



Agenda

Planning Review Meeting

Wednesday 8 July 2015 at 7:00pm

Queenscliff Town Hall
50 Learmonth Street, Queenscliff

Distribution

Councillors

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

Officers

Lenny Jenner, Chief Executive Officer
Phil Josipovic, General Manager Planning & Infrastructure
Leah Protyniak, 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/email – 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.
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1. OPENING OF MEETING

2. APOLOGIES

Cr. Graham J Christie, JP

3. PECUNIARY INTEREST & CONFLICT OF INTEREST DISCLOSURES

Councillors:

Officers:



4. PLANNING & DEVELOPMENT

4.1 44 Gellibrand Street, Queenscliff

Amendment to Planning Permit number: **2012/048.1**

SUMMARY

Proposal	<p>Approved permit: Alterations and extensions to an existing building, construction of an outbuilding and variation to the side setback requirements of Design and Development Overlay – Schedule 1 in accordance with the endorsed plans</p> <p>To be amended by:</p> <ul style="list-style-type: none">• Change to garage setback• Deletion of sunroom/sitting room• Revision to pool addition• Revision to lift location• Minor external alterations <p>Application and plans: Refer <i>Appendix 1</i></p>
Zone/Overlays	<p>Neighbourhood Residential Zone – Schedule 1 (NRZ1) Heritage Overlay Schedule 23 (H1052 Heritage Victoria) Design and Development Overlay - Schedule 1 (DDO1)</p>
Permit Triggers	<p>DDO -Clause 43.02: Buildings and works</p>
Public Notification	<p>Advertised by registered post to adjoining property owners and occupiers, two signs on site, a notice in The Echo newspaper and notice in municipal offices for 14 days.</p>
Submissions	<p>Six (6) submissions received Copies of submissions provided to Councillors: Refer <i>Confidential Appendix 2</i></p> <p>Applicants response to submissions Refer <i>Appendix 3</i></p>
Key issues raised by submitters	<p>Heritage impacts, significance of existing building, tourism, site coverage, traditional materials, vegetation/landscaping, Heritage Victoria permit conditions, impact on Ozone, visibility of works, bulk, scale, urban character, public notification process for Heritage Victoria application, impact of excavations.</p>



4.1.1. Applicant to present to Council

4.1.2. Submitters to present to Council

4.1.3. Applicant to readdress Council



4.2 3 Mercer Street, Queenscliff

Planning Permit number: 2015/033

SUMMARY

Proposal	Demolition of a dwelling and outbuilding and the development of a dwelling (two storey) in a Heritage Overlay and variation to the site coverage and side setback requirements of Design and Development Overlay - Schedule 1 Application and plans: Refer <i>Appendix 4</i>
Zone/Overlays	Neighbourhood Residential Zone – Schedule 1 (NRZ1) Heritage Overlay Schedule 11 - Central Queenscliff Urban Conservation Precinct Design and Development Overlay - Schedule 1 (DDO1)
Permit Triggers	DDO -Clause 43.02: Buildings and works HO – Clause 43.01: Demolition and buildings and works
Public Notification	Advertised by registered post to adjoining property owners and occupiers, a sign on site, a notice in The Echo newspaper and notice in municipal offices for 14 days.
Submissions	Three (3) submissions received Copies of submissions provided to Councillors: Refer <i>Confidential Appendix 5</i> Applicants response to submissions: Refer <i>Appendix 6</i>
Key issues raised by submitters	Loss of views, bulk, dominance of parking, materials, design, neighbourhood character, internal layout (two kitchens), roof top plant/equipment, overlooking.



4.2.1. Applicant to present to Council

4.2.2. Submitters to present to Council

4.2.3. Applicant to readdress Council



5. APPENDIX 1 – APPLICATION DOCUMENTS: 44 Gellibrand Street Queenscliff

Provided under separate cover



6. APPENDIX 2 (CONFIDENTIAL) – SUBMISSIONS: 44 Gellibrand Street Queenscliff

Provided to Councillors under separate cover



7. APPENDIX 3- APPLICANTS RESPONSE TO SUBMISSIONS 44 Gellibrand Street Queenscliff



22 June 2015

our reference: 2015.096

Ms Leah Protyniak
Senior Town Planner
Borough of Queenscliffe
PO Box 93
Queenscliff VIC 3225

Dear Ms Protyniak,

re: application to amend planning permit 2012.048.1
44 gellibrand street, queenscliff

Hansen Partnership Pty Ltd represents the owner of land at 44 Gellibrand Street, Queenscliff.

We are in receipt of four objections received in response to our application to amend Planning Permit no 2012.048 for external alterations and additions to the Lathamstowe building at the above address. Clearly, all the objections relate to the heritage significance of Lathamstowe and its context.

Having had the opportunity to review the objections, we offer the following response and comments.

The application is to amend an existing and valid planning permit, which was issued in 2012 under the same provisions and policies of the Queenscliffe Planning Scheme. There has been no changes to the relevant provisions of the Planning Scheme, with the exception of the land use zone, under which a permit was (and is still) not required.

We note there were **no objections** to the original application for planning permit nor the associated (original) application to Heritage Victoria.

The proposed amendments to Planning Permit 2012.048 do not substantially alter the extent of external buildings and works which have been approved. We note the objections offer no explanation as to which amendments are opposed and how they are affected by the proposed modifications, compared to the approved buildings and works.

The only relevant consideration in this matter is the Design and Development Overlay, specifically Schedule 1 (DDO) and associated local policy relating to urban character. A planning permit is **not required** under the Heritage Overlay (Clause 43.01-2), which clearly and unambiguously states:

hansen partnership pty ltd
melbourne | vietnam

level 4, 136 exhibition street
melbourne, vic 3000
t 03 9654 8844 f 03 9654 8088
e info@hansen-online.com.au
w www.hansen-online.com.au
ABN 20 079 864 716 | ACN 079 864 716



"No permit is required under this overlay:

*...
To develop a heritage place which is included on the Victorian
Heritage Register."*

A permit has been issued under the Heritage Act for the buildings and works proposed in this application. All heritage related matters relevant to this site, the proposed development and its heritage context, have been considered under the provisions of the Heritage Act, which amongst a number of matters requires (under Section 73):

"In determining an application for a permit, the Executive Director must consider—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of the registered place or registered object; and

*...
(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object, or cause undue financial hardship to the owner in relation to that place or object; and*

(c) any submissions made under section 69; and

*...
(f) any matters relating to the protection and conservation of the place or object that the Executive Director considers relevant.*

(1A) In determining an application for a permit, the Executive Director may consider—

(a) the extent to which the application, if approved, would affect the cultural heritage significance of any adjacent or neighbouring property that is—

(i) subject to a heritage requirement or control in the relevant planning scheme; or

(ii) included in the Heritage Register; and

(b) any other relevant matter."

The permit issued under the Heritage Act for the amendments now sought to Planning Permit 2012.048 also contains a number of conditions which relate to heritage matters.

Any objection relating to the heritage value and/or significance of Lathamstowe and its heritage context are **not** relevant considerations to the matter for which planning approval is being sought. Accordingly, the Council in exercising its discretion under the Planning and Environment Act, cannot give any weight to any objection regarding heritage matters.

The Council's ambit of discretion in this matter is confined to DDO1 and related policy, excluding any reference to heritage matters. An assessment of the proposed amendments to Planning Permit 2012.048 against the relevant matters under DDO1 was provided in the application to amend the permit and is relied upon.



Should you have any queries in relation to this matter, please contact the undersigned on srigo@hansenpartnership.com.au or Ms Tamara Orrlov, Senior Associate on torrlov@hansenpartnership.com.au.

Yours faithfully,

hansen partnership Pty Ltd

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

sandra rigo
director



8. APPENDIX 4- APPLICATION DOCUMENTS 3 Mercer Street Queenscliff



Planning Enquiries

Phone:

Web: <http://www.queenscliffe.vic.gov.au>

Office Use Only

Application No.:

Date Lodged: / /

Application for Planning Permit

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

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

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

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

Clear Form

The Land

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

Street Address *

Unit No.:	St. No.: 3	St. Name: Mercer
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.: 2 ☐ Lodged Plan ☐ Title Plan ☐ Plan of Subdivision No.: 115950

OR

B ☐ Crown Allotment No.: 11 ☐ Section No.: 12

Parish/Township Name: Paywit, Queenscliff

The Proposal

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

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

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

Demolition of a dwelling and outbuilding and the development of a dwelling (two storey) in a Heritage Overlay and variation to site coverage and side setback requirements of Design and Development Overlay-Schedule 1.

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

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

Cost \$500,000

You may be required to verify this estimate.

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

Existing Conditions

4 Describe how the land is used and developed now *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single storey brick veneer dwelling with detached garage and single carport.

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



Town Planning Permit application 2015/033

29/04/15



Written response outlining development compliance with Queenscliff Planning scheme, Design Development Overlay Schedule 1, the Heritage Overlay Schedule 11 and local Planning Policy Framework.

SITE LAYOUT.

The proposed new dwelling, although double storey is not a great deal different from the existing dwelling in street appearance, the garage and carport positioned at the front of the dwelling, and verandah and dwelling floor heights the same, following the natural ground level as it climbs toward the rear of the property.



The general layout of the new dwelling is consistent in footprint, although larger, with the existing single storey dwelling.

The new dwelling has predominately all living areas facing north to capture the views of Swan Bay and to boost the thermal capacity capture of winter sunlight. The new dwelling although double storey has little increased impact on the amenity of the dwellings to the north other than what is in existence at the moment. The topography of the site makes it virtually impossible or impractical to avoid overlooking, but this will be addressed at building permit stage with all stakeholders. The adjoining dwelling to the south, 5 Mercer is I believe better positioned with this application with increased view share from their upstairs room than what was agreed on in the current in force permit.

The proposed dwelling is a complete application and there is no intention nor capacity for any further additions or development at this stage.



The current trees and vegetation on the site include pittosperms planted as hedges to the north south and east boundaries, and an established peppercorn tree to the front yard which are all intended to stay.

The site once demolished will not be cut in anyway apart from "pulling back" the front left hand corner where there has been an underground electricity pit installed, this will be done to clean up that particular corner and eliminate the need for a retaining wall on the front boundary, currently there is a rock retaining wall in place.

There is an abundance of private open space, either to the rear on the eastern boundary and to the front yard beside the garage and in front of the living room. Two areas of at least 75m² each. These will be grassed surfaces.

BUILDING DESIGN

The dwelling is consistent with current "Coastal architecture", the ground floor and garage/carport are proposed to be constructed with designer concrete block work with aluminium windows, and



the second storey will be a combination of block work and light weight weatherboard cladding with aluminium windows. Colors will be presented at a later date, although our preference at the moment is a dark grey masonry block with grey aluminium windows and grey finish to all painted surfaces.

The surrounding dwellings are an eclectic mix of design, building materials and colors. The dwelling will no doubt compliment many of the most recently built new dwellings that are positioned nearby. Photographic images of surrounding architecture are attached.

The dwelling is constructed with a flat decked metal roof which minimises impact of existing views to neighbouring dwellings to the south. Two adjoining double storey dwellings to the north also have flat decked roofs also.

The proposed dwelling fits well onto the site and the design gives a "terraced" feel that follows the natural slope of the block. The garage/ carport is the lowest viewed from the street which flows into the ground floor with a raised entry and living area which then flows to the second storey. At the nominated setbacks, this dwelling does not dominate the streetscape.

Site coverage is, Building footprint 325.15 m², percentage of site coverage is 41.05%. The application is to vary the site coverage by 1.05%

Permeability is 52.58 %, the requirement of 20% is satisfied.

BUILDING HEIGHTS AND SETBACKS

The setback of the garage/carport moves forward towards the front boundary by 3.100 meters from the existing garages position, it could actually go further forward however it was agreed in the original permit to be at 9.100 meters so the owner of no 5 Mercer could sit in his lounge chair and retain his view of Swan Bay. (view sharing) This position is approximately 2.00 meters behind the setback of no 5 Mercer (7.2 meter setback) which is outside the Planning Schemes policy. No 1 Mercer has a setback of 6.3 meters.

The side setback to the garage on the southern boundary is at 200mm, this is a variation requested as a 1.00 meter offset would be a waste of good usable land. I feel this is not an unjust request considering the adjoining owner at no 5 Mercer has a carport of 13.2 meters in length on the boundary towards the front of the block, and a garage also on the boundary of 9.2 meters in length at the rear of the block, in total 22.4 meters. The length of the proposed garage 200mm off the southern boundary is 12.480 meters.

The main dwelling has a double storey setback on the southern side of 2.00 meters, the height at this point is 6.930, the horizontal length of this wall is 6.960 meters and then the second storey articulates back in to the north with measurements of 3.370 to the rear lower roof and 2.440 to the front lower roof.

The height of the proposed dwelling at its highest point of the roof from nearest ground level at the front right hand corner of the dwelling where the double storey begins will be 7.450 meters. Well



underneath the planning scheme maximum of 8.500 meters. Noting this does not include the handrail for the air conditioning plant area.

There is no significant impact on the streetscape looking up and south of the parkland surrounding the railway station, most of the ground floor is behind the houses along the Symonds street frontage and only the double storey will be visible from there.

The proposed dwelling as per the drawings, show that the top of its roof is at almost the same height as the top of the ridge on the roof of no 5 Mercer. In fact calculations and levels indicate we are around 130mm higher. The height is therefore not considered visually prominent to the existing streetscape.

Reasonable sharing of views have definitely been considered. No 5 Mercer has gained more views directly to the front of his balcony, and resident further up the hill to the south have gained an additional 3.200 meters of view cone to the eastern setback. These claims are based on the difference between this application and the existing in force TPP for this block.

Overshadowing of the adjacent dwelling to the south will only occur onto the carport roof and the driveway as shown in diagram TP02. Minimal impact caused by the proposed dwelling.

All habitable rooms within the proposal have windows on external walls, all have garden aspects or views across Swan Bay.

LANDSCAPING

All existing trees will be retained, permeable areas will be sown with grass. A concrete path will provide a link between the rear garage door and the "backyard" to the eastern boundary where the clothesline will be located.

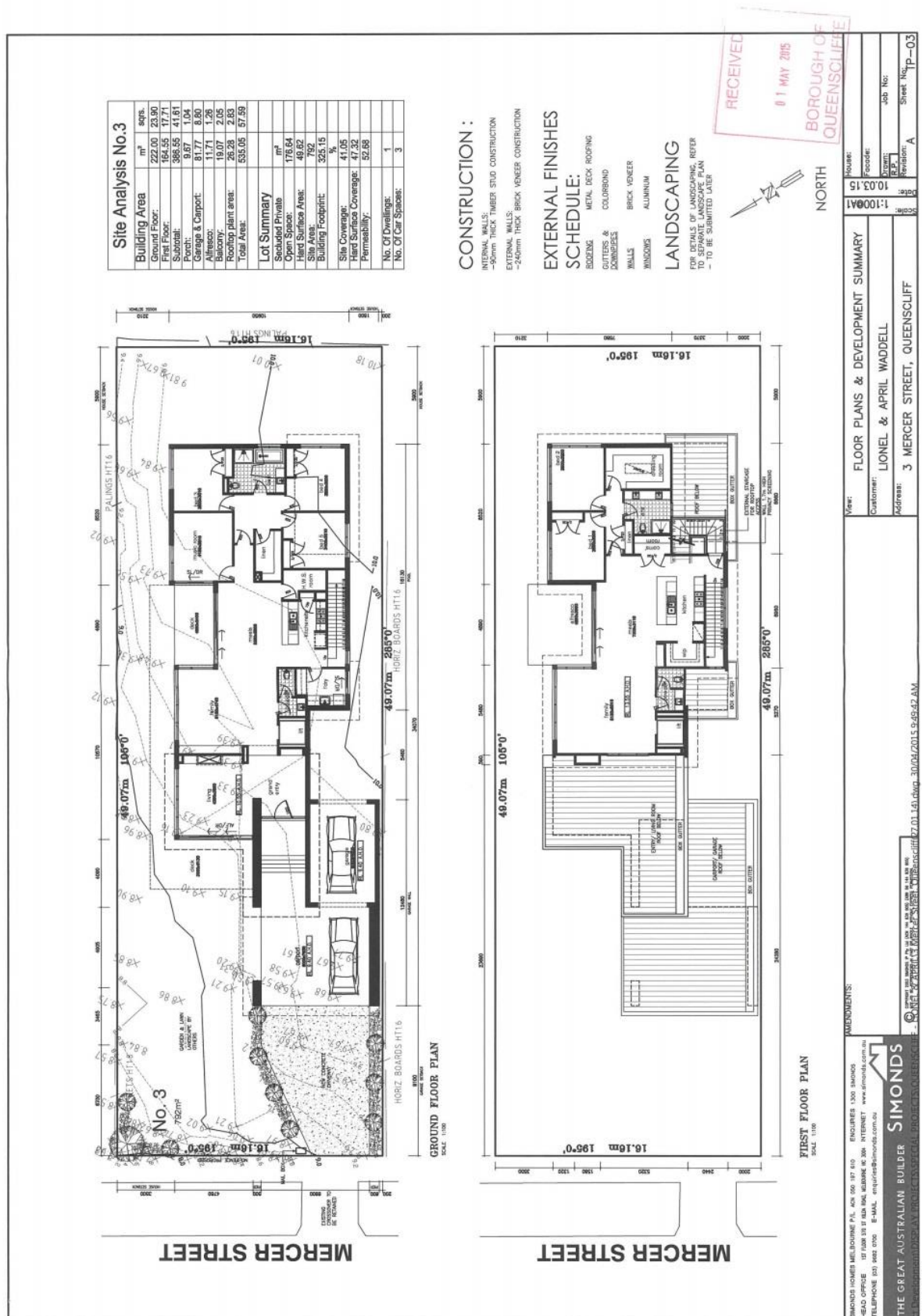
An exposed aggregate driveway will provide access from the existing crossover to the double carport.

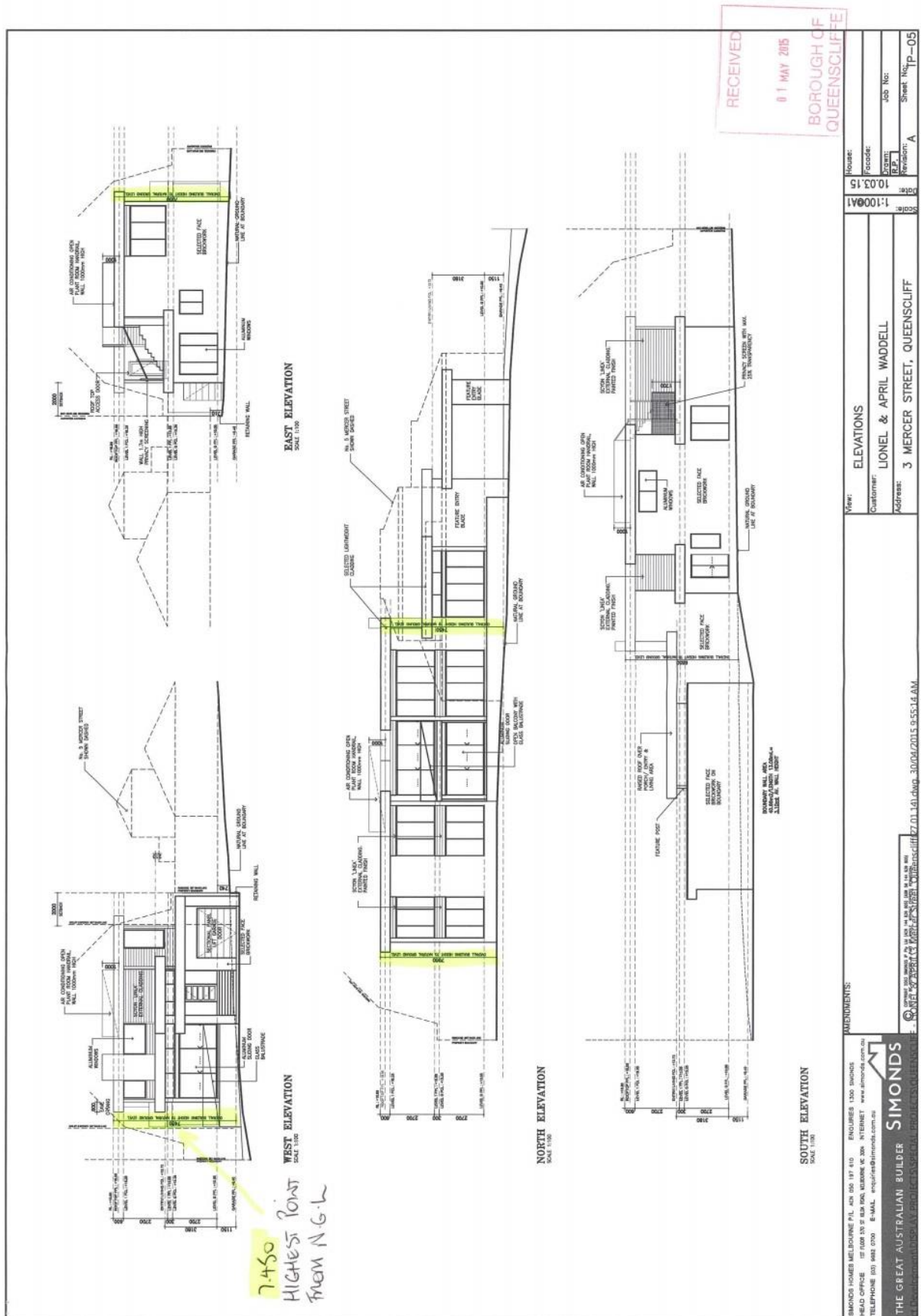
As there is no front fence at the moment, we have not considered one and would prefer not to have one.

If there is any further information required I would be happy to try and supply it.

Regards

Lionel Waddell







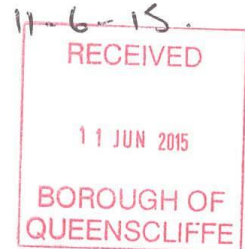
9. APPENDIX 5- (CONFIDENTIAL) – SUBMISSIONS, 3 Mercer Street, Queenscliff

Provided to Councillors under separate cover



10. APPENDIX 6- APPLICANTS RESPONSE TO SUBMISSIONS, , 3 Mercer Street, Queenscliff

QP150-300



ATT Ms Leah Protyniak,

Re Planning permit application 2015/033.

3 Mercer st Queenscliff.

Good morning Leah, I write in response to the objections I received for my application yesterday.

Westrups Objections.

1/

The current in force TPP for this block shows a rear setback of 4.198 mts for the upper floor. The new application shows a rear setback of 5.900 mts which significantly improves Westrups views by 1.700 mts. Combining my setback and that of the existing rear neighbours upper floor setback, the view cone is widened considerably and in my view is consistent with reasonable view sharing, especially considering the objector is three blocks away.

2/

I consider whether or not I have a kitchen and a kitchenette has nothing to do with the Westrups. However, the existing TPP has a condition on it for the house not to be used as two separate dwellings without written consent from the responsible authority, and I am happy to have this condition applied to the new permit if council so desires.



Thiels objections.

1/

The proposed plant area is designed to service plant and equipment safely. 26 m2 is not an excessive space. The position the area is located on the roof was selected for its minimal impact on all surrounding properties and street aspect. Standing at the handrail looking east to Thiels property, the only thing that can be seen is the roof and a very small section of their upper western wall. (see attached diagram) No looking into any windows or open space. At any rate, if there we overlooking issues, and there are none, they would be addressed by the building surveyor who issues the building permit.

2/

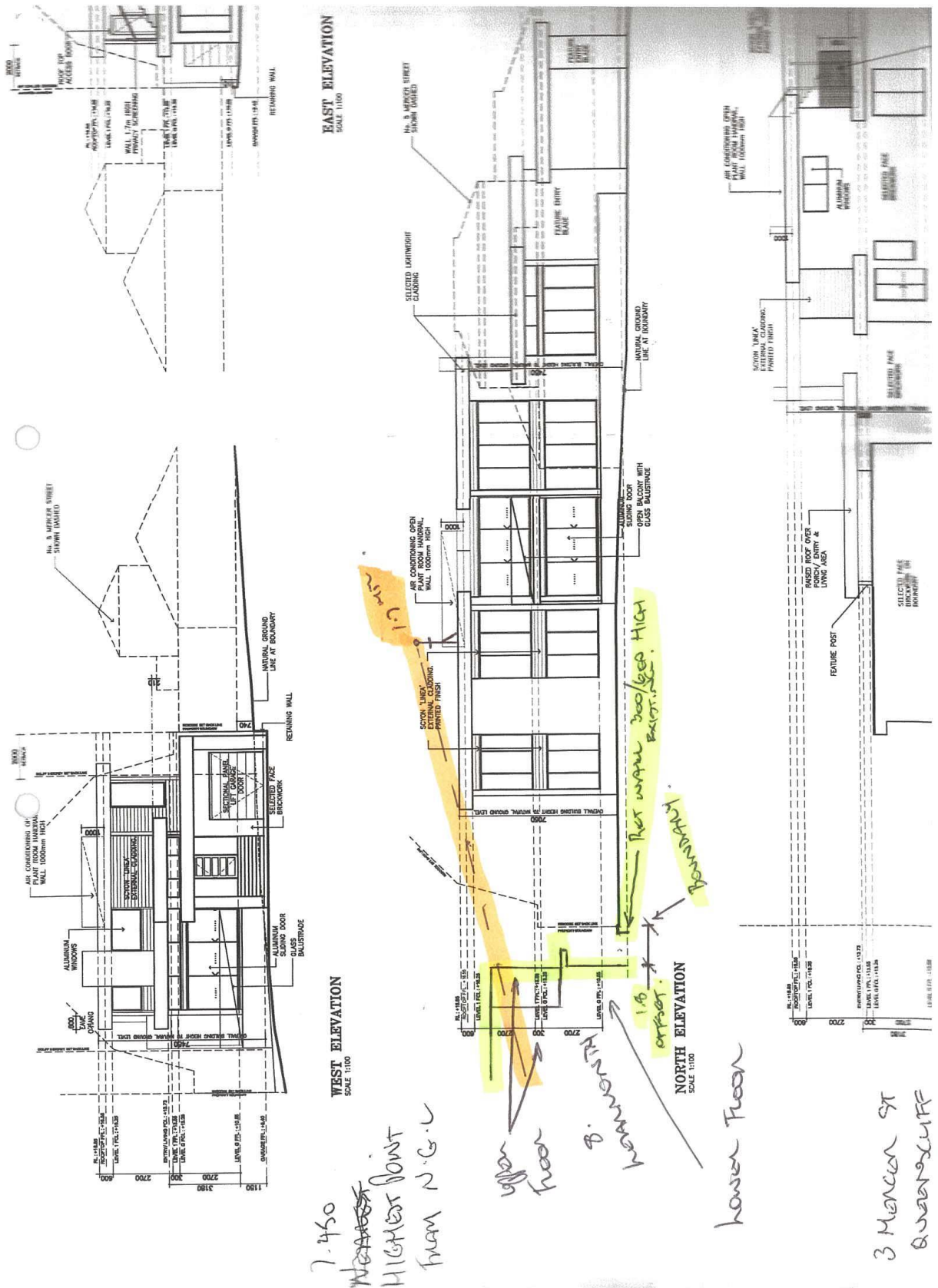
Due to the positioning of the area, there will be no visual impact from Symonds street, and very little if any from Mercer street.

3/

The line of sight from the area does not look into Thiels property except for seeing their roof and a small section of their upper western wall which from the eastern handrail at eye height, is some 15.00 mts away, far exceeding any building regulations considering open space and overlooking.

4/

Overlooking options the meet current building regulations will be addressed at building permit stage for the eastern bedroom 2 window.





19/6/15.

Att Ms Leah Protyniak,
Re Town Planning application 2015-033
3 Mercer street Queenscliff



Dear Leah,

My response to the objection from I and T Taylor at 9a Mercer street is that I have a current town planning permit in which is in force. This new application affords the objectors more view sharing than the existing permit, and as you can see from the photographic image provided with their objection, that they will still have considerable views over the top of my new home.

I have previously spoken with Mr Taylor and pointed out that I had a town planning permit to build a new double storey house, to which he replied along the lines off, "i've got no problem with that as i'm high enough to see over the top of it".

Furthermore, I have no intention to pay for a surveyor nor erect height poles for a complainant 3 blocks away.

I look forward to you further progressing my application.

Regards



11. CLOSE OF MEETING