

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	[Redacted]
Organisation	Property owner in Rye who is not directly affected by the planning scheme amendment
Postal address	[Redacted]
Email	[Redacted]
Phone number/s	[Redacted]
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	[Redacted]
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input checked="" type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>General comment:</p> <p>In most instances, building developments are principally designed to meet planning guidelines & building codes in mind and do not necessarily take into consideration existing streetscapes or adjoining buildings. This area provides a unique vision of the township's past & present which attracts many visitors throughout the year, I feel the planning scheme amendment is a sensible step towards controlling & retaining this vision.</p> <p>Thank you.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

		I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
		Signature		Date

The closing date for submissions is: 5pm, **Friday, 26 August 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

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Organisation	
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I own a property at [REDACTED] adjacent to the planned amendment</p> <p>As I understand the future built form DD028 the potential is there to destroy the "entrance" to the township and that should not be allowed.</p> <p>As you turn left to come up the rise into two the current vista is open and low rise, including the old Service Station site and the area immediately behind the old Koonya. Looking upwards you see the classical limestone façade of Stringers and of course the Continental</p> <p>In my view, nothing should be allowed that changes that vista and therefore the proposed setbacks and height limits for the C1Z block and the Stringers block should be reconsidered and less intrusive.</p> <p>As proposed it is yet again "eating into" the very character of the township – not only is that wrong, it is stupid.</p> <p>[REDACTED]</p>	

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I have provided detailed comments on attached sheets

Yes ☐ / No ☒

Signature

Date

9/8/22

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For Office Use Only

File No:

Submission No:

Date Received:

Submission No. 3

From: [REDACTED]
To: [Strategic Admin](#)
Cc: [REDACTED]
Subject: Amendment C286morn - submission
Date: Sunday, 14 August 2022 5:01:49 PM

[REDACTED]

[REDACTED]

[REDACTED]

EAST SUB PRECINCT IS OPPOSED

Having viewed the East Sub Precinct proposed amendment, we are strongly opposed to changes of such magnitude as shown in 'Potential future built form (DDO28)' when considering the location and nature of adjacent buildings and parkland.

We are deeply concerned by the potential for a monolithic development that:

- a) 'must be(?) built to the street boundary'
- b) 'has a height of 9m at the street boundary'
- c) 'has a maximum height of 12m'.

We cannot see how such a development can be viewed as:

- a) sympathetic to the adjacent stone building opposite, occupied by Italica (part of the original Sorrento hotel)
- b) a built form that sits in harmony with "The Baths" restaurant and pier, and
- c) fitting with the opposite parkland and family beach and
- d) not obstructing a view of traffic in both directions if, as described, it is built to the street boundary.

Sorrento has a carefully crafted holiday village image that encourages visitors and residents to participate and benefit from the relaxing atmosphere.

We don't need another multi-storey shopping complex that will be a 'blight on the landscape' detracting from these visual and atmospheric features.

Yours Sincerely

[REDACTED]

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Organisation	Private
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
If yes, who?	[REDACTED]
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input checked="" type="checkbox"/>
In summary, my comments are	
<p>The scale and bulk of the proposed amendment allows on the northeast corner of Point Nepean Rd is completely out of keeping with the area and will format visual eyesore on entering a Main Street of Sorrento.</p> <p>The proposed height and setbacks should be reduced substantially.</p> <p>This corner has never had a development of the scale proposed.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



		I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No <input type="checkbox"/>
		Signature		Date 21/08/22

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MORNINGTON PENINSULA Shire
RECEIVED
26 AUG 2022
HAND DELIVERED MAIL R

Submission No. 5

24th August '22

Mornington Peninsula Shire,

Re: Notice of Preparation:

Mornington Planning Scheme.

Amendment C86 morn.

Regarding the above Amendment
C286 morn Information Sheet - Proposed
Design Controls for the East Sub
Precinct of DDO 28.

It is of great importance for the
character of Sorrento to be preserved,
particularly the 'gateway' to Sorrento
I object to the proposal regarding
Fig 2 - East sub precinct area.

I believe it is important to
retain a two storey building to
avoid an over dominant build on
this corner. It is also important

to retain a good street set back,
particularly given the 'busy corner'
aspect of this site, not to mention
'vista' for the main street.

It would be prudent to require
a built form in limestone to retain
the historical feel of Sorrento.

I thank the Council for taking
time to consider the heritage of this
lovely Township.
Yours faithfully



Submission No. 6

Subject = Morning Planning Scheme
Amendment C286

26th August 2022

Dear [REDACTED]

This submission refers only
to The East Sub precinct area.

1. I object to the "built form element outlined".
2. This East Sub precinct site is part of The GATEWAY to Sorrento Township.
The NE corner (opposite) is The Historic KOONYA HOTEL - built in limestone.
3. Any proposed new development on the SE corner (precinct) should be harmoniously sympathetic (to The Koonya Hotel).
4. Therefore only a two storey 8 metre height building - preferably in limestone - would be appropriate.
5. But also - in deference to The existing home adjacent to The SE precinct - should be provided sufficient space and light.
6. The 8 metre height limit ~~should~~ above natural ground level - could provide a basement for car parks.
7. Presumably SE Precinct is a commercial site, so The owners should take up The challenge with architects to build something they (and US) will be proud of.
signed [REDACTED]

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Full Name	<div></div>
Organisation	<div></div>
Postal address	<div></div>
Email	<div></div>
Phone number/s	<div></div>
Do you represent other people?	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
If yes, who?	<div></div>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>On behalf of the Owner's Corporation of 21 Constitution Hill Road, Sorrento, we are not objecting to the Proposed Planning Scheme Amendment C238morn however we are seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.</p> <p>Alternatively, we are seeking a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.</p> <p>The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.</p> <p>We contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road and that it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road.</p>	

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We believe that the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road.

Please refer photos attached.

I have provided detailed comments on attached sheets

Yes ☒ / No ☐

Signature

Date

29/8/2022

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Phone number/s	[REDACTED]
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If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>As a property owner in Constitution Hill Road, Sorrento, I am not objecting to the Proposed Planning Scheme Amendment C238morn however I am seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.</p> <p>Alternatively, I am seeking a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.</p> <p>The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.</p> <p>I contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road and that it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road.</p>	

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I believe that the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road.

Refer attached photos

I have provided detailed comments on attached sheets

Yes ☐ / No ☐

Signature

Date

31/8/2022

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I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>As the owner of [REDACTED] I am not objecting to the Proposed Planning Scheme Amendment C238morn however I am seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.</p> <p>Alternatively, I am seeking a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.</p> <p>The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.</p> <p>I contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road and that it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road.</p> <p>I believe that the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road.</p>	

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Please refer photos attached.

I have provided		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
Signature		Date 01/09/2022

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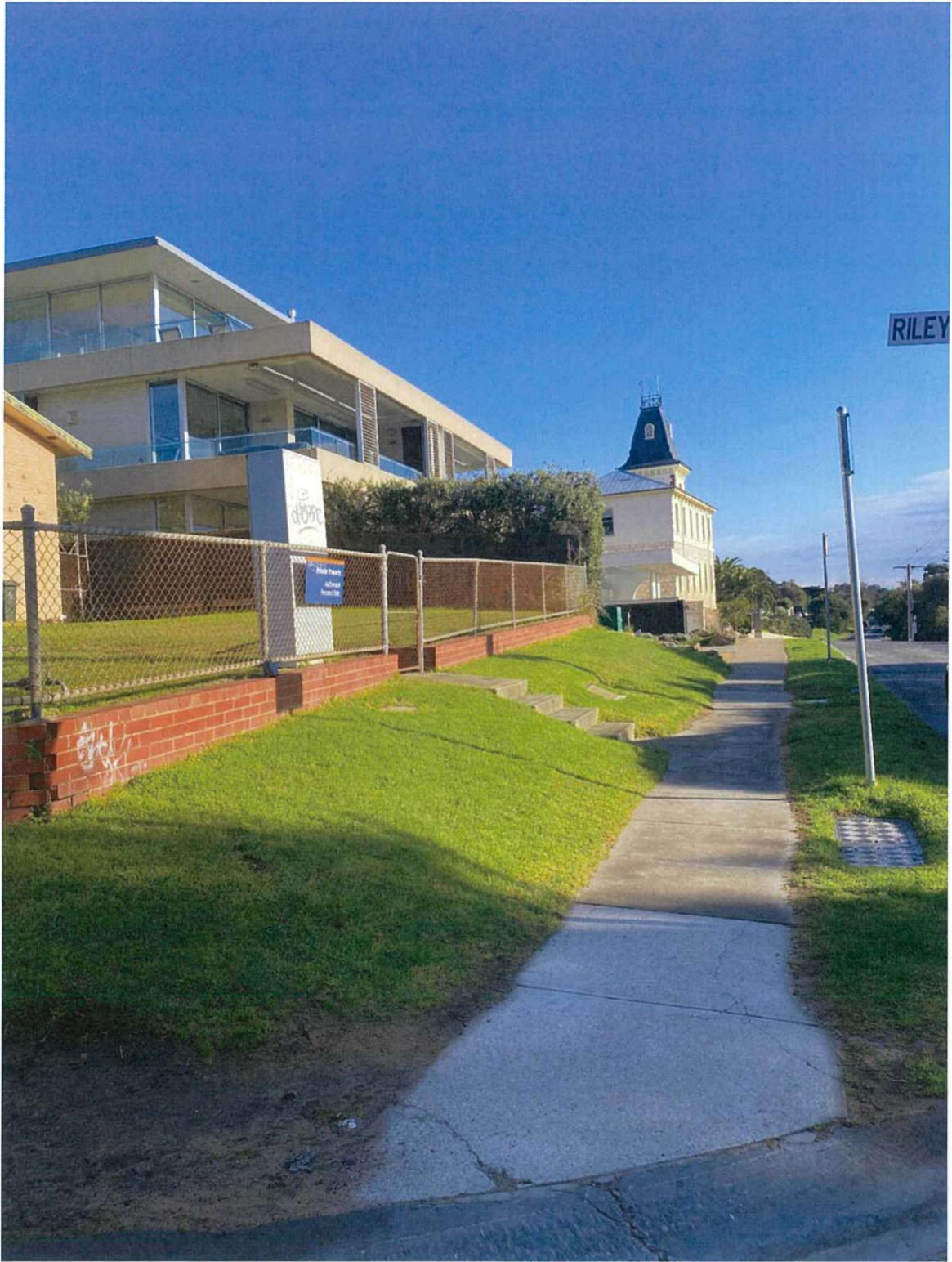
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MORNINGTON
PENINSULA
Shire

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If yes, who?	
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How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I am a resident of [REDACTED] I am not objecting to the Proposed Planning Scheme Amendment C238morn however I are seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.</p> <p>Alternatively, I am seeking a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.</p> <p>The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.</p> <p>We contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road and that it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road.</p>	

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I believe that the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road.

I have provided detailed comments on attached sheets

Yes ☐ / No ☒

Signature

Date

02/09/2022

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Do you represent other people?	Yes <input type="checkbox"/> / No X <input checked="" type="checkbox"/>
If yes, who?	<input type="text"/>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No X <input checked="" type="checkbox"/>
How would the proposal affect you?	
I am a neighbour X <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>We seek an exemption within the Proposed Planning Scheme Amendment C238morn specific to the site at 19 Constitution Hill Road.</p> <p>This property should have a setback in line with the two adjoining properties. The setback displayed by 21 Constitution Hill should be replicated. This street is basically residential and the proposed amendment would not be in keeping with the streetscape.</p>	

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Arnold Bloch Leibler
Lawyers and Advisers

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Victoria 3000
Australia

www.abl.com.au

Wurundjeri Country



MELBOURNE

SYDNEY

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Joseph Borenszajn AM
Leon Zwiher
Philip Chester
Ross A Paterson
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Paul Sokolowski
Paul Rubenstein
Peter M Seidel
John Mitchell
Ben Mahoney
Jonathan Milner
John Mengolian
Caroline Goulden
Matthew Lees
Genevieve Saxton
Jeremy Leibler
Nathan Briner
Justin Vaatsstra
Clint Harding
Susanna Ford
Tyrone McCarthy
Teresa Ward
Christine Fleer
Jeremy Langer
Bridget Little
Gla Carl
Jason van Grieken
Elyse Hilton
Jonathan Orther
Stephen Lloyd
Scott Phillips
Gavin Hammerschlag
Shaun Carlson
Damien Cuddihy
Dorian Henneron
Rebecca Zwiher
Jennifer McCosker

Consultant
Jane C Sheridan

Special Counsel
Sam Dollard
Laila De Melo
Emily Simmons
Bridgid Cowling
Rosalee Cattermole
Rachel Soh

Senior Associates
Brianna Youngson
Kallin London
Stephanie Campbell
Claire Stubbe
Briely Trollope
Laura Cochrane
Greg Judd
Ben Fries-O'Toole
Elly Bishop
Raphael Leibler
Gabriel Sakka
Mark Macrae
David Monteith
Rebekah French
Gisella D'Costa
Lisa Garson
Vidushee Deora
Emily Korda
Chris Murphy
Michael Reppe
Anna Sapountsis
John Birrell
Rob Deev
Caitlin Edwards
Jessica Elliott
Alexandra Harrison-Ichlov
Claire Southwell
Luise Squire
Ari Bendet
Matthew Davies
Grace Cho
Lucy Eastoe
Naeha Lal
Timothy Jaeger
Michelle Ainsworth
Micaela Bernfield
Crosby Radburn
Jessica Willis

6 September 2022

By E-mail

Your Ref

Team Leader Strategic Planning
strategic.admin@mornpen.vic.gov.au

Contact

Dear Sir/Madam

Amendment C286 to the Mornington Peninsula Shire Council

We act on behalf of [REDACTED] who has an interest in the following land:

- 3317-3333 Point Nepean Road, Sorrento.
- 3335 Point Nepean Road, Sorrento.

Our client has received notice of the council's intention to prepare Amendment C286 to the Mornington Peninsula Planning Scheme ("C286") and instructed us to make a submission on his behalf.

In summary, our client endorses the efforts of Council to prepare the amendment and pursue a permanent built form controls for the Sorrento Town Centre. The inclusion of a permanent Design and Development Overlay ("DDO") for the Township will be of benefit to the broader community and provide certainty of outcome in respect to its future growth and development.

However, our client has a number of concerns in respect to the drafting of the proposed DDO control and in particular the design objectives and built form requirements proposed for the East Sub Precinct. Our client contends that further amendments are required to the DDO, the particulars of which are set out in this submission.

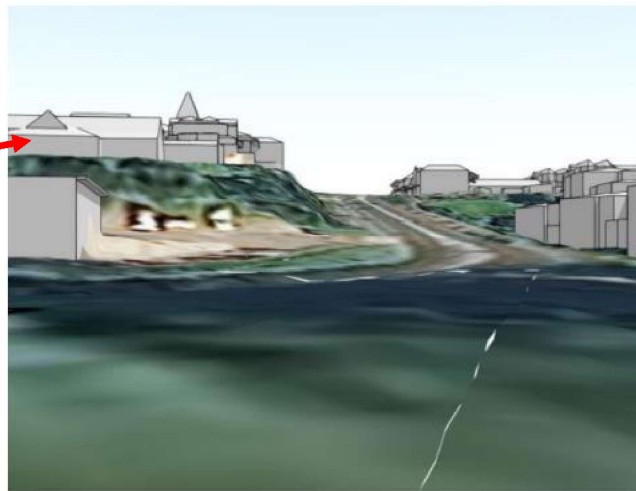
- 1 Amendment C286 proposes to apply Development Overlay 28 to the Ocean Beach Road Commercial Precinct.
- 2 Our client has an interest in land which is located on Point Nepean Road and comprises the land in the General Residential Zone which separates the Central and East Sub Precincts. This land is also subject to Heritage Overlay 501.
- 3 3317-3333 Point Nepean Road is developed with a contributory heritage building, which is otherwise known as Quamby.

- 4 Our clients land, and indeed land surrounding the East Sub Precinct is affected by Design and Development Overlay 3 – Coast and Landscape Design. As relevant DDO3 sets out:
- (a) Minimum street setback requirements (general requirement).
 - (b) maximum wall heights of 5.5 metres (general requirement).
 - (c) Maximum building height of 8 metres/2 storeys (mandatory requirement).
- 5 3317-3333 Point Nepean Road is also subject to a restrictive covenant which limits the height of any buildings on the land to between 4.1 and 6.1m (in part).
- 6 The covenant and controls seek to achieve a low-scale built form that “steps down” with the topography of the land.
- 7 The East Sub Precinct is in effect an island site. It is at the gateway to the Sorrento town centre and is one of the first “commercial” sites visible upon entry to the town by car and also from the nearby Ferry Terminal. It also sits amongst the sensitive foreshore environs and adjacent to some of the most significant heritage places for both the Sorrento Township and State of Victoria.
- 8 The importance of this setting is acknowledged in the Ocean Beach Road Built Form Review, a document which underpins the preparation of C286 and one which the amendment proposes be included as a Background Document to the Mornington Peninsular Scheme. As relevant it provides:

*East Sub-Precinct This precinct has very good built form examples dating from the 1860's until the 1920's and built prior to the physical and visual dominance of the car. The Ocean Beach Road Heritage Policy (September 2015) provides clear guidance as to how properties in this precinct should be developed and key heritage values protected. The exception to high quality built form is the single storey commercial development on the south of Ocean Beach Road at the corner with Point Nepean Road which is dominated by a large parking area in front of the buildings. Over time there is an opportunity to improve the presentation of this property by placing the parking lot to the rear of redeveloped buildings. **At that time care should be taken to maintain views of the historic house Quamby, and the tower of the Continental Hotel.***

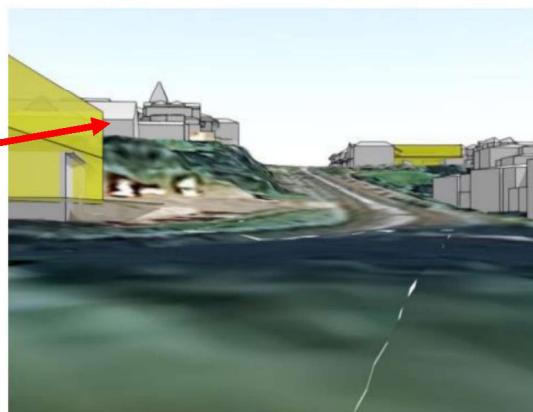
*emphasis added

- 9 It is submitted that DDO28, as drafted, will promote a built form outcome which will have an adverse impact on the surrounding area and one which is contrary to the background documents which underpin the amendment.
- 10 The interim DDO28 and indeed all draft material up until recent proposed that the East Sub Precinct be subject to a maximum building height of 8m (2 storeys) and a 8m (2 storey) street wall. This has increased under the exhibited control to 12m (3 storey) maximum building height and 9m (2 storey) street wall.
- 11 There is no explanation in the material for this increase in height.
- 12 The proposed increase in height will promote a built form outcome which will adversely impact upon the foreshore character and support a built form which will obscure views to important landmarks. It will also have adverse pedestrian and traffic safety outcomes.
- 13 The impact of the built form is evidenced in the material circulated by Council in support of the amendment (as relevant to the East Sub Precinct):



Existing Development

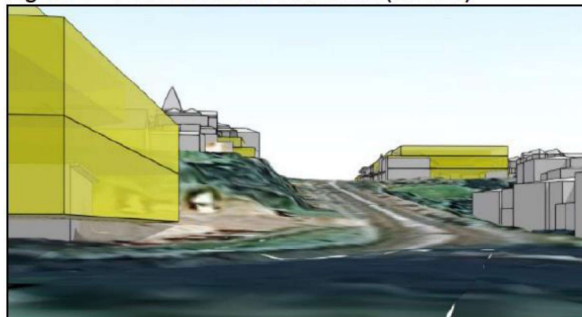
Above: extract of the built form guidelines – Quamby highlighted with red arrow



Existing development with two storey development set back 5m

Above: extract of the built form guidelines – Quamby highlighted with red arrow

Figure 4 – Potential future built form (DDO28)



Above: extract of Amendment C286morn Information Sheet

- 14 On the basis of the above our client contends the maximum building height for the East Sub Precinct should be no more than 9m (2 storeys) and a street wall height of 8m, which is setback from the property boundary.
- 15 Given the unique and sensitive nature of the East Sub Precinct, further guidance is required in the design objectives, in particular to require consideration of:
- (a) The impact of the built form on important views and vistas.
 - (b) The impact on views to heritage places including Quamby and the Continental Hotel. In our submission it is not sufficient to defer to other policies to consider heritage view lines. These matters must be included in the DDO itself and be a relevant matter the decision maker must consider in their exercise of discretion under this control.
 - (c) The impact of built form on the reasonable sharing of views. Given its location future built form has the potential to adversely affect views from a wide area. Such guidance on view sharing is found through the Scheme for other foreshore locations and we submit that the East Precinct requires similar built form objectives.

We request that Council consider this submission and resolve to make changes to the control consistent with the above submission. We also request Council keep us informed of any changes made to the planning scheme amendment or referral of the amendment to an independent Planning Panel.

Yours sincerely
Arnold Bloch Leibler

Arnold Bloch Leibler
Lawyers and Advisers

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Wurundjeri Country



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Philip Chester
Ross A Paterson
Stephen L Sharp
Kenneth A Gray
Kevin F Frawley
Zaven Mardrossian
Jonathan M Wenig
Paul Sokolowski
Paul Rubenstein
Peter M Seidel
John Mitchell
Ben Mahoney
Jonathan Miner
John Mengolian
Caroline Goulden
Matthew Lees
Genevieve Saxton
Jeremy Leibler
Nathan Briner
Justin Vaatzstra
Clint Harding
Susanna Ford
Tyrone McCarthy
Teresa Ward
Christine Fleer
Jeremy Lanzer
Bridget Little
Gla Cari
Jason van Grieken
Elyse Hilton
Jonathan Orther
Stephen Lloyd
Scott Phillips
Gavin Hammerschlag
Shaun Cartoon
Damien Cuddihy
Dorian Henneron
Rebecca Zwiier
Jennifer McCosker
Consultant
Jane C Sheridan
Special Counsel
Sam Dollard
Laila De Melo
Emily Simmons
Bridgid Cowling
Rosalee Cattermole
Rachel Soh
Senior Associates
Brianna Youngson
Kaitlin Lowdon
Stephanie Campbell
Claire Stubbe
Briely Trollope
Laura Cochran
Greg Judd
Ben Frits-O'Toole
Elly Bishop
Raphael Leibler
Gabriel Sakdai
Mark Macrae
David Monteith
Rebekah French
Gisella D'Costa
Lisa Garson
Vidushee Deora
Emily Korda
Chris Murphy
Michael Reppe
Anna Sepountsis
John Birrell
Rob Deev
Caitlin Edwards
Jessica Elliott
Alexandra Harrison-Ichlov
Claire Southwell
Luise Squire
Ari Bendet
Matthew Davies
Grace Cho
Lucy Eastoe
Naeha Lal
Timothy Jaeger
Michelle Ainsworth
Micaela Bernfield
Crosby Radburn
Jessica Willis

6 September 2024

By E-mail

Claire Dougall
Team Leader Strategic Planning
strategic.admin@mornpen.vic.gov.au

Your Ref

Contact

Dear Sir/Madam

Amendment C286 to the Mornington Peninsula Shire Council

We act on behalf of [REDACTED] who has an interest in the following land:

- 3317-3333 Point Nepean Road, Sorrento.
- 3335 Point Nepean Road, Sorrento.

Our client has received notice of the re-exhibition of Amendment C286 to the Mornington Peninsula Planning Scheme ("C286") and instructed us to make a submission on his behalf. This follows our client's submission which was filed in September 2022.

Our client remains of the view that the inclusion of a permanent Design and Development Overlay ("DDO") for the Township will be of benefit to the broader community and provide certainty of outcome in respect to its future growth and development.

However, the revised DDO drafting raises several concerns for our client:

- 1 Our client has an interest in land which is located on Point Nepean Road and comprises the land in the General Residential Zone which separates the Central and East Sub Precincts. This land is also subject to Heritage Overlay 501.
- 2 3317-3333 Point Nepean Road is developed with a contributory heritage building, which is otherwise known as Quamby.
- 3 Our clients land, and indeed land surrounding the East Sub Precinct is affected by Design and Development Overlay 3 – Coast and Landscape Design. 3317-3333 Point Nepean Road is also subject to a restrictive covenant which limits the height of any buildings on the land to between 4.1 and 6.1m (in part).
- 4 The covenant and controls seek to achieve a low scale built form that "steps down" with the topography of the land.

- 5 The East Sub Precinct is an island site. It is at the gateway to the Sorrento town centre and is one of the first “commercial” sites visible upon entry to the town by car and also from the nearby Ferry Terminal. It also sits amongst the sensitive foreshore environs and adjacent to some of the most significant heritage places for both the Sorrento Township and State of Victoria.
- 6 The unique nature of the East Sub Precinct was recognised by the peer review undertaken by Glossop Town Planning; indeed, Mr Glossop has suggested that DDO3 is a control of best fit to resolve the built form of the East Sub Precinct. Council should consider this recommendation seriously and seek to amend Amendment C286 to adopt this recommendation.
- 7 We have reviewed the revised DDO control. While it appears that Council has used its best endeavours to respond to submissions, and adopt its peer review advice, the amended DDO control in our view creates new issues which did not arise from the previously exhibited control.
- 8 The removal of sub-precincts in the DDO drafting is problematic.
 - (a) The unique nature of the East-Sub Precinct needs to be identified in the control.
 - (b) It is not a site which can be treated the same as the balance of the commercial area.
- 9 The design objectives are too broad and poorly drafted
- 10 In respect to the specific matter of views, the proposed design objective states:

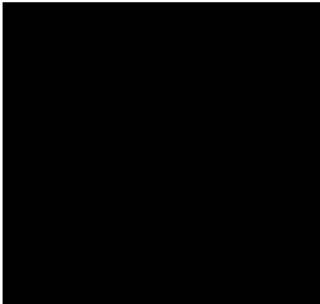
To protect views from Ocean Beach Road to the surrounding environs, including the back beach sand dunes to the west and the foreshore to the east, and the Intercontinental Hotel tower and views from the foreshore.
- 11 This drafting does not deal particularise what views are to be protected from the foreshore. It is silent on views to heritage buildings like Quamby.
- 12 Views in the East Sub-Precinct are identified as important features in the Ocean Beach Road Built Form Review, a document which underpins the preparation of C286 and one which the amendment proposes be included as a Background Document to the Mornington Peninsular Scheme. As relevant it provides:

*East Sub-Precinct This precinct has very good built form examples dating from the 1860’s until the 1920’s and built prior to the physical and visual dominance of the car. The Ocean Beach Road Heritage Policy (September 2015) provides clear guidance as to how properties in this precinct should be developed and key heritage values protected. The exception to high quality built form is the single storey commercial development on the south of Ocean Beach Road at the corner with Point Nepean Road which is dominated by a large parking area in front of the buildings. Over time there is an opportunity to improve the presentation of this property by placing the parking lot to the rear of redeveloped buildings. **At that time care should be taken to maintain views of the historic house Quamby, and the tower of the Continental Hotel.***
- 13 The explanatory material which surrounds the re-exhibition of this amendment suggests that a maximum building height for the East Sub-Precinct has been reduced to two storeys / 9 metres.
 - (a) The drafting refers to buildings “fronting” Point Nepean Road.

- (b) The balance of the height controls is by reference to buildings “abutting”.
 - (c) To avoid any confusion about what street a building abuts, or fronts, or indeed if a proposed building satisfies either of these objectives, we recommend Council adopt a map-based approach to the drafting of building heights.
- 14 We remain concerned the upper-level setbacks will result in a built form which conceals views to important landmarks and the upper-level setback controls do not appear to be supported by any robust modelling.
- 15 We refer Council to the modelling extracts included in our earlier submission.

We request that Council consider this submission and resolve to make changes to the control consistent with the above submission. We also request Council keep us informed of any changes made to the planning scheme amendment or referral of the amendment to an independent Planning Panel.

Yours sincerely
Arnold Bloch Leibler





Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	
Organisation	
Postal address	
Email	
Phone number/s	
Do you represent other people?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
If yes, who?	NO
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I contend that it is inappropriate for a commercial building built to the street boundary and it should be kept in line with 19 Constitution Hill Rd. I also object to the increased height as all properties whether residential or commercial should be maintained at the original height of 8.3 metres.</p>	



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

I have provided detailed comments on attached sheets

Yes ☒ / No ☐

Signature

[Redacted Signature]

Date

7/9/2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.

Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received:



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	
Organisation	NA
Postal address	
Email	
Phone number/s	
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I oppose the proposed Amendment C286 for the East Sub precinct DD028.</p> <p>The proposed large boundary built form is not in line with the current foreshore street scape and historical charm of Sorrento that many Victorians and visitors come to see.</p> <p>It's also disconnected with the village / central shopping area and will look out of place to have such a large box-built form surrounded by local historical buildings along the foreshore and entry to Sorrento village.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

		I have provided detailed comments on attached sheets		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
		Signature		Date

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

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Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1003
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

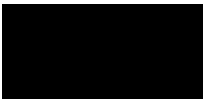
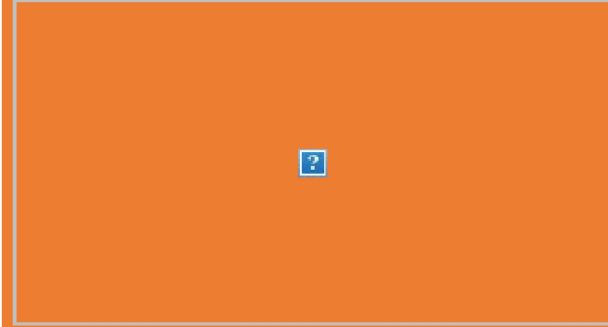
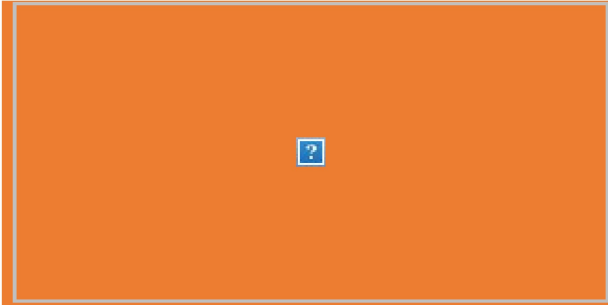
Submission No. 15

From: [REDACTED]
To: [Strategic Admin](#)
Subject: Amendment C286morn – submission from [REDACTED]
Date: Saturday, 10 September 2022 4:58:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Please note that a submission may be made without using this form.

Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	[REDACTED]
Organisation	Private citizen
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people?	Yes / No x
If yes, who?	n/a
Have you attached written consent from these people for you to represent them?	Yes / No x
How would the proposal affect you?	
I am a neighbour	I visit the area
I own land affected by the amendment x	Other (please detail below)
In summary, my comments are	
<p>I own [REDACTED] in the [REDACTED] that directly overlooks George Street.</p> <p>I ask that these amendments only ALLOW TWO STOREYS of development not three storeys as otherwise my view will be adversely impacted & 3 storeys likely to cast a shadow over my dwelling.</p> <p>Notwithstanding the direct impact on myself, I feel that 3 storeys will significantly compromise the charm of the Main Street making Sorrento feel over developed and even more noisy.</p> <p>Further, as seen by the photos below, the proposed amendment to the East sub precinct area is totally overbearing and runs the welcoming "feel" as one enters the township's main retail area. I request Council amend the scope to allow a maximum of two storeys here also. This area is already very congested from a traffic perspective so hopefully, by restricting the development to 2 storeys will ensure that current levels of congestion are kept to a minimum.</p> <p>Thank you for your consideration</p> <p>[REDACTED] – please note the 2 photos below.</p>	



[REDACTED]

From: Corporate E-Mail Enquiries
Sent: Monday, 12 September 2022 9:20 AM
To: Strategic Admin
Subject: FW: Customer Service Enquiry

From: [REDACTED]
Sent: Saturday, 10 September 2022 1:01 PM
To: Corporate E-Mail Enquiries <customerservice@mornpen.vic.gov.au>
Subject: Customer Service Enquiry

Urban Planning

Sent from [Mail](#) for Windows

As a property owner of [REDACTED] I wish to advise that I object to the following amendment:
Amendment C286morn.

I believe that the increase to three stories in the commercial precinct

Is not justified and will diminish the character of the street. It will not be in the general interest of the general public who frequent the area and enjoy a village type atmosphere.

Thank you

[REDACTED]

Submission No. 17

From: [REDACTED]
To: [Strategic Admin](#)
Subject: C286morn - Submission
Date: Monday, 12 September 2022 2:35:25 PM

We are flabbergasted that this application to alter the planning regulations for part of the Sorrento village is being made and =, apparently has been agreed to by the Council. It is only by the good fortune of a concerned friend becoming aware of this that we, and everyone we have spoken to, has been made aware of this proposal. All are totally opposed to it. Who in the Sorrento area has been consulted?
Who initiated this proposal?
It is difficult to comprehend that the impact on the character of Sorrento village allowed this proposal to be even considered.
Possibly a public meeting should be called before there is any further consideration to this amendment.

[REDACTED]

Sent from [Mail](#) for Windows



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<div></div>
Organisation	<div></div>
Postal address	<div></div>
Email	<div></div>
Phone number/s	<div></div>
Do you represent other people?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
If yes, who?	<div></div>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I am a long term visitor and long term resident of Sorrento. My family began holidaying in Sorrento in the early 1900's and I have been coming here for 75 years and my also mother for all her life .The house we live in was handbuilt from stone by my grandfather in the 1930's. He also built an earlier timber cottage in the 1920's.</p> <p>Sorrento has been a much loved place for generations of our family. We love the wild beauty of the ocean coastline and the picturesque gentle bay beaches. In the past we also have loved the historic charm and unique character of the township. This enjoyment has become somewhat eroded over the past few years with some of the developments which seem out of character with the town. I am for example disappointed with the old Mitre 10 site as the architecture of the new shops is harsh and dominating – not suitable for a seaside town. This is the problem with future development. If the charm and character of Sorrento is to be maintained for the future we need to protect it from unsympathetic and dominating buildings.</p> <p>The removal of the Heritage Overlay will allow developers to change the character and charm of what we still have.</p> <p>There are two areas in particular which need protecting. They are the area at the bottom of Ocean Beach Road opposite the Rotunda (Rusty's Corner) and Stringers Corner. These are important entrances to the town and must not be so dominating as to impede the views both of the bay and the township.</p> <p>Developers are keen to cash in on the renewed popularity of the town but they must not be allowed to turn Sorrento into a foreign place (to those who love it) and lose the unique charm of the past.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



I implore you to reconsider these amendments. I also request (as I have said in an earlier submission), that you properly advertise and clearly display the proposals for the Sorrento residents and the Sorrento community. If you want support for any part of these proposals this is necessary so that we have a sense of ownership over any changes. The ones you are proposing are going to make a major impact on the Sorrento township and need careful consideration and modification so we can retain what is left of the unique heritage charm.

I have provided detailed comments on attached sheets

Yes ☐ / No ☐

Signature

[Redacted Signature]

Date

20/09/2022



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<input type="text"/>
Organisation	<input type="text"/>
Postal address	<input type="text"/>
Email	<input type="text"/>
Phone number/s	<input type="text"/>
Do you represent other people?	Yes <input type="checkbox"/> / No x <input type="checkbox"/>
If yes, who?	<input type="text"/>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No x <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour x <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

My husband and I have owned our house in Sorrento since 1981. Some of the improvements to Sorrento are not in my considered opinion in keeping with our vintage heritage village and have spoilt some of it.

I strongly OBJECT to any 2 or 3 storey development on the corner of Ocean Beach Road and Point Nepean Road at the bottom of the hill, opposite Koonya Hotel, as it is our entrance to our village and Main Street. AND any 3 storey development along our Main Street I strongly OBJECT to too.

Sorrento is a very pretty part of the Peninsula and we want to keep it this way.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
Signature		Date 13th September, 2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

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Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:	Submission No:	Date Received:
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From: [REDACTED]
To: [Strategic Admin](#)
Subject: Amendment_C286morn_-_Exhibition_-_Submission_form_A11345835(1)
Date: Tuesday, 13 September 2022 4:22:36 PM
Attachments: [Amendment_C286morn_-_Exhibition_-_Submission_form_A11345835\(1\).docx](#)
Importance: High

<<...>>

TO WHOM IT MAY CONCERN

My family have been holidaying and owned several beach houses on the Peninsula all my life. I am 78. My mother remembers as a child coming down to Sorrento with her mother and father for picnics on the Hygeia. So my family have been long associated with Sorrento and the Mornington Peninsula.

AND I was alerted to this amendment by sheer fluke, no notice from the Council about this amendment was sent to us.

I herein submit my strong objection to any development proposed in the amendment C286morn document. The entrance to our village must be protected and not have a ghastly 2 or 3 storey building at the bottom of the hill leading up into our village!!!!

I attach my submission.

Yours sincerely

[REDACTED]



Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<input type="text"/>
Organisation	<input type="text"/>
Postal address	<input type="text"/>
Email	<input type="text"/>
Phone number/s	<input type="text"/>
Do you represent other people?	Yes <input type="checkbox"/> / No x <input type="checkbox"/>
If yes, who?	<input type="text"/>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No x <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) x <input type="checkbox"/>
In summary, my comments are	
<p>My family have been property owners in Sorrento for more than 120 years. I have visited Sorrento since my birth 77 years ago. Any redevelopment on the "Rusty's" café site would be the final straw in the degrading of Sorrento's historic character! Consequently, Amendment C286 must not be approved by MPSC as it will open the way for a developer to permanently spoil the entry to our historic town.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



		I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No x <input type="checkbox"/>
		Signature		Date

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

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Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

From: Strategic Admin
Sent: Thursday, 15 September 2022 2:47 PM
To: [REDACTED]
Subject: FW: Proposed amendment affecting the entrance to our beloved Sorrento town.

FYI


From: [REDACTED]
Sent: Wednesday, 14 September 2022 12:16 PM
To: Strategic Admin <strategic.admin@mornpen.vic.gov.au>
Subject: Proposed amendment affecting the entrance to our beloved Sorrento town.

My wife and I are new to Sorrento from 2019.
What we love about the shopping is the comparative
Ease moving around the main shopping street, the shops and coffee spots.
Upon entering Sorrento shops, I think it's called Rusty corner there is this Little town atmosphere everywhere you
look. Plenty of spaces to congregate and chat. Most country towns don't have this "feeling" in the soul of the town.
I understand the Counsel is wanting to change this Feel and to make it like any and every other town just because
someone has expressed a desire to Explore possibilities of expansion.
We object profusely
We don't want to lose this "Feel"
We don't want to push past other people in the street.
We object to the possibility that this Feel might be lost.
Objective.
[REDACTED]

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	[REDACTED]
Organisation	[REDACTED]
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	[REDACTED]
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
[REDACTED]	



MORNINGTON PENINSULA Shire
RECEIVED
15 SEP 2022

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

I believe that the proposed amendment would be highly detrimental to the streetscape of Constitution Hill Rd.

The opposite side of the street and the whole block is residential and we have all complied to the 8.2m building height restrictions.

This is the southern end of the Mornington Peninsula, not the suburbs of Melbourne. Sorrento is an historic township.

I have provided detailed comments on attached sheets

Yes ☒ / No ☐

Signature

Date

12/9/22

The closing date for submissions is: 5pm, Friday, 23 September 2022

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use Amendment C286morn – submission in the email subject line.

Information Privacy Declaration

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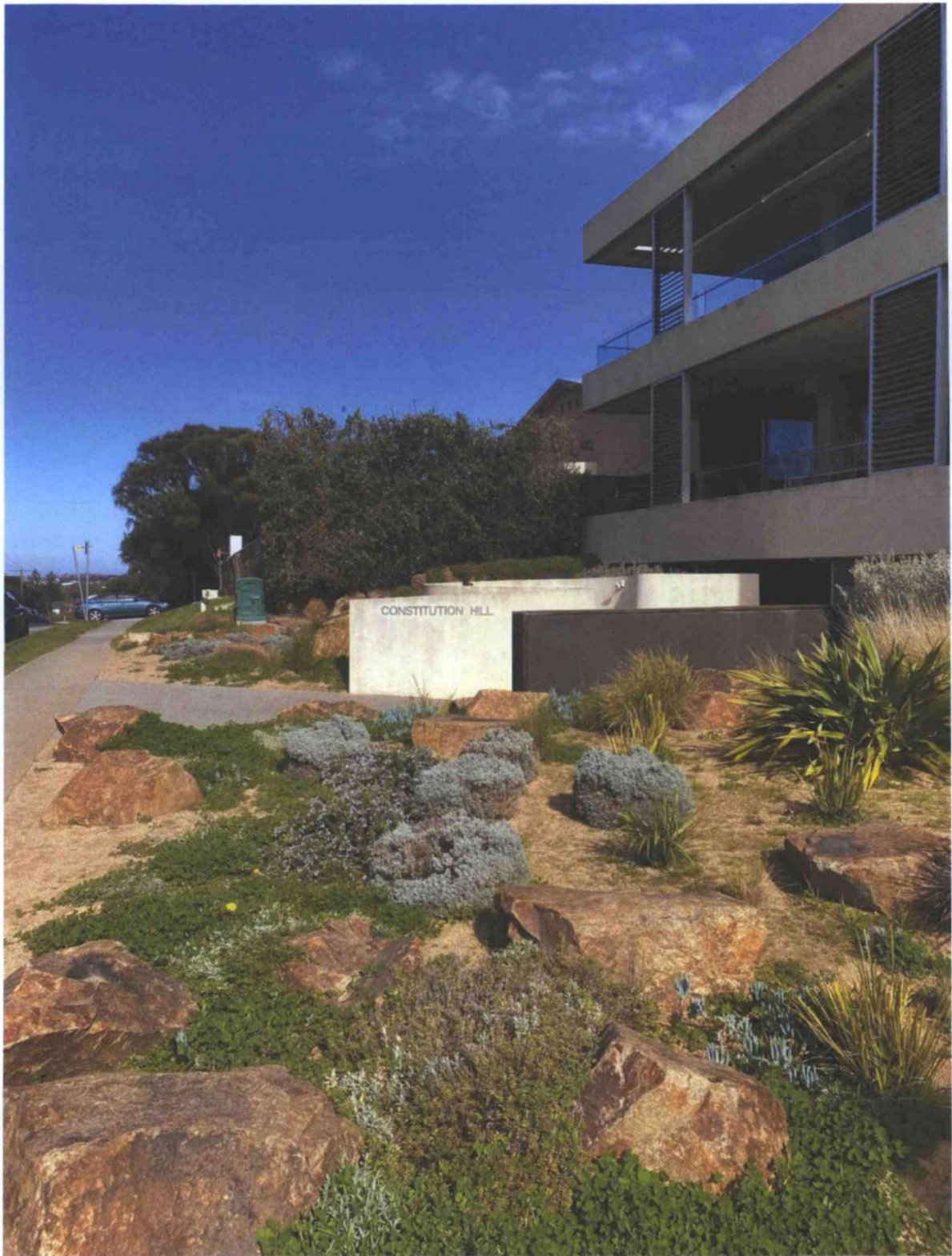
Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

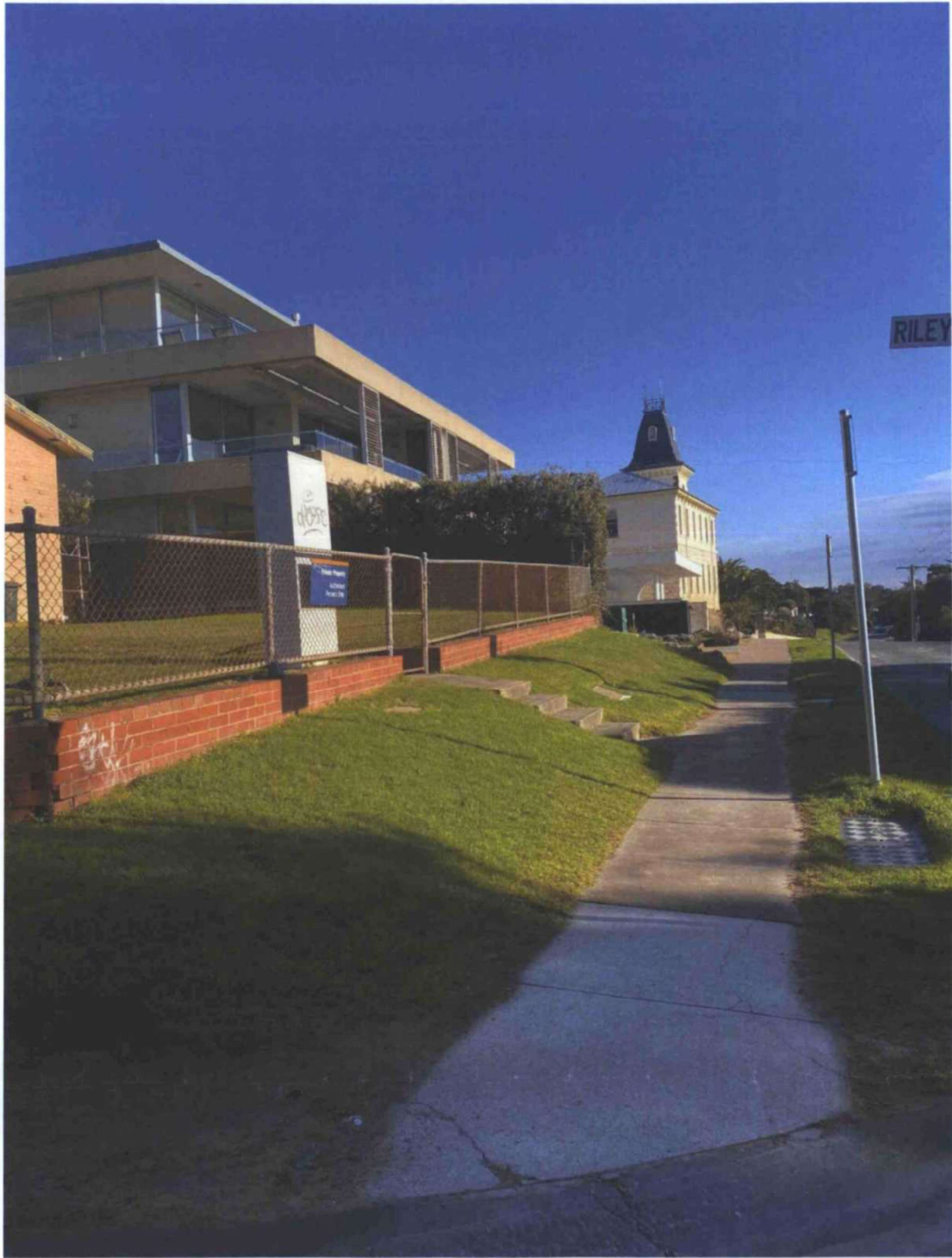
For Office Use Only

File No:

Submission No:

Date Received:





Submission No. 23

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn

Full Name

Organisation

Postal
address

Email

Phone
number/s

Do you represent other people?

Yes ☐ / No ☒

If yes, who?

Have you attached written consent from these people for you to represent them?

Yes ☐ / No ☒

How would the proposal affect you?

I am a neighbour ☒

I visit the area ☐

I own land affected by the amendment ☐

Other (please detail below) ☐

In summary, my comments are

I am not objecting to the Proposed Planning Scheme Amendment C238morn however I am seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.

Alternatively, I am seeking a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.

The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.

I contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road and that it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road.

MORNINGTON PENINSULA Shire
RECEIVED

15 SEP 2022

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1003
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



I believe that the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road.

I Believe that 19 should be Excluded also. As to the Street Scape would not be in keeping with our property and others.

I have provided detailed comments on attached sheets

Yes ☐ / No ☐

Signature

Date

7/9/2022

The closing date for submissions is: 5pm, Friday, 23 September 2022

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

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For Office Use Only

File No:

Submission No:

Date Received:

From: Strategic Admin
Sent: Monday, 19 September 2022 1:05 PM
To: [REDACTED]
Subject: FW: Amendment C286morn-submission

FYI

From: [REDACTED]
Sent: Saturday, 17 September 2022 4:26 PM
To: Strategic Admin <strategic.admin@mornpen.vic.gov.au>
Subject: Amendment C286morn-submission

Dear Sir/Madam

You sent us a letter asking for submissions/feedback on this amendment to planning scheme. Usually I would not bother as I feel that the Council does not listen to residents and is usually motivated by commercial interests which always seem to trump residents, aesthetic and historical interests.

As a part time local resident I am against this amendment. I am horrified by Figure 4 Potential future built form (DDO28) on the information sheet. It is completely against the character of Sorrento to allow this blocky 3 story developments. So much of the original character of the town has been lost over the last 30 years. This amendment to the planning scheme would just make everything worse. Please leave the existing built form as represented in figure 3 as it is more in character with the scale of the original buildings.

What is proposed for the East Sub precinct area is ghastly, especially being in such a prominent position coming into the main street of Sorrento. It partially obscures the view of what is left of historic Sorrento. Increasing the height of Stringers on the other corner would also be detrimental.

The charm of sorrento is gradually being lost, under a rush of cramming more and more commercial space into the precinct.

No new building in the main street of sorrento should be allowed to be more than 2 stories. No new 3 story buildings.

It will be a terrible day if this gets approved.

This is just my opinion but you did post out letters asking for comment so I have done you the courtesy of reading the documents and responding with feedback.

Thankyou for the opportunity. I do hope many others respond as I know I am not the only person despairing about the rampant overdevelopment of this once beautiful, striking and historic township.

regards

[REDACTED]

Submission No. 25

From: Strategic Admin
Sent: Monday, 19 September 2022 1:06 PM
To: [REDACTED]
Subject: FW: Amendment C286 - submission

FYI

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

From: [REDACTED]
Sent: Sunday, 18 September 2022 9:54 PM
To: Strategic Admin <strategic.admin@mornpen.vic.gov.au>
Subject: Amendment C286 - submission

Team Leader, Strategic Planning Re: Amendment C286morn - submission

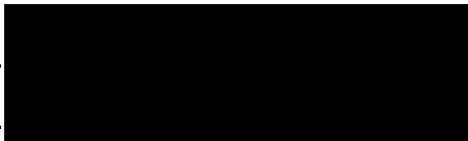
Dear Sir or Madam

I write to object to the amendment noted above.

I have tried to complete your online form. At first I thought the form was unresponsive due to incompatibility with my iPad, so I downloaded it on a computer. The form is still unresponsive.

Hence this email.

Full name.
Postal Address.
Email.
Phone Number.



The proposal affects me insofar as I am a Sorrento resident (my husband and I have owned a house here since 1994 and are now permanent residents) concerned about the history and character of Sorrento.

Sorrento's history, still evident in many of the buildings in the village, is integral to its charm and character which is valued by both residents and visitors. Buildings are a particularly significant embodiment of history and culture and, in the case of Sorrento, the low-rise streetscape, which has already been considerably altered, is key to its atmosphere. The proposed changes will do nothing to enhance the existing streetscape and could lead to further and continued erosion of the town's character.

As a friend said recently of Bali "It is too beautiful not to be despoiled"

It would be sad to allow the same fate to befall delightful historic Sorrento.

Sent from my iPad

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<input type="text"/>
Organisation	<input type="text"/>
Postal address	<input type="text"/>
Email	<input type="text"/>
Phone number/s	<input type="text"/>
Do you represent other people?	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
If yes, who?	<input type="text"/>
Have you attached written consent from these people for you to represent them?	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<input type="text"/>	
Refer attached letter	
I have provided detailed comments on attached sheets	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>
Signature	<input type="text"/>
Date	20 SEPTEMBER 2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

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For Office Use Only

File No:

Submission No:

Date Received:

20 September 2022

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

Via email: strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam

**Mornington Peninsula Planning Scheme
Amendment C286 – as exhibited
3293-3295 Point Nepean Road, Sorrento**

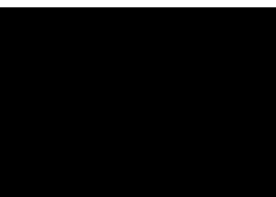
KNJ Project Services (**KNJ**) acts on behalf of [REDACTED] (**client**) the owner of land at 3293-3295 Point Nepean Road Sorrento (**site**).

Our client has instructed us to prepare the following submission to Amendment C286 (**AM C286 or C286**) to the Mornington Peninsula Planning Scheme (**scheme**).

Amendment C286 implements the recommendations of the *Ocean Beach Road Built Form Review (2021)* by applying permanent design and development provisions that includes our client's site.

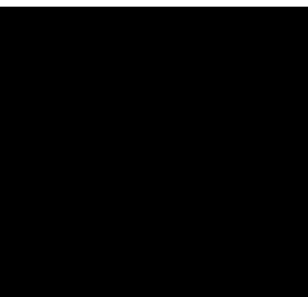
Our client supports AMC286 as exhibited. Our client would also support the amendment as exhibited with the proposed mandatory controls amended to discretionary provisions, in the event that there is opposition to the mandatory nature of the planning controls, only on the basis that the height and setback provisions for our client's site is retained at a minimum of 12 metres, comprising no more than three (3) storeys (or greater) with a zero street boundary setback for storeys one and two and upper levels being setback 4 metres from the street boundary.

Our client wishes to be kept informed of the progress of AMC286 and reserve its right to be heard at the Planning Panel Victoria hearings to be held next year. The owner/submitter details for this submission are:



Should you have any queries or required further information please do not hesitate to contact the undersigned on [REDACTED] or via email at [REDACTED]

Yours sincerely





20 September 2022

The Team Leader
Strategic Planning
Mornington Peninsula Shire

Dear Sir/Madam,

As owners of 3293-3295 Point Nepean Road, Sorrento we consent to [REDACTED]
of KNJ Project Services representing [REDACTED] with respect to Planning
Scheme Amendment No C286 to the Mornington Peninsula Planning Scheme.

Yours faithfully

[REDACTED]

20 SEPTEMBER 2022


E-mail: strategic.admin@mornpen.vic.gov.au

Dear Sir/Madam,

Town Planning Scheme Amendment C286 of the Mornington Peninsula Shire Planning Scheme

Your Reference: C286morn

Our Reference: Case Number 42376493 File 22PD1733

I refer to your letter received on 2 September 2022. South East Water as the Water Supply and Sewerage Authority has no objection to the proposed amendment C286morn of the Mornington Peninsula Shire Planning Scheme.

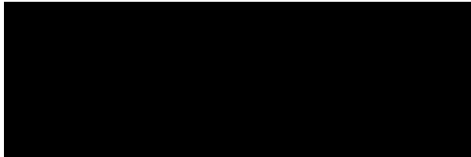
THE FOLLOWING IS OFFERED FOR INFORMATION ONLY:

Upon receiving sewer referrals in the area, South East Water will review each job on a case-by-case basis and ensure the development can be catered for.

Please Note: As South East Water has no objection to the Scheme Amendment, we request that both your Council and Planning Panels Victoria do not provide any further correspondence to us regarding the Amendment.

If you have any enquires please contact 

Yours sincerely



Submission No. 28

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	
Organisation	
Postal address	
Email	
Phone number/s	
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>Sorrento is (or was) a historic coastal settlement/village. This amendment would have significant impact on retaining what is left of the historic appeal.</p> <p>I have grave concerns that allowing greater wall heights will further degrade to historic appearance of the Sorrento precincts. Already we see very modern development reducing the historic appeal of the township. Visitors are attracted to the area for its historic appearance.</p> <p>Increasing the number of levels to 3 will further add a very unattractive layer with services equipment becoming even more visible.</p> <p>Allowing a change to the built form for the East precinct does not make sense. The entry to Sorrento has to be protected. The openness that exists today welcomes any visitor entering from the road or the ferry terminal. A block as show in the potential Figure 4 would destroy that feeling. Existing view lines are being lost.</p> <p>2-storey heritage buildings exist inside the precincts and I see no reason to open up the East Precinct to the type of buildings now dominating in the street scape.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



MORNINGTON
PENINSULA
Shire

I am concerned there is an invitation to add 3 storey development, as shown in Figure 4, behind the existing Stringers and Cinema. The initial historic appeal and view lines could be replaced by modern out of character development,

I have provided detailed comments on attached sheets

Yes ☐ / No ☒

Signature

Date

21/9/2022

The closing date for submissions is: 5pm, Friday, 23 September 2022

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

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For Office Use Only

File No:

Submission No:

Date Received:

Submission No. 29

From: [REDACTED]
To: [Strategic Admin](#)
Subject: Subject: Amendment C286morn – submission
Date: Wednesday, 21 September 2022 12:06:53 PM

To the Team Leader, Strategic Planning,

My details are as follows: [REDACTED]
[REDACTED]

I am writing regarding the proposal to change the mandatory design control in the Sorrento township and main street. It is a concern that by changing the controls it will change how the town will look and operate at the major entrance to the town and the commercial strip of Ocean Beach Road. The existing buildings and township are a very important part of the heritage of the area, which I feel is unique. By over building in this area, the charm of this part of the township will be lost.

Therefore I wish to lodge an objection to these proposed changes.

Regards

[REDACTED]

Submission No. 30

From: [REDACTED]
To: [Strategic Admin](#)
Subject: ATTENTION [REDACTED] OBJECTION MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C286morn
Date: Wednesday, 21 September 2022 3:36:36 PM

Good Afternoon [REDACTED]

I write to you to submit an objection to the MORNINGTON PENINSULA PLANNING SCHEME AMENDMENT C286morn.

As a nearby owner ([REDACTED]) we've been invited to make a submission and we appreciate the invitation.

In reviewing the documents one concern became immediately apparent.

The proposed DDO28 for the prominent "corner" block of our little section includes a height allowance that seems out of kilter with this overlay, past overlays, the visual appeal of this important part of Sorrento and the history of the site.

As far as I can tell, the allowable height has gone from something similar to the historic building on the opposite corner to nearly forty feet in the old scale.

The "built form" as you call it, feels completely out of synch with its surrounds.

Given the overlays and restrictions and "built form" of all the buildings that surround this site it feels excessive and intrusive.

I hope you reconsider this outlier in the proposal.

Sincerely

[REDACTED]



Submission to Mornington Peninsula Planning Scheme Amendment C286morn


Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	
Organisation	
Postal address	
Email	
Phone number/s	
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
See attached letter.	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Large empty light blue rectangular area for the submission content.

I have provided detailed comments on attached sheets		Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	
Signature		Date	23 September 2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

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For Office Use Only		
File No:	Submission No:	Date Received:

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1003
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

23 September 2022

Team Leader – Strategic Planning
Mornington Peninsula Shire Council
Private Bag 1000
ROSEBUD VIC 3939

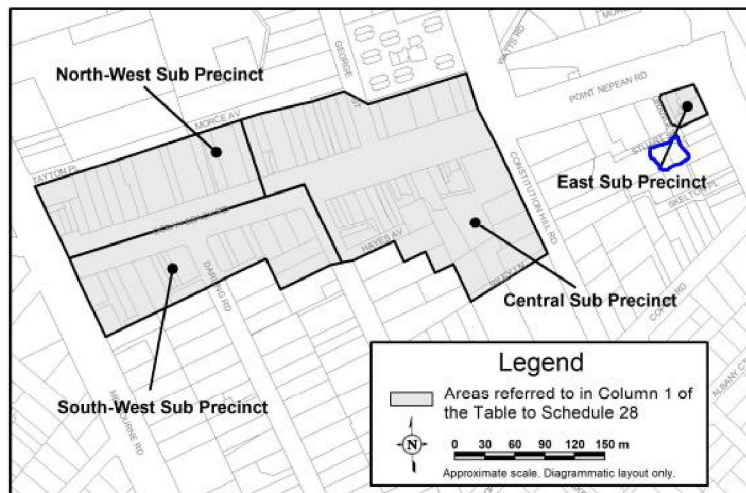
By email to: strategic.admin@mornpen.vic.gov.au

Dear Sir / Madam

AMENDMENT C286morn TO THE MORNINGTON PENINSULA PLANNING SCHEME

We act for [REDACTED] in respect of the above Amendment. [REDACTED] own the properties at 1 Stuart Street, Sorrento and 3 Stuart Street, Sorrento (**Properties**).

The Properties are to the south west of the East Sub Precinct as defined in the proposed Design and Development Overlay – Schedule 28 (**Proposed DDO28**) contemplated by the Amendment, outlined in blue below.



Our clients generally support the Amendment as it relates to the North West, South West and Central Sub Precincts. Their preference would be for the East Sub Precinct (contemplating the property at 3299 Point Nepean Road, Sorrento) to be excluded from the Proposed DDO28, for the reasons explained in this submission. If however this is not supported, our clients could support reduced mandatory height and setback controls for the East Sub Precinct. The changes sought by our clients are generally described as follows:

- a) As noted above, a strong preference for the exclusion of the East Sub Precinct from the Proposed DDO28.
- b) In the alternative:
 - a. inclusion of design objectives relating to the maintenance of views to locally historic locations, including Quamby and the Continental Hotel, Sorrento;
 - b. lowering of both the mandatory maximum building height and street wall height contemplated by Proposed DDO28 for the East Sub Precinct;
 - c. removal of the requirement for any street wall within the East Sub Precinct to the built to the site boundary;

- d. removing the ability for architectural features in the East Sub Precinct to exceed the proposed mandatory height limits; and
- e. inclusion of guidance within Proposed DDO28 regarding the use and development of land next to and within Grange Road, Sorrento.

BACKGROUND

As Council will be aware, and as acknowledged by the documentation supporting the Amendment, the Ocean Beach Road Commercial Precinct is a historic area which assists in framing the character of Sorrento. It warrants careful consideration and planning when considering its future development. Our clients are generally satisfied that this task has been contemplated appropriately for the majority of the area.

However, our clients are greatly concerned that both the inclusion of the East Sub Precinct within the Proposed DDO28, and the proposed mandatory maximum building height and street wall height for this area, do not appropriately address the character of the area immediately surrounding the East Sub Precinct, or the Design Objectives contemplated by Proposed DDO28 itself.

At present, Proposed DDO28 contemplates the following:

Table 1 – Mandatory buildings and works requirements

Column 1 Sub Precincts	Column 2 Maximum street wall height	Column 3 Maximum building height	Column 4 Building setbacks (setbacks do not apply to un-named lanes)
East	9 metres at the street boundary (comprising no more than 2 storeys)	12 metres (comprising no more than 3 storeys)	<ul style="list-style-type: none"> ▪ Any first (ground floor) and second storey must be built to the street boundary. ▪ Any third storey must be set back a minimum of 4 metres from the street boundary.

Our clients are very concerned that the heights contemplated in Table 1, Columns 2 and 3 will not appropriately reflect the existing character of the area immediately surrounding the East Sub Precinct, namely, residential development fronting Point Nepean Road. This is particularly the case having regard to:

- the very isolated nature of the East Sub Precinct, noting that it does not form part of the broader shopping strip along Ocean Beach Road and functions as an “island site” surrounded by residentially zoned properties; and
- the existing application of Design and Development Overlay – Schedule 3 (**DDO3**) to the East Sub Precinct, which contemplates both a discretionary 8 metre height limit and discretionary minimum setbacks, including a 7.5 metre front setback.

Our clients accept that there is potentially some benefit in introducing mandatory height and setback requirements for the East Sub Precinct to improve on the clear guidance included in DDO3, however our clients submit that it would not be appropriate for the Proposed DDO28 to “go further” than the built form generally contemplated in that DDO3 control.

Comments regarding maximum street wall height

As can be seen from the below image, it is clear that existing form on Point Nepean Road is limited to a one storey street wall. Whilst land to the immediate south of the East Sub Precinct has the benefit of a rise in natural ground level, our clients are concerned that the future development of the East Sub Precinct, particularly for commercial purposes, will lead to a significant floor-to-ceiling height being incorporated into any plans. Should this type of development be extended to two storeys, as

contemplated by the Proposed DDO28, this would overwhelm the immediate properties and promote a bulky entrance to the Sorrento commercial strip.

The Proposed DDO28, in its current form, also requires any development within the East Sub Precinct to be built to the boundary. This clearly does not allow for any sort of site responsive design to be contemplated in the future development of this area, which is inappropriate. It also does not appropriately reflect the existing setback contemplated by the DDO3 which applies to the East Sub Precinct.

This is not a site where a “gateway” style entrance is appropriate – it is a low scale area and should be managed accordingly.



Image of 3299 Point Nepean Road, Sorrento, facing south-west (Google Maps)



Image taken in front of 3299 Point Nepean Road, Sorrento, facing north (Google Maps)

Whilst our clients accept that a two storey street wall currently exists on the northern side of Point Nepean Road (across the road from the East Sub Precinct), this primarily references the historic limestone building at the end of that strip. This is a fundamentally different situation to the site conditions within the East Sub Precinct, and ought to be reflected accordingly.

Comments regarding maximum building height

Our clients also object to the proposed maximum building height of 12 metres or 3 storeys in respect of the East Sub Precinct.

First, any significant shift away from the existing building height within the East Sub Precinct would be out of keeping with the rhythm and fabric of existing built form immediately to the south of the East Sub

Precinct on Point Nepean Road (refer image above). This existing fabric, whilst outside the scope of Proposed DDO28, is relevant, and is not likely to change.

Our clients also submit that it is imperative to protect views to Quamby, the historic mansion at 3333 Point Nepean Road. The *Ocean Beach Road Built Form Review* (November 2021) prepared by Design Urban Pty Ltd in support of the Amendment acknowledges the importance of maintaining views to Quamby, however only then investigates this view from a location on the northern extent of Point Nepean Road as it turns the corner to run westward – it does not seek views across the Eastern Sub Precinct towards Quamby.

However, it is clear that the upper parts of the built form at Quamby can be seen from the eastern side of the East Sub Precinct on Point Nepean Road.



Image of 3299 Point Nepean Road, Sorrento, facing west (Google Maps)

Our clients submit that any built form above the existing built form envelope would put these important views at risk. If the Proposed DDO28 is to properly acknowledge and respect the importance of views to Quamby as it relates to the Ocean Beach Road Commercial Area, it is necessary and appropriate to both acknowledge the importance of Quamby in Proposed DDO28, and reduce the built form height contemplated within the East Sub Precinct accordingly.

Our clients also object to the exemptions contemplated in the Proposed DDO28 as they relate to architectural features. The allowance of an additional 4 metres in height to contemplate these features would effectively allow a maximum building height of 16 metres within the East Sub Precinct, at least across part of any future building envelope.

Our clients submit that this is particularly excessive having regard to the immediate context of the East Sub Precinct, potential visual bulk and overshadowing impact on nearby residential properties to the south and south-west, and the loss of views to Quamby, as discussed above. The location of the East Sub Precinct next to a primarily residential area requires careful consideration, particularly given the objectives that already exist in DDO3. If the same objectives are not appropriately recognised or reflected in the Proposed DDO28, the “work” of DDO3 may be undone in allowing built form that would have an obtrusive impact upon those residential properties around the East Sub Precinct in the form of visual bulk, overshadowing or overlooking.

Our clients are also concerned about the expression of any height control, particularly one which is referenced to a maximum building height in metres. It is clear from a physical inspection of the East Sub Precinct that the “natural ground level” associated with that area has been highly modified (and very likely lowered) over time to facilitate existing development. If the East Sub Precinct is included in Proposed DDO28, care must be taken to ensure that any maximum building height is taken from current ground levels at the site.

Development on / abutting Grange Road

Our clients are also concerned about the extent of development that may be possible either within or abutting Grange Road. Grange Road forms the western edge of the East Sub Precinct, and otherwise provides the sole means of accessing the Properties.

There is no carriageway easement affecting that particular title, nor is Grange Road itself included on Council's Public Roads Register.



VicPlan extract (1 Stuart Street, Sorrento, marked in blue)

Our clients are concerned that in the absence of a registered easement or other obvious property right securing access to the Properties, it is possible that a future developer of the East Sub Precinct could seek to develop out into the area currently accommodating Grange Road, which could seriously impact the ability to access the Properties if not appropriately designed and managed.

This is further exacerbated by a failure of the Proposed DDO28 to address the maintenance of appropriate access to properties on Stuart Street in the event the East Sub Precinct is developed.

CHANGES SOUGHT

Following the above, our clients reiterate their general support for the Amendment, subject to changes being made to reflect their concerns in respect of the East Sub Precinct. Accordingly, they seek the following changes to the Amendment:

1. As a preferred option, removal of the East Sub Precinct from the Proposed DDO28.

In the alternative:

2. Insertion of new Design Objectives at Clause 1.0 of Proposed DDO28:
 - a. "To protect views towards locally historic buildings, including Quamby and the Continental Hotel, Sorrento"; and
 - b. "To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly when viewed from surrounding residential areas";
3. Reduction of the maximum street wall height in Table 1, Column 2 of the Proposed DDO28 for the East Sub Precinct to "5 metres at the street boundary (comprising no more than 1 storey).";

4. Reduction of the maximum building height in Table 1, Column 3 of the Proposed DDO28 for the East Sub Precinct to “8 metres (comprising no more than 2 storeys)”;
5. Removal of the requirement in Table 1, Column 4 of the Proposed DDO28 for the East Sub Precinct for street walls to be built to the street boundary (and consequential adjustments to reflect proposed height requirements);
6. Insertion of wording in the exemptions to the Mandatory Requirement in Clause 2.0, relating to architectural features, to clarify that the exemption does not apply to land within the East Sub Precinct; and
7. Insertion of new Mandatory Requirements in Clause 2.0 of the Proposed DDO28 that any development in the East Sub Precinct:
 - a. for the purposes of calculating maximum building height and maximum street wall height, must measure that height from the modified ground level existing at the time Amendment C286morn is gazetted; and
 - b. must maintain or not prevent reasonable access to properties on Stuart Street, Sorrento.

Please contact [REDACTED] if you have any queries regarding this matter.

We expect that we will be appropriately informed of all developments with respect to the Amendment.

Yours faithfully

[REDACTED]



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<div></div>
Organisation	<div></div>
Postal address	<div></div>
Email	<div></div>
Phone number/s	<div></div>
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	<div></div>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>The proposed amendments are totally inappropriate for Rye/Sorrento/Portsea areas and are merely pandering to the greed of local developers and also the Mornington Shire who are forever chasing a rising no of properties to rate.</p> <p>Development of the commercial areas of Sorrento need to be seriously curtailed as they continue on unabated with no regard to the surrounding environment.</p> <p>Future planning for the area does not include any proposals for overcoming the current parking problems in Sorrento. Even current plans such as a 90 seat restaurant in Melbourne Road with only 9 parks shows how little forethought the Council puts into planning decisions.</p> <p>Height limits as currently exist have already contributed to inappropriate building on the east side of Ocean Beach Road. The township has lost any character it once had, and higher limits will just complete the ruination already demonstrated.</p> <p>Apart from anything else the Council has set out to sneak these changes through without allowing for a reasonable amount of public discussion. A 12 month moratorium should be introduced on these proceedings, widespread advertising of what it all means and the reasons for adoption, public open forums, and adequate explanations provided in a letter to all ratepayers in Flinders Shire.</p> <p>Enough is enough, the Shire should represent the ratepayers not developers.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Large empty light blue rectangular area for submission content.

I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No <input type="checkbox"/> x
Signature	<div></div>	Date

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used

Private Bag 1000, Rosebud VIC 3939 | Phone 03 5950 1003
Email strategic.admin@mornpen.vic.gov.au | Website mornpen.vic.gov.au

Submission No. 33

Submission on C286morn

Submitted by:

[REDACTED]

General comments followed by specific comments requested on the East sub-precinct.

Background

I am a permanent resident of Sorrento and I live at 199 Ocean Beach Road Sorrento with my wife. I have had an association with Sorrento all my life of nearly 70 years and my father and grandfather and their families holidayed in Sorrento from the 1930's and purchased a house in 1946. I therefore have a desire to protect the township from over development and inappropriate development.

As noted in the Build Form Report, the Shire has permitted total inappropriate buildings to be developed in the street. Figure 27 in the report notes that this "building is significantly larger and more assertive than surrounding buildings. The bulk, scale and architecture bear little relationship to the context." Council should therefore very carefully consider how to avoid further destruction of the character of Sorrento in pursuit of growth and development.

General comments

I have attempted to review the large number of complex documents comprising the background and the proposal. It is not a simple task. While I am sure that the documents are presented to satisfy the legal process, there is not a simple overview and plain English explanation. Even the recent letter from Council is full of formal descriptions of documents and refers residents to the array of documents on the Victorian Government's web site.

The key document appears to be the "OCEAN BEACH ROAD, SORRENTO BUILT FORM REVIEW November 2021". I am concerned that there appears to be an overarching attempt in this report to reconcile the Small Township designation of Sorrento (and its comparison to other Small Townships on the Mornington Peninsula with two storey build limits - see extract from page 31 of the report below) with an apparent desire for continual development and growth in the commercial areas of Sorrento (see extract from page 29 of the report below). There must come a point when retaining the character of Sorrento must take precedence over growth and development. The recent development of the Mitre 10 store site has placed a series of visually uninteresting stores on the boundary of the street adding nothing to the exiting charm of the street. The small attempts of three decorative parapets and one indented door does little to help this visual appearance of the street. What is becoming apparent is that anything other than historic buildings are being demolished and rebuilt as street fronted retail outlets and apartments on upper level for tourists to visit for a short time – as day trippers or for short summer holidays. The announced closure of the Sorrento cinema and the removal of any other family friendly activity (like the old mini golf site) is turning Sorrento into a retail strip shopping street. As a resident, I see groups of day visitors shopping in stores which

are identical to any strip shopping centre, having lunch or coffee and then driving home. This is not my view of what the Sorrento streetscape should be.

Page 29 The option for a two storey street wall height appears to be consistent with the prevailing development pattern along Ocean Beach Road. However, an overall height capped at 2 stories does not adequately enclose the streetscape to a pedestrian scale, particularly given the wide nature of Ocean Beach Road. Whilst a 2 storey height limit would maintain a very low scale to the commercial core of the township, there must be some room for growth and there are also several prominent examples of development above this height limit (up to 4 stories). Therefore, it is not recommended that a 2 storey height limit be imposed along Ocean Beach Road.

My comment: I do not agree with the presumption that “there must be some room for growth”. Maintaining “a very low scale to the commercial core of the township” is a very appropriate scale for the small township designation of Sorrento, see below.

Page 31 Additionally, the wider policy context is important to consider. Sorrento is a “Small Township” as defined under Clause 02.03-1 of the Mornington Peninsula Planning Scheme. Similar scaled townships on the Mornington Peninsula include Balnarring, Martha Cove and Mount Martha. All of these areas have strict height limits that generally do not exceed 2 stories. This is to ensure that these townships remain as ‘Small Townships’ and therefore the maximum built form requirements must also reflect the scale of a ‘Small Township’.

The justification produced on page 30 (see extract below) for a three storey “look down” misunderstands Sorrento. During ten months of the year any third-floor accommodation supposedly “looking down on the street to maintain passive surveillance along the street” does not happen as this accommodation is generally empty except during holiday periods.

Page 30 A 3 storey height limit, with the upper level setback 4m from the front title boundary, creates a better enclosed streetscape and encourages activation at the upper levels to ‘look down’ back onto Ocean Beach Road. The upper level setback of 4m ensures that habitable room windows on the upper stories (along with balconies) will have views back towards the streetscape and ensure a level of passive surveillance is maintained along the street.

The build from report appears to address the “spatial quality”, “spatial definition” and “building realm” of a building(s) in the streetscape. Analysis focuses on buildings ‘tops’, ‘build form’ and overseas studies of streetscapes. This leads to a conclusion of recommending two storey buildings lining the street with a third storey set back. However there appear to be no comments on other aspects of the streetscape. For example, there is no consideration of -

- views of the sides of buildings especially where they are the original limestone (for example the view from the side of the former post office building development allowing views of the limestone side of the Oriental building) or
- having places of interest to gather such as the Flat Black coffee shop serving coffee from the side verandah of an historic building or
- variation in the streetscape with buildings of different height, bulk and appearance

All of the above add character to the Sorrento streetscape. The proposed two storey/three storey recommendation will ultimately destroy this character of Sorrento.

Specific comments on the East sub -precinct

The proposed amendment appears to rely on the following section of the report from page 32 below.

I have highlighted the particular comments of concern in red.

The current entrance to the township as seen from the bottom of the hill at the foreshore location is a full view of the town's significant limestone buildings - The Continental Hotel (with full view of the tower) and Stringer stores. Any building on the current corner site of the Esplanade and Point Nepean Road (Rusty's, Rip Curl, etc.) which changes this view should not be allowed and a set back to allow the current view of the Continental Hotel should be put in place in any amendment. Comments in the report of a "reveal" is just a way of trying to justify the proposed building changes. The buildings are fully 'revealed' at the present. Even a 'slight reduction' should not be allowed as this is a creeping destruction of the character of Sorrento.

*Page 32 When tested at various key locations around the township, the appropriateness of a 3 storey height limit becomes clear. From the foreshore location, looking back up to the west towards the township, a 3 storey height limit does not dominate the skyline and also retains the Continental Hotel as the key focal point and highest built form element in the township. This is crucial as the Continental Hotel is the most significant heritage building within Sorrento and the most prominent. It is a defining feature of the township and its visibility upon the initial approach to the township is crucial. When viewed from the foreshore location, the spire of the Continental Hotel will remain the highest element of the township in a 3 storey height limit scenario. **There may be a slight reduction in visibility if the site within the Eastern Precinct is developed to its full potential, as there is currently a large unsealed car park within the front setback that allows extended visibility to the Continental Hotel. However, a development scenario where the ground and second storeys are built to the title boundaries will not dramatically reduce the visibility of the Continental Hotel and instead – will create a 'reveal' to the visitor as they approach the township from Point Nepean Road. The township will then be ideally 'framed' on the approach up the hill into the town.***

I also wish to comment on the impact which the proposed three storey amendment would have on the appearance of the Stringer stores. Unfortunately, I cannot copy the relevant pictures from the report into this submission.

Position 4 on page 26 of the report demonstrates that the preferred two storey with third story setback, if permitted on the Stringer stores site, would destroy the impact of the limestone wall of the Stringer stores building at the entrance to the Sorrento township. The township needs to retain the limestone entrance formed by the Continental Hotel on one side and the Stringer stores on the other. Any development of the Stringer stores site would destroy this entrance to the town. It may be necessary to have particular protection of the historic buildings at the northern end of the township – Stringer stores, Athenaeum Cinema, former Oriental Coffee Palace etc.



23 September 2022

C286 Objection

Set out below are my objections.

I am concerned that the whole process is a mere formality so that it can be recorded that the proposal was circulated, consultation was undertaken and objections received and considered. But the end result is that the substance of the original proposal will remain. This conclusion is based on the responses to the initial submissions made where any idea was dismissed by standard statements as having been addressed in the original report.

The issues I wish to be carefully considered are –

1. The assumptions used in the proposal are faulty and are a misuse of the quoted reports in regard to height-to width ratios. The Sorrento main street is the “Town Square” of Sorrento and should not be treated as a highway or main street – see detailed analysis below.
2. There is no consideration of the impact of increased parking needs in the proposal.
3. There is no consideration of the impact of wind down Ocean Beach Road if the permitted height is increased to three storeys.
4. If closure of the street scape is deemed necessary then it can be achieved by tree planting rather than a third storey on each building.

Introduction.

The report states that “The townships of the Mornington Peninsula are expected to accommodate at most moderate or generally low levels of housing growth, with many smaller towns and villages intended to accommodate very limited further development. Accordingly, Amendment C219 proposes to designate the commercial and residential area of Sorrento as ‘minimal change’.” refer page 22 of the report and “The Activity Centres Strategy expresses low growth for Sorrento” - refer page 41 of the report. Yet in other places the report supports further development of the main street of Sorrento via a three storey building limit claiming such a change is “modest”, “a two storey overall build form ...provides extremely limited growth opportunities” etc. The proposal is therefore inconsistent with the minimal change designation.

1. Faulty assumptions

Build Form Report page 29 – “The result is a poor sense of spatial enclosure, which undermines the quality and amenity of public areas”

Page 31 states – “The height to width ratio of streets is widely accepted as a valid principle of good urban design.” Three overseas studies are then used to support this conclusion. However. if these studies are carefully examined, they are found to be dealing with urban design which is not applicable to the retail section of Ocean

Beach Road Sorrento. As these studies are the main basis for supporting a change to a three storey height allowance, if they are found to be addressing a different issue then the three storey proposal has to be strongly challenged.

- a. The State of Oregon manual for the design of main streets is quoted first and a diagram from this US state manual is reproduced in the Sorrento report as figure 22 (page 31 of the Sorrento report). When the State of Oregon manual is examined, it becomes apparent that it is addressing a different issue.

The name of the report is “Main Street... when a highway runs through it: A Handbook for Oregon Communities.” The manual opens with the statement on page 1 “This handbook was designed for communities that are working together to enhance the vitality of their main street...*when a highway runs through it*”.

Ocean Beach Road Sorrento is not ‘a main street ...*when a highway runs through it*’. The two “highways” which provide access to Sorrento are Point Nepean Road and Melbourne Road. The main street of Sorrento runs at right angles between these two ‘highways’. The Oregon manual then tries to address how a highway which goes through a town can be given a place as the heart of the community over the several block which runs through the town. In other words, the manual is trying to help change a highway into a main street by a variety of mechanisms to address the problem “this is what a highway over the last 40 years or so has stressed. On many state highways, emphasizing mobility between and through towns over access within a town...” Therefore, the Oregon report is addressing an issue which is not applicable to Sorrento. The Oregon report then uses a wide variety of strategies to fix this main street challenge. In order to achieve a change in form for the transition area from the state highway into and out of the town’s main street, one suggestion is the height-to-width ratio which helps define which blocks are the main street compared to the highway (page 17 of the Oregon manual). However, Ocean Beach Road Sorrento is already a defined main street which is not part of the highway system and so the height-to-width ratio is not required to define the change from the highway to the town’s main street. The use of this manual and the height-to-width ratio is therefore not relevant to Sorrento.

- b. The Urban Design Compendium produced by the UK Homes and Communities Agency is quoted as having an ‘ideal’ width to height ratio of “up to 1:5 for a square and up to 1:3 for a street. These ratios are then applied in the Sorrento context on page 30 of the report where the ratio is 1:4.4 to 1:5.4 along a substantial section of Ocean Beach Road with the extremes being 1:2.6 at the Continental Hotel (eastern end) and 1:12.5 nearer Melbourne Road (western end). The report then states “the area of lesser enclosure contributes to lower quality public amenity”. This conclusion only follows if Ocean Beach Road is judged by the street type. As stated above, Ocean Beach Road is not a main

thoroughfare but is more like the town square of Sorrento. Lower ratios are therefore more applicable and there is no need to increase the ratio by the proposed increase to a third storey. The conclusion in the report (page 32) “it is considered that a modest increase to the existing building line would improve the quality, amenity and sense of enclosure” is not based on logic and appears more as a conclusion to support a decision already made.

- c. The American Institute of Transportation Engineers *Transport Planning Handbook Edition 4 2016* is then quoted to support “principles for designing “walkable thoroughfares” including height to width ratios of 1:2-1:3.”

The small print next to the diagram in the Sorrento report figure 23 on page 31 states from the above handbook “building elevations and the cross-section of the public spaces should therefore be scaled to foster a sense of **urbanization**...” (my emphasis added). Sorrento is not and should never be considered an urban area requiring a “sense of **urbanisation**”. Sorrento is an Australian small coastal township. It is not a US urban area and does not need a height to width ratio which creates an urban feel.

Unfortunately, I cannot easily access a copy of this manual for a complete review of the context of its urbanization recommendation as the manual is only available for approximately \$200.

As can be seen from a careful analysis of the quoted sources, the conclusions are not relevant to the Ocean Beach Road context. The first sentence of the statement at the foot of page 45 of the report “Ocean Beach Road has an attractive character principally defined by buildings which present one or two storey street walls to either side of a very wide, vehicle dominated roadway” is correct. However, the first part of the next sentence is not supported by the analysis I have provided above “The environment will be improved by creating a better sense of spatial enclosure”. The second part of the sentence is correct but does not need the first part to be logical in its own right “as well as by defining more specific build form parameters to improve the quality of new developments.” i.e. I agree that there should be controls on new developments to avoid the four storey inappropriate buildings previously approved as noted in the report.

The illogical conclusions then continue on page 46 of the report –

“At two storeys (and 9m) overall, build form would reinforce the existing character and maintain views to the back beach dunes however, not adequately enclose the streetscape. It provides extremely limited growth opportunities, and

is a height already exceeded by a number of existing buildings, making it less logical.”

This conclusion needs to be carefully dissected.

- i. The views to the back beach dunes are vital as part of the coastal feel and appearance of Sorrento. Anything which further limits these views in any way should be prohibited.
- ii. To then say that enclosing the street scape is more important than views to the dunes is terrible and illogical.
- iii. Also, just because errors have been made in allowing inappropriate buildings to have been constructed in the past, should not be used to then support an increase in the height limit and permit three storey development.

The analysis of a three to five storey limit via the yellow overlays on pages 47-49 of the report is interesting and clearly show that over development is ridiculous. Just because four and five storey developments are an overkill, does not support three storeys as being a reasonable compromise.

3293-3295 Point Nepean Road

Any development of this entrance corner to Sorrento must not be allowed to diminish the view to Arthur’s Seat and the rest of the peninsula. (see page 54 of the report). There was a long and difficult battle fought many years ago to ensure the view was not impeded from Stringers Corner Park over the large development going down the hill on the west side. Clearly, a two-storey maximum height with a large setback is appropriate for the corner at 3293-3295 Point Nepean Road. There should also be a design overlay so that any development is not just another steel and concrete building which does not complement the limestone hotel on the opposite corner. I am tired of reading that building designs in planning applications are “architecturally significant” while being totally inconsistent with the heritage buildings in Sorrento.

2. Parking

The report does not address the impact of parking in the proposed changes.

The report notes that the Sorrento Activity Centre has “congested/limited road access” – report page 44. Further ‘It experiences vehicular congestion in the tourist high season’ - report page 45. However there appears to be no further consideration of the impact of development on this vehicular congestion (and limited parking).

I do not need a response that parking is already covered by existing regulations. These parking requirements are not imposed when there are permits granted for

developments. The best example of this was the permit granted for a 200-seat restaurant above the India restaurant near the southwest corner of Ocean Beach Road. The parking requirement was for in excess of 60 cars with none to be provided on the site. Yet, despite objections to the application, the total lack of parking was not considered a reason to deny the permit.

If further development of Ocean Beach Road goes ahead with up to the proposed three storey limit, the vehicular congestion and lack of parking will become impossible thereby destroying any amenity to users of the street.

A parking strategy must therefore be examined and a commitment to enforce it in new developments before any decision is made. I have previously requested that a proper study of the vehicle congestion and lack of parking be undertaken. As a local resident I have experience with the impact of vehicular congestion and lack of parking. The lack of parking drives cars to park in local residential streets adjoining Ocean Beach Road. I live approximately 500 metres from the centre of the Sorrento retail area along Ocean Beach Road towards the back beach and I regularly see people park near my house and walk to the retail section of the Activity Centre.

3. Wind

There is no modelling of the impact of increased wind velocity along the Activity Centre if an increased height limit is proposed. The prevailing winds in Sorrento are from the South/Southwest. This means that wind blows the strongest directly down Ocean Beach Road. If there is a consistent higher build along Ocean Beach Road, then these winds will be funneled down the Activity Centre.

4. Use trees instead

If it is deemed necessary to achieve spatial enclosure of the streetscape this can be achieved by a serious and determined tree planting. Indigenous trees (e.g. *Banksia Integrifolia*) would be of appropriate heights to achieve the desired enclosure of the street. The report mentions that trees have been used in the past but have been removed over the years. Many streets are now encouraging tree planting as a better way to achieve a pleasing streetscape, achieve shade in hot summers, assist in reducing global warming and mitigate wind speed. This alternative strategy appears to have been dismissed in the report.

Conclusion

Developers of future buildings in the Sorrento Activity Centre are motivated by profit and return on investment. They will use designs which maximise these objectives unless forced to modify their designs. The report should make recommendations regarding the design of any infill buildings. A good example of maximizing profit over construction which would be more fitting to the appearance of Sorrento was the development of the now lost Athenaeum Cinema. The developers (De Group) fought

the need to retain heritage aspects of the proposed building. A simple example was the desire by the developer to drop the window level to street level and construct the windows in sharp edged aluminium. After objections and work by Heritage Victoria, the windows were (reluctantly?) agreed to be raised to the height of the previous cinema windows and wooden framed windows used. Another development by the De Group in Ocean Beach Road such as the old hardware store and timber yard was a series of large window, aluminum framed stores. Other developers who construct infill buildings will use probably use designs which add no character to the streetscape as acknowledged in the report.

[REDACTED]

[REDACTED]

[REDACTED]



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	<div></div>
Organisation	<div></div>
Postal address	<div></div>
Email	<div></div>
Phone number/s	<div></div>
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	<div></div>
Have you attached written consent from these people for you to represent them?	Yes <input type="checkbox"/> / No <input type="checkbox"/>
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input checked="" type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>I oppose the changes as they are proposed.</p> <ol style="list-style-type: none"> 1. Increasing permitted heights would change the entire seaside village character of the Sorrento township. You can see the effect of this in the relatively well-done extension to the Hotel Continental, where the extension dominates other properties and is out of character. Imagine this extended along the main street. The scheme should retain the 2 storey limit. 2. In addition, it is likely that some of any redevelopments will include accommodation. There is no mention of parking in the proposed planning changes. Already Sorrento can not cope with parking requirements in peak period and planning changes should require any additional accommodation be supported with parking. 3. The amendments do not adequately consider the rear of any redevelopments which could result in ugly block structures along the lane between Pt Nepean Rd and George St, parallel to Ocean Beach Road. The scheme should require any redevelopment to have any additional storeys set back similarly to the requirements for the front of the building. 	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

I have provided detailed comments on attached sheets		Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	
Signature		Date	26-09-2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

Information Privacy Declaration

The information you provide on this form is collected by the Shire in accordance with the *Privacy and Data Protection Act 2014* for the purpose of considering your submission and notifying you of the opportunity to attend council meetings and any public hearing held to consider submissions. Your submission will be used and disclosed in the public process of a panel hearing if one is required. You may view the Shire's Privacy Policy at mornpen.vic.gov.au for more information.



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

Please note that a submission may be made without using this form.
Please print clearly in **black** pen and read all notes on the form before completing.

Mornington Peninsula Planning Scheme Amendment C286morn	
Full Name	[REDACTED]
Organisation	
Postal address	[REDACTED]
Email	[REDACTED]
Phone number/s	[REDACTED]
Do you represent other people?	Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>
If yes, who?	N / A
Have you attached written consent from these people for you to represent them?	N/A
How would the proposal affect you?	
I am a neighbour <input checked="" type="checkbox"/>	I visit the area <input type="checkbox"/>
I own land affected by the amendment <input type="checkbox"/>	Other (please detail below) <input type="checkbox"/>
In summary, my comments are	
<p>As the owner of [REDACTED] I do not object to the Proposed Planning Scheme Amendment C238morn. I do however seek an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.</p> <p>Alternatively, I seek a street exemption on the basis that 19 Constitution Hill Road should have a setback associated with it in line with the two other adjoining properties, 21 Constitution Hill Road and the Continental Hotel.</p> <p>The properties; 1) The Continental Hotel; 2) 21 Constitution Hill Road; 3) 19 Constitution Hill Road are the only properties within this residential street that come under the commercial zoning.</p> <p>I contend that it is inappropriate for a commercial building built to the street boundary to be constructed at 19 Constitution Hill Road. Indeed, it should be restricted to the same planning conditions as its adjoining building, 21 Constitution Hill Road. Should this development occur, the units of 21 Constitution Hill Road will be severely impacted with overshadowing and restricted views.</p>	

Submission to Mornington Peninsula Planning Scheme Amendment C286morn



Additionally, the proposed amendment as is would be highly detrimental to the streetscape of Constitution Hill Road. The preservation of the streetscape, particularly in line with the historically significant Continental Hotel should be prioritised for the benefit of the community.

I have provided detailed comments on attached sheets

Yes X / No ☐

Signature

[Redacted Signature]

Date

23 September 2022

The closing date for submissions is: **5pm, Friday, 23 September 2022**

Please send the completed submission to Manager, Strategic Planning – Mornington Peninsula Shire, Private Bag 1000, Rosebud VIC 3939, or email strategic.admin@mornpen.vic.gov.au. Please use *Amendment C286morn – submission* in the email subject line.

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Please be aware that under Section 21(2) of the *Planning and Environment Act 1987*, every submission must be made available at the Shire's office for any person to inspect until two months after the amendment comes into operation or lapses.

Council may also make copies of this submission available on Council's website and provide copies of this submission to interested parties. Should this occur, personal information will be removed.

For Office Use Only

File No:

Submission No:

Date Received: