

Amendment C262morn List of Submitters

#	Address	Place/name
01	Sorrento - 10 Coppin Road	House
02	Sorrento - 3278 Point Nepean Road	The Baths Restaurant and Coppins Jetty
03	Sorrento - 3245 Point Nepean Road	Chattanooga
04	Sorrento - 78 Normanby Road	Sorrento Cemetery
05	Sorrento - 9 The Esplanade	House
06	Sorrento - 2/3482 Point Nepean Road	CP3 Pioneer project houses, Portsea Cottages
07	Sorrento - 19 St Pauls Road	House
08	Sorrento - 78 Normanby Rd	Sorrento Cemetery
09	Sorrento - 147-151 Ocean Beach Road	Commercial
10	Sorrento - 19 Constitution Hill Road	House
11	Sorrento - 25 Hotham Rd	House
12	Sorrento – 29 Coppin Road	House
13	Portsea - Back Beach Road precinct	
14	Sorrento - 856 Melbourne Road	Vacant
15	Sorrento - 858 Melbourne Road	Carinya cottage
16	Sorrento - 839 Melbourne Road	Vacant
17	Sorrento - 229 Ocean Beach Road	Halcyon
18	Portsea - 100 Back Beach Road	Haysom House (former),
19	Sorrento - 1-21A Ocean Beach Road	Continental Hotel
	Sorrento - 23 Constitution Hill Road	Under construction
	Sorrento - 12 Riley Lane	Vacant
20	Portsea - 10 McGregor Avenue	Paton House (former)
21	Sorrento - 21 St Paul's Road	House
22	Sorrento - 42-46 Ozone Avenue	Sayers House (former), T124 (Small Homes Service)
23	Portsea – 21-23 Blair Road	O'Dwyer House (former), Nagari
24	Portsea – 2-4 Elizabeth Road	Watt House (former)

#	Address	Place/name
25	Portsea – 3720 Point Nepean Road	Harbour Gate flats
26	Sorrento – 6 King Street	House
27	Sorrento – 3039 Point Nepean Road	Newberry Hill
28	Sorrento – 3421 Point Nepean Road	Old Butcher's Shop
29	Portsea – 53 Franklin Road	The Dairy
30	Rosebud - 874 & 876 Point Nepean Road	Foreshore cottages
31	Sorrento – 15 Newton Avenue	House
32	Portsea – 14 Cove Avenue	Cove House
33	Sorrento – 10 Esplanade	Ferry terminal
34	General	
35	Sorrento – 178 Ocean Beach Road	Burgunyah
36	Sorrento – 1/3482 Point Nepean Road	CP3 Pioneer project houses, Portsea Cottages

From: [REDACTED]
Sent: Thursday, 18 June 2020 2:01 PM
To: Heritage
Subject: 10 Coppin Road Sorrento 3943

Follow Up Flag: Follow up
Flag Status: Completed

Owners; [REDACTED]
Postal Address: [REDACTED]

Tel [REDACTED]

I note that our property at 10 Coppin Road, Sorrento is listed under C262morn as "Contributory" under the revised Heritage Review

The house construction is now detailed as c 1930s

I have previously advised that there is no part of the original house standing! The front and rear sections of the house have both undergone significant and substantial demolition, alteration, addition since the 1950's.

Consequently listing the house as "Contributory" makes the Heritage Review an utter farce!

I have no intention of taking this matter further, however I just want to put on record the sheer stupidity of this rating - it is a non sense!

Yours sincerely

[REDACTED]

From: [REDACTED]
Sent: Sunday, 21 June 2020 7:58 PM
To: Heritage
Cc: [REDACTED]
Subject: Mornington Peninsula Planning Scheme Amendment c262morn

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Katanya

Thanks you for your letter dated 9 June 2020.

Can you please arrange for the removal of The Baths Restaurant and Coppins Jetty (both of 3278 Point Nepean Road Sorrento) from the Mornington Peninsula Planning Scheme Amendment 262morn.

The Baths Restaurant was constructed in 2016 and is of no historical significance. Coppins Jetty was constructed in 1990 and also is of no historical significance.

Thank you for your assistance in this matter.

Regards

[REDACTED]

[REDACTED]

20 June 2020

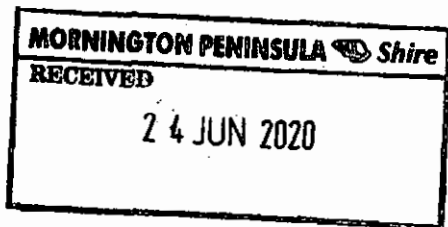
Ms Katanya Barlow,
Manager Strategic Planning
Mornington

Dear Ms Barlow,

"6 hattanoga" 3245 Point Nepean Rd

Thank you for your 9 June letter.
Will you please confirm that the above
house, which will be 100 years old next
year, will continue to have a Heritage
Overlay under the Planning Scheme
Amendment C262 morr.

Yours sincerely



From: [REDACTED]
Sent: Saturday, 4 July 2020 1:58 PM
To: [REDACTED]
Subject: Sorrento Cemetery

Follow Up Flag: Follow up
Flag Status: Completed

Hi Anne. Just thought I should touch base. I am on the committee of the Nepean Ratepayers Association (NRA) and am a member of the Nepean Historical Society. My attention has been drawn to the proposed HO516 overlay for the Sorrento Cemetery.

I assume the existing Trust will need to apply for an exemption for burials and construction of memorials. People do die and often need to be buried for cultural reasons within 24 hours. I am unclear as to how a Heritage overlay can affect the critical day to day operations of a cemetery.

I was secretary of the Sorrento Cemetery Trust for some time till 2017. I worked with [REDACTED] a life member of the Trust. His grandfather (great grandfather?) is mentioned as part of the original partition. The trust always prided itself on the diversity of monuments permitted within strict measurement regulations under the Act.

FYI the Sorrento Cemetery Trust wasn't actually disbanded. It comprised a group of volunteers appointed by the Department of Health. However it became increasingly difficult to find willing volunteers to fill positions on the Trust. The governance and compliance issues were very onerous. So I approached Southern Metropolitan Cemeteries Trust (of which I had previously been a Board member for 10 years when it was the Necropolis Trust) and asked them to facilitate a merger. After that (2017) the Sorrento Cemetery Trust ceased to exist. I still assist with any detail around family histories and past burials from my memory banks!!

There are a few inaccuracies in the online document you have sent to Tracie at the Sorrento Cemetery and which the NRA has now accessed. The most glaring mistake is the spelling of the word interment. The document spells it as internment. There is no "n" in that word. An intern is a prisoner of war. To bury someone is to inter them. Comes from the Latin word interrare (sp!) - terra means earth. To inter is to put into the earth. I think it is spelled incorrectly about 4 times.

Also I was confused about the 2 pine trees mentioned at the gates. There were originally about 23 cypress trees near the front fence but they were either dead or badly decayed. Falling limbs were an ongoing safety issue. They were removed before construction of the office in 2016. The office building received a permit for construction from the MPSC and the colours of the paint work were required as part of the permit - being of a more historical nature reflective of Sorrento.

There is still a row of about 6 cypress lining the dirt road further into the cemetery. We have tried to regularly maintain these even though they are a risk to the monuments beneath.

The existing cemetery land which is used now for graves is only half of the land which was gazetted for cemetery use in 1882. The remaining half extends further up towards the back beach hill and is heavily vegetated. I had to apply to have the original parcel surveyed because all the old graves near the entrance including the Moonah Gardens containing cremated remains, were actually on road reserve - being the extension (if ever required) for Normanby Road. The Surveyor General's dept came to do the survey and also included another very small parcel at the edge of the developed section and the start of the vegetated half adjacent to the Parks Vic track to Coppins Lookout. Road closure was then applied for, granted by the Minister and gazetted. The zoning for that part which had been road reserve was agreed to and changed with the State Government at that time. However I am not sure it got recorded with the Shire due to ongoing changes in staff.

The original cemetery gates were donated by Dame Nellie Melba with the proceeds of a concert she gave to raise the necessary funds - I think in the 1920s. However those gates disappeared many years later and we understood that someone had them on their own residential property. So for many years there was only the front fence and no gates. The iron front fence fell into serious disrepair and was a hazard so about 2015 we had it replaced. We also at the time had new iron gates made by a local Peninsula company called Ironic Twist which specialised in iron works. I think they have gone out of business so the existing gates are only about 5 years old.

I do occasionally conduct tours of the cemetery because of the significant history there so if you ever want to be shown around and look at the historically important grave sites, I am more than happy to meet you there. I am on the

Coalition of Community Groups which meets with the Ward councillors every month (COVID times excluded!!). I began on that group initially representing the Sorrento Cemetery although now represent other organisations. So I have had a long involvement with the Shire.

Let me know if I can further assist in any way.

Kind regards

[REDACTED]

PS your document starts with a construction date of 1863 - should that not be 1883?

[REDACTED]

Sent from my iPad

Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission date: 9 July 2020, 5:11PM

Receipt number: 1

Related form version: 5

Question	Response
Name	[REDACTED]
Organisation	[REDACTED]
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	No
If yes, who?	
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
Other (please detail below)	
In Summary, my comments are :	
I have provided detailed comments on the attached sheets	Yes
Upload comments	C262 Amendment Letter Mornington Peninsula Council (1).pdf
Signature	[REDACTED]
[REDACTED]	[REDACTED]

8th July 2020

Anne Grogan
Heritage and Strategy Planner
Private Bag 1000, Rosebud VIC 3939
2 Queen Street, Mornington VIC 3931
(03) 5950 1249

RE: MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C262

Dear Anne,

Thank you for assisting me regarding my queries relating to this amendment.

I have received a letter regarding the exhibition of Amendment C262. I am in full support of the amendment.

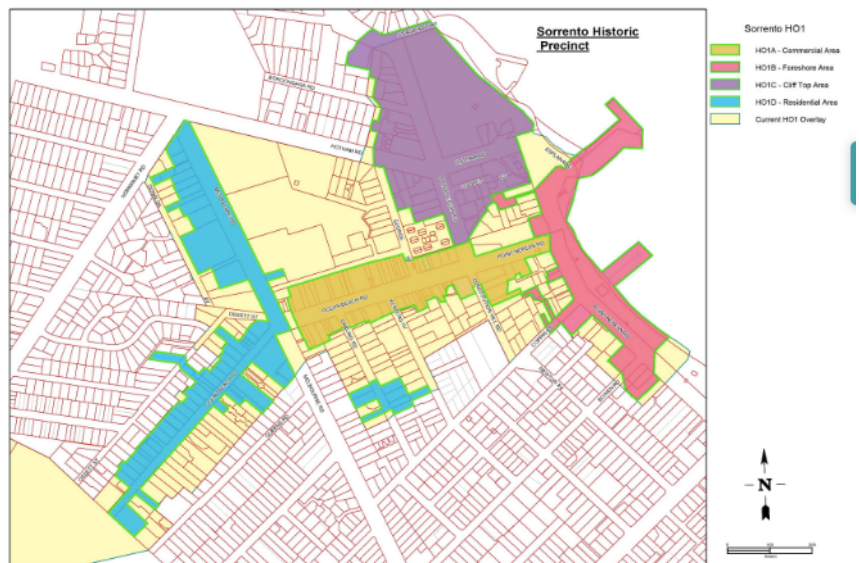
Our property is currently affected by the Heritage Overlay (HO1) (indicated on C262 - Mornington Peninsula Heritage Review Map 1 and highlighted in pale yellow, as pictured below).

It is my understanding that if the amendment is adopted by Council, the (HO1) currently affecting my property at 9 The Esplanade and 2A Morgan Street Sorrento, will be removed and that four new Heritage Overlays will be implemented corresponding to specific sub-precincts (Commercial area, Foreshore area, Cliff-top area, Residential area).

Map 1: Sorrento map showing deletion of current Heritage Overlay HO1 (areas in pale yellow) and four new precincts

(Please refer to supplied documents; [Mornington-Peninsula-C262-002d-hoMaps21_22-Exhibition-Gazetted.pdf](#) & [Mornington-Peninsula-C262-006hoMaps21_22-Exhibition-Gazetted.pdf](#))

I believe that it is beneficial that the proposed Heritage Overlay is more specific to the particular area's of Sorrento Precinct that have historic significance.



Kind Regards,

Property Owner of 9 The Esplanade Sorrento VIC 3943

Signed :
.....



10 July, 2020

Email to: heritage@mornpen.vic.gov.au

To Team Leader – Heritage Planning

Mornington Peninsula Shire Council

Re: Mornington Peninsula Planning Scheme Amendment C262morn

Citation 498 HO 5343

On behalf of [REDACTED], the owner of the land at 2/3482 Point Nepean Road, Sorrento, we contend that the pair of dwellings, included as Citation 498 in the Mornington Peninsula Planning Scheme Amendment C262morn, at 3482 Point Nepean Road, Sorrento have no importance to or effect on the course or pattern of Victoria's cultural history as they are a pair of mundane, modest holiday accommodation utilising common building materials exhibiting no sophistication in the use of the materials or design and having no relationship with high-end holiday apartments.

These buildings exhibit no uncommon or rare aspects of Victoria's cultural history.

These modest places of holiday accommodation are neither typical or noteworthy examples of the oeuvre of Chancellor & Patrick being a simple series of rectangular forms with pitched roofs and gables at each end all being common characteristics.

These buildings have nothing to do with the Indigenous or European history before the late 1960s. They do not manifest any connection with the person for whom they were built or initially occupied. None of the suggested criteria is met to the threshold of local significance as we explain further. We are of the opinion that Citation 498 is not well founded and should be removed from the Mornington Peninsula Planning Scheme Amendment C262morn.

Mornington Peninsula Shire's proposed statement of significance for place in its draft Heritage Citation 498 is as follows:

"What is significant?"

3482 Point Nepean Road, Sorrento, is a semi-detached pair of holiday dwellings that was built by project housing company Vindin Soares Pty Ltd to a design by Ian Banner, in the office of Chancellor and Patrick. The two houses are expressed as a series of five brick pavilions with steep gabled roofs clad in concrete tiles, linked by narrower flat roofed sections.

How is it significant?"

3482 Point Nepean Road, Sorrento, is of local architectural significance to the Mornington Peninsula Shire.

Why is it significant?

3482 Point Nepean Road, Sorrento, is of architectural significance as a highly unusual example of the work of the noted architectural firm of Chancellor & Patrick (Criterion H).

While this Frankston-based practice undertook almost two hundred projects in what is now the Mornington Peninsula Shire between 1952 and 1970, this one stands out as its only residential commission that was not a single-family dwelling (Criterion B).

Conceived as a semi-detached pair of self-contained dwellings for seasonal use, the project anticipated the major boom of high-end holiday apartments that would transform Portsea in the later twentieth and early twenty first centuries (Criterion A). With its distinctive multi-gabled profile and rough bagged brick walls in homage to limestone construction, the building also represents a significantly early example of architects acknowledging the district's vernacular tradition of stone cottages and beach houses, which would also become more widespread in the 1980s and 90s (Criterion F). "

This statement of significance is somewhat confusing. To be of local significance, a building needs to meet one or more of these criteria to the local significance threshold, yet most of these points might be relatively minor.

The building is one of almost two hundred projects by Chancellor & Patrick in the area –which does not represent a significant association (Criterion H), particularly where it is not one of their key, recognised buildings.

The fact that it is not a single dwelling is not truly of local significance (Criterion B – rarity).

It is not of local significance in anticipating the later spread of unit developments in the area particularly as it has not influenced the style or architecture of later buildings in the Municipality(Criterion A – historical significance).

The relatively simple form and detailing cannot be said to represent a high degree of creative achievement in the local area (Criterion F).

It is of note that the criterion usually put forward in relation to architectural significance (Criterion E – aesthetic significance) is not raised.

No suggested criterion is met to the threshold of local significance.

Applying the Heritage Overlay Practice note 1, Applying the Heritage Overlay (DELWP, 2018) provides guidance about the use of the HO.

It notes as follows: What places should be included in the Heritage Overlay? ... The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

What are recognised heritage criteria?

The following recognised heritage criteria shall be used for the assessment of the heritage value of the heritage place. These model criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work.

The Practice Note notes that the thresholds to be applied in the assessment of significance are to be ‘State Significance’ and ‘Local Significance’.

‘Local Significance’ includes those places that are important to a community or locality. Comparative analysis should draw on other similar places within the study area, including those previously included in the HO.

We have summarised below

- criterion which is required to be met, as per Applying the Heritage Overlay (DELWP, 2018) ,
- Mornington Peninsula Planning Scheme Amendment C262morn proposed Heritage Citation 498 and its comments in the proposed citation against each criterion, and
- our comments and conclusion against each criterion to be met,

as follows:

Assessment against criteria

DEWLP Criteria	Mornington Peninsula Shire’s draft heritage citation 498	Our comments and conclusions
<p>Criterion A: Historical significance Importance to the course or pattern of our cultural or natural history.</p>	<p><i>Conceived as a semi-detached pair of self-contained dwellings for seasonal use, the project anticipated the major boom of high-end holiday apartments that would transform Portsea in the later twentieth and early twenty first centuries</i> (Criterion A).</p>	<p>At Chapter 11, <i>Becoming Melbourne’s Playground</i>, Mornington Peninsula Shire Thematic History (Graeme Butler/Context, 2013) identifies the way in which ... <i>The cultural life of the Peninsula was particularly affected by its natural environmental values and its role as a place of recreational resort. The Peninsula thus developed a distinctive culture based around recreation and the environment, which is reflected strongly in its heritage places.</i> At Chapter 2.8 <i>Making holiday estates</i>, it notes,</p> <p><i>There was a great increase in beach houses after the advent of the motor car, particularly during the inter-war period when car ownership skyrocketed. Most of the Peninsula’s holiday homes date from that era and later. The design of those buildings ranges from the most basic, as in many houses at Rosebud</i></p>

		<p><i>and Dromana, to the very grand at Mount Eliza, Portsea and Sorrento.</i></p> <p>At 11.2.1 <i>Holiday flats</i> the Thematic Environmental notes the role played by self-contained holiday flats in the development of the peninsula expanded after World War Two.</p> <p>Conclusion: The subject site is associated in a general sense with the theme of holiday houses and flats in the municipality, however this is not considered to justify an assessment of local historical significance.</p>
<p>Criterion B: Rarity Possession of uncommon, rare or endangered aspects of our cultural or natural history.</p>	<p><i>While this Frankston-based practice undertook almost two hundred projects in what is now the Mornington Peninsula Shire between 1952 and 1970, this one stands out as its only residential commission that was not a single-family dwelling (Criterion B).</i></p>	<p>Conclusion: Not applicable. Is the fact that it is not designed as a single dwelling is not truly of local significance (rarity)</p>
<p>Criterion C: Research potential Potential to yield information that will contribute to understanding our cultural or natural history</p>	<p>No comment specified as to Criterion C</p>	<p>Conclusion: Not applicable.</p>
<p>Criterion D: Representativeness Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments.</p>	<p>No comment specified as to Criterion D</p>	<p>The subject dwellings are examples of the place type comprising project homes, seaside flats and units once commonplace on the Mornington Peninsula. However, the design is uncommon rather than typical in its expression as seven separate pavilions and does not usefully represent the broad range of forms and styles found in these building types.</p> <p>Conclusion: Not considered to meet the criterion at a level indicative of local significance.</p>

<p>Criterion E: Aesthetic significance Importance in exhibiting particular aesthetic characteristics.</p>	<p>No comment specified as to Criterion E</p>	<p>It is of note that the criterion usually put forward in relation to architectural significance (Criterion E – aesthetic significance) is not raised by Mornington Peninsula Shire or its heritage consultant.</p> <p>Council’s Thematic History identifies the leading role of Chancellor and Patrick and other architects in the development - after 1945 - of a ‘unique style of domestic architecture’, variously described as Peninsula Modern or Peninsula Precocious. No reference is made to the subject dwellings, this is not surprising given the large number of commissions produced by the practice. The special relationship of Chancellor and Patrick to the Mornington Peninsula is well-known and of significance. Considered in the context of the body of work by the practice in the area, these dwellings present a modest and mundane example.</p> <p>Conclusion: Not applicable</p>
<p>Criterion F: Technical significance Importance in demonstrating a high degree of creative or technical achievement at a particular period.</p>	<p><i>With its distinctive multi-gabled profile and rough bagged brick walls in homage to limestone construction, the building also represents a significantly early example of architects acknowledging the district’s vernacular tradition of stone cottages and beach houses, which would also become more widespread in the 1980s and 90s (Criterion F).</i></p>	<p>Conclusion: Not applicable.</p> <p>The relatively simple form and detailing does not represent a high degree of creative achievement in the local area.</p> <p>These buildings are not of beach house character they are a simple series of Vindin Soares project homes in this instance named project “CP3”. The gable roof is not exposing trusses on the internal, in fact internally the ceiling is low lined. The suggestion that white painted brickwork references limestone is disingenuous.</p>
<p>Criterion G Social significance Strong or special association with a</p>	<p>No comment specified as to Criterion G.</p>	<p>Conclusion: Not applicable.</p>

particular community or cultural group for social, cultural or spiritual reasons		
<p>Criterion H: Associative significance Special association with the life or works of a person, or group of persons, of importance in our history.</p>	<p><i>3482 Point Nepean Road, Sorrento, is of architectural significance as a highly unusual example of the work of the noted architectural firm of Chancellor & Patrick (Criterion H).</i></p>	<p>The dwellings clearly have a documented association with the architectural firm of Chancellor and Patrick, whose work on the Mornington Peninsula is well-recognised. The attribution to Chancellor and Patrick is a key aspect of the significance identified as related to Criterion E above. However, having regard for the requirement in Criterion H for a ‘special association with the life or works of a person’, the design is not assessed as a key element in the firm’s oeuvre and would not be elevated in this context.</p> <p>Authorship of the design- Winsome Callister notes that specific credit of designs emanating from Chancellor and Patrick’s office can be difficult. Research undertaken in the preparation of Council’s Heritage consultant’s report has not conclusively established that Ian Banner was the architect of the design. In any case Ian Banner was an employee who commenced in 1959 as a draftsman who became a designer at the firm although he was not a trained architect. Banner left the firm in 1975.</p> <p>The building is one of almost two hundred projects by Chancellor & Patrick in the area – it is without design merit and is not a building that they held up as an exemplar and does not amount to a significant association (Criterion H), particularly if it is not one of their key, recognised buildings?</p> <p>Conclusion: Not considered to meet Criterion H at a level indicative of local associative</p>

Intactness

A number of changes to the building, as constructed, have been made. None of these alterations have been documented or described in the citation. These include the enclosure of courtyards and changes to flat roofed covered ways, the removal of a screen wall on the Point Nepean Road side, both dwellings having replaced the low timber arrangement, and other changes.

A citation should note these changes to the built form.

There is no evidence by way of survey or otherwise that the community of Mornington Peninsula attribute any importance to this building.

We request that Council removes draft heritage citation 498 as it does not meet the criteria required to justify the significance of the place as a basis for its inclusion in the Heritage Overlay as set out in the DELWP 2018 guidelines for Applying the Heritage Overlay.

We also request that if this planning scheme amendment, after public exhibition, is to be heard at a Mornington Peninsula Shire Council meeting that we be informed of the date(s) and time of this meeting and that we be provided the opportunity to speak to this submission.

Regards,

████████████████████

████████████████

From: [REDACTED]
Sent: Tuesday, 14 July 2020 2:10 PM
To: Heritage <heritage@mornpen.vic.gov.au>
Subject: Amendment C262morn-submission

Submission of Objection to proposed Mornington Peninsula Planning Scheme Amendment C262morn.

Name: [REDACTED]

Contact Address: [REDACTED]

Property Address: 19 St Pauls Road, Sorrento, 3943

My property at 19 St Pauls Rd, Sorrento has been identified in the Mornington Peninsula Heritage Review, as requiring an individual heritage overlay after being identified as 'Contributory' for the East Sorrento Precinct.

I object to my property being included in this heritage overlay amendment on the following grounds.

In the past year the property has undergone significant renovations, thus changing the character and form of the building and altering it from its original overall appearance. Specifically, the following alterations have been made.

- Almost all of the outside cladding has been changed from the original Western Red Cedar to Colourbond steel giving it a distinctly different colour and overall appearance.
- A pool and deck have been constructed next to the house, which is clearly visible from the street view, again altering the original overall appearance.
- A large structure has been built at the rear of the building making the house much larger than the original design and changing the overall appearance. This extension is clearly visible when looking at the property from both Richard St and St Pauls Road.
- The new addition to the property necessitated the removal of the circular window at the side of the property and the smaller deck and stairs at the rear, which were both there originally.
- The original Stegbar type timber window and door frames have been replaced with steel monument coloured windows (to accommodate double glazing) throughout the entire building, thus further altering the original appearance and facade.
- A new brush fence has been erected on the rear side boundary on Richard Street which is clearly visible from both Richard St and St Pauls Rd and thus further altering the facade.

Given the significant alterations to the property that have been outlined above, have been undertaken since the initial assessment of heritage significance, the 'contributory' value of the property should be reconsidered.

The house now looks modern and contemporary rather than being a dwelling of significant cultural or historical importance. The 'significant' value of the property to the overall streetscape in the area is now diminished and thus it is reasonable to request that 19 St Pauls Rd, Sorrento, be excluded from this proposed heritage overlay.

Kind regards,

[Redacted signature]

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mornpen.vic.gov.au/privacystatement

The Shire would like you to consider the environment before printing this email 







Thursday, 16 July 2020

Ms Anne Grogan
Mornington Peninsula Shire
2 Queen Street
MORNINGTON VIC 3931

Re: Amendment C262morn to the Mornington Peninsula Planning Scheme recommending a heritage overlay number HO516 be applied to Sorrento Community Cemetery

Dear Anne,

I am writing to you as the Chief Executive Officer of the Southern Metropolitan Cemeteries Trust (SMCT). SMCT is a community not-for-profit, purposed organisation that cares for nine cemetery locations, one of which is Sorrento Community Cemetery.

I understand that the Amendment C262morn to the Mornington Peninsula Planning Scheme recommending a heritage overlay number HO516 be applied to Sorrento Community Cemetery was circulated last year for comment. Your email of 3 July 2020 explains that a letter about the exhibition of the amendment was sent to DELWP, on your understanding that DELWP was the owner of the cemetery land. This is incorrect. Sorrento Community Cemetery is on Crown land, is zoned PUZ5 for the purposes of cemetery use and as stated above is under the control of the Southern Metropolitan Cemeteries Trust, reporting to the Department of Health & Human Services.

Given SMCT was only notified about the proposed heritage overlay at the start of this month via contact with our Customer Support Consultant at Sorrento, it is unreasonable to ask us to consider our position and lodge a submission by Friday 24 July 2020.

We will be issuing a submission, particularly as the Heritage Overlay was proposed without an Incorporated Plan which would pose unacceptable impacts on our operational activities. I acknowledge that your email to Tracie Cook (SMCT Customer Support Consultant) dated 3 July 2020 references that the Department of Planning has suggested an Incorporated Plan, however it concerns me greatly that there has been no direct consultation with SMCT in relation to the proposed application of the Heritage Overlay for Sorrento Community Cemetery and that the Incorporated Plan appears to have been an afterthought.

I confirm that SMCT will be engaging an independent planning specialist for an opinion in relation to the proposed heritage overlay which will form the basis of our submission. We have been advised by this third party that the current deadline of 24 July 2020 does not provide them an adequate time period

to do a thorough assessment and if this deadline is held would compromise our ability to represent ourselves in relation to the proposed process.

We see two ways forward from this point:

- 1) Sorrento Community Cemetery is removed from the amendment in question given the above circumstances and in the event the Mornington Peninsula Shire wish to explore an overlay in the future it is dealt with independently with appropriate consultation with SMCT, or;
- 2) The deadline for submission for SMCT is extended by at least sixteen weeks based on the above circumstances and to ensure that SMCT has the opportunity to obtain suitable advice to appropriately present our position.

Of noting COVID-19 Stage 3 restrictions has placed severe limitations on our organisation and I would appreciate a prompt reply given the significance of the proposed changes on our core operations and the potential impact to the community we serve.

Kind regards



Jane Grover
Chief Executive Officer

Contact: Eliza Minney
Direct line: 03 9691 0205
Email: eminney@besthooper.com.au
Principal: John Cicero
Our Ref: JDC:EZM:200789



16 July 2020

Morning Peninsula Shire Council
2 Queen Street
MORNINGTON VIC 3931

By email: heritage@mornpen.vic.gov.au

Dear Sir/Madam,

**Amendment C262 to the Mornington Peninsula Planning Scheme
147 – 151 Ocean Beach Road, Sorrento VIC 3943**

We act on behalf of the landowner in respect to the above site.

We refer to the exhibition of Amendment C262 to the Mornington Peninsula Planning Scheme (**Amendment**).

We note that our client's site has been included within Heritage Precinct HO1 – Commercial Area, albeit it is appropriately identified as being "non-contributory". With respect, our client's property is included in a tranche of buildings on the southern side of Ocean Beach Road (between Melbourne Road and Kerferd Avenue) which have no heritage significance. On this basis, it is our client's submission that these properties add no heritage value to the precinct and should be removed from the overlay entirely.

Should you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Eliza Minney', is written over a light blue circular stamp.

Eliza Minney
Senior Associate

Enc.

Contact: Eliza Minney
Direct line: 03 9691 0205
Email: eminney@besthooper.com.au
Principal: John Cicero
Our Ref: JDC:EZM:200790



16 July 2020

Mornington Peninsula Shire Council
2 Queen Street
MORNINGTON VIC 3931

By email: heritage@mornpen.vic.gov.au

Dear Sir/Madam,

**Amendment C262 to the Mornington Peninsula Planning Scheme
19 Constitution Hill Road, Sorrento VIC 3943**

We act on behalf of the landowner in respect to the above site.

We refer to the exhibition of Amendment C262 to the Mornington Peninsula Planning Scheme (**Scheme**) and note that our client's site has now been removed from the proposed heritage area (HO1A – Commercial Area).

We endorse this change given that our client's site has no heritage value.

We otherwise seek to continue to be updated as to the progress of the Amendment, particularly should objections or submissions be received from third parties who suggest that properties, such as our client's, have some form of heritage significance and seek to be included in the Amendment.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Eliza Minney", is written over a light blue circular stamp.

Eliza Minney
Senior Associate

Enc.

Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission 11

Submission date: 15 July 2020, 3:50PM

Receipt number: 3

Related form version: 5

Question	Response
Name	[REDACTED]
Organisation	
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	No
If yes, who?	
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
Other (please detail below)	
In Summary, my comments are :	225 Hotham Road Sorrento is not as described. The building has been substantially altered over many years. Originally a cottage dating back to around the original subdivision it has added to by way of a 1920's addition to the front only, added to the rear by a 1970's extension, aluminium windows put in about the time. I submit the property no longer meets the need for individual classification
I have provided detailed comments on the attached sheets	
Upload comments	
Signature	Link to signature
Date	15/07/2020

13 July 2020

Ms. Katanya Barlow
Manager, Strategic Planning
Mornington Peninsula Shire Council
Private bag 1000,
90 Basgrove St
Rosebud Vic. 3939

Dear Ms Barlow,

Heritage listing of 29 Coppin Rd Sorrento

I refer to your letter dated 9 June 2020 concerning the Proposed Amendment C262morn to the Shire's Planning Scheme which seeks to apply a heritage Overlay to properties in Sorrento.

I object to the heritage listing of my house at 29 Coppin Rd Sorrento being covered by this Planning Amendment for the following reasons.

I disagree that this particular house is of historical significance. When it is compared with the sandstone houses in Sorrento, my house at 29 Coppin Rd is of much lesser historical value.

The other issue relates to the siting of the house on the block of land. The house is sited very close to the rear boundary with recent "add-ons" located extremely close to the south west boundary. These additions are in poor condition and at the end of their life. However if they were to be removed there is no room behind the house to build an extension which complies with the current setback requirements.

The predicament is that I cannot see any way of bringing the house up to a liveable state in its current location. After speaking with an architect there appears to be only two options

- to demolish the house and rebuild if the heritage condition is lifted; or
- to physically move the proposed listed part of the house within the block in order to maintain the existing facades, and link it to a modern extension

I have sketched an outline of how this might work. The original house moves closer to Coppin Rd and presents with more authority to Coppin Rd. The house and proposed pavilion are joined by a link at the rear of the original house so as not to interfere with the original facades.

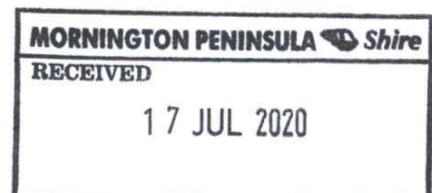
I would appreciate your consideration of this matter, either to reject the listing, or to allow the house to be moved within the block. This is of some urgency as the Weatherboard house is deteriorating quite quickly.

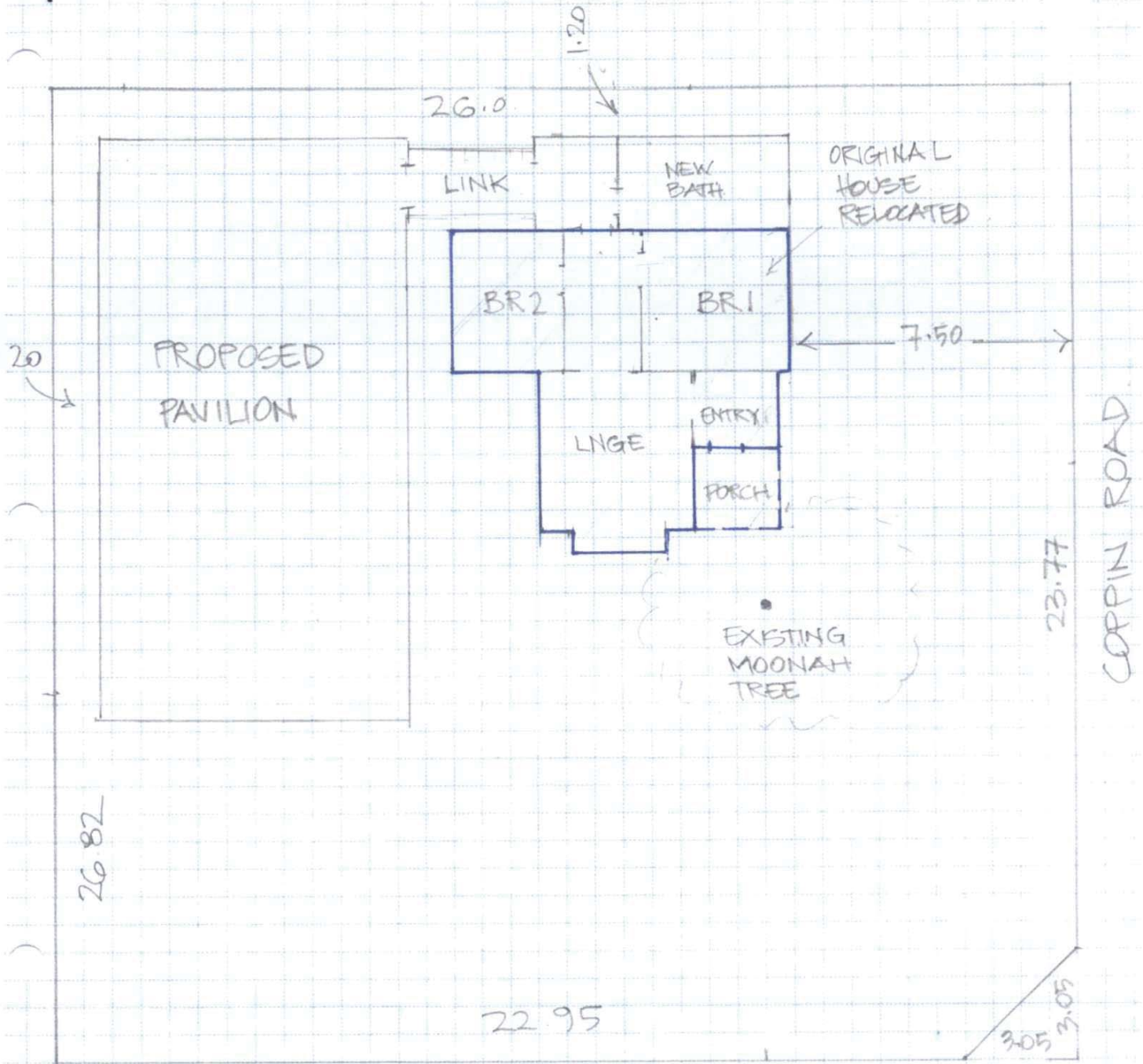
Yours sincerely,

[Redacted signature]

Attachment.

Sketch Plan of my proposal to rebuild the cottage



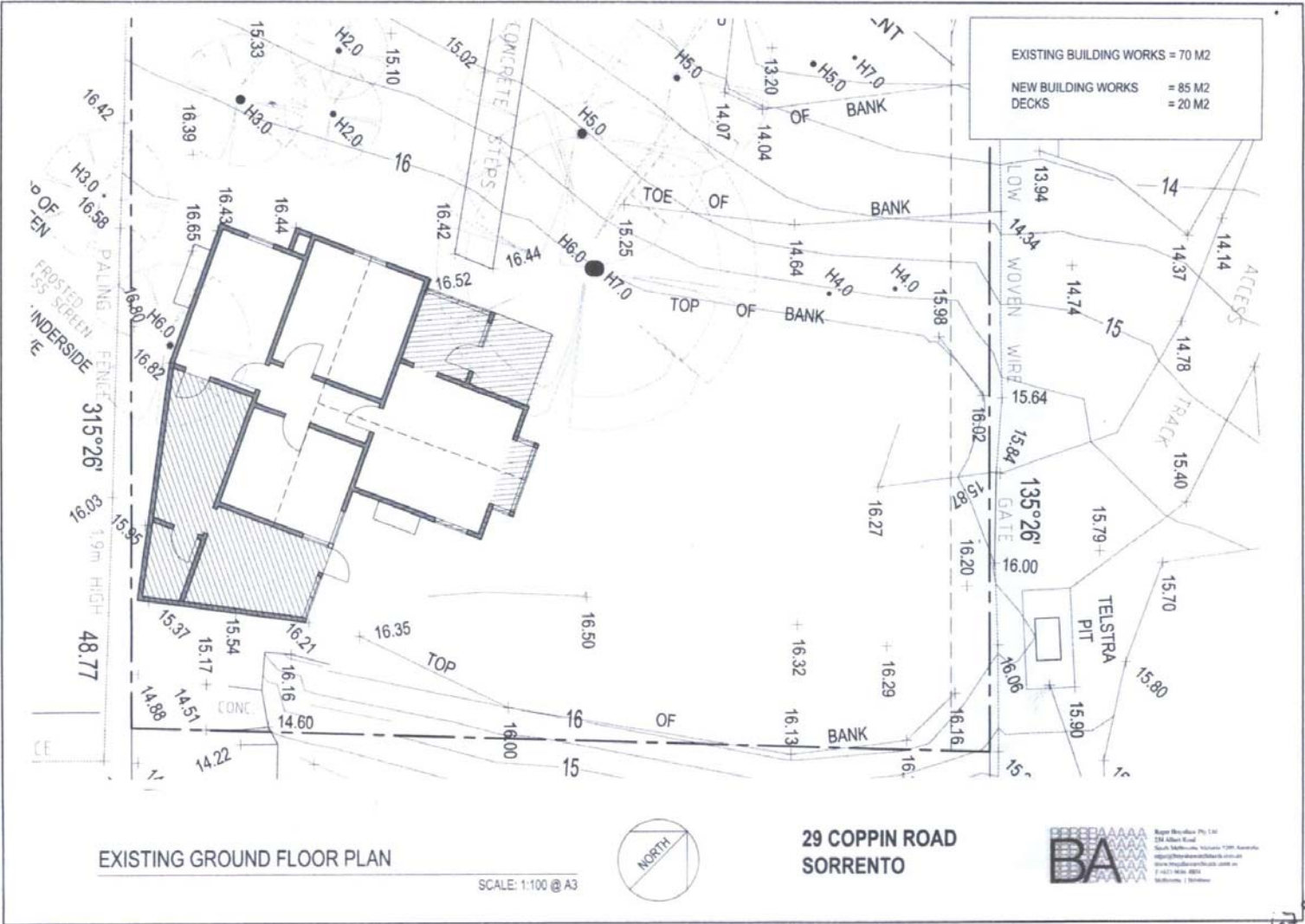


HISKENS STREET

CONCEPT PLAN : 29 COPPIN ROAD
SORRENTO



EXISTING BUILDING WORKS	= 70 M2
NEW BUILDING WORKS	= 85 M2
DECKS	= 20 M2



EXISTING GROUND FLOOR PLAN

SCALE: 1:100 @ A3



29 COPPIN ROAD
SORRENTO

BA

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251 Albany Road
South Melbourne, Victoria 3207 Australia
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M +61 3 958 8888

677

From: [REDACTED]
Sent: Saturday, 20 June 2020 12:46 PM
To: Anne Grogan
Subject: Heritage Review stage 3

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Anne,
I appreciate that this is 'very late to the party', but I wrote to Anna and yourself regarding The Back Beach Precinct months ago.

I notice in the Citation that you are still maintaining that Oleander Cottage was built in 1876, despite my pointing out that it does not appear on the 1890 map of the area.

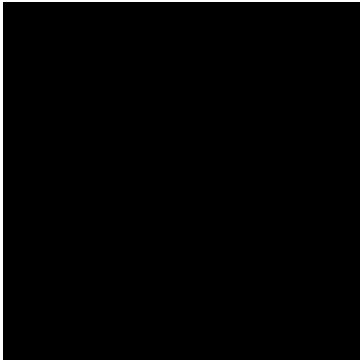
Also, as I previously indicated Walter Knight only bought the land in 1887 for 25 pounds. (As per the transfer no 188825)

Cheers

[REDACTED]

20 July, 2020

Strategic Planning Department
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD VIC 3939



By Email:
heritage@mornpen.vic.gov.au

Dear Sir / Madam,

**MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C262
856 MELBOURNE ROAD, SORRENTO**

This submission has been prepared by [REDACTED] which is the owner of the land at 856 Melbourne Road, Sorrento.

The land is affected by proposed Amendment C262 to the Mornington Peninsula Planning Scheme.

The Amendment seeks to delete the Heritage Overlay (Schedule 1) from the land.

We support the Amendment as it relates to the land at 856 Melbourne Road, Sorrento. The land is currently vacant and has no heritage significance.

Please acknowledge receipt of this submission and ensure that we remain informed of the progress of the Amendment, including referral of submissions to a Panel, if required.

If you would like to discuss this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 July, 2020

Strategic Planning Department
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD VIC 3939

By Email:
heritage@mornpen.vic.gov.au

Dear Sir / Madam,

**MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C262
858 MELBOURNE ROAD, SORRENTO**

This submission has been prepared by [REDACTED] which is the owner of the land at 858 Melbourne Road, Sorrento.

The land is affected by proposed Amendment C262 to the Mornington Peninsula Planning Scheme.

The Amendment seeks to delete the Heritage Overlay (Schedule 1) from the land and apply the Heritage Overlay (Schedule 504 – Sorrento Historic Precinct: Residential Area) to the land with a grading of “contributory”. It is noted that the land is ungraded in the existing heritage assessment that informed Schedule 1.

We object to the Amendment for the following reasons:

- There is a lack of demonstrated and substantiated reasons for the upgrading of the significance of the property to “contributory”. The Statement of Significance which forms part of the Amendment makes no detailed reference to the site or why it is now considered to be contributory.
- The significance of the precinct is based on a broad range of architectural styles and periods. However, it is fragmented, and connections are not readily made between properties or significant building characteristics overall.
- The site is especially isolated in its location relative to the remainder of the precinct. It is the only property forming part of the precinct that is located on the eastern side of Melbourne Road and, as a result, physical or visual connections with “the precinct” are not established.
- It is fair and reasonable to expect a precinct-based Heritage Overlay to be visually cohesive and demonstrate a strong spatial connection between those elements which are said to be significant. Instead, the proposed precinct is spatially disparate, there are large gaps between contributory or significant elements, and the broad scope of the significant elements does not create a well-defined precinct.

For the reasons set out above, the land should be **removed** from the Heritage Overlay.

Please acknowledge receipt of this submission and ensure that we remain informed of the progress of the Amendment, including referral of submissions to a Panel, if required.

If you would like to discuss this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

[REDACTED]

20 July, 2020

Strategic Planning Department
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD VIC 3939

By Email:
heritage@mornpen.vic.gov.au

Dear Sir / Madam,

**MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C262
839 MELBOURNE ROAD, SORRENTO**

This submission has been prepared by [REDACTED] which is the owner of the land at 839 Melbourne Road, Sorrento.

The land is affected by proposed Amendment C262 to the Mornington Peninsula Planning Scheme.

The Amendment seeks to delete the Heritage Overlay (Schedule 1) from the land.

We support the Amendment as it relates to the land at 839 Melbourne Road, Sorrento. The land is currently vacant and has no heritage significance.

Please acknowledge receipt of this submission and ensure that we remain informed of the progress of the Amendment, including referral of submissions to a Panel, if required.

If you would like to discuss this submission, please do not hesitate to contact the undersigned.

Yours sincerely,

[REDACTED]

[REDACTED]

From: Heritage
Sent: Tuesday, 1 September 2020 3:50 PM
To: Anne Grogan
Subject: FW: Amendment C262morn - query about plan of Sorrento

From: [REDACTED]
Sent: Wednesday, 22 July 2020 12:38 PM
To: Anne Grogan <Anne.Grogan@mornpen.vic.gov.au>
Subject: Re: Amendment C262morn - query about plan of Sorrento

Hello Anne

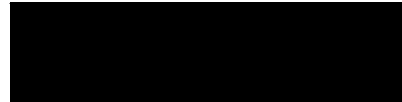
Thankyou for chasing up the early Sorrento Town plans which contain such interesting and valuable historic information and are so much clearer than the one reproduced in your heritage report.

I am not intending to enter a submission about my property at 220 Ocean Beach Road, but I would like the authors or publishers of that Heritage Report for Sorrento precinct to publish a much larger version of that plan in the final version of the report so that at least a person reading the report can readily read the information on the plan. In the version of the report which I looked at, it was impossible to distinguish any names written on the plan and therefore made it useless information. Any final version of the report needs to contain useful information and therefore the plan, for it to be legible and useful, needs to be printed much larger even if it takes two full pages.

I would like the above information to be submitted as a contribution to the report, but can't see how to do that. Maybe you can arrange that or advise me how I can make that type of submission, and to whom?

best wishes

[REDACTED]



Friday 17th. July , 2020

KATANYA BARLOW ,
MANAGER STRATEGIC PLANNING ,
MORNINGTON PENINSULA SHIRE ,
PRIVATE BAG 1000 ,
ROSEBUD , 3939 .

Dear Katanya ,

I am replying to your letter dated 9th June 2020 , in relation to the proposed application of your Heritage Overlay being put on our property at 100 BACK BEACH ROAD , PORTSEA , 3944 .

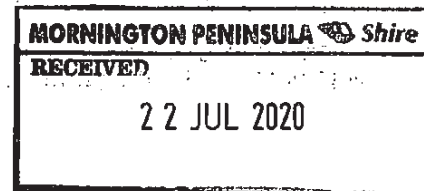
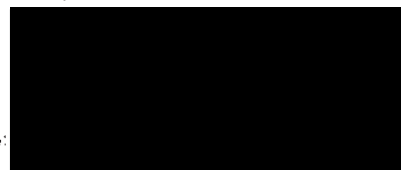
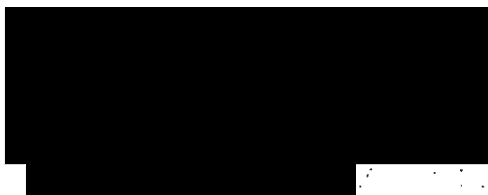
Having recently spoken to a member of your Strategic Planning Team , I was told that the Heritage Overlay being put on the property , was based on the 1991 renovations , the house being classified as a Post War Modernist Graeme Gunn House .

Since 1991 , I believe there have been multiple and significant renovations to the house and now it no longer resembles the simplicity of the Modernist Graeme Gunn House that he designed .

My wife , who is joint owner , and I , bought this house in October 2014 , taking possession in April 2015 , well after the extensive renovations had taken place .

We both strongly agree that this house is not representative of the Graeme Gunn original design and therefore we wish for the Heritage Overlay application to be removed .

Yours sincerely ,



20 July 2020

Manager, Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
Rosebud VIC 3939
By Email:
heritage@mornpen.vic.gov.au

Dear Sir / Madam,

**Proposed Planning Scheme Amendment C262
1-21A Ocean Beach Road, 23 Constitution Hill Road and 12 Riley Lane, Sorrento**

This submission is made by [REDACTED] for the land at 1-21A Ocean Beach Road, 23 Constitution Hill Road, and 12 Riley Lane, Sorrento.

[REDACTED] is the owner of the land at 1-21A Ocean Beach Road and 23 Constitution Hill Road and is the purchaser of the land at 12 Riley Lane.

We have reviewed Amendment C262 as it relates to our land and make the following submission.

1-21A Ocean Beach Road, Sorrento

We support the exclusion of the land from the Heritage Overlay (Schedule 501) on the basis that the land will retain Heritage Overlay (Schedule 257) and is included on the Victorian Heritage Register. Accordingly, the future use, development and subdivision of the land will be a matter for Heritage Victoria.

Council is proposing a number of policy changes as part of Amendment C262. The proposed 'Sorrento Commercial Area Heritage Precinct Policy' (Clause 22.17) relates to the HO501 precinct. The mapping that forms part of the draft policy shows the land as being included in the HO501 precinct and therefore captured by the policy. Refer Page 4 of 12.

However, the exhibited Planning Scheme maps clearly show the land as being excluded from the HO501 precinct.

Accordingly, we request that the Sorrento Commercial Area Heritage Precinct Policy map is amended to exclude the land (and be consistent with the exhibited Planning Scheme maps).

23 Constitution Hill Road, Sorrento

We support the removal of the Heritage Overlay (Schedule 1) from the land.

The land was previously a Council car park and is now affected by the construction works underway in association with Planning Permit P15/2392 to extend the Continental Hotel.

[REDACTED]



12 Riley Lane, Sorrento

We support the removal of the Heritage Overlay (Schedule 1) from the land on the basis that the land is currently vacant.

If you would like to discuss the above submission, please do not hesitate to contact the undersigned.

[Redacted]

[Redacted]

[Redacted]

Our Ref: MB:929569

21 July 2020

The Manager
Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
Rosebud Vic 3939

Email: heritage@mornpen.vic.gov.au

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Dear Sir or Madam

**Submission
Amendment C262
10 McGregor Avenue, Portsea**

We act for [REDACTED] the registered proprietor, and the [REDACTED]
[REDACTED], of the dwelling at 10 McGregor Avenue, Portsea.

Our clients object to the proposed heritage listing of the dwelling for the reasons set out below.

In summary, the grounds of objection are as follows:

- The citation prepared by heritage ALLIANCE and Built Heritage Pty Ltd is incorrect in a number of respects. The citation should be carefully reviewed in the light of the material set out below. The fact of these errors raises significant questions about the adequacy of the research which purports to establish the historical significance of the property. Many of the criteria are not properly addressed.
- The dwelling was not built in accordance with the plans prepared by the architects and some of the features identified in the citation were never built.
- The dwelling has an asbestos cement roof, is in poor condition and has a number of design features which make its occupation as a family dwelling difficult.

Overall, while the house might be representative of early timber houses of which there are a large number existing across the Blairgowrie, Sorrento, Portsea area, the house is a small and not very good example, and does not function effectively as a family holiday house or permanent dwelling. To renovate it and upgrade to deal with the current issues is

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

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Doc ID 752609353/v1

reminiscent of the 'grandpa's axe' conundrum (where the axe head and handle have been replaced numerous times since grandpa used it).

In brief, the combination of the irregular roofline with various gutters etc, and angled walls, coupled with shrinkage and movement over almost 50 years, means the house would have to be rebuilt to provide draft, water and vermin resistance, much less adequate contemporary accommodation.

Detailed Submissions

Our client's detailed submissions are as follows.

1. The citation contains a number of errors including:
 - Attribution to 'Ross Paton, of Paton's Brakes fame'. There was no connection between this house being built in 1971 and the Paton's Brakes company which was sold by the Paton family in 1947. Ross Paton who commissioned the house would have been very young at the time the company was sold.

There would be hundreds of houses in the Sorrento and Portsea area which have been commissioned by people of greater fame or notoriety than those that were the founders or distant family relatives of the original Paton family and Paton's Brakes.

There are some outstanding examples of houses commissioned by individuals. For example Ilyuka based on the Spanish mission style, erected by Harry Cornforth, the first CEO of Vacuum Oil company in 1928. It brought a landmark example of that architecture to the Peninsula. This does not stand in the same company, and if it is said to, then there would be hundreds of other examples of leading Melbourne professionals and business people of greater fame or standing than the Patons, through their contributions to public life and business, philanthropy and other pursuits, who have commissioned architect designed holiday houses none of which are identified in the study. There is therefore a question of the exercise of judgement by the heritage consultants in this case.

- In relation to the attribution to Borland, in this case the work should properly be attributed to Peter Williams, now a principal of Williams Boag Architects . Although it is common for the work of a corporate architecture practice to be attributed to the principals, in the case of an individual architect such as Borland, where the work is chiefly identified as the result of an architect working in the practice, it is inappropriate to attribute that to the principal, as has been done in this case.
- The citation notes the existence of other examples of Borland's work with two examples cited as having very similar expression to the Paton house with "asymmetrical elevations, jagged rooflines, timber cladding and irregular plans based on rotated geometry". If this is the case, particularly if these are better examples, then why the necessity to attempt to preserve this relatively minor, poor quality example.
- The purported satisfaction of criteria is flawed as follows:

- Criteria F - *importance in demonstrating a high degree of creative or technical achievement*. It might demonstrate some creativity in the juxtaposition of different roof forms (Williams was a junior architect when he did this as his first residential assignment), but certainly not a high degree of creativity nor technical achievement. Riddett has said there are dysfunctional drainage problems, living and maintenance problems as well as vermin exclusion issues, all a product of the difficulties in the design.
- Criteria H - *special association with the life or works of a person of importance*. It would appear the principal person more appropriately associated with this development is Peter Williams rather than Borland, and the dismissal of this information by the officer was incorrect. The officer said this kind of argument is murky, but the argument regarding its significance is largely based on a book where the book itself describes Peter Williams as having primary carriage of the design and development, and includes a chapter from Peter Williams himself confirming his responsibility "from blank sheet to handover".

As stated earlier in the submission, it is not appropriate to attribute a design to Borland for heritage purposes in these circumstances. This is different to attributing a design to a large practice (eg Buchans; Bates Smart, Hassell, Perrott Lyon Mathieson, Fender Kastilidis, SJB etc) where there are multiple principals and the design is not attributed to any one principal but to the firm.

- We refer to the attached letter from Robyn Riddett, Anthemion Consultancies. We note that this was previously provided to Council, but was not dealt with in detail by the relevant officer. We ask that this be considered properly.
2. Inconsistency between design and built form:
- There are a number of inconsistencies between the description of the design in the citation and the physical manifestation of the building. There is no veranda or pergola and there has not been one for at least 40 years (27 years during the current owner's tenure. The Owners have been familiar with the building since 1978). There appears to be no evidence of alterations which would indicate the removal of those elements. So the design was never implemented in its original form.
3. Deterioration and difficulty with the design
- While the deterioration of a dwelling is not on its own a reason for not listing it, where the design contains a number of inherent weaknesses, which have only become apparent in the past 50 years of use, and may be incapable of rectification without modifications to the design, the changes should be able to be accommodated without the need for the owners to embark on expensive and exhaustive heritage design processes.

The citation and its recommendation that "Additions should be discouraged, in order to retain the sculptural expression of the house as a freestanding object in the round", represents an unreasonable constraint.

If the council wants to purchase the structure and relocate it, for example into part of the Point Nepean Park or another suitable location, the owner is willing to facilitate such an arrangement. However it is unreasonable for this type of constraint to be imposed given the significant issues which have emerged with the house over the past 50 years.

- It should be noted that this is a relatively poor quality execution of the design and is very basic in terms of the accommodation provided. Although it has four bedrooms and two bathrooms, the bedrooms are small, and inadequately insulated and ventilated.
- Also, acoustically, as family beach house with three generations it does not perform well. Again we note the absence of proposed heritage controls over internal alterations, but any significant redesign would involve substantial change to the structure to accommodate larger rooms and additional circulation space to achieve acoustic separation of spaces.
- Overall it does not merit listing as a worthy heritage example.

4. Practical considerations

- The upper bedrooms are unbearably hot in summer. The roof needs to be removed and replaced with additional roof battens, or some other design change to create a cavity for insulation, the timber cladding needs to be replaced.
- There are design/construction issues with a number of window openings and some aspects of the way the roof is hipped which allow water to enter the house.
- While it is acknowledged that it is not proposed to impose controls on internal alterations, as the main bedroom is a mezzanine over the living area, and receives heat and odours from the kitchen, to separate this involves changes to circulation and light, necessitating alterations to windows or the introduction of vented roof windows or skylights to meet building permit requirements.
- The siting of the dwelling means that even if the proposed prohibition on alterations and extensions was removed, it would not be possible to add a new wing in a modern design to provide new living areas or additional accommodation.

Our client's comments, based on their use of the property are as follows:

With the house sited where it is, it would be extremely difficult to do it (ie extend with modern wing). We'd have to relocate the septic tank, it is difficult to connect to a wing given its layout (upstairs and down) and we'd lose the nicest bedrooms in the house, we'd lose windows with access to light, destroy trees, use land that is more sensibly retained for outdoor use as it gets the sun, and we have overlooking of the length of it by the recently developed double-storey neighbour that is hard against our boundary. It would be an inefficient use of the land (and expensive)..

Having consulted with building tradespeople over the years, we have not found a solution to insulate the walls and roof, or to stop the dust and vermin getting in, to

stop the leaking roof and windows, that doesn't involve taking the building apart and rebuilding in a different form.

The building has just not been designed in a way or built with materials that lend itself to longevity, or indeed secure living in the face of climate change and pandemic.

Our clients request an opportunity to be heard in the event of any Council Committee review of submissions.

They formally request that the submission be referred to any panel convened to consider the amendment and provided with an opportunity to make further submissions.

Please advise us of the process in due course.

Yours sincerely



Mark Bartley

Partner

HWL Ebsworth Lawyers

+61 3 8644 3712

mbartley@hwle.com.au

THE
ANTHEMION
GROUP
Including Anthemion Consultancies

Ms Rosa Zouzoulas
Team Leader Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD, VIC., 3939

2 May, 2019

Dear Ms Zouzoulas

Re 10 MacGregor Avenue, Portsea – Mornington Peninsula Heritage Review. Stage 3.

We have been asked by HBWL Ebsworth Lawyers, on behalf of the owner of the above property, to provide heritage advice in relation to the identification of the place in the *Mornington Peninsula Heritage Review Stage 3 (Blairgowrie, Sorrento, Portsea)* as a place of local heritage significance. For the reasons stated below we are of the opinion that the place is not of sufficient significance as to warrant inclusion in a Heritage Overlay.

The citation refers to "Ross Paton (of Paton's Brakes fame)". In our opinion this is overstated. We understand that Ross Paton was the first owner of the company and in that regard he is not individually any more distinguished, even if that should be the case, than his brothers also in the firm, and many businessmen, and their families, who had holiday houses erected in the area, noted as a fashionable holiday destination particularly for wealthy Melburnians. Any mention of Ross Paton should be factually stated and not be elaborated on.

Further the history of the Paton's Brakes firm on page 4 of the citation, is quite unconnected with the Portsea site, other than for indicating a pre-existing connection between Ross Paton and Kevin Borland. It is not information which would add to the significance, if any, of this site. I also understand from the existing owner that Ross Paton sold the property to move to, in Paton's opinion, a bigger and better holiday house.

The two pages of history in the citation have no direct bearing on the property other than for one sentence which indicates something of a context, *viz.*:

The latter part of this period, after World War Two, saw some modernist designs for holiday homes resulting in a new trend of modernist beach houses by innovative designers for a wealthy clientele.

The subject dwelling was constructed 1970-71 and it is not clear whether the time-span mentioned in the above sentence extends to the 1970s. This needs to be more precise.

Kevin Borland was undoubtedly an outstanding architect, and his somewhat rustic and innovative timber houses of the 1970s were influential, however his input into this house appears to be somewhat removed. Architect Peter Williams, student and

The Anthemion Group Pty Ltd

ABN 80 096 683 868

Postal Address: P.O. Box 18183, Collins Street East, Melbourne, Vic. 8003

Telephone: +61 (0)3 9495 6389

Mobile: + 61 (0)419873311

Fax: +61 (0)3 9495 6367

employee (at that time) of Borland, recalling his work on the Paton house¹ states that *viz.*:

The Paton House in the beach resort of Portsea was my largest single responsibility in the Borland office. My involvement ran from blank sheet to handover.

and

The new Legend Restaurant provided the experience I needed to confidently take on the new job in Portsea.

According to Williams, "Borland generated the plan idea" and passed it over to him "with some explanation of intention of form and asked me [Williams] to get on with it".

Williams claims to have completed the sketch plans, developed design details, liaised with the client throughout, worked with the structural engineer who taught the inexperienced and self-confessed naïve, Williams, who also was responsible also for the tender process and contract administration, the latter receiving Borland's support when necessary. It is clearly evident from this recollection that Kevin Borland's input was in the background, conceiving the general design, and that the detailed design was due to Peter Williams.

The citation acknowledges this source on page 4, and also notes Peter Williams' reminiscences. However, in the detailed description of the design and construction phase, overwhelming credit is given to Kevin Borland and the only mention of Peter Williams' involvement is "The dwelling, supervised by Borland employee Peter Williams and erected by builder Peter Hansa, was finished in just over three months". There is a serious discrepancy between the citation and the acknowledged source and on this basis the contribution of Kevin Borland and the accuracy of the citation are highly questionable.

Further, in the same book, Doug Evans, editor, in his article "Setting the Agenda in the 1970s" states, *viz.*:

The decade commenced with two commissions that the architect himself and those familiar with his work consider amongst his most significant.

Before any reliance can be placed upon the citation in regard to attributions, paragraph 3 on page 4 needs to be revised and be factually correct.

The same paragraph states that the block was "densely treed, with only a small clearing available for the dwelling". Further reference is made in the "Description" section of the citation. While this might have been the case when the house was being designed, the block now is mostly devoid of trees, having some at the front and around the perimeter of the block and with a large open grassed area at the back and a gravel drive and car park area at the front.

¹ Peter Williams. "The Paton House and Other Memories: A Formative Time with Kevin Borland" in Kevin Borland: Architecture from the Heart.

The "Description" section of the citation also states that "full-height windows and glazed doors open onto a return verandah with a pergola-like slatted roof". First it is not clear which windows are being referred but presumably those in the illustration on page 5 of the citation which are the only full-height windows. Secondly there is no verandah or pergola, and according to the owner who has owned the property for approximately 27 years, there never has been one. There is no evidence today of any such elements having been there and given the timber cladding one would expect some marks indicating some alteration. The non-existing pergola is also mentioned as a Significant element or design feature in the citation and this mention should be deleted.

Last, the external cladding is vertically-laid boards of treated pine and a corrugated cement sheet roof which because of its age is likely to contain asbestos. It is probable that the roof if it contains asbestos will require replacement. Where there are no gutters, the boards are rotting at the bottom and warping at some corners, and where there are gutters (original), they are dysfunctional and allowing rain to cascade either down the walls, in under the bottom of the window frames, or into natural sumps. It is not known where any runoff might find its way. Generally the boards have worn, with the knots projecting beyond the flat surface in some areas, and the cedar window frames are deeply grooved and distressed in some locations. There are also other detailed failures due to design faults which have become evident over the years. The owner has had tradesmen in to undertake repairs but this is increasingly becoming difficult, including in obtaining boards of similar dimensions and the use of treated timber pine boards is becoming more unsustainable in the context of the Australian timber industry and hence replacement boards are likely to be a different type of timber. The "treated pine cladding" is also mentioned as a Significant element or design feature in the citation and this will prove to be problematic in relation to future maintenance and this mention should be deleted. The building has possibly stood the test of time up-to-now but is increasingly deteriorating and will reach its effective life in the foreseeable future.

We are concerned that the citation contains many inaccuracies which, if relied upon in the future in relation to a planning permit application, will likely result in considerable debate and unnecessarily result in a refusal or permit conditions based on incorrect information. The verandah and pergola and treated pine boards should be deleted as Significant elements or design features and it should be clear that the site is no longer densely-treed, no should any trees control be imposed.

We are of the opinion that the citation needs thorough revision and a reconsideration of the level of historical and architectural significance should be undertaken in that light. Where the facts are incorrect or misleading they should be corrected. At this time, and given the changes to the site and the deteriorating nature of the dwelling, we are of the opinion that a Heritage Overlay is not warranted or supported in respect of No. 10 MacGregor Avenue, Portsea. However, we would support a full archival record being made in accord with Heritage Victoria's standard guidelines.

Yours sincerely
Anthemion Consultancies



Robyn Riddett
Director

The Anthemion Group Pty Ltd

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Heritage Citation East Sorrento Precinct Amendment C262-submission - 21 St Paul's Road

In relation to the aforementioned HERITAGE CITATION EAST SORRENTO PRECINCT (Heritage Overlay number: HO488), we being [REDACTED] and [REDACTED] the owners of property 21 St. Paul's Road Sorrento, strongly dispute our property being classified as a "Contributory property" as it does not contribute to the heritage streetscape.

We reserve the right, in the future, as private property owners to build a modern home just as our neighbours all around us have already done. In accordance with current building regulations, we will need to provide for ourselves a comfortable home suitable to our requirements for our senior years. We wish to enjoy our property but to do so we must give consideration to our future health issues where we would possibly need wheel chair access; this would be almost impossible to do in the present house.

Furthermore, we make our argument based on the following points, referencing the Council documentation.

1. Council's statement of house significance:

The East Sorrento Precinct is of historical significance for the role it played in the early development of the township of Sorrento, as a tangible illustration of the history of subdivision, development and changing population in Sorrento, from largely permanent residents involved in fishing, lime burning or early tourism to absentee home owners from suburban Melbourne. The intactness of the precinct and its ability to demonstrate key themes in Sorrento's history through its early buildings, streetscape and setting is rare on the Mornington Peninsula and demonstrates a continuity of development from the 1880s to the present day that is highly valued by the local community. (Criteria A, B & G)

[REDACTED] response with regards to Criteria A – Importance to the course, or pattern of Victoria's cultural heritage

There is no historical significance of our house at 21 St Paul's Road Sorrento and no notable initial ownership. Our house does not represent a good demonstration of Federation housing style. The house was derelict in the early 1970s and totally unlivable and structurally unsafe. We purchased the house in 1975 and immediately renovated the house to make it livable and safe for our family. No attempt was made to retain any original feature of the house. Of note, we believe that our house is not in keeping with the Federation style, with the following significant deviations:

- Stairs to the landing are in the incorrect orientation (sideways instead of out from the facade).
- Baseboards are not original and have significant gaps between them instead of no gaps
- Decking material has been changed and is significantly different from the original.
- Back veranda has been closed in with aluminum windows, not reflecting the original open style
- A new Colorbond roof was required to replace the rotted original iron roofing.
- Cement sheeting window awnings added by us in the 1970s, now much dilapidated.

██████████ response with regards to Criteria B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history

Our house is not made of any notable rare material such as limestone. The house is not a unique instance in facade or placement within the streetscape.

██████████ response with regards to Criteria G – Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

There is no cultural significance associated with the house.

2. Council's statement of house adding Character to the precinct:

The East Sorrento Precinct is of aesthetic significance as a place with particularly fine examples of Late Victorian, Federation, Inter War, Post War and Late Twentieth century housing styles that are representative of their period. Many of the houses exhibit a rare degree of intactness and are set within blocks which are un-subdivided, some very large and heavily vegetated. The east-west roads are meandering and have close vegetation, informal parking, lack of paths, kerbing and gutters. The undulating landscape, views to the Bay, dense vegetation and varied building stock adds to the character of the precinct. (Criterion E).

██████████ response with regards to Criteria E – Importance in exhibiting particular aesthetic characteristics.

St Paul's Road is a main road, very busy and is on a bus route and with no provision of a pedestrian walkway.

Original block at time of house build c1920 (encompassed 19 and 21 St Paul's), subdivided pre-1975. House is visually intact, however is structurally compromised. Multiple examples of damage (extensive rot and decay) and will require significant structural restorations. The entire south side of the house was originally built too close to the ground resulting in significant structural damage to the foundations and lower timber walls.

Modifications were made to the house in 1970s & 1980s to make it livable.

- New stairs not in Federation style;
- Baseboards not in Federation style;
- Verandah flooring not in Federation style.
- Back veranda has been closed in with aluminium windows.
- A new Colorbond roof was required to replace the rotted original iron roofing.
- Window awnings added by us in the 1970s made of cement sheeting.

In essence, 21 St Paul's Rd is not a good example of Federation style. Furthermore, our house is surrounded by modern buildings, on both sides and at the back, bound between Richard Street and Hill Street, hence is not in keeping with the local and existing diverse streetscape.

3. Council's statement that house is of a vernacular building tradition on the Peninsula which is unique and highly significant.

The East Sorrento Precinct is of aesthetic significance for its collection of intact limestone buildings dating from the 1870s. These buildings are constructed from locally sourced limestone and form a vernacular building tradition on the Peninsula which is unique and highly significant. (Criteria B & E)

█ response with regards to Criteria B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history and Criteria E – importance in exhibiting particular aesthetic characteristics.

- This building is not an example of rare building materials (limestone) and as it is not a good example of Federation style property, offers no cultural significance.
- Modern timber weatherboards have been used to replace the old rotten ones over the years.
- Modern roofing and cement sheeting have replaced original external materials.
- There are better examples of this style in the east-west meandering roads.

4. Council's statement that house is of significance for its association with a number of important people to Sorrento development and history.

The East Sorrento Precinct is of significance for its association with a number of people who played an important role in the development of Sorrento and/or had strong associations with shaping the fabric and character of the area, including: the extensive █ family, █ and █, █, the █ family and █. (Criterion H)

█ response with regards to Criteria H – Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

- There is no known historical significance to any resident of the property.

Heritage Overlay No. H0523

Submission by Property Owner to appeal Heritage Overlay

Submission by: [REDACTED], property owner & occupier

Submission Date: 23/7/2020

Address: 42-46 Ozone Ave, Sorrento 3943

No. of documents attached: 18 (excluding cover page)

Documents in this submission;

Description of Document	Document Id	No. of pages
Submission cover page	HO523_00	2
Letter from [REDACTED], property owner	HO523_01	2
Supporting letter from my mother's doctor at South Coast Medical	HO523_02	2
Occupational Therapist Home Assessment	HO523_03	7
MAM quote for works recommended in OT Report	HO523_04	2
Supporting letter from [REDACTED] daughter, [REDACTED]	HO523_05	21
Supporting letter from [REDACTED] son, [REDACTED] (also a Medical Practitioner)	HO523_06	2
Supporting letter from [REDACTED] son, [REDACTED]	HO523_07	1
Supporting letter from Real Estate Agent currently engaged in sale of property	HO523_08	1
Supporting letter from friend and local, [REDACTED]	HO523_09	1
ATO Superannuation Statement	HO523_10	1
Quote by Brad Thomas Electrical	HO523_11	1
Quote by JL Plumbing	HO523_12	4
Quote by Sorrento Locksmith	HO523_13	4
Letter to Heritage Morn Pen	HO523_14	3
Email to Heritage Morn Pen	HO523_15	3
Letter to Edward O'Donohue MP	HO523_16	1
Letter to Richard Wynne MP	HO523_17	1
Letter to Richard Wynne MP (second)	HO523_18	1

Tuesday, 21 July 2020

To Whom It May Concern;

I am writing to you to take this last opportunity to appeal against having the Heritage Overlay placed on my property at 42-46 Ozone Avenue, Sorrento. I have made several attempts over the last 18 months to have my property excluded from the list and each has been to no avail. I attach all previous submissions to this application.

I have no argument against the fact that my house in its near new condition would have fitted your criteria as outlined in the initial notification that was provided to me. However, its current rapidly deteriorating condition I feel is strongly cause for reconsideration. Its unique design is completely unsuitable for me, the current owner and occupier, at this age and with my current mobility. It poses many risks and dangers to me due to its quirks, such as; a loft only accessible by ladder, a stairwell landing with a gaping hole along on its edge and surrounded by non-safety glass paned floor to ceiling windows with water-damaged and rotting window frames, varying floor levels and several other trip hazards, poor insulation, very dated, damaged and potentially unsafe plumbing, deteriorating electricals and all kinds of obstacles to retaining heating and cooling at a comfortable level, and many numerous other issues.

To paint a clearer picture of what I am attempting to describe, my health condition has been outlined for you by my doctor and I have had an Occupational Therapist perform an assessment of what would be required to make this property safe and liveable for me – the owner and occupier. Please find these reports attached, as well as additional photos of inside the property.

As you already know from previous submission, I have been unable to sell property to allow me to find a home elsewhere. It has been on the market since the 18th of December, 2018. You would also be aware that I have no superannuation. My ability to afford to retire in Sorrento is reliant upon being able to sell a portion or all of this property.

You will find attached additional supporting quotes and letters in support of my submission, which I do hope, given the state of my property currently, allows you to see that any sort of independent future requires me to live in a home more suitable to my needs. My granddaughter, [REDACTED], who has dystonic quadriplegic cerebral palsy, is also impacted by current living situation. She finds it difficult to negotiate my property has had to limit her visits for safety reasons. Our relationship is impacted because of this as she has difficulty being understood over the phone, so personal visits are necessary to be able to converse meaningfully with her. The damp cold environment also puts her risk of becoming unwell which then exacerbates her condition. I hope that the panel can see that the reasons against the overlay far outweigh the reasons for it.

I have not engaged a heritage consultant to prepare this submission, as two companies I contacted both advised similarly that they could take my money (and a fairly substantial amount I was told) though there was no certainty whatsoever in achieving my desired outcome. I have instead enlisted the help of my family to assist you in understanding how this decision will impact all of our lives so profoundly and negatively.

Survival is a strong instinct. That is what I am having to fall back on these days in order to see any satisfactory future. How do you see my moving forward from here otherwise? I feel I will only be

waiting for a tragic accident or a tragic loss of money and livelihood to occur. When my husband and I purchased the property in 1998, it was with the intention of eventually living in Sorrento permanently. We never considered the possibility of that ever being restricted. It was our “super” and we were anticipating being able to take care of ourselves in retirement. Unfortunately, the once lovely story accompanying the home would now become less so in this Heritage Overlay is applied.

As time goes on and the value of the property slowly reduces, my options are becoming limited even further and the stress is degrading my health more rapidly than if my future was a more positive one.

I am fully aware that it would be difficult for me to challenge the criteria used to qualify my property as heritage, but after many consultations with professionals, it seems that there is very little point contesting the qualifying process. I am not intending to be antagonistic or deriding, only wishing to point out that there should be a wider scope of legitimate reasons to have some properties removed from the list. Above all, my family are very concerned for my welfare.

I please ask that you thoughtfully consider my whole application and my own situation in this, as a person and (hopefully valued) resident of this Shire.

In my earlier submission on this matter (April 2019) I explained that because heritage controls were beyond my knowledge and experience, I had asked a friend (Stuart Morris, who is a barrister) for advice on the relevant principles the council must adopt in considering an amendment to a planning scheme. (Stuart was the best man at my wedding to my late husband in 1971.)

Stuart has advised me that although one objective of planning in Victoria is to conserve and enhance those buildings of architectural or historical interest, there are also other relevant objectives of planning. These include;


1. to provide for the fair, orderly, economic and sustainable use, and development of land;
2. to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
3. to facilitate development in accordance with the other objectives set out in paragraphs; and
4. to balance the present and future interests of all Victorians.

Stuart has also advised me that in deciding to introduce heritage controls, the council has to weigh up all these factors, as well as the economic and social effects of its decisions.

As you can see, to impose a heritage control over my property would be a very unfair outcome for me and it would certainly not secure a pleasant, efficient and safe living environment for this Victorian, me! Moreover, the benefit to other Victorians would be insignificant, and certainly would not outweigh the impact on me and my family.

I sincerely ask you to weigh up the matter in this holistic way and sincerely hope that you will reach a fair decision in my case.

Regards,


42-46 Ozone Avenue,
Sorrento.

10/7/2020

Mornington Peninsula Shire Council

To whom it may concern,

Re: [REDACTED]
44 Ozone Avenue
Sorrento 3943
DOB: [REDACTED]

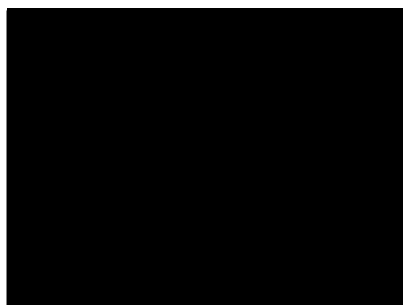
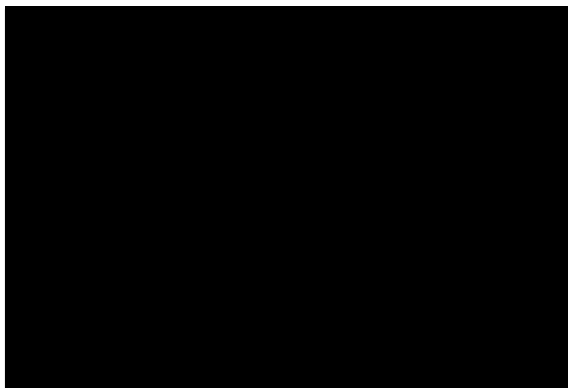
I am writing in support of Mrs [REDACTED], aged [REDACTED] yrs, a long term patient of mine. I understand that there is a consideration of placing a heritage overlay on [REDACTED] place of residence.

I am concerned due to a few reasons, mainly due to [REDACTED] range of health conditions and the lack of suitability of her current housing environment and inability to make appropriate change/renovations as she ages.

[REDACTED] Her mobility is impacted by severe osteoarthritis where she will require future surgeries.


If she is unable to renovate or update her residence she will not be able to safely reside there. I note her recent OT assessment and that if she were unable to make these changes or alterations then she would be unsafe in her home.

Thank you for your understanding in this difficult circumstance. I am happy to be contacted directly if further detail is needed.





Yours sincerely,

Dr 
2841 Pt Nepean Rd
Blairgowrie 3942

Provider Number: 

Occupational Therapy Home Assessment Report

Client Details

Name: [REDACTED]

Date of birth: [REDACTED]

Address: 41 Ozone Ave, Sorrento

Ph: [REDACTED]

Consumer no. N/A

Occupational Therapist: Leonie Souter

Date of Occupational Therapy Home Assessment: 30/06/2020

Date of Occupational Therapy Home Assessment Report: 30/06/2020

People present: [REDACTED] and OT

Please note:

- This document contains photos, diagrams and specifications. Diagrams are not to scale.
- Placement of home modifications may vary according to existing building structure. Please contact the occupational therapist (above) if position varies significantly from diagrams.
- Please ensure modifications and materials are in accordance with AS1428.1-2009.
- Please ensure that all existing and proposed light switches, light fittings and socket outlets comply with current electrical zone, as per AS/NZS 3000:2007.

The recommendations contained in this report are made after consultation with the client and an investigation of the clients circumstances and needs. Their purpose is to outline steps required to be taken for the benefit of the client, having regard to their disabilities. They do not purport to reflect other than limited knowledge on the part of the occupational therapist of structural considerations and building codes. Any queries, concerns or alteration considered necessary for compliance with current building regulations must be discussed with the occupational therapist before quoting for the cost of the work and before the work proceeds. The occupational therapist accepts no responsibility for supervision of the work or for the quality of workmanship. Where applicable, the recommendations comply with AS1428.1-2009. Where compliance with AS1428.1-2009 is not possible, clinical justification is provided.

Where an item of equipment is recommended within the report, it is also recommended that a trial of the equipment be conducted to ensure appropriate fit with the client, their functional abilities and the environment; and to educate the client / carer on safe use of the equipment. The occupational therapist accepts no responsibility for the quality of equipment or whether it complies with the appropriate national standards.

"Disability is N.O.T inability"

Medical History

Social History

resides at the residence alone and does not have family support close by.

Falls

Mobility

Home Environment

Privately owned, 1960's build, timber home

Access

Front – slight changes in ground level at front access (pavers to brick). Large, heavy sliding front door.

Rear – 3 x steep, timber steps lead from living area to back garden. Unstable handrail installed left side ascending.

Internal

2 x internal stairs with handrail left side ascending, in situ in entryway. uses her right hand to grab hold of the window frame when ascending the stairs. Stairs lead to a landing (~300mm high). Landing does not extend full width of entryway and presents falls risk.

Large windows in entryway present risk of harm if were to overbalance into the windows as they are not appropriate safety glass.

Floor materials and heights vary throughout the home, presenting trip hazards throughout.

Large ladder leads from lounge to upper loft area within main living area. Significant risk of falls given left sided weakness.

Bathroom / Toilet

Ensuite – small ensuite from master bedroom is the only bathroom in the property. Shower over bath with rails in situ. Appropriate height toilet with grab rails in situ.

Bedroom

Not formally assessed – no issues reported

Kitchen

Not formally assessed – no issues reported

Occupational Issues Identified

- Difficulty accessing the property via heavy front door
- Risk of falls accessing backyard via existing steps due to age of steps and state of disrepair
- Inadequate handrail support at internal stairs given left sided weakness
- Risk of falls from existing landing given it does not extend full width of entryway
- Risk of injury in entryway due to large, glass windows
- Risk of trips throughout given changing floor heights
- Ladder to loft (loft presents approx. 1/6 of total area of residence) presents significant falls risk

- Ensuite environment is not supportive of ageing in place and there is a risk of trip/falls when ■■■ attempts to transfer into the shower over bath
- ■■■ has difficulty reaching items below hip height

Recommendations

1. It is recommended that the front paving is made flush and the front door is modified / replaced with a smaller door to enable ■■■ to independently open and close the door with her left sided weakness

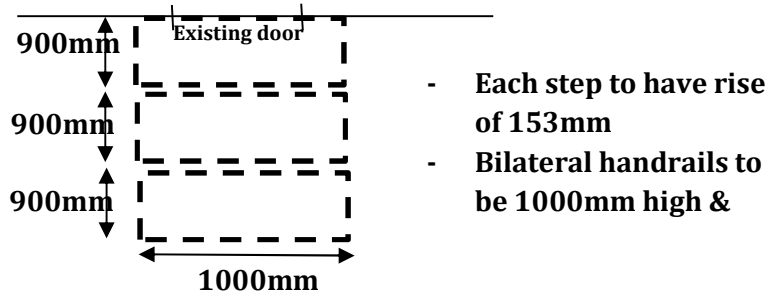


2. It is recommended that the back steps and handrail are replaced with platform steps to enable safe, backyard access



"Disability is N.O.T inability"

Proposed rear access modifications:



3. It is recommended that a grab rail is installed at the entry steps, right side ascending, to support step transfers



4. It is recommended that the entry landing and steps are made wider to suit entry width and eliminate the risk of falls from the landing

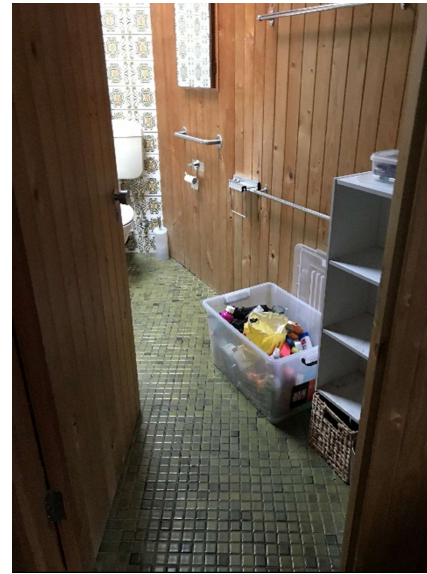


5. It is recommended that existing glass is replaced with appropriate safety glass
6. It is recommended flooring is made flush throughout the home to eliminate the risk of trips as a result of varied floor heights
7. It is recommended that [REDACTED] does not access the loft area via the ladder due to the significant risk of falls.

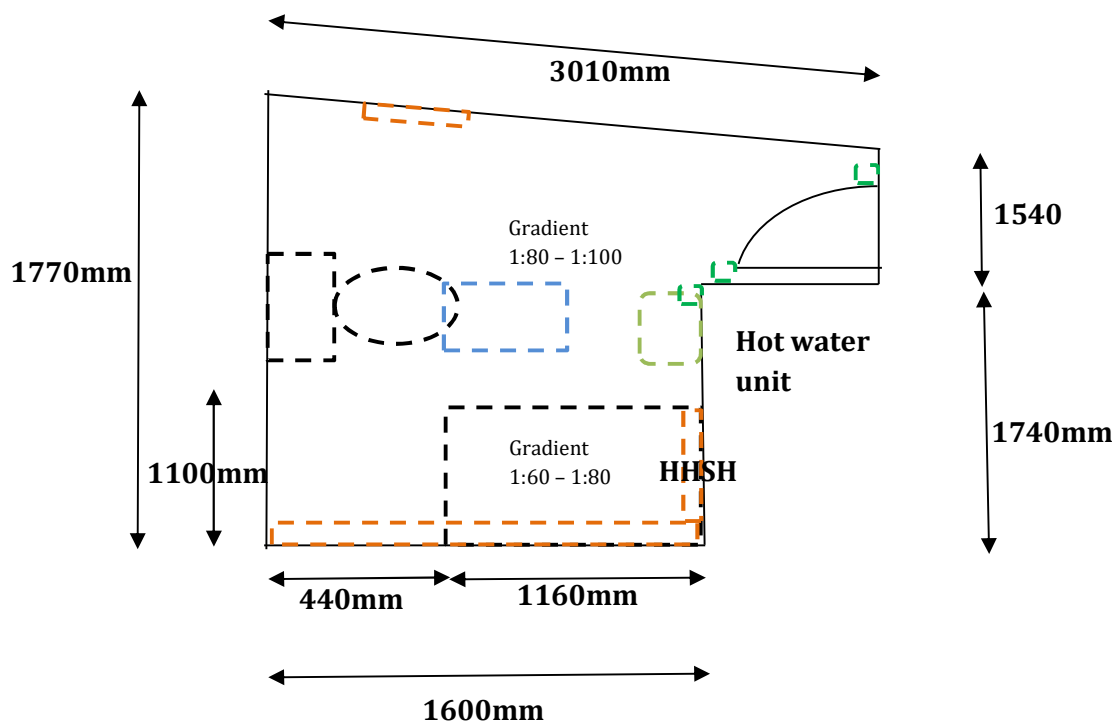


"Disability is N.O.T inability"

8. It is recommended that the ensuite is modified to include a level entry shower and rails to support ageing in place.



Recommended bathroom mods



- Level entry shower
- Existing skylight
- Basin
- Power outlets & light switches
- Grab rails
- HSH** Handheld shower on rail

Bathroom Modification scope of works:

- Remove existing bath and shower
- Install 1100 x 1160mm level entry shower with handheld shower on rail
- 'L' grab rail to walls of shower (1600mm portion of shower grab rail to extend to be used as towel rail)
- Electrical, waterproofing, and plumbing as per Australian Standards throughout
- Non slip flooring throughout (vinyl or tile)
- Existing grab rail to remain in situ next to toilet
- Existing basin and toilet locations to remain

9. It is recommended that ■■■ use a long-handled pick up stick to reach for items below waist height



Item Name: Deluxe Pick Up Reacher
<https://coastcaremed.com.au/product/deluxe-pick-up-reacher/>
Item Number: PCRA02
Item Supplier: Coastcare Medical
Item Cost: \$39

10. It is recommended that the 'falls detection' function of ■■■ apple watch is activated. Further information about this feature can be found at <https://support.apple.com/en-au/HT208944#:~:text=Turn%20fall%20detection%20on%20or,Fall%20Detection%20on%20or%20off.>

"Disability is N.O.T inability"

From: quotes <quotes@mobilityaccess.com.au>
Sent: Wednesday, 22 July 2020 11:02 AM
To: [REDACTED]
Subject: RE: Requesting Quote (unable to submit via contact form)

Hi [REDACTED]

We thank you for the opportunity to quote. An approximate cost for such major modifications will cost as follows **(highlighted in green)** :

1. It is recommended that the front paving is made flush and the front door is modified / replaced with a smaller door to enable [REDACTED] to independently open and close the door with her left sided weakness. - **Will need more photos & measurements for the front paving. Will need Photos from both sides of the front door. Please confirm the type of new door (Swing or Sliding) and if a security door is required.** – Paving measurement; 1730x5100mm. Photos of paving attached. Front door measurement; 1350Wx2400H(mm)
We would like a sliding door + security door. There are 2 doors to replace, the second is opposite the front door and leads out into the backyard – as per photos.

(Approx. \$20000 to \$25000)

2. It is recommended that the back steps and handrail are replaced with platform steps to enable safe, backyard access.

(Approx. \$3500 to \$4500)

3. It is recommended that a grab rail is installed at the entry steps, right side ascending, to support step transfers **(TBC Onsite)**
4. It is recommended that the entry landing and steps are made wider to suit entry width and eliminate the risk of falls from the landing. **(TBC Onsite)**
5. It is recommended that existing glass is replaced with appropriate safety glass. – **Will need the size of the safety glass** Glass pane measurements; 1350Wx2400H(mm). There are 7 panes in the passageway (excluding doors). **(TBC Onsite)**
6. It is recommended flooring is made flush throughout the home to eliminate the risk of trips as a result of varied floor heights. – **Will need more photos and measurements.** See attached photo or doorway leading into living area from the front passageway. Landing measurement; 1150Wx2300L(mm). Doorway width; 820mm. **(TBC Onsite)**

(Approx. cost for Items 3, 4, 5 & 6 will be between \$10000 to \$15000)

7. It is recommended that [REDACTED] does not access the loft area via the ladder due to the significant risk of falls. – **To confirm if the ladder is to be removed.** I think it should stay and we would just follow the advice that [REDACTED] doesn't use it - unless you can quote for a substitute staircase that is safe. **(Not Applicable to MAM)**

8. It is recommended that the ensuite is modified to include a level entry shower and rails to support ageing in place.

Bathroom Modification scope of works:

- Remove existing bath and shower
- Install 1100 x 1160mm level entry shower with handheld shower on rail
- 'L' grab rail to walls of shower (1600mm portion of shower grab rail to extend to be used as towel rail)
- Electrical, waterproofing, and plumbing as per Australian Standards throughout
- Non slip flooring throughout (vinyl or tile)
- Existing grab rail to remain in situ next to toilet
- Existing basin and toilet locations to remain

(Approx. \$18000 to \$20000)

9. It is recommended that ■■■ use a long-handled pick up stick to reach for items below waist height. **(Not Applicable to MAM)**
10. It is recommended that the 'falls detection' function of ■■■ apple watch is activated. **(Not Applicable to MAM)**

Please note that this is an approximate ballpark figure and may vary depending on actual site conditions.

In order for MAM Estimator to provide an accurate formal quote, we require the existing and proposed plans (with detailed measurements), scope of works and photos to cover the entire area. If you are ok with the above estimated costs and confirm that there is funding available in place, we are happy to arrange a free onsite "consultation, measure & quote" with our builder. Please confirm and advise us accordingly! Thank you.

Also, please confirm if the OT would like to be present during the onsite.

Kind Regards,

Sujant Chettri

Estimator



MOBILITY ACCESS MODIFICATIONS

Phone: 03 9350 4400

Mail: 18 Dairy Drive | Coburg North | VIC | 3058

Email: mam@mobilityaccess.com.au

Web: www.mobilityaccess.com.au



21 July 2020

To Whom it May Concern;

Re: Heritage Overlay No. 523

I am writing to appeal the decision to place a Heritage Overlay on my mother's house and home at 42-46 Ozone Ave, Sorrento.

My family and I can all agree that this home, more so the A-frame component of it, once had significant charm and lovely character that we all adored from the time our parents purchased it in 1998. We enjoyed it as a summer beach home for many years. However, it is now some 22 years later and unfortunately the building has not lasted well and would now require extensive work to bring up to a reasonable standard of living. We can appreciate that this house is an "unusual design", however I would like to note that even the Heritage Overlay Citation describes it as an "unusual survivor" and a "low-cost design". These are not words typically used to describe a home that is built to last.

My now elderly mother, who is 20 years a widow, began permanently residing in this home in 2000 until the point, just a few years ago, where we realised it had become both uncomfortable, in anyone's standard, and unsafe for someone of her age and condition (please refer attached letter from her doctor). Myself and my siblings all agree that it does not provide her with a reasonable standard of living. There is mould and water damage throughout the A-frame. Some windows have had to have been sealed closed permanently due to their damaged state. There are many leaks throughout the home which have caused water damage to several sections of the flooring in the A-frame, front passageway and both bedrooms. All of the external doors have become very difficult to open and close due to rust and water damage. The skylights leak. The glass in the walkway between the sections of the house, where an OT has noted there is significant risk of my mother falling due to the steps and only a partial landing area, all needs to be replaced with safety glass. There are so many other numerous repairs and changes that need to be completed before we would want her to return to living there and the associated cost far exceeds anything my mother or her family can afford. We have taken the time to quote for some of these works (refer attached) if you could please take the time to consider these – noting that **everything quoted excludes altogether the second bathroom in the A-frame itself**, and only the ensuite to the main bedroom down the steps and passageway from the living area. The plumbing quote includes the removal and replacement of the roof, which is required for the electrical work to be done also, quickly raises that estimate to over the \$100,000 mark. **There are various smaller items such as the open vent above the oven (which allows possums in to nest and sometimes die) that have not yet been included. Replacement of all of the windows (48 in total) and rotting window frames that make up the A-frame and replacement doors with addition of security doors to the back bedroom outside doors and the back door of the A-frame, have also not yet been quoted.**

See attached quotes;

	Quote amount \$
▪ MAM (Mobility Access Modifications)	64,500
▪ JL Plumbing	100,980.00
▪ Brad Thomas Electrical	23,374.00
▪ Sorrento Locksmith	1242.50
Total	190,096.50

I'm sure my mother has already informed you that she has no superannuation [REDACTED] and does not have the savings or the income required to afford even the minimum repairs required to make this house into a safe and comfortable home. Furthermore, the entire loft area is now rendered inaccessible to my mother, as well as her young granddaughter, [REDACTED], who is disabled by dystonic quadriplegic cerebral palsy, because it can only be accessed by a ladder. The original spiral staircase (also a slip danger) was removed years ago to allow more living space.

You may then ask why she could not sell the home and move into another. Well, it is a sad coincidence that just as my mother was finally preparing to either sell or to knock down her much-loved home and rebuild, a Heritage Overlay Application was commenced. It has meant that she is now unable to do either. There has been no ongoing interest in this property since its listing on the market on 18th December 2018 (refer to letter from Real Estate Agent, Liz Jensen) as interested parties have become aware of the overlay. And now we are entering an even less favourable market due to the economic impact of Coronavirus.

Our story and our frustrations are similar to those impacted families recently written about in The Age from the City of Bayside. As I understand it, that council did decide to cancel the heritage study and allowed residents to nominate their own properties for heritage protection if they wished to do so. I do hope for the same outcome for my mother, as it seems a fair and reasonable right to allow her as the owner of the home and property. This particular house has had its day and it has now reached the end of its useful life. My mother deserves the same rights as her neighbours and should not have to end up funding expensive maintenance and repair for the odd drive-by viewer.

I reiterate that our greatest concern for our mother is her safety and ensuring she can enjoy, at the very least, a reasonable level of comfort in her home. We also want that home to be a safe environment for my disabled niece, [REDACTED]. We cannot see how this will be possible if this overlay goes ahead. It is her quality of life that you are impacting, and her independence. We do not want her living out her last decades in the A-frame, spending her little income on what would be ongoing, relentless repairs. And right now, and until Coronavirus is under control, we don't want her inviting a slew of tradies into her home. My mother has reached retirement age and deserves to retire now. Please do not prevent that.

Finally, please know that in the case you do finalise a Heritage Overlay on this home, my mother would have no choice but to spend the rest of her days trying to appeal it. She does not have a plan B, and we, her children, do not have suitable alternatives to offer her either. My brother would continue to be financially impacted by housing her in a 4 bedroom, 2 storey home (also not ideal for someone living with arthritis) and the charming A-frame would be left empty and neglected to become a

deteriorating eyesore to neighbours and visitors to the area. Essentially, your protecting it with a Heritage Overlay would either see it sitting lifeless until it crumbled, or eventually sold at a huge loss and with a very sad chapter added to its once endearing history.

Attached supporting documents;

- Supporting letter from my mother's doctor at South Coast Medical
- Occupational Therapist Home Assessment
- MAM (Mobility Access Modifications) quote for works recommended in OT Report
- Supporting letter from [REDACTED] son, [REDACTED] (also a Medical Practitioner)
- Supporting letter from [REDACTED] son, [REDACTED]
- Supporting letter from friend, Stuart Morris QC
- Supporting letter from Real Estate Agent currently engaged in sale of the property
- Supporting letter from friend and local, David Kennedy
- ATO Superannuation Statement
- Quote by Brad Thomas Electrical
- Quote by JL Plumbing
- Quote by Sorrento Locksmith

Regards,

[REDACTED]

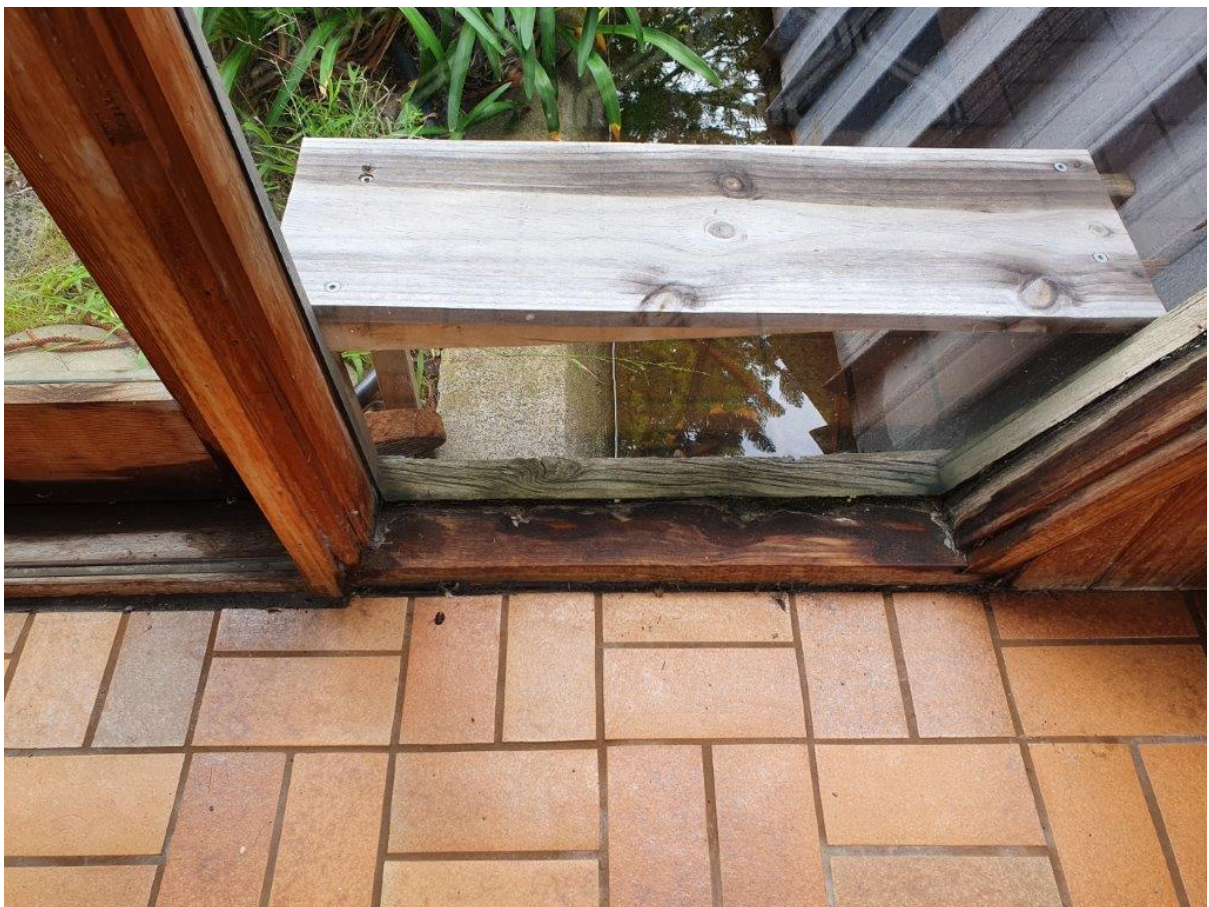
Passageway landing; water damage, fall and trip hazards



Living room doorway; trip hazard



Passageway: water damage



Passageway ceiling: water damage



Passageway: water damage



Passageway: water damage



Passageway: water damage



Aframe loft: water damage



Aframe windows: sealed closed due to damage



Aframe kitchen window: water damage



Aframe kitchen window: damage



Aframe living room window: water damage



Aframe window outside second bathroom: mould, water damage, rust, weather damage



Aframe back door: doorframe misalignment, building movement



Aframe back steps; building movement, fall hazard, weather damage



Second bedroom outside doors: water and weather damage, doorframe misalignment, building movement



Aframe gutters; stagnant water, drainage not occurring



Living room; loft access ladder



Front door; injury risk, often unable to close and lock, in need of constant repair



Front of property showing exterior weather damage





██████████ it May Concern,

I am writing to you out of concern for my mum's current situation relating to the heritage overlay being placed on her old home at 44 Ozone Ave, Sorrento.

I am a bricklayer with 20+ years of experience in the industry and have worked on several heritage homes. My experience is that generally only the façade of a building is heritage listed so owner's have been able to renovate the back of the building without restriction. Any homes I have seen that are in a similar state to 44 Ozone Ave are not lived in and have large projects of work going on while the owners live elsewhere. Obviously these owners have had large amounts money available to fund the work. My mum has no super, is a widow of 20 years and makes a modest income, so she is not in a position to fund all the work needed to get her home to a liveable state.

The proposed heritage listing is causing my mum a huge amount of stress, worry and sadness. She is █████ years old and has already suffered a stroke a few years ago and sometimes cannot manage daily tasks, let alone manage the restoration of the A-frame. It is not how we pictured her living out her later years. She is a mother of 4 and a grandmother of 9, including my daughter █████ who has cerebral palsy. We can't enjoy staying with mum because there are too many dangers to navigate and there is no way I can see this becoming a home suitable to someone with special needs.

Please reconsider this decision. Heritage listing this property will have a huge impact on all of our lives.





19/07/2020

Re: [REDACTED], 44 Ozone Avenue Sorrento, VIC 3943

To whom it may concern,

I am writing this letter as a concerned son in support of my mother's application to prevent the heritage overlay to her property in Sorrento. As her son I have multiple concerns over the impact a heritage overlay will have on her financially and socially. As a medical practitioner, I also have concerns over the impact this will have on her health.

Since my mother's stroke in 2012 we have been making arrangements for her to sell her property in Sorrento so that she can downsize, modernise and live in a more appropriate home for her retirement given her health issues. The current residence is not suitable, to the point where she has now moved out and into my property, due largely to safety issues and the significant changes required to make it so.

My mother is planning on retiring from the family business and as owner her "super" was reliant on the sale of her property in Sorrento. The heritage overlay has made the sale of the property near impossible. As evidenced by the inability to sell the house in a market which would typically see such a property sold rapidly, and supported by her estate agent in an accompanying letter. The difficulty in selling is due to the heritage overlay and its implications.

The current state of the residence is such that it is unsafe for her and would require significant changes to make so. The financial costs required to undertake such changes are significant and she is unable to meet them. As previously stated, most of her "money" is tied up in the residence with the inability to access it as she can't sell it. The heritage overlay therefore creates a situation where in she is forced to live in the house which is unsafe, and is unable to make it safe as she does not have the funds, and she is unable to purchase a new, more appropriate residence as no-one wants to buy it.

My mother's health has suffered a gradual decline over the last few years, which is likely to continue. Her stroke and its sequelae have made it difficult for her to manage her affairs

well. She struggles to continue running the family business and these added stressors of the heritage overlay, not to mention the concurrent COVID-19 pandemic, are beginning to take more of a toll on her health. We need to find a solution quickly. She is unable to look forward to her remaining years in a comfortable house, to reap the benefits of her tax paying years and investments, as she is currently effectively stuck in a stalemate with the heritage overlay.

There have been several and continuous correspondence to financial, legal and political agents in an attempt to obtain a sensible solution to this problem. I am not at all trained in heritage matters but am acutely aware of the implications and impact due to my mother's current situation, and frankly I am disappointed that the system seems to be letting her down.

The house itself, is somewhat of an "eye-sore" and has limited exposure from the street, in a state of obvious disrepair, necessitating, as I have stated, her moving into my property in Sorrento and me making alternative arrangements for my rental property.

To effectively force my mother to live in her current house with an inability to make changes to keep her safe, due to her personal financial situation, seems reason enough to prevent creating a heritage overlay of her property. One could even go so far as to say it would be irresponsible to do so in light of the situation. An elderly, single, frail women forced to live in an unsafe house due to council preference to place a heritage overlay.

I hope that the combined information provided to you makes light of the fact that in the best interests of my mother, personally, financially and most importantly in terms of her safety, the heritage overlay is not appropriate.

Please take into consideration her case and I look forward to hearing your response.

Yours faithfully

[REDACTED]

[REDACTED]

26/06/2020

Ms [REDACTED]
44 Ozone Avenue
Sorrento VIC 3943

PO BOX 351
Sorrento VIC 3943

TO WHOM IT MAY CONCERN

Re: 42- 46 Ozone Avenue, Sorrento

I wish to introduce myself as a Licensed Real Estate Agent and Director of Kay & Burton Real Estate Portsea and Sorrento, which I opened in 1994 and have successfully transacted a large majority of the local sales within the Sorrento and Portsea marketplace.

I listed the abovementioned property on the 18th December 2018 and have struggled to retain any ongoing interest from prospective purchasers due to the current Heritage Overlay which has been placed on the existing dwelling, occupying the subject land. These Heritage restrictions placed on the 3 Title holding have seriously disrupted the sale process. The home is original and deemed to be extremely basic in its structure and unliveable in its style and composition. It also has natural deterioration and does not appeal to property owners seeking land in such a prime Township location. As the 3 separate Titles are each able to be individually developed, the existing home is a liability to the allotments. Accordingly, despite consistent marketing online together with promotional material and a for sale board in situ, we have been unable to procure a sale due to the ongoing Heritage related issues.

I confirm that I currently have interested parties who would be willing to treat within our estimated selling price, should the property not be encumbered with these additional statutory Heritage limitations.

I would be pleased to discuss the matter further and welcome you to contact me at any time.

With kindest regards,



Liz Jensen
Licensed Estate Agent
Director – Portsea and Sorrento
0418 446 228
ljensen@kayburton.com.au

PORTSEA

Kay & Burton Portsea Pty Ltd t/as Kay & Burton Portsea
ACN 125 300 432 / ABN 84 109 773 481

3741 Point Nepean Road, Portsea VIC 3944

T + 61 3 5984 4744
F + 61 3 5984 0133
E portsea@kayburton.com.au

Wednesday, July 22, 2020

To Whom it May Concern,

My wife and I have been friends with [REDACTED] for more than fifty years and well know her to be an outstanding person and citizen. It is in that context that I write this letter, in a desperate plea for fairness and justice for our friend [REDACTED]

She and her husband worked very hard to build a business that today gainfully employs six people. Tragedy struck [REDACTED] and her children 21 years ago when her husband [REDACTED] died unexpectedly, leaving [REDACTED] to carry on the business and raise their children alone.

A few years prior to [REDACTED] death they purchased the A-Frame house, the subject of this situation, which is positioned across three blocks of land. The long-term plan was, and has always been, to one day demolish the house and build a new home on one of the blocks. The other two blocks were to be sold in order to help fund their retirement.

Should the proposed heritage overlay be approved, all [REDACTED] and [REDACTED] plans, although now just [REDACTED] plans, will not just be turned upside down, they will be totally shredded.

A large part of her retirement funding, which was expected by dint of the sale of the two blocks, will go up in smoke because the overlay would prevent them being sold. The A-Frame house is literally falling down around her, rife with wood rot and further damage. It is, by any measure, unsuitable to live in and indeed unhealthy and dangerous. My wife, one of [REDACTED] oldest friends, simply won't go into the house.

For some years, with the intention of demolishing the house, [REDACTED] has consciously not bothered with any maintenance of note, quite reasonably seeing it as a waste of money. As a result, the costs to return the house to livability are prohibitive. I understand a number of quotes have been obtained and are included in [REDACTED] submission.

In short, a good and decent person, who has single handedly reared four good children, paid her own way through life's challenges, created employment for others, and is looking forward to a well-earned retirement, has had the lion's share of the funding for that retirement taken from her.

In my view, and that of many others, this is both unfair and unjust. I implore you to reconsider denying [REDACTED] plans for a modest but comfortable retirement.

Regards,

[REDACTED]
[REDACTED].



Tax



Super



Employment



My profile



Fund details



No open accounts found

Refer to your fund if you believe there are open accounts which should be displayed. See [individuals superannuation](#) for more information.



BRAD THOMAS ELECTRICAL

QUOTE

██████████
44 Ozone Ave
SORRENTO VIC 3943
AUSTRALIA

Date
7 Jul 2020

Quote Number
QU-0096

ABN
34 822 782 804

Brad Thomas Electrical
0428 245 558
8 Adam St Rye

Description	Quantity	Unit Price	GST	Amount AUD
Supply and install new overhead fused mains connection box, wire new mains to new meter enclosure, supply and install new metering enclosure, extend sub circuit cables as necessary and install safety switches on all circuits. Includes certificate of electrical safety and licensed electrical inspector fee. NOTE: Does not include truck appointment fee (usually around \$800 and is charged to customer by electricity retailer).	1.00	1,800.00	10%	1,800.00
Supply and install, 3 x battery smoke alarms with 10 year battery life, and interconnection. (If any smoke alarm detects smoke all will sound alarm)	3.00	180.00	10%	540.00
			Subtotal	2,340.00
			TOTAL GST 10%	234.00
			TOTAL AUD	2,574.00

From: Brad Thomas <bthomaselec@gmail.com>
Sent: Wednesday, 22 July 2020 8:12 PM
To: [REDACTED]
Subject: ESTIMATE- 44 Ozone St Sorrento

Hi [REDACTED],

As discussed today, to do a full rewire of the house I would estimate the total cost to be between \$15,000 to \$20,000.

This is allowing 2-3weeks for 2 qualified electricians and \$3,000- \$5,000 for material.

I'm sorry I can't send you a PDF with 'estimate' on it as my accounting software doesn't have the capability and I can't insert a range as a price, hence why I have sent this in an email.

If you have any queries please let me know.

Kind regards

Brad

--



Brad Thomas

Brad Thomas Electrical

M: 0428 245 558

E: bthomaselec@gmail.com

Create your own [signature](#)

[Get a signature like this!](#)



ABN: 735 912 297 85
PO Box 3536
Mornington 3931
Mob 0406 503 924
luket@jplumbing.com.au

PLUMBING & CIVIL QUOTE 44 OZONE AVE SORRENTO

For: [REDACTED]

11/07/2020

CIVIL STORM WATER DRAINAGE AND PITS		
Includes: Renew all storm water drains Suitable compacted backfill where required Connection to LPD All excavation works to complete works Removal of rubbish and spoil from site		
Excludes: Any fees or permits associated with connection to LPD Road open permits and traffic management which may be required		
TOTAL	\$	7,200.00

BELOW GROUND SEWER AND/OR TRADE WASTE IF APPLICABLE		
Includes: Includes supply and install of below ground sewer Allow to connect to existing sewer point within property Cut internal slab and provide sewer point for new WC		
Excludes: Any fees or charges related to sewer branch construction Sourcing of approved contractor to carry out works Any fees or charges to delete existing sewer branch		
TOTAL	\$	5,600.00

BELOW GROUND SERVICES: GAS, WATER, FIRE SERVICE		
Includes: Renew water line to house Renew gas line to house		
Excludes:		
	\$	1,800.00

ROOF PLUMBING		
Includes: Allow to remove all roof sheets and flashings Install 50mm insulation blanket to all areas Supply and install new gutters, roof sheets and flashing to entire dwelling		
TOTAL	\$	49,000.00

SUPPLY & INSTALL OF ABOVE/BELOW GROUND RAIN WATER TANK/S AND RAIN WATER RE USE PUMP/S		
Includes: NA		
Excludes:		
TOTAL	\$	-

WATER AND GAS RETICULATION AT HIGH LEVEL		
Includes:		
Excludes:		
TOTAL	\$	-

SUSPENDE SEWER AND ACOUSTIC LAGGING WHERE REQUIRED		
Includes: Supply and installation of suspended sewer drains		
Excludes: Acoustic sound lagging		
TOTAL	\$	3,800.00

ROUGH IN OF WATER AND GAS		
Includes: Allow top renewal water and gas services throughout dwelling		
Excludes:		
TOTAL	\$	12,000.00

SUSPENDED STORM WATER AND BALCONY DRAINAGE		
Includes: Supply and install new PVC down pipes		
Excludes:		
TOTAL	\$	1,900.00

ALLOWANCE FOR DOMESTIC WATER METER AND REQUIRED FEES FOR FIRE CONTRACTOR		
Includes: NA		
Excludes: Water tap in or any fees or charges related to PIC paper work Please note we can organise tap in if required,		
TOTAL	\$	-

SUPPLY & INSTALLATION OF HOT WATER UNIT		
Includes: Supply and install basic instant hot water unit Remove old hot water unit		
Excludes:		
TOTAL	\$	2,100.00

FIT OFF OF SANITARY FIXTURES AND TAP WARE		
Includes: Supply materials and labour to install fixtures and tap ware supplied by builder Allow to install appliances supplied by builder including hot plate and dish washer		
Excludes: Supply of any fixtures, tap ware or appliances Installation of any heating or cooling items including decorative gas log heaters		
TOTAL	\$	8,400.00
SUB TOTAL	\$	91,800.00
GST	\$	9,180.00
GRAND TOTAL	\$	100,980.00

INCLUDES

Connection of temp services to temporary toilet supplied by builder

EXCLUDES

Any excavation works external to boundary including for water tap in
Excessive rock or hard ground condition
Any traffic management or road open permits
Any works external to boundary
Any fire service above ground including hose reels or hydrants
Any contribution fees or charges for water tap in or to obtain individual meters
Any allowance for crane lifts
EBA rates
Any allowance for camera works prior or during works
Any fees or charges related to new sewer branch or removal of existing
Any metal or lead roof work or external metal down pipes
Re-instatement of concrete or bitumen
Supply of any fixtures or appliances other than noted above
Fees, charges or related works for gas, water, sewer or storm tap water in
Any electrical work or contract out to
Supply of any floor waste grates or trench grates
Fees or charges to obtain any water or gas meters

VARIATIONS

Variations of any description will be charged at \$80 p/hr ex GST

EXCESSIVE ROCK & HARD GROUND CONDITIONS

Excessive rock will be charged out at excavation hourly rate depending on size of machine
One man per excavator to spot and maintain correct levels charged at \$80 per hour
All costs arising from rock conditions will be passed on including truck hire and tip fees
A 15% surcharge on all cost will be added to cover management and correspondence of works

Thank you for the opportunity to quote this project for you

Kind regards
Ryan Murphy

From: Sorrento Locksmith <invoicing@messaging.squareup.com>
Sent: Sunday, 19 July 2020 3:25 PM
To: [REDACTED]
Subject: You accepted an estimate! (#000010)



\$1,242.50

Estimate accepted on 19 July 2020

Estimate #000010 last updated

19 July 2020

Customer

[REDACTED]
[REDACTED]
[REDACTED]

44 Ozone
Sorrento,

Message

We look forward to working with you.

Call Out *	\$88.00
Replacement Cylinder *	\$40.00
(\$20.00 ea.) x 2	
<i>for front slider to enable all locks to be on one key and increase security</i>	

Keying Charge*	\$11.00
<i>To pin new cylinders to existing key</i>	
astra brass sliding door mortise lock (b530111)*	\$210.00
<i>Replaces old mortice lock on secondary sliding door at front,</i>	
Labour 45*	\$66.00
<i>to fit new sliding door mortise lock</i>	
Keying Charge*	\$11.00
<i>to pin new lock to existing key</i>	
Tasman screen Door Lock*	\$57.00
<i>for rear screen door (once it opens and shuts properly)</i>	
Keying Charge*	\$11.00
<i>To pin new lock to existing key</i>	
Labour 15mins*	\$22.00
<i>to fit screen door lock.</i>	
Whitco Lockable Winder*	\$187.50
(\$37.50 ea.) x 5	
<i>Lockable window winders for all windows (including the 2 windows in the kitchen that need repairing) Includes keying charge.</i>	
Labour 15mins*	\$110.00
(\$22.00 ea.) x 5	
<i>To replace window winders</i>	
Double Dead Bolt Brava Satin Stainless*	\$59.00
<i>Double dead bolt for back door kitchen. This door needs to be able to be deadlocked. Not secure enough presently.</i>	
Keying Charge*	\$11.00

to pin new lock to existing key

Patio Bolt Abus/whitco* \$66.00

(\$33.00 ea.) x 2

lockable patio bolts for back french door

Keying Charge* \$22.00

(\$11.00 ea.) x 2

to pin patio bolts to existing key

Labour 30* \$44.00

to fit patio boltsx2

astra mortice lock (B430111) for back french door w/cylinder* \$150.00

Keying Charge* \$11.00

Labour 45* \$66.00

to fit new mortise lock to back bedroom door.

Subtotal \$1,242.50

Total \$1,242.50

GST included in total \$112.95

(*) Taxable Item

Sorrento Locksmith

rooread@icloud.com

0411 464 269

ABN 72 720 101 008

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Mornington Peninsula Shire

Email: heritage@mornpen.vic.gov.au

Dear Sirs,

I refer to your letter dated 6 March 2019 advising that my property at 42-46 Ozone Avenue, Sorrento has been identified as a place of local heritage significance.

I understand from your letter that the council believes that it is "required, in accordance with Section 4(1) of the Planning and Environment Act 1987 to identify, protect and enhance places of significance".

I suppose many places have significance in different ways. And, certainly, the Ozone Avenue property has great significance to me and my immediate family. In particular, it is my only real asset. The impact of heritage controls would be devastating and would severely impact on my financial future.

My husband and I purchased the property in 1998. At the time there was no restrictive planning controls; and, with three titles, it offered an attractive weekend property and a sound financial investment.

Our intention at the time was to move down from Melbourne and live at the property, and then develop the land with one or more dwellings.

Unfortunately, my husband got cancer and passed away in 1999 (at an age of 48 years) before we could arrange demolition and development. Naturally this had a profound impact on my financial circumstance and my life generally.

Since then I have spent my time either renting a property in Melbourne or residing at the house at the property.

The draft heritage citation paints an image of a quaint building that is suited to modern times.

This is most definitely not true.

The building is not suited to modern living. It is in poor repair (after all, the plan was to demolish and re-build). And, whatever its heritage interest may be, it would be both unfair and inappropriate to require its retention.

In relation to its repair:

- The roofing on the wing has rusted through in many sections and leaks directly into the rooms, causing damp carpets and mould to form.
- The front windows of the kitchen/A frame seriously leak and need completely replacing as many attempts have been made to seal them up and failed.
- The external weatherboards are twisted and falling off and can allow snakes, lizards spiders and the like, easy access to the interior of the house.

- The drains around the house have all blocked from tree roots and currently, one drain is green, slimy and smelly - and a major mosquito hazard - and is unable to be cleared (new drains altogether are required at great expense, having had a quotation for \$5000.00 for one drain).

I shall be retiring shortly. I am [REDACTED] years old now and as I do not have any superannuation apart from the equity in my property.

I have also had some health issues over the last few years, having had a slight stroke in 2012, which has affected me in so much as I have less energy, less motivation and less ability to maintain the property. I also have arrhythmia which decreases my energy levels and stress is what I am told to avoid.

The practical effect of heritage controls will prohibit me from either demolishing the building or selling it, as most buyers would not be interested with the heritage overlay as they would be unable to maximise their investment. (It is no answer to say that I could obtain a permit for development; as, if this is the case, why impose heritage controls in the first place?)

Recently I made the decision to put the property on the market and I have incurred the usual fees associated with a marketing campaign. Imagine my reaction when I received your letter!

I have four children and 8 grandchildren, and, because of the size of the property, I am unable to accommodate them for any family function, thus the need to sell and buy something better suited to my needs. I do not have sufficient resources to do this without selling the property (with its three titles creating real financial value as a re-development prospect.)

I am also needing to move into a more suitable house for the sake of my health, as the stairs and bathroom arrangements at Ozone Avenue are completely unsuitable. And dealing with the necessary repairs is something I neither have the finances nor the energy to do.

I hope by now I have passed on the message that this is a financial disaster to me and prevents me from having any funds with which to exist upon my retirement. I just believe it is so unfair to restrict my future existence to this extent without consequence. A heritage overlay would impinge upon my rights as a property owner simply to satisfy aficionados for quaint houses built in the 1960s.

Even if the draft heritage citation is to be accepted (and, I admit, much of the technical stuff is beyond my skill set), surely a fair solution would be have council's experts do a photographic and building survey of the building before it is demolished or the land sold, so that this information is preserved for history's sake.

Because this is a little beyond my knowledge and experience, I have asked a friend (Stuart Morris, who is a barrister) for advice on the relevant principles council must adopt in considering an amendment to a planning scheme. (Stuart was the best man at my wedding to my late husband in 1971.)

Stuart has advised me that, although one objective of planning in Victoria is to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value, there are also other relevant objectives. He tells me that these include:

1. to provide for the fair, orderly, economic and sustainable use, and development of land;

2. to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
3. to facilitate development in accordance with the other objectives set out in paragraphs; and
4. to balance the present and future interests of all Victorians.

Stuart has advised me that, in deciding to introduce heritage controls, the council has to weigh up all these factors, as well as the economic and social effects of its decisions.

I ask you to weigh up the matter in this holistic way.

I sincerely hope that you will be able to reach a fair decision in my case.

Yours sincerely

██████████

From:
Subject:

[REDACTED]
FW: Heritage Overlay at 42-46 Ozone Ave, Sorrento.

Letter sent to council on 18 April 2019

Mornington Peninsula Shire Email: heritage@mornpen.vic.gov.au

Dear Sirs,

I refer to your letter dated 6 March 2019 advising that my property at 42-46 Ozone Avenue, Sorrento has been identified as a place of local heritage significance.

I understand from your letter that the council believes that it is “required, in accordance with Section 4(1) of the Planning and Environment Act 1987 to identify, protect and enhance places of significance”.

I suppose many places have significance in different ways. And, certainly, the Ozone Avenue property has great significance to me and my immediate family. In particular, it is my only real asset. The impact of heritage controls would be devastating and would severely impact on my financial future.

My husband and I purchased the property in 1998. At the time there was no restrictive planning controls; and, with three titles, it offered an attractive weekend property and a sound financial investment.

Our intention at the time was to move down from Melbourne and live at the property, and then develop the land with one or more dwellings.

Unfortunately, my husband got cancer and passed away in 1999 (at an age of 48 years) before we could arrange demolition and development. Naturally this had a profound impact on my financial circumstance and my life generally.

Since then I have spent my time either renting a property in Melbourne or residing at the house at the property.

The draft heritage citation paints an image of a quaint building that is suited to modern times.

This is most definitely not true.

The building is not suited to modern living. It is in poor repair (after all, the plan was to demolish and re-build). And, whatever its heritage interest may be, it would be both unfair and inappropriate to require its retention.

In relation to its repair:

- The roofing on the wing has rusted through in many sections and leaks directly into the rooms, causing damp carpets and mould to form.
- The front windows of the kitchen/A frame seriously leak and need completely replacing as many attempts have been made to seal them up and failed.
- The external weatherboards are twisted and falling off and can allow snakes, lizards spiders and the like, easy access to the interior of the house.
- The drains around the house have all blocked from tree roots and currently, one drain is green, slimy and smelly - and a major mosquito hazard - and is unable to be cleared (new drains altogether are required at great expense, having had a quotation for \$5000.00 for one drain).

I shall be retiring shortly. I am [REDACTED] years old now and as I do not have any superannuation apart from the equity in my property.

I have also had some health issues over the last few years, having had a slight stroke in 2012, which has affected me in so much as I have less energy, less motivation and less ability to maintain the property. I also have arrhythmia which decreases my energy levels and stress is what I am told to avoid.

The practical effect of heritage controls will prohibit me from either demolishing the building or selling it, as most buyers would not be interested with the heritage overlay as they would be unable to maximise their investment. (It is no answer to say that I could obtain a permit for development; as, if this is the case, why impose heritage controls in the first place?)

Recently I made the decision to put the property on the market and I have incurred the usual fees associated with a marketing campaign. Imagine my reaction when I received your letter!

I have four children and 8 grandchildren, and, because of the size of the property, I am unable to accommodate them for any family function, thus the need to sell and buy something better suited to my needs. I do not have sufficient resources to do this without selling the property (with its three titles creating real financial value as a re-development prospect.)

I am also needing to move into a more suitable house for the sake of my health, as the stairs and bathroom arrangements at Ozone Avenue are completely unsuitable. And dealing with the necessary repairs is something I neither have the finances nor the energy to do.

I hope by now I have passed on the message that this is a financial disaster to me and prevents me from having any funds with which to exist upon my retirement. I just believe it is so unfair to restrict my future existence to this extent without consequence. A heritage overlay would impinge upon my rights as a property owner simply to satisfy aficionados for quaint houses built in the 1960s.

Even if the draft heritage citation is to be accepted (and, I admit, much of the technical stuff is beyond my skill set), surely a fair solution would be have council's experts do a photographic and building survey of the building before it is demolished or the land sold, so that this information is preserved for history's sake.

Because this is a little beyond my knowledge and experience, I have asked a friend (Stuart Morris, who is a barrister) for advice on the relevant principles council must adopt in considering an amendment to a planning scheme. (Stuart was the best man at my wedding to my late husband in 1971.)

Stuart has advised me that, although one objective of planning in Victoria is to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value, there are also other relevant objectives. He tells me that these include:

1. to provide for the fair, orderly, economic and sustainable use, and development of land;
2. to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
3. to facilitate development in accordance with the other objectives set out in paragraphs; and
4. to balance the present and future interests of all Victorians.

Stuart has advised me that, in deciding to introduce heritage controls, the council has to weigh up all these factors, as well as the economic and social effects of its decisions.

I ask you to weigh up the matter in this holistic way.

I sincerely hope that you will be able to reach a fair decision in my case.

Yours sincerely

[REDACTED]

[REDACTED]

Heritage overlay

[REDACTED]
Mon 28/10/2019 2:29 PM

To: edward.odonohue@parliament.vic.gov.au <edward.odonohue@parliament.vic.gov.au>

Hi Edward,

Further to my previous email, I will attempt to write in a little more detail about my situation.

Apparently, the council/planning department of the Mornington Shire decided to list some additional properties on the heritage list, not sure why.

I cannot dispute the terms for including my property on the list because it is all that they say.

However, my property is in disrepair and as I have said many times and in many ways previously to council and others, the property was always intended for demolition and so it was never our intention to spend the funds on improvements etc. One very major reason being that the dwelling is built over both boundaries and the true potential value cannot be realised unless the house is removed.

I have managed to complete and overcome many hurdles since my husband passed away but having no surplus funds at my disposal, I simply cannot extend/renovate/repair my property. My "super" as you might say has always been in the value of the land. I would think that there would be no other property in Sorrento that is three adjacent blocks within walking distance of the village. My future has been completely compromised by not allowing me to have sufficient monies to move into a property that is less dangerous and more suitable for my state of health. I anticipate being independent as long as possible but this has effectively "cut my throat", making me depressed and unhappy. It is not the monetary value I am seeking for the sake of it, it is my future health and happiness that is in question and no-one at this point is considering this aspect, Not a very caring attitude!! If anything major happens to me, it will be on the council's shoulders. Perhaps VCAT is in order??

I fail to see the very important reason for persisting with the overlay on my particular property.

There are other examples of my style of building but I am [REDACTED] years old and enjoy having my family and friends around, which is virtually impossible at present. Xmas is coming, lets hope for a good day so we can all eat outside!! (Sorry, my poor attempt at humour!!)

Cheers

[REDACTED]

From: [REDACTED]
Subject: FW: Heritage Overlay- 44 Ozone Ave, Sorrento

From: [REDACTED]
Sent: Friday, 17 January 2020 12:02 PM
To: richard.wynne@parliament.vic.gov.au <richard.wynne@parliament.vic.gov.au>;
tim.Smith@parliament.vic.gov.au <tim.Smith@parliament.vic.gov.au>; Jordan McKay
<Jordan.McKay@parliament.vic.gov.au>; Edward O'Donohue <Edward.O'Donohue@parliament.vic.gov.au>
Subject: Heritage Overlay- 44 Ozone Ave, Sorrento

Dear Sirs,

Here I am again, requesting my property not be included in the proposed amended overlay for my home. I understand that sometime soon we will have one last opportunity to challenge the overlay and make our submissions.

Unfortunately my health situation has deteriorated and I will now be having to have two hip replacements in the near future.

I cannot possibly remain in my home as it stands at present and need to sell to be able to accommodate my future needs. You cannot keep saying that the overlay does not effect the value of my property, it is simply not true. I have three separate titles and I could sell each individually or the three as a whole for development, if there was no house. As it stands at present it can really only be seen as one block of land and therefore the value is definitely decreased. As I have stated over and over that my financial situation is entirely and completely dependent upon me being able to capitalise on my property, which was always the intention and then be able to purchase a more appropriate property for my later years to accommodate my capabilities or lack of.

Since beginning this challenge to the proposed overlay, the drains are more blocked, the roof still leaks (obviously) the stairs are still a danger and because I now have been told I have severe arthritis in both hips, my house is becoming more and more dangerous.

I'm sure my arguments are not a challenge to your intelligence in understanding my predicament but it's definitely a major issue and causing me great stress on a daily basis, which having had a stroke previously, is not the best condition to be living in.

Just to remind you, I do not have spare cash for renovations or to buy another property or even to buy into a retirement home etc.. My future is in the value of the land I am sitting on.

My apologies Mr.Wynne, this is the first time I have written to you.

If you could please see your way clear to exclude my home from the overlay it would enable me to continue living here. I have worked on getting involved in the community and am currently a committee member for the local RSL and in charge of their welfare.I enjoy my life here and feel I can certainly be of benefit to other.

[REDACTED]

From:
Subject:

FW: Heritage Overlay-

From:

Sent: Tuesday, 19 May 2020 2:17 PM

To: richard.wynne@parliament.vic.gov.au <richard.wynne@parliament.vic.gov.au>

Subject: Heritage Overlay-

Dear Sir,

I understand that matters are not proceeding at the usual pace at present, however, it has also become more critical for me to move on from my current circumstances. Unfortunately, my property continues to deteriorate and the need to liquidate my investment is more and more urgent. Now after this long passage of time and the original decision to re-organise my long term arrangement in my future, as you would also be well aware, the value of properties is also falling, making my opportunities more and more limited than they were 12 months ago.

I do not understand how it can be considered an option to persist with the inclusion of my property in the proposed overlay when all it achieves is the absolute assurance that I will not be able to take care of myself. It is despicable to consider that this is the end result of this proposal and there is absolutely no benefit to anyone, to proceed on your basis. Humanity is about consideration of others. If you think I am creating objections, I would suggest you come to see for yourself or are these matters completely resolved by written suggestions without consultation with the owners of the affected properties and the probable results. That is certainly how this whole process has proceeded. Submission to the council was a farce and there has not been one other opportunity to have an objection listened to, as it has presented as a completely "cut and dried" issue.

Unfortunately, I have been unwell again and time is running out for me to be able to live the rest of my life in appropriate accommodation.

I can assure you that my property is no longer a "good example" and I certainly have no resources, especially in the current environment, to maintain it. It will fall down.

Hope you are safe, I'd like to say I was.

Look forward to your reply.

[REDACTED]

[REDACTED]

T: [REDACTED]
E: [REDACTED]

23 July 2020

Mornington Peninsula Shire
Rosebud Victoria

E: heritage@mornpen.vic.gov.au

Dear Planning Department

Objection to Proposed Heritage Overlay – Amendment C262

This submission is made to object to the proposed heritage overlay for property HO473 - 21-23 Blair Road, Portsea.

For the reasons stated, the property should be removed from Amendment C262.

1. The overlay seeks to protect or preserve the present state of the building, otherwise it will be lost. This is an erroneous presumption.

The architect, Greg Burgess, has his own vision (**Architect Vision**) which is his *'attitude to buildings and change is that buildings are part of life and with changes of owner and over time some adaptations or transformations may be needed'*.

The house was designed with the intent it could change, and in fact substantive changes have been made during the life of the building already and are now merely 10 years old. It is wrong to lock in what is there now as a monument. It is submitted that the merits of the house are that it is adaptive, and therefore an overlay that seeks to preserve the status quo, and therefore inhibit, the Architect Vision should not be applied.

2. The report prepared by Heritage Alliance for Council in respect of the significance of the property has reached an incorrect conclusion as it failed to take account of or to give sufficient weight to the Architect Vision.
3. Council has failed to correct inaccuracies in the heritage citation which have been previously brought to Council's attention. The basis for inclusion of the property remains flawed, misplaced and ill-conceived.
4. The overlay may prevent subdivision of the double allotment, causing loss of value or reduction in the saleability of the property without compensation.
5. The overlay will be detrimental to the value of the property or reduce the saleability of the property without compensation.
6. The building has never had a public use and is unsuitable for heritage protection
7. Inclusion of the property in the Amendment fails to comply with Ministerial Direction No.9. Specifically, its inclusion does not recognise the value of heritage when managing growth and change ((Policy 4.4.1) nor does it stimulate economic growth through heritage conservation (Policy 4.4.3). Portsea is already a developed location and inclusion of the property will not stimulate growth, and as an individual property its recognition will not manage further growth or change. The property is unsuitable for heritage protection.

8. The proposed external paint controls for the property have no basis as the current paint scheme was imposed by Council and differs from the design of the Architect. The Architect disagrees with the current palette for the house and the building originally did not have the current palette or paint scheme. The overlay could therefore have the obtuse outcome of requiring preservation of Council's own choice for the paint scheme and not the Architect's. Council's prior actions have meant that any prior heritage significance has been diminished.
9. The proposed overlay to the 'extent of the whole property' is arbitrary and not supported by the facts or the citation. The gardens in which the house is situate are entirely man-made. There are no historic trees of significance. The gardens and landscaping were substantially changed in 2008 and therefore none of the garden is associated to the original design of the building. Coastal gardens are not permanent fixtures on the land and die regularly, and are not of heritage significance.
10. Application of heritage significance to the building for its preservation does not serve any public purpose. The property is private property. The building cannot be sighted from the street due to the property being more than 2.5 metres higher than street level, the 180cm fence, the gardens and the set back of the house on the block at least 30 metres from the street.

In the alternative, if the determination by the independent panel is for overlay to be applied, the following amendments are sought:

11. If and for so long as the overlay applies, Council is directed to pay compensation to the owner in such form as is reasonably determined and agreed with the owner, and in the absence of agreement by ascribing a valuation of \$1.00 to the property.
12. If and for so long as the overlay applies, Council is directed not to impose conditions contrary to the Architect Vision.
13. Any reference to 'Nagari' in the property description is removed. The property was originally known as 'Casuarina'.
14. External paint controls are removed (as above because the paint scheme is Council's own, and not the architect's).
15. The overlay applies to the house only, as represented by its current geometry, and not to the whole property.

Yours faithfully





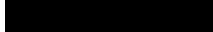


24 July 2020

Ms K Barlow
Manger Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
90 Besgrove Street

Dear Ms Barlow

**Mornington Peninsula Planning Scheme Amendment C262morn
Proposed Heritage Overlay 476
2-4 Elizabeth Road Portsea**

 is the registered owner of the above property. 
 and architect for current alterations and additions to it. We purchased in November 2017
with settlement in January 2018. It is our principal place of residence.

We have read the citation 226 relating to the property setting out what is important about it and the
recommendations to be included in HO147.

We set out some background information.

Commencing in November 2018 and yet to be completed, are alterations and additions to the dwelling.
These works comprise,

1. Demolition of the original double carport to the west of the dwelling.
2. Construction of a new detached double garage, including bathroom and laundry to the north west of the dwelling.
3. Extension of the two original ground level bedrooms and shared dressing room to the west, to comprise two bedrooms, each with an ensuite.
4. Extension of the rear part of the dwelling (the original northern living room) to add a kitchen and dining room.
5. Enlargement of the first floor ensuite.
6. Provision of swimming pool in the northern garden.
7. Associated siteworks and landscaping.

Parts 1, 2 and 3 are complete

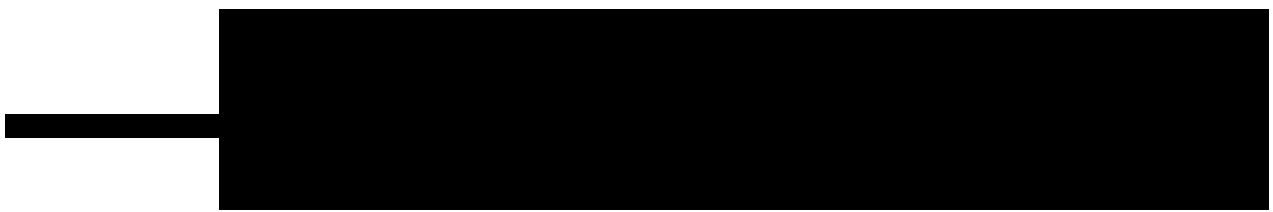
Part 4 is fully constructed and approaching lockup

Part 5 has just commenced

Part 6 (the pool) has its shell in ground and is approaching completion.

Parts 1, 3, 4 and 5 have altered the appearance of the dwelling. Parts 3 and 5 comprise additions to the two street frontages and have altered the appearance of the original fabric of the dwelling from those frontages.

All of the works have been completed with permits in place, so we submit this recent history for the record insofar as it is relevant to the amendment.



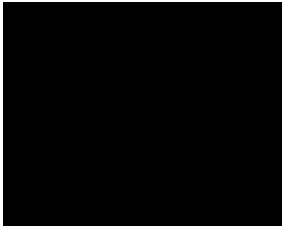
The works that we have completed have been implemented using a similar architectural language to the original architecture of Alekna.

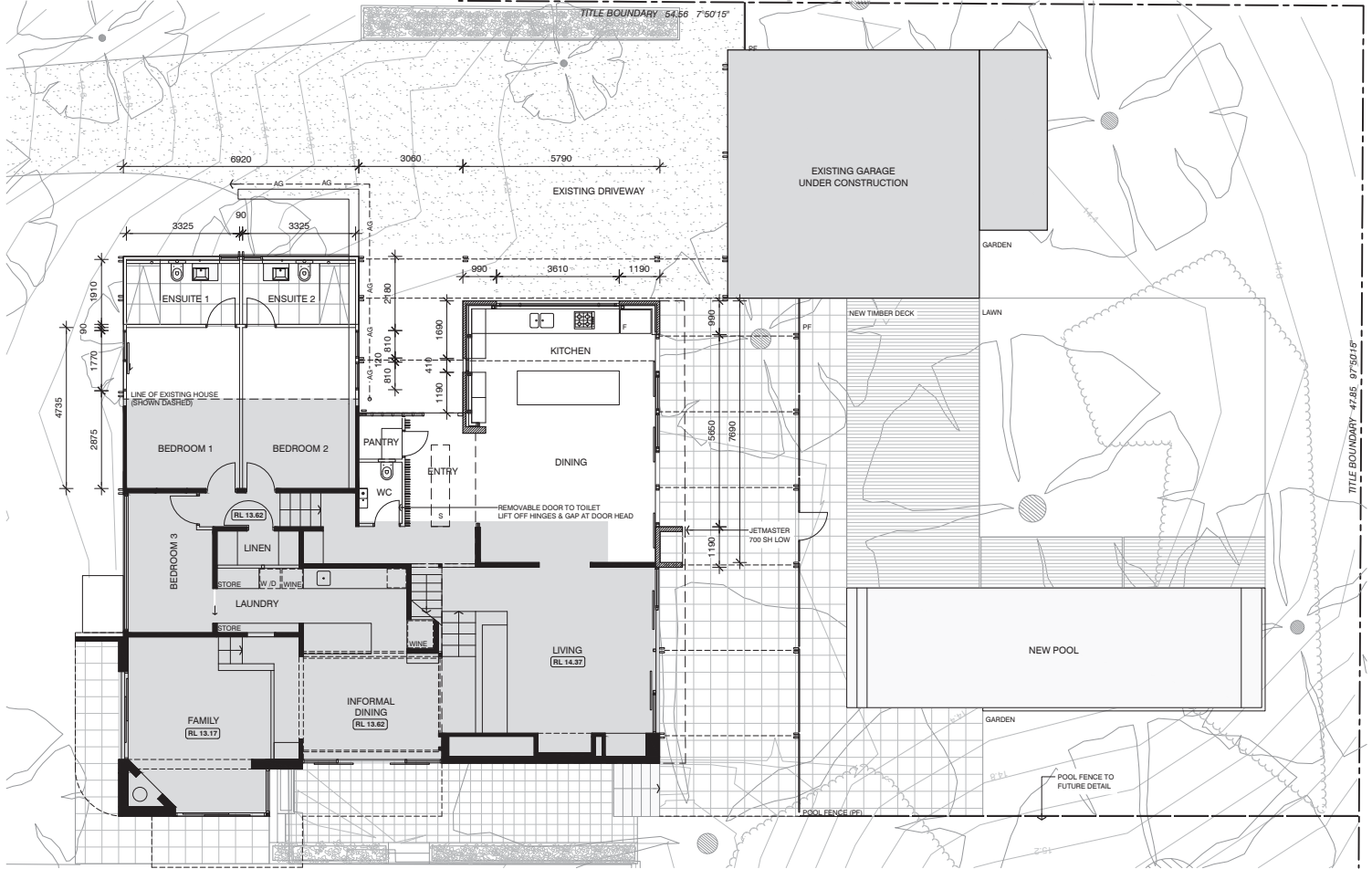
- We have maintained the original exterior form of the dwelling and one would not appreciate any changes to it in passing the property
- We have maintained the forms and finishes to the interior of the dwelling. A previous owner has painted some of the original unpainted finishes (cement blockwork in particular) but most remain intact
- We have maintained the exposed cement block, balcony forms and fascias.
- We have removed the treated pine cladding because it had deteriorated. We have replaced it with untreated spotted gum that will patina to a soft grey colour over time and it will barely be distinguishable from the original treated pine cladding
- Where the dwelling is extended its architecture is akin to that of Alekna's both internally and externally. We have utilised exposed cement block, vertical spotted gum cladding and timber windows.

I am an architect that commenced his professional career in 1973, working on urban and suburban homes of this type so I understand the architecture and, indeed, the genre was an influencing factor in our purchase of the home. I think it is in good hands.

We have attached the floor plans and elevations setting out the work we have completed for your information and records.

We do not see the need for the HO in this instance and, especially given the extensive alterations and additions to the dwelling made by us over the past two years, feel that such an overlay is unnecessary as further alterations and additions are unlikely.





CACTUS ARCHITECTS
 304/91 MURPHY ST, RICHMOND VIC 3121
 P: 03 9429 9191 W: cactusarchitects.com.au

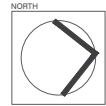
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 DRAWINGS NOT TO BE SCALED.

SCALE 1:100@A3

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B	25.10.19	CONSTRUCTION UPDATES	EM				

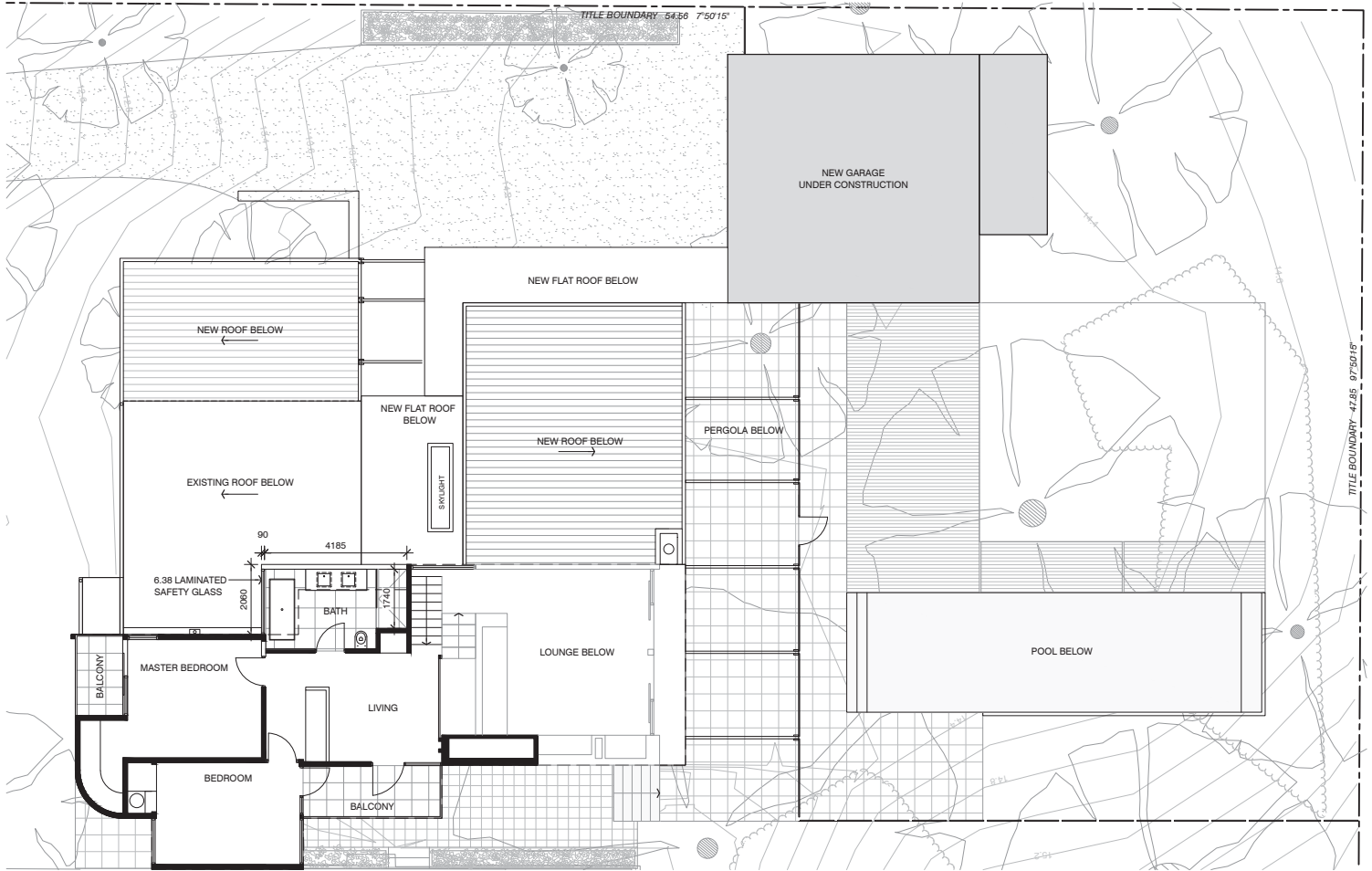
PROJECT
GRAY RESIDENCE ALTERATIONS
 2-4 ELIZABETH ROAD, PORTSEA

DRAWING
GROUND FLOOR PLAN



ISSUE		
BUILDING PERMIT ISSUE		
PLOT DATE	SCALE	DRAWN
25.10.2019	1:100	BD
PROJECT NO	DWG NO	REVISION
171808	A04	B





CACTUS ARCHITECTS
 304/91 MURPHY ST, RICHMOND VIC 3121
 P: 03 9429 9191 W: cactusarchitects.com.au

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
 DRAWINGS NOT TO BE SCALED.

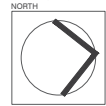
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B	25.10.19	CONSTRUCTION UPDATES	EM

REV.	DATE	DESCRIPTION	DWN.

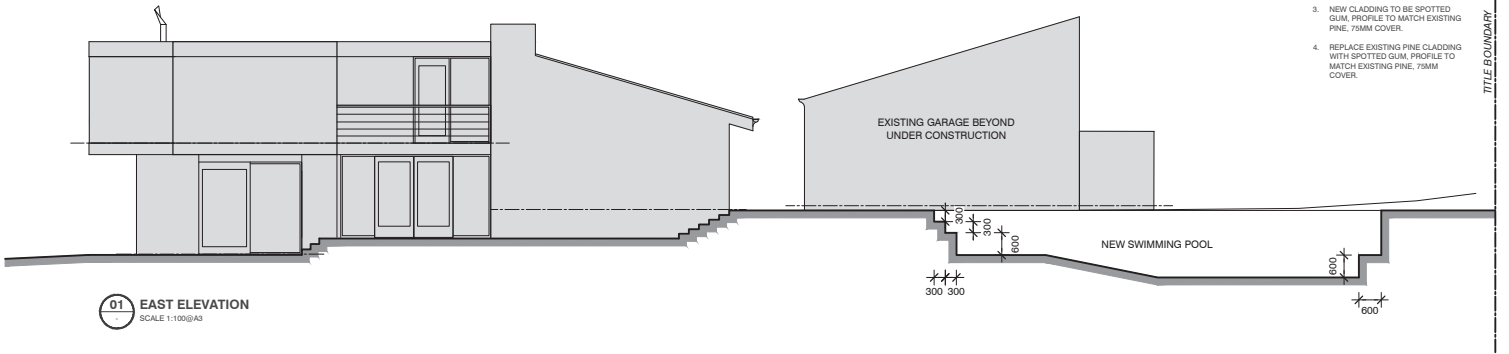
PROJECT
 GRAY RESIDENCE ALTERATIONS
 2-4 ELIZABETH ROAD, PORTSEA

DRAWING
 FIRST FLOOR PLAN



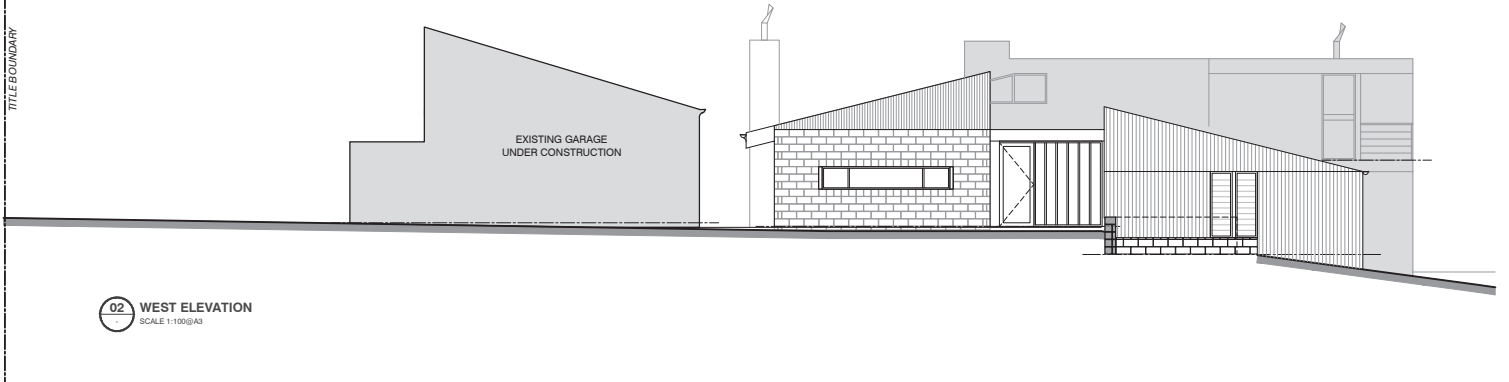
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BUILDING PERMIT ISSUE		
PLOT DATE	SCALE	DRAWN
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PROJECT NO	DWG NO	REVISION
171808	A05	B





01 EAST ELEVATION
SCALE 1:100@A3

- NOTES:**
1. NEW ROOF TO BE COLORBOND 305 LONGLINE.
 2. RE-SHEET EXISTING ROOF AREAS WITH COLORBOND 305 LONGLINE.
 3. NEW CLADDING TO BE SPOTTED GUM. PROFILE TO MATCH EXISTING PINE. 75MM COVER.
 4. REPLACE EXISTING PINE CLADDING WITH SPOTTED GUM. PROFILE TO MATCH EXISTING PINE. 75MM COVER.



02 WEST ELEVATION
SCALE 1:100@A3

CACTUS ARCHITECTS
304/91 MURPHY ST, RICHMOND VIC 3121
P: 03 9429 9191 W: cactusarchitects.com.au

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

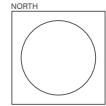
0 1 2 5M
SCALE 1:100@A3

REV	DATE	DESCRIPTION	DWN
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B	25.10.19	CONSTRUCTION UPDATES	EM

REV	DATE	DESCRIPTION	DWN

PROJECT
GRAY RESIDENCE ALTERATIONS
2-4 ELIZABETH ROAD, PORTSEA

DRAWING
ELEVATIONS
EAST & WEST

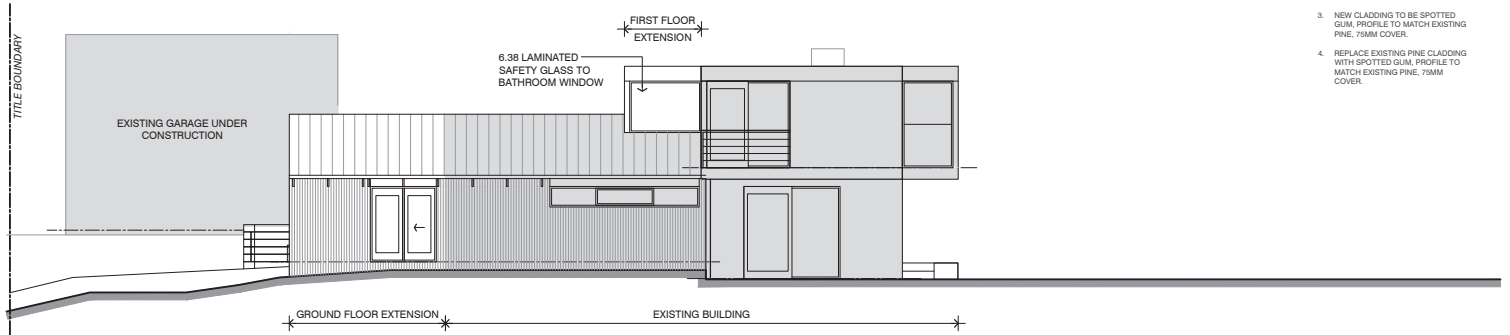


ISSUE
BUILDING PERMIT ISSUE

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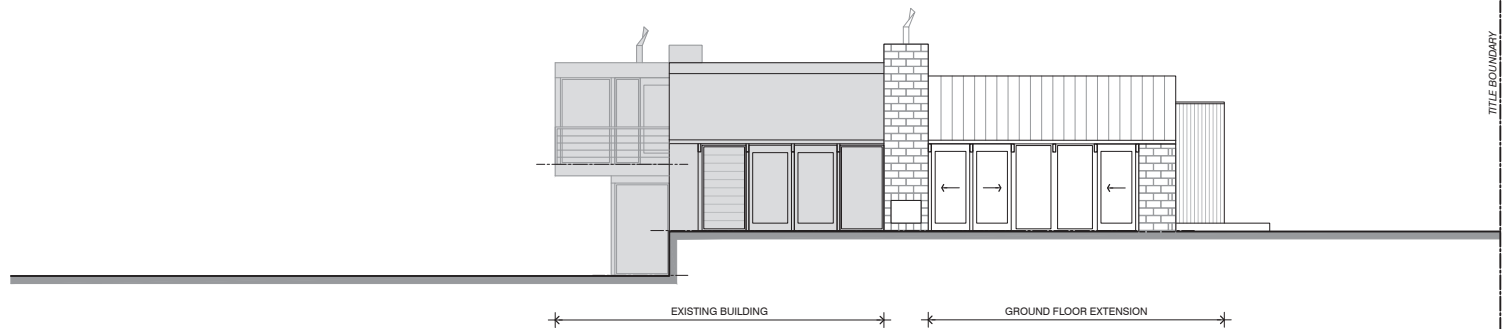
PROJECT NO	DWG NO	REVISION
171808	A06	B





01 SOUTH ELEVATION
SCALE 1:100@A3

- NOTES:**
1. NEW ROOF TO BE COLORBOND 305 LONGLINE.
 2. RE-SHEET EXISTING ROOF AREAS WITH COLORBOND 305 LONGLINE.
 3. NEW CLADDING TO BE SPOTTED GUM, PROFILE TO MATCH EXISTING PINE, 75MM COVER.
 4. REPLACE EXISTING PINE CLADDING WITH SPOTTED GUM, PROFILE TO MATCH EXISTING PINE, 75MM COVER.



02 NORTH ELEVATION
SCALE 1:100@A3

CACTUS ARCHITECTS
304/91 MURPHY ST, RICHMOND VIC 3121
P: 03 9429 9191 W: cactusarchitects.com.au

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE.
DRAWINGS NOT TO BE SCALED.

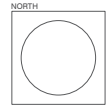
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SCALE 1:100@A3

REV	DATE	DESCRIPTION	DWN
A	07.05.19	BUILDING PERMIT ISSUE	EM
B	25.10.19	CONSTRUCTION UPDATES	EM

REV	DATE	DESCRIPTION	DWN

PROJECT
GRAY RESIDENCE ALTERATIONS
2-4 ELIZABETH ROAD, PORTSEA

DRAWING
ELEVATIONS
NORTH & SOUTH



ISSUE		
BUILDING PERMIT ISSUE		
PLOT DATE	SCALE	DRAWN
25.10.2019	1:100	BD
PROJECT NO	DWG NO	REVISION
171808	A07	B



THE
ANTHEMION
GROUP
Including Anthemion Consultancies

Ms Katanya Barlow
Manager Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD, VIC., 3939

24 July, 2020

Dear Ms Barlow

Re 3720 Point Nepean Road, Portsea – Amendment C262morn

We have been asked by [REDACTED] to provide heritage advice in relation to the proposal to include the above site in a Heritage Overlay. We have read the citation for Harbor Gate Flats and have referred to the Heritage Council of Victoria. *Assessing the cultural heritage significance of places and objects for possible state heritage listing: The Victorian Heritage Register Criteria and Threshold Guidelines*. (Rev., and updated 4 April, 2019) For the reasons stated below we are of the opinion that the place is not of sufficient significance as to warrant inclusion in a Heritage Overlay.

The reasons advanced in support of cultural historical significance of the Harbour Gate flats are:

...an early example of purpose built holiday flats in this part of the municipality ... [and] one of the first developments in the Portsea and Sorrento area ... [which] anticipated the boom of multi-dwelling development that would become increasingly prevalent in the area from the later 1960s onwards". (Criterion A)

Criterion: A Importance to the course, or pattern, of the Mornington Peninsula Shire's cultural history.

While the statement above might be factually correct it does not equate to such a level of heritage significance as to warrant inclusion in a Heritage Overlay.

Elsewhere the citation notes, *inter alia*,

A major building wave began in the Inter-War period, with the replication of suburban styles in the streets of Sorrento and Portsea. (p. 3)

There is nothing unique or architecturally innovative in replicating styles from elsewhere.

In the History of Portsea section of the citation, there is little of direct relevance to the Harbor Gate flats. Any relevance is within the general theme of Portsea being a holiday destination where people built holiday houses of various sizes and degrees of refinement. There is nothing in the citation which indicates why this place is of any

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Fax: +61 (0)3 9495 6367

higher degree of historical importance compared with any other similar place in Portsea or even at all. The threshold for Criterion A has not been met.

The site is claimed to be of technological significance principally for the Aychar system *"of modular room units cast in reinforced plaster with curved ceilings and window and door opening incorporated"*. (Criterion F)

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

As acknowledged in the citation and discussed below, it cannot be claimed that the Aychar/Barry system had a "high degree of creative or technical achievement" as it failed soon after being invented/developed and did not last over any particular period. All that can be said correctly is that there is one remaining example of only three known examples.

Newspaper advertisements placed by the manufacturers have been relied upon for information, probably because this is all the documentation which appears to exist. However, advertisements will obviously highlight the perceived merits of a product and this needs to be understood and recognised as marketing rather than being interpreted as acclaim for the product.

I also note that the reference to an article in *Cross Section* is described as "a brief but positive mention in the esteemed architectural newsletter". (p. 4} *Cross Section* is a newsletter which was published by the University of Melbourne and which contained industry and professional news and news of all sorts of projects which were most often sent in by the relevant protagonists as announcements. The article on the Portsea flats reads *viz.*:

At Portsea, Vic, a group of 8 flats-with-carports was completed. Built by Aychar Pty Ltd with their reinf-plaster room units (4, 2-in thick walls & arched ceiling complete in one) they cost approx £3,500 per flat. (Bernard Evans, arch't.)

This reads as a neutral announcement of fact with no descriptor which might persuade the reader in any way. It could also be read as advertorial. The description of the article as brief but positive mention" is obfuscatory.

The citation notes "a modest success" which "did not seem to have triggered the anticipated public demand for buildings on the Barry system" despite apparent advertising in the newspapers and announcements elsewhere. (pp. 4-5) First, "modest success" is an overstatement and is even misleading. The Portsea flats development was undertaken by Harbour Gate Pty Ltd, a company formed by the architect (Bernard Evans) and "his cohorts" (p. 4.) Other than for the Minister for Housing, William Barry, Harbour Gate appears to have been the only company or group of persons ever interested in the Aychar/Barry system. Whatever limited attention it might have had initially by Barry soon failed, was not sustained and was rapidly abandoned. The threshold for Criterion F has not been met.

While initially successful and attracting government funding, but with only two display prototypes having been built and since demolished, *"the scheme was abandoned in 1955. The block of flats at Portsea thus remains as rare evidence of the ambitious, innovative, unusual but ultimately failed attempt to provide a mass housing solution in the austere post-war climate"*. (Criterion B) (p.2.)

Criterion: B Possession of uncommon, rare or endangered aspects of the Mornington Peninsula Shire's cultural history.

The Harbor Gate Flats appear to be one of three original examples of a construction system which failed rapidly, almost at the outset, and which was not replicated further. It is simply a now unique example of a failed technique executed in minimal numbers and which is not associated with an event, phase, period, process, function, movement, custom or way of life of importance in the Mornington Peninsula Shire's cultural history. The threshold for Criterion B has not been met.

For the reasons discussed above we are of the opinion that a Heritage Overlay is not warranted or supported in respect of No. 3720 Point Nepean Road, Portsea and is not sustained by the place citation.

Yours sincerely
Anthemion Consultancies

A handwritten signature in black ink, appearing to read 'Riddett', is written over a light grey rectangular background.

Robyn Riddett
Director

JBA
John Briggs Architect
And Conservation Consultant
331A Bay Street
Port Melbourne 3207
Mobile 0411 228 515
Phone 9681 9924

COMMENT ON PROPOED HERITAGE OVERLAY

Place: 6 King Street, Sorrento
For: [REDACTED], property owner
Date: April 2019

Introduction

The extent of alteration of the house at 6 King Street, as addressed by the Heritage Citation 367 is confusing with regard to the extent of the original house that survives. The interests of the owners of the house will be compromised by application of the Heritage Overlay as this will impart no individual benefit to the owners and would substantially constrain the extent to which the land could otherwise be developed. Inspection of the house confirms that the only elements presenting as original in form and character are in the original frontage to St Pauls Road facing northnorthwest.

The clear preference of the owners is that the application of the Heritage Overlay not be pursued, or that the overlay be limited to those parts of the property that can be demonstrated to have heritage value.

House Alterations and Extension

The photograph of the house included in the Heritage Citation 367 is of the King Street frontage of the house. This frontage was originally the rear of the property. In the early 1980s the previous owner of the property, Warren O'Neale made substantial additions including the extensive veranda to the southeast which includes the "ornate verandah valance and balustrade" discussed as original fabric in the Citation.

Warren O'Neale has reported to the current owners that the original frontage to St Pauls Road had a "small verandah" and "there was no return verandah. Inspection of the verandah and the valance detail confirms that it was constructed recently and is not original. It is clear from internal inspection that the four room house, with kitchen and bathroom attached on the King Street side, as reported by Mr O'Neale does date from early last century. This is also evident in the windows and door of the frontage overlooking St Pauls Road as well as the weatherboards and timbers to the Dutch gable.

The roofing has been replaced with butterscotch colorbond and the house is painted a similar colour.

Importantly, other than a minor section of roof, the house in its presentation to King Street is without any heritage character or value and has been remodelled beyond recognition of its original form.

The remodelling of the house with historicist detailing has not added any heritage value, but rather confuses the experience of the house from the King Street frontage, and so diminishes the heritage value rather than enhancing any value the property may have.

It is assumed that the Citation is correct with regards to the subdivision from the property of the smaller lots of land along St Pauls Road, alienating the original frontage of the house from any immediate public domain.

Any heritage value the house may have is therefore only appreciable from within the King Street property at the rear west end, or in distant views over houses from St Pauls Road and from points on Melbourne Road.

Comparative Assessment

The Citation for the property has the house “constructed some time between 1908 and 1920” as historically significant for its association with Roe, Firth and Dawson Families. All older houses have association for the families that have lived in them and for associates of those families. The house is not of heritage significance (Criterion A) for its association with its occupant families but may be of Associative significance (Criterion H). Demonstration that this is the case has however not yet been made. There would either need to be demonstrative aspects of the house, or the house would need to be demonstrably recognized and known by the public to be associated with the families who, in turn, need to be demonstrably important to the identity of some relevant community. Again this is not evident.

The second aspect the Citation presents to be of historical significance is that that house “is a representative example of an ornate timber federation house in Sorrento. (Criterion A)” The Citation repeats this basis for significance in its next statement addressing Criterion D, Representative significance. That the house demonstrates development of Sorrento in the Federation period is not disputed. The threshold for protecting all instances of Federation building does however need to be examined and made clear. This also is not evident in the material provided. Comparative assessment of places demonstrating the value and importance of the period should be made readily accessible and understandable so that the relative contribution of this and other buildings can be located on a comparative basis. That a building is old and has ‘character’ does not mean it must be retained.

Should Council consider that this house has value under Criterion D it would be reasonable for Council to establish where they consider the threshold distinguishing heritage interest from heritage significance. An old house may have heritage interest however it does not follow that the house is important to identity for any part of the Sorrento community or its visitors. It is reasonable to expect that Council should be able to demonstrate their proposed positioning of the threshold for heritage significance as representative of the Federation period by identifying those 5, or so houses that achieve the threshold and a similar number of houses of similar origin that have been considered unworthy of inclusion.

Given Council is in effect proposing to acquire, or curtail, a significant range of the existing and historical use rights over the land, the onus lies with council to reasonably explain their claim as expected under the Planning Practice Note no. 1.

Extent of Curtilage and Polygon of Mapping the Heritage Overlay

Planning Practice Note no. 1 does say that “In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment)”. It also says “However, there will be occasions where the curtilage and the Heritage Overlay polygon should be reduced in size as the land is of no significance. Reducing the curtilage and the polygon will have the potential benefit of lessening the number of planning permits that are required with advantages to both the landowner and the responsible authority.”


Given the size of this property the application of the Heritage Overlay to the whole property has also not been justified as required under the Planning Practice Note. The property is over twice the size of the lots on St Pauls Road. Lot size and subdivision is a separate matter and Heritage should not be a de facto control where subdivision of the land would not impact any component having heritage value. As there is no heritage value to any part of building or land to the south of the original four rooms, and no appreciation of any

feature of the property to which heritage significance can be attributed in the view of the property from King Street, and as the remnant house is without heritage context in the distant view from which is seen, there is not reason for application of the Heritage Overlay to the whole of the King Street half of the property. As an individual property without supporting heritage context it is also unclear what value control over paint colours would add to the house.

I understand that the “tree protection controls” proposed in the Heritage Overlay have been discussed with Council earlier by the owner, The pine trees referred to in Council’s citation for the property have been removed from the property. It is submitted that there is no reason for such controls.

It is submitted that there is no reason for such controls.

Presently it does not appear that the Citation for the property provides a justification for its inclusion in the Heritage Overlay, and accordingly it is requested that the proposed application of the Heritage Overlay be reconsidered.



John Briggs
John Briggs Architects Pty Ltd

Citation 367, 6 King Street Sorrento, 3934

This is an objection to the Mornington Peninsula Shire Council's recommendation that a heritage overlay be applied to 6 King Street Sorrento (**the Property**). The recommendation forms part of Mornington Peninsula Planning Scheme Amendment C262.

This objection is supplementary to a submission dated April 2019 prepared on behalf of the owners by John Briggs and provided to the council (attached).

Inclusion of **6 King Street Sorrento** as an individually significant place has not been justified in citation 367 (**Citation**) and the panel should reject the council's recommendation. The principle reasons for this are:

- (a) The Citation contains a number of inaccuracies about aspects of the dwelling on the Property said to attract a heritage character;
- (b) The features said to be significant do not reach the threshold for the heritage value suggested by the council;
- (c) Sizeable and recent alterations have overtaken any remaining original features and largely diminish any heritage value which might have existed;
- (d) The council has identified no basis for the inclusion of the whole of the land in its recommendation.

These reasons are amplified further below.

Inaccuracies in the Citation

1. The Citation describes the Property as an ornate Federation/Inter-war house dating to circa-1920. This is a misleading description. It is not an ornate Federation/Inter-war house. The house in its original state was a small cottage with some Federation features which provided a small amount of decoration to an otherwise plain facade. These decorations amount to seventeen weatherboards with sparsely spaced notches, a hood over the front room window (the frame of which contains eight small posts) and the dutch gable at the peak of the hipped roof.
2. The only aspects of the dwelling which could be said to be ornate are the modern timber additions on the verandah. In fact, the original notched weatherboards are entirely obscured by the 1980s addition of a new wider verandah and roof along the west facing front.

3. Much is made of the hipped roof. The roof itself is not in original form, having been replaced in the recent renovations. It must also be pointed out that the roof has been compromised by the new verandah which surrounds 2.5 sides (not three sides as stated in the citation): Half of the St Pauls frontage, the whole of the North Eastern elevation (the majority of which is an addition) and the whole of the rear. It is not correct to say that it is surrounded by a verandah.
4. The house does not have a masonry chimney (as normally understood) but a chimney built of red commons, probably built in the 1980s. It is no doubt on the site of the original chimney but it is not masonry.
5. The citation contains the following statement: "*The rear verandah is a more recent construction.*" This is incorrect. The whole verandah is a more recent construction.
6. The statement of significance says that the property "*probably had views over the dunes to the sea and bay*". This seems extremely unlikely given the position of the property.
7. The Citation carries a photograph of the frontage to King Street. This aspect has no relevance to the features of the Property referred to by the Council. While part of the small dutch gable at the peak of the roof is partially visible, it is the gable as it sits above the modern 1980s addition at the King St side of the Property. In various parts of the documentation much is made of the frontage to St Paul's Road; the architectural front of the house where the Federation features are located. The impression gained by the photograph in the Citation is that the whole property should be subject of the overlay rather than the Federation features located at the St Paul's Road frontage. As set out below, there is simply no justification for this.
8. Neither the Property nor the dwelling was inspected by the council before the Citation was prepared. It appears the Council may not have been able to properly or fully assess the features referred to.

The minimal remaining features are not significant or of heritage value

9. If dated to the Federation period, the Property is not representative of that period in any significant way. It is not limestone (as identified in some of the other citations relating to C262). The original cottage has none of the ornate timber bargeboards, finials, roof and eave brackets which the council refer to as being typical of the Federation period (see HO496 citation regarding “Dalwhinnie” and HO493, Coppin Road).
10. As set out above, the council appears to have mistakenly concluded that some part of the verandah is original. This is not correct. The original verandah likely ran only along the front of the St Paul’s St aspect, had no return and was probably very shallow. It no longer exists. The Description of the property in the citation states there was a verandah “*on three sides*” and in other materials (such as the “Dalwhinnie” citation (HO496)), the council refer to King Street’s verandah as an “*encircling*” one. The vast majority of the verandah was constructed in the 1980s by the then owner and cannot not be historically significant in any way. Any verandah that might have originally existed would have been minimal at the old front façade (St Paul’s Road).
11. Although the council identifies that there is an original small gable on the roof, this cannot be seen from any vantage point. The house is quite some distance from St Paul’s Road. In any event, it is not so significant so as to reach the relevant threshold.
12. There are a number of references in the statement of significance to the property being “inter-war”. In other citations relating to C262 (eg, HO467 (on the Loop, Blairgowrie), there seems to be some suggestion that inter-war residences are rare in the area. However, 6 King Street is more likely to have been constructed before or during the war and should be considered as from the Federation period. Simply because the property was sold in 1920, it does not make it a property of “inter-war” significance (see Citation at “History of the Place” where it is stated that it was purchased in 1908 and sold in 1920).
13. The only remaining original feature of note appears to be a canopy or window hood above the front window. This is a minimal decorative feature and on its own is an insufficient reason to impose an overlay over the Property.

14. The new additions (including the verandah added in the 1980s) bear little or no resemblance to the minor decorative features on the original facade. The timber work and design of the balustrades and posts on the new verandah are completely different from the small amount of timberwork under the canopy above the front window and the minimal notched weatherboards (which are most probably the only original decorative timber features).

Recent alterations to the Property

15. Any representative architectural significance of the features referred to in the Citation is not made out. What is said to attract heritage character in the Citation really arises out of the modern additions. What remains of the original dwelling has been largely obscured by the modern additions and any heritage characteristic of the original features is extinguished.
16. The modern additions are substantial. They include a large rear living space, Colourbond roofing and the entire verandah, (complete with balustrades and substantial timber work). These were completed by an individual who owned the Property immediately before the current owners.


Inclusion of land unjustified

17. Further, the Citation provides no basis at all for imposing a heritage overlay over the land. There is nothing of significance said to arise in relation to anything other than on the dwelling.
18. If the council are seeking to rely on any association between the land and particular individuals as relevant or somehow elevating the entire Property as one of historical significance, such reliance should be rejected. There is no significance whatsoever of any of the owners (families or individuals) referred to in the citation as being associated with the Property.
 - a. As for Mr Roe (an owner between 1908 and 1920), all that has been referred to is a newspaper report that he fished off Jubilee Point and on an occasion witnessed his fishing partner (from Port Melbourne) being washed away. A contemporaneous report about a person's activities cannot amount to local significance.

- b. As for Mr Firth (an owner between 1920 and 1950), no information is given about him and it is presumed there is nothing of significance to state.
- c. As for Mr Dawson (an owner between 1950 and 1970) nothing of significance is explained or identified about him. Mr Dawson's war records were considered but suggest merely that he was in the voluntary citizen's forces at age 23 and enlisted in at age 43. There is nothing of particular significance identified in respect of him or his service.
- d. By comparison some of the other citations of older properties have identified where persons of significance were associated with the property (eg HO466, Woodlands limestone house in Blairgowrie which was owned by a family who owned local kilns).

Comparative properties

- 19. A number of properties have been cited as comparative.
 - a. Dalwhinnie, 17 Esplanade, Sorrento. It is not correct to say that this is a comparable building, save that the estimated dates of construction are approximately the same. Dalwhinnie is replete with features both architectural and historic which the heritage overlay is attempting to protect. Many of these features are intact and do not appear to have been subject to major alterations.
 - b. 200 Ocean Beach Road. Although substantially hidden from view its ornate verandah appears to contain the same style of short posts which form the frame of the window hood at the front of 6 King Street. This is a very minor comparison. It also appears to be of an older style.
 - c. 186 Ocean Beach Rd and 29 Coppin Rd Sorrento, are referred to. These are very plain and simple examples of early Federation and cannot be said to have representative qualities. Any original features which remain are minimal.


6 King Street Sorrento 3943
24 July 2020

Contact: Romy Davidov
Direct line: 03 9691 0203
Email: rdavidov@besthooper.com.au
Principal Lawyer: Romy Davidov
Our Ref: JDC:RD:200758

25 July 2020

Mornington Peninsula Shire Council
Strategic Planning
Attention: Anne Grogan
2 Queen Street
MORNINGTON VIC 3931

By email only: heritage@mornpen.vic.gov.au; Anne.Grogan@mornpen.vic.gov.au

Dear Madam,

**Amendment C262 to the Mornington Planning Scheme
3039 Point Nepean Road, Sorrento VIC 3943 (Subject Site)**

We act on behalf of the landowner in respect to the above.

We note that Amendment C262 (**Amendment**) to the Mornington Planning Scheme (**Scheme**) has been exhibited and insofar as it relates to the Subject Site, proposes to:

1. Apply the Heritage Overlay, Schedule 524 (**HO524**), which is a site specific heritage overlay; and
2. Introduce Heritage Citation 461 as an Incorporated Document at Clause 72.04 of the Scheme in support of HO524.

Our client objects to Amendment for a number of reasons as follows:

1. The Amendment does not provide for the fair, orderly, economic and sustainable use and development of land, insofar as it seeks to apply a Heritage Overlay to the Subject Site without sufficient justification or heritage basis;
2. The Amendment does not provide sufficient evidence to substantiate the Subject Site, both the dwelling and the entire property, as being one of historical or cultural significance;
3. The Amendment is unjustified and does not align with the objectives of planning in Victoria.

More specifically, our client positions as follows:

1. Notwithstanding the assertions in the proposed Heritage Citation in relation to “why” the Subject Site is significant, the history of the site indicates it was constructed as a holiday home rather than demonstrating any association with the fishing industry. For these reasons, the emphasis on the fishing industry in the Heritage Citation and Statement of Significance are misplaced, unfounded and undermine the assertions contained therein;
2. There is no evidence of who the architect of the property is, nor when it was constructed and its architectural origins. Furthermore, the property is not an intact one (as recognized

in the proposed Statement of Significance). This undermines any assertion of its heritage significance;

3. The reliance on Criterion A, B or D are not established and for these reasons the Heritage Citation fails to provide justification required under the Practice Note to support the inclusion of the Subject Site in the Heritage Overlay (and moreover a site specific overlay).

In furtherance of our client's position, we also rely upon the **enclosed** report prepared by John Briggs of John Briggs Architects Pty Ltd.

Should you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully
BEST HOOPER

Best Hooper

Romy Davidov
Principal Lawyer

Enc.

HERITAGE ASSESSMENT

Place: 3039 Point Nepean Road, Sorrento
For: [REDACTED]
Date: April 2019

Introduction

The Mornington Peninsula Shire Council's notification letter, 6 March 2019, stated that 'Newberry Hill', at 3039 Point Nepean Road, Sorrento, 'has been identified as a place of local heritage significance'. This significance was based on its presumed '*local historical and representative (architectural) significance*'. It is further stated that it is historically significant for its association with the Hutchins family of fishermen.

The 'association' with the Hutchins family, who were fishermen as well as farmers, is clear in that the family owned the property. It does not however follow that an 'association' with the Hutchins family, through their ownership of Newberry Hill, makes it worthy of Heritage Overlay.

The statement of significance (Heritage Citation 461) for Newberry Hill appears to contain a number of inaccuracies. These related to the ownership, use and extent of alteration of the house and property.

Extent

It is understood that an individual Heritage Overlay is proposed to be applied to the whole property. This is a one acre property containing a large machinery shed, a garage sized machinery shed, one granny flat – all of which have been built since the 1990s - one tennis court – built in the late 1980s - and the Federation house.

On page 4 of the Citation it is stated that '*... when Robert William Hutchins died in 1968, he bequeathed Newberry Hill on 1 acre of land, to his daughter Phyllis Hutchins. At some time between 1968 and the present day the land was subdivided and the 1 acre block surrounding Newberry Hill now has another three house on it, set well back from the existing house behind dense vegetation*'.

This statement is not correct, as the subject property remains one acre in size. Tom O'Donohue and his family bought two separate parcels of land from the Hutchins family. The first and larger parcel of land was bought in 1983 by Tom O'Donohue, and has recently been subdivided into four large house blocks and a private road.

The parcel, which is approximately one acre and contains Newberry Hill, was bought in 1985. This parcel of land has never been subdivided and does not contain another three houses. Tom O'Donohue and family have been in residence since 1985, initially as holidaymakers and permanently for some thirty years.

According to survey documents, these two parcels purchased by the O'Donohues constitute the 4 acres and 1 rood of land purchased by Ellen Elizabeth Onge, in 1902.

The extent of the proposed Heritage Overlay, encompassing the whole property, may be an expedience from the points of view of mapping, however the inclusion of the whole acre is not evidently justified by the asserted heritage significance of the house.

Should the house be demonstrated to have heritage value as proposed, this would be fully protected by mapping the Heritage Overlay to include the house and a curtilage appropriate to the appreciation of the house. The area of whole property is arbitrary with respect to any heritage value.

History and Association with the Fishing Industry

In 1878 Ellen Elizabeth Cuttle, born 1854, married Robert Persse Onge

The Onge family was a well to do Melbourne family who owned a large parcel of land in Sorrento encompassing that now owned by Marcus Burke as well as a property now known as Hindson House. Before its sale to the Hindson family, that house was the holiday home of Ellen Elizabeth Onge (senior). After the sale of that house, the Onges' holidayed in a house known as 'The Shanty' which stood where Marcus Burke's house now stands at 3027 Pt Nepean Rd.

In 1906 Ellen Elizabeth Onge's daughter, also Ellen Elizabeth (but known as Lilly), married William George (Bill) Hutchins, born 1884, whose family lived on the beach at Cameron's Bight during the summer months, catching and selling fish. According to the stories passed down through the Hutchins family, this event caused more than a little disquiet for the Onges!

'Newberry Hill' was a wedding present for her daughter, built by Ellen Elizabeth Onge (senior). She did not entirely approve of her daughter's match to a fishing family and consequently kept the property in her name. That the house she built is now being considered to have historical significance for its association with the fishing industry is somewhat ironic!

All the building materials - weatherboards, bricks, window material etc - were acquired in Melbourne and brought to Sorrento for the construction of the house. 'Newberry Hill' was not built as, nor ever intended to be a fisherman's house. Then, as now, holidaymakers and tourists liked to be close to the water. Documentation indicates that from earliest days, 'Newberry Hill' was rented out over the summer to holidaymakers while the Hutchins lived in their cottage on the beach since demolished by the Shire.

William George and Ellen Elizabeth (Lilly) had a son, Robert William (Mick) Hutchins born in 1907. In 1931, Robert William (Mick) married Lillian Gray (Lil) (just to confuse historians). Mick died in 1971 but Lil lived on until 1996 and it was from her that Tom O'Donohue bought the property in 1985, contrary to the claim that the property was bequeathed to Phyllis, their daughter.

It appears from the records that before the World War One, as now, income was earned by renting out properties to holiday makers over the summer. It appears that various generations of Hutchins maximized their income by moving between Newberry Hill and other properties to rent out the better homes to holiday makers – so Newberry Hill has as much an association with the property industry as with the fishing industry.

Mick and Lil lived in a cottage, since demolished, where No 2 Cameron's Close now stands. In 1943 they moved into the fisherman's cottage on the beach and the cottage at No.2 was left vacant.

The dwelling with the closest association with the fishing industry, until recently demolished, was at 3037 Pt Nepean Rd. This house was built on a parcel of land gifted to Phillip (Pat) Gray Hutchins (son of Lil) by his grandmother, Ellen Elizabeth (Lilly) with whom he had lived for a period. Pat, a fisherman occupied this house until he retired.

The Hutchins family were fishermen. In winter they fished in Williamstown and in summer fished in Cameron's Bight. William George (Bill) was also a fisherman, and was the son of George Hutchins, born 1848, who came from Williamstown.

In the 1870s the Hutchins family was granted a 99 year lease of Crown Land in Cameron's Bight. They had a jetty – Hutchins jetty - adjacent to the current jetty. The current jetty was then known as Martin's jetty. On the beach, the Hutchins family initially camped and fished off the jetty.

Eventually they built a two bedroomed cottage (this was a fisherman's cottage) and shop. During the summer months the Hutchins would fish in Cameron's Bight, sell their fish locally as well as sending it by train from Frankston to the city. During the winter months they would return to fish in Williamstown.

This account is based on the following:

Documents held by Tom O'Donohue

Documents held by Paul Hutchins

Genealogical references collated by Paul Hutchins

The memory of Phillip Gray (Pat) Hutchins, son of Robert William (Mick) Hutchins and Lillian (Grey) and grandson of William George (Bill) Hutchins and Emma Elizabeth (Lil) (Onge)

House Alterations and Representative Character as a Federation House

Comparative houses listed in the citation for the property are all related to the fishing association advanced in the citation rather than addressing the 'representative' value of the house attributed under Criterion D: "The house retains a number of its original features including hipper roof, corbelled chimneys, three sash windows either side of a central door under a skillion verandah." It is correct that the house has these features however the fretwork to the verandah is a late century addition and the western elevations have been largely remodelled. It is notable that in the citation it was not considered relevant to discuss comparative examples of similar age such as the house at 6 King Street which overlooks St Pauls Road, and is also addressed in this Stage 3 Heritage Review. In the Citation for that property the King Street house is compared with two other Federation houses, a house from 1899 and house cited as Inter-War at 29 Coppin Road.

It can be concluded that the case for the subject house to be considered to be of individual heritage significance on the basis of its being a 'representative' Federation houses is not strong enough to set out a comparative analysis under that heritage criterion.

Should Council consider that this house has value under Criterion D it would be reasonable for Council to establish where they consider the threshold distinguishing heritage interest from heritage significance. An old house may have heritage interest however it does not follow that the house is important to identity for any part of the Sorrento community or its visitors. It is reasonable to expect that Council should be able to demonstrate their proposed positioning of the threshold for heritage significance as representative of the Federation period by identifying those 5, or so houses that achieve the threshold and a similar number of houses of similar origin that have been considered unworthy of inclusion.

Given Council is in effect proposing to acquire, or curtail, a significant range of the existing and historical use rights over the land, the onus lies with council to reasonably explain their claim as expected under the Planning Practice Note no. 1.

Conclusion

The history of the house indicates it was constructed as a holiday home, much as where the houses either side the northwest end of Hiskens Street, rather than demonstrating any association with the fishing industry. It would seem that the conjectural emphasis on the fishing industry is misplaced. It is certainly not demonstrated that the association is an authentic one that is, or was, held by the Sorrento public. It is recommended that this aspect of the claim that the house and whole property has historical significance requires review.

There is yet to be any demonstration of where the subject property is positioned by comparison with other house that are considered representative, and with those house of Federation origin that have been rejected as having heritage significance. Without such explanation it is not demonstration that the subject house, although old, has value to the public warranting the application of heritage controls over the property.

Given the size of this property the application of the Heritage Overlay to the whole property has also not been justified as required under the Planning Practice Note. As an individual property without supporting heritage context it is also unclear what value control over paint colours would add to the house.

Presently it does not appear that the Citation for the property provides a justification for its inclusion in the Heritage Overlay, and accordingly it is requested that the proposed application of the Heritage Overlay be reconsidered.



John Briggs

John Briggs Architects Pty Ltd

AMENDMENT C262morn-submission

Thankyou for your letter advising of Amendments to the Planning Scheme (C262morn.) As owners of property at 3421 Point Nepean Road, Sorrento, (the old Butchers shop) which is heritage listed, we appreciate the opportunity to have input to the relevant documents.

In relation to our own particular area (presently HO1), if we understand the documents correctly, it appears that heritage designation will be given to a **lesser allover area** than previously (ie: the existing HO1 will become HO503 Sorrento Historic Precinct: Clifftop Area) and a few properties, including ours, will be given an **Individual heritage overlay (HO532)**. If this is so, it is unfortunate that, mostly likely due to new and inappropriate developments, heritage overlay areas need to be reduced or removed, following the findings of the most recent Heritage Review.

Our old, historic property has been badly impacted by a neighbouring property development over the past three years and we wonder sometimes if the time, effort and expense of keeping/maintaining and fighting for a listed heritage property is worth the effort, much as we love the place, and have done so for the past 38 years. Council officers have always been helpful and supportive, but outside influencers seem to always find ways to work around the restrictions placed on them. Penalties seem to be ineffectual. Members of both the Nepean Conservation Group and the Nepean Historical Society put in a lot of voluntary effort to support the ideals behind heritage overlays, but it is often exhausting and demoralizing work and receives little acknowledgement, in fact is sometimes met with open hostility from persons with vested interests.

We are concerned that, by removing the wider area of coverage provided by the existing HO1, a non-contributory property which borders an individually listed heritage property will have restrictions lifted (ie: height, etc.) which would enable extensions/alterations/additions that would negatively affect the listed property. We ask whether this has been fully considered, as it seems a likely outcome of the proposed changes, particularly knowing of recent changes to building/planning height regulations. In our view, it is better to have some restrictions in place

2.

under these circumstances rather than to have an exploitable situation which can lead to community or neighbourly conflict. We speak here from experience.

On viewing the documents that apply to our property, there are only two small changes that need to be made, because the proposed wording is now either inaccurate or out of date. Details are:

Heritage Citation HO1C

Heritage Overlay No. HO503

In the first para, under heading "Description": the last sentence begins "*On either side of...*"

This is no longer correct as changes have taken place since the last heritage study. We suggest the word "*Nearby*" be substituted here, for accuracy.

Heritage Citation 491

Heritage Overlay No. HO532

Under the heading "Description": the second sentence says: *....."and the weatherboards have been replaced with cement sheet on one side"*. This is inaccurate, as all cement sheet was removed many years ago and replaced with matching Baltic pine weatherboards. We suggest the wording be changed to: *....."and was built on limestone foundations with Baltic pine weatherboarding, much of which is still original"*.

These are small changes, but are necessary in a printed document for the sake of accuracy. Again, thankyou for the notification.

We sincerely hope that the proposed changes will give strength to the Mornington Peninsula's Planning Scheme so that the peninsula can remain a beautiful and historically interesting place for future generations to enjoy.



19 July, 2020.

**Mornington Peninsula Planning Scheme Amendment C262morn
(the “Amendment”)**

Submission to Morning Peninsula Shire Council (the “Shire”)

Objection to Amendment

Re: Heritage Citation 140

Heritage Overlay number H0477

Colloquially known as “The Dairy” - 53 Franklin Rd, Portsea (the “Property”)

From: [REDACTED]

Owner of 53 Franklin Rd, Portsea

Identity Statement

[REDACTED]

Introduction and Background

We do not have an objection, per se, to any relevant section of the house on the Property being included in the Heritage Overlay Schedule (the “HO Schedule”). Aspects of the house clearly provide an example of local historic Portsea architecture and style. This was largely what drew us to purchase the Property in 2014, and to undertake restoration from its then state of significant decline. We consider ourselves the current (and fortunate) custodians of the heritage of this lovely Property.

When we bought the Property it was in an extremely run down, even derelict, condition. We were interested in it because of its age, character and potential beauty – a beauty quite obscured at that time by years of neglect and innumerable layers of paint, as well as additions and alterations unsympathetic to its historic character. In the intervening years we have been engaged in a process of careful rejuvenation.

We are, however, concerned at the inclusion of the Property on the HO Schedule:

- (a) if this is done on the basis of inaccurate information and assumptions;
and
- (b) where the impact of that inclusion is uncertain, in terms of both the extent of restrictions imposed, and the nature of the rejuvenation and repair work that can reasonably be conducted at the Property.

We have identified specific, objective inaccuracies in the Heritage Citation 140 (the "Citation"). Some of these inaccuracies arise from lack of information, which we now seek to provide. We were neither involved in, nor were we consulted in the research conducted by the Nepean Historical Society, save for providing (unaccompanied) access to the Property.

We have always been, and remain, interested in uncovering historic information on the Property, and protecting and preserving it. However, we are troubled if decisions regarding the Property are made by the Shire based on inaccurate or lack of information in the Citation.

Accordingly, before any final decision is made, we formally request the Shire to provide us with the following further information, or correct and make changes to the Citation, as detailed and numerated below:

1. Photos (Citation, page 1)

The photos (depicting the northern façade of the house) included in the Citation do not accurately show the current state or appearance of the northern façade of what we understand to be the oldest part of the house.

Question 1: Does the Shire intend to rely on these photos in the course of its deliberations and decision-making? If so, we request it relies on accurate photos (see Attachment A).

Explanation

We believe the photos included in the Citation were taken sometime in late 2018 or early-to-mid 2019 (they were not taken by us, but by the Nepean Historic Society).

In late 2019 we undertook remedial work on the top of the extended limestone parapet wall, above what we believe to be the oldest part of the building – the north-facing section with three windows, shown in the first photo. As referred to in the Citation, that (likely 20th century) parapet obscures a rooftop terrace. However, the parapet wall was not high enough for the rooftop terrace to be safely used. Accordingly, in late 2019 we extended the height of that parapet wall by the addition of some Victorian-era wrought iron. This is not indicated in the photo included in the Citation, but does pre-date the issuing of the Citation.

If the effect of any inclusion on the HO Schedule is that this part of the northern façade of the house must look as it is depicted in those photos, then already that is not possible. It no longer looks exactly as it did when those photos were taken. Nor would it be safe to use the rooftop terrace if the northern façade of the house must remain as it is depicted in that first photo.

If this is material, then reference to or description of the current conditions should be included in the Citation, noting that they are slightly different from that depicted in the first photo.

We attach a photo of the northern façade of what we believe to be the oldest part of the house, taken in July 2020, as Attachment A. This should either be included in the Citation as a depiction of current conditions, or inserted in place of the first photo currently included.

2. Description (Citation, page 6)

The section of the Citation includes a number of inaccuracies, as follows:

2.1 “... and a two storey section at the rear from the late twentieth century”. We have design documents relating to that two storey section at the rear which date from the 1950s. It was erected in the mid-twentieth, not the late twentieth century. The word “mid” should be substituted where “late” is currently used in that sentence.

2.2 “... On the other side of the gable is a skillion addition, with another triple bay Inter-War window in its end façade”. If the reference to “Inter-War Window” is intended to mean that the skillion addition, with its triple bay window, was erected at the same time as the gable (whenever that was), with [the gable’s] “large triple pane Inter-War window”, then this is not accurate. When we bought the Property in 2014, in the place of the current skillion addition referred to (and shown in the 2nd photo on page 1 of the Citation), there was an old timber and asbestos sheet ‘lean-to’ which appeared to date from the 1950s, but which was in very poor condition. Its walls, windows and roof were partially open to the elements. We had it demolished by an accredited asbestos removal company. We then built the current stone-clad skillion in the place of that old ‘lean-to’, in 2015.

As the usefulness of the reference to “Inter-War” window with regard to the skillion addition’s window is potentially confusing, that phrase should be removed. The following clarification should also be inserted after “skillion addition”: “...(constructed in 2015)...”. So that the sentence reads: “*On the other side of the gable is a skillion addition (constructed in 2015, in a similar style to the gable), with another triple bay window in its end façade.*”

2.3 “Along the front of the block on Franklin Rd is a grove of large cypress trees.” This is completely inaccurate. There are no large, or indeed any, cypress trees along the front of the block of the Property on Franklin Rd. The closest grove of cypress trees is three houses to the north of the Property, at #43 Franklin Rd (NB house numbers are not necessarily sequential along this stretch of Franklin Rd). There is one large cypress tree at the front of the block of the house immediately to the north of the Property (#51 Franklin Rd). Accordingly, this sentence should be removed from the Citation, as it is completely inaccurate.

Question 2: Will the Shire alter the Citation to remedy these inaccuracies, prior to relying on any information in this section in its deliberations and

decision-making?

3. **Recommendation** (Citation, page 6)

The Citation recommends that the “whole of the property as defined by the title boundaries” be included in the Heritage Overlay.

However, the references to and description of different parts of the house on the Property are inconsistent and unclear.

Question 3: Why include “the whole property as defined by the title boundaries” in the Recommendation? What this means, or what is included in ‘the whole property’ is not defined or detailed, and is wholly unclear. Please clarify what is included in or meant by the reference to ‘the whole of the property’.

Explanation

We are concerned that the Citation recommends that the Property should be included in the HO “*to the extent of the whole property as defined by the title boundaries*”.

What this means, and its impact on our ability to alter the Property (as opposed to various, individual, aspects of the house) in the future is wholly unclear.

Furthermore, the Citation recognises the house on the Property is “*a limestone house that has already been altered a number of times*”. How then is the Shire to identify when and what alterations were made to the house, for the purposes of enforcement of any limitations imposed by its inclusion on the HO Schedule?

Why is it recommended to include the whole property? The Citation later states (in the section ‘Extent of fabric to be retained’ on page 7), that it is “*All of the Late Victorian and Federation fabric, but not the mid-twentieth century rooftop terrace additions*” to be retained. Presumably it is the original limestone cottage (which we understand to be the section with three windows shown in the first photo [and the current condition of which is more accurately depicted in the photo at Attachment A]), which forms part of the current house that is the subject of protection interest? Even this is unclear, as stated below. But in any event, why include the whole property?

We consider that only the original, or what we consider to be the oldest part of the house (being that area on the northern façade with 3 windows, not including the parapet wall above, as depicted in the photo at Attachment A), ought be included in any heritage protection register.

4. **Extent of curtilage** (Citation, page 6)

The Citation contains numerous and inconsistent descriptions of aspects of the house.

Question 4: What does '*the **whole** of the house*' [emphasis added] mean in the context of the extent of the curtilage? Please clarify. Is this in fact a reference to the land immediately surrounding the whole of the house? Or the land surrounding and abutting what we believe to be the oldest part of the house? This is wholly unclear. Additionally, please provide justification for including "the whole of the house" in the curtilage.

Explanation

The Citation recognises that the house has already been altered a number of times. Is the Shire nonetheless seeking to impose heritage overlay conditions (or restrictions or protections) on the **whole** of the house? The Citation is far from comprehensive in its description of the house. Nor is it clear and consistent in its description of various aspects of the house. Further, it does not define or describe what 'the whole of the house' means. We cannot ascertain what the impact of this would be without further information from the Shire.

Further, it is hard to understand the justification for extending the curtilage to "*the whole of the house*" when the stated extent of the fabric to be retained (on page 7) is "*All of the Late Victorian and Federation fabric, but not the mid-twentieth rooftop terrace additions.*" This clearly does not encompass "the whole of the house". This inconsistency requires further clarification.

5. **Significant elements or design features** (Citation, page 7)

This is stated to be "The side façade of the house and views to the public realm".

Question 5: Which side façade is referred to? What are the 'views to the public realm'?

Explanation

This is wholly unclear. Without more clarification, how can this statement operate as a reasonable and enforceable basis for any level of heritage protection for those aspects of the Property which might rightly deserve heritage protection?

Does it mean the western façade of the house, which is not referred to or described in the Citation (or depicted in any of the photos), but which faces out to the public realm, as it abutts Franklin Rd? This façade remains in the condition

in which we bought it (in 2014) – covered in numerous layers of paint and other obscuring material, together with the grime of many years.

Or does it mean the entire northern façade of the house? Notwithstanding the fact that this entire northern façade is made up of parts of the house built at different times, including a gabled part presumably of the Federation era, and a stone-clad skillion, added to the east of that gable in 2015? This entire northern façade can be seen from outside the front gates. Is this what is meant by views to the public realm? If so, what can be the justification for including the 2015 stone-clad skillion in any such protection or restriction?

Or does it mean that part of the northern façade which we believe is the oldest part of the house, with its 3 windows, but not including the parapet wall above (as shown in the photo in Attachment A)? If this is what is meant to be included in the ‘significant elements or design features’, then further clarification is needed in the Citation. We do **not** object to what we believe to be the oldest part of the house (as described above) being designated as ‘significant elements or design features’. However, this needs to be clearly described.

6. Extent of fabric to be retained (Citation, page 7)

This is stated to be “*All of the Late Victorian and Federation fabric, but not the mid-twentieth century rooftop terrace additions.*” The parts of the house to which this refers, based on various descriptions in the Citation, is not clear.

Question 6: What aspects of the house are specifically referred to when the Shire states “*All of the Late Victorian and Federation fabric, but not the mid-twentieth century rooftop additions*”?

Explanation

Nowhere in the Citation is there a clear description or definition of what is meant by “*All the Late Victorian and Federation fabric*” of the house. This is critical. Without it, how can the extent of the retention requirement be understood?

What constitutes “*All of the Late Victorian... fabric*”? Where is this accurately and clearly described in the Citation?

The Statement of Significance on page 1 of the Citation states that “*53 Franklin Rd, Portsea, known as The Dairy, is a late Victorian cottage, dating to circa 1863-1879... the house retains some of its original fabric, including limestone walls and two chimneys. It has an asymmetrical façade with a projecting Federation period gable, a skillion sunroom and the original late Victorian cottage, all in limestone...*” And “*...The house retains a number of original features of a late Victorian and Federation house, including limestone walls, limestone chimney, projecting gable at the front...*”

It is correct to state that only one chimney still exists, not two.

What part of the above description in the Citation clearly identifies “All the Late Victorian... fabric”?

Later, the Citation refers to “*a projecting front gable which appears to be from the Federation period with a side skillion*”. Elsewhere this projecting gable aspect of the house is referred to as “*...Federation in style..*”. Is this the ‘Federation fabric’ which must be retained?

Is a statement in the Citation that part of the building “*appears to be from the Federation period*” or “*Federation in style*” to be taken as a statement of fact that it is “*Federation fabric*”?

The gable area of the house currently has a rotten A-frame roof support. It was in this state when we purchased the Property in 2014. We have not yet replaced it. Must this rotten A-frame roof support be retained, as part of the ‘*Federation fabric*’ of the Property?

The side skillion was built by us in 2015, as explained above. It is not from the Federation period, although it was designed and constructed in a style sympathetic to the rest of the northern façade of the house. Accordingly, that side skillion cannot be considered “*Federation fabric*” and should not be included in the fabric of the house which must be retained.

Nowhere in the Citation is the “*mid-twentieth century rooftop terrace additions*” defined or described. There is reference to “*the oldest part of the cottage*” (is this the “*Late Victorian fabric*”?) “*... [having] been altered in the mid-twentieth century with an extended parapet in limestone which hides a rooftop terrace.*” On the basis of these descriptions, how can we ascertain where the Shire considers the Late Victorian fabric (which must be retained) ends, and the mid-twentieth century rooftop terrace additions (which are not required to be retained) begins?

We do **not** object to what we believe to be the oldest part of the house (with its 3 windows, but not including the parapet wall above, as shown in the photo in Attachment A) being designated as requiring retention. However, this needs to be clearly described.

7. **Schedule** (Citation, page 7)

This Schedule lists “No” against a list of items, including External Paint Controls, Internal Alteration Controls, Tree Controls, and Fences and Outbuildings.

Question 7: What does this Schedule mean? What is its effect? Please clarify.

Explanation

It is unclear, without further information or explanation, what this Schedule means, or of its impact. If it means (as on its face it appears it might) that no controls or restrictions apply to external painting, internal alterations, or the treatment of trees, fences and outbuildings, then why does the Citation recommend that the whole property as defined by the title boundaries be included in the Heritage Overlay?

Conclusion

As detailed above, we are concerned that the Citation currently contains various material inaccuracies, inconsistencies, unclear statements and a lack of necessary information.

We believe that in its current form the Citation, which forms part of the Amendment, is neither accurately derived, nor its meaning and extent reasonably ascertainable. We are therefore concerned about it how it will be implemented and enforced with regard to the Property.

On this basis we oppose the Amendment, and Heritage Citation 140 in particular, in its current form.

However, as also detailed above, we believe that the consequent problems can be rectified, with the addition of accurate and reasonable clarifications to Heritage Citation 140.

[REDACTED]

Contact address:

[REDACTED]

[REDACTED]

24 July 2020

Attachment A



24 July, 2020

Mornington Peninsula Shire
Manager Strategic Planning
PRIVATE BAG 1000
ROSEBUD VIC 3939
Via email – heritage@mornpen.vic.gov.au



ATTENTION: KATANYA BARLOW

RE: AMENDMENT C262morn SUBMISSION

We wish to make a submission regarding Amendment C262morn. We strongly oppose the inclusion of both our properties in Mornington Peninsula Planning Scheme Amendment C262morn and request that both properties are removed from this amendment.

Introduction:

The property at 876 Point Nepean Rd is our principal place of residence. We currently have planning permission and a building permit to make significant changes which are presently underway.

The reasons we have had to make these changes are because the existing house was in poor condition and did not adequately accommodate our living needs due to the severe degradation of building materials over the years as well as the ad-hoc floor plan. The habitable rooms were small and the layout was dysfunctional which prohibited us from enjoying our amenity in a reasonable way with family and visitors. The house was also clad with asbestos sheeting, not just externally but most of the internal wall linings as well, which represented a health hazard for us.

Another factor was the construction of the council playground on the foreshore directly opposite our front yard. The construction of this playground impacted on us greatly as we not only lost our water views, but have also had to endure the increased noise and artificial lighting penetrating inside our house, particularly in our living areas and outside decking areas facing North.

The property at 874 Point Nepean Rd is the veterinary clinic we established in 2013 in response to a community need for cost effective veterinary services in a lower socio-economic area. We provide quality veterinary care at very reasonable prices and offer treatment options which allow many people to care for their animals who many not otherwise be able to afford it.

We provide employment for locals and utilise local tradesmen for any building and maintenance works needed. We currently have planning permission for alterations &

additions so that we can make changes to adequately meet an increased demand for our services and animal hospitalisation. We required much needed space for more animals as well as an office separate from the staff lunch area to cater for more employees we have recruited. More importantly, we needed another consultation room so that grieving clients can spend more time with their pets during euthanasia procedures.

We firmly believe that both our properties should not be included in the heritage overlay for the following reasons:

No. 876

Approval of Planning Permits –

1. P19/1103
2. P19/1103.1
3. P19/1103.2 (pending)
4. Building Permit No. 2020/149 (lodged & pending) - will enable full transformation of No. 876 in that:

- * It is no longer a simple gable-fronted Californian bungalow with chimneys;
- * Asbestos sheet cladding is replaced with weatherboards & blue board render;
- * Asbestos internal wall linings replaced with modern plasterboard & V-groove panelling;
- * Front gable no longer has timber straps or half-timbering common in the interwar period and is hidden with new hipped roof and outdoor alfresco extension;
- * All windows have been removed due to rot & replaced with new, including the removal of the original front door which has been replaced with modern glass triple stacker doors; *(Photo 1)*
- * Internal floorplan has been altered with the demolition of existing block walls & renewed to create a modern open-plan living home;
- * Uneven floor levels which were remnants of the old verandah boards have all been changed to one uniform level and laid with modern engineered timber floors;
- * Unstable chimneys could not be saved and require removal due to years of water damage & foundation movement.

Other factors

1. No. 876 has **NO** visibility from the beach front given the heavy/dense vegetation & coastal shrub that has grown over the years; *(Photo 2)*
2. No. 876 has **NO** visibility from Point Nepean Rd, Rosebud *(Photo 3)*
3. No 876 is no longer typical of the ephemeral early cottages during the interwar/post war periods;
4. No. 876 is now a larger modern home given the dwelling alterations & additions.

No 874 – Use of land as Vet Clinic

Approval of Planning Permits –

1. P11/1704
 2. P20/0227
 3. Building Permit – lodged & pending – will enable
- * Roof & façade altered & transformed to accommodate new additions (including a new extension at the front setback & facade (vet clinic consultation room) facing Point Nepean Rd;
 - * Asbestos sheet external cladding replaced with modern charcoal stained timber battens;
 - * Masonite half walls & decorative trims have been removed; *(Photos 4 & 5)*
 - * Stepped chimney removed from above roofline due to water leaks & damage. Chimney rendered to match walls and is no longer the architectural accent of the premises;
 - * Windows & doors all replaced due to rot, including original feature front door with round window; *(Photos 6 & 7)*
 - * Front porch with feature decorative iron railing has been removed; *(Photo 8 & 9)*
 - * Front fence has been fully rebuilt due to dilapidation; *(Photos 10 & 11)*
 - * Hard surface permeability with fully concreted carpark & driveway *(Photos 12 & 13)*
 - * Iron hand railing & concrete ramp in front setback façade *(Photo 14)*

Other factors –

1. No. 874 no longer has moderne details & features representative of the 1950's.
2. No. 874 is utilised as a busy veterinary clinic (not for residential use).

To conclude:

Once building works on both properties are completed (building works are currently underway & completion scheduled for December 2020), No's 874 & 876 will represent a significant departure of the simple holiday homes/cottages of the interwar & post war periods. Moreover, they will no longer hold a tangible reminder of the dramatic boom of tourism in that period of time. By the time building works have been completed on both properties, we estimate that we would have expended \$600,000 to enable this transformation.

Major alterations & additions are going to be and already have been made to both buildings, to the extent that the original form and style is hard to recognise. Cladding materials have been & will be replaced using different materials. The rooves have been significantly modified, chimneys have been removed due to instability, windows and doors have been replaced due to degradation & rot, and the form/size have been altered.

Given the substantial structural changes & transformations both properties **should not** be recommended for inclusion in the Heritage Overlay as they no longer are representative of interwar & post war houses, nor have heritage reminders or features. They no longer hold

any contribution to heritage. Having regard to this we strongly disagree with the proposed changes to the Planning Scheme, namely Amendment C262morn.

Photos on following pages:



Photo 1
876 - front windows and doors
removed

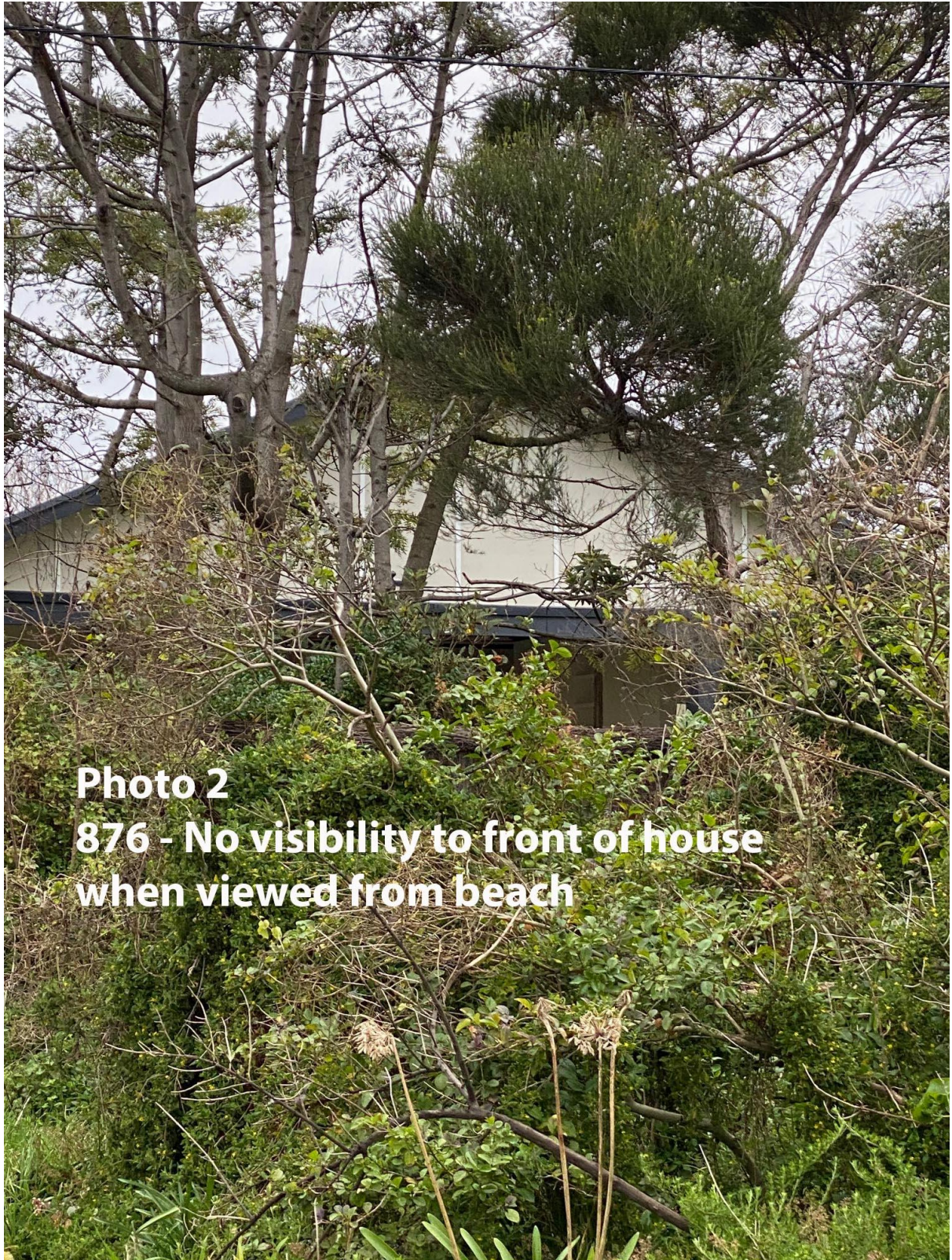


Photo 2
876 - No visibility to front of house
when viewed from beach

Photo 3
876 - No visibility from Point
Nepean Rd





Photo 4
874 - Vet clinic original masonite
half walls



Photo 5
874 - Vet clinic original masonite
half walls removed

Photo 6
874 - Vet clinic original front door



Photo 7
874 - Vet clinic new front door



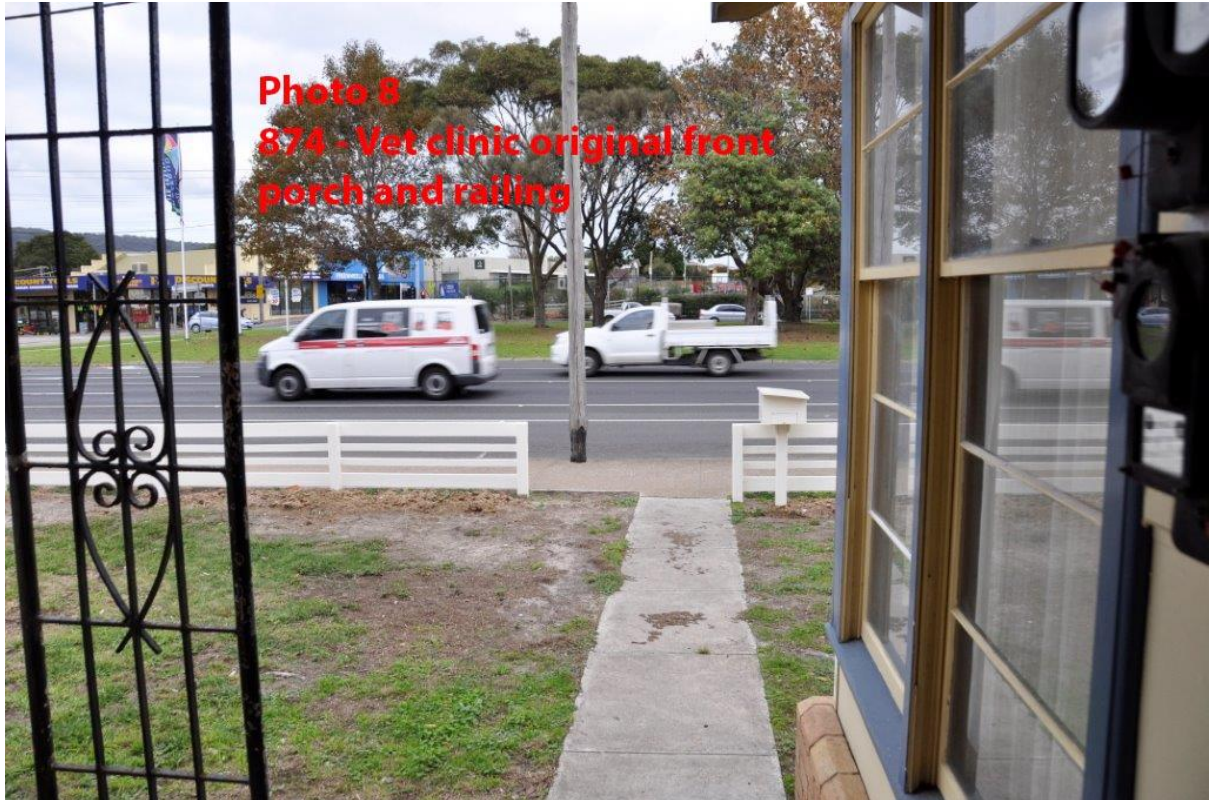


Photo 8
874 - Vet clinic original front porch and railing



Photo 9
874 Vet clinic - Enclosed front porch and railing removed



Photo 12
874 Vet clinic - concrete carpark



Photo 13
874 Vet clinic - concrete driveway

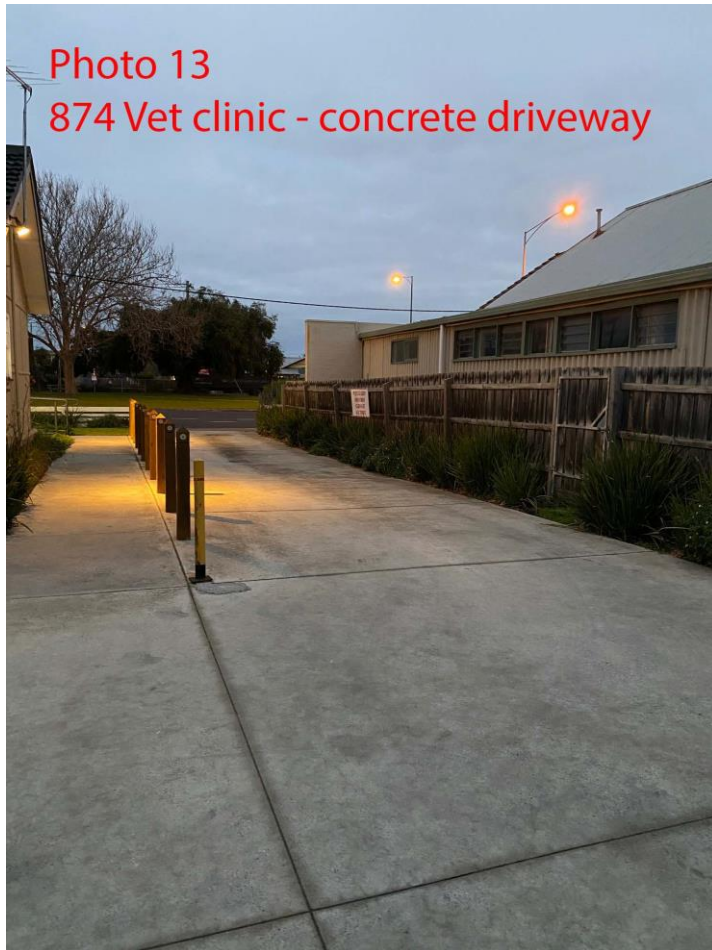


Photo 14
874 - Vet clinic concrete ramp and iron hand railing



Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission 31

Submission date: 24 July 2020, 4:17PM

Receipt number: 7

Related form version: 6

Question	Response
Name	[REDACTED]
Organisation	private
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	Yes
If yes, who?	[REDACTED]
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
Other (please detail below)	
In Summary, my comments are :	does not contribute to narrowly drawn precinct
I have provided detailed comments on the attached sheets	Yes
Upload comments	Submission To Shire .docx heritage submission2.docx
Signature	[REDACTED] Link to signature
Date	24/07/2020

Sorrento East Heritage Submission

24 July 2020

Please refer to other submission

A further objection is at the Sorrento East heritage Precinct has been so and irregularly and narrowly drawn as to be meaningless.

There are many properties in the immediate area that are of equal or greater historic relevance and interest that have not been included in the precinct.

The precinct has been drawn In such a way as to exclude these properties.

It is impossible to ascertain why some properties have been included and others have not.

By drawing the precinct so narrowly and irregularly it

- Does little or anything to create an Identifiable precinct.
- Unfairly effects the properties that have been included.
- Creates a precinct that has no clear delineation with its immediate surrounds.
- Creates a precinct that is not identifiable
- Does nothing to afford any protection to “contributory” properties from development on adjoining or neighbouring properties Within and adjacent to the proposed precinct .
- Council has had limited success in VCAT on town planning applications.

Further with the council advise as to why adjoining properties with equal or greater historic relevance or interests were not included in the precinct?

Will council advise as to what protection contributory properties will be play afforded in relation to any future development or town planning applications affecting their property.

Again due to current circumstances and the difficulty in properly preparing a submission I reserve the right to amend or vary this application.



15 Newton Ave Sorrento

24 July 2020

We have owned the above property for over 40 years.

We were advised in a letter dated 9 June that our property had been nominated as being subject to a proposed heritage listing; and we had till the 24th of July to make submissions.

I am reasonably efficient with electronic communications but I was unable to navigate my way through to the relevant website without contacting the shire and being walked through the steps. Even then it took some time to collate and try and understand the information and the process.

I am given 6 weeks. Most of that 6 weeks has been during severe restrictions or lockdown, which has severely limited my capacity to properly prepare this matter.

We wish to oppose the listing of our property, but our research and proper preparation have been severely limited by the covid lockdown.

In short it is our submission that our property has been wrongly identified as having any heritage significance.

- **The structure on the property was never built as a house ,**
- **it is not an authentic**
- **The original structure was in essence a glorified shed.**
- **There is no evidence as to when the shed was built.**
- **It appears the original structure was made habitable by renovations a done in the 1950s.**
- **The structure has been added onto a couple of times over the years in order to make it habitable.**
- **It Is not a good representation of a house of any era.**
- **Further there are far more authentic and better properties in the area that have not been nominated.**
-

I have tried to ascertain from the Review documents why our property has been nominated as having heritage significance but have been unable to do so.

I rang your office on Monday 20th and received no return call.

I rang again today (22nd) and was told that a message for an urgent response had been left. Again I have received no return call.

Given some of the problems outlined above this is not a complete submission. I reserve the right to add to or amend this submission.

Would you please advise as to the specific reasons as to why our property has been identified “as contributing to the precinct”.

In this sense I ask to be supplied with particularisation.

Yours Truly




Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission date: 24 July 2020, 4:53PM

Receipt number: 8

Related form version: 6

Question	Response
Name	David Hickey
Organisation	SJB Planning Pty Ltd
Postal address	Level 1, Building D, 80 Dorcas Street, Southbank 3006
Email	dhickey@sjbplanning.com.au
Phone number/s	84683500
Do you represent other people ?	
If yes, who?	
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
Other (please detail below)	
In Summary, my comments are :	
I have provided detailed comments on the attached sheets	Yes
Upload comments	LTR331118 14 Cove Ave Portsea C262 (ID 1817519).pdf
Signature	 Uploaded signature image: DHICKEY.jpg
Date	24/07/2020



Manager, Strategic Planning
Mornington Peninsula Shire Council

Submitted online

Date: 24 July 2020

**Re: Submission to Exhibited Amendment C262 to the Mornington Peninsula Planning Scheme
Mornington Peninsula Heritage Review
14 Cove Avenue, Portsea**

Dear Sir/Madam,

We act on behalf of [REDACTED] and [REDACTED], the owners of land at 14 Cove Avenue, Portsea.

Our client has reviewed the amendment documentation in relation to Amendment C262 (Mornington Peninsula Heritage Review) to the Mornington Peninsula Planning Scheme and has instructed SJB Planning to prepare submissions on their behalf.

Our client's site is affected by the proposed Amendment through Heritage Overlay – Schedule 475 (HO475) which is to be applied to the land on a permanent basis.

We note that the residence that is proposed to be affected by the HO475, has not been sighted by Council for assessment as part of this Amendment.

Subject Land

The subject site is located on the northern side of Cove Avenue, approximately 150 metres north of Point Nepean Road and is perched on a cliff facing Port Phillip.

The land is approximately 2600 square metres in area. Currently, the subject site comprises one dwelling facing Port Phillip (refer to Figure 1 below).

The dwelling is not visible from Cove Avenue or the foreshore.



Figure 1: Aerial Photograph of the Subject Site and Surrounds (Nearmap)

Submissions and Recommendations

Heritage Assessment

In 1998, the house was identified by Council as having heritage significance and was to be included in a heritage overlay. We understand that the property was not included in any heritage overlay.

In March 2019, the Council again wrote to our client and again advised that the property had been identified as 'a place of local heritage significance' as part of the Mornington Peninsula Shire Heritage Study Review – Stage 3 (Blairgowrie, Sorrento, Portsea). A draft citation has been prepared that outlines the reasons for the significance of the house.

The Mornington Peninsula Shire Council has now submitted formal documentation to the Minister for Planning seeking authorisation for an amendment process (based on the Mornington Peninsula Shire Heritage Study Review) to commence.

The proposed *Heritage Citation 224* identifies the place name as "Cove House".

It is submitted that the permanent application of HO475 to the subject land is not warranted.

The *Heritage Citation 224* clearly states that the dwelling has not been sighted or assessed therefore our client submits that there is no informed basis for the application of a permanent control. The dwelling is

not visible from Cove Avenue or other accessible public realm and is not therefore exhibiting appreciable heritage value that can be viewed.

Without an assessment of the dwelling, it is submitted that reliance on the association with the Purves and Pizzey families is not of such historical significance that warrants the permanent application of HO475. Our client submits that the citation is simply saying that these are two long term associations with families that, by default, also have long associations with the area.

Our client submits that it then should not be immediately assumed that a heritage overlay should be placed over land owned by one of these families on the basis of association to an area.

Future Development Potential

The subject site is located in a General Residential Zone and affected by Schedule 3 to the Design and Development Overlay; Schedule 1 to the Vegetation Protection Overlay; Schedule 25 to the Environmental Significance Overlay; and Schedule 1 to the Bushfire Management Overlay. The planning controls have the effect of limiting future development on the land to two (2) levels and requires a minimum garden area allocation in any future development proposal.

Conclusion

On the basis of the submissions above our clients respectfully request that the subject site at 14 Cove Avenue, Portsea, be omitted from Amendment C262, as permanent heritage protection of the property is not warranted.

We trust that the detail provided in this letter will assist with your continued assessment of Amendment C262.

Of course, if you have any questions about any of the information contained in this letter, please do not hesitate to contact me on 8648 3500.

Yours sincerely,



David Hickey
Senior Associate
dhickey@sjbplanning.com.au

Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission 33

Submission date: 21 July 2020, 3:24PM

Receipt number: 6

Related form version: 6

Question	Response
Name	[REDACTED]
Organisation	Searoad Ferries
Postal address	PO BOX 214 Queenscliff VIC 3225
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	No
If yes, who?	
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
Other (please detail below)	
In Summary, my comments are :	The Sorrento Ferry Terminal should be removed from all overlays and boundaries relevant to the overlay as the land was reclaimed from the sea in 1994 and as such has no historical attributes.
I have provided detailed comments on the attached sheets	Yes
Upload comments	LETTER Heritage Overlay Sorrento May 2019.pdf Letter PSA C262 heritage Overlay Sorrento Searoad Ferries .pdf
Signature	[REDACTED] Link to signature
Date	21/07/2020

David Bergin
Director of Planning and Compliance
Mornington Peninsula Shire

28 May 2019

Dear David,

Mornington Peninsula Heritage Review Stage 3 : Sorrento Foreshore Historic Precinct

In response to the proposed Sorrento Foreshore Heritage Precinct, Searoad Ferries wish to put forward the following relevant point to inform the heritage process:

1. Use of the Ferry Terminal
Searoad Ferries operate Australia's busiest Car and Passenger Ferry Service between Sorrento and Queenscliff. The Sorrento Ferry Terminal on the eastern side of the Sorrento Pier was established in 1987 and its current footprint was reclaimed from Port Phillip in 1993. More recently, the site has been subject to a Planning Scheme Amendment which approved an Incorporated Document to provide for further development of a Transport Terminal. The construction phase of this project will begin within the next 24 months, we would seriously object to any change to the Planning Scheme that caused additional planning or regulatory hurdles to this project.
2. Boundary to Heritage Precinct
The exterior Green line on the heritage precinct is proposed to extend around the ferry terminal boundary and Sorrento Pier. In our opinion, this boundary would more accurately reflect the heritage assets in the Sorrento Area if the Ferry Terminal was not included in the precinct boundary. This area was previously waters of Port Phillip and was reclaimed in 1993, it therefore has little relevance or importance to the heritage values being enshrined as part of the proposed precinct. The attached diagram indicates an alternative boundary.
3. Heritage overlay on Sorrento Pier
The Heritage area in brown 'contributory to precinct' does not accurately reflect the boundary or location of the Sorrento Pier. There is a section on the south eastern inside of the pier that encroaches on the Ferry Terminal Boundary and the future site for the Sorrento Ferry Terminal Building. Please refer to the attached diagram which indicates the area in question. We respectfully request that this area be removed from the proposed Heritage Overlay.

Should you need further information or clarification, please be in contact.

Yours sincerely,



Chief Executive Officer



David Bergin
Director Planning & Building
Mornington Peninsula Shire

Via email heritage@mornpen.vic.gov.au

22nd July 2020

Dear David,

Planning Scheme Amendment C262morn – Heritage Overlay Sorrento

In response to above Planning Scheme Amendment which includes the Sorrento Foreshore Heritage Precinct, Searoad Ferries wish to put forward the following submission:

1. Use of the Ferry Terminal

Searoad Ferries operate Australia's busiest Car and Passenger Ferry Service between Sorrento and Queenscliff. The Ferry Service is a Declared Essential Service and forms part of the road network. The Sorrento Ferry Terminal on the eastern side of the Sorrento Pier was established in 1987 and its current footprint was reclaimed from the water in 1993. More recently, the site has been subject to Planning Scheme Amendment C209 which approved an Incorporated Document to provide for further development of a Transport Terminal. The construction phase of this project will begin within the next 24 months, we seriously object to any change to the Planning Scheme that caused additional planning or regulatory hurdles to this project which has already been through a thorough and rigorous planning process. Furthermore, the Ferry Terminal contains no heritage related land, structures or artifacts as it was reclaimed from the sea. We therefore Support the removal of HO1 from the site.

2. Boundary to Heritage Precinct HO502

The exterior red line indicating the boundary of the heritage precinct is proposed to extend around the Sorrento Ferry Terminal. This boundary would more accurately reflect the heritage assets in this precinct if the Ferry Terminal was not included in the precinct boundary. This area was previously waters of Port Phillip and was reclaimed in 1993, it therefore has little relevance or importance to the heritage values being enshrined as part of the proposed precinct. Land which is not contributory or significant should be excluded from the Heritage Overlay. We oppose the application of HO502 to the land. Please find attached a diagram that indicates a more suitable boundary.

3. Heritage overlay on Sorrento Pier

The Sorrento Pier area identified in green and marked as 'contributory' does not accurately reflect the boundary or location of the Sorrento Pier. There is a section on the south eastern inside of the end of the pier that encroaches on the Ferry Terminal boundary and the future site for the Sorrento Ferry Terminal Building. Please refer to the attached diagram which indicates the area in question. This is a separate but serious issue of land tenure and represents a fundamental error in the location of the boundary. We therefore oppose the application of HO502 to the land.

PO Box 214
QUEENSLIFF VICTORIA 3225
ABN: 95064 897 025
ACN: 064 897 025

ph: (03) 5258 3244
fax: (03) 5258 1877

web: SEAROAD.COM.AU
EMAIL: TRAVEL@SEAROAD.COM.AU

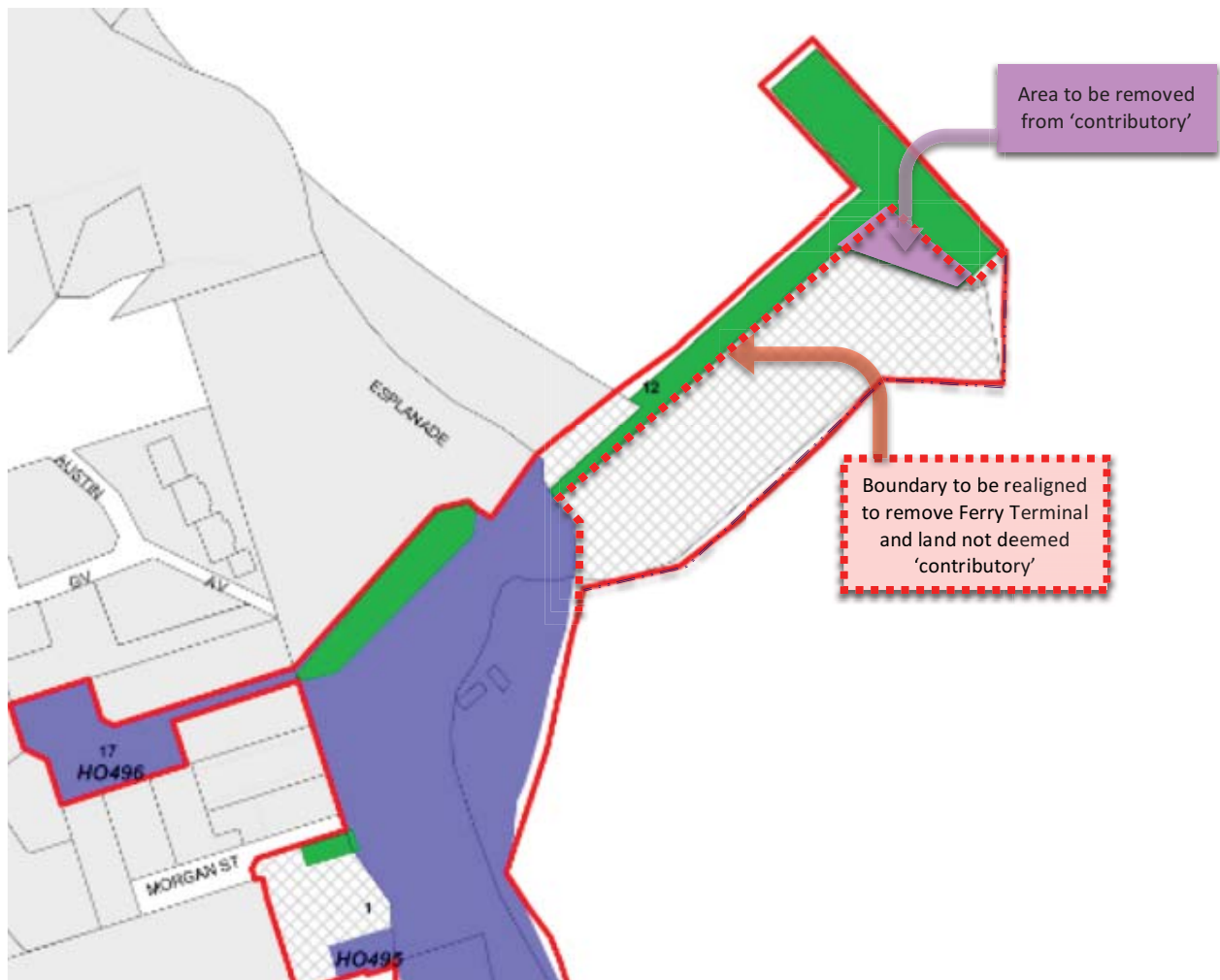
Furthermore, Mornington Peninsula Shire were made aware of these issues as part of the public consultation process to the proposed heritage overlays in May 2019 (I have attached our submission to this process which details the above points). It would seem that Council's original consultation process has overlooked or ignored our feedback as it has not been included in the final exhibited documentation.

For your consideration I have also enclosed the approved documentation for the Sorrento Ferry Terminal which was approved under Planning Scheme Amendment C209. Searoad Ferries strongly objects to the inclusion of any element of the Sorrento Ferry Terminal in the Heritage Overlay.

Kind Regards

[Redacted Name]

[Redacted Title]
Chief Executive Officer



Approved Plans – Planning Scheme Amendment C209





Submission to Mornington Peninsula Planning Scheme Amendment C262morn

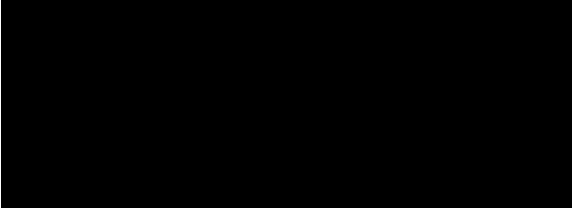
Submission 34

Submission date: 20 July 2020, 12:24PM

Receipt number: 5

Related form version: 6

Question	Response
Name	Judy Walsh
Organisation	National Trust of Australia (Vic) Mornington Peninsula Branch
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	Yes
If yes, who?	Branch Committee
Have you attached written consent from these people for you to represent them?	No
Written consent	
How would the proposal affect you ?	Other (please detail below)
Other (please detail below)	The National Trust is a key heritage body in both the national and state arena and has been a participant in the three Heritage Review studies conducted on the Peninsula to date. As Chair of the Branch Committee I am elected to speak on their behalf.
In Summary, my comments are :	
I have provided detailed comments on the attached sheets	Yes
Upload comments	Submissiion C262morn.docx

Signature	 Uploaded signature image: Hand Sig.jpg
Date	

SUBMISSION: Planning Scheme Amendment C262morn

The Mornington Peninsula Branch of the National Trust (The Branch) was a participant in the development of the study and a member of the Stakeholder Reference Group for Planning Scheme Amendment C262morn and acknowledges Council's commitment to the heritage values of the Peninsula by this, the third area review, to be carried out to date. The Branch comments as follows:

The review area of Blairgowrie, Sorrento and Portsea presented many potential nominations for consideration. Notably the concentration of limestone buildings contained particularly in these areas of the southern Peninsula. The research and final recommendations for the application of permanent heritage overlays was comprehensive and required prolonged periods of investigation by the Consultants, Council officers and various community members of the Stakeholder Group.

Much attention was given to precincts. In particular the removal of the Overlay HO1 from the Sorrento Historic Precinct and applying four new Overlays which better respond to individual areas i.e. Commercial, Foreshore, Cliff-top and Residential. In addition to this the creation of two new precincts for Back Beach Road Portsea and Portsea/East Sorrento were identified as areas which 'precinct status' would be of benefit.

Inclusion of post modern buildings, whilst in juxtaposition of the prolific limestone era, acknowledges the keen architectural interest in the area by the most eminent of architects and protection of prime examples of this integrity are seen as establishing a historical view of the development trends of the Peninsula over time.

The Amendment also addressed a number of individual properties outside the above Review area which the Branch recommends for inclusion in C262morn.

The findings of the Mornington Peninsula Heritage Review Area 3 Study were adopted by Council in August 2019 and the Branch fully supports the Amendment being placed before the Minister for his approval.

Judy A Walsh
Chair
17.7.2020



Postal Address:



Submission to Mornington Peninsula Planning Scheme Amendment C262morn

Submission 35

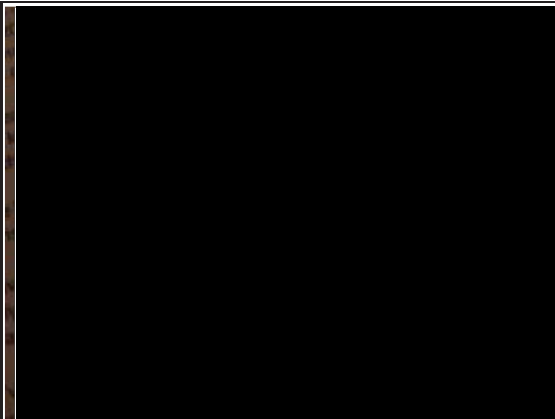
Submission date: 19 July 2020, 5:45PM

Receipt number: 4

Related form version: 6

Question	Response
Name	[REDACTED]
Organisation	Not aplicable
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people ?	Yes
If yes, who?	[REDACTED]
Have you attached written consent from these people for you to represent them?	Yes
Written consent	[REDACTED]
How would the proposal affect you ?	Other (please detail below)
Other (please detail below)	Representative of land owner.
In Summary, my comments are :	The building is no longer an example of between the wars architecture due to fire, building deterioration and renovations.
I have provided detailed comments on the attached sheets	Yes
Upload comments	Heritage overlay ministerial application 190720.docx Claim No 11579272001 178 180 Ocean Beach Rd Sorrento VIC (1).pdf IMG_0683.JPG

Signature



Date



1 [REDACTED]
THE OWNER AND OCCUPANT OF 178
OCEAN BEACH ROAD SHERMANTON, GIVE
AUTHORITY FOR MY SON-IN-LAW
ANTHONY PATTERSON TO PRESENT
INFORMATION ON MY BEHALF IN
RELATION TO MY OBJECTION TO MY
PREMISES BEING INCLUDED IN THE
HERITAGE OVERLAY. [REDACTED]

It appears that the main reason the premises at 178 Ocean Beach Rd. Sorrento has been included in the historical overlay is that it was built between the wars in the period around the 1930s and it is to be held as an example of architecture of this period. There has also been a suggestion that its exterior is constructed of limestone, hence being an example of materials sourced locally.

To address this I would like to raise the following points to have the authority consider removing the premises from the historical overlay:-

In July 2017 the house (178 Ocean Beach Rd. Sorrento) was virtually destroyed by fire, this included the roof which has been totally replaced & altered considerably. Therefore the house is essentially no longer a 1930s bungalow style dwelling. At this time there was both extensive internal & severe external damage to the premises. In particular to the wall at the rear (south side of the premises), **as per photographs produced.**

Several engineer's reports recommended total demolition of the property, however the insurance company considered this cost prohibitive. The wall in the vicinity of where the fire originated was severely damaged & extensive rainfall, when the roof was being repaired, put pressure on this wall which has caused further damage. Repairs effected to the brickwork damaged in the fire have been to make the premises again liveable rather than maintain the look of the house as it once was.

The owner, [REDACTED] is an elderly pensioner ([REDACTED] years), has resided at the premises since its purchase in the late 1950s. Over the last 60 years, extensive repair to external walls has been undertaken using components that were to hand, including; "Besser brick, red brick, concrete & rendering which have reduced the homes historical value. **(Again to fully understand this the house needs to be examined. Photographs of the current state of the external walls and of work previously done were attached to the original submission & will also be attached to this document).**

Due to the ageing of the abode and land movement there are many cracks in the external walls which have worsened over time and will soon need to be repaired or replaced. **(As per attached engineer's report).** These cracks haven't been repaired as they were not considered to have been damaged in the fire. **(Examination can substantiate this and photographs will support this).**

The main house is not built from limestone but rather a sand, cement & lime combination. This stone work & its mortar is visibly eroded and has become unsightly. **(as per the engineer's report).** Consultation with builders indicate that similar materials, to repair external walls, can no longer be sourced (as the original render features a pattern set into various blocks much of which suffers severe spalling). The overlay may prevent urgent necessary repair especially if it dictates the type of materials that must be utilised.

At the front of the premises is a carport built in the 1970s which is constructed of grey "Besser" brick. This carport detracts from any historical tone of the premises and in fact blocks the front façade of the property. There is also an extension which is eight metres by five metres, at the rear of the house. This was also added in the 1970s & is not in line with the 1920 - 30s architecture and doesn't fit with the historical overlay.

The historical overlay will be a major imposition on the owner as he will be required to maintain a deteriorating house and be required to face significant cost to return the premises to its original condition, if this is even possible. At present the premises does not enhance the area with the condition of the external walls or present even as a reasonable example of architecture from between the wars period.

On behalf of [REDACTED] I simply ask for fair and rational assessment of his claim. He believes that should he wish to undertake repair & modernisation of his premises he is likely to be obstructed from achieving this due to the historical overlay. i.e. repairs to this address utilising concrete & then rendering to repair damage and improve its look. [REDACTED] & in the last few years has suffered the extensive fire to his premises & the death of his only son. He worries about how the overlay will affect his repair of the premises & whether he will in fact be able to afford to address the required repairs dictated by the overlay.

In summary, the house is no longer an example of a between wars dwelling due to fire, the ad-hoc repairs that have previously been undertaken to address the erosion of the external walls, the extension to the premises (not in line with earlier architecture) & the addition of the "besser" brick car port which have all been added relatively recently. The house is not built from the local limestone as purported (**but as indicated by the engineer is constructed of a sand, cement & lime mixture**). The outside facade is also in a very rundown condition, made up of many different materials (refer to photos attached). It would be impossible to source materials, similar to the originals, to replace the crumbling and cracked stone to try to comply with a heritage overlay.

[REDACTED] requests an examination of the property as it appears that this has not been undertaken.

The roof is new as is most of the interior. I have photos of the fire damage to the premises suffered in 2017 if you would like to view the extent of the damage.

The owner requests that his premises, situated at 178 Ocean Beach Road Sorrento, be removed from the historical overlay so that he may be able to address required repairs in a timely, affordable and contemporary manner not unduly restricted by regulations that he feels are no longer relevant to his abode in its present condition and design.

Sincerely,

Anthony Paterson (On behalf of)

[REDACTED]

178 Ocean Beach Road,

Sorrento, 3943.

19th July, 2020



Jeffrey Hills & Associates

Consulting Engineering Services

Forensic - Geotechnical - Structural - Hydraulic - Environmental

21st July 2017

Attn: Repair Co-ordinator
Auto & General Insurance
G.P.O. Box 342
TOOWONG, QLD 4066

CLAIM No: 11579272001

SITE INSPECTION & REPORT AT 178-180 OCEAN BEACH ROAD SORRENTO

Introduction

Our company confirms your request to undertake a site inspection, and then provide a report on the condition of the dwelling with respects to structural fire damage.

The following statements outline our observations and opinion in relation to the structural damage to the roof of the building as inspected.

It should be noted that this report relates only to that which was readily viewable. No opinion or warranty is made on that which could not be seen.

A site inspection was undertaken by Mr David Wild – JHA Australia - on Monday 17th July 2017 in the presence of the Insurance Assessor Mr Russell Carelse and Sergon Building Consultant Mr Jeff Bradley.

Description

The construction consists of a low set residential house approximately 90 years old. The walls of the building are cavity brick. The exterior skin comprises of sandstone blocks and the interior skin features clay bricks.

Northern Territory Queensland New South Wales Victoria South Australia Tasmania

The roof of the dwelling is timber framed supporting a steel sheet metal roof. The floor is constructed from a timber floor framing system which is supported by concrete piers and the block sub base.

The building is constructed on a flat corner lot which gently falls from the front of the house to the rear. Apart from the obvious fire damage the dwelling appeared to have been in average condition prior to the fire.

In July 2017, a fire broke out in one of the bedrooms. Due to the fire, structural damage occurred to the dwelling. As a result of the fire a claim to insurance was lodged and a scope of works for repair is about to commence development.

Due to the fire, a structural engineer has been requested to inspect the extent of the damage to the house before the scope of works can be finalised.



Street view of dwelling

Brief: Our company's services have been engaged to conduct a site inspection of the dwelling and provide a report as to the extent of structural damage.

INSPECTION RESULT

The dwelling has a conventional timber framed hand pitched gable ended roof which supports corrugated steel sheet metal. The dwelling features an extension to the rear of the house which has been added on after the house was constructed.

The original dwelling is approximately 16m long in total and 9m wide, excluding the rear extension. The rear extension is approximately 8m long and 5m wide.

The dwelling is constructed on stumps supporting a timber floor frame. Given the low sub floor clearance inspection under the house was limited.

At the time of our site inspection, apart from the fire damage the dwelling appeared to be in an average condition considering its age.



Damage to roof as can be seen from rear of building

Description of Fire Damage

As we understand, the insured engaged a plumber to conduct repair works to the water pipes. After the day's work the insured or their son, lit an incense candle inside the side bedroom.

Unfortunately, the candle ignited a possession in the room for which a fire then broke out. We believe that the insured attempted to smother the fire with blankets however, this was unsuccessful and the blankets quickly caught alight.

The fire then spread through the bedroom for which it then travelled into the ceiling cavity. After entering the ceiling cavity, the fire engulfed the timber roof frame spreading throughout the entire building.

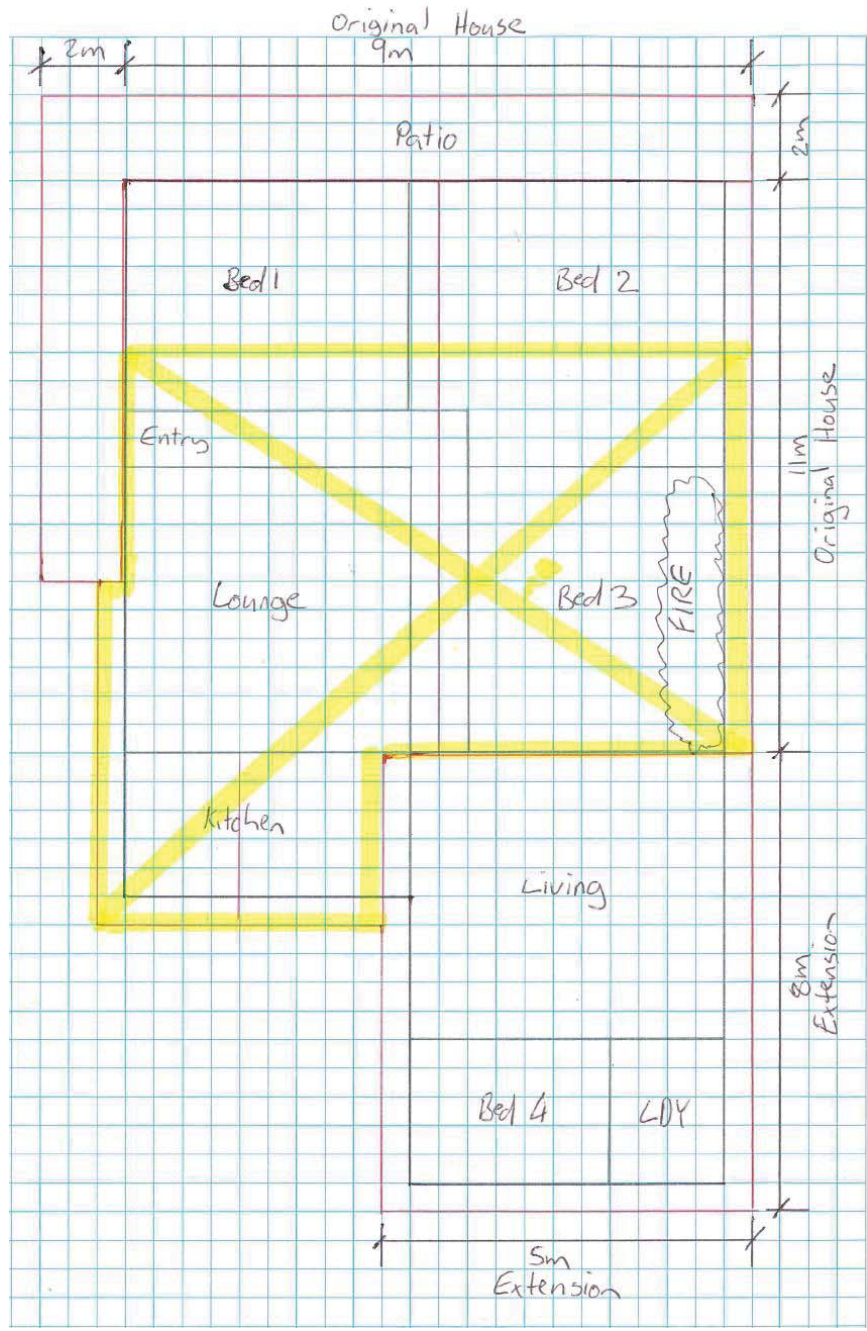
The roof frame comprised of hardwood timber for which provided fuel to the fire. In order to extinguish the flames, the fire service sprayed water into the ceiling cavity.

Significant water and smoke damage was observed to the interior of the dwelling.

Charring of the roof and ceiling frame members is restricted to the original dwelling. The extended area to the rear of the building displayed soot (smoke) stains only.

Whilst charring is restricted to the original roof area of the dwelling this does not mean this entire area is charred, the charring may be restricted to the top of the rafters only in this area. This explains why no ceiling damage may be apparent to some of the areas where charring is shown.

A sketch was undertaken to highlight the area where the most significant charring has occurred.



Yellow X indicates area where fire has been most severe and caused charring to timber roof frame



Unsupported roof sheeting



Location of fire ignition point

Has the structural integrity of the roof frame or ceiling frame been compromised?

While timber is indeed a combustible material, in construction it has significant insulating properties and burns in a slow, predictable and measurable way. These factors see timber perform strongly against fire.

When exposed to the heat of a fire, timber goes through a process of thermal breakdown into combustible gases. During this process, a layer of charcoal forms on the burning surface of the timber and it is this charred layer that is the key contributing factor in timber's fire resistance.

The layer acts as an insulator protecting the inner core of the timber, making it resist heat penetration and thus burn more slowly, while the temperature of the inner, uncharred core remains low, enabling it to continue to carry its load. Initially the rate of charring is fast but as the char depth increases it provides a stronger protective layer to the timber, slowing the overall combustion rate.

The self protecting nature of the charring layer increases the likelihood of a timber structure surviving fire as the uncharred inner core remains unaffected, maintaining its strength and with it the structure's stability.

When assessing the structural affect, the fire has had on a timber member it is the depth of the charred layer in relation to the original member sizing that is critical.

As previously stated an approximate area the size of the original house has charring to the timber roof frame members.

Viewing of the remaining timber roof frame members was undertaken to determine the depth of the charring. Estimations were conducted to ascertain the depth of the charring. It should be noted that access to the roof cavity was limited due to concerns for instability of the frame.

We estimated that the charring has reached a depth of at least approximately 5mm to a number of timber roof frame members throughout a large majority of the roof.

On measuring the extent of the charring, it is not as critical to measure the charring depth itself as to measure the dimensions of the remaining timber. In the early stages of charring the size of the timber member can appear to increase in volume as voids form within the charring creating the illusion that the member has increased in size.

An inspection was carried out through the interior and exterior of the dwelling to ascertain the extent of the fire and water damage. For reference, comment has been made on each room of the dwelling as per our sketch provided.

Bedroom 1.

Water staining and smoke damage to the ceiling and walls.

The ceiling remains in a structurally sound condition and cosmetic paint type repairs are required.

Parts of the timber roof framing are expected to display some charring.



Soot and water staining to bedroom walls and ceiling

Bedroom 2.

Water staining and smoke damage to the ceiling and walls.

The ceiling remains in a structurally sound condition and cosmetic paint type repairs are required.

Parts of the timber roof framing are expected to display some charring.



Soot and water damage to bedroom walls and ceilings

Bedroom 3.

Location of fire source.

Significant damage to the floor, roof and walls. ceilings have collapsed as well as damage to the wall coatings.

Holes to flooring was present. Delamination of interior wall coatings, ceiling completely collapsed. Brickwork unaffected by fire.

Reconstruction of this room is required.



Significant damage to roof frame

Lounge Room and kitchen.

Extensive fire damage throughout. Timber roof frame significantly charred and bowed.

Water and soot staining to walls. ceilings collapsed.



Significant damage to roof and walls of lounge room

Extension Area (Living, Bedroom 4 and Laundry)

Smoke damage to walls.

The ceilings and roof frame in a structurally sound condition and cosmetic repairs are required. Cosmetic damage to the roof sheeting is anticipated.

Ceilings and walls require paint repairs.



Soot damage to ceilings and walls

Exterior

The dwelling is constructed from sandstone blocks which feature a cement render over the top. The render features a pattern set into various blocks.

Inspection of the top course of blocks noted the presence of smoke or soot stains. Cracked blocks were located adjacent to the bedroom 3 window opening.



Cracked blocks adjacent to bedroom 3 window

The exterior blockwork displayed age which was present prior to the fire event. The surface of the sandstone blocks was observed to be spalling. The spalling has been an ongoing issue unrelated to the recent fire.



Spalling to sandstone blocks

When cleaning the blocks, it is recommended that extreme care should be taken not to break the surface of the blocks. High pressure washing is not recommended.

We also observed that there was the presence of numerous cracks to the blockwork as well as spalling to the concrete window head lintel beams. The cracking and spalling is a long-term issue and not related to the original fire event.



Cracking to block walls – pre-existing issue

Furthermore, it was observed that sections of the blockwork over the years, has been replaced with masonry blocks confirming an ongoing issue with the exterior walls.



Previous repairs to walls

General Comment

When retaining particular structural items consideration must be given as the most economical method of proceeding. As in charring and soot removal or replacement of cosmetically damaged member.

All rectification works to be undertaken in accordance with the National Construction Code, relative Australian Standards and relevant Manufacturers Specifications.

Summary

Following the inspection in relation to fire damage the available evidence at the time of the inspection indicates:

- Charring and soot damage is apparent throughout the original house roof frame.
- The depth of the charring (fire damage) has affected the structural capacity of the main framing members such as rafters, purlins, struts, ridge and ceiling joists.
- The roof sheeting requires replacement due to heat exposure.
- The ceiling and cornice mouldings to the areas indicated on our sketch have collapsed or require removal and replacement.
- Water staining and soot damage is apparent throughout the entire house.
- The flooring to bedroom 3 requires repairs.
- The exterior sandstone block wall is in poor condition and very fragile forming an ongoing issue prior to the fire.
- Loose blocks to the top course adjacent to bedroom 3 are anticipated when roof frame is removed.

Consideration of Roof Repair Economics

When retaining particular structural items consideration must be given as the most economical method of proceeding. As in charring and soot removal or replacement of cosmetically damaged member.

As reported there is significant damage to the timber roof frame (including ceilings) with several members and the plaster ceilings requiring removal and

replacement. However, replacement of the entire roof with a new pre-manufactured trussed roof may be a more economical solution given the high cost of labour when constructing a pitched roof.

All rectification works to be undertaken in accordance with the National Construction Code, relative Australian Standards and relevant Manufacturers Specifications

Exclusions

This report is not a scope of works to undertake repairs to the fire damaged element of the dwelling.

This report does not provide detailed comment regarding smoke contamination and staining. A hygienist should be engaged to provide comments relating to the extent and treatment of smoke contamination and staining.

This report does not provide comment regarding Town Planning issues. If Town planning information is required, a Town planner should be engaged.

This report does not provide comment regarding Building Approval issues. If Building approval information is required, a Building Certifier should be engaged.

Any plans provided with this report are indicative only, a Tenderer or Contractor, should satisfy themselves as to the accuracy of the information provided in the report or drawings and the actual details and condition of the building by inspecting the site.

Thank you for engaging our services in this instance and I trust the above report has addressed all of your concerns.

Should you have any further queries, please do not hesitate to contact our office on the telephone number provided and discuss the matter with either myself or Mr Jeffrey Hills, the co-author of this report.

Complete Consulting Engineering Services P/L



Per:

Jeffrey Hills

*B.E. (Hons) M.Eng.Sc. M.I.E.Aust. C.P.Eng. M.I.Arb. J.P.
Registered Professional Engineer of Queensland No 3126
Registered Master Builder No. 23208*



[REDACTED]

Dear Sir/Madam

RE: PLANNING SCHEME AMENDMENT C262 HO 534 Citation 498

With regard to the property at 3482 Nepean Rd Sorrento.

We have previously contacted the council with regard to the proposed heritage overlay for this property.

We again contend that this property has minimal significant heritage value.

In our submission we pointed out the following.

The heritage architect has not availed himself of an opportunity to view the properties.

He has not viewed the internal of the properties nor the external courtyard.

The basis of the submission is from a student project, whom also did not view the properties

The property is a variation of a mass produced project home which incorporated bagged brick and gabled roofs.

The builder Vindin Soares was a mass builder of project homes of which there are many across Melbourne.

There are many properties within the Mornington peninsula region which have gabled roofs and bagged brick finishes.

In fact building was to have a limestone finish but was dumbed down to painted brick work.

The project was not even designed by Vindin Soares but by Ian Banner a draftsman who was employed by Chancellor and Patrick.

As a result the property could not be considered unique in any way for the period.

And as a result do not contribute to the cultural history of the area.

We therefore request that this dictation be removed from the proposed overlay
As part of the heritage review.

[REDACTED]