

Ref: P12/0666: Direct Dial: Tracey Young on (03) 5950 1010: Fax (03) 5950 1910  
LAND: 44715

23 May 2012

Western Port Building Design  
13 Landscape Court  
BALNARRING VIC 3926

Dear Sir / Madam

**PLANNING APPLICATION P12/0666  
3 PENNY LANE MCCRAE**

I refer to the above application, which has been considered and approved.

Attached is a copy of the Planning Permit subject to the stated conditions - together with the endorsed plans.

As a permit has been issued for the development of buildings or works, a Building Permit may be required before the buildings or works commence and advice should be sought from a Private Building Surveyor.

If you have any further questions I will be pleased to assist.

Yours faithfully

**TRACEY YOUNG  
PLANNING ASSISTANT**

*The Sustainable Environment Group is located at the Mornington Office  
Queen Street, Mornington*

Form 4

**PLANNING  
PERMIT**

Permit No:

**P12/0666**

Planning Scheme:

Mornington Peninsula

Responsible  
Authority:

Mornington Peninsula Shire

**ADDRESS OF THE LAND:**

**3 PENNY LANE MCCRAE**  
**Lot 4 PS 348585 Vol 10283 Fol 265**

**THE PERMIT ALLOWS:**

**THE DEVELOPMENT OF A CARPORT INCORPORATING AN ENCLOSED  
 STORAGE SPACE IN ACCORDANCE WITH THE ENDORSED PLANS**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:****Conditions Nos. 1 to 3 inclusive**

1. The layout of the land, the size and type of the proposed buildings and works, including the materials of construction, on the endorsed plan must not be altered or modified without the consent of the Responsible Authority.
2. The materials and colour of the exterior finish of the building must be in accordance with the endorsed plans unless with the further permission of the Responsible Authority.
3. All disturbed surfaces on the land resulting from the development must be re-vegetated and stabilised to the satisfaction of the Responsible Authority.

**Date Issued: 23/05/2012**
**Signature for the  
 Responsible Authority:**

Irrelevant &amp; Sensitive

**TRACEY YOUNG - PLANNING ASSISTANT**

Form 4  
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED:

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- \* from the date specified in the permit, or
- \* if no date is specified, from:

- (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
- (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if-
  - \* the development or any stage of it does not start within the time specified in the permit, or
  - \* the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if-
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - \* the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if-
  - \* the development or any stage of it does not start within the time specified in the permit, or
  - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - \* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - \* the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - \* the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

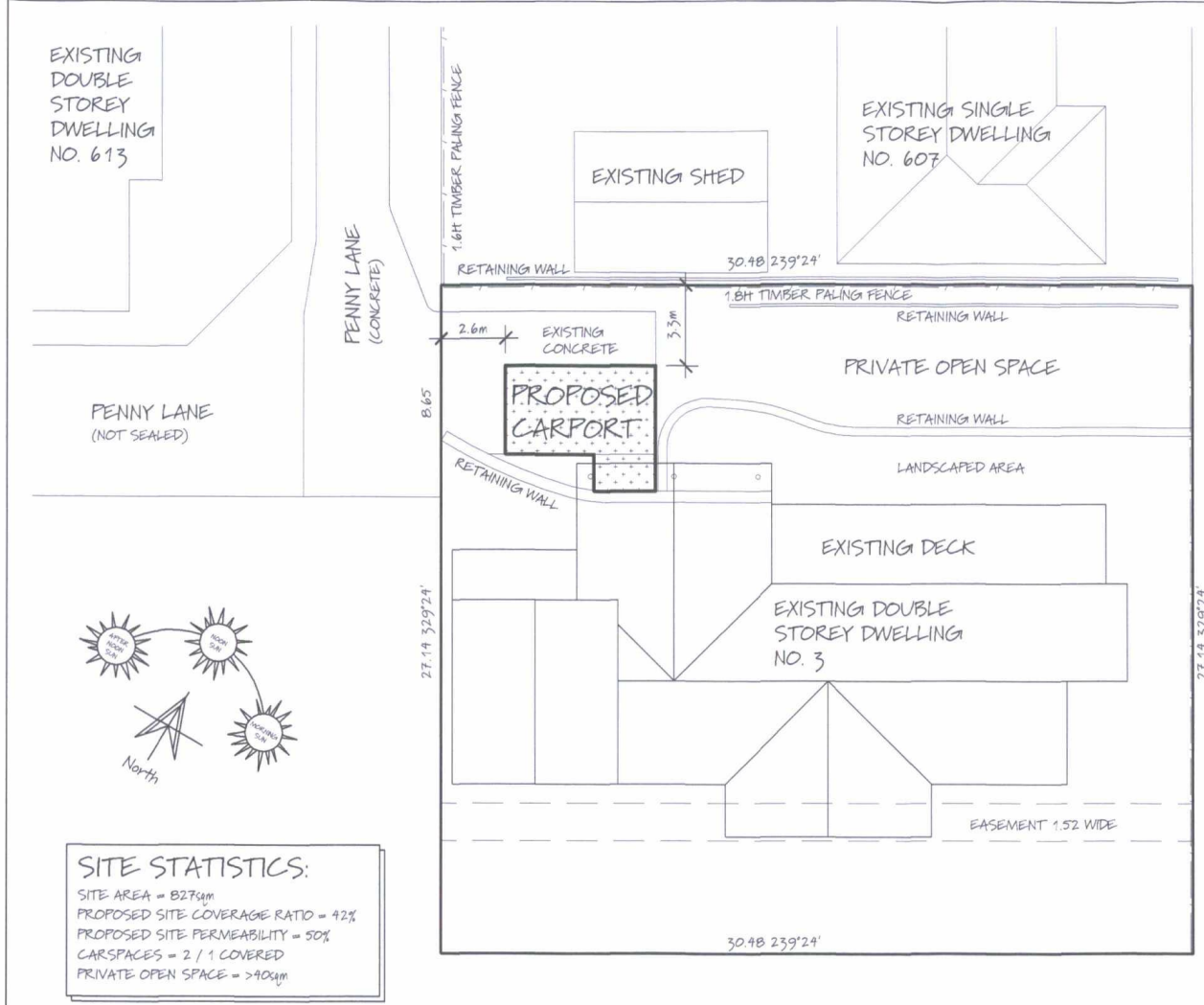
WHAT ABOUT APPEALS?

- \* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal exists.
- \* An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- \* An application for review must be made on a Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- \* An application for review must state the grounds upon which it is based.
- \* An application for review must also be served on the Responsible Authority.
- \* Details about applications for review and the fees payable can be obtained from the:

Victorian Civil and Administrative Tribunal  
Planning Division  
7th Floor, 55 King Street,  
Melbourne, 3000.  
Phone: (03) 9628-9777

Fax: (03) 9628-9789

DX 210160



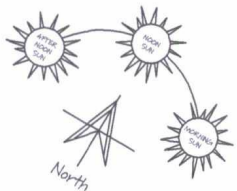
EXISTING  
DOUBLE  
STOREY  
DWELLING  
NO. 613

EXISTING SINGLE  
STOREY DWELLING  
NO. 607

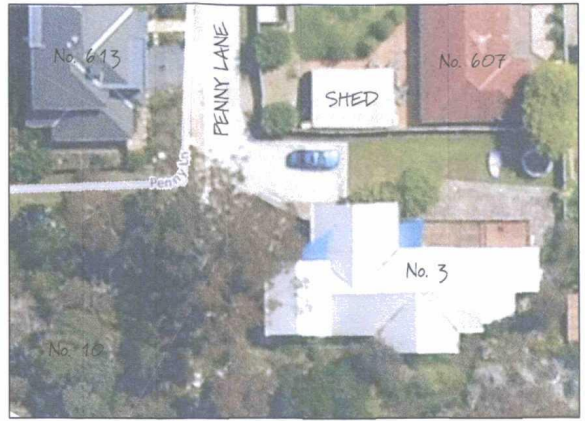
EXISTING SHED

PENNY LANE  
(CONCRETE)

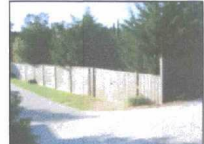
PENNY LANE  
(NOT SEALED)



**SITE STATISTICS:**  
SITE AREA = 827sqm  
PROPOSED SITE COVERAGE RATIO = 42%  
PROPOSED SITE PERMEABILITY = 50%  
CARSPACES = 2 / 1 COVERED  
PRIVATE OPEN SPACE = >40sqm



AERIAL PHOTO - NOT TO SCALE



VIEW FROM PENNY LANE  
NORTH TO No. 607



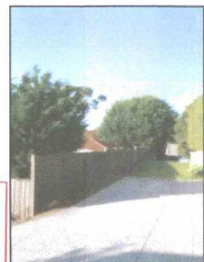
VIEW TO No. 607 SHED FROM  
No. 3 REAR YARD



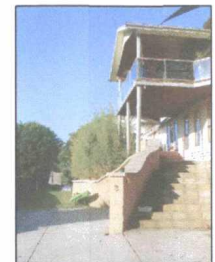
VIEW ALONG PENNY LANE  
TO POINT NEPEAN ROAD



No. 613 POINT NEPEAN ROAD,  
PENNY LANE ACCESS



VIEW TO NO.3 EXISTING  
CONCRETE PAVEMENT &  
ALONG NORTHERN SITE  
BOUNDARY



VIEW TO NO.3 EXISTING  
DWELLING, STAIR, SANDSTONE WALLS &  
CONCRETE PAVEMENT

MORNINGTON PENINSULA PLANNING SCHEME  
PLANNING PERMIT NO. P12/0666  
**ENDORSED PLAN**  
Sheet 1 of 2  
Signed: [Signature]  
STATUTORY PLANNER  
Date: 23-5-2012



DPAD 24177 BDAV No. 1448  
**Western Port Building Design**  
m: 0407 871157 e: wpbdoffice@gmail.com

TOWN PLANNING DRAWING  
NOT FOR CONSTRUCTION

CLIENT: B WELLS  
ADDRESS: 3 PENNY LANE McCRAE  
PROJECT: PROPOSED CARPORT

ISSUE: TOWN PLANNING APPLICATION  
240412



DRAWN: RW  
DATE: APR 2012  
SCALE: 1:200  
DWG No: 1 OF 2  
JOB No: 12-13







## Delegate Report – P12/0666

*Statutory Planning – Mornington*

<b>Prepared By</b>	<b>Tracey Young</b>
<b>Manager</b>	<b>Angela Hughes</b>
<b>Date</b>	<b>18 May 2012</b>
<b>Application Received</b>	<b>27 April 2012</b>
<b>Applicant</b>	<b>Western Port Building Design</b>
<b>App. Description</b>	<b>Carport</b>
<b>Land Address</b>	<b>3 Penny Lane McCrae</b>
<b>Land Number</b>	<b>44715</b>
<b>Planning Scheme</b>	<b>Mornington Peninsula Shire</b>
<b>Zoning</b>	<b>R1Z</b>
<b>Overlays</b>	<b>DDO3, ESO25, VPO1</b>

**Outstanding  
Charges Balance**

### Summary

#### Permit Requirement / Key Issues

Environmental Significance Overlay Schedule 25 (ESO25) - Under the controls of the overlay a permit is required for all buildings and works.

Design and Development Overlay Schedule 3 (DDO3) – Under the controls of the overlay a building must be setback at least 7.5 metres from the road frontage.

The key issues are:

- Impact on the coastal area
- Streetscape

#### Advertising

The proposal did not require advertising as it was determined that no material detriment would be caused to any person. This view was formed on the basis that:

- The structure will be modest in scale.
- It will be well setback from the side boundary.
- Existing vegetation and fencing will screen the development on approach.

#### Referrals Under Section 55

No referrals were required.

**Restrictions / Covenant / Section 173 Agreement**

No restriction is registered on the title of the land.

**Objections**

No objections were lodged against the proposal. Objective checked 4.05pm.

**Recommendation**

That a permit be issued for a carport incorporating a storage room.

**Background / Proposal**

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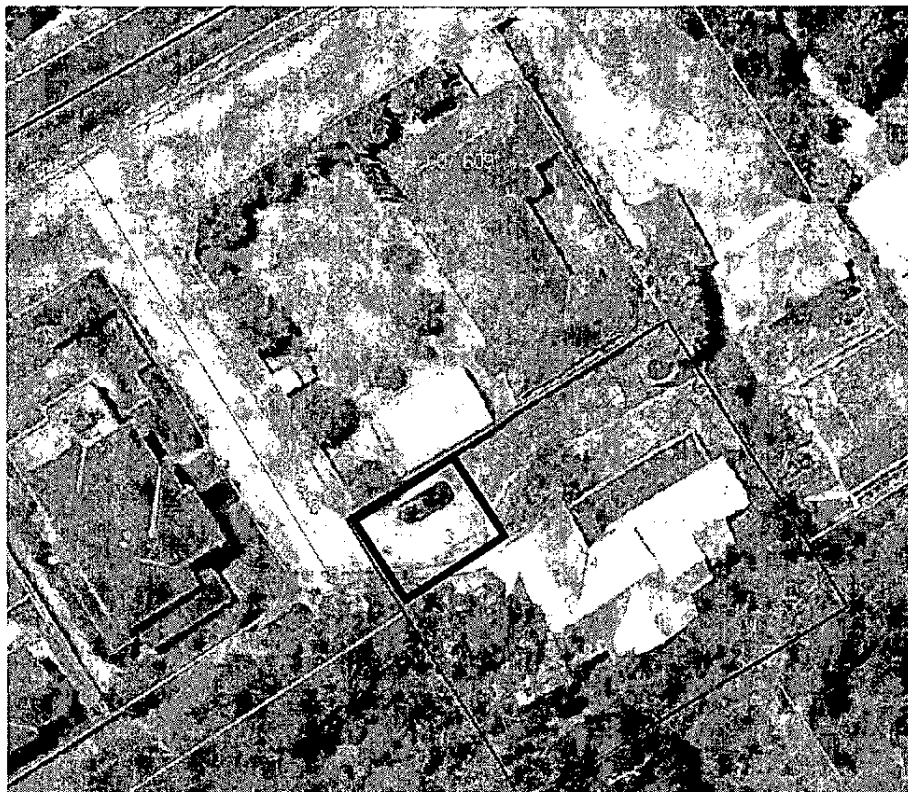
**History / Previous Permits**

There is no electronic record of a previous permit which would impact a decision on this application.

**Existing Conditions Site Inspection**

The subject land has an area of 826 square metres and contains a two storey dwelling which is stepped up a steep incline in the lot to the south side of the dwelling. As a result the dwelling is narrow in depth but extends across the lot. To the north of the dwelling the land is level and a concreted area exists to the north west corner where the carport is proposed.

The site is unique in that it is situated at the end of Penny Lane, a carriageway which is part unmade and unformed to the west of the subject site. This part of Penny Lane services only two dwellings as can be seen in the aerial photo below.



### Adjoining Properties

North – Single storey dwelling with frontage to Point Nepean Road. Ground level of this lot is lower than the subject site. 2 metre brush fencing and outbuilding will provide screening of carport.

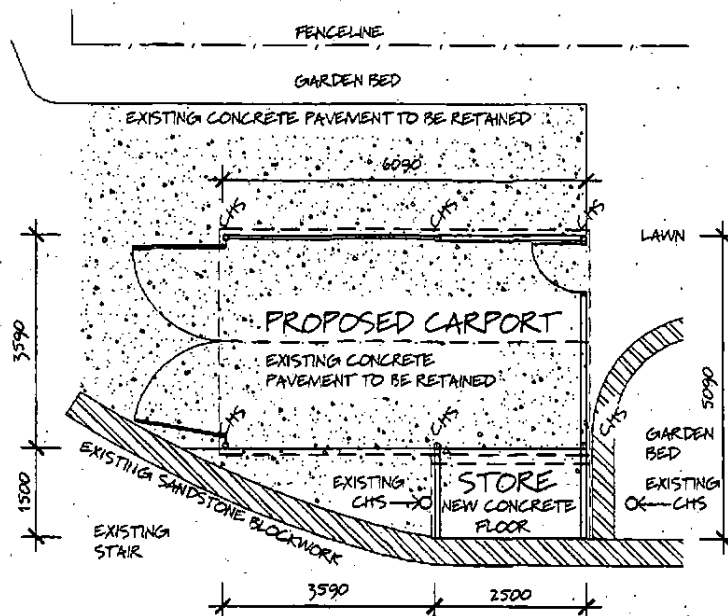
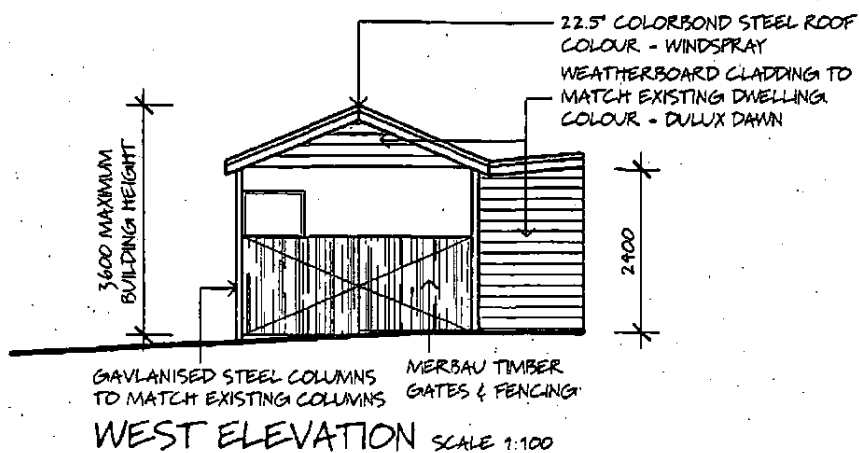
South – Dwellings on heavily vegetated lots. Steep incline between subject land and the adjoining dwellings which are setback in excess of 20 metres.

East – Two Storey Dwelling, vegetation on subject land and adjoining site provide screening.

West – Road reserve. Single storey dwelling with frontage to Penny Lane.

### Proposal Outline

To construct a carport incorporating a storage facility. Excerpts from the submitted plans are shown below:



### Development Details / Variations Sought

Type	Description	DDO3 / Scheme Variation?
Roof Materials	Colourbond	Complies DDO3
Wall Materials	Weatherboard & Merbau timber gates	Complies DDO3
Roof Colour	Windspray	Complies DDO3
Wall Colours	Dulux Dawn weatherboard Natural timbers	Complies DDO3
Building Height	3.6 metres maximum	Complies DDO3
Wall Height	3.6 metres maximum	Complies DDO3
Front Setback	2.6 metres	Varies DDO3
Other Setbacks	3.3 metres from side boundary	Complies DDO3
Veg. Clearance	Nil	
Earthworks	Nil	

### Consideration / Analysis

Policy		Clause
<b>LPPF</b>	<b>MSS / Local Policies</b>	<b>Clause 21: Municipal Strategic Statement (MSS)</b> <b>Clause 21.07-2: Local Area Character</b> <b>Clause 21.08: Foreshore and coastal areas</b> <b>Clause 22.13: Township Environments</b>
<b>Zone</b>		<b>Clause 32.01 Residential 1 Zone – R1Z</b>
<b>Overlays</b>		<b>Clause 43.02 Design And Development Overlay – DDO3</b> Schedule 1 Coast and Landscape Design.
		<b>Clause 42.02 Vegetation Protection Overlay – VPO1</b> Schedule 1 Township Vegetation.
		<b>Clause 42.01 Environmental Significance Overlay- ESO25</b> Schedule 25 Port Phillip Coastal Area

### Consideration

The proposed development meets the objectives of the DDO3 & ESO25 and is considered appropriate as:

- Although the proposed setback of 2.6 metres is a major variation to the DDO3 required setback of 7.5 metres it is considered appropriate on this site due to the existing site conditions and constraints. As the land has a dramatic incline from street level the dwelling has been constructed along the lot leaving all open space to the north of the dwelling. If the carport was sited to better comply with the 7.5 metre setback much of the useable open space on the land would become hard surface which is not a desirable outcome.



- The proposed development is ~~proposed~~ to abut the existing dwelling in order to keep a reasonable setback from the side boundary thus not impacting the amenity of the adjoining land to the north.
- Although the dwelling to the west is oriented toward the street front and visible from the proposed development site, the structure is modest in height and scale and it is not likely to impact the amenity of this property.
- As no earthworks or vegetation removal is required the proposed will not have detrimental impact on the sensitive coastal environment.
- The development will not appear visually obtrusive when viewed from nearby land or foreshore as it is appropriately articulated and in keeping with the design of the existing dwelling.

### ***Recommendation***

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The application for development of a carport incorporating an enclosed storage space is recommended for approval and planning permit P12/0666 issued subject to the attached conditions.

### **Personal Information**

TRACEY YOUNG  
PLANNING ASSISTANT

Approved

18-5-2012

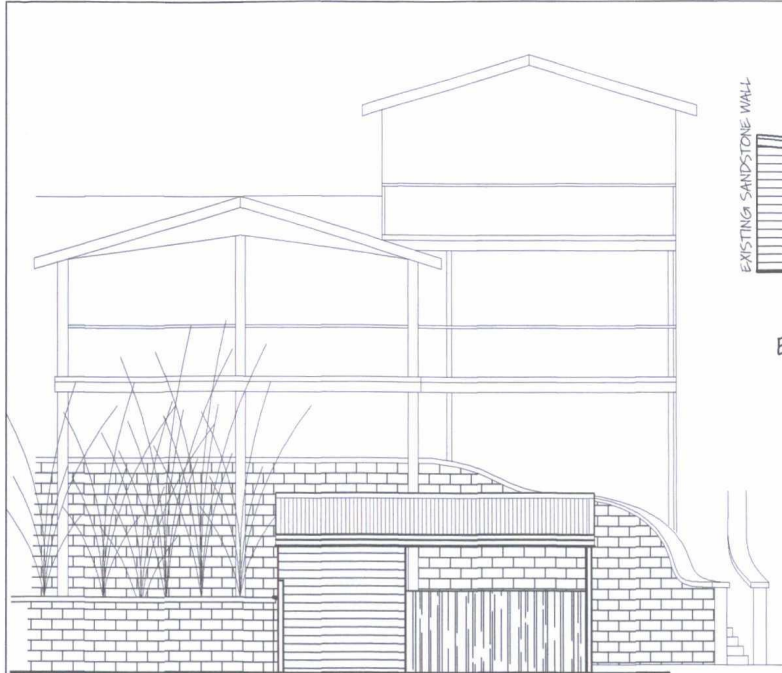
### **OFFICER DIRECT OR INDIRECT INTEREST**

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

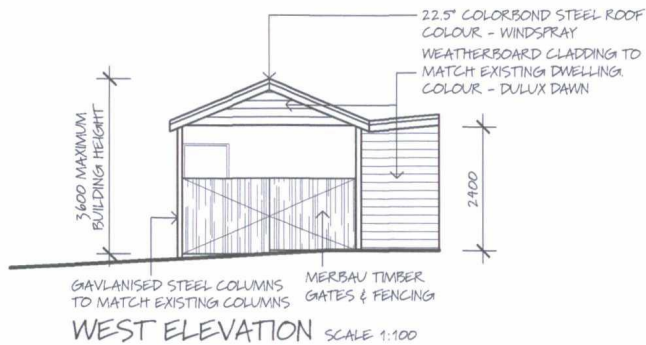
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**DRAFT CONDITIONS****APPLICATION P12/0666**

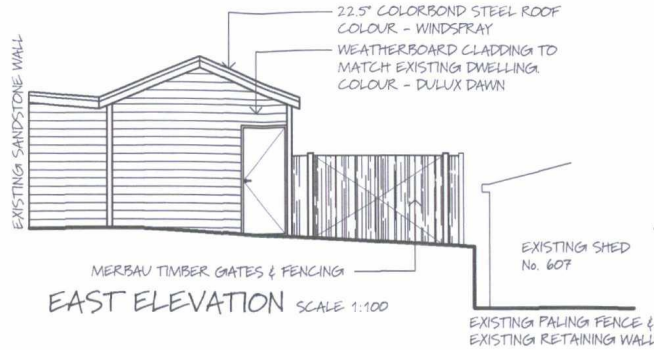
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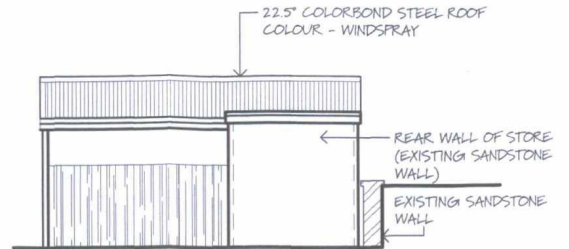
NORTH ELEVATION SCALE 1:100



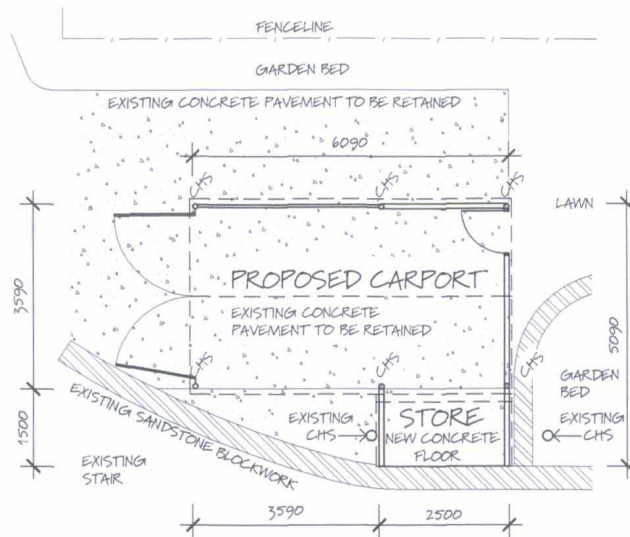
WEST ELEVATION SCALE 1:100



EAST ELEVATION SCALE 1:100



SOUTH ELEVATION SCALE 1:100



FLOORPLAN SCALE 1:100 AREA = 25.64m



WEST ELEVATION (VIEW FROM PENNY LANE) SCALE 1:100



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