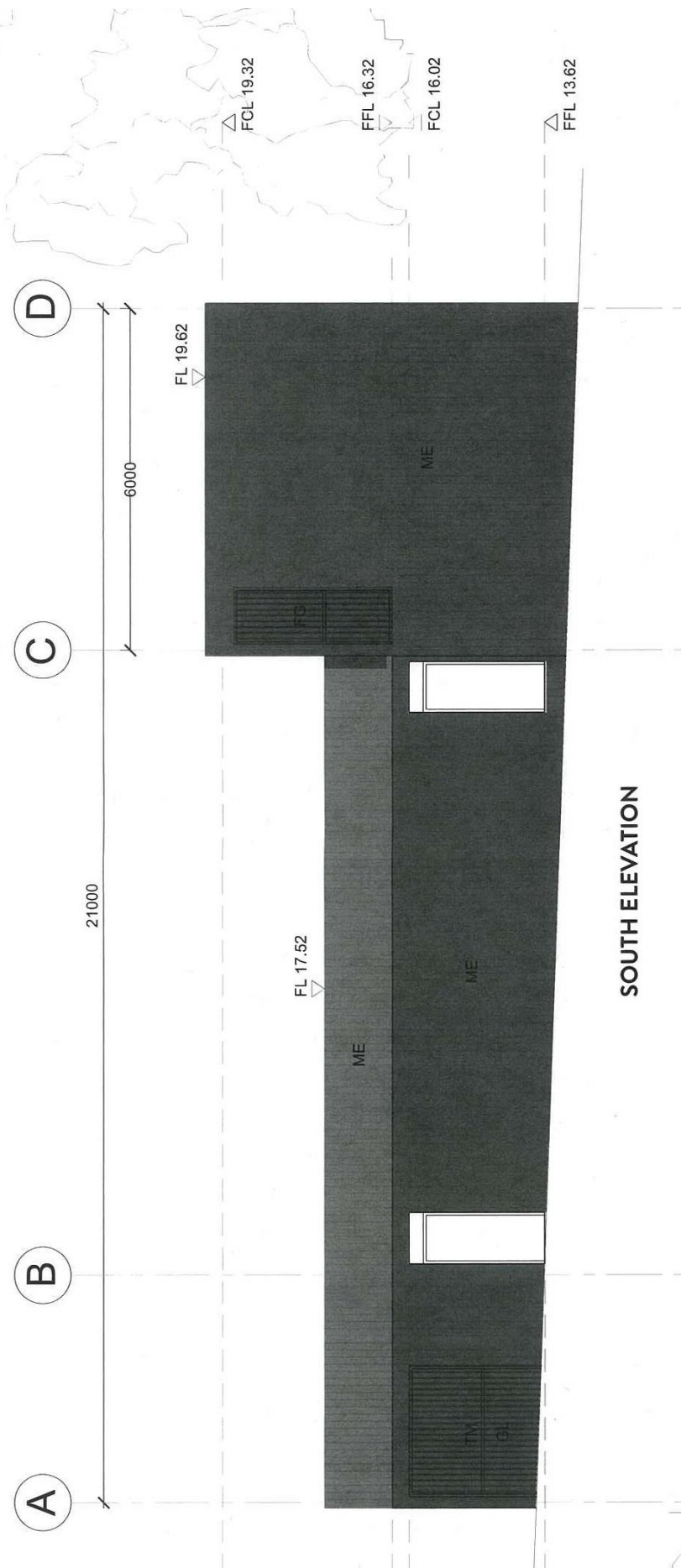


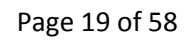
FIRST FLOOR PLAN (SCALE 1:100)







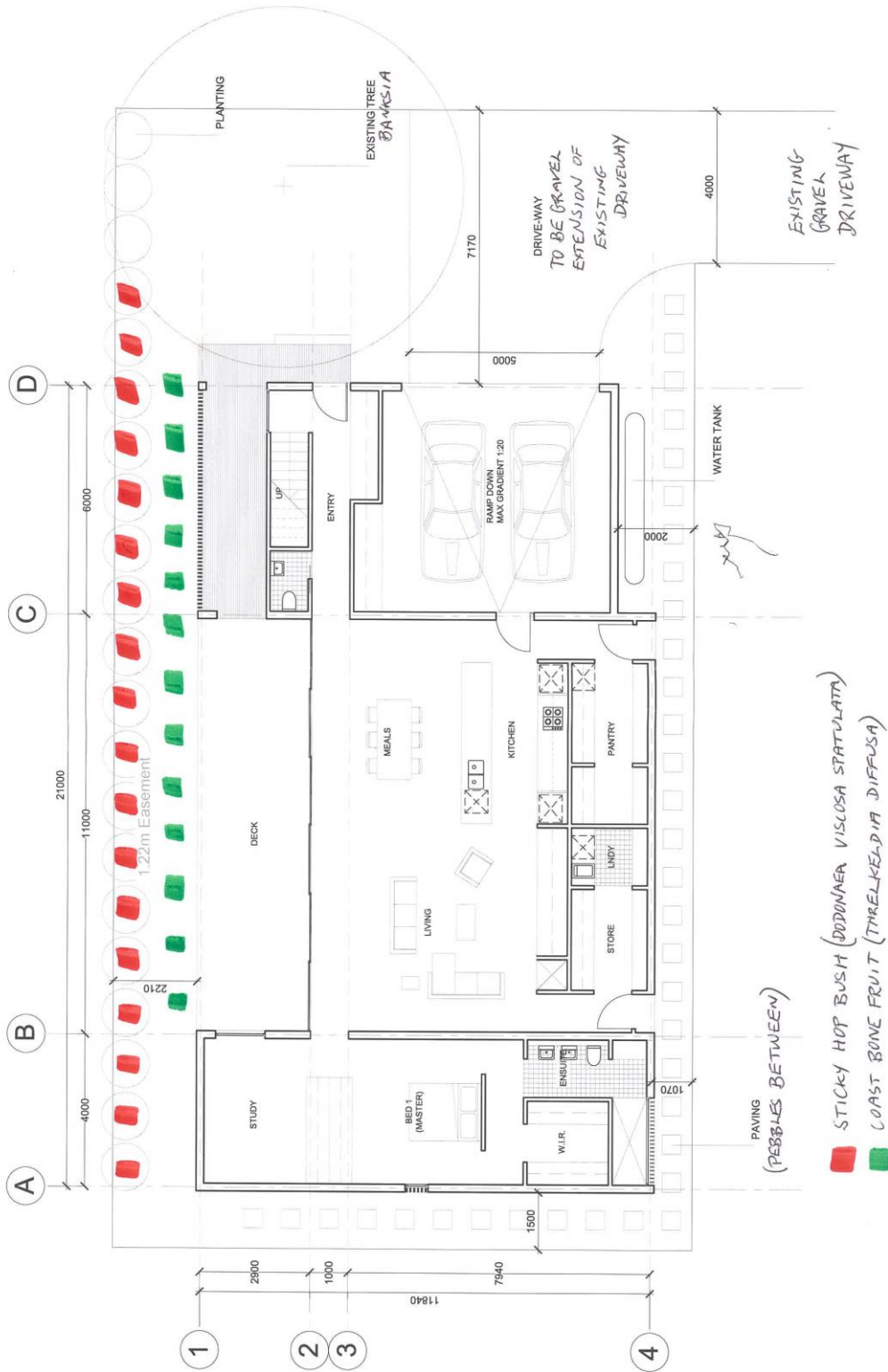






GROUND FLOOR PLAN (SCALE 1:100)

PROPOSED LANDSCAPING



H.K. BUILDING DESIGN

LOT 2, 38 KIRK ROAD, POINT LONSDALE

TOWN PLANNING APPLICATION

AUGUST 2014



6. APPENDIX 2 (CONFIDENTIAL) – SUBMISSIONS, 38 Kirk Road, Point Lonsdale

Provided to Councillors under separate cover.



7. APPENDIX 3- APPLICANTS RESPONSE TO SUBMISSIONS, 38 Kirk Road, Point Lonsdale

QP820-3800

Info

From: Graeme & Catherine Caldwell <[REDACTED]>
Sent: Tuesday, 16 September 2014 4:04 PM
To: Info
Subject: Attention: Anthony Sang (Acting Senior Planner)



Re : Application for Planning Permit 2014/050
38 Kirk Road, Point Lonsdale
Subject : Comments to Council re Objections

Dear Sir / Madam,

When recently purchasing the land at 38 Kirk Road it was always going to present a challenge if the large dominating Banksia tree was to be preserved ,along with the battle-axe driveway limiting the buildable area to 250 square meters .

It is because of this that it was necessary to incorporate a double storey section in order to allow for 3 bedrooms, whilst maximising light and living space orientated to the north. The siting of the double storey section was kept to a minimum and was sited to also minimise any impact on neighbouring properties. By keeping the double storey section as near as possible to the Banksia tree, we were able to reduce any risk of over-shadowing of properties to that already created by the tree. Any view from 35 Cheshunt Street would be dominated by the size of the Banksia where the double storey section would also be dominated by the tree. As far as objections to bulk, I would point out that both the height and width of the double storey section have been kept to a minimum, so that the majority of the build could remain single level, thereby keeping impact to neighbours as low as possible.

One objector raised the issue of any air conditioning units visible, and to this I can reply that none will be positioned on the roof. We had contemplated the use of solar panels but will likely not go ahead if neighbours would find them objectionable.

In terms of colour, the colourbond corrugate cladding has been selected to blend in with the surrounding environment. "Woodland Grey" should blend in perfectly with the colours of the Banksia tree, and surrounding flora on adjacent properties.

All set backs have been made to be fully compliant with Borough regulations ,and easements. The building takes up less than the 40% of land space.

Although there have been 5 objectors, effectively there are only 2 adjacent properties objecting to the same aspects, in order to maximise their impact. This land has been vacant for the entire existence of both properties objecting ,and I suspect both are somewhat aggrieved that any residence should be built at all. We are a retired couple who will be permanent residents, and who wish to build in such a way as to minimise impact on all surrounding properties for the sake of friendly relationships.

Throughout the entire planning process we could not have been more conscious and aware of considering possible impact on future neighbours.

They all mention bulk of scale to which I have addressed above.

To the objections of overlooking and privacy, I would point out that whatever our neighbours fears are of privacy, that these fears are shared by us of them overlooking our own property.

35 Cheshunt Street would be at least 20 meters away, and windows of 33 Cheshunt Street 11 meters away.

The proposed second storey deck will be permanently screened to full height on both the east and north by timber slats spaced to only allow 25% transparency and painted "Woodland Grey" to match the cladding. This will allow no overlooking of any windows or private open space and will be replicated for all windows with any potential impact on other neighbours.

This screening has been done to comply with the Victorian Building Regulations 2006 Part 4 Section 419 "Overlooking" which states :



"A raised open space complies with this regulation if the direct line of site into the habitable room window, or onto the secluded private open space on the adjoining allotment is obscured by a permanent and fixed screen which has no more than 25% of its area open."

Hopefully the above explanations will ease the mind of those objecting sufficiently for any objections to be withdrawn.

Yours Sincerely,

Graeme & Catherine Caldwell



8. **APPENDIX 4 – APPLICATION DOCUMENTS, 18 Mercer Street, Queenscliff**



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



FOR

18 MERCER STREET

QUEENSCLIFF



RESCODE/GLADMAN/REPORTS

EXECUTIVE SUMMARY

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

The site adjoins an individually listed building, HO46, "Clutha Cottage" at 20 Mercer Street.

The site, of 736m², is in a Neighborhood Residential zone of Queenscliff a short distance from the principal shopping precinct to the East in Hesse Street.

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

This submission considers the requirements of the now local and State planning requirements and addresses, in detail, the selected provisions of clause 54 of Rescode and amendment C7 of the Queenscliffe Planning Scheme including schedule DDO1 and HO11.

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

INTRODUCTION

Since August 24, 2001, it is a requirement that where a single residence or an alteration to an existing residence comes under the jurisdiction of an Urban Character Overlay or the requirements of decision guides lines of a zone, then the provisions of clause 54 of ResCode may come into effect. This is not the case within the Borough of Queenscliffe for DDO1 but it is considered appropriate that this report considers selected clauses.

This submission is based on the fact that the subject site is in an Urban Character Overlay Area of the Borough of Queenscliffe Planning Scheme DDO1 and Heritage Overlay HO11.

In support of this submission drawn documents have been prepared by Kandu Consultants, together with this report and a photographic essay of the general surrounding area.

A number of the 20 specific objectives of clause 54 have been addressed along with an assessment of the neighbourhood character of the area and the consequences of building next to an individually listed building.



RESCODE/GLADMAN/REPORTS

GENERAL PROJECT DESCRIPTION

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

The site was the subject of an application for a similar project in 2013 which council resolved to refuse. The refusal was not appealed at VCAT.

This current application is based on numerous discussions with council offices subsequent to the original refusal. In those discussions a number of key elements were determined including the need to make the external architecture more responsive to the heritage location, to make the garage more recessive, to reduce the bulk and height of the second storey element and provide a contemporary interpretation of the Victorian "verandah" entry to the dwelling. External claddings and window forms are now consistent with the prevailing neighborhood architecture.

Roof forms are now pitched corrugated sheeting with a maximum height of 7.9m above ground level. Roof forms have been separated into a number of separate components not untypical of many larger Victorian style homes in Queenscliff.

Overall this revised project has carefully considered the comments of council and incorporated these into a concept that meets both the requirements of the owners and the objectives of the prevailing overlays.

The site is zoned "Neighbourhood Residential 1" NRZ1 and is covered by an urban character overlay "Queenscliff Urban Heritage" and schedule DDO1; it is in a Heritage Overlay HO11 area but is not individually listed in the Queenscliffe Planning Scheme. It does adjoin an individually listed site HO46. Consideration of any impact on the listed building on the site has formed an important part of the design brief.

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

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

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

The architecture of the proposed works is a contemporary interpretation of the late 19th century architecture so as to clearly distinguish the development eras of the site. This criterion has continually been tested at VCAT with tribunalists, in the main, supporting the idea of old and new architecture sitting side by side.



RESCODE/GLADMAN/REPORTS

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

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

SPECIFIC SITE / AREA CONTROLS

The subject site is in the BOROUGH OF QUEENSCLIFFE and is covered under an "URBAN CHARACTER POLICY" & "DESIGN DEVELOPMENT OVERLAY" of the planning scheme schedule DDO1 and a Heritage Overlay HO11. The site is zoned Neighbourhood Residential 1, NRZ1 and has a frontage to a Non Road Zone category.

The site has recently been rezoned as part of the State wide changes to zoning requirements. The current zoning of Residential Neighbourhood 1 has been considered as part of this submission. The purpose of the zone is to recognize areas of single and 2 storey development, to limit the opportunities for increased residential development and to implement neighbourhood character policies and guidelines. Within the body of this report details are provided to show that the proposal does not breach these elements of the new zoning.

The site is part of a typical rectangular sub division setout similar in size to adjoining properties to the North and those to the rear and opposite. Sites to the South are of a larger size generally albeit some sub division has occurred in recent years.

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

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

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



RESCODE/GLADMAN/REPORTS

CLAUSE 43.01 HERITAGE OVERLAY

GENERAL COMMENTS

Although the subject site is within a Heritage Overlay of the Borough of Queenscliffe Planning Scheme, the site is not individually listed, nor is the house on the site typical of the coastal theme of many new and older surrounding buildings. There is however an individually listed building adjoining the site to the South. This building is known as HO46, "Clutha Cottage" and has a number of unusual features for Queenscliff. The building has a slate roof and accordingly a higher than normal roof pitch. The barge boards and other trim elements are highly decorated and yet the building is a modest simple form cottage.

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

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

The concepts prepared have been shown and discussed with council's heritage advisor and senior statutory planner on at least 5 occasions with a number of imperatives required in any final submission. Of primary significance is the visibility of "Clutha Cottage" from the public domain. Being set well back from the street any structures on adjoining sites will need to respect this aspect and continue to provide view lines for both single and double storey structures.

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

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



RESCODE/GLADMAN/REPORTS

DECISION GUIDELINES

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

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

The SPPF

- **Significance of heritage place and whether the proposal will adversely affect the natural or cultural significance of the place:** *The subject site is within a Heritage overlay but is not in itself a listed site. It adjoins a listed site and particular attention has been paid to both heights and setbacks as they may affect the adjoining property. The application proposal still retains the salient features of the listed property being a single standalone dwelling well separated from adjoining buildings;*
- **Any applicable statement of significance, heritage study and applicable conservation study:** *The site is within an overall classification within the planning scheme of HO11 within which there are a number of specific citations for buildings, sites and vegetation. The application proposal does address issues within the design to minimize any impact on the relevant citations;*
- **Whether the location, bulk, form, or appearance of the proposed building will adversely affect the significance of the heritage place:** *The sitting and scale of the proposed dwelling will have an impact on the current streetscape being 2 storeys high in a predominantly single storey location. However the use of pitched roof forms, articulated building elements and render and weatherboard claddings are compatible with many surrounding buildings;*



RESCODE/GLADMAN/REPORTS

- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place: *The proposed dwelling will impact on the streetscape from its current position. The new dwelling will be 2 storey whereas the adjoining buildings are single storey. The architectural design is not of a replica nature but embodies current residential design with the use of applicable materials for the location. The building will, in the context of a heritage overlay area, introduce an alternate design element not necessarily consistent with expectations*

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

OBJECTIVES

- To provide an appropriate setting for the urban heritage and historically significant buildings of Queenscliff: *The specific location of this site is on the fringe of the more intact heritage clusters of Queenscliff. To the North and West many buildings are of the 20th and 21st century design and construction. The site itself is currently occupied by a suburban style red brick building of the 1940's. Care has been taken to create an interface between this site and the heritage buildings to the South. It does not impact on the significance of the individually listed adjoining building to an extent more than the current structure;*
- To ensure that new development does not detract from the significance of the identified heritage overlays 1-10: *Within the context of the balance of the Heritage Overlays the location of this site will have little impact. It has both modern and heritage dwellings surrounding it and would not be deemed to be intrusive in the qualities of adjacent overlays;*
- To encourage new buildings or works to be in harmony with buildings, works or objects listed in the heritage overlays: *The proposed development is, by definition, a contemporary interpretation of 19th century architecture. This will indicate that the building will not be a replica of the 19th century cottage architecture in many areas of the Borough. However, there are substantial buildings of a range of styles, ages and designs within all areas of the Borough. In fact this is considered to be one of the eclectic attractions of the area that it does demonstrate the evolution and development of the town ship. In particular to the North East of the site is the St. George Church, school house and vicarage. All substantial buildings within a residential area. The proposed development will not challenge any of these structures but will present a new and different approach to residential architecture in Mercer Street;*



RESCODE/GLADMAN/REPORTS

- To encourage new planning to respect the historic significance of the buildings listed in heritage overlays: *The proposed development has given particular consideration to the adjoining "Clutha Cottage" and provided setbacks and heights to maximize the public views of this building. The cottage itself is setback well from the road and side boundaries and will still sit within its existing context of a single stylized dwelling. The revised design shows the closest portion of the upper level is 3.0m away from the boundary with "Clutha Cottage" and overall 8.8m away from the building itself;*
- To protect the uniformity in scale and massing of buildings: *The challenge for redevelopment within heritage areas, which include urban character overlays limiting site usage, is to meet the occupation requirements of the owners and still respect the location. To achieve this balance a 2 storey dwelling has been designed to meet the needs of the occupying family and take advantage of all the site has to offer. The design is within an area that has a number of substantial buildings of a past era and some of a more modern time. However, the adjoining and opposite sites are lower in scale and generally single storey. The building is therefore not within the character of the immediate buildings. However, the combination of large and small, single and 2 storey buildings is not uncommon throughout Queenscliff and it could be argued that this is part of the "uniformity" of development. The subject site is not within an intact area of cottage style buildings and whilst larger than its neighbours, completely complies with the provisions of the DDO. The revised design forming this current submission has created setbacks at ground floor of between 9.0m and 12.6m for various components of the front façade. At the upper level the closest portion is 13m from the frontage extending to 16.3m at the South East corner closest to "Clutha Cottage". This setback is only 2.3m closer to the front than "Clutha Cottage";*
- To protect the prominence of the church and old parsonage on the sky line of the town and the dramatic view of the church itself: *The subject site is within view of the church but will in no way impact on the views of this building from the public domain as there are no vantage points for views across the site from any public location in either Mercer, Hobson or Stevens Streets.*



RESCODE/GLADMAN/REPORTS

CLAUSE 22.04 URBAN CHARACTER POLICY

OBJECTIVES

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

In considering the accommodation brief of the owners, the site size and orientation, the opportunities for sea views and the general character of the area a position has been taken to adopt a contemporary interpretation of a Victorian architectural style.

In doing so this may counter aspects of the objectives of the prevailing DDO 1 and this is acknowledged. We are aware of the Urban Character policies within the local planning provisions of Clause 22 and the subsequent Schedule DDO1. We are not intending to defy or ignore the design objectives but believe there is scope for alternative interpretations than "replication" designs slavish to 19th century architecture.

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

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

1. *"The unique mix of historic building scales and types varying from grand freestanding hotels and landmark buildings to intimate single storey cottages";*
2. *"The informality of streetscape materials and finishes including front fences";*
3. *"The broad straight streets with buildings abutting or close to the street frontage and side boundaries which creates a distinctive and relatively high density urban environment";*
4. *"The opportunities for long views towards Swan bay or port philip Bay and shorter views to intact historic buildings and streetscapes";*

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



RESCODE/GLADMAN/REPORTS

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

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

The design for 18 Mercer Street will require consideration by all the conflicting views to arrive at the consensus of what is acceptable in 2014 in an environment where change has been the common ingredient of residential design.

- To recognize and protect the significant cultural heritage and natural coastal atmosphere of the Borough which distinguishes its special character: *The proposed building, when viewed against the wider neighbourhood is not inconsistent with the development over recent years. The site and proposed building will not preclude views too or from the coastal areas and the selected materials have a coastal and heritage influence;*



RESCODE/GLADMAN/REPORTS

- To ensure new development in Queenscliff maintains, enhances and is harmonies with the distinguishing cultural and heritage identity of the town ship: *Queenscliff is noted for its cottage feel in certain areas of the township and the spread of dwellings used for purposes associated with the early settlement of the area. The town boasts fishermen cottages, pilot cottages, and grand holiday homes for early notable Victorians and large commercial buildings scattered throughout Queenscliff. The proposed dwelling, as previously mentioned, has a contemporary heritage design influence which has been proposed to support the diversity of the town's architecture. Recent VCAT decisions have endorsed this philosophy approving contemporary designs alongside some of the town's notable buildings. One tribunalists went so far as to suggest that the introduction of contemporary design in heritage areas was preferable to replication of early architecture trying to recreate the past;*
- To require all new development to have regard to the sitting and design objectives and guidelines of the Borough of Queenscliffe Urban Character Study: *As is detailed later in this report an assessment against these design objectives has been provided.*



RESCODE/GLADMAN/REPORTS

CLAUSE 22.04-1 QUEENSCLIFF

OBJECTIVES

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

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

RESCODE/GLADMAN/REPORTS

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

POLICY STATEMENT

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



EXISTING HOUSE VIEWED FROM MERCER STREET

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

Mercer Street has an interesting mixture of dwellings varying from new structures completed within the last 18 – 24 months to 19th century cottages built to the footpath boundary. Within the section of Mercer Street from Hobson to Stokes Street on the West side there are substantial dwellings set well back from the street down to small cottages with no setback. On the East side there is a relatively unchanged group of houses that are late 19th century to mid 20th century. Many of these buildings have been upgrade over the years some with 2 storey components. The setbacks to the east side of Mercer Street are relatively uniform at around 4.5m – 6.0m.

RESCODE/GLADMAN/REPORTS



16 MERCER STREET

The subject site is at the Northern end of Mercer Street towards Hobson Street. The adjoining dwelling to the North has, of recent times, been upgraded albeit it has remained as a single storey structure. The building is not of an historic design and sits comfortably within the streetscape heading towards Swan Bay. Beyond Hobson Street to the North there are mostly more recent dwellings and mainly 2 storey in nature along the West side. Along the East side heading towards Swan Bay the street is dominated for the first 300m by St George's Church and the original vicarage building. Both structures are imposing in nature and listed in local and federal heritage overlays.

To the South of the subject site is the locally listed building, "Clutha Cottage". This building and the overall site was the subject of a subdivision some years ago with a subsequent 2 storey dwelling being constructed to the rear allotment. The cottage itself is setback from the North boundary to allow vehicle access to garaging for both dwellings on the site. The cottage is then setback a further distance to be some 5.5m from the common boundary. The cottage is setback from Mercer Street approximately 18.6m.



RESCODE/GLADMAN/REPORTS



"CLUTHA COTTAGE" VIEWED FROM FRONT GARDEN

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



RESCODE/GLADMAN/REPORTS

SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

BUILDING AND WORKS

BUILDING HEIGHT

The proposed building is to be constructed as a 2 storey dwelling with a section of upper level uncovered decking to the North side. The building will not exceed 7.9m at its maximum height above natural ground level at any location. The maximum height will occur at the North East corner of the main hipped roof at the junction with the roof deck balustrading.

The proposed maximum height translates to AHD 25.10m compared with the Southern building of 23.12m and the Northern building of 22.95m. The new building is therefore some 3.0m higher than either adjoining building. The maximum height occurs some 12.0m from the street frontage and some 10.0m from the Southern boundary.

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

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

*This proposal meets the objective in that the overall height does not exceed the maximum allowable but is higher than adjoining and adjacent buildings with upper elements recessed from the lower level frontage.

SITE COVERAGE

The proposal presented has a gross new building area, inclusive car accommodation and outbuildings of approximately 312m², located on a site of 736m². This represents maximum site coverage of 42%.

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

*This proposal exceeds the objective in that it covers 42% of the site 2% more than required under the DDO.



RESCODE/GLADMAN/REPORTS

PERMEABILITY

This proposal retains 424m² of open space inclusive of gardens and courtyard areas to the North elevation, representing a potential total permeable area of 58% of the site.

It is intended to have an impervious driveway of some 83m² and a swimming pool and surrounds of 87m², a total of 170m². This means a permeable area of 254m² or 35% of the site.

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

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

SIDE AND REAR SETBACKS

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

The building will have a 1.5m minimum setback to the South boundary for a wall height of 4.0m. The upper walls are setback varying dimensions with a minimum of 3.0m for a wall height of 7.1m. All these setbacks comply with the DDO and ResCode for the relevant heights given.

The lower West walls of the habitable rooms will have a height above natural ground level of 3.6m requiring a minimum setback under DDO1 of 1.0m. The proposed setback is 1.0m. The upper West wall will be 3.0m from the boundary for a wall height of 6.8m. The DDO policy on this setback is 1.92m.

The lower North walls are setback at the closest point (excluding the garage wall which is dealt with in the next section) 6.43m for a height of 3.8m. This falls within the parameters of the DDO requirements with the ResCode requirement being 1.3m. The upper walls are setback 3.5m at the closest point for a building height of 6.8m. The DDO policy on this setback is 1.92m.



RESCODE/GLADMAN/REPORTS

A 3.0m section of the outbuilding wall is 0.5m from the North boundary to permit a light court to the adjoining property. Approval would therefore be sought to allow this setback in lieu of the normal 1.0m or applying for building on the boundary.

* This proposal generally meets the objective in that setbacks given comply with the DDO and are permitted under Rescode. A variation to setback is sought for 3.0m long section of outbuilding along the north boundary

WALLS ON BOUNDARIES

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

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

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



VIEW OF SOUTH WALL OF PROPERTY AT 16 MERCER STREET



RESCODE/GLADMAN/REPORTS

The proposed walls of the store rooms and an outside toilet start at 12.4m from the street boundary and extend for 6.0m to the West. This means the window to the habitable room will be within 0.8m of the proposed wall, as will the bathroom window, however the laundry door will not be affected.

The proposed walls will be a maximum of 2.7m high and would be finished to the approval of the adjoining neighbour. To comply with Rescode standards a portion of the wall in front of the habitable room window will be setback 0.5m from the boundary to provide a light well as detailed in standard A12 of ResCode Clause 54.

Under Building Setbacks objectives of DDO1 walls are permitted on boundaries if it is a common feature of buildings in the street. In the circumstance of 18 Mercer Street there are numerous examples of walls on boundaries particularly for out buildings but also for the older dwellings where weatherboard walls are often on the boundary line. The proposed wall is modest in height, only 3.0m long and commences some 12.4m back from the street frontage.

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

OVERSHADOWING OPEN SPACE

The orientation of this site is such that there is no overshadowing to the private secluded open space of any adjoining property. Overshadowing is shown on drawings TP3.01 & TP3.02.

It is clear from the drawings that the extent of overshadowing to the Southern property is in the morning only and covers the common driveway for both dwellings on the site during the equinox periods of March and September.

There is a moderate overshadowing of the Western property but this is similar to the existing fence line and only affects a small portion of the rear garden area.



RESCODE/GLADMAN/REPORTS

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

* This proposal meets the objective in that it does not impact on the Southern adjoining property's private secluded area in sunshine at any time of the day during the equinox.

OVERLOOKING

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

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

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

- There is a proposed roof top deck centrally located within the front portion of the building approximately 7.0m from the north boundary, 7.2m from the South boundary, 16.5m from the front boundary and 16.0m from the West boundary.

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



RESCODE/GLADMAN/REPORTS

- There is potential for overlooking from the South elevation of the proposed dwelling from a highlight kitchen window and a dining area. The overlooking diagrams show that in the main the views would be to the front garden areas and the driveway of "Clutha Cottage". There is some potential for views of a North facing habitable room window from the kitchen area, however as there will be benches in front of this window downward viewing will be limited;
- The main area for overlooking potential will be from the North elevation of the building and the attached deck area. As shown on the overlooking drawing a view from the Bedroom 5 window at a 45° angle will overlook the Northern boundary to the side of the building at 16 Mercer Street at this point there are no habitable room windows and the area is not used for recreation purposes.

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

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



RESCODE/GLADMAN/REPORTS

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

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

FRONT FENCES

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

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



Planning

Project Proposed new dwelling

Site Plan

Address 18 Mercer Street, Queenscliff
Client Gladman family

710 Shell Road
Point Lonsdale 3225
CONSULTANTS
john@kandou.net.au
p 52594820 f 52594620

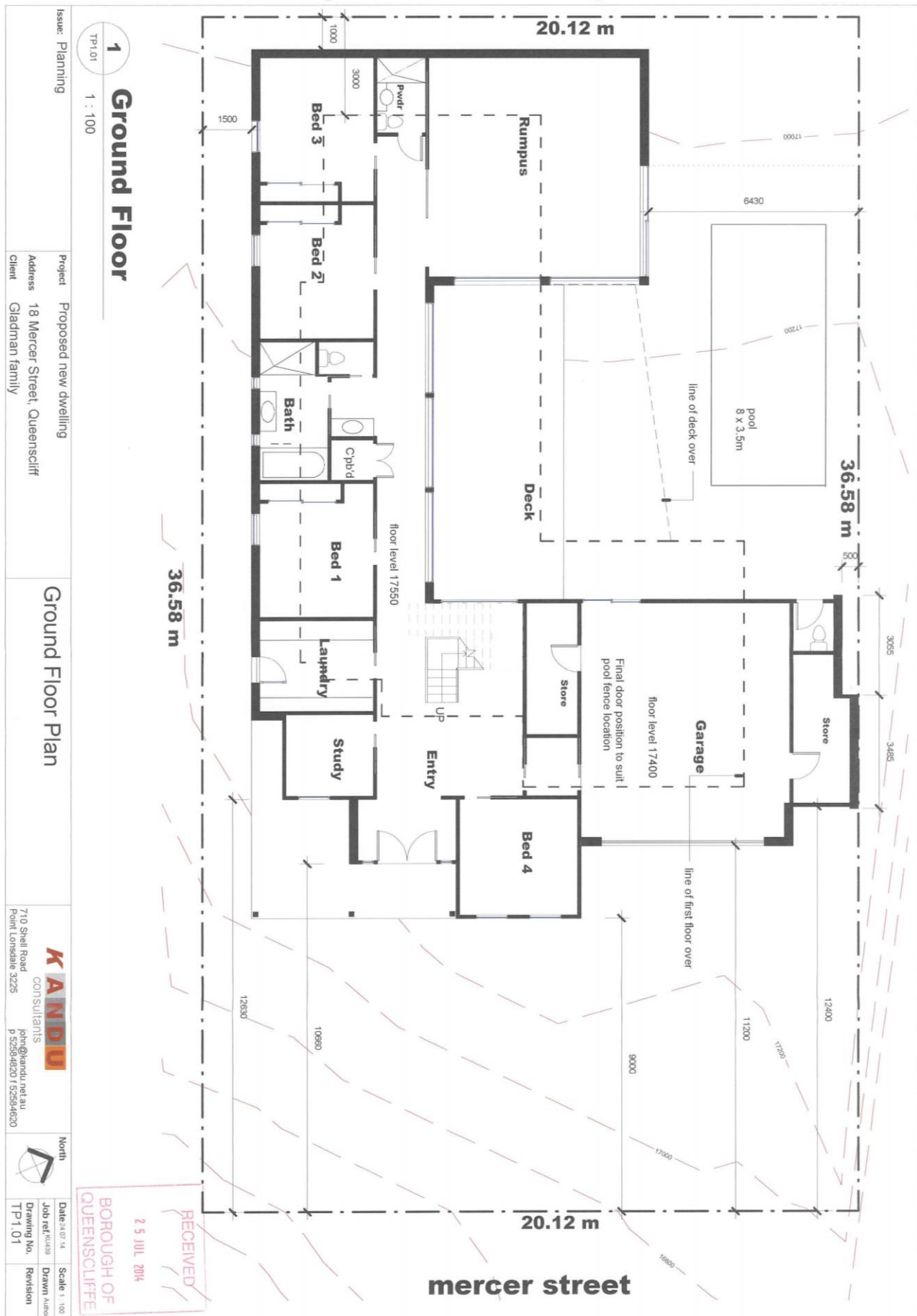


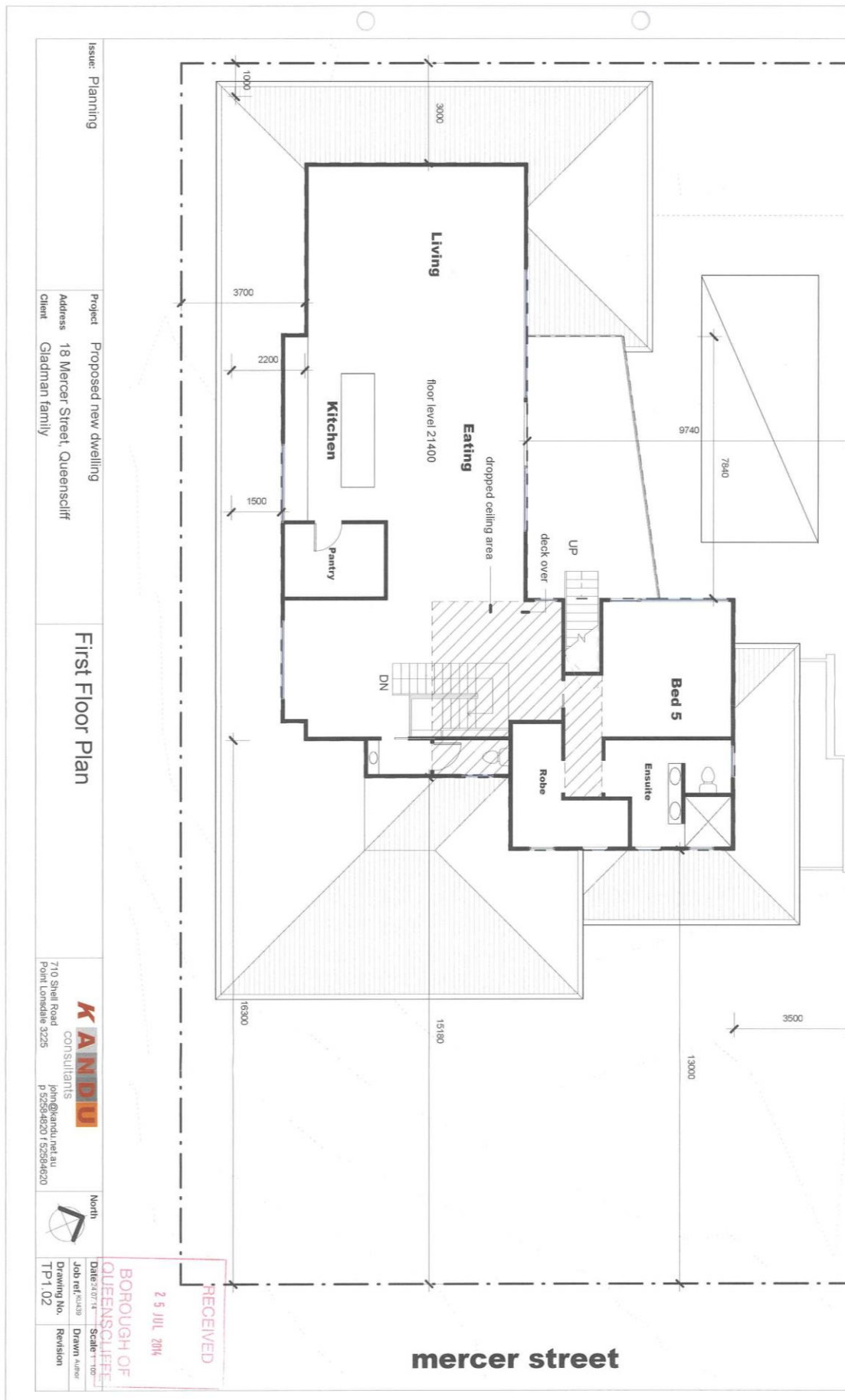
Date: 24.07.14
Job ref: 2013/03
Drawing No. TP0.03
Scale: 1:200
Drawn:
Revised:

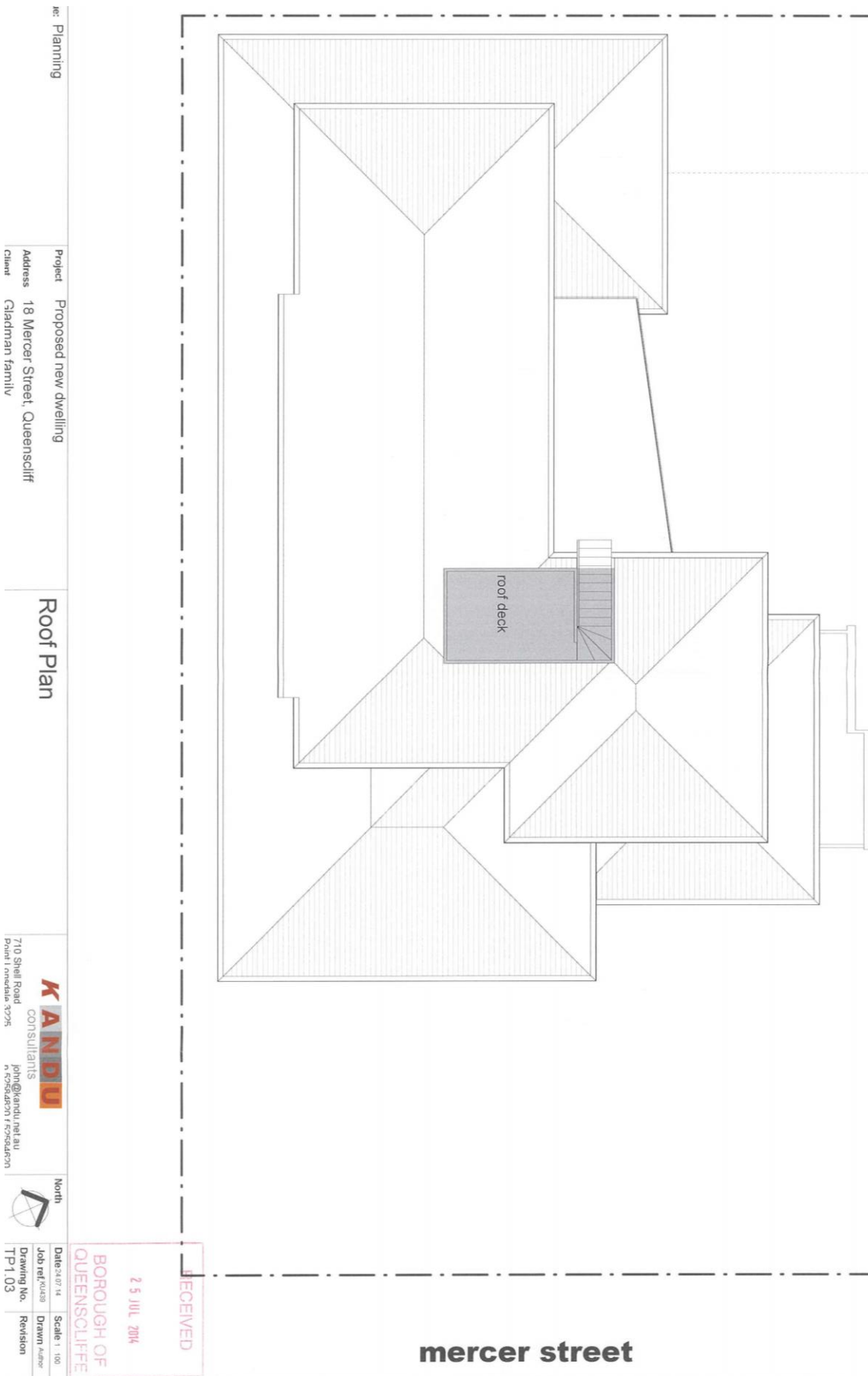
1 Site Plan

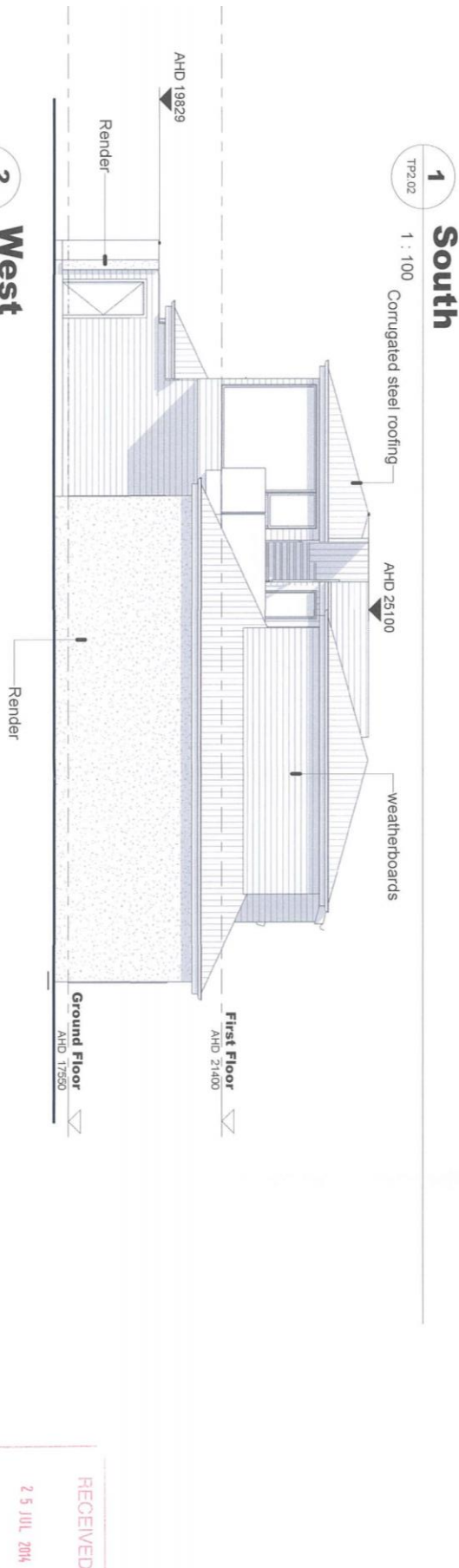
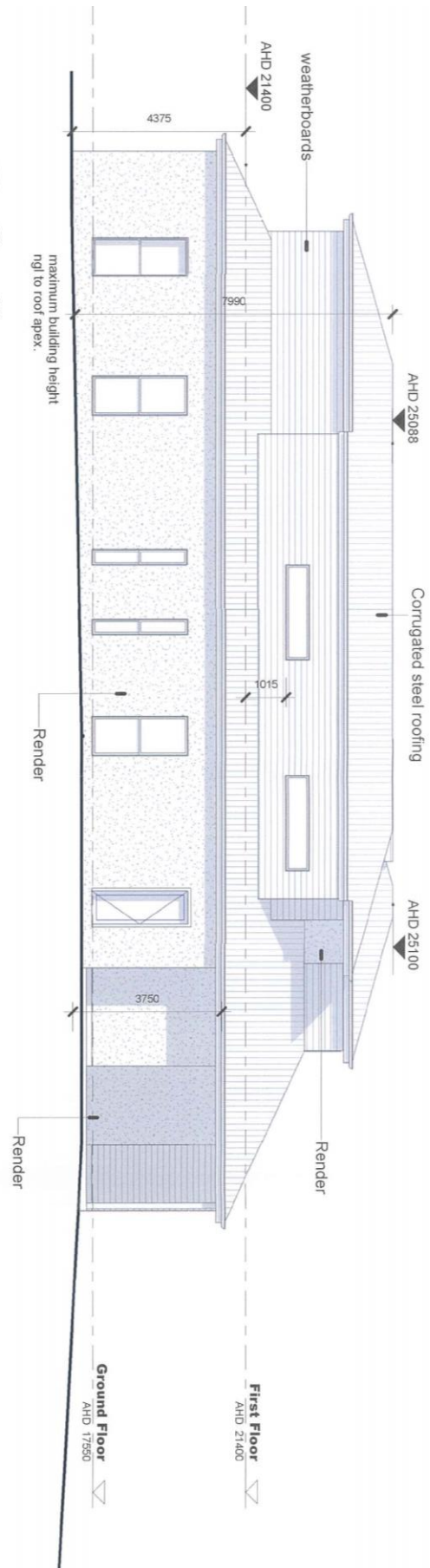
1 : 200







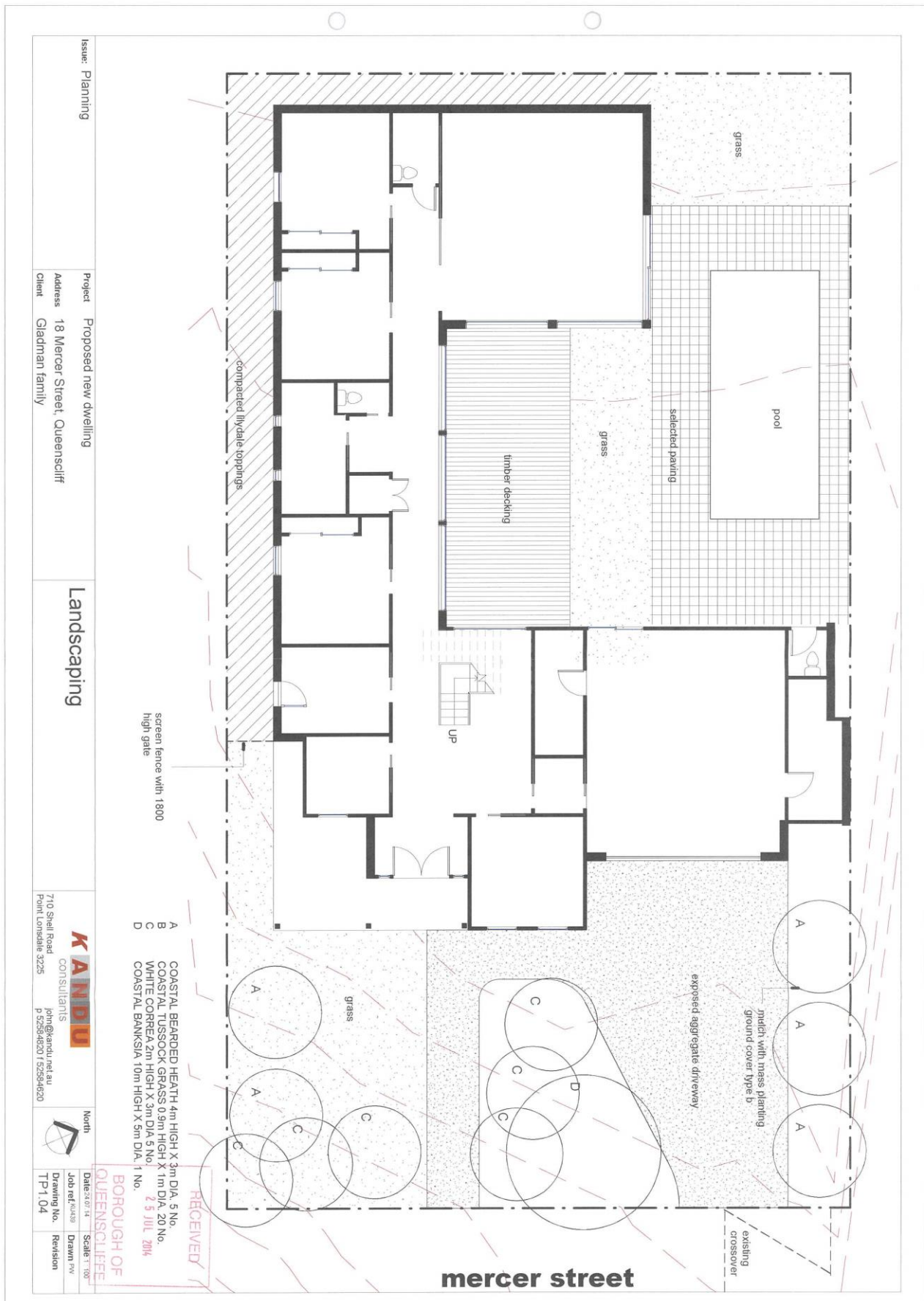




Project	Proposed new dwelling	Elevations	Vertical dimensions measured at NGL.	North	Date 24/07/14	Scale 1 : 100
Address	18 Mercer Street, Queenscliff				Job ref: 04/039	Drawn: A/ABC
Client	Gladman family				Drawing No. TP2.02	Revision

KANDU
CONSULTANTS
710 Shell Road
Point Lonsdale 3225
john@kandu.net.au
p 52584820 f 52584820

RECEIVED
25 JUL 2014
BOROUGH OF QUEENSCLIFF





9. APPENDIX 5 (CONFIDENTIAL) – SUBMISSIONS, 18 Mercer Street, Queenscliff

Provided to Councillors under separate cover.



10. APPENDIX 6- APPLICANTS RESPONSE TO SUBMISSIONS, 18 Mercer Street, Queenscliff

Rescode/gladman /correspondence/letter 13

K A N D U
consultants
"building industry advisory services"

11th September, 2014

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

Dear Anthony,

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

We are in receipt of objections from 4 adjoining neighbours and wish to formally respond on behalf of our client.

These objections relate to a new application on a site that was the subject of a previous application in 2013. Whilst we have spent considerable time discussing the current proposal with council and amended the external elements of the original submission the current objections seem to basically reflect their earlier concerns.

Generally we again believe that each objector has raised similar concerns to their previous submissions and therefore we believe our original response is still relevant as set out below with minor editing.

1. **SIZE AND MASS OF BUILDING:** Each objector has raised the issue of the design and size of the building. We have acknowledged in our submission that the building approach was not the normally anticipated response but does not breach any of the standards requirements of DDO1. We have spent considerable time discussing the project with council officers and amended elements of the design to be respectful of Clutha Cottage and maintain public views of the building. The site, whilst in a heritage overlay and adjacent to an individually listed building, is nonetheless at the periphery of what could be described as an intact heritage area. The house to the North and subsequent houses West along Hobson Street and North along Mercer Street are not of a heritage nature with a number being less than 10 years old. The significance of the site rests mainly with Clutha Cottage and every effort has been made to minimize any impact on this building. The size, height, site coverage and setbacks of the building are all generally in accordance with the DDO;
2. **FRONT SETBACK:** The front setback of the habitable area of the house has been set at a distance beyond the existing 8m with the exception of a front porch. The building is stepped further back towards the South to maintain views of Clutha Cottage with distances of 9.0m, 10.6m and 12.6m. A dispensation from the average front setback requirements of the DDO has been requested and is considered reasonable given the unusual aspect of Clutha Cottage's setback. In applying a "predominant setback" method to arrive at a reasonable setback consideration has been given to the current building on site, other buildings in the street on both sides and a consideration of public views of Clutha Cottage. The distances shown on our drawings TP1.01 and TP1.02 have been arrived at following discussions with council officers and a practical outcome in respect to the current footprint on site;

p 52584820 m 0407 101947 email john@kandu.net.au
P.O. BOX 235, POINT LONSDALE 3225
KANDU CONSULTANTS PTY. LTD. ABN 20 221 556 612





Rescode/gladman /correspondence/letter 13

3. **BUILDING HEIGHT:** The height of the building is set slightly below 8.0m above natural ground line. It is therefore not in breach of the DDO but is higher than either adjoining building. Components of the building are at a lower height and there are numerous setbacks for upper and lower wall lines. The height is not disrespectful of Clutha Cottage as the proposed building is some 7.0m away from the Northern side of Clutha Cottage at ground floor and 8.8m at first floor and separated by the driveway. As has been pointed out in our written submission the character of Queenscliff as described within council's own Urban Character Statements is that there are many examples of substantial grand buildings beside smaller cottages and that this has been one of the unique characteristics of the town's development;
4. **SIDE AND REAR SETBACKS:** Side and rear setbacks have been applied in accordance with DDO1 requirements for the relevant building heights. There is a portion of a store room built along the Northern boundary for a distance of approximately 3.5m with a maximum height of 2.8m above ground level. This portion of wall does not contravene any statutory requirements for natural light to a habitable room window on an adjoining property. There is a further section of wall of a similar height setback 500mm from the boundary for a length of approximately 3.0m. This setback is a Rescode requirement to provide 1.0m clear to sky natural light to the window of a habitable room other than a North facing window. The wall of this store area would be over 1.7m from the South wall of the adjacent building. The applied for variation to side setbacks is therefore only for this portion of wall as a consequence of the provision of a light well. All other side and rear setbacks are at or greater than required under Rescode or the DDO;
5. **OVERSHADOWING:** The owners of 20 Mercer Street, Clutha Cottage, have objected to overshadowing on the basis of "overshadowing property and buildings for considerable periods of the year". We have provided overshadowing diagrams in submission albeit this is not a decision guideline of the DDO. Our diagrams show that for the equinox there would be overshadowing of the driveway only of 20 Mercer Street at 9.00am and then reducing to no impact beyond the current boundary fence at mid-morning and no incursion onto the site for the rest of the day. These diagrams show that at no point does a shadow fall on the buildings at 20 Mercer Street and any additional shadow cast by our proposal over current shadows would be limited to driveway only not any garden or recreation area. Under Rescode 54 or Part 4 of the Building Code we are only required to show shadows at the equinox and these show no statutory loss of amenity to the owners of 20 Mercer Street;
6. **WALL HEIGHT ON WEST BOUNDARY:** The owners of the property to the rear of the site have indicated that there is a wall 8.3m high within 1.0m of their boundary. Our drawings show there is a wall approximately 11.5m long 1.0m from the West boundary for a maximum wall height of 3.6m. This is a conforming setback to height calculation under the DDO and Rescode. There is a wall approximately 6.5m long setback 3.0m from the rear West boundary for a maximum wall height of 6.7m. The DDO requires an upper level wall, up to 6.0m in height, to be setback 1.92m and then set further back in accordance with Rescode for heights above 6.0m. Rescode requires a wall of 6.7m in height to be setback a minimum of 1.93m. Our distance of 3.0m exceeds this requirement and is also compliant with the DDO above the 3.6m height;



Rescode/gladman /correspondence/letter 13

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

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

Please do not hesitate to call me if you have any questions regarding the information supplied or if you wish to discuss the application in any way.

Yours Sincerely,

John Gullan



11. CLOSE OF MEETING
