



SINCOCK
PLANNING

SURF COAST SHIRE
FILE:
FOLIO:
18 AUG 2016
OFFICER:
FILE COPY DUPLICATE COPY

BUILDINGS AND WORKS ASSOCIATED WITH A FOUR STOREY BUILDING INCORPORATING FOUR DWELLINGS, INCREASE IN PATRON NUMBERS AND LICENSED AREA TO TAVERN, PARTIAL REDUCTION IN CAR PARKING AND WAVING OF LOADING BAY

AT

82-84 MOUNTJOY PDE, LORNE

SINCOCK
PLANNING

SURF COAST SHIRE
18 AUG 2016
PLANNING

1. Introduction

Sincock Planning has been engaged to prepare a planning report for the construction of a new four storey building comprising two taverns, a basement car park and two levels of apartments (each level comprising two dwellings) and a rooftop garden for each of the two penthouses at 82-84 Mountjoy Pde, Lorne. A permit is triggered to increase the licensed area and the patron numbers associated with the tavern use on site, whilst the loading is proposed to be waived and car parking is proposed to be partially waived.

The site is within the Central Retail Core Precinct, within the Commercial 1 Zone and Design and Development Overlay 4.

The property is currently developed and used as a tavern with a planning permit for the use from December 2009 allowing 182 patrons and hours of operation between 7.00am - 1.00am every day (although liquor is not to be served before 10am Sunday), and 12.00 noon - 11.00pm Good Friday & Anzac Day. A liquor license reflecting the same conditions also applies.

The proposal is consistent with the DDO4 and provides a mix of uses that is encouraged in a commercial centre, within a built form that reflects the preferred heights and setbacks of the central Core retail Area of Lorne. Vehicle access is proposed via the carriageway easement from Grove Road to the basement car park that provided for the residential apartments along with one space for the commercial tenancy.

A full assessment against the planning scheme controls is detailed later in the report.

2. Proposal

The application proposes the development of a four storey building containing two taverns, four apartments and a basement car park.

The basement has an area of 460.65sq.m and is accessed via a carriageway easement from Grove Road that is located to the rear of the Lorne Theatre. A car elevator takes vehicles to the basement level which comprises 8 car spaces and a pedestrian elevator. Storage cubes are adjacent to each car space whilst additional storage is provided at the eastern end of the basement. Residential waste storage is located to the south-west corner of the basement. Plant and equipment store is located in the north-west corner of the basement and a stairwell to the upper level is at the western end of the basement. Office and staff amenities for the taverns is proposed to the east of the car elevator.

The ground floor level contains the commercial facilities, being two taverns in a side by side arrangement with frontage to Mountjoy Pde and a large external terrace adjacent to the footpath. The taverns have a combined area of approximately 406sq.m. The layout provides for lounge/bar area at the front, bathrooms to the west and the kitchen and store areas to the far west at the rear of the building. Access from Mountjoy Pde is via stairs at the centre of the frontage or a ramp along the north or south boundaries. A common hallway at the rear provides access to a stairwell and waste storage area to the immediate west of the car elevator. Bins will be moved to Grove Road for collection.

The first level of apartments contains two three-bed dwellings with an open plan kitchen/living area facing Mountjoy Pde. Each dwelling has a balcony with easterly orientation and an area of 24.83sq.m (dwelling 1) and 27.7sq.m (dwelling 2) accessed via the living areas. Both dwellings have elevator access from the basement car park and public pedestrian access via the stair from Mountjoy Pde.

SURF COAST SHIRE

18 AUG 2016

PLANNING
DEPARTMENT

A common plant and equipment room is located to the west of dwelling 2 and accessed via steps from the lower level. The dwellings are constructed to the north and south boundaries adjacent to the kitchen and master bedrooms and setback 1.1m adjacent to the stairs on the south side and 1m on the north side, with the exception of the entry lobby that is setback 1.89m. Both dwellings are allocated 2 car spaces in the basement.

The dwellings are setback 3.3m (dwelling 1) and 3.78m (dwelling 2) from Mountjoy Pde.

The dwellings at the upper level are large penthouses comprising three bedrooms and an open plan kitchen/living area. Both dwellings have a balcony at the living area level with eastern orientation and a rooftop deck with a swimming pool. Both dwellings have elevator access from the basement and public stairwell access from Mountjoy Pde. The external living spaces have an area of 91sq.m each, and both dwellings are allocated two car spaces in the basement.

The dwellings are constructed to the north and south boundaries with the exception of a lightwell between bedrooms 2 & 3, and the stairwell and entry lobby. The dwellings are setback 8.28m (dwelling 1) and 8.75m (dwelling 2), with balconies projecting into the setback.

Within the roof space is plant and equipment that is sited to the west of the rooftop decks.

The building has a maximum height of 11.31m above the footpath level (to the top of the dividing wall on the rooftop decks, and 9.51m to the finished floor level of the rooftop decks.

Materials are noted on the elevations and include render, merbau and glass balustrade, in tones of copper, wood and cream.

The building will result in a plot ratio of 2.06 (excluding the basement) or 3.06 including the basement.

SURF COAST SHIRE

18 AUG 2016

PLANNING
DEPARTMENT

3. Existing site conditions

The subject site is located on the west side of Mountjoy Pde, to the immediate south of the Lorne Theatre and north of the Anglican Church property.

The site has an area of 461sq.m and is currently developed with a single storey building built to the north, south and west boundaries, and occupied by the Cuda Bar. A timber deck is located to the east, immediately adjacent to the footpath and this provides an external dining area.



Cuda Bar as seen from the east side of Mountjoy Pde with umbrellas on the deck area, and the Lorne Cinema visible on the east side of the image.

The Cuda Bar operates under planning permission for a tavern with capacity for 182 patrons and with no car parking on site. The permit for the tavern was granted in 2009 and a general liquor license (Ref 32232001) was subsequently granted.

The property receives deliveries via the carriageway easement from Grove Road, with trucks parking in the easement or on Grove Road.

SURF COAST SHIRE

18 AUG 2016

PLANNING
DEPARTMENT



Carriageway easement as seen from Grove Road, with the Lorne Cinema building to the left and hairdresser to the right.

To the north is the Lorne Cinema, a substantial two storey commercial building constructed in 1937 in the Art Deco style. The building is a rendered concrete finish and two shops adjoin the cinema entry on Mountjoy Parade.



Lorne Cinema as seen from Mountjoy Parade

To the east is the Lorne swimming pool complex, a commercial facility comprising retail, food and drink and recreational facilities within the coastal reserve. The Lorne skate park and a playground are also within the coastal reserve to the east of the site.



Lorne Pool Complex within the coastal reserve to the east

To the south is the Anglican Uniting Church property comprising two lots with dual street frontage to Smith Street and Mountjoy Pde. The title to the immediate south of the subject site contains a large number of significant trees whilst the church building is on the southern title and sits within an attractive garden setting, the building being sited to the rear of the lot.



Church property to the south

SURF COAST SHIRE

18 AUG 2016

PLANNING
DEPARTMENT

To the west is the old Masonic Hall that faces Smith Street. The hall has an approximate 7m height at the rear and contains stairs that lead down to the grassed area at the back of the property.



Hall to the rear of the site as seen from Smith Street.

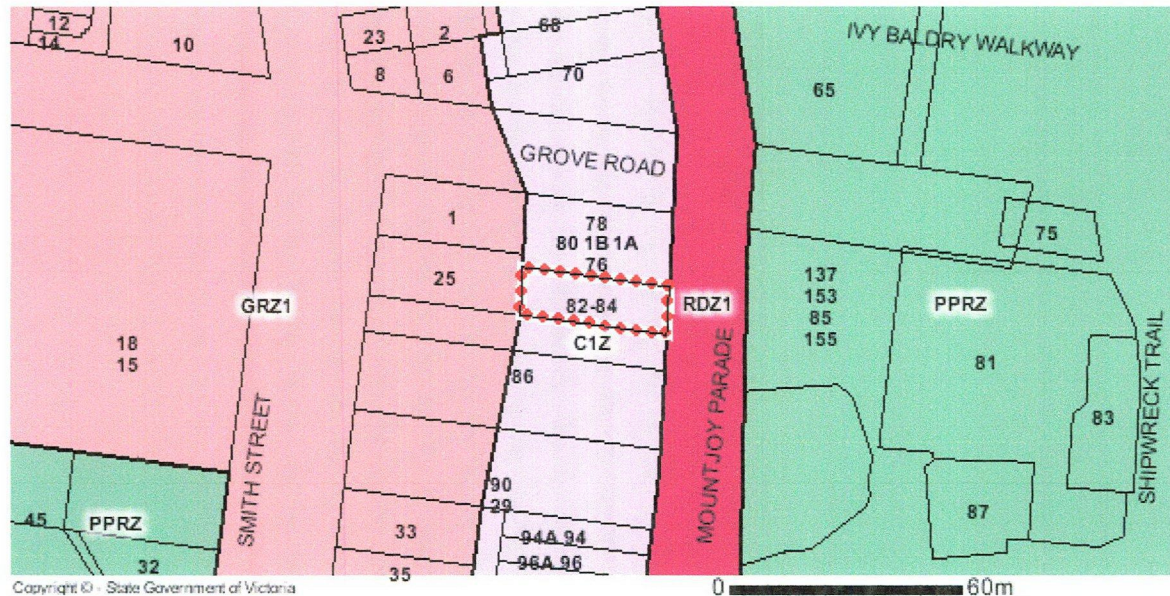
The Lorne Prep-12 School is located to the west on the high side of Smith Street, and a single storey timber dwelling is located to the north-west, on the south east corner of Smith Street and Grove Road.



82 Mountjoy Parade highlighted in red above.

4. Zoning Provisions

The property is within the Commercial 1 Zone as shown on the map below.



A planning permit is required pursuant to the following clauses:

- Clause 34.01-3 for subdivision;
- Clause 34.01-4 for buildings and works;
-

At Clause 34.01-8, the decision guidelines are outlined, and a response to each of these is provided below:

General

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

The policy framework of the planning scheme as most relevant to this location are the commercial policies at Clause 11.01-1 (Activity centre network) and Clause 17.01-1 (Business), along with Clause 21.10 (Lorne Strategy).

The SPPF encourage commercial development within activity centres that provides for the communities' needs. The focus is not just commercial activity but providing for residential uses that contribute to the activity in the centre throughout the year. Residential accommodation also contributes to improved security for commercial premises due to the passive surveillance that occurs via residents moving through and around the centre.

The proposal is consistent with the state planning policy framework as it provides for a high quality urban design with a mix of commercial and residential uses in a built form that is consistent with the urban design outcomes derived from the DDO4 which are discussed in detail later in the report. The proposal however complies with the intent of the height and setback requirements, with only minor variations proposed that will not be readable from the street due to the minor variations proposed, or not visible due to the variation (in height) being contained within a single wall between the roof top decks. All of the design issues are discussed in Section 5 of the report.

The ongoing use of the premises as a tavern is consistent with its current use and the additional floor space and patron capacity will provide for enhanced use over the peak summer period. The commercial use is reliant on on-street parking as most commercial uses in the town centre are, and this particular issue is discussed in detail in the Cardno report that accompanies the application. Whilst the reliance on the on-street parking is one of the key issues identified in the Lorne Strategy, land along Mountjoy Parade is too small and the subject site has limited access to accommodate the required parking rates. The Cardno Report addresses the likely impacts and concludes that:

Public car parking demand in coastal towns fluctuates substantially throughout the year, with peak periods typically resulting in parking supplies being inadequate, however that does not prevent activity from occurring in the town, but instead alters behaviors of both permanent residents and holiday makers.

A higher density development provides for better use of the commercial land and more efficient use of infrastructure. The requirements of residents is accommodated fully within the parcel of land including sufficient open space and car parking, whilst internal spaces provide for a high level of amenity with views afforded to each apartment.

The proposal represents a level of density intended by the range of planning controls and policy, where dwelling diversity and smaller dwellings are encouraged within comfortable walking distance of the commercial area.

The concept of higher density and smaller housing options in a mixed use proposal is one which the planning scheme quite clearly seeks to support. The design provides for a contemporary built form to the street with interest provided via light, shade, materials and setbacks that create visual interest and articulation.

The works, and the ongoing existing use is consistent with the state and local policy framework and as such should be supported.

- The interface with adjoining zones, especially the relationship with residential areas.

The Mountjoy Parade commercial strip has a residential interface to the rear (west) and an interface with the coastal reserve (zoned PPRZ) to the east, and as such residential properties along Smith Street immediately adjoin the rear of commercial lots. In this instance there are no residential uses with immediate abuttal to the site, the closest being the dwelling at 1 Grove Road which adjoins the rear of the Lorne Cinema. This is a two storey weatherboard dwelling that is used to provide short term accommodation and comprises first floor decks to the north east of the dwelling and a carport in the south east corner, closest to the subject site.

The proposal will have limited impact on the dwelling at 1 Grove Road due to the low two storey scale of the proposal at the rear (as visible from the neighbour), and the residential use in these two upper floors that will present no conflict with the ongoing residential use of the property. As the land falls substantially toward Mountjoy Parade, the floor level of the existing dwelling will sit at a similar level to the roof of the upper level which is only 1.2m above the existing roof height. The low height, along with the existing vegetation to the south within the church grounds will limit any loss of views over the site to the south east.

To the immediate west of the site is the Masonic Hall which is a commercial building and will suffer no amenity impacts as a result of the development.

To the east of Mountjoy Parade is the coastal foreshore which has a number of retail and recreational activities including the Lorne skate park, Lorne Pool Pavilion (including trampolines, mini golf, pool complex) and playground, with the beach located to the east of these facilities.

The building has been designed to generally comply with the siting requirements of DDO4, stepping the upper levels back from the street and minimizing the overall height of the building such that the visual impact of the development from the foreshore is consistent with the expectations of the Shire and the community with regards to the height and scale of development. The building is articulated with open terraces at the ground floor level, balconies at first and second floor and a mix of building materials and substantial glazed areas that reflect the changing commercial streetscape of the town. The building retains a pedestrian scale due to the proposed setbacks and the existing vegetation to the south that provides a visual buffer for pedestrians as they approach from the south.

It is considered that the proposal has no negative impacts on the adjoining zones, and in particular has no amenity impacts on the closest residential neighbour.

Use

- The effect that existing uses may have on the proposed use.

It is not expected that any of the surrounding uses will impact the proposed residential uses, whilst the tavern use already exists on site. The tavern use is to be replaced with a different floor area and new structure, however the use already functions in the locality and this is not expected to change.

- The drainage of the land.

The subject site is already developed and connected to drainage infrastructure, and the redevelopment will be connected.

- The availability of and connection to services.

All services are available and are currently connected to the site and there are no servicing issues which we expect to arise through the redevelopment.

- The effect of traffic to be generated on roads.

It is not expected that the proposed tavern or dwelling uses will attract new visitors to the town, but will provide a larger floor area which will cater for greater patron numbers, but effectively accommodate people who are already in the town looking for a place to have a drink and something to eat. The issues of traffic and parking will be addressed in a report prepared by Cardno Pty Ltd.

- The interim use of those parts of the land not required for the proposed use.

N/A

Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.

At present, vehicle making deliveries to the Cuda Bar, do so via the carriageway easement to the north of the site from Grove Road. This is expected to continue as it is the only means of accessing the site with vehicles given direct access to Mountjoy Parade is not encouraged. Deliveries will arrive via the carriageway easement and be wheeled around to the storage rooms for each tenancy in much the same way as they currently arrive.

Rubbish for the commercial tenants will be stored at the rear of the site in designated bin areas to the north-west corner and to the west of the car elevator, and bins will be moved to Grove Road for commercial collection. It is not possible to provide garbage bin access to the site given the constraints of the access arrangements, and the relocation of bins on collection day will continue in much the same manner as it currently is undertaken.

SURF COAST SHIRE

18 AUG 2016

PLANNING
DEPARTMENT

Residential bin storage is located in the basement in a communal bin area, and the bins will be moved to Grove Road for the residential collection. Bins will be moved via the car elevator and this will be the responsibility of the owners corporation to co-ordinate.

Emergency services retain access to the site via Mountjoy Pde and Grove Road in the case of an emergency.

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

The subdivision proposes the subdivision of the buildings, and enables each of the dwellings and the commercial tenants to be separately titled. This subdivision will have no impact on the areas ability to accommodate uses that will maintain or enhance competitive strengths. Each of the uses is appropriate in the commercial strip shopping centre and will not affect other uses being attracted to the centre.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

This issue has been discussed in some detail earlier in the submission and therefore the issue of waste and supplies won't be repeated. The development has no impact on pedestrian or cyclist movements as the road reserve will not be affected by the development.

- The provision of car parking.

This issue is to be addressed in the Cardno Pty Ltd report that will be submitted to the Surf Coast Shire for review.

- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.

Many of the above issues are discussed in response to the Design and Development Overlay Schedule 4, in particular those relating. In summary however, the building has been designed having regard to the controls within DDO4 including setbacks, height and plot ratio, and generally complies with these although very minor variations are proposed, none of which will result in a building mass or scale that is at odds with the outcomes desired by the overlay.

The front of the building is designed to provide for activity at each level and articulation with the use of balconies, balustrades and glazing, along with setbacks to each level. The building setbacks enable the heritage building to the north to retain its prominence in the street, whilst the overall height of the building means it will sit comfortably next to the Lorne Cinema building.

The rear of the building is only two storey in height above ngl due to the topography, and the rear of the building has been treated so that it still provides some articulation and interest, although setbacks from the side boundary are not provided. The height of the building at the rear of the site is similar to the hall to the west and the residential dwelling to the north-west.

At the ground level the tavern doors are openable to a large terrace that provides for maximum indoor-outdoor experience and the entire space can be opened up to use as a single area. The terrace provides a connection with the street with stairs providing access from the centre of the title frontage whilst ramp access for disabled is provided along the north and south boundaries.

There is no landscaping provided within the front setback and this is consistent with commercial development all the way along Mountjoy Parade.

- The storage of rubbish and materials for recycling.

As previously discussed, waste is proposed to be stored within the basement for the residential dwellings and at the ground floor to the south of the car elevator for the commercial tenants. Waste can be moved to Grove Road for collection.

- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The owners corporation will manage the maintenance of the common property areas and the plan of subdivision will clearly nominate the public and private areas within the site. As with any apartment building, there will be shared access areas that will need to be managed and there is no reason why this would be particularly difficult in this situation.

- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

The building results in no overlooking of any residential dwelling, nor will any dwelling be affected by overshadowing. The land is on an east-west axis and the church grounds to the south will be the most impacted by shadow, however as there are no sensitive uses adjacent, the shadowing impact is not considered to result in any loss of amenity.

- The availability of and connection to services.

As detailed earlier.

- The design of buildings to provide for solar access.

The site is limited by its orientation and the adjacent commercial building in its ability to maximise solar orientation and northerly aspect for the dwellings. Having said this, given the coastal views available to the east, each dwelling has an eastern orientation and therefore maximises morning sunlight to the living areas, with more than reasonable light provided to all habitable spaces within the development.

Apartment 1 and penthouse 1 both have some northern windows to the living areas, whilst both penthouses have rooftop decks which will obtain great solar access throughout the day.

- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

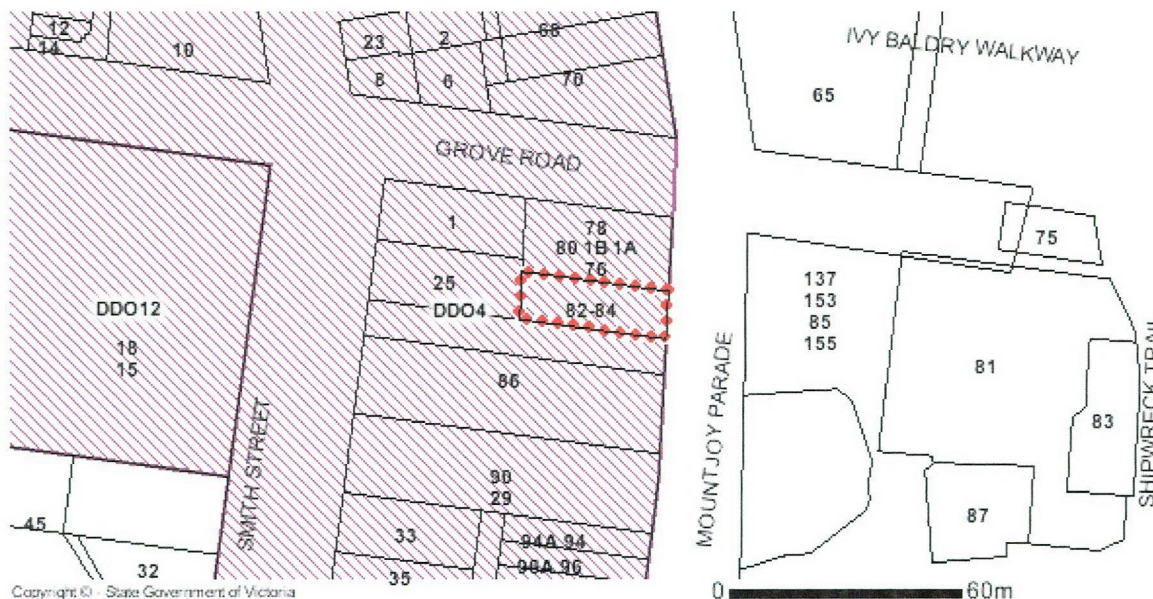
An assessment against Clause 55 is contained in Section 6.4 of the report.

5. Overlay Controls

The subject site is affected by the Design and Development Overlay Schedule 4.

Design and Development Overlay Schedule 4 (DDO4)

A permit is required pursuant to Clause 43.02-2 to construct a building or carry out works. The DDO has been applied over the Lorne commercial areas and tourist accommodation precincts.



The property is within the Central Retail Core Precinct, and the design objectives are:

All Precincts

To improve and enhance the image and appearance of the Lorne commercial and tourist precincts so as to create a pleasant place to shop and recreate and to reinforce the unique urban/retail character that is recognisably Lorne.

To consolidate development within the commercial core of the township.

To encourage development that will accommodate a mixture of retail, office, entertainment and visitor accommodation facilities within the commercial core of the township.

To encourage a scale of development which is complementary to and compatible with the overall character of the centre and amenity of the surrounding development.

Central Retail Core Precinct

To promote the central retail core precinct as the preferred location for new retail development.

To consolidate retail activities at street level with office and non-retail activities encouraged to locate at either first floor level or at the periphery of the central retail core.

To maintain the low rise character of building facades along Mountjoy Parade.

To encourage the establishment of tourist accommodation and units above street level.

To implement urban design guidelines which improve the character and appearance of the precinct to create a pleasant place to shop and recreate.

The buildings and works requirements at Clause 2 are:

Central Retail Core

Building Height

- The height of a building on land with a frontage to Mountjoy Parade should not exceed 7.5 metres above the footpath level at the street alignment.
- Any part of a building which exceeds a height of 7.5 metres should be set back at least 7.5 metres from the frontage to Mountjoy Parade.
- The maximum height of all buildings should not exceed 10 metres above the footpath level at the Mountjoy Parade street alignment.

Plot Ratio

- The maximum building plot ratio of a site should not exceed 2.0.

Comment

The proposal is generally consistent with the buildings and works requirements at Clause 2 as detailed below:

Building height.

The height of the building at the street alignment is well under 7.5m, with only a single storey height to the street of 3.51m, or 4.46m if the balustrade of the first floor is included. This low heights presents a very pedestrian scale to the street and minimises any perception of building bulk for pedestrians.

A very minor non-compliance results from the height of the penthouse rooftop deck and pool which projects slightly into the 7.5m front setback. The DDO requires any building that exceeds 7.5m to be setback at least 7.5m from the street alignment. In this instance the pool and rooftop deck project to 7.245m from the street alignment, being 25cm forward of the preferred setback. This very minor non-compliance has no visual impact given the variation will not be easily read from the street, and is 'effectively' compliant with the intent of the clause. Whilst complete compliance with this requirement could be achieved, there is clearly no real and substantive benefit to a modification of this nature, particularly given the adjacent Lorne Cinema which sits on the eastern boundary with a sheer two storey commercial wall height of approximately 12m. Given the adjoining height and scale on the boundary, a minor variation is not considered to result in any building bulk or inappropriate visual impact.

The maximum height of the building also exceeds the 10m preferred height, measured from the footpath level, with a maximum height of 11.31m to the highest point of the dividing wall between the rooftop decks, or 10.5m to the top of the transparent glass balustrade that surrounds the decks. These again are very minor variations given the nature of the non-compliant structures, being a single dividing wall or a glass balustrade, neither of which results in building bulk. The main building structure has a maximum height of 9.51m, and therefore will comfortably fit within the Mountjoy Parade streetscape, particularly given the 14m height of the adjacent building (Lorne Cinema).

Plot ratio.

The proposed building has an effective plot ratio of 2.06 (excluding the basement level), slightly exceeding the preferred plot ratio of 2. If the basement level were included in the assessment, the plot ratio would be 3.05.

Plot ratio is a measure of the scale of a building based on the total floor area. The definition of plot ratio does not distinguish between floor area above or below ground, however given it is an assessment of building scale, it would seem irrational and unjustified, to include a basement level that is wholly located below ground level and which therefore clearly has no impact on building bulk or scale.

The plot ratio (excluding the basement) of 2.06 slightly exceeds the preferred plot ratio of 2.0 however this is a very minor variation and will clearly have no visual impact from the street, nor will it result in an inappropriate scale and mass of building.

Conclusion.

In conclusion, whilst there are some very minor variations proposed to the DDO4 requirements, these are effectively so minor as to have no real impact on the building bulk and scale as seen from Mountjoy Parade. It is the street level view and pedestrian scale that the DDO seeks to maintain, and the proposed variations have no impact on the streetscape, primarily because of the minor nature of the variations, the use of glass balustrade in the most part where heights are exceeded, and the large scale and mass of the Lorne Cinema that sits to the immediate north of the site and which sits well forward of the proposed development.

The building is articulated to the front and sides via stairwell access, lightwells, and a recessed ground floor tenancy with projecting balconies above, all of which provide for a very interesting building form and a building that will encourage activity adjacent to the street and provide vibrancy and a high level of amenity for patrons of the lower level tenancies.

The varied setbacks enable light to access the balconies and enhance the amenity within the dwellings via the provision of some direct sunlight.

The proposal retains the low rise character of Mountjoy Parade, maintains a commercial use at the lower level and provides high quality accommodation at the upper levels, all of which are consistent with the design objectives of the DDO.

6. Particular provisions

6.1 52.06 Car parking

The purpose of Clause 52.06 is:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Table 1 at Clause 52.06-5 states that parking is required as follows:

- 2 spaces for each 3 or more bed dwelling;
- 0.4 spaces per patron permitted by the tavern.

The application proposes the development of four 3-bed dwellings, and a tavern with a patron capacity of 360. The reduction in car parking is addressed in the Cardno report that accompanies the application.

6.2 Loading and unloading

The purpose of Clause 52.07 is:

- To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Requirements to be met are:

No building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- Space is provided on the land for loading and unloading vehicles as specified in the table below.
- The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
- The road that provides access to the loading bay is at least 3.6 metres wide.

A permit may be granted to reduce or waive these requirements if either:

- The land area is insufficient.
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.

A permit is sought to waive the loading and unloading requirements as the land area is insufficient to provide a dedicated loading bay, and there is inappropriate road access to the site to enable trucks to easily access the property. This issue is discussed in the Cardno report that accompanies the application.

6.3 Licensed Premises

The purpose of Clause 52.27 is:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

A permit is required to use land to sell liquor if as the following all apply:

- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

As previously discussed, the site is located within an activity centre within a coastal holiday town whereby the expectation is that the town centre will accommodate a range of retail and food and drink premises that provides for a lively and energetic centre, particularly in summer when the towns population grows substantially from 1000 - 15000 people including those in camping and caravan parks.

The site is already developed and operates with an on-premises license for 180 patrons to 1am each day, and is successfully operating without complaints and with no loss of demerit points on the license. The patrons are accommodated on an external deck at the front of the property (for 40 patrons) and 110 patrons inside the building, however the premises is only at capacity for a short time each year over the holiday period due to the decline in population once the holiday makers depart. Similarly, the premises generally only operates the full license hours for the same holiday period when it is viable to open until 1am.

The Cuda Bar provides for full meals and it is intended that this will continue, with seating provided for 70 patrons within each premises (140 in total) and the remainder (110 each premises or 220 total) accommodated via standing room. The Cuda Bar operates with a full meal service, generally until 9.30pm and both proposed taverns will function similarly, providing for primarily meals and seated patrons until 9.30pm where background music is also played, and then after 9.30pm live entertainment will be available and the space would be used as it currently is, that being a bar.

The premises has security staff on site from 9.30pm to ensure patrons behave, and security does not finish until half an hour after closing to ensure that patrons have moved on and people are safe. The proposed taverns will also provide security after 9.30pm when live entertainment is provided and as such will maintain ongoing a high level of venue management and remove troublesome patrons as necessary.

Live entertainment is generally only provided once a week (on weekends) and live entertainment is booked in consultation with the Lorne Hotel so that both premises don't provide live entertainment on the same night. As such, whilst live entertainment is proposed, this will not be provided every night and will operate in consultation with other premises.

Whilst a substantial increase in patrons is proposed, each premises will hold the same total capacity of the existing premises, and have a similar floor area to the existing premises. This size and the number of patrons is generally in line with other premises in Lorne, the exception being those with a general license that typically have much greater capacity and later licenses including the Cumberland, Mantra Lorne and Lorne Hotel.

There are approximately 29 licensed premises in Lorne within 500m of the site, and as such the area is considered to be within a cluster (being that there are more than 3 premises within 100m and more than 20 within 500m). This is not unexpected within a coastal township where a range of entertainment and food and drink premises co-locate and provide for varying users within the town centre. Of the late night premises (12 in total), there are 9 with 1am closing and these are mostly café and restaurant licenses (5 in total) that rarely result in a loss of amenity due to the main purpose of the visit being for a meal, along with the Cumberland Resort and Mantra Lorne that both have general licenses. Of the remainder, they are:

- Surf Life Saving Club which has a 2am close (restricted club license);
- Football and Netball Club with midnight close (limited license);
- Lorne Hotel to 3am (general license).

The 1am proposed license is consistent with the majority of premises in Lorne the total capacity is similar to the Maple Tree Lorne and Lorne Central which have capacity of 334 & 268. Given the capacity is essentially halved via the building comprising two tenancies, the total number for each tavern is not excessive and will not result in a loss of amenity or result in increased bad behaviour in the street and surrounding area.

The subject site is located adjacent to the Lorne Cinema, Anglican Uniting Church and the foreshore, with only one sensitive use located to the north-west. This use is protected by the requirement to comply with the State Environment Protection Policy N-2 (music noise) and the fact that the tavern is proposed at the ground floor level, below two levels of accommodation and with an easterly orientation away from that residential property.

As discussed in the car parking assessment prepared by Cardno, the increase in patron numbers is not expected to result in new patrons visiting the premises, but result in a redistribution of existing patrons through the activity centre as parking is limited to the existing spaces on the street and the town centre draws from the existing (permanent and holiday) population of Lorne, with limited likelihood of a new tavern drawing in greater numbers of people to the town.

Being a small town centre in a strip alignment, Mountjoy Parade exists and functions at the residential interface for its length, and it is well accepted that residential amenity at the interface will differ from a residential amenity that could be expected in a more suburban setting. Having said this, the hours of operation are not excessive, and the noise resulting from a tavern with only limited frequency of live music is generally able to be well controlled such that excessive noise is highly unlikely to result.

There are no known problems in the area as a result of licensed premises and we understand there are no enforcement proceedings currently underway in relation to any other premises within the 500m cluster, as such we don't expect the proposal to reinforce existing issues/impacts nor do we expect it to create new impacts given the use, the floor area, the patron numbers and proposed hours are generally consistent with other premises. We believe there are some positive cumulative impacts resulting from this proposal including:

- reinforcing the local 'identity' of the town centre as a holiday destination and entertainment provider
- enhanced vitality and choice of premises
- economic benefit

The proposal is more likely to result in positive cumulative impacts as it is consistent with the state activity centre policy that encourages these uses within the shopping strips as they create identity and a feeling of a centre that is alive.

The increased number of patrons within the shopping centre also results in more casual surveillance of the centre and general vitality in the area. The activity is consistent with the purpose of the zone and with the nature of Mountjoy Parade, being a retail centre with a strong café/restaurant/tavern offer, and mix of fashion boutiques and other niche traders.

6.4 55 - Two or more dwellings on a lot and residential buildings

The purpose of Clause 55 is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

The decision guidelines of the Commercial 1 Zone require an assessment of the objectives, standards and decision guidelines of Clause 55 for any development of less than five storey. An assessment against each clause is provided below.

55.02-1

NEIGHBOURHOOD CHARACTER

Standard B1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Comment

This issue has been addressed earlier in the report in response to the zone and the design and development overlay, and as such does not need to be repeated here. The site does not sit in a traditional residential environment where the character need to be respected to the same degree, but in a commercial environment where high quality urban design is desired, and where built form is of a commercial scale and form.

55.02-2

RESIDENTIAL POLICY

Standard B2

An application must be accompanied by a written statement to the satisfaction of the Responsible Authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Comment

As discussed earlier in the submission in response to the zone and policy provisions of the scheme.

The development meets the residential policy objective.

55.02-3

DWELLING DIVERSITY

Standard B3

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.

At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

Comment

Not applicable.

55.02-4

INFRASTRUCTURE

Standard B4

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Comment

The dwellings will be connected to all infrastructure as required by Council's engineers.

The requirements of the servicing authorities will be imposed through the referral of the subdivision.

The development meets the infrastructure objective.

55.02-5

INTEGRATION WITH THE STREET

Standard B5

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Comment

Each of the dwellings are accessed from Mountjoy Pde via a stairwell on the side, and these will be clearly visible to visitors and provide good access to the apartments. An alternate access via the basement is available to residents in a lift that accesses each of the dwelling levels.

55.03-1

STREET SETBACK

Standard B6

Walls of buildings should be set back from streets:

- At least the distance specified in the schedule to the zone, or
- If no distance is specified in the schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Comment

The issue of street setback is defined by the zone and the DDO and therefore the residential standard is not applicable.

55.03-2

BUILDING HEIGHT

Standard B7

The maximum building height should not exceed:

- The maximum height specified in the schedule to the zone, or
- If no maximum height is specified in the schedule to the zone, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Comment

The standard for residential height is not applicable given the specific direction of the DDO, and this has been previously addressed.

55.03-3

SITE COVERAGE

Standard B8

The site area covered by buildings should not exceed:

- The maximum site coverage specified in the schedule to the zone, or
- If no maximum site coverage is specified in the schedule to the zone, 60 per cent.

Comment

The application proposes a site coverage of 100% which is consistent with the commercial zone.

55.03-4

PERMEABILITY

Standard B9

At least 20 per cent of the site should not be covered by impervious surfaces.

Comment

The site has 100% site coverage and therefore no permeable surfaces as is expected in commercial shopping strips.

55.03-5

ENERGY EFFICIENCY

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north facing windows is maximised.

Comment

All of the dwellings have living areas with an eastern orientation and as such achieve good solar access in the morning, whilst the northern dwellings also have north facing windows within the living rooms that will provide for additional light. Optimal orientation and provision of northern solar access is not possible due to the commercial scale of the Lorne Cinema to the north and the eastern orientation of coastal views.

55.03-6

OPEN SPACE

Standard B11

If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Comment

N/A

55.03-7

SAFETY

Standard B12

Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Comment

As detailed earlier, each apartment entry is located at the upper level and visitor access is via the stairs from Mountjoy Parade. This is not uncommon in apartment style housing and will not result in unsafe places within the site.

55.03-8

LANDSCAPING

Standard B13

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention of planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Comment

A landscape plan is not submitted with the application given the commercial zone of the land and the high site coverage that provides limited potential for landscaping with the exception of potted plants and hanging greenery which is proposed from the balconies.

55.03-9

ACCESS

Standard B14

Accessways should:

- Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.
- Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone.
- Be at least 3 metres wide.
Have an internal radius of at least 4 metres at changes of direction.
- Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone.

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.

Comment

Vehicle access is provided to a basement car park for each of the dwellings via the only access available, being a carriageway easement to the north. The carriageway easement is narrow and only provides single lane entry, however the basement has been designed to enable all vehicle to turn and exit the site in a forward direction, with two car spaces provided per dwelling.

A crossover was not sought to Mountjoy Pde as previously discussed in response to Clause 52.06.

55.03-10

PARKING LOCATION

Standard B15

Car parking facilities should:

- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be designed to allow safe and efficient movements within the development.
- Be well ventilated if enclosed.

Large parking areas should be broken up with trees, buildings or different surface treatments.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Comment

Each of the dwellings is provided with two car spaces within the basement, and this will be a well ventilated and convenient car parking space with pedestrian access back to the dwellings via a lift. The parking area is secure and provides for safe and convenient parking for residents, whilst maximising the potential for parking on site.

55.04-1

SIDE AND REAR SETBACKS

Standard B17

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in the schedule to the zone, or
- If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Comment

The imposition of residential standards for side and rear setbacks is inappropriate in a commercial setting, and the height and setback of walls from the north and south boundaries reflects the commercial scale of development in Mountjoy parade.

The setback to the rear is more reflective of a residential scale given the residential zone interface with a maximum wall height of less than 3m on the western boundary.

55.04-2

WALLS ON BOUNDARIES

Standard B18

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length or more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports,

Whichever is the greater.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Comment

The application proposes a solid wall to the western boundary for the full length of the boundary at a low overall height of less than 3m. The wall extends along the boundary and provides for security to the rear of the building. As the site adjoins the Masonic Lodge, there is no loss of residential amenity as a result of the length of wall proposed on the boundary.

55.04-3

DAYLIGHT TO EXISTING WINDOWS

Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Comment

There are no neighbouring residential windows impacted by the proposal.

55.04-4

NORTH-FACING WINDOWS

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building not on or within 150mm of the boundary should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Comment

N/A

55.04-5

OVERSHADOWING OPEN SPACE

Standard B21

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of 5 hours of sunlight between 9am and 3pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Comment

There is no secluded open space impacted by the proposal, with a small area of overshadowing occurring to the south, but generally within the area of the large trees that adjoin the site and which themselves cause significant shadow.

55.04-6

OVERLOOKING

Standard B22

A habitable window, balcony, terrace, deck or patio should be located and designed to avoid the direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have fixed obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Comment

There is no overlooking of secluded open space, with the adjoining property to the south having some overlooking fo the front garden area, but this is not secluded in any way.

55.04-7

INTERNAL VIEWS OBJECTIVE

Standard B23

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

Comment

There is no internal overlooking due to the side by side design and solid barriers between the front balconies.

55.04-8

NOISE IMPACTS OBJECTIVES

Standard B24

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

Comment

The only real noise sources are those associated with the road traffic (Mountjoy Parade) and the commercial uses in the street including the tavern at the lower level of the proposed building. The dwellings will need to be constructed to a standard that provides for a reasonable level of amenity, however anyone seeking to reside in a commercial shopping strip needs to keep in mind that this is not a residential zone and there will be noise and activity resulting from day and night time activity normally found in a strip shopping centre.

55.05-1

ACCESSIBILITY

Standard B25

The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Comment

The provision of a lift within the building will enable owners and visitors with limited mobility to access the dwellings via the internal lift.

55.05-2

DWELLING ENTRY

Standard B26

Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Comment

The entry of each dwelling is visible from the common stairwell on the north and south side of the development, and this limited visibility is normal in an apartment style complex.

55.05-3

DAYLIGHT TO NEW WINDOWS

Standard B27

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Comment

All new windows within the development are located to face an outdoor space clear to the sky and all will receive more than adequate daylight to ensure a high level of amenity for future residents.

55.05-4

PRIVATE OPEN SPACE

Standard B28

A dwelling or residential building should have private open space of an area and dimensions specified in the schedule to the zone.

Comment

Private open spaces are provided to each of the dwellings with in excess of the required 8sq.m of total open space on decks as required by the standard.

55.05-5

SOLAR ACCESS TO OPEN SPACE

Standard B29

The private open space should be located on the north side of the dwelling or residential building, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Comment

Each dwelling has a deck located on the east side of the development that will achieve good morning sunlight, and due to the views available over the coastal reserve, will have a very high level of amenity provided. The penthouses each have rooftop decks as well and these will have good solar access throughout the day.

55.05-6

STORAGE

Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.

Comment

6 cubic metres of storage is provided in the basement for each of the dwellings.

55.06-1

DESIGN DETAIL

Standard B31

The design of buildings, including:

- Façade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

Should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Comment

As discussed elsewhere the proposal has had regard to the outcomes sought by the Design and Development Overlay which seek to consolidate retail activities at street level and non-retail uses (including tourist accommodation and units) at the upper level whilst maintaining the low rise character of building facades along Mountjoy Parade. The proposal responds to these objectives and respects the buildings and works requirements of the central retail core with only minor variations sought to the height and setbacks as discussed on page 14.

The height and scale of the building reflects the adjoining Lorne Cinema whilst providing for a street setback that allows the heritage building to retain a dominant three dimensional form in the street. The Mountjoy Parade façade is dominated by glazing with very small elements of render and merbau balustrade that help to break the façade into smaller components and create visual interest and define the apartments at the upper levels.

There are no verandah or canopy elements over the footpath, with all of the outdoor dining areas confined to the terraces to the east of the tavern and shelter provided via the overhang of the upper levels.

The materials reflect the materials used in the area and colours in copper, wood and cream tones are proposed, these being appropriate colours in the coastal context.

55.06-2

FRONT FENCES

Standard B32

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in the schedule to the zone, or
- If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3.

Comment

N/A

55.06-3

COMMON PROPERTY

Standard B33

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

Comment

Common property is generally limited to the basement car park, car elevator and the side entry stairs to the taverns and apartments, however the taverns both share another common property area at the rear where waste is stored to the west of the elevators along with an access stair from the tavern to the bin area. These common property spaces are limited in area and will be functional and able to be efficiently managed.

55.06-4

SITE SERVICES

Standard B34

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.

Comment

All services can be provided to the apartments and the taverns within the property boundary and the residential apartments have a waste storage area within the basement whilst the taverns have a separate area at the ground level at the rear of the site.

Mail boxes for the apartments are located in a small recess adjacent to the entry stairs.

7. Conclusion

The proposal is considered to be appropriate in this location and well-designed such that it will provide for an innovative mixed use development and medium density housing solution within the Lorne town centre and provides an appropriate built form and scale, being generally consistent with the overlay controls and respectful of the adjacent heritage building.

The proposal is supported by the current policy direction and the reduction in car parking has been assessed by experienced traffic engineer. The application is supported by a traffic, car parking and bicycle parking report prepared by Cardno Victoria Pty Ltd, who believe that the provision of car parking is satisfactory and should be supported.

The mixed use nature of the proposal is supported by the zone, consistent with the policy framework and generally consistent with the particular provisions (52.06, 52.27, 52.34 & 55).

As such and given all of the above, we look forward to the Shire's review of the proposal and subsequently the issue of a conditional planning permit.

SINCOCK PLANNING