

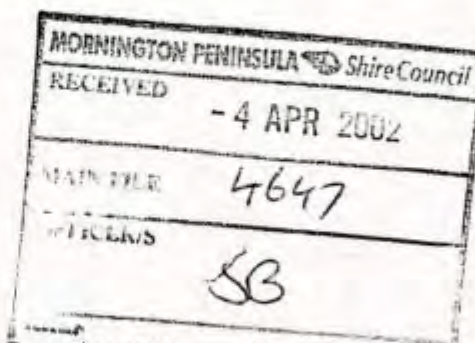
SCM  
5/4/02

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

P011876

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](http://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,

A handwritten signature in cursive script, appearing to read 'Rokye'.

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 180<sup>0</sup> 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;

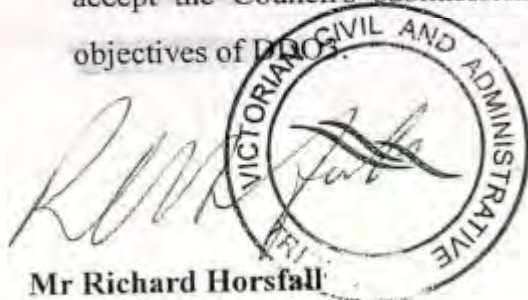


- The Applicant will retain her panoramic views including views of the immediate coastline beyond the roof ridge, Port Phillip Bay and Mt Martha;
- The impact on the views will be minimal;
- Views from a seated position on the verandah will be similarly affected to a minimal extent;
- Views from seated 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
<b>Clause 54.01</b> site analysis	Neighbourhood and site description	Yes
<b>Clause 54.02-1</b> neighbourhood character	Neighbourhood character and integration with the street	Yes
<b>Clause 54.02-2</b> integration with the street	Integrate layout of development with the street	Yes
<b>Clause 54.03-1</b> site layout and building mass	Not applicable DDO3	Yes
<b>Clause 54.03-2</b> building height	Not applicable DDO3	Yes
<b>Clause 54.03-3</b> site coverage. Maximum 60%	Less than 60%	Yes
<b>Clause 54.03-4</b> permeability, at least 20% not covered by impervious surfaces	More than 20% not covered by impervious surfaces	Yes
<b>Clause 54.03-5</b> energy efficiency	Private open space and habitable living areas are orientated northwards	Yes
<b>Clause 54.03-6</b> significant trees	Retention of significant trees onsite	Yes
<b>Clause 54.03-7</b> parking	Adequate area available for two parking spaces	Yes
<b>Clause 54.04-1</b> side and rear setback	Side setback requirement- one metre, rear not applicable	Yes
<b>Clause 54.04-2</b> walls on boundary	Garage/Carport on boundary or less than 150mm, 3.6m max.	Yes
<b>Clause 54.04-3</b> daylight to existing windows	New dwelling to allow 3m <sup>2</sup> light court of existing window.	Yes
<b>Clause 54.04-4</b> north facing windows	Adequate daylight to existing habitable room windows	Yes
<b>Clause 54.04-5</b> overshadowing open space	Minimal overshadowing will occur	Yes
<b>Clause 54.04-6</b> overlooking objective	Minimal overlooking will occur	Obscured glazing/1.7m sill height for upper level dining room window.
<b>Clause 54.05-1</b> daylight to new windows	Adequate daylight into new habitable room windows	Yes
<b>Clause 54.05-2</b> private	80 sq.m or 20%, but not	Yes

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



593337.

70584000

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
AREP	P02/1833
V11	

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: P.O. 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.

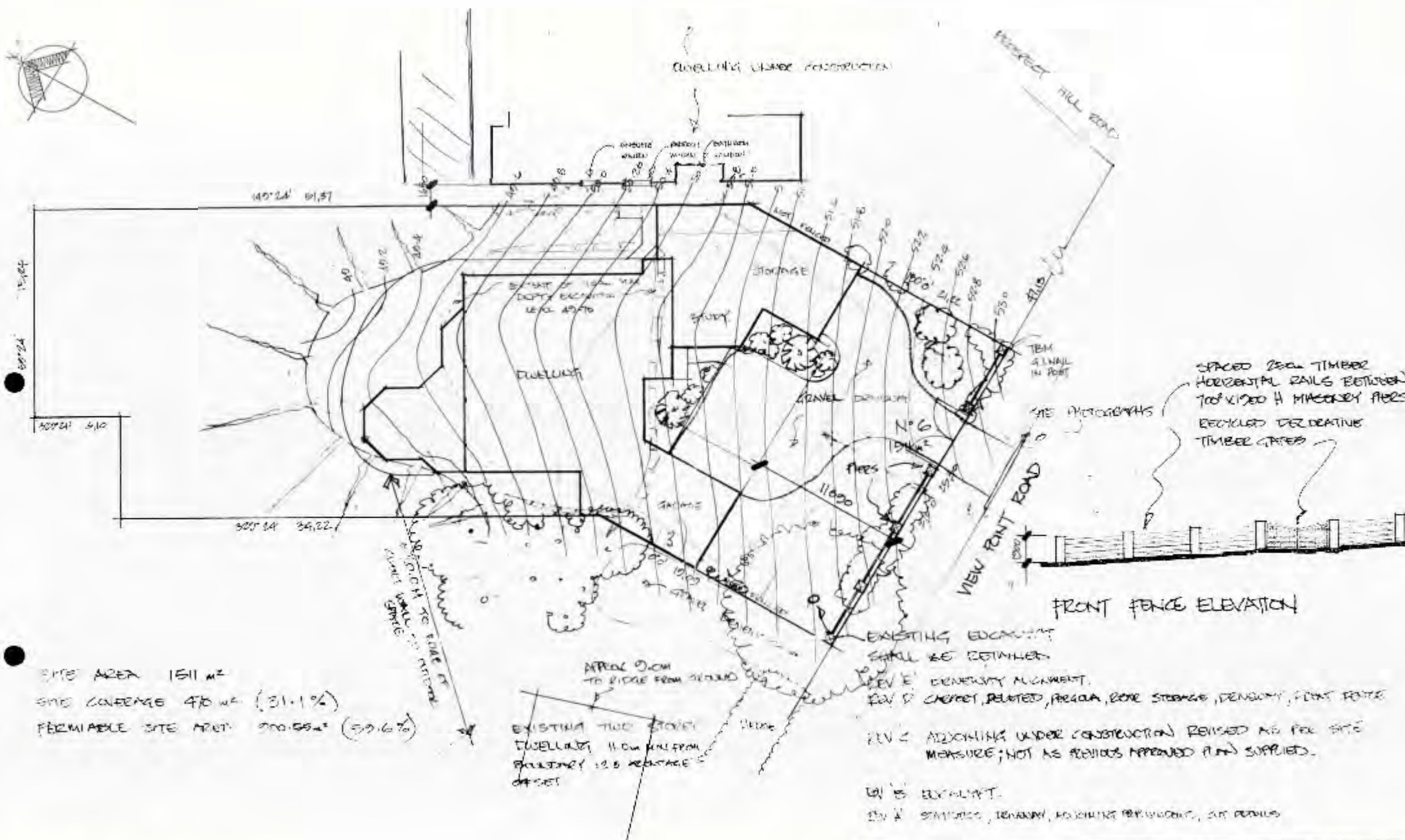
If you wish to have your case considered on the basis of documents (written submission) you should seek the agreement of the other parties and provide them with a copy of your submission prior to the hearing.

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.



PERMISSIBLE SITE AREA: 900.55 m<sup>2</sup> (99.6%)

SITE PLAN: 1:290

DWELLING  
Ld 2 P.S. 114212  
N°6 VIEW POINT ROAD  
MC CRAE  
for C.A. & P.M. FLUGH

Mike Salpietro Drafting

Received 15 March 1998; accepted 15 May 1998

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P.O. Box 959  
MORNINGTON  
Victoria 3771  
on 042573673

p.d.c.





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 dirt face* .....

..... *- Overlooking & overshadowing* .....

..... *- Vegetation removal.* .....

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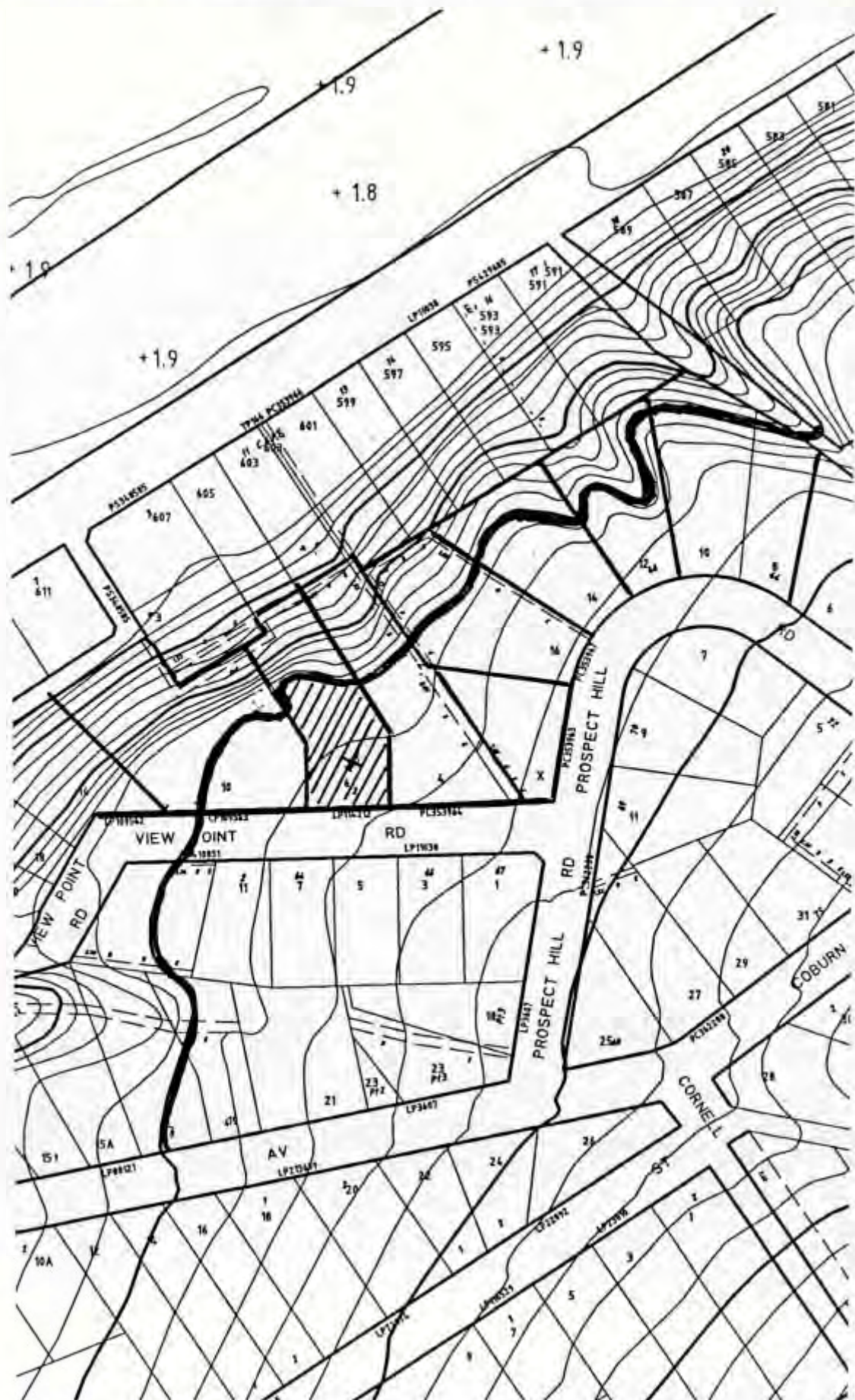
(additional notes may be attached if required)

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](http://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: 102/1833 FILE NO:

SUBJECT:

RE:

Called Mose Planey,  
left message advising that VCAT  
date reference on correspondence  
(received 5 May 2003) is incorrect,  
as the 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



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

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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.

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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.

**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.

~~Tuesday 3<sup>rd</sup> June~~ 5<sup>th</sup> June Thur. VCAT  
2-15 Hearing.

Colours- stone - walls.

Roof - beige / brown / green.

colour for 4 View Point.

569633

7064400

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

Received by	6 MAR 2003
File No	1116
Initials	DO

Dear Sir/Madam

Referral to Mediation

P02/1833

Application Concerning:

6 View Point Rd  
MCCRAE VIC 3938



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**

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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.

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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**

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## **EXHIBITS**

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## **HEARING PROCEDURE**

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## **DETERMINATIONS**

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- 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](http://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.



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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 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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56477

71751000

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	00
FILE	P02/1833
P11	

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 **CITRYL ANNE BATCHELOR**

Address for service

**28 KARONIA 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	MORNINGTON 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.

- 1. THE LAND FORMS THE TOP OF A STEEP SLOPE (EST 45°) THE AREA IS PART OF THE SELWYN FAULT & IS APPARENTLY UNSTABLE & PRONE TO SLIP NO EVIDENCE OF LANDSLIDE ASSESSMENT REPORT**
- 2. NOT FOLLOWING ESTABLISHED NOMINAL BUILDING LINE**
- 3. WHIST FAILS TO PROTECT SITING VIEW LINES (DOOR)**

THIS FORM SHOULD BE SENT TO OR LOANED WITH:  
THE PRINCIPAL REGISTRAR  
VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL  
PLANNING & ENVIRONMENT LIST  
55 KING STREET  
MELBOURNE VIC 3000

**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**

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

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

- 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)

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- 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: \_\_\_\_\_

559141

VICTORIAN CIVIL AND  
ADMINISTRATIVE TRIBUNAL

70837000

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



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**

---

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

**Irrelevant & Sensitive**

**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 cannot 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.

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.

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

RECEIVED	23 JAN 2003
FILE NO	1116
FILED BY	DA
FILED	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.

552025

71566000

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

MORNINGTON PENINSULA SHIRE COUNCIL	
RECEIVED	21 JAN 2003
MAIN FILE	1116
ATTACHED	DQ
REF	PO2/1833



(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: 0403215255

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 & Batchels  
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.

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Your Name: Moser Planning Services Pty Ltd

Address: 5 Little Bay Court  
Endeavour Hills 3802

Telephone No. during business hours: 0403215255

Signature: \_\_\_\_\_

Date: 20/1/03



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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.

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**

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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**

545462.

70540 000

MORNINGTON PENINSULAR Shire Council	
RECEIVED	- 9 JAN 2003
WAS FILED	1116
OFFICER	DA
REF	P021833
C1	

28 Kardinia Road  
GLEN IRIS VIC 3146

8<sup>th</sup> 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 2<sup>nd</sup> 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/S	DQ
AREF	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 Viewpoint Rd\McCrae\20103.doc

-6 JAN 2003



VCAT - VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL  
PLANNING & ENVIRONMENT LIST

COPY

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 **ROBERT STENT (VIEWPOINT RD. MCCRAE)**

Address for service **60 ALLISON RD. /  
EUSTERNWICK** Post Code **3185** Telephone No. Bus. **75993644**  
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.	Street	Locality	Municipality
<b>6</b>	<b>VIEWPOINT RD.</b>	<b>MCCRAE</b>	<b>MORNINGTON PENINSULA SHIRE</b>

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

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 **VCAT**  
3

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.



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

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

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

- 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)

---

---

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---

---

- 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: \_\_\_\_\_



(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	- 1 JAN 2003
MAIN FILE	1116
OFFICER/S	DQ
REF	P00/1833
FYI	

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)



(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: 0417052288

Signature:

Irrelevant & Sensitive

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

✓ 4 Viewpoint Rd

McCRAE.

5/1/03.



8<sup>th</sup> 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 27<sup>th</sup> 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 11<sup>th</sup> 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 P02/1833

Address 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/No

How much time is required for the hearing? 1 day

How much time is required for Council's submission? 1 day hour

Any other comments for the Tribunal? No

Planner David Quetch

Date 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

Irrelevant & Sensitive

Senior Registrar

MORNINGTON PENINSULA Shire Council	
RECEIVED	02 JAN 2003
TRANS FILE	1116
INITIALS	DB
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 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
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)

Irrelevant & Sensitive

Signature .....

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
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- 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

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"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 BEYDELL

Address: 7 DALKEITH DR  
DROMANA VIC 3936

Telephone No. during business hours: Irrelevant & Sensitive

Signature: Irrelevant & Sensitive

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.
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10. The side of the storage area on the boundary is visually unsightly without any set back or landscaping.

Irrelevant & Sensitive

*✓ 6 Viewpoint Rd.  
McCrae.  
5/1/03.*







OFFICE USE ONLY

CLOSE: 3/1

ANSWER: 7/1

59860841

PLANNING &amp; 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 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



2T  
~~2F~~

put on file  
in mark  
to planner →  
David 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



David Quelch



MORNINGTON  
PENINSULA

Shire

ABN 53 159 890 143

Private Bag 1000

Besgrove Street

Rosebud 3939

[www.mornpen.vic.gov.au](http://www.mornpen.vic.gov.au)

Tel: 190 850 600

Fax (03) 5986 6696

DX 30059

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 if you wish to appeal. For more information on this contact VCAT on (03) 9628 9777 or [www.vcat.vic.gov.au](http://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:

Stent  
Hayball Leonard Stent Pty Ltd  
Suite 4  
125 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](mailto: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 13:21  
To: [quelda@mornpen.vic.gov.au](mailto:quelda@mornpen.vic.gov.au)  
Subject: 6 View Point Rd. McCrae

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>

> Do you Yahoo!?

---

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

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



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	00:20:50

-MPSG PLANNING+ENVIRONMENT-

\*\*\*\*\* -MPSG 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

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

# 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 APPLICATIONlist 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.



OFFICE USE ONLY  
CLOSE:  
ANSWER:

PLEASE PRINT  
CLEARLY!!



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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 Quelch

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

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list attached

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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

11<sup>th</sup> 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 10<sup>th</sup> 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**



# 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: 11<sup>th</sup> 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



# 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:** 11<sup>th</sup> December 2002

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

Irrelevant & Sensitive

## IMPORTANT INFORMATION ABOUT THIS NOTICE

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Planning Division  
7th Floor, 55 King Street,  
Melbourne, 3000.

Phone: (03) 9628-9777

Fax: (03) 9628-9789

DX 210160



**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:** 11<sup>th</sup> 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



# NOD/Refusal Check list

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

## Stage 1

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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

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☒ Generate permit after no appeals have been lodged

☒ Generate permit after VCAT appeal

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# DEVELOPMENT APPROVAL DELEGATE COMMITTEE

**Date:** 10/12/02.

**Location:** Big Table, mornington.

**In attendance:** Arthur Cockley, Dean Burman, David Quelch

**Meeting Opened:** 10.00 AM/PM

**Business:**

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

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

Item:	App number	Address	19 Vision Ave, Somers.
<b>3</b> <i>Dem.</i>	P02/1834.	Proposal	2nd storey addition
Decision: NOD			

Item:	App number	Address	
<b>4</b>	P	Proposal	
Decision:			

**Meeting Closed:**

**AM/PM**



## 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

<b>Proposal</b>	Development of a two storey dwelling.
<b>Permit Triggers</b>	<b>DDO3</b> - variation to maximum wall and building height. <b>ESO25</b> - all buildings and works. <b>VPO1</b> - vegetation removal.
<b>Advertising</b>	Site inspection conducted on 21/10/02. Granting of a permit may cause material detriment to adjoining landowners, therefore advertising was required.
<b>Objections</b>	<p>Five objections have been received to the proposed development from the owners of 605 Point Nepean Rd, 3, 4, 10, &amp; 16 View Point Rd. The primary concerns are:</p> <ul style="list-style-type: none"> <li>• height, bulk and scale</li> <li>• access to the rear and walls on boundaries</li> <li>• streetscape character</li> <li>• large storage area- home occupation</li> <li>• stability of the cliff face</li> <li>• overlooking and overshadowing</li> <li>• vegetation removal</li> </ul> <p>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.</p>
<b>Certificate of Title/Covenant</b>	Current copy of title provided; No covenant.

<b>Reticulated Sewerage</b>	Yes
<b>Referral Under Section 55</b>	Not required.
<b>Other/Internal Referrals</b>	<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 P02/2465 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 <sup>2</sup> 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	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

### 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



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## 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...**

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# 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

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

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 Irrelevant & Sensitive  
**Sent:** Friday, 6 December 2002 13:27  
**To:** quelda@mornpen.vic.gov.au  
**Subject:** 6 View Point Rd. McCrae

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	Irrelevant & Sensitive		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	Irrelevant & Sensitive		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: 8/11 - upper level, dining room window - obstructed  
see the Engineer of Cliff face - Tom Burk #226  
Access  
Storage - Home Occupation  
Streetscape / Landscaping

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

x 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

x 7/11/02 - phoned Tom Burk, OK with a  
condition for driveway to Penny Lane

x 8/11/02 - spoke to applicant - too many  
manouvers required for access to the garage  
- need to be redesigned

x 27/11/02 - spoke to Sally Moss - re turning wall  
Still too many manouvers required - Cond 2

x 2 Dec - plans sent to Stuart - 7 days to  
reply



527/27

71304000

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**

RECEIVED	15 NOV 2002
ADVISORY	1116
OFFICIALS	
FILED	

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.



*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

Indivisible & 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 MOVEMENTS TO MOVE INTO THE POSITION CLOSEST TO THE COVERED PERGOLA. IT DOES WORK BUT IT IS AWKWARD.  
TERRY. 8/11/02.



509145

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.

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

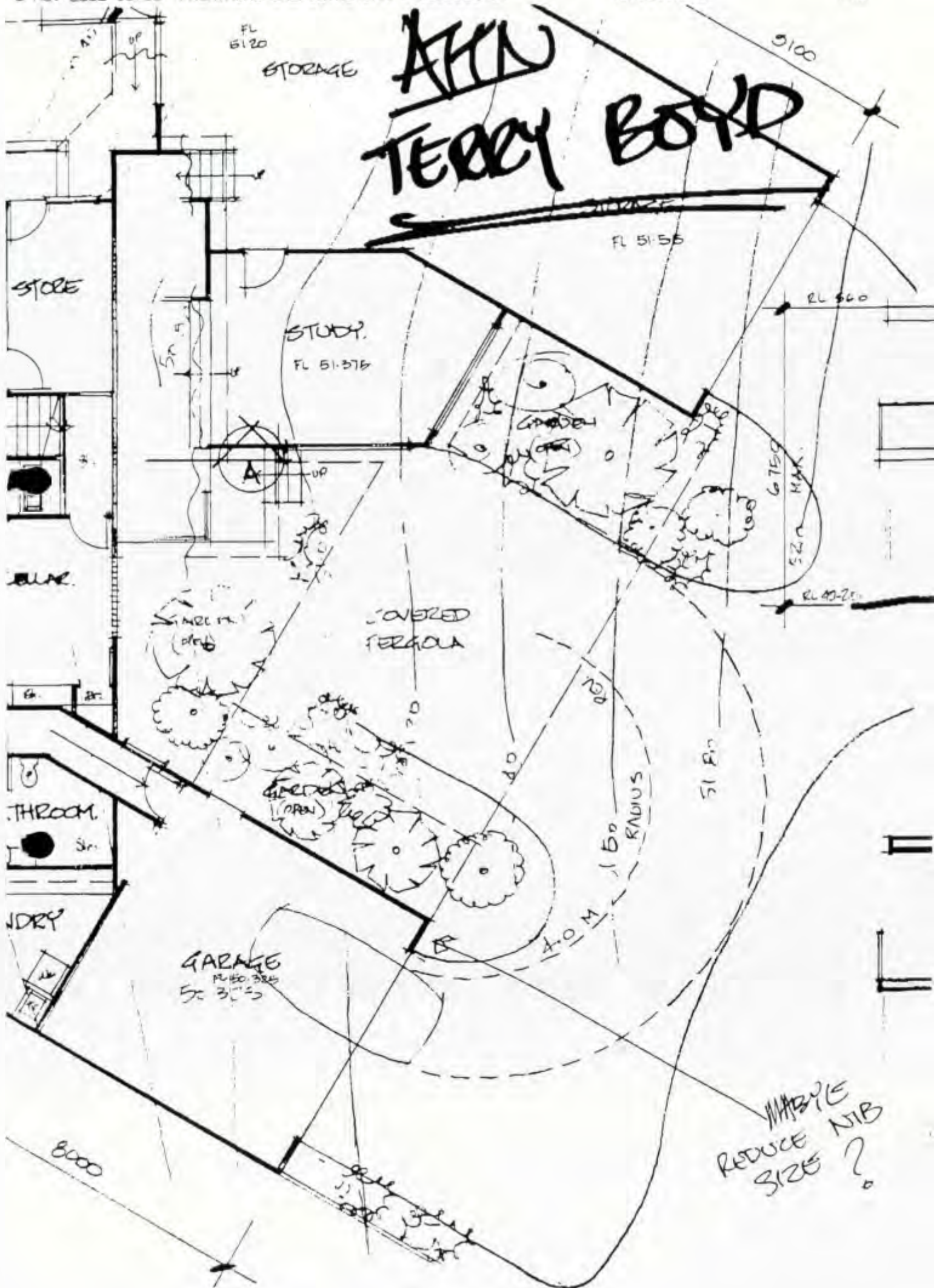
DAVID QUELCH – DEVELOPMENT PLANNER

The Responsible Authority will not decide on the application before

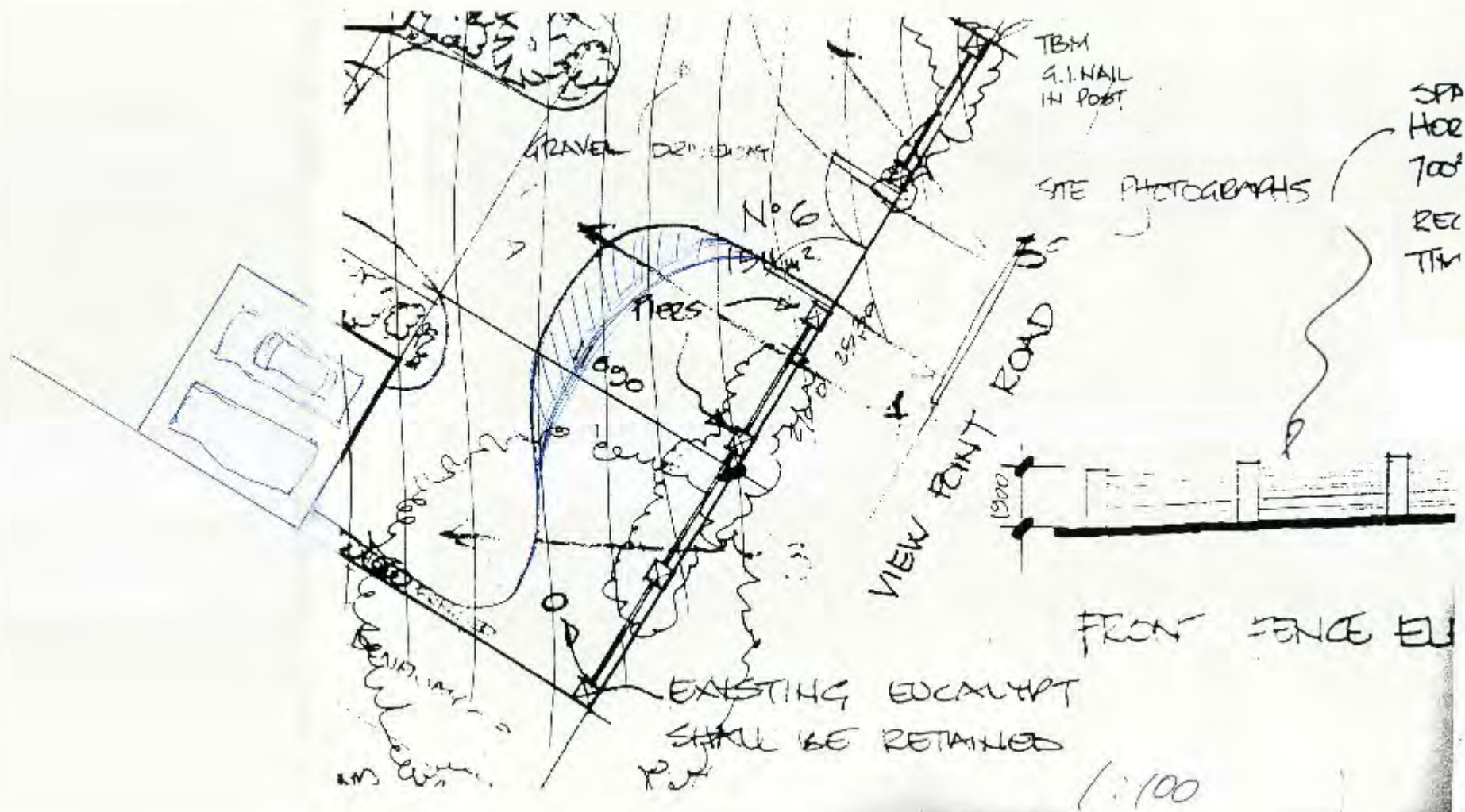
18<sup>TH</sup> SEPTEMBER, 2002











# NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

miton  
p

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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**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.

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  - 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

18<sup>TH</sup> SEPTEMBER, 2002



# NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

Riband  
P

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

18<sup>TH</sup> SEPTEMBER, 2002

512026

9 October, 2002

MORNINGTON PENINSULA Shire Council	
RECEIVED	10 OCT 2002
MAIS FILE	1116
OFFICE USE	DA
P02/1833	

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. Councillor

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

72369000

MORNINGTON PENINSULA Shire Council	
RECEIVED	31 OCT 2002
MAIN FILE	1116
OFFICER/S	D Q
REF	P0241833
BY	



21<sup>ST</sup> SEPT. 02.

MORRINGTON 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 (NOTABLY SHIRAZ 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. M<sup>C</sup>RAE.

IT SEEMS OBVIOUS ALL THE REQUIREMENTS WITHIN THE CODE THAT WE ENDEAVOURED TO OBSERVE HAVE BEEN THE OBJECT OF ANNOYANCE 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-BE-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/STREET (1) STREET LANDSCAPE BEAUTIFICATION IS A 4<sup>TH</sup> H. CHURUS HEDGE ACROSS THE FRONT WITH RIDGE OF HEDGE EXCEEDING 9M (2) SET-BACK IS 2<sup>ND</sup> FROM THE FRONT BOUNDARY (3) THE INVASION OF PRIVACY FROM DINING RM. IS 18<sup>TH</sup> AWAY AND 30<sup>TH</sup> FROM KIT.-METS 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 062 42726  
**CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS**

P.O. Box 918 Melbourne VIC 3001 Telephone 03 9372 1224 Facsimile 03 9372 0255 Email CEL@cel.com.au

Our Ref: 190555  
 Date: 1/1/07

711 Rye  
 State Street  
 CRAE  
 3938

1/1/2002

## INVESTIGATION REPORT



NUMBER 6 VIEW POINT ROAD, MCCRAE

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 information is not reproduced in full

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

3.

7

8

1/1/07





**C.E. Lawrence & Associates (Vic) Pty. Ltd.** A/CN 0514270

**CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS**

P.O. Box 916 Ringwood Victoria 3134 Telephone: (03) 9879 0384 Facsimile: (03) 9879 0256 Email: CEL@cel.com.au

## 1.0 INTRODUCTION

### 1.1 Job Description

At this site a mainly 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. Conduct limited appropriate soil testing
3. Classify the site in accordance with AS 2570 1995
4. Recommend footing design details.

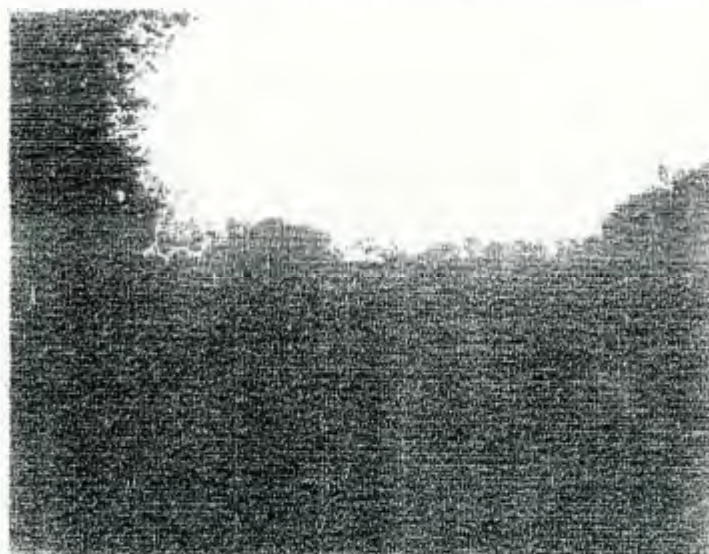
### Field Testing Method

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 reported in the site investigation logs. Disturbed soil samples were collected and hand classified.

## 2.0 SITE - 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 during this investigation are shown on the photographic record.



### 2.2 Soil Profile

Full details of the soil profile, observed in the boreholes undertaken at this site, are given in 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 investigated by the boreholes, located as shown on the borehole plan. As such, the information given on the site logs should be used as an approximate guide only, and not as a basis for design or construction.

Any variation in the soil profile that are encountered during footing construction, which involve significant deviations to the footings, must be notified to the company as soon as possible with all construction work being immediately stopped. If this should be the case, the



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P.O. Box 918 Ringwood, Victoria 3134 Telephone (03) 9579 0384 Facsimile (03) 9579 0266 Email: C.Law@ceal.com.au

significant earthworks are proposed or undertaken, then this report will need to be reviewed and approved by a competent person.

### 3.1 Geology

Based on the soil profile observed and an inspection of the appropriate geological map the site is underlain by a layer of Devonian Granites.

### 3.4 Soil Moisture Condition

No ground water or perched water table was observed in the borings 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 water 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 founded 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 footing construction has been completed.

### 3.5 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 soil profile 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) who is responsible for the maintenance of the site.

1. If the soil/footing movement outlined above occurs it may result in superstructure damage as outlined in Clause 8a up to and Appendix C of AS 2870.

2. Their responsibilities (as outlined in the CSIRO document cited below) should be purchased from CSIRO Publications, 150 Oxford Street, (P.O. Box 1139), Cammeray NSW, Victoria 3086, Australia Telephone (03) 9662 7500

## 0 FOOTING RECOMMENDATIONS (away from escarpment)

### 0.1 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 will be first determined.

### 0.2 Concrete Slab

0.2.1 The use of CLASS M type waste water treatment plant

or

The use of the following CLASS M slab

is recommended





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P.O. Box 918, Ringwood, Victoria 3134 Telephone: (03) 9579 0284 Facsimile: (03) 9579 0286 Email: CE@celaw.com.au

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, 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 within the limit 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 weakening 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 500 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 100 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 the recommendations with the above recommendations and after allowing for ... the slab a conservative allowable bearing pressure of at least 50 kPa will exist, beneath the slab panels and/or internal beams founded on this filling.
- 3.2.5 Over the building area where the total depth of filling exceeds 600 mm the slab must be designed as fully suspended and supported by a grid or deepened beam 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 slab beams and panels ONLY may be founded in this filling, where provided that all significant organic matter is removed prior to slab construction. Since the allowable bearing pressure of 30 kPa may be assumed in this shallow filling, the allowable bearing pressure is reduced the shallow fill must be compacted in accordance with the above recommendations.

### FOOTING RECOMMENDATIONS (near escarpment):

#### Retaining 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 used in either of the above footing systems in the vicinity of the escarpment. Their exact locations and size will be determined once final house plans are completed.

In order to minimise the risk of further erosion of the escarpment, the following measures should be taken: excavation works and/or tree/stump removal takes place in a controlled manner; the planting of deep rooted fast growing shrubs/trees of about 100 mm diameter with slow release fertiliser; the slope overlaid with the deposition of the stormwater; and the recommended vegetation should be planted in the area shown by the use of seed bank.

## 1.0 GENERAL INFORMATION

- 5.1 It should be noted that the properties of the various soil types ... and the water table levels will vary with soil moisture content, therefore ... (b) the water table level is identified these items.

# C.E. Lawrence & Associates (Vic) Pty.Ltd.

## CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

U Box 918, Ringwood, Victoria 3134 Telephone: (03) 9879 0384 Facsimile: (03) 9879 0206 Email: [CEL@cel.com.au](mailto:CEL@cel.com.au)

- 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 100% 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 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 topped and 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 to avoid any pooling or ground water build up against them.
3. Ensure that the superstructure of the proposed building is well articulated by eaves to facilitate construction joints at intervals of no greater than 6 metres. All the structure with any existing brickwork must be the formation material, bricks.
4. Any service drains that are constructed close to the proposed building, ie within a distance of 1m, which is equal to or less than the drain's depth, must be backfilled with 100mm coarse gravel or well consolidated 100mm fine gravel or plate concrete.
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 any floor tiles or 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 any floor tiles. It is also advisable to use a flexible joint product for the tiles and a grout.





C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 002 042759  
CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Ringwood, Victoria 3134 Telephone (03) 9879 0384 Facsimile: (03) 9879 0250 Email: CEL@cel.com.au

### BOREHOLE PLAN

(NOT DRAWN TO SCALE)

VIEW POINT ROAD





# C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 0214279

## CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

218 Ringwood Victoria 3134 Telephone (03) 9679 0384, Facsimile (03) 9679 0285 Email CE\_L@ce\_l.com.au

### SITE INVESTIGATION LOGS

DEPTH (m)	DESCRIPTION	STRENGTH OR CONS.	REMARKS
0.00	GREY BROWN CLAYEY SAND AND SAND FILLING	MEDIUM DENSE	DRY
0.50	GREY BROWN CLAYEY SAND AND BECOMING FINE SD SAND	DENSE	DRY
1.00	YELLOW BROWN SAND		
1.50			
2.00			
2.50			
3.00	GREY BROWN CLAYEY SAND AND SAND FILLING	MEDIUM DENSE	DRY
3.50			
4.00	GREY BROWN CLAYEY SAND AND SAND FILLING	DENSE	DRY





C.E. Lawrence &amp; Associates (Vic) Pty. Ltd. ACN 0014378

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Ringwood, Victoria 3134. Telephone: (03) 9873 9384. Facsimile: (03) 9873 0258. Email: C&amp;L@cel.com.au

Our Ref.: 02/0556  
Your Ref.:CLIENT: Craig P M Pugh  
84 Catherine Street  
McCRAE  
VIC 3638

Date: 24th April 2002

## SITE INVESTIGATION REPORT

~~12/~~ NUMBER 6 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. 601359



C.E. Lawrence & Associates (Vic) Pty. Ltd. 401 0214279

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 915 Ringwood, Victoria 3134 Telephone: (03) 9879 0534 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 Mt Pugh to:

1. Place two boreholes over the proposed building area.
2. Conduct limited appropriate soil testing.
3. Classify the soil in accordance with AS 2870, 1998
4. Recommend footing design details.

### 1.2 Field Testing Method

Soil profiles were constructed using a hand auger. Representative (hand) 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 indicated as shown on the Borehole Plan. As such, it is recommended that the information given in the site logs be used as an approximate guide only in determining costs associated with footing construction.

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





# C.E. Lawrence & Associates (Vic) Pty. Ltd.

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P.O. Box 918, Ringwood, Victoria 3134 Telephone: (03) 9879 0184 Facsimile: (03) 9879 0256 Email: CE@cel.com.au

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 boreholes 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 water 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 fill cut over 500 mm or fill rising 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 superstructural 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, 180 Oxford Street, (PO Box 1139), Collingwood, Victoria 3066 Australia Telephone (03) 9662 7500

## 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 175 kPa will exist beneath these footings.

### 3.2 Concrete Slab

3.2.1 The use of a CLASS M type water stop strip up to 100 mm x 10 mm

OR

The use of the following CLASS M slab is recommended:

3.2.1 A minimum 225 freeboard of 150 mm

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



# C.E. Lawrence & Associates (Vic) Pty. Ltd.

## CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 919, Ringwood, Victoria 3134 Telephone: (03) 9579 6064 Facsimile: (03) 9579 0256 Email: CEL@cel.com.au

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, 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 400 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 100 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 400 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 of 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 fall outlet 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 alone should not be used to identify these soils.





# C.E. Lawrence & Associates (Vic) Pty. Ltd.

## CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

P.O. Box 918, Ringwood, Victoria 3134 Telephone: (03) 9879 9864 Facsimile: (03) 9879 0256 Email: CEL@cel.com.au

- 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 either 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 water or ground water ponds against them.
3. Ensure that the superstructure of the proposed building is well supported by eaves to footing construction joints at intervals of no greater than 5 metres, all the undisturb 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 consolidated 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 brick 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 brick floor tiles. It is also advisable to use a flexible mortar or grout in the recesses between tiles.



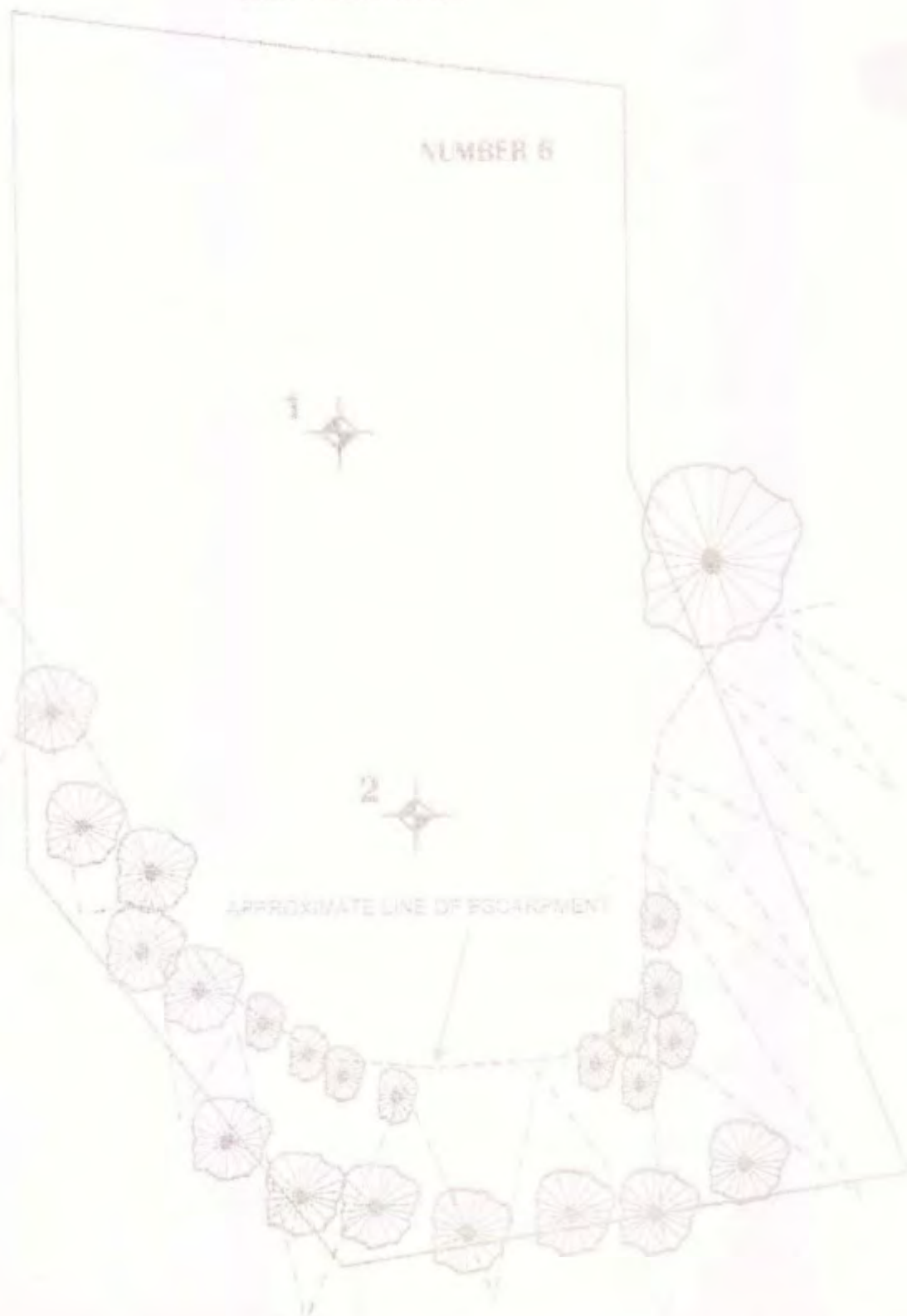
C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 02102759

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

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

**BOREHOLE PLAN**  
(NOT DRAWN TO SCALE)

VIEW POINT ROAD







C.E. Lawrence & Associates (Vic) Pty. Ltd. ACN 02 14279

CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS

817 Esplanade, Ringwood, Victoria 3134. Telephone: (03) 9579 0384. Facsimile: (03) 9579 0255. Email: CEL@cel.com.au

### SITE INVESTIGATION LOGS

#### WELL LOG ONE

DEPTH	DESCRIPTION	STRENGTH OR DENSITY	MOISTURE CONDITION OR ESTIMATED CONTENT %
0.00	0.50	MEDIUM DENSE	DRY
0.50	1.00	DENSE	DRY
1.00	1.50		
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#### WELL LOG TWO

DEPTH	DESCRIPTION	STRENGTH OR DENSITY	MOISTURE CONDITION OR ESTIMATED CONTENT
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512527

9 October, 2002

MORNINGTON PENINSULA SHIRE COUNCIL	1 OCT 2002
1116	
DQ	
P02/1833	

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

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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

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**MORNINGTON  
PENINSULA**

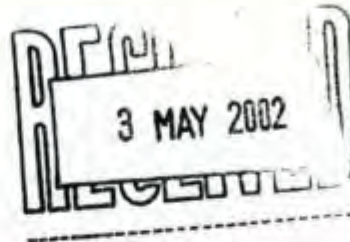
*Shire*

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

Irrelevant & Sensitive

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**

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

AT & RA Stent  
10 Viewpoint Rd  
McCrae VIC 393

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**

# 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 ?  
- wall to wall dev - shape of lot & cliff  
limited area - ? of highlight  
- build -  
- North/East - storage

23/9 - Kelvin Grant - PL 5986420.9 - 2. View  
Point,

\* Friday 11<sup>th</sup> October - 2.30 pm - Onsite meeting



509071

70312000

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.

MORNINGTON PENINSULA SHIRE COUNCIL	
RECEIVED	- 3 OCT 2002
STATE FILE	1116
OFFICER	DA
FILE	P02/1833
EXT	

Property  
0.745  
3 Oct 02



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.



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

B1F

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

18<sup>TH</sup> SEPTEMBER, 2002



502186

708 72500

Mike Salpietro Drafting

ABN 66 210 865 812

BUILDING DESIGN

P.O. Box 859  
MORNINGTON  
Victoria 3931  
ph 0425736931



M.P.S.C.

ATTN DAVID QUELCH.

RE : 6 VIEWPOINT ROAD

M<sup>c</sup> CRAB

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 EUCALYPT.  
AS REQUESTED BY SALLY MOSER

SORRY SALLY DID NOT GIVE ME THE  
APP. NO.

MIKE



RESIDENTIAL INDUSTRIAL COMMERCIAL

p.d.d.g.  
Professional Drafting & Design Group





513511  
80917000  
Irrelevant & Sensitive  
c.c. Statutory Planning Officers  
11th October, 2002.

Mr. David Quelch  
Development Planner  
Mornington Peninsula Shire  
Private Bag 1000  
Bongrove Street  
ROSEBUD, Vic. 3939.

Dear Mr. Quelch,

**PLANNING APPLICATION P02/1833**  
**6 View Point Rd. McCrae, Vic. 3938**  
**DWELLING**



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 draftsperson 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**

2170



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.

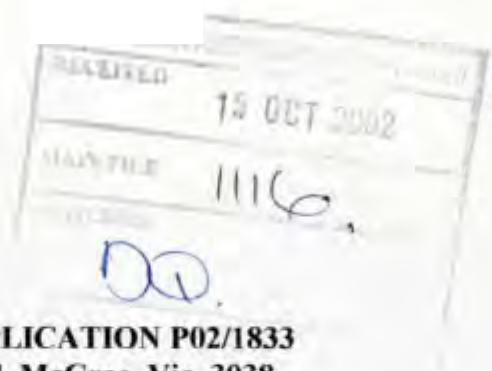


80947000

Irrelevant & Sensitive

c/c. Statutory Planning Officers  
11th October, 2002.

Mr. David Quelch  
Development Planner  
Mornington Peninsula Shire  
Private Bag 1000  
Bongrove Street  
ROSEBUD, Vic. 3939



Dear Mr. Quelch,

**PLANNING APPLICATION P02/1833  
6 View Point Rd. McCrae, Vic. 3938  
DWELLING**

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DELIVERED MAIL

11C

abw

1 of 2

(2)

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Yours faithfully,

Irrelevant & Sensitive

Helen C. Burrage.

PS. I am at McCrae till 21/10, or from 4/11 to 12/11/02.



503170

71164000

10 SEP 2002	
1116.	
DQ	A.T. Stent R.A. Stent 10 Viewpoint Rd McCrae Vic 3938
PO2/1833	

Address to  
 → Suite 4  
 135 Stuart 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)

acknowledged

Paul  
 23/9



Irrelevant & Sensitive



A.T. STENT  
R.A. STENT  
10 VIEWPOINT RD  
MCCRAE

17 SEPT 2002.

MR DAVID GELCH  
Development Planner  
Mornington Peninsula Shire  
Beechgrove St.  
Russhurst. VIC 3939.

RECEIVED	17 SEP 2002
MAIN FILE	1116
OFFICER/S	DD

Dear Sir  
PLANNING APPLICATION 202/1833  
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, i.e.  
builder's storage and other  
works and will be contrary

acknowledged

17/9/02  
16pm  
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).



503663

71393000

John d'Helin  
67 WHEATLAND ROAD  
MALVERN, 3144

17 September 2002

RECEIVED	19 SEP 2002
1116	
DG	
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 &amp; Sensitive

acknowledged

panel  
23 FI.

Phone

Irrelevant &amp; Sensitive

Mobile

Irrelevant &amp; Sensitive

Email:

Irrelevant &amp; Sensitive



MORNINGTON PENINSULA SHIRE

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 &amp; Sensitive

3 LAKEVIEW DR

SAFETY/ BEACH

3936.

Ph 5981 8220

Property  
0745  
11 Sep 02





**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 mang  
gum in the S. West cor of the block. The reduced setback  
from the roadway may possibly allow removal of the tree 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 Meaney (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  
- Backlog pits  
- another small dam with boundary to Pt  
Nepean Rd, Tom Burke Ext 226

Contract Civil Engineering  
11/9/02 - Phoned Joel Meaney - told him tree to  
front to remain

- Sally 03 9842 1113  
Moser FAX

x permit issued for new dwelling at 4 vein point  
on 3 August 2001. (Initially minor amendment)  
permit for dwelling add issued 16 May 2001  
→ plans show legal point of discharge to Point  
Nepean Rd.

x 18/12/02 - sent e-mail to Stuart re - Appeal  
- sent plans & NOD to address in Stuart St



# 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. DS, 27/8/02*



# ADVERTISING CHECKLIST

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

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:

*TW*  
*TW*

Date: \_\_\_\_\_

Written Sign

Initial:

*TW*  
*TW*

Date: \_\_\_\_\_

Passed to Planner

Initial:

Date: *2/9/02*





**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

2<sup>nd</sup> 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 [REDACTED] 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

18<sup>TH</sup> 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

2<sup>nd</sup> 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**

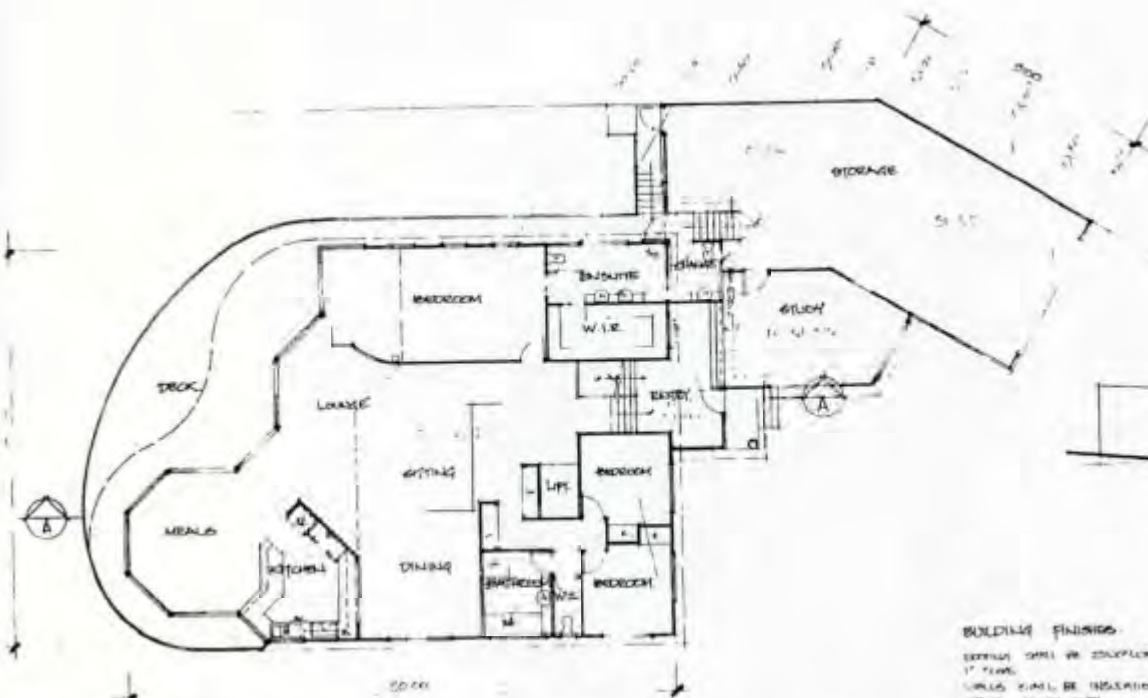
*The Sustainable Environment Group is located at the Mornington Office  
Queen Street, Mornington*



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	Irrelevant & Sensitive
		THE OCCUPANTS		4 VIEW POINT ROAD MCCRAE VIC 3938
46652	5 VIEW POINT ROAD MCCRAE VIC 3938	STRESS CALCULATORSPY LTD	Flats	Irrelevant & Sensitive
		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	Irrelevant & Sensitive
THE OCCUPANTS	4 VIEW POINT ROAD MCCRAE VIC 3938
STRESS CALCULATORSPTY LTD	Irrelevant & Sensitive
THE OCCUPANTS	5 VIEW POINT ROAD MCCRAE VIC 3938
ALAN T STENT & LORAYNE M STENT	10 VIEW POINT ROAD MCCRAE VIC 3938





SOUTH EAST ELEVATION:

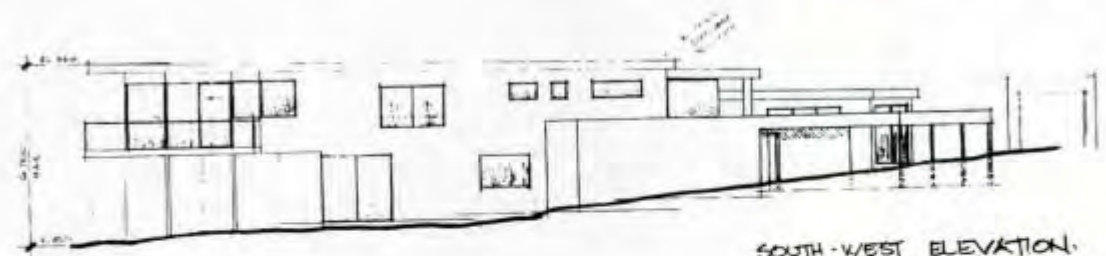
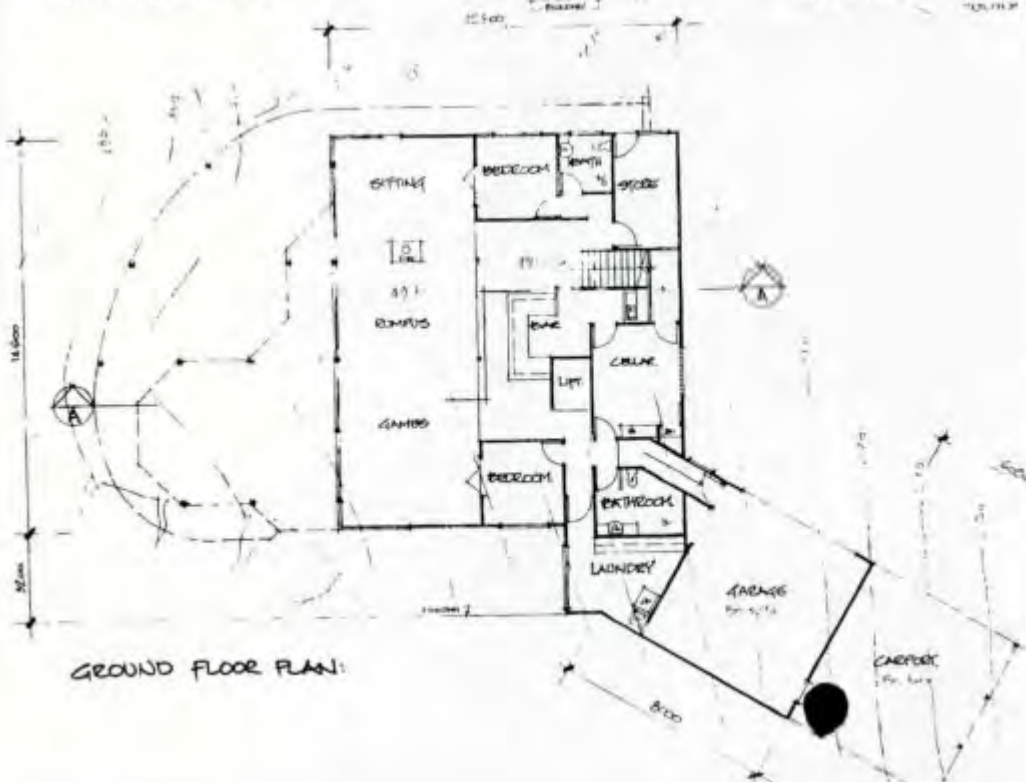


NORTH EAST ELEVATION:

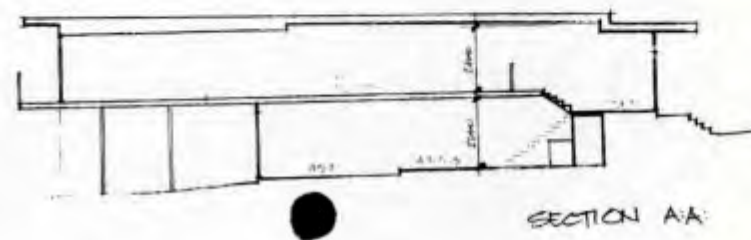


NORTH - WEST ELEVATION:

**BUILDING FINISHES**  
 EXTERIOR WALLS TO BE EXPOSED BRICK 10 YEARS  
 WALLS SHALL BE INSULATED WITH  
 INSULATION  
 ROOFING SHALL BE VICTROL  
 CEILING SHALL BE VICTROL  
 FLOORING SHALL BE VICTROL  
 DOOR FINISHES SHALL BE VICTROL

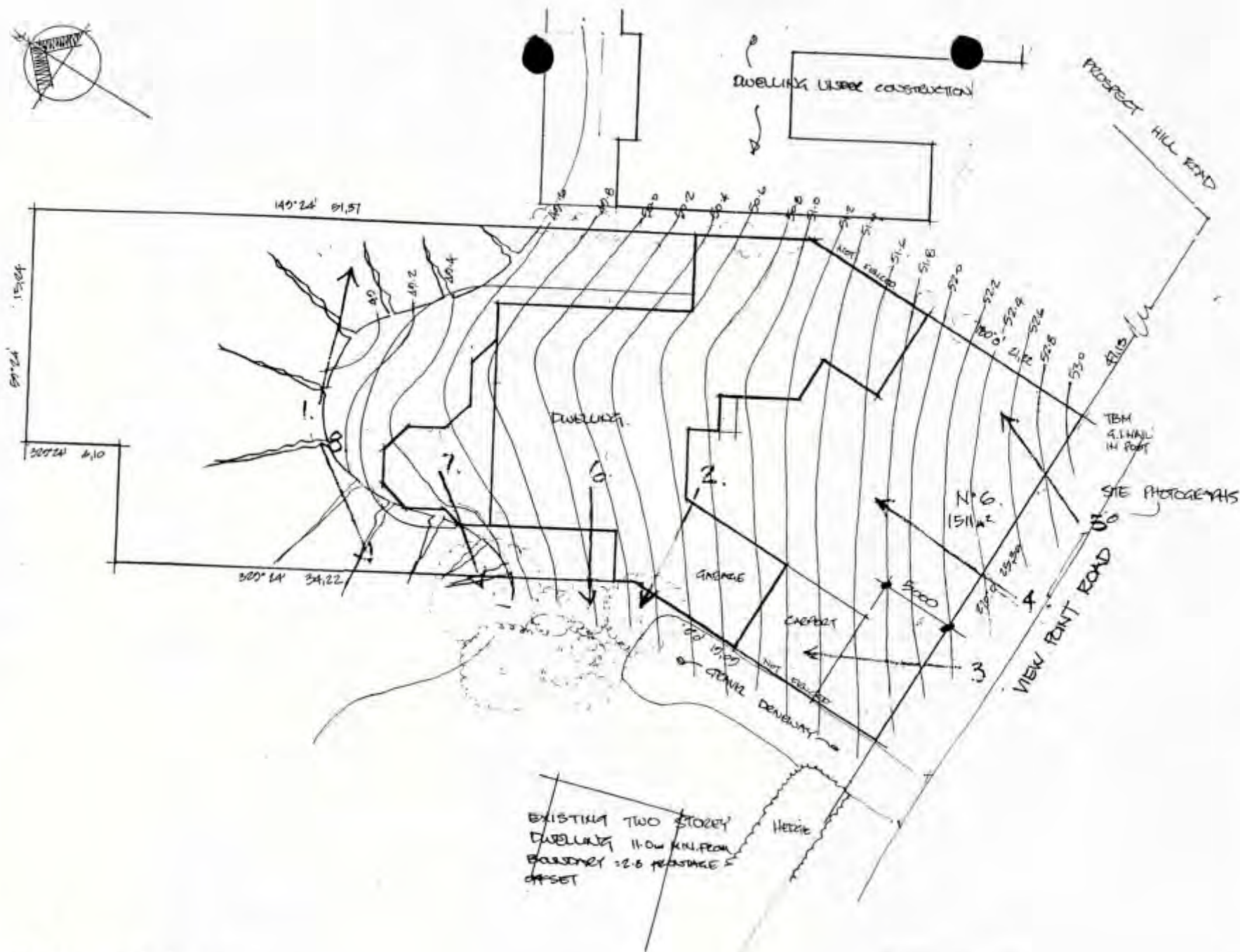
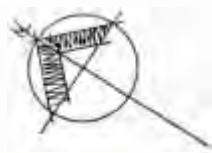


SOUTH - WEST ELEVATION:



SECTION A-A:

	OF M-217 PLAN 1/4"
	DWELLING LIT. P.S. 114212 N.G. VIEW POINT E.O.M. M.C. CRANE C.A. & P.M. FUGH
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 D.R. NO 1007

BUILDING DESIGN

P.D. Date 06/06





491444

71101000

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.

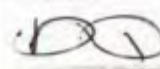
Please do not hesitate to contact me should you require anything further at this stage. I look forward to hearing from you in the future.

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

## **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.



### **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.

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.



## **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.

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.



**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**

MORNINGTON



PENINSULA

*Shire*

## 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:

Irrelevant & Sensitive

- 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

Irrelevant & Sensitive

per addressee

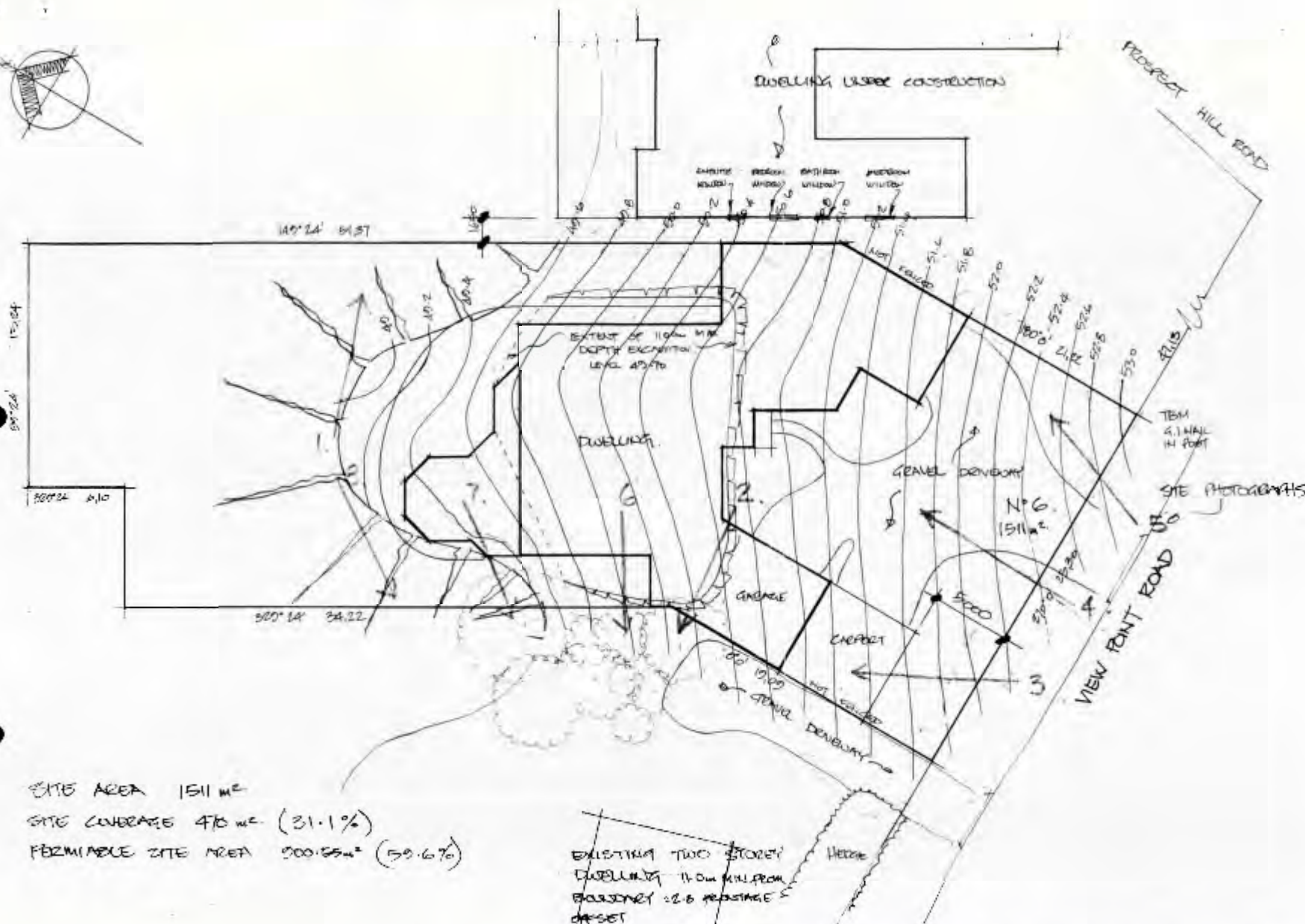
Additional site sign/s

Irrelevant & Sensitive

per extra sign  
(A2 size)

Larger signs (when required)

to be advised



SITE AREA 1511 m<sup>2</sup>  
 SITE COVERAGE 470 m<sup>2</sup> (31.1%)  
 PERMISSIBLE SITE AREA 500.55 m<sup>2</sup> (50.6%)

SITE PLAN: 1:200

DWELLING  
 Ld 2 P.S. 114212  
 N°6 VIEW POINT ROAD  
 MCCRAE  
 for C.A. & P.M. PUGH

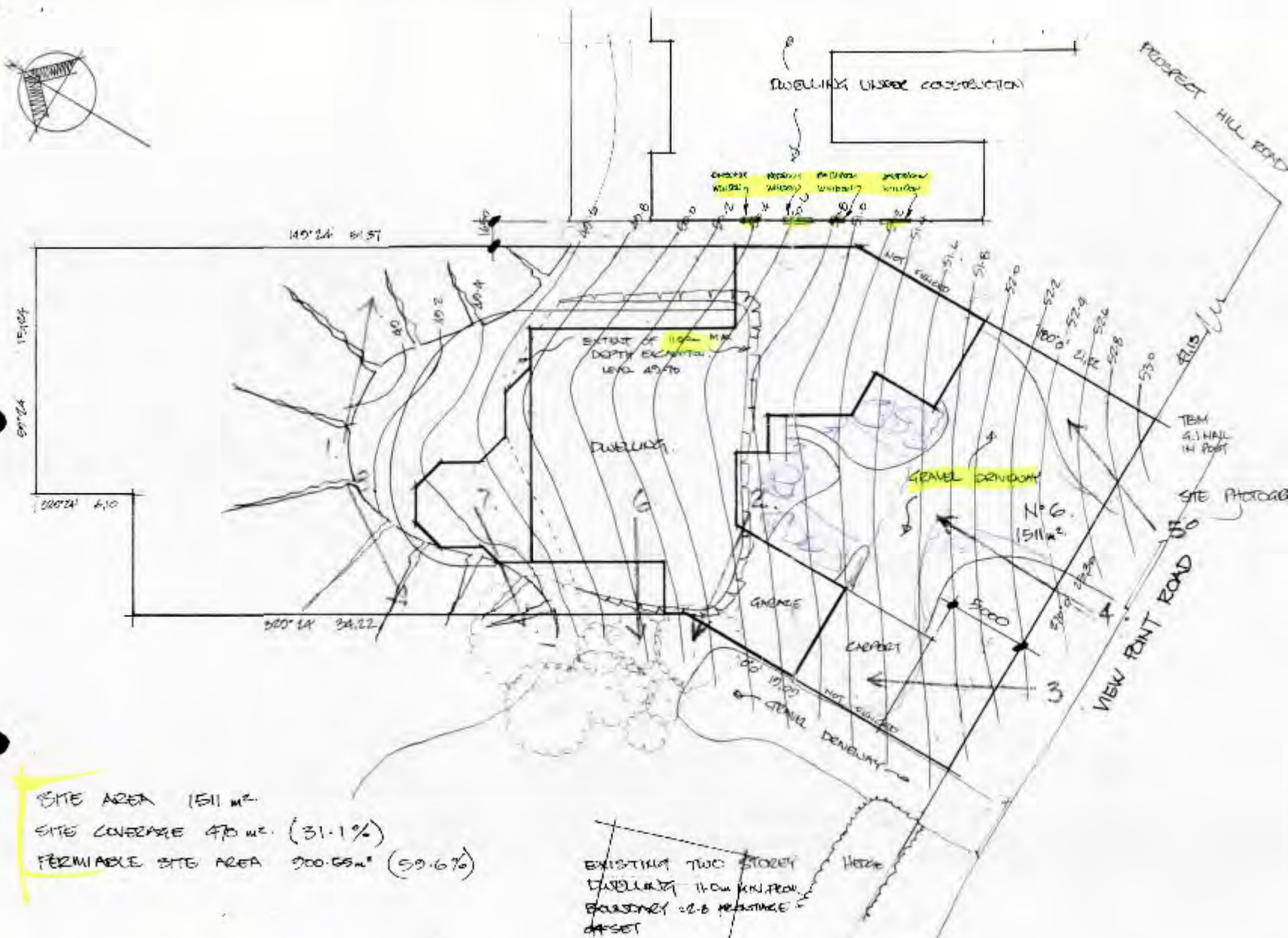
Mike Salpietro Drafting  
 BUILDING DESIGNER (P) 1987

BUILDING DESIGN

P.D. 1987  
 MORNINGTON  
 Victoria 3931  
 ph 0425194141







SITE AREA 1511 m<sup>2</sup>.  
SITE COVERAGE 470 m<sup>2</sup>. (31.1%)  
PERMIABLE SITE AREA 900.65 m<sup>2</sup> (59.6%)

EXISTING TWO STOREY  
TWO LANE 11.0m WID. FROM  
BOUNDARY = 2.8m SETBACK  
DESET

FILE X STATISTICS, ID NUMBER, ADDITIONAL POP WINDOWS, CUT OFFS.

SITE PLAN: 1/220

DWELLING  
Ld 2 P.S. 114212  
N°6 VIEW POINT ROAD  
McCRAE  
for C.A. & P.M. PUGH

**Mike Salpietro Drafting**

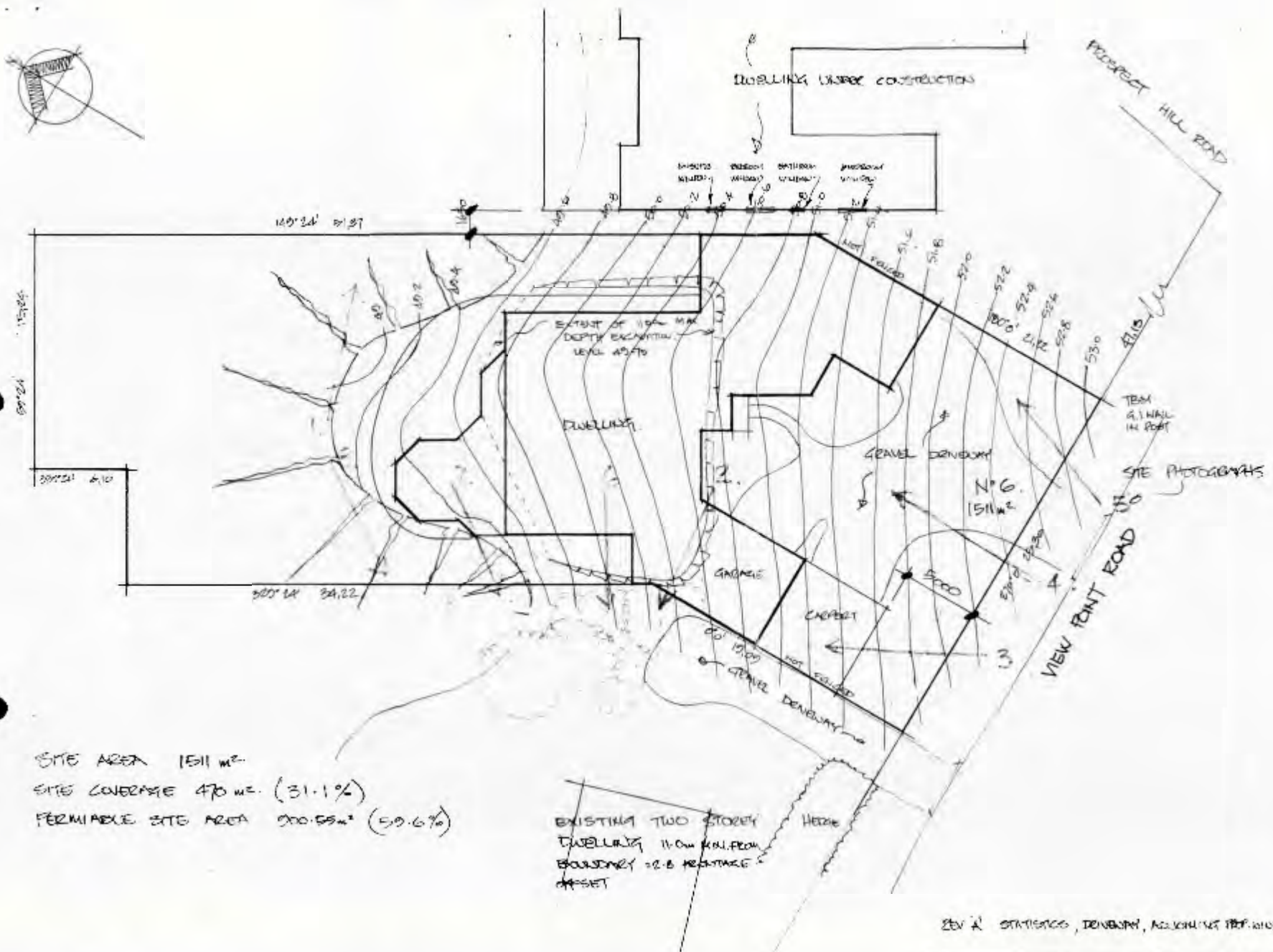
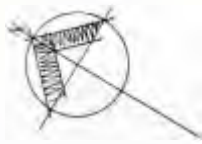
BUILDING DESIGN

Y.O. Box 954  
MORNINGTON  
Victoria 3591  
ph 042579693



leaving away  
 with an off  
 out of hand

p.d.d.



SITE AREA 1511 m<sup>2</sup>  
 SITE COVERAGE 470 m<sup>2</sup> (31.1%)  
 PERMISSIBLE SITE AREA 500.55 m<sup>2</sup> (50.6%)

EXISTING TWO STOREY  
 DWELLING 11.0m MIN. FROM  
 BOUNDARY = 2.8 METRE  
 OFFSET

SEE A' SECTION, DRIVEWAY, ALGAE, NOT REF. WINDOWS, OUT DETAILS.

SITE PLAN: 1/200

DWELLING  
 Ld 2 P.S. 114212  
 N°6 VIEW POINT ROAD  
 MC CRAE  
 for C.A. & P.M. FUCH

Mike Salpietro Drafting  
AS APPLICABLE UNDER 03.10.1997

BUILDING DESIGN

P.O. Box 959  
 MORRINGTON  
 Victoria 3791  
 ph 0425736479



pddg





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**

















Q55-26 <No. 24A>002

371 0112 N N N N-03 (02)



















055-26 <No. 22A>023  
264-01\*\* N N N+1 09 <027>







**VIEW TOWARDS VIEW POINT ROAD TAKEN FROM  
TOP OF ESCARPMENT**



# FILE NOTE



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, ES 25, VPO1 →

Title / Covenant ✓

PROPOSAL 2/S 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

P. 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 setback 1m 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  
\\MORNI\DATA\COMMON\DEV\APPS\PLANNING\KYLIE\Process\FileNote.doc  
Ext 320



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**



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 & P. Pugh c/- Moser Planning Services Pty Ltd

ADDRESS: c/- 19/32-34 Mitcham Road

DONVALE, 3111

PHONE/BUSINESS HOURS:

Irrelevant & Sensitive

**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 & P. Pugh.

ADDRESS: 3/4 Catherine Street McCrae.

PHONE/BUSINESS HOURS:

Irrelevant & Sensitive

<p>A. I am the owner of the land. I have seen this application.</p>	<p>Owner's Signature</p> <p>Date:</p>
<p>B. I/We the Applicant declare that I/We have notified the owner about this application.</p>	<p>Applicant's Signature</p> <p>Date: 1/8/02</p>

**DECLARATION TO BE COMPLETED FOR ALL APPLICANTS:**

<p>I Declare that all information I have given is true.</p>	<p>Applicant's Signature</p> <p>Date: 1/8/02</p>
---	--

TOTAL P.01



**MORNINGTON PENINSULA SHIRE COUNCIL  
APPLICATION FOR PLANNING PERMIT**

REGULATION 42

Code 41 \$ 4-80

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

THE APPLICANT: (Who is making this application)

NAME: C. &amp; P. Pugh c/- Moser Planning Services Pty Ltd

ADDRESS: c/- 19/32-34 Mitcham Road

DONVALE, 3111

PHONE/BUSINESS HOUR:

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.

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 - PROCLAIMSPW Database - ProClaim)

File Edit View Start Options Tools Insert Window Help

Land

Land No: 1316 Legal Description: Lot 2 LP 114212 vol 0000 Fol 776

Status: Current Associated Property: 6 VIEW PODST ROAD MCCRAE VIC 3938

Land Detail Summary Custom Fields

Attributes: centroid centroid Mapping Centroids Current

Associations:

- 3 - Certificate Application
- 1 - Related Property
- 2 - Planning/Building Application

Memos:

- 1 - Stat Planning - notify request
- 1 - Vegetation Removal Inquiry

Alias:

- 1 - Property Reference Number

Records: 1 of 1 (Filtered)

Level Hierarchy

Information: Information: 6 View Podst Road, vol 0000, fol 776  
Legal Desc: Lot 2 LP 114212 vol 0000 fol 776  
Owner: Chief of A Puraslawe Road and A M Puraslawe

Start ProClaim (Server - PR... NetWare Message Popu 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*

Irrelevant & Sensitive

*(41)*

*6 View pl rd mcrac*

Cash / *Cheque* / Card

Total \$

Irrelevant & Sensitive

Includes GST of: \$

Irrelevant & Sensitive



Stat Planning - notify request

Memo Type	PlanNotify	NOTIFY ROBERT STENT OF 10 VIEW POINT ROAD, MCCRAE POSTAL ADDRESS C/- HAYBALL LEONARD STENT P/L SUITE 4/135 STURT STREET, SOUTHBANK 3006
Land No	1116	
Status	Current	
Memo Ctr	516866	

Requested 27/03/02

Planning Application

Doc ID

Registered 02/05/02



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124002347662W

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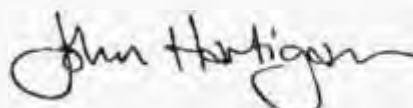
Produced 16/07/2002

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



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
<b>Application form completed</b>			
Signed Correctly	✓	X	No annex details provided
Proposal Details	✓	✓	
Land Details	✓	✓	
Correct Application Fee	✓	✓	
			54,30.00
<b>Title/Covenant details</b>			
Full Copy of Title (Restrictive Covenants Act 200)	✓	✓	Provided
Covenant/173 Agreement Details	✓	✓	annex
			None
<b>Three copies of plans</b>	✓		
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.)			
<b>Supporting argument / Report</b>			
Against Provisions, Policy and site context/neighbourhood character			None provided
<b>Use Details</b>			
Proposed uses			
Proposed use/uses			
Hours/days of operation			

\* No annex details provided

**Basic Rescode Information – against standard type where applicable**

**Mandatory** ☒ ☒

**Comments**

<b>14 Standards</b> – Single dwellings under an overlay, other than HO, NCO or DDO			
Response against the 14 standards			

<b>20 Standards</b> – 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			<i>none provided</i>
Neighbourhood and site description	<input checked="" type="checkbox"/>		<i>photos of immediate site</i>
A Design Response	<input checked="" type="checkbox"/>		<i>neighbourhood plan</i>
Response against the 20 standards			

<b>34 Standards</b> – Multi Unit housing. Clause 55			
Neighbourhood and site description	<input checked="" type="checkbox"/>		
A Design Response	<input checked="" type="checkbox"/>		
Response against the 34 standards	<input checked="" type="checkbox"/>		

<b>40 Standards</b> – For residential subdivision. Clause 56			
A site and context description	<input checked="" type="checkbox"/>		
A design response	<input checked="" type="checkbox"/>		
Response against the 40 standards	<input checked="" type="checkbox"/>		

Can the application be registered?

*Yes*  
☒

*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.





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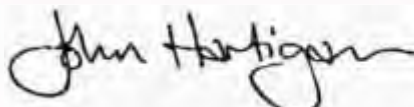

Page 1 / 1

08:02 hr

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Joint Proprietors

CHARLES ALEXANDER PUGH

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AB415868L 16/07/2002

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### DIAGRAM LOCATION

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END OF CERTIFICATE

LP114212  
EDITION 1  
APPROVED 29/4/75

PARISH: WANNAEUE  
COUNTY: MORNINGTON

SCALE OF METRES 10 5 0 10 20

### APPROPRIATIONS

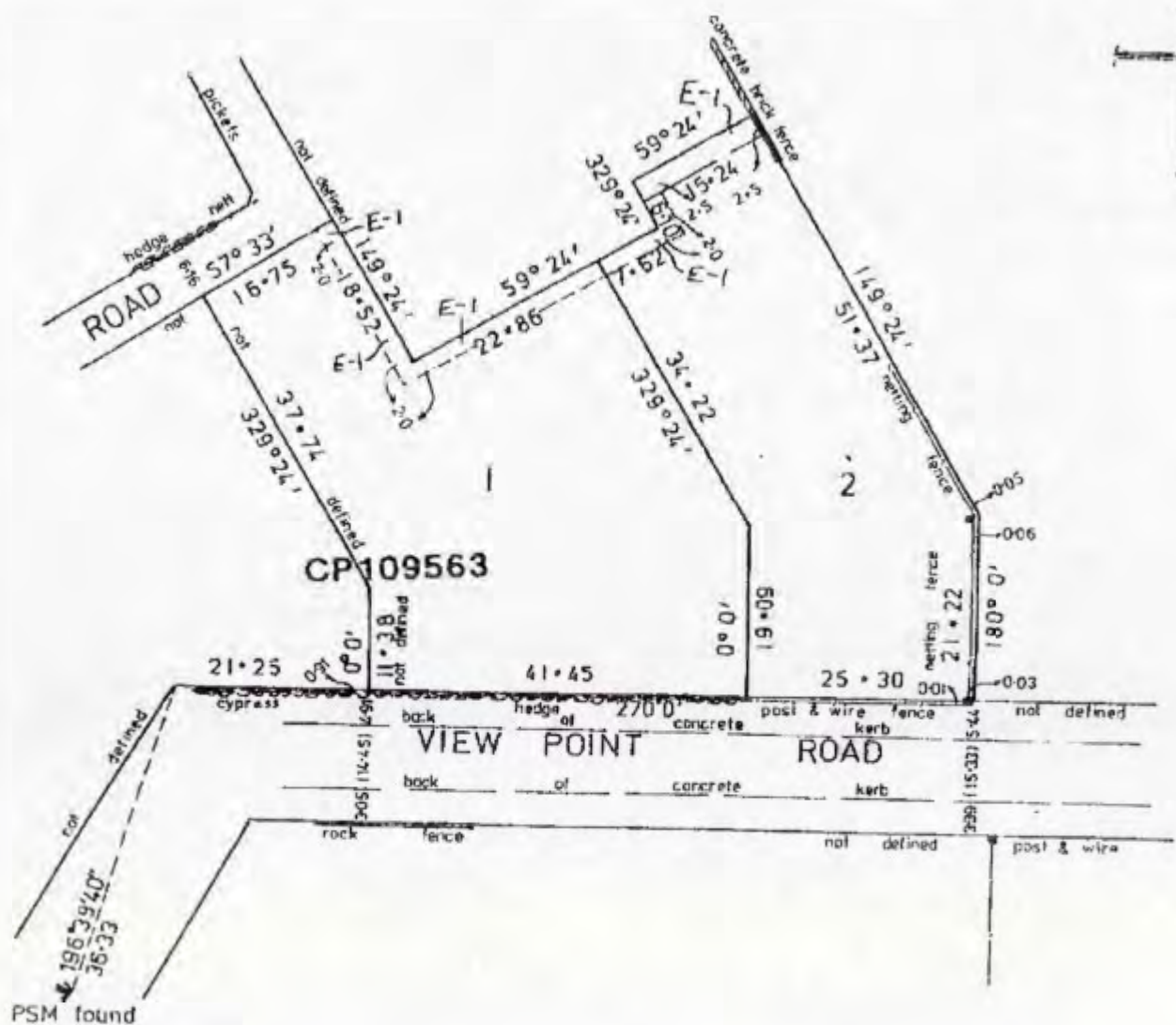
### DRAINAGE

→BLUE

ENCUMBRANCES &amp; OTHER NOTATIONS

COLOUR CONVERSION  
E-1 = BLUE

CHART NO. 8<sup>A</sup>.





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, left  
msg on msg bank to please call us back.

Irrelevant & Sensitive

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

Irrelevant & Sensitive

Sally Moser  
**MOSER PLANNING SERVICES PTY LTD**

