

Appendices



APPLICATION FOR REVIEW No. P3390/2002
PLANNING APPLICATION No P02/1833

List of Appendices

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Appendix 1 - Site Map



100 m

Appendix 2

32.01 RESIDENTIAL 1 ZONE

Shown on the planning scheme map as **R1Z**.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character.

In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

32.01-1 Table of uses

Section 1 - Permit not required

USE	CONDITION
Animal keeping (other than Animal boarding)	Must be no more than 2 animals.
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast) Home occupation Informal outdoor recreation Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation Natural systems	

Section 1 - Permit not required (continued)

USE	CONDITION
Place of worship	Must be no social or recreation activities. The gross floor area of all buildings must not exceed 180 square metres. The site must not exceed 1200 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Railway Road	
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	

Section 2 - Permit required

USE	CONDITION
Accommodation (other than Dependent person's unit and Dwelling) Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)	
Animal keeping (other than Animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Community market	
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	The leasable floor area must not exceed 80 square metres.
Food and drink premises (other than Convenience restaurant and Take away food premises) Leisure and recreation (other than Informal outdoor recreation and Motor racing track) Medical centre Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	

Section 2 - Permit required (continued)

USE	CONDITION
Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship) Plant nursery	
Service station	The site must either: ▪ Adjoin a business zone or industrial zone. ▪ Adjoin, or have access to, a road in a Road Zone. The site must not exceed either: ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

USE
Amusement parlour Animal boarding Animal training Brothel Cinema based entertainment facility Extractive industry Horse stables Industry (other than Car wash) Intensive animal husbandry Motor racing track Nightclub Office (other than Medical centre) Retail premises (other than Community market, Convenience shop, Food and drink premises, and Plant nursery) Saleyard Transport terminal Warehouse (other than Store)

32.01-2 Subdivision**Permit requirement**

A permit is required to subdivide land.

A subdivision must meet the requirements of Clause 56.

Exemption from notice and review

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives and standards of Clause 56.

32.01-3 Construction and extension of one dwelling on a lot

Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in the schedule to this zone.

The construction or extension of a dwelling includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives, standards and decision guidelines of Clause 54.

32.01-4 Construction and extension of two or more dwellings on a lot and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a residential building.

The construction or extension of a dwelling or a residential building includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The objectives, standards and decision guidelines of Clause 55.

32.01-5 Requirements of Clause 54 and Clause 55

The schedule to this zone may specify the requirements of:

- Standards A3, A4, A5, A10, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B7, B8, B17, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in the schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.01-6 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.01-1.

32.01-7 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Notes: *Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.*

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

MSC 5002.000
Appendix 3



Appendix 4

SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3

COAST AND LANDSCAPE DESIGN

1.0

Design objectives

- To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal villages, hillsides and clifftop areas.
- To avoid higher densities of development in areas subject to instability, erosion or potential fire hazard and to minimise the extent of required earthworks.
- To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.
- To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.
- To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.
- To protect shared viewlines where reasonable and practical.
- To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.
- To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Portsea Clifftop area and the Sorrento Heritage Precinct.
- To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape.
- To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.
- To ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.
- To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation.

2.0

Buildings and works

No permit required

A permit is not required to construct a building or construct or carry out works for any of the following, but only if, the General requirements set out in this schedule are met.

- A dwelling extension or alteration.
- An outbuilding.
- A dependent person's unit.

Note: The Mandatory requirements of this schedule also apply.

Permit required

An application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

Note: The Mandatory requirements of this schedule also apply.

In the Residential 1 zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot:

- Must comply with Clause 54.01.
- Must meet all of the objectives and should meet all of the standards of Clause 54.02, 54.03-3, 54.03-4, 54.03-5, 54.03-6, 54.03-7; 54.04-2; 54.04-3, 54.04-4, 54.04-5, 54.04-6, 54.05, 54.06-1.
- Must meet the objectives of Clauses 54.03-1, 54.03-2 and 54.04-1.

A permit is required to construct a fence if:

- The fence has a height of 1.8m or more; or
- The fence is located 6 metres or less from any public foreshore land, cliff edge or cliff face; or,
- The fence is constructed of fibro cement sheet materials.

General requirements

- All buildings and works must be located on land with a slope of less than 20%.
- Buildings must not be located on a ridge.
- No building may exceed a wall height of 5.5 metres or a building height of 6 metres.
- The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained.
- All buildings must be located at least 10 metres from any land within a Public Park and Recreation Zone, Public Conservation and Resource Zone or Road Zone and at least 6 metres from any cliff edge.
- Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where a dwelling on an adjoining lot that fronts the same road is set back less than 7.5 metres, the minimum setback is the same as that of the adjoining dwelling.
- A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.
- More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.
- All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40% reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25%, the colours may match that of the existing development.
- A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building.

Mandatory requirements

The following requirements apply, as appropriate, to all buildings and works, whether or not a permit is required.

Sewerage and drainage

All new dwellings must be connected to:

- A reticulated sewerage system or an alternative approved by the responsible authority.
- A reticulated drainage system or an alternative approved by the responsible authority.

These requirements cannot be varied with a permit.

Maximum building height

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. This does not apply to any of the following:

- A building that complies with height provisions specified in a plan approved under a schedule to the Development Plan Overlay.
- Alteration to or extension of a lawfully existing building but only if all of the following requirements are met:
 - The existing building has a building height of more than 8 metres or contains 3 or more storeys above natural ground level.
 - The maximum building height of the existing building is not exceeded.
 - The external bulk of the existing building is not significantly increased.
 - The footprint of the upper storey, existing at the approval date, is not increased by more than 10%.

These requirements cannot be varied with a permit except that an application to construct a building with a height of more than 8 metres may be considered in the area located to the north of a boundary defined by Ellerina Road West, Bruce Road, the Nepean Highway, Mornington-Flinders Road, Bittern- Dromana Road and Disney Street. This provision does not apply after 31 December 2003.

Number of dwellings

No more than one dwelling, excluding a dependent person's unit, may be constructed on a lot. This requirement cannot be varied with a permit.

3.0**Subdivision**

Where land is within a Residential 1 Zone, the average area of all lots within a subdivision must be no less than 1500 square metres and each lot must be able to contain a rectangle with minimum dimensions of 25 metres x 35 metres. These requirements do not apply to lots that are in compliance with a restructure plan under Clause 45.05 or a development plan under Clause 43.04.

Where land is within a Low Density Residential Zone each lot within a subdivision must have an area of least 4000 square metres.

Land that is capable of further subdivision is excluded from the calculation of average lot area.

The area of land set aside as common property or land that is to be transferred to Council for public open space and recreation, over and above that which may be required under

Section 18 of the Subdivision Act 1988, may be included in the calculation of average lot density.

These requirements cannot be varied with a permit unless any of the following requirements are met:

- The subdivision realigns the boundary between existing lots, provided no new lot or additional subdivision potential is created.
- Two or more dwellings have lawfully existed on a lot since the approval date and the subdivision proposes to create separate lots for each dwelling.
- The subdivision excises land for a road, utility installation or other public purpose.

4.0

Decision guidelines

Before deciding on an application the responsible authority must consider as appropriate:

- The design objectives of this schedule.
- Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.
- Whether any loss of amenity will result from a variation to the requirements of this schedule.
- Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.
- The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion and on the amenity and accessibility of areas of public open space.
- In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.
- The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

Appendix 5



- Overlays**
- Design and Development Overlay
 - Schedule 1
 - Design and Development Overlay
 - Schedule 2
 - Design and Development Overlay
 - Schedule 3
 - Design and Development Overlay
 - Schedule 4

AUSTRALIAN MAP GRID ZONE 52



Appendix 6

MORNINGTON PENINSULA PLANNING SCHEME

SCHEDULE 25 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO25

PORT PHILLIP COASTAL AREA

1.0 Statement of environmental significance

The Port Phillip coastal area and adjoining offshore areas contain some of Victoria's most significant cultural and natural features, including sites of ecological, archaeological, geological, geomorphological, aesthetic and cultural heritage value. These places are of cultural, scientific and educational value to current and future generations.

2.0 Environmental objectives to be achieved

- To protect and enhance the natural features, vegetation, ecological diversity, landscape quality, heritage values and recreation opportunities of the Port Phillip Bay coastal area and associated intertidal and marine habitats.
- To promote excellence in design of buildings, facilities and structures in the coastal area.
- To promote coordinated management of the Port Phillip coastal area.

3.0 Permit requirement

A permit is required to construct fencing.

A permit is not required for:

The removal of vegetation in the ordinary course of the management of established parks or gardens or in the course of the repair or maintenance of any other works including fire breaks.

Works for the establishment, maintenance, repair or removal of signs or other structures necessary for the safety or protection of the public including traffic management devices, survey marks and beacons, navigation aids, safety fences or railings.

Any structure, works or use for which consent has been granted under the Port Phillip Coastal Planning and Management Act 1966 since 16 February 1986.

A minor public utility installation or litter receptacles.

Development carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the relevant provisions of the Water Industry Act 1994, the Water Act 1989, the Marine Act 1968, the Port of Melbourne Authority Act 1958, the Crown Land (Reserves) Act 1978 or the Parks Victoria Act 1998.

Every application involving land within or abutting a Public Park and Recreation Zone or Public Conservation and Resource Zone must be referred to the Secretary to the Department of Natural Resources and Environment and Parks Victoria under Section 55 of the Act.

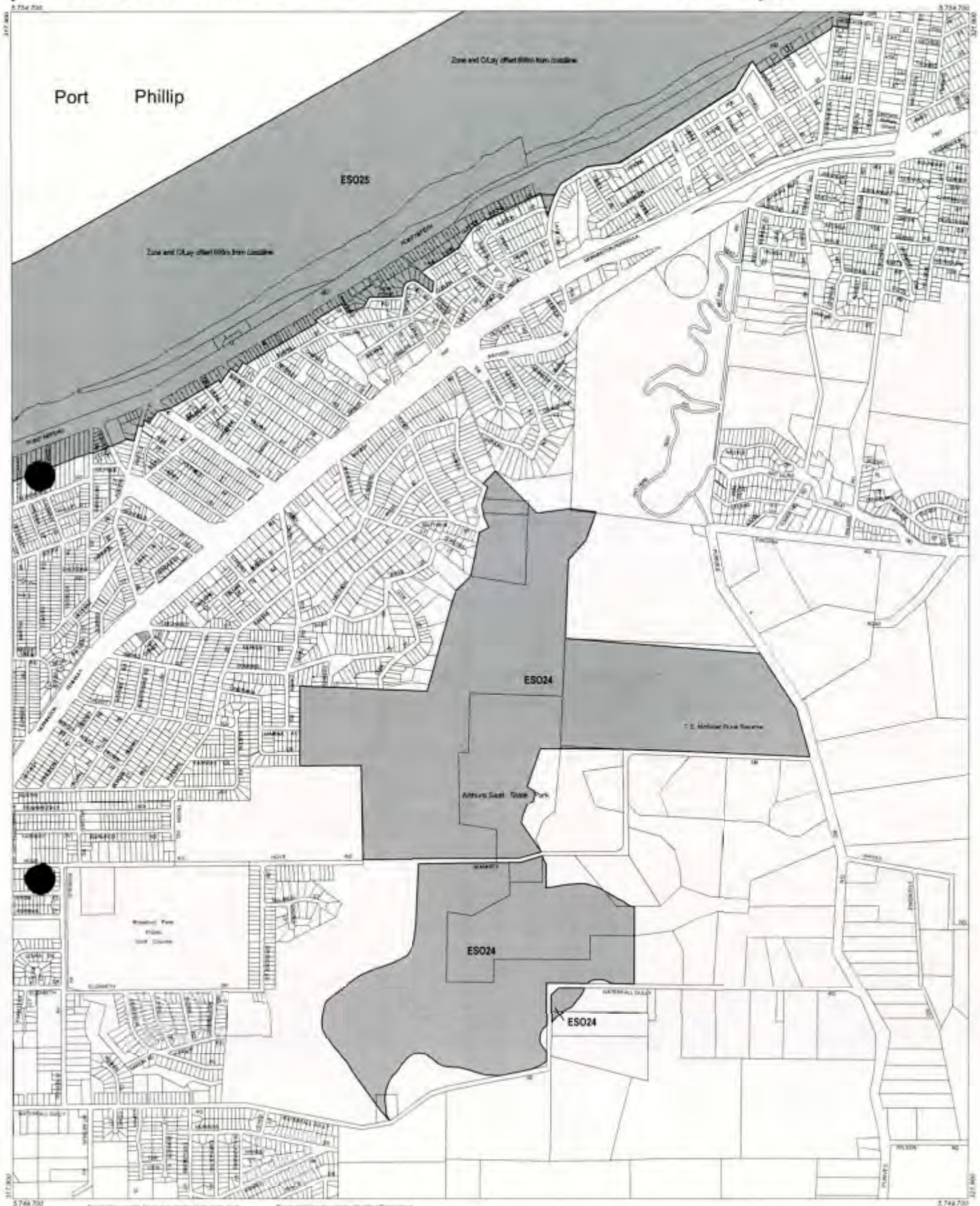
4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The environmental objectives of this schedule.
- The existing use and development of the land.
- The degree to which the proposed development is dependent on a coastal location.
- The ability to reduce the number of buildings and other structures by combined use or reuse of existing buildings.
- The appropriateness of a condition requiring the relocation or removal of inappropriate structures as part of an application.
- Whether any proposed structure or works, including the planting or removal of vegetation, is likely to cause any deterioration of the Port Phillip Coastal Area by virtue of erosion or the deposition of sand or silt or any other reason.
- The Victorian Coastal Strategy, Siting and Design Guidelines for Structures on the Victorian Coast (May 1998) and Landscape Setting Types for the Victorian Coast (May 1998).

MORNINGTON PENINSULA PLANNING SCHEME - LOCAL PROVISION

Appendix 7



Appendix B

MORNINGTON PENINSULA PLANNING SCHEME

LOCAL PROVISION

SCHEDULE 1 TO THE VEGETATION PROTECTION OVERLAY

Shown on the planning scheme map as VPO1

TOWNSHIP VEGETATION

1.0 Statement of nature and significance of vegetation to be protected

There are many residential areas within the Mornington Peninsula's where substantial vegetation cover, rather than built form, is the dominant visual and environmental feature. These areas include the Mt Eliza escarpment, areas of the Mornington township, the rural residential areas of Somerville, Hastings and Crib Point, the Westernport coastal villages, and the hillside, cliff top, sand dune and wildcoast areas of the southern Peninsula.

In these areas, the impression is of buildings within a landscape rather than that of landscaping around buildings. This balance between natural or introduced vegetation and built form contributes substantially to local character. Vegetation in these areas also serves important environmental functions in providing areas of habitat and habitat corridors, assisting soil stability, reducing the intensity of stormwater runoff and limiting the erosion and siltation of streamlines.

2.0 Vegetation protection objective to be achieved

- To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.
- To ensure that subdivision and development proposals have proper regard to the landscape character of township areas.
- To ensure that new development has proper regard for the established landscape, streetscape and development pattern in terms of being consistent with the existing balance between vegetation and building form in the local area and contributing to the landscape character of the area.
- To ensure that any removal of natural vegetation and works associated with development in environmentally sensitive areas, including streamline areas, is carried out with proper regard to the physical characteristics of each site and the local area.
- To avoid grazing on the steeper slopes of Arthur's Seat.
- To ensure that any removal of natural vegetation in proximity to the Point Nepean National Park or other public land has proper regard to the impact on these areas.
- To protect and conserve native vegetation, including grasses and ground flora.
- To protect and conserve the habitat value of vegetation within township areas.
- To encourage strategic replanting to provide for the long term maintenance of landscape and environmental values within townships.
- To ensure that the proposed relocation of dwellings, or other buildings, includes measures to minimise the removal of vegetation on site and from road reserves.
- To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

3.0 Permit requirement

A permit is required to remove, destroy or lop any vegetation, except for:

- The removal of vegetation carried out in conjunction with a development approved under a planning permit and in accordance with an endorsed plan.
- The removal of vegetation necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required and provided that:
 - A building permit has been granted for the proposed development.
 - Vegetation is only removed from the building footprint or within 2 metres of the proposed building.
 - No tree with a trunk circumference greater than 0.35 metres is removed within 6 metres of a road frontage.
- The removal of vegetation to enable the formation of a single crossing and access driveway with a maximum width of 3.7 metres.
- ⑤ The removal of vegetation which presents an immediate risk of personal injury or damage to property including the culling of single trees located within 3 metres of a dwelling or outbuilding, or which overhangs a boundary line.
- The removal of any dead timber or branch which has occurred through natural circumstances, fire or the spread of noxious weeds.
- The removal of any tree or branch of a tree which impairs the access of motor vehicles along any existing or approved access track, provided that such access track has a width no greater than 3.7 metres.
- The maintenance of landscaping, including pruning, which does not effect the stability, general form and viability of the vegetation.
- The removal of vegetation that has been established for less than 10 years and which is not required as landscaping under a planning approval.

An application for permit must be accompanied by a vegetation management plan clearly indicating:

- All existing vegetation on the site, the extent and purpose of proposed vegetation removal and the species, density and location of trees and other vegetation to be planted.
- The location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 percent.

Where it is proposed to relocate a building, the application must specify the intended access route and provide an assessment of the vegetation impact, both on the site and on road reserves, including any proposed replanting.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The vegetation protection objectives of this schedule.
- The value of the native vegetation to be removed in terms of its habitat, landscape and environmental values, age, physical condition, rarity or variety.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- Whether there is any reasonable alternative means of siting buildings and works in order to conserve the native vegetation of the area.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The benefit of conditions providing for the relocation of significant species prior to development of a site, having particular regard to the occurrence of native orchids.
- The benefit of conditions requiring planting, replanting and other treatment of the land, having regard to the relationship between buildings and the landscape and the maintenance, where possible, of shared view lines.
- The need for replacement vegetation to be of an appropriate species and to exclude environmental weeds.
- The need for a condition requiring the payment of a bond as part of a development approval to ensure that no unauthorised removal of vegetation occurs.

MORNINGTON PENINSULA PLANNING SCHEME

- The comments of any relevant coastal management, fire prevention, land management or soil conservation authority.

4.700



Through this he seeks assistance with additional funding, which is available to students of the SATS TO APPS.

AUSTRALIAN MAP GRID ZONE 60

METRIC SERIES MAP

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№ 27VPO

MAP No 27VPO

SCM
5/4/02

Appendix 10

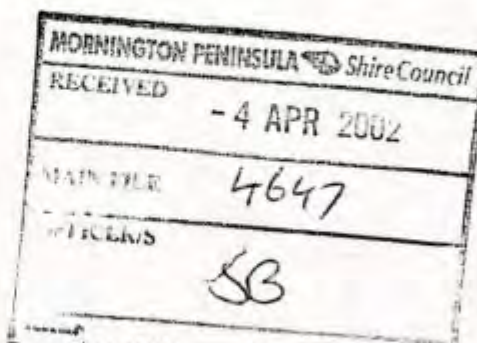
PLANNING & ENVIRONMENT LIST

VCAT Reference Number: P51677/2001

Your Ref:

3/04/2002

Mornington Peninsula Shire Council
DX 30059
ROSEBUD



Dear Sir/Madam,

Application Concerning:

3 Overbay Avenue
DROMANA VIC 3936 P011576

I refer to the above application and enclose a copy of VCAT's Order in this matter.

Please Note:

Most VCAT decisions where VCAT gave written reasons for the decision, are available via our website (www.vcat.vic.gov.au) which has a link to take you to the Australasian Legal Information Institute's website (AustLII) where records of the decisions are stored and may be accessed.

Decisions should appear on AustLII within 14 days after the decision is posted. We suggest you use the "Recent Updates List" function on AustLII to find recently released cases.

Yours faithfully,

Senior Registrar

Encl:

(16Order V.5/1/99)

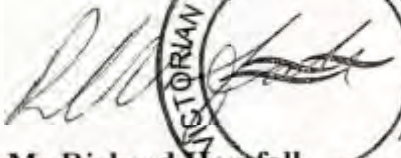
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**PLANNING & ENVIRONMENT LIST**

NO. P51677/2001

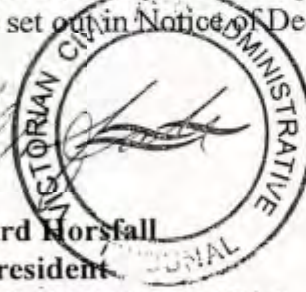
APPLICANT:	Angela Politis
RESPONSIBLE AUTHORITY:	Mornington Peninsula Shire Council
RESPONDENTS:	AV Jennings Ltd, Helen Thomas
WHERE HELD:	Melbourne
BEFORE:	Mr Richard Horsfall, Deputy President
SUBJECT LAND:	3 Overbay Avenue, Dromana
PROCEEDING:	Hearing
DATE OF PROCEEDING:	27 February 2002
DATE OF DECISION	3 April 2002

ORDER:

The decision of the Responsible Authority is affirmed. The Tribunal directs the Responsible Authority to issue a permit in accordance with and subject to the conditions set out in Notice of Decision No P01/1876 issued 19 October 2001.



Mr Richard Horsfall
Deputy President
Planning & Environment List


APPEARANCES

Mr A Cooksley, Planning Officer, for Mornington Peninsula Shire Council.

Mr N J Tweedie of Counsel instructed by Kelleher's Australia for Angela Polites. He called Mr Ian Gibb of Hansen Partnership to give evidence.

Mrs Helen Thomas appeared personally, assisted by A V Jennings Limited.

REASONS

Application

1. This application is made by Mrs Angela Politis of No 5 Overbay Avenue, Dromana under Section 82 of the *Planning and Environment Act 1987* ("Act") against the decision of the Mornington Peninsula Shire Council ("Council") to grant a permit for the development of a dwelling, garage and earthworks at 3 Overbay Avenue, Dromana.
2. A related application was P51678/2001 for a declaration under Section 149B of the Act by the same Applicant but this application was withdrawn and leave to withdraw was given at the hearing.

The Proposal

3. The proposal was described in Mr Gibb's report as follows:-

- "• *development of a single storey dwelling containing four bedrooms, ensuite and bathroom, lounge and dining room, laundry and open plan kitchen/family/meals area with a double garage;*
- *front building setback of 10 metres to the west boundary;*
- *side building setbacks of 2.6 metres to the north and south boundaries;*
- *rear building setback of approximately 6 metres to the east boundary;*
- *maximum building height of 5.965 metres to the top of the roof ridge, with a maximum wall height of approximately 3.5 metres above natural ground level;*
- *vehicle access via a new double crossover adjacent to the northern side of the lot;*
- *earthworks comprising 1.18 metre fill and less than 1 metre of excavation; and*
- *external materials comprising bagged brick walls and a pitched 'terracotta' tile roof.*

The application does not make reference to any proposed landscaping."

The issues in this case revolve around the height of the ridge roof. The dwelling has a hipped roof rising to a maximum building height of 5.965 metres to the top of the main ridge roof. The ridge roof runs east - west along the property, the high section commencing about 14 metres from the front boundary and running about another 9 metres towards the rear of the property.

4. The second storey verandah on the side of the Applicant's property at 3 Overbay Avenue will look directly over the ridge.
5. The proposal also requires an excavation on the south side of the site and filling on the north side.

Subject Land

6. The subject land is No 5 Overbay Avenue, Dromana. It is situated on the east side of Overbay Avenue. The land slopes from south to north towards Port Phillip Bay. The Applicant's property is adjacent up the slope at No 3 Overbay Avenue.
7. The dimensions of the subject land are:
 - frontage 17.68 metres
 - depth 39.62 metres, and
 - area 700.48 sq m and
 - the land is rectangular in shape.

Surrounding Area

8. The surrounding area is described in Mr Gibb's report as follows:-

"The locality forms part of the Dromana hillside and displays a residential character. The predominant form of development comprises of single dwellings of mixed form, age and style. Existing dwellings in Overbay Avenue are reasonably discreet in scale and size. Roof structures vary from flat, to gable and hip forms, but are generally discreet and visually unobtrusive. Buildings in the street have a reasonably low profile, taking advantage of the fall of the land to incorporate undercroft parking or lower levels.

Many existing buildings have a northerly orientation, to take advantage of Bay views which contribute to the amenity of the area and its residents. The views available from the surrounds extend over the lower township of Dromana(north of the freeway), from the coastline of Mt Martha around the Bay towards the north west.

There is little remnant vegetation remaining in the immediate surrounding area, however there have been a considerable level of replanting of exotic and native species. This gives the area a mixed landscape character and a well landscaped outlook.

Specifically, the subject site is adjoined by:

- *To the north - No 1 Overbay Avenue, a partially two storey dwelling, with an approximate height of 6.5m;*
- *To the east - No 3 and 4 Dover Court;*
- *To the south - No 5 Overbay Avenue, a partly two storey dwelling with upper level deck oriented to the north; and*
- *To the west - on the opposite side of the road, 4 Overbay Avenue, single storey dwelling."*

Zoning and Other Controls

9. The land is zoned Residential 1.

10. The site is subject to:

- (a) Vegetation Protection Overlay - Township Vegetation (VPO 1) - It is noted the proposal did not involve the removal of any vegetation;
- (b) Design and Development Overlay - Coast and Landscape Design (DDO 3)

11. The need for a permit arises from the provisions of DDO3.

12. Relevant policies and planning scheme provisions are:

- Clause 19.03 - Design and Built Form - State Planning Policy Framework ("SPPF")
- Clause 21.07-2 of the Municipal Strategic Statement ("MSS") - Local Area Character
- Clause 22.13 of the MSS - Township Environment; and
- Clause 43.02 - the DDO and Schedule 3
- Clause 42.02 - Vegetation Protection Overlay.
- Clause 65 - Decision Guidelines.

Issues

13. The issue in this case is whether the ridge roof will obstruct views from the Applicant's property. No issue is taken with the extent of excavation and the Applicant/Objector would in fact encourage the Respondent to excavate deeper. The Applicant sought a reduction in the height of the roof ridge by 0.5 m.

Conduct of Hearing

14. At the hearing Mr Tweedie for the Applicant made submissions and he called Mr Ian Gibb of Hansen Partnership to give evidence. Mr Cooksley made submissions for the Council in support of the permit. Mrs Thomas, the Owner/Respondent

made a submission and Mr R Spence of Mr AV Jennings, assisting her, made comments.

15. On a day after the hearing I inspected the property. The Applicant's property was not occupied at the time but gained access to the deck by external access.
16. Photos produced to the Tribunal showed height poles erected on the subject land to show the ends of the high roof ridge. The relationship of these to surrounding objects in the photos, such as electric light poles, assisted me in making my inspection. The height poles had been removed by that time.

Applicant's Submissions

17. Mr Tweedie's submission on behalf of the Applicant were as follows:

"The objector and her husband are the owners and occupiers of land situated at 5 Overbay Avenue, situated to the immediate south of the subject land.

The area covered by DDO3 is an area of particular landscape sensitivity. This is acknowledged in the planning scheme by virtue of the fact that DDO3 is one of only 3 DDO's which require a permit for the construction of a dwelling, regardless of compliance with stated general requirements.

The most significant components of the landscape of the area covered by this overlay are the magnificent views over the Dromana townscape and Port Phillip Bay. DDO3 acknowledges the availability of these views, and seeks to protect and preserve them, where it is reasonable and practicable to do so.

For the reasons set out in the evidence of Mr Ian Gibb, the proposed dwelling does not comply with the objectives or requirements of DDO3; in particular with respect to the preservation of the views and hence the amenity of the Politis' property.

The proposed dwelling, being of a standard "off the plan" design, was not designed to be responsive to the particular constraints of the subject site and, not surprisingly, it therefore is not. In contrast to the roof forms of surrounding development (which are generally discrete and simple), the proposed roof form is significant in both size and form.

Accordingly, the proposed roof structure -

- *Gives the impression of a much larger building;*
- *Is visually obtrusive; and*
- *Impacts unreasonably on shared viewlines.*

The siting of the proposed dwelling, immediately adjacent to the deck and living areas of 5 Overbay Avenue and with minimal side setbacks exacerbates the impact. The dwelling occupies a greater area of the subject site that is the norm with surrounding development.

The impact of the proposed dwelling on the amenity of the Politis' property could be significantly reduced by:

- *Reducing the height of the proposed building by approximately 500 mm (by reducing in pitch or height the proposed roof form); and/or*
- *Requiring additional earthworks to further "drop" the proposed dwelling further into the site.*
- *Both solutions are reasonable and practical, and would result in a better planning outcome for all concerned, as well as ensuring compliance with the terms of DDO3."*

18. Mr Gibb's report submitted that the proposed development did not accord with the design objectives set out in DDO 3 for the following reasons:

"The siting and design of the development is not consistent with the surrounding development pattern. This is evidenced by the building mass, the proposed roof form and pitch, which is out of character with the surrounding development.

Whilst the dwelling is described as a single storey building, its roof structure is significant in size and form, and gives the impression of a much larger building than a typical single storey structure. The roof structure is visually obtrusive and is not responsive to the discreet, simple roof forms which are characteristic of the built form of the immediate surrounds.

The large roof structure is unnecessary and serves to exacerbate the height of the building which in turn, contributes to the obstruction of the key viewlines for the adjoining property to the south (5 Overbay Avenue);

It is reasonable and practical to require a reduction in the height of the building by reducing the pitch of the roof, in order to protect shared viewlines without compromising the architectural integrity or appearance of the building.

The adjoining property (5 Overbay Avenue) is oriented towards the north and overlooks the subject site. I observe that the proposed dwelling at Number 3 is sited so that its long side (extending further to the rear of the site than the adjoining dwellings) is positioned adjacent to the deck and living area of the existing dwelling at Number 5. I also observe that the roof form and size at the proposed height, will be visually obtrusive to the adjoining residents and

*severely impact on the current outlook from the adjoining property;
and*

The design of the building, with its large roof mass does not reasonably seek to avoid being obtrusive as sought in the objective above.

Accordingly, it is my opinion that the design of the proposed dwelling has not appropriately responded to the landscape sensitivities of this hillside area, including the character of the built form, avoidance of visually obtrusive built elements, and the protection of shared viewlines. Therefore, the proposed development does not accords with the design objectives of Schedule 3 of the DDO."

19. In relation to the effect of the amenity of the area he noted that the key amenity issues relevant to this matter is the impact of the proposed development on the views available over the Dromana townscape and Port Phillip Bay and he said:

"In my opinion, the principle of a 'reasonable sharing of views' in this case, would be one which seeks to protect the most valued part of the view available as well as avoiding any break up of the continuity of the horizon line, at the expense perhaps, of a lesser valued part of the view.

While the proposed development will still protect the views from 5 Overbay Avenue, I do not believe the proposed building achieves a reasonable sharing of views because it impacts on the most valued or notable part of the viewshed. This impact will be most evident when seated on the deck or in the living area of Number 5 Overbay Road."

Council's Submission

20. Mr Cooksley's submission for the Council detailed the planning controls and were that:

- The proposal did not require the removal of any vegetation.
- Council was satisfied that the proposal meets the objectives of Clause 19.03, in that a high standard of design and architecture will be achieved and that it responds to the characteristics of the area without compromising the public realm,
- The site plan accompanying the planning application identified that the single storey dwelling proposed would respond most favourably to the surrounding development.

- The views currently enjoyed by the neighbours to the south would be substantially maintained by keeping the building height below 6m.
- The proposal satisfied Clause 21.07 of the MSS and 22.13 of the LPPF relating to services, vegetation, heritage and environmental sustainability.

21. He said the decision guidelines of DDO3 were satisfied as:

- The design responds positively to the site characteristics of a 2.2 metre cross fall. A reasonable balance of cut and fill is achieved.
- The land has no known history of instability.
- The development does not exceed the environmental capacity of the area, which is serviced by all relevant utility services.
- No significant vegetation cover will be lost.
- The development is only single storey compared to the two storey developments which dominate the area.
- The views from the property to the south will not be unreasonably affected. The only view that will be partially obscured will be to the lower background of Dromana township - part of which is already obscured by the dwelling at No. 1 Overbay Avenue.

22. As to loss of amenity resulting from variation to the requirements of DDO3 he said:

- The only requirement which is proposed to be varied is the depth of fill, which exceeds the maximum permissible by 0.118 metres.
- The maximum depth of fill occurs at the lowest building height on the northern side of the dwelling. At this point, the total building height above natural ground level is 3.70 metres.
- The granting of the variation to the requirement will not result in any loss of amenity.
- There are no development plans, heritage studies, codes or policies (other than within the Local Planning Policy Framework) which affect the land.
- The building will not be visually obtrusive. The need to stagger the floor levels is not warranted, as the building profile is lower than the adjoining residences.

- The development will have no affect on the environmental or landscape values of the area.
- The development does not create any fire risk.

Respondent's Submissions

22. Mr Thomas' submission did not address the planning issues, but emphasised:

- She had decided against houses that were high set or double storey because they would drastically interfere with neighbour's views and as she would have to climb stairs as she got older.
- The style suits her requirements and has been approved by Council.
- Following the objection she had already agreed to a reduction in roof height.

23. Mr Spence of A V Jennings confirmed that a further reduction in roof height would involve costly changes to their design, which Mrs Thomas was not prepared to bear.

Tribunal Consideration

24. This matter must be determined in accordance with the planning provisions discussed above.

25. The relevant design objectives in Clause 1 of DDO 3 are as follows:

- *To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal villages, hillsides and clifftop areas.*
- *To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.*
- *To protect shared viewlines where reasonable and practical.*
- *To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties."*

26. The General Requirements of DDO3 contain two relevant provisions:

- *No building may exceed a wall height of 5.5 metres or a building height of 6 metres.*
- *The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre and must be properly battered or retained."*

27. Mandatory requirements of DDO3 include a provision that a building must have a maximum building height of no more than 8 metres and must contain no more

than 2 storeys above natural ground level with some exceptions not applicable in this case.

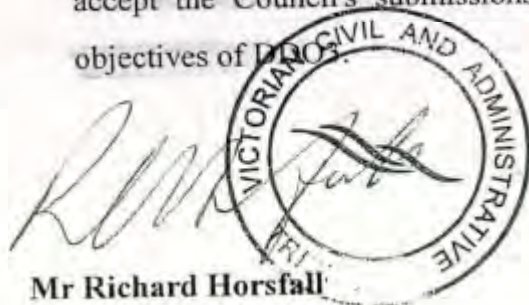
28. In relation to the sharing of views, it is noted that whilst the proposal is single storey, the houses of the Applicant and at No 1 Overbay Avenue on each side of the subject land are two storey. The house at No.1 was also objected to by the Applicant in proceedings in this Tribunal which were settled. Both have roofs of a shallower pitch than the proposal but each are higher than the proposal.
29. The submissions did not refer to any recent decisions of the Tribunal relating to views, referring only to cases over 10 years old. However DDO3 sets a policy *"to protect shared viewlines where reasonable and practical"*. In considering what is reasonable Mr Gibb agreed that in assessing reasonableness one must take into account not only the proposal but also the point from which the view is taken. In my view the Applicant by siting its verandah mid point along the side of its house has an element of unreasonableness about it. The Applicant could enjoy similar views if the balcony was sited at the front of the house. The side location ensures that there will be conflict between any development of any house on the subject land especially if it is two storey.
30. The General Requirements are also relevant in assessing compliance with this policy. I agree with Council's view that the proposal complies in that the ridge height is less than 6m and the building is single storey with a side wall high on the southern side almost half of the 5.5m referred to. These Requirements must be taken as an indication of what is "reasonable" in relation to shared views.
31. The actual impact of the proposal on the views is vital. Relying on my observations and the photographs and plans produced I make the following findings:
 - The view enjoyed by the Applicant's property is a panoramic view of almost 180⁰ of the coastline, Port Phillip Bay and Mt Martha beyond with views to the east inland to bush and treed suburbs, and views, to the west over Port Phillip Bay;
 - The ridgeline and bulk of the house at 1 Overbay Avenue already occupies most of the view that will be affected by the roof of the proposal. The 9m length of the roof ridge of the proposal will increase the impact a little at each end and slightly above the roof of the building at No 1;

- The Applicant will retain her panoramic views including views of the immediate coastline beyond the roof ridge, Port Phillip Bay and Mt Martha;
- The impact on the views will be minimal;
- Views from a seated position on the verandah will be similarly affected to a minimal extent;
- Views from seated positions inside the room behind the verandah will be obstructed by the balcony.
- I consider Ms Gibb's assessment of the impact of the proposal set out in paragraph 64 of his report is overstated, and I find reasonable enjoyment of the views, from the Applicant's property will not interfere unreasonably with the most notable and valued parts of the view, namely of Mt Martha, the Bay and distant views of the CDB, and portions of the immediate coastline should remain visible.

32. I do not consider that the policy of "sharing" of views means that there must be some view from the proposed development. There is no significant view from the proposal. Rather I consider the policy consideration addresses to what extent a party having a view must "share" to allow reasonable development consistent with it.

33. I consider that the effect on the views is minimal and that the proposal complies with DDO 3.

34. I do not accept Mr Gibb's argument that the design and roof style of the property is inconsistent with the other objectives of DDO 3 which he has cited. The style of housing in the area is very mixed and there are a number of properties similar to the proposal. Many houses in the area are two storied with large hipped roofs, and, some similar AV Jennings designs were identified by the Respondent. I accept the Council's submissions that the proposal complies with the design objectives of DDO 3.



Mr Richard Horsfall
Deputy President
Planning & Environment List

Appendix II

Res-Code Checklist

Clauses	Required	Satisfy Requirement
Clause 54.01 site analysis	Neighbourhood and site description	Yes
Clause 54.02-1 neighbourhood character	Neighbourhood character and integration with the street	Yes
Clause 54.02-2 integration with the street	Integrate layout of development with the street	Yes
Clause 54.03-1 site layout and building mass	Not applicable DDO3	Yes
Clause 54.03-2 building height	Not applicable DDO3	Yes
Clause 54.03-3 site coverage. Maximum 60%	Less than 60%	Yes
Clause 54.03-4 permeability, at least 20% not covered by impervious surfaces	More than 20% not covered by impervious surfaces	Yes
Clause 54.03-5 energy efficiency	Private open space and habitable living areas are orientated northwards	Yes
Clause 54.03-6 significant trees	Retention of significant trees onsite	Yes
Clause 54.03-7 parking	Adequate area available for two parking spaces	Yes
Clause 54.04-1 side and rear setback	Side setback requirement-one metre, rear not applicable	Yes
Clause 54.04-2 walls on boundary	Garage/Carport on boundary or less than 150mm, 3.6m max.	Yes
Clause 54.04-3 daylight to existing windows	New dwelling to allow 3m ² light court of existing window.	Yes
Clause 54.04-4 north facing windows	Adequate daylight to existing habitable room windows	Yes
Clause 54.04-5 overshadowing open space	Minimal overshadowing will occur	Yes
Clause 54.04-6 overlooking objective	Minimal overlooking will occur	Obscured glazing/1.7m sill height for upper level dining room window.
Clause 54.05-1 daylight to new windows	Adequate daylight into new habitable room windows	Yes
Clause 54.05-2 private	80 sq.m or 20%, but not	Yes

open space	less than 40 sq.m	
Clause 54.05-3 solar access to open space	Solar access to secluded open space of new dwelling	Yes
Clause 54.06-1 design detailed objective	Facade articulation, detailing, proportions	Yes
Clause 54.06-2 Front fences	Road Zone- max 2m Other streets- max 1.5m	1.9m high front fence proposed- condition to reduce to 1.5m.

593337

70581000 MSC.5002.0001.5961

5 Little Boy Court, Endeavour Hills Vic, 3802
ph 0403 215 255/9708 1113

Moser Planning Services Pty Ltd

May 7 2003

As addressed

Dear Sir/Madam

Re: PLANNING APPEAL P 3390/2002 6 VIEW POINT ROAD MC CRAE

Please find enclosed plans which we will be seeking to substitute as amended plans at the forthcoming planning appeal scheduled for hearing on 6 June 2003. The changes made to the plan comprise:

- An increase in the setback of the dwelling from the cliff edge by approximately 2 metres.
- The front setback altered from 11.09 metres to a variable setback ranging from 9.7 – 12 metres.
- Offsetting of the storage shed off the north east boundary opposite the habitable rooms of the abutting dwelling.
- Offsetting of the garage along the western boundary towards the front.
- Other changes and works required to accommodate the above.
- Additional information on the abutting properties has also be shown.

The above changes have been made to address the objectors concerns. Please do not hesitate to contact me should you require anything further at this stage on 0403 215 255.

Yours faithfully

MOSER PLANNING SERVICES PTY LTD

Moser Planning Services Pty Ltd

MOSER PLANNING SERVICES PTY LTD Shire Council	
RECEIVED	-8 MAY 2003
MAIN FILE	28736
OFFICERS	DA
SHELF	P02/1833
FYI	

Victorian Civil and Administrative Tribunal
Planning and Environment List
SCHEDULE 3

Practice Note Planning and Environment List (No. 1) –General Procedures – clause 11

FORM A

NOTICE OF APPLICATION TO AMEND PLANS

NOTE: Permit Applicant to complete all relevant details.

Subject Land:	6 View Point Road, Mc Crae	VCAT Reference No:P3390/2002
Responsible Authority: Mornington Peninsula Shire Council	Address: Private Bag 1000, Besgrove Street Rosebud 3939 Reference: P02/1833	
Permit Applicant: Moser Planning Services Pty Ltd for an on behalf of CA & P.M. Pugh	Representatives (if any): Moser Planning Services Pty Ltd Address: 5 Little Boy Court Endeavour Hills 3802 Contact Person: Ms Sally Moser Phone/Fax: 0403 215 255/9708 1113	

TO: Mornington Shire Council
OF: PO Box 1000 Besgrove Street Rosebud

An application for review concerning the above land has been lodged with VCAT and allocated the above reference number. In the course of that application for review, an application has been made to the Tribunal to amend the plans lodged with the permit application or with the Tribunal. The Tribunal has directed that the Permit Applicant serve the attached documents on you.

If you wish to object or be heard in relation to the application to amend the lodged plans, or in the proceeding generally, you must within 10 business days of receipt of this notice

- (a) if you are already a party to the proceeding, file with the Tribunal a written objection to the plans amendment application setting out the reasons for your objection;
- (b) if you are not already a party to the proceeding, file with the Tribunal
 - (i) a written application to be joined as a party to the proceeding and statement of grounds in the form of Form B (attached);
 - (ii) if you wish to object to the plans amendment application, written reasons for your objection.

You should include sufficient information in your statement of grounds and reasons for objection to clearly identify the issues you intend to raise.

You may also apply in writing for an adjournment of the hearing, if a day is already listed, to give you sufficient time to consider the amended plans.

You must deliver or post a copy of your application, request and objection to the Permit Applicant and to the Responsible Authority prior to such application, request and objection being filed with the Tribunal, then complete the particulars as to service at the foot of Form B.

Please note the following:

- The application for review has been listed for hearing on the **5 June 2003 at 2.15pm** at 55 King Street, Melbourne.

- **The amended plans can be inspected at the offices of the Responsible Authority or at VCAT. [If you wish to inspect the amended plans at VCAT, please phone 96289777 to make the necessary arrangements].**

- A copy of the amended plans may be obtained by writing to, phoning or faxing the Permit Applicant or its representatives [see above contact details].

If you cannot attend the Hearing

If you are unable to attend the hearing in person or through a representative, please inform VCAT in writing prior to the hearing date.

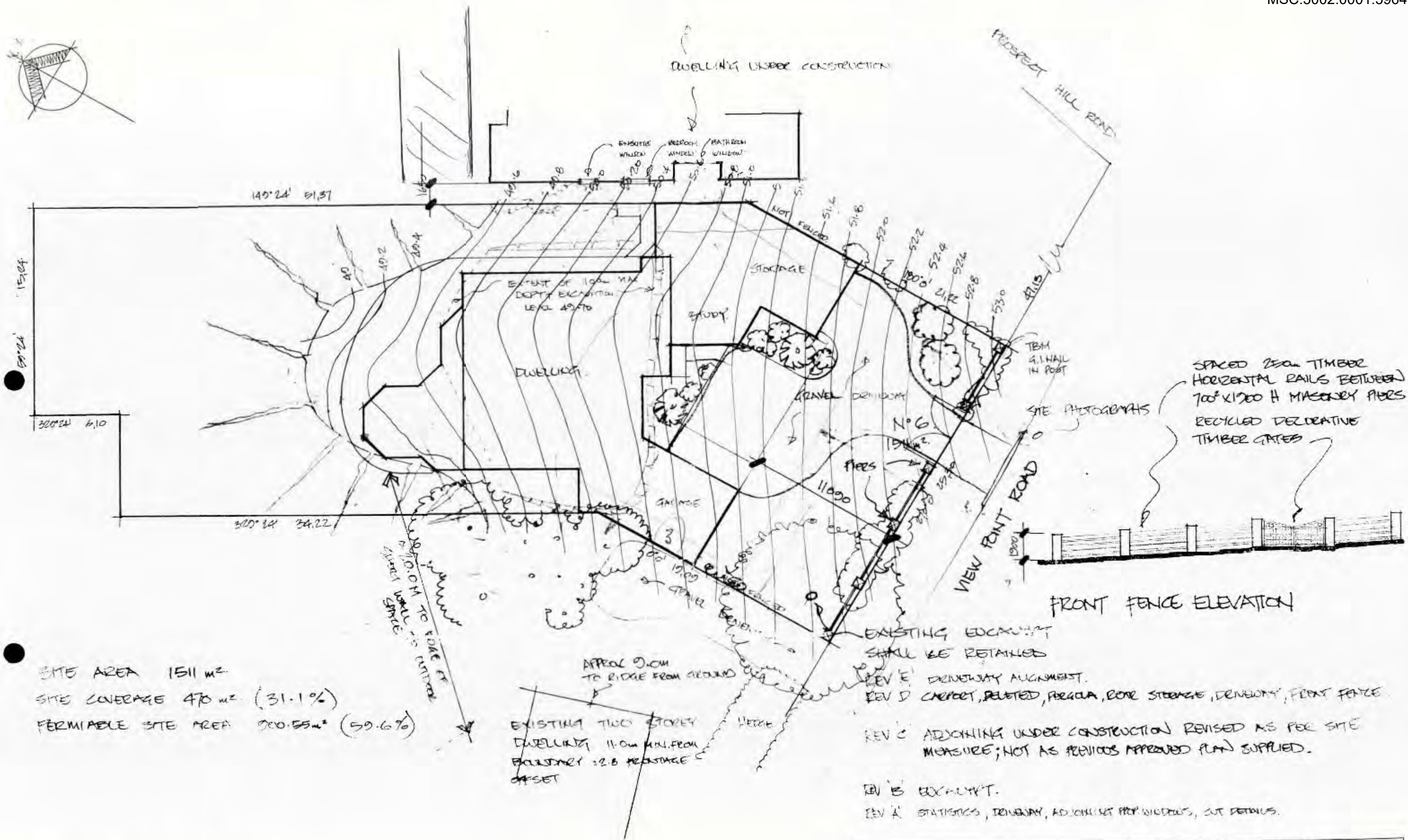
If you wish to have your case considered on the basis of documents (written submission) you should seek the agreement of the other parties and provide them with a copy of your submission prior to the hearing.

If a party does not consent to this course of action, you run the risk that an application will be made to VCAT to have your objection struck out.

Withdrawal of Objection

If at any time after you have lodged your documents you wish to withdraw your objection, please inform VCAT, the Permit Applicant and the Responsible Authority in writing. On receipt of such advice your withdrawal will be noted on VCAT's file and you will receive no further correspondence.

Should you have any further enquiries please contact VCAT. Please quote VCAT's reference number when communicating with VCAT.



Victorian Civil and Administrative Tribunal Act 1998
Planning & Environment List
Schedule 2 - Practice Note Planning List 1 – clause 11.3(d)

OPENING STATEMENT AT A MEDIATION

Applicant for Review *R. Stent, J Bendell, C Batchelor*

Responsible Authority *Mornington Peninsula Shire Council*

Other Party(s) *Moser Planning Services*

NOTE: Each party must complete this Opening Statement prior to the date of the mediation and give it to the mediator on the day. The statement is not to be filed with VCAT prior to the mediation, as it is confidential. Its purpose is to clarify the respective positions of each of the parties to the application by identifying the issues that the parties consider most important to them.

Name of Party signing form *Mornington Peninsula Shire Council*

• **Nature and short history of the application**

Application for two storey dwelling lodged 2/8/02.
Application advertised and five objections received.
Site meeting held on 11/10/02.
Notice of Decision issued 11/12/02.

• **Issues in dispute (specify issues including any legal matters in dispute)**

- Height and bulk.
- Access to rear and walls on boundaries.
- Streetscape character.
- Large storage area - home occupation.
- Stability of cliff face.
- Overlooking & overshadowing.
- Vegetation removal.

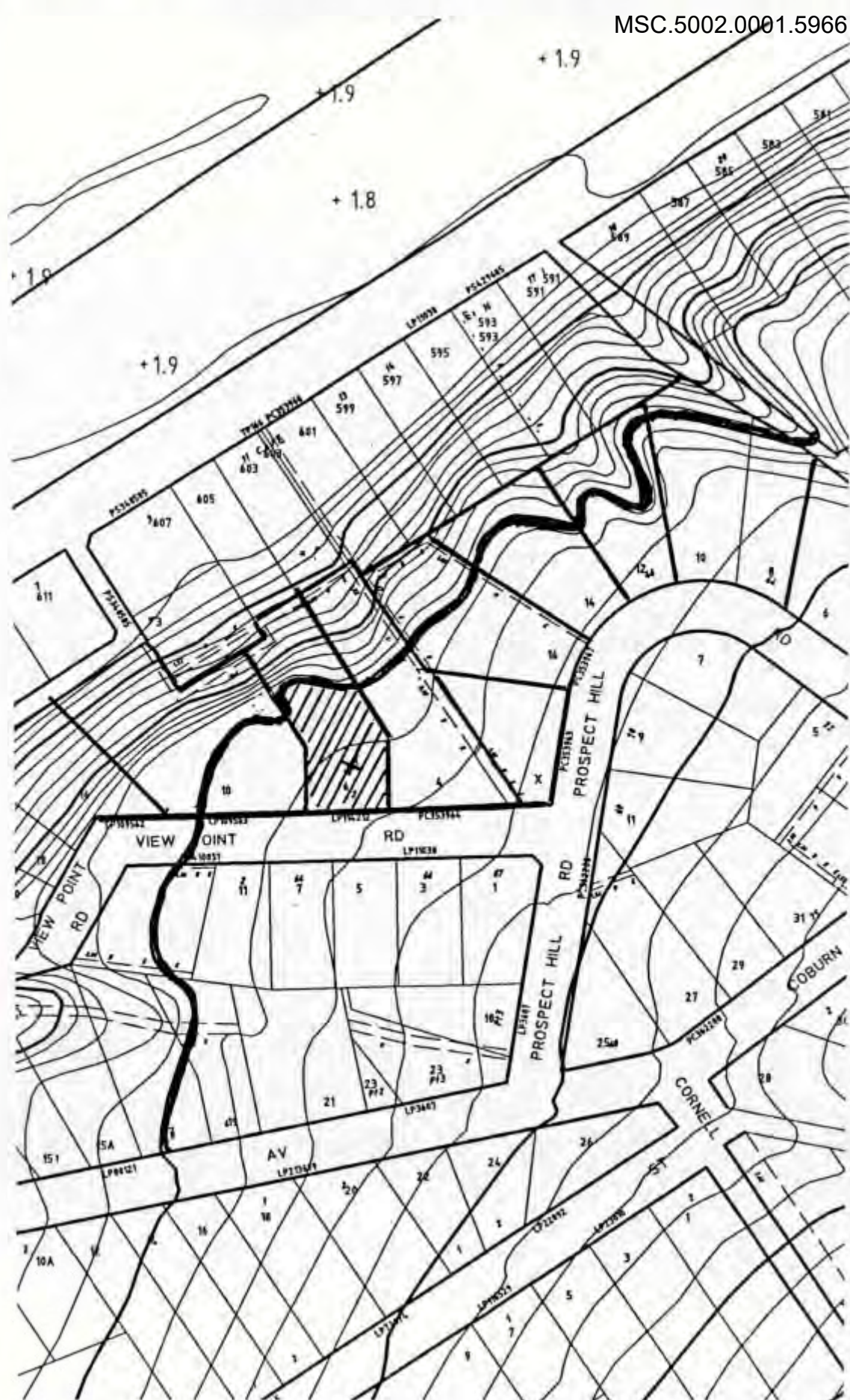
(additional pages may be attached if required)

Signature: _____

Irrelevant & Sensitive

Date: _____

17/4/03



VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

NOTICE OF HEARING

0 MAY 2003

Mornington Peninsula Shire Council
PO BOX 1000
ROSEBUD VIC 3940

1116

1116



Your Ref: P02/1833

VCAT Reference Number: P3390/2002

Between:

P02/1833

Mr Robert Stent, Mr James R Bendell, Ms Cheryl Anne Batchelor

Applicant(s)

And

Mornington Peninsula Shire Council Moser Planning Services

Respondent(s) and Other(s)

Land: 6 View Point Rd
MCCRAE VIC 3938

All parties to this application are advised that the hearing of this proceeding has been listed before the Victorian Civil & Administrative Tribunal, Planning & Environment List on **05-Jun-2003 at 2:15 PM**. The hearing will be conducted at **55 King Street, MELBOURNE**. Please check the ground floor list, Age Law List or VCAT Web site for your room number.

The hearing has been given an **estimated duration of 3 hrs**. If this estimate is not accurate the VCAT Registry must be notified immediately.

NOTE

- All parties to the application and any relevant witnesses are required to attend at the hearing on the date and time specified above.
- Failure to attend at the hearing may result in VCAT determining the matter in the absence of a party.
- Parties should bring all documents, plans, photographs and other material relating to the matter that have not previously been filed.
- Except where otherwise directed the report of an expert witness must be received by VCAT and other parties at least 10 working days before the hearing.
- Please refer to the back of this notice for further information regarding VCAT's procedures.
- Detailed Guidelines on procedures and hearings may be obtained on request from registry or at www.vcat.vic.gov.au (choose Planning under Type of dispute/case).

SENIOR REGISTRAR

Date: 24 April 2003

FILE NOTE**MORNINGTON
PENINSULA***Shire*

PHONE/COUNTER DISCUSSION

OFFICER: JH

DATE: 22.5.03

APPLICATION NO: P02/1833 FILE NO:

SUBJECT:

RE:

Called Mose Planning,
left message advising that VCAT
date reference in correspondence
(received 5 May 2003) is incorrect,
as that VCAT hearing is scheduled
for 5 June 2003 (not 6 June 2003)

JH called VCAT to confirm this
on 22/5/03 at 1.18pm

Irrelevant / Sensitive

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

NOTICE OF HEARING

Mornington Peninsula Shire Council
PO BOX 1000
ROSEBUD VIC 3940

Your Ref: P02/1833

Between:

Mr Robert Stent, Mr James R Bendell, Ms Cheryl Anne Batchelor

And

Mornington Peninsula Shire Council Moser Planning Services

VCAT Reference Number: P3390/2002

Applicant(s)

Respondent(s) and Other(s)

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SENIOR REGISTRAR

Date: 24 April 2003

ADJOURNMENTS

A party requesting an adjournment of a hearing must upon becoming aware of the reasons for such request immediately:- a) file a request in writing with the Tribunal; b) specify in the request the minimum period for which the adjournment is sought and the reasons for the request; c) serve a copy of the request on all other parties; d) deliver to the Tribunal a copy of each written consent of any other party to the adjournment as soon as possible after receiving it; and e) deliver to the Tribunal a Statement of Service of the request on all other parties.

Normally the Tribunal will grant a request for an adjournment without a hearing if all the other parties consent in writing to the adjournment. However, the Tribunal may consider an adjournment is not in the public interest or is prejudicial to the expeditious determination of other Applications or is otherwise not justified.

If the Tribunal considers that a directions hearing is necessary to consider a request for an adjournment, it will advise the parties of a hearing date.

The Tribunal may, having regard to the proximity of the hearing date, direct that a request for an adjournment, which is contested, be considered by the Tribunal at the commencement of the hearing.

If an adjournment is granted, the party applying for the adjournment, or any other party as directed by the Tribunal, must immediately notify all other parties of that adjournment, unless the other parties were represented at a hearing at which the adjournment was granted.

WITHDRAWALS

Any Applicant wishing to apply for leave to withdraw an application for review, or any Permit Applicant seeking to withdraw an application against which an application for review has been lodged, should notify the Registrar at the earliest opportunity.

A copy of the request to withdraw must be sent to all other parties and their consent to the withdrawal must be sought. A Statement of Service should be filed with the Tribunal confirming service of the request to withdraw. All written consents of the other parties must be delivered to the Tribunal as soon as possible after receiving it, and no later than the day before the date listed for the hearing of the Application.

PLEASE REFER TO PRACTICE NOTE PLANNING LIST 1 – GENERAL PROCEDURES FOR FURTHER INFORMATION REGARDING ADJOURNMENTS, WITHDRAWALS AND SETTLEMENTS

EXHIBITS

Exhibits (photos, maps, letters etc.) tendered as evidence at the hearing must be clearly marked with the Tribunal application number and the name and address of the party tendering them.

All exhibits must remain the property of the Victorian Civil and Administrative Tribunal for thirty days after the date of determination.

The Tribunal will then allow a further month for the collection of such exhibits otherwise they will be disposed of.

HEARING PROCEDURE

If the hearing is to be held at 55 King Street, Melbourne you should, on the day of the hearing, check either the list on the ground floor, The Age law list or the Tribunal's web site to ascertain which room your hearing has been allocated to. After ascertaining your room number you should proceed directly to that room and sign the appearance sheet. Please do not wait for your name to be called.

Generally the order in which submissions shall be made and evidence presented at the hearing of an application is as follows:

1. Responsible Authority
2. Third parties or objectors (if any)
3. Representative of unincorporated association (if any)
4. Permit Applicant

DETERMINATIONS

If an oral determination is not given on the day of the hearing, the approximate waiting time for a written determination is 4 - 8 weeks.

FILE NOTE**MORNINGTON
PENINSULA***Shire*

PHONE/COUNTER DISCUSSION

OFFICER: DATE:

APPLICATION NO: FILE NO:

SUBJECT:

RE: ** need to clarify colours.**Thursday 3rd June - 5 H June Thur. VCAT
2.15 Hearing.**Colours - stone - walls.**Roof - Beige / brown / green.**Colour for 4 View Point.*

569633

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

PLANNING & ENVIRONMENT LIST

VCAT Reference Number: **P3390/2002**

Your Ref: P02/1833

4 March 2003

Mornington Peninsula Shire Council
PO BOX 1000
ROSEBUD VIC 3940

Dear Sir/Madam

Referral to Mediation

Application Concerning:

**6 View Point Rd
MCCRAE VIC 3938**

6 MAR 2003
1116
DO
P02/1833

★ 1116/1833

VCAT has referred this Application for Review to mediation, under Section 88 of the Victorian Civil and Administrative Tribunal Act 1998.

This has been done because it appears that the application is one where the parties may be able to benefit from the opportunity to use a more flexible approach, and make use of a wider range of possible solutions than would be available at a formal VCAT hearing. Other people in similar proceedings have found mediation a very helpful way to reach a satisfactory outcome.

The mediation has been scheduled for **17-Apr-2003 at 11:30 AM**. It is expected to take 120 minutes. It will take place at **55 King Street, MELBOURNE, .**

Attached to this notice are the following documents:

1. Information sheet;
2. Opening Statement at a Mediation.

Please comply with the instruction in the attached material for completion of the opening statement.

Any person representing a party to the Application at the mediation must have authority to settle the proceeding on behalf of that party and sign any written agreement reached.

This referral is not optional. It is done at the direction of VCAT. Failure to attend personally or by a duly authorised representative will be a breach of VCAT's direction.

Please note that if you do not attend the mediation, then under Section 78 of the *Victorian Civil and Administrative Tribunal Act 1998*, the Tribunal may:

- If you have made the application to the Tribunal, dismiss or strike out your application;

(16Order V.5/1/99)

ADJOURNMENTS

A party requesting an adjournment of a hearing must upon becoming aware of the reasons for such request immediately:- a) file a request in writing with the Tribunal; b) specify in the request the minimum period for which the adjournment is sought and the reasons for the request; c) serve a copy of the request on all other parties; d) deliver to the Tribunal a copy of each written consent of any other party to the adjournment as soon as possible after receiving it; and e) deliver to the Tribunal a Statement of Service of the request on all other parties.

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The Tribunal may, having regard to the proximity of the hearing date, direct that a request for an adjournment, which is contested, be considered by the Tribunal at the commencement of the hearing.

If an adjournment is granted, the party applying for the adjournment, or any other party as directed by the Tribunal, must immediately notify all other parties of that adjournment, unless the other parties were represented at a hearing at which the adjournment was granted.

WITHDRAWALS

Any Applicant wishing to apply for leave to withdraw an application for review, or any Permit Applicant seeking to withdraw an application against which an application for review has been lodged, should notify the Registrar at the earliest opportunity.

A copy of the request to withdraw must be sent to all other parties and their consent to the withdrawal must be sought. A Statement of Service should be filed with the Tribunal confirming service of the request to withdraw. All written consents of the other parties must be delivered to the Tribunal as soon as possible after receiving it, and no later than the day before the date listed for the hearing of the Application.

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EXHIBITS

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HEARING PROCEDURE

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1. Responsible Authority
2. Third parties or objectors (if any)
3. Representative of unincorporated association (if any)
4. Permit Applicant

DETERMINATIONS

If an oral determination is not given on the day of the hearing, the approximate waiting time for a written determination is 4 - 8 weeks.

- If you are not the applicant, determine the application in favour of the applicant, make any appropriate orders, or strike you out as a party; or
- Make an order for costs against you under Section 109 of the *Victorian Civil and Administrative Tribunal Act 1998*.

If the mediation is successful, and results in an agreement, VCAT may make an order to give effect to the agreement, without further appearances being required in most cases. If the mediator is a member of VCAT, that member may make an order to implement the settlement.

Requests for adjournments, for which good reasons are required, should be treated in the same way as in the case for other hearing at VCAT, under Practice Note Planning List No. 1.

If the mediation does not succeed, the proceeding will be fixed for hearing before VCAT. The hearing date will be fixed according to date of lodgment of the Application for Review, without any delay associated with this referral.

If you have any queries about the mediation, please contact us. Please quote the VCAT reference number.

Mediation Video Available

You may wish to view a 15 minute video about mediation which is available on the Internet (www.vcat.vic.gov.au) and on loan on video cassette or CD at no charge to you. The version available on the Internet may offer inconsistent picture quality due to limitations with internet technology. Please telephone VCAT if you would like us to post you a copy of the video cassette or CD. We ask that you return it to VCAT on the day of your mediation.

Yours faithfully

Irrelevant / Sensitive

Acting Senior Registrar

Encl.

ADJOURNMENTS

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MEDIATION INFORMATION SHEET

Mediation is a confidential and informal process where the mediator (as a neutral and independent chairperson or facilitator) assists the parties in their efforts to reach an agreed settlement on all or some of the matters at issue in a proceeding. If mediation is to be successful parties must be prepared to consider options to resolve the matter beyond the positions they bring to the mediation.

Mediation is different from a VCAT hearing, although it may be conducted at the VCAT offices before a VCAT member. It is less formal and does not involve the mediator imposing a solution on the parties. You will be encouraged to discuss your dispute and to talk through the issues. The mediator does not make decisions for the parties and is not operating in a judicial role; nor does the mediator offer opinions on the merits of a matter or conduct any assessment of likely outcomes if the matter were to proceed to a hearing.

What are the advantages of mediation?

- It provides parties with an opportunity to resolve disputes by agreement;
- It reduces tension between parties;
- It gives parties a chance to have discussions between themselves;
- It may end a dispute quickly.

What happens at a mediation?

A mediation will normally begin with each party in turn making a short opening statement describing the nature of the dispute from their point of view. The mediator will then identify the issues in dispute with the assistance of the parties. The mediator will then explore options with the parties for the resolution of those issues. The mediator may include a private session with each of the parties. Having identified the options the mediator will then help the parties to reach a negotiated settlement.

If an application does not settle at mediation you will be advised of the date for hearing of the matter.

Other matters prior to the mediation.

You should advise VCAT and the other parties as soon as possible if you believe there is some reason/s of a substantial nature why the mediation should not take place. VCAT will decide whether the mediation should proceed.

Either you or any person that attends the mediation on your behalf must be able to settle the application if an agreement is reached on the day.

The applicant for the permit should bring an extra copy of any relevant plans including elevations.

Each party must complete the attached Mediation Statement prior to the date of the mediation and give it to the mediator on the day. The statement is not to be filed with the Tribunal prior to the mediation, as it is confidential. Its purpose is to clarify the respective positions of each of the parties to the application by identifying the issues that the parties consider most important to them.

If you fail to attend and participate in the mediation, the Tribunal has discretion to order that the costs of the other parties be paid by you.

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DETERMINATIONS

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28 Kardinia Road,
GLEN IRIS VIC 3146

February 19, 2003

Mornington Peninsula Shire
Private Bag 1000
Besgrove Street
ROSEBUD VIC 3939

MORNINGTON PENINSULA Shire Council	
RECEIVED	21 FEB 2003
MAIN FILE	1116
OFFICERS	DD
REF	P02/1833
EXT	

VB

Dear Sir,

Your reference P3390/2002 6 View Point Road, McCrae

In regard to the above Application for Review to a Notice of Decision to Grant a Permit lodged with the Victorian Civil & Administrative Tribunal.

In accordance with VCAT's instructions I hereby serve a copy of documents on the Applicant for the Planning Permit & the Responsible Authority, including the following:

1. Application for Review with attached grounds for Application for Appeal
2. VCAT Notice A
3. VCAT Notice B

Your faithfully,

Irrelevant & Sensitive

ANNE BATCHELOR

cc Moser Planning Services

21 FEB 2003

**VCAT - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING & ENVIRONMENT LIST**

*Victorian Civil and Administrative Tribunal Act 1998
Planning and Environment Act 1987*

Office Use Only

No.

APPLICATION FOR REVIEW

Please read the notes on the back of this form

A. DETAILS OF APPLICANT

Name **CITEKYL ANNE BATCHELOR**

Address for service

28 KARLOVIA RD GLEN IRIS

Post Code **3146**

Telephone No. Bus. **9696 7111**

Home: **9885 1316**

(If a number of people lodge a joint Application for Review, the name and address of a person to whom notices are to be sent should be clearly indicated. If no indication is given, notice will be sent to ONE of those people) See also back of form for more information for joint application.

B. INTEREST OF APPLICANT IN PERMIT APPLICATION
(e.g. applicant, objector, owner of land, occupier of land)

OBJECTOR

C. DETAILS OF LAND AND TITLE PARTICULARS

(title particulars are not required if a street number and name is supplied)

Permit Application No. **P02/1833**

No.	Street	Locality	Municipality
6	Vien Point Rd	Mc CREE	MORWINGTON PENINSULA

Crown Allotment No.	Section	Crown Township or Parish	Lot No.	Lodged Plan No.	Title Volume	Title Folio
			2	114212	9088	778

D. USE OR DEVELOPMENT FOR WHICH A PERMIT WAS SOUGHT

DEVELOPMENT OF A DWELLING

**** If Application for Review is lodged by permit applicant/developer please indicate if cost of the development is valued at:**

- ☒ Under \$5 million
☐ \$5 million or more

E. THIS APPLICATION IS AGAINST - PLEASE NOTE: A FEE IS APPLICABLE WITH EVERY APPLICATION LODGED WITH THE TRIBUNAL UNLESS A REQUEST TO HAVE THE FEE WAIVED IS LODGED (REFER TO BACK OF FORM)

(PLEASE TICK ONLY ONE BOX)

- ☒ a decision to grant a permit under section 82 of the Planning and Environment Act 1987
- ☐ a decision to refuse permit under section 77 of the Planning and Environment Act 1987
- ☐ conditions in a permit issued under section 80 of the Planning and Environment Act 1987
- ☐ a requirement to give notice of an application for a permit under section 78(a) of the Planning and Environment Act 1987
- ☐ a requirement by the responsible authority for more information under section 78(b) of the Planning and Environment Act 1987
- ☐ a decision of the responsible authority refusing to extend time under section 81(a) of the Planning and Environment Act 1987
- ☐ a failure of the responsible authority to extend time under section 81(b) of the Planning and Environment Act 1987
- ☐ a failure to grant a permit within the time prescribed time under *section 79 of the Planning and Environment Act 1987

F. Grounds of Application (required in all applications except application against failure to grant a permit under *section 79 of the Planning and Environment Act 1987)

You may attach to the Application for Review any amplification of the application which you believe desirable.

- TITLE LAND FORMS THE TOP OF A STEEP SLOPE (EST 45°) THE AREA IS PART OF THE SLOPED FRONT & IS APPARENTLY UNSTABLE & PRONE TO SLIP NO EVIDENCE OF LANDSLIDE ASSESSMENT REPORT**
- NOT FOLLOWING ESTABLISHED NOMINAL BUILDING LINE**
- WHICH FAILS TO PROTECT SITING VIEW LINES (DD03)**

THIS FORM SHOULD BE SENT TO OR LODGED WITH:
THE PRINCIPAL REGISTRAR
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING & ENVIRONMENT LIST
55 KING STREET
MELBOURNE VIC 3006

31/12/02
Date

Irrelevant & Sensitive

Signature of Applicant

3 BULK, SCALE & SITING (ie BOUNDARY TO BOUNDARY) OF THE BUILDING IS NOT RESPONSIVE TO THE SITE & AREA.

(A)
**INFORMATION FOR THE PERMIT APPLICANT,
 RESPONSIBLE AUTHORITY AND REFERRAL AUTHORITIES**

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No:P3390/2002
----------------------	--	-------------------------------------

An Application for Review has been lodged with the Victorian Civil and Administrative Tribunal. VCAT has instructed the Applicant/Objector to serve a copy of the Application for Review on the Applicant for the Planning Permit the Responsible Authority and any Referral Authorities together with a copy of this Notice.

Statement of Grounds

If you wish to contest the Application for Review, you must within 14 days of service of this notice, lodge with VCAT a **statement of grounds** on which you intend to rely at the hearing, as required by Clause 56 Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998. The attached "Statement of Grounds" form should assist you.

The statement should provide sufficient information so that the issues you intend to raise can be clearly identified.

If you fail to comply with the requirement to provide a statement of grounds within the 14 day period, VCAT must not allow you to be heard at the hearing of the Application for Review unless it has first obtained and considered the views of the Applicant and Responsible Authority on whether or not you should be heard (Clause 56 (4) Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998).

If you cannot attend the Hearing

If you are unable to attend the hearing in person or through a representative, please inform VCAT in writing prior to the hearing date.

If you wish to have your case considered on the basis of documents (written submission) you should seek the agreement of the other parties and provide them with a copy of your submission prior to the hearing.

Requests for Directions Hearing

Any party seeking direction from VCAT must –

- (a) file request in writing with VCAT
- (b) specify in the request the directions sought and the reasons for the request;
- (c) specify whether the party seeks a hearing of the request; and
- (d) serve a copy of the request on all other parties

VCAT may appoint a hearing date of issue directions in writing.

Mediation

The Tribunal offers Mediation as an alternative to the normal hearing process. If you believe this application would be suitable for mediation or would like more information please contact the Registry on the number below to request a brochure or visit the VCAT web site.

Should you have any further enquiries please contact your Customer Service Officer. Please quote VCAT's reference number when communicating with VCAT.



(B)
**STATEMENT OF GROUNDS TO BE COMPLETED BY THE
 PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
 REFERRAL AUTHORITIES**

To:
 The Principal Registrar
 Victorian Civil and Administrative Tribunal
 Ground Floor, 55 King Street
 Melbourne 3000

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
----------------------	--	--------------------------------------

- I wish to contest Application for Review .

- I intend to rely on the following grounds at the hearing of the application:
 (set out a brief but precise summary of grounds, attach additional sheets as required)

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

"A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on _____ (date of service)."

Your Name: _____

Address: _____

Telephone No. during business hours: _____

Signature: _____

Date: _____

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

VCAT Reference Number: P3390/2002

Your Ref: P02/1833

7 February 2003

Mornington Peninsula Shire Council
PO BOX 1000
ROSEBUD VIC 3940

MORNINGTON PENINSULA Shire Council	
RECEIVED	11 FEB 2003
MAIN FILE	1116
OFFICER'S	
AKF	PQ
FYI	P02/1833

Dear Sir/Madam,

**Application Concerning: 6 View Point Rd
MCCRAE VIC 3938**

I refer to the above application and enclose a copy of VCAT's order in this matter.

Yours faithfully,

Irrelevant & Sensitive

Senior Registrar

Encl.

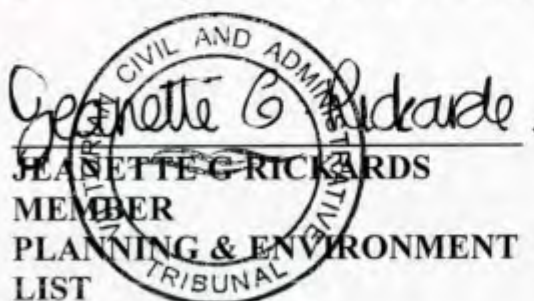
10 FEB 2003

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**PLANNING AND ENVIRONMENT LIST NOP3390/2002**

APPLICANTS	Robert Stent, James R Bendell Cheryl Anne Batchelor
RESPONSIBLE AUTHORITY	Mornington Peninsula Shire Council
RESPONDENT/PERMIT APPLICANT	C & P Pugh (Moser Planning Services Pty Ltd)
SUBJECT LAND	6 View Point Road McCrae
WHERE HEARD	Melbourne
BEFORE	Jeanette G Rickards – Member
DATE OF DIRECTIONS HEARING	5 February 2003
DATE OF ORDER	5 February 2003

ORDER

1. Cheryl Anne Batchelor is granted leave to lodge an application for review pursuant to Section 82B *Planning & Environment Act 1987*.
2. The applications for review are directed to be sent to Mediation.



JEANETTE G RICKARDS
MEMBER
PLANNING & ENVIRONMENT
LIST

APPEARANCES

For the Responsible Authority:	Mr D Quelch
For the Applicant/Objectors:	Mr Robert Stent Ms Cheryl Anne Batchelor

David Quelch

To: David Quelch
Subject: RE: Re: Access to Planning Applications and supporting documentation.

Hi Robert, further to my previous e-mail, the applicant has advised that they do not give Council consent to forward a copy of the Geo Technical report. You are reminded that you may view the geo technical report at the Mornington Office. Thanks, DQ

-----Original Message-----

From: David Quelch
Sent: Wednesday, 5 February 2003 13:38
To: Irrelevant & Sensitive
Subject: Re: Access to Planning Applications and supporting documentation.

I refer to our conversation today at VCAT and wish to advise that I have contacted the applicant and discussed whether they will send a copy of the Geo Technical report. They intend to give me yes or no answer soon. Due to copyright laws I am unable to send a copy of the report without their consent. Further, Council is not permitted to let you view a planning application file due to the privacy act, however you can view the plans and supporting documentation. Yes, you can read the Geo Technical Report on file but can not make a copy unless consent of the applicant is granted.

If you have any further queries please do not hesitate to contact me on 5986 0991 or by e-mail. Cheers, David Quelch.

David Quelch

From: David Quelch
Sent: Wednesday, 5 February 2003 13:38
To: Irrelevant & Sensitive
Subject: Re: Access to Planning Applications and supporting documentation.

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If you have any further queries please do not hesitate to contact me on 5986 0991 or by e-mail. Cheers, David Quelch.

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL



PLANNING & ENVIRONMENT
LIST

NOTICE OF DIRECTIONS HEARING

Mornington Peninsula Shire Council
PO BOX 1000
ROSEBUD VIC 3940

Your ref: P02/1833

VCAT Reference Number: P3390/2002

Between:

Mr Robert Stent, Mr James R Bendell, Ms Cheryl Anne Batchelor

Applicant(s)

And

Mornington Peninsula Shire Council /Other Parties

Respondent(s) Other Parties

**Land: 6 View Point Rd
MCCRAE VIC 3938**

A Directions Hearing has been listed before VCAT at **9:30 AM** on **05-Feb-2003** . It will take place at **55 King Street, MELBOURNE** . Please check the ground floor list, Age Law List or VCAT Web site for your room number .

The hearing may take up to 30 minutes.

The purpose of the Directions Hearing is to :

Consider application by C. Batchelor to be joined to proceedings.

SENIOR REGISTRAR

Date: 22 January 2003

Administrative Tribunal (VIC) - Mornington Peninsula Shire Council
DATE: 23 JAN 2003
FILE NO: 1116
FILE NO: DA
FILE NO: P02/1833

ADJOURNMENTS

A party requesting an adjournment of a hearing must upon becoming aware of the reasons for such request immediately:- a) file a request in writing with the Tribunal; b) specify in the request the minimum period for which the adjournment is sought and the reasons for the request; c) serve a copy of the request on all other parties; d) deliver to the Tribunal a copy of each written consent of any other party to the adjournment as soon as possible after receiving it; and e) deliver to the Tribunal a Statement of Service of the request on all other parties.

Normally the Tribunal will grant a request for an adjournment without a hearing if all the other parties consent in writing to the adjournment. However, the Tribunal may consider an adjournment is not in the public interest or is prejudicial to the expeditious determination of other Applications or is otherwise not justified.

If the Tribunal considers that a directions hearing is necessary to consider a request for an adjournment, it will advise the parties of a hearing date.

The Tribunal may, having regard to the proximity of the hearing date, direct that a request for an adjournment, which is contested, be considered by the Tribunal at the commencement of the hearing.

If an adjournment is granted, the party applying for the adjournment, or any other party as directed by the Tribunal, must immediately notify all other parties of that adjournment, unless the other parties were represented at a hearing at which the adjournment was granted.

WITHDRAWALS

Any Applicant wishing to apply for leave to withdraw an application for review, or any Permit Applicant seeking to withdraw an application against which an application for review has been lodged, should notify the Registrar at the earliest opportunity.

A copy of the request to withdraw must be sent to all other parties and their consent to the withdrawal must be sought. A Statement of Service should be filed with the Tribunal confirming service of the request to withdraw. All written consents of the other parties must be delivered to the Tribunal as soon as possible after receiving it, and no later than the day before the date listed for the hearing of the Application.

PLEASE REFER TO PRACTICE NOTE PLANNING LIST 1 – GENERAL PROCEDURES FOR FURTHER INFORMATION REGARDING ADJOURNMENTS, WITHDRAWALS AND SETTLEMENTS

EXHIBITS

Exhibits (photos, maps, letters etc.) tendered as evidence at the hearing must be clearly marked with the Tribunal application number and the name and address of the party tendering them.

All exhibits must remain the property of the Victorian Civil and Administrative Tribunal for thirty days after the date of determination.

The Tribunal will then allow a further month for the collection of such exhibits otherwise they will be disposed of.

HEARING PROCEDURE

If the hearing is to be held at 55 King Street, Melbourne you should, on the day of the hearing, check either the list on the ground floor, The Age law list or the Tribunal's web site to ascertain which room your hearing has been allocated to. After ascertaining your room number you should proceed directly to that room and sign the appearance sheet. Please do not wait for your name to be called.

Generally the order in which submissions shall be made and evidence presented at the hearing of an application is as follows:

1. Responsible Authority
2. Third parties or objectors (if any)
3. Representative of unincorporated association (if any)
4. Permit Applicant

DETERMINATIONS

If an oral determination is not given on the day of the hearing, the approximate waiting time for a written determination is 4 - 8 weeks.

COPY

5 Little Boy Court, Endeavour Hills, 3802

Moser Planning Services Pty Ltd

January 20, 2003

Victorian Civil and Administrative Tribunal (Planning Division)
55 King Street,
Melbourne, 3000

Dear Sir/Madam

**Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE,
PLANNING APPEAL NUMBER P3390/2002**

On behalf of our client C & P Pugh, we have received notice of appeal from the following parties:

J.R. Bendell of 7 Dalkeith Drive Dromana
R. Stent of 60 Allison Road, Elsternwick.

We have also received a request from a Ms Anne Batchelor of 28 Kardinia Road, Glen Iris (who was not an objector) to be made a party to the appeal.

Please find enclosed the grounds we intend to rely on at the forthcoming planning appeal. It is also advised that we have no objection to Ms Batchelor becoming a party to the hearing.

Should you require anything further please do not hesitate to contact me.

Yours faithfully

Irrelevant & Sensitive

Sally Moser, B.T.R.P. Hons, Grad Dip. Prop.
MOSER PLANNING SERVICES PTY LTD

cc: J. Bendell, R. Stent, A. Batchelor, Mornington Peninsula Shire Council

RECEIVED	
21 JAN 2003	
MAIN FILE	1116
REFERENCE	DQ
FILE	PO2/1833

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

(B)
STATEMENT OF GROUNDS TO BE COMPLETED BY THE
PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
REFERRAL AUTHORITIES

To:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
Melbourne 3000

Re: Bendell, Sturt & Batchelor
appeals

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
---------------	------------------------------------	-------------------------------

- I wish to contest Application for Review.

- I intend to rely on the following grounds at the hearing of the application:
(set out a brief but precise summary of grounds, attach additional sheets as required)

(See attached grounds)

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

"A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on 20 January 03 (date of service)."

Your Name: Mose Planning Services Pty Ltd

Address: 5 Little Bay Court
Endeavour Hills 3802

Telephone No. during business hours:

Irrelevant / Sensitive

Signature: _____

Date: 20/1/03

GROUNDS OF APPEAL

1. The proposal meets the State and Local Planning Policy Framework.
2. The proposal meets the provision of ResCode and other controls applying in that it:
 - Is site responsive and respectful of the existing neighbourhood character in terms of its design, setbacks etc.
 - The proposal will not detrimentally impact on the amenity of the street and abutting properties in terms of visual bulk, site coverage, private open space impacts, shared view lines etc.
 - The proposal provides ample room for landscaping and allows for the retention of significant vegetation on-site.
3. The proposal is not an over-development.
4. The proposal will be constructed using appropriate building and engineering standards.
5. Claims concerning businesses operating out of the premises are purely speculative. The Home Occupation provisions of the Mornington Peninsula Planning Scheme apply to this and other properties in the area. Such claims are not relevant in terms of the assessment of this application.

COPY

5 Little Boy Court, Endeavour Hills, 3802

Moser Planning Services Pty Ltd

January 20, 2003

Victorian Civil and Administrative Tribunal (Planning Division)
 55 King Street,
 Melbourne, 3000

2 JAN 2003

1116

DC

PC2/1533

Dear Sir/Madam

**Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE,
 PLANNING APPEAL NUMBER P3390/2002**

On behalf of our client C & P Pugh, we have received notice of appeal from the following parties:

J.R. Bendell of 7 Dalkeith Drive Dromana
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Please find enclosed the grounds we intend to rely on at the forthcoming planning appeal. It is also advised that we have no objection to Ms Batchelor becoming a party to the hearing.

Should you require anything further please do not hesitate to contact me.

Yours faithfully

Sally Moser, B.T.R.P. Hons, Grad Dip. Prop.
MOSER PLANNING SERVICES PTY LTD

cc: J. Bendell, R. Stent, A. Batchelor, Mornington Peninsula Shire Council

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL



Planning & Environment List

(B)
**STATEMENT OF GROUNDS TO BE COMPLETED BY THE
PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
REFERRAL AUTHORITIES**

To:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
Melbourne 3000

Re: Bendell, Sturt & Batchelor
appeals

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
---------------	------------------------------------	-------------------------------

- I wish to contest Application for Review .
- I intend to rely on the following grounds at the hearing of the application:
(set out a brief but precise summary of grounds, attach additional sheets as required)

(See attached grounds)

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

"A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on 20 January 03 (date of service)."

Your Name: Moser Planning Services Pty Ltd

Address: 5 Little Bay Court
Endeavour Hills 3802

Telephone No. during business hours:

Irrelevant / Sensitive

Signature: _____

Date: 20/1/03

GROUNDS OF APPEAL

1. The proposal meets the State and Local Planning Policy Framework.
2. The proposal meets the provision of ResCode and other controls applying in that it:
 - Is site responsive and respectful of the existing neighbourhood character in terms of its design, setbacks etc.
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 - The proposal provides ample room for landscaping and allows for the retention of significant vegetation on-site.
3. The proposal is not an over-development.
4. The proposal will be constructed using appropriate building and engineering standards.
5. Claims concerning businesses operating out of the premises are purely speculative. The Home Occupation provisions of the Mornington Peninsula Planning Scheme apply to this and other properties in the area. Such claims are not relevant in terms of the assessment of this application.

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

10 January 2003

Anne Batchelor
28 Kardinia Rd
GLEN IRIS 3146

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

I refer to the above application that is under review (VCAT Reference No. P3390/2002) and wish to advise the following:

- Anne Batchelor, landowner of 16 Prospect Hill Road, McCrae has notified in writing that leave is sought to be an applicant for review where not an objector. Please find attached a copy of the letter.

You are advised that Council is opposed to the grant of leave in these circumstances.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

**Cc Victorian Civil and Administrative Tribunal
DX 210160 Melbourne**

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

10 January 2003

Victorian Civil and Administrative Tribunal
DX 210160 Melbourne

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

I refer to the above application that is under review (VCAT Reference No. P3390/2002) and wish to advise the following:

- Anne Batchelor, landowner of 16 Prospect Hill Road, McCrae has notified in writing that leave is sought to be an applicant for review where not an objector. Please find attached a copy of the letter.

You are advised that Council is opposed to the grant of leave in these circumstances.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

**Cc Anne Batchelor
28 Kardinia Rd
GLEN IRIS 3146**

MORNINGTON PENINSULAR Shire Council	
RECEIVED	- 9 JAN 2003
MAIN FILE	116
OFFICERS	DA
FILE	P02/1833
CMT	

28 Kardinia Road
GLEN IRIS VIC 3146

8th January, 2003

Mornington Peninsular Shire
Private Bag 1000
Besgrove Street
ROSEBUD Vic 3939

Dear Sir,

Re 6 Viewpoint Road McCrae, VCAT Ref. P3390/2002

I advise herewith I wish to be an applicant for review where not an objector and enclose herewith a copy of my application to VCAT.

Would you please advise in writing of your consent to this leave being granted

Yours faithfully,

Anne Batchelor

- 9 JAN 2003

28 Kardinia Road,
GLEN IRIS VIC 3146

January 8, 2003

Victorian Civil & Administrative Tribunal
55 King Street
MELBOURNE VIC 3000

Dear Sir,

Your reference P3390/2002 6 View Point Road, McCrae

I refer to your letter of 2nd January, 2003 advising as I did not object under Section 57 of the Planning and Environment Act 1987 ("the Act") I have no right to lodge an application for review at VCAT unless granted leave to do so. I therefore wish to apply for leave to lodge an application for review under section 82B of the Act.

I did not object under Section 57 of the Act as I was not aware of the proposed development on this site. I own a property at 16 Prospect Hill Road, McCrae. View Point Road is a no through road which runs off Prospect Hill Road so I do not pass the property on a regular basis and did not see a board on the site advertising the application for a building permit.

I am affected by the proposed development and believe I have reasonable grounds for objection on the following basis;

- The proposed plan does not follow established building lines & impacts greatly on shared view lines & outlook.
- The size & siting of the planned building is not responsive to the area

I would be pleased if you would give favourable consideration to my application

Your faithfully,

Irrelevant & Sensitive

ANNE BATCHELOR

cc Mornington Peninsular Shire
Moser Planning Services

543817

Robert Stent
60 Allison Road
Elsternwick VIC 3185

2 January, 2003

Mornington Peninsula Shire
Private Bag 1000
Besgrove Street
Rosebud 3939

MORNINGTON PENINSULA SHIRE COUNCIL	
RECEIVED	-6 JAN 2003
MAIN FILE	1116.
OFFICER	DQ
XREF	P02/1833
F11	

Dear Sir/Madam

Re: 6 VIEW POINT ROAD MCCRAE: VCAT REFERENCE NO. P3390/2002

We write in regard to the above Application for Review to a Notice of Decision to Grant a Permit lodged with the Victorian Civil and Administrative Tribunal.

In accordance with VCAT's instructions, we hereby serve a copy of documents on the Applicant for the Planning Permit and the Responsible Authority.

These documents include the following:

- 1 Application for Review with attached grounds for Application for Appeal;
- 2 VCAT Notice A: Information for the Permit Applicant, Responsible Authority and Referral Authorities.
- 3 VCAT Notice B: Statement of Grounds to be completed by the Permit Applicant, Responsible Authority and Referral Authorities and returned.

Should you have any queries we recommend you consult VCAT and/or Mornington Peninsula Shire.

Yours sincerely

Irrelevant & Sensitive

Robert Stent

encl.
refer above
cc.
Charles and Pamela Pugh
Moser Planning Services
Mornington Peninsula Shire
VCAT

X:\TEMP\STENT\6 ViewpointRM\Case020103.doc

- 6 JAN 2003

**VCAT - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING & ENVIRONMENT LIST**

*Victorian Civil and Administrative Tribunal Act 1998
Planning and Environment Act 1987*

COPY

Office Use Only

No.

APPLICATION FOR REVIEW
Please read the notes on the back of this form

A. DETAILS OF APPLICANT

Name	ROBERT STENT (10 VIEWPOINT RD. MCCRAE)		
Address for service	Irrelevant / Sensitive	Telephone No.	Bus. 16993644
	st Code 3185	Home:	7528 5558

(If a number of people lodge a joint Application for Review, the name and address of a person to whom notices are to be sent should be clearly indicated. If no indication is given, notice will be sent to ONE of those people) See also back of form for more information for joint application.

B. INTEREST OF APPLICANT IN PERMIT APPLICATION
(e.g. applicant, objector, owner of land, occupier of land)

OBJECTOR

C. DETAILS OF LAND AND TITLE PARTICULARS

(title particulars are not required if a street number and name is supplied)

Permit Application No. **P02/1833**

No. 6	Street VIEWPOINT RD	Locality MCCRAE	Municipality MORNINGTON PENINSULA SHIRE
-----------------	-------------------------------	---------------------------	---

Crown Allotment No.	Section	Crown Township or Parish	Lot No. 2	Lodged Plan No. 114212	Title Volume 9088	Title Folio 778
---------------------	---------	--------------------------	---------------------	----------------------------------	-----------------------------	---------------------------

D. USE OR DEVELOPMENT FOR WHICH A PERMIT WAS SOUGHT

THE DEVELOPMENT OF A DWELLING

** If Application for Review is lodged by permit applicant/developer please indicate if cost of the development is valued at:

- ☐ Under \$5 million
☐ \$5 million or more

THIS APPLICATION IS AGAINST PLEASE NOTE: A FEE IS APPLICABLE WITH EVERY APPLICATION LODGED WITH THE TRIBUNAL UNLESS A REQUEST TO HAVE THE FEE WAIVED IS LODGED (REFER TO BACK OF FORM)

(PLEASE TICK ONLY ONE BOX)

- ☒ a decision to grant a permit under section 82 of the Planning and Environment Act 1987
- ☐ a decision to refuse permit under section 77 of the Planning and Environment Act 1987
- ☐ conditions in a permit issued under section 80 of the Planning and Environment Act 1987
- ☐ a requirement to give notice of an application for a permit under section 78(a) of the Planning and Environment Act 1987
- ☐ a requirement by the responsible authority for more information under section 78(b) of the Planning and Environment Act 1987
- ☐ a decision of the responsible authority refusing to extend time under section 81(a) of the Planning and Environment Act 1987
- ☐ a failure of the responsible authority to extend time under section 81(b) of the Planning and Environment Act 1987
- ☐ a failure to grant a permit within the time prescribed time under *section 79 of the Planning and Environment Act 1987

F. Grounds of Application (required in all applications except application against failure to grant a permit under *section 79 of the Planning and Environment Act 1987)

You may attach to the Application for Review any amplification of the application which you believe desirable.

- 1 **REFER ATTACHED**
- 2 **LIST.**
- 3

Irrelevant & Sensitive

23/12/02

Grounds for Application for Appeal: 6 Viewpoint Road, McCrae

1. The proposal does not respect the existing neighbourhood character.
2. The proposal is not responsive to the site and the neighbourhood.
3. The proposal, when viewed from the street and adjoining properties will adversely impact due to it's visual bulk, site coverage and inappropriate design response.
4. The proposal fails to respect the landscape character of the neighbourhood and fails to account for a number of mature trees removed within the last 12 months.
5. The proposal does not respect the prevailing neighbourhood character in regard to walls on boundaries.
6. The proposal's siting detrimentally impacts on the amenity of secluded private open space of existing secluded private open space of adjoining residencies.
7. The proposal lacks sufficient architectural merit in its response to both the nature of the site and the adjoining landscape and neighbourhood character. The proposal responds poorly to the site and is an over development with excessive visual bulk and impact to amenity of adjoining residencies.

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

(A)
**INFORMATION FOR THE PERMIT APPLICANT,
RESPONSIBLE AUTHORITY AND REFERRAL AUTHORITIES**

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No:P3390/2002
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An Application for Review has been lodged with the Victorian Civil and Administrative Tribunal. VCAT has instructed the Applicant/Objector to serve a copy of the Application for Review on the Applicant for the Planning Permit the Responsible Authority and any Referral Authorities together with a copy of this Notice.

Statement of Grounds

If you wish to contest the Application for Review, you must within 14 days of service of this notice, lodge with VCAT a **statement of grounds** on which you intend to rely at the hearing, as required by Clause 56 Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998. The attached "Statement of Grounds" form should assist you.

The statement should provide sufficient information so that the issues you intend to raise can be clearly identified.

If you fail to comply with the requirement to provide a statement of grounds within the 14 day period, VCAT must not allow you to be heard at the hearing of the Application for Review unless it has first obtained and considered the views of the Applicant and Responsible Authority on whether or not you should be heard (Clause 56 (4) Schedule 1 of the Victorian Civil and Administrative Tribunal Act 1998).

If you cannot attend the Hearing

If you are unable to attend the hearing in person or through a representative, please inform VCAT in writing prior to the hearing date.

If you wish to have your case considered on the basis of documents (written submission) you should seek the agreement of the other parties and provide them with a copy of your submission prior to the hearing.

Requests for Directions Hearing

Any party seeking direction from VCAT must –

- (a) file request in writing with VCAT
- (b) specify in the request the directions sought and the reasons for the request;
- (c) specify whether the party seeks a hearing of the request; and
- (d) serve a copy of the request on all other parties

VCAT may appoint a hearing date of issue directions in writing.

Mediation

The Tribunal offers Mediation as an alternative to the normal hearing process. If you believe this application would be suitable for mediation or would like more information please contact the Registry on the number below to request a brochure or visit the VCAT web site.

Should you have any further enquiries please contact your Customer Service Officer. Please quote VCAT's reference number when communicating with VCAT.



(B)
STATEMENT OF GROUNDS TO BE COMPLETED BY THE
PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
REFERRAL AUTHORITIES

To:
 The Principal Registrar
 Victorian Civil and Administrative Tribunal
 Ground Floor, 55 King Street
 Melbourne 3000

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
----------------------	--	--------------------------------------

- I wish to contest Application for Review .

- I intend to rely on the following grounds at the hearing of the application:
 (set out a brief but precise summary of grounds, attach additional sheets as required)

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

“A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on _____ (date of service).”

Your Name: _____

Address: _____

Telephone No. during business hours: _____

Signature: _____

Date: _____

543417

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

(C)
Victorian Civil and Administrative Tribunal
Planning & Environment List

Statement of Service of documents

Application for Review No: P3390/2002

I, JAMES RICHARD BENDELL
(name).

of 7 DALKEITH DRIVE
DROMANA VIC 3936

state to the Victorian Civil and Administrative Tribunal that

at 9.00 AM (time of day)

on 6/1/03 (date of service)

MORNINGTON PENINSULA Shire	
RECEIVED	- 6 JAN 2003
MAIN FILE	1116
OFFICER	DQ
XREF	P00/1833
FBI	

I served the documents a copy of which is attached to this statement on the persons whose names and addresses are set out in the attached list.

by HAND AND PRIORITY MAIL (method of service)

Signature .

Irrelevant & Sensitive

Date 6/1/03

Attached documents:

Attachment 1 – One set of copies (example) of every document served, including any covering letter

Attachment 2 – List of names and addresses of persons served

MORNINGTON PENINSULA SHIRE

MUNICIPAL OFFICE

PLANNING DEPT.

(DELIVERED BY HAND)

C. PUGH

6 VIEW POINT RD

MCCRAE

(DELIVERED BY HAND TO CARAVAN ON SITE)

C. PUGH

C/O MOSER PLANNING SERVICES P/L

19/32-34 MITCHAM RD

DONVALE 3111

(BY PRIORITY MAIL)

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL



Planning & Environment List

(B)
**STATEMENT OF GROUNDS TO BE COMPLETED BY THE
PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
REFERRAL AUTHORITIES**

To:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
Melbourne 3000

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
----------------------	--	--------------------------------------

- I wish to contest Application for Review .

- I intend to rely on the following grounds at the hearing of the application:
(set out a brief but precise summary of grounds, attach additional sheets as required)

SEE ATTACHED SHEET

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

"A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on 6/1/03 (date of service)."

Your Name: JAMES RICHARD BENDALL

Address: 7 DALKEITH DR
DROMANA VIC 3936

Telephone No. during business hours:

Irrelevant & Sensitive

Irrelevant & Sensitive

Signature:

Date: 6/1/03

Grounds of Application for Appeal, 6 Viewpoint Rd., McCrae.

1. The setback from the cliff edge is excessively minimal on safety grounds, and is contrary to previously established council preecedent for the vicinity where unstable cliff face is evident, no evidence of a land slip assessment report has been presented.
2. The proposal will impact on private open space to both sides.
3. Boundary to boundary construction is contrary to neighbourhood character in terms of landscape.
4. The excessive visual bulk of the proposed development is out of character with the neighbourhood.
5. The 26 meter long 'storage area', in addition to a two car garage and a two car carport is manifestly excessive and suggests that it will be used as part of the owners business ventures.
6. The fire rating of the boundary wall of the 'storage area' adjacent to the existing dwelling is of serious concern to the occupiers of that dwelling.
7. There is no landscaping buffer on the boundary as exists on all other houses in the street.
8. All other dwellings along the cliff have respected a nominal building line apart from the proposed dwelling which fails to protect the shared view lines [DD03]
9. The view under the proposed deck and construction will be visually offensive.
10. The side of the storage area on the boundary is visually unsightly without any set back or landscaping.

Irrelevant & Sensitive

V 4 Viewpoint Rd

McCRAE

5/1/03.

PIN1116Ref: P02/1833: Direct Dial 5986 0991: Fax 5986 0841

8th January, 2003

The Registrar
Victorian Civil and Administrative Tribunal
DX 210160
MELBOURNE

Dear Sir/Madam

**REVIEW OF A DECISION TO GRANT A PERMIT
6 VIEW POINT RD MCCRAE
PLANNING APPLICATION P02/1833
REVIEW NUMBER P3390/2002**

A Notice of the application for review was received on 27th December 2002.

In compliance with Practice Note 2 the following information is submitted:-

1. A full copy of the application for permit, relevant plans and other information required under section 47 of the Planning and Environment Act 1988 and other supporting documents supplied by the applicant.
2. A copy of the notice of decision.
3. Notice of the application was required to be given by:-
 - a sign on the site
 - notice to surrounding landowners and occupiers
4. Consultation and mediation that occurred in the course of the application comprised of an onsite meeting involving the applicant, objectors and Council. No resolution was reached.
5. The Applicant for review lodged an objection to the permit application. A copy of the objection is attached.
6. The names and addresses of the objectors are attached.
7. The notice was posted to the objectors on 11th December 2002.

8. The land is zoned Residential 1 under the Mornington Peninsula Planning Scheme. Overlays applying to the land are:
 - Design & Development Overlay- Schedule 3
 - Environmental Significance Overlay- Schedule 25
 - Vegetation Protection Overlay- Schedule 1
9. There are not relevant referral authorities specified in the planning scheme.
10. No other government instrumentalities may be affected.
11. The estimated time required to hear the application is one day. The estimated time required to present the Responsible Authority's case is sixty minutes.

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

Yours faithfully

Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

MORNINGTON



PENINSULA

Shire

Practice Note Request

Application Number P02/1833Address 6 View Point Rd McCrae.

- ☐ Appeal against failure to grant a permit (S. 79)
- ☐ Appeal against refusal to grant a permit (S.77)
- ☐ Appeal against conditions (S.80)
- ☒ Appeal against decision to grant (S.82)
- ☐ Appeal against failure to extend time
- ☐ Appeal to cancel a permit (S.87)
- ☐ Other

Attachments must be tagged.Are there any external referrals Authorities? Yes/No

If yes, who: _____

Has a Directions/Mention Hearing letter been received? Yes/NoHow much time is required for the hearing? 1 dayHow much time is required for Council's submission? 1 day hour.Any other comments for the Tribunal? No.Planner David QuetchDate 6/1/03.

5-42756

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL

Planning & Environment List

VCAT Reference Number: P3390/2002

Your Ref: P02/1833

30 December 2002

Mornington Peninsula Shire Council
DX 30059
ROSEBUD

Dear Sir/Madam

Notice of Application for Review under the Planning and Environment Act 1987

Parties: Mr Robert Stent (Applicant/s)

Mornington Peninsula Shire Council (Respondent/s)

**Site: 6 View Point Rd
MCCRAE VIC 3938**

VCAT has received an application for review in the above matter.

The applicant for review has been directed to serve a copy of the application on Council which you should receive shortly.

You, as the decision maker, are required to lodge with VCAT, within 10 business days of service, the information about the application as specified in VCAT's "Practice Note Planning List (No. 2)", Clause 5 (decision to grant permit).

However, it would help to minimise delays if you provide VCAT with the required information as soon as practicable.

Once VCAT receives this information, we will advise you about the future conduct of this proceeding.

If you have any further queries please contact the customer service officer on the phone number below. Please quote the VCAT reference number.

Yours faithfully

Roxie

Senior Registrar

MORNINGTON PENINSULA Shire Council	
RECEIVED	02 JAN 2003
TRANS FILE	1116
IN FILE	DD
P02/1833	

**VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL**

Planning & Environment List

**(C)
Victorian Civil and Administrative Tribunal
Planning & Environment List**

Statement of Service of documents

Application for Review No: P3390/2002

I, JAMES RICHARD BENDALL
(name).

of 7 DALKEITH DRIVE
DROMANA VIC 3936

state to the Victorian Civil and Administrative Tribunal that

at 9.00 AM (time of day)

on 6/1/03 (date of service)

MORNINGTON PENINSULA Shire	
RECEIVED	6 JAN 2003
MAIN FILE	1116
OFFICER	DQ
FILE	P03/1833

I served the documents a copy of which is attached to this statement on the persons whose names and addresses are set out in the attached list.

by HAND AND PRIORITY MAIL (method of service)

Signature ..

Irrelevant & Sensitive

Date 6/1/03

Attached documents:

Attachment 1 – One set of copies (example) of every document served, including any covering letter

Attachment 2 – List of names and addresses of persons served

MORNINGTON PENINSULA SHIRE

MUNICIPAL OFFICE

PLANNING DEPT.

(DELIVERED BY HAND)

C. PUGH

6 VIEWPOINT RD

MCCRAE

(DELIVERED BY HAND TO CARAVAN ON SITE)

C. PUGH

C/O MOSER PLANNING SERVICES P/C.

19/32-34 MITCHAM RD

DONVALE 3111

(BY PRIORITY MAIL)

**VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL**



Planning & Environment List

**(B)
STATEMENT OF GROUNDS TO BE COMPLETED BY THE
PERMIT APPLICANT, RESPONSIBLE AUTHORITY AND
REFERRAL AUTHORITIES**

To:
The Principal Registrar
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
Melbourne 3000

Subject Land:	6 View Point Rd MCCRAE VIC 3938	VCAT Reference No: P3390/2002
----------------------	--	--------------------------------------

- I wish to contest Application for Review .

- I intend to rely on the following grounds at the hearing of the application:
(set out a brief but precise summary of grounds, attach additional sheets as required)

SEE ATTACHED SHEET

- The following must be completed as confirmation that you have sent a copy of your Statement of Grounds to the Responsible Authority and the Applicant for Review.

"A copy of this Statement of Grounds has been sent to the Responsible Authority and the Applicant for Review on 6/1/03 (date of service)."

Your Name: JAMES RICHARD BENDALL

Address: 7 DALKEITH DR
DROMANA VIC 3936

Telephone No. during business hours:

Irrelevant / Sensitive

Signature:

Irrelevant & Sensitive

Date: 7/6/1/03

Grounds of Application for Appeal, 6 Viewpoint Rd., McCrae.

1. The setback from the cliff edge is excessively minimal on safety grounds, and is contrary to previously established council preecedent for the vicinity where unstable cliff face is evident, no evidence of a land slip assessment report has been presented.
2. The proposal will impact on private open space to both sides.
3. Boundary to boundary construction is contrary to neighbourhood character in terms of landscape.
4. The excessive visual bulk of the proposed development is out of character with the neighbourhood.
5. The 26 meter long 'storage area', in addition to a two car garage and a two car carport is manifestly excessive and suggests that it will be used as part of the owners business ventures.
6. The fire rating of the boundary wall of the 'storage area' adjacent to the existing dwelling is of serious concern to the occupiers of that dwelling.
7. There is no landscaping buffer on the boundary as exists on all other houses in the street.
8. All other dwellings along the cliff have respected a nominal building line apart from the proposed dwelling which fails to protect the shared view lines [DD03]
9. The view under the proposed deck and construction will be visually offensive.
10. The side of the storage area on the boundary is visually unsightly without any set back or landscaping.

Irrelevant & Sensitive

V 4 Viewpoint Rd

McCRAE

5/1/03.

VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL*Planning & Environment List*

VCAT Reference Number: P3390/2002

Your Ref: P02/1833

30 December 2002

Mornington Peninsula Shire Council
DX 30059
ROSEBUD

Dear Sir/Madam

Notice of Application for Review under the Planning and Environment Act 1987

Parties: Mr Robert Stent (Applicant/s)
Mornington Peninsula Shire Council (Respondent/s)

Site: 6 View Point Rd
MCCRAE VIC 3938

VCAT has received an application for review in the above matter.

The applicant for review has been directed to serve a copy of the application on Council which you should receive shortly.

You, as the decision maker, are required to lodge with VCAT, within 10 business days of service, the information about the application as specified in VCAT's "Practice Note Planning List (No. 2)", Clause 5 (decision to grant permit).

However, it would help to minimise delays if you provide VCAT with the required information as soon as practicable.

Once VCAT receives this information, we will advise you about the future conduct of this proceeding.

If you have any further queries please contact the customer service officer on the phone number below. Please quote the VCAT reference number.

Yours faithfully

Senior Registrar

02 JAN 2003
1116
DG
P02/1833

OFFICE USE ONLY

CLOSE: 3/1

ANSWER: 7/1

59860841

PLANNING & ENVIRONMENT LIST

Telephone 03 9628 9777

Facsimile 03 9628 9789 or

03 9628 9788

Level 7, 55 King Street, Melbourne 3000

DX 210160 Melbourne



DECISION TO GRANT ENQUIRIES

RESPONSIBLE AUTHORITY: Mornington Peninsula Shire

PLANNING OFFICER: David QuelchPLANNING APPLICATION NO: P02/1833ADDRESS OF LAND: 6 View Point Rd, McCraeUSE/DEV: DwellingAPPLICANTS NAME: Moser Planning Services P/LADDRESS: 5 Littleboy Rise, Endeavour Hills 3802DATE NOTICE OF DECISION ISSUED: 11/12/02DATE NOTICE OF DECISION POSTED: 11/12/02

FAX NUMBER IS: 03 59860 841

PLEASE LIST ALL OBJECTORS INVOLVED IN THIS PLANNING APPLICATION

list attached

OFFICE USE ONLY:

In response to the above enquiry as to whether an Application for Review has been lodged with VCAT by an objector under Section 82 of the Planning & Environment Act 1987, I advise that:

** an Application for Review was received at this office on 23.12.02

and has been given the following reference number P 3390 / 2002

**no Application for Review under Section 82 has been received at this office as at:

Time: _____

Date: _____

*PLEASE NOTE:- THE CLOSING DATE FOR APPLICATIONS AGAINST A RESPONSIBLE AUTHORITY'S DECISION TO GRANT A PLANNING PERMIT IS NOT 21 DAYS FORM THE DATE OF ISSUE. PURSUANT TO SECTION 141 OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998 A NOTICE OF DECISION POSTED MUST NOT BE TAKEN TO BE SERVED ON A PERSON UNTIL 2 BUSINESS DAYS HAVE EXPIRED AFTER THE DAY OF POSTAGE. DECISION TO GRANT ENQUIRIES ARE ANSWERED BY VCAT TWO BUSINESS DAYS AFTER THE EXPIRATION OF THE APPLICATION PERIOD.

RECEIVED TIME 11 DEC 10:59

PRINT TIME 11 DEC 11:01

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

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Dind must
see this

FILE NOTE



MORNINGTON
PENINSULA
Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER: JH DATE: 27.12.02

APPLICATION NO: A02/1833 FILE NO: 12:10pm

SUBJECT:

RE:

MR. Stent, objector to the application visited Shire office on 27.12.02 (12:40pm) to view file of above application.

Advised Mr. Stent that the file could not be viewed as the application had been determined however a copy of the Delegate Report could be given to him.

JH made a copy of the Delegate Report and HP (duty planner) gave Mr. Stent a copy of the relevant zones & overlays (DDO3, ES02S & VFO1).

Mr. Stent enquired whether a geotechnical report or site analysis had been undertaken by the applicant. JH went through file in front of Mr. Stent and advised that it did not appear a geotechnical or site suitability report had been submitted.

Mr. Stent agreed that the site analysis report & plan submitted had been viewed by him during advertising.

Irrelevant & Sensitive



MORNINGTON PENINSULA

Shire

ABN 53 159 890 143

Private Bag 1000

Besgrove Street

Rosebud 3939

www.mornpen.vic.gov.au

Tel 1300 850 600

Fax (03) 5986 6696

DX 30059

David Quelch

From: David Quelch
Sent: Wednesday, 18 December 2002 09:19
To: 'Robert Stent'
Subject: RE: 6 View Point Rd. McCrae

Hi Robert,

A Notice of Decision (NOD) was issued on 11 December 2002. You have 21 days in which to lodge a letter stating that you wish to appeal. For more information on this contact VCAT on (03) 9628 9777 or www.vcat.vic.gov.au. A copy of the plans and NOD was sent to your address in McCrae, however I will arrange a copy to be sent to your address at Sturt St. Cheers, DQ.

-----Original Message-----

From: Robert Stent
Sent: Wednesday, 11 December 2002 21:03
To: David Quelch
Subject: RE: 6 View Point Rd. McCrae

Irrelevant & Sensitive

David

I am currently in Hong Kong. Could you please arrange to forward the drawings to:

Robert Stent
c/o Hayball Leonard Stent Pty Ltd
Suite 4
135 Sturt Street
Southbank 3006

You may recall I requested all correspondence be forwarded to this address as our pick up arrangements are irregular at McCrae.

Thankyou for getting back to me.

Regards

Rob Stent

David Quelch <quelda@mornpen.vic.gov.au> wrote:
> I sent the plans on Monday 2 December 2002 (to 10
> Viewpoint Rd, McCrae). The
> only change is the deletion of the front car port
> to be replaced by
> landscaping) and a reduction of the walls on
> boundary to the store room on
> the east(opposite to your side) elevation. The
> applicant has been told that
> the proposal is going to a delegate committee
> meeting on Tuesday 11/12/02.
> Under the Planning and Environment Act 1987 Council
> has a Statutory
> obligation to process planning application within 60
> days. This period has
> expired. You will be notified of the decision and
> retain your rights of
> appeal. Cheers, David Quelch.

-----Original Message-----

From: Robert Stent
Sent: Friday, 6 December 2002 13:27
To: quelda@mornpen.vic.gov.au
Subject: 6 View Point Rd. McCrae

Irrelevant & Sensitive

David,

I have not yet received the revised plans for the above property. Is there any news of the status of the plans or application?

> Rob Stent

> Do you Yahoo!?

> Yahoo! Mail Plus - Powerful. Affordable. Sign up

> now.

> <http://mailplus.yahoo.com>

> Do you Yahoo!?

> Yahoo! Mail Plus - Powerful. Affordable. Sign up now.

> <http://mailplus.yahoo.com>

***** -COMM. JOURNAL- ***** DATE 11-DEC-2002 **** TIME 11:35 *** P.01

MODE = MEMORY TRANSMISSION

START=11-DEC 11:31

END=11-DEC 11:35

FILE NO. = 041

STN NO.	COM	ABR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	#	096289789	002/002	00:00'58"

-MASC PLANNING+ENVIRONMENT-

***** -MASC PLANN+ENVIR- *****

59860841- *****

OFFICE USE ONLY
CLOSE:
ANSWER:

PLEASE PRINT
CLEARLY!!



PLANNING & ENVIRONMENT LIST
Telephone 03 9628 9777
Facsimile 03 9628 9789 or
03 9628 9788
Level 7, 55 King Street, Melb 3000
DX 210160 Melbourne

DECISION TO GRANT ENQUIRIES

RESPONSIBLE AUTHORITY: Mornington Peninsula Shire

PLANNING OFFICER: David QuelchPLANNING APPLICATION NO: P02/1833ADDRESS OF LAND: 6 View Point Rd, McCraeUSE/DEV: DwellingAPPLICANTS NAME: Moser Planning Services P/LADDRESS: 5 Littleboy Rise, Endeavour Hills 3802DATE NOTICE OF DECISION ISSUED: 11/12/02DATE NOTICE OF DECISION POSTED: 11/12/02

FAX NUMBER IS: 03 59860 841

PLEASE LIST ALL OBJECTORS INVOLVED IN THIS PLANNING APPLICATION

list attached

OFFICE USE ONLY:

In response to the above enquiry as to whether an Application for Review has been lodged with VCAT by an objector under *Section 82 of the Planning & Environment Act 1987*, I advise that:

** an Application for Review was received at this office on _____

and has been given the following reference number _____

**no Application for Review under *Section 82* has been received at this office as at:

Time: _____

Date: _____

*PLEASE NOTE - THE CLOSING DATE FOR APPLICATIONS AGAINST A RESPONSIBLE AUTHORITY'S DECISION TO GRANT A PLANNING PERMIT IS NOT 21 DAYS FORM THE DATE OF ISSUE. PURSUANT TO SECTION 141 OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1996 A NOTICE OF DECISION POSTED MUST NOT BE TAKEN TO BE SERVED ON A PERSON UNTIL 2 BUSINESS DAYS HAVE EXPIRED AFTER THE DAY OF POSTAGE. DECISION TO GRANT ENQUIRIES ARE ANSWERED BY VCAT TWO BUSINESS DAYS AFTER THE EXPIRATION OF THE APPLICATION PERIOD.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

OFFICE USE ONLY
CLOSE:
ANSWER:

PLEASE PRINT
CLEARLY!!



PLANNING & ENVIRONMENT LIST
Telephone 03 9628 9777
Facsimile 03 9628 9789 or
03 9628 9788
Level 7, 55 King Street, Melb 3000
DX 210160 Melbourne

DECISION TO GRANT ENQUIRIES

RESPONSIBLE AUTHORITY: Mornington Peninsula Shire

PLANNING OFFICER: David Queleh

PLANNING APPLICATION NO: P02/1833

ADDRESS OF LAND: 6 View Point Rd, McCrae

USE/DEV: Dwelling

APPLICANTS NAME: Moser Planning Services P/L

ADDRESS: 5 Littleboy Rise, Endeavour Hills 3802

DATE NOTICE OF DECISION ISSUED: 11/12/02

DATE NOTICE OF DECISION POSTED: 11/12/02

FAX NUMBER IS: 03 59860 841

PLEASE LIST ALL OBJECTORS INVOLVED IN THIS PLANNING APPLICATION

list attached

OFFICE USE ONLY:

In response to the above enquiry as to whether an Application for Review has been lodged with VCAT by an objector under *Section 82 of the Planning & Environment Act 1987*, I advise that:

** an Application for Review was received at this office on _____

and has been given the following reference number _____

**no Application for Review under *Section 82* has been received at this office as at:

Time: _____

Date: _____

*PLEASE NOTE:- THE CLOSING DATE FOR APPLICATIONS AGAINST A RESPONSIBLE AUTHORITY'S DECISION TO GRANT A PLANNING PERMIT IS NOT 21 DAYS FORM THE DATE OF ISSUE. PURSUANT TO SECTION 141 OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 1998 A NOTICE OF DECISION POSTED MUST NOT BE TAKEN TO BE SERVED ON A PERSON UNTIL 2 BUSINESS DAYS HAVE EXPIRED AFTER THE DAY OF POSTAGE. DECISION TO GRANT ENQUIRIES ARE ANSWERED BY VCAT TWO BUSINESS DAYS AFTER THE EXPIRATION OF THE APPLICATION PERIOD.

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

IMPORTANT: save under k/proclaim/advertising/data sources/objectors
then the application number

Name	Address	City	PostalCode	TypeOfSubm.
JR Bendell	3 Lakeview Drive	SAFETY BEACH	3936	OBJECTION
Joel Meaney	3 View Point Road	McCRAE	3938	OBJECTION
Helen C Burrage	605 Point Nepean Road	McCRAE	3938	OBJECTION
John d'Helin	67 Wheatland Road	MALVERN	3144	OBJECTION
AT & RA Stent	10 Viewpoint Road	MCCRAE	3938	OBJECTION

PIN1116 Ref: P02/1833 : Direct Dial David Quelch on (03) 5986 0991: Fax: (03) 5986 0841

11th December, 2002

Moser Planning Services Pty Ltd
5 Littleboy Rise
ENDEAVOUR HILLS VIC 3802

Dear Sir/Madam,

**PLANNING APPLICATION P02/1833
6 VIEW POINT RD MCCRAE
DWELLING**

I wish to advise that the above application was considered at a meeting on 10th December 2002. It was determined to grant a permit as detailed on the attached notice – which contains the proposed Permit conditions. If there are no Appeals against the decision, the Planning Permit will be issued in this form.

This determination does not constitute a permit to undertake the proposed use or development. Consequently you should not undertake any action on the application until further notice.

Council is required to notify objectors of the determination. Objectors have 21 days within which to lodge an appeal with the Victorian Civil and Administrative Tribunal.

A permit cannot be issued until at least 28 days after the issue of the notice – if advice is received from the Tribunal that no Appeals were lodged.

In the event of an appeal being lodged with the Registrar of Planning Appeals, you will be notified and all further correspondence should then be conducted with the Tribunal. Further information regarding Appeals is details on the back of the Notice.

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

Yours faithfully

Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

Form 4

NOTICE OF DECISION TO GRANT A PERMIT

Permit Application: P02/1833
 Planning Scheme: Mornington Peninsula
 Responsible Authority: Mornington Peninsula Shire

ADDRESS OF THE LAND:

6 VIEW POINT RD MCCRAE

Lot 2 LP 114212 Vol 9088 Fol 778

WHAT WILL THE PERMIT ALLOW:

THE DEVELOPMENT OF A DWELLING IN ACCORDANCE WITH THE
 ENDORSED PLANS

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

Condition 1 of 12

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with that submitted but amended to show:
 - (a) obscured glazing or 1.7 metre sill height for the upper level dining room window along the west elevation
 - (b) driveway designed to enable a vehicle to exit the proposed garage using a maximum of two manoeuvres
 - (c) front fence reduce to a height of 1.5 metres
2. 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.
3. 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.

Date Issued: 11th December 2002

Signature For The
 Responsible Authority:
 David Quelch - Development Planner

Irrelevant & Sensitive

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

WHAT ABOUT APPEALS?

- * The person who applied for the permit may appeal against any condition in the notice of decision to grant a permit. The appeal must be lodged within 60 days of the giving of this notice.

For an Objector-

- * An objector may appeal against the decision of the Responsible Authority to grant a permit. The appeal must be lodged within 21 days of the giving of this notice.
- * If there is no appeal, a permit will be issued after 21 days of the giving of this notice.

For all appeals-

- * An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- * An appeal must be made on the prescribed Notice of Appeal form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee.
- * An appeal must state the grounds upon which it is based.
- * An appeal must also be served on the Responsible Authority.
- * Notice of the appeal must be given in writing to all other parties to the appeal as soon as practicable after an appeal is lodged. An objector who appeals must give notice to the person who applied for the permit. An applicant who appeals must give notice to all objectors.
- * Details about appeals 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

Form 4

NOTICE OF DECISION TO GRANT A PERMIT

Permit Application: P02/1833
 Planning Scheme: Mornington Peninsula
 Responsible Authority: Mornington Peninsula Shire

4. Within one month of the date of this permit, a landscape plan must be submitted to and approved by the Responsible Authority and when approved this plan will become the endorsed plan under this permit. It must include:
 - (a) a survey of all existing vegetation and features.
 - (b) the areas set aside for landscaping, including the front, side and rear yards.
 - (c) a schedule of all proposed and/or existing trees, shrubs and ground cover, shrubs including the location and size at maturity of all plants and their botanical names.
 - (d) more than 80% indigenous species to the locality.
 - (e) a minimum of 25 indigenous tree and/or shrub species.
5. All planting must be maintained in a healthy condition to the satisfaction of the Responsible Authority. Any dead or diseased trees or shrubs must be replaced as soon as possible.
6. Native vegetation other than on the land shown for the construction of the development as shown on the endorsed plans must not be felled, lopped, topped, ringbarked or otherwise destroyed or removed except with the consent of the Responsible Authority.
7. A vehicular crossing must be provided to the standards of the Responsible Authority prior to the initial occupation of the building.
8. A driveway must be provided to the land and surfaced to the satisfaction of the Responsible Authority. It must be completed prior to the initial occupation of the building.
9. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.
10. All areas of the development must be drained to a legal point of stormwater discharge via an underground drainage system or other approved method of stormwater drainage to the satisfaction of the Responsible Authority. This drainage system must include permanent siltation control measures during construction.

Date Issued: 11th December 2002

Signature For The
 Responsible Authority:
 David Quelch - Development Planner

Irrelevant & Sensitive

IMPORTANT INFORMATION ABOUT THIS NOTICE

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7th Floor, 55 King Street,
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Phone: (03) 9628-9777

Fax: (03) 9628-9789

DX 210160

Form 4

NOTICE OF DECISION TO GRANT A PERMIT

Permit Application: P02/1833
Planning Scheme: Mornington Peninsula
Responsible Authority: Mornington Peninsula Shire

11. The development must be in accordance with the Site Investigation Report dated 30 April 2002 prepared by C.E. Lawrence & Associates (VIC) PTY LTD. Upon completion of the foundations and footings, a report must be submitted to the Responsible Authority to verify that works are in accordance with the recommendation of the Site Investigation Report.

12. This permit will expire if one of the following applies:

- The development is not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

Date Issued: 11th December 2002

**Signature For The
Responsible Authority:** _____
 David Quelch - Development Planner

Irrelevant & Sensitive

IMPORTANT INFORMATION ABOUT THIS NOTICE

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Victorian Civil and Administrative Tribunal
Planning Division
7th Floor, 55 King Street,
Melbourne, 3000.

Phone: (03) 9628-9777

Fax: (03) 9628-9789

DX 210160

NOD/Refusal Check list

Admin can prepare the following information, please tick the appropriate boxes.

Stage 1

Application Number P02/1833 Date 10/12/02.

- ☐ Refusal
- ☒ NOD

- ☐ Preparation of Refusal/NOD from;
 - ☐ Council meeting
 - ☒ Delegate meeting
 - ☐ VCAT

Date of Meeting 10/12/02.

Please ensure that conditions are in Proclaim.

- ☒ Fax VCAT form including list of objectors for NOD
- ☒ Generate letters to Objectors

Stage 2

- ☒ Generate permit after no appeals have been lodged
 - ☒ Generate permit after VCAT appeal
-

DEVELOPMENT APPROVAL DELEGATE COMMITTEE

Date: 10/12/02.

Location: Big Table, mornington.

In attendance: Arthur Locksley, Dean Burman, David Quelch.

Meeting Opened: 10.00 AM/PM

Business:

Item: Dem 1	App number P02/1833.	Address 6 View Point Rd, McEae Proposal 2/3 Dwelling
Decision: > 1 st AC NOD 2 nd OB		

Item: 2 Dem	App number P02/1759	Address 2929 Point Nepean Rd, Blairgowrie Proposal 2/3 Dwelling
Decision: NOD		

Item: 3 Dem	App number P02/1834.	Address 19 Vision Ave, Sorrento Proposal 2nd storey addition
Decision: NOD		

Item: 4	App number P	Address Proposal
Decision:		

Meeting Closed:

AM/PM



MORNINGTON
PENINSULA

SHIRE

Delegate Report – P02/1833

Statutory Planning Department – Mornington

Prepared By	David Quelch
Manager	Ray Webb
Date	10/12/2002
Application Received	02/08/2002
Applicant	Moser Planning Services Pty Ltd
App. Description	DWELLING
Land Address	6 View Point Rd MCCRAE VIC 3938
Land Number	1116
Planning Scheme	Mornington Peninsula Shire
Zoning	R1Z
Overlays	DDO3, ESO25, VPO1
App. Fee Paid	\$430
Advertising Fee Paid	\$77

SUMMARY

Proposal	Development of a two storey dwelling.
Permit Triggers	DDO3 - variation to maximum wall and building height. ESO25 - all buildings and works. VPO1 - vegetation removal.
Advertising	Site inspection conducted on 21/10/02. Granting of a permit may cause material detriment to adjoining landowners, therefore advertising was required.
Objections	Five objections have been received to the proposed development from the owners of 605 Point Nepean Rd, 3, 4, 10, & 16 View Point Rd. The primary concerns are: • height, bulk and scale • access to the rear and walls on boundaries • streetscape character • large storage area- home occupation • stability of the cliff face • overlooking and overshadowing • vegetation removal The Considerations section of the delegate report addresses the above issues. As from 9AM on 10/12/02 no other objections have been received to the proposed development.
Certificate of Title/Covenant	Current copy of title provided; No covenant.

Reticulated Sewerage	Yes
Referral Under Section 55	Not required.
Other/Internal Referrals	<i>Engineering</i> - no objection subject to a condition requiring drainage to Penny Lane and landscaped area slightly reduced to allow an exit from the garage using only two manoeuvres.

Background / Proposal

History / Previous Permits

- 12/3/02- planning permit P02/0465 was issued for the removal of vegetation. A condition of approval was the replanting of 25 indigenous trees and/or shrubs.
- 2/8/02- application lodged for a two-storey dwelling including a carport with a 5m front setback.
- 11/10/02- a site meeting was held. The main issues raised were overlooking from the upper level dining room window; stability of the cliff face (need for a geo technical report); access to the rear of the property; the large area proposed for storage; walls on boundaries; and streetscape character and landscaping.
- 22/10/02- meeting held between applicant and team leader/planning officer. It was determined that a geo technical report should be submitted; a reduction to the length of walls on boundaries; and deletion of one carport space to increase landscaping along the lot frontage.
- A series of amended plans have been received with the final design showing the removal of the front carport increasing the front setback from 5 metres to 11 metres; increased landscaping between the proposed dwelling and the road frontage; the addition of a pergola to the dwelling entry; and relocate the northern wall of the storage room back from the bedroom window of the abutting dwelling to the north east.

Existing Conditions

- Vacant land with an area of about 1580 sq. metres.
- Three quarters of the site is mostly level with a slight fall from the south. A cliff face crosses the northern part of the site.
- The site is mostly cleared however the cliff face is covered with native vegetation. There is a large Eucalypt to the south west portion of the site.

Adjoining Properties

South- single storey dwellings on the other side of Viewpoint Rd, which are well setback and screened by vegetation.

North- single and two storey dwellings sited well below the subject site and adjoin Point Nepean Rd.

West- a large two storey dwelling, which is reasonably well screened by vegetation.

East- a dwelling is currently being construct on site. There is some vegetation screening.

A panoramic view of Port Phillip Bay is the feature of the locality.

Development Details / Variation Sought

Type	Description	DDO / Scheme Variation?
Roof Materials	Tray Deck	No
Wall Materials	Insulation sheet	No
Roof Colour		No
Wall Colours		No
Building Height	6.7m	Yes
Wall Height	6.7m	Yes
Front Setback	11m	No
Other Setbacks	Side: West- walls on boundary, East- walls on boundary.	No
Veg. Clearance	Some small bushes along the north side boundary.	Yes
Earthworks	600mm	No
Abuts Road Zone?	No	
Abuts Other Zone?	No	

Consideration / Analysis

Relevant Planning Controls

State Planning Policy- the proposed development satisfies the objectives of the State Planning Policy Framework, in particular Clause 16.01 – Residential Development For Single Dwellings and Clause – 19.03 Design and Built Form.

Local Planning Policy- the proposed development satisfies the objectives of the Municipal Strategic Statement, in particular Clause 21.07 – Guiding Future Township Development. Further, the proposal satisfies the State Planning Policy Framework, especially Clause 22.13 – Township Environment.

Residential 1 Zone- Pursuant to Clause 32.01-1 Section 1, the use of a dwelling does not require planning approval. The proposed development is an “as of right use”, subject to conditions, in a Residential 1 Zone. The proposal accords with the purpose of the zone that is to : “*provide for residential development at a range of densities with a variety of dwellings to meet the needs of all households*”.

DDO3 Coast and Landscape Design

- A permit is required to seek variation to the maximum 5.5 metre wall height and 6 metre building height requirements.

ESO25 Port Phillip Coastal Area

- A permit is required to construct a building and construct or carry out works.

VPO1 Township Vegetation

- A permit is required to remove destroy or lop any vegetation.

Clause 54 One Dwelling On A Lot- the proposed development overall meets the objectives of this clause.

Res-Code Checklist

Clauses	Required	Satisfy Requirement
Clause 54.01 site analysis	Neighbourhood and site description	Yes
Clause 54.02-1 neighbourhood character	Neighbourhood character and integration with the street	Yes
Clause 54.02-2 integration with the street	Integrate layout of development with the street	Yes
Clause 54.03-1 site layout and building mass	Not applicable DDO3	Yes
Clause 54.03-2 building height	Not applicable DDO3	Yes
Clause 54.03-3 site coverage. Maximum 60%	Less than 60%	Yes
Clause 54.03-4 permeability, at least 20% not covered by impervious surfaces	More than 20% not covered by impervious surfaces	Yes
Clause 54.03-5 energy efficiency	Private open space and habitable living areas are orientated northwards	Yes
Clause 54.03-6 significant trees	Retention of significant trees onsite	Yes
Clause 54.03-7 parking	Adequate area available for two parking spaces	Yes
Clause 54.04-1 side and rear setback	Side setback requirement- one metre, rear not applicable	Yes
Clause 54.04-2 walls on boundary	Garage/Carport on boundary or less than 150mm, 3.6m max.	Yes
Clause 54.04-3 daylight to existing windows	New dwelling to allow 3m ² light court of existing window.	Yes
Clause 54.04-4 north facing windows	Adequate daylight to existing habitable room windows	Yes
Clause 54.04-5 overshadowing open space	Minimal overshadowing will occur	Yes
Clause 54.04-6 overlooking objective	Minimal overlooking will occur	Obscured glazing/1.7m sill height for upper level dining room window.
Clause 54.05-1 daylight to new windows	Adequate daylight into new habitable room windows	Yes

Clause 54.05-2 private open space	80 sq.m or 20%, but not less than 40 sq.m	Yes
Clause 54.05-3 solar access to open space	Solar access to secluded open space of new dwelling	Yes
Clause 54.06-1 design detailed objective	Façade articulation, detailing, proportions	Yes
Clause 54.06-2 Front fences	Road Zone- max 2m Other streets- max 1.5m	1.9m high front fence proposed- condition to reduce to 1.5m.

Consideration

- Variation to the maximum wall and building height requirements is considered reasonable due to the slope of the land and is only confined to the rear. From the street frontage the proposed dwelling will appear to be single storey.
- A condition of approval will require the submission of a landscape plan, of which 80% of the planting must be indigenous. This, together with an increased front setback will adequately screen the proposed development from the street frontage.
- While walls are proposed on both side boundaries, this is considered reasonable as the area north of the cliff face is very steep, therefore reducing the area available to be developed. Further, the lot has an irregular shape, further constraining development of the site.
- Access to the rear of the site can be gained via the large storage area to the north. External access can also be obtained via adjoining properties should there be a fire risk to the cliff face and bushland below.
- Use of the proposed storage area, shall not be permitted to impact on the amenity of the adjoining landowners, by virtue of the Home Occupation clause of the Scheme.
- ~~No vegetation removal or excavation is proposed.~~
- The proposed dwelling is consistent with the use of the land.
- Submission of a 'Site Investigation Report' details how the development will not be detrimental to the stability of the cliff face. Structural and engineering parameters at the building permit stage will ensure there is no land slippage.
- Any likelihood of inadequate daylight to the existing window of the north east adjoining dwelling has been eliminated by amending the storage wall to be setback south of the window. Due to the orientation of the lot and the adequate setback of the highest portions of the proposed dwelling, there is no threat of unreasonable overshadowing.
- Any overlooking from the rear deck of the proposed dwelling is over the cliff face of the adjoining properties to the east and west, and in practice can not be considered secluded private open space. Condition 1 will require the upper level dining room window along the west elevation to be of obscured glazing or have a 1.7m sill height.
- The siting of the dwelling is consistent with the adjoining dwellings, and will not impact on shared viewlines of Port Phillip Bay.
- Proposed development is sympathetic to the surrounding area as the siting, design, and materials to be used already define the local urban character.

- It is considered unlikely that any person would suffer unreasonable material detriment or the amenity of the area unreasonably compromised as a result of a permit being granted.

Conclusion

The proposed development is consistent with the objectives of the State and Local Planning Policy Framework and meets with the decision guidelines of Clause 65. Overall, the development accords with the purpose of the zone and the variations sought to the overlay requirements are not likely to result in unreasonable material detriment or significant loss of amenity to the adjoining landowners.

Recommendation

That the application for development of a dwelling at 16 View Point Rd, McCrae be approved, having considered all objections received to date, and that a Notice of Decision to Grant a Permit be issued subject to the attached conditions

David Quelch
Planners Name
Development Planner

Approved 10 December 2002

Delegate Officer - Internal Planning Scheme Review Survey 2002/2003

Please complete this short survey after finalisation of report and recommendation. Analysis of this information will aid the Statutory and Strategic Planning Units in streamlining the planning scheme, recognising unnecessary permit triggers and permit applications which do not add significant value. The objective is to reduce unnecessary regulation and reduce the volume of applications.

Q.1 Did the processing of this application add value? **Yes** (delete the incorrect answer)

Q.2 did the processing of this application require assessment to ensure that development or use did not impact upon the surrounding community or planning scheme policy?
Yes (delete the incorrect answer)

If you answered no to question 1 please complete all the questions below

Q.3 Should the provisions be varied to reduce or delete this permit trigger
Yes / No (delete the incorrect answer)

*If you answered **Yes** to question 1, please complete the remainder of the questions and e-mail this report to Rodney Wee – Team Leader, Statutory Planning when completed by selecting **File, Send to, Mail Recipient**. From the top left hand corner of your Word tool bar.*

Q.4	Key Use trigger	
Q.5	Key Development trigger i.e front setback, wall height	
Q.6	Key provision i.e DDO4, VPO1	
Q.7	Key permit trigger i.e front setback, wall height	

Planners Comments Ideas

Q.8 Please detail how, in your opinion, the provisions could be varied/deleted to achieve this desired outcome.

Comments...

Q.9 If the triggers/provisions were changed, what risks/dis-benefits could result from the proposal not requiring a permit? **Low / Medium / High risk?** (delete the incorrect answer)

Comments / General comments...

DRAFT CONDITIONS

Planning Application: P02/1833

Property Address: 6 View Point Rd MCCRAE VIC 3938

1. Before the development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with that submitted but amended to show:
 - (a) obscured glazing or 1.7 metre sill height for the upper level dining room window along the west elevation
 - (b) driveway designed to enable a vehicle to exit the proposed garage using a maximum of two manoeuvres
 - (c) front fence reduce to a height of 1.5 metres
2. 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.
3. 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.
4. Within one month of the date of this permit, a landscape plan must be submitted to and approved by the Responsible Authority and when approved this plan will become the endorsed plan under this permit. It must include:
 - (a) a survey of all existing vegetation and features.
 - (b) the areas set aside for landscaping, including the front, side and rear yards.
 - (c) a schedule of all proposed and/or existing trees, shrubs and ground cover, shrubs including the location and size at maturity of all plants and their botanical names.
 - (d) more than 80% indigenous species to the locality.
 - (e) a minimum of 25 indigenous tree and/or shrub species.
5. All planting must be maintained in a healthy condition to the satisfaction of the Responsible Authority. Any dead or diseased trees or shrubs must be replaced as soon as possible.
6. Native vegetation other than on the land shown for the construction of the development as shown on the endorsed plans must not be felled, lopped, topped, ringbarked or otherwise destroyed or removed except with the consent of the Responsible Authority.
7. A vehicular crossing must be provided to the standards of the Responsible Authority prior to the initial occupation of the building.

DRAFT CONDITIONS

Planning Application P02/1833

Property Address 6 View Point Rd MCCRAE VIC 3938

8. A driveway must be provided to the land and surfaced to the satisfaction of the Responsible Authority. It must be completed prior to the initial occupation of the building.
9. All disturbed surfaces on the land resulting from the development must be revegetated and stabilised to the satisfaction of the Responsible Authority.
10. All areas of the development must be drained to a legal point of stormwater discharge via an underground drainage system or other approved method of stormwater drainage to the satisfaction of the Responsible Authority. This drainage system must include permanent siltation control measures during construction.
11. The development must be in accordance with the Site Investigation Report dated 30 April 2002 prepared by C.E. Lawrence & Associates (VIC) PTY LTD. Upon completion of the foundations and footings, a report must be submitted to the Responsible Authority to verify that works are in accordance with the recommendation of the Site Investigation Report.
12. This permit will expire if one of the following applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the above periods if a request is made in writing before the permit expires or within the following three months.

David Quelch

From: David Quelch
Sent: Friday, 6 December 2002 14:35
To: 'Robert Stent'
Subject: RE: 6 View Point Rd. Mc.Crae

I sent the plans on Monday 2 December 2002 (to 10 Viewpoint Rd, McCrae). The only change is the deletion of the front car port (to be replaced by landscaping) and a reduction of the walls on boundary to the store room on the east (opposite to your side) elevation. The applicant has been told that the proposal is going to a delegate committee meeting on Tuesday 11/12/02. Under the Planning and Environment Act 1987 Council has a Statutory obligation to process planning application within 60 days. This period has expired. You will be notified of the decision and retain your rights of appeal. Cheers, David Quelch.

-----Original Message-----

From: Robert Stent
Sent: Friday, 6 December 2002 13:27
To: quelda@mornpen.vic.gov.au
Subject: 6 View Point Rd. Mc.Crae

Irrelevant & Sensitive

David,

I have not yet recieved the revised plans for the above property. Is there any news of the status of the plans or application?

Rob Stent

Do you Yahoo!?
Yahoo! Mail Plus - Powerful. Affordable. Sign up now.
<http://mailplus.yahoo.com>

IMPORTANT: save under k/proclaim/advertising/data sources/objectors
then the application number

Name	Company	Address	City	PostalCode	TypeOfSubm.
JR Bendell	-4 Viewpoint	3 Lakeview Drive	SAFETY BEACH	3936	OBJECTION
Joel Meaney	-3 Viewpoint	3 View Point Road	McCRAE	3938	OBJECTION
Helen C Burrage		605 Point Nepean Road	McCRAE	3938	OBJECTION
John d'Helin	-16 Viewpoint	67 Wheatland Road	MALVERN	3144	OBJECTION
AT & RA Stent		10 Viewpoint Road	MCCRAE	3938	OBJECTION

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

26 November, 2002

Moser Planning Services Pty Ltd
5 Littleboy Rise
ENDEAVOUR HILLS VIC 3802

Wrong address for Hunt.

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

Please find attached the amended plans for the above application. Note that the front carport has been deleted and additional landscaping has been proposed to partially screen the development from the street frontage.

It is important any further comment is forwarded within seven (7) days to expedite the process.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

FILE NOTE



MORNINGTON
PENINSULA

Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER:

DATE:

APPLICATION NO:

FILE NO:

SUBJECT:

RE: 3/11 - upper level, dining room window - obscured
 • See to Engineer of Cliff face - Tom Burk #226

• Access

• Storage - Home Occupation

• Streetscape / Landscaping

* 17/10/02 - Tom Burk - engineer, stability of
 a cliff face is a building issue

* 22/10/02 - Meeting between Sally Moss, Arthur & myself

* Geotechnical report - cond of existing
 landform - bore samples, compaction, methods
 of construction. ✓

* Wall along east elevation to be slightly
 reduced - possibly or cannot reduced

* 7/11/02 - phoned Tom Burk, OK with a
 caution for drainage to Penny Lane

* 8/11/02 - spoke to employees - too many
 manoeuvres required for access to the garage
 - need to be redesigned

* 27/11/02 - spoke to Sally Moss - re turning wall
 All too many manoeuvres required - Cond 2

* 2 Dec - plans sent to Steve - 7 days to
 reply

527/27

5 Little Boy Rise, Endeavour Hills, 3802

Moser Planning Services Pty Ltd

November 18, 2002

Mornington Peninsula Shire Council
Private Bag 1000
Besgrove Street
ROSEBUD 3939

Attn: Mr David Quelch (Mornington Office)

Dear David

**Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE,
PLANNING APPLICATION NO. P02/1833**

Please find enclosed plans for the above property indicating changes to the layout of the development. These plans:

- Remove the carport from the front of the property thereby increasing the front setback from 5 to 11 metres.
- Allow for a substantial increase in landscaping to the front of the property
- Provide for side entry to the double garage and include windows to the front of the garage.
- Incorporate a pergola above the entry space to the garage that will also function as a covered entry area to the dwelling.
- Relocate the northern wall of the storage room back from the bedroom window of the abutting dwelling to the north-east.
- Indicate the type of fencing sought.

It is requested Council consider these plans as part of the information provided for the development and if in accordance with requirements, make the changes a condition of permit.

The revisions made have been in direct response to Council and objector concerns regarding neighbourhood character. We now have a substantial frontage setback which can be landscaped in accordance with Council requirements.

RECEIVED	15 NOV 2002
STATS/PPL	1116
OFFICER	DD
NAME	

November 18, 2002
Page 2

As some time has now passed since the application was first lodged, it is requested the changes be considered and processed promptly. Should you require anything further please do not hesitate to contact me.

Yours faithfully

Irrelevant & Sensitive

Sally Moser, B.T.R.P. Hons, Grad Dip. Prop.
MOSER PLANNING SERVICES PTY LTD

INTERNAL MEMO

Ref: P02/1833 Direct Dial David Quelch on (03) 5986 0991: Fax (03) 5986 0841

7 November, 2002

From: David Quelch
DEVELOPMENT PLANNER

To: Terry Boyd
Development Engineer

Re: **PLANNING APPLICATION P02/1833**
DWELLING
6 VIEW POINT ROAD MCCRAE

Dear Terry,

I refer to the above planning permit application. Your comments would be greatly appreciated.

The proposal is for a two storey dwelling and has already been referred to Engineering. However, amended plans received show altered access to the garage. Will this permit reasonable vehicular access.

A response within 14 days would be appreciated.

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

Yours faithfully

Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

DAVID > ONE CAR IS ABLE TO ACCESS THE GARAGE, ONE MOVEMENT IN AND TWO MOVEMENTS TO EXIT (1 REVERSING 1 FORWARD).
IF TWO CARS ARE TO USE THE GARAGE THEN THE FIRST TO ENTER WILL NEED TO CARRY OUT TWO EXTRA MOVEMENT TO MOVE INTO THE POSITION CLOSEST TO THE COVERED PERGOLA. IT DOES WORK BUT IT IS AWKWARD.
TERRY. 8/11/02.

5 Little Boy Rise, Endeavour Hills, 3802

Moser Planning Services Pty Ltd

October 2, 2002

Mornington Peninsula Shire Council
Private Bag 1000
Besgrove Street
ROSEBUD 3939

Attn: Mr David Quelch

Dear David

**Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE,
PLANNING APPLICATION NO. P02/1833**

I refer to the above planning application and the objections received and provide the following comments in response.

Neighbourhood Character

The proposed dwelling is considered quite acceptable in terms of neighbourhood character. It comprises a single house on a single lot. The design is site responsive having regard to its surrounds and the limitations imposed by the site itself. The dwelling will be unobtrusive when viewed from the street appearing for all intents and purposes to be a single rather than double storey structure. The designer has chosen a flat as opposed to gable or hipped roofline to ensure it has a low key appearance. When viewed from the street while the building extends from boundary to boundary, it will not appear out of place because of the setbacks of the buildings on the abutting properties and the available viewing angle from the street. There would be little merit in pulling the building back off the northern boundary as an unusable, difficult to maintain space would be created.

The character of buildings that face the bay in the area tend to be larger rather than smaller structures and this is evidenced in the construction taking place on the eastern side of the site and on other properties in the area. The proposed dwelling has been designed to capitalise upon the views available from the site while being subtle in appearance from View Point Road.

October 2, 2002

Page 2

Impact on Abutting Properties

Impacts on abutting properties need to be addressed in terms of the use and development of those sites and how the proposal relates to their specific characteristics.

To the east we have a dwelling that is nearing completion setback 1.650 metres off the intervening boundary. The majority of the windows along the western façade of this residence comprise ancillary spaces such as bathroom/ensuite areas. The developer of this site has modified their plan indenting the area containing a bathroom/spa area. As such it is considered that there is no benefit in moving the eastern wall of the storage room off the boundary in this location.

The relationship between the two residences in this location is considered to be quite acceptable. If there is however a concern with the wall opposite the bedroom window we could look at modifying the building in this specific area to increase the amount of separation. We do not, however, consider it necessary to provide any other additional separation along the eastern boundary for the reasons already discussed. In terms of overshadowing the diagrams prepared indicate that overshadowing of the abutting building in this location is well within acceptable limits being only from the late afternoon onwards.

The front section of the proposed dwelling is well setback off the eastern boundary a distance of 5 metres thereby providing a total separation of 6.650 between the walls of the two residences. This is more than an acceptable level of separation.

In terms of overlooking to the east significant use of highlight windows is proposed along the façade of the building in this location. The main building line of the proposed dwelling has been kept in line with that of the abutting property. Balconies to the front of the dwellings are common in the area capitalising on the views to the bay. As Council has allowed the dwelling on the abutting property to be constructed with extensive levels of overlooking to my client's property, it would be inappropriate for there now to be restrictions as a result of that development which appears to have had little regard to its neighbours.

We will now turn to the impact of the development on the abutting property to the west. This is a tall older style inter-War dwelling that is orientated towards the bay. Abutting the western boundary of the subject site is a gravel driveway and several trees that screen the development area from view. The owners of that property will only have obscured views of the front of the dwelling and overlooking will not be direct. Views will not be possible from ground floor level due to the vegetation. At first floor level ground level views will be filtered because of the vegetation. Distant filtered views of the dwelling may be possible however the viewing distance is in excess of 17 metres and should not be of any concern to the abutting residents. My client however is prepared to offer to modify the dining room window to a highlight window if Council considers this necessary. The impacts of the proposed dwelling on the abutting property to the west are all within reasonable limits.

October 2, 2002
Page 3

Overshadowing does not present a problem because of the amount of separation involved.

Other Grounds of Objection

The other grounds of objection raised appear to come from a misunderstanding of the planning regime applying to the site.. In terms of the issue raised concerning the proposed storage area. My client requires this area for possessions he owns relating to his job and there is nothing wrong with this. He, like everyone, else is subject to the stringent requirements of Clause 52.11 of the Planning Scheme concerning Home Occupations, and indeed the storage area is proposed so that he complies with the provisions of that clause. There will be no noise or amenity impacts arising from occupation of the dwelling. My client is a good neighbour who likes a quiet unobtrusive living environment. In terms of the methods of construction the development has to meet all engineering and building requirements.

Drainage

The owner of the property is proposing to drain the site to the easement in Penny Lane the same as do other properties in the area.

Conclusion

I believe the above addresses the main points of concern raise by the objectors with the application. My client has spent considerable time and effort in designing this home and requests favorable consideration be given to it. Please do not hesitate to contact me should you require any further information at this stage. We are happy to meet with you and your supervisor if it would be of assistance. Please also amend your records to the address located at the top of the letter as I have recently moved.

Yours faithfully

Irrelevant & Sensitive

Sally Moser
MOSER PLANNING SERVICES PTY LTD

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

Sign
Check

Not Checked

The land affected by the application is located at:

6 VIEW POINT ROAD MCCRAE
Lot 2 LP 114212 Vol 9088 Fol 778

The application is for a permit to:

DEVELOP A TWO STOREY DWELLING WITH VARIATION TO THE MAXIMUM WALL AND BUILDING HEIGHT REQUIREMENTS, EXCAVATION GREATER THAN ONE METRE AND REDUCED SETBACK FROM A CLIFF EDGE

You may look at the application and any documents that support the application at the office of the Responsible Authority.

MORNINGTON PENINSULA SHIRE COUNCIL

Rosebud Office – Besgrove Street, Rosebud
Mornington Office – Queen Street, Mornington

This can be done during office hours (8.30a.m. – 5.00 p.m. Monday to Friday) and is free of charge.

The application reference number is: P02/1833

ANY PERSON WHO MAY BE AFFECTED BY THE GRANTING OF THE PERMIT MAY OBJECT OR MAKE OTHER SUBMISSIONS TO THE RESPONSIBLE AUTHORITY

Your objection must - specify the Application Number
- be in writing
- include the reasons for the objection and state how the objector would be affected
- be sent to the Responsible Authority:

Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud, 3939

If you object, the Responsible Authority will tell you its decision.

The Applicant for the Permit is

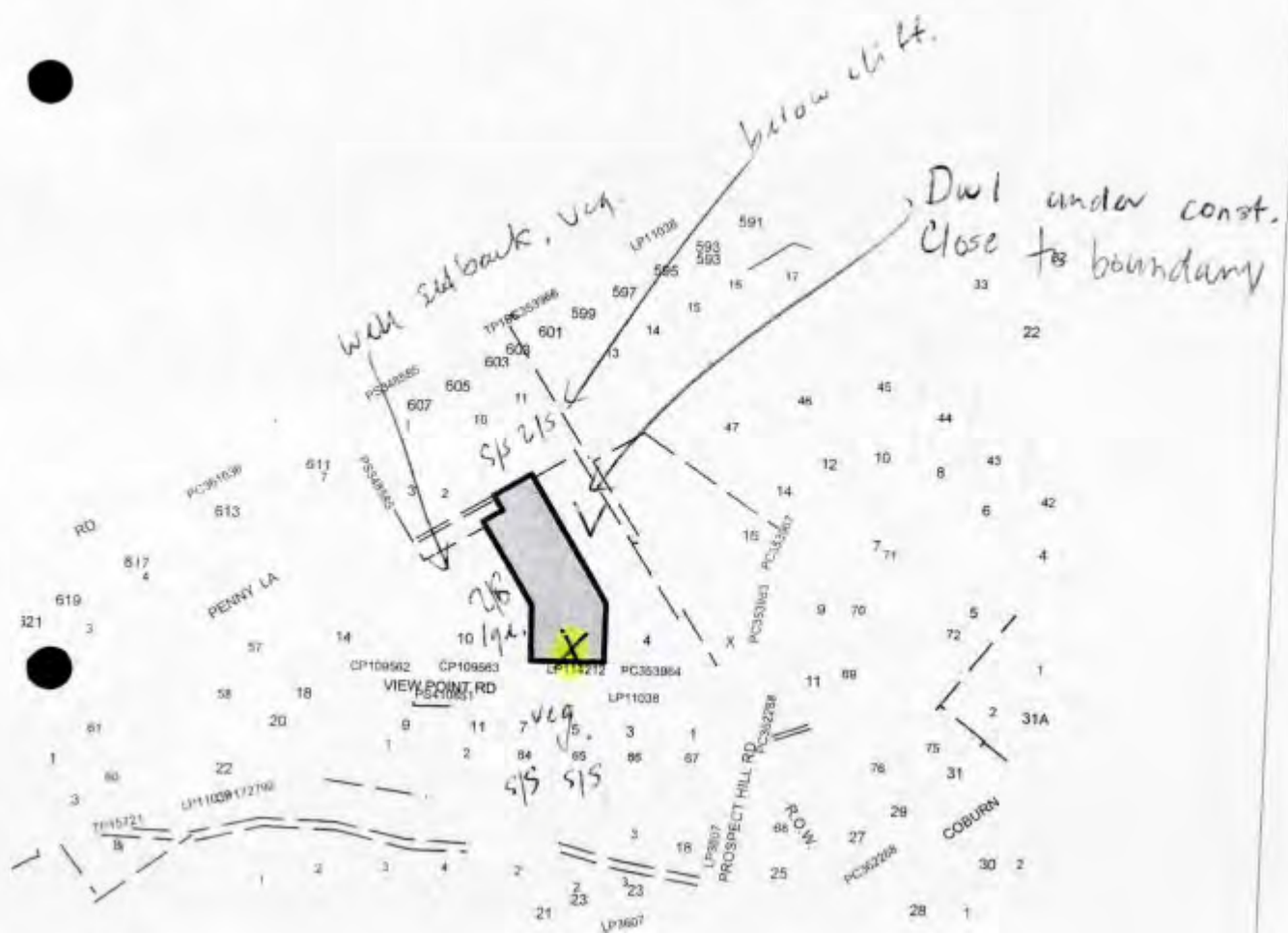
MOSER PLANNING SERVICES PTY LTD

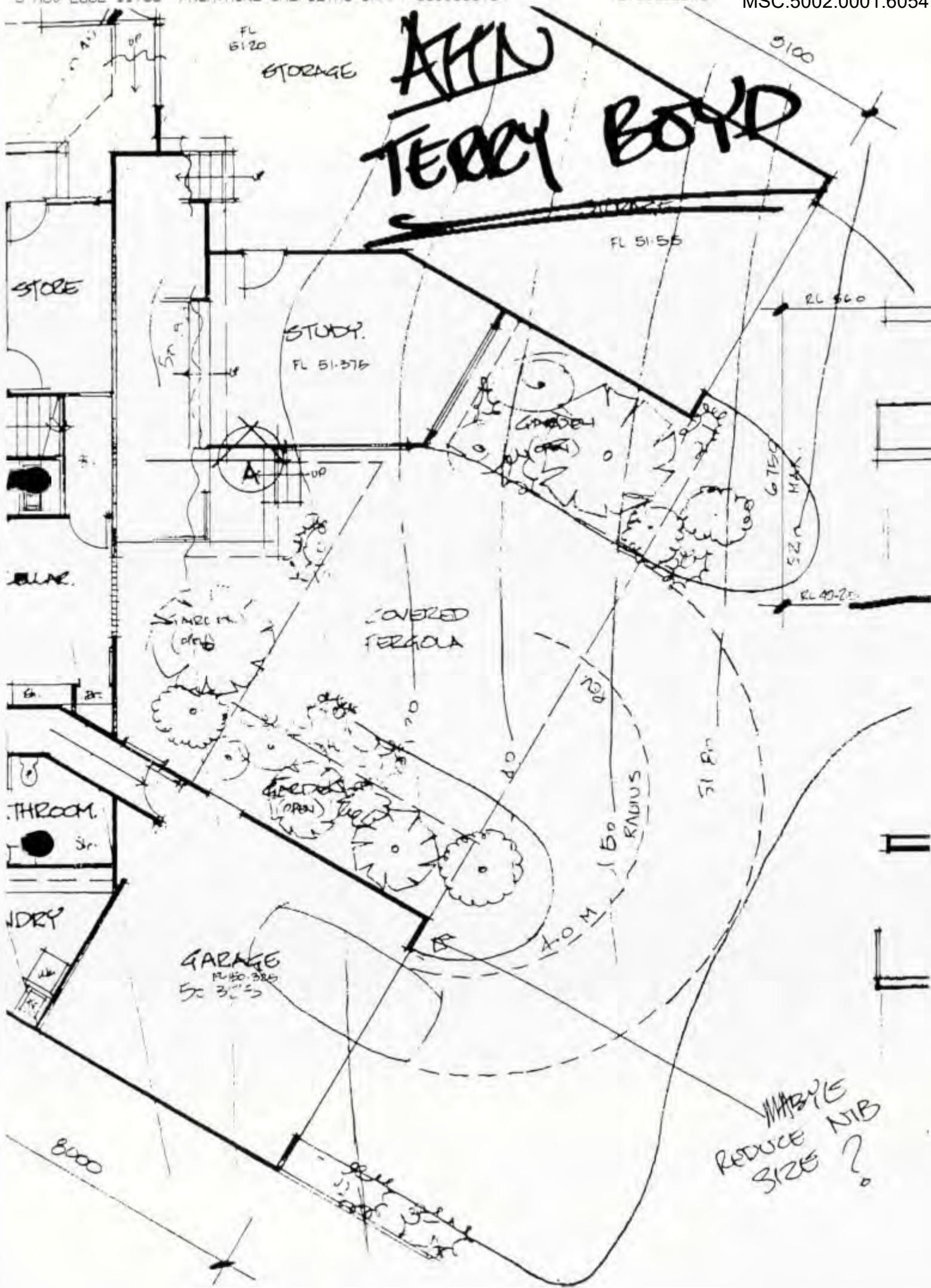
Signature

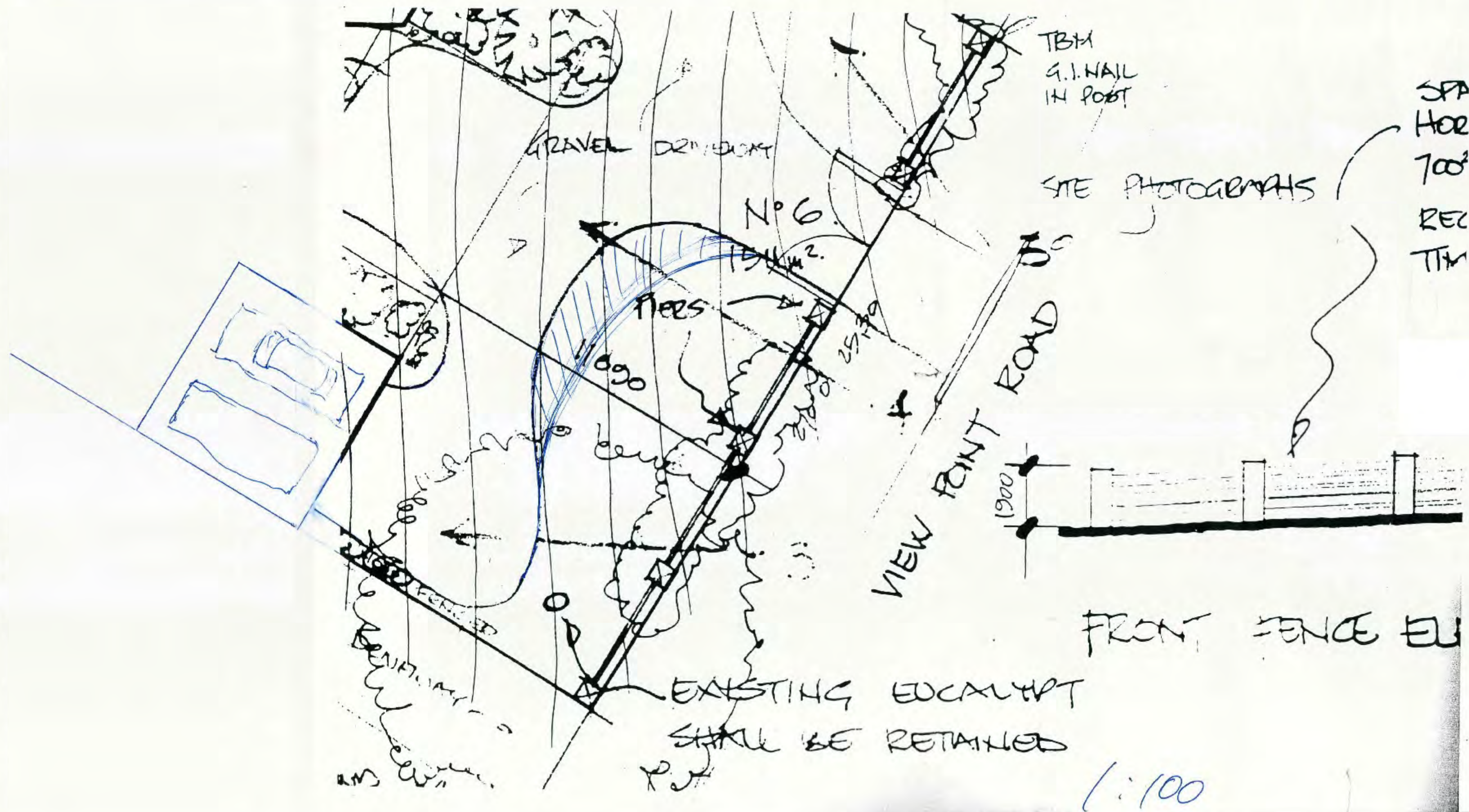
DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

18TH SEPTEMBER, 2002







NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:

6 VIEW POINT ROAD MCCRAE
Lot 2 LP 114212 Vol 9088 Fol 778

The application is for a permit to:

DEVELOP A TWO STOREY DWELLING WITH VARIATION TO THE MAXIMUM WALL AND BUILDING HEIGHT REQUIREMENTS, EXCAVATION GREATER THAN ONE METRE AND REDUCED SETBACK FROM A CLIFF EDGE

You may look at the application and any documents that support the application at the office of the Responsible Authority.

MORNINGTON PENINSULA SHIRE COUNCIL

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The application reference number is: P02/1833

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- include the reasons for the objection and state how the objector would be affected
- be sent to the Responsible Authority:

Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud, 3939

If you object, the Responsible Authority will tell you its decision.

The Applicant for the Permit is

MOSER PLANNING SERVICES PTY LTD

Signature

DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

18TH SEPTEMBER, 2002

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:

6 VIEW POINT ROAD MCCRAE
Lot 2 LP 114212 Vol 9088 Fol 778

The application is for a permit to:

DEVELOP A TWO STOREY DWELLING WITH VARIATION TO THE MAXIMUM WALL AND BUILDING HEIGHT REQUIREMENTS, EXCAVATION GREATER THAN ONE METRE AND REDUCED SETBACK FROM A CLIFF EDGE

You may look at the application and any documents that support the application at the office of the Responsible Authority.

MORNINGTON PENINSULA SHIRE COUNCIL

Rosebud Office – Besgrove Street, Rosebud
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This can be done during office hours (8.30a.m. – 5.00 p.m. Monday to Friday) and is free of charge.

The application reference number is: P02/1833

ANY PERSON WHO MAY BE AFFECTED BY THE GRANTING OF THE PERMIT MAY OBJECT OR MAKE OTHER SUBMISSIONS TO THE RESPONSIBLE AUTHORITY

Your objection must - specify the Application Number
- be in writing
- include the reasons for the objection and state how the objector would be affected
- be sent to the Responsible Authority:

Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud, 3939

If you object, the Responsible Authority will tell you its decision.

The Applicant for the Permit is

MOSER PLANNING SERVICES PTY LTD

Signature

DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

18TH SEPTEMBER, 2002

5 12026
9 October, 2002

MORNINGTON PENINSULA Shire Council	
RECEIVED	10 OCT 2002
MAIL FILE	1116
CITY FILE	09
P02/1833	

AT Stent
RA Stent
10 Viewpoint Road
McCrae Vic
All correspondence C/- Robert Stent
Hayball Leonard Stent
Suite 4/135 Sturt Street
Southbank Vic 3006

Mr David Quelch
Development Planner
Mornington Peninsula Shire
Private Bag 1000
Besgrove Street
Rosebud Vic 3939

Dear David

**Re: PLANNING APPLICATION P02/1833
6 VIEWPOINT ROAD, MCCRAE**

We write in regard to the above planning application and to confirm our telephone discussion.

The main points of which were as follows;

- 1 The application will be assessed in accordance with consideration of the relevant Decision Guidelines of Clause 54 of Rescode.
- 2 We confirm that vegetation has been removed in anticipation of building works. This will lead to a significant impact of the proposal when viewed from adjoining properties and areas.

We enclose copies of our correspondence to the Shire outlining our concerns about the removal of vegetation beyond what was claimed as trees with potential of causing immediate damage. The removal of native shrubs, trees including tee tree, swamp paper bark, fruit trees was clearly undertaken to gain a development advantage.

Finally we are prepared to discuss these matters at a suitable time, however we are unfortunately unable to meet with you this Friday.

We look forward to your response.

Yours faithfully

Irrelevant & Sensitive

Rob Stent

encl.
cc. Councillor

K:\Admin - gen office\HLS\Correspondence\Decisions\Public\msc091002.doc

10 OCT 2002

INTERNAL MEMO

Ref: P02/1833 Direct Dial David Quelch on (03) 5986 0991; Fax (03) 5986 0841

7 November, 2002

From: David Quelch
DEVELOPMENT PLANNER

To: Terry Boyd
Development Engineer

Re: **PLANNING APPLICATION P02/1833**
DWELLING
6 VIEW POINT ROAD MCCRAE

Dear Terry,

I refer to the above planning permit application. Your comments would be greatly appreciated.

The proposal is for a two storey dwelling and has already been referred to Engineering. However, amended plans received show altered access to the garage. Will this permit reasonable vehicular access.

A response within 14 days would be appreciated.

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

Yours faithfully

David Quelch
DEVELOPMENT PLANNER

520208

72 MSC 5002.0001.6060
561850

MORNINGTON PENINSULA Shire Council	
RECEIVED	31 OCT 2002
MAIN FILE	1116
OFFICER/S	D Q
REF	P024 1833
EXT	

MORDINGTON PENINSULA SHIRE.

% TOWN PLANNING

ATTENTION: MR. DAVID QUERCH

WITHOUT PREJUDICE, I WRITE IN HOPE THAT THE OBJECTIONS SUBMITTED TO COUNCIL CAN BE AMICABLY DECIDED UPON WITHOUT FURTHER DELAY.

WE CHOSE TO INVOLVE A PERSONAL TOWN PLANNER (NOTELY STACY M.) AND A VERY HIGHLY RECOMMENDED DRAFTSMAN (ID MICHAEL S.) TO ASSIST WITH THE DESIGN WE HAVE CHOSEN FOR A RESIDENCE ON N°6 VIEW POINT RD. MCCRAE.

IT SEEMS OBVIOUS ALL THE REQUIREMENTS WITHIN THE CODE THAT WE ENDEAVOURED TO OBSERVE HAVE BEEN THE OBJECTORS AIM TO COMPLAIN ABOUT. E.G. SET-BACKS — HEIGHT RESTRICTIONS — EXCAVATIONS — OVER-SHADOWING + INVASION OF PRIVACY. (OF WHICH SOME OF THESE WERE MENTIONED ON THE ADVERTISING BOARD FOR SOME REASON UN-RE-KNOWN TO US)

WE HAVE ADDRESSED ALL THESE REQUIREMENTS AND MORE THRO-U-OUT THESE PASSED A-5 MONTHS OF PREPARING OUR PLANS. WHY SHOULD EITHER NEIGHBOUR HAVE ANY COMPLAINTS WHEN

(a) RE/BENDALL'S IT SEEMS PLANS HAS BEEN ALTERED WITHOUT ANY NOTIFICATION TO US ON THE FOLLOWING

- (1) HEIGHT RESTRICTIONS ON BOTH RESIDENCE & BALCONY.
- (2) SET BACK FROM FRONT BOUNDARY.

(b) RE/STENT

- (1) STREET LANDSCAPE BEAUTIFICATION IS A 4" HIGH CYPRUS HEDGE ACROSS THE FRONT WITH RIDGE OF HEDGE EXCEEDING 9M
- (2) SET-BACK IS 2" FROM THE FRONT BOUNDARY
- (3) THE INVASION OF PRIVACY FROM DINING RM. IS 15" AWAY AND 30" FROM KIT-MEATS AREA — WITH DENSE SHRUBS & TREES ON THEIR PROPERTY TO GIVE FURTHER PROTECTION.
- (4) THEIR DRIVE-WAY ENCLOSES ONTO OUR PROPERTY.

AS INITIALLY STATED OUR INTENSIONS HAVE NEVER BEEN TO EFFECT OTHERS OR OBEY TO THEIR PERSONAL REQUIREMENTS & SO-BE-IT



E. Lawrence & Associates (Vic) Pty. Ltd. ACN 00148726
CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Melbourne, Victoria 3001 Telephone: (03) 9271 1024 Facsimile: (03) 9271 0255 Email: OEL@cel.com.au

Our Ref: 02/0555
 Date: 12/11/02

Mr. R. Smith
 1818 Street
 CRAE
 3038

12/11/2002

ENGINEERING INVESTIGATION REPORT

~~NUMBER 6 VIEW POINT ROAD, MCCRAE~~

It should be noted that NO responsibility will be taken if the following
 information is not reproduced in full.

Prepared by:
 E. Lawrence and Associates (Vic) Pty. Ltd.

12/11/02
 10:17
 10:17



C.E. Lawrance & Associates (Vic) Pty. Ltd.

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918 Ringwood, Victoria 3134 Telephone: (03) 9879 0384 Facsimile: (03) 9879 0256 Email: CE@cel.com.au

1.0 INTRODUCTION

1.1 Job Description

At this site a mainly ~~lightweight~~ lightweight building is planned. This Company has been engaged by C A & P M Pugh to

1. Place two boreholes over the proposed building area
2. Carry out limited appropriate soil testing
3. Classify the site in accordance with AS 2870 1996
4. Recommend footing design details.

1.2 Field Testing Method

Trenches were constructed using a hand auger. Representative in situ shear strength tests were included in any clay soils found at the site. The results of these tests, if undertaken, are given in the site investigation logs. Disturbed soil samples were collected and hand processed.

2.0 SITE - GENERAL CONDITIONS

2.1 Site Description

The site is located in an established residential estate. Over the approximate area of the proposed building the site falls up to 1000 mm. The existing site conditions that were observed in the course of this investigation are shown on the photograph below.



2.2 Soil Profile

The details of the soil profile, observed in the boreholes undertaken at this site, are given in the investigation reports. It must be stressed that, as this company has only been, commencing its geotechnical investigations for a short time, variations in the soil profile may exist in areas not shown on the borehole logs. As such, the information given on the site logs be used as an approximate guide only in the design of the proposed building.

Any variation in the soil profile that are encountered during future construction work, must be notified with the company immediately. If this occurs, all construction work being immediately stopped.



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significant earthworks are proposed or undertaken, then this report will need to be reviewed.

2.3 Geology

Based on the soil profile observed and an inspection of the appropriate geological map the site is located in and over Devonian Granites.

2.4 Soil Moisture Condition

No ground water or perched water table was observed in the coreholes undertaken at this site. However, due to the slope of the site a cut-off drain along the entire high side of the proposed building area is also recommended. This drain must be founded at least 100 mm into the clay soil and should outlet to a legal point of discharge.

If construction is planned in the seasonal wetter months, it may be necessary FOR CONSTRUCTION PURPOSES ONLY, to dry out the building area by digging an open drain 200 mm deeper than the found no depth of the recommended footings, alongside the high side of the building area. It must be stressed that this drain will NOT be needed after footings are in place and the drain completed.

2.5 Soil Classification

After considering the area geology, soil profile, the results of hand classification tests, the building superstructure and AS 2870 this site has been classified as CLASS M. Note that these above classifications may have to be reconsidered if any proposed earthworks result in a fill depth of over 500 mm or site filling over 400 mm in depth. It should be noted that this classification assumes potential differential surface soil movements of between 20 mm and 40 mm and consequently footing movements of the same order of magnitude. Therefore, it is recommended that the superstructure of the building be designed to resist this magnitude of movement.

In addition, ANY owner (current or future) of the site MUST be made aware of the following:

1. If the soil/footing movement outlined above occurs it may result in superstructure damage as outlined in Clause 8a pp 03 and Appendix C of AS 2870.
2. Their responsibilities (as outlined in the CSIRO document Sheet No. 10-31) can be purchased from CSIRO Publications, 150 Oxford Street, (PO Box 3139), Collingwood, Victoria 3066, Australia Telephone (03) 9562 1500.

3 FOOTING RECOMMENDATIONS (away from escarpment)

3.1 Footing Systems

The use of CLASS M type strip footings and stumps founded at a minimum depth of 100 mm into the natural clayey sand to sand is recommended, based on the observed conditions of the sandy soils, an allowable bearing pressure of 100 kPa with a first depth of 100 mm.

3.2 Concrete Slab

3.2.1 The use of a CLASS M type waste slab is recommended.

The use of the following CLASS M type waste slab is recommended:

1.0 m wide and 100 mm deep



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may be founded partly on the natural clayey sand to sand and partly on the natural sandy clay. The internal beams must have a maximum grid spacing of 6.0 metres and may be satisfactorily founded on any of the following materials: natural sandy clay, clastic clayey sand to sand, shallow site derived filling or granular levelling filling (note that this spacing may be increased by 10 % in one direction where the spacing in the other direction is 20 % less than specified).

- 3.2.3 Based on the observed density of the natural sandy soils and the measured shear strength in the natural sandy clay beneath the slab beams and after allowing for wearing of concrete, the slab, an allowable bearing pressure of 125 kPa will exist beneath the slab beams founded on these natural soils.
- 3.2.4 Up to 400 mm of granular levelling fill or 300 mm of site derived filling may be placed under the slab beams and/or internal beams provided this filling is placed in 100 mm thick layers with each layer being well compacted with a light weight vibratory tamber or vibratory plate tamper. Based on the likely condition of this levelling filling after 10 years, the slab is conservative allowable bearing pressure of at least 60 kPa will exist beneath the slab beams founded on this filling.
- 3.2.5 Over the building area where the total depth of filling exceeds 300 mm the slab must be designed as fully suspended and supported by a grid or deepened beams through the levelling filling in accordance with the above edge beam foundation design.
- 3.2.6 If shallow uncompacted surface filling is found to exist over parts of the site, the slab beams and panels ONLY may be founded in this fill material provided that all significant organic matter is removed prior to slab construction. In this case a conservative allowable bearing pressure of 30 kPa may be assumed in this shallow filling. If a higher bearing pressure is required the shallow fill must be compacted in accordance with clause 3.2.4 above.

FOUND RECOMMENDATIONS (near escarpment)

Footings Systems

The use of deep bored piers founded well below a forty five degree angle taken from the escarpment is recommended. Based on the observed condition of the sandy soils, an allowable bearing pressure of at least 400 kPa will exist beneath these piers. The piers must be designed in either of the above footing systems in the vicinity of the escarpment. Final exact locations and dimensions will be determined once final house plans are completed.

In order to minimise the risk of further erosion of the escarpment, all earth retaining works, excavation works and/or tree/stump removals taken place on the site must be undertaken in accordance with the latest provisions of the Stormwater Management Act 2004. The design of any earth retaining works must be in accordance with the design of the stormwater system as recommended by the local council. The design of the stormwater system must be in accordance with the design of the stormwater system as recommended by the local council.

GENERAL INFORMATION

- 5.1 It should be noted that the unit weight of the Victorian Soil Survey (VSS) data will vary with soil moisture content (therefore is a variable) and is not a constant value. The unit weight of the VSS data is 18 kN/m³.

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- 5.2 The various soil layers observed in the boreholes are likely to vary in depth and thickness over the proposed building area. Therefore, provided that the footings are founded in or on the soil described in the site investigation logs then the requirements of this report will have been satisfied.
- 5.3 It must be stressed that varying the founding depths of the footings from the values recommended in this report may create problems for which this company will not accept responsibility.
- 5.4 The construction and landscaping maintenance recommendations, detailed in the Appendix of this report, should be followed to ensure the satisfactory longterm performance of the recommended footings.

APPENDIX

Construction and Landscaping Maintenance

- 1 Unless a vertical barrier has been recommended at this site trees and large shrubs should either be planted or allowed to exist closer to the building than 0.75 times their mature height. This distance must be increased to 1.25 times the mature height where groups of trees exist adjacent to the site or bedrock exists close to the surface. If any trees are removed from the vicinity of the proposed building at this site the soil in the affected area must be seeded and well watered for at least two to three months prior to any significant superstructure construction being commenced.
- 2 Under the footings have been placed the ground around them must be treated or drained so as to prevent the surface of ground water rising against them.
- 3 Ensure that the superstructure of the proposed building is well articulated by bays to footing construction joints at intervals of no greater than 6 metres at the junction with any external wall and where the foundation material changes.
- 4 Any service drains that are constructed close to the proposed building be within a lateral zone which is equal to or less than the drain's depth. Must be backfilled if 200 mm deep (with a 100 mm concrete or a 150 mm brick or pipe) to the wall.
- 5 If a concrete slab is to be used at this site slab cracking due to concrete shrinkage is inevitable and can continue for up to 18 months. It is therefore not advisable to place the floor tiles at least six months after the slab has been poured. This period allows the shrinkage cracks to develop and stabilise prior to laying the floor tiles. It is also advisable to use a flexible joint material at 12 x 12 m intervals.

05/10/02

10:06

C.E. LAWRENCE & ASSOCIATES P-L + 59622707

NO.195 005

**C.E. Lawrence & Associates (Vic) Pty. Ltd.** ACR 002 0275**CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS**

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BORERHOLE PLAN

(NOT DRAWN TO SCALE)

VIEW POINT ROAD



C.E. Lawrence & Associates (Vic) Pty. Ltd. A/CN 02142739

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

600-610 918 Ringwood Victoria 3134 Telephone: (03) 9679 0384, Facsimile: (03) 9679 0256 Email: CEL@ce.com.au

SITE INVESTIGATION LOGS

DESCRIPTION	STRENGTH OR DENSITY	NO.	DATE
DEEP BROWN CLAYEY SAND AND SAND FILLING	MEDIUM DENSE	1	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	2	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	3	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	4	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	5	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	6	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	7	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	8	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	9	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	10	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	11	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	12	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	13	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	14	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	15	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	16	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	17	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	18	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	19	19/10/05
DEEP BROWN CLAYEY SAND AND SAND FILLING	DENSE	20	19/10/05



C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 0014072
CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Ringwood, Victoria 3135 Telephone (03) 8878 5384 Facsimile (03) 8878 0255 Email: CEL@cel.com.au

Our Ref.: 02/0555
Your Ref.: -

Client: C & P M Pugh
541 Catherine Street
McCRAE
VIC 3038

Date: 20th April 2002

SITE INVESTIGATION REPORT



NUMBER 5 VIEW POINT ROAD, McCRAE.

It should be noted that NO responsibility will be taken if the following report is altered in any way or not reproduced in full.

For and on behalf of
C. E. Lawrence and Associates (Vic) Pty. Ltd

C. E. Lawrence
M. Eng. & Eng. CP. Eng. Reg. No. Professional No. 101352



C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 05142739

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Ringwood, Victoria 3134. Telephone: (03) 9879 0334. Facsimile: (03) 9879 0256. Email: CEL@cel.com.au

1.0 INTRODUCTION

1.1 Job Description

At this site a mainly ~~brick~~ lightweight building is planned. This Company has been engaged by C. A. & P. M. Pugh to:

1. Make two boreholes over the proposed building area
2. Conduct limited appropriate soil testing.
3. Classify the site in accordance with AS 2870 1996.
4. Recommend footing design details.

1.2 Field Testing Method

Boreholes were constructed using a hand auger. Representative in-situ shear strength tests were conducted in any clay soils found at the site. The results of these tests, if undertaken, are given on the site investigation logs. Disturbed soil samples were collected and hand classified.

2.0 SITE - SOIL CONDITIONS

2.1 Site Description

The site is located in an established residential estate. Over the approximate area of the proposed building the site falls up to 1000 mm. The existing site conditions that were present at the time of this investigation are shown on the photograph below.



2.2 Soil Profile

Full details of the soil profile, observed in the boreholes undertaken at this site, are given on the site investigation logs. It must be stressed that, as this company has only been commissioned to undertake two boreholes, variations in the soil profile may exist in areas not in close proximity to the boreholes (located as shown on the Borehole Plan). As such, it is recommended that the information given on the site logs be used as an approximate guide only, in determining costs associated with footing construction.

Any variation in the soil profile that are encountered during footing construction, which may involve significant alterations to the footings, must be notified to this company as soon as possible with all construction work being immediately stopped, if this situation arises or any



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significant earthworks are proposed or undertaken, then this report will need to be reviewed and, if appropriate, amended.

2.3 Site Geology

Based on the soil profile observed and an inspection of the appropriate geological map the site is located in an area of Devonian Granites.

2.4 Soil Moisture Condition

No ground water or perched water table was observed in the coreholes undertaken at this site. However, due to the slope of the site a cut-off drain along the entire high side of the proposed building area is also recommended. This drain must be founded at least 100 mm into the clay soil and should outlet to a legal point of discharge.

If construction is planned in the seasonally wetter months it may be necessary FOR CONSTRUCTION PURPOSES ONLY, to dry out the building area by digging an open drain 200 mm deeper than the founding depth of the recommended footings, alongside the high sides of the building area. It must be stressed that this drain will NOT be needed after footing construction has been completed.

2.5 Site Classification

After considering the area geology, soil profile, the results of hand classification tests, the building superstructure and AS 2870 this site has been classified as CLASS M. Note that the above classifications may have to be reconsidered if any proposed earthworks result in either a site cut over 500 mm or site filling over 400 mm in depth. It should be noted that this classification assumes potential differential surface soil movements of between 20 mm and 40 mm and consequently footing movements of the same order of magnitude. Therefore, it is recommended that the superstructure of the building be designed to tolerate this magnitude of movement.

In addition, ANY owner (current or future) of the site MUST be made aware of the following:

1. If the soil/footing movement, outlined above, occurs it may result in superstructure damage as outlined in Clause B3 pp 63 and Appendix C of AS 2870.
2. Their responsibilities (as outlined in the CSIRO document Sheet No. 10-91). To be purchased from CSIRO Publications, 150 Oxford Street, (PO Box 1139), Collingwood, Victoria 3066, Australia Telephone (03) 9662 7560

3.0 FOOTING RECOMMENDATIONS (away from escarpment)

3.1 Footing Systems

The use of CLASS M type strip footings and stumps founded at a minimum depth of 600 mm but at least 100 mm into the natural clayey sand to sand is recommended. Based on the observed condition of the sandy soils, an allowable bearing pressure of at least 170 kPa will exist beneath these footings.

3.2 Concrete Slab

3.2.1 The use of a CLASS M type waffle slab with up to 200 mm, 300

OR

The use of the following CLASS M slab is recommended:

3.2.1 A minimum slab hauboard of 150 mm

3.2.2 300 mm wide by at least 400 mm deep edge and internal beams. The edge beams



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may be founded partly on the natural clayey sand to sand and partly on the natural sandy clay. The internal beams must have a maximum grid spacing of 8.0 metres and may be satisfactorily founded on any of the following materials: natural sandy clay, natural clayey sand to sand, shallow site derived filling or granular levelling filling (note that this spacing may be increased by 10 % in one direction where the spacing in the other direction is 20 % less than specified).

- 3.2.3 Based on the observed density of the natural sandy soils and the measured shear strengths in the natural sandy clay beneath the slab beams and after allowing for wetting up beneath the slab, an allowable bearing pressure of 125 kPa will exist beneath the slab beams founded on these natural soils.
- 3.2.4 Up to 800 mm of granular levelling fill or 300 mm of site derived filling may be placed under the slab panels and/or internal beams provided this filling is placed in 150 mm thick layers with each layer being well compacted with a light weight vibratory roller or vibratory plate tamper. Based on the likely condition of this levelling filling after having been placed in accordance with the above recommendations and after allowing for wetting up beneath the slab a conservative allowable bearing pressure of at least 50 kPa will exist beneath the slab panels and/or internal beams founded in this filling.
- 3.2.5 Over the building area where the total depth of filling exceeds 800 mm the slab panels must be designed as fully suspended and supported by a grid of deepened beams founded through the levelling filling in accordance with the above edge beam recommendations.
- 3.2.6 If shallow uncompacted surface filling is found to exist over parts of the site the internal beams and panels ONLY may be founded in this filling material provided that all soil with significant organic matter is removed prior to slab construction. Once this is done an allowable bearing pressure of 30 kPa may be assumed in this shallow filling. If a higher bearing pressure is required the shallow fill must be compacted in accordance with clause 3.2.4 above.

4.0 FOOTING RECOMMENDATIONS (near escarpment)

4.1 Footing Systems

The use of deep bored piers founded well below a forty five degree angle taken from the base of the escarpment is recommended. Based on the observed condition of the sandy soils, an allowable bearing pressure of at least 400 kPa will exist beneath these piers. The piers must be used beneath either of the above footing systems in the vicinity of the escarpment. Their exact locations and depths will be determined once final house plans are completed.

In order to minimise the risk of further erosion on the escarpment face it is recommended that minimal excavation works and/or tree/shrub removal takes place. In fact it is recommended that further planting of deep rooted fast growing shrubs/trees be undertaken to help with stabilisation. Also care must be exercised with the design of the stormwater system. It is recommended that all stormwater be quiet to the street below by the use of sealed pipe work.

5.0 GENERAL INFORMATION

- 5.1 It should be noted that the colours of the various soil layers given on the site investigation logs will vary with soil moisture content, therefore, colour codes should not be used to identify these soils.



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- 5.2 The various soil layers observed in the boreholes are likely to vary in depth and thickness over the proposed building area, therefore, provided that the footings are founded in or on the soil described in the site investigation logs then the requirements of this report will have been satisfied.
- 5.3 It must be stressed that varying the founding depths of the footings from the values recommended in this report may create problems for which this company will not accept responsibility.
- 5.4 The construction and landscaping maintenance recommendations, detailed in the Appendix of this report, should be followed to ensure the satisfactory longterm performance of the recommended footings.

APPENDIX

Construction and Landscaping Maintenance

1. Unless a vertical barrier has been recommended at this site trees and large shrubs should not be planted or allowed to exist closer to the building than 0.75 times their mature height. This distance must be increased to 1.25 times the mature height where groups of trees exist on the adjacent to the site or bedrock exists close to the surface. If any trees are removed from the vicinity of the proposed building at this site the soil in the affected area must be flooded or kept well watered for at least two to three months prior to any significant superstructure construction being commenced.
2. Once the footings have been placed the ground around them must be graded or drained so that no surface or ground water ponds against them.
3. Ensure that the superstructure of the proposed building is well articulated by eaves to footing construction, joint at intervals of no greater than 5 metres, at the junction with any existing buildings and where the foundation material changes.
4. Any service drains that are constructed close to the proposed building (ie within a lateral distance which is equal to or less than the drain's depth) must be backfilled in 200 mm loose layers and well compacted by a vibratory plate tamper.
5. If a concrete slab is to be used at this site slab cracking due to concrete shrinkage is inevitable and can continue for up to 18 months. It is therefore not advisable to place brittle floor tiles for at least six months after the slab has been poured. This period allows the shrinkage cracks to develop and stabilise. Prior to laying brittle floor tiles, it is also advisable to use a flexible mortar/grout to fix the tiles to the slab.



C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 0214275

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BOREHOLE PLAN
(NOT DRAWN TO SCALE)

VIEW POINT ROAD





C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 05142796

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

9/25 Box 218 Ringwood, Victoria 3134 Telephone: (03) 9579 0384, Facsimile: (03) 9579 0256 Email: CEL@cel.com.au

SITE INVESTIGATION LOGS

PILE ONE

DEPTH	DESCRIPTION	STRENGTH OR DENSITY	MOISTURE CONDITION OR ESTIMATED CONTENT
0.00 - 1.00	GREY-BROWN CLAYEY SAND AND SAND FILLING	MEDIUM DENSE	DRY
1.00 - 2.00	GREY-BROWN CLAYEY SAND TO SAND BECOMING COBLENDED SAND	DENSE	DRY
2.00 - 2.50	END AUGER REFUSAL 1000		

PILE TWO

DEPTH	DESCRIPTION	STRENGTH OR DENSITY	MOISTURE CONDITION OR ESTIMATED CONTENT
0.00 - 1.00	GREY-BROWN CLAYEY SAND AND SAND FILLING	MEDIUM DENSE	DRY
1.00 - 2.00	GREY-BROWN CLAYEY SAND TO SAND BECOMING COBLENDED SAND	DENSE	DRY
2.00 - 2.50	END AUGER REFUSAL 1000		

1 MPa = 1000 kPa
 1 kPa = 100 g/cm²
 100 g/cm² = 1000 kPa
 1000 kPa = 10 MPa

NOTE: ALLOWABLE BEARING PRESSURES USUALLY 2 TO 3 TIMES C_u

512527

9 October, 2002

MORNINGTON	encl
RECEIVED	1 OCT 2002
FILED	1116
OFFICE	DQ
NO.	P02/1833
BY	

Mr David Quelch
Development Planner
Mornington Peninsula Shire
Private Bag 1000
Besgrove Street
Rosebud Vic 3939

AT Stent
RA Stent
10 Viewpoint Road
McCrae Vic
All correspondence C/- Robert Stent
Hayball Leonard Stent
Suite 4/135 Sturt Street
Southbank Vic 3006

Dear David

**Re: PLANNING APPLICATION P02/1833
6 VIEWPOINT ROAD, MCCRAE**

We write in regard to the above planning application and to confirm our telephone discussion.

The main points of which were as follows;

- 1 The application will be assessed in accordance with consideration of the relevant Decision Guidelines of Clause 54 of Rescode.
- 2 We confirm that vegetation has been removed in anticipation of building works. This will lead to a significant impact of the proposal when viewed from adjoining properties and areas.

We enclose copies of our correspondence to the Shire outlining our concerns about the removal of vegetation beyond what was claimed as trees with potential of causing immediate damage. The removal of native shrubs, trees including tee tree, swamp paper bark, fruit trees was clearly undertaken to gain a development advantage.

Finally we are prepared to discuss these matters at a suitable time, however we are unfortunately unable to meet with you this Friday.

We look forward to your response.

Yours faithfully

Irrelevant & Sensitive

/ Rob Stent

encl.
cc. David Gibb, Councillor Rosebud Ward

K:\Admin - gen office\HLS\Correspondence\Director\Rob\mccrae091002.doc

A.T. Stent
 R.A. Stent
 10 Viewpoint Rd
 McCrae Vic 3938

17 September, 2002

Mr David Quelch
 Development Planner
 Mornington Peninsula Shire
 Besgrove Street
 Rosebud Vic 3939

Dear Sir

**Re: Planning Application P02/1833
 6 Viewpoint Road, McCrae**

We hereby lodge our objection to the approval of a planning permit to the proposed residence at 6 Viewpoint Road, McCrae.

Our objections are based on the following grounds;

- 1 The bulk is excessive and is out of context in terms of character of the coastal Cliff top, neighbourhood, and impact to adjoining residences.
- 2 As the applicant is a builder and is to occupy the house, the use of the large storage area together with the garage and carport can be used for commercial operations, ie builder's storage and building works and will be contrary to the residential character and amenity of the area.
- 3 Excessive height and setback encroachments.
- 4 Excessive building on the boundary.
- 5 The proposal will impact by overlooking on the amenity of our private open space.
- 6 The proposal lacks insufficient site analysis and design response in terms of impact to cliff top environment, removal of vegetation, and new landscaping details, materials, colours and accurate site information generally.

In short, the application is inappropriate in terms of design response quality, and in its present form will adversely impact to the character and amenity of the coastal cliff top environment and private open space currently enjoyed by our family.

We urge Council to reject this application on the grounds as described and that it is broadly against the spirit of Rescode which was introduced to control inappropriate housing of excessive bulk and detriment to neighbourhood character, and impact to adjoining property.

Yours sincerely

Robert Stent
 (Power of Attorney for A.T. Stent and L.M. Stent)

Robert Stent
 10 View Point Road
 McCrae
 C/ - Hayball Leonard Stent Pty Ltd
 Suite 4/135 Sturt Street
 Southbank Vic 3006

19 March, 2002

The Planning Department
 Mornington Peninsula Shire Council
 90 - 100 Besgrove Street
 Rosebud

Dear Sir/Madam,

RE: MOONSCAPING OF 6 VIEWPOINT ROAD McCRAE

We wish to seek advise Shire of the recent 'moonscaping' of a site located at the above address. The property adjoins our residence and has been vacant for many years save for an orchid and bushland.

The new owner has advised that he has the Shire's permission from a by laws officer and a landscape office for the removal of one tree. What has in fact occurred has been the complete moonscaping of the site of all mature plant growth, trees included.

We understand that the owner intends to build a multi level property but has yet lodged a planning application to do so.

We request the Shire to advise as to the following;

- 1 On what basis was approval granted for the complete removal of mature vegetation;
- 2 If approval was granted for one tree, what are the Shire's options in regard to penalising/making good for the removal of all mature vegetation;

We are deeply disturbed by this cavalier removal of the landscape which has adversely affected the neighbourhood's bush like character. We are further disturbed by the assertion by the owner that he was granted permission, particularly in view of his intention to build a new multi level dwelling on the site.

We therefore request that we are notified by the Shire when a planning permit application for the new dwelling is lodged in order to assess what remedies can be undertaken in making good the landscaping and in addition, to assessing the impact the new dwelling will have on our residence and neighbourhood.

We seek the Shires urgent response to the above issues.

Yours sincerely

Irrelevant & Sensitive

Robert Stent

X:\Admin - gen officer\5\2\correspondence\Director\Rob\190302mccrae.doc

Ref: 0820/025 Xref 1116 : Direct Dial Keith Scott (03) 5986 0962: Fax: (03) 5986 0841



**MORNINGTON
PENINSULA**

Shire

ABN 53 159 890 143

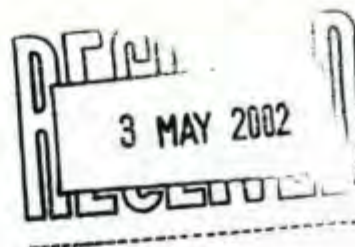
Private Bag 1000
Besgrove Street
Rosebud 3939

Tel (03) 5986 0200

Fax (03) 5986 6696

DX 30059

1 May, 2002



Attn. Robert Stent

Hayball Leonard Stent Pty. Ltd.
SUITE 4/135 STURT STREET
SOUTHBANK
VIC 3006

Dear Sir,

**RE: 6 VIEW POINT ROAD
MC CRAE.**

In response to your letter of 19 March, 2002 I can advise that approval was not given for the "complete removal of mature vegetation". A Planning Permit has been issued for the removal of a range of plants along the property boundary to enable the establishment of the title boundary, and to allow for the construction of a fence. The permit included the removal of a number of *Pittosporum undulatum* elsewhere on the site, which are considered to be an environmental weed species. A condition on the permit required replanting of species indigenous to the locality. This replanting will see a net gain in the amount of indigenous vegetation on the site.

Approval was given for the removal of a Eucalypt species adjacent to the front property boundary which presented an immediate risk. The Vegetation Protection Overlay affecting this area states that no permit is required for the removal of vegetation "...which presents an immediate risk of personal injury or damage to property...". The Vegetation Protection Overlay also allows for "...The removal of any dead timber or branch..." and the "... removal of vegetation that has been established for less than 10 years...".

I can advise you that a memo has been placed on the property file, and, should a planning application for a new dwelling be received by this department, you will be advised.

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

Yours faithfully

Irrelevant & Sensitive

Keith Scott
VEGETATION OFFICER

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

4 October, 2002

JR Bendell
3 Lakeview Dr
Safety Beach VIC 3936

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

Please be advised that a site meeting has been arranged for 2:30 PM, on Friday 11 October 2002, for the above planning application.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

4 October, 2002

Helen Burrage
605 Point Nepean Rd
McCrae VIC 3938

Dear Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

Please be advised that a site meeting has been arranged for 2:30 PM, on Friday 11 October 2002, for the above planning application.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

4 October, 2002

John d' Helin
67 Wheatland Rd
Malvern VIC 3144

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

4 October, 2002

AT & RA Stent
10 Viewpoint Rd
McCrae VIC 393

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 View Point Rd MCCRAE VIC 3938
DWELLING**

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

FILE NOTE



MORNINGTON
PENINSULA

Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER:

DATE:

APPLICATION NO:

FILE NO:

SUBJECT :

RE:

* 23/9 - 10 AM - Sally Moran - Meeting
- 2 of Storage - space - local laws etc
- overlooking - Bath west 3
- wall to wall dev - shape of lot & cliff
limited area - ? of highlight
- build -
- Nat/East - Storage

23/9 - Helen Grant PL 59864209 2. Ural
Point

* Friday 11th October - 2.30 pm - Onsite Meeting

509271

5 Little Boy Rise, Endeavour Hills, 3802

Moser Planning Services Pty Ltd

October 2, 2002

Mornington Peninsula Shire Council
Private Bag 1000
Besgrove Street
ROSEBUD 3939

Attn: Mr David Quelch

Dear David

**Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE,
PLANNING APPLICATION NO. P02/1833**

I refer to the above planning application and the objections received and provide the following comments in response.

Neighbourhood Character

The proposed dwelling is considered quite acceptable in terms of neighbourhood character. It comprises a single house on a single lot. The design is site responsive having regard to its surrounds and the limitations imposed by the site itself. The dwelling will be unobtrusive when viewed from the street appearing for all intents and purposes to be a single rather than double storey structure. The designer has chosen a flat as opposed to gable or hipped roofline to ensure it has a low key appearance. When viewed from the street while the building extends from boundary to boundary, it will not appear out of place because of the setbacks of the buildings on the abutting properties and the available viewing angle from the street. There would be little merit in pulling the building back off the northern boundary as an unusable, difficult to maintain space would be created.

The character of buildings that face the bay in the area tend to be larger rather than smaller structures and this is evidenced in the construction taking place on the eastern side of the site and on other properties in the area. The proposed dwelling has been designed to capitalise upon the views available from the site while being subtle in appearance from View Point Road.

RECEIVED	- 3 OCT 2002
FILE	1116
	DA
	P02/1833

Property
0745
3 Oct 02

October 2, 2002

Page 2

Impact on Abutting Properties

Impacts on abutting properties need to be addressed in terms of the use and development of those sites and how the proposal relates to their specific characteristics.

To the east we have a dwelling that is nearing completion setback 1.650 metres off the intervening boundary. The majority of the windows along the western façade of this residence comprise ancillary spaces such as bathroom/ensuite areas. The developer of this site has modified their plan indenting the area containing a bathroom/spa area. As such it is considered that there is no benefit in moving the eastern wall of the storage room off the boundary in this location.

The relationship between the two residences in this location is considered to be quite acceptable. If there is however a concern with the wall opposite the bedroom window we could look at modifying the building in this specific area to increase the amount of separation. We do not, however, consider it necessary to provide any other additional separation along the eastern boundary for the reasons already discussed. In terms of overshadowing the diagrams prepared indicate that overshadowing of the abutting building in this location is well within acceptable limits being only from the late afternoon onwards.

The front section of the proposed dwelling is well setback off the eastern boundary a distance of 5 metres thereby providing a total separation of 6.650 between the walls of the two residences. This is more than an acceptable level of separation.

In terms of overlooking to the east significant use of highlight windows is proposed along the façade of the building in this location. The main building line of the proposed dwelling has been kept in line with that of the abutting property. Balconies to the front of the dwellings are common in the area capitalising on the views to the bay. As Council has allowed the dwelling on the abutting property to be constructed with extensive levels of overlooking to my client's property, it would be inappropriate for there now to be restrictions as a result of that development which appears to have had little regard to its neighbours.

We will now turn to the impact of the development on the abutting property to the west. This is a tall older style inter-War dwelling that is orientated towards the bay. Abutting the western boundary of the subject site is a gravel driveway and several trees that screen the development area from view. The owners of that property will only have obscured views of the front of the dwelling and overlooking will not be direct. Views will not be possible from ground floor level due to the vegetation. At first floor level ground level views will be filtered because of the vegetation. Distant filtered views of the dwelling may be possible however the viewing distance is in excess of 17 metres and should not be of any concern to the abutting residents. My client however is prepared to offer to modify the dining room window to a highlight window if Council considers this necessary. The impacts of the proposed dwelling on the abutting property to the west are all within reasonable limits.

October 2, 2002
Page 3

Overshadowing does not present a problem because of the amount of separation involved.

Other Grounds of Objection

The other grounds of objection raised appear to come from a misunderstanding of the planning regime applying to the site.. In terms of the issue raised concerning the proposed storage area. My client requires this area for possessions he owns relating to his job and there is nothing wrong with this. He, like everyone, else is subject to the stringent requirements of Clause 52.11 of the Planning Scheme concerning Home Occupations, and indeed the storage area is proposed so that he complies with the provisions of that clause. There will be no noise or amenity impacts arising from occupation of the dwelling. My client is a good neighbour who likes a quiet unobtrusive living environment. In terms of the methods of construction the development has to meet all engineering and building requirements.

Drainage

The owner of the property is proposing to drain the site to the easement in Penny Lane the same as do other properties in the area.

Conclusion

I believe the above addresses the main points of concern raise by the objectors with the application. My client has spent considerable time and effort in designing this home and requests favorable consideration be given to it. Please do not hesitate to contact me should you require any further information at this stage. We are happy to meet with you and your supervisor if it would be of assistance. Please also amend your records to the address located at the top of the letter as I have recently moved.

Yours faithfully

Irrelevant & Sensitive

Sally Moser
MOSER PLANNING SERVICES PTY LTD

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:

6 VIEW POINT ROAD MCCRAE
Lot 2 LP 114212 Vol 9088 Fol 778

The application is for a permit to:

DEVELOP A TWO STOREY DWELLING WITH VARIATION TO THE MAXIMUM WALL AND BUILDING HEIGHT REQUIREMENTS, EXCAVATION GREATER THAN ONE METRE AND REDUCED SETBACK FROM A CLIFF EDGE

You may look at the application and any documents that support the application at the office of the Responsible Authority.

MORNINGTON PENINSULA SHIRE COUNCIL

Rosebud Office – Besgrove Street, Rosebud
Mornington Office – Queen Street, Mornington

This can be done during office hours (8.30a.m. – 5.00 p.m. Monday to Friday) and is free of charge.

The application reference number is: P02/I833

ANY PERSON WHO MAY BE AFFECTED BY THE GRANTING OF THE PERMIT MAY OBJECT OR MAKE OTHER SUBMISSIONS TO THE RESPONSIBLE AUTHORITY

Your objection must - specify the Application Number
- be in writing
- include the reasons for the objection and state how the objector would be affected
- be sent to the Responsible Authority:

Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud, 3939

If you object, the Responsible Authority will tell you its decision.

The Applicant for the Permit is

MOSER PLANNING SERVICES PTY LTD

Signature

DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

18TH SEPTEMBER, 2002

502186

Mike Salpietro Drafting

ABN 66 210 865 812

BUILDING DESIGN

P.O. Box 859
MORNINGTON
Victoria 3931
ph 0425736431

M.P.S.C.

ATTN DAVID QUELCH.

RE: 6 VIEWPOINT ROAD

M^c CRANE

DWELLING & GARAGE
for C.A. & P.M. PUGH

MORNINGTON PENINSULA Shire Council	
RECEIVED	16 SEP 2002
MAIN FILE	1116
OFFICER/S	DQ
REF	P02/1833

DAVID,
PLEASE FIND ATTACHED 3 COPIES
OF THE SITE PLAN AMENDED TO NOTE
THE RETENTION OF THE EXISTING EXCAVAT.
AS REQUESTED BY SALLY MOSER

SORRY SALLY DID NOT GIVE ME THE
APP. NO.

MIKE
—

513511

c.c. Statutory Planning Officers
11th October, 2002.

Mr. David Quelch
Development Planner
Mornington Peninsula Shire
Private Bag 1000
Bosgrove Street
ROSEBUD, Vic. 3939.

605 Pt. Nepean Road,
McCRAE, Vic. 3938.
Phone 5986-2648
Mobile - 0409 467 150.

Dear Mr. Quelch,

PLANNING APPLICATION P02/1833
6 View Point Rd. McCrae, Vic. 3938
DWELLING

15 OCT 2002

1116

DD

From what was said at the site meeting (10/10), the unanimous opinion of the objectors seemed to be that the design submitted is **inappropriate for this area**.

1. No fire access to 500 sq. metres of bush below the cliff.
2. Built up to both boundaries even though the block is 75 feet wide.
3. Built right up to the edge of the cliff even though the land has slipped away on both sides of this block.
4. The provision for a large office and workroom for builder's tools and equipment in an exclusive **residential** area - (labelled 'study' and 'storage' respectively).
5. A streetscape that resembles the front of a factory.

From my point of view, I was unable to raise the issues that are important to me, viz. the trees and debris below the cliff. However, some new issues were raised that do concern me:

1. **FIRE ACCESS:** the design completely blocks access to the 500 sq. metres (approx.) of bushland between the cliff and the back of my property. Since the gum trees require cutting back every couple of years to maintain the view, there is also no access for removal of the branches, unless the owners intend to drag them through the house.

2. **STABILITY OF THE CLIFF:** It was claimed by one objector that the area near the cliff had been **filled**. The Council would not necessarily have records of this. It would seem that the only way to find out is to do a **soil report** where a core can be taken and analysed. The draftsman seemed to object to this being done.

It is obvious, when standing on the area to be covered the upper meals room and deck, that the land has slipped away on both sides of this block (No.6). It poses the question of why this part has **not** slipped away also. It could be because there are five large gum trees holding the soil together below the cliff edge. My concern is that the owner will remove these trees at some point in the future. It was alleged at the meeting that he has already removed trees from the property **without permission**.

3. **LIABILITY:** If at some point in the future, the cliff should slip and destroy or damage my house, or cause injury to the occupant, who takes the responsibility for this? (a) the Council for passing the plans? (b) the designers for not doing their job properly? (c) the owner? (d) God?

HAND DELIVERED

acknowledged

21/10



As there is currently no easy access from the top of the block to the 500 m2 below the cliff, I doubt that the draftspeople actually ventured down there before drawing up their plans. The view from below is quite different and **I would like you to come to 605 Pt. Nepean Rd. and view it.** There you will see a virtual 'bonfire' of tinder-dry logs, branches and leaf litter that extends across the 23 metres. This material needs to be put through a muncher and the logs need to be cut into smaller pieces. I would mention also that I have sighted echidnas and blue tongue lizards in this area.

I look forward to hearing from you in the near future,

Yours faithfully,

Irrelevant & Sensitive

Helen C. Burrage.

PS. I am at McCrae till 21/10, or from 4/11 to 12/11/02.

c.c. Statutory Planning Officers
11th October, 2002

Mr. David Quelch
Development Planner
Mornington Peninsula Shire
Private Bag 1000
Bougrove Street
ROSEBUD, Vic. 3939.

605 Pt. Nepean Road,
McCRAE, Vic. 3938.
Phone 5986 2648
Mobile 0409 407 150.



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6 View Point Rd. McCrae, Vic. 3938
DWELLING**

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DELIVERED MAIL

alw

1 of 2

(2)

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Irrelevant & Sensitive

Helen C. Burrage.

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RECEIVED	18 SEP 2002
1116.	
DQ	A.T. Stent R.A. Stent 10 Viewpoint Rd McCrae Vic 3938
PO2/1833	

Address to
→ Suite 4
135 Start St
Southbank
3006
C/O Hayball
Leonard
Stent Pty
Ltd.

17 September, 2002

Mr David Quelch
Development Planner
Mornington Peninsula Shire
Besgrove Street
Rosebud Vic 3939

Dear Sir

**Re: Planning Application PO2/1833
6 Viewpoint Road, McCrae**

We hereby lodge our objection to the approval of a planning permit to the proposed residence at 6 Viewpoint Road, McCrae.

Our objections are based on the following grounds;

- 1 The bulk is excessive and is out of context in terms of character of the coastal Cliff top, neighbourhood, and impact to adjoining residences.
- 2 As the applicant is a builder and is to occupy the house, the use of the large storage area together with the garage and carport can be used for commercial operations, ie builder's storage and building works and will be contrary to the residential character and amenity of the area.
- 3 Excessive height and setback encroachments.
- 4 Excessive building on the boundary.
- 5 The proposal will impact by overlooking on the amenity of our private open space.
- 6 The proposal lacks insufficient site analysis and design response in terms of impact to cliff top environment, removal of vegetation, and new landscaping details, materials, colours and accurate site information generally.

In short, the application is inappropriate in terms of design response quality, and in its present form will adversely impact to the character and amenity of the coastal cliff top environment and private open space currently enjoyed by our family.

We urge Council to reject this application on the grounds as described and that it is broadly against the spirit of Rescode which was introduced to control inappropriate housing of excessive bulk and detriment to neighbourhood character, and impact to adjoining property.

Yours sincerely

Irrelevant & Sensitive

Robert Stent
(Power of Attorney for A.T. Stent and L.M. Stent)

Ph

Irrelevant & Sensitive

acknowledged

Irrelevant & Sensitive



A.T. STENT
R.A. STENT
10 VIEWPOINT RD
MCCRAE

17 SEPT 2002.

MR DAVID GELUCH
Development Planner
Mornington Peninsula Shire
Bessgrove SA.
Rockbund VIC 3939.

RECEIVED	17 SEP 2002
MAIN FILE	1116
OFFICER	DD

Dear Sir
PLANNING APPLICATION P02/1833
6 VIEWPOINT RD. MCCRAE.

We hereby lodge our objection
to the proposed residence
at 6 Viewpoint Road, McCrae.

Our objections are based on the
following grounds.

1. The bulk is excessive and
is out of context in terms
of character of the area
and neighbourhood.
2. As the applicant is a builder
and is to occupy the house,
the use of the large storage area
together with the garage and
carport can be used for
commercial operations, ie
builder's storage and other
works and will be contrary

Irrelevant / Sensitive

acknowledged

17/9/02
16m
Planning

to the residential character of the area.

3. Excessive height and setback encroachments.

4. Excessive building on the boundary

5. The proposal will impact on the amenity of our private open space by overlooking

6. The proposal lacks insufficient site analysis and design response in terms of impact to cliff top environment, removal of vegetation and new landscaping details, materials, colours and accurate site information generally.

In short, the application is of a sufficient quality, lacking in detail and in its present state will adversely impact to the character and amenity of the coastal cliff top environment.

and private open space
currently enjoyed by
our family.

we urge the Council to
reject this application
on the grounds as described
and that it broadly
is against the spirit of
the Rescode controls
introduced to control
inappropriate housing such
as ~~proposed~~ by this application.

Yours faithfully:

Irrelevant & Sensitive

(Power of attorney
for A.T. Stant
and L.M. Stant).

John d'Helin
67 WHEATLAND ROAD
MALVERN, 3144

17 September 2002

MORNINGTON PENINSULA SHIRE Council	
RECEIVED	19 SEP 2002
FILE NO	1116
OFFICER	DQ
REF	P02/1833

The CEO
Mornington Peninsula Shire
Private Bag 1000
Rosebud, 3939

Dear Sir,

Ref. Planning application P02/1833

I have the following issues with the plans as displayed:

1. No details of the earthworks shown. This block & others in the immediate vicinity suffer from slippage & mudslides. The most recent occurred two years ago on the property next door to No 6. Conventional wisdom in the area is that you disturb the dirt at your peril.
2. The plans show that the proposed building is built to the boundary on either side. If this owner or any future owner chooses to fence the property then there is no access to the cliff face for the fire brigade or emergency services. Fire is our worst fear on the hill.
3. The plans show a garage, a carport & a 9m x 5m storage shed. I object to the storage shed. It is oversized & more like something you would expect on a farm, not a residential street. If this shed were to proceed as proposed it would be impossible after the event to restrict its use. As I understand the applicant is an active builder/developer in the McCrae area. It is more than likely to be used for storage of building materials & tools of trade. Council should encourage this type of commercial activity to take place in the nearby industrial estates designated for the purpose.

My property is located at No. 16 Viewpoint Road, McCrae.

Please notify me at the Malvern address above of any relevant matters pertaining to this application.

Yours faithfully,

Irrelevant & Sensitive

John d'Helin

acknowledged

Paul
23/9/02

MORNINGTON PENINSULA SHIRE

19/9/02

ATTN MR. DAVID QUELCH

REF PLANNING APPLICATION P02/1833 2002

6 VIEWPOINT RD MCCRAE.

1116.

DQ

DEAR MR QUELCH,

I, AS THE ADJOINING LAND HOLDER WOULD LIKE TO OFFER THIS FORMAL SUBMISSION OF OBJECTION TO THE ABOVE PERMIT APPLICATION, ON THE FOLLOWING GROUNDS.

1. THE BULK OF THE PROPOSED RESIDENCE IS OUT OF CHARACTER WITH THE AREA.
2. BOUNDARY TO BOUNDARY CONSTRUCTION IS ALSO OUT OF CHARACTER.
3. THE PROPOSED RESIDENCE WILL SHADE OUR HOUSE OF AFTERNOON SUN.
4. THE SITE PLAN DOES NOT ACCURATELY SHOW WHERE THE ORIGINAL CLIFF EDGE WAS PRIOR TO WHERE THE NOW FILLED AREA EXTENDS TO.
5. THE DRAWING MAKES NO REFERENCE TO HEIGHTS ABOVE NATURAL GROUND LEVELS RELATIVE TO THE FILLED AREA.

I WOULD BE HAPPY TO DISCUSS ANY OF THE ABOVE AS I WOULD PREFER AN AMICABLE OUTCOME TO THE APPLICATION.

YOURS SINCERELY

acknowledged

J. R. BENDELL

Irrelevant & Sensitive

3 LAKEVIEW DR

SAFETY/ BEACH

3936.

PH 5981 9220

Property
0745
11 Sep 02

501662
MORNINGTON

PENINSULA

Shire

Planning & Environment Act 1987
OBJECTION TO GRANT A PLANNING PERMIT

Who is objecting?

I/We (Must be printed) Joel Meaney
 Of (Postal address) 3 View Point Road
 Suburb McCrae Post Code 3938 Fax DQ
 Phone (B/H) 59 754452 (A/H) 59 868563 Mobile 02/1833

Please be aware that Council may provide copies of this objection to interested parties.

What application do you object to?

Planning Application Number P02/1833

What is the address of the land proposed for development? 6 View Point Road
McCrae

What are the reasons for your objection?

the planner has not disclosed that there is a reduced setback
from the roadway. the plan has not described a large mangrove
gully in the S. West cor of the block. the reduced setback
from the roadway may possibly allow removal of the trees under the
permit exceptions outlined in paragraph 3.0 on Township vegetation.
 (Attach a separate page if there is not enough space) - continued

How will you be affected by the granting of a permit?

(Attach a separate page if there is not enough space)

acknowledged TW
 16/9/02 ★

Signature

Irrelevant & Sensitive

Date 12 - 9 - 2002

Important information about objections to permit applications

- This form is to help you make an objection to an application in a way which complies with the *Planning & Environment Act 1987*, and which can be readily understood by the Responsible Authority. There is no requirement under the Act that you use any particular form.
- Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the Responsible Authority's office.
- To make an objection you should clearly state the details on this form and lodge it with the Responsible Authority as shown on the Public Notice- Application for planning permit.
- An objection must
 - State the reason for objection; and
 - State how you would be affected if a permit is granted
- The Responsible Authority may reject an application, which it considers has been made primarily secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection has not been made.
- Any person may inspect an objection during office hours.
- If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
- To ensure the Responsible Authority considers your objection make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
- If you object the Responsible Authority makes a decision, the authority will tell you its decision.
- If the application is to be determined at a Council meeting, a copy of your objection will form part of the report which is available for public viewing.
- If despite your objection the Responsible Authority decides to grant a permit you can appeal against the decision. Details of appeal procedures are set on the back of the Notice of Decision, which you will receive.
- If the Responsible Authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal to Grant a Planning Permit which will be issued at that time.

∴ the permit application does not have a vegetation management plan clearly indicating what is to happen to this large manna gum. The reduced setback from the roadway should not be allowed without a special condition, that this does not allow any future removal of the tree because of its proximity to the dwelling.

- The comments of any relevant coastal management, fire prevention, land management or soil conservation authority.

FILE NOTE



MORNINGTON
PENINSULA

Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER:

DATE:

APPLICATION NO:

FILE NO:

SUBJECT:

RE:

+ 9/9/02 - Joel Mearey (PH 5975 4452) wants to know if manna gum to the front is to be removed

x - Peter Young - maintenance - no damage:

- Tom Burke, Gordon Fry

- down cliff - cause erosion

- Seabrook pits

- weather caused dam with boundary to Pt Nepean Rd, Tom Burke Ext 226

Contract Civil Engineering

11/9/02 - Flooded Joel Mearey - told him tree to front to remain

- Sally 03 9842 1113
Moser Fax

x permit issued for new dwelling at 4 vicin point on 3 August 2001 (initially minor amendment)

permit for dwelling adds issued 16 May 2001

→ plans show legal point of discharge to Point Nepean Rd

x 18/12/02 - sent e-mail to Mont re - Appeal

- sent plans & NOD to address in Stat 5x

INTERNAL MEMO

Ref: P02/1833 Direct Dial David Quelch on (03) 5986 0991: Fax (03) 5986 0841

12 August, 2002

From: David Quelch
DEVELOPMENT PLANNER

To: Terry Boyd
Development Engineer

Re: PLANNING APPLICATION P02/1833
DWELLING
6 VIEW POINT ROAD MCCRAE

Dear Terry,

I refer to the above planning permit application. Your comments would be greatly appreciated.

The proposal is for a two storey dwelling. The land is zoned R1Z with DDO3, ESO25, and VPO1 overlays. The proposed dwelling is sited within 6 metres of a cliff face, which is a permit trigger under the DDO3 overlay.

A response within 14 days would be appreciated.

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

Yours faithfully

Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

*No Council drains
serve this property.
Drainage needs to
be resolved prior to
issue of permit.*

*Drainage is an issue and needs
to be resolved I believe as part
of permit. No Council pipes serve
this property. Possible point of
drainage in Point Nepean Road.
Written consent of required from
owner below of this is the route
taken*

Irrelevant / Sensitive

22/8/02

ADVERTISING CHECKLIST

MSC.5002.0001.6108

Planning Application Number: P02/1833

Address: 6 View Point Rd, McCrae.

The application is for a permit to:

develop a two storey dwelling with variation to the maximum wall and building height requirements, excavation greater than one metre and reduced setback from a cliff edge.

Council, being of the opinion that the proposal may cause material detriment, directs that, the application be advertised in the manner specified hereunder:

Advertising Authorisation Slip Received:

Yes

☐

No

☒

Sign *to be sited and marked marked with and "X" on the attached base map*

Yes

☒

No

☐

1 sign

☒

2 signs

☐

Letters *to owners/occupants of the properties, as marked with an "O" on the attached base map*

Yes

☒

No

☐

Newspaper *please specify*

Yes

☐

No

☒

Independent

☐

Leader

☐

Local

☐

Plans to be sent? *As indicated on blue form ?*

Yes

☒

No

☐

A4

☐

A3

☐

Remittance Advice - *moneys received?*

Yes

☐

No

☐

moneys required?

\$ _____ Admin to calculate

PlannersName: D. Quetch Signed: _____

Irrelevant & Sensitive

Date: 2/8/02

Office Use Only

Names & Addresses

Initial:

TW
TW

Date:

2/9/02

Printed Up

Initial:

Date:

Copied Up

Initial:

TW
TW

Date:

Collated

Initial:

Date:

Written Sign

Initial:

TW
TW

Date:

Passed to Planner

Initial:

Date:

2/9/02

Ref: P02/1833 : Direct Dial David Quelch on (03) 5986 0991: Fax: (03) 5986 0841



**MORNINGTON
PENINSULA**

Shire

ABN 53 159 890 143

Private Bag 1000
Besgrove Street
Rosebud 3939

Tel (03) 5986 0200

Fax (03) 5986 6696

DX 30059

2nd September, 2002

Moser Planning Services Pty Ltd
19/32-34 Mitcham Road
Donvale VIC 3111

Dear Sir/Madam,

**PLANNING APPLICATION P02/1833
DWELLING
6 VIEW POINT ROAD MCCRAE**

I refer to the above application received on 02/08/2002.

In accordance with your instructions, Council has notified the owners and occupiers of allotments adjoining the site that may be affected by the proposal.

I enclose a copy of the advertising material sent on your behalf and a list of residents who have been notified.

One sign will be erected on the site. This sign will be maintained on the site for fourteen (14) days.

Council will determine the application and advise of the decision in writing when advertising has been satisfactorily completed and the prescribed fee of \$77.00 (refer to the remittance advice) has been received.

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

Yours faithfully

**David Quelch
DEVELOPMENT PLANNER**

MORNINGTON PENINSULA *Shire*

To: Chief Executive
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD 3939

Attention: Development Planning Officer (David Quelch)

REMITTANCE ADVICE

Please find enclosed payment of \$77.00, for the service and preparation of:

- Notification to adjoining land owners / occupier, including A4 copies of plans
- The preparation and publication of the public notice
- The erection and collection of one site sign

**THIS FEE MUST BE PAID BEFORE A DECISION ON THE APPLICATION
WILL BE MADE**

Planning Application: P02/1833

Applicant: Moser Planning Services Pty Ltd
Address of Land: 6 VIEW POINT ROAD MCCRAE

Account Code 86

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:

6 VIEW POINT ROAD MCCRAE
Lot 2 LP 114212 Vol 9088 Fol 778

The application is for a permit to:

DEVELOP A TWO STOREY DWELLING WITH VARIATION TO THE MAXIMUM WALL AND BUILDING HEIGHT REQUIREMENTS, EXCAVATION GREATER THAN ONE METRE AND REDUCED SETBACK FROM A CLIFF EDGE

You may look at the application and any documents that support the application at the office of the Responsible Authority.

MORNINGTON PENINSULA SHIRE COUNCIL

Rosebud Office – Besgrove Street, Rosebud
Mornington Office – Queen Street, Mornington

This can be done during office hours (8.30a.m. – 5.00 p.m. Monday to Friday) and is free of charge.

The application reference number is: P02/1833

ANY PERSON WHO MAY BE AFFECTED BY THE GRANTING OF THE PERMIT MAY OBJECT OR MAKE OTHER SUBMISSIONS TO THE RESPONSIBLE AUTHORITY

- Your objection must
- specify the Application Number
 - be in writing
 - include the reasons for the objection and state how the objector would be affected
 - be sent to the Responsible Authority:

Chief Executive, Mornington Peninsula Shire Council, Private Bag 1000, Rosebud, 3939

If you object, the Responsible Authority will tell you its decision.

The Applicant for the Permit is

MOSER PLANNING SERVICES PTY LTD

Signature

DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

18TH SEPTEMBER, 2002



**MORNINGTON
PENINSULA**

Shire

ABN 53 159 890 143

Private Bag 1000
Besgrove Street
Rosebud 3939

Tel (03) 5986 0200
Fax (03) 5986 6696
DX 30059

Ref: P02/1833: Direct Dial on (03) 5986 0991: Fax (03) 5986 0841

2nd September, 2002

FOTI DIMOPOULOS & VENETTA DIMOPOULOS
3 PENNY LANE
MCCRAE VIC 3938

Dear Sir / Madam

**PLANNING APPLICATION P02/1833
6 VIEW POINT ROAD MCCRAE
DWELLING**

As you may be affected by the above proposal you are invited to inspect the application at the Municipal Offices indicated on the attached Notice.

Should you wish to make a formal submission then it should be forwarded to Council by the date on the notice. Please note that your submission will be placed on file and is required to be made available for public inspection.

Your submission must be in writing, stating reasons for the submission, and how you will be affected by the granting of any permit.

Also submissions made primarily to secure or maintain direct commercial advantage may be rejected. In the case of multiple signatories to an objection, official correspondence will normally be directed only to the first signatory.

Statutory Planning Officers will be pleased to advise on planning procedures and matters that may be considered in the assessment of the application.

If you wish to discuss this proposal in detail please contact me on the above.

Yours faithfully

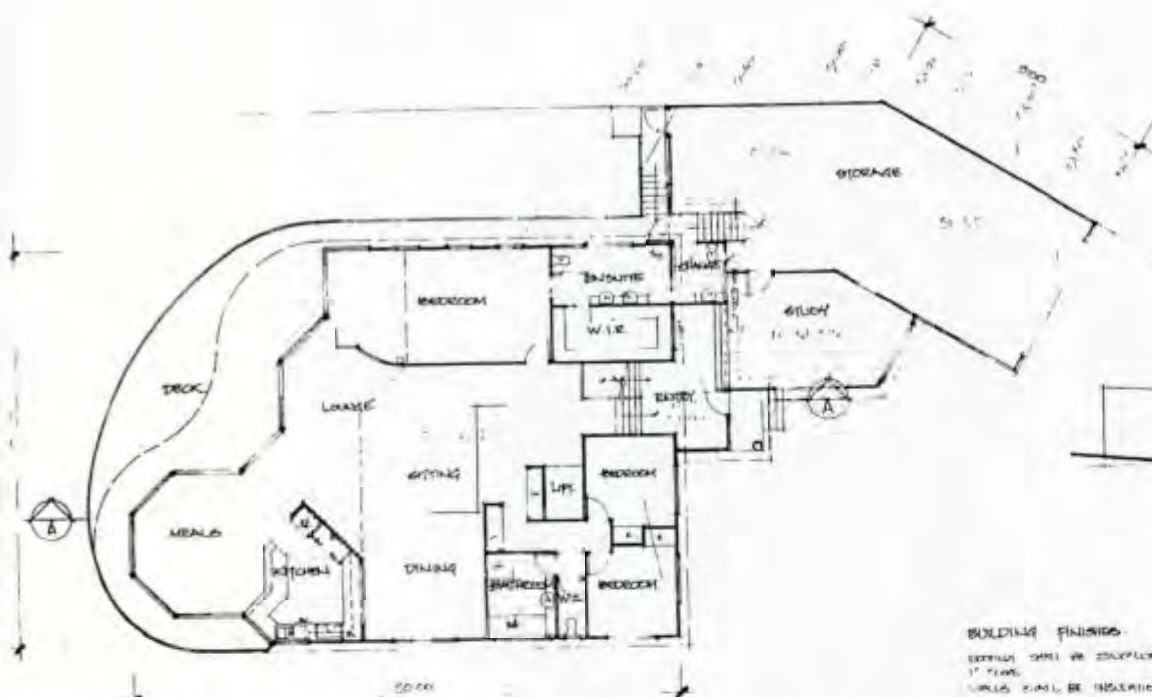
Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

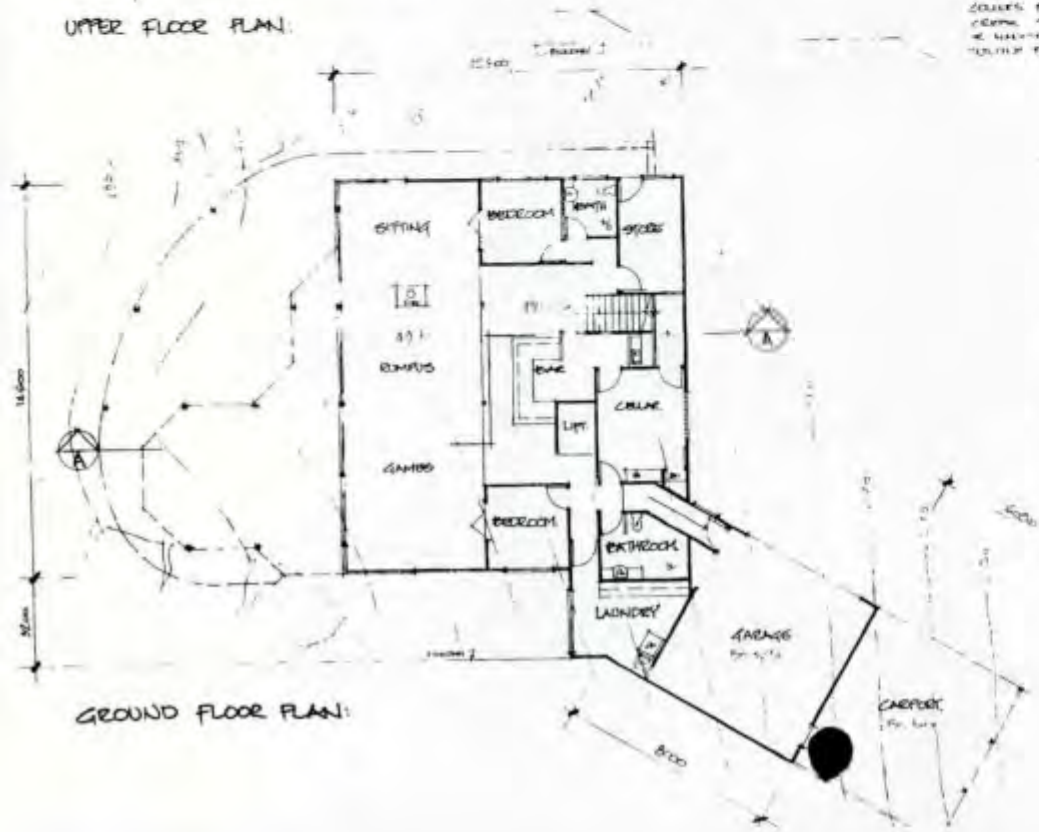
*The Sustainable Environment Group is located at the Mornington Office
Queen Street, Mornington*

Property No	Address	Owners	Property Type	Default Postal Address
57476	3 PENNY LANE MCCRAE VIC 3938	FOTI DIMOPOULOS & VENETTA DIMOPOULOS	Dwell ing	3 PENNY LANE MCCRAE VIC 3938
25054	BLUE-WATERS 603 POINT NEPEAN ROAD MCCRAE VIC 3938	DUSAN SIEGER & PATRICIA M SIEGER	Dwelling	603 POINT NEPEAN ROAD MCCRAE VIC 3938
25070	605 POINT NEPEAN ROAD MCCRAE VIC 3938	HELEN C BURRAGE	Dwelling	605 POINT NEPEAN ROAD MCCRAE VIC 3938
46635	3 VIEW POINT ROAD MCCRAE VIC 3938	NOEL J MEANEY & TRACEY M MEANEY	Dwelling	3 VIEW POINT ROAD MCCRAE VIC 3938
46693	4 VIEW POINT ROAD MCCRAE VIC 3938	JAMES R BENDELL & JENNIFER E BENDELL	ResVacantL	3 LAKE VIEW DRIVE SAFETY BEACH VIC 3936
		THE OCCUPANTS		4 VIEW POINT ROAD MCCRAE VIC 3938
46652	5 VIEW POINT ROAD MCCRAE VIC 3938	STRESS CALCULATORSPTY LTD	Flats	8 LEDBURY COURT TOORAK VIC 3142
		THE OCCUPANTS		5 VIEW POINT ROAD MCCRAE VIC 3938
46736	10-12 VIEW POINT ROAD MCCRAE VIC 3938	ALAN T STENT & LORAYNE M STENT	Dwelling	10 VIEW POINT ROAD MCCRAE VIC 3938

Owners	Default Postal Address
FOTI DIMOPOULOS & VENETTA DIMOPOULOS	3 PENNY LANE MCCRAE VIC 3938
DUSAN SIEGER & PATRICIA M SIEGER	603 POINT NEPEAN ROAD MCCRAE VIC 3938
HELEN C BURRAGE	605 POINT NEPEAN ROAD MCCRAE VIC 3938
NOEL J MEANEY & TRACEY M MEANEY	3 VIEW POINT ROAD MCCRAE VIC 3938
JAMES R BENDELL & JENNIFER E BENDELL	3 LAKE VIEW DRIVE SAFETY BEACH VIC 3936
THE OCCUPANTS	4 VIEW POINT ROAD MCCRAE VIC 3938
STRESS CALCULATORSPTY LTD	8 LEDBURY COURT TOORAK VIC 3142
THE OCCUPANTS	5 VIEW POINT ROAD MCCRAE VIC 3938
ALAN T STENT & LORAYNE M STENT	10 VIEW POINT ROAD MCCRAE VIC 3938



BUILDING FINISHES
 EXTERIOR WALLS AND ROOFSHEDS: 100% DECK
 17 YEARS
 WALLS: SHALL BE INSULATED WITH
 REINFORCED CONCRETE
 ROOFS: SHALL BE 100% DECK
 CEILING: SHALL BE 100% DECK
 FLOORS: SHALL BE 100% DECK
 WALLS: SHALL BE 100% DECK
 FLOORS: SHALL BE 100% DECK



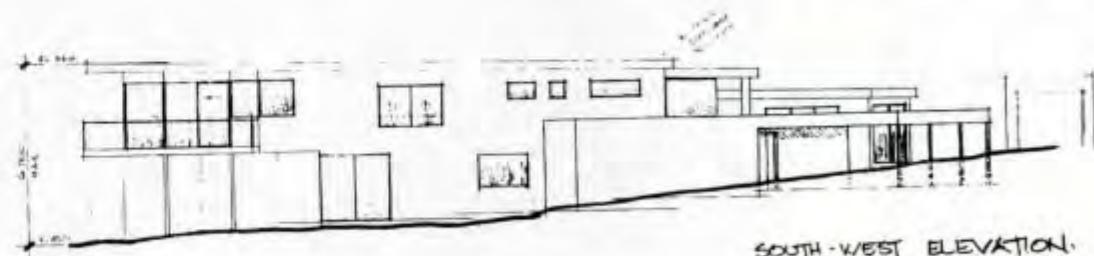
SOUTH EAST ELEVATION:



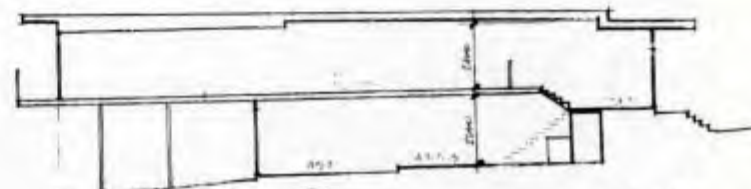
NORTH EAST ELEVATION:



NORTH - WEST ELEVATION:

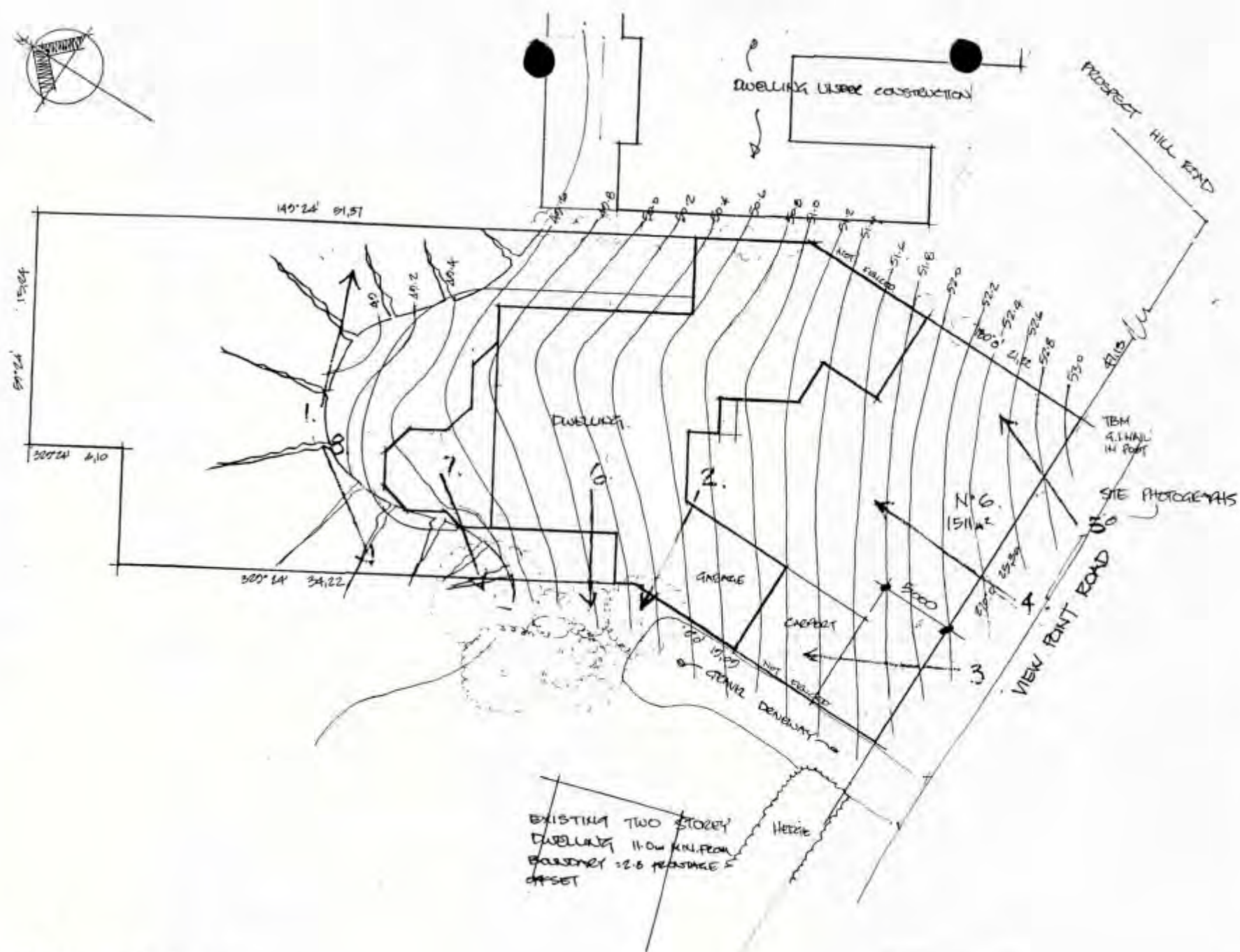


SOUTH - WEST ELEVATION:



SECTION A-A:

	TOP M-217 SCALE 1:100
	DWELLING LOT 2 P.S. 114212 N° 6 VIEW POINT ECON M° CREM for CA. & P.M. PUGH
Mike Salpietro Drafting BUILDING DESIGN	



SITE PLAN: 1:200

DWELLING
Ld 2 P.S. 114212
N° 6 VIEW POINT ROAD
Mc CRAE

Mike Salpietro Drafting
BUILDING PRACTITIONER 02. 80 1987

BUILDING DESIGN

P.O. Box 808



19/32-34 Mitcham Road Donvale, 3111

Moser Planning Services Pty Ltd

August 13, 2002

Mornington Peninsula Shire Council
Private Bag 1000
Besgrove Street
ROSEBUD 3939

Dear Mr Quelch

**Re: PLANNING APPLICATION P02/1833 6 VIEW POINT ROAD,
MCCRAE**

As you are aware I act on behalf of the owners of the above property who are proposing to erect a single dwelling on the site. Please find enclosed supporting submission along with additional photographs of the site and surrounds.

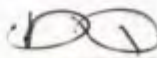
Please do not hesitate to contact me should you require anything further at this stage. I look forward to hearing from you in the future.

Yours faithfully

Irrelevant & Sensitive

Sally Moser
MOSER PLANNING SERVICES PTY LTD

15 AUG 2002

MORNINGTON PENINSULA Shire Council
RECEIVED
15 AUG 2002
1116


Moser Planning Services Pty Ltd

Planning Assessment

Proposed Dwelling

At

6 View Point Road
McCrae

August 2002

Moser Planning Services Pty Ltd
A.C.N. 100 687 849
19/32-34 Mitcham Road
Donvale, 3111
Ph: 0403 215 255

TABLE OF CONTENTS

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2.	SITE AND NEIGHBOURHOOD DESCRIPTION	1
3.	PROPOSAL	1
4.	ZONING	2
5	ASSESSMENT OF PROPOSAL PURSUANT TO RESCODE	3
6.	CONCLUSION	6

Property: 6 View Point Road, McCrae

1.0 INTRODUCTION

I have been engaged to undertake a planning assessment of a proposed two storey dwelling at 6 View Point Road, McCrae.

2.0 SITE AND NEIGHBOURHOOD DESCRIPTION (54.01-1)

The site is located on the north side of View Point Road and is the second property west of the intersection of that street with Prospect Hill Road. The site is vacant and there are no easements on the land. The site falls away (escarpment) sharply to the rear (beach side of the property).

East of the site is 4 View Point Road upon which a dwelling is currently under construction (Planning Permit P00/2457 granted May 2001). The floor level of this dwelling is well above the natural ground level (see photographs) and no excavation works are involved as part of its construction. The setback of this dwelling from View Point Road varies due to the angular placement of the structure on the block and is approximately 15 metres from the street nearest the intervening boundary with the subject site. Bedroom and bathroom windows (west side) of the dwelling will look out onto the subject site and are setback 1.65 metres from the intervening boundary. This dwelling will be visible from Point Nepean Road when finished due to the elevated nature of the structure.

West of the site is a two storey attic style dwelling with high roof pitch and dormer windows. This dwelling has landscaping along its eastern side which screen it from forward (north east) views from the subject site. Windows are located on the east side well setback from the intervening boundary and there is garden between. This dwelling is prominent within the neighbourhood and from Point Nepean Road due to its high roof pitch.

North of the site are residential properties fronting Point Nepean Road.

Opposite across View Point road are other residential properties of differing architectural styles.

See attached photos.

Property: 6 View Point Road, McCrae

3.0 PROPOSAL

It is proposed to construct a two storey dwelling on the land. The residence has been sensitively designed to be non obtrusive from public viewing points. It has also been designed to ensure it will not detrimentally impact on the amenity of the abutting properties. Due to the steep escarpment affecting the northern part of the allotment, the residence is by necessity, being developed at the rear of the site (View Point Road).

The dwelling would have a carport setback 5 metres from View Point Road with an abutting garage setback 11 metres. The remainder of the front setback ranges between 12 – 19 metres. As the site slopes upwards to View Point Road the residence is to be cut into the block. The finished floor levels at ground level would be 49.9 increasing to 52.77 at first floor. The upper floor will extend beyond ground level on the west side. A flat (zincalume tray deck) roof design is proposed.

The dwelling would be constructed of rendered sheeting with glazed areas to the front maximising views of the bay available from this point. Existing vegetation down the escarpment will be retained so too will other plantings on-site. No vegetation removal is proposed

The existing crossover is retained in the design and a gravel driveway provided.

4.0 ZONING

The land is zoned R1 in the Mornington Peninsula Planning Scheme. The objectives of this zone are:

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

Property: 6 View Point Road, McCrae

Design and Development Overlay No.3 (DDO3), Environmental Significance and Vegetation Protection Overlay controls also apply to the land. A planning permit is required for the building.

5.0 ASSESSMENT OF THE PROPOSAL

The DDO3 Overlay Control requires specific parts of Clause 54 to be considered in the assessment of applications.

5.1 Neighbourhood Character (54.02)

The proposal has been designed to complement the neighbourhood within which it would be located. The design is modern in appearance and yet incorporates elements of older style dwellings in the area. The view from the street is that of a low rise structure with high levels of articulation created by the single storey elements extending forward of the residence. As such the proposed residence will be low key and modest in its appearance rather than dominant.

The dwelling fronts View Point Road and the entry is centrally located. No vegetation removal is involved and the overall building footprint is not dissimilar to that of the abutting dwelling under construction. The need for an acceptable setback and utilisation of the only area of developable area on-site has influenced the shape and layout of the dwelling. Room has been provided within the front setback for landscaping either side of the gravel driveway. Paving of the driveway is not considered necessary or desirable as it would harden landscape.

The layout of the building has been designed to retain the bay views currently available to both abutting properties. The section of the upper floor that extends forward of the ground floor is located away from the abutting dwelling to the east and will be screened from the dwelling to the west by existing vegetation.

The development will not detrimentally impact on the amenity of the neighbourhood.

Property: 6 View Point Road, McCrae

5.2 Street Setback Standard A3

The abutting dwelling to the west has a frontage setback of 2.8 metres (garage) and the residence to the east approximately 15 metres. The development meets the objectives of this standard which is:

"To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site."

The development complies in that:

- Like other dwellings in the street the front setback varies. It ranges from 5 –19 metres.
- On the west side where it is closest to the street, a carport is proposed at 5 metres complementing the variable setback of the abutting dwelling to the west.
- To the east the setback is approximately 12.5 metres.
- The central section of the dwelling (where the residence is two storey) is well setback from View Point Road.

The setbacks of the proposed dwelling are considered to be in keeping with the character of the neighbourhood.

5.3 Building Height Objective Standard A4

The DDO3 controls concerning building heights are confusing. The General Requirements state that that no building may have a wall height exceeding 5.5 metres or a building height of 6 metres. A second set of controls states that buildings must have a maximum building height of no more than 8 metres and no be more than two storeys above natural ground level.

The proposal exceeds the 6 metre General Requirement height limit for a depth of 4 metres at the front (beach side) section of the building. It is not possible to lower the height of the development any further. Excavation works are already proposed and are considered appropriate to meet the objective of preventing obtrusive developments. What is of importance is that the appearance of the dwelling not be dominant from viewing points along Point Nepean Road. As already stated there will be minimal views of the residence as a result of existing vegetation located on the escarpment. In any event filtered views of residences from Point Nepean Road forms part of the neighbourhood character in this location.

Property: 6 View Point Road, McCrae

The heights proposed meet the limits allowed in the second set of controls.

5.4 Site Coverage Standard A5

The proposal at 31.1% meets the maximum building site coverage requirement of 60%.

5.5 Permeability Standard A6

The permeable site area is 59.6% which more than meets the minimum 20% area requirement.

5.6 Energy Efficiency Protection Standard A7

The dwelling has been designed to face north and is considered appropriately located in terms of solar access.

5.7 Significant Trees Standard A8

No vegetation removal is proposed as part of the development. The trees on the escarpment are to remain. Areas are provided to the front of the dwelling for additional landscaping.

5.8 Parking Objective Standard A9

The proposal has a garage and a carport and meets the requirements of this standard.

5.9 Walls on Boundaries Objective Standard A11

Walls on boundaries are not to exceed an average height of 3 metres. The proposal complies with this requirement.

5.10 Daylight to Existing Windows Standard A12

The setback of the abutting dwelling under construction to the east is 1.65 metres off the boundary. With this setback and the 3 metre wall height provided opposite, the proposal complies with the standard.

Property: 6 View Point Road, McCrae

5.11 North Facing Windows Objective Standard A13

Not applicable.

5.12 Overshadowing Open Space Objective Standard A14

The private secluded open space areas of the abutting dwellings will not be affected by the development. The open space of the dwelling under construction to the east is to View Point Road and the open space of the dwelling to the west is to the north, west and east sides. The proposal has been designed so as not to detrimentally impact on the abutting properties in terms of overshadowing. The upper floor component is set well back from the intervening boundaries away from principal open space areas.

5.13 Privacy Objective Standard A15

The proposed dwelling has been designed to ensure there is no loss of privacy. Views into the abutting private open space to the west will be obscured by existing vegetation.

6.0 CONCLUSION

The proposal complies with the standards of ResCode and the policies of the Mornington Peninsula Planning Scheme. While several overlay controls apply the above assessment addresses the matters required to be considered pursuant to those controls. The proposed dwelling will fit in well with the neighbourhood and immediate site context. Views of the residence from Point Nepean Road will be restricted and the proposal has been designed with regard to the environmental characteristics of the land and the placement of buildings on the abutting properties. For these reasons it is requested Council support the application.

Ms Sally Moser B.T.R.P. (Hons), Grad. Dip. Prop.
MOSER PLANNING SERVICES PTY LTD



NOTIFICATION SERVICE FOR PLANNING PERMIT APPLICATIONS

Section 52 of the *Planning and Environment Act 1987* requires the responsible authority (in this case Mornington Peninsula Shire Council) to give notice of an application if it considers that the use or development proposed may cause material detriment to any person.

Advertising may include sending individual notices to the owners/occupiers of adjacent properties, erection of a sign on the land or publishing a notice in the newspaper.

For a fee of \$77.00, the Council will carry out advertising requirements as a service to clients. The fee covers all administration costs (including GST), individual advertising letters of notification of up to ten people and the erection and collection of one site sign.

Advertising will include the forwarding of appropriate size copies of the plans and relevant information submitted. If you do not agree to the distribution of plan copies you should indicate on the slip at the bottom of the page. If you wish to carry out advertising yourself, please advise the officer handling your application to arrange for the advertising material to be forwarded out to you. (Please note - a \$55.00 fee is still required to be paid for the provision of advertising material, and site sign.)

In the case of an application where wider than usual advertising is required, a public notice will be placed in either the Mornington Peninsula Leader or Hastings Independent, depending on the location of the proposal. After Council gains your authorisation, the paper will bill you directly.

Please return the slip at the bottom of the page if you wish Council to undertake advertising on your behalf. This does not mean that advertising will be required and payment is not to be made until further advised. It simply means that if advertising is required, you give Council permission to undertake it for you. Returning your authorisation slip as soon as possible will prevent delays in the processing of your application.



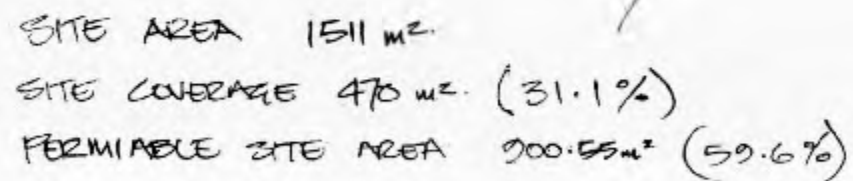
NOTIFICATION OF FEES

Fees Include: \$77.00

- All administration costs (Including G.S.T)
- Notification of up to 10 people - including copies of plans, and
- The erection & collection of one site sign. (A2 size)

Additional Fees:

Notification of additional people	\$5.50 per addressee
Additional site sign/s	\$22.00 per extra sign (A2 size)
Larger signs (when required)	to be advised



EXISTING TWO STOREY
Dwelling 11.0m FROM
BOUNDARY = 2.8 PROTRUSION
OFFSET

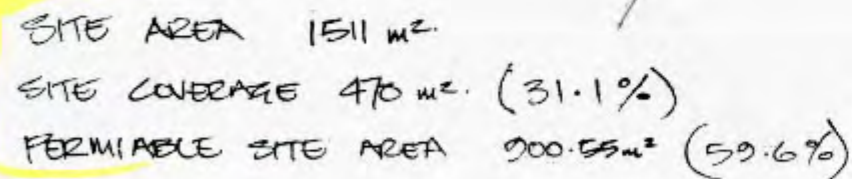
FOR 'A' STATISTICS, DEVIATION, ADJUSTING PROP. WINDOWS, CUT DETAILS.

REF: 217

BUILDING DESIGN

P.O. Box 859
MORNINGTON
Victoria 3931
ph 0425736931





EXISTING TWO STOREY
DUALITY 11.0m MIN. FROM
BOUNDARY = 2.8 POSTAGE
OFFSET

REV 'A' STATISTICS, DERIVATION, ADJOINING PROP. WINDOWS, CUT DETAILS.

REF: 21

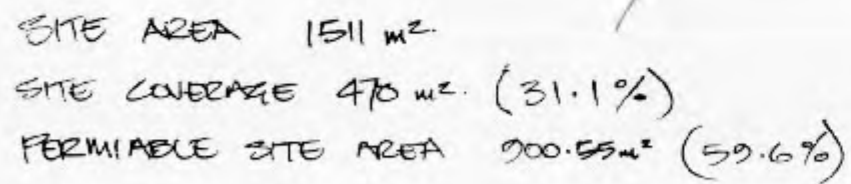
BUILDING DESIGN



Building design
McGraw-Hill Construction Information Group
www.mcgraw-hill.com

p.d.d.e.





EXISTING TWO STOREY
Dwelling 11.0m MIN. FROM
BOUNDARY = 2.8 PROTRUSION
OFFSET

LEV 'A' STATISTICS, INVENTORY, ADJOINING PROP. WINDOWS, CUT DETAILS.

Mike Salpietro Drafting
BUILDING PRACTITIONER D.P. AD 1987

BUILDING DESIGN

P.O. Box 859
MORNINGTON
Victoria 3931
ph 0425736931



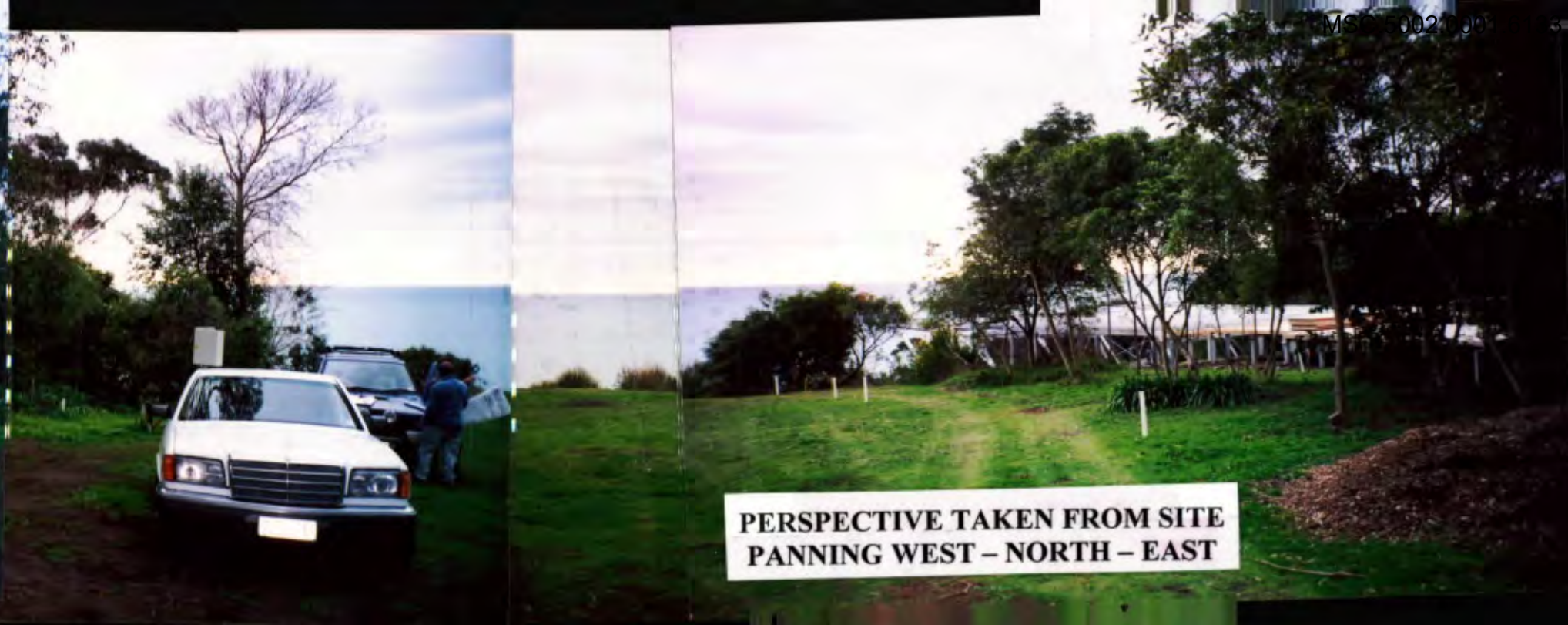
INTERNAL VIEW AND NEIGHBOURHOOD CHARACTER PHOTOGRAPHS



DWELLING, No. 6 VIEW POINT Road McCRAE.
Prepared Mike Salpietro Drafting.
Ref M-217



**PROPERTIES OPPOSITE TO SOUTH – THIS SIDE OF STREET
HAS A HIGHER LEVEL OF VEGETATION THAN THE NORTH
SIDE**



**PERSPECTIVE TAKEN FROM SITE
PANNING WEST – NORTH – EAST**



Q55-26

<No. 21A>BBB

371 0112

N N N+1 04 CB27



Q55-26 <No. 24A> B02
371 B112 N N N N-B3 (B2)

View Pt. Rd.

MSC 5002.0001.6138

No. 6.



QSS-26
371 0112

<No. 19> 012
N N N+1 JN <027>



Q55-26 <No. 23A>003
371 0112 N N N-1-10 (0272)



055-26

<No. 22A>025

264 01**

N N N+1 09 (027)





**VIEW TOWARDS VIEW POINT ROAD TAKEN FROM
TOP OF ESCARPMENT**

FILE NOTE

MSC.5002.0001.6146

MORNINGTON
PENINSULA
Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER: David Quelch

DATE:

APPLICATION NO: P02/1833

FILE NO:

SUBJECT: 6 View Point Rd

RE: ZONE R12

OVERLAY 0003, ES25, VPO1 →

Title / Covenant ✓

PROPOSAL 2/5 Owl

HEIGHT permitted - wall 5.5m building 6.0m

proposed - wall 6.75m building 6.75m

permit trigger - Yes RL 56.0

49.25

EXCAVATION 1.1m yes 6.75m

MATERIALS AND COLOUR

Roof

Walls

SETBACKS front - 5m Carport - (Req 7.5m) Yes

side - West - garage on boundary, plus laundry

rear - East - storage on boundary 3m

17.4m

VEGETATION REMOVAL - No

SERVICED BY RETICULATED SEWERAGE - Yes

OTHER Ref to Engineering - near cliff face

Not served 2m from a cliff face permit trigger

x get copy of adjoining file P02/2457 CTR 11/5/01

ADVERTISING - Yes

Peter Young - drainage to Penny Lane

Ref: David Quelch Direct Dial (03) 5986 0991: Fax: (03) 5986 0841

12 August, 2002

Moser Planning Services Pty Ltd
19/32-34 Mitcham Road
Donvale VIC 3111

Dear Sir/Madam

**PLANNING APPLICATION P02/1833
6 VIEW POINT ROAD MCCRAE VIC 3938
DWELLING**

Please find attached a Colour Factfile sheet as requested.

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

Yours faithfully

Irrelevant & Sensitive

**David Quelch
DEVELOPMENT PLANNER**

INTERNAL MEMO



**MORNINGTON
PENINSULA**

Shire

ABN 53 159 890 143

Private Bag 1000
Besgrove Street
Rosebud 3939

Tel (03) 5986 0200

Fax (03) 5986 6696

DX 30059

Ref: P02/1833 Direct Dial David Quelch on (03) 5986 0991: Fax (03) 5986 0841

12 August, 2002

From: David Quelch
DEVELOPMENT PLANNER

To: Terry Boyd
Development Engineer

Re: **PLANNING APPLICATION P02/1833**
DWELLING
6 VIEW POINT ROAD MCCRAE

Dear Terry,

I refer to the above planning permit application. Your comments would be greatly appreciated.

The proposal is for a two storey dwelling. The land is zoned R1Z with DDO3, ESO25, and VPO1 overlays. The proposed dwelling is sited within 6 metres of a cliff face, which is a permit trigger under the DDO3 overlay.

A response within 14 days would be appreciated.

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

Yours faithfully

Irrelevant & Sensitive

David Quelch
DEVELOPMENT PLANNER

Ref: P02/1833 : Direct Dial David Quelch on (03) 5986 00991 ; Fax (03) 5986 0841

8 August, 2002

Moser Planning Services Pty Ltd
19/32-34 Mitcham Road
Donvale VIC 3111

Dear Sir/Madam,

**PLANNING APPLICATION: P02/1833
DWELLING
6 VIEW POINT ROAD MCCRAE VIC 3938**

Your application for a planning permit has been received by Council and allocated to David Quelch, Development Planner, for assessment.

Due to the large volume of applications currently being received, Council is experiencing a delay in the processing of applications. Over the past few months Council has processed approximately 50% of applications within 60 days. I apologise for any inconvenience this may cause.

Statutory and Internal processes may prevent David from contacting you within the next three weeks, however please be assured your application is being assessed.

Thereafter, if you have any queries regarding your application please contact David on the above telephone number and quote the application number.

Yours faithfully

Irrelevant & Sensitive

**Ray Webb
Manager Statutory Planning**

486705 Attn: Tndy

**MORNINGTON PENINSULA SHIRE COUNCIL
APPLICATION FOR PLANNING PERMIT**

Planning and Environment Act 1987 Section 47,
Planning and Environment Regulations, Regulation 12.
Please print clearly. Please read the notes on the back
before completing this form.

REGULATION 12

Code 41 5

APPLICATION NO:

P02/1833

DATE RECEIVED:

21/8/02

THE APPLICANT: (Who is making this application)

NAME: C.A.P. Pugh c/- Moser Planning Services Pty Ltd

ADDRESS: c/- 19/32-34 Mitcham Road

DONVALE, 3111

PHONE/BUSINESS HOURS: 0403215255

THE LAND: (Give address and Title particulars of the land and attach a sketch plan)

6 View Point Road McCrae

THE PROPOSAL: (For what use, development or other matter do you require a permit?)

Duelling (two storey)

Describe the way the land is used now:

Vacant

THE COST OF THE DEVELOPMENT:

If a permit is required to undertake development, state the estimated cost
of the proposed development. You may be required to verify the estimate.

Irrelevant / Sensitive

THE OWNER: (If the applicant is not the owner, give name and address of the owner and complete box A or B)

NAME: C.A.P. Pugh

ADDRESS: 3/4 Catherine Street McCrae

PHONE/BUSINESS HOURS: 0410583777

A. I am the owner of the land. I have seen this application.	Owner's Signature Date:
B. I/We the Applicant declare that I/We have notified the owner about this application.	Applicant's Signature Date: 1/8/02

DECLARATION TO BE COMPLETED FOR ALL APPLICANTS:

I Declare that all information I have given is true.	Applicant's Signature Date: 1/8/02
---	--

TOTAL P.01

**MORNINGTON PENINSULA SHIRE COUNCIL
APPLICATION FOR PLANNING PERMIT**

REGULATION 42

Code 41 5

Planning and Environment Act 1987 Section 47,
Planning and Environment Regulations, Regulation 12.
Please print clearly. Please read the notes on the back
before completing this form.

MORNINGTON PENINSULA SHIRE COUNCIL APPLICATION NO:

RECEIVED

- 2 AUG DATE RECEIVED:

MAIN FILE

OFFICER/S

THE APPLICANT: (Who is making this application)

NAME: C. & P. Pugh c/- Moser Planning Services Pty Ltd

ADDRESS: c/- 19/32-34 Mitcham Road

DONVALE, 3111

PHONE/BUSINESS HOURS: 0403215255

THE LAND: (Give address and Title particulars of the land and attach a sketch plan)

6 View Point Road McCrae

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Duelling (two storey)

Describe the way the land is used now:

Vacant

THE COST OF THE DEVELOPMENT:

If a permit is required to undertake development, state the estimated cost
of the proposed development. You may be required to verify the estimate.

\$ approx.

Irrelevant / Sensitive

THE OWNER: (If the applicant is not the owner, give name and address of the owner and complete box A. or B)

NAME:

ADDRESS:

PHONE/BUSINESS HOURS:

A. I am the owner of the land. I have seen this application.	Owner's Signature Date:
B. I/We the Applicant declare that I/We have notified the owner about this application.	Applicant's Signature Date: 1/8/02

DECLARATION TO BE COMPLETED FOR ALL APPLICANTS:

I Declare that all information I have given is true.	Applicant's Signature Date: 1/8/02
--	---------------------------------------

TOTAL P.01

ProClaim (Server - PROCLAIMSRV, Database - ProClaim)

File Edit View Start Options Tools Insert Window Help

Land

Land No: 1115 Legal Description: Lot 2 LP 114212 Vol 9000 Fol 778
 Status: Current Associated Property: 6 VIEW POINT ROAD MCCRAE VIC 3918

Land Detail Summary Custom Fields

Attributes: ☐ Show history
 centroid centroid Mapping Centroids Current

Associations:
 3 - Certificate Application
 1 - Related Property
 2 - Planning/Building Application

Notes:
 1 - Stat Planning - notify request
 1 - Vegetation Removal Inquiry

Alias:
 1 - Property Reference Number

Record: 1 of 1 (Filtered)

Search Results:
 1 - 6 VIEW POINT ROAD MCCRAE VIC 3918
 1 - Lot 2 LP 114212 Vol 9000 Fol 778
 1 - 6 VIEW POINT ROAD MCCRAE VIC 3918

Start ProClaim (Server - PR...) Northern Message Popu...

FLTR CAPS NUM 11:11 AM



MORNINGTON
PENINSULA

Shire

ABN 53 159 890 143

Official Tax Invoice / Receipt

No. 35043

Received from

Moser Planning Services

5,802

Description:

Amount

GST

Planning Application

430-00

(41)

6 View pt rd mcrae

Cash / Cheque / Card

Total \$ 430-00

Includes GST of: \$

SI

Irrelevant / Sensitive

Printed by pauljl 06/08/02 11:16:58 AM

Stat Planning - notify request			
Memo Type	PlanNotify	NOTIFY ROBERT STENT OF 10 VIEW POINT ROAD, MCCRAE	
Land No	1116	POSTAL ADDRESS C/- HAYBALL LEONARD STENT P/L	
Status	Current	SUITE 4/135 STURT STREET, SOJTHBANK 3006	
Memo Ctr	516866		
Requested	27/03/02	Planning Application	Doc ID
Registered	02/05/02		



Volume 09088 Folio 778

124002347662W

Page 1 / 1

Produced 16/07/2002

08:02 hr

CERTIFICATE OF TITLE - VICTORIA

Under the Transfer of Land Act 1958

I certify that the registered proprietor is the proprietor of the estate and interest in the land subject to the encumbrances, caveats and notices described

John Hartigan



REGISTRAR OF TITLES

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 114212.

PARENT TITLES :

Volume 06097 Folio 211 Volume 06333 Folio 510

Created by instrument LP114212 10/06/1975

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

CHARLES ALEXANDER PUGH

PAMELA MARY PUGH both of 3/4 CATHERINE STREET MCCRAE VIC 3938

AB415868L 16/07/2002

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP114212 FOR FURTHER DETAILS AND BOUNDARIES

END OF CERTIFICATE



PLANNING APPLICATION CHECK LIST

Basic application information	Mandatory	✓/X	Comments
Application form completed			
Signed Correctly	✓	X	No answers details provided
Proposal Details	✓	✓	
Land Details	✓	✓	
Correct Application Fee	✓	✓	
			\$430.00
Title/Covenant details			Provided
Full Copy of Title (Restrictive Covenants Act 200)	✓	✓	answers
Covenant/173 Agreement Details	✓	✓	None
Three copies of plans	✓		
Fully dimensioned	✓		
Site plan/plans (details of lot boundary)	✓		
Elevations, all 4 sides	✓		
Floor Plan (use of each room)	✓		
Building and wall height	X		
Relative Levels (including top of building and finished floor levels)	✓		
Natural Ground Level			
Colours and finishes			
Site features (vegetation, Driveways etc.)			
Supporting argument / Report			
Against Provisions, Policy and site context/neighbourhood character			None provided
Use Details			
Proposed uses			
Proposed use/uses			
Hours/days of operation			

* No answers details provided

Basic Rescode Information – against standard type where applicable**Mandatory¹** ✓ X**Comments**

14 Standards – Single dwellings under an overlay, other than HO, NCO or DDO			
Response against the 14 standards			

20 Standards – single dwellings under a HO, NCO or Lot less than 500sqm.- BUT NOT DUE TO THE OPERATION OF AN OVERLAY, OTHER THAN A DDO. Clause 54			none provided
Neighbourhood and site description	✓		photos of immediate site & neighbourhood
A Design Response	✓		plan
Response against the 20 standards			

34 Standards – Multi Unit housing. Clause 55

Neighbourhood and site description	✓		
A Design Response	✓		
Response against the 34 standards	✓		

40 Standards – For residential subdivision. Clause 56

A site and context description	✓		
A design response	✓		
Response against the 40 standards	✓		

Can the application be registered?

Yes
~~No~~

5.8.02

Yes/No

Date

Officer

Irrelevant & Sensitive

1. Mandatory information is basic information that must be supplied with all applications. The other information listed may also be 'mandatory' dependant upon the type of application applied for. For example a dwelling application for a dwelling must have information such as elevations of all four sides and a site plan.
2. If the application has been registered the above notes are used as a guide to the Delegate Officer for assessing the need for further information under Section 54 of the Act.



Volume 09088 Folio 778

124002347662W

Produced 16/07/2002

Page 1 / 1

08:02 hr

CERTIFICATE OF TITLE - VICTORIA

Under the Transfer of Land Act 1958

I certify that the registered proprietor is the proprietor of the estate and interest in the land subject to the encumbrances, caveats and notices described

John Hartigan 

REGISTRAR OF TITLES

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 114212.

PARENT TITLES :

Volume 06097 Folio 211 Volume 06333 Folio 510

Created by instrument LP114212 10/06/1975

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

CHARLES ALEXANDER PUGH

PAMELA MARY PUGH both of 3/4 CATHERINE STREET MCCRAE VIC 3938

AB415868L 16/07/2002

ENCUMBRANCES, CAVEATS AND NOTICES

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DIAGRAM LOCATION

SEE LP114212 FOR FURTHER DETAILS AND BOUNDARIES

END OF CERTIFICATE

114212

LP114212
EDITION 1
APPROVED 29/4/75

PLAN OF SUBDIVISION OF: PART OF CROWN PORTION I SECTION B PARISH: WANNAEUE COUNTY: MORNINGTON SCALE OF METRES	APPROPRIATIONS DRAINAGE → BLUE	ENCUMBRANCES & OTHER NOTATIONS
	COLOUR CONVERSION E-1 = BLUE	

CHART NO. 8^A



INTERNAL VIEW AND NEIGHBOURHOOD CHARACTER PHOTOGRAPHS



DWELLING, No. 6 VIEW POINT Road McCRAE.
Prepared Mike Salpietro Drafting.
Ref M-217

INTERNAL VIEW AND NEIGHBOURHOOD CHARACTER PHOTOGRAPHS



DWELLING, No. 6 VIEW POINT Road McCRAE.
Prepared Mike Salpietro Drafting.
Ref M-217

INTERNAL VIEW AND NEIGHBOURHOOD CHARACTER PHOTOGRAPHS



DWELLING, No. 6 VIEW POINT Road McCRAE.
Prepared Mike Salpietro Drafting.
Ref M-217

FILE NOTE



MORNINGTON
PENINSULA
Shire Council

PHONE/ COUNTER DISCUSSION

OFFICER:

DATE: 6/8/02

APPLICATION NO:

FILE NO:

SUBJECT: 6 View Point Rd McCrae

RE:

6/8/02 : JH said we need copy of application form faxed thru with owners details on it.

Rang Sally Moser, Irrelevant / Sensitive left msg on msg bank to please call us back

TW

6/8/02 9:20 am Sally rang back, will fax thru app form with owner's name on it. ✓ Rec'd 6/8/02

.....

Moser Planning Services Pty Ltd

August 1, 2002

Mornington Peninsula Shire Council
Private Bag 1000
Besgrove Street
ROSEBUD 3939

Dear Sir/Madam

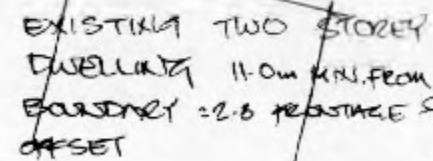
Re: PROPOSED DETACHED HOUSE 6 VIEW POINT ROAD, MC CRAE

I have been engaged by the owners of the above property to lodge the enclosed planning application with Council. A detailed planning assessment of the proposal will be forwarded separately in the immediate future. In the meantime please do not hesitate to contact me if you have any queries.

Yours faithfully

.....

Sally Moser
MOSER PLANNING SERVICES PTY LTD



DWELLING
Ld 2 P.S. 114212
N° 6 VIEW POINT ROAD
MC CRAE
for C.A. & P.M. FUGH

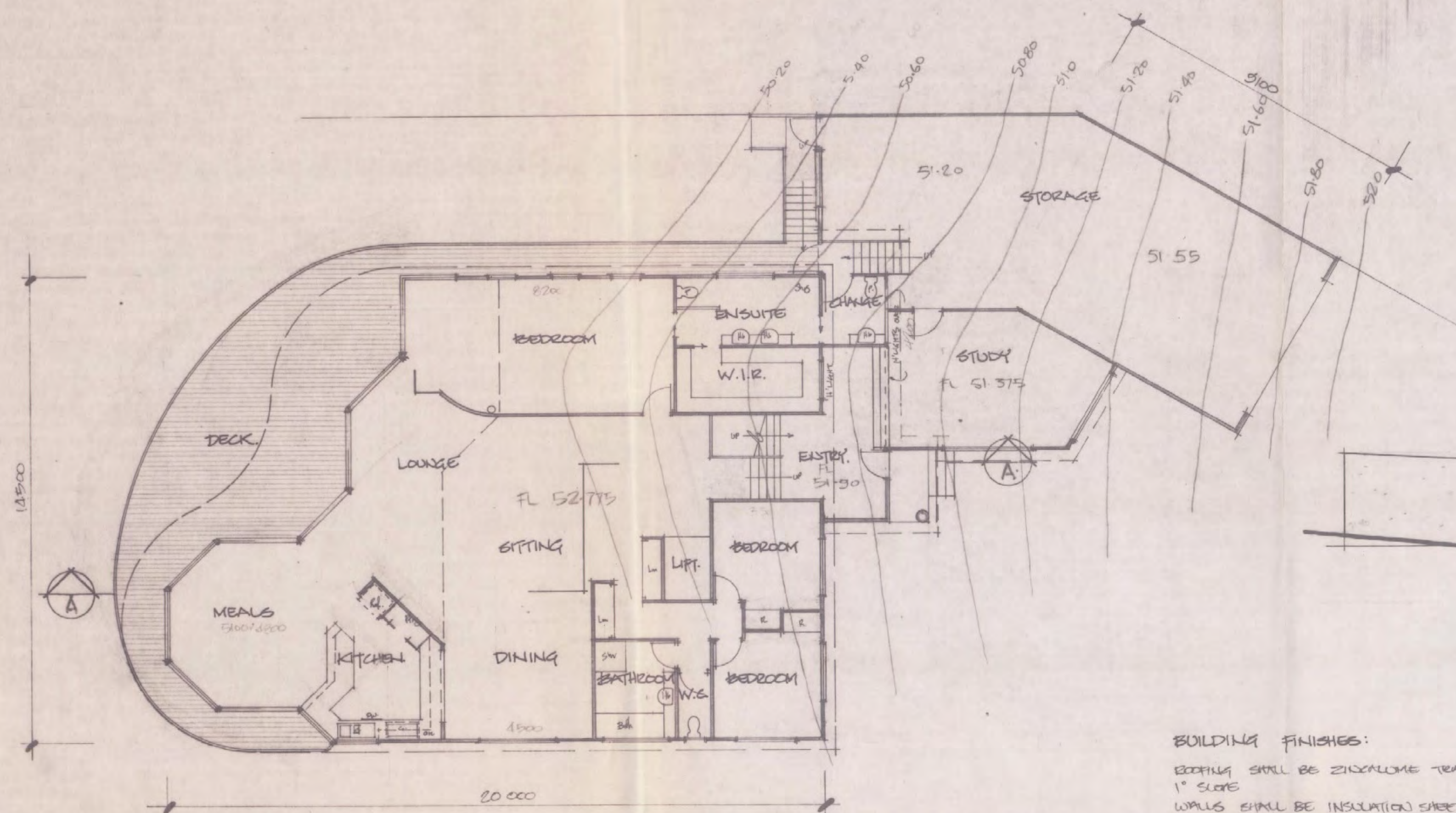
BUILDING DESIGN

P.O. Box 859
MORNINGTON
Victoria 3931
ph 0425736931

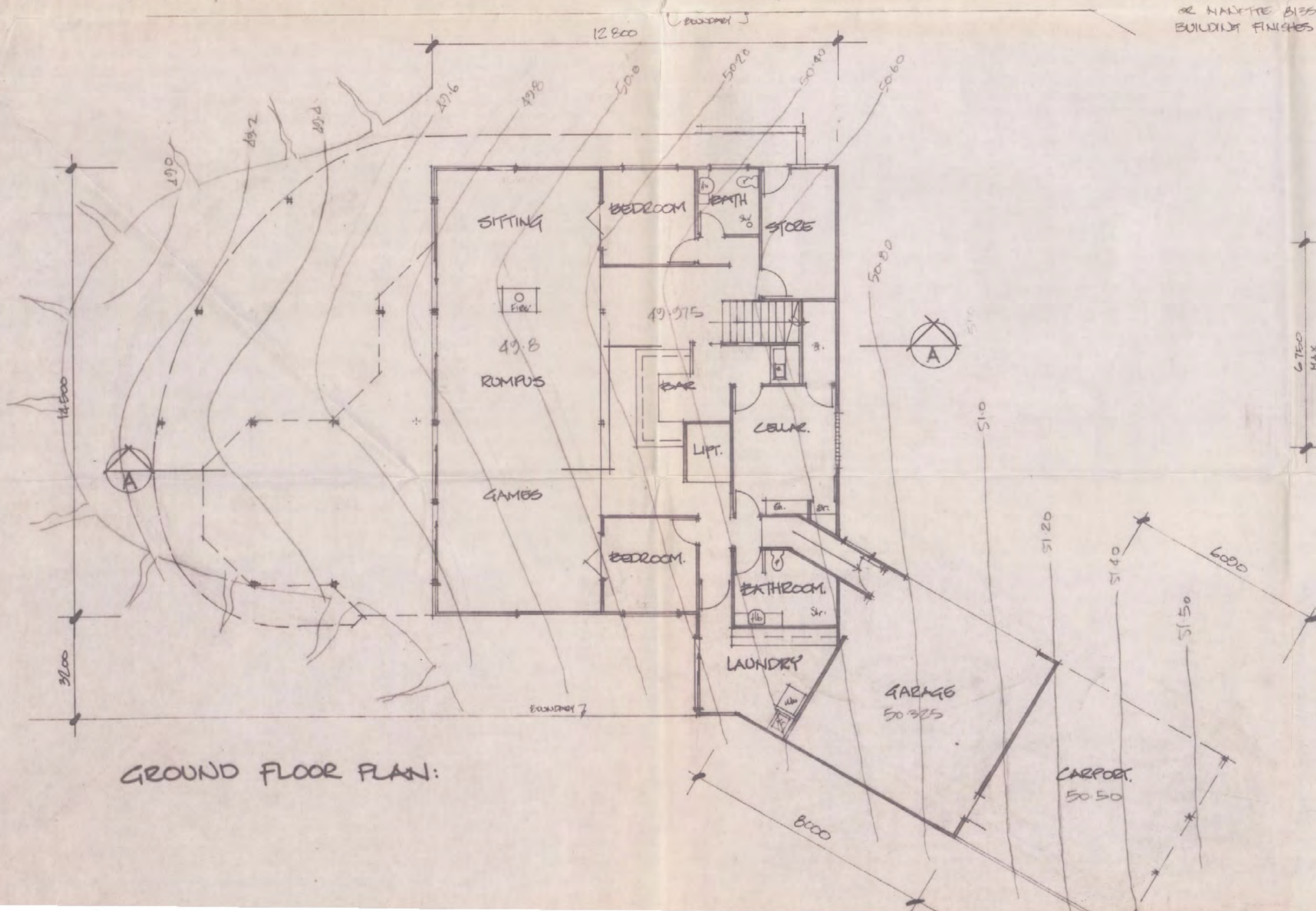


NATIONAL ASSOCIATION OF BROADCASTERS
1100 15th St., N.W.
Washington, D.C. 20004
(202) 462-6789

p.d.d.c.



UPPER FLOOR PLAN:



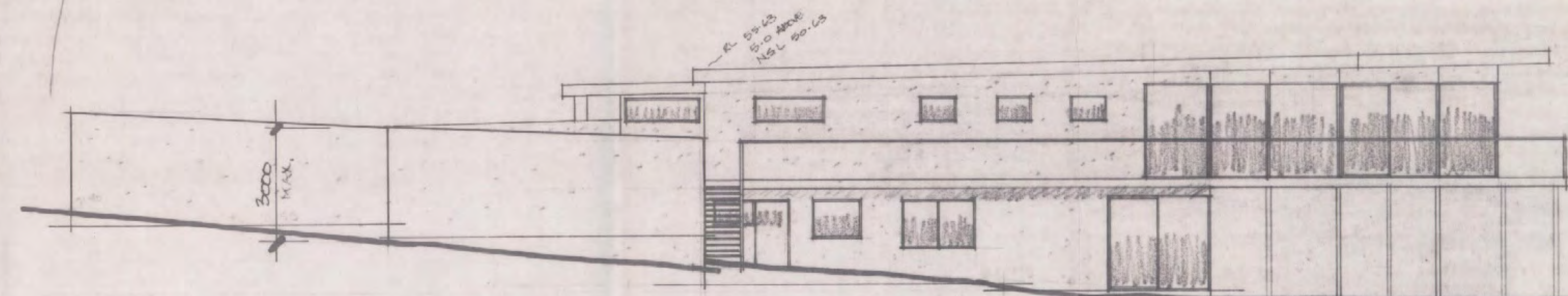
GROUND FLOOR PLAN:

BUILDING FINISHES:

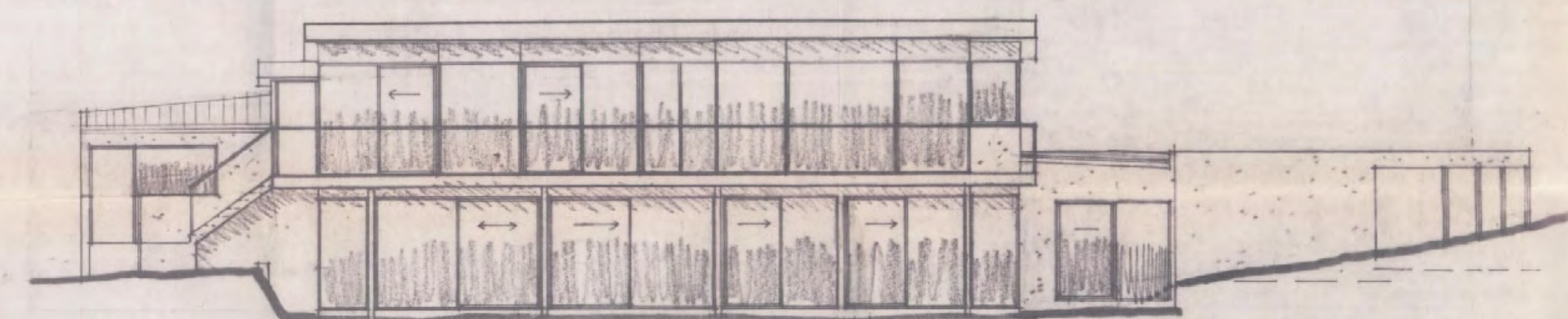
ROOFING SHALL BE ZINCALUME TRAP DECK
1" SLOPE
WALLS SHALL BE INSULATION SHEET WITH
APPLIED FINISH OVER
COLORS SHALL BE MUTED TONES OF
CREAM COLOR SHEET CEILING, ACRYLIC PAINTS
OR WHITE GLOSS
BUILDING FINISHES SHALL BE NON REFLECTIVE.



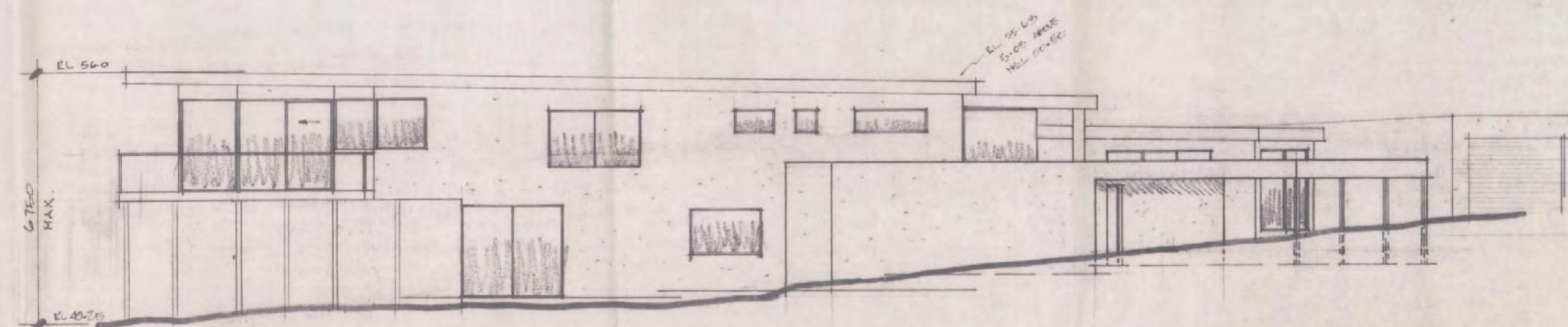
SOUTH EAST ELEVATION:



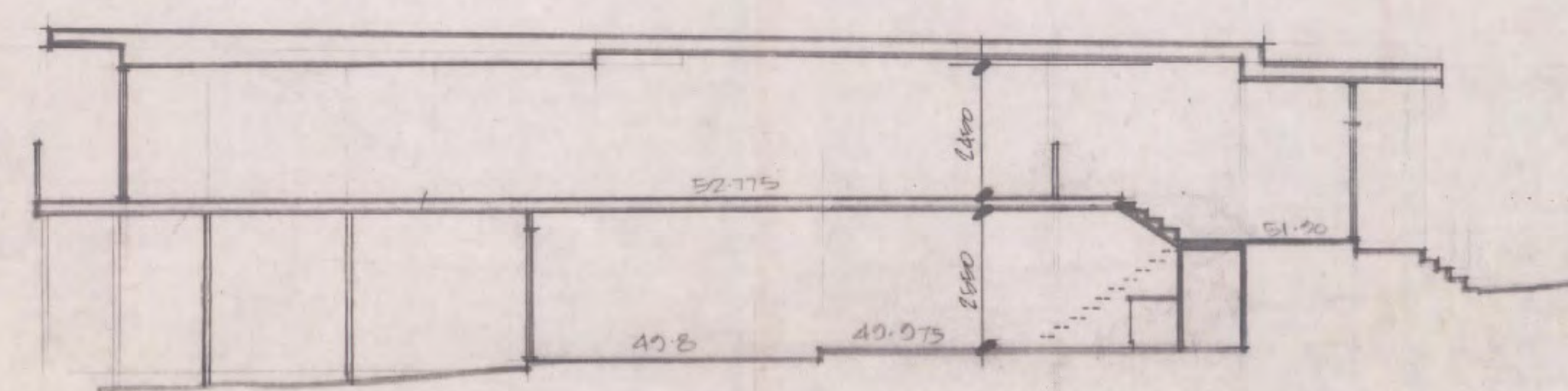
NORTH EAST ELEVATION:



NORTH - WEST ELEVATION:



SOUTH - WEST ELEVATION.



SECTION A:A:

	REF	M-217
	SCALE	1/100

DWELLING

Lot 2 P.S. 114212

N°6 VIEW POINT ROAD

MC CRAE

for CA. & P.M. FUGH

Mike Salpietro Drafting

BUILDING PROFESSIONAL D.B. no 13827

BUILDING DESIGN

P.O. Box 951
MURKININGTON
Victoria 3191
ph 045736491



